

# Housing Element & Fair Share Plan

Borough of Hawthorne  
Passaic County, New Jersey

May 22, 2025



# **2025 HOUSING ELEMENT AND FAIR SHARE PLAN**

**BOROUGH OF HAWTHORNE  
PASSAIC COUNTY, NEW JERSEY**

**PREPARED FOR:**

**BOROUGH OF PLANNING BOARD  
BA# 4144.04**

**The original document was appropriately signed and sealed on May 22, 2025 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.**



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**The Housing and Fair Share Plan was adopted by the Borough of Hawthorne Planning Board after public hearing on June 17, 2025**

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# Table of Contents

<b>EXECUTIVE SUMMARY</b> .....	1
Table 1: Affordable Housing Obligations Summary .....	1
<b>SECTION I: INTRODUCTION</b> .....	3
Table 2: 2024 Affordable Housing Region 1 Income Limits by Household Size source .....	4
Source: <i>Affordable Housing Professionals of New Jersey</i> . .....	4
<b>Section 2: Housing Element</b> .....	10
Information Regarding Data Sources.....	12
Table 3: Dwelling Units (1980-2023) .....	13
Table 4: Housing Units by Tenure and Occupancy Status (2010 and 2023).....	14
Table 5: Units in Structure (2010 and 2023) .....	14
Table 6: Year Structures Built.....	15
Table 7: Occupants per Room (2010 and 2023).....	15
Table 8: Equipment and Plumbing Facilities (2010 and 2023) .....	16
Table 9: Gross Rent of Specified Renter-Occupied Units (2010 and 2023) .....	17
Table 10: Value of Specified Owner-Occupied Housing Units (2010 and 2023) .....	17
Table 11: Number of Residential Building Permits issued for New Construction (2014-2023)...	19
Table 12: Population Growth (1960-2023).....	20
Table 13: Age Characteristics (2010 and 2023) .....	21
Table 14: Average Household Size (2000-2023) .....	21
Table 15: Household Income Distribution (2010 and 2023) .....	22
Table 16: Employment Status - Population 16 & Over (2010 and 2023).....	23
Table 17: Employed Residents Age 16 and Over, By Occupation (2010 and 2023) .....	23
Table 18: Employed Residents Age 16 and Over, By Industry (2010 and 2023) .....	24
Table 19: Average Covered Employment Trends (2012-2023) .....	25
Table 20: Non-Residential Space Authorized by Building Permits (2014-2023) .....	26
<b>SECTION 3: FAIR SHARE OBLIGATION</b> .....	27
Table 21: Summary of Fair Share Obligation .....	28
<b>SECTION 4: FAIR SHARE PLAN</b> .....	29
Table 22: Affordable Housing Obligations Summary .....	30
Table 23: Plan Components Satisfying Prior 1985-1999 First & Second Round RDP .....	31
Table 24: Third Round RDP Calculation.....	32

<b>Table 25: Third Round Credits.....</b>	<b>32</b>
<b>Table 26: Fourth Round RDP Calculation .....</b>	<b>34</b>
<b>Table 27 Fourth Round RDP Components And Crediting .....</b>	<b>38</b>
<b><i>Appendices</i>.....</b>	<b>42</b>

## **EXECUTIVE SUMMARY**

The following **2025 Housing Element and Fair Share Plan (HE&FSP) of the Master Plan** has been prepared for the Borough of Hawthorne, Passaic County, New Jersey.

This plan is designed to outline the manner in which the Borough will address its affordable housing obligations for the upcoming Fourth Round. As will be discussed in greater detail in this document, these obligations were derived from a variety of different sources including the Council on Affordable Housing (COAH), prior Court-approved Judgments of Compliance and Repose, settlement agreements with Fair Share Housing Center (FSHC), and most recently from Fourth Round obligation calculations provided by the Department of Community Affairs (DCA).

In summary, the Borough’s affordable housing obligation over the prior and current Fourth Round is as follows:

**Table 1: Affordable Housing Obligations Summary**

Category	Obligation
Present Need (Rehabilitation) Obligation	6
First & Second Round Obligation (1987-1999)	293
Third Round Obligation (1999-2025)	298
Fourth Round Obligation (2025-2035)	200

As will be detailed in this plan, Borough of Hawthorne has a long-standing history of providing affordable housing through zoning and redevelopment planning to address its affordable housing obligations.

### **Fourth Round Obligation**

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

FHA-2 directed the DCA to calculate the Present Need (also referred to as the Rehabilitation obligation) and the Prospective Need (also known as the new construction obligation) for Round Four based upon the standards set forth in the Act. The DCA issued its report on October 18, 2024, and, in accordance with the Act, made clear that the obligations generated by the report were advisory only and were non-binding. For the Borough of Hawthorne, the DCA Report identified a Present Need 105 units and a Prospective Round Four Need of 300.

Since the DCA report was non-binding, the legislation provided municipalities the opportunity to study and define why its obligations should be different based on the standards in the Act. This analysis, conducted by Burgis Associates on behalf of the Borough, established a prospective need of 186 units. The Borough's calculation of obligation was challenged by the Fair Share Housing Center (FSHC) and New Jersey Builder's Association who sought higher obligations. Ultimately the matter was settled and the Borough adopted a binding resolution which committed to the present and prospective need obligations identified by DCA as modified by the Court settlement and ultimately resulted in a Fourth Round Obligation of Present Need at 105 units and Round Four Prospective Need at 200 units.

## **FAIR SHARE OBLIGATION**

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

Accordingly, the remainder of this 2025 HE&FSP is divided into the following sections:

- ❖ Section 1: Introduction

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

- ❖ Section 2: Housing Element

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

- ❖ Section 3: Fair Share Obligation

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

- ❖ Section 4: Fair Share Plan

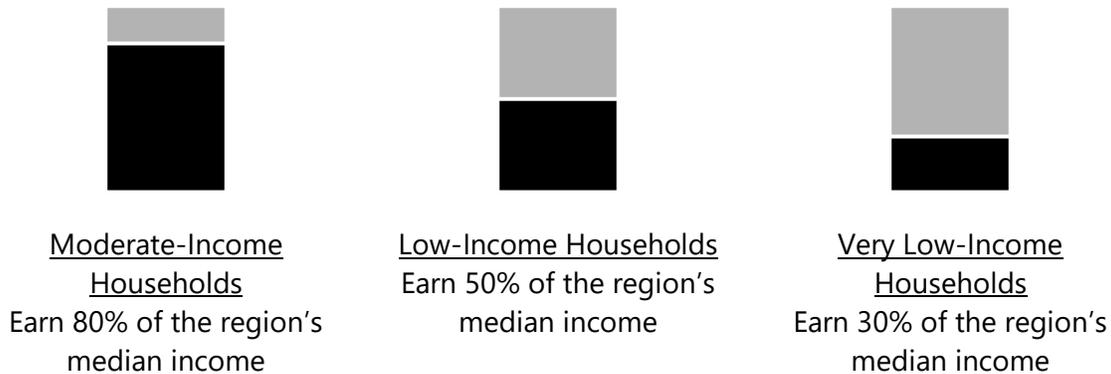
Finally, Section 4 details the manner in which the Borough has addressed its prior First, Second and Third Round obligations, how it will address its Fourth Round Prospective Need Obligation, and how same is consistent with the FHA, applicable COAH and UHAC regulations, and state planning initiatives.

## **SECTION I: INTRODUCTION**

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

A. What is Affordable Housing?

Affordable housing is income-restricted housing that is available for sale or for rent. Typically, affordable housing is restricted to very-low, low-, and moderate-income households. These categories are derived from median regional income limits established for the state. New Jersey is delineated into six different affordable housing regions. Hawthorne is located in Region 1, which includes Bergen, Hudson, Passaic and Sussex counties.



Regional income limitations are updated every year, with different categories established for varying household sizes. Table 2 identifies the 2024 regional income limits by household size for Region 1. As shown, a three-person family with a total household income of no greater than \$93,180 could qualify for affordable housing in the Borough's region.

**Table 2: 2024 Affordable Housing Region 1 Income Limits by Household Size source**

Income Level	2 Person	3 Person	4 Person	5 Person
Median	\$96,329	\$108,371	\$120,412	\$130,045
Moderate	\$77,064	\$86,697	\$96,329	\$104,036
Low	\$48,165	\$54,185	\$60,206	\$65,022
Very-Low	\$28,899	\$32,511	\$36,124	\$39,013

Source: Affordable Housing Professionals of New Jersey.

One of the most common forms of affordable housing is inclusionary development, in which a certain percentage of units within a multifamily development are reserved for affordable housing. Affordable housing can be found in a variety of other forms, including but not limited to 100% affordable housing developments, deed-restricted accessory apartments, alternative living arrangements such as special need/supportive housing or group homes, assisted living facilities, and age-restricted housing.

**B. WHAT IS THE HISTORY OF AFFORDABLE HOUSING IN NEW JERSEY?**



The history of affordable housing in New Jersey can be traced back to 1975, when the Supreme Court first decided in *So. Burlington Cty. NAACP v. Borough of Mount Laurel* (known as Mount Laurel I) that every developing municipality throughout New Jersey had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent Supreme Court decision in 1983 (known as Mount Laurel II), the Court acknowledged that the vast majority of municipalities had not addressed their constitutional obligation to provide affordable housing.

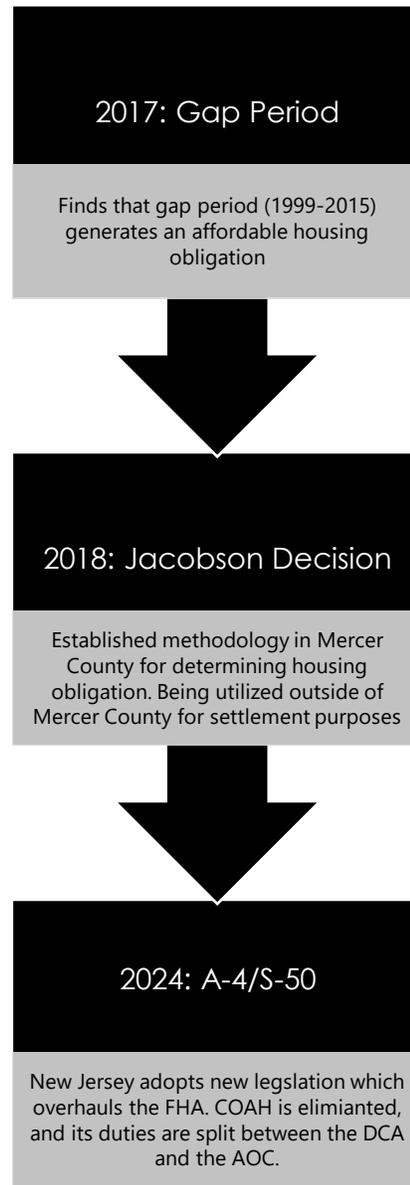
As such, the Court refined this obligation to establish that every municipality had an obligation, although those within the growth area of the State Development and Redevelopment Plan (SDRP) had a greater obligation. The Court also called for the state legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result of this decision was the adoption of the Fair Housing Act in 1985, as well as the creation of the New Jersey Council on Affordable Housing (COAH), which became the state agency responsible for overseeing the manner in which New Jersey's municipalities address their low- and moderate-income housing needs.

COAH proceeded to adopt regulations for the First Round obligation, which covered the years 1987 to 1993. It also

established the Second Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the First and Second Rounds, COAH utilized what is commonly referred to as the "fair share" methodology. COAH utilized a different methodology, known as "growth share," beginning with its efforts to prepare Third Round housing-need numbers. The Third Round substantive and procedural rules were first adopted in 2004.

These regulations were challenged and in January 2007, the Appellate Division invalidated various aspects of these rules and remanded considerable portions of the rules to COAH with the directive to adopt revised regulations.

In May 2008, COAH adopted revised Third Round regulations which were published and became effective on June 2, 2008. Coincident to this adoption, COAH proposed amendments to the rules they had just adopted, which subsequently went into effect in October 2008. These 2008 rules and regulations were subsequently challenged, and in an October 2010 decision, the Appellate Division invalidated the Growth Share methodology, and also indicated that COAH should adopt regulations pursuant to the Fair Share methodology utilized in Rounds One and Two. The Supreme Court affirmed this decision in September 2013, which invalidated much of the third iteration of the Third Round regulations and sustained the invalidation of growth share. As a result, the Court directed COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.



Deadlocked with a 3-3 vote, COAH failed to adopt newly revised Third Round regulations in October 2014. Fair Share Housing Center, who was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. The Court heard the motion in January 2015 and issued its ruling on March 20, 2015. The Court ruled that COAH was effectively dysfunctional and, consequently, returned jurisdiction of affordable housing issues back to the trial courts where it had originally been prior to the creation of COAH in 1985.

This 2015 Court decision created a process in which municipalities may file a declaratory judgment action seeking a declaration that their HE&FSP is constitutionally compliant and receive temporary immunity from affordable housing builders' remedy lawsuits while preparing a new or revised HE&FSP to ensure their plan continues to affirmatively address their local housing need as may be adjusted by new housing-need numbers promulgated by the court or COAH.

Subsequently, the Supreme Court ruled on January 18, 2017 that municipalities are also responsible for obligations accruing during the so-called "gap period," the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need, 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).

On March 20, 2024, Governor Murphy signed the A4/S50 Bill into law, which amended the FHA for the Fourth Round and beyond. The amendments to the FHA eliminated COAH, moved away from just allowing trial courts to approve municipal HE&FSPs, and created a new entity to approve the plans known as The Program, which consists of seven retired Mount Laurel Judges. FHA-2 also involved the DCA and the AOC in the process.

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

C. What is a Housing Element and Fair Share Plan? A HE&FSP serves as the blueprint for how a municipality will address its fair share of affordable housing. It is designed to help a community broaden the accessibility of affordable housing.

While technically a discretionary component of a municipal master plan, a HE&FSP is nevertheless an effectively obligatory plan element. As established by

The Municipal Land Use Law (MLUL) is the enabling legislation for municipal land use and development, planning, and zoning for the State of New

N.J.S.A. 40:55D-62.a of the Municipal Land Use Law (MLUL), a municipality must have an adopted HE&FSP in order to enact its zoning ordinance. Thus, from a public policy perspective, a HE&FSP is an essential community document. Moreover, without an approved HE&FSP, a municipality may be susceptible to a builder's remedy lawsuit in which a developer could file suit to have a specific piece of property rezoned to permit housing at higher densities than a municipality would otherwise allow, provided a certain percentage of units are reserved as affordable.

The Fair Housing Act, as most recently amended pursuant to FHA-2, establishes the required components of a HE&FSP. These are summarized as follows:

1. 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;
2. 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;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. 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;
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and 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;
7. 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;
8. For a municipality located within the jurisdiction of the 41 Water Protection and Planning Council, 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; and

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

## **Section 2: Housing Element**

The following section provides the housing element for the Borough of Hawthorne. It offers a community overview of the Borough, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the Borough's housing stock and its employment.

## **A. COMMUNITY OVERVIEW**

The Borough of Hawthorne is located in southern Passaic County and has a land area of 3.44 square miles. Hawthorne shares a boundary with seven municipalities, including the Boroughs of North Haledon and Prospect Park and the City of Paterson in Passaic County, as well as the Bergen County municipalities of Glen Rock, Fair Lawn, Wyckoff, and Ridgewood.

Major regional traffic is carried through the Borough on State Route 208, as well as County Routes 504 and 659. Routes 208 and 504 run east-west across the northern and southern portions of the municipality, respectively. Route 659 runs north-south and traverses the western portion of the municipality.

The Hawthorne train station in the southeast corner of the Borough offers New Jersey Transit train service along the Main/Bergen – Port Jervis Line, which terminates to the south in Hoboken and to the north in Port Jervis.

Hawthorne is a fully developed community, with its little remaining vacant land characterized by environmentally sensitive features or constrained by contaminants. The Borough is primarily characterized by older residential neighborhoods consisting mainly of single- and two-family homes. Industrial uses are located in the southern portion of the Borough along the borders of Paterson and Fair Lawn, as well as in the northern portion of the Borough and along the Susquehanna Railroad right-of-way. The Borough also has a central business district extending along Lafayette Avenue, which consists of retail and service commercial and office uses, and Diamond Bridge Avenue, which consists of retail, commercial and personal service uses. The Borough's existing land uses, as identified in the borough's most recent master plan reexamination report, is appended to this plan.

## Information Regarding Data Sources

The background information contained in Section 2.C entitled “Inventory of Municipal Housing Stock,” Section 2.D entitled “Projection of Municipal Housing Stock,” Section 2.E entitled “Demographic and Population Data,” and Section 2.F entitled “Employment Characteristics and Projections” was obtained from a variety of publicly available data sources. These are summarized below:

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

**C. INVENTORY OF MUNICIPAL HOUSING STOCK**

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

1. Number of Dwelling Units. As shown in the table below,

**Table 3: Dwelling Units (1980-2023)**

Year	Dwellings	Numerical Change	% Change
1980	6,996		
1990	7,055	59	1%
2000	7,419	364	5%
2010*	7,194	-225	-3%
2023*	8,033	839	12%

Sources: U.S. Census, \*American Community Survey 5-Year Estimates

The Borough saw its housing stock rise by 6% from 1980 to 2000. Since that time housing unit growth actually declined by 3 percent by 2010 but recovered in 2023.

The following table 4 provides details regarding the tenure and occupancy of the Borough’s housing stock. As shown below, since 2010, the Borough’s housing stock remains primarily owner occupied and the Borough saw a 3.7% increase in homeownership while renter occupied units decreased by 3.1 over the past decade. The vacancy rate, although declined slightly, remains essentially static.

**Table 4: Housing Units by Tenure and Occupancy Status (2010 and 2023)**

Category	2010		2023*	
	# of Units	%	# of Units	%
Owner Occupied	4,381	60.9%	5,190	64.6%
Renter Occupied	2,394	33.3%	2,423	30.2%
Vacant Units	419	5.8%	420	5.2%
<b>Total</b>	<b>7,194</b>	<b>100.0%</b>	<b>8,033</b>	<b>100.0%</b>

Source: American Community Survey 5-Year Estimates

2. Housing Characteristics. This section provides additional information on the characteristics of the Borough’s housing stock, including the number of units in a structure (Table 5) The Borough remains primarily a single family community a which account for approximately 52.5% percent of the Borough’s housing stock, up slightly from 51.4% percent reported in 2010. The second largest housing category are two-family dwellings.

**Table 5: Units in Structure (2010 and 2023)**

Units in Structure	2010*		2023*	
	No.	%	No.	%
Single Family, Detached	3698	51.4%	4214	52.5%
Single Family, Attached	227	3.2%	636	7.9%
2	2571	35.7%	2114	26.3%
3 or 4	218	3.0%	294	3.7%
5 to 9	108	1.5%	179	2.2%
10 to 19	179	2.5%	184	2.3%
20+	193	2.7%	399	5.0%
Mobile Home	0	0.0%	13	0.2%
Other	0	0.0%	0	0.0%

Totals

7,194

8,033

Source: American Community Survey 5-Year Estimate

3. Housing Age. Table 6 shows that 61.3% of the Borough’s housing units were built by 1959 and 81.7% by 1979 or earlier. Nearly 30% of its housing stock predates 1939, indicating an aging housing stock.

**Table 6: Year Structures Built**

2023*		
Year Units Built	Number	Percent
2020 or Later	59	0.7%
2010 to 2019	178	2.2%
2000 to 2009	262	3.3%
1980 to 1999	971	12.1%
1960 to 1979	1639	20.4%
1940 to 1959	2279	28.4%
1939 or earlier	2645	32.9%
<b>Total</b>	<b>8,033</b>	<b>100.0%</b>

Source: American Community Survey 5-Year Estimates

4. Housing Conditions. Table 7 provides an indication of overcrowded housing units, represented by units containing more than one occupant per room which is an indicator used to gauge substandard housing. The data indicates that, in both 2010 and 2023, a very small number of the Borough’s dwelling units can be considered overcrowded with only 0.25 and 2.3% reflecting this condition. It is noted however, that the Borough experienced an increase in crowding since 2010.

**Table 7: Occupants per Room (2010 and 2023)**

Occupants Per Room	2010*		2023*	
	Number	%	Number	%
1.00 or less	6,762	99.8%	7,438	97.7%
1.01 to 1.50	13	0.2%	70	0.9%
1.51 or more	0	0.0%	105	1.4%
<b>Total Occupied Units</b>	<b>6,775</b>	<b>100%</b>	<b>7,613</b>	<b>100.0%</b>

Source: American Community Survey 5-Year Estimates

Table 8 presents additional detail regarding housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. These statistics are also indicators of substandard housing. As shown below, the housing stock reflects only a very small proportion of housing that lack these critical facilities.

**Table 8: Equipment and Plumbing Facilities (2010 and 2023)**

Facilities	2010*		2023*	
	Number	Percent	Number	Percent
<b>Kitchen:</b>				
With Complete Facilities	6741	99.5%	7,601	99.8%
Lacking Complete Facilities	34	0.5%	12	0.2%
<b>Plumbing:</b>				
With Complete Facilities	6764	99.8%	7,604	99.9%
Lacking Complete Facilities	11	0.2%	9	0.1%
<b>Heating Equipment:</b>				
Standard Heating Facilities	6762	100%	7,594	99.8%
Other Fuel	13	0%	6	0.1%
No Fuel Used	0	0.0%	13	0.2%
<b>Total Occupied Units</b>	<b>6775</b>	<b>100</b>	<b>7,613</b>	<b>100</b>

Source: American Community Survey 5-Year Estimates

5. Purchase and Rental Values. The Borough experienced a rise in housing rental and purchase prices between 2010 and 2023, as shown in the following tables. The median gross rent for the Borough’s rental housing stock increased 36.9% between 2010 and 2023.

**Table 9: Gross Rent of Specified Renter-Occupied Units (2010 and 2023)**

Rent	2010		2023*	
	Number	Percent	Number	Percent
Less than \$500	31	1%	0	0.0%
\$500 to \$999	368	16%	80	3.4%
\$1,000 to \$1,499	1255	54%	458	19.7%
\$1,500 to \$1,999	674	29%	952	40.9%
\$2,000 to \$2,499			486	20.9%
\$2,500 to \$2,999			171	7.4%
\$3,000 or more			178	7.7%
No cash rent	66	X	98	X
Total Occupied units paying rent	2328	100%	2,325	100.0%
Median Gross Rent	1,335		\$1,828	

Source: American Community Survey 5-Year Estimates

The median value of owner-occupied units in Hawthorne also increased during this period, though perhaps not nearly as much as renter-occupied units. The median value of owner-occupied units in the Borough increased 19.1% percent between 2010 and 2023.

**Table 10: Value of Specified Owner-Occupied Housing Units (2010 and 2023)**

Value	2010*		2023*	
	Number	Percent	Number	Percent
Less than \$50,000	12	0.3%	83	1.6%
\$50,000 to \$99,999	0	0.0%	9	0.2%
\$100,000 to \$149,999	0	0.0%	0	0.0%
\$150,000 to \$199,999	27	0.6%	30	0.6%
\$200,000 to \$299,999	378	8.6%	227	4.4%
\$300,000 to \$499,999	2834	64.7%	2258	43.5%
\$500,000 to \$999,999	1100	25.1%	2555	49.2%
\$1,000,000 or more	30	0.7%	28	0.5%
Total Owner Occupied	4381	100.0%	5190	100.0%
Median Value	\$419,000		\$499,200	

Source: American Community Survey 5-Year Estimates

6. Number of Units Affordable to Low- and Moderate-Income Households. Based on the Affordable Housing Professionals of New Jersey (AHPNJ) 2024 regional income limits, the median household income for a three-person household in COAH Region 1, Hawthorne’s housing region comprised of Passaic, Passaic, Hudson and Sussex County, is \$108,371. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding \$86,697. A three-person low-income household, established at no more than 50 percent of the median income, would have an income not exceeding \$54,185.

An affordable sales price for a three-person moderate-income household earning 80 percent of the median income is estimated at approximately \$346,788. An affordable sales price for a three-person low-income household earning 50 percent of the median income is estimated at approximately \$216,740. These estimates are based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.1 et seq. Only 2.4 percent of Hawthorne’s owner-occupied housing units are valued at less than \$200,000 for low income families. More of the housing stock is available to moderate income families where 50.3 percent are in range and affordable from \$300,000 and less according to the 2023 American Community Survey.

Rental costs are generally more affordable to moderate income families than low. For renter-occupied housing, an affordable monthly rent for a three-person moderate-income household is estimated at approximately \$1,806. An affordable monthly rent for a three-person low-income household is estimated at approximately \$1,128. According to the 2023 American Community Survey, at least 64% of Hawthorne’s rental units would be considered affordable to moderate income families whereas, about less than 23.1% have a gross rent less affordable to lower income families. Another significant trend is the noticeable increase in rent during this period where rents jumped 37%.

7. Substandard Housing Capable of Being Rehabilitated. The DCA utilized a formula for calculating the number of units in a community that are in need of rehabilitation and are not likely to experience “spontaneous rehabilitation.” Hawthorne’s rehabilitation share has been determined by the DCA to be 105 units.

#### **D. Projection of Municipal Housing Stock**

Applicable COAH regulations require a projection of the community’s housing stock, including the probable future construction of low- and moderate-income housing, for the ten years subsequent to the adoption of the Housing Element. This projection shall be based upon an assessment of data which minimally must include the number of residential construction permits issued, approvals of applications for residential development, and probable residential development of lands. Each of these items are identified and outlined below.

1. Housing Units Constructed During the Last Ten Years. The table below provides data concerning residential building permits issued for new construction during the past ten years. During this

period, a total of 189 residential building permits were issued for new construction, most of which consisted of multifamily units. On average that would suggest 18.9 dwelling units per year. However, the table shows that there were two years of significant multifamily construction. These occurred in 2017 and 2020. In addition, the Borough saw the development of 118 units of inclusionary housing developed as part of a mixed use development at 204 Wagaraw Road. Only 12 new units of housing were developed in the other seven years and only six units since 2021.

**Table 11: Number of Residential Building Permits issued for New Construction (2014-2023)**

Year Issued	One & Two Family	Multi-Family	Mixed- Use	Total
2014	0	0	0	0
2015	2	0	0	2
2016	2	0	0	2
2017	1	19	0	20
2018	0	0	0	0
2019	2		0	2
2020	8	27	0	35
2021	2	0	118	120
2022	6	0	0	6
2023	2	0	0	0
Total	25	46	118	189

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

2. Probable Residential Development of Lands. Between 2014 and 2023, the Borough issued, on average, approximately 18.9 building permits annually for residential new construction. This historic rate of residential growth would suggest that only 189 new units would be expected in Hawthorne over the next 10-year period. However, considering recent approvals granted by the Borough in accordance with the settlement agreements with 3 Ronson to provide an additional 117-units of multi-family development, the Borough will experience an additional increase in housing development during the Fourth Round leading to the conclusion that another 300 or more housing units will be developed over the next ten years.

**E. DEMOGRAPHIC AND POPULATION DATA**

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

1. Population Size. As seen in the table below, the Borough’s greatest population increase occurred between 1940 to 1960 when the Borough saw its population grow by 40.6%. This coincides with growth in housing construction during that time.

**Table 12: Population Growth (1960-2023)**

Year	Population	Population Change	Percent Change
1940	12,610		
1950	14,816	2206	17%
1960	17,735	2919	20%
1970	19,173	1438	8%
1980	18,200	-973	-5%
1990	17,084	-1116	-6%
2000	18,218	1134	7%
2010	18,574	356	2%
2020	18,762	188	1%
2023*	19,472	710	4%

Sources: U.S. Census, \*American Community Survey 5-Year Estimates

2. Age Characteristics. The Borough’s age characteristics are represented in Table 16 below. The Borough is slowly aging as the average age has increased from 39.8 years of age in 2010 to 42.3 by 2023. This trend is consistent with the experience nationally. The largest cohort jumps occurred in the age range of 45 to 54 (16%), followed by the 25 to 34 age group (18%). The proportion of elderly age 65+ grew from 13.8 to 18%. Perhaps just as important, the number of elderly 65 and over increased by 83%.

**Table 13: Age Characteristics (2010 and 2023)**

Age Group	2010		2023*	
	Pop	%	Pop	%
under 5	1,175	6.3%	580	3%
5-9	1,365	7.3%	1,269	7%
10-14	1,035	5.6%	1,140	6%
15-19	1,178	6.3%	1,076	6%
20-24	1,049	5.6%	683	4%
25-34	2,142	11.5%	3,422	18%
35-44	2,707	14.6%	2,091	11%
45-54	3,267	17.6%	2,593	13%
55-59	895	4.8%	1,401	7%
60-64	1,182	6.4%	1,474	8%
65-74	1,252	6.7%	2,299	12%
75-84	915	4.9%	883	5%
85+	412	2.2%	561	3%
Total	18,574	100.0%	19,472	100%
Median Age	39.8		42.3	

Source: American Community Survey 5-Year Estimates

3. Average Household Size. Consistent with national trends, the average size of Hawthorne households decreased slightly from 1980 to 2023

**Table 14: Average Household Size (2000-2023)**

Year	Total Population Table DP1, DP05 & DP02	Number of Households Table DP1, DP05	Average Household Size Table DP1, DP02
1980	18,200	6,871	2.65
1990	17,084	6,831	2.42
2000	18,218	7,260	2.51
2010	18,574	7,194	2.74
2020	18,762	7,372	2.62
2023*	19,472	7,613	2.55

Sources: U.S. Census, \*American Community Survey 5-Year Estimates

4. Household Income. The median household income for Hawthorne households increased significantly over the past decade growing 61 percent between 2010 and 2023, rising from a median income of \$72,985 to \$118,093. Detailed household income figures are shown in the table below.

**Table 15: Household Income Distribution (2010 and 2023)**

	2010*		2023*	
	Number	%	Number	%
less than \$10,000	278	4%	138	1.8%
\$10,000 to \$14,999	206	3%	150	2.0%
\$15,000 to \$24,999	311	5%	207	2.7%
\$25,000 to \$ 34,999	473	7%	202	2.7%
\$35,000 to \$ \$49,999	938	14%	484	6.4%
\$50,000 to \$74,999	1250	18%	1,013	13.3%
\$75,000 to \$99,999	964	14%	981	12.9%
\$100,000 to \$149,999	1300	19%	1,554	20.4%
\$150,000 to \$199,000	739	11%	1,070	14.1%
\$200,000 or more	316	5%	1,814	23.8%
Total households	6,775	100%	7,613	100.0%
Median Income (Household)	\$72,985		\$118,093	

Source: American Community Survey 5-Year Estimates

F. Employment Characteristics and Projections

The MLUL requires that a Housing Element include data on employment levels in the community. The following tables present information on the Borough’s employment characteristics.

1. Employment Status. Table 16 provides information on Hawthorne’s employment status for the segment of the population 16 and over. The job numbers do not fluctuate significantly over the past 10 years. Approximately 73.1 percent of the Borough’s population 16 and over was in the labor force 2010 which did not change in 2023. During the same period between 2010 and 2023, the percentage of the Borough’s labor force that was unemployed decreased slightly from 4.6 percent in 2010 to 3.6 percent in 2023.

**Table 16: Employment Status - Population 16 & Over (2010 and 2023)**

Employment Status	2010*		2023*	
	Number	%	Number	%
In labor force	10,760	73.1%	11,875	73.1%
Civilian labor force	10,760	73.1%	11,875	73.1%
Employed	10,077	68.4%	11,287	69.4%
Unemployed	683	4.6%	588	3.6%
% of civilian labor force	--	6.3%	--	5.0%
Armed Forces	0	0.0%	0	0.0%
Not in labor force	3,968	26.9%	4,379	26.9%
Total Population 16 and Over	14,728	100.0%	16,254	100.0%

Source: American Community Survey 5-Year Estimates

2. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of Hawthorne residents. Table 17 details employment by occupation and Table 18 details employment by industry. Most residents are employed in management, business, science, and arts or professional jobs.

**Table 17: Employed Residents Age 16 and Over, By Occupation (2010 and 2023)**

Occupation	2010		2023*	
	Number	Percent	Number	Percent
Management, business, science, and arts occupations	4,035	40.0%	5440	48.2%
Service occupations	1048	10.4%	1663	14.7%
Sales and office occupations	3,461	34.3%	2733	24.2%
Natural resources, construction, and maintenance occupations	545	5.4%	655	5.8%
Production, transportation, and material moving occupations	988	9.8%	796	7.1%
Total	10,077	100.0%	11,287	100.0%

Source: American Community Survey 5-Year Estimates

**Table 18: Employed Residents Age 16 and Over, By Industry (2010 and 2023)**

Industry	2010*		2023*	
	Number	Percent	Number	Percent
Agriculture, forestry, fishing and hunting, and mining	12	0.1%	29	0.3%
Construction	371	3.7%	656	5.8%
Manufacturing	952	9.4%	811	7.2%
Wholesale trade	489	4.9%	369	3.3%
Retail trade	1875	18.6%	1299	11.5%
Transportation and warehousing, and utilities	473	4.7%	474	4.2%
Information	169	1.7%	361	3.2%
Finance, insurance, real estate, and rental and leasing	866	8.6%	711	6.3%
Professional, scientific, management, administrative, and waste management services	1180	11.7%	1789	15.9%
Educational, health and social services	2181	21.6%	2702	23.9%
Arts, entertainment, recreation, accommodation and food services	495	4.9%	890	7.9%
Other services (except public administration)	541	5.4%	489	4.3%
Public administration	473	4.7%	707	6.3%
<b>Total</b>	<b>10,077</b>	<b>100.0%</b>	<b>11,287</b>	<b>100.0%</b>

Source: American Community Survey 5-Year Estimates

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

- a. Historic Employment Trends. As shown in the table below, employment in Hawthorne has experienced modest job growth with a number of years of job loss. This is consistent with the primary “bedroom community” character of the town.

**Table 19: Average Covered Employment Trends (2012-2023)**

<b>Year</b>	<b>Number of Jobs</b>	<b>Change in Number of Jobs</b>	<b>Percent Change</b>
2009	5,386		
2010	5,452	66	1.2%
2011	5,576	124	2.2%
2012	5,551	-25	-0.5%
2013	5,761	210	3.6%
2014	5,889	128	2.2%
2018	5,882	-7	-0.1%
2019	5,971	89	1.5%
2020	6,070	99	1.6%
2021	5,920	-150	-2.5%
2022	5,896	-24	-0.4%

Sources: New Jersey Department of Labor and Workforce Development

- b. Non-Residential Square Footage Constructed During the Last Ten Years. The table below provides data concerning the amount of non-residential square footage authorized by building permits in Hawthorne between 2008 and 2023. During this period only 134,711 square feet of nonresidential space was constructed for an average of 8,419 square feet per year. In fact, the table indicates that there has not been any nonresidential space authorized by building permit since 2017.

**Table 20: Non-Residential Space Authorized by Building Permits (2014-2023)**

Year Issued	Office	Education	Total
2008	4,471	0	4,471
2009	24,939	0	24,939
2010	15,605	0	15,605
2011	22,700	0	22,700
2012	406	0	406
2013	49,000	0	49,000
2014	0	0	0
2015	0	0	0
2016	0	0	0
2017	17,590	0	17,590
2018	0	0	0
2019	0	0	0
2020	0	0	0
2021	0	0	0
2022	0	0	0
2023	0	0	0
Total	134,711	0	134,711

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

- c. Probable Non-Residential Development of Lands. As indicated above the Borough experienced an average of only 8,419 square feet of new non-residential space per year over the past decade. Given the developed character of the town with fixed land use patterns, the Borough does not anticipate significant growth in this area.
- d. Probable Future Employment Characteristics. As detailed in Table 18 above, employment in Hawthorne is not expected to experience significant job growth over the next decade which can be expected given the lack of non-residential construction.

### **SECTION 3: FAIR SHARE OBLIGATION**

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

## **SUMMARY OF FAIR SHARE OBLIGATION**

On March 20, 2024, Governor Murphy signed the A4/S50 Bill into law, which amended the FHA for the Fourth Round and beyond. The amendments to the FHA eliminated COAH, moved away from just allowing trial courts to approve municipal HE&FSPs, and created a new entity to approve the plans known as The Program, which consists of seven retired Mount Laurel Judges. FHA-2 also involved the DCA and the AOC in the process.

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

Furthermore, the DCA is also the entity responsible for calculating each municipality’s present and prospective fair share obligations. However, FHA-2 makes clear that these calculations are advisory and non-binding, and that each municipality may set its own obligation number utilizing the same methodology.

On January 22, 2025, the Borough of Hawthorne adopted Resolution #30-25 , which established its affordable housing obligations for the Fourth Round. A copy of this resolution with the Borough’s filing for Declaratory Relief is located in Appendix A of this plan. As noted in that resolution, the Borough accepted DCA’s Present Need calculation of 105 units however, a detailed analysis of parcels identified by the DCA were found to statutorily exempt and should not have been counted towards the Borough’s developable acreage. This analysis reduced the Borough’s obligation from 300 to 186 units. A subsequent challenge by FSHC, was filed with the Program and by settlement, the prospective need was established by the Program as 200 units. As to Present Need, the Borough has conducted a structural conditions survey that establishes the Borough’s Present need as 6 dwelling units. This figure is reflected in the table below.

**Table 21: Summary of Fair Share Obligation**

Affordable Obligation	Units
Present Need (Rehabilitation)	6
200	200

## **SECTION 4: FAIR SHARE PLAN**

The following Fair Share Plan outlines the components and mechanisms the Borough will utilize to address its affordable housing obligations.

**A. PLAN SUMMARY**

The Fair Share Plan identifies the manner in which the Borough’s fair share affordable housing obligations – inclusive of a Present Need (Rehabilitation) obligation of 105 units, a Third Round Prospective Need obligation of 298 units and a Fourth Round obligation of 200 are to be addressed.

These obligations are summarized as follows:

**Table 22: Affordable Housing Obligations Summary**

Category	Obligation
Present Need (Rehabilitation) Obligation	6
Prior Round Obligation (pursuant to N.J.A.C. 5:93	57
Third Round Obligation (1999-2025)	298
Fourth Round Obligation (2025-2035)	200
Total	660

**B. PLAN COMPONENTS**

This section of the plan details the projects, mechanisms and funding sources which will be used to meet the Borough’s affordable housing obligations, as discussed above. The Plan Components Map included at the end of Section 4.C. of this plan illustrates the location of all developments identified herein.

(1) Present Need (Rehabilitation) Obligation

Hawthorne has a Present Need obligation of 105 units. As permitted by NJAC 5:93-5.2, the Borough conducted a structural conditions survey (also known as a windshield survey) the purpose of which was to establish a more accurate rehabilitation count and identified that six (6) dwelling units qualified as housing units for rehabilitation. For those units identified, the Borough established a housing rehabilitation program under the Third Round cycle and will continue its program into the Fourth Round and partner with the Passaic County Housing Rehabilitation Program.

(2) First and Second Round RDP

As discussed in Section 3 of this plan, Hawthorne’s combined prior First and Second Round RDP obligation was 57 units. As verified during the Third Round certification process, the Borough addressed its entire prior round obligation from the first and second rounds. The following table illustrates the manner in which the Borough satisfied this obligation.

**Table 23: Plan Components Satisfying Prior 1985-1999 First & Second Round RDP**

Name of Development	# of AH units	# of bonus credits	Total AH credits	Comments/Status
RCA Lafayette Hills (Paterson)	23		23	Completed
Westervelt Dev. Dis. Residence	12	12	24	Completed
Van Dyke Asst. Living	8	2	10	Completed
Total		14	57	

(3) Third Round Prospective Need

The Borough’s affordable housing obligation related to Prospective Need was established by a Vacant Land Adjustment (VLA) and the imposition of a realistic development potential (RDP) analysis, undertaken pursuant to the Third Round rules. The vacant land analysis identified all vacant sites of minimally 0.83 acres in size, imposed wetland, steep slope and flood plain information pursuant to the applicable regulations, and calculated the remaining acreage that is to be utilized to determine the Borough’s RDP.

The analysis identifies only 11 acres of developable land in the community that qualify for RDP analysis, owing to the fully developed character of the Borough and the presence of environmentally sensitive features that are excluded from the RDP calculation. Pursuant to the applicable regulations, a minimum presumptive density of six dwelling units per acre were imposed on these 11 acres, and then a twenty percent set-aside was imposed on that calculation. This formula resulted in an affordable housing need of 13 affordable units.

The Borough’s Third Round Prospective Need of 298 affordable units is inclusive of the “Gap” period as decided by the New Jersey Supreme Court in In re: Declaratory Judgement Actions Filed by Various Municipalities, 227 N.J. 508 (2017) and is comprised of two components, RDP and Unmet Need. Each are described below.

The settlement Agreement entered into by the Borough with FSHC established an RDP of 60 units based upon the following developments:

**Table 24: Third Round RDP Calculation**

Name of Development	Acreage	Density	20% Set-aside
204 Wagaraw	9.06	11.5	21
Royal /Dello Buono	1.33 acre	20 du/a	5.4
116 Washington/Dello Buono	.436	25	2.2
55 Westervelt Millview Lofts	1.28	28	6.2
542 Goffle/3 Ronson	6.1	19	23.2
Goffle Hill Road	1.35	6	1.6
Total			59.6 rounded to 60

The remaining balance or difference between the Borough’s total Third Round Prospective Need Obligation and RDP is considered “Unmet” Need. The Borough’s Unmet Need for the Third Round was therefore, 238 units. Table 25 identifies the plan components addressing Third Round RDP and the status of each.

**Table 25: Third Round Credits**

Development	Number of Affordable Units	Bonus Credits	Total Affordable Units	Comments/Status
Van Dyk Assisted Living	3		3	Completed
116 Washington (Dello Buono)	2		2	Completed
Royal (Dello Buono)	4		4	Completed
55 Westervelt (Millview Lofts)	6		6	Completed
CHCC	8		8	Completed
Forest Avenue Supportive Housing	4		4	Completed
Surrey Place Easter Christian Children’s Retreat)	1		1	Completed
204 Wagaraw	17	15	32	Completed
Total	45	15	60	

Developments were identified in the Third Round to address the Borough’s unmet need. These included the following:

- a. Rezoning 542 Goffle Road/3 Ronson, LLC. This property is located in the south-westerly portion of the Borough, with frontage on both Goffle Road and Lynack Road just west of the intersection of Goffle Road and Warburton Avenue. The total tract area encompasses approximately 6.2 acres. It consists of four (4) separate lots: Block 89 Lot 6, Block 90 Lots 1, 2.01 (inclusive of lots 10, 11 and 12) and 2.02.

Owners of the property at the time of settlement, 3 Ronson, LLC (now New Dover Homes, LLC), were intervenors in the Borough's declaratory judgement action. As part of a global settlement with FSCH and 3 Ronson, LLC, the Borough agreed to investigate the property as a redevelopment area pursuant to the New Jersey Local Redevelopment and Housing Law (LRHL). An investigation was authorized by the Governing Body in 2020 which determined that the properties collectively qualified as a "non-condemnation" area in need of redevelopment. The Governing Body subsequently declared the area to be an area in need of redevelopment and a redevelopment plan was adopted in 2021 and rezoning the area to permit the construction of 116 units plus a caretakers unit for a total of 117 multifamily rental units, of which, 17 units would be made affordable to families. A subsequent site plan application for the development was subsequently approved by the Planning Board in 2022 and the project is proceeding to construction.

- b. Eastern Christian Children's Retreat. The Eastern Christian Children's Retreat provides supportive adult housing in various locations in the Borough located at Surrey Place, Goffle Hill Road and Rock Ledge Road providing a total of 14 beds which was applied to unmet need.
- c. B-2 Rezoning to Permit Two Floors of Residential Development Over Commercial. The Borough rezoned its present B-2 Commercial District to permit two floors of residential development over existing commercial development at a minimum density of 16 dwelling units per acre. The B-2 zone encompasses an area of 11.19 acres less the Hawthorne Public Library site. This zone would yield a potential 30 affordable units at a 20% set aside if the units were for sale and 23 affordable units with a 15% set aside if for rental.
- d. Grand Avenue Overlay Zone. The Borough rezoned to create a multifamily overlay zone encompassing the area of Grand and Royal Avenues. The Grand Avenue Overlay Zone encompass 7.65 total acres. This overlay zone would permit a density of 16 dwelling units per acre and yield a potential 36 affordable units at a 20% set aside if the units were for sale and 27 affordable units with a 15% set aside if for rental.
- e. Mandatory Affordable Housing Set Aside Ordinance. The Settlement Agreement required the Borough to adopt a mandatory affordable housing set aside ordinance for all new multifamily residential developments of five (5) units or more. The set aside for both rental and for ownership residential developments shall be twenty percent (20%). The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.

(4) Fourth Round RDP

- a. By settlement with FSHC through the Program settlement process, the Borough of Hawthorne has a Fourth Round Prospective need of 200 affordable units. The Borough will address its Fourth Round obligation in the following manner.
- b. Pursuant to N.J.A.C. 5:97-5.1(d) and the Borough’s 2020 Settlement Agreement with FSHC, the Borough is entitled to rely on the previous Vacant Land Adjustments which established its RDP and provided that RDP shall not be revisited absent any substantial “changed circumstances”. FSHC vs Twp. of Cherry Hill, 173 NJ. 303 (2002) is the leading case that called for the possible recalibration of an RDP based upon changed circumstances.

Based upon the above, a detailed vacant land analysis of potential changed circumstances to evaluate whether any such change would warrant a recalibration of the RDP previously assigned and agreed upon, including a review of all vacant Class 1, Class 3B and Class 15 properties in the Borough was conducted. The analysis determined that there were no properties representing a changed circumstance requiring a 4th Round RDP obligation. This is largely due to the fact that the Borough lacks developable land as demonstrated by the VLA.

However, for the 4<sup>th</sup> Round, the Borough has designated two redevelopment sites (Hawthorne Chevy and Pan Chemical) for inclusionary development. The areas are detailed in reports appended to this plan. These sites do contribute to RDP and must be counted as such.

Consequently, Table 26 presents the Borough’s RDP calculation.

**Table 26: Fourth Round RDP Calculation**

<b>Name of Development</b>	<b>Acreage</b>	<b>Density Per Acre</b>	<b>Number of Units</b>	<b>20% Set-aside</b>
Hawthorne Chevy	2.28	27	56	12
Pan Chemical	1.047	52	55	11
Total			111	23

Based upon residential densities to be applied to the redevelopment areas with a 20% set aside for each site, the combined development of the redevelopment areas will generate an RDP of 23 units as illustrated in the table above.

There is no other land or development proposals pending that otherwise generates RDP. This is mostly due to the fact that the vast majority of the Borough’s land area is either developed or constrained, not only by wetlands and wetland buffer areas, but also by the new NJDEP flood hazard areas adopted in 2023, which calculate flood hazard areas based on the FEMA 100-year floodplain plus an additional 3 feet. As such, we find that Hawthorne has a 4th Round RDP obligation of 23 units.

Because Hawthorne has a 4th Round RDP obligation of 23 units, the remainder of the Borough's 4th Round Prospective Need obligation is 177 units (200 -23 units) is considered Unmet Need. This is discussed in more detail below. It should be noted that the Borough's RDP of 23 units generates 5 bonus credits due to the redevelopment of Pan Chemical and its proximity to the NJ Transit commuter railroad station which is directly adjacent to the station. Such development is entitled to a 0.5 unit credit for each affordable units based upon the 25% cap on the Borough's RDP of 23. Therefore, with bonus credits, the Borough's unmet need is 172 units.

(5) 25% Redevelopment/Realistic Zoning Requirement

Although the Borough's unmet need is 172 units, FHA-2 includes language which requires VLA municipalities to satisfy a 25% portion of their obligation through redevelopment. Specifically, amended Section 1 of P.L.1995, c.231 (C.52:27D-310.1) of FHA-2 reads as follows:

*Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall as part of the process of adopting and implementing its housing element and fair share plan 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.*

Applying the above formula to the Borough's prospective need obligation that has been adjusted (i.e. RDP) results in a 25% requirement of 6 units (rounded).

Compliance mechanisms to address unmet need is discussed below.

**C. Fourth Round Plan Components And Crediting**

1. To address the Borough's RDP, the Borough will adopt a redevelopment plans for the Hawthorne Chevy and Pan Chemical redevelopment areas, the locations of which is described below:
  - a. The Hawthorne Chevrolet Redevelopment area is comprised of two tracts of land located within the central portion of the Borough at the intersection of Lafayette and Central Avenues. Mapping below identifies the Hawthorne Chevy Redevelopment Area within the context of the immediate neighborhood.

Tract 1, identified as Block 131, Lot 4 by Borough Tax Assessment records is an irregularly shaped parcel with a total tract area of 0.59 acres. The property is a paved parking lot that was a former display lot for vehicles associated with the car dealership. There is also an abandoned, one story, masonry sales office situated on the property.

## Hawthorne Chevy Designated Redevelopment Area Map



Tract 2, identified as Block 132, Lot 1 by Borough Tax Assessment records, is also an irregularly shaped parcel with a total tract area of 1.69 acres. This tract is located across the street to the south of Tract 1 and is developed with three buildings. The larger building was the former show room, service garage and sales office for Hawthorne Chevrolet and is presently vacant. The building itself is one story with a partial second story above what was the showroom. A portion of the building shares space with a tile and stone design business which is presently active. Adjacent to the former car dealership and tile store to the south is a smaller building occupied by the Hawthorne Chamber of Commerce and an upholstery business. A third building, with frontage on Legion Place, is located to the rear of the tract and is occupied by an auto body repair shop.

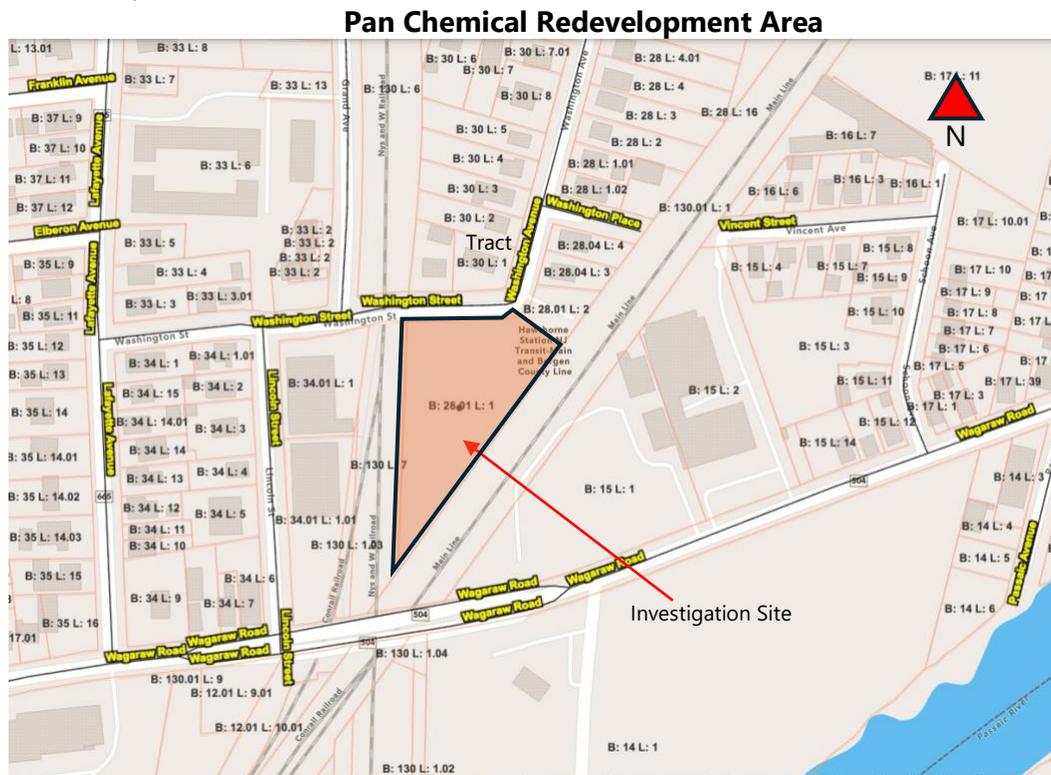
The property is only partially occupied by businesses and site conditions have deteriorated to such an extent that the Borough has designated the site as an "area in need of redevelopment" under the New Jersey Local Redevelopment and Housing Law.

The Borough has designated the site as an area in need of redevelopment with the intention of adopting a redevelopment plan that will provide for both residential and commercial redevelopment including a 20% affordable housing set aside that will generate 12 affordable units.

The Council resolution designating the property as an area in need of redevelopment and draft redevelopment plan is appended to this document.

- b. The Pan Chemical redevelopment area, comprised of a single parcel of land located within the south-east portion of the Borough at 1 Washington Avenue, abuts the NJ Transit Main Line near its intersection with Wagaraw Road. The mapping below identifies the redevelopment area within the context of the immediate neighborhood.

The property is further identified as Block 28.01, Lot 1 by Borough Tax Assessment records and is a triangular shaped parcel with a total tract area of 1.47 acres. The parcel is the abandoned site of the former Pan Chemical site which has a long standing history with the Borough as detailed in the investigation report prepared by Burgis Associates dated May 15, 2025.



Source: NJ-GeoWeb  
<https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=02251e521d97454aabaddf8cf168e44d>

Over a period spanning well over 50 years, Pan Chemical manufactured paint and lacquer on the property that resulted in the site’s contamination. The property remains a recognized environmentally contaminated site to this day by NJDEP.

In order to facilitate the remediation of the site and address its RDP, the property has been designated an “area in need of redevelopment” under the Local Redevelopment and Housing Law. It is the intention of the Borough to adopt a redevelopment plan to permit inclusionary residential development of the property that will generate 11 affordable

units.

A copy of the investigation report and Council resolution designating the site as a redevelopment area is appended to this plan.

Based upon the above, the following table illustrates how the crediting will be applied to the RDP prospective need obligation.

**Table 27 Fourth Round RDP Components And Crediting**

Plan Component	Number of Units	Bonus	Credits
Hawthorne Chevy	12	0	17
Pan Chemical	11	5*	11
Total	23	5	28

\*Redevelopment within ½ mile of transit.

- c. As illustrated above, the redevelopment of the Hawthorne Chevy and Pan Chemical will cover their obligation and generate 5 bonus credits that can be applied elsewhere. Based upon these calculations the Borough is entitled to a credit of 5 affordable housing units, leaving an unmet need balance of 172 affordable units.
- d. For the Fourth Round, Hawthorne’s “prospective need obligation, that has been adjusted” (i.e., its RDP obligation), in order to address the 25 percent requirement, the Borough has a redevelopment obligation of 6 units (25% of 23 rounded up). The requirement to satisfy 25 percent of the Fourth Round RDP with redevelopment through realistic zoning is satisfied as these 6 units will be derived from redevelopment of the Hawthorne Chevy Redevelopment since this site is a commercial property to which the Borough has applied realistic zoning to allow for further development/redevelopment.
- e. Unmet need is addressed through existing mechanisms that will remain in place from the previous 3<sup>rd</sup> Round and those proposed in the 4<sup>th</sup> Round with the five excess credits going towards unmet need. Depending upon the Program’s review and potential challenges to the Borough’s plan, more may need to be done to address unmet need although the Borough will argue that the Borough has done everything it could to address its obligation. Based upon the lack of land, unmet need should be satisfied with the existing mechanisms in place.
- f. Amending the Current Mandatory Set Aside Ordinance. As part of the settlement agreement with FSHC in the Third Round, the Borough adopted a mandatory set aside ordinance requiring a 15% set aside for rental projects and 20% set aside for owner occupied units. The Borough will amend its mandatory set aside ordinance to require a uniform 20% setaside for all inclusionary developments.

**D. OTHER PROVISIONS**

The following additional requirements are noted:

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

**E. REJECTED DEVELOPMENT SITES**

As demonstrated by the Borough’s VLA, the Borough is a fully developed community little to no developable land left. Development opportunities, therefore, will need to come from redevelopment of existing properties. The Borough identified these and is moving forward with redevelopment under the powers granted municipalities by the Local Redevelopment and Housing Law. There have been no sites that have been rejected out of hand.

**F. OTHER PROVISIONS**

The following additional requirements are noted:

1. Fourth Round Bonuses. Fourth Round bonuses will be applied in accordance with N.J.A.C. 52:27d-311.k.
2. Very-Low Income and Low-Income Units. At least 50 percent of the units addressing the Fourth Round Prospective Need obligation shall be affordable to very low-income and low-income households with the remainder affordable to moderate-income households.

A minimum of 13 percent of the affordable units will be made available to very low-income households, defined as households earning 30 percent or less of the regional median income by household size.

3. Rental Component. At least 25 percent of the Fourth Round Prospective Need obligation shall be met through rental units, including at least half in rental units available to families.
4. Families. At least half of the actual units created to address the Fourth Round Prospective Need obligation must be available to families.
5. Age-Restricted Cap. No more than 30 percent of all units developed or planned to meet the Fourth Round Prospective Need obligation shall be met with age-restricted units.

**G. CONSISTENCY WITH STATE PLANNING INITIATIVES**

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

- ❖ An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission; and
- ❖ An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

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

1. Multigenerational Family Housing Continuity Commission

The Multigenerational Family Housing Continuity Commission was established by the State of New Jersey in 2021. As noted in N.J.S.A. 52:27D-329.20, one of the primary duties of the Commission is to “prepare and adopt recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas.”

As of the date of this HE&FSP, the Multigenerational Family Housing Continuity

In sum, the Borough of Hawthorne projects a total of \$1,039,554 in revenue to be collected between May 2, 2025 and June 30, 2035. This projected amount, when added to Hawthorne's current trust fund balance of \$257,734 results in a total anticipated trust fund balance of \$1,297,288 available to fund and administer the Borough's affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

## **2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS**

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

- (a) Collection of development fee revenues: Collection of development fee revenues shall be consistent with Hawthorne's development fee ordinance for both residential and non-residential developments in accordance with applicable regulations pursuant to P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.8), and as may be amended.
- (b) Distribution of development fee revenues: The Planning Board adopts and forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution. The release of funds requires adoption of the governing body resolution in accordance with the spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

Commission has not yet adopted any recommendations.

2. State Development and Redevelopment Plan

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

As such, the SDRP establishes a number of goals and strategies related to a number of different topics, including the development of affordable housing, the redevelopment of existing properties to avoid sprawl, and promoting smart growth principles.

As indicated by the SDRP’s Policy Map, the entirety of Hawthorne Borough is located in the PA-1, Metropolitan Planning Area which encompasses cities and their surrounding areas and where development and redevelopment is to be directed.

Accordingly, this HE&FSP is consistent with the intents of the PA-1 designation. Specifically, it is designed to encourage redevelopment and growth in addressing its affordable housing obligation by repurposing existing developed sites while revitalizing otherwise underutilized or deteriorated site conditions.

# Appendices

# Planning Board Resolution Adopting 2025 Housing Element and Fair Share Plan with Spending Plan



## RESOLUTION

### PLANNING BOARD BOROUGH OF HAWTHORNE COUNTY OF PASSAIC, STATE OF NEW JERSEY

#### RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF HAWTHORNE ADOPTING THE 2025 HOUSING ELEMENT AND FAIR SHARE PLAN, INCLUDING THE SPENDING PLAN, AS AN AMENDMENT TO THE MASTER PLAN PURSUANT TO N.J.S.A. 40:55D-28

**WHEREAS**, the Planning Board of the Borough of Hawthorne, County of Passaic, State of New Jersey ("Planning Board"), is authorized pursuant to the New Jersey Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-1 et seq., to prepare and adopt a Master Plan for the physical development of the municipality, including a Housing Element as a mandatory component thereof under N.J.S.A. 40:55D-28b(3);

**WHEREAS**, the Planning Board further recognizes its duty to adopt a Housing Element and Fair Share Plan ("HEFSP") in accordance with the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., as recently amended by P.L.2024, c.8 ("FHA-2"), which mandates municipal compliance with affordable housing obligations and introduces a Fourth Round compliance framework subject to review and certification by the Affordable Housing Dispute Resolution Program;

**WHEREAS**, the Planning Board retained the professional planning services of John P. Szabo, Jr., PP, AICP, of Burgis Associates, Inc., who prepared the 2025 Housing Element and Fair Share Plan dated May 22, 2025, in conformance with the requirements of the MLUL and FHA-2, and consistent with applicable substantive and procedural criteria established by the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq.;

**WHEREAS**, the 2025 HEFSP includes:

- a) A detailed assessment of the Borough's prior round (First and Second Round) affordable housing obligations (57 units);
- b) A Third Round obligation totaling 298 units, including a Realistic Development Potential ("RDP") of 60 units and an unmet need of 238 units;
- c) A Fourth Round (2025–2035) obligation of 200 units, comprised of an RDP of 23 units and an unmet need of 177 units;
- d) A Present Need (Rehabilitation) obligation of 105 units, with a structural survey supporting a current minimum requirement of 6 rehabilitations; and
- e) A Spending Plan identifying the projected use of the Borough's Affordable Housing Trust Fund consistent with N.J.A.C. 5:93-5.6 and court-approved settlement requirements;

**WHEREAS**, the HEFSP proposes specific mechanisms to address these obligations including:

- a) Continued implementation of a municipal rehabilitation program in coordination with the Passaic County Housing Rehabilitation Program;
- b) Development and redevelopment of identified sites such as 204 Wagaraw Road, 3 Ronson, Van Dyk Assisted Living, and the Hawthorne Chevrolet and Pan Chemical sites with appropriate set-asides for affordable housing;
- c) Amendments to the Borough's zoning ordinance including mandatory set-aside provisions for all qualifying multifamily developments;
- d) Compliance with statutory requirements under the Fair Housing Act, applicable COAH and UHAC regulations, and settlement agreements approved by the Affordable Housing Dispute Resolution Program;
- e) Compliance with affordability distribution requirements by income and tenure, and caps on age-restricted housing, in accordance with UHAC;

**WHEREAS**, notice of a public hearing on the proposed adoption of the 2025 HEFSP was published in the official newspaper of the Borough and provided in accordance with the Open Public Meetings Act and N.J.S.A. 40:55D-13;

**WHEREAS**, on June 17, 2025, the Planning Board conducted a duly noticed public hearing at which time the proposed 2025 HEFSP and its components were presented, and members of the public and interested parties were afforded the opportunity to be heard;

**WHEREAS**, the Planning Board, having reviewed the draft plan, accompanying documentation, and testimony of the Borough Planner, finds that the 2025 HEFSP is:

- a) Consistent with the goals and objectives of the Borough's Master Plan and the State Development and Redevelopment Plan;
- b) Reasonable and appropriate based on the Borough's existing land use, infrastructure capacity, and development constraints;
- c) Compliant with applicable statutory and regulatory obligations under the MLUL, FHA-2, and relevant judicial precedents including In re Declaratory Judgment Actions Filed by Various Municipalities, 227 N.J. 508 (2017); and

**WHEREAS**, the Planning Board finds that the adoption of the 2025 HEFSP advances the purposes of the Municipal Land Use Law and is consistent with the goals of the Borough's Master Plan and the State Development and Redevelopment Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Hawthorne, County of Passaic, State of New Jersey, as follows:

1. The Planning Board hereby formally adopts the 2025 Housing Element and Fair Share Plan, inclusive of the Spending Plan, as an amendment to the Master Plan of the Borough of Hawthorne pursuant to N.J.S.A. 40:55D-28;
2. The Planning Board authorizes the Planning Board Secretary to transmit a copy of the adopted HEFSP and this Resolution to the Borough Clerk, the Passaic County

Planning Board, and any other parties as required by law in accordance with N.J.S.A. 40:55D-16;

3. This Resolution shall take effect immediately; and
4. The Planning Board hereby authorizes its staff and consultants to forward this Resolution, together with the Study and hearing record, to the Borough Council for further consideration and action.

**MOTION** was made at hearing of **June 17, 2025** to approve and adopt the foregoing Resolution as drafted by Planning Board Attorney, Sophy Sedarat, Esq., reflecting the Board's determination as aforesaid.

**ROLL CALL VOTE**

<i>Name</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>	<i>Ineligible</i>
Robert Lucibello			1				
Tiffany Della Groce			1				
John V. Lane			1				
Frank E. Matthews	1						
Robert Meier		1					
Christopher J. DiBella			1				
Mary Lou DiMattia			1				
<b>ALTERNATES</b>	----	----	----	----	----	----	----
Robert Verrengia (1)							
Brian Lane (2)							
<b>TOTAL</b>	----	----			----	----	----



ROBERT LUCIBELLO, Chairman

—End of Document—

# Council Resolution Endorsing 2025 Housing Element and Fair Share Plan with Spending Plan



**BOROUGH OF HAWTHORNE**  
 County of Passaic  
 State of New Jersey



RESOLUTION NO. 105-25

Resolution, Introduced by Council Person Wojtecki Date: June 18, 2025

**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 Borough of Hawthorne filed a Fourth Round Declaratory Judgment Complaint pursuant to NJSA 2A:16-50 et seq and in accordance with the Amended FHA and Administrative Directive #14-24, in the Superior Court of New Jersey, Law Division, Passaic County, prior to the deadline established for filing such actions of January 31, 2025; and

**WHEREAS**, The Borough, at the time of filing of its Complaint, set forth an intent to prepare and file a Housing Element and Fair Share Plan (the Plan) to address its Fourth Round obligation to create the realistic opportunity for the development of affordable housing, covering the period from July 1, 2025 to June 30, 2035, it being understood that the Mayor and Council, while agreeing to create such Plan, continues to find that the Amended FHA includes methodologies and provisions which the Borough of Hawthorne finds to be objectionable and unfair; and

**WHEREAS**, a Plan was prepared by the Borough's Planner, John P. Szabo, Jr., P.P., AICP, dated May 22, 2025, and presented to the Planning Board of the Borough of Hawthorne which conducted a public hearing on June 17, 2025 and adopted a resolution adopting the Plan as an amendment to the Master Plan of the Borough of Hawthorne in accordance with NJSA 40:55D-28 and NJSA 52:27D-310, et. seq.; and

**WHEREAS**, the Plan includes findings, recommendations and required actions in satisfaction of the obligation of the Borough to address its fair share obligation; and

**WHEREAS**, the Borough Attorney and Borough Planner have recommended endorsement of the plan to the Municipal Council, which has considered the terms of the same;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Hawthorne, that it does endorse the Housing Element and Fair Share Plan as adopted by the Planning Board, authorizing the Borough Attorney to submit the same to the Superior Court and adopted Program in accordance with law; and

**BE IT FURTHER RESOLVED**, that the Borough of Hawthorne reserves the right to alter or amend this action so as to comply with any additional amendments to the FHA that the Legislature may enact or any other action that may alter or amend the requirements of the FHA.

I, the Clerk of the  
 Borough of Hawthorne, County of Passaic  
 State of New Jersey, do hereby certify this  
 copy of R 105-25  
 to be a true copy as adopted by the  
 Municipal Council on June 18, 2025

Name	Motion	Second	Yes	No	Abstain	Absent
Bennett			X			
Laiosia			X			
Matthews				X		
Mele			X			
Sasso		X				
Sciarra			X			
Wojtecki	X					

Frank E. Matthews, Council President

Lori Fernandez, RMC, CMC, Borough Clerk

Factual Content Certified by \_\_\_\_\_ Approved as to form and legality on basis  
 of facts set forth \_\_\_\_\_  
 Name / Title \_\_\_\_\_ Date 6/18/25  
 Borough Attorney

# Spending Plan

May 22, 2025  
Borough of Hawthorne  
Affordable Housing Trust Fund Spending Plan

**INTRODUCTION**

The Borough of Hawthorne (hereinafter the "Borough"), Passaic County, has prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (FHA) (N.J.S.A. 52:27D-301) and the regulations contained in (N.J.A.C. 5:91-1 et seq. and N.J.A.C. 5:93-1 et seq.). The Borough of Hawthorne Affordable Housing Trust Fund was opened on November 2, 2009.

As of May 2, 2025, the Borough of Hawthorne has a balance of \$257,734 in its Affordable Housing Trust fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund account for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16 as described in the sections that follow.

**1. REVENUES FOR CERTIFICATION PERIOD**

It is anticipated that between now and June 30, 2035, which is the end of the Fourth Round period, the Borough will add an additional \$1,039,554 to its Affordable Housing Trust Fund. This revenue is projected to consist of \$973,722 in anticipated development fee revenues and \$55,000 in anticipated interest, as shown in the table below.

SOURCE OF FUNDS	PROJECTED REVENUES – AFFORDABLE HOUSING TRUST FUND			
	MARCH 28, 2023 THROUGH JUNE 30, 2035			
	3/28-12/31 2023	1/1-12/31 2024	1/1/25-6/30 2035	Total
(a) Development fees:	\$70,166	\$93,556	\$810,000	\$973,722
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0
(c) Other Funds	\$0	\$0	\$0	\$0
(d) Interest	\$3,619	\$7,213	\$55,000	\$65,832
<b>Total</b>	<b>\$73,785</b>	<b>\$100,769</b>	<b>\$865,000</b>	<b>\$ 1,039,554</b>

### 3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

- (a) Rehabilitation. The Borough has a rehabilitation obligation of 105 units based upon the DCA calculation. However, pursuant to N.J.A.C. 5:93-5.2 the Borough has conducted a structural conditions survey which identified 6 units that otherwise qualify for rehabilitation. In order to address its rehabilitation obligation, the Borough will continue to participate in the Passaic County Housing Rehabilitation Program and will utilize funds from the Borough’s affordable housing trust fund to help fund this program. The Borough will commit \$20,000 per unit, which will require a total contribution of \$120,000.

Affordable Housing regulations require municipalities to set aside sufficient funds to address one-third of their rehabilitation obligation within one year of approval of their plan. In addition, municipalities are required to set aside sufficient funds to address one-sixth of their rehabilitation obligation each subsequent year of the substantive certification period. As such, the Borough will set aside \$40,000 for to rehabilitate two units in the first year following the granting of a certificate of compliance from the Program, and an additional \$20,000 each year thereafter, until the rehabilitation share is addressed.

- (b) Affordability Assistance. Pursuant to N.J.A.C. 5:93-8.16(c), the Borough will commit to spend at least 30% of the revenues collected from development fees, less funds collected to finance a rehabilitation program, towards affordability assistance to very low-, low- and moderate-income households. As shown in the table below, the Borough projects that approximately \$251,866 will be available from the affordable housing trust fund for this purpose through June 30, 2035, one-third of which will need to be dedicated toward affordability assistance for very-low income households.

Actual development fees + interest through 5/2/25		\$257,734
Development fees + interest projected 6/30/25-6/30/2035	+	\$ 1,039,554
Less rehabilitation expenditures through 5/2/2025	-	\$0
Less rehabilitation expenditures projected 6/30/2025-6/30/35	-	\$120,000
<b>Total</b>	=	\$1,177,288
30 percent requirement	x 0.30 =	\$353,186
Less affordability assistance expenditures through 6/30/2035	-	\$0
<b>Projected Minimum Affordability Assistance Requirement 2025-2035</b>	=	<b>\$353,186</b>
<b>Projected Minimum Very Low-Income Affordability Assistance Requirement 2025-2035</b>	÷ 3 =	<b>\$117,728</b>

- (c) Administrative Expenses. Per N.J.A.C. 5:93-8.16(e), no more than 20% of the revenues collected from development fees shall be expended on administration. The Borough of

Hawthorne projects that a maximum of \$259,457 will be available from the affordable housing trust fund to be used for administrative purposes from June 30, 2025 through June 30, 2035. Projected administrative expenditures, subject to the 20% cap, include the salaries and benefits for municipal employees and consultant fees necessary to develop or implement the following:

1. An updated Housing Element and Fair Share Plan.
2. A rehabilitation program.
3. An affirmative marketing program.
4. An affordability assistance program.
5. Other affordable housing activities that do not involve litigation.

Actual development fees + interest through 5/2/2025		\$257,734
Development fees + interest projected 6/10/2025-6/30/35	+	\$1,039,554
<b>Total</b>	=	\$1,297,288
20 percent requirement	x 0.20 =	\$259,457
Less administrative expenditures through 6/30/2025	-	\$0
<b>PROJECTED MAXIMUM Administrative Expenses Requirement 2025-2025</b>	=	<b>\$ 259,457</b>

#### 4. EXPENDITURE SCHEDULE

The Borough of Hawthorne intends to use affordable housing trust fund revenues for rehabilitation activities, affordability assistance, and administration. Where applicable, the funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

PROJECTS/PROGRAMS			Total
	6/30/2025-6/30/2026	6/30 2027-6/30/2035	
Rehabilitation	\$40,000	\$20,000/year	\$120,000
Affordability Assistance	\$35,318	\$35,318/year	\$353,186
Administration	\$25,945	\$25,945/year	\$259,457

<b>Total</b>	<b>\$99,263</b>	<b>\$81,263</b>	<b>\$732,643</b>
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## **5. EXCESS OR SHORTFALL OF FUNDS**

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be dedicated toward its rehabilitation program and/or for its affordability assistance program and/or for administrative expenses up to the 20% cap.

In the event that a shortfall of anticipated revenues occurs, the Borough of Hawthorne will handle the shortfall of funds through an alternative funding source to be identified by the Borough or by adopting a resolution with an intent to bond, or the Borough will amend its spending plan to reduce the amount of funds available for the affordability assistance program and administrative expenses.

## **6. BARRIER FREE ESCROW**

Collection and distribution of barrier free funds shall be consistent with the Borough's Affordable Housing Ordinance and in accordance with applicable regulations.

## **SUMMARY**

The Borough of Hawthorne intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:93-8.16 and consistent with the housing programs outlined in the Borough's Housing Element and Fair Share Plan.

The Borough of Hawthorne has a balance of \$257,734 as May 2, 2025 and anticipates an additional \$1,039,554 in revenues through June 30, 2035 for a total of \$1,297,288. During the period of the Borough's Fourth Round period through June 30, 2035, the Borough will agree to fund \$100,000 towards a rehabilitation program, a minimum of \$220,996 towards an affordability assistance program, and a maximum of \$259,447 towards administrative costs.

Any shortfall of anticipated funds will be offset by an alternative funding source to be identified by the Borough or, in the unlikely event that no alternative funding is available, the Borough of Hawthorne will bond to provide the necessary funding. The Borough also reserves the right to amend its spending plan to reduce the amount of funds available for the affordability assistance program and administrative expenses if a shortfall of anticipated revenues occurs.

<b>SPENDING PLAN SUMMARY</b>		
Balance as of April 2, 2025		<b>\$257,734</b>
<b>PROJECTED REVENUE 3/9/23-6/30/25</b>		
Development fees	+	\$ 973,722
Payments in lieu of construction	+	\$0
Other funds	+	\$0
Interest	+	\$ 65,832
SUBTOTAL REVENUE	=	\$ 1,039,554
<b>TOTAL REVENUE = \$1,297,288</b>		
<b>EXPENDITURES</b>		
Rehabilitation Program	-	\$120,000
Affordability Assistance	-	\$353,186
Administration	-	\$259,457
<b>TOTAL PROJECTED EXPENDITURES</b>	<b>=</b>	<b>\$732,643</b>
<b>REMAINING BALANCE RESERVED FOR ADDITIONAL AFFORDABLE HOUSING ACTIVITY</b>	<b>=</b>	<b>\$564,645</b>

# Structural Conditions Survey

I, Glen Turi, Zoning Officer and Code Enforcement Supervisor for the Borough of Hawthorne, hereby certify that I conducted a housing survey in the Borough of Hawthorne according to COAH standards, with findings as shown on the attached pages.



\_\_\_\_\_  
Glen Turi, Hawthorne Zoning Officer and Code Supervisor



\_\_\_\_\_  
Date

"

EXTERIOR HOUSING SURVEY

Municipality: HAWTHORNE BOROUGH  
County: PASSAIC

Date of Survey: MAY-JUNE 2025

Performed By: COLIN TURI

Title: ZONING OFFICER + CODE ENFORCEMENT SUPERVISOR

Areas of municipality surveyed:  
ALL

Areas of municipality not surveyed:

Reason(s) for not surveying these areas:

**BOROUGH OF HAWTHORNE  
SURVEY - MAY/JUNE 2025**

		MAJOR SYSTEMS					MINOR SYSTEMS						
Street Address	Block/Lot	Number of Dwelling Units	Tenure of Units i.e. owner occupied/rental/mixed occupancy	Year Built	Foundation	Siding and Walls	Window and doors	Roof and Chimney	Eaves/ soffits/ Gutters/ Leader Needs Painting	Rails/ Stairs/ Steps/ porch	Fire Escape	Structure in need of repair (mark "Yes" or "No")	If Yes, Provide Details
222 Central Ave	128/4	1	Owner	1923				X	Needs Painting				
321 Central Ave	181.01/9.01		Owner	1930				X					
352 Central Ave	179/2		Owner	1918				X					
77 Dixie Ave	181/20		Owner	1950				X					
54 Dixie	181.01/26	1	Tenant	1950				X					
6 Dixie	151.01/38	1	Owner	1950				X					
36 10th	151/25	1	Owner	1925				X					
359 Rea	204/1	1	Owner	1947				X					
66 E Kings	187/12	1	Tenant	1948				X					
101 9th	212/5	1	Owner	1938	X		X	X					
8 8th Ave	195/18	2	Owner/tenant	1928				X					
91 8th Ave	213/2	1	Owner	1961				X					
99 8th Ave	213/4	1	Tenant	1960				X					
183 8th Ave	235.01/4	2	Tenant	1923		X		X					
142 7th Ave	217/11	1	Owner	1948		X		X		X			
132 5th Ave	173/8	2	Tenant	1923				X		X			
121 5th Ave	172/1	1	Owner	1923		X		X					
107 5th Ave	198/6	1	Owner	1938				X					
1063 Lafayette	287/40	1	Owner	1944		X	X	X	X			No	
34 Union Street	278/6	1	Owner	1948				X				No	
46 Union Street	278/9	1	Owner	1942				X				No	
18 Debra Court	288/15	1	owner	1980				X				No	
10 Ethel Avenue	168/9.01	1	owner	1926				X				No	
134 Van Winkle Ave	248/8	1	Owner	1923		X		X	X			No	
135 Van Winkle Ave	249/19	1	owner	1923		X	X	X	X	X		No	
132 Van Winkle Ave	248/7	1	owner	1923			X	X				No	
188 4th Ave	261/10	1	owner	1923		X		X				No	
29 Hutchinson Ave	255/6	1	owner	1923				X	X			No	
33 Alexandria Ave	258/5	1	owner	1923				X				No	Garage
14 Alexandria Ave	260/18	1	owner	1923				X				No	
103 Braen Avenue	287/1	1	owner	1938		X	X	X	X			No	
58 Braen Avenue	281/14	1	owner	1930		X		X				No	
206 Rock Road	230/24	1	owner	1928				X				No	
132 Rock Road	230/1	2	tenant	1928		X	X	X				No	
125 Rock Road	282/8	1	owner	1928		X		X				No	



26 Brookside	91/20	1 owner	1923	X	X	X	X	X	X	X	X	X	X	Yes	Foundation, Siding, Windows, Roof, Eaves/ gutters. Steps
400 Goffie Hill Road	292/6	1 owner	1889	X	X	X	X	X	X	X	X	X	X	Yes	Foundation, Siding, Windows, Roof, Eaves/ gutters. Steps
99 Parker	182/26	1 owner	1928	X	X	X	X	X	X	X	X	X	X	Yes	Siding, Windows, Roof, Eaves /gutters
121 8th Ave	220/2	1 owner	1938	X	X	X	X	X	X	X	X	X	X	Yes	Siding, Windows, Roof, Eaves/ gutters. Steps
44 Ethel Avenue	248/10	1 owner	1923	X	X	X	X	X	X	X	X	X	X	Yes	Siding, Windows, Roof, Eaves/ gutters. Steps
136 Van Winkle Ave	248/9	1 Owner	1923	X	X	X	X	X	X	X	X	X	X	Yes	Siding, Windows, Eaves/ gutters

# Draft Amended Mandatory Set Aside Ordinance

**DRAFT**  
**BOROUGH OF HAWTHORNE**  
**BERGEN COUNTY, NEW JERSEY**  
**ORDINANCE 2025 -**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 540 ARTICLE XXIV, AFFORDABLE HOUSING, § 540-229 MANDATORY SET-ASIDE**

**WHEREAS**, the Fair Housing Act has been amended by the legislature to create a new process for the approval of municipal affordable housing plans for the Fourth Round pursuant to the New Jersey Supreme Court’s Mount Laurel doctrine; and

**WHEREAS**, the Borough of Hawthorne has filed a declaratory judgement action seeking a certificate of compliance from the newly created Program for the Fourth Round certifying the Borough’s Housing Element and Fair Share Plan satisfies the Borough’s constitutional obligation to provide for affordable housing; and

**WHEREAS**, the Borough has determined to amend the Borough’s affordable housing ordinance to modify the required mandatory affordable housing set-aside to apply throughout the Borough for residential development of five units or more in order to generate a greater contribution of affordable housing opportunities resulting from inclusionary multifamily developments;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Hawthorne, Bergen County, New Jersey that it does hereby amend, modify and supplement Chapter 540, Zoning and Land Development as follows:

Note: New language in ***bold italics*** and deletions in ~~strikeout~~.

**SECTION 1.** Article XXIV, § 540-229 A, Affordable Housing Mandatory Set-Aside is hereby to read as follows:

§ 250-124 AFFORDABLE HOUSING MANDATORY SET-ASIDE.

A. Purpose. This section is intended to ensure that any site that benefits from a rezoning, variance, site plan approval or redevelopment plan approved by the Borough, Planning Board or Zoning Board of Adjustment that results in multifamily residential development of five dwelling units or more produces affordable housing at a set-aside rate of 20% for affordable for-sale units and at a set-aside rate of ~~15%~~ **20%** for affordable rental units. This chapter shall apply except where inconsistent with applicable law.

**SECTION 2.** Article XXIV, § 540-229 F, Affordable Housing Mandatory Set-Aside is hereby to read as follows:

F. For inclusionary projects in which the low- and moderate-income units are to be offered ***either*** for sale ***or rent***, the appropriate set-aside percentage ***shall be*** 20% ***for all such***

~~**projects.** for projects in which the low- and moderate-income units are to be offered for rent, the appropriate set-aside percentage is 15%. Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number.~~

**SECTION 3.** The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Bergen County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15 and 40:55D-62.1. The Borough Clerk shall execute any necessary Proofs of Service of the notices required by this section, and shall keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

**SECTION 4.** After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provision in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**SECTION 5.** If any paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 6.** All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 6.** This ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

Introduced by: \_\_\_\_\_, Seconded by: \_\_\_\_\_

Roll Call:

Approved: \_\_\_\_\_,

Borough of Hawthorne

Motion by: \_\_\_\_\_, Second by: \_\_\_\_\_

Roll Call:

Resolution Designating Hawthorne  
Chevrolet as An Area Of  
Redevelopment And Draft  
Redevelopment Plan



**BOROUGH OF HAWTHORNE**  
 County of Passaic  
 State of New Jersey



**RESOLUTION NO. 178-23**

Resolution, Introduced by Council Person Mele Date: November 13, 2023

**BOROUGH OF HAWTHORNE**

**DESIGNATION OF 471-491 LAFAYETTE AVENUE AS A NON-CONDEMNATION  
 AREA IN NEED OF REDEVELOPMENT**

**WHEREAS**, the Municipal Council of the Borough of Hawthorne, acting in conformity with the provisions of N.J.S. 40A: 12A-1 *et seq.*, the Local Redevelopment and Housing Law, adopted a resolution on February 15, 2023, authorizing Burgis Associates to conduct a preliminary investigation to determine if an area, identified as Block 132, Lot 1 and Block 131, Lot 4, both owned by Hawthorne Auto Sales, constitutes an “area in need of redevelopment without condemnation” as defined under the New Jersey Local Redevelopment and Housing Law (LRHL); and

**WHEREAS**, Burgis Associates prepared a report dated September 6, 2023 entitled “Hawthorne Chevrolet, 471-491 Lafayette Avenue, Area in Need of Redevelopment Study,” (hereinafter referred to as the Study) wherein an investigation analysis was presented recommending that the subject study area of the investigation be declared an “an area in need of redevelopment without condemnation” pursuant to the LRHL; and

**WHEREAS**, the Study was subsequently referred to the Hawthorne Planning Board (Board) which held a public hearing on November 6, 2023, upon which public hearing notice was given pursuant to the LRHL, on whether the area should be recommended as an “area in need of redevelopment without condemnation;” and

**WHEREAS**, the Board, based upon the contents of the Burgis report, together with the commentary offered by members of the public at the public hearing held on November 6, 2023, concluded that the study area, to wit, that tract designated as Block 132, Lot 1 and Block 131, Lot 4, warranted designation as an “area in need of redevelopment without condemnation.”

**NOW THEREFORE BE IT RESOLVED** that the Municipal Council of the Borough of Hawthorne accepts the recommendation of the Board and does hereby declare that Block 132 Lot 1 and Lot 131, Lot 4 be designated as an “area in need of redevelopment without condemnation;” and

**BE IT FURTHER RESOLVED** that the Borough Planning Consultants, Burgis Associates, 25 Westwood Avenue, Westwood, New Jersey, do hereby certify this copy of R178-23 to be a true copy as adopted by the Municipal Council on 11/13/23

CERTIFICATION  
 I, Lori Fernandez, Borough Clerk of the  
 Borough of Hawthorne, do hereby certify  
 State of New Jersey, do hereby certify this  
 copy of R178-23  
 to be a true copy as adopted by the  
 Municipal Council on 11/13/23

L. Fernandez  
 Lori Fernandez, RMC, CMC, Borough Clerk

Frank E. Matthews  
 Frank E. Matthews, Council President

Lori Fernandez  
 Lori Fernandez, RMC, CMC, Borough Clerk

Name	Motion	Second	Yes	No	Abstain	Absent
Bennett			X			
Laiosa			X			
Matthews			X			
Mele	X		X			
Sasso		X	X			
Sciarra			X			
Wojtecki			X			

Factual Content Certified by \_\_\_\_\_ Approved as to form and legality on basis of facts set forth 11/13/23

Name / Title \_\_\_\_\_ Borough Attorney \_\_\_\_\_ Date \_\_\_\_\_

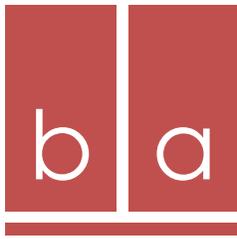


# Hawthorne Chevrolet 471-491 Lafayette Avenue; Block 131, Lot 4, Block 132, Lot 1

## Draft-Redevelopment Plan

Dated: February 28, 2024

Borough of Hawthorne, | Passaic County, New Jersey



Community Planning  
Land Development and Design  
Landscape Architecture

B U R G I S  
A S S O C I A T E S , I N C .

Principals:

*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*  
*David Novak PP, AICP*

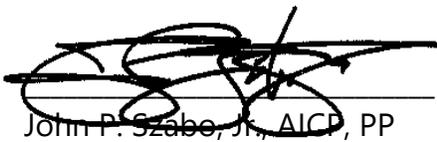
# Redevelopment Plan For

## 485-491 Lafayette Avenue

Borough of Hawthorne  
Passaic County, New Jersey

Prepared for the Borough of Hawthorne  
BA# 4002.02

The original document was appropriately signed and sealed on February 28, 2024, in accordance with Chapter 41 of Title 13 of the State Board of Professional Plan



John P. Szabo, Jr., AICP, PP  
Professional Planner #3445





Community Planning  
Land Development and Design  
Landscape Architecture

**Principals:**

*Joseph H. Burgis PP, AICP  
Edward Snieckus, Jr. PP, LLA, ASLA  
David Novak PP, AICP*

**Members of the Governing Body**

John V. Lane, Mayor  
Joseph R. Wojtecki, Councilmember Ward 1  
Rayna Laiosa, Councilmember Ward 2  
Mike Sciarra, Councilmember Ward 3  
Frank E. Matthews, Councilmember Ward 4  
Bruce A. Bennett, Councilmember at Large  
Anna Marie Sasso, Councilwoman at Large

**Municipal Attorney**

Michael P. Pasquale, Esq.

**Members of the Borough of Hawthorne Planning Board**

Class I Member: Mayor John V. Lane  
Class II Member: Gene DeAugustines  
Class III Member: Frank E. Matthews, Council Representative  
Class IV Member: Robert Lucibello, Chairman  
Class IV Member: Tiffany Della Croce, Vice Chair  
Class IV Member: Robert Meier  
Class IV Member: MaryLou DiMattia  
Class IV Member: Robert Verrengia (Alternate 1)  
Class IV Member: Brian Lane (Alternate 2)

**Board Secretary**

Janice Patmos

**Planning Board Attorney**

Darryl Siss, Esq.

**Borough Engineer/Planner**

Stephen T. Boswell, PE

**Borough Planning Consultant**

John P. Szabo, Jr., PP, AICP  
Burgis Associates

Table of Contents

**Introduction** ..... 1

**Section 1: LRHL Background** ..... 3

**1.1: Redevelopment Process** ..... 4

**1.2: Statutory Criteria** ..... 5

**Section 2: Redevelopment Area** ..... 6

**2.1: Redevelopment Area Overview** ..... 6

**2.2: Surrounding Land Uses** ..... 8

**Section 3: Current Zoning** ..... 9

**3.1: B-1 Neighborhood Commercial Zoning** ..... 9

**3.2: B-1 Zone Area and Bulk Standards** ..... 10

**Section 4: Consistency with Other Plans** ..... 11

**4.1 Relationship to Borough of Hawthorne Master Plan** ..... 11

**4.2: Relationship to the State Development and Redevelopment Plan & Strategic Plan** ..... 15

**4.3: Relationship to the Passaic County Master Plan** ..... 18

**4.4: Relationship Adjoining Municipal Master Plans** ..... 18

**Section 5: Redevelopment Plan Details** ..... 19

**5.1: Plan Components** ..... 19

**5.2: Plan Goals** ..... 19

**5.3: Purpose** ..... 20

**5.4: Principal permitted uses** ..... 20

**5.5: Permitted accessory uses** ..... 21

**5.6: Development Requirements** ..... 21

**5.7: Parking and Loading requirements** ..... 24

**5.8: Loading** ..... 24

**5.9: Required Buffers** ..... 24

**5.10: Solid Waste and Recycling** ..... 25

**5.11: Signage** ..... 26

**5.12: Utilities** ..... 26

**5.13: Design Standards** ..... 26

**5.14: Administration** ..... 31

**5.15: Other Applicable Design and Performance Requirements** ..... 36

**Appendix** ..... 37

## Introduction

By resolution #R-35-23 adopted on February 15, 2023, the Governing Body authorized the Planning Board to conduct a preliminary investigation to determine if property located at 485-491 Lafayette Avenue further identified as Block 131, Lot 4 and Block 132, Lot 1 by Borough tax assessment records qualified as an "Area in Need of Redevelopment" pursuant to the New Jersey Local Redevelopment and Housing Law (LRHL) subject to the criteria contained in N.J.S.A. 40A:12A-5. The resolution further stipulated that the investigation of the Redevelopment Area be undertaken as a "non-condemnation" Redevelopment. Such a designation would authorize the Borough to use all those powers provided by the Legislature for use in a redevelopment area, excluding eminent domain.

Pursuant to the Planning Board's recommendation, the Borough Council adopted Resolution 178-23 designating the site as an "area in need of redevelopment" on November 13, 2023 and directed Burgis Associates to prepare this redevelopment plan on its behalf. This plan represents the next step in the redevelopment process. It is designed to affirmatively address the statutory requirements set forth in the LRHL, identifying the plan's relationship to local land use objectives, and enumerating the uses that may be permitted in the area, along with regulatory controls governing the proposed intensity and distribution of those uses. The plan incorporates the philosophy and policies of the State's Strategic Plan and envisions the creation of the development of multi-family inclusionary development, or alternatively, a mixed-use development with ground level commercial uses with residential units above as a realistic and necessary means to promote the redevelopment of the property.

The Borough is obligated to proceed in this effort in accordance with the procedures set forth in the Local Redevelopment and Housing Law. This process calls for participation by the Planning Board and general public. The accompanying diagram summarizes this process.

This Redevelopment Plan is divided into the following five sections:

❖ [Section 1: LRHL Background](#)

The first section discusses the background of the LRHL as well as the redevelopment process and the statutory criteria for preparing redevelopment plans.

❖ Section 2: Property Characteristics

The next section provides an overview of the Redevelopment Area. It includes an analysis of the Redevelopment Area's physical characteristics and its relationship to existing land uses.

❖ Section 3: Current Zoning

Section 3 discusses the existing zoning and how it relates to the Borough's current zoning requirements.

❖ Section 4: Consistency to Other Plans

As required by the LRHL, this section discusses the consistency of the redevelopment plan to Municipal, County and State planning policies.

❖ Section 5: Redevelopment Plan Details

Finally, this section contains the procedural and development requirements for the redevelopment area.

## Section 1: LRHL Background

In 1992, the New Jersey Legislature enacted a new statute which revised and consolidated the State's various redevelopment statutes. Known as the Local Redevelopment and Housing Law (LRHL), this new statute rescinded a number of prior redevelopment statutes and replaced them with a single comprehensive statute governing local redevelopment activities throughout the State. Ultimately, the LRHL was designed by the State Legislature to assist municipalities in the process of redevelopment and rehabilitation. As explained by the Legislature in the preamble to the LRHL:

---

*"There exist, have existed and persist in various communities of this State conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper development which result from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort."*

---

The LRHL provides the statutory authority for municipalities to engage in a number of redevelopment activities, including designating an "Area in Need of Redevelopment"; preparing and adopting redevelopment plans; and implementing redevelopment projects. Essentially, the LRHL is a planning and financing tool that allows an area to be overlain with specific zoning and other incentives to stimulate its redevelopment or rehabilitation.

More specifically, a redevelopment designation allows a municipality at its discretion to:

1. Adopt a redevelopment plan that will identify the manner in which an area will be developed, including its use and intensity of use;
2. Issue bonds for the purpose of redevelopment;
3. Acquire property through eminent domain;
4. Lease or convey property without having to go through the public bidding process;
5. Collect revenue from a selected developer; and/or
6. Grant tax exemptions and abatements.

---

## 1.1: Redevelopment Process

As outlined by the LRHL, the first step of the redevelopment process is for the governing body to direct the planning board to undertake a preliminary investigation to determine whether or not an area is in need of redevelopment

As required by recent amendments to the LRHL, the governing body must also indicate whether it is seeking to designate the area as a "Non-Condensation Redevelopment Area" or a "Condensation Redevelopment Area." Pursuant to the resolution adopted on February 15, 2023, the Governing Body initiated this process as a "Non-Condensation" Redevelopment Area (see Appendix A).

An area qualifies as being in need of redevelopment if it meets at least one (1) of the eight (8) statutory criteria listed under Section 5 of the LRHL. These criteria, are the same regardless of whether a governing body seeks to designate a Redevelopment area as a "Non-Condensation Redevelopment Area" or a "Condensation Redevelopment Area."

The statute also specifically establishes that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety, or welfare, provided that the inclusion of those lands is necessary for the effective redevelopment of the area.

After it conducts its investigation, the planning board must hold a public hearing on the proposed redevelopment area designation. Based on the planning board's recommendation, the governing body may designate all or a portion of the area as an "Area in Need of Redevelopment." The governing body will then prepare a redevelopment plan for the area, or alternatively will direct the planning board to prepare such a plan.

Following the adoption of the redevelopment plan, the governing body or another public agency/authority designated by the governing body as the "redevelopment entity" will oversee the implementation of the redevelopment plan. This redevelopment entity is responsible for selecting a redeveloper to undertake the redevelopment project which implements the plan.

In summary, the LRHL essentially establishes a two-fold process in which a site is first designated as an Area of Need of Redevelopment (Step 1), and second, a plan is prepared based on that designation (Step 2). The accompanying figure provides a summary of this process, beginning with the adoption of a resolution by the governing body to the preparation and adoption of a redevelopment plan.

## THE REDEVELOPMENT PROCESS



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### 1.2: Statutory Criteria

The Local Redevelopment and Housing Law (LRHL) identifies the required elements that must be incorporated into a redevelopment plan. The statute provides that the redevelopment plan is to include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

- The relationship to definite local objectives as to appropriate land uses, density of population, improved traffic and public transportation, public utilities, recreational and community facilities and other improvements;
- Proposed land uses and building requirements in the project area;
- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to where decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing housing market;
- An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan;
- Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities, County Master Plan, and State Development and Redevelopment Plan.

## Section 2: Redevelopment Area

The following section provides a general overview of the Redevelopment Area, herein referred to as the Lafayette Avenue Redevelopment Area (or LARA).

### 2.1: Redevelopment Area Overview

The Lafayette Avenue Redevelopment Area (hereinafter referred to as LARA) is a former car dealership (Hawthorne Chevrolet) comprised of two tracts of land located within the central portion of the Borough at the intersection of Lafayette and Central Avenues. Figure 1 below identifies the LARA within the context of the immediate neighborhood.

Tract 1, identified as Block 131, Lot 4 (inclusive of Lots 5-7 which have merged with Lot 4) by Borough Tax Assessment records, is an irregularly shaped corner lot with a total tract area of 0.59 acres. The property is a paved parking lot that was a former display lot for vehicles associated with the car dealership. There is also an abandoned, one story, masonry sales office situated on the property.

Figure 1 – Redevelopment Area Map



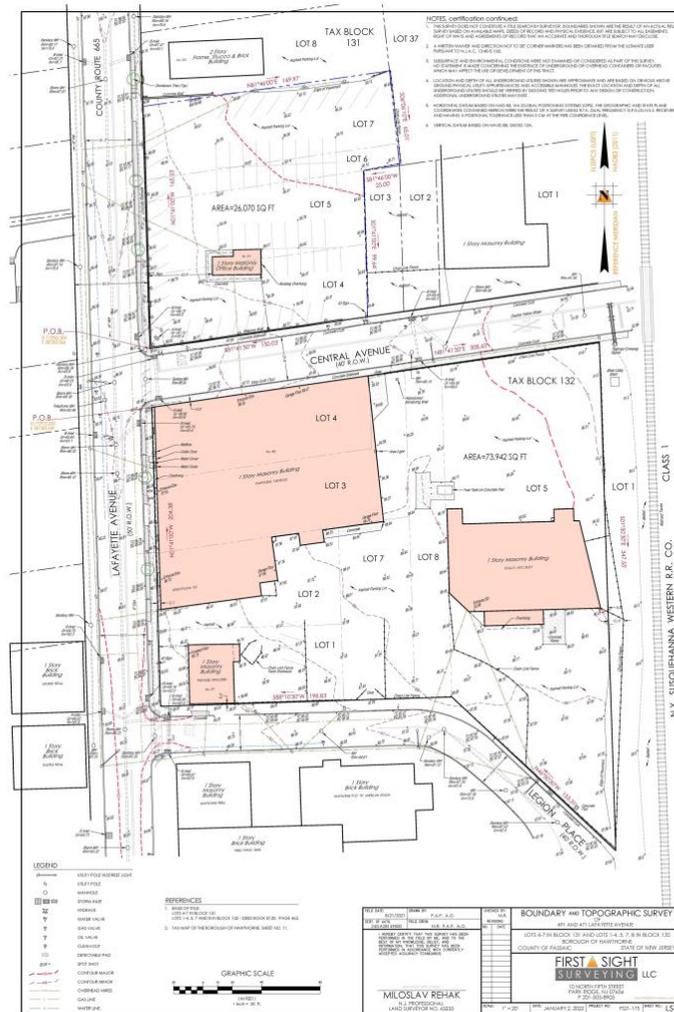
Source: NJ-GeoWeb

<https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=02251e521d97454aabadfd8cf168e44d>

The second tract, Tract 2, identified as Block 132, Lot 1 (inclusive of Lots 2, 3, 4, 5, 7 and 8 which have merged into Lot 1) by Borough Tax Assessment records, is also an irregularly shaped corner lot with a total tract area of 1.69 acres. This tract is located across the street to the south of Tract 1 and is developed with three buildings. The larger building was the former show room, service garage and sales office for Hawthorne Chevrolet and is presently vacant. The building itself is one story with a partial second story above what was the showroom. A portion of the building shares space with a tile and stone design business which is presently active. Adjacent to the former car dealership and tile store to the south is a smaller building occupied by the Hawthorne Chamber of Commerce and an upholstery business. A third building, with frontage on Legion Place, is located to the rear of the tract and is occupied by an auto body repair shop.

Figure 2 below presents a site survey of the LARA.

Figure 2 – Redevelopment Area Survey Map



---

## 2.2: Surrounding Land Uses

The LARA is located in an area characterized by a mix of commercial businesses consistent with the Borough's downtown commercial zoning. The area also contains mixed use commercial buildings with residential use above and some single- and two-family dwellings primarily to the north of the redevelopment area. The New York Susquehanna rail line abuts the easterly boundary of the redevelopment area while a multifamily residence abuts the redevelopment area immediately to the north.

An aerial map depicting the LARA and surrounding land uses is presented in Figure 3 below.

Figure 3 – Redevelopment Area Land Use Aerial Map

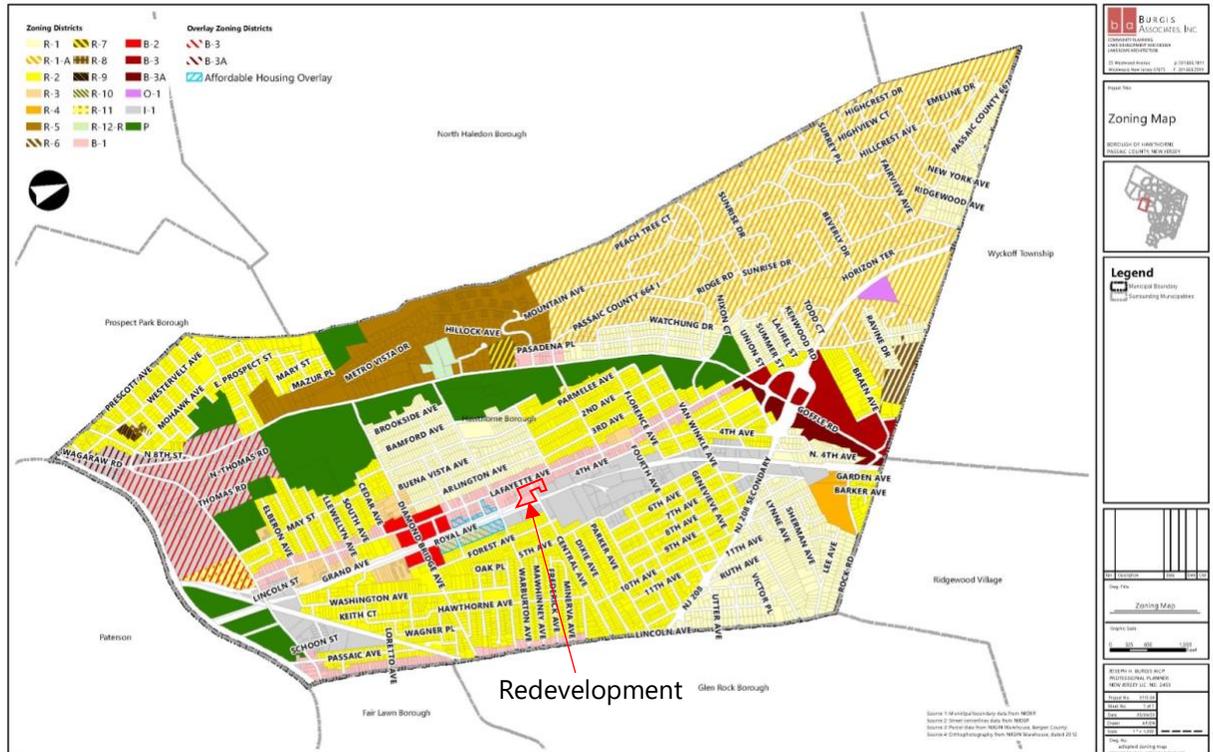


Source: Google Earth dated June 13, 2022, accessed on August 30, 2023; Lot lines are approximate.

## Section 3: Current Zoning

As shown on the accompanying zoning map, the LARA is located in the B-1, Neighborhood Commercial Zone. The area immediately to the east of the LARA beyond the rail line is the I-1 Industrial Zone.

Figure 4 – Zoning Map



### 3.1: B-1 Neighborhood Commercial Zoning

The LARA is located in the B-1, Neighborhood Commercial Zone which permits the following uses:

- § 540-161 Permitted uses.
1. Barbershops and beauty parlors.
  2. Groceries and foodstuffs.
  3. Drugs and pharmaceuticals.
  4. Confectionery, newspaper, stationery, and tobacco.
  5. Hardware and paints.

6. *Laundry and dry-cleaning collection, but not processing.*
7. *Radio, television and small appliance sales.*
8. *Bakeries.*
9. *Bank and financial institution branch offices.*
10. *Professional and business offices.*
11. *Restaurants including restaurants with outdoor dining subject to §540-163.*
12. *R-2 residential uses, subject to restrictions applicable to such zone.*

It is noted that auto related uses, including the automobile body shop, are not permitted uses in the B-1 zone. The existing automobile dealership (now abandoned) and automobile body shop are pre-existing nonconforming uses that are inconsistent and incompatible with the neighborhood commercial character in which the LARA is located.

### 3.2: B-1 Zone Area and Bulk Standards

Area and bulk regulations for the B-1 Zone are highlighted in the following table:

**Table 1: B-1 District Bulk Standards**

District	Minimum Lot Area (square feet)	Minimum Lot Area per Dwelling Unit (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Height (feet/stories)	Minimum Front Yard (feet)	Minimum Side Yard (one/both) (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (percent)
Family Housing/Affordable Housing									40; impervious: 50
B-1 Neighborhood Commercial	5,000	—	50	100	25/2	10	10/15	25	50
B-2 Central Business	None	—	None	100	25/2	10	None, but 10 if provided 10 feet, plus 5 feet for each story in excess of 2 stories	25	70
O-1 Offices – Professional or Institutional	5,000	—	50	100	35/3	25	—	25	40
O-2 Research and Restricted Offices	80,000	—	200	400	35/3	100	50	75	80
I-1 Industrial and I-2 Light Manufacturing	10,000	—	80	100	35/3	25	10 feet, plus 5 feet for each story in excess of 2 stories	25	50

## Section 4: Consistency with Other Plans

The following section provides an analysis regarding how the LARA relates to Municipal, County and State planning policies.

---

### **4.1 Relationship to Borough of Hawthorne Master Plan**

#### Land Use Plan

The Borough of Hawthorne adopted its first comprehensive mater plan in 1968. Since that time the Borough Planning Board has adopted Periodic Reexamination Reports on August 3, 1982, August 16, 1988, July 19, 1994, December 19, 2000, August 16, 2011 and most recently on July 19, 2022. The 2022 Periodic Reexamination Report (2022 Reexamination) included a Land Use Plan update with general objectives, goals and policy statements.

The 2022 Reexamination reaffirmed the objectives of the 2011 Reexamination Report and Land Use Element which included the following general objectives:

- To encourage municipal action to guide the appropriate use or development of all lands in the State, in a manner which will promote the public health, safety, morals and general welfare;
- To promote establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.
- To promote a desirable visual environment through creative development techniques and good civic design and arrangements;
- To encourage planned unit developments that incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development of the particular site.

The updated 2022 Land Use Plan, supplemented the above goals and objectives. The following are relevant to the B-1 Business classification:

- Goal: To maintain the land use patterns and characters of established residential neighborhoods as a priority and focus non-residential development in the Borough's downtown, existing nonresidential zones and along its commercial corridors in accordance with the prescribed zoning for those areas.

Policy: The Borough is a suburban residential community with fixed land use patterns that have evolved over the years. It is the plan's policy to protect existing residential areas from incompatible development, promote the enhancement of existing nonresidential areas and expand opportunities to develop and enhance areas dedicated to public use and enjoyment. This entails maintaining the density, scale, and character of existing residential zones, providing adequate buffers from other uses and limiting the intrusion of nonresidential and multifamily uses into those zones that are contrary to the Borough's Land Use Plan.

- Goal: To discourage drive-thru facilities.

Policy: With the exception of specialty niche drive-thru eateries related to coffee, drive-thru facilities for fast food restaurants, which are typically high volume operations, are deemed to be incompatible and destructive with the Borough's existing non-residential development pattern in its nonresidential zones and along major commercial thoroughfares that are in direct contrast to the Borough's intent to improve the pedestrian environment of its central commercial area and commercial corridors.

- Goal: To ensure that any new development minimizes impacts to surrounding uses and the community at large including consideration of traffic and safety, school-aged children, the environment, and natural resources, demands on public services and infrastructure, nuisances such as noise and glare, and visual compatibility.

Policy: Future growth and development of the community is desired but should not occur at the detriment of surrounding land uses. Development needs to be context sensitive to both the development site and surrounding community.

- Goal: To promote green building and sustainable development best practices and strategies in building and site design, materials and operation to preserve and protect natural resources, conserve energy, reduce water consumption, reuse and recycle materials, reduce carbon emissions and mitigate stormwater runoff that contributes to flooding.

Policy: It is incumbent upon the Borough to protect the environment and its natural resources and to secure these for future generations to come.

- Goal: To maintain and revitalize the commercial areas of the Borough as vibrant, walkable and attractively designed while encouraging mixed-use development, which serves as a gathering place for the community and provides a diversity of appropriate land uses to meet the needs of Borough residents with commercial, personal service and office uses and development that respects the Borough's suburban character and prescribed zoning with housing provided in accordance with the Borough's Land Use Plan and Housing Element and Fair Share Plan.

Policy: It is recognized that the Borough's commercial areas are aging, are struggling with growing vacancies and suffer from antiquated design that place them at a competitive disadvantage to other places outside the community. Redevelopment of the commercial core and corridors of the Borough are a priority for the community and will entail planning, redesign and investment to restore the downtown and commercial areas as competitive and vibrant commercial centers that serve the needs of the community and surrounding area.

- Goal: To support the implementation of the Hawthorne Gateway District Plan.

Policy: The goals and policies contained in the Hawthorne Gateway District Plan are incorporated by reference into this plan as if set forth verbatim and are further supported by the goals and policies enumerated above in this document.

The 2022 Reexamination and updated Land Use Plan update included revised mapping and land use designations that amended the previous master plan. The amended Land Use Element maintained the redevelopment area's neighborhood commercial classification without any changes. The updated Land

Use Plan defines B-1 zone as a "Neighborhood Commercial" land use with the following description:

*The neighborhood commercial land use category consists of small retail and service commercial establishments and professional office uses serving the local neighborhoods, consistent with the B-1 Neighborhood Commercial Zone in the Borough. These commercial areas are characterized by small lot developments with modest sized buildings that are readily accessible to surrounding neighborhoods. To encourage more mixed-use development, residential uses are encouraged above the ground floor commercial uses.*

The redevelopment plan promotes the neighborhood commercial land use designation for the redevelopment properties as recommended by the 2011 and 2022 Reexamination Reports and updated Land Use Plan by promoting mixed use residential and commercial development intended to revitalize the Borough's commercial core while creating opportunities for housing development that will increase and diversify the Borough's available housing stock and provide for affordable housing units through inclusionary development.

## **4.2: Relationship to the State Development and Redevelopment Plan & Strategic Plan**

### State Development and Redevelopment Plan

The State Development and Redevelopment Plan (SDRP), adopted on March 1, 2001, serves as a blueprint for future development and redevelopment on a statewide basis. The Plan's main objective is to guide future development and redevelopment to ensure the most efficient use of existing infrastructure systems, and to maintain the capacities of infrastructure, environment, natural resources, fiscal and economic and other systems. Generally, the Plan attempts to curb development in rural areas and in those parts of the State where development has only recently begun, encourage new development along transportation corridors, in older cities and in suburbs that have the necessary infrastructure to accommodate it, and concentrate development in rural areas around selected centers. While the Plan does not take power away from planning and zoning at the municipal level, the State will use the plan as a guide for decisions regarding funding for infrastructure improvements.

The Borough of Hawthorne and the LARA fall within the Metropolitan Planning Area (PA-1) category. Municipalities in the Metropolitan Planning Area have the following characteristics: they are predominantly developed with little available vacant land; have an aging infrastructure; they recognize that re-development will be the predominant form of growth and they understand that certain municipal services and systems need to be regionalized. The Plan recommends that there be both public and private investment/reinvestment in the Metropolitan Planning Area and that growth and redevelopment be promoted in these communities. The Plan encourages both development and redevelopment in order to take advantage of the benefits of areas within the Metropolitan Planning Area which have an existing development pattern, extensive public transportation system, and access to regional markets.

All New Jersey governments and agencies thereof, are encouraged to review their plans with the goal to bring them into consistency with the strategies, objectives and policies of the State Plan. The following is a summary of the major land use policy objectives for Metropolitan Planning Areas, which are as follows:

1. Land Use: Guide new development and redevelopment as to ensure efficient and beneficial utilization of scarce land while capitalizing on inherent public facility and service efficiencies created by the concentrated development patterns.

2. Housing: Preserve the existing housing stock through maintenance and rehabilitation and provide a variety of housing choices through development and redevelopment.
3. Economic Development: Promote economic development efforts such as infill and land assembly, public/private partnerships and infrastructure improvements.

Specifically, for the Metropolitan Area, the SDRP intends the PA-1 Area to:

***Metropolitan***

*Provide for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities.<sup>1</sup>*

There are three key provisions of the State Planning Act that are implemented by the SDRP as follows:

*The State Planning Act contains three key provisions that mandate the approaches the Plan must use in achieving State Planning Goals. The Plan must<sup>2</sup>:*

- *encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services or facilities and to discourage development where it may impair or destroy natural resources or environmental qualities;*
- *Reduce sprawl*
- *Promote development and redevelopment in a manner consistent with sound planning and where infrastructure can be provided at private expense or with reasonable expenditures of public funds (N.J.S.A. 52:18A-196, et seq.)*

The LARA is appropriately located within the PA-1 where development, as contemplated by the Redevelopment Plan, is encouraged by the SDRP. The site will promote redevelopment in a manner that is consistent with sound planning,

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<sup>1</sup> State Development and Redevelopment Plan (SDRP), Executive Summary p. 27.

<sup>2</sup> SDRP, Plan Document, p.24.

will utilize and improve existing infrastructure, does not impact natural resources or environmental qualities of the site or surrounding area and reduces sprawl by redeveloping an existing and obsolete commercial site as opposed to undeveloped, vacant land.

### State Strategic Plan

In October of 2011, the Draft State Strategic Plan (SSP) was released as an update to the current State Development and Redevelopment Plan (SDRP). The intent of the SSP is to increase focus on policies aimed to foster job growth, support effective regional planning, and preserve the State's critical resources. The four overarching goals that serve as the blueprint of the Plan are summarized as follows:

**Goal 1:** *Targeted Economic Growth. Enhance opportunities for attraction and growth of industries of statewide and regional importance;*

**Goal 2:** *Effective Planning for Vibrant Regions. Guide and inform regional planning so that each region of the State can experience appropriate growth according to the desires and assets of that region;*

**Goal 3:** *Preservation and Enhancement of Critical State Resources. Ensure that strategies for growth include preservation of the State's critical natural, agricultural, scenic, recreation, and historic resources.*

**Goal 4:** *Tactical Alignment of Government. Enable effective resource allocation, coordination, cooperation, and communication amongst governmental agencies on local, regional, and state levels.*

Unlike the existing SDRP, the SSP did not contain any mapping. Thus far in its draft form, the SSP appears to have a greater emphasis on the State's overall economic framework and provide information and goals for New Jersey's various industry clusters. However, the SSP has not yet been adopted by the State Planning Commission. The LARA is consistent with these goals by promoting the redevelopment of an obsolete commercial site that will revitalize a commercial corridor while also conserving natural resources through the redevelopment process.

### **4.3: Relationship to the Passaic County Master Plan**

Passaic County adopted a Master Plan in 1988, inclusive of a Land Use Plan and Housing Element. The Land Use Plan element addressed the following areas: Balanced Development, Concentrate Development and Conserve Critical Lands, Housing, Business and Industry and Facilities and Services. The Plan also included the land use plan map which includes the industrial areas that are consistent with the Borough of Hawthorne land use plan map. A review of the County development goals and policies reveals the redevelopment plan is generally consistent with the County's policies.

The County has subsequently adopted a series of master plan elements which include Transportation, Corridor Enhancement, Green Stormwater Infrastructure and Sustainability. The LARA is consistent with the general policies and recommendations of these elements as redevelopment of the area is expected to incorporate many of environmental enhancements called for by the County.

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### **4.4: Relationship Adjoining Municipal Master Plans**

The LARA is centrally located within the Borough and not adjacent to any municipal boundary. Consequently, it is anticipated that the redevelopment area will not impact the master plan of adjoining communities.

## Section 5: Redevelopment Plan Details

The redevelopment plan is intended to promote and permit the development of mixed-use residential and commercial space which would allow for both residential multifamily development and mixed-use ground level commercial development with residential units above.

The redevelopment plan identifies development regulations designed to enhance the use of the site for residential and mixed-use development with zoning and design requirements that promote the appropriate development within the redevelopment area.

These regulations shall serve as the redevelopment plan for the area, which shall be referred to as the **Lafayette Avenue Redevelopment Area** (LARA) encompassing Block 131, Lot 4 (inclusive of lots 5, 6 and 7) and Block 132, Lot 1 (inclusive of Lots 2-5, 7 and 8) as indicated in Figure 1 of this plan document. The purpose and intent of this district is to allow for mixed commercial and residential use development of the site in a manner that will return the property to productive use. This Redevelopment Plan shall supersede all use, area and bulk provisions of the Zoning Ordinance (Chapter 540) of the Borough of Hawthorne regulating development within the B-1 zone. In all situations, where development regulations are not specifically addressed herein, the Borough of Hawthorne Zoning Regulations shall remain in effect. Final adoption of this Redevelopment Plan by the Borough Council shall be considered an amendment of the Borough of Hawthorne Zoning Ordinance and Map.

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### 5.1: Plan Components

**Description of the Lafayette Avenue Redevelopment Area.** The Lafayette Avenue Redevelopment Area also referred to as the LARA District shall include the following parcels within two sub-areas:

Sub-area 1 consisting of Block 131, Lot 4 (inclusive of merged lots 5-7); and  
Sub-area 2 consisting of Block 132, Lot 1 (inclusive of merged lots 2-5, 7 and 8).

**5.2: Plan Goals.** The primary goal of this Redevelopment Area is to permit both multifamily residential and mixed use commercial and residential development. The Plan also seeks to promote the environmental remediation of the site to the extent required resulting from the prior automotive use of the properties and to encourage redevelopment that will incorporate current planning, engineering and environmental design standards designed to provide for an attractive and environmentally responsible development. Specific plan goals are to:

- (1) Expand the Borough's economic base by providing for mixed use residential and commercial space and returning otherwise underutilized and obsolete properties back to productive use.
- (2) Provide for inclusionary residential development that will expand the Borough's housing stock including housing units affordable to low- and moderate-income families in a manner that is consistent with the Supreme Court's Mount Laurel Doctrine.
- (3) Encourage the efficient use of land by incorporating development and design regulations that are compatible with current planning, engineering and environmental standards.
- (4) Create a high-quality built environment enhanced by compatible building form and urban design to promote a walkable and vibrant neighborhood.
- (5) Promote redevelopment of the properties that respects and is sensitive to the environment and surrounding neighborhood.

**5.3: Purpose.** The purpose of the LARA District is to permit inclusionary residential multifamily development within Sub-area 1 and mixed-use commercial development consisting of ground floor commercial development and residential development above within Sub-area 2 to effectuate the goals and objectives of this redevelopment plan.

**5.4: Principal permitted uses.**

Permitted principal uses are hereby specified for each tract and shall be limited to the following. Any use other than those enumerated below shall be prohibited:

- A. Sub-area One Permitted uses: Multifamily residential development not to exceed sixteen (16) units.

Sub-area Two Permitted Uses:

- (1) Mixed-use commercial development with residential uses above not to exceed forty (40) residential units. Ground level commercial uses shall be limited to those uses permitted within the B-1 Neighborhood Commercial Zone.
- (2) Multiple Uses and buildings on one lot is permitted.

**5.5: Permitted accessory uses for both Sub-areas.**

- (1) Any use which is ordinarily subordinate and customarily incidental to the principal permitted uses in the LARA.
- (2) Surface parking.
- (3) Signs as permitted by ordinance.
- (4) Fences and walls as permitted by ordinance.
- (5) Amenity space intended for tenant use.

**5.6: Development Requirements**

A. Sub-area 1: Area and Bulk Requirements

- (1) Lot area, external yard and bulk requirements.

- (a) Minimum lot area (acres): 0.5
- (b) Minimum distance between buildings (feet): NA
- (c) Minimum setbacks (feet):
  - Front Yard: 10
  - Side Yard: 10
  - Rear Yard: 25
- (d) Maximum number of stories and building height (stories/feet): 3/35
- (e) Maximum lot coverage inclusive of building and pavement (percent): 80

- (2) Determination of yards. The determination of yards shall be based upon the following for corner lots:

- (a) Where a lot is bounded by more than one (1) street, the minimum front yard setback requirement from each abutting street shall be met. The actual front yard of a corner lot shall be defined as the

widest side serving the front of the property, provided that the minimum required front yard setback is observed from each abutting street.

- (b) Once determined, the front yard shall be so designated clearly on the site plan.
- (c) Said designation shall not be changed in any future development application.
- (d) The yard opposite and most distant from the front yard so designated shall be deemed to be the rear yard in any future application for development.
- (e) Any yard(s) other than front or rear yards shall be deemed to be a side yard.
- (f) Eaves up to two (2) feet, rainwater leaders, window wells and other such fixtures, bay windows up to two (2) feet deep and ten (10) feet wide and open steps with a maximum dimension of four (4) feet shall be permitted on the side wall of the house that faces the side street. Stoops, steps, terraces, chimneys and/or balconies, located on the side wall of the house, extending not more than thirty-six (36) inches into the required front yard along the side street shall not be construed as part of the building unless said projections are roofed.

**B. Sub-area 2: Area and Bulk Requirements**

(1) Lot area, external yard and bulk requirements.

- (a) Minimum lot area (acres): 1.5
- (b) Minimum distance between buildings (feet): 10
- (c) Minimum setbacks (feet):
  - Front Yard: 10
  - Side Yard: 10

Rear Yard: 25

(d) Maximum number of stories and building height (stories/feet): 3/35

(e) Maximum lot coverage inclusive of building and pavement (percent): 80

(2) Determination of yards. The determination of yards shall be based upon the following for corner lots:

(a) Where a lot is bounded by more than one (1) street, the minimum front yard setback requirement from each abutting street shall be met. The actual front yard of a corner lot shall be defined as the widest side serving the front of the property, provided that the minimum required front yard setback is observed from each abutting street.

(b) Once determined, the front yard shall be so designated clearly on the site plan.

(c) Said designation shall not be changed in any future development application.

(d) The yard opposite and most distant from the front yard so designated shall be deemed to be the rear yard in any future application for development.

(e) Any yard(s) other than front or rear yards shall be deemed to be a side yard.

(f) Eaves up to two (2) feet, rainwater leaders, window wells and other such fixtures, bay windows up to two (2) feet deep and ten (10) feet wide and open steps with a maximum dimension of four (4) feet shall be permitted on the side wall of the house that faces the side street. Stoops, steps, terraces, chimneys and/or balconies, located on the side wall of the house, extending not more than thirty-six (36) inches into the required front yard along the side street shall not be construed as part of the building unless said projections are roofed.

### **5.7: Parking Requirements**

Parking shall be provided in compliance with §540-173 of the Borough Zoning Ordinance.

### **5.8: Loading Requirements**

- (1) Minimum loading space requirements shall be provided in compliance §540-174 of the Borough Zoning Ordinance.
- (2) Loading restrictions. Trucks and other delivery and shipping vehicles shall not be parked in loading spaces except during the course of loading and unloading operations.
- (3) Provision shall be made for the delivery of mail and other packages associated with the residential component of any development.

### **5.9: Required Buffers**

A planted landscaped perimeter buffer shall be provided subject to the following standards in addition to landscaping requirements as set forth herein as follows:

- (1) No less than a 25-foot planted buffer shall be maintained along any portion of the property that abuts a residential zone or residential property.
- (2) No accessory structures, parking, or storage of materials shall be permitted within the required buffer. Circulation drives and underground infrastructure are permitted within all required buffers except that not more than 10% of the required buffer shall be affected. All underground utilities are permitted within required buffer areas.
- (3) Buffer Areas. Buffers shall comply with the following standards:
  - (a) Buffer planting shall provide year-round visual screen in order to minimize adverse impacts from a site on an adjacent property or from adjacent areas. It may consist of evergreen and deciduous trees and shrubs, berms, boulders, mounds, or combinations thereof to achieve the stated objectives as approved by the appropriate land use board. While fencing may be installed to

delineate the property line, the use of fencing or walls shall not be relied upon as the primary source of screening.

(b) Where required, buffers shall be measured from property lines and street rights-of-way. Compliance shall be determined by the Planning Board, and any approvals required pursuant to this Section shall be obtained at the time of site plan. Buffer areas may overlap required setbacks.

(c) The landscaping shall be designed to provide a visual screen along the majority of the buffer area. Planting shall be installed at a variety of sizes which conform to the following minimum sizes:

Shade Trees	2 ½-3-inch caliper
Evergreen Trees	7-8 feet
Shrubs	18-24 inches

(d) Existing vegetation within the required transition buffer shall be preserved to the extent feasible and as determined appropriate by the Planning Board. It shall be supplemented with shade tolerant naturalistic massed plantings where necessary to provide screening of adjoining land uses.

(e) Buffer areas shall be maintained in perpetuity.

### **5.10: Solid Waste and Recycling**

Provision shall be made for the orderly deposit, storage and collection of trash, garbage and recyclable materials in accordance with the requirements below:

(1) Trash, garbage and recyclable materials stored outside a building shall be stored in suitable containers and in fenced or walled enclosures. Said enclosures may adjoin the rear wall of a building, may adjoin a side wall of a building which does not face on either a street or a residential district or may be located in the rear yard and apart from the building, provided that the setbacks for parking areas are met. Said enclosures shall be screened from view from any adjoining street or property when deemed necessary by the Planning Board.

- (2) The area for storage of trash, garbage and recyclable materials shall be well lit, and shall be safely and easily accessible by collection personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles.
- (3) Any trash, garbage and recyclable materials shall be so contained as to be protected from the elements and to eliminate the potential for accumulation or scattering of debris. Garbage of an animal or vegetable nature, any trash or waste material that would attract vermin and insects and any other waste material which, by its nature, would present a health hazard if exposed to the elements shall be stored in airtight and/or leakproof, covered metal containers as may be necessary.

### **5.11: Signage**

Signage shall be in accordance with the relevant sections of Article XIX of the Borough Zoning Ordinance.

### **5.12: Utilities**

- (1) Utilities services shall be placed underground.
- (2) Meters shall be located such that they are either interior to the building or otherwise screened.
- (3) To the extent feasible, transformers, metering vaults and other similar type appurtenances shall be integrated into the site design and located so as to reduce their visibility from the public.

### **5.13: Design Standards**

Development within the LARA shall be subject to the following design standards. Relief from any required site design standard under this section shall be considered a design standard exception pursuant to N.J.S.A. 40:55D-51 (b) and not a variance.

#### **A. Architectural Design Standards**

- (1) Building Façade Standards.
  - (a) Permitted Foundation Materials: Brick masonry, stone masonry, cement-parged concrete block, split face block, tilt-up concrete.
  - (b) Permitted Façade Materials: Brick masonry, stone masonry, stucco, metal panels.
  - (c) Permitted Façade Accent Materials: Cast stone, wood, fiber-cement trim, siding, and panels, composite trim, siding, and panels, architectural metal
- (2) Building Articulation. Articulation requirements shall be met in one or more of the following methods:
  - (a) Facade offset with a minimum depth of 2 feet that extends to within 2 feet of the full height of the facade.
  - (b) Facade projection or recession with a minimum depth of 4 inches and a minimum width of 1 foot that extends the full height of the first story of the facade.
  - (c) Buildings shall have simple massing and details in order to clearly distinguish the main body of the building and the primary pedestrian entry.
  - (d) Building facades shall be built of no more than two primary materials, excluding accent materials, and shall only change material along a horizontal line (with the heavier material below the lighter material), outside corners (where material wraps the corner a minimum of 2 feet), or inside corners.
  - (e) The following materials are prohibited:
    - I. E.I.F.S.
    - II. Vinyl siding
  - (f) Materials, other than masonry, shall be painted, stained, or have a

factory-applied finish.

## B. Landscaping

- (1) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts and provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. The impact of any proposed landscaping plan at various time intervals shall be considered. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity; root pattern, maintenance requirements, etc., shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.
- (2) Parking rows longer than 20 parking spaces should provide for a landscape island to break the pavement where practical and feasible.
- (3) Landscaped islands should be at least six feet in width to accommodate plantings.
- (4) Landscaping within sight triangles shall not exceed a mature height of 30 inches.
- (5) Shade trees shall be pruned up to an 8-foot branching height above grade.
- (6) All areas that are not improved with buildings, structures and other man-made improvements shall be landscaped with trees, shrubs, and ground cover.

- (7) Shade trees should be a 2.5 to 3-inch caliper with a canopy height of at least the minimum American Nursery and Landscape Association Standards for this caliper.
- (8) Ornamental Trees shall be installed at a minimum size of 6 feet in height.
- (9) Shrubs shall be planted at a minimum size of 18 to 24 inches.
- (10) All plant material shall meet the minimum latest American Nursery and Landscape Association Standards.
- (11) Irrigation shall be provided for all buffer plantings and sodded lawn areas in a manner appropriate for the specific plant species. A growth guarantee of two growing seasons shall be provided and all dead or dying plants shall be replaced by the applicant, as required, to maintain the integrity of the site plan.
- (12) Landscape Plantings. A minimum of 30 percent of the plantings proposed shall be indigenous to the region. Plants considered to be invasive shall not be permitted.
- (13) Landscape Plan Content. A landscape plan shall be submitted with each major site plan or major subdivision application. In addition to the major site plan or subdivision submission requirements, the landscape plan shall include and identify the following information:
  - (a) Existing and proposed underground and above ground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc. existing wooded areas, rock outcroppings and existing and proposed water bodies.
  - (b) Location of individual existing trees noted for preservation within the area of development and 30 feet beyond the limit of the disturbance. Trees 4 inches in diameter (measured 4 1/2 feet above the existing ground level) shall be located and identified by name and diameter unless the wooded area is shown with a specific limit line. In this case, specimen trees shall be located within thirty feet of the line. Indicate all existing vegetation to be saved or removed.

- (c) Existing and proposed topography and location of all landscaped berms.
- (d) Location, species and sizes of all proposed shade trees, ornamental trees, evergreen trees and shrubs and areas for lawns or any other ground cover. Different graphic symbols shall be used to show the location and spacing of shade trees, ornamental trees, evergreen trees, shrubs and ground cover. The size of the symbol must be representative of the size of the plant shown to scale.
- (e) A plant schedule indicating botanical name, common name, size at time of planting (caliper, height and spread), quantity, root condition and any special remarks (spacing, substitutions, etc.) for all plant material proposed. Plants within the plant schedule shall be keyed to the landscape plan utilizing the first letter of the botanical plant name.
- (f) Planting and construction details and specifications.

### C. Lighting

- (1) All lighting fixtures and foot-candle standards for parking areas and recreation facilities should be consistent with the standards outlined by the Illuminating Engineering Society of North America (IESNA) and regulations of the Borough of Hawthorne.
- (2) The intensity, shielding, direction and reflecting of lighting shall be subject to site plan approval by the approving authority.
- (3) All parking areas, walkways, building entrances, and driveways required for uses in this zone shall be adequately illuminated during the hours of operation that occur after sunset. Any adjacent residential zone or use shall be shielded from the glare of illumination from site lighting and automobile headlights.
- (4) The use of creative lighting schemes to highlight building facades and related areas of a site shall be encouraged. The use of traditional style

lanterns and similar fixtures shall also be encouraged. Exterior neon lights and lighting generating glare and unnecessary night-glow impacts shall be prohibited.

- (5) Whenever possible, light poles should be integrated into landscaped islands.

#### D. Green infrastructure

- (1) All development shall be in accordance with the regulations set forth in the Borough's Zoning Ordinance Articles X and Article XI relating to Environmentally Sensitive Areas and Stormwater Management. Site design is encouraged to incorporate green design elements to achieve the following goals: reduce stormwater volume, minimize impervious coverage, decrease and delay peak discharge, reduce pollution and recharge groundwater.
- (2) Various design elements may be incorporated into site design with the following specifically low impact development techniques encouraged: rain gardens, bio-infiltration planters, infiltration basins, vegetated swales and pervious paving.

### **5.14: Administration**

1. Applicability. The standards and procedures contained herein within Administration, shall apply to all projects within the designated redevelopment area.
2. Computations. Rounding: Where cumulative requirements or limitations are to be computed for purposes of this Plan, fractions shall be carried forward in the summation, and the total rounded to the nearest whole number.
3. Other Actions by the Borough in Furtherance of the Plan. Other actions may be taken by the Borough to further the goals of the Plan. These actions may include, but shall not be limited to, provisions for public infrastructure necessary to service new development and vacation of public utility easements and other easements and rights-of-way as may be necessary for development. Unless otherwise agreed to by the

Designated Developer and the Borough as part of a Redevelopment Agreement, the costs for such actions shall be apportioned in accordance with N.J.S.A. 40:55D-42.

4. Approval process.

- a) No development shall occur within the designated redevelopment area without the developer first being designated redevelopment developer by the Borough Governing Body.
- b) Upon designation of a developer, the developer shall enter into a Redevelopment Agreement with the Borough. Only a Designated Developer(s) with an executed Redevelopment Agreement with the Borough shall have standing to submit application to the Borough Planning Board for development. No development nor application for development may occur within the Redevelopment Area without an executed Redevelopment Agreement. As part of the redevelopment agreement, the Designated Developer shall indicate whether the proposed redevelopment project is intended for rental or subdivision of units for individual sale. In the event of any future or subsequent intention to subdivide units for sale from an initial rental project, the redeveloper shall submit all related documentation to the Borough for review prior to the subdivision of units.
- c) The redeveloper shall conduct an environmental analysis of the site to determine if environmental remediation is required as a result of the prior use of the property. Such analysis shall be provided to the Borough as part of the redevelopment agreement. If applicable, the designated redeveloper shall provide the Borough with a comprehensive site remediation plan including timetable demonstrating, to the Borough's satisfaction, that the site is to be remediated and existing environmental conditions are abated in a manner that complies with applicable State statutes and NJDEP requirements.
- d) Green technologies to promote sustainability are to be encouraged as part of the redevelopment agreement.

- e) Upon the execution of a Redevelopment Agreement with the Borough, an application shall be made to the Borough Planning Board for Site Plan approval in accordance with the Redevelopment Plan.
- f) Site Plan and Subdivision Review. Prior to commencement of construction, site plans for the construction of improvements within the Redevelopment Area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) and consistent with the applicable attachments to the Redevelopment Agreement, shall be submitted by the Designated Developer for review and approval by the Borough Planning Board. If there is a material change to the attachments to the Redevelopment Agreement, such material changes must be approved by the Council as a prerequisite to site plan approval.
- g) A detailed traffic analysis shall be prepared and submitted by a qualified New Jersey licensed engineer whose primary practice is in the area of traffic engineering as a requirement for any site plan application filed in connection to any redevelopment project pursuant to d) above. The traffic analysis will detail traffic generation and any required improvements to the public right of way as a result of proposed development.
- h) Excepting de minimis field changes to an approved site plan approved by the Borough Construction Code Official, no construction or alteration to existing or proposed buildings shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during, and after completion of the improvements.
- i) The Designated Developer shall be required to provide the Borough with copies of all permit applications made to federal, state and county agencies upon filing such applications, as may be required by the Redevelopment Agreement to be executed between the Redeveloper(s) and the Borough.

- j) Deviations. The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason for exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective, or regulation adopted pursuant to this Redevelopment Plan would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Redevelopment Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in NJSA 40:55D-12. a. and b.
- k) Notwithstanding the above, any changes to the uses permitted in the LARA, or any other deviation requiring a "d" variance shall be permitted only by means of an amendment of the Redevelopment Plan by the Governing Body.
- l) Redevelopment Actions. The Borough shall have such powers and duties as set forth in the LRHL and as may be conferred by this Redevelopment Plan, including, but not limited to, the authority to relocate residents and businesses, to designate Redevelopers, establish clear terms and conditions for rehabilitation through the negotiation, execution, and administration of redevelopment agreements, and to do such other things as permitted by law.
- m) Escrows. The Redevelopment Agreement shall provide that the Designated Developer shall be responsible to post sufficient escrows to cover the reasonable costs of the Borough and the professional

consultants retained by the Borough to negotiate the Redevelopment Agreement, any other agreements associated with the project, undertake any studies in connection with the project, review the proposed project and advise the Borough on any and all aspects of the redevelopment process and as otherwise set forth in the Redevelopment Agreement.

- n) Infrastructure. In accordance with N.J.S.A. 40:55D-42 or as may otherwise be required by the Borough and agreed to by the Redeveloper in the Redevelopment Agreement, the Redeveloper shall, at Redeveloper's cost and expense, provide all necessary engineering studies for, and construct or install all on-and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection with traffic control measures, water service, sanitary sewer service, stormwater management, and flood mitigation measures to the project, in addition to all required tie-in or connection fees subject to appropriate credits as required by law. In accordance with N.J.S.A. 40:55D-42, or as may otherwise be required by the Borough and agreed to by the Redeveloper in the Redevelopment Agreement, the Redeveloper shall, at Redeveloper's cost and expense, also be responsible for providing all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on-and off-site traffic controls and road improvements for the project or required due to the impacts of the project. The Redeveloper shall be required to receive all necessary approvals for infrastructure, including at the County and State level as applicable.
  
- o) This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law and a request for same may be submitted to the Borough Council. The Borough of Hawthorne reserves the right to amend this plan. The Redeveloper shall remit an escrow for professional fees if it requests a Plan amendment, while the Borough shall bear its own professional fees if the Plan amendment request originates from the Borough or an agency of the Borough. The Borough, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a

professional planner licensed in the State of New Jersey and other additional professionals.

- p) The provisions of this Redevelopment Plan specifying the redevelopment of the LARA and the requirements and restriction with respect thereto shall be in effect for a period of fifty (50) years from the date of adoption of this Redevelopment Plan by the Borough Council.
- q) Certificate of Completion. Upon completion of a project, the developer shall submit for a Certificate of Completion.

**5.15: Other Applicable Design and Performance Requirements.** Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Borough Zoning Ordinance to the extent that they do not conflict with the plan itself. In the event of a regulatory conflict, the provisions of the Redevelopment Plan shall apply.

# Resolution Designating Pan Chemical as an Area Of Redevelopment With Investigation Study



# BOROUGH OF HAWTHORNE

County of Passaic  
State of New Jersey



**RESOLUTION NO. 98-25**

Resolution, Introduced by Council Person Bennett Date: June 4, 2025

**DESIGNATION OF 1 WASHINGTON AVENUE AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT**

**WHEREAS**, the Municipal Council of the Borough of Hawthorne, acting in conformity with the provisions of N.J.S. 40A: 12A-1 *et seq.*, the Local Redevelopment and Housing Law, adopted a resolution on November 13, 2023, authorizing the Planning Board of the Borough of Hawthorne (the Board), to conduct a preliminary investigation to determine if an area, identified as Block 28.01, Lot 1, formerly owned and occupied by Pan Chemical Corporation, constitutes an “area in need of redevelopment without condemnation” as defined under the New Jersey Local Redevelopment and Housing Law (LRHL); and

**WHEREAS**, the Council, at such time, authorized its Planner, Burgis Associates, to prepare an Investigative Report for use by the Board in making such determination; and

**WHEREAS**, Burgis Associates prepared a report dated May 15, 2025 entitled, “Investigation Study – Pan Chemical Site, Block 28.01, Lot 1, 1 Washington Avenue, Borough of Hawthorne, Passaic County, New Jersey,” (the Study) wherein an investigation analysis was presented recommending that the subject study area of the investigation be declared an “an area in need of redevelopment without condemnation” pursuant to the LRHL; and

**WHEREAS**, the Study was subsequently referred to the Board which held a public hearing on June 3, 2025, upon which public hearing notice was given pursuant to the LRHL, on whether the area should be recommended as an “area in need of redevelopment without condemnation;” and

**WHEREAS**, the Board, based upon the contents of the Study, together with the commentary offered by members of the public at the public hearing held on June 3, 2025, concluded that the study area, to wit, that tract designated as Block 28.01. Lot 1, warranted designation as an “area in need of redevelopment without condemnation.”

**NOW THEREFORE BE IT RESOLVED** that the Municipal Council of the Borough of Hawthorne accepts the recommendation of the Board and does hereby declare that Block 28.01, Lot 1, 1 Washington Avenue, be designated as an “area in need of redevelopment without condemnation;” and

**BE IT FURTHER RESOLVED**, that the Borough Planning Consultants, Burgis Associates, 25 Westwood Avenue, Westwood, New Jersey 07675 is hereby directed to prepare a redevelopment plan for the redevelopment area as identified herein.

I, Lori Fernandez, Borough Clerk of the Borough of Hawthorne, County of Passaic State of New Jersey, do hereby certify this copy of R98-25 to be a true copy as adopted by the Municipal Council on June 4, 2025

Frank E. Matthews, RMC, CMC, Borough Clerk  
Frank E. Matthews, Council President

Lori Fernandez, RMC, CMC, Borough Clerk  
Lori Fernandez, RMC, CMC, Borough Clerk

Name	Motion	Second	Yes	No	Abstain	Absent
Bennett	✓		✓			
Laiosa		✓	✓			
Matthews			✓			
Mele				✓		
Sasso				✓		
Sciarra			✓			
Wojtecki			✓			

Factual Content Certified by \_\_\_\_\_ Approved as to form and legality on basis of facts set forth \_\_\_\_\_

Name / Title \_\_\_\_\_ Borough Attorney \_\_\_\_\_ Date \_\_\_\_\_

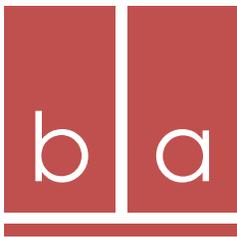


# Pan Chemical Site 1 Washington Avenue; Block 28.01, Lot 1

## Area in Need of Redevelopment Investigation

Dated: May 15, 2025

Borough of Hawthorne, | Passaic County, New Jersey



Community Planning  
Land Development and Design  
Landscape Architecture

B U R G I S  
A S S O C I A T E S , I N C .

**Principals:**

*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*  
*David Novak PP, AICP*

# 1 Washington Avenue Area in Need of Redevelopment Study

Borough of Hawthorne  
Passaic County, New Jersey

Prepared for the Borough of Hawthorne  
BA# 4002.04

The original document was appropriately signed and sealed on May 15, 2025, in accordance with Chapter 41 of Title 13 of the State Board of Professional Plan

John P. Szabo, Jr. AICP, PP  
Professional Planner #3445

Members of the Borough of Hawthorne Planning Board

Robert Lucibello, Chairman  
Tiffany Della Croce, Vice Chairman  
John V. Lane, Mayor  
Frank E. Matthews, Council Representative  
Brian Lane  
Christopher J. DiBella  
Mary Lou DiMattia  
Robert Meier  
Robert Verrengia (Alternate 1)

Planning Board Secretary/Board Administrator

Janice Patmos

Planning Board Attorney

Sophy Sedarat, Esq.

Board Engineer

John G. Yakimik, PE  
Boswell Engineering

Borough Planning Consultant

John P. Szabo, Jr., PP, AICP  
Burgis Associates, Inc.

Table of Contents

*Introduction* ..... 1

*Section 1: LRHL Background*.....3

    1.1: Redevelopment Process ..... 4

    1.2: Statutory Criteria..... 6

*Section 2: Study Area* .....9

    2.1: Study Area Overview..... 9

    2.2: Surrounding Land Uses..... 11

    2.3: Site Specific Information ..... 11

*Section 3: Existing Zoning*..... 13

    3.1: I-1 Industrial Zoning ..... 13

    3.2: I-1 Zone Area and Bulk Standards..... 14

*Section 4: Compliance with the Statutory Criteria* ..... 15

*Section 5: Planning Conclusions and Recommendation* ..... 17

*Appendix*..... 19

## Introduction

By resolution #167-23 adopted on November 1, 2023, the Governing Body authorized the Planning Board to conduct a preliminary investigation to determine if property located at 1 Washington Avenue (hereinafter referred to as the "Study Area") further identified as Block 28.01, Lot 1 by Borough tax assessment records, qualified as an "Area in Need of Redevelopment" pursuant to the New Jersey Local Redevelopment and Housing Law (LRHL) subject to the criteria contained in N.J.S.A. 40A:12A-5. The resolution further stipulated that the investigation of the Study Area be undertaken as a "non-condemnation" study. Consequently, should the Study Area be determined to qualify as an Area in Need of Redevelopment pursuant to the LRHL, it shall be designated a "Non-Condensation Redevelopment Area." Such a designation would authorize the Borough to use all those powers provided by the Legislature for use in a redevelopment area, excluding eminent domain.

Accordingly, the following study examines whether the Study Area qualifies as an Area in Need of Redevelopment pursuant to the requirements and criteria set forth by the LRHL. It is based upon an examination of the Study Area's existing development; site inspections; an assessment of the surrounding development pattern; a review of the Borough's applicable zoning requirements; and an evaluation of the statutory "Area in Need of Redevelopment" criteria.

Ultimately, this study finds that Study Area displays characteristics that satisfy the statutory criteria and consequently justify its designation as a Non-Condensation Redevelopment Area.

This Area in Need of Redevelopment Study is divided into the following sections:

❖ Section 1: LRHL Background

The first section discusses the background of the LRHL as well as the redevelopment process and the statutory criteria for determining whether a site qualifies as an Area in Need of Redevelopment.

❖ Section 2: Study Area Characteristics

The next section provides an overview of the Study Area. It includes an analysis of the Study Area's physical characteristics and its relationship to existing land uses.

❖ Section 3: Existing Zoning

Section 3 discusses the existing zoning of the Study Area and how it relates to the Borough's current zoning requirements.

❖ Section 4: Compliance with the Statutory Criteria

The penultimate section analyzes the Study Area's compliance with the LRHL statutory criteria.

❖ Section 5: Planning Conclusions and Recommendations

Finally, Section 6 offers the study's planning conclusions and recommendations.

## Section 1: LRHL Background

In 1992, the New Jersey Legislature enacted a new statute which revised and consolidated the State's various redevelopment statutes. Known as the Local Redevelopment and Housing Law (LRHL), this new statute rescinded a number of prior redevelopment statutes and replaced them with a single comprehensive statute governing local redevelopment activities throughout the State. Ultimately, the LRHL was designed by the State Legislature to assist municipalities in the process of redevelopment and rehabilitation. As explained by the Legislature in the preamble to the LRHL:

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*"There exist, have existed and persist in various communities of this State conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper development which result from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort."*

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The LRHL provides the statutory authority for municipalities to engage in a number of redevelopment activities, including designating an "Area in Need of Redevelopment"; preparing and adopting redevelopment plans; and implementing redevelopment projects. Essentially, the LRHL is a planning and financing tool that allows an area to be overlain with specific zoning and other incentives to stimulate its redevelopment or rehabilitation. More specifically, a redevelopment designation allows a municipality at its discretion to:

1. Adopt a redevelopment plan that will identify the manner in which an area will be developed, including its use and intensity of use;
2. Issue bonds for the purpose of redevelopment;
3. Acquire property through eminent domain;
4. Lease or convey property without having to go through the public bidding process;
5. Collect revenue from a selected developer; and/or
6. Grant tax exemptions and abatements.

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## 1.1: Redevelopment Process

As outlined by the LRHL, the first step of the redevelopment process is for the governing body to direct the planning board to undertake a preliminary investigation to determine whether or not an area is in need of redevelopment

As required by recent amendments to the LRHL, the governing body must also indicate whether it is seeking to designate the area as a “Non-Condensation Redevelopment Area” or a “Condensation Redevelopment Area.” Pursuant to the resolution adopted on February 15, 2023, the Governing Body has initiated this process as a “Non-Condensation” Study Area (see Appendix A).

An area qualifies as being in need of redevelopment if it meets at least one (1) of the eight (8) statutory criteria listed under Section 5 of the LRHL. These criteria, which are described in detail later in this section, are the same regardless of whether a governing body seeks to designate a study area as a “Non-Condensation Redevelopment Area” or a “Condensation Redevelopment Area.”

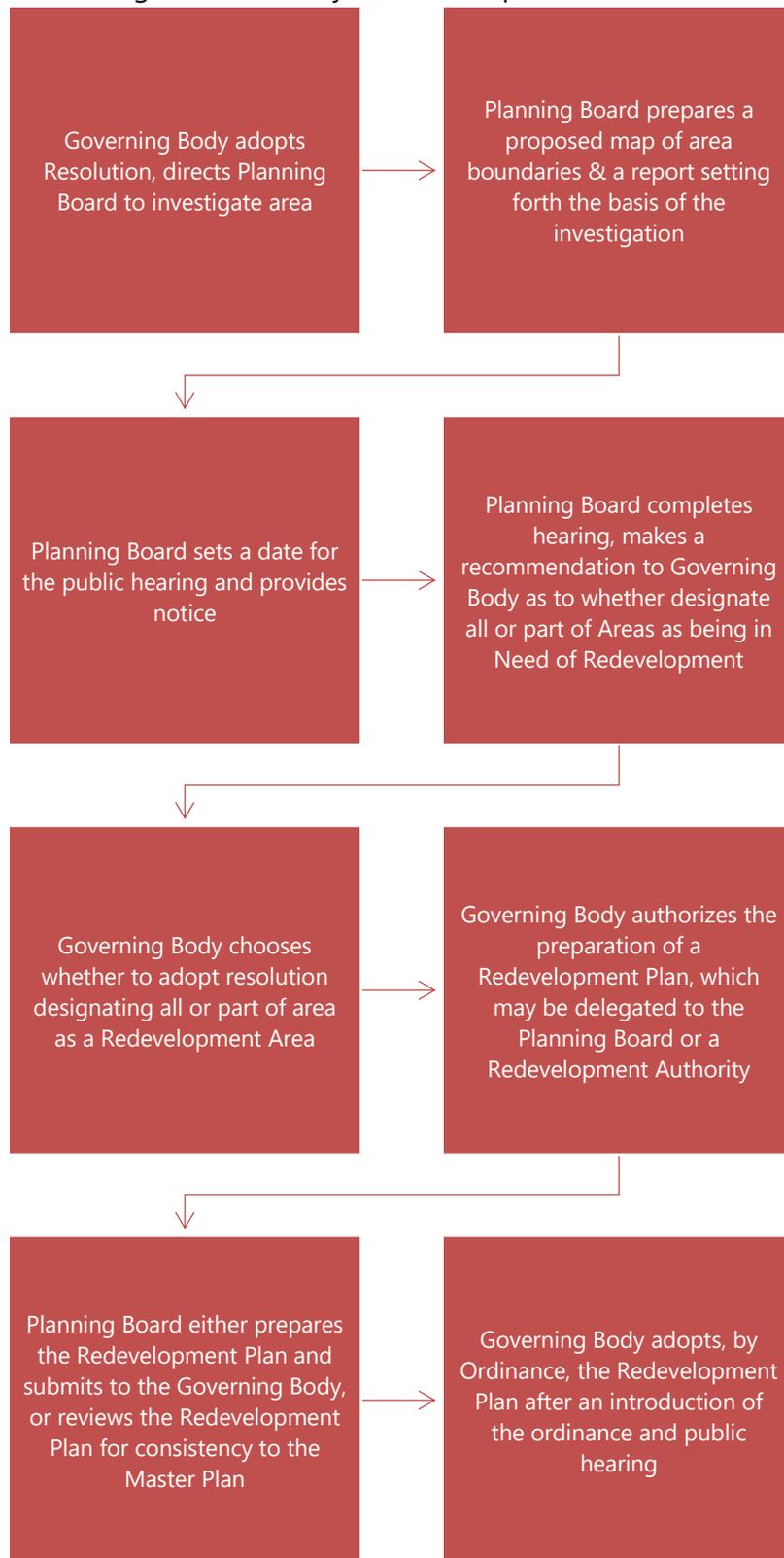
The statute also specifically establishes that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety, or welfare, provided that the inclusion of those lands is necessary for the effective redevelopment of the area.

After it conducts its investigation, the planning board must hold a public hearing on the proposed redevelopment area designation. Based on the planning board’s recommendation, the governing body may designate all or a portion of the area as an “Area in Need of Redevelopment.” The governing body will then prepare a redevelopment plan for the area, or alternatively will direct the planning board to prepare such a plan.

Following the adoption of the redevelopment plan, the governing body or another public agency/authority designated by the governing body as the “redevelopment entity” will oversee the implementation of the redevelopment plan. This redevelopment entity is responsible for selecting a redeveloper to undertake the redevelopment project which implements the plan.

In summary, the LRHL essentially establishes a two-fold process in which a site is designated as an Area of Need of Redevelopment (Step 1), and a plan is prepared based on that designation (Step 2). The accompanying figure provides a summary of this process, beginning with the adoption of a resolution by the governing body to the preparation and adoption of a redevelopment plan.

Figure 1: Summary of Redevelopment Process



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## 1.2: Statutory Criteria

The LRHL establishes eight (8) statutory criteria to determine if an area qualifies as being in need of redevelopment. The statute provides that a delineated area may be determined to be in need of redevelopment if “after investigation, notice and hearing...the governing body of the municipality by resolution concludes that within the delineated area” any one of the eight (8) criteria are present.

The criteria area as follows:

- |  |   |
|--|---|
| 1. The “a” Criterion:<br>Deterioration                                 | The generality of buildings is substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.   |
| 2. The “b” Criterion:<br>Abandoned Commercial and Industrial Buildings | The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.   |
| 3. The “c” Criterion:<br>Public and Vacant Land                        | Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital. |

- 
4. The "d" Criterion: Obsolete Layout and Design Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
5. The "e" Criterion: Property Ownership and Title Issues A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- 
6. The "f" Criterion: Fire and Natural Disasters Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- 
7. The "g" Criterion: Urban Enterprise Zones In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zone Act," the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment
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8. **The “h” Criterion: Smart Growth Consistency**      The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

In regard to the “h” criterion, there are ten (10) principles of smart growth. These principles are established as follows:

1. Mix of land uses
2. Take advantage of compact design
3. Create a range of housing opportunities and choice
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Direct development toward existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

In addition to the above criteria, the LRHL permits the inclusion of land which may not meet the above criteria, but which otherwise is necessary for redevelopment. Section 3 of the LRHL, “redevelopment area” provides for the following:

*“A redevelopment area may include lands, buildings, or improvements, which of themselves are not detrimental to the public health, safety, or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part” (N.J.S.A. 40A:12-3).”*

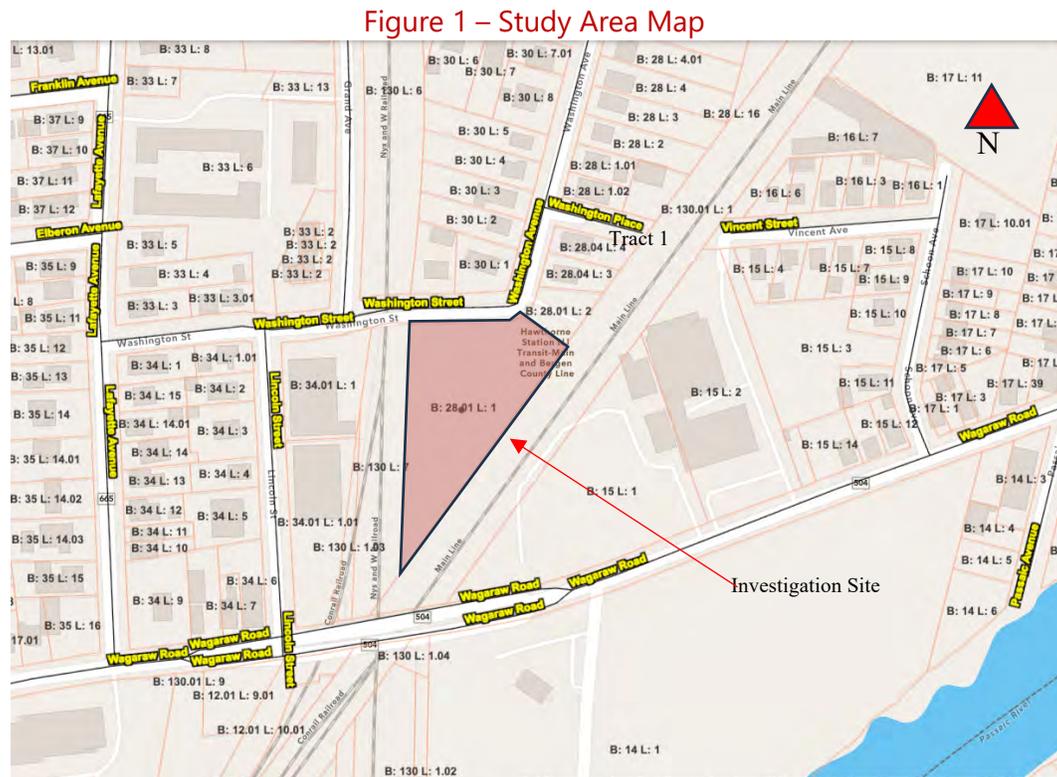
## Section 2: Study Area

The following section provides a general overview of the Study Area, including an analysis of existing site conditions, ownership and property tax records, and surrounding development pattern.

### 2.1: Study Area Overview

The Study Area is the former Pan Chemical site comprised of a single parcel of land located within the south-east portion of the Borough on Washington Avenue that abuts the NJ Transit Main Line near its intersection with Wagaraw Road. Figure 1 below identifies the Study Area within the context of the immediate neighborhood.

The property is identified as Block 28.01, Lot 1 by Borough Tax Assessment records and is a triangular shaped parcel with a total tract area of 1.47 acres. The property is the abandoned site of the former Pan Chemical site which has a long standing history with the Borough.



Source: NJ-GeoWeb

<https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=02251e521d97454aabadf8cf168e44d>

Prior to 1999, Pan Chemical had occupied the property for fifty-five years for the purpose manufacturing industrial coatings, color dispersions, inks and nail polish. Over time operations at the site and illegal disposal methods contaminated the property which was the subject of numerous Federal and State actions to enforce environmental regulations violated by Pan Chemical.

In 1992, Pan Chemical removed underground storage tanks which had leaked chemicals that contaminated the soil and ground water.

In October of 1999, Pan Chemical moved its manufacturing operations and thirty-plus employees to Carlstadt. It left only three employees on the subject property and two of its seven buildings in use. As testified to by the company's president during a tax appeal trial, this was largely done to avoid or postpone costly environmental clean-up pursuant to its legal obligation under the Industrial Site Remediation Act (ISRA), formerly the Environmental Cleanup Responsibility Act (ECRA). N.J.S.A. 13:1K-6 to -14.

The site suffered a major fire on February 23, 1999 that severely damaged the buildings on-site. Site conditions caused by the fire resulted in creating a public hazard and a determination was made by the Borough's Construction Official that the remnants of the buildings were unsafe. Consequently, the Borough ordered the structures to be demolished which occurred on September 21, 2020.

Despite promises made by the manufacturer, no efforts were made to improve or maintain the property, other than the removal of leaking storage tanks. Subsequently Pan Chemical sold the property in 2005 for \$150,000 in "as is" condition, with the purchaser assuming all environmental cleanup costs.

Subsequent investigations revealed that the site is contaminated with chemicals associated with paints and lacquers that include volatile organic compounds (VOCs), heavy metals such as lead and cadmium, chemicals used in paint and coatings such as toluene and xylene, polycyclic aromatic hydrocarbons (PAHs) and semi-volatile organic compounds (SVOCs). These chemical compounds are known carcinogens.

Pan Chemical has a long history of environmental issues going back to 1987 and has admitted to, been found guilty of and fined over the years for numerous violations of environmental laws by the State of New Jersey and Federal EPA. The property is presently listed and recognized on both the Federal and State listings as a known contaminated site. The site has been abandoned and remains contaminated to this date.

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## 2.2: Surrounding Land Uses

The Study Area is located in an area characterized by a mix of commercial and residential uses. There are residential neighborhoods located directly across the street to the north. The site is sandwiched between the NYSW Railroad and New Jersey Transit rail lines. The Hawthorne Rail Station is located directly adjacent to the site to the northeast. Commercial uses are located to the east and west of the property separated from the site by the rail lines.

An aerial map depicting the Study Area and surrounding land uses is presented in Figure 3 below.

Figure 2 – Study Area Land Use Aerial Map



Source: Google Earth dated June 13, 2022, accessed on May 15, 2023; Lot lines are approximate.

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## 2.3: Site Specific Information

The following subsection provides site specific information related to the Study Area. This information will serve as the basis for the analysis and opinions offered in Sections 4 and 5 of this Study.

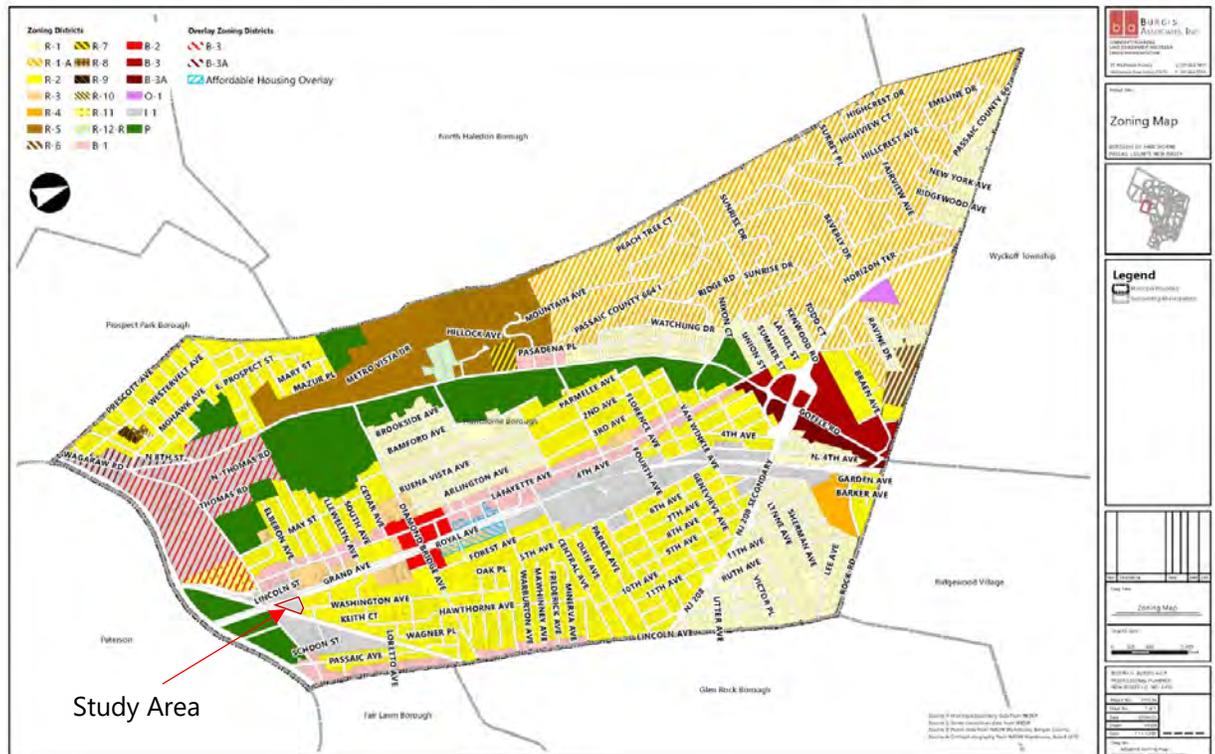
Specifically, conditions observed on site during a site inspection revealed a vacant and abandoned property characterized by piles of rubble, failed fencing and retaining walls and vegetative overgrowth demonstrating that the property has been left to deteriorate.

A series of photographs taken by this office serve to illustrate the conditions as described above. The photographs are appended to this study and fairly and accurately depict site conditions observed by this office.

## Section 3: Existing Zoning

As shown on the accompanying zoning map, the Study Area is located within the I-1, Industrial Zone. The area immediately abutting the I-1 zone to north is designated R-2 Residential. Further south are municipal parks zoned as Public Open Space.

Figure 3 – Zoning Map



### 3.1: I-1 Industrial Zoning

The Study Area is located in the I-1, Industrial Zone which permits the following uses: industrial manufacturing, fabrication, warehousing and similar type uses. Uses in the B-1, Neighborhood Commercial Zone (with the exception of residential) and O-1, Research and Restricted Office zones, are also permitted within the I-1 zone. Permitted uses in the B-1 zone include a variety of retail, commercial services and offices. The O-1 zone permits office and research facilities.

### 3.2: I-1 Zone Area and Bulk Standards

Area and bulk regulations for the I-1 Zone are highlighted in the following table:

**Table 1: I-1 District Bulk Standards**

District	Minimum Lot Area (sq.ft)	Minimum Lot Width (ft)	Minimum Lot Depth (ft)	Minimum Front Yard (ft)	Minimum Side Yard (ft)	Minimum Rear Yard (ft)	Maximum Building Height (ft/st)	Maximum Lot Coverage (%)
I-1	10,000	80	100	25	10 plus 5 for each story in excess of 2 stories	25	35/3	50%

## Section 4: Compliance with the Statutory Criteria

The following section provides an analysis regarding how the Study Area relates to the statutory criteria established by the LRHL, which are identified in Section 1.2 of this study.

### Application of Criteria

In summary, site conditions were observed and then analyzed against the criteria for designation as an area in need of redevelopment under the LRHL.

As a result of abandonment, site conditions have deteriorated to such an extent as to present conditions that are untenable and hazardous to the public interest. As the photographs included with this investigation clearly indicate, site conditions were observed related to:

- Site debris (piles of rubble) and overgrowth
- Graffiti
- Failed fencing and retaining wall

Of paramount importance is the current status of the property as a hazardous waste site that requires remediation. This condition presents a clear and present danger and hazard to the surrounding area particularly to the residential neighborhood to the north that abuts the property in close proximity to the site. This neighborhood continues to be exposed to environmental hazards that requires remediation. Furthermore, this condition is a significant impediment to the future development of the property that, without government intervention, will likely remain vacant and abandoned submitting the area to continued exposure to environmental hazards into the future.

The Study Area, therefore, satisfies Criterion "e". The presence of environmental hazards requires a substantial investment in remediation resulting in a condition that has discouraged market forces from redeveloping the site on its own. The Study Area is in such a state that it represents a detriment to the public health, safety and welfare of the community by reason of:

*Criterion e:*

*A growing lack or **total lack of proper utilization of areas** caused by the condition of the title, diverse ownership of the real properties therein or **other similar conditions** which impede land assemblage or **discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.***

The environmental conditions associated with the property are such that they create “conditions which...discourage the undertaking of improvements resulting in a stagnant and unproductive condition of land...” The property has been stagnant for decades due to the continued contamination of the property caused by the abandonment and negligence of Pan Chemical. The continued condition of the property, in its present state, results in a clear negative, social and economic impact that is detrimental to the community.

### Recommendation

The Study Area has clearly been abandoned to such an extent that the site’s hazardous condition, due to its environmental contamination, poses a serious risk to the general public. The property has been in its current state for decades which stands as clear evidence that the property will not be developed without government intervention under the powers conveyed to municipalities by the LRHL to remediate the site. In its current condition, the property will remain stagnant and will not be returned to a productive use that benefits the community.

In consideration of the above, it is recommended that this site **should** be designated as an area in need of redevelopment.

## Section 5: Planning Conclusions and Recommendation

The planning analysis contained herein concludes that Pan Chemical site, further identified as Block 28.01 Lot 1 displays characteristics which satisfy the statutory criteria under criteria "e" and consequently justifies its designation as a Non-Condemnation Redevelopment Area.

It should be noted that a determination to designate a redevelopment area simply defines and delineates the area in which the municipality intends to pursue an active role in furthering redevelopment. This redevelopment identification can include alternative approaches to upgrade and revitalize the area.

The following recommendations are offered for the Borough's consideration:

1. The statute provides that "no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in the applicable Laws of the State of New Jersey". Such determination shall be made after public notice and public hearing.

The Governing Body authorized the Planning Board to conduct this redevelopment investigation. This report concludes that the Study Area satisfies the "e" Criteria, and serves as the basis for recommendation to the Governing Body to designate the Study Area as an area in need of redevelopment without condemnation.

2. Upon completion of a hearing on this matter, the Planning Board is required to forward its recommendation regarding whether the delineated area, or any part thereof, should be designated, or not designated, by the Governing Body as a redevelopment area.
3. After receiving the recommendation of the Planning Board, the Governing Body may adopt a resolution designating the delineated site for redevelopment.
4. Finally, if designated as a redevelopment area by the Governing Body, the Governing Body should authorize the preparation of a redevelopment

plan for the designated area which is adopted as an ordinance and will supersede the existing zoning of the property.

# Appendix

Site Photo 1



Notice posted of ongoing environmental investigation.

Site Photo 2



Failing fence and gate creating an unsecure site condition.

Site Photo 3



Remnants of building and site debris.

Site Photo 4



Site debris and overgrowth.

Site Photo 5



Graffiti on an existing retaining wall where portions of the wall are failing.

Site Photo 6



Debris and overgrowth.

# Existing Land Use Map

