

**FILED**

April 29, 2026

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

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

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

**PREPARED BY THE COURT:**

**IN THE MATTER OF THE  
DECLARATORY JUDGMENT  
ACTION OF THE BOROUGH  
OF WOODLAND PARK,  
PASSAIC COUNTY PURSUANT  
TO P.L. 2024, CHAPTER 2  
(N.J.S.A. 52:27D-304.1, et seq.),**

Petitioner.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – CIVIL PART  
PASSAIC COUNTY  
DOCKET NO. PAS-L-000405-25

Civil Action

Mt. Laurel Program

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

**THIS MATTER**, having come before the Court on referral from and recommendation issued by the Affordable Housing Dispute Resolution Program (“Program”), pursuant to the Complaint for Declaratory Judgment filed on January 31, 2025 (“DJ Complaint”) by the Petitioner, **BOROUGH OF WOODLAND PARK** (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative

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

**AND THE COURT**, having entered its “*Decision and Order Approving Municipal Housing Element and Fair Share Plan for the Fourth Round Housing Cycle*” on May 1, 2025 (“Approval Order”) for the Municipality to meet and ensure satisfaction of its previously fixed “present need” obligation of 153 affordable housing units, and a “prospective need” obligation of 240 affordable housing units (collectively, the “Fourth Round Affordable Housing Obligation”),<sup>1</sup> and therein authorizing the Municipality to adopt its implementing Ordinance(s) to satisfy its Fourth Round Affordable Housing Obligation;

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

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

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<sup>1</sup> Per prior “*Decision and Order Fixing Municipal Obligations for ‘Present Need’ and ‘Prospective Need’ for the Fourth Round Housing Cycle*” of this Court entered on May 1, 2025 (see Trans. ID: LCV20251276854).

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

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

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

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

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

3. That the Municipality's approved Fourth Round HEFSP and constituent compliance mechanisms contained therein, and the Implementing Ordinance(s), are hereby determined to be fair and reasonable to the interests of the region's low- and moderate-income households and to represent a realistic opportunity for the provision of affordable housing in accordance with the Mt. Laurel doctrine, and specifically in accordance with the principles set forth in Morris County Fair Housing Council v. Boonton Twp., 197 N.J. Super. 359 (Law Div.

1984), *aff'd o.b.* 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996).

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

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

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

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

SO ORDERED:

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

**HON. DARREN J. DEL SARDO, P.J.Cv.**  
*Designated Mt. Laurel Judge – Passaic Vicinage*

(X) By the Court.

**EXHIBIT P-1**

Colliers

# 2026 Amended Housing Element & Fair Share Plan

Borough of Woodland Park

December 22, 2025

Prepared for:

Borough of Woodland Park

Prepared by:



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# 2026 Amended Housing Element & Fair Share Plan

Borough of Woodland Park

Passaic County, New Jersey

Approved by the Planning Board: January 12, 2026

Endorsed by the Council: January 21, 2026

The original of this report was signed and sealed in accordance with NJSA 45:14A-12.

WDB-002

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## I. Introduction

According to the New Jersey Fair Housing Act, a Housing Plan Element shall be designed to meet the municipality's fair share of its region's present and prospective housing needs, with particular attention to low- and moderate-income housing.

Affordable housing in New Jersey has a long, convoluted history dating back to 1975, when the New Jersey Supreme Court ruled that municipalities could not use their power to zone to exclude the region's low- and moderate-income households. This landmark decision is commonly referred to as Mount Laurel I, as the defendant was the Township of Mount Laurel. In 1983 the New Jersey Supreme Court decided what is commonly referred to as Mount Laurel II, wherein the Supreme Court created a quota system for growing municipalities and invented the "Builder's Remedy" as an enforcement mechanism. In response to the court decisions, the Fair Housing Act ("FHA") was adopted in 1985, which provided an administrative process for municipal compliance. The FHA also created the Council on Affordable Housing ("COAH"), which was responsible for promulgating municipal obligations, adopting regulations, and administering the compliance process. The first round of affordable housing spanned from 1987 to 1993. This was followed by the second round from 1993 to 1999.

The third round of affordable housing commenced in 1999, but COAH failed to establish new affordable housing obligations. Several lawsuits were filed between 2008 and 2015 regarding the obligation. Ultimately, on March 10, 2015, the Supreme Court ruled that COAH failed to act and as a result, the Courts assumed jurisdiction over the Fair Housing Act. The decision and accompanying Order divided municipalities into one of three categories – those that achieved Third Round Substantive Certification, those that filed or petitioned COAH and those that had never participated in the COAH process.

The transitional process created by the Supreme Court tracked the Fair Housing Act procedures for compliance. In this regard, the process permitted municipalities to file a Declaratory Judgment Action during a 30-day window between June 8 and July 8, 2015, that sought an adjudication as to their fair share. This would enable the municipality to comply voluntarily with its constitutional obligation to provide a realistic opportunity for the construction of its fair share of the regions' low- and moderate-income households.

On January 18, 2017, the Supreme Court ruled that municipalities are responsible for obligations accruing during the so-called "gap period," the period between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before-calculated component of Present Need (also referred to as Rehabilitation Obligation), 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).

Between 2015 and 2024, towns that elected to voluntarily comply with their constitutional obligation participated in mediation sessions, reached settlement agreements, adopted Housing Element and Fair Share Reports, and most towns concluded the process with a judgment of repose and compliance. As a result of COAH's inability to function, the third round period spanned from 1999 to 2025.

Then, on March 20, 2024, Governor Murphy signed legislation that dramatically modified the State's affordable housing regulations. The 75-page bill, known as A4, abolished COAH, modified the process of affordable housing compliance, amended bonus credits, and, among other changes, set forth several important deadlines. P.L. 2024, c.2 ("Amended FHA") charged the Department of Community Affairs ("DCA") with the preparation of fourth round obligations and set forth aggressive timelines for compliance. In October of 2024, DCA published a report on its calculations of regional need and municipal present (Rehabilitation Obligation) and prospective (Fourth Round Obligation) fair share obligations. The Report is entitled "Affordable Housing Obligation of 2025-2035 (Fourth Round) Methodology and Background". The DCA calculated Woodland Park's present need obligation as 153 and its prospective need obligation as 346. Municipalities were required to adopt a binding resolution outlining their present and prospective fair share obligations by January 31, 2025. On January 29, 2025, the Mayor and Council adopted Resolution R25-055 accepting the DCA's calculation of the Borough's present need and correcting the developable land data regarding Woodland Park's prospective obligation. The modifications resulted in an adjusted Fourth Round Obligation (211), which was subject to any vacant land and/or durational adjustment. The Borough of Woodland Park also filed a "Complaint for a Declaratory Judgment/Relief" on January 31, 2025, as part of the compliance certification process outlined in the Director of the Administrative Office of the Courts Directive #14-24.

During the 30-day challenge window, a challenge was received from the Fair Share Housing Center ("FSHC"). Mediation was held over several days in March of 2025. Ultimately, the Borough and FSHC settled at a Fourth Round Obligation of 240. The Court entered an Order fixing the Fourth Round Obligation at 240 on May 1, 2025.

This is the Borough of Woodland Park's Housing Element and Fair Share Plan ("HEFSP") for the period between 2025 and 2035, known as the Fourth Round. Woodland Park seeks to voluntarily comply with its constitutional obligation to provide a realistic opportunity for affordable housing. This HEFSP is prepared utilizing the Prior Round Rules<sup>1</sup>, Third Round Rules<sup>2</sup> (as applicable), and the amendments implemented in P.L. 2024, c.2. Each municipality in the State has a four-part obligation:

1. Rehabilitation Obligation
2. Prior (First and Second Round) Obligations (1987-1999)
3. Third Round Obligation (1999 - 2025)
4. Fourth Round Obligation (2025-2035)

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<sup>1</sup> NJAC 5:91 (Procedural) and NJAC 5:93 (Substantive) Rules, which can be found at: [New Jersey Department of Community Affairs | Second Round Regulations](#)

<sup>2</sup> NJAC 5:96 (Procedural) and NJAC 5:97 (Substantive) Rules, which can be found at: <https://nj.gov/dca/dlps/hss/thirdroundregs.shtml>

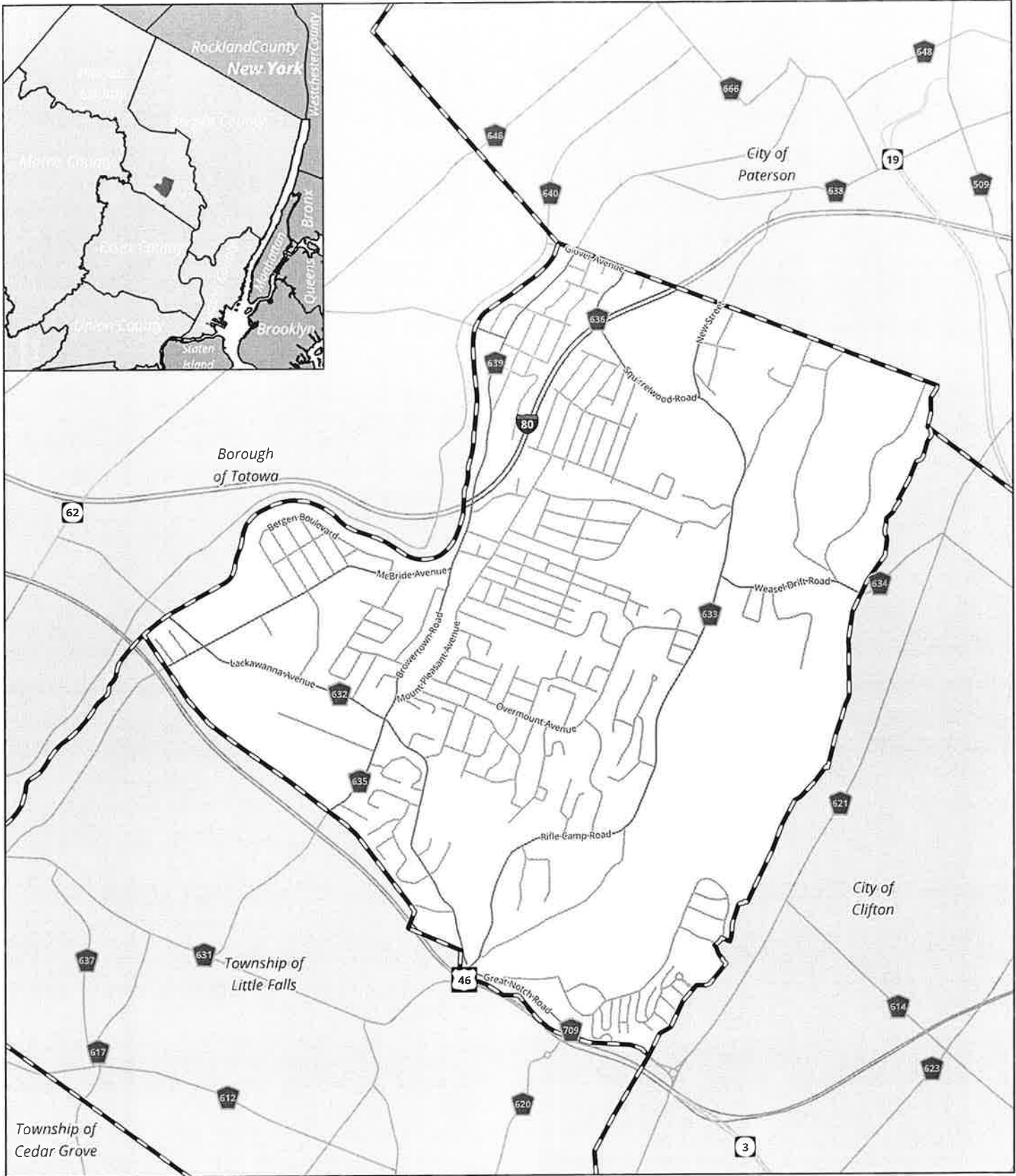
## Affordable Housing History

A summary of Woodland Park's affordable housing efforts since 2015 is included below:

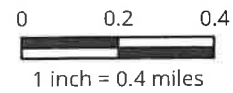
- **July 7, 2015** | Woodland Park filed a Declaratory Judgment Action seeking to comply with its constitutional mandate to provide affordable housing in accordance with the March 10, 2015 New Jersey Supreme Court Order.
- **February 8, 2018** | Borough signed Settlement Agreement with FSHC (see Appendix A).
- **April 10, 2018** | Judge Brogan issued Order Granting Approval of Settlement Agreement and Judgment of Compliance and Repose Regarding the Borough's Updated Housing Element & Fair Share Plan (see Appendix B).
- **January 29, 2025** | Mayor and Council adopted Resolution R25-055 committing to Round 4 present need but disagreeing with the DCA's calculated prospective need. The Resolution indicates the DCA's Land Capacity Allocation factor is inaccurate and the corrected calculation results in a prospective need of 211 (see Appendix C).
- **January 31, 2025** | Complaint for Declaratory Relief filed (see Appendix D).
- **May 1, 2025** | Judge Del Sardo issued Decision and Order Fixing Municipal Obligations for "Present Need" and "Prospective Need" for the Fourth Round Housing Cycle (see Appendix E).
- **June 26, 2025** | Borough adopted 2025 Housing Element & Fair Share Plan ("2025 HEFSP").
- **June 30, 2025** | Borough filed 2025 HEFSP with the Affordable Housing Resolution Dispute Program.
- **August 26, 2025** | FSHC filed a challenge letter.
- **December 15, 2025** | Borough executed "Consent Order Conditional Compliance Certification" resolving FSHC's challenge.

## Municipal Summary

The Borough of Woodland Park is located in southern Passaic County and encompasses 3.1 square miles. The Borough is characterized by compact single-, two-, and multi-family dwellings surrounded by a variety of commercial and industrial uses. Commercial, industrial, and other non-residential uses are primarily located along McBride Avenue, the western end of Lackawanna Avenue, and southern end of Browertown Road. The Garret Mountain Plaza office park and Berkely College's Garret Mountain Campus are located on Squirrelwood Road in the northern portion of the Borough. Woodland Park is also home to two County Parks, Garret Mountain Reservation and Rifle Camp Park, which are located on the east side of town and provide scenic views of eastern New Jersey and the New York City skyline. The Borough also contains two reservoirs owned by the Passaic Valley Water Commission, New Street Reservoir and Great Notch Reservoir. The Borough does not have access to any NJTransit rail or bus services. However, NJTransit operates a bus route with stops along McBride Avenue and Browertown Road.



**REGIONAL LOCATION**  
**BOROUGH OF WOODLAND PARK**  
 PASSAIC COUNTY, NEW JERSEY



**Colliers**  
 Engineering & Design

This map was developed using GIS digital data from NJDOT and NJGIN, but this secondary product has not been verified and is not state-authorized.

Woodland Park is adjacent to the City of Paterson to the north, City of Clifton to the east, the Township of Little Falls to the south, and the Borough of Totowa to the west. See the map on page 4.

Between 2010 and 2020, Woodland Park's population increased by 12.4% from 11,819 to 13,284 residents.<sup>3</sup> It should be noted that the 2023 American Community Survey ("ACS"), which is the most recent Survey available, estimates Woodland Park's population at 13,284 residents, which is 200 less residents compared to the 2020 Census.<sup>4</sup> The North Jersey Transportation Planning Authority ("NJTPA") projects that the Borough will grow to 13,494 residents by the year 2050, which is 210 people more than estimated in the 2023 ACS and only ten additional residents from what was reported in the 2020 Census.<sup>5</sup>

### Affordable Housing Obligation

The Borough of Woodland Park has committed to a Rehabilitation Obligation of 153 units. However, the Borough has conducted a structural conditions survey, which is discussed in Chapter XI. The structural conditions survey has revealed that only 20 homes have a major system in need of replacement and/or repair or at least two minor systems in need of repair. Multiplying this against the percent of affordable households in overcrowded units (sourced from the DCA workbook) of 87.5%, results in an adjusted Rehabilitation Obligation of 17.

The Borough's Prior Round Obligation ("PRO"), as confirmed by the 2018 FSHC Settlement Agreement (see Appendix A), is 95. Woodland Park agreed to a 440-unit Third Round Obligation ("TRO"). However, the Borough received a Vacant Land Adjustment ("VLA") during the Third Round, which determined Woodland Park's Realistic Development Potential ("RDP") to be 65. This resulted in an Unmet Need of 375. However, as noted in Chapter XII, three of the sites that generated RDP do not actually generate RDP as they do not meet the site suitability criteria. Therefore, the Borough's Third Round RDP is reduced to 39.

Finally, the Borough's Fourth Round Obligation ("FRO") is 240 (see Appendix E). However, the Borough conducted a Vacant Land Adjustment ("VLA") analysis using tax data and environmental data to determine a Realistic Development Potential ("RDP") of 27. The RDP subtracted from the FRO results in an Unmet Need of 213.

The chart below illustrates the Borough's four-part obligation. See Chapter XI. for a detailed discussion of the Fourth Round VLA.

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

<sup>3</sup> Information sourced from <https://data.census.gov/>, accessed June 9, 2025.

<sup>4</sup> Ibid.

<sup>5</sup> Information sourced from NJTPA Plan 2050, Appendix E, "Demographic Forecasts", <https://www.njtpa.org/plan2050>, accessed June 9, 2025.

## Borough Goal

It is the overall goal of the HEFSP, in combination with the Land Use Plan, to provide the planning context in which access to low- and moderate-income housing can be provided in accordance with the requirements of the Amended Fair Housing Act and the laws of the State of New Jersey, while respecting the character, scale, density, and utility constraints of the Borough of Woodland Park.

# HOUSING ELEMENT

Borough of Woodland Park

## II. Content of Housing Element

The Amended 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 Municipal Land Use Law (“MLUL”), specifically NJSA 52:27D-310, a housing element must contain at least the following items:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose conducting this inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low-and moderate-income housing for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52-27D-304.1);
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52D-329.20);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, C.120 (C.13-20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable

housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and

- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Chapters III. through IX. address a. through i. above, except for the determination of the Borough's affordable housing obligation (subsection e.) and the Highlands Council (subsection h.). Woodland Park's four-part obligation is discussed in Chapter XI. Additionally, the Borough is not within the jurisdiction of the Highlands Council and, as a result, subsection h. is not applicable.

### III. Woodland Park's Population Demographics

The Borough of Woodland Park's population rose rapidly from 3,931 in 1950 to 11,692 in 1970, which is a 197.4% increase over just 20 years. The Borough's population then declined to 10,982 in 1990, which is a decrease of 6% (710 residents). However, Woodland Park's population has increased since to a peak of 13,484 in 2020. See the table below for additional details.

**Population Growth**

Year	Population	Change	Percent
1940	3,306	--	--
1950	3,931	625	18.9%
1960	7,602	3,671	93.4%
1970	11,692	4,090	53.8%
1980	11,293	-399	-3.4%
1990	10,982	-311	-2.8%
2000	10,987	5	0.0%
2010	11,819	832	7.6%
2020	13,284	1,465	12.4%

Source: 2010 & 2020 Census Table P1; New Jersey Population Trends, 1790 to 2000,  
<https://www.nj.gov/labor/labormarketinformation/assets/PDFs/census/2kpub/njsdcp3.pdf>

The NJTPA projects that the Borough's population will grow to 13,494 residents by 2050 from their baseline 2015 population of 11,928. This represents an increase of 1,566 residents, or an average increase of approximately 45 residents annually over 35 years. However, as noted above, the Borough's estimated population according to the 2023 ACS is 13,284, which is only 210 less than projected by the NJTPA. This translates to an average annual increase of approximately eight residents over the next 27 years.

**Population Projection**

Year	Population	Change	Percent
2015	11,928	---	---
2020	13,484	1,556	13.0%
2050	13,494	10	0.1%

Source: 2010 & 2020 Census Table P1; New Jersey Population Trends, 1790 to 2000,  
<https://www.nj.gov/labor/labormarketinformation/assets/PDFs/census/2kpub/njsdcp3.pdf>

### Age Distribution of Population

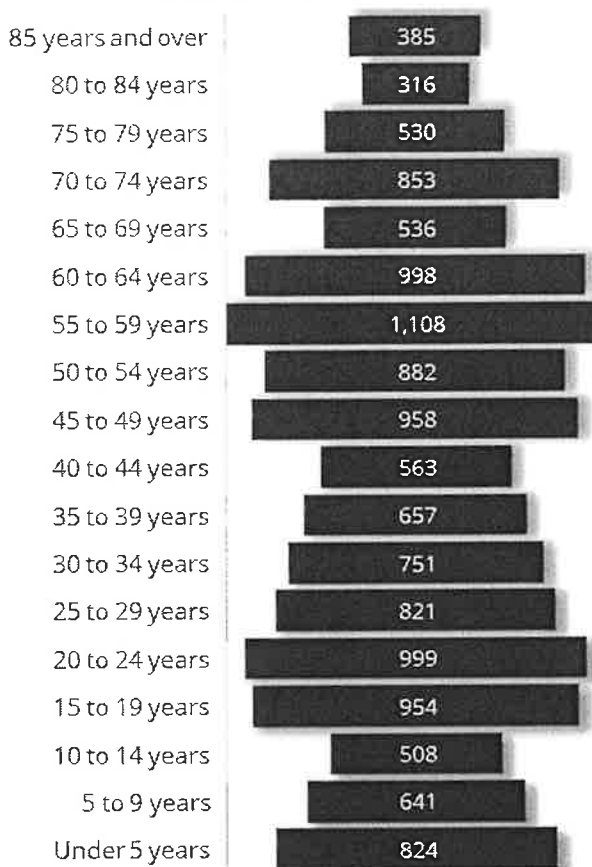
The 2023 ACS estimates 19.7% of Woodland Park's population was 65 years or older compared to 22% of the population being 19 years or younger. The largest age cohort was estimated to be those aged 55 to 59 years, which comprised 8.3% (1,108) of the Borough's population. Residents aged 20 to 24 years comprised the second-largest age cohort at 7.5% (999) of the population, followed by those aged 60 to 64 at 7.5% (998). The median age was estimated at 44.3 years in the 2023 ACS. See the table and chart on the following page for further details.

**Population by Age Cohort**

Age	Total	Percent
85 years and over	385	2.9%
80 to 84 years	316	2.4%
75 to 79 years	530	4.0%
70 to 74 years	853	6.4%
65 to 69 years	536	4.0%
60 to 64 years	998	7.5%
55 to 59 years	1,108	8.3%
50 to 54 years	882	6.6%
45 to 49 years	958	7.2%
40 to 44 years	563	4.2%
35 to 39 years	657	4.9%
30 to 34 years	751	5.7%
25 to 29 years	821	6.2%
20 to 24 years	999	7.5%
15 to 19 years	954	7.2%
10 to 14 years	508	3.8%
5 to 9 years	641	4.8%
Under 5 years	824	6.2%
<b>Total</b>	<b>13,284</b>	<b>100%</b>

Source: 2023 ACS Table S0101

**Population by Age Cohort**



**Household Size & Type**

According to the 2023 ACS, Woodland Park had 5,383 households. A plurality were married-couple households, which comprised 44.6% of all households (2,402). Of those, 841 had children under 18 years old. Female householders with no spouse present comprised 32.6% of all households, while male householders with no spouse present comprised only 15.8%. Of all households with no spouse present, 232 had children under the age of 18 (4.3%), while 1,765 were living alone (32.8%). See the table on the following page for complete details.

### Household Type

Type	Number	Percent
Married-couple	2,402	44.6%
with children under 18	841	15.6%
Cohabiting couple	379	7.0%
with children under 18	153	2.8%
Male householder, no spouse	849	15.8%
with children under 18	75	1.4%
living alone	563	10.5%
Female householder, no spouse	1,753	32.6%
with children under 18	157	2.9%
living alone	1,202	22.3%
<b>Total</b>	<b>5,383</b>	<b>100%</b>

Source: 2023 ACS Table DP02

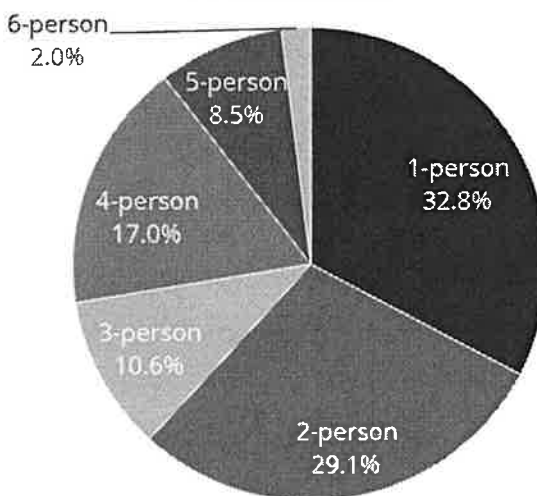
The most common household size in Woodland Park was estimated to be one-person households, which comprised 32.8% of households in 2023. Two-person households comprised the second-largest number of households at 29.1%. Finally, four-person households comprised 17% of the 5,383 households in Woodland Park. It should be noted that zero households contained seven or more people. The table and pie chart below graphically illustrate the household size composition in Woodland Park. Additionally, the 2023 ACS estimated the average household size at 2.47 persons, which is slightly lower than reported in the 2010 Census (2.53 persons).

### Household Size

Size	Total	Percent
1-person	1,765	32.8%
2-person	1,566	29.1%
3-person	569	10.6%
4-person	916	17.0%
5-person	460	8.5%
6-person	107	2.0%
7+ person	0	0.0%
<b>Total</b>	<b>5,383</b>	<b>100%</b>

Source: 2023 ACS Table B11016

### Household Size



### Income & Poverty Status

The 2023 ACS estimated the median household income for the Borough of Woodland Park to be \$85,638 which is \$1,499 less than Passaic County's and over \$15,000 less than the State's. The estimated median family income for the Borough was estimated at \$106,941, which is over \$6,000 more than the County's but \$16,951 less than the State's. Finally, Woodland Park's per capita income was estimated at \$45,442, which is above the County's but below the State's. Based on this

data, residents of Woodland Park generally earn more than County residents but less than State residents.

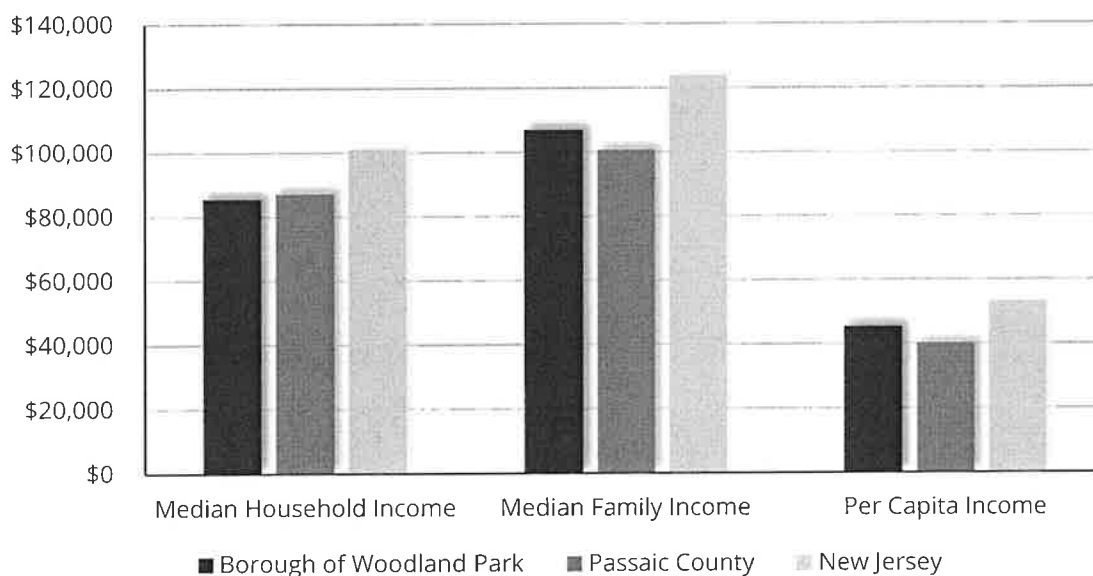
The 2023 ACS also reports on the poverty rates of individuals and families. Interestingly, the Borough's poverty rate for individuals was estimated at 6.1%, which is less than half of the County's and nearly half of the State's. Similarly, the Borough's poverty rate for families was estimated at 3.5%, which is less than a third of Passaic County's and half of New Jersey's. The table and bar chart below provide a comparison between income and poverty characteristics.

### Income and Poverty Characteristics

Income Type	Borough of Woodland Park	Passaic County	New Jersey
Median Household Income	\$85,638	\$87,137	\$101,050
Median Family Income	\$106,941	\$100,792	\$123,892
Per Capita Income	\$45,442	\$40,241	\$53,118
Poverty Status (Percent of People)	6.1%	13.7%	9.8%
Poverty Status (Percent of Families)	3.5%	11.1%	7.0%

Source: 2023 ACS Table DP03

### Income Characteristics



According to the 2023 ACS, 21.2% of households in Woodland Park (1,141) earn between \$50,000 and \$74,999 annually. Households earning between \$100,000 and \$149,999 comprised 18.2% of households, while those earning \$75,000 to \$99,999 comprised 13.4% of the Borough's households. Only 42.2% of households in Woodland Park made over \$100,000 annually compared to 44.2% of the County's and 50.5% of the State's households. It should be noted that 23.2% of households in Woodland Park earned less than \$50,000. See the table on the following page for additional details.

## Household Income

Income Range	Borough of Woodland Park		Passaic County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	245	4.6%	8,164	4.6%	140,262	4.0%
\$10,000 to \$14,999	43	0.8%	7,286	4.1%	99,362	2.9%
\$15,000 to \$24,999	179	3.3%	11,010	6.2%	175,402	5.0%
\$25,000 to \$34,999	222	4.1%	11,062	6.2%	184,753	5.3%
\$35,000 to \$49,999	561	10.4%	17,470	9.8%	276,601	8.0%
\$50,000 to \$74,999	1,141	21.2%	23,764	13.4%	448,192	12.9%
\$75,000 to \$99,999	723	13.4%	20,742	11.7%	397,939	11.4%
\$100,000 to \$149,999	979	18.2%	31,420	17.7%	627,526	18.0%
\$150,000 to \$199,999	581	10.8%	18,981	10.7%	407,723	11.7%
\$200,000 or more	709	13.2%	28,065	15.8%	720,595	20.7%
<b>Total</b>	<b>5,383</b>	<b>100%</b>	<b>177,964</b>	<b>100%</b>	<b>3,478,355</b>	<b>100%</b>

Source: 2023 ACS Table DP03

## IV. Woodland Park's Housing Demographics

### Housing Type

The 2023 ACS estimated the Borough's housing stock at 5,527 units. Single-family, detached dwellings were most common in the Borough with 1,540 units or 27.9% of all dwellings. Two-family dwellings comprised 26.6% of dwellings or 1,472 units. The third-most common housing type was estimated to be one-unit, attached dwellings (e.g. townhomes), which comprised 748 units or 13.5% of the housing stock. Additionally, the Borough contains 1,579 multi-family units (28.6%), which are buildings containing five or more dwelling units. See the table below for details. Of the estimated 5,527 units in 2023, 14 or 0.5% of the housing stock is affordable.

**Housing Units in Structure**

Structure	Number of Units	Percent
1-unit, detached	1,540	27.9%
1-unit, attached	748	13.5%
2 units	1,472	26.6%
3 or 4 units	188	3.4%
5 to 9 units	730	13.2%
10 to 19 units	617	11.2%
20 or more units	232	4.2%
Mobile Home	0	0.0%
Other (boat, RV, van, etc.)	0	0.0%
<b>Total</b>	<b>5,527</b>	<b>100%</b>

Source: 2023 ACS Table DP04

### Occupancy Status

Of the 5,527 residential units, 5,383 units, or 97.4% of the housing stock, was occupied. This includes 3,294 owner-occupied units and 2,089 rental units. The 144 vacant units included units for sale or for rent, for seasonal use, and "other" vacant units. See the table on the following page for details.

The 2023 ACS estimated the average household size in Woodland Park was 2.47 persons, while the average family size was 3.14 persons. Comparing tenure, the average owner-occupied household was 2.28, while the average renter-occupied household was 2.75 persons.

### Occupancy Status

Status	Units	Percent
Occupied Total	5,383	97.4%
Owner Occupied	3,294	61.2%
Renter Occupied	2,089	38.8%
Vacant Total	144	2.6%
For rent	54	37.5%
Rented, not occupied	0	0.0%
For Sale	16	11.1%
Sold, not occupied	0	0.0%
Seasonal	12	8.3%
For migrant workers	0	0.0%
Other	62	43.1%
<b>Total</b>	<b>5,527</b>	<b>100%</b>

Source: 2023 ACS Tables DP04 & B25004

### Value & Rent of Housing Stock

The 2023 ACS provides data regarding the value of owner-occupied housing units within Woodland Park. According to the data, a plurality of homes in the Borough were worth between \$500,000 and \$999,999 (43.1%). Homes worth between \$300,000 and \$499,999 comprised 41.7% of the owner-occupied housing units, while 9.9% of homes were estimated to be valued between \$200,000 and \$299,999. None of the owner-occupied dwellings in the Borough were estimated to be worth more than \$1 million. The median home value estimated in the 2023 ACS was \$475,400. See the table below and chart on the following page.

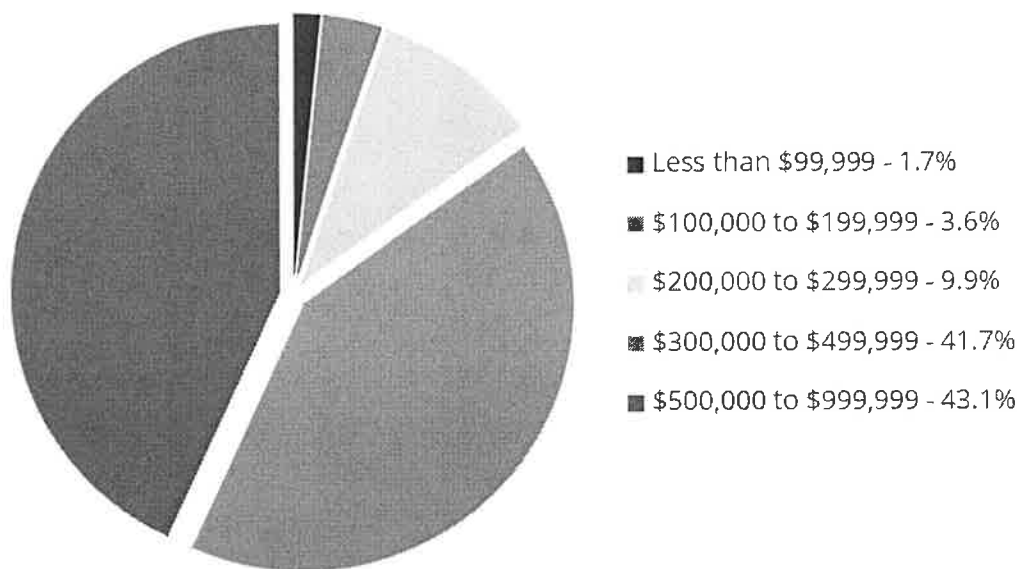
### Value of Owner Occupied Units

Value	Number of Units	Percent
Less than \$99,999	55	1.7%
\$100,000 to \$199,999	119	3.6%
\$200,000 to \$299,999	325	9.9%
\$300,000 to \$499,999	1,375	41.7%
\$500,000 to \$999,999	1,420	43.1%
\$1,000,000 or more	0	0.0%
<b>Total</b>	<b>3,294</b>	<b>100%</b>

Median Value \$475,400

Source: 2023 ACS Table DP04

**Value of Owner Occupied Units**



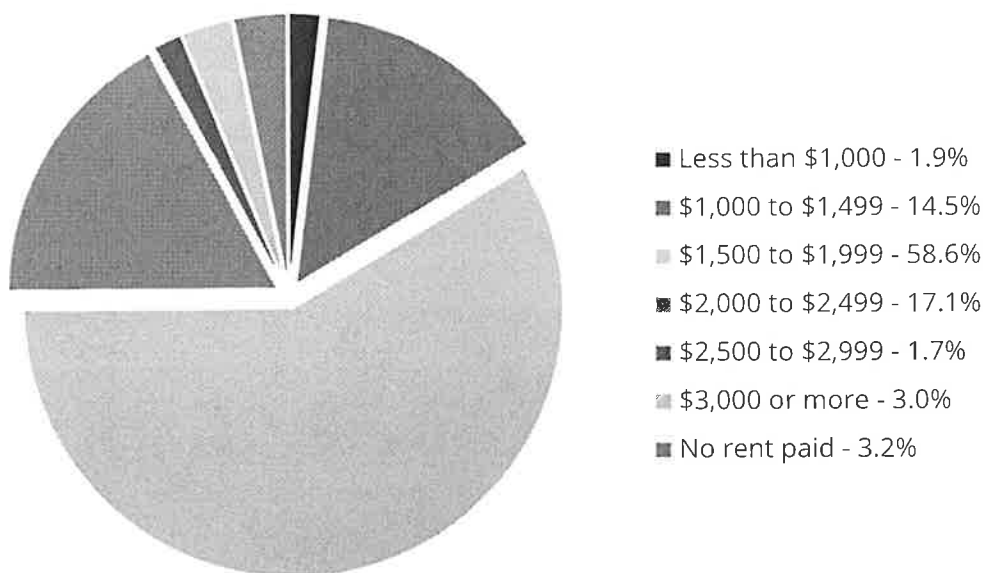
The median rent in the Borough was estimated at \$1,773 per the 2023 ACS. Looking at the rent range for the Borough, a majority of rental units (58.6%) fell between \$1,500 and \$1,999 per month. Units that cost between \$2,000 and \$2,499 comprised 17.1% of rentals (357 units), while 14.5% (303 units) cost between \$1,000 and \$1,499 per month. Additionally, 39 units (1.9%) were estimated to cost less than \$1,000 per month. It should be noted that 67 rental units (3.2%) were estimated to have no rent. See the table below and chart on the following page for more information.

**Cost of Rentals**

Cost	Number of Units	Percent
Less than \$1,000	39	1.9%
\$1,000 to \$1,499	303	14.5%
\$1,500 to \$1,999	1,224	58.6%
\$2,000 to \$2,499	357	17.1%
\$2,500 to \$2,999	36	1.7%
\$3,000 or more	63	3.0%
No rent paid	67	3.2%
<b>Total</b>	<b>2,089</b>	<b>100%</b>
Median (in dollars)	\$1,773	

Source: 2023 ACS Table DP04

### Cost of Rentals



### Condition and Age of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of the substandard housing units that are occupied by low- and moderate-income households. Most of the Census indicators available at the municipal level indicate a sound housing stock within Woodland Park. All homes within Woodland Park contain complete kitchen facilities, while 56 units were estimated to lack plumbing facilities and 72 were estimated to have “no fuel used” for heating.

#### Condition of Housing Stock

Condition	Number of Units	Percent
Lack of complete plumbing	56	1.04%
Lack of complete kitchen	0	0.00%
Lack of telephone service	0	0.00%
Lack of adequate heat	72	1.34%
<b>Total Occupied Housing Units</b>	<b>5,383</b>	<b>2.38%</b>

Source: 2023 ACS Table DP04

Housing with 1.01 or more persons per room (excluding bathrooms and kitchens) is an index of overcrowding as defined by the U.S. Department of Housing and Urban Development.<sup>6</sup> According to the 2023 ACS, of the Borough’s 5,383 occupied housing units, 214 contained 1.01 or more persons per room (4%), including 100 units with 1.51 or more people per room.

<sup>6</sup> <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/overpayment-payment-and-overcrowding#:~:text=The%20U.S.%20Census%20defines%20an,room%20are%20considered%20severely%20overcrowded>. Accessed April 3, 2025.

### Occupants Per Room

Occupants	Number of Units	Percent
1.00 or less	5,169	96.0%
1.01 to 1.50	114	2.1%
1.51 or more	100	1.9%
<b>Total</b>	<b>5,383</b>	<b>100%</b>

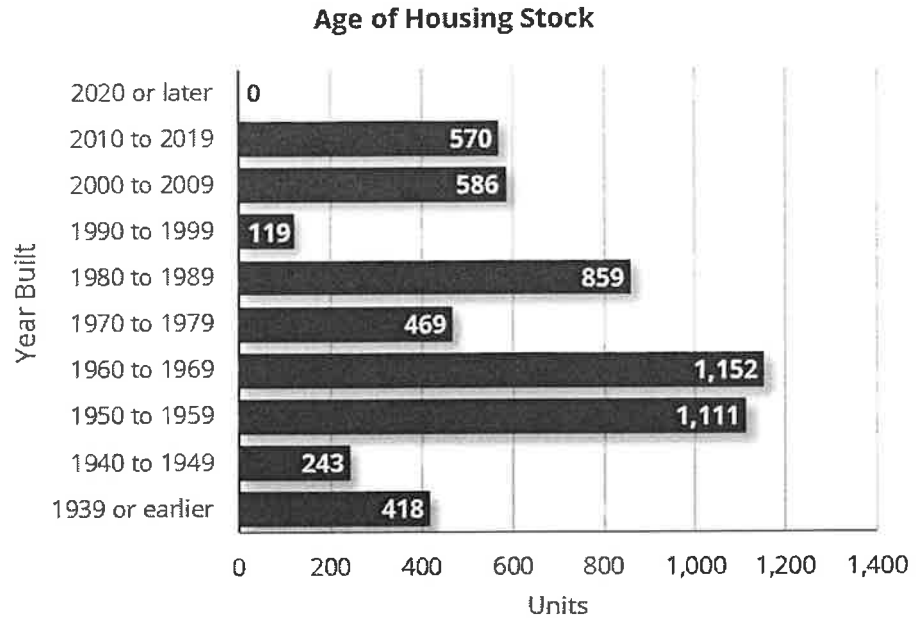
Source: 2023 ACS Table DP04

The table below and bar graph on page 20 provide the 2023 ACS estimates for the age of housing units in Woodland Park. An estimated 2,924 units, or 52.9%, of the Borough's housing stock were constructed prior to 1970. This includes over 20% of the housing stock being constructed in each the 1950s and 1960s. Since 1970, residential development has fluctuated with 469 homes constructed in the 1970s, followed by 859 homes in the 1980s, and only 119 homes during the 1990s. Nearly 600 homes were constructed in both the 2000s and 2010s. See the table below and chart on the following page for more details. The Borough's Rehabilitation Obligation is 153 units, reflecting the relatively good condition of these older homes.

### Age of Housing Stock

Year Built	Number of Units	Percent
1939 or earlier	418	7.6%
1940 to 1949	243	4.4%
1950 to 1959	1,111	20.1%
1960 to 1969	1,152	20.8%
1970 to 1979	469	8.5%
1980 to 1989	859	15.5%
1990 to 1999	119	2.2%
2000 to 2009	586	10.6%
2010 to 2019	570	10.3%
2020 or later	0	0.0%
<b>Total</b>	<b>5,527</b>	<b>100%</b>

Source: 2023 ACS Table DP04



## V. Woodland Park's Employment Demographics

The 2023 ACS estimated that Woodland Park had 7,050 residents over the age of 16 in the workforce. Of those, 6,625 (94%) were employed, which translates to a 6% unemployment rate. A majority of workers were private wage and salary workers (74.9%). However, 12.1% were workers employed by the government and 7% were self-employed. See the table below for details.

**Class of Workers**

Class	Workers	Percent
Private wage and salary workers	5,279	74.9%
Government workers	851	12.1%
Self-employed workers	495	7.0%
Unpaid family workers	0	0.0%
<b>Total employed residents</b>	<b>6,625</b>	<b>94.0%</b>
Total unemployed residents	425	6.0%
<b>Total residents in workforce</b>	<b>7,050</b>	<b>100%</b>

Source: 2023 ACS Table DP03

### Occupational Characteristics

The 2023 ACS estimated 2,289 workers were employed in the management, business, science, and arts fields, which represents 34.6% of the Borough's employed residents. Sales and office workers totaled 24.3% of employed residents, while 15.5% were employed in service positions. See the table below for details.

**Occupation of Employed Population**

Occupation	Workers	Percent
Management, business, science, & arts	2,289	34.6%
Service	1,025	15.5%
Sales & office	1,607	24.3%
Natural resources, construction, & maintenance	878	13.3%
Production, transportation, & material moving	826	12.5%
<b>Total</b>	<b>6,625</b>	<b>100%</b>

Source: 2023 ACS Table DP03

### Employment Projections

NJTPA's Plan 2050 estimates that the number of available jobs in Woodland Park will increase from 5,065 reported in 2015 to 5,490 in 2050. This represents an increase of 425 jobs, or an average annual increase of 12.1 jobs. However, as detailed in the following section, the New Jersey Department of Labor and Workforce Development estimated a total of 5,902 jobs in Woodland Park in 2023, which is 130 more than projected by NJTPA.

### Employment Projection

Year	Jobs	Change	Percent
2015	5,065	---	---
2050	5,490	425	8.4%

Source: NJTPA Plan 2050, Appendix E, 2050 Demographic Forecasts, <https://www.njtpa.org/plan2050>

### In-Place Employment By Industry

New Jersey's Department of Labor and Workforce Development ("NJDLWD") is the entity that reports on employment and wages within the State of New Jersey through the Quarterly Census of Employment and Wages ("QCEW"). The latest Municipal Report was completed in 2023. According to the data, there were 4,229 private sector jobs within the Borough, which were provided by an average of 392 employers. It should be noted that the Municipal Report redacted data from multiple private-sector industries for not meeting publication standards (transportation/warehousing, education, and arts/entertainment, etc.) The "Private Sector Total" row in the table on the following page provides the totals for the reported data only. However, the 2023 QCEW document reported that the Borough had an average of 5,438 private-sector jobs provided by 416 employers, including the redacted data. Additionally, the QCEW data indicates there were 465 public sector jobs provided by ten employers. This totals 5,903 jobs provided by 426 employers. It should be noted that, the QCEW data reflects employment within Woodland Park, regardless of where the employee lives.

Based on the 2023 QCEW data provided, the health/social industry contained the highest number of jobs in the Borough with an average of 1,051 jobs (22.4%). These jobs were provided by the most employers (94). The construction industry had the second-largest number of employers (40), but the ninth-highest number of average jobs (only 199). The manufacturing trade industry had the third-highest number of jobs with an average of 498 jobs (10.6%) and 19 employers (seventh-highest). The finance/insurance industry had the second-highest average number of jobs with 729 employees (15.5%) but had the third-lowest number of employers at only 15. In the public sector, the 2023 QCEW Municipal Report indicated that there was three federal government employers, which had an average of 82 employees and seven local government employers, which had an average of 383 jobs. This included six local government education employers providing an average of 251 jobs. See the table on the following page for data on each industry sector.

## Private and Public Sector Employment (2023)

Industry	Establishments		Employees		Annual Wages
	Total	Percent	Total	Percent	
Construction	40	10.0%	199	4.2%	\$64,597
Manufacturing	19	4.7%	498	10.6%	\$83,166
Wholesale Trade	17	4.2%	200	4.3%	\$93,908
Retail Trade	38	9.5%	415	8.8%	\$36,389
Transportation/Warehousing	-	-	-	-	-
Information	4	1.0%	170	3.6%	\$110,641
Finance/Insurance	15	3.7%	729	15.5%	\$136,468
Real Estate	10	2.5%	53	1.1%	\$46,692
Professional/Technical	36	9.0%	169	3.6%	\$53,377
Admin/Waste Remediation	35	8.7%	232	4.9%	\$54,979
Education	-	-	-	-	-
Health/Social	94	23.4%	1,051	22.4%	\$63,470
Arts/Entertainment	-	-	-	-	-
Accommodations/Food	33	8.2%	291	6.2%	\$27,988
Other Services	36	9.0%	205	4.4%	\$35,034
Unclassifieds	15	3.7%	17	0.4%	\$43,936
<b>Private Sector Total</b>	<b>392</b>	<b>97.5%</b>	<b>4,229</b>	<b>90.1%</b>	<b>\$66,807</b>
Federal Government	3	0.7%	82	1.7%	\$143,042
Local Government	7	1.7%	383	8.2%	\$61,348
Local Government Education	6	1.5%	251	5.3%	\$59,009
<b>Public Sector Total</b>	<b>10</b>	<b>2.5%</b>	<b>465</b>	<b>9.9%</b>	<b>\$87,800</b>

Source: The table values above are sourced from the NJDLWD's QCEW 2023 Municipal Report. It is noted that this Report has redacted multiple private sector industries for not meeting the publication standard. Therefore, the Private Sector Totals row has been calculated by this office using the published numbers.

## Travel Time to Work

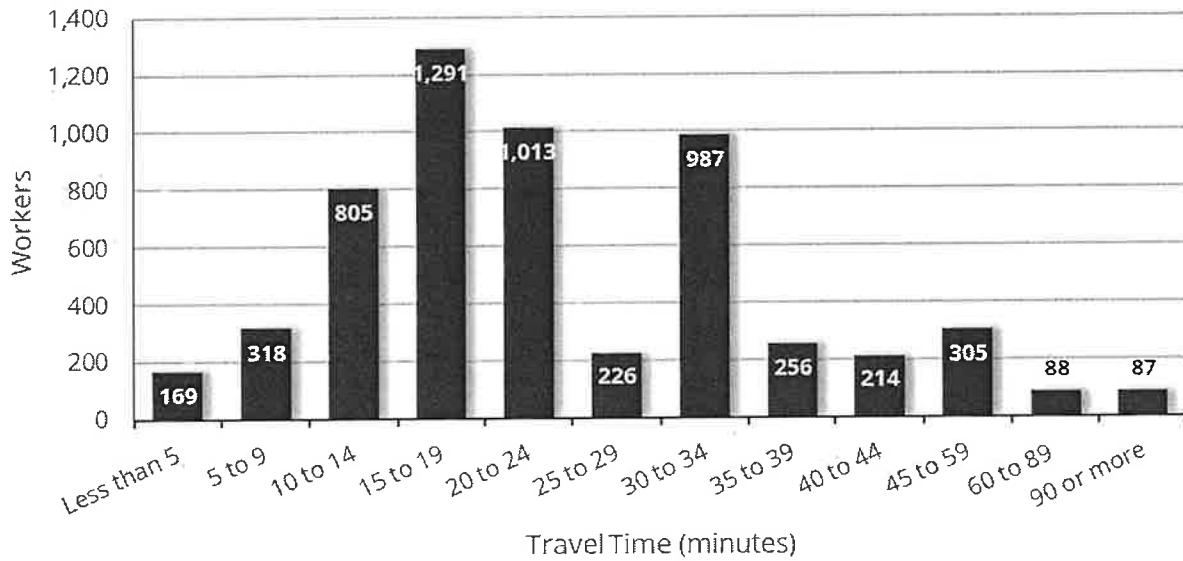
The 2023 ACS collected data regarding employed resident's commute time. The most common commute time was between 15 and 19 minutes, which was made by 1,291 workers (22.4%). A commute between 20 and 24 minutes followed close behind with 1,013 workers (17.6%). Rounding off the top three was a commute of 30 to 34 minutes, which was reported by 987 workers (17.1%). The mean travel time was estimated at 22.7 minutes. It should be noted that 175 workers (3%) reported a commute of more than one hour. Additionally, 672 workers, or 10.1% of the Borough's employed residents, reported working from home. See the table and chart on the following page for additional details.

**Commute Time**

<b>Travel Time (minutes)</b>	<b>Workers</b>	<b>Percent</b>
Less than 5	169	2.9%
5 to 9	318	5.5%
10 to 14	805	14.0%
15 to 19	1,291	22.4%
20 to 24	1,013	17.6%
25 to 29	226	3.9%
30 to 34	987	17.1%
35 to 39	256	4.4%
40 to 44	214	3.7%
45 to 59	305	5.3%
60 to 89	88	1.5%
90 or more	87	1.5%
<b>Total</b>	<b>5,759</b>	<b>100.0%</b>

Source: 2023 ACS Table B08303

**Commute Time**



## VI. Projection of Housing Stock

As per the MLUL, specifically NJSA 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, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.

The DCA Division of Codes and Standards' website provides data on building permits, certificates of occupancy ("CO"), and demolition permits for both residential and non-residential development through the New Jersey Construction Reporter. This database contains permit and CO information that is submitted by municipal construction officials across the State each month. The Construction Reporter has information dating back to 2000, which can be used to show the Borough's historic development trends. However, data from 2013 and onward was reviewed to determine more recent trends.

As shown in the table below, most of the residential COs were granted in the 2010s. Between 2013 and 2020, 292 certificates were issued, including 83 in 2015 alone. These certificates included 252 for multi-family dwellings and 34 for single-or-two family dwellings. Since 2013, a total of six demolition permits were issued, which equates to a net development of 286 residential units since 2013.

**Historic Trend of Residential Certificates of Occupancy & Demolition Permits (2013-2024)**

	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	Total
COs Issued	52	35	83	45	23	3	51	0	0	0	0	0	292
Demolitions	1	2	1	0	0	2	0	0	0	0	0	0	6
<b>Net Development</b>	<b>51</b>	<b>33</b>	<b>82</b>	<b>45</b>	<b>23</b>	<b>1</b>	<b>51</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>286</b>

Source: NJDCA, Construction Reporter - Housing Units Certified and Demolition Permits, Yearly Summary Data

Projecting into the future, the Borough does not have any open building or zoning permits or pending Board applications for the construction of single-family dwellings. However, a mixed-use building has an open building permit and is under construction at 1108 McBride Avenue. A CO is anticipated to be issued in 2025. Projected development was based on historic development patterns as shown in the previous table. The Borough anticipates issuing 386 new COs between now and the end of the Fourth Round in 2035. Over 97% of the anticipated COs come from the expected redevelopment of the former Bank of New York office site. Additionally, two group homes are expected at 12 Browertown Road.

**Projection of Residential Development**

	'25	'26	'27	'28	'29	'30	'31	'32	'33	'34	'35	Total
Projected Development	0	1	0	1	0	1	0	1	0	1	0	5
Approved Development with Permits Issued and Under Construction												4
1108 McBride Avenue	4											4
Future Projects												377
12 Browertown Road	2											2
Bank of New York	187 188											375
<b>Total</b>	<b>4</b>	<b>1</b>	<b>189</b>	<b>189</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>386</b>

Of the 386 new residences projected to be built between now and 2035, 78 are anticipated to be reserved for low- and moderate-income households. See the table below for further details.

**Projection of Affordable Units**

	'25	'26	'27	'28	'29	'30	'31	'32	'33	'34	'35	Total
Approved Development with Permits Issued and Under Construction												1
1108 McBride Avenue	1											1
Future Projects												77
12 Browertown Road*	2											2
Bank of New York	37 38											75
<b>Total</b>	<b>1</b>	<b>0</b>	<b>37</b>	<b>38</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>78</b>

\*Two units that will generate 8 credits

## VII. Capacity for Fair Share

This chapter of the HEFSP provides the following information as required by the rules:

- The Borough's capacity to accommodate its affordable 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 provide 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

Woodland Park's capacity to accommodate its present and prospective affordable housing need is determined by three components – available land, water capacity, and sewer availability and capacity. Note that land development is limited by environmental features, parcel size, easements (conservation, sewer, water, etc.), and municipal regulations. In total, 880.03 acres of Woodland Park, or 44.77% of the Borough's 1,965.45 acres, are encumbered by at least one environmentally sensitive area. Environmental constraints within the Borough of Woodland Park include:

- Waterbodies – 94.94 acres (4.83% of the Borough's area), which includes 31.47 acres of the Great Notch Reservoir, 29.38 acres of the Passaic River, 11.16 acres of the New Street Reservoir, 8.8 acres of the Barbour Pond, 4.52 acres of the Peckman River, 4.16 acres of Highlands Lake, and 3.09 acres of Butchers Pond
- 50-foot Riparian buffer – 195.65 acres (9.95% of the Borough's area)
- Wetlands – 27.08 acres (1.38% of the Borough's area)
- 50-ft Wetlands Buffer (excluding wetlands area) – 37.03 acres (1.88% of the Borough's area)
- FEMA Special Flood Hazard Area Zone AE – 332.14 acres (16.9% of the Borough's area), including 84.74 acres within the Floodway
- Slopes greater than 15% - 496.88 acres (25.28% of the Borough's area)

Additionally, the Borough has conducted a VLA analysis for the Fourth Round that indicates 27 additional affordable units can be realistically constructed on the lands that are vacant and developable within the Borough.

Borough  
of Totowa



Township of  
Little Falls

## Utility Capacity

While the Borough of Woodland Park (Borough) owns, operates and maintains the municipal water distribution system, it purchases its potable water through bulk purchasing agreements with New Jersey American Water Co. and the Passaic Valley Water Commission. The Borough's potable water system includes a network of watermains and valving of various sizes as well as multiple pumping stations and two water storage tanks totaling 1.8 million gallons of storage capacity. The Borough owns, operates, and maintains the sanitary sewer collection system and multiple sanitary sewerage pumping stations that collect and convey raw sewerage to the Passaic Valley Sewerage Commission for treatment.

Two key development sites located at Block 85, Lots 7.01, 7.02 & 13.01 and Block 32, Lots 1, 1.01 & 1.02, commonly known as the Bank of New York and Mountain Development sites respectively, incorporate affordable housing in their overall development plans and will have access to municipal water and sewer utilities. Preliminary assessments of the proposed sites have determined that there is sufficient overall water and sewer capacity to serve the proposed development of each of the noted sites. In order to determine the need for either water or sewer infrastructure upgrades, the Borough will need to perform a detailed analysis of the affordable housing developments and their respective utility infrastructure. The condition, size, location, existing capacities, and pressures of the existing utilities will need to be determined, and sanitary sewer and water service reports will need to be generated for the proposed developments.<sup>7</sup>

## Appropriate Locations for Affordable Housing

Land that is most appropriate for the construction of low- and moderate-income housing includes the following:

1. 1108 McBride Avenue for inclusionary development (Block 90, Lot 7, including additional Lots 8, 9, and 10)
2. 12 Browertown Road for 100% affordable development (Block 507, Lot 19, including additional Lot 20)
3. Bank of New York for inclusionary development (Block 85, Lots 7.01, 7.02, and 13.01)
4. CDB Zone for inclusionary development
5. 44 Rifle Camp Road for assisted living (Block 41, Lot 1)
6. 3 Garret Mountain Plaza for inclusionary development (Block 32, Lot 1)

Existing structures appropriate for conversion to affordable housing include ranch-style homes, which may be cost effective to buy and convert to an alternative living arrangement. As for structures suitable for rehabilitation, according to the Borough's Rehabilitation Obligation, which was adjusted based on a structural conditions survey, 17 homes within the Borough are in need of a major system repair (e.g. roof, electric, plumbing, etc.).

## Potential Affordable Housing Developers

Prism is the owner of the former Bank of New York site. The Borough has been meeting with Prism to discuss the redevelopment of the site into an inclusionary housing development. Additionally,

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<sup>7</sup> Email from Joseph Pomante, PE, Borough Engineer on June 5, 2025.

the Borough will be partnering with Nouvelle, LLC to construct two group homes at 12 Browertown Road.

As of May 31, 2025, no property owners or developers have submitted letters to the Borough proposing an inclusionary housing development on a specific site.

### Anticipated Development Patterns

Anticipated land use patterns within the Borough of Woodland Park will most likely follow the established zoning map. Woodland Park has nine multi-family and/or townhouse residential districts, three commercial districts, two office districts, a mixed-use district, an industrial district, and an open space and recreation district. There is one multi-family overlay zone. Finally, there are three single-family residential zones, which have a range of lot size requirements from 6,000 to one half-acre (21,780 square feet). See the Zoning Map on page 31 for details.

The only anticipated exceptions to the established land use pattern will be the rezoning of 3 Garret Mountain Plaza (Block 32, Lot 1).

Adult	
Amc	



City of Clifton

Township of Little Falls

## 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 2025, a four-person moderate-income household is capped at \$101,760. Two-person moderate-income households are capped at \$81,440, while two-person households could make up to \$50,900 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.

**2025 Regional Income Limits**

Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	\$89,100	\$101,800	\$114,500	\$127,200
Moderate	\$71,280	\$81,440	\$91,600	\$101,760
Low	\$44,550	\$50,900	\$57,250	\$63,600
Very-Low	\$26,730	\$30,540	\$34,350	\$38,160

Source: [https://www.nj.gov/dca/hmfa/about/regulations/docs/UHAC\\_Income%20Limits.pdf](https://www.nj.gov/dca/hmfa/about/regulations/docs/UHAC_Income%20Limits.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 ~ 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% (RDP)

= 25%(39) = 9.75 ~ 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:

<b>Fourth Round Micro Requirements</b>			
<b>27</b>	<b>Fourth Round RDP</b>		
<b>Calculation</b>	<b>Rounding</b>	<b>Percent</b>	<b>Category</b>
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
<b>Total</b>				<b>59</b>	<b>3</b>	<b>62</b>

### 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 \$20,000 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 Borough'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 46). 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 areas<sup>8</sup> 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 early 2026. A deed restriction has been drafted and is in the process of being executed.

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:

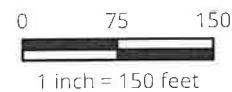
- "Approvable site" means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.
- "Available site" 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.

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<sup>8</sup> 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



**Colliers**  
 Engineering  
 & Design

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 48 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.<sup>9</sup> 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.

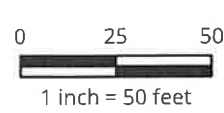
Over the past few months, the Borough has met with the new property owners. A site plan application for an inclusionary development was filed in October of 2025 and is under review by the Board’s professionals.

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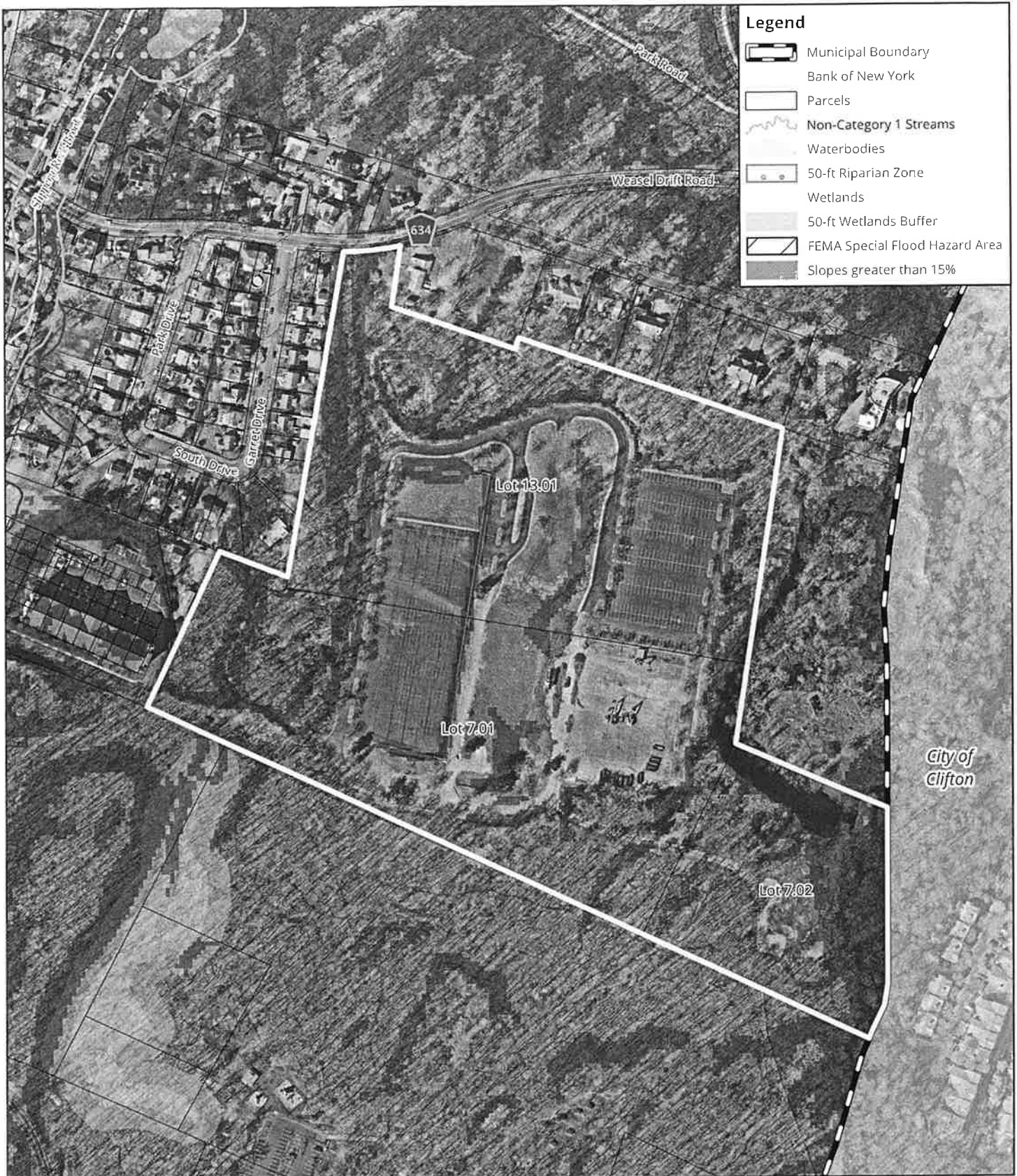
<sup>9</sup> It should be noted that the adoption of the rezoning ordinance was delayed as Bank of New York initially objected to the rezoning.



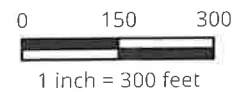
**ENVIRONMENTAL CONSTRAINTS - 1108 MCBRIDE AVENUE**  
**BLOCK 90, LOTS 7 - 10**  
**BOROUGH OF WOODLAND PARK**  
**PASSAIC COUNTY, NEW JERSEY**



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



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.

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 49 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 53, 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 56.) 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 purchased Block 507, Lot 19 on June 27, 2025, 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 54 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

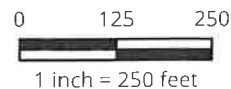


**ENVIRONMENTAL CONSTRAINTS - KEARFOTT & ADDITIONAL PROPERTIES**

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

**BOROUGH OF WOODLAND PARK**

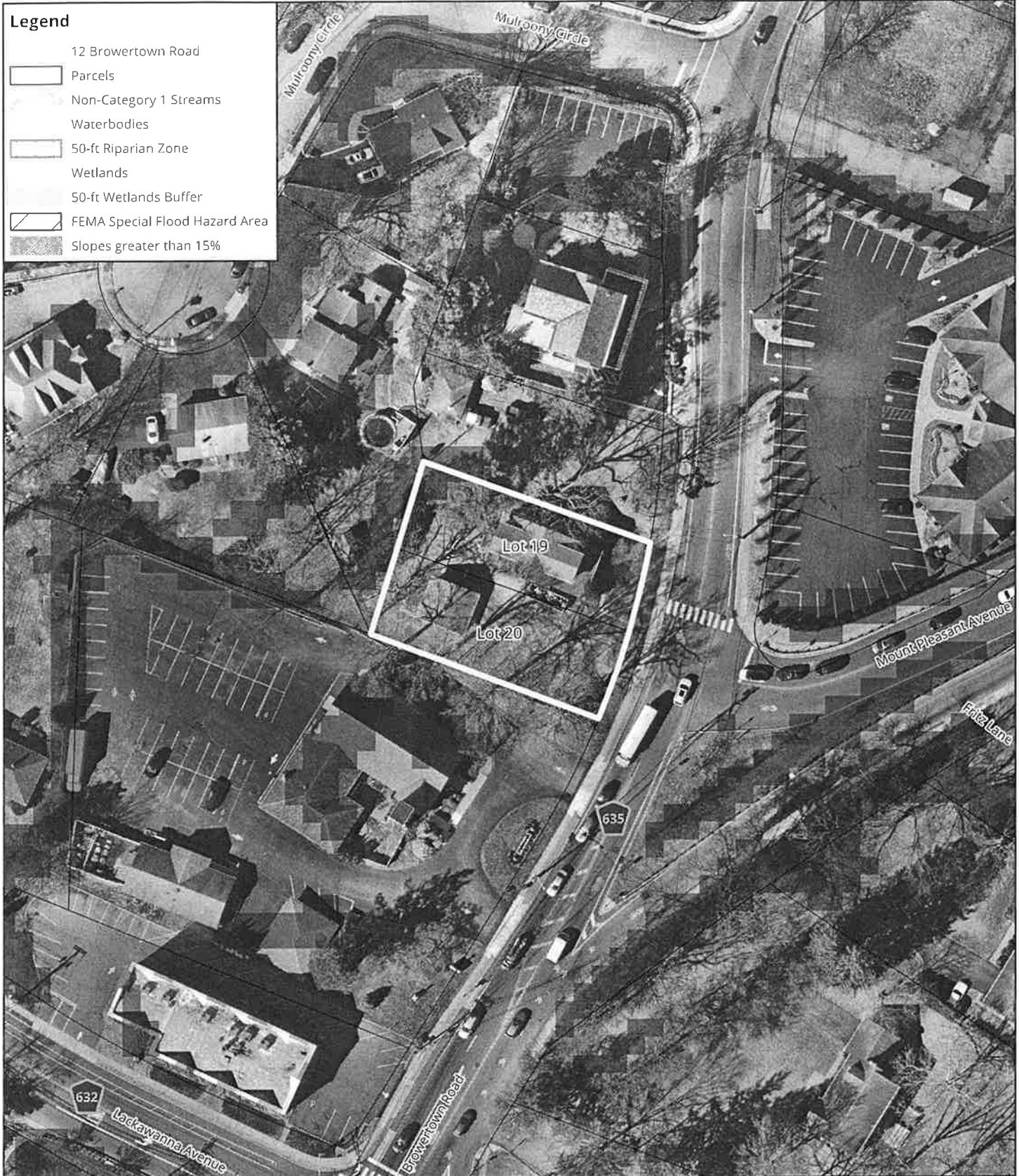
**PASSAIC COUNTY, NEW JERSEY**



Engineering & Design

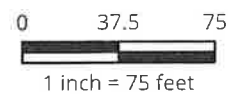
June 9, 2025  
WD8002

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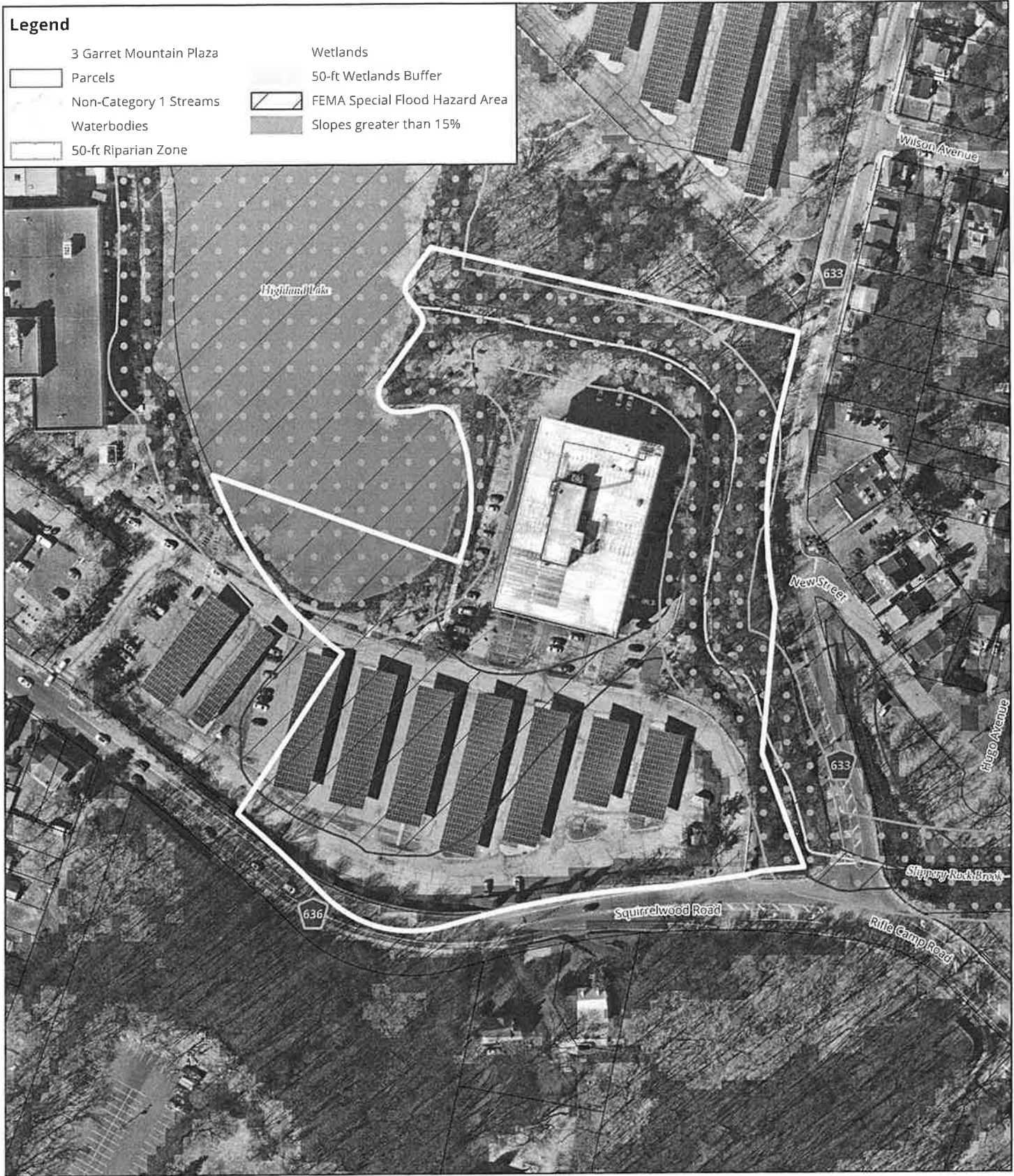
**ENVIRONMENTAL CONSTRAINTS - 12 BROWERTOWN ROAD**

**BLOCK 507, LOTS 19 & 20**  
**BOROUGH OF WOODLAND PARK**  
**PASSAIC COUNTY, NEW JERSEY**

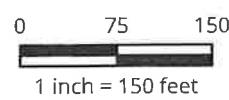


**Colliers**  
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**ENVIRONMENTAL CONSTRAINTS - 3 GARRET MOUNTAIN PLAZA**  
**BLOCK 32, LOT 1**  
 BOROUGH OF WOODLAND PARK  
 PASSAIC COUNTY, NEW JERSEY



June 9, 2025  
 WD8002

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of the 7.7-acre site is encumbered by environmental constraints. See the map on page 55 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 3<sup>10</sup>
- Block 117, Lot 4, including additional Lot 5<sup>9</sup>
- Block 117, Lot 6, including additional Lot 7<sup>9</sup>
- Block 117, Lot 8, including additional Lot 9<sup>9</sup>
- Block 117, Lot 10, including additional Lot 11<sup>9</sup>
- Block 117, Lot 12, including additional Lot 13<sup>9</sup>
- Block 117, Lot 14, Including additional Lots 15 and 16<sup>9</sup>
- Block 117, Lot 17, including additional Lots 18 through 24
- Block 117, Lot 25, including additional Lots 26, 27, and 28<sup>9</sup>
- Block 126, Lot 1 (Island)

The Borough agreed to rezone the site as a mixed-use district at a density of 25 units per acre 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

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<sup>10</sup> 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 53, 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 59 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 59, 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, change the density to 40 units per acre, and require all development proposing five or more units to provide an affordable housing set-aside, see Appendix N.

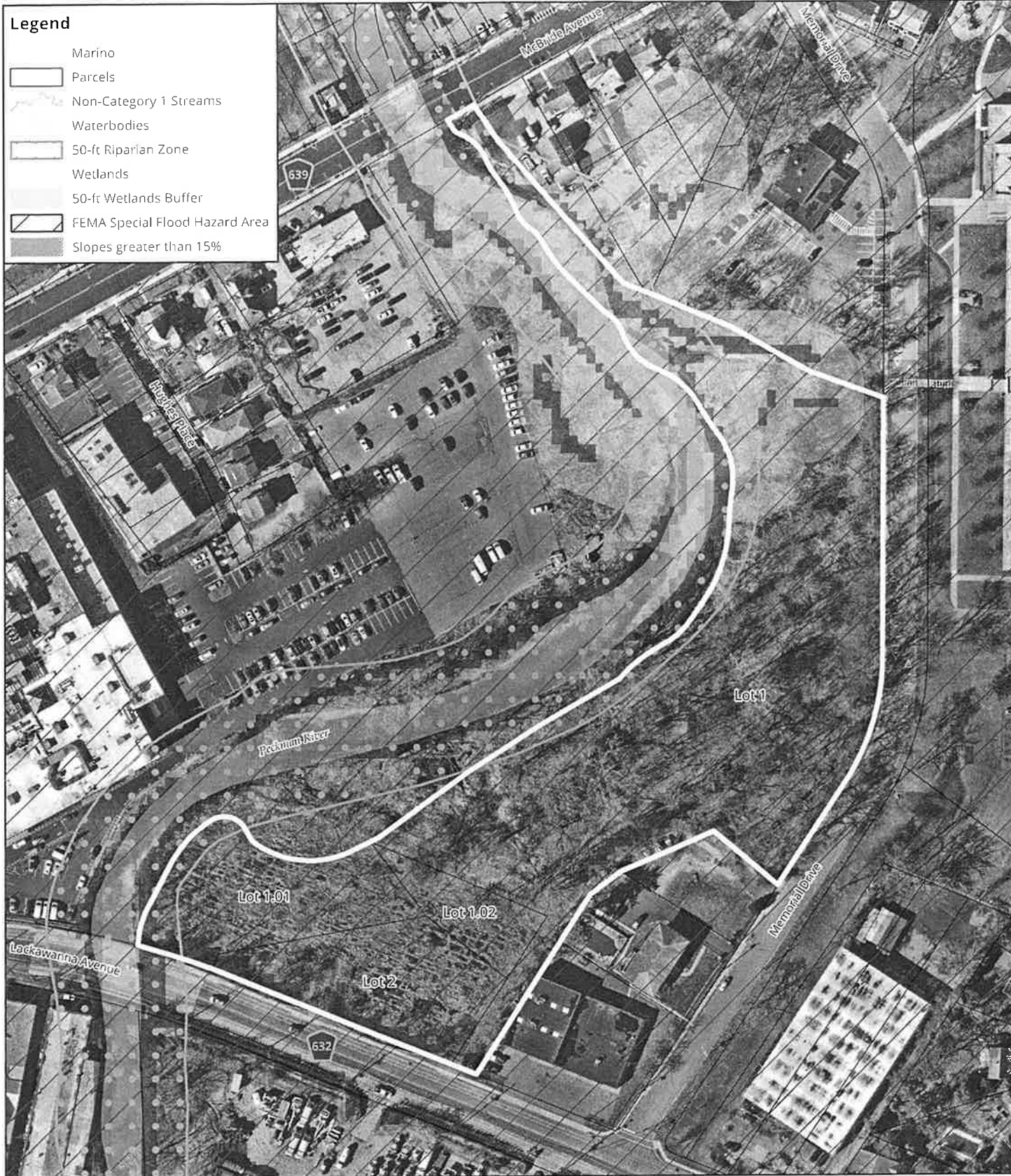
The CBD Zone meets the Four-Prong Test of NJAC 5:93-1 as follows:

- **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 60 for the location of the CBD Zone and its relation to these environmental features.

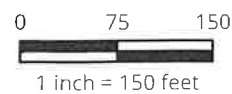
Based on the information above, the CBD Zone mechanism would be eligible for crediting pursuant to NJAC 5:93-5.6 (inclusionary development). This mechanism will generate affordable housing credits to help address the Borough's Third Round Unmet Need.

#### **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**



Engineering & Design

June 9, 2025  
 WDB002

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TRAINTS - CENTRAL BUSINESS DISTRICT ("CBD")

Legend

### 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 Borough'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 63 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.

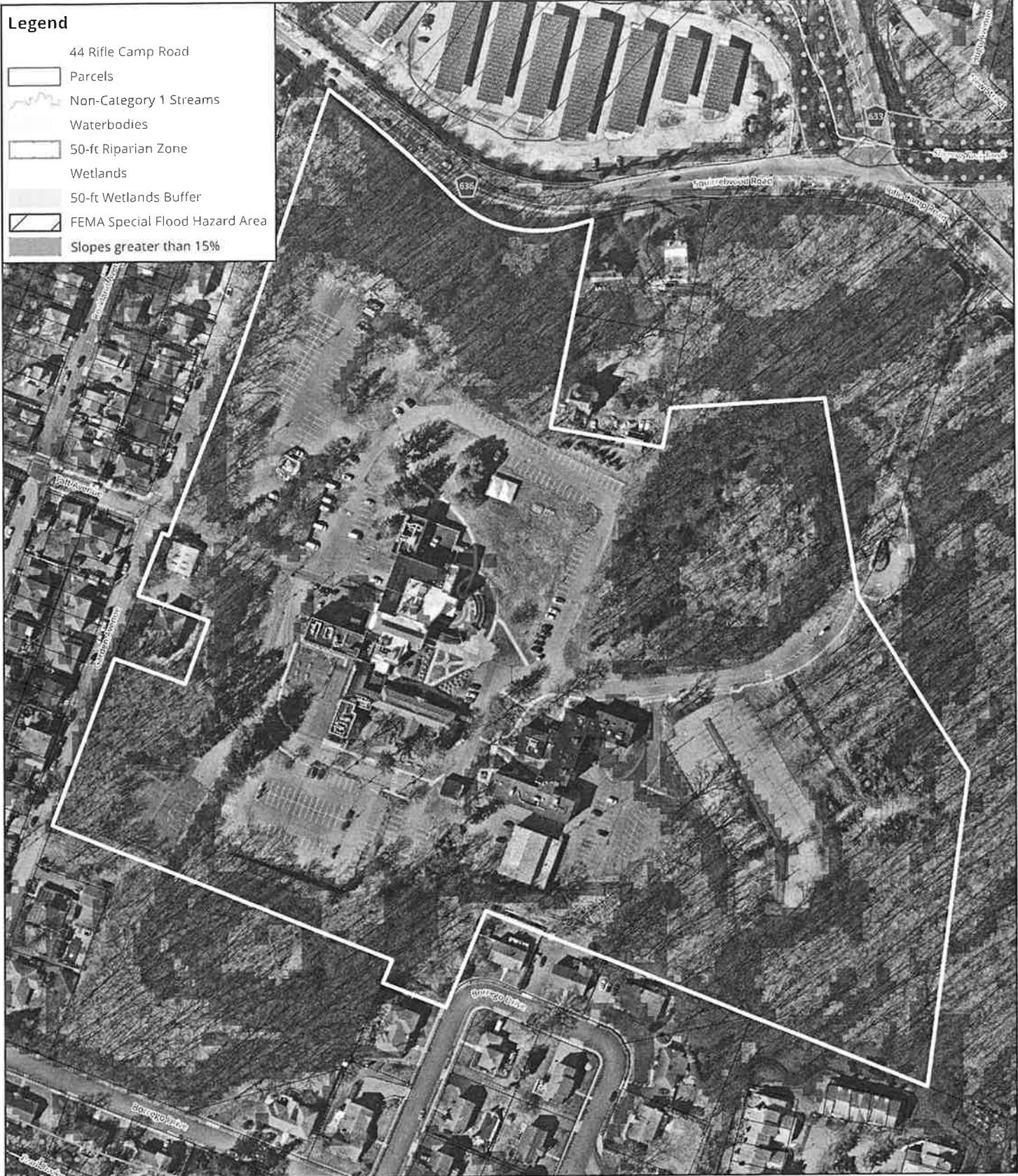
However, the Amended FHA, specifically NJSA 52:27D-310.1, added a new requirement for towns seeking a VLA. The statute now requires towns to "identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that 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.

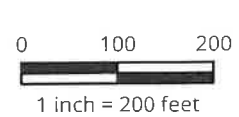
It should be noted that FSHC takes the position the formula is Unmet Need x 25%. However, for purposes of settlement, the Borough and FSHC have agreed that the three mechanisms proposed by the Borough (Bank of New York, surplus credits, and the R-O Overlay) are sufficient to resolve the challenge.

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. These credits along with surplus credits and the R-O Overlay Zone are applied to the Unmet Need and the redevelopment requirement discussed above.

Furthermore, the Borough did examine additional opportunities for overlay zoning. In this regard, the environmental data provided on page 27 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.



**ENVIRONMENTAL CONSTRAINTS - 44 RIFLE CAMP ROAD**  
**BLOCK 41, LOT 1**  
 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.

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

#### 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.

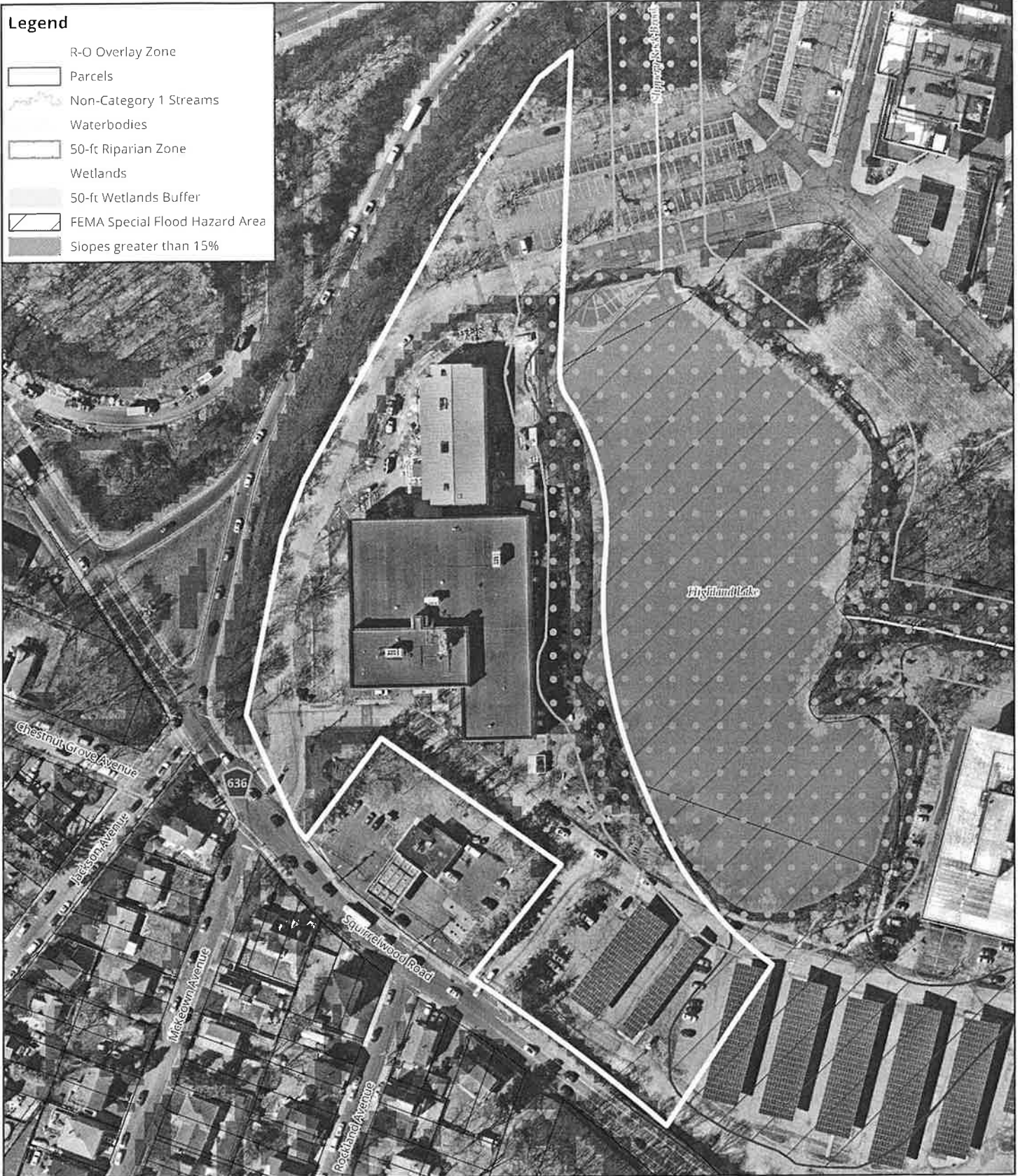
On December 18, 2019, the Borough established the R-O Overlay over Block 32, Lot 2 via Ordinance No. 19-20. The R-O Overlay permits inclusionary multi-family residential development at a density of 22 units per acre. A 15% affordable housing set-aside is required for rental developments, while a 20% 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>.

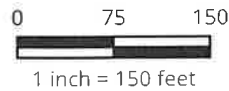
The Borough is proposing to amend the code to require a 20% set-aside regardless of tenure. Woodland Park also proposes to amend the R-O Overlay to modify the maximum permitted height to five stories and 60 feet, decrease the 100-foot-wide landscape buffer to a 40-foot-wide buffer, increase maximum building coverage from 35% to 45%, and reduce the side yard setback from 50 to 45 feet. 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 65 for the location of these environmental features.



**ENVIRONMENTAL CONSTRAINTS - R-O AFFORDABLE HOUSING OVERLAY ZONE**  
**BLOCK 32, LOT 2**  
 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.

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.

### 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
				<b>Total</b>	<b>TBD</b>	<b>0</b>
<i>Prior Round Credits</i>						
1108 McBride Avenue	Inclusionary	Rental	No	1	1	2
Bank of New York	Inclusionary	Sale	No	31		31
				<b>Total</b>	<b>32</b>	<b>1</b>
<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
				<b>Total</b>	<b>29</b>	<b>10</b>
<i>Third Round Unmet Need</i>						
Garret Pointe	Inclusionary	TBD	TBD	Zoning in Place		
Central Business District (CBD)	Inclusionary	TBD	TBD	Zoning in Place		
				<b>Total</b>	<b>TBD</b>	<b>TBD</b>
<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
				<b>Total</b>	<b>43</b>	<b>9</b>
<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		
				<b>Total</b>	<b>TBD</b>	<b>TBD</b>

## Summary of Mechanisms & Credits

The table below 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
		<b>Total</b>	<b>TBD</b>	<b>TBD</b>
<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
		<b>Total</b>	<b>91</b>	<b>4</b>
				<b>95</b>
<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
		<b>Total</b>	<b>29</b>	<b>10</b>
				<b>39</b>
<i>Third Round Unmet Need</i>				
Garret Pointe*	Inclusionary		Zoning in Place	
Central Business District (CBD)*	Inclusionary		Zoning in Place	
		<b>Total</b>	<b>TBD</b>	<b>TBD</b>
<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
		<b>Total</b>	<b>43</b>	<b>9</b>
				<b>52</b>
<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	
		<b>Total</b>	<b>TBD</b>	<b>TBD</b>

\*Proposed Mechanisms

## Micro-Requirements Summary

The following tables provide information on the anticipated family units and expected tenure for the Third and Fourth Round RDP mechanisms:

### Third Round RDP Credits: Tenure and Family (RDP = 39)

Mechanism	Family	Tenure	# of Units
Bank of New York	X	Sale	19
12 Browertown Road		Rental	4
3 Garret Mountain Plaza	X	Rental	6
<b>Total Family</b>	<b>25</b>	<b>% of RDP</b>	<b>64.1%</b>
<b>Total Rental</b>	<b>10</b>	<b>% of RDP</b>	<b>25.6%</b>

### Fourth Round RDP Credits: Tenure and Family (RDP = 27)

Mechanism	Family	Tenure	# of Units
Bank of New York	X	Sale	16
12 Browertown Road		Rental	4
3 Garret Mountain Plaza	X	Rental	14
44 Rifle Camp Road		Rental	9
<b>Total Family</b>	<b>30</b>	<b>% of RDP</b>	<b>111.1%</b>
<b>Total Rental</b>	<b>27</b>	<b>% of RDP</b>	<b>100.0%</b>

The following tables provide the income distribution for the Third and Fourth Round RDP mechanisms:

### Third Round RDP Mechanisms' Income Distribution (RDP = 39)

Mechanism	# of Units	VLI	% VLI	Low	% Low	Moderate	% Moderate
Bank of New York*	19	3	15.8%	7	36.8%	9	47.4%
12 Browertown Road	4	4	100.0%				
3 Garret Mountain Plaza*	6	1	16.7%	2	33.3%	3	50.0%
<b>Total</b>	<b>29</b>	<b>8</b>	<b>27.6%</b>	<b>9</b>	<b>31.0%</b>	<b>12</b>	<b>41.4%</b>

\*Assumed distributions as projects are proposed

### Fourth Round RDP Mechanisms' Income Distribution (RDP = 27)

Mechanism	# of Units	VLI	% VLI	Low	% Low	Moderate	% Moderate
Bank of New York*	16	2	12.5%	6	37.5%	8	50.0%
12 Browertown Road	4	4	100.0%				
3 Garret Mountain Plaza*	14	2	14.3%	5	35.7%	7	50.0%
44 Rifle Camp*	9			9	100.0%		
<b>Total</b>	<b>43</b>	<b>8</b>	<b>18.6%</b>	<b>20</b>	<b>46.5%</b>	<b>15</b>	<b>34.9%</b>

\*Assumed distributions as projects are proposed

## XIII. Implementation Schedule

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

**Implementation Schedule**

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

On December 15, 2025 the new NJAC 5:99 and UHAC rules were published. These regulations impact several of the standard implementing documents that typically accompany a HEFSP. The below documents will be updated as needed to comport with the newly adopted regulations:

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

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. Adopted 3 Garret Mountain Plaza Zoning Ordinance
- N. Adopted CBD Zone and R-O Ordinance
- O. Adopted 2026 Spending Plan
- P. Adopted Intent to Bond Resolution
- Q. Municipal Housing Liaison Resolution
- R. Planning Board Resolution Approving 2025 HEFSP
- S. Council Resolution Endorsing 2025 HEFSP
- T. Planning Board Resolution Approving 2026 Amended HEFSP
- U. Council Resolution Endorsing 2026 Amended HEFSP

**EXHIBIT P-2**

**WHEREAS**, the Borough of Woodland Park filed a Declaratory Judgment Action on January 28, 2025 seeking a certification of compliance with the Fair Housing Act, and

**WHEREAS**, Woodland Park Planning Board adopted the 2025 Housing Element & Fair Share Plan for the Fourth Round on June 26, 2025, which was duly endorsed by the Borough Council, and timely filed with the Affordable Housing Dispute Resolution Program; and

**WHEREAS**, the Woodland Park Planning Board adopted the 2026 Amended Housing Element & Fair Share Plan for the Fourth Round on January 12, 2026, which has been endorsed by the Council; and

**WHEREAS**, the Borough has entered into a Consent Order with Fair Share Housing Center that requires all of the implementing documents, including a Development Fee Ordinance to be adopted by March 15, 2026; and

**WHEREAS**, new N.J.A.C. 5:99 regulations were adopted in December of 2025; and

**WHEREAS**, the Borough seeks to update its existing Development Fee Ordinance to reflect the new regulations.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Woodland Park, in the County of Passaic and State of New Jersey, that:

**SECTION 1.** Chapter 34 “Affordable Housing”, Section 34-2 “Development Fees” be deleted in its entirety and replaced as follows:

**§ 34-2 DEVELOPMENT FEES.**

**§ 34-2.1 Purpose.**

- a. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

**§ 34-2.2 Basic Requirements.**

- a. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.
- b. The municipality shall not spend development fees until the court has approved a plan for spending such fees.

**§34-2.3 Definitions.**

The following terms, as used in this section, shall have the following meanings:

**AFFORDABLE HOUSING MONITORING SYSTEM OR AHMS**

The Department's cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

**AFFORDABLE HOUSING TRUST FUND OR AHTF**

The non-lapsing, revolving trust fund established in the Department pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes.

**COAH OR THE COUNCIL**

The Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

**DEPARTMENT**

The New Jersey Department of Community Affairs.

**DEVELOPER**

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT FEE**

Money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

**EQUALIZED ASSESSED VALUE OR EAV**

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

**§34-2.4 Residential Development Fees.****a. Imposed fees.**

1. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
2. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

## b. Eligible exactions, ineligible exactions and exemptions for non-residential development.

1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.
2. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
3. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.

### §34-2.5 Non-Residential Development Fees.

#### a. Imposition of fees.

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
2. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
3. Development fees shall be imposed and collected when 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 pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

#### b. Eligible exactions, ineligible exactions and exemptions for non-residential development.

- (1) The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
- (2) The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

#### c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential

of the final certificate of occupancy of the non-residential development, whichever is later.

- e. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

#### §34-2.6 Collection Procedures.

- a. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
- d. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
- e. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- h. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

#### §34-2.7 Appeal of Development Fees.

- a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be

made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

#### §34-2.8 Affordable Housing Trust Fund.

- a. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - (1) Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
  - (2) Rental income from municipally operated units;
  - (3) Repayments from affordable housing program loans;
  - (4) Recapture funds;
  - (5) Proceeds from the sale of affordable units; and
  - (6) Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- d. The municipality shall provide the Department with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Department and the financial institution in which the municipal affordable housing trust fund has been established to permit the Department to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
- e. Occurrence of any of the deficiencies outlined in N.J.A.C. 5:99 may result in the Department requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund.
- f. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

#### §34-2.9 Use of Funds.

- a. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building

- c. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
  - (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
  - (2) Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
- d. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

#### §34-2.10 **Monitoring.**

- a. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

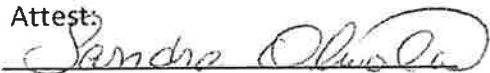
#### §34-2.11 **Ongoing Collection of Fees.**

- a. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
- b. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance or Compliance Certificate, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

**SECTION 3.** If any section, paragraph, subsection, clause, or other provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

**SECTION 4.** This ordinance shall take effect upon its passage and publication and filing with the Passaic County Planning Board, and as otherwise provided for by law.

Attest:



Sandra Olivola, Municipal Clerk

Approved:

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Tracy Kallert, Mayor

Introduced: February 18, 2026

Adopted: March 4, 2026