

Housing Element & Fair Share Plan

Borough of River Edge
Bergen County, New Jersey

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HOUSING ELEMENT & FAIR SHARE PLAN

BOROUGH OF RIVER EDGE

BERGEN COUNTY, NEW JERSEY

PREPARED FOR:

BOROUGH OF RIVER EDGE LAND USE BOARD

BA# 4163.10

The original document was appropriately signed and sealed on June 12, 2025 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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Executive Summary

The Borough of River Edge's 2025 Housing Element and Fair Share Plan ("HE&FSP") of the Master Plan has been prepared to address the manner in which the Borough will fulfill its Fourth Round affordable housing obligations in accordance with P.L. 2024, c.2. commonly referred to as the "Fair Housing Act 2" or "2024 Fair Housing Act Amendments". As detailed herein, the Borough's Fourth Round and Prior Round affordable housing obligations are derived from several sources. These sources include the regulatory provisions of the Council on Affordable Housing ("COAH"), prior settlement agreement with Fair Share Housing Center ("FSHC") for the Third Round, Prior Court-approved Judgments of Compliance and Repose, and the recent legislation establishing a new Fourth Round Process and associated housing need calculations prepared by the Department of Community Affairs ("DCA").

The Borough's affordable housing obligations are summarized as follows:

TABLE 1 – RIVER EDGE AFFORDABLE HOUSING OBLIGATIONS SUMMARY

Round	Obligation	RDP	Unmet Need
Present Need (Rehabilitation) Obligation	7 ⁽¹⁾	-	-
First & Second Round Obligation (1987-1999)	73	-	-
Third Round Obligation (1999 – 2025)	197	0 ⁽²⁾	197
Fourth Round Obligation (2025 – 2035)	159	0 ⁽³⁾	159

(1) Present Need as adjusted through completion of Structural Conditions/Windshield Survey.

(2) As established through Court-approved VLA.

(3) As established through Fourth Round VLA.

The Borough of River Edge has adopted several HE&FSPs to address its affordable housing obligations through the first three rounds of the published affordable housing obligations. These are described below.

Prior (First, Second & Third) Round Obligation

The Borough's June 24, 2019 Settlement Agreement with Fair Share Housing Center ("FSHC") established the municipality's Prior Round Obligation of 73 units, Third Round Prospective Need Obligation of 197 units and Present Need (Rehabilitation) Obligation of 32 units. The Borough adopted its Third Round HE&FSP on February 6, 2020 that was later supplemented via an Amendment to the 2020 HE&FSP: Site Suitability Analysis dated September 24, 2020 that detailed the manner in which River Edge addressed its Prior and Third Round obligations. The Borough's Court-approved 2020 HE&FSP included a Vacant Land Analysis ("VLA") which calculated a realistic development potential ("RDP") of 0 units resulting in an Unmet Need (difference between Prospective Need Obligation and RDP) of 197 units. In addition, the Borough conducted a structural conditions/windshield survey in accordance with N.J.A.C. 5:93-5.2 which adjusted its Present Need Obligation from 32 units to 6 units. The Borough received a Third Round Judgement of Compliance and Repose (Third Round "JOR") from Judge Padovano on March 4, 2021 (see appendix) extending the Borough's immunity from exclusionary zoning litigation through July 8, 2025.

The Borough satisfied its combined First and Second Round Obligation of 73 units in full with several plan mechanisms, including senior affordable housing at the Senior Residence at St. Peter the Apostle, group homes and two redevelopment plans as summarized in the table below. All Court-approved plan mechanisms satisfying the Borough's 73-unit combined Prior Round Obligation are developed or adopted, as applicable.

TABLE 2 – RIVER EDGE PLAN MECHANISMS TO ADDRESS PRIOR ROUND OBLIGATION

Plan Mechanisms	# Units	Bonus Credits	Total Credits	Status
<u>Prior Cycle Credits (Pre-1986)</u>				
Senior Residence at St. Peter the Apostle Church (23 total units)	18	-	-	Completed
<u>Group Homes</u>				
New Concepts for Living, 11 June Ct.	5	-	5	Completed
Community Options, 200 Zabriskie Pl.	3	-	3	Completed
ElHAB Human Services, 328 Valley Rd.	4	-	4	Completed
<u>Redevelopment Plans</u>				
New Bridge Landing Station Redevelopment Area	19	19	38	Adopted
Kinderkamack Road Redevelopment Area	5	-	5	Adopted
Total	54	19 ⁽¹⁾	73	-

(1) COAH regulations permit a maximum number of bonus credits not to exceed 25% of RDP.

Fourth Round Obligation

Governor Murphy signed the A-40/S-50 Bill into law on March 20, 2024 after the Senate and Assembly adopted it. This legislation (FHA-2) amended the Fair Housing Act (FHA or the Act) by abolishing COAH and created a new process that involved the creation of an entity known as the Affordable Housing Dispute Resolution Program ("The Program"), which is overseen by seven retired Mount Laurel judges. The Program has taken the place of the trial courts and COAH regarding the approval process involving municipal HE&FSPs. The DCA and the Administrative Office of the Courts (AOC) are both also involved in assisting the Program with this process.

The FHA-2 directed the DCA to calculate the Present Need (also referred to as the Rehabilitation obligation) and the Prospective Need (also known as the new construction obligation) for the Fourth Round based upon the standards set forth in the Act. The DCA in its October 18, 2024 publication "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" made public October 18, 2024 issued River Edge a Fourth Round Prospective Need Obligation of 159 units and Present Need (Rehabilitation) Obligation of 33 units. In accordance with the FHA-2, the DCA report made clear that the obligations generated by the report were advisory only and were non-binding. Since the DCA report calculations are non-binding, River Edge conducted an analysis to determine the extent to which the DCA calculations could be modified. The Borough ultimately accepted its DCA assigned Fourth Round Obligations by Resolution No. 25-73, adopted January 23, 2025, that was fixed by the Order of Judge Corrison, dated May 13, 2025.

The Borough's January 2025 Resolution also noted that the Borough reserved the right to seek an adjustment of its Fourth Round Prospective Need number based upon a lack of vacant, developable and suitable land. In addition, the Borough is eligible to conduct a structural conditions/windshield survey in accordance with N.J.A.C. 5:93-5.2 to assess the extent to which it may adjust its Fourth Round Present Need Obligation.

Accordingly, the Borough conducted a Fourth Round VLA which concluded that the Borough has a Fourth Round RDP of 0 units and therefore an Unmet Need (difference between Prospective Need and RDP) of 159 units. The Borough's structural conditions survey (see Appendix) modifies its DCA calculated Present Need of 33 units to 7 units.

The Borough's Unmet Need Obligation will be addressed by the several plan mechanisms listed below, including surplus units from the Senior Residence at St. Peter the Apostle Church, New Bridge Crossing inclusionary development senior units, Multifamily and Senior Conditional Use District, overlay zone and mandatory affordable set-aside ordinance as summarized in the table below. The Borough will also continue to consider emergent opportunities to create new affordable housing in appropriate locations consistent with the Borough's Master Plan and Zoning Ordinance.

TABLE 3 – RIVER EDGE PLAN MECHANISMS TO ADDRESS UNMET NEED

Plan Mechanisms	# Units	Status
Senior Residence at St. Peter the Apostle Church (23 total units)	5	Completed
New Bridge Crossing Inclusionary Development (69 total units)	7	Completed
Multifamily and Senior Conditional Use District	24	Adopted
AH-1 New Bridge Road Affordable Housing Overlay Zone	13	Adopted
Mandatory Affordable Set-Aside Ordinance	-	Adopted
Development Fee Ordinance		Adopted
Total	49	-

The Borough's 2025 HE&FSP addressing its Fourth Round affordable housing obligations is divided into the following sections:

- Section 1: Introduction

The first section of the 2025 HE&FSP provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

- Section 2: Housing Element

Section 2 contains the Housing Element for the Borough of River Edge. It offers a community overview of the Borough, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the Borough's housing stock and employment.

- Section 3: Fair Share Obligation

Next, Section 3 provides an overview of the Borough's fair share obligation. It includes a brief history of the methodologies utilized to calculate affordable housing obligations throughout the state.

- Section 4: Fair Share Plan

Finally, Section 4 details the manner in which the Borough has addressed its prior First, Second and Third Round obligations, how it will address its Fourth Round Prospective Need Obligation, and how same is consistent with the FHA, applicable COAH and UHAC regulations, and state planning initiatives.

Section 1: Introduction

The following section provides an overview of affordable housing in New Jersey, the role of a housing element and fair share plan and the Borough’s previous compliance efforts.

1.1 Defining Affordable Housing

Affordable housing is income-restricted housing that is available for sale or rent at varying income thresholds generally characterized as very-low (30%), low (50%) and moderate-income (80%) households in relation to the respective housing region’s median income. New Jersey is divided into six housing regions. River Edge is located in Region 1 which includes Bergen, Hudson, Passaic and Sussex Counties

The State’s regional income limits are updated annually with different categories based on income levels and household size. Table 4 provides a sample of the 2025 regional income limits for Region 1. For example, a four-person household with a maximum income of \$101,760 could qualify for affordable housing in River Edge. The complete 2025 NJHMFA income table is provided in the Appendix.

TABLE 4 – 2025 REGION 1 INCOME LIMITS

Income Level	2 Person	3 Person	4 Person	5 Person
Median (100%)	\$101,800	\$114,500	\$127,200	\$137,400
Moderate (80%)	\$81,440	\$91,600	\$101,760	\$109,920
Low (50%)	\$50,900	\$57,250	\$63,600	\$68,700
Very-Low (30%)	\$30,540	\$34,350	\$38,160	\$41,220

Source: NJHMFA UHAC 2025 Affordable Housing Regional Income Limits by Household Size effective May 16, 2025.

Affordable housing exists in several forms which may be available for sale or rent including 100% affordable developments, deed-restricted accessory apartments, special needs/supportive housing or group homes, assisted living facilities, age-restricted housing and inclusionary development in which a certain percentage of the housing units are reserved for affordable housing while the remaining units are market rate.

1.2 History of Affordable Housing in New Jersey

Municipal affordable housing requirements in New Jersey began in 1975 when the New Jersey Supreme Court rendered its 'Mount Laurel I' decision which established that every developing municipality in the State has a constitutional obligation to provide a realistic opportunity for the creation of affordable housing. The Mount Laurel I decision was followed by a series of New Jersey Supreme Court decisions known as the 'Mount Laurel Doctrine' and State legislation which provided further clarity regarding municipal housing need calculations, compliance requirements and administrative review. Most recently, in March 2024, the State Legislature adopted amendments to the Fair Housing Act originally enacted in 1985 to create a new Fourth Round municipal compliance program for the period 2025 to 2035.

- **Mount Laurel I** In 1975, the New Jersey Supreme Court in its So. Burlington Cty. NAACP v. Township of Mount Laurel decision, commonly referred to as 'Mount Laurel I', determined that every developing municipality in New Jersey has a constitutional obligation to provide a realistic opportunity for the construction its fair share of affordable housing. A 'realistic opportunity' means that municipalities cannot have exclusionary zoning that prohibits the development of affordable housing. Municipalities initially disregarded this obligation given the decision's general lack of guidance including regulatory standards, housing need numbers and an agency to administer such a program.
- **Mount Laurel II** The New Jersey Supreme Court's 1983 decision known as 'Mount Laurel II' clarified that all municipalities, whether developing or not, have a constitutional obligation to provide for their fair share of affordable housing. The Mount Laurel II decision called upon the State Legislature to enact legislation that would shift the responsibility of the courts from having to administer the affordable housing process and determine municipal housing need numbers. The decision also introduced the concept of the 'builder's remedy' suit whereby developers could challenge municipal zoning to develop affordable housing where municipalities did not otherwise meet their fair share obligation.
- **Fair Housing Act** The State Legislature responded to the Mount Laurel II decision by passing the Fair Housing Act in 1985 which established the framework for an administrative affordable housing process and creation of the Council on Affordable Housing (COAH), the agency intended to implement the process. COAH would be responsible for assigning municipal fair share housing obligations, reviewing municipal affordable housing plans and issuing substantive certification for compliant plans. A town in receipt of substantive certification would be immune from builder's remedy suits.
- **Mount Laurel III** The New Jersey Supreme Court affirmed the validity of the Fair Housing Act in its 1986 'Mount Laurel III' decision.
- **First Round** The First Round of affordable housing governed by COAH covered the period 1987 to 1993 utilizing a "fair shar" methodology.
- **Second Round** The Second Round of affordable housing spanned from 1993 to 1999 utilizing a "fair share" methodology.

- **Third Round** While the First and Second Rounds utilized a ‘fair share’ methodology, COAH utilized a new ‘growth share’ methodology in preparing the Third Round substantive and procedural rules and affordable housing need numbers first adopted in 2004, 5 years after the expiration of the Second Round, intending to cover the period from 1999 to 2014. However, these rules were challenged and ultimately invalidated by the Appellate Division in 2007 which directed to adopt revised rules. COAH adopted its second iteration of the Third Round rules in 2008 that were also challenged and again invalidated by the Appellate Division in 2010 which directed COAH to revert back to the original ‘fair share’ methodology. This decision was affirmed by the New Jersey Supreme Court in 2013. COAH published its third iteration of Third Round rules in 2014 but failed to adopt the regulations in a deadlocked 3-3 vote.
- **Mount Laurel IV** In the New Jersey Supreme Court’s 2015 ‘Mount Laurel IV’ decision, the Court decided that COAH had become dysfunctional and returned jurisdiction of municipal affordable housing administration to the trial courts as had been the arrangement prior to the creation of COAH in 1985. The decision included procedures for municipal participation but did not provide housing need numbers leaving municipalities to determine their affordable housing obligations. Several sets of housing need numbers were prepared by various entities which, in most cases, led to individual municipal settlement agreements with Fair Share Housing Center and intervening developers. Municipalities receiving a judgment of compliance and repose (“JOR”) for their Third Round plans from the courts received immunity until the end of the Third Round in July 2025.
- **Gap Period Decision** On January 18, 2017, the New Jersey Supreme Court ruled that municipalities are responsible for affordable housing obligations that accrued during the “gap-period” between 1999 and 2015 when prior iterations of the Third Round rules were being litigated.

Fair Housing Act Amendments (A-4/S-50) On March 20, 2024, Governor Murphy signed the A4/S50 Bill into law, which significantly amended the FHA for the 4th Round and beyond (FHA-2”). The amendments to the FHA eliminated COAH, kept superior oversight of the trial courts to ultimately approve municipal HE&FSPs, and created a new entity to act as an intermediary in resolving disputes and reviewing municipal plans known as the Affordable Housing Dispute Resolution Program, commonly referred to as “the Program,” which consists of seven retired Mount Laurel Judges who have the discretion to hire “Special Adjudicators,” which were formerly called Court Master in previous rounds. FHA-2 also involved the DCA and the AOC in the process.

The DCA was designated by the FHA-2 as the entity responsible for calculating the state’s regional needs as well as each municipality’s present and prospective fair share obligations pursuant to the methodology set forth in the Jacobson Decision. However, the FHA-2 makes it clear that these numbers are advisory and non-binding, and that each municipality must set its own obligation number utilizing the same methodology. The Program was tasked to handle any disputes regarding affordable housing obligations and plans, and issuing recommendations to the Superior Court judges, as the Courts were kept in the process to ultimately issue a Compliance Certification formally approving a municipality’s HE&FSP, which would continue immunity from all exclusionary zoning lawsuits until July 30, 2035.

1.3 Housing Element and Fair Share Plan Requirements

The Municipal Land Use Law ("MLUL") (N.J.S.A. 40:55D-1 et seq.) is the enabling legislation for municipal land use and development, planning and zoning for the State of New Jersey. The MLUL stipulates that municipalities must adopt a master plan containing at least a land use plan element and housing plan element in order to lawfully adopt and enforce a zoning ordinance. The HE&FSP serves as the blueprint for how a municipality will satisfy its fair share of affordable housing. Municipalities without an approved HE&FSP are susceptible to a builder's remedy (exclusionary zoning) lawsuit whereby a prospective developer can file suit to circumvent the municipality's zoning ordinance and rezone specific property to permit housing development at higher densities and intensities than a municipality would otherwise allow for the provision of a certain percentage of units reserved as affordable.

C.52:27D-310, Essential components of municipality's housing element, of the 2024 Fair Housing Act Amendments sets forth the required HE&FSP components as follows:

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

- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of PL.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.

Section 2: Housing Element

This section provides the Housing Element portion of River Edge's Fourth Round HE&FSP including an overview of the Borough's existing land use pattern and information pertaining to population, housing and employment characteristics and projections.

2.1 Community Overview

The Borough of River Edge is approximately 1.9 square miles in area located in central Bergen County bordered by five other municipalities including Oradell to the north, New Milford and Teaneck to the east, Hackensack to the south and Paramus to the west. River Edge has historically benefitted from its convenient regional access including at first its two bridges spanning the Hackensack River at River Edge Road and New Bridge Road ("The Bridge that Saved a Nation" adjacent to the historic Von Steuben House), rail line before the ubiquitous use of the automobile and proximity to Hackensack, a major regional hub. Later came the expansion and reconfiguration of Route 4 in the 1950's providing better connectivity to the George Washington Bridge located just over 8 miles to the southeast and surrounding environs which helped facilitate the post-World War II development of a significant portion of the Borough's existing housing stock up until 1970.

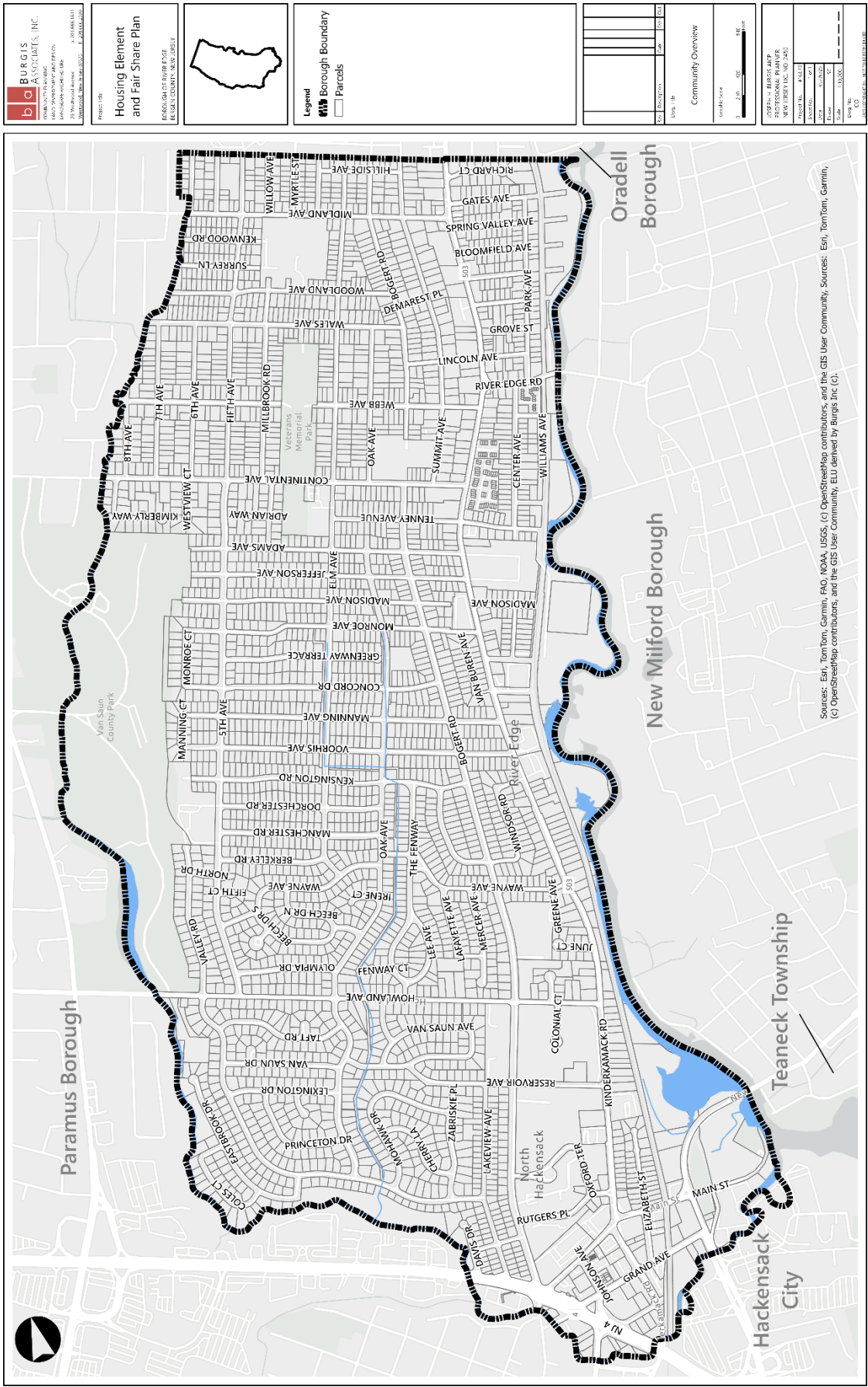
In addition, River Edge has frontage on Route 4, is within close proximity to Route 17 and Garden State Parkway and is at the crossroads of several major County roads. Public transportation options include NJ Transit train service via the Pascack Valley line accessible at both the River Edge and New Bridge Landing train stations and bus service along Kinderkamack Road and Route 4.

Other notable features include Bergen County's Van Saun Park and Van Saun Mill Brook located along the Borough's western boundary and the tidal Hackensack River along its eastern boundary. Both waterways contribute to flooding experienced in several areas of the Borough which remains a challenge to existing and future development.

The Borough's land use pattern has remained stable for decades where nonresidential uses are concentrated at the south end of town around the New Bridge Landing train station, along Kinderkamack Road and limited to a few lots on River Edge Road. The Borough's single-family neighborhoods are generally developed around its two public elementary schools, including Roosevelt School to the north and Cherry Hill School to the south, as well as River Dell Regional Middle School to the north near the border of Oradell. In addition, a significant portion of River Edge's housing stock is comprised of a diversity of housing types, including multifamily, townhouses, age-restricted and group homes. Over 650 existing garden apartments were constructed south of Howland Avenue in the 1950s and several newer townhouse developments were constructed in the north end of town within walking distance to the River Edge train station. These characteristics of the Borough existing land use pattern are indicative of the Borough's longstanding tradition of balanced land use planning. Table 5 below quantifies the existing distribution of land uses in River Edge by land area accompanied by a general community map and existing land use map.

TABLE 5 – RIVER EDGE DISTRIBUTION OF EXISTING LAND USES

Land Use	Sub-Category	Acres	% of Total Acres	Parcels	% of Total Parcels
Residential	Single & Two-Family	589.0	63.41%	3,206	91.81%
	Multifamily	51.9	5.59%	17	0.49%
Commercial	Commercial	52.2	5.62%	126	3.61%
Public/Semi-Public	Municipal Property	44.2	4.76%	42	1.20%
	Park & Open Space	102.1	10.99%	22	0.63%
	Public School	20.6	2.22%	3	0.09%
	Private School	7.3	0.79%	1	0.03%
	Church & Charitable	13.7	1.47%	7	0.20%
Other	Vacant	26.8	2.89%	34	0.97%
	Industrial	5.5	0.59%	7	0.20%
	Railroad	0.4	0.04%	2	0.06%
	Other Exempt	15.2	1.64%	25	0.72%
Totals		929	100.00%	3,492	100.00%





2.2 Data Sources

The information contained in the Housing Element section of this document was obtained from a variety of publicly available data sources including the U.S. Decennial Census, American Community Survey ("ACS"), New Jersey Department of Health, New Jersey Department of Community Affairs ("DCA") and New Jersey Department of Labor and Workforce Development.

1. United States Decennial Census. The US Census is described in Article I, Section 2 of the Constitution of the United States, which calls for an enumeration of the people every ten years for the apportionment of seats in the House of Representatives. Since the time of the first Census conducted in 1790, it has become the leading source of data about the nation's people and economy. Please note that all incomes reported in the Census are adjusted for inflation.
2. American Community Survey. The American Community Survey is a nationwide ongoing survey conducted by the US Census Bureau. The ACS gathers information previously contained only in the long form version of the decennial census, such as age, ancestry, educational attainment, income, language proficiency, migration, disability, employment, and housing characteristics. It relies upon random sampling to provide ongoing, monthly data collection. Please note that all incomes reported in the ACS are adjusted for inflation.
3. New Jersey Department of Health. The New Jersey Department of Health is a governmental agency of the State of New Jersey. The department contains the Office of Vital Statistics and Registry, which gathers data regarding births, deaths, marriages, domestic partnerships, and civil unions.
4. New Jersey Department of Health. The New Jersey Department of Community Affairs is a governmental agency of the State of New Jersey. Its function is to provide administrative guidance, financial support, and technical assistance to local governments, community development organizations, businesses, and individuals to improve the quality of life in New Jersey.
5. New Jersey Department of Labor and Workforce Development. The New Jersey Department of Labor and Workforce Development is a governmental agency of the State of New Jersey. One of its roles is to collect labor market information regarding employment and wages throughout the state.

2.3 Inventory of Municipal Housing Stock

This section of the Housing Element provides an inventory of the Borough’s housing stock as required by the Fair Housing Act as amended in 2024. The inventory details such housing characteristics as age, condition, purchase/rental value, and occupancy of the Borough’s existing housing stock. It also details the number of affordable housing units available to low-and-moderate income households and the number of substandard housing units capable of being rehabilitated.

It is noted that there may be inconsistencies in some of the data presented herein derived from the various data sources which include estimates that in some cases clearly exhibit margins of error. However, this information from the U.S. Decennial Census and American Community Survey Estimates prepared by the U.S. Census Bureau is considered among the most reliable and current data available and as such, is utilized in this document to illustrate trends and projections impacting the Borough.

- 1. Number of Dwelling Units. As shown in the table below, the Borough’s housing stock experienced significant growth until 1970 after which it continued to grow at a much slower but steady pace. Since 2000, the Borough’s housing stock increased an estimated 269 units or 6.3% to its peak in 2023 of 4,479 units. This figure is likely overestimated as the Borough’s housing stock did not increase by 142 units from 2020 to 2023. It is noted that there has been no recent demolition of any significant housing developments other than the replacement of single-family dwellings.

TABLE 6 - DWELLING UNITS (1940-2023)
RIVER EDGE, NEW JERSEY

Year	Total Dwelling Units	Numerical Change	Percentage Change
1940	1,118*	-	-
1950	2,918*	1,800	161.0%
1960	3,892*	974	33.4%
1970	4,146*	254	6.5%
1980	4,158**	12	0.3%
1990	4,161	3	0.07%
2000	4,210	49	1.2%
2010	4,261	51	1.2%
2020	4,337	76	1.8%
2023	4,479	142	3.3%

Source: US Census Bureau Decennial Census; 2023 American Community Survey 5-Year Estimates.
*Figures from 1971 Borough Master Plan.
**Figure from 1984 Borough Master Plan.

2. Tenure and Occupancy. The following table provides details regarding the tenure and occupancy of the Borough's housing stock. The percentages of owner-occupied and renter-occupied units of the Borough's housing stock have remained relatively stable since 2000 at about 74.1% and 23.6%, respectively, in 2023. The residential vacancy rate in River Edge has increased from 1.1% in 2000 to 2.3% in 2023.

TABLE 7 - HOUSING UNITS BY TENURE AND OCCUPANCY STATUS (2000 - 2023)
RIVER EDGE, NEW JERSEY

Characteristics	2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Owner-occupied	3,096	73.5%	3,074	72.1%	3,128	72.1%	3,320	74.1%
Renter-occupied	1,069	25.4%	1,060	24.9%	991	22.8%	1,057	23.6%
Vacant units	45	1.1%	127	3.0%	146	3.4%	102	2.3%
Total	4,210	100.0%	4,261	100.0%	4,337	100.0%	4,479	100.0%

Source: U.S. Decennial Census; 2023 American Community Survey 5-Year Estimates.

2. Housing Characteristics. The following data provides additional information on the characteristics of the Borough's housing stock. The Borough's housing stock is generally comprised of detached single-family dwellings at 73%, attached single-family (townhouses) at 3.0% and multifamily (3 units or more) at 23.9%. These figures have remained stable since at least 2000.

TABLE 8 - UNITS IN STRUCTURE (2000-2023)
RIVER EDGE, NEW JERSEY

Units in Structure	2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Single-Family, Detached	3,098	73.6%	3,036	72.1%	3,129	73.4%	3,261	72.8%
Single-Family, Attached	86	2.0%	65	1.5%	101	2.4%	135	3.0%
2	77	1.8%	119	2.8%	87	2.0%	10	0.2%
3 or 4	695	16.5%	584	13.9%	646	15.2%	679	15.2%
5 to 9	67	1.6%	164	3.9%	111	2.6%	118	2.6%
10 to 19	53	1.3%	114	2.7%	43	1.0%	12	0.3%
20 or more	134	3.2%	41	1.0%	145	3.4%	249	5.6%
Other	0	0.0%	129	3.1%	0	0.0%	15	0.3%
Total	4,210	100.0%	4,211	100.0%	4,262	100.0%	4,479	100.0%

Source: U.S. Decennial Census; 2020 & 2023 American Community Survey 5-Year Estimates.

Based on the American Community Survey data provided below, 66.2% of the housing stock consists of 3 and 4 bedrooms, while 5.8% has 5 or more bedrooms and 28.3% have 1 or 2 bedrooms.

TABLE 9 - NUMBER OF BEDROOMS IN HOUSING UNITS (2010 AND 2023)
River Edge, New Jersey

Bedrooms	2010		2023	
	Number	Percent	Number	Percent
0	0	0.0%	0	0.0%
1	759	18.0%	797	17.8%
2	554	13.2%	471	10.5%
3	1,973	46.9%	1,581	35.3%
4	817	19.4%	1,370	30.6%
5 or more	108	2.6%	260	5.8%
Total	4,211	100.0%	4,479	100.0%

Source: 2010 & 2023 American Community Survey 5-Year Estimates.

3. Housing Age. Table 10 indicates that 77% of the Borough's housing stock was constructed prior to 1970, more than 55 years ago. While the ACS data indicates there have been 0 new units constructed since 2000, this figure appears to be inaccurate given the number of dwellings in that period that have been replaced entirely with new dwellings or had "alterations" that were effectively new construction.

TABLE 10 - YEAR STRUCTURE BUILT (2023)
RIVER EDGE, NJ

Year Units Built	Number	Percent
2020 or later	0	0.0%
2010 to 2019	199	4.4%
2000 to 2009	208	4.6%
1980 to 1999	155	3.5%
1980 to 1989	171	3.8%
1970 to 1979	299	6.7%
1960 to 1969	546	12.2%
1950 to 1959	1,029	23.0%
1940 to 1949	1,109	24.8%
1939 or earlier	763	17.0%
Total	4,479	100.0%

Source: 2023 American Community Survey 5-Year Estimates.

4. Housing Conditions. The table below provides the number of occupants per room within occupied housing units. Housing units containing more than one occupant per room are considered overcrowded. The data indicates that 1.2% of units were estimated as overcrowded in 2023 which represents a decrease from 2.8% in 2000.

TABLE 11 - OCCUPANTS PER ROOM (2000 - 2023)
RIVER EDGE, NJ

Occupants Per Room	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
1.00 or less	4,049	97.2%	4,050	99.5%	4,326	98.8%
1.01 to 1.50	70	1.7%	22	0.5%	0	0.0%
1.51 or more	46	1.1%	0	0.0%	51	1.2%
Total Occupied Units	4,165	100.0%	4,072	100.0%	4,377	100.0%

Source: U.S. Decennial Census; 2023 American Community Survey 5-Year Estimates.

Table 12 presents data regarding the presence of complete plumbing and kitchen facilities and the type of heating equipment used. The ACS data indicates that in 2023 less than 1% of housing units lacked complete kitchen facilities and none lacked complete plumbing facilities. 0.5% of units used solar heating while another 1.0% reportedly use other non-standard fuel sources.

TABLE 12 - EQUIPMENT AND PLUMBING FACILITIES FOR OCCUPIED DWELLING UNITS (2000 - 2023)
RIVER EDGE, NJ

Facilities	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
<u>Kitchen:</u>						
With Complete Facilities	4,203	99.8%	4,072	100.0%	4,340	99.2%
Lacking Complete Facilities	7	0.2%	0	0.0%	37	0.8%
<u>Plumbing:</u>						
With Complete Facilities	4,198	99.7%	4,065	99.8%	4,377	100.0%
Lacking Complete Facilities	12	0.3%	7	0.2%	0	0.0%
<u>Heating Equipment:</u>						
Standard Heating Facilities	4,125	98.0%	4,034	99.6%	4,315	98.5%
Solar	0	0.0%	0	0.0%	18	0.5%
Other Means, No Fuel Used	40	2.0%	15	0.4%	4	1.0%

Source: U.S. Decennial Census; 2010 & 2023 American Community Survey 5-Year Estimates.

3. Purchase and Rental Values. The Borough's median gross housing rent has increased about 86.9% since 2000. In 2023, 87.5% of renter-occupied housing units had monthly rents of \$1,500 or more, where 27.1% were \$2,000 or more per month. In 2010, only 28.6% had rents of \$1,500 or more.

TABLE 13 - GROSS RENT OF SPECIFIED RENTER-OCCUPIED UNITS (2000 - 2023)
RIVER EDGE, NJ

Rent	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
Less than \$500	14	1.3%	14	1.5%	53	5.0%
\$500 to \$999	600	56.1%	34	3.6%	7	0.7%
\$1,000 to \$1,499	338	31.6%	622	66.2%	72	6.8%
\$1,500 to \$1,999	79 ⁽¹⁾	7.4%	269 ⁽¹⁾	28.6%	638	60.4%
\$2,000 to \$2,499	-	-	-	-	236	22.3%
\$2,500 to \$2,999	-	-	-	-	28	2.6%
\$3,000 or more	-	-	-	-	23	2.2%
No cash rent	39	2.6%	25		0	0.0%
Total	1,070	100.0%	964	2.6%	1,057	100.0%
Median Gross Rent	\$969		\$1,378		\$1,811	

Source: U.S. Decennial Census; 2023 American Community Survey 5-Year Estimates.

(1) Represents \$1,500 or more per 2000 Decennial Census categorizations.

In 2023, 83% of the Borough's owner-occupied housing was valued at \$500,000 or more where 8.2% was estimated at \$1,000,000 or more. The Borough's median home value increased 153% from 2000 to 2023.

TABLE 14 - VALUE OF SPECIFIED OWNER-OCCUPIED HOUSING UNITS (2000 - 2023)
RIVER EDGE, NJ

Value	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
Less than \$50,000	6	0.2%	9	0.3%	0	0.0%
\$50,000 to \$99,999	6	0.2%	48	1.5%	8	0.2%
\$100,000 to \$149,999	40	1.3%	14	0.5%	0	0.0%
\$150,000 to \$199,999	429	14.4%	25	0.8%	0	0.0%
\$200,000 to \$299,999	1,917	64.2%	127	4.1%	17	0.5%
\$300,000 to \$499,999	566	18.9%	1,578	50.8%	538	16.2%
\$500,000 to \$999,999	24	0.8%	1,307	42.1%	2,484	74.8%
\$1,000,000 or more	0	0.0%	0	0.0%	273	8.2%
Total	2,988	100.0%	3,108	100.0%	3,320	100.0%
Median Value	\$251,600		\$478,100		\$637,500	

Source: U.S. Decennial Census; 2023 American Community Survey 5-Year Estimates.

6. Number of Units Affordable to Low- and Moderate-Income Households. River Edge is placed in housing Region 1 comprised of Bergen, Hudson, Passaic and Sussex Counties. Based on the New Jersey Housing and Mortgage and Finance Agency's May 16, 2025 update of its UHAC 2025 Affordable Housing Regional Income Limits by Household Size, the median income for a four-person household in Region 1 is \$127,200. A four-person moderate-income household earning 80% of the region's median income would have an income not to exceed \$101,760.

An affordable sales price for a four-bedroom moderate-income household earning 80% of the median income is estimated at \$335,000. In 2023, the percentage of housing units in River Edge valued at less than \$500,000 was estimated to be 16.9 and 0.7% for homes \$300,000 and less.

For renter-occupied housing, an affordable monthly rent for a four-person moderate-income household is estimated at approximately \$2,544. An affordable monthly rent for a four-person low-income household is estimated at approximately \$1,590. The 2023 American Community Survey data indicates River Edge's median gross housing rent was \$1,811.

7. Substandard Housing Capable of Being Rehabilitated. The DCA's October 18, 2024 of "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" calculated Present Need obligations representing the number of units in a municipality that are in need of rehabilitation and are not likely to experience 'spontaneous rehabilitation'. This DCA report assigned River Edge a Fourth Round Present Need or Rehabilitation Obligation of 32 units which has been adjusted to 7 units through the Borough's structural conditions/windshield survey. The Borough will address its Present Need Obligation by continuing to collaborate with the Bergen County Home Improvement Program or administer its own rehabilitation program to the extent that such is necessary to address its Fourth Round Present Need Obligation.

2.4 Projection of Municipal Housing Stock

The FHA-2 regulations require the HE&FSP to include a projection of the community's housing stock, including the probable future construction of low and moderate-income housing for the ten-year round, which for the Fourth Round is from 2025 to 2035. This projection shall be based upon an assessment of data which minimally must include the number of residential construction permits issued, approvals of applications for residential development, and probable residential development of lands. Each of these items are identified and outlined below.

1. Housing Units Constructed During the Last Ten Years. The table below provides data concerning residential building permits issued for new residential construction during the past 10 years. During this period, a total of 86 residential building permits were issued including 68 for multifamily development. River Edge has issued, on average, 8.6 building permits for new housing construction per year since 2014. A total of 34 residential demolition permits were issued since 2014 resulting in net housing growth of 52 units.

TABLE 15 - NUMBER OF RESIDENTIAL BUILDING PERMITS ISSUED FOR NEW CONSTRUCTION (2009-2023)
RIVER EDGE, NJ

Year Issued	One & Two Family	Multi-Family	Mixed-Use	Total	Demos	Net Growth
2014	5	0	0	5	3	2
2015	2	0	1	3	0	3
2016	0	0	0	0	11	(11)
2017	5	68	0	73	12	61
2018	2	0	0	2	1	1
2019	0	0	0	0	0	0
2020	0	0	0	0	1	(1)
2021	1	0	0	1	1	0
2022	1	0	0	1	3	(2)
2023	1	0	0	1	2	(1)
Total	17	68	1	86	34	52

Source: New Jersey Construction Reporter

2. Probable Residential Development of Lands. As indicated in the Borough's 1988 Housing Plan, River Edge is a fully developed community that lacks vacant developable land available for new housing construction. Opportunities for new housing growth are limited to the improvement or replacement of aging detached single-family dwelling or multifamily development in the Borough's Multifamily Conditional Use District, AH-1 District, Kinderkamack Road Redevelopment Area and New Bridge Landing Redevelopment Area as discussed in Section 4.

2.5 Population Analysis

The MLUL requires that the Housing Element of this plan provide data on the municipality's population, including population size, age and income characteristics.

1. Population Size. The Borough's population growth until it reached its peak of 13,264 residents in 1960 followed by three decades of decline until 2000 when it began to steadily increase again. In 2023, River Edge had an estimated population of 12,024 residents which is 9.0% less than its peak in 1960.

TABLE 16 - POPULATION GROWTH (1930-2023)
RIVER EDGE, NJ

Year	Population	Change (#)	Change (%)
1930	2,210	-	-
1940	3,287	1,077	48.7%
1950	9,204	5,917	180.0%
1960	13,264	4,060	44.1%
1970	12,850	(414)	(3.1%)
1980	11,111	(1,739)	(13.5%)
1990	10,603	(508)	(4.6%)
2000	10,946	343	3.2%
2010	11,340	394	3.6%
2020	12,049	709	6.3%
2023	12,024	(25)	(0.2%)

Source: U.S. Decennial Census; 2023 American Community Survey 5-Year Estimates.

2. Age Characteristics. The Borough's age characteristics are represented in the table below. In 2023, 19.3% of the Borough's population was comprised of school-aged (ages 5-19) children which represents an increase from 18.4% in 2000. The age cohorts 55 to 59 and 60 to 64 experienced the most significant growth in that period increasing from 8.9% of the population in 2000 to 16.5% in 2023. The percentage of the population under age 5 decreased from 7.1% to 4.4% in that period while the percentage of residents ages 65 and older also decreased from 16.9% of the population to 15.2%. The median age increased from 40 in 2000 to 42.2 in 2023.

TABLE 17 - AGE CHARACTERISTICS (2000-2023)
RIVER EDGE, NJ

Age Group	2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Under 5	781	7.1%	672	5.9%	641	5.3%	525	4.4%
5-9	691	6.3%	862	7.6%	903	7.5%	740	6.2%
10-14	741	6.8%	897	7.9%	899	7.5%	855	7.1%
15-19	580	5.3%	702	6.2%	769	6.4%	716	6.0%
20-24	383	3.5%	476	4.2%	648	5.4%	840	7.0%
25-34	1,310	12.0%	948	8.3%	1,089	9.0%	1,068	8.9%
35-44	1,991	18.2%	1,853	16.3%	1,696	14.1%	1,718	14.3%
45-54	1,642	15.0%	1,958	17.3%	1,926	16.0%	1,743	14.5%
55-59	490	4.5%	722	6.4%	893	7.4%	974	8.1%
60-64	478	4.4%	685	6%	763	6.3%	1,011	8.4%
65-74	882	8.0%	707	6.2%	1,116	9.2%	1,171	9.7%
75-84	712	6.5%	585	5.1%	456	3.8%	395	3.3%
85 and older	265	2.4%	273	2.4%	250	2.1%	268	2.2%
Total	10,946	100.0%	11,340	100.0%	12,049	100.0%	12,024	100.0%
Median Age	40.0		41.4		41.3		42.2	

Source: U.S. Decennial Census; 2023 American Community Survey 5-Year Estimates.

3. Average Household Size. The average household size in River Edge has remained steady around 2.7 residents per household since at least 1980.

TABLE 18 - AVERAGE HOUSEHOLD SIZE (1980 - 2023)
RIVER EDGE, NJ

Year	Average Household Size
1980	2.7
1990	2.6
2000	2.6
2010	2.7
2020	2.8
2023	2.7

Source: U.S. Decennial Census; 2020 & 2023 American Community Survey 5-Year Estimates.

4. Household Income. The median income for River Edge households increased 117% between 2000 and 2023. The distribution of various household income levels are shown in the table below. It is noted that roughly 69% of Borough households had incomes greater than \$100,000 and 41.3% of \$200,000 or more in 2023.

TABLE 19 - HOUSEHOLD INCOME DISTRIBUTION (2000 - 2023)
RIVER EDGE, NJ

Income Category	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
Less than \$10,000	107	2.6%	130	3.2%	74	1.7%
\$10,000 to \$14,999	109	2.6%	126	3.1%	101	2.3%
\$15,000 to \$24,999	323	7.7%	110	2.7%	114	2.6%
\$25,000 to \$34,999	305	7.3%	204	5.0%	118	2.7%
\$35,000 to \$49,999	619	14.8%	228	5.6%	162	3.7%
\$50,000 to \$74,999	735	17.6%	745	18.3%	381	8.7%
\$75,000 to \$99,999	720	17.2%	574	14.1%	394	9.0%
\$100,000 to \$149,999	673	16.1%	965	23.7%	783	17.9%
\$150,000 to \$199,999	340	8.1%	599	14.7%	446	10.2%
\$200,000 or more	254	6.1%	391	9.6%	1,808	41.3%
Total	4,185	100.0%	4,072	100.0%	4,377	100.0%
Median	\$71,792		\$97,816		\$155,827	

Source: U.S. Decennial Census; 2010 & 2023 American Community Survey 5-Year Estimates.

5. Housing cost-burden. Households that pay more than 30 percent of their income for housing are considered cost burdened. The 2023 American Community Survey data indicates that 29.0% of Borough homeowners and 44.3% of renters allocate 30% or more of their income toward housing costs.

TABLE 20 - HOUSING COST AS PERCENTAGE OF INCOME (2023)
RIVER EDGE, NJ

Percentage of Income	Owner-occupied		Renter	
	Number	Percent	Number	Percent
Less than 20 percent	1,328	42.5%	309	32.0%
20 to 29.9 percent	886	28.3%	229	23.7%
30 percent or more	914	29.2%	427	44.3%
Occupied Units	3,128	100.0%	965	100.0%

Sources: 2023 American Community Survey 5-Year Estimates.

2.6 Employment Characteristics

The FHA-2 requires a Housing Element to include data on employment levels in the community. The following tables present information on the Borough's employment characteristics.

1. Employment Status. The table below provides information on River Edge's employment status for the segment of the population 16 and over. In 2023, approximately 70.2% of the population ages 16 and over were in the labor force as compared to 64.2% in 2000. From 2000 to 2023, the unemployment rate of residents in the labor force increased from 1.8% to 3.3%.

TABLE 21 - EMPLOYMENT STATUS - POPULATION 16 & OVER (2000 - 2023)
RIVER EDGE, NJ

Employment Status	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
In labor force	5,498	64.2%	5,873	66.9%	6,824	70.2%
Civilian labor force	5,498	64.2%	5,873	66.9%	6,824	70.2%
Employed	5,341	62.4%	5,465	62.3%	6,506	66.9%
Unemployed	157	1.8%	408	4.6%	318	3.3%
Armed Forces	0	0.0%	0	0.0%	0	0.0%
Not in labor force	3,067	35.8%	2,903	33.1%	2,901	29.8%
Total Population 16 & Over	8,565	100.0%	8,776	100.0%	9,725	100.0%

Source: U.S. Decennial Census; 2010 & 2023 American Community Survey.

2. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of River Edge's working residents. In 2023, 63.1% of the Borough's employed residents 16 and over worked in management, professional and related occupations and another 22.4% worked in sales and office jobs representing a total of 85.5% of the River Edge workforce. The data indicates there was a significant increase in the percentage of those working in management, professional and related field from 51.0% of the employed population to 63.1% since 2000. Sales and office jobs saw a decline from 30.0% of the workforce to 22.4% in that period.

TABLE 22 - EMPLOYED RESIDENTS AGE 16 AND OVER, BY OCCUPATION (2000 - 2023)
RIVER EDGE, NJ

Occupation	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
Management, professional, and related	2,722	51.0%	2,961	54.2%	4,103	63.1%
Service	467	8.7%	670	12.3%	464	7.1%
Sales and office	1,600	30.0%	1,325	24.2%	1,458	22.4%
Natural resources, construction, and maintenance	271	5.1%	314	5.7%	292	4.5%
Production, transportation, and material moving	281	5.3%	195	3.6%	189	2.9%
Total	5,341	100.0%	5,465	100.0%	6,506	100.0%

Source: U.S. Decennial Census; 2010 & 2023 American Community Survey 5-Year Estimates.

In 2023, the industries representing the three largest categories of employed residents in River Edge were education, health and social services at 21.6%, professional and related services at 19.5% and finance, insurance and real estate at 13.3% totaling 54.4% of the population.

TABLE 23 - EMPLOYED RESIDENTS AGE 16 AND OVER, BY INDUSTRY (2000 - 2023)
RIVER EDGE, NJ

Industry	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
Agriculture, Forestry, Fisheries & Mining	0	0.0%	0	0.0%	19	0.3%
Construction	224	4.2%	230	4.2%	293	4.5%
Manufacturing	403	7.5%	459	8.4%	714	11.0%
Wholesale Trade	241	4.5%	149	2.7%	336	5.2%
Retail Trade	729	13.6%	533	9.8%	544	8.4%
Transportation, Warehousing, and Utilities	207	3.9%	194	3.5%	177	2.7%
Information	413	7.7%	255	4.7%	125	1.9%
Finance, Insurance & Real Estate	703	13.2%	756	13.8%	868	13.3%
Professional & Related Services	599	11.2%	631	11.5%	1,269	19.5%
Education, Health and Social Services	1,079	20.2%	1,257	23.0%	1,406	21.6%
Arts, Entertainment & Recreational Services	317	5.9%	338	6.2%	233	3.6%
Public Administration	233	4.4%	343	6.3%	268	4.1%
Other Services	193	3.6%	320	5.9%	254	3.9%
Total	5,341	100.0%	5,465	100.0%	6,506	100.0%

Source: U.S. Decennial Census; 2010 & 2023 American Community Survey 5-Year Estimates.

2.7 Employment Projections

A projection of the Borough's probable future employment characteristics is based on an assessment of historic employment trends, the number of non-residential construction permits issued, and probable non-residential development of lands. Each of these items are identified and outlined below.

1. Historic Employment Trends. The number of jobs in River Edge within the last 10 years peaked in 2018 at 3,395. The Borough's job market experienced declines in employment in 2019 and 2020 due in part to the COVID-19 pandemic.

TABLE 24 - AVERAGE COVERED EMPLOYMENT TRENDS (2014-2023)
RIVER EDGE, NJ

Year	Number of Jobs	Change in Number of Jobs	Percent Change
2014	2,960	-	-
2015	3,108	148	5.0%
2016	3,135	27	0.9%
2017	3,217	82	2.6%
2018	3,395	178	5.5%
2019	3,135	(260)	(7.7%)
2020	2,922	(213)	(6.8%)
2021	3,071	149	5.1%
2022	3,137	66	2.1%
2023	3,139	2	0.1%

Sources: Department of Labor and Workforce Development

2. Non-Residential Square Footage Constructed During the Last Ten Years. The table below indicates there was minimal nonresidential development in River Edge from 2014 to 2023. The permit data indicates there were several improvements to office space totaling 9,338 square feet, the construction of the New Bridge Land multifamily development and 8,026 square feet of educational space.

TABLE 25 - NON-RESIDENTIAL SPACE AUTHORIZED BY BUILDING PERMITS (2014 – 2023)
RIVER EDGE, NEW JERSEY

Year Issued	Office	Retail	A-1 thru A-5	Multifamily/ Dormitories	Hotel/ Motel	Education	Industrial	Institutional	Storage	Signs, Fences, Utility & Misc.
2014	0	0	0	0	0	8,026	0	0	0	0
2015	2,400	0	0	0	0	0	0	0	0	0
2016	650	0	0	0	0	0	0	0	0	0
2017	3,984	0	0	123,777	0	0	0	0	0	0
2018	0	0	0	0	0	0	0	0	0	0
2019	0	0	0	0	0	0	0	0	0	0
2020	0	0	0	0	0	0	0	0	0	0
2021	0	0	0	0	0	0	0	0	0	0
2022	0	0	0	0	0	0	0	0	0	0
2023	2,304	0	0	0	0	0	0	0	0	0
Total	9,338	0	0	123,777	0	0	0	0	0	0

Source: New Jersey Department of Community Affairs (DCA) Construction Reporter.

3. Probable Non-Residential Development of Lands. Opportunities for non-residential development in River Edge are limited given the lack of vacant land. Any new nonresidential development or redevelopment is likely to occur as infill development along Kinderkamack Road or around the New Bridge Landing Train Station area south of Main Street.
4. Probable Future Employment Characteristics. The Borough's employment trend of the last 10 years, combined with few opportunities for new non-residential development, suggests that employment growth within the Borough in the next decade will be limited and has yet to reach the number of jobs that existed prior to the COVID-19 pandemic.

Section 3: Fair Share Obligation

The following section provides an overview of the Borough's Fourth Round fair share obligation. It includes a brief overview of the methodology utilized to calculate affordable housing obligations throughout the State.

3.1 Summary of Fair Share Obligation

On March 20, 2024, Governor Murphy signed Bill A4/S50 Bill into law, thereby significantly amending the Fair Housing Act ("FHA") originally adopted in 1985. The amended FHA commonly referred to as the Fair Housing Act-2 ("FHA-2") eliminated COAH and created the new Affordable Housing Dispute Resolution Program ("The Program") consisting of seven retired Mount Laurel judges to review municipal compliance plans and resolve disagreements between municipalities and objectors. The legislation also tasked the DCA with calculating municipal Present and Prospective Need obligations, and the Administrative Office of the Courts (AOC) with creating rules related to the required procedures for the Program and the Courts to function together in accordance with the FHA-2. The FHA-2 also established a new methodology for calculating municipal affordable housing-need numbers, municipal compliance requirements and administrative review process through the Program for the 4th and subsequent rounds. These rounds span a period of 10 years each whereas the 1st and 2nd Rounds administered by COAH covered 6-year periods. The 3rd Round extending from 1999 to 2025 (26 years) was an anomaly due to extensive litigation and COAH becoming dysfunctional to such a degree that the Court ruled it could no longer administer the State's affordable housing process and returned it to the trial courts.

The FHA-2 designates DCA as the entity responsible for calculating the State's regional affordable housing needs. Specifically, N.J.S.A. 52:27D-304.2 establishes the methodology to be utilized by DCA to determine the State's regional prospective needs of low- and moderate-income housing for the ten-year period spanning from July 1, 2025 to June 30, 2035. In summary, the projected household change for this period is estimated by establishing the household change experienced in each of the State's six regions between the most recent federal decennial census and the second-most recent decennial census. This household change, if positive, is then divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region for the next ten years. According to the DCA, this methodology resulted in a statewide prospective need of 84,698 low- and moderate-income units.

In addition, the DCA was tasked with calculating individual municipal present need (rehabilitation) and prospective need obligations. However, the FHA-2 states that these DCA calculations are advisory and non-binding, and that each municipality is responsible for determining its own obligation utilizing the same methodology.

On January 23, 2025, River Edge adopted binding Resolution No. 25-73 (see Appendix) accepting the DCA's calculated Present Need of 33 units and Prospective Need of 159 units thereby establishing its Fourth Round affordable housing obligations. The Borough's Fourth Round obligations were subsequently confirmed by Judge Corriston's Order on May 13, 2025 (see Appendix).

Resolution No. 25-73 also noted that the Borough reserves the right to conduct a Vacant Land Adjustment (VLA) to determine its realistic development potential (RDP) and to adjust its Present Need through the completion of a structural conditions/windshield survey as discussed in greater detail herein. These analyses resulted in a Fourth Round RDP of 0 units, an Unmet Need of 159 units and Present Need of 7 units as summarized in the table below.

TABLE 26 – RIVER EDGE SUMMARY OF FOURTH ROUND OBLIGATION

Affordable Obligation	# Units
Present Need (Rehabilitation)	7
Prospective Need	159
Fourth Round RDP	0
Unmet Need	159

3.2 Realistic Development Potential (RDP)

River Edge is a fully developed community and is therefore entitled to conduct a vacant land analysis (“VLA”) to adjust its Prospective Need Obligation by calculating its RDP in accordance with the procedures set forth in the FHA-2 (N.J.S.A. 52:27D-310.1). The Borough received Court-approval of its Third Round HE&FSP, inclusive of a vacant land adjustment, resulting in a Final Judgment of Compliance and Repose and this is a continuation of that acknowledgement that the Borough is fully developed and entitled to a VLA and RDP adjustment.

A VLA is intended to identify sites in a municipality that are likely to develop with affordable housing. Municipalities are required to consider all privately and municipally owned vacant parcels and underutilized sites such as driving ranges, farms in the State’s Planning Areas 1 and 2, nurseries, golf courses not owned by their members and nonconforming uses. Upon identification of such potential sites, municipalities are permitted to eliminate a site entirely or a portion of a site based on a variety of factors, including: lands dedicated for public uses other than housing since 1997; park lands or open space; vacant contiguous parcels in private ownership of a size (0.83 acres or less) which would accommodate fewer than five housing units; historic and architecturally important sites listed on the State Register of Historic Places or the National Register of Historic Places; preserved architectural lands; sites designated for active recreation; and environmentally sensitive lands.

1. Prior Round Obligation & RDP

The Borough’s combined First and Second Round Obligation of 73 units, Third Round Prospective Need of 197 units and Third Round RDP of 0 units were established by the Borough’s 2019 Settlement Agreement with FSHC. The Borough’s Settlement Agreement and 2020 HE&FSP, inclusive of its VLA, were approved by the Court in the Borough’s Third Round JOR issued by Judge Padovano on March 4, 2021.

2. Fourth Round Obligation.

As stated previously, River Edge is a fully developed community that continues to lack vacant, developable land that is entitled to rely on its previous court-approved VLA, which established its Prior Rounds' (First, Second and Third) RDP. This is informed by COAH's regulations regarding same at N.J.A.C. 5:97-5.1(c) and (d), as well as the Borough's 2019 Settlement Agreement with FSHC. Specifically, N.J.A.C. 5:97-5.1(c) and (d) state that:

A vacant land adjustment that was granted as part of a (previous) round certification or judgment of compliance shall continue to be valid provided the municipality has implemented all of the terms of the substantive certification or judgment of compliance. If the municipality failed to implement the terms of the substantive certification or judgment of compliance, the Council may reevaluate the vacant land adjustment.

Further, the Borough's Court-approved 2019 Settlement Agreement with FSHC states that "the Borough's RDP shall not be revisited by FSHC or any other interested party absent a substantial changed circumstance." FSHC vs Twp. of Cherry Hill, 173 NJ 303 (2002) is the leading case that required a possible recalibration of an RDP based upon "changed circumstances."

As such, the Borough's Fourth Round VLA included a review of development applications and activity since 2019, vacant private and publicly owned parcels (Property Classes 1 and 15C) and farm qualified (Class 3B) properties within Planning Areas 1 and 2 in the Borough. The VLA revealed there are no changed circumstances or newly vacant properties which meet the criteria to qualify as contributing to the Borough's RDP. Therefore, the Borough's Fourth Round RDP is zero (0) units. A summary of the Borough's Fourth Round VLA is provided in the Appendix.

Section 4: Fair Share Plan

This Fair Share Plan component of River Edge's 2025 HE&FSP outlines the manner in which the Borough will address its affordable housing obligations. These obligations are summarized as follows:

TABLE 27 – RIVER EDGE AFFORDABLE HOUSING OBLIGATIONS SUMMARY

Round	Obligation	RDP	Unmet Need
Present Need (Rehabilitation) Obligation	7 ⁽¹⁾	-	-
First & Second Round Obligation (1987-1999)	73	-	-
Third Round Obligation (1999 – 2025)	197	0 ⁽²⁾	197
Fourth Round Obligation (2025 – 2035)	159	0 ⁽³⁾	159

(1) Present Need as adjusted through completion of Structural Conditions/Windshield Survey.

(2) As established through Court-approved VLA.

(3) As established through Fourth Round VLA.

As detailed herein, the Housing Element and Fair Share Plan addresses the manner in which the Borough will address its affordable housing obligations through 2035 in a manner that affirmatively addresses affordable housing need, while at the same time addressing planning concerns and maintaining the overall character of the community.

4.1 General Provisions

The following additional compliance requirements are noted:

1. Fourth Round Bonuses. Fourth Round bonuses will be applied in accordance with N.J.A.C. 52:27d-311.k.
2. Very-Low Income and Low-Income Units. At least 50% of the units addressing the Fourth Round Prospective Need obligation shall be affordable to very low-income and low-income households with the remainder affordable to moderate-income households. A minimum of 13% of the affordable units will be made available to very low-income households, defined as households earning 30% or less of the regional median income by household size.
3. Rental Component. At least 25% of the Fourth Round Prospective Need obligation shall be met through rental units, including at least half in rental units available to families.
4. Family Units. At least half of the actual units created to address the Fourth Round Prospective Need obligation must be available to families.
5. Age-Restricted Cap. No more than 30% of all units developed or planned to meet the Fourth Round Prospective Need obligation may be satisfied with age-restricted units.

4.2 Plan Components

The Borough's various plan mechanisms to address its affordable housing obligations are summarized below.

1. Present Need (Rehabilitation) Obligation

The DCA assigned River Edge a Present Need obligation of 33 units which the Borough accepted on January 23, 2025 in its Resolution No. 25-73. The Borough modified its 4th Round Present Need Obligation to 7 units through a structural conditions/windshield survey in accordance with N.J.A.C. 5:93-5.2, which is attached hereto in the Appendix. The Borough will continue to collaborate with Bergen County's Home Improvement Program to provide assistance to qualifying households in River Edge or administer its own rehabilitation program to the extent necessary to satisfy its Fourth Round Present Need Obligation.

2. Prior Round (First, Second & Third Round) Obligation

In accordance with the Borough's 2019 Settlement Agreement with FSHC, River Edge has a combined First and Second Round obligation of 73 units and Third Round Prospective Need of 197 units. The Borough's Court-approved vacant land analysis resulted in the adjustment of its Third Round Prospective Need of 197 units to its Third Round RDP of 0 units. The Borough satisfied its combined First and Second Round Obligation of 73 units in full with several plan mechanisms, including senior affordable housing at the Senior Residence at St. Peter the Apostle, group homes and two redevelopment plans as summarized in the table below.

TABLE 28 – RIVER EDGE PLAN MECHANISMS TO ADDRESS PRIOR ROUND OBLIGATION

Plan Mechanisms	# Units	Bonus Credits	Total Credits	Status
<u>Prior Cycle Credits (Pre-1986)</u>				
Senior Residence at St. Peter the Apostle Church (23 total units)	18	-	-	Completed
<u>Group Homes</u>				
New Concepts for Living, 11 June Ct.	5	-	5	Completed
Community Options, 200 Zabriskie Pl.	3	-	3	Completed
EIHAB Human Services, 328 Valley Rd.	4	-	4	Completed
<u>Redevelopment Plans</u>				
New Bridge Landing Station Redevelopment Area	19	19	38	Adopted
Kinderkamack Road Redevelopment Area	5	-	5	Adopted
Total	54	19 ⁽¹⁾	73	-

(1) COAH regulations permit a maximum number of bonus credits not to exceed 25% of RDP.

3. Fourth Round Obligation

The DCA in its October 18, 2024 publication “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” made public October 18, 2024 issued River Edge a Fourth Round Prospective Need Obligation of 159 units and Present Need (Rehabilitation) Obligation of 33 units. The Borough ultimately accepted its DCA assigned Fourth Round Obligations by Resolution No. 25-73, dated January 23, 2025, that was fixed by Order of Judge Corriston, dated May 13, 2025.

River Edge as a fully developed community conducted a Fourth Round VLA which adjusts the Borough’s Fourth Round Prospective Need from 159 units to a Fourth Round RDP of 0 units in accordance with the applicable FHA-2 and COAH regulations. Therefore, River Edge has an Unmet Need (difference between Prospective Need and RDP) of 159 units. The Borough’s structural conditions survey (see Appendix) adjusts its DCA calculated Present Need of 33 units to 7 units.

The Borough’s Unmet Need Obligation will be addressed by the several plan mechanisms listed below, including surplus units from the Senior Residence at St. Peter the Apostle Church, New Bridge Crossing inclusionary development senior units, Multifamily and Senior Conditional Use District, overlay zone and mandatory affordable set-aside ordinance as summarized in the table below. The Borough will also continue to consider emergent opportunities to create new affordable housing in appropriate locations consistent with the Borough’s Master Plan and Zoning Ordinance.

TABLE 29 – RIVER EDGE PLAN MECHANISMS TO ADDRESS UNMET NEED

Plan Mechanisms	# Units	Status
Senior Residence at St. Peter the Apostle Church (23 total units)	5	Completed
New Bridge Crossing Inclusionary Development (69 total units)	7	Completed
Multifamily and Senior Conditional Use District	24	Adopted
AH-1 New Bridge Road Affordable Housing Overlay Zone	13	Adopted
Mandatory Affordable Set-Aside Ordinance	-	Adopted
Total	49	-

The Borough's affordable housing sites and plan mechanisms identified in Section 4.2 are discussed in this section. The Plan Components Map below illustrates the locations of the sites identified herein.



1. Senior Residence at St. Peter the Apostle.

Located at 415 Fifth Avenue, Block 701 Lot 19.01, this senior housing facility accommodates 23 seniors offering a range of services in a quiet area of the Borough adjacent to St. Peter the Apostle Roman Catholic Church and Bergen County's Van Saun Park.



2. Group Homes

The Borough has three existing group homes that provide residential accommodations and services for the developmentally disabled totaling 12 beds. These group homes include:

- New Concepts for Living located at 11 June Court, Block 1004 Lot 18 with 5 beds;
- Community Options located at 200 Zabriskie Place, Block 1208 Lot 7 with 3 beds; and
- EI HAB Human Services, Inc. located at 328 Valley Road, Block 905 Lot 19 with 4 beds.

3. New Bridge Landing Station Redevelopment Area

The Borough originally adopted a redevelopment plan to accommodate mixed use development of Block 1411 Lots 1.01 and 1.02 and Block 1412 Lots 1, 2 and 3, dated June 8, 2007. The plan for the site currently developed as surface parking for the adjacent train station was never realized in the 10-year period prior to the adoption of the Borough's 2020 HE&FSP and was determined to be unrealistic. As a component of the Settlement Agreement, the Borough adopted a new redevelopment plan for the site in November 2020 which includes an inclusionary development component consisting of a maximum density of 25 dwellings units per acre and required affordable housing set-aside of 20%.



4. Kinderkamack Road Redevelopment Area

The Borough adopted a redevelopment plan for Block 1413 Lots 1, 2.01, 4 and 5, dated April 27, 2010 to accommodate multifamily residential development of the site. As the plan for the site was never realized in the nearly 10-year period preceding the preparation of the Borough's 2020 HE&FSP, among other reasons, the Borough adopted a new redevelopment plan for the site in November 2020, which includes a maximum residential density of 20 dwelling units per acre with a required minimum 20% affordable housing set-aside.



5. New Bridge Crossing Apartments

The New Bridge Crossing Apartments is a 69-unit multifamily development located on the east side of Kinderkamack Road between Howland Avenue and Reservoir Avenue at Block 1302 Lot 3. The development includes 7 age-restricted low and moderate-income housing units. This development was completed in 2019 and is now occupied.



6. AH-1 New Bridge Road Affordable Housing Overlay Zone

In accordance with the Borough's 2019 Settlement Agreement with FSHC, on July 13, 2020 the Borough adopted Resolution No. 20-10 creating a new overlay zone encompassing Block 1303 Lots 3, 4 and 5 totaling 3.3 acres to accommodate a residential density of at least 20 dwelling units per acre resulting in up to 13 affordable units. The overlay zone requires a 20% affordable housing set-aside for all residential development.



5. Multifamily and Senior Conditional Use District

Section 416-36.1 of the Borough Code sets forth the provisions of this district which requires a 15% affordable housing set-aside for rental development and 20% of for sale units. The prescribed maximum density of the district is 37.5 dwelling units per acre encompassing Block 1005 Lots 6.01 through 12 and Block 1302 Lots 1 and 2 applied to the remaining 4.4 acres results in up to 24 affordable units. The New Bridge Crossing development is located in and was developed in accordance with the District's requirements producing 7 senior affordable units.

6. Mandatory Affordable Housing Set-Aside Ordinance

The Borough adopted its Mandatory Affordable Housing Set-Side Ordinance on June 22, 2020 via Ordinance No. 20-09 that was subsequently amended on September 21, 2020 by Ordinance No. 20-12 which requires an affordable housing set-aside for multifamily residential development of five or more dwelling units at rates of 20% of for sale units and 15% of rental units. This requirement will ensure that new multifamily development in the Borough will provide its fair share of affordable units and continue to assist the Borough in its efforts to address its Unmet Need obligations. To be clear, this does not obligate the Borough to grant any subdivision or site plan approvals, rezonings, use variances or redevelopment/rehabilitation designations for any such development which are required to comply with the Borough's Zoning Ordinance and development application review procedures.

7. Development Fees.

River Edge will continue to impose residential and non-residential development fees in accordance with the Borough's Development Fee Ordinance to be collected in the Borough's existing affordable housing trust fund. The funds generated from these development fees will be applied directly towards any activity approved by State regulations for addressing the Borough's affordable housing obligations. The Borough's Spending Plan (see draft spending plan in the Appendix) projects estimated annual revenues and prescribes how the funds will be allocated over the course of the Fourth Round 10-year period.

4.4 Site Suitability

All sites included in the Borough's Fair Share Plan must meet the site suitability criteria set forth in N.J.A.C. 5:93-1.3 list below. While a site suitability analysis is not technically required for plan mechanisms addressing unmet need, this analysis includes a review of the Borough's several undeveloped plan mechanisms as it relates to the statutory site suitability criteria.

Approvable Site: 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: a site with clear title, free of encumbrances which preclude development for low and moderate-income housing.

Developable Site: 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: a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

The Borough's various affordable housing sites were selected based a comprehensive range of factors including proximity to public and regional transportation, location within developed areas and surrounding development patterns. In addition, the sites are located within or adjacent to existing water and sewer utilities allowing for future connectivity as may be required to accommodate the developments. It is noted the availability of water and sewer capacity is adequate to provide for all of the residential development contemplated in the 2025 HE&FSP. Ultimately, the 2025 HE&FSP continues provides a realistic opportunity to satisfy the Borough's constitutional affordable housing obligation for the Third Round.

1. New Bridge Landing Station Redevelopment Plan.

The River Edge Council adopted the New Bridge Landing Station Redevelopment Plan in November 2020. The Plan establishes the development regulations for the New Bridge Landing Station Redevelopment Area intended to facilitate development of the site as a mixed-use transit-oriented development containing a residential component with a maximum density of 25 units per acre, allows for a mix of nonresidential uses and includes a public parking and train station facility. The New Bridge Landing Station Redevelopment Area encompasses the following parcels:

TABLE 30 - REDEVELOPMENT AREA PARCELS

Block	Lot	Owner	Land Area
1411	1.01	NJ Transit Corp.	0.15 ac
1411	1.02	Borough of River Edge	0.77 ac
1412	1	NJ Transit Corp.	1.53 ac
1412	2	NJ Transit Corp.	0.33 ac
1412	3	Borough of River Edge	0.39 ac
Total			3.17 ac

All five parcels in the redevelopment area available are publicly owned, including 3 owned by NJ Transit and 2 owned by the Borough. The Borough has previously been in touch with NJ Transit to discuss the future development of the site and anticipates full cooperation between both parties.

The site is developable as it is already cleared and developed as paved surface commuter parking lots associated with the New Bridge Landing Station. Though the site is partially impacted by a 100-year floodplain and wetlands area, the site has been deemed to be developable.

The New Bridge Landing Station Redevelopment Area represents a suitable site for the development of the contemplated mixed-use transit-oriented development with an affordable housing component as it immediately surrounds the New Bridge Landing Station facilities providing direct access to NJ Transit's Pascack Valley line with connections to Secaucus Junction and Hoboken. In addition, there are several public bus routes with stops within close walking distance to the redevelopment area and several regional roadways in near proximity. The site is also surrounded by a mix of uses within walking distance, including retail, restaurant, service and office uses that will complement the proposed redevelopment.

2. Kinderkamack Road Redevelopment Plan

The River Edge Council adopted the Kinderkamack Road Redevelopment Plan in November 2020. The Plan establishes the development regulations for the Kinderkamack Road Redevelopment Area intended to facilitate mixed-use or multifamily transit-oriented development of the site containing a residential component with a maximum density of 20 units per acre. The Kinderkamack Road Redevelopment Area encompasses the following parcels:

TABLE 31 - REDEVELOPMENT AREA PARCELS

Block	Lot	Owner	Land Area
1413	1	R.O.S. Realty Associates	0.15 ac
1413	2.01 (& 4)	Shake Down Street, LLC	0.28 ac
1413	5	55 Kinderkamack Road, LLC	0.16 ac
Total			0.59 ac

All of the redevelopment area parcels are privately owned with no known title issues. A private entity is able to submit a site plan application to the Borough Land Use Board for review based on the redevelopment plan requirements. The site is developable as it is already developed and occupied with a several nonresidential uses, including a landscape contractors office and garage with associated site improvements and a laundromat with related improvements. The site remains developable though a 100-year floodplain impacts a portion of the site.

The site is suitable for the contemplated mixed-use or multifamily development of the site with an affordable housing component given its context in the community, adjacency to the New Bridge Landing Train Station and walking distance to several public bus route stops and amenities.

3. AH-1 New Bridge Road Affordable Housing Overlay Zone

The Borough adopted Ordinance No. 20-10 in July 2020 creating the New Bridge Road Overlay Zone which is intended to facilitate mixed-use development of the site consisting of nonresidential uses on the first floor with residential units above the first floor. The Overlay Zone permits a maximum residential density of 20 units per acre and requires a 20% affordable housing set-aside. The AH-1 Zone encompasses Block 1303 Lots 3, 4 and 5 totaling approximately 2.5 acres.

Parcels in the AH-1 Overlay Zone are available as the parcels are privately owned with Lots 3 and 4 held in common ownership with no known title issues. A site plan application may be submitted by a developer as such opportunities present themselves.

The AH-1 Overlay Zone is developable as it is currently developed with a number of uses including a gas station, indoor sports facility and vacant retail building with associated site improvements. The Overlay Zone is generally characterized by nearly 100% impervious coverage. Portions of the site are impacted by a 100-year floodplain and area of wetlands associated with the Hackensack River but do not limit the site's development potential as prescribed by the Overlay Zone standards.

The site is suitable given its context in the community. It is within walking distance to the New Bridge Landing Train Station, public bus service and nearby commercial and service uses and is separated from adjacent single-family uses by the rail corridor. The site presents a unique development opportunity in the Borough with views of the Hackensack River and Historic New Bridge Landing Site located directly across New Bridge Road to the east.

4.5 Rejected Development Sites

There are no sites for which inclusionary development was considered that were rejected and not included in this Plan.

4.6 Crediting Documentation & Ongoing Compliance

River Edge intends to adhere to the applicable State requirements pertaining to affordable unit monitoring and reporting. This includes compliance with the statutorily required updates to the municipal housing project status report by the DCA deadline of February 15, 2025. These updates are included in the State's new Affordable Housing Monitoring System and fulfill the Borough's obligation to specify the creditworthiness of all existing affordable housing units in River Edge. In addition, all crediting documentation submitted to and approved by the Court as part of the Borough's Third Round Housing Element and Fair Share Plan remains on file with and accessible from the Court.

4.7 Consistency with State Planning Initiatives

As noted in Section 1 of this plan, a HE&FSP must also include:

- ❖ 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; and
- ❖ 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.

Accordingly, the following subsection analyzes the consistency of this HE&FSP to the above referenced state planning initiatives.

1. Multigenerational Family Housing Continuity Commission

The Multigenerational Family Housing Continuity Commission was established by the State of New Jersey in 2021. As noted in N.J.S.A. 52:27D-329.20, one of the primary duties of the Commission is to "prepare and adopt 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."

As of the date of this HE&FSP, the Multigenerational Family Housing Continuity Commission has not yet adopted any recommendations.

2. State Development and Redevelopment Plan

As established by N.J.S.A. 52:18A-200(f), the purpose of the State Development and Redevelopment Plan (SDRP) is to “coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.”

As such, the SDRP establishes a number of goals and strategies related to a number of different topics, including economic redevelopment. One such goal is to revitalize existing urban centers by directing growth and development to those areas. Specifically, the SDRP seeks to revitalize the State’s cities and towns by protecting, preserving, and developing the valuable human and economic assets in cities, town, and other urban areas.

As indicated by the SDRP’s Policy Map, the majority of River Edge is located in the PA-1 Metropolitan Planning Area, wherein development and redevelopment is intended to be directed. The intent of this Planning Area is to:

- ❖ Provide for much of the state’s future redevelopment;
- ❖ Revitalize cities and towns;
- ❖ Promote growth in compact forms;
- ❖ Stabilize older suburbs;
- ❖ Redesign areas of sprawl; and;
- ❖ Protect the character of existing stable communities.

Accordingly, this HE&FSP is consistent with the intents of the PA-1. Specifically, it is designed to encourage redevelopment and growth in a compact form within the portion of the municipality designated as PA-1, while also protecting the character of the existing community.

It is noted that the State is in the process of preparing a new State Development and Redevelopment Plan by the end of 2025.

Appendix

Fourth Round Complaint for Declaratory Relief Pursuant to AOC Directive #14-24

SURENIAN, EDWARDS, BUZAK & NOLAN LLC

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**IN THE MATTER OF THE
APPLICATION OF THE BOROUGH OF
RIVER EDGE, COUNTY OF BERGEN,
STATE OF NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY**

DOCKET NO.: BER-L-____

CIVIL ACTION
AFFORDABLE HOUSING
PER DIRECTIVE # 14-24

**COMPLAINT FOR DECLARATORY
RELIEF PURSUANT TO
DIRECTIVE# 14-24**

Declaratory Plaintiff, the Borough of River Edge, County of Bergen, State of New Jersey (hereinafter, “River Edge” or the “Borough”), a municipal corporation of the State of New Jersey, with principal offices located at 705 Kinderkamack Road, River Edge, NJ 07661, by way of this Declaratory Judgment Action (“DJ Action”) as authorized under Directive # 14-24 of the Administrative Office of the Courts, alleges and says:

Background

1. River Edge is a municipal corporation of the State of New Jersey.
2. The Planning Board of the Borough of River Edge (hereinafter, “Planning Board”) is a municipal agency created and organized under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., (“MLUL”), and, among other duties and obligations, is responsible for adopting the Housing Element and Fair Share Plan (“HEFSP”) of River Edge’s Master Plan.
3. Through this DJ Action, River Edge seeks the following relief in relation to its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the

Affordable Housing Dispute Resolution Program (the “Program”) pursuant to P.L. 2024, c.2 (hereinafter, the “Act”) and the Court, pursuant to Directive # 14-24; (b) to have the Program and the Court approve the Borough of River Edge’s Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by the Borough, attached hereto as **Exhibit 1**; (c) to have the Program and the Court approve a HEFSP to be adopted by the Planning Board and endorsed by the Council and issue a conditional or unconditional “Compliance Certification” pursuant to the Act or other similar declaration; (d) to the extent it is not automatically granted pursuant to the Act, through the filing of this DJ Action and binding resolution, to have the Program and the Court confirm River Edge’s immunity from all exclusionary zoning litigation, including builder’s remedy lawsuits, during the pendency of the process outlined in the Act and for the duration of Fourth Round, i.e., through June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may be appropriate to ensure that the Borough receive and obtain all protections as afforded to it in complying with the requirements of the Act, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third-party litigation.

COUNT I

ESTABLISHMENT OF JURISDICTION UNDER P.L.2024, C. 2

4. The Borough of River Edge repeats and realleges each and every allegation as set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

5. The Act represents a major revision of the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 *et seq.*

6. Among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the

Program. Among other things, the Act authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, “Director” and “AOC”) to create a framework to process applications for a compliance certification.

7. On or about December 13, 2024, the Director issued Directive # 14-24, which among other things, required municipalities seeking compliance certification to file an action in the form of a declaratory judgment complaint and Civil Case Information Statement in the County in which the municipality is located within 48 hours after the municipality’s adoption of a binding resolution as authorized under the Act and attach a copy of said binding resolution to the DJ Action.

8. River Edge adopted a binding resolution establishing its present and prospective affordable housing obligations within the statutory window of time set forth in the Act and in accordance with the methodology and formula set forth in the Act, a certified copy of which resolution is attached to this DJ Action as **Exhibit 1**.

9. Based on the foregoing, River Edge has established the jurisdiction of the Program and the Court in regard to this DJ Action for a compliance certification as set forth hereinafter.

WHEREFORE, the Borough of River Edge seeks a declaratory judgment for the following relief:

- a. Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of the Borough under the Act;
- c. Declaring the approval of the Borough’s HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Borough Council, including, as

appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) an adjustment based upon the undertaking of a Structural Conditions Survey (“Windshield Survey”) and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

- d. Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Borough of River Edge for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT II

DETERMINATION OF THE PRESENT AND PROSPECTIVE NEED OF THE BOROUGH OF RIVER EDGE

10. River Edge repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

11. The Act adopted the methodology to calculate every municipality's present and prospective need affordable housing obligation for the Fourth Round (2025-2035) and beyond.

12. The Act directed the Department of Community Affairs ("DCA") to apply the methodology and to render a non-binding calculation of each municipality's present and prospective affordable housing obligations to be contained in a report to be issued not later than October 20, 2024.

13. The DCA issued its report on October 18, 2024.

14. Pursuant to the October 18, 2024 report, the DCA calculated River Edge's present and prospective affordable housing obligations as follows:

PRESENT NEED (REHABILITATION OBLIGATION)	FOURTH ROUND PROSPECTIVE NEED OBLIGATION (2025-2035)
33	159

15. Pursuant to the Act, a municipality desiring to participate in the Program is obligated to adopt a "binding resolution" determining its present and prospective affordable housing obligations to which it will commit based upon the methodology set forth in the Act.

16. River Edge adopted a binding resolution, a copy of which resolution is attached hereto and made a part hereof as Exhibit 1 to this DJ Action.

17. The binding resolution maintains that, subject to the right to undertake a Windshield Survey as part of the preparation and adoption of the HEFSP, the Present ("Rehabilitation") Need obligation of River Edge is 33 and its Prospection Need obligation is 159.

18. River Edge seeks the approval of and confirmation by the Program and the Court of the Present and Prospective affordable housing obligations as set forth in the binding resolution attached hereto and made a part hereof as **Exhibit 1**.

19. Pursuant to the binding resolution, the Borough of River Edge reserves all rights to amend its affordable housing obligations in the event of a successful legal challenge, or legislative change, to the Act.

20. Pursuant to the binding resolution, River Edge specifically reserves the right to seek and obtain 1) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 2) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); 3) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 4) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 5) an adjustment based upon any ruling in litigation involving affordable housing obligations; 6) an adjustment based upon the undertaking of a Windshield Survey and/or 7) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

WHEREFORE, the Borough of River Edge seeks a declaratory judgment for the following relief:

- a.** Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of River Edge under the Act;

- c. Declaring the approval of River Edge's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) an adjustment based upon the undertaking of a Windshield Survey and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;
- d. Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to River Edge for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT III

HOUSING ELEMENT AND FAIR SHARE PLAN

21. The Borough of River Edge repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

22. Pursuant to the Act, a Housing Element and Fair Share Plan (hereinafter, (“HEFSP”) must be prepared and adopted by the Planning Board, and endorsed by the Council, by June 30, 2025.

23. River Edge hereby commits for its professionals to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court which HEFSP shall apply as appropriate, any applicable adjustments, including, without limitation, 1) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 2) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); 3) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 4) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 5) an adjustment based upon any ruling in litigation involving affordable housing obligations; 6) an adjustment based upon the undertaking of a Windshield Survey and/or 7) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

WHEREFORE, the Borough of River Edge seeks a declaratory judgment for the following relief:

- a.** Declaring that River Edge has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of River Edge under the Act;

- c. Declaring the approval of River Edge’s HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) an adjustment based upon the undertaking of a Windshield Survey and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;
- d. Declaring that the Borough of River Edge continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Borough of River Edge for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT IV

CONFIRMATION OF IMMUNITY

24. The Borough of River Edge repeats and realleges each and every allegation set forth in the previous paragraphs of this declaratory judgment complaint as if set forth herein in full.

25. Pursuant to the Act, a municipality that complies with the deadlines in the Act for both determining present and prospective affordable housing obligations and for adopting an appropriate HEFSP shall have immunity from exclusionary zoning litigation.

26. The Borough of River Edge has met the deadline for the adoption and filing of its binding resolution (and the filing of this DJ Action in accordance with Directive # 14-24) not later than January 31, 2025 by adopting the binding resolution attached to this DJ Action as Exhibit 1, and has committed to the adoption of its HEFSP by June 30, 2025.

27. Without waiving any judicial immunity from exclusionary zoning litigation that River Edge possesses as a result of any applicable Judgment of Compliance and Repose entered in favor of the Borough in Round 3, River Edge has qualified for continued immunity under the Act while pursuing its certification of compliance in the instant matter.

WHEREFORE, the Borough of River Edge seeks a declaratory judgment for the following relief:

- a.** Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of River Edge under the Act;
- c.** Declaring the approval of River Edge's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a

lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) an adjustment based upon the undertaking of a Windshield Survey and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

- d. Declaring that River Edge continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to River Edge for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

SURENIAN, EDWARDS, BUZAK & NOLAN LLC
Attorneys for the Declaratory Plaintiff
Borough of River Edge

Edward J. Buzak

By: _____
 Edward J. Buzak, Esq.

Dated: January 24, 2025

CERTIFICATION PURSUANT TO R. 4:5-1

Edward J. Buzak, Esq., of full age, hereby certifies as follows:

1. I am a member of the Firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for declaratory plaintiff, Borough of River Edge.

2. To the best of my knowledge, there is no other action pending in any court or any pending arbitration proceeding of which the matter in controversy herein is the subject and no such other action or arbitration proceeding is contemplated. To the best of my knowledge, there are no other parties who should be joined in this action.

3. The within Complaint was filed and served within the time prescribed by the Rules of Court.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SURENIAN, EDWARDS, BUZAK & NOLAN LLC
Attorneys for the Declaratory Plaintiff
Borough of River Edge

Edward J. Buzak

By: _____
Edward J. Buzak, Esq.

Dated: January 24, 2025

CERTIFICATION PURSUANT TO R. 1:38-7(b)

Edward J. Buzak, Esq., of full age, hereby certifies as follows:

1. I am a member of the firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for Declaratory Plaintiff, Borough of River Edge.

2. I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SURENIAN, EDWARDS, BUZAK & NOLAN LLC
Attorneys for the Declaratory Plaintiff
Borough of River Edge

Edward J. Buzak

By: _____
Edward J. Buzak, Esq.

Dated: January 24, 2025

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, notice is hereby given that Edward J. Buzak, Esq., attorney for the Declaratory Plaintiff, Borough of River Edge is designated as trial counsel in the above captioned matter.

SURENIAN, EDWARDS, BUZAK & NOLAN LLC
Attorneys for the Declaratory Plaintiff
Borough of River Edge

Edward J. Buzak

By: _____
Edward J. Buzak, Esq.

Dated: January 24, 2025

RESOLUTION OF THE TOWNSHIP OF HOPEWELL, COUNTY OF CUMBERLAND, COMPLYING WITH AMENDED FAIR HOUSING ACT

RESOLUTION #2025-35

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

WHEREAS, the Amended FHA requires the Department of Community Affairs (“DCA”) to produce a report of non-binding estimates of the present need obligations (also known as the rehabilitation obligation) and the Round 4 prospective need by October 20, 2024; and

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

WHEREAS, the DCA Report calculates the Round 4 (2025-2035) obligations of the Township of Hopewell as follows: a Present Need or Rehabilitation Obligation of 31 and a Prospective Need or New Construction Obligation of 67; and

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

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

WHEREAS, COAH regulations authorize adjustments to the rehab obligation through a visual exterior survey and vacant land adjustments as well as durational adjustments to the new construction obligations; and

WHEREAS, based on the foregoing, the Township of Hopewell accepts the DCA calculations of its fair share obligations and commits to its fair share of 31 units present need and 67 unit Round 4 prospective need subject to any adjustments it may seek in accordance with COAH regulations as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Amended FHA; and

WHEREAS, in addition to setting forth its fair share affordable housing obligations for the reasons summarized above, substantial activity has occurred and is ongoing that warrants the reservation of certain rights to avoid any claim that it has waived them; and

WHEREAS, for example, the New Jersey Institute of Local Government Attorneys (“NJILGA”) has expressed its support for proposed legislation (hereinafter “NJILGA Legislation”) that would reduce Hopewell’s Round 4 Prospective Need and would give the

Township “90 days from receipt of revised fair share obligations from the [DCA] to provide an amended Housing Element and Fair Share Plan addressing the new number); and

WHEREAS, Hopewell supports the NJILGA Legislation and would have the right to reduce its Round 4 obligation in the event that the Legislature enacts the Legislation; and

WHEREAS, similarly, a number of municipalities, led by the Borough of Montvale, have filed suit (MER-L-1778-24) (hereinafter “Montvale Litigation”) seeking to stay the implementation of the Amended FHA for a number of reasons and the outcome of that litigation is uncertain; and

WHEREAS, the process established by the Amended FHA creates an opportunity to object by interested parties opposing the obligations to which a municipality commits, thereby creating the potential for litigation over the obligations of the municipality; and

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

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

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

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

WHEREAS, the Township of Hopewell seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution in Cumberland County.

NOW, THEREFORE, BE IT RESOLVED on this 23rd day of January, 2025, by the Township of Hopewell as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Township of Hopewell hereby commits to the DCA Round 4 Present Need Obligation of 31 units and the Round 4 Prospective Need Obligation of 67 subject to all reservations of rights, which specifically include:


- a) The right to adjust the present need (the rehabilitation obligation) based upon a visual exterior survey and the right to adjust the new construction component of the Township's obligation through a vacant land adjustment and/or a durational adjustment in accordance with COAH regulations;
- b) The right to comply with the NJILGA Legislation if the Legislature enacts it;
- c) The right to adjust its obligation in the event of any future legislation that adjusts the obligations the DCA reported on October 18, 2024;
- c) The right to adjust its obligations based upon any ruling in the Montvale Litigation or other litigation; and
- d) The right to adjust its obligations in the event of a third party challenge to the obligations of the Township of Hopewell and the Township defends itself.

3. The Township of Hopewell hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in Cumberland County within 48 hours after adoption this resolution attaching this resolution.

4. The Township of Hopewell authorizes its Affordable Housing Counsel to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.

5. This resolution shall take effect immediately, according to law.


TOWNSHIP OF HOPEWELL

By: 
Robin S. Freitag

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Kelsey Bayzick			X			
Robin Freitag			X			
David Miller		X	X			
Jeff Shimp			X			
Tom Tedesco	X		X			

CERTIFICATION

I certify that this is a true copy of the within Resolution 2025-35 adopted by the Governing Body of the Township of Hopewell, County of Cumberland at the meeting held on January 23, 2025, at 6:30 p.m. at the Hopewell Township Municipal Building, 590 Shiloh Pike, Bridgeton, New Jersey.


 Rosa-Maria Brambila, Acting Municipal Clerk

Resolution No. 25-73 Determining Fourth Round Obligation

BOROUGH OF RIVER EDGE
RESOLUTION #25-73

RESOLUTION OF THE BOROUGH OF RIVER EDGE, COUNTY OF
BERGEN, STATE OF NEW JERSEY COMMITTING TO ROUND 4
PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING
OBLIGATIONS

WHEREAS, the Borough of River Edge, County of Bergen, State of New Jersey, (hereinafter, “River Edge”) has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations; and

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter “Amended FHA” or “Act”); and

WHEREAS, the Amended FHA requires the Department of Community Affairs (“DCA”) to provide an estimate of the fair share affordable housing obligations of all municipalities on or before October 20, 2024 based upon the criteria on the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the fair share affordable housing obligation for all municipalities based upon its interpretation of the standards in the Act; and

WHEREAS, the DCA Report calculates River Edge’s Round 4 (2025-2035) fair share affordable housing obligations as follows: a Present Need (Rehabilitation) Obligation of 33 and a Prospective Need (New Construction) Obligation of 159; and

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

WHEREAS, the Amended FHA gives municipalities the opportunity to propose a different fair share affordable housing obligation from those reported by the DCA on October 18, 2024 based upon the standards in Sections 6 and 7 of the Act; and

WHEREAS, the Amended FHA further provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing (“COAH”) unless those regulations are contradicted by statute, including the Act, or binding court decisions” (N.J.S.A 52:27D-311 (m)); and

WHEREAS, COAH regulations authorize municipalities to secure an adjustment to their rehabilitation obligation through a windshield survey and also empower municipalities to secure vacant land adjustments, durational adjustments and other adjustments; and

WHEREAS, River Edge has accepted the Present Need (Rehabilitation) Obligation of 33 as reported by the DCA in its October 18, 2024 Report, subject to the right to undertake a Structural Conditions Survey (hereinafter, "Windshield Survey") as part of the preparation and adoption of the Housing Element and Fair Share Plan (hereinafter "HEFSP"); and

WHEREAS, River Edge has accepted the Prospective Need Obligation of 159 as reported by the DCA in its October 18, 2024 Report; and

WHEREAS, the Amended FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of the Act; and

WHEREAS, River Edge's calculation of need is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Act and the October 18, 2024 DCA Report; and

WHEREAS, in addition to setting forth its Round 4 fair share affordable housing obligations for the reasons summarized above, substantial activity has occurred and is ongoing that warrants the reservation of certain rights to avoid any claim that it has waived them; and

WHEREAS, for example, the New Jersey Institute of Local Government Attorneys (NJILGA) has expressed its support for proposed legislation (hereinafter "NJILGA Legislation") would reduce River Edge's Round 4 Prospective Need to 33 and would give River Edge "90 days from receipt of revised fair share obligations from the [DCA] to provide amended Housing Element and Fair Share Plans addressing the new number); and

WHEREAS, River Edge supports the NJILGA Legislation and would have the right to reduce its Round 4 obligation in the event that the Legislature enacts the NJILGA Legislation; and

WHEREAS, similarly, a number of municipalities, led by the Borough of Montvale, have filed suit (MER-L-1778-24) (hereinafter "Montvale Litigation") challenging the validity of the Act and other aspects deriving from the Act, including, without limitation, Directive 14-24, issued by the Acting Director of the Administrative Office of the Courts (hereinafter, respectively, "Director" and "AOC"), as further referenced below; and

WHEREAS, the process established by the Amended FHA creates an opportunity to object by interested parties opposing the obligations to which a municipality commits, thereby creating the potential for litigation over the obligations of the municipality; and

WHEREAS the court approved a vacant land adjustment (hereinafter, "VLA") and a realistic development potential (hereinafter, "RDP") for River Edge in Round 3; and

WHEREAS, because there has been no material change in vacant land in River Edge since the approval of its VLA and RDP, and because River Edge provided a realistic opportunity for the satisfaction of its RDP approved by the Court in Round 3, River Edge is entitled to a VLA in Round 4 and a minimal RDP in Round 4 that will be fully addressed and included in the HEFSP it submits by the June 30, 2025 deadline; and

WHEREAS, the Amended FHA requires municipalities to adopt a binding resolution no later than January 31, 2025 as to its obligations; and

WHEREAS, in light of the above, River Edge finds that it is in its best interest to declare its obligations in accordance with this binding resolution in accordance with the Act; and

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

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

WHEREAS, River Edge seeks a compliance certification with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED on this 23rd day of January, 2025 by the Governing Body of the Borough of River Edge, County of Bergen, State of New Jersey, as follows:

1. The preamble of this resolution is incorporated into the operative clauses of this resolution as if set forth in full.

2. For the reasons set forth in this resolution and its attachments, River Edge commits to a Round 4 Present Need (Rehabilitation) Obligation of 33 (subject to the right to undertake a Windshield Survey as part of the preparation and adoption of the HEFSP), and a Round 4 Prospective Need (New Construction) obligation of 159, as set forth in the October 18, 2024 DCA Report, subject to all reservations of all rights, which specifically include, without limitation, the following:

a) The right to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted in accordance with the Act and COAH regulations;

b) The right to comply with the NJILGA Legislation if enacted, including the right to adjust its fair share obligations;

c) The right to adjust its fair share obligation in the event of any future legislation that adjusts the fair share obligations that the DCA reported on October 18, 2024;

d) The right to adjust its fair share obligations based upon any ruling in the Montvale Litigation or other litigation;

e) The right to adjust its fair share obligations in the event of a third party challenge to the fair share obligations and River Edge's response thereto; and

f) The right to undertake a Windshield Survey as part of the preparation and adoption of the HEFSP .

3. River Edge hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in the appropriate venue within 48 hours after adoption of this resolution attaching this resolution.

4. River Edge hereby authorizes its Affordable Housing Counsel to file this resolution with the Program or any other such entity as may be determined to be appropriate.

5. This resolution shall take effect immediately, according to law.

January 23, 2025

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen			X			
Kinsella		X	X			
Malellari			X			
Benson			X			
Glass	X		X			
Dhariwal			X			
Mayor Papaleo						

CERTIFICATION

The undersigned, Municipal Clerk for the Borough of River Edge, County of Bergen, State of New Jersey, hereby certifies the foregoing to be a true copy of a Resolution adopted by the Governing Body of the Borough of River Edge on January 23, 2025.

Anne Dodd, Municipal Clerk

Court Order Fixing Fourth Round Obligation

The Hon. Lina P. Corrison, J.S.C.

Superior Court of New Jersey
Bergen County Justice Center
10 Main Street
Hackensack, New Jersey 07601

PREPARED BY THE COURT:

<p>IN THE MATTER OF THE DECLARATORY JUDGMENT ACTION OF THE BOROUGH OF RIVER EDGE, BERGEN COUNTY PURSUANT TO P.L. 2024, CHAPTER 2</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION - CIVIL PART BERGEN COUNTY DOCKET NO. BER-L-602-25</p> <p><u>Civil Action</u></p> <p>ORDER FIXING MUNICIPAL OBLIGATIONS FOR "PRESENT NEED" AND "PROSPECTIVE NEED" FOR THE FOURTH ROUND HOUSING CYCLE</p>
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THIS MATTER, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 24, 2025 ("DJ Complaint") by the Petitioner, Borough of River Edge ("Petitioner" or "Municipality"), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.l(f)(l)(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 Affordable Housing Dispute Resolution Program (the "Program"), seeking a certification of compliance with the FHA;

AND IT APPEARING, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs ("DCA") issued its report entitled *Affordable Housing Obligations for 2025-2035 (Fourth Round)*,¹ therein setting forth the present need and prospective need obligations of all New Jersey municipalities for the Fourth Round housing

cycle (the "DCA's Fourth Round Report");

AND IT APPEARING that, pursuant to the DCA's Fourth Round Report, the **present need** obligation of the Petitioner has been calculated and reported 33 affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as 159 affordable units, and which calculations have been deemed presumptively valid for purposes of the FHA;

AND THE COURT, having determined that no interested party has filed a challenge to the Petitioner's DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program;

AND THE COURT, having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA's Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:*

IT IS, THEREFORE, on this 13th day of **MAY, 2025 ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as **thirty three (33)** affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as **one hundred fifty nine (159)** affordable units for the Fourth Round Housing cycle; and
3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the present need and prospective need allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay.

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.

SO ORDERED:

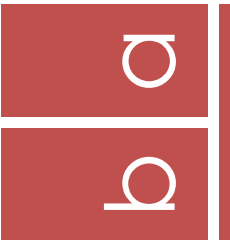


Hon. Lina P. Corrison, J.S.C.

(X) Uncontested.

*Pursuant to N.J.S.A. 52:27D-304.1, "[i]f the municipality meets th[e] January 31 [, 2025] deadline [for adoption of a binding resolution setting forth a determination of present and prospective fair share obligation for the fourth round], then the municipality's determination of its obligation shall be established by default and shall bear a presumption of validity beginning on March 1, 2025, as the municipality's obligation for the fourth round, unless challenged by an interested party on or before February 28, 2025." The municipality's determination of its present and prospective fair share obligation for the fourth round was adopted prior to January 31, 2025 in accordance with N.J.S.A. 52:27D-304.1, and no challenge was filed in response thereto. A presumption of validity thus attaches to the determination made by the municipality that is set forth in the resolution adopted by the municipality and which is incorporated within this order.

Fourth Round Vacant Land Analysis (VLA)



BURGIS
ASSOCIATES, INC.

COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LL.A, ASLA
David Novak PP, AICP

2025 HOUSING ELEMENT & FAIR SHARE PLAN

BOROUGH OF RIVER EDGE: VACANT LAND ASSESSMENT

VLA ID #		BLOCK	LOT	PROPERTY LOCATION	PROPERTY CLASS	LOT AREA	DEVELOPABLE?	DEVELOPABLE AREA	COMMENTS
1		1002	16.01	389 MERCER AVENUE	1	0.18	No	0.00	Too small to qualify for RDP.
2		1003	1	87 WAYNE AVE	15F	0.15	No	0.00	Too small to qualify for RDP.
3		1004	18	11 JUNE COURT	15F	0.23	No	0.00	Existing group home
4		1004	39	410 BOGERT RD	15A	5.48	No	0.00	Cherry Hill Elementary School
5		1004	38.031	BOGERT ROAD	15F	0.00	No	0.00	Church, daycare and house
6		1004	29	2 CHERRY MEWS	15F	0.17	No	0.00	Too small to qualify for RDP.
7		1004	38.04	BOGERT ROAD	15D	0.00	No	0.00	Too small to qualify for RDP.
8		1005	3	360 KINDERKAMACK RD.	1	0.44	No	0.00	Too small to qualify for RDP.
9		1005	4	330 KINDERKAMACK RD.	15C	0.12	No	0.00	Too small to qualify for RDP.
10		1005	5	320 KNINDERKAMACK RD	15C	0.40	No	0.00	Too small to qualify for RDP.
11		1006	1	HACKENSACK RIVER	15C	0.02	No	0.00	Too small to qualify for RDP.
12		103	1.02	935 FIFTH AVE.	15F	0.17	No	0.00	Too small to qualify for RDP.
13		103	1	925 FIFTH AVE	15D	1.54	No	0.00	Church
14		110	1	KENWOOD RD	15C	0.15	No	0.00	Too small to qualify for RDP.
15		1101	15.02	1A EASTBROOK DR.	15C	4.36	No	0.00	Entirely impacted by wetlands and floodplain
16		1103	3	65 EASTBROOK DR	15C	2.00	No	0.00	Almost entirely impacted by wetlands, floodplain and steep slopes.
17		1103	7	HOWLAND AVE	1	0.42	No	0.00	Too small to qualify for RDP.
18		1103	6	HOWLAND AVE	1	0.28	No	0.00	Too small to qualify for RDP.
19		1103	8	395 HOWLAND AV	15C	0.54	No	0.00	Too small to qualify for RDP.
20		1103	9	385 HOWLAND AVE	15D	2.15	No	0.00	Temple
21		1103	10.01	379 HOWLAND AV	15C	0.49	No	0.00	Too small to qualify for RDP.
22		1103	5	HOWLAND AVE	1	0.21	No	0.00	Too small to qualify for RDP.
23		111	1	SURREY LANE	15C	0.17	No	0.00	Too small to qualify for RDP.
24		112	1	WOODLAND AVE	15C	0.35	No	0.00	Too small to qualify for RDP.
25		113	4	230 WOODLAND AV	15A	9.99	No	0.00	River Dell Middle School
26		114	18	188 WOODLAND AVE	1	0.10	No	0.00	Too small to qualify for RDP.
27		114	2	895 BOGERT RD	15D	0.35	No	0.00	Too small to qualify for RDP.
28		1201	1	117 ONEIDA DRIVE	15C	0.48	No	0.00	Entirely impacted by open space, wetlands, steep slopes and floodplain
29		1205	17	VAN SAUN DR.	15C	0.63	No	0.00	Too small to qualify for RDP.
30		1206	10	232 VAN SAUN DR	15C	0.35	No	0.00	Too small to qualify for RDP.
31		1207	42	151 BOGERT RD	1	0.00	No	0.00	Too small to qualify for RDP.
32		1208	7	200 ZABRISKIE PL	15F	0.00	No	0.00	Too small to qualify for RDP.
33		1209	14	158 LOZIER TERR	15C	0.05	No	0.00	Too small to qualify for RDP.

VLAID #		BLOCK	LOT	PROPERTY LOCATION	PROPERTY CLASS	LOT AREA	DEVELOPABLE?	DEVELOPABLE AREA	COMMENTS
34	1302	17		140 KINDERKAMACK ROAD	15C	0.47	No	0.00	Too small to qualify for RDP.
35	1302	35		84 ELIZABETH ST	15F	0.25	No	0.00	Too small to qualify for RDP.
36	1302	15		152 KINDERKAMACK RD	15C	0.04	No	0.00	Too small to qualify for RDP.
37	1303	2		11 NEWBRIDGE RD	15C	1.11	No	0.00	Entirely impacted by steep slopes and floodplain
38	1303	1		7 NEWBRIDGE RD	15C	11.65	No	0.00	Entirely impacted by wetlands and floodplain
39	1304	2		1201 & 1205 MAIN STREET	15C	3.92	No	0.00	Bergen County Historical Site
40	1304	1		550 HACKENSACK AVENUE	15F	1.71	No	0.00	Bergen County Historical Society
41	1304	3		1209 MAIN STREET	15C	1.00	No	0.00	Bergen County Historical Society
42	1305	3		429 HACKENSACK AV	15C	0.04	No	0.00	Too small to qualify for RDP.
43	1305	2		489 HACKENSACK AV	15C	0.05	No	0.00	Too small to qualify for RDP.
44	1305	1		488 HACKENSACK AV	15C	0.58	No	0.00	Too small to qualify for RDP.
45	1305	4		460 HACKENSACK AV	15C	0.24	No	0.00	Too small to qualify for RDP.
46	1305	5		480 HACKENSACK AV	15C	0.10	No	0.00	Too small to qualify for RDP.
47	1306	1		1210 MAIN ST	15C	0.05	No	0.00	Too small to qualify for RDP.
48	1306	4.01		COMMERCE WAY	1	0.15	No	0.00	Too small to qualify for RDP.
49	1306	4.02		COMMERCE WAY	1	0.50	No	0.00	Too small to qualify for RDP.
50	1306	3		1190 MAIN ST	15C	0.52	No	0.00	Too small to qualify for RDP.
51	1306	2		1200 MAIN ST	15C	0.25	No	0.00	Too small to qualify for RDP.
52	1306	4.03		COMMERCE WAY	15D	1.85	No	0.00	Site developed with church and impacted by floodplains
53	1402	5.01		RT. 4	15C	0.03	No	0.00	Too small to qualify for RDP.
54	1405	7		ROUTE 4	15C	0.00	No	0.00	Too small to qualify for RDP.
55	1405	3		335 JOHNSON AVE	1	0.52	No	0.00	Too small to qualify for RDP.
56	1410	5		55 ACKERSON STREET	15C	0.30	No	0.00	Too small to qualify for RDP.
57	1411	1.02		GRAND AVE	15C	0.77	No	0.00	Too small to qualify for RDP.
58	1411	8			15C	0.00	No	0.00	Too small to qualify for RDP.
59	1412	1		124 GRAND AVE.	15C	1.53	No	0.00	Entirely impacted by wetlands and floodplain
60	1412	2		126 GRAND AVE	15C	0.33	No	0.00	Too small to qualify for RDP.
61	1412	3		134 GRAND AVE.	15C	0.39	No	0.00	Too small to qualify for RDP.
62	1413	1		2 ROUTE 4 WEST	1	0.00	No	0.00	Too small to qualify for RDP.
63	1414	1		KINDERKAMACK RD	15C	0.31	No	0.00	Too small to qualify for RDP.
64	1415	2		ROUTE 4	15C	0.07	No	0.00	Too small to qualify for RDP.
65	1416	1		ROUTE 4	15C	0.05	No	0.00	Too small to qualify for RDP.
66	1416	3		GRAND AVE	15C	0.16	No	0.00	Too small to qualify for RDP.
67	1417	2		281 JOHNSON AVE	1	0.28	No	0.00	Too small to qualify for RDP.
68	1417	2.01		277 JOHNSON AVE	1	0.00	No	0.00	Too small to qualify for RDP.
69	1418	2		278 JOHNSON AVE.	1	0.17	No	0.00	Too small to qualify for RDP.
70	1418	3		11 ROUTE 4,EAST	1	0.00	No	0.00	Too small to qualify for RDP.
71	1418	4		62 MADISON ST.	1	0.00	No	0.00	Too small to qualify for RDP.
72	1419	1		4-4A RTE 4 WEST	15C	0.00	No	0.00	Too small to qualify for RDP.
73	202	11		918 BOGERT RD	15F	0.22	No	0.00	Too small to qualify for RDP.

VLAID #	BLOCK	LOT	PROPERTY LOCATION	PROPERTY CLASS	LOT AREA	DEVELOPABLE?	DEVELOPABLE AREA	COMMENTS
74	207	10	GATES AVE	15C	0.26	No	0.00	Too small to qualify for RDP.
75	212	25.02	41 GROVE AV	15C	0.20	No	0.00	Too small to qualify for RDP.
76	212	25.01	836 KINDERKAMACK RD	15C	0.19	No	0.00	Too small to qualify for RDP.
77	212	19.01	46 LINCOLN AV	15C	0.11	No	0.00	Too small to qualify for RDP.
78	214	1	GATES AV	15C	7.60	No	0.00	DPW yard. Impacted by floodplain.
79	215	1	10 RIVER EDGE RD	15C	0.84	No	0.00	River Edge Train Station parking lot and impacted by steep slopes and floodplain
80	301	15	EIGHTH AV	1	0.00	No	0.00	Too small to qualify for RDP.
81	301	13	EIGHTH AV	1	0.00	No	0.00	Too small to qualify for RDP.
82	301	14	EIGHTH AV	1	0.00	No	0.00	Too small to qualify for RDP.
83	305	7.07	220-239 WEBB AV	15C	10.53	No	0.00	Memorial Park
84	305	36	206 CONTINENTAL AV	15C	0.07	No	0.00	Too small to qualify for RDP.
85	305	37	210 CONTINENTAL AVE	15F	0.22	No	0.00	Too small to qualify for RDP.
86	307	1	745 EIGHTH AV	1	0.21	No	0.00	Too small to qualify for RDP.
87	307	8	CONTINENTAL AVE	15C	0.13	No	0.00	Too small to qualify for RDP.
88	311	16.02	270 CONTINENTAL AV	15F	0.14	No	0.00	Too small to qualify for RDP.
89	3905	6		15C	0.00	No	0.00	Too small to qualify for RDP.
90	401	1	167 WALES AVE	15F	0.34	No	0.00	Too small to qualify for RDP.
91	404	8	RIVER EDGE RD	15C	0.25	No	0.00	Too small to qualify for RDP.
92	405	22.03	711 SUMMIT AV	15A	5.14	No	0.00	Roosevelt Elementary School
93	405	3	153 WEBB AVE	15F	0.17	No	0.00	Too small to qualify for RDP.
94	408	5	705 KINDERKAMACK RD	15C	1.03	No	0.00	Borough Hall and Police Department
95	408	4	109 CONTINENTAL AV	15D	1.68	No	0.00	Church
96	409	47	770 KINDERKAMACK RD	15F	0.16	No	0.00	Too small to qualify for RDP.
97	409	46	KINDERKAMACK ROAD	15F	0.17	No	0.00	Too small to qualify for RDP.
98	410	3	1 RIVER EDGE RD	15C	0.09	No	0.00	Too small to qualify for RDP.
99	412	3	ELM PLACE	1	0.00	No	0.00	Too small to qualify for RDP.
100	412	2	11 MAPLE PL	15C	0.28	No	0.00	Too small to qualify for RDP.
101	413	2	11-17 ELM PL	15C	0.41	No	0.00	Too small to qualify for RDP.
102	414	2	HACKENSACK RIVER	15C	3.10	No	0.00	Entirely impacted by wetlands and floodplain
103	414	1.02	EAST OF R R	15C	1.29	No	0.00	Impacted by wetlands, steep slopes and floodplain
104	4711	1	ALONG MILL BROOK	1	0.01	No	0.00	Too small to qualify for RDP.
105	501	1	CONTINENTAL AV	15C	0.03	No	0.00	Too small to qualify for RDP.
106	503	2	685 ELM AV	15C	3.55	No	0.00	Borough Library and Memorial Park
107	503	3	215 CONTINENTAL AVE	15C	0.34	No	0.00	Too small to qualify for RDP.
108	504	1.08	VAN SAUN PARK	15C	91.58	No	0.00	Bergen County Park
109	601	6	TENNEY AVENUE	15C	0.19	No	0.00	Too small to qualify for RDP.
110	604	6.02	601 OAK AVE	15C	0.04	No	0.00	Too small to qualify for RDP.
111	605	9	551 OAK AV	15C	0.23	No	0.00	Too small to qualify for RDP.
112	610	21	550 MONROE AV	15C	1.40	No	0.00	Greenway Park
113	611	1	530 OAK AV	15C	0.06	No	0.00	Too small to qualify for RDP.
114	612	5	113 TENNEY AVE	15C	0.19	No	0.00	Too small to qualify for RDP.

VLA ID #	BLOCK	LOT	PROPERTY LOCATION	PROPERTY CLASS	LOT AREA	DEVELOPABLE?	DEVELOPABLE AREA	COMMENTS
115	612	6	695 KINDERKAMACK RD	15C	0.31	No	0.00	Too small to qualify for RDP.
116	616	19.02	650 KINDERKAMACK RD	15C	0.50	No	0.00	Too small to qualify for RDP.
117	616	9	666 KINDERKAMACK RD	15F	6.93	No	0.00	Rosenbaum Yeshiva of North Jersey
118	616	10.02	2 MADISON AV	15C	0.07	No	0.00	Too small to qualify for RDP.
119	618	11	CENTER AVE.	15C	0.13	No	0.00	Too small to qualify for RDP.
120	620	4	HACKENSACK RIVER	15C	0.01	No	0.00	Too small to qualify for RDP.
121	620	3.01	HACKENSACK RIVER	1	0.18	No	0.00	Too small to qualify for RDP.
122	620	1	550 JOHN P. LYNCH WAY	15C	10.96	No	0.00	KBG Park. Open space impacted by floodplain.
123	620	2	1 JOHN P. LYNCH WAY	15C	2.66	No	0.00	Entirely impacted by wetlands and floodplain
124	620	3.02	RIVER FRONT	1	0.05	No	0.00	Too small to qualify for RDP.
125	701	19.01	415 FIFTH AVENUE	15D	4.88	No	0.00	St. Peter's Church and School
126	701	1	533 MONROE CT	15C	1.50	No	0.00	Impacted by steep slopes
127	703	13.01	198 GREENWAY TERRACE	15C	0.05	No	0.00	Too small to qualify for RDP.
128	703	16.01	575 ELM STREET	15C	0.01	No	0.00	Too small to qualify for RDP.
129	703	13.02	565 ELM AV	15C	0.06	No	0.00	Too small to qualify for RDP.
130	704	13	535 ELM AV	15C	0.10	No	0.00	Too small to qualify for RDP.
131	705	13.03	525 ELM AV	15C	0.17	No	0.00	Too small to qualify for RDP.
132	706	16.01	515 ELM AV	15C	0.10	No	0.00	Too small to qualify for RDP.
133	707	17	485 ELM AV	15C	0.09	No	0.00	Too small to qualify for RDP.
134	708	21	220 DORCHESTER ROAD	15F	0.16	No	0.00	Too small to qualify for RDP.
135	805	4	HACKENSACK RIVER	15C	0.75	No	0.00	Too small to qualify for RDP.
136	805	6	HACKENSACK RIVER	15C	0.15	No	0.00	Too small to qualify for RDP.
137	805	3	HACKENSACK RIVER	15C	4.30	No	0.00	Entirely impacted by wetlands and floodplain
139	805	2	HACKENSACK RIVER	1	0.18	No	0.00	Too small to qualify for RDP.
140	805	1.02	HACKENSACK RIVER	15C	0.02	No	0.00	Too small to qualify for RDP.
141	805	5	HACKENSACK RIVER	1	0.17	No	0.00	Too small to qualify for RDP.
142	806	9	465 OAK AV	15C	0.17	No	0.00	Too small to qualify for RDP.
143	807	25	466 OAK AV	15C	0.10	No	0.00	Too small to qualify for RDP.
144	811	15	184 MANCHESTER RD	15F	0.14	No	0.00	Too small to qualify for RDP.
145	813	2.02	150 WAYNE AV	15C	0.33	No	0.00	Too small to qualify for RDP.
146	902	5	255 MANCHESTER RD	15F	0.15	No	0.00	Too small to qualify for RDP.
147	905	19	328 VALLEY RD	15F	0.00	No	0.00	Too small to qualify for RDP.
148	907	19	238 BEECH DR S	15F	0.00	No	0.00	Too small to qualify for RDP.
149	909	2	234 HOWLAND AV	15C	0.62	No	0.00	Too small to qualify for RDP.

Land Categorization	
Total Vacant, Public, or Potentially Developable Land (ac.)	229.79 ac
Total Developable Area Qualifying for RDP Analysis	0 ac
Total RDP	0 units



BURGIS

ASSOCIATES, INC.

COMMUNITY PLANNING

LAND DEVELOPMENT AND DESIGN

LANDSCAPE ARCHITECTURE

25 Westwood Avenue

Westwood, New Jersey 07675

p. 201.666.1811

f. 201.666.2599

Project Title:

2025

Housing Element

& Fair Share Plan

BOROUGH OF RIVER EDGE

BERGEN COUNTY, NEW JERSEY



Legend

Municipal Boundary

Surrounding Municipalities

Stream

Stream Buffer

Wetland

Wetland Buffer

Sleep Slope

100yr Floodplain

100yr Floodplain +3 feet

OpenSpace

RiverEdgeVLP

Parcels

Rev	Description	Date	Drawn	Check

Dwg. Title

Vacant Land Analysis

Graphic Scale

0230460920

Feet

JOSEPH H. BURGIS AICP

PROFESSIONAL PLANNER

NEW JERSEY LIC. NO. 2450

Project No.

3134xx

Sheet No.

1 of 1

Date

06/09/25

Drawn

TB

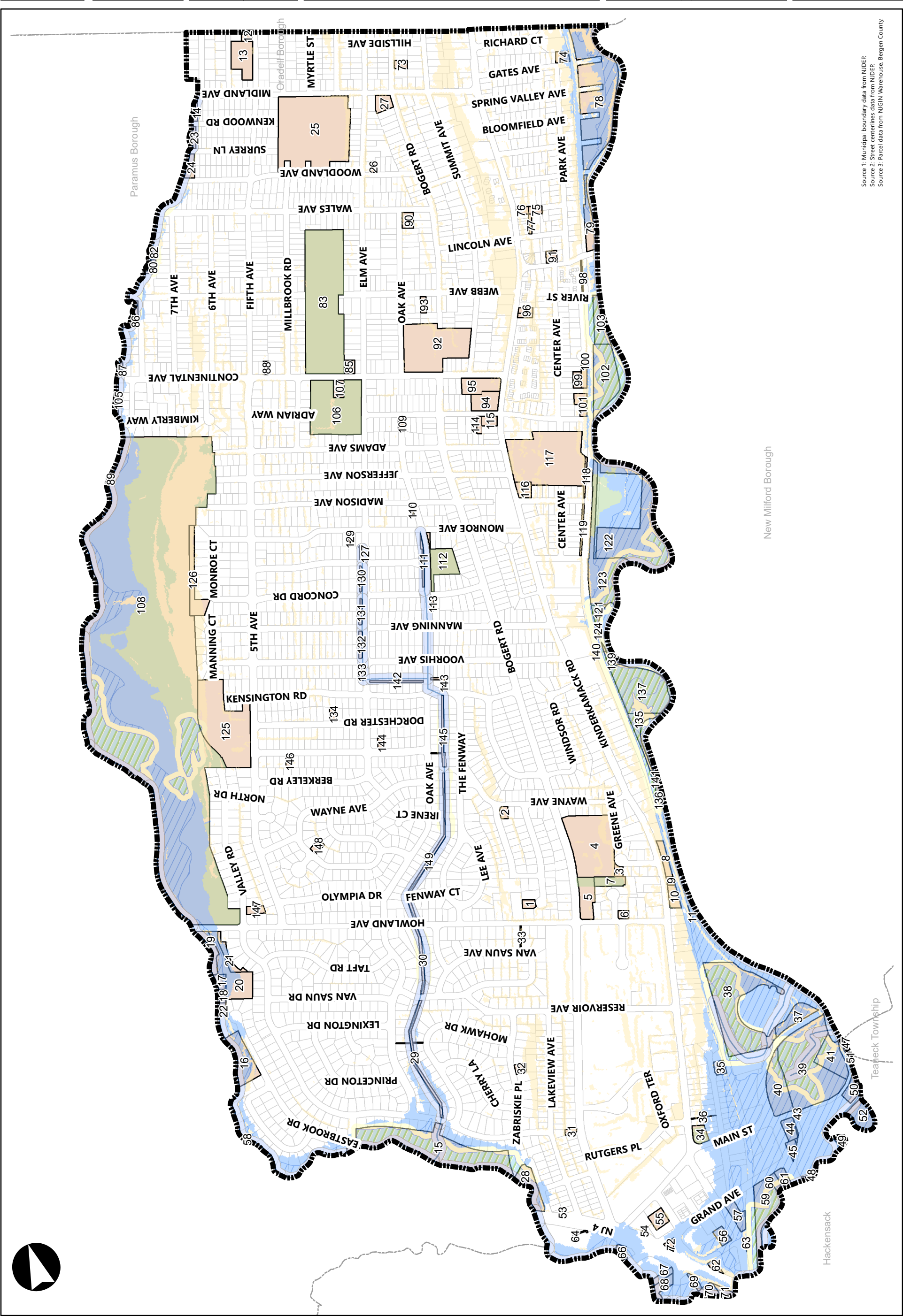
Scale

1" = 833'

Dwg. No.

Via

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Source 1: Municipal boundary data from NJDEP.
Source 2: Street centerlines data from NJDEP.
Source 3: Parcel data from NUGIN Warehouse, Bergen County.

2019 Settlement Agreement with Fair Share Housing Center



Peter J. O'Connor, Esq.
Kevin D. Walsh, Esq.
Adam M. Gordon, Esq.
Laura Smith-Denker, Esq.
David T. Rammier, Esq.
Joshua D. Bauers, Esq.

June 24, 2019

Anthony R. Suarez, Esq.
Werner Suarez & Moran, LLC
One University Plaza, Suite 117
Hackensack, NJ 07601

**Re: In the Matter of the Borough of River Edge, County of Bergen, Docket
No. BER-L-6292-15**

Dear Mr. Suarez:

This letter memorializes the terms of an agreement reached between the Borough of River Edge (the Borough or "River Edge"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

Background

The Borough filed the above-captioned matter on July 9, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, in accordance with In re N.J.A.C. 5:96 and 5:97, *supra*. Through the declaratory judgment process, the Borough and FSHC have agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

Settlement terms

The Borough and FSHC hereby agree to the following terms:

1. FSHC agrees that the Borough, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round Present and Prospective Need instead of doing so through plenary adjudication of the Third Round Present and Prospective Need.
3. FSHC and River Edge hereby agree that River Edge's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report ¹)	32
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	73
Third Round (1999-2025) Obligation (per Kinsey Report, as adjusted through this Agreement)	197

4. For purposes of this Agreement, the Third Round Obligation shall be deemed to include the Gap Period present need for new construction to address the affordable housing needs of households formed from 1999-2015, a need that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), and the Prospective Need, which is a measure of the affordable housing need anticipated to be generated between July 1, 2015 and June 30, 2025.
5. FSHC and the Borough agree that River Edge does not accept the basis of the methodology or calculations proffered by FSHC's consultant, David N. Kinsey, PhD, P.P., F.A.I.C.P. The Parties agree to the terms in this agreement solely for purposes of settlement of this action. Although the Borough does not accept the basis of the methodology or calculations proffered by FSHC's consultant, FSHC contends and is free to take the position before the Court that the 197 unit Third Round Obligation should be accepted by the Court because it is based on the Prior Round methodology and reflects a reduction of Dr. Kinsey's calculation of the Borough's Third Round Obligation.
6. The Borough's efforts to meet its present need include the following: The Borough may conduct a structural conditions survey in accordance with the applicable rules and processes of the Council on Affordable Housing. This survey shall be submitted for review to the Special Master and FSHC at least 60 days prior to the compliance hearing in this matter. In the event the survey demonstrates that there is not a Rehabilitation obligation or there is a reduced obligation, and if that conclusion is accepted by the Special Master and FSHC, the Borough shall have no obligation to administer a rehabilitation program or shall only have to fulfill the reduced rehabilitation obligation in accordance with the survey results. In the event that there is a rehabilitation obligation demonstrated by the survey or that the municipality does not conduct a survey and therefore accepts the 32-unit obligation, the municipality plans to meet this obligation through participation in the Bergen County Housing Rehabilitation Program and through a supplemental municipally operated rehabilitation program that shall be available to rental units. Said municipal program shall meet the requirements in N.J.A.C. 5:93-5.2.
7. As noted above, the Borough has a Prior Round (new construction) Obligation of 73 units which is met and satisfied through the following compliance mechanisms:

Mechanism	Number of Units	Bonus Credits	Total Credits
Senior Residence at St. Peter the Apostle Church	18 (of 23 total)		18
New Concepts for Living	5		5
Community Options	3		3

¹ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, April 2017.

EHAB Human Services	4		4
New Bridge Landing Station (Redevelopment Area)	19	19	38
Kinderkamack Road (Redevelopment Area)	5		5
Total	54	19	73

8. To address the Third Round (new construction) obligation of 197 units, the Borough is entitled to a vacant land adjustment. The Borough, as calculated in its vacant land analysis attached hereto as Exhibit "A", the Borough has a realistic development potential (RDP) of 0 units. The RDP of 0, subtracted from the Third Round Obligation of 197 units, results in an Unmet Need of 197 units, which shall be addressed through the following mechanisms, as more fully described in Exhibit B to this Agreement:
 - a) New Bridge Landing Apartments (Now Atkins) – 7 units
 - b) Senior Residence at St. Peter the Apostle Church – 5 units
 - c) Multifamily and Senior Conditional Use District (Section 416-36.1 of Borough Code) Block 1005 Lots 6.01 through 12 and Block 1302 Lots 1 and 2. Permitting up to 37.5 du/a and requiring a 15% set-aside if the units are rental and 20% set-aside if the units are for-sale.
 - d) Overlay zoning on Block 1303 Lots 3, 4, and 5 – The Borough agrees to adopt overlay zoning on this approximately 3.3 acre +/- site permitting up to 20 du/a and requiring a 20% set-aside.
 - e) Mandatory Set-aside Ordinance - The Borough shall adopt an ordinance requiring a mandatory affordable housing set aside for all new multifamily residential developments of five (5) units or more. The set aside for rental developments shall be fifteen percent (15%) and the set aside for for-sale developments shall be twenty percent (20%). The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. The form of the Ordinance shall be finalized prior to final judgment being issued in this matter through collaboration between FSHC, the Special Master, and representatives of the Borough.
9. The Borough intends to provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning on the following sites:
 - a. New Bridge Landing Station Redevelopment Area (Block 1411 Lots 1.01 and 1.02; Block 1412 Lots 1, 2, and 3) – the Borough previously adopted a Redevelopment Plan dated June 8, 2007 for these parcels. For a variety of reasons redevelopment of these sites never occurred. The Borough is proposing to amend the Redevelopment Plan with new standards. The Borough agrees to adopt an Amended Redevelopment Plan for this site which permits residential uses of at least 25 du/a and requiring a 20% set-aside prior to the final compliance hearing in this matter.
 - b. Kinderkamack Road Redevelopment Area (Block 1413 Lots 1, 2.01, 4, and 5) – the Borough previously adopted a Redevelopment Plan dated April 27, 2010 for these parcels. For a variety of reasons redevelopment of these sites did not occur. The Borough is proposing to amend the Redevelopment Plan with new standards.

The Borough agrees to adopt an Amended Redevelopment Plan for this site which permits residential uses of at least 20 du/a and requiring a 20% set-aside prior to the final compliance hearing in this matter.

10. The Borough agrees to require 13% of all units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements as follows:

Development/Compliance Mechanism	Number of Very Low Income Units
Community Options	3
EHAB Human Services	4
New Bridge Landing Station (Redevelopment Area)	3
Kinderkamack Road (Redevelopment Area)	1
New Bridge Landing Apartments (Now Atkins)	1
Overlay Zone Block 1303 Lots 3, 4 & 5	2
Total:	14

The municipality will also require 13% of any affordable units developed through the mandatory set aside ordinance to be very low income units.

11. The Borough shall meet its Third Round RDP and unmet need in accordance with the following standards as agreed to by the Parties and reflected in paragraph 7 above:
- Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
 - At least 50 percent of the units addressing the Third Round RDP and unmet need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
 - At least twenty-five percent of the Third Round RDP and unmet need shall be met through rental units, including at least half in rental units available to families.
 - At least half of the units addressing the Third Round RDP and unmet need in total must be available to families.
 - The Borough agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.

12. The Borough shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Bergen County Urban League, Bergen County Housing Coalition, and Supportive

Housing Association, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide direct notice to those organizations of all available affordable housing units, along with copies of application forms. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.

13. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, *et seq.*, or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in rental projects shall be required to be at 30 percent of median income, and in conformance with all other applicable law. The Borough, as part of its HEFSP, shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:
 - a. Regional income limits shall be established for the Housing Region in which the Borough is located (in this case, Housing Region 1) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated number of households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total number of households from the most recent decennial Census in the Borough's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
 - b. The income limits attached hereto as Exhibit C are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2018, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
 - c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior

year. In no event shall the Regional Asset Limit be less than that for the previous year.

14. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
15. As an essential term of this Agreement, within one hundred twenty (120) days of the Court's approval of this Agreement, the Borough shall introduce an ordinance or ordinances providing for the amendment of the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and shall adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.
16. The parties agree that if a decision of a court of competent jurisdiction in COAH's Region 1 (Bergen, Hudson, Sussex, Passaic Counties), or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Borough for the period 1999-2025 that would be lower by more than ten (10%) percent than the total prospective Third Round Obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Borough may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Borough shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; maintaining all mechanisms set forth herein to address unmet need; and otherwise fulfilling fully the fair share obligations as established in this Agreement. The reduction of the Borough's Third Round Obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Borough prevails in reducing its Third Round Obligation, the Borough may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.
17. The Borough shall prepare a Spending Plan within the period referenced above, subject to review by FSHC and the approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute a "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment in this matter that includes approval of the Spending Plan in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the Court's approval of the Spending Plan, and on every anniversary of that date thereafter through July 1, 2025, the Borough agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

18. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC. Said forms shall be provided to the Borough prior to the compliance hearing.
19. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the period of protection provided in this Agreement. The Borough agrees to comply with those provisions as follows:
 - a. For the midpoint realistic opportunity review, due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
 - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
20. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
21. Prior to becoming effective, this Settlement Agreement must be approved by the Court following or in conjunction with a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Borough shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.

22. The Borough agrees to pay FSHC's attorneys fees and costs in the amount of \$4,900 within ten (10) days of the Court's approval of this Agreement pursuant to a duly-noticed fairness hearing.
23. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
24. This Settlement Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Bergen County.
25. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
26. This Agreement shall be governed by and construed by the laws of the State of New Jersey. Venue for any action regarding this Agreement shall be Bergen County.
27. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
28. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
29. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
30. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
31. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.

32. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
33. No member, official or employee of the Borough shall have any direct or indirect interest in this Settlement Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
34. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
35. All Notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight carrier or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) Notices shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be effected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

TO FSHC:

Kevin D. Walsh, Esquire
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: kevinwalsh@fairsharehousing.org

TO THE BOROUGH:

Borough Hall
705 Kinderkamack Road
River Edge, New Jersey 07661
Phone: (201)599-6300
Telecopier:
Email: _____

and

**WITH A COPY TO THE
MUNICIPAL CLERK:**

Stephanie Evans, Borough Clerk
Borough of River Edge
705 Kinderkamack Road
River Edge, New Jersey 07660
Phone: (201)599-6303
Telecopier:
Email: sevans@riveredgenj.org

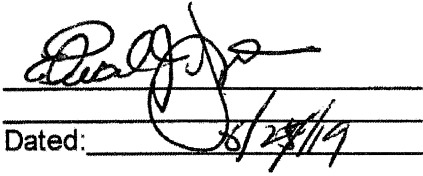
Please sign below if these terms are acceptable.

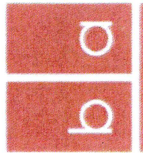
Sincerely,



Adam M. Gordon, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Borough of River Edge, with the authorization
of the governing body:


Dated: 6/28/19



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PHILIP WALSH
Joseph H. Burgis PE, ACP
Edward Smetkova II PE, LLA, ASLA

BOROUGH OF RIVER EDGE: VACANT LAND ASSESSMENT PUBLIC PROPERTY (PROPERTY CLASSIFICATION 15C)

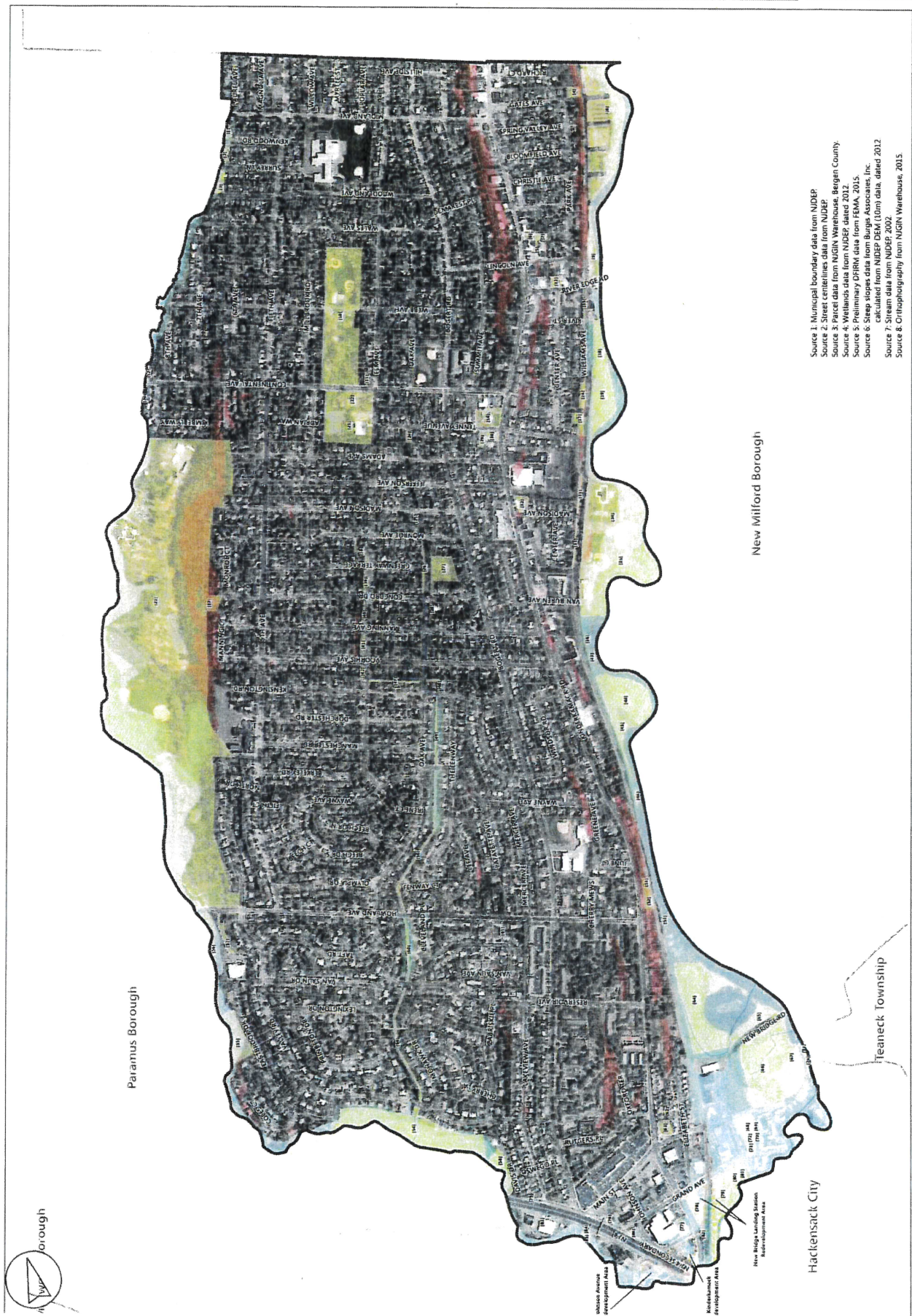
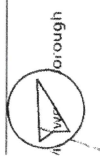
ID	Block	Lot	Owner Name	Property Location	Comments	Developable	Area (ac)	Developable Area
1	110	1	BOROUGH OF RIVER EDGE	KENWOOD RD	Lot too small to qualify for RDP analysis. Shape renders the lot undevelopable. Part of stream corridor.	No	0.11	0
2	111	1	BOROUGH OF RIVER EDGE	SURREY LANE	Lot too small to qualify for RDP analysis. Entirety of constrained by wetlands associated with adjacent stream.	No	0.17	0
3	112	1	BORO OF RIVER EDGE	WOODLAND AVE	Lot too small to qualify for RDP analysis. Nearly Entirety of site constrained by wetlands associated with adjacent stream.	No	0.38	0
4	207	10	BOROUGH OF RIVER EDGE	GATES AVE	Lot too small to qualify for RDP analysis. Included on Vacant Land Analysis. Impacted by steep slopes. Lacks frontage on developed road.	No	0.28	0
5	212	1901	BOROUGH OF RIVER EDGE	46 LINCOLN AV	Lot too small to qualify for RDP analysis.	No	0.11	0
6	212	2501	BOROUGH OF RIVER EDGE	836 KINDERKAMACK RD	Lot too small to qualify for RDP analysis. Public parking for adjacent commercial properties on Kinderkamack Road	No	0.18	0
7	212	2502	BOROUGH OF RIVER EDGE	41 GROVE AV	Lot too small to qualify for RDP analysis. Public parking for adjacent commercial properties on Kinderkamack Road	No	0.20	0
8	214	1	BOROUGH OF RIVER EDGE	GATES AV	Lot too small to qualify for RDP analysis. Borough's DPW yard. Impacted by floodplain and wetlands associated with Hackensack River.	No	7.61	0
9	215	1	BOROUGH OF RIVER EDGE	10 RIVER EDGE RD	Lot does not qualify for RDP analysis. Developed with surface parking for River Edge Train Station.	No	0.94	0
10	305	7.07	BOROUGH OF RIVER EDGE	220-239 WEBB AV	Lot does not qualify for RDP analysis. Open space/Memorial Park.	No	10.54	0
11	305	36	RIVER EDGE VOL AMBULANCE SERV. INC.	206 CONTINENTAL AV	Lot does not qualify for RDP analysis. Owned by Borough Ambulance Corps.	No	0.07	0
12	307	8	COUNTY OF BERGEN	CONTINENTAL AVE	Lot too small to qualify for RDP analysis. Owned by Bergen County	No	0.08	0
13	404	8	BOROUGH OF RIVER EDGE	RIVER EDGE RD	Lot too small to qualify for RDP analysis. Developed with surface parking for River Edge Train Station.	No	0.26	0
14	408	5	BOROUGH OF RIVER EDGE	705 KINDERKAMACK RD	Lot does not qualify for RDP analysis. Developed with Borough Hall.	No	1.00	0
15	410	3	BOROUGH OF RIVER EDGE	1 RIVER EDGE RD	Lot too small to qualify for RDP analysis	No	0.08	0
16	412	2	BOROUGH OF RIVER EDGE	11 MAPLE PL	Lot too small to qualify for RDP analysis. Undeveloped paper street.	No	0.30	0
17	413	2	BOROUGH OF RIVER EDGE	11-17 ELM PL	Lot too small to qualify for RDP analysis. Undeveloped paper street.	No	0.45	0
18	414	1.02	N.J. TRANSIT - DEPT. TRANSPORTATION	EAST OF R R	Lot does not qualify for RDP analysis. Owned by NJDOT. Nearly Entirety of site constrained by floodplain and wetlands.	No	1.03	0
19	414	2	BOROUGH OF RIVER EDGE	HACKENSACK RIVER	Lot does not qualify for RDP analysis. Nearly entirety of site constrained by floodplain and wetlands.	No	2.77	0
20	501	1	COUNTY OF BERGEN	CONTINENTAL AV	Lot too small to qualify for RDP analysis. Owned by Bergen County	No	0.05	0
21	503	2	BOROUGH OF RIVER EDGE	685 ELM AV	Lot does not qualify for RDP analysis. Developed with Borough Library and future community center & open space/park.	No	4.99	0
22	503	3	BOROUGH OF RIVER EDGE	215 CONTINENTAL AVE	Lot too small to qualify for RDP analysis. Developed with community building and surface parking.	No	0.38	0
23	504	1.08	COUNTY OF BERGEN	VAN SAUN PARK	Lot does not qualify for RDP analysis. Owned Bergen County. Van Saun County Park.	No	84.66	0
24	601	6	BOROUGH OF RIVER EDGE	TENNEY AVENUE	Lot too small to qualify for RDP analysis. Undeveloped paper street.	No	0.17	0
25	604	6.02	BOROUGH OF RIVER EDGE	601 OAK AVE	Lot too small to qualify for RDP analysis.	No	0.04	0
26	605	9	BOROUGH OF RIVER EDGE	551 OAK AV	Lot too small to qualify for RDP analysis.	No	0.19	0
27	610	21	BOROUGH OF RIVER EDGE	550 MONROE AV	Lot does not qualify for RDP analysis. Open space/Greenway Park.	No	1.36	0
28	611	1	BOROUGH OF RIVER EDGE	530 OAK AV	Lot too small to qualify for RDP analysis.	No	0.06	0
29	612	5	BOROUGH OF RIVER EDGE	113 TENNEY AVE	Lot too small to qualify for RDP analysis. Borough Hall and Fire Department parking.	No	0.18	0

EXH. A

ID	Block	Lot	Owner Name	Property Location	Comments	Developable	Area (ac)	Developable Area
30	612	6	BOROUGH OF RIVER EDGE	695 KINDERKAMACK RD	Lot too small to qualify for RDP analysis. Borough Fire House	No	0.30	0
31	616	1002	BOROUGH OF RIVER EDGE	2 MADISON AV	Lot too small to qualify for RDP analysis	No	0.15	0
32	616	1902	UNITED STATES POSTAL SERVICE	650 KINDERKAMACK RD	Lot does not qualify for RDP analysis. Owned by and developed with U.S. Post Office.	No	0.46	0
33	618	11	BOROUGH OF RIVER EDGE	CENTER AVE.	Lot too small to qualify for RDP analysis.	No	0.18	0
34	620	1103	RIVER EDGE SWIM CLUB, LESSEE	600 RIVERSIDE WAY	Lot does not qualify for RDP analysis. Developed with Borough swim club.	No	4.56	0
35	620	2	BOROUGH OF RIVER EDGE	1 RIVERSIDE WAY	Lot does not qualify for RDP analysis. DPW facilities and KBC Field	No	11.84	0
36	620	4	BOROUGH OF RIVER EDGE	HACKENSACK RIVER	Lot too small to qualify for RDP analysis	No	0.03	0
37	701	1	BOROUGH OF RIVER EDGE	533 MONROE CT	Lot does not qualify for RDP analysis. Nearly entirety of site constrained by steep slopes. Limited public ROW frontage. Adjacent to Van Saun Park woods.	No	1.38	0
38	703	1302	BOROUGH OF RIVER EDGE	565 ELM AV	Lot too small to qualify for RDP analysis	No	0.17	0
39	704	13	BOROUGH OF RIVER EDGE	535 ELM AV	Lot too small to qualify for RDP analysis.	No	0.11	0
40	705	1303	BOROUGH OF RIVER EDGE	525 ELM AV	Lot too small to qualify for RDP analysis	No	0.14	0
41	706	1601	BOROUGH OF RIVER EDGE	515 ELM AV	Lot too small to qualify for RDP analysis	No	0.19	0
42	707	17	BOROUGH OF RIVER EDGE	485 ELM AV	Lot too small to qualify for RDP analysis	No	0.11	0
43	805	1.02	BOROUGH OF RIVER EDGE	HACKENSACK RIVER	Lot too small to qualify for RDP analysis.	No	0.03	0
44	805	3	BOROUGH OF RIVER EDGE	HACKENSACK RIVER	Lot does not qualify for RDP analysis. Entirety of site is constrained by floodplain and wetlands associated with the Hackensack River.	No	4.20	0
45	805	4	BOROUGH OF RIVER EDGE	HACKENSACK RIVER	Lot does not qualify for RDP analysis. Entirety of site is constrained by floodplain and wetlands associated with the Hackensack River.	No	0.79	0
46	805	6	BOROUGH OF RIVER EDGE	HACKENSACK RIVER	Lot too small to qualify for RDP analysis.	No	0.11	0
47	806	9	BOROUGH OF RIVER EDGE	465 OAK AV	Lot too small to qualify for RDP analysis.	No	0.19	0
48	807	25	BOROUGH OF RIVER EDGE	466 OAK AV	Lot too small to qualify for RDP analysis	No	0.11	0
49	813	2.02	BOROUGH OF RIVER EDGE	150 WAYNE AV	Lot too small to qualify for RDP analysis. Stream corridor. Nearly entirety of site constrained by wetlands.	No	0.36	0
50	909	2	BOROUGH OF RIVER EDGE	234 HOWLAND AV	Lot does not qualify for RDP analysis. Irregular lot shape follows stream corridor. Constrained by wetlands.	No	0.79	0
51	1005	4	THE BOROUGH OF RIVER EDGE	330 KINDERKAMACK RD.	Lot too small to qualify for RDP analysis. Shallow lot depth adjacent to railroad. Environmental constraints: steep slopes.	No	0.12	0
52	1005	5	BOROUGH OF RIVER EDGE	320 KNINDERKAMACK RD	Lot too small to qualify for RDP analysis. Shallow lot depth adjacent to railroad. Environmental constraints: steep slopes.	No	0.43	0
53	1006	1	COUNTY OF BERGEN	HACKENSACK RIVER	Lot too small to qualify for RDP analysis. Owned by Bergen County. Located in riparian zone of Hackensack River.	No	0.03	0
54	1101	15.02	BOROUGH OF RIVER EDGE	1A EASTBROOK DR.	Lot does not qualify for RDP analysis. Nearly entirety of site constrained by floodplain and wetlands associated with stream that traverses the lot.	No	6.99	0
55	1103	3	BOROUGH OF RIVER EDGE	65 EASTBROOK DR	Lot does not qualify for RDP analysis. Majority of site impacted by environmental constraints associated with adjacent stream, including floodplain, wetlands and steep slopes. Approximately 56995.7 square feet are constrained.	No	1.70	16850
56	1103	8	BOROUGH OF RIVER EDGE	395 HOWLAND AV	Lot too small to qualify for RDP analysis. Entirety of site constrained by floodplain and wetlands associated with adjacent stream.	No	0.54	0
57	1103	1001	BOROUGH OF RIVER EDGE	379 HOWLAND AV	Lot too small to qualify for RDP analysis. Lot shape and access not suitable for development.	No	0.48	21076
58	1201	1	N.J. TRANSIT-DEPT TRANSPORTATION	117 ONEIDA DRIVE	Lot does not qualify for RDP analysis. Owned by NJ Transit. Nearly entirety of site constrained by floodplain and wetlands associated with adjacent stream.	No	0.95	0
59	1205	17	BOROUGH OF RIVER EDGE	VAN SAUN DR	Lot too small to qualify for RDP analysis. Not developable due to irregular shape and lack of frontage.	No	0.68	0
60	1206	10	BOROUGH OF RIVER EDGE	232 VAN SAUN DR	Lot too small to qualify for RDP analysis. Stream corridor. Entirety of site constrained by wetlands.	No	0.35	0
61	1209	14	BOROUGH OF RIVER EDGE	158 LOZIER TERR	Lot too small to qualify for RDP analysis	No	0.05	0
62	1302	15	BOROUGH OF RIVER EDGE	152 KINDERKAMACK RD	Lot too small to qualify for RDP analysis.	No	0.07	0
63	1302	17	BOROUGH OF RIVER EDGE	140 KINDERKAMACK ROAD	Lot too small to qualify for RDP analysis. Open space/park.	No	0.42	0
64	1303	1	COUNTY OF BERGEN	7 NEWBRIDGE RD	Lot does not qualify for RDP analysis. Bergen County owned open space. Wetlands and riparian zone of Hackensack River.	No	6.69	0
65	1303	2	COUNTY OF BERGEN	11 NEWBRIDGE RD	Lot does not qualify for RDP analysis. Bergen County owned open space. Nearly entirety of site constrained by floodplain associated with Hackensack River.	No	0.99	0

ID	Block	Lot	Owner Name	Property Location	Comments	Developable	Area (ac)	Developable Area
66	1304	2	BERGEN CITY HISTORICAL SOCIETY INC.	1201 & 1205 MAIN STREET	Lot does not qualify for RDP analysis. Owned by Bergen County Historical Society. New Bridge Landing Historical Site	No	7.08	0
67	1304	3	STATE OF NJ CORP	1209 MAIN STREET	Lot does not qualify for RDP analysis. Van Steuben House historical site. Entirety of site constrained by floodplain and wetlands.	No	1.55	0
68	1305	1	STATE OF NEW JERSEY, EPA	488 HACKENSACK AV	Lot too small to qualify for RDP analysis. Owned by Bergen County. Entirety of site constrained by floodplain.	No	0.67	0
69	1305	2	COUNTY OF BERGEN	489 HACKENSACK AV	Lot too small to qualify for RDP analysis. Owned by Bergen County. Entirety of site constrained by floodplain.	No	0.03	0
70	1305	3	COUNTY OF BERGEN	429 HACKENSACK AV	Lot too small to qualify for RDP analysis. Owned by Bergen County. Part of New Bridge Road jug handle right-of-way	No	0.02	0
71	1305	4	COUNTY OF BERGEN	460 HACKENSACK AV	Lot too small to qualify for RDP analysis. Owned by Bergen County. Entirety of site constrained by floodplain.	No	0.14	0
72	1305	5	STATE OF NJ, DEPT OF ENVIR PROT	480 HACKENSACK AV	Lot too small to qualify for RDP analysis. Owned by NJDEP	No	0.12	0
73	1306	1	NJ DEPT OF ENVIRONMENTAL PROT	1210 MAIN ST	Lot too small to qualify for RDP analysis. Owned by NJDEP. Located in Hackensack River corridor.	No	0.05	0
74	1306	2	BOROUGH OF RIVER EDGE	1200 MAIN ST	Lot too small to qualify for RDP analysis. Located in Hackensack River riparian zone. Site is entirely constrained by floodplain.	No	0.21	0
75	1402	5.01	NJ DEPT OF TRANSPORTATION	RT 4	Lot too small to qualify for RDP analysis. Owned by NJDOT	No	0.01	0
76	1405	7	STATE OF NEW JERSEY	ROUTE 4	Lot too small to qualify for RDP analysis. Owned by State of New Jersey	No	0.02	0
77	1410	5	BOROUGH OF RIVER EDGE	55 ACKERSON STREET	Lot too small to qualify for RDP analysis. Developed with Borough Fire House. Constrained with floodplain.	No	0.37	0
78	1411	1.02	BOROUGH OF RIVER EDGE	GRAND AVE	Redevelopment Area with affordable housing requirement. Included in New Bridge Landing Station	No	0.63	0
79	1412	1	NJ TRANSIT CORP OF NJ	124 GRAND AVE.	Lot does not qualify for RDP analysis. Owned by NJ Transit. Surface parking for New Bridge Landing Station. Entirety of site constrained by floodplain and wetlands. In New Bridge Landing Station Redevelopment Area.	No	2.24	0
80	1412	2	NJ TRANSIT CORP	126 GRAND AVE	Lot too small to qualify for RDP analysis. Owned by NJ Transit. Surface parking for New Bridge Landing Station. Entirety of site constrained by floodplain and wetlands. In New Bridge Landing Station Redevelopment Area.	No	0.30	0
81	1412	3	BOROUGH OF RIVER EDGE	134 GRAND AVE	Lot too small to qualify for RDP analysis. Developed with surface parking for New Bridge Landing Station. Included in New Bridge Landing Station Redevelopment Area with affordable housing requirement.	No	0.40	0
82	1414	1	NJ TRANSIT - DEPT. TRANSPORTATION	KINDERKAMACK RD	Lot too small to qualify for RDP analysis. Owned by NJ Transit and part of New Bridge Landing Station parking area	No	0.05	0
83	1415	2	BOROUGH OF RIVER EDGE	ROUTE 4	Lot too small to qualify for RDP analysis. Developed with retail	No	0.06	0
84	1416	1	STATE OF NEW JERSEY	ROUTE 4	Lot too small to qualify for RDP analysis. Nearly entirety of site constrained by floodplain.	No	0.06	0
85	1416	3	BOROUGH OF MAYWOOD	GRAND AVE	Lot too small to qualify for RDP analysis. Owned by Borough of Maywood. Site is entirely constrained by floodplain.	No	0.07	0
86	1419	1	NJ TRANSIT - DEPT. TRANSPORTATION	4-4A RTE 4 WEST	Lot too small to qualify for RDP analysis. Open Space/Park	No	0.14	0
620		1	BOROUGH OF RIVER EDGE	550 RIVERSIDE WAY	Lot does not qualify for RDP analysis. Encompasses Block 620 Lots 1.03, 2 and 4. Developed with Borough swim club and K&G Park. Not Mapped.	No	10.96	0
703		1301	BOROUGH OF RIVER EDGE	198 GREENWAY TERRACE	Lot too small to qualify for RDP analysis. Not Mapped	No	0.04	0
703		1601	BOROUGH OF RIVER EDGE	575 ELM STREET	Lot too small to qualify for RDP analysis. Not Mapped.	No	0.0	0

Land Categorization		Acres
Total Public-Owned Land (Prop. Class 15C)		179.58 ac
Total Qualifying Public Land of Lots Minimally .83 Acres		0.0 ac
Realistic Development Potential (RDP)		0 units



BURGIS ASSOCIATES, INC.
COMMUNITY PLANNING
LANDSCAPE ARCHITECTURE
1000 Main Street, Suite 200
New Milford, CT 06455
P: 203.444.1111
F: 203.444.1112
E: info@burgis.com

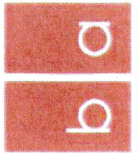
Housing Element & Fair Share Plan
BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

Legend
Borough Boundary
Municipal Boundaries
Public
Public Property
Recreation Area
Streams
Veranda
50' Wetlands Buffer
100' Year Flood Plain
Slope Slopes
-10%
+10%
Graphic Scale
0 200 400 600 Feet
Map Date
Map Title
Map Author
Map Reviewer
Map Date
Map Scale

Public Property w/ Environmental Constraints
Map Date
Map Title
Map Author
Map Reviewer
Map Date
Map Scale

PROJECT: BURGIS ACP
PROFESSIONAL: PAMMIR
NEW JERSEY: NJ 2450
Project No.: 111111
Sheet No.: 1 of 1
Date: 02/11/18
Scale: 1" = 400'
Drawn By: J. A. 2450
Check By: J. A. 2450
VLA: P
01/11/18 11:11 AM 100% 100% 100% 100%

Source 1: Municipal boundary data from NJDEP
Source 2: Street centerlines data from NJDEP
Source 3: Parcel data from NJGN Warehouse, Bergen County
Source 4: Wetlands data from NJDEP, dated 2012
Source 5: Preliminary DFRM data from FEMA, 2015.
Source 6: Slope slopes data from Burgis Associates, Inc.
calculated from NJDEP DEM (10m) data, dated 2012
Source 7: Stream data from NJDEP 2002
Source 8: Orthophotography from NJGN Warehouse, 2015.



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

Pratt & Pals
Joseph H. Burgis, P.E., AICP
Edward Stratus, II, P.E., AIA


BURGIS
ASSOCIATES, INC.

BOROUGH OF RIVER EDGE: VACANT LAND ASSESSMENT

ID	Block	Lot	Property Location	Owner	Comments	Area (ac)	Developable Area (ac)	Developable
1	114	18	188 WOODLAND AVE	ALBACH, WALTER CARL ET AL	Lot too small to qualify for RDP analysis. Common ownership with adjoining property owner at 188 Woodland Avenue. Parcel located in established single family neighborhood.	0.11	0.11	No
2	212	3	43 WASHINGTON AVE	BUKUR, DENNIS & AGNESSA P U.	Lot too small to qualify for RDP analysis. Parcel located in established single family neighborhood.	0.36	0.36	No
3	301	13	EIGHTH AVE	BARNES, HELEN AND KELLY LYNN	Lot too small to qualify for RDP analysis. Owned by adjoining Paramus property owner. Environmental Constraints: Wetlands. Entirety of site is constrained.	0.06	0.00	No
4	301	14	EIGHTH AVE	BARNES, HELEN & KELLY LYNN	Lot too small to qualify for RDP analysis. Owned by adjoining Paramus property owner. Environmental Constraints: Wetlands. Entirety of site is constrained.	0.06	0.00	No
5	301	15	EIGHTH AVE	BARNES, HELEN & KELLY LYNN	Lot too small to qualify for RDP analysis. Owned by adjoining Paramus property owner. Environmental Constraints: Wetlands. Entirety of site is constrained.	0.22	0.00	No
6	307	1	745 EIGHTH AVE	SAMMON, BRIGID RUVOLO	Lot too small to qualify for RDP analysis. Owned by adjoining property owner located at 731 8th Avenue. Environmental Constraints: 100 Year Flood Plain, Wetlands. Nearly entirety of parcel is constrained.	0.25	0.01	No
7	402	4	781 SUMMIT AVE	BOGUE, STEPHEN A (TRUSTEE)	Lot too small to qualify for RDP analysis. Owned by adjoining property owner at 785 Summit Avenue	0.21	0.21	No
8	412	3	ELM PL	KROKUS, PAUL A. & MARGUERITE M	Lot too small to qualify for RDP analysis. Owned by adjoining property owner located at 690 Center Avenue. Elm Pl is an undeveloped paper street.	0.26	0.26	No
9	620	3	HACKENSACK RIVER	PIGNATELLI, JOSEPH & CAROL	Lot too small to qualify for RDP analysis. Subdivided into Lots 3.01 and 3.02 owned by the same party. Environmental constraints: Wetlands, 100 Year Flood Plain. Entirety of parcel is constrained.	0.23	0.00	No
10	805	2	HACKENSACK RIVER	A&S REALTY, LLC	Lot too small to qualify for RDP analysis. Parcel is in Hackensack River riparian zone.	0.18	0.00	No
11	805	5	HACKENSACK RIVER	BOE ASSOCIATES	Lot too small to qualify for RDP analysis. Parcel is in Hackensack River riparian zone.	0.14	0.00	No
12	1002	16.01	389 MERCER AVE	CACCAVALE, PAUL & RITA	Lot too small to qualify for RDP analysis. Located on cul-de-sac in single family neighborhood.	0.24	0.18	No
13	1004	8.02	381 KINDERKAMACK RD	GIOFFRE, MERCURIO (ETALS)	Lot too small to qualify for RDP analysis. Front lawn of historic 385 Kinderkarnack Road and owned by same party. Pending single family dwelling application.	0.24	0.24	No
14	1005	3	360 KINDERKAMACK RD	MICERA, MARIA	Lot too small to qualify for RDP analysis. Location and dimensions prohibit development. Environmental Constraints: Steep Slopes. Approximately 17,978.021312 square feet are constrained.	0.45	0.04	No
15	1103	5	98 BROWN CIRCLE	ANDREA FREUND	Lot too small to qualify for RDP analysis. Rear of adjoining property with common owner located at 98 Brown Circle, Paramus. Environmental Constraints: 100 Year Flood Plain, Wetlands. Approximately 4876.017528 square feet are constrained.	0.14	0.03	No
16	1103	6	100 BROWN CIRCLE	FRIEDMAN, MARTIN & RONA E.	Lot too small to qualify for RDP analysis. Rear of adjoining property with common owner located at 100 Brown Circle, Paramus. Environmental Constraints: 100 Year Flood Plain, Wetlands. Approximately 3588.377051 sf are constrained.	0.13	0.05	No
17	1103	7	102 BROWN CIRCLE	ADELSON, LAWRENCE G. & ROSALINDA	Lot too small to qualify for RDP analysis. Rear of adjoining property with common owner located at 102 Brown Circle, Paramus. Environmental Constraints: 100 Year Flood Plain, Wetlands. Approximately 10013.10011 sf are constrained.	0.25	0.02	No
18	1207	42	151 BOGERT RD	MOSA, SAMEH & SANAA	Lot too small to qualify for RDP analysis. Common ownership with adjoining property owner at 155 Bogert Road. Parcel located in established single family neighborhood.	0.11	0.11	No


ID	Block	Lot	Property Location	Owner	Comments	Area (ac)	Developable Area (ac)	Developable
19	1306	4.01	COMMERCE WAY	HICA/C/O ALTIMA MGMT, CO., INC	Lot too small to qualify for RDP analysis. Parcel is located in Hackensack River riparian zone. Environmental constraints: 100 Year Flood Plain. Entirety of site is constrained.	0.17	0.00	No
20	1306	4.02	COMMERCE WAY	60 COMMERCE C/O WOOD LEE	Lot too small to qualify for RDP analysis. Parcel is developed and owned by adjoining Hackensack property owner. Environmental constraints: 100 Year Flood Plain. Entirety of site is constrained.	0.21	0.00	No
21	1413	1	2 ROUTE 4 WEST	R.O.S. REALTY ASSOC TRANSPORTATION	Lot too small to qualify for RDP analysis.	0.19	0.19	No
22	1417	2	281 JOHNSON AVE	WEEDO, CALVIN C.	Lot too small to qualify for RDP analysis. Parking for adjacent restaurant (Rugova). Lot has been subdivided into lots 2 and 2.01. Environmental Constraints: 100 Year Flood Plain. Approximately 2125.382935 square feet are constrained.	0.27	0.22	No
23	1418	2	278 JOHNSON AVE	GREAT OUTDOOR, INC C/O GAESS CO	Lot too small to qualify for RDP analysis. Storage area for Let It Grow. Environmental constraints: 100 Year Flood Plain, Steep Slopes. Nearly entirety of site is constrained.	0.18	0.00	No
24	1418	3	11 ROUTE 4 EAST	GREAT OUTDOOR, INC C/O GAESS CO	Lot too small to qualify for RDP analysis. Storage area for Let It Grow. Environmental Constraints: 100 Year Flood Plain, Steep Slopes. Entirety of site is constrained.	0.34	0.00	No
25	1418	4	62 MADISON ST	GREAT OUTDOOR, INC C/O GAESS CO	Lot too small to qualify for RDP analysis. Storage area for Let It Grow. Environmental Constraints: 100 Year Flood Plain, Steep Slopes. Entirety of site is constrained.	0.25	0.00	No

Land Categorization		Acreage
Total Vacant Land		5.25 ac
Total Vacant Land of Lots Minimally .83 Acres		0.0 ac
Total Developable Area of Lots Minimally .83 Acres		0.0 ac
Realistic Development Potential (RDP)		0 units



BURGIS ASSOCIATES, INC.
 1000 N. 10TH AVE., SUITE 200
 WILMINGTON, DE 19801
 TEL: 302.441.1111
 FAX: 302.441.1112

Housing Element & Fair Share Plan
 PROJECT TITLE
 BOROUGH OF NEW BRIDGE
 BERGEN COUNTY, NEW JERSEY



Legend

- Borough Boundary
- Municipal Boundaries
- Parish
- Vacant Land
- Water-Related Area
- Shoreline
- Vegetation
- 50' Wetland Buffer
- 100' Year Flood Plain

Steep Slopes

- <15%
- >15%

Graphic Scale

0 200 400 800 Feet

Sheet No. 1 of 1

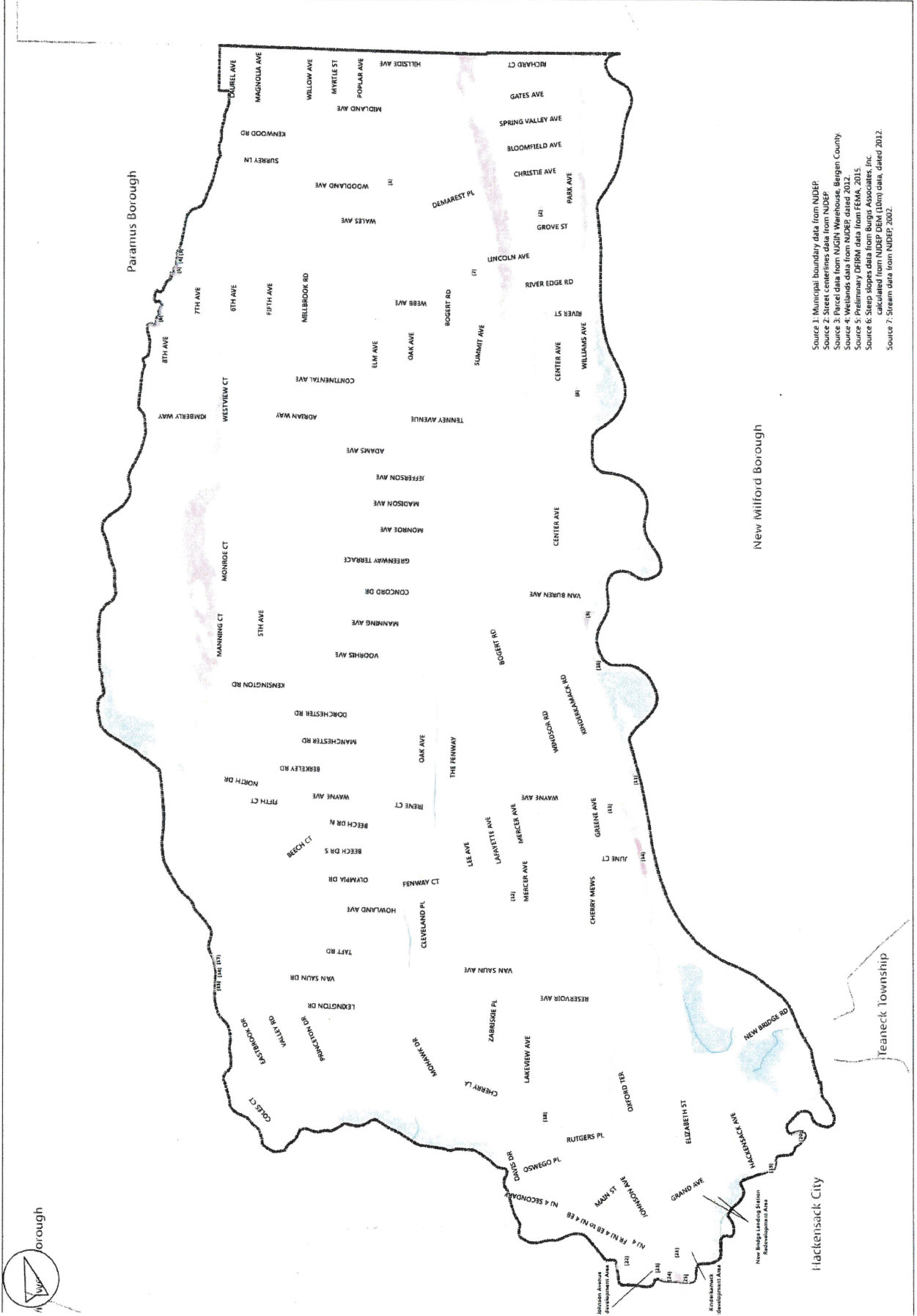
Project No. 1000000000

Scale 1" = 100'

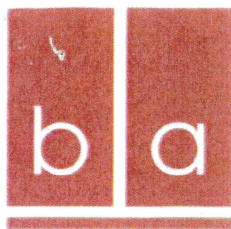
Drawn By: J. H. H.

Check By: J. H. H.

Date: 10/1/11



Source 1: Municipal boundary data from NJDEP.
 Source 2: Street centerlines data from NJDEP.
 Source 3: Parcel data from NJGEN Warehouse, Bergen County.
 Source 4: Wetlands data from NJDEP dated 2012.
 Source 5: Preliminary FEMA data from FEMA, 2015.
 Source 6: Steep slopes data from Burgis Associates, Inc.
 Source 7: Stream data from NJDEP, dated 2012.



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

Exh. B

PRINCIPALS:
Joseph H. Burgis PP, AICP
Edward Snieckus Jr., PP, LLA, ASLA

Borough of River Edge
Fair Share Plan Summary
June 24, 2019

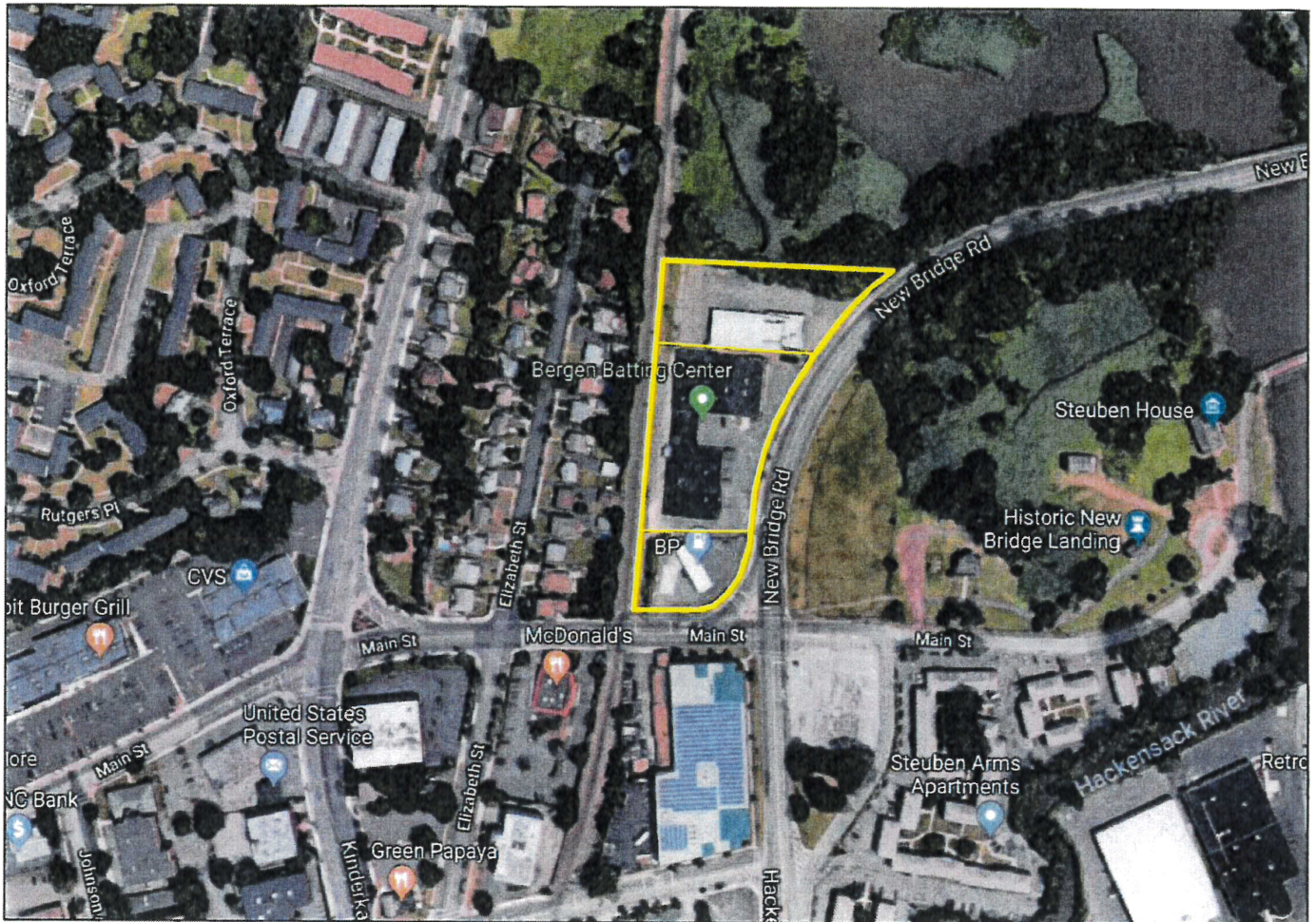
Prior Round ('87-'99) Plan Mechanisms
Prior Round Obligation = 73 units

Mechanism	Number of Units	Bonus Credits	Total Credits
<u>Prior Cycle Credits (Pre-1986)</u>			
Senior Residence at St. Peter the Apostle Church	18	-	18
<u>Group Homes</u>			<u>12</u>
New Concepts for Living, 11 June Ct	5	-	5
Community Options, 200 Zabriskie Pl	3	-	3
EIHAB Human Services, 328 Valley Rd	4	-	4
New Bridge Landing Station Redevelopment Area	19	19	38
Kinderkamack Road Redevelopment Area	5	-	5
Total	54	19	73

Prospective Obligation ('99-'25) Plan Mechanisms
Realistic Development Potential (RDP) = 0 units
Unmet Need = 197 units

Mechanism	Number of Units	Bonus Credits	Total Credits
<u>Prior Cycle Credits (Pre-1986)</u>			
Senior Residence at St. Peter the Apostle Church	5	-	5
New Bridge Landing Apartments (Age-Restricted)	7	-	7
Multifamily & Senior Citizen Housing Conditional Use District	33	-	33
Overlay Zone Block 1303 Lots 3, 4 & 5	13	-	13
Total	58	-	58

Proposed Overlay Zone: Block 1303 Lots 3, 4 & 5



New Bridge Landing Station & Kinderkamack Road Redevelopment Areas



EXHIBIT C: 2018 INCOME LIMITS

2018 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - April 2018
Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents** Sales***	Regional Asset Limit****
Region 1 Bergen, Hudson, Passaic and Sussex	Median	\$63,597	\$68,140	\$72,682	\$81,767	\$90,853	\$94,487	\$98,121	\$105,389	\$112,657	\$119,926		
	Moderate	\$50,878	\$54,312	\$58,146	\$65,414	\$72,682	\$75,589	\$78,497	\$84,311	\$90,126	\$95,940	2.2%	\$175,679
	Low	\$31,798	\$34,070	\$36,341	\$40,884	\$45,426	\$47,243	\$49,060	\$52,695	\$56,329	\$59,963	5.52%	
	Very Low	\$19,079	\$20,442	\$21,805	\$24,530	\$27,255	\$28,346	\$29,436	\$31,617	\$33,797	\$35,978		
Region 2 Essex, Morris, Union and Warren	Median	\$66,735	\$71,523	\$76,291	\$85,828	\$95,364	\$99,179	\$102,993	\$110,622	\$118,252	\$125,881		
	Moderate	\$53,404	\$57,218	\$61,033	\$68,662	\$76,291	\$79,343	\$82,395	\$88,498	\$94,601	\$100,705	2.2%	\$182,955
	Low	\$33,377	\$35,762	\$38,146	\$42,914	\$47,682	\$49,589	\$51,497	\$55,311	\$59,126	\$62,940	1.22%	
	Very Low	\$20,026	\$21,457	\$22,887	\$25,748	\$28,609	\$29,754	\$30,898	\$33,187	\$35,475	\$37,764		
Region 3 Hunternorton, Middlesex and Somerset	Median	\$75,530	\$80,925	\$86,320	\$97,110	\$107,900	\$112,216	\$116,532	\$125,164	\$133,796	\$142,428		
	Moderate	\$60,424	\$64,740	\$69,056	\$77,688	\$86,320	\$89,773	\$93,226	\$100,131	\$107,037	\$113,942	2.2%	\$205,458
	Low	\$37,765	\$40,463	\$43,160	\$48,555	\$53,950	\$56,108	\$58,266	\$62,582	\$66,898	\$71,214	2.37%	
	Very Low	\$22,659	\$24,278	\$25,896	\$29,133	\$32,370	\$33,665	\$34,960	\$37,549	\$40,139	\$42,728		
Region 4 Mercer, Monmouth and Ocean	Median	\$69,447	\$74,407	\$79,368	\$89,289	\$99,209	\$103,178	\$107,146	\$115,083	\$123,020	\$130,956		
	Moderate	\$55,557	\$59,526	\$63,494	\$71,431	\$79,368	\$82,542	\$85,717	\$92,066	\$98,416	\$104,765	2.2%	\$186,616
	Low	\$34,723	\$37,204	\$39,684	\$44,644	\$49,605	\$51,589	\$53,573	\$57,241	\$61,310	\$65,478	5.19%	
	Very Low	\$20,034	\$22,322	\$24,610	\$28,787	\$32,963	\$33,953	\$34,943	\$37,542	\$40,141	\$42,740		
Region 5 Burlington, Camden and Gloucester	Median	\$61,180	\$65,550	\$69,920	\$78,660	\$87,400	\$90,896	\$94,392	\$101,384	\$108,376	\$115,368		
	Moderate	\$48,944	\$52,440	\$55,936	\$62,928	\$69,920	\$72,717	\$75,514	\$81,107	\$86,701	\$92,294	2.2%	\$161,977
	Low	\$30,590	\$32,775	\$34,960	\$39,330	\$43,700	\$45,448	\$47,196	\$50,692	\$54,188	\$57,684	5.05%	
	Very Low	\$18,354	\$19,665	\$20,976	\$23,598	\$26,220	\$27,269	\$28,318	\$30,415	\$32,513	\$34,610		
Region 6 Atlantic, Cape May, Cumberland and Salem	Median	\$51,085	\$54,734	\$58,383	\$65,601	\$72,819	\$75,898	\$78,977	\$84,655	\$90,333	\$96,011		
	Moderate	\$40,866	\$43,767	\$46,706	\$52,545	\$58,383	\$60,718	\$63,054	\$67,724	\$72,395	\$77,066		
	Low	\$25,343	\$27,367	\$29,392	\$32,840	\$36,289	\$37,949	\$39,609	\$42,326	\$45,043	\$47,760	2.2%	\$136,680
	Very Low	\$15,328	\$16,420	\$17,512	\$19,704	\$21,896	\$22,789	\$23,682	\$25,397	\$27,112	\$28,827	0.00%	

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.
* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a)

** This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The increase for 2015 was 2.3%, the increase for 2016 was 1.1%, the increase for 2017 was 1.7%, and the increase for 2018 is 2.2% (Consumer Price Index for All Urban Consumers (CPI-U) Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, or 2017 may increase rent by up to the applicable combined percentage from their last rental increase for that unit. In no case can rent for any particular apartment be increased more than one time per year.

*** This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations.

**** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(f)(3).

Note: Since the Regional Income Limits for Region 6 in 2017 were higher than the 2018 calculations, the 2017 income limits will remain in force for 2018 (as previously required by N.J.A.C. 5:97-9.2(c)).

BOROUGH OF RIVER EDGE
RESOLUTION #19-239

Resolution Authorizing the Mayor to Execute a Settlement Agreement
With Fair Share Housing Center

WHEREAS, the Borough of River Edge (the "Borough") is involved in litigation entitled In the Matter of the Borough of River Edge, County of Bergen in the Superior Court of New Jersey, Docket No. BER-L-6292-15, with respect to River Edge's affordable housing obligation; and

WHEREAS, a Settlement Agreement has been reached between the Borough and Fair Share Housing Center, a copy of which is on file with the Borough Clerk.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of River Edge that the Settlement Agreement between the Borough of River Edge and Fair Share Housing Center be executed by the Mayor and Township Clerk in accordance with the provisions of law.

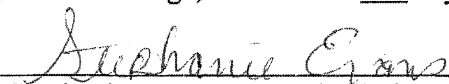
BE IT FURTHER RESOLVED that this resolution shall take effect immediately in accordance with law.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be provided to: the Fair Share Housing Center; and Brian M. Chewcaskie, Esq.

June 24, 2019

	Motion	Second	Yes	No	Abstain	Absent
Busteed			X			
Chinigo	X		X			
Davis		X	X			
Gautier			X			
Kaufman			X			
Papaleo			X			
Mayor Mignone						

I hereby certify that this resolution, consisting of 1 page(s), was adopted at a meeting of the Borough Council of the Borough of River Edge, held on this 24th day of June, 2019.


Stephanie Evans, Borough Clerk

Third Round Final Judgment of Compliance and Repose

Prepared by the court

IN THE MATTER OF THE
APPLICATION OF THE BOROUGH OF
RIVER EDGE, a Municipal Corporation of
the State of New Jersey,

Plaintiff/Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

Docket No. BER-L-6292-15

CIVIL ACTION

ORDER

FILED
MAR 04 2021
GREGG A. PADOVANO, J.S.C.

THIS MATTER having come before the court upon a compliant seeking declaratory judgment filed wherein the Borough of River Edge sought determination of compliance pursuant to procedures set forth in the In Re Adoption of N.J.A.C. 5:96 and 5:97 by the Council on Affordable Housing, (“Mount Laurel IV”) 221 N.J. 1 (2015); and the court having previously conducted a “fairness hearing” on September 6, 2019, and having entered an order dated January 27, 2020 identifying the court’s findings in accordance with the holdings in East / West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996) and Morris County Fair Housing Council v. Booton Twp., 197 N.J. Super. 359 (Law Div. 1984) aff’d o.b., 209 N.J. Super. 108 (App. Div. 1986) and granting conditional order of compliance subject to a final hearing and/or determination; and the court having conducted a “compliance hearing” on March 6, 2020 which was continued to May 21, 2020 and several dates thereafter in order to allow the Borough to finalize compliance with any and all outstanding issues identified by the court and court appointed special master; and the court now having been provided evidence of final compliance; and the court having now determined that the Borough of River Edge has substantially, if not entirely, complied with all conditions of compliance previously identified by the court and special master and that the Borough of River Edge’s Housing Element and Fair Share Plan provides for and/or creates a realistic opportunity for satisfaction of the Borough of River Edge’s fair share of low and moderate income housing and that the implementation of the plan, as approved, is constitutionally compliant and consistent with the terms of the subject settlement previously approved by the court; and for other good cause having been shown

IT IS ON THIS 4th DAY OF MARCH 2021

ORDERED AND ADJUDGED that the Borough of River Edge, through the adoption of its current Housing Element and Fair Share Plan, as well as through the implementation of the plan and terms of the subject settlement agreement, has satisfied its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. for the Prior Round (1987-1999) and Third Round (1999-2025), inclusive of any applicable “gap period; ” and it is further

ORDERED AND ADJUDGED that the Borough of River Edge is granted Final Judgment of Compliance and Repose and is entitled to protection from “Mount Laurel” or constitutional compliance / exclusionary zoning litigation through July 8, 2025; and it is further

ORDERED AND ADJUDGED that a copy of this order shall be served upon all counsel of record electronically by eCourts. Plaintiff/Petitioner shall serve a copy of this order to all parties identified on the Borough’s Service List not served electronically and/or as otherwise requested.



GREGG A. PADOVANO, J.S.C.

NJHFMA UHAC 2025 Affordable Housing Regional Income Limits by Household Size

UHAC 2025 Affordable Housing Regional Income Limits by Household Size

Regional Income Limits

Region 1	Household Size											
	1 Person	1.5 Persons	2 Persons	2.5 Persons	3 Persons	4 Persons	4.5 Persons	5 Persons	6 Persons	7 Persons	8 Persons	9 Persons
	Median	\$89,100	\$95,450	\$101,800	\$108,150	\$114,500	\$127,200	\$132,300	\$137,400	\$147,600	\$157,800	\$168,000
	Moderate (80%)	\$71,280	\$76,360	\$81,440	\$86,520	\$91,600	\$101,760	\$105,840	\$109,920	\$118,080	\$126,240	\$134,400
	Low (50%)	\$44,550	\$47,725	\$50,900	\$54,075	\$57,250	\$63,600	\$66,150	\$68,700	\$73,800	\$78,900	\$84,000
Very Low (30%)	\$26,730	\$28,635	\$30,540	\$32,445	\$34,350	\$38,160	\$39,690	\$41,220	\$44,280	\$47,340	\$50,400	

	Median	\$94,800	\$101,550	\$108,300	\$115,050	\$121,800	\$135,300	\$140,750	\$146,200	\$157,000	\$167,800	\$178,600
	Moderate (80%)	\$75,840	\$81,240	\$86,640	\$92,040	\$97,440	\$108,240	\$112,600	\$116,960	\$125,600	\$134,240	\$142,880
	Low (50%)	\$47,400	\$50,775	\$54,150	\$57,525	\$60,900	\$67,650	\$70,375	\$73,100	\$78,500	\$83,900	\$89,300
	Very Low (30%)	\$28,440	\$30,465	\$32,490	\$34,515	\$36,540	\$40,590	\$42,225	\$43,860	\$47,100	\$50,340	\$53,580

	Median	\$107,400	\$115,100	\$122,800	\$130,450	\$138,100	\$153,400	\$159,550	\$165,700	\$178,000	\$190,300	\$202,500
	Moderate (80%)	\$85,920	\$92,080	\$98,240	\$104,360	\$110,480	\$122,720	\$127,640	\$132,560	\$142,400	\$152,240	\$162,000
	Low (50%)	\$53,700	\$57,550	\$61,400	\$65,225	\$69,050	\$76,700	\$79,775	\$82,850	\$89,000	\$95,150	\$101,250
	Very Low (30%)	\$32,220	\$34,530	\$36,840	\$39,135	\$41,430	\$46,020	\$47,865	\$49,710	\$53,400	\$57,090	\$60,750

	Median	\$94,300	\$101,000	\$107,700	\$114,450	\$121,200	\$134,600	\$140,000	\$145,400	\$156,200	\$167,000	\$177,700
	Moderate (80%)	\$75,440	\$80,800	\$86,160	\$91,560	\$96,960	\$107,680	\$112,000	\$116,320	\$124,960	\$133,600	\$142,160
	Low (50%)	\$47,150	\$50,500	\$53,850	\$57,225	\$60,600	\$67,300	\$70,000	\$72,700	\$78,100	\$83,500	\$88,850
	Very Low (30%)	\$28,290	\$30,300	\$32,310	\$34,335	\$36,360	\$40,380	\$42,000	\$43,620	\$46,860	\$50,100	\$53,310

	Median	\$83,600	\$89,600	\$95,600	\$101,550	\$107,500	\$119,400	\$124,200	\$129,000	\$138,600	\$148,100	\$157,700
	Moderate (80%)	\$66,880	\$71,680	\$76,480	\$81,240	\$86,000	\$95,520	\$99,360	\$103,200	\$110,880	\$118,480	\$126,160
	Low (50%)	\$41,800	\$44,800	\$47,800	\$50,775	\$53,750	\$59,700	\$62,100	\$64,500	\$69,300	\$74,050	\$78,850
	Very Low (30%)	\$25,080	\$26,880	\$28,680	\$30,465	\$32,250	\$35,820	\$37,260	\$38,700	\$41,580	\$44,430	\$47,310

	Median	\$71,900	\$77,050	\$82,200	\$87,350	\$92,500	\$102,700	\$106,850	\$111,000	\$119,200	\$127,400	\$135,600
	Moderate (80%)	\$57,520	\$61,640	\$65,760	\$69,880	\$74,000	\$82,160	\$85,480	\$88,800	\$95,360	\$101,920	\$108,480
	Low (50%)	\$35,950	\$38,525	\$41,100	\$43,675	\$46,250	\$51,350	\$53,425	\$55,500	\$59,600	\$63,700	\$67,800
	Very Low (30%)	\$21,570	\$23,115	\$24,660	\$26,205	\$27,750	\$30,810	\$32,055	\$33,300	\$35,760	\$38,220	\$40,680

Bedroom Count	Household Size (Family)*	Household Size (Senior)**	Maximum Sale Price Increase***		Maximum Rent Increase****		Net Asset Limit*****	
			Region 1	5.64%	Statewide	5.0%	Statewide	\$300,000
0BR	1 Person	1 Person	Region 2	4.55%				
1BR	1.5 Persons	1.5 Persons	Region 3	4.92%				
2BR	3 Persons	2 Persons	Region 4	3.50%				
3BR	4.5 Persons	2.5 Persons	Region 5	4.10%				
4BR	6 Persons	N/A	Region 6	4.41%				

* N.J.A.C. 5:80-26.4(i).
** N.J.A.C. 5:80-26.4(j).
*** N.J.A.C. 5:80-26.7(c).
**** N.J.A.C. 5:80-26.13(b).
***** N.J.A.C. 5:80-26.17(b)3.

Structural Conditions Survey

EXTERIOR HOUSING SURVEY

MUNICIPALITY River Edge

COUNTY Bergen

DATE April 10, 2025

Street Address	Block/Lot	Number of Dwelling Units	Tenure of Units i.e. owner/rental/mixed occupancy	Year Built	MAJOR SYSTEMS			MINOR SYSTEMS				Structure in Need of Repair (Mark "Yes" or "No")	If Yes, Provide Details
					One major system is required to indicate that the structure is in need of repair			Two minor systems are required to indicate that the structure is in need of repair					
					Foundation	Weatherization		Eaves/Soffits/Gutters/Leader	Rails/Stairs/Steps/Porch	Fire Escape			
						Siding and Walls	Windows and Doors	Roof and Chimney					
33 Lincoln Avenue	404/4	1	Rental	1898	x	x				x		Yes	Foundation, front porch and siding in need of repair/replacement
74 Lakeview Street	1207/12	1	Owner	1942		X				X		Yes	Front porfco and siding in need of repair/replacement.
290 Continental Avenue	310/14	1	Owner	1932		x						Yes	Siding in need of repair/replacement
33 Madison Avenue	617/4	1	Owner	1927		X				X		Yes	Front porch/steps & siding in need of repair/replacement
554 Kinderkamack Road	804/3	1	Rental	1907				X				Yes	Roof in need of repair/replacement
335 Kinderkamack Road	1104/23.01	1	Owner	1917		X						Yes	Siding in need of repair/replacement
848 Park Avenue	213/9	1	Owner	1923		x						Yes	Siding in need of repair/replacement

I verify that I have conducted this exterior housing survey according to COAH criteria

Signature: _____

Print Name and Title: _____

Sapron Dapken Const Off

Fourth Round Draft Spending Plan

Borough of River Edge
DRAFT Affordable Housing Trust Fund Spending Plan
June 12, 2025

INTRODUCTION

The Borough of River Edge (hereinafter the "Borough"), Bergen County, has prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Amended Fair Housing Act (FHA-2) (N.J.S.A. 52:27D-301) and the proposed new Fair Housing Act Rules promulgated by the New Jersey Department of Community Affairs ("DCA") (N.J.A.C. 5:99). The Borough established an affordable housing trust fund in 2009 and adopted an affordable housing ordinance containing development fee requirements in 2020 creating a revenue source for the trust fund an allocated accordingly.

As of June 2, 2025, River Edge has a balance of \$54,524.47 in its Affordable Housing Trust fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund account for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:99 as described in the sections that follow.

1. REVENUES FOR CERTIFICATION PERIOD

It is anticipated that during the period of January 1, 2025 through June 30, 2025, which encompasses the period that the Borough will have a Fourth Round Judgment of compliance and Repose ("Fourth Round JOR"), the Borough will add an additional \$194,429 to its Affordable Housing Trust Fund as detailed below.

(a) Development fees: The Borough anticipates collection of development fees to be generated between January 1, 2025 through June 30, 2025. This figure is based on the following assumptions:

1. *Residential Development Fees*: Based on development fee collection trends in River Edge, the Borough anticipates that approximately \$190,827 in development fees will be generated between January 1, 2025 through June 30, 2035. This figure assumes that, on average, the Borough will collect approximately \$18,174 in development fees per year during the remainder of the Third Round and throughout the Fourth Round.

2. *Non-Residential Development Fees:* The Borough does not anticipate any significant non-residential development over the next 10 years.

- (b) Payment in lieu (PIL): While River Edge does not currently anticipate the contribution of any payments in lieu toward the municipal Affordable Housing Trust Fund during the remainder of the Third Round, nor during the Fourth Round, if any such payments should be made to the Borough during the Fourth Round, such payments will be deposited into the Borough's Affordable Housing Trust Fund.
- (c) Other funds: The Borough does not currently anticipate the contribution of any other funds toward the municipal Affordable Housing Trust Fund during the remainder of the Third Round nor during the Fourth Round. However, if any such funds are collected during the Fourth Round, said funds will be deposited in the Borough's Affordable Housing Trust Fund.
- (d) Projected interest: It is estimated that River Edge will collect approximately \$3,602 in interest between January 1, 2025 through June 30, 2035. This figure assumes that, on average, the Borough will collect approximately \$363 in interest per year during the remainder of the Third Round and throughout the Fourth Round.

SOURCE OF FUNDS	PROJECTED REVENUES – AFFORDABLE HOUSING TRUST FUND JANUARY 1, 2025 THROUGH JUNE 30, 2035											
	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	1/1/35 to 6/30-25	Total
(a) Development Fees	\$18,174	\$18,174	\$18,174	\$18,174	\$18,174	\$18,174	\$18,174	\$18,174	\$18,174	\$18,174	\$9,087	\$190,827
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
(c) Other Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(d) Interest	\$343	\$343	\$343	\$343	\$343	\$343	\$343	\$343	\$343	\$343	\$172	\$3,602.00
Total	\$18,517	\$18,517	\$18,517	\$18,517	\$18,517	\$18,517	\$18,517	\$18,517	\$18,517	\$18,517	\$9,259	\$194,429
Total Available	\$73,041	\$91,558	\$110,075	\$128,592	\$147,109	\$165,626	\$184,143	\$202,660	\$221,177	\$239,694	\$248,953	

River Edge projects a total of \$194,429 in revenue to be collected between January 1, 2025 and June 30, 2035. This projected amount, when added to River Edge's current trust fund balance of \$54,524, results in a total anticipated trust fund balance of \$248,953 available to fund and administer the Borough's affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

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

- (a) Collection of development fee revenues: Collection of development fee revenues shall be consistent with River Edge's Development Fee Ordinance ("DFO") for both residential and non-residential developments in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Amended Fair Housing Act (FHA-2) (N.J.S.A. 52:27D-301) and the proposed new Fair Housing Act Rules promulgated by the New Jersey Department of Community Affairs (DCA) (N.J.A.C. 5:99).
- (b) Distribution of development fee revenues: The Land Use Board adopts and forwards a resolution to the Borough Council recommending the expenditure of development fee revenues as set forth in this spending plan. The Borough Council reviews the request for consistency with the spending plan and adopts the recommendation by resolution. The release of funds requires adoption of the governing body resolution in accordance with the spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the Borough's Affordable Housing Trust Fund for the specific use approved in the Borough Council's resolution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

- (a) Affordability Assistance. Pursuant to N.J.A.C. 5:99-2.5, the Borough is required to set aside a portion of all development fees collected and interest earned for the purpose of providing affordability assistance to very low-, low- and moderate-income households in affordable units included in the Borough's Fourth Round Housing Element and Fair Share Plan. Affordability assistance means the use of funds to render housing units more affordable to very low-, low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5. This may also include offering a subsidy to developers of inclusionary or one hundred percent (100%) affordable housing developments or buying down the cost of low- or moderate-income units in the Borough's fair share plan to make them affordable to very low-income households, including special needs and supportive housing opportunities. The Borough will set aside \$0 from the Affordable Housing Trust Fund for this purpose through June 30, 2035.

- (b) Per N.J.A.C. 5:99-2.4(a), no more than twenty percent (20%) of all affordable housing trust funds shall be expended on administration. River Edge projects that a maximum of \$49,791 will be available from the affordable housing trust fund to be used for administrative purposes through June 30, 2035. Projected administrative expenditures, subject to the twenty percent (20%) cap, include payment for the salaries and benefits for municipal employees and consultant fees related to costs as set forth at N.J.A.C. 5:99-2.4(b), (c) and (d).
- (c) Other Emergent Housing Opportunities. The Borough will reserve the remaining trust fund balance, projected at \$199,162, for other emergent opportunities to create affordable housing opportunities that may arise during the Fourth Round. The Borough shall seek approval for any emergent affordable housing opportunities not included in the Borough's fair share plan in accordance with N.J.A.C. 5:99-4.1.

Actual development fees + interest through 6/2/25		\$54,524
Development fees + interest projected 2025-2035	+	\$194,429
Total	=	\$248,953
20 percent requirement	x 0.20 =	\$49,791
Less administrative expenses through 5/31/2025	-	\$0
PROJECTED Maximum Administrative Expenses Requirement 1/1/25 – 6/30/35	=	\$49,791

4. EXPENDITURE SCHEDULE

River Edge intends to use affordable housing trust fund revenues for accessory apartments, affordability assistance, administration, and any emergent affordable housing opportunities that may arise during the Fourth Round. Where applicable, the funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

PROJECTS/ PROGRAMS	PROJECTED EXPENDITURES – AFFORDABLE HOUSING TRUST FUND JANUARY 1, 2025 THROUGH JUNE 30, 2035											Total
	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	1/1/35 to 6/30-25	
Affordability Assistance	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Administration	\$4,526	\$4,526	\$4,526	\$4,526	\$4,526	\$4,526	\$4,526	\$4,526	\$4,526	\$4,526	\$4,526	\$49,791
Other Emergent Opportunities	\$18,106	\$18,106	\$18,106	\$18,106	\$18,106	\$18,106	\$18,106	\$18,106	\$18,106	\$18,106	\$18,106	\$199,162
Total	\$22,632	\$22,632	\$22,632	\$22,632	\$22,632	\$22,632	\$22,632	\$22,632	\$22,632	\$22,632	\$22,632	\$248,953

5. EXCESS OR SHORTFALL OF FUNDS

In the event of any expected or unexpected shortfall of funds necessary to implement the Fair Share Plan, the Borough of River Edge will handle the shortfall of funds through an alternative funding source to be identified by the Borough and/or by adopting a resolution with an intent to bond. In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be dedicated toward additional affordability assistance and/or any other emergent affordable housing opportunities that may arise during the Fourth Round.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Borough's Affordable Housing Ordinance and in accordance with applicable regulations. A process describing the collection and distribution procedures for barrier free escrow is detailed within the Borough's Affordable Housing Ordinance.

7. SUMMARY

River Edge intends to spend Affordable Housing Trust Fund revenues pursuant to N.J.A.C. 5:99 and consistent with the housing programs outlined in the Borough's Housing Element and Fair Share Plan.

River Edge has a balance of \$54,524.47 as of June 2, 2025 and anticipates an additional \$194,429 in revenues through June 30, 2035 for a total of \$248,953. During the period of the Borough's Fourth Round JOR through June 30, 2035, the Borough agrees to fund \$49,791 towards administrative expenses, and \$199,162 towards other emergent affordable housing opportunities that may arise during the Fourth Round, totaling \$248,953 in anticipated expenditures.

Any shortfall of funds will be offset by an alternative funding source to be identified by the Borough and/or, the Borough of River Edge will bond to provide the necessary funding. The Borough will dedicate any excess funds or balance toward additional affordability assistance, and/or any other emergent affordable housing opportunities that may arise during the Fourth Round.

SPENDING PLAN SUMMARY	
Balance as of June 2, 2025	\$54,524
PROJECTED REVENUE THROUGH 6/30/35	
Development fees	+ \$190,827
Payments in lieu of construction	+ \$0
Other funds	+ \$0
Interest	+ \$3,602
SUBTOTAL REVENUE	= \$194,429
TOTAL REVENUE	= \$248,953
EXPENDITURES	
Affordability Assistance	- \$0
Administration	- \$49,791
Other Emergent Opportunities	- \$199,162
TOTAL PROJECTED EXPENDITURES	= \$248,953
REMAINING BALANCE	= \$0

Draft Ordinance Amending Mandatory Affordable Housing Set-Aside Ordinance

Proposed Amendments to §50-5, Mandatory Affordable Housing Set-Aside Requirements, of Chapter 50,
Affordable Housing, of the Code of the Borough of River Edge, New Jersey
Draft Ordinance: June 12, 2025.

Section 1. §50-5, Mandatory affordable housing set-aside requirements, of Chapter 50, Affordable Housing, of the Code of the Borough of River Edge shall be repealed and replaced to read as follows:

§50-5 Mandatory affordable housing set-aside requirements.

- A. Purpose. This section is intended to ensure that any site or development that benefits from a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Municipality or a Borough land use board that results in five (5) or more new residential dwelling units produces affordable housing at a minimum set-aside rate of 20% affordable for all such developments. This section shall apply except where inconsistent with applicable law or Court order.
- B. Mandatory set-aside requirements.
- (1) Any residential development, including the residential portion of a mixed-use project, that is approved and contains five (5) or more new dwelling units as a result of a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Municipality or a Borough land use board shall be required to set aside a minimum percentage of 20% of the total number of units for affordable housing.
 - (2) Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number, regardless of the fractional amount.
 - (3) A minimum of 13% of any affordable units developed through the Borough's mandatory set-aside requirements shall be very-low-income qualified units.
 - (4) Nothing in this section precludes the Municipality or a Borough land use board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this section consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
 - (5) This requirement does not create any entitlement for a property owner or applicant for subdivision or site plan approval, a zoning amendment, use variance, or adoption of a redevelopment plan or rehabilitation plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
 - (6) This requirement does not apply to any sites or specific zones for which higher set-aside standards have been or will be established, either by zoning, subdivision or site plan approval, or an adopted redevelopment plan or rehabilitation plan.

- (7) If the Municipality's Settlement Agreement with Fair Share Housing Center ("FSHC") dated June 24, 2019, or the Municipality's Housing Element and Fair Share Plan, establishes set-aside standards for any specific sites or zones which are different from the set-aside standards set forth in this section, the set-asides established for those sites or zones in the Settlement Agreement or Housing Element and Fair Share Plan shall govern.
- (8) Furthermore, this requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings by five (5) or more.
- (9) Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net increase in the number of dwelling units is five (5) or greater.
- (10) All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
- (11) All affordable units to be produced pursuant to this section shall comply with the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), as may be amended from time to time, and any applicable Order of the Court, including a Judgment of Compliance and Repose Order.

Resolution Adopting Ord. No. 20-10 Creating AH-1 New Bridge Landing Affordable Housing Overlay Zone

BOROUGH OF RIVER EDGE
ORDINANCE # 20-10

AN ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE VIII, CONDITIONAL USES, PLANNED RESIDENTIAL DEVELOPMENTS, OF CHAPTER 416, ZONING, OF THE BOROUGH OF RIVER EDGE, BERGEN COUNTY, NEW JERSEY, TO ESTABLISH A NEW BRIDGE ROAD AFFORDABLE HOUSING (AH-1) OVERLAY ZONE

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, Bergen County, New Jersey, that amendments set forth below are made to Chapter 416, "Zoning," of the Code of the Borough of River Edge as follows:

Section 1. Section 416-5 of Chapter 416, Zoning, of the Code of the Borough of River Edge entitled "District Designations" is hereby amended to include the following new zone district:

AH-1 New Bridge Road Affordable Housing Overlay Zone

Section 2. The Zoning Map of the Borough of River Edge, as referenced in Section 416-6, Zoning Map, and Chapter 416, Zoning, attachment 416d, Zoning Map, are hereby amended to include a new AH-1 New Bridge Road Affordable Housing Overlay Zone encompassing Block 1303 Lots 3, 4 and 5, and which shall retain the underlying C-1 Commercial zoning designation of those parcels as shown on the accompanying map.

Section 3. Article VIII, Chapter 416 of the Code of the Borough of River Edge entitled "Conditional Uses; Planned Residential Developments" is hereby renamed "Conditional Uses, Overlay Zones and Planned Residential Developments." Article VIII shall be amended to include a new Section 416-36.2 entitled "AH-1 New Bridge Road Affordable Housing Overlay Zone." The new Section 416-36.2 shall read as follows:

416-36.2. AH-1 New Bridge Road Affordable Housing Overlay Zone.

A. **Purpose.** The purpose of the AH-1 New Bridge Road Affordable Housing Overlay Zone is to create a realistic opportunity for the construction of low and moderate-income housing in a suitable location of the Borough of River Edge, and address a portion of the Borough's fair share affordable housing obligation in accordance with the Fair Housing Act ("FHA"), applicable Council on Affordable Housing ("COAH") regulations, Settlement Agreement entered into between the Borough and Fair Share Housing Center on June 24, 2019, the Borough's Housing Element and Fair Share Plan, and any applicable order of the Court, including a Judgement of Compliance and Repose Order. Developers shall have the option of developing in accordance with the underlying zone standards.

In addition, it is the intent and purpose of the AH-1 Zone to achieve the following:

1. Minimize impacts to the local school district by encouraging a greater proportion of studio and 1-bedroom dwelling units, except as required for the bedroom distribution of affordable housing units in accordance with the applicable affordable housing regulations.
2. Promote quality site and building design that recognizes the AH-1 Overlay Zone as a gateway to the community and is harmonious with the New Bridge Landing Historical Site located across New Bridge Road.

B. **Principal uses.** The following principal uses shall be permitted in the AH-1 Overlay Zone:

1. Inclusionary multifamily development.
2. Mixed-use development consisting of principal uses permitted in the C-1 Zone located on the ground level and inclusionary multifamily development only above the first floor.

3. C-1 Zone Principal Permitted Uses in accordance with Attachment 416b, Zoning District Use Regulations.

C. Accessory uses. The following accessory uses shall be permitted in the AH-1 Overlay Zone:

1. Private indoor recreation and community rooms and facilities to be used exclusively by the residents of the development.
2. Private indoor recreation
3. Leasing/management office exclusively for the residential component of the development.
4. Roof mounted solar panels and equipment. Ground mounted solar panels shall be prohibited.
5. Green roofs.
6. Rooftop amenities to be used exclusively by the residents of the development.
7. Electric vehicle (EV) charging equipment.
8. Signs.
9. Fences and Walls.
10. Trash and recycling facilities.
11. Accessory uses customarily incidental to multifamily development.
12. Accessory uses customarily incidental to uses permitted in the C-1 Zone when such uses are proposed.

D. Affordable housing requirements.

1. All development constructed in accordance with the AH-1 Zone standards shall be required to provide a minimum affordable housing set-aside of 20%, regardless of whether units are for sale or for rent. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.
2. All affordable units to be produced pursuant to this section shall comply with Chapter 50, Affordable Housing Regulations, of the Borough Code, as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC") (N.J.A.C. 5:80-26.1 et seq.) or any successor regulation, the Borough's Housing Element and Fair Share Plan, as may be amended from time to time, and any applicable order of the Court, including a Judgment of Compliance and Repose Order. These requirements include, but are not limited to the following:
 - a. Low/Moderate Income Split: A maximum of fifty percent (50%) of the affordable units shall be moderate-income units and a minimum of fifty percent (50%) of the affordable units shall be low-income units. At least thirteen percent (13%) of all restricted rental units shall be very low-income units, which shall be counted as part of the required number of low-income units within the development.
 - b. Bedroom Distribution: The following bedroom mix shall apply to affordable units:
 - (1) The combined number of efficiency and one-bedroom units shall be no greater than twenty percent (20%) of the total low- and moderate-income units;
 - (2) At least thirty percent (30%) of all low- and moderate-income units shall be two-bedroom units;
 - (3) At least twenty percent (20%) of all low- and moderate-income units shall be three-bedroom units; and
 - (4) The remaining units may be allocated among two and three-bedroom units at the discretion of the developer.

- c. **Deed Restriction Period:** All affordable units shall be deed restricted for a period of at least thirty (30) years from the date of the initial occupancy of each affordable unit (the "Deed-Restriction Period"). The affordability controls shall expire only after they are properly released by the Borough and/or the Borough's Administrative Agent at the Borough's sole option in accordance with N.J.A.C. 5:80-26.11 for rental units or N.J.A.C. 5:80-26.5 regulating for-sale units.
- d. **Administrative Agent:** All affordable units shall be administered by a qualified Administrative Agent paid for by the developer, which may or may not be the Borough's Administrative Agent.
- e. **Other Affordable Housing Unit Requirements:** Developers shall also comply with all of the other requirements of Chapter 50, Affordable Housing Regulations, of the Borough code including, but not limited to, provisions for (1) affirmative marketing requirements; (2) candidate qualification and screening requirements; (3) integrating the affordable units amongst the market rate units; and (4) unit phasing requirements. In any case where more than one principal building is developed, the affordable units shall be dispersed between all of the buildings on site. The exact locations and dimensions for each affordable unit shall be specified at the time of site plan application.

E. Area and bulk requirements. The area and bulk requirements for development built in accordance with the AH-1 Overlay Zone standards are set forth below. All other development shall comply with the underlying zone's area and bulk regulations, which shall remain in full force and effect.

- 1. Minimum tract area: 2 acres
- 2. Maximum density: 20 units/acre
- 3. Minimum dwelling unit size: 700 square feet
- 4. Minimum front yard setback: 30 feet

Front yard setbacks shall be measured from any road widening easements.

- 5. Minimum side yard setback (each): 50 feet
- 6. Minimum rear yard setback**: 50 feet

In the AH-1 Overlay Zone, for purposes of calculating the rear yard setback, including corner lots, the rear lot line shall be determined as the lot line opposite and parallel to New Bridge Road, which is also directly adjacent to the N.J. Transit rail corridor. All other lot lines not directly fronting a public right of way shall be considered side lot lines.

- 7. Maximum building coverage: 40%
- 8. Maximum improved lot coverage: 85%
- 9. Maximum building height: 4 stories/45 feet

Appurtenances attached to the principal building including, but not limited to, antennas, chimneys, bulkheads, mechanical equipment, penthouses (not for human occupancy) and similar type features shall not exceed 12 feet in height and shall not occupy more than 15% of the total roof area. Pergolas for rooftop amenity spaces shall not exceed 10 feet in height. All roof mounted appurtenances shall have a minimum 10-foot setback from the parapet. Flat roofs shall have parapets of not less than 42 inches and not more than 48 inches or as may otherwise be required.

10. Landscape Buffers:

Minimum Side Landscape Buffer: 15 feet

Minimum Rear Landscape Buffer: 10 feet

Landscape buffers shall minimally consist of a 6-foot high solid fence or wall, year-round screening consisting of a mix of evergreen and deciduous shrubs, and ornamental and/or shade trees planted at regular intervals not to exceed 50 feet on center. Landscape buffers may be interrupted where driveway access is provided between Lots 4 and 5, pedestrian access is provided along the northerly boundary of Lot 3 and for any proposed or required easements.

F. Design Requirements.

1. When developed as a mixed-use project, residential units shall only be permitted above the ground floor, except that ground floor areas used for access to such uses shall be permitted.
2. Parking
 - A. The minimum number of off-street parking spaces shall be provided in accordance with Residential Site Improvement Standards for multifamily uses and Section 350-25 of the Borough Code for non-residential uses.
 - B. Parking shall be prohibited in the front yard(s), except when retail or service uses permitted in the C-1 Zone are incorporated in the development.
 - C. Surface parking outside of the principal building footprint shall have year-round screening with landscaping of minimally 3 feet in height where visible from the public right-of-way.
 - D. Parking areas within the principal building footprint shall have screening and architectural treatment consistent with the front building façade on all sides.
 - E. Loading spaces shall be provided in accordance with Section 350-26 of the Borough Code.
3. Building Design
 - A. Buildings with expansive blank walls are prohibited.
 - B. Side and rear building elevations shall receive architectural treatments comparable to front building facades.
 - C. Each façade shall be designed to have a delineated floor line between the street level and upper floors.
 - D. Each building façade facing a public right-of-way shall have elements of vertical articulation no greater than 50 feet apart minimally 1 foot deep. Such features may project a maximum of 18 inches into any required yard setback having a width not to exceed 10 feet.
 - E. Balconies above the first floor are encouraged and may extend a maximum of 4 feet into any required yard setback.
 - F. Flat roof area not occupied by appurtenances or amenity space shall be constructed as a “cool roof” with solar reflectivity of 50% or greater as certified by the Cool Roof Rating Council.

- G. Fire escapes are prohibited on front building facades, except where required by the Borough Fire Official.
- H. Primary building entrances for multifamily and commercial uses, when applicable, shall be oriented facing a public right-of-way. Rear entrances may also be provided.
- I. Awnings and canopies are encouraged at the ground floor level.

4. Trash and Recycling

- A. Trash and recycling shall be stored in a designated location within the principal building or enclosed accessory structure. Dumpster enclosures shall be prohibited in front yards and shall be screened with minimally 6-foot high solid fencing and/or walls with materials and colors that are consistent with the principal building.

5. Equipment

- A. All roof mounted equipment such as HVAC, air conditioning and ventilation units shall be screened from public view.
- B. Any ground mounted equipment shall be enclosed with fencing and/or landscaping to provide year-round screening. All equipment shall be prohibited in the front yard except as may be required by a utility.

6. Landscaping and Streetscape

- A. Foundation plantings and landscape beds shall be installed around the principal building.
- B. Shade trees shall be installed at regular intervals in the front yard with a maximum spacing of 50 feet on center to function as "street trees".
- C. A landscape plan shall be provided including a mix of ornamental, shade and/or evergreen trees, shrubs, perennials, grasses, perennials and annuals.
- D. Native and deer resistant plant species are encouraged where appropriate.
- E. Streetscape improvements including paving, lighting and tree installation shall be provided in accordance with Borough standards at the discretion of the Borough Engineer.

7. Lighting

- A. Site lighting shall be provided in accordance with Section 350-28 and all other applicable sections of the Borough Code.
- B. Lighting shall include shielding to minimize glare from surrounding residential uses and public rights-of-way.

8. Signs

- A. Signs shall be permitted in accordance with Article X, Signs and Signage, of Chapter 416, Zoning.

F. **Easements.**

- 1. The existing drainage easement on Lot 3 shall be maintained.
- 2. Development shall adhere to any existing or required road widening easements.

3. A minimum 10-foot wide public access easement shall be provided along the entire side lot line shared between Block 1303 Lots 1 and 3 providing access to the adjacent Bergen County owned property.

Section 4. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 5. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of River Edge, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Code of the Borough of River Edge are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 6. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).


Section 7. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Land Use Board of the Borough of River Edge for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Land Use Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 8. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

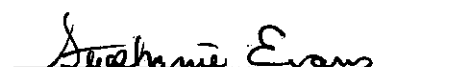
Section 9. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the 8th day of June, 2020.

ADOPTED the 13th day of July, 2020.


Thomas Papaleo, Mayor

ATTEST:


Stephanie Evans, Borough Clerk