

# FILED

April 29, 2026

**Hon. Darren J. Del Sardo, P.J.Cv.**

**Hon. Darren J. Del Sardo, P.J.Cv.**

Superior Court of New Jersey  
Law Division – Civil Part  
Passaic County  
Passaic County Courthouse  
77 Hamilton Street, 3<sup>rd</sup> Floor  
Chambers/Courtroom 322  
Paterson, New Jersey 07505

**PREPARED BY THE COURT:**

**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.),**

Petitioner.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – CIVIL PART  
PASSAIC COUNTY  
DOCKET NO. PAS-L-000396-25

Civil Action

Mt. Laurel Program

**CERTIFICATION OF COMPLIANCE  
AND REPOSE FOR THE  
FOURTH ROUND HOUSING CYCLE**

**THIS MATTER**, having come before the Court on referral from and recommendation issued by the Affordable Housing Dispute Resolution Program (“Program”), pursuant to the Complaint for Declaratory Judgment filed on December 18, 2025 (“DJ Complaint”) by the Petitioner, **BOROUGH OF TOTOWA** (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative

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

**AND THE COURT**, having entered its “*Decision and Order Approving Municipal Housing Element and Fair Share Plan for the Fourth Round Housing Cycle*” on May 1, 2025 (“Approval Order”) for the Municipality to meet and ensure satisfaction of its previously fixed “present need” obligation of 211 affordable housing units, and a “prospective need” obligation of 390 affordable housing units (collectively, the “Fourth Round Affordable Housing Obligation”),<sup>1</sup> and therein authorizing the Municipality to adopt its implementing Ordinance(s) to satisfy its Fourth Round Affordable Housing Obligation;

**AND IT APPEARING** that, the Municipality, upon having given due notice to all interested parties as provided for by the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12, et seq. and the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., as required, adopted implementing ordinances and resolutions to ensure implementation of its approved Fourth Round Housing Element and Fair Share Plan (“HEFSP”), incorporating therein any changes from the Program and this Court’s prior Order, and on March 10, 2026, for the implementation of its Fourth Round Affordable Obligation, and thus by or before March 15, 2026;

**AND THE COURT**, having previously and here again determined that the Municipality’s Fourth Round HEFSP is fair and reasonable to the region’s low- and moderate-income households according to the principles set forth in Morris County Fair Housing Council v. Boonton Twp., 197 N.J. Super. 359 (Law Div. 1984), *aff’d o.b.* 209 N.J. Super. 108 (App. Div. 1986) and East/West

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<sup>1</sup> Per prior “*Decision and Order Fixing Municipal Obligations for ‘Present Need’ and ‘Prospective Need’ for the Fourth Round Housing Cycle*” of this Court entered on May 1, 2025 (see Trans. ID: LCV20251276867).

Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996) and, therefore, approved by the Court;

**AND THE COURT**, having been satisfied and further determined that the Municipality has timely adopted implementing ordinances and resolutions to ensure implementation of its approved Fourth Round HEFSP, incorporating therein any changes from the Program and this Court's prior Order(s), and for the satisfaction of its Fourth Round Affordable Obligation, as provided for and in accordance with N.J.S.A. 52:27D-304.1f (2)(c) of the FHA and Section III.A of Directive #14-24 (as amended), and which Plan contained the elements set forth in the "Addendum" attached to Directive #14-24 (as amended), having thereby qualified for immunity, and for good cause having otherwise been shown:

**IT IS** on this 29th day of April **2026, ADJUDGED AND ORDERED**, as follows:

1. That Exhibit P-1 (the Fourth Round HEFSP), Exhibit P-2 (Special Adjudicator's Report), and Exhibit P-3 (adopted Implementing Ordinance(s)), are hereby admitted into evidence and entered into the record.

2. That the Municipality has provided adequate notice of its proposed Implementing Ordinance(s) for implementation of its approved Fourth Round HEFSP to the public and all interested parties and in strict accordance with the Court's prior Approval Order.

3. That the Municipality's approved Fourth Round HEFSP and constituent compliance mechanisms contained therein, and the Implementing Ordinance(s), are hereby determined to be fair and reasonable to the interests of the region's low- and moderate-income households and to represent a realistic opportunity for the provision of affordable housing in accordance with the Mt. Laurel doctrine, and specifically in accordance with the principles set

forth in Morris County Fair Housing Council v. Boonton Twp., 197 N.J. Super. 359 (Law Div. 1984), *aff'd o.b.* 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996).

4. That the Municipality and those parties implicated or otherwise involved and referenced therein are directed and ordered to proceed, *forthwith*, to implement the approved Fourth Round HEFSP and approved compliance mechanisms contained therein and in accordance with its terms.

5. That the Municipality's immunity from builder's remedy and/or exclusionary zoning litigation, be, and is hereby continued and shall remain in full force and effect for the Fourth Round period of July 1, 2025 to June 30, 2035, *subject, however*, to revocation or other Order of the Court that does or may hereafter issue, on notice of motion to the Municipality and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle..

6. **That the Court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this Certification of Compliance and Repose and the Municipality's adopted Fourth Round HEFSP.**

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

SO ORDERED:

**/s/ Darren J. Del Sardo**

**HON. DARREN J. DEL SARDO, P.J.Cv.**

*Designated Mt. Laurel Judge – Passaic Vicinage*

(X) By the Court.

**EXHIBIT P-1**

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
<b>Total 2018 RDP</b>			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 Ottillo Terrace	9	1 & 3	20	0	20
<b>Total 2025 RDP</b>			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 19<sup>th</sup> 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 Secoded 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**

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## **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.

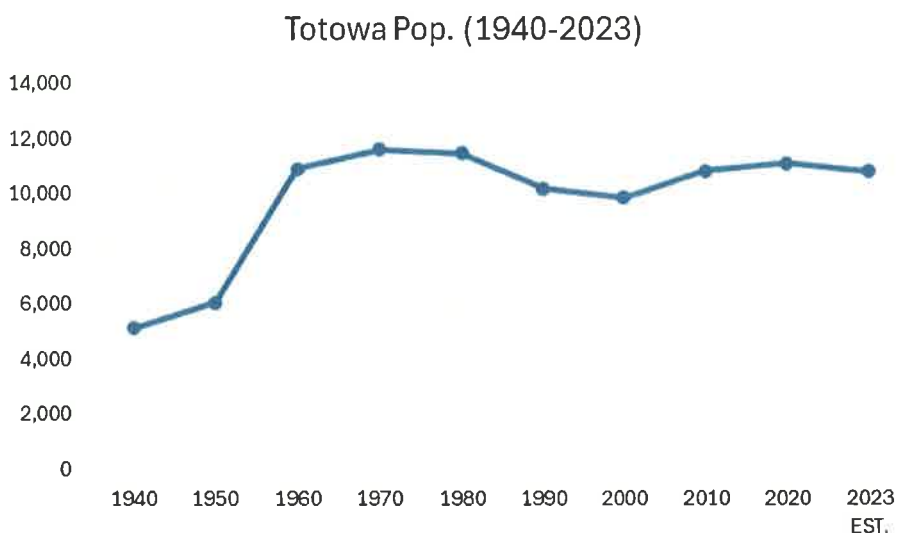
- J. Documentation of the creditworthiness of all the affordable housing units in its HEFSP and to demonstrate all of the applicable requirements for extending expiring (cost) controls, including confirmation that the (affordable) units that have been extended are code-compliant or have been rehabilitated 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 to 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:

<b>Date</b>	<b>Event / Action</b>
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%
<i>Owner Occupied</i>	2,962	76.1%
<i>Renter Occupied</i>	930	23.9%
Vacant Total	110	2.7%
<i>Homeowner Vacancy Rate</i>		0.5%
<i>Rental Vacancy Rate</i>		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%
<b>Total</b>	<b>4,002</b>	

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](https://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
<b>Total</b>	<b>52</b>	<b>46</b>	<b>6</b>
<b>Average</b>	<b>4.00</b>	<b>3.54</b>	<b>0.46</b>

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)**

<b>Year</b>	<b>Population</b>	<b>Change</b>	<b>% Change</b>
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](http://www.census.gov/quickfacts/fact/table/totowaboroughnewjersey/RHI725218)

### **Exhibit 13 - Permanent Population Projection**

<b>Year</b>	<b>Population</b>	<b>Change</b>	<b>Percent</b>
2015	10,979		
2050	12,395	1,416	12.9%

Source: [www.njtpa.org/NJTPA/media/Documents/Data-Maps/Demographlcs-GIS/Forecasts](http://www.njtpa.org/NJTPA/media/Documents/Data-Maps/Demographlcs-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%
<b>Total population</b>	<b>11,065</b>	<b>100</b>

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
<b>Total households</b>	<b>3,899</b>	

<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](https://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	
<b>Labor Force</b>		
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%
<b>Class of Worker</b>		
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
<b>Private Sector Total</b>	<b>1,652</b>	<b>99.3%</b>	<b>15,144</b>	<b>76%</b>	<b>\$43,917</b>
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
<b>Government Total</b>	<b>12</b>	<b>0.7%</b>	<b>4,719</b>	<b>24%</b>	<b>\$76,235</b>

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	Posepective 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 housing<sup>1</sup> obligation. DCA also provided a mapping tool that showed where these parcels of land were in the Borough.<sup>2</sup>

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.<sup>3</sup> 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 utility<sup>4</sup>;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.

<sup>1</sup> [https://www.nj.gov/dca/dlps/4th\\_Round\\_Numbers.shtml](https://www.nj.gov/dca/dlps/4th_Round_Numbers.shtml)

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

<sup>3</sup> 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)

<sup>4</sup> 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 standards<sup>5</sup>.
- 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.

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<sup>5</sup> 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 HEFSP<sup>6</sup> 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 – Aliamo 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.

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<sup>6</sup> 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
<b>Total 2018 RDP</b>			22	15	7

\* 95 Shepherds Lane. The 2018 HEFSAP 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
<b>Total 2025 RDP</b>			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 3<sup>RD</sup> round.

## 2. 100% Affordable Housing (Family or Senior) – 4<sup>TH</sup> Round Unmet Need Units = 70 Units (92 Credits w/ Bonus Credits)

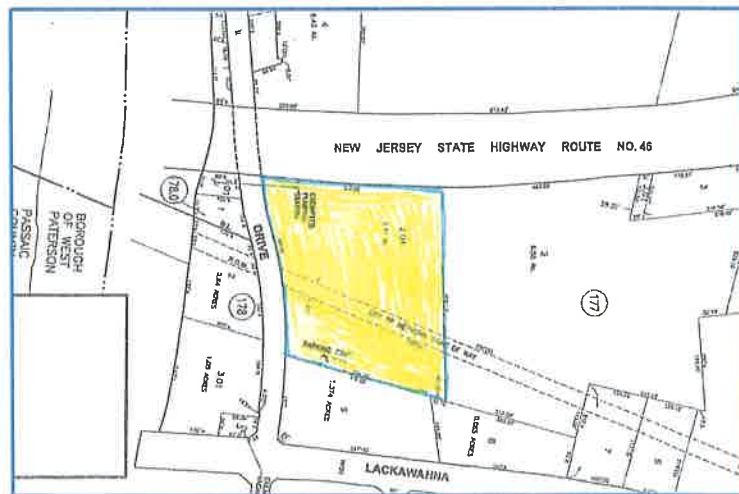
Municipalities can meet 25% of their obligation through bonus credits. The redevelopment of commercial properties would generate 0.5 bonus credits per unit. With a Fourth Round prospective need of 91 units, only 22 (22.75) unit credits can be achieved through this option. By undertaking a 100% affordable 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 – 4<sup>TH</sup> 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	0.639846		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., Atlantic, NJ would be helpful). We are adding back for now due to lack of criteria.
4		5	27022	178	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	0.056919	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.) Public use other than for a public purpose. (**) Has to be 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 recreational 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 cloverleaf 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.
6	(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 tight 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.
1	(**) Lots owned by State or County for a public purpose other than roads.	15	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. (dedicated in Master Plan (Housing, County, or Non-Profit))	18	27035	75	27	0.082043	0	This OBIECID is on a steep slope and directly joins the municipal water tower. If the intention to include this undevelopable 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	75	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.
6	(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	0.267251	0	Permit has been issued for the construction of a single family to Mr. Bejelonic Jadenko
	(c.) Land that would accommodate fewer than 5 housing units based on appropriate standard pertaining to housing density.	24	27041	0	36	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	36	0.009401	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	36	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	36	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	36	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	36	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	36	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	36	0.990834	0.990834	The Borough does not see a constraint on including this property in its vacant land capacity calculation.
		32	27049	0	36	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 OBIECID 27049 is municipal land that is part of its open space system.
3	(b.) Open space. (dedicated in Master Plan (Housing, County, or Non-Profit))	32	27049	0	36	0.815	0	Approximately one-third of OBIECID 27049 is municipal land that is part of its open space system.
4		33	27050	0	3	0.848545	0	Land previously identified for prior round affordable housing obligation project (We should attach documentation)
4		34	27051	0	3	0.167022	0	Land previously identified for prior round affordable housing obligation project (We should attach documentation)
4		35	27052	0	3	0.083506	0	Land previously identified for prior round affordable housing obligation project (We should attach documentation)
1		36	27053	0.05	22.02	0.469968	0	Property hosts a municipal water tower.
		TOTAL				29.027399	6.851604	

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**



**NOTES:**

**1.0 SUBMITTAL CONDITIONS**  
 This plan is to be submitted to the Borough of Totowa, NJ, for review and approval. The applicant shall be responsible for obtaining all necessary permits from the appropriate agencies.

**2.0 EXISTING CONDITIONS**  
 2.1 All existing structures and improvements shall be shown on this plan.  
 2.2 All existing easements shall be shown on this plan.  
 2.3 All existing utility lines shall be shown on this plan.

**3.0 PROPOSED DEVELOPMENT**  
 3.1 The proposed development shall consist of a hotel building with a total floor area of approximately 1,000,000 square feet.  
 3.2 The proposed development shall include a parking lot with a total capacity of approximately 1,000 spaces.  
 3.3 The proposed development shall include a landscaped area with a total area of approximately 100,000 square feet.

**4.0 UTILITIES**  
 4.1 All utility lines shall be shown on this plan.  
 4.2 All utility easements shall be shown on this plan.  
 4.3 All utility structures shall be shown on this plan.

**5.0 TRAFFIC**  
 5.1 All traffic signs and signals shall be shown on this plan.  
 5.2 All traffic engineering studies shall be shown on this plan.  
 5.3 All traffic impact studies shall be shown on this plan.

**6.0 ENVIRONMENT**  
 6.1 All environmental studies shall be shown on this plan.  
 6.2 All environmental impact studies shall be shown on this plan.  
 6.3 All environmental mitigation measures shall be shown on this plan.



STREET VIEW FROM ROUTE 46



STREET VIEW FROM LACKAWANNA AVENUE



Richard A. Alaimo  
 CONSULTING ENGINEER  
 REGISTERED PROFESSIONAL ENGINEER  
 No. 123456789

**RICHARD A. ALAIMO ASSOCIATES**  
 Consulting Engineers  
 1000 ROUTE 108  
 SUITE 200  
 TOTOWA, NJ 07068

**APPROVALS**  
 HOTEL SITE CONCEPT PLAN  
 BLOCK 171 LOT 111  
 EXISTING CONDITIONS PLAN  
 DATE: 4/29/26

BOROUGH OF TOTOWA	
APPROVED	DATE

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
 2. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED.

# 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**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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

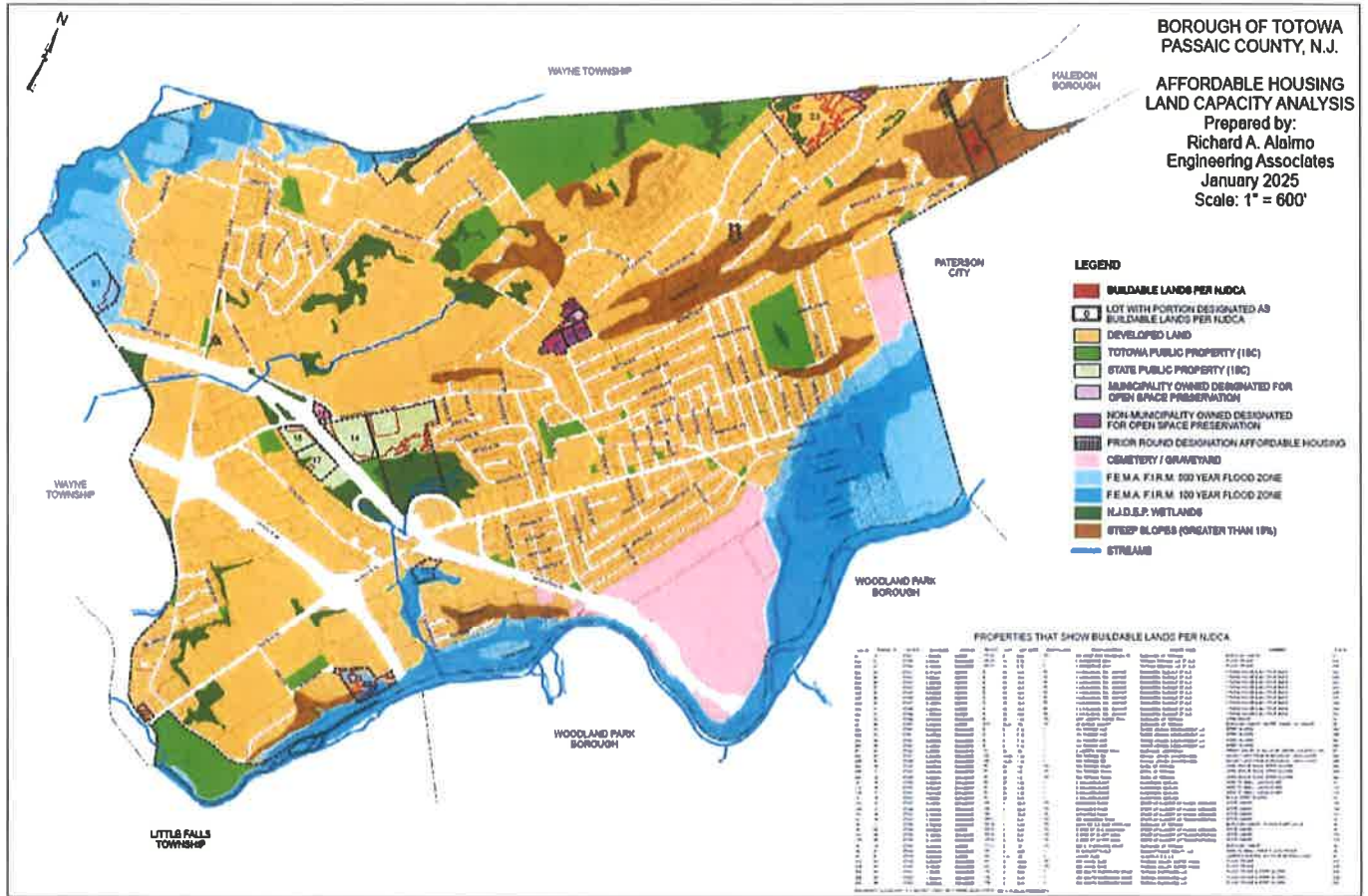


Unit 3 - 55 Mitchell Avenue. B86 L2.02



## **ATTACHMENT G**

### **Engineer's Land Capacity Analysis Map**



## **ATTACHMENT H**

### **Engineer's Municipal/Public Property Analysis Map**



**EXHIBIT P-2**

**PREPARED BY THE AFFORDABLE HOUSING PROGRAM:**

<p>In the Matter of the Application of The Borough of Totowa, County of Passaic</p>	<p>Superior Court of New Jersey Law Division, Civil Part</p> <p>Docket No. PAS-L-396-25</p> <p><b>Program Settlement Recommendation - Housing Element and Fair Share Plan</b></p>
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THIS MATTER, having come before the Affordable Housing Dispute Resolution Program (Program), pursuant to the Complaint for Declaratory Judgment filed in this matter on December 18, 2025 (DJ Complaint) by the Petitioner, the Borough of Totowa (Borough), pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. (FHA), and in accordance with Administrative Directive #14-24 and its Addenda, seeking a certification of compliance with the FHA;

AND IT APPEARS that on May 1, 2025, the Hon. Darren J. Del Sardo, P.J.Cv. entered an Order as follows:

(a) Establishing the Borough's Fourth Round "present need" at 211 units ;

(b) Establishing the Borough's Fourth Round "prospective need" at 390 units;

(c) Directing the Borough to prepare and adopt a Housing Element and Fair Share Plan on or before June 30, 2025; and

(d) Granting the Borough immunity from exclusionary zoning litigation; and

AND IT APPEARS that the Borough timely adopted and filed the Borough's Proposed Fourth Round Housing Element and Fair Share Plan (HEFSP);

AND IT APPEARS that a challenge to the Borough's Fourth Round Housing Element and Fair Share Plan was timely filed by interested party: Fair Share Housing Center;

AND the Program having appointed Special Adjudicator Christine A. Nazzaro-Cofone;

AND the Program Member having conducted a settlement conference on October 9<sup>th</sup>, 2025, November 19<sup>th</sup>, 2025, and December 18, 2025 at which time all parties reached a settlement. The settlement terms include, but are not limited to the following:

(a) The Borough's Present Need (Rehabilitation) Obligation is 211 Units;

(b) The Borough's Prospective Need Obligation (2025-2035) is 390 units;

(c) The Borough's First and Second Rounds Obligation is 215 units;

(d) The Borough's Third Round Obligation (1999-2025) is 454 units ;

(e) The Borough's Realistic Development Potential (RDP) is 25.

The Borough shall satisfy its Fourth Round RDP as follows:

<b>NAME</b>	<b>TYPE</b>	<b>UNITS</b>	<b>BONUS</b>	<b>TENURES</b>	<b>STATUS</b>
78 Highview Avenue	Low/Moderate Housing	1	1	For Sale-Veterans	Program to be administered by NJSOS Veterans Stakeholders Group.
63 Rosengren Avenue	Low/Moderate Housing	1	1	For Sale-Veterans	Program to be administered by NJSOS Veterans Stakeholders Group.
55 Mitchell Avenue	Low/Moderate Housing	1	1	For Sale-Veterans	Program to be administered by NJSOS Veterans Stakeholders Group.
Three Crowns	Inclusionary	20	0	Family Rental	Final Site Plan approval granted

(f) The Borough's Unmet Need is 365. The Borough shall satisfy its Fourth

Round Unmet Need as follows:

<b>NAME</b>	<b>TYPE</b>	<b>UNITS</b>	<b>TENURES</b>	<b>STATUS</b>
Hotel Redevelopment (Block 177 Lot 2.01)	100% affordable	70	TBD	ANR Study to be authorized.
Christian Health (formally St. Joseph Home for the Elderly)	Age-restricted, affordable	28	Rental	Final Site Plan approval granted.
Methodist Church (Block 106, Lots 18, 2, 2.01 and 17)	Family For Sale/Rental	6	TBD	Proposed Overland Zoning to be adopted.

AND the parties have executed a written Mediation Agreement memorializing the settlement terms and filed it with the court (attached at Exhibit A);

AND the Borough having represented it intends to adopt an Amended HEFSP in accordance with the terms of the settlement;

AND the Special Adjudicator having issued a written report concluding that the amended HEFSP and settlement terms comply with the FHA and Mount Laurel doctrine (attached hereto as Exhibit B);

AND the Program Member having determined that the terms of the settlement are fair, reasonable and adequately protects the interests of low and moderate-income residents of the Borough;

AND the Program Member having determined that the terms of the settlement are constitutionally compliant and provide a fair and reasonable opportunity for the Borough to meet its obligations under the FHA and Mount Laurel doctrine;

AND for all those reasons, as well as those set forth in the Statement of Reasons (attached hereto as Exhibit C), the Program Member hereby recommends an ORDER directing that:

(a) The settlement terms as set forth above are approved; and

(b) In accordance with N.J.S.A. §52:27D-304.1(f)(2)(c), on or before March 15, 2026, the Borough shall adopt and file its Amended HEFSP that

contains the terms of the settlement as well as the implementing ordinances and resolutions proposed within the Amended HEFSP; and

- (c) Thereafter, the Court shall schedule A HEFSP Confirmation Hearing (or, if and as may later be determined necessary by the Mt Laurel judge, a Fairness and Compliance Hearing) to consider approval of the Borough's Amended HEFSP and the issuance of a Certification of Compliance and Repose; and
- (d) Grant the Borough continued immunity from exclusionary zoning litigation for the duration of the compliance process conditioned upon the Borough's compliance with its order and good faith implementation of the Amended HEFSP and good faith participation in the compliance process.

**Respectfully Submitted by the Program:**

By:

*/s/ Stephan C. Hansbury*  
**Hon. Stephan C. Hansbury, J.S.C. (Ret.)**

Dated: January 26, 2026

MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE  
RESOLUTION PROGRAM

In the Matter of the Application of the Borough of Totowa, County of Passaic  
Docket No. PAS-L-396-25

**WHEREAS**, the Borough of Totowa (the “Borough” or “Totowa”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-391 et. Seq. (the “Fair Housing Act”) on December 18, 2025; and

**WHEREAS**, the Court entered an order on May 1, 2025 setting the Borough’s Fourth Round fair share obligations as a Present Need of 211 units and a Prospective Need of 390 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

**WHEREAS**, the Borough having filed its HEFSP on June 20, 2025 (“Adopted HEFSP”); and

**WHEREAS**, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s HEFSP on September 2, 2025; and

**WHEREAS**, the Borough and FSHC have agreed to amicably resolve the issues set forth in the challenge through this mediation agreement and present this agreement for review by the Program and referral to the Mount Laurel judge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, which if approved will result in a compliance certification for the Borough for the Fourth Round;

**THEREFORE**, the Borough and FSHC agree:

**Fair Share Obligations**

1. The Borough’s Fourth Round Present Need or Rehabilitation Obligation is 211, pursuant to the Borough’s Structural Condition Survey prepared by the Borough Construction Official in October 2024 however, only thirteen (13) dwelling units were identified as meeting the statutory criteria for substandard housing eligible for rehabilitation.
2. The Borough’s Prior Round Obligation (1987-1999) is 215; the Borough’s Third Round Obligation (1999-2025) is 454, and the Borough’s Fourth Round Prospective Need (2025-2035) is 390.

**Satisfaction of Fair Share Obligations**

3. The Borough will address its Present Need via the Borough’s Home Improvement Program and commit to-be-determined funds from the Borough’s Affordable Housing Trust Fund to

rehabilitate deficient units occupied by low- and moderate- income households, administered by CGP&H.

4. The Borough's Prior Round Obligation is 215 and the parties agreed that the Borough is entitled to a vacant land adjustment as set forth in the Borough's 2018 HEFSP, generating an RDP of 50. The RDP was met with the following mechanisms:

<b>Totowa Prior Round Projects Status (RDP)</b>					
<b>Project Name</b>	<b>Address</b>	<b>Block</b>	<b>Lot</b>	<b>Affordable Unit Count</b>	<b>Status</b>
Devereux	169A Minnisink Road	N/A	N/A	5	Sold
Devereux	169B Minnisink Road	N/A	N/A	4 (+4 Bonus) = 8	Sold
Devereux	653 Totowa Road	N/A	N/A	4 (+4 Bonus) = 8	Sold
Jawonio	429 South Riverview Drive	133	12.02	5 (+5 Bonus) = 10	Active Group Home
St Joseph Home for the Elderly*	140 Shepherds Lane	12	2	12	Active Project
Sunset Ridge	617 Preakness Avenue	Various	Various	7	Completed
<b>Total Units</b>				<b>50</b>	
<b>*Notes</b>	St. Joseph's Home for the Elderly was recently sold to Christian Health which committed to maintaining all of the existing affordable units and providing additional affordable units that will be included as part of the 4th Round.				

As identified in the preceding chart, the three Devereux Homes projects were group homes located on State-owned property and operated pursuant to a contractual arrangement with Devereux Homes. The State has since elected to terminate said contract and discontinue the use of these facilities as group homes. Accordingly, the removal of these projects results in a deficit of twenty-one (21) credits in the Prior Round Realistic Development Potential. The parties therefore agree that the Borough shall utilize twenty-one (21) available credits from the Christian Health Project, which is presently under construction, to replace the twenty-one (21) credits no longer available from the former State-owned group home sites.

5. The Borough's Third Round Obligation is 454 units and the parties agreed that the Borough is entitled to a vacant land adjustment as set forth in the Borough adopted HEFSP, generating an RDP of 22. The RDP shall be met by the following mechanisms:

<b>Totowa 3rd Round Projects Status (RDP)</b>					
<b>MECHANISM</b>	<b>TYPE</b>	<b>UNITS</b>	<b>BONUS</b>	<b>TENURES</b>	<b>STATUS</b>
CAIL	Alternative Living	4	4	Rental	Active Project
95 Shepherds Lane	Inclusionary	4	0	Rental	Active Project
R-AH District	Inclusionary	3	0	Rental	Adopted
St Joseph Home for the Elderly*	Senior Housing	5	1	Rental	Active Project
Sunset Ridge	Inclusionary	1	0	Family	Completed
<b>TOTALS</b>		<b>17</b>	<b>5</b>	<b>22</b>	
Notes	* St. Joseph's Home for the Elderly was recently sold to Christian Health which committed to maintaining all of the existing affordable units and providing additional affordable units that will be included as part of the 4th Round.				

6. The Third Round Housing Plan combined the Third Round and Prior Round Unmet Need obligations. Accordingly, the projects identified in the preceding chart were included as part of the Borough's adopted 2018 Third Round Housing Element and Fair Share Plan under the combined Third and Prior Round Unmet Need.

<b>Totowa Third and all Prior Round Projects Combined (Unmet Need)</b>					
<b>Project Name</b>	<b>Address</b>	<b>Block</b>	<b>Lot</b>	<b>Affordable Unit Count</b>	<b>Status</b>
St. Joseph Home for the Elderly*	140 Shepherds Lane	12	2	36	Active Project
St. Joseph Home for the Elderly*	140 Shepherds Lane	12	2	31	Active Project
GOM Real Estate Investment, LLC**	95 Shepherds Lane	11	9.01	6	Active Project

R-AH District	Gordon Drive	179	4	8	Ordinance Adopted and Project is for Sale
R-AH District	Riverview Drive	133	10 & 11	10	Project under DEP Review
R-AH District	Forest Avenue	Various	Various	22	Ordinance Adopted
Forman Mills	670 Union Boulevard	176	2	13	Ordinance Adopted
N/A	50 & 80 Bomont Place	133	2 & 2.01	15	Ordinance Adopted
Union Boulevard Conditional Use	Various	Various	Various	TBD	Ordinance Adopted
<b>Total Units</b>				<b>141</b>	
Notes	* St. Joseph's Home for the Elderly was recently sold to Christian Health which committed to maintaining all of the existing affordable units and providing additional affordable units that will be included as part of the 4th Round.				
	** GOM Real Estate Investment, LLC is now known as Shepherds Lane Commons, LLC.				

During the intervening years, one property (Block 9, Lot 4) located within the R-AH District that was anticipated to yield three (3) affordable housing units has been determined to be undevelopable due to the unavailability of sanitary sewer service, as documented in the letter prepared by Marc Walker, P.E., dated July 5, 2023, which shall be included in an appendix to the Borough's revised HEFSP.

The parties nevertheless agree that four (4) credits generated by the existing group home located at 20 Maple Lane shall be applied toward the Borough's Third Round and Prior Round Unmet Need obligation. The Borough further agrees to provide a copy of the recorded deed restriction for the 20 Maple Lane property to document the continued affordability controls applicable to this unit.

7. The Borough's Fourth Round Prospective Need Obligation is 390. The parties agree that the Borough is entitled to a vacant land adjustment as set forth in the Borough's amended HEFSP, generating an RDP of 25. The RDP shall be met with the following mechanisms:

Totowa Fourth Round Projects (RDP)					
MECHANISM	TYPE	UNITS	BONUS	TENURES	STATUS

78 Highview Avenue	Low/Moderate Housing	1	1	For Sale-Veterans	Program to be administered by NJSOS Veterans Stakeholders Group.
63 Rosengren Avenue	Low/Moderate Housing	1	1	For Sale-Veterans	Program to be administered by NJSOS Veterans Stakeholders Group.
55 Mitchell Avenue	Low/Moderate Housing	1	1	For Sale-Veterans	Program to be administered by NJSOS Veterans Stakeholders Group.
Three Crowns	Inclusionary	20	0	Family Rental	Final Site Plan approval granted
TOTALS		23	3	26	

#### 6. Details of RDP sites.

- a. The Borough shall abide by the timeline provided in the Borough of Totowa Family Veteran Housing memorandum, to be incorporated into the Borough's amended HEFSP, and provide copies of deed restrictions for the veteran's homes once the lottery has been concluded.
- b. For the Otillo / Three Crowns site, the parties acknowledge that the developer has obtained final site plan approval, has been granted three extensions of time, and is construction ready. Notwithstanding the foregoing, the Borough of Totowa agrees that, in the event construction permits are not issued for this project, the Borough shall propose a replacement project for the twenty (20) affordable housing credits and the Borough shall either work to attract an alternate developer for the current site or identify an alternative site will generate the twenty (20) affordable housing credits, and the Borough agrees to amend its adopted Housing Element and Fair Share Plan as necessary to facilitate the alternative project.

- c. The remaining Fourth Round Unmet Need shall be addressed by the following mechanisms:

<i>Totowa Fourth Round Projects (Unmet Need)</i>				
<b>MECHANISM</b>	<b>TYPE</b>	<b>UNITS</b>	<b>TENURES</b>	<b>STATUS</b>
Hotel Redevelopment (Block 177 Lot 2.01)	100% affordable	70	TBD	ANR Study to be authorized.
Christian Health (formally St. Joseph Home for the Elderly)	Age- restricted, affordable	28	Rental	Final Site Plan approval granted.
Methodist Church (Block 106, Lots 18, 2, 2.01 and 17)	Family For Sale/Rental	6	TBD	Proposed Overlay Zoning to be adopted.

#### 7. Details of unmet need sites:

- a. Hotel Redevelopment. Block 177, Lot 2.01 is presently improved with an aging hotel and covered parking that exhibits long-standing physical deterioration and deferred maintenance. The Borough agrees to undertake a redevelopment study to designate Block: 177, Lots: 2.01 as a 100% affordable housing project. This project will generate at a minimum 70 units that can be built into the required mix of one-, two-, and three-bedroom units as required under the recently adopted UHAC regulations. The parties agree that these 70 units will be credited to the Borough's Fourth Round Unmet Need and any additional units created will be credited toward future Rounds. The Borough agrees to authorize a Redevelopment Study by February 28, 2026.
- b. Christian Health. The parties acknowledge that the St. Joseph home for the Elderly site previously contained eighty-four (84) units, which were credited toward the Borough's Mount Laurel obligation as a Class C boarding facility during the Prior and Third Round periods. The site had been vacant for a period of three (3) years at the time of execution of this Agreement. In October 2025, site plan approval was granted for an expansion of the facility to include an additional fifty-two (52) age-restricted affordable housing units. Upon completion, a total of one hundred thirty-six (136) units at the site shall be deed-restricted as affordable housing, with fifty-two (52) units eligible for credit toward the Borough's unmet need. Of these fifty-two (52) units, the parties agree that twenty-eight (28) units shall be credited toward the Borough's Fourth Round obligation, consistent with the senior housing cap, representing thirty percent (30%) of the ninety-three (93) total units to be created. The Borough shall be entitled to credit the remaining twenty-four (24) units, of which twenty-one (21) units shall be applied to the Prior Round Rehabilitation Share Plan, and three (3) units shall be credited in a future Mount Laurel round.
- c. Methodist Church property. The Borough shall follow the timeline set forth in the HEFSP and shall adopt ordinances for the proposed overlay zoning on or before March 30, 2026. All units to be created shall abide by the terms of this agreement. Any units produced beyond the six (6) units will be credited to a future Round.

### Unit Type and Income Distribution Requirements

1. The Borough and FSHC agree that the Borough's HEFSP as presented above satisfies the following standards set forth in P.L. 2024, c. 2, including but not limited to, with respect to the following, and that the Borough shall maintain satisfaction with such requirements for the Fourth Round:
  - a. Age Restricted Cap. The Borough agrees that it shall not exceed the age-restricted cap found in N.J.S.A. 52:27D-311(l), which requires age-restricted units to be capped at 30 percent of the overall Fourth Round affordable housing units that address the Fourth Round Prospective Need obligation exclusive of any bonus credits.
  - b. Family units. Pursuant to N.J.S.A. 52:27D-211(l), the Borough shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits created to address its Fourth Round Prospective Need affordable housing obligation through the creation of housing available to families with children and otherwise in compliance with the requirements and controls established pursuant to Section 21 of P.L.1985, c.222 (C.52:27D-321).
  - c. Rental and family rental units. Pursuant to N.J.S.A. 52:27D-311(l), at least 25 percent of the actual affordable housing units, exclusive of any bonus credits, created to address its Prospective Need affordable housing obligation shall be addressed through rental housing, including at least half as available to families with children.
  - d. Very low-income units. Pursuant to N.J.S.A. 52:27D-329.1, 13 percent of all affordable units referenced in this Agreement addressing the Borough's Prospective Need obligation shall be very low-income units for households earning 30 percent or less of the regional median income, with half of the very low-income units being available to families.
  - e. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311(a) and (b), and all other applicable law.
  - f. All Prior Round and Third Round compliance shall continue to meet with the applicable percentages and standards for bonuses, family and senior housing, rental and family rental, very low-income units, and adaptability set forth in any prior settlement agreement between FSHC and the Borough, statutory requirements, and the Prior Round and Third Round regulations.
2. In all developments that produce affordable housing, the Borough and FSHC agree that, unless varied by a prior court order of the trial court, the below terms shall apply:
  - a. All of the affordable units shall fully comply with the most current Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not limited to the required bedroom and income distribution, length of affordability controls, and phasing of affordable units.
  - b. The applicability of the updated form of UHAC versus the prior form of UHAC shall be as set forth in the statute and most current form of UHAC adopted by HMFA. Any terms of a prior agreement, judgment, or grant of substantive certification as to prior round of obligations modifying UHAC as to affordability

controls longer than the now current regulations or as to very low-income units shall remain in effect as to those prior rounds of obligations.

- c. The Borough agrees that in order to meet the low-income and very low-income requirement of the Fair Housing Act, it shall adopt an ordinance requiring for all affordable housing developments in its HEFSP that 50 percent of the affordable units within each bedroom distribution shall be required to be for low-income households earning 50 percent or less of the regional median income, including 13 percent of the affordable units within each bedroom distribution shall be required to be for very low-income households earning 30 percent or less of the regional median income.
- d. The Borough agrees to review its Affordable Housing Ordinance and other ordinances to ensure that it complies with the most up to date requirements of UHAC and revise those ordinances accordingly as part of its Fourth Round HEFSP and implementing ordinances.
- e. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law. The affirmative marketing plan shall include the following community and regional organizations: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, County NAACP, Newark, NAACP, East Orange NAACP, Housing Partnership for Sussex County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association.

### **Process for Approval and Implementation**

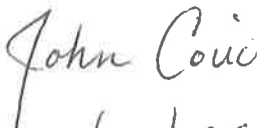
3. Pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, the municipality and FSHC recognize that the Program and/or county level housing judge must still review this agreement and the resulting HEFSP and implementing ordinances and resolutions for compliance with the Fair Housing Act prior to issuing a compliance certification, as follows:
  - a. The Borough and FSHC shall present this mediation agreement to the Program member for review upon full execution by both parties.
  - b. The Program Member shall review the agreement and if satisfied with compliance with the Fair Housing Act shall refer this matter to the Mount Laurel judge for review and entry of certification of compliance, conditioned on adoption of all implementing ordinances and resolutions.
  - c. The Borough shall adopt all implementing ordinances and resolutions no later than March 15, 2026, including but not limited to the outstanding items identified in the next paragraph. No later than 48 hours after adoption or March 15, 2026, whichever is sooner, the Borough shall file the information required by Paragraph 4 and any other adopted ordinances and resolutions on eCourts.
  - d. No later than April 15, 2026, the Borough and FSHC shall provide via filing on eCourts a form of consent order granting final compliance certification for the

Court's review or identify any remaining issues of compliance that may be disputed at which point the court shall schedule a conference to review any such areas.

- e. Both parties agree to implement the terms of this Agreement. If the Program, county level housing judge, or any appellate court rejects this Agreement, the parties reserve their right to rescind any action taken in anticipation of the Program's approval and return to status quo ante. All parties shall have an obligation to fulfill the intent and purpose of this Agreement, unless to do so would be inconsistent with the final, unappealable adjudication of any Program or court ruling or judgment. The terms of this agreement may be enforced through an enforcement motion in this declaratory judgment or a separate action before the Program or the Superior Court, Law Division.
4. The Borough and FSHC agree that following conditions remain to be met prior to March 15, 2026 as conditions of compliance certification, and that the municipality shall provide these documents to FSHC in draft form for comment by February 1, 2026:
    - a. The Borough will adopt a Fourth Round Spending Plan in accordance with P.L. 2024, c. 2 and the regulations at N.J.A.C. 5:99.
    - b. The Borough will update and adopt its affordable housing ordinance, development fee ordinance, affirmative marketing plan, and other administrative documents in accordance with the regulations at N.J.A.C. 5:80-26.1, et seq., and N.J.A.C. before March 15, 2026.
  5. The Borough and FSHC recognize that substantial changes in circumstances affecting the Borough's RDP are possible pursuant to the holding in Fair Share Housing Center v. Cherry Hill, 173 N.J. 393, (2002) and related law. In the event such a substantial changed circumstance occurs, the Borough shall have one hundred twenty (120) days to present to the trial court and FSHC a plan to address such change in circumstances on notice and opportunity to be heard from FSHC. The Borough agrees that any additional RDP generated due to changed circumstances must be addressed in a manner that is consistent with controlling law.
  6. The Borough's Compliance Certification shall be subject to required ongoing monitoring as follows:
    - a. The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees, along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1<sup>st</sup> to December 31<sup>st</sup>.
    - b. The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.

- c. For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the Borough or other interested party may file an action through the Program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site as set forth in the adopted HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.
7. This Agreement may be executed in counterparts, all of which together shall constitute the same agreement, and any exhibits or schedules attached hereto shall be hereby made a part of this Agreement. This Agreement shall not be modified, amended or altered in any way except by a writing signed by each of the parties. Each party acknowledges that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each signatory is the proper person and possesses the authority to sign the Agreement, and that this Agreement was not drafted by any one of the parties, but was drafted, negotiated and reviewed by all parties, therefore, the presumption of resolving ambiguities against the drafter shall not apply. 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. No member, official or employee of the municipality 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.

On behalf of the Borough of Totowa:



Date:

1/13/26

On behalf of Fair Share Housing Center:



Date:

1/8/26

COFONE CONSULTING GROUP  
LAND USE CONSULTANTS

*Via eCourts and Electronic Mail*

**Hon. Stephan Hansbury, J.S.C.**  
**Affordable Housing Dispute Resolution Program**

Richard J. Hughes Justice Complex  
P.O. Box 037  
Trenton, New Jersey 08625

*Re: In the Matter of the Application of the Borough of Totowa, County of Passaic*  
*Docket No. PAS-L-396-25*

Your Honor:

I submit this correspondence in my capacity as Special Adjudicator for purposes of advising the Court with respect to the Mediation Agreement executed between the Borough of Totowa (“Borough”) and Fair Share Housing Center (“FSHC”) under the Affordable Housing Dispute Resolution Program.

I have reviewed the fully executed Mediation Agreement dated December 2025, including its factual recitals, the establishment of the Borough’s Fourth Round affordable housing obligations, the mechanisms proposed to address those obligations, and the procedural, implementation, and monitoring provisions governing compliance. Based upon that review, it is my professional opinion that the Agreement represents a reasoned, comprehensive, and enforceable resolution of the issues raised in the challenge to the Borough’s Housing Element and Fair Share Plan, and is appropriate for judicial approval, subject to satisfaction of the stated conditions of compliance certification.

The Agreement reflects that the Borough properly petitioned for participation in the Program and that the Court previously established the Borough’s Fourth Round obligations as a Present Need of two hundred eleven (211) units and a Prospective Need of three hundred ninety (390) units, with no appeal taken from that determination. The record further reflects the Borough’s timely adoption and filing of its Housing Element and Fair Share Plan, followed by a statutory challenge and subsequent mediation culminating in the Agreement now before the Court.

Substantively, the Agreement provides a detailed and structured framework for compliance, including:

- Identification and treatment of the Borough's Present Need rehabilitation obligation, to be addressed through an established home improvement program funded through the municipal affordable housing trust fund.
- Comprehensive accounting of the Borough's Prior Round and Third Round obligations, including the use of previously approved mechanisms, replacement of credits rendered unavailable by changed circumstances, and documentation of remaining unmet need.
- Establishment of the Borough's Fourth Round compliance strategy, including the Realistic Development Potential, identification of RDP sites, and ordinance-based and redevelopment mechanisms to address the balance of the Fourth Round obligation.
- Clear delineation of unit type, tenure, income distribution, family housing, rental housing, age-restricted housing caps, and very-low-income requirements consistent with the Fair Housing Act and the Uniform Housing Affordability Controls.

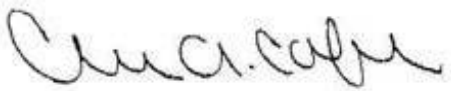
The Agreement further includes procedural safeguards and implementation measures that support enforceability and transparency, including:

- Submission of the Agreement to the Program for review and referral to the Court for compliance certification.
- Firm deadlines for adoption of implementing ordinances, resolutions, and administrative documents, together with interim draft review provisions.
- Ongoing monitoring, reporting, and trust fund disclosure requirements through State-designated systems.
- A midpoint realistic opportunity review process consistent with controlling statutory and case law.

In my professional judgment, the Agreement is internally consistent, sufficiently specific, and aligned with the Fair Housing Act, applicable regulations, and governing precedent. If implemented in accordance with its terms, it provides a viable and legally sound pathway for the Borough of Totowa to achieve and maintain Fourth Round compliance certification.

Accordingly, I respectfully recommend that the Court approve the Mediation Agreement, conditioned upon satisfaction of its stated conditions and implementation requirements, and permit the matter to proceed through the Program's certification process.

Respectfully submitted,



Christine A. Nazzaro-Cofone, AICP, PP  
Special Adjudicator

**PREPARED BY THE AFFORDABLE HOUSING PROGRAM:**

In the Matter of the Borough of Totowa	Superior Court of New Jersey Law Division, Civil Part  Docket No. PAS-L-396-25  <b>STATEMENT OF REASONS</b>
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**Statement of Reasons**

New Jersey’s Fair Housing Act (FHA) was amended, in part, due to a recognition of the need to “establish definitive deadlines for municipal action and any challenges to those actions” to ensure timely municipal compliance with their constitutional and statutory housing obligations. See N.J.S.A. §52:27D-302 (m).

The FHA set forth a streamlined procedure whereby municipalities can secure a compliance certification. That process states that after adoption and filing of a municipality’s housing element and fair share plan (HEFSP), an interested party may file a response, or challenge, alleging with specificity that the municipality’s HEFSP is not in compliance with the FHA or the Mount Laurel doctrine. N.J.S.A. §52:27D-304.1(f)(2)(b).

The FHA declared that the State’s “preference for the resolution of existing and future disputes involving exclusionary zoning is the mediation and review process set forth in this act and not litigation, and that it is the intention of this act to

provide various alternatives to the use of the builder's remedy as a method of achieving fair share housing.” N.J.S.A. §52:27D-303. To that end, the FHA directed the Program to facilitate settlement between a municipality and any interested parties that filed a challenge to the municipality’s HEFSP and give the municipality until December 31, 2025, to commit to revise its HEFSP or provide an explanation for why it will not make all or some of the requested changes. N.J.S.A. §52:27D-304.1(f)(2)(b). If a settlement cannot be reached, to resolve a challenge, the Program is to apply an objective assessment standard to determine whether the municipality’s HEFSP complies with the FHA and Mount Laurel doctrine. Ibid. Upon resolution of a challenge, the Program shall issue a compliance certification conditioned upon the municipality’s “commitment, as necessary, to revise its fair share plan and housing element in accordance with the resolution of the challenge.” Ibid. The Program may also terminate immunity if it finds that the municipality is not in constitutional compliance at any point in the process. Ibid.

Despite the Legislature’s preference for settlement, it is still incumbent upon the Program to determine whether the municipality’s proposed amended HEFSP enables the municipality to satisfy its fair share obligation and is compliant with the FHA and the Mount Laurel doctrine. See N.J.S.A. §52:27D-304.1(f)(2)(b). The Program is mindful of the fact that the municipality is permitted to use a variety of means and techniques to provide for its fair share of affordable housing as set forth

in N.J.S.A. §52:27D-311 and that courts should employ flexibility in assessing a municipality's HEFSP for compliance with the FHA and Mount Laurel doctrine. In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 29-33 (2015).

Having reviewed all the submissions of the parties (including the original HEFSP and the proposed Amended HEFSP), the written recommendation of the Special Adjudicator and having presided over the settlement conferences, this Program member is satisfied that the Borough's proposed Amended HEFSP provides a realistic opportunity for the construction of its fair share of low and moderate income housing and thus is compliant with the FHA and in accordance with S. Burlington Cnty. NAACP v. Mount Laurel, 92 N.J. 158, 220-22 (1983). This Program member is also satisfied that the terms of the settlement between the Borough and interested party Fair Share Housing Center are fair, reasonable and adequately protect the interests of low and moderate-income residents of the municipality. Matter of Twp. Of Bordentown, 471 N.J. Super. 196, 218 (App. Div. 2022).

**Respectfully Submitted by the Program:**

By:

/s/ *Stephan C. Hansbury*

**Hon. Stephan C. Hansbury, J.S.C. (Ret.)**

Dated: January 26, 2026

**EXHIBIT P-3**

**BOROUGH OF TOTOWA**

**ORDINANCE NO. 03-2026**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA,  
CHAPTER 415 ENTITLED “ZONING AND LAND USE”, TO CREATE NEW  
ARTICLES TO BE KNOWN AS INCLUSIONARY HOUSING DISTRICT;  
100 PERCENT HOUSING DISTRICT AND  
ADULT HOUSING DISTRICT**

**WHEREAS**, the Constitution of the State of New Jersey and the decisions of the New Jersey Supreme Court, including *Southern Burlington County N.A.A.C.P. v. Mount Laurel Township*, establish the affirmative obligation of every municipality in the State to provide a realistic opportunity for the development of its fair share of the region’s present and prospective need for low- and moderate-income housing; and

**WHEREAS**, the Fair Housing Act of 1985 (N.J.S.A. 52:27D-301 et seq.), as amended in 2024,

**WHEREAS**, the Borough has reaffirmed the validity of its existing zoning mechanisms and land use policies that continue to offer realistic opportunities for affordable housing, and recognizes the need to supplement those existing tools with new districts targeted to address the Borough’s Fourth Round obligation; and

**WHEREAS**, to implement the strategies contained within the 2025 HEFSP and provide for the Borough’s Fourth Round fair share obligation, three new affordable housing zoning districts are hereby established, to be known as:

- **R-AH-3: Adult Housing District**
- **R-AH-4A: Inclusionary Affordable Housing District**, and
- **R-AH-4B: 100 Percent Affordable Housing District**; and

**WHEREAS**, the purpose of these districts is to permit and facilitate the construction of affordable housing in accordance with the Uniform Housing Affordability Controls (UHAC, N.J.A.C. 5:80-26.1 et seq.), the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21), and applicable municipal design and development guidelines that ensure high-quality, context-sensitive, and accessible housing opportunities for low- and moderate-income households; and

**WHEREAS**, the Borough of Totowa finds and declares that these amendments to the zoning code are necessary and appropriate to advance its constitutional and statutory obligations, to implement its adopted HEFSP, and to protect the public health, safety, and general welfare;

**NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Totowa, County of Passaic and State of New Jersey as follows:**

the Borough Code is hereby amended to establish the R-AH-3, R-AH-4A and R-AH-4B Affordable Housing Districts, including zoning map amendments, permitted uses, bulk standards, and applicable development regulations to support implementation of the 2025 Housing Element and Fair Share Plan as follows:

1. Section 415-130.1. B Monitoring shall be amended as follows
  - A. On or before February 1<sup>st</sup> of each year, the Borough of Totowa will provide annual reports of the status of all affordable housing activity within the municipality and the Affordable Housing Trust Fund accounting though posting on the Borough's website and on the DCA website.
  - B. Midpoint Review – At the midpoint of the Borough's current affordable housing compliance period—or as otherwise specified in the Judgment of Compliance and Repose—the Borough shall prepare a Midpoint Realistic Opportunity Review. This Review shall evaluate unfulfilled affordable housing sites or mechanisms, rehabilitation progress, and unmet needs to determine whether they continue to present realistic opportunities. The Borough shall post the Review on the municipal website and submit a copy to the DCA, in a format prescribed by law.
2. Section 415-130.1.C is amended as follows:” “COAH – The Council on Affordable Housing, established by the New Jersey Fair Housing Act (NJSA 52:27D-301 et seq) abolished by pursuant to the amended New Jersey Fair Housing Act (NJSA 52:27D-304.1).

3. Section 415-130.1(E.) (4.) Rehabilitation is amended to read as follows:

The Borough of Totowa shall dedicate a minimum of \$10,000 and a maximum of \$35,000 for each unit to be rehabilitated through this program.

4. Section 415-130.1(G) Inclusionary Zone is amended to read as follows:

To implement the Fair Share Plan in a manner consistent with the terms of the settlement agreement executed on April 24, 2018 associated with the third round affordable housing obligation and a subsequent agreement executed on (TBD) associated with the fourth round affordable obligation, and to ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, The Borough of Totowa has created several inclusionary housing zones. The inclusionary housing zones identified on the Borough's Zoning Map, adopted on February 26, 2019 are R-AH and R-AH-2. An additional inclusionary housing zone is established to create additional opportunities for the construction of affordable housing as detailed in the Housing Plan Element and Fair Share Plan, dated June 1, 2025. The new inclusionary zones

identified as R-AH-3, R-AH-4A and R-AH4B on the amended Zoning Map dated (part of this ordinance).

5. New Article shall hereinafter be designated and known as R-AH-4A Affordable Housing District -3

A. Purpose. The purpose is to establish an inclusionary affordable housing zone to allow for the coordinated development and construction of multifamily rental housing that includes affordable housing as defined by the Fair Housing Act. The properties in this Zone include:

- Block 106 Lots 2, 2.01, 17 and 18,

6. Permitted uses.

A. Rental residential development. An inclusionary housing development at a maximum density of 35 units per acre with a minimum of 20% affordable housing set aside.

7. Accessory uses.

Accessory permitted uses shall be as follows

- A. Signs.
- B. Off street parking for private vehicles.
- C. Garages under or incorporated into the building design.
- D. Utilities and essential services.
- E. Typical and customary accessory uses.

8. Area, bulk, yard requirement.

Area, bulk, and yard requirements shall be as follows:

<b>Standard</b>	<b>Minimum Requirement</b>
Tract Size	1 Acre
Coverage	75%
Impervious Surface	90%
Height	3 stories/45 feet
Front Yard Setback	Prevailing setbacks of adjacent properties but not less than 5 feet.
Principal Building Side Yard Setbacks	5 feet.
Accessory structures	5 ft from any lot line.
Parking lot setbacks	5 ft. from any lot line.

## 9. Parking and Circulation.

### A. Applicability

- i. Off-street parking and loading shall be provided for all new development, redevelopment, and site plan applications in accordance with the standards set forth herein.
- ii. Where standards of the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21, are applicable, those standards shall govern. In the event of a conflict between RSIS and this Section, RSIS shall prevail.

### B. Parking Space Dimensions

- i. Standard off-street parking spaces shall measure not less than nine (9) feet in width by eighteen (18) feet in length.
- ii. Parallel parking spaces shall measure nine (9) feet in width by twenty-four (24) feet in length.
- iii. Compact parking spaces may be permitted only where expressly authorized by the Planning Board and shall measure eight (8) feet in width by sixteen (16) feet in length.
- iv. A Maximum of one loading and unloading area shall be provided.
  1. The loading space shall be a minimum of 12 ft wide by 35 feet long.
  2. The loading space shall be located adjacent to any service entrance and service elevator, not the main lobby area.

### C. Accessible Parking

- i. All accessible parking spaces shall be provided in compliance with the Americans with Disabilities Act (ADA) and the New Jersey Barrier Free Subcode (N.J.A.C. 5:23-7).
- ii. Required accessible spaces shall be located closest to accessible building entrances and connected by accessible routes.

### D. Drive Aisles and Circulation

- i. Two-way drive aisles shall be a minimum of 24 feet in width.
- ii. One-way drive aisles shall be a minimum of 18 feet in width.
- iii. There shall be no more than one access point per street frontage.

### E. Surfacing, Striping, and Maintenance.

- i. All off-street parking and loading areas shall be paved with a durable, all-weather surface.
- ii. Parking spaces and circulation aisles shall be clearly striped and maintained for visibility.
- iii. All required parking and loading spaces shall be kept available for their intended purposes and shall not be used for the sale, lease, or storage of vehicles or materials.

## 10. Lighting Standards

- A. Low-pressure sodium or mercury vapor lighting is prohibited.
- B. Parking lot lighting shall be no more than 20 feet in height.
- C. A minimum average of 0.5 footcandles shall be maintained within the parking lot and over all pedestrian walkways.
- D. Parking lot fixtures shall be full cut off,
- E. Footcandles at the property line shall not exceed one footcandle, except where there are entrance/exit driveways.

## 11. Buffering

- A. All buildings and parking areas shall be buffered from adjoining residential uses or residential zoning districts by a minimum 15-foot-wide landscaped buffer. The buffer shall consist of a combination of evergreen trees, deciduous trees, and other plantings arranged in a manner that effectively softens and screens views from adjacent residential properties. This buffering requirement shall not apply where a building or parking area adjoins property containing mixed-use or commercial development.

## 12. Trash and recyclable materials.

- A. Collection - It shall be the responsibility of the property owner to provide for the collection and disposal of solid waste and recyclable materials at a minimum of once per week, or more frequently as may be necessary to prevent overflow and nuisance conditions.
- B. All solid waste and recycling containers shall be located a minimum of ten (10) feet from any adjoining property line and shall not be located within any required front yard or buffer area.
- C. Screening. All receptacles shall be screened from public view by an enclosure consisting of opaque fencing, walls, or landscaping not less than six (6) feet in height, or shall be located within the principal building in a designated refuse area. Enclosures shall include self-closing, lockable gates to prevent access by animals or unauthorized persons.
- D. Solid waste and recycling storage areas shall not encroach into any required landscaped buffer, yard setback, or circulation aisle.
- E. Construction Standards.
  - i. Enclosures shall be constructed of durable, weather-resistant materials such as masonry, heavy-duty fencing, or equivalent approved by the Planning Board.
  - ii. Enclosure design shall complement the principal building architecture to the greatest extent practicable.

- iii. The surface of receptacle areas shall be paved with concrete or other durable, nonporous material capable of supporting collection vehicles.

F. Maintenance.

- i. All trash and recycling areas shall be maintained in a clean, sanitary, and litter-free condition.
- ii. Containers shall be kept covered at all times, and no accumulation of trash or recyclables outside of receptacles shall be permitted.
- iii. Damaged enclosures or broken gates shall be repaired or replaced promptly.

G. Access.

- i. Trash and recycling storage areas shall be designed to allow safe and convenient access by collection vehicles, without obstructing fire lanes, drive aisles, or required parking spaces.
- ii. Turning movements for refuse vehicles shall be accommodated on site wherever practicable and backing onto a public street is discouraged unless no reasonable alternative exists.

13. Affordable Unit Bedroom Mix

The required bedroom mix and unit size of affordable units in this zone is as follows:

- A. 1 Bedroom Units = 17%: 650 sq. ft.
- B. 2 Bedroom Units = 50%: 850 sq. ft.
- C. 3 Bedroom Units = 33%: 1,100 sq. ft.

14. Reasonable Compliance with Site Plan Requirement & Design Standards

- A. All affordable housing developments shall comply with the applicable site plan requirement and design and performance standards set forth in the Borough's Land Development Code found in Chapter 415, specifically Articles VIII, IX, X, XII, XII, XIII, and including but not limited to site layout, architectural design, building materials, landscaping, lighting, signage, and stormwater management. The intent of this provision is to ensure that affordable housing developments are integrated into the community in a manner that is consistent with the quality, character, and functionality of other residential and mixed-use developments permitted in the same zoning district.
- B. Reasonable waivers or exceptions from specific design standards may be considered by the Planning Board or Board of Adjustment where strict compliance would impose undue hardship, is impractical, or would not further the purposes of the Municipal Land Use Law, provided that the proposed deviation does not result in a substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance.

15. New Article shall hereinafter be designated and known as R-AH-4B: 100 Percent Affordable Housing District.

16. Purpose.

The purpose is to establish a 100% affordable housing zone to allow for the coordinated development and construction of multifamily housing that provides affordable housing as defined by the Fair Housing Act. The properties in this Zone include:

- Block 177 Lot 2.01

17. Permitted uses.

A. Residential multifamily rental dwellings that shall provide 100% affordable housing development at a density of 22 units per acre.

18. Accessory uses.

- A. Signs.
- B. Off street parking for private vehicles.
- C. Garages under or incorporated into the building design.
- D. Utilities and essential services.
- E. Typical and customary accessory uses.

19. Area, bulk, yard requirement.

- A. Any residential multifamily rental dwelling providing 100% affordable housing on this site shall be constructed within the footprint and previously disturbed area of the existing hotel and banquet facility as such footprint exists on the effective date of this section, as shown on the most recent site plan or tax map on file with the Borough. Expansion beyond this footprint shall be prohibited, except for:
  - i. Architectural projections, porches, balconies, or similar features that do not result in additional land disturbance beyond the previously developed area; or
  - ii. Site improvements required to meet accessibility, fire safety, stormwater management, or utility service requirements, provided such improvements are designed to minimize disturbance of undeveloped land.

## B. Bulk Standards

Where the footprint restriction in Subsection A conflicts with the bulk and yard standards below, the footprint restriction shall control, except that:

<b>Standard</b>	<b>Requirement</b>
Minimum Lot Area	3 Acres
Minimum Lot Width	300 ft
Minimum Lot Depth	400 ft.
Minimum Principal Building Setback from US Rt 46	17 ft.
Minimum Principal Building Setback from Other Streets	141 ft.
Minimum Setback from Lot 2	0 ft.
Minimum Principal Building Setback from Other Adjacent Lots.	53 ft.
Maximum Density	22 units per acre
Maximum Building Height	5 stories/76 ft
Max. Floor Area Ratio (including subterranean parking levels)	1.2
Maximum Lot Coverage (principal + accessory structures)	70%
Parking Requirements	Per RSIS standards
Accessible Units	Minimum of 5% of units must be accessible, per NJ Barrier Free Subcode

## 20. Parking and Circulation

### A. Applicability

- i. Off-street parking and loading shall be provided for all new development, altered development, redevelopment, and site plan applications in accordance with the standards set forth herein.
- ii. Where standards of the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21, are applicable, those standards shall govern. In the event of a conflict between RSIS and this Section, RSIS shall prevail.

### B. Parking Space Dimensions

- i. Standard off-street parking spaces shall measure not less than nine (9) feet in width by eighteen (18) feet in length.
- ii. Parallel parking spaces shall measure nine (9) feet in width by twenty-four (24) feet in length.
- iii. Compact parking spaces may be permitted only where expressly authorized by the Planning Board and shall measure eight (8) feet in width by sixteen (16) feet in length.
- iv. A Maximum of one loading and unloading area shall be provided.
  1. The loading space shall be a minimum of 12 ft wide by 35 feet long.

2. The loading space shall be located adjacent to any service entrance and service elevator, not the main lobby area.

C. Accessible Parking

- i. All accessible parking spaces shall be provided in compliance with the Americans with Disabilities Act (ADA) and the New Jersey Barrier Free Subcode (N.J.A.C. 5:23-7).
- ii. Required accessible spaces shall be located closest to accessible building entrances and connected by accessible routes.

D. Drive Aisles and Circulation

- i. Two-way drive aisles shall be a minimum of 24 feet in width.
- ii. One-way drive aisles shall be a minimum of 18 feet in width.
- iii. There shall be no more than one access point per street frontage.

E. Surfacing, Striping, and Maintenance.

- i. All off-street parking and loading areas shall be paved with a durable, all-weather surface.
- ii. Parking spaces and circulation aisles shall be clearly striped and maintained for visibility.
- iii. All required parking and loading spaces shall be kept available for their intended purposes and shall not be used for the sale, lease, or storage of vehicles or materials.

21. Lighting Standards

- A. Low-pressure sodium or mercury vapor lighting is prohibited.
- B. Parking lot lighting shall be no more than 20 feet in height.
- C. A minimum average of 0.5 footcandles shall be maintained within the parking lot and over all pedestrian walkways.
- D. Parking lot fixtures shall be full cut off,
- E. Footcandles at the property line shall not exceed one footcandle, except where there are entrance/exit driveways.

22. Buffering

- A. All new buildings and new parking areas shall be buffered from adjoining residential uses or residential zoning districts by a minimum 15-foot-wide landscaped buffer. The buffer shall consist of a combination of evergreen trees, deciduous trees, and other plantings arranged in a manner that effectively softens and screens views from adjacent residential properties. This buffering requirement shall not apply where a building or parking area adjoins property containing mixed-use or commercial development.

23. Trash and recyclable materials.

- A. Collection - It shall be the responsibility of the property owner to provide for the collection and disposal of solid waste and recyclable materials at a minimum of once per week, or more frequently as may be necessary to prevent overflow and nuisance conditions.
- B. All solid waste and recycling containers shall be located a minimum of ten (10) feet from any adjoining property line and shall not be located within any required front yard or buffer area.
- C. Screening. All receptacles shall be screened from public view by an enclosure consisting of opaque fencing, walls, or landscaping not less than six (6) feet in height, or shall be located within the principal building in a designated refuse area. Enclosures shall include self-closing, lockable gates to prevent access by animals or unauthorized persons. An existing enclosure maybe used, if available.
- D. Solid waste and recycling storage areas shall not encroach into any required landscaped buffer, yard setback, or circulation aisle.
- E. Construction Standards.
  - i. Enclosures shall be constructed of durable, weather-resistant materials such as masonry, heavy-duty fencing, or equivalent approved by the Planning Board.
  - ii. Enclosure design shall complement the principal building architecture to the greatest extent practicable.
  - iii. The surface of receptacle areas shall be paved with concrete or other durable, nonporous material capable of supporting collection vehicles.
- F. Maintenance.
  - i. All trash and recycling areas shall be maintained in a clean, sanitary, and litter-free condition.
  - ii. Containers shall be kept covered at all times, and no accumulation of trash or recyclables outside of receptacles shall be permitted.
  - iii. Damaged enclosures or broken gates shall be repaired or replaced promptly.
- G. Access.
  - i. Trash and recycling storage areas shall be designed to allow safe and convenient access by collection vehicles, without obstructing fire lanes, drive aisles, or required parking spaces.
  - ii. Turning movements for refuse vehicles shall be accommodated on site wherever practicable and backing onto a public street is discouraged unless no reasonable alternative exists.

#### 24. Affordable Unit Bedroom Mix

The required bedroom mix and unit size of affordable units in this zone is as follows:

- A. 1 Bedroom Units = 17%: 650 sq. ft.
- B. 2 Bedroom Units = 50%: 850 sq. ft.
- C. 3 Bedroom Units = 33%: 1,100 sq. ft.

25. Reasonable Compliance with Site Plan Requirement & Design Standards

- A. All affordable housing developments shall comply with the applicable site plan requirement and design and performance standards set forth in the Borough's Land Development Code found in Chapter 415, specifically Articles VIII, IX, X, XII, XII, XIII, and including but not limited to site layout, architectural design, building materials, landscaping, lighting, signage, and stormwater management. The intent of this provision is to ensure that affordable housing developments are integrated into the community in a manner that is consistent with the quality, character, and functionality of other residential and mixed-use developments permitted in the same zoning district.
- B. Reasonable waivers or exceptions from specific design standards may be considered by the Planning Board or Board of Adjustment where strict compliance would impose undue hardship, is impractical, or would not further the purposes of the Municipal Land Use Law, provided that the proposed deviation does not result in a substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance.

26. New Article shall hereinafter be designated and known as "R-AH-3 AFFORDABLE HOUSING -3 DISTRICT".

27. Purpose.

The purpose is to establish an affordable housing zone for the existing Little Sisters of the Poor facility to permit the renovation and construction of a comprehensive, coordinated development of land for multi-family housing that would provide affordable housing that acts as an appropriate transition between single-family homes, industrial uses and a cemetery. The properties in this Zone shall include

Block 12, Lot 2

28. Permitted Uses.

- A. Within the R-AH-3 District:
  - (1) An inclusionary housing development at a maximum density of twenty-five (25) units per acre with a ninety percent (90%) affordable housing set-aside.

(2) Principal permitted uses. The principal permitted uses are multi-family dwellings.

B. Prohibited uses. Any use not listed as permitted is prohibited.

29. Accessory Uses.

Accessory permitted uses shall be as follows:

- A. Signs.
- B. Noncommercial swimming pools, tennis courts and other indoor or outdoor recreation facilities.
- C. Private garages and off-street parking for private vehicles.
- D. Garages under or incorporated into the building design.
- E. Dining venues.
- F. Assembly and common areas.
- G. Typical and customary accessory uses.

30. Area, Bulk and Yard Requirements.

A. Area, bulk and yard requirements shall be as follows:

<b>MINIMUMS</b>	<b>MULTI-FAMILY</b>
Tract Size	5 acres
Tract Frontage	200 feet
Tract Setback*	5 feet
Lot Size	
Lot Width	
Lot Depth	
Building Wall Front-to-Front Setback	75 feet
Building Wall Side-to-Side Setback	35 feet
Building Wall Rear-to-Rear Setback	50 feet
Building Wall Side-to-Rear or Side-to-Front Setback	40 Feet
<b>MAXIMUMS</b>	<b>MULTI-FAMILY</b>
Building Coverage	65%
Impervious Coverage	80%
Building Length	600 feet
Number of Units per Building	
Height in Feet	40 feet
Height in Stories	4

- B: Site Standards. Developments within the R-AH-3 District shall comply with the site standards in Section 415-138 through 415-144 subject to adapting and renovating existing structures previously utilized by Little Sisters of the Poor.

31. Reasonable Compliance with Site Plan Requirement & Design Standards

- A. All affordable housing developments shall comply with the applicable site plan requirement and design and performance standards set forth in the Borough's Land Development Code found in Chapter 415, specifically Articles VIII, IX, X, XII, XII, XIII, and including but not limited to site layout, architectural design, building materials, landscaping, lighting, signage, and stormwater management. The intent of this provision is to ensure that affordable housing developments are integrated into the community in a manner that is consistent with the quality, character, and functionality of other residential and mixed-use developments permitted in the same zoning district.
- B. Reasonable waivers or exceptions from specific design standards may be considered by the Planning Board or Board of Adjustment where strict compliance would impose undue hardship, is impractical, or would not further the purposes of the Municipal Land Use Law, provided that the proposed deviation does not result in a substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance.

  
\_\_\_\_\_  
JOHN COIRO  
MAYOR

  
\_\_\_\_\_  
JOSEPH WASSEL, RMC  
MUNICIPAL CLERK

Introduced: February 24, 2026  
Adopted: March 10, 2026

BOROUGH OF TOTOWA  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

RESOLUTION NO. 58-2026

RESOLUTION ADOPTING AN AFFORDABLE HOUSING SPENDING PLAN  
FOR THE BOROUGH OF TOTOWA

WHEREAS, in accordance with the Mount Laurel Doctrine every municipality has a constitutional obligation to create a realistic opportunity for producing a fair share of the regional present and prospective need for housing low and moderate income families; and

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

WHEREAS, the Amended FHA and Administrative Office of the Courts ("AOC") Directive 14-24 dated December 13, 2024 placed enormous demands on municipalities to meet new statutory deadlines including the adoption of their Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, the Mayor and Council of the Borough of Totowa, along with their professionals, have been working diligently throughout the process to meet each milestone and ensure compliance with the new law; and

WHEREAS, on January 28, 2025, the Mayor and Council of the Borough of Totowa adopted Resolution No. 28-2025 which established the Borough of Totowa's Fourth Round Present Need and Prospective Need pursuant to the Amended FHA; and

WHEREAS, on January 30, 2025, the Borough of Totowa submitted a Declaratory Judgment Action to the New Jersey Superior Court, Passaic Vicinage captioned In the Matter of the Borough of Totowa bearing Docket No. PAS-000396-25; and

WHEREAS, on February 27, 2025, the New Jersey Builder's Association filed a Challenge to the Borough of Totowa's Fourth Round Housing Cycle Calculations; and

WHEREAS, on February 28, 2025, the Fair Share Housing Center ("FSHC") filed a challenge to the Borough of Totowa's Fourth Round Housing Cycle calculations; and

WHEREAS, the Mayor and Council of the Borough of Totowa determined that it was in the best interest of the Borough of Totowa to participate in mediation through the Affordable Housing Dispute Resolution Program to resolve outstanding matters with both parties; and

WHEREAS, the Borough of Totowa was involved in substantial negotiations with FSHC and entered into a Settlement Agreement fixing the present need and prospective need obligations of the Borough of Totowa that was deemed fair and equitable while also in the best interests of the protected class of low and moderate households within the municipality; and

WHEREAS, the New Jersey Builder's Association did not object to the terms of the Settlement Agreement; and

WHEREAS, on May 1, 2025, the designated Mt. Laurel Judge – Passaic Vicinage, the Honorable Darren Del Sardo, P.J. Cv., entered an Order fixing the Borough of Totowa's Present Need at 211 affordable units and the Borough of Totowa's Prospective Need at 390 affordable units for the Fourth Round Housing Cycle; and

WHEREAS, on June 19, 2025, the Borough of Totowa Planning Board adopted the Borough of Totowa's Housing Element and Fair Share Plan ("HEFSP"); and

WHEREAS, on September 2, 2025, FSHC submitted a challenge to the Borough of Totowa's HEFSP; and

WHEREAS, the Mayor and Council of the Borough of Totowa again decided to participate in mediation through the Program to resolve outstanding matters with FSHC; and

WHEREAS, the Borough of Totowa was involved in negotiations with FSHC in order to ensure compliance with the new Fourth Round statutory requirements and still provide for realistic development of affordable housing units within the Borough of Totowa borders; and

WHEREAS, the negotiations resulted in a Settlement Agreement between the Borough of Totowa and FSHC that was reached on or about December 18, 2025; and

WHEREAS, as a result of the negotiations and Settlement agreement, the Borough of Totowa has amended it's HEFSP; and

WHEREAS, on February 12, 2026, Judge Del Sardo entered an Order approving the Settlement Agreement and the Borough of Totowa's Amended HEFSP; and

WHEREAS, the Order also directed the Borough of Totowa to proceed with the adoption of the required implementing Ordinances and resolutions to ensure compliance with the Fourth Round Housing Cycle; and

WHEREAS, the amended HEFSP includes a Fourth Round Spending Component which projects anticipated revenue to the Borough of Totowa's Affordable Housing Trust Fund and sets forth estimated expenditures of funds to address the Borough of Totowa's fair share obligation as set forth in the Fair Share Plan; and

WHEREAS, the Borough of Totowa retained InSite Engineering, LLC to prepare a Fourth Round Housing Cycle Spending Plan; and


WHEREAS, the Borough of Totowa Planning Board will hold a public hearing and vote on adoption of the amended HEFSP addressing the Borough of Totowa's prior Third Round obligation, Fourth Round obligation, Fourth Round Present Need and Rehabilitation Share; and

WHEREAS, the Mayor and Council of the Borough of Totowa have reviewed the Spending Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa hereby adopt the Spending Plan as a component of its HEFSP and Fourth Round Housing Cycle obligation.

ATTEST:

BOROUGH OF TOTOWA

  
\_\_\_\_\_  
JOSEPH WASSEL, RMC  
MUNICIPAL CLERK

By:   
\_\_\_\_\_  
JOHN COIRO  
MAYOR

I, Joseph Wassel, Municipal Clerk of the Borough of Totowa do hereby certify that the above is a true copy of a Resolution passed by the Municipal Council of the Borough of Totowa at a regular meeting held on March 10, 2026.

  
\_\_\_\_\_  
JOSEPH WASSEL, RMC  
MUNICIPAL CLERK

Dated: March 10, 2026

BOROUGH OF TOTOWA  
PASSAIC COUNTY  
STATE OF NEW JERSEY

RESOLUTION NO. 59-2026

RESOLUTION ADOPTING AN AFFIRMATIVE MARKETING PLAN  
FOR THE BOROUGH OF TOTOWA

WHEREAS, in accordance with the revised New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, et seq., the Borough of Totowa is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created within the Borough of Totowa, are affirmatively marketed to low- and moderate-income households, particularly those living and/or working within Housing Region 1, the Housing Region encompassing the Borough of Totowa.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Totowa are required to be affirmatively marketed in accordance with the provisions herein.
- B. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low- and moderate-income units, including those that are part of the Borough's Prior Round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Borough of Totowa. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of Totowa, shall undertake, at the minimum, the publication of an advertisement or press release in compliance with P.L. 2025, c. 72. Additional advertising and/or publicity shall be on an "as needed" basis.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are

being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Totowa is located in Housing Region 1, consisting of Bergen, Hudson, Passaic and Sussex Counties.

- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All advertisements shall comply with P.L. 2025, c. 72.
  2. Broadcast of at least one advertisement by radio or television through the Housing Region.
  3. At least one additional regional marketing strategy such as a neighborhood newspaper, religious publication, organizational newsletter, advertisements with major employers, or notification through community and regional organizations such as nonprofit, religious or civic organizations.
  4. The advertisement shall include a description of the following:
    - a. Address of the units.
    - b. Range of prices for the units.
    - c. Size, as measured in bedrooms, of unit.
    - d. Maximum income permitted to qualify for the units.
    - e. Where to obtain applications.
    - f. Business hours when interested households may obtain an application.
    - g. Application fees.
- G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
1. Borough of Totowa Administrative Offices.
  2. Borough of Totowa Website.
  3. Developer's Sales/Rental Offices.

4. Bergen, Hudson, Passaic and Sussex Counties Administration Buildings.
5. Bergen, Hudson, Passaic and Sussex Counties Libraries (all branches).
6. Passaic County Administration Building.
7. Other public buildings as deemed appropriate by the Administrative Agent.

Applications shall be mailed/emailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request.

- H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Bergen, Hudson, Passaic and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Section 3e of 's Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 1 (attached to and hereby made part of this Resolution) as well as the following entities

1. Quarterly informational flyers and applications shall be sent to the Bergen, Hudson, Passaic and Sussex Counties Board of Realtors for publication in their journals and for circulation among their members.
2. Quarterly informational flyers and applications shall be sent to the administrators of the following agencies within the municipalities of and counties of Bergen, Hudson, Passaic and Sussex Counties:
  - a. Welfare or Social Service Board.
  - b. Rental Assistance Office (local office of DCA).
  - c. Office on Aging.
  - d. Housing Agency or Authority.
  - e. Municipal or County Library.
  - f. Area Community Action Agencies.
3. Also copies of application forms shall be mailed to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Sussex County, Community access Unlimited, Inc., Northwest New Jersey Community Action Program, Homeless Solutions of Morristown and the Supportive Housing Association for dissemination to their respective constituents.


4. The following is a listing of community contact person(s) and/or organizations in Bergen, Hudson, Passaic, and Sussex Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of very low-, low-and moderate-income units:
- a. NJHMFA: [www.nj.gov.dca.hmfa](http://www.nj.gov.dca.hmfa); 609-278-7400.
  - b. Norwescap: [www.norwescap.org](http://www.norwescap.org); 908-454-7000.
  - c. New Jersey Housing Resource Center: [www.nj.gov.njhrc](http://www.nj.gov.njhrc); 1-877-428-8844.
  - d. Affordable Housing Alliance: [www.housingall.org](http://www.housingall.org); 732-389-2958.
- I. A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (I). The Affirmative Marketing Plan shall provide a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very-low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Borough prior to the affirmative marketing of the units.
- J. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to:
1. Income qualify very-low-, low- and moderate-income households;
  2. Place income eligible households in very-low-, low- and moderate-income units upon initial occupancy;
  3. Provide for the initial occupancy of very-low-, low- and moderate-income units with income qualified households;
  4. Continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls;
  5. Assist with outreach to very-low-, low- and moderate-income households; and
  6. Enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, et seq.

- K. The Administrative Agent shall provide or direct qualified very-low-, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- L. All developers/owners of very-low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- M. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very-low-, low- and moderate-income housing units are initially occupied and thereafter upon the re-sale or re-rental of an affordable unit for as long as an affordable unit remains deed restricted.
- N. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to the Borough's Adopted Affordable Housing Ordinance for re-rentals. An applicant pool will be maintained by the Administrative Agent for re-rentals.

ATTEST:

BOROUGH OF TOTOWA

  
 \_\_\_\_\_  
 JOSEPH WASSEL, RMC  
 MUNICIPAL CLERK

By:   
 \_\_\_\_\_  
 JOHN COIRO  
 MAYOR

I, Joseph Wassel, Municipal Clerk of the Borough of Totowa do hereby certify that the above is a true copy of a Resolution passed by the Municipal Council of the Borough of Totowa at a Regular Meeting held on March 10, 2026.

  
 \_\_\_\_\_  
 JOSEPH WASSEL, RMC  
 MUNICIPAL CLERK

DATED: March 10, 2026