



Engineering
& Design

2025 Housing Element & Fair Share Plan

Township of West Caldwell

June 1, 2025

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Township of West Caldwell

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2025 Housing Element & Fair Share Plan

Township of West Caldwell

Essex County, New Jersey

Adopted by the Planning Board: _____

Endorsed by the Township Council: _____

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

WCT-015B

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I. Introduction

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

Affordable housing in New Jersey has a long, convoluted history dating back to 1975, when the New Jersey Supreme Court ruled that each municipality within the State has a constitutional obligation to provide a realistic opportunity for the construction of their fair share of affordable housing. This landmark decision is commonly referred to as Mount Laurel I, as the defendant was the Township of Mount Laurel. In 1983, the New Jersey Supreme Court upheld its Mount Laurel I decision and created builder's remedy as a means of enforcement (known as Mount Laurel II). In response to the court decisions, the Fair Housing Act (FHA) was adopted in 1985, which provided an administrative process for municipal compliance. The FHA also created the Council on Affordable Housing (COAH), which was responsible for promulgating municipal obligations, adopting regulations, and administering the compliance process. The first round of affordable housing spanned from 1987 to 1993. This was followed by the second round from 1993 to 1999.

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

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

On January 18, 2017, the Supreme Court ruled that municipalities are responsible for obligations accruing during the so-called "gap period," the period between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before-calculated component of Present Need (also referred to as Rehabilitation Obligation), which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

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

Then, on March 20, 2024, Governor Murphy signed legislation that dramatically modified the State's affordable housing regulations. The 75-page bill, known as A4, abolished COAH, modified the

process of affordable housing compliance, amended bonus credits, and, among other changes, set forth several important deadlines. P.L. 2024, c.2 (“Amended FHA”) charged the Department of Community Affairs (“DCA”) with the preparation of fourth round obligations and set forth aggressive timelines for compliance. In October of 2024, DCA published a report on its calculations of regional need and municipal present (Rehabilitation Obligation) and prospective (Fourth Round Obligation) fair share obligations. The Report is entitled “Affordable Housing Obligation of 2025-2035 (Fourth Round) Methodology and Background”. The DCA calculated West Caldwell’s present need obligation as 4 and its prospective need obligation as 272. Municipalities were required to adopt a binding resolution outlining their present and prospective fair share obligations by January 31, 2025. On January 21, 2025, the Township Council adopted Resolution No. 25-067 accepting the DCA’s calculation of the Borough’s present need and correcting the developable land data regarding West Caldwell’s prospective obligation. The modifications resulted in an adjusted Fourth Round Obligation, which was subject to any vacant land and/or durational adjustment. The Township of West Caldwell also filed a “Complaint for Declaratory Relief Pursuant to Directive #14-24” on January 23, 2025, as part of the compliance certification process outlined in the Director of the Administrative Office of the Courts Directive #14-24.

During the 30-day challenge window, the New Jersey Builder’s Association (“NJBA”) challenged the Township’s Fourth Round Obligation. Mediation was conducted and the Township negotiated with NJBA and settled at a Fourth Round Obligation of 261. The Township adopted a resolution entitled “Resolution of the Council of the Township of West Caldwell Committing to Round 4 Present and Prospective Need Affordable Housing Obligations in Agreement with the New Jersey Builders Association” on April 1, 2025 accepting the obligation of 261.

This is the Township of West Caldwell’s Housing Element and Fair Share Plan (“HEFSP”) for the period between 2025 and 2035, known as the Fourth Round. West Caldwell seeks to voluntarily comply with its constitutional obligation to provide a realistic opportunity for affordable housing. This HEFSP is prepared utilizing the Prior Round Rules¹, Third Round Rules² (as applicable), and the amendments implemented in P.L. 2024, c.2. Each municipality in the State has a four-part obligation:

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

Affordable Housing History

A summary of West Caldwell’s affordable housing timeline is included below:

- **2000** | A “builder’s remedy” lawsuit was filed against West Caldwell for exclusionary zoning practices by The Villas at West Caldwell (“The Villas”).

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

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

- **May 5, 2005** | The “builders remedy” lawsuit was resolved through the execution of a Settlement Agreement between the Township and The Villas.
- **October 2005** | The Township adopted a revised HEFSP, which addressed the settlement terms with The Villas and added the draft growth share and inclusionary zoning ordinances.
- **May 2006** | The Township adopted a revised HEFSP addressing its Second Round obligations.
- **August 2011** | Amended Settlement Agreement between the Township and The Villas at West Caldwell was executed.
- **July 7, 2015** | West Caldwell filed a Declaratory Judgment Action seeking to comply with its constitutional mandate to provide affordable housing in accordance with the March 10, 2015 New Jersey Supreme Court Order.
- **June 17, 2020** | Governing Body executes Settlement Agreement with Fair Share Housing Center (“FSHC”) (see Appendix A).
- **September 10, 2020** | Fairness Hearing before Judge Gardner.
- **September 25, 2020** | Judge Gardner issued an Order Approving the Settlement Agreement between the Township of West Caldwell and Fair Share Housing Center.
- **August 20, 2021** | First Amendment to FSHC Settlement Agreement executed (see Appendix B).
- **October 31, 2024** | Final Order of Judgment of Compliance and Repose issued by Judge Sules (see Appendix C).
- **January 21, 2025** | Township Council adopts Resolution No. 25-067 Committing to Round 4 Present and Prospective Need Affordable Housing Obligations (see Appendix D).
- **January 23, 2025** | Complaint for Declaratory Relief Pursuant to Directive #14-24 filed (see Appendix E).
- **April 7, 2025** | Decision and Order Fixing Municipal Obligations for “Present Need” and “Prospective Need” for the Fourth Round Housing Cycle issued by Judge Russo (see Appendix F).

Municipal Summary

The Township of West Caldwell is located in the northwest quadrant of Essex County and encompasses 5.1 square miles. West Caldwell’s non-residential areas are concentrated in the northwest corner of the Township and along Bloomfield Avenue and Passaic Avenue. The eastern half of the Township is primarily residential and public uses. The County’s West Essex Park occupies the southwestern corner of the Township. West Caldwell does not have passenger rail access; however, NJTransit operates three bus routes within the Township.

The Township is bordered by the Township of Fairfield to the north and northwest, the Borough of North Caldwell to the northeast, the Boroughs of Caldwell and Essex Fells to the east and southeast,

the Borough of Roseland to the south, and the Township of East Hanover in Morris County to the west. See the map on page 5.

Between 2010 and 2020, West Caldwell’s population grew by 253 residents from a population of 10,759 to 11,012.³ It should be noted that the 2023 American Community Survey (“ACS”), which is the most recent Survey available, estimates the Township’s population at 10,897 residents, which represents a loss of 115 residents (1%) since the 2020 Census.⁴ The North Jersey Transportation Planning Authority (“NJTPA”) projects that the Township will grow to 12,020 residents by the year 2050.⁵

Affordable Housing Obligation

The Township of West Caldwell has agreed to a Rehabilitation Obligation of 4 units. The Township’s Prior Round Obligation (“PRO”) is 200. However, the Township received a Vacant Land Adjustment (“VLA”) during the Prior Round, which determined the Realistic Development Potential (“RDP”) of West Caldwell to be 18 (see Appendix A). This results in an Unmet Need of 182.

The Township agreed to a 406-unit Third Round Obligation (“TRO”). However, the Township once again conducted a VLA, which determined West Caldwell’s RDP to be 80, which translates to an Unmet Need of 326. West Caldwell also received a hybrid durational adjustment due to a lack of sewer capacity within the Caldwell Sewer System. The Township is served by two sewer systems – Caldwell and Two Bridges Sewerage Authority. As noted in the First Amendment to the FSHC Settlement Agreement, West Caldwell had sufficient sewer capacity for all of its RDP sites except for the 75 Clinton Road site. The 75 Clinton Road site and the Unmet Need sites were durationally adjusted until the Caldwell sewer issue could be resolved.

However, as noted in Chapter XII., one of the Third Round RDP generating sites no longer presents a realistic opportunity for the production of affordable housing and must be removed from the calculation of Third Round RDP. This modifies the Court-approved RDP from 80 to 72.

Finally, West Caldwell’s Fourth Round Obligation (“FRO”) is 261 units. However, the Township conducted a Vacant Land Adjustment analysis using tax data and environmental data to determine an RDP of 0. The RDP subtracted from the FRO results in an Unmet Need of 261.

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

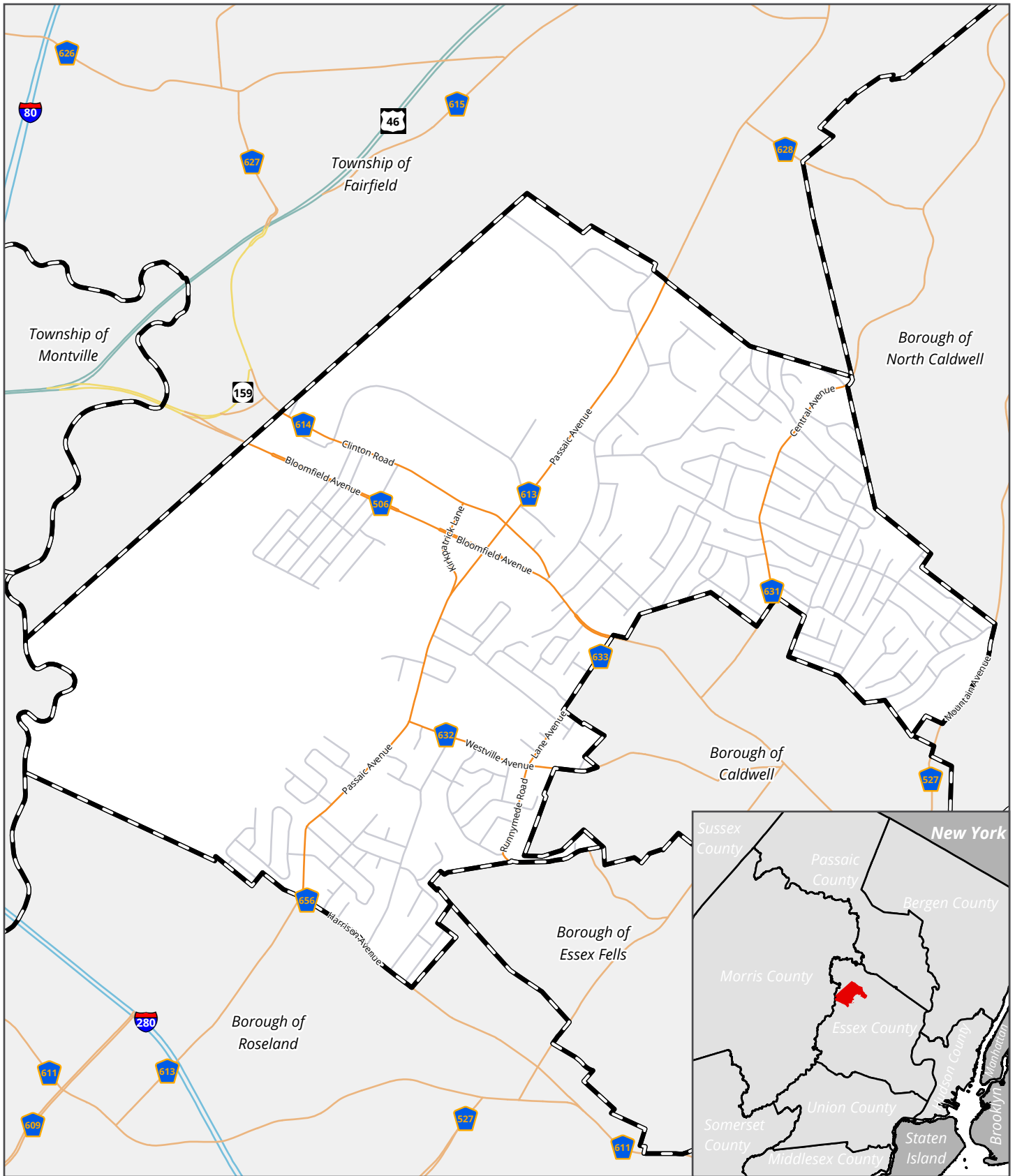
Affordable Housing Obligation

	Rehabilitation	Prior Round 1987 - 1999	Third Round 1999 - 2025	Fourth Round 2025 - 2035
Obligation	4	200	406	261
RDP	--	18	72	0
Unmet Need	--	182	334	261

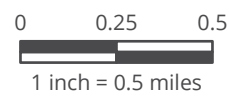
³ Information sourced from <https://data.census.gov/>, accessed March 20, 2025.

⁴ Ibid.

⁵ Information sourced from NJTPA Plan 2050, Appendix E, “Demographic Forecasts”, <https://www.njtpa.org/plan2050>, accessed March 20, 2025.



REGIONAL LOCATION
TOWNSHIP OF WEST CALDWELL
ESSEX COUNTY, NEW JERSEY



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

Township Goal

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

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HOUSING ELEMENT

Township of West Caldwell

II. Content of Housing Element

The Amended Fair Housing Act requires that “the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing”. As per the Municipal Land Use Law (“MLUL”), specifically NJSA 52:27D-310, a housing element must contain at least the following items:

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

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

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

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

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III. West Caldwell's Population Demographics

The Township of West Caldwell's population rose rapidly from just 3,458 people in 1940 to its peak of 11,913 residents in 1970, which is a 244.5% increase over 30 years. However, the Township's population retracted to 10,422 in 1990 and has fluctuated since. According to the 2020 Census, the Township's population was 11,012. See the table below for additional details.

Population Growth

Year	Population	Change	Percent
1940	3,458	--	--
1950	4,666	1,208	34.9%
1960	8,314	3,648	78.2%
1970	11,913	3,599	43.3%
1980	11,407	-506	-4.2%
1990	10,422	-985	-8.6%
2000	11,233	811	7.8%
2010	10,759	-474	-4.2%
2020	11,012	253	2.4%

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

The NJTPA projects that the Township's population will grow to 12,020 residents by 2050 from their baseline 2015 population of 10,807. This represents an increase of 1,213 residents, or an average increase of approximately 34.7 residents annually over 35 years. However, the Township's estimated population according to the 2023 ACS is 10,897, which is 1,123 less than the projected population by the NJTPA. This translates to an average annual increase of approximately 41.6 residents over the next 27 years.

Population Projection

Year	Population	Change	Percent
2015	10,807	---	---
2020	11,012	205	1.9%
2050	12,020	1,008	9.2%

Source: NJTPA Plan 2050, Appendix E, 2050 Demographic Forecasts, <https://www.njtpa.org/plan2050>; 2020 Census Table P1

Age Distribution of Population

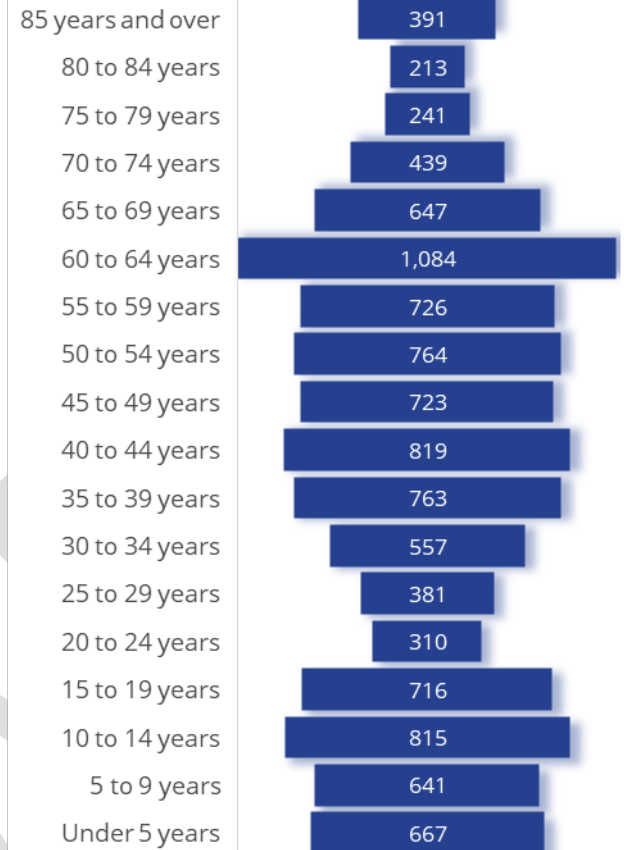
The 2023 ACS estimates 17.7% of West Caldwell's population was 65 years or older compared to 26.1% of the population being 19 years or younger. The largest age cohort was estimated to be those aged 60 to 64 years, which comprised 9.9% (1,084) of the Township's population. Residents aged 40 to 44 years comprised the second-largest age cohort at 7.5% (819) of the population, followed closely by those aged ten to 14 years at 7.5% (815) of the population. The median age was estimated at 43.7 years in the 2023 ACS. See the table and chart on the following page for further details.

Population by Age Cohort

Age	Total	Percent
85 years and over	391	3.6%
80 to 84 years	213	2.0%
75 to 79 years	241	2.2%
70 to 74 years	439	4.0%
65 to 69 years	647	5.9%
60 to 64 years	1,084	9.9%
55 to 59 years	726	6.7%
50 to 54 years	764	7.0%
45 to 49 years	723	6.6%
40 to 44 years	819	7.5%
35 to 39 years	763	7.0%
30 to 34 years	557	5.1%
25 to 29 years	381	3.5%
20 to 24 years	310	2.8%
15 to 19 years	716	6.6%
10 to 14 years	815	7.5%
5 to 9 years	641	5.9%
Under 5 years	667	6.1%
Total	10,897	100%

Source: 2023 ACS Table S0101

Population by Age Cohort



Household Size & Type

According to the 2023 ACS, West Caldwell had 3,917 households. A majority were married-couple households, which comprised over 70% of all households (2,752). Of those, 1,148 had children under 18 years old. Female householders with no spouse present comprised 17.2% of all households, while male householders with no spouse present comprised only 9.1%. Of all households with no spouse present, 131 had children under the age of 18 (3.3%), while 735 were living alone (18.8%). See the table on the following page for complete details.

Household Type

Type	Number	Percent
Married-couple	2,752	70.3%
with children under 18	1,148	29.3%
Cohabiting couple	134	3.4%
with children under 18	0	0.0%
Male householder, no spouse	358	9.1%
with children under 18	62	1.6%
living alone	239	6.1%
Female householder, no spouse	673	17.2%
with children under 18	69	1.8%
living alone	496	12.7%
Total	3,917	100%

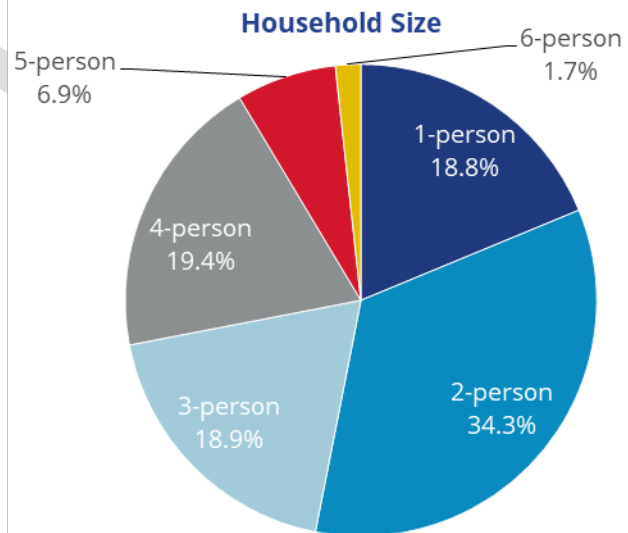
Source: 2023 ACS Table DP02

The most common household size in West Caldwell was estimated to be two-person households, which comprised 34.3% of households in 2023. Four-person households comprised the second-largest number of households at 19.4%. Finally, three-person households comprised 18.9% of the 3,917 households in West Caldwell. It should be noted that 68 households contained six people, while no homes contained seven or more people. The table and pie chart below graphically illustrate the household size composition in West Caldwell. Additionally, the 2023 ACS estimated the average household size at 2.73 persons, which is slightly higher than the 2.69 persons reported in the 2010 Census.

Household Size

Size	Total	Percent
1-person	735	18.8%
2-person	1,345	34.3%
3-person	739	18.9%
4-person	761	19.4%
5-person	269	6.9%
6-person	68	1.7%
7+ person	0	0.0%
Total	3,917	100%

Source: 2023 ACS Table B11016



Income & Poverty Status

The 2023 ACS estimated the median household income for the Township of West Caldwell to be \$154,439, which is almost \$78,000 more than Essex County's and \$53,000+ more than the State's. Similarly, the median family income for the Township was estimated at \$179,375, which is \$78,000+

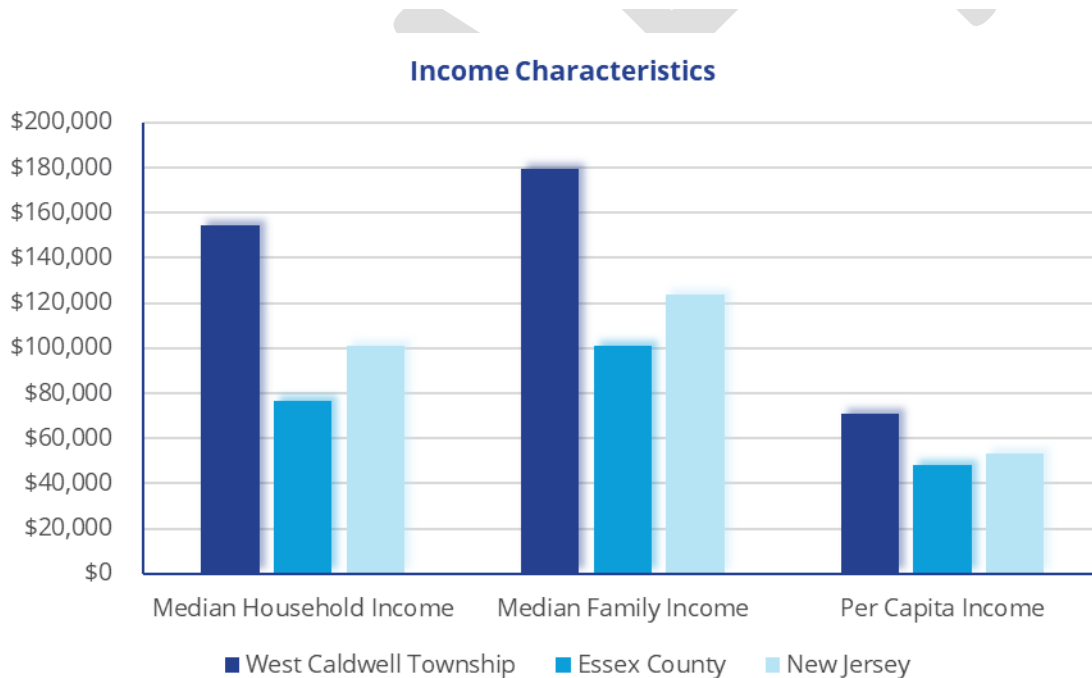
above the County's and over \$55,000 greater than the State's. Finally, West Caldwell's per capita income was estimated at \$70,868, which is more than both the County's and the State's.

West Caldwell's poverty rate for individuals was estimated at just 2.7%, which is less the County's poverty rate by 12.3% and the State's by 7%. Similarly, the Township's poverty rate for families was estimated at 1.3%, a fraction of the family poverty status experienced at the County level. The table and bar chart below provide a comparison between income and poverty characteristics.

Income and Poverty Characteristics

Income Type	West Caldwell Township	Essex County	New Jersey
Median Household Income	\$154,439	\$76,712	\$101,050
Median Family Income	\$179,375	\$101,256	\$123,892
Per Capita Income	\$70,868	\$48,021	\$53,118
Poverty Status (Percent of People)	2.7%	15.0%	9.8%
Poverty Status (Percent of Families)	1.3%	11.7%	7.0%

Source: 2023 ACS Table DP03



According to the 2023 ACS, 37.6% of households in West Caldwell (1,472) earn over \$200,000 annually. Households earning \$100,000 or more annually were estimated to include 2,883 households or 73.6% of all households in West Caldwell. Only 40.2% of households in Essex County and only 50.5% of households in New Jersey earned at least \$100,000 annually. It should be noted that 12.6% of households in West Caldwell earned less than \$50,000. See the table on the following page for additional details.

Household Income

Income Range	West Caldwell Township		Essex County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	90	2.3%	22,124	7.0%	140,262	4.0%
\$10,000 to \$14,999	17	0.4%	15,215	4.8%	99,362	2.9%
\$15,000 to \$24,999	58	1.5%	21,974	6.9%	175,402	5.0%
\$25,000 to \$34,999	203	5.2%	21,828	6.9%	184,753	5.3%
\$35,000 to \$49,999	125	3.2%	29,782	9.4%	276,601	8.0%
\$50,000 to \$74,999	257	6.6%	45,046	14.2%	448,192	12.9%
\$75,000 to \$99,999	284	7.3%	33,951	10.7%	397,939	11.4%
\$100,000 to \$149,999	702	17.9%	45,601	14.4%	627,526	18.0%
\$150,000 to \$199,999	709	18.1%	26,182	8.2%	407,723	11.7%
\$200,000 or more	1,472	37.6%	55,770	17.6%	720,595	20.7%
Total	3,917	100%	317,473	100%	3,478,355	100%

Source: 2023 ACS Table DP03

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IV. West Caldwell's Housing Demographics

Housing Type

The 2023 ACS estimated the Township's housing stock at 3,956 units. Single-family, detached dwellings comprised a majority of the housing stock with 3,374 units or 85.3% of all dwellings. Multi-family dwellings in structures with 20 or more units comprised 244 units (6.2%), while two-family dwellings comprised 157 units (4%) of the housing stock. The Township contains 293 multi-family units (7.4%), which are buildings containing five or more dwelling units, according to the data. It should be noted that the 2023 ACS estimated 18 dwellings to be mobile homes. See the table below for details. Of the estimated 3,956 units in 2023, there are 26 affordable credits/units or 0.65% of the housing stock is affordable.

Housing Units in Structure

Structure	Number of Units	Percent
1-unit, detached	3,374	85.3%
1-unit, attached	69	1.7%
2 units	157	4.0%
3 or 4 units	45	1.1%
5 to 9 units	8	0.2%
10 to 19 units	41	1.0%
20 or more units	244	6.2%
Mobile Home	18	0.5%
Other (boat, RV, van, etc.)	0	0.0%
Total	3,956	100%

Source: 2023 ACS Table DP04

Occupancy Status

Of the 3,956 residential units, 3,917 units, or 99% of the housing stock, was occupied. This includes 3,449 owner-occupied units and 468 rental units. The 39 vacant units only included properties classified as "other". See the table on the following page for details.

The 2023 ACS estimated the average household size in West Caldwell was 2.73 persons, while the average family size was 3.15 persons. Comparing tenure, the average owner-occupied household was 2.84, while the average renter-occupied household was 1.91 persons.

Occupancy Status

Status	Units	Percent
Occupied Total	3,917	99.0%
<i>Owner Occupied</i>	3,449	88.1%
<i>Renter Occupied</i>	468	11.9%
Vacant Total	39	1.0%
<i>For rent</i>	0	0.0%
<i>Rented, not occupied</i>	0	0.0%
<i>For Sale</i>	0	0.0%
<i>Sold, not occupied</i>	0	0.0%
<i>Seasonal</i>	0	0.0%
<i>For migrant workers</i>	0	0.0%
<i>Other</i>	39	100.0%
Total	3,956	100%

Source: 2023 ACS Tables DP04 & B25004

Value & Rent of Housing Stock

The 2023 ACS provided estimates for owner-occupied housing units in West Caldwell. According to the data, a vast majority of homes in the Township were worth between \$500,000 and \$999,999 (78.9%). Homes worth between \$300,000 and \$499,999 comprised 16.8% of the owner-occupied housing units, while 3% of homes were estimated to be worth over one million. Only 21 homes were valued less than \$99,999. The median home value estimated in the 2023 ACS was \$642,800. See the table below and chart on the following page for details.

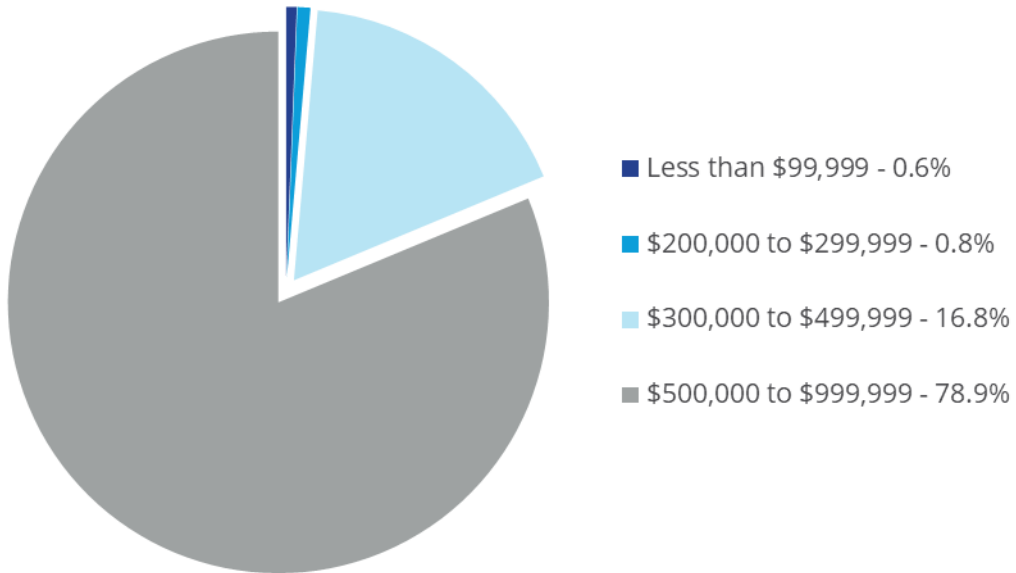
Value of Owner Occupied Units

Value	Number of Units	Percent
Less than \$99,999	21	0.6%
\$100,000 to \$199,999	0	0.0%
\$200,000 to \$299,999	26	0.8%
\$300,000 to \$499,999	580	16.8%
\$500,000 to \$999,999	2,720	78.9%
\$1,000,000 or more	102	3.0%
Total	3,449	100%

Median Value \$642,800

Source: 2023 ACS Table DP04

Value of Owner Occupied Units

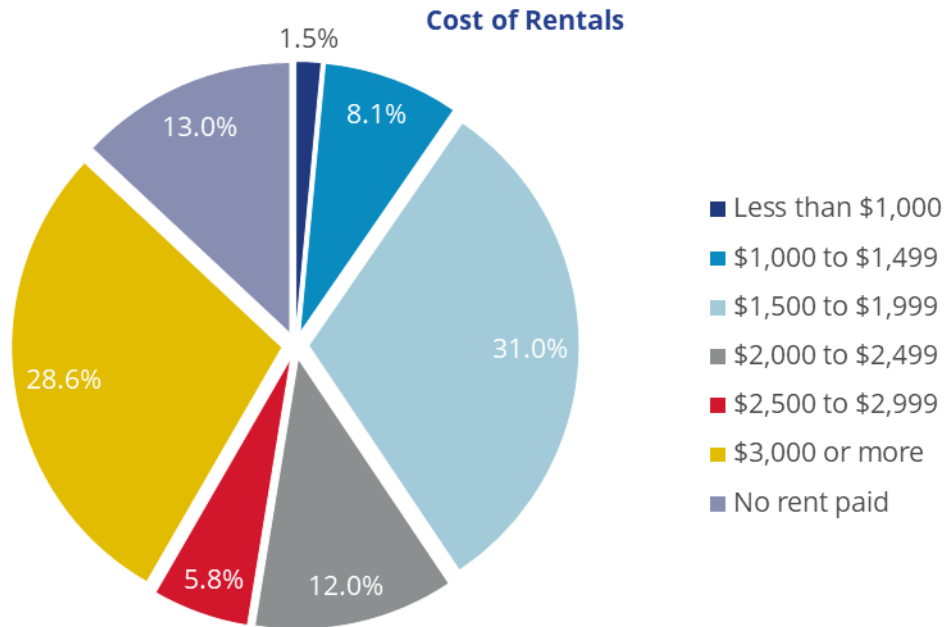


The median rent in the Township was estimated at \$2,121 per the 2023 ACS. Looking at the rent ranges, 145 of the Township’s rental units fell between \$1,500 and \$1,999 per month (31%). Units that cost between \$2,500 and \$2,999 comprised 5.8% of rentals (27 units), while 12% (56 units) cost between \$2,000 and \$2,499 per month. It should be noted that 13% of rentals reported no rent (61 units). See the table below and chart on the following page for more information.

Cost of Rentals

Cost	Number of Units	Percent
Less than \$1,000	7	1.5%
\$1,000 to \$1,499	38	8.1%
\$1,500 to \$1,999	145	31.0%
\$2,000 to \$2,499	56	12.0%
\$2,500 to \$2,999	27	5.8%
\$3,000 or more	134	28.6%
No rent paid	61	13.0%
Total	468	100%
Median (in dollars)	\$2,121	

Source: 2023 ACS Table DP04



Condition and Age of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of the substandard housing units that are occupied by low- and moderate-income households. Most of the Census indicators available at the municipal level indicate a sound housing stock. Only 14 occupied homes were estimated to not contain complete plumbing or kitchen facilities, while 43 homes within the Township did not have a fuel source for heat.

Condition of Housing Stock

Condition	Number of Units	Percent
Lack of complete plumbing	14	0.36%
Lack of complete kitchen	14	0.36%
Lack of telephone service	14	0.4%
Lack of adequate heat	43	1.1%
Total Occupied Housing Units	3,917	2.17%

Source: 2023 ACS Table DP04

Housing with 1.01 or more persons per room (excluding bathrooms and kitchens) is an index of overcrowding as defined by the U.S. Department of Housing and Urban Development.⁶ According to the 2023 ACS, all but nine of the Township's 3,917 occupied housing units contained 1.00 or less persons per room.

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

Occupants Per Room

Occupants	Number of Units	Percent
1.00 or less	3,908	99.8%
1.01 to 1.50	9	0.2%
1.51 or more	0	0.0%
Total	3,917	100%

Source: 2023 ACS Table DP04

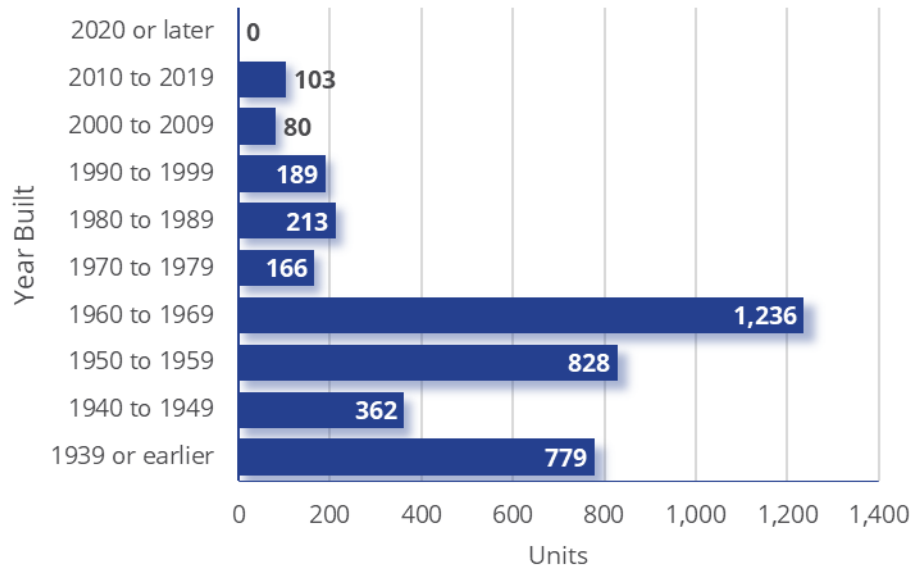
The table below and bar graph on the following page provide the 2023 ACS estimates for the age of housing units in West Caldwell. An estimated 3,205 units, or 81%, of the Township's housing stock were constructed prior to 1970 with just over 20% being constructed in the 1950s and nearly 20% being constructed prior to 1940, which is when most residential development occurred in the Township. Since 1980, only 585 homes have been constructed (19%). See the table below and chart on the following page for more details. The Township's Rehabilitation Obligation is 4 units, reflecting the good condition of these older homes.

Age of Housing Stock

Year Built	Number of Units	Percent
1939 or earlier	779	19.7%
1940 to 1949	362	9.2%
1950 to 1959	828	20.9%
1960 to 1969	1,236	31.2%
1970 to 1979	166	4.2%
1980 to 1989	213	5.4%
1990 to 1999	189	4.8%
2000 to 2009	80	2.0%
2010 to 2019	103	2.6%
2020 or later	0	0.0%
Total	3,956	100%

Source: 2023 ACS Table DP04

Age of Housing Stock



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V. West Caldwell's Employment Demographics

The 2023 ACS estimated that West Caldwell had 6,157 residents over the age of 16 in the workforce. Of those, 5,926 (96.2%) were employed, which translates to a 3.8% unemployment rate. A majority of workers were private wage and salary worker (68.4%). However, 23% were workers employed by the government and 4.7% were self-employed. See the table below for details.

Class of Workers

Class	Workers	Percent
Private wage and salary workers	4,212	68.4%
Government workers	1,416	23.0%
Self-employed workers	288	4.7%
Unpaid family workers	10	0.2%
Total employed residents	5,926	96.2%
Total unemployed residents	231	3.8%
Total residents in workforce	6,157	100%

Source: 2023 ACS Table DP03

Occupational Characteristics

The 2023 ACS estimated 3,816 workers were employed in management, business, science, and arts fields, which represents 64.4% of the Township's employed residents. Sales and office workers totaled 18.5% of employed residents, while 9.9% were employed in service positions. See the table below for details.

Occupation of Employed Population

Occupation	Workers	Percent
Management, business, science, & arts	3,816	64.4%
Service	589	9.9%
Sales & office	1,098	18.5%
Natural resources, construction, & maintenance	312	5.3%
Production, transportation, & material moving	111	1.9%
Total	5,926	100%

Source: 2023 ACS Table DP03

Employment Projections

NJTPA's Plan 2050 estimates that the number of available jobs in West Caldwell will increase from 10,019 reported in 2015 to 10,908 in 2050. This represents an increase of 889 jobs, or an average increase of 25.4 jobs annually. However, as detailed in the following section, the New Jersey Department of Labor and Workforce Development estimated a total of 7,018 jobs in West Caldwell in 2023, which is 3,890 less than projected by NJTPA. Utilizing this number, roughly 144 new jobs would need to be created within the Township each year for the next 27 years.

Employment Projection

Year	Jobs	Change	Percent
2015	10,019	---	---
2050	10,908	889	8.9%

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

In-Place Employment By Industry

New Jersey's Department of Labor and Workforce Development ("NJDLWD") is the entity that reports on employment and wages within the State of New Jersey through the Quarterly Census of Employment and Wages ("QCEW"). The latest Municipal Report was completed in 2023. According to the data, there were 5,757 private sector jobs within West Caldwell, which were provided by an average of 434 employers. It should be noted that the Municipal Report redacted data from multiple private-sector industries for not meeting publication standards (agriculture, mining, and utilities). The "Private Sector Total" row in the table on the following page provides the totals for the reported data only. However, the 2023 QCEW document reported that West Caldwell had an average of 6,199 private-sector jobs provided by 452 employers, including the redacted data. Additionally, the QCEW data reflects employment within the Township, regardless of where the employee lives.

Based on the 2023 QCEW data provided, the health/social industry had the largest number of employers but employed the fifth-most workers in the Township with an average of 550 jobs (8.4%) provided by 78 employers (17.8%). The professional/technical industry had an average of 739 jobs (third highest) provided by 60 employers (second highest). There was an average of 1,549 jobs in the manufacturing industry, which had the ninth-most number of employers (28). In the public sector, the 2023 QCEW Municipal Report indicated that there were only four local government employers, which had an average of 819 jobs. This included two local government education employers providing an average of 529 jobs. See the table on the following page for data on each industry sector.

Private and Public Sector Employment (2023)

Industry	Establishments		Employees		Annual Wages
	Total	Percent	Total	Percent	
Construction	33	7.6%	218	3.3%	\$94,200
Manufacturing	28	6.4%	1,549	23.6%	\$97,914
Wholesale Trade	34	7.8%	735	11.2%	\$88,903
Retail Trade	37	8.4%	824	12.5%	\$47,245
Transportation/Warehousing	-	-	-	-	-
Information	-	-	-	-	-
Finance/Insurance	22	5.0%	113	1.7%	\$113,720
Real Estate	32	7.3%	130	2.0%	\$75,168
Professional/Technical	60	13.7%	739	11.2%	\$67,007
Management	3	0.7%	14	0.2%	\$104,195
Admin/Waste Remediation	30	6.8%	274	4.2%	\$57,824
Education	-	-	-	-	-
Health/Social	78	17.8%	550	8.4%	\$56,913
Arts/Entertainment	-	-	-	-	-
Accommodations/Food	28	6.4%	397	6.0%	\$28,631
Other Services	41	9.4%	204	3.1%	\$55,344
Unclassifieds	8	1.8%	10	0.2%	\$40,377
Private Sector Total	434	99%	5,757	88%	\$71,302
Local Government	4	0.9%	819	12.5%	\$69,204
Local Government Education	2	0.5%	529	8.0%	\$48,579
Public Sector Total	4	1%	819	12%	\$58,892

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

Travel Time to Work

The 2023 ACS collected data regarding employed resident's commute time. The most common commute time was between 30 and 34 minutes, which was made by 1,119 workers (22.1%). A commute between 20 and 24 minutes was second-most comment behind with 856 workers (16.9%). Rounding off the top three was a commute of 15 to 19 minutes, which was reported by 548 workers (10.8%). The mean travel time was estimated at 26.3 minutes. It should be noted that 339 workers (6.7%) reported a commute of more than one hour. Additionally, 743 workers, or 12.8% of the Township's employed residents, reported working from home. See the table and chart on the following page for additional details.

Commute Time

Travel Time (minutes)	Workers	Percent
Less than 5	188	3.7%
5 to 9	450	8.9%
10 to 14	436	8.6%
15 to 19	548	10.8%
20 to 24	856	16.9%
25 to 29	383	7.5%
30 to 34	1,119	22.1%
35 to 39	272	5.4%
40 to 44	284	5.6%
45 to 59	198	3.9%
60 to 89	147	2.9%
90 or more	192	3.8%
Total	5,073	100.0%

Source: 2023 ACS Table B08303

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VI. Projection of Housing Stock

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

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

As shown in the table below, the issuance of residential certificates has become less common in recent years in the Township of West Caldwell. From 2013 to 2015, 51 certificates of occupancy were issued, including 27 in 2014 alone, while only seven have been issued since 2015. During the same time, a total of 11 demolition permits were issued, which equates to a net development of 47 residential units.

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

	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	Total
COs Issued	12	27	12	1	1	2	1	0	0	1	1	0	58
Demolitions	0	0	0	0	7	0	0	0	0	1	3	0	11
Net Development	12	27	12	1	-6	2	1	0	0	0	-2	NR	47

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

Projecting into the future, the Township presently has one 34-unit multi-family development that has been approved with permits issued and is under construction. Additionally, there are two multi-family developments that have been approved but have not obtained building permits as well as one single-family dwelling. Furthermore, two multi-family developments have not received approvals and are anticipated to be completed in the second half of the Fourth Round. Finally, projected development was based on historic development patterns as shown in the previous table. The Township anticipates issuing 323 new COs between now and the end of the Fourth Round in 2035. Nearly all of the anticipated COs come from the expected inclusionary developments detailed in Chapter XII. (Greenwich House, Accordia, Durkin, 75 Clinton Road, and Caldwell Nursery).

Projection of Residential Development

	'25	'26	'27	'28	'29	'30	'31	'32	'33	'34	'35	Total
Projected Development	0	1	0	2	1	0	1	1	1	0	1	8
Approved Development with Permits Issued and Under Construction												34
Greenwich House	34											34
Approved Development, Permits Not Yet Issued												234
8 Deerfield Road												1
Accordia												92
Durkin												141
Future Projects												46
75 Clinton Road												25
Caldwell Nursery												21
138 Fairfield Avenue												1
Total	34	1	93	144	1	21	1	1	1	0	26	323

Of the 323 new residences projected to be built between now and 2035, 64 are anticipated to be reserved for low- and moderate-income households. See the table below for further details.

Projection of Affordable Units

	'25	'26	'27	'28	'29	'30	'31	'32	'33	'34	'35	Total
Approved Development with Permits Issued and Under Construction												7
Greenwich House	7											7
Approved Development, Permits Not Yet Issued												47
Accordia												19
Durkin												28
Future Projects												9
75 Clinton Road												5
Caldwell Nursery												4
138 Fairfield Avenue												1
Total	7	0	20	28	0	4	0	0	0	0	5	64

VII. Capacity for Fair Share

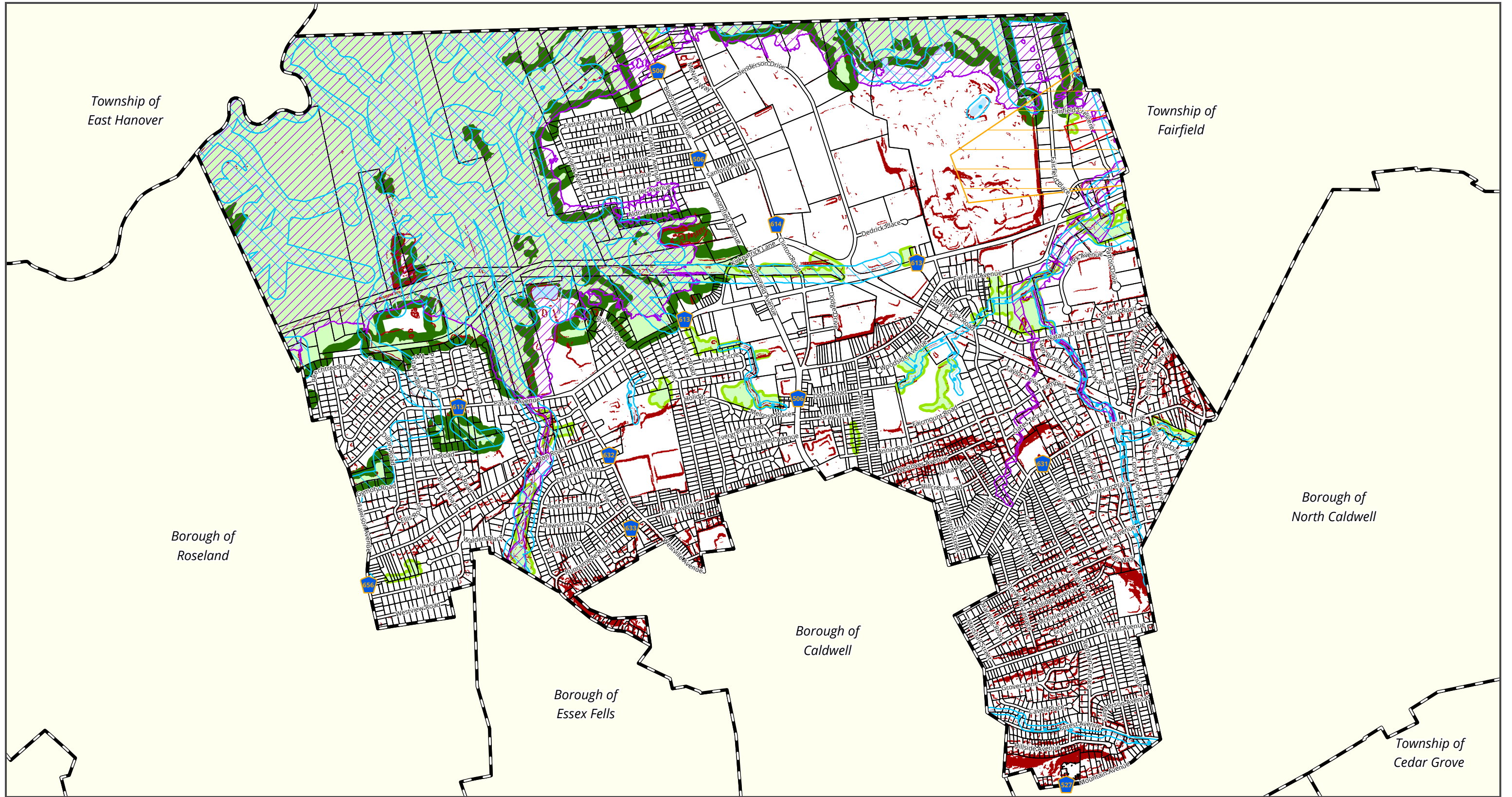
This chapter of the HEFSP provides the following information as required by the rules:

- The Township's capacity to accommodate its housing needs.
- A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing.
- Lands of developers who have expressed a commitment to provide low- and moderate-income housing.
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the proposed affordable housing sites.

Land Capacity

West Caldwell's capacity to accommodate its present and prospective affordable housing need is determined by three components – available land, water capacity, and sewer availability and capacity. Note that land development is limited by environmental features, parcel size, easements (conservation, sewer, water, etc.), and municipal regulations. In total, 1,464.97 acres of West Caldwell, or 44.82% of the Township's 3,268,7 acres, are encumbered by at least one environmentally sensitive area. Environmental constraints within the Township of West Caldwell include:










- Waterbodies – 8.97 acres (0.27% of the Township's area), which includes 3.92 acres of the Passaic River.
- 300-foot Category 1 ("C1") stream buffer – 1,742.25 acres (10.54% of the Township's area)
- 150-foot Riparian Buffer – 602.95 acres (18.45% of the Township's area)
- 50-foot Riparian Buffer – 45.73 acres (1.4% of the Township's area)
- Wetlands – 780.68 acres (23.88% of the Township's area)
- 50-ft Wetlands Buffer (excluding wetlands area) – 53.54 acres (1.64% of the Township's area)
- 150-foot Wetlands Buffer (excluding wetlands area) – 226.21 acres (6.92% of the Township's area)
- FEMA Special Flood Hazard Area Zone AE – 939.71 acres (28.75% of the Township's area), including 698.79 acres within the Floodway
- Slopes greater than 15% - 206.1 acres (6.31% of the Township's area)
- State Threatened species habitat (Landscape Rank 3) – 108.33 acres (3.31% of the Township's area)
- State Endangered species habitat (Landscape Rank 4) – 95.8 acres (2.93% of the Township's area)
- Federal Listed species habitat (Landscape Rank 5) – 673.25 acres (20.60% of the Township's area)

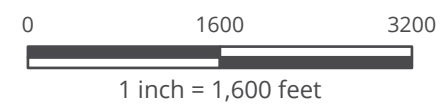


ENVIRONMENTAL CONSTRAINTS
TOWNSHIP OF WEST CALDWELL
 ESSEX COUNTY, NEW JERSEY

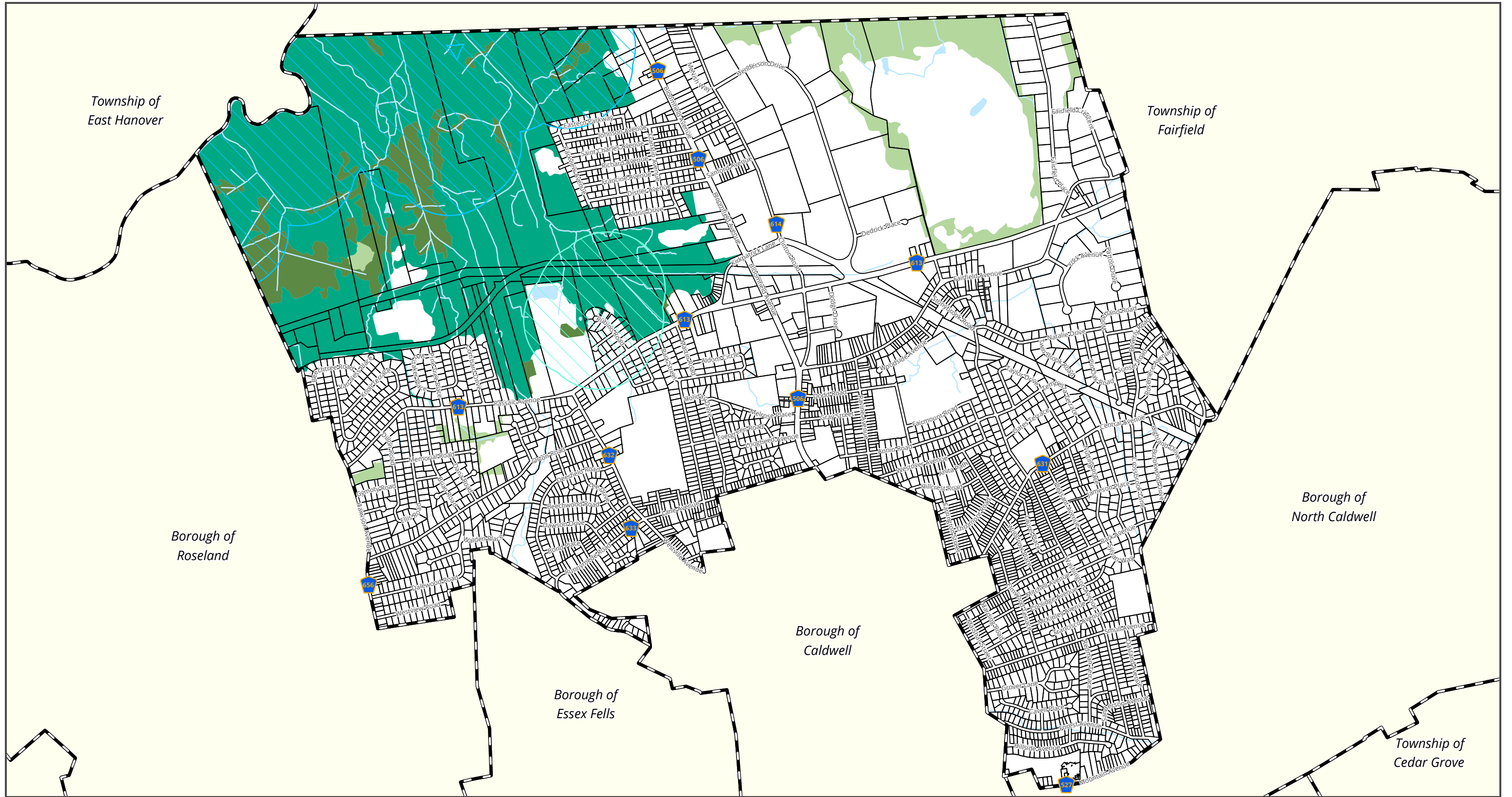
May 21, 2025
 WCT015B

Legend

-  Municipal Boundary
-  Parcels
-  Non-Category 1 Streams
-  Waterbodies
-  150-ft Riparian Buffer
-  50-ft Riparian Buffer
-  Wetlands
-  50-ft Wetlands Buffer
-  150-ft Wetlands Buffer
-  FEMA Special Flood Hazard Area
-  Slopes greater than 15%
- Airport Safety Zones**
-  Runway End Subzone
-  Clear Zone







Engineering & Design






NJDEP THREATENED & ENDANGERED SPECIES
TOWNSHIP OF WEST CALDWELL
 ESSEX COUNTY, NEW JERSEY



Legend

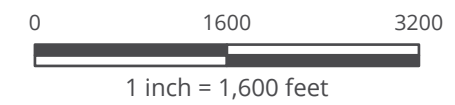
-  Municipal Boundary
-  Parcels
-  Non-Category 1 Streams
-  Waterbodies

Landscape Rank

-  State Threatened Species
-  State Endangered Species
-  Federal Listed

Vernal Pool Habitats

-  Confirmed Vernal Habitat
-  Potential Vernal Habitat



Engineering & Design

- Vernal Habitat – 400.8 acres (12.24% of the Township’s area)
- Potential Vernal Habitat – 115.03 acres (3.52% of the Township’s area)

Furthermore, the Township has conducted a VLA analysis that indicates zero additional affordable units can be realistically constructed on the lands that are vacant and developable within the Township.

Utility Capacity

The below sections describe the Township’s water and sewer capacities.

Water Capacity

The Township of West Caldwell derives the supply of potable water from an agreement with Passaic Valley Water Commission to furnish water through an interconnection into municipal water distribution system.

There are also two system interconnections with New Jersey American Water Company (hereinafter “NJAW”) although West Caldwell does not currently draw water from this purveyor. However, the infrastructure is currently in place to permit the supply of water from NJAW.

Finally, the municipality has an additional interconnection with two neighboring communities, the Township of North Caldwell and the Borough of Essex Fells. North Caldwell is tied directly to the West Caldwell distribution system and provides water daily.

Subsequently, these multiple purveyors provide varied water sources to supply the daily demand for West Caldwell’s current and future needs.⁷ (See Appendix G for a copy of the May 2021 water memorandum and August 2021 utility memorandum.)

Sewer Capacity

West Caldwell is served by two sewer systems. The majority of the Township flows to the Caldwell Sewer system. Areas along sections of Bloomfield and Passaic Avenues convey sewerage to Two Bridges Sewerage Authority (“TBSA”). The Caldwell Sewer system serves portions of five towns – Caldwell, Roseland, North Caldwell, West Caldwell and Essex Fells. Caldwell is currently exploring options to expand its sewerage treatment capacity. West Caldwell has an interlocal agreement with TBSA /Fairfield to provide sewer capacity (see Appendix H). As noted in a letter from Fairfield, the system has capacity to receive an additional 75,000 gallons per day. See Appendix H for the letters indicating system capacity.

As for the Third Round Unmet Need sites, the Caldwell Nursery and B-2, B-3, M-1, and M-3 Zones conditional use would discharge to the Caldwell Sewer system. Mountain Ridge Country Club, due to its proximity to the Fairfield boundary, would flow to TBSA/Fairfield. However, the allocated gallonage from the TBSA/Fairfield system is insufficient for the Township to sewer the potential redevelopment of Mountain Ridge Country Club.⁸

⁷ Memorandum entitled “Potable Water Summary”, dated May 12, 2021, prepared by Ralph J. Tango, Jr. PE, PP, CME of Colliers Engineering & Design.

⁸ Source: Letter entitled “Affordable Housing Plan”, dated August 2, 2021, prepared by Ralph J. Tango, Jr. PE, PP, CME of Colliers Engineering & Design.

As a result, West Caldwell sought a hybrid durational adjustment during the Third Round whereby it would durationally adjust its Unmet Need mechanisms and the 75 Clinton Road site. The Township is in active discussions with the Borough of Caldwell for the production of capacity sufficient to sewer the Township's entire obligation through the Caldwell Sewer system.

An "Order Imposing Scarc Resource Restraint" was issued by Judge Gardner in 2022 (see Appendix I). Pursuant to paragraph 7 of the Order, it remains in effect until the Borough of Caldwell satisfies its entire Third Round obligation and the appointed Special Master confirms that the Caldwell Wastewater Treatment Plant has allocated sufficient capacity to the Township of West Caldwell and the four other communities that send sewer to the plant. It is this office's understanding that the Caldwell Wastewater Treatment Plant is designing improvements to increase the plant capacity. It is anticipated that these improvements will be completed in the second half of 2025.⁹

While there is an active "Order Imposing Scarc Resource Restraint" it appears that the lack of sewer capacity will be resolved in 2025 and therefore, no durational adjustment is necessary. Alternatively, if a durational adjustment is necessary at all for the Fourth Round, it is short-term in length and any of the requirements under NJAC 5:93-4.3(c) should be waived.

The Special Master has approved the following developments to send sewer to Caldwell Treatment Plant:

- Greenwich House (1085 Bloomfield Avenue)
- Durkin (1120 Bloomfield Avenue)

The Accordia site will be served by Two Bridges Sewerage Authority.¹⁰

Appropriate Locations for Affordable Housing

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

1. Mountain Ridge Country Club – A 226.3-acre site known as Block 1402, Lot 15 and Block 1500, Lot 7 on the Township's tax maps. The site is developed with the Mountain Ridge Country Club golf course, club house, pool, tennis courts, off-street parking, and other improvements necessary for the operation of a golf course. The Township adopted Ordinance No. 1838-2021 on June 15, 2021, which established the R-10 Planned Residence Overlay District on the two lots. The R-10 Overlay District permits townhomes and multi-family residential units at a density of six dwelling units per acre.
2. Durkin – This site is located at 1120 Bloomfield Avenue and known as Block 1700, Lot 8 on the Township Tax Maps. The site is developed with an office building and off-street parking and encompasses roughly 3.7 acres. However, the tax card indicates the property is 4.07 acres. On August 17, 2021, the Township adopted Ordinance No. 1839A-2021, which established the R-5 Multi-Family Residence District on the site. The R-5 District permits multi-family residential development at a maximum density of 35 units per acre. The site was approved by the Board in 2025 to construct an inclusionary housing development.

⁹ Email from Michael Plumb, Esq. on May 20, 2025.

¹⁰ Email from Jeffrey Betz, Township Engineer on May 23, 2025.

3. Greenwich House – This site is located at 1085-1091 Bloomfield Avenue and 204 Clinton Road and known as Block 1600, Lots 11, 12, and 22 on the Township’s Tax Maps. This site encompasses approximately 1.84 acres, which previously contained three single-family homes. The Township adopted Ordinance No. 1840A-2021 on August 17, 2021, which established the R-6 Multi-Family Residence District on the site. The R-6 District permits multi-family residential development at a maximum density of 20 units per acre. The site was approved by the Board in 2022 to construct an inclusionary housing development.
4. 75 Clinton Road – This site is identified as Block 1502, Lot 1. The site is currently vacant and encompasses 2.62 acres. 75 Clinton Road was rezoned to the R-8 Multi-Family Residence District via Ordinance No. 1841-2021, adopted on June 15, 2021. The R-8 District permits multi-family residential development at a maximum density of 11 units per acre up to 25 total units.
5. Caldwell Nursery – This site is known as Block 2802, Lot 14.01 and located at 246 Passaic Avenue. The site is developed with a nursery and comprises 2.10 acres. The Township adopted the R-9 Multi-Family Residence Overlay District on the site on June 15, 2021 via Ordinance No. 1842-2021. The R-9 Overlay District permits townhomes at a density of 10 units per acre.
6. B-2, B-3, M-1, and M-2 Zones – Certain properties within the B-2 Planned Shopping Center, B-3 General Business, M-1 Limited Manufacturing, and M-2 Limited Industry and Research Laboratory Districts along Passaic and Bloomfield Avenues are large enough to accommodate multi-family residential development. On June 15, 2021, the Township adopted Ordinance No. 1844-2021, which established Section 20-17.29 entitled “Mixed-Use Inclusionary Development”. This section permits mixed-use inclusionary development with multi-family residential as a conditional use in the B-2, B-3, M-1, and M-2 Districts. Required conditions include a minimum lot size of four acres, a maximum density of 20 units per acre, and frontage along Bloomfield Avenue or Passaic Avenue.
7. Accordia – Located at 780 Passaic Avenue, this site is identified as Block 1201, Lot 3. The property is in the M-1 Zone. The application received D use variance and C bulk variance relief to construct an inclusionary housing development in February of 2025.
8. 138 Fairfield Avenue – This property is located on Block 1101, Lot 42 and owned by the Township. West Caldwell has identified the site as a suitable location for a supportive/special needs facility. The property is located in the R-3 District where these types of facilities are permitted as-of-right under the MLUL.

Existing structures appropriate for conversion to affordable housing include ranch-style homes, which may be cost effective to buy and convert to an alternative living arrangement. As for structures suitable for rehabilitation, according to the Township’s Rehabilitation Obligation, 4 homes within West Caldwell are in need of a major system repair (e.g. roof, electric, plumbing, etc.).

Potential Affordable Housing Developers

Beyond the developments that have been approved by the Planning Board as noted in Chapter XII., only one letter has been received as of May 22, 2025. On April 23, 2025 the Arc of Essex County submitted a letter seeking to construct new group homes. West Caldwell has contacted Arc as described in Chapter XII. to build a new group home within the community.

VIII. Multigenerational Family Continuity Evaluation

P.L. 2024, c.2 amended various aspects of the Fair Housing Act. These amendments modified the mandatory components of a municipality's housing element. NJSA 52:27D-310g. has been added, which states "An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20)".

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

The State of New Jersey's website was reviewed on May 21, 2025. A search of the website revealed no webpage for the Multigenerational Family Housing Continuity Commission. As DCA is required to provide staff and research for the Commission, DCA's website was reviewed on May 21, 2025. DCA's website is silent regarding the Commission, its annual required reports, studies, and/or recommendations. Without recommendations from the Commission, West Caldwell is unable to conduct an analysis of its ordinances and other local factors. Despite the absence of recommendations, it should be noted that there is nothing in West Caldwell's zoning ordinance that prohibits senior citizens from residing at the home of their extended families.

IX. State Development & Redevelopment Plan Consistency

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

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

As the document is a draft, we cannot opine on consistency until the final version is adopted. West Caldwell has not received guidance concerning water, wastewater, stormwater, or multi-modal transportation from the State Planning Commission.

FAIR SHARE PLAN

Township of West Caldwell

X. Fair Share Plan

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

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

Content of Fair Share Plan

The Fair Share Plan contains the following information:

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

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

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

Regional Income Limits

Dwelling units are affordable to low- and moderate-income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. A moderate-income household is one with a gross household income equal to or more than 50%, but less than 80%, of the median gross regional household income. A low-income household is one with a gross household income equal to 50% or less of the median gross regional household income. Very-low-income households are those with a gross household income equal to 30% or less of the median gross household income. West Caldwell is located in Region 2, which contains Essex, Morris, Union, and Warren Counties.

Using the Affordable Housing Professionals of New Jersey's latest chart on the regional income limits for Housing Region 2 in 2024, a four-person moderate income household is capped at \$103,533. Two-person moderate income households are capped at \$82,826, while two-person households could make up to \$51,766 to be considered a low-income household. The table below provides the median, moderate-, low-, and very-low-income limits for one-, two-, three-, and four-person households in Region 2.

2024 Regional Income Limits

Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	\$90,591	\$103,533	\$116,475	\$129,416
Moderate	\$72,473	\$82,826	\$93,180	\$103,533
Low	\$45,296	\$51,766	\$58,237	\$64,708
Very-Low	\$27,177	\$31,060	\$34,942	\$38,825

Source: https://ahpnj.org/member_docs/Income_Limits_2024_FINAL.pdf

Affordable Requirements

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

Affordable Housing Obligation

	Rehabilitation	Prior Round 1987 - 1999	Third Round 1999 - 2025	Fourth Round 2025 - 2035
Obligation	4	200	406	261
RDP	--	18	72	0
Unmet Need	--	182	334	261

As discussed in Chapter XI, West Caldwell has conducted a Vacant Land Analysis and determined the Fourth Round RDP to be 0, which means the Unmet Need for the Fourth Round is 261.

XI. West Caldwell's Affordable Housing Obligation

This chapter outlines the four-part affordable housing obligation West Caldwell has been assigned.

Four-Part Obligation

Rehabilitation

West Caldwell accepted DCA's rehabilitation obligation of 4 for the Fourth Round.

Prior Round (1987-1999)

The municipality had a new construction obligation of 200 units in the Prior Round. However, the Township received a VLA resulting in an RDP of 18 units. The August 24, 2007 Compliance Report included the rental and age-restricted formulas. These formulas provide the minimum and maximum requirements regarding the development of rentals and age-restricted units for the PRO. The rental and age-restricted formulas below are taken from the Compliance Report.

Minimum rental obligation:

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

$$= 25\% (18) = 4.50 = 5$$

It should be noted that NJAC 5:93-5.15(d)3 limits the number of rental bonuses to the minimum required rental obligation. Therefore, West Caldwell may receive a maximum of five rental bonuses for the PRO.

Maximum RCA:

$$= 50\% (\text{RDP} + \text{rehabilitation component} - \text{credits pursuant to NJAC 5:93-3.4}) - \text{any units transferred as a result of a previously approved RCA}$$

$$= 50\% (18 + 0 + 0 - 0) - 0 = 9$$

Maximum age-restricted:

$$= 25\% (\text{RDP} - \text{transferred or proposed RCA units}) - \text{any first found age-restricted units}$$

$$= 25\% (18 - 2) - 0 = 4$$

Third Round (1999-2025)

As noted previously, West Caldwell settled with FSHC regarding its Third Round Obligation and accepted an obligation of 406. The Township completed a VLA, which resulted in an RDP of 80 after multiple mediation meetings. This leaves 326 as the Unmet Need.

However, as noted in Chapter XII, one of the Third Round RDP generating sites no longer presents a realistic opportunity to produce affordable housing and must be removed from the calculation. The Pio Costa property owner leveraged the affordable housing process to have its site rezoned and thereafter filed a Construction Board of Appeals case to force the Township to issue footings and foundation permits for a commercial building. Furthermore, the Township has been adversely impacted by the modified and enlarged FEMA Special Flood Hazard Area. As a result of these

actions the site no longer presents a realistic opportunity for the creation of affordable housing. Despite this, the Township will retain the existing R-7 Multi-Family Residence District and its associated regulations.

It must be noted that the Township did everything it was required to do, but there have been “changes in circumstances” that render the site no longer realistic, by definition. Therefore, as the site no longer presents a realistic opportunity, the Court-approved RDP is modified from 80 to 72.

The Prior Round Rules provide the minimum and maximum formulas for municipalities seeking a VLA.

Minimum rental obligation:

$$= 25\%(RDP)$$

$$= 25\%(72) = 18$$

It should be noted that NJAC 5:93-5.15(d)3 limits the number of rental bonuses to the minimum required rental obligation. Therefore, West Caldwell may receive a maximum of 18 rental bonuses for the TRO.

Maximum age-restricted: The Township 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.

Fourth Round (2025-2035)

As indicated in the April 2025 Decision and Order, the Township’s Fourth Round Obligation is 261.

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

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

Vacant Land Adjustment Analysis

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

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

- New Jersey Department of Environmental Protection ("NJDEP") waterbodies of the 2020 National Hydrography Dataset and Surface Water Quality Classification (SWQC).
 - A 300-foot buffer was applied to all Category One ("C1") waters. (No C1 waters are located in the Township.)
 - A 150-foot riparian buffer was applied to (1) any trout production waters and tributaries, (2) any trout maintenance waters and upstream tributaries within one mile, or (3) any waters and tributaries within one mile that flow through a present or documented habitat for threatened or endangered species.
 - A 50-foot riparian buffer was applied to all other waters.
- NJDEP wetlands
 - A 150-foot wetlands buffer was applied to wetlands of exceptional resource value, which include wetlands that (1) discharge into an FW-1 or FW-2 trout production waters and/or tributary or (2) are a present or documented habitat for threatened or endangered species.
 - A 50-foot wetlands buffer was applied to wetlands of intermediate resource value, which are wetlands that are not defined as exceptional or ordinary.
 - No wetlands buffer was applied to wetlands of ordinary resource value, which includes wetlands that are (1) isolated and less than 5,000 square feet and has lawn, maintained landscaping, impervious surfaces, active railroad rights-of-way, and/or roads covering 50% of the area within 50 feet of the wetlands, (2) a drainage ditch, (3) a swale, or (4) a man-made detention facility.
- Steep slopes greater than 15% were sourced from New Jersey Geographic Information Network's ("NJGIN") 10-foot resolution LiDAR derived Digital Elevation Model ("DEM"), slope dataset.
- FEMA Special Flood Hazard Area ("SFHA") Zones A, AE, and AO from Essex County's Effective National Flood Hazard Layer, dated August 24, 2020.
- Additionally, Plans entitled "1127-1155-1169 Bloomfield Avenue; Map of Property Situated in the Township of West Caldwell", prepared by James M. Helb, PE, PLS, PP of JMS Associates, dated November 1, 2009 illustrated wetlands on Block 1600, Lot 3 that were not mapped by NJDEP. This Plan was georeferenced into ArcGIS and a 50-foot wetlands buffer was applied to the georeferenced wetlands.

An environmental constraints layer combining the above environmental features, except for areas within FEMA's SFHA, was then created. These constraints are illustrated on the map entitled "Environmental Constraints".

Next, an exhaustive analysis of all vacant properties in the Township was conducted utilizing 2024 MOD-IV tax data from the Essex County Tax Data Hub and parcels from NJGIN. Vacant properties included parcels with a property classification of Class 1 ("Vacant"), Class 3B ("Qualified Farmland"), and Class 15C ("Public Property") that is not developed and/or not preserved open space. For example, a Class 15C property that contains a public facility, such as a library or is preserved open space listed on the Township's Recreation and Open Space Inventory, would not be considered vacant, while a wooded lot owned by the Township without any sort of restriction is considered vacant land.

The various land use categories within the Township are illustrated on the map entitled "Existing 2024 Land Use". This map also illustrates the aggregate area of environmental constraints (excluding FEMA's SFHA) within the Township.

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

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

- Recent aerial imagery from NearMap to confirm no development exists. For example, a Class 1 property with a building under construction and roof visible was not considered vacant.
- Recently issued Certificates of Occupancy.
- Recently issued building permits.

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

Based on the results of the VLA analysis, zero properties in the Township of West Caldwell were identified to be vacant, contain at least 0.625 acres of unconstrained land, and have access to sewer and water infrastructure. Therefore, the Township's RDP was determined to be zero based on the results of this VLA. See Appendix J for details.

XII. Mechanisms & Credits

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

Existing Mechanisms & Credits

West Caldwell has a total of 17 credits of alternative living arrangement bedrooms, nine credits of inclusionary units, and five rental bonuses that exist on the ground today.

Rehabilitation Mechanisms & Credits

West Caldwell operated a successful Third Round rehabilitation program. However, in order to obtain credits, a rehabilitation has to occur within the Round. As the Fourth Round has not yet commenced, West Caldwell does not have any credits to apply against the obligation.

Prior Round RDP Mechanisms & Credits

Three mechanisms exist within West Caldwell that are attributed to the Prior Round RDP. All three strategies were included in the 2020 FSHC Settlement Agreement and the 2024 Final Order of Judgment of Compliance and Repose.

Arc Of Essex County

The ARC of Essex County owns and operates a group home at 21 Beechtree Road, known as Block 3301, Lot 4. The facility received a Certificate of Occupancy in August of 1997. The home has a 20-year deed restriction, which commenced in 1997. The facility also has a Section 811 Firm Commitment for Capital Advance Financing from HUD, which requires the home to be available for very low-income individuals for no less than 40 years (the document is dated 1997). The facility provides five bedrooms to very-low-income clients. The facility is licensed by the Department of Human Services. See Appendix K for the 1997 Recorded Deed Restriction, Section 811 documents, Supportive and Special Needs Housing Survey, and license.

The facility is eligible to receive five credits pursuant to NJAC 5:93-5.8 (alternative living arrangements), as well as five rental bonuses pursuant to NJAC 5:93-5.15(d). Based on the above, ARC of Essex County is eligible for **5 credits** and **5 bonuses**.

Jewish Association for Special Needs - 7 Essex Place

Jewish Association for Special Needs ("JASN") owns two group homes in West Caldwell. The first facility is located on Block 1902, Lot 1 at 7 Essex Place. The home received a Certificate of Occupancy in 1998 and has a 50-year restriction that commenced in 1998. The group home has four bedrooms that serve very-low-income clients. The facility is licensed by the Department of Human Services. See Appendix L for the 1998 HUD Rental Assistance Contract, license, and Supportive and Special Needs Housing Survey. See Appendix M for a 2019 Memorandum issued by Robert McLoughlin, Township Construction Official regarding the number of bedrooms in each group home. It should be noted that the facility is not age-restricted, but residents must be 18 years

or older. Additionally, the home has four bedrooms, but two bedrooms currently have two occupants each.¹¹

The JASN group home at 7 Essex Place is eligible to receive four credits pursuant to NJAC 5:93-5.8 (alternative living arrangements). Based on the information above, JASN at 7 Essex Place is eligible for **4 credits**.

Jewish Association for Special Needs - 249 Passaic Avenue

The second JASN group home is located at 249 Passaic Avenue and is known as Block 3301, Lot 32. The home received a Certificate of Occupancy in 2000. The facility provides four bedrooms for four very-low-income clients. The group home is licensed by the Department of Human Services. It should be noted that the facility is not age-restricted, but residents must be 18 years or older.¹² See Appendix N for the group home's license and 2014 Supportive and Special Needs Housing Survey.

The second JASN group home at 249 Passaic Avenue is eligible to receive four credits pursuant to NJAC 5:93-5.8 (alternative living arrangements). Based on the above, the JASN group home at 249 Passaic Avenue is eligible for **4 credits**.

Third Round RDP Mechanisms & Credits

Two mechanisms exist within West Caldwell that are attributed to the Prior Round RDP. Both strategies were approved by the 2024 Final Order of Judgment of Compliance and Repose.

Heritage At West Caldwell

In 2009, the Township Planning Board approved an application for a 47-unit inclusionary townhome development. The applicant returned in 2011 seeking amended approval, which was granted. A Developer's Agreement was executed in 2012. American Properties at West Caldwell subsequently constructed a 50-unit inclusionary development located at 236 Clinton Road between 2013 and 2014. There are 41 market-rate units and nine affordable units within the development. The affordable units are for-sale, open to any household, and have 30-year deed restrictions. There is one one-bedroom low-income unit, three two-bedroom low-income units, one three-bedroom low-income unit, three two-bedroom moderate-income units, and one three-bedroom moderate-income unit. A copy of a 2014 deed restriction and the affordable unit census is provided in Appendix O.

Heritage at West Caldwell is eligible for credits pursuant to NJAC 5:93-5.6 (inclusionary development). Based on the information above, Heritage at West Caldwell is eligible for **9 credits**.

45 Beechtree Road

The 2020 FSHC Settlement Agreement originally included a group home owned by Universal Institute. Following the 2021 Fairness and Compliance Hearing the Township contacted Universal Institute for additional information regarding the facility. It was ultimately discovered that the facility was not creditworthy.

On May 12, 2023 the Township entered into a Consent Order with Fair Share Housing Center wherein the four-unit Universal Institute gap was satisfied by entering into an agreement with Arc of

¹¹ Email from Mary Donovan, Township Clerk, information from Linda Press, Executive Director, May 6, 2021.

¹² Email from Mary Donovan, Township Clerk, information from Linda Press, Executive Director, May 6, 2021.

Essex, or similar qualified entity, for the acquisition of and/or construction of a four bedroom group home/supportive housing facility.

On June 21, 2023 the Mayor and Council approved Resolution 23-182 which authorized the execution of a Memorandum of Understanding (“MOU”) between West Caldwell and the Arc of Essex County. The MOU obligated Arc to create a four-bedroom group home and place a deed restriction of no less than 30 years on the facility. In exchange, the Township would provide \$300,000 from its Affordable Housing Trust Fund.

On July 14, 2023 Arc closed on the property and conducted renovations on the existing single-family home. The structure received a certificate of occupancy on July 15, 2024. The home is licensed by the State and houses four very-low-income individuals. The affordable housing deed restriction was recorded on October 19, 2023. A copy of Resolution 23-182, the MOU, the affordable housing deed restriction, and the license is located in Appendix P.

Based on the above information, 45 Beechtree Road is eligible for **4 credits** pursuant to NJAC 5:93-5.8.

Fourth Round Mechanisms & Credits

No mechanisms exist for this obligation.

Summary of Existing Mechanisms & Credits

West Caldwell has a total of 26 credits and five bonuses that can be applied to its various obligations. See the table below for details.

Existing Mechanisms & Credits

Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
<i>Prior Round RDP Credits</i>						
Arc of Essex County	Alternative Living Arrangement	Rental	No	5	5	10
JASN - 7 Essex Place	Alternative Living Arrangement	Rental	No	4		4
JASN - 249 Passaic Avenue	Alternative Living Arrangement	Rental	No	4		4
Total				13	5	18
<i>Third Round RDP Credits</i>						
Heritage at West Caldwell	Inclusionary	Sale	No	9		9
45 Beechtree Road	Alternative Living Arrangement	Rental	No	4		4
Total				13	0	13

Proposed Mechanisms & Credits

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

Rehabilitation Mechanisms & Credits

There are two mechanisms to address the Rehabilitation Obligation. The following sections detail each program.

Essex County Home Improvement Program

The Township will continue to participate in Essex County's Home Improvement Program. The program is available to for-sale units. Liens are placed on the homes for ten years. West Caldwell will advertise the County program through a variety of mediums each year until July 1, 2035. A copy of the County Home Improvement Program brochure can be found here:

<https://essexcountynj.org/wp-content/uploads/2015/04/Home-Improvement-Program.pdf>

Based on the information above, credits may be acquired as the County receives applications for rehabilitation. The Township anticipates at least two homeowners will utilize the County's program between now and 2035.

Based on the above, the County Home Improvement Program would be eligible for crediting pursuant to NJAC 5:93-5.2. It is estimated that two homeowners will utilize the program.

Township Rehabilitation Program

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

West Caldwell has retained an affordable housing administrator to oversee the Township-sponsored Rehabilitation Program (see Appendix Q for a copy of the approving resolution). The program is open to both sale and rental units. The Township anticipates sponsoring two rehabilitations, which will be funded through the Affordable Housing Trust Fund account. The rehabilitations will be phased between now and 2035.

An operating manual exists (see Appendix R) for West Caldwell's rehabilitation program, which was previously approved by the Court. The rehabilitation program will be marketed through a combination of some, though not necessarily all, of the following: brochures, posters in prominent locations, notices in municipal tax bills, notices included in municipal publications, direct mailings, and informational meetings with civic and religious leaders, senior citizen groups, and fraternal organizations. The designated Administrative Agent will maintain files on each program applicant.

West Caldwell will require at least 10-year controls on affordability on owner-occupied units and on rental units. The controls on affordability may be in the form of a lien filed with the appropriate property's deed. Rents in rehabilitated units may increase annually based on the standards in NJAC 5:93-9.15.

As per NJAC 5:93-5.2(h) West Caldwell will spend \$20,000 per unit for rehabilitation activities. It is anticipated that the Township's Rehabilitation Program will be structured to encourage rehabilitation and continued occupancy. If a housing unit is sold prior to the end of the controls on affordability, at least part of the loan shall be recaptured and used to rehabilitate another housing unit. If the municipality structures a loan program to recapture money, recaptured money shall be used for another low- and moderate-income housing purpose or to repay a municipal bond issued to finance a low- and moderate-income housing activity.

The Township will commence the Rehabilitation Program once it receives final approval from the Program and/or Court.

Based on the above, the Township Rehabilitation Program would be eligible for up to **2 credits** pursuant to NJAC 5:93-5.2.

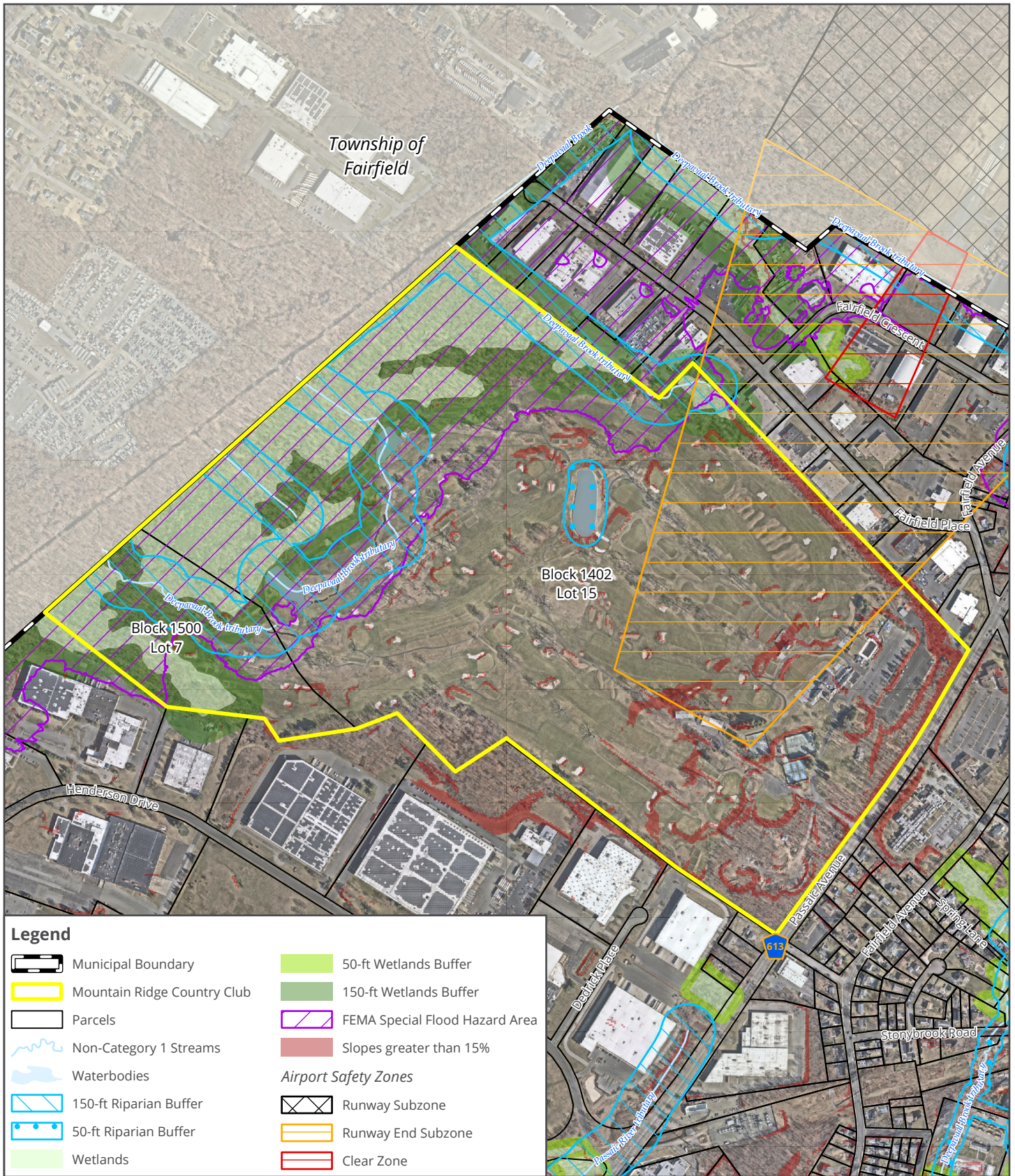
Prior Round Unmet Need Mechanisms & Credits

There is one mechanism proposed to address the Township's Prior Round Unmet Need of 182 units. This strategy was included in the 2020 FSHC Settlement Agreement and the 2024 Final Order of Judgment of Compliance and Repose.

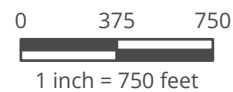
Mountain Ridge Country Club

The Mountain Ridge Country Club mechanism encompasses two properties, Block 1402, Lot 15 and Block 1500, Lot 7. The properties are in the OS Open Space District, which permits the retention and use of areas which shall remain in their natural state or developed as parks or natural areas. The properties are developed with the 18-hole Mountain Ridge Country Club, clubhouse, cart paths, pool, tennis courts, parking facilities, and other accessory uses related to the operation of a country club. (See the map on page 48.)

As part of the Township's Settlement Agreement with FSHC, the Township adopted the R-10 Planned Residence Overlay District on the Mountain Ridge Country Club (Block 1402, Lots 15 and Block 1500, Lot 7) on June 15, 2021 via Ordinance No. 1838-2021. The R-10 Overlay District permits golf courses, single-family detached dwellings, townhomes, multi-family residential uses within 800 feet of Passaic Avenue, and a mixture of said uses on one parcel or tract. A maximum residential density of six units per acre is permitted in the R-10 Overlay District. Additionally, a 15% affordable housing set-aside is required for rental units and a 20% affordable housing set-aside is required for units offered for-sale units. Based on a lot area of 207.9 acres (a tract area of 226.02 acres), the site could be developed with a maximum of 1,247 units (1,356 units based on tract area), which would yield 249 (272 units based on tract area) affordable for-sale units or 187 (204 units based on tract area) affordable rental units. The R-10 Overlay District requirements are found in Section 20-9F of the Township's Zoning Ordinance, which can be viewed here: <https://ecode360.com/35367190#39073979>.



ENVIRONMENTAL CONSTRAINTS - MOUNTAIN RIDGE COUNTRY CLUB
BLOCK 1402, LOT 15 & BLOCK 1500, LOT 7
 TOWNSHIP OF WEST CALDWELL
 ESSEX COUNTY, NEW JERSEY



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

The affordable housing rules require municipalities to designate sites, which would satisfy the RDP, that are available, suitable, developable, and approvable, as defined in NJAC 5:93-1. These criteria do not apply to Unmet Need sites, but the Township has provided the information, nonetheless. These terms are defined on below:

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

The Mountain Ridge Country Club property meets the four prongs of the rules as follows:

- Approvable site – The Township established the R-10 Planned Residence Overlay District on June 15, 2021 via Ordinance No. 1838-2021 for the Mountain Ridge Country Club site. The R-10 Overlay District permits inclusionary residential development at a maximum density of six units per acre.
- Available site – Mountain Ridge Country Club owns the property. The Township is unaware of any title or encumbrance issues.
- Developable site – The site is within sewer and water service areas.
- Suitable site – The property is adjacent to commercial, industrial, and office uses to the north, east, across Passaic Avenue, south, and west. There are also a handful of residential uses to the southeast, across Passaic Avenue. The 226.02-acre site is encumbered by 112.31 acres of environmental features, which is 49.69% of the site. Environmental features include wetlands with an associated 150-foot buffer, streams with an associated 150-foot riparian area, ponds with associated 150-foot or 50-foot riparian area, and slopes greater than 15%. Additionally, the site is within FEMA’s Special Flood Hazard area, including a portion within the floodway. A majority of these environmental features are located in the western quarter of the site. However, slopes greater than 15% are scattered throughout. As the map on page 48 shows, a majority of the golf course, club house, and other improvements are located outside of the environmentally constrained land. The site has street frontage along Passaic Avenue. It should be noted that the northeastern area of Block 1402, Lot 15 is within the Runway End Subzone of the Essex Country Airport, located to the north in the Township of Fairfield. Approximately 40.9 acres of the site is in the safety zone, which is regulated by NJSA 16:62 and limits building height and development.

As demonstrated above, the Mountain Ridge Country Club (R-10 Overlay District) meets the Four-Prong Test and is eligible for crediting under NJAC 5:93-5.6 (inclusionary development). Based on this information, the Township anticipates this mechanism to provide credits to help address the Prior Round Unmet Need.

Third Round RDP Mechanisms & Credits

Four TRO mechanisms are proposed as described below, which are allocated towards RDP. These strategies were included in the 2020 FSHC Settlement Agreement and the 2024 Final Order of Judgment of Compliance and Repose.

Durkin

The Durkin site is identified as Block 1700, Lot 8 and is located at 1120 Bloomfield Avenue and totals approximately four acres. The property is currently developed with an office building. Surrounding uses include office uses to the north, across Bloomfield Avenue, and west, a restaurant, child-care center, and single-family dwellings to the east, single-family dwellings to the south, and vacant land to the southwest. (See the map on page 51.)



Photo 1 - Durkin Site

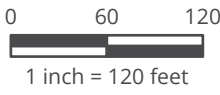
The Township rezoned the site from the B-3 General Business Zone District and OS Open Space District to the R-5 Multi-Family Residence District via Ordinance No. 1839A-2021 on August 17, 2021. The R-5 District permits inclusionary multi-family residential development at a maximum density of 35 units per acre. A 20% affordable housing set-aside, regardless of tenure is required. Based on a maximum build-out of 142 units, the site would produce 28 affordable units. The site is eligible for affordable housing credits pursuant to NJAC 5:93-5.6 (inclusionary development). The R-5 District requirements are found in Section 20-9A of the Township's Zoning Ordinance, which can be viewed here: <https://ecode360.com/35367190#39073973>.

1120 Bloomfield Avenue Developers, LLC filed a Planning Board application in 2024 for Preliminary and Final Major Site Plan approval with variances to construct a 141-unit inclusionary multi-family residential development with 29 affordable units within five four-story buildings on the site.

On March 10, 2025, the Planning Board held a public hearing and approved the application. The Board's approval was memorialized via Resolution on May 12, 2025 (see Appendix S for a copy of the Resolution). Condition 25 requires compliance with all affordable housing provisions of West Caldwell's code, Uniform Housing Affordability Controls, and the FHA. Condition 26 requires at least 13% of the units to be very-low-income. Condition 27 requires a deed restriction of no less than 30 years. Condition 28 of the Resolution requires 29 of the 141 units to be set-aside as affordable, non-age restricted, rental units.



ENVIRONMENTAL CONSTRAINTS - DURKIN
BLOCK 1700, LOT 8
 TOWNSHIP OF WEST CALDWELL
 ESSEX COUNTY, NEW JERSEY



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

The Durkin property meets the four prongs of the rules as follows:

- **Approvable site** – The Township rezoned the property in 2021 to permit inclusionary multi-family residential development at a density of 35 units per acre. The Planning Board approved 1120 Bloomfield Avenue Developers, LLC’s application to redevelop the site into a 141-unit inclusionary multi-family residential development with 29 affordable units.
- **Available site** – Durkin & Durkin Realty, LLC currently owns the property. 1120 Bloomfield Avenue Developers, LLC’ is the contract purchaser of the site. The Township is unaware of any title or encumbrance issues.
- **Developable site** – The site is within sewer and water service areas and will connect to the existing utilities. Condition 34 of the Resolution indicates that the applicant was provided a copy of the 2022 “Order Imposing Scarc Resource Restraint” and requires the applicant to comply with the Order if connecting to the Caldwell Sewer Treatment Plant.
- **Suitable site** – The property is adjacent to a variety of uses including offices, a restaurant, a childcare center, and single-family dwellings. The southwest corner of the property is within a 150-foot wetlands buffer and a ridge of slopes greater than 15% is located along the western property line. Said environmental features total 0.79 acres of the site (19.5%). See the map on page 51 for the location of the wetlands buffer and slopes. The Durkin site has street frontage along Bloomfield Avenue.

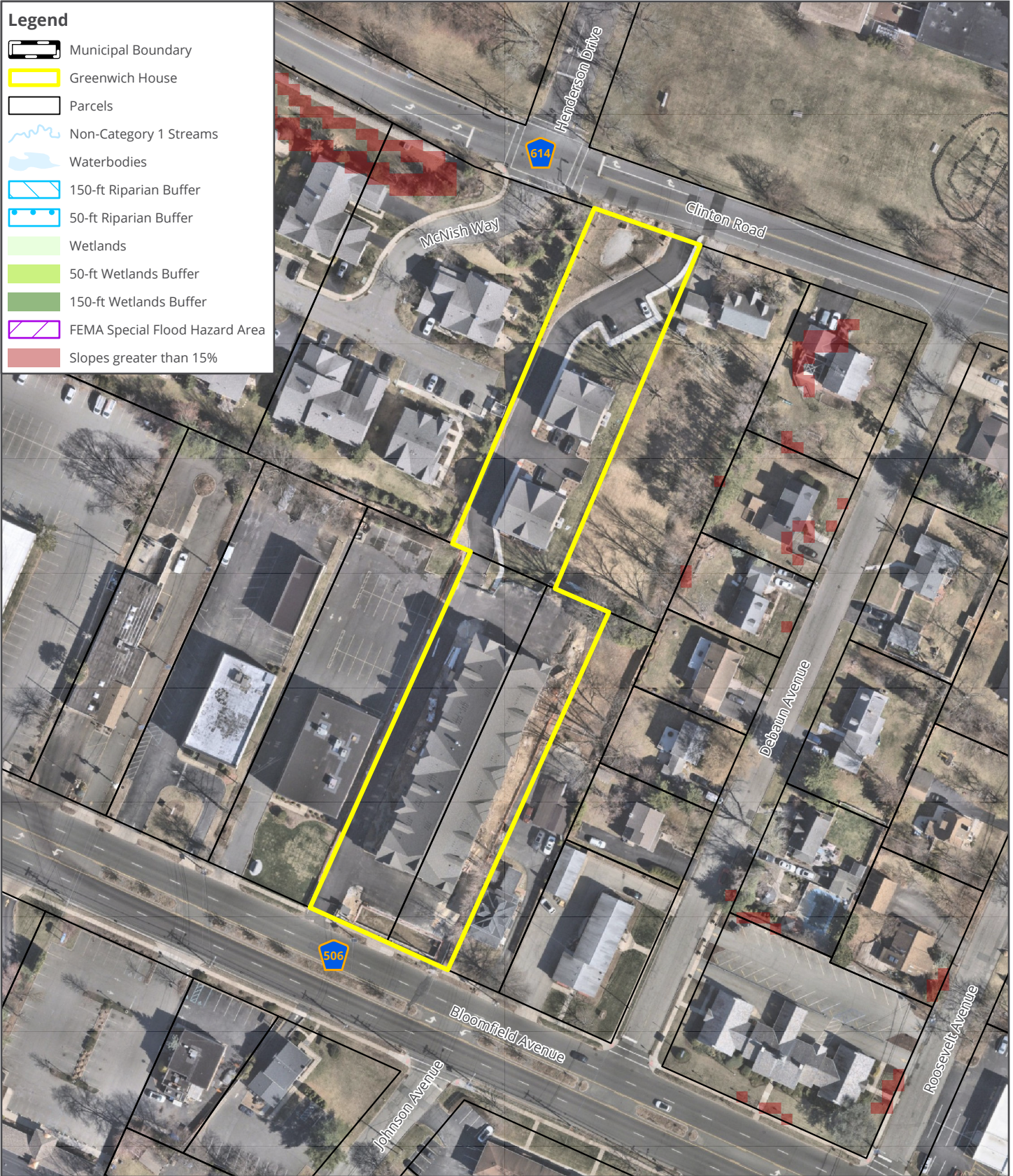
Based on the information above, the Durkin site is eligible for **29 credits** pursuant to NJAC 5:93-5.6 (inclusionary development) and **20 rental bonuses** pursuant to NJAC 5:93-5.15(d)1.

Greenwich House

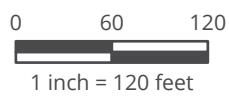
This collection of three properties in Block 1600 are located at 1089-1091 Bloomfield Avenue, 1085 Bloomfield Avenue, and 204 Clinton Road. The properties are contiguous and together they total approximately 1.8 acres. It should be noted that this site was known as “Block 1600, Lots 11, 12, and 22” in the 2021 HEFSP. However, the site is under construction and will be known as Greenwich House. Surrounding uses include the Essex Valley School to the north, across Clinton Road, single family dwellings to the east, a commercial building to the southeast, commercial uses to the south across Bloomfield Avenue, an office building to the southwest, and the inclusionary townhome development known as Heritage at West Caldwell to the northwest. See the map on page 53 for the general location of the site.



Photo 2 – Greenwich House



ENVIRONMENTAL CONSTRAINTS - GREENWICH HOUSE
BLOCK 1600, LOT 11.01
 TOWNSHIP OF WEST CALDWELL
 ESSEX COUNTY, NEW JERSEY



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

The Township rezoned the properties from the B-3 General Business District and R-3 Single-Family Residence District/R-3D Single-Family Residence and Residential Cluster District to the R-6 Multi-Family Residential District via Ordinance No. 1840A-2021 on August 17, 2021. The R-6 District permits inclusionary multi-family residential development at a maximum density of 20 units per acre. A 20% affordable housing set-aside is required, regardless of tenure. The R-6 District requirements are found in Section 20-9B of the Township's Zoning Ordinance, which can be viewed here: <https://ecode360.com/35367190#39073976>.

Greenwich House, LLC filed a Planning Board application in 2022 for Preliminary and Final Major Site Plan approval with variances to construct a 4.5 story, 32-unit multi-family residential building with seven affordable units and two two-unit townhouse buildings on the site. The seven affordable units include one one-bedroom unit, four two-bedroom units, and two three-bedroom units. The application also included the consolidation of the three parcels. On October 24, 2022, the Planning Board held a public hearing and approved the application. The Board's approval was memorialized via Resolution on December 12, 2022 (see Appendix T for a copy of the Resolution).

Construction is substantially complete as shown by the map on page 53 and is anticipated to be finalized in 2025. It should be noted that the Lots 11, 12, and 22 have been consolidated into one lot known as Lot 11.01. However, the available GIS parcel data has not been updated to reflect the consolidation.

Greenwich House meets the four prongs pursuant to NJAC 5:93-1 as follows:

- Approvable site – The Township rezoned the site in 2021 to permit inclusionary multi-family residential development at a density of 20 units per acre. The Planning Board approved Greenwich House, LLC's application to redevelop the site into a 36-unit inclusionary multi-family residential development with seven affordable units. The site is under construction and is anticipated to receive Certificates of Occupancy in 2025.
- Available site – Lot 11.01 is owned by Greenwich House, LLC. The Township is unaware of any title or encumbrance issues.
- Developable site – The site is within sewer and water service areas. The site was approved to connect to the Caldwell sewer system via correspondence from Frank Banisch, PP, AICP, dated February 15, 2023.
- Suitable site – The property is adjacent to a variety of uses including an office and private school to the north, single-family dwellings to the east, commercial uses to the southeast, south, and southwest, garden apartments to the south, and townhomes to the west. The site is not located within a SFHA or encumbered by any environmental constraints according to GIS Data. Lot 11.01 has frontage along both Bloomfield Avenue and Clinton Road.

Based on the above information, Greenwich House will provide **7 credits** pursuant to NJAC 5:93-5.15 (inclusionary development).

Pio Costa

The Pio Costa site is located at 1200 Bloomfield Avenue and identified as Block 1700, Lot 2. The property is approximately 1.7 acres and is vacant. The property is surrounded by car dealerships, including the Paul Miller Toyota to the northeast, Paul Miller Honda to the east, and Mercedes-Benz

of Caldwell to the west. Vacant land is located to the north, across Bloomfield Avenue, and south of the property. The map on page 57 shows the location of the site.

As per the Settlement with FSHC, West Caldwell rezoned the site to the R-7 Multi-Family Residence District on June 15, 2021 via Ordinance No. 1843-2021. The R-7 District permits inclusionary residential development at a maximum density of 24 units per acre up to a maximum of 40 total units. A 20% affordable housing set-aside is required, regardless of tenure. This would yield eight affordable units. The R-7 District requirements are found in Section 20-9C of the Township's Zoning Ordinance, which can be viewed here: <https://ecode360.com/35367190#39073977>.

However, this site received approvals to construct a commercial building on/about 2007. At some point in time the property owner filed a Construction Board of Appeals case, which was heard on July 25, 2023. The Essex County Construction Board of Appeals issued a resolution on July 25, 2023 ordering West Caldwell to issue footing and foundation permits for the commercial structure (see Appendix U). Thereafter, the owner commenced site work between September of 2023 and March of 2024 based on aerial imagery. Footings and a stair/elevator tower are visible in October 2024 aerial imagery. The latest available aerial imagery shows the slab has been poured.

Furthermore, the Flood Hazard Area has been modified since the Township adopted its 2021 Housing Element & Fair Share Plan ("2021 HEFSP") on September 13, 2021. The 2021 HEFSP included a map, which is provided on page 58, which illustrated the Flood Hazard Area encompassing 0.26 acres of the rear of the site. The current FEMA Special Flood Hazard Area now encompasses the entire site, as well as the entirety of the frontage along Bloomfield Avenue (see map on page 57). Without a high and dry access, the site would be precluded from constructing multi-family residential development.

The property owner leveraged the affordable housing process to have its site rezoned and thereafter filed a Construction Board of Appeals case to force the Township to issue footings and foundation permits for a commercial building. Furthermore, the Township has been adversely impacted by the modified and enlarged FEMA Special Flood Hazard Area. As a result of these actions the site no longer presents a realistic opportunity for the creation of affordable housing. Despite this, the Township will retain the existing R-7 Multi-Family Residence District and its associated regulations.

It must be noted that the Township did everything it was required to do, but there have been "changes in circumstances" that render the site no longer realistic, by definition.

The Pio Costa site was included in the Third Round RDP generating an obligation of 8. These changed circumstances necessitates the removal of the 8-unit RDP associated with this site. Therefore, the 80-unit RDP is modified to 72 units.

75 Clinton Road

75 Clinton Road, identified as Block 1502, Lot 1, is a triangular lot that contains roughly 2.9 acres and is vacant. The property is adjacent to an industrial use to the north, a PSE&G utility right-of-way and a commercial use to the east, a bank to the south, shopping center to the southwest, and an office building to the west (see map on page 59).

Pursuant to the Settlement Agreement, the Township rezoned the property to the R-8 Residence District on June 15, 2021 via Ordinance No. 1841-2021. The R-8 District permits inclusionary

residential development at a maximum density of 11 units per acre with a maximum of 25 units. A 20% affordable housing set-aside is required, regardless of tenure. Assuming full build out, this would yield five affordable units. The R-8 District requirements are found in Section 20-9D of the Township's Zoning Ordinance, which can be viewed here:

<https://ecode360.com/35367190#39074026>.

75 Clinton Road meets the four prongs of the rules as follows:

- Approvable site – The Township rezoned Block 1502, Lot 1 in 2021 to permit inclusionary residential development at a density of 11 units per acre with a maximum of 25 units. Any owner or contract purchaser can submit an as-of-right application for residential development.
- Available site – Mountain Broadcasting Corporation is the current property owner. The Township is unaware of any title or encumbrance issues.
- Developable site – The site is within sewer and water service areas.
- Suitable site – The property is adjacent to commercial, industrial, and office uses, and a utility right-of-way. The northern half of the property is encumbered by wetlands and an associated 50-foot buffer. Additionally, slopes greater than 15% are located along the eastern property line. Said environmental constraints encompass 1.08 acres of the site (37.7%). See the map on page 59 for the location of these environmental features. The property has street frontage on Clinton Road.



Photo 3 – 75 Clinton Road

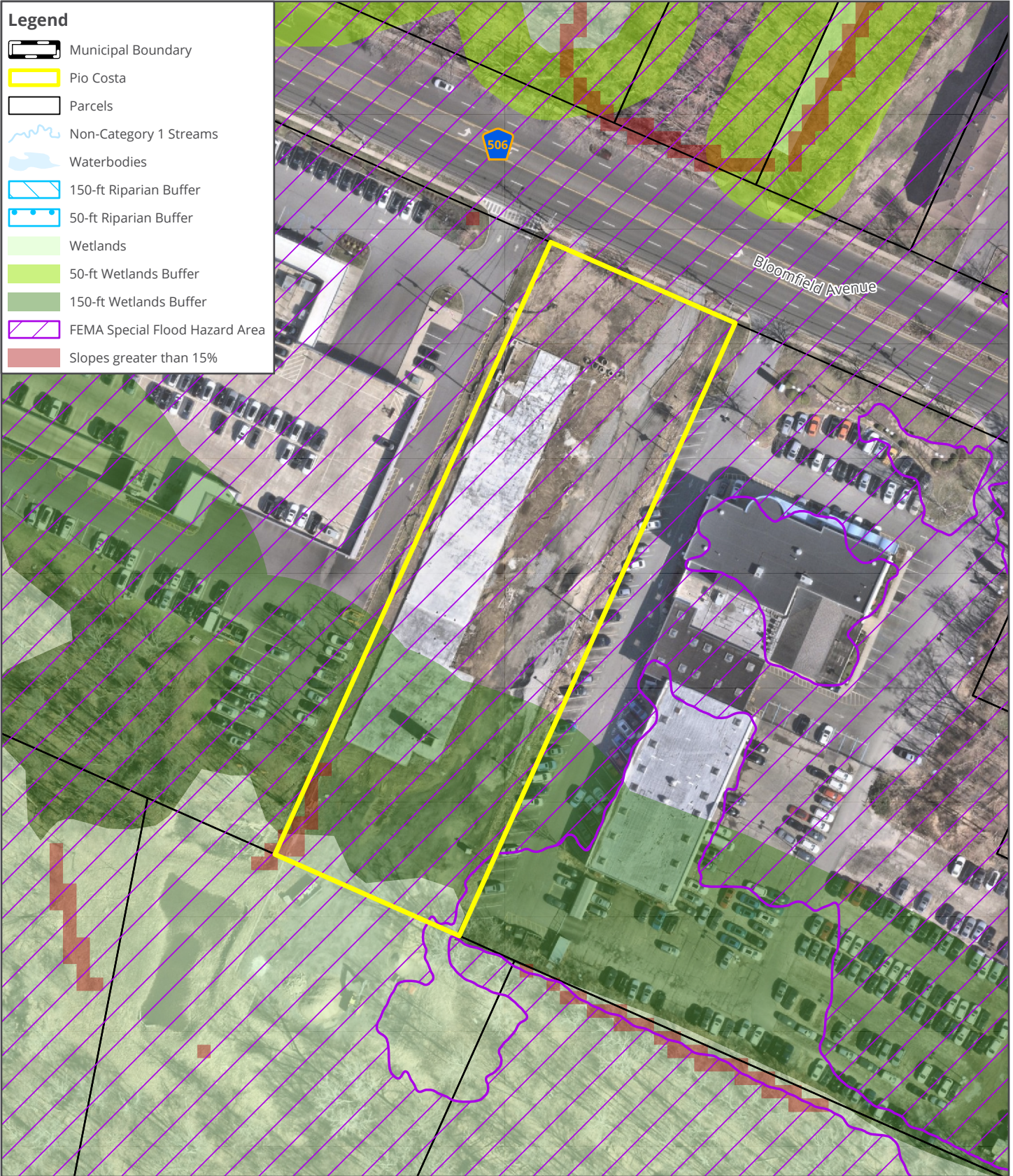
Pursuant to NJSA 5:93-5.6 (inclusionary development), 75 Clinton Road could provide **5 credits**.

Third Round Unmet Need Mechanisms & Credits

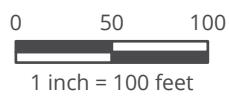
Four mechanisms are proposed as described below, which are allocated towards Unmet Need for the Third Round. These strategies were included in the 2020 FSHC Settlement Agreement and the 2024 Final Order of Judgment of Compliance and Repose.

Caldwell Nursery

The Caldwell Nursery site is located at 246 Passaic Avenue and is identified as Block 2802, Lot 14.01 on the Township's Tax Map. The property is surrounded by single-family dwellings and located in the R-3 District (see map on page 61).



ENVIRONMENTAL CONSTRAINTS - PIO COSTA
BLOCK 1700, LOT 2
TOWNSHIP OF WEST CALDWELL
ESSEX COUNTY, NEW JERSEY



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

Township of
Fairfield

BLOOMFIELD AVE

506



R:\A\IO\files\RedBank\GIS\PROJECTS\Municipal\U-2\WCTW\CTO15A\2021\210429appb_Pio_Costa.mxd

Legend

 Municipal Boundary

 Pio Costa

 Parcels

Environmental Constraints

 Streams

 Water

 Special Flood Hazard Area

 Steep Slopes (15% or Greater)

 Wetlands



0 50 100



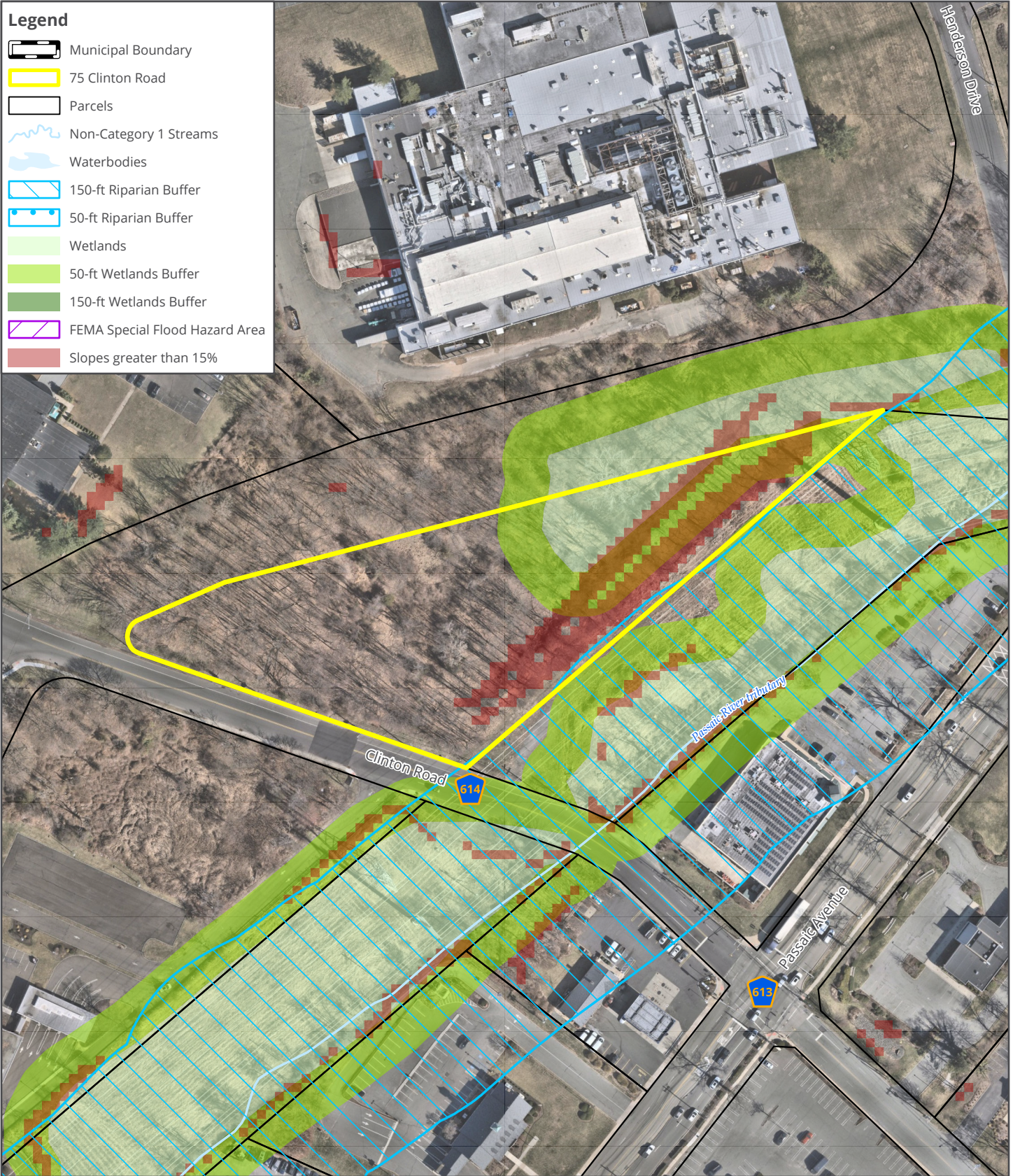
1 inch = 100 Feet

Pio Costa

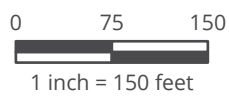
Block 1700, Lot 2
Township of West Caldwell
Essex County, New Jersey

 Engineering
& Design

April 2021



ENVIRONMENTAL CONSTRAINTS - 75 CLINTON ROAD
BLOCK 1502, LOT 1
 TOWNSHIP OF WEST CALDWELL
 ESSEX COUNTY, NEW JERSEY



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

On June 15, 2021, the Township established the R-9 Multi-Family Residence Overlay District on the site via Ordinance No. 1842-2021. The R-9 Overlay District permits inclusionary residential development at a maximum density of ten units per acre. A 20% affordable housing set-aside is required, regardless of tenure. A maximum build-out of the 2.1-acre site could yield 21 units, which would produce four affordable units. The R-9 Overlay District requirements are found in Section 20-9E of the Township's Zoning Ordinance, which can be viewed here:

<https://ecode360.com/35367190#39074027>.

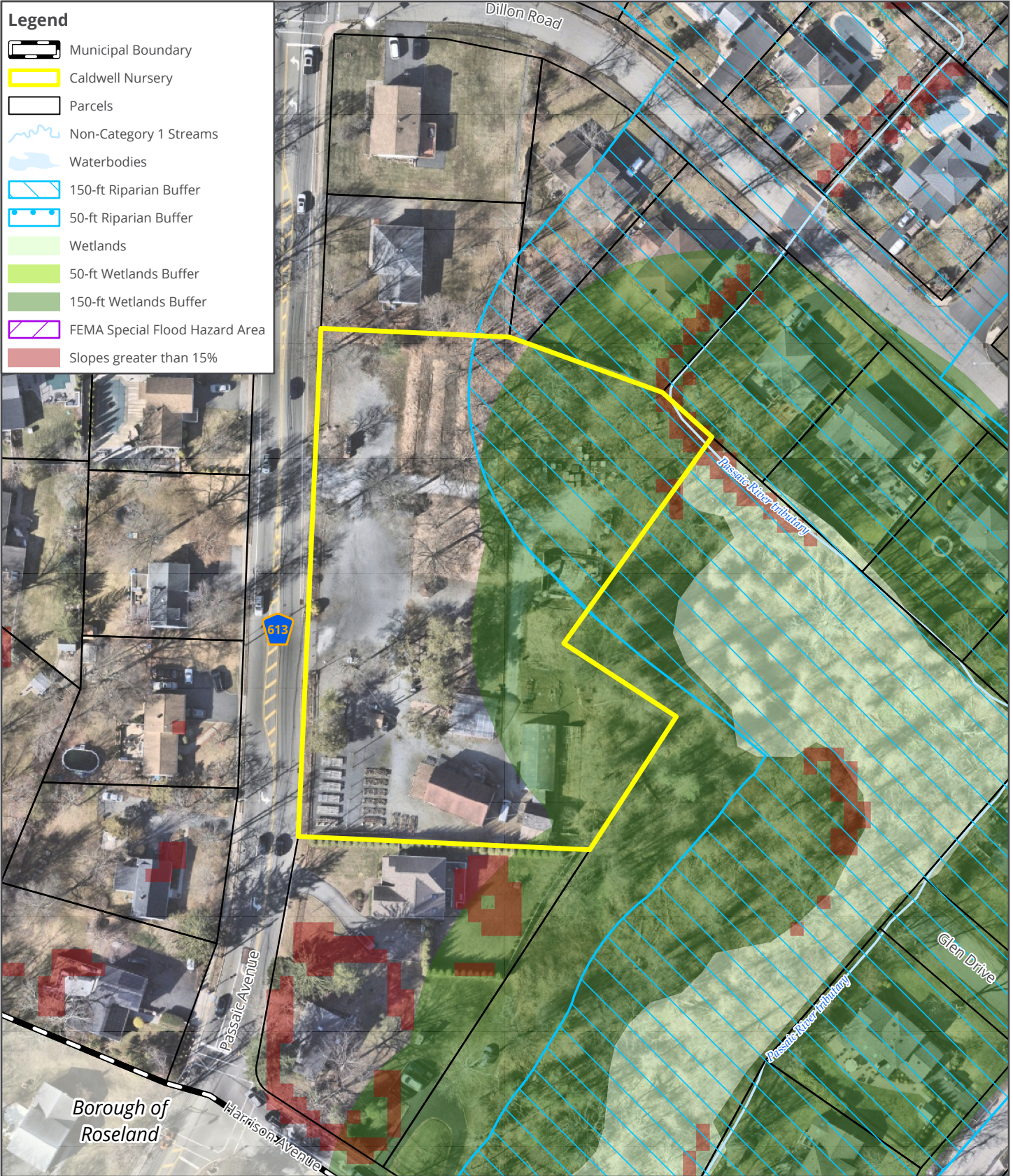


Photo 4 – Caldwell Nursery

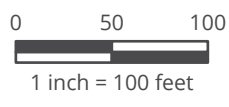
The Caldwell Nursery site meets the four prongs of the rules as follows:

- Approvable site – The site is currently developed with a nursery, which includes a main building and accessory structures such as greenhouses. The Township adopted the R-9 Overlay District on Block 2802, Lot 14.01, which permits inclusionary residential development at a maximum density of ten units per acre.
- Available site – The property is currently owned by East Hanover Garden Center, Inc. and the Township is unaware of any title or encumbrance issues.
- Developable site – The site is within sewer and water service areas.
- Suitable site – The property is surrounded by single-family residential use. The eastern half of the site is encumbered by a 150-foot wetlands buffer and 50-foot riparian buffer. Additionally, the northeastern corner of the site contains slopes greater than 15%. These environmental constraints encompass 0.95 acres of the site. See the map on page 61 for the location of these environmental features. The property has street frontage on Passaic Avenue.

Based on the information above, the Caldwell Nursery could provide affordable housing credits if developed under the overlay zoning ordinance pursuant to NJAC 5:93-5.6 (inclusionary development).



ENVIRONMENTAL CONSTRAINTS - CALDWELL NURSERY
BLOCK 2802, LOT 14.01
TOWNSHIP OF WEST CALDWELL
ESSEX COUNTY, NEW JERSEY



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

B-2, B-3, M-1, & M-2 District Conditional Use

The Township's B-2 Planned Shopping Center, B-3 General Business, M-1 Limited Manufacturing, and M-2 Limited Industry and Research Laboratory Districts are located in the northwestern quadrant of the Township. These Districts are centered around Bloomfield Avenue (County Route 506) and Passaic Avenue (County Route 613), two of the major roadways within the Township. As part of the Township's Settlement Agreement with FSHC, West Caldwell adopted Ordinance No. 1844-2021 on June 15, 2021, which created Section 20-17.29 entitled "Mixed-Use Inclusionary Development". This section permits mixed-use inclusionary development with multi-family residential as a conditional use in the B-2, B-3, M-1, and M-2 Districts. Required conditions include a having direct frontage along either Bloomfield Avenue or Passaic Avenue, a minimum lot size of four acres, a maximum density of 20 units per acre, and a maximum building height of four stories and 45 feet. Additionally, a 20% affordable housing set-aside is required for mixed-use inclusionary development, regardless of tenure. Section 20-17.29 can be viewed here: <https://ecode360.com/35367190#39075086>.

Pursuant to NJAC 5:93-1, the B-2, B-3, M-1, and M-2 District Conditional Use mechanism meets the four prongs of the rules as follows:

- Approvable site – In 2021, the Township adopted an ordinance establishing mixed-use inclusionary development as a conditionally permitted use in the B-2, B-3, M-1, and M-2 Districts. Required conditions include direct frontage on either Bloomfield Avenue or Passaic Avenue, a lot size of four acres, a maximum density of 20 units per acre, and a 20% affordable housing set-aside. Any owner or contract purchaser can submit an as-of-right application.
- Available site – According to available GIS parcel data, there are 149 parcels either fully or partially within the four Districts. There are no known title or encumbrance issues. However, only 74 parcels have frontage on either Bloomfield Avenue or Passaic Avenue. Furthermore, only 15 of the 74 parcels with the required frontage contain four or more acres.
- Developable site – All but two properties in the B-2, B-3, M-1, and M-2 Districts are located in water and sewer service areas. Block 1201, Lot 2 and Block 1700, Lot 1 are outside of the Caldwell Sewer Service Area.¹³
- Suitable site – The 74 properties in the specified business and manufacturing Districts with frontage along either Bloomfield Avenue or Passaic Avenue are adjacent to a variety of residential and non-residential uses. Portions of the four Districts are encumbered by a SFHA and/or contain environmental features, including streams and wetlands with associated buffers and slopes greater than 15%. Additionally, the northern M-2 District area is partially within the Runway End Subzone of the Essex County Airport, which is regulated by NJSA 16:62 and limits building height and development. In total, 66.86 acres of the 200.35-acre area (33.3%) comprising the 74 parcels are encumbered by environmental features. See the map on page 64 for the location of these environmental features and the parcels within the four Districts that have direct frontage on either Bloomfield Avenue or Passaic

¹³ Email from John Scheri, PE, BCEE of Mott Mac, Caldwell Sewer Engineer, dated November 16, 2020.

Avenue. It should be noted that some parcels have additional street frontage on Clinton Road, Henderson Drive, Patton Drive, Tork Avenue, Fairfield Place, and other side streets.

Based on the information above, the B-2, B-3, M-1, and M-2 Districts conditional use mechanism would be eligible for crediting pursuant to NJSA 5:93-5.6 (inclusionary zoning). This mechanism could provide additional affordable housing credits to help address the Township's Third Round Unmet Need.

Accordia

The Accordia site is located at the intersection of Passaic Avenue and Fairfield Avenue, is known as 780 Passaic Avenue, and identified as Block 1201, Lot 3 on the Township's Tax Map. The property is approximately 3.5 acres and is vacant. The site is adjacent to vacant land to the north and office, commercial, and industrial uses to the east, south, and west. The map on page 65 shows the location of the site.



Photo 5 - Accordia
















Accordia at West Caldwell, LLC ("Accordia") filed a Board of Adjustment application in 2024 for Preliminary and Final Site Plan approval with D(1) use, D(5) density, D(6) height, and "C" variance relief to construct a 92-unit inclusionary multi-family building with 19 affordable units. The Board held a public hearing on the Application at the November 13, 2024 hearing, which was continued at the February 13, 2025 hearing where the Application was approved. Subsequently, the Board's approval was memorialized via Resolution on March 13, 2025.

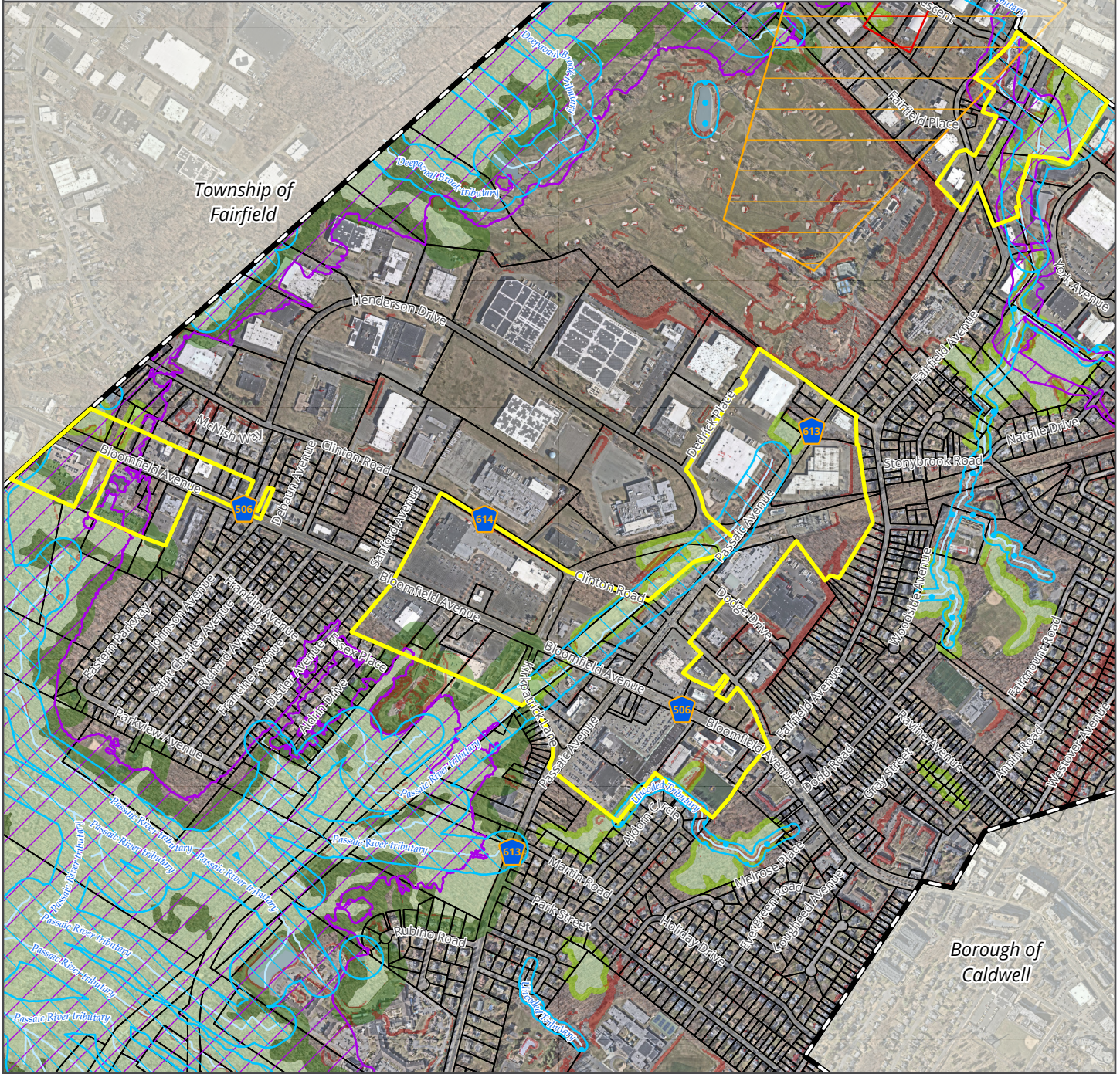
Condition 18 of the Resolution requires the site to meet UHAC requirements pertaining to bedroom distribution and provide 19 affordable units on site. Condition 19 requires the affordable housing units to be rental and unrestricted and copy with the Amended FHA. Finally, Condition 8 indicates that the approval does not "confer vested rights to sewer capacity in the Caldwell Sewerage Treatment Plan without review and approval by the Superior Court of New Jersey pursuant to an Order dated March 14, 2022."

The Accordia site meets the four prongs pursuant to NJAC 5:93-1 as follows:

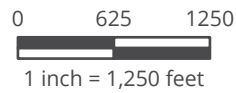
- Approvable site – The Board of Adjustment granted Preliminary and Final Site Plan approval with D(1), D(5), D(6), and "C" variance relief at its February 2025 public hearing. The Board's decision was memorialized via Resolution on March 13, 2025.
- Available site – Block 1201, Lot 3 is owned by Kearny Federal Savings Bank. Accordia at West Caldwell, LLC is the contract purchaser. The Township is unaware of any title or encumbrance issues.

Legend

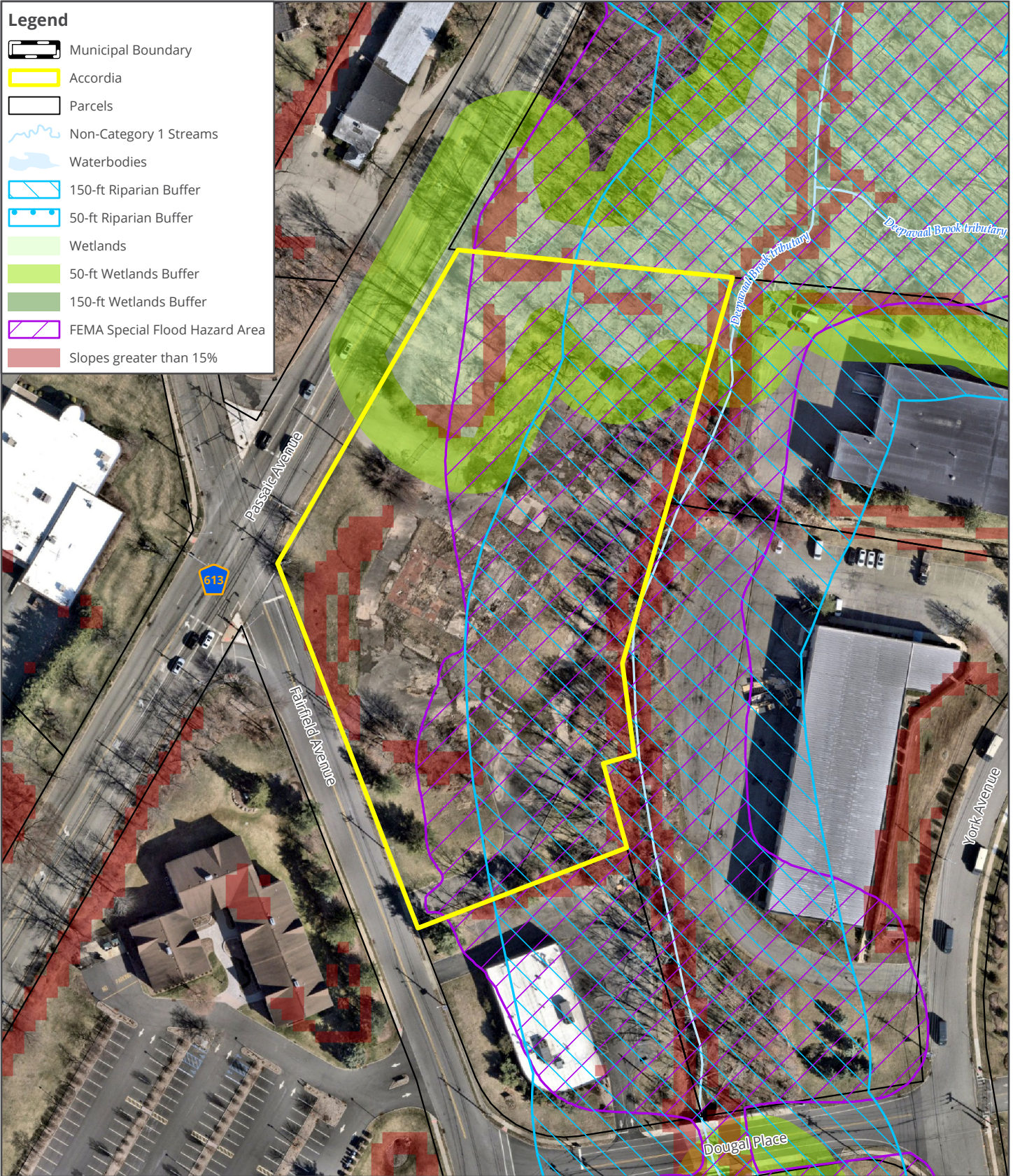
-  Municipal Boundary
-  B-2, B-3, M-1, & M-2 Districts Conditional Use
-  Parcels
-  Non-Category 1 Streams
-  Waterbodies
-  150-ft Riparian Buffer
-  50-ft Riparian Buffer
-  Wetlands
-  50-ft Wetlands Buffer
-  150-ft Wetlands Buffer
-  FEMA Special Flood Hazard Area
-  Slopes greater than 15%
- Airport Safety Zones**
-  Runway Subzone
-  Runway End Subzone
-  Clear Zone



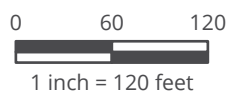
**ENVIRONMENTAL CONSTRAINTS - B-2, B-3, M-1, & M-2 DISTRICTS
CONDITIONAL USE
TOWNSHIP OF WEST CALDWELL
ESSEX COUNTY, NEW JERSEY**



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ENVIRONMENTAL CONSTRAINTS - ACCORDIA
BLOCK 1201, LOT 3
 TOWNSHIP OF WEST CALDWELL
 ESSEX COUNTY, NEW JERSEY



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

- Developable site – The site is within sewer and water service areas.
- Suitable site – The property is adjacent to a variety of uses including vacant land to the north and office, commercial, and industrial uses to the east, south, and west. A tributary of the Deepavaal Brook traverses the eastern property line. As a result, a majority of the site is within FEMA's SFHA and a 150-foot Riparian buffer associated with the stream. Additionally, an area of wetlands and associated 50-foot buffer is located in the northern quarter of the property. Finally, areas of slopes greater than 15% are located along the eastern property line and at the front of the property. See the map on page _ for the location of these environmental features. In total, 2.8 acres of the 3.47-acre site (80.7%) are encumbered by environmental constraints. The Accordia site has frontage along both Bloomfield Avenue and Fairfield Avenue.

Based on the above information, the Accordia site is eligible for **19 credits** pursuant to NJAC 5:93-5.15 (inclusionary development).

Township-Wide Set-Aside

Pursuant to the Settlement Agreement with FSHC, West Caldwell adopted Ordinance No. 1832-2021 on December 15, 2020 establishing Chapter 23 entitled "Affordable Housing". Section 23-1e provides the Township's mandatory affordable housing set-aside requirement. The set-aside is required for any property that receives a use variance, density variance increasing the permissible density, a rezoning permitting multi-family residential housing where not previously permitted, or a new redevelopment plan to permit new multi-family residential development that yields five or more units at a density of six or more units per acre. The affordable set-aside is 20% regardless of tenure. The Township-Wide Set-Aside does not apply to sites already zoned for inclusionary residential development. The Township-Wide Set-Aside Ordinance is located in Section 23-1e of the Township's Affordable Housing Ordinance, which can be viewed here: <https://ecode360.com/39177767#39177767>.

Based on the information above, this mechanism may yield affordable housing credits, which would be credited towards the Township's Unmet Need.

Fourth Round RDP Mechanisms & Credits

West Caldwell has a 0-unit RDP; therefore, no mechanisms are proposed towards the RDP.

However, the Amended FHA, specifically NJSA 52:27D-310.1, added a new requirement for towns seeking a VLA. The statute now requires towns to "identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so". Therefore, municipalities seeking a VLA must identify sufficient parcels that could "realistically" be redeveloped during the current obligation round (2025 through 2035) to address at least 25% of its prospective need obligation that has been adjusted. The prospective need obligation that has been adjusted, or RDP, is 0 for the Township. Said differently, the prospective need obligation "has been adjusted" to 0. Therefore, a plain language reading of the statute is "25% of the RDP".

Therefore, in the case of West Caldwell, a 0-unit RDP x 25% = 0 and the Township is not required to identify parcels that are likely to redevelop pursuant to NJSA 52:37D-310.1.

There is no ambiguity in the words “prospective need obligation that has been adjusted”, in this instance, to 0. However, the Township is aware that developers and FSHC are attempting to convert the plain meaning of the statute into something that it simply does not say. “[T]he prospective need obligation that has been adjusted” does not mean unmet need for Round 4 despite the mental gymnastics being used to change the plain meaning. Notwithstanding the foregoing, if a court of competent jurisdiction interprets this or any other provision of law in a manner inconsistent with this HEFSP, the Township will voluntarily amend its HEFSP accordingly.

In any event, the environmental data provided on page 27 demonstrates the numerous natural limitations West Caldwell faces as 44.82% of the Township is limited by one or more natural resources, which constrain development and redevelopment within the Township. Furthermore, the existing non-residential areas in the Township’s B-2, B-3, M-1, and M-2 Zones are already encompassed by zoning ordinance amendments that permit mixed-use inclusionary development as a conditionally permitted use.

Fourth Round Unmet Need Mechanisms & Credits

An RDP of 0 translates to a 261-unit Unmet Need for the Township. This number should be added to the Second and Third Round Unmet Need of 516 for an overall Unmet Need of 777. The Township offers the following additional mechanism to address Unmet Need beyond those described in the Second and Third Round Unmet Need Mechanisms & Credits sections above.

Supportive/Special Needs Housing

The Township of West Caldwell owns a vacant lot located at 138 Fairfield Avenue. The site is identified as Block 1101, Lot 42 on the tax maps. The property is rectangular shaped, approximately 50 feet wide by 211 feet long. The property is located in the R-3 Single-Family Residence District, where supportive/special needs housing is permitted as of right under the MLUL. The R-3 Zone requires a minimum lot size of 14,000 square feet, a minimum lot depth of 140 feet and minimum lot width of 100 feet. The site contains approximately 11,160 square feet.



Photo 6 – 138 Fairfield Avenue

Therefore, the lot does not meet the minimum lot area or width requirements. However, nine of the 12 parcels along the same side of Fairfield Avenue between Spring Lane and Stony Brook Road do not meet the minimum lot area. Additionally, 11 of the 12 lots do not meet the minimum lot width requirement and six lots do not meet the minimum lot depth requirement. Therefore, this site is not out of character with the surrounding lot areas and dimensions.

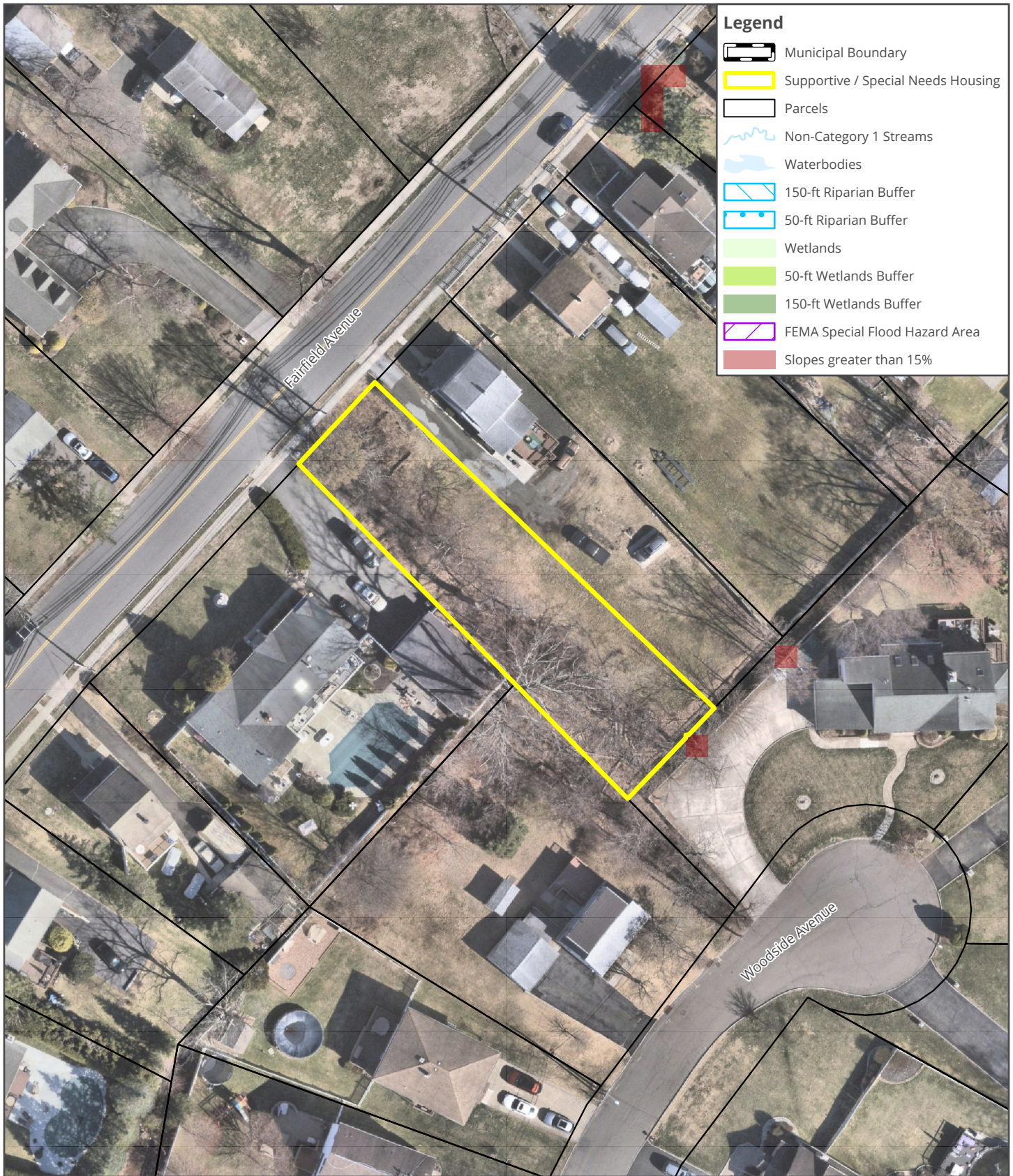
West Caldwell has contacted the Arc of Essex County, who the Township partnered with in 2023 to convert an existing home at 42 Beechtree Road into a group home. Arc has expressed interest in

constructing a new group home on the property. Additionally, the Township is setting aside funding within the Affordable Housing Trust Fund to assist with the creation of very-low-income units. It is anticipated that the home would contain four bedrooms.













The site meets the four-prong test as follows:

- Approvable site – The site is located in the R-3 Single-Family Residence District and is surrounded by residential uses. NJSA 40:55D-66.1 permits community residences for persons with developmental disabilities in all residential districts of a municipality as-of-right. The Township will work with the Arc of Essex County or another operator and set aside funding from the Affordable Housing Trust Fund to create a supportive housing and/or special needs housing facility on the site.
- Available site – Block 1101, Lot 42 is owned by the Township of West Caldwell. The Township is unaware of any title or encumbrance issues.
- Developable site – The site is within sewer and water service areas.
- Suitable site – The property is surrounded by single-family dwellings and has street frontage along Fairfield Avenue. The site is not encumbered by any environmental features. While the site is undersized regarding lot area and lot frontage, it is not out of character with the size of surrounding properties.

Based on the information above, 138 Fairfield Avenue would be eligible for one credit per bedroom pursuant to NJAC 5:93-5.8 (alternative living arrangement), **4 credits** are anticipated.



Legend

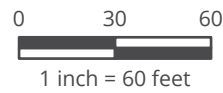
-  Municipal Boundary
-  Supportive / Special Needs Housing
-  Parcels
-  Non-Category 1 Streams
-  Waterbodies
-  150-ft Riparian Buffer
-  50-ft Riparian Buffer
-  Wetlands
-  50-ft Wetlands Buffer
-  150-ft Wetlands Buffer
-  FEMA Special Flood Hazard Area
-  Slopes greater than 15%

ENVIRONMENTAL CONSTRAINTS - SUPPORTIVE / SPECIAL NEEDS HOUSING

BLOCK 1101, LOT 42 (138 FAIRFIELD AVENUE)

TOWNSHIP OF WEST CALDWELL

ESSEX COUNTY, NEW JERSEY



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

Summary of Proposed Mechanisms & Credits

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

Proposed Mechanisms & Credits						
Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
<i>Rehabilitation Credits</i>						
Essex County Home Improvement Program	Rehabilitation	-	-	2		2
Township Rehabilitation Program	Rehabilitation	-	-	2		2
Total				4		4
<i>Prior Round Unmet Need Credits</i>						
Mountain Ridge Country Club	Inclusionary	TBD	No	TBD	TBD	TBD
Total				TBD	TBD	TBD
<i>Third Round RDP Credits</i>						
Durkin	Inclusionary	Rental	No	29	18	47
Greenwich House	Inclusionary	Rental	No	7		7
75 Clinton Road	Inclusionary	TBD	TBD	5		5
Total				41	18	59
<i>Third Round Unmet Need Credits</i>						
Caldwell Nursery	Inclusionary	TBD	TBD	4		4
B-2, B-3, M-1, & M-2 Districts Conditional Use	Inclusionary	TBD	TBD	TBD		TBD
Accordia	Inclusionary	Rental	No	19		19
Township-Wide Set-Aside	Inclusionary	TBD	TBD	TBD		TBD
Total				TBD		TBD
<i>Fourth Round Credits</i>						
Supportive / Special Needs Housing	Alternative Living Arrangement	Rental	No	TBD		TBD
Total				TBD		TBD

Summary of Mechanisms & Credits

The table on the following page provides a summary of the mechanisms, credits, and bonuses this HEFSP proposes. It should be noted that all proposed mechanisms will meet the required very-low, low-, and moderate-income distribution and will abide by the UHAC rules in place at the time of Board approval regarding bedroom distribution.

Existing & Proposed Credits

Mechanism	Credit Type	Credit	Bonus	Total
<i>Rehabilitation Credits</i>				
Essex County Home Improvement Program*	Rehabilitation	2		2
Township Rehabilitation Program*	Rehabilitation	2		2
Total		4		4
<i>Prior Round RDP Credits</i>				
Arc of Essex County	Alternative Living Arrangement	5	5	10
JASN - 7 Essex Place	Alternative Living Arrangement	4		4
JASN - 249 Passaic Avenue	Alternative Living Arrangement	4		4
Total		13	5	18
<i>Prior Round Unmet Need Credits</i>				
Mountain Ridge Country Club*	Inclusionary	TBD	TBD	TBD
Total		TBD	TBD	TBD
<i>Third Round RDP Credits</i>				
Heritage at West Caldwell	Inclusionary	9		9
45 Beechtree Road	Alternative Living Arrangement	4		4
Durkin*	Inclusionary	29	18	47
Greenwich House*	Inclusionary	7		7
75 Clinton Road*	Inclusionary	5		5
Total		54	18	72
<i>Third Round Unmet Need Credits</i>				
Caldwell Nursery*	Inclusionary	4		4
B-2, B-3, M-1, & M-2 Districts Conditional Use*	Inclusionary	TBD		TBD
Accordia*	Inclusionary	19		19
Township-Wide Set-Aside*	Inclusionary	TBD		TBD
Total		TBD	0	TBD
<i>Fourth Round Credits</i>				
Supportive / Special Needs Housing*	Alternative Living Arrangement			
Total		TBD	TBD	TBD

*Proposed Mechanisms

XIII. Implementation Schedule

The chart below and on the following page provides an anticipated implementation schedule for the mechanisms that are proposed within the Township of West Caldwell.

Implementation Schedule											
Mechanism	'25	'26	'27	'28	'29	'30	'31	'32	'33	'34	'35
Essex County Home Improvement Program											
Advertise Program											
Rehabilitate as applicable											
Township Rehabilitation Program											
Advertise Program											
Rehabilitate as applicable											
Mountain Ridge Country Club											
Application Review & Approval											
Construction											
Occupancy											
Durkin											
Construction											
Occupancy											
Greenwich House											
Construction											
Occupancy											
75 Clinton Road											
Application Review & Approval											
Construction											
Occupancy											
Caldwell Nursery											
Application Review & Approval											
Construction											
Occupancy											
B-2, B-3, M-1, & M-2 Districts Conditional Use											
Application Review & Approval											
Construction											
Occupancy											
Accordia											
Construction											
Occupancy											

Implementation Schedule (continued)

Mechanism	'25	'26	'27	'28	'29	'30	'31	'32	'33	'34	'35
Township-Wide Set-Aside											
Application Review & Approval	█	█	█	█	█	█	█	█	█	█	█
Construction		█	█	█	█	█	█	█	█	█	█
Occupancy			█	█	█	█	█	█	█	█	█
Supportive / Special Needs Housing											
Application Review & Approval	█	█	█	█	█	█	█	█	█	█	█
Construction		█	█	█	█	█	█	█	█	█	█
Occupancy			█	█	█	█	█	█	█	█	█

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XIV. Implementing Documents

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

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

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

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

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

A copy of the Rehabilitation Operating Manual is located in Appendix R. This document was approved as part of the 2024 Final Order of Judgment of Compliance and Repose. The Affirmative Marketing Plan and associated approving resolution are included in Appendix W. Both of these documents were approved by the 2024 Final Judgment of Compliance and Repose. A copy of the operating manuals and associated governing body resolution are included in Appendix X. These documents were also approved by the 2024 Final Judgment of Compliance and Repose.

A copy of the Township’s current Development Fee Ordinance can be found in Chapter 18A Land Use Procedures, Section 18A-14 Development Fees (<https://ecode360.com/35360223#35360563>). West Caldwell’s current Affordable Housing Ordinance can be found in Chapter 23 Affordable Housing (<https://ecode360.com/35362657#35362657>).

XV. Appendix

- A. 2020 FSHC Settlement Agreement
- B. First Amendment to FSHC Settlement Agreement
- C. 2024 Final Order of Judgment of Compliance and Repose
- D. Resolution No. 25-067 Committing to Round 4 Present and Prospective Need Affordable Housing Obligations
- E. Complaint for Declaratory Relief Pursuant to Directive #14-24
- F. Decision and Order Fixing Municipal Obligations for “Present Need” and “Prospective Need” for the Fourth Round Housing Cycle
- G. May 2021 Water and August 2021 Utility Memoranda
- H. April 2021 and August 2021 Letters from Fairfield Township
- I. 2022 Order Imposing Scarc Resource Restraint
- J. Fourth Round Vacant Land Adjustment
- K. Arc of Essex 21 Beechtree Road 1997 Recorded Deed Restriction, Section 811 documents, Supportive and Special Needs Housing Survey, License
- L. JASN 7 Essex Place 1998 HUD Rental Assistance Contract, License, Supportive and Special Needs Housing Survey
- M. 2019 Memorandum issued by Robert McLoughlin
- N. JASN 249 Passaic Avenue License, Supportive and 2014 Special Needs Housing Survey
- O. Heritage 2014 Sampe Deed Restriction, Affordable Unit Census
- P. Arc of Essex 45 Beechtree Road Resolution 23-182, MOU, Deed Restriction, License
- Q. Administrative Agent Rehabilitation Program Resolution
- R. Home Improvement Operating Manual
- S. Durkin Board Resolution
- T. Greenwich House Board Resolution
- U. 2023 Construction Board of Appeals Resolution
- V. Accordia Board Resolution
- W. Affirmative Marketing Plan and 2021 Resolution
- X. Rental and Sales Operating Manuals and 2021 Resolution
- Y. Draft 2025 Spending Plan
- Z. Draft Resolution of Intent to Bond
- AA. Municipal Housing Liaison Resolution
- BB. Administrative Agent Resolution
- CC. Planning Board Resolution Approving HEFSP