



Borough of Palmyra

Burlington County, New Jersey

Housing Element and Fair Share Plan

Adopted by the Borough of Palmyra Land Use Board May 28, 2025



Housing Element and Fair Share Plan

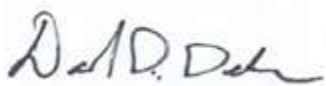
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Prepared For:

Borough of Palmyra Land Use Board

The original document was appropriately signed and sealed on May 28, 2025, in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

A handwritten signature in dark ink, appearing to read "D. Gerkins", is written over a light blue rectangular background.

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ACKNOWLEDGEMENTS

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1. INTRODUCTION AND EXECUTIVE SUMMARY

DOCUMENTS

BACKGROUND OF AFFORDABLE HOUSING IN NEW JERSEY

Mount Laurel I

In 1975, the New Jersey Supreme Court established the doctrine that a developing municipality's land use regulations must provide a realistic opportunity for low- and moderate-income housing:

"We conclude that every such municipality must, by its land use regulations, presumptively make realistically possible an appropriate variety and choice of housing. More specifically, presumptively it cannot foreclose the opportunity of the classes of people mentioned for low and moderate-income housing and in its regulations, must affirmatively afford that opportunity, at least to the extent of the municipality's fair share of the present and prospective regional need therefore. These obligations must be met unless the particular municipality can sustain the heavy burden of demonstrating peculiar circumstances which dictate that it should not be required so to do." (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 67 N.J. 151, 173–74 (1975) ("**Mount Laurel I**").

Mount Laurel II

Eight years later, the Supreme Court returned to the issue and concluded in *S. Burlington City. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158 (1983) ("**Mount Laurel II**") that while the *Mount Laurel* "doctrine has become famous [,] the Mount Laurel case itself threatens to become infamous ... After all this time, ten years after the trial court's initial order invalidating its zoning ordinance, Mount Laurel remains afflicted with a blatantly exclusionary ordinance. Papered over with studies, rationalized by hired experts, the ordinance at its core is true to nothing but Mount Laurel's determination to exclude the poor." The Supreme Court additionally found that Mount Laurel was not the only municipality to avoid its affordable housing obligations and that there was "widespread non-compliance".

As a result, the Supreme Court resolved to be: "[M]ore firmly committed to the original Mount Laurel doctrine than ever, and ... determined, within appropriate judicial bounds, to make it work. The obligation is to provide a realistic opportunity for housing, not litigation. We have learned from experience, however, that unless a strong judicial hand is used, Mount Laurel will not result in housing, but in paper, process, witnesses, trials and appeals. We intend by this decision to strengthen it, clarify it, and make it easier for public officials, including judges, to apply it." (*Mount Laurel II* at 198-99.) In its decision the Supreme Court provided a number of approaches to expand affordable housing, including the requirement that all (and not just "developing") municipalities must provide realistic opportunities for their share of decent housing to be determined on a regional basis. Proof of compliance would no longer be satisfied by a "good faith attempt", but rather determined by the actual number of units made

available for immediate and future need. Importantly, the Supreme Court created a judicial remedy whereby a developer could file a lawsuit (called a “builder’s remedy lawsuit”) against a noncompliant municipality for judicial permission to create affordable housing, often at higher densities than permitted by existing zoning. As the Supreme Court stated, a builder’s remedy lawsuit would be granted “where appropriate and on a case-by-case basis” where the developer had acted in good faith, attempted to obtain relief without litigation, and whose development would promote affordable housing and “located and designed in accordance with sound zoning and planning concepts, including its environmental impact.” *Id.* at 218.

The Fair Housing Act

In response to the Mount Laurel I and II decisions, the New Jersey Legislature enacted the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“**Act**”) in 1985. The Legislature’s intent was to establish a predictable statutory scheme to provide affordable housing “in accordance with regional considerations and sound planning concepts”. At the same time, the legislature sought to avoid litigation in preference of a mediation and review process that would promote alternatives to the use of the Builder’s Remedy as a method of achieving fair share housing.

The Act established the 12-member Council on Affordable Housing (“**COAH**”) charged with proposing and adopting procedural rules to:

1. Determine the State housing regions;
2. Estimate the present and prospective need for low and moderate-income housing at the State and regional levels;
3. Determine each municipality’s present and prospective fair share of housing need in its respective region over a 6-year period (subject to adjustments based on statutory considerations such as vacant land, development patterns, existing land use, etc.);
4. Provide population and household projections for the State and housing regions; and
5. In its discretion, establish limits upon the aggregate number of units to be allocated to a municipality as its fair share of the region’s present and prospective need for low and moderate-income housing.

The Act also established a voluntary process by which a municipality could prepare and file a municipal housing element and adopt a fair share ordinance to adopt the housing element. This initial step was required for a municipality to petition COAH for a grant of substantive certification, which provided it with a period of immunity from exclusionary lawsuits while COAH reviewed the municipality’s housing element and fair share plan.

The Act provided municipalities with the option, subject to prior COAH approval, of transferring up to 50% of its fair share to another municipality within its housing region by means of a contractual agreement (a “**Regional Contribution Agreement**” or “**RCA**”).

THE AFFORDABLE HOUSING CYCLES

In 1986, COAH established its “**First Round**” regulations for the period 1987 to 1993 (N.J.A.C. 5:92-1 et seq.), establishing two categories of need: “present need” as the number of existing low and moderate-income households occupying substandard units, and “prospective need” as the number of new low and moderate-income households estimated to be formed over the six-year period.

In 1994, COAH’s “**Second Round**” regulations were adopted covering municipal affordable housing obligations, again for a six year time period (1987 to 1999) (N.J.A.C. 5:93-1 et seq.) In the Second Round, COAH additionally revised its First Round prospective need numbers for 1987 to 1993 as household growth did not occur as anticipated. Accordingly, COAH created new conservative projections for the 1993–1999 time period with the same projections used in the preparation of the New Jersey State Development and Redevelopment Plan.

After extending its Second Round rules from 1999-2003, COAH did not adopt initial “**Third Round**” regulations (N.J.A.C. 5:94-1 and 5:95-1 et seq.) in 2004. The 2004 Third Round regulations changed the period of compliance from six to ten years, and also differed significantly from prior rounds in that COAH no longer assigned each municipality its “number” of housing need, but instead adopted a “Growth Share” formula whereby a municipality’s allocation was determined by its projections of residential and non-residential development for the period 2004 to 2014.

2008 AMENDMENTS TO THE FAIR HOUSING ACT

In 2008, the Legislature enacted changes to the FHA that included the elimination of Regional Contribution Agreements and required a 20% affordable housing set aside for state funded initiatives and residential development within the jurisdiction of regional planning entities (the Meadowlands, Highlands, Fort Monmouth redevelopment and the Pinelands.) In addition, the 2008 changes to the FHA required at least 13% of affordable housing units in a municipality’s affordable housing plan be reserved for occupancy by very low-income households (defined as households with a gross household income equal to 30% or less of an area median income for households of the same size in the housing region).

MOUNT LAUREL IV, THE DEMISE OF COAH, AND JUDICIAL REVIEW OF MUNICIPAL HOUSING ELEMENTS AND FAIR SHARE PLANS

Over the next ten years, the Third Round rules would be challenged in the courts (specifically the Growth Share analysis), revised by COAH in 2008 and 2014, and then challenged again.

Ultimately in 2015, the New Jersey Supreme Court declared COAH a nonfunctioning agency and removed the responsibility for overseeing affordable housing in New Jersey from it, holding “that the courts may resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations[.]” In re Adoption of N.J.A.C. 5:96 & 5:97

ex rel. New Jersey Council on Affordable Housing, 221 N.J. 1, 34 (2015) (“**Mount Laurel IV**”). As a result, the Supreme Court established what it considered to be a “transitional process” by which municipalities that had already obtained or were in the process of obtaining substantive certification from COAH, could file declaratory judgment actions seeking a court order to confirm that their housing element and implementing ordinances met their Mount Laurel obligations. (*Ibid.*) Under this “orderly process”, “[n]o builder’s remedy shall be authorized to proceed against any town unless a court determines that the substantive certification that was granted is invalid, no constitutionally compliant supplement plan is developed and approved by the court after reasonable opportunity to do so, and the court determines that exclusionary zoning actions, including actions for a builder’s remedy, are appropriate and may proceed in a given case.” *Id.* at 45, 46.

Two years later, the New Jersey Supreme Court again would address the judicial remedy it fashioned in Mount Laurel IV, when it held that a municipality’s current housing obligation was to include not only the prospective need period (2015-2025), but the Gap Period (1999-2015) as well. According to the court, a municipality’s housing obligation is now composed of four components: (1) a present need Rehabilitation Obligation, (2) a Prior Round obligation (1987-1999), (2) a Present Need Gap Period obligation (1999-2015), and (4) a Prospective Need obligation (1999-2025). Specifically, the court held that the definition of “present need” needed to be expanded to include in its analysis “in addition to a calculation of overcrowded and deficient housing units, an analytic component that addresses the affordable housing need of presently existing New Jersey low- and moderate-income households, which formed during the gap period and are entitled to their delayed opportunity to seek affordable housing.” (*In re Declaratory Judgment Actions Filed by Various Municipalities*, 227 N.J. 508, 519,531 (2017).)

ROUND FOUR AMENDMENTS TO THE FAIR HOUSING ACT

In 2024, the Legislature amended and supplemented the original FHA that included significant changes to the Round Three process. These revisions included the creation of a new unit within the DCA (hereafter referred to as “the program”) to develop Present and Prospective Need as guidelines for the municipalities and created new methodology to calculate those numbers; set deadlines for the various activities included a June 30, 2025 for municipalities to adopt Round Four Housing Elements and Fair Share Plans; and created a mechanism for municipalities to mediate challenges to the numbers generated by the program.

THE HOUSING ELEMENT AND FAIR SHARE PLAN

Under 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–28(b)(3); N.J.S.A. 40:55D–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 components, as per N.J.S.A. 52:27D-310 (a) – (f):

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 jobs and employment characteristics of the municipality, and a projection of the probable future jobs and 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; and
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 Housing Element and Fair Share Plan meets all of above statutory requirements of the MLUL, as well as the judicial guidelines of the FHA, applicable COAH regulations and Uniform Housing Affordability Controls (“UHAC”).

EXECUTIVE SUMMARY

Palmyra was originally incorporated as a township by an Act of the New Jersey Legislature in 1894, and was reincorporated as a Borough in 1923. Palmyra Borough is located within Burlington County. The Borough is bordered by the Delaware River to the West, Riverton Borough to the North, Cinnaminson Township to the East, and Pennsauken Township, Camden County, to the South. See figure 1. The Borough contains a total area of 2.4 square miles: 2.0 square miles (83.33% land and 0.4 square miles (16.66%) water. This area accounts for 0.29% of Burlington County’s total 819 square miles.

The Delaware River runs along the Borough’s Western border, and the Pennsauken Creek the Southern border. The Tacony-Palmyra Bridge connects Palmyra to the city of Philadelphia

across the river, and New Jersey Route 73 traverses the Borough, leading into Pennsauken Township. Additionally, the Borough contains the Palmyra Cove Nature Park.

The Housing Element and Fair Share Plan has reviewed demographic, housing, and employment statistics for Palmyra Borough. Recent census data demonstrates that the Borough is a community of predominately owner-occupied homes with approximately 30% renter occupied. Its housing stock is comprised primarily of older construction units with over 40% of its units constructed prior to 1950, with 103 determined to be potentially substandard. The Borough's population has increased steadily since 2000, with the largest growth occurring between 2000 and 2010. According to US Decennial Census data, the Borough grew from 7,091 in 2000, to 7,438 in 2020. According to the most recent American Community Survey data of 2023, the Borough presently has 7,447 residents. The Borough's population is slightly older than the County, with the County's median age of 41.8 and the Borough median age being 42.7. Palmyra is not as wealthy as the County, with a slightly higher poverty rate of 9% as opposed to the County's poverty rate of 7%.

Palmyra petitioned the Council on Affordable Housing ("COAH") for Second Round substantive certification of its Housing Element and Fair Share Plan ("HEFSP") on January 17, 2003; however COAH did not issue substantive certification of this plan prior to the end of the Second Round. The Borough updated its HEFSP in response to COAH's initial 2004 Third Round rules. The Borough adopted the updated plan on November 21, 2005 and petitioned COAH for substantive certification in December 2006. The plan was again revised on September 8, 2006. The Borough again petitioned COAH for Third Round substantive certification on December 30, 2008, which was received on September 9, 2009. The Borough's 2008 Third Round plan indicated that its fair share obligation would be satisfied through Credits without Controls (Prior Cycle Credits) and affordable units that would be built within the Route 73 South Redevelopment Area.

Palmyra filed its DJ Complaint on July 2, 2015, seeking a declaration of its compliance with the Mount Laurel doctrine, the Fair Housing Act and in accordance with the New Jersey Supreme Court's March 10, 2015 decision in re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, (2015), now known as Mount Laurel IV. The Borough and Fair Share Housing Center agreed to settle the litigation on November 15, 2016, The Court completed the Fairness Hearing on May 10, 2017. The Court approved the 2016 Agreement per Fairness Order on January 9, 2020. The Route 73 Redevelopment Plan was amended in 2021 and was approved via Fairness Hearing on June 22, 2023. All documentation can be found in appendices I and J.

With respect to its Fair Share Compliance Plan, the Borough originally agreed to settle the litigation via a 2016 Settlement Agreement and the Court conducted a Fairness Hearing on May 10, 2017. The 2016 Agreement established the Borough's initial fair share obligation, including a Third Round Rehabilitation share of four (4) units, a 20-unit Prior Round (1987-1999) obligation, later corrected to 39 units as assigned per N.J.A.C.5:93, and a 116-unit Third Round (1999-2025) Gap and Prospective Need obligation. The Borough executed an Amended Settlement Agreement with Fair Share Housing Center (FSHC) on May 17, 2023.

The Amended Agreement supersedes all terms of the 2016 Settlement Agreement, and corrects the Borough's three-part fair share obligation, noting the inclusion of 19 Prior Cycle Credits without Controls, previously approved by COAH and the Court. The 2023 Amended Agreement acknowledges the amended redevelopment plan for the Route 73 South Redevelopment Area, which no longer contemplates a mixed-use retail and inclusionary residential development but instead permits warehouse development and a 100% affordable rental housing development.

The Borough has addressed its Rehabilitation share of four (4) units through the Borough's Housing Rehabilitation Program, funded by Small Cities Grant, and has addressed its combined Prior Round and Third Round obligations through 19 credits without controls, per N.J.A.C. 5:93-3.2, (previously approved by COAH) and the creation of new units at the 100% affordable housing project at the Route 73 South Redevelopment area, plus permitted rental bonuses.

For Round 4, the Borough received a Declaratory Judgment in April 2025 in which the Present Need was set at 2 units and the Prospective Need is 29 units. The Borough will address its Rehabilitation share of 2 units through the Borough's Housing Rehabilitation Program, funded by a 2023 Small Cities Grant and the creation of 22 new units at a 100% affordable, family-rental project at the Armotek/Rot-Cylinders Redevelopment Area, plus permitted rental bonuses.

FIGURE 1 - LOCATION MAP



TABLE 1 – SUMMARY OF FOURTH ROUND OBLIGATION

COMPONENT	NUMBER OF UNITS
Present Need - Rehabilitation Share	2
Prior Round Obligation	0
Fourth Round Prospective Need	29
Total	31

TABLE 2 – REQUIREMENTS FOR COMBINED PRIOR ROUND (1999-2025) AND FOURTH ROUND (2025-2035) OBLIGATIONS

REQUIREMENT	REQUIRED NUMBER OF UNITS	PROPOSED
Min. Total Family - 50% of Obligation	11	22
Min. Very Low Required - 13% of units developed after 7/1/2008	3	3
Min. Very Low Family Required - 50% of total VL	2	2
Min. Total Rental - 25% of obligation	7	22
Min. Family Rental - 50% of total rental	11	22
Maximum Senior - 25% of obligation	0	0

* Credits are conditional on tenure type that is ultimately developed.

TABLE 3 – COMPLIANCE MECHANISMS FOR COMBINED PRIOR ROUND (1999-2025) AND FOURTH ROUND (2025-20235) OBLIGATIONS

Compliance Mechanisms	Senior	Family	Bonus	Total
Group Homes Credits	-		-	
Armotek/RotoCylinders Redevelopment 100% Affordable Project	-	22	7	29
Total	0	22	7	29

* Credits are conditional on tenure type that is ultimately developed.

2. DEMOGRAPHIC, HOUSING STOCK, AND EMPLOYMENT ANALYSIS

DEMOGRAPHIC CHARACTERISTICS

POPULATION DEMOGRAPHICS

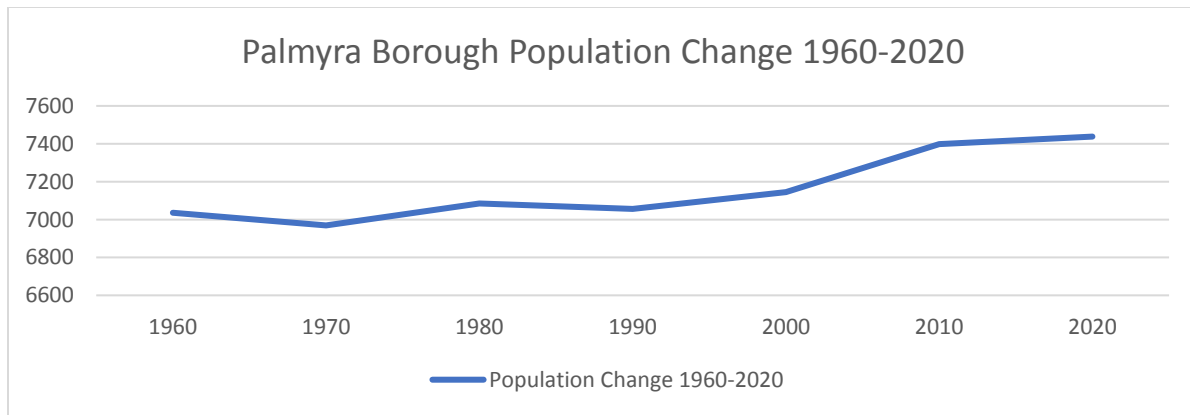
As evidenced in Figure 2, according to the Decennial Censuses, the Borough's population has increased steadily since 2000, with the largest population increase occurring between 2000 - 2010. Although the population has increased, the percentage of the increase is lower than the County's growth rate (See Table 4). The Borough's population in 2020 (7,438) made up just 1.6% of the County's population. Palmyra's population is expected to continue to increase through 2050. However, estimates from the Delaware Valley Regional Planning Commission's Municipal and County-Level Population and Employment Forecasts, 2015-2050 report shows that the increase will be less than 1% per year.

TABLE 4 - POPULATION TRENDS 1960 – 2020, BOROUGH OF PALMYRA, BURLINGTON COUNTY

<u>Year</u>	<u>Palmyra</u>		<u>Burlington County</u>	
	<u>Number</u>	<u>Change</u>	<u>Number</u>	<u>Change</u>
1960	7,036	NA	224,449	NA
1970	6,969	-67	323,132	+98,683
1980	7,085	+116	362,542	+39,410
1990	7,056	-29	395,066	+32,524
2000	7,145	+89	423,394	+28,328
2010	7,398	+253	448,734	+25,340
2020	7,438	+40	446,301	-2,433

Source: US Census, Decennial Censuses 1960-2020

FIGURE 2 – POPULATION TRENDS 1960 – 2020 BOROUGH OF PALMYRA



AGE DISTRIBUTION OF POPULATION

As shown in Table 5, in 2023 the Borough's median age was 42.7, with the median age of men being lower (41.6) than women (45.4). Residents aged 50-59 years were the largest age group in the Borough (20%), followed by residents aged 60-69 (15%). Residents aged 80 and older are the smallest population with only 3%, followed by 0-9 (7%) and 70-79 (7%). The population is an older one, with 48% of the residents under the age of 40 and 53% above 40.

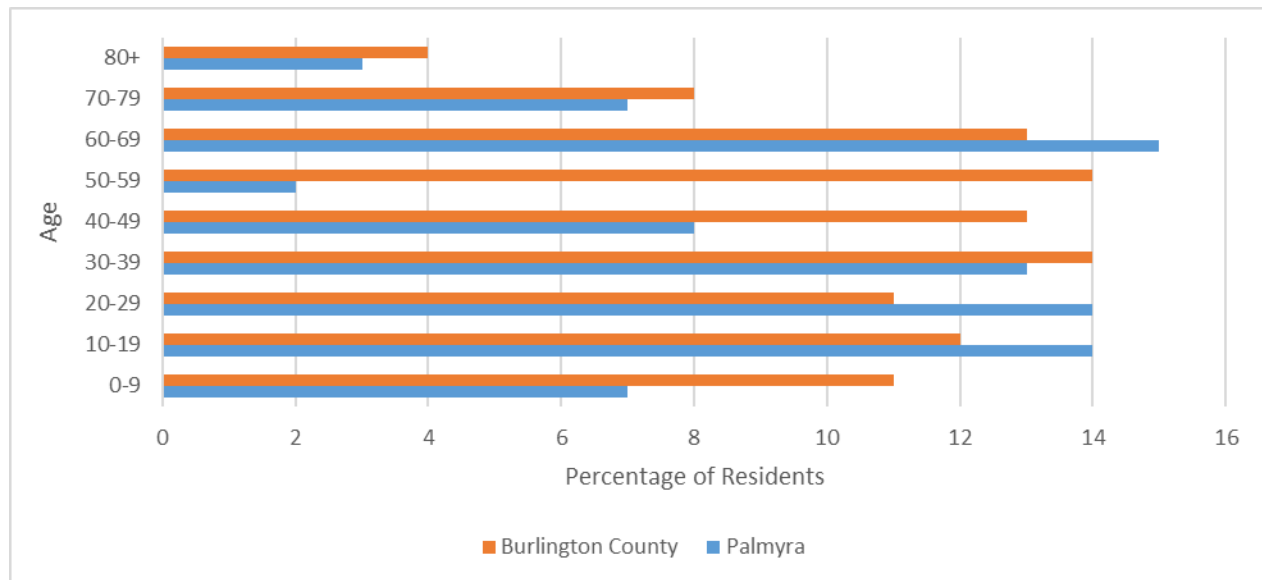
The Borough's median age is slightly higher to that of the County (41.8). However, the County's median age for men was slightly younger than that of the Borough (40.3) as well as for women (43.2). The County's largest age groups are 30-39 and 50-59. Similar to the Borough, the smallest age group in the County is age 80 and older (4%). As with the Borough, the County's population is an older one, with 48% of the residents under the age of 40 and 52% above 40.

TABLE 5 – PALMYRA POPULATION BY AGE COHORT 2023

Age Group	Palmyra Borough	Burlington County
	2023 Percentage	2023 Percentage
0 - 9	7%	11%
10 - 19	14%	12%
20 - 29	14%	11%
30 - 39	13%	14%
40 - 49	8%	13%
50 - 59	20%	14%
60 - 69	15%	13%
70 - 79	7%	8%
80 and Older	3%	4%
Median Age (years)	42.7	41.8

Source: US Census, 2023 ACS Table S0101.

FIGURE 3 – PALMYRA & BURLINGTON COUNTY POPULATION BY AGE COHORT 2023



HOUSEHOLD SIZE & TYPE

As stated before, the majority of the housing in Palmyra is owner-occupied. In 2023, the majority of renters (450) were in 1-person households, whereas the majority of homeowners (846) were in 2-person households. As seen in Table 6, most homeowners (66%) and renters (80%) lived in households with less than three people.

TABLE 6 – PALMYRA HOUSING UNIT SIZE BY HOUSING TENURE - 2023

Owner Occupied	Number of Units	Renter occupied	Number of Units
1-person	672	1-person	450
2-person	846	2-person	346
3-person	357	3-person	106
4 or more person	410	4-person	96
Total Owner Occupied Housing Units	2,285	Total Renter Occupied Housing Units	998

Source: US Census, 2023 ACS 5 Year Estimates, Table S2501.

In 2023, the Borough had a total of 3,283 housing units, with far more units owner occupied (70%) than renter occupied (30%).

The average household size in Palmyra is 2.27 persons per household, slightly less than Burlington County, where the average is 2.55 persons per household. The average family size of a Palmyra household is 2.87 persons, again smaller than the County average of 3.09.

In 2023, Palmyra's households were mainly family households (57%) with the majority (44%) married or cohabitating couple households. 15% of these family households include children under the age of 18. Out of the total family households, 32% were female householders and 24% were male householders, with no partner or spouse present. 6% of these female

households contained children under 18, whereas only 1% of the similar male households had children under the age of 18.

Burlington County has a higher percentage (65%) of married and cohabitating couple households and a lower percentage of female householders with no partner (28%) and male householder with no partner (24%).

TABLE 7 – PALMYRA HOUSEHOLD TYPE - 2023

Household Type	Palmyra		Burlington County	
	Number	Percentage	Number	Percentage
Total Households	3,283		179,477	
Family Households	1,879	57%	122,832	65%
Married-couple Household	1,135	35%	92,133	51%
With children under 18	373	12%	35,569	20%
Cohabitating Couple Household	286	9%	12,973	7%
With children under 18	111	3%	3,875	2%
Male householder, no spouse/partner	798	24%	24,227	14%
With children under 18	21	1%	1,640	1%
Female householder, no spouse/partner	1,064	32%	50,144	28%
With children under 18	206	6%	9,323	5%
Non-family households	1,404	43%	56,645	32%

Source: US Census, 2023 ACS-5 Year Estimates, Table S2501, DP02.

HOUSING STOCK

HOUSING TYPE

Table 8 below displays the type of housing in the Borough, which is primarily made up of single-family homes (76%), the majority of which are one unit detached (53%). Only 230 (7%) were two-family units, and approximately 17% were multi-family with more than two units. The Borough has a higher percentage of single family attached homes than the County (23% vs. 14%), but a slightly lower percentage of multi-family units with more than two units (17% vs. 19%).

TABLE 8 – PALMYRA BOROUGH HOUSING TYPE BY UNITS IN STRUCTURE - 2023

Units	Palmyra		Burlington County	
	Number	Percentage	Number	Percentage
One Unit Detached	1,733	53%	115,731	65%
One Unit Attached	756	23%	25,698	14%
2 Units	230	7%	2,047	1%
3 to 4 Units	87	3%	7,211	4%
5 to 9 Units	146	4%	8,508	5%

10 or more Units	331	10%	18,348	10%
Other	0	0%	1,934	1%

Source: US Census, 2023 ACS Table – 1 Year Estimates, Table S2504.

OCCUPANCY STATUS

At the time of the 2023 U.S. Census, there were 3,283 housing units in Palmyra. These units are primarily owner occupied (67%) with only 29% of the units renter occupied. See Table 9 below.

Per the 2023 ACS, the median value of homes in the Borough is \$216,600 and the median rent is \$1,680. The median value of homes in the Borough is almost 40% lower than the County (\$358,000), while the median rent is almost the same as the County (\$1,671). Only 4% of the total number of units in the Borough are vacant, and of these vacant units, 1% were for rent and 1% were sold, but not yet occupied. See Tables 9, 10 and 11 below.

TABLE 9 – PALMYRA OCCUPANCY STATUS – 2023

Occupancy Status	Palmyra		Burlington County	
	Households	Percentage	Households	Percentage
Occupied Total	3,283	96%	186,753	96%
Owner Occupied	2,285	67%	137,492	71%
Renter Occupied	998	29%	41,985	22%
Vacant Total	123	4%	7,276	4%
For rent	0	0%	1,019	1%
Rented, not occupied	32	1%	269	< 1%
For Sale	0	0%	191	< 1%
Sold, not occupied	27	1%	554	< 1%
Seasonal	0	0%	490	< 1%
Other	64	2%	4,753	2%
Total	3,406	100%	194,029	100%

Source: 2023 ACS- 5-year Estimates, Table B25004, 2023 ACS-1 Year Estimate, Table DP04.

Numbers may not equal 100% due to rounding.

The majority of units in Palmyra (90%) are valued below \$300,000, with 40% valued at less than \$200,000. Only 10% of the units are valued at more than \$300,000. In contrast, Burlington County has only 13% of its owner-occupied units valued at \$200,000 or less, with 87% valued at more than \$200,000, and 64% valued at more than \$300,000. See Table 10 below.

VALUE & RENT OF HOUSING STOCK

TABLE 10 – PALMYRA VALUE OF OWNER-OCCUPIED UNITS - 2023

Value	Palmyra Borough		Burlington County	
	Number	Percentage	Number	Percentage
Less than \$99,999	89	4%	6,131	4%
\$100,000-\$149,000	284	12%	2,855	2%
\$150,000-\$199,000	555	24%	9,719	7%
\$200,000-\$299,999	1,136	50%	31,028	23%
\$300,000-\$499,000	174	8%	54,315	40%
\$500,000-\$999,000	0	0%	30,479	22%
\$1,000,000 or more	47	2%	2,965	2%
Median	\$216,600		\$358,000	

Source: US Census 2023 ACS- 5 Year Estimates, -1 Year Estimates, Table DP04.

While the median rents in Palmyra and Burlington County are essentially the same, the majority of renters in Palmyra pay less than \$1,500 in monthly rent (87%), whereas in Burlington County only 36% pay less than \$1,500 in monthly rent. See Table 11.

TABLE 11 – PALMYRA COST OF RENTAL UNITS - 2023

Cost of Rental Units	Palmyra Borough		Burlington County	
	Number of Units	Percentage	Number of Units	Percentage
Less than \$500	21	2%	1,187	3%
\$500 to \$999	54	6%	3,082	8%
\$1000 to \$1499	200	21%	12,372	30%
\$1500 to \$1999	550	58%	10,811	27%
\$2000 to \$2499	121	13%	7,209	18%
\$2500 to \$2999	0	0	3,532	9%
\$3000 or more	0	0	1,187	6%
Total Occupied Units Paying Rent	946	100%	40,681	100%
Median Rent	\$1,680		\$1,671	

SOURCE: US CENSUS, 2023 ACS- 5 YEAR ESTIMATES, -1 YEAR ESTIMATES, TABLE DP04. NUMBERS MAY NOT EQUAL 100% DUE TO ROUNDING.

Most homeowners with a mortgage (74%) and homeowners without a mortgage (80%) in Palmyra are paying less than 30% of their income towards housing costs, however most renters in the Borough are paying considerably more than 30% of their income to housing costs. Only 37% of renters pay less than 30%, whereas 52% pay more. See Table 12.

TABLE 12 – PALMYRA HOUSING COSTS AS A PERCENTAGE OF INCOME - 2023

Housing costs as a percentage of income		
PALMYRA		
	Housing units w/ mortgage	Percentage
Less than 20 percent	666	41%
20.0 to 24.9 percent	234	14%
25.0 to 29.9 percent	311	19%
30.0 to 34.9 percent	130	8%
35.0 percent or more	304	19%
Not computed	0	(X)
Total	1,645	100%
	Housing units w/o mortgage	Percentage
Less than 10 percent	95	15%
10.0 to 19.9 percent	319	50%
20.0 to 24.9 percent	98	15%
25.0 to 29.9 percent	46	7%
30.0 to 34.9 percent	0	0
35.0 percent or more	77	12%
Not computed	5	(X)
Total	932	100%
	Occupied units paying rent	Percentage
Less than 15.0 percent	184	20%
15.0 to 19.9 percent	23	3%
20.0 to 24.9 percent	130	14%
25.0 to 29.9 percent	104	11%
30.0 to 34.9 percent	87	9%
35.0 percent or more	404	43%
Not computed	66	(X)
Total	1,895	100%

Source: US 2023 ACS- 5 Year Estimates, -1 Year Estimates, Table DP04. Numbers may not equal 100% due to rounding.

CONDITION OF HOUSING STOCK

The U.S. Census or other sources do not directly measure housing quality. Therefore, other indicators are required to be used as per N.J.A.C. 5:93-5 to determine inadequate housing stock in Palmyra. To determine inadequate housing, the following indicators were used from U.S. Census data:

- Constructed prior to 1950
- More than one person per room
- Incomplete plumbing facilities
- Inadequate kitchen facilities
- Inadequate heating (coal, coke, or wood used for heating, or no heating)

TABLE 13 – SUBSTANDARD HOUSING INDICATORS IN PALMYRA - 2023

Indicator	Palmyra		Burlington County	
	Total	Percentage	Total	Percentage
Constructed Prior to 1950	1,431	42%	25,593	13%
Overcrowded (more than one person per room)	15	1%	2,604	2%
Inadequate Plumbing Facilities	0	0%	1,024	1%
Inadequate Kitchen Facilities	57	2%	893	1%
Inadequate Heating	31	1%	1,003	1%
Source: US Census, 2023 ACS-5 and 1-Year Estimates, Tables DP04.				

According to the above factors in Table 13, as many as 1,534 units had at least one indicator indicating inadequate housing. However, the use of these factors does not account for units having one or more of the above indicators. Additionally, the New Jersey Council on Affordable Housing (COAH) requires units to include at least two of the indicators, and to be occupied by a “low” or “moderate” income household. As 42% (1,431 units) of the 3,406 total units were constructed prior to 1950, and only 7% (103 units) had other indicators, a maximum of 103 units could have two or more indicators and thereby be considered inadequate.

Per the 2023 ACS estimates, Palmyra consists mostly of older units, with 53% (1,822) of all housing units constructed prior to 1959. 42% of the homes were constructed in 1949 or earlier, which adds to the Borough’s historical charm. The second largest time period for construction of housing units in the Borough was from 1970 – 1979 when 21% of the homes were constructed. Only 21% of homes in the Borough have been constructed since 1980.

Burlington County is more recently built out, with only 13% of the housing stock constructed prior to 1950. Similar to the Borough, the County’s largest time for construction was between 1970 -1979. See Table 14.

TABLE 14 – PALMYRA AGE OF HOUSING STOCK – 2023

Year Built	Palmyra		Burlington County	
	Total	Percentage	Total	Percentage
Post 2020	0	0%	3,925	2%
Built 2010 -2019	26	1%	10,750	6%
Built 2000 to 2009	228	7%	20,487	11%
Built 1990 to 1999	109	3%	23,611	13%
Built 1980 to 1989	350	10%	24,016	13%
Built 1970 to 1979	710	21%	32,498	17%
Built 1960 to 1969	161	5%	27,421	15%
Built 1950 to 1959	391	10%	19,452	10%
Built prior to 1950	1,431	42%	24,593	13%
Total	3,406	100%	186,753	100%

Source: US Census, 2023 ACS-5 and 1-Year Estimates, Tables DP04. Numbers may not equal 100% due to rounding.

PROJECTION OF HOUSING STOCK

Table 15 below displays new housing permits, certificates of occupancy, and demolition permits issued for Palmyra Borough from 2010 to 2023. Over this thirteen-year span, only 8 new housing and 6 demolition permits have been issued. The most amount of permits issued in a single year was 3. All of the new housing permits issued were for single-family homes.

The Borough is considered to be completely “built out” municipality and development of new housing units is not expected to increase without the demolition of existing housing or other structures. Excluding the 102 affordable housing units at the Route 73 Redevelopment Project, no new housing units are expected in the Borough for the next 10 years, with the exception of those that occur through the redevelopment process.

TABLE 15 – PALMYRA ACTUAL & PROJECTED NEW HOUSING CONSTRUCTION AND DEMOLITION PERMITS 2010-2031

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2021-2031
New Housing Permits Issued	0	3	1	2	0	0	0	0	0	2	0	0	0	0	102
COs Issued	0	3	1	2	0	0	0	0	0	0	1	0	0	0	102
Demolitions	0	4	2	0	0	0	0	0	0	0	0	0	0	0	0
Net Development (Permits less Demos)	0	-1	-1	2	0	0	0	0	0	2	-1	0	0	0	102

Source: 2010-2010 and 2025 New Jersey Construction Reporters, New Jersey Department of Community Affairs

EMPLOYMENT DEMOGRAPHICS

Palmyra has 71% of its residents over age 16 (4,554) in the labor force, higher than the Burlington County percentage of 67%. With respect to the unemployed, Palmyra has a slightly higher rate of 4% (439) of its population unemployed that Burlington County (3%). See Table 16.

TABLE 16 – EMPLOYMENT STATUS OF PALMYRA RESIDENTS – 2023

Employment Status	Palmyra		Burlington County	
	Estimate	Percentage	Estimate	Percentage
Population 16 years and over	6,338	NA	385,610	NA
In Labor Force	4,554	72%	258,282	67%
Civilian Labor Force	4,551	72%	254,987	66%
Employed	4,290	68%	244,566	63%
Unemployed	261	4%	10,421	3%
Armed Forces	3	0%	3,295	1%
Not in Labor Force	1,784	28%	127,328	33%

Source: US Census, 2023 ACS-5 and -1Year Estimates, Table DP03.

In addition, approximately 84% of workers are private wage and salary workers, 12% are government workers and about 5% are self-employed. This is generally consistent with the County. See Table 17 below.

TABLE 17 – CLASS OF WORKER OF PALMYRA RESIDENTS - 2023

Class of worker	Palmyra		Burlington County	
	Number	Percentage	Number	Percentage
Private wage and salary workers	3,595	84%	191,010	78%
Government workers	521	12%	43,240	18%
Self-employed in own not incorporated business workers	154	4%	10,072	4%
Unpaid family workers	20	< 1%	244	< 1%

Source: US Census, 2023 ACS-5 and -1Year Estimates, Table DP03

OCCUPATIONAL CHARACTERISTICS

The occupational characteristics of the Borough are relatively similar to those of the County. The majority of the civilian population is employed in “white collar” jobs, such as management, business, science and arts. Less than 6% of the workforce is employed in construction, maintenance or natural resource occupations, with 30% of the workforce is in sales and office occupations. See Table 18.

TABLE 18 – EMPLOYED CIVILIAN POPULATION BY OCCUPATION OF PALMYRA RESIDENTS - 2023

Employed Civilian Population by Occupation		Palmyra		Burlington County	
Occupation	Number	Percentage	Number	Percentage	
Management, business, science, and arts occupations	1,573	37%	119,167	49%	
Service occupations	470	11%	32,907	14%	
Sales and office occupation	1,288	30%	53,127	22%	
Natural resources, construction, and maintenance occupations	252	6%	14,303	6%	
Production, transportation, and material moving occupations	707	17%	25,062	10%	

Source: US Census, 2023 ACS-5 and -1Year Estimates, Table DP03

IN-PLACE EMPLOYMENT BY INDUSTRY

Data from the New Jersey Department of Labor and Workforce Development shows that there was an average of 109 private sector employers in Palmyra, employing an average of 961 private sector employees. This data, along with the data from the 2023 ACS discussed above, shows that the majority of residents in Palmyra work for employers that are located outside of the Borough. Construction is the largest industry in the Borough and offers the highest annual wage. Local government employs 331 people and local government education employs 169 people.

TABLE 19 – PALMYRA IN PLACE EMPLOYMENT BY INDUSTRY- 2023

Industry	Establishments		Employees		Annual Wages
	Number	Percentage	Number	Percentage	
Agriculture	-	-	-	-	-
Construction	11	10%	102	11%	\$113,185
Manufacturing	-	-	-	-	-
Wholesale Trade	-	-	-	-	-
Retail Trade	-	-	-	-	-
Transportation/Warehousing	3	3%	22	2%	\$54,316
Information	-	-	-	-	-
Finance/Insurance	-	-	-	-	-
Real Estate	-	-	-	-	-
Professional/Technical	7	6%	15	2%	\$61,476
Management	-	-	-	-	-
Admin/Waste Remediation	9	8%	32	3%	\$35,533
Education	-	-	-	-	-
Health/Social	-	-	-	-	-
Arts/Entertainment	-	-	-	-	-

Accommodations/Food	8	7%	55	6%	\$18,607
Other Services	-	-	-	-	-
Unclassified	-	-	-	-	-
Private Sector Total	109	100.0%	961	100%	\$68,837
Local Government Total	3		331		\$69,671
Local Government Education	1		169		\$66,812

Source: NJ Department of Labor and Workforce Development, Employment and Wages, 2023 Annual Report

Employment Trends and Projections

Private sector employment increased significantly between 2020 and 2025 (46%), most likely attributable to post COVID-19 Pandemic hiring's. The Delaware Valley Regional Planning Commission (DVRPC) published projections for employment from 2015 - 2050 as part of its Connections 2050 Regional Plan. These projections, however, show that employment in Palmyra from 2025 through 2050 is expected to decrease about 5%. The Borough does expect to increase its jobs as the lease out of two 750,000 sq. ft. warehouse/logistics centers at the Route 73 Redevelopment project move forward. However, the trend of decline is expected to continue. See Table 20.

TABLE 20 – PALMYRA EMPLOYMENT PROJECTIONS 2020-2050

Year	Jobs	Change	Percent Change
2020	2,535	-	
2025	3,709	1,174	46%
2030	3,647	- 62	- 2%
2035	3,616	-31	- 1%
2040	3,629	13	< 1%
2045	3,526	-103	-.3%
2050	3,518	-8	< 1%

Source: DVRPC 2050 Municipal-Level Population and Employment Forecasts

TRAVEL TIME TO WORK

The majority of Palmyra (59%) and Burlington County (55%) residents commute less than 30 minutes to work. Only 5% of Borough residents commute more than an hour to work, whereas 12% of County residents do so. The mean travel time is similar between the Borough and the County (25 minutes for the Borough and 30 minutes for the County). See Table 21.

TABLE 21 – TRAVEL TIME TO WORK FOR PALMYRA RESIDENTS - 2023

TRAVEL TIME TO WORK		
Percentage	Palmyra	Burlington County
Less than 10 minutes	12%	9%
10 to 14 minutes	8%	11%
15 to 19 minutes	15%	14%

TRAVEL TIME TO WORK		
20 to 24 minutes	16%	13%
25 to 29 minutes	8%	8%
30 to 34 minutes	19%	16%
35 to 44 minutes	9%	9%
45 to 59 minutes	9%	8%
60 or more	5%	12%
Total	100%	100%
Mean Travel Time to Work (minutes)	25	30

Source: US Census, 2023 ACS-1 Year, Tables B08303, S0801. Numbers may not equal 100% due to rounding.

INCOME AND POVERTY STATUS

In 2023, the median household income for Palmyra was \$85,014, with 36% of its residents earning \$100,000 or more. Compared to the County, the Borough is less wealthy. The median income for Burlington County was \$102,532 with 52% of residents earning \$100,000 or more. The poverty rate for the Borough is slightly higher (9%) than that of the County (7%). See Table 22. Interestingly, the poverty rate rose significantly for both Palmyra and the County since 2021 when the poverty rate was 4% for both. Source: 2021 US Census, ACS Table DP03.

TABLE 22—PALMYRA INCOME AND BENEFITS — 2023

Income and Benefits				
	Palmyra		Burlington County	
	Number	Percentage	Number	Percentage
Less than \$10,000	129	4%	5,321	3%
\$10,000 to \$14,999	12	< 1%	3,558	2%
\$15,000 to \$24,999	157	5%	6,894	4%
\$25,000 to \$34,999	152	5%	8,951	5%
\$35,000 to \$49,999	350	11%	14,349	8%
\$50,000 to \$74,999	532	16%	23,315	13%
\$75,000 to \$99,999	752	23%	24,565	14%
\$100,000 to \$149,999	572	17%	36,715	21%
150,000 to \$199,999	305	9%	24,051	13%
\$200,000 or more	322	10%	31,758	18%
Total Households	3,283	100%	179,477	100%
Median Household Income	\$ 85,014		\$102,532	

Income and Benefits				
	Palmyra		Burlington County	
	Number	Percentage	Number	Percentage
		Percentage		Percentage
Poverty Status in Past 12 Months (all people)		9%		7%

Source: US Census, 2023 ACS-5 and 1-Year Estimates, Tables DP04, S1701. Numbers may not equal 100% due to rounding.

3. CAPACITY FOR FAIR SHARE

ANALYSIS OF IMPACT OF EXISTING CONDITIONS ON AFFORDABLE HOUSING OPPORTUNITIES

Palmyra is fully served by public water and sewer. There is adequate capacity in the Borough for in-fill type development. With the successful implementation of the Route 73 Redevelopment Plan, which included development of 102 affordable units, there are no large tracts of land in the Borough since it is now essentially built-out. However, redevelopment does continue to offer opportunities for the Borough to meet its Prospective Need of 29 units. The Armotek/Roto-Cylinders site is currently being considered for redevelopment and has been determined by the Land Use Board at their May 28, 2025 meeting, as an area in need of condemnation redevelopment. The next step in the process is for the Borough to draft a redevelopment plan specific to the site, secure a redeveloper, and remediate the former industrial site prior to any construction activities.

ANTICIPATED DEVELOPMENT PATTERNS

The Borough is now a fully built-out suburban municipality that permits all forms of housing development in its various zoning districts. Demand for any one form of development is extremely low due to the lack of vacant land. Any redevelopment plan for the Armotek/Roto-Cylinders site will allow for residential use. The Borough contains most land uses, including a number of small industrial facilities. With the exception of any future redevelopment, land use patterns are stable and are not anticipated to change.

MUNICIPAL ECONOMIC DEVELOPMENT POLICIES

As with many older suburban communities, the Borough of Palmyra struggles to maintain the vibrancy of its downtown. To address these issues, the Borough received a grant from the Department of Community Affairs to study the feasibility of forming a Special Business Improvement District in 2009. The Borough passed Ordinance 2009-21 creating the Business Improvement District and amended in 2010 with Ordinance 2010-6. Since that time the BID has disbanded. The Borough does have an Economic Development Committee, which actively promotes local businesses. The Burlington County Office of Economic Development also takes an active role in local business promotion.

CONSTRAINTS ON DEVELOPMENT & MEASURES TO ADDRESS CONSTRAINTS

As a built-out suburban municipality, in-fill and redevelopment are the only two options for development in Palmyra. The lack of land for growth is the ultimate constraint in the Borough with environmental (contamination) and economic issues constraining redevelopment at the current targeted site (Armotek/Roto-Cylinders).

The Borough has just begun the redevelopment process for the site and anticipates it will take several years, to implement any redevelopment plan due to the existing environmental conditions, the need to secure a redeveloper and execute a Redevelopment Agreement, etc.

Other than executing an agreement with a private sector developer to redevelop the Armotek/Roto-Cylinders site, the Borough of Palmyra has no available measures to address its largest constraint, the lack of land.

CONSIDERATION OF LAND MOST APPROPRIATE FOR LOW- AND MODERATE-INCOME HOUSING

With the successful redevelopment of the Boroughs Route 73 South Redevelopment area, which resulted in 102 affordable family rental units being constructed, the only additional area most appropriate for low- and moderate-income housing in Palmyra is the Roto-Cylinders Redevelopment Area (Block 78.01, Lots 4, 5, 5.01, 5.02, 5.03, 7 & 7.01).

This area, which was just determined to be in need of condemnation redevelopment was so designated by the Palmyra Land Use Board at their May 28, 2025 meeting. The site is located on Public/Hylton Road and is a former industrial site. It is, however, adjacent to residential uses on the opposite side of Public/Hylton Road. The site is approximately 2.16 acres and is the entirety of the block. This site provides the only potential for the Borough to address its affordable housing obligation. A redevelopment plan for the area will be created in the next 90-days, and will allow for the development of low-moderate income housing. The Borough will also amended its zoning map to create the Roto-Cylinders Redevelopment zoning district.

The current vision is that the site will include a multi-family residential 100% affordable housing rental development. The site does face some significant remediation issues which are summarized in the Site Suitability section.

4. FAIR SHARE PLAN

In adopting its housing element, a municipality may provide for its fair share of affordable housing through any single or combination of mechanisms that would result in a plausible likelihood for the provision of the Fair Share. As per N.J.A.C. 5:93, the following mechanisms have been utilized in this plan:

- Rehabilitation of existing substandard housing units;
- 100% affordable rental project

These mechanisms are discussed in greater detail in the following sections of this plan.

REGIONAL INCOME LIMITS

Regional incomes are used to help define what constitutes whether a dwelling unit is affordable. Income categories are taken as a percentage of regional median income. Income categories and their maximum levels are as follows:

- Moderate Income: cannot exceed 80% of the Regional Median Income
- Low Income: cannot exceed 50% of the Regional Median Income
- Very Low: cannot exceed 30% of the Regional Median Income

Under New Jersey's Fair Housing Act, housing units are considered affordable if a dwelling (either for sale or rental) is within the financial means of households that are very low, low or moderate-income (defined within each housing region). Palmyra is located in Burlington County, which is within Region 5 (Burlington, Camden and Gloucester Counties).

COAH's last regional income limits were released in 2014. The Affordable Housing Professionals of New Jersey (AHPNJ) have developed a methodology to calculate new income limits for 2025, in consultation with the Fair Share Housing Center. A one (1) person moderate income household cannot earn over \$64,064 using the 2025 AHPNJ regional income limits. This amounts to a difference of nearly \$18,424 when compared to the 2014 limits. See Table 23 for more details. These numbers will change upon the release of revised numbers this summer.

TABLE 23 - 2025 REGIONAL INCOME LIMITS (REGION 5)

2025 AHPNJ Regional Income Limits for Region 5				
Income Level	1 Person	2 Person	3 Person	4 Person
Median	\$80,080	\$91,520	\$102,960	\$114,400
Moderate	\$64,064	\$73,216	\$82,368	\$91,520
Low	\$40,040	\$45,760	\$51,480	\$57,200
Very Low	\$24,024	\$27,456	\$30,888	\$34,320

SATISFACTION OF REHABILITATION OBLIGATION

PRESENT NEED (REHABILITATION OBLIGATION) -

In 2008, COAH's last adopted rules, the State gave Palmyra a rehabilitation obligation through 2018 of 20. In 2014, the State used more current census data and gave Palmyra a rehabilitation obligation of 4. However, this is not an official number as it was never adopted. In 2015, the Fair Share Housing Center (FSHC) prepared and issued the New Jersey Low- and Moderate-Income Housing Obligations for 1999-2025, prepared by David N. Kinsey of Kinsey & Hand ("Kinsey Report"), also unofficial, that used the New Jersey COAH prior round methodology (1987-1999) which determined that the Borough had a rehabilitation obligation

of 4. For Round 4 the Borough and FSHC as part of the Judicial Order dated April 17, 2025 have agreed to use 2 as the number for the Borough's Present Need or rehabilitation obligation.

Palmyra received an NJDCA Small Cities Grant to complete its Rehab Obligation in 2015 and used those funds to rehabilitate 9 units, thus completing the prior rounds obligations. These completed units all met the requirements of N.J.A.C. 5:97-6.2 and 6.3, including a minimum average per-unit hard-cost expenditure of \$10,000 and had at least one major system replaced. Documentation for the completed units as well as general information for the Borough's Housing Rehabilitation Program can be found in Appendix D. The program is open to both owner occupied and rental occupied housing units. For Round 4, Palmyra received an additional NJDCA Small Cities grant for \$195,000 which it will use to meet (and exceed) the Present Need of 2 units.

SATISFICATION OF COMBINED PRIOR ROUND AND Fourth ROUND OBLIGATION

PRIOR ROUND & FOURTH ROUND (1987-2035) - 155 UNITS

Prior Round - 39 Units, Third Round - 116 Units, Fourth Round - 29 units

TABLE 24 – COMPLIANCE MECHANISMS FOR PRIOR ROUND (1987-2025) AND FOURTH ROUND (2025 - 2035) OBLIGATIONS

Compliance Mechanisms	Credits	Bonuses	Total
Credits without Controls	19	0	19
Route 73 Redevelopment 100% Affordable Family Rentals	102	34	136
Roto-Cylinders 100% Affordable Family Rentals	22	7	29
Total	143	41	184

The Borough has partially satisfied its 39-unit Prior Round obligation through Credits without Controls that were previously approved by COAH. The remaining obligation (20 units) were addressed as part of the Third Round Obligation. The Borough satisfied the remaining 20 units from the Prior Round and the 116-unit obligation for the Third Round with the 102 affordable rental units from the Route 73 South Redevelopment Area. The 29 unit affordable housing obligation will be satisfied by the Roto-Cylinders Redevelopment Area 100% affordable project – 22 affordable units (see Figure 5 Below for location), plus the combined maximum 7 rental bonuses permitted.

TABLE 25 – REQUIREMENTS FOR PRIOR ROUND (1987-2025) AND FOURTH ROUND (2025-2035) OBLIGATIONS

Obligation Requirements	Required	Provided
Min. Total Family Required - 50% of total units	11	22
Min. Very Low Required - 13% of units approved and constructed after 7/1/2008 (13% x 22)	3	2
Min. Very Low Family Required - 50% of total VLI Requirement	2	2
Min. Total Rental Required - 25% of obligation (25% x 22)	7	22
Min. Family Rental Required - 50% of rental obligation	11	22
Maximum Senior Permitted - 25% of obligation	0	0

FIGURE 4 – AFFORDABLE HOUSING SITE



COMPLIANCE MECHANISMS

CREDITS WITHOUT CONTROLS & 100% AFFORDABLE REDEVELOPMENT PROJECT

The Borough received approval for 19 Prior Cycle Credits without Controls, per N.J.A.C. 5:93-3.2, which were previously approved by COAH and the Court in its January 2020 Fairness Order to address its Prior Round Obligation.

The remaining 20 units were addressed by the Route 73 redevelopment project. The redevelopment of the Route 73 South area created 102 family rental units in total, which fully satisfied the Round Three and prior round obligations.

The Roto-Cylinders site has recently (May 28, 2025) been designated as an area in need of condemnation redevelopment. It is anticipated that the Redevelopment Plan for the Roto-Cylinders site will consist of a 100% affordable residential development that would provide 22 affordable family units.

The site (Block 78.01, Lots 4, 5, 5.01, 5.02, 5.03 7 & 7.01) is roughly square parcel of 2.16 acres in the western portion of the Borough. The site currently consist of masonry structures, which served as offices, storage, and production facilities, as well as on-site parking.

The Roto-Cylinders site is in the State Planning Area I (PAI), the Metropolitan Area of the State Development and Redevelopment Plan (SDRP) and is currently zoned for Industrial uses.

The site is included in the Borough's Sewer Service Area and has both public sewer and water service. Access to the site is currently from Roto Avenue. The site is within ¼ mile of an NJ Transit bus stop, and is within ½ mile of the Palmyra RiverLine Light rail station.

The affordable housing project will consist of a total of 22 affordable family rental units. The proposed bedroom-income distribution will consist of five 1-bedroom units, eleven 2-bedroom units and six 3-bedroom units. Fifty percent (50%) of the units will be affordable to low-income (including very low-income) households. As per N.J.A.C. 5:80-26.1, because the Project is expected to receive Low Income Housing Tax Credits (LIHTC), the bedroom-income distribution does not need to be compliant with UHAC. However, In the event that the project does not receive LIHTC, the proposed bedroom-income distribution will seek approvals from the Special Adjudicator and FSHC.

TABLE 25- UHAC REQUIRED BEDROOM-INCOME DISTRIBUTION TO BE APPROVED BY SPECIAL ADJUDICATOR AND FSHC

Bedrooms	Very Low	Low	Moderate	Total	Percent of Total
1-Bedroom	1	3	1	5	19.6%
2-Bedroom	1	3	7	11	54.9%
3-Bedroom	1	2	3	6	25.5%
Total	3	8	11	22	
Percent of Total	13.7%	36.3%	50.0%		

The Roto-Cylinders Redevelopment Plan will comply with all of the **site suitability criteria** as required by N.J.A.C. 5:97-3.13. The required criteria for site suitability will be addressed as follows:

- Site Control – The Borough will own the property and will convey the property to the redeveloper of the project prior to construction.
- Suitable Site – The Roto-Cylinders site is suitable as defined in COAH’s regulations, which indicates that a suitable site is on in which it is adjacent to compatible uses, has access to appropriate streets and is consistent with environmental policies. No evidence has been provided indicating any legal encumbrances that would preclude the development of the site for affordable rental housing. The site is adjacent to compatible land uses and has access to appropriate streets.
 - Access to appropriate streets. The proposed affordable housing parcel is serviced by a public road, Roto Avenue, and has direct access to Public/Hylton Road. The site is also proximate to the RiverLine Light Rail network, NJ Transit Route 419 bus route and the Heritage Trail bikeways system, which connects multiple counties in Pennsylvania and New Jersey.
 - Adequate sewer and water capacity are available. The site is within the Borough’s sewer service area and has existing public sewer. The area is also serviced by New Jersey American Water.
 - The site can be developed in accordance with R.S.I.S. Development of the site will be consistent with the Residential Site Improvement Standards, NJAC 5:21-1 et. Seq. The Borough designated the area as an Area in Need of Condemnation Redevelopment in 2025 and is currently drafting a redevelopment plan as per N.J.S.A 40A:12A-7. It is anticipated the Redevelopment Plan will be adopted in late summer of 2025.
 - The site is in a “Smart Growth Planning Area.” The 2001 Adopted State Plan Map and the 2004 Preliminary State Plan Map designates the property as being in the Metropolitan Planning Area (PA 1). Among the intentions of the Metropolitan Planning Area are to provide for much of the state’s future redevelopment; promote growth in compact forms; and redesign areas of sprawl. It is a preferred location for affordable housing development.
 - The development is not within the jurisdiction of the Coastal Area Facility Review Act (CAFRA) and is located outside of the Pinelands, Highlands and Meadowlands planning areas.
 - There are no wetlands on the affordable housing lot and it is not in a flood hazard area.
 - In addition, the area has no history of flooding, unlike other portions of the Borough.
 - The site will comply with all applicable environmental regulations but will require. A summary of the existing environmental conditions follows:

Beginning in 1965, operations at the 701 Roto Avenue Site involved refurbishing roto print Cylinders used in commercial printing presses. The initial environmental evaluation at the site began in the late 1980's. There have been several NJDEP Industrial Site Recovery Act (ISRA) cases associated with the site including assessments completed in 1988 and 2005. The latest ISRA case was triggered by the cessation of operations at the Site which occurred around November 2023. Since that time, the site has remained vacant.

Approximately 50 Areas of Concern (AOC) were identified at the Site. Following the completion of the site and remedial investigations, five AOCs still require remediation as of February 2025. These AOCs include Site features involved in an electroplating operation completed onsite. As part of the roto-Cylinders refurbishing each Cylinders was processed through a series of electroplating chemical baths that contained hexavalent chromium, copper, and nickel. During the manufacturing process, the business generated wastewater containing elevated concentrations of these metals which was collected in trench drains and pits situated on the production floor and then subsequently into the soil and groundwater beneath the Site building through breaches in the concrete lined trench drains walls and floor. As a result of these long-term releases, soils beneath the site have exhibited concentrations of hexavalent chromium far in excess of the NJDEP's Soil Clean Up Criteria for hexavalent chromium.

The release of the metals containing wastewater has also resulted in the degradation of groundwater at the Site as well to nearby downgradient properties where the concentration of chromium beneath the site exceeds the NJDEP Groundwater Quality Standards (GWQS). Copper and nickel are also present in Site groundwater at concentrations exceeding the NJDEP GWQS. The area of degraded groundwater extends over 1,000 feet downgradient of the Site and encompasses an area of over ten acres.

Sources:

Remedial Investigation Report, ArmoTek Industries, Inc., Prepare by TRC, February 27, 2020

Updated Receptor Evaluation Report On-Line Submittal Documentation for ArmoTek Industries, Inc. Prepared by TRC, February 2020

Groundwater Classification Exception Area (CEA) Fact Sheet, ArmoTek Industries, Inc. Prepared by TRC, February 2020

[NJDEP New Jersey Department of Environmental Protection \(DataMiner\)](#)

- The site will not affect any historic or architecturally important sites and districts. There are no historic or architecturally important sites or buildings on the property or in the immediate vicinity that will affect the development of affordable housing.
- **Developable Site** – In accordance with N.J.A.C.5:93-1.3, a developable site has access to appropriate sewer and water infrastructure and is consistent with the area wide water quality management plan, which the Roto-Cylinders site is.
- **Approvable Site** – Pursuant to N.J.A.C. 5:93-1.3, an approvable site may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. The Borough will adopt a Redevelopment Plan in the summer of 2025 and will then seek a qualified redeveloper to implement the Plan.

Table 24 lists the required site suitability criteria and includes a description of how the site is compliant.

TABLE 24 - SITE SUITABILITY CRITERIA

Criteria	Complies? (Y/N)	Notes
Clear title and is free of encumbrances which preclude development of affordable housing	Y	The lots will be conveyed to the designated redeveloper prior to construction.
Adjacent to compatible land uses and has access to appropriate streets	Y	The Roto-Cylinders site is located adjacent to residential used on Public/Hylton Road and has direct road frontage on three sides to public roads.
Adequate sewer and water capacity is available	Y	The affordable housing site is located within the Borough's Sewer Service Area and is currently served by both public sewer and water.
Can be developed in accordance with Residential Site Improvement Standards (RSIS)	Y	Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.
Located in a Smart Growth Planning Area	Y	The affordable housing site is located in State Planning Area 1 (PA1), the Metropolitan Planning Area of the State Development and Redevelopment Plan ("SDRP") where

		development, including affordable housing development, is encouraged.
The development is not within the jurisdiction of a Regional Planning Agency or CAFRA	Y	The Borough of Palmyra is not within the jurisdiction of a regional planning agency or CAFRA.
Comply with all applicable environmental regulations	Y	The development of the site will comply with all applicable environmental regulations. There are no wetlands on the affordable housing lot and it is not in a flood hazard area. The lot is listed as a known contaminated site and the Borough will continue to partner with the DEP on the remediation.
Site does not impact any historic or architecturally important sites and districts	Y	No historic or architecturally important sites will be impacted by this development.

RENTAL BONUSES

The Borough's rental requirement from the fourth round is 29 units and the Borough is permitted to claim a combined maximum of 7 rental bonuses, calculated as follows per N.J.A.C. 5:93-5.15: $(0.25 \times [\text{total obligation less prior cycle credits}] = 0.25 \times 29 = 7.25)$.

5. ADMINISTRATION

Palmyra appointed its Municipal Housing Liaison on October 16, 2023 by resolution 2023-247 (included in appendix G) as required by N.J.A.C. 5:96-17. It is anticipated that the developer for the Armotek/Roto Cylinders Redevelopment project will serve as its own Administrative Agent. If for any reason the approved Redeveloper does not develop the units, the Borough's appointed Administrative Agent, CGP&H will serve as the Administrative Agent for the Armotek/Roto-Cylinders Redevelopment project. The manual for the Borough's appointed Administrative Agent for any other existing or future affordable housing development is included in Appendix H.

The Borough adopted its Affordable Housing Ordinance on September 16, 2024 and its revised Development Fee Ordinance on August 8, 2024. As mentioned earlier, the Borough's Spending Plan was adopted in June 2023 and approved by the Court as part of its June 22, 2023 Fairness Order approving the Settlement Agreement. However this will need to be revised since the Borough has recently, April 2024, closed out its two RCA programs, and has transferred funds from them into its Affordable Housing Trust Fund. The Borough's Affirmative Marketing Plan was approved by the Borough Council in October 2024.

6. CONCLUSION

The Borough of Palmyra is a fully built suburban municipality with stable, existing land use patterns. The community consists of predominately owner occupied single-family homes. The Borough's population has been slowly increasing over the last two decades. Borough residents are mainly married couples. The Borough's residents are predominantly age 50-59 but the population is split almost evenly between those who are under 40 years of age, and those above 40. Palmyra is not as wealthy as the County, however, it does have a low rate of poverty (4.3%).

With respect to its Fair Share Compliance Plan, the Borough will exceed its rehabilitation obligation of 2 units via a 2023 NJDCA Small Cities Housing Rehabilitation grant, and has fully satisfied its Prior Round Obligations through the development of 102 family rental units within the Route 73 Redevelopment Project. The Fourth Round obligation (29 minus a rental bonus credit of 7) will be met through a 100% affordable family rental development at the Armotek/Roto-Cylinders site.

Municipally Sponsored 100% Affordable Family Rental Project

The Borough of Palmyra is currently in the final phase of fully implementing a 102 unit, 100% affordable family rental project within its Rt. 73 South Redevelopment Area. The project is in lease out with Certificates of Occupancy anticipated to be issued by August 2025.

For a municipality the size of Palmyra to have completed such a project at all, let alone within a three-year period, is unprecedented.

The proposed new 100% affordable family rental project at the Armotek/Roto-Cylinders redevelopment site is in the formative stage. On May 28, 2025, the Palmyra Land Use Board determined that the area was in need of condemnation redevelopment. This is the initial step in what will likely be a multi-year project. The next step in the process is to draft a redevelopment plan for the site.

Given that the Armotek project is still in the very formative stages, the Borough cannot provide all the information required by N.J.A.C. 5:93-5.5 at this time and requests that it be permitted to provide this information at a later date, once the process is fully vetted and a potential realistic timeline is developed.

As the project progresses, based on its experience with providing affordable housing at the Rt. 73 South Redevelopment Area, the Borough fully anticipates developing a full and complete response for the requirements outlined in N.J.A.C. 93:5-5, including municipal control of the site, a model funding plan, adequate funding capacity, and the administrative mechanism to construct the proposed housing.

MALAMUT AND ASSOCIATES, LLC

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Attorneys for Plaintiff Borough of Palmyra

**IN THE MATTER OF THE APPLICATION
 OF THE BOROUGH OF PALMYRA,
 COUNTY OF BURLINGTON**

:
 : SUPERIOR COURT OF NEW JERSEY
 : LAW DIVISION
 : DOCKET NO.
 :
 :
 : **Civil Case Type 816**
 : (Mount Laurel)
 :
 : **COMPLAINT FOR FOURTH ROUND**
 : **DECLARATORY**
 : **RELIEF PURSUANT TO THE**
 : **DIRECTIVE #14-24**

Plaintiff, the Borough of Palmyra, (hereinafter "Palmyra" or the "Borough"), a municipal corporation of the State of New Jersey, with principal offices located at 20 W. Broad St., Palmyra, New Jersey, alleges and says:

Jurisdiction

1. Jurisdiction in this matter is established pursuant to the Fair Housing Act, N.J.S.A. 52:27D-304.1(f)(1)(b).

Introduction

2. The "Mount Laurel doctrine" refers to New Jersey's affordable housing laws which derived from the landmark cases collectively referred to as "Mount Laurel I" (So. Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 67 N.J. 151 (1975),

cert. denied, 423 U.S. 808, 96 S.Ct. 18, 46 L.Ed.2d 28 (1975)), "Mount Laurel II" (So. Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 92 N.J. 158 (1983)), the New Jersey Fair Housing Act or "FHA" (N.J.S.A. 52:27D-301 et seq.) and related laws.

3. On March 20, 2024 Governor Murphy signed into law P.L. 2024, c. 2 which amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq ("FHA").

4. Pursuant to the FHA, an Affordable Housing Dispute Resolution Program shall be established, and will be responsible for overseeing the participating municipalities conformance with the Act, as well as oversee dispute resolution relating thereto. N.J.S.A. 52:27D-304.1(f) (1).

5. Pursuant to the FHA, on October 18, 2024 the New Jersey Department of Community Affairs ("DCA") issued a report entitled "Affordable Housing Obligation for 2025-2035 (Fourth Round)) Methodology and Background" ("Fourth Round Report").

6. The FHA as amended states "[e]ach municipality shall determine its municipal present and prospective obligations in accordance with the formulas established in sections 6 and 7 of P.L.2024, c.2 (C.52:27D-304.2 and C.52:27D-304.3)";

7. On or about December 13, 2024, the Administrative Office of the Courts issued Directive #14-2024 which "promulgate procedures and guidelines implementing the Affordable Housing

Alternative Dispute Resolution Program ("Program")" consistent with P.L. 2024, c.2.

Plaintiff Borough's Compliance with the FHA

8. The Borough of Palmyra is a body corporate and politic organized under the laws of the State of New Jersey, County of Burlington.

9. The Borough Council is the governing body of Palmyra and is responsible, inter alia, to ensure that appropriate and necessary actions are taken to achieve and comply with its affordable housing obligations under the "Mount Laurel doctrine."

10. The Planning Board of Palmyra is the municipal agency responsible under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., ("MLUL"), for implementing the Housing Element of the Borough's Master Plan in a manner that is consistent and compliant with the Borough's obligations under the Mount Laurel doctrine.

11. The Borough obtained a Final Judgement of Compliance and Repose dated October 29, 2024 for the Borough's Third Round cumulative obligations ("JOC").

12. The Borough is in compliance with its Third Round requirements pursuant to its JOC and the Borough is in compliance with its new Fourth Round reporting and monitoring requirements per the FHA.

13. In the Fourth Round Report the DCA calculated that the Borough of Palmyra has a Fourth Round present need of five (5) low and moderate income units and a prospective need of thirty one (31) low and moderate income units.

14. The Borough's Engineers and Affordable Housing Planner ("Borough Professionals") have reviewed the DCA's October 18, 2024 findings, including the data used to determine Palmyra's share of the regional need.

15. The Borough Professionals determined that the DCA's data used to determine the Borough Land Capacity Factor was over inclusive, as outlined in their report annexed hereto as Exhibit A.

16. The Borough Professionals recalculated the Borough's Land Capacity Factor, as is provided by the FHA as amended, and determined that the Borough's actual prospective need obligation is twenty seven (27) low and moderate income units.

COUNT I
**DECLARATION OF THE BOROUGH'S FOURTH ROUND PRESENT AND
PROSPECTIVE NEED PURSUANT TO THE FAIR HOUSING ACT**

17. The Borough reiterates and incorporates all allegations set forth above as if restated herein.

18. At a special meeting of the Borough Council conducted on January 27, 2025 in accordance with the Open Public Meetings

Act, the Borough adopted Resolution No. 2025-77 in satisfaction of its obligation pursuant to N.J.S.A. 52:27D-304.1 f.(1)(a) and (b). Exhibit B.

19. Resolution No. 2025-77 accepts the calculation of the Borough's present need obligation of five (5) low and moderate income units by the DCA in the Fourth Round Report and accepts the prospective need obligation of twenty seven (27) low and moderate income units as calculated by the Borough Professionals in accordance with the methodology outlined in Section 6 and 7 of the FHA as amended.

20. The Borough voluntarily submits itself to the jurisdiction of the Program as established by the FHA.

21. Resolution No. 2025-77 was published to the Borough's website on January 28, 2025, within 48 hours of resolution adoption.

22. Resolution No. 2025-77 was adopted on January 27, 2025, and the Borough filed the instant Declaratory Judgment Action Complaint within 48 hours of resolution adoption per the FHA and Directive #14-2024.

23. The Borough is therefore entitled to continued immunity from exclusionary zoning litigation as it has complied with its obligations under the FHA.

WHEREFORE, the Borough of Palmyra hereby demands judgment granting the following relief:

1. Declaring that the Borough has a Fourth Round Affordable Housing present need of five (5) low and moderate income units and a prospective need of twenty-seven (27) low and moderate income units; and
2. The entry of an Order reaffirming the Borough's and its Planning Board's Immunity from all exclusionary zoning litigation pursuant to N.J.S.A. 52:27D-304.1 et seq.: while the Borough prepares, adopts, endorses, and files its amended Affordable Housing Plan and provides the required public Notice; and
3. The grant of such other relief as may be just and equitable.

COUNT II

Approval of the Borough's Housing Element and Fair Share Plan

24. Palmyra has demonstrated a long-standing commitment to comply with its constitutional affordable housing obligation in response to the New Jersey Fair Housing Act ("FHA"), at N.J.S.A. 52:27D-301 et seq., and COAH's Second Round and Third Round regulations (both iterations from 2004 and 2008) at N.J.A.C. 5:93, 5:94 and 5:97, respectively.

25. The Borough will address its Fourth Round present need and prospective need affordable housing obligations as outlined above and the Borough is committed to addressing the deadlines

established in the FHA in order that its Fourth Round fair share obligations shall be established by default per the FHA.

26. Pursuant to Resolution No. 2025-77 the Borough intends to develop a Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP") that will provide an opportunity for the creation of sufficient low- and moderate-income housing by 2035, to satisfy the Borough's Fourth Round present and prospective need as outlined above and calculated pursuant to the Fair Housing Act.

27. In accordance with the FHA and Paragraph III A of AOC Directive #14-2024, the Borough will file its adopted Fourth Round HEFSP no later than June 30, 2025,

WHEREFORE, the Borough of Palmyra hereby demands judgment granting the following relief:

1. Declaring that the Borough's Fourth Round HEFSP as adopted and filed with this Court in accordance with the FHA and Directive #14-24 complies with the requirements of the FHA; and
2. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Borough for the period beginning July 1, 2025 and ending June 30, 2035; and

3. The entry of an Order approving the Borough's Spending Plan, as filed with the Court or as amended in the future and declaring that the Borough has committed for expenditure per the FHA and is free to expend the funds consistent with the programs contemplated in its Spending Plan; and

4. The grant of such other relief as may be just and equitable.

Respectfully submitted,

DATE: January 28, 2025

MALAMUT & ASSOCIATES

/s/ Kelly Grant
Attorneys for Plaintiff
Borough of Palmyra

TRIAL COUNSEL DESIGNATION

Pursuant to Rule 4:25-4, be advised that Kelly Grant has been designated as trial counsel on behalf of Plaintiff Borough of Palmyra in the above captioned matter.

DATE: January 28, 2025

MALAMUT & ASSOCIATES

/s/ Kelly Grant
Attorneys for Plaintiff
Borough of Palmyra

CERTIFICATION OF COUNSEL

Pursuant to Rule 4:5-1, the undersigned hereby certifies that at the time of filing of this pleading, the matter in controversy is not the subject of any other action pending in any Court and/or Arbitration proceeding.

I also understand that at this time there are no other parties to my knowledge that should be named in this lawsuit.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATE: January 28, 2025

MALAMUT & ASSOCIATES

/s/Kelly Grant
Attorneys for Plaintiff
Borough of Palmyra

MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE
RESOLUTION PROGRAM

IN THE MATTER OF THE APPLICATION OF THE BOROUGH OF PALMYRA,
DOCKET NO. BUR-L-220-25

WHEREAS, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2., into law, which established a new framework for determining and enforcing municipalities' affordable housing obligations under the Mount Laurel doctrine and the Fair Housing Act (the "Amended Act"); and

WHEREAS, the Amended Act required the Department of Community Affairs (the "DCA") to prepare a report with the calculation of the regional and municipal Prospective Need and the municipal Present Need for the Fourth Round in accordance with the formula required by the Amended Act; and

WHEREAS, the DCA released this report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round)" on October 18, 2024; and

WHEREAS, the DCA report concluded that the Borough of Palmyra (the "Borough") fair share obligations for the Fourth Round included a Present Need of 2 units and a Prospective Need of 31 units; and

WHEREAS, the Borough having filed a Declaratory Judgment Action along with an adopted January 27, 2025, resolution of participation with the Affordable Housing Dispute Resolution Program (the "Program"), in accordance with the requirements of N.J.S.A. 52:27D-301, et seq., and the timeframes set forth in the Administrative Office of the Court's Directive #14-24 (the "Directive"); and

WHEREAS, the Borough's resolution proposed to set the Borough's affordable housing obligations for the Fourth Round to include a Present Need of 5 units and a Prospective Need of 27 units; and

WHEREAS, in accordance with the timeframes set forth in the Amended Act and the Directive, New Jersey Builders Association (“NJBA”) filed a timely objection to the Borough’s resolution; and

WHEREAS, NJBA’s objection contended that the Borough had improperly calculated its Prospective Need obligations and requested that the Program find that the Borough’s Prospective Need obligation be set at 31; and

WHEREAS, the Borough disputes the contentions raised in NJBA’s objection; and

WHEREAS, within the Program established pursuant to N.J.S.A. 52:27D-313.2, the parties have engaged in the mediation process provided by the Program, and conferred and reached an accord setting forth the Borough’s Fourth Round Prospective Need obligations, without either party admitting the validity of the others’ claims; and

WHEREAS, recognizing that this agreement is reached prior to the adjudication of any challenges by the Program or any potential subsequent review in the judicial system, the parties agree that 29 units is within the range of possibilities of outcomes for the Borough’s Fourth Round Prospective Need; and

WHEREAS, resolving the Fourth Round Prospective Need at this juncture and allowing the Borough to move forward with preparing its Fourth Round HEFSP is important to the interests of lower-income households; and

WHEREAS, the Borough adopted a resolution on April 7, 2025 authorizing the execution of this agreement; and

WHEREAS, the Borough and NJBA agree to present this Mediation Agreement to the Program and consent to the Mediation Agreement, upon the approval by the Program, setting forth

the Borough's Fourth Round obligations and binding the Borough to utilize these obligations and foreclosing NJBA from further challenge to said obligations.

THEREFORE, the Borough and NJBA agree:

1. The Borough's Fourth Round fair share obligations shall be set forth as follows:
 - Present Need – 2 units
 - Prospective Need – 29 units
2. A Fourth Round Fair Share Obligation of 29 units is within the range possible outcomes were the court to fully-adjudicate the Borough's Prospective Need.
3. A Fourth Round Fair Share Obligation of 29 units is fair to the interests of lower-income households.
4. The Borough and NJBA will jointly present this Mediation Agreement to the Program and request approval of this Agreement from the Program and if approved by the Program from the vicinage Mount Laurel judge. If the Program, trial court, or any appellate court reject approval of this Agreement, the Parties reserve their right to return to the *status quo ante*.
5. The Borough shall prepare a Fourth Round Housing Element and Fair Share Plan ("HEFSP") utilizing these present and prospective need obligations and submit the HEFSP to the Program by the deadline in the Amended Act of June 30, 2025. NJBA reserves all rights as to its review of the HEFSP pursuant to the Amended Act. However, nothing in this agreement precludes the Borough from conducting a windshield survey relating to the calculation of present need.

The undersigned, on behalf of the Borough, is authorized to execute this agreement via the Borough Council resolution adopted on April 7, 2025. The undersigned on behalf of the NJBA consents to this Mediation Agreement and represents that he is authorized to execute

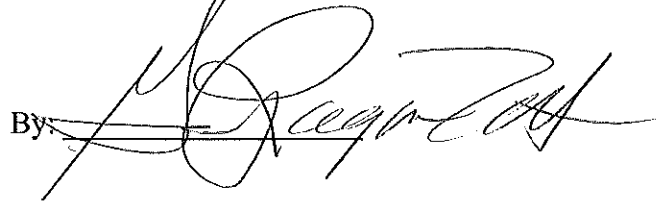
it on the NJBA's behalf. This Mediation Agreement shall not be further modified, amended or altered in any way except in writing signed by the Borough and NJBA.

Witness/Attest:



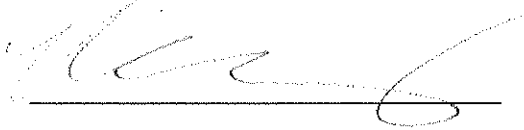
Dated: April 10, 2025

Borough of Palmyra

By: 

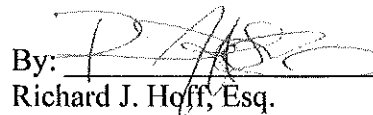
Dated: April 10, 2025

Witness/Attest:



Dated: April 4, 2025

New Jersey Builders Association

By: 

Richard J. Hoff, Esq.
Counsel for New Jersey Builders Association

Dated: April 4, 2025

**BOROUGH OF PALMYRA
RESOLUTION 2025-127**

**RESOLUTION OF THE BOROUGH OF PALMYRA, COUNTY OF BURLINGTON, STATE OF
NEW JERSEY, AUTHORIZING THE BOROUGH OF PALMYRA TO ENTER INTO A
SETTLEMENT AGREEMENT WITH NEW JERSEY BUILDERS' ASSOCIATION REGARDING
THE BOROUGH'S FOURTH ROUND PROSPECTIVE NEED OBLIGATION**

WHEREAS, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2., into law, which established a new framework for determining and enforcing municipalities' affordable housing obligations under the Mount Laurel doctrine and the Fair Housing Act (the "Amended Act"); and

WHEREAS, the Amended Act required the Department of Community Affairs (the "DCA") to prepare a report with the calculation of the Fourth Round Regional and Municipal Present and Prospective Need in accordance with the formula required by the Amended Act; and

WHEREAS, the DCA released this report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" on October 18, 2024; and

WHEREAS, the DCA report concluded that the Borough of Palmyra (the "Borough") fair share obligations for the Fourth Round included a Present Need of two (2) low- and moderate-income units and a Prospective Need of thirty-one (31) units; and

WHEREAS, the Borough, having filed a Declaratory Judgment Action along with a resolution (the "Resolution") adopted January 27, 2025, confirming participation with the Affordable Housing Dispute Resolution Program (the "Program"), in accordance with the requirements of N.J.S.A. 52:27D-301, et seq., and the timeframes set forth in the Administrative Office of the Court's Directive #14-24 (the "Directive"); and

WHEREAS, the Borough's Resolution proposed to set the Borough's affordable housing obligations for the Fourth Round to include a Present Need of five (5) low- and moderate-income units and a Prospective Need of twenty-seven (27) low and moderate income units; and

WHEREAS, in accordance with the timeframes set forth in the Amended Act and the Directive, New Jersey Builders Association ("NJBA") filed a timely objection to the Borough's resolution; and

WHEREAS, the Borough disputes the contentions raised in NJBA's objection; and

WHEREAS, the parties have engaged in the mediation process provided by the Program pursuant to N.J.S.A. 52:27D-313.2, and have conferred and reached an accord setting forth the Borough's Fourth Round Present Need Obligation of two (2) low- and moderate-income units and a Prospective Need Obligation of twenty-nine (29); and

WHEREAS, in the interest of expeditious and efficient use of taxpayer funds and in the interest of enabling the Borough to proceed with the preparation of its Housing Element and Fair Share Plan; and

WHEREAS, the Borough desires to authorize the execution of this Settlement Agreement with the NJBA, attached as Exhibit A hereto.

NOW, THEREFORE, BE IT RESOLVED on this 7th day of April by the Borough Council,

BE IT RESOLVED, that the Borough of Palmyra reiterates and incorporates all statements and exhibits set forth above as if fully restated herein; and

BE IT FURTHER RESOLVED, that the Borough of Palmyra hereby authorizes the Borough Administrator and Borough Staff to enter into and execute the Settlement Agreement substantially in the form attached to this Resolution as Exhibit A; and

BE IT FURTHER RESOLVED, that the Borough Administrator and Borough Staff are further authorized to take any and all additional steps necessary and legally required to enter into the Settlement Agreement with the New Jersey Builders Association.

RECORD OF COUNCIL VOTE ON RESOLUTION 2025-127 adopted

MOTION: HOWARD

SECOND: O'CONNOR

Natashia Latimore: absent

John Liebe: yes


Sean O'Connell: yes

Jessica O'Connor: yes

President Timothy Howard: yes

Mayor, Gina Ragomo Tait –

I HEREBY CERTIFY that the foregoing resolution was adopted by the Borough Council of the Borough of Palmyra, County of Burlington, State of New Jersey at their Council Caucus meeting held on April 7th, 2025.


Doretha R. Jackson, RMC
Borough Clerk

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE BOROUGH
OF PALMYRA, BURLINGTON
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2 (N.J.S.A.
52:27D-304.1, et seq.),**

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
BURLINGTON COUNTY
DOCKET NO. BUR-L-220-25

Civil Action

Mt. Laurel Program

**DECISION AND ORDER FIXING
MUNICIPAL OBLIGATIONS FOR
“PRESENT NEED” AND “PROSPECTIVE
NEED” FOR THE FOURTH ROUND
HOUSING CYCLE**

THIS MATTER, having come before the Court on referral from and recommendation issued by the Affordable Housing Dispute Resolution Program (“Program”), pursuant to the Complaint for Declaratory Judgment filed on January 28, 2025 (“DJ Complaint”) by the Petitioner, **BOROUGH OF PALMYRA** (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the “Program”, seeking a certification of compliance with the FHA;

AND IT APPEARING that, the Municipality timely adopted Resolution 2025-77 on January 27, 2025, seeking deviation from the “present need” and “prospective need” calculations allocated to it by the New Jersey Department of Community Affairs (“DCA”) in its report dated October 18, 2024 entitled *Affordable Housing Obligations for 2025-2035 (Fourth Round)* (the “DCA’s Fourth Round Report”), and based on the Municipality planners’ recommendation for five (5) affordable housing units for “present need” and twenty-seven (27) units for a “prospective

need” affordable housing obligation for the Fourth Round housing cycle;

AND IT APPEARING that, a challenge to the Municipality’s calculations was timely filed by the New Jersey Builders Association (“NJBA” or “Challenger”) by and through its counsel, wherein NJBA disputed the Municipality’s proposed obligation for prospective need, and supported DCA’s present and prospective need obligations, with an expert report of J. Creigh Rahenkamp, NJPP;

AND IT APPEARING that, pursuant to the Program, the Administrative Office of the Courts (“AOC”) appointed and assigned the case to Program member, the Hon. Mary C. Jacobson, J.S.C. (Ret.) (“Program Member”) to manage the proceedings, host settlement conferences, and make recommendations to the Court in accordance with the FHA and the AOC’s Directive #14-24 (“Directive #14-24”), and that the Program Member appointed Mary Beth Lonergan, PP, an independent affordable housing expert, as special adjudicator (“Special Adjudicator”) in this case to work with, make recommendations to and assist the Program;

AND IT APPEARING that, on March 31, 2025, a settlement conference was conducted on notice to all parties with the participation of local officials, town planner, and attorneys for the Municipality and an attorney for the NJBA, and at which the parties engaged in extensive settlement negotiations, with the guidance and assistance of the Program Member and the Special Adjudicator;

AND IT APPEARING, that as a result of the settlement conference the Municipality and NJBA reached a resolution (“Settlement”); the Settlement was placed on the record on March 31, 2025, and that the parties committed to circulating a settlement agreement and uploading it to eCourts, with counsel for the Municipality further agreeing to present the Settlement to the

governing body of the Borough of Palmyra for approval, with resolution confirming same to be uploaded to eCourts;

AND THE COURT, having received the Program Member's report dated March 31, 2025, since posted to the eCourts jacket for this matter at Trans. ID: LCV20251009956, the findings, terms, and recommendations of which are incorporated by reference as though more fully set forth herein (the "Report");

AND THE COURT, having been advised that (i) the Special Adjudicator has recommended acceptance of the Settlement, (ii) the Program Member has recommended acceptance of the Settlement as reasonable and in furtherance of the interests of low- and moderate-income households in the Municipality (collectively, the "Recommendations"), and that (iii) the Program Member further recommends that the Court adopt the findings and recommendations set forth in the Report and enter an Order, *forthwith*, implementing the terms of Settlement and thereby fix the "present need" and "prospective need" obligations of the Municipality for the Fourth Round housing cycle;

AND THE COURT, having reviewed and considered the Program Member's Report and Recommendations, having been satisfied that an arm's length Settlement was reached and entered into by and between the parties that is fair and equitable as well as in the best interests of the protected class of low- and moderate-income households in the Municipality, and for good and sufficient cause having otherwise been shown:

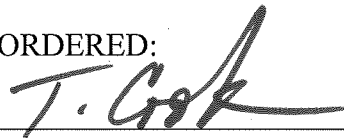
IT IS, THEREFORE, on and as of this 17th day of **APRIL 2025 ADJUDGED AND ORDERED**, that the Program Member's Report and Recommendations for approval of the Settlement, be, and the same hereby **ACCEPTED** and **ADOPTED** in their entirety; and to that end, more specifically, it is further

ORDERED, as follows:

1. That the “present need” obligation of the Municipality, be, and hereby is fixed as **two (2)** affordable units for the Fourth Round housing cycle.
2. That the “prospective need” obligation of the Municipality, be, and hereby is fixed as **twenty-nine (29)** affordable units for the Fourth Round Housing cycle; and
3. That the Petitioner is hereby authorized to proceed to the compliance phase with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the “present need” and “prospective need” allocations aforesaid (and which plan shall include the elements set forth in the “Addendum” attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay; and
4. That any and all “challenges” to the Petitioner’s Housing Element and Fair Share Plan as adopted by Paragraph 3 above must be filed by August 31, 2025, by way of Answer/Objection filed in the eCourts case jacket for this matter, and as provided for and in accordance with Section III.B of AOC Directive #14-24

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on the Petitioner, Petitioner’s counsel, and Challenger NJBA’s counsel upon its posting by the Court to the eCourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.

SO ORDERED:



HON. TERRENCE R. COOK, A.J.S.C.

Designated Mt. Laurel Judge – Burlington Vicinage

(X) Challenged.

R. 1:7-4(a): Having reviewed and considered the Program Member’s Report and Recommendations as well as the terms of Settlement placed on the record by the parties before the Program Member on March 31, 2025, the Court is satisfied that an arm’s length Settlement was

reached and entered into by and between the parties, and that the terms of the Settlement attained are fair and equitable as well as in the best interests of the protected class of low- and moderate-income households in the Municipality. This Settlement disposes of all challenges filed.

Accordingly, the Court hereby adopts in full the Report and Recommendations of the Program Member and accepts the same for the detailed findings and reasons set forth therein. As a result, the Municipality retains all the protections of the above-referenced amendments to the FHA, continues to retain immunity from exclusionary zoning litigation, and that the Program retains jurisdiction for the compliance phase in accordance with the statutory framework and AOC Directive #14-24.

An appropriate form of Order implementing the Program Member's Report and Recommendations accompanies this statement of reasons.

SO ORDERED.

**PREPARED BY THE AFFORDABLE HOUSING DISPUTE RESOLUTION
PROGRAM:**

In the Matter of Borough of Palmyra	Superior Court of New Jersey Law Division, Civil Part Docket No. BUR-L-220-25 Program Settlement Recommendation Present Need and Prospective Need
------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

THIS MATTER, having come before the Affordable Housing Program, pursuant to the Complaint for Declaratory Judgment filed on January 28, 2025 (“DJ Complaint”) by the Borough of Palmyra (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

AND IT APPEARING that, on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs (“DCA”) issued its report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round)”, therein setting forth the “present need” and prospective need” obligations of all New

Jersey municipalities for the Fourth Round housing cycle (the “DCA’s Fourth Round Report”);

AND IT APPEARING that, pursuant to the DCA’s Fourth Round Report, the “present need” obligation of the Petitioner has been calculated and reported as 2 affordable units, and its “prospective need” obligation of the Petitioner has been calculated and reported as 31 affordable units, and which calculations have been deemed “presumptively valid” for purposes of the FHA;

AND IT APPEARING that, the Amended FHA Act requires municipalities that wish to receive immunity for the Fourth Round via participation in the Program to file a “binding resolution no later than January 31, 2025” which contains the Township’s calculation of its Fourth-Round fair share obligations and to “file an action regarding the resolution with the Program.” N.J.S.A. 52:27D-304.1(f)(1)(b);

AND IT APPEARING that, the Municipality represented by Kelly Grant, Esq., timely adopted Resolution No. 2025-77 on January 27, 2025, seeking deviation from the DCA numbers based on their planner’s recommendation for 2 affordable housing units for present need and 27 units for a prospective need affordable housing obligation;

AND IT APPEARING that, a challenge to the municipal calculations was timely filed by the New Jersey Builders Association (NJBA) represented by Richard J. Hoff, Esq., with this challenger disputing the Borough’s proposed obligation for

prospective need, and with NJBA supporting DCA's present and prospective need obligations, supported by their own expert report;

AND IT APPEARING that, the Administrative Office of the Courts ("AOC") and the Program appointed and assigned the case to program member Judge Mary C. Jacobson, retired, to manage the proceedings, host settlement conferences and make recommendations to the Mount Laurel Judge of Burlington County in accordance with the FHA statute and the AOC Directive;

AND IT APPEARING that, the appointed program member has fully considered all the submissions of counsel for all parties, the various planners' reports, the DCA report, and the program member having a conducted a settlement conference on March 31, 2025, in accordance with the Directive and the statutory framework;

AND IT APPEARING that, the AOC appointed an independent special adjudicator affordable housing expert to work with, make recommendations and to assist the program, working closely with the program member, and Mary Beth Lonergan having been appointed as special adjudicator in this case;

AND IT APPEARING that, the March 31, 2025, settlement conference was conducted on notice to all parties with the participation of attorneys and the special adjudicator, everyone with the goal of reaching a resolution;

AND IT APPEARING that, the parties have engaged in extensive settlement negotiations before the settlement conference, with the guidance and assistance of the program member assigned to the case and the special adjudicator;

AND IT APPEARING that, the Municipality and NJBA having reached a resolution, the Program member placed the settlement on the record at the conference on March 31, 2025, and now directs counsel to circulate a settlement agreement that will be uploaded to eCourts when executed, and asks counsel for the Municipality to upload to eCourts the resolution of the municipal governing body accepting the settlement following its adoption in order to finalize the settlement;

AND IT APPEARING that, the special adjudicator recommends accepting the settlement and that the Program member also recommends approving the settlement as reasonable and as in the interest of low and moderate income households, and sets forth the terms of the settlement as follows: 2 units of affordable housing for the Municipality's present need obligation and 29 units of affordable housing for the Municipality's prospective need obligation, and, having resolved their differences, the parties will now move on to the compliance phase to address the remaining issues pursuant to the FHA and the AOC Directive; and

For all those reasons, the program member hereby recommends for consideration and review that an ORDER be entered by the Burlington County Mount Laurel Judge as follows:

Accepting the proposed settlement and establishing that the “present need” obligation of the Borough of Palmyra be and hereby is fixed as 2 affordable units for the Fourth Round housing cycle, and that the “prospective need” obligation of the Borough of Palmyra be and hereby is fixed as 29 affordable units for the Fourth Round Housing cycle.

And the Program also is recommending that an order be entered that the Municipality is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the “present need” and “prospective need” allocations aforesaid (and which plan shall include the elements set forth in the “Addendum” attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay.

And the Program also is recommending an order that any and all “challenges” to the Petitioner’s housing element and fair share plan as adopted pursuant to Paragraph 3 above must be filed by August 31, 2025, by way of Answer/Objection filed in the eCourts and as provided for and in accordance with Section III.B of Directive #14-24.

And the Program also is recommending that a copy of the Order shall be deemed served on the Petitioner, Petitioner’s counsel and the Program Chair upon

its posting by the Court to the eCourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.

Respectfully submitted by the Program:

By: /s/ Mary C. Jacobson

Hon. Mary C. Jacobson, J.S.C. (Ret.)

Dated: March 31, 2025

Mount Laurel Judge:

The Program's decision is ☐ accepted for the reasons set forth by the Program, ☐
accepted for the reasons set forth below, ☐ rejected, ☐ accepted/rejected in part.

Findings of fact and conclusions of law (Rule 1:7-4(a)):

By:

Hon. _____, **J.S.C.**

Dated: _____

**BOROUGH OF PALMYRA
RESOLUTION 2025-77**

**RESOLUTION OF THE BOROUGH OF PALMYRA, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY COMMITTING TO COMPLY WITH THE FAIR
HOUSING ACT, AS AMENDED**

WHEREAS, the Borough of Palmyra, County of Burlington, State of New Jersey, (hereinafter, “Borough” or “Palmyra”) has a demonstrated history of voluntary compliance with its affordable housing obligations; and

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an amendment to the 1985 Fair Housing Act (hereinafter “FHA” or “Act”) concerning the Round 4 affordable housing obligations for the years 2025 – 2035; and

WHEREAS, the Amended FHA requires the Department of Community Affairs (“DCA”) to provide an estimate of the Present need, also referred to as the rehabilitation obligation, and the Round 4 Prospective need of all municipalities by October 20, 2024 based upon the criteria on the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) setting forth its estimate of the Borough’s present and prospective need obligation based upon its interpretation of the standards in the Act; and

WHEREAS, the DCA report found the Borough’s Burlington’s Present Need (Rehabilitation) Obligation as five (5) low- and moderate-income units and its Round 4 Prospective Need Obligation as thirty-one (31) low- and moderate-income units; and

WHEREAS, the FHA as amended states “[e]ach municipality shall determine its municipal present and prospective obligations in accordance with the formulas established in sections 6 and 7 of P.L.2024, c.2 (C.52:27D-304.2 and C.52:27D-304.3)”; and

WHEREAS, the FHA provides that the DCA report is non-binding and enables municipalities to propose a different fair share affordable housing obligation based upon the standards set forth in sections 6 and 7 of the Act; and

WHEREAS, municipalities that adopt present and prospective need obligations pursuant to the standards set forth in section 6 and 7 of the Act are entitled to immunity from exclusionary zoning litigation; and

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

WHEREAS, the Borough accepts its Present Need ("Rehabilitation") Obligation of five (5) as reported by the DCA in its October 18, 2024 Report subject to its right to do a windshield survey in accordance with COAH standards in conjunction with the Housing Element and Fair Share Plan it files by June 30, 2025; and

WHEREAS, the Borough's Engineer and Affordable Housing Planner ("Borough Professionals") have reviewed the DCA's October 18, 2024 findings, including the data used by DCA that is the basis for the 3 allocation factors used to determine Palmyra's share of the regional need; and

WHEREAS, the DCA GIS data includes the following language expressly recognizing that its data may be incorrect:

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

WHEREAS, the DCA's report stated the Borough's Land Capacity Factor is 0.15%; and

WHEREAS, the Borough Professionals have reviewed the data analysis conducted by the DCA to calculate the Land Capacity Allocation Factor, finding that the DCA overcalculated the land available for development by approximately 25.45 acres; and

WHEREAS, the Borough Professionals have found that the Borough's Land Capacity Factor should therefore be reduced to .01%; and

WHEREAS, the Borough Professionals have determined, based on this accurate analysis of actually developable land, as outlined in their report attached hereto as Exhibit A, that the Borough's Prospective need is twenty-seven (27) low- and moderate-income units, not thirty-one (31) low- and moderate-income units as stated in the DCA report; and

WHEREAS, the Borough's finding of its prospective need of twenty-seven (27) low- and moderate-income units entitled to a "presumption of validity" because it the calculation thereof was conducted in a manner that complies with Sections 6 and 7 of the Act; and

WHEREAS, in addition to setting forth its Round Four fair share affordable housing obligations for the reasons summarized above, substantial activity has occurred and is ongoing that warrants the reservation of certain any and all rights to avoid any claim that it has waived them resulting from proposed legislation and ongoing litigation concerning the Act; and

WHEREAS, the Amended FHA requires municipalities to adopt a binding resolution no later than January 31, 2025 as to its obligations; and

WHEREAS, in light of the above, the Borough of Palmyra finds that it is in the Borough's best interest to calculate and adopt the present and prospective need obligations in accordance with the Act; and

WHEREAS, the Borough declares its Present Need (Rehabilitation) Obligation as five (5) low- and moderate-income units and its Round 4 Prospective Need Obligation as twenty-seven (27) low- and moderate-income units; and

WHEREAS, in addition to the above, the Acting Administrative Director of the Courts issued Directive #14-24, dated December 13, 2024, mandating that a municipality seeking a certification of compliance with the Act must file an action in the form of a declaratory judgment complaint within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, the Borough of Palmyra seeks a certification of compliance with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED on this 27th day of January by the Borough Council,

BE IT RESOLVED, that the Borough of Palmyra reiterates and incorporates all statements and exhibits set forth above as if fully restated herein; and

BE IT FURTHER RESOLVED, that the Borough of Palmyra is determined to address the January 31, 2025 deadline established in the Fair Housing Act for the acceptance and determination of its Fourth-Round affordable housing obligations in order to maintain immunity from exclusionary zoning litigation by timely filing this resolution with the Affordable Housing Dispute Resolution Program ("Program"); and

BE IT FURTHER RESOLVED, that the Borough of Palmyra adopts its Present Need (Rehabilitation) Obligation as five (5) low- and moderate-income units and its Round 4 Prospective Need Obligation as twenty-seven (27) low- and moderate-income units as calculated pursuant to Section 6 and 7 of the Fair Housing Act; and

BE IT FURTHER RESOLVED, that pursuant to AOC Administrative Directive #14-24, the Borough's Affordable Housing Counsel is authorized and directed to file a declaratory judgment complaint with the Superior Court of New Jersey consistent with this Resolution; and

BE IT FURTHER RESOLVED, that the Borough's Affordable Housing Counsel is authorized to take appropriate steps and to take such further actions as are necessary to maintain the Borough's compliance with the Fair Housing Act; and

BE IT FURTHER RESOLVED, that pursuant to the Fair Housing Act, the Borough of Palmyra shall publish this duly adopted resolution on the Borough's publicly accessible Internet website within 48 hours of adoption; and

BE IT FURTHER RESOLVED, that the Borough intends to develop a Fourth Round Housing Element and Fair Share Plan that will provide an opportunity for the creation of sufficient low- and moderate-income housing by 2035, to satisfy the Borough's calculated and accepted Fourth Round present and prospective need pursuant to the Fair Housing Act.

RECORD OF COUNCIL VOTE ON RESOLUTION 2025-77 - adopted

MOTION: HOWARD

SECOND: O'CONNOR

Natashia Latimore: yes


John Liebe: absent

Jessica O'Connor: yes

President Timothy Howard: yes

Mayor, Gina Ragomo Tait -

I HEREBY CERTIFY that the foregoing resolution was adopted by the Borough Council of the Borough of Palmyra, County of Burlington, State of New Jersey at their Special Meeting held on January 27, 2025.


Doretha R. Jackson, RMC
Borough Clerk

ANALYSIS AND CALCULATION OF FOURTH ROUND PROSPECTIVE NEED

Borough of Palmyra Burlington County, New Jersey

January 27, 2025

Prepared By:



Heyer, Gruel & Associates

Community Planning Consultants

236 Broad Street, Red Bank, NJ 07701

(732) 741-2900

BOROUGH OF PALMYRA, BURLINGTON COUNTY
ANALYSIS OF FOURTH ROUND DCA OBLIGATION CALCULATION**INTRODUCTION**

According to the amended affordable housing legislation and AOC Directive #14-24, every municipality in the State is responsible for adopting by resolution its Fourth Round obligation numbers and filing a Declaratory Judgement action with the Court by February 3, 2025. Although the DCA has released its calculations as guidelines, each municipality is permitted to conduct their own obligation calculation, in accordance with the requirements set forth in P.L.2024, c.2. Our firm has been authorized to assess the prospective need as calculated by the DCA. The following report outlines the results of this assessment.

The DCA has calculated the following factors to generate the Fourth Round Prospective Need obligation for the Borough of Palmyra, which is 31. It should be noted that the Township has a Present Need/Rehabilitation Obligation of 2:

DCA Fourth Round Obligations for the Borough of Palmyra				
<i>Land Capacity Factor</i>	<i>Equalized Nonresidential Valuation Factor</i>	<i>Income Capacity Factor</i>	<i>Average Allocation Factor</i>	<i>Prospective Need</i>
0.15%	0.18%	0.67%	0.34%	31

The results outlined in this Report are derived from an assessment of the Township's "developable land" accounted for in the Land Capacity Factor calculation released by the DCA. HGA did not undertake any separate analysis of non-residential valuation or income trends, as these are generally objective measures; therefore, the DCA's calculations of the Township's Equalized Nonresidential Valuation Factor and Income Capacity Factor remain unchanged throughout HGA's analysis.

METHODOLOGY AND RESULTS

NJDCA released an ArcGIS shapefile showing all of the polygons throughout the State that it identified as contributing to the "Land Capacity Factor." Our office reviewed the results of the methodology to identify any polygons that should be excluded from the Township's Land Capacity Factor calculation.

In reviewing the polygons outlined in the DCA Land Capacity Parcel Map, our office has determined that eleven (11) of the polygons should be removed partially or entirely from the Township's Land Capacity Factor calculation (see following section for further details). The total area of the eleven (11) polygons to be removed from the Township's Land Capacity Factor calculation amounts to approximately 25.45 acres. Based upon our assessment, this results in a reduced Land Capacity Factor from 0.15% to 0.01%, and a reduced overall Prospective Need Obligation from 31 units to 27 units. The results of our office's analysis are outlined in the following table:

Modified Fourth Round Obligations for the Borough of Palmyra, Burlington County				
<i>Land Capacity Factor</i>	<i>Equalized Nonresidential Valuation Factor</i>	<i>Income Capacity Factor</i>	<i>Average Allocation Factor</i>	<i>Prospective Need</i>
0.01%	0.18%	0.67%	0.29%	27

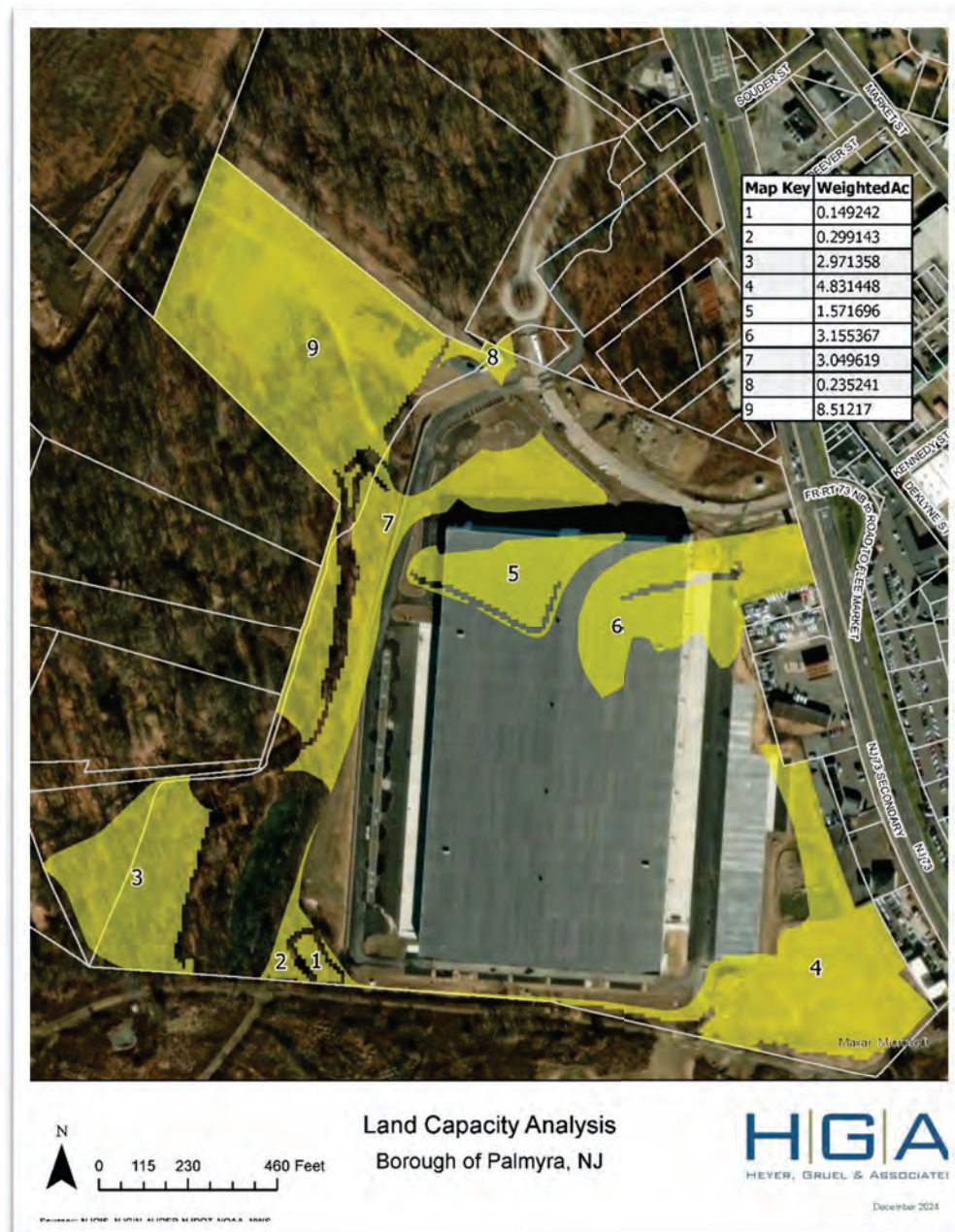
Polygons to be Removed from the Land Capacity Factor

After reviewing all the polygons outlined in the DCA Land Capacity Analysis Parcel Map, our office has identified eleven (11) polygons that should be reduced or entirely removed from the Township's Land Capacity Factor calculation. These polygons, as well as locational maps, are outlined in the following paragraphs.

BOROUGH OF PALMYRA, BURLINGTON COUNTY
ANALYSIS AND CALCULATION OF FOURTH ROUND PROSPECTIVE NEED

Polygons 1-9

These areas cannot be considered for development, as subdivision and site plan approvals have been granted by the Palmyra Land Use Board as a part of a redevelopment project including warehousing and affordable housing that is currently under construction. This area, formerly known as Block 156, Lots 1, 1.01, and 1.02, has subsequently been subdivided into new lots Block 156, lots 1.07 and 1.08. This project contains affordable housing units which address the Borough's third round obligations and should not be included in the calculation of the Borough's vacant land capacity factor due to the fact that the land is not vacant and construction is actively occurring on the warehousing and affordable housing units. The sum of the weighted acreage of the polygons to be removed amounts to 24.78 acres.



BOROUGH OF PALMYRA, BURLINGTON COUNTY
ANALYSIS AND CALCULATION OF FOURTH ROUND PROSPECTIVE NEED

Polygon 10

This area cannot be considered for development due to the fact that it exists within the property containing the exit ramp from Route 543 Northbound to Route 73 Southbound. Additionally, the property is owned by the Burlington County Bridge Commission. This land to be removed from consideration amounts to approximately 0.33 acres.



BOROUGH OF PALMYRA, BURLINGTON COUNTY
ANALYSIS AND CALCULATION OF FOURTH ROUND PROSPECTIVE NEED**Polygon 11**

This area cannot be considered for development, as it is located within the Palmyra Public Works Department property, which exists at the end of Firth Lane. This land to be removed from consideration amounts to approximately 0.35 acres.



BOROUGH OF PALMYRA, BURLINGTON COUNTY
ANALYSIS AND CALCULATION OF FOURTH ROUND PROSPECTIVE NEED

Borough of Palmyra, Burlington County					
Summary of Lands to be Removed from Land Capacity Factor Calculation					
Polygon ID	DCA Identification	Block	Lot	Acreage Removed	Rationale
1	45685	156	1 *	0.149241925	Preliminary and Final Site Plan approvals granted for the construction of two warehouses and affordable housing units.
2	45686	156	1 *	0.299142529	Preliminary and Final Site Plan approvals granted for the construction of two warehouses and affordable housing units.
3	45687	156	1 and 1.01 *	2.9713579	Preliminary and Final Site Plan approvals granted for the construction of two warehouses and affordable housing units.
4	45688	156	1 *	4.831447508	Preliminary and Final Site Plan approvals granted for the construction of two warehouses and affordable housing units.
5	45689	156	1 *	1.571696215	Preliminary and Final Site Plan approvals granted for the construction of two warehouses and affordable housing units.
6	45690	156	1 *	3.155367453	Preliminary and Final Site Plan approvals granted for the construction of two warehouses and affordable housing units.
7	45691	156	1 and 1.02 *	3.049619222	Preliminary and Final Site Plan approvals granted for the construction of two warehouses and affordable housing units.
8	45692	156	1 and 1.02 *	0.235240883	Preliminary and Final Site Plan approvals granted for the construction of two warehouses and affordable housing units.
		144	1		Preliminary and Final Site Plan approvals granted for the construction of two warehouses and affordable housing units.
9	45693	156	1 and 1.02	8.512169634	Preliminary and Final Site Plan approvals granted for the construction of two warehouses and affordable housing units.
10	45683	78.01	6	0.329867014	Property owned by Burlington County Bridge Commission, should not be considered as vacant land as it is a portion of the right-of-way.
11	45695	148	2.01	0.349533913	Yard area of the Borough of Palmyra Public works yard, should not be considered as vacant land.
		148	26		
		149	17		
TOTAL				25.45	-

* Lots have been renumbered since the recent subdivision approval. Lot numbers may vary once the subdivision is fully effectuated.

APPENDIX A

**BOROUGH OF PALMYRA, LAND USE BOARD, RESOLUTION 2021-07
FOR PRELIMINARY AND FINAL MAJOR SITE PLAN AND SUBDIVISION APPROVAL**

**BOROUGH OF PALMYRA
LAND USE BOARD
RESOLUTION 2021-07
FOR PRELIMINARY AND FINAL MAJOR SITE PLAN AND SUBDIVISION APPROVAL**

Application No. 2020-LUB03

Applicant: Palmyra Urban Renewal Entity, LLC

Premises: 201 & 351 Route 73 South; Block 156, Lots 1, 1.01, 1.02, 2, 2.01, 3.01, 4.01, 5.01, 6.01

WHEREAS, Palmyra Urban Renewal Entity, LLC (the “Applicant” or “PURE”) made application to the Land Use Board of the Borough of Palmyra (the “Board”) for preliminary and final major site plan and subdivision approval for its proposed redevelopment of two warehouses, and a residential development with public open space dedication and various site modifications (the “Development” or “Project”) on property designated as Block 156, Lots 1, 1.01, 1.02, 2, 2.01, 3.01, 4.01, 5.01, 6.01 on the Tax Map of the Borough of Palmyra, commonly known as 201 & 351 Route 73 South (the “Property” or the “Site”); and

WHEREAS, the Applicant is the contract purchaser of a portion of the Property and, as to Block 156, Lots 2, 2.01, 3.01, 4.01, 5.01 and 6.01, the Applicant or its related and affiliated entities, hold a Judgment of Foreclosure, and the entire Property is located within an area in need of redevelopment; and

WHEREAS, Applicant published a hearing notice in an official newspaper of the Board and provided notice of the Application to those required to receive the same in accordance with law and filed proofs of publication and of service with the Board Secretary; and

WHEREAS, the Board determined that proper notice had been given to establish jurisdiction to consider the Application and held a hearing on the Application on November 18, 2020, reviewed reports filed by the Applicant and reviewed the reports of the Board Engineer, James Windkowski, P.E, CME, the Board Planner, Heyer Gruel (all reports attached hereto), considered the questions and comments of the public, and considered the testimony and exhibits presented by the Applicant; and

WHEREAS, a public hearing was held on November 18, 2020 during which Stephen Nehmad, Esq. represented Applicant.

NOW, THEREFORE, BE IT RESOLVED, on this date the Borough of Palmyra Land Use Board memorializes by means of this Resolution the action taken on November 18, 2020 when it granted the requested preliminary and final major site plan and preliminary and final major subdivision approval, with conditions and other appropriate relief. In conjunction therewith, the Board has made the following findings of fact and conclusions of law and has set forth the following conditions:

1. As requested in its Application dated October, 2020, the Applicant seeks the following relief from the Board:

- Preliminary and Final Major Site Plan and Preliminary and Final Major Subdivision approval for the construction of two warehouses, containing 1,025, 640 SF and 702,450 SF, and 102 affordable housing units located within five (5) multi-family apartment buildings. A total of 320 loading docks, 619 trailer stalls, and 1,541 parking spaces are proposed.
- 2. At the public hearing on November 18, 2020, Exhibits A-1 through A-18 were entered into evidence:
- 3. In addition to the marked Exhibits, the Applicant submitted and the Board considered the following documents, which were made part of the Application:
 - Applications for Preliminary and Final Major Site Plan and Subdivision.
 - Disclosure of names and addresses of stockholders of partners owning at least 10 percent interest in a corporation or partnership of an application.
 - Certification that taxes are paid with respect to Block 156, Lots 1 and 1.01 and, with respect to the remaining six lots, specifically Lots 2, 2.01, 3.01, 4.01, 5.01 and 6.01, the Board acknowledges that real estate taxes are in arrears with respect to these properties however Applicant has agreed as a condition of approval that all real estate taxes shall

be brought current prior to the Applicant seeking any construction related permits for the development that is the subject of this application.

- Preliminary and Final Site Plan entitled ‘Preliminary and Final Major Site Plan, Route 73 South Phase 1 Redevelopment Project, TAC PAL Logistics Center, The Cove at Palmyra’ prepared by Hammer Land Engineering dated October 2, 2020 and consisting of seventy-eight (78) sheets.
- Set of plans entitled ‘Preliminary & Final Major Subdivision,’ consisting of one (1) sheet, prepared by DPK Consulting dated September 24, 2020, unrevised.
- Set of plans entitled ‘Boundary and Topographic Survey,’ consisting of fifteen (15) sheets, prepared by DPK Consulting dated March 15, 2020, last revised September 1, 2020.
- Architectural drawings of the warehouses, consisting of six (6) sheets, prepared by Mitchell and Hugeback Architects, dated October 7, 2020, unrevised.
- Architectural drawings of the residential buildings, consisting of fifteen (15) sheets, prepared by Marsh & Woods Architects, LLC., dated November 18, 2020, unrevised.
- Stormwater Management Report, prepared by Hammer Land Engineering dated October 2, 2020, unrevised.

- Permeability Testing Summary Letter, prepared by SESI Consulting Engineers, dated September 14, 2020.
 - Geotechnical Investigation Report, prepared by SESI Consulting Engineers, dated July 27, 2020, last revised September 14, 2020.
 - Geotechnical Investigation and Report, prepared by SESI Consulting Engineers, dated January 24, 2020.
 - Operation and Maintenance Manual, prepared by Hammer Land Engineering, dated October 2, 2020, unrevised.
 - Traffic Impact Study, prepared by Langan Engineering, dated October 2, 2020.
4. The Board considered the following submittals from its Consultants:
- a. Reports of James Winckowski, PE, CME, of CME Associates, Board Engineer, dated November 12, 2020, (attached hereto); and
 - b. Planning Report of Elena Gable, PP, of Heyer Guel and Associates, dated November 12, 2020, and
5. The Board carefully considered public comments as well as the following testimony at the public hearings:

- Applicant produced Joe Hanrahan, PE of Hammer Land Engineering. Mr. Hanrahan testified as to his qualifications and was accepted as an expert in civil engineering. Mr. Hanrahan testified that the Project covers approximately 162.54 acres. He testified about the past uses of the property and that the proposed development would not require any variances from the Route 73 South Redevelopment Plan.
- Mr. Hanrahan further testified that the proposal had three elements. First, capping environmentally-impacted areas with two warehouses with a total of approximately 1,728,090 SF. Second, the construction of 5 multifamily residential buildings to satisfy the Borough's affordable housing obligation. Finally, the dedication of approximately 31 acres of open space to be added to the Cove Nature Park.
- He testified that the subject property currently is comprised of nine individual lots. The proposed Subdivision would consolidate those nine lots into four lots, with one lot for each warehouse, one lot for the affordable housing project, and one lot for the open space to be added to the Cove Nature Park.
- Mr. Hanrahan testified that all three components are designed to allow emergency access and circulation. The warehouse component will provide 1,276 parking stalls, whereas 987 are required. The residential portion will provide 265 spaces, whereas 203 parking

spaces are required by RSIS. The roadways were designed to accommodate the largest tractor trailers permitted in New Jersey, the WB67.

- Mr. Hanrahan testified that the Applicant would comply with all of the requirements contained the November 12, 2020 report of the Board's engineer, James Windkowski, PE. Mr. Hanrahan testified that the proposed signs are in conformance with the Redevelopment Plan in terms of size, location and setbacks and will not interfere with sightlines or traffic safety.
- Mr. Hanrahan further testified with respect to proposed Lot 3.02, which contains approximately 31.34 acres and is to be dedicated as open space and become part of the Palmyra Cove nature park. The witness testified that there is no need to provide for a street and road system within this lot as it will become part and parcel of the existing Palmyra Cove nature park and since no development is proposed to take place on this lot, there are no proposed buildings which need to abut a street as otherwise required pursuant to N.J.S.A. 40:55D-35. The witness opined that a variation is accordingly warranted pursuant to N.J.S.A. 40:55D-36 for this particular lot as no buildings are proposed to be constructed thereon as part of the application for development.

- The Applicant provided testimony from Larry Valenza, a licensed Architect. Mr. Valenza testified as to his education and qualifications and was accepted as an expert in the field of architecture.
- Mr. Valenza testified as to the design, material and colors to be used on the two warehouse buildings. He testified that both buildings are 52 feet in height, whereas 100 feet is permitted.
- The Applicant provided testimony from Nigel Paul Marsh, a licensed Architect. He testified as to his education and qualifications and was accepted as an expert in the field of architecture. Mr. Marsh testified about the design of the affordable housing portion of the project. The proposed project will provide one, two and three-bedroom units and satisfy the Borough's affordable housing obligation.
- Mr. Marsh testified as to the amenities to be provided in the affordable housing units, including washers and dryers, a fitness room, a club room and a tot lot just to the northwest of Building 3.
- The Applicant provided testimony from Kerry Pehnke, P.E. Ms. Pehnke testified about her qualifications and was accepted as an expert in traffic engineering.

- Ms. Pehnke testified that the Applicant had submitted an application with New Jersey Department of Transportation (“NJDOT”) for approval related to the driveways and access to and from Route 73. She further testified that the driveway and on-site circulation are designed to accommodate a WB-67 truck. She further testified that the design of the Project provides for safe and efficient ingress and egress, complies with the requirements of the Redevelopment Plan and will operate safely and efficiently.
- The Applicant provided testimony from Tiffany Morrissey, P.P. Ms. Morrissey testified about her qualifications and was accepted as an expert in planning
- Ms. Morrissey testified that there are no variances required as part of the site plan or subdivision applications. She further testified that the Application provides for a realistic opportunity to satisfy the Borough’s affordable housing obligation.
- The Applicant provided testimony from Mr. Glenn Stock. Mr. Stock testified about the various NJDEP and NJDOT permits that would be required, including wetlands, waterfront, tidelands and flood hazard.
- During questioning from the Board, the Applicant agreed, with input from Borough officials, to request that New Jersey Transit permit a bus stop in the vicinity of the

affordable housing portion of the Project, and agreed that such efforts would be a condition of approval.

- During questioning from the Board, the Applicant agreed to work with the Municipality in dealing the NIDOT to obtain approval for a crosslight to allow easier crossing of Route 73, and agreed that such efforts would be a condition of approval.
- During questioning from the Board, the Applicant agreed to apply to the NIDOT to permit sidewalks to Route 73 from the properties that are the subject of this application for development, and agreed that such efforts would be a condition of approval.
- During questioning from the Board, the Applicant agreed to investigate the potential to combine the sidewalks and bike paths to provide a wider pedestrian path to Route 73 from the affordable housing portion of the Project, and agreed that such efforts would be a condition of approval.
- During the testimony of the Board Engineer Mr. Winckowski, P.E, the Applicant agreed to all of the items in Mr. Winckowski November 12, 2020 review letter.
- During questioning from the Board, the Applicant agreed to provide white vinyl fencing around the loading areas, and agreed that such efforts would be a condition of approval.

- During questioning by the Board's Engineer, the Applicant agreed to provide Mr. Winkowski with a complete striping package as a condition of approval.
- During questioning by the Board's Engineer, the Applicant agreed to provide Mr. Winkowski with supplemental directional signage as a condition of approval.
- During the hearing the Applicant agreed to evaluate with the NIDOT the possibility of a deceleration lane on Route 73 upon entering the Project site.
- During questioning from the Board, the Applicant agreed that the width of the proposed walkways in the passive open space area will be designed in accordance with the management of the Nature Cove, with the input of the Board Engineer and Fire Chief, and agreed that such efforts would be a condition of approval.
- During the hearing the Applicant agreed to amend the site plans to depict the location of bike racks on the residential portion of the Project.
- During questioning by the Board's Engineer, the Applicant agreed to revise the plans to show the lighting specifications for all proposed signage as a condition of approval.
- During questioning by the Board's Engineer, the Applicant agreed to revise the plans to show the landscaping around the proposed signs as a condition of approval.

- During questioning by the Board's Engineer, the Applicant agreed to revise the plans to show the location of "anti-idling" signage as a condition of approval.
- During questioning by the Board's Engineer, the Applicant agreed to revise the plans to show the location of any proposed irrigation system, and if no changes are made, the future installation of an irrigation system will require amended site plan approval.
- During questioning by the Board's Engineer, the Applicant agreed to revise the plans to include lighting along the northern access drive to match the lighting in the residential community as a condition of approval.
- During the hearing the Applicant agreed to revise the plans to provide bollard lighting in the courtyard area as a condition of approval.
- During questioning by the Board's Engineer, the Applicant agreed to revise the plans to include fencing around the tot lot in the vicinity of Building 3, with the type and size of fencing to be reviewed and approved by the Board Engineer, as a condition of approval.

6 With regard to the Property and the Development, the Board finds the following

- The Property is located in the Route 73 South Redevelopment District.
- The Property consists of approximately 162.54 acres.

- The Applicant seeks preliminary and final major site plan and preliminary and final major subdivision approval for its proposed redevelopment of two warehouses, and a residential development to provide 102 units of affordable housing in five buildings, with public open space dedication (the ‘Development’) and various site modifications.
- 7. The Site Plan for the Affordable Housing component and the Site Plan for the warehouse component conform to the requirements of the Route 73 South Redevelopment Plan and require no variances.
- 8. The Subdivision conforms to the requirements of the Route 73 South Redevelopment Plan and requires no variances.
- 9. The Board specifically finds that the proposed Development adequately provides for grading, storm water drainage, and soil erosion as well as for adequate screening landscaping and proper location of structures, in compliance with the Board Engineer’s requirement and current NIDEP requirements.
- 10. The Board specifically finds that the proposed roadway system provides for adequate means for public ingress and egress. The roadways will also provide for adequate use by emergency vehicles.
- 11. The Board acknowledges that Applicant is the redeveloper for the property in question pursuant to a resolution adopted by the governing body of the Borough and that its proposed plan to

redevelop the site provides an integrated and coordinated approach with a single redeveloper being responsible for all redevelopment agreement obligations including without limitation, providing the land and capital for the development of the Borough's affordable housing obligations.

~~NOW, THEREFORE, BE IT RESOLVED,~~ on this date the Borough of Palmyra Land Use Board memorializes by means of this Resolution the action taken on November 18, 2020 when it granted the requested preliminary and final major site plan approval and preliminary and final major subdivision approval with conditions and a variation pursuant to N.J.S.A. 40:55D-36 to allow a lot, specifically proposed Lot 3.02, to not have frontage on an improved public street, and other appropriate relief. In conjunction therewith, the Board has made the following findings of fact and conclusions of law and has set forth the following conditions:

1. Preliminary and Final Site Plan Approval are hereby granted as depicted on the aforesaid plans, subject to the conditions hereinafter set forth.
2. Preliminary and Final Subdivision Approval is hereby granted as depicted upon the aforesaid plans.
3. Site Plan and Subdivision Approval is subject to the following conditions:

- a. Applicant shall, with input from Borough officials, request that NJ Transit permit a bus stop in the vicinity of the affordable housing portion of the Project, and provide a copy of such petition, and the results thereof, to the Board Engineer.
- b. Applicant shall work with the Municipality in dealing with the NIDOT to seek approval for a crosswalk to allow easier crossing of Route 73, and provide a copy of such request, and the results thereof, to the Board Engineer.
- c. Applicant shall apply to the NIDOT to permit sidewalks to Route 73 from the proposed development, and provide a copy of such application, and the results thereof, to the Board Engineer.
- d. Applicant shall investigate the potential to combine the sidewalks and bike paths to provide a wider pedestrian path to Route 73 from the affordable housing portion of the Project, with review and approval of such investigation to be approved by the Board Engineer.
- e. Applicant shall comply with all of the items in the November 12, 2020 letter of James M. Windkowski, P.E.
- f. Applicant agreed to provide white vinyl fencing around the loading areas, and shall revise the plans to depict such fencing, with such revisions to be reviewed and approved in writing by the Board Engineer.

- g. Applicant shall provide the Board Engineer with a complete striping package, with such striping package to be reviewed and approved in writing by the Board Engineer.
- h. Applicant shall provide the Board Engineer with supplemental directional signage to be reviewed and approved in writing by the Board Engineer.
- i. Applicant shall evaluate with the NIDOT the possibility of a deceleration lane on Route 73 upon entering the Project site, and provide a copy of such evaluation and the results thereof, to the Board Engineer.
- j. Applicant shall design the width of the proposed walkways in the passive open space area in accordance with the management of the Nature Cove, with the input of the Board Engineer and Fire Chief, to be reviewed and approved by the Board Engineer.
- k. Applicant shall revise the site plans to depict the location of bike racks on the residential portion of the Project.
- l. Applicant shall consult with the Board Engineer and Planner to design the courtyard area on the affordable housing component to potentially include a gazebo or calming / Zen recreational element.
- m. Applicant shall revise the plans to show the lighting specifications for all proposed signage, with such revisions to be reviewed and approved by the Board Engineer.

- n. Applicant shall revise the plans to show the landscaping around the proposed signs with such revisions to be reviewed and approved by the Board Engineer.
- o. Applicant shall revise the plans to depict the location of “anti-idling” signage.
- p. Applicant shall revise the plans to show the location of any proposed irrigation system, and if no revisions are made, the future installation of an irrigation system will require amended site plan approval.
- q. Applicant shall revise the plans to include lighting along the northern access drive to match the lighting in the residential community with such revisions to be reviewed and approved by the Board Engineer.
- r. Applicant shall revise the plans to provide bollard lighting in the courtyard area with such revisions to be reviewed and approved by the Board Engineer.
- s. Applicant shall revise the plans to include fencing around the tot lot in the vicinity of Building 3, with the type and size of fencing to be reviewed and approved by the Board Engineer.
- t. All real estate taxes with respect to all lots that are the subject of this application for development shall be paid and brought current prior to the Applicant seeking any construction related permits for any of the development approved in this resolution.

4. Prior to execution of the Final Plat and Site Plan:

i. Applicant shall obtain all of the following approvals and/or permits:

1. From NIDEP:

a. A flood hazard permit; and

b. A wetlands Letter of Interpretation ("LOI") and permits/waiver;

and

c. Waterfront; and

d. Tidelands; and

2. NIDOT approval for major highway access; and

ii. Applicant shall obtain all other State, County and agency approvals required;

and

5. The Applicant shall be bound by and comply with all the representations made by Applicant and the Applicant's witnesses and professionals before the Board at all public hearings and the same are incorporated herein and are representations upon which this Board has relied in granting the approvals set forth herein and shall be enforceable against the Applicant and any developer of a particular section or parcel as if those representations were made conditions of this approval.

6. Prior to the execution of the Site Plan, all plan revisions as required elsewhere in this approval shall be submitted to the Board Engineer for review and written approval.
7. If any of the individual findings, conclusions, or conditions as stated in this resolution are subsequently declared invalid, then the remaining findings and conclusions shall be deemed sufficient to support the decision of the Board and the remaining conditions.
8. The Board Secretary shall provide a copy of this Resolution to the Borough Attorney and to the Construction Official within 20 days of the date hereof.
9. This Resolution shall take effect as provided by law.

BE IT FURTHER RESOLVED, that the Applicant shall pay all outstanding professional fees and bills in connection with this Application within thirty (30) days after receipt of billing. Should the Applicant fail to pay such professional fees and bills within thirty (30) days, then the Applicant's approval hereinbefore set forth shall be deemed null and void and said approvals shall be deemed withdrawn with no further force and effect; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution of Memorialization and Findings of Fact and Conclusions to which it is attached be sent to the Applicant within ten (10) days

from the date of adoption, the Borough Clerk, the Borough Construction Official and any other person who may request a copy of the decision; and the Applicant shall publish a brief notice of this in the official newspaper of the Borough of Palmyra.

Lewis Yetter, CHAIRPERSON

This Resolution of Memorialization being adopted by action of the Board on this 20th day of January, 2021 is a true copy of the action taken by the Borough of Palmyra Land Use Board at its regularly scheduled meeting held on November 18, 2020.

Doretha R. Jackson, Secretary
Palmyra Land Use Board
Adopted: January 20, 2021

DATE APPROVED: November 18, 2020

FOR MEMORIALIZATION: January 20th, 2021

MOTION: Tait

SECOND: Gural

FOR ADOPTION: Tait, Beck, Gural, Robinson, O'Connor, Rossignol, Yetter

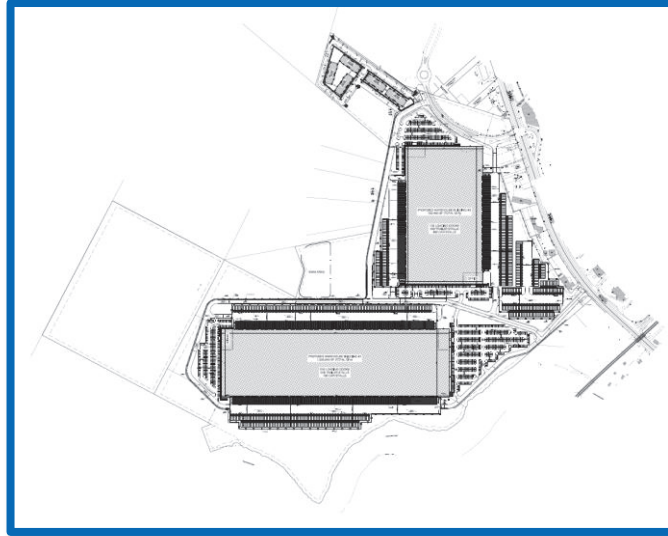
AGAINST: none

ABSTENTIONS/RECUSALS: O'Kane, Cloud

APPENDIX B

**ROUTE 73 SOUTH REDEVELOPMENT PLAN AMENDMENT, BOROUGH OF PALMYRA,
SEPTEMBER 2020**

Rt. 73 South Redevelopment Plan Amendment



Borough of Palmyra, Burlington County, New Jersey

September 2020

**Prepared for:
Borough of Palmyra Land Use Board**

**Prepared by:
CGP&H, LLC
August 2020**

**David G. Gerkens, AICP, PP
Vice President, CGP&H, LLC
New Jersey Professional Planner
License No. 33LI00561400**



An original copy of this document is signed and sealed and filed with the municipal clerk.

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ROUTE 73 SOUTH – PHASE I

REDEVELOPMENT PLAN AMENDMENT

INTRODUCTION

This Redevelopment Plan Amendment (“Plan Amendment”) amends the Route 73 South Redevelopment Plan as last amended October 11, 2005 (“Redevelopment Plan”), with specific attention on what is termed Phase I as identified below. It is anticipated that the entire Redevelopment Plan will be amended subsequently, however this Plan Amendment is focused on two key tracts in order to effectuate the goals and objectives of the Redevelopment Plan with specific reference to the Borough’s Affordable Housing Settlement.

The existing Redevelopment Plan is 15 years old and the redevelopment of the subject properties as called for in “Phase I” has not occurred. While the conditions which existed when the Redevelopment Area was Designated in Need of Redevelopment continue to exist, and arguably have become worse over time, even before the 2020 Recession and Coronavirus epidemic, the Redevelopment Plan goals and objectives and Plan Proposals are no longer viable given changes in the market and economy. The State and Region experienced “The Great Recession” of 2008 which impacted development and growth nationwide. Now in 2020 we are again experiencing challenging times and are in the midst of what is being labeled as the “2020 Recession”. A lot has changed since the Redevelopment Plan was last amended in 2005. The 2004 Market Study, upon which the Redevelopment Plan was based, is no longer relevant to the site or the area. Despite paradigm changes in the economy over the last 15 years, including the fundamental shift to online purchasing, one thing has not changed - that the site remains underutilized and in Need of Redevelopment.

The Borough entered into a Settlement Agreement with Fair Share Housing Center dated November 15, 2016. The Settlement Agreement provides for the creation of affordable housing units within the Route 73 South Redevelopment Area. This Plan Amendment is designed to effectuate the Settlement Agreement.

This Plan Amendment also will address the redevelopment of the Fillit Site and the National Amusements, Inc. Site as discussed below. The development of these parcels will facilitate the creation of affordable housing pursuant to the required Statewide Non-Residential Development Fee imposed pursuant to N.J.S.A. 40:55D-8.1 et seq., and provide for the improvement of a Brownfield Redevelopment Area, including the remediation of historic contamination on the subject parcels.

PURPOSE

LOCAL GOALS AND OBJECTIVES

In addition to the local goals and objectives in the 2005 Redevelopment Plan, the following additional goals and objectives are specific to the Route 73 South Phase I Redevelopment Area.

- Provide Affordable Housing to meet the Borough's Court Mandated Affordable Housing Obligation.
- Remediate the Brownfield Redevelopment Area including the historic contamination.
- Establish non-residential development that will be financially positive for the municipality.

RELATIONSHIP TO THE BOROUGH'S MASTER PLAN

The Borough has adopted two new Master Plan Reexamination Reports since the adoption of the 2005 Redevelopment Plan. These were adopted in 2008 and 2018. The goals and objectives in the local Master Plan continue to be advanced through this Redevelopment Plan Amendment for Route 73 South Phase I. Specifically, the 2018 Reexamination Report contain the following goals and objectives which are to be included in this Plan Amendment:

- Efforts should be continued to remediate the contaminated lands south of Route 73 to facilitate redevelopment.
- The Borough will continue to have a constitutional obligation to provide housing affordable to low and moderate-income families. This obligation should be placed on the selected Designated Redeveloper (or parties in privity of contract with that Master Redeveloper) for the Route 73 South project, to minimize the fiscal impact on the Borough.

These changes and policies as recommended in the 2018 Reexamination Report create a greater consistency between the Redevelopment Plan and the local Master Plan and provide the Borough with the ability to facilitate the development of the area, including infrastructure and environmental remediation and to provide for stable local jobs.

ROUTE 73 SOUTH REDEVELOPMENT AREA

The total Route 73 South Redevelopment Area consists of a larger land area than the Phase I Area. This Redevelopment Plan Amendment for Phase I is focused on two distinct tracts for development, the parcels known as the Fillit property consisting of Block 156, Lots 2, 2.01, 3.01, 4.01, 5.01 and 6.01; and the National Amusements

property consisting of Block 156, Lots 1, 1.01, and 1.02. The Phase I Area is delineated in the attached map.

The balance of the Redevelopment Area includes Block 135.01, Lot1; Block 138, Lots 1, 2 and 3; Block 139, Lot 1; Block 140, Lots 1, 2 and 3; Block 142.01, Lot 1; Block 143, Lot 1; Block 144, Lot 1; Block 145, Lot 1; Block 146, Lots 1 and 2; Block 154, Lots 2.01 and 4.01; Block 156, Lots 1.03, 1.04, 1.05, 1.06 and 16; Block 156.01, Lots 1 and 1.02. The existing Redevelopment Plan will remain in effect for these parcels subject to future amendments, as necessary.

PROPOSED LAND USES AND BUILDING REQUIREMENTS

The following are applicable to the Route 73 South Phase I Redevelopment Area. These standards supersede the existing land development ordinances within Chapter 158 Land Development of the Borough Ordinances.

Intent and Purpose

- A. The Zoning Map shall be amended to include a new Route 73 South Phase I Redevelopment zoning district on the Redevelopment Properties (Block 156, Lots 1, 1.01, 1.02, 2, 2.01, 3.01, 4.01, 5.01, & 6.01). The new zoning district shall supersede the local zoning ordinance as provided for in the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7c.)
- B. The Route 73 South Phase I Redevelopment zoning district will effectuate the goals and objectives of the Redevelopment Plan, as amended from time to time. The Route 73 South Phase I Redevelopment zoning district creates the design and bulk standards for the Redevelopment Area.
- C. Only the Designated Redeveloper as designated by the Mayor and Council pursuant to a Redevelopment Agreement is authorized to seek site plan approval. The Palmyra Land Use Board may grant bulk (c) variances as permitted by the New Jersey Municipal Land Use Law only as to such bulk (c) variances which the Designated Redeveloper has been authorized to seek pursuant to the terms of a Redevelopment Agreement or by Resolution of the Mayor and Council.
- D. The Route 73 South Phase I Redevelopment Zone is based upon the Concept Plan prepared by Hammer Land Engineering and dated June 18, 2020. The Concept Plan is included as an Exhibit to this Redevelopment Plan Amendment.

Route 73 South Phase I Redevelopment Zone

1) Permitted Uses (more than one Principal Use is permitted on a single parcel):

- a) Industrial
- b) Manufacturing
- c) Warehouse/Distribution
- d) Office and Retail uses are permitted as part of any industrial, manufacturing or warehouse/distribution use, provided they are within the principal structure.
- e) Passive Recreation and Open Space
- f) Multi-Family Residential

2) Permitted Accessory uses and structures

- a) Off Street Parking facilities
- b) Clubhouse for multi-family development
- c) Utility and service structures, including but not limited to a pump station, water tank, hot boxes, generators, transformers, and other similar items.
- d) Guardhouse
- e) Gazebos
- f) Fishing Piers
- g) Benches
- h) Trails and Trail Accessories
- i) Accessory use and structures customarily incidental to the principal permitted uses, including management and leasing offices.
- j) Trash enclosures and compactors
- k) Fences and retaining walls
- l) Outside Storage operations and Trailer Storage are permitted as part of any permitted use

3) Non-Residential Use and Bulk Requirements.

- a) Minimum Lot Area – 100,000 square feet
- b) Minimum Lot Width – 50 feet
- c) Minimum Lot Depth – 200 feet
- d) Maximum Building Coverage – 60%
- e) Maximum Impervious Coverage – 85%
- f) Principal Building Standards:
 - i) Minimum Setback to Route 73 – 50 feet
 - ii) Minimum Perimeter Setback to abutting properties – 25 feet
 - iii) Maximum Building Height – 100 feet
 - iv) Maximum Building Stories – 4 Stories
- g) Maximum fence height – 8 feet
- h) Accessory Building Standards
 - i) Accessory buildings and structures are permitted in a required front, side, or rear yard. These include utility structures, transformers, hot boxes, generators, trash enclosures, signage, pump stations and water tanks.
 - ii) Any accessory building or structure not identified in item “i” above are subject to the following:

- (1) Minimum Front Yard Setback – 20 feet
- (2) Minimum Rear Yard Setback – 5 feet
- (3) Minimum Side Yard Setback – 20 feet
- iii) Maximum Building Height – 45 feet

4) Multi-Family Affordable Housing - Residential Use and Bulk Requirements.

- a) Direct Street frontage is not required for the affordable housing parcel provided easements are provided to Route 73.
- b) Maximum Number of Residential Units – 116
- c) The Maximum Building Coverage – 30%
- d) Maximum Impervious Coverage – 55%
- e) Minimum Parking side and rear yard setback – 5 feet
- f) Maximum fence height – 8 feet
- g) Principal Building Standards:
 - i) Minimum Front Yard Setback (to access driveway from Route 73) – 10 feet
 - ii) Minimum Side Yard Setback – 10 feet
 - iii) Minimum Rear Yard Setback – 25 feet
 - iv) Maximum Building Height – 50 feet
 - v) Maximum Building Stories – 3 Stories
- h) Accessory Building and Structure Standards
 - i) Accessory buildings and structures are permitted in a required front, side, or rear yard. These include utility structures, transformers, hot boxes, generators, trash enclosures, signage, pump stations and water tanks.
 - ii) Any accessory building or structure not identified in item “i” above are subject to the following:
 - (1) Minimum Front Yard Setback – 10 feet
 - (2) Minimum Rear Yard Setback – 5 feet
 - (3) Minimum Side Yard Setback – 20 feet
 - iii) Maximum Building Height – 45 feet (water tank height is restricted based upon the required height to meet the needs of the development)
- i) Minimum Building Distance Standards
 - i) Side wall to side wall at midpoint – 20 feet
 - ii) Side wall to front or rear wall at midpoint – 20 feet
 - iii) Front wall to front wall at midpoint – 25 feet
 - iv) Rear wall to rear wall at midpoint – 35 feet
 - v) Distance between principal building and parking area curblines or driveway curblines – 5 feet
- j) Buffer and Landscape Area Requirements
 - i) Minimum Property Line Buffer – 5 feet
 - ii) Open Areas between buildings should include landscaping such as shrubs, ground cover or other similar materials.
 - iii) Shade Trees should be provided in parking islands where no lighting fixtures are proposed. Shade trees should be provided throughout the site as part of a landscaping plan to be approved by the Planning Board.

5) Parking, Loading and Sidewalks

- a) Minimum Parking Requirements
 - i) One (1) Parking space per 2,500 square feet of floor area
 - ii) Multi-Family Residential – In accordance with Residential Site Improvement Standards (RSIS)
- b) Minimum Loading Requirements
 - i) Number of Loading Spaces – 1 space for 50,000 square foot of floor area.
 - ii) Minimum Loading Space size – 12 feet by 30 feet
- c) Minimum Parking Aisle width – 24 feet
- d) Minimum radius or curbed islands in parking area – 3 feet
- e) Minimum sidewalk width – 4 feet
- f) Minimum crosswalk width – 10 feet
- g) Parking bumpers may be utilized to prevent vehicle overhang and to identify parking spaces.
- h) Bollards allowed along buildings

6) Landscaping and Screening

- a) Parking Lot Islands without lighting fixtures should include a shade tree. The exterior perimeter of vehicle parking areas should be landscaped with a combination of ground cover and shade trees.
- b) Landscaping and curbed islands are not required within truck storage areas.
- c) Truck storage areas should be screened with an 8-foot high solid fence. Where possible landscaping may be provided to enhance the screening of the storage areas.
- d) Driveways are permitted within required buffers.

7) Lighting

- a) Maximum freestanding lighting height – 35 feet
- b) Minimum average light intensity throughout parking lots – 0.5 footcandles
- c) Minimum average light intensity throughout pedestrian walkways and steps – 1 footcandles
- d) Maximum lighting intensity at exterior property line – 1 footcandle
- e) Within industrial development sites floodlights are permitted.

8) Signage

- a) Freestanding Signs for Non-Residential
 - i) One freestanding sign per driveway access along Route 73
 - ii) One freestanding sign at each driveway entrance to parking areas off the internal access roadways.
 - iii) Maximum height – 20 feet
 - iv) Maximum sign area – 200 square feet
 - v) Minimum setback from public right-of-way or property line – 10 feet
 - vi) Freestanding signs shall be located outside of all sight triangles and not impede visibility at intersections.
 - vii) Freestanding signs may include digital copy/electronic messaging.

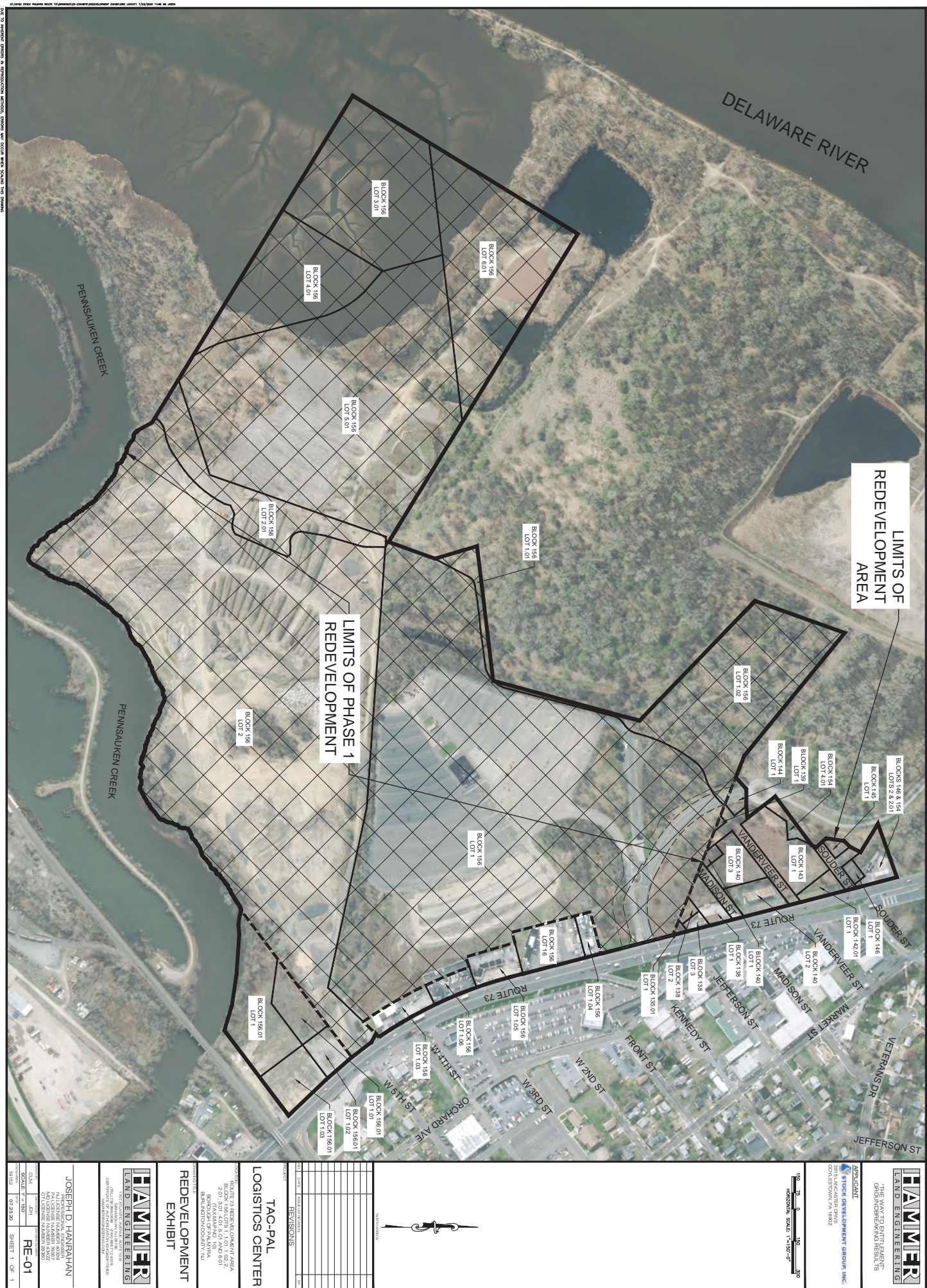
- b) Wall/Façade Signs for Non-Residential
 - i) A maximum of two (2) façade signs per tenant.
 - ii) The maximum sign area for all wall signs on a single façade shall not exceed 10% of the wall area or 300 square feet for each individual sign.
 - iii) Signage on rear or side façade is permitted in accordance with the sign area standards above.
 - c) Freestanding Signs for Residential
 - i) One freestanding identification sign permitted along Route 73.
 - ii) One freestanding identification sign at the site driveway entrance off the common access drive.
 - iii) Maximum Height – 10 feet
 - iv) Maximum Sign Area – 50 square feet
 - v) Minimum setback from public right-of-way or property line – 10 feet
 - vi) Freestanding signs shall be located outside of all sight triangles and not impede visibility at intersections.
 - d) Directional/Wayfinding signage is permitted throughout the Redevelopment Area. All signs should be approved as part of a comprehensive signage plan submitted to the Land Use Board.
- 9) **Individual Parcels may be subdivided along lease or subdivision lines provided cross access and parking easements are provided.** Anything contained above to the contrary notwithstanding, a zero-foot setback is permitted to all lot lines along internal property lines where cross access and parking easements are provided.

10) Miscellaneous Provisions

- a) Open Space and Recreation requirements of the Land Development Ordinance are not applicable to the Redevelopment Area.
- b) The site development is governed by NJDEP rules and regulation. These outside regulations control, steep slopes, floodplains, wetlands and buffers and groundwater impact assessments. The following ordinance sections shall not apply to the Redevelopment Area: Ordinance Section 158-37 and Section 158-114.
- c) When submitting an application for site plan and/or subdivision approval the following items are not required as per the local checklist:
 - i) A tree location plan shall not be required.
 - ii) Individual driveway profiles are not required.
 - iii) Groundwater impact assessments are not required.
- d) Existing land uses such as cellular towers and off-premise signs are permitted to continue in their current configuration. Expansion is not permitted except that a cellular antenna may permit collocation and associated accessory structures.


11) Affordable Housing

- a) The multi-family residential is a 100% affordable housing development. The site is intended to meet the Borough's affordable housing requirements as outlined in the Borough's Fair Share Settlement Agreement. The agreement requires a total of 116 credits which may include bonuses for rental units and will include, very low, low, and moderate-income units.
- b) The non-residential development is subject to the Statewide Non-Residential Affordable Housing Development Fee of 2.5% pursuant to N.J.S.A. 40:55D-8.1 et seq. This fee is to be used to provide financial assistance to the multi-family affordable housing development.
- c) All affordable housing units shall meet the Uniform Housing Affordability Controls under N.J.A.C. 5:80-26.1 et seq.




LIMITS OF
REDEVELOPMENT
AREA


LIMITS OF PHASE 1
REDEVELOPMENT



THE WAY TO EXCELLENCE
IN LAND ENGINEERING RESULTS



STOCK DEVELOPMENT GROUP, INC.
1001 E. BOSTON, PA 19002



1" = 100'

TAC-PAL LOGISTICS CENTER	
LOT 1	1.00
LOT 2	1.00
LOT 3	1.00
LOT 4	1.00
LOT 5	1.00
LOT 6	1.00
LOT 7	1.00
LOT 8	1.00
LOT 9	1.00
LOT 10	1.00
LOT 11	1.00
LOT 12	1.00
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LOT 96	1.00
LOT 97	1.00
LOT 98	1.00
LOT 99	1.00
LOT 100	1.00



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