

EXHIBIT A

**(Resolution 2025-60, adopted by the Borough of Waldwick Council
on January 28, 2025)**

**MAYOR AND COUNCIL
OF THE
BOROUGH OF WALDWICK
Bergen County, New Jersey**

RESOLUTION NO. 2025-60

A BINDING RESOLUTION OF THE BOROUGH OF WALDWICK, COUNTY OF BERGEN, COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS AS MODIFIED AND DIRECTING THE BOROUGH ATTORNEY TO TAKE APPROPRIATE ADDITIONAL ACTIONS

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

WHEREAS, the Amended FHA required the Department of Community Affairs ("DCA") to produce "non-binding" estimates of fair share obligations on or before October 20, 2024; and

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

WHEREAS, the DCA Report calculates the Borough of Waldwick's ("Waldwick") Round 4 (2025-2035) obligations as follows: a Present Need or "Rehabilitation Obligation" of 19 and a Prospective Need or "New Construction Obligation" of 178; and

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

WHEREAS, pursuant to N.J.S.A. 52:27D-304.3, a municipality's average allocation factor is comprised of the equalized nonresidential factor, income capacity factor, and land capacity factor and shall be averaged to yield the municipality's average allocation factor, and

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

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, the DCA has released a Geographic Information Systems spatial data representation of the Land Capacity Analysis for P.L. 2024, c.2 containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor; and

WHEREAS, Waldwick has reviewed the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development; and

WHEREAS, based on the foregoing, Waldwick relies on the DCA calculations of Waldwick's fair share obligations as modified herein to account for Waldwick's review of the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development, and as further set forth in detail and explained in the attached memo prepared by Waldwick's affordable housing planner, and Waldwick seeks to commit to provide its fair share of 19 units present need and 147 units prospective need, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, Waldwick reserves the right to take action to comply with any additional amendments to the FHA, judicial rulings, and/or future Administrative Directives; and

WHEREAS, Waldwick also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (MER-L-1778-24) or any other such action either already filed or that will be filed that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, Waldwick reserves the right to take such position as it deems appropriate in response thereto, including a declaration that its Round 4 Present or Prospective Need obligations are lower than set forth herein; and

WHEREAS, in light of the above, the Governing Body of the Borough of Waldwick finds that it is in the best interest of the Borough to commit to the modified present need and prospective need Fourth Round affordable housing fair share numbers set forth herein, subject to the reservations set forth herein; and

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

WHEREAS, in accordance with AOC Directive #14-24 dated December 13, 2024, Waldwick finds that, as a municipality seeking a certification of compliance with the FHA, it is in the best interests of Waldwick to direct the filing of an action in the form of a declaratory judgment complaint within 48 hours after adoption of the within resolution of fair share obligations, or by February 3, 2025, whichever is sooner;

WHEREAS, Waldwick seeks a certification of compliance with the FHA and, therefore, directs its Borough Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution in the appropriate vicinage.

NOW, THEREFORE, BE IT RESOLVED on this 28nd day of January, 2025 by the Governing Body of the Borough of Waldwick as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.


2. The Borough of Waldwick hereby commits to the DCA Round 4 Present Need Obligation of 19 units and a modification of the DCA's Round 4 Prospective Need Obligations of 147 as explained above and in the attached memo from Waldwick's affordable housing planner and subject to all reservations of rights set forth above.
3. The Borough of Waldwick hereby directs its Borough Counsel to file a declaratory judgment complaint in the appropriate vicinage within 48 hours after adoption of this resolution and attaching this resolution as an exhibit with the attached memo.
4. The Borough of Waldwick directs its Borough Counsel (a) to attach this resolution as an exhibit to the aforementioned declaratory judgment action; (b) to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate; and (c) to take any other actions as necessary and according to law.
5. This resolution shall take effect immediately, according to law.

Resolution No. 2025-60

Offered by Mr. Ritchie

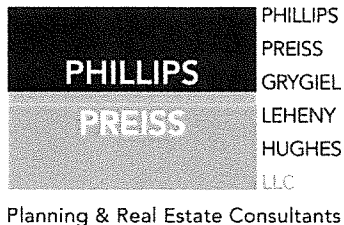
Seconded by Mr. Martinello

I, Kelley Halewicz, R.M.C., Borough Clerk of the Borough of Waldwick, do hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the Governing Body of the Borough of Waldwick, held this 28th day of January, 2025 and in witness whereof I have hereunder set my hand and official seal on this date written.



 KELLEY HALEWICZ, RMO/CMC, BOROUGH CLERK

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brennecke			X			
Cericola-Drake			X			
Martnello		X	X			
Ramundo			X			
Ritchie	X		X			
Weber			X			
Mayor Giordano						



MEMORANDUM

To: Borough of Waldwick Mayor and Council

From: Paul Grygiel, AICP, PP

Date: January 22, 2025

Re: **Recommendations for Proposed Fourth Round Affordable Housing Obligations**

Introduction

This memorandum outlines the next steps and decisions that need to be made by Waldwick and all other municipalities with regard to Fourth Round affordable housing compliance. The New Jersey Department of Community Affairs (DCA) has calculated statewide and regional affordable housing needs, including municipal obligations. These non-binding determination of each municipality's Fourth Round (2025 to 2035) affordable housing obligations were released on October 18, 2024. A deadline of January 31, 2025 has been set for municipalities to adopt a binding resolution setting forth either their acceptance of the DCA determination of their obligation or the municipal determination of their Fourth Round obligation. This resolution must be filed with the State's new Affordable Housing Dispute Resolution Program within 48 hours of adoption, and must be published on the Borough's website.

DCA's proposed non-binding obligations for Waldwick are discussed below, along with my analysis and recommendations pertaining to each one.

Present Need

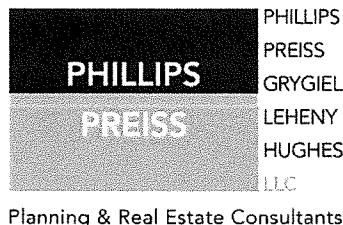
DCA's proposed non-binding Present Need obligation for Waldwick is 19. Present need, also known as the rehabilitation obligation, is defined in the Affordable Housing Law as the number of substandard existing deficient housing units in the municipality currently occupied by low- and moderate-income (LMI) households.

Prospective Need

DCA's proposed non-binding Prospective Need obligation for Waldwick is 178. Municipal Prospective Need obligations are calculated as a share of the region in which the municipality is located (Waldwick's region includes Bergen, Hudson, Passaic and Sussex Counties). The total Prospective Need for this region is 27,743, with this need allocated to municipalities throughout the region. However, "Qualified Urban Aid Municipalities" are exempt from addressing Prospective Need, which increases the remaining municipalities' obligations. Regional Prospective Need is then allocated across the non-qualified urban aid municipalities in the region by applying three factors.

Equalized Nonresidential Valuation

This factor is the change in nonresidential property valuations in the municipality from



1999 to 2023 divided by the regional total change in nonresidential valuations. This factor for Waldwick is 0.38%.

Income Capacity

This factor measures the extent to which a municipality's income level differs from that of the lowest-income municipality in its housing region. This factor for Waldwick is 1.10%.

Land Capacity

This factor determines the total acreage that is developable in a municipality utilizing the most recent land use / land cover (LULC) data from the New Jersey Department of Environmental Protection (DEP), the most recently available MOD-IV Property Tax List data from the Division of Taxation in the Department of the Treasury, and construction permit data from DCA. The calculation is supposed to exclude lands subject to development limitations. "Weighting factors" as specified in the Affordable Housing Law were applied to developable lands based on the planning area type in which such land was located. For municipalities such as Waldwick located in Planning Area 1, the weight is 1, meaning there is no reduction, unlike in various other planning areas. This factor for Waldwick is 0.44%.

Final Prospective Need Calculation

The Equalized Nonresidential Valuation Factor, Land Capacity Factor and Income Capacity Factor for each municipality were averaged to determine an Average Allocation Factor, which is the basis for municipal Prospective Need. Waldwick's Average Allocation Factor is 0.64%, which results in a Prospective Need of 178.

Analysis of Waldwick's Obligations

Present Need

It is my understanding that Waldwick is not challenging DCA's proposed Present Need obligation of 19 at this time.

Prospective Need

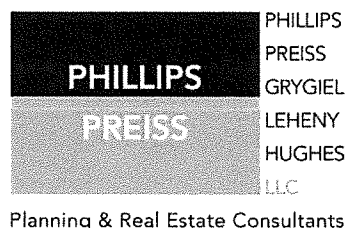
It is my opinion that the Borough's Prospective Need obligation should be lower than the DCA's non-binding obligation due to issues with DCA's calculations as detailed below. In particular, the Land Capacity factor classifies a number of areas in the Borough as "developable" when in reality they are not.

DCA issued the data that was the basis for the Land Capacity factor on November 27, 2024, over one month after the DCA deadline to issue its non-binding numbers under the Amended Fair Housing Act.

The link to the DCA GIS data¹, and the description section, 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)

¹ <https://njdca.maps.arcgis.com/home/item.html?id=12acdf0a5104f8f8a2f604e96063e74>



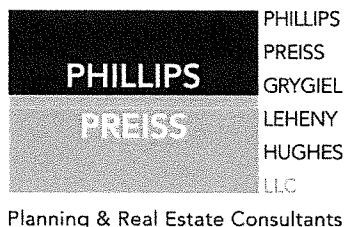
to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.

The areas identified as developable in the DCA's calculation of the Land Capacity factor is indeed overinclusive. Accordingly, it is my opinion that the amount of developable land should be adjusted from 8.774 to 2.041 acres, which would result in the Land Capacity factor dropping from 0.44% to 0.10%, and the Average Allocation factor being reduced from 0.64% to 0.53%. When this correction is made, Waldwick's Round 4 prospective need number should be 147 - not 178.² The following analysis sets forth the basis for removing land treated as developable in the DCA's calculation.

The areas identified by DCA as developable include portions of the tax lots listed in the table below:

Block	Lot	Property Class	Property Location	DCA Acreage
18.01	14.02	4A	FRANKLIN TURNPIKE REAR	0.114
18.01	18	15D	NORTH FRANKLIN TURNPIKE	0.111
71	5	1	407 ARDMORE ROAD, REAR	0.031
71	6	1	SHERIDAN AVENUE	0.219
71	7.01	1	419 ARDMORE ROAD	0.082
71	7.02	1	425 ARDMORE ROAD	0.046
71	7.03	1	505 ARDMORE ROAD	0.177
117	1.01	1	HEWSON AVENUE	0.608
135	2.01	1	216 WYCKOFF AVENUE	0.459
135	2.02	1	214 WYCKOFF AVENUE	0.454
135	16.01	1	53 CRESCENT AVENUE	0.289
135	18	1	18 LEE COURT	0.324
135	22	1	14 LEE COURT	0.360
135	24	1	12 LEE COURT	0.154
153	15	15C	GATEWAY COURT REAR	1.787
154	38	1	HOPPER AVENUE	0.272
162.01	28.01	1	46 CYLI PLACE	0.147
162.01	28.02	1	CYLI PLACE	0.001
163.03	60.01	1	CRESCENT AVENUE REAR	1.991
163.17	26	1	78 VAN BLARCOM LANE,REAR	0.652
163.17	23	1	94 VAN BLARCOM LANE,REAR	0.494
TOTAL				8.774

² This calculation is based on the factors including in DCA's Fourth Round municipal obligations spreadsheets, as it impossible to determine how these numbers would change based on numerous municipalities potentially submitting changes such as those being considered based on this document.

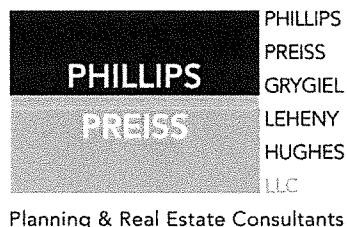


These areas have been reviewed utilizing the following standards to determine whether a site is developable or not:

1. Areas or portions of areas less than 25 feet wide (because DCA's methodology report states that a 25 foot by 100 foot area was their minimum threshold for developability).
2. Areas within the regulatory floodway.
3. Open space/parkland properties with deed restrictions and/or on ROSI.
4. Properties under construction or recently developed.
5. Sites with site plan approvals for development and/or permits issued for development.
6. Public utility parcels, NJDOT/NJ Turnpike Authority parcels, railroad properties, rights-of-way, stormwater management, etc.
7. Properties with easements restricting development within developable area.

After applying the above standards, the following areas are not considered developable:

Block	Lot	Property Class	DCA Acreage	Notes
18.01	14.02	4A	0.114	Landlocked area at the rear of a property developed with a restaurant; also barely 25 feet in depth
18.01	18	15D	0.111	Landlocked area in the rear corner of a church and school property in neighboring Ho-Ho-Kus; also barely 25 feet in width
71	5	1	0.031	These lots are all rear yards of single-family residences located in neighboring Ho-Ho-Kus
71	6	1	0.219	
71	7.01	1	0.082	
71	7.02	1	0.046	
71	7.03	1	0.177	
117	1.01	1	0.608	Two irregularly shaped areas, partially less than 25 feet deep, on a developed property
153	15	15C	1.787	Landlocked, Borough-owned, listed as "Green Acres Park" on tax records
154	38	1	0.272	Triangular area on landlocked lot located between two streams abutting parkland
162.01	28.01	1	0.147	Landlocked irregularly shaped area in the middle of single-family residential neighborhood
162.01	28.02	1	0.001	
163.03	60.01	1	1.991	Landlocked property surrounded on all sides by single-family residences
163.17	23	1	0.494	These lots are rear yards of single-family residences located in neighboring Wyckoff
163.17	26	1	0.652	
			6.733	



The following areas are considered developable:

Block	Lot	Property Class	DCA Acreage
135	2.01	1	0.459
135	2.02	1	0.454
135	16.01	1	0.289
135	18	1	0.324
135	22	1	0.360
135	24	1	0.154
			2.041

Therefore, the developable land in Waldwick totals 2.041 acres.

It is important to note that the analysis to correct the Land Capacity factor is different than the analysis to use the determine a municipality's entitlement to a vacant land adjustment (VLA). While the analysis to correct the Land Capacity factor focuses on developable land, the analysis to support a VLA focuses on land suitable for inclusionary development. Therefore, just because a site was not removed for purposes of calculating the Land Capacity factor has no bearing on whether it should be removed to calculate entitlement to a VLA.