

Housing Element and Fair Share Plan

Burlington City, Burlington County



May 18, 2025

Prepared by:

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City of Burlington

ROUND 4 HOUSING ELEMENT & FAIR SHARE PLAN: MAY 18, 2025

ACKNOWLEDGEMENTS

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INTRODUCTION

As stated in the prior Housing Element and Fair Share Plan (HE&FSP) which was adopted on Dember 18, 2019 by the Common Council, the following text is presented for the reader's information: "In 1975, the case commonly referred to as "Mount Laurel I", the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate-income housing. In its 1983 Mount Laurel II decision the Court held that the obligation is not limited to developing municipalities, but instead to all municipalities. In July 1985 the Fair Housing Act was enacted as the legislative response to the Supreme Court rulings and various trial court opinions."

According to the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. ("MLUL") a municipal Master Plan must contain a Housing Element if the governing body chooses to adopt or amend a zoning ordinance. N.J.S.A. 40:55D-(b)(3), -62(a). Pursuant to the Fair Housing Act, a master plan housing element is required to "be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs with particular attention to low and moderate-income housing" with the following required criteria:

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 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 of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate-income housing."

This 2025 amendment to the City's Housing Element and Fair Share Plan has been prepared to comply with the March 2024 legislative amendments to the State's Fair Housing Act. The amendment stipulates the requirements for a municipality to satisfy its present and prospective affordable housing needs for the Round 4 cycle beginning on July 1, 2025, and ending on June 30, 2035.

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RESPONSE TO THE CRITERIA CITED IN THE MUNICIPAL LAND USE LAW FOR AMENDING THE CITY'S HOUSING ELEMENT

The following text addresses the six (6) required criteria for inclusion in an amendment to the Housing Element of its Master Plan. Due to the built-out character of the City and the minor changes which have occurred to the housing stock and the limitations on new residential development, this plan represents a minor update to the 2019 HE&FSP. Most of the data which is presented in the Round HE&FSP is derived from the 2020 Census of Population and Housing and the 2023 American Community Survey which was also published by the Census Bureau.

CRITERION 1 – AN INVENTORY OF THE MUNICIPALITY'S HOUSING STOCK...

According to the US Census sources referenced above the City's housing stock is mostly owner-occupied. In 2023, the City contained an estimated total of 4,004 occupied housing units. Of the total number of occupied units, 63% were owner-occupied while 37% were renter-occupied. In the 2020 Census 496 units were reported as vacant. This percentage is over 10% of the City's total housing stock and is a concern which public official needs to address.

In 2023 the median value for owner-occupied homes was \$221,000, and the median monthly rent \$1,598. Both the median home value and median rent for City households were significantly lower than Burlington County's respective values of \$326,700, and \$1,669.

Single-family housing units continue to be the predominate housing type in the City. As noted in Figure 1 below, 1,838 units or 45% of the housing stock are single-family, detached units while 1,286 or 32% are single-family attached units such as twin and row homes. It is not anticipated that this characteristic of the City's housing stock will change significantly during the ten-year HE&FSP timeframe unless major multifamily development occurs at certain redevelopment sites which are identified later in this report.

FIGURE 1: HOUSING TYPES

Burlington City		
Housing Type	Total	Percent
Total Housing Units	4,068	100%
Single Family Detached	1,838	45.2%
Single Family Attached	1,286	31.6%
Two-Family	173	6.0%
3-4 Family	170	4.2%
Multi-Family (5 or more)	601	17.2%
Mobile Home	0	0.0%
Other	0	0.0%

Source: U.S Census, 2023 American Community Survey

The following Figure 2 and supporting text were part of the prior Round HE&FSP and are included here to emphasize that the City's housing stock is significantly older than the County

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and the State's housing inventory. "In 2010 it was noted that 44 percent of the City's housing stock was constructed in 1939 or earlier; more than half (53.4%) constructed prior to 1950; and 70% was constructed prior to 1959. These figures stand in stark contrast to the County's and State's percentage of units built prior to 1950: 15% and 27% percent respectively. In the City, only 2.2% of the total housing stock was built after 2000; 6.4% after 1990; and, a little more than 20% after 1970. In contrast, more than half of existing housing units (57%) in Burlington County and 44% in the State were constructed after 1970."

FIGURE 2: YEAR HOMES BUILT

Year Built	Burlington City		Burlington County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
2010 or Later	0	0.0%	644	0.4%	12,597	0.4%
2000 to 2009	101	2.2%	19,267	10.9%	342,027	9.6%
1990 to 1999	193	4.2%	22,912	13.0%	318,370	8.9%
1980 to 1989	382	8.3%	26,043	14.8%	418,186	11.7%
1970 to 1979	349	7.6%	31,799	18.0%	461,517	13.0%
1960 to 1969	351	7.6%	27,008	15.3%	498,199	14.0%
1950 to 1959	764	16.6%	22,429	12.7%	563,618	15.8%
1940 to 1949	441	9.6%	5,907	3.4%	305,353	8.6%
1939 or Earlier	2,014	43.8%	20,171	11.4%	642,903	18.0%
Total	4,595	100%	176,180	100%	3,563,130	100%

Source: U.S Census, 2009- 2013 American Community Survey 5-Year Estimates, Tables DP04

CRITERION 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

Figure 3 is an update of the prior Round HE&FSP data on new housing construction and demolition permits issued by the City for the period 2000 to 2017. Revised Figure 3 shows the number of such permits which were issued annually from 2018 through 2024. It should be noted that the number of permits reported for 2019 is both an anomaly and a numerical error. As noted at the bottom of Figure 3, a construction permit was issued that year for the construction of a 183-unit apartment development called "Pearl Point", not for 115 units as published by the NJDCA. It is unlikely that the average annual number of 26 permits will be issued during the ten-year period.

FIGURE 3: NEW HOUSING CONSTRUCTION AND DEMOLITION PERMITS

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Year	New Housing Units	Demolition
2018	0	0
2019	183*	0
2020	0	0
2021	0	3
2022	1	7
2023	0	1
2024	0	0
Total	184	11
Yearly Average	26.2	1.6

Source: State of New Jersey Department of Community Affairs, 2025

*NJDCA records only show 115 permits issued for this 183-unit development called Pearl Point.

As to the probable construction of affordable housing for low- and moderate-income families, such developments rely upon funding sources which determine income limits on occupancy and maximum rents or sales price based on the Federal and State definition of “cost burdened.” That is, renters or homeowners who pay more than 30% of gross monthly income on a mortgage or rent and utilities are considered cost burdened. Therefore, affordable housing developments must be financed and developed so that such households are not adversely affected in this manner.

The 2023 American Community Survey did not publish data on the number of City households which were cost-burdened. Therefore, the City is using data provided in the 2018 HE&FSP as an estimate of cost burdened households in the City who are in need of affordable housing. The text from the 2018 HE&FSP is presented below:

“The City utilized data from the U.S. Census Bureau’s American Community Survey of 2016 to determine the estimated number of households who were residing in units which were affordable or who were cost-burdened (i.e., paying more than 30% of gross monthly income on rent as a renter household or on a mortgage if an owner-occupant). This definition of housing affordability is used to measure housing need and to determine eligibility for certain Federal housing programs.

Figure 4 below summarizes the estimated number of owner and renter households who fall within these two categories. The data estimates a total of 3,849 occupied households in the City in 2016. The estimated number of owner-occupied households was 2,493 while the respective number of renter households was 1,266. The data further indicates that 2,106 of all occupied units or 55% were affordable while 1,743 households or 45% were cost-burdened.

FIGURE 4: ESTIMATED NUMBER OF COST-BURDENED HOUSEHOLDS IN THE CITY

Category	Number	Percent of Total
Total Households	3,849	100.0
Owner-occupied housing units	2,493	
Owner Units with Mortgage	1,705	44.3
Less than 20% of income	484	28.4

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20.0 to 24.9%	347	20.4
25.0 to 29.9%	268	15.7
30.0 to 34.9%	211	12.4
35.0 % or more	395	23.2
Not computed	0	0
Owner Units without Mortgage	770	
Less than 10% of income	112	14.5
10.0 to 14.9%	143	18.8
15.0 to 19.9%	112	14.5
20.0 to 24.9%	62	8.1
25.0 to 29.9%	101	13.1
30.0 to 34.9%	64	8.3
35.0 % or more	176	22.9
Not computed	18	(X)
Renter-occupied housing units	1,266	
Less than 15% of income	109	8.6
15.0 to 19.9%	113	8.9
20.0 to 24.9%	58	4.6
25.0 to 29.9%	197	15.6
30.0 to 34.9%	112	8.8
35.0 % or more	677	53.5
Not computed	90	(X)

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates"

Given the built-out status of the City it is anticipated that there will be limited opportunities for the construction of new affordable housing to address the City's Round 4 obligation. However, the two redevelopment sites in the City which have been designated for the development of market rate housing with an affordable set-aside as well as 100% affordable senior housing. As stated in the prior HE&FSP, the City-owned parcels in the Commerce Square Redevelopment Area (Tax Block 1; Lots 3.02, 3.03 and 5) have been designated for the development of approximately 1,000 units on this 31-acre site as a plan amendment which was prepared by Environmental Resolutions, Inc., on April 27, 2022 (see Attachment #1). Significant work needs to be done over the next five years to make this contaminated site suitable for the development of multifamily housing.

As to the construction of a 100% affordable senior housing development, the City has designated The Michaels Organization as the Redeveloper of this 72-unit project at Tax Block 141; Lots 8-17. The City Council ordinance documenting the designation of this developer is presented in Attachment #2.

In the 2018 HE&FSP the City utilized Regional Income Limits promulgated by the Council on Affordable Housing ("COAH") to indicate the maximum income limits for families to qualify for affordable housing in the Burlington-Camden-Gloucester Counties region of which the City is a part. As COAH has been disbanded and its authority to approve Fair Share Plans has been assigned to the 15 Vicinages of the Superior Court, such income limits are now published by the

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N. J. Housing and Mortgage Finance Agency. Figure 5 the three categories of income limits which govern the occupancy of affordable housing developed based on a household's relative percentage of median family income (MFI): 1. Very Low Income (up to 30% of MFI), Low Income (31% to 50% of MFI), and Moderate Income (51% to 80% of MFI):

FIGURE 5: 2025 NJ HMFA REGIONAL INCOME LIMITS

Household Size	"Very Low" Income	"Low" Income	"Moderate" Income
1 Person	\$25,080	\$41,800	\$66,880
1.5 Person	\$26,880	\$44,800	\$71,680
2 Person	\$28,680	\$47,800	\$76,480
3 Person	\$32,250	\$53,700	\$86,000
4 Person	\$35,820	\$59,700	\$95,520
4.5 Person	\$37,260	\$62,100	\$99,360
5 Person	\$38,700	\$64,500	\$103,200
6 Person	\$41,580	\$69,300	\$110,800
7 Person	\$44,430	\$74,050	\$118,480
8 Person	\$47,310	\$78,850	\$126,160

Source: NJ Housing & Mortgage Finance Agency

CRITERION 3 – AN ANALYSIS OF THE MUNICIPALITY'S DEMOGRAPHIC CHARACTERISTICS...

The current Housing Element and Fair Share Plan summarizes the most recent demographic, housing and employment statistics for the City from the 2020 US Census of Population and Housing as well as data from the 2023 US Census Reporter. As stated in the 2018 HE&SHP, the City is an older municipality (founded in 1677) which has experienced population decline from 12,687 persons 1960 to an estimated 9,904 residents in 2023 or a reduction of 22% in approximately 60 years. The City population continues to maintain a stable density of approximately 3,264 persons per square mile (excluding Burlington Island). The City's housing consists of primarily detached and attached single family homes, which represent approximately 77% of the total number of 4,068 units. Moreover, the City's housing stock is older in relation to surrounding communities in that over 70% of the total number of units were built prior to 1959.

The City is far more diverse than Burlington County with 34% of the City's population in 2023 identifying as Black/African American and 15% identifying as Hispanic or Latino as compared to the County's respective percentages of 19% and 10%. Income of City residents is significantly lower than the County average. In 2023, City residents' median household income was \$78,009 and per capita income was \$37,628. By comparison Burlington County had a median household income of \$105,271 and per capita income of \$53,077. As to the percentage of persons living below the poverty level, 16.2% of the City's population at or below that level in compassion to the County percentage of only 6.8% of total population.

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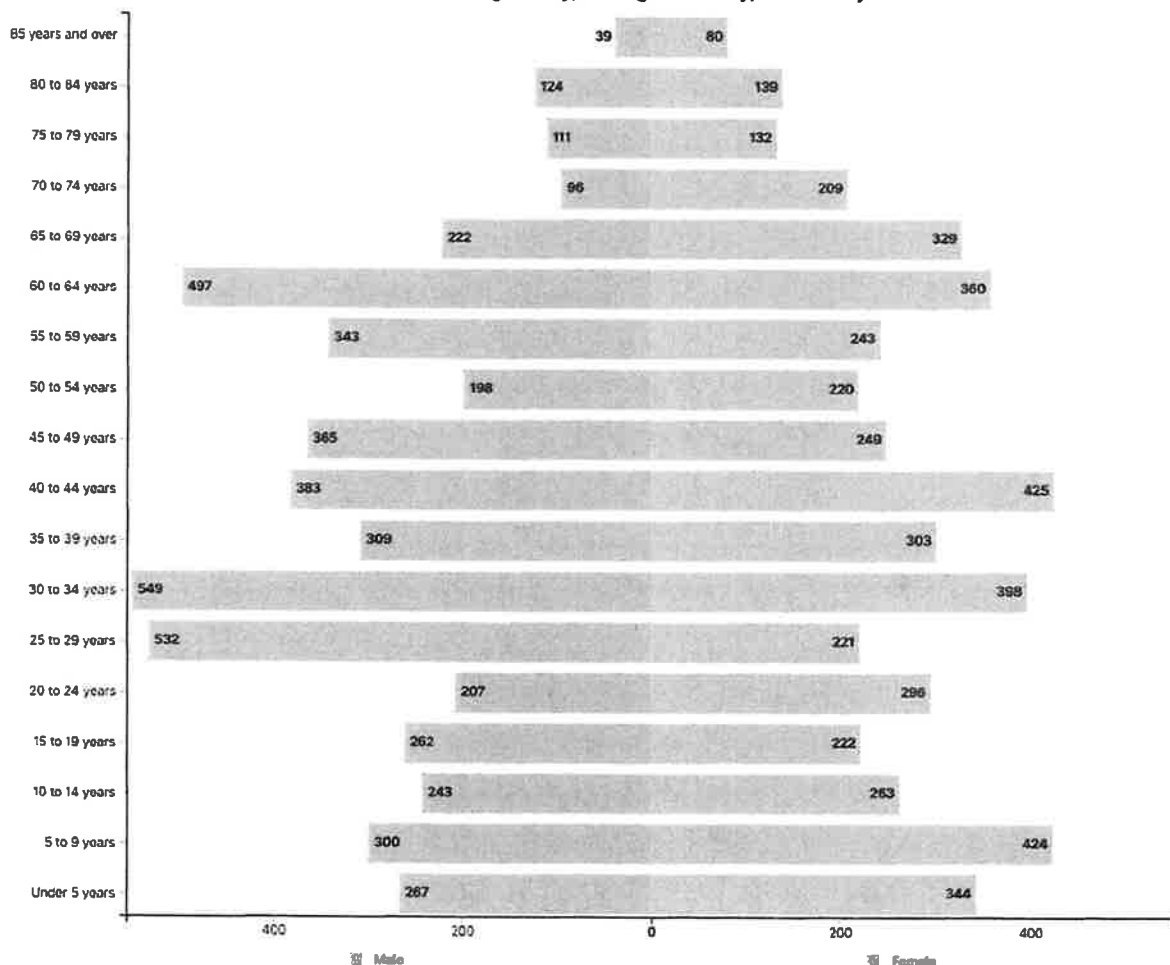
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As to relative age of the City's 2023 population, 15% of the residents were the aged 65 or older, while 20% of the population was under the age of 18. Further data from the 2023 Census is aggregated as was the case for the 2010 Census and is summarized as follows:

- The median age of the City's population was 37.8 years
- Male residents comprise 51% of total population while female residents comprise 49%
- As to educational achievement, 89.7% of City residents graduated high school or higher;
- 26.2% of City residents possess a bachelor's or higher degree.
- 15% of the City's population is foreign born.

The following graph is an estimate of the 2023 age cohorts for the City's population by gender.

FIGURE 6: POPULATION PYRAMID: POPULATION BY AGE AND SEX IN BURLINGTON CITY, BURLINGTON COUNTY, NEW JERSEY
Burlington city, Burlington County, New Jersey



Margin of Error
S010: 2023 ACS 5 Year Estimates Subject Tables

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The following table shows population trends for the period 1950 to 2023. As shown on the table, City population declined steadily from 1960 to 1990 but has remained stable for the last 33 years.

FIGURE 7: POPULATION TRENDS 1950 – 2023 CITY OF BURLINGTON AND BURLINGTON COUNTY

Population Trends 1950 - 2010						
Township of Burlington City and Burlington County						
	Burlington City			Burlington County		
	Total	Increase		Total	Increase	
1950	12,051	(x)	(x)	135,910	(x)	(x)
1960	12,687	636	5.3%	224,499	88,589	65.2 %
1970	12,010	-677	-5.3%	323,132	98,633	43.9 %
1980	10,246	-1764	-14.7%	362,542	39,410	12.2%
1990	9,835	-411	-4.0 %	395,066	32,524	9.0 %
2000	9,736	-99	-1.0%	423,394	28,328	7.2%
2010	9,920	184	1.9%	448,734	25,340	6.0 %
2023	9,904	-16	0.2%	464,226	15,492	3.4
Percentage Growth 1950-2023			-17.9%			233.6%

Source: 2018 City of Burlington Housing Element & Fair Share Plan; 2023 American Community Survey

CRITERION 4 – AN ANALYSIS OF THE EXISTING AND FUTURE EMPLOYMENT CHARACTERISTICS OF THE MUNICIPALITY

The 2023 American Community Survey provided economic and employment data for City residents and how they are employed. According to the ACS 58.4% of the City's population over age 16 was in the labor force in comparison to the Burlington County rate of 63.4%.

As to the characteristics of the workforce according to the ACS, 14.5% are employed by government and 85.5% are employed in the private sector. Further, the workforce is further broken down by employment in the following classifications. See Figure 8.

FIGURE 8: EMPLOYMENT BY INDUSTRIAL SECTOR

Industry	Percentage
Educational services, health care & social services	23.8%
Retail Trade	14.2%
Transportation, Warehousing, and Utilities	10.9%
Professional, Scientific, and Management	9.5%
Manufacturing	7.3%
Arts, Entertainment and Recreation	6.4%

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Wholesale Trade	5.8%
Finance, Insurance and Real Estate	5.8%
Public Administration	5.6%
Construction	5.4%
Total	100.0%

There was a significant economic development event in 2018 which indicates the potential employment opportunities and growth for the City. A regional company developed a 1.3 million square foot Amazon Fulfilment Center on part of the former US Pipe site which provided job opportunities for over 1,000 individuals. Adjacent property owned by the City (Block 203, Lots 1 and 2.02; Block 226, Lots 1.02, 1.03, 1.05, 1.06, 1.07, 1.08, and 1.10; and Block 207, Lot 1.01) and two other City-owned properties on U.S. Route 130: 1. the Burlington Mart site at Block 66; Lots 42, 11, 41 and 61.01) and 2. A 4.8 acre site at the intersection with Jacksonville Road (Block 221; Lot 3.05), have been designated for redevelopment. If successful in attracting private investment to these sites, there is strong potential to create hundreds of job opportunities for City and regional residents as well as construction jobs.

CRITERION 5 - A DETERMINATION OF THE MUNICIPALITY'S PRESENT AND PROSPECTIVE FAIR SHARE FOR LOW- AND MODERATE- INCOME HOUSING...NEEDS

Unlike the three prior State Affordable Housing Rounds municipalities are not required to calculate a community's present and prospective needs for preparing the Round 4 Fair Share Plan. That is, the data presented in the Housing Element and from other data sources which was used for calculating need in prior Round plans is no longer considered. That change in methodology is due to the N.J. Department of Community Affairs' publication of a report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background." NJDCA prepared this report "...establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the State's Fair Housing Act (P.L. 2024, c.2, adopted March 24, 2024).

The subject NJDCA report determined that the City of Burlington's Fair Share affordable housing obligation for Round 4 is as follows:

Present Need: 63 units

Prospective Need: 30 units.

"Present Need" is defined as the number of residential units (either owner- or renter-occupied) which are in need of rehabilitation. "Prospective Need" represents the number of new units to be created during the Round 4 ten-year cycle.

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In addition, the Round 4 rules mandate certain conditions and thresholds for addressing a municipality's Prospective Need Obligation:

1. Any site proposed for new construction must have a realistic opportunity of being developed for affordable housing during the ten-year period.
2. Such sites must also be suitable for the development of affordable housing from an environmental perspective, permissive zoning and sound planning principles.
3. At least 50% of this obligation or 15 units must be available for families with children.
4. No more than 30% of this obligation or no more than nine (9) units can be designated for age-restricted housing.
5. At least 50% of the low- and moderate-income units created during the Round 4 period or 15 units must be affordable to low-income households
6. To help address the need for rental housing at least 25% of the Prospective Need or a minimum of eight (8) units must be designated for affordable rental housing. In addition, at least half of these units or four (4) units must be available for families with children.
7. Overall, at least 13% of the 30-unit Present Need Obligation or four (4) units must be affordable to Very Low-Income households (i.e., households with income at or below 30% of Median Family Income for the region).
8. New multifamily developments as defined by the Zoning Ordinance of five units or more must set aside 20% of the units for low-and moderate-income households. Of that set-aside, at least half of the units must be affordable to Low-Income households (i.e., households with incomes at or below 50% of Median Family Income for the region).
9. Newly constructed townhomes or multi-story buildings constructed as part of the Round 4 obligation be adaptable in accordance with the Barrier Free Subcode of the State's Uniform Construction Code.

In addition to the above-listed thresholds for addressing Prospective Need, the Fair Housing Act permits municipalities to obtain bonus credits for certain types of housing programs or contributions to such projects. Municipalities are eligible for one or one-half of a unit credit depending on the option selected.

The following three affordable housing options are eligible for a one-unit credit per affordable unit:

Special needs or permanent supportive housing.

Municipal Contribution of land or at least three (3%) percent of the cost of a 100% affordable housing project).

Implementing a Market-to-Affordable program for rental or owner units, not to exceed ten (10) units.

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Bonus Credits:

The following affordable housing alternatives are eligible for a half (0.5) bonus credit per unit:

Co-sponsoring with a nonprofit developer of affordable ownership units.

Transit-oriented development within one-half mile of a public transit station.

Age-restricted housing (capped at 10% of such housing in the Fair Share Plan)

More three-bedroom units than required by State bedroom distribution rules.

Redevelopment of former or current retail, office or commercial sites.

Extended affordability controls that preserve rental housing. Such an extension must be for at least 30 years.

More housing affordable to VLI households than the minimum 13% requirement.

FAIR SHARE PLAN COMPONENTS TO ADDRESS PRESENT AND PROSPECTIVE NEEDS:

The City proposes the following strategy to address the above-referenced Round 4 obligations:

PRESENT NEED (63 Units)

The City proposes to use its Housing Rehabilitation Program revolving loan account to rehabilitate at least five units during Round 4 with the funds on hand. In addition, the City has joined the Burlington County CDBG Program which provides a steady source of funding for rehabilitation of low and moderate income occupied homes in the City.

Based on the City's history in administering its NJDCA-funded Housing Rehabilitation Program for the past 10 years, it is anticipated that at least six units can be rehabilitated during the ten-year Round 4 timeframe.

PROSPECTIVE NEED (30 UNITS)

The City proposes the following program to address the Fair Housing Act thresholds by the following actions:

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1. Readvertising for proposals from developers for the construction of multifamily rental housing at the Commerce Square site which would require a 20% set aside. Since the amended redevelopment plan allows for approximately 1,000 units, 200 new affordable units would be available to address the following minimums:

At least 20 units would be family rental units of which 50% would be designated for Low-Income families.

Four of the 20 units low-income units at Commerce Square would be designated for VLI households.

Ten (10) bonus credits are claimed for the development of 20 units at 0.5 credit per unit .

2. Nine (9) of the 125 units at the HUD and NJHMFA-funded Burlington Manor senior rental development are proposed for credits based on a 30-year extension of the current affordability controls. The extension of the controls is a condition of extending the terms of the PILOT as part of the owner's refinancing application to the NJHMFA. See Attachment 3.

Total credits proposed:

Commerce Square Low-Income Family Rental units; (Includes minimum of four Very Low-Income Units)	20 units
Commerce Square Bonus Credits @ 0.5 credits/unit	10 units
Burlington Manor Extended Controls	<u>9 units</u>
Total Credits	39 units

CRITERION 6 - A CONSIDERATION OF THE LANDS THAT ARE MOST APPROPRIATE FOR THE CONSTRUCTION OF LOW- AND MODERATE-INCOME HOUSING...INCLUDING LANDS OF DEVELOPERS WHO HAVE EXPRESSED A COMMITMENT TO PROVIDE LOW- AND MODERATE- INCOME HOUSING

The City has proposed the Commerce Square site as the primary option for addressing the Round 4 Prospective Need. This is not a new concept. In October of 2023 the City issued an RFP for the development of this 31-acre site. Three regional developers responded to the RFP. The City deferred entering into a redevelopment agreement at that time due to delays in the US Army Corps of Engineers completion of a remediation plan for the site. Since that time the City has engaged an LSRP to complete the remaining work on a remediation plan. It is anticipated that the work will be completed within two years and submitted to the N. J. Department of Environmental Protection for approval. The City anticipates that will allow for sufficient time to readvertise the RFP and to execute a redevelopment agreement so that construction can begin before the end of Round 4.

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ATTACHMENT #1

2022 Amendment to the Commerce Square Redevelopment Plan

Prepared by:

Environmental Resolutions, Inc.

April 27, 2022

**2022 AMENDMENT TO THE COMMERCE SQUARE REDEVELOPMENT PLAN
RIVERWALK STATION PROJECT AREA
BLOCK 1, LOTS 3.02, 3.03, AND 5
BURLINGTON CITY
BURLINGTON COUNTY, NEW JERSEY**

PLAN SUMMARY



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April 27, 2022
#40591.00

The original document was appropriately signed and sealed in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

INTRODUCTION

This *2021 Amendment* to the *2004 Commerce Square Redevelopment Plan* relates solely to the roughly 31-acre, 320 Commerce Square tract, also known as Lots 3.02, 3.03, and 5 of Block 1, in the Commerce Square redevelopment area. It supersedes the current Commerce Square Redevelopment Plan as it pertains to Lots 3.02, 3.03, and 5 of Lot 1. City Council approved the *2004 Commerce Square Redevelopment Plan*, which also included Lots 3, 3.01, and 8 of Block 1 and Lots 1, 1.01, and 1.02 of Block 1.01, on June 1, 2004 by Ordinance 11-2004.

The purpose of this *2021 Amendment* is to facilitate the development of a walkable, transit-oriented mixed-use community of neighborhood commercial uses and up to 1,100 dwelling units, of which 5% will be deed restricted for affordable housing. Secondary objectives of this *2021 Amendment* are to complete the environmental remediation of this former WWII-era munitions plant and the remainder of the Commerce Square redevelopment area and to re-connect this area west of the Burlington-Bristol Bridge to the remainder of the City.

REDEVELOPMENT PLAN AMENDMENT

A. Property Description

The redevelopment plan's Project Area (Project Area) is a roughly 31-acre area consisting of Lots 3.02, 3.03, and 5 of Block 1, commonly identified as 320 Commerce Square. The Project Area, which is owned by the City, is in the Industrial Park (IP) Zone, which is overlaid by the *2004 Commerce Square Redevelopment Plan*. The Project Area is currently unimproved except for:

- The concrete floors, building foundations, and surface roads of a former munitions plant,
- A roughly 2.5-acre paved parking lot adjacent to the bridge leased to local car dealers;
- A portion of the Waterfront Promenade from Commerce Boulevard and Reed Street; and
- An undedicated roadway connecting Riverbank Avenue, Pearl Street, and Veterans Drive.

B. Project Description

The 31-acre Project Area on the City's western waterfront area is cut off from the City's other residential neighborhoods by the Burlington-Bristol Bridge and the NJ Transit River Line railroad line. It is also adjacent to the PSEG's 168 MW electric generation plant and near the wastewater treatment plants owned by the City and Burlington Township, which have a combined total of less than 80 employees. The *2010 Master Plan* recommended that the Project Area, which is along the Delaware River and two blocks from the NJ Transit River Line Burlington South station, remain in an industrial park zone.

The southern part of the redevelopment area has been redeveloped for a number of uses permitted in the *2004 Commerce Square Redevelopment Plan*. The Project Area, which represents the northern 33-acres of the Devlin tract, has remained in a relatively fallow condition for the past 32 years, i.e. with the concrete floors, building foundations, and surface roads of a former munitions plant. One of the main reasons for the Project Area's lack of redevelopment interest is the costs involved in remediating 70 years of environmental contamination within and under those remaining munitions plant improvements.

The purpose of this *2021 Redevelopment Plan Amendment* is to facilitate the redevelopment of the Project Area, which is within a two-block walk of the Burlington South station, with the same basic intent as the City's W-1 Waterfront District; however, with more refined delineations on:

- Types of permitted residential and non-residential uses, accessory uses, and prohibited uses;
- Maximum number of 1,100 potential dwelling units, which represents a gross density of about 36 units per acre including rights-of-way;

- Minimum of 5% deed restricted for affordable housing;
- Minimum and maximum area, bulk and height requirements;
- Minimum parking and loading requirements using available statutory discounts for mass transit proximity; and
- Specific guidelines for sustainable development and the design of sites, buildings, public spaces, building facades, landscaping, outdoor lighting, and waste management and recycling.

These proposed land use and building requirements are detailed in the next section of this plan amendment. One specific difference between this plan amendment and the W-1 Waterfront District worth noting is that this redevelopment plan amendment does not limit the architectural character of the Project Area to be similar to the 2.5-story, single-family detached, Londonshire residential neighborhood east of the Burlington-Bristol Bridge. This is because Ralph Modjeski's 1931 Art Deco-style, bridge's 220'-tall, exposed steel truss architecture creates a clear visual separation from that part of the City.

C. Relationship to Definite Local Objectives

The following identifies how this redevelopment plan correlates to following objectives in the *2021 Master Plan Reexamination Report*:

1. Land Use

Strengthen and diversify the economic composition of the City:

- Use the City's Delaware River and Assiscunk Creek waterfronts and Burlington Island as economic development anchors.
- Clear derelict properties from the City to improve neighborhoods north of U.S. Route 130.

2. Population Density / Housing

Strengthen and diversify the economic composition of the City.

3. Traffic and Public Transportation

Strengthen and diversify the economic composition of the City:

- Capitalize on the City's light rail system, two train stations, local history and preserved heritage, and U.S. Route 130 frontage.
- Continue to work with NJDOT on the Transit Village Initiative to benefit from the City's designation as a Transit Village. Concentrate and prioritize transit-oriented improvements to the Transit Village area around Towne Centre Station.
- Encourage bicycling as a mode of transportation by providing links and improvements to residential areas, employment centers, institutions, and community facilities.
- Explore water-oriented circulation opportunities along the Delaware River and Assiscunk Creek with connections to existing and future pedestrian, bicycle, bus, and light rail facilities for complete multi-modal circulation to and through the City.

4. Recreational and Community Facilities

Explore water-oriented circulation opportunities along the Delaware River and Assiscunk Creek with connections to existing and future pedestrian, bicycle, bus, and light rail facilities for complete multi-modal circulation to and through the City.

D. Proposed Land Uses and Building Requirements

The Land Use Board shall review all site plan and subdivision approval requests and may grant any requests for application submission waivers, design waivers, bulk variances, and *de minimus* exceptions, as permitted by the Municipal Land Use Law. The Land Use Board shall not grant any use variances.

1. Permitted Principal and Accessory Uses and Prohibited Principal Uses**A. Permitted Principal Uses:**

- 1) Single-family, two-family, and multi-family residential uses.
- 2) Non-Residential Uses:
 - a) Retail sales and service establishments not exceeding 5,000 SF per establishment.
 - b) Business, design, financial, legal, medical, dental, optical, and other professional / technical services.
 - c) Administrative, business support, property management and related services.
 - d) Eating and drinking establishments.
 - e) Hotels
 - f) Public uses, parks, and playgrounds, including docks and landings.
 - g) Child care services, nurseries, pre-schools and kindergartens licensed by the NJ Department of Human Services, Division of Youth and Family Services, Bureau of Licensing pursuant to N.J.S.A. 18A:70.
 - h) Business schools, technical and trade schools, tutoring, exam preparation, and other education support services.
- 3) Buildings and properties containing a mixture of the above permitted uses with non-residential uses on the ground floor and residential uses on the upper floors, except that live-work units may contain a dwelling unit on the ground floor.
- 4) Public and private parks and passive recreation areas.

B. Permitted Accessory Uses:

- 1) Bicycle, e-bike, e-scooter, and electric vehicle charging and sharing facilities.
- 2) Home-occupation uses, per §207-71L.
- 3) Lobbies, building services, leasing offices, and management offices customarily associated with the principal permitted uses, including but not limited to:
 - a) Parking: on-street and off-street.
 - b) Recreational facilities and amenities.
 - c) Common areas and other social amenities.
 - d) Concierge services and convenience stores not exceeding 500 SF.
 - e) Refuse and recycling storage and collection.
- 4) On-street and off-street parking and loading, including electric vehicle supply/service equipment (EVSE) and make-ready parking spaces.
- 5) Restaurant delivery and pick-up services, outdoor eating, and sidewalk cafes.
- 6) Signs.
- 7) Other customarily incidental accessory uses and structures, such as:
 - a) Emergency electrical generators.
 - b) Fences and walls, per §207-71G.
 - c) Flood protection and storm resiliency facilities.
 - d) Heating, ventilation, air-conditioning, and refrigeration equipment (HVAC/R).
 - e) Lighting and telecommunications / data fixtures and equipment.

- f) Maintenance, security, storage, and utility buildings.
- g) Outdoor seating and recreation areas, including ornamental landscaping.
- h) Renewable energy production facilities: for on-site use or utility company credit.
- i) Stormwater management structures and facilities, including green infrastructure.
- j) Underground electricity, telecommunications / data, natural gas, and other utilities.
- k) Waste / recycling management pads and enclosures.
- 8) Public and private parks and passive recreation areas.

C. Prohibited Principal Uses: Any principal use that is not permitted is prohibited, including:

- 1) Drive-through establishments.
- 2) Any business offering firearms and ammunition for sale.
- 3) Automotive uses, including: major service and repairs; minor service and repairs; fueling / charging stations; rentals and leasing; sales, new and used; washing and detailing.
- 4) Building materials, farm and garden equipment and supplies, and fuel dealers.
- 5) Convenience, variety and dollar stores.
- 6) Department stores and discount department stores.
- 7) Funeral homes and funeral services.
- 8) Licensed cannabis establishment.
- 9) Pawnshops, precious metals and second-hand dealers, cash checking establishments.
- 10) Massage parlors and sexually-oriented businesses.
- 11) Warehouse clubs and supercenters.

2. Area, Bulk, and Height Requirements:

A. Principal Uses and Structures

Parcels	Required
Min. Lot Area (square feet)	4,000
Min. Lot Width (feet)	40
Min. Lot Depth (feet)	100
Min. Build-to Line / Curb-to Building Face (feet)	15
Min. Rear Yard Setback (feet)	10
Min. Side Yard Setback: Exterior Unit (feet)	5
Min. Side Yard Setback: Interior Unit (feet)	0
Max. Floor Area Ratio (percentage)	n/a
Max. Building Height (stories / feet)	6 / 75

Redevelopment Area Tract (31 acres)	Required
Min. Waterfront Public ROW for Passive Open Space (feet)	25
Max. Building Coverage (percentage)	80
Max. Impervious Coverage (percentage)	90
Max Floor Area Ratio (percentage)	n/a
Max. Dwelling Units: By-right (number)	1,100
Min. Affordable Housing Units per Chapter 70 (percentage)	5

3. Parking and Loading Requirements: Parking and loading per §207-85, except:

- Residential Uses: min. 1.0 spaces per unit.
- Shared Parking: encouraged for all parking areas, per Urban Land Institute (ULI) standards.

- Standard Dimensions: off-street min. 9' x 18', min. 24' 2-way drive aisle; on-street 7' x 20'.
- Parking Locations: include off-street and on-street parking spaces.
- 4. **Signs.** Site and business identification signage shall be in conformance with Chapter 285: Signs.
- 5. **Design Guidelines:** LEED® certification from the United States Green Building Council (USGBC), Individual Sites, Public Realm, Buildings, Building Facades, Landscaping, Outdoor Lighting, and Waste Management / Recycling Facilities

E. PROVISIONS FOR RELOCATION

F. IDENTIFICATION OF PROPERTY TO BE ACQUIRED

G. RELATIONSHIP TO OTHER PLANS

1. **Contiguous Municipalities**
2. **Burlington County**
3. *State Development and Redevelopment Plan*

H. AFFORDABLE HOUSING IMPACTS (OF EXISTING UNITS)

I. AFFORDABLE HOUSING REPLACEMENT PROVISIONS

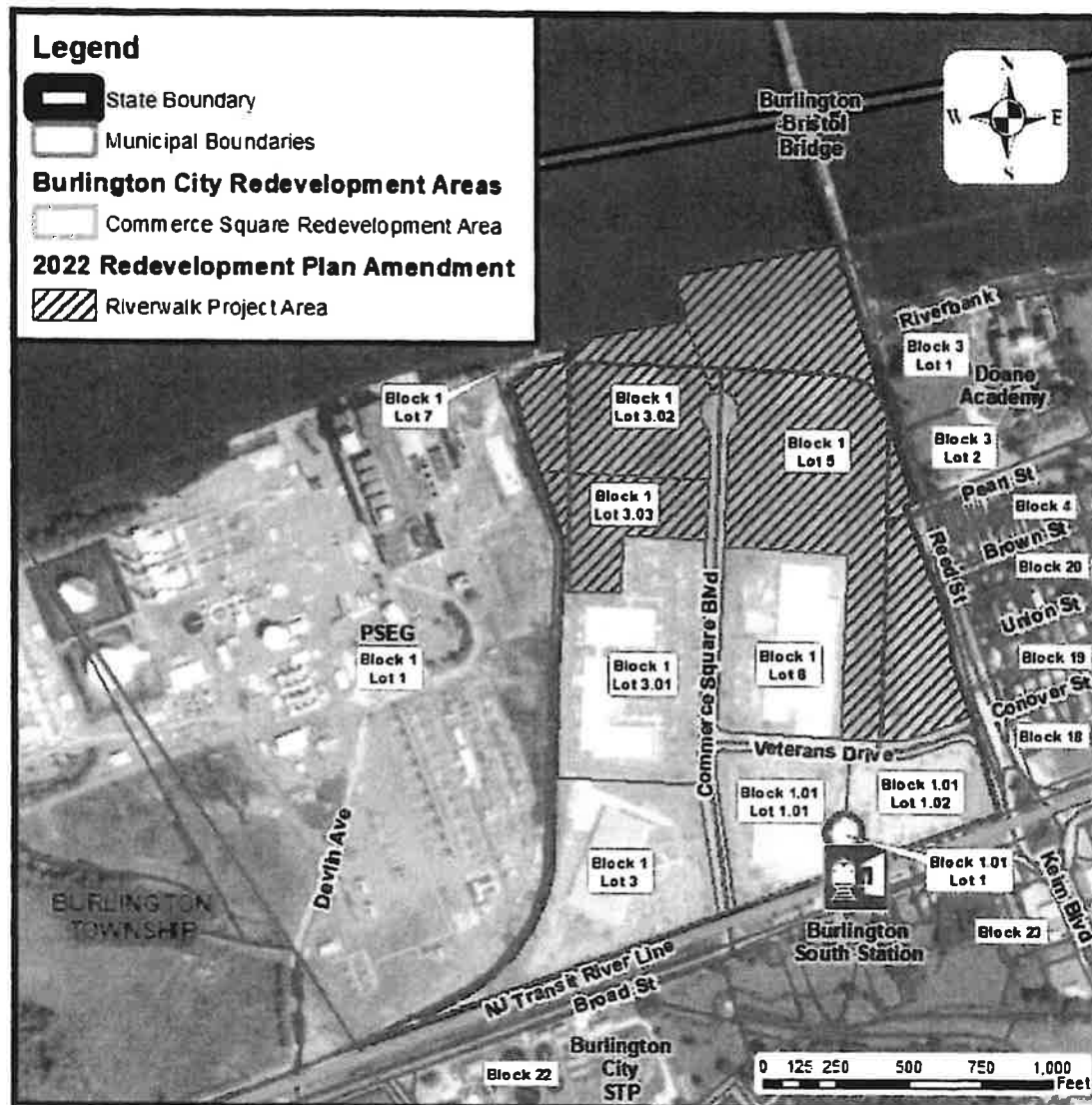
J. ZERO-EMISSION VEHICLE INFRASTRUCTURE

K. AFFORDABLE HOUSING PROVISIONS

Burlington City does not have a court-approved Housing Element and Fair Share Plan to address its Third Round Obligation up to 2025. Unless otherwise provided in a redevelopment agreement approved by the City Council, all future non-residential development within the redevelopment project area shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, which will be held in an affordable housing trust fund. Burlington City shall not spend those collected development fees until the Superior Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:93-5.1(c).

L. RELATIONSHIP TO LOCAL DEVELOPMENT REGULATIONS

M. MUNICIPAL MASTER PLAN CONSISTENCY




**ENVIRONMENTAL
RESOLUTIONS, INC.**
Engineers · Planners · Scientists · Surveyors
815 EAST GATE DR. SUITE 103
MOUNT LAUREL, NEW JERSEY 08054
TEL 856-235-7170 FAX 856-273-9239

City of Burlington

ROUND 4 HOUSING ELEMENT & FAIR SHARE PLAN: MAY 18, 2025

ATTACHMENT #2

Ordinance No. 10-2024

ORDINANCE NO. 10-2024 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING THE MICHAELS ORGANIZATION AS THE DEVELOPER FOR THE PROPERTY IDENTIFIED AS OPPORTUNITY SITE #1 WITHIN THE NEW YORKSHIRE REDEVELOPMENT AREA

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to N.J.S.A. 40:69A-31, *et seq.*, with its organization, positions, powers, and duties outlined within the Code of the City of Burlington as set forth pursuant to the Faulkner Act; and

WHEREAS, the City adopted the "New Yorkshire Redevelopment Plan" in July of 2011, by way of Ordinance No. 09-2011, which amended the 1998 Yorkshire Plan and provided revised development objectives, design guidelines, and other elements governing redevelopment within the plan area ("the 2011 New Yorkshire Plan"); and

WHEREAS, the 2011 New Yorkshire Plan identifies several sites within the plan area which present key opportunities for redevelopment, and outlines specific objectives for each; and

WHEREAS, the Common Council of the City of Burlington previously determined that certain City-owned property, identified in the New Yorkshire Redevelopment Plan as Opportunity Site #1, and identified on the Tax Map for the City of Burlington as Block 141, Lots 8, 9, 11, 12, 13, 14, 15, 16 and 17, which is located at the west side of the intersection of Clarkson Street and Linden Avenue/Earl Street, is desirable for development for public purposes, including but not limited to City use and future improvement including Senior Housing; and

WHEREAS, the City previously determined that the properties or sites are ready to be transferred to a qualified purchaser and authorized the Director of Housing and Community Development and/or the Administration and the Solicitor to review proposals to purchase the aforementioned Opportunity sites; and

WHEREAS, the City has received a proposal from The Michaels Organization (referred to as "Michaels" or the "Developer") in which the Developer proposes to purchase multiple lots from the City of Burlington for a sum to be negotiated and determined, in order to finance, construct, maintain and manage a 100% affordable senior rental housing development on the lots, which are located within the previously identified Opportunity Site in the New Yorkshire Redevelopment Area; and

WHEREAS, the property is ready to be transferred to a qualified purchaser; and

WHEREAS, the City has explored proposals for the rehabilitation of the site for other uses and determined that the subject proposal is the most feasible and beneficial proposal to the City; and

WHEREAS, based upon the foregoing, the Common Council of the City of Burlington has determined that the aforementioned City-owned property, identified on the Tax Map as Block 141, Lots 8, 9, 11, 12, 13, 14, 15, 16 and 17, which is located at the west side of the intersection

of Clarkson Street and Linden Avenue/Earl Street, are no longer needed for public purposes as contemplated by N.J.S.A. 40A:12-13 and previously enacted Ordinances for that purpose; and

WHEREAS, pursuant to previously adopted Ordinances and consistent with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-8g and N.J.S.A. 40A:12A-22j, the City may, among other things, authorize the sale of property located within redevelopment areas without the necessity for public bidding; and

WHEREAS, under the terms of the proposal submitted, the Developer would also be required to engage a professional Engineer and/or Architect to provide a concept plan, all of which would be set forth in an Agreement of Sale and Developer's Agreement with the Developer; and

WHEREAS, under the terms of the proposal submitted, the Developer would be responsible for all costs for the construction of the structures, for obtaining all required governmental approvals and such other approvals as may be required consistent with City Code, state statute or applicable law, all of which terms would be set forth in a Developer's Agreement with the Developer.

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that The Michaels Organization is hereby designated as the developer for the City-owned property identified on the Tax Map as Block 141, Lots 8, 9, 11, 12, 13, 14, 15, 16 and 17, which is located at the west side of the intersection of Clarkson Street and Linden Avenue/Earl Street, which parcels are within the New Yorkshire Redevelopment Area and designated as Opportunity Site #1 and which parcels are hereby designated as no longer needed for public purposes.

BE IT FURTHER ORDAINED by the Common Council for the City of Burlington that that the City and its Administrative staff and consultants are granted the authority to memorialize the offer to purchase the property through an Agreement of Sale and/or Developer's Agreement consistent with the terms as stated herein, namely:

1. The City and the Developer agree to negotiate terms such for the purchase of subject parcels for the sum to be determined;
2. The Developer will be required to engage a professional Engineer and/or Architect to provide a concept plan, which must also be approved by the Land Use Board; and
3. The Agreement will include such other terms as are reasonable and necessary for contracts of this nature and to fulfill the intent of Council in enacting this Ordinance.

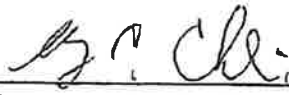
BE IT FURTHER ORDAINED all Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent they are inconsistent herewith.

BE IT FURTHER ORDAINED if the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph or subdivision, or clause of this Ordinance.

ORDINANCE NO. 10-2024

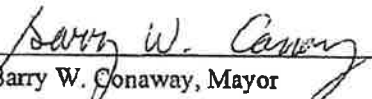
BE IT FURTHER ORDAINED this Ordinance shall take effect thirty (30) days after final passage by Council or twenty (20) days after approval by the Mayor, whichever comes first.

Passed Common Council,



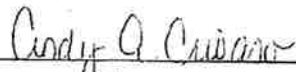
George Chachis, President
Common Council

Approved,



Barry W. Conaway, Mayor

ATTEST:



Cindy A. Crivaro, RMC
Municipal Clerk

Introduction:	03/19/24
Publication:	03/21/24
2nd & Final:	04/02/24
Publication:	04/04/24
Effective:	04/24/24