

CORRADO & CORRADO, ESQS.

142 Totowa Road, Suite #2

Totowa, New Jersey 07512

Phone: (973) 956-1400

Fax: (973) 956-1188

June 20, 2025

Robert E. Corrado
Kristin M. Corrado

Honorable Darren J. Del Sardo, P.J. Cv.
Superior Court of New Jersey, Law Division
Passaic County Courthouse
77 Hamilton Street
Paterson, New Jersey 07505

RE: In the Matter of the Borough of Totowa
Docket No.: PAS-L-396-25

Dear Judge Del Sardo:

With reference to the above noted matter and as the municipal attorney for the Borough of Totowa, the Plaintiff/Petitioner herein and pursuant to the provisions of N.J.S.A. 52:27D-304.1 and AOC Directive #14-24, please find enclosed herewith for filing with the Affordable Housing Dispute Resolution Program ("Program"), the following, to wit:

1. Borough of Totowa Housing Element & Fair Share Plan 2025 adopted and approved by the Borough of Totowa Planning Board on June 19, 2025; and
2. The Borough of Totowa Planning Board's Resolution approving the Borough's 2025 Fourth Round HEFSP adopted and memorialized on June 19, 2025.

These documents are submitted in compliance with New Jersey "Fair Housing Act," P.L. 1985, c. 222, N.J.S.A. 52:27D-301 et seq., as amended by L. 2024, c.2, and AOC Directive #14-24. Due to a discrepancy in the language set forth in L. 2024, c.2, the Borough of Totowa is submitting the enclosed without prejudice and will full reservation of the Borough's rights to amend and file documents and additional information in supplement thereto at a later date and time.

If the Court or Program requires anything further, please do not hesitate to have Your Honor's Chambers or the assigned Program Member contact the undersigned at any time.

We thank the Court and the Program for their courtesy and consideration.

Respectfully submitted,
Corrado & Corrado Esqs.

By: Kristin M. Corrado
Kristin M. Corrado, Esq.
Attorneys for Plaintiff/Petitioner
Borough of Totowa

KMC:jw

Enc.

cc: Honorable Mayor and Council

Joseph Wassel, RMC, Municipal Clerk

**RESOLUTION
BOROUGH OF TOTOWA
PLANNING BOARD
HOUSING ELEMENT AND FAIR SHARE PLAN
2025 (FOURTH ROUND)
DECIDED ON JUNE 19, 2025
MEMORIALIZED ON JUNE 19, 2025**

WHEREAS, in a landmark decision in Southern Burlington County N.A.A.C.P. v. Mount Laurel Tp., 67 NJ 151 (1975) (Mount Laurel I), the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide a variety in choice of housing types affordable to low- and moderate-income households; and

WHEREAS, in Southern Burlington County N.A.A.C.P. v. Mount Laurel Tp., 92 NJ 158 (1983) (Mount Laurel II), the New Jersey Supreme Court extended the regional fair share obligation to all municipalities with any growth area as designated in the New Jersey State Development Guide Plan ("NJDC 1978") and determined that each municipality would have to establish its fair share obligation and provide zoning strategies to create a realistic opportunity for fulfillment of the fair share obligation; and

WHEREAS, in 1985 the New Jersey legislature enacted the Fair Housing Act in response to Mount Laurel II. The Fair Housing Act created the Council on Affordable Housing ("COAH") as an administrative alternative to compliance in a court proceeding. Under the enabling legislation, COAH had primary jurisdiction over affordable housing in New Jersey. COAH created a process for the review and approval of appropriate Housing Elements and Fair Share Plans. Approval of a municipal Housing Element and Fair Share Plan by COAH was referred to as substantive certification and it provided protection from builder's remedy litigation during the period within which it was addressed by the Housing Element and Fair Share Plan; and

WHEREAS, the New Jersey Supreme Court issued a Decision and Order on March 10, 2015, In Re Adoption of N.J.A.C. 5:96 & 5:97 by the Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), wherein the Court held that because COAH failed to adopt amended Third Round Rules, constitutional compliance cannot be evaluated under COAH's jurisdiction which thereby rendered the FHA's exhaustion of administration remedies futile; and

WHEREAS, the New Jersey Supreme Court in Mount Laurel IV ordered that the Courts may resume their role as the forum of first instance for evaluating compliance with Mount Laurel obligations; and

WHEREAS, municipalities were required to apply to the Superior Court with a Declaratory Judgment action if a municipality wished to be protected from exclusionary zoning litigation, including builders' remedy lawsuits. The trial judges, with the assistance of an appointed Special Adjudicator to the Court, reviewed municipal housing plans much in the same manner as COAH previously did; and

WHEREAS, in accordance with Mount Laurel IV, the Borough of Totowa ("Borough" or "Totowa") filed a Declaratory Judgment action with the Court on July 7, 2015 seeking immunity from builders' remedy litigation and a Judgment of Compliance and Repose; and

WHEREAS, on October 21, 2015, the Honorable Thomas F. Brogan, J.S.C. issued an Order granting Temporary Immunity and Appointed a Special Master; and

WHEREAS, the January 7, 2019 Court Order established Totowa's Third Round obligation and found that Totowa provided a valid basis for claiming a durational adjustment, and the Court approved the stated affordable housing strategies proposed by Totowa to satisfy its Third Round affordable housing obligation, and entered Final Order of Judgment of Compliance and Repose, (Docket No. PAS-L-002406-15); and

WHEREAS, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act (“FHA”), N.J.S.A. 52:27D-301 et seq. through the adoption of P.L. 2024, c.2 (“FHA”); and

WHEREAS, P.L. 2024, c. 2 abolished COAH, created the Affordable Housing Dispute Resolution Program (Program) and established new procedures and deadlines for municipalities to come into compliance with the FHA and the *Mount Laurel* doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which starts on July 1, 2025 and ends on June 30, 2035; and

WHEREAS, in December 2024 the Administrative Office of the Courts issued Directive #14-24, which sets forth additional procedures all municipalities must follow to be in compliance with the FHA in order to maintain immunity from exclusionary zoning and builder’s remedy litigation through the Program process set forth in P.L. 2024, c.2; and

WHEREAS, Directive #14-24 and P.L. 2024, c. 2, requires each municipality to adopt a binding resolution setting forth its Fourth-Round present and prospective need obligations and to file a Declaratory Judgment action with the Program through the New Jersey e-courts system by no later than February 3, 2025, and thereafter each municipality must adopt a Fourth Round Housing Element and Fair Share Plan and file same with the Program on or before June 30, 2025; and

WHEREAS, in compliance with P.L. 2024, c. 2 and Directive #14-24, the Borough of Totowa timely adopted a Resolution setting forth the Borough’s pre-credited/unadjusted Fourth Round affordable housing obligations. On January 28, 2025, the Borough uploaded same to the Program and filed a declaratory judgment action with the Program, which is entitled In the Matter of the Declaratory Judgment Action of the Borough of Totowa, Passaic County Pursuant to P.L. 2024, Chapter 2 (N.J.S.A. 52:27D-304.1, et seq.), Docket No.: PAS-L-396-25 (Borough’s “2025 Action”); and

WHEREAS, Totowa adopted a Resolution 26-2025 committing to the rehabilitation and fourth round obligations of 211 present need and 89 prospective need units respectively, calculated by the New Jersey Department of Community Affairs (“DCA”) on January 28, 2025. Totowa’s Fourth Round obligation as stated in the Resolution was a correction to the calculation of the prospective need of 528 units as set forth by the DCA in affordable housing obligations for 2025-2035 (Fourth Round) methodology and background released on or about October 18, 2024 (hereinafter the “DCA Report”); and

WHEREAS, Totowa’s submission received objections from Fair Share Housing Center (“FSHC”) and the New Jersey Builders’ Association (“NJBA”). Thereafter, mediation and a settlement conference between Totowa and FSHC as well as the Honorable Thomas F. Brogan, P.J.Cv. (Ret.) was held on March 24, 2025. Totowa and FSHC settled the Borough’s prospective need Fourth Round obligation at 390 affordable units and NJBA did not object to the settlement. The Honorable Thomas F. Brogan P.J.Cv. (Ret.) entered a Decision and Order on Fair Share Obligation on April 7, 2025; and

WHEREAS, on May 1, 2025 Passaic County Mount Laurel Judge, the Honorable Darren J. Del Sardo, P.J. Civ., issued an Order in the Borough’s 2025 Action entitled “Decision and Order Fixing Municipal Obligations for “Present Need” and “Prospective Need” for the Fourth Round Housing Cycle, fixing the Borough’s Fourth Round pre-credited/unadjusted Present Need Obligation at “211” and gross Prospective Need Obligation at “390” and which Order directs the Borough to adopt its Fourth Round Housing Element and Fair Share Plan and upload same to the Program on or before June 30, 2025; and

NOW, THEREFORE, the Borough of Totowa Planning Board (the “Planning Board”) does make the following findings of fact and conclusions of law:

1. A 2025 Fourth Round Housing Plan titled "Housing Element and Fair Share Plan, Bloomingdale Borough, Passaic County, New Jersey" was prepared by Thomas J. Czerniecki, MPA, PP, AICP of Jersey Professional Management.

2. The Planning Board in accordance with the Municipal Land Use Law (MLUL) pursuant to N.J.S.A. 40:55D-13 and N.J.S.A. 40:55D-28 upon notice to the public conducted a public hearing on June 19, 2025 in regard to the HEFSP and the HEFSP was presented to the Planning Board and to the public by the Board Planner, Thomas J. Czerniecki, MPA, PP, AICP.

3. The DCA calculated a municipal Fourth Round affordable housing obligation for 2025-2035 (fourth round) methodology and background, released on or about October 18, 2024. This DCA Report calculated a Fourth Round obligation of 211 present and 528 prospective units for Totowa. Totowa submitted a corrected obligation of 211 present and 89 prospective units with its January 28, 2025 Resolution committing to an obligation and submission of a housing plan. Subsequent to mediation and a settlement conference, Totowa settled with FSHC on the Fourth Round obligation. Totowa's Fourth Round obligation, also referred to as the prospective need is 390 units. This obligation is defined as the new construction obligation for 2025-2035. The Special Adjudicator has recommended acceptance of the settlement. The settlement was approved on April 7, 2025 by the Honorable Thomas F. Brogan, P.J.Cv. (Ret.) via an Order establishing the Fourth Round obligation of 390 units.

4. The Honorable Darren J. Del Sardo, P.J.Cv. entered an Order on May 1, 2025 setting the present need obligation at two hundred eleven (211) units and the prospective need obligation was fixed at three hundred ninety (390) affordable units in the Fourth Round.

5. The Borough has a variety of affordable housing developments that meet a portion of the new construction obligation with the remaining obligation addressed via a durational adjustment.

AFFORDABLE HOUSING DEVELOPABLES

Location	Block	Lot	Goal Units	Provided	Remaining
101 Forest Avenue	9	3	4	0	4
555 South Riverview Drive	179	4	4	0	4
740 Union Boulevard	180	5.01	3	0	3
95 Shepherds Lane*	11	9.01	11	15	-4
Total 2018 RDP			22	15	7

* 95 Shepherds Lane. The 2018 HEFSP anticipated 11 affordable units. Number has been adjusted to 15.

The additional 4 are reflected in the updated 2018 RDP.

For 2025 – Potential Development

Location	Block	Lot	Units/Credits	Provided	Remaining
78 Highview Avenue*	78	70	2	0	2
63 Rosengren Avenue*	80	14	2	0	2
55 Mitchell Avenue*	86	2.02	2	0	2
1 Otillo Terrace	9	1 & 3	20	0	20
Total 2025 RDP			26	0	26

TOTAL 2018 + 2025 RDP

33

* These units are 2 credits each as they will serve special needs housing (Veterans with Disabilities)

6. The Board finds Totowa's commitment to fulfill its affordable housing obligation. Totowa will evaluate alternative types of affordable housing creation as such opportunities become available, including but not limited to, conversion of existing residences or other buildings to

affordable housing in creation of smaller affordable housing developments that can be accommodated given the Borough's environmental and spatial constraints.

7. Totowa will comply with the applicable COAH rules regarding durational adjustments to satisfy the remaining third round obligation. The need to seek a durational adjustment is consistent with the environmental sensitivity of the lands in Totowa. Thus, the Planning Board finds that Totowa is committed to fulfilling its affordable housing obligation should the availability of public sewer facilitate inclusionary development on-site suitable for affordable housing.

8. The Planning Board also incorporates by reference and makes a part hereof the 2025 Housing Element and Fair Share Plan for the Borough of Totowa and prepared by Thomas J. Czerniecki, MPA, PP, AICP of Jersey Professional Management.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Borough of Totowa has reviewed the 2025 Fourth Round Housing Element and Fair Share Plan for Borough of Totowa, Passaic County, New Jersey prepared by Thomas J. Czerniecki, MPA, PP, AICP of Jersey Professional Management, and has determined that the HEFSP is consistent with the goals and objectives of the Borough of Totowa's Master Plan. The Planning Board finds that the prospective need calculation for the number of affordable housing units serves the interest of low- and moderate-income households in accordance with the Mount Laurel Doctrine. The Planning Board also incorporates by reference and makes a part hereof the 2025 Housing Element and Fair Share Plan. The Planning Board hereby adopts the Housing Element and Fair Share Plan as an amendment to the Borough of Totowa's Master Plan and as a part of a Master Plan approval process in accordance with the requirements of the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-13 and N.J.S.A. 40:55D-28 and in accordance with N.J.S.A. 52:27D-310.

**VOTE AS TO MEMORIALIZATION OF
RESOLUTION GRANTING MINOR SITE PLAN APPROVAL
AND CERTIFICATE OF USE APPROVAL
DATE, 2024**

Motion Introduced By: Murphy

Motion Seconded By: Festa

VOTE

ROLL CALL	YES	NO	ABSTAIN	ABSENT
CHAIRMAN KEVIN HANRAHAN	✓			
VICE CHAIRMAN ANGELO COIRO	✓			
HONORABLE JOHN COIRO, Mayor	✓			
COUNCILMAN LOUIS D'ANGELO	✓			
COMMISSIONER JAMES NILAND				
COMMISSIONER ROBERT COYLE				
COMMISSIONER ROBERT FESTA, JR.	✓			
COMMISSIONER ANTHONY SABATINO	✓			
COMMISSIONER ALAN SCHELL	✓			
COMMISSIONER ANTHONY MURPHY	✓			
COMMISSIONER ANTHONY ZAREK	✓			

ATTEST:

Anthony Murphy
Anthony Murphy, Secretary

PLANNING BOARD OF THE
BOROUGH OF TOTOWA

By: Kevin Hanrahan
Kevin Hanrahan, Chairman

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Planning Board of the Borough of Totowa on this 19th day of June, 2025 that the action of the Planning Board taken on June 19, 2025 in adopting the 2025 Housing Element and Fair Share Plan prepared by Thomas J. Czerniecki, MPA, PP, AICP of Jersey Professional Management which HEFSP is incorporated herein by reference and made a part hereof and pursuant to the MLUL under N.J.S.A. 40:55D-13 and N.J.S.A. 40:55D-28 and pursuant to N.J.S.A. 40:55D-10(g) the Resolution is hereby memorialized.

**Motion to Adopt and Approve Housing Element and Fair Share Plan
As An Amendment to The Borough of Totowa Master Plan
And Memorialization of the Resolution
June 19, 2025**

Motion Introduced By:

Motion Seconded By:

In Favor:

Opposed:

Borough of Totowa Planning Board


Anthony P. Murphy, Board Secretary


Kevin Hanrahan, Chairman

The undersigned secretary certifies that the within Resolution was adopted by the Borough of Totowa Planning Board on June 19, 2025 and memorialized herein pursuant to N.J.S.A 40:55D-10(g) on June 19, 2025.


Anthony P. Murphy, Board Secretary

BOROUGH OF TOTOWA

Housing Element & Fair Share Plan 2025



June 1, 2025

Adopted by the Planning Board:

Endorsed by the Borough Council:

Housing Element & Fair Share Plan

Borough of Totowa

Passaic County, New Jersey

Prepared by:



Thomas J. Czerniecki, MPA, PP, AICP
Borough Planner
NJ License #33LI00591300



Consultant:

Robert Hudak, MPA, PP, AIC
Consulting Planner
Project Consulting Planner



Content

Introduction.....	Pages 4-8
Housing Element 2025	Pages 9-19
Fair Share Plan 2025	Pages 20-28

Attachments

- A: Settlement Agreement
- B: Vacant Land Analysis
- C: Prospective Need – 100% Affordable Site Analysis
- D: Prospective Need – Inclusionary Housing Site Analysis
- E: 2018 RDP Support – Resolution Extending Approvals (1 Otillo Terrace)
- F: Details 2025 RDP Support - 3 Veteran Housing Sites
- G: Engineer’s Land Capacity Analysis Map
- H: Engineer’s Map Showing Municipal/Public Lands

INTRODUCTION

1. Overview - Totowa's Housing Element & Fair Share Plan

This document is the Borough of Totowa's Housing Element and Fair Share Plan (HEFSP) for the period between 2025 and 2035. This period is also referred to as the Fourth Round, indicating the fourth time New Jersey municipalities have been assigned an affordable housing obligation pursuant to the Fair Housing Act of 1985. The 2025 HEFSP differs from prior plans in several ways in order to conform with amendments to the Fair Housing Act signed into law on March 20, 2024 (N.J.S.A. 52:27D-301 *et seq.*)

The use of the term *element* in the context of municipal planning can be taken to mean a specific chapter or section of a municipality's broader comprehensive master plan. New Jersey's Municipal Land Use Law (N.J.S.A. 40:55D-1 *et seq.*) provides municipalities with direction related to the development of their comprehensive master plan and explains the various elements or sections that the comprehensive master plan may contain. If a municipality wishes to enact zoning ordinances, it is required to adopt, among other elements, a housing element to its comprehensive master plan.

With the adoption of the Fair Share Housing Act of 1985 (N.J.S.A. 52:27D301 *et seq.*), municipalities were provided with a specific framework for what is to be included in the housing element. Consequently, housing elements and fair share plans are largely two sections of the housing element and typically referred to as the HEFSP. The New Jersey Fair Share Housing Act required that a municipality's housing plan shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing need, pay particular attention to low- and moderate-income housing and shall contain the information outlined in the following section.

2. Organization of the Housing Element & Fair Share Plan (HEFSP)

The HEFSP is generally organized as follows:

THE HOUSING ELEMENT – *This section includes data tables, and a discussion of pertinent trends related to the following:*

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

- B. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.
- C. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age.
- D. An analysis of the existing and probable future employment characteristics of the municipality.

THE FAIR SHARE PLAN *This section includes data tables, and a discussion of pertinent trends related to the following:*

- 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); inventory of the municipality's housing stock, including affordable housing and substandard housing capable of being rehabilitated.

Additional Information to be Included in The Fair Share Plan per Directive #14-24 (12/13/24):

- H. Inclusion of a detailed site suitability analysis for unbuilt for each unbuilt inclusionary or 100 percent affordable housing site as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.
- I. Concept plans for the development of each of the selected sites to be overlaid on the most up to date environmental constraints map.

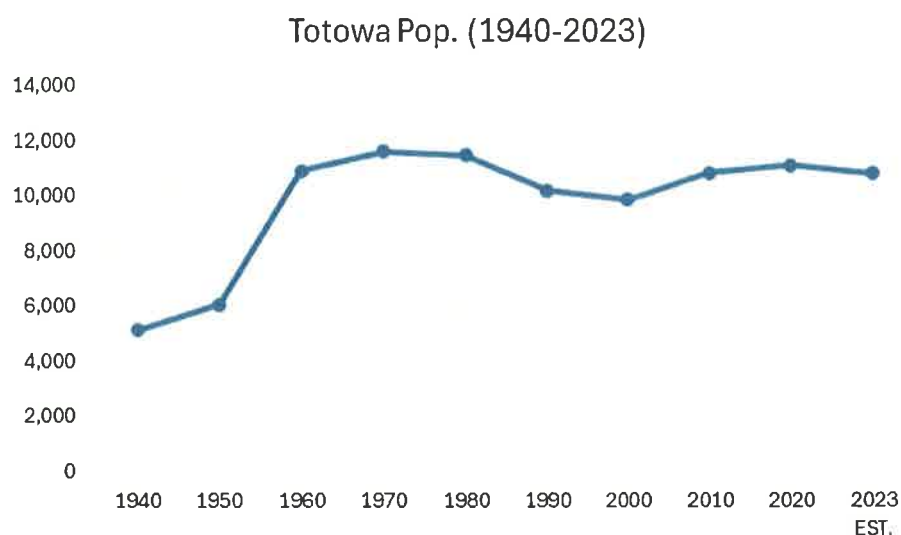
- J. Documentation of the creditworthiness of all the affordable housing units in its HEFSP and to demonstrate all of the applicable requirements for extending expiring (cost) controls, including confirmation that the (affordable) units that have been extended are code-compliant or have been rehabilitated to be code-compliant, and that cost controls cover a full 30-year period. Income and bedroom distributions of units listed in the HEFSP must be provided.
- K. An analysis of how the HEFSP complies with all the terms of the settlement agreement.

3. Overview of Totowa Borough

Totowa Borough was established in 1898 from portions of Wayne and West Paterson (now Woodland Park) and prior to that it was part of a region known as Saddle River Township. The area was originally inhabited by the Lenape Native Americans, who named it "Totowa," meaning "falling water" or "between mountains and water."

The Borough of Totowa is a small community located in Passaic County and encompasses roughly four square miles. Totowa is surrounded by Wayne Township, Haledon Borough, Paterson City, West Paterson Borough and Little Falls Township. Totowa is approximately 20 miles west of New York City.

The Borough experienced its most dramatic growth between 1940 and 1960. For the past 60 plus years, Totowa has maintained a stable population with modest fluctuations. According to the US Census Bureau, Totowa has experienced moderate population increase between 2000 (9,892) and 2020 (11,064).



From a planning perspective, there are several unique physical features that will influence and/or constrain Totowa's development and redevelopment. These include the presence of two significant highways, U.S. Routes 46 and Interstate 80, the existence of multiple cemeteries, and a substantial border that follows a portion of the Passaic River.

4. History of Affordable Housing Policy in New Jersey and Municipal Obligations

In 1975 the New Jersey Supreme Court (Court), through a case called *Southern Burlington County NAACP v. Mount Laurel Township*, determined that every municipality in New Jersey had an affirmative obligation to provide a "realistic opportunity" for the development of low and moderate income housing. This decision is commonly referred to as *Mount Laurel I*.

In 1983, the Court reinforced the original decision by introducing the "builder's remedy" concept, which allowed builders to bypass municipal zoning laws if the municipality failed to meet its affordable housing obligation. This decision was known as *Mount Laurel II*.

To establish a process by which municipalities could plan for affordable housing and lawsuits seeking to impose a builder's remedy affordable housing solution, the New Jersey Legislature passed the Fair Housing Act, which established the Council on Affordable Housing (COAH). COAH's role was to determine an affordable housing obligation for each municipality and monitor each municipality's compliance with its plans. Eventually, COAH became inactive, and enforcement of the Fair Housing Act was transferred to the Court.

In 2024, the Fair Housing Act was amended, which changed how municipal housing obligations were calculated. Subsequently, municipalities, apart from those municipalities that were receiving urban aid from the State of New Jersey that are exempt from the obligation to plan for new affordable housing, were given a fourth round goal for new affordable housing. This document is intended to put forth a plan to meet this obligation within the context of the guidance provided by the Court for the development of local housing plans.

5. Totowa's Affordable Housing Policy Timeline

A summary of Totowa's historic affordable housing timeline is included below:

Date	Event / Action
June 1999	Totowa requests recalculation of fair share due to developable land concerns.
Sept 15, 1999	Judge Passero signs consent order settling Gornit Corporation suit; Totowa moved under COAH jurisdiction.
May 2, 2000	Center for Urban Policy Research reduces Totowa's obligation by 32 units, to 255 units.
May 25, 2000	Planning Board adopts Housing Element and Fair Share Plan (HEFSP).

June 5, 2000	Borough Council petitions COAH for Substantive Certification.
Nov 16, 2000	COAH sets Realistic Development Potential (RDP) at 76 units.
Sept 23, 2004	Borough re-petitions COAH for certification.
Nov 24, 2004	COAH issues Compliance Report.
Dec 15, 2004	COAH grants Second Round Certification (expires Dec 15, 2010).
June 13, 2006	Resolution 70-2006 adopted to remain under COAH jurisdiction and commit to petition.
July 8, 2015	Totowa files Complaint for Declaratory Judgment.
Sept 11, 2015	Temporary immunity granted by Judge Brogan.
Oct 21, 2015	Special Master appointed; temporary immunity reaffirmed.
April 24, 2018	Settlement agreement approved by Borough Council.
May 24, 2018	Fairness Hearing before Judge Brogan.
June 20, 2018	Conditional Order of Compliance issued approving Settlement Agreement.
Oct 18, 2024	DCA assigns Totowa 211 present need and 528 prospective need units (Fourth Round).
Jan 28, 2025	Resolution 26-2025 adopted: Borough acknowledges 211 present need and 89 prospective need units.
April 2025	Borough enters Dispute Resolution Program settlement: 211 present need and 390 prospective need units.

HOUSING ELEMENT

A. Inventory of Totowa Borough's Housing Stock

Totowa Borough demonstrates a stable housing market, characterized by high occupancy, a low vacancy rate and a strong level of homeowner occupied housing. This implies residential stability in the municipality

Totowa's overall housing occupancy rate is 97.3%, signaling a robust housing market with limited vacancy. Out of a total housing stock of 4,002 units, 3,892 units are occupied, while only 110 units (2.7%) are vacant. Owner-occupied units make up a substantial 76.1% of occupied households (2,962 units), compared to 23.9%

Exhibit 1: Occupancy Status

Occupied Total	Households	Percent
Occupied Total	3,892	97.3%
Owner Occupied	2,962	76.1%
Renter Occupied	930	23.9%
Vacant Total	110	2.7%
Homeowner Vacancy Rate		0.5%
Rental Vacancy Rate		7.6%

Source: 2023: ACS-5 Year Estimates Data Profiles, DPO4 Select Housing Characteristics

Totowa's housing stock is heavily skewed toward single-family detached homes, underscoring the Borough's suburban character, which account for 2,836 units, or 70.9% of all housing.

Exhibit 2: Housing Type by Units in Structure

Unit Type	Number of Units	Percent
Detached	2,836	70.9%
Attached	365	9.1%
2 Family Dwelling Units	617	15.4%
Detached	25	0.6%
5 to 9 Family Dwelling Units	28	0.7%
10 to 19 Family Dwelling Units	10	0.2%
20 + Family Dwelling Units	121	3.0%
Mobile Home	0	0.0%
Other	0	0.0%

Source: 2023: ACS-5 Year Estimates Data Profiles, DPO4 Select Housing Characteristics

As illustrated in Exhibit 3, approximately 75% of Totowa's housing stock was constructed before 1980. At the same time, the low vacancies and high owner occupancy rates reflect a strong commitment to the maintenance of Totowa's housing stock and code enforcement efforts. In furtherance of this observation, Exhibit 4 below, the condition of the housing stock, supports this observation.

Exhibit 3: Age of Housing Stock

Year Built	Number of Units	Percent
2020 or later	62	2%
2010 to 2019	147	4%
2000 to 2009	290	5%
1990 to 1999	123	3%
1980 to 1989	362	9%
1970 to 1979	274	7%
1960 to 1969	462	12%
1950 to 1959	1124	28%
1940 to 1949	382	10%
1939 or earlier	776	19%
Total	4,002	

Source: 2023: ACS-5 Year Estimates Data Profiles, DPO4 Select Housing Characteristics

Exhibit 4: Condition of Housing Stock

Indicator	Number of Units	Percent
Lacking complete plumbing facilities	0	0%
Lacking complete kitchen facilities	0	0%
No telephone service available	0	0%

Source: 2023: ACS-5 Year Estimates Data Profiles, DPO4 Select Housing Characteristics

Over 50% of homes in Totowa Borough, or 1,504, are estimated to be valued between \$500,000 and \$999,000. According to the ACS estimate, 16 homes are valued over \$1,000,000.

Exhibit 5: Value of Owner Occupied Housing Units

Value	Estimate	Percent
Less than \$199,999	68	1.1%
\$200,000 to \$299,999	189	6.4%
\$300,000 to \$499,999	1,185	40.0%
\$500,000 to \$999,999	1,504	50.8%
\$1,000,000 or more	16	0.5%

Source: 2023: ACS-5 Year Estimates Data Profiles, DPO4 Select Housing Characteristics

The estimated median rental cost in Totowa Borough is \$1,703.

Exhibit 6: Cost of Rentals

	Number of Units	Percent
\$1,000 to \$1,499	353	38.4
\$1,500 to \$1,999	262	28.5
\$2,000 to \$2,499	181	19.7
\$2,500 to \$2,999	123	13.4
\$3,000 or more	0	0

Source: 2023: ACS-5 Year Estimates Data Profiles, DPO4 Select Housing Characteristics

Exhibit 7: Household Occupancy Size

1-person household	688
2-person household	1,418
3-person household	626
4-or-more-person household	1,160
Occupied housing units	3,892

Source: data.census.gov/table/ACSST5Y2023.S2501?q=housing+occupancy+totowa,+nj**Exhibit 8: Occupants Per Room**

	Number of Units	Percent
1.00 or less	3,688	95%
1.01 to 1.50	204	5%
1.51 or more	0	0%

Source: 2023: ACS-5 Year Estimates Data Profiles, DPO4 Select Housing Characteristics

B. Projection of Totowa's Housing Stock

The section contains the required projection of the Borough's housing stock, including the probable construction of low- and moderate- income housing for the next ten years, taking into account construction permits issued, approvals of applications for development and probable residential development of lands.

The Department of Community Affairs - Division of Codes and Standards website provides data on Certificates of Occupancy and demolition permits and other information pertinent to this analysis. The data is within a publication entitled *the New Jersey Construction Reporter*, which provides historic construction data from 2000 that was utilized to study trends.

Exhibit 9 illustrates the historic trend of new certificates of occupancy issued and demolition permits issued for residences and the net gain and/or loss. Over the past 13 years, the Borough has gained 52 new units and lost 46 for a net gain for 6 units. On average, this nets out to yield almost half of one unit per year.

Exhibit 9 - Historic Trends CO's & Demo Permits

Year	CO's Issued	Demolitions	Net
2013	0	1	-1
2014	4	1	3
2015	1	1	0
2016	2	23	-21
2017	2	2	0
2018	8	2	6
2019	33	16	17
2020	1	0	1
2021	0	0	0
2022	0	0	0
2023	1	0	1
Total	52	46	6
Average	4.00	3.54	0.46

Source: "New Jersey Construction Reporter

New Jersey Department of Community Affairs

Projecting into the future, the Borough's planning or zoning board has approved a few new residential projects that are listed in Exhibit 10. The Borough recently approved a rental apartment complex consisting of 74 units that includes 15 low- and moderate- income units and two three unit projects on oversized lots in single family zoning districts.

Exhibit 10 - Projection of Revelopment/Development

	'25	'26	'27	'28	'29	'30	'31	2032	Total
Approved/Pending Projects									
95 Shepherds Lane		25	25	24					
130 Minnisink Road		3							
299 Grant Avenue		3							
568 Totowa Road									
56 Crescent Avenue		1							
61 Crescent Avenue		1							

Exhibit 11 - Projection of Affordable Housing

	'25	'26	'27	'28	'29	'30	'31	2032	Total
Pending Applications									
Avg. New Development									
Approved/Pending Projects									
95 Shepherds Lane		5	5	5					15
Project Name/Address									
Project Name/Address									
Project Name/Address									

C. Demographic Characteristics

Population - Totowa's estimated 2023 population is 10,785, reflecting a slight decline of 276 residents (-2.5%) since the 2020 Census. The Borough's population peaked in 1970 at 11,580 and has generally fluctuated within a narrow range since then. Notably, the population in 2023 remains just below the 1960 level of 10,897, showing long-term stability despite short-term variability.

Between 1940 and 1960, Totowa experienced its most significant growth, more than doubling in size due to post-war suburbanization. However, subsequent decades saw modest changes, including periods of decline — most notably between 1980 and 2000, when the Borough lost over 1,600 residents.

Over the long term (1960–2023), the average population was approximately 9,776, with a standard deviation of ±551 residents per decade, indicating relative demographic consistency.

Population Projection - Looking forward, the North Jersey Transportation Planning Authority (NJTPA) projects Totowa's population will rise to 12,395 by 2050 — an increase of 1,610 residents over 2023, or 44 new residents annually on average, suggesting moderate but steady future growth. Given the net new housing gain of only half a unit per year, this level of projected growth would be driven by

substantial increase in birth rates or other factors leading to increases in household sizes. It is noted that this projection in the 2018 HEFSP anticipated a population of 13,310 by 2040 and has since been adjusted downward.

Exhibit 12 - Historical Population Growth (1940-2023)

Year	Population	Change	% Change
1940	5,130	n/a	n/a
1950	6,045	915	17.8%
1960	10,897	4,852	80.3%
1970	11,580	683	6.3%
1980	11,448	-132	-1.1%
1990	10,177	-1,271	-11.1%
2000	9,829	-348	-3.4%
2010	10,804	975	9.9%
2020	11,061	257	2.4%
2023 EST.	10,785	-276	-2.5%

Source: www.census.gov/quickfacts/fact/table/totowaboroughnewjersey/RHI725218

Exhibit 13 - Permanent Population Projection

Year	Population	Change	Percent
2015	10,979		
2050	12,395	1,416	12.9%

Source: www.njtpa.org/NJTPA/media/Documents/Data-Maps/Demographic-GIS/Forecasts

Age Distribution – Table 14 indicates that 21% of Totowa’s population is under the age of 18, and 20% is over 65 years of age. This represents a slight increase in both age brackets over the 2010 census.

Exhibit 14 - Population Distribution by Age Cohort '23

Under 5 years	471	4.3%
5 to 9 years	557	5.0%
10 to 14 years	608	5.5%
15 to 19 years	684	6.2%
20 to 24 years	708	6.4%
25 to 29 years	627	5.7%
30 to 34 years	668	6.0%
35 to 39 years	621	5.6%
40 to 44 years	698	6.3%
45 to 49 years	752	6.8%
50 to 54 years	796	7.2%
55 to 59 years	868	7.8%
60 to 64 years	814	7.4%
65 to 69 years	634	5.7%
70 to 74 years	546	4.9%
75 to 79 years	345	3.1%
80 to 84 years	333	3.0%
85 years and over	335	3.0%
Total population	11,065	100

Source US Census: DPO5 - Demographic and Housing Estimates
<https://data.census.gov/table/> (Accessed 4/9/25)

Household Type & Size – Based on the latest census estimates, the majority of households in the Borough consist of married couples at 55.8%, followed by female only households at 25.3%, and male only households at 14.3%, and cohabitating couples at 4.6 percent.

Exhibit 15 - Household Type and Size '23

Type	Count	Percent
Married couple household	2,177	55.8
With own children under 18	847	21.7
Cohabiting couple household	179	4.6
With own children under 18	47	1.2
Male householder, no spouse or partner present:	558	14.3
Living alone	309	7.9
65 years and over	135	3.5
Female householder, no spouse or partner present:	985	25.3
Living alone	471	12.1
65 years and over	286	7.3
Households with individuals under 18 years	1,272	32.6
Households with individuals 65 years and over	1,544	39.6
Total households	3,899	

<https://data.census.gov/table?q=DP-1+pPROFILE+gGENERAL+POPULATION+TOTOWA,+NJ>

Of the 3, 892 households in the Borough, the plurality of households consists of 2 person households followed by four or more.

Exhibit 16: Household Occupancy Size

Size	Total	Percent
1-person household	688	18%
2-person household	1,418	36%
3-person household	626	16%
4-or-more-person household	1,160	30%
Occupied housing units	3,892	100%

Source: data.census.gov/table/ACSST5Y2023.S2501?q=housing+occupancy+totowa,+nj

Income & Poverty Status - Totowa Borough demonstrates a strong income profile relative to both Passaic County and the State of New Jersey. With a median household income of \$114,177 and a median family income of \$123,257, Totowa significantly exceeds the county (\$82,825 and \$98,062, respectively) and the state (\$99,781 and \$121,944). Additionally, Totowa's per capita income of \$48,899 is higher than Passaic County's overall (\$38,873), but it is behind the state average (\$52,583).

Totowa Borough demonstrates lower poverty rates, with just 3.8% of individuals and 2.4% of families living below the poverty line compared to the countywide figures of 14.1% and 11.9%, and statewide levels of 9.7% and 7.1%. These indicators underscore Totowa's relative economic stability within the regional and state context.

Exhibit 17 - Income Characteristics (2023)

Income Type	Totowa Borough	Passaic County	New Jersey
Median household income (dollars)	\$114,177	\$82,825	\$99,781
Median family income	\$123,257	\$98,062	\$121,944
Per capita income (dollars)	\$48,899	\$38,873	\$52,583
People Below Poverty Level	3.8%	14.1	9.7%
Families Below Poverty Level	2.4%	11.9%	7.1%

Source: DP03 - Selected Economic Characteristics: 2023 ACS 5-Year Est. Data Profile

Totowa Borough exhibits a strong household income profile relative to Passaic County and the State of New Jersey. The table below suggests a stable, economically secure residential base.

Exhibit 18 - Household Income (2023)

Income Range	Totowa Borough		Passaic County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	152	4%	8,419	5%	152,706	4%
\$10,000 to \$14,999	0	0%	7,060	4%	97,568	3%
\$15,000 to \$24,999	98	3%	14,740	8%	179,019	5%
\$25,000 to \$34,999	128	3%	10,042	6%	183,144	5%
\$35,000 to \$49,999	500	13%	15,881	9%	281,135	8%
\$50,000 to \$74,999	481	12%	25,151	14%	466,624	13%
\$75,000 to \$99,999	342	9%	20,936	12%	412,151	12%
\$100,000 to \$149,999	705	18%	32,754	18%	639,081	18%
\$150,000 to \$199,999	594	15%	18,136	10%	403,415	11%
\$200,000 or more	892	23%	25,158	14%	723,614	20%

Source: DP03 - Selected Economic Characteristics: 2023 ACS 5-Year Est. Data Profile

D. Existing and Probable Future Employment Characteristics

Labor Force Profile - Based on the 2023 ACS estimates, Totowa has 5,782 residents in the workforce out of a population of 8,673 residents that are 16 years of age and over. Of those in the workforce 5,519 are employed and 263 are unemployed. The overwhelming majority of the workforce, 80%, is employed in the private sector. The Borough's estimated unemployment rate is 3 percent.

Exhibit 19 - Labor Force Profile (2023)

Population 16 years and over	8,673	
Labor Force		
Civilian labor force	5,782	66.70%
Employed	5,519	63.60%
Unemployed	263	3%
Armed Forces	9	0.10%
Not in labor force	2,882	33.20%
Class of Worker		
Private wage and salary workers	4,438	80.4
Government workers	844	15.3
Self-employed in own not incorporated business workers	237	4.3
Unpaid family workers	0	0

Source: 2023: ACS-5 Year Estimates Data Profiles, DPO3 Select Economic Characteristics

Occupational Characteristic – 2023 ACS estimates indicate that 41% of the workforce is employed in management, business, science and arts occupations followed by sales and office occupations.

Exhibit 20 - Employed Civilian Population by Occupation (2023)

OCCUPATION	Total	Percent
Management, business, science, and arts occupations	2,261	41%
Service occupations	847	15.30%
Sales and office occupations	1,557	28.20%
Natural resources, construction, and maintenance occupations	237	4.30%
Production, transportation, and material moving occupations	617	11.20%

Source: 2023: ACS-5 Year Estimates Data Profiles, DPO3 Select Economic Character

Commuting Profile – The 2023 ACS estimates that 72.9% of employed residents commute alone to their places of employment, 9.7% carpooled, 2.3% utilize public transportation, and .03% walked. The average commute time was 27.3 minutes. 14.7% reported working from home.

Employment within Borders of the Borough – The NJTPA estimates that Totowa Borough is home 12,984 positions in the labor market, and this is estimated to grow to 13,801 by 2050, which represents an annual increase of 23 jobs per year. In the 2018 HEFSP, it was noted that the NJTPA projected an average of 65 new jobs per year through 2040.

Exhibit 21 - Employment Projection

Year	Jobs	Change	Percent
2015	12,984		
2050	13,801	817	6.3%

Source: North Jersey Transportation Planning Authority

Employment by Sector within Borders of the Borough – The NJDOL estimates that 20% of jobs located in the Borough are in the Health/Social sector and 15% in Retail Trade. The average salary for private sector positions is \$43,917 and for the public sector it is \$76,235.

Exhibit 22 - Employment by Industry Sector & Number of Employees (2022)

Industry	Establishments		Employees		Avg. Annual Wages
	Total	Percent	Total	Percent	
Construction	89	5%	482	2%	\$65,874
Manufacturing	87	5%	890	4%	\$57,870
Wholesale Trade	96	6%	820	4%	\$55,827
Retail Trade	248	15%	2626	13%	\$38,045
Transp/Warehousing	64	4%	487	2%	\$39,334
Finance/Insurance	33	2%	199	1%	\$56,866
Real Estate	52	3%	181	1%	\$44,067
Professional/Technical	90	5%	296	1%	\$65,454
Admin/Waste Remediation	84	5%	3445	17%	\$32,600
Education	16	1%	341	2%	\$43,049
Health/Social	441	27%	3888	20%	\$43,274
Arts/Entertainment	10	1%	52	0%	\$15,647
Accommodations/Food	134	8%	912	5%	\$27,543
Other Services	124	7%	414	2%	\$32,814
Unclassifieds	84	5%	111	1%	\$40,495
Private Sector Total	1,652	99.3%	15,144	76%	\$43,917
Federal Government	4	0.2%	78	0%	\$70,899
State Government	1	0.1%	11	0%	\$65,473
Local Government	6	0.4%	2,703	14%	\$82,385
Local Gov. Education	1	0.1%	1,928	10%	\$86,184
Government Total	12	0.7%	4,719	24%	\$76,235

Source: NJDOL: Quarterly Census

FAIR SHARE PLAN

E. Determination of the municipality's present and prospective 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)

The amended Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) requires any unfulfilled prior round obligation, including for the Third Round (1999-2025), to be addressed in the Fourth Round local housing plans. The Borough has determined, through a settlement agreement (See Attachment A), that its Present and Prospective is as shown in Exhibit 24.

There are three components to a municipality's affordable housing obligation: the rehabilitation share, the prior round obligation (Present Need), and the Fourth Round (Prospective Need) obligation. In its March 2025 mediation agreement under the dispute resolution program, Totowa Borough agreed that its obligation consists of 211 unmet present need units from prior rounds and a fourth round prospective need obligation of 390 units. Accordingly, Totowa's affordable housing obligation is provided in Exhibit 24 below. Per the Fair Housing Act, this plan is designed to address 25% of this obligation.

Exhibit 24 - Affordable Housing Obligation

Present Need (Prior Rounds)	2018 RDP	Unmet Need	25%	
211	7 (15 of 22 provided)*	204	51	**
Prospective Need (4th Round)	2024 RDP	Prospective Need		
390	26	364	91	***

* In 2018, the RDP was 22 units. 15 of these are under construction, leaving 7 still pending.

** The Borough will maintain its current zoning plan to address prior round unmet need.

*** As indicated in the report, the Borough has identified two specific properties to address its 4th Round prospective need.

Rehabilitation Obligation – The Borough will provide rehabilitation funds for qualified units out of its affordable housing trust funds to help meet its rehabilitation obligation, with the goal of rehabilitating 8 units. To qualify, the units will have to be deed restricted for a minimum period of at least ten (10) years and the maximum amount of assistance is recommended to be \$35,000 per unit.

F. Lands most appropriate for construction of low- and moderate-income housing, existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, and lands of developers who have expressed a commitment to provide low- and moderate-income housing.

Vacant Land Adjustment (DCA Land Capacity Analysis)

The New Jersey Department of Community Affairs (DCA) provided each municipality with a list of vacant properties that established one of the key components used to calculate each municipality's prospective affordable housing Fourth Round obligation. This component was called the "Land Capacity Factor" and suggested that Totowa had 28.212 acres of land available to accommodate its affordable housing¹ obligation. DCA also provided a mapping tool that showed where these parcels of land were in the Borough.²

There were approximately 36 parcels that were mapped and given an OBJECT ID identifier by NJDCA that in many cases overlapped onto different tax lots (totaling 28.212 acres). The Borough carefully examined each of these parcels and concluded that of the 28.212 acres, only 7.28 acres were usable for Fourth Round affordable housing. A detailed analysis is provided in ATTACHMENT B. In the majority of cases (34 out of 36) the Borough's analysis was guided by P.L. 2024 c.2 (C.52:27D-310.1), which provides the criteria for excluding properties from the Land Capacity factor. Two of the parcels were separated out as active business properties.³ The exclusion provided by the law are as follows:

- A. Land owned by a local government entity, which we take to mean municipal, school district, county or utility⁴; municipal land serving a public purpose.
- B. Lands dedicated for open space, conservation, and parks that are listed in the municipal master plan owned by the state, county, municipality or non-profit organizations.

¹ https://www.nj.gov/dca/dlps/4th_Round_Numbers.shtml

² <https://njdca.maps.arcgis.com/home/item.html?id=12acdfe0a5104f8f8a2f604e96063e74>

³ OBJECTID 27018 – Block 182 Lot 1.1, Acres = .63, is an existing neighborhood business called La Serra Garden that services various landscaping needs in the community and includes parking for commercial activities
OBJECTID 27031 – Block 170.02 Lot 2, Acres = 1.64, is a wooded corner of an active commercial property and it is situated among various other commercial uses. Additionally, this portion of the property, which is wooded, has been identified as an area for water quality protection <https://www.nj-map.com/blueprint/water>. (See Attachment B)

⁴ The law does not address land owned by the State which serves a public purpose.

- C. Vacant contiguous land in private ownership that would accommodate fewer than five housing units based on appropriate density standards⁵.
- D. Historic structures and properties.
- E. Agricultural lands that have been preserved for said purpose.
- F. Sites designated for active recreation in the municipal master plan.
- G. Environmentally sensitive lands where development would be prohibited by any State or Federal agency.
- H. The Borough has also removed any lands that are owned by State of New Jersey and serve a public purpose other than roadways.

After filtering each of the DCA'S 36 OBJECTID parcels through the exclusion criteria provided above explained above, and separating the 2 OBJECTID areas discussed in footnote #3, the Borough identified 6.65 buildable acres of land. The Borough also excluded properties that had active State operations (i.e. New Jersey State Police Barracks and an active NJDOT yard).

It should be noted that one of the properties that DCA included, identified as OBJECTID 27031 (Block 170.02 Lot 2), which is 1.63 acres, is in the midst of various industrial uses and is not conducive to housing. Accordingly, the Borough strongly contends this parcel should be removed from consideration and the land capacity factor as it is located among a variety of industrial uses. Accordingly, the Borough believes that its vacant land capacity is 7.28 acres (8.91-1.63). In addition, it is one of few wooded areas in the area and has been identified as priority area for water quality protection.

Water & Sewer Service Availability – The Borough of Totowa has its own water and sewer department. According to the Borough's licensed operator, there are currently no problems or issues with capacity and allocation. The Borough purchases its water from the Passaic Valley Water Commission. The Borough discharges its wastewater to the Passaic Valley Sewerage Commission. Both the water and sewer system need improvements due to age and lack of capital improvements.

⁵ It is estimated that a viable lot can yield a minimum of 5 housing units based on a yield of 8 units per acre, with 0.625 being the minimal lot size. Some of the critical constraints that were reviewed to arrive at this conclusion include a review of the following Geographic Information Systems (GIS) available on the State of New Jersey web site:

Status of lands identified in 2018 HEFSP - Realistic Development Potential

The 2018 HEFSP⁶ identified four properties in Totowa that were vacant and appropriate for hosting affordable housing. The four properties proposed 2018 after removing lands that were not developable following an engineering analysis performed by the Borough's engineering firm – Alaimo Associates, which assessed the presence or absence of the following development constraints:

- New Jersey Department of Environmental Protection Water Bodies
- NJDEP wetlands with 50 foot buffer
- NJDEP C-1 waters with 300 foot buffer
- FEMA Special Flood Hazard Area (Flood Hazard Zones A, AO, AE, V and VE)
- Steep slopes (15%) interpolated from U.S. Geographical Survey 10 foot contours by Aliamo Consulting.

Attachments G and H illustrate the constraints on developable land within the Borough.

Out of these four (4) properties, one (95 Shepherds Lane) is under construction. The 2018 HEFSP, established an RDP goal of 22 affordable units. Fifteen (15) of these units are now under development at 95 Shepherds Lane. The Borough will continue to work with developers and property owners to secure the remaining 7 units to fulfill its 2018 RDP goal of 22 units. The table below reconciles the 2018 RDP analysis, adjusted for the changes to 95 Shepherds Lane, with its new 2025 RDP. In summary, the RDP assigned to the 2018 HEFSP is now fifteen (7) and the RDP for the 2025 RDP is twenty three (26) for a total combined RDP of thirty-eight (33) units.

⁶ 2018 Housing Element and Fair Share Plan, page 6.

Exhibit 25 - Realistic Development Potential**From 2018 HEFSAP - Developable**

Location	Block	Lot	Goal Units	Provided	Remaining
101 Forest Avenue	9	3	4	0	4
555 South Riverview Drive	179	4	4	0	4
740 Union Boulevard	180	5.01	3	0	3
95 Shepherds Lane*	11	9.01	11	15	-4
Total 2018 RDP			22	15	7

* 95 Shepherds Lane. The 2018 HEFSP anticipated 11 affordable units. Number has been adjusted to 15.

The additional 4 are reflected in the updated 2018 RDP.

For 2025 - Realistic Development Potential

Location	Block	Lot	Units/Credits	Provided	Remaining
78 Highview Avenue*	78	70	2	0	2
63 Rosengren Avenue*	80	14	2	0	2
55 Mitchell Avenue*	86	2.02	2	0	2
1 Otillo Terrace	9	1 & 3	20	0	20
Total 2025 RDP			26	0	26

TOTAL 2018 + 2025 RDP

33

* These units are 2 credits each as they will serve special needs housing (Veterans with Disabilities)

Overview of 2025 RDP Properties

Single family homes for veterans with disabilities -The Borough has acquired the properties listed below in recent years with the intention of developing affordable housing opportunities for veterans with disabilities. The deeds to these properties are attached (Attachment F):

Unit 1 - 78 Highview Ave. B78 L70

Unit 2 - 63 Rosengren Ave. B 80 L14

Unit 3 - 55 Mitchell Avenue. B86 L2.02

Three Crown Development LLC Inclusionary Development – 1 Ottillio Terrace. B 9 Lots 1 & 3. This is an 81 unit inclusionary development anticipated to provide 20 affordable units when completed. The application was approved in 2021.

Miscellaneous - Little Sister of the Poor (St. Joseph Home for the Elderly) – This property, located at 140 Shepherds Lane, belongs to the Roman Catholic Diocese of Paterson. The Borough has worked with the Diocese to identify a new owner that would continue to use the property as a home for elderly residents and the Borough has helped identify a new owner. At this time, the Borough is working with the new owner to ensure that all existing credit worthy units remain. It is undetermined if the new owner will be constructing additional credit worthy units.



Land Use Plans to Address Remining Unmet Need

As indicated in Exhibit 24 table below, Totowa's adjusted unmet need (25% of prospective need minus RDP) for the Fourth Round is ninety (91) units. Regarding its unmet need, the Borough has made a number of land use policy changes that are reflected in the 2018 HEFSP and accompanying zoning ordinances. This plan reaffirms that the zoning changes intended to address prior round unmet need will remain in place. The Borough will address its newly added Fourth Roud unmet need obligation of 91 units as follows:

1. Present Need Rehabilitation –

The Borough will accept a new rehabilitation obligation of 8 units, as was the case in the 3RD round.

2. 100% Affordable Housing (Family or Senior) –

4TH Round Unmet Need Units = 70 Units (92 Credits w/ Bonus Credits)

Municipalities can meet 25% of their obligation through bonus credits. The redevelopment of commercial properties would generate 0.5 bonus credits per unit. With a Fourth Round prospective need of 91 units, only 22 (22.75) unit credits can be achieved through this option. By undertaking a 100% affordable redevelopment project, the Borough believes 64 units can be built in accordance with the required mix for 1, 2, and 3 bedroom units. With 22 bonus credits for the redevelopment of a commercial property (25% max of 91 unit obligation), the Borough will achieve 86 credits. The plan to address the remaining credit obligation is discussed below (#3 Inclusionary Development), which will allow the Borough to exceed its Fourth Round prospective need obligation by 1 unit.

Project - This proposed development would include:

1 Bedroom Units = 12 or 20%: 650 sq. ft.

2 Bedroom Units = 39 or 60%: 850 sq. ft.

3 Bedroom Units = 13 or 20%: 1,100 sq. ft.

The Borough is proposing to transform the site of a hotel, located at Block 177 Lot 2.01, into a 100 percent affordable housing complex. The property has an area of 3.31 acres and currently hosts a 5 story hotel with covered parking. Part of the existing facility hosts a catering facility and there is a potential to increase the height over the catering accommodate this project. The Borough believes that this structure could accommodate the development of a 64 unit 100 percent affordable development. This would entail the redevelopment of an existing commercial property allowing the Borough to meet its 91 Unit requirement.

A site analysis prepared by the Borough's engineering firm is provided in Attachment C.



3. Inclusionary Development – 4TH Round Unmet Need Unit = 6 Units

To meet its remaining obligation of four (4) units, plus an additional two (2) to apply to present need, the Borough will work with a developer to create an inclusionary housing development to redevelop the site of an existing but underutilized church property. The churches' properties include Block 106 Lots 18, 2, 2.01 and 17. The Borough will collaborate with a developer with respect to zoning and financing tools such as a PILOT to achieve this objective.

This affordable component of this proposed development would include:

1 Bedroom Units = 1 or 17%: 650 sq. ft.

2 Bedroom Units = 3 or 50%: 850 sq. ft.

3 Bedroom Units = 2 or 33%: 1,100 sq. ft.

A site analysis prepared by the Borough's engineering firm is provided in Attachment D.



G. An analysis of the extent to which municipal ordinances and other 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).

It is the Borough's understanding that at this time the Multigenerational Family Housing Continuity Commission has not released any formal recommendation.

However, we want to note that in 2024 the Borough's Zoning Board approved a D(1) Use Variance and Design waivers for an addition to a home to accommodate the elderly parents of the owner, which included all the amenities that would be found in an apartment including a garage, kitchen and restrooms.

This property is located at 725 Totowa Road (Block 10 Lot 13.01), Totowa, NJ. Although affordability controls were not part of the approval, it is worth pointing out that the Borough is willing to consider additions to its inventory of multigenerational housing when and where appropriate.

ATTACHMENT A

Finalized Settlement Agreement

Pending

ATTACHMENT B

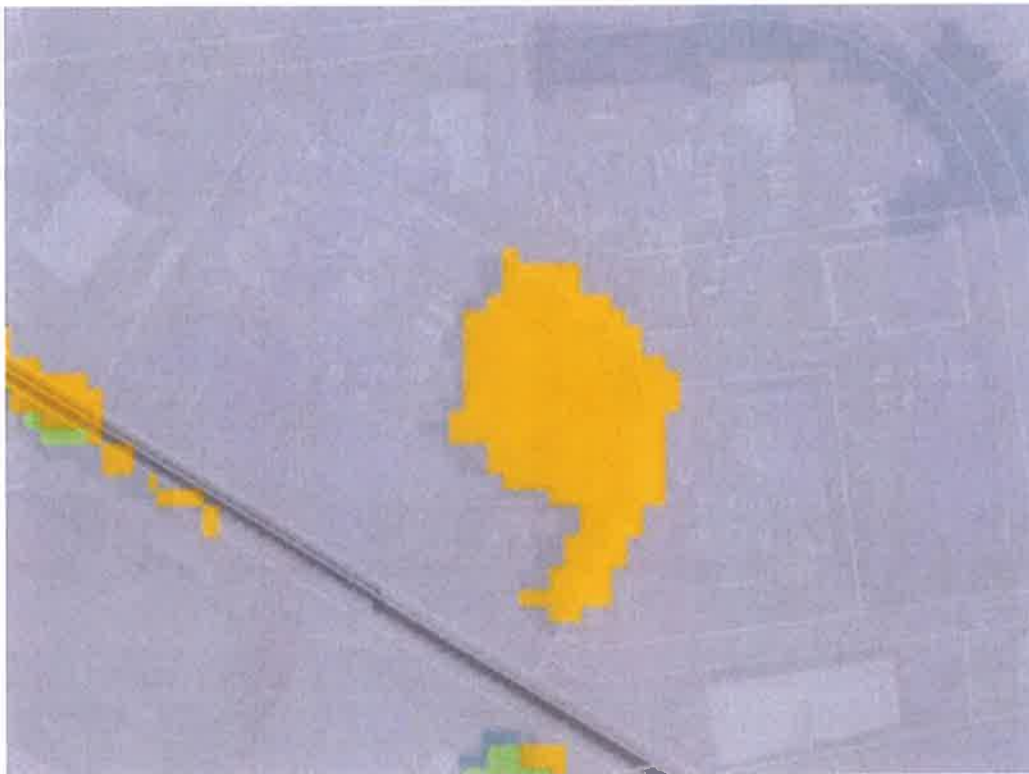
Vacant Land Analysis

VACANT LAND ANALYSIS

Category Notes	Vacant Land Adjustment Criteria P.L. 2024 c.2 (C.52:27D-310.1)	Planner's Map ID	OBJECTID#	Block	Lot	DCA Proposed Acres	Borough Adjustment Acres	Findings/Comments
6	Does not meet exclusion criteria. However, it is the parking lot of an existing business.	1	27018	182	1.01	0.639646		This is the parking lot of a for La Serra Gardens, a neighborhood business that provides landscaping services and materials.
6	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density. (***) Owned by a public utility.	2	27019	181	3	0.233917	0	Water Company Property near river. The land identified by DCA is actually the front/side yard of the principal building. Not realistic or appropriate for residential development. It is also less than a quarter of an acre and would not accommodate 5 housing units.
5	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	3	27020	170	8	0.159871	0	This parcel is in the FEMA Flood Zone (We should have a letter from engineer indicating same). It is an irregularly shaped parcel with approximately 1/3 of it being 10-15 feet deep. The deeper section of the parcel is approximately 50 feet from the edge of the Passaic River.
4		4	27021	170	4	1.72275	1.72275	The parcel has already been identified for affordable housing to address a portion of the Borough's prior round obligation. Although there may be 1.72 acres of uplands, buildable areas can be best described as fingers of uplands that would be a challenge to develop. (A letter from Totowa Riverview LLC Of 84 W. Atlantic Ave., Allendale, NJ would be helpful). We are adding back for now due to lack of criteria.
4		5	27022	170	4	1.044814	1.044814	This is a separate OBJECTID parcel but on the same block and lot as item above (#4). It is already targeted for an affordable housing project. However, the land is a little closer to a flood-prone area and may require curving wetlands. We are adding back for now due to lack of criteria.
4	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	6	27023	170	4	0.066919	0	This parcel is on the same lot as items #4 and #5, with the same owner and intended goal of addressing prior round obligations. It is isolated and totals approximately 3,000 square feet.
6	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	7	27024	133	2	0.658446	0	This is a 2,500 square foot piece of property in the corner of a parking lot at an industrial site. It appears that the parking lot is immediate adjacent to a wetland's boundary, which may indicate the 2,500 parcel was utilized for wetlands buffer averaging. More research would be required.
1	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	8	27025	158.02	2	0.144815	0	The parcel is the corner of a NIDOT facility and belongs to NIDOT and serves a public purpose.
1	(b.) Active recreational sites (other than ponds) that are owned by State or County for a public purpose other than roads.	9	27026	156.01	1	0.860337	0	This parcel is the driveway entrance into a NIDOT facility (item #7 above). Borough records indicate it is owned by the NIDOTHS and serves a public purpose. Additionally, it is an access point and parking area for an active recreation area.
1	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density. (**) Lots owned by State or County for a public purpose other than roads.	10	27027	156	1	0.140721	0	This is a small piece of upland that is part of a larger area (See Item # 15 below). It is owned by the NIDOTHS and serves a public purpose.
2	(a.) Land owned by a local government for a public purpose. (b.) Open space. Dedicated in Master Plan (Municipal, County, or Non-Profit)	11	27028	154.02	1	0.739369	0	This property is the green space in the middle of a modified cloveleaf on ramp to US Route 80. The Township owns the property and intends to include it in its forthcoming open space master plan.
1	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	12	27029	156	1	0.200052	0	Same Lot and Issues as Item #10. This is a small piece of upland that is part of a larger area (See Item # 15 below). It is owned by the NIDOTHS and serves a public purpose.
	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	13	27030	171.01	5	0.346483	0	Aside from being adjacent to a railroad track with little buffer, the Borough does not see a constraint on including this property in its vacant land capacity calculation. We previously indicated that land was available, but removing due to size per criteria C.
6		14	27031	170.02	2	1.634429		This small parcel is in the eye of industrial use area and not appropriate for residential development. It is characterized by substantial truck traffic. There is dumping and loading of stored construction materials such as gravel and fill. It is a light industrial staging area. We are adding back for now due to lack of criteria.
1	(**) Lots owned by State or County for a public purpose other than roads.	15	27032	156	1	11.274946	0	This property belongs to the NIDOTHS. It includes items #10 and #12 and it is on the same lot. Note - Not one of the criteria listed.
	(**) Lots owned by State or County for a public purpose other than roads.	16	27032	156.01	1		0	The OBJECTID for this land is the same item 15 above, but on a different block and lot. This property is home to a New Jersey State Police barracks and the land belongs to the State of New Jersey. Further, this area of OBJECTID 27032 is an unbuildable sliver of land that serves a buffer between Rt 80 and the barracks.
3	(b.) Open space. Dedicated in Master Plan (Municipal, County, or Non-Profit)	16	27033	75	23	0.697756	0	This land adjoins property hosting a municipal water tower. It is important that Borough consider security around critical infrastructure such as water supply facilities. This property is identified as priority passive open space project. We are adding back for now due to lack of criteria.
1	(a.) Land owned by a local government for a public purpose	17	27034	75	22	0.499418	0	This OBJECTID and block and lot is host to a municipal water tower. It is important that Borough consider security around critical infrastructure such as water supply facilities.

5	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density. (b.) Open space. (Redeveloped in Master Plan (Humboldt County, or Non-Ford))	18	27035	76	27	0.062043	0	This OBJECTID is on a steep slope and directly abuts the municipal water tower. It is the intention to include this undeveloped land in the Borough's open space master plan and its passive open space. We previously indicated that land was available, but removing due to size per criteria C.
1	(a.) Land owned by a local government for a public purpose	19	27036	76	22	0.125447	0	Same as answer to item #17. This is on the lot hosting a water tower.
3	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	20	27037	155	14.03	0.22032	0	This property is within 60 feet of the municipal water tower. At some point, it will have to be replaced. It is important to maintaining an ample safety zone, in addition to maintaining a clear line of site for security purposes. A reasonable buffer around the water tower and creating a passive park as noted in items # 16, 17, and 18 is important.
5	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	21	27038	166.03	13	0.390413	0	Property is in the 100 year FEMA flood zone (See engineers map)
5	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	22	27039	166.03	13	0.139444	0	Property is in the 100 year FEMA flood zone (See engineers map)
6	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	23	27040	74	23	0.367251	0	Permit has been issued for the construction of a single family to Mr. Bejelenic Jadenko
	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	24	27041	0	38	0.171818	0	The Borough does not see a constraint on including this property in its vacant land capacity calculation. We previously indicated that land was available, but removing due to size per criteria C.
	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	25	27042	0	38	0.099401	0	The Borough does not see a constraint on including this property in its vacant land capacity calculation. We previously indicated that land was available, but removing due to size per criteria C.
	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	26	27043	0	38	0.058688	0	The Borough does not see a constraint on including this property in its vacant land capacity calculation. We previously indicated that land was available, but removing due to size per criteria C.
	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	27	27044	9	38	0.068837	0	The Borough does not see a constraint on including this property in its vacant land capacity calculation. We previously indicated that land was available, but removing due to size per criteria C.
		28	27045	0	38	0.743206	0.743206	The Borough does not see a constraint on including this property in its vacant land capacity calculation.
	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	28	27046	0	38	0.082643	0	The Borough does not see a constraint on including this property in its vacant land capacity calculation. We previously indicated that land was available, but removing due to size per criteria C.
	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	30	27047	0	38	0.137874	0	The Borough does not see a constraint on including this property in its vacant land capacity calculation. We previously indicated that land was available, but removing due to size per criteria C.
		31	27048	0	38	0.990834	0.990834	The Borough does not see a constraint on including this property in its vacant land capacity calculation.
		32	27049	0	38	2.715138	2.15	The Borough does not see a constraint on including this property in its vacant land capacity calculation. Approximately 20 percent of OBJECTID 27049 is municipal land that is part of its open space system.
3	(b.) Open space. (Dedicated in Master Plan (Humboldt County, or Non-Ford))	32	27049	0	38	0.815	0	Approximately one-third of OBJECTID 27049 is municipal land that is part of its open space system.
4		33	27050	9	3	0.848545	0	Land previously identified for prior round affordable housing obligation project (We should attach documentation)
4		34	27051	9	3	0.167022	0	Land previously identified for prior round affordable housing obligation project (We should attach documentation)
4		35	27052	9	3	0.083506	0	Land previously identified for prior round affordable housing obligation project (We should attach documentation)
1		36	27053	8.05	22.02	0.469968	0	Property hosts a municipal water tower.
TOTAL						29.027399	8.851804	

OBJECTID 27031 – Block 170.02 Lot 2, Acres = 1.64, is a wooded corner of an active commercial property and it is situated among various other commercial uses. Additionally, this portion of the property, which is wooded, has been identified as an area for water quality protection
<https://www.nj-map.com/blueprint/water>. (See Attachment B)



ATTACHMENT C

Analysis

Prospective Need

100% AFFORDABLE HOUSING LOCATION

ATTACHMENT D

Analysis

Prospective Need

INCLUSIONARY HOUSING LOCATION

ATTACHMENT E

DOCUMENTS SUPPORTING COMMITMENTS & PROGRESS OF INCLUSIONARY HOUSING PROJECT UNDER THE 2025 RDP

FOR 2018 RDP CALCULATIONS

1 Otillo Terrace

RESOLUTION
Borough of Totowa
Planning Board
In the Matter of Three Crown Development, LLC
Decided on June 24, 2021
Memorialized on August 12, 2021
Preliminary and Final Major Site Plan Approval with
Ancillary “c” Variance Relief, and
Design Waiver Relief as well as Lot Merger

INCLUSIONARY HOUSING PROVISION OF SAID RESOLUTION

There were no other members of the public expressing an interest in this application.

NOW, THEREFORE, the Planning Board makes the following conclusions of law, based on the foregoing findings of fact.

The application before the Board is a request for preliminary and final major site plan approval, ancillary “c” bulk variance relief, design waiver relief and lot merger for property designated as Block 9, Lots 1 and 3 as shown on the Tax Map of the Borough of Totowa and located at 1 Ottilio Terrace and 101 Forest Avenue, Totowa, New Jersey, in the R-AH Zone.

The Applicant seeks to develop the site with an inclusionary multi-family residential development consisting of eighty-one (81) dwelling units. The eighty-one (81) dwelling units are proposed to be constructed in three separate buildings. Each building will contain twenty-seven (27) dwelling units. The Applicant also proposes eighteen (18) affordable units. The Applicant will locate six (6) affordable units in each building. The breakdown of affordable units are fourteen (14) two-bedroom units and four (4) three-bedroom units. The Applicant also proposes one-hundred sixty-five (165) on-site parking spaces which conforms to Totowa

**VOTE AS TO ONE-YEAR EXTENSION FINAL SITE PLAN APPROVAL
WITH ANCILLARY C VARIANCE RELIEF AND DESIGN WAIVER
RELIEF – AUGUST 8, 2024**

Motion Introduced By: Commissioner Murphy

Motion Seconded By: Commissioner Niland

VOTE

ROLL CALL	YES	NO	ABSTAIN	ABSENT
CHAIRMAN KEVIN HANRAHAN	X			
VICE CHAIRMAN ANGELO COIRO			X	
HONORABLE JOHN COIRO, Mayor			X	
COUNCILMAN LOUIS D'ANGELO			X	
COMMISSIONER JAMES NILAND	X			
COMMISSIONER ROBERT COYLE			X	
COMMISSIONER ROBERT FESTA, JR.				
COMMISSIONER ANTHONY SABATINO				
COMMISSIONER ALAN SCHELL	X			
COMMISSIONER ANTHONY MURPHY	X			
COMMISSIONER ANTHONY ZAREK				

ATTACHMENT F

Sites for Housing for Veterans with Disabilities

Unit 1 - 78 Highview Avenue B78 L70



Unit 2 - 63 Rosengren Ave. B 80 L14



Unit 3 - 55 Mitchell Avenue. B86 L2.02



ATTACHMENT G

Engineer's Land Capacity Analysis Map

ATTACHMENT H

Engineer's Municipal/Public Property Analysis Map

