

VIII. Multigenerational Family Continuity Evaluation

P.L. 2024, c.2 amended various aspects of the Fair Housing Act. These amendments modified the mandatory components of a municipality's housing element. NJSA 52:27D-310g. has been added, which states "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)".

P.L. 2021, c.273 took effect on November 8, 2021. The law established the Multigenerational Family Housing Continuity Commission, which consists of a body of nine members. The duties of the Commission include the preparation and adoption of recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas. The Law requires the Commission to report annually to the Governor on its activities, findings, and recommendations, if any, for State and local government. The Department of Community Affairs ("DCA") is required to provide staff services as may be needed for the Commission to carry out its responsibilities, including assembly of necessary information and statistics, and preparation of draft reports, analyses, and recommendations.

The State of New Jersey's website was reviewed on June 9, 2025. A search of the website revealed no webpage for the Multigenerational Family Housing Continuity Commission. As DCA is required to provide staff and research for the Commission, DCA's website was reviewed on June 9, 2025. DCA's website is silent regarding the Commission, its annual required reports, studies, and/or recommendations. Without recommendations from the Commission, Woodland Park is unable to conduct an analysis of its ordinances and other local factors. Despite the absence of recommendations, it should be noted that there is nothing in Woodland Park's zoning ordinance that prohibits senior citizens from residing at the home of their extended families.

IX. State Development & Redevelopment Plan Consistency

P.L. 2024, c.2 amended the Fair Housing Act to include a new requirement for housing elements. NJSA 52:27D-310i. reads, "An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission."

The Draft State Development and Redevelopment Plan was approved by the State Planning Commission ("SPC") on December 4, 2024 and was released on December 6, 2024. The Office of Planning Advocacy ("OPA") conducted public hearings in each of New Jersey's 21 Counties between February 12, 2025 and April 16, 2025. Municipalities are tasked with completing Cross-Acceptance Response Template forms to determine a municipality's consistency with the Draft State Plan. The OPA anticipates collecting all Cross-Acceptance Response Template forms in the Summer of 2025. During this time, the OPA is accepting comments on the Draft Plan. The OPA anticipates releasing a Final Draft Plan and holding six additional public hearings in the Summer/Fall of 2025. The expected adoption of the Final Plan by the SPC is anticipated to be in the Winter of 2025.

Woodland Park has not received guidance regarding water, wastewater, stormwater, or multi-modal transportation from the State Planning Commission. As the document is a draft, we cannot opine on consistency until the final version is adopted. Furthermore, Woodland Park submitted comments to OPA on April 2, 2025 regarding the draft plan that if accepted, would modify the goals and policies.

FAIR SHARE PLAN

Borough of Woodland Park

X. Fair Share Plan

Fair Share Plan is defined by the Amended Fair Housing Act as “the plan or proposal that is in a form which may readily be adopted, with accompanying ordinances and resolutions, pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1), by which a municipality proposes to satisfy its obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.”

The remaining chapters of this report comprise the Fair Share Plan.

Content of Fair Share Plan

The Fair Share Plan contains the following information:

- Outline of the four-part affordable obligation;
- Explanation of existing credits intended to satisfy the obligation;
- Description of mechanisms that will be used to meet any outstanding obligation; and
- An implementation schedule that sets forth a detailed timetable for units to be provided.

In adopting its housing element, a municipality may provide for its fair share of low- and moderate-income housing by means of any technique or combination of techniques that provide a realistic opportunity for the provision of the fair share. As per NJAC 5:93, these potential techniques include but are not limited to:

- Rehabilitation of existing substandard housing units;
- ECHO units (as a Rehabilitation credit);
- Municipally-sponsored and 100% affordable developments;
- Zoning for inclusionary development;
- Alternative living arrangements;
- Accessory apartment program;
- Purchase of existing homes;
- Write-down/buy-down programs; and
- Assisted living residences.

Regional Income Limits

Dwelling units are affordable to low- and moderate-income households if the maximum sale price or rental cost is within their ability to pay such costs, based on a specific formula. 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. Woodland Park is located in Region 1, which contains Bergen, Hudson, Passaic, and Sussex Counties.

Using the Affordable Housing Professionals of New Jersey's chart on the regional income limits for Housing Region 1 in 2024, a four-person moderate-income household is capped at \$96,329. Two-person moderate-income households are capped at \$77,064, while two-person households could make up to \$48,165 to be considered a low-income household. The table below provides the median, moderate-, low-, and very-low-income limits for one-, two-, three-, and four-person households in Region 1.

2024 Regional Income Limits

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

Affordable Requirements

The four components that must be addressed by this plan are contained in the table below.

Affordable Housing Obligation

	Rehabilitation	Prior Round 1987 - 1999	Third Round 1999 - 2025	Fourth Round 2025 - 2035
Obligation	17	95	440	240
RDP	--	-	39	27
Unmet Need	--	-	401	213

As mentioned in Chapter I., Woodland Park has conducted a structural conditions survey and determined the Rehabilitation Obligation is 17 and a Vacant Land Analysis and determined the RDP to be 27, which means the Unmet Need for the Fourth Round is 213. These adjustments are described in detail in Chapter XI.

XI. Woodland Park's Affordable Housing Obligation

This chapter outlines the four-part affordable housing obligation Woodland Park has been assigned.

Four-Part Obligation

Rehabilitation

As indicated in the May 1, 2025 Decision and Order Fixing Municipal Obligations for "Present Need" and "Prospective Need" for the Fourth Round Cycle, the Borough's Rehabilitation Obligation is 153. However, Woodland Park has performed a structural conditions survey. The survey was conducted in the fall of 2024 and revealed that 20 homes within the Borough have one or more major systems in need of repair and/or two or more minor systems in need of repair. The detailed structural conditions survey can be found in Appendix F. Multiplying the number of homes with systems in need of repair by the percent of affordable households in overcrowded units (sourced from the DCA workbook), which is 87.5% results in an adjusted Rehabilitation Obligation of 17. Therefore, this HEFSP addresses a 17-unit Rehabilitation Obligation.

Prior Round (1987-1999)

Woodland Park has a PRO of 95. The following rental and age-restricted formulas apply to the PRO. These formulas provide the minimum and maximum requirements regarding the development of rentals and age-restricted units for the PRO.

Minimum rental obligation:

$$= 25\% (\text{PRO})$$

$$= 25\% (95) = 23.75 \sim 24$$

Furthermore, it should be noted that NJAC 5:93-5.15(d)3 limits the number of rental bonuses to the minimum required rental obligation. Therefore, Woodland Park may receive a **maximum of 24 rental bonuses** for the PRO.

Maximum age-restricted:

$$= 25\% (\text{PRO})$$

$$= 25\% (95) = 23.75 \sim 23$$

Third Round (1999-2025)

The 2018 FSHC Settlement Agreement granted the Borough of Woodland Park a VLA, which produced a 65-unit RDP. However, as discussed in the following chapter, three of these sites do not meet the site suitability criteria and must be removed from the generation of RDP. Removing these three sites reduces the Third Round RDP to 39.

The formulas below are from NJAC 5:93 for municipalities seeking a VLA.

Minimum rental obligation:

$$= 25\%(\text{RDP})$$

$$= 25\%(39) = 9.75 \sim 10$$

Furthermore, it should be noted that NJAC 5:93-5.15(d)3 limits the number of rental bonuses to the minimum required rental obligation. Therefore, Woodland Park may receive a **maximum of 10 rental bonuses** for the TRO.

Maximum age-restricted:

$$= 25\% \text{ (RDP)}$$

$$= 25\%(39) = 9.75 \sim 9$$

Fourth Round (2025-2035)

As indicated in the May 1, 2025 Order Fixing Municipal Obligations for "Present Need" and "Prospective Need" for the Fourth Round Cycle, the Borough's Fourth Round Obligation is 240. However, as mentioned above, Woodland Park is seeking a VLA for the Fourth Round which has produced an RDP of 27.

The Amended FHA modified the micro-requirement formulas, which are as follows:

- Minimum 50% of the actual affordable units (exclusive of any bonus credits) available to families
- Minimum 25% of the actual affordable units (exclusive of any bonus credits) as rental units
- Half of the above as family rental units
- Maximum 30% of the affordable units exclusive of any bonus credits) as age-restricted housing
- Maximum 25% of the obligation as bonus credits

Applying the 27-unit RDP against the micro-requirements results in the following minimums and maximums:

Fourth Round Micro Requirements			
27	Fourth Round RDP		
Calculation	Rounding	Percent	Category
10.5	11	50%	Minimum Families with Children (non-restricted, excluding bonuses)
5.3	6	25%	Minimum Rentals (excluding bonuses)
2.6	3	12.5%	Minimum half of the above reserved for families with children
6.8	6	25%	Maximum Bonuses
6.3	6	30%	Maximum Senior Credits (excluding bonuses)

Vacant Land Adjustment Analysis

P.L. 2024, C.2, referred to as the Amended Fair Housing Act, specifically permits vacant land adjustments under NJSA 52:27D-310.1. Furthermore, NJSA 52:27D311m. states that all parties are entitled to "rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to, P.L. 2024, c.2". Therefore, under the Prior Round Rules (5:93-4.1), municipalities are permitted to seek adjustments. The Rules indicate that there may be instances where a municipality can exhaust an entire resource (land, water, or sewer) and still not be able to provide a realistic opportunity for affordable housing. NJSA 52:27D-310.1 lists the permissible vacant land exclusions.

Colliers Engineering & Design, the Borough's Planner, prepared a VLA analysis to determine the Borough's RDP in 2025, as per the requirements of NJSA 52:27-310.1 (see Appendix G for a copy of the VLA results). Utilizing ArcGIS Pro, a Geographic Information Systems ("GIS") tool, an initial map illustrating the environmental features present in the Borough was prepared to identify areas that are environmentally constrained. The following environmental features were reviewed:

- New Jersey Department of Environmental Protection ("NJDEP") waterbodies of the 2020 National Hydrography Dataset and Surface Water Quality Classification (SWQC).
 - A 300-foot buffer was applied to all Category One ("C1") waters. (There are no C1 waters in Woodland Park.)
 - A 150-foot riparian buffer was applied to (1) any trout production waters and tributaries, (2) any trout maintenance waters and upstream tributaries within one mile, or (3) any waters and tributaries within one mile that flow through a present or documented habitat for threatened or endangered species.
 - A 50-foot riparian buffer was applied to all other waters.
- NJDEP wetlands
 - A 150-foot wetlands buffer was applied to wetlands of exceptional resource value, which include wetlands that (1) discharge into an FW-1 or FW-2 trout production waters and/or tributary or (2) are a present or documented habitat for threatened or endangered species.
 - A 50-foot wetlands buffer was applied to wetlands of intermediate resource value, which are wetlands that are not defined as exceptional or ordinary.
 - No wetlands buffer was applied to wetlands of ordinary resource value, which includes wetlands that are (1) isolated and less than 5,000 square feet and has lawn, maintained landscaping, impervious surfaces, active railroad rights-of-way, and/or roads covering 50% of the area within 50 feet of the wetlands, (2) a drainage ditch, (3) a swale, or (4) a man-made detention facility.
- FEMA Special Flood Hazard Area ("SFHA") Zone AE from Passaic County's National Flood Hazard Layer, dated May 15, 2024.

Next, an analysis of all vacant properties in the Borough was conducted utilizing 2025 MOD-IV tax data from the Passaic County Property Assessment Search Hub and parcels from NJGIN. Vacant properties included parcels with a property classification of Class 1 ("Vacant"), Class 3B ("Qualified Farmland"), and Class 15C ("Public Property") that is not developed and/or not preserved open space. For example, a Class 15C property that contains a public facility, such as a library or is preserved open space listed on the Borough's Recreation and Open Space Inventory, would not be considered vacant, while a wooded lot owned by the Borough without any sort of restriction is considered vacant land.

The various land use categories within the Borough are illustrated on the map entitled "Existing 2025 Land Use".

The aggregated environmentally constrained areas, except areas within the SFHA, were then removed from the parcels, which resulted in each parcel's vacant and developable area. For example, if Lot A contained 35 acres, but 20 acres were encumbered by wetlands and a 300-foot C1 stream buffer, then Lot A has 15 vacant and developable acres.

Next, each vacant property was reviewed to confirm its vacant status. This included the following:

- Recent aerial imagery from NearMap to confirm no development exists. For example, a Class 1 property with a building under construction was not considered vacant.
- Recently issued Certificates of Occupancy.
- Recently issued building permits.
- Properties owned by a private utility.
- Properties in low-density residential zones and surrounded by single-family homes, which would not be suitable for multi-family development due to being inconsistent with surrounding uses.
- Properties entirely within the SFHA and which did not have egress to a roadway network that was over one foot above the flood elevation and of sufficient capacity to serve the occupant load.

Once each lot's unconstrained area and vacancy status was determined, properties were identified that could be developed with at least five housing units at the minimum presumptive density of eight dwelling units per acre (lots with at least 0.625 acres). Additionally, properties that could be developed with between one and five housing units at the minimum presumptive density (between 0.125 and 0.625 acres) were identified as potential infill development. Properties that could not be developed with at least one housing unit (less than 0.125 acres) were identified as either environmentally constrained or undersized. This analysis also accounted for adjacent properties under common ownership that could be combined. For example, if Lot A is 0.1 acres and Lot B is 0.1 acres and both are under common ownership, their combined acreage would be 0.2 acres. This modifies their developable status from undersized to potential infill development. Similarly, commonly owned Lot C with 0.5 acres and Lot D with 0.4 acres are combined for a total of 0.9 acres. This modifies their developable status from potential infill development to potential development and would generate an RDP.

Based on the results of the VLA analysis, three properties in the Borough of Woodland Park were identified to be vacant, contain at least 0.625 acres of unconstrained land, and have access to sewer and water infrastructure, which are as follows:

- Block 32, Lot 1.02 – This parcel contains 0.923 buildable acres, which generates an RDP of 1.
- Block 85, Lots 7.01 and 13.01 – These two lots contain 28.764 buildable acres. However, Lot 13.01 was included in the Third Round RDP with 15.249 developable acres. Therefore, the total buildable acres for this site in the Fourth Round is 13.515 acres, which generates an RDP of 22.
- Block 85, Lot 7.02 – This lot contains 2.437 buildable acres, which generates an RDP of 4.

Therefore, the Borough's RDP was determined to be 27 based on the results of this VLA. See Appendix G for details.

Unmet Need

The RDP has been calculated to be 27; therefore, the Unmet Need is the result of subtracting the RDP (27) from the FRO (240). This results in an Unmet Need of 213.

XII. Mechanisms & Credits

This chapter provides the existing and proposed mechanisms and credits for each of the four affordable housing obligations.

Existing Mechanisms & Credits

Woodland Park has a total of 13 credits of inclusionary units, three credits of alternative living arrangement bedrooms, 43 RCA credits, and three rental bonuses that exist on the ground today.

Rehabilitation Mechanisms & Credits

Rehabilitation must occur within the Round to count for credit. Therefore, Woodland Park does not have any credits to apply towards the Rehabilitation Obligation.

Prior Round Mechanisms & Credits

There are three completed mechanisms which were included in the 2018 FSHC Settlement Agreement. The following sections detail each strategy.

K. Hovnanian Senior Living

This age-restricted inclusionary development, which received Board approval prior to 2008, was identified in the 2018 FSHC Settlement Agreement as "K Hovnanian Senior Living" and as "K Hovnanian Adult Living" in the 2018 HEFSP. However, the development is now known as "Four Seasons at Great Notch". The site is located in the R-G Residence "G" District (Adult Residential District), which was adopted in 1999. COs for the affordable units within the inclusionary development were issued between 2006 and 2016. The 13 affordable units have a 30-year deed restriction and include seven low-income and six moderate-income for-sale age-restricted units. All 13 units are two-bedroom units. The units are located on Block 113, Lot 12.01 with unique individual qualifier codes. Appendix H contains a sample deed restriction and repayment mortgage for 2 Quarry Drive.

Based on the information above, the K Hovnanian Senior Living inclusionary development qualifies for **13 credits** pursuant to NJAC 5:93-5.6 (inclusionary development).

5 Greenway Lane

Bergen County United Way purchased and renovated an existing home in 2014 at 5 Greenway Lane, which is identified as Lot 3 of Block 9. The home houses three low-income individuals with developmental disabilities and is licensed by the Department of Human Services, Office of Licensing. The group home is now owned by Advancing Opportunities, Inc. A copy of the Supportive and Special Needs Housing Survey; Financing, Deed Restriction and Regulatory Agreement; and a state license can be found in Appendix I.

The home is eligible for **3 credits** pursuant to NJAC 5:93-5.8 (alternative living arrangements) and for **3 bonuses** pursuant to NJAC 5:93-5.15(d).

RCA to Paterson

The Borough transferred 43 units to the City of Paterson as part of a Regional Contribution Agreement ("RCA"). COAH approved the transfer on November 3, 1999. The Borough transferred

\$700,000 on October 18, 2002 and \$155,000 on September 21, 2005. Pursuant to NJAC 5:93-5.7 (RCAs), this mechanism is eligible for **43 credits**.

Third Round Mechanisms & Credits

There are no existing credits for the Third Round Obligation.

Fourth Round Mechanisms & Credits

The Borough does not have any existing Fourth Round credits.

Summary of Existing Mechanisms & Credits

Woodland Park has a total of 59 credits and three bonuses that are applied to the PRO. See the table below for details.

Existing Mechanisms & Credits						
Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
<i>Prior Round Credits</i>						
K. Hovnanian Senior Living	Inclusionary	Sale	Yes	13		13
5 Greenway Lane	Alternative Living Arrangement	Rental	-	3	3	6
RCA to Paterson	RCA	-	-	43		43
Total				59	3	62

Proposed Mechanisms & Credits

The sections below detail the proposed mechanisms and credits to address the Borough's four-part affordable housing obligation.

Rehabilitation Mechanisms & Credits

The Borough proposes one mechanism to address its 17-unit Rehabilitation Obligation.

Borough-Sponsored Rehab Program

The purpose of a rehabilitation program is to rehabilitate substandard housing units occupied by low- and moderate-income households. A substandard housing unit is defined as a unit with health and safety code violations that require the repair of a major system. A major system includes weatherization, a roof, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), and/or a load bearing structural system. Upon rehabilitation, housing deficiencies must be corrected, and the house must be brought up to code. The standard for evaluating rehabilitation activity shall be the local property maintenance code, or, if none is available, the BOCA Property Maintenance Code, in effect at the time of evaluation. The rehabilitation activity shall not include luxury improvements, the purchase of appliances (with the exception of stoves) or improvements that are strictly cosmetic. A rehabilitated unit is considered complete at the date of final inspection.

The Borough has retained an affordable housing administrator to operate a Borough-sponsored Rehabilitation Program that complies with the requirements of NJAC 5:93-5.2. See Appendix J for a copy of the Administrative Agent Resolution. Funding for the program will come from the Affordable

Housing Trust Fund account. The Borough will reserve a maximum of \$10,000 per unit. The rehabilitations will be phased between now and 2035.

A rehabilitation manual will be prepared and adopted once the Program and/or Court approves the Borough-sponsored rehabilitation program. The rehabilitation program will be marketed through a combination of some, though not necessarily all, of the following: brochures, posters in prominent locations, notices in municipal tax bills, notices included in municipal publications, and informational meetings with civic and religious leaders, senior citizen groups, and fraternal organizations. The designated Administrative Agent will maintain files on each program applicant.

Woodland Park will require at least ten-year controls on affordability on owner-occupied units and on rental units. The controls on affordability may be in the form of a lien filed with the appropriate property's deed. Rents in rehabilitated units may increase annually based on the standards in NJAC 5:93-9.15.

As per NJAC 5:93-5.2(h), Woodland Park will spend a minimum of \$10,000 per unit for rehabilitation activity. Money used to rehabilitate units must be repaid at the end of the ten-year affordability controls. It is anticipated that the Township's Rehabilitation Program will be structured to encourage rehabilitation and continued occupancy. If a housing unit is sold prior to the end of the controls on affordability, at least part of the loan shall be recaptured and used to rehabilitate another housing unit. If the municipality structures a loan program to recapture money, recaptured money shall be used for another low- and moderate-income housing purpose or to repay a municipal bond issued to finance a low- and moderate-income housing activity.

Woodland Park is reserving trust funds for five households.

Based on the above, the Borough-Sponsored Rehabilitation Program would be eligible for crediting pursuant to NJAC 5:93-5.

Prior Round Mechanisms & Credits

One Prior Round mechanism that was included in the 2018 FSHC Settlement Agreement remains outstanding.

Garret Pointe

This site was included in the 2018 FSHC Settlement Agreement as a mechanism to address the Borough's PRO. The site is identified as Block 85, Lot 14 and is located along the Borough's boundary with the City of Clifton just south of Weaseldrift Road (see the map on page 45). The property is located in the R-H Residence "H" District (Inclusionary Multi-Family Residential District), which was created in 1999 and permits attached and multi-family dwellings such as townhomes, garden-style homes, and villas at a density of 20 units per acre. A 15% affordable housing set-aside is required for rentals, while a 20% set-aside is required for sale units. The R-H Zone standards can be found here: <https://ecode360.com/34551084#34551084>.

In 2006, approval was granted for a 128-unit inclusionary multi-family development on the site. The site was to gain access and utilities through the City of Clifton. However, the approval was delayed due to litigation, which includes a neighboring municipality. The approval included 20 family rental affordable units.

However, the previous Board approval has since expired. Additionally, the site is outside of sewer and water service areas⁸ and does not have street frontage along any public right-of-way. Therefore, the site does not meet the developable or suitable prongs of the four-part suitability test. The Borough will maintain the R-H District zoning, which permits inclusionary multi-family development at a density of 20 units per acre. If, and when, the sewer and water service areas are amended, and public street access is gained (whether through Woodland Park or Clifton) this site could be developed for inclusionary housing.

Based on the above, Garret Pointe is being removed as a Prior Round mechanism and will be moved to address the Third Round Unmet Need.

1108 McBride Avenue

1108 McBride Avenue is identified as Block 90, Lot 7, which includes additional Lots 8, 9, and 10. The site totals approximately 8,000 square feet. In 2023, TVH Properties, LLC applied to the Board of Adjustment for Preliminary and Final Site Plan approval with D(1) use variance relief to permit the redevelopment and expansion of an existing office building into an inclusionary mixed-use building with two commercial spaces and four residential units, including one affordable unit. The Board approved the application on July 24, 2023 and memorialized its approval via Resolution on September 25, 2023. See Appendix K for a copy of the Resolution. The affordable unit will be a low-income family rental unit. The building is under construction and is anticipated to receive a CO in 2025.

The affordable housing rules require municipalities to designate sites that are available, suitable, developable, and approvable, as defined in NJAC 5:93-1. These terms are defined below:

- "Approvable site" means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.
- "Available site" means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
- "Developable site" means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.
- "Suitable site" means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in NJAC 5:93-4.

⁸ Email from Allan Burghardt, Borough Construction Code Official, on June 6, 2025.



ENVIRONMENTAL CONSTRAINTS - GARRET POINTE
 BLOCK 85, LOT 14
 BOROUGH OF WOODLAND PARK
 PASSAIC COUNTY, NEW JERSEY

0 75 150
 1 inch = 150 feet



Colliers
 Engineering
 & Design
 June 9, 2025
 WDB002

This map was developed using GIS digital data from FEMA, NJDEP, NJDOT, NJGIN, but this secondary product has not been verified and is not state-authorized. Aerial image sourced from NearMap, dated March 19, 2025.

1108 McBride Avenue meets the Four-Prong Test as follows:

- **Approvable Site** – As noted above, the Board of Adjustment granted TVH Properties, LLC preliminary and final site plan approval to redevelop the site with an inclusionary mixed-use building with four residential units, including one affordable unit. Construction is underway and a CO is anticipated in 2025.
- **Available Site** – The site is owned by 1108 McBride Avenue, LLC and the Borough is unaware of any title or encumbrance issues.
- **Developable Site** – The property is located within water and sewer service areas.
- **Suitable Site** – The site has frontage along McBride Avenue and Passaic Avenue. The property is adjacent to residential uses to the north, east, south, and west and a small “pocket” park to the southeast. It should be noted that non-residential uses along McBride Avenue are located within one block of the site. The site is generally free of environmental constraints. However, FEMA’s Special Flood Hazard Area encroaches into the southwestern corner of the site. See the map on page 47 for the location of the site and the extent of the Special Flood Hazard Area.

The inclusionary mixed-use development at 1108 McBride Avenue is eligible for **1 credit** pursuant to NJAC 5:93-5.6 (inclusionary zoning) and for **1 bonus credit** pursuant to NJAC. 5:95-5.15(d)1.

Bank of New York

The 2018 FSHC Settlement Agreement included Lots 7.01 and 13.01 of Block 85, which totaled 30.4 acres (per the Settlement), as the “Bank of New York” mechanism. This strategy was included to address the Borough’s Third Round RDP. However, this site now includes adjacent Lot 7.02 and totals 33.12 acres. Lots 7.01 and 13.01 previously contained an office building occupied by Bank of New York, while Lot 7.02 contained a single-family residential dwelling. However, the office building and home have recently been demolished.

The three lots previously owned by Bank of New York were rezoned to the R-I Residence “I” District (Inclusionary Multi-Family Residential) on March 6, 2024 via Ordinance No. 24-05.⁹ The R-I District permits multi-family dwellings, townhomes, and stacked townhomes at a maximum density of 12 units per acre. A 20% affordable housing set-aside is required, regardless of tenure. This HEFSP assumes the site will be redeveloped with 375 residential units, which translates to 75 affordable units. Preliminary discussions with the property owner, NJ 385 Rifle Camp, LLC, indicates the site will be redeveloped with sale units.

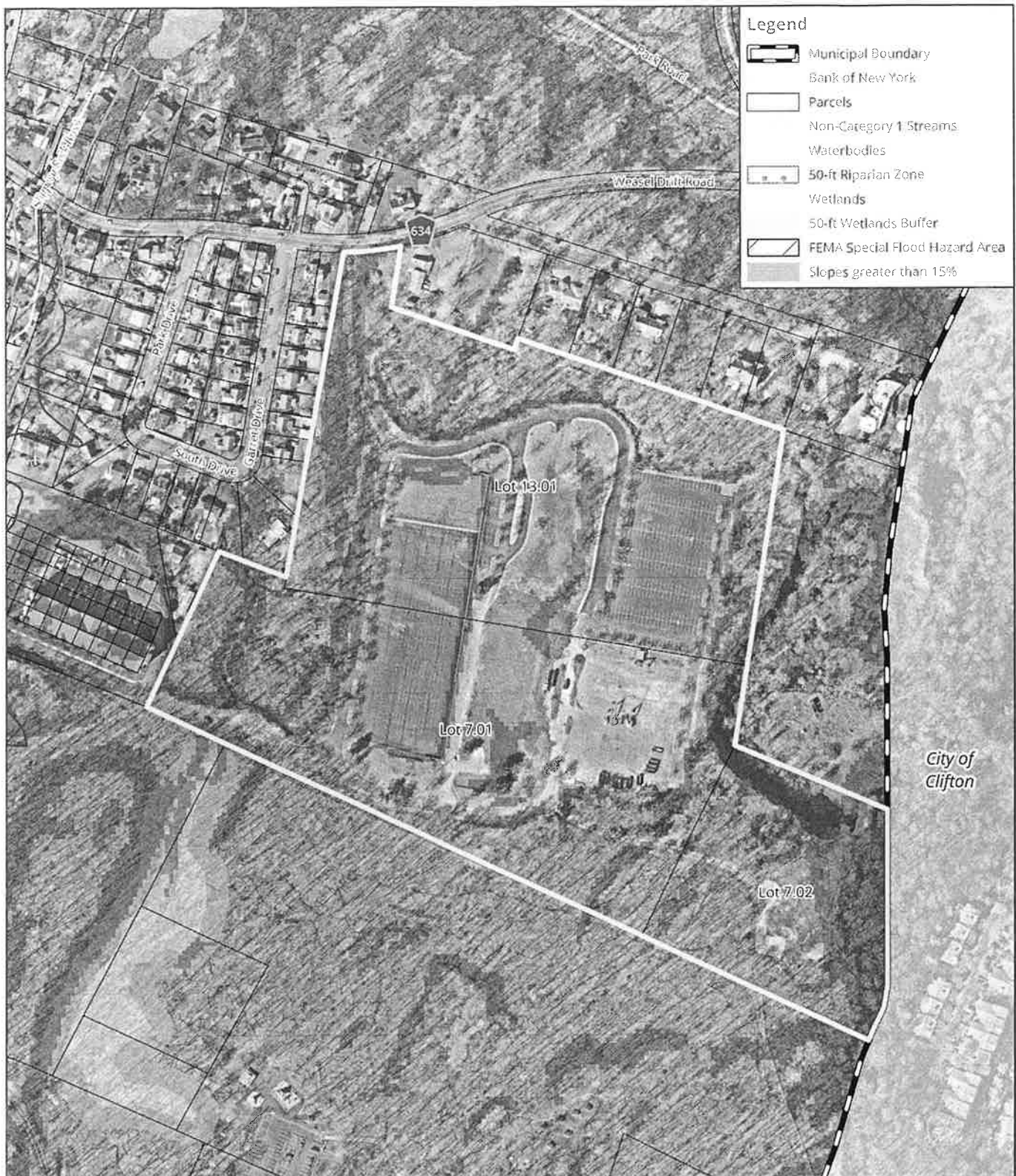
Over the past few months, the Borough has met with the new property owners and a site plan application for an inclusionary development is expected to be filed before the end of 2025.

⁹ It should be noted that the adoption of the rezoning ordinance was delayed as Bank of New York initially objected to the rezoning.



ENVIRONMENTAL CONSTRAINTS - 1108 MCBRIDE AVENUE
BLOCK 90, LOTS 7 - 10
BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY

This map was developed using GIS digital data from FEMA, NJDEP, NJDOT, NJGIN, but this secondary product has not been verified and is not state-authorized. Aerial image sourced from NearMap, dated March 19, 2025.



ENVIRONMENTAL CONSTRAINTS - BANK OF NEW YORK
BLOCK 85, LOTS 7.01, 7.02 & 13.01
BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY

0 150 300
 1 inch = 300 feet



Colliers
Engineering & Design

June 9, 2025
 WDB002

This map was developed using GIS digital data from FEMA, NJDEP, NJDOT, NJGIM, but this secondary product has not been verified and is not state-authorized. Aerial Image sourced from NearMap, dated March 19, 2025.

The Bank of New York site meets the Four-Prong Test of NJAC 5:93-1 as follows:

- **Approvable Site** – In 2024, the Bank of New York site was rezoned to permit inclusionary residential development at a maximum density of 12 units per acre. A 20% affordable housing set-aside is required, regardless of tenure. The existing office building on Lots 7.01 and 13.01 and dwelling on Lot 7.02 have been demolished. The property owner has met with the Borough regarding the redevelopment of the site into a for-sale inclusionary multi-family housing development. The Borough awaits a formal application for inclusionary development to be submitted.
- **Available Site** – The site is owned by NJ 385 Rifle Camp, LLC. The Borough is unaware of any title or encumbrance issues.
- **Developable Site** – The Bank of New York building was serviced with public water and sewer.
- **Suitable Site** – Lot 13.01 has direct access to Weaseldrift Road, while Lots 7.01 and 7.02 do not have direct street frontage. However, Sheets 8 and 9 of the Borough's Tax Map illustrate a right-of-way easement from Rifle Camp Road through adjacent Lots 5 and 5.01 to the east to access Lot 7.01. Said right-of-way easement is also present on Lot 7.01, providing access to Lots 7.02 and 13.01. These easements were reflected in the 2023 lot consolidation and lot line adjustment application. The site is adjacent to single-family dwellings to the north and northwest, the Garret Pointe site to the east, a townhome development in the City of Clifton and place of worship to the southeast, Rifle Camp Park to the south, and a multi-family development known as "Mountain Ridge Tower" to the west. Slopes greater than 15% are present throughout the property. However, most slopes are located outside of previously developed areas including along the eastern boundary of the site and around the perimeter internal road. Overall, approximately 8.3 acres of the 33.12-acre site contain slopes greater than 15%. See the map on page 48 for the location of the site and the extent of the slopes affecting the property.

Based on the above information, the Bank of New York site is eligible for 75 credits pursuant to NJAC 5:93-5.6 (inclusionary development). However, only **31 credits** are allocated to the PRO.

Third Round RDP Mechanisms

The Third Round RDP of 65 was generated from eight sites. One of these sites was Block 124, Lot 1, which was purported to contain 0.74 developable acres. However, this site is part of the Morris Canal park system and is owned by Passaic County. Therefore, the site is not vacant and developable. The Kearfott site was identified as containing 9.1 developable acres. The Kearfott factory was located along McBride Avenue. As shown by the map on page 52, the overwhelming majority of the Kearfott site is within the Flood Hazard Area. NJDEP would not permit the site to be redeveloped for multi-family housing and ultimately a warehouse distribution facility was constructed. (For a detailed discussion on Kearfott, see page 55.) The Garret Pointe site was identified as generating RDP and 6.4 developable acres were included. As noted above, this site is outside of the water and sewer service area and does not have public street frontage in Woodland Park. Therefore, the site does not meet the developable or suitable prongs of the four-part suitability test.

For the reasons noted above, these three sites must be removed from the Third Round RDP. The sites generated an RDP of 26, which must be subtracted from the 65-unit RDP noted in the 2018 FSHC Settlement Agreement. Therefore, the Third Round RDP is 39.

Three mechanisms were included in the 2018 FSHC Settlement Agreement to satisfy the Third Round RDP of 65. This included 3 units from Garrett Pointe, 3 credits and 3 bonuses from a future group home, and 54 credits and 13 bonuses from the Bank of New York site. As described above, Garret Pointe does not meet the developable or suitable prongs of the four-part suitability test and is being moved to Third Round Unmet Need. The mechanisms outlined below satisfy the Third Round RDP of 39.

Bank of New York

As noted above, the Bank of New York site is eligible for 75 credits and 31 credits are allocated to the PRO. This leaves 44 remaining credits. However, **19 credits** are allocated to the Third Round RDP, which leaves 25 remaining credits.

12 Browertown Road

The Borough of Woodland Park is under contract to purchase Block 507, Lot 19, which includes additional Lot 20 (see Appendix L). The property is located at 12 Browertown Road and contains approximately 13,800 square feet, and is located in the R-B Residence "B" District. The site is surrounded by residential uses to the north, southeast, and west, an office building to the northeast, and a place of worship to the south.

Woodland Park is partnering with Nouvelle, LLC to construct two four-bedroom group homes on the property. All residents will be very-low-income. The site is located in the Residence "B" District where group homes are permitted as-of-right under NJSA 40:55D-66.1. It should be noted that the 2018 FSHC Settlement Agreement indicated the Borough will create one future group home with three bedrooms. This mechanism will exceed that requirement.

A copy of the pro-forma and construction schedule are included in Appendix L.

12 Browertown Road meets the Four-Prong Test of NJAC 5:93-1 as follows:

- **Approvable Site** – The Borough will work with Nouvelle, LLC to create two four-bedroom group homes on the property. Group homes are allowed as-of-right in all residential districts of a municipality under the MLUL.
- **Available Site** – The Borough is under contract to purchase the site from the current property owner. Woodland Park is unaware of any title or encumbrance issues.
- **Developable Site** – The property is located within water and sewer service areas.
- **Suitable Site** – The site has street frontage along Browertown Road. The property is adjacent to residential uses to the north, southeast, and northwest, an office building to the northeast, and a place of worship to the south. A small area of slopes greater than 15% are present in the northwestern corner of the property. Otherwise, the site is free of environmental constraints. See the map on page 53 for the location of the site and the extent of the slopes affecting the property.

Pursuant to NJAC 5:93-5.8 (alternative living arrangements), the creation of two four-bedroom group homes at 12 Browertown Road are eligible 8 credits and bonus credits pursuant to NJAC 5:93-5.15(d). However, **4 credits** and **4 bonuses** from one of the two group homes will be applied to the Third Round RDP.

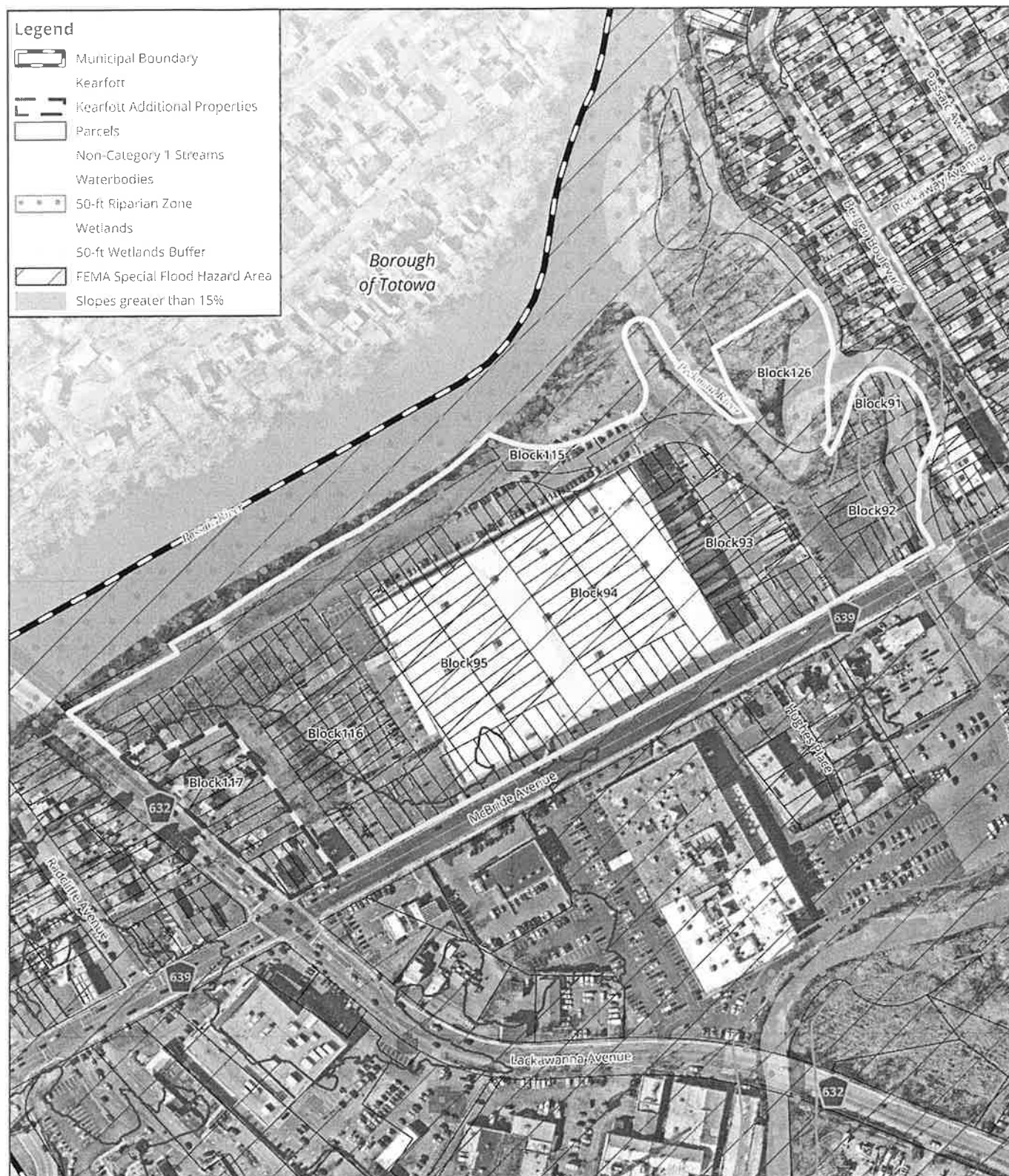
3 Garret Mountain Plaza

This site encompasses Lot 1 of Block 32, which is known as 3 Garret Mountain Plaza. The site contains approximately 7.7 acres and is developed with an office building, surface parking, and freestanding solar panels. The site is surrounded by an office building to the north, a restaurant and residential uses to the east, residential and the Berkeley College Woodland Park campus to the south, and a private education facility to the west. The site is in the HO High-Rise Office District and is adjacent to the R-B District to the east, the MXD Mixed Use Development District to the south, and other properties in the HO District to the north and west. The property to the west is also within the R-O Affordable Housing Overlay Zone.

The Borough will rezone the site to permit inclusionary residential development at a maximum density of 20 units per acre. A 20% affordable housing set-aside will be required, regardless of tenure. To encourage the construction of family rental affordable units, the Borough is reserving up to \$200,000 for soft costs to incentivize the construction of up to 20 affordable family rental units. (This is to meet the micro-requirement of family rental units.) See Appendix M for a copy of the draft ordinance establishing the new zone district.

Pursuant the NJAC 5:93-1, 3 Garret Mountain Plaza meets the Four-Prong Test as follows:

- **Approvable Site** – The Borough will rezone the property to permit inclusionary residential development at a maximum density of 20 units per acre. A 20% affordable housing set-aside will be required for all residential development. Once the ordinance is adopted, any owner or contract purchaser can submit an as-of-right application for inclusionary multi-family development.
- **Available Site** – The site is owned by G.O.P., LLC c/o Mountain Dev and contains an office building, off-street parking, and other site improvements. The Borough is unaware of any title or encumbrance issues.
- **Developable Site** – The property is located within water and sewer service areas.
- **Suitable Site** – The property is a corner lot with frontage along Squirrelwood Road and New Street. Surrounding uses include an office building to the north, residential uses to the north and south, and a private education facility to the west. Additionally, a restaurant is located to the east and the Berkeley College Woodland Park campus is located to the south. The northwest corner of the property contains a portion of Highland Lake, while the Slippery Rock Brook flows along the northern and eastern property lines. As a result, the property is encumbered by the associated 50-foot riparian zone adjacent to those waters. Additionally, FEMA's Special Flood Hazard Area is located along the banks of the Lake and Brook and the southwest portion of the parking area. However, the existing building is not within the riparian zone or flood zone. The site also contains slopes greater than 15%, which are primarily located along the banks of Highland Lake and Slippery Rock Brook and along the grade change between the parking area and Squirrelwood Road. Approximately 4.7 acres

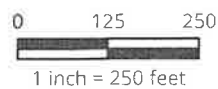


ENVIRONMENTAL CONSTRAINTS - KEARFOTT & ADDITIONAL PROPERTIES

BLOCKS 91, 92, 93, 94, 95, 115, 116, 117, & 126

BOROUGH OF WOODLAND PARK

PASSAIC COUNTY, NEW JERSEY

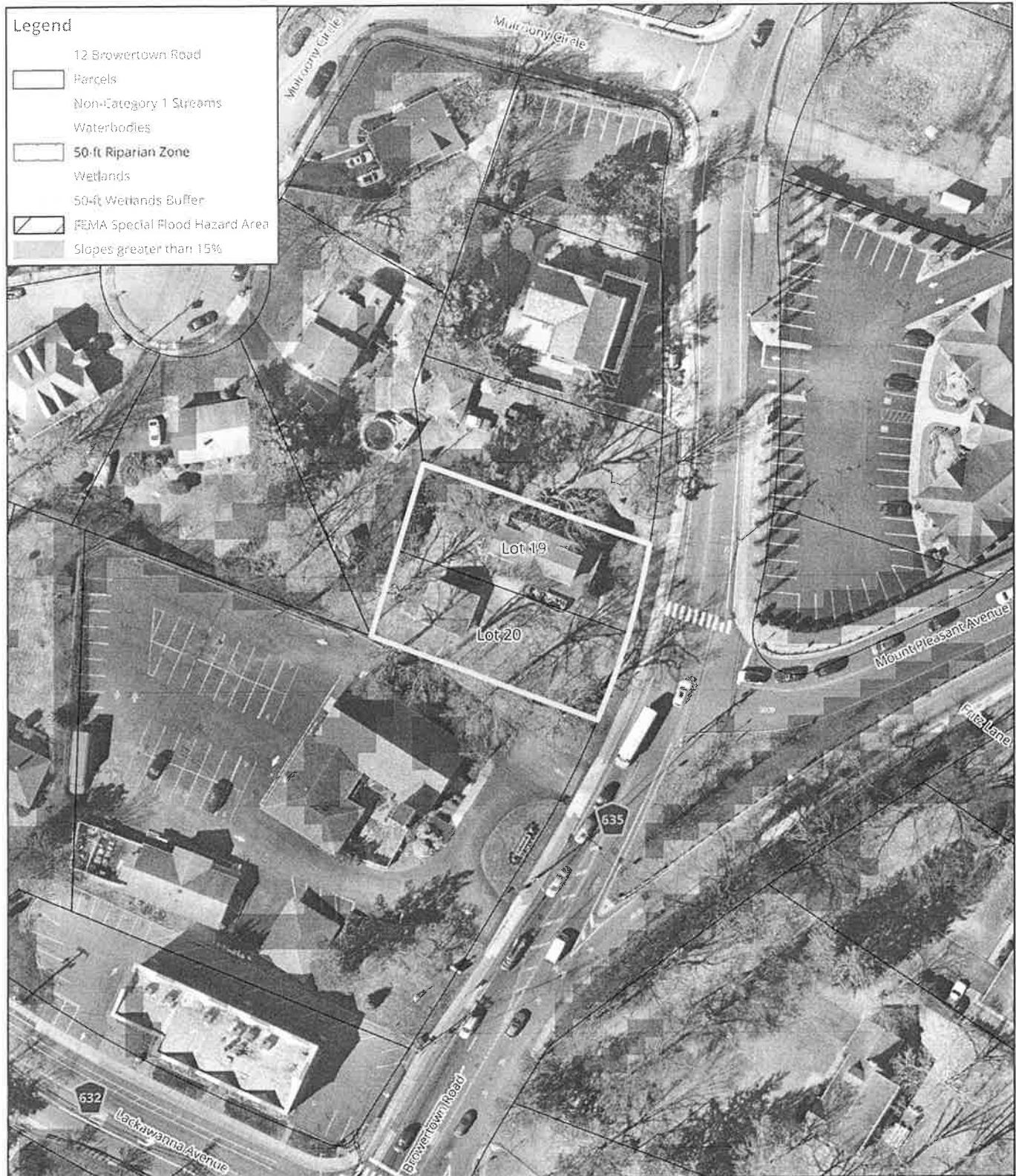


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ENVIRONMENTAL CONSTRAINTS - 12 BROWERTOWN ROAD
BLOCK 507, LOTS 19 & 20
BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY

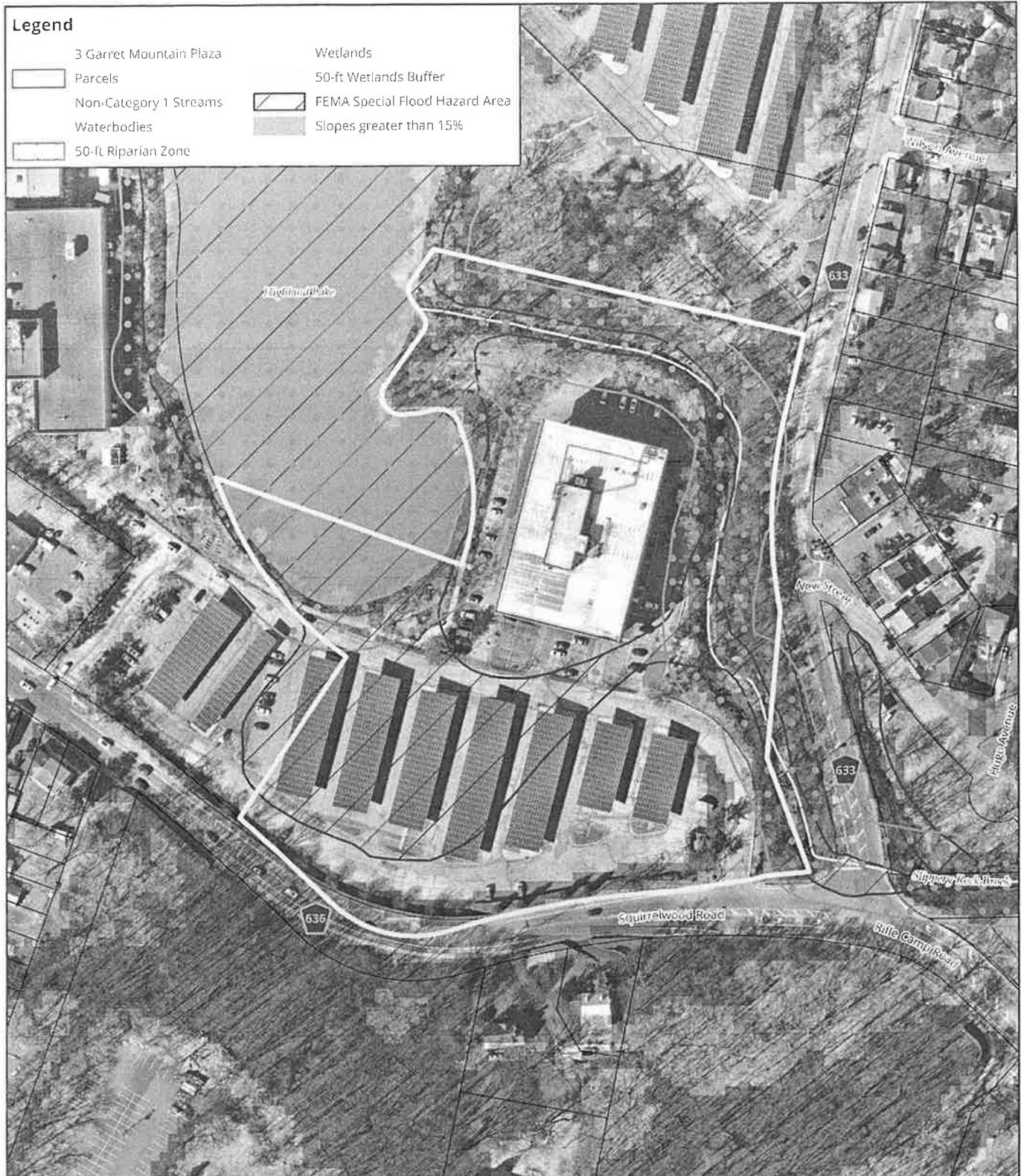
0 37.5 75
 1 inch = 75 feet



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June 9, 2025
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ENVIRONMENTAL CONSTRAINTS - 3 GARRET MOUNTAIN PLAZA
BLOCK 32, LOT 1
 BOROUGH OF WOODLAND PARK
 PASSAIC COUNTY, NEW JERSEY

0 75 150
 1 inch = 150 feet



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June 9, 2025
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of the 7.7-acre site is encumbered by environmental constraints. See the map on page 54 for the location of these environmental features.

This report assumes 100 units could be built on the property. Applying a 20% set-aside would result in 20 affordable units. Pursuant to NJAC 5:93-5.6 (inclusionary development), the 3 Garret Mountain Plaza is eligible for 20 credits and bonus credits pursuant to NJAC 5:93-5.15(d)1. However, only **6 credits** and **6 bonus credits** are applied to the Third Round RDP.

Third Round Unmet Need Mechanisms & Credits

Kearfott

This site was included in the 2018 FSHC Settlement Agreement as a mechanism to address the Borough's Third Round Unmet Need. The site is located along McBride Avenue between Lackawanna Avenue and the Peckman River. According to the Settlement Agreement and 2018 HEFSP, the collection of properties totaled 16.6043 acres. However, utilizing available GIS parcel data, the area encompassing the properties listed in the document total 18.2372 acres. This includes the street rights-of-way area as shown in the image on page 24 of the 2018 HEFSP. The following properties are specified in the 2018 FSHC Settlement Agreement and 2018 HEFSP as part of the Kearfott/Additional Properties mechanism:

- Block 91, Lot 1, including additional Lots 2 through 8
- Block 92, Lot 1, including additional Lots 2 through 17
- Block 93, Lot 1, including additional Lots 2 through 33
- Block 94, Lot 1, including additional Lots 2 through 39
- Block 95, Lot 1.01
- Block 95, Lot 2, including additional Lots 3 through 39
- Block 115, Lot 1, including additional Lots 2, 2.02, and 3
- Block 116, Lot 1, including additional Lots 2 through 37
- Block 117, Lot 1, including additional Lots 2 and 3¹⁰
- Block 117, Lot 4, including additional Lot 5⁹
- Block 117, Lot 6, including additional Lot 7⁹
- Block 117, Lot 8, including additional Lot 9⁹
- Block 117, Lot 10, including additional Lot 11⁹
- Block 117, Lot 12, including additional Lot 13⁹
- Block 117, Lot 14, including additional Lots 15 and 16⁹
- Block 117, Lot 17, including additional Lots 18 through 24
- Block 117, Lot 25, including additional Lots 26, 27, and 28⁹
- Block 126, Lot 1 (Island)

The Borough agreed to rezone the site as a mixed-use district at a density of 25 units per acres with a 15% set-aside, which was anticipated to produce 62 affordable housing units. However, the Borough did not rezone the site, and it remains in the CBD Central Business District (Blocks 92, 93, 94, 95, 116, and 117), the R-B Residence "B" District (Blocks 91, part of 115, and 126), and the MO Mid-Rise Office District (part of Block 115). However, it should be noted that the CBD District does permit mixed-use development with residential uses above the first floor of a structure. A

¹⁰ This property was listed separate from the "Kearfott" site under the "Additional Properties" heading.

maximum density of 40 units per acre is permitted if affordable housing is provided, or 35 units per acre if not.

As shown in the map on page 52, the Passaic River is located along the northwestern boundary of the site and the Peckman River flows along the northern boundary. As a result, a majority of the former Kearfott site is within FEMA's Special Flood Hazard area and is unable to provide a high and dry means of egress/ingress that is required for multi-family residential use. NJDEP would not permit the site to be redeveloped for multi-family uses. As a result of NJDEP's ruling, the site was redeveloped for a distribution warehouse. Therefore, the Kearfott site is no longer approvable, developable, or suitable for multi-family housing.

This HEFSP removes the Kearfott site as a mechanism addressing the Third Round Unmet Need. Furthermore, the sites called "Additional Properties Kearfott" that are in the CBD Zone are presently permitted to construction inclusionary housing and are guided by the CBD Zone regulations.

Marino

The Marino mechanism includes Lots 1, 1.01, 1.02, and 2 of Block 107 located along Lackawanna Avenue and Memorial Drive and known as 115-155 Lackawanna Avenue. The site was rezoned to the R-M Affordable Housing Zone on December 18, 2019 via Ordinance No. 19-19. The Zone permits inclusionary multi-family residential development at a maximum density of nine units per acre. A 20% affordable housing set-aside is required for for-sale developments, while a 15% set-aside is required for rental developments. The Borough's 2018 FSHC Settlement Agreement and 2018 HEFSP anticipated this site to produce eight affordable units to be allocated to Unmet Need.

The Peckman River flows along the western boundary of the site, which requires a 50-foot riparian zone. Additionally, wetlands and associated 50-foot buffer encompass the northern end of the property. As a result, the entire 5.8-acre property is within FEMA's Special Flood Hazard Area. See the map on page 58 for the location of these environmental features.

It is this office's understanding that NJDEP will not approve new multi-family development within the flood hazard area when the surrounding roadway network is less than one foot above the design flood elevation. As shown by the map on page 58, all of the surrounding roads are within the Flood Hazard Area. Therefore, the site is no longer approvable, developable, or suitable for multi-family housing. As a result, this mechanism is removed from the HEFSP as generating any credits towards the Third Round Unmet Need.

Central Business District (CBD)

The Central Business District ("CBD") is located primarily along McBride Avenue between the Borough boundary with the City of Paterson to the north and the Township of Little Falls to the south. A second section of the CBD is located along the north side of Lackawanna Avenue between Memorial Drive and Browertown Road. The CBD encompasses approximately 71 acres of the Borough. The CBD was included in the Borough's 2018 FSHC Settlement Agreement as a mechanism to produce affordable housing to address the Third Round Unmet Need.

The CBD permits a variety of uses including retail, service, office, restaurants, entertainment uses, recreational uses, hotels, municipal buildings, and parks and playgrounds. Additionally, multi-family residential uses are permitted above the first floor of any structure where the first floor contains a retail or service use. The CBD permits a maximum density of 35 units per acre and a maximum floor area ratio ("FAR") of 2.4. However, if affordable housing is provided, a density bonus of up to 40

units per acre and an FAR bonus of up to 2.65 is permitted. Pursuant to Section 34-1.4a., a 20% affordable housing set-aside is required for for-sale developments and a 15% set-aside is required for rental developments. The regulations of the bulk requirements of the CBD are contained in the Schedule of Bulk Zoning Requirements, which is Attachment 3 of the Borough's Zoning Ordinance and can be viewed here: <https://ecode360.com/attachment/WO4046/WO4046-022c%20Schedule%20of%20Bulk%20Zoning%20Requirements.pdf>. Additional regulations for the CBD are contained in Section 22-15, which can be viewed here: <https://ecode360.com/34550493#34550701>.

The Borough proposes to amend the CBD Zone to require a 20% set-aside regardless of tenure, see Appendix N.

The CBD Zone meets the Four-Prong Test of NJAC 5:93-1 as follows:

- Approvable Site – The CBD permits inclusionary mixed-use development at a density of up to 40 units per acre. Any owner or contract purchaser can submit an as-of-right application.
- Available Site – There are nearly 600 parcels according to available GIS parcel data within the CBD. A majority of lots are privately owned. However, 14 lots are owned by the Borough. Woodland Park is unaware of any title issues or encumbrances.
- Developable Site – The entire CBD Zone is within water and sewer service areas.
- Suitable Site – Parcels in the CBD Zone primarily have frontage along McBride Avenue and its side streets (corner lots). Some properties also have street frontage on Lackawanna Avenue. There are no properties within the CBD Zone that do not have any street frontage. There is a wide variety of uses surrounding the CBD Zone, which traverses the entire western side of the Borough. A mix of commercial and residential uses are located along McBride Avenue to the north, residential uses are primarily located to the east, and commercial and industrial uses to the south. The west side of the CBD Zone is adjacent to the Passaic River, except for the residential neighborhood along Bergen Boulevard. As a result of the proximity to the Passaic River, the CBD Zone is environmentally constrained by the associated 50-foot riparian zone and FEMA's Special Flood Hazard Area. Slopes greater than 15% are present in the northern portion of the CBD, primarily along the bank of the Passaic River. Additionally, an area of wetlands and associated buffer are present on properties in Block 107. Overall, approximately 49.75 acres of the 71-acre CBD Zone is environmentally constrained. See the map on page 59 for the location of the CBD Zone and its relation to these environmental features.

Based on the information above, the CBD Zone mechanism would be eligible for crediting pursuant to NJAC 5:93-5.6 (inclusionary development). This mechanism will generate affordable housing credits to help address the Borough's Third Round Unmet Need.

Fourth Round RDP Mechanisms & Credits

Four mechanisms are proposed to satisfy the 27-unit Fourth Round RDP.



ENVIRONMENTAL CONSTRAINTS - MARINO
BLOCK 107, LOTS 1, 1.01, 1.02, & 2
BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY

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City of Paterson

Borough of Torewa

Township of Little Falls

Legend

- Municipal Boundary
- CBD
- Parcels
- Non-Category 1 Streams
- Waterbodies
- 50-ft Riparian Zone
- FEMA Special Flood Hazard Area
- Slopes greater than 15%
- Wetlands
- 50-ft Wetlands Buffer

0 600 1200
1 inch = 600 feet

North Arrow

ENVIRONMENTAL CONSTRAINTS - CENTRAL BUSINESS DISTRICT ("CBD")
BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY

June 9, 2025
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12 Browertown Road

As discussed above, the Borough is partnering with Nouvelle, LLC to construct two four-bedroom group homes on Lots 19 and 20 in Block 507 at 12 Browertown Road. The **4 credits** and **4 bonus credits** associated with the second group home will be applied to the Fourth Round RDP. The 4 bonuses are pursuant to NJSA 52:27D-11k.(1).

Bank of New York

As detailed above, the Bank of New York site is anticipated to generate 75 credits, 31 of which will be applied to the PRO and 19 of which will be applied to the Third Round RDP. This leaves 25 remaining credits. Of those, **16 credits** will be allocated to the Fourth Round RDP. Additionally, pursuant to NJSA 52:27D-311k.(6), the 16 units are eligible for one half bonus per unit as the site is an existing office building that will be redeveloped to an inclusionary housing development. Therefore, the inclusionary development is eligible for eight bonus credits. However, only **5 bonus credits** will be applied as the Borough has reached the 25% bonus cap for the Fourth Round between this site and the 12 Browertown Road site.

44 Rifle Camp Road

Identified as Block 41, Lot 1, 44 Rifle Camp Road is home to the Berkeley College Woodland Park campus. The property contains approximately 25.2 acres and is developed with various buildings, recreational facilities, and off-street parking. The site is adjacent to residential uses to the north, south and west, office buildings to the north, wooded areas to the northeast, and single-family dwellings to the north.

The site is located in the MXD Mixed-Use Development District, which permits postsecondary education facilities, a variety of office and business uses, continuing care retirement community, assisted living residence, nursing home, hotel, conference center, and banquet/catering hall, and existing single-family dwellings. The MXD District regulations are located in Section 22-21 of the Township's Zoning Ordinance and can be viewed here: <https://ecode360.com/34550493#34550792>.

The Borough has met with representatives of Berkeley College, who have expressed interest in expanding the campus to offer more opportunities to students. One potential idea is to construct an assisted living facility to offer hands on medical training for students.

Woodland Park anticipates a licensed assisted living residence with at least 90 beds will be constructed on the site. This would generate nine affordable credits as State-issued licenses for assisted living facilities require 10% of beds within the facility be available to Medicaid clients.

Pursuant to NJAC 5:93-1, 44 Rifle Camp Road meets the Four-Prong Test as follows:

- Approvable Site – The MXD District permits assisted living facilities as-of-right. The Borough anticipates the development of an assisted living facility with at least 90 beds on the property. Any owner or contract purchaser can submit an as-of-right application.
- Available Site – The property is privately owned and there are no known title or encumbrance issues.
- Developable Site – Lot 1 is served by public water and sewer.

- Suitable Site – The property has street frontage on Squirrelwood Road and Garden Avenue. Surrounding uses include residential uses to the north, south, and west, office uses to the north, and wooded areas to the northeast. Slopes greater than 15% are scattered throughout the site, primarily within the undeveloped wooded areas. Approximately 7.9 acres of the 25.2-acre site contains steep slopes. See the map on page 62 for the location of these environmental features.

Based on the information above, an assisted living facility at 44 Rifle Camp Road would be eligible for crediting pursuant to NJAC 5:93-5.16 (assisted living residence). This mechanism is anticipated to generate **9 credits** of assisted living beds to help address the Borough's Fourth Round RDP.

3 Garret Mountain Plaza

As discussed above, 3 Garret Mountain Plaza is anticipated to generate 20 affordable credits, six of which are applied to the Third Round RDP. The remaining **14 credits** will be applied towards the FRO RDP.

Fourth Round Unmet Need Mechanisms & Credits

An RDP of 27 translates to an Unmet Need of 213 for the Borough of Woodland Park.

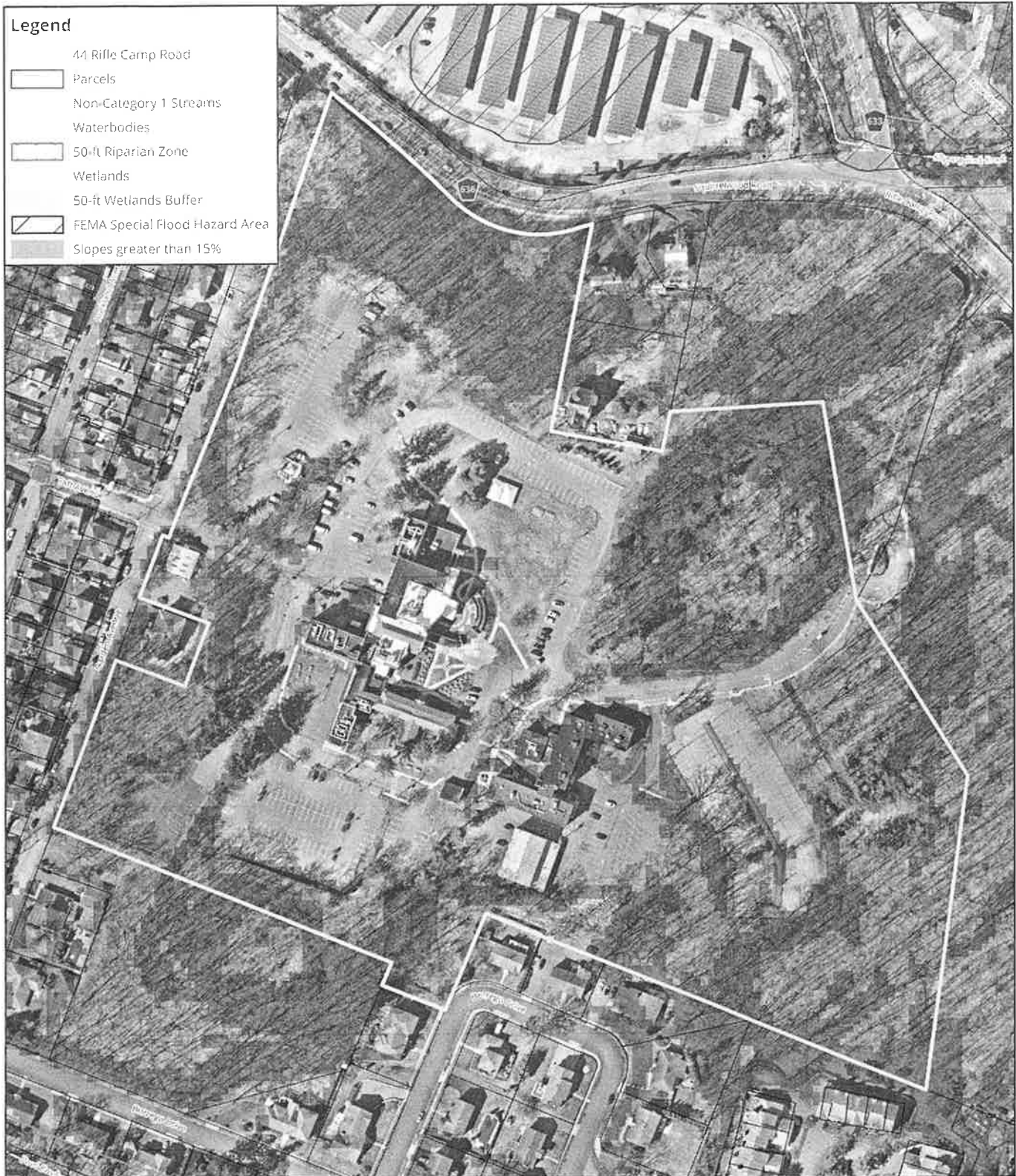
However, the Amended FHA, specifically NJSA 52:27D-310.1, added a new requirement for towns seeking a VLA. The statute now requires towns to "identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so". Therefore, municipalities seeking a VLA must identify sufficient parcels that could "realistically" be redeveloped during the current obligation round (2025 through 2035) to address at least 25% of its prospective need obligation that has been adjusted. The prospective need obligation "has been adjusted" to an RDP of 27 for the Borough. Therefore, a plain language reading of the statute is "25% of the RDP".

In the case of Woodland Park, a 27-unit RDP x 25% = 6.75, which is rounded up to 7, and, therefore, the Borough is required to identify sufficient parcels that are likely to redevelop pursuant to NJSA 52:37D-310.1.

As discussed above, the redevelopment of the former Bank of New York office building is anticipated to generate 75 credits. Of this total, 66 credits have been allocated to the PRO, Third Round RDP, and Fourth Round RDP. The remaining **9 credits** will be allocated to satisfy this redevelopment requirement.

Furthermore, the Borough did examine additional opportunities for overlay zoning. In this regard, the environmental data provided on page 26 demonstrates the numerous natural limitations Woodland Park faces as 44.77% of the Borough is limited by one or more natural resources, which constrain development and redevelopment within Woodland Park. Furthermore, the Borough's CBD Zone has already been modified to permit inclusionary development.

The following sections describe the proposed mechanisms to address the Fourth Round Unmet Need.



ENVIRONMENTAL CONSTRAINTS - 44 RIFLE CAMP ROAD
BLOCK 41, LOT 1
 BOROUGH OF WOODLAND PARK
 PASSAIC COUNTY, NEW JERSEY

0 100 200
 1 inch = 200 feet



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Surplus Fourth Round RDP Credits

The four proposed Fourth Round RDP mechanisms will produce a total of 52 credits to apply against the 27-unit RDP. Therefore, there are **25 surplus credits** that can be applied against the Fourth Round Unmet Need.

R-O Overlay

The R-O Affordable Housing Overlay Zone ("R-O Overlay") is a proposed mechanism that was not included in the 2018 FSHC Settlement Agreement. The R-O Overlay encompasses Block 32, Lot 2, which totals 6.3 acres. The property is located in the HO High-Rise Office District, which permits professional and medical offices and hotels in buildings up to 144 feet and 12 stories.

On December 18, 2019, the Borough established the R-O Overlay over Block 32, Lot 2 via Ordinance No. 19-20. The R-O Overlay permits inclusionary multi-family residential development at a density of 22 units per acre. A 15% affordable housing set-aside is required for rental developments, while a 20% affordable housing set-aside is required for for-sale developments. The R-O Overlay regulations are located in Section 22-29 and can be viewed here:

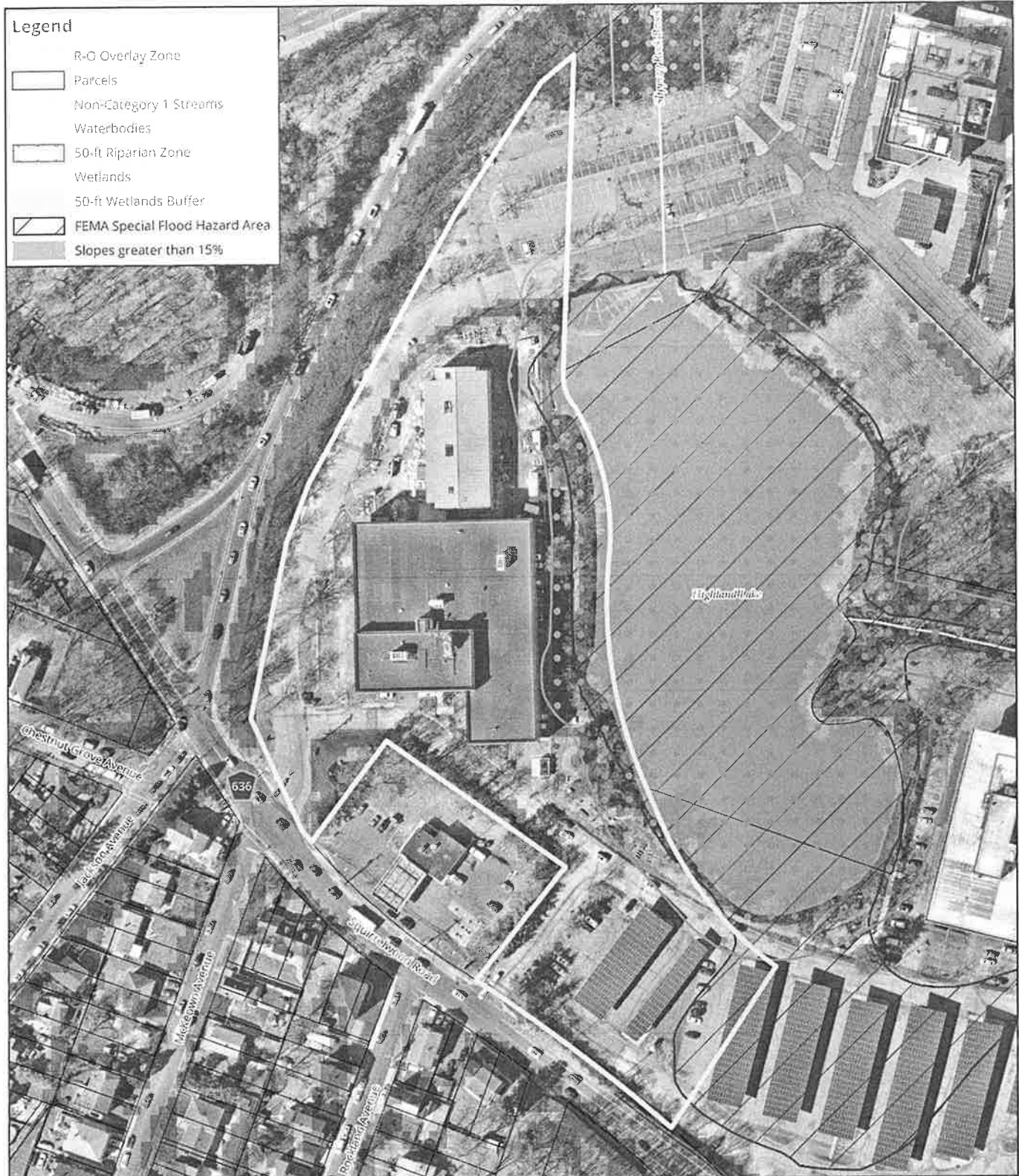
<https://ecode360.com/34550493#35709770>.

The Borough is proposing to amend the code to require a 20% set-aside regardless of tenure. See Appendix N for the draft Ordinance.

The R-O Overlay meets the Four-Prong Test, pursuant to NJAC 5:93-1, as follows:

- **Approvable Site** – The Borough established the R-O Overlay in 2019, which permits inclusionary multi-family residential development at a density of 22 units per acre. Any owner or contract purchaser can submit an as-of-right application for multi-family development on Lot 2 of Block 32, which is the only property within the R-O Overlay.
- **Available Site** – The property is privately owned and there are no known title or encumbrance issues.
- **Developable Site** – The site is within water and sewer service areas.
- **Suitable Site** – The property has street frontage on Squirrelwood Road. Surrounding uses include offices to the north and east, residential uses and a gas station to the south, and the on-ramp for I-80 East to the west. The east side of the property is adjacent to Highland Lake and is affected by the associated 50-foot riparian zone. FEMA's Special Flood Hazard Area also encroaches onto the property along the bank of the Lake. Slopes greater than 15% are scattered throughout the site, primarily along the perimeter of the property and the banks of Highland Lake. Approximately 1.7 acres of the 6.3-acre site is environmentally constrained. See the map on page 64 for the location of these environmental features.

Based on the information above, the R-O Overlay mechanism is eligible for crediting pursuant to NJAC 5:93-5.6 (inclusionary zoning). This mechanism could yield affordable housing credits to be applied towards the Borough's Fourth Round Unmet Need.



ENVIRONMENTAL CONSTRAINTS - R-O AFFORDABLE HOUSING OVERLAY ZONE
 BLOCK 32, LOT 2
 BOROUGH OF WOODLAND PARK
 PASSAIC COUNTY, NEW JERSEY

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Summary of Proposed Mechanisms & Credits

The table below summarizes the mechanisms and credits Woodland Park proposes to address its four-part affordable housing obligation.

Proposed Mechanisms & Credits

Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
<i>Rehabilitation Credits</i>						
Borough-Sponsored Rehabilitation Program	Rehabilitation	-	-	TBD		TBD
Total				TBD	0	TBD
<i>Prior Round Credits</i>						
1108 McBride Avenue	Inclusionary	Rental	No	1	1	2
Bank of New York	Inclusionary	Sale	No	31		31
Total				32	1	33
<i>Third Round RDP Credits</i>						
Bank of New York	Inclusionary	Sale	No	19		19
12 Browertown Road	Alternative Living Arrangement	Rental	No	4	4	8
3 Garret Mountain Plaza	Inclusionary	Rental	No	6	6	12
Total				29	10	39
<i>Third Round Unmet Need</i>						
Garret Pointe	Inclusionary	TBD	TBD	Zoning in Place		
Central Business District (CBD)	Inclusionary	TBD	TBD	Zoning in Place		
Total				TBD		TBD
<i>Fourth Round RDP Credits</i>						
12 Browertwn Road	Alternative Living Arrangement	Rental	No	4	4	8
Bank of New York	Inclusionary	Sale	No	16	5	21
44 Rifle Camp Road	Assisted Living	Rental	Yes	9		9
3 Garret Mountain Plaza	Inclusionary	Rental	No	14		14
Total				43	9	52
<i>Fourth Round Unmet Need</i>						
Bank of New York - Redevelopment Requirement				9		9
Surplus Fourth Round RDP Credits				25		25
R-O Overlay Zone	Inclusionary	TBD	TBD	Zoning in Place		
Total				TBD		TBD

Summary of Mechanisms & Credits

The table on the following page provides a summary of the mechanisms, credits and bonuses this HEFSP proposes. It should be noted that all proposed mechanisms will meet the required very-low,

low-, and moderate-income distribution and will abide by the UHAC rules in place at the time of Board approval regarding bedroom distribution.

Existing & Proposed Credits

Mechanism	Credit Type	Credit	Bonus	Total
<i>Rehabilitation Credits</i>				
Borough-Sponsored Rehabilitaiton Program*	Rehabilitation	TBD		TBD
Total		TBD		TBD
<i>Prior Round RDP Credits</i>				
K. Hovnanian Senior Living	Inclusionary	13		13
5 Greenway Lane	Alternative Living Arrangement	3	3	6
RCA to Paterson	RCA	43		43
1108 McBride Avenue*	Inclusionary	1	1	2
Bank of New York*	Inclusionary	31		31
Total		91	4	95
<i>Third Round RDP Credits</i>				
Bank of New York*	Inclusionary	19		19
12 Browertown Road*	Alternative Living Arrangement	4	4	8
3 Garret Mountain Plaza*	Inclusionary	6	6	12
Total		29	10	39
<i>Third Round Unmet Need</i>				
Garret Pointe*	Inclusionary		Zoning in Place	
Central Business District (CBD)*	Inclusionary		Zoning in Place	
Total		TBD		TBD
<i>Fourth Round RDP Credits</i>				
12 Browertown Road*	Alternative Living Arrangement	4	4	8
Bank of New York*	Inclusionary	16	5	21
44 Rifle Camp Road*	Assisted Living	9		9
3 Garret Mountain Plaza*	Inclusionary	14		14
Total		43	9	52
<i>Fourth Round Unmet Need</i>				
Bank of New York - Redevelopment Requirement*		9		9
Surplus Fourth Round RDP Credits*		25		25
R-O Overlay Zone*	Inclusionary		Zoning in Place	
Total		TBD		TBD

*Proposed Mechanisms

XIII. Implementation Schedule

The chart below provides an anticipated implementation schedule for the mechanisms that are proposed within the Borough of Woodland Park.

Implementation Schedule											
Mechanism	'25	'26	'27	'28	'29	'30	'31	'32	'33	'34	'35
Borough-Sponsored Rehabilitation Program											
Advertise Program											
Rehabilitate as Applicable											
1108 McBride Avenue											
Construction											
Occupancy											
Bank of New York											
Application Review & Approval											
Construction											
Occupancy											
12 Browertown Road											
Purchase Property											
Application Review & Approval											
Construction											
Occupancy											
3 Garret Mountain Plaza											
Adopt Ordinance											
Application Review & Approval											
Construction											
Occupancy											
Garret Pointe											
Application Review & Approval											
Construction											
Occupancy											
Central Business District (CBD)											
Application Review & Approval											
Construction											
Occupancy											
44 Rifle Camp Road											
Application Review & Approval											
Construction											
Occupancy											
R-O Overlay Zone											
Application Review & Approval											
Construction											
Occupancy											

XIV. Implementing Documents

The deadlines prescribed in the Amended FHA failed to realize the multitude of moving parts in the world of affordable housing. On December 20, 2024 the Housing and Mortgage Finance Agency ("HMFA") adopted "amendments" to the Uniform Housing Affordability Controls ("UHAC"). These special adopted rules are hardly amendments as there are widespread and dramatic changes throughout the 192-page document. Furthermore, these rules are only effective until December 19, 2025, or such earlier date at which time the HMFA amends, adopts, or readopts the rules pursuant to the New Jersey Administrative Procedure Act.

Then, on March 17, 2025 the State issued proposed rules (NJAC 5:99), which are open for public comment until May 16, 2025. These rules concern the municipal ordinance requirements for development fees; monitoring requirements; regulations regarding municipal housing liaison and administrative agents, etc.

The two above documents impact several of the standard implementing documents that typically accompany a HEFSP. As municipal affordable housing trust funds are a precious and finite resource, the following documents will be drafted once permanent UHAC regulations and NJAC 5:99 rules are adopted:

1. Rehabilitation Operating Manual
2. Affordable Housing Ordinance
3. Development Fee Ordinance
4. Affirmative Marketing Plan
5. Operating Manuals
6. Affordability Assistance Mini-Manuals

There is no harm in postponing the drafting of these documents as municipalities have an obligation to create a realistic opportunity for their fair share of affordable housing which ends in 2035. Furthermore, the Amended FHA does not require the adoption of implementing ordinances and resolutions until March 15, 2026. Prior to that date, the 5:99 rules will be adopted and HMFA will have addressed the interim UHAC rules.

A copy of the Borough's current Development Fee Ordinance can be found in Chapter 34 Affordable Housing, Section 34-2 Development Fees (<https://ecode360.com/35797399#35710098>). Woodland Park's current Affordable Housing Ordinance can be found in Chapter 34 Affordable Housing, Section 34-1 Affordable Housing Provisions (<https://ecode360.com/35797399#35709866>).

XV. Appendix

- A. 2018 FSHC Settlement Agreement
- B. 2018 Judgment of Compliance and Repose Regarding the Borough's Updated Housing Element & Fair Share Plan
- C. Resolution R25-055 Committing to Fourth Round Obligations
- D. 2025 Complaint for Declaratory Judgement/Relief
- E. Order Fixing Municipal Obligations for "Present Need" and "Prospective Need" for the Fourth Round Housing Cycle
- F. Structural Conditions Survey
- G. Fourth Round Vacant Land Adjustment Analysis
- H. K Hovnanian 2 Quarry Drive Deed Restriction and Repayment Mortgage
- I. 5 Greenway Lane Supportive and Special Needs Housing Survey; Financing, Deed Restriction and Regulatory Agreement; Licenses
- J. Administrative Agent Resolution
- K. 1108 McBride Avenue 2023 Board Resolution
- L. 12 Browertown Road Contract of Sale, Pro-forma, Construction Schedule, Draft Ordinance, Resolution R25-173
- M. 3 Garret Moutnain Plaza Draft Zoning Ordinance
- N. Draft CBD Zone and R-O Ordinance
- O. Draft 2025 Spending Plan
- P. Draft Intent to Bond Resolution
- Q. Municipal Housing Liaison Resolution
- R. Planning Board Resolution Approving HEFSP
- S. Council Resolution Endorsing HEFSP