

**Borough of Woodbury Heights  
Gloucester County**

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

Adopted by the Planning Board on June 2, 2025 by Resolution 10-2025  
Endorsed by the Governing Body on ----- by Resolution -----

**June 2, 2025**

Borough of Woodbury Heights  
500 Elm Avenue  
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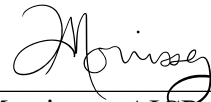
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## EXECUTIVE SUMMARY

The Borough of Woodbury Heights 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 37-2025 on January 15, 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 24, 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 15 and Prospective Need as 36.

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 is amending its Court-approved VLA as it calculated an obligation from the same parcel twice. Additionally, a site which was included has newly identified environmental constraints and impacts the developability of the property. Therefore, this document amends the Borough's approved Fair Share Plan in addition to providing for their Fourth-Round obligation.

The Borough's VLA from the Court-approved Third-Round Fair Share Plan included an RDP of 34 and an Unmet Need of 66. The updated VLA for the Fourth-Round has not identified any new vacant or underutilized properties which would yield an additional RDP. With the proposed amendments to the Third-Round VLA, the Borough will have a Third-Round RDP of 25 and an Unmet Need of 75. In the Fourth-Round the Borough identifies an RDP of 0 and an Unmet Need of 36.

The Borough has approved two affordable housing projects, one of which is under construction. This project is from the Borough's Prior Round Fair Share Plan and will yield 34 affordable family rental units, including very-low-income units. The other approval was for a 100% affordable housing development including 70 family rental units. This project was unable to secure the required funding and was not constructed. The Borough proposes to create a new overlay zone for this property, preserving the ability to construct the 100% affordable housing development but also allowing an age-restricted inclusionary project.

Lastly, the Borough proposes to work with a non-profit housing developer such as Habitat for Humanity or another nonprofit developer, to utilize municipally-owned property for affordable housing. This would create an opportunity for at least six units and would utilize the Borough's Affordable Housing Trust Fund to offset the development costs.

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 Woodbury Heights is located in Gloucester County, consisting of 1.2 square miles. The Borough is an older suburban community, incorporated on May 25, 1915. Development in the Borough dates back to 1771. Over the years the Borough grew to include the existing street layout and neighborhoods that stretch across the 1.2 square miles. Mantua Pike (Route 45) forms the Borough's western border and contains most of the Borough's commercial development. Secondary commercial areas exist along Glassboro Road on either side of the New Jersey Turnpike. 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 is transected north to south by the railroad, extending from the City of Woodbury to Deptford Township. The railway is used for freight trains today. The New Jersey Turnpike also crosses through the Borough extending west to east from West Deptford Township to Deptford Township. There are no access points to the Turnpike in the Borough. The industrial land uses which historically existed along the rail line are no longer in operation, with the largest currently approved for an affordable housing development. The Borough's industrial land uses are concentrated in the north near the City of Woodbury.

On December 7, 2009 the Borough of Woodbury Heights adopted a Third Round Housing Element and Fair Share Plan. The plan was subsequently revised on July 8, 2010, January 7, 2013 and again on November 4, 2013. The 2013 Housing Element and Fair Share Plan was approved by the Planning Board on November 4, 2013 and endorsed by the Borough Council on November 26, 2013. The Superior Court of New Jersey Law Division Gloucester County (Docket No. GLO-L-1750-09 P.W.) granted the Borough of Woodbury Heights a Judgment of Compliance and Repose

based upon the November 4, 2013 Housing Element and Fair Share Plan. This order also granted the Borough a Stay of Third Round Obligations.

On July 7, 2015 the Borough of Woodbury Heights 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-910-15) granted the Borough Temporary Immunity through December 8, 2015 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 March 28, 2018 which provided for the Borough's Third Round Prospective Need running from 1999 through 2025 as 100 units. The settlement agreement provided for a Realistic Development Potential (RDP) of 34, 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 May 22, 2018.

Consistent with the settlement agreement, the Borough amended their 2013 Plan in 2019 by adding the Mount Laurel compliance techniques through which the Borough would satisfy its Round 3 obligation. The 2019 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 HEFSP after a duly-noticed Compliance Hearing held on November 10, 2020. The Court entered a Final Judgment of Compliance and Repose for the Borough on December 22, 2020.

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 37-2025 on January 15, 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 24, 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 15 and Prospective Need as 36.

This Plan amends the 2019 Plan to address approved affordable housing developments, provides new mechanisms to satisfy the Borough's cumulative 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 obligations<sup>1</sup>. 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
- 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

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<sup>1</sup> 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.

- 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.

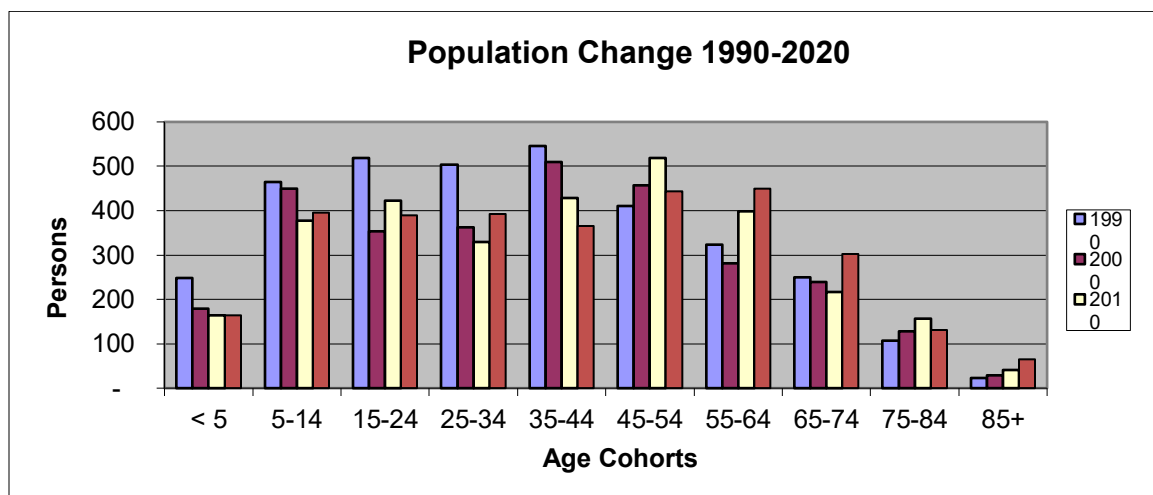
**NJ Building Permit Data:** NJ reports building permits and certificates of occupancy issued for each municipality on a monthly basis.

## Demographic Analysis

The Borough of Woodbury Heights has seen a population decline over the past thirty years, with an 8.7% decrease in total population. This primarily stems from the ten-year period from 1990 to 2000 where the population fell by 404 persons. Since 2000 the population has increased slightly, by 110 persons, which only accounts for a quarter of the thirty-year loss.

Population Trends			
	Borough of Woodbury Heights	Gloucester County	New Jersey
1990	3,392	230,082	7,730,188
2000	2,988	254,673	8,414,350
2010	3,055	288,288	8,791,894
2020	3,098	302,294	9,288,994
1990 to 2000	-11.9%	10.7%	8.9%
2000 to 2010	2.2%	13.2%	4.5%
2010 to 2020	1.4%	4.9%	5.7%
1990 to 2020	-8.7%	31.4%	20.2%

To understand the population decline it is necessary to look at both the changes over time to the different age-cohorts and the changes the total housing units. There is no one clear change to the Borough which would account for the population decline from 1990 to 2000. We can see where the decline occurred in terms of age. With declines in the younger age cohorts there are corresponding increases in the older age cohorts. The Borough's median age has also increased from 34.3 years in 1990 to 40.5 years in 2020, an increase of six years in age.



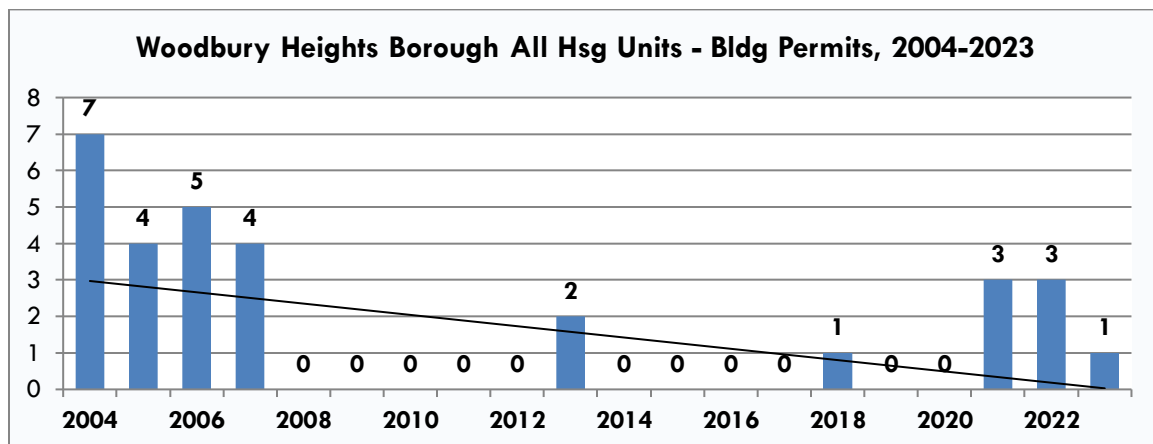


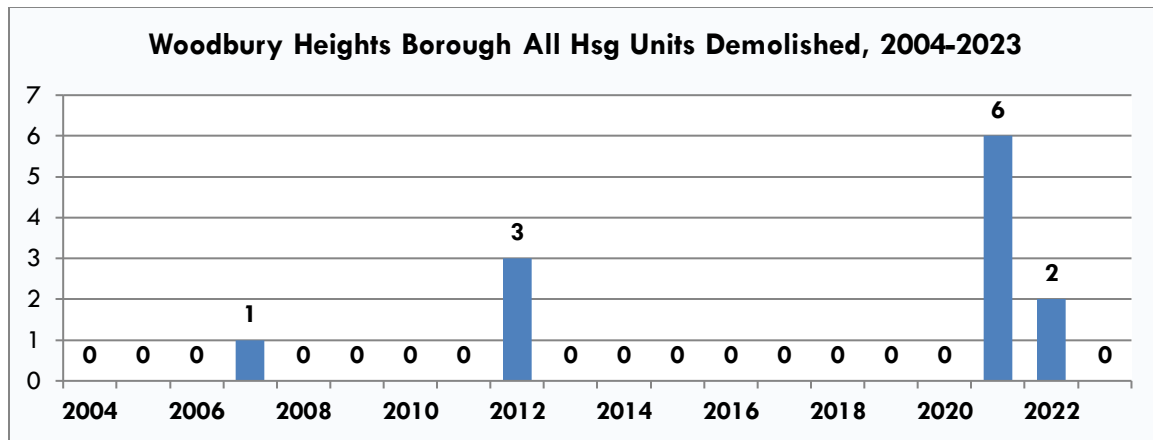
1990 to 2020 Population Profiles or Cohorts - Woodbury Heights								
Age	Population							
	Persons				Population Change			
	1990	2000	2010	2020	1990 to 2000	2000 to 2010	2010 to 2020	1990 to 2020
< 5	248	179	164	164	-27.8%	-8.4%	0.0%	-33.9%
5-14	464	449	378	395	-3.2%	-15.8%	4.5%	-14.9%
15-24	518	353	423	389	-31.9%	19.8%	-8.0%	-24.9%
25-34	504	363	330	392	-28.0%	-9.1%	18.8%	-22.2%
35-44	546	510	429	366	-6.6%	-15.9%	-14.7%	-33.0%
45-54	410	457	518	444	11.5%	13.3%	-14.3%	8.3%
55-64	323	281	398	450	-13.0%	41.6%	13.1%	39.3%
65-74	249	239	217	302	-4.0%	-9.2%	39.2%	21.3%
75-84	107	128	157	131	19.6%	22.7%	-16.6%	22.4%
85+	23	29	41	65	26.1%	41.4%	58.5%	182.6%
18+	2,536	2,207	2,365	2,419	-13.0%	7.2%	2.3%	-4.6%
62+	457	452	521	627	-1.1%	15.3%	20.3%	37.2%
65+	379	396	415	498	4.5%	4.8%	20.0%	31.4%
Median Age	34.3	38.3	41.2	40.5	11.7%	7.6%	-1.7%	18.1%

Correlating to the decline in population was a relatively small decline in the total number of housing units. From 1990 through 2000 the Borough saw a 7.5% decline in total housing units, or a loss of 85 units. With an estimated household size of 2.93 persons per household in 1990, this would account for an estimated 250 person change in population. The average household size has also decreased over the years, which would result in a decrease of population.

Housing Trends/Total Housing Units			
	Borough of Woodbury Heights	Gloucester County	New Jersey
1990	1,130	82,459	3,075,310
2000	1,045	95,054	3,310,275
2010	1,125	109,796	3,553,562
2020	1,113	112,516	3,761,229
1990 to 2000	-7.5%	15.3%	7.6%
2000 to 2010	7.7%	15.5%	7.3%
2010 to 2020	-1.1%	2.5%	5.8%
1990 to 2020	-1.5%	36.5%	22.3%

The State of New Jersey compiles reports of building permits issued for residential purposes which correlates with the census data and shows that there has been limited housing growth in the Borough over the past 20 years. 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 30 permits issued and 12 demolition permits.





2020 Population by Categories						
	Woodbury Heights		Gloucester County		New Jersey	
	Persons	%	Persons	%	Persons	%
<b>Total</b>	3,098	100%	302,294	100%	9,288,994	100%
<b>Sex</b>						
F	1,605	51.8%	155,282	51.4%	4,770,289	51.4%
M	1,493	48.2%	147,012	48.6%	4,518,705	48.6%
<b>Race</b>						
White	2,736	88.3%	230,313	76.2%	5,112,280	55.0%
Black or African American	122	3.9%	32,992	10.9%	1,219,770	13.1%
Asian	31	1.0%	9,543	3.2%	950,090	10.2%
American Indian and Alaska Native	2	0.1%	727	0.2%	51,186	0.6%
Native Hawaiian and Other Pacific Islander	11	0.4%	84	0.0%	3,533	0.0%
Other	42	1.4%	8,134	2.7%	1,048,641	11.3%
Two or More Races	154	5.0%	20,501	6.8%	903,494	9.7%
Hispanic or Latino	164	5.3%	22,135	7.3%	2,002,575	21.6%
<b>Age</b>						
25-64	1,652	53.3%	155,556	51.5%	4,927,277	53.0%
65+	498	16.1%	49,800	16.5%	1,531,299	16.5%
Median Age	40.5	n/a	40.1	n/a	39.9	n/a

## Housing Analysis

The most recent data available from the ACS reflects the total year-round housing units of 1,095, of which 88.6% are owner occupied and 11.4% are rental units. Over 60% of all households are married couples and 21% are single-female households. The median housing value is \$260,000 and the median gross rent is \$1,353.

Woodbury Heights Housing Units by Tenant and Occupancy Status						
Year Round Housing Units			Owner-occupied		Rental	
Occupied	Vacant	Total	No.	%	No.	%
1,095	54	1,149	970	88.6%	125	11.4%

Summary of Household Characteristics - Woodbury Heights		
	No. of Persons	% of Total
Total Population	3,098	
In Households	3,085	99.58%
In Group Quarters	13	0.42%
Institutionalized	0	0.00%
Non-Institutionalized	13	0.42%
Total Households	1,095	
Married Couple	661	60.37%
Cohabiting Couple	74	6.76%
Single Male	131	11.96%
Single Female	229	20.91%
Source: ACS 2023 5-year estimates		

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 Woodbury Heights	\$260,000	\$1,353	\$130,101	2.00	0.0%
Gloucester County	\$283,500	\$1,480	\$102,807	2.76	3.0%
Source: ACS 2023 5-year estimates					

Over 94% of the Borough's housing stock is single-family detached units. The housing stock is older with the majority of the units constructed before 1980. It is possible that more than 50% of the total housing stock is fifty years of age or older. With the construction of 267 new multi-family units underway will create new housing opportunities other than single-family detached. In general, the housing stock has a median room count of 7.6 per unit and over 89% have 3 or more bedrooms per unit.

Housing Units by Number of Units in Structure, Borough of Woodbury Heights		
Number of Units	Units	Percent of Total
1-unit, Detached	1,052	94.27%
1-unit, Attached	24	2.15%
2 units	30	2.69%
3 or 4 units	10	0.90%
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%
<b>Total</b>	<b>1,116</b>	
Source: ACS 2023 5-year estimates		

Housing Units by Age		
Year Built	Units	Percent of Total
2020 or later	-	0.00%
2010 to 2019	5	0.45%
2000 to 2009	58	5.20%
1990 to 1999	4	0.36%
1980 to 1989	90	8.06%
1970 to 1979	166	14.87%
1960 to 1969	356	31.90%
1950 to 1959	150	13.44%
1940 to 1949	75	6.72%
1939 or earlier	212	19.00%
<b>Total</b>	<b>1,116</b>	
Source: ACS 2023 5-year estimates		

Occupied Housing Units by Number of Rooms		
Rooms	Housing Units	Percent of Total Housing Units
1	4	0.4%
2	4	0.4%
3	11	1.0%
4	91	8.2%
5	47	4.2%
6	153	13.7%
7	233	20.9%
8	178	15.9%
9+	395	35.4%
<b>Total</b>	<b>1,116</b>	<b>100.0%</b>
Median Rooms	7.6	
Source: ACS 2023 5-year estimates		

Occupied Housing Units by Number of Bedrooms		
Bedrooms	Housing Units	Percent of Total Housing Units
No Bedrooms	4	0.4%
1-Bedroom	26	2.3%
2-Bedrooms	88	7.9%
3- Bedrooms	445	39.9%
4-Bedrooms	484	43.4%
5 + Bedrooms	69	6.2%
<b>Total</b>	<b>1,116</b>	<b>100.0%</b>
Source: ACS 2023 5-year estimates		

Estimated housing values show an estimated 19% of all housing units have values less than \$200,000, which would provide an opportunity for low- and moderate- income families. The 34 new affordable rental units from the recently approved inclusionary development will add to the Borough's affordability ranges for housing. According to ACS 5 year estimates five units lack complete kitchen facilities and 8 units are heated using wood sources.

Housing Value, Owner-Occupied Units		
Value	Housing Units	Percent of Total Housing Units
Less than \$50,000	20	2.0%
\$50,000 to \$99,999	25	2.4%
\$100,000 to \$149,999	36	3.5%
\$150,000 to \$199,999	111	10.8%
\$200,000 to \$299,999	491	47.9%
\$300,000 to \$499,999	314	30.7%
\$500,000 to \$999,999	27	2.6%
\$1,000,000 or more	-	0.0%
<b>Total</b>	<b>1,024</b>	<b>100.0%</b>
Median Housing Value	\$ 260,000	
Source: ACS 2023 5-year estimates		

The Borough has limited vacant land to accommodate new development. However, the Borough has recently approved a 267 multi-family unit development and has provided for the opportunity to construct an additional 70 age-restricted rental units. The Borough also expects to see scattered infill residential development.

### **Employment Analysis**

The median household income in the Borough is \$130,101, and the median family income is \$135,119. The poverty rate in the Borough is around 5% for all persons and 4% for families.

Income Levels			
	Borough of Woodbury Heights		
	Households	Families	Non-Family
Median Income	\$130,101	\$135,119	\$55,917
Mean Income	\$144,387	\$154,306	\$83,865
Source: ACS 2023 5-year estimates			

Percent Distribution Persons and Families below Poverty Level				
	All Persons Below Poverty Line	Persons Age 18+ Below the Poverty Line	Persons Age 65 + Below the Poverty Line	Families Below Poverty Line
Borough of Woodbury Hts	5.2%	4.7%	2.0%	4.0%
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. Woodbury Heights 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 38.7% of households with incomes which would fall into the affordable housing income levels.

<b>Household Income (2023 Inflation Adjusted Dollars)</b>	
	<b>Woodbury Hts Households</b>
Total Households	1,081
Less than \$10,000	2.4%
10,000 - 14,999	0.0%
15,000 - 24,999	1.0%
25,000-34,999	4.7%
35,000 - 49,999	5.2%
50,000 - 74,999	13.0%
75,000 - 99,999	12.4%
100,000 - 149,999	21.4%
150,000 - 199,999	21.4%
200,000 +	18.5%
Source: ACS 2023 5-year estimates	

<b>2024 Affordable Housing Region 5 Income Limits</b>					
	<b>1 Person Household</b>	<b>2 Person Household</b>	<b>3 Person Household</b>	<b>4 Person Household</b>	<b>5 Person Household</b>
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, 66.6% is in the labor force and 65% are employed. The fields of educational services, and health care/social assistance employs 33% of the population. Over 41% of the employed population work in management, business, science and arts.

<b>WOODBURY HEIGHTS EMPLOYMENT STATUS</b>		
	<b>Total</b>	<b>Percent of Population 16 Years and Over</b>
Population 16 years and Over	2,554	100%
In Labor Force	1,702	66.64%
Civilian Labor Force	1,702	66.64%
Employed	1669	65.35%
Unemployed	33	1.29%
Armed Forces	0	0.00%
Not In Labor Force	852	33.36%
Source: ACS 2023 5-year estimates		

<b>Employment by Industry, Civilian Employed population 16 years and over</b>		
<b>Occupation</b>	<b>No. Persons</b>	<b>% Woodbury Hts</b>
Agriculture, Forestry, Fishing and Hunting, and Mining	11	0.66%
Construction	142	8.51%
Manufacturing	113	6.77%
Wholesale Trade	37	2.22%
Retail Trade	156	9.35%
Transportation and Warehousing, Utilities	70	4.19%
Information	16	0.96%
Finance and Insurance, and Real Estate and Rental and Leasing	125	7.49%
Professional, Scientific, and Management, and Administrative and Waste Management Services	215	12.88%
Educational Services, and Health Care and Social Assistance	546	32.71%
Arts, Entertainment, and Recreation, and Accommodation and Food Services	155	9.29%
Other Services, except Public Administration	39	2.34%
Public Administration	44	2.64%
<b>Total</b>	<b>1,669</b>	<b>100%</b>
Source: ACS 2023 5-year estimates		

<b>Employment by Occupation Civilian Employed population 16 years and over</b>		
<b>Occupation</b>	<b>No. Persons</b>	<b>% Woodbury Hts</b>
Management, Business, Science, and Arts	689	41.28%
Service	208	12.46%
Sales and Office	457	27.38%
Natural Resources, Construction and Maintenance	142	8.51%
Production, Transportation & Material Moving	173	10.37%
<b>Total</b>	<b>1,669</b>	<b>100%</b>
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 Woodbury Heights' 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	15
Prior Round (1987-1999)	55
Round 3 Settlement (1999-2025)	100
Round 4 (DCA Calculations 2025-2035)	36
<b>Total Obligation (New Units)</b>	<b>191</b>

### **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 **15**.

### 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 **55**.

### Round Three Component

Pursuant to a settlement agreement dated March 28, 2018, by and between the Borough and Fair Share Housing Center, the Borough's Third Round affordable housing obligation is **100** (per the Kinsey Report<sup>2</sup>, as adjusted by FSHC settlement agreement, 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.

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<sup>2</sup> David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, July 2015.

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 Woodbury Heights adopted a binding resolution #37-2025 on January 15, 2025, committing to the DCA Fourth Round Prospective Need (New Construction) Obligation of **36**.

### **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. The total vacant land in the Borough was estimated at just over 76 acres.

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 roughly 24 vacant, suitable acres in the Borough create a Realistic Development Potential (“RDP”) of 34 units. The Borough’s Vacant Land Analysis and resulting RDP calculation are set forth in the table below.

Vacant and Underutilized Parcels (Adjusted for Wetlands)								
Block	Lots	Property Location	Owner's Name	Zone	Acreage*	RDP @ 6 units per acre	20% Set Aside	Notes
16	1, 2, 3, 4, 5, 6, 7, 8	REDWOOD AND HARDING AVENUES	VARIOUS	LI	1.29	7.7	1.5	
30	2	408 HOLLY AVE	GRUFF, SCOTT J	R	0.86	5.2	1.0	
42	1	206 BEECH AVE	BOROUGH OF WOODBURY HTS	R	1.32	7.9	1.6	
54	2.01	207 ELM AVE	HRISTEA, DENISA A	R	0.85	5.1	1.0	
56	2, 3	WILLOW AVENUE	BOROUGH OF WOODBURY HTS	R	0.98	5.9	1.2	
84	4	372 CHESTNUT AVE	HOLMSTROM, WILLIAM	LI	2.00	12.0	2.4	
84	6	1277 GLASSBORO RD	CORNERSTONE REALTY HOLDINGS INC	LI	5.44	32.6	6.5	*wetlands
85	10, 11, 12, 13	WOODLAND AVENUE	VARIOUS	R	0.89	5.4	1.1	
86	6 & 8	GLASSBORO ROAD	CONIFER	LI	7.47	70.0	14.0	In HE/FSP as 100% at 70 units
91	5.01, 6	WOODLAND AVENUE	BOROUGH OF WOODBURY HTS	R	1.01	6.0	1.2	
109	8	405 GLENWOOD AVE	BOROUGH OF WOODBURY HTS	R	1.96	11.7	2.3	*wetlands
			<b>Totals</b>		<b>24.07</b>	<b>170</b>	<b>33.9</b>	

As part of this Plan, the Borough is updating their VLA to revise the parcels used to determine their Third Round Realistic Development Potential.

There are two parts of the approved VLA that require revision. The first is a technical error regarding Block 84, Lot 6 and Block 86 Lot 6 & 8<sup>3</sup>. Block 86, Lots 6 and 8 were incorrectly listed, these properties each contain a single-family residential dwelling unit<sup>4</sup>. The Block should have been Block 84, Lots 6 and 8, representing the Conifer/Bell Telephone property. The listing of Block 84 Lot 6 & 8 is the corrected parcel and include the Glassboro Road development site which is a total of just over 10 acres of land. Lot 6 contains a warehouse building and Lot 8 is vacant. This property was approved for the development of 70 housing units, included in the Borough's Court-approved Third Round plan; however, the project did not receive

<sup>3</sup> Block 84, Lots 6 & 8 are the parcels comprising the approved Conifer Affordable Housing Development. This project has not been constructed because they did not receive the required Low Income Housing Tax Credits. The property is currently being leased to a business use.

<sup>4</sup> Block 86, Lot 6 is a 0.236 acre property containing a single-family unit constructed in 1965. Block 86, Lot 8 is a 0.224 acre property containing a single-family unit constructed in 2021.

funding from the State. The RDP associated with Block 86, Lot 6 and 8 utilized a higher density than the 6 units per acre as this site was approved to accommodate 70 multi-family units (a density of 7 units per acre)<sup>5</sup>. The RDP using a 20% set-aside would be 14. In correcting the VLA table the RDP of 6.5 provided for Block 84, Lot 6 is proposed to be removed.

The second correction relates to Block 109, Lot 8 (405 Glenwood Ave). This is property owned by the Borough and was considered for use as an affordable housing site. The site was noted to contain wetlands in the initial VLA, leaving a useable area of 1.98 acres. However, the wetland mapping did not include the location of an existing stream which crosses the area of the property which was presumed as developable. This new information has resulted in environmental restrictions which encompass the entirety of the property, thereby rendering it undevelopable. As such this parcel will be removed from the VLA as contributing to the Borough's RDP. Updated mapping is included in the Appendix to support this change.

***After the corrections are made to the Round-Three VLA the Borough's new RDP would be reduced from 34 to 25.***

Vacant and Underutilized Parcels (Adjusted for Wetlands) - 2025 Update								
Block	Lots	Property Location	Owner's Name	Zone	Acreage*	RDP @ 6 units per acre	20% Set Aside	Notes
16	1, 2, 3, 4, 5, 6, 7, 8	REDWOOD AND HARDING AVENUES	VARIOUS	LI	1.29	7.7	1.5	
30	2	408 HOLLY AVE	GRUFF, SCOTT J	R	0.86	5.2	1.0	
42	1	206 BEECH AVE	BOROUGH OF WOODBURY HTS	R	1.32	7.9	1.6	
54	2.01	207 ELM AVE	HRISTEA, DENISA A	R	0.85	5.1	1.0	
56	2, 3	WILLOW AVENUE	BOROUGH OF WOODBURY HTS	R	0.98	5.9	1.2	
84	4	372 CHESTNUT AVE	HOLMSTROM, WILLIAM	LI	2.00	12.0	2.4	
84	6 & 8	1277 GLASSBORO RD	CORNERSTONE REALTY HOLDINGS INC	LI	10.00	70.0	14.0	*wetlands
85	10, 11, 12, 13	WOODLAND AVENUE	VARIOUS	R	0.89	5.4	1.1	
91	5.01, 6	WOODLAND AVENUE	BOROUGH OF WOODBURY HTS	R	1.01	6.0	1.2	
Totals					19.20	125	25.0	

<sup>5</sup> The site contains wetlands resulting in a useable area of less than 10 acres per approved site plan.



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 district which permits a density of 4.84 units per acre. Utilizing 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 December 22, 2020.<sup>6</sup> 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 2018 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	Zone	Acreage	Notes
40	3 & 11.01	30 ELM AVE	30 ELM AVENUE LLC	HC	0.513	Former Bank Destroyed by Fire - Lot Size would yield 3 units
41	1	25 ELM AVE	BALDUCCI INC		0.691	House demolished for parking lot - Lot Size would yield 4 units
108	5	1041 WALNUT AVE	DR HORTON INC	R-1	0.459	New Home Under Construction - Demo Rebuild
109	7	529 GLENWOOD AVE	SHIMP, JOHN & SUSAN	R-1	2.572	Home Demolished 2021 - New Permits Pending. Site is contrained by wetlands allowing only one new unit
*The above list includes those vacant parcels that were not listed and identified in the 2018 approved Court Approved VLA						

<sup>6</sup> 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 district.

## 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. The Borough has worked with developers to provide affordable housing opportunities on two sites which were previously used for industrial purposes, one of which is currently under construction.

The Borough has also reviewed all municipal owned parcels and is proposing a new affordable housing development on an unrestricted Borough owned property along Woodland Avenue. The Borough has approved a 100% affordable housing development on land along Glassboro Road which did not received funding. The Borough will maintain an appropriate zoning designation to encourage inclusionary housing on this parcel, as well as maintaining the zoning for the previously-approved 100% affordable project.<sup>7</sup> This parcel contains an existing masonry building which is used for storage, and provides an opportunity for redevelopment and reuse.

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<sup>7</sup> The Developer of this site, Conifer Realty, LLC received preliminary site plan approval by resolution 2018-10 on August 6, 2018. In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-49) a preliminary major site plan approval is valid for a period of three years, with the ability to request up to two one-year extensions. No extensions were requested and no application was made for final site plan approval, therefore the approval should have expired on August 6, 2023.

The approval was impacted by the 2020 Permit Extension Act, effective March 9, 2020, under N.J.S.A. 40:55D-136.10 which suspended the tolling of time for approval until at least 6-months beyond the COVID-19 extension period, which concluded on July 2, 2022 and suspended the tolling of approvals through January 1, 2023. The approval had not lapsed at the time of the 2020 Permit Extension Act, with 1-year and 5-months left on the original site plan approval. Therefore the approval expired on June 1, 2024. However, if extensions are requested as permitted by the MLUL the approval would still be valid through June 1, 2026.

## 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. 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.”*

Currently, there are no recommendations published from the Commission.

A review of 2020 Census data shows that 5.2% of the occupied housing units in the Borough contain three plus generations of families. The Borough of Woodbury Heights 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 has created opportunities for new age-restricted apartment housing with affordable housing units. 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 Woodbury Heights 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.*

These intentions have been embodied in the Borough's planning efforts, specifically through their affordable housing planning and local redevelopment efforts. 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 provided for an affordable housing development on a previous industrial site, creating a reuse of underutilized land. 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 Woodbury Heights 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:**

As it did in its Court-approved Third Round plan, the Borough’s rehabilitation obligation is being addressed through Gloucester County with a program using U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) funds. Gloucester County will provide for the Borough’s **15-unit** rehabilitation obligation

### **Prior Round:**

As set forth above, the Borough of Woodbury Heights has addressed its Prior Round (1987-1999) obligation of **55** as per the Borough’s Court-approved housing element and fair share plan dated November 4, 2013 and Final Judgment of Compliance and Repose entered on April 8, 2014. This plan was amended as part of the Borough’s Third-Round Court-approved settlement agreement with FSHC, and its Third Round HEFSP, which resulted in a Final JOR dated December 22, 2020. In

order to effectively address the Borough's total affordable housing obligation the components addressing each affordable housing round will be amended as follows below.

Bonus credits are permitted for rental units, up to 25% of the Boroughs Prior Round obligation 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 14 credits. 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 13 units.

The following Table summarizes the Prior Round Obligation Components as amended and approved in the Borough's 2020 Final JOR:

<b>Woodbury Heights' Prior Round Plan Obligation - 55</b>	<b>Rental</b>	<b>Senior</b>	<b>Family</b>	<b>Units</b>	<b>Bonus Credits</b>	<b>Total Credits</b>
<b><i>Prior Cycle Credits</i></b>						
ARC Lincoln House Group Home (bedrooms)	x		x	3	3	6
<b><i>Inclusionary Development Credits</i></b>						
Woodbury Heights Development	x		x	21	7	28
Glassboro Road	x	x		13		13
<b><i>Special Needs Housing Credits</i></b>						
Beech House Existing Group Home (bedrooms)	x		x	4	4	8
<b>Total</b>				<b>41</b>	<b>14</b>	<b>55</b>



**Third Round:**

Pursuant to the FSHC agreement and 2020 Final JOR referenced above, the Borough's Third Round affordable housing obligation is **100**. The Third Round 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).

The Borough prepared a Vacant Land Adjustment in their Court approved Third-Round plan which created an RDP of 34 units. As noted earlier, the approved VLA is being amended to reflect inaccuracies and updated information. Therefore, this plan reduces the third-round **RDP to 25** resulting in a new **Unmet Need of 75**.

Bonus credits are permitted for rental units up to 25% of the Borough's 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 6 credits. Additionally, in accordance with N.J.A.C. 5:93-5.14(a)2, the Borough is permitted to include up to 25% of the RDP as age-restricted housing units, for a maximum of 6 units.

The following table addresses how the Borough will satisfy their Third-Round RDP obligation.

<b>Woodbury Heights’ Third Round Prospective Need Plan RDP – 25 Unmet Need - 75</b>	<b>Rental</b>	<b>Senior</b>	<b>Family</b>	<b>Units</b>	<b>Bonus Credits</b>	<b>Total Credits</b>
<b><i>Inclusionary Development Credits</i></b>						
Woodbury Heights Development	x		x	13	6	19
Glassboro Road	x	x		1		1
<b><i>100% Affordable/Municipally Sponsored</i></b>						
Woodland Avenue			x	6	0	6
<b>Total</b>				<b>20</b>	<b>6</b>	<b>26</b>

The above provides the Borough with **1** surplus credit to be applied toward the Borough’s Unmet Need. This will leave the Borough with a **Third-Round Unmet Need of 74**. The Borough will continue to address their Unmet Need with an existing mandatory set-aside ordinance requiring any development of ten or more multi-family units to provide an affordable housing set-aside of 15% for rental or 20% for sale units. The Borough will also keep in place the current zoning for the Glassboro Road property which permits a 100% affordable housing development for families, of up to 70 units, and the Borough will add additional inclusionary zoning for senior units with a 20% set-aside of affordable senior units. If the site becomes available for development it will have the option of either the 100% affordable housing or an age-restricted inclusionary development.

The Glassboro Road site was already determined to be available, approvable, developable, and suitable by the Court’s approval of the Borough’s Third-Round HEFSP at the duly-noticed Compliance Hearing on November 10, 2020, and as reflected in the Court’s entry of the 2020 Final JOR.

#### 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 **36**.

The Borough has an approved Vacant Land Adjustment in their Court approved Third-Round plan which created an RDP of 34, as amended to 25. A review of the 2025 tax records identified 4 new vacant parcels, two of which were tear-down rebuilds with existing permits and/or under construction. The remaining two sites were of insufficient size to create an RDP. As such, the Borough's Fourth Round **RDP is 0 with an Unmet Need of 36**.

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. However, the Borough has maintained the zoning along Glassboro Road to permit up to 70 affordable housing units in a 100% affordable housing development. The Borough has also maintained their mandatory set-aside ordinance in the event of new development opportunities.

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. Additionally, at least 25% of actual units, exclusive of bonuses, are required to be rental units, of which of which 50% of the rental units are to be available to families with children. (N.J.S.A. 52:27D-311.1) If units are developed

through the mandatory set-aside ordinances the Borough will ensure that they include family units, and where appropriate, rental units.

The 2024 amendments to the FHA included a new component for “Transitional Housing” which can account for up to 10% of a Fourth-Round obligation. The FHA defines “Transitional Housing,” which qualify for affordable housing credits. The term means temporary housing which meets the following criteria:

- Includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements;
- Provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing;
- Is licensed by the department (DCA); and
- Allows households to remain for a minimum of six months.

Within the Borough there is a Cooperative Sober Living Residence (Class F Rooming House) that has been licensed by the State Department of Community Affairs under N.J.S.A. 55:13B-1, et seq. The residence includes four bedrooms and allows for nine residences plus the operator.

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

<b>Woodbury Heights’ Fourth Round Prospective Need Plan RDP – 0 Unmet Need - 36</b>	<b>Rental</b>	<b>Senior</b>	<b>Family</b>	<b>Units</b>	<b>Bonus Credits</b>	<b>Total Credits</b>
<i>Transitional Housing</i>						
Vision Residences, LLC (bedrooms)	x			4		4
<b>Total</b>				<b>4</b>		<b>4</b>

Bonus credits are permitted for units in the Fourth Round for those projects addressing the Borough's RDP. With an RDP of zero, the Borough does not currently qualify for any Fourth-Round bonus credits. The Borough reserves the right to apply bonus credits in the future if they become available.

The Borough will maintain the mandatory set-aside ordinance as provided for in the Third-Round to address the remaining Unmet Need obligation of 32, as well as any excess number of units created from the Glassboro Road zoning that are not applied toward the Borough's Prior Round or Third Round obligations.

### **Unfulfilled Prior Round (1987 through 2025)**

The mechanisms identified in the Borough's Court approved Third-Round plan included the development of a 100% affordable family rental development on Glassboro Road in Block 84, Lots 6 & 8

The Borough approved a 100% affordable housing development located along Glassboro Road through a use variance approval in 2017 and subsequent site plan approval in 2018. Resolutions detailing the use variance and site plan approval are included in the appendix of this report. This development was proposed to consist of 70 affordable family rental units. The proposed development was expected to generate a total of 70 credits and a bonus credit of 9, for a total affordable housing credit of 79. The Borough adopted an ordinance to zone the subject property in accordance with the approval granted by the Borough Land Use Board as an added measure of ensuring the viability of this project. (See Appendix)

The developer submitted for tax credits in the 2019 round; however, it did not receive the necessary funding under the program. The Borough intends to leave the zoning in-place for the approved development (the preliminary site plan approval would remain valid if extensions were requested through June 1, 2026); however,

given the lack of funding, and Conifer’s option to purchase the property expiring, the Borough will also institute an overlay zoning allowing for an inclusionary project of age-restricted rental units with a 20% affordable housing set-aside as an incentive for the property to redevelop. The site remains suitable for development, and the provision of an inclusionary zoning scheme should provide an improved opportunity for the future affordable housing development of the property.

### **Elements Satisfying Obligation**

#### ***Woodbury Heights Development/Greystar – Academy Avenue – 34 units***

This site was included in the Borough’s 2013 Fair Share Plan. Consisting of Block 80, Lot 1, the site contains over 17 acres and was approved by the Planning Board in 2024 to permit a total of 276 multi-family units, of which 34 units will be affordable to low- and moderate-income families. The site is currently under construction, and development is anticipated to be completed in 2026.

#### ***Glassboro Road Development/Bell Telephone – 14 units***

As noted above, this site was approved for a 100% affordable multi-family rental development, proposed by Conifer. This site includes Block 84, Lots 6 & 8 and consists of approximately 10 acres of land area. The Planning Board approved this site to accommodate the development of 70 multi-family units. There are wetlands on a portion of the property. The site plan approval for the 100% affordable housing development was granted in 2018, however as a 100% affordable development the project did not qualify for the necessary tax credits, and was never constructed. The site currently contains the former bell telephone building which is being leased out. There has been no recent applications for the site using the existing affordable housing zoning overlay, requiring 100% affordable.

The site is suitable for development, as was demonstrated through the 2018 site plan approval. The site can reasonably accommodate up to 70 multi-family units. Therefore, the Borough proposes to create an additional overlay zone for this property to permit up to 70 age-restricted multi-family dwelling units with a 20% affordable housing set-aside. The Borough will leave in place the current overlay district which permits the 100% affordable family development. The intent is to provide an alternative option to develop the site in a manner which will contribute to the Borough's affordable housing obligation. The tables and credits used in this report use the 14 affordable age-restricted units and not the 70 affordable family units, to conservatively address the Borough's obligations.

***100% Affordable/Municipally Sponsored – Woodland Avenue/Church Street – 6 units***

This affordable housing site is located along Woodland Avenue and Church Street. This is an "L" shaped property owned by the Borough of Woodbury Heights. The property is designated as Block 91, Lot 6 and contains 0.79 acres of land area. The site is wooded and free of any known environmental constraints. The site is surrounded by single-family detached housing units and vacant land. The site is within the Borough's public water and sewer service area.

This site was initially included in the Borough's 2013 Housing Element and Fair Share Plan to accommodate up to 10 affordable housing units, 6 twins and 4 duplex twins. The Borough owns the subject property and is committed to working with a non-profit affordable housing developer to create at a minimum 6 twin units. The land will be donated and if necessary affordable housing trust fund monies will be used toward the affordable housing development.

The site remains suitable for development as provided for under N.J.A.C. 5:93-5.3. There are no encumbrances which preclude the development of affordable

housing on the property. The site is located in an existing residential area, with single-family detached residences nearly surrounding the site except for a cemetery located on its east side. The site has access to appropriate streets and can be accessed by Woodland Avenue and Church Street. The site has access to sanitary sewer with no known constraints in the system. The site has access to public water with no known constraints that would prevent the development of 6 units.

The site (and the entire Borough) is located within a Planning Area 1 of the adopted and proposed State Development and Redevelopment Plan, which is a preferred location for affordable development. The site can be developed consistent with the Residential Site Improvement Standards (RSIS) and other state regulations such as those of the Department of Environmental Protection (DEP). The site is not affected by wetlands, Category 1 waterways, or 100-year flood hazard areas. The site encompasses approximately 0.79 acres of developable land.

### ***Transitional Housing – Vision Residences 990 Glassboro Road***

The 2024 amendments to the FHA included a new component for “Transitional Housing” which can account for up to 10% of a Fourth-Round obligation. The FHA defines “Transitional Housing,” which qualify for affordable housing credits. The term means temporary housing which meets the following criteria:

- Includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements;
- Provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing;
- Is licensed by the department (DCA); and
- Allows households to remain for a minimum of six months.

Within the Borough there is a Cooperative Sober Living Residence (Class F Rooming House) that has been licensed by the State Department of Community Affairs under N.J.S.A. 55:13B-1, et seq. The residence includes four bedrooms and



allows for nine residences plus the operator. The property includes Block 95, Lot 1 and has been licensed since 2019. Included in the Appendix of this report is a copy of the license issued under the State of New Jersey, Department of Community Affairs, dated January 22, 2019.

***Unmet Need - Zoning Ordinance Amendment:***

As provided for in the Borough's Settlement Agreement and approved Third-Round plan, the ordinances will continue to require any multi-family housing development of 10 or more units to provide an affordable housing set-aside of 15% for rental units or 20% for sale units. Any future development will contribute to the Borough's Unmet Need in the Third and Fourth Rounds.

***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 units<sup>8</sup>. 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. Thus, the Borough is required to provide 3 very low-income units as part of their Third-Round RDP with no provision to make these available to families with children.

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

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<sup>8</sup> 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.

RDP of 25 and a Fourth Round RDP of zero, the total very low-income units required are 3.

In the Borough's approved Third-Round plan these units were to be provided in the 100% affordable housing development. If this project moves forward in the future, the requirement to provide very low-income units will be applied to the development. If this project moves forward as an age-restricted development with a 14-unit affordable housing set-aside then at least two (2) of the units will be very low-income units. The additional very low-income unit will be addressed in either the Woodland Avenue municipally sponsored development or through the use of affordability assistance to buy-down a rental unit in the Greystar development<sup>9</sup>.

### Phasing Plan for Affordable Housing Units

The Borough anticipates that the affordable housing units yet to be built will be developed in accordance with the following schedule:

Program	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Greystar	34									
Glassboro Rd				7	7					
Woodland Av.		2	2	2	2					
<b>Total</b>	<b>34</b>	<b>2</b>	<b>2</b>	<b>9</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Bonus Provisions

For the Prior Round and Third-Round plan, in accordance with N.J.A.C. 5:93-5.15, the Borough intends to take bonus credits for up to 25% the family rental units.

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<sup>9</sup> Woodbury Heights Development/Greystar was not required to provide any very low-income units pursuant to the Court Approved Settlement.

This project is currently under construction; therefore, it is appropriate to apply the bonus credits as they will be completed and occupied in 2025. The projected rental bonus would account for up to 13 credits.

Bonus credits are permitted for units in the Fourth Round for those projects addressing the Borough's RDP. With an RDP of zero, the Borough does not currently qualify for any Fourth-Round bonus credits.

The Borough reserves the right to apply additional bonus credits from units that become available as the unmet need is satisfied and they become eligible.

### **Affordable Housing Trust Fund**

The Borough of Woodbury Heights adopted an affordable housing trust fund ordinance in accordance with affordable housing regulations for the purposes of funding affordable housing activities on November 26, 2013 under Ordinance 17-2013. A Spending Plan is being prepared to support this report.

### **Cost Generation**

The Borough of Woodbury Height's 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 Woodbury Heights 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 Woodbury Heights on July 15, 2020 by ordinance 3-2020 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. 5:80-26<sup>10</sup>. 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.

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<sup>10</sup> 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. The Borough also recognizes there is a need to provide future opportunities for affordable housing and therefore will revise portions of the existing zoning ordinance to ensure larger residential developments provide affordable housing.

*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 – Block 109, Lot 8 VLA Updated Mapping*

*Appendix D (1) and (2) – Conifer Land Use Board Approvals*

*Appendix E – 766 Woodland Avenue Block 91, Lot 6*

*Appendix F – Vision Residence License*

*Appendix G – Draft Ordinances*

## APPENDIX A

**SURENIAN, EDWARDS, BUZAK & NOLAN LLC**

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*Attorneys for Declaratory Plaintiff, Borough of Woodbury Heights*

**IN THE MATTER OF THE  
APPLICATION OF THE BOROUGH OF  
WOODBURY HEIGHTS, COUNTY OF  
GLOUCESTER, STATE OF NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: GLOUCESTER COUNTY**

DOCKET NO.: GLO-L-\_\_\_\_

CIVIL ACTION  
AFFORDABLE HOUSING DISPUTE  
RESOLUTION PROGRAM  
PER DIRECTIVE # 14-24

**COMPLAINT FOR DECLARATORY  
RELIEF PURSUANT TO AOC  
DIRECTIVE # 14-24**

Declaratory Plaintiff, the Borough of Woodbury Heights, County of Gloucester, State of New Jersey (hereinafter, “Woodbury Heights” or the “Borough”), a municipal corporation of the State of New Jersey, with principal offices located at 500 Elm Ave, Woodbury Heights, New Jersey 08097, by way of this Declaratory Judgment Action (“DJ Action”) as authorized under Directive # 14-24 of the Administrative Office of the Courts (“AOC”) alleges and says:

### ***Background***

1. The Borough of Woodbury Heights is a municipal corporation of the State of New Jersey.
2. The Planning and Zoning Board of the Borough of Woodbury Heights (hereinafter, “Planning and Zoning Board”) is a municipal agency created and organized under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., (“MLUL”), and, among other duties and obligations,



is responsible for adopting the Fourth Round Housing Element and Fair Share Plan (“HEFSP”) of Woodbury Heights’s Master Plan.

3. Through this DJ Action, Woodbury Heights seeks the following relief in relation to its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the Affordable Housing Alternative Dispute Resolution Program (the “Program”) pursuant to P.L. 2024, c.2 (hereinafter, the “Act”) and the Court, pursuant to AOC Directive # 14-24; (b) to have the Program and the Court approve the Borough of Woodbury Heights’ Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by the Borough, attached hereto as **Exhibit 1**; (c) to have the Program and the Court approve the Borough’s HEFSP to be adopted by the Planning and Zoning Board and endorsed by the Council and issue a conditional or unconditional “Compliance Certification” pursuant to the Act or other similar declaration; (d) to the extent it is not automatically granted pursuant to the Act, through the filing of this DJ Action and binding resolution, to have the Program and the Court confirm Woodbury Heights’ immunity from all exclusionary zoning litigation, including builder’s remedy lawsuits, during the pendency of the process outlined in the Act and for the duration of the Fourth Round, i.e., through June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may be appropriate to ensure that the Borough receives and obtains all protections as afforded to it in complying with the requirements of the Act, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third party litigation.

## **COUNT I**

### **ESTABLISHMENT OF JURISDICTION UNDER P.L.2024, C. 2**

4. The Borough of Woodbury Heights repeats and realleges each and every allegation as set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

5. The Act represents a major revision of the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 *et. seq.*

6. Among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the Program. Among other things, the Act authorized the Director of the AOC (hereinafter, “Director”) to create a framework to process applications for a compliance certification.

7. On or about December 19, 2024, the Director issued Directive #14-24, which among other things, required municipalities seeking compliance certification to file an action in the form of a Declaratory Judgment Complaint and Civil Case Information Statement in the County in which the municipality is located within 48 hours after the municipality’s adoption of a binding resolution as authorized under the Act and attach a copy of said binding resolution to the DJ Action.

8. The Borough adopted a binding resolution establishing its present and prospective affordable housing obligations within the statutory window of time set forth in the Act and in accordance with the methodology and formula set forth in the Act, a certified copy of which resolution is attached to this DJ Action as **Exhibit 1**.

9. Based upon the foregoing, the Borough has established the jurisdiction of the Program and the Court in regard to this DJ Action for a Compliance Certification as set forth hereinafter.

**WHEREFORE**, the Borough of Woodbury Heights seeks a declaratory judgment for the following relief:

- a. Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of the Borough under the Act;
- c. Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Planning and Zoning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a more accurate estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

- d. Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;
- e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Borough of Woodbury Heights for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

## **COUNT II**

### **DETERMINATION OF THE PRESENT AND PROSPECTIVE NEED OF THE BOROUGH OF WOODBURY HEIGHTS**

**10.** Woodbury Heights repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

**11.** The Act adopted the methodology to calculate every municipality's present and prospective need affordable housing obligation for the Fourth Round (2025-2035) and beyond.

**12.** The Act directed the Department of Community Affairs ("DCA") to apply the methodology and to render a non-binding calculation of each municipality's present and prospective affordable housing obligations to be contained in a report to be issued no later than October 20, 2024.

**13.** The DCA issued its report on October 18, 2024.

14. Pursuant to the October 18, 2024 report, the DCA calculated Woodbury Heights' present and prospective affordable housing obligations as follows:

FOURTH ROUND PRESENT NEED (REHABILITATION) OBLIGATION	FOURTH ROUND PROSPECTIVE NEED OBLIGATION (2025-2035)
15	36

15. Pursuant to the Act, a municipality desiring to participate in the Program is obligated to adopt a "binding resolution" determining its present and prospective affordable housing obligations to which it will commit based upon the methodology set forth in the Act.

16. Woodbury Heights adopted a binding resolution, a copy of which resolution is attached hereto and made a part hereof as **Exhibit 1** to this DJ Action.

17. The binding resolution maintains that Woodbury Heights's Round 4 (2025-2035) Present Need (Rehabilitation) Obligation is 15 and its Prospective Need ("New Construction") Obligation is 36.

18. Woodbury Heights seeks the approval of, and confirmation by, the Program and the Court of the Round 4 (2025-2035) Present and Prospective affordable housing obligations as set forth in the binding resolution attached hereto and made a part hereof as **Exhibit 1**, or the adjustment of those obligations consistent with the Act and all applicable regulations.

19. Pursuant to the binding resolution, the Borough of Woodbury Heights reserves all rights to amend its affordable housing obligations in the event of a successful legal challenge, or legislative change, to the Act.

20. Pursuant to the binding resolution, Woodbury Heights specifically reserves the right to seek and obtain 1) a windshield survey or similar survey which accounts for a more

accurate estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 5) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 6) an adjustment based upon any ruling in litigation involving affordable housing obligations; and 7) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

**WHEREFORE**, the Borough of Woodbury Heights seeks a declaratory judgment for the following relief:

- a. Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of the Borough under the Act;
- c. Declaring the approval of Borough's HEFSP subsequent to its adoption by the Planning and Zoning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a more accurate estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity

formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or all applicable regulations;

- d. Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;
- e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Borough of Woodbury Heights for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

### **COUNT III**

#### **APPROVAL OF BOROUGH'S HOUSING ELEMENT AND FAIR SHARE PLAN**

**21.** The Borough of Woodbury Heights repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

**22.** Pursuant to the Act, a Housing Element and Fair Share Plan (hereinafter, "HEFSP") must be prepared, adopted by the Planning and Zoning Board and endorsed by the municipality by June 30, 2025.

**23.** Woodbury Heights hereby commits for its professionals to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court which HEFSP shall apply as appropriate, any applicable adjustments, including, without limitation, 1) a windshield survey or similar survey which accounts for a more accurate estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 5) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 6) an adjustment based upon any ruling in litigation involving affordable housing obligations; and 7) any other applicable adjustment permitted in accordance with the Act and/or applicable regulations.

**WHEREFORE**, the Borough of Woodbury Heights seeks a declaratory judgment for the following relief:

- a.** Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of the Borough under the Act;
- c.** Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Planning and Zoning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a more accurate estimate of present need; (ii) a Vacant Land



Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or all applicable regulations;

- d.** Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e.** Declaring and issuing a Compliance Certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Borough of Woodbury Heights for the period beginning July 1, 2025 and ending June 30, 2035; and
- f.** Declaring such other relief that the program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

## **COUNT IV**

### **CONFIRMATION OF IMMUNITY**

**24.** The Borough of Woodbury Heights repeats and realleges each and every allegation set forth in the previous paragraphs of this declaratory judgment complaint as if set forth herein in full.

**25.** Pursuant to the Act, a municipality that complies with the deadlines in the Act for both determining present and prospective affordable housing obligations and for adopting an appropriate HEFSP shall have immunity from exclusionary zoning litigation.

**26.** The Borough of Woodbury Heights has met the deadline for the adoption and filing of its binding resolution not later than January 31, 2025, and the filing of this DJ Action in accordance with AOC Directive #14-24 not later than February 3, 2025, by adopting the binding resolution attached to this DJ Action as **Exhibit 1**, and has also committed to the adoption of its HEFSP by June 30, 2025.

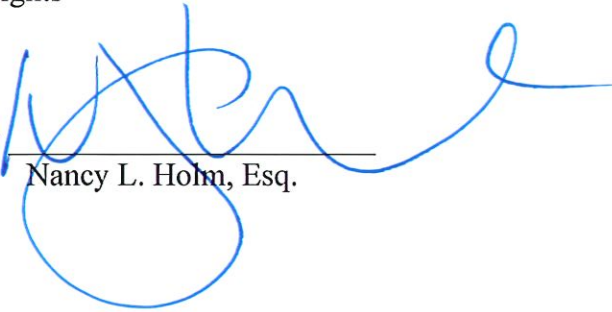
**WHEREFORE**, the Borough of Woodbury Heights seeks a declaratory judgment for the following relief:

- a.** Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of the Borough under the Act;
- c.** Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Planning and Zoning Board and its endorsement by the Council, including,

as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a more accurate estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and (vii) any other applicable adjustment permitted in accordance with the Act and/or all applicable regulations;

- d.** Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;
- e.** Declaring and issuing a Compliance Certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Borough of Woodbury Heights for the period beginning July 1, 2025 and ending June 30, 2035; and
- f.** Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

**SURENIAN EDWARDS BUZAK & NOLAN LLC**  
Attorneys for Declaratory Plaintiff, Borough of Woodbury Heights

By   
Nancy L. Holm, Esq.

Dated: January 17, 2025

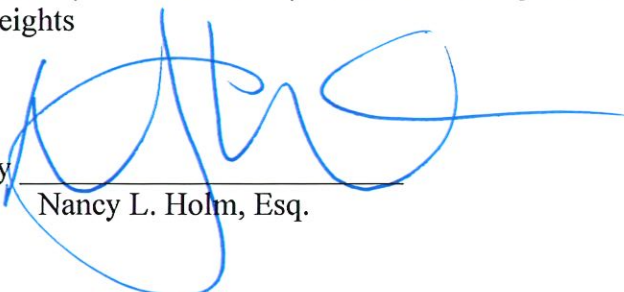
**CERTIFICATION PURSUANT TO R. 4:5-1**

Nancy L. Holm, Esq., of full age, hereby certifies as follows:

1. I am an associate of the Firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for declaratory plaintiff, Borough of Woodbury Heights.
2. To the best of my knowledge, there is no other action pending in any court or any pending arbitration proceeding of which the matter in controversy herein is the subject and no such other action or arbitration proceeding is contemplated. To the best of my knowledge, there are no other parties who should be joined in this action.
3. The within Complaint was filed and served within the time prescribed by the Rules of Court.

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

**SURENIAN EDWARDS BUZAK & NOLAN LLC**  
Attorneys for Declaratory Plaintiff, Borough of Woodbury Heights

By   
Nancy L. Holm, Esq.

Dated: January 17, 2025


**CERTIFICATION PURSUANT TO R. 1:38-7(b)**

Nancy L. Holm, Esq., of full age, hereby certifies as follows:

1. I am an associate of the of the firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for Declaratory Plaintiff, Borough of Woodbury Heights.
2. 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 R. 1:38-7(b).

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

**SURENIAN EDWARDS BUZAK & NOLAN LLC**  
Attorneys for Declaratory Plaintiff, Borough of Woodbury Heights


By   
\_\_\_\_\_  
Nancy L. Holm, Esq.

Dated: January 17, 2025

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, notice is hereby given that Nancy L. Holm, Esq., attorney for the Declaratory Plaintiff, Borough of Woodbury Heights is designated as trial counsel in the above captioned matter.

**SURENIAN EDWARDS BUZAK & NOLAN LLC**  
Attorneys for Declaratory Plaintiff, Borough of Woodbury Heights

By   
\_\_\_\_\_  
Nancy L. Holm, Esq.

Dated: January 17, 2025

## EXHIBIT 1

## RESOLUTION 37 - 2025

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF  
WOODBURY HEIGHTS COMMITTING TO FOURTH ROUND PRESENT  
AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Borough of Woodbury Heights (hereinafter the “Borough” or “Woodbury Heights”) has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 7, 2015, the Borough of Woodbury Heights filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine,” and

**WHEREAS**, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits, for the remainder of Round 3, which expires on July 1, 2025 and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”); and

**WHEREAS**, the Amended FHA required the Department of Community Affairs (“DCA”) to provide an estimate of the Fourth Round affordable housing obligations for all municipalities on or before October 20, 2024, based upon the criteria described in the Amended FHA; and

**WHEREAS**, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the Fourth Round affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

**WHEREAS**, the DCA Report calculates the Borough’s Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of 15 and a Prospective Need (New Construction) Obligation of 36; and

**WHEREAS**, the Amended FHA further provides that, irrespective of the DCA’s calculations, municipalities have the ability to either accept, or provide alternate calculations for, the DCA’s “present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025”, a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts (“AOC”) via a directive issued on December 19, 2024; and



**WHEREAS**, this Resolution satisfies the requirements of the Amended FHA by accepting the DCA's estimate of the Borough's Present and Prospective Need for Round 4 (2025-2035), as described in the DCA Report; and

**WHEREAS**, Section 3 of the Amended FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of the Amended FHA; and

**WHEREAS**, the Borough's acceptance of the Fourth Round obligations calculated by the DCA are entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Amended FHA; and

**WHEREAS**, in addition to the foregoing, the Borough specifically reserves the right to adjust its fair share obligations in accordance with applicable Council on Affordable Housing ("COAH") regulations or other applicable law based on one or more of the foregoing adjustments if applicable: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment, whether predicated upon lack of sewer or lack of water; and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including but not limited to, the Highlands Council Regional Master Plan and its build out, or the Pinelands Commission or Meadowlands Commission regulations and planning documents; and

**WHEREAS**, in addition to the foregoing, the Borough specifically reserves all rights to revoke or amend this Resolution and commitment, as may be necessary, in the event of a successful challenge to the Amended FHA in the context of the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

**WHEREAS**, in addition to the foregoing, the Borough reserves the right to take a position that its Fourth Round Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

**WHEREAS**, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

**WHEREAS**, in addition to the foregoing, the Acting Administrative Director of the AOC issued Directive #14-24 (hereinafter "AOC Directive") on December 19, 2024; and

**WHEREAS**, pursuant to AOC Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable

Housing Dispute Resolution Program (hereinafter “the Program”), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48 hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and

**WHEREAS**, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Borough reserves any and all rights and remedies in relation to the AOC Directive; and

**WHEREAS**, the Borough seeks a Compliance Certification from the Program and, therefore, wishes to file a Declaratory Judgment Complaint in the appropriate venue with the Program, along with a copy of this Resolution, within 48 hours of the adoption of this Resolution; and

**WHEREAS**, in light of the above, the Mayor and Borough Council finds that it is in the best interest of the Borough to declare its obligations in accordance with this binding Resolution and in accordance with the Amended FHA; and

**NOW, THEREFORE, BE IT RESOLVED** on this 15th day of January of 2025, by the Borough Council of the Borough of Woodbury Heights, Gloucester County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this Resolution as if set forth in full.

2. For the reasons set forth in this Resolution, the Mayor and Borough Council hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 15 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 36 as described in this Resolution, 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 windshield survey or similar survey, a Vacant Land Adjustment, a Durational Adjustment, and all other applicable adjustments, permitted in accordance with applicable COAH regulations or other applicable law; and
- b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and
- c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third party challenge to the Borough’s fair share obligations.

3. Pursuant to the requirements of the FHA as amended, and the AOC Directive #14-24 issued on December 19, 2024, the Borough hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), 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, so that the Borough's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.

4. This Resolution shall take effect immediately, according to law.

**BOROUGH OF WOODBURY HEIGHTS**

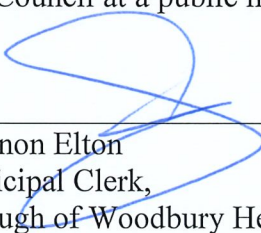
BY:   
**MATTHEW W. COSENZA, MAYOR**

**ATTEST:**

  
**SHANNON ELTON, MUNICIPAL CLERK**

**CERTIFICATION**

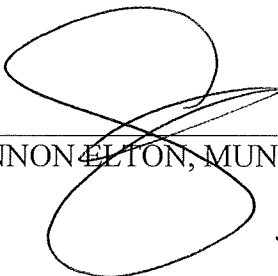
I, Shannon Elton, Municipal Clerk of the Borough of Woodbury Heights, do hereby certify that the above is a true copy of a resolution adopted by the Borough Council at a public meeting held on January 15, 2025.

  
Shannon Elton  
Municipal Clerk,  
Borough of Woodbury Heights

## CERTIFICATION

I, SHANNON ELTON, MUNICIPAL CLERK of the Borough of Woodbury Heights, do hereby certify that I am the duly appointed and qualified Municipal Clerk of the Borough of Woodbury Heights and that I am the keeper of record and corporate seal of said corporation and that the foregoing Resolution is a correct copy of a resolution introduced at the Regular Meeting of the Borough Council of the Borough of Woodbury Heights held on the 15th day of January, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Borough of Woodbury Heights this 15<sup>th</sup> day of January, 2025.



---

SHANNON ELTON, MUNICIPAL CLERK

January 15, 2025



**RESOLUTION 37 - 2025****RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF  
WOODBURY HEIGHTS COMMITTING TO FOURTH ROUND PRESENT  
AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Borough of Woodbury Heights (hereinafter the “Borough” or “Woodbury Heights”) has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 7, 2015, the Borough of Woodbury Heights filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine,” and

**WHEREAS**, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits, for the remainder of Round 3, which expires on July 1, 2025 and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”); and

**WHEREAS**, the Amended FHA required the Department of Community Affairs (“DCA”) to provide an estimate of the Fourth Round affordable housing obligations for all municipalities on or before October 20, 2024, based upon the criteria described in the Amended FHA; and

**WHEREAS**, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the Fourth Round affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

**WHEREAS**, the DCA Report calculates the Borough’s Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of 15 and a Prospective Need (New Construction) Obligation of 36; and

**WHEREAS**, the Amended FHA further provides that, irrespective of the DCA’s calculations, municipalities have the ability to either accept, or provide alternate calculations for, the DCA’s “present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025”, a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts (“AOC”) via a directive issued on December 19, 2024; and

**WHEREAS**, this Resolution satisfies the requirements of the Amended FHA by accepting the DCA's estimate of the Borough's Present and Prospective Need for Round 4 (2025-2035), as described in the DCA Report; and

**WHEREAS**, Section 3 of the Amended FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of the Amended FHA; and

**WHEREAS**, the Borough's acceptance of the Fourth Round obligations calculated by the DCA are entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Amended FHA; and

**WHEREAS**, in addition to the foregoing, the Borough specifically reserves the right to adjust its fair share obligations in accordance with applicable Council on Affordable Housing ("COAH") regulations or other applicable law based on one or more of the foregoing adjustments if applicable: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment, whether predicated upon lack of sewer or lack of water; and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including but not limited to, the Highlands Council Regional Master Plan and its build out, or the Pinelands Commission or Meadowlands Commission regulations and planning documents; and

**WHEREAS**, in addition to the foregoing, the Borough specifically reserves all rights to revoke or amend this Resolution and commitment, as may be necessary, in the event of a successful challenge to the Amended FHA in the context of the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

**WHEREAS**, in addition to the foregoing, the Borough reserves the right to take a position that its Fourth Round Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

**WHEREAS**, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

**WHEREAS**, in addition to the foregoing, the Acting Administrative Director of the AOC issued Directive #14-24 (hereinafter "AOC Directive") on December 19, 2024; and

**WHEREAS**, pursuant to AOC Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable

Housing Dispute Resolution Program (hereinafter “the Program”), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48 hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and

**WHEREAS**, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Borough reserves any and all rights and remedies in relation to the AOC Directive; and

**WHEREAS**, the Borough seeks a Compliance Certification from the Program and, therefore, wishes to file a Declaratory Judgment Complaint in the appropriate venue with the Program, along with a copy of this Resolution, within 48 hours of the adoption of this Resolution; and

**WHEREAS**, in light of the above, the Mayor and Borough Council finds that it is in the best interest of the Borough to declare its obligations in accordance with this binding Resolution and in accordance with the Amended FHA; and

**NOW, THEREFORE, BE IT RESOLVED** on this 15th day of January of 2025, by the Borough Council of the Borough of Woodbury Heights, Gloucester County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this Resolution as if set forth in full.

2. For the reasons set forth in this Resolution, the Mayor and Borough Council hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 15 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 36 as described in this Resolution, 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 windshield survey or similar survey, a Vacant Land Adjustment, a Durational Adjustment, and all other applicable adjustments, permitted in accordance with applicable COAH regulations or other applicable law; and
- b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and
- c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third party challenge to the Borough’s fair share obligations.

3. Pursuant to the requirements of the FHA as amended, and the AOC Directive #14-24 issued on December 19, 2024, the Borough hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), 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, so that the Borough's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.

4. This Resolution shall take effect immediately, according to law.

**BOROUGH OF WOODBURY HEIGHTS**

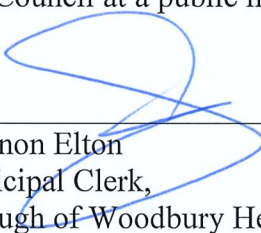
BY:   
**MATTHEW W. COSENZA, MAYOR**

**ATTEST:**

  
**SHANNON ELTON, MUNICIPAL CLERK**

**CERTIFICATION**

I, Shannon Elton, Municipal Clerk of the Borough of Woodbury Heights, do hereby certify that the above is a true copy of a resolution adopted by the Borough Council at a public meeting held on January 15, 2025.

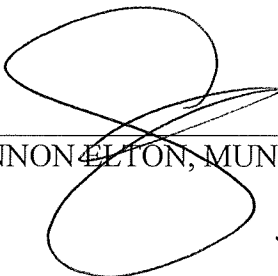
  
Shannon Elton  
Municipal Clerk,  
Borough of Woodbury Heights



## CERTIFICATION

I, SHANNON ELTON, MUNICIPAL CLERK of the Borough of Woodbury Heights, do hereby certify that I am the duly appointed and qualified Municipal Clerk of the Borough of Woodbury Heights and that I am the keeper of record and corporate seal of said corporation and that the foregoing Resolution is a correct copy of a resolution introduced at the Regular Meeting of the Borough Council of the Borough of Woodbury Heights held on the 15th day of January, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Borough of Woodbury Heights this 15<sup>th</sup> day of January, 2025.



---

SHANNON ELTON, MUNICIPAL CLERK

January 15, 2025





# Civil Case Information Statement

## Case Details: GLOUCESTER | Civil Part Docket# L-000075-25

**Case Caption:** IN THE MATTER OF WOODBURY HEIGHTS BORO

**Case Initiation Date:** 01/17/2025

**Attorney Name:** NANCY L HOLM

**Firm Name:** SURENIAN, EDWARDS, BUZAK & NOLAN LLC

**Address:** 311 BROADWAY STE A

POINT PLEASANT BEACH NJ 08742

**Phone:** 7326123100

**Name of Party:** PLAINTIFF : Borough of Woodbury Heights

**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:** Borough of Woodbury Heights? 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)*

01/17/2025

Dated

/s/ NANCY L HOLM

Signed



## APPENDIX B

**FILED**

**April 24, 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  
WOODBURY HEIGHTS,  
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-75-25

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 17, 2025 (“DJ Complaint”) by the Petitioner, BORO of WOODBURY HEIGHTS (“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)*”,<sup>1</sup> 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 15 affordable units, and its “**prospective need**” obligation of the Petitioner has been calculated and reported as 36 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 24th day of **APRIL 2025 ORDERED AND ADJUDGED** as follows:

1. That the “present need” obligation of the Municipality, be, and hereby is fixed as 15 affordable units for the Fourth Round housing cycle.

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<sup>1</sup> See [https://nj.gov/dca/dlps/pdf/FourthRoundCalculation\\_Methodology.pdf](https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf)

2. That the “prospective need” obligation of the Municipality, be, and hereby is fixed as 36 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-75-25 ~~1-25~~, 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

ArcGIS Web Map



5/19/2025, 1:00:13 PM

- County Boundaries
- Municipal Boundaries
- Wetlands of NJ(from Land Use/Land Cover 2012)

- Parcels
- FEMA 100-year Flood Plain

1:2,257

0 0.01 0.02 0.03 0.04 0.05 mi  
0 0.02 0.04 0.09 km

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Delaware FirstMap, State of New Jersey, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

## APPENDIX D(1)

**RESOLUTION OF FINDINGS AND CONCLUSIONS  
PLANNING BOARD OF THE  
BOROUGH OF WOODBURY HEIGHTS  
2017-9**

WHEREAS Conifer Realty, LLC has applied to the Planning Board of the Borough of Woodbury Heights for a use variance to permit construction of 70 dwelling units contained within 7 buildings along with a clubhouse, tot lot and 161 parking spaces as well as a variance to exceed the permitted height of the proposed structures; and

WHEREAS, the property in question is located on Glassboro Road, Block 84, Lots 6 & 8 in an L1 Limited Industrial Zoning District; and

WHEREAS, the Borough of Woodbury Heights Planning Board has the right to exercise to the same extent and subject to the same restrictions, all the powers of the Zoning Board of Adjustment; and

WHEREAS, the Borough of Woodbury Heights Planning Board has had an opportunity to review the application for Conifer Realty, LLC and a hearing having been held thereon and proper notices having been served on all surrounding property owners as required by Statute; and

WHEREAS, the Borough of Woodbury Heights Planning Board has made the following factual findings:

1. Victoria C. Fannon, Esquire appeared on behalf of the applicant. The applicant is a contract purchaser of a parcel of property consisting of approximately 10 acres. The site is improved with a Bell Telephone building which has not been utilized for some time as well as a large impervious parking area. The remainder of the lot is wooded, contains wetlands and a stream. The applicant proposes constructing 7 buildings with a total of 70 one, two and three bedroom apartments all of which will qualify as affordable housing. In addition to adequate parking, there will be a clubhouse of approximately 2,748 square feet. The proposed development is not a permitted use in the L1 zone thereby requiring the use variance approval. The applicant chose to bifurcate the application whereby approval of a variance would be conditioned upon site plan review and approval by the Board. The applicant proposes maintaining the necessary buffers to the stream, wetlands and wooded areas subject to an updated LOI



and threatened and endangered species survey. The applicant proposes two stormwater management basins and indicates that there will be a slight decrease in run off from the site. The applicant has developed and presently manages numerous affordable housing sites. Potential residents must meet certain income standards and submit to a criminal background check and credit check. Each unit has its own entrance, there are security cameras throughout the site and tag readers at the entrance. Uses in the area are predominately residential and predominately single family detached dwellings. The parcel was the subject of a prior approval for age restricted multi-family dwelling units with 180 units in 6 buildings. That approval has since expired.

2. The applicant presented the testimony of Charles Lewis, a representative of Conifer Realty, LLC who explained the applicant's experience with development and management of similar projects as well as the applicant's intentions regarding this project.

3. The applicant presented the testimony of Robert Stout, P.E. who provided details regarding the site and the proposed development.

4. The applicant presented the testimony of Mary Johannesen, Architect, who provided a more detailed description of the proposed structures.

5. The applicant presented the testimony of Nathan B. Mosley, P.E. who completed a traffic study. He testified that Glassboro Road could safely accommodate the increase in traffic and that the increase in traffic was comparable to permitted uses in the zone which could involve trucks and tractor trailers.

6. The applicant presented the testimony of James Miller, Professional Planner who addressed the applicant's burden of proof regarding the positive and negative criteria. It was agreed that the proposed development has been determined to be an inherently beneficial use by the courts and that the proper standard to be applied is the SICA Balancing Test.

7. The Board considered the review letter of March 31, 2017 prepared by Planning Board Engineer, Mark R. Brunermer, P.E., C.M.E. as well as a review letter of April 3, 2017 prepared by the Planning Board's Professional Planner, Tiffany A. Cuvillo, P.P.

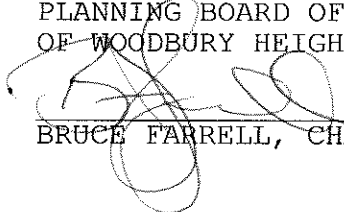
8. There was a significant amount of testimony provided by numerous residents all of whom were opposed to the proposed development. The issues and questions raised by the public related to the Borough's affordable housing obligations, traffic, water, schools, rateables, drainage, lighting, buffering

and other issues. It was clarified that the applicant would require a height variance as they are proposing a height of 40' where either 30' or 35' is permitted depending upon which zoning requirement is applied. The public urged the Board to engage in further investigation and/or studies of important issues such as traffic impact and the applicant's management of other sites before making a decision regarding the application. The most obvious concern of the public was traffic safety.

9. The Board clearly understood the SICA Balancing Test to be applied to the application and were instructed regarding which concerns raised by the public were valid and relevant to the application. A motion was made and seconded to grant the application but failed to receive the five affirmative votes required by law resulting in denial of the application.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Woodbury Heights that the application of Conifer Realty LLC for a use variance to permit construction of 70 dwelling units contained within 7 buildings along with a clubhouse, tot lot and 161 parking spaces as well as a variance to exceed the permitted height of the proposed structures is hereby denied.

PLANNING BOARD OF THE BOROUGH  
OF WOODBURY HEIGHTS

  
\_\_\_\_\_  
BRUCE FARRELL, CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
SHANNON ELTON, SECRETARY

### **CERTIFICATION**

The foregoing resolution was adopted by the Zoning Board of the Borough of Woodbury Heights at the regular meeting of said Board on May 1, 2017.



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SHANNON ELTON, SECRETARY  
PLANNING/ZONING BOARD

## APPENDIX D(2)

### **RESOLUTION OF FINDINGS AND CONCLUSIONS PLANNING BOARD OF THE BOROUGH OF WOODBURY HEIGHTS 2018-10**

WHEREAS, Conifer Realty, LLC has applied to the Planning/Zoning Board of Adjustment of the Borough of Woodbury Heights for preliminary site plan approval for construction of seventy (70) dwelling units contained within seven (7) buildings along with a clubhouse and associated site improvements; and

WHEREAS, the property in question is located on Glassboro Road, being Block 84, Lots 6 and 8 in an L1 limited industrial zoning district; and

WHEREAS, the Borough of Woodbury Heights Planning Board has the right to exercise to the same extent and subject to the same restrictions, all the powers of the Zoning Board of Adjustment; and

WHEREAS, the Borough of Woodbury Heights Planning Board has had an opportunity to review the application for Conifer Realty, LLC and a hearing having been held thereon and proper notices having been served on all surrounding property owners as required by Statute; and

WHEREAS, the Borough of Woodbury Heights Planning Board has made the following factual findings:

1. Kevin D. Sheehan, Esquire appeared on behalf of the applicant. The applicant is a contract purchaser of a parcel of property consisting of approximately 10 acres. The site is improved with a bell telephone building which has not been utilized for some time as well as a large impervious parking area. The remainder of the lot is wooded, contains wetlands and a stream.

2. The applicant previously made application to the Board for a use variance and height variance for the project which was denied after a hearing held on April 3, 2017. As a result of subsequent litigation, the Court entered an Order under Docket No. GLO-L-723-17 on May 22, 2018 reversing the Board's denial of the use and height variances. The use and height are therefore now permitted and this application is for preliminary site plan approval only.

3. The applicant proposes constructing seven (7) buildings with a total of seventy (70) one, two and three bedroom apartments all of which will qualify as affordable housing. In addition to adequate parking, there will be a clubhouse with an area of approximately 2,748 square feet. The applicant proposes maintaining the necessary buffers to the stream, wetlands and wooded areas in compliance with an LOI and threatened and endangered species survey. The proposed storm water management system will reduce run off from the site. The applicant has developed and presently manages numerous affordable housing sites. Uses in the area are predominately residential and predominately single family detached dwellings.

4. The applicant presented the testimony of Charles Lewis, Sr. Vice-President of Conifer Realty, LLC, Bernadette Blackstock, a representative of the People for People Foundation, Mary M. Johannesen, a Licensed Architect of Kitchen & Associates, Inc., Robert R. Stout, PE, PLS, of Stout & Caldwell Engineers, LLC, Nathan B. Mosley, PE, CME, Traffic Engineer with Shropshire Associates, LLC and Professional Planner, James A. Miller.

5. 5% of the units will be set aside for disabled veterans. The remainder of the units will be subject to veterans' preference. Eligibility for the affordable housing will be based upon maximum and minimum incomes and residents will be responsible for 100% of rental payments, none of which will be subsidized by public funds. Potential residents will be screened by way of credit and criminal background checks. In addition to the seven (7) buildings and clubhouse, the project will include a maintenance building and pump station. Trash enclosures will be placed at the end of each parking lot. Water service will be looped thereby increasing the water pressure for this project and adjacent areas. Security cameras will be placed throughout the site with the ability to allow access to the police department. Tag readers will be placed at the entrance. LED lighting on site will be shielded to prevent light spillage to areas outside of the development.

6. The applicant presented testimony regarding sight triangles on Woodbury Road, turning radius within the site and the impact the development will have on traffic. It was determined that the impact on traffic will be within acceptable standards with an acceptable level of service. The applicant will be providing a deceleration lane southbound on Woodbury Road. The Board determined that the traffic impact of this use is less than the impact that would be created by other uses permitted in the zone.

7. The applicant's Professional Planner, James A. Miller provided testimony regarding fiscal impact and addressed satisfaction of the negative criteria. The Board's Professional Planner testified that the applicant had satisfactorily addressed its burden of proof regarding the negative criteria. The Board therefore finds that the proposed use will not result in a substantial detriment to the public good. The proposed use is a residential use within a predominately residential area and therefore will have less of an impact than many of the industrial uses permitted in the zone. What is now an abandoned commercial use will be established as a residential use compatible with existing uses in the area. The Board finds that the proposed use will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The proposed project advances the public welfare as it will be an implementation of the Borough's affordable housing obligation required by law, Court Order and the Borough's Master Plan.

8. The Board carefully considered the review letter of June 28, 2018 prepared by the Board's Engineer, Mark R. Brunermer, PE, CME as well as the letter of July 2, 2018 prepared by the Board's Professional Planner, Tiffany A. CuvIELLO, PP. The Board also carefully considered the testimony of the public who expressed concerns regarding the impact on police, fire and ambulance services of the Borough, impact upon the schools, quality of life, property values and traffic. The Board clarified that the issues of water, sewer and any PILOT program would be under the jurisdiction of the Borough Council and not the Planning Board.

9. The application submitted by the applicant substantially complies with the requirements of the Borough of Woodbury Heights Ordinance.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Woodbury Heights that the application of Conifer Realty, LLC for preliminary site plan approval for construction of seventy (70) dwelling units contained within seven (7) buildings along with a clubhouse and associated site improvements is hereby granted subject to the following conditions:

1. The applicant shall obtain any other applicable governmental approvals which the applicant is required to obtain from any Federal, State, County or Local Governmental Agency or body.

2. The applicant shall obtain final site plan approval from the Borough of Woodbury Heights Planning/Zoning Board of Adjustment within the time required by law.

3. The applicant shall provide 152 parking spaces which exceeds the RSIS requirement of 139 spaces. The number of buildings, number of bedrooms, floor plan and plans for the club house shall conform with the exhibits submitted as part of the hearing for preliminary approval, including exterior architectural plans.

4. The fencing on the northern side of the property along Woodland Avenue will be 6 foot high black vinyl coated chain link fence with slats and a 1 1/4" mesh. As part of final site plan approval, the applicant shall propose and provide additional berming and landscaping, including evergreen landscaping with integration of the fence into the landscaping and berming. A variance for the fence shall not be required as the northern property line is deemed a side yard.

5. The proposed sign shall be located at least 20' back from the street right of way in order to comply with Borough Ordinance.

6 Sidewalks shall not be required on Woodbury Road at the southern side of the entrance.

7. Details regarding curbing and paving shall be resolved to the satisfaction of the Board Engineer.

8. Prior to offering units for rent, the applicant shall schedule, advertise and conduct an informal presentation to local residents and senior citizens to make them aware of what is available.

9. As a part of final site plan approval, the applicant shall address all comments set forth in the Board Engineer's review letter of June 28, 2018 and the Board Planner's letter of July 2, 2018, not otherwise addressed herein.

10. All outstanding escrow and inspection fees shall be paid in full prior to submission of the application for final approval.

Adopted at a regular meeting of the Borough of Woodbury Heights Planning Board on August 6, 2018.

PLANNING BOARD OF THE BOROUGH  
OF WOODBURY HEIGHTS

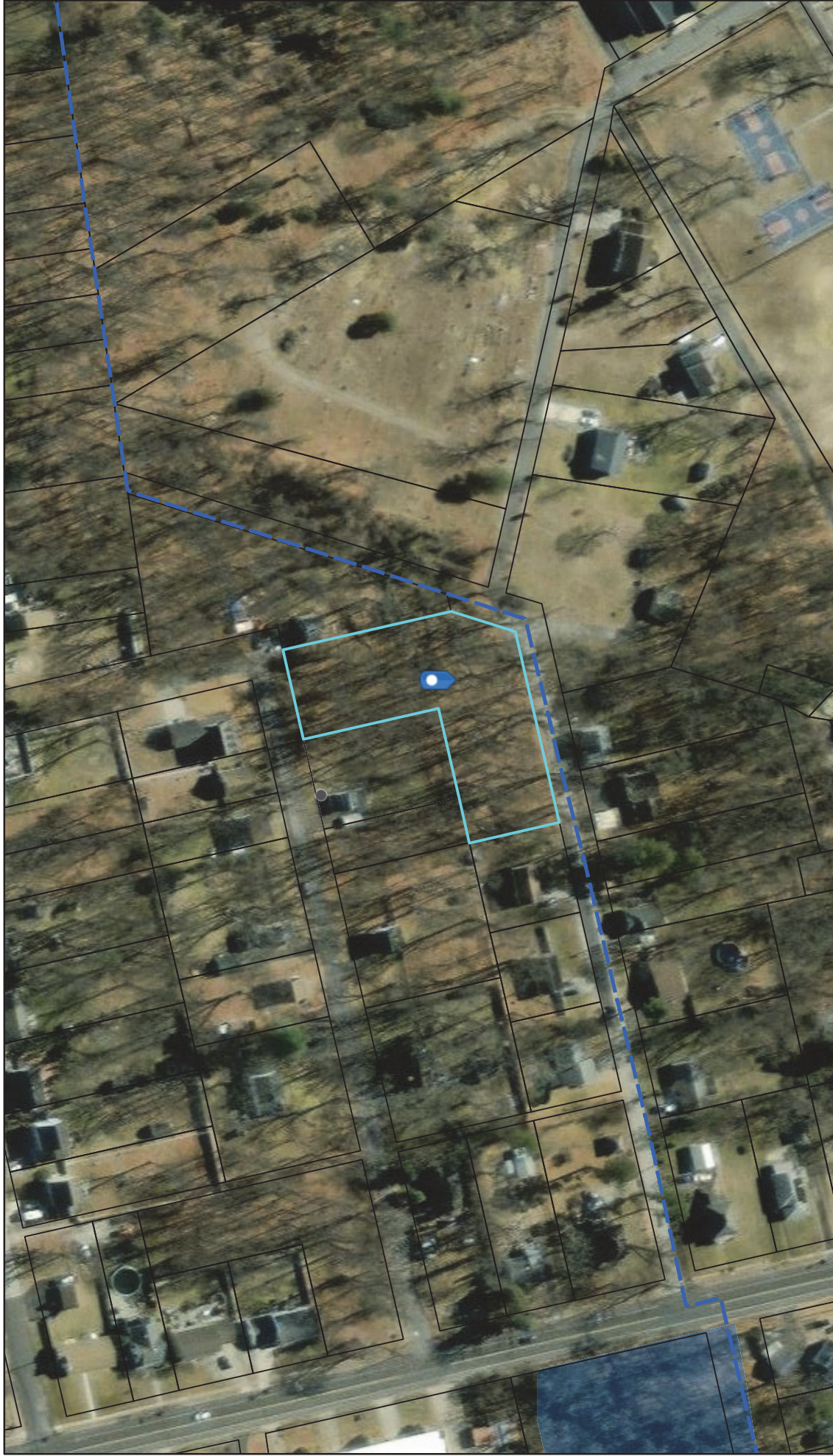
\_\_\_\_\_  
BRUCE FARRELL, CHAIRMAN

ATTEST:

\_\_\_\_\_  
SHANNON ELTON, SECRETARY



APPENDIX E ArcGIS Web Map



5/19/2025, 1:07:25 PM

- County Boundaries
- Municipal Boundaries
- Wetlands of NJ(from Land Use/Land Cover 2012)
- Parcels

1:2,257  
0 0.01 0.02 0.03 0.04 0.05 mi  
0 0.02 0.04 0.09 km  
Maxar, Microsoft



State of New Jersey  
DEPARTMENT OF COMMUNITY AFFAIRS  
101 SOUTH BROAD STREET  
PO Box 804  
TRENTON, NJ 08625-0804

PHILIP D. MURPHY  
Governor

LT. GOVERNOR SHEILA Y. OLIVER  
Commissioner

January 22, 2019

Via Regular Mail  
Mr. Christian Romano  
Construction Official  
Township of Deptford  
1011 Cooper Street  
Deptford, New Jersey 08096

Re: 990 Glassboro Road  
Woodbury Heights, NJ

Control No: 0823-0001

Dear Construction Official:

Please be advised the Department of Community Affairs, Bureau of Rooming and Boarding House Standards (DCA) has received an application from the Owner in Fee, of the above captioned premises seeking to obtain a License to Own/Operate a Class F Rooming House expressly for Cooperative Sober Living Residences in accordance with the Regulations Governing Rooming and Boarding Houses (NJAC 5:27-1 et seq).

Pursuant to NJAC 5:23-3.11(k) of the Uniform Construction Code (as amended), DCA is the sole enforcing agency of the subject premises regarding the Uniform Construction Code and Regulations Governing Rooming and Boarding Houses. The Office of Regulatory Affairs, NJ Department of Community Affairs will visit your office to retrieve the municipal property file.

In the event you have any questions, concerns, and/or comments regarding this matter please feel free to call me at (609) 984-1704 or contact me via email at [bernard.raywood@dca.nj.gov](mailto:bernard.raywood@dca.nj.gov).

Very truly yours,

Bernard A. Raywood, Chief  
Bureau of Rooming and  
Boarding House Standards

Cc: Terence Luckie, Construction Official, Office of Regulatory Affairs



## APPENDIX F

VISION RESIDENCIES LLC  
440 AURA ROAD  
GLASSBORO, NJ 08028

**STATE OF NEW JERSEY DEPARTMENT  
OF COMMUNITY AFFAIRS DIVISION OF  
CODES AND STANDARDS**

**LICENSE TO OWN**

**ISSUED TO:** VISION RESIDENCIES LLC

**LICENSE CAPACITY:** 10

**LICENSE ISSUED:** January 25, 2019



**FACILITY TYPE:**

COOPERATIVE SOBER LIVING RESIDENCE

**FACILITY ADDRESS:**

990 GLASSBORO ROAD  
WOODBURY HEIGHTS, NJ

**FACILITY #:** 08230001

**EXPIRATION DATE:** NOVEMBER 30, 2019

This license is issued pursuant and subject to P.L. 1979, c. 496; N.J.S.A. 55:13B-1 et seq. and is valid only for the person or organization it is issued to and only to own and/or operate the facility indicated herein.

This renewal license is also subject to suspension or revocation, after opportunity for a hearing, in the event of non-compliance with applicable licensing requirements. Issuance of this renewal license is for the purpose of allowing continued operation and is not evidence of any determination that the facility is currently in compliance with applicable state regulations.

A handwritten signature in cursive script, reading "Bernard Raywood".

Bernard Raywood  
Bureau of Rooming and Boarding House Standards



Woodbury Heights Borough  
1011 COOPER STREET  
DEPTFORD NJ 08096

Date Issued 11/27/2018  
Vio Number V-18-00002  
Tracking Number  
Permit Number  
Permit Issued Date

## NOTIFICATION OF SATISFACTION

Construction Code Division

### Identification

Work Site Location: 990 GLASSBORO RD Woodbury Heights Borough, NJ  
Block: 95  
Lot: 1  
Owner in Fee: DUGAN, CARL  
Owner Address: 990 GLASSBORO ROAD WOODBURY HTS NJ 08097

FILE COPY

### Action

Date of Notice: 11/27/2018 Date of inspection: 11/27/2018 Compliance Date: 12/12/2018

### Violation

5:23 -2.6 (b) Change in use: It shall be unlawful to change the use of any structure or portion thereof without the prior application for and issuance of a certificate of occupancy as herein provided.

### Closure

This is to acknowledge that the above listed Owner/Agent has conformed with the requirements of the New Jersey Administrative Code, Title 5, Chapter 23, Subchapter 2, known as the Uniform Construction Code, in terminating all violations as stated above.

Therefore, the Construction Code Enforcement Agency of the Woodbury Heights Borough find the matter closed.

Further, all outstanding penalties assessed in this matter have been abated.

### Receipt

No Payment Information.

BY ORDER OF:

*C. Romano*

(Construction Official)

Date:

*1-30-19*

Date Printed: 1/30/2019

Page 1

## APPENDIX G

### DRAFT ORDINANCE

New Items are Underlined

Deleted Items are ~~Crossed-out~~

**Amend Section 70-13.1 under Article IV. District Regulations as follows:**

#### Section 70-13.1 AH Affordable Housing District

- A. The purpose of the AH District is to provide for the construction of multifamily dwellings, and to create a realistic opportunity for the construction of a portion of the low and moderate income housing obligation of the Borough of Woodbury Heights under New Jersey's Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the rules of the New Jersey Council on Affordable Housing, N.J.A.C. 5:93-1 et seq., and the Mount Laurel doctrine.
- B. Principal Permitted Uses.
- (1) Multi-family residential units – 100% affordable housing
  - (2) Age-Restricted multi-family residential housing units with a 20% affordable housing set-aside.
- C. Accessory Uses Permitted.
- (1) Recycling and solid waste collection facilities
  - (2) Recreation facilities and buildings
  - (3) Fences, walls and signs
  - (4) Maintenance and on site storage buildings
  - (5) Other customary incidental uses
- D. A maximum of 70 multi-family units in no more than 7 separate buildings shall be permitted. ~~This is a 100% affordable housing development.~~
- E. Maximum Building Height of 3 stories/45 feet if the following conditions are satisfied:
- (1) The building is designed to conform to the guidelines provided in the National Fire Protection Association/NFPA 1141 – Standard for Fire Protection in Planned Building Groups, current edition.
  - (2) Additional requirements are provided under Section 70-34.
- F. Area and Yard Requirements.
- (1) Minimum Lot Frontage: 200 feet
  - (2) Minimum Lot Depth: 200 feet
  - (3) Minimum Side Yard Setback: 30 feet

- (4) Minimum Front Yard Setback: 40 feet
  - (5) Minimum Rear Yard Setback: 50 feet
  - (6) Maximum Building Coverage: 20%
  - (7) Maximum Impervious Coverage: 30%
  - (8) A minimum building separation of 21 feet shall be provided for buildings side by side. Buildings which are back to back shall have a minimum separation of 40-feet.
  - (9) Accessory structures shall be subject to the same setback requirements as principal buildings, as provided above.
- G. Landscaping, buffers, street/shade trees and landscaping in parking facilities shall be provided in accordance with Section 79-49.14 and as follows:
- (1) All rear, front and side yards shall include a landscape buffer equal to at least half the width of the required setback.
  - (2) The landscaping in the buffer shall consist of a combination of trees, shrubs and planting beds. The use of landscape berms and decorative fencing are encouraged. In addition to this section, the plans shall conform to the buffer requirements under Section 79-49.14F in order to ensure adequate screening between the multifamily development and surrounding single-family residential development.
  - (3) Existing vegetation should be preserved to the extent possible and be supplemented with additional screening.
  - (4) The plans shall provide for an identification of the remaining vegetation include type and size of existing materials.
  - (5) Tree protection measures shall be provided on the plans for areas where existing vegetation will remain.
  - (6) All landscaped areas shall include irrigation with rain sensors.
  - (7) Landscaping around stormwater management areas shall be provided in accordance with Section 70-49.6G.
- H. Off-street parking shall be provided in accordance with the Residential Site Improvement Standards and Section 70-23. Parking shall be in designated parking areas.
- I. Curbs and sidewalks shall be provided along the entire length of street frontage and throughout the development connecting the residential units to the parking areas.
- J. Building Design. The design of the buildings shall be consistent with the surrounding single-family neighborhood so that the appearance remains residential and not institutional.
- (1) Architectural elevations and floor plans shall be provided for each of the buildings.

- (2) The building design shall incorporate a combination stone, stucco or other combination of building materials.
- (3) The buildings shall include breaks in the facades to break up the building lengths.
- (4) Rooflines shall be pitched.
- (5) All HVAC and mechanical equipment shall be incorporated into the building design and not visible.

K. Common recreation shall be provided as follows:

- (1) A clubhouse or community building shall be provided.
- (2) If a non-age restricted development, a playground area for children shall be provided. The playground shall include equipment appropriate for different age groups.
- (3) Additional recreation areas such as walkways or other similar areas should be encouraged where appropriate
- (4) All such common uses shall be subordinated to the residential character of the development, and no advertising shall be permitted.
- (5) Architectural elevations and floor plans shall be provided for the clubhouse.
- (6) The completion of the common recreation areas shall be tied to the completion of the units so that at no time shall there exist residential units without any recreational amenities. A plan shall be submitted addressing the timing of the completion of the common recreation areas.

N. Permitted Signs.

- (1) A site identification sign shall be permitted.
- (2) The maximum sign area shall not exceed 26 square feet.
- (3) The maximum height shall not exceed 6 feet.
- (4) All signs shall be located in a landscaped island.
- (5) Signs shall be setback 14 feet from all property lines and located outside all sight triangles.
- (6) Subject to additional sign regulations as provided under Section 70-28.

O. Refuse storage.

- (1) The refuse storage area shall be suitably located and screened and arranged for access and ease of collection and shall not be part of, restrict or occupy any parking aisle.
- (2) All refuse storage areas shall be enclosed with a block wall with a finish similar to the facades of the residential structures.
- (3) The gate on the refuse storage enclosure shall consist of a solid material and be self-closing.
- (4) A side entry shall be provided to the trash enclosure so that residents can easily access the containers.

- (5) Landscaping shall be provided around the exterior of the refuse storage enclosure.
- P. All development shall conform to the Residential Site Improvement Standards and other provisions of the local land use ordinance not specifically referenced in this subsection.
- Q. Affordable Housing Requirements.
  - (1) The developer is responsible for preparing and implementing an Affirmative Marketing Plan in accordance with the requirements of Section 70-32.2 of the ordinance. The developer shall enter into a contract with the Borough to act as the Municipal Housing Liaison and be responsible for administering the affordable housing program pursuant to standards and requirements provided in Section 70-32.2.M of this ordinance.
  - (2) Affordable Housing Regulations: The affordable housing units shall be developed and sold or rented in accordance with the current applicable Uniform Housing and Affordability regulations (N.J.A.C. 5:80-26 et seq.), including requirements on: split between low and moderate income housing, bedroom distribution, range of affordability, pricing and rent of units, affirmative marketing, affordability controls, and construction phasing with the market-rate units developed on the tract.

**Amend Section 70-13.3 Residential Multifamily Affordable (RM-2) District as follows:**

- A. The purpose of the RM-2 District is to provide for the construction of ~~supportive~~ housing for persons of low and moderate income consistent with New Jersey's Fair Housing Act, N.J.S.A. 52:27D-301 et seq., ~~the rules of the New Jersey Council on Affordable Housing and the Mount Laurel Doctrine.~~
- B. Permitted principal uses.
  - (1) All principal permitted uses in the Residential — R District under Section **70-13A**.
  - (2) Supportive housing or Affordable Housing Units in single-family, semi-detached or quadruplex dwelling units.
- C. Accessory uses permitted. All accessory uses permitted in the R District under Section **70-13B**.
- D. A maximum density of 13 units per acre.



**E.** Maximum building height in accordance with Section **70-13C**.

**F.** Area and yard requirements.

- (1) For all uses as permitted in the R-District the area and yard requirements of Section **70-13D**, apply.
- (2) Supportive or Affordable housing as single-family units in accordance with the following:

Minimum lot area:	5,000 square feet
Minimum lot width:	50 feet
Minimum lot depth:	100 feet
Minimum side yard setback:	10 feet
Minimum front yard setback:	25 feet
Minimum rear yard setback:	25 feet

- (3) Supportive or Affordable housing as semi-detached single-family units in accordance with the following:

Minimum lot area:	3,750 square feet
Minimum lot width:	37 feet
Minimum lot depth:	100 feet
Minimum side yard setback:	0-feet and 10-feet
Minimum front yard setback:	25 feet
Minimum rear yard setback:	25 feet

- (4) Supportive or Affordable housing as quadruplex dwelling units in accordance with the following:

Minimum lot area:	10,000 square feet
Minimum lot width at building line:	100 feet
Minimum lot depth:	150 feet
Minimum side yard setback:	15-feet with an aggregate of 25-feet
Minimum front yard setback:	30 feet
Minimum rear yard setback:	30 feet

**G.** Design criteria.

- (1) If parking is proposed in the front yard for the duplex units, the front yard setback shall be increased to accommodate all spaces on site.

- (2) Parking for the quadruplex units shall be provided in the rear yard area. The total number of spaces shall meet the Residential Site Improvement Standards. All parking areas shall be screened from adjoining properties.
- (3) Street/Shade trees shall be provided for each residential unit with a minimum spacing of one tree for every 50 feet of lot width.
- (4) Landscaping plans shall be provided including foundation plantings. Perimeter plantings/fencing shall be provided adjacent to existing single-family dwelling units.