

Resolution

Resolution No. 25-067

By: Councilman Wolsky

RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF WEST CALDWELL COMMITTING TO ROUND 4 PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

For the Meeting of January 21 in the Year of 2025

A RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF WEST CALDWELL, ESSEX COUNTY, NEW JERSEY

WHEREAS, the Township has a demonstrated history of voluntary compliance as evidenced by its Round 3 record; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 7, 2015, the Township of West Caldwell (hereinafter “West Caldwell” or the “Township”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

WHEREAS, that culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes builder’s remedy lawsuits until July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter “A4” or “Amended FHA”); and

WHEREAS, A4 calculates the size of the regional affordable housing need as follows “projected household change for a 10-year round in a region shall be estimated by establishing the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. This household change, if positive, shall be 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, and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations...”; and

WHEREAS, this means that the regional need equates to 40% of regional household growth; and

WHEREAS, the 1985 version of the Fair Housing Act and A4 both prohibit a result that would compel a municipality to spend its own money on compliance; and

WHEREAS, the theory which permits a municipality to meet its obligations without municipal subsidy is zoning for “inclusionary zoning”; and

WHEREAS, inclusionary zoning most typically requires a 15% or 20% set aside; and

WHEREAS, it is not clear how a regional need predicated upon 40% of anticipated growth can be met with 15-20% set asides and without municipal subsidy; and

WHEREAS, this is exacerbated by the fact that certain other municipalities in the region have an allocation of 0% of the prospective need (new construction obligation), irrespective of the growth in that particular municipality; and

WHEREAS, A4 yields a statewide new construction obligation of over 8,400 affordable units per year; and

WHEREAS, this is a substantially higher annual number than was imposed by COAH in the “Prior Round” or any iteration of its Round 3 regulations; and

WHEREAS, A4 determines the size of the regional need, but does not calculate allocation of the need to individual municipalities; and

WHEREAS, instead, A4 required the Department of Community Affairs (“DCA”) to produce non-binding estimates of need on or before October 20, 2024, which it did provide on October 18, 2024 (“DCA Report”); and

WHEREAS, the DCA Report calculates the Township’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 4 units and a Prospective Need or New Construction Obligation of 272 units; and

WHEREAS, the Township accepts the conclusions in the DCA Report, except regarding the land capacity allocation factor; and

WHEREAS, as to the **Land Capacity Allocation Factor**, the Township notes that the DCA belatedly provided the data it used to establish this factor, i.e., on or about November 27, 2024 instead of by October 20, 2024; and

WHEREAS, the Township further notes that the link to the DCA GIS data that the DCA belatedly made available to municipalities includes the following language: The land areas identified in this dataset are based on an the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. **It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.**” (emphasis added); and

WHEREAS, the DCA maintains that the areas the DCA identified as developable are indeed overinclusive and, consequently, the Township’s Professional Planner, has prepared a report, attached hereto as Exhibit A; and

WHEREAS, correcting the allocation factors results in the Township’s Round 4 Prospective Need Obligation being 242 units rather than the 272 units the DCA calculated; and

WHEREAS, Section 3 of A4 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 A4; and

WHEREAS, Township’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of A4; and

WHEREAS, the Township specifically reserves the right to adjust those numbers based on one or any of the foregoing adjustments: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water); and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including, but not limited to the Highlands Regional Master Plan and its build out, the Pinelands or Meadowlands regulations and planning document; and

WHEREAS, in addition to the foregoing, the Township specifically reserves all rights to revoke or amend this resolution and commitment, as may be necessary, in the event of a successful challenge to A4 in the context of the Montvale case (MER-L-1778-24), any other such action challenging A4, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of A4; and

WHEREAS, in addition to the foregoing, the Township reserves the right to take a position that its Round 4 Present or Prospective Need Obligations are lower than described herein in the

event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

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

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

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the 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, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Township reserves any and all rights and remedies in relation to the AOC Directive; and

WHEREAS, the Township seeks a certification of compliance 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; and

NOW, THEREFORE, BE IT RESOLVED on this 21st day of January, 2025, by the Council of the Township of West Caldwell, Essex County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Mayor and Council hereby commit to a Present Need Obligation of 4 units and the Round 4 Prospective Need Obligation 242 units as described in this resolution subject to all reservations of rights, which specifically include:
 - a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;
 - b) As described in the WHEREAS section, all rights to revoke or amend this resolution in the event of a successful legal challenge, or legislative change, to A4;
 - c) All rights to take any contrary position in the event of a third party challenge to the obligations.
3. The Township hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint within 48 hours after adoption this resolution attaching this resolution.
4. The Township hereby directs its Affordable Housing Counsel to (a) file this Resolution with the “Program” pursuant to the requirements on A4.
5. The Township hereby directs that this Resolution be published on the municipal website within 48 hours of its passage, pursuant to A4.
6. This resolution shall take effect immediately, according to law.

It is hereby certified that at a regular meeting of the Mayor and Council of the Township of West Caldwell, New Jersey being held on the date of January 21, 2025, the foregoing Resolution was duly adopted.



 Township Clerk

The foregoing Resolution, having been duly presented to me on January 22, 2025, I hereby **approve** the same.



 Mayor



MEMBERS OF THE GOVERNING BODY	RECORDED VOTE			
	YES	NO	ABSTAIN	ABSENT
STEPHEN WOLSKY	X			
JOSEPH CECERE	X			
MICHAEL DOCTEROFF	X			
KATHY L. CANALE				X
MICHAEL CRUDELE	X			
ROBERT SCHOTT	X			
MAYOR TEMPESTA (IF TIE)				

Memorandum

To: Nikole Baltycki, Township Administrator, Township of West Caldwell
From: Darlene A. Green, PP, AICP
Date: January 17, 2025
Subject: Review and Findings of DCA Land Capacity Analysis GIS Data
Project No.: WCT-015B

This office serves as the Planner for the Township of West Caldwell. On March 20, 2024, the Governor signed Bill A4, referred to as P.L. 2024, c.2. This new law modifies the Fair Housing Act, specifically N.J.S.A. 52:27D-304.3, which concerns the methodology to determine the prospective (Fourth Round) affordable housing obligation.

Three factors are employed to allocate the Regional Need to each applicable community – equalized non-residential valuation, income capacity, and land capacity. N.J.S.A. 52-27D-304.3c.(4) describes the land capacity factor and the steps to determine developable land. The law requires the use of the “land use/land cover data” most recently published by the Department of Environmental Protection (“DEP”) as one of the analysis inputs.

P.L. 2024, c.2. tasked the Department of Community Affairs (“DCA”) with calculating the Fourth Round affordable housing obligations. DCA released a report entitled [Affordable Housing Obligation for 2025-2035 \(Fourth Round\) Methodology and Background](#) (DCA Report).¹ This report describes the steps taken to compute the Fourth Round Obligation. Page 15 of the report states “The datasets mandated for use by the legislation have significant limitations in their use. The LULC data reflect a geographic depiction of the classification system established by the U.S. Geological Survey (Anderson Codes) and modified by DEP. Based on aerial imagery from 2020, land areas are identified by category to reflect uses and coverages.”

P.L. 2024, c.2. also modified N.J.S.A. 52:27D-304.1 regarding requirements, specifically subsection a. which states “Each municipality shall determine its municipal present and prospective need obligations...and may take into consideration the calculations in the report published by the department...”

The DCA Report was released on October 18, 2024. It was accompanied by a detailed spreadsheet illustrating the various calculations used in determining the Fourth Round affordable housing obligations. The spreadsheet includes a tab for each of the three allocation factors (land capacity,

¹ https://www.nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

equalized non-residential valuation, and income capacity). However, the spreadsheet only noted an aggregated acreage value for each town. Detailed Geographic Information Systems (“GIS”) mapping illustrating the location of the developable areas was not released until November 27, 2024. The timing of the production of the GIS data has made this exercise more difficult and on a rushed timeline.

Moreover, the link to the DCA GIS data², which includes a description section includes the following language:

“The land areas identified in this dataset are based on an the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. **It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.**” (emphasis added)

This office was tasked with reviewing the detailed GIS mapping for accuracy. On or about December 2, 2024, this office downloaded the GIS data prepared by the DCA.³ The DCA data was then overlaid with Township parcels, publicly-available environmental constraints data, and tax map information.

The DCA GIS data identifies 42 areas within the Township as developable. These areas total 32.683 acres according to the GIS data. Each area has been assigned a unique “ObjectID” or identification number by DCA. The table attached as **Exhibit A** lists each area’s identification number (see column “DCA ObjectID”), weighted acres, vacant acres, and municipal total identified by DCA.⁴ Our office then added a column to identify the block(s) and lot(s) each area encompasses. We then reviewed each identified area to confirm if it was developable. To the extent an area was not objectively developable, it was removed from the inventory. Our detailed findings for each of the 42 identified areas is provided under “Findings/Comments”. Finally, the table contains a column labeled “Adjusted Developable Acres” based upon the results of our area-by-area analysis.

The locations of the 42 identified areas can be viewed in the “Environmental Constraints with NJDCA Land Capacity Analysis Results” maps attached as **Exhibit B** and **Exhibit C**.

This detailed evaluation reveals that DCA’s analysis is over inclusive and only 14 of the 42 identified areas are developable. The 14 areas encompass 9.204 acres. Therefore, the Township of West Caldwell’s developable acreage is 9.204 acres, not 32.683 acres. When this corrected acreage data is entered into DCA’s excel spreadsheet⁵ the Township’s Land Capacity Factor is amended from 0.61%

² <https://njdca-data-hub-njdca.hub.arcgis.com/datasets/land-capacity-analysis-for-p-l-2024-c-2/about>

³ Ibid.

⁴ Note that the DCA GIS attribute table labels this column as “vacant acres” not developable acres.

⁵ https://www.nj.gov/dca/dlps/4th_Round_Numbers.shtml

to 0.17%. The Township's Average Allocation Factor decreases from 1.33% to 1.18% and, accordingly, West Caldwell's Fourth Round Obligation is adjusted from 272 to 242.

The below table illustrates the revisions to the allocation factors and Fourth Round Prospective Need Obligation as a result of our analysis.

Allocation Factor/Prospective Need	DCA Calculation	Proposed Revision
Land Capacity Factor	0.61%	0.17%
Equalized Non-residential Valuation Factor	2.22%	2.22%
Income Capacity Factor	1.15%	1.15%
Average Allocation Factor	1.33%	1.18%
Prospective Need Obligation	272	242

DCA's land capacity analysis followed the steps outlined in P.L. 2024, c.2 (N.J.S.A. 52-27D-304.3c.(4)) to determine land capacity. As described above, the base layer of information was the land use/land cover data prepared by DEP, which is based on aerial imagery from 2020. Our review of the data for the Township of West Caldwell reveals the following shortcomings with the GIS analysis prepared by the DCA:

- It fails to account for street frontage.
- It is blind to block and lot lines and identifies portions of existing developed sites as developable. Many of these instances occur in rear and side yard setback areas.
- It does not take into account area shape and size. For example, areas as narrow as 5.8 feet are identified as developable.

These issues are illustrated in **Exhibit B** and **Exhibit C**.

West Caldwell does not dispute the DCA's calculation for Equalized Non-residential Valuation or Income Capacity. Thus, the Township is accepting the DCA analysis, but for the corrections to the Land Capacity Factor described in this memorandum. Correcting the Land Capacity Factor yields a Fourth Round Prospective Need Obligation of 242, not 272.

cc: Michael Edwards, Special Affordable Housing Counsel

Exhibit A

Township of West Caldwell: DCA Land Capacity Factor Analysis

DCA ObjectID	Weighted Acres	Vacant Acres*	Municipal Total	Block(s) / Lot(s)	Findings/Comments	Adjusted Developable Acres
30004	0.46424	0.46424	32.682641	B2802, L14,02	The identified area is irregularly shaped with a depth of 357 feet; width varies from 35 feet along Harrison Avenue to 118.3 feet at the rear (north). Wetlands to the east and north of the area are identified as a habitat for the Barred Owl, a State Threatened species, which classifies the wetlands as being of exceptional value and requiring a 150-foot buffer. The buffer encompasses the entire area. Additionally, a tributary of the Passaic River flows along the east and north sides of the wetlands area. The presence of an Endangered or Threatened species requires a 150-foot Riparian buffer. This buffer encompasses encroaches into the area from the east. Due to these factors, the identified area is undersized and not developable.	0
30005	0.20202	0.20202	32.682641	B2500, L11	The identified area measures 328 feet long along Runnymede Road. Area depth varies from 6.7 feet in the east to 39.8 feet deep in the middle of the area. The irregular shape and shallow depth of the area cannot accommodate development. Therefore, the identified area is not developable.	0
30006	0.133066	0.133066	32.682641	B3304, L1	The identified area is triangular with a base of 66 feet and height of 134.6 feet. Said area totals 5,795.2 square feet. The area is located on a property that does not have existing public street frontage. Additionally, 150-foot wetlands and 150-foot Riparian buffers encompass the entire area. Steep slopes are also present in the center of the area. Due to these factors, the identified area is not developable.	0
30007	3.419418	3.419418	32.682641	B3101, L5 & B3200, L5	The identified area is irregularly shaped and is located on properties with no existing public street frontage. The portion of the area on Lot 5 of Block 3101 is the side yard of the Borough of Caldwell's Sewage Treatment Plant. Additionally, 150-foot wetlands and 150-foot Riparian buffers encompass the entire area and steep slopes are present in the center of the area. Due to these factors, the identified area is not developable.	0
30008	0.465455	0.465455	32.682641	B2401, L44	This irregularly shaped area is located in the "flag" portion of a flag lot, which has 12 feet of frontage along Westville Avenue. The area contains 656 square feet of steep slopes. Additionally, the eastern tip of the area measures 70 feet long and 10 feet wide, totaling 800 square feet. Due to these factors, developable acres is reduced to 0.43203 acres.	0.43203
30009	0.389074	0.389074	32.682641	B2401, L44	The identified area is irregularly shaped and contains 400 square feet of steep slopes. Additionally, the western "leg" measures between 21.9 feet and 50 feet wide and totals 4,071.9 square feet, which cannot accommodate development. Therefore, developable acres is reduced to 0.286413 acres.	0.286413
30010	0.932491	0.932491	32.682641	B3101, L5	The identified area is located on a property that does not have existing public street frontage. Said property contains the Borough of Caldwell's Sewage Treatment Plant and ground mounted solar panels. The identified area is located immediately north of the solar panels. Additionally, a 150-foot wetlands buffer encompasses a majority of the area, while a 150-foot Riparian buffer encroaches from two tributaries of the Passaic River to the northeast and northwest. Steep slopes are also present along the southern area boundary. Due to these factors, the identified area is not developable.	0
30011	0.107452	0.107452	32.682641	B2301, L24		0.107452
30012	0.071986	0.071986	32.682641	B2301, L25	The identified area is irregularly shaped. The southern two-thirds of the area measures 100 feet deep and 18.2 feet to 38.7 feet wide. The northern third measures 54.5 feet deep and 2.7 feet to 22.3 feet wide. The area totals 3,135.1 square feet. The size and shape of the area cannot accommodate development. Due to these factors, the identified area is not developable.	0
30013	0.454223	0.454223	32.682641	B102, L7	The identified area is irregularly shaped due to the surrounding steep slopes. The area measures 286.3 feet by 22.8 feet (north) to 120 feet (south). However, portions of the area are less than 40 feet wide and cannot accommodate development. This includes a 554.5 square foot "leg" at the south end of the area and "legs" of 1,562 square feet and 366.7 square feet extending from the northern area boundary. Additionally, the area contains 0.016624 acres of steep slopes. Due to these factors, developable acres is reduced to 0.380593 acres.	0.380593

Township of West Caldwell: DCA Land Capacity Factor Analysis

DCA ObjectID	Weighted Acres	Vacant Acres*	Municipal Total	Block(s) / Lot(s)	Findings/Comments	Adjusted Developable Acres
30014	0.577592	0.577592	32.682641	B102, L7	The identified area is irregularly shaped due to the surrounding steep slopes. There are three main sections of the identified area, an eastern section, a central section, and a western section. The eastern section, located along Mountain Avenue measures 145.9 feet wide and 45 to 74.2 feet deep and totals 9,254.2 square feet. The middle section is connected to the eastern section by a 12.7-foot to 30.5 foot-wide connection. The middle section measures 139.8 feet wide by 28.3 feet to 78.1 feet wide and totals 7,737.3 square feet. Finally, the western section is connected to the middle section through a 22.5-foot-wide pinch point. The western section measures 160 feet by 40 feet and totals 8,162.6 square feet. However, the identified area has "legs" that are less than 40 feet wide and cannot accommodate development. This includes a 115.3 square foot leg in the southwest corner of the eastern section, a 1,016.7 square foot leg in the southwest corner of the middle section, and a 1,794.9 square foot "n"-shaped leg at the north end of the western section. Due to these factors, developable acres is reduced to 0.5104 acres.	0.5104
30015	1.574892	1.574892	32.682641	B102, L7	The identified area is irregularly shaped due to the surrounding steep slopes. The area is located to the west of ID 30014 and north of ID 30013. The middle of the area contains steep slopes totaling 0.137423 acres. Additionally, the southern "leg" of the area is only 12.2 to 40.5 feet wide, which cannot accommodate development. A second "leg" is located at the northern point of the area and is only 10 to 27.9 feet wide. These "legs" total 4,765.3 square feet. Due to these factors, developable acres is reduced to 1.328073 acres.	1.328073
30016	1.493965	1.493965	32.682641	B102, L7	The identified area is irregularly shaped due to the surrounding steep slopes. The eastern section along Mountain Avenue measures 168.6 feet wide by 31.1 to 51.8 feet deep. This section cannot accommodate development due to its depth. The western section is connected to the eastern section by a 26.3-foot-wide strip. However, the western section contains a water tower, associated utility equipment, and an access driveway. Therefore, the western section cannot accommodate development. Steep slopes are also scattered in the western half of the area. Due to these factors, the identified area is not developable.	0
30017	0.070461	0.070461	32.682641	B2000, L1	The identified area measures 72.4 feet by 53.1 feet. The area totals 3,068 acres. The size and shape of the area cannot accommodate development. Additionally, the entire area is within a 150-foot wetlands buffer. Due to these factors, the identified area is not developable.	0
30018	0.096592	0.096592	32.682641	B2203, L33	The identified area measured 181.8 feet deep by 8.9 feet to 29.8 feet wide. The area totals 4,206.7 square feet. The shape and size of the area cannot accommodate development. Therefore, the identified area is not developable.	0
30019	2.391904	2.391904	32.682641	B2000, L1	The identified area is irregularly shaped and is 677.8 feet long, measured from northeast to southwest. Area width varies from 32.1 feet (southwest) to 486.9 feet wide (northeast). A portion of the area is also located between adjacent Lots 1.07 and 1.08 where the width is less than 25 feet. Wetlands to the north, south, and west are identified as a habitat for the Northern Myotis, Little Brown Myotis, a State Endangered Species, Bobcat, Barred Owl, and Long-eared Owl. The 150-foot wetlands buffer encompasses a majority of the area. Steep slopes are also present in the northern half of the area. Finally, a 150-foot Riparian buffer encompasses the southern tip of the area. These environmental features total 2.218556 acres. The remaining 0.173348 acres is contained in four sections. The southernmost section is located between Lots 1.07 and 1.08 and totals 1,948.8 square feet, the southern central section is trapezoidal and totals 1,067.5 square feet, the northern central section is triangular and totals 4,485 square feet, and the northernmost section is irregular and totals 68.1 square feet. The shape and size of each of the four remaining sections cannot accommodate development. Due to these factors, the identified area is not developable.	0
30020	0.067508	0.067508	32.682641	B2203, L3	The identified area is triangular with a base of 134.5 feet and height of 35.9 feet. The area totals 2,940.1 square feet. The shape and size of the area cannot accommodate development. Therefore, the identified area is not developable.	0

Township of West Caldwell: DCA Land Capacity Factor Analysis						
DCA ObjectID	Weighted Acres	Vacant Acres*	Municipal Total	Block(s) / Lot(s)	Findings/Comments	Adjusted Developable Acres
30021	0.529182	0.529182	32.682641	B2000, L1	The identified area is irregularly shaped and is 494.2 feet long, measured from northeast to southwest. Area width varies from 5.8 feet (middle of area) to 92.1 feet (south). The shape of the area cannot accommodate development. Additionally, wetlands to the northwest and south are identified as a habitat for the Northern Myotis, Bobcat, Barred Owl, Little Brown Myotis, and Long-eared Owl. The 150-foot wetlands buffer encompasses the entire area. Additionally, a 150-foot Riparian buffer from a tributary of the Passaic River to the southeast encroaches the southeaster end of the area. Due to these factors, the identified area is not developable.	0
30022	0.059363	0.059363	32.682641	B803, L21	The identified area totals 2,585.4 square feet and is the rear yard of an existing developed lot. Therefore, the identified area is not developable.	0
30023	1.625379	1.625379	32.682641	B2101, L8, 9, 10, & 12		1.625379
30024	0.130889	0.130889	32.682641	B1813, L8		0.130889
30025	0.348713	0.348713	32.682641	B2000, L11 & 12		0.348713
30026	0.611711	0.611711	32.682641	B1903, L7	Wetlands to the east of the identified area are identified as a habitat for the Northern Myotis, Little Brown Myotis, Red-shouldered Hawk, a State Endangered species, Barred Owl, Bobcat, and Long-eared Owl. Additionally, a tributary of the Passaic River to the southeast and north of the area flows through the wetlands. These environmental features total 0.530124 square feet. The remaining 0.081587 acres (3,533.2 square feet) measures 82.1 feet by 62.4 feet at a maximum. The size and shape of the remaining area cannot accommodate development. Due to these factors, the identified area is not developable.	0
30027	0.63526	0.63526	32.682641	B1903, L5 (now L4.01)	The identified area is located on a property that was part of a Preliminary and Final Major Subdivision and Site Plan approval to redevelop Lots 1, 2, 3, 4, 5, and 6 in Block 1903. On November 14, 2022, the Planning Board memorialize a Resolution approving Sunrise Realty, LLC's application to merge the six lots and subsequently subdivide the area into two lots and create a new public right-of-way. The approved development on Lot 4.01 includes a new ShopRite supermarket, parking area, and associated improvements. The identified area is within the vicinity of the approved building and rear parking and loading area. NearMap aerial imagery from October 12, 2024 shows construction of the supermarket has commenced. Therefore, the identified area is not developable.	0
30028	0.135725	0.135725	32.682641	B1903, L6 (now L6.01)	The identified area is located on a property that was part of a Preliminary and Final Major Subdivision and Site Plan approval to redevelop Lots 1, 2, 3, 4, 5, and 6 in Block 1903. On November 14, 2022, the Planning Board memorialize a Resolution approving Sunrise Realty, LLC's application to merge the six lots and subsequently subdivide the area into two lots and create a new public right-of-way. The identified area appears to be on what is now Lot 6.01 along the approved public right-of-way. The approval did not include any development on Lot 6.01. However, the triangular area measures 75 feet wide in the south, which tapers to zero feet in the north. The length of the area, measured from north to south is 114.5 feet. The shape of the area cannot accommodate development. Additionally, the entire area is within a 150-foot wetlands buffer from the wetlands to the west, which are identified as a habitat for the Northern Myotis, Little Brown Myotis, Bobcat, Barred Owl, and Long-eared Owl. Due to these factors, the identified area is not developable.	0

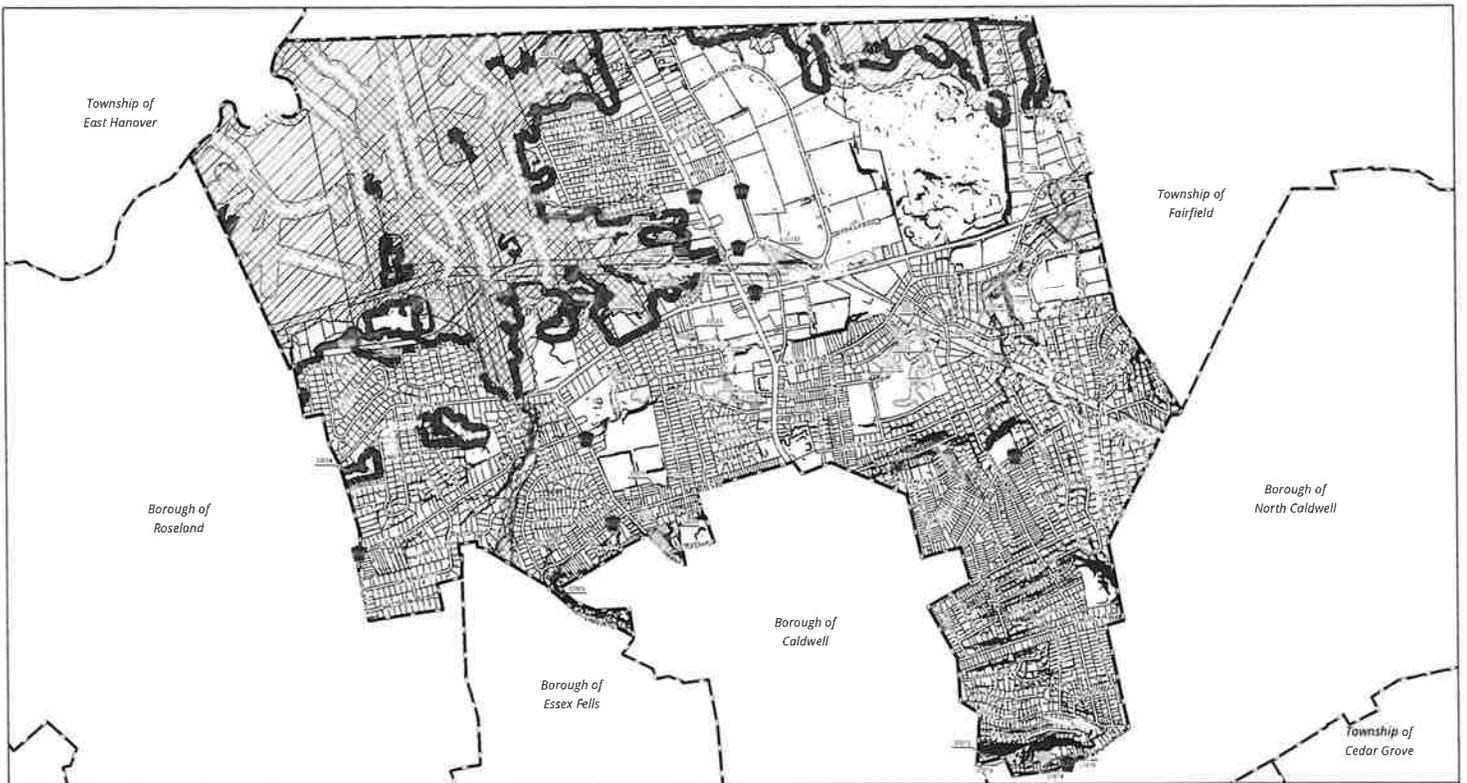
Township of West Caldwell: DCA Land Capacity Factor Analysis

DCA ObjectID	Weighted Acres	Vacant Acres*	Municipal Total	Block(s) / Lot(s)	Findings/Comments	Adjusted Developable Acres
30029	0.633842	0.633842	32.682641	B1903, L6 (now L4.01)	The identified area is located on a property that was part of a Preliminary and Final Major Subdivision and Site Plan approval to redevelop Lots 1, 2, 3, 4, 5, and 6 in Block 1903. On November 1, 2022, the Planning Board approved Sunrise Realty, LLC's application to merge Lots 2 through 5 and subsequently subdivide the area into two lots and create a new public right-of-way. The approved development on Lot 4.01 includes a new ShopRite supermarket and associated improvements. The identified area is within the vicinity of the approved building and parking area. NearMap aerial imagery from October 12, 2024 shows construction of the supermarket has commenced. Therefore, the identified area is not developable.	
30030	0.171774	0.171774	32.682641	B901, L20	The identified area contains 397.5 square feet of steep slopes along the eastern boundary. Therefore, developable acres is reduced to 0.162649 acres.	0.162649
30031	6.881448	6.881448	32.682641	B1700, L10 & 16	The identified area is located on properties that do not have public street frontage. Additionally, a 150-foot buffer from wetlands to the south and west, which are identified as a habitat for the Northern Myotis, Little Brown Myotis, Bobcat, Barred Owl, and Long-eared Owl, encroaches into the identified area. Due to these factors, the identified area is not developable.	0
30032	1.636922	1.636922	32.682641	B1502, L1		1.636922
30033	0.470133	0.470133	32.682641	B1700, L11	The identified area is located on a property that does not have public street frontage. Additionally, a 150-foot wetlands buffer from wetlands surrounding the property encompass the entire area. A 150-foot Riparian buffer from a tributary of the Passaic River to the east encroaches into the southeast corner of the area. Due to these factors, the identified area is not developable.	0
30034	0.317346	0.317346	32.682641	B901, L22	The identified area is located on a property that does not have public street frontage. Therefore, the identified area is not developable.	0
30035	0.076354	0.076354	32.682641	B901, L15	The width of this "L" shaped area varies from 5.5 feet to 36.1 feet. Said area totals 3,325.3 square feet. The size and shape of the area cannot accommodate development. Additionally, a 50-foot Riparian buffer from a tributary of the Deepavaal Brook encompasses the western end of the area. Furthermore, the area is the rear yard of an existing developed lot (Township's pumping station). Due to these factors, the identified area is not developable.	0
30036	1.301238	1.301238	32.682641	B901, L3 & 15	The identified area is irregularly shaped with a wide triangular area to the east and a "Y"-shaped area to the west. A tributary of the Deepavaal Brook flows through the eastern half of the area and the associated 50-foot Riparian buffer encompasses the eastern quarter of the area. Steep slopes are also present in the eastern quarter of the area. These environmental features encompass 0.48108 acres. The remaining "Y"-shaped area is 57.5 feet wide in the southern "leg" and 45 feet wide in the western "leg" (portion on Lot 3). The width of the remaining area cannot accommodate development. Additionally, the area is the rear yard of an existing developed lot (Township's pumping station). Due to these factors, the identified area cannot be developed.	0
30037	0.149389	0.149389	32.682641	B901, L15	The identified area is the access drive to the Township's pumping station. The identified area is not developable.	0
30038	0.10164	0.10164	32.682641	B603, L28.13	This triangular area has a base of 171.2 feet and height of 67 feet. However, the eastern half of the area is only 2.2 feet to 15.8 feet wide. The remaining 3,869.8 square feet cannot be developed due to its size and shape. Therefore, the identified area is not developable.	0
30039	1.911275	1.911275	32.682641	B1600, L1, 2, & 3	Steep slopes are present along the area's Bloomfield Avenue frontage and along the eastern border. Additionally, a 50-foot Riparian buffer from an adjacent water body encompasses the northwest corner of the area. These environmental features total 0.217586 acres. Therefore, developable acres is reduced to 1.693689 acres.	1.693689
30040	0.079435	0.079435	32.682641	B1201, L21	The identified area is located on a property that does not have public street frontage. Additionally, the diamond-shaped area totals 3,459.5 square feet and measures a maximum of 124.1 feet by 51.4 feet. The size and shape of the area cannot accommodate development. Due to these factors, the identified area is not developable.	0

Township of West Caldwell: DCA Land Capacity Factor Analysis						
DCA ObjectID	Weighted Acres	Vacant Acres*	Municipal Total	Block(s) / Lot(s)	Findings/Comments	Adjusted Developable Acres
30041	0.18675	0.18675	32.682641	B1201, L21	The identified area is located on a property that does not have public street frontage. The area measures 180 feet long by 63.1 feet wide. Area width tapers to 16.3 feet in the south. Additionally, a 50-foot buffer from a tributary of the Deepavaal Brook encroaches into the area from the north and steep slopes are present in the north and south of the area. These environmental features total 0.03153 acres. Due to these factors, the identified area cannot accommodate development.	0
30042	0.600305	0.600305	32.682641	B1201, L21	The identified area is located on a property that does not have public street frontage. Therefore, the identified area is not developable.	0
30043	0.582018	0.582018	32.682641	B1201, L2	The identified area measures 251.5 feet along Passaic Avenue and is 115.8 feet deep. However, a tributary of the Deepavaal Brook is located to the north and east of the area. The Brook flows through an area identified as a habitat for the Bobcat, which requires a 150-foot Riparian buffer along the Brook and all upstream waters within 1 mile of the habitat. The 150-foot Riparian buffer encompasses the northern half of the area. The remaining measures 106 feet along Passaic Avenue and 73.8 feet to 92.5 feet deep and totals 9,318.9 square feet. Therefore, developable acres is reduced to 0.213933 acres.	0.213933
30044	0.535529	0.535529	32.682641	B1300, L11	A tributary of the Deepavaal Brook is located to the northeast of the area. A 150-foot Riparian buffer is required due to the tributary being within 1 mile upstream from an area identified as a habitat for the Bobcat. The 150-foot Riparian buffer encompasses 0.188363 acres of the northeast corner of the area. Therefore, developable acres is reduced to 0.347166 acres.	0.347166
30045	0.058683	0.058683	32.682641	B1300, L11	The identified area is a small strip along Lot 11's Fairfield Avenue frontage. Depth of the area varies from 2.4 feet to 30.1 feet. The size and shape of the area cannot accommodate development. Due to these factors, the identified area is not developable.	0
Total	32.682642	32.682642				9.204301

* The DCA GIS attribute table labels this column as "vacant acres", not developable acres.

Exhibit B



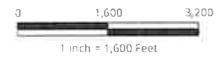
ENVIRONMENTAL CONSTRAINTS WITH
NJDCA LAND CAPACITY ANALYSIS RESULTS

TOWNSHIP OF WEST CALDWELL
ESSEX COUNTY, NEW JERSEY

January 15, 2025
WCT015B

Legend

- | | |
|--------------------------------------|----------------------------------|
| Municipal Boundary | 150-ft Riparian Zone Wetlands |
| Parcels | 50-ft Wetlands Buffer |
| NJDCA Land Capacity Analysis Results | 150-ft Wetlands Buffer |
| Water Bodies | FEMA Special Flood Hazard Area |
| Non-C11 Streams | Areas with slopes 15% or greater |
| 50-ft Riparian Zone | |



Colliers
Engineering
& Design

Exhibit C



**ENVIRONMENTAL CONSTRAINTS WITH
NJDCALAND CAPACITY ANALYSIS RESULTS**

TOWNSHIP OF WEST CALDWELL
ESSEX COUNTY, NEW JERSEY

January 15, 2025
WCT015B

- Legend**
-  Municipal Boundary
 -  Parcel's
 -  NJDCA Land Capacity Analysis Results
 -  Water Bodies
 -  Non C-1 Streams
 -  50-ft Riparian Zone
 -  150-ft Riparian Zone
 -  Wetlands
 -  50-ft Wetlands Buffer
 -  150-ft Wetlands Buffer
 -  FEMA Special Flood Hazard Area
 -  Areas with slopes 15% or greater



Colliers
Engineering
& Design