



Township Council

c/o Township Clerk
Teaneck, NJ 07666

Meeting: 01/28/25 06:30 PM
Department: Township Clerk
Category: Authorization
DOC ID: 8862

RESOLUTION 42-2025

**COMMITTING TO ROUND FOUR PRESENT AND PROSPECTIVE NEED
AFFORDABLE HOUSING OBLIGATIONS**

COMMENTS - Current Meeting:

CW Goldberg inquired why this presentation was made today and not earlier. Deputy Mayor Belcher explained the Affordable Housing subcommittee has not met and this has been handled by Legal & the Manager as the reporting deadlines and obligations came to be.

RESULT: ADOPTED [5 TO 2]
MOVER: Hillary Goldberg, Councilwoman
SECONDER: Mark J. Schwartz, Councilman
AYES: Katz, Schwartz, Orgen, Belcher, Gee
NAYS: Michael S Pagan, Hillary Goldberg

TOWNSHIP OF TEANECK
BERGEN COUNTY, NJ

42-2025

**COMMITTING TO ROUND FOUR PRESENT AND PROSPECTIVE
NEED AFFORDABLE HOUSING OBLIGATIONS**

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

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 9, 2015, the Township of Teaneck (hereinafter “Teaneck” or the “Township”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

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

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

WHEREAS, A4 calculates the size of the regional affordable housing need as follows “projected household change for a 10-year round in a region shall be estimated by establishing the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. This household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region, and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations...”; and

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

WHEREAS, the DCA Report calculates the Township’s Round Four (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of **214** units and a Prospective Need or New Construction Obligation of **431** units; and

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

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

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

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

WHEREAS, correcting the allocation factors results in the Township’s Round 4 Prospective Need Obligation being **384** units rather than the **431** units the DCA calculated; and

WHEREAS, Section 3 of A4 provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of A4; and

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

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

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

WHEREAS, in addition to the foregoing, the Township reserves the right to take a position that its Round Four Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, that reservation of all litigation rights shall include, but is not limited to, taking a position that the Equalized Non-Residential Valuation Factor erroneously captures

substantial mixed-use multifamily developments and mischaracterizes them entirely as non-residential; and

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

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

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

WHEREAS, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Township reserves any and all rights and remedies in relation to the AOC Directive; and

WHEREAS, the Township seeks a certification of compliance with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within forty-eight (48) hours of the adoption of this resolution; and

NOW, THEREFORE, BE IT RESOLVED on this 28th day of January 2025, by the Council of the Township of Teaneck, Union County, State of New Jersey, as follows:

- . All of the Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Mayor and Council hereby commit to a Present Need Obligation of **214** units and the Round Four Prospective Need Obligation of **384** units as described in this resolution subject to all reservations of rights, which specifically include:
 - a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;
 - b) As described in the WHEREAS section, all rights to revoke or amend this resolution in the event of a successful legal challenge, or legislative change, to A4;
 - c) In furtherance of the WHEREAS clause reserving the Township’s rights to adjust its number to a lower number if the Township’s number is challenged, the Township specifically reserves the right to seek a downwards adjustment due to a correction of the Equalized Non-Residential Valuation Factor; and
 - d) All rights to take any contrary position in the event of a third party challenge to the obligations.

3. The Township hereby directs its Counsel to file a declaratory judgment complaint within forty-eight (48) hours after adoption this resolution attaching this resolution.
4. The Township hereby directs its Counsel to (a) file this Resolution with the “Program” pursuant to the requirements on A4.
5. The Township hereby directs that this Resolution be published on the municipal website within forty-eight (48) hours of its passage, pursuant to A4.
6. This resolution shall take effect immediately, according to law.

This is to certify that the above Resolution was adopted by the
Township Council on January 28, 2025

Doug Ruccione

Doug Ruccione
Township Clerk

MEMORANDUM



Date: January 23, 2025
 To: Township of Teaneck
 From: Topology

**SUBJECT: FOURTH ROUND AFFORDABLE HOUSING
 ASSESSMENT OF DCA NUMBER**

The purpose of this memorandum is to provide an assessment of the non-binding calculations of the Township of Teaneck's Prospective Need Obligation for the Fourth Round of Affordable Housing, published by the NJ Department of Community Affairs¹. The non-binding calculations were published by the DCA on October 20, 2024, with supplemental data releases provided through November 23, 2024, with the publication of the Land Capacity Analysis GIS Composite Layer.

Under the prepared calculations, the DCA has presented a non-binding prospective need obligation for the Township of Teaneck of 431 units. The following assessment reviews the component data of the DCA calculation methodology with localized data to either confirm or revise the figures presented by DCA.

Based upon the analysis outlined in this memorandum, and with consideration given to the DCA Report, in accordance with N.J.S.A. 52:27D-304.1, -304.2 and -304.3 of P.L. 2024, c.2 and the 2018 Decision, Topology recommends the Township of Teaneck adopt a binding resolution committing to a Fourth Round Prospective Need Obligation of 384 units before taking into consideration any further credits, bonus credits, and/or adjustments as permitted by law.

I. Land Capacity Factor Assessment

- A. The Land Capacity Factor is calculated pursuant to N.J.S.A. 52:27D-304.3.C.4, and is determined by estimating the area of developable land within the municipality's boundaries, and regional boundaries, which may accommodate development. The DCA conducted the analysis using Land Use / Land Cover data from the NJ DEP, MOD-IV Property Tax Data from the Dept. of Treasury, and construction permit data from the DCA. The DCA calculations of land that may accommodate development exclude lands subject to development limitations, including open space, preserved farmland, category one waterways and wetland buffers, steep slopes and open waters. DCA preserved all areas that remained that were greater than 2,500 SF in size, under the assumption that an area of twenty-five feet by 100 feet may be considered developable.
- B. Under the analysis, the DCA estimates that the Township of Teaneck presently has 22.363 acres of land that may accommodate development. The DCA has calculated that Region 1, which is comprised of Bergen, Hudson, Passaic and Sussex Counties, contains a total of 1,979.764 acres of developable land. As calculated by DCA, the Township of Teaneck contains 1.13% of the amount of developable land across the entire Region 1.
- C. To assess the Land Capacity Factor, Topology extracted the resultant Land Capacity Analysis GIS Composite Layer and overlaid the file with the parcels for the Township of Teaneck. Each area was further reviewed to ascertain whether land use approvals have been rendered, if the sites contain

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

existing development or utility infrastructure or whether the configuration of developable land within these parcels is in fact developable. Based upon this detailed parcel-by-parcel analysis, Topology estimates that 12.141 acres of the 22.363 acres calculated by DCA are not in fact developable. A parcel-by-parcel summary is provided in the table below. Appendix A includes maps of all properties that have been identified as not available / limited acres for development.

D. Properties Not Available for Development

- Aerials and ownership can be viewed via <https://bchapeweb.co.bergen.nj.us/parcelviewer/>

SITE BLOCK + LOT	ADDRESS	DCA DEVELOPABLE ACRES	STATUS
Block 5608, Lot 10	210 Shepard Ave	5.373	4.173 acres eligible due to 1.2 acres of land being encumbered as part of a diversion "replacement parcel" acquisition made by NJDOT Green Acres and Greenbelt Properties program.
Block 6002, Lot 10	Route 4 Buffer	2.789	Flood Hazard Area (FEMA). 0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.
Block 402, Lot 1	1100 River Road	1.542	DCA calculation accurate.
Block 4808, Lot 15	Route 4 Buffer	1.501	0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.
Block 5919, Lot 1	46 Robinson St	0.829	0.00 acres eligible due to land developed with Church (St. Anastasia Roman Church)
Block 4102, Lot 27	Farragut Dr	0.790	0.00 acres eligible due to right-of-way on Route 4 / inaccessible other than Route 4.
Block 5911, Lot 1	1140 Loraine Ave	0.771	DCA calculation accurate.
Block 5707, Lot 2	Englewood Ave	0.730	DCA calculation accurate.
Block 5507, Lot 6	1603 Ardsley Ct	0.715	DCA calculation accurate.
Block 1102, Lot 10	661 Roemer Ave	0.675	NJDEP Wetlands and Riparian Buffer. Only 0.624 acres eligible without environmental constraint.
Block 2703, Lot 10	Route 4 Buffer	0.604	0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.
Block 5604.01, Lot 23.01, Lot 23.02	Manhattan Ave	0.497	DCA calculation accurate.
Block 5706, Lot 9	1423 Aspen Terr	0.493	DCA calculation accurate.
Block 4003, Lot 23	Route 4 Buffer	0.421	0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.
Block 6002, Lot 10	Route 4 Buffer	0.388	0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.
Block 1107, Lot 1	440 New Bridge Rd	0.383	DCA calculation accurate.
Block 5707, Lot 10	1423 Spruce St	0.365	DCA calculation accurate.

SITE BLOCK + LOT	ADDRESS	DCA DEVELOPABLE ACRES	STATUS
Block 5706, Lot 6	Englewood Ave	0.363	DCA calculation accurate.
Block 5302, Lot 29	207 Liberty Rd	0.349	Flood Hazard Area (FEMA). Only 0.192 of the land eligible without environmental constraint.
Block 201, Lot 2	836 Cedar Lane	0.346	Flood Hazard Area (FEMA). Only 0.13 acres eligible without environmental constraint.
Block 5925, Lot 7	1096 Loraine Ave	0.337	DCA calculation accurate.
Block 5927, Lot 5, Lot 1	Route 4 Buffer, 1101 Loraine Ave	0.305	DCA calculation accurate.
Block 2702, Lot 11	Route 4 Buffer	0.281	0.00 acres eligible due to right-of-way on Route 4. Parcel also contains structure encroachment from adjacent Lot 10.
Block 4303, Lot 1	314 Home St	0.275	NJDEP Wetlands and Riparian Buffer. DCA calculation accurate.
Block 4812, Lot 15	1056 Margaret St	0.201	0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.
Block 1103, Lot 4.01	600 Roemer Ave	0.188	0.00 acres eligible due to land developed with Synagogue (Congregation Keter Torah)
Block 4003, Lot 23	Route 4 Buffer	0.180	0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.
Block 4402, Lot 11 and 12	320 Fabry Terr, 309 E Oakdene Ave	0.169	Flood Hazard Area (FEMA). 0.00 acres eligible without environmental constraint. Land has improvements: Darul Islah Temple on Lot 11 Pumping Station on Lot 12
Block 3502.01, Lot 8	18 E Sherwood Ave	0.153	NJDEP Wetlands and Riparian Buffer. DCA calculation accurate.
Block 5925, Lot 2	1124 Loraine Ave	0.093	DCA calculation accurate.
Block 4811, Lot 12	Route 4 Buffer	0.093	0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.
Block 5507, Lot 16	1615 Ardsley Ct (Rear)	0.093	0.00 acres eligible due to no frontage access.
Block 4204, Lot 5 Block 4201, Lot 19	665 Glenwood Ave East Cedar Lane	0.071	0.00 acres eligible due to: Lot 5 is a ROSI ² parcel owned by Township (Hamilton Park); and Lot 19 is an active housing development

² <https://dep.nj.gov/otpla/roasi/>

- E. Given the constraints of these existing properties, Topology estimates that the amount of developable land within the Township of Teaneck should be revised to from 22.363 acres to 12.141 acres. This would also reduce the total developable land within Region 1 from 1,979.764 acres to 1,967.623 acres. Thus, the Land Capacity Factor for the Township of Teaneck would be modified from 1.13 % as calculated by DCA to 0.60 %.

II. Equalized Nonresidential Valuation Assessment

- A. The Equalized Nonresidential Valuation Factor is calculated pursuant N.J.S.A. 52:27D-304.3.C.2 and is determined by calculated the changes in nonresidential property valuations in the municipality, since the beginning of the gap period in 1999. The change in the municipality's nonresidential valuations is divided by the regional total change in nonresidential valuations to determine the municipality's share of the regional total change, which is the resulting factor. Data to used is from the Division of Local Government Services in the DCA, which aggregates local assessment information from all municipalities.
- B. Under the DCA calculation, the Township of Teaneck experienced an equalized nonresidential valuation growth of \$490,512,639 between 1999 and 2023. This represents 1.5% of all growth experienced during this period across Region 1.
- C. Topology recommends the Township accept the Nonresidential Valuation Factor as calculated by the DCA, as Topology has reviewed and concluded that no further revisions can be made.

III. Income Capacity Factor

- A. The Income Capacity Factor is calculated pursuant to N.J.S.A. 52:27D-304.3.C.3 and is determined by averaging the municipal share of the regional sum of differences between median household income and the same calculation but weighted by number of households within the municipality. To calculate this value, the DCA used the 2018-2022 5-year Estimates published by the Census Bureau's American Community Survey program.
- B. Since the publication of the Fair Share Housing Obligations for 2025-2035 by the DCA in October 2024, the U.S. Census Bureau has released the 2019-2023 5-year estimates from the American Community Survey.
- C. Topology has prepared an update of the Income Capacity Factor for Region 1 and the Township of Teaneck based upon this newly available data. In review of the new data, Topology has found no change to the Income Capacity Factor for the township of Township as a result of the newly released data.

IV. Recalculated Fourth Round Obligation Number

Given the revisions detailed above, Topology recommends the Township of Teaneck's allocation factors and prospective need obligations may be revised as follows below.

ALLOCATION FACTOR/PROSPECTIVE NEED	DCA CALCULATION	TOPOLOGY PROPOSED REVISION
Land Capacity Factor (Region 1)	1.13% (22.363 Acres of 1,980 Acres)	0.60% (12.141 Acres of 1,967.623 Acres)
Nonresidential Factor	1.51%	Accept DCA Calculation
Income Capacity Factor	2.03%	Accept DCA Calculation
Average Allocation Factor	1.55%	1.38%
Prospective Need Obligation	431 Units	384 Units

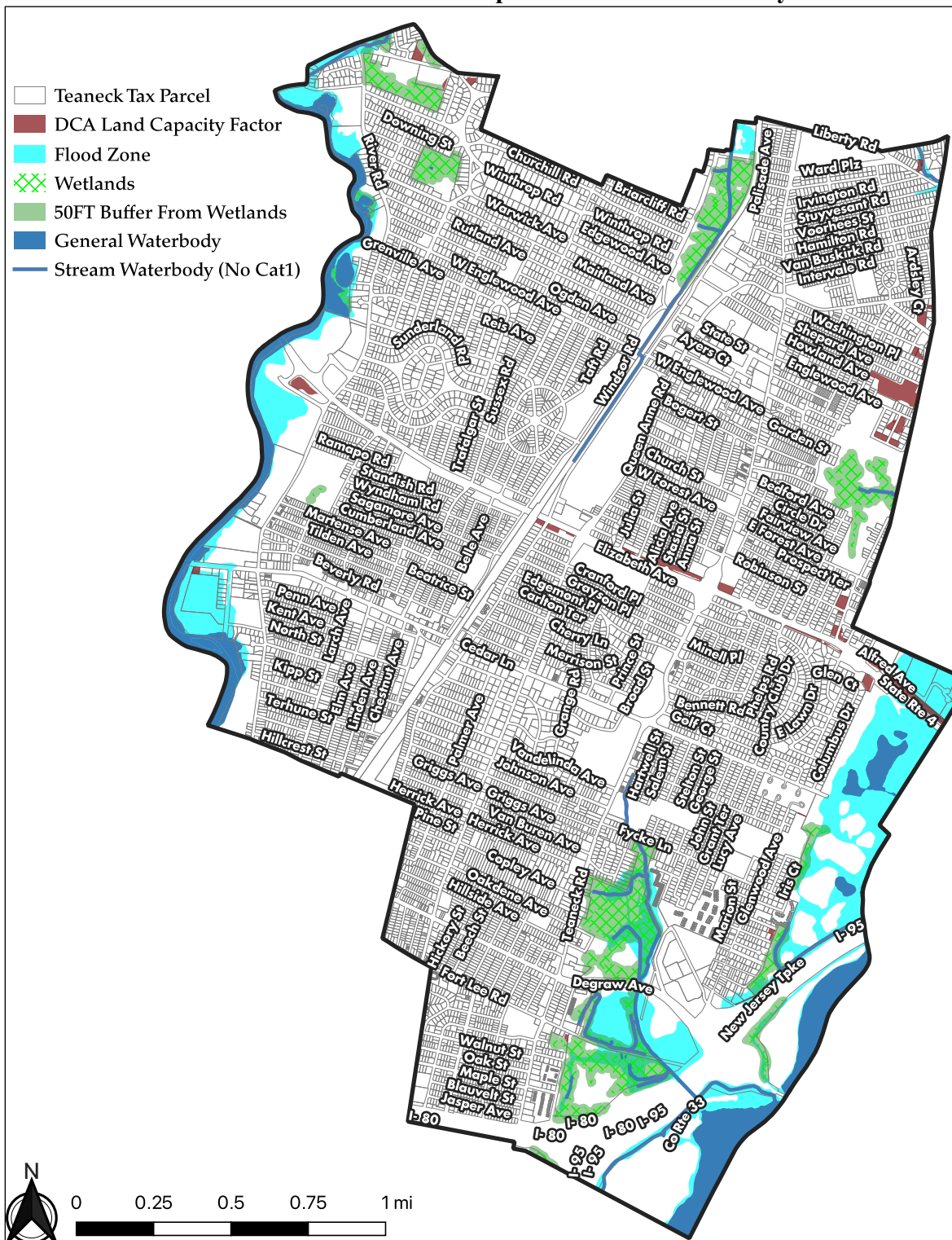
Appendix "A"

Teaneck DCA Land Capacity Factor Map with Environmental Layers + Individual DCA Land Capacity Factor Maps with Environmental Layers / Narrow Lots

GIS Data Sources:

- [Land Capacity Analysis for P.L. 2024, c.2](#) from the New Jersey Department of Community Affairs (DCA), last updated November 22, 2024.
- **Mod IV Tax Assessment Data** was obtained from the most recent Assessment Records. Parcel files were used utilizing the New Jersey Geographic Information Network (NJGIN) Open Data portal.
- [Flood Hazard Area Dataset](#) was obtained from the Federal Emergency Management Agency (FEMA).
- **Wetlands Dataset** was developed using the Land Use/Land Cover from the New Jersey Department of Environmental Protection (NJDEP), last updated 2020. A 50-foot riparian buffer is also included.
- **Waterbodies Dataset** was obtained from the National Hydrography Dataset Waterbody Streams and Waterbodies dataset as developed by the NJDEP, last updated 2015.

Teaneck DCA Vacant Land Map with Environmental Layers



Block 5608, Lot 10 (Owner: Township of Teaneck)

Route 4, in the vicinity of Palisade Avenue, CSX Railroad and Windsor Road, suffers from geometric deficiencies, traffic congestion, safety issues, and a structurally deficient bridge. NJDOT proposes to replace the structurally deficient and functionally obsolete bridge and to improve the roadway operational problems³.

As such, several Green Acres encumbered properties along the Route 4 corridor will be impacted and require equivalent replacement land or monetary compensation to address Green Acres mitigation requirements. As part of the compensation, NJDOT proposes utilizing approximately 1.2 acres of 210 Shepard Place (Block 5608, Lot 10) as a “replacement parcel” for the diversions per N.J.A.C. 7:36-26.5 (amongst several solutions).

Anticipated construction start date for the Route 4 Over Palisade Avenue, CSX Railroad, and Windsor Road Bridge Replacement is planned in June 2025, with completion anticipated in June 2028.

³ <https://www.nj.gov/transportation/capital/stip1827/sec3/pdf/routes/rt4.pdf>

Block 6002, Lot 10 (Owner: Township of Teaneck)



Block 4808, Lot 15 (Owner: Township of Teaneck)



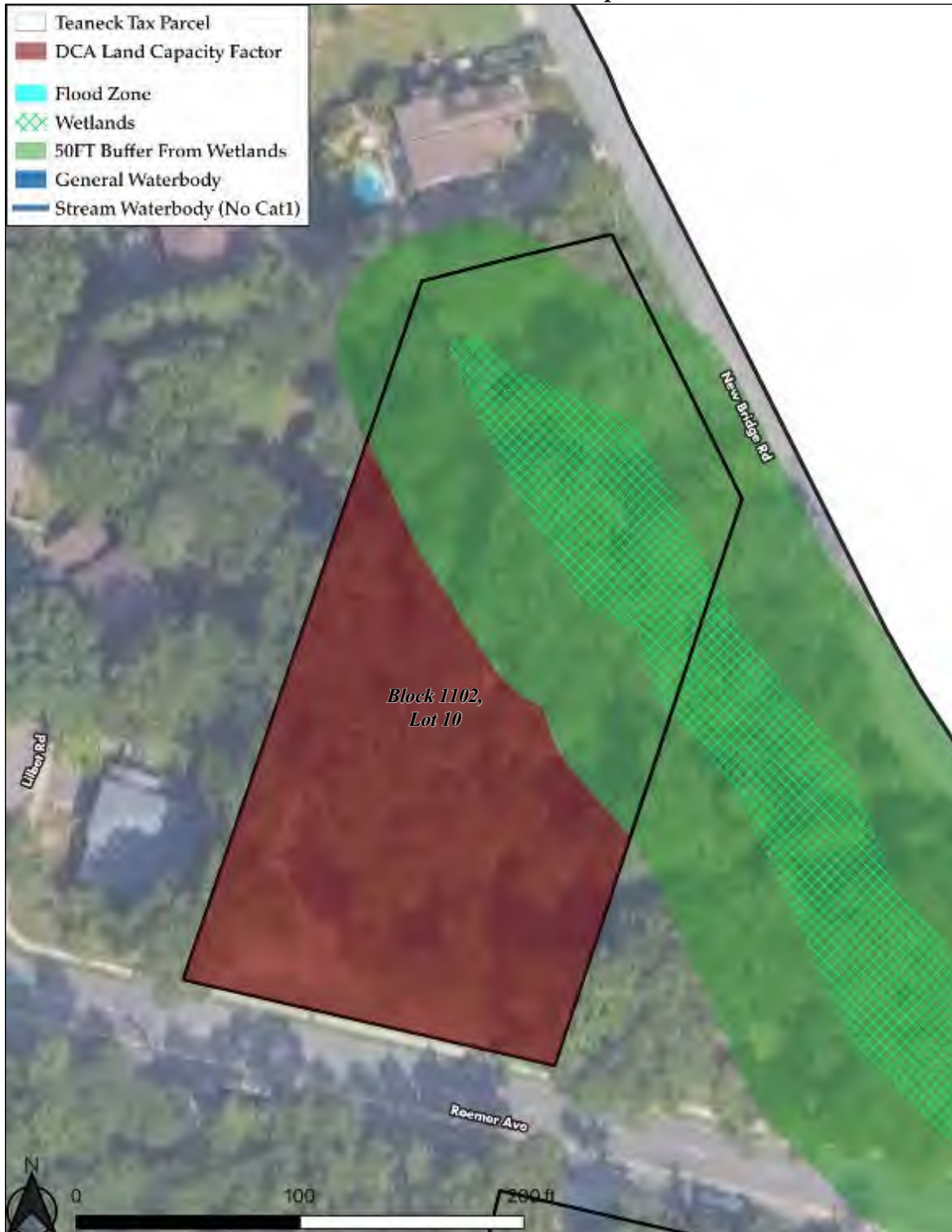
Block 5919, Lot 1 (Owner: ST ANASTASIA'S CHURCH)



Block 4102 Lot 27 (Owner: Township of Teaneck)



Block 1102, Lot 10 (Owner: Township of Teaneck)



Block 2703, Lot 10 (Owner: Township of Teaneck)
Block 2702, Lot 11 (Owner: Township of Teaneck)



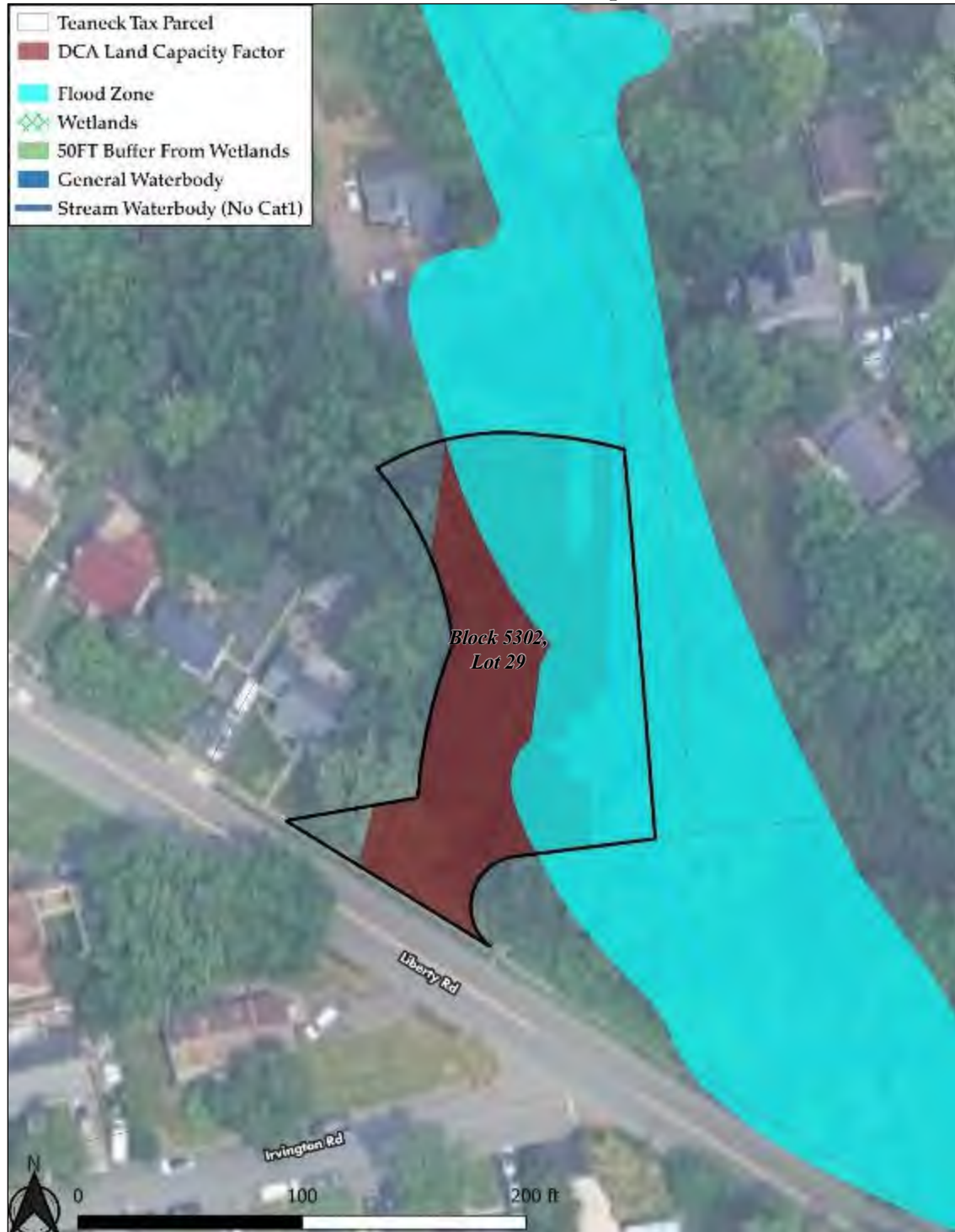
Block 4003, Lot 23 (Owner: Township of Teaneck)



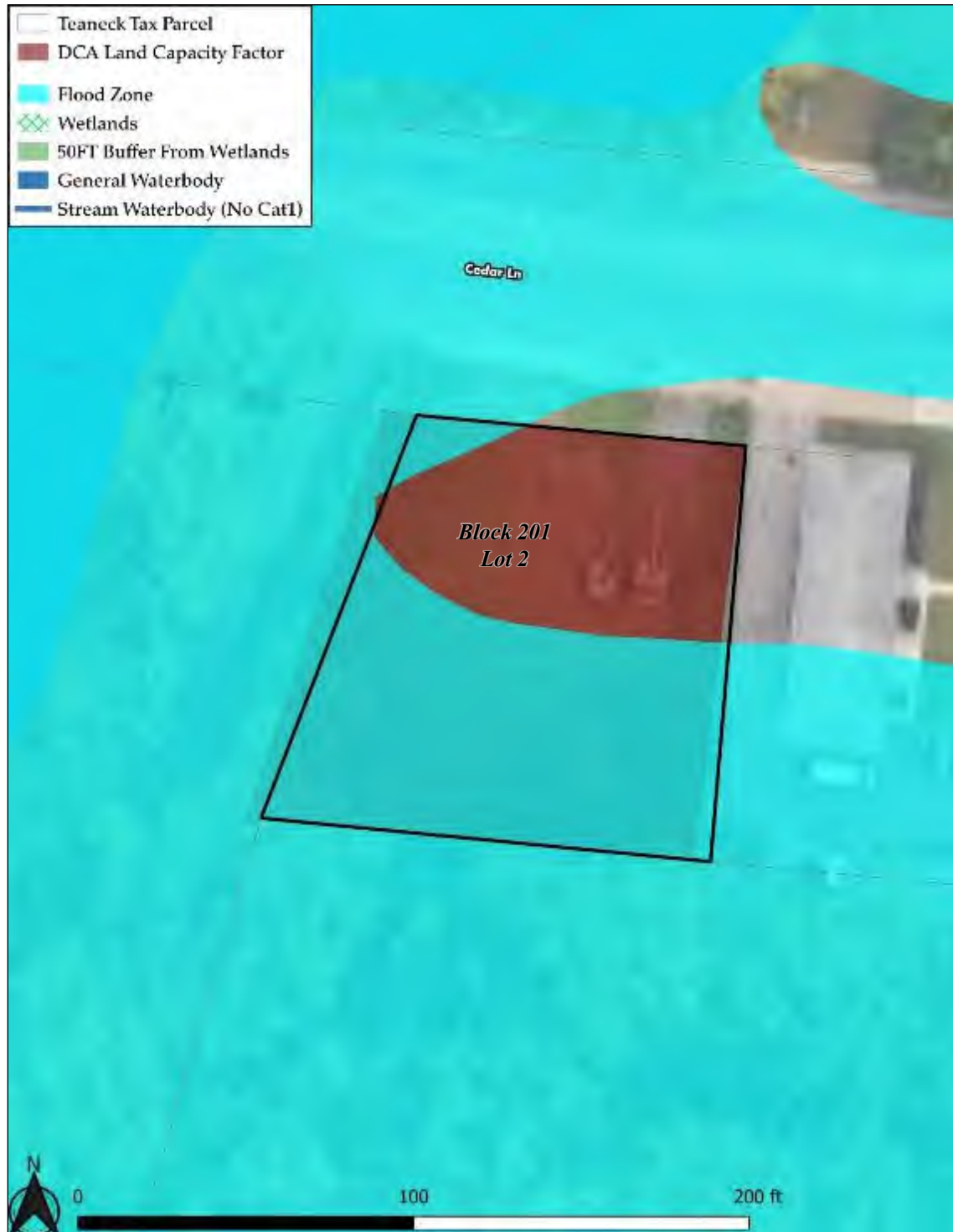
Block 6002, Lot 10 (Owner: Township of Teaneck)



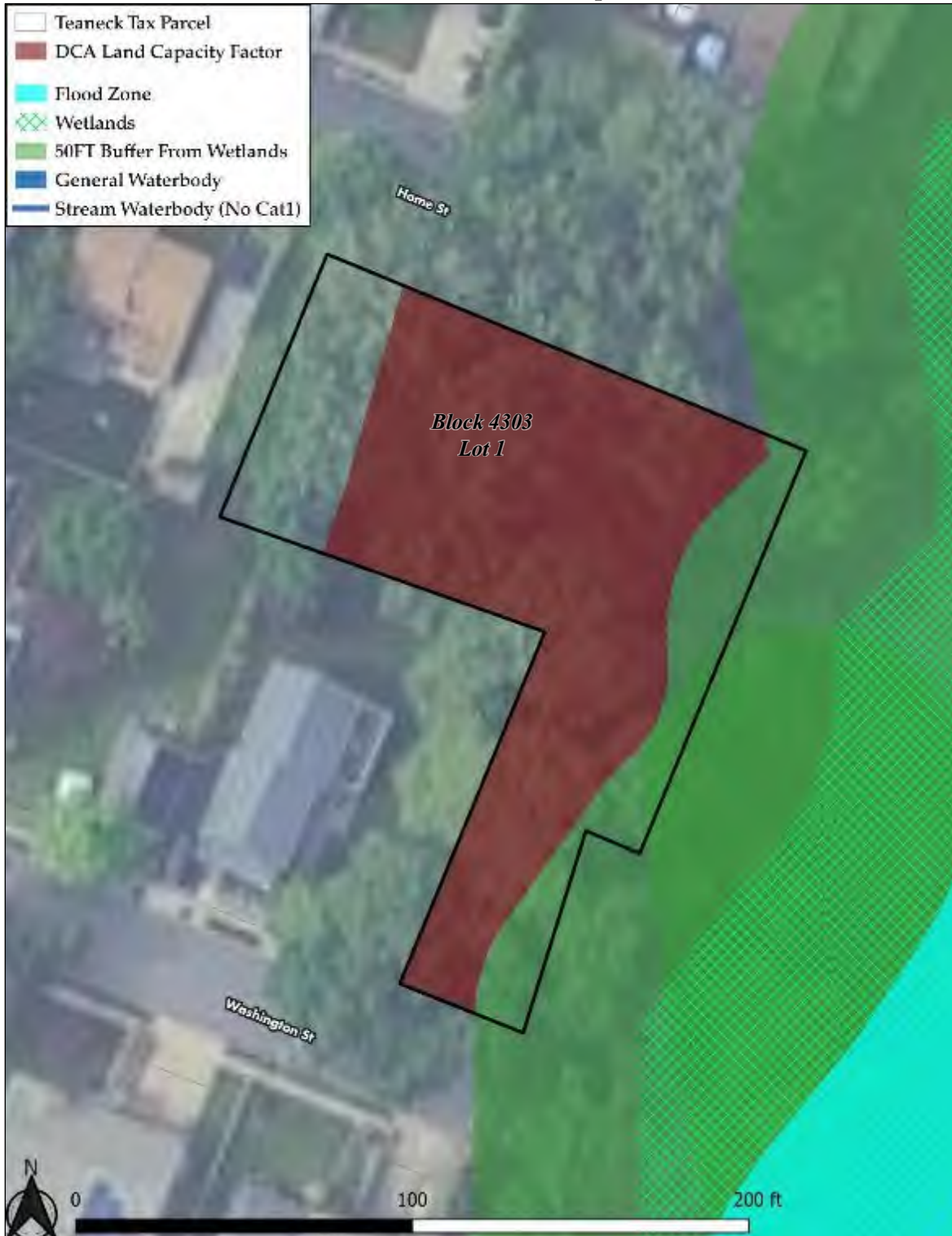
Block 5302, Lot 29 (Owner: Township of Teaneck)



Block 201, Lot 2 (Owner: 836 CEDAR LA LLC C/O ERICHSEN,S)



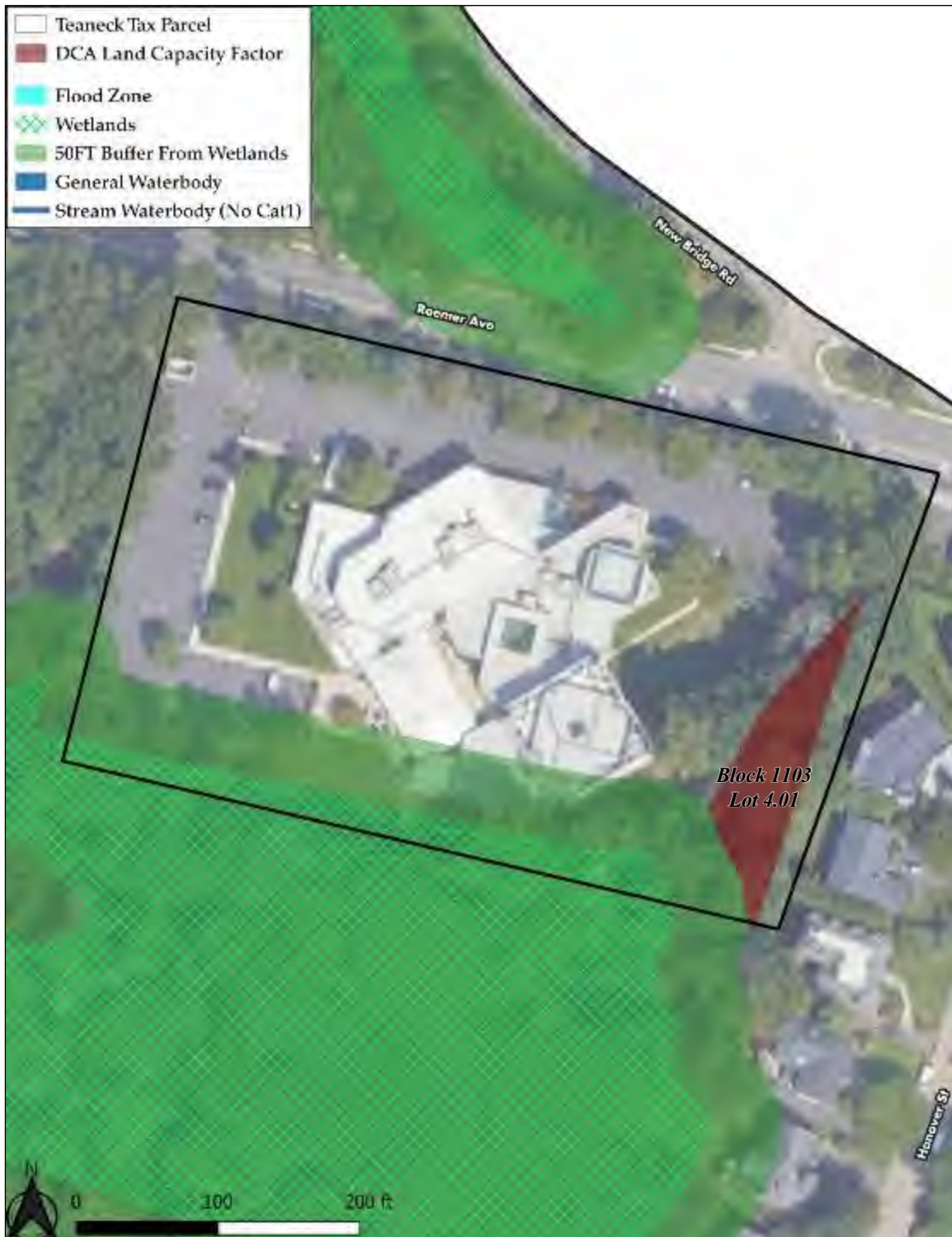
Block 4303 Lot 1 (Owner: Township of Teaneck)



Block 4812, Lot 15 (Owner: Township of Teaneck)



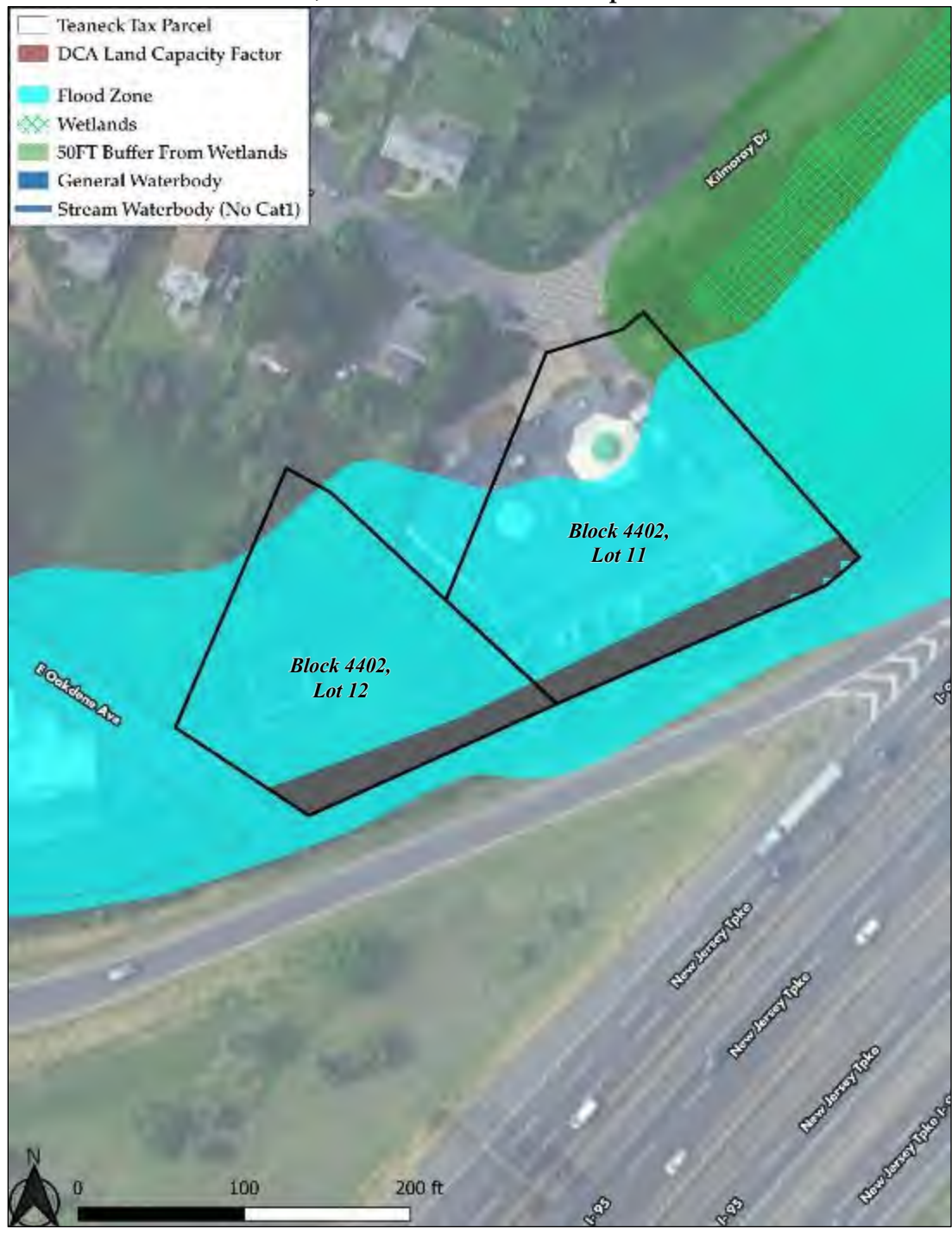
Block 1103, Lot 4.01 (Owner: NORTHERN TEANECK SYNAGOGUE ASSOC.)



Block 4003, Lot 23 (Owner: Township of Teaneck)



Block 4402, Lot 11 (Owner: Dar-UI-Islah)
Block 4402, Lot 12 (Owner: Township of Teaneck)



Block 3502.01, Lot 8 (Owner: Township of Teaneck)



Block 4811, Lot 12 (Owner: Township of Teaneck)



Block 5507, Lot 16 (Owner: Township of Teaneck)



**Block 4204, Lot 5 (Owner: Township of Teaneck)
Block 4201, Lot 19 (Owner: Township of Teaneck)**

