



# **Township of Millburn Essex County Round 4: Housing Element and Fair Share Plan**

Prepared For:



Township of Millburn  
375 Millburn Avenue

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## Acknowledgements

Mayor  
Annette Romano

Township Administrator  
Alexander McDonald

Township Council  
Michael Cohen  
David Cosgrove  
Frank Saccomandi  
Ben Stoller

Planning Board  
Gaston Ryan Hauptert  
Srini Vijay  
Corey Biller  
Alison Canfield  
Debra Nevas  
Michael Zion  
Jorge Mastropietro  
Jonathan Baxter  
Sergei Sivtsov  
Michael Cohen  
Frank Saccomandi

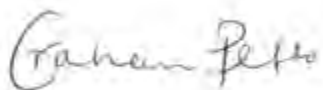
Planning Board Attorney  
Steven Warner, Esq.

Affordable Housing Counsel  
Jarrod Kantor, Esq.

Township Clerk  
Christine Gatti

Planning Board Secretary  
Eileen Davitt

Prepared by:



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Graham Petto, AICP/PP

Planner License No. 33LI00633500

Supporting Stuff: Sahana Kumar, Planner I

*The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.*

## Table of Contents

I.	Introduction.....	4
A.	History of New Jersey Affordable Housing Policy .....	4
B.	Housing Element and Fair Share Plan Requirements .....	7
II.	Housing Element: Municipal Summary .....	9
A.	Housing Conditions.....	10
	Table 1: Year Structure Built.....	11
	Table 2: Housing Condition .....	11
	Table 3: Value for Owner-Occupied Housing Units .....	12
	Table 4: Housing Cost Burden, 2023.....	12
	(Monthly Costs as Percentage of Household Income).....	12
	Table 5: Housing Tenure and Occupancy .....	13
	Table 6: Occupants Per Room + Inadequate Units in Occupied Housing Units .....	13
	Table 7: Housing Type and Size .....	14
	Table 8: Number of Bedrooms Per Unit.....	14
B.	Housing Projections.....	15
	Table 10: Housing Unit Projection .....	15
	Figure 1: Existing Land Use Map .....	16
	Figure 2: Existing Zoning Map.....	17
C.	Demographic Characteristics .....	17
	Table 11: Historic Population Growth.....	18
	Table 12: Population by Age.....	18
	Table 13: Population by Housing Type .....	19
	Table 14: Residents Place of Birth .....	20
	Table 15: Household Median Income.....	20
	Table 16: Poverty Status .....	20
D.	Multigenerational Housing Continuity .....	21
E.	Employment Data .....	21
	Table 21: Employment Projection .....	22

III. Fair Share Plan: Obligations and Compliance Plan .....	23
A. Introduction and Fourth Round Changes .....	23
B. Prior Round Need Compliance “Look Back” (2015-2025) .....	24
C. Present and Prospective Need Obligation (2025-2035) .....	25
Table 18: Projects Description and Suitability Analysis .....	27
Figure 3: Prospective Need Projects Map (Downtown) .....	31
Figure 4: Prospective Need Projects Map (JFK Parkway) .....	32
Figure 5: Prospective Need Projects Map (16 Bleeker Street) .....	33
Table 19: Summary of Fourth Round Compliance Mechanisms, RDP & Likely to Redevelop .....	34
IV. Appendices .....	36
Appendix A – Order Affirming Fourth Round Obligations .....	37
Appendix B – Vacant Land Adjustment .....	38
Appendix C – Third Round Settlement Agreement .....	39
Appendix D – Zoning Amendments (or redevelopment plans, if applicable) .....	40
Appendix E – Affordable Housing Ordinance .....	41
Appendix F – Development Fee Ordinance .....	42
Appendix G – Affirmative Marketing Plan .....	43
Appendix H – Spending Plan .....	44
Appendix I – Resolution appointing the Municipal Affordable Housing Liaison .....	45
Appendix J - Resolution appointing an Administrative Agent .....	46

## I. Introduction

This Housing Element and Fair Share Plan will exhibit the Township of Millburn (herein the “Township” or “Millburn”) commitment to providing affordable housing within the municipality. This document seeks to frame Millburn’s efforts based on the current best knowledge of the affordable housing framework created by the State, applicable past rules established by the Council on Affordable Housing (COAH), and the requirements of P.L.2024, c.2<sup>1</sup> (the “Law” or “Amended Law”) which governs municipal responsibilities concerning provisions of affordable housing in the Fourth Round.

This Plan has three sections. The first section (“Introduction”) includes a brief history of New Jersey Housing Policy. The second section (“Housing Element”) includes a Demographic Analysis, Housing Inventory, Employment Analysis, and review of land uses and policies, as required by statute. The third section (Fair Share Plan) summarizes the Township’s affordable housing obligations for 2025-2035 and its plan for complying with these obligations.

### A. History of New Jersey Affordable Housing Policy

#### 1975 – 1985 | Mount Laurel Doctrine and the Fair Housing Act

In 1975 the New Jersey Supreme Court decided *Southern Burlington County NAACP v. the Township of Mount Laurel*, more commonly referred to as “Mount Laurel I,” wherein it interpreted the New Jersey Constitution to create an affirmative obligation for developing municipalities to provide a “realistic opportunity for the construction of low- and moderate-income housing in their communities.” In 1983, the New Jersey Supreme Court expanded the obligation from only developing municipalities to all municipalities in a decision commonly referred to as “Mount Laurel II”. In addition, the Supreme Court required the establishment of each municipality’s fair share obligation and required each municipality, through its zoning, to provide a realistic opportunity for the construction of that established fair share obligation. Subject to several prerequisites, conditions and requirements, Mount Laurel II also created the “builder’s remedy” as a mechanism to enforce the doctrine in instances where a developer successfully demonstrated a municipality’s zoning failed to create the requisite realistic opportunity. Under such circumstances, a plaintiff may be entitled to have its site rezoned for an inclusionary development with an affordable set aside if the site is available, developable, approvable, and suitable for the proposed project and all other requirements for a successful builder’s remedy are met and all defenses defeated.

In 1985, in response to Mount Laurel II and the flood of litigation stemming from it, the Legislature adopted the Fair Housing Act (“FHA”) to discourage litigation and incentivize voluntary compliance (see N.J.S.A. 52-27D-303). The FHA established, among other things, the

<sup>1</sup> [https://pub.njleg.state.nj.us/Bills/2024/PL24/2\\_.PDF](https://pub.njleg.state.nj.us/Bills/2024/PL24/2_.PDF)

Council on Affordable Housing (“COAH”) as an administrative alternative to litigation and judicial intervention. COAH was charged with establishing various housing regions in the state, estimating regional affordable housing obligations, and adopting criteria and guidelines for the municipal determination of housing need as well as guidelines for satisfying those obligations. The FHA also linked municipal planning and zoning powers to the satisfaction of affordable housing obligations. Under the FHA, a municipal zoning ordinance is presumptively invalid if a municipality fails to adopt a housing element as part of its master plan or enacts zoning regulations that are inconsistent with their housing plan.

1987 – 2004 | Establishment and Administration of First Round and Second Round COAH Rules

After the adoption of the Fair Housing Act, COAH adopted procedural and substantive rules to effectuate the FHA’s legislative intent in both the First Round (1987-1993) (N.J.A.C 5:91 and 5:92) and Second Round (1993-1999) (N.J.A.C. 5:93). The Second Round substantive regulations (Chapter 93) superseded the First Round substantive regulations (Chapter 92) and recalculated the First Round obligations. Under COAH’s regulations, low-income households were defined as those with incomes no greater than 50 percent of the area median income (AMI), adjusted for household size, and moderate-income households were those with incomes no greater than 80 percent and no less than 50 percent of the median household income. AMI limits were calculated based upon housing regions as established by COAH.

2004 – 2010 | Third Round Litigation and Revisions

In December 2004, COAH promulgated its Third Round “Growth Share” methodology, which adjusted prior round obligations and devised a new system for projecting future municipal housing obligations. Growth Share obligations were based upon municipal growth and the Third Round was defined as the period of 1999-2014. The initial Growth Share methodology required municipalities to provide one affordable housing unit for every eight market rate units and one affordable unit for every 25 jobs created. In January 2007, the Appellate Division invalidated the Growth Share Methodology and required COAH to revise its rules, which it did in May 2008 via the Third Round substantive regulations of Chapter 97.

The FHA was subsequently amended in July 2008. This round of amendments, among other things, eliminated Regional Contribution Agreements and reduced non-residential development fees. In September 2008, Executive Order #114 was which amended the COAH rules to ensure consistency with the Highlands Regional Master Plan.

2010 – 2023 | COAH’s Noncompliance and Resumption of Court Responsibility

During this period, there was inaction and increased uncertainty in the realm of affordable housing.

After taking office Governor Chris Christie signed Executive Order No. 12, establishing the Housing Opportunity Task Force and charging them with a full review of the Fair Housing Act, COAH, and COAH’s regulatory structure. Ultimately, the task force recommended a model



which included adjusted definitions of present and prospective need, a benchmark of 10 percent growth predicted by the State Planning Commission to guide obligations and transferring of procedural responsibility from COAH to the Home Mortgage Finance Agency (HMFA).

Further complicating matters, in October 2010, the Appellate Division invalidated a substantial portion of COAH's rules. Most notably, the Court invalidated the Third Round Growth Share methodology and ordered COAH to revise its rules in accordance with the decision. In addition, the Court prohibited certification of housing plans that rely upon municipally sponsored affordable housing projects without specified funding and required COAH to create an incentive structure for inclusionary developments.

In January 2011, the legislature passed S-1 / A-3447, which was subsequently vetoed. Then, in June Governor Christie issued a reorganization plan which transferred the administration of the State's affordable housing program from COAH to the New Jersey Department of Community Affairs. Upon challenge by the Fair Share Housing Center, the Appellate Court invalidated Governor Christie's Reorganization Plan in March 2012. The Supreme Court upheld this decision in July 2013.

In September 2013, the Supreme Court confirmed the invalidation of the previously adopted Third Round regulations, upholding that the methodology used for projecting housing needs in these rules was unconstitutional. In that ruling, the court established a February 2014 deadline for development and adoption of new COAH rules, which was eventually extended to November 2014. Significantly, no rules were adopted.

In March 2015, in the case entitled *In re: Adoption of N.J.A.C. 5:96 & 5:97*, 221 N.J. 1 (2015), more commonly referred to as "Mount Laurel IV" the State Supreme Court determined that COAH was "moribund" and unable to carry out its duties as intended by the Fair Housing Act. The Court further held "that the courts may resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations."

Thus, the Court designed a transitional process whereby municipalities could seek judicial approval of their HEFSPs. Those transitional procedures gave municipalities the choice whether to seek compliance voluntarily via a Declaratory Judgment (DJ) Action or to not file a DJ Action and risk being sued. During this period, and in the absence of COAH, many municipalities entered into court-mediated Settlement Agreements involving the Fair Share Housing Center.

2024 – Present | Adoption of P.L.2024, c.2 and Fourth Round Methodology Changes and Department of Community Affairs

With the impending end of the Third Round in 2025, there was a push at the State level to implement new legislation that would reorganize the affordable housing process and end the transitional and court-oriented process initiated by Mount Laurel IV. The result of this effort was A-4 / S-50, which was signed into law by Governor Phil Murphy on March 20, 2024. This

legislation created a framework to be used for the Fourth Round and beyond. In summary, the Law:

1. Abolishes the Council on Affordable Housing ("COAH") and transfers its duties to the DCA and the Administrative Office of the Courts ("AOC");
2. Enables the DCA to implement the judicial methodology provided by Judge Mary C. Jacobson, A.J.S.C. in her March 8, 2018 decision, *In re Application of Municipality of Princeton* (the "Princeton Case"), to calculate every municipality's affordable housing obligation for the Fourth Round;
3. Creates the Affordable Housing Dispute Resolution Program (the "Program") to oversee disputes and provide for mediation; and
4. Expands the availability of bonus credits, while eliminating the previously offered "rental bonus credit." Bonus credits are further described in this Housing Element and Fair Share Plan.
5. Modifies applicable data and calculations underlying the methodology for calculation of affordable housing obligations, eliminating the prior dependence of Courts and court-appointed Special Masters to deploy accepted methodologies to determine each municipality's affordable housing obligation.
6. Sets timeframes under which municipalities must act to preserve immunity from exclusionary zoning litigation.

Critically, the Amended Law requires that municipalities adopt a housing element and fair share plan no later than June 30, 2025, to maintain immunity from exclusionary zoning litigation.

## **B. Housing Element and Fair Share Plan Requirements**

### *Municipal Land Use Law ("MLUL") + Fair Housing Act ("FHA")*

The MLUL, through incorporation of the New Jersey FHA, requires municipalities to include a housing element in their master plans as a prerequisite to the zoning power. The principal purpose is to enumerate and provide the data, policies, and methods by which municipalities will meet housing needs, with particular attention to low- and moderate-income households.

Pursuant to Section 10 of P.L.1985, c.222 (C.52:27D-310) and as amended per Bill P.L.2024, c.2<sup>2</sup>, as amended, the required contents of the housing element shall contain at least:

- 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*

<sup>2</sup> [https://pub.njleg.state.nj.us/Bills/2024/PL24/2\\_.PDF](https://pub.njleg.state.nj.us/Bills/2024/PL24/2_.PDF)



*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; and*
- 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.*

In addition to the statutory components of the Housing Element and Fair Share Plan detailed in 52:27D-310, [Administrative Directive #14-24](#)<sup>3</sup>; which promulgated the procedures and guidelines for implementing the Affordable Housing Dispute Resolution Program; contains a section entitled “Required Elements of Housing Element and Fair Share Plan.” In summary, the Directive requires four additional elements of the HEFSP to be included:

1. A site suitability analysis for any inclusionary zone and/or 100% affordable site
2. A concept plan for site development of any proposed inclusionary zone.
3. A detailed review of the credit worthiness of all existing units in the municipality
4. All ordinances and resolutions required to implement the plan attached as an Appendix to the HEFSP.

However, it should be noted that the requirement to adopt all implementing ordinances to effectuate the HEFSP as set forth in the Fair Housing Act is March 15, 2026. Given this discrepancy of the dates, the statutory necessity of implementing ordinances to be reviewed by the Planning Board and deemed consistent with this adopted HEFSP, and the potential for challenges to the HEFSP as adopted, such ordinance amendments will be prepared following adoption of this plan element.

## II. Housing Element: Municipal Summary

Millburn Township is roughly 9.89 square miles in area and is in Essex County. For regional and planning purposes, Millburn is located in Housing Region 2, a region that consists of Essex, Morris, Union and Warren counties.

In compiling the analysis for the Housing Element, this report utilizes the following data:

1. American Community Survey (“ACS”): The most up to date information is the ACS estimates, which are generated between the decennial censuses. ACS figures are based on data collected over a 5-year time period. The estimates represent the average characteristics of population and housing between 2018-2023 and DO NOT represent a single point in time. Comparisons will be made with the 2018-2023 ACS to show change over time. See URL link<sup>4</sup> utilized in this HEFSP.
2. Decennial Census: Every ten years, the Census conducts detailed data collection to create an image that is as accurate as possible of the conditions throughout the country in that year.

<sup>3</sup> [https://www.njcourts.gov/sites/default/files/administrative-directives/2024/12/dir\\_14\\_24.pdf](https://www.njcourts.gov/sites/default/files/administrative-directives/2024/12/dir_14_24.pdf)

<sup>4</sup> <https://data.census.gov/table>

Data from the decennial census is used for comparison when equivalent ACS information is unavailable, as well as for longitudinal analysis. See URL link<sup>5</sup> utilized in this HEFSP.

3. North Jersey Transportation Planning Authority ("NJTPA"): Every four years, the NJTPA updates its regional forecasts for population, households and employment as part of updating its long range transportation plan (LRTP), the region's blueprint for transportation investment. See URL link<sup>6</sup> utilized in this HEFSP.
4. State or Other Agency Sources: for select data types, State sources are used instead of the Census Bureau when equivalent Census data does not exist, or the State data provides a more complete picture.

### A. Housing Conditions

The analysis in this section shall satisfy Part A of P.L.1985, c.222 (C.52:27D-310), which requires:

- A) *"Inventory of 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"*

#### Housing Stock by Age and Condition

According to the 2023 ACS, there are an estimated 7,276 housing units in Millburn Township which represented a 1.6% increase from 2020.

64.6% of Millburn Township's housing structures were built prior to 1960, suggesting that more than 2 out of 4 units are older than 65 years.

<sup>5</sup><https://data.census.gov/table?d=DEC%20Demographic%20Profile>

<sup>6</sup><https://www.njtpa.org/NJTPA/media/Documents/Planning/Plans-Guidance/Planning%20for%202050/draft%20final/E-2050-Demographic-Forecasts.pdf>

**Table 1: Year Structure Built**

	UNITS	PERCENT
Total housing units	7,276	
Built 2020 or later	116	1.6
Built 2010 to 2019	297	4.1
Built 2000 to 2009	280	3.8
Built 1990 to 1999	70	1.0
Built 1980 to 1989	135	1.9
Built 1970 to 1979	428	5.9
Built 1960 to 1969	1,250	17.2
Built 1950 to 1959	1,469	20.2
Built 1940 to 1949	732	10.1
Built 1939 or earlier	2,499	34.3
<i>Source: American Community Survey 2023</i>		

The table below details the condition of housing within Millburn Township based on heating fuel, plumbing facilities, kitchen facilities. These factors help determine the number of inadequate housing units within the Township. According to the current ACS estimate, 45 housing units in Millburn Township lacked either heating fuel, plumbing or kitchen facilities, which is greater than 2018.

**Table 2: Housing Condition**

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total	45	0.6	20	0.4	0.2
Lacking heating fuel	27	0.4	0	0.0	0.4
Lacking complete plumbing facilities	9	0.1	10	0.2	-0.1
Lacking complete kitchen facilities	9	0.1	10	0.2	-0.1
<i>Source: American Community Survey 2023 and 2018</i>					

### Housing Values and Costs

Since 2018, home values in the Township have increased by \$222,600 (20.3%). This change is accompanied by an increase in homes worth more than \$1,000,000 and a decrease in homes worth between \$500,000 and \$999,999.

**Table 3: Value for Owner-Occupied Housing Units**

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total Owner-occupied units	5,664	-	5,329	-	<b>63</b>
Less than \$50,000	0	0.0	32	0.6	<b>-06</b>
\$50,000 to \$99,999	0	0.0	0	0.0	<b>0</b>
\$100,000 to \$149,999	28	0.5	38	0.7	<b>-02</b>
\$150,000 to \$199,999	25	0.4	22	0.4	<b>0</b>
\$200,000 to \$299,999	29	0.5	62	1.2	<b>-07</b>
\$300,000 to \$499,999	146	2.6	179	3.4	<b>-08</b>
\$500,000 to \$999,999	1,075	19.0	1,964	36.9	<b>-179</b>
\$1,000,000 or more	4,361	77.0	3,032	56.9	<b>201</b>
Median (dollars)	\$1,318,800	(X)	\$1,096,200	(X)	<b>203</b>
<i>Source: American Community Survey 2023 and 2018</i>					

The table below shows the housing expenditures for those who own and rent in Millburn. The general affordability standard is that no more than 30% of gross income should be allocated for housing costs.

A cost burden is the ratio of housing costs to household income. For renters, housing cost is the gross rent (lease rent plus utilities). For owners, housing cost is the monthly owner costs, which may include mortgage, utilities, association fees, insurance, and real estate taxes.

**Table 4: Housing Cost Burden, 2023**  
(Monthly Costs as Percentage of Household Income)

RANGES	OWNER				RENTER	
	W/ MORTGAGE		W/O MORTGAGE		TOTAL	PERCENT
	TOTAL	PERCENT	TOTAL	PERCENT		
<del>Less than 20%</del>	1,949	52.3	1,333	69	436	34.5
20.0-24.9%	458	12.3	199	10.3	166	13.1
25.0-29.9%	403	10.8	85	4.4	131	10.4
30.0-34.9%	291	7.8	45	2.3	99	7.8
35.0% or more	626	16.8	268	13.9	432	34.2
Not Computed	7	(X)	0	(X)	71	(X)
<i>Source: 5 Year American Community Survey 2023 LRA1</i>						

### Occupancy Characteristics and Type of Housing

As of 2023, the Township is predominately comprised of owner-occupied households, which comprise 80.9% of the Township's households. A total of 19.1% of households are renters, and 3.8% of the Township's housing units are vacant. Since 2018, the Township has seen constant owner-occupied households, with a slight 0.1% increase in renters and an 1.1% decrease in the Township's vacancy rate.

**Table 5: Housing Tenure and Occupancy**

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
<b>Total</b>	<b>7,276</b>		<b>6,914</b>		
<b>Owner Occupied</b>	5,664	80.9	5,329	81.0	-0.1
<b>Renter Occupied</b>	1,335	19.1	1,248	19.0	0.1
<b>Vacant Units</b>	277	3.8	337	4.9	-1.1
<i>Source: American Community Survey 2023 and 2018</i>					

Housing units with more than one occupant per room are considered overcrowded. Overcrowded households in the Township rose by 0.4% since 2018.

**Table 6: Occupants Per Room + Inadequate Units in Occupied Housing Units**

OCCUPANTS PER ROOM	2023	PERCENT	2018	PERCENT
<b>Total</b>	<b>6,999</b>		<b>6,577</b>	
<b>1.00 or less</b>	6,882	98.3	6,494	98.7
<b>1.01 to 1.50</b>	64	0.9	73	1.1
<b>1.51 or more</b>	53	0.8	10	0.2
<i>Source: American Community Survey 2023 and 2018</i>				

Since 2018, the share of the Township's single-family housing stock has increased from 6,914 units to 7,276 units. Tailor findings based on tables below.



**Table 7: Housing Type and Size**

HOUSING UNITS	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total housing units	7,276		6,914		
1-unit, detached	5,775	79.4	5,572	80.6	-12
1-unit, attached	88	1.2	109	1.6	-04
2 units	511	7.0	474	6.9	01
3 or 4 units	285	3.9	249	3.6	03
5 to 9 units	101	1.4	131	1.9	-05
10 to 19 units	115	1.6	80	1.2	04
20 or more units	401	5.5	291	4.2	13
Mobile home	0	0.0	8	0.1	-01
Boat, RV, van, etc.	0	0.0	0	0.0	0
<i>Source: American Community Survey 2023 and 2018</i>					

Since 2018, the bedroom typology of Township has increased in “family” sized 3+ bedroom type from 81.3% to 81.5% in 2023.

**Table 8: Number of Bedrooms Per Unit**

ROOMS	2023 TOTAL	PERCENT	2018 TOTAL	PERCENT	PERCENT CHANGE
Total	7,276		6,914		
No Bedroom	97	1.3	24	0.3	1
1 Bedroom	651	8.9	628	9.1	-02
2 Bedrooms	605	8.3	643	9.3	-1
3 Bedrooms	1,658	22.8	1,767	25.6	-28
4 Bedrooms	2,115	29.1	2,080	30.1	-1
5 or more Bedrooms	2,150	29.5	1,772	25.6	39
<i>Source: American Community Survey 2023 and 2018</i>					

#### Existing Low- and Moderate-Income Housing Units

Millburn reviewed all property tax assessment records and information in the assessor's office, including but not limited to the property record cards, to determine the number of existing low- and moderate-income housing units. Based on this review, there are 43 completed LMI units and 42 approved yet pending completion in the Township of Millburn. The municipality is following the applicable requirements regarding unit monitoring and reporting.

B. Housing Projections

The analysis in this section shall satisfy Part B of P.L.1985, c.222 (C.52:27D-310), which requires:

- 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.”

Projection of Housing Stock

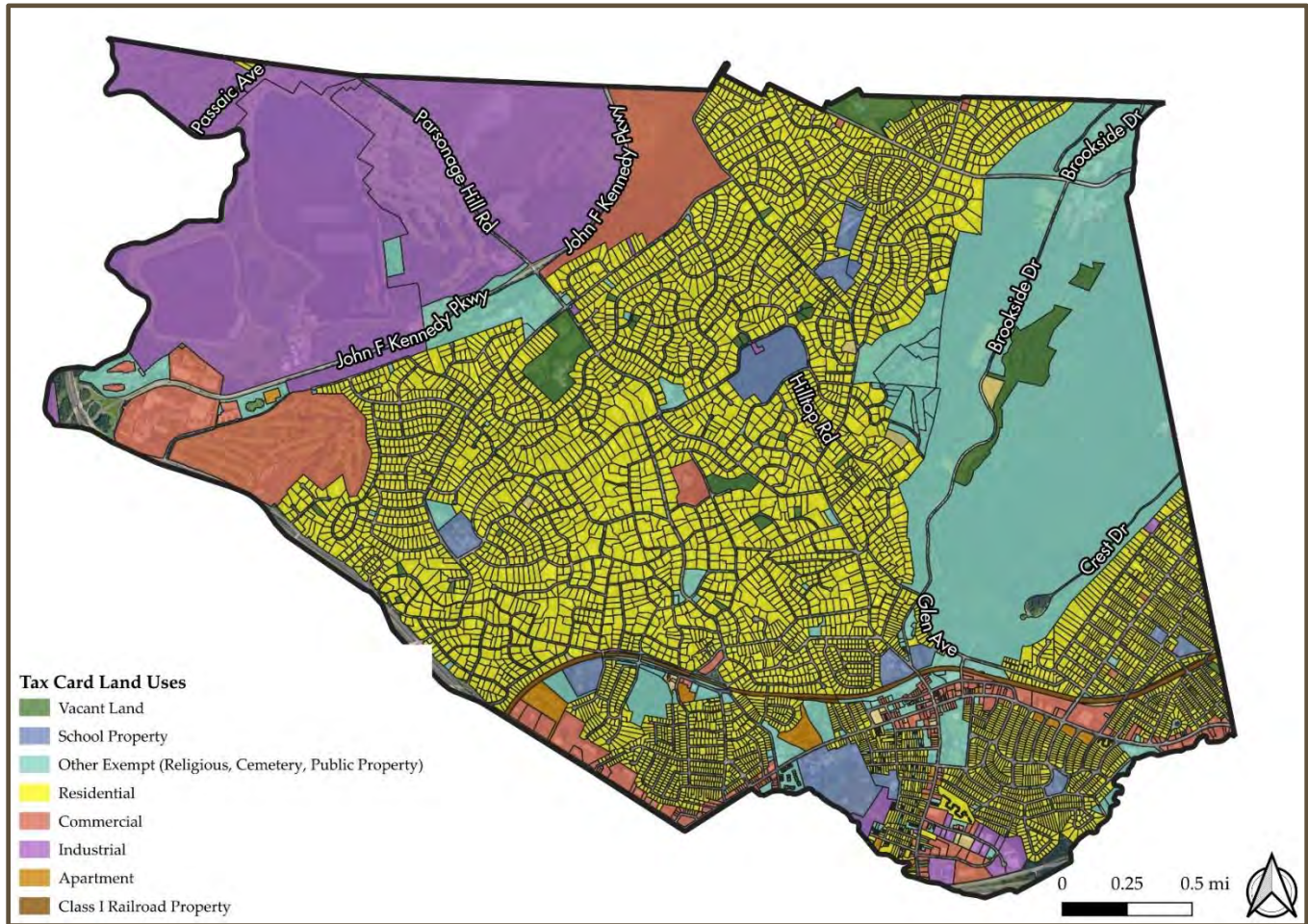
Below is a general prediction by NJTPA of Millburn Township’s household population growth to 8,138 households in 2050. This 0.4% increase in households would require available units to accommodate and may be a prediction indicator of new projected housing stock.

Table 10: Housing Unit Projection

YEAR	POPULATION	ANNUALIZED % CHANGE
2015	6,975	
2050(Revised)	8,138	0.4%
Source: <a href="#">US Census NJTPA</a>		

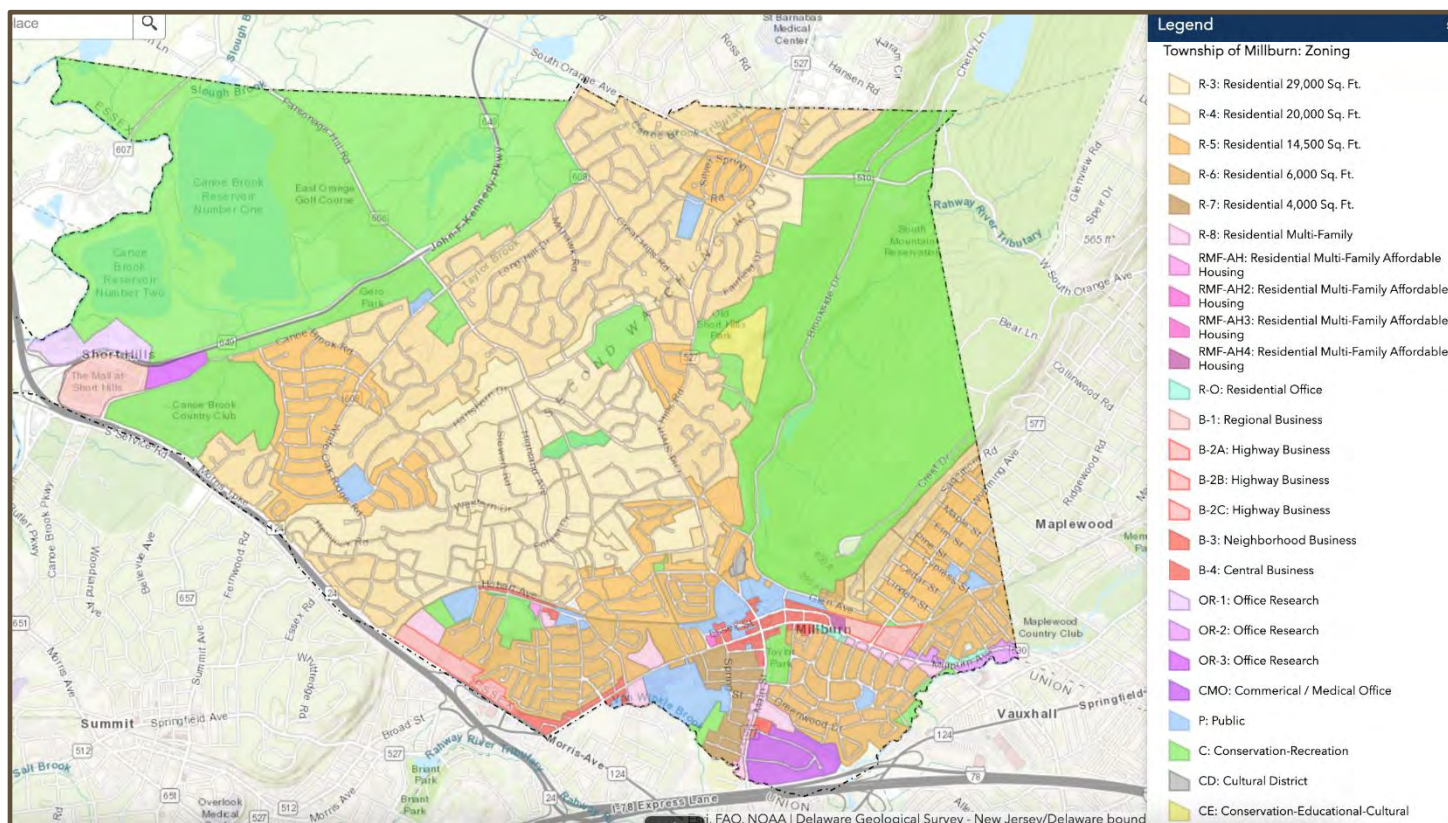
Zoning regulations and existing capital infrastructure may help determine where growth is expected and where new housing units are likely to be developed in the future.

Millburn expects new developments to bear the cost that such development puts upon the existing infrastructure, including its sewer and water systems, road infrastructure, school facilities, and emergency services. This includes the addition of capacity necessitated by the new development, as well as associated maintenance costs. New development should not be a burden on the Township’s infrastructure.

**Figure 1: Existing Land Use Map****Millburn Township Land Use Map<sup>7</sup>**

<sup>7</sup> Map Note: Map is reflective of current tax assessment status – not pending applications/development. "Vacant land" as depicted on this map should not be construed to limit or supersede any conclusions made in the Vacant Land Adjustments.



**Figure 2: Existing Zoning Map****Millburn Township Zoning Map**

## C. Demographic Characteristics

The analysis in this section shall satisfy Part C of P.L.1985, c.222 (C.52:27D-310), which requires:

- C) "An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age."

### Population General

The population estimate for Millburn in 2023 was 21,859, which represents a slight increase of 149 from the 2020 Census (0.7%). Despite this trend, the NJTPA predicts Millburn's population to grow to 23,099 people in 2050.

**Table 11: Historic Population Growth**

YEAR	POPULATION	CHANGE	% CHANGE
1940	11,652	N/A	35%
1950	14,500	2,908	25%
1960	18,799	4,239	29%
1970	21,089	2,290	12%
1980	19,548	-1,546	-7%
1990	18,600	-913	-4%
2000	19,765	1,135	6%
2010	20,149	384	1%
2020	21,710	1,561	7%
2023	21,859	149	0%
2030(Reckd)	23,099	1,240	5.7%

Source: [NJ State Data Center, New Jersey Population Trends 1990 to 2030](#), US Census Bureau, NJIPA "Appendix E-2030 Demographic Forecasts"

Population Composition by Age

The estimated current median age in Millburn Township is 40.3, compared to 37.7 for Essex County and 40.1 for New Jersey.

**Table 12: Population by Age**

AGE RANGE	MILLBURN TOWNSHIP	PERCENT	ESSEX COUNTY	PERCENT
Under 5 years	1,231	5.6	53,778	6.3
5 to 9 years	1,687	7.7	54,763	6.4
10 to 14 years	2,439	11.2	59,811	7.0
15 to 19 years	1,927	8.8	55,697	6.5
20 to 24 years	782	3.6	54,093	6.3
25 to 34 years	1,449	6.6	115,572	13.5
35 to 44 years	3,196	14.7	120,576	14.1
45 to 54 years	4,030	18.5	115,952	13.6
55 to 59 years	1,179	5.4	54,486	6.4
60 to 64 years	1,010	4.6	50,019	5.9

AGE RANGE	MILLBURN TOWNSHIP	PERCENT	ESSEX COUNTY	PERCENT
65 to 74 years	1,833	8.4	70,370	8.2
75 to 84 years	792	3.6	33,959	4.0
85 years and over	238	1.1	15,054	1.8
Median Age	40.3	(X)	37.7	(X)
<i>Source: American Community Survey 2023</i>				

### Households

According to the US Census Bureau's classification system, people either live in a household, housing unit, or in "group quarters." Two types of "households" exist: family and non-family. A "household" consists of one or more persons living and eating together separately from other persons who may be in the same building. A "family" is a household with two or more related persons living together in the same housing unit.

**Table 13: Population by Housing Type**

	MILLBURN TOWNSHIP			ESSEX COUNTY		
	2015-2019	2019-2023	% CHANGE	2015-2019	2019-2023	% CHANGE
Total Households	6,577	6,999	6.4%	289,921	322,456	11.2%
Total Families	5,613	5,382	-4.1%	189,597	207,415	9.4%
Average Household Size	3.06	3.11	1.6%	2.68	2.58	-3.7%
Average Family Size	3.38	3.31	-2.0%	3.37	3.19	5.3%
Households with 1 person	904	669	-26%	85,638	95,830	11.9%
<i>Source: 5-Year American Community Survey, 2018 &amp; 2023, DP02</i>						

### Immigration

Foreign born residents make up 33% percent of Millburn's population, which is higher than County (29.3%) and State (23.5%) levels. Half of Millburn's foreign-born residents are not U.S. citizens, comprising 48.8% of the overall Township foreign born population, a similar share as that of Essex County (48.9%) and the State (43.1%).



Table 14: Residents Place of Birth

	MILLBURN TOWNSHIP		ESSEX COUNTY		NEW JERSEY	
	COUNT	PERCENT	COUNT	PERCENT	COUNT	PERCENT
<b>Total</b>	21,793		854,130		<del>925,014</del>	
<b>Born in United States</b>	14,043	64.4	575,941	67.4	6,849,548	73.9
<b>Foreign Born</b>	7,186	33.0	250,406	29.3	2,181,755	23.5
<b>Naturalized Citizen</b>	3,679	51.2	127,877	51.1	1,241,100	56.9
<b>Not a Citizen</b>	3,507	48.8	122,529	48.9	940,655	43.1
<i>Source: American Community Survey <del>2013</del> 2023</i>						

Income and Poverty Status

Income data is respective to each year's dollar valuation per Census statistics. The median household income for Millburn Township grew dramatically from 2018 to 2023, growing 16.6%, which is lesser than the County (27%) and the State (22.1%).

Table 15: Household Median Income

	2023	2018	CHANGE	% CHANGE
<b>Millburn Township</b>	<del>20,000+</del>	<del>24,449</del>	<del>3,551</del>	<del>166</del>
<b>Essex County</b>	<del>8,943</del>	<del>6,338</del>	<del>1,705</del>	<del>270</del>
<b>New Jersey</b>	<del>9,781</del>	<del>8,170</del>	<del>1,611</del>	<del>221</del>
<i>Source: American Community Survey <del>2013</del> and <del>2018</del> 2023</i>				

In Millburn Township, 767 residents (3.5%) live below the poverty line, an increase from 2.9% in 2018. In this regard, the Township had a different trajectory than Essex County, which experienced a decrease from 15.2% to 14.2% over the same period.

Table 16: Poverty Status

MILLBURN TOWNSHIP	2023	PERCENT	2018	PERCENT	CHANGE
<b>Total Persons</b>	<del>21,783</del>		<del>20,165</del>		<del>1,618</del>
<b>Total Below Poverty</b>	<del>767</del>	<del>35</del>	<del>59</del>	<del>29</del>	<del>06</del>
ESSEX COUNTY	2023	PERCENT	2018	PERCENT	CHANGE
<b>Total Persons</b>	<del>833,508</del>		<del>779,167</del>		<del>54,341</del>
<b>Total Below Poverty</b>	<del>118,230</del>	<del>142</del>	<del>118,156</del>	<del>152</del>	<del>-1</del>
<i>Source: American Community Survey <del>2013</del> and <del>2018</del> ACS Essex County 2023</i>					

## D. Multigenerational Housing Continuity

The analysis in this section shall satisfy Part G of P.L.1985, c.222 (C.52:27D-310), which requires:

- 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).”*

On November 8, 2021, the Senate and General Assembly of the State of New Jersey adopted C.52:27D-329.20<sup>8</sup>, which establishes the “Multigenerational Family Housing Continuity Commission” for the purpose of conducting research, obtaining public input, and adopting recommendations on how to most effectively advance the goal of enhancing multigenerational family housing continuity, which can be defined broadly as the degree to which senior citizens are able to reside at the homes of their extended families.

In short, the bill requires a municipal housing plan element 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 commission.

The municipality is committed to promoting intergenerational harmony through the provision of diverse housing options in a manner consistent with the regulation. As demonstrated in this plan, the municipality is employing a variety of approaches to accomplish this task. Strategies proposed or already implemented include the creation of age-restricted housing and family housing. The municipality, in setting forth its compliance plan, is abiding by the limitations included in the statute.

## E. Employment Data

The analysis in this section shall satisfy Part D of P.L.1985, c.222 (C.52:27D-310), which requires:

- C) *“An analysis of the existing and probable future employment characteristics of the municipality.”*

Below is a general prediction by NJTPA of Millburn Township’s employment forecast, which is a growth to 18,370 in 2050.

<sup>8</sup> <https://pub.njleg.gov/Bills/2020/AL21/273 .HTM>

Table 21: Employment Projection

YEAR	LABOR FORCE	CHANGE	ANNUALIZED % CHANGE
2015	16,762		
2020 (Recktd)	18,370	1,608	0.3
Source: <i>NIPA</i>			

### III. Fair Share Plan: Obligations and Compliance Plan

#### A. Introduction and Fourth Round Changes

As stated in the History of New Jersey Affordable Housing section of this Plan, New Jersey's Fourth Round methodology of calculating and fulfilling municipal obligations is set forth in the Law under a new system. The housing need obligations discussed herein consist of the following components: Prior Round Compliance; Present Need or "Rehabilitation Obligation;" and the "Prospective Need". Collectively, the Present ("Gap") Need and the Prospective Need are referred to as the Round 4 obligation.

The figures that are presented in the fair share obligations below have been derived from the Decision and Order issued in Essex County Docket No. ESX-L-000587-25 (See Appendix A). Pursuant to the Order, the Township Present Need or "Rehabilitation Obligation" is 0 credits, and the "Prospective Need" is 533 credits.

The purpose of this section of the Plan is to set forth Millburn's proposed approach to satisfying its Round 4 obligation.

Importantly, the Law sets forth opportunities for bonus credits. These credits include:

- a. One (1) bonus credit for special needs or permanent supportive housing;
- b. One (1) bonus credit for 100% affordable housing projects for which the host municipality has contributed towards the cost of the project, subject to certain minimum contribution requirements;
- c. One (1) bonus credit for market rate units that are converted to affordable units;
- d. One-half (0.5) bonus credit for ownership units created in a partnership sponsorship with a non-profit housing developer;
- e. One-half (0.5) bonus credit for units located within a one-half mile radius (or a one-mile radius for projects located in a Garden State Growth Zone) of NJ Transit or Port Authority rail, bus, or ferry stations, including all light rail stations;
- f. One-half (0.5) bonus credit for age-restricted units, subject to certain caps;
- g. One-half (0.5) bonus credit for each three-bedroom unit in excess of the three-bedroom requirements set forth in the Uniform Housing Affordability Controls;
- h. One-half (0.5) bonus credit for housing units constructed on previously developed land that was utilized for retail, office, or commercial space; and
- i. One-half (0.5) bonus credit for units whose affordability controls are extended for a new term of affordability;

Municipalities will also be restricted to only claim one type of bonus credit per affordable unit. Such bonus credits may only satisfy 25% of their Fourth Round obligation.

### **B. Prior Round Need Compliance “Look Back” (2015-2025)**

Millburn continues to support and advance efforts to provide for its affordable housing obligation. While the Township’s prior round compliance remains open, Millburn has effectuated all but one of the terms of its Third Round Settlement Agreement with the Fair Share Housing Center, dated August 2021. The Settlement Agreement and the Third Round HEFSP, adopted by the Planning Board on July 20, 2022, set forth the Township’s Third Round obligation and identified actions required by the Township to fulfill these obligations. While only one unmet need compliance mechanism remains open, the Township’s remaining commitments have been satisfied, and the corresponding status of these commitments is detailed in the tables below:

#### Projects cited to satisfy Third Round Realistic Development Potential:

PROJECT	CREDITS IDENTIFIED IN HEFSP / SETTLEMENT REQUIREMENT	STATUS
The Upton (Block 5303, Lots 1, 3 and 4)	30 AH Units, 29 Bonus Credits. 59 Credits Total	Completed
85 Woodland Road (Block 1904, Lots 72-75)	12 AH Units	Approved, Under Construction (Permits Issued)
The Harth (Block 1211, Lots 1 and 7)	8 AH Units	Completed
249 Millburn Ave (Block 705, Lot 1)	30 AH Units	Approved, Construction Pending
Special Needs Housing – United Jewish Federation and/or Essex County ARC	5 AH Units	Completed

#### Zoning actions to satisfy Third Round Unmet Need requirements:

PROJECT	CREDITS IDENTIFIED IN HEFSP / SETTLEMENT AGREEMENT	STATUS
RMF-AH5 (Canoe Brook Country Club)	8 du/acre w/ 20% set-aside	Adopted by Ord. 2633-23
B-2A Zoning (Morris Turnpike)	18 du/acre w/ 20% set-aside	Adopted by Ord. 2606-22

PROJECT	CREDITS IDENTIFIED IN HEFSP / SETTLEMENT AGREEMENT	STATUS
B-2B Zoning (Morris Turnpike)	18 du/acre w/ 20% set-aside	Adopted by Ord. 2606-22
B-2C Rezoning (Millburn Avenue)	40 du/acre w/ 20% set-aside	Adopted by Ord. 2606-22
B-4 Rezoning (Downtown)	25 du/acre w/ 20% set-aside	Adopted by Ord. 2606-22
CMO Rezoning	18 du/acre w/ 20% set-aside	Adopted by Ord. 2606-22
OR-1 Rezoning	20 du/acre w/ 20% set-aside	Adopted by Ord. 2606-22
Woodmont Properties (Block 5302, Lot 7)	195 Total Units w/ 39 Affordable Units	Adopted by Ord. 2585-21
9 Main Street	75-unit 100% Affordable Development	Open
Mandatory Set-Aside Ordinance	Township-wide	Adopted by Ord. 2597-22

As demonstrated in the tables above, the Township has complied with all but one of the terms of the Settlement Agreement with the Fair Share Housing Center dated August 2021. The Township continues to work in good faith to meet the final outstanding affordable housing obligation for the Third Round, which remains subject to Docket No. ESX-L-2778-18. Given the outstanding compliance of the Third Round, which will address pending the outcome of the legal proceedings, no obligation is carried forward to the Fourth Round.

### C. Present and Prospective Need Obligation (2025-2035)

The analysis in this section shall satisfy Part E of P.L.1985, c.222 (C.52:27D-310), which requires:

- 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 P.L.2024, c.2 (C.52:27D-304.1)"

#### Present Need (Rehabilitation Share)

The Township has a Fourth Round present need of zero (0) affordable housing units.

#### Prospective Need Obligation

The Township has a Fourth Round prospective need of 533 credits.

However, as demonstrated in Appendix B, the Township does not have enough suitable land to address the obligation. Therefore, the Township seeks a vacant land adjustment ("VLA") under



the COAH Second Round Rules (N.J.A.C. 5:93-4.2) and an adjustment of its Fourth Round new construction obligation to reflect the available and developable land area within its municipal boundaries. It is the conclusion of this analysis that the Realistic Development Potential (“RDP”) is 7.

In addition to vacant properties that have a realistic development potential, the Township must also consider known projects in its RDP assessment likely to be redeveloped in the 2025-2035 Fourth Round obligation. The Legislation includes the following language (emphasis added):

*Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall as part of the process of adopting and implementing its housing element and fair share plan identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.*

With a Fourth Round prospective need is 533 credits and Realistic Development Potential of 7, this leaves a remaining need to be addressed of 526 credits. In accordance with the above, twenty-five percent of the remaining need is 132.

#### Realistic Development Potential

The Township will satisfy the Realistic Development Potential (RDP) obligation through the following to satisfy the RDP of 7 units, with a total of 16 credits detailed below:

#### Essex County ARC (Willow Street) (4 bedrooms) (8 Credits)

An existing group home located on Willow Street consisting of 4 bedrooms, offering permanent supportive housing for individuals with development disabilities. The facility is not age restricted, was initially licensed in 1997, and its 20-year affordability controls expired in 2024. The Township will work with Essex County ARC to renew these affordability controls, consistent with the requirements of the Fourth Round.

In accordance with the bonus credit opportunities described in Section A above, these permanent supportive housing units are permitted one bonus credit per unit or bed in this case. As such, the renewal of affordability controls for these supportive housing units will provide 8 credits towards the Township’s RDP obligation.

#### Jewish Service for the Developmentally Disabled (Undercliff Road) (5 bedrooms) (8 Credits)

An existing group home located on Undercliff Road that contains five bedrooms for adults with developmental disabilities. The group home was previously included in the Third Round Plan, however it only identified one bedroom. JSDD has confirmed that there are 5 residents within the group home.

In accordance with the bonus credit opportunities described in Section A above, these permanent supportive housing units are permitted one bonus credit per unit or bed, in this case, yielding a total of 8 credits towards the Township's RDP obligation.

*Prospective Need Projects Description and Suitability Analysis*

Municipalities shall designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. As such, the criteria for crediting units must meet the following:

1. "Available site" – a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
2. "Suitable site" – a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.
3. "Developable site" – a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable area wide water quality management plan (including the wastewater management plan) or is included in an amendment to the area wide water quality management plan submitted to and under review by DEP.
4. "Approvable site" – a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.

**Table 18: Projects Description and Suitability Analysis**

PROJECT	DESCRIPTION
356-358 Millburn Avenue (Block 801, Lots 3 & 4)	Total Units: 17 Units <u>Round Four LMI Units: 4 Units, plus 2 Bonus Credits (TOD)</u> This site proposed for inclusionary redevelopment is located on the southern side of Millburn Avenue, between Main Street to the west and Spring Street to the west. The site is within ½ mile of the Millburn Train Station. The site has a total area of 0.52 acres and is presently developed with a two-story commercial building on Lot 4 and a one-story commercial building on Lot 3. There are no environmental constraints associated with the site. The site is identified in the Historic Preservation Element of the Master Plan but has not yet been identified as a local landmark.
<i>Description of Availability</i>	The Township assumes the site has a clear title and is free of encumbrance, to the best of their knowledge, which precludes the development of affordable housing.
<i>Description of Suitability</i>	The site is adjacent to compatible land uses and has access to appropriate streets. The site has about 145 feet of frontage along Millburn Avenue. The site is adjacent to existing commercial and multifamily residential uses in the Downtown.

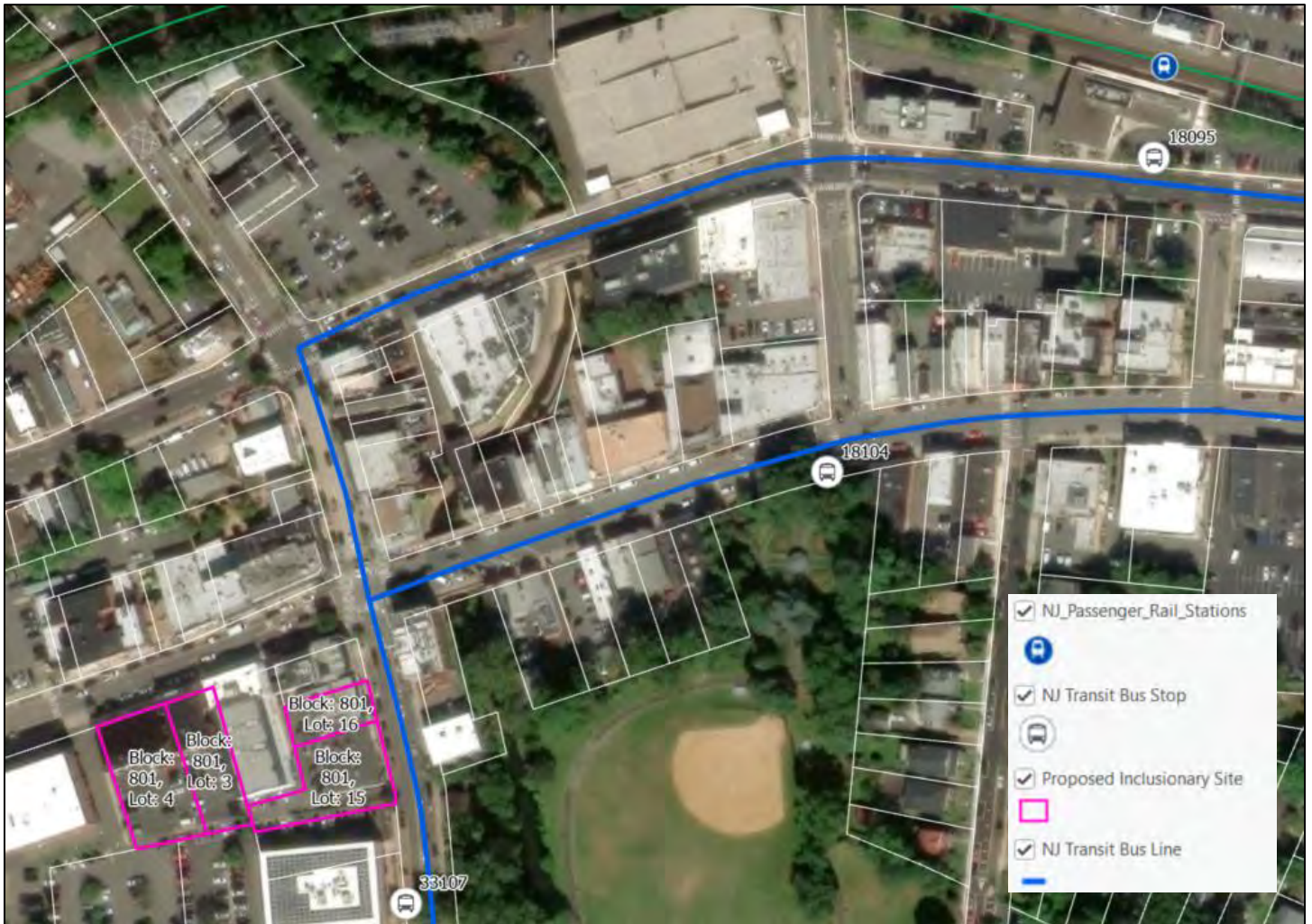
PROJECT	DESCRIPTION
<i>Description of Title</i>	Adequate sewer and water capacity and infrastructure is available from the Joint Meeting of Essex and Union and the New Jersey American Water.
<i>Description of Appurtenance</i>	Pursuant to this plan, the site will be rezoned to accommodate multifamily residential development at a maximum density of 35 units per acre, consistent with the density of other new multifamily developments in the Downtown. Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. There are no environmental constraints associated with the site.
<b>559 Main Street (Block 80, Lot 15 &amp; 16)</b>	<p>Total Units: 13 Units  <u>Round Four LMI Units: 3 Units, plus 1.5 Bonus Credits (TOD)</u></p> <p>This site proposed for inclusionary redevelopment is located on the western side of Main Street, between Millburn Avenue to the north and Taylor Street to the south. The site is within ½ mile of the Millburn Train Station and just a few feet from NJ Transit Bus Stop #33107. The site has a total area of 0.39 acres and is presently developed with a two-story commercial building on Lot 16 and a one-story commercial building on Lot 15. There are no environmental constraints associated with the site.</p>
<i>Description of Availability</i>	The Township assumes the site has a clear title and is free of encumbrance, to the best of their knowledge, which precludes the development of affordable housing.
<i>Description of Site</i>	The site is adjacent to compatible land uses and has access to appropriate streets. The site has about 145 feet of frontage along Main Street. The site is adjacent to existing commercial and multifamily residential uses in the Downtown.
<i>Description of Title</i>	Adequate sewer and water capacity and infrastructure is available from the Joint Meeting of Essex and Union and the New Jersey American Water.
<i>Description of Appurtenance</i>	Pursuant to this plan, the site will be rezoned to accommodate multifamily residential development at a maximum density of 35 units per acre, consistent with the density of other new multifamily developments in the Downtown. Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. There are no environmental constraints associated with the site.

PROJECT	DESCRIPTION
150 JFK Parkway (Block 5303, Lot 4)	<p>Total Units: 115 Units</p> <p><u>Round Four LMI Units: 23 Units, plus 11.5 Bonus Credits (TOD)</u></p> <p>This site proposed for inclusionary development is located on the southern side of JFK Parkway, adjacent to The Upton inclusionary development completed as part of prior round compliance. The developer seeks to replace the previously proposed hotel with a new 115-unit inclusionary development. The site is within ½ mile of the Short Hills Mall (Canoe Brook Rd) NJ Transit Bus Stop #18094, with service on Route 70 and 873. The portion of the site to contain the proposed multifamily building is improved with a parking structure at this time that was to be part of the hotel and will now be part of the inclusionary development. There are no environmental constraints associated with the site.</p>
<i>Description of Availability</i>	The Township assumes the site has a clear title and is free of encumbrance, to the best of their knowledge, which precludes the development of affordable housing.
<i>Description of Sitttle</i>	The site is adjacent to compatible land uses and has access to appropriate streets. The site has about 200 feet of frontage along JFK Parkway. The site is adjacent to the existing Upton multifamily residential development.
<i>Description of Dedeple</i>	Adequate sewer and water capacity and infrastructure is available from the Joint Meeting of Essex and Union and the New Jersey American Water.
<i>Description of Appcuble</i>	Pursuant to this plan, the site will be rezoned to permit the proposed multifamily residential development with an additional 115 residential dwelling units. Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. There are no environmental constraints associated with the site.
515 JFK Parkway (Block 5302, Lot 1)	<p>Total Units: 330 Units</p> <p><u>Round Four LMI Units: 66 Units, plus 33 Bonus Credits (TOD)</u></p> <p>This site proposed for inclusionary redevelopment is located on the northern side of the road across from the Short Hills Mall. A NJ Transit Bus Stop is located on site, Bus Stop #18117 with service on Route 70. The site has a total area of 22.04 acres and is presently developed with an 8-story office building and a 6-story hotel. There are no environmental constraints associated with the site.</p>
<i>Description of Availability</i>	The Township assumes the site has a clear title and is free of encumbrance, to the best of their knowledge, which precludes the development of affordable housing.
<i>Description of Sitttle</i>	The site is adjacent to compatible land uses and has access to appropriate streets. The site has extensive frontage along JFK Parkway. The site is adjacent to existing commercial and multifamily residential uses in immediate area, including the Short Hills Mall, the Upton residential development and the proposed new multifamily development at 150 JFK Parkway.



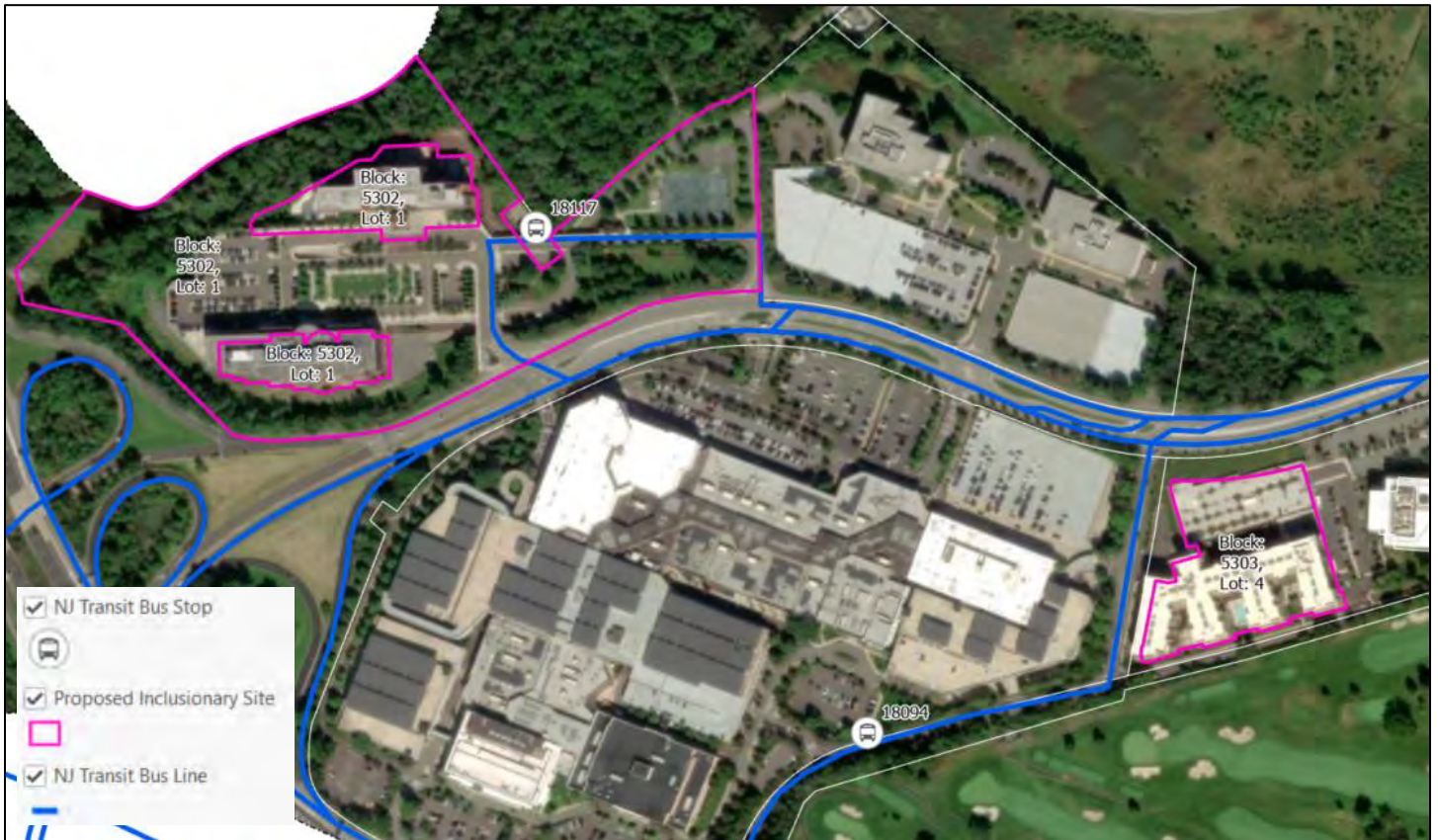
PROJECT	DESCRIPTION
<i>Description of Feasibility</i>	Adequate sewer and water capacity and infrastructure is available from the Joint Meeting of Essex and Union and the New Jersey American Water.
<i>Description of Appurtenance</i>	Pursuant to this plan, the site will be rezoned to accommodate an additional 330 multifamily residential units. The site was previously identified in the Third Round Plan to accommodate 200 units, and the proposal here in the Fourth Round is to add an additional 330 units to previously proposed units. The final proposed density will be 24 du/acre. The Woodmont multi-family development in the city was evaluated as it is planned at 24 to 39 du/acre. The site can be developed in accordance with R.S.I.S. Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. There are no environmental constraints associated with the site.
16 Bleeker Street (Block 1005, Lot 3)	<p>Total Units: 137 Units  <u>Round Four LMI Units: 28 Units, plus 14 Bonus Credits (Non-Residential Conversion)</u></p> <p>This site proposed for inclusionary development is located on the southern side of Bleeker Street, to the east of Main Street. The developer proposes that the site can be developed with an inclusionary development. The site is within ½ mile of the Main St/Mechanic St NJ Transit Bus Stop #18097, with service on Route 70. The site is presently developed with warehouse use. There are no environmental constraints associated with the site.</p>
<i>Description of Availability</i>	The Township assumes the site has a clear title and is free of encumbrance, to the best of their knowledge, which precludes the development of affordable housing.
<i>Description of Suitable</i>	The site is in the vicinity of compatible land uses and has access to appropriate streets. The site is bounded by residential uses along Main Street. The site has about 544 feet of frontage along Bleeker Street.
<i>Description of Feasibility</i>	Adequate sewer and water capacity and infrastructure is available from the Joint Meeting of Essex and Union and the New Jersey American Water.
<i>Description of Appurtenance</i>	Pursuant to this plan, the site will be rezoned to permit a residential density of 25 dwelling units per acre. The site can be developed in accordance with R.S.I.S. Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. There are no environmental constraints associated with the site.

**Figure 3: Prospective Need Projects Map (Downtown)**





**Figure 4: Prospective Need Projects Map (JFK Parkway)**



**Figure 5: Prospective Need Projects Map (16 Bleeker Street)**

### Land Most Appropriate for Affordable Housing

The analysis in this section shall satisfy Part F of P.L.1985, c.222 (C.52:27D-310), which requires:

- 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”*

As part of this Fair Share Plan, the Township has considered land that is appropriate for the construction of low- and moderate-income housing. To this end, the Township received letters of interest from HOST Properties, owners of Block 801, Lots 3, 4, 15 and 16 seeking to develop their properties to provide inclusionary developments to aid the Township in meeting the Fourth Round adjusted prospective need obligation. In addition, the Township received an expression of interest from the owners of 150 JFK Parkway to modify their prior plan for a hotel at the site and replace it with an inclusionary multifamily residential development. Finally, the Township also received a letter of interest from the owner of 16 Bleeker Street (Lot 3, Block 1005) seeking to develop their property to provide an inclusionary development as well. In evaluation of the interest received, the Township has confirmed that these sites at the proposed densities are consistent with area context of each site. As such, these sites have been included in the Plan

as they are appropriate for construction of low- and moderate-income housing and will support satisfaction of the obligation.

As detailed above, the Township can satisfy its adjusted prospective need through the sites identified above and will ensure the sites are planned and zoned to yield the proposed developments. The Township believes that the approach set forth in this document represents the best approach to satisfying the requirements of the Amended Law. While the Township acknowledges that developers may express interest in proposing projects that include low or moderate income housing, the Township's position is that no additional projects are required to satisfy Millburn's prospective or present need.

Notwithstanding this position, the sites discussed above are not the only areas in the Township where low- and moderate-income housing is permitted to be built. The Township maintains and will maintain in full effect for the duration of the forthcoming round, an affordable housing ordinance which includes provisions establishing a mandatory affordable housing set-aside requirement (See Appendix E) and has established multiple inclusionary zone districts and affordable housing overlay zone districts which require the development of additional low- and moderate-income housing opportunities.

**Table 19: Summary of Fourth Round Compliance Mechanisms, RDP & Likely to Redevelop**

PROJECT/ZONE	AFFORDABLE UNITS	BONUS CREDITS	TOTAL CREDITS
RDP - Essex County ARC (Willow Street)	4	4 (Supportive Housing)	8
RDP - Jewish Service for the Developmentally Disabled (Undercliff Road)	4	4 (Supportive Housing)	8
356-358 Millburn Avenue (Block 801, Lots 3 & 4)	4	2 (TOD)	6
55-59 Main Street (Block 801, Lot 15 & 16)	3	1.5 (TOD)	4.5
150 JFK Parkway (Block 5303, Lot 4)	23	11.5 (TOD)	34.5
51-55 JFK Parkway (Block 5302, Lot 1)	66	33 (Commercial to Residential)	99
16 Bleeker Street (Block 1005, Lot 3)	28	14 (TOD or Commercial to Residential)	42
<b>TOTAL</b>	<b>132</b>	<b>70</b>	<b>202</b>



Mandatory Obligation Subsets

Below is a table reviewing additional obligation requirement thresholds.

MANDATORY OBLIGATIONS	CITATION	# REQUIRED OF ACTUAL UNITS*
<b>Very Low-Income Units (13% Minimum)</b>  <i>Shall count towards the minimum 50 percent of the housing units required to be made available for occupancy by low-income households to address a municipality's prospective need obligation.</i>	<a href="#">52:27D-329.1</a>	18
<b>Family VLI Units (50% Minimum of VLI Units)</b>	<a href="#">52:27D-329.1</a>	9
<b>Low-Income Units (50% Minimum)</b>  <i>Conversely, the maximum of Moderate-Income Units shall not exceed 50%.</i>	<a href="#">52:27D-329.1</a>	66
<b>Family Units (50% Minimum)</b>	<a href="#">52:27D-311.l</a>	66
<b>Rental Units (25% Minimum)</b>	<a href="#">52:27D-311.l</a>	33
<b>Family Rental Units (50% Minimum of Rental Units)</b>	<a href="#">52:27D-311.k.5</a>	17
<b>Age-restricted units (30% Maximum)</b>	<a href="#">52:27D-302.q</a>	39
<b>Transitional Housing (10% Maximum of Total Credits)</b>	<a href="#">52:27D-311.e</a>	13
<b>Age-Restricted Housing Bonus Credit (10% Maximum of Age-Restricted Units)</b>	<a href="#">52:27D-311.k.4</a>	3
<p><i>*Except where otherwise noted, actual units do not count bonus credits. In other words, actual units are the Prospective Need Credits of 200.5 minus bonus credits of 68.5 = 132 units.</i></p> <p><i>Note: Maximum bonus credits shall not exceed 25% of Prospective Need per 52:27D-311.k.</i></p> <p><i>Note: Proposed values in italics are targets based on required units and will be enforced throughout the Fourth Round as part of site plan review and approval.</i></p>		

## IV. Appendices

- A. Order Affirming Fourth Round Obligations
- B. Vacant Land Adjustment
- C. Third Round Settlement Agreement

### *Mandatory Requirements:*

- D. Zoning Amendments
- E. Affordable Housing Ordinance
  - a. The Township's existing ordinance is attached and will remain in full force and effect during the Fourth Round. The Township will make all necessary modifications to this ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.
- F. Development Fee Ordinance
  - a. The Township's existing ordinance is attached and will remain in full force and effect during the Fourth Round. The Township will make all necessary modifications to this ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.
- G. Affirmative Marketing Plan
  - a. The Township's existing Affirmative Marketing Plan is attached and will remain in full force and effect during the Fourth Round. The Township will make all necessary modifications to this ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.
- H. Spending Plan
  - a. The Township's existing Spending Plan is attached and will remain in full force and effect during the Fourth Round. The Township will make all necessary modifications to this ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.
- I. Resolution appointing the Municipal Affordable Housing Liaison
- J. Resolution appointing an Administrative Agent
- K. January 29, 2025 Letter from Mandelbaum Barrett PC regarding 356-358 Millburn Avenue and 55-63 Main Street
- L. May 29, 2025 Letter from CSG Law regarding 16 Bleeker Street