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June 24, 2025

The Hon. Robert G. Malestein, P.J.Ch.
Superior Court of New Jersey Law Division
County Courthouse 1 N. Broad Street
Woodbury, New Jersey 08096

**RE: IMO Boro of Wenonah
Docket No. GLO-L-113-25**

Dear Judge Malenstein:

I am filing the enclosed revised HEFSP to correct a few typographical errors which were noted during the public hearing.

Thank you for your attention to this matter.

Respectfully submitted,

s/Tara A. St. Angelo

TARA A. ST. ANGELO

TAS:ds
Enclosure

**Borough of Wenonah
Gloucester County**

**Housing Element of the Master Plan
Fair Share Plan**

Adopted by the Planning Board on June 23, 2025 by Resolution CPB-6-2025
Endorsed by the Governing Body on ----- by Resolution -----

June 23, 2025

Borough of Wenonah
1 South West Avenue
Wenonah, NJ 08090

Prepared By:

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**Borough of Wenonah
Gloucester County**

**Housing Element of the Master Plan
Fair Share Plan**

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Jaclyn Graves, Council President
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Anthony Fini
Jeanne Grigri
Alex Pozza

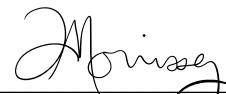
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The original of this document was signed
and sealed in accordance with NJAC 13:41-1.3

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EXECUTIVE SUMMARY

The Borough of Wenonah has prepared this plan in response to the enactment of Assembly Bill 4 signed by the Governor in 2024. This legislation abolished the Council on Affordable Housing (COAH), the State agency responsible for administering and overseeing affordable housing plans. The legislation also amended affordable housing regulations as provided for in the Fair Housing Act (FHA) and set deadlines for municipalities for reporting and filing a Fourth-Round Housing Element and Fair Share Plan.

In accordance with the amendments to the FHA, the Borough accepted the Department of Community Affairs' (DCA) calculations of the Borough's Present Need and Prospective Need in a binding resolution 2025-33 on January 23, 2025 and filed the resolution with the Affordable Housing Dispute Resolution Program ("the Program") through a Complaint for Declaratory Relief in accordance with the Administrative Office of the Courts' Directive #14-24 ("AOC Directive #14-24). On April 28, 2025, the Court issued an Order fixing Municipal Obligations for Present Need and Prospective Need for the Fourth Round Housing Cycle for the Borough consistent with the DCA calculations: Present Need of 0 and Prospective Need as 29.

This plan provides for the Borough's Fourth-Round affordable housing obligation as calculated by the DCA and fixed by the Courts. The Borough has updated its approved Vacant Land Adjustment (VLA) from its Third-Round Plan to identify any new or underutilized properties that may add to the Borough's Realistic Development Potential (RDP). The Borough's VLA from the Court-approved Third-Round Fair Share Plan included an RDP of 4 and an Unmet Need of 135. The updated VLA for the Fourth-Round has not identified any new vacant or underutilized properties which would yield an additional RDP. In the Fourth-Round the Borough identifies an RDP of 0 and an Unmet Need of 29.

The Borough has approved a site for development which includes affordable housing units in 2012, located along Glassboro Road. Since the approval, the property was acquired by the Borough through foreclosure as the property owner filed for bankruptcy. No construction has occurred on this property. The Borough is committed to the redevelopment of this site and has listed it for sale with no success. The Borough intends to offer the property for sale given the changes to the housing market and provide for the redevelopment of the site consistent with the 2012 site plan approval. The Borough has limited properties available for redevelopment as an older built-out community. The Borough will continue to maintain overlay zones on those parcels identified in earlier housing plans in the event they are redeveloped.

Over the years the regulations pertaining to each Round of Affordable Housing obligations have changed. In preparing the Fourth-Round components of the Fair Share Plan, the FHA as amended (N.J.S.A. 52:27D-310, et seq.), was followed. This Plan also follows the requirements of N.J.A.C. 5:93. where appropriate, as called for by the recent FHA amendments.

INTRODUCTION

The Borough of Wenonah is located in central Gloucester County, consisting of 0.98 square miles. The Borough is an older suburban community, incorporated in 1871. Development in the Borough dates back to mid to late 1800's with many of the homes constructed prior to 1939. Wenonah is bordered by Deptford Township on all sides except for the southwest which is bordered by Mantua Township. The predominate land use in the Borough is single-family residential with a mix of older homes dating back to the 1800's.

The Borough's eastern border is Glassboro Road, with Deptford Township on the other side of the roadway. Mantua Avenue runs through the center of Wenonah where there are limited commercial use and commercial zoning mostly proximate to where the railroad crosses Mantua Avenue. The railroad runs through the Borough from north to south. The railway is used for freight trains today.

The Borough of Wenonah adopted their first Housing Element and Fair Share Plan (HEFSP) in July of 1988. Following an exclusionary zoning lawsuit the Borough revised their Plan in November of 1992. This plan was not approved by COAH, and new affordable housing regulations were adopted which resulted in the Borough initiating a vacant land adjustment. In 2001 COAH indicated that the Borough was entitled to a vacant land adjustment. The Borough did not receive approval of their Second-Round Plan with the VLA as they determined it was appropriate to wait for the agency to adopt new Third-Round regulations. In 2004 COAH adopted the new Third-Round regulations. In response the Borough updated their 2000 VLA and began preparing a new HEFSP, which was adopted by the Borough on June 27, 2005. The Borough also adopted ordinances which would facilitate the affordable housing mechanisms in the Plan.

The Borough sought a Judgment of Repose of their 2005 HEFSP, which resulted in a review and comments from a special court master. In January of 2006 the Borough amended their HEFSP to address these comments and a compliance hearing was held with the Court. On September 12, 2006 the Borough received a Judgement of Repose through September 12, 2016. This plan provided for a RDP of 4 units and included the overlay zones and creation of a development fee ordinance.

On July 7, 2015 the Borough of Wenonah filed an Application for Declaratory Judgment seeking Temporary Immunity from Mount Laurel Lawsuits. The Superior Court of New Jersey Law Division Gloucester County (Docket No. GLO-L-000896-15) granted the Borough Temporary Immunity through July 31, 2016 provided the Borough file a Housing Element and Fair Share Plan addressing their future affordable housing obligation. The Borough entered into a settlement agreement with FSHC on August 31, 2016 which provided for the Borough's Third Round Prospective Need running from 1999 through 2025 as 109 units. The settlement agreement provided for a Realistic Development Potential (RDP) of 4, based on the available vacant parcels in the Borough and included mechanisms to meet the Borough's affordable housing obligations. That settlement agreement was approved by the Court at a duly-noticed Fairness Hearing on September 1, 2016.

Consistent with the settlement agreement, the Borough amended their 2006 Plan on February 22, 2016, and again on April 25, 2016 by adding the Mount Laurel compliance techniques through which the Borough would satisfy its Round 3 obligation. This Plan maintained the approved VLA with an RDP of 4 units and updated the unmet need to include the Third-Round obligation, for a total unmet need of 135. The compliance mechanisms in the 2006 Plan through overlay zoning were maintained in the 2016 Plan. The 2016 Plan included a number of ancillary

documents, including a Spending Plan that (1) accounts for the funds to be deposited through 2025, into the Borough's Mount Laurel Trust Fund; and (2) demonstrates the manner in which the Borough intends to expend the funds to advance the interests of the region's low- and moderate-income households. The Court approved the Borough's Third-Round Housing Element and Fair Share Plan (HEFSP) after a duly-noticed Compliance Hearing held on September 1, 2016. The Court entered a Final Judgment of Compliance and Repose for the Borough on September 26, 2016.

In accordance with the amendments to the FHA, the Borough accepted the Department of Community Affairs' (DCA) calculations of the Borough's Present Need and Prospective Need in a binding resolution 2025-33 on January 23, 2025 and filed the resolution with the Affordable Housing Dispute Resolution Program ("the Program") through a Complaint for Declaratory Relief in accordance with the Administrative Office of the Courts' Directive #14-24 ("AOC Directive #14-24). On April 28, 2025, the Court issued an Order fixing Municipal Obligations for Present Need and Prospective Need for the Fourth Round Housing Cycle for the Borough consistent with the DCA calculations: Present Need of 0 and Prospective Need as 29.

This Plan maintains the Court-approved 2016 Housing Element and Fair Share Plan consistent with their Final Judgement of Compliance and Repose dated September 26, 2016. This Plan also provides new mechanisms to satisfy the Borough's Fourth-Round affordable housing obligations and updates the Borough's Vacant Land Adjustment.

AFFORDABLE HOUSING HISTORY IN NEW JERSEY

Affordable Housing has been embedded in New Jersey land use regulations and policy since the 1975 New Jersey Supreme Court decision, Southern Burlington County NAACP v. Mount Laurel Township, known as “Mount Laurel I.” Following a challenge to Mount Laurel’s zoning the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide a variety and choice of housing types affordable to low and moderate income households. This decision formed the foundation of affordable housing planning and regulations in the State.

In 1983 New Jersey Supreme Court in Southern Burlington County NAACP v. Mount Laurel Township, 92 N.J. 158 (1983) or “Mount Laurel II” extended the constitutional obligation to all municipalities within a “growth area” as designated in the State Development Guide Plan. This decision also created an opportunity for builders to challenge municipal ordinances, in certain circumstances, for the right to build affordable housing on land that was not zoned to permit the use or density. This is what was termed a “Builder’s Remedy” for municipalities that did not provide for their constitutional obligation of affordable housing.

In response to Mount Laurel II, the State adopted the New Jersey Fair Housing Act in 1985 which created the Council on Affordable Housing (“COAH”) as an administrative alternative to litigation. COAH was charged with promulgating regulations to establish housing regions, estimate the state’s low- and moderate-income needs, and set criteria for municipal compliance through adopted housing elements and fair share plans.

COAH established a municipality’s first round affordable housing obligation for a period of six-years, from 1987 to 1993. The rules established by COAH created

both a rehabilitation (present need) obligation and a new construction (prospective need) obligation. In 1994, COAH adopted new regulations to address the second-round obligation for the period 1993 to 1999. These regulations also recalculated a portion of the municipal's first round obligation, creating a cumulative obligation from 1987 to 1999, and what is now called the "Prior Round" Obligation.

In 2004 COAH adopted rules and regulations for the Third Round, which defined the round from 1999 to 2014. These regulations changed the way in which COAH calculated a municipality's affordable housing obligation, moving from an absolute number based on available data to what the new regulations termed a "growth share" approach that linked affordable housing obligations to the construction of both residential and non-residential development in the municipality over the third-round time period. This was short lived as the New Jersey Appellate Division invalidated key elements of these rules, including the growth share approach to calculating affordable housing obligations, In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super 1 (App. Div. 2007). The Court ordered COAH to adopt new rules, which was completed in 2008. The new regulations maintained in large part the growth share approach and extended the third round from 2014 to 2018.

The 2008 regulations were challenged and in 2010 the Appellate Division, In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462 (App. Div. 2010), upheld the COAH Prior Round regulations which assigned rehabilitation obligations. However, the Appellate Division invalidated the regulations pertaining to growth share and directed COAH to use similar methods that were set in the First and Second rounds. This decision was reviewed and upheld by the New Jersey Supreme Court in September of 2013 and ordered that COAH adopt new regulations on or before October 22, 2014. COAH failed to adopt the new regulations, and Fair Share Housing Center (FSHC) filed a motion in aid of litigant's rights with the New Jersey Supreme

Court. The New Jersey Supreme Court issued a ruling on March 10, 2015, known as “Mount Laurel IV,” which set the framework for the Third-Round affordable housing plans.

Mount Laurel IV transferred the responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges. This meant that municipalities would need to apply to the Courts if they wish to be protected from exclusionary zoning lawsuits. A shortfall in this decision remained as to how a municipal’s affordable obligation would be calculated and left that to the trial courts, with the direction that the obligations be determined in a methodology which was similar to those used in the First and Second Round rules. The decision also directed municipalities to rely on COAH’s Second Round rules at N.J.A.C. 5:93 as well as the Fair Housing Act (N.J.S.A. 52:27D-301 et seq) in preparing Third Round Housing Elements and Fair Share Plans.

FSHC was permitted to serve as an interested party in every municipal Declaratory Judgement Action. In determining an affordable housing obligation, FSHC calculated municipal affordable housing obligations, as did an expert for municipalities, and offered to settle with municipalities. Many municipalities entered into Court approved Settlements with FSHC, those that did not challenged the methodology used by FSHC to determine municipal obligations.

The Third Round, which began with COAH’s 2004 rules identified the time period of 1999 to 2014. However, with COAH’s stalemate in adopting regulations and the associated court challenges all cumulating past the initial third round period into the 2015 “Mount Laurel IV” decision, the third round was now identified as the period 2015 to 2025. This left a “Gap Period” of 1999 to 2015. In 2017 the New Jersey Supreme Court, In Re Declaratory Judgment Actions Filed By Various Municipalities,

227 N.J. 508 (2017), found that the “gap period,” defined as 1999-2015, generates an affordable housing obligation. This obligation expanded the definition of the municipal Present Need obligation to include low- and moderate- income households formed during the gap period as a component of the new-construction obligation rather than the rehabilitation obligation.

In 2018 an unpublished decision of the NJ Superior Court, Law Division, Mercer County was rendered In re Application of Municipality of Princeton, also known as the “Jacobson Decision” which established a methodology for calculating municipal obligations in the Third Round under the Mount Laurel Doctrine. Although this decision is specific to Mercer County, Mount Laurel judges throughout the State have relied upon the Court’s decision in calculating Third Round affordable housing obligations¹. The decision came after many municipalities had entered into settlement agreements with FSHC which established a municipality’s affordable housing obligation.

While the Courts were addressing affordable housing policy and regulations, the State of New Jersey adopted two important pieces of legislation which shaped affordable housing policy. In 2008, Governor Corzine signed P.L. 2008. C.46 (referred to as “A500”, or the “Roberts Bill”) which amended the FHA. Key components of this bill include:

- Eliminating Regional Contribution Agreements (“RCA”) which allowed a municipality to transfer a portion of their affordable housing obligation to an identified receiving municipality.
- Establishing a statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing

¹ The Jacobson decision is also referred to in the 2024 FHA amendments providing that the decision “shall be referenced as to datasets and methodologies that are not explicitly addressed” in N.J.S.A. 52:27D-304.3 of the FHA.

- Created a very low-income affordable housing category and required at least 13% of all affordable housing units be restricted as very low-income housing units
- Required municipalities to commit to spend all collected development fees for affordable housing within four years of the date of collection.

The second piece of legislation was adopted in 2024. Governor Murphy signed P.L. 2024, c.2 (referred to as “A4”) which further amended the FHA and abolished COAH. The legislation replaced COAH with “the Program” which is an Affordable Housing Dispute Resolution Program. Additional key components of the Act include:

- Giving responsibility to the DCA to provide calculations of municipal present and prospective need using the standards as provided for in the legislation
- Establishing monitoring deadlines for all affordable units and trust funds
- Establishing mechanisms and bonuses for a municipality to meet its affordable housing obligation
- Establishing the Fourth Round of affordable housing obligations from 2025 through 2035
- Establishing a deadline of June 30, 2025 for a municipality to file a Housing Element and Fair Share Plan in compliance with the new regulations to remain protected from an exclusionary zoning lawsuit.

This document has been completed to effectuate the requirements of the 2024 FHA amendments utilizing the affordable housing calculations as published by the DCA in October of 2024.

HOUSING ELEMENT

The 2024 amendments to the Fair Housing Act included changes to what a Housing Element is required to address. The following is required to be part of any newly adopted Housing Element pursuant to N.J.S.A. 52:27D-310-10:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development trends;
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low and moderate income housing;
- A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;

- An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission;
- 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.

The following sections of this report addresses each of the above referenced requirements.

A Note on the Data: The following statistics and demographic data are derived from one of the following sources.

2023 American Community Survey 5-year Estimates: The most up to date information is the American Community Survey (ACS) estimates, which are generated between the decennial censuses. ACS figures are based on data collected over a 5-year period.

2020, 2010, 2000 and 1990 Census: The 2020 Census is the most recent decennial census. This information is used when ACS information is unavailable, and sometimes for comparison.

NJ Building Permit Data: NJ reports building permits and certificates of occupancy issued for each municipality on a monthly basis.

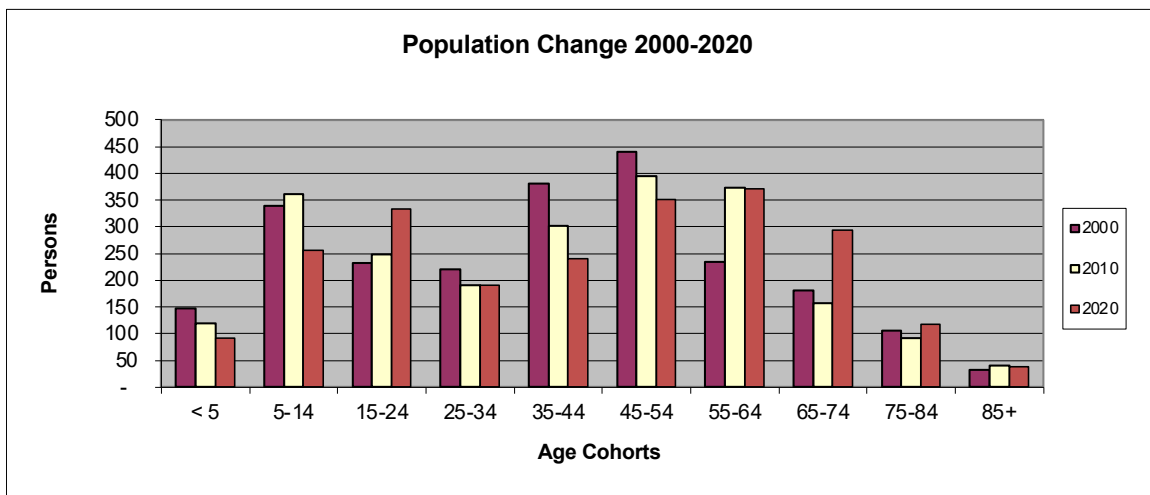
Demographic Analysis

The Borough of Wenonah has seen a slight population decline over the past thirty years, with an 2.1% decrease in total population. This primarily stems from the ten-year period from 2000 to 2010 where the population fell by 39 persons. Since 2010 the population has remained steady, although the ACS 2023 5 year estimates show a further decline in population of 35 persons to 2,248 persons. These population changes are not substantial and show that in general the Borough is built out and that population changes are more a result of changes to household size and not from any considerable new development.

Population Trends			
	Borough of Wenonah	Gloucester County	New Jersey
1990	2,331	230,082	7,730,188
2000	2,317	254,673	8,414,350
2010	2,278	288,288	8,791,894
2020	2,283	302,294	9,288,994
1990 to 2000	-0.6%	10.7%	8.9%
2000 to 2010	-1.7%	13.2%	4.5%
2010 to 2020	0.2%	4.9%	5.7%
1990 to 2020	-2.1%	31.4%	20.2%

Source: US Census Data

To understand the population, it is helpful to look at the changes in population for the different age-cohorts. Over the last 20 years there were declines in the 35-44 age cohort and a smaller decline in the 45-54 cohort and similar increases in the 55-64 and 65-74 cohorts. This demonstrates an overall aging of the population. To further substantiation this, the Borough's median age has also increased from 41.2 years in 2000 to 45.9 years in 2020, an increase of almost five years in age.

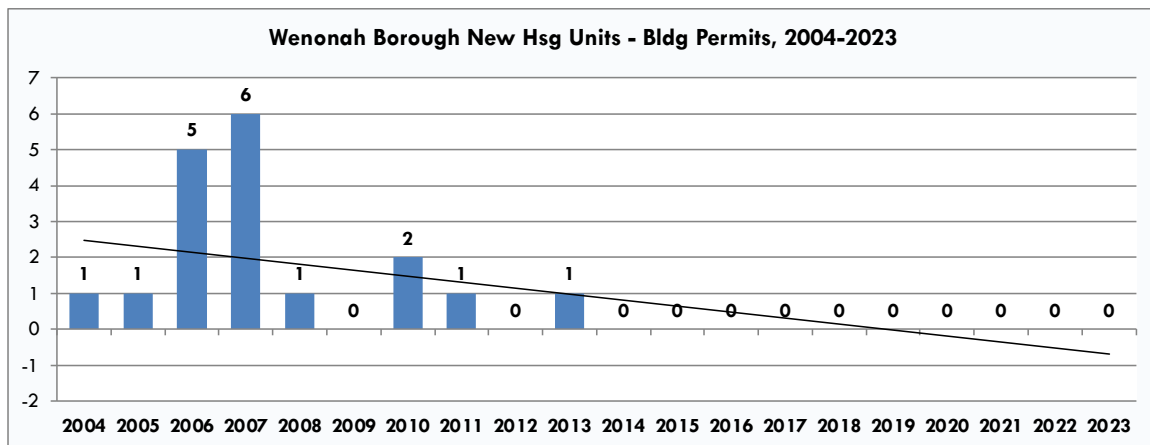


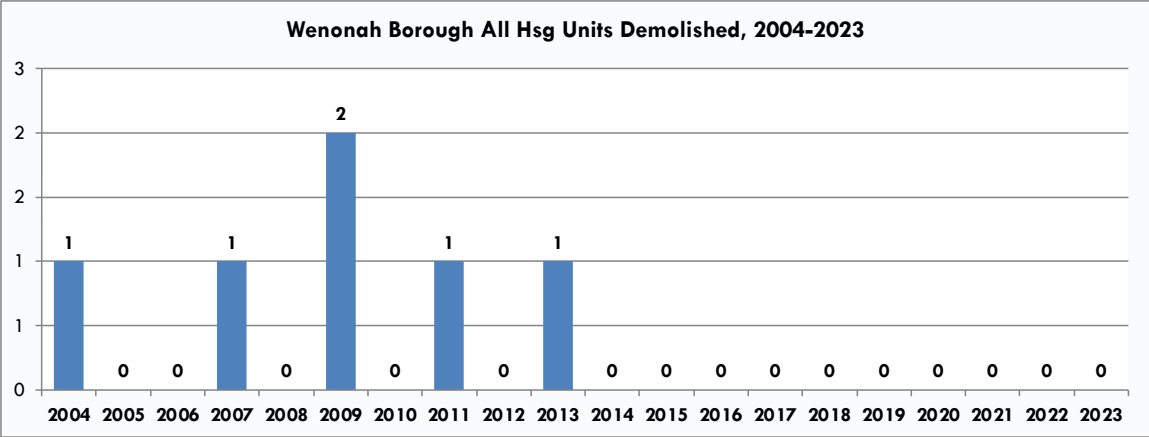
2000 to 2020 Population Profiles or Cohorts - Wenonah						
Age	Population					
	Year			Population Change		
	2000	2010	2020	2000 to 2010	2010 to 2020	2000 to 2020
< 5	148	120	91	-18.9%	-24.2%	-38.5%
5-14	340	360	256	5.9%	-28.9%	-24.7%
15-24	232	248	334	6.9%	34.7%	44.0%
25-34	221	191	191	-13.6%	0.0%	-13.6%
35-44	381	302	241	-20.7%	-20.2%	-36.7%
45-54	440	395	352	-10.2%	-10.9%	-20.0%
55-64	235	373	370	58.7%	-0.8%	57.4%
65-74	181	158	293	-12.7%	85.4%	61.9%
75-84	106	91	117	-14.2%	28.6%	10.4%
85+	33	40	38	21.2%	-5.0%	15.2%
18+	1,716	1,707	1,815	-0.5%	6.3%	5.8%
62+	390	379	572	-2.8%	50.9%	46.7%
65+	320	289	448	-9.7%	55.0%	40.0%
Median Age	41.2	42.6	45.9	3.4%	7.7%	11.4%

Unlike the stability of population over the past thirty years, the total housing units have grown by 5.4%, a gain of 45 units. However, the 2023 ACS 5 year estimates show an estimated housing count of 868 units. This is not considerable when looking at a thirty-year period. Census data are estimates. To truly understand if the Borough has had a change in the housing stock we can look at building permits issued.

Housing Trends/Total Housing Units			
	Borough of Wenonah	Gloucester County	New Jersey
1990	837	82,459	3,075,310
2000	860	95,054	3,310,275
2010	860	109,796	3,553,562
2020	882	112,516	3,761,229
1990 to 2000	2.7%	15.3%	7.6%
2000 to 2010	0.0%	15.5%	7.3%
2010 to 2020	2.6%	2.5%	5.8%
1990 to 2020	5.4%	36.5%	22.3%

The State of New Jersey compiles reports of building permits issued for residential purposes. The tables below are sourced from the DCA Residential Development Viewer shows the total building permits and demolition permits issued for housing units in the Borough from 2004 through 2023, reflecting only 18 permits issued and 6 demolition permits. The net gain of housing units is reported as 12 units. There has been no new housing growth since 2014 according to the State data.





2020 Population by Categories						
	Borough of Wenonah		Gloucester County		New Jersey	
	Persons	%	Persons	%	Persons	%
Total	2,283	100%	302,294	100%	9,288,994	100%
Sex						
F	1,158	50.7%	155,282	51.4%	4,770,289	51.4%
M	1,125	49.3%	147,012	48.6%	4,518,705	48.6%
Race						
White	2,098	91.9%	230,313	76.2%	5,112,280	55.0%
Black or African American	20	0.9%	32,992	10.9%	1,219,770	13.1%
Asian	32	1.4%	9,543	3.2%	950,090	10.2%
American Indian and Alaska Native	4	0.2%	727	0.2%	51,186	0.6%
Native Hawaiian and Other Pacific Islander	-	0.0%	84	0.0%	3,533	0.0%
Other	13	0.6%	8,134	2.7%	1,048,641	11.3%
Two or More Races	116	5.1%	20,501	6.8%	903,494	9.7%
Hispanic or Latino	71	3.1%	22,135	7.3%	2,002,575	21.6%
Age						
25-64	1,154	50.5%	155,556	51.5%	4,927,277	53.0%
65+	448	19.6%	49,800	16.5%	1,531,299	16.5%
Median Age	45.9	n/a	40.1	n/a	39.9	n/a

Housing Analysis

The 2020 Census data available reflects the total year-round housing units of 882, of which 89.1% are owner occupied and 10.9% are rental units. Over 61% of all households are married couples and 20% are single-female households. The median housing value is \$341,300 and the median gross rent is \$1,156.

Wenonah Housing Units by Tenant and Occupancy Status						
Year Round Housing Units			Owner-occupied		Rental	
Occupied	Vacant	Total	No.	%	No.	%
845	37	882	753	89.1%	92	10.9%

Summary of Household Characteristics - Wenonah		
	No. of Persons	% of Total
Total Population	2,283	
In Households	2,282	99.96%
In Group Quarters	1	0.04%
Institutionalized	0	0.00%
Non-Institutionalized	1	0.04%
Total Households	845	
Married Couple	523	61.89%
Cohabiting Couple	36	4.26%
Single Male	114	13.49%
Single Female	172	20.36%

Selected Housing or Housing Related Characteristics (Occupied Units)					
	Median Value Housing (owner- occupied)	Median Gross Rent	Median Household Income	Value Income Ratio	Rental Vacancy Rate
Borough of Wenonah	\$341,300	\$1,156	\$130,473	2.62	9.4%
Gloucester County	\$283,500	\$1,480	\$102,807	2.76	3.0%
Source: ACS 2023 5-year estimates					

Over 90% of the Borough's housing stock is single-family detached units. The housing stock is older with over 44% of the units constructed before 1939. It is clear that more than 50% of the total housing stock is fifty years of age or older. In general, the housing stock has a median room count of 8 per unit and over 89% have 3 or more bedrooms per unit.

Housing Units by Number of Units in Structure, Borough of Wenonah		
Number of Units	Units	Percent of Total
1-unit, Detached	786	90.55%
1-unit, Attached	26	3.00%
2 units	35	4.03%
3 or 4 units	21	2.42%
5 to 9 units	-	0.00%
10 to 19 units	-	0.00%
20 or more units	-	0.00%
Mobile Home	-	0.00%
Other	-	0.00%
Total	868	
Source: ACS 2023 5-year estimates		

Housing Units by Age		
Year Built	Units	Percent of Total
2020 or later	14	1.61%
2010 to 2019	21	2.42%
2000 to 2009	6	0.69%
1990 to 1999	18	2.07%
1980 to 1989	77	8.87%
1970 to 1979	77	8.87%
1960 to 1969	80	9.22%
1950 to 1959	125	14.40%
1940 to 1949	61	7.03%
1939 or earlier	389	44.82%
Total	868	
Source: ACS 2023 5-year estimates		

Occupied Housing Units by Number of Rooms		
Rooms	Housing Units	Percent of Total Housing Units
1	-	0.0%
2	-	0.0%
3	37	4.3%
4	17	2.0%
5	39	4.5%
6	117	13.5%
7	161	18.5%
8	126	14.5%
9+	371	42.7%
Total	868	100.0%
Median Rooms	8.0	
Source: ACS 2023 5-year estimates		

Occupied Housing Units by Number of Bedrooms		
Bedrooms	Housing Units	Percent of Total Housing Units
No Bedrooms	-	0.0%
1-Bedroom	42	4.8%
2-Bedrooms	51	5.9%
3- Bedrooms	408	47.0%
4-Bedrooms	314	36.2%
5 + Bedrooms	53	6.1%
Total	868	100.0%
Source: ACS 2023 5-year estimates		

Estimated housing values show an estimated 5% of all housing units have values less than \$200,000, which would provide an opportunity for low- and moderate- income families. More than half of the housing stock has values over \$300,000. According to ACS 5 year estimates no units lack complete kitchen or plumbing facilities and 4 units are heated using wood sources. No units contain more than 1 person per unit.

Housing Value, Owner-Occupied Units		
Value	Housing Units	Percent of Total Housing Units
Less than \$50,000	17	2.3%
\$50,000 to \$99,999	-	0.0%
\$100,000 to \$149,999	2	0.3%
\$150,000 to \$199,999	19	2.6%
\$200,000 to \$299,999	236	32.2%
\$300,000 to \$499,999	399	54.4%
\$500,000 to \$999,999	46	6.3%
\$1,000,000 or more	14	1.9%
Total	733	100.0%
Median Housing Value	\$ 341,300	
Source: ACS 2023 5-year estimates		

Employment Analysis

The median household income in the Borough is \$130,473, and the median family income is \$150,859. The poverty rate in the Borough is 2% for all persons and 1.3% for families. Of the persons below the poverty line, 5.3% of them are over the age of 65.

Income Levels			
	Borough of Wenonah		
	Households	Families	Non-Family
Median Income	\$130,473	\$150,859	\$67,560
Mean Income	\$183,247	\$210,876	\$77,218
Source: ACS 2023 5-year estimates			

Percent Distribution Persons and Families below Poverty Level				
	Population Below Poverty Line			Families Below Poverty Line
	All Persons	% of All Persons 18+ Years of Age	% of All Persons 65+ Years of Age	
Borough of Wenonah	2.1%	2.7%	5.3%	1.3%
Gloucester County	7.6%	7.4%	7.6%	4.5%
New Jersey	9.8%	8.8%	9.5%	7.0%
Source: ACS 2023 5-year estimates				

Affordable housing units are required to be priced to be affordable to low- and moderate-income families within the specified housing region where the municipality is located. Wenonah is located within Region 5 for the purposes of determining housing affordability. Income limits for households ranging from 1 person to 5 persons range from a household income of \$24,087, for a one-person, low-income family up to an income of \$99,101, for a 5-person, moderate income household. Household income reported in the Borough includes 24.7% of households with incomes which would fall into the affordable housing income levels.

Household Income (2023 Inflation Adjusted Dollars)		
	Wenonah Households	(% of Total Households)
Total Households	810	n/a
Less than \$10,000	20	2.5%
10,000 - 14,999	6	0.7%
15,000 - 24,999	0	0.0%
25,000-34,999	11	1.4%
35,000 - 49,999	42	5.2%
50,000 - 74,999	84	10.4%
75,000 - 99,999	62	7.7%
100,000 - 149,999	231	28.5%
150,000 - 199,999	148	18.3%
200,000 +	206	25.4%
Source: ACS 2023 5-year estimates		

2024 Affordable Housing Region 5 Income Limits					
	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household
Median Income	\$ 80,290	\$ 91,760	\$ 103,230	\$ 114,700	\$ 123,876
Moderate Income(80% of Median)	\$ 64,232	\$ 73,408	\$ 82,584	\$ 91,760	\$ 99,101
Low Income (50% of Median)	\$ 40,145	\$ 45,880	\$ 51,615	\$ 57,350	\$ 61,938
Very Low Income (30% of Median)	\$ 24,087	\$ 27,528	\$ 30,969	\$ 34,410	\$ 37,163
Source: Affordable Housing Professionals of NJ, April 12, 2024					

Of the population over the age of 16, 67% are in the labor force and 64% are employed. The fields of educational services, and health care/social assistance employs 31% of the population. Over 57% of the employed population work in management, business, science and arts.

WENONAH EMPLOYMENT STATUS		
	Total	Percent of Population 16 Years and Over
Population 16 years and Over	1,789	100%
In Labor Force	1,201	67.13%
Civilian Labor Force	1,201	67.13%
Employed	1143	63.89%
Unemployed	58	3.24%
Armed Forces	0	0.00%
Not In Labor Force	588	32.87%
Source: ACS 2023 5-year estimates		

Employment by Industry, Civilian Employed population 16 years and over		
Occupation	No. Persons	% Wenonah
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0.00%
Construction	27	2.36%
Manufacturing	74	6.47%
Wholesale Trade	101	8.84%
Retail Trade	84	7.35%
Transportation and Warehousing, Utilities	43	3.76%
Information	13	1.14%
Finance and Insurance, and Real Estate and Rental and Leasing	71	6.21%
Professional, Scientific, and Management, and Administrative and Waste Management Services	159	13.91%
Educational Services, and Health Care and Social Assistance	352	30.80%
Arts, Entertainment, and Recreation, and Accommodation and Food Services	80	7.00%
Other Services, except Public Administration	52	4.55%
Public Administration	87	7.61%
Total	1,143	100%
Source: ACS 2023 5-year estimates		

Employment by Occupation Civilian Employed population 16 years and over		
Occupation	No. Persons	% Wenonah
Management, Business, Science, and Arts	658	57.57%
Service	169	14.79%
Sales and Office	202	17.67%
Natural Resources, Construction and Maintenance	22	1.92%
Production, Transportation & Material Moving	92	8.05%
Total	1,143	100%
Source: ACS 2023 5-year estimates		

Affordable Housing Obligation

A municipality's affordable housing obligation is spread across different time periods. The most current obligation is related to the Fourth-Round. However, a municipality must also address any prior affordable housing obligations if they have not already been fully satisfied. The following reviews all components of Wenonah's affordable housing obligation beginning in 1987 and extending through 2035.

The following table identifies the Municipality's comprehensive affordable housing obligation:

Present Need/Rehab Obligation	0
Prior Round (1987-1999)	30
Round 3 Settlement (1999-2025)	109
Round 4 (DCA Calculations 2025-2035)	29
Total Obligation (New Units)	168

Present Need / Rehabilitation Component

The Present Need/Rehabilitation obligation is determined by estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, 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. This figure was calculated by the Department of Community Affairs ("DCA") based upon its interpretation of the standards of the Amended FHA. The Borough's rehabilitation obligation is **0**.

Prior Round Component

The Prior Round obligation is the Borough's cumulative Round 1 and 2 affordable housing obligation for the years between 1987 and 1999. The Borough's Prior Round obligation is **30**.

Round Three Component

Pursuant to a settlement agreement dated August 31, 2016, by and between the Borough and Fair Share Housing Center, the Borough's Third Round affordable housing obligation is **109** (including the "Gap Period" between 1999 and 2015). The Round 3 Prospective Need includes the so-called "Gap Period Present Need," which is a measure of households formed from 1999-2015 that need affordable housing, created by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).

Round Four Component

The Fourth-Round affordable housing obligation extends from 2025 through 2035. This is considered the current Prospective Need, which is a projection of housing needs based on development and growth which is reasonably likely to occur in a municipality. The Fourth Round prospective need was determined pursuant to methodology adopted by the state pursuant to the Fair Housing Act as amended in 2024.

On October 18, 2024, the Department of Community Affairs ("DCA") issued a report estimating the Fourth-Round affordable housing obligations for all municipalities based upon its interpretation of the standards of the Amended FHA. The Borough of Wenonah adopted a binding resolution #2025-33 on January 23,

2025, committing to the DCA Fourth Round Prospective Need (New Construction) Obligation of **29**.

Vacant Land Adjustment

The Borough's Third Round Settlement Agreement included a Vacant Land Adjustment ("VLA") due to the lack of sufficient vacant, suitable land to fully-satisfy its Prospective Need obligations. A VLA requires an inventory of vacant parcels. The municipality may exclude vacant contiguous parcels if they would accommodate less than five (5) dwelling units utilizing Court-approved presumptive density of six (6) units per acre. Additionally, the municipality may eliminate sites that are environmentally sensitive (as defined under N.J.A.C. 5:93-4.2(e)2); active recreational lands; conservation, parklands and open space.

After accounting for exclusions, the available land area with a realistic development potential of five or more units was compiled to determine the Boroughs Realistic Development Potential ("RDP") By presuming a development density of 6 units per acre with a 20% affordable housing set-aside, the Borough identified a Realistic Development Potential ("RDP") of 4 units. The Borough's Vacant Land Analysis and resulting RDP calculation as provided for in the Court-approved HEFSP are included in the Appendix.

In accordance with the 2024 amendments to the FHA, the Borough has prepared an updated VLA which identifies any new vacant contiguous parcels of land in private ownership which are of a size that would be suitable to accommodate five or more housing units. The municipality utilized the zoning density of 6 units per acre to determine if the site was suitable for development and contributing to their RDP. This density is higher than the density of the Borough's residential zoning

districts. The updated VLA continues to utilize a density of 6 units per acre in the Borough, due to the Court's prior approval of this density in the Borough's Third Round Final Judgment of Compliance and Repose, dated September 26, 2016.² No significant changes in density have occurred within the Borough since the Court's approval of the 6 units per acre presumptive density. A review of all vacant parcels as of March 2025 were compiled and compared to those identified in the 2016 VLA. There were no new vacant parcels identified which would add to the Borough's RDP. The following table identifies all newly identified vacant properties.

VACANT PARCELS AS OF MARCH 2025*						
Block	Lot	Property Location	Owner's Name	Total Area	Buildout	Description
1	1	239 LINDEN ST	BYARS, EDWARD	0.026	0.16	Lot Size Yields less than 1 unit
1	1.01	229 LINDEN ST	SPICER, PAUL	0.010	0.06	Lot Size Yields less than 1 unit
47	9.01	CHERRY ST	LABINSKI, JOSEPH	0.010	0.06	Lot Size Yields less than 1 unit
50	1	12 W MANTUA AVE	CHRISTODOULOU, DEAN & JOANNE	0.148	0.89	Lot Size Yields less than 1 unit
*The above includes those vacant parcels that were not listed and identified in the 2016 court-approved VLA						

Land Use Analysis

The Borough has conducted an exhaustive review of all available vacant and underutilized parcels through their approved Vacant Land Adjustment. The Borough has given consideration to those sites which would be suitable for affordable housing purposes.

² In accordance with the 2024 FHA amendments, N.J.S.A. 52:27D-310.1.1.c – vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five dwelling units based on appropriate standards pertaining to housing density. The Borough utilized a density of 6 units per acre as was utilized in their Round-Three VLA. This is higher than the permitted density in the Borough's residential zoning districts.

The Borough has also reviewed all municipal owned parcels and continues to provide for a new affordable housing development on an unrestricted Borough owned property along Glassboro Road which was acquired in 2017. The Borough has also created several overly zoning districts to provide for new affordable housing on currently developed and utilized properties.

Multigenerational Family Housing Analysis

In 2021 the FHA was amended to require 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. Currently, there are no recommendations published from the Commission. The duties of the commission are:

“To prepare and adopt recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas.”

A review of 2020 Census data shows that 3.9% of the occupied housing units in the Borough contain three plus generations of families. The Borough of Wenonah is an older suburban community and recognizes the needs of older residents who want to age in place or continue to live independently in the Borough where they raised their families. The Borough ordinances do not prohibit the creation of extra living space for family members, provided they are part of the same housekeeping unit.

Regional Planning Analysis

The Office of Planning Advocacy and the State Planning Commission are currently in the process of Cross Acceptance to adopt the 2024 State Development and Redevelopment Plan (SDRP). This is the first update to the 2001 SDRP. In both the 2001 and 2024 SDRP the Borough of Wenonah is completely within a Metropolitan State Planning Area (PA1). As an older suburban community, the Borough is primarily built-out. The Borough has infrastructure for water and sewer and has approved stormwater management ordinances in accordance with the NJ DEP requirements. The Borough has access to public transportation through the New Jersey Transit bus services.

In the 2024 Draft SDRP the PA1 Planning Area is intended to

- *provide for much of the state's future growth in compact development and redevelopment;*
- *revitalize cities, towns and neighborhoods, and in particular overburdened neighborhoods;*
- *address existing legacy issues such as air pollution, urban heat islands, lead contamination, Brownfields, urban highways, and combined sewer systems;*
- *prevent displacement and gentrification;*
- *promote growth that occurs in Centers, other appropriate areas that are pedestrian friendly, and in compact transit-oriented forms;*
- *rebalance urbanization with natural systems;*
- *promote increased biodiversity and habitat restoration;*
- *stabilize and enhance older inner ring suburbs;*
- *redesign and revitalize auto oriented areas;*
- *protect and enhance the character of existing stable communities.*

The Borough does not have vacant land that can be developed, all development is rooted in the reuse and redevelopment of previously utilized properties. The Borough has approved an affordable housing development on a previously developed property, yet to be constructed. The Borough continues to look at their zoning to encourage the redevelopment and improvement of older facilities and properties while balancing the character of their community.

FAIR SHARE PLAN

A Fair Share Plan (FSP) is prepared to address how a municipality intends to meet their constitutional affordable housing obligations. The FSP identifies the affordable housing obligations, projects that have been completed, proposed mechanisms to meet the affordable housing obligations, and addresses the requirements of the FHA and affordable housing regulations applicable to each set of obligations, including N.J.A.C. 5:93 and N.J.A.C. 5:80 where applicable.

Affordability Requirements

Affordable housing is defined under New Jersey's Fair Housing Act as a dwelling, either for sale or rent that is within the financial means of households of low or moderate income as income is measured within each housing region. The Borough of Wenonah is in Region 5, which includes Burlington, Camden and Gloucester 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. As required by the amended FHA (Roberts bill), there is also included a very low-income category, which is defined as households earning 30% or less of the regional median income.

Through the Uniform Housing Affordability Controls (hereinafter "UHAC") at N.J.A.C. 5:80-26.3(d) and (e), which were amended by "emergency" in December 2024, the maximum rent for a qualified unit be affordable to households that earn no more than 60% of the median income for the region. The average rent must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable to households that earn no more than

70% of the median income. The average sale price must be affordable to a household that earns no more than 55% of the median income.

The regional median income is defined using the federal Department of Housing and Urban Development (“HUD”) income limits on an annual basis. In the spring of each year HUD releases updated regional income limits. It is from these income limits that the rents and sale prices for affordable units are derived. These figures are updated annually.

Affordable Housing Plan

The following amends in part the Borough’s approved Third Round Plan and incorporates provisions to address the Borough’s new Fourth-Round obligations.

Rehabilitation Obligation/Present Need:

Under the Fourth-Round the Borough is not identified as having a rehabilitation obligation. The Borough is located in Gloucester County and recognizes the County utilizes a program using U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) funds to rehabilitated lower income properties. While the Borough has no rehabilitation obligation, they will continue to cooperate with Gloucester County.

Prior Round and Third-Round:

As set forth above, the Borough of Wenonah has a Prior Round (1987-1999) obligation of **30** and a Third-Round Prospective Need (1999-2025) of **109**. The Borough adopted a 2016 Housing Element and Fair Share Plan in accordance with their Third-Round Court-approved settlement agreement with FSHC, which resulted

in a Final JOR dated September 26, 2016. The Borough completed a VLA for their combined Prior Round and Third-Round obligation, resulting in a combined RDP of 4, leaving an Unmet Need of 135.

Bonus credits are permitted for rental units, up to 25% of the Boroughs Prior Round RDP in accordance with N.J.A.C. 5:93-5.15(a). As such the Borough is permitted to take a bonus credit for a maximum of 1 credit. Additionally, in accordance with N.J.A.C. 5:93-5.14(a)1, the Borough is permitted to include up to 25% of the total Prior Round obligation (less prior cycle credits) as age-restricted housing units, for a maximum of 1 unit.

The following Table summarizes the Borough's RDP Obligation Components as approved in the Borough's 2016 Final JOR:

Wenonah Combined Prior Round & Third-Round Plan RDP - 4	Rental	Senior	Family	Units	Bonus Credits	Total Credits
<i>Special Needs Housing Credits</i>						
Willowglen Academy 506 North Clinton Avenue (bedrooms)	x		x	4	1	5
<i>Inclusionary Development Credits</i>						
Wenonah Associates LLC	x		x	4		4
<i>Accessory Apartments</i>						
Wenonah Associates Approval	x		x	4		4
Total				12	1	13
Surplus Credits Towards Unmet Need						9

The following Table summarizes the Borough's Unmet Need Obligation Components as approved in the Borough's 2016 Final JOR:

Wenonah Combined Prior Round & Third-Round Plan Unmet Need - 135	Rental	Senior	Family	Units	Bonus Credits	Total Credits
<i>Inclusionary Development Credits</i>						
Wenonah Swim Club			x	10		10
Senior Citizen Overlay		x		4		4
Holy Nativity Lutheran Church Overlay			x	3		3
<i>Accessory Apartments</i>	x		x	10		10
<i>Surplus from RDP</i>						9
Total				27		36

Fourth Round Prospective Need:

The Department of Community Affairs (DCA) for the State of New Jersey has calculated proposed new affordable housing obligations for each municipality for Round 4 (2025 through 2035). The Borough's Fourth Round affordable housing obligation is **29**.

The Borough has an approved Vacant Land Adjustment in their Court approved HEFSP which created an RDP of 4. A review of the 2025 tax records identified 4 new vacant parcels, none of which were of sufficient size to create an RDP. As such, the Borough's Fourth Round **RDP is 0 with an Unmet Need of 29**.

When a Fourth-Round plan includes a VLA, the components of the Fair Share Plan are required to include an identification of parcels which are likely to redevelop over the next ten years which would provide for up to 25% of the Borough's Fourth-Round RDP (N.J.S.A. 52:27D-310.1). This would require a total of **0 credits** as the Borough's Fourth-Round RDP is zero. Although the Borough has an RDP of zero, there have been two new group homes constructed, one in 2020 and one in 2021, which provide for 8 total credits plus bonus credits.

The amendments to the FHA for a Fourth-Round plan require a municipality provide 50% of actual affordable units, exclusive of any bonus credits, available to families with children, for a total of **11 units**³. Additionally, at least 25% of actual units, exclusive of bonuses, are required to be rental units for a total of **5 units**, of which of which 50% of the rental units, or **2 units**, to be available to families with children. (N.J.S.A. 52:27D-311.1) The Borough has at least 2 units from existing Special Needs/Supportive Housing facility which will provide for part of the required rental units.

When units are developed through the overlay zoning ordinances from the Third-Round plan, they are required to be family units, and where appropriate, at least one unit will be a family rental unit.

The following table addresses Fourth-Round credits which will address the Borough's Fourth-Round Unmet Need.

³ The Borough's Fourth-Round obligation is 29, which is permitted to include 7 bonus credits. The Borough will utilize 7 bonus credits for the Supportive Housing, therefore a total of 22 actual units are required to be provided in the Plan.

Wenonah Fourth Round Prospective Need Plan RDP – 0 Unmet Need - 29	Rental	Senior	Family	Units	Bonus Credits	Total Credits
<i>Supportive Housing and Special Needs</i>						
Durand Inc 106 E Maple Street	x		x	3	3	6
YCS Sawtelle House 209 N Marion Avenue	x		x	5	4	9
Total				8	7	15

Bonus credits are permitted for up to 25% of the required obligation in the Fourth Round, or seven (7) credits. In accordance with the amended FHA under N.J.S.A. 52:27D-311.k(1) the Borough is utilizing seven (7) bonus credits from permanent supportive housing from the two identified group homes created after 2020. The Borough reserves the right to apply bonus credits in the future if they become available.

The Borough will maintain the overlay affordable housing ordinances as provided for in the Court-approved Third-Round Plan to address the remaining Unmet Need obligation.

Unfulfilled Prior Round (1987 through 2025)

The mechanisms identified in the Borough's Court approved 2016 HEFSP included the development of an inclusionary affordable rental development at 1415 Glassboro Road in Block 4, Lot 39, known as Wenonah Associates.

Wenonah Associates, LLC – 4 credits

Wenonah Associates, LLC was the owner of a property located at 1415 Woodbury-Glassboro Road. The development of the property was approved for 34 units, 4 of which will be affordable rental units. Additionally, as indicated in the approving resolution, four (4) accessory apartments were required to either be constructed by or funded by Wenonah Associates, LLC. This project was included as part of the Borough's prior efforts in affordable housing compliance and is part of the plan granted Judgment of Repose in 2006. The site had originally been approved as an age-restricted development in the 2006 HEFSP. However, pursuant to the age-restricted conversion act (N.J.S.A. 45:22A-46.3 through -46.16), the owner made application and was approved by the Planning Board to convert the development to a non-age-restricted project of 34 units, four (4) of which remain earmarked for affordable housing, on June 25, 2012.

Sites identified for affordable housing are required to be approvable, available, developable, and suitable. The site is approvable since it has a valid site plan approval from the Wenonah Combined Planning Board. The site is available, meaning that it has no restrictions that would otherwise prevent it from being developed with affordable housing. The site is developable. It has no environmental constraints, has access to appropriate roadways and has adequate available infrastructure. The site fronts on Woodbury-Glassboro Road, County Route 553. In the resolution approving the conversion of the site to a non-age-restricted development, the Combined Planning Board noted:

"Borough Council has made provisions for [extension of sanitary sewer] by obtaining all permits necessary for said sewer extension and having already installed the line behind those homes and extended the sewer main to the site. Additionally, Borough Council has entered into an

inter-local agreement with the City of Woodbury to supply water."
[Finding of fact 15, p. 9]

As part of the 2016 HEFSP and as approved by the Court, the Borough Engineer had confirmed that all necessary utilities are in place for the construction of the project. The site is suitable, being located adjacent to or across the street from residential districts and abutting the Wenonah Swim Club with appropriate access to the county highway, as noted above.

This project has not been constructed and in 2017 the Borough acquired the property after the property owner claimed bankruptcy. Over the past several years the Borough has put the property out for sale four times, in 2020, 2021, 2022 and 2023, to have a private entity to develop the site consistent with the approved site plan approval including the affordable units. The Borough did not receive any bids on the property. The Borough intends to re-market the property this year. Any development would require a new site plan approval which the Borough would work with any future property owner to facilitate the development generally consistent with the 2012 approvals granted by the Board or in another form provided that there will be a minimum of four (4) affordable units or a 20% set-aside of affordable units.

Elements Satisfying Obligation – Unmet Need

Accessory Apartment Ordinance – 14 units

As part of the implementation of the Borough's 2006 Judgment of Repose, an accessory apartments ordinance was adopted by Borough Council on December 28, 2006 (Ordinance 0-06-27) that meets the requirements of N.J.A.C. 5:93-5.9, Accessory Apartments. An accessory apartment is a self-contained residential dwelling unit with a kitchen, bathroom, sleeping quarters and a private entrance which is created to be

occupied by a low- or moderate-income household. The accessory apartment may be created within an existing unit, be an addition to or be created in an accessory building. The ordinance contains a limit of ten (10) accessory apartments in order to meet the limitation imposed by NJ.AC. 5:93-5.9(a).

The four (4) required under the Wenonah Associates, LLC approval for off-site apartments and the allowed ten (10) additional units will assist in addressing Wenonah's unmet need. The municipality will make available through its affordable housing impact fee revenues and bonding, if required, a minimum of \$10,000 per unit to financially assist landowners in the construction of an accessory apartment.

In the Court-approved 2016 HEFSP, it was noted that the Borough had 868 dwellings of which 650 (nearly 75%) are older than 50 years old. The housing stock is greatly varied, with large mansions on Mantua Boulevard, the town's Main Street, to modest houses on one-fifth acre lots. Many of the houses are historic and old enough where carriage houses were common in larger residences which create a ready-made stock for potential accessory apartments. These conditions remain consistent with the findings in the 2016 HEFSP.

There have been no accessory apartments created under this ordinance to meet the Borough's affordable housing unmet need obligation. Additionally, the four (4) units from Wenonah Associates have not been created as that project has not been completed. The Borough maintains that the use of accessory apartments remains a viable and appropriate mechanism to meet a portion of their affordable housing obligation. This is even more apparent given the recently proposed legislation by the State of NJ to permit accessory dwelling units throughout the State. The Borough will maintain this ordinance consistent with their 2016 JOR.

Inclusionary Zone Overlay/Wenonah Swim Club – 8 to 10 units

The swimming club is located on Block 4; Lots 36.01, 37.01, 38, 41.02 and 42.04 on approximately 8.21 acres of land. The property is located in the Parks and Recreation District, which permits conservation and recreational uses, including the swim club. The overlay zone as adopted permits small lot single family detached market units with affordable units in townhouses at 6 units per acre. The portion set-aside for affordable development would equal 20% of the total number of units for for-sale units and 15% for rental development. Based on the acreage, the total number of units from the application of the overlay zoning district is 49 of which 10 would be affordable for-sale or 8 affordable rental dwellings. Since the swimming club is located to the west and north of the Wenonah Associates site, the site will provide a transitional density to the single family detached neighborhood to the west, north and south. One key factor, because the swim club land has inadequate access to appropriate streets, is to require that any such access meet Residential Site Improvement Standards ("RSIS")(N.J.A.C. 5:21) for streets, which would require at least a minimum 60-foot wide connection to Woodbury-Glassboro Road that the developer would need to obtain. This width is the minimum necessary for the creation of a divided or bifurcated entrance to meet the requirements of RSIS. The bifurcated entrance is necessary to have two means of access to and from the development.

While this development has not occurred, the Borough maintains that this site offers an opportunity if it is ever redeveloped. There is no considerable vacant land available in the Borough and the reuse or redevelopment of existing facilities is the sole possibility for future affordable housing opportunities.

Senior Citizen Overlay Zone – 3 to 4 units

The Senior Citizen Overlay District was created in the early 1990's to expand housing opportunities for households seeking to downsize from their existing single family detached dwellings. The Overlay District was applied to Block 76, Lots 1-7 that are the location of the commercial greenhouses in town. The property is 2.58 acres in area. Townhouses are permitted at 7 units to the acre which would allow up to 18 townhouses. In order to extend these alternative housing opportunities to low- and moderate-income households, a 20% set-aside for for-sale dwellings and a 15% minimum set-aside for rental townhouses are proposed as an unmet need mechanism. This calculates into 4 and 3 affordable units, respectively. However, given the small size of the development, it is expected that the development would be for-sale. Like the swim club site, the overlay would be available with the redevelopment of the property from its commercial use to a residential one.

The senior citizen overlay zone continues to offer a viable opportunity for the Borough to satisfy their Unmet Need.

Holy Nativity Lutheran Church – 3 units

Of the four houses of worship in Wenonah, Holy Nativity Lutheran Church is on the largest parcel with 2.1 acres of property (Block 66.02, Lots 10 and 11). Though a viable congregation, applying the LMR overlay to the Holy Nativity Lutheran parcel will capture any future redevelopment of the site should their situation change. With 2.1 acres at 8 units to the acre, 16 townhouses could be developed under the density limit. This would yield three (3) affordable housing units with either form of tenure. The fraction of a unit under a for-sale tenure (0.2 units) should be addressed through a contribution in lieu of construction to the affordable housing trust fund. Given the

small size of the potential redevelopment project, a for-sale tenure is the most likely means of addressing the affordable housing component.

This overlay zone continues to offer a viable opportunity for the Borough to satisfy their Unmet Need.

Elements Satisfying Obligation – Fourth Round

Durand Inc Group Home – 3 bedrooms

Located at 106 E Maple Street, Block 22, Lot 15, this facility is operated by Durand Inc. as a group home for individuals with developmental disabilities. The facility was opened and licensed in 2021 under New Jersey Division of Developmental Disabilities. The home is a residential care facility for women over 21 years of age. The property contains 3-bedrooms.

YCS Sawtelle House Group Home- 5 bedrooms

Located at 209 N Marion Avenue, Block 27, Lot 1.01, this facility is operated by Youth Consultation Services as a group home for five (5) women with intellectual disabilities and/or developmental disabilities. The facility was opened and licensed on December 24, 2020 under New Jersey Division of Developmental Disabilities. The home is a residential care facility for women over 21 years of age. The property contains 5-bedrooms.

Very Low-Income Units

Very Low-income housing is affordable to those households with a gross household income of 30% or less of the median gross household income in the region. In 2008 the FHA was amended to include a requirement that at least 13% of all

affordable housing units be very low-income units⁴. The 2024 amendments to the FHA added a provision that at least half of the very low-income units be available to families with children. This would apply to the Borough's Fourth-Round obligation.

The Borough is required to provide 13% of their total affordable housing units in their Third and Fourth Round plans as very-low-income units. With a Third-Round RDP of 4 and a Fourth-Round RDP of zero, the total very low-income units required is one (1). In the Court-approved Third-Round Plan a very-low-income units was recognized in the existing Willow Glen Group Home and a new unit continues to be proposed through the accessory apartment ordinance.

Phasing Plan for Affordable Housing Units⁵

The Borough has unbuilt units satisfying their Third and Fourth-Round RDP. The Unmet Need units will come online as the developments progress but are not included in the phasing schedule. The development of these units are subject to market conditions.

Bonus Provisions

For the Prior Round and Third-Round plan, in accordance with N.J.A.C. 5:93-5.15, the Borough has utilized one bonus credit for up to 25% the family rental units from the Willowglen Academy group home.

⁴ Assembly Bill A-500 adopted in 2008, also known as the Roberts Bill, created a new definition for very low-income units and a requirement that 13% of all affordable units be made available to very low-income households.

⁵ Phasing is estimated and may not reflect changes to market conditions which will impact the proposed developments.

Bonus credits are permitted for units in the Fourth Round in accordance with the amended FHA under N.J.S.A. 52:27D-311.k. for up to 25% of the total Fourth-Round prospective need, allowing for seven (7) bonus credits. The Borough proposes to utilize bonus credits for the two new group homes, up to the seven (7) permitted.

The Borough reserves the right to apply additional bonus credits in the future if they become available.

Affordable Housing Trust Fund

The Borough of Wenonah adopted an affordable housing trust fund ordinance in accordance with affordable housing regulations for the purposes of funding affordable housing activities in 2011 under Ordinance 05-11. As of June 30, 2024 the AHTF had a balance of \$27,516. A Spending Plan is being prepared to support this report.

Cost Generation

The Borough of Wenonah will provide for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings for projects involving affordable housing. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance and Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) The Borough shall comply with all requirements for unnecessary cost generating requirements under N.J.A.C. 5:93-10.

Monitoring

The Borough of Wenonah shall complete all required annual monitoring reports for the Borough's Affordable Housing Trust Fund and of the affordable housing units and programs in accordance with the FHA regulations and requirements. In fact, the Borough has complied with all current AHMS reporting deadlines to date, as set forth in the Amended FHA. The Borough Municipal Housing Liaison has access to the AHMS and has been regularly inputting the required monitoring data as it becomes available.

Fair Share Ordinance and Affirmative Marketing

The Borough of Wenonah on November 17, 2016 by ordinance 2016-11 and in accordance with the Borough's Court approved Fair Share Plan, adopted an Affirmative Marketing and Fair Share Ordinance in accordance with N.J.A.C. 5:93 et seq., and UHAC at N.J.A.C. 5:80-26⁶. The Borough's Fair Share Ordinance will govern the administration of affordable units in the Borough as well as regulating the occupancy of such units. The Fair Share Ordinance covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and sales prices, affirmative marketing, income qualification and the like. The costs of advertising and affirmative marketing of the affordable units (including the contract with the Administrative Agent) shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough.

⁶ At this time the State is in the process of amending the UHAC regulations and adopting new affordable housing regulations under proposed N.J.A.C. 5:99 which will potentially require amendments to the Municipal Housing Ordinances and Marketing Plan. At such time that these regulations become effective the ordinances will be amended as required by law.

The affirmative marketing plan is designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Borough. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in Housing Region #5, consisting of Burlington, Camden and Gloucester counties.

The affirmative marketing plan includes regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance with N.J.A.C. 5:80-26. All newly created affordable units will comply with the affordability controls required by the FHA and UHAC. This plan must be adhered to by all private, non-profit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. The costs of implementing the affirmative marketing plan (i.e., the costs of advertising the availability of affordable units, contract with the Administrative Agent, etc.) are the responsibilities of the developers of the affordable units. This requirement will be included in the Borough's fair share ordinances and shall be a condition of any municipal development approval.

Due to the HMFA's impending release of proposed amendments to UHAC in June or July 2025, the Borough's Affordable Housing Ordinance will be amended and filed with the Program for review and approval once those regulations are adopted. If any changes to the Borough's Court-approved Affirmative Marketing Plan, as amended to include new projects set forth in this FSP, are required, the Borough shall amend the affirmative marketing plan to include any changes, if any are required, once the new UHAC regulations are adopted.

Conclusion

There are limited remaining opportunities to create affordable housing in the Borough given the scarcity of vacant or underutilized parcels. Despite this, the Borough proposes to meet its affordable housing obligations through various mechanisms as demonstrated herein.

Appendix A – Complaint for Declaratory Relief Pursuant to AOC Directive 14-24

*Appendix B – Order Fixing Municipal Obligations for “Present Need” and
“Prospective Need” for the Fourth Round Housing Cycle*

Appendix C – 2016 Vacant Land Properties

Appendix D – Durand Inc. Group Home Documentation (to be provided)

*Appendix E – Youth Consultation Services Group Home Documentation (to be
provided)*

APPENDIX A

TARA ANN ST. ANGELO, Esq.
ATTORNEY ID #020292008
GEBHARDT & KIEFER, P.C.
1318 Route 31 ~ P.O. Box 4001
Clinton, New Jersey 08809-4001
Tel. (908) 735-5161
Attorneys for Petitioner, Wenonah Borough

IN THE MATTER OF THE
APPLICATION OF THE BOROUGH OF
WENONAH, A Municipal Corporation of
the State of New Jersey,

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
GLOUCESTER COUNTY
DOCKET NO.

CIVIL ACTION
(Mount Laurel)

**COMPLAINT FOR DECLARATORY
JUDGMENT PURSUANT TO
N.J.S.A. 52:27D-313**

The Borough of Wenonah, a Municipal Corporation of the State of New Jersey, having its principal place of business at 1 South West Avenue Wenonah, NJ 08090, by way of Complaint for Declaratory Judgment pursuant to N.J.S.A. 52:27D-313 and N.J.S.A. 2A:16-50 *et seq.* says:

BACKGROUND

1. Petitioner Borough of Wenonah (hereinafter “Petitioner” and/or “Wenonah” and/or “Borough”) is a body politic and corporate organized under the laws of the State of New Jersey.

2. On March 20, 2024, the New Jersey Legislature adopted P.L. 2024, c. 2, which amended the Fair Housing Act (FHA) (N.J.S.A. 52:27D-302 *et seq.*), abolished the Council of Affordable Housing (“COAH”), promulgated procedures and guidelines implementing the Affordable Housing Alternate Dispute Resolution Program (the “Program”), and created a new

process for municipalities to come into constitutional compliance with their affordable housing obligations.

3. Wenonah is located in Gloucester County in Region 5 pursuant to the N.J.S.A. 52:27D-304.2.

4. Pursuant to first, second, and third round obligations, Wenonah has provided for affordable housing through an special needs housing, an established accessory apartment program, and adopted inclusionary zoning. Wenonah has made a good faith effort to meet its first, second, and third round affordable housing obligations.

5. Pursuant to N.J.S.A. 52:27D-304.1(d), the Department of Community Affairs (the “DCA”) is responsible for providing a report setting forth non-binding calculations of regional and municipal affordable housing need for the Fourth Round based on the provisions of N.J.S.A. 52:27D-304.2 and -304.3.

6. Pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), participating municipalities must adopt and file resolutions calculating their housing obligations for the Fourth Round by January 31, 2025.

7. P.L. 2024, c. 2 established the Program within the New Jersey Judiciary for the purpose of resolving disputes associated with municipal affordable housing obligations and compliance. In furtherance of that end, the Administrative Director of the Courts issued Directive #14-24 on December 13, 2024 directing municipalities to file declaratory judgment actions seeking certification of municipal compliance with the FHA within 48 hours of adoption of a resolution establishing the municipality’s fair share obligation.

8. On or about October 18, 2024, DCA issued a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background.” (the “DCA Report”).

9. Pursuant to the DCA Report, the Fourth Round affordable housing obligations calculated for East Amwell are as follows:

Present Need: 0

Prospective Need: 29

10. On January 23, 2025, Wenonah adopted a Resolution accepting the obligations in the DCA Report as its affordable housing obligations for the Fourth Round. A copy such resolution is attached hereto as Exhibit A.

11. Wenonah desires that the Court review and accept the municipal fair share obligation of Wenonah as set forth in the Resolution attached hereto as Exhibit A, subject to Wenonah’s right to adjust its fair share obligations based on a Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), and / or all other applicable adjustments, permitted in accordance with applicable statute, regulations or law;

12. In compliance with P.L. 2024, c. 2, Wenonah shall draft and file a Housing Element and Fair Share Plan demonstrating compliance with the Fourth Round affordable housing obligations and applying any adjustments to its fair share obligation consistent with applicable law and regulations.

13. After such filing, Wenonah desires that the Court review and accept its Housing Element and Fair Share Plan and adjustments to its fair share obligation and approve the Program’s issuance of a Certificate of Compliance.

COUNT ONE

(DECLARATORY RELIEF, CONSTITUTIONAL COMPLIANCE)

14. Wenonah repeats and realleges each and every allegation set forth in Paragraphs 1-13 of this Complaint as if set forth herein at length.

15. Pursuant to the Declaratory Judgments Act, N.J.S.A. 2A:16-50 et seq., N.J.S.A. 52:27D-313, and P.L. 2024, c. 2, Wenonah has a right to a declaratory judgment verifying and confirming Wenonah's full compliance with its constitutional affordable housing obligations

WHEREFORE, Petitioner, the Borough of Wenonah, respectfully seeks that the Court grant the following relief:

a. An Order exercising jurisdiction over the compliance by the Borough of Wenonah with its constitutional affordable housing obligations; and

b. An Order declaring, pursuant to N.J.S.A. 52:27D-304.1(f), that the affordable housing obligations set forth by Wenonah Borough in the Resolution dated January 22, 2025 are established; and

c. An Order declaring that the Borough of Wenonah is under the Court's voluntary compliance declaratory judgment jurisdiction and that the Borough is immunized and protected against builder's remedy litigation and exclusionary zoning challenges; and

d. An Order declaring that the Borough of Wenonah's Housing Element and Fair Share Plan, including its spending plan, satisfactorily addresses its affordable housing mandates and provides the Borough with immunity and repose against builder's remedy litigation and exclusionary zoning challenges for a period of ten (10) years from the date of the Final Judgment.

e. A Judgment of Compliance and Repose for a period of ten (10) years from

its date of entry.

f. An Order granting such additional relief as the Court deems equitable and just.

GEBHARDT & KIEFER, P.C.
Attorneys for Petitioner, Borough of Wenonah

By /s/ Tara Ann St. Angelo
TARA ANN ST. ANGELO

Dated: January 24, 2025

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Tara Ann St. Angelo, Esq. is hereby designated as Trial Counsel for Petitioner Borough of Wenonah.

GEBHARDT & KIEFER, P.C.
Attorneys for Petitioner, Borough of Wenonah

By: /s/ Tara Ann St. Angelo
TARA ANN ST. ANGELO

Dated: January 24, 2025

CERTIFICATION

Pursuant to Rule 4:5-1, it is hereby certified that the matter in controversy is not the subject of any other action pending in any other Court or of a pending arbitration or administrative proceeding to the best of knowledge and belief. Wenonah Borough filed a declaratory judgment action related to its Third Round affordable housing obligations (*IMO Wenonah Borough*, Docket No. GLO-L-896-15). Such action was closed after the filing of a Final Judgment of Compliance and Repose on September 26, 2016. To the best of our knowledge, no action, arbitration or administrative proceeding is contemplated. Furthermore, we know of no other parties that should be joined in the above action.

GEBHARDT & KIEFER, P.C.
Attorneys for Petitioner, Borough of Wenonah

By: /s/ Tara Ann St. Angelo
TARA ANN ST. ANGELO

Dated: January 25, 2025

WENONAH BOROUGH
GLOUCESTER COUNTY, NEW JERSEY

RESOLUTION #2025-33

**RESOLUTION REGARDING FAIR SHARE AFFORDABLE HOUSING
OBLIGATIONS FOR THE FOURTH ROUND**

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP v. Mount Laurel, 67 13 N.J. 151 (1975) and Southern Burlington County NAACP 14 v. Mount Laurel, 92 N.J. 158 (1983), has determined that every municipality in New Jersey has a constitutional obligation to provide through its land use regulations a realistic opportunity for its fair share of its region's present and prospective needs for housing for low- and moderate-income families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et al.); and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality must adopt a binding resolution no later than January 31, 2025, determining its present and prospective fair share obligation for the Fourth Round; and

WHEREAS, pursuant to Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024, "[a] municipality seeking a certification of compliance with the [Fair Housing Act] shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (Civil CIS) in the county in which the municipality is located" within 48 hours of adopting the municipal resolution of fair share obligations; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(d), the New Jersey Department of Community Affairs issued "a report on the calculations of regional need and municipal obligations for each region of the State" on or about October 18, 2024 (the "DCA Report"); and

WHEREAS, the DCA Report set the municipal obligation for Wenonah Borough as follows:

Present Need: 0
Prospective Need: 29

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(a), a municipality may determine its present and prospective fair share obligation for affordable housing consistent with the established methodologies; and

WHEREAS, the Borough accepts the conclusions set forth in the DCA Report; and

WHEREAS, the Borough's calculation of need is entitled to a "presumption of validity"

because it complies with Sections 6 and 7 of P.L. 2024, c. 2; and

WHEREAS, the Borough specifically reserves its rights to:

- a. Adjust the Borough's fair share obligations based on a Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), a survey pertaining to present need pursuant to N.J.A.C. 5:93-5.2(a) and N.J.A.C. 5:93-Appendix C), and / or all other applicable adjustments, permitted in accordance with applicable statute, regulations or law;
- b. Revoke or amend this Resolution and the Borough's Fourth Round Affordable Housing Obligations to account for decisions of a court of competent jurisdiction or a change in applicable legislation; and
- c. The right to take any contrary position, or adjust its Fourth Round Affordable Housing Obligations, in the event of a third-party challenge to the Borough's Fourth Round Affordable Housing Obligations.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of Wenonah Borough, Gloucester County, New Jersey, as follows:

1. Wenonah Borough hereby determines, based on the DCA Report and advice of the Municipal Planner and Attorney, to adopt the following obligations as its binding Fourth Round Affordable Housing Obligations:

Present Need: 0

Prospective Need: 29

2. The adoption of this Resolution and the aforementioned Fourth Round Affordable Housing Obligations is subject to all reservations of rights, which specifically include, without limitation, the following:
 - a. The right to adjust the Borough's fair share obligations based on a Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), a survey pertaining to present need pursuant to N.J.A.C. 5:93-5.2(a) and N.J.A.C. 5:93-Appendix C), and / or all other applicable adjustments, permitted in accordance with applicable statute, regulations or law with such adjustments to be adopted as part of the municipality's Fourth Round Housing Element and Fair Share Plan.;
 - b. The right to revoke or amend this Resolution and the Borough's Fourth Round Affordable Housing Obligations to account for decisions of a court of competent jurisdiction or a change in applicable legislation; and
 - c. The right to take any contrary position, or adjust its Fourth Round Affordable Housing Obligations, in the event of a third-party challenge to the Borough's Fourth

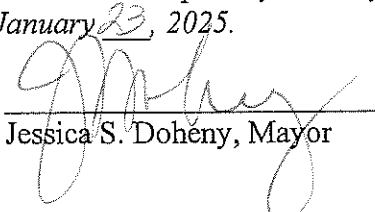
Round Affordable Housing Obligations.

3. The Municipal Clerk and Municipal Attorney are authorized to take all actions required by N.J.S.A. 52:27D-304.1(f)(1)(b), including:
 - a. Filing a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement, in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution pursuant to the requirements of P.L.2024, c.2, and AOC Directive #14-24
 - b. Publishing this Resolution on the Borough's website.
4. The Municipal Attorney, Municipal Planner, and Planning Board are authorized to take all actions to draft documents necessary to comply with all Fourth-Round affordable housing obligations, including drafting a Housing Element and Fair Share Plan, an Affordable Housing Trust Fund Spending Plan, and effectuating ordinances and resolutions.
5. This Resolution shall take effect immediately.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Mayor and Council of Wenonah Borough at a meeting held on January 23, 2025.



Karen L. Sweeney, Clerk



Jessica S. Doheny, Mayor

Civil Case Information Statement

Case Details: GLOUCESTER | Civil Part Docket# L-000113-25

Case Caption: IN THE MATTER OF WENONAH BORO

Case Initiation Date: 01/24/2025

Attorney Name: TARA ANN ST ANGELO

Firm Name: GEBHARDT & KIEFER, PC

Address: 1318 ROUTE 31 NORTH

ANNANDALE NJ 08801

Phone: 9087355161

Name of Party: PETITIONER : IMO Boro of Wenonah

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: AFFORDABLE HOUSING

Document Type: Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: IMO Boro of Wenonah? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

01/24/2025

Dated

/s/ TARA ANN ST ANGELO

Signed

APPENDIX B

FILED

April 28, 2025

Hon. Robert G. Malestein, P.J.Ch.

The Hon. ROBERT G. MALESTEIN, P.J.Ch.

Superior Court of New Jersey
Law Division – Civil Part
GLOUCESTER COUNTY
Gloucester County Courthouse
1 N. Broad Street
Woodbury, New Jersey 08096

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE BORO OF
WENONAH, GLOUCESTER
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2**

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
GLOUCESTER COUNTY
DOCKET NO. GLO-L-113-25

Civil Action

Mt. Laurel Program

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

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

AND IT APPEARING, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs (“DCA”) issued its report entitled “*Affordable Housing Obligations for 2025-2035 (Fourth Round)*”,¹ therein setting forth the “present need” and prospective need” obligations of all New Jersey municipalities for the Fourth Round housing cycle (the “DCA’s Fourth Round Report”);

AND IT APPEARING that, pursuant to the DCA’s Fourth Round Report, the “**present need**” obligation of the Petitioner has been calculated and reported as 0 affordable units, and its “**prospective need**” obligation of the Petitioner has been calculated and reported as 29 affordable units, and which calculations have been deemed “presumptively valid” for purposes of the FHA;

AND THE COURT, having determined that no “interested party” has filed a “challenge” to the Petitioner’s DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program;

AND THE COURT, having found and determined, therefore, that the “present need” and “prospective need” affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA’s Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:

IT IS, THEREFORE, on this 28th day of **APRIL 2025 ORDERED AND ADJUDGED** as follows:

1. That the “present need” obligation of the Municipality, be, and hereby is fixed as 0 affordable units for the Fourth Round housing cycle.

¹ See https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

2. That the “prospective need” obligation of the Municipality, be, and hereby is fixed as 29 affordable units for the Fourth Round Housing cycle; and

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

IT IS FURTHER ORDERED, that any and all “challenges” to the Petitioner’s housing element and fair share plan as adopted pursuant to Paragraph 3 above must be filed by August 31, 2025, by way of Answer/Objection filed in the eCourts case jacket for this Docket No. #**GLO-L-113-25**, and as provided for and in accordance with Section III.B of Directive #14-24; and

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

SO ORDERED:

Robert G. Malestein, P.J.Ch.

HON. ROBERT G. MALESTEIN, P.J.Ch.
Designated Mt. Laurel Judge – Vicinage 15

(X) Uncontested.

APPENDIX C

Wenonah Vacant Land Analysis (2016 CCH Inventory)

Id	Block	Lot	Address	Owner	Total Area	Constrained Area		Unconstrained Area		Buildout	20% Set Aside	RDP	DESCRIPTION
						Area		Area					
1	4	14	N Marion Ave	Adams, Diane M	0.26	0.00		0.26					No Frontage
2	4	16	N Marion Ave	Locastro, Stephen	0.30	0.00		0.30					No Frontage
3	4	17	N Marion Ave	Locastro, Stephen	0.28	0.00		0.28					No Frontage
4	4	36.01	Glassboro Rd	Wenonah Swimming Club	1.39	0.00		1.39					No Frontage
5	4	37.01	Glassboro Rd	Wenonah Swimming Club	1.49	0.00		1.49					25 Feet Of Frontage, Insufficient Frontage
6	4	39	1415 Glassboro Rd	Wenonah Associates LLC	3.06	0.00		3.06	18		4	4	Buildable
7	4	40.02	N Marion Ave	Mantini, Carmen J & Barbara A	0.85	0.00		0.85					No Frontage
8	4	42.01	N Stockton Ave	Mcadden, Paul & Sexton, Patricia	0.93	0.00		0.93					34 Feet Of Frontage, Insufficient Frontage
9	4	43	Glassboro Rd	Tray, Ron & Nuon, Romdreck H/W	0.63	0.00		0.63					No Frontage
10	7	12.02	N Princeton Ave	Klaus, William 3Rd & Bernadette	0.09	0.00		0.09					25 Feet Of Frontage, Insufficient Frontage, Lot Too Small
11	10	6	Jackson And Garfield Ave	Unknown Owner	0.04	0.04		0.00					46 Feet Of Frontage, Insufficient Frontage, No Physical Road, Environmental Constraints
12	11	3.04	303 N Jefferson Ave	Breslin, William J III Living Trust	0.37	0.00		0.37					91 Feet Of Frontage, Lot Too Small
13	21	4	N East Avenue	Ayres, John S & Sally R	0.24	0.00		0.24					No Frontage
14	21	5	306 N Clinton Ave	Daley, A Frank & Linda S	0.24	0.00		0.24					No Frontage
15	26	3.01	1477 Glassboro Road	Villari, Assunta B	0.18	0.00		0.18					89 Feet Of Frontage, Lot Too Small
16	26	5.01	Glassboro Road	Villari, Assunta B	0.25	0.00		0.25					89 Feet Of Frontage, Lot Too Small
17	36.05	4	Elm Street	Unknown Owner	0.14	0.00		0.14					Lot Constrained By Floodplain
18	50	8	Park Ave	Christensen, Ernie Rose	0.07	0.00		0.07					37 Feet Of Frontage, Insufficient Frontage, Lot Too Small
19	62	5	10 S Princeton Avenue	Harbaugh Developers LLC	0.26	0.00		0.26					75 Feet Of Frontage, Lot Too Small
20	66.01	1.05	E Mantua Avenue	Norris, William C & Cynthia	1.82	0.36		1.45					Lot Constrained By Steep Slopes And Floodplain
21	67	2	200 W Willow St	Lentz, Marjorie K	0.38	0.00		0.38					75 Feet Of Frontage, Lot Too Small, No Physical Road
22	75	7.06	S Clinton Ave	Schad, John	0.67	0.00		0.67					No Frontage
23	79	8	E Pine Street	Dahmer, R Wayne & Alwayne	0.21	0.05		0.16					No Frontage, Environmental Constraints
Total													4