

Fourth Round Housing Element and Fair Share Plan



Freedom Village, Gibbsboro

Source: Google Street View

Borough of Gibbsboro Camden County, New Jersey

June 24, 2025

Clarke Caton Hintz

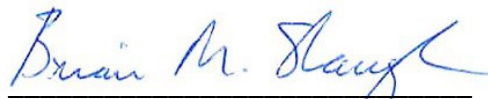


Housing Element and Fair Share Plan

Planning Board Borough of Gibbsboro Camden County, New Jersey

June 24, 2025

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Table of Contents

EXECUTIVE SUMMARY	1
INTRODUCTION	2
BRIEF HISTORY AND REGIONAL LOCATION.....	2
AFFORDABLE HOUSING JUDICIAL AND LEGISLATIVE BACKGROUND	3
COAH's First and Second Rounds (1987-1999).....	3
COAH's Third Round and Related Judicial and Legislative Activity, (1999-2025)	4
Third Round Judicial Activity.....	5
Third Round Legislative Activity.....	5
The Fourth Round (2025-2035)	6
GIBBSBORO'S AFFORDABLE HOUSING HISTORY	7
HOUSING ELEMENT AND FAIR SHARE PLAN REQUIREMENTS.....	9
AFFORDABILITY REQUIREMENTS	13
<i>Table 1. 2025 Income Limits for Region 5.....</i>	<i>14</i>
<i>Table 2. Illustrative 2024 Maximum Affordable Gross Rents for Region 5.....</i>	<i>14</i>
<i>Table 3. Illustrative 2024 Maximum Affordable Sales Prices for Region 5.....</i>	<i>14</i>
HOUSING CONDITIONS	14
<i>Table 4. Units in Housing Structure by Tenure, 2023.....</i>	<i>15</i>
<i>Table 5. Housing Units by Year Built, 2023.....</i>	<i>15</i>
<i>Table 6. Housing Units by Number of Bedrooms, 2023.....</i>	<i>16</i>
<i>Table 7. Value of Gibbsboro Owner-Occupied Housing Units, 2013 and 2023.....</i>	<i>17</i>
<i>Table 8. Gross Rent by Housing Unit in Gibbsboro and Camden County, 2023.....</i>	<i>17</i>
<i>Table 9. Housing Affordability, 2023.....</i>	<i>18</i>
<i>Table 10. Indicators of Housing Deficiency, 2023</i>	<i>19</i>
POPULATION CHARACTERISTICS.....	19
<i>Table 11. Population Change 2010 to 2020, Gibbsboro Borough and Camden County</i>	<i>19</i>
<i>Table 12. Population Age Cohorts, 2013 to 2023.....</i>	<i>20</i>
HOUSEHOLD CHARACTERISTICS	20
<i>Table 13. Household Size, 2013 and 2023.....</i>	<i>21</i>
<i>Table 14. Household Composition, 2023</i>	<i>21</i>
<i>Table 15. Unit Size vs. Household Size, 2023.....</i>	<i>22</i>
INCOME CHARACTERISTICS.....	22
<i>Table 16. Estimated Household Income in Gibbsboro and Camden County, 2023.....</i>	<i>22</i>

<i>Table 17. Individual and Family Poverty Rates, 2023.....</i>	<i>23</i>
EMPLOYMENT CHARACTERISTICS	23
<i>Table 18. Covered Employment by Industry Sector, 2022.....</i>	<i>23</i>
JOBS-HOUSING RATIO	24
POPULATION PROJECTIONS	24
<i>Table 19. Population and Employment Projections, 2020 to 2050</i>	<i>24</i>
<i>Table 20. Housing Projections to 2035</i>	<i>25</i>
CONSIDERATION OF LANDS SUITABLE FOR AFFORDABLE HOUSING	25
GIBBSBORO'S AFFORDABLE HOUSING OBLIGATION	27
<i>Table 21. Gibbsboro Affordable Housing Obligations.....</i>	<i>27</i>
Rehabilitation Obligation	27
Prior Round Obligation	27
Third Round Obligation	27
Fourth Round Prospective Obligation	28
REHABILITATION SHARE	28
PRIOR ROUND OBLIGATION	29
<i>Table 22. Gibbsboro Prior Round Formulas.....</i>	<i>29</i>
<i>Table 23. Credits Towards Gibbsboro's 112-Unit Prior Round Obligation.</i>	<i>30</i>
Regional Contribution Agreement (56 units)	30
Project Freedom Village (28 of 78 units, existing, plus 28 rental bonuses)	30
<i>Table 24. Project Freedom Bedroom Mix.</i>	<i>32</i>
THIRD ROUND OBLIGATION	32
<i>Table 25. Gibbsboro Third Round Formulas.....</i>	<i>32</i>
<i>Table 26. Credits Towards Gibbsboro's 97-Unit Third Round Obligation.....</i>	<i>33</i>
Freedom Village (50 of 78 units, existing, plus 25 rental bonuses)	33
Route 561 Inclusionary Development (22 age-restricted units, zoned)	33
SATISFACTION OF THE FOURTH ROUND OBLIGATION	38
<i>Table 27. Credits Towards Gibbsboro's 40-Unit Fourth Round Obligation.....</i>	<i>39</i>
Freedom Village – Project Freedom II (30 additional units, plus 10 bonuses)	39
<i>Table 28. Project Freedom II Bedroom Mix.....</i>	<i>44</i>
VERY LOW-INCOME UNITS	45
<i>Table 29. Gibbsboro's Very Low-Income Obligation</i>	<i>45</i>
INCOME AND BEDROOM DISTRIBUTION	46

<i>Table 30. Income and Bedroom Distribution, Family Units, Third and Fourth Round.....</i>	<i>46</i>
AFFORDABLE HOUSING ORDINANCE, ADMINISTRATIVE AGENT, AND AFFIRMATIVE MARKETING	47
Development Fee Ordinance	48
SPENDING PLAN	49
MONITORING.....	50
COST GENERATION.....	50
MULTIGENERATIONAL FAMILY HOUSING CONTINUITY.....	51
STATE DEVELOPMENT AND REDEVELOPMENT PLAN	51
CONCLUSION	52

Appendices to the Housing Element and Fair Share Plan

- Appendix A: Planning Board Resolution of Adoption, Governing Body Resolution of Endorsement
- Appendix B: DJ Filing, Program Settlement, and Order Confirming Fourth Round Obligation
- Appendix C: Rehabilitation Program
- Appendix D: Regional Contribution Agreement Documentation
- Appendix E: Project Freedom Documentation
- Appendix F: Project Freedom II Documentation
- Appendix G: Route 561 Senior Housing Site Documentation; RLM Ordinance
- Appendix H: Affordable Housing Ordinance, Development Fee Ordinance
- Appendix I: Municipal Housing Liaison and Municipal Housing Finance Officer
- Appendix J: Affirmative Marketing Plan
- Appendix K: Spending Plan

Housing Element and Fair Share Plan

EXECUTIVE SUMMARY

The Housing Element and Fair Share Plan for the Borough of Gibbsboro, Camden County, addresses its constitutional obligation to provide for affordable housing under the mandate of the *Mount Laurel Doctrine* established by the New Jersey Supreme Court beginning in 1975 and addressed legislatively in the New Jersey Fair Housing Act of 1985.¹ Together, the Housing Element and Fair Share Plan constitute the affordable housing plan for the Borough of Gibbsboro. The Housing Element is a component of the Borough's Master Plan for development and redevelopment, and the Fair Share Plan constitutes the means and documents designed to implement the Housing Element. Together, the two major divisions are called the "housing plan" in this document.

The two parts have four components in a municipality's affordable housing obligation: the Fourth Round Present Need or Rehabilitation Share, and then the Prospective Need obligations for the Prior Round, the Third Round, and the Fourth Round. The Borough's affordable housing obligations are as follows:

▪ Fourth Round Present Need:	14 units
▪ Prior Round Prospective Need Obligation:	112 units
▪ Third Round Prospective Need Obligation:	97 units
▪ Fourth Round Prospective Need Obligation:	<u>40 units</u>
Total Obligation	263 units

For the Fourth Round, the Borough declared in its Resolution on its Fourth Round numbers (Resolution 2025-1-54, dated January 21, 2025), a Present Need of 2 units and a Prospective Need of 34 units based on the model developed by its Borough Planner and his firm for its municipal clients.

These two numbers were challenged by Fair Share Housing Center (FSHC) and the New Jersey Builders Association (NJBA) during the February 2025 obligations challenge period. During the March 2025 mediation period, FSHC and the Borough agreed in a Mediation Settlement to a Fourth Round Present Need of 14 units and a Prospective Need obligation of 40 units.

This housing plan sets forth the means whereby these obligations will be met.

¹ - N.J.S.A. 52:27D-301 et seq.

INTRODUCTION

The proposed Fourth Round HEFSP was prepared in accordance with N.J.S.A. 40:55D-28(b)(3) of the Municipal Land Use Law (MLUL) and the mandatory requirements of a Housing Element under the recently amended New Jersey Fair Housing Act (FHA)², relevant regulations of the New Jersey Council On Affordable Housing (COAH), and the Administrative Office of the Courts Directive #14-24. The Fourth Round Housing Element and Fair Share Plan also delineates the actions taken, and to be taken, by the Township to satisfy its affordable housing responsibilities under applicable laws. This Fourth Round Housing Element and Fair Share Plan will be submitted to the Affordable Housing Dispute Resolution Program and subsequently to Superior Court for a determination as to its compliance with the requirements.

As noted in the Executive Summary, a municipality's Fourth Round affordable housing obligation has two major aspects: (1) Present Need (Rehabilitation Share); and (2) Prospective Need. Pursuant to the amended FHA, the New Jersey Department of Community Affairs (DCA) calculated these obligations on an advisory basis for all municipalities, but also allowed by the amended FHA, each municipality was permitted to file its numbers based on a methodology following the law. In Gibbsboro's case it did so with a Present Need of 2 units and a Prospective Need of 34 units. On January 23, 2025, the Borough Solicitor for the Borough filed its Fourth Round Declaratory Judgment Action ("DJ Action") with the Affordable Housing Dispute Resolution Program/Superior Court ("Program"), pursuant to the requirements of the amended FHA and the Administrative Directive #14-24, and was assigned Docket No. CAM-L-227-25 (see Appendix B). Thereafter, on May 5, 2025, the Superior Court issued an Order accepting the Borough's Fourth Round Present Need and Prospective Need obligations (see Appendix B) and directing the municipality to file this document.

BRIEF HISTORY AND REGIONAL LOCATION

Gibbsboro is a 2.2-square-mile borough located in approximately the midsection of Camden County. It is surrounded to the southwest by the Borough of Lindenwold, and to the north, east, and southeast by Voorhees Township, of which it was originally a part. The Borough was incorporated in 1924 based on the results of a referendum, and named for the Gibbs family, which settled in the area in 1706. It is part of the State Development and Redevelopment Plan's (SDRP) Planning Area 1, the Metropolitan Planning area, characterized by higher-density development and availability of infrastructure compared to other planning areas. Though located within the PA-1, Gibbsboro is also identified as containing a Critical Environmental Site designation along with portions of Lindenwold Borough, due to the presence of *Helonias bullata*, Swamp Pink listed as a threatened species, its location at the headwaters of the Cooper River, and as the easternmost expression of Pinelands soils and vegetation.

² - P.L. 2024, c.2

No interstate, U.S., or state highways run through Gibbsboro. County Route 561 traverses the Borough roughly northwest to southeast (a route also known as Lakeview Drive and Haddonfield-Berlin Road).

AFFORDABLE HOUSING JUDICIAL AND LEGISLATIVE BACKGROUND

In the 1975 Mount Laurel³ decision, the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide diversity and choice in the housing types permitted in the municipality, including housing for low- and moderate-income households. In its 1983 Mount Laurel II decision,⁴ the NJ Supreme Court extended to all municipalities with any “growth area” as designated in the State Development Guide Plan (now superseded by the State Development and Redevelopment Plan, or SDRP) the obligation to provide their “fair share” of a calculated regional need for affordable units. Mount Laurel II also introduced a “builder’s remedy” if a municipality was not providing its fair share of affordable housing. A builder’s remedy may permit a developer that is successful in litigation the right to develop what is typically a higher density multifamily project on land not zoned to permit such use, so long as a “substantial” percentage of the proposed units would be reserved for low- and moderate-income households.

In 1985, in response to Mount Laurel II, the New Jersey Legislature enacted the Fair Housing Act (“FHA”).⁵ The FHA created the Council on Affordable Housing (“COAH”) as an administrative body responsible for oversight of municipalities’ affordable housing efforts, rather than having oversight go through the courts. The Legislature charged COAH with promulgating regulations (i) to establish housing regions; (ii) to estimate low- and moderate-income housing needs; (iii) to set criteria and guidelines for municipalities to use in determining and addressing their fair share obligations, and (iv) to create a process for the review and approval of municipal housing elements and fair share plans.

COAH’s First and Second Rounds (1987-1999)

COAH created the criteria and regulations for municipalities to address their affordable housing obligations. COAH originally established a methodology for determining municipal affordable housing obligations for the six-year period between 1987 and 1993,⁶ which period became known as the First Round. This methodology established an existing need to address substandard housing that was being occupied by low- and moderate-income households (variously known as “present need” or “rehabilitation share”), and calculated future demand, to be satisfied typically, but not exclusively, with new construction (“prospective need” or “fair share”).

³ - Southern Burlington County NAACP v. Township of Mount Laurel, 67 N.J. 151 (1975)

⁴ - Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983)

⁵ - N.J.S.A. 52:27D-301 et seq.

⁶ - N.J.A.C. 5:92-1 et seq.

The First Round methodology was superseded in 1994 by COAH's Second Round regulations.⁷ The 1994 regulations recalculated a portion of the 1987-1993 affordable housing obligations for each municipality and computed the additional municipal affordable housing need from 1993 to 1999 using 1990 census data. These regulations identified a municipality's cumulative obligations for the First and Second Rounds. Under regulations adopted for the Third Round, a municipality's obligation to provide affordable housing for the First and Second Rounds is referred to cumulatively as the Prior Round obligation.

COAH's Third Round and Related Judicial and Legislative Activity, (1999-2025)

The FHA had originally required housing rounds to be for a six-year period for the First and Second Rounds, then in 2001, the time period increased to a 10-year period consistent with the Municipal Land Use Law ("MLUL"). In order to utilize 2000 census data which had not yet been released, COAH delayed the start of the Third Round from 1999 to 2004, with the Third Round time period initially ending in 2014. In December 2004, COAH's first version of the Third Round rules⁸ became effective, and the 15-year Third Round time period (1999 – 2014) was condensed into an affordable housing delivery period from January 1, 2004, through January 1, 2014.

The 2004 Third Round rules marked a significant departure from the methods utilized in COAH's Prior Round. Previously, COAH assigned an affordable housing obligation as an absolute number to each municipality. These Third Round rules implemented a "growth share" approach that linked the production of affordable housing to residential and non-residential development in a municipality.

On January 25, 2007, a New Jersey Appellate Court decision⁹ invalidated key elements of the first version of the Third Round rules, including the growth share approach. The Court ordered COAH to propose and adopt amendments to its rules, with COAH issuing revised rules effective on June 2, 2008 (as well as a further rule revision effective on October 20, 2008) which largely retained the growth share approach.

Just as various parties had challenged COAH's initial Third Round regulations, parties challenged COAH's 2008 revised Third Round rules. On October 8, 2010, the Appellate Division issued its decision on the challenges.¹⁰ The Appellate Division upheld the COAH Prior Round regulations that assigned rehabilitation and Prior Round numbers to each municipality, but invalidated the regulations by which the agency assigned housing obligations in the Third Round, again ruling that COAH could not allocate obligations through a growth share formula. Instead, the Appellate Division directed COAH to use methods similar to those used in the First and Second Rounds.

⁷ - N.J.A.C. 5:93-1.1 et seq.

⁸ - N.J.A.C. 5:94-1 and 5:95-1

⁹ - In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super. 1 (2007)

¹⁰ - In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462 (2010)

Third Round Judicial Activity

After various challenges were filed, on September 26, 2013, the NJ Supreme Court upheld the Appellate Court decision¹¹ and ordered COAH to prepare the necessary rules. COAH failed to adopt new rules, and more challenges ensued.

On March 10, 2015, the New Jersey Supreme Court issued a ruling on FSHC's Motion in Aid of Litigant's Rights, which became known as Mount Laurel IV.¹² In this decision, the Court transferred responsibility for reviewing and approving housing elements and fair share plans from COAH to designated Mount Laurel trial judges, declaring COAH "moribund." Municipalities were now to apply to the Courts, instead of COAH, if they wished to be protected from exclusionary zoning lawsuits. The Mount Laurel trial judges, with the assistance of a Court-appointed Special Adjudicator, were tasked with reviewing municipal plans much in the same manner as COAH had done previously. Those towns whose plans were approved by the Court received a Judgment of Compliance and Repose, the court equivalent of COAH's substantive certification.

While the NJ Supreme Court's decision set a process in motion for towns to address their Third Round obligation, the decision did not assign those obligations. Instead, that was to be done by the trial courts, although ultimately most towns entered into settlement agreements to set their fair share obligations. The Court stated that municipalities should rely on COAH's Second Round rules (N.J.A.C. 5:93) and those components of COAH's 2008 regulations that were specifically upheld, as well as the FHA, in their preparation of Third Round housing elements and fair share plans.

On January 17, 2017, the NJ Supreme Court rendered a decision¹³ that found that the period between 1999 and 2015, now known as the "gap period," when no valid affordable housing regulations were in force, generated an affordable housing obligation. This obligation required an expanded definition of the municipal Present Need obligation to include the unaddressed housing needs of low- and moderate-income households that had formed during the gap period. This meant that the municipal affordable housing obligation would now comprise four components: Present Need (rehabilitation), Prior Round (1987-1999, new construction), Gap Need (1999-2015, new construction), and Prospective Need (Third Round, 2015 to 2025, new construction).

Third Round Legislative Activity

In addition to the state agency negotiation and judicial decisions, the New Jersey Legislature has amended the FHA several times in recent years.

¹¹ - In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council On Affordable Housing, 215 N.J. 578 (2013)

¹² - ibid.

¹³ - In Re Declaratory Judgment Actions Filed by Various Municipalities, 227 N.J. 508 (2017)

- A statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing was established in 2008;
- New regional contribution agreements (“RCAs”) were eliminated in 2008;
- A very-low income requirement was added in 2008;
- In 2008, a requirement was added that municipalities had to commit to spend development fees within four years of the date of collection. This was later addressed in a Superior Court decision which found the four-year period begins at the time the Court approves the municipal spending plan.¹⁴
- In 2020, all affordable units have to be affirmatively marketed and also listed on the state’s Affordable Housing Resource Center website.¹⁵

The Fourth Round (2025-2035)

As noted in the introduction, the rules upon which this document is based came about from the FHA amendments in P.L. 2024, c. 2, passed on March 20, 2024. The key parts of the law include:

- The abolition of the NJ Council on Affordable Housing;
- Designating the NJ Department of Community Affairs (“DCA”) to develop new municipal obligations using a methodology that is mainly spelled out in the law. These obligations are advisory, not binding;
- Establishing a timeline within which municipalities need to adopt and submit binding resolutions establishing their Fourth Round fair share obligations, in order for them to retain their immunity from exclusionary-zoning lawsuits;
- Requiring the NJ Housing and Mortgage Finance Agency (“HMFA”) and DCA to update rules and standards governing affordable housing production, trust funds and administration;
- Establishing a court-based Affordable Housing Dispute Resolution Program (“Program”) that hears challenges to municipalities’ affordable housing obligation determinations and housing plans;
- Establishing a longer period of deed restrictions for rental units to 40 years;
- Changing the criteria whereby municipalities may gain affordable housing bonuses;

¹⁴ - In the Matter of the Adoption of the Monroe Township Housing Element and Fair Share Plan, and Implementing Ordinances (112 A.3d 595 (App. Div. [2015]))

¹⁵ - <https://njhrc.gov>

- Establishing new reporting and monitoring procedures and deadlines for both affordable units and affordable housing trust funds, and assigns oversight for reporting and monitoring to DCA.

Furthermore, in December 2024, the Administrative Office of the Courts issued Administrative Directive #14-24, establishing procedures for implementation of the Program and for municipalities to file their Fourth Round Declaratory Judgment (“DJ Action”) filings, etc. This Administrative Directive also sets requirements for what must be included in a Fourth Round HEFSP.

This plan has been prepared to meet the requirements of the FHA as most recently amended, as well as the 2024 Administrative Directive, as necessary. Where such requirements contradict each other, this document adheres to the statute.

GIBBSBORO’S AFFORDABLE HOUSING HISTORY

Gibbsboro Borough received First Round substantive certification of its Housing Element and Fair Share Plan from COAH for 109 units on May 20, 1987. This plan consisted of nine rehabilitation units and 100 inclusionary new construction units on zoned land. The Borough addressed its Second Round affordable housing obligation of 120 units (eight rehabilitation units and 112 new construction units) with a Housing Element and Fair Share Plan certified by COAH on October 11, 1995.

Gibbsboro sought an extension and substantive certification of an amended Second Round plan from COAH on December 14, 2004. Subsequently, it became clear that this agency would not grant the extension because of questions concerning one inclusionary component of the Second Round plan – a conclusion the Borough felt was erroneous. Consequently, Gibbsboro filed a declaratory judgment action with Superior Court that was granted on April 14, 2005, and withdrew its petition to COAH for extended Second Round substantive certification and amended Second Round plan.

On December 13, 2005, the Borough received a Judgment of Repose from the New Jersey Superior Court for an amendment to the 1995 Second Round Housing Element and Fair Share Plan, subject to the timely repair of the required rental component. The Judgment of Repose granted conditional approval of the Third Round Plan for a period of ten years until December 15, 2015, provided the Borough adopted an amendment to the Second Round Plan. The Second Round Plan was amended on April 28, 2006 and filed with the Court in fulfillment of the condition. As a result, the Borough’s 120-unit Second Round affordable housing obligation was satisfied with eight rehabilitation credits, 67 proposed units in a now-reduced RLM zoning district, and a 56-unit Regional Contribution Agreement (RCA) with the Borough of Woodlynne. This amendment created a RCA for 56 units with the Borough of Woodlynne, Camden County, that would satisfy the rental component.

To address the Third Round, a separate Housing Element and Fair Share Plan was adopted on May 9, 2006, and submitted to the Court in accordance with the December 13, 2005, Order. The fairness hearing on this plan, however, did not occur because of a challenge to the Second Round RCA by Fair Share Housing Center (FSHC). Subsequently, the Superior Court granted a stay on acting on the Third Round Plan while the challenge proceeded through the Appellate Division. The Woodlynne RCA was upheld by the Appellate Division in a decision dated July 22, 2008. Because of the settlement of the RCA issue, the Borough adopted a revised Third Round HEFSP on November 11, 2008, which was endorsed by the Borough Council on November 17, 2008. However, because of the uncertainty - reference the section on the judicial history of the Third Round, above - this period of time was one of changing rule requirements, major court decisions on these rules, and changing municipal obligations, Gibbsboro held off on devising a new plan due to the joint declaration by the U.S. Environmental Protection Agency and the NJ Department of Environmental Protection of land that was newly recorded on the National Priority List (NPL) for contamination – colloquially known as the Superfund list¹⁶. This declaration on March 9, 2006 included lands believed by the Borough not to be contaminated but were best located to address affordable housing obligations because of their proximity to shopping and services in the Borough, with easily accessible public water and sanitary sewer services. The NPL was only modified in June 2015, removing lots that were improperly included on the NPL. The removal of the NPL designation allowed the Borough to move forward with the concept of a 100% affordable housing development on property that it owned, Block 8.03, Lot 6.01.

The Borough engaged with Project Freedom, an experienced developer of affordable housing developments on this project. It was determined in examining the parcel that additional land would be needed for the development due to environmental constraints on the west side of the property. The Borough Council authorized a preliminary investigation study of the area as an expansion of an existing redevelopment area known as the Paintworks Redevelopment Area. The April 14, 2015 study concluded that Block 8.03, Lots 6.01, 6.02, 6.03, 6.04, 6.05, pt. of 6.06 and 6.10 met the criteria for being designated an Area in Need of Condemnation Redevelopment and the Planning Board concurred. The Borough Council agreed with the Planning Board's recommendations and adopted the designation for the tract.

Through 2016, a redevelopment plan was developed and adopted by the Borough Council on December 14, 2016 (Ordinance 2016-10). The Borough named Project Freedom as the designated redeveloper in January 2017. In 2017, the Borough had a Workable Relocation Assistance Program approved by DCA and began to acquire the additional properties necessary to create an area large enough for the affordable housing project. Project Freedom was awarded low income housing tax credits for the 72-unit project in August 2017 that had 18 units reserved for special needs persons and households and 54 family rental units. The property was conveyed for the development in September 2018 and was largely completed a

¹⁶ - Sherwin-Williams/Hilliards Creek Site - EPA ID #NJ980417976

year later in September 2019. Subsequently, Project Freedom entered into an agreement with the NJ Division of Developmental Disabilities whereby two unrelated individuals for six of the two-bedroom special needs units were opened to unrelated individuals. Consequently, the credit count for Project freedom increased to 78 units.

The Borough restarted its planning process for the Third Round in 2023 and through substantial discussion produced a Third Round HEFSP meeting the requirements of the extant rules pertaining to this time period. More discussion on the Third Round is included in this document as the Third and Fourth Rounds have significant commonality. The Third Round HEFSP was adopted by the Gibbsboro Planning Board on June 26, 2024.

The amended FHA directed the DCA to create a methodology for allocating the Present Need and Prospective Need obligations for the Fourth Round. Unlike COAH's allocation of such numbers, the law made DCA's acceptance of the obligations by a municipality voluntary. On January 21, 2025, Gibbsboro Borough filed a motion declaring its obligations for the Fourth Round for certification of compliance for its calculated Fair Share Obligation for the Fourth Round, the Borough utilized the alternative model and calculations prepared by Clarke Caton Hintz, P.C., for the municipality's fair share obligations and committed to two units of Present Need and 34 units/credits of Prospective Need. The Borough's calculation of its present and prospective need was challenged by FSHC on February 28, 2025. A mediation agreement was reached between the two parties and the Borough Council formally adopted a resolution approving the terms of the settlement the same day. A copy of the resolution and mediation settlement is attached as Appendix B.

HOUSING ELEMENT AND FAIR SHARE PLAN REQUIREMENTS

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.), a municipal master plan must include a housing plan element as the foundation for the municipal zoning ordinance (see N.J.S.A. 40:55D-28b(3)). Pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), a municipality's housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. Specifically, N.J.S.A. 52:27D-310 requires that the housing element contain at least the following, but some of these are not applicable as the Borough, for example, is located in a special planning area, such as the Highlands:

- 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;
- 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;

- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing, as established pursuant to N.J.S.A. 52:27D-304.1;
- A consideration of the lands 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;
- An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to N.J.S.A. 52:27D-329.20; and
- For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to N.J.S.A. 13:20-4, an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
- An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

This Fourth Round Housing Element and Fair Share Plan (HEFSP) has been prepared in compliance with the following additional requirements specified by Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024. In similar fashion as the MLUL requirements, some of these are not applicable to Gibbsboro.

1. One of the requirements for a final HEFSP is the inclusion of detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.
2. The concept plan for the development of each of the selected sites should be overlaid on the most up to date environmental constraints map for that site as part of its analysis. When the detailed analyses are completed, the municipality can see what changes will be needed (either to the selected sites or to their zoning) to ensure that all of the units required by the settlement agreement will actually be produced. If it becomes apparent that one (or more) of the sites in the plan does not have the capacity to accommodate all of the development proposed for it, the burden will be on the municipality either to adjust its zoning regulations (height, setbacks, etc.) so that the site will be able to yield the number of units and affordable units anticipated by the settlement agreement or to find other mechanisms or other sites as needed to address the likelihood of a shortfall.
3. The final HEFSP must fully document the creditworthiness of all of the existing affordable housing units in its HEFSP and to demonstrate that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided.
4. The HEFSP must include an analysis of how the HEFSP complies with or will comply with all of the terms of the executed settlement agreement. Once the HEFSP has been prepared, it must be reviewed by Fair Share Housing Center and the Program's Special Adjudicator for compliance with the terms of the executed settlement agreement, the Fair Housing Act (FHA) and Uniform Housing Affordability Controls (UHAC) regulations. The HEFSP must be adopted by the Planning Board and the implementation components of the HEFSP must be adopted by the governing body.

The HEFSP is also required to include (in an Appendix) all adopted ordinances and resolutions needed to implement the HEFSP, including:

1. All zoning amendments (or redevelopment plans, if applicable).
2. An Affordable Housing Ordinance that includes, among other required regulations, its applicability to 100 percent affordable and tax credit projects, the monitoring and any reporting requirements set forth in the settlement agreement, requirements

regarding very low income housing and very low income affordability consistent with the FHA and the settlement agreement, provisions for calculating annual increases in income levels and sales prices and rent levels, and a clarification regarding the minimum length of the affordability controls (at least 30 years, until the municipality takes action to release the controls).

3. The adoption of the mandatory set aside ordinance, if any, and the repeal of the existing growth share provisions of the code.
4. An executed and updated Development Fee Ordinance that reflects the court's jurisdiction.
5. An Affirmative Marketing Plan adopted by resolution that contains specific directive to be followed by the Administrative Agent in affirmatively marketing affordable housing units, with an updated COAH form appended to the Affirmative Marketing Plan, and with both documents specifically reflecting the direct notification requirements set forth in the settlement agreement.
6. An updated and adopted Spending Plan indicating how the municipality intends to allocate development fees and other funds, and detailing (in mini manuals) how the municipality proposes to expend funds for affordability assistance, especially those funds earmarked for very low income affordability assistance.
7. A resolution of intent to fund any shortfall in the costs of the municipality's municipally sponsored affordable housing developments as well as its rehabilitation program, including by bonding if necessary.
8. Copies of the resolution(s) and/or contract(s) appointing one or more Administrative Agent(s) and of the adopted ordinance creating the position of, and resolution appointing, the Municipal Affordable Housing Liaison.
9. A resolution from the Planning Board adopting the HEFSP, and, if a final Judgment is sought before all of the implementing ordinances and resolutions can be adopted, a resolution of the governing body endorsing the HEFSP.

Consistent with N.J.A.C. 5:93-5.5, any municipally sponsored 100 percent affordable housing development will be required to be shovel-ready within two (2) years of the deadlines set forth in the settlement agreement:

- I. The municipality will be required to submit the identity of the project sponsor, a detailed pro forma of project costs, and documentation of available funding to the municipality and/or project sponsor, including any pending applications for funding, and a commitment to provide a stable alternative source, in the form of a resolution of intent to fund shortfall, including by bonding, if necessary, in the event that a pending application for outside funding has not yet been not approved.

2. Additionally, a construction schedule or timetable must be submitted setting forth each step in the development process, including preparation and approval of a site plan, applications for state and federal permits, selection of a contractor, and start of construction, such that construction can begin within two (2) years of the deadline set forth in the settlement agreement.

While Gibbsboro proposes a 100% municipally sponsored project in concert with Project Freedom, Inc., it is not under any settlement terms that has imposed a schedule for such development, which will be dependent on outside agency funding. Nonetheless, a timeline will be provided.

AFFORDABILITY REQUIREMENTS

Affordable housing is defined under New Jersey's FHA as a dwelling, either for sale or for rent, that is within the financial means of households of low or moderate income as income is measured within each housing region. Gibbsboro is in Housing Region 5, which includes Burlington, Camden, and Gloucester Counties. These housing regions were established in the mid-1980s by COAH, and confirmed as part of the 2024 amendment to the FHA. Moderate-income households are those with incomes exceeding 50% up to 80% of the regional median income. Low-income households are those with annual incomes 50% or less than regional median income. In 2008 the New Jersey Legislature created an additional sub-category of low income – very low-income – which has been defined as households with incomes 30% or less of the regional median income, which remains in the law.

The Uniform Housing Affordability Controls "UHAC" - N.J.A.C. 5:80-26.1) set out income limits, maximum rents and maximum sales prices for dwellings to be considered affordable. For example, the maximum rent must be affordable to households that earn no more than 60% of the median income for the region, and the average rent must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable to households that earn no more than 70% of the median income, and the average sale price must be affordable to a household that earns no more than 55% of the median income. Revised UHAC rules were issued on December 14, 2024 under emergency rule-making and are also being rewritten but not expected to be completed by June 30, 2025.

Regional median income had been defined by COAH annually using HUD income limits, but COAH stopped issuing income limits in 2014. The NJ Housing and Mortgage Finance Agency ("HMFA") was assigned responsibility for calculating and publishing annual income limits in the amended FHA. In May 2025, HMFA enacted new income limits for 2025, which are shown for Housing Region 5 in Table 1, below.

Borough of Gibbsboro, Camden County
Housing Element and Fair Share Plan

June 24, 2025

Table 1. 2025 Income Limits for Region 5

Household Income Levels	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household	6 Person Household
Median	\$83,600	\$95,600	\$107,500	\$119,400	\$129,000	\$138,600
Moderate	\$66,880	\$76,480	\$86,000	\$95,520	\$103,200	\$110,880
Low	\$41,800	\$47,800	\$53,750	\$59,700	\$64,500	\$69,300
Very Low	\$25,080	\$28,680	\$32,250	\$35,820	\$38,700	\$41,580

Source: New Jersey Housing and Mortgage Finance Agency (NJHMFA)

Tables 2 and 3 provide illustrative gross rents and sale prices for 2024. The rents and sale prices are examples only, and are gross figures that do not account for the permitted utility allowance in the case of rentals, or for homeowner's association dues in the case of for-sale units.

Table 2. Illustrative 2024 Maximum Affordable Gross Rents for Region 5

Household Income Levels (% of Median Income)	1 Bedroom Unit Rent	2 Bedroom Unit Rent	3 Bedroom Unit Rent
Moderate (55%)	\$1,180	\$1,416	\$1,636
Low (50%)	\$1,073	\$1,073	\$1,487
Very Low (30%)	\$644	\$772	\$892

Source: Affordable Housing Professionals of New Jersey Affordable Housing General Rent Calculator

Table 3. Illustrative 2024 Maximum Affordable Sales Prices for Region 5

Household Income Levels (% of Median Income)	1 Bedroom Unit Price	2 Bedroom Unit Price	3 Bedroom Unit Price
Moderate (65%)	\$123,811	\$150,859	\$176,105
Low (50%)	\$92,601	\$113,408	\$132,827
Very Low (30%)	\$50,988	\$63,472	\$75,123

Source: Affordable Housing Professionals of New Jersey Affordable Housing General Sales Price Calculator

HOUSING CONDITIONS

Table 4 describes the types of housing units found in the Borough. More than 95% of the Borough's housing units are single-family dwellings, either attached or detached. The remaining dwellings are largely located in structures with 10 or more units (3.9%) with structures containing between two and nine units making up less than 3%. More than 90% of units are owner-occupied and 9.5% of units are renter-occupied. There are estimated to be

Borough of Gibbsboro, Camden County
Housing Element and Fair Share Plan

June 24, 2025

no vacant units in the Borough, though the Borough's existing conditions survey found one dwelling that is vacant.

Table 4. Units in Housing Structure by Tenure, 2023

Units in Structure	Total Units	%	Owner-Occupied	%	Renter-Occupied	%	Vacant	%
1-unit, detached	799	93.0%	726	100.0%	20	26.3%	53	100%
1-unit, attached	1	0.1%	0	0.0%	1	1.3%	0	0.0%
2 units	2	0.2%	0	0.0%	2	2.6%	0	0.0%
3 or 4 units	22	2.7%	0	0.0%	22	28.9%	0	0.0%
5 to 9 units	0	0.0%	0	0.0%	0	0.0%	0	0.0%
10 to 19 units	0	0.0%	0	0.0%	0	0.0%	0	0.0%
20 units or more	31	0.0%	0	0.0%	31	40.8%	0	0.0%
Total	855	100.0%	726	100%	76	100%	53	100%
Percent of Total Units				84.9%		8.9%		6.2%

Source: Table B25032, 2019-2023 American Community Survey Five-Year Estimates¹⁷

According to the American Community Survey 2019-2023 estimates, almost 70% of Gibbsboro's housing stock was constructed prior to 1969, with smaller building booms at various points between 1970 and 1999.

Table 5. Housing Units by Year Built, 2023

Year Built	Number of Units	Percent of Units	Owner-Occupied	Renter-Occupied	Vacant
1939 or earlier	89	10.4%	79	7	3
1940 to 1949	66	7.7%	265	9	14
1950 to 1959	222	26.0%			
1960 to 1969	218	25.5%	253	7	36
1970 to 1979	78	9.1%			
1980 to 1989	86	10.1%	113	53	0
1990 to 1999	80	9.4%			
2000 to 2009	16	1.9%	16	0	0
2010 to 2019	0	0.0%	0	0	0
2020 or later	0	0.0%	0	0	0
Total Units	855	100.0%	726	76	53

¹⁷ - The American Community Survey provides an estimate based on survey responses. Its margin of error is larger than for U.S. Census data.

Source: Tables DP04, S2504, 2019-2023 American Community Survey Five-Year Estimates

Table 6 shows that three-quarters of the housing units in the Borough have three or four bedrooms, which, as shown in Table 13 (p. 21) below, is a significantly higher percentage than the percentage of households in the Borough occupied by three or more people. It is possible that some households in Gibbsboro may be “over-housed,” in the sense that the residents wish to remain in Gibbsboro, but the housing stock is geared towards larger homes and smaller dwellings are not available.

Table 6. Housing Units by Number of Bedrooms, 2023

Number of Bedrooms	Number of Units	Percent of Units
No bedroom	31	3.6%
1 bedroom	9	1.1%
2 bedrooms	98	11.5%
3 bedrooms	485	56.7%
4 bedrooms	163	19.1%
5 or more bedrooms	69	8.1%
Total Housing Units	855	100.0%

Source: Table DP04, 2019-2023 American Community Survey Five-Year Estimate

The ACS estimates that there are no households with between 1.01 and 1.5 occupants per room, as well as no households with more than 1.5 occupants per room.¹⁸ Likewise, very few units qualify as “substandard;” the ACS estimates there are no units with incomplete plumbing, and only five units with incomplete kitchen facilities (see Table 10).

Table 7, Value of Owner-Occupied Housing Units, shows that the median home value in Gibbsboro increased by 23.6% between 2013 and 2023, perhaps a reflection of the general spike in real estate prices brought on by the 2020 pandemic. The largest increase in value was in the number of units valued at between \$300,000 and \$499,999, a price bracket that appears to have absorbed much of the housing stock in the three price brackets below it.

Based on Table 3 above, as many as 13 owner-occupied units in Gibbsboro Borough may be affordable to very low-income households, and 135 additional owner-occupied housing units

¹⁸ - Table B25014, 2019-2023 American Community Survey Five-Year Estimate.

may be affordable to low-income households. Approximately 228 additional units, or 31.4% of all owner-occupied units, may be affordable to moderate-income households.

Table 7. Value of Gibbsboro Owner-Occupied Housing Units, 2013 and 2023

Housing Unit Value	2013 Units	Percent	2023 Units	Percent
Less than \$50,000	39	5.6%	13	1.8%
\$50,000 to \$99,999	0	0.0%	0	0.0%
\$100,000 to \$149,999	52	7.5%	17	2.3%
\$150,000 to \$199,999	155	22.3%	105	14.5%
\$200,000 to \$299,999	316	45.5%	317	43.7%
\$300,000 to \$499,999	88	12.7%	226	31.1%
\$500,000 to \$999,999	44	6.3%	37	5.1%
\$1,000,000 or more	0	0.0%	11	1.5%
Total	694	100.0%	726	100.0%
Median Value	\$225,000		\$278,200	

Source: Table DP04, 2009-2013 and 2019-2023 American Community Survey Five-Year Estimates

Rents in Gibbsboro Borough are generally lower than in Camden County overall, with 40.8% of units in Gibbsboro renting for less than \$500 per month, compared to 7.6% of units in Camden County renting in that range. Only 10.5% of units in Gibbsboro rent for \$2,000 or more per month, compared to 14.1% of all units in Camden County.

Based on Table 7 above, 31 rental units in Gibbsboro are affordable to very low-income renters at a gross rent of \$749 or less. Only the same 31 units may be affordable to low-income renters at a gross rent of \$1,248 or less. An additional 37 units may be affordable to moderate-income renters at a gross rent of \$1,998 or less. See Table 8, Gross Rent by Housing Unit in Gibbsboro and Camden County, 2023.

Table 8. Gross Rent by Housing Unit in Gibbsboro and Camden County, 2023

Gross Rent	Units in Gibbsboro	Percent of Total	Units in Camden County	Percent of Total
Less than \$500	31	40.8%	5,179	7.6%
\$500 to \$999	0	0.0%	10,664	15.6%
\$1,000 to \$1,499	0	0.0%	25,940	38.0%
\$1,500 to \$1,999	37	48.7%	16,814	24.6%
\$2,000 to \$2,499	6	7.9%	6,656	9.7%
\$2,500 to \$2,999	0	0.0%	1,667	2.4%

Borough of Gibbsboro, Camden County
Housing Element and Fair Share Plan

June 24, 2025

Gross Rent	Units in Gibbsboro	Percent of Total	Units in Camden County	Percent of Total
\$3,000 or more	2	2.6%	1,367	2.0%
No cash rent	0	-	1,852	-
Total	76	100.0%	68,287	100.0%
Median Rent	[X]		\$1,346	

Source: Table DP04, 2019-2023 American Community Survey Five-Year Estimate

Housing is generally considered to be affordable if the costs of rent or mortgage payments and other essential costs consume 28% or less of an owner-household's income or 30% or less of a renter-household's income. (Homeowner rates are lower to account for the additional home maintenance costs associated with ownership.) In Gibbsboro Borough, 34.4% of all owner-occupied households with a mortgage are spending more than 30% of their incomes on housing, and fully 79% of renters are spending more than 30% of their incomes on rent. This is likely due to the outside influence that Project Freedom has on the rental market, which is quite small in Gibbsboro. Special needs residents typically have very low-income.

Table 9. Housing Affordability, 2023

Monthly Housing Costs as Percent of Income	Owner- Occupied w/ Mortgage	% of Total	Renter- Occupied	% of Total
Less than 20.0%	195	43.0%	9	11.8%
20.0% to 24.9%	90	19.8%	7	9.2%
25.0% to 29.9%	13	2.9%	0	0.0%
30.0% to 34.9%	29	6.4%	6	7.9%
35.0% or more	127	28.0%	54	71.1%
No Cash Rent	-	-	0	0.0%
Total	454	100%	76	100%

Source: Table DP04, 2019-2023 American Community Survey Five-Year Estimate

The ACS estimates that there are no occupied housing units in Gibbsboro that are older than 1950 and have more than one occupant per room (a possible indicator of substandard housing). Likewise, very few units qualify as substandard by other measures: The ACS estimates there are no units with incomplete plumbing and only five units with incomplete kitchen facilities.

Table 10. Indicators of Housing Deficiency, 2023

Indicator	Incomplete Plumbing	Incomplete Kitchen	Crowded or Overcrowded, and Built Pre-1950
Number of Units	0	5	0

Source: Tables DP04 and B25050, 2019-2023 American Community Survey Five-Year Estimate

POPULATION CHARACTERISTICS

Based on census data, the population of Gibbsboro saw a slight decrease of 3.7% from 2010 to 2020, smaller than the 6.6% decrease from 2000-2010. Camden County's population during the same periods saw small increases. See Table 11, Population Change.

Table 11. Population Change 2010 to 2020, Gibbsboro Borough and Camden County

Year	Gibbsboro	Change Since Previous Census (%)	Camden County	Change Since Previous Census (%)
1940	713	-	255,727	-
1950	906	27.1%	300,743	17.6%
1960	2,141	136.3%	392,035	30.4%
1970	2,634	23.0%	456,291	16.4%
1980	2,510	-4.7%	471,650	3.4%
1990	2,383	-5.1%	502,824	6.6%
2000	2,435	2.2%	508,932	1.2%
2010	2,274	-6.6%	513,657	0.9%
2020	2,189	-3.7%	523,485	1.9%

Source: U.S. Decennial Census

Between 2013 and 2023, the American Community Survey estimated a 2.8% increase in the number of Gibbsboro residents overall. The largest percentage growth was among the small cohort aged 85+, whose population was estimated to grow 182% between 2013 and 2023. The population aged 18 and under decreased 11.5% and the population aged 25 to 54 decreased 15.2%. However, the population of young children, aged 9 and under, and of adults aged 35-44, the age cohort that are likely to be parents of younger children, increased dramatically, causing the median age in the Borough to drop more than 8%. See Table 12, Population Age Cohorts, for additional detail. (Note the totals in Table 12 are different than in Table 11 since in the former population age cohorts are estimates rather than counts from the decennial census.)

Table 12. Population Age Cohorts, 2013 to 2023

Age Cohort	2013	Percent	2023	Percent	% Change
Under 5	113	5.0%	169	7.2%	49.6%
5-9	113	5.0%	144	6.2%	27.4%
10-14	161	7.1%	110	4.7%	-31.7%
15-19	186	8.2%	183	7.8%	-1.6%
20-24	110	4.8%	108	4.6%	-1.8%
25-34	237	10.4%	224	9.6%	-5.5%
35-44	230	10.1%	335	14.3%	45.7%
45-54	438	19.3%	273	11.7%	-37.7%
55-59	121	5.3%	213	9.1%	76.0%
60-64	189	8.3%	114	4.9%	-39.7%
65-74	216	9.5%	239	10.2%	10.6%
75-84	142	6.2%	177	7.6%	24.6%
85+	17	0.7%	48	2.1%	182.4%
Total	2,273	100.0%	2,337	100.0%	2.8%
Median Age	44.4		40.8		-8.1%

Source: Table DP05, 2009-2013 and 2019-2023 American Community Survey 5-Year Estimates

HOUSEHOLD CHARACTERISTICS

A household is defined by the U.S. Census Bureau as those people who occupy a single room or group of rooms constituting a housing unit, who may or may not be related. As a subset of households, a family is identified as a group of people including a householder and one or more people related by blood, marriage or adoption, all living in the same household. In 2023, there were an estimated 802 households in Gibbsboro Borough. Between 2013 and 2023 the average household size declined slightly, as evidenced by the increase in the number of two-person households along with the drop in the number of larger households.

Table 13. Household Size, 2013 and 2023

Household Size (Persons per Household)	2013		2023	
	Households	Percent	Households	Percent
1 Person	121	15.7%	117	14.6%
2 Persons	277	36.0%	330	41.1%
3 Persons	139	18.1%	135	16.8%
4+ Persons	233	30.3%	220	27.4%
Total	770	100%	802	100%
Average Household Size	2.94		2.91	

Sources: Tables S1101 and S2501, 2009-2013 and 2019-2023 American Community Survey Five-Year Estimates

Approximately 59.1% of the households are married couples, with or without children. Approximately 19.2% of the Borough's households are non-family households, which include individuals living alone. Compared to the ACS 2021 five-year estimates (not shown), there has been a significant increase in single-parent households, headed by both males and females. See Table 14, Household Composition, for additional detail.

Table 14. Household Composition, 2023

Household Type	No. of Households	Percent
Family households	648	80.8%
Married-couple family	474	59.1%
With own children under 18 years	209	26.1%
Male householder, no spouse present	78	9.7%
With own children under 18 years	20	2.5%
Female householder, no spouse present	96	12.0%
With own children under 18 years	50	6.2%
Nonfamily households	154	19.2%
Householder living alone	117	14.6%
TOTAL HOUSEHOLDS	802	100.0%

Source: Table S1101, 2019-2023 American Community Survey Five-Year Estimate

When the number of bedrooms in a unit (from Table 6 above) is considered vs. the size of households in Gibbsboro, there appears to be a mismatch: There are many more smaller households (three people or fewer; 72.5% of all households) than there are smaller units (one or two bedrooms; 16.2% of all units). This comparative shortage of smaller homes may be forcing some empty nesters and young adults without children to consider other locations

when seeking smaller-sized housing, or to occupy housing that is larger than their needs. Table 15 provides more detail.

Table 15. Unit Size vs. Household Size, 2023

Unit Size	Number of Units	Percent of Total Units	Household Size	Number of Households	Percent of Total Households
0 or 1 bedroom	40	4.7%	1 Person	117	14.6%
2 bedrooms	98	11.5%	2 Persons	330	41.1%
3 bedrooms	485	56.7%	3 Persons	135	16.8%
4 or more bedrooms	232	27.2%	4+ Persons	220	27.4%
Total	855	100.0%	Total	802	100%

Source: Tables DP04 and S1101, 2019-2023 American Community Survey Five-Year Estimate

INCOME CHARACTERISTICS

Households in Gibbsboro have on average higher incomes than households in Camden County. Median household income in 2023 in Gibbsboro was \$99,881 compared with \$86,384 in Camden County overall. Table 16, Estimated Household Income, further illustrates these findings.

Table 16. Estimated Household Income in Gibbsboro and Camden County, 2023

Household Income	Gibbsboro	Percent	Camden	Percent
Less than \$10,000	63	7.9%	10,430	5.2%
\$10,000-\$14,999	0	0.0%	7,220	3.6%
\$15,000-\$24,999	24	3.0%	12,235	6.1%
\$25,000-\$34,999	9	1.1%	12,636	6.3%
\$35,000-\$49,999	69	8.6%	17,450	8.7%
\$50,000-\$74,999	140	17.5%	28,481	14.2%
\$75,000-\$99,999	97	12.1%	24,871	12.4%
\$100,000-\$149,999	157	19.6%	38,108	19.0%
\$150,000-\$199,999	74	9.2%	21,862	10.9%
\$200,000 or more	169	21.1%	27,277	13.6%
Total	802	100.0%	200,569	100.0%
Median Income	\$99,881		\$86,384	

Source: Table S1901, 2019-2023 American Community Survey Five-Year Estimates

The Borough's poverty rates for individuals (4.6%) and families (4.5%) are significantly lower than the county's individual (12.2%) and family (9.4%) poverty rates. See Table 17, Individual and Family Poverty Rates, for the comparison.

Table 17. Individual and Family Poverty Rates, 2023

Jurisdiction	Families	Individuals
Gibbsboro	4.5%	4.6%
Camden County	9.4%	12.2%

Source: Tables S1701 and S1702, 2019-2023 American Community Survey 5-Year Estimates

EMPLOYMENT CHARACTERISTICS

The type of employment in Gibbsboro Borough is spread across a variety of industries. Health/Social represented the largest concentration of employment in the Borough, at 20.0% of total jobs, with the next closest category, Professional/Technical representing 14.4% of jobs.

Table 18. Covered Employment by Industry Sector, 2022

Category	Count	Percent
Utilities	2	0.1%
Construction	73	6.4%
Wholesale Trade	34	3.0%
Retail Trade	44	3.8%
Transportation/Warehouse	90	7.8%
Information	20	1.7%
Finance/Insurance	113	9.8%
Real Estate	44	3.8%
Professional/Technical	165	14.4%
Management	15	1.3%
Admin/Waste Remediation	33	2.9%
Education	84	7.3%
Health/Social	230	20.0%
Accommodations/Food	128	11.1%
Other Services	42	3.7%
Private Sector Total	1,117	97.2%
Public Administration	32	2.9%
Total Covered Employment	1,149	100%

Source: Tables B24031 and DP03, 2019-2023 American Community Survey Five-Year Estimates

JOBS-HOUSING RATIO

A municipality's jobs-housing ratio is a rough indicator of the degree to which the municipality has been able to generate sufficient housing to accommodate its workers. A ratio of between 0.75 and 1.5 is generally considered to indicate a reasonable balance between the number of jobs in a municipality and the municipality's ability to house all its workers who wish to live there.¹⁹ The ability to house workers locally enables them to spend less time commuting, reduces traffic congestion, and reduces the greenhouse gas emissions associated with commuting by automobile. Based on Tables 4 and 18 above, Gibbsboro has a jobs-housing ratio of 1.34.

POPULATION PROJECTIONS

The Delaware Valley Regional Planning Commission (DVRPC), the Metropolitan Planning Organization that includes Gibbsboro Borough as well as the remainder of Camden County, published population and employment projections for the year 2050. DVRPC projects that the Borough's population and employment will increase by 4.66% and 20.88%, respectively, from 2020 to 2050. As Table 19, Population and Employment Projections shows, the population rate increase is higher than for the county as a whole. However, comparing DVRPC's projection to the 2020 census count shows some divergences, as the Borough has not met the 2020 DVRPC's projection of 2,305; indeed, the population decreased to 2,189 people and the County's 2020 population of 523,485 has not met the DVRPC's 2050 projection.

Table 19. Population and Employment Projections, 2020 to 2050

	Gibbsboro Borough			Camden County		
	2020	2050	% Change	2020	2050	% Change
Population	2,189	2,291	4.66%	523,485	529,692	1.19%
Employment	2,711	3,277	20.88%	264,617	299,051	13.01%

Source: Delaware Valley Regional Planning Commission (DVRPC), Municipal Population and Employment Forecasts, 2020-2050 and County Population and Employment Forecasts, 2020-2050

The Fair Housing Act requires that housing plans include a 10-year projection of new housing units based on the number of certificates of occupancy, development applications approved, probable developments, as well as other indicators deemed appropriate (N.J.S.A. 52:27D-310.b). Annual certificate of occupancy issuance for residential construction in Gibbsboro Borough during the years 2014 through 2023 averaged 9.3 units a year. However, 90 of these certificates of occupancy came in 2020. These certificates of occupancy represent gross, not net, new housing units in Gibbsboro. In addition to the average 9.3 certificates of occupancy issued per year, an annual average of 1.2 demolition permits have been issued from 2014 to

¹⁹ <https://enviroatlas.epa.gov/enviroatlas/datafactsheets/pdf/supplemental/employmenthousingratio.pdf>

2023. As a result, the average net new units per year is 81 in Gibbsboro. Table 25, Housing Projections to 2035, details new residential certificates of occupancy and demolition permits issued in the Borough since 2014. Discounting the spike in development in 2020 as atypical of Gibbsboro's housing growth pattern, and based on trends since 2000, Gibbsboro can expect to see only minimal if any organic housing growth by the year 2035.

Table 20. Housing Projections to 2035

Year	Certificates of Occupancy Issued	Demolition Permits Issued	Net New Housing Units
2014	0	0	0
2015	0	0	0
2016	0	0	0
2017	0	0	0
2018	0	2	-2
2019	0	2	-2
2020	90	4	86
2021	0	1	-1
2022	1	2	-1
2023	2	1	1
Total	93	12	81
10-Year Average	9.3	1.2	8.1
10-Year Projection (2024-2033)	93	12	81

Source: NJDCA Construction Reporter, 2014-2023 Demolition Permits Yearly Summary data, and 2014-2023 Housing Units Certified.

The average represents the bump created from the Project Freedom development. It is an anomaly and removing it gives a truer picture of background growth, which is about two units per year. In the Fourth Round, completion of the Silver Lake project and the Project Freedom expansion would add, along with background growth, another 190 units. If the senior RLM zone is developed, that number could increase by an additional 147 units.

CONSIDERATION OF LANDS SUITABLE FOR AFFORDABLE HOUSING

The availability of land for development of affordable housing is limited in the Borough. In 2006, the New Jersey Department of Environmental Protection (NJDEP) removed certain parts of the Borough from the designated sewer service area, thus limiting their availability for development of affordable housing. The Borough petitioned unsuccessfully to have those areas returned to the sewer service area. In addition, there are wetlands and floodplains across the Borough, and with the identification of the presence of swamp pink, an endangered species, in various areas, land is limited. There are also various contaminated sites from past

paint manufacturing that require environmental remediation in order to be suitable for residential development, which has not always been feasible or approved by the agency in charge, the U.S. Environmental Protection Agency. Consequently, land that can be used for affordable housing is limited in Gibbsboro but sufficient land that meets the suitability criteria is available to address the Fourth Round.

Fair Share Plan

GIBBSBORO'S AFFORDABLE HOUSING OBLIGATION

There are four components to a municipality's affordable housing obligation: the Rehabilitation share, or Present Need, the Prior Round, the Third Round obligation, and the Fourth Round Prospective Need obligations.

Table 21 summarizes the Borough's four-part affordable housing obligation.

Table 21. Gibbsboro Affordable Housing Obligations

Affordable Housing Component	Number
Present Need	14
Prior Round Prospective Need Obligation	112
Third Round Prospective Need Obligation	97
Fourth Round Prospective Need Obligation	40
Total Obligation	263

Rehabilitation Obligation

The rehabilitation obligation can be defined as an estimate of the number of deteriorated housing units existing in Gibbsboro Borough that are occupied by low- and moderate-income households. The Borough's Fourth Round rehabilitation obligation is 14 units, per the mediation settlement with FSHC and the Program order.

Prior Round Obligation

The Prior Round obligation can be defined as the cumulative 1987 through 1999 new construction affordable housing obligation. This time period corresponds to the First and Second Rounds of affordable housing. Calculation of the Prior Round obligation follows the New Jersey Supreme Court's 2013 decision affirming the validity of the Prior Round obligation as previously calculated. Gibbsboro's Prior Round obligation is 112 units/credits.

Third Round Obligation

The estimated demand for affordable housing includes the "gap" portion of the Third Round that had already passed by the time of the New Jersey Supreme Court's decision setting the present course of action (1999-2015), as well as a projection 10 years into the future starting in July 2015 (2015-2025). The 10-year period is derived from the Fair Housing Act that, when amended in 2001, required the projection be for this length of time (see *N.J.S.A. 52:27D-310*). The Jacobson methodology calculated Gibbsboro's Third-Round Gap Present Need at 49 units

and Prospective Need at 48 units for a total Third Round new construction obligation of 97 units/credits.

Fourth Round Prospective Obligation

The amended FHA defines *prospective need* as “a projection of housing needs based on development and growth which is reasonably likely to occur in a region or municipality.....” The Borough’s Fourth Round Prospective Need (2025-2035) of 40 units and Present Need of 14 units was agreed to by Gibbsboro Borough and FSHC via a mediation agreement dated March 27, 2025.

REHABILITATION SHARE

N.J.A.C. 5:93-5.2(b) identifies the purpose of a rehabilitation program as the renovation of deficient housing units occupied by low- and moderate-income households. Deficient housing units are those “with health and safety code violations that require the repair or replacement of a major system,” including “weatherization, a roof, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems) and/or a load-bearing structural system.”

As noted in the Housing Element section of this document, the ACS estimates that there no households with between 1.01 and 1.5 occupants per room, as well as no households with more than 1.5 occupants per room.²⁰ Likewise, very few units qualify as “substandard”: the ACS estimates there are no units with incomplete plumbing, and only five units with incomplete kitchen facilities (see Table 10).

As part of the Third Round HEFSP, the Borough conducted an external conditions survey of every residence in the Borough, calculating the number of homes that, based on inspection, are in need of repair or replacement of at least one major system, and then multiplied the resulting total number of such units by a factor promulgated by COAH that estimates how many substandard units are likely to be occupied by low- and moderate-income households. The survey was conducted between September 4 and September 13, 2024 (updated on January 15, 2025) and the Borough found three substandard units, one of which has building permits issued to rehabilitate the structure.

As a result, the Borough has a reduced Present Need obligation of three units to be rehabilitated during the Fourth Round. To address its Present Need obligation, the Borough will continue its participation in the Camden County’s Home Improvement Program, which offers assistance to income-eligible homeowners for home repairs and improvements that address safety, health and/or municipal code violations. The program takes advantage of funds provided by the HUD as part of the HOME Investment Partnerships Program. Funds are

²⁰ - Table B25014, 2019-2023 American Community Survey Five-Year Estimate.

provided in the form of an interest-free deferred loan, which is due in full upon transfer of title to the property.

Renter-occupied units constitute less than 10% of the dwellings in Gibbsboro. More than 45 percent of those, or an estimated 34 units, are single-family detached or attached houses, and 34 units are in buildings that have more than 10 units, which can only be Project Freedom (which undercounts the number of units there by 38 apartments). Affordable housing rules require municipal rehabilitation efforts to address both owner-occupied and renter-occupied dwellings; however, because of the small number of rentals and the actual housing stock – which in the case of Project Freedom is no more than six years old, the Borough will request a waiver from the Court of its obligation to create a municipal rehabilitation program available to renter-occupied units. Historically in the state, few landlords avail themselves of such programs.

PRIOR ROUND OBLIGATION

Gibbsboro's Prior Round obligation is 112 units. The formulas in Table 28 represent the formulas that apply to the Prior Round pursuant to *N.J.A.C. 5:93-5.14* and *N.J.A.C. 5:93-5.15*:

Table 22. Gibbsboro Prior Round Formulas

Minimum Rental Units = 28 units

$$.25 (\text{Prior Round obligation} - 20\% \text{ cap} - 1000 \text{ unit cap}) =$$

$$.25 (112 - 0 - 0) = .25 (112) = 28 \text{ units}$$

Minimum Low-Income Units = 56 units

$$.50 (\text{all units constructed or proposed}) = .50 (112) = 56 \text{ units.}$$

Maximum Rental Bonus Credits = 28 units

$$\text{No more than the minimum rental obligation} = 28 \text{ bonuses}$$

Maximum Age-Restricted Units = 14 Units

$$.25 (\text{Prior Round obligation} - \text{RCAs}) = .25 (112 - 56) = 14 \text{ units}$$

Gibbsboro has satisfied its Prior Round obligation with 28 family rental units from a 100% affordable development, 28 associated rental bonuses, and a completed 56-unit Regional Contribution Agreement, for a total of 112 credits, as shown in Table 23. The existing units being claimed satisfy all of the formula obligations above.

Table 23. Credits Towards Gibbsboro's 112-Unit Prior Round Obligation.

Mechanism	Units	Type	Bonuses	Total
Regional Contribution Agreement – Borough of Woodlynne	56	N/A	N/A	56
Project Freedom 100% affordable, existing (28 of 78)	28	Family rental	28	56
Total Prior Round	84		28	112

Regional Contribution Agreement (56 units)

In 2004, after it had received Second Round substantive certification from COAH, the Gibbsboro Planning Board determined that one of two proposed sites for development of affordable units that would satisfy its 112-unit Second Round obligation was not suitable. To replace those units, the Borough proposed a 56-unit Regional Contribution Agreement with the Borough of Woodlynne, for a payment of \$25,000 per unit, or a total of \$1.4 million. Woodlynne proposed to use the funds for its successful scattered-site rehabilitation program. Gibbsboro asked for an extension of its substantive certification and approval of the amendment to its Second Round fair share plan. COAH responded that it did not entertain requests for fair share plan amendments during its review of motions for extensions of substantive certification. COAH determined that without the site Gibbsboro wished to remove from the plan, the Borough would be unable to fulfill the terms of its substantive certification. However, without an extension of substantive certification so the Borough could prepare an amended plan, the Borough would be vulnerable to exclusionary-zoning lawsuits.

Prior to COAH's final determination on the matter, Gibbsboro withdrew its petition to extend its substantive certification, and in 2005 filed a Superior Court complaint for declaratory judgment, which the Court agreed to hear over COAH's objections to the change in jurisdiction. A Court Special Master was appointed, who determined the proposed RCA met COAH regulations for such transfers and who accordingly recommended approval of the amended HEFSP. The Court entered a final judgment of repose in December 2005 that included approval of the RCA. A challenge from FSHC delayed disbursement of the funds until the Court dismissed the challenge in 2008. Documentation of the transfer of RCA funds may be found in Appendix D.

Project Freedom Village (28 of 78 units, existing, plus 28 rental bonuses)

Freedom Village is an existing 100% affordable family and special-needs rental development at 500 Independence Way (Block 8.03, Lots 6.01, 6.02-6.05, and 6.10). It was developed as a Low Income Housing Tax Credit project through the New Jersey Housing and Mortgage Finance Agency in the 75% family/25% special-needs category. Project Freedom entered into

AFFORDABLE HOUSING SITES

LOCATION:
GIBBSBORO BOROUGH, CAMDEN CO, NJ

DATE:
JUNE 2025

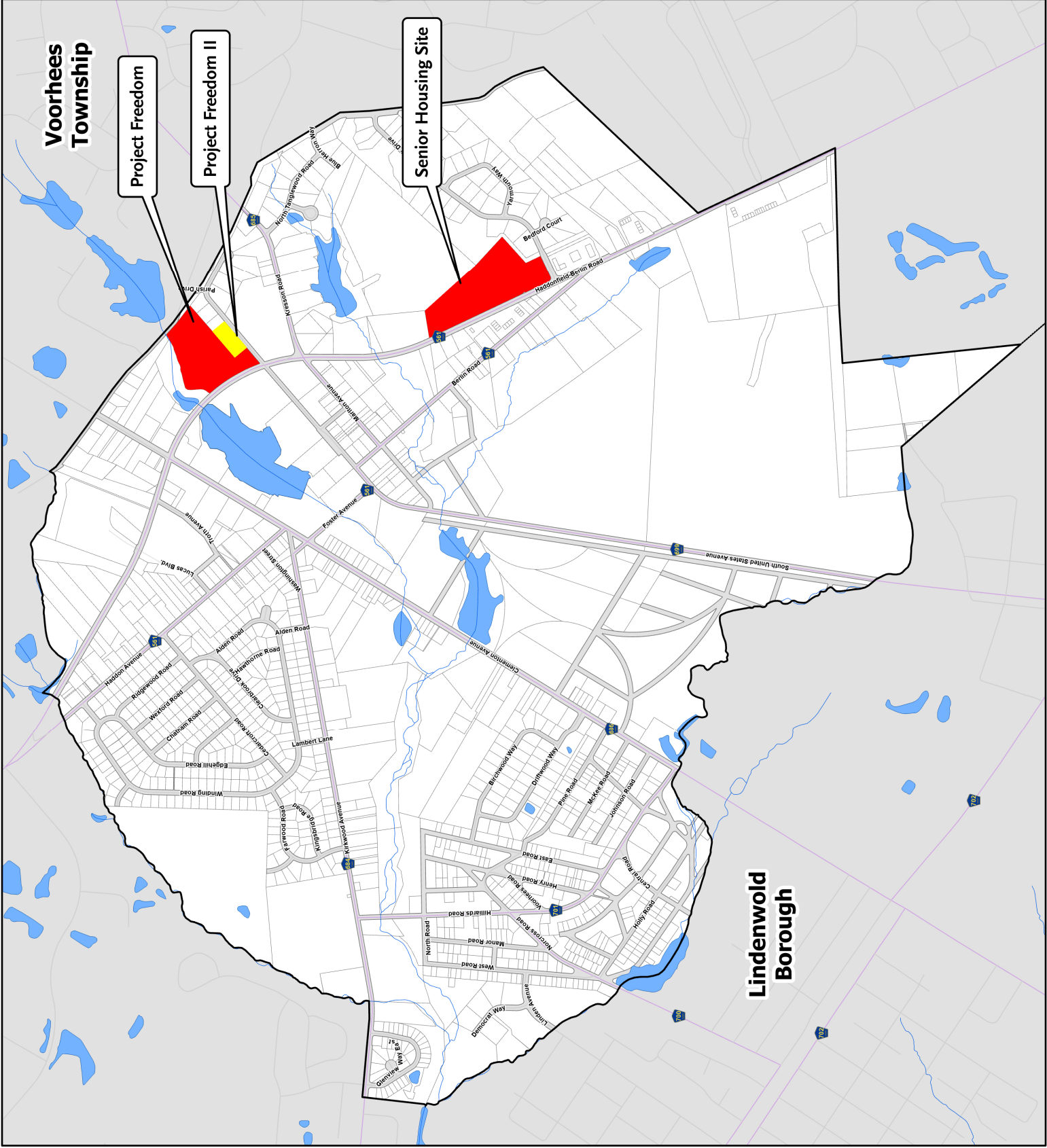
- AFFORDABLE HOUSING SIT
3RD ROUND
- AFFORDABLE HOUSING SIT
4TH ROUND

SOURCES:
MODIV Parcels: NJGIS
Waterbodies: NJDEP

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data. The data was provided by the NJDEP and is not a product of this project. It has not been verified by NJGIS and is not state-authorized.



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Architecture
Planning
Landscape Architecture



a contract with the New Jersey Division of Developmental Disabilities for 24 special-needs units, agreeing to place unrelated people in six two-bedroom units in the portion of the apartments earmarked for the special-needs population. Consequently, while there are 72 apartments in the project, the Borough may claim each bedroom in the two-bedroom special-needs units for credit, for a total of 78 family and special-needs units. The project received its certificates of occupancy in 2020, and the units are administered by Project Freedom.

Project Freedom has provided documentation showing the following income-bedroom distribution for the 78 units:

Table 24. Project Freedom Bedroom Mix.

Bedrooms	Very Low-Income	Low-Income	Moderate-Income	Total	Percent of Total
1-bedroom	14	4		18	23.08%
2-bedroom	21	19	2	42	53.85%
3-bedroom	7	10	1	18	23.08%
Total	42	33	3	78	
Percent of Total	53.85%	42.31%	3.85%		

Freedom Village documentation may be found in Appendix E.

THIRD ROUND OBLIGATION

The Borough's Third Round obligation per the Jacobson methodology is 97 units, including a 49-unit "Gap Present Need" obligation and a 48-unit "Prospective Need" obligation.

The formulas in Table 31 represent the compliance requirements pursuant to *N.J.A.C. 5:93-5.14*, *N.J.A.C. 5:93-5.15*, and the New Jersey Fair Housing Act:

Table 25. Gibbsboro Third Round Formulas

Minimum Rental Obligation = 25 units

$.25 \text{ (obligation)} = .25 (97) = 24.25$, rounded up to 25 units

Maximum Rental Bonus = 25 units

No more than the minimum rental obligation = 25 units

Minimum Family Rental Units = 13 units

$.50 \text{ (Third Round minimum rental obligation)} = .50 (25) = 12.5$ units, rounded up to 13 units

Maximum Age-Restricted Units = 24 units

.25 (obligation) = .25 (97) = 24.25 units, rounded down to 24 units

Minimum Total Family Units = 36 units

.50 (obligation – rental bonuses) = .50 (97-25) = .50(72) = 36 units

Minimum Low-Income = 36 units

.50 (all units constructed or proposed) = .50 (72) = 36 units

Gibbsboro proposes to satisfy its Third Round obligation with 50 existing affordable family rental and special-needs units, 22 proposed inclusionary age-restricted affordable rentals, and 25 rental bonuses. The Borough satisfies all of the above requirements, with 50 rentals, of which 38 are family rentals, and 22 age-restricted units. Table 26 provides the components of meeting the Third Round municipal obligation.

Table 26. Credits Towards Gibbsboro's 97-Unit Third Round Obligation.

Mechanism	Units	Type	Bonuses	Total
Project Freedom 100% affordable, existing (26 of 78)	26	Family Rental	25	51
Project Freedom 100% affordable, existing (24 of 78)	24	Special Needs		24
Route 561 age-restricted inclusionary, proposed zoning	22	Age-Restricted Rental		22
Total Third Round	72		25	97

Freedom Village (50 of 78 units, existing, plus 25 rental bonuses)

Please see the information for this project under the discussion of Prior Round compliance mechanisms. Of the 50 units being claimed for Third Round credit, 12 are one-bedroom special-needs units and 12 are special-needs bedrooms in six two-bedroom units. The special-needs service provider houses unrelated individuals in the two-bedroom units, making them eligible for credit by the bedroom.

Route 561 Inclusionary Development (22 age-restricted units, zoned)

The Borough has rezoned Block 18.07, Lots pt. 2.01 and 12; and Block 18.05, Lots, 26, 26.01, 27, 28, 29, 30 and 31 (encompassing 12.63 acres, more or less) to the Residential Low and Moderate Zone and to significantly modify its requirements to account for its new location in Gibbsboro, different housing types, potential mixed use development, and to restrict the tenure of the development to aged 55 years and older in accordance with the allowances in the federal Fair Housing Act of 1988. The existing RLM Zone, which was developed for

application to the Square Circle Sportsmen Association property no longer meets site suitability criteria for affordable housing development and was rezoned to the R-40 district in accordance with the implementation of the Third Round Plan. The district is designed to allow, under either for-sale or rental tenure to require a 20% or 15% affordable housing set-aside, respectively, of the total number of units. The district will permit at least 146 dwelling so at a rental set-aside, will generate 22 age-restricted senior rental units.

A single tract would be easier to develop than the acquisition of lots for the tract. The Borough would propose to package its lots together and seek a proposal from the other owners to sell or propose to develop the tract as a single entity or joint venture so the project could be designed and approved as a comprehensive application, even if developed in phases. The RLM zone regulations allow for relaxed side yards so that can be undertaken over time in development phases on different lots. The Borough will also consider examining the tract for possible designation as an Area in Need of Redevelopment should the rezoning proposal fail to promote development or redevelopment within a reasonable time period of no less than two years from a Judgment of Repose of the housing plan.

If this scenario comes to pass, the Borough Council would pass a resolution requesting the Planning Board to conduct a preliminary investigation of the tract for its eligibility in meeting the criteria for such a designation utilizing the services of the Borough Planner to provide technical support. If the property was found to meet one or more of the criteria by the Planning Board, then after the transmission of its finding to the Borough Council, the Council would make a resolution, assuming it agreed with the findings, and issue a declaration of an Area in Need of Condemnation Redevelopment for the tract. Following this action, the next step would be to prepare a Redevelopment Plan, adopt it, and seek a redeveloper for the tract. Once a redeveloper had been selected, further agreements as regards to and financial agreement, the schedule for construction and completion would be drawn up and executed by the two parties.

As required in N.J.A.C. 5:93-5.3, affordable housing sites shall be approvable, developable, and suitable, as defined in N.J.A.C. 5:93-1.3, for the production of low- and moderate-income housing. As demonstrated below, this site meets these criteria.

- Availability. Several of the lots are currently owned by the Borough. The remainder have diverse ownership, and while a title search on each lot has not been conducted, there are no known title defects or deed restrictions that would preclude development of affordable housing. We note that Block 18.05, Lots 26 and 26.01 has a non-residential site plan approval pursuant to Planning Board Resolution PB2021-3-14 that was adopted on March 9, 2021. The application has yet to receive construction permits for the gut renovation of the building and the applicant has produced a concept plan for an inclusionary residential use on the property, though it has not been officially submitted as of the date of this document. The Borough land will be earmarked for sale to a qualified buyer within two years of the granting of a judgment of repose of

this document, and a minor subdivision of Block 18.07, Lot 2.01 will be submitted and acted upon in this time frame to ensure the availability of this particular portion of the public land.

- Suitability. The lots have adequate frontage on the northeast side of Lakeview Drive South, which is County Route 561 (also known as Haddonfield-Berlin Road), at the northwest corner with Eastwick Drive, a signalized intersection. As is the entire Borough, the lots are in Planning Area 1, the Metropolitan Planning Area, of the State Development and Redevelopment Plan, which is where infrastructure currently exists and where development is encouraged. There are currently a single family house and a duplex on the tract, as well as a former automobile repair station with upstairs apartment, both long vacant (the location of the approved site plan). There is an existing paved bike path along the south edge of the tract. The remainder of the site is wooded and vacant. The zoning regulations were changed to the Senior Residential Low and Moderate (SRLM) Zone via Ordinance #2024-12, adopted on October 8, 2024. The tract has access to appropriate streets and is adjacent to compatible land uses.
- Developability. The lots are located within the Borough's sewer service area and the Borough Engineer reports that there is sufficient capacity at this time for up to 110 age-restricted units and an allowed 16,000 square feet of commercial space permitted by the RLM zone at this site. The project is approximately 850 linear feet south of an existing 8" diameter sanitary sewer main that will need to be extended to the development. New Jersey American Water has an 8" main on Eastwick Drive and a 12" main on Rt. 561, either of which the development potentially can connect for water service. New Jersey American Water has confirmed that there is capacity in the Delaware River system to serve the project's estimated maximum daily demand. See Appendix G for capacity correspondence from KEI Associates and New Jersey American Water Company.
- Approvability. Development of the lots can be accomplished consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. The site is within the Borough's Historic District, but is not within the jurisdiction of a regional planning agency or CAFRA. The lots contain no steep slopes or stream corridors. There are wetlands on part of Lot 12 and the wooded portion of Lot 2.01. An underground fuel storage tank beneath the paved area on Lot 26.01 next to the former repair garage will need to be removed. A portion of the tract to the northeast is located in a FEMA 100-year floodplain. Analysis by the Borough Planner indicates, however, that these constraints will not prevent the project's development as indicated on the concept plan provided on the following page.