

**TOWNSHIP OF MIDDLE,  
CAPE MAY COUNTY, NEW JERSEY**

**Housing Plan Element & Fair Share Plan**

**Fourth Round (2025 – 2035)**



**June 10, 2025**

Prepared by:



**Consulting & Municipal  
ENGINEERS**

**CME Associates**

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

Adopted by the Planning Board on June 26, 2025

Endorsed by the Township Committee on \_\_\_\_\_



**ACKNOWLEDGMENTS:**

**Middle Mayor and Township Committee**

Christopher Leusner- Mayor  
Theron “Ike” Gandy– Deputy Mayor  
James Norris- Committeeman  
Kimberly Osmundsen – Business Administrator/Township Clerk  
Suzanne Schumann – Deputy Business Administrator  
Emily Bartleson – Deputy Township Clerk  
Vincent Orlando – Township Engineer  
Matt Rooney – Municipal Solicitor

**Middle Township Planning Board**

Anthony Anzelone – Chairman  
Mark Saioni – Vice Chairman  
Layne Buckingham  
Susan Copson  
Rachel Diaz  
Theron Gandy  
Dan Lockwood  
Pete Lomax  
Tom Schad

Paul Crowding, Alternate Member #1  
Jim Johnson, Alternate Member #2

Jeffrey R. Surenian, Esq. – Affordable Housing Attorney  
Robert Belasco, (Esq.) – Board Attorney  
Vincent Orlando, PE – Board Engineer  
Rachel Shepherd – Board Secretary



**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF  
MIDDLE ADOPTING A HOUSING ELEMENT AND FAIR SHARE PLAN TO  
ADDRESS ITS ROUND FOUR AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Township of Middle (hereinafter the “Township” or “Middle”) has a demonstrated history of voluntary compliance as evidenced by the entry of a Judgment of Repose, dated October 17, 2022, approving the Township’s Housing Element and Fair Share Plan for Round 3; and

**WHEREAS**, in March of 2024, Governor Murphy signed an amendment to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., into law enacting radical changes to the legislation; and

**WHEREAS**, for ease in reference, this resolution shall refer to the Fair Housing Act as amended as “FHA II;” and

**WHEREAS**, FHA II established a procedure by which municipalities can secure approval of a Housing Element and Fair Share Plan; and

**WHEREAS**, that procedure contemplated that municipalities would adopt a resolution by January 31, 2025 committing to a fair share number and filing a declaratory relief action within 48 hours from adoption of the resolution, adopt a Housing Element and Fair Share Plan (hereinafter “HEFSP” or “Plan”) by June 30, 2025, and file a copy of the Plan within 48 hours of adoption with the Affordable Housing Dispute Resolution Program (the “Program”); and

**WHEREAS**, the Township Committee adopted a resolution by January 31, 2025 committing to a fair share number and filed a declaratory relief action with the Cape May County Superior Court within 48 hours of adopting the resolution; and

**WHEREAS**, the Township directed its affordable housing planning consultant, Christopher Dochney, PP, AICP, of CME Associates prepare a HEFSP to address the Township’s affordable housing obligations under FHA II; and

**WHEREAS**, the Township has directed the Middle Township Planning Board to review and consider adopting the draft HEFSP prepared by its affordable housing planner;

**WHEREAS**, in accordance with the provisions of N.J.S.A. 40:55D-13 of the MLUL, the Planning Board scheduled a public hearing on the HEFSP for June 26, 2025 at 6:00 p.m. at the Municipal Hall, 33 Mechanic Street, Cape May Court House, New Jersey; and

**WHEREAS**, in accordance with the provisions of N.J.S.A. 40:55D-13 of the MLUL, the Planning Board published a notice of this public hearing in the Township’s official newspaper at least ten days before the scheduled date for the public hearing and served a copy of this notice upon the clerks of all municipalities adjoining the Township, upon the clerk of the County Planning Board, and upon the New Jersey Office of Planning Advocacy; and

**WHEREAS**, a copy of the HEFSP was placed on file with the Planning Board Secretary and was available for public review at least ten days before the scheduled date for the public hearing; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Housing Element and Fair Share Plan on June 26, 2025; and

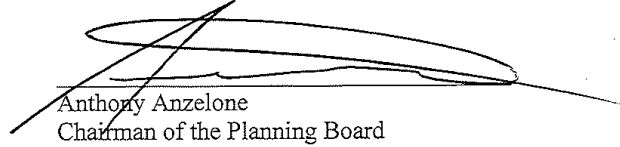
**WHEREAS**, at the public hearing, Christopher Dochney, PP, AICP, provided professional planning testimony regarding the HEFSP and the Board provided members of the public with the opportunity to provide their comments about the plan.

**WHEREAS**, the Planning Board determined that the attached Housing Element and Fair Share Plan is consistent with the goals and objectives of the current Master Plan of Middle Township, and that adoption and implementation of the plan is in the public interest and protects public health and safety and promotes the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of Middle Township, County of Cape May, State of New Jersey, that the Planning Board hereby adopts the Housing Element and Fair Share Plan attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board hereby requests the affordable housing attorney for Middle Township to file the duly adopted Housing Element and Fair Share Plan with the Program, an entity created by the Amended FHA, within 48 hours of adoption and present the duly adopted Housing Element and Fair Share Plan to the Middle Township Committee for endorsement.


**BE IT FURTHER RESOLVED** that the Planning Board requests that the Affordable Housing Counsel pursue approval of the Housing Element and Fair Share Plan and submit such additional documents as may be necessary or desirable in an effort to secure such approval.



Anthony Anzelone  
Chairman of the Planning Board

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Planning Board of the Township of Middle at a regular meeting held on the 26th day of June, 2025.



Rachel Shepherd, Board Secretary  
Middle Township Planning Board

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## **INTRODUCTION**

### *Location and Context*

#### **Geography**

Middle Township is a Township of approximately 82.92 square miles, located in central Cape May County along the Garden State Parkway and US Route 9, and borders the Delaware Bay to the West and various Bays to the East. The Township is surrounded by the municipalities of Avalon Borough, Dennis Township, Lower Township, North Wildwood City, Sea Isle City, Stone Harbor Borough, Wildwood City and West Wildwood Borough, all within Cape May County. The Township is within the Ocean City metropolitan statistical area and part of the greater Philadelphia-Wilmington-Camden, PA-NJ-DE-MD combined statistical area. The Township is approximately twenty (20) miles from Ocean City and seventy-five (75) miles from Philadelphia. Since 1745, the township's neighborhood of Cape May Court House has held the county seat of Cape May County.

Middle Township is the largest municipality in Cape May County, occupying approximately 83 square miles in the center of the County, in the southern tip of New Jersey. The primary transportation corridors in the Township are Route 9, which runs north/south through the Township and connects the centers of Rio Grande, Burleigh, and Cape May Court House with other points along the shore region and up to Hudson County. The Garden State Parkway generally parallels Route 9, and connects the Township to all points along the eastern portions of the State. Additional State and Cape May County highways connect adjacent municipalities and villages in the Township to Route 9 and the Garden State Parkway to make up the majority of the Township's network of thoroughfares.

Although the Township is 83 square miles in area and with over 70 square miles being land, much of this land is undevelopable wetlands and flood hazard areas given the amount of marshes and low-lying lands. Approximately half of the lands in the Township are environmentally constrained. The majority of the existing development and remaining developable areas of the Township are located in close proximity to Route 9 and the Garden State Parkway corridor, which are generally located on the higher ground uplands of the Township. The majority of the Township is located within the Coastal Area Facilities Review Act (CAFRA) subject area, which requires special permitting from the New Jersey Department of Environmental Protection (NJDEP) for larger development projects. Some of the northern areas of the Township are also located within the Pinelands National Reserve, such as the Beaver Swamp Fish and Wildlife Area.

#### **History and Demographics**

Middle Township was formed as a precinct on April 2, 1723, and was incorporated by Township Act of 1798 of the New Jersey Legislature as one of New Jersey's initial 104 townships. From 1885 through 1920 several portions of the township have used to North Wildwood, Avalon, Wildwood, and Stone Harbor.

The Township now has a population of 20,380 people according to 2020 Census population data. This is an increase from the 2010 Census count of 18,911, but the rate of increase of 7.68% is smaller than the average population increase of 19.63 % each decade since 1820. Population growth is projected to decline for the next several decades. Population projections from the South Jersey Transportation Planning

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

Organization (SJTPO) show that the Township will remain 20,000 people at 19,253 by 2050 and 18,307 by 2060.

Of the approximately 20,400 people in Middle, census data indicates that about 78 percent identify as white, 8 percent identify as African American or black, 2 percent as Asian, 5 percent as “Some Other Race” and 7 percent two or more races. Approximately 10 percent of the population of any race is considered Hispanic.

Census data also indicates a median household income of approximately \$91,040 (2023 ACS 5-Year estimate) for the Township. This is slightly lower than the median household income for the state of New Jersey which is approximately \$100,000.

### State Planning Context

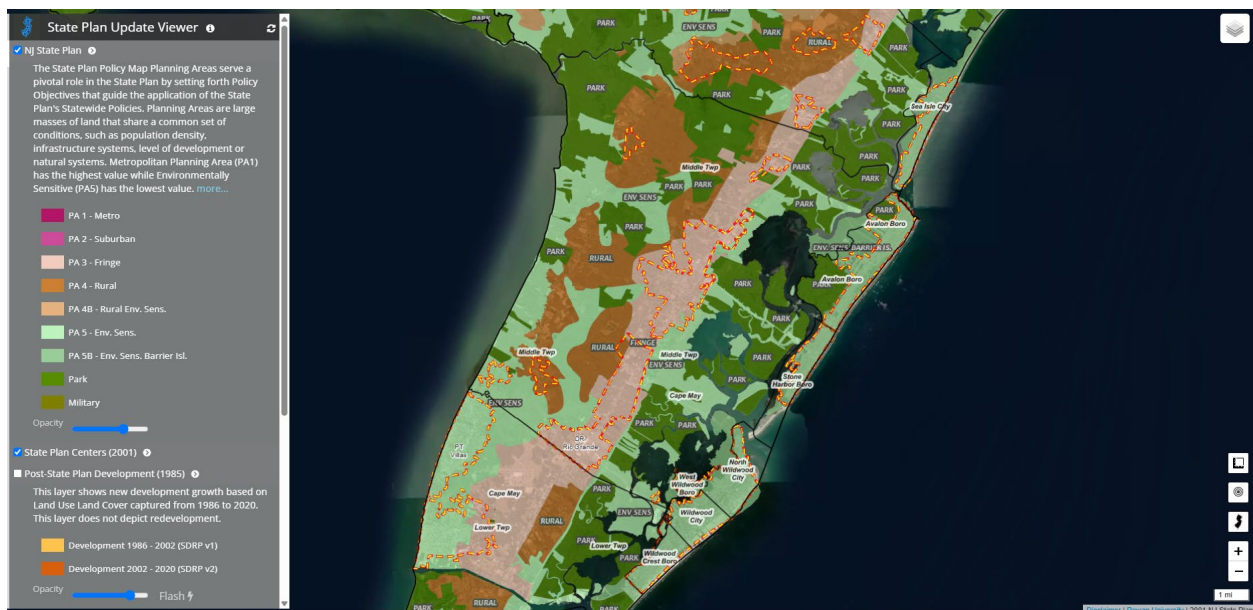


Figure 1 State Plan Planning Areas and Designated Center Boundaries

According to the State Development and Redevelopment Plan, which provides guidance to municipalities and state agencies in making land use decisions, portions of Middle Township fall into four different categories, or Planning Areas. These Planning Areas are intended either encourage growth and development (Planning Areas 1-2), or to discourage growth and encourage conservation of lands (Planning Areas 3-5).

The lands in Middle Township are designated within the Fringe Planning Area (PA-3), Rural Planning Area (PA-4), and Environmentally Sensitive Planning Area (PA-5), and lands that are state parks.

**Fringe Planning Area (PA3)** - Within the Fringe Planning Area, the State Plan encourages the protection of natural resources and growth in designated Centers.

**Rural Planning Area (PA4)** - Within the Rural Planning Area, the State Plan encourages the protection of existing, stable communities' character, the development of a viable agricultural industry, and growth in designated Centers

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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Environmentally Sensitive Planning Area (PA5B) - Within the Environmentally Sensitive Planning Area, the State Plan encourages the protection of environmental resources, especially large contiguous tracts of land, and limited development outside of designated Centers.

Park – These are lands that are not just environmentally sensitive, but are conserved as wildlife management areas, such as the marshes between the barrier islands and the mainland.

There are seven designated centers in Middle Township according to the State Plan Policy Map of the State Development and Redevelopment Plan. These designated centers are the areas where the State Plan permits more intensive growth and economic development in compact clusters within areas that are otherwise designated for limited growth or conservation.

- Cape May Court House – This area in the northern/central portions of the Township serve as the County Seat of Cape May County, and includes much of the County government infrastructure.
- Rio Grande – Whitesboro – Burleigh – Just south of Cape May Court House is another designated center, generally located along Route 9.
- Goshen – This is a small designated village in the northwestern end of the Township at the intersection of Route 47 and Swainton-Goshen Road.
- Del Haven – This is a small community located along Bayshore Road on the Delaware Bay in the southwestern end of the Township.
- Green Creek – This village is located at the intersection of Route 47 and Burleigh Road in the southwestern end of the Township.
- Swainton – This is a small village in the northern end of the Township along Route 9 at the intersection with Avalon Boulevard.
- Hildreth – The areas of uplands within the bay along the north side of Wildwood Boulevard is the Hildreth Village. This is an area of approximately 30 acres.

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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### *Affordable Housing*

In 1975, the New Jersey Supreme Court decided that developing municipalities in New Jersey had a constitutional obligation to provide a realistic opportunity for its fair share of low-and moderate-income housing. That case, known as “Mount Laurel I,” became the seminal case in New Jersey fair share housing obligations. In 1983, frustrated with the lack of voluntary compliance, the Supreme Court sought to create an incentive for voluntary compliance. In what would become known as “Mount Laurel II,” the Supreme Court introduced the concept of a builder’s remedy suit, an enforcement action to compel compliance. The Court also called for the State Legislature to enact legislation that would save municipalities from the inefficiency of having the courts determine their affordable housing needs.

#### **First and Second Rounds**

In 1985, the Legislature adopted the Fair Housing Act, P.L. 1985, c.222 (“FHA”). The FHA created the New Jersey Council on Affordable Housing (COAH) and charged COAH with the responsibility of adopting regulations by which municipalities could determine their fair share responsibilities and the means by which they could satisfy those responsibilities. The Legislature also sought to promote voluntary compliance and empowered municipalities to submit to COAH’s jurisdiction and voluntarily comply under the protections of the COAH process from builder’s remedy lawsuits.

Pursuant to the FHA, COAH adopted regulations for the first housing cycle in 1986; which covered the years 1987 through 1993 (“First Round”) and for the second housing cycle in 1994; which covered the years 1993 through 1999 (“Second Round”). Under both the First and Second Rounds, COAH utilized what is commonly referred to as the “fair share” methodology. The Second Round reevaluated the First Round obligations and combined them in later rounds to be called the “Prior Round” obligations.

#### **Third Round**

In 2004, COAH adopted rules to address affordable housing from 1999 through 2014 (“Third Round”). COAH utilized a different methodology in the Third Round known as “growth share.” The “growth share” approach created a nexus between the production of affordable housing and future residential and non-residential development within a municipality, based on the principle that municipalities should provide affordable housing opportunities proportionate to their market rate residential growth, and that, along with employment opportunities there should be proportionate opportunities for affordable housing. This methodology was challenged in court. In January 2007, the New Jersey Appellate Division invalidated key aspects of COAH’s Third Round rules and ordered COAH to propose and adopt amendments to its rules to address any deficiencies.

In July 2008, the Legislature amended the FHA (P.L. 2008 c. 46), including the imposition of a non-residential construction fee, the elimination of regional contribution agreements, and the addition of the category of very low-income housing. Bookending the FHA’s amendment, COAH adopted new Third Round rules in May 2008 and amendments in October 2008. COAH’s rules were again challenged in court. In October 2010, the Appellate Division invalidated the “Growth Share” methodology and returned New Jersey to the “fair share” methodology of the First and Second Rounds. In September 2013, the Supreme Court affirmed the Appellate Division’s decision.

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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In October 2014 COAH was deadlocked and failed to adopt their newly revised Third Round regulations. Fair Share Housing Center, who was a party to earlier cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. In March 2015, the Supreme Court ruled that COAH had failed and returned jurisdiction of affordable housing issues back to the trial courts as it had been prior to COAH's creation.

Since the 2015 Mt. Laurel IV decision, municipalities have turned to the courts to seek a declaratory judgement of their housing plans to determine whether they are meeting their constitutional affordable housing obligations, and to be granted immunity from any "builder's remedy" lawsuits. With no COAH functioning and providing guidance to municipalities to determine their municipal fair share of statewide and regional obligations, a number of independent groups produced their own reports to determine individual obligations across the state. In several court decisions in 2016 and 2018, judges in Middlesex and Mercer County developed a methodology closely following one proposed by Fair Share Housing Center to determine municipal obligations. In the 2018 decision by Judge Jacobson, it was further determined that the initial period of the Third Round which had not been addressed (1999 – 2015) known as the "gap period" is to be included in each municipality's fair share calculations to address the Third Round.

### **Fourth Round**

In March of 2024, P.L. 2024, c.2 was signed into law establishing new procedures for determining statewide needs and municipal obligations for low- and moderate-income housing. This new law formally abolished COAH and established a new Affordable Housing Dispute Resolution Program, also known as the "Program" for resolving affordable housing disputes, as well as the authority to review and certify municipal fair share housing plans. The law required that the Department of Community Affairs (DCA) calculate municipal affordable housing obligations by October of 2024, then municipalities could accept DCA's calculations or determine their own fair share obligations by applying the methodology of the Jacobsen decision in Mercer County and adopt a binding resolution setting those obligation numbers. The law also provided revisions to the crediting structures for affordable units, with changes to the types of affordable units that are permitted to be granted bonus credits. The law established timelines for submission of documents to demonstrate compliance with the Fair Housing Act.

In addition to the revisions to low- and moderate-income housing crediting, the amended law established a new Affordable Housing Alternative Dispute Resolution Program. The Program is intended to adjudicate any disputes in affordable housing, and function as the administrative body responsible for reviewing and certifying municipal compliance with the Fair Housing Act. Through the Program and the Administrative Office of the Courts, municipalities seeking a judgment of compliance with Affordable Housing regulations must submit their plans to the Program for certification and to retain immunity from any potential builder's remedy lawsuits.

### *Middle's History of Compliance*

The Township first adopted a Third-Round compliance plan in December of 2005 which was based on regulations adopted by COAH in 2004. COAH then adopted amended regulations in 2008, and the Township adopted an amended Housing Plan in 2008 to comply with the new Growth Share regulations.

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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As a result of the courts invalidating the Growth Share methodology, the Township's previously adopted Housing Plan was no longer valid to address its Third-Round fair share obligations.

The Township petitioned the court for a Declaratory Judgment on June 13, 2019 seeking a judgment of compliance with the Fair Housing Act and the Mount Laurel Doctrine. As a part of this Declaratory Judgment Process, the Township entered into negotiations with Fair Share Housing Center to establish the obligation numbers for the Township, and to identify and agree upon the appropriate mechanisms to address these obligations. In January of 2022, the Township reached a settlement agreement addressing both the "number" for the Township's Third Round fair share obligation of low-and moderate-income housing, as well the mechanisms the Township will use to satisfy this obligation. The Settlement Agreement was approved by the Honorable John C. Porto pursuant to a duly noticed Fairness Hearing on March 25, 2022.

A copy of the Township's Third Round Settlement Agreement with Fair Share Housing Center can be found in Appendix A-1.

In April of 2022, the Planning Board of the Township adopted a Third Round Housing Plan Element and Fair Share Plan, consistent with the terms of the Settlement Agreement. The Housing Plan addressed the Third Round obligations and provided recommendations for zoning changes to address the obligations. The Township Council enacted those recommendations primarily through an amendment to the Township's TR Town Residential zoning district to permit increased density and building height while requiring a mandatory set aside of affordable housing for residential development. The Township was granted a final Judgment of Compliance and Repose by the Court on October 6, 2022.

A copy of the Third Round Judgment of Compliance and Repose can be found in Appendix A-2.

In January of 2025, the Township Committee adopted Resolution 77-25 establishing its Fourth Round obligation numbers in accordance with the amended Fair Housing Act adopted by the Legislature and signed by the Governor in March of 2024. The resolution establishing Fourth Round obligation numbers was submitted to the Program through a declaratory judgment action, beginning the process of demonstrating and certifying the Township's compliance with the Fourth Round of affordable housing obligations. Middle Township did not receive any challenges or objections to its determination of its Fourth Round obligations. As a result, the Township's obligations have been established for the Fourth Round as a present need (rehabilitation obligation) of 51 units, and a present need (new construction) obligation of 81 units.

A copy of Resolution 77-25 establishing the Township's Fourth Round obligations can be found in Appendix B-1.

The Township has prepared this Housing Plan Element and Fair Share Plan in accordance with all requirements of the Municipal Land Use Law, and the Amended Fair Housing Act.



## HOUSING PLAN ELEMENT

According to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et. seq. (MLUL), a municipality is required to adopt a Housing Plan Element of the Master Plan (N.J.S.A. 40:55D-28.b(3)), as well as a Fair Share Plan for addressing its low- and moderate-income housing obligations in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (FHA).

The Fair Housing Act defines a “Housing Element” as:

*“that portion of a municipality’s master plan consisting of reports, statements, proposals, maps, diagrams, and text designed to meet the municipality’s fair share of its region’s present and prospective housing needs, particularly with regard to low- and moderate-income housing, and which shall contain the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. of section 3 of P.L.2024, c. 2.”*

*[N.J.S.A.52:27D-304.1]*

Pursuant to the Fair Housing Act, P.L. 1985, c. 222, as amended by P.L. 2024, c.2, a municipality’s housing plan element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with attention to low- and moderate-income housing. This updated Housing Plan Element and Fair Share Plan for the Township of Middle has been prepared in a manner that is consistent with the FHA and MLUL requirements, and contains the following, as required by the FHA:

- a. 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, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor’s office, including but not limited to the property record cards;*
- b. 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;*
- c. An analysis of the municipality’s demographic characteristics, including but not necessarily limited to, household size, income level and age;*
- d. An analysis of the existing and probable future employment characteristics of the municipality;*
- e. 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, as established pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1);*
- f. 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;*

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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- g. 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 paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20);*
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c. 120 (C.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*
- i. 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.*

[N.J.S.A.52:27D-310]

This Housing Plan Element and Fair Share Plan will address the Township's obligations to provide a realistic opportunity for the rehabilitation of and construction of low- and moderate-income housing in accordance with the Fair Housing Act for the Fourth Round period of 2025 – 2035. The preparation of a Housing Plan Element and Fair Share Plan is the first step in petitioning the court for Substantive Certification and Judgement of Repose.

As required by N.J.S.A. 52:27D-310, all housing elements must contain a discussion of the municipality's demographic, housing, and economic characteristics. The following subsections fulfill this requirement by providing a profile of the Township's demographic, housing and employment characteristics based on information from the US Census Bureau, and the New Jersey Department of Labor and Workforce Development.



## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

### Demographics

#### Population Trends

Middle Township has experienced steady growth over the past few decades. According to the 2020 U.S. Census, the township's population reached 20,380 residents, reflecting a 7.68% increase from the 18,911 residents recorded in 2010. This growth follows a 15.28% rise from the 2000 census population of 16,405. In contrast, Cape May County has seen a consistent decline in population. The county's population dropped by 4.95% between 2000 and 2010, and by 4.69% from 2010 to 2020. Table 1 below presents the population trends for both Middle Township and Cape May County from 2000 to 2020. Population projections from the South Jersey Transportation Planning Organization (SJTPO) show that the Township will increase to 20,781 people by 2030 but will decrease under 20,000 people at 19,253 by 2050 and 18,307 by 2060.

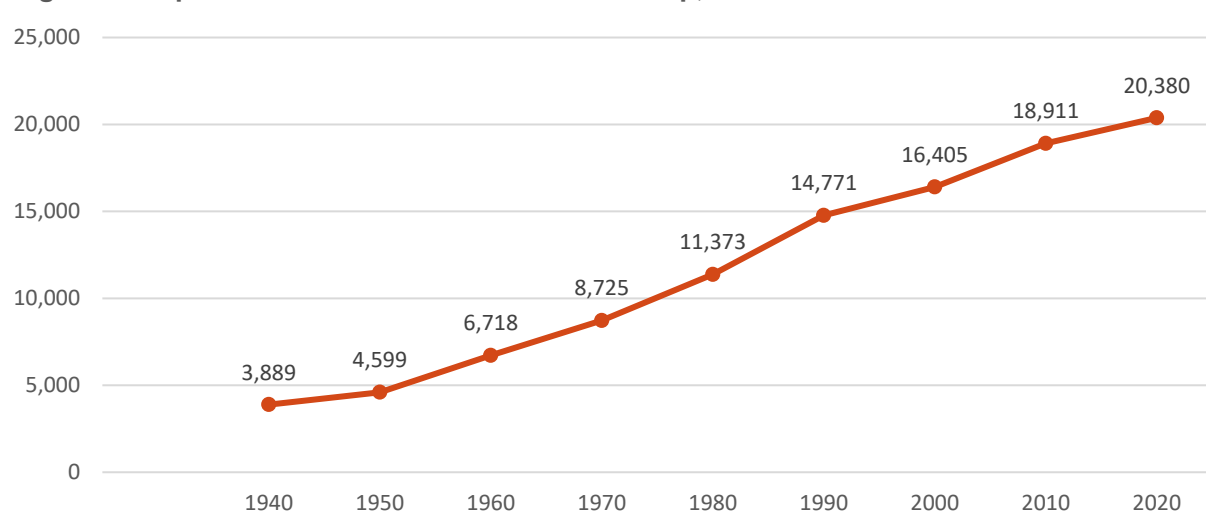
**Table 1: Population Trends, 2000 - 2020**

	2000	2010	2020	Percent Change 2000-2010	Percent Change 2010-2020
<b>Middle Township</b>	16,405	18,911	20,380	15.28%	7.68%
<b>Cape May County</b>	102,326	97,265	92,701	-4.95%	-4.69%

Source: US Census Bureau Decennial Census (Table DP-1)

\*\*Projections from South Jersey Transportation Planning Organization (2060)

**Figure 1: Population Over Time in Middle Township, NJ**



#### Population Composition by Age

The age composition of Middle Township has undergone significant shifts since 2000. According to the U.S. Census Bureau's Decennial Census Estimates, several age groups have experienced notable changes. The population of children in elementary and middle school decreased, with those aged 5 to 9 dropping

### Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

from 7.4% (1,215) to 5.4% (1,106), and those aged 10 to 14 declining from 8% (1,308) to 5.3% (1,081). Additionally, the adult population in the 35 to 44 age group decreased from 17.2% (2,287) to 11.2% (2,287).

In contrast, the older population saw significant growth, particularly in the 55 to 59, 60 to 64, and 65 to 74 age groups. The most notable increase occurred in the 60 to 64 age group, which expanded from 4.8% (795) in 2000 to 8.3% (1,697) in 2020. Tables 2 and 3 provide a detailed breakdown of the population by age group for both Middle Township and Cape May County from 2000 to 2020.

**Table 2: Population by Age Cohort, Middle, 2000 - 2020**

	2000		2020		Percent Change 2000-2020
	Number	Percent	Number	Percent	
<b>Total population</b>	16,405	100%	20,380	100%	24.23%
<b>Under 5 years</b>	934	5.7%	961	4.7%	2.89%
<b>5 to 9 years</b>	1,215	7.4%	1,106	5.4%	-8.97%
<b>10 to 14 years</b>	1,308	8.0%	1,166	5.7%	-10.86%
<b>15 to 19 years</b>	988	6.0%	1,081	5.3%	9.41%
<b>20 to 24 years</b>	708	4.3%	952	10.9%	34.46%
<b>25 to 34 years</b>	1,722	10.5%	2,220	16.3%	28.91%
<b>35 to 44 years</b>	2,814	17.2%	2,287	11.2%	-18.72%
<b>45 to 54 years</b>	2,114	12.9%	2,372	11.6%	12.20%
<b>55 to 59 years</b>	827	5.0%	1,626	8.0%	96.61%
<b>60 to 64 years</b>	795	4.8%	1,697	8.3%	113.45%
<b>65 to 74 years</b>	1,456	8.9%	2,914	14.3%	100.14%
<b>75 to 84 years</b>	1,078	6.6%	1,466	7.2%	35.99%
<b>85 years and over</b>	446	2.7%	532	2.6%	19.28%

Source: US Census Bureau, Decennial Census (Table DP-1)

Cape May County has seen significant changes in its population's age composition over the past two decades. Notably, the populations of preschool-aged children, adolescents, young adults, and working-age adults all experienced declines. The most pronounced decrease occurred in the 35 to 44 age cohort, which fell from 15.4% (15,728) in 2000 to 11.7% (9,023) in 2020. At the same time, the county's older population grew substantially, especially in the 60 to 64 and 65 to 74 age groups. The percentage of people aged 60 to 64 increased from 5.7% (5,834) to 9.3% (8,878), while those aged 65 to 74 rose from 10.4% (10,680) to 16.4% (15,639). Furthermore, the 75 to 84 and 85 and older cohorts also saw steady growth between 2000 and 2020.

This shift toward an aging population in Cape May County reflects a broader demographic trend, one that is also evident in Middle Township. Both the township and the county are experiencing an overall increase in the elderly population, indicating a wider regional shift toward an aging demographic.

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**Table 3: Population by Age Cohort, Cape May County, 2000 - 2020**

	2000		2020		% Change 2000-2020
	Number	Percent	Number	Percent	
<b>Total population</b>	102,326	100%	95,263	100%	-6.90%
<b>Under 5 years</b>	5,178	5.1%	3,878	4.1%	-25.10%
<b>5 to 9 years</b>	6,438	6.3%	4,524	4.7%	-29.72%
<b>10 to 14 years</b>	7,292	7.1%	4,933	5.2%	-32.35%
<b>15 to 19 years</b>	5,993	5.9%	4,702	4.9%	-21.54%
<b>20 to 24 years</b>	4,547	4.4%	4,494	4.7%	-1.16%
<b>25 to 34 years</b>	10,111	9.9%	9,599	10.1%	-5.06%
<b>35 to 44 years</b>	15,728	15.4%	9,023	11.7%	-42.63%
<b>45 to 54 years</b>	14,408	14.1%	10,807	11.3%	-24.99%
<b>55 to 59 years</b>	6,025	5.9%	7,803	8.2%	29.51%
<b>60 to 64 years</b>	5,834	5.7%	8,878	9.3%	52.18%
<b>65 to 74 years</b>	10,680	10.4%	15,639	16.4%	46.43%
<b>75 to 84 years</b>	7,511	7.3%	8,014	8.4%	6.69%
<b>85 years and over</b>	2,581	2.5%	2,969	3.1%	15.03%

Source: US Census Bureau, Decennial Census (Table DP-1)

The median age of Middle Township residents has increased steadily from 40 years in 2000 to 46.8 years in 2020. While this is lower than the county median age of 51.5 years in 2020, which went up from 42.6 years in 2000, it still exceeds the state median age of 39.9 years, which rose from 36.9 years in 2000. Although all three regions, Middle Township, Cape May County, and the state, have all experienced an increase in median age over this period, Middle Township and Cape May County stand out with notably higher median ages. Cape May County has the highest median age at 51.5 years, followed by Middle Township at 46.8 years, both surpassing the state average.

**Table 4: Median Age, 2000 – 2020**

	2000	2020	Percent Change
<b>Middle Township</b>	40.0	46.8	17.00%
<b>Cape May County</b>	42.6	51.5	20.89%
<b>New Jersey</b>	36.9	39.9	8.13%

Source: US Census Bureau, Decennial Census (Table DP-1)

**Households**

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Middle Township's steady population growth has been accompanied by an increase in the number of households. A household is defined as one or more individuals, related or not, living together in a single housing unit. According to the 2023 ACS 5-Year Estimates, Middle Township had approximately 8,843 households. Of these, the largest proportion, 36.6% were two-person households, followed by 26.2% with one person, 21.1% with four or more people, and 16.2% with three people.

In comparison, Cape May County reported 42.4% two-person households, 29% one-person households, 16.8% four-person households, and 11.8% three-person households. The average household size in the Township was 2.22 people, which is higher than the County's average of 1.96, but lower than New Jersey's average of 2.61, according to the ACS estimates.

**Table 5: Household Characteristics, Middle and Cape May County**

	Middle		Cape May County	
	Number	Percent	Number	Percent
Total Households	8,843	100%	47,516	100%
1-person	2,320	26.2%	13,791	29.0%
2-persons	3,235	36.6%	20,139	42.4%
3-persons	1,431	16.2%	5,590	11.8%
4 or more persons	1,857	21.0%	7,996	16.8%
Average Household Size	2.22 people		1.96 people	
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Table S2501& B25010)				

Family households are defined as two or more individuals living together in the same residence, related by blood, marriage, or adoption. In Middle Township, of the 8,843 total households, 6,060 (68.5%) are family households, while 2,783 (31.5%) are non-family households. By contrast, Cape May County has a lower proportion of family households at 63.5%, with a higher proportion of non-family households at 36.5%.

Among family households in Middle Township, approximately 72.7% are married couples, compared to 78.5% in Cape May County. Among the remaining family households in Middle Township, 8% are headed by single male householders, while 19.3% are headed by single female householders. The average family size in the Township is 2.22 people, which is slightly smaller than the County's average of 2.33 people.

The remaining family households in Cape May County are split with 5.6% headed by single male householders and 13.1% by single female householders which closely mirrors the proportions in Middle Township. Additionally, 11.3% of households in Middle Township are headed by individuals aged 65 or older, totaling 999 households. This is lower than 15.4% of households in Cape May County headed by individuals in this age group.

Table 6 provides a more detailed comparison of household types in Middle Township and Cape May County.

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**Table 6: Household by Type, Middle and Cape May County**

	Middle		Cape May County	
	Number	Percent	Number	Percent
<b>Total Households</b>	<b>8,843</b>	<b>100%</b>	<b>47,516</b>	<b>100%</b>
<b>Average Family Size</b>	<b>2.22 people</b>		<b>2.33 people</b>	
<b>Total Families</b>	<b>6,060</b>	<b>68.5%</b>	<b>30,163</b>	<b>63.5%</b>
<b>Married Couple Family</b>	4,403	72.7%	23,666	78.5%
With own children under 18 years	2,058	46.7%	5,744	24.3%
No children under 18 years	2,345	53.2%	17,922	75.7%
<b>Male householder, no wife present</b>	489	8.0%	2,545	5.6%
With own children under 18 years	173	35.4%	881	34.6%
No own children under 18 years	316	64.6%	1,664	65.3%
<b>Female householder, no husband present</b>	1,168	19.3%	3,952	13.1%
With own children under 18 years	488	41.8%	1,318	33.4%
No own children under 18 years	680	58.2%	2,634	66.6%
<b>Nonfamily Households</b>	<b>2,783</b>	<b>31.5%</b>	<b>17,353</b>	<b>36.5%</b>
<b>65 years and over</b>	999	11.3%	7,317	15.4%

Source: US Census Bureau, American Community Survey 5-year Estimates 2019 to 2023 (Table S1101)

## Housing Conditions

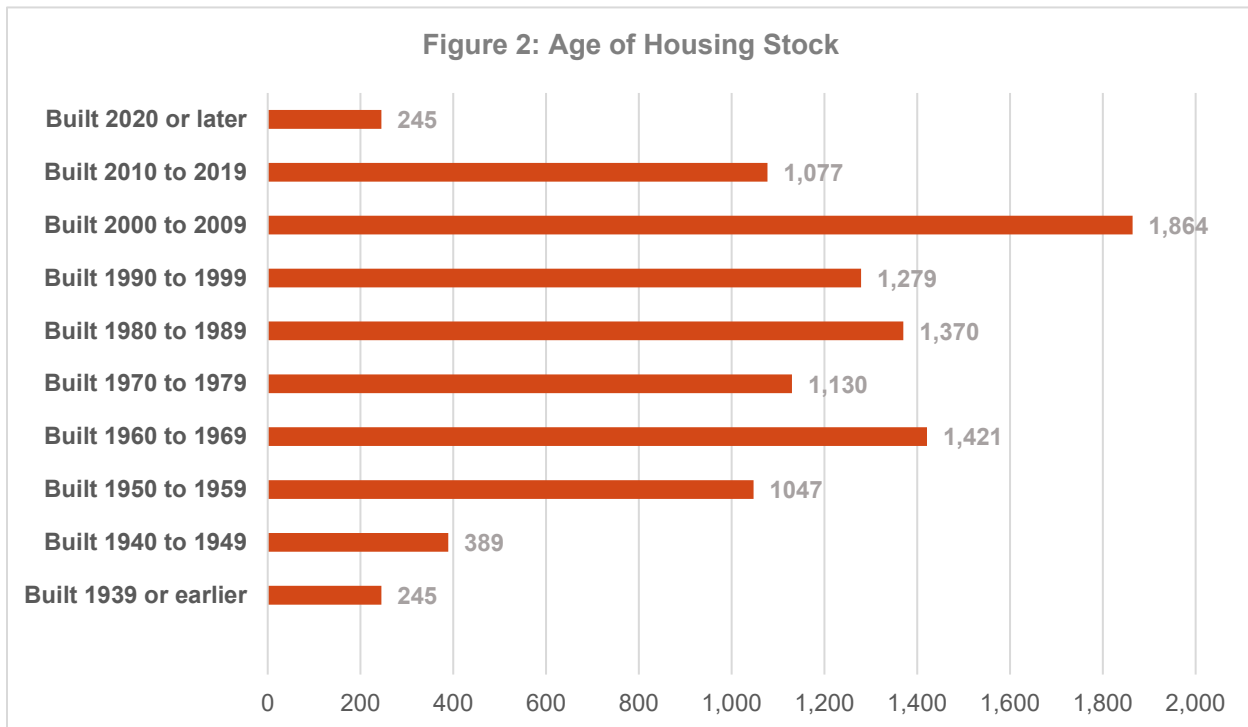
### Existing Housing Units

According to the 2023 American Community Survey (ACS), Middle Township's housing stock is largely owner-occupied, with 80% of occupied housing units being owner-occupied and 20% renter-occupied. A significant portion of the housing stock is relatively new, with homes built after 2000 accounting for a large share of the total housing units. Of the Township's 10,397 total housing units, 8,843 (85.1%) are occupied, while 1,554 (14.9%) are vacant. Among the occupied units, 7,075 (80.0%) are owner-occupied, and 1,768 (20.0%) are renter-occupied.

Building activity in Middle Township saw significant spikes during certain periods, notably between 2000 and 2009, in the 1960s, and during the 1980s. However, construction has slowed considerably since 2019, likely due to the housing market's slower recovery following the pandemic and its ongoing impacts on the construction industry. The median year of construction for the Township's housing stock is 1985.

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<b>Table 7: Housing Units in Middle</b>	<b>Number</b>	<b>Percent</b>
<b>Total Housing Units</b>	<b>10,397</b>	<b>100%</b>
<b>Occupied Housing Units</b>	<b>8,843</b>	<b>85.1%</b>
Owner Occupied	7,075	80.0%
Renter Occupied	1,768	20.0%
<b>Vacant Housing Units</b>	<b>1,554</b>	<b>14.9%</b>
For Rent	10	0.64%
Rented Not Occupied	0	0.0%
For Sale Only	20	1.28%
Sold, not occupied	0	28.3%
For Seasonal, Recreational or Occasional use	1,287	82.8%
<i>Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04 and B25004)</i>		

**Housing Type and Size**

Middle Township's housing stock is largely composed of single-family detached homes, which make up approximately 72.3% of the total housing units. Duplexes and low-density multifamily units represent the majority of the Township's multifamily housing, accounting for 12.4% of all units. High-density housing, with 10 or more units, comprises just 1.5% of the total housing stock. Notably, mobile homes make up about 11.7% (1,219 units) of the Township's housing units, a significantly higher percentage compared to the county's 3.1%. The Township's housing inventory is primarily comprised of 3-bedroom homes, which

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represent 50.6% of all units, followed by 2-bedroom homes at 24.2%, and 4-bedroom homes at 16.9%. Additionally, approximately 3.2% of the housing stock consists of homes with 5 or more bedrooms

<b>Table 8: Housing Units by Type</b>	<b>Number</b>	<b>Percent</b>
<b>Total Housing Units</b>	10,397	100.0%
<b>1-unit detached</b>	7,522	72.3%
<b>1-unit, attached</b>	952	9.2%
<b>2 units</b>	249	2.4%
<b>3 or 4 units</b>	78	0.8%
<b>5 to 9 units</b>	217	2.1%
<b>10 to 19 units</b>	63	0.6%
<b>20 or more units</b>	97	0.9%
<b>Mobile home</b>	1,219	11.7%
<b>Boat, RV, Van etc</b>	0	0.0%
<b>Bedrooms</b>		
<b>No bedroom</b>	69	0.7%
<b>1 bedroom</b>	465	4.5%
<b>2 bedrooms</b>	2,517	24.2%
<b>3 bedrooms</b>	5,263	50.6%
<b>4 bedrooms</b>	1,755	16.9%
<b>5 bedrooms or more</b>	328	3.2%
<i>Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04)</i>		

**Housing Values and Contract Rents**

According to the ACS 5-Year Estimates, only 16.2% of Middle Township's housing units were valued at over \$500,000, significantly lower than the County average of 34.5%. A detailed breakdown of home values for owner-occupied units in the Township is available in Table 9. Additionally, 10.1% of Middle Township's owner-occupied homes were valued at less than \$100,000, which is double the County's average of 5.0%. The median value of an owner-occupied home in the Township is \$310,900, notably lower than the County's median of \$395,000.

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Table 9: Value of Owner-Occupied Housing Units				
	Middle		Cape May County	
	Number	Percent	Number	Percent
Total	7,075	100.0%	188,578	100.0%
Less than \$50,000	418	5.9%	3,202	1.7%
\$50,000 to \$99,999	298	4.2%	2,703	1.4%
\$100,000 to \$149,999	167	2.4%	1,760	0.9%
\$150,000 to \$199,999	596	8.4%	2,797	1.5%
\$200,000 to \$299,999	1,885	26.6%	12,780	6.8%
\$300,000 to \$499,999	2,567	36.3%	55,119	29.2%
\$500,000 to \$999,999	977	13.8%	88,909	47.1%
\$1,000,000 and greater	167	2.4%	21,308	11.3%
Median Value	\$310,900		\$395,000	
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04)				

Rental prices in Middle Township varied widely, with most rents falling into two primary ranges: \$500 to \$999 and \$1,500 to \$1,999 per month. According to the ACS 5-Year Estimates, the median gross rent in Middle Township was \$1,576, which is notably higher than the county median of \$1,345. The largest share of renter-occupied units in Middle Township (30.3%) had rents between \$1,500 and \$1,999, surpassing the county's most common rent range of \$1,000 to \$1,499 (29.3%). Additionally, Middle Township had no rental units priced under \$500 per month, while approximately 5.3% of rental units in the county fell below this threshold. Furthermore, about 101 rental units in Middle Township were classified as not requiring cash rent payments, compared to 743 such units across the county. Table 10 provides a detailed comparison of gross rents between Middle Township and the county, based on the 2023 ACS 5-Year Estimates.

Table 10: Gross Rent Paid				
	Middle		Cape May County	
	Number	Percent	Number	Percent
<b>Total</b>	<b>1,667</b>	<b>100%</b>	<b>8,446</b>	<b>100.0%</b>
<b>Less than \$500</b>	0	0.0%	446	5.3%
<b>\$500 to \$999</b>	388	23.3%	1,981	23.5%
<b>\$1,000 to \$1,499</b>	369	22.1%	2,475	29.3%
<b>\$1,500 to \$1,999</b>	505	30.3%	2,168	25.7%
<b>\$2,000 to \$2,499</b>	379	22.7%	1,097	13.0%
<b>\$2,500 to \$2,999</b>	0	0.0%	180	2.1%
<b>\$3,000 or more</b>	26	1.6%	99	1.2%



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No rent paid	101		743	
Median Contract Rent	\$1,576		\$1,345	
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04)				

**Units Affordable to Low- and Moderate-Income Households**

A moderate-income household is a household whose gross family income is more than fifty percent (50%) of the median income, but less than eight-percent (80%) of median income for households of the same size within the housing region. A low-income household is a household whose gross family income is equal to or less than fifty-percent (50%) of the regional median gross household income for a household and a very-low income household is classified as earning less than thirty-percent (30%) of the median area income of the same size within the housing region.

Units are considered affordable to low and moderate-income households if the maximum sales price or rent is set within a specified formula as per UHAC regulations, which is determined by the amount that a low- or moderate-income household can likely afford to pay. Middle Township is located within is Region 6, which encompasses Atlantic, Salem, Cumberland and Cape May counties. The median household income in Middle Township in 2023 was \$91,040. The median annual income for a household of 3 persons in Region 6 is \$92,500.

Regional income limits for Region 6 are shown in the Table below.

<b>2025 Affordable Housing Regional Income Limits By Household Size (Persons)</b>											
	<b>1</b>	<b>1.5</b>	<b>2</b>	<b>2.5</b>	<b>3</b>	<b>4</b>	<b>4.5</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
<b>Median</b>	\$71,900	\$77,050	\$82,200	\$87,350	\$92,500	\$102,700	\$106,850	\$111,000	\$119,200	\$127,400	\$135,600
<b>Mod</b>	\$57,520	\$61,640	\$65,760	\$69,880	\$74,000	\$82,160	\$85,480	\$88,800	\$95,360	\$101,920	\$108,480
<b>Low</b>	\$35,950	\$38,525	\$41,100	\$43,675	\$46,250	\$51,350	\$53,425	\$55,500	\$59,600	\$63,700	\$67,800
<b>Very Low</b>	\$21,570	\$23,115	\$24,660	\$26,205	\$27,750	\$30,810	\$32,055	\$33,300	\$35,760	\$38,220	\$40,680
<i>Source: AHPNJ, 2025 Regional Income Limits</i>											

Based on the qualifying formula in N.J.A.C. 5:80-26, the monthly cost of shelter which includes mortgage (principal and interest), taxes, insurance and homeowners or condominium association fees, may not exceed twenty-eight percent (28%) of gross monthly household income based on a five percent (5%) down payment for the sale of an affordable home. In addition, moderate-income sales units must be available for at least three different price points and low-income sales units available for at least two different price points. The maximum sales prices must now be affordable to households earning no more than seventy-percent (70%) of median income. The sales prices for a project of more than 5 affordable units must average fifty-five percent (55%) of regional median income.

Under UHAC regulations, rents including utilities may not exceed thirty-percent (30%) of gross monthly income for the low or moderate income household. The average rent must now be affordable to households earning fifty-two percent (52%) of regional median income. The maximum rents must be affordable to households earning no more than sixty-percent (60%) of regional median income. In

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averaging fifty-two percent (52%), one rent shall be established for very-low-income units, one rent may be established for low-income units and one rent for moderate-income units, for each bedroom distribution. The utility allowance must be consistent with the utility allowance approved by DCA for its Section 8 program.

In addition, at least thirteen percent (13%) of all restricted units must be affordable to households earning no more than thirty-percent (30%) of median income.

**Housing Conditions**

According to the 2023 ACS, overcrowding in Middle Township is minimal, with only 1.59% (141 units) of owner-occupied units experiencing overcrowding, and no renter-occupied units exceeding one person per room. The data also indicates that just 0.2% of the units in the Township lack complete plumbing facilities, and only 0.5% lack kitchen facilities. Housing deficiencies are key factors in evaluating overall housing conditions and identifying areas where municipal rehabilitation efforts may be needed. A detailed breakdown of housing deficiencies, based on the 5-year ACS data, is provided in Table 11.

<b>Table 11: Housing Deficiency Characteristics, 2023</b>		
<b>Housing Units with 1.01 or More Persons Per Room</b>		
	<b>Count</b>	<b>Percent</b>
<b>Total Occupied Housing Units</b>	<b>8,843</b>	<b>100.0%</b>
Owner-Occupied	141	1.59%
Renter-Occupied	0	0.0%
<b>Plumbing Facilities</b>		
Total Occupied Housing Units	8,821	99.8%
Lacking complete plumbing facilities	22	0.2%
<b>Kitchen Equipment</b>		
Total Occupied Housing Units	8,797	99.5%
Lacking complete kitchen facilities	0	0.0%
<i>Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables B25014, S2504)</i>		

**Housing Stock**

According to the New Jersey Department of Community Affairs (DCA), Middle Township issued permits for the construction of 773 new residential units between January 2013 and December 2023. During this same period, the Township approved 8 demolition permits for residential properties. After accounting for these demolitions, the net increase in residential units is 765.

A closer look at housing trends reveals significant growth, particularly in 1- and 2-family homes. Permits for these types of units surged from just 49 in 2020 to 94 in 2023, representing a nearly twofold increase. In contrast, permits for multifamily housing remained unchanged, with only one permit issued in both

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2021 and 2023. These trends suggest a strong and expanding market for 1- and 2-family homes in Middle Township, while multifamily housing has shown little growth.

**Table 12: Building Permits and Demolition Permits Issued, 2013 - 2023**

Year	1&2 Family	Multi Family	Mixed Use	Total New Construction	Total Residential Demolitions	Net Units Added
2013	100	0	0	100	0	100
2014	50	7	0	57	0	57
2015	61	8	1	70	3	67
2016	79	0	0	79	1	78
2017	108	0	0	108	0	108
2018	43	8	4	55	0	55
2019	28	0	0	28	0	28
2020	49	0	0	49	3	46
2021	69	1	0	70	1	69
2022	62	0	0	62	0	62
2023	94	1	0	95	0	95
<b>Total</b>	<b>743</b>	<b>25</b>	<b>5</b>	<b>773</b>	<b>8</b>	<b>765</b>

Source: NJ DCA, Construction Reporter 2013 to 2023

## Economic Conditions

### Employment Status

The 5-year ACS estimates offer valuable insights into the employment patterns of residents aged 16 and older. Middle Township's working-age population totaled 16,794, with approximately 10,032 individuals actively participating in the labor force. Around 40.3% of the Township's working-age residents were not engaged in the labor force at the time of the estimates, slightly below the county's rate of 41.3%. Of those in the labor force, 59.6% were employed in civilian occupations, while 0.1% served in the armed forces. The unemployment rate in Middle Township stood at 8.4%, notably higher than the county's rate of 4.7%.

**Table 13: Employment Status, 2023**

	Middle		Cape May County	
	Number	Percent	Number	Percent
<b>Population 16 years and over</b>	<b>16,794</b>	<b>100.0%</b>	<b>80,472</b>	<b>100.0%</b>
In labor force	10,032	59.7%	47,225	58.7%
Civilian Labor Force	10,008	59.6%	46,959	58.4%
Employed	9,171	54.6%	44,748	55.6%

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Unemployed	837	5.0%	2,211	2.7%
Armed Forces	24	0.1%	266	0.3%
Not in Labor Force	6,762	40.3%	33,247	41.3%
Unemployment Rate	8.4%		4.7%	
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)				

**Worker Classification**

About 65.5% of Middle Township's workforce were employed in private wage and salary positions, while 6.7% were self-employed. Government employees made up 27.8% of the workforce, and there were no unpaid family workers reported. A detailed breakdown of worker classifications is available in Table 14.

Table 14: Classification of Workers in Middle, 2023		
	Number	Percent
<b>Total</b>	<b>9,171</b>	<b>100.0%</b>
Private Wage and Salary Worker	6,009	65.5%
Government Worker	2,550	27.8%
Self-Employed Worker	612	6.7%
Unpaid Family Worker	0	0.0%
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)		

**Workforce by Sector**

An analysis of employed individuals aged 16 and older by economic sector reveals the broad spectrum of industries in which Middle Township's workforce is engaged. The largest sector, comprising 22.4% of the workforce (2,051 employees), is in educational services, healthcare, and social assistance. Following closely, the arts, entertainment, and recreation, along with accommodation and food services, employed 15.2% of residents (1,392 employees). The public administration and construction sectors each represented approximately 12.5% (1,147 employees) and 9.5% (872 employees) of the Township's workforce, while the retail trade sector made up 9.3% (855 employees).

Table 15: Workforce by Sector, 2023		
Industry	Number	Percent
<b>Civilian employed population 16 years and over</b>	<b>9,171</b>	<b>100.0%</b>
Agriculture, forestry, fishing and hunting and mining	144	1.6%
Construction	872	9.5%
Manufacturing	432	4.7%
Wholesale trade	211	2.3%
Retail trade	855	9.3%

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Transportation and warehousing, and utilities	245	2.7%
Information	124	1.4%
Finance and insurance, and real estate and rental and leasing	529	5.8%
Professional, scientific, and management, and administration and waste management services	768	8.4%
Educational services, health care and social assistance	2,051	22.4%
Arts, entertainment, and recreation, and accommodation and food services	1,392	15.2%
Other services, except public administration	401	4.4%
Public administration	1,147	12.5%
<i>Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)</i>		

**Occupations by Type**

Table 16 provides a breakdown of occupations within the Township's employed civilian labor force. The largest segment, representing 37.4% (3,429 employees) of the workforce, is in management, business, science, and arts occupations. Service occupations follow closely, employing 25.7% (2,360 employees) of the labor force. Sales and office occupations account for approximately 19.4% (1,778 employees) of the workforce. The smallest sector is production, transportation, and material moving occupations, which make up just 5.8% (534 employees) of the labor force.

<b>Table 16: Occupations by Type, 2023</b>		
	<b>Number</b>	<b>Percent</b>
<b>Employed Civilian population 16 years and over</b>	<b>9,171</b>	<b>100.0%</b>
Management, business, science, and arts occupations	3,429	37.4%
Service occupations	2,360	25.7%
Sales and office occupations	1,778	19.4%
Natural resources, construction, and maintenance occupations	1,070	11.7%
Production, transportation, and material moving occupations	534	5.8%
<i>Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)</i>		

**Commuting to Work**

As shown in Table 17, the majority of Middle Township residents (78.3%) commute to work by private automobile, slightly above the county's 67.5%. Approximately 9% of residents work from home, while public transportation (excluding taxicabs) is the least common commuting method, used by just 1.3% of residents, compared to 2% in the county. Notably, around 1.6% of Township residents walk to work, a much lower proportion than the county's 4.3%.

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According to ACS data, the majority of Middle Township residents (82.5%) have a commute of less than 30 minutes, surpassing the county's rate of 73.7%. Similarly, 62.8% of Township residents commute for less than 20 minutes, compared to 52.2% in the county. Table 18 offers a detailed comparison of travel times to work between the Township and the county.

<b>Table 17: Means of Commute, 2023</b>				
	<b>Middle</b>		<b>Cape May County</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
<b>Workers 16 years and over</b>	7,030	100.0%	325,092	100.0%
Car, truck, van -Drove Alone	4,521	64.3%	217,077	66.8%
Car, truck, van - Carpooled	473	6.7%	23,553	7.2%
Public transportation (excluding taxicab)	336	4.8%	17,981	5.5%
Walked	365	5.2%	4,775	1.5%
Other means	387	5.5%	6,996	2.2%
Worked from home	948	13.5%	54,710	16.8%
<i>Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)</i>				

According to ACS data, the majority of Middle residents (58.7%) have a commute of more than 30 minutes, which is similar to the county's 63.9%. In contrast, 42.6% of Township residents have a commute of less than 20 minutes, higher than the county's 35.7%. Table 18 provides a comparison of travel times to work between the Township and the county.

Table 18: Travel Time to Work, 2023				
	Middle		Cape May County	
	Number	Percent	Number	Percent
Total	8,281	100.0%	36,879	100.0%
Less than 10 minutes	1,631	19.7%	8,977	24.3%
10 to 19 minutes	3,599	43.5%	10,273	27.9%
20 to 29 minutes	1,597	19.3%	7,943	21.5%
30 to 44 minutes	790	9.5%	4,790	13.0%
45 to 59 minutes	158	1.9%	2,034	5.5%
60 to 89 minutes	287	3.5%	1,103	3.0%
90 or more minutes	219	2.6%	1,759	4.8%
Mean travel time to work (minutes)	20.1		23.3	
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03, B08303)				

## FAIR SHARE PLAN

A Fair Share Plan has been defined by the Amended Fair Housing Act at N.J.A.C. 52:27D-304 as:

*“Fair Share Plan” means the plan or proposal that is in a form which may readily be adopted, with accompanying ordinances and resolutions, pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1), by which a municipality proposes to satisfy its obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.*

The Fair Share Plan for the Township of Middle is broken up into four sections;

- a Present Need or Rehabilitation Obligation,
- the Prior Round / First and Second Round (1987-1999) Prospective Need Obligation,
- the Third Round (1999-2025) Prospective Need Obligation, and
- the Fourth Round (2025-2035) Prospective Need Obligation.

The Township’s Fair Share Plan specifically describes the completed and proposed mechanisms to address the First and Second Round (Prior Round) obligation, Third Round obligation, and Fourth Round obligation.

The Township’s Prior Round obligations were determined by COAH, and the Third Round obligation was established by a negotiated settlement with Fair Share Housing Center, which the Court approved. The NJ Department of Community Affairs issued a report, dated October 2024, wherein it established the Township’s Present need and Round 4 Prospective Need. The Township accepted these obligations and adopted through a binding resolution committing to the DCA’s numbers ort.

### *Consideration of Lands Suitable for Affordable Housing*

The New Jersey Fair Housing Act (N.J.S.A. 52:27D-310(f)) requires that the Housing Element provide a narrative that includes “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.”

Middle’s current land use and development patterns show several clusters of development along the Garden State Parkway, US Route 9, and State Road 47 and around the historic downtown of the village of Cape May Court House. Existing development is clustered along these transportation corridors. The Township is mostly undeveloped, with development, employment opportunities, and civic and commercial uses concentrating along US Route 9 and State Road 47. The rest of the Township primarily comprises of Wetlands, Flood Hazard Areas, agricultural uses, and low-density residential uses.

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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Within Middle, the lands most suitable for development are those within the State Plan Designated Center and Core boundaries where development is permitted at a greater intensity. These designated centers and cores are also the only areas of Middle Township within a designated sewer service area.

All properties in the Township where a developer has approached staff or officials and expressed an interest in building affordable housing have been considered and are included in this Plan.

### *Multigenerational Family Housing Continuity*

The FHA requires the Housing Element and Fair Share Plan to provide 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 paragraph (1) of subsection f. of 23 section 1 of P.L.2021, c.273 (C.52:27D-329.20). At this time, the Commission has made no recommendations for the Township to consider.



## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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### *Fair Share Obligation*

Affordable Housing obligations are broken down into two distinct categories: “present need” or rehabilitation obligation; and “prospective need” or new construction obligation.

#### **Present Need**

“Present need” is not a specifically defined term in the amended Fair Housing Act. The municipal “present need” obligation is determined by estimating the current amount of homes in the Township that are likely occupied by low or moderate income households, and are deficient in some way, meaning that the house is over 50 years old and overcrowded, lacks complete plumbing facilities, or lacks a complete kitchen. More specifically:

*“A municipality’s present need obligation shall be determined by estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, following a methodology comparable to the methodology used to determine third round present need, through the use of datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof.”*

*(N.J.A.C. 52:27D-304.3.7.b)*

The present need, or rehabilitation obligation is the estimate of the need for substantial repairs to existing homes in the Township that are currently occupied by low or moderate income households. The report from the Department of Community Affairs determined that Middle Township has a Present Need of 51 units.

#### **Prospective Need**

The FHA at N.J.A.C. 52:27D-304 defines “prospective need” as:

*“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c.2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.*

According to the calculations for the state prepared by NJDCA in their October 2024 report titled *“Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background”*, and as adopted by the Township in Resolution #75-25, Middle Township has an 81 unit Fourth Round Prospective Need obligation. When combined with the prospective needs from the previous rounds, Middle Township has the following cumulative affordable housing obligations:

- Prior Round / First and Second Round (1987-1999) = 454 units
- Third Round (1999 – 2025) = 320 units
- Fourth Round (2025-2035) = 81 units

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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### *Present Need (Rehabilitation) Obligation*

The Township has a rehabilitation obligation, or present need, of 51 units.

The Township has previously established a municipal rehabilitation program funded by Community Development Block Grants (CDBG). Between 2011 and 2021 at the time of the Township's last Housing Plan adoption, over 100 homes had been rehabilitated by this municipal program. As a part of the Third Round Settlement Agreement, the Township at the time had a rehabilitation obligation of 48 units that was more than satisfied by the program, and a potential surplus of rehabilitation credits.

The Township will continue to pursue rehabilitation of eligible homes through this municipal program. At its current pace, the Township has rehabilitated an average of 10 homes per year.

Through the municipal rehabilitation program, the Township will satisfy its 51 unit rehabilitation obligation.

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### *Prior Round Obligation (1987-1999)*

The Township has a requirement of 454 units in order to satisfy its Prior Round (1987 – 1999) obligation. In accordance with previous COAH rules found at N.J.A.C. 5:93, the Township must meet the following minimum and maximum requirements in addressing the 454 total unit obligation.

- **Age Restricted Units:** The maximum number of age restricted credits comes from the following formula:
 

25% x (Prior Round Obligation + Rehabilitation Share – Prior Cycle Credits – Rehabilitation Credits)

  - $0.25 \times (454 + 48 - 3 - 48) = 112.75$  (round down to 112)
  - A maximum of 112 credits may come from age-restricted senior housing
- **Rental Units:** The minimum number of rental credits comes from the following formula:
 

25% x (Prior Round Obligation – Prior Cycle Credits)

  - $0.25 \times (454 - 3) = 112.75$  (round up to 113)
  - A minimum of 113 units must be rental units.
- **Rental Bonus Credits:** The maximum number of bonus credits shall be equal to the Township's rental obligation.
  - 113 bonus credits may be claimed for rental units.

**Middle Township – Fourth Round Housing Plan Element & Fair Share Plan*****Prior Round Compliance Mechanisms***

In accordance with the Township’s Court approved Judgment of Compliance for the Third Round, the Township has addressed its Prior Round Obligation through the development projects and mechanisms listed below:

<b>Prior Round Compliance Mechanisms</b>				
<b>Project</b>	<b>Type</b>	<b>Status</b>	<b>Credits</b>	<b>Bonus</b>
Conifer Green Heron Point	Family Rental	Completed	80	80
Conifer American Dream/Meadowlark Run	Family Rental	Completed	79	34
Existing Group Homes	Special Needs	Completed	63	0
Town Residential Zoning District	Family	In Progress	56	0
Rio Grande Redevelopment	Family	Proposed	44	0
Habitat for Humanity Homes	Family For-Sale	Completed	15	0
Prior Cycle Credits	Family For-Sale	Completed	3	0
		Total	340	114
<b>Total Credits</b>				<b>454</b>

With 454 credits applied to the Prior Round, this satisfied the Prior Round obligations.

Each of these projects and mechanisms were previously approved by the Court as a part of the Township’s Round 3 Judgment of Compliance and Repose.

Descriptions of each prior round project and mechanism are included below:

**PRIOR CYCLE (1980-1986) CREDITS**

The Township has three prior cycle credits that it will claim towards its prior round obligation. These are homes that had received funding from the New Jersey Balanced Housing Program, and were completed between 1980 and 1986. Although there were 9 homes in the Township that received this funding, only the following three homes were deemed eligible for credits by the previously approved Housing Plan:

- Block 1021, Lot 3 – 307 Allen Street
- Block 1033, Lot 15 – 200 East Wiley Street
- Block 1084, Lot 4 – 505 Wildwood Avenue

**FAMILY RENTAL**

***Conifer Green Heron Point – 80 Units + 80 Bonus Credits = 160 Credits***

***Block 56.01, Lot 46***

***Location: 8 Railroad Avenue***

***Status: Completed***

The Green Heron Point project is an existing 100% affordable family rental project developed by Conifer within Middle Township. The development is constructed and occupied and consists of 80

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apartments in a garden apartment style setting on Railroad Avenue. The project has the following breakdown of units:

<b>Conifer Green Heron Point</b>					
	1 Bed	2 Bed	3 Bed	Totals	Percent
<b>Very Low Income</b>	8	0	0	8	10%
<b>Low Income</b>	0	27	15	42	52.5%
<b>Moderate Income</b>	5	13	12	30	37.5%
<b>Totals</b>	13	40	27	80	100%

As these are family rental units, the Township shall claim 80 rental bonus credits with this project.

***Conifer American Dream / Meadow Lark Run – 79 Units + 33 Bonus Credits = 112 Credits******Block 1523, Lots 3 and 4******Location:******4006 Route 9 / Sycamore Lane******Status: Completed***

The Conifer Piloting American Dreams / Meadowlark Run project is an existing 100% affordable family rental project, with 80 units built and administered by Conifer Realty. The development consists of 79 affordable units and 1 unit for the superintendent. The project has the following breakdown of units:

<b>Conifer Meadow Lark Run</b>					
	1 Bed	2 Bed	3 Bed	Totals	Percent
<b>Very Low Income</b>	8	0	0	8	10.1%
<b>Low Income</b>	0	27	15	42	53.2%
<b>Moderate Income</b>	4	13	12	29	36.7%
<b>Totals</b>	12	40	27	79	100%

As these are family rental units, the Township shall claim the remaining 33 bonus credits with this project.

**FAMILY FOR SALE*****Habitat for Humanity – 15 family for sale credits******Various Locations******Completed***

The Township has 15 single-family homes that have been developed by Habitat for Humanity. Each of these homes are on lands that were previously owned by the Township and transferred to Habitat for the purposes of constructing affordable housing units. The following properties have been transferred to Habitat for Humanity and developed with single family homes with either 3 or 4 bedrooms each.

- Block 96.01, Lot 10 - 109 Swainton Goshen Rd

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- Block 472, Lot 83 - 317 Indian Trail
- Block 475.01, Lot 10 - 137 Indian Trail
- Block 645, Lot 1 - 703 Reeves St
- Block 908, Lot 1.02 - 511 Langston Ave
- Block 942, Lot 3 - 311 W Anna St
- Block 949, Lot 3.01 - 311 Sumner St
- Block 949, Lot 3.02 - 307 Sumner St
- Block 949, Lot 3.03 - 303 Sumner St
- Block 965, Lot 10 - 209 Reeves St
- Block 1048, Lot 9 - 101 E Anna St
- Block 1058, Lot 6 - 11 Cochran St
- Block 1081, Lot 4 - 201 Wildwood Ave
- Block 1081, Lot 6 - 3 Tennessee Ave
- Block 1086, Lot 4 - 705 Wildwood Ave

15 credits of family housing shall be claimed by the Township for these units.

### SPECIAL NEEDS HOUSING

The Township has 63 bedrooms of special needs housing located within 14 different existing group home facilities.

Special Needs Housing Facilities				
Facility	Block	Lot	Address	Bedrooms
ARC of Cape May County	473	57	22 LOMURNO LANE	3
ARC of Cape May County	4.02	15	31 CARDINAL DRIVE	4
ARC of Cape May County	12.01	116	23 W BEAVER DAM RD	4
ARC of Cape May County	52	26	747 GOSHEN RD	4
ARC of Cape May County	163.01	198	9 CARRIAGE LANE	4
ARC of Cape May County	163.08	5	111 E WOODLAND AVE	3
ARC of Cape May County	472	69	8 WHIPPOORWILL LANE	4
ARC of Cape May County	1411	8	50 W SECLUDED LANE	6
ARC of Cape May County	1423	4	9 OSLO AVE	13
CAP Counseling Services	99.02	121	819 RTE 9 N	4
Cape Housing 1 Inc	350	33	17 W SHELLBAY AVE	3
Devereaux Foundation	5	24.02	500 RTE 47 N	4
Devereaux Foundation	163.01	271	70 RTE 47 S	3
Mental Health Services of CMC	38.01	16	119 RTE 47 N	4
				<b>Totals 63</b>

**Middle Township – Fourth Round Housing Plan Element & Fair Share Plan*****Rio Grande Redevelopment Area – 44 credits******Block 1434, Lots 2, 3, 4, 8, and 9.******NJ Route 47 (Delsea Drive) at Railroad Ave******Status: Proposed***

The Rio Grande redevelopment area is a 22 acre tract consisting of just 5 parcels in the Rio Grande area of the Township. The tract is currently vacant and cleared, and was previously used as concrete plant. The lands are available, and 4 of the 5 properties are owned by one entity.

The site of the redevelopment area is suitable for development with multi-family housing, as its location is within a designated sewer service area and has direct frontage on a State highway. Surrounding the site are a mix of residential and commercial uses. West of the area is a single-family neighborhood, while east of the site is commercial development including a grocery store.

According to NJDEP records, there are no wetlands present on this site, making the site developable.

The Township has adopted a redevelopment plan for this area to permit multi-family residential development at a gross density of 10 units per acre. This site could be developed with a total of 220 total units, which would represent a potential for 44 affordable dwellings on site. The redevelopment plan requires that at least 20% of all residential units be set-aside for low and moderate income households, and that the income and bedroom distribution be consistent with UHAC. In addition, the Township will require that at least 13% of the affordable units will be reserved for very low income households.

The Township will claim 44 affordable credits through the amended Rio Grande Redevelopment Plan.

***Town Residential (TR) Inclusionary Zoning – 56 Credits applied to Prior Round (274 total)******Multiple Properties***

As a part of the Third Round Settlement Agreement, Middle Township expanded the areas in the Township within the TR Town Residential Zoning District and amended the permitted uses and density of the district to permit inclusionary multifamily development at 12 units per acre. The TR zoning district encompasses several areas within the Township’s designated centers and sewer service area, and together is over 640 acres in size. Most of the district is also minimally encumbered by wetlands or other environmental constraints.

Within the TR district, there are several large vacant tracts of land that if developed to the capacity of 12 units per acre, and with the mandatory 20% set aside of affordable units, would yield up to 274 affordable dwellings.

<b>TR Zone Vacant Land Capacity</b>							
<b>Block</b>	<b>Lot</b>	<b>Acres</b>	<b>Wet</b>	<b>Available Uplands</b>	<b>Max Density</b>	<b>Total Units</b>	<b>AH Units</b>
<b>1453</b>	12	1.17	0	1.17	12	14	3
<b>358</b>	5	1.21	0.1	1.11	12	14	3

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<b>1421</b>	1	3.15	0	3.15	12	37	7
<b>358</b>	8	3.49	0	3.49	12	41	8
<b>1523</b>	9	25.48	6.5	18.98	12	305	61
<b>322.01</b>	58	6.74	0	6.74	12	80	16
<b>163.01</b>	209	3.69	0	3.69	12	44	9
<b>163.01</b>	227	11.61	0	11.61	12	139	28
<b>1434</b>	29	41.29	13.6	27.69	12	495	99
<b>1434</b>	30	3.95	0	3.95	12	47	9
<b>971</b>	8	2.10	0.41	1.69	12	25	5
<b>971</b>	10	2.00	0.1	1.90	12	24	5
<b>971</b>	9	1.00	0.05	0.95	12	12	2
<b>971</b>	11	4.40	0.6	3.80	12	52	10
<b>1434</b>	31	3.60	0.5	3.10	12	43	9
<b>Totals</b>		<b>114.88</b>	<b>21.86</b>	<b>93.02</b>		<b>1,372</b>	<b>274</b>

Outside of these vacant properties, there are many additional smaller vacant lots and many underutilized properties that also offer the potential for inclusionary development. There are over 1,000 properties in the TR zone that are currently developed with only a single-family home, including 15 properties over 1 acre in size developed with just a single unit. The new zoning of up to 12 units an acre could provide a substantial economic incentive for these single-family home owners to sell their properties to a developer to build to the maximum capacity. The TR zone is not built-out and has significant capacity for development with inclusionary housing.

56 credits will be applied to the Prior Round prospective need obligation from the TR district inclusionary zoning, with the remaining credits being applied to the Third Round and Fourth Round obligations.

Since the adoption of the amended ordinance in 2022 to permit increased density in the TR zone in exchange for a 20% affordable set aside, there have been three projects approved within the district that included affordable housing. Within these three projects, 68 affordable units will be constructed.

- In March of 2025, the Zoning Board approved a project by Tower and Atlantic Cape Builders consisting of 90 total residential units on Block 358, Lots 2, 3, 4, 5, and 8. This project included the mandatory 18 unit set aside (20%), with half of those being low income units as well as 2 very low income units. The project is located partially in the TR district, and partially in the TB Town Business district. Since a portion of the project is located outside of the TR district, a d-1 use variance was necessary to permit the project under the zoning standards found in the TR district. A copy of the Resolution of Approval for this project can be found in Appendix E-1.
- The Planning Board approved a 116 townhouse unit site plan by the Jasick Group for property on Block 163.01, Lot 227 on Dias Creek Road. The approval indicates that 24 units will be deed restricted as affordable units. This will include 12 moderate income units, 9 low income units,



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and 3 very low income units. A copy of the resolution of approval for this project can be found in Appendix E-2.

- In May of 2023, a project consisting of 128 garden apartments on Block 1523, Lot 9, on Rio Grande Avenue, was approved by the Zoning Board. With the mandatory 20% set aside, this will yield 26 affordable units on site, with 13 of them being moderate income units, 10 as low income units, and 3 very low income units. As the site contained a communications tower that will remain, a use variance was required and granted to permit multiple principal uses on the same site. A copy of the resolution of approval for this project can be found in Appendix E-3.

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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### *Third Round Obligation*

The Township had a Third-Round prospective need obligation of 320 affordable housing units. The Township must meet the following minimum and maximum requirements to address its Third Round Obligations:

- **Low/Moderate Income Split:** at least fifty percent (50%) of the units addressing the Third Round obligation shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
  - $320 \text{ units} \times 0.5 = 160$
  - A minimum of 160 units must be affordable to low income households.
- **Very Low Income Units:** Thirteen percent (13%) of all affordable units referenced in the Settlement Agreement, except for those units constructed or approved prior to July 1, 2008, shall be affordable for very low income households, with half of the very-low-income units being available to families.
  - The Township has an obligation to provide at least 42 units for very-low-income households, with at least 21 of those units being available to families.
- **Family Units:** A minimum of fifty percent (50%) of the units addressing the Third Round obligation must be non-age restricted affordable units available to families.
  - $320 \times 0.5 = 160$
  - A minimum of 160 units must be available to families.
- **Rental Units:** At least twenty-five percent (25%) of the units addressing the Third Round obligation shall be met through rental units, including at least half in non-age-restricted rental units available to families.
  - $320 \times 0.25 = 80$
  - A minimum of 80 units must be rental units, and at least 40 of those units must be non-age-restricted units that are available to families.
- **Age Restricted Units:** A maximum of 25 percent (25%) of the Township's units addressing the Third Round obligation can be from age-restricted senior units.
  - $320 \times 0.25 = 80$
  - The Township may claim a maximum of 80 credits from senior units.
- **Rental Bonus Credits:** The Township may claim bonus credits for rental units in accordance with N.J.A.C. 5:93-5.15(d), which states that a municipality shall receive two units (2.0) of credit for rental units available to the public, but no rental bonuses shall be granted for rental units in excess of the rental obligation. A municipality shall receive one and one-third 1.33 units of credit for age

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restricted rental units. However no more than 50 percent of the rental obligation shall receive a bonus for age restricted rental units. The rental bonus claimed shall not exceed the minimum rental obligation.

- Rental obligation = 80
- The Township may claim bonus credits for rental units up to 80 bonus credit units.

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

### *Third Round Compliance Mechanisms*

The Township was previously approved by the Courts to satisfy its 320 unit Third Round obligation through the following mechanisms:

<b>Third Round Credits</b>				
<b>Project</b>	<b>Type of Unit</b>	<b>Units</b>	<b>Bonus</b>	<b>Total</b>
<b>Indian Trail Redevelopment</b>	Family Rental	80	80	160
<b>Town Residential Zoning District</b>	Family	157	0	157
<b>Oyster at Shunpike</b>	Family for sale	3	0	3
<b>Totals</b>		<b>240</b>	<b>80</b>	<b>320</b>

The Township’s Third Round Plan was approved by the Courts in 2022 and the Township was granted a judgment of compliance and repose.

The Township provided a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning or redevelopment plans on the following sites:

#### **FAMILY RENTAL PROJECTS**

##### ***Indian Trail Redevelopment – 80 Credits + 80 Bonus Credits = 160 Credits (Blocks 169-211)***

##### ***Location***

##### ***Status: Proposed***

The Indian Trail redevelopment area is a large open area in the Burleigh section of the Township that has previously been designated as an area in need of redevelopment. The majority of the area was designated as a condemnation redevelopment area. The area as a whole is approximately 225 acres in size, and is largely undeveloped. The area is made up of numerous contiguous blocks and lots on “paper streets”, many of which are small “newspaper lots”. The site is located partially within the designated sewer service area. 99 acres of the redevelopment area are within a Sewer Service Area. All proposed development for this redevelopment area is proposed within the portion of the area that can be connected to public water and sewer.

The lands within the redevelopment area are available. Although there are many lots within the redevelopment area, the majority of the small properties are either currently owned by the Township, or by one single other private entity, making assemblage of property feasible. The majority of the area, including all of the properties is owned by a single private entity, is a condemnation redevelopment area, so acquisition of private property for redevelopment purposes is a potential option for the Township in order to assemble the area into one large developable tract if necessary.

For the 99 acres of land that is within a designated sewer service area, only 0.5 acres of this is potentially encumbered by wetlands according to NJDEP records and mapping. This leaves a 98.5 acre

**Middle Township – Fourth Round Housing Plan Element & Fair Share Plan**

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tract of developable land for construction of housing. Given the location of this area within and adjacent to the sewer service area and the Township’s designated center in the Burleigh section, this is a suitable location for a large residential development.

The Township adopted a redevelopment plan for this area that would permit a total of 402 units on site, with 80 units set aside for low and moderate income housing. The Redevelopment Plan will also require an appropriate income and bedroom distribution, in compliance with UHAC, and also require a minimum of 13% of all affordable units be reserved for very-low income households.

Through this redevelopment plan, the Township claimed 80 credits and 80 rental bonus credits for a total of 160 credits.

***Town Residential (TR) Inclusionary Zoning – 157 Credits applied to Third Round (274 credits total)******Multiple Properties******Status: Proposed***

As discussed above in the Prior Round Compliance Mechanisms, the Township amended its current zoning ordinance for the Town Residential (TR) district to allow for inclusionary development at up to 12 units per acre of gross density and rezoned 10 large vacant properties in the R Residential district to the TR zoning district to create a realistic opportunity for development of up to 274 affordable dwellings within the TR district when only considering the existing vacant lands. 56 credits are being applied to the Prior Round Obligation, 157 credits are being applied to the Third Round, and the remaining 61 credits will be applied to the Township’s Fourth Round Obligation.

**FAMILY FOR SALE*****Oyster at Shunpike – 3 Credits******Block 348.02, Lot 3******Location: Oyster Road at Shunpike Road******Status: Completed***

A residential development was previously approved for this +/-34 acre tract at the intersection of Shunpike Road and Oyster Road. The project in total includes 20 homes on 23 total lots within the subdivision, and has a set aside of 15%, creating three new affordable units. Although the initial approval was in 2007, construction on this project started in Spring 2022.

The analysis of the satisfaction of the Township’s obligations for Rounds 1 through 3 is summarized above and was approved by the entry of a Judgment of Compliance and Repose. In contrast, the Township is proposing to satisfy its Round 4 obligations as set forth below and not through pre-approved compliance techniques.

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### *Fourth Round Obligation*

Middle has a Fourth Round prospective need (new construction) obligation of 81 affordable housing units. Being able to claim up to 20 bonus credits, the Township must plan for the construction of at least 61 actual affordable housing units if the full allotment of bonus credits are applied. This Plan proposes the actual construction of up to 158 affordable housing units, notwithstanding any potential for bonus credits.

The Township must meet the following minimum and maximum requirements in addressing the 81 unit obligation, in accordance with N.J.A.C.52:27D-311.I.

- **Low/Moderate Income Split:** at least fifty percent (50%) of the actual units shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
  - $158 \times 0.5 = 79$
  - A minimum of 79 units must be affordable to low income households.
- **Very Low Income Units:** Thirteen percent (13%) of all affordable units must be affordable to very low income households, with half of the very-low-income units being available to families.
  - $158 \times 0.13 = 20.54$
  - The Township has an obligation to provide at least 21 units for very-low-income households, with at least 11 of those units being available to families.
- **Family Units:** A minimum of fifty percent (50%) of the actual units must be non-age restricted affordable units available to families.
  - $158 \times 0.5 = 79$
  - A minimum of 79 units must be available to families.
- **Rental Units:** At least twenty-five percent (25%) of the actual units to be constructed shall be met through rental units, including at least half in non-age-restricted rental units available to families.
  - $158 \times 0.25 = 39.5$
  - A minimum of 40 units must be rental units, and at least 20 of those units must be non-age-restricted units that are available to families.
- **Age Restricted Units:** A maximum of 30 percent (30%) of the Township's credited units towards the obligation can be from age-restricted senior units.
  - $81 \times 0.3 = 24.3$
  - The Township may claim a maximum of 24 credits from age-restricted senior units.
- **Bonus Credits:** The Township may claim bonus credits for a maximum of 25% of the obligation.

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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- $81 \times 0.25 = 20.25$
- The Township may claim a maximum of 20 bonus credits.

In accordance with N.J.A.C.52:27D-311.k, bonus credits may be claimed for the following types of affordable units:

1. 1.0 bonus credits for special needs housing or permanent supportive housing;
2. 0.5 bonus credits for any affordable housing created in partnership with a non-profit housing developer;
3. 0.5 bonus credits for affordable housing created within  $\frac{1}{2}$  mile of a transit station, or within 1 mile of a transit station if the site is located within a garden state growth zone.
4. 0.5 bonus credits for age-restricted housing, provided that no more than 10% of the age restricted housing receives bonus credit.
5. 0.5 bonus credits for each three-bedroom affordable unit beyond the minimum requirement for three-bedroom units.
6. 0.5 bonus credits for each affordable unit constructed on land that was previously developed and utilized for retail, office, or commercial space;
7. 0.5 bonus credits for each affordable rental unit that has its affordability controls extended for a new term of affordability, and the municipality contributes funding towards the costs necessary for this preservation.
8. 1.0 bonus credit for each affordable unit in a 100% affordable development in which the municipality contributes toward the costs of the project, either from financial donations, property donations, provided that the municipality funds at least 3% of the cost of the project.
9. 0.5 bonus credits for each affordable unit for very low income families beyond the 13% minimum requirement.
10. 1.0 bonus credits for each market rate unit that is converted to an affordable unit.

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

### *Fourth Round Compliance Mechanisms*

The Township proposes to satisfy its 81 unit obligation through the following projects:

<b>Fourth Round Credits</b>				
<b>Project</b>	<b>Type of Unit</b>	<b>Units</b>	<b>Bonus</b>	<b>Total</b>
<b>Habitat for Humanity</b>	Family for sale	5	2.5	7.5
<b>TR Town Residential Inclusionary Zoning</b>	Family	61	0	60
<b>Hildreth Village</b>	Family	80	17	97
<b>SDK Properties</b>	Family	12	0	12
<b>Totals</b>		<b>158</b>	<b>19.5</b>	<b>177.5</b>

Below is a description of each project or program that will satisfy the Township's Fourth Round Prospective Need obligation:

#### **FAMILY RENTAL**

##### ***Town Residential (TR) Inclusionary Zoning – 61 Credits applied to Fourth Round (274 credits total)***

##### ***Multiple Properties***

##### ***Status: Proposed***

As discussed above in the Prior Round Compliance Mechanisms, the Township amended its zoning ordinance for the Town Residential (TR) district to allow for inclusionary development at up to 12 units per acre of gross density and rezoned 10 large vacant properties in the R Residential district to the TR zoning district to create a realistic opportunity for development of up to 274 affordable dwellings within the TR district. 56 credits are being applied to the Prior Round Obligation, 157 credits were applied to the Third Round, and the remaining 61 credits will be applied to the Township's Fourth Round Obligation.

##### ***Hildreth Village / Cardile Tract – 80 Credits + 17 bonus credits***

##### ***Block 1438.01, Lots 3 and 4***

##### ***Status: Proposed***

This site consists of approximately 30 acres located on Wildwood Boulevard near the bridge to the City of Wildwood in the southeastern end of the Township. The tract is currently vacant and cleared, and was the previous site of a recreation use that included a race track. The tract itself is a designated center on the State Plan Policy Map, granting it additional development capacity and permitting additional density under CAFRA regulations than would not otherwise be permitted on environmentally sensitive lands. The site is currently on the known contaminated sites list of NJDEP, and environmental remediation of the property and putting it to productive use is in the City's best interest.



**Middle Township – Fourth Round Housing Plan Element & Fair Share Plan**

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A developer has proposed to construct 400 total units on the site, which would be a density of approximately 8 units per acre, and would have an affordable housing set aside of 20%. This would yield 80 affordable units on the site. The developer is currently in the process of obtaining development permits through CAFRA.

As per previous COAH regulations, the Fair Share Plan must demonstrate site suitability for proposed new units that are not yet fully approved, as required by N.J.A.C. 5:93 -5.3. To qualify as a suitable site under COAH standards, a site must be available, approvable, developable and suitable.

- Available – the site is currently vacant and cleared, and is two adjacent properties that are under the control of one development entity.
- Suitable – the site is surrounded by marshlands and marina uses along the bay. There are no adjacent industrial uses or nuisance uses that would make the site unsuitable for residential use.
- Developable - the site is located within a designated center per the State Plan making it eligible for CAFRA permitting, and is 30 acres of uplands located along a highway with easy access to the mainland in Rio Grande, and to Wildwood on the barrier islands.
- Approvable – the Township will amend the Hildreth Village zoning district to ensure that the project will be approvable.

The current zoning on the site, the HV Hildreth Village district, currently permits multi-family development at a density of 8 units per acre under certain conditions. The Township will amend the zoning to remove the conditional requirements for the increased density, and to require a 20% set aside for affordable housing within the HV district.

A conceptual plan for the proposed development can be found in Appendix E-5, and a draft ordinance to amend the HV district can be found in Appendix E-6.

***SDK Properties: 12 credits******Block 355.01, Lots 6 and 7******Location: 1101 Route 9 South******Status: Approved***

The Township's Zoning Board approved a 60 unit multi-family development project on June 12, 2025. The project will consist of 48 market rate townhouse units and 12 affordable apartments on the 7.6 acre property located at the corner of Route 9 and Johnstown Lane in the Mayville section of the Township. Middle Township will apply 12 credits from this project.

**FAMILY FOR SALE*****Habitat for Humanity: 5 credits + 2.5 bonus credits******Block 942, Lot 7******Location: 316 Sumner Street******Status: Proposed***

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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Habitat for Humanity has approached the Township with a proposal to construct 5 for sale affordable dwellings on property at 316 Sumner Street. The property is 1.8 acres in size and appears to be free of wetlands or other environmental encumbrances. Proposed for the site are 5 single family homes. The project is intended to be financed in part through NJHMFA funds, and Habitat has requested that the Township waive permitting fees and application fees, requested aid from the Township for infrastructure costs, as well as is requesting a property tax abatement in support of the project. The proposal initially consisted of 5 duplex style dwellings, but has since been reduced to 5 detached single family homes.

The Township will claim 5 credits from this project, as well as 0.5 bonus credits for each unit as the project involves a partnership with a not-for-profit developer.

- Available – the site is currently vacant and partially cleared. There are no known encumbrances on the land.
- Suitable – the site is surrounded by single family residential uses, and has frontage on an improved street as well as the Township's bike path, making it accessible.
- Developable - the site is located within the Rio Grande designated center per the State Plan, and is not encumbered by wetlands, flood hazard area, or other environmental constraints.
- Approvable – the current zoning of the site permits single family residences.

A copy of the pro-forma and resolution of support for the project can be found in Appendix E-4.

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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### *Summary of Fair Share Plan*

Middle Township has fully satisfied its Prior Round and Third Round obligations through projects previously approved by the courts and was granted a Third Round judgment of compliance and repose. All compliance mechanisms included in the Third Round plan that was approved are still in place and the Township has been making progress in approving inclusionary development projects within the TR district.

Maps of the existing and proposed projects can be found in Appendices D-1, D-2, and D-3.

The following is a summary of the Township's compliance mechanisms for the Fourth Round:

The Township has a Fourth Round prospective need obligation of 81 units, which is more than satisfied through the following:

- **Low/Moderate Income Split:** At least half of the actual units (79) must be available to low income households, with at least 20 units available to very low income households.
  - All proposed projects will include the required income and bedroom distribution with at least half of the units being available to low income households and 13 percent set aside specifically for very low income households.
- **Age Restricted Units:** No age-restricted or senior units are being claimed towards the Fourth Round.
- **Family Units:** At least half of the actual units (79) must be available to families with children. The following units will be available to families with children:
  - Habitat for Humanity — 5 units
  - TR District Zoning – 60 units
  - Hildreth / Cardile Site – 80 units
  - SDK Properties – 12 units
  - In total, this Plan proposes as much as 158 affordable units available to families with children.
- **Rental Units:** At least 25% of the actual units (40) must be rental units. The following housing units are proposed as rental credits:
  - TR District Zoning – Although not formally required to be rental units, many of the 60 units proposed within the TR District are likely to be family rental units. To date, projects approved within the TR district have been family rental projects.
  - It is also anticipated that the 80 proposed affordable units on the Cardile Tract, and the 12 units recently approved for the SDK Properties project will be family rental units.
- **Bonus Credits:** The Township may claim up to 25% of its obligation through bonus credits (20). The following projects are being claimed for bonus credits:

**Middle Township** – Fourth Round Housing Plan Element & Fair Share Plan

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- Habitat for Humanity – 2.5 bonus credits from the 5 units as a project where the Township has partnered with a not-for-profit developer to produce affordable housing.
- Cardile Tract – The affordable units on the Cardile Tract may be eligible for up to 17 additional bonus credits as lands that were previously developed and utilized for commercial space.

## AFFORDABLE HOUSING ADMINISTRATION

### *Affordable Housing Ordinances*

Through the Township’s Zoning Ordinance at Chapter 250-801 through 250-of the municipal code, Middle provides requirements and standards for low and moderate income housing. The ordinance was last amended in June of 2022 following the approval of the Township’s Third Round Fair Share Plan. The ordinance mirrors the requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) regarding marketing, administration, and income and bedroom distribution for affordable units.

If necessary, the Township will prepare and adopt any comprehensive amendments to the Affordable Housing ordinances to ensure that all current and proposed affordable housing projects are compliant with the requirements for affirmative marketing, administration, income and bedroom distribution, monitoring of projects, and reporting, in accordance with the Fair Housing Act and the UHAC.

The Township has also adopted a development fee ordinance found in Section 250-29 of the Township Code that requires all non-residential developments and residential developments that do not provide affordable housing to make a contributions to the Township’s Affordable Housing Trust Fund at the time of construction and occupancy of new developments.

Residential projects that do not provide affordable housing on site are required to make a contribution equal to 1.5% of the equalized assessed value of the project.

Non-residential projects are required to make a contribution equal to 2.5% of the equalized assessed value of the project.

Any residential project that provides for an increase in the permitted density and receives a ‘d’ variance, is required to make a contribution equal to 6% of the equalized assessed value of the residential units that are realized through the density increase.

### *Affordable Housing Trust Fund*

The Township currently collects development fees from both residential and non-residential projects that are deposited into an interest bearing account. All funds collected from these fees will be spent on projects that will support affordable housing within the Township, as identified in this Housing Plan Element and in the Affordable Housing Trust Fund Spending Plan.

The AHTF Spending Plan is intended to demonstrate commitment of the funds in the Affordable Housing Trust Fund within four years of the date of collection as required by P.L. 2008 c.46, and to outline the Township’s plan to utilize the funds in support of proposed and existing affordable housing within the Township. The adopted spending plans and the draft Updated Spending Plan provides a specific plan for the expenditure of the monies collected as of December 31, 2024 and also for anticipated revenue during the Fourth Round through 2035.

## Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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Revenues from the AHTF will be used to fund housing programs, affordability assistance, and administrative costs.

The Spending Plan will be amended as needed to respond to emerging opportunities and to adjust for unanticipated revenues or shortfalls.

A draft of the Spending Plan is provided in Appendix C-3.

### *Municipal Housing Liaison*

The Township has appointed Suzanne Schumann as the municipal staff member to serve as the municipal housing liaison.

See Appendix C-1 for a copy of the resolution.

### *Administrative Agent*

The Township has contracted with Triad Associates as the qualified professional entity to serve as the designated administrative agent for the Township, and will continue to work with a qualified administrative agent to ensure that all affordable housing units are properly affirmatively marketed and that all buyers or tenants of a unit are properly income qualified.

Several existing projects are administered independently by qualified administrative agents.

The Administrative Agent coordinates with the Township's Municipal Housing Liaison, the designated staff member responsible for affordable housing.

The administrative agent will be responsible for ensuring that all affordable housing units in the Township are affirmatively marketed and either sold or leased to income-qualified households of the appropriate size in accordance with all UHAC and other applicable regulations.

A copy of the resolution appointing an administrative agent can be found in Appendix C-2.

### *Income Levels*

Middle Township is in COAH's Region 6, which includes Atlantic, Cape May, Cumberland, and Salem Counties. Moderate-income households are those earning between 50% and 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. Very-low income households are a subset of "low income" households, and are defined as households earning 30% or less of the regional median income.

## APPENDICES

- A. Prior Compliance Documents
  - 1. Settlement Agreement with Fair Share Housing Center
  - 2. Third Round Final Judgement of Compliance
- B. Fourth Round Obligations
  - 1. Resolution 77-25 Establishing Fourth Round Obligations
- C. Administrative Documents
  - 1. Resolution Appointing Municipal Housing Liaison
  - 2. Resolution Appointing Administrative Agent
  - 3. DRAFT Affordable Housing Trust Fund Spending Plan
- D. Affordable Housing Maps
  - 1. Prior Round Projects
  - 2. Third Round Projects
  - 3. Fourth Round Projects
- E. Crediting Documents
  - 1. Tower and Atlantic Cape Resolution of Approval
  - 2. Jasick Group Resolution of Approval
  - 3. BGJ1 Project Resolution of Approval
  - 4. Habitat for Humanity Project Documents
  - 5. Cardile Tract Concept Plan
  - 6. DRAFT Ordinance to amend HV District

Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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**APPENDIX A-1**

Settlement Agreement with Fair Share Housing Center





Peter J. O'Connor, Esq.  
 Adam M. Gordon, Esq.  
 Laura Smith-Denker, Esq.  
 David T. Rammier, Esq.  
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 Bassam F. Gergl, Esq.

January 19, 2022

Michael A. Jedziniak, Esq.  
 Carluccio, Leone, Dimon, Doyle & Sacks, LLC  
 9 Robbins Street  
 Toms River, New Jersey 08753

**Re: In the Matter of the Township of Middle, Cape May County,**  
 Docket No. CPM-L-27-19

Dear Mr. Jedziniak:

This letter memorializes the terms of an agreement reached between the Township of Middle ("Township" or "Middle"), the declaratory judgment plaintiff, and Fair Share Housing Center ("FSHC"), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV), and, through this settlement, a defendant-intervenor in this matter.

### **Background**

In accordance with Mount Laurel IV, Middle filed the above-captioned matter on June 13, 2019, seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq.

Through the declaratory judgment process, the Township and FSHC agreed to settle the litigation and present this Agreement to the trial court with jurisdiction to review, recognizing that settlement of Mount Laurel litigation is favored because it ends delays and the expense of trial and results more quickly in the construction of homes for very-low-, low-, and moderate-income households.

### **Agreement Terms**

The Township of Middle and FSHC hereby agree to the following terms:

1. The Township, through the adoption of a Round 3 Housing Element and Fair Share Plan ("fair share plan" or "HEFSP") conforming with the terms of this Agreement, and through the expeditious implementation of the fair share plan and this Agreement, will satisfy its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process, resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present, gap present, and prospective need rather than doing so through litigation.
3. For purposes of this Agreement, Middle hereby accepts that its fair share obligations are as follows:

Rehabilitation/Present Need Obligation (per Kinsey Report <sup>1</sup> )	48
Prior Round Prospective Need Obligation (pursuant to N.J.A.C. 5:93)	454
Third Round (1999-2025) Obligation	320

4. For purposes of this Agreement, the Third Round Obligation shall combine the Township's the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, which was established by the New Jersey Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), and Third Round Prospective Need, which is the Township's fair share obligation based upon a projection of future regional growth and other related factors.
5. **Rehabilitation/Present Need.** Middle shall meet its 48-unit rehabilitation obligation through the continued implementation of the Township's existing affordable housing rehabilitation program for both rental and for-sale units. The program shall fully comply with N.J.A.C. 5:93-5.2 and the rental rehabilitation requirement set forth in N.J.A.C. 5:97-4.5(b)5. Prior to a final judgment of compliance and repose, the Township shall demonstrate compliance.
6. **Prior Round.** As noted above, the Township has a Prior Round Prospective Need Obligation of 454 units, which is met through the following compliance mechanisms:

Developments/ Compliance Mechanisms	Type	Details/Status	Units	Bonuses
Conifer Green Heron Point (Block 56.01, Lot 46)	Family Rental	Completed	80	80
Conifer American Dream/Meadowlark Run (Block 1523, Lots 3 and 4)	Family Rental	Completed	79	34
Group Homes (List attached as Exhibit A)	Special Needs	Completed	63	0
Town Residential Zoning District 12 du/a w/20% Set-Aside (56 of 253 to Prior Round)	Family	Proposed	56	0
Rio Grande Redevelopment (Block 1434, Lots 2, 3, 4, 8 & 9)	Family Rental	Proposed	44	0
Habitat for Humanity Homes	Family For-Sale	Complete	15	0
Prior Cycle Credits	Prior Cycle Credits	Complete	3	0
Total:			340	114
			454 credits	

<sup>1</sup> David N. Kinsey, PhD, P.P., F.A.I.C.P., "New Jersey Low- and Moderate-Income Housing Obligations for 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology, dated May 2016.

7. **Third Round.** As noted above, the Township has a Third Round Prospective Need Obligation of 320 units, which is met through the following compliance mechanisms:

Developments/ Compliance Mechanisms	Type	Details/Status	Units	Bonuses
Indian Trail Redevelopment (Blocks 169-211)	Family Rental	Proposed	80	80
Town Residential Zoning District 12 du/a w/20% Set-Aside (197 of 253 to Third Round)	Family	Proposed	197	0
Oyster at Shunpike (Block 348.02, Lot 3)	Family	Approved	2	0
Total:			279	80
			359 credits*	
*Any affordable housing credits above Middle's Third Round Obligation (i.e. surplus credits) may be credited to future rounds in accordance with then-applicable law but shall not be a reason to reduce any Third Round mechanisms or the affordable housing set-aside on any project as set forth in this Agreement.				

8. Prior to a final judgment of compliance and repose, the Township shall provide deed restrictions and other required crediting documentation for all existing affordable units for which it is claiming credit. For group homes, the Township has provided a list of credits sought, which is attached hereto as **Exhibit A**. Prior to a final judgment of compliance and repose, the Township shall provide 1) documentation of eligibility for group home credits in accordance with N.J.A.C. 5:93-5.8 or N.J.A.C. 5:97-6.10, on each group home project; 2) the Supportive and Special Needs Housing Survey Form used by the Council on Affordable Housing; and 3) a copy of the facility license. For the three (3) prior cycle credits (Block 671, Lot 5; Block 922, Lot 6; and Block 9, Lot 11), the Township shall provide documentation demonstrating eligibility for the credits pursuant to N.J.A.C. 5:93-1.3 and N.J.A.C. 5:93-2.15.
9. The Township shall provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning on the following sites:
- a. **Rezoning of the Town Residential (TR) Zoning District:** Middle's Town Residential (TR) zoning district encompasses several areas within the Township's designated centers and sewer service area, and together is over 640 acres in size. The TR district already permits townhouse and multi-family developments at a density of either 6 or 8 units per acre, depending on whether non-contiguous parcels can be assembled.

As part of this Agreement, Middle agrees to rezone all parcels in the TR district to permit townhouse and multi-family developments at twelve (12) units per acre with a mandatory twenty percent (20%) affordable housing set-aside. The rezoning shall permit up to 3-story buildings with a maximum height of 40 feet, and it shall eliminate the non-contiguous parcel assemblage requirement.

Middle also agrees to rezone several vacant, developable parcels currently zoned in the Residential (R) Zoning District to be part of the new TR district. Those parcels and their realistic development potential are listed in **Exhibit B** attached hereto.

The mandatory affordable set-aside shall mean that for all developments approved and constructed in the TR district that include a residential component the developments shall be required to set-aside a minimum of twenty percent (20%) of the residential units as affordable housing.

The rezoning ordinance shall make clear that when calculating the yield permitted on a site, the density may be calculated across the gross acreage and any residential development may be clustered on the unconstrained acreage. For example, if there is a 30-acre site with 5 acres that are constrained, a developer shall be permitted to build and concentrate the 360 total units (30 acres \* 12 du/a) on the remaining 25 acres that are not constrained.

The rezoning ordinance shall require that the affordable housing comply with all of the affordable housing requirements in Paragraph 15 below (including bedroom/income distribution, deed restrictions, phasing, integration, and affirmative marketing).

Attached hereto as **Exhibit B** is a list of the vacant, developable parcels in the TR district that must be used for residential purposes as well as the parcels from the current R district that will be rezoned into the TR district and which rezoning shall require these properties to be used solely for inclusionary residential development.

When combined, these sites total approximately one-hundred and six (106) acres and create a realistic opportunity for 253 affordable family units, 56 of which are credited to the Prior Round and 197 of which are credited to the Third Round.

In addition to the vacant, developable properties identified in Exhibit B, the Township believes there are many additional smaller vacant lots and many underutilized properties in the TR district that also offer the potential for inclusionary development that may generate affordable housing as a result of the rezoning described in this paragraph but are not eligible for credit at this time. The Township reserves the right to seek credit for any affordable housing that may be generated as a result of these sites in a future round in accordance with then-applicable law.

In amending the zoning ordinance, the Township will ensure that the new regulations will reflect any existing features on any of the sites referenced in Exhibit B, including but not limited to any communications equipment on any of the properties, so that such equipment can remain and shall not conflict with the development of any inclusionary housing project.

The analysis above specifically excludes the portions of the TR district that are also within the Indian Trail Redevelopment Area in order to avoid any double counting of sites.

10. The Township shall provide a realistic opportunity for the development of affordable housing through inclusionary zoning and redevelopment on the following sites:

- a. **Indian Trail Redevelopment Area:** Middle Township shall create a realistic opportunity for at least eighty (80) affordable family rental units, a 20% affordable housing set-aside on 400 units total, on 98.5 acres of land that is in the Burleigh section of the Township (Blocks 169-211) and in a designated sewer service area, which is referred to as the Indian Trail Redevelopment Area.

Because the Township is claiming eighty (80) family rental bonus credits for the development, it shall ensure that it enters into a redeveloper's agreement consistent with this Agreement wherein the redeveloper commits to construct affordable family rental units in order to satisfy the firm commitment requirement in N.J.A.C. 5:93-5.15(d). The redevelopment plan shall also require that all eighty (80) affordable units be family non-age-restricted rental units consistent with all requirements of this Agreement.

In accordance with N.J.A.C. 5:97-6.6, the Township has provided a timeline of the redevelopment process and the steps it will expeditiously implement in order to create a realistic opportunity for these affordable units. That schedule is attached hereto as **Exhibit C**.

This schedule shall be incorporated into the Township's Housing Element and Fair Share Plan, and the Township shall report annually, pursuant to Paragraph 23 below, on the redevelopment process and whether it is meeting the timelines.

Consistent with the schedule, the Township shall adopt an amendment to the redevelopment plan prior to a judgment of compliance and shall make a good faith effort to enter into a redeveloper's agreement by February 1, 2023, that is consistent with this Agreement. If, despite its good faith efforts, the Township is unable to execute a redeveloper's agreement on or before February 1, 2023, the Parties shall immediately commence mediation to address the issue which may include substitution of another site or sites otherwise consistent with the terms of this Agreement, subject to the review of the Special Master and approval of the Court. Nothing herein shall prohibit the Parties from engaging in discussions prior to the aforementioned deadline.

- b. **Rio Grande Redevelopment Area:** Middle Township shall create a realistic opportunity for at least forty-four (44) affordable family rental units, a 20% affordable housing set-aside on 220 units total, on the Rio Grande Redevelopment Area (Block 1434, Lots 2, 3, 4, 8 & 9), which composes approximately 22 acres and is in a designated sewer service area.

In accordance with N.J.A.C. 5:97-6.6, the Township has provided a timeline of the redevelopment process and the steps it will expeditiously implement in order to create a realistic opportunity for these affordable units. That schedule is attached hereto as **Exhibit C**.

This schedule shall be incorporated into the Township's Housing Element and Fair Share Plan, and the Township shall report annually, pursuant to Paragraph 19 below, on the redevelopment process and whether it is meeting the timelines.

Consistent with the schedule, the Township shall adopt an amendment to the redevelopment plan by June 15, 2022 and shall make a good faith effort to enter into a redeveloper's agreement by June 15, 2023, that is consistent with this Agreement. If, despite its good faith efforts, the Township is unable to execute a redeveloper's agreement on or before June 15, 2023, the Parties shall immediately commence mediation to address the issue which may include substitution of another site or sites otherwise consistent with the terms of this Agreement, subject



to the review of the Special Master and approval of the Court. Nothing herein shall prohibit the Parties from engaging in discussions prior to the aforementioned deadline.

11. Middle represents that the sites of each development listed above are available, suitable, developable, and approvable for the construction of affordable housing, including the number of units contemplated, pursuant to N.J.A.C. 5:93-5.3(b), and that adequate sewer and water infrastructure and capacity is available.
12. Middle commits to work cooperatively, expeditiously, and with all continuity of purpose with the inclusionary and non-inclusionary developers to ensure all necessary land use approvals and to issue all construction and building permits in a timely manner.
13. Due to the point in the Third Round at which this settlement is reached, the Township commits to maintain and implement the mechanisms agreed to herein, including the redevelopment plans and process, until the affordable units have been created.
14. The Township agrees that it shall meet its Third Round Prospective Need in accordance with the following standards:
  - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
  - b. At least fifty percent (50%) of the units addressing the Third Round Obligation shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
  - c. At least twenty-five percent (25%) of the Third Round Prospective Need shall be met through rental units, including at least half in non-age-restricted rental units available to families.
  - d. At least half of the units (50%) addressing the Third Round Prospective Need must be non-age-restricted affordable units available to families.
  - e. The Township agrees to comply with an age-restricted cap of twenty-five percent (25%) and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed twenty-five percent (25%) of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
  - f. Thirteen percent (13%) of all affordable units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, shall be very-low-income units for households earning thirty percent (30%) or less of the median income pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA"), with half of the very low income units being available to families. The Township will demonstrate how it will comply with this requirement during the compliance phase of this matter.
  - g. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.

15. In all developments that produce affordable housing, the Township agrees that the following terms shall apply:
- a. All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not limited to the required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very-low-income households earning thirty percent (30%) or less of median income pursuant to the FHA.
  - b. All of the affordable units shall be subject to affordability controls of at least thirty (30) years from the date of initial occupancy and affordable deed restrictions as provided for by UHAC, with the sole exception that very low income shall be defined as at or below thirty percent (30%) of median income pursuant to the Fair Housing Act, and the affordability controls shall remain unless and until the Township, in its sole discretion, takes action to extend or release the unit from such controls after at least thirty (30) years. If the Township acts to release the unit from such controls, affordability controls shall remain in effect until the date on which a rental unit shall become vacant due the voluntary departure of the occupant household N.J.A.C. 5:80-26.11(b).
  - c. In inclusionary developments, the affordable units shall be integrated with the market-rate units to the extent feasible, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units, this shall mean that the affordable units shall be generally distributed within each building with market units. The residents of the affordable units shall have full and equal access to all of the entryways, amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.
  - d. Construction of the affordable units in inclusionary developments shall be phased in compliance with N.J.A.C. 5:93-5.6(d).
  - e. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include the community and regional organizations identified in this agreement, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.
16. The Township and/or its Administrative Agent shall add the following entities to the list of community and regional organizations in its Affirmative Marketing Plan, pursuant to N.J.A.C. 5:80-26.15(f)(5):

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002), the New Jersey State Conference of the NAACP (4326 Harbor Beach Blvd. #775, Brigantine, NJ 08203), the Latino Action Network (P.O. Box 943, Freehold, NJ 07728), Cape Hope (1304 Rt. 47, Unit L, Rio Grande, NJ 08242), the Cape May County, Mainland/Pleasantville, Atlantic City, Burlington, and Camden Branches of the NAACP; and the Supportive Housing Association of New Jersey (185 Valley Street, South Orange, NJ 07079). As part of its regional affirmative marketing strategies during implementation of its fair share plan, the Township and/or its Administrative Agent shall also provide notice of all available

affordable housing units to the above-referenced organizations and shall ensure all affordable units are posted on the New Jersey Housing Resource Center website in accordance with applicable law. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.

17. Income limits for all affordable units shall be updated by the Township annually either (a) in reliance upon the annual "Affordable Housing Regional Income Limits By Household Size" schedule prepared by the Affordable Housing Professionals of New Jersey (AHPNJ), or (b) within thirty (30) days of the publication of determinations of median income by the United States Department of Housing and Urban Development ("HUD") as follows:
  - a. Regional income limits shall be established for the Housing Region in which the Township is located (in this case, Housing Region 6) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated number of households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total number of households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very-low-income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
  - b. The income limits attached hereto as **Exhibit D** are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2021, and shall be utilized until the Township updates the income limits as set forth above.
  - c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually either (a) in reliance upon the annual "Affordable Housing Regional Income Limits By Household Size" schedule prepared by the Affordable Housing Professionals of New Jersey (AHPNJ), or (b) by taking the percentage increase of the income limits calculated pursuant to paragraph 17a above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
18. Upon full execution of this Agreement, Middle shall notify the Court so that a Fairness Hearing can be scheduled to approve the Agreement. Middle shall place this Agreement on file in the Township's municipal building, post it on the municipal website, and file a



copy with the Court at least forty-five (45) days prior to the Fairness Hearing, at which the Township will seek judicial approval the terms of this Agreement pursuant to the legal standards set forth in Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986), and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996). Notice of the Fairness Hearing shall be published at least forty-five (45) days in advance of the hearing. The Township's planner shall appear as a witness and provide testimony at the hearing.

19. Within one-hundred-and-twenty (120) days of the entry of an order approving this Agreement by the Court after a Fairness Hearing, Middle shall adopt a Round 3 Housing Element and Fair Share Plan, affordable housing ordinance, amended development fee ordinance, inclusionary zoning and redevelopment ordinances, Affirmative Marketing Plan, intent to fund shortfall, appoint a Municipal Housing Liaison and Administrative Agent, and adopt all other resolutions and ordinances required to be adopted as part of this Agreement, and shall submit same to the Court, the Special Master, and FSHC for review at least forty-five (45) days before the scheduling of a "Compliance Hearing." The HEFSP shall include all documentation to demonstrate the creditworthiness of existing affordable units for which the municipality is seeking credit.
20. The Township shall also prepare a Spending Plan for review and approval by FSHC, Special Master, and the Court during the duly-noticed Compliance Hearing. Upon approval, the Township and FSHC agree that the expenditures of funds contemplated in the Township's Spending Plan shall constitute the "commitment" for expenditure required pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period contemplated therein commencing in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd, 442 N.J. Super. 563).
21. The Township shall comply with the following annual monitoring and reporting requirements:
  - a. Starting on January 1, 2023, and every anniversary thereafter, the Township shall provide an annual Mount Laurel Trust Fund accounting report to the New Jersey Department of Community Affairs, Council on Affordable Housing, Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to FSHC and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The annual report shall detail all expenditures from and deposits into the Township's Affordable Housing Trust Fund.
  - b. Starting on January 1, 2023, and every anniversary thereafter, the Township shall provide an annual report on the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the FSHC. In addition to the foregoing, the Township shall also post such activity on the CTM system and/or file a copy of its report with the Council on Affordable Housing or its successor agency at the State level, if available. The annual report shall detail the status of all affordable units in the Township's HEFSP. The Township shall promptly respond to any requests from the Court or FSHC for additional information.

22. The Fair Housing Act includes two provisions regarding actions to be taken by the Township during the ten-year period of protection provided in this agreement. The Township agrees to comply with those provisions as follows:

- a. For the midpoint realistic opportunity review required pursuant to N.J.S.A. 52:270-313, the Township was obligated to post, by July 1, 2020, on its municipal website, a status report as to its implementation of its HEFSP and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms should be revised or supplemented.

Recognizing that July 1, 2020, has passed prior to the amended settlement in this matter, on or before July 1, 2023, the Township shall post on its municipal website, with a copy provided to Fair Share Housing Center, its Midpoint Realistic Opportunity Review Report. The status report will provide an update of the Township's implementation of its approved Fair Share Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms should be revised or supplemented.

Such posting shall invite any interested party to submit comments to the Township, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the Court regarding these issues.

- b. For the review of very-low-income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the Judgment of Compliance and Repose, and every third year thereafter, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very-low-income requirements, including the family very-low-income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very-low-income housing obligation under the terms of this settlement.

23. The Township agrees to pay FSHC's attorney's fees and costs in the amount of \$30,000.00. The Township shall make said payment within thirty (30) days of the Court's approval of this Agreement following a duly noticed Fairness Hearing. Said funds may be taken from the Township's current or future balances in the Mount Laurel Trust Fund provided that they are counted toward the fund's 20 percent cap allowed for administrative purposes pursuant to N.J.A.C. 5:97-8.9.

24. Execution of this Agreement was formally authorized via Resolution \_\_\_\_\_, adopted by the Middle Township Committee during a regular meeting on January 19, 2022, a true copy of which is attached hereto as Exhibit E.

25. This Agreement may be enforced by the Township or FSHC through a motion to enforce litigant's rights or a separate action filed in Superior Court, Cape May County. If the moving party prevails, it may, in the Court's discretion, be entitled to reasonable fees and costs in accordance with Rule 1:10-3.

26. Middle and FSHC shall have an obligation to fulfill the intent and purpose of this Agreement. If an appeal of the Court's approval or rejection of the Settlement Agreement is filed by a third party, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division, and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved by the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to return to the *status quo ante*. In this regard, the Township and FSHC acknowledge that the parties have entered into this Agreement to settle the litigation and that each is free to take such position as it deems appropriate should the matter return to the *status quo ante*.
27. The parties' acceptance of the Third Round obligation of 320 is solely for the purposes of achieving a settlement of the litigation and is without prejudice to the parties' ability to challenge that Third Round number during any proceedings involving subsequent rounds of affordable housing calculations after July 1, 2025. The parties agree that in any such proceeding involving subsequent rounds of affordable housing calculations after July 1, 2025, either party may seek to adjust the Third Round obligation based on information such as but not limited to the actual growth in, or reduction of, households in Region 6 (Atlantic, Cape May, Cumberland, and Salem Counties) between July 1, 2015 and June 30, 2025. If the Township succeeds in securing such an adjustment with all appeals having been exhausted, it may apply any excess credits that continue to present a realistic opportunity beyond its adjusted Round 3 Prospective Need in its Round 4 Housing Element and Fair Share Plan. Nothing herein shall be construed to (a) prevent the parties from negotiating an adjustment by way of Consent Order; or (b) bar Fair Share Housing Center from challenging any judicial action filed by the Township as set forth above or the Township from challenging any judicial action filed by Fair Share Housing Center set forth above. If either party pursues such a challenge, the other party shall automatically secure intervenor status by consent.
- Any such reduction of the Township's obligation established in this Agreement does not create a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to Rule 4:50-1. If the Township prevails in reducing its prospective need for the Third Round, the Township may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.
28. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
29. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
30. Any litigation associated with this Agreement must be venued in Cape May County.
31. This Agreement may not be modified, amended, or altered in any way except by a writing signed by both the Township and FSHC.

32. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
33. The Township and FSHC acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each person to sign this Agreement is the proper person and possesses the authority to sign the Agreement, that this Agreement contains the entire understanding of the Township and FSHC and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
34. The Township and FSHC acknowledge that this Agreement was not drafted by the Township or FSHC, but was drafted, negotiated and reviewed by representatives of the Township and FSHC and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. The Township and FSHC expressly represent that: (a) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (b) it has conferred due authority for execution of this Agreement upon the persons executing.
35. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both the Township and FSHC.
36. This Agreement constitutes the entire Agreement between the Township and FSHC hereto and supersedes all prior oral and written agreements between the Township and FSHC with respect to the subject matter hereof except as otherwise provided herein.
37. No official, employee, or representative of the Township shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
38. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which representatives of the Township and FSHC have executed and delivered this Agreement.
39. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the Township and FSHC by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days' notice as provided herein:

TO FSHC:

Adam M. Gordon, Esq.  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, New Jersey 08002  
Phone: (856) 665-5444  
Email: adamgordon@fairsharehousing.org

January, 2021  
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**TO THE TOWNSHIP:**

Michael A. Jedziniak, Esq.  
Carluccio, Leone, Dimon, Doyle & Sacks, LLC  
9 Robbins Street  
Toms River, New Jersey 08753  
Phone: 732-797-1600  
Email: MJedziniak@cldds.com

**WITH A COPY TO THE  
MUNICIPAL CLERK:**

Kimberly Osmundsen, Municipal Clerk  
33 Mechanic Street  
Cape May Court House, New Jersey 08210  
Phone: 609-465-8721  
Fax: 609-465-4459

**IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement to be properly executed, their corporate seals affixed and attested and this Agreement to be effective as of the Effective Date.

Sincerely,

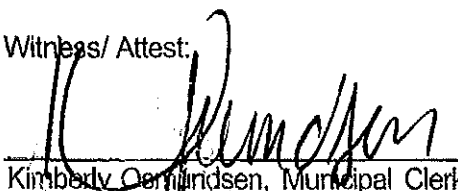
Adam M. Gordon, Esq.  
Executive Director of Fair Share Housing Center

Witness: \_\_\_\_\_

Dated: January \_\_, 2022

**On behalf of the Township of Middle, with the authorization of the governing body:**

Witness/ Attest:

  
Kimberly Osmundsen, Municipal Clerk

TOWNSHIP OF MIDDLE

  
Timothy C. Donohue, Mayor

Dated: January 20, 2022

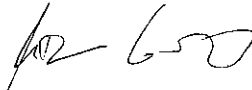
January 26, 2022  
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**TO THE TOWNSHIP:** Michael A. Jedziniak, Esq.  
Carluccio, Leone, Dimon, Doyle & Sacks, LLC  
9 Robbins Street  
Toms River, New Jersey 08753  
Phone: 732-797-1600  
Email: MJedziniak@cldds.com

**WITH A COPY TO THE  
MUNICIPAL CLERK:** Kimberly Osmundsen, Municipal Clerk  
33 Mechanic Street  
Cape May Court House, New Jersey 08210  
Phone: 609-465-8721  
Fax: 609-465-4459

**IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement to be properly executed, their corporate seals affixed and attested and this Agreement to be effective as of the Effective Date.

Sincerely,



Adam M. Gordon, Esq.  
Executive Director of Fair Share Housing Center

Witness: 

Zoey S. Chenitz, Esq.

Dated: January 27, 2022

**On behalf of the Township of Middle, with the authorization of the governing body:**

Witness/ Attest:

TOWNSHIP OF MIDDLE

\_\_\_\_\_  
Kimberly Osmundsen, Municipal Clerk

\_\_\_\_\_  
Timothy C. Donohue, Mayor

Dated: January \_\_\_, 2022

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**Exhibit A:**  
**List of Group Home Credits**



Exhibit A – Supportive and Special Needs Housing Credits (Group Homes)				
Facility	Block	Lot	Address	Bedrooms
ARC of Cape May County	473	57	22 LOMURNO LANE	3
ARC of Cape May County	4.02	15	31 CARDINAL DRIVE	4
ARC of Cape May County	12.01	116	23 W BEAVER DAM RD	4
ARC of Cape May County	52	26	747 GOSHEN RD	4
ARC of Cape May County	163.01	198	9 CARRIAGE LANE	4
ARC of Cape May County	163.08	5	111 E WOODLAND AVE	3
ARC of Cape May County	472	69	8 WHIPPOORWILL LANE	4
ARC of Cape May County	1411	8	50 W SECLUDED LANE	6
ARC of Cape May County	1423	4	9 OSLO AVE	13
CAP Counseling Services	99.02	121	819 RTE 9 N	4
Cape Housing 1 Inc	350	33	17 W SHELLBAY AVE	3
Devereaux Foundation	5	24.02	500 RTE 47 N	4
Devereaux Foundation	163.01	271	70 RTE 47 S	3
Mental Health Services of Cape May County	38.01	16	119 RTE 47 N	4
<b>Totals</b>				<b>63</b>



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**Exhibit B:**  
**Vacant, Developable Parcels**  
**in the TR Zoning District and Parcels in the R District To Be**  
**Rezoned to the TR District**

Exhibit B – TR Zone Vacant Land Capacity							
Block	Lot	Acres	Wet	Available Uplands	Max Density	Total Units	AH Units
<b>TR Zone Vacant Properties</b>							
1453	12	1.17	0	1.17	12	14	3
358	5	1.21	0.1	1.11	12	14	3
1421	1	3.15	0	3.15	12	37	7
358	8	3.49	0	3.49	12	41	8
1523	9	25.48	6.5	18.98	12	305	61
<b>Totals</b>		<b>34.50</b>	<b>6.6</b>	<b>27.9</b>		<b>411</b>	<b>82</b>
<b>R Zone Properties to Rezone to TR District</b>							
322.01	58	6.74	0	6.74	12	80	16
163.01	209	3.69	0	3.69	12	44	9
163.01	227	11.61	0	11.61	12	139	28
1434	29	41.29	13.6	27.69	12	495	99
1434	30	3.95	0	3.95	12	47	9
971	8	2.10	0.41	1.69	12	25	5
971	10	2.00	0.1	1.90	12	24	5
971	9	1.00	0.05	0.95	12	12	2
971	11	4.40	0.6	3.80	12	52	10
1434	31	3.60	0.5	3.10	12	43	9
<b>Totals</b>		<b>80.38</b>	<b>15.26</b>	<b>65.12</b>		<b>961</b>	<b>192</b>
<b>Totals</b>		<b>114.88</b>	<b>21.86</b>	<b>93.02</b>		<b>1,372</b>	<b>274</b>

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**Exhibit C:**  
**Redevelopment Timeline/Implementation Schedule for**  
**Indian Trail and Rio Grande Redevelopment Areas**

### **Indian Trail Redevelopment**

The following is an anticipated implementation schedule for Middle Township's Redevelopment Activities. Please note that these are only estimates and subject to change based on various factors influencing the redevelopment process. The Township is currently in negotiations with a potential redeveloper for the redevelopment of the Indian Trial Redevelopment Area.

<b>Activity</b>	<b>Anticipated Completion Date</b>	<b>Approximate Completion Date</b>
Adoption of Resolution Designating Redevelopment Area	11/19/2018	
Adoption of a Redevelopment Plan	12/17/2018	
Preparation of Amendment to the Redevelopment Plan	Now (Anticipated to take three (3) months to complete)	2/15/2022
Adoption of the Ordinance adopting an Amendment to the Redevelopment Plan	Within the earlier of three (3) months of completion of preparation of the Amendment or one (1) month from execution of a Settlement Agreement	4/15/2022
Redeveloper Selection	Within three (3) months of the adoption of the Redevelopment Plan Amendment if no RFQ is issued, or within six (6) months of adoption of Redevelopment Plan Amendment if RFQ is issued	7/15/2022
Execution of Redevelopment Agreement	Upon completion of negotiation with the designated Redeveloper (anticipated to be within six (6) months of the selection of the Redeveloper)	2/1/2023
Land Assemblage by Township	Within 6 months of the execution of the Agreement between ATLANTIC-CAPE BUILDERS, LLC, the Estate of Thomas T. Tower, and the Township of Middle	7/30/2023
Institute Eminent Domain	If needed - within 3 months of completion of bona fide negotiations in accordance with the Eminent Domain Law	7/30/2023
Land Assemblage by Redeveloper	In accordance with the schedule set forth in the Redevelopment Agreement (anticipated to be within 2 months of the Township's completion of acquisition of all the redevelopment area properties)	12/31/2023
Site Plan Preparation	In accordance with the schedule set forth in the Redevelopment Agreement (anticipated to be within 3 months of the Redeveloper's acquisition of the redevelopment area properties)	3/30/2024
Applying for Construction Permits	In accordance with the schedule set forth in the Redevelopment Agreement (anticipated to be within 2 months of receipt of all unappealable governmental approvals)	5/30/2024

Commencement of Construction	In accordance with the schedule set forth in the Redevelopment Agreement (anticipated to be within 60 days of receipt of Construction Permits)	7/30/2024
Completion of Construction	In accordance with the schedule set forth in the Redevelopment Agreement (anticipated to be within 1 year of Commencement of Construction)	7/30/2025

\* All dates set forth above are approximately and subject to change based on factors, including but not limited to pandemic related delays, economic delays, supply chain delays, the needs and schedule of the redeveloper, the calendar of the Court and legal challenges from third parties.

### **Rio Grande Redevelopment**

The following is an anticipated implementation schedule for Middle Township's Redevelopment Activities. Please note that these are only estimates and subject to change based on various factors influencing the redevelopment process. The Township is currently in negotiations with a potential redeveloper for the redevelopment of the Rio Grande Redevelopment Area.

<b>Activity</b>	<b>Anticipated Completion Date</b>	<b>Approximate Completion Date</b>
Adoption of Resolution Designating Redevelopment Area	3/19/2018	
Adoption of a Redevelopment Plan	4/16/2018	
Preparation of Amendment to the Redevelopment Plan	Now (Anticipated to take four (4) months to complete)	3/15/2022
Adoption of the Amendment to the Redevelopment Plan	Within the earlier of four (4) months of completion of preparation of the Amendment or one (1) month from execution of a Settlement Agreement	6/15/2022
Redeveloper Selection	Within three (3) months of the adoption of the Redevelopment Plan Amendment if no RFQ is issued, or within six (6) months of adoption of Redevelopment Plan Amendment if RFQ is issued	12/15/2022
Execution of Redevelopment Agreement	Upon completion of negotiation with the designated Redeveloper (anticipated to be within six (6) months of the selection of the Redeveloper)	6/15/2023
Site Plan Preparation	In accordance with the schedule set forth in the Redevelopment Agreement (anticipated to be within 6 months of the later of execution of the Redevelopment Agreement or execution of an Agreement of Sale with the Property Owner)	12/31/2023

Land Assemblage by Redeveloper	In accordance with the schedule set forth in the Redevelopment Agreement (anticipated to be within 3 months of the Redeveloper's receipt of all non-appealable governmental approvals)	3/31/2024
Applying for Construction Permits	In accordance with the schedule set forth in the Redevelopment Agreement (anticipated to be within 2 months of acquisition of the property by Redeveloper)	5/31/2023
Commencement of Construction	In accordance with the schedule set forth in the Redevelopment Agreement (anticipated to be within 60 days of receipt of Construction Permits)	7/30/2024
Completion of Construction	In accordance with the schedule set forth in the Redevelopment Agreement (anticipated to be within 1 year of Commencement of Construction)	7/30/2025

\* All dates set forth above are approximately and subject to change based on factors, including but not limited to pandemic related delays, economic delays, supply chain delays, the needs and schedule of the redeveloper, the calendar of the Court and legal challenges from third parties.

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**Exhibit D:**  
**2021 Regional Income Limits**

*Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - April 27, 2021*

## 2021 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents** Sales***	Regional Asset Limit****
<b>Region 1</b>	Median	\$72,846	\$78,050	\$83,253	\$93,659	\$104,066	\$108,229	\$112,391	\$120,717	\$129,042	\$137,367		
	Moderate	\$58,277	\$62,440	\$66,602	\$74,928	\$83,253	\$86,583	\$89,913	\$96,573	\$103,233	\$109,894	1.6%	\$201,229
	Low	\$36,423	\$39,025	\$41,626	\$46,830	\$52,033	\$54,114	\$56,196	\$60,358	\$64,521	\$68,684	1.6%	
	Very Low	\$21,854	\$23,415	\$24,976	\$28,098	\$31,220	\$32,469	\$33,717	\$36,215	\$38,713	\$41,210		
<b>Region 2</b>	Median	\$75,331	\$80,711	\$86,092	\$96,854	\$107,615	\$111,920	\$116,224	\$124,834	\$133,443	\$142,052		
	Moderate	\$60,265	\$64,569	\$68,874	\$77,483	\$86,092	\$89,536	\$92,980	\$99,867	\$106,754	\$113,642	1.6%	\$206,459
	Low	\$37,665	\$40,356	\$43,046	\$48,427	\$53,808	\$55,960	\$58,112	\$62,417	\$66,721	\$71,026	2.00%	
	Very Low	\$22,599	\$24,213	\$25,828	\$29,056	\$32,285	\$33,576	\$34,867	\$37,450	\$40,033	\$42,616		
<b>Region 3</b>	Median	\$86,240	\$92,400	\$98,560	\$110,880	\$123,200	\$128,128	\$133,056	\$142,912	\$152,768	\$162,624		
	Moderate	\$68,992	\$73,920	\$78,848	\$88,704	\$98,560	\$102,502	\$106,445	\$114,330	\$122,214	\$130,099	1.6%	\$234,592
	Low	\$43,120	\$46,200	\$49,280	\$55,440	\$61,600	\$64,064	\$66,528	\$71,456	\$76,384	\$81,312	3.10%	
	Very Low	\$25,872	\$27,720	\$29,568	\$33,264	\$36,960	\$38,438	\$39,917	\$42,874	\$45,830	\$48,787		
<b>Region 4</b>	Median	\$76,469	\$81,931	\$87,393	\$98,317	\$109,242	\$113,611	\$117,981	\$126,720	\$135,460	\$144,199		
	Moderate	\$61,175	\$65,545	\$69,915	\$78,654	\$87,393	\$90,889	\$94,385	\$101,376	\$108,368	\$115,359	1.6%	\$205,486
	Low	\$38,235	\$40,966	\$43,697	\$49,159	\$54,621	\$56,806	\$58,990	\$63,360	\$67,730	\$72,099	0.00%	
	Very Low	\$22,941	\$24,579	\$26,218	\$29,495	\$32,772	\$34,083	\$35,394	\$38,016	\$40,638	\$43,260		
<b>Region 5</b>	Median	\$67,620	\$72,450	\$77,280	\$86,940	\$96,600	\$100,464	\$104,328	\$112,056	\$119,784	\$127,512		
	Moderate	\$54,096	\$57,960	\$61,824	\$69,552	\$77,280	\$80,371	\$83,462	\$89,645	\$95,827	\$102,010	1.6%	\$179,028
	Low	\$33,810	\$36,225	\$38,640	\$43,470	\$48,300	\$50,232	\$52,164	\$56,028	\$59,892	\$63,756	0.00%	
	Very Low	\$20,286	\$21,735	\$23,184	\$26,082	\$28,980	\$30,139	\$31,298	\$33,617	\$35,935	\$38,254		
<b>Region 6</b>	Median	\$57,458	\$61,562	\$65,666	\$73,874	\$82,083	\$85,366	\$88,649	\$95,216	\$101,782	\$108,349		
	Moderate	\$45,966	\$49,250	\$52,533	\$59,100	\$65,666	\$68,293	\$70,919	\$76,173	\$81,426	\$86,679	1.6%	\$153,730
	Low	\$28,729	\$30,781	\$32,833	\$36,937	\$41,041	\$42,683	\$44,325	\$47,608	\$50,891	\$54,175	0.00%	
	Very Low	\$17,237	\$18,469	\$19,700	\$22,162	\$24,625	\$25,610	\$26,595	\$28,565	\$30,535	\$32,505		

*Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.*

\* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

\*\*This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:97-9.3 (Consumer price index for All Urban Consumers (CPI-U): Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, 2017, 2018, 2019 or 2020 because of the lack of authority to do so, may increase rent by up to the applicable combined percentage including 2021 or 9.0% whichever is less in accordance with N.J.A.C. 5:97-9.3(c). In no case can rent for any particular apartment be increased more than one time per year.

\*\*\* This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations.

\*\*\*\* The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

Note: Since the Regional Income Limits for Regions 4, 5, and 6 in 2020 were higher than the 2021 calculations, the 2020 income limits will remain in force for 2021 (as previously required by N.J.A.C. 5:97-9.2(c)).



January 26, 2022  
Page 18

**Exhibit E**  
**Resolution**,  
**Adopted on January 19, 2022**

Date: January 19, 2022

Subject: RESOLUTION OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY,  
AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH FAIR SHARE  
HOUSING CENTER

Introduced By: Committeeman Gandy

Seconded By: Committeeman Norris

Vote – Aye: Committeeman Gandy, Committeeman Norris, Mayor Donohue

Nay:

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), in 2019, the Township filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”) satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

WHEREAS, the Township simultaneously sought, and ultimately secured, a protective order providing Middle immunity from all exclusionary zoning lawsuits while it pursues approval of its existing Fair Share Plan; and

WHEREAS, the trial judge also appointed Hon. Stephen P. Perskie, J.S.C. (ret.), as the “Special Master,” as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, with assistance from the Special Master, Middle, and FSHC engaged in good faith negotiations which resulted in an amicable accord on the various substantive terms and conditions as set forth in the Settlement Agreement attached hereto as Exhibit A; and

WHEREAS, through this process, the Township and FSHC agreed upon the Township’s affordable housing obligations and the compliance techniques necessary for Middle to satisfy its “fair share” of the regional need for low- and moderate-income housing; and

WHEREAS, the Township and FSHC also agreed to present the Settlement Agreement to the Trial Judge for approval via duly-noticed Mount Laurel “Fairness Hearing;” and

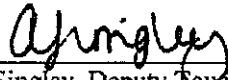
WHEREAS, although there is a well-established policy favoring the settlement of all forms of litigation, the settlement of Mount Laurel litigation is particularly favored because (1) it avoids the expenditure of finite public resources; and (2) expedites the construction of safe, decent housing for the region’s low- and moderate-income households; and

WHEREAS, in light of the above, and on the recommendation of the Township’s Special Mount Laurel Counsel, the Township Committee finds that it is in the best interests of Middle to execute the attached Settlement Agreement with FSHC and to take various other actions delineated below which will ultimately result in approval of the Township’s Fair Share Plan which, in turn, will maintain the Township’s immunity from all Mount Laurel lawsuits for the ten-year period set forth in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to 329.

NOW, THEREFORE, BE IT RESOLVED on this 19th day of January, 2022, by the Committee of the Township of Middle, County of Cape May, State of New Jersey, as follows:

1. The Township Committee hereby authorizes and directs the Mayor to execute the attached Settlement Agreement and to provide a copy of same to the Township’s Special Mount Laurel Counsel as soon as practicable thereafter.
2. The Township hereby directs its Special Mount Laurel Counsel to file the fully-executed Settlement Agreement with the Court and take all actions reasonable and necessary to secure an Order approving the Settlement Agreement and ultimately to secure judicial approval of the Township’s Fair Share Plan, as may be amended by the Land Use Township pursuant to the Agreement and subject to the public hearing process set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq.

Witness my hand and seal of  
the Township of Middle, this  
19<sup>th</sup> day of January, 2022

A handwritten signature in black ink, appearing to read "A. Singley", written over a horizontal line.

Andrea N. Singley, Deputy Township Clerk

Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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**APPENDIX A-2**

Third Round Final Judgment of Compliance and Repose

**CARLUCCIO, LEONE, DIMON, DOYLE & SACKS, LLC**

9 Robbins Street

Toms River NJ 08753

(732) 797-1600

mjedziniak@cldds.com

Attorneys for Declaratory Plaintiff, Township of Middle

By: Michael A. Jedziniak (Attorney ID: 012832001)

**IN THE MATTER OF THE  
APPLICATION OF THE TOWNSHIP OF  
MIDDLE, COUNTY OF CAPE MAY**

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: CAPE MAY COUNTY**

DOCKET NO.: CPM-L-27-19

CIVIL ACTION – MOUNT LAUREL

**FINAL JUDGMENT OF COMPLIANCE  
AND REPOSE**

**THIS MATTER** having come before the Court upon the filing of a Verified Complaint for Declaratory Judgment in accordance with In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), (“Mount Laurel IV”) filed by Petitioner the Township of Middle (hereinafter “Township”) by Carluccio, Leone, Dimon, Doyle & Sacks, LLC, Michael A. Jedziniak, Esq. appearing on behalf of declaratory plaintiff; and Laura Denker, Esq. appearing on behalf of interested party Fair Share Housing Center (“FSHC”); and the Court having appointed Hon. Steven P. Perskie, J.S.C. (ret.) as Special Master; and, on or around January 27, 2022, the Township and FSHC having executed a Settlement Agreement which, among other things, set forth the Township’s Round 3 fair share obligations and the means in which it would satisfy same; and, on March 25, 2022, the Court having approved said Settlement Agreement by way of duly-noticed Mount Laurel Fairness Hearing pursuant to and in accordance with East/West Venture v. Bor. of Fort Lee, 286 N.J.Super. 311, 328-329 (App. Div. 1996); and, on September 16, 2022, the Court having conducted a duly-noticed Mount Laurel

Compliance Hearing for the purposes of reviewing the Township’s adopted and endorsed Round 3 Housing Plan Element and Fair Share Plan (“Fair Share Plan”), Spending Plan, implementing ordinances, and other crediting documentation; and the Township having executed and filed an Affidavit of Public Notice to demonstrate that sufficient notice of, and the opportunity to be meaningfully heard at, the Compliance Hearing had been provided to all interested parties and the public in general; and no comments, questions, or objections having been filed or raised by any interested party or member of the public; and the Court having entered the Township’s comprehensive Compliance Binder into evidence during the Compliance Hearing; and credible testimony having been provided by the Township’s consulting planner; and positive comments having been provided by the Township’s Special Mount Laurel Counsel, counsel for Fair Share Housing Center, and the Special Master; and the Court having considered all testimony, comments, and the representations of counsel; and for the reasons placed on the record by the Court at the conclusion of the September 16, 2022 Compliance Hearing; and good cause having been shown.

**IT IS** on this \_\_\_\_\_ day of October, 2022, ORDERED AND ADJUDGED as follows:

1. The Public and all interested parties received sufficient notice of the Compliance Hearing and the opportunity meaningfully heard during same.
2. Judgment is hereby entered in favor of Petitioner, the Township of Middle, Cape May County for a Final Round 3 Judgment of Compliance and Repose.
3. As set forth in the Settlement Agreement and established by the Fairness Order entered on March 25, 2022, , the Township’s cumulative Round 3 Fair Share is comprised of:
  - a. A Present Need/Rehabilitation Share obligation of Forty-Eight (48);
  - b. A “Prior Round” obligation of Four Hundred Fifty-Four (454); and

c. A cumulative Round 3 “new construction” obligation of Three Hundred Twenty (320).

4. Having reviewed all relevant documentation, testimony, representations, and comments, the Court finds and declares that Middle Township’s Round 3 Fair Share Plan, including but not limited to its implementing ordinance and crediting documentation, creates the requisite “realistic opportunity” to satisfy its fair share obligations as set forth in Paragraph 3 above.

5. The Court therefore finds that the Township’s Round 3 Fair Share Plan is constitutionally compliant and is approved without conditions.

6. The Parties shall continue to comply with the terms and conditions set forth in the court-approved Settlement Agreement.

7. Reporting and Monitoring obligations of the Township:

a. On October 1, 2023, and every anniversary thereafter through July 1, 2025, the Township shall provide an annual reporting on the status of all affordable housing activity within the municipality by posting the completed reports on the municipal website and providing a copy to FSHC.

b. On October 1, 2023, and every anniversary thereafter through July 1, 2025, the Township shall provide an annual reporting on the status of all affordable housing trust fund activity by posting the completed reports on the municipal website and providing a copy to FSHC.

c. On October 1, 2023, the Township shall post on its municipal website, with a copy provided to FSHC and Fair Share Housing Development, a status report as to its satisfaction of its very low-income requirements. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low-income housing obligation under the terms of the Settlement Agreement.

8. The Court further approves the Township’s Mount Laurel Spending Plan as adopted and endorsed by the Township Committee by way of resolution during a public meeting on September 19, 2022.

9. Subject to the good faith implementation of its Round 3 Fair Share Plan, Middle Township shall be legally immune from any and all exclusionary zoning lawsuits through July 2, 2025 or such additional time as the Court may award.

10. If necessary, FSHC shall retain the right to intervene for purposes of moving to enforce the terms of the Settlement Agreement, the Township's Round 3 Fair Share Plan, and this Judgment of Compliance and Repose

11. A copy of this Judgment shall be served on the Special Master, all counsel of record and the official service list within seven days of receipt by counsel for Petitioner.

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HONORABLE JOHN C. PORTO, J.S.C.



Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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**APPENDIX B-1**

Resolution 77-25 Establishing Fourth Round Obligations

TOWNSHIP OF MIDDLE  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY

RESOLUTION  
77-25

Date: January 22, 2025

Subject: BINDING RESOLUTION OF THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY,  
ACCEPTING THE ROUND 4 PRESENT AND PROSPECTIVE NEED OBLIGATIONS AS  
CALCULATED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

Introduced By: Committeeman Gandy      Seconded By: Committeeman Norris

Vote – Aye: Committeeman Gandy, Committeeman Norris, Mayor Leusner  
Nay:

WHEREAS, on March 20, 2024, Governor Murphy signed into law substantial amendments to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to 329 (“FHA”), setting forth the procedures, deadlines, and substantive statutory provisions to be applied by New Jersey municipalities for the period between July of 2025 and July of 2035, commonly referenced as “Round 4;” and

WHEREAS, pursuant to the FHA, the New Jersey Department of Community Affairs (“DCA”) on October 20, 2024 published its statewide calculations of the present and prospective affordable housing obligations for every New Jersey municipality; and

WHEREAS, per DCA’s calculations, the TOWNSHIP of MIDDLE’s Round 4 affordable housing obligations are:

- |   |    |
|---|----|
| 1. Present (Rehabilitation) Need:       | 51 |
| 2. Prospective (New Construction) Need: | 81 |

WHEREAS, on December 13, 2024, the New Jersey Administrative Office of the Courts issued Directive #14-24 which, among other things, directed municipalities to file a Declaratory Judgment Complaint and Case Information Statement in the New Jersey Superior Court, Law Division, within 48 hours of the adoption of this Binding Resolution; and

WHEREAS, notwithstanding the fact that the TOWNSHIP lacks sufficient vacant and suitable land to fully address a 51-unit Prospective Need, it intends to accept the DCA’s calculations and will likely seek a “vacant land adjustment” as a component of its Round 4 Housing Element and Fair Share Plan; and

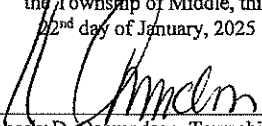
WHEREAS, the TOWNSHIP also intends to accept the DCA’s 81-unit Present Need and will take measures to satisfy said obligation as a part of its ongoing Affordable Housing Rehabilitation Program for the period between 2025 and 2035.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the TOWNSHIP of MIDDLE, County of Cape May, State of New Jersey, as follows:

1. The TOWNSHIP of MIDDLE hereby accepts and adopts the DCA’s “fair share” obligations thereby establishing the TOWNSHIP’s Present Need obligation of 51 and its Prospective Need obligation of 81; and
2. Within 48 hours of the adoption of this Binding Resolution, the TOWNSHIP’s Special Mount Laurel Counsel is directed to file the mandatory Declaratory Judgment Complaint and Case Information Statement in the New Jersey Superior Court, Law Division, and to take any associated ancillary actions as required by law; and
3. A certified copy of this Binding Resolution shall be immediately forwarded to (a) the New Jersey Department of Community Affairs; (b) the TOWNSHIP’s Special Mount Laurel Counsel and Planner, and (c) Fair Share Housing Center; and
4. A true copy of this Binding Resolution shall be posted on the TOWNSHIP’s official website and shall be published in the TOWNSHIP’s legal newspapers within 48 hours of adoption.

I, Kimberly D. Osmundsen, Township Clerk of the Township of Middle, Cape May County, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Committee at a meeting of said Middle Township Committee, held on January 22, 2025 and said Resolution was adopted by not less than a two-thirds vote of the members of the Township Committee.

Witness my hand and seal of  
the Township of Middle, this  
22<sup>nd</sup> day of January, 2025

  
\_\_\_\_\_  
Kimberly D. Osmundsen, Township Clerk

Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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**APPENDIX C-1**

Resolution Appointing Municipal Housing Liaison

TOWNSHIP OF MIDDLE  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY

RESOLUTION  
400-22

Date: September 7, 2022

Subject: RESOLUTION TO APPOINT A MUNICIPAL HOUSING LIAISON  
Introduced By: Committeeman Gandy      Seconded By: Committeeman Norris  
Vote – Aye: Committeeman Gandy, Committeeman Norris, Mayor Donohue  
Nay:

WHEREAS, Chapter 25, Section 8 of the Township Code has established the position of Municipal Housing Liaison for the purpose of administering the Township's Affordable Housing programs; and

WHEREAS, pursuant to N.J.A.C. 5:96-17 et seq. and N.J.A.C. 5:80-26.1 et seq, the Township is required to appoint a Municipal Housing Liaison for administration; and

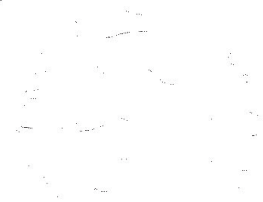
WHEREAS, Suzanne Schumann shall be appointed as the Municipal Housing Liaison; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Middle, in the County of Cape May, and State of New Jersey, that Suzanne Schumann is hereby appointed as the Municipal Housing Liaison for the Township of Middle, and shall serve in such capacity through the date of the 2023 Township reorganization meeting.

I, Kimberly D. Osmundsen, Township Clerk of the Township of Middle, Cape May County, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Committee at a meeting of said Middle Township Committee, held on September 7, 2022 and said Resolution was adopted by not less than a two-thirds vote of the members of the Township Committee.

Witness my hand and seal of  
the Township of Middle, this  
7<sup>th</sup> day of September, 2022

  
\_\_\_\_\_  
Kimberly D. Osmundsen, Township Clerk



Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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**APPENDIX C-2**

Resolution Appointing Administrative Agent

TOWNSHIP OF MIDDLE  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY

RESOLUTION  
180-25

Date: April 7, 2025

Subject: RESOLUTION TO APPOINT AN ADMINISTRATIVE AGENT FOR AFFORDABLE HOUSING PROGRAMS – TRIAD ASSOCIATES

Introduced By: Committeeman Gandy      Seconded By: Committeeman Norris

Vote – Aye: Committeeman Gandy, Committeeman Norris, Mayor Leusner  
Nay:

WHEREAS, The Township has adopted an updated Housing Plan Element and Fair Share Plan which recommends that the Township implement certain programs and policies to further the opportunities for low- and moderate-income housing within Middle Township; and

WHEREAS, the Township is authorized to designate one or more qualified Administrative Agents to be responsible for the administration of affordable units and affordability assistance programs in accordance with the Affordable Housing ordinance of the Township; and

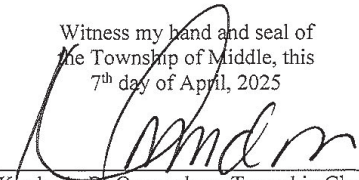
WHEREAS, the Township seeks to designate and contract directly with a qualified administrative agent; and

WHEREAS, Triad Associates shall be designated as the Township's Affordable Housing Administrative Agent; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Middle, in the County of Cape May, and State of New Jersey, that Triad Associates is hereby designated as the Affordable Housing Administrative Agent for the Township of Middle, and shall serve in such capacity.

I, Kimberly D. Osmundsen, Township Clerk of the Township of Middle, Cape May County, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Committee at a meeting of said Middle Township Committee, held on April 7, 2025 and said Resolution was adopted by not less than a two-thirds vote of the members of the Township Committee.

Witness my hand and seal of  
the Township of Middle, this  
7<sup>th</sup> day of April, 2025

  
Kimberly D. Osmundsen, Township Clerk

Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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**APPENDIX C-3**

DRAFT Affordable Housing Trust Fund Spending Plan



Middle Township, Cape May County

**DRAFT** Affordable Housing Trust Fund Spending Plan

**Fourth Round (2025 – 2035)**

**INTRODUCTION AND BACKGROUND**

Middle Township has prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Amended Fair Housing Act (N.J.S.A. 52:27D-301) and consistent with the affordable housing regulations set forth at N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:97-1 et seq, to address its Fourth Round of affordable housing obligations.

A development fee ordinance creating a dedicated revenue source for affordable housing is in place and will continue to be applied after the adoption and endorsement of the Housing Plan Element and Fair Share Plan by the Planning Board and Committee.

The Township will prepare annual reporting on Affordable Housing Trust Fund activity. This Spending Plan provides an estimate of projected funding and proposals for expenditure of funds in support of the Housing Plan Element and Fair Share Plan, and provides guidance to ensure that funds are spent in accordance with the requirements of N.J.A.C. 5:97- 8.7 through 8.10. In accordance with N.J.S.A. 52:27D-329.2 and -329.3, all funds deposited into the Township’s Affordable Housing Trust Fund are to be spent within 4 years of their receipt. The Township will provide annual monitoring to the AHMS as administered by the NJDCA.

As of December 31, 2024, the Township had a balance of \$1,561,812 in the Affordable Housing Trust Fund. This is inclusive of the following cumulative deposits and payments from the AHTF:

- Deposits: \$3,204,976.07
  - Fees Collected: \$1,365,431.86; Interest Collected: \$216,662.45; Other Payments: \$130,000; Payments in Lieu: \$1,492,881.76
- Payments: \$1,643,164.16
  - Housing Activity: \$1,163,600; Administrative Expenses: \$479,564.16

**1. REVENUES FOR CERTIFICATION PERIOD**

All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the trust fund monies will be deposited in a separate interest-bearing affordable housing trust fund account for the purposes of supporting and providing affordable housing. These funds have been and shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9, as described in the sections that follow.

To calculate a projection of revenue anticipated through 2035, the following have been considered:

(a) Development fees.

1. Residential and non-residential construction projects that are subject to the development fee requirements, (Affordable Housing Development Fees) and fees for developments that have already received approval by the Township's Planning and Zoning Boards.
2. Applications for residential and non-residential construction projects that are currently pending and will be heard by the Planning Board and are likely to receive building permits and/or certificates of occupancy before 2035; and
3. Residential and non-residential construction projects that are likely to occur before 2035 based on available land, economic conditions, and historical rates of development.
4. For the purposes of this plan, estimated development fees are \$250,000 annually for the remainder of the reporting period. This is based on a conservative estimate of the approximate average of fees collected over the previous 5 years. Actual averages from 2020-2024 were approximately \$350,000.

(b) Payment in lieu (PIL) of on-site construction.

Payments in lieu (PIL) of construction from residential developers that have or are expected to enter into an agreement with the Township to make a specific payment to the Affordable Housing Trust Fund in lieu of providing affordable housing units onsite.

At this time, the Township is not anticipating any payments in lieu of construction.

(c) Other funding sources.

Potential funds from other sources include the sale of units with extinguished controls, repayment of affordable housing program loans (such as rehabilitation or down payment assistance), rental income, and proceeds from the sale of affordable units.

Middle Township – Fourth Round Affordable Housing Trust Fund Spending Plan **DRAFT**

Any such payments will be accepted, but at this time the Township is not anticipating any alternative sources of revenue, and no projections of revenue derive from such payments.

(d) Projected interest.

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate. The interest is conservatively estimated to be approximately \$12,000 per year. All interest earned on the account shall be used only for the purposes of affordable housing.

Table 1. Projected Revenues 2025 - 2035													
Starting Balance (5/14/2024)	\$1,561,811.91												
SOURCE OF FUNDS	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total	
(a) Development Fees:	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$125,000	\$2,625,000	
1. Approved Development	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	-	
2. Development Pending Approval	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	-	
3. Projected Development	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$125,000	\$2,625,000	
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
(c) Other sources	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
(d) Interest on Total Account Balance	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$6,000	\$126,000	
Total	\$262,000	\$262,000	\$262,000	\$262,000	\$262,000	\$262,000	\$262,000	\$262,000	\$262,000	\$262,000	\$131,000	\$2,751,000	

Middle Township projects a total revenue of \$2,751,000.00 to be collected from June 2025 through July 2035 in development fees and interest payments. When combined with the existing balance of \$1,561,811.91, the Township can anticipate to have a total of \$4,312,811.91 to spend on funding and administering affordable housing programs through 2035.

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

Middle Township will follow the following procedures for the collection and distribution of affordable housing trust fund revenues.

(a) Collection of fees and payments:

1. Development fees shall be collected consistent with the Township's development fee ordinance for both residential and non-residential projects in accordance with the N.J.A.C. 5:97-1 et seq and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).
2. Payments-in-lieu shall be collected as set forth in an Agreement between the Township and the Developer. Typically, payments will be made in no more than four (4) installments as the development progresses and the entire payment shall be made prior to the issuance of the final Certificate of Occupancy.

(b) Distribution of development fee revenues:

1. The Municipal Housing Liaison and Township Staff coordinate compliance and implementation of the Spending Plan as it relates to the Fair Share Plan; and coordinate recommendations for expenditure of funds in support of compliance or implementation of the Spending Plan.
2. The Township Administrator authorizes staff to prepare a Resolution that includes an explanation of how the expenditure advances the Township's affordable housing objectives, implements some aspect of the Fair Share Plan, and is consistent with the Spending Plan.
3. Township Committee reviews the request and authorizes the expenditure by resolution.
4. The Municipal Housing Liaison and the CFO maintain accounting of expenditures.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) New construction, extension of controls, and conversion programs and projects (N.J.A.C. 5:97-8.7)

Rehabilitation Program: \$750,000

The Township has previously operated and will reestablish the municipal rehabilitation program. The previous program was funded through Community Development Block Grants, and between 2011 and 2021 over 100 homes were rehabilitated in the Township. The Township will continue this program and fund it through the Affordable Housing Trust Fund. With a Fourth Round rehabilitation obligation of 51 units, the Township will dedicate \$750,000, or an average of \$14,700 towards each rehabilitation project in order to ensure adequate funding is in place to meet the rehabilitation obligation.

(b) Affordability Assistance (N.J.A.C. 5:97-8.8):

As per previous COAH requirements, municipalities were required to spend a minimum of 30% of development fee revenue to render existing affordable units more affordable and one-third of that amount must be dedicated to very-low-income households. Although not required by the Amended Fair Housing Act, the Township will use that 30% requirement for affordability assistance as a target for their spending plan. The table below projects the anticipated affordability assistance spending:

Table 2. Affordability Assistance		
Actual development fees through 12/31/2024		\$1,365,431.86
Actual interest through 12/31/2024		\$216,662.45
Development fees projected 2025-2035	+	\$2,625,000.00
Interest projected 2025-2035	+	\$126,000.00
Other funds Received	+	\$130,000.00
Less projected rehabilitation program expenditures	-	\$750,000.00
Less housing activity expenditures through 12/31/2024	-	\$1,163,600.00
<b>Total</b>	<b>=</b>	<b>\$2,549,494.31</b>
30 percent requirement	x 0.30 =	\$764,848.29
Less affordability assistance expenditures through 12/31/2024	-	\$0.00
<b>Projected Affordability Assistance 6/30/2025 through 06/30/2035</b>	<b>=</b>	<b>\$764,848.29</b>
<b>Projected Very Low-Income Affordability Assistance 06/30/2025 through 06/30/2035</b>	<b>x 0.34 =</b>	<b>\$260,048.42</b>

Middle Township will dedicate \$764,848.29 from the affordable housing trust fund to provide affordability assistance, with at least 1/3 of the affordability assistance spending being dedicated to providing assistance to very-low income households. This would be a minimum of \$260,048.42 that must be directed towards making housing more affordable specifically to very-low income households.

In accordance with N.J.A.C. 52:27D-329.2, the programs considered to provide affordability assistance to low and moderate income households may include the following:

- 1. Down Payment Assistance Program;
- 2. Security Deposit Assistance Program;
- 3. Low interest loans;
- 4. Maintenance expenses for condominiums;
- 5. Rental assistance;
- 6. Conversion of low or moderate income housing units to very low income housing units;
- 7. Any other program authorized by the Department of Community Affairs (NJDCA)

(c) Administrative Expenses (N.J.A.C. 5:97-8.9)

Administrative expenses are subject to a twenty percent (20%) cap. The table below demonstrates the maximum amount of Affordable Housing Trust Fund revenue that will be available for administrative expenses through 2035.

Table 3. Administrative Expense Calculation			
Actual development fees through 12/31/2024			\$1,365,431.86
Actual interest through 12/31/2024			\$216,662.45
Development fees and interest projected 2025-2035	+		\$2,751,000.00
Less Payment in Lieu Funds	-		\$1,492,881.76
<b>Total</b>	=		<b>\$2,840,212.55</b>
Calculate 20 percent	x .20 =		\$568,042.51
Less administrative expenditures through 12/31/2024	-		\$479,564.16
<b>Projected maximum allowable for administrative expenses 06/30/2025 through 06/30/2035</b>	=		<b>\$88,478.35</b>

## Middle Township – Fourth Round Affordable Housing Trust Fund Spending Plan **DRAFT**

Middle projects that \$88,478.35 will be available for administrative expenses through 2035. However, since there is no certainty about the timing of revenue deposits, the Township will continue to calculate the maximum amount to be expended on administrative expenses yearly. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

1. Wait list management and general administration.
2. Administration of Down Payment Assistance Program by Administrative Agent
3. Establishment and Administration of Homeowner Association Fee Assistance Program by Administrative Agent
4. Establishment and Administration of the Very Low-Income Assistance program
5. Establishment, Implementation, Administration of Market to Affordable program
6. Fees for the sale of affordable units that are priced such that 3% of sale price is less than the Administrative Agent's minimum fee (Township pays the difference).
7. Preparation and Review of Affordable Housing Agreements, Resolutions, Deed Restrictions for affordable housing developments.
8. Preliminary engineering analysis for affordable housing sites
9. GIS mapping and analysis related to preparation and implementation of the Fair Share Plan.
10. Litigation expenses for the review and implementation of the Fourth Round Housing Element and Fair Share Plan.

### (d) Emerging Compliance Mechanisms (N.J.A.C. 5:97-8.11):

As Middle Township projects to have a surplus of funds beyond the minimum requirements to fully fund the rehabilitation program and the affordability assistance program, the Township will give consideration to mechanisms not currently identified in the May 2025 Housing Element and Fair Share Plan as new and unforeseen opportunities to provide additional affordable housing arise in the future. This may include providing funding assistance to a new 100% affordable project that has yet to be proposed by a developer, additional rehabilitation of existing deficient housing units, development of special needs housing, funding market to affordable conversions, or reallocating additional projected revenues towards affordability assistance programs.

The Township projects \$2,709,485.27 of flexible funds that may be available through the reporting period to be used for emerging mechanisms.



4. EXPENDITURE SCHEDULE

Middle Township intends to use affordable housing trust fund revenues for the creation and maintenance of affordable housing units, for affordability assistance, and for administration as set forth above. The Township will commit funds to specific programs as outlined above, or the plan will be amended.

TABLE 4. Projected Expenditure Schedule 2025-2035												
Programs	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Rehabilitation	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000		\$750,000
Affordability Assistance	\$76,485	\$76,485	\$76,485	\$76,485	\$76,485	\$76,485	\$76,485	\$76,485	\$76,485	\$76,485		\$764,848
Emerging Mechanisms		\$270,949	\$270,949	\$270,949	\$270,949	\$270,949	\$270,949	\$270,949	\$270,949	\$270,949	\$270,949	\$2,709,485
Administration	\$0	\$8,848	\$8,848	\$8,848	\$8,848	\$8,848	\$8,848	\$8,848	\$8,848	\$8,848	\$8,848	\$88,478
Total	\$151,485	\$431,281	\$431,281	\$431,281	\$431,281	\$431,281	\$431,281	\$431,281	\$431,281	\$431,281	\$279,796	\$4,312,812



**5. EXCESS OR SHORTFALL OF FUNDS**

The Township plans to implement the programs set forth in the Fourth Round Fair Share Plan and the Spending Plan incrementally with the funds that are available; and will ensure that the collected funds are spent consistent with the applicable rules and regulations and in a manner that advances the Township's affordable housing goals. The purpose of the Spending Plan is to plan for expenditure of monies in the Affordable Housing Trust Fund. N.J.A.C. 5:97-8.10(a)(9) requires that the spending plan address the "manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the plan". The Township will assess the status of the AHTF and implementation of the Fair Share Plan annually.

In the event more funds than anticipated are collected and the available funds exceed the amount necessary to implement the Fair Share Plan, the excess funds may be used to expand the programs described above.

**SUMMARY**

The Township of Middle intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the programs outlined in the Fourth Round Housing Element and Fair Share Plan dated May 2025 and this Spending Plan.

Middle anticipates collection of \$2,751,000.00 in additional revenues through 2035. The municipality has provided a plan to spend projected revenues on specific projects and programs. The exact timing of additional revenues is uncertain, but the estimate is realistic based on development trends in the Township. The Spending Plan will be amended if needed to adjust for changed needs or emergent opportunities for affordable housing production or assistance.

Table 5. Spending Plan Summary	
Balance as of December 31, 2024	\$1,561,811.91
<b>Projected Revenue 2025-2035</b>	<b>\$2,751,000.00</b>
Development Fees	\$2,625,000.00
Other Funds	\$0.00
Interest	\$126,000.00
Payment in Lieu	\$0.00
<b>TOTAL REVENUE</b>	<b>\$4,312,811.91</b>
<b>Expenditures</b>	
Rehabilitation	\$750,000.00
Affordability Assistance	\$764,848.29
Emerging Mechanisms	\$2,709,485.27
Administration	\$88,478.35
<b>TOTAL PROJECTED EXPENDITURES</b>	<b>\$4,312,811.91</b>
<b>REMAINING BALANCE</b>	<b>(\$0.00)</b>

Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

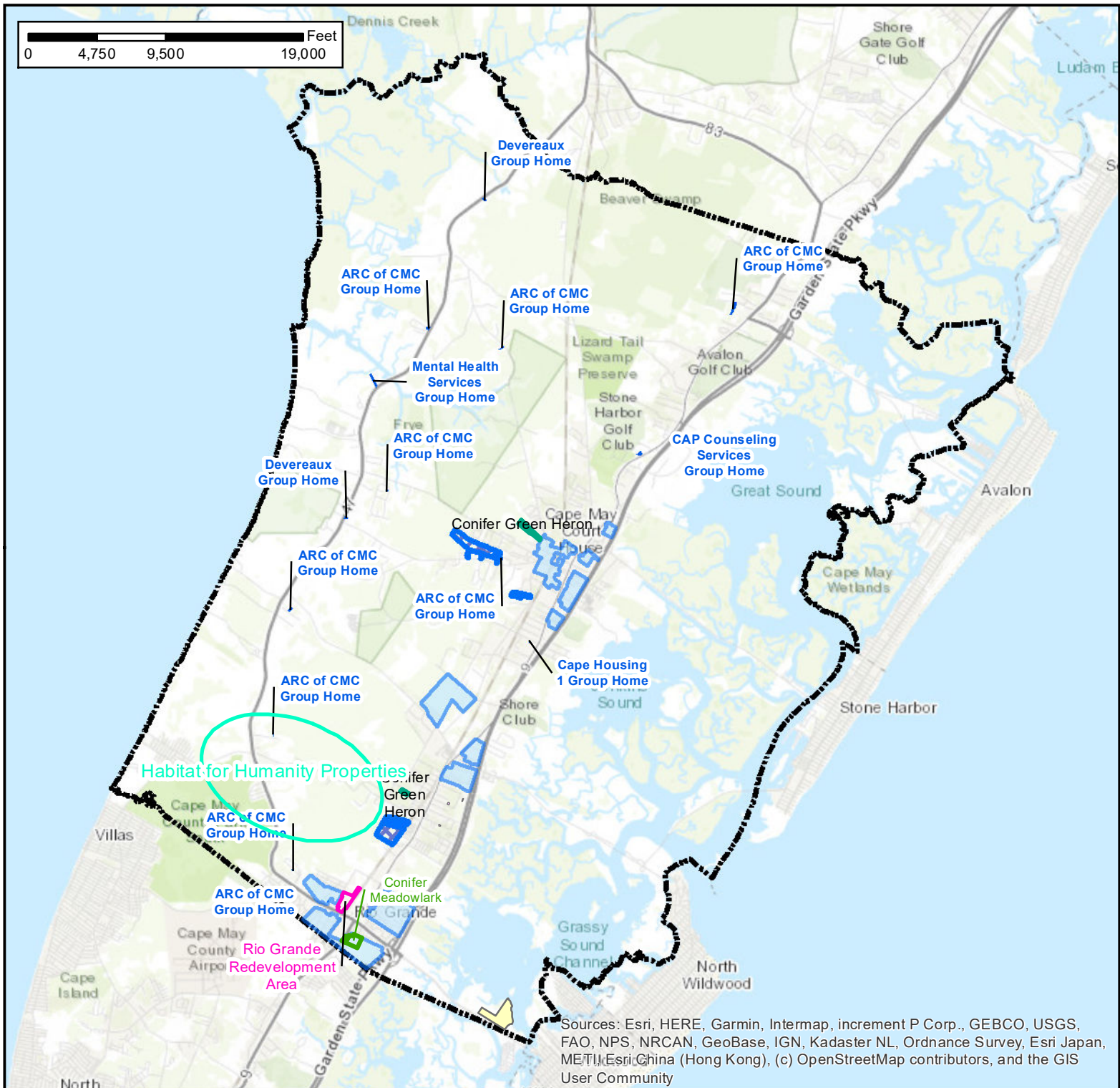
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**APPENDIX D-1**

Prior Round Projects Map

# Prior Round Projects

# Middle Township



## Middle Township Housing Plan

Middle Township  
Cape May County  
New Jersey

### Legend

- |                               |                           |
|-------------------------------|---------------------------|
| Prior Cycle Credits           | Town Residential Zone     |
| Conifer Meadowlark            | Proposed R to TR Rezoning |
| Conifer Green Heron           | Group Homes               |
| Rio Grande Redevelopment Area | Middle Township Border    |

Source:



CONSULTING & MUNICIPAL ENGINEERS

3141 BORDENTOWN AVENUE, PARLIN, N.J. 08859  
1460 ROUTE 3 SOUTH HOWELL, N.J. 07731  
3759 ROUTE 1 SOUTH SUITE 100, MONMOUTH JUNCTION, NJ 08852  
ONE MARKET STREET SUITE 1F, CAMDEN, NJ 08102

WWW.CMEUSAI.COM

DATE	SCALE	LAST REVISED	CREATED BY
06-10-25	1 inch = 9,505 feet	N/A	CD

Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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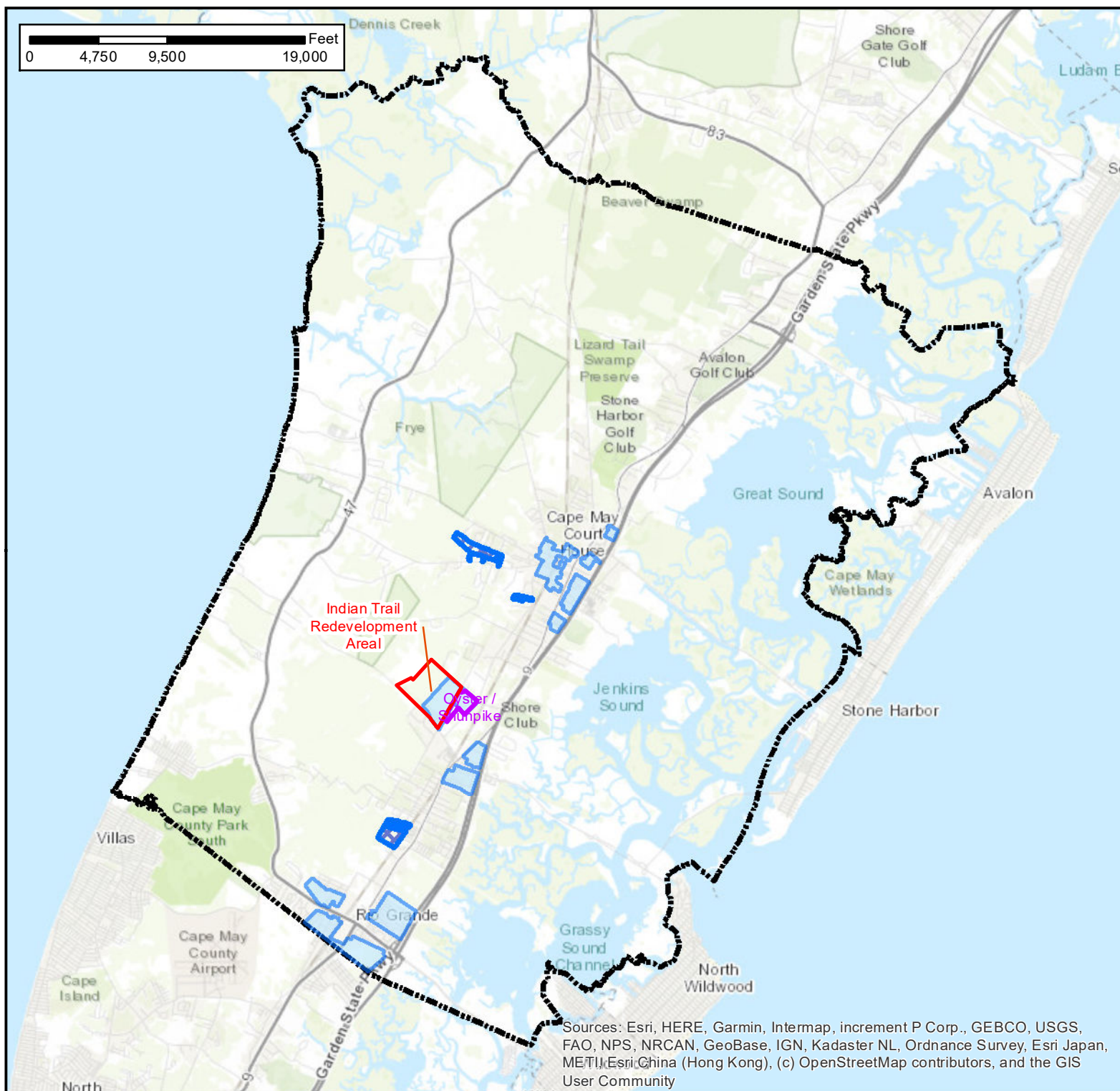
**APPENDIX D-2**

Third Round Projects Map



# Third Round Projects

# Middle Township



**Middle Township  
Housing Plan**

**Middle Township  
Cape May County  
New Jersey**

## Legend

- Indian Trail Redev. Area
- Oyster at Shunpike
- Town Residential Zone
- Expanded TR Zone
- Middle Township Border

Source:



CONSULTING & MUNICIPAL ENGINEERS

3141 BORDENTOWN AVENUE, PARLIN, N.J. 08859  
1460 ROUTE 3 SOUTH, HOWELL, N.J. 07731  
3759 ROUTE 1 SOUTH SUITE 100, MONMOUTH JUNCTION, NJ 08852  
ONE MARKET STREET SUITE 1F, CAMDEN, NJ 08102

WWW.CMEUSA.COM

DATE	SCALE	LAST REVISED	CREATED BY
06-10-25	1 inch = 9,505 feet	N/A	CD

Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

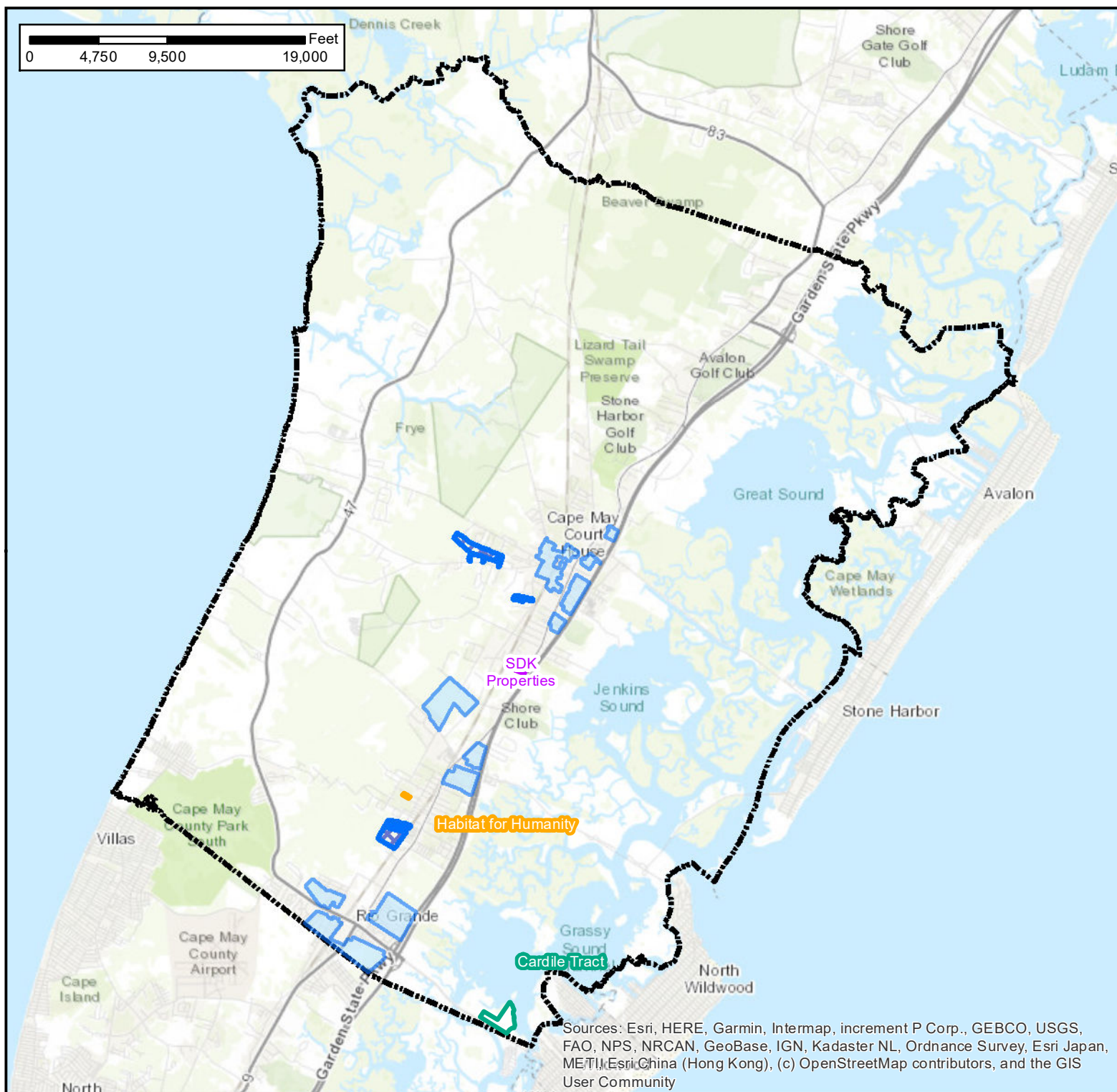
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**APPENDIX D-3**

Fourth Round Projects Map

# Fourth Round Projects

# Middle Township



Middle Township  
Housing Plan

Middle Township  
Cape May County  
New Jersey

## Legend

- |   |                |   |                        |
|---|----------------|---|------------------------|
|  | SDK Properties |  | Town Residential Zone  |
|  | Habitat Site   |  | Expanded TR Zone       |
|  | Cardile_Site   |  | Middle Township Border |

Source:



CONSULTING & MUNICIPAL ENGINEERS

3141 BORDENTOWN AVENUE, PARLIN, N.J. 08859  
1460 ROUTE 3 SOUTH, HOWELL, N.J. 07731  
3759 ROUTE 1 SOUTH, SUITE 100, MONMOUTH JUNCTION, NJ 08852  
ONE MARKET STREET, SUITE 1F, CAMDEN, NJ 08102

WWW.CMEUSA.COM

DATE	SCALE	LAST REVISED	CREATED BY
06-10-25	1 inch = 9,505 feet	N/A	CD



Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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**APPENDIX E-1**

Resolution Approving Tower and Atlantic Cape Development

**RESOLUTION #232340****ZONING BOARD OF ADJUSTMENT, TOWNSHIP OF MIDDLE  
COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

**WHEREAS**, the Middle Township Zoning Board of Adjustment conducted a regular meeting on March 13, 2025; and

**WHEREAS**, at that meeting the Middle Township Zoning Board of Adjustment heard and considered the application of Debra v. Tower and Atlantic Cape Builders, LLC (the "Applicant"), owner of the properties located at 6 Wildwood Avenue and 1226 Route 9 South, a/k/a Block 358, Lots 2-5 and 8 (the "Subject Property"), seeking a D(1) use variance in order to develop a total of ninety (90) residential units, consisting of seventy-two (72) market rate units and eighteen (18) affordable housing units located partially in the TB (Town Business) zone and partially in the TR (Town Residential) zone; and

**WHEREAS**, the Applicant has complied with all of the requirements of the Municipal Land Use Act and the procedural requirements of the Middle Township Zoning Board of Adjustment in order to prosecute this application; and

**WHEREAS**, at the March 13, 2025 meeting, the Middle Township Zoning Board of Adjustment carefully considered the application submitted as well as the following testimony and evidence:

1. The Applicant was represented by John Amenhauser, Esquire, who presented an overview of the Application, and outlined the relief sought in connection with same.
2. The subject properties are located at 6 Wildwood Avenue and 1226 Route 9 South, a/k/a Block 358, Lots 2-5 and 8.
3. The southern portion of the subject property is located in the TR zone and the northern portion in the TB zone.
4. Mr. Amenhauser informed the Board that the Applicant is only seeking a use variance at this time and will return to the Board, if approved, for preliminary and final major site plan approval and any required variances and/or waivers at a later date.
5. Rami Nassar, P.E., P.P. with Schaeffer Nassar Scheidegg Consulting Engineers, LLC, appeared on behalf of the Applicant. Mr. Nassar was accepted by the Board as an expert in the fields of engineering and planning, and he was placed under oath and testified from the proposed Variance Plan, consisting of two (2) sheets, dated October 14, 2024, and last revised December 2, 2024, which was received by the Board, and which is incorporated herein as fact.

6. Mr. Nassar reviewed the existing and proposed site conditions for the benefit of the Board.
7. He confirmed that the subject property is located adjacent to Route 9 and that it is a split-zoned parcel of land partially located in the TB and TR zones.
8. Mr. Nassar advised the Board that the Applicant is proposing to develop a total of ninety (90) units, and that the proposed development will comply with the Township's 20% set aside affordable housing requirement which necessitates that 20% of the units be comply with applicable affordable housing requirements.
9. Mr. Nassar further testified that a total of fifty-six (56) units are proposed within the TR zone and thirty-four (34) within the TB zone.
10. The units proposed within the TR zone are a permitted use; however, the units proposed within the TB zone trigger the need for a use variance.
11. Mr. Nassar advised the Board that the Applicant revised the proposed access to the development to provide two means of ingress and egress to the development off of Route 9.
12. He indicated that the drive aisles were reconfigured to address concerns raised by neighboring property owners located on Sand Dollar Drive.
13. Neighboring property owners raised concerns regarding the former location of the drive aisle which abutted residential properties.
14. Mr. Nassar testified that the revised plans relocated the drive aisle which addressed the concerns of neighboring property owners.
15. Mr. Nassar opined that the Applicant's proposal advances purposes of zoning outlined within the N.J.S.A. 40:55D-2, as it:
  - a. Encourages municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare as the use is permitted in a large portion of the subject property and the surrounding neighborhoods are primarily residential in nature; and
  - e. Promotes the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment as the site was identified by the Township as a parcel to be potentially developed with affordable housing units and the Applicant's proposal is consistent with this vision.

16. Mr. Nassar further opined that the Applicant's proposal presents no substantial detriments to the public good, and it will not impair the intent or purpose of the zone plan and zoning ordinance.
17. He indicated that the subject property is particularly suited to accommodate the proposed development as the majority of the units are located in the TR zone where the use is permitted.
18. A total of 4.3 acres of the subject property are located in the TR zone and approximately 2.75 acres are located in the TB zone.
19. Moreover, Mr. Nassar testified that the Applicant's proposal does not exceed maximum permitted density.
20. He confirmed that there is adequate off-street parking provided, and that the proposed development will include dedicated open space areas.
21. The Board was in receipt of a review memorandum prepared by the Board's Conflict Engineer Paul E. Dietrich, Sr. P.E., dated November 5, 2024, which is incorporated herein as fact.
22. Mr. Dietrich reviewed the content of the review memorandum, and he confirmed that the Applicant is only seeking a D(1) use variance at this time and will return to the Board at a later date for site plan review approval.
23. He indicated that the number of units increased slightly from when the Application was originally reviewed.
24. He also confirmed that the ingress/egress points and internal drive aisles were revised, and he took no issue with the modified proposal.
25. At the conclusion of the Applicant's presentation the Meeting was opened to the public for comment.
26. No members of the public spoke out in favor or against the application. Accordingly, the public portion of this application was closed.
27. Board Members questioned the design of the proposed townhomes and apartment building. Board Members indicated that the Applicant would need to vary the design of the proposed dwellings to provide architectural variety and to ensure that the development created a desirable visual environment.
28. John Klebaur, a member of Cape Atlantic Builders, LLC, appeared and he was placed under oath to testify before the Board.
29. Mr. Klebaur testified that the townhomes will contain a total of eight (8) units and each unit will be designed to ensure that each contains its own unique appearance while still maintaining a somewhat uniform appearance with the entire development.

30. He indicated that the units will utilize varying colors, stone veneer, and architectural elements that are aesthetically pleasing.

31. In response to a question posed by the Board, Mr. Klebaur testified that the townhomes will be limited to two (2) stories, and each will contain three (3) bedrooms and two (2) bathrooms.

**WHEREAS**, the Board, after hearing the testimony and reviewing the application and evidence submitted, made the following findings of fact and conclusions of law:

1. The Applicant was represented by John Amenhauser, Esquire.
2. The taxes are current on the subject properties and the notice requirements have been satisfied by the Applicant.
3. The subject properties are located at 6 Wildwood Avenue and 1226 Route 9 South, a/k/a Block 358, Lots 2-5.
4. The southern portion of the subject property is located in the TR zone and the northern portion in the TB zone.
5. The Applicant is proposing a development containing a total of ninety (90) units with a 20% affordable housing set aside.
6. Fifty-six (56) units are proposed within the TR zone and thirty-four (34) within the TB zone.
7. Of the proposed ninety (90) units, seventy-two (72) units will be sold at market-rate, and the remaining eighteen (18) units will comply with applicable affordable housing regulations.
8. The proposed residential use is permitted in the TR zone; however, it is not permitted in the TB zone requiring a D(1) use variance to permit same.
9. The Board is in receipt of a Variance Plan, prepared by Schaeffer Scheidegg Nassar Consulting Engineers, LLC, consisting of two (2) sheets, dated October 14, 2024, and last revised December 2, 2024, which was received by the Board, and which is incorporated herein as fact.
10. Rami Nassar, P.E., P.P. with Schaeffer Nassar Scheidegg Consulting Engineers, LLC, appeared on behalf of the Applicant. Mr. Nassar was accepted by the Board as an expert in the fields of engineering and planning, and he was placed under oath and testified before the Board.
11. Mr. Nassar reviewed the existing and proposed conditions for the benefit of the Board.
12. He provided testimony in relation to the requested use variance, and he outlined the basis upon which he believes the Applicant is entitled to relief.
13. The Applicant's proposal does not exceed the permitted density of the site.

14. The subject property was rezoned in connection with the Township's compliance with its affordable housing obligations, and the Applicant's proposal is consistent with the Township's Master Plan and its Housing Element and Fair Share Plan.
15. Mr. Nassar discussed the D(1) use variance noting that the site is particularly suited to accommodate the proposed residential use in the TR zone.
16. Mr. Nassar identified purposes of zoning which he contends are advanced which supports granting the relief sought by the Applicant.
17. He opined that there are no substantial detriments to the public good and the Applicant's proposal will not impair the intent or purpose of the zone plan or zoning ordinance.
18. The Board found Mr. Nassar's testimony to be credible and persuasive.
19. The Board also received testimony from John Klebaur, a member of Atlantic Cape Builders, LLC.
20. Mr. Klebaur confirmed and discussed the architectural features that will be incorporated into the design of the project.
21. Each townhome will contain a total of eight (8) units.
22. Each unit will contain unique architectural features that are consistent with the development as a whole. Varying colors will be utilized in connection with the proposed units.
23. The Board found Mr. Klebaur's testimony to be credible.
24. No public comment was received.
25. With respect to the D(1) use variance, the Board finds that the Applicant has presented special reasons which advance the purposes of zoning which justify the granting of the requested relief.
26. The Board specifically finds that the subject property is particularly suited to accommodate the proposed use.
27. The Board further finds that benefits of granting the relief sought by the Applicant outweigh any potential detriments to the public, and that there are no substantial detriments to the intent or purpose of the zoning ordinance or zone plan.
28. The Applicant will return to the Board at a later date to pursue preliminary and final site plan approval as well as any required variances and/or waivers.

**WHEREAS**, the Middle Township Zoning Board of Adjustment has determined that the relief requested by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and zoning ordinance;

**WHEREAS**, this Resolution is intended to memorialize the foregoing findings and conclusions made by the Board during its March 13, 2025 regularly scheduled meeting.

**NOW THEREFORE, BE IT RESOLVED** by the Middle Township Zoning Board of Adjustment on this 10<sup>th</sup> day of April, 2025, that the Application of of Debra v. Tower and Atlantic Cape Builders, LLC, owner of the properties located at 6 Wildwood Avenue and 1226 Route 9 South, a/k/a Block 358, Lots 2-5 and 8, seeking a D(1) use variance in order to develop a total of ninety (90) residential units, consisting of seventy-two (72) market rate units and eighteen (18) affordable housing units located partially in the TB (Town Business) zone and partially in the TR (Town Residential) zone, be and hereby is granted subject to the following terms and conditions:

1. All development shall be in accordance with the plans filed in connection with this Application.
2. The Applicant shall comply with and obtain any and all other governmental approvals required in connection with this project including, but not limited to, local, county, state and federal approvals.
3. The Applicant will comply with the comments and conditions outlined within the Board Engineer's November 5, 2024 report.
4. The Applicant shall comply with all zoning, building, and construction ordinances and codes.
5. The Applicant shall submit four (4) copies of revised/final plans, as appropriate, to the Board Secretary and digital copies of all revised plans for review and approval prior to obtaining permits.
6. At the discretion of the Middle Township Zoning Officer, the Township reserves the right to require the Applicant to obtain and submit an "as-built" survey upon completion of development and/or construction evidencing the exact location and height of structures to ensure said development is completed in accordance with the plans submitted and the resolution approved by the Board and as a condition of the issuance of a certification of occupancy.
7. All plans, exhibits and testimony presented to the Board in support of this application are hereby incorporated by the Board and relied upon in the entry of this decision.
8. Agreement by the Applicant to specific items not contained within the Resolution, which are otherwise set forth in the application, or which are contained within the record of the hearing of the application, are adopted by reference even though not set forth herein at length.
9. A copy of this Resolution shall be supplied to the Applicant and filed with the Township Clerk.

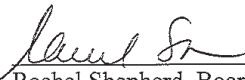
10. Notice of this decision shall be published in the official newspaper of the municipality by the secretary of the Board.
11. The Resolution shall take effect immediately subject to Applicant's compliance with the conditions set forth herein.

The following Board Members were present and voted at the March 13, 2025, meeting: M. DiPalantino, T. Repici, C. Brown, W. Crowther, A. Markle, C. Fitzmartin, K. Wuerker.

Presented by: M. DiPalantino

Seconded by: C. Brown

The foregoing Memorializing Resolution was passed by the Zoning Board of Adjustment of the Township of Middle at a meeting held on April 10, 2025. It memorializes a decision the Board reached on March 13, 2025.

  
\_\_\_\_\_  
Rachel Shepherd, Board Secretary  
Middle Township Zoning Board of Adjustment



Middle Township – Fourth Round Housing Plan Element & Fair Share Plan

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**APPENDIX E-2**

Resolution Approving Jasick Group Project

**RESOLUTION #241116****PLANNING BOARD, TOWNSHIP OF MIDDLE  
COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

**WHEREAS**, the Middle Township Planning Board conducted a regular meeting on March 11, 2025; and

**WHEREAS**, at that meeting the Middle Township Planning Board heard and considered the application of the Jasick Group, LLC (the "Applicant"), the contract purchaser of the property located adjacent to Dias Creek Road identified as Block: 163.01, Lot: 227 (the "Subject Property"), seeking preliminary major site plan approval, 'C' variance relief in relation to minimum lot width (200ft. is required whereas 50ft. is proposed), minimum lot frontage (200ft. is required whereas 50ft. is proposed), maximum front yard setback (30ft. is required whereas ± 400ft. is proposed), and minimum parking offset to a building (15ft. is required whereas 8ft. is proposed), in order to construct a 116-unit multi-family, townhouse-style residential development which will include a 20% affordable housing set aside; and

**WHEREAS**, the Applicant has complied with the requirements of the Municipal Land Use Act and the procedural requirements of the Middle Township Planning Board in order to prosecute this application; and

**WHEREAS**, at the March 11, 2025 meeting, the Middle Township Planning Board carefully considered the application submitted as well as the testimony and evidence presented as follows:

1. The Applicant was represented by Andrew Catanese, Esquire.
2. The subject property is located off of Dias Creek Road and it is identified as Block 163.01, Lot 227, in the Township's TR (Town Residential) zoning district.
3. The subject property is a 39.68 acre parcel of land that is currently vacant undeveloped land.
4. In connection with this Application the Board received the following plans, which are incorporated herein as fact:
  - a. Site Plans prepared by MV Engineering, LLC, consisting of seventeen (17) pages, dated February 29, 2024, and last revised February 25, 2025.
  - b. Soil Erosion and Sediment Control Plan prepared by MV Engineering, LLC, dated February 29, 2024, and last revised February 24, 2025.

- c. Landscape Plan prepared by J. Adamson & Associates, LLC, consisting of six (6) sheets, dated March 7, 2024, and last revised February 24, 2025.
  - d. Architectural Plans prepared by NVR, Inc, consisting of two (2) sheets.
  - e. Traffic Engineering Assessment prepared by Shropshire Associates, LLC, dated February 28, 2024.
5. Mr. Catanese outlined the nature of the application and the relief sought in connection with same.
  6. The Applicant is seeking preliminary major site plan approval and 'C' variance relief in order to construct a 116-unit residential development.
  7. The proposed development will consist of multi-family, townhouse style dwellings and residential flat units.
  8. The Applicant will comply with the Township's mandatory 20% affordable housing set aside Ordinance which requires that 24-units be Deed Restricted as affordable housing units.
  9. Mr. Catanese indicated that the proposed 116-unit development is a permitted use in the TR zone.
  10. He indicated that the development will be comprised of 92 townhouse style units and 24 residential flat units. All of the proposed residential structures will consist of 2-stories.
  11. Mr. Catanese informed the Board that the proposed density is well below what could be developed on site.
  12. Variance relief is sought in connection with the proposed lot width and frontage as 200ft. is required whereas 50ft. is proposed.
  13. The proposed development will be accessed off of Dias Creek Road via a private roadway that will not be dedicated to the Township.
  14. Variance relief is also sought to permit a maximum front yard setback of  $\pm$  400ft. whereas a maximum setback of 30ft. is required.
  15. A variance is also requested in connection with the required minimum parking buffer to a building as 15ft. is required whereas 8ft. is proposed.
  16. Mr. Catanese noted that the proposed development will provide compliant off-street parking, and additional overflow parking is also provided.
  17. He advised the Board that a total of 24-units will be designated as affordable housing units, and the remaining 92-units will be sold at market rate.

18. Leah Bruder, P.P. with LFB Land Planning appeared before the Board on behalf of the Applicant. Ms. Bruder was accepted by the Board as an expert in the field of land planning, and she was placed under oath to testify before the Board.
19. Ms. Bruder provided an overview of the TR zone, specifically its purpose and the types of uses that are permitted within the zone.
20. She advised the Board that the Applicant is proposing an inclusionary development along the north side of Dias Creak Road, west of Route 9.
21. Approximately one quarter of the 39.68-acre tract of land is located in a designated town center.
22. The eastern portion of the subject property is located in the sewer service area, and approximately 28-acres located on the western portion of the site will be preserved as open space.
23. Ms. Bruder testified that the subject property is surrounded by existing residential developments and open space.
24. She informed the Board that the proposed development will be comprised of 15 buildings consisting of 92-townhome style units, and 24 residential flat units.
25. She indicated that the residential flats will be designated as the affordable housing units within the development.
26. The Applicant intends to establish a Homeowners Association which will manage the developed property as well as the proposed private roadway providing access to the site off of Dias Creek Road. As a condition of approval, the Applicant must provide a copy of the Homeowner Association documents to the Board Solicitor for review and approval. The HOA documents must include specific language requiring that the HOA to maintain and repair the private roadway, Coral Road, require unit owners to store trash and recycling within their individual garages, and specifically require unit owners to utilize their garages primarily for parking purposes.
27. As a condition of approval, the transfer of units shall be prohibited until the Homeowner Association documents are reviewed and approved by the Board Solicitor, and recorded with the Cape May County Clerk's Office.
28. Ms. Bruder testified that the Applicant is proposing a density of 9.7 du/acre whereas the site is zoned to permit a maximum density of 12 du/acre which would permit the site to be developed with approximately 142-units.
29. The subject property was included in the Township's 2022 Housing Element and Fair Share Plan as a parcel to be developed with an inclusionary affordable housing development.

30. The Plan identified the Township's realistic development potential and established a mandatory 20% set aside Ordinance to provide for affordable housing units within the Township.
31. Ms. Bruder indicated that the subject property was rezoned from the Residential zone to the Town Residential zone following the adoption of the Housing Element and Fair Share Plan in accordance with Ordinances 1661-22 and 1662-22.
32. She advised the Board that the Applicant's proposal is consistent with the Housing Element and Fair Share Plan and the Township's Master Plan, and the proposal to provide 24 affordable units complies with the Township's affordable housing ordinance and Uniform Housing Affordability Controls governing the administration of affordable housing units and affordability controls.
33. The Applicant intends to contract with an administrative agent to market the affordable units after their construction.
34. Ms. Bruder testified that the affordable units will consist of 12 two-bedroom units, 50% of which will be provided for low-income households, and 12 three-bedroom units, 50% of which will be provided for moderate income households.
35. The affordable units will be constructed in phases during the overall development of the site and will comply with UHAC requirements.
36. She confirmed that the proposed structures will also comply with applicable design standards set forth in Township Ordinances § 250-632 - 635.
37. Ms. Bruder confirmed the three requested 'C' variances, noting that the lot frontage and width variances are technical in nature, and the variance associated with the proposed parking buffer will allow the Applicant to provide more off-street parking on site than what is required by the Ordinance.
38. Brian Murphy, P.P., P.E. with the MV Engineering, LLC appeared before the Board on behalf of the Applicant. Mr. Murphy was accepted by the Board as an expert in the fields of planning and engineering, and he was placed under oath and testified before the Board.
39. Mr. Murphy reviewed the existing site conditions for the benefit of the Board.
40. He advised the Board that the subject property was previously approved for a 24-lot subdivision for the development of single-family dwellings over 20 years ago.
41. The previously approved subdivision never came to fruition.
42. Mr. Murphy confirmed that the Applicant is proposing to develop a 116-unit inclusionary residential development which is below the permitted density of the site.

43. Two 50ft. wide access points will be provided for the proposed development; however, one of the access points will only be utilized for emergency vehicle access.
44. Mr. Murphy testified that a large portion of the site will remain undeveloped and will be preserved as open space.
45. Water service will be provided to the proposed development by connecting to the existing service located off of Dory and Chestnut Oak Drives, and sewer service will be provided by connecting to the existing main located off of Dory Drive.
46. Mr. Murphy testified that existing utility easements will be utilized for the water and sewer service, and the Applicant is proposing to construct a pump station on the western portion of the subject property.
47. In response to a question posed by the Board, Mr. Murphy testified that no smell will emanate from the pump station. The design of the pump station will be subject to the review and approval of the NJDEP and the Township Engineer.
48. He indicated that the County Health Department has reviewed and approved the proposed sewer system, and the Middle Township Sewer Department's review is pending.
49. Mr. Murphy advised the Board that a CAFRA permit has been received from the NJDEP.
50. Mr. Murphy testified that the access road for the subject property has been reviewed and approved by the County of Cape May as Dias Creek Road is a county right-of-way.
51. He informed the Board that the County is requiring the installation of deceleration and acceleration lanes, and he confirmed that the proposed turning radii have also been reviewed and approved.
52. Mr. Murphy testified that there are two existing single-family dwellings located adjacent to the proposed private roadway, and the Applicant is proposing to install driveway aprons for these properties while ensuring that no drainage issues are created through the development of the road. Access easements will also be provided to each homeowner for use of the private roadway. As a condition of approval, the Applicant must provide a copy of the proposed Deed of Easements to the Board Solicitor for review and approval prior to recording same with the Cape May County Clerk's Office.
53. With respect to the proposed emergency vehicle access road, Mr. Murphy indicated that the County requested that a gate be installed to prevent public use except by

public safety vehicles in the event there is a need to access the site in the event an emergency.

54. Mr. Murphy reviewed the proposed site plan for the benefit of the Board.
55. The private roadway is proposed to be identified as Coral Road and it will line up with Stagecoach Road, establishing a four-way intersection with Dias Creek Road.
56. Mr. Murphy testified that sidewalk will be provided along the east side of Coral Road.
57. Mr. Murphy reviewed the layout of the proposed development which he confirmed will consist of 92 townhouse-style units and 24 residential flat units. He presented a color rendering of the site depicting the layout of the proposed development which was received by Board, and which was marked as Exhibit A-1.
58. All units will have their own individual driveways and garages for parking, and parking will be provided in front of the residential flats.
59. Mr. Murphy testified that the proposed parking was calculated assuming that all of the units contained three (3) bedrooms which resulted in an excess of parking.
60. Additional parking spaces are interspersed throughout the development and there is guest parking provided on the far west side of the development.
61. A total of 271 parking spaces are required whereas 281 parking spaces are proposed. Several parking spaces will function as electric vehicle charging stations which allows the Applicant to count each space as 2 parking spots.
62. He confirmed that a total of 8 electric vehicle parking spaces are provided within the development.
63. The Applicant is requesting a variance in relation to the minimum parking buffer to buildings to facilitate the additional off-street parking within the development.
64. Mr. Murphy testified that the parking buffer variance has no detrimental impact on the development or any neighboring properties considering the development will be private.
65. In response to a question posed by the Board, Mr. Murphy confirmed that all parking spaces measure 9ft. x 18ft.
66. Mr. Murphy testified that the 50ft. lot frontage and width are a byproduct of the irregular shape of the subject property.
67. He indicated that the proposed residential structures are setback approximately 400ft. whereas the maximum front yard setback in the zone is 30ft.
68. With respect to lighting, a total of 25 freestanding, lantern-style lights are proposed throughout the development.



69. Mr. Murphy distributed a landscaping plan which was received by the Board, and which was marked as Exhibit A-2.
70. In response to a question by the Board, Mr. Murphy confirmed that the Applicant would coordinate with the Board Engineer's office to ensure that the proposed landscape plan is consistent with the requirements set forth within the Township's Ordinance.
71. In response to a question posed by the Board, Mr. Murphy testified that the Homeowners Association will ensure that appropriate arrangements are made for the collection of trash and recycling.
72. He indicated that the townhouse style units will store trash and recycling in their respective garages and the residential flats will be provided trash corrals.
73. Mr. Murphy reviewed the proposed stormwater management plan, which is subject to the review of the NJDEP, for the benefit of the Board.
74. He indicated that the site will be graded to taper to the west, and a total of 6 storage basins are proposed around the perimeter of the site. These basins will collect and store stormwater which will then flow to a larger basin to the west, to be dispersed wetlands located on site.
75. The development was designed to incorporate stormwater collection systems with underground pipes.
76. As a condition of approval, the Applicant must provide a detailed Drainage Maintenance Plan to the Board Engineer for review and approval, and same must be recorded with the Cape May County Clerk's Office.
77. Mr. Murphy advised the Board that the NJDEP has reviewed and approved the proposed system.
78. He noted that the basins will be extensively landscaped and they will each be surrounding by a 4ft. aluminum picket fence.
79. A white vinyl fence is also proposed along the north and south property lines to provide a visual buffer of the development to neighboring properties.
80. Mr. Murphy testified that no development is proposed within 50ft. of the property lines which complies with the Township's Ordinance, and existing and proposed landscaping will serve as an additional visual and noise buffer to the neighboring properties.
81. He informed the Board that approximately three quarters of the site will be the subject of a conservation restriction that is provided to the NJDEP ensuring that a large portion of the site will never be developed. As a condition of approval, the Applicant



must provide a copy of the Deed of Conservation Restriction provided to the NJDEP to the Board Solicitor for review prior to recording same with the Cape May County Clerk's Office.

82. Mr. Murphy presented architectural renderings and building elevations depicting the proposed residential structures.
83. He discussed in detail the design features that will be incorporated which consist of dormers, varying roof pitches, and different color patterns to create a unique and desirable visual environment. As a condition of approval, the Applicant must ensure that the proposed residential units incorporate varying color patterns to differentiate the units to ensure a unique and desirable visual environment.
84. The individual units will be offset by approximately 4ft. to create visual interest, and the structures will be limited to 2 stories whereas 2.5 stories could be constructed on site.
85. Ms. Bruder provided additional testimony in support of the requested variances.
86. She reviewed and confirmed the variance relief identified by Mr. Murphy.
87. Ms. Bruder testified that the shape of the subject property and the dimensions of the roadway result in a lot frontage and width of 50ft. along Dias Creek Road whereas 200ft. is required.
88. Ms. Bruder testified that if the proposed development consisted of fee simple townhouses, the required lot frontage and width would be reduced to 20ft. and the site would comply.
89. Moreover, the subject property is somewhat irregular in that it contains two narrow portions that connect to Dias Creek Road.
90. She indicated that the proposed front yard setbacks measured to the residential structures measure between 300ft. and 600ft. whereas a maximum front yard setback of 30ft. is permitted.
91. Ms. Bruder opined that the Applicant is experiencing a hardship due to the narrowness of the lot and its irregular shape which presents practical difficulties and prevent the Applicant from complying with the requirements of the Ordinance.
92. She testified that there is no conceivable way for the Applicant to comply with the lot frontage and width requirements or the maximum front yard setback as there is no available land to purchase.
93. Mr. Bruner further opined that several of the purposes of zoning, outlined within N.J.S.A. 40:55D-2, are advanced in connection with this application and support the relief sought by the Applicant as it:

- a. Encourages municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- e. Promotes the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment; and
- g. Provides sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.
- i. Promotes a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. Promotes the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land; and
- m. Encourages coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

94. In addition, Ms. Bruder testified that the Applicant's proposal presents no substantial detriments to the public good nor will it impair the intent or purpose of the Township's zone plan or zoning ordinance.

95. She also reiterated that the proposed project is an inclusionary development which addresses the Township's affordable housing needs, the site itself was identified by the Township as a location for the type of development proposed, and it is consistent with the surrounding neighborhood.

96. In response to a question posed by the Board, Ms. Bruder indicated that the affordable housing units would be the subject of a deed restriction ensuring that they remain affordable units for a period of at least 30 years. As a condition of approval, the Applicant must coordinate with the Township's affordable housing attorney, Michael Jedziniak, Esquire, to ensure compliance with applicable Township Ordinances, and a Deed Restriction must be filed for the affordable housing units, which must be reviewed and approved by Mr. Jedziniak prior to recording same with the Cape May County Clerk's Office.

97. In response to a question posed by the Board regarding the potential to subdivide the property, Mr. Murphy testified that a subdivision may eliminate the need for variance relief, but it would require the Township to maintain Coral Road, and it would change the character of the development proposed by the Applicant.
98. The Board received a review memorandum prepared by Board Engineer Vincent C. Orlando, P.E., P.P., L.L.A., C.M.E. of Engineering Design Associates, P.A., dated March 10, 2025, which was received by the Board, and which is incorporated herein as fact. As a condition of approval, the Applicant will comply with the comments and conditions outlined within Mr. Orlando's report, specifically the comments/conditions associated with the proposed grading plan and stormwater management system.
99. Mr. Orlando confirmed the relief sought by the Applicant, and he confirmed that the majority of the requested 'C' variances are associated with pre-existing non-conforming conditions.
100. Mr. Orlando reviewed and confirmed the requested variances for the benefit of the Board.
101. Mr. Orlando advised the Board that the proposal seeks to develop a walkable community and he indicated that the proposed interior setbacks meet the intent of the Ordinance.
102. He took no issue with the requested variance associated with the minimum parking buffer to buildings as it facilitates additional parking and has no impact on neighboring properties.
103. He confirmed that the Applicant's plan provides a minimum of 10% open space, and that playground elements are incorporated within the site.
104. As a condition of approval, the Applicant must submit a phased development plan at the time that final major site plan approval is sought if phased development is proposed.
105. Mr. Orlando recommended that the sewer system be maintained by the Homeowners Association.
106. He also confirmed that the residential structures comply with the design feature requirements outlined within Township Ordinance § 250-636(a).
107. At the conclusion of the Applicant's presentation the Meeting was opened to the public for comment. A total of 12 individuals addressed the Board in connection with this Application, namely:
- a. Chris Florentz, owner of the property located at 459 Dias Creek Road, appeared and he was placed under oath to testify before the Board. Mr.

Florentz expressed concerns about traffic issues and an increased volume of vehicles that he believed the proposed development would create. He expressed concerns about a potential strain on municipal services and about the overall density of the development. He indicated that he believed that the proposal, if approved, would have a negative impact on the character of the existing neighborhood.

- b. Mary Koch, owner of the property located at 39 Dory Drive, appeared and she was placed under oath to testify before the Board. Ms. Koch questioned the setbacks between the development and her residence, and she was assured that the Applicant's proposal complied with the requirements of the Ordinance. She questioned the phasing of development and impacts that the proposal would have on sewer and water service.
- c. Michael Lafferty, owner of the property located at 33 Dory Drive, appeared and he was placed under oath to testify before the Board. Mr. Lafferty questioned the existence of easements that will allow for water and sewer service to the subject property. He expressed concerns about potential drainage issues. He indicated that he that fencing and landscaping should be provided to prevent neighbors from seeing the proposed development.
- d. Gary Rhile, owner of the property located at 52 Stagecoach Road, appeared and he was placed under oath to testify before the Board. Mr. Rhile expressed significant concerns about traffic safety at the intersection at Dias Creek Road. He raised concerns about the density of the proposed development and the fact that it would be out of character with the rural character of Dias Creek Road and Stagecoach Road.
- e. Andrew Handrus, owner of the property located at 23 Dory Drive, appeared and he was placed under oath to testify before the Board. Mr. Handrus raised concerns about the fact that there are wetlands on the subject property. He indicated that he believed that the proposed development would exacerbate existing drainage issues impacting his property. He questioned how the Applicant would adequately maintain the development and the stormwater basins. He indicated that he felt that the proposal would have a detrimental impact on wildlife.
- f. Eric Kane, owner of the property located at 27 Dory Drive, appeared and he was placed under oath to testify before the Board. Mr. Kane questioned the

existence of easements that will allow for water and sewer service to the subject property.

- g. Bob Ellis, owner of the property located at 14 Woodside Drive, appeared and he was placed under oath to testify before the Board. Mr. Ellis questioned the stormwater system design. He indicated that he believed that the design would increase drainage and ponding issues, and that it would have a negative impact on the community and his property.
- h. Will Semcheck, owner of the property located at 13 Dory Drive, appeared and he was placed under oath to testify before the Board. Mr. Semcheck raised concerns about the density of the project. He indicated that the development would have a negative impact on public safety. He discussed aspects of the development which he believed would create fire safety issues. He questioned the length of a fence along the property line, and indicated the he felt that individuals from the development would trespass on his property.
- i. Louis Donofrio, owner of the property located at 11 Domi Drive, appeared and he was placed under oath to testify before the Board. Mr. Donofrio indicated that the development would have a negative impact on the character of the existing neighborhood. He raised concerns about infrastructure maintenance and the ability of an association to properly maintain the development.
- j. Deborah Schaeffer, owner of the property located at 19 Dory Drive, appeared and she was placed under oath to testify before the Board. Ms. Schaeffer expressed concerns about negative impacts to the community, and the reduction of the privacy that she currently enjoys. She indicted that she was opposed to the development and believed that it would have a substantial impact on her quality of life.
- k. Linda Guido, owner of the property located at 21 Dory Drive, appeared and she was placed under oath to testify before the Board. She expressed concerns about the density of the development and the inclusion of affordable housing. She reiterated the prior concerns raised by other members of the public.
- l. Charles Sandman, Esquire, appeared on behalf of Mitch Hand and Guy Sudell, owners of the private properties located adjacent to Coral Road. Mr. Sandman advised the Board that his clients had significant concerns about the proposed development and impacts to their property. He indicated that he recently met with the Applicant's attorney and many, if not all, of his client's concerns had been satisfactorily addressed. Mr. Sandman indicated that his client's were

requesting the following action/relief from the Applicant to address their concerns (it should be noted that these are private conditions agreed upon by the parties and they are not specifically imposed by the Board):

- i. Additional fencing and landscaping will be provided between the Sudell property and the subject property to ensure an adequate visual barrier is established.
- ii. Additional fencing will be provided adjacent to the Hand property to be tied into fencing provided along the private access road, Coral Road.
- iii. A 6ft. fence will be erected along the private access road, Coral Road.
- iv. The Applicant will install speed bumps along the access road.
- v. The Applicant will provide City water to both the Hand and Sudell residences.

108. No additional members of the public spoke out in favor or against the application. Accordingly, the public portion of this application was closed.

109. Mr. Catanese provided a brief closing noting that the objections were primary associated with the type of development, which is permitted in the zone, rather than the variances that are sought to facilitate same.

**WHEREAS**, the Board, after hearing the testimony and reviewing the application and evidence submitted, made the following findings of fact and conclusions of law:

1. The Applicant is the owner of the subject property and has standing to come before the Board.
2. The taxes are current on the subject property and the notice requirements have been satisfied by the Applicant.
3. The Applicant was represented by Andrew Catanese, Esquire.
4. The subject property is located off of Dias Creak Road and it is identified as Block 163.01, Lot 227, in the Township's TR (Town Residential) zoning district.
5. It is a 39.68acre parcel that is currently vacant undeveloped land.
6. The Applicant submitted the following plans for review:
  - a. Site Plans prepared by MV Engineering, LLC, consisting of seventeen (17) pages, dated February 29, 2024, and last revised February 25, 2025.
  - b. Soil Erosion and Sediment Control Plan prepared by MV Engineering, LLC, dated February 29, 2024, and last revised February 24, 2025.
  - c. Landscape Plan prepared by J. Adamson & Associates, LLC, consisting of six (6) sheets, dated March 7, 2024, and last revised February 24, 2025.