

# Fourth Round Housing Element - Wanaque

BOROUGH OF WANAQUE | PASSAIC COUNTY, NEW JERSEY

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PREPARED BY:



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## Introduction

New Jersey's history in affordable housing can be tracked by to the first Supreme Court decision in 1975, Southern Burlington County NAACP v. the Township of Mount Laurel 67 N.J. 151 (1975) (known as Mount Laurel I). This case determined that every developing municipality through New Jersey had an affirmative obligation to provide its fair share of affordable housing. In 1983, the Supreme Court decided Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158, 456 A.2d 390 (1983)(known as Mount Laurel II), which acknowledged that the vast majority of municipalities had not addressed their constitutional obligation to provide affordable housing and created the builder's remedy lawsuit, which allowed developers to sue non-compliant municipalities forcing them to accept their proposed projects at extremely high densities.

In response to an onslaught of builder's remedy lawsuits, the Legislature enacted the Fair Housing Act of 1985 (the "FHA"), which created the Council on Affordable Housing ("COAH") to review and approve municipal Housing Elements and Fair Share Plans. Every municipality in the State was required to provide a "realistic opportunity for a fair share of its region's present and prospective needs for housing low- and moderate-income families". Through this process, a Housing Element became a mandatory part of municipal master plan. In addition, a Fair Share Plan became the mandatory document that illustrates the means of achieving the affordable housing goals discussed more generally in the Housing Element.

To implement the FHA requirements, COAH adopted a series of regulations. First Round regulations were enacted in 1987. Second Round regulations were adopted by COAH in 1994. Third Round regulations were supposed to be adopted in 1999 when the Round 2 rules were set to expire, but the first iteration of Round 3 regulations were not adopted by COAH until 2004. After those regulations were invalidated by the courts, COAH adopted a second iteration of Third Round regulations in 2008. The second iteration of regulations were also invalidated by the Courts, and after COAH failed to adopt a third iteration of Third Round regulations in 2014, the Supreme Court issued In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), in which it directed trial courts to assume COAH's functions and ruled that municipalities would have to get their Third Round Housing Elements and Fair Share Plans approved in the courts via the granting a Judgment of Compliance and Repose (JOR), rather than getting the plans approved by COAH.

Subsequently, on January 18, 2017, the Supreme Court decided In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant To The Supreme Court's Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mount Laurel V"), which held that municipalities are also responsible for obligations accruing during the so-called "gap period," the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need, which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

In the Spring of 2024, the New Jersey Legislature passed, and Governor Murphy signed Law A4/S50 which amended the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.)(hereinafter the "amendments" or the "Amended FHA"). The amendments provided direction and deadlines for how a municipality must meet its Fourth Round affordable housing obligations. This legislative effort was intended to create a more

efficient, open, and transparent process for the Fourth Round and all subsequent rounds. The amended FHA also permanently abolished COAH and introduced a comprehensive structure for municipalities to meet their obligations before a new entity known as the Affordable Housing Dispute Resolution Program (hereinafter the “Program”), which consists of retired Mount Laurel judges and their Special Adjudicators, once known as Court Masters. The Program was created to approve Fourth Round Housing Elements and Fair Share Plans via the granting of a Compliance Certification, along with underlying orders to be entered into by the local vicinage trial court. The Program was also created to help municipalities mediate with objectors regarding their Fourth Round affordable housing obligations and the approval of the plans. The amended FHA also required the Department of Community Affairs (DCA) to take over the monitoring of affordable units in every municipality in the state, and to draft and release a report calculating non-binding Fourth Round municipal Present and Prospective Need obligation for every municipality in the state. The DCA released its Fourth Round numbers report in October of 2024. The amended FHA also ordered the New Jersey Housing and Mortgage Finance Agency (NJHMFA) to adopt new UHAC regulations. The amended FHA also changed the way municipalities receive bonus credits amongst other things.

The amended FHA also laid out the procedure to effectuate compliance with the Fourth Round of Affordable Housing (July 1, 2025, to July 1, 2035). Municipalities must complete a series of steps and, if the steps are timely completed, the municipality retains immunity from all exclusionary zoning lawsuits, including immunity from builder’s remedy lawsuits. The steps are as follows:

1. **Establish Present and Prospective Need Obligation Numbers** – January 31, 2025. The legislation required municipalities to adopt a Present- and Prospective Need Obligation numbers by resolution by January 31, 2025.
2. **Period to Challenge Numbers** – February 1, 2025 to February 28, 2025. Interested parties can file a challenge to the municipality’s adopted numbers.
3. **If Challenged, Numbers Reviewed and Settled** – March 1, 2025 to April 1, 2025. The Affordable housing Dispute Resolution program will review the municipality’s proposed obligation numbers and review the challenge presented.
4. **Adoption and filing of a Fourth Round Housing Element and Fair Share Plan** – June 30, 2025. The HEFSP must contain several components which must provide a realistic opportunity for the development of affordable housing units that will satisfy the municipality’s Rehabilitation, Prior Round, Third Round and Fourth Round affordable housing obligations. The statutory components of the Housing Element and Fair Share Plan include, among other things, an inventory of housing, demographic and employment analyses, and considerations of lands for suitable housing development. This document will also contain areas recommended for rezoning, redevelopment, or other land use strategies to effectuate such housing development. This document will address all the statutory criteria required by the legislation to achieve conformance with this step.
5. **Challenges to the Fourth Round Housing Element and Fair Share Plan** – From August 31, 2025 to December 31, 2025 interested parties may file a challenge to the Plan by August 31, 2025. Municipalities will have until December 31, 2025, to settle any challenge or provide an explanation as to why some or all the requested changes from the intervening party will not be made. If there is a settlement, it must be reviewed and approved by the Program, and then by the local vicinage Mount Laurel Judge for Passaic County, who will issue an order approving the settlement and the equivalent of a judgment of compliance and repose known as a Compliance Certification, which will grant a municipality immunity from all exclusionary zoning lawsuits until the end of the Fourth

Round on June 30, 2035. If there is no settlement the Program will review the plan and issue a recommendation which goes to the Superior Court where the assigned Judge for the county issues the Compliance Certification.

6. **Final Compliance Deadline** – March 31, 2026 is the deadline for the Borough to adopt the implementing ordinances to align with the plan.

## Municipal Summary

The Borough of Wanaque is a borough in Passaic County located north of Route 287. The Borough of Wanaque (“Borough” or “Wanaque”) has a total land area of 9.253 square miles, 5,923 acres, of which 1.2 square miles or 768 acres, 13.0%, of the land area of the Borough is subject to local zoning control.<sup>2</sup> The remaining 87% of the land area, 5,155 acres, is subject to New Jersey Highlands regulations where the zoning and development of the lands located within the Highlands area is controlled by the New Jersey \ Highlands Water Protection and Planning Council (“Highlands Council”). The majority of this Highlands area is the “protection” area where no development may take place.

Notwithstanding these land use restrictions, the Borough is committed to promoting affordable housing opportunities in the Borough. Section 4 of this FSP details the Borough’s inclusionary housing ordinances.

Wanaque has several informal, unincorporated communities, localities, and places partially or completely within the Borough including Haskell, which is a designated town center and fully developed, Midvale, Ramapo Lake, Stephens Lake, and Upper Midvale. The Borough borders the municipalities of Bloomingdale, Pompton Lakes, and Ringwood in Passaic County, and Oakland in Bergen County. The Borough is completely developed or built out with single family residences accounting for the majority of land use types although three significant multi family developments which include affordable units were constructed in the past decade or so. Wanaque has only two vacant parcels, open space, with the aforementioned environmentally constrained properties limiting future growth.

Between 2010 and 2020, Wanaque’s population increased from 11,116 people to 11,317 people, a 1.8% increase.

## Current Affordable Housing Obligation

On January 28, 2025, the Borough memorialized Resolution #68-0-2025 the Present Need (rehabilitation) Obligation of Fifteen (15) and a Prospective Need Obligation of 183 as reported by the Department of Community Affairs (DCA). The resolution reserved the Borough’s rights to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted in accordance with the act and prior COAH regulations. The calculated Prospective “need” for affordable housing is 22, based on the amount of developable land.

## Borough’s Affordable Housing Goal

It is the goal of the Borough’s HEFSP to provide the planning context in which realistic access to low- and moderate-income housing can be provided in accordance with the requirements of the Fair Housing Act and the laws of the State of New Jersey.

To provide affordable housing opportunities and to ensure that this Housing Element and FSP is implemented upon adoption by the Wanaque Planning Board the Borough Council has adopted as part of the General Ordinance of the Code Article XI Affordable Housing Provisions. Section 114 of the General Ordinances, §114-63 A, B and C established the implementation provisions of the Borough's Affordable Housing obligations:

- A. This article is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This article shall apply except where inconsistent with applicable law.
- B. The Wanaque Borough Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Wanaque shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- C. This article implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.

The implementation of this Housing Element and FSP will require all future site plan applications for residential development to provide for a twenty percent (20%) affordable housing component consistent with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.

## Content of Housing Element

The Fair Housing Act requires that "the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing". As per the MLUL, specifically N.J.S.A. 52:27D-310, a housing element must contain at least the following items:

- a. An inventory of the Borough'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 bases 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 records cards;
- b. 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 issues, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to household size, income level, and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024.c2(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 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 recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021.c273(C.52:27D-329.20);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to P.L.2024.c2(C.52:27D-304.1), and analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include the consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportations based on guidance and technical assistance from the State Planning Commission.

## Inventory of Wanaque's Housing Stock

The following housing data was sourced from the 2018-2023 five-year ACS estimates.

### Housing Type

According to the 2023 ACS, there are an estimated 4,425 housing units in the Borough of Wanaque. The Borough's housing stock includes single-family detached, single family attached (i.e. townhomes), multi-family dwellings. Single-family detached dwellings comprise the majority of the Borough's housing stock with a total of 2,679 or 60.5%. Single-family-attached homes comprise 340 or 7.7% of Wanaque's housing stock. As the chart on the right indicates there are 585, two-unit dwellings and 713, five or more-unit dwellings.

Housing Type by Units in Structure		
Unit Type	Number of Units	Percent
1-unit, detached	2,679	60.5%
1-unit, attached	340	7.7%
2 units	585	13.2%
3 or 4 units	108	2.4%
5 to 9 units	42	0.9%
10 to 19 units	35	0.8%
20 or more units	636	14.4%
Mobile home	0	0.0%
Other	0	0.0%
<b>Total</b>	<b>4,425</b>	<b>100%</b>

Source: 2023 ACS 5-Year Estimates Table DP04

## Occupancy Status

According to the 2023 ACS estimates, 78.5% of the Borough's 4,350 occupied housing stock is owner occupied while 21.5% is renter occupied. The Borough's homeowner and rental vacancy rate is estimated to be 0.0 in 2023.

The average household and family size in Wanaque are estimated to be ~2.5 according to the 2023 ACS. See the table below for additional details.

Occupancy Status		
	Households	Percent
<b>Occupied Total</b>	<b>4,350</b>	<b>98.3%</b>
Owner Occupied	3,415	78.5%
Renter Occupied	935	21.5%
<b>Vacant Total</b>	<b>75</b>	<b>1.7%</b>
For rent	119	25%
Rented, not occupied	77	16.2%
For Sale only	23	4.8%
Sold, not occupied	71	14.9%
Seasonal, recreational, or occasional	12	2.5%
For migrant workers	0	0.0%
Other	174	36.6%
<b>Total</b>	<b>9,839</b>	<b>100%</b>

Source: 2023 ACS 5-Year Estimates Tables DP04 & B25004

## Value and Rent of Housing Stock

The 2023 ACS provides value estimates for owner-occupied housing units in the Borough of Wanaque. The Borough estimated that the majority of the 3,415 total owner-occupied units, 2,239 or 65.6%, are valued between \$300,000 to \$499,999. There are only 227 or 6.6% of owner-occupied units that are valued less than \$200,000. There are no units valued at \$1,000,000 or more. Additionally, the median value of owner-occupied units is approximately \$366,400 in 2023. See the table below for details.

Value of Owner-Occupied Units		
Value	Number of Units	Percent
Less than \$50,000	161	4.7%
\$50,000 to \$99,999	24	0.7%
\$100,000 to \$149,999	20	0.6%
\$150,000 to \$199,999	22	0.6%
\$200,000 to \$299,999	450	13.2%
\$300,000 to \$499,999	2,239	65.6%
\$500,000 to \$999,999	499	14.6%
\$1,000,000 or more	0	0.0%
<b>Total</b>	<b>3,415</b>	<b>100.0%</b>
<b>Median (Dollars)</b>	<b>\$366,400</b>	

Source: 2023 ACS 5-Year Estimates Table DP04



Approximately 60% of the rental units in Wanaque have rents priced below \$3,000. Units with monthly rents less than \$1,000 comprise 265 or 7.3% of rentals in the Borough. Additionally, the median monthly rental cost in 2023 is approximately \$1,719. See the table below for more information.

Cost of Rentals		
Cost	Number of Units	Percent
Less than \$500	0	0.0%
\$500 to \$999	0	0.0%
\$1000 to \$1,499	121	5.4%
\$1,500 to \$1,999	183	8.1%
\$2,000 to \$2,499	586	26.1%
\$2,500 to \$2,999	476	21.2%
\$3,000 or more	882	39.2%
<b>Total</b>	<b>2,746</b>	<b>100%</b>
<b>Median (Dollars)</b>	<b>\$2,746</b>	

Source: 2023 ACS 5-Year Estimates Table DP04

### Condition of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of substandard housing units that are occupied by low- and moderate-income households. The Appellate Division upheld COAH's use of three indicators to determine substandard housing in the State. Those three indicators are houses built before 1959 and which are overcrowded with more than one person per room. The second indicator is homes lacking complete plumbing and the third indicator are homes lacking kitchen facilities.

The Census indicators available at the municipal level indicate a sound housing stock, as displayed by the following three (3) data tables. According to the 2023 ACS estimates, there were no housing units that lacked plumbing facilities, kitchen facilities, or telephone service.

Condition of Housing Stock		
Fuel Type	Number of Units	Percent
Lacking complete plumbing facilities	0	0.0%
Lacking complete kitchen facilities	0	0.0%
No telephone service available	0	0.0%
<b>Total</b>	<b>4,350</b>	<b>0.0%</b>

Source: 2023 ACS 5-Year Estimates Table DP04

Housing with 1.01 or more person per room is an index of overcrowding. In 2023, the ACS estimated that there were only 62 or 1.4% occupied housing units within the Borough that were "overcrowded". It should be noted that 4,288 or 98.6% of the housing units contained less than 1.00 persons per room.

Occupants Per Room		
Occupants	Number of Units	Percent
1.00 or less	4,288	98.6%
1.01 to 1.50	62	1.4%
1.51 or more		0.0%
<b>Total</b>	<b>4,350</b>	<b>100%</b>

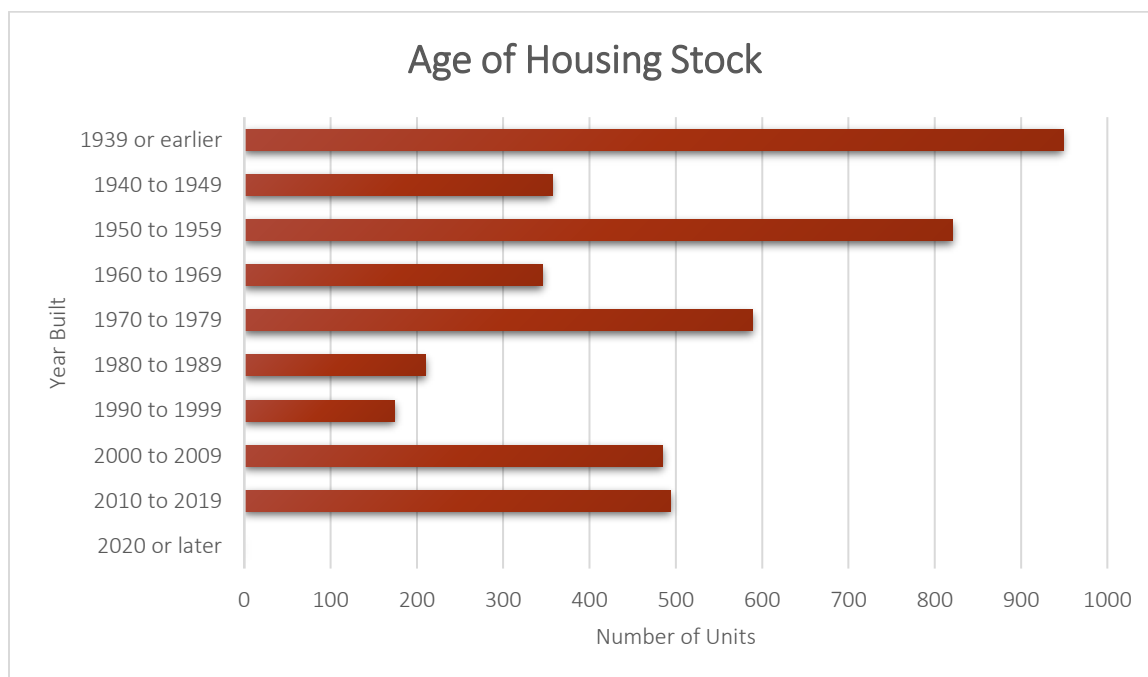
Source: 2023 ACS 5-Year Estimates Table DP04

Housing units built in 1975 or earlier are not flagged instead of units built in 1959 or earlier. Research has determined that units built 50 or more years ago are much more likely to be in substandard condition. Included in the rehabilitation calculation are overcrowded units and dilapidated housing. Overcrowded units are defined by the U.S. Department of Housing and Urban Development as those with more than one person living per room.

The table and bar graph on the following page provide the 2023 ACS data on the estimated age of housing stock in the Borough of Wanaque. The largest number of housing units constructed in the Borough were built before the 1940s, with 21.4% or 949 housing units. There have been no housing units constructed in this decade.

Age of Housing Stock		
Year Built	Number of Units	Percent
Built 2020 or later	0	0.0%
Built 2010 to 2019	494	11.2%
Built 2000 to 2009	485	11.0%
Built 1990 to 1999	174	3.9%
Built 1980 to 1989	210	4.7%
Built 1970 to 1979	589	13.3%
Built 1960 to 1969	346	7.8%
Built 1950 to 1959	821	18.6%
Built 1940 to 1949	357	8.1%
Built 1939 or earlier	949	21.4%
<b>Total</b>	<b>4,425</b>	<b>100%</b>

Source: 2023 ACS 5-Year Estimates Table DP04. Note: Almost 60% of the housing stock is 50 years or older.



### Projection of Housing Stock

As per the MLUL specifically N.J.S.A 52:27D-310, a housing element must contain a projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing for the next ten years, considering, but not necessarily limited to construction permits issued, approvals of applications for development, and probable residential development of lands. Historic trends of residential CO's and demolition permits can illustrate a pattern for future development.

The Department of Community Affairs' Division of Codes and Standards website provides data on Certificates of Occupancy and demolition permits for both residential and non-residential development. Within the Division of Codes and Standards website is the New Jersey Construction Reporter, which contains building permit, certificate of occupancy (hereinafter "CO"), and demolition data that is submitted by municipal construction officials within the State each month. The New Jersey Construction Reporter has information dating back to 2000, which can be used to show the Borough's historic development trends.

As shown in the table below, 245 new homes were built and issues COs between 2013 and 2023 while 15 were demolished in the Borough of Wanaque. As shown in the tables on the next page, the greatest numbers of CO's issued occurred before 2018 and the demolitions occurred in 2016.

Historic Trends of Residential COs												
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
1 & 2 Family	52	5	1	0	1	0	1	0	14	2	2	78
Multifamily	20	4	42	65	36	0	0	0	4	0	0	167
Mixed-Use	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>72</b>	<b>9</b>	<b>43</b>	<b>65</b>	<b>37</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>18</b>	<b>2</b>	<b>2</b>	<b>245</b>

Source: New Jersey Construction Reporter from the NJ DCA

Historic Trends of Demolition Permits												
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
1 & 2 Family	0	0	0	9	2	3	0	0	0	0	0	14
Multifamily	0	0	0	0	0	0	0	0	0	0	0	0
Mixed-Use	0	0	0	0	0	0	0	0	0	1	0	1
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>15</b>

Source: New Jersey Construction Reporter from the NJ DCA

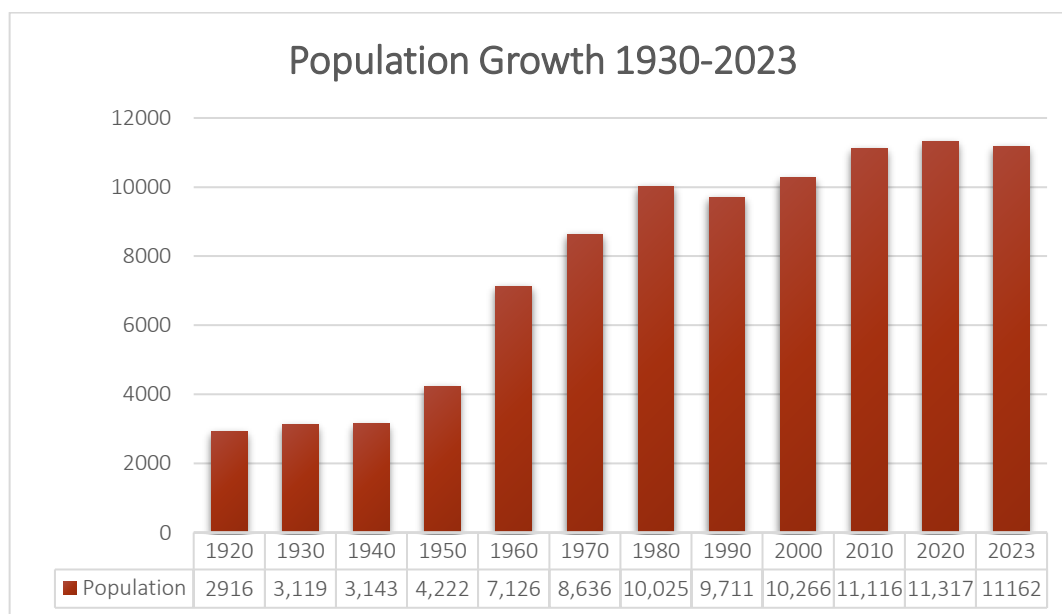
### Wanaque's Population Demographics

Wanaque's population experienced growth from 1920 to 1980 until a slight decline in 1990 of 3.1%. Since 2000, the population has continued to steadily increase and in 2023 the estimated population is 11,162 residents in the Borough. Please see the table to the right and chart below for additional information. It shall be noted that the five-year American Community Survey (hereinafter "ACS") data from the US Census

Bureau provided estimates of population, housing and employment estimates between the major Census reports each decade. In an effort to display the most up to date information, the data used in this report is source from the 2018-2022 five-year ACS estimates.

Population Growth		
Year	Population	Percent Change
1920	2,916	-
1930	3,119	7.0%
1940	3,143	0.8%
1950	4,222	34.3%
1960	7,126	68.8%
1970	8,636	21.2%
1980	10,025	16.1%
1990	9,711	-3.1%
2000	10,266	5.7%
2010	11,116	8.3%
2020	11,317	1.8%
2023	11,162	-1.4%

Source: US Census Bureau, 2000, 2010, 2020 & 2023 ACS 5-Year Estimates  
Table B01003



### Age Distribution of Population

The 2023 ACS estimates that 2,500 or 22.4% of the population is 65 years and older while the percentage of children aged 19 and younger comprised 1,885 or 16.9% of the Borough's population. Residents aged 25 to 34 years old comprised the largest age cohort with approximately 16.1% of residents fall in this category. The 2023 ACS also indicates that the Borough's median age was 47.3 years old. See the table below for additional details.

Population By Age Cohort (2023)		
Age	Total	Percent
Under 5 years	529	4.7%
5 to 9 years	520	4.7%
10 to 14 years	512	4.6%
15 to 19 years	324	2.9%
20 to 24 years	742	6.6%
25 to 34 years	1,802	16.1%
35 to 44 years	909	8.1%
45 to 54 years	1,438	12.9%
55 to 59 years	953	8.5%
60 to 64 years	933	8.4%
65 to 74 years	1,219	10.9%
75 to 84 years	878	7.9%
85 years and over	403	3.6%
<b>Total</b>	<b>11,162</b>	<b>100%</b>
<b>Median Age (years)</b>	<b>47.3</b>	

Source: 2023 ACS 5-Year Estimates Table DP05

Racial Characteristics		
Race	2023 Number	2023 Percent
<b>One Race</b>	<b>9,859</b>	<b>88.3%</b>
White	8,557	86.8%
Black or African American	303	3.1%
American Indian and Alaska Native	35	0.4%
Asian	497	5.0%
Native Hawaiian and Other Pacific Islander	0	0.0%
Some Other Race alone	467	4.7%
<b>Two or More Races</b>	<b>1,303</b>	<b>11.7%</b>
<b>Total</b>	<b>11,162</b>	<b>100%</b>

Source: 2023 ACS 5-Year Estimates Table B02001

### Household Size and Type

According to the 2023 ACS estimates, Wanaque contains a total of 4,350 households. The Borough had a total of 2,697 or 62.0% family households. Married-couple families with children under 18 comprised 22.9% or 618 of households within the Borough, whereas 38.0% or 1,653 were non-family households in 2023. Non-family households include persons living alone or a householder who is not related to any of the other persons sharing their home.

Household Type and Size		
Type	Number	Percent
<b>Family Households</b>	<b>2,697</b>	<b>62.0%</b>
Married couple family	2,059	76.3%
with children under 18	618	22.9%
Male Householder, no spouse	89	3.3%
Female Householder, no spouse	549	20.4%
<b>Non-family Households</b>	<b>1,653</b>	<b>38.0%</b>
<b>Total</b>	<b>4,350</b>	<b>100%</b>

*Source: 2023 ACS 5-Year Estimates Table S1101*

As illustrated in the table below, the most common household size within Wanaque in 2023 was a 2-person household, which totaled 38.5% of all households. The second most common was a 1-person household with 26.5% of all households. Households of 4 or more-person comprised 19.7% of all households within the Borough. Finally, households of 3 persons comprised 15.4% of all households.

Household Size		
Size	Total	Percent
1-person	1,151	26.5%
2-person	1,673	38.5%
3-person	671	15.4%
4 or more person	855	19.7%
<b>Total</b>	<b>4,350</b>	<b>100%</b>

*Source: 2023 ACS 5-Year Estimates Table S2501*

### Income and Poverty Status

The 2023 ACS estimates that the median household income for the Borough of Wanaque is greater than the incomes for Passaic County and for New Jersey. The median family and per capita incomes for the Borough are estimated to be greater than the County's but less than the State's. Wanaque's median household income is \$25,189 greater than the County and \$11,276 greater than the State's. The median family income in the Borough is \$20,628 greater than the County's and \$2,472 less than the State's. The median per capita income for the borough is \$9,644 greater than the County's and \$3,233 less than the State's.

Furthermore, individual poverty estimated at 5.9% in Wanaque, which is less than 13.7% in the County and 9.8% in the State. Poverty within families is estimated at 4.3% in the Borough which is less than the 11.1% in the County and 7.0% in the State's. See the table and chart below and on the next page for additional details.

Income Characteristics			
Income type	Borough of Wanaque	Passaic County	New Jersey
Median Household Income	\$112,326	\$87,137	\$101,050
Median Family Income	\$121,420	\$100,792	\$123,892
Per Capita Income	\$49,885	\$40,241	\$53,118
Poverty Status (Percent of People)	5.9%	13.7%	9.8%
Poverty Status (Percent of Families)	4.3%	11.1%	7.0%

Source: 2023 ACS 5-Year Estimates Tables S1901, B19301, S1701, S1702

According to the 2023 ACS data, a majority of households (23.8%) in the Borough of Wanaque earn between \$100,000 to \$149,999 per year, which is greater than the 17.7% of households in Passaic County and 18.0% of households in New Jersey. On the other hand, only 1.3% of household income earns \$10,000 to 14,999, which is less than the 4.1% for the County and less than the 2.9% of households in the State.

Household Income						
	Borough of Wanaque		Passaic County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less Than \$10,000	128	2.9%	8,164	4.6%	140,262	4.0%
\$10,000 to \$14,999	56	1.3%	7,286	4.1%	99,362	2.9%
\$15,000 to \$24,999	164	3.8%	11,010	6.2%	175,402	5.0%
\$25,000 to \$34,999	85	2.0%	11,062	6.2%	184,753	5.3%
\$35,000 to \$49,999	327	7.5%	17,470	9.8%	276,601	8.0%
\$50,000 to \$74,999	455	10.5%	23,764	13.4%	448,192	12.9%
\$75,000 to \$99,999	697	16.0%	20,742	11.7%	397,939	11.4%
\$100,000 to \$149,999	1,035	23.8%	31,420	17.7%	627,526	18.0%
\$150,000 to \$199,999	821	18.9%	18,981	10.7%	407,723	11.7%
\$200,000 or more	582	13.4%	28,065	15.8%	720,595	20.7%
<b>Total</b>	<b>4,350</b>	<b>100%</b>	<b>177,964</b>	<b>100%</b>	<b>3,478,355</b>	<b>100%</b>

Source: 2023 ACS 5-Year Estimates Table DP03

## Wanaque's Employment Demographics

This chapter provides a snapshot of employment within the Borough of Wanaque, including the types of industries within the community, the employment status for residents ages 16 and older, and the employment projections.

The 2023 ACS estimates that the Borough of Wanaque has a total of 6,446 or 67.5% of residents in the labor force. The labor force consists of approximately 6,182 or 64.7% employed residents and only 264 or 2.8% unemployed residents. There are no residents in the armed forces as of 2023.

Employment Status (Age 16 and Over)		
Employment Status	Number of Workers	Percent
In labor force	6,446	67.5%
Civilian labor force	6,446	67.5%
Employed	6,182	64.7%
Unemployed	264	2.8%
Armed Forces	0	0.0%
Not in labor force	3,104	32.5%
<b>Total Population 16 and Over</b>	<b>9,550</b>	<b>100%</b>

Source: 2023 ACS 5-Year Estimates Table DP03

### Occupational Characteristics

The 2023 ACS estimates that 2,627 or 42.5% of the Borough's residents are employed in management, business, science, and arts occupations. The sales and office occupations employed 1,177 residents or 19.0% of the working population. Service occupations employed 17.2% or 1,064 residents. Natural resources, construction, and maintenance occupations employed 637 residents or 10.3% and production, transportation, and material moving occupations employed 677 residents or 11.0% of the working population.

Employed Civilian Population By Occupation (Age 16 Years or Older)				
Occupation	Borough of Wanaque		Passaic County	
	Total	Percent	Total	Percent
Management, business, science, and arts occupations	2,627	42.5%	90,207	35.9%
Service occupations	1,064	17.2%	43,734	17.4%
Sales and office occupations	1,177	19.0%	53,392	21.3%
Natural resources, construction, and maintenance occupations	637	10.3%	20,637	8.2%
Production, transportation, and material moving occupations	677	11.0%	43,161	17.2%
<b>Total</b>	<b>6,182</b>	<b>100%</b>	<b>251,131</b>	<b>100%</b>

Source: 2023 ACS 5-Year Estimates Table DP03

### Employment Projections

The NJTPA estimates that employment within the Borough will grow by 434 jobs by 2050. In order to achieve this projection, Wanaque would need to create 12.4 new jobs per year during the 35-year period.

Employment Projections			
Year	Jobs	Change	Percent
2015	2,240	---	---
2050	2,674	434	0.5%

Source: NJTPA Plan 2050, Appendix E; NJTAP Plan 2040, Appendix A (for 2020 data)



## Employment by Professions

According to the 2023 ACS, educational services, and health care and social assistance made up the largest component of the workforce with 1,375 persons or 22.2%. The second largest cohort is professional, scientific, and management, and administrative and waste management services with 933 persons or 15.1%.

Employed Person by Profession		
Occupation	Number of Persons	Percent
Agriculture, forestry, fishing and hunting, and mining	21	0.3%
Construction	581	9.4%
Manufacturing	416	6.7%
Wholesale trade	344	5.6%
Retail trade	740	12.0%
Transportation and warehousing, and utilities	270	4.4%
Information	100	1.6%
Finance and insurance, and real estate and rental and leasing	426	6.9%
Professional, scientific, and management, and administrative and waste management services	933	15.1%
Educational services, and health care and social assistance	1,375	22.2%
Arts, entertainment, and recreation, and accommodation and food services	530	8.6%
Other services, except public administration	251	4.1%
Public administration	195	3.2%
<b>Total</b>	<b>6,182</b>	<b>100%</b>

Source: 2023 ACS 5-Year Estimates Table DP03

## Capacity for Fair Share

This chapter of the Fourth Round Housing Element and Fair Share Plan provides the following information as required by the rules:

- The Borough's capacity to accommodate its housing needs.
- 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.
- Lands of developers who have expressed a commitment to providing low- and moderate-income housing.
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the proposed affordable housing sites.

## Land Capacity

Wanaque's capacity to construct creditable units toward satisfying its affordable housing obligation is determined by three components – available land, water capacity, and sewer capacity. Additionally, land development is limited by wetland and associated buffers, flood plains, parcel size, and municipal regulations.

## Utility Capacity

There is limited water and sewer capacity to serve proposed development throughout the Borough because the sewer service area does NOT cover the entire Borough, with only the Haskell Town Center and a portion of Midvale (including the Wanaque Reserve) having adequate sewer capacity. If a project not detailed herein where to be proposed adequate water and especially sewer capacity (including plant, pumping and transmission pipes) would need to be installed by the proposer of a project which would be required to be pre-approved by the Highlands Council and the New Jersey Department of Community Affairs.

## Appropriate Locations for Affordable Housing

Land that is most appropriate for the construction of low- and moderate-income housing in the Fourth Round includes the following approved, proposed, and anticipated projects:

- 1- 551 & 561 Ringwood Avenue. The properties are owned/operated by Strengthen our Sisters Realty Corp. (aka "Sisters of Charity") and are listed on the tax assessment cards as public property. There is an old arrangement with Passaic County to provide a residential shelter for low income individuals. Once deed restricted, the Borough may receive AH credits.
- 2- Block 240, Lots 1 and 8. The former Bertas property has a boarding house for restaurant staff. The Borough acquired the property and will be converting the boarding house into veterans and special needs housing.
- 3- A specialty veterans and supportive needs affordable housing developer, recently developed 511 Ringwood Avenue, Block 220, Lot 4, with 4 units having 2 bedrooms each as part of the National Housing Trust affordable housing program with NJDCA. This is now deed restricted.
- 4- The Borough acquired for AH purposes, in August 2024, the Berta's restaurant. This is located at 7 Grove Street, Block 240, Lots 1 and 8. Lot 1 has a separate building with eight bedrooms (subject

to verification) rented by the prior restaurant owner for unknown compensation--for occupancy by the restaurant staff.

- 5- Located at an undisclosed location is an affordable housing development for survivors of domestic violence. The property contains 8 units with 4 bedrooms in each unit for a total of 32 beds. Due to the nature of the services, we cannot disclose the location out of extreme caution for the residents. However, the Borough believes these credits shall be included as part of the Fourth Round obligation.

### Anticipated Development Patterns

Anticipated land use patterns within the Borough of Wanaque will follow the established zoning map. The Borough has a variety of zoning districts including active adult housing, high density, medium density, low density, two-acre no cluster residential, townhouse, affordable housing, redevelopment, business, medical/health services, industrial, and water resource conservation.

### Multigenerational Family Housing Continuity

Pursuant to the Amended FHA, an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity is required in each municipality's Housing Element and Fair Share Plan. Plans shall follow the recommendations of the Multigenerational Family Housing Continuity Commission.

November 8, 2021, the Senate and General Assembly of the State of New Jersey adopted C.52:27D-329.20, which established the "Multigenerational Family Housing Continuity Commission" for the purpose of conducting research, obtaining public input, and adopting recommendations on how to most effectively advance the goal of enhancing multigenerational family housing continuity, which can be defined broadly as the degree to which senior citizens are able to reside at the homes of their extended families.

The bill requires each Municipality's Housing Plan Element to provide an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal as described in the recommendations of the commission.

The Borough of Wanaque has a history of being committed to promoting multigenerational family continuity and will continue to do so through the Fourth Round. Wanaque has diverse housing options in a manner consistent with the regulation. Additionally, the Borough is employing a variety of approaches to accomplish this task through a variety of housing types and affordability levels in close proximity to public transportation (such as the train station and bus stops), shopping centers, and the downtown. The Borough has a number of senior housing options and a Borough sponsored Senior Center.

### Consistency with the State Development and Redevelopment Plan

The Fourth Round Housing Element and Fair Share Plan is consistent with the 2001 State Development and Redevelopment Plan (SDRP) and the proposed SDRP that is currently in cross-acceptance process as the projects will provide a realistic opportunity for the construction of affordable housing as the projects are located in State Planning area designated as PA-1, which is the Metro Planning Area. Pursuant to the SDRP, PA-1 is the preferred location for redevelopment for compact growth. The development of affordable housing in PA-1 is consistent with the overall State Development and Redevelopment Plan goal to direct redevelopment and growth into PA-1 areas as the intentions of the Metropolitan Planning Area are to

provide for much of the state's future redevelopment promote growth in compact forms. The Borough's Fourth Round Plan is consistent with the 2001 SDRP.

### Affordable Housing Trust Fund

The Borough of Wanaque maintains an Affordable Housing Trust Fund as detailed in Section 72-9 of the Borough's Municipal Code.

The Spending Plan is included in the appendix to this Housing Plan, which discusses the anticipated revenues, collection of revenues and the use of revenues, was prepared in accordance with former COAH's applicable substantive rules. All collected revenue will be placed in the Borough's Affordable Housing Trust Fund and may be dispensed for the use of eligible affordable housing activities, but not limited to:

- Rehabilitation program;
- New construction of affordable housing units and related development costs;
- Extensions or improvements of roads and infrastructure directly serving affordable housing development sites;
- Acquisitions and/or improvements of land to be used for affordable housing;
- Purchase of affordable housing units for the purpose of maintaining or implementing affordability controls;
- Maintenance and repair of affordable housing units;
- Repayment of municipal bonds issued to finance low and moderate-income housing activity; and,
- Any other activity as specified in the approved spending plan.

However, the Borough is required to fund eligible programs in a Court-approved Housing Element and Fair Share Plan, as well as provide affordability assistance.

At least 30% of collected development fees shall be used towards affordability assistance. Affordability assistance became a statutory requirement in the Fair Housing Act and shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan. At least one third (1/3) of the affordability assistance must be expended on very-low-income units. Additionally, no more than 20% of the revenues collected from development fees each year, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a new construction program, a housing element and fair share plan and/or an affirmative marketing program.

### Monitoring

The Borough had and will continue to comply with monitoring provisions consistent with those required by the Amended Fair Housing Act. The monitoring requires regular tracking of progress towards meeting the affordable housing obligations and ensuring the affordable units and affordable housing trust fund are administered properly as follows:

- February 15<sup>th</sup> of each year- The Borough will provide an annual reporting of the status of all affordable housing activity within the Borough through posting on the municipal website and certifying the account on the Department of Community Affairs's portal.

## Fair Share Plan

### Content of Fair Share Plan

The Fair Share Plan contains the following information:

- Regional income limits;
- Description of existing credits intended to satisfy the obligation;
- Description of proposed mechanisms that will be used to meet any outstanding obligations; and
- An implementation schedule that sets forth a detailed timeline for units to be approved.

### Regional Income Limits

Dwelling units are affordable to low- and moderate-income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. COAH historically provided income limits based upon the median gross household income of the affordable housing region in which the household is located. A moderate-income household is one with a gross household income equal to or more than 50% but less than 80% of the median gross regional household income. A low-income household is one with a gross household income equal to 50% or less of the median gross regional household income. Very-low-income households are those with a gross household income equal to 30% or less of the median gross household income. Wanaque is located in Region 1, which contains Bergen, Hudson, Passaic, and Sussex County.

Using the 2024 regional income limits, a four-person household moderate-income is capped at \$96,329. Two-person households could make up to \$77,064 and be considered a moderate-income household or make up to \$48,165 and be considered a low-income household. See the table below for greater detail.

2024 Regional Income Limits for Region 1				
Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	\$84,288	\$96,329	\$108,371	\$120,412
Moderate	\$67,431	\$77,064	\$86,697	\$96,329
Low	\$42,144	\$48,165	\$54,185	\$60,206
Very Low	\$25,286	\$28,899	\$32,511	\$36,124

Source: [https://ahpnj.org/member\\_docs/Income\\_Limits\\_2024\\_FINAL.pdf](https://ahpnj.org/member_docs/Income_Limits_2024_FINAL.pdf)

### Prior and Third Round Compliance

The Borough of Wanaque received certification in the Prior Round. However, compliance was never reached in the Third Round and the Borough is seeking to reach certification in the Fourth Round.

### Fourth Round Compliance Status

Wanaque's Fair Share Plan describes the various projects and strategies the Borough proposes to address its affordable housing obligations. There are four components – the Borough's Present Need (Rehabilitation) Obligation, Prior Round Obligation, Third Round Obligation and Fourth Round Prospective Need Obligation.

## Affordable Housing Obligations

This Fourth Round Housing Element and Fair Share Plan addresses the following affordable housing obligations:

Present Need (Rehabilitation Obligation): **15**

Fourth Round Prospective Need Obligation (2025-2035): **183**. However, the Borough has an RDP of 22. The vacant land adjustment can be found later in this chapter.

Notwithstanding the foregoing all residential site plan applications for five (5) or more units shall comply with §114-63 A, B and C of the Borough Code and the Uniform Housing Affordability Controls of the State of New Jersey, N.J.A.C. 5:80-26.1 et seq providing for a set aside of 20% affordable units. All non-residential projects having an improvement assessment value increase over \$100,000 shall comply with the Non-Residential Development Fee requirements of the State of New Jersey, N.J.S.A. 40:55D-8.1 et seq.

The Wanaque Borough Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Wanaque shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.

This article implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.

## Present Need

The Borough plans to meet its fifteen (15) unit Present Need obligation through participation in a municipal Rehabilitation Area. The resolution designating said areas can be found within the Appendix of this report. Said municipal program shall meet the requirements in N.J.A.C. 5:93-5.2.

## Fourth Round Prospective Need Obligation

As discussed above, the Borough has a Fourth Round Prospective Need Obligation of one hundred and eighty-three (183). The Borough has performed a vacant land adjustment, which illustrates that Wanaque has a realistic development potential of twenty-two units.

## Vacant Land Analysis

N.J.A.C. 5:93-4.2 provides a mechanism for a municipality to adjust its affordable housing obligations based on a lack of vacant, available, suitable, developable, and approvable land. To demonstrate a lack of capacity to address the Borough's municipal housing obligation, all vacant parcels in the municipality were analyzed to determine the development potential of each property, and the sum of potential units is compared to the prospective need obligation in the foregoing analysis. If there is insufficient vacant land within the municipality to meet the obligation for new affordable units, the total prospective need obligation is adjusted accordingly.

## Methodology

An analysis of existing land uses and zoning the Borough was conducted to determine the Realistic Development Potential (RDP), and an estimate of potential inclusionary affordable units was derived from the RDP assuming a 20% affordable set-aside. Using data from the State of New Jersey Tax Assessment

Records and New Jersey environmental GIS records of all properties within the Borough were examined to determine if they were vacant and developable. Properties reserved for public use, open space, listed on the NJ ROSI, and those that were occupied by water bodies, steep slopes, wetlands, critical habitats, and within a riparian buffer were removed as candidates for development. The remaining properties were then tested to determine their ability to accommodate a minimum of five (5) units. Public and non-profit owned properties of sufficient size to accommodate potential inclusionary development were also included as vacant and potentially developable in the analysis. All properties with sufficient buildable area to accommodate five (5) or more units were included in the determination of the RDP.

## Underlying Assumptions for Realistic Development Potential

### Inclusionary Development

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

### Density and Minimum Project Size

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

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

### Step 1 – Classification of Vacant Land

All properties with a tax class 1 (Vacant) and vacant properties with tax class 15C (Public) have been included in the table below.

BLOCK	LOT	GIS Acreage	Notes	Wetlands	Contaminated Lot	Open Space	FEMA	Steep Slope
100	1	4.00		X	X		X	
101	1	13.05		X		X		X
102	13	0.61	Too Small					
103	13	2.75						
104	3	1.01						
106	1	1604.23		X	X	X	X	X
106	8.01	1.26	ROW					
106	8.02	8.27						
107	1	7.43			X		X	X
108	1	64.68					X	X
108	11.02	0.19						X
108	3	3.59						X

BLOCK	LOT	GIS Acreage	Notes	Wetlands	Contaminated Lot	Open Space	FEMA	Steep Slope
109	1	1.31			X		X	X
200	32	34.58				X	X	X
200	38	0.47				X		
200	39	2.55				X		
200	8	51.34					X	X
200.14	2	0.23					X	
204	1.01	0.74						X
206	20	0.16					X	
206	21	0.04		X				
206	24	0.01	Too Small					
206	25	8.26		X			X	
206	26	10.10		X			X	
206	57	0.25	Too Small					
206	58	0.38					X	
206	60	4.38		X	X		X	
207	1	3.41						
208	23	0.17				X		X
208	3	3.95				X		X
210	1.03	0.81						
220	1	0.14						
220	4	0.39			X			
231	10	0.32						
231	11	1.04						
235	8	0.29						
240	30	0.40						
245	1	0.44		X	X		X	
248	4	0.21	Not Vacant					
250	1	1.07				X		
300	1	1.30		X	X		X	X
302	14	0.10	Too Small					
302	2	3.53						
302	3.01	0.11	Not Vacant					
302	7	2.00	Not Vacant					
303	1	6.83			X			
306	13	0.19		X				
306	6	0.46	Not Vacant					
312	26	0.09				X		
400	2	0.57		X			X	
400	9.01	1.41		X				
401	9	29.88					X	



BLOCK	LOT	GIS Acreage	Notes	Wetlands	Contaminated Lot	Open Space	FEMA	Steep Slope
402	2	1.22	Not Vacant					
402	2.01	0.64					X	
402	94	0.07					X	
403	101	0.13	Too Small					
403	16.01	0.16	Too Small					
403	16.02	0.14	Too Small					
403	27	0.07	Not Vacant					
403	41	0.12					X	
403	50	0.10		X				
403	66	0.25		X			X	
403	69	3.41		X			X	
407	1	3.33					X	
416	15	0.03	Too Small					
418	22	0.06				X	X	
419	5	0.12	Too Small					
419	6	0.14	Too Small					
419	8	0.17		X				
419	9	0.16		X				
421	13	0.15		X				
421	19	0.16		X				
421	21	0.12		X				
421	25	0.21		X				
421	42	0.12	Too Small					
421	43	0.10	Not Vacant					
421	45	0.08	Not Vacant					
422	4	0.47	Too Small					
423	17	0.13	Too Small					
423	30	0.15	Too Small					
423	5	0.17	Too Small					
423	7	0.11				X		
423	9	0.12	Too Small					
425	13	0.11	Too Small					
425	30	0.18	Too Small					
425	6	0.12	Too Small					
425	7	0.14	Not Vacant					
426	1	0.14	Too Small					
426	22	0.13	Too Small					
426	23	0.12	Too Small					
426	25	0.12	Too Small					

BLOCK	LOT	GIS Acreage	Notes	Wetlands	Contaminated Lot	Open Space	FEMA	Steep Slope
427	22	0.19	Too Small					
427	24	0.15	Too Small					
427	25	0.26	Too Small					
427	5	0.11	Too Small					
427	7	0.16	Too Small					
428	13	0.03	Too Small					
428	2	0.15		X				
429	1	2.04				X	X	
430	1.01	0.84						
430	1.02	0.08			X			
430	1.03	0.64			X			
430	13	0.24			X			
430	15	0.61			X			
430	2	0.52	Not Vacant					
430	3	0.09	Not Vacant					
430	4	0.24	Not Vacant					
430	9	0.18			X			
436	12	0.20		X			X	
436	3	1.69		X	X		X	
436	3.01	0.12		X			X	
436	4	0.69					X	
437	3	0.10						
437	5	0.06						
438	11	0.05	Adjacent property's rear yard					
440	2	0.13	Adjacent property's side yard					
444	10	0.17	Too Small					
447	1	1.92		X				
448	6	1.48		X	X	X	X	
451	7	0.04	Adjacent property's rear yard					
458	10	0.76	Not Vacant					
458	4	0.24	Not Vacant					
459	19	2.14						

BLOCK	LOT	GIS Acreage	Notes	Wetlands	Contaminated Lot	Open Space	FEMA	Steep Slope
462	1	3.17	Not Vacant					
464	15	0.08		X				
464	21	2.71		X			X	
464	38	0.45		X			X	
464	39	0.93		X			X	
467	2	0.98				X		
469	1	0.18						X
469	2	0.77						X
470	1	0.67						X
470	2	0.19						X
470	4	0.17						X
470	7	0.07						X
470	8	1.80						X
471	1	0.63						X
471	10	0.16						X
471	11	0.76						X
471	2	0.08						X
471	3	0.08						X
471	4	0.31						X
471	5	0.08						X
471	6	0.07						X
471	8	0.32						X
471	9	0.16						X
472	1	0.47						X
472	2	0.26						X
472	3	0.15						X
472	4	0.82						X
472	5	0.09						X
472	6	0.07						X
472	7	0.18						X
473	1	0.41						X
473	2	0.15						
473	5.01	0.15						
474	1	1.67					X	
474.01	1	1.53	ROW					
478	8	0.17					X	X
478	9	0.00					X	
479	3	150.73		X	X	X	X	X
479.01	1	1.03				X		X
479.01	2	27.93				X		X
479.01	3	23.47				X	X	X

## Step 2 - Site Analysis

The sites were mapped using GIS and overlaid with Critical Habitat, Steep Slopes, Flood Hazard, Wetlands, and Waterbodies, Active Recreational Lands, and Parklands and Open Space. Any properties impacted by these environmental constraints have been noted in the table above and were not considered for potential development.

Properties with a low yield were also noted. The Second Round Rules established by the Council of Affordable Housing in N.J.A.C. 5:93 required development potential to consider principles of sound land use planning in regard to density, and that the minimum presumptive density be 6 du/ac. In conformance with this requirement, the analysis used existing zoning densities to determine the number of units per acre that could be constructed. In cases where permitted density under the zoning ordinance did not meet the minimum presumptive density, the development potential was calculated at 6 units per acre. The acreage of the assemblages created were multiplied by the permitted number of units per acre to determine the property yield. All vacant assemblages whose yield was less than five units are noted in the table in red.

## Step 3 – Determining Yield for Property

Upon reviewing the Vacant Land table and applying all of the layers which constitute an ineligible lot, the Borough was left with six (6) remaining lots. Please see the table on the next page for details regarding the remaining lots:

BLOCK	LOT	Developable Acres	Presumptive Density	Set Aside	RDP
103	13	2.75	6	0.2	3.24
104	3	1.01	6	0.2	1.2
106	8.02	8.27	6	0.2	9.92
210	1.03	0.81	6	0.2	0.972
302	2	3.53	6	0.2	4.23
459	19	2.14	6	0.2	2.57
<b>Total</b>		18.51			22.132

Therefore, it is determined that the Borough of Wanaque has an RDP of 22 units.

## Summary

The Borough previously utilized a vacant land adjustment in previous rounds which resulted in an RDP of 26 units. The change in RDP from this round is most likely due to NJDEP revising boundaries within the maps to create larger buffer areas and the development of formerly vacant parcels.

## Appendix

1. Affirmative Marketing Plan
2. Draft Spending Plan
3. Resolutions
4. Court Documents

## Affirmative Marketing Plan

Each municipality is required to establish and maintain an Affirmative Marketing Plan which is maintained in accordance with *N.J.A.C. 5:80-26*. The Affirmative Marketing Plan applies to all developments that contain low and moderate-income units. The Affirmative Marketing Plan is a regional marketing strategy design 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/sponsor, municipality and/or designated administrative agency of affordable housing.

The affirmative marketing program is a continuing program and will meet the following requirements:

- The affirmative marketing process for available affordable units shall begin at least four (4) months prior to expected occupancy. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all available units have been leased or sold.
- One advertisement will be published in the following newspaper(s) of general circulation within the housing region: The Star Ledger
- The advertisement will include the following:
  - The location of the units;
  - Directions to the housing units;
  - A range of prices for the housing units;
  - The size, as measured in bedrooms, of the housing units;
  - The maximum income permitted to qualify for the housing units;
  - The business hours when interested households may obtain an application for a housing unit; and;
  - Application fees, if any.
- Signs, posters or brochures of available affordable housing units or affordable housing programs should be displayed at all municipal buildings as well as libraries, and developer's sales offices.

The Affirmative Marketing Program should reach out to local religious groups and civic organizations that are likely to apply, or help members apply for housing. This should include sending quarterly flyers and applications for circulation.

Developers of affordable housing should be required to aid in the marketing of the affordable units in their prospective development.

The program should actively continue for as long as low and moderate-income units are initially available and continue when occupancy or re-occupancy becomes necessary.

## Draft Spending Plan

### Introduction

A development fee ordinance creating a dedicated revenue source for affordable housing following state guidelines. The ordinance established a fee of 1.5% of equalized assessed value for new residential construction and 2.5% for new commercial construction. Please see below per the ordinance:

#### *Residential Development Fees*

*All residential developers shall pay a mandatory development fee equal to 1.5% of the equalized assessed value for each residential unit constructed, provided that no increased density (above what is permitted as of right by the existing zoning) is permitted. This mandatory fee shall be calculated as follows:  $0.015 \times \text{equalized assessed value} \times \text{number of units}$ .*

#### *Nonresidential Development Fee*

*Involving new construction on unimproved lot or lots, the fee shall be based on the equalized assessed value of the land and improvements. If an existing structure is demolished and replaced, the development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the land and preexisting improvements thereon and the equalized value of the newly constructed structure and the land. Such calculation being made at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.*

The ordinance established the Borough of Wanaque Affordable Housing Trust Fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by affordable housing fees are deposited in a separate interest-bearing affordable housing trust fund account for the purpose of affordable housing.

The ordinance established the Borough of Wanaque Affordable Housing Trust Fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by affordable housing fees are deposited in a separate interest-bearing affordable housing trust fund account for the purposes of affordable housing. Borough of Wanaque has prepared this Spending Plan to guide the allocation of funds within the Borough of Wanaque Housing Trust Fund.

As of December 31, 2024, the Borough of Wanaque has as indicated in the table below the funds in its Affordable Housing Trust Fund.

### 1. Revenues

As of December 31, 2024, Wanaque Borough has collected \$400,680.00. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in *Lakeland Bank* for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9, as described in the sections that follow.

To calculate a projection of revenue anticipated during the period of the fourth round, the Borough of Wanaque considered the following:

- 1) Development fees:

- a. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
  - b. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
  - c. Future development that is likely to occur based on historical rates of development.
- 2) Payment in lieu (PIL): Actual and committed payments in lieu (PIL) of construction from developers as follows:
- 3) Other funding sources:
  - a. Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, and proceeds from the sale of affordable units.
- 4) Projected interest:
  - a. Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

Projected Revenue												
Source of Funds	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Development Fees – Projected Development	0	0	0	250,000	0	0	0	0	0	0	0	250,000
Payments in Lieu of Construction	0	0	0	0	0	0	0	0	0	0	0	0
Other Funds	0	0	0	0	0	0	0	0	0	0	0	0
Interest	0	0	0	0	0	0	0	0	0	0	0	0
Total	400,680	400,680	400,680	650,680	650,680	650,680	650,680	650,680	650,680	650,680	650,680	650,680

The Borough of Wanaque predicts additional revenue from a nonresidential development project in 2028. The Borough of Wanaque's trust fund balance has total deposits of **\$ 400,680.00** available to fund and administer its affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

## 2. Collection and Distribution of Funds

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Borough of Wanaque.

- 1) Collection of development fee revenues:  
Collection of development fee revenues shall be consistent with Borough's development fee ordinance for both residential and non-residential developments in accordance with the Department's rules and P.L. 2008, C.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).
- 2) Distribution of development fee revenues:



Distribution of development fee revenues: Wanaque Borough will distribute funds with the oversight of the Borough Council. The Council will work with the Borough Administrator and the Municipal Housing Liaison to manage the projects outlined in this spending plan.

### 3. Expenditures

Wanaque proposes to use the monies in its Affordable Housing Trust Fund for the following purposes:

1) Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)

Borough of Wanaque will dedicate funds for rehabilitation or new construction programs in consultation with affordable housing specialists. This includes the construction of a 100% affordable project at Berta's boarding house for supportive housing. The Borough will dedicate \$400,000.00 to the costs associated with this project.

Borough Rehabilitation Program: The Borough's efforts to meet its present need include a municipally sponsored local rehabilitation program and participation in the County's rehabilitation program. The Borough will utilize \$200,000 of affordable housing monies to address its present need and the rehabilitation of affordable units.

This is sufficient to satisfy the Borough's present need obligation of sixteen (16) units.

2) Administrative Expenses (N.J.A.C. 5:97-8.9)

Administrative Expenses (N.J.A.C. 5:97-8.9) Wanaque Borough will dedicate no more than twenty percent (20%) of revenue from the affordable housing trust fund to be used for administrative purposes. The current budget for administrative expenses is **\$80,136.00**, subject to the twenty percent (20%) cap are as follows:

- Legal fees associated with affordable housing administration;
- Planning fees for any necessary updates and/or revision to the Housing Element and Fair Share Plan; and
- Other expenses associated with the development and implementation of the Housing and Fair Share Plan and the monitoring of current and future affordable housing programs within Wanaque Borough.

Actual Development Fees and Interest thru May 2025		\$650,680.00
Projected Development Fees and Interest thru 2035	+	\$250,000.00
Payments in lieu of construction	+	\$0.00
Less RCA expenditures thru 5/21/2025	-	\$0.00
<b>Total</b>	=	\$400,680.00
Calculate twenty percent (20%)	X .20	\$80,136.00
Less admin expenditures thru Dec 2035	-	\$0.00
<b>Projected Maximum available for administrative expenses Thru December 2035</b>	=	<b>\$80,136.00</b>

#### 4. Planned Expenditures

The Borough of Wanaque intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units and to assist residents through affordability assistance programs.

The Borough of Wanaque has engaged the services of affordable housing consultants to scope the best fit housing solutions that would include the rehabilitation of existing units, construction of new units either as a Borough initiative or in the context of significant redevelopment project and per the as Wanaque Borough Housing Ordinance.

#### 5. Excess or Shortfall of Funds

Implementation of the affordable housing program in the Spending Plan will satisfy Wanaque's current affordable housing obligation. In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used for a future round of municipal affordable housing obligation and additional affordability assistance funding. In the event of a shortfall of funds, the Borough would use municipal funds through bonding. It shall be noted that the affordability assistance funding would be allocated to security deposit assistance, rental assistance, and emergency repair assistance associated with the five accessory apartment units proposed.

#### 5. Barrier Free Escrow

Collection and distribution of barrier free funds shall be consistent with Borough of Wanaque's Affordable Housing Ordinance, in accordance with N.J.A.C. 5:97-8.5.

#### Summary

Borough of Wanaque intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the Housing Plan Element.

As of December 31, 2024, the Borough of Wanaque has a balance of **\$400,680.00**. The Borough of Wanaque will apply the balance per the guidance and recommendations of affordable housing stakeholders.

## Resolutions

### RESOLUTION COMMENCING NEIGHBORHOOD REVITALIZATION

#### BY ALLOWING RESIDENTIAL AREAS ALONG RINGWOOD AVENUE OF THE BOROUGH OF WANAQUE TO BE CONSIDERED AN AREA IN NEED OF REHABILITATION

WHEREAS, the Borough of Wanaque Mayor and Council, as part of the financial best practices-economic development policies, is exploring the implementation of the residential and neighborhood preservation sections of the Local Redevelopment and Housing law (N.J.S.A. 40A:12A-14) to advance community interests and to efficiently encourage rehabilitation of housing units which by reason of age or economics may be in need of rehabilitation; and

WHEREAS, the Local Redevelopment and Housing law includes a process through which a municipality may encourage home improvements and upgrades by assisting income limited homeowners when improvements such as new roofing, new siding, new windows, etc. are installed in residential structures by implementing an area in need of rehabilitation; and

WHEREAS, the Borough finds that a program of rehabilitation as defined in N.J.S.A. 40A:12A-3 and 12A-14 may prevent neighborhood deterioration and promote the health of the housing stock of the entire area of the Borough and all of the residential communities within Wanaque, by NOT immediately taxing the improvements, upon the homeowner making such improvements; and

WHEREAS, in 2007 and 2008 the Borough studied the Ringwood Avenue area (South of Doty Road) as a potential area in need of redevelopment; and

WHEREAS, in September of 2013 the State of New Jersey changed the Local Housing and Redevelopment Law allowing for non-condemnation areas; and

WHEREAS, On August 8, 2023, through the adoption of Resolution 133-0-2022, the Mayor and Council has submitted to the Wanaque Planning Board for its review and recommendation this resolution determining that an area in need of rehabilitation be designated for ALL areas of Wanaque, as shown on the Borough's tax maps including those properties shown on Sheet 4.04, a portion of Sheet 4.05, and a portion of Sheet 4.06, as an example and specifically those properties having residential units-where there is homeowner occupancy, and further located in the following tax blocks-**but not limited thereto**-permitting other parcels to be added:

Tax Block		Street Location – General Vicinity
430	-	Ringwood Avenue-North of Doty Road
431	-	Ringwood Avenue at Fifth Avenue
432		Fifth Avenue and Fourth Avenue
433		Fourth Avenue
435		Second Street
438-439-440-441-442-443		Park Avenue (Between Ringwood and Boulevard)
436		Ringwood Avenue-South of Doty Road
437		Ringwood Avenue
448		Ringwood Avenue
449		Park Avenue
450, 451, 452, 453, 457		Park Avenue-Boulevard
454, 455, 456		Milton Place and Whistler Place
458, 459		Franklin Place-Jackson Street
463, 464, 465		Ringwood Avenue-Argile Road
Note: The area will include all homeowner occupied properties along or near Ringwood Avenue, from just north of Doty Road to the intersection with I-287. Other tax blocks may be included.		

; and

WHEREAS, on January 19, 2023 the Wanaque Planning Board recommended the implementation of such area in need of rehabilitation pursuant to the Local Redevelopment and Housing Law (40A:12A-14) for the entirety of the Borough which requires that at least one of six conditions exist to qualify as an area in need of rehabilitation, one of the conditions qualifying an area as in need of rehabilitation is that more than half of the housing stock in the identified area is at least 50 years old; and

WHEREAS, according to the United States Census Bureau, as of 2020, the Borough of Wanaque had 4,435 housing units of which 2,681 were single family detached and 339 were single family attached (such as units above retail units (such as storefronts)) and 68% of the housing stock in Wanaque was built in 1979 or earlier, including an estimated over 50% of those properties situated in the aforementioned residential districts, accordingly the delineated area of the Borough meets the standard that more than half of the housing stock is at least 50 years old; and

WHEREAS, according to the United States Census Bureau as of 2020 the median household income in the Borough of Wanaque was \$95,685 annually and, therefore, 80% of

the median household income was \$76,548, which is considered moderate income by HUD and State of New Jersey affordable housing household income standards; and

WHEREAS, following the designation as an area in need of rehabilitation, the economic incentives, including the delayed implementation for up to 5 years of full property taxes on a phased in basis, of 20%, 40%, 60%, 80%, of total property taxes for qualified residential housing rehabilitation improvements and, further, the qualification of potential low-interest loans with strict guidelines, must be formally implemented by the Mayor and Council through the adoption of an ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Wanaque Mayor and Council that the above-described area as delineated in a tax map abstract be and is hereby designated an area in need of rehabilitation so that homeowners may be encouraged to invest in their properties without immediately having a property tax placed on their investment.

## SAMPLE NOTICE TO HOMEOWNERS

### Borough of Wanaque Housing Rehabilitation Program

The Borough Administrator's Office administers no-interest, deferred loans for Passaic County and various Municipalities, if funding is available, for housing rehabilitation for very low- and low-income homeowners. The Housing Rehabilitation Program can address all basic rehabilitation needs of a home, meaning plumbing, heating, electric and roof, plus windows, doors, insulation and exterior repair and painting.

The Conditions of Eligibility for Rehabilitation-in order to qualify for a rehabilitation tax abatement and or a deferred loan under the Program, applicants must be the property owner and occupant, meet the income criteria as described below, have the home properly insured and have the municipal property taxes paid up to the current quarter. An inspector from the Borough may complete a property inspection and advise you as to which improvements the program may be able to finance.

**RESOLUTION ACCEPTING NJDCA'S FOURTH ROUND  
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED  
NUMBERS, SUBJECT TO ANY ADJUSTMENT THROUGH THE  
HOUSING ELEMENT REVIEW PROCESS**

RESOLUTION # 68-0-2025

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

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

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

**WHEREAS**, the DCA Report calculates the Borough of Wanaque's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 15 and a Prospective Need or New Construction Obligation of 183 affordable units; and

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

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

**WHEREAS**, COAH regulations authorize vacant land adjustments, sewer service area, highlands are restrictions, as well as durational adjustments; and

**WHEREAS**, based on the foregoing, the Borough of Wanaque accepts the DCA calculations as the Borough's fair share obligations and commits to its fair share of 15 units present need and 183 units prospective need subject to any vacant land, sewer service area, and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and



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

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

**WHEREAS**, in light of the above, the Borough of Wanaque finds that it is in the best interest of the Borough to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

**WHEREAS**, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

**WHEREAS**, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint . . . in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner"; and

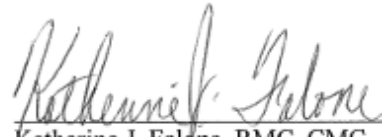
**WHEREAS**, the Borough seeks a certification of compliance with the FHA and, therefore, directs its Special Legal Counsel and Borough Attorney to file a declaratory relief action on or about February 3, 2025.

**NOW, THEREFORE, BE IT RESOLVED** on this 27th day of January, 2025 by the Borough Council of the Borough of Wanaque as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Borough of Wanaque hereby commits to the DCA Round 4 Present Need Obligation of 15 units and the Round 4 Prospective Need Obligation of 183 units described in this resolution, subject to all reservations of rights set forth above.
3. The Borough of Wanaque hereby authorizes its Special Legal Counsel and Borough Attorney to file a declaratory judgment action in Passaic County on or before February 3, 2025.
4. This resolution shall take effect immediately, according to law.

**CERTIFICATION**

I, Katherine J. Falone, Clerk of Wanaque, County of Passaic, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Mayor and Council at a meeting held on January 27, 2025.

  
Katherine J. Falone, RMC, CMC  
Municipal Clerk