

FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

East Amwell Township
Hunterdon County, New Jersey

June 2025

Adopted by the Planning Board on _____

Prepared By:



Heyer, Gruel & Associates
Community Planning Consultants
236 Broad Street, Red Bank, NJ 07701
(732) 741-2900

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

Michael Davis, AICP, P.P. #6533

With contributing content by Megan Adam, Associate Planner

Principals in Charge:

Susan S. Gruel, P.P. #1955

Fred Heyer, AICP, P.P. #3581

Table of Contents

| | |
|--|----|
| EXECUTIVE SUMMARY | 4 |
| INTRODUCTION | 6 |
| First and Second Rounds | 7 |
| Third Round..... | 7 |
| Fourth Round | 8 |
| EAST AMWELL TOWNSHIP’S HISTORY OF AFFORDABLE HOUSING | 10 |
| PLANNING FOR AFFORDABLE HOUSING | 12 |
| PART 1: HOUSING ELEMENT | 14 |
| DEMOGRAPHIC CHARACTERISTICS..... | 14 |
| EXISTING HOUSING CONDITIONS | 21 |
| EMPLOYMENT DATA | 28 |
| PART 2: FAIR SHARE PLAN..... | 35 |
| INTRODUCTION | 35 |
| CURRENT STANDARDS..... | 35 |
| EAST AMWELL’S AFFORDABLE HOUSING OBLIGATIONS..... | 38 |
| REVIEW OF PREVIOUS ROUND COMPLIANCE | 38 |
| FOURTH ROUND OBLIGATION..... | 44 |
| CONSISTENCY WITH STATE PLANNING REQUIREMENTS | 48 |
| USE OF SURPLUS CREDITS..... | 50 |
| SUMMARY OF FAIR SHARE COMPLIANCE..... | 50 |

Appendices

Appendix A: Resolution 2025-45 – Resolution Adopting Fair Share Affordable Housing Obligations for the Fourth Round

Appendix B: Complaint for Declaratory Judgment Pursuant to N.J.S.A. 52:27D-313

Appendix C: Order Fixing Municipal Obligations for Present Need and Prospective Need for the Fourth Round Housing Cycle

Appendix D: UAW Project Approvals

- Resolution 2023-09
- Resolution 2024-06

Appendix E: Affordable Housing Ordinances and Resolutions

- Ordinance 21-06 - Affirmative Marketing Plan
- Resolution 50-21 – Adopting Affordable Housing Manuals
- Resolution 2024-128 – Appointing Municipal Housing Liaison

Appendix F: Third Round Compliance Documents

- First Settlement Agreement with FSHC
- Amended Settlement Agreement with FSHC
- Order Approving Settlement Agreement

EXECUTIVE SUMMARY

The following Fourth Round Housing Element and Fair Share Plan has been prepared for the Township of East Amwell in the County of Hunterdon in accordance with the Fair Housing Act as most recently amended (P.L.2024, c.2).

East Amwell Township is a 28.6 square mile community located in western New Jersey, within the southern portion of Hunterdon County. The northern areas of East Amwell are in the Amwell Valley, while the southern sections are in The Sourlands region. The township borders Delaware Township, Raritan Township and West Amwell Township in Hunterdon County; Hopewell Township in Mercer County; and Hillsborough Township and Montgomery Township in Somerset County. Primary routes, including State Route 202, NJ Route 31, and Hunterdon County Routes 514, 579, 602, and 604, run through the Township.

The Township can be characterized as a rural municipality and, according to the State Development and Redevelopment Plan (SDRP), is located in a handful of Planning Areas, including: Rural Planning Area 4; Rural Environmentally Sensitive Planning Area 4b; and Environmentally Sensitive Planning Area 5.

According to the 2020 Census, East Amwell Township's population was 3,917, which represents a decrease of 2.4% from 2010. In 2020, the Township's median age was 51.5 years, representing a 10% increase from the median age of 46.8 years in 2010. The Township's average household size in 2020 was 2.22 persons, which was slightly less than the average at the County level (2.52 persons).

The housing stock of the Township is predominantly single-family detached dwelling units. Approximately 42% of the housing stock was built prior between 1970 and 1990. According to the guidelines originally established by COAH, the Township is located in Housing Region 3, a region that consists of Hunterdon, Middlesex, and Somerset counties. Based on the 2025 Regional Income Limits (released by Affordable Housing Professionals of New Jersey on May 5, 2025), the median income in Region 3 for a four-person household is \$153,400, the moderate-income is \$122,720, the low-income is \$76,700, and the very-low-income level is \$46,020.

Affordable housing obligations in New Jersey are divided into "housing rounds," as will be discussed in detail later in this Plan. Each municipality in New Jersey has a constitutional obligation to provide their fair share of the calculated regional need for affordable housing within the respective housing round. These obligations to construct new affordable housing are known as the "Prospective Need" obligation. Municipalities also have an obligation to rehabilitate units that are deemed substandard, pursuant to the criteria of the Fair Housing Act. This obligation is known as the Present Need, or Rehabilitation Share. The housings rounds are as follows: Prior Round (1987-1999), Third Round (1999-2025), and Fourth Round (2025-2035).

The Township of East Amwell has participated in each of the three housing rounds. In the Third Round, the Township entered into a Settlement Agreement with Fair Share Housing Center to establish the Township's Third Round affordable housing obligation. The subsequent compliance efforts were approved by the Court in a Final Judgment of Compliance and Repose, dated October 25, 2022, confirming the Township satisfied its Third Round obligations.

The Township was able to fully meet its Prior Round and Third Round obligations through credit-worthy units that are existing or proposed, as well as through rental bonus credits.

The Township has a Fourth Round obligation as follows:

Rehabilitation Share: 4

Prospective Need: 44

The 44-unit Prospective Need obligation will be addressed through credits carried over from the Third Round and a newly proposed zoning overlay.

INTRODUCTION

The need to provide a realistic opportunity for the construction of affordable housing in New Jersey, the country's most densely populated state, has been recognized for decades. In the case of Southern Burlington County NAACP v. the Township of Mount Laurel 67 N.J. 151 (1975), (commonly known as Mount Laurel I), the New Jersey Supreme Court established the doctrine that developing municipalities have a constitutional obligation to create a realistic opportunity for their fair share of low and moderate income housing.

In Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158, 456 A.2d 390 (1983), decided on January 20, 1983 (commonly known as Mount Laurel II), the Supreme Court responded to the response of municipalities to Mount Laurel II. It sought to "put steel" into the doctrine by making it far easier for developers to secure a builder's remedy. The builder's remedy created an incentive to developers to sue non-compliant municipalities and force them to comply. Mount Laurel II also created the Judgment of Repose to incentivize municipalities to comply. A Judgment of Repose protected municipalities from anyone who would sue it and claim entitlement to a builder's remedy or other relief based upon the claim that the municipality was noncompliant.

In the wake of Mount Laurel II, developers sued municipalities seeking builder's remedies. The wave of builder's remedy lawsuits created the impetus for legislation to protect municipalities from builder's remedies. A decision by Judge Serpentelli, one of three judges appointed by Chief Justice Wilentz to implement Mount Laurel II, increased the need for a legislative cure. More specifically, in 1984, Judge Serpentelli issued the AMG decision which established a formula for any developer to determine the fair share obligation of any municipality.

The pressure of builder's remedy suits, combined with the ease in determining the fair share of any municipality through the AMG formula, culminated in the enactment of the New Jersey Fair Housing Act in 1985. The Fair Housing Act (FHA) is found at N.J.S.A. 52:270-301, et seq. The FHA established the Council on Affordable Housing (COAH) as an administrative alternative to builder's remedy lawsuits and the concomitant jurisdiction of the courts. COAH was given the responsibility of dividing the state into housing regions, determining regional and municipal fair share affordable housing obligations, and adopting regulations that would establish the guidelines and approaches that municipalities may use in addressing their affordable housing need.

In 2008, the Legislature amended the FHA to add requirements for very low-income housing. Very low-income households are those in which the gross household income is 30% or less than the region's median household income. Low-income households are those with incomes no greater than 50% of the region's median household income. Moderate-income households are those with incomes no greater than 80% and

no less than 50% of the region's median household income. Each is adjusted for household size and is in relation to the median gross income of the housing region in which the municipality is located.

FIRST AND SECOND ROUNDS

The First and Second Rounds under COAH are collectively referred to as the "Prior Round." The Prior Round obligation is the cumulative 1987-1999 fair share obligation. The First Round consists of the six-year period between 1987 and 1993 for which COAH first established a formula for determining municipal affordable housing obligations (N.J.A.C. 5:92-1 *et seq.*). Then in 1994, COAH established amended regulations (N.J.A.C. 5:93-1.1 *et seq.*) and produced additional municipal affordable housing obligations for the years 1993 to 1999. This second round of obligations is known as the Second Round. When COAH adopted regulations for Round 2, it made the Round 1 and 2 obligations cumulative for both periods.

THIRD ROUND

Housing rounds were originally established by the Fair Housing Act as six-year periods, but in 2001 the Legislature extended the rounds to 10-year periods. This should have meant that the Third Round ran from 1999 to 2009. However, COAH didn't establish new rules for the Third Round until the end of 2004 (N.J.A.C. 5:94-1 and 95-1 *et seq.*). The Third Round time period was therefore extended to 2014. The Third Round rules established a new method for calculating a municipality's affordable housing obligation, known as "growth share." This method required municipalities to project future residential and non-residential development and then derive their obligation from that growth.

After the New Jersey Appellate Court invalidated several components of the Third Round rules, COAH released revised rules in 2008. The Third Round was once again extended to 2018 to provide municipalities with the time to apply the amended rules and establish mechanisms to meet their obligations. The revised third round rules, like the initial third round rules established the obligations based on a growth share approach.

On October 8, 2010, in response to numerous legal challenges to the second iteration of COAH's third round regulations, the Appellate Division ruled that COAH could not allocate obligations through a "growth share" formula and directed COAH to use similar methods to those used in the First and Second Rounds.

COAH proposed third round regulations a third time in 2014 using a formula similar to the ones it had used in the first and second rounds. However, when COAH had a meeting to consider adopting these rules on October 20, 2014, it deadlocked and then failed to make any efforts to break the deadlock.

On March 10, 2015, the New Jersey Supreme Court decided In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), wherein it responded to COAH's failure to adopt defensible rules for Round 3. This decision changed the landscape by which municipalities are required to comply with their constitutional obligation to provide their fair share of affordable housing.

The Supreme Court held that since COAH was no longer functioning, trial courts were to resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations. The decision also established a transitional process for municipalities to seek temporary immunity and ultimately a Judgment of Compliance and Repose (“JOR”) from a court, which was the “judicial equivalent” of Substantive Certification from COAH.

On January 18, 2017, the Supreme Court decided In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant To The Supreme Court’s Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel V”), which held that need having accrued during the Gap Period (1999-2015) had to be addressed and was part of the Present Need. The Supreme Court held that there is an obligation with respect to that period for households that came into existence during that gap period that are eligible for affordable housing, that are presently (as of 2015) in need of affordable housing, and that are not already counted in the traditional present need.

As the methodology and obligations from the Gap and Prospective Need had not been fully adjudicated at that time, various trial judges issued opinions on the appropriate methodology and 354 municipalities reportedly settled with Fair Share Housing Center wherein they negotiated the obligations for Round 3.

Municipal obligations were therefore broken down in Round Three Housing Element and Fair Share Plans as Present Need/Rehabilitation, Prior Round (1987-1999), and Third Round and Gap Period (1999-2015). Municipalities that received their Final Judgment of Compliance and Repose had immunity from builders’ remedy lawsuits through the end of the Third Round, June 30, 2025.

FOURTH ROUND

On March 18, 2024, the affordable housing legislation known jointly as Senate Bill S50 and Assembly Bill A4 passed both houses of the legislature. Governor Murphy signed the bill (P.L.2024, c.2) into law on March 20, 2024, establishing a new methodology for determining municipalities’ affordable housing obligations for the Fourth Round and beyond. The new legislation, which comprehensively amends the FHA, overhauled the process that municipalities undertake to establish and plan for their constitutionally mandated affordable housing obligation. Most notably, this legislation formally abolished COAH while transferring its functions to the New Jersey Department of Community Affairs (DCA) and Housing Mortgage and Finance Agency (HMFA). As a result, the legislation codified the method for calculating regional and municipal affordable housing needs and returned most of the process from the Courts to state administrative departments.

The amended FHA called on the DCA to issue a non-binding report on the new Present Need Obligation (commonly referred to as the rehab obligation) and the Prospective Need for Round 4 and subsequent rounds. The amended FHA required the DCA to base its analysis of the obligations for each municipality based upon the standards set forth in the amended FHA. Accordingly, on October 18, 2024, the DCA

released a report outlining the Fourth Round (2025-2035) Fair Share methodology and its calculations of low- and moderate-income obligations for each of the State's municipalities. The amended FHA gave municipalities until January 31, 2025, to review the obligation reported by the DCA and perform their own analysis of their obligation based on the methodology in the legislation and previously established by the Courts. If any municipality wished to commit to an obligation different from the one reported by the DCA, the amended FHA required the municipality to adopt a resolution by January 31, 2025 committing to the number that it contended was the appropriate obligation. If a municipality wished to commit to the numbers that the DCA reported, the amended FHA required the municipality to adopt a resolution committing to the DCA numbers.

The amended FHA required any municipality that wished to participate in the new process that the Act created to file a declaratory relief action within 48 hours of adopting the resolution committing to the numbers the municipality deemed appropriate.

The amended FHA gave any interested party who wished to oppose the numbers to which any municipality committed to file an Answer by February 28, 2025, which included a particularized objection to the numbers to which the municipality committed.

The amended FHA gave "the program" until March 31, 2025 to try to resolve any disputes over the fair share numbers to which a municipality committed through an "Affordable Housing Dispute Resolution Program". The program is a new entity created by the amended FHA. It is staffed with seven current or retired judges and the judges have the authority to use adjudicators to assist in mediating disputes over the obligations of municipalities.

The amended FHA gives municipalities until June 30, 2025 to file a Housing Element and Fair Share Plan and related documents showing how the municipality will comply with its obligations. The Fourth Round Plans will follow the same general format as they have with certain updates to their requirements dealing with various types of housing and the bonus credit calculation system. Notably, HE/FSPs are required to be consistent with the State Development and Redevelopment Plan (SDRP), which has yet to be adopted. (A draft SDRP was released in late 2024). As part of the HE/FSP, municipalities shall include an assessment of the degree to which the municipality has met its fair share obligation from the prior rounds of affordable housing (i.e. First, Second, and Third Rounds).

EAST AMWELL TOWNSHIP'S HISTORY OF AFFORDABLE HOUSING

East Amwell Township has a long history of compliance with the NJ Council on Affordable Housing's (COAH) regulations.

In October 2005, East Amwell adopted its original Third Round Housing Element and Fair Share Plan (HEFSP), and in December 2005 petitioned COAH for Third Round Substantive Certification. The 2005 Plan identified compliance mechanisms and affordable housing techniques that would have fully satisfied East Amwell's Third Round (then 2004 to 2014) and Prior Round affordable housing obligations as found in COAH's regulations.

As a result of revised regulations, on December 10, 2008, East Amwell adopted a revised Third Round HEFSP based upon the 2008 Rules and re-petitioned COAH for substantive certification on December 31, 2008. On December 9, 2009, COAH granted East Amwell Third Round Substantive Certification.

In response to Mount Laurel IV in 2015, a Settlement Agreement was executed between the Township and the Fair Share Housing Center ("FSHC") on March 1, 2018. An order issued by the Honorable Thomas C. Miller, P.J.S.C. on April 19, 2018, deemed the Settlement Agreement fair and reasonable and that it adequately protects the interest of low- and moderate-income households.

On July 11, 2019, an amended Settlement Agreement between the Township and FSHC was executed. This amendment was necessitated by the elimination of a proposed expansion of a group home that no longer presented realistic opportunities for affordable housing, as well as the enlargement of the Township's accessory apartment program.

East Amwell Township received a Conditional Judgment of Compliance and Repose on January 27, 2021, and a Final Judgment of Compliance and Repose on October 25, 2022.

The Township continues to take steps to satisfy its affordable housing obligation. The Township established a binding resolution on January 6, 2025 (Resolution #2025-45) which maintained the DCA-generated obligation, to establish its Fourth Round housing obligation, and thus guaranteed protection from builders' remedy suits.

Further, on January 8, 2025, the Township filed a Complaint (Docket No. HNT-L-000011-25) seeking the entry of a declaratory judgment: (i) exercising jurisdiction over the compliance by the Township of East Amwell with its constitutional affordable housing obligations; and (ii) declaring, pursuant to N.J.S.A. 52:27D-304.1(f), that the affordable housing obligations set forth by East Amwell Township in the Resolution dated January 6, 2025 are established; and (iii) declaring that the Township of East Amwell is under the Court's voluntary compliance declaratory judgment jurisdiction and that the Township is immunized and protected against builder's remedy litigation and exclusionary zoning challenges; and (iv) declaring that the Township of East Amwell's Housing Element and Fair Share Plan, including its spending

plan, satisfactorily addresses its affordable housing mandates and provides the Township with immunity and repose against builder's remedy litigation and exclusionary zoning challenges for a period of ten (10) years from the date of the Final Judgment; and (v) A Judgment of Compliance and Repose for a period of ten (10) years from its date of entry; and (vi) granting such additional relief as the Court deems equitable and just.

This Fourth Round HEFSP outlines mechanisms implemented to address the Township's affordable housing obligations, and has been prepared in accordance with the Fair Housing Act as most recently amended (P.L.2024, c.2).

PLANNING FOR AFFORDABLE HOUSING

Pursuant to both the FHA (N.J.S.A. 52:27D-310, et seq.) and the Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-28), municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to describe the specific, intended methods that a municipality plans to use in order to meet its low- and moderate-income housing needs. Further, the housing element is meant to demonstrate the existing zoning or planned zoning changes that will allow for the provision of adequate capacity to accommodate household and employment growth projections, to achieve the goal of access to affordable housing for present and future populations. The statutorily required contents of the housing element are:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate-income households and substandard housing capable of being rehabilitated;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of

compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and

- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

PART 1: HOUSING ELEMENT**DEMOGRAPHIC CHARACTERISTICS****Population**

Table 1 below depicts the population trends experienced in East Amwell, Hunterdon County, and the State of New Jersey in the 93-year period between 1930 and 2023. In 2023, there were 3,922 residents in East Amwell Township, which indicates an increase of 5 people (0.1%) from 2020. East Amwell Township has experienced steady growth over the past 93 years, with a growth of 2,712 residents during this time frame, reflecting a 224% increase in its population. Proportionally speaking, the Township's most significant period of growth occurred in the decade between 1970 and 1980 when the Township saw a 35% increase in its population. The County and State saw a similarly significant increase in population throughout the 1950s and 1960s. While population growth has been steady during this period in Hunterdon County and the State of New Jersey as a whole, the Township's overall growth was less than that of the County (272.7%), but greater than the State (129.2%). Between 2000 and 2020, the Township experienced a slight decrease in population, for a total of 538 residents during this time frame.

| Table 1: Population Trends, 1930-2023 | | | | | | | | | |
|---|-----------------------------|---------------|----------------|-------------------------|---------------|----------------|-------------------|------------------|----------------|
| East Amwell Township, Hunterdon County, and New Jersey | | | | | | | | | |
| Year | East Amwell Township | | | Hunterdon County | | | New Jersey | | |
| | Population | Change | | Population | Change | | Population | Change | |
| | | Number | Percent | | Number | Percent | | Number | Percent |
| 1930 | 1,210 | - | - | 34,728 | - | - | 4,041,334 | - | - |
| 1940 | 1,218 | 8 | 0.7% | 36,766 | 2,038 | 5.9% | 4,160,165 | 118,831 | 2.9% |
| 1950 | 1,525 | 307 | 25.2% | 42,736 | 5,970 | 16.2% | 4,835,329 | 675,164 | 16.2% |
| 1960 | 1,981 | 456 | 29.9% | 54,107 | 11,371 | 26.6% | 6,066,782 | 1,231,453 | 25.5% |
| 1970 | 2,568 | 587 | 29.6% | 69,718 | 15,611 | 28.9% | 7,171,112 | 1,104,330 | 18.2% |
| 1980 | 3,468 | 900 | 35.0% | 87,361 | 17,643 | 25.3% | 7,365,011 | 193,899 | 2.7% |
| 1990 | 4,332 | 864 | 24.9% | 107,776 | 20,415 | 23.4% | 7,730,188 | 365,177 | 5.0% |
| 2000 | 4,455 | 123 | 2.8% | 121,989 | 14,213 | 13.2% | 8,414,350 | 684,162 | 8.9% |
| 2010 | 4,013 | -442 | -9.9% | 128,349 | 6,360 | 5.2% | 8,791,894 | 377,544 | 4.5% |
| 2020 | 3,917 | -96 | -2.4% | 128,947 | 598 | 0.5% | 9,288,994 | 497,100 | 5.7% |
| 2023 | 3,922 | 5 | 0.1% | 129,448 | 501 | 0.4% | 9,261,699 | -27,295 | -0.3% |
| Total Change | - | 2,712 | 224.1% | - | 94,720 | 272.7% | - | 5,220,365 | 129.2% |

Source: U.S. Census Bureau, Decennial Census and 2023: ACS 5-Year Estimates Table S0101

Population Composition by Age

The median age of the residents in East Amwell Township in 2020 was 51.5 years, which shows a 10% increase from the 2010 median age of 46.8 years. Analysis of age group characteristics provides insight into the actual changes in population. This comparison is helpful in determining the impact these changes have on housing needs, community facilities and services for the municipality. As detailed in Table 2 below, the entire composition of East Amwell Township experienced notable shifts in the years between 2010 and 2020. The most significant shift occurred in the population aged 65 and over, which collectively saw a 420-person (73.9%) increase. Simultaneously, the Township experienced a significant decrease in its population aged 45 to 54 (-39.4%) and between the ages 5 to 14 (-38.8%). This data suggests that a larger portion of the Township's residents are transitioning into the senior citizen age range, which will require the Township to consider planning tools and approaches that encourage aging-in-place.

| Table 2: Population by Age, 2010 to 2020 East Amwell Township | | | | | | |
|--|---------------|----------------|---------------|----------------|------------------------------|----------------|
| Population | 2010 | | 2020 | | Change (2010 to 2020) | |
| | Number | Percent | Number | Percent | Number | Percent |
| Under 5 years | 124 | 3.1% | 143 | 3.7% | 19 | 15.3% |
| 5 to 14 | 569 | 14.2% | 348 | 8.9% | -221 | -38.8% |
| 15 to 24 | 450 | 11.2% | 438 | 11.2% | -12 | -2.7% |
| 25 to 34 | 256 | 6.4% | 376 | 9.6% | 120 | 46.9% |
| 35 to 44 | 476 | 11.9% | 374 | 9.5% | -102 | -21.4% |
| 45 to 54 | 817 | 20.4% | 495 | 12.6% | -322 | -39.4% |
| 55 to 64 | 753 | 18.8% | 755 | 19.3% | 2 | 0.3% |
| 65 and over | 568 | 14.2% | 988 | 25.2% | 420 | 73.9% |
| Total population | 4,013 | 100.00% | 3,917 | 100.00% | -96 | -2.4% |
| Median Age | 46.8 | - | 51.5 | - | 4.7 | 10.0% |

Source: U.S. Census Bureau, Decennial Census, Tables DP1, P12 and P13

Hunterdon County experienced population fluctuation as well. The County also saw the greatest shift of roughly 52% in its population aged 65 and over, which was significant, but proportionally less than the increase experienced at the Township level. The County experienced rather significant decreases in its population aged 45 to 54 (-27.4%) as well as those aged 5 to 14 (-22.9%) and those aged 35 to 44 (-22.6%), directly mirroring shifting age trends occurring in the Township. This data is displayed in Table 3 below.

| Table 3: Population by Age, 2010 to 2020 | | | | | | |
|---|----------------|----------------|----------------|----------------|------------------------------|----------------|
| Hunterdon County | | | | | | |
| Population | 2010 | | 2020 | | Change (2000 to 2010) | |
| | Number | Percent | Number | Percent | Number | Percent |
| Under 5 years | 6,023 | 4.7% | 5455 | 4.2% | -568 | -9.4% |
| 5 to 14 | 18,084 | 14.1% | 13951 | 10.8% | -4,133 | -22.9% |
| 15 to 24 | 15,022 | 11.7% | 16,058 | 12.5% | 1,036 | 6.9% |
| 25 to 34 | 10,588 | 8.2% | 12496 | 9.7% | 1,908 | 18.0% |
| 35 to 44 | 17,938 | 14.0% | 13,878 | 10.8% | -4,060 | -22.6% |
| 45 to 54 | 25,862 | 20.1% | 18779 | 14.6% | -7,083 | -27.4% |
| 55 to 64 | 18,488 | 14.4% | 23,491 | 18.2% | 5,003 | 27.1% |
| 65 and over | 16,344 | 12.7% | 24,839 | 19.3% | 8,495 | 52.0% |
| Total population | 128,349 | 100.0% | 128,947 | 100.0% | 598 | 0.5% |
| Median Age | 43.5 | - | 46.8 | - | 3.3 | 7.6% |

Source: U.S. Census Bureau, Decennial Census, Tables DP1, P12 and P13

Households

A household is defined as one or more persons, either related or not, living together in a housing unit. In 2020 there was a total of 1,548 households in East Amwell Township. Over 60% of the Township's households comprised two or less people. In fact, Two-person households were the most common household size at both the Township (40.6%) and County (34.8%) levels. Further, the next most common household size in both East Amwell and Hunterdon County are one-person households (19.6% and 23.1%, respectively). The average household size of the Township in 2020 was 2.22, which was lower than that of the County's average of 2.52.

| Table 4: Household Size of Occupied Housing Units, 2020 East Amwell Township and Hunterdon County | | | | |
|--|----------------------|---------|------------------|---------|
| | East Amwell Township | | Hunterdon County | |
| | Number | Percent | Number | Percent |
| 1-person household | 304 | 19.6% | 11,311 | 23.1% |
| 2-person household | 629 | 40.6% | 17,056 | 34.8% |
| 3-person household | 276 | 17.8% | 8,368 | 17.1% |
| 4-person household | 210 | 13.6% | 7,756 | 15.8% |
| 5-person household | 88 | 5.7% | 2,989 | 6.1% |
| 6-person household | 25 | 1.6% | 993 | 2.0% |
| 7-or-more-person household | 16 | 1.0% | 505 | 1.0% |
| Total Households | 1,548 | 100.0% | 48,978 | 100.0% |
| Average Household Size* | 2.22 | | 2.52 | |

Source: US Census Bureau 2020, Tables H9 and B25010*

According to the United States Census, family households are defined as two or more persons living in the same household, related by birth, marriage, or adoption. As shown in Table 5, most (66.5%) of all households in the Township in 2023 were categorized as family households. Households in East Amwell containing a married couple with children only accounted for 11.9% of all households in the township. Data for 2023 includes the sub-groups of non-traditional households, including “Other Family” and “Non-Family” households. “Other Family” households accounted for 12.8% of all households, broken down into 9.7% female householders with no spouse or partner present and 3.2% male householders with no spouse or partner present. “Non-Family” households are defined as those that consist of a householder living alone or sharing the home exclusively with people to whom he/she is not related. Non-family households comprised approximately 33.5% of all households in the Township.

| Table 5: Household Size and Type, 2023 | | |
|---|--------------|----------------|
| East Amwell Township | | |
| | Total | Percent |
| Total Households | 1,759 | 100.0% |
| Family Households | 1170 | 66.5% |
| Married couple family | 944 | 53.7% |
| With children | 209 | 11.9% |
| Without children | 735 | 41.8% |
| Other Family | 226 | 12.8% |
| Male householder, no spouse | 56 | 3.2% |
| With children | 27 | 1.5% |
| Without children | 29 | 1.6% |
| Female householder, no spouse | 170 | 9.7% |
| With children | 58 | 3.3% |
| Without children | 112 | 6.4% |
| Nonfamily household | 589 | 33.5% |
| Male householder | 267 | 15.2% |
| Living alone | 239 | 13.6% |
| Not living alone | 28 | 1.6% |
| With children | 0 | 0.0% |
| Female householder | 322 | 18.3% |
| Living alone | 245 | 13.9% |
| Not living alone | 77 | 4.4% |
| With children | 0 | 0.0% |

Source: 2023 ACS 5-Year B11005 and B11010

Income

As measured in 2023, East Amwell Township had a slightly lower median household income compared to Hunterdon County, but significantly higher than that of the State of New Jersey. The median income in East Amwell Township was \$139,191, roughly \$262 lower than that of the County and nearly \$40,000 greater than that of the State. This trend is mirrored in the per capita income, where East Amwell Township was lower than that of both the County, but higher than the State. This data is outlined in Table 6 below.

| Table 6: Per Capita Household Income, 2023 | | |
|---|--------------------------|--------------------------------|
| East Amwell Township, Hunterdon County, and New Jersey | | |
| | Per Capita Income | Median Household Income |
| East Amwell Township | \$70,245 | \$139,191 |
| Hunterdon County | \$71,070 | \$139,453 |
| New Jersey | \$52,583 | \$101,050 |

Source: 2023 ACS 5-year Estimates, Tables S1901 and B19301

In 2023, more than 63% percent of all households in the Township earned an income of \$100,000 or more, as compared to roughly 73% of households in the County. The income range that accounted for the most Township and County households was the \$200,000 or more bracket, which comprised 28% and 35.2% of households, respectively. These trends make it clear to how both the Township and County have similar median household incomes.

| Table 7: Household Income, 2023 East Amwell Township and Hunterdon County | | | | |
|--|-----------------------------|----------------|-------------------------|----------------|
| | East Amwell Township | | Hunterdon County | |
| | Number | Percent | Number | Percent |
| Less than \$10,000 | 17 | 1.0% | 1,136 | 2.5% |
| \$10,000 to \$14,999 | 10 | 0.6% | 477 | 1.1% |
| \$15,000 to \$24,999 | 30 | 1.7% | 1,571 | 3.5% |
| \$25,000 to \$34,999 | 45 | 2.6% | 1,443 | 3.2% |
| \$35,000 to \$49,999 | 124 | 7.0% | 2,852 | 6.3% |
| \$50,000 to \$74,999 | 203 | 11.5% | 5,355 | 11.9% |
| \$75,000 to \$99,999 | 208 | 11.8% | 4,639 | 10.3% |
| \$100,000 to \$149,999 | 302 | 17.2% | 9,473 | 21.1% |
| \$150,000 to \$199,999 | 328 | 18.6% | 7,553 | 16.8% |
| \$200,000 or more | 492 | 28.0% | 15,823 | 35.2% |
| Total Households | 1,759 | 100.0% | 44,943 | 100.0% |
| Median Household Income | \$139,191 | | \$139,453 | |

Source: 2023 ACS 5-Year Estimates, Table B19001

Poverty Status

Of the 3,917 people in East Amwell Township for which poverty status was determined, 62 (1.6%) individuals lived in poverty in 2023; this was lower than the County's poverty rate of 3.8%. Of East Amwell's Township's population that fell below the poverty level in 2023, 50% were between the ages of 18 to 64; lower than that of the County level (58.6%). East Amwell Township has a lower population of people living below poverty than Hunterdon County, proportionately speaking. This data is presented in Table 8 below.

| Table 8: Poverty Status, 2023 East Amwell Township and Hunterdon County | | | | |
|--|-----------------------------|----------------|-------------------------|----------------|
| | East Amwell Township | | Hunterdon County | |
| | Number | Percent | Number | Percent |
| Total persons | 3,917 | 100.0% | 127,179 | 100.0% |
| Total persons below poverty level | 62 | 1.6% | 8,894 | 3.8% |
| Under 18 | 11 | 0.3% | 780 | 0.6% |
| 18 to 64 | 31 | 0.8% | 2,867 | 2.3% |
| 65 and over | 20 | 0.5% | 1,247 | 1.0% |

Source: 2023 American Community Survey 5-Year Estimate, Table S1701

Household Costs

Tables 9 and 10 below show the expenditures for housing as a percentage of household income for those who own and rent in East Amwell Township and Hunterdon County. In 2023, most Township residents lived in homes they owned, which was the same at the County level as well. General affordability standards set a limit of 30% of gross income to be allocated for owner-occupied housing costs and 28% of gross income to be allocated for renter-occupied housing costs. Approximately 22.6% of Township residents who owned the units they occupied spent 30% or more of their household income on housing, as compared to roughly 35.9% of Township residents who rented the units they occupied. These figures were on par with those of the County.

| Table 9: Selected Monthly Owner Costs as a Percentage of Household Income, 2023 East Amwell Township and Hunterdon County | | | | |
|--|-----------------------------|----------------|-------------------------|----------------|
| | East Amwell Township | | Hunterdon County | |
| | Number | Percent | Number | Percent |
| Total Owner-Occupied Housing Units | 1,500 | 100.0% | 42,667 | 100.0% |
| Less than 20.0% | 809 | 53.9% | 21,690 | 50.8% |
| 20.0 to 24.9% | 254 | 16.9% | 6,396 | 15.0% |
| 25.0 to 29.9% | 98 | 6.5% | 3,902 | 9.1% |
| 30.0 to 34.9% | 59 | 3.9% | 2,583 | 6.1% |
| 35.0% or more | 280 | 18.7% | 7,750 | 18.2% |
| Not computed | 0 | 0.0% | 346 | 0.8% |

Source: 2023 American Community 5-Year Estimates, Table DP04

| Table 10: Gross Rent as a Percentage of Household Income, 2023 East Amwell Township and Hunterdon County | | | | |
|---|-----------------------------|----------------|-------------------------|----------------|
| | East Amwell Township | | Hunterdon County | |
| | Number | Percent | Number | Percent |
| Total Renter-Occupied Housing Units | 259 | 100.00% | 7,652 | 100.00% |
| Less than 10% | 0 | 0.0% | 223 | 2.9% |
| 10.0 to 14.9% | 33 | 12.7% | 731 | 9.6% |
| 15.0 to 19.9% | 27 | 10.4% | 939 | 12.3% |
| 20.0 to 24.9% | 0 | 0.0% | 887 | 11.6% |
| 25.0 to 29.9% | 64 | 24.7% | 1,008 | 13.2% |
| 30.0 to 34.9% | 12 | 4.6% | 371 | 4.8% |
| 35.0 to 39.9% | 0 | 0.0% | 305 | 4.0% |
| 40.0 to 49.9% | 29 | 11.2% | 596 | 7.8% |
| 50% or more | 52 | 20.1% | 1,859 | 24.3% |
| Not computed | 42 | 16.2% | 733 | 9.6% |

Source: 2023 American Community 5-Year Estimates, Table B25070

EXISTING HOUSING CONDITIONS**Housing Unit Data**

East Amwell Township's housing stock is largely comprised of structures built prior to the year 1990. In 2023, East Amwell Township had a total of 1,759 occupied housing units, roughly 83.9% of which were owner-occupied and 14.5% of which were renter-occupied. The Township experienced housing booms from 1960 through 1980, during which approximately 54% of the Township's housing structures were constructed. According to 2023 American Community Survey Estimates, the Township has seen very few housing structures built between 2000 to 2020 or later. The median year of construction for the housing stock in East Amwell Township is 1971. This data is outlined in Tables 11 and 12 below.

| Table 11: Housing Data, 2023 | | | |
|-------------------------------------|---------------|---------------------------------|------------------------------------|
| East Amwell Township | | | |
| | Number | % of Total Housing Units | % of Occupied Housing Units |
| Total Housing Units | 1,788 | 100.00% | - |
| Occupied Housing Units | 1,759 | 98.4% | 100.00% |
| Owner Occupied | 1,500 | 83.9% | 85.3% |
| Renter Occupied | 259 | 14.5% | 14.7% |
| Vacant Housing Units | 29 | 1.6% | - |

Source: 2023 American Community Survey 5-Year Estimates, Table DP04

| Table 12: Year Structure Built, 2023 | | |
|---|---------------|----------------|
| East Amwell Township | | |
| | Number | Percent |
| Total Housing Units | 1,788 | 100.00% |
| Built 1939 or earlier | 440 | 24.6% |
| Built 1940 to 1949 | 56 | 3.1% |
| Built 1950 to 1959 | 135 | 7.6% |
| Built 1960 to 1969 | 211 | 11.8% |
| Built 1970 to 1979 | 377 | 21.1% |
| Built 1980 to 1989 | 380 | 21.3% |
| Built 1990 to 1999 | 119 | 6.7% |
| Built 2000 to 2009 | 36 | 2.0% |
| Built 2010 to 2019 | 34 | 1.9% |
| Built 2020 or later | 0 | 0.0% |
| Median Year Structure Built | 1971 | |

Source: 2023 American Community Survey 5-Year Estimates, Tables B25034 and B25035

According to the 2023 American Community Survey, East Amwell Township has a high occupancy rate, with very few of their housing units vacant. Of East Amwell Township's 1,788 housing units, 1,759 (98.4%) were occupied and only 29 (1.6%) were vacant. The Township's vacant housing is only comprised of "Other Vacant" units (i.e., not for rent or sale, sold, for seasonal, recreational, or occasional use, or for migrant workers). This data is represented in Table 13 below.

| Table 13: Housing Occupancy, 2023 East Amwell Township | | | |
|---|--------------|-------------------------------------|--------------------------------------|
| | Total | % of Total Housing Units | % of Vacant Housing Units |
| Total Housing Units | 1,788 | 100.00% | - |
| Occupied | 1,759 | 98.4% | - |
| Vacant Housing Units | 29 | 1.6% | 100.0% |
| For Rent/Rented Not Occupied | 0 | 0.0% | 0.0% |
| For Sale Only | 0 | 0.0% | 0.0% |
| Sold, not occupied | 0 | 0.0% | 0.0% |
| For Seasonal, Recreational or Occasional Use | 0 | 0.0% | 0.0% |
| For migrant workers | 0 | 0.0% | 0.0% |
| Other Vacant | 29 | 1.6% | 100% |

Source: ACS 5-Year DP04 and B25004

Housing Type and Size

In 2023, single-family detached housing made up most of the Township's housing stock at 92.9%. Single-family attached homes were the next most common housing type, representing 2.9% of the Township's housing stock. The median number of rooms within housing structures in the Township was 7.1, with nearly 83% of housing units having a minimum of 6 rooms and less than 4% of housing units having 2 or fewer rooms.

| Table 14: Housing Type and Size, 2023 | | |
|--|--------------|----------------|
| East Amwell Township | | |
| Units in Structure | Total | Percent |
| 1, detached | 1,661 | 92.9% |
| 1, attached | 52 | 2.9% |
| 2 | 29 | 1.6% |
| 3 or 4 | 0 | 0.0% |
| 5 to 9 | 0 | 0.0% |
| 10 to 19 | 46 | 2.6% |
| 20 or more | 0 | 0.0% |
| Mobile home | 0 | 0.0% |
| Boat, RV, van, etc. | 0 | 0.0% |
| Total Housing Units | 1,788 | 100% |
| Rooms | Total | Percent |
| 1 room | 24 | 1.3% |
| 2 rooms | 42 | 2.3% |
| 3 rooms | 29 | 1.6% |
| 4 rooms | 74 | 4.1% |
| 5 rooms | 140 | 7.8% |
| 6 rooms | 463 | 25.9% |
| 7 rooms | 213 | 11.9% |
| 8 rooms | 362 | 20.2% |
| 9 or more rooms | 441 | 24.7% |
| Total Housing Units | 1,788 | 100% |
| Median number of rooms | 7.1 | |

Source: 2023 ACS 5-Year Estimates, Tables DP04 and B25024

Housing Growth and Projections

In terms of residential growth, the issuance of building permits serves as one of the indicators that help to determine housing needs in a given municipality. Table 15 below illustrates the number of building permits that were issued over the 10-year period between January 2014 through November 2024, when the Township issued building permits authorizing the development of 26 housing units. Within this time frame, the busiest year for building permits occurred in 2015, with roughly 54% of all building permits since 2014 having been issued in that year. The permits issued during the 10-year time frame were for almost evenly split between one- and two family homes (14 permits) and multi-family homes (12 permits). No permits were issued for mixed-use developments. The 10-year permit project estimates the same amount of housing development, signaling a steady increase in the housing inventory.

Further, throughout the same 10-year period, East Amwell Township issued permits authorizing the demolition of only 9 units, which averages approximately 0.8 unit per year. The average demolition rate

would seem to have little impact on the housing inventory, and the 10-year demolition projection (2025-2035) estimates a similar trajectory for the future. This data is outlined in Table 15 & 16 below.

| Table 15: Housing Units Authorized by Building Permits, 2014-2024 | | | | |
|--|-------------------------|---------------------|------------------|--------------|
| East Amwell Township | | | | |
| Year | 1 & 2 Family | Multi Family | Mixed-Use | Total |
| 2014 | 0 | 0 | 0 | 0 |
| 2015 | 2 | 12 | 0 | 14 |
| 2016 | 3 | 0 | 0 | 3 |
| 2017 | 1 | 0 | 0 | 1 |
| 2018 | 3 | 0 | 0 | 3 |
| 2019 | 3 | 0 | 0 | 3 |
| 2020 | 0 | 0 | 0 | 0 |
| 2021 | 0 | 0 | 0 | 0 |
| 2022 | 0 | 0 | 0 | 0 |
| 2023 | 1 | 0 | 0 | 1 |
| 2024* | 1 | 0 | 0 | 1 |
| Total 2014-2024 | 14 | 12 | 0 | 26 |
| 10-Year Average | | | | 2.4 |
| 10-Year Permit Projection (2025-2035) | | | | 26 |

Source: State of New Jersey Department of Community Affairs Building Permits: Yearly Summary Data

*Note: 2024 Data includes January-November

| Table 16: Housing Units Demolished by Building Permits, 2014-2024 | | | | |
|--|-------------------------|---------------------|------------------|--------------|
| East Amwell Township | | | | |
| Year | 1 & 2 Family | Multi Family | Mixed-Use | Total |
| 2014 | 0 | 0 | 0 | 0 |
| 2015 | 2 | 0 | 0 | 2 |
| 2016 | 0 | 0 | 0 | 0 |
| 2017 | 1 | 0 | 0 | 1 |
| 2018 | 4 | 0 | 1 | 5 |
| 2019 | 1 | 0 | 0 | 1 |
| 2020 | 0 | 0 | 0 | 0 |
| 2021 | 0 | 0 | 0 | 0 |
| 2022 | 0 | 0 | 0 | 0 |
| 2023 | 0 | 0 | 0 | 0 |
| 2024* | 0 | 0 | 0 | 0 |
| Total 2014-2024 | 8 | 0 | 1 | 9 |
| 10-Year Average | | | | 0.8 |
| 10-Year Demolition Projection (2025-2035) | | | | 9 |

Source: State of New Jersey Department of Community Affairs Building Permits: Yearly Summary Data

*Note: 2024 Data includes January-November

Housing Values and Contract Rents

According to the 2023 American Community Survey, 90.3% of the owner-occupied housing stock in East Amwell Township was valued at over \$300,000, nearly mirroring the County, which stands at 85% of the owner-occupied housing stock valued at over \$300,000. Further, the Township's median home value (\$499,400) is almost equal to that of the County (\$498,800), valued greater by an estimated \$600. This data is outlined in Table 17 below.

| Table 17: Value for Owner-Occupied Housing Units, 2023 East Amwell Township and Hunterdon County | | | | |
|---|-----------------------------|----------------|-------------------------|----------------|
| | East Amwell Township | | Hunterdon County | |
| | Number | Percent | Number | Percent |
| Total | 1,500 | 100.0% | 42,670 | 100.0% |
| Less than \$50,000 | 0 | 0.0% | 517 | 1.2% |
| \$50,000 to \$99,999 | 26 | 1.7% | 185 | 0.4% |
| \$100,000 to \$149,999 | 0 | 0.0% | 206 | 0.5% |
| \$150,000 to \$199,999 | 0 | 0.0% | 1,218 | 2.9% |
| \$200,000 to \$299,999 | 119 | 7.9% | 4,276 | 10.0% |
| \$300,000 to \$499,999 | 607 | 40.5% | 15,031 | 35.2% |
| \$500,000 to \$999,999 | 676 | 45.1% | 19,265 | 45.1% |
| \$1,00,000 and greater | 72 | 4.8% | 1,972 | 4.6% |
| Median Value | \$499,400 | | \$498,800 | |

Source: 2023 American Community Survey 5-Year Estimates, Tables B25075 and B25077

As shown in Table 18 below, it is estimated that 835 (55.7%) of owner-occupied units in the Township were financed by a primary mortgage, contract to purchase, or similar debt. Of those units, 82.5% did not have any additional lines of credit associated with the unit, while 14.1% were associated with a home equity loan, 1% were associated with a second mortgage, and none were associated with both a second mortgage and a home equity loan. Proportionally there were slightly more owner-occupied housing units with a mortgage at the County level; more specifically, 65.9% of such units had a primary mortgage. Of those units in the County tied to a primary mortgage, 83.3% did not have any additional lines of credit associated with the unit, while 11.6% were associated with a home equity loan, 1% were associated with a second mortgage, and 0.3% were associated with both a second mortgage and a home equity loan.

Table 18: Mortgage Status, 2023
East Amwell Township and Hunterdon County

| | East Amwell Township | | | Hunterdon County | | |
|---|----------------------|------------------|--------------------------|------------------|------------------|--------------------------|
| | Number | % of Total Units | % of Units with Mortgage | Number | % of Total Units | % of Units with Mortgage |
| Total Owner-Occupied Units | 1,500 | 100.00% | - | 42,670 | 100.00% | - |
| Owner-Occupied Housing Units with a Mortgage | 835 | 55.7% | 100.00% | 28,140 | 65.9% | 100.00% |
| With either a second mortgage or home equity loan | 126 | 8.4% | 15.1% | 3,644 | 8.5% | 12.9% |
| Second mortgage only | 8 | 0.5% | 1.0% | 281 | 0.7% | 1.0% |
| Home equity loan only | 118 | 7.9% | 14.1% | 3,277 | 7.7% | 11.6% |
| Both second mortgage and home equity loan | 0 | 0.0% | 0.0% | 86 | 0.2% | 0.3% |
| No second mortgage and no home equity loan | 689 | 45.9% | 82.5% | 23,451 | 55.0% | 83.3% |
| Owner-Occupied Housing units without a mortgage | 665 | 44.3% | - | 14,530 | 34.1% | - |

Source: 2023 American Community Survey 5-Year Estimates, Table B25081

As shown in Table 19 below, the median contract rent in East Amwell Township in 2023 was \$1,955, which was roughly \$450 higher than the County median rent of \$1,498. Within the Township, the highest percentage of renters paid between \$1,500 to \$1,999 for monthly rent (40.9%), followed by \$2,000 to 2,499 (18.9%). Overall, 38.2% of renters in the Township paid more than \$2,000 for monthly rent in 2023. At the County level, 72% of renters paid less than \$2,000 for monthly rent. This data suggests that rent in the Township is less affordable than it is throughout the County as a whole.

Table 19: Contract Rent, 2023
East Amwell Township and Hunterdon County

| | East Amwell Township | | Hunterdon County | |
|------------------------------------|----------------------|---------------|------------------|---------------|
| | Number | Percent | Number | Percent |
| Total Renter-Occupied Units | 259 | 100.0% | 7,652 | 100.0% |
| Less than \$500 | 0 | 0.0% | 443 | 5.8% |
| \$500 to \$999 | 0 | 0.0% | 533 | 7.0% |
| \$1,000 to \$1,499 | 12 | 4.6% | 2,539 | 33.2% |
| \$1,500 to \$1,999 | 106 | 40.9% | 1,991 | 26.0% |
| \$2,000 to \$2,499 | 49 | 18.9% | 746 | 9.7% |
| \$2,500 to \$2,999 | 33 | 12.7% | 472 | 6.2% |
| \$3,000 or More | 17 | 6.6% | 278 | 3.6% |
| No Rent Paid | 42 | 16.2% | 650 | 8.5% |
| Median Contract Rent | \$1,955 | | \$1,498 | |

Source: 2023 American Community Survey 5-Year Estimates, Table B25056 and B25058

Housing Conditions

Table 20 below details the conditions of the Township's housing stock in 2023. Overcrowding and age, plumbing, and kitchen facilities are used to determine housing deficiency. In 2023, nearly half of homes

within the Township relied on fuel oil, kerosene, or a similar method for heating, followed by electricity (18.4%) and bottled, tank, or LP gas (16.1%). Overcrowding does not seem to be an issue in East Amwell Township, as all occupied housing units have 1 occupant or less per room. Throughout the Township, there were no occupied housing units that lacked complete plumbing or kitchen facilities, but 10 homes that did not have telephone service (0.6%).

| Table 20: Housing Conditions, 2023 East Amwell Township | | |
|--|---------------|----------------|
| | Number | Percent |
| House Heating Fuel-Occupied Housing Units | | |
| Total | 1,759 | 100.0% |
| Utility gas | 215 | 12.2% |
| Bottled, tank, or LP gas | 283 | 16.1% |
| Electricity | 323 | 18.4% |
| Fuel oil, kerosene, etc. | 864 | 49.1% |
| Coal or coke | 0 | 0.0% |
| Wood | 59 | 3.4% |
| Solar energy | 0 | 0.0% |
| Other fuel | 15 | 0.9% |
| No fuel used | 0 | 0.0% |
| Occupants per Room – Occupied Housing Units | | |
| Total | 1,759 | 100.0% |
| 1.00 or Less | 1,759 | 100.0% |
| 1.01 to 1.50 | 0 | 0.0% |
| 1.51 or More | 0 | 0.0% |
| Facilities – Total Units | | |
| Total | 1,788 | 100.0% |
| Lacking complete plumbing facilities | 0 | 0.0% |
| Lacking complete kitchen facilities | 0 | 0.0% |
| Telephone Service – Occupied Housing Units | | |
| Total | 1,759 | 100.0% |
| No Service | 10 | 0.6% |

Sources: 2023 ACS 5-Year Estimates, Tables DP04, B25047, B25051

EMPLOYMENT DATA

Tables 21, 22, and 23 below detail the changes in employment between the years 2010 and 2023 in East Amwell Township, Hunterdon County, and New Jersey, respectively. Throughout this thirteen-year period, the Township saw an overall -3.9% decrease in its unemployment rate; although the Township experienced a 4.6% spike in unemployment between 2019 and 2020 due to the COVID-19 pandemic, it has rebounded to a considerably lower unemployment rate in recent years. This overall trend is mirrored at both the County and State level as well, with a similar spike in 2020 and a slow climb down to 2023. In 2023, the Township's unemployment rate was 2.9%, which was 0.6% lower than the County (3.5%) and 1.5% lower than the State (4.4%).

| Table 21: Employment and Residential Labor Force, 2010 to 2023 East Amwell Township | | | | |
|--|--------------------|-------------------|---------------------|--------------------------|
| Year | Labor Force | Employment | Unemployment | Unemployment Rate |
| 2010 | 2,508 | 2,336 | 172 | 6.8% |
| 2011 | 2,408 | 2,221 | 187 | 7.8% |
| 2012 | 2,276 | 2,133 | 143 | 6.3% |
| 2013 | 2,248 | 2,117 | 131 | 5.8% |
| 2014 | 2,215 | 2,113 | 102 | 4.6% |
| 2015 | 2,193 | 2,104 | 89 | 4.1% |
| 2016 | 2,174 | 2,103 | 71 | 3.3% |
| 2017 | 2,222 | 2,154 | 68 | 3.1% |
| 2018 | 2,217 | 2,151 | 66 | 3.0% |
| 2019 | 2,244 | 2,195 | 49 | 2.2% |
| 2020 | 2,183 | 2,034 | 149 | 6.8% |
| 2021 | 2,196 | 2,093 | 103 | 4.7% |
| 2022 | 2,259 | 2,191 | 68 | 3.0% |
| 2023 | 2,287 | 2,221 | 66 | 2.9% |

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

| Table 22: Employment and Residential Labor Force, 2010 to 2023 | | | | |
|---|--------------------|-------------------|---------------------|--------------------------|
| Hunterdon County | | | | |
| Year | Labor Force | Employment | Unemployment | Unemployment Rate |
| 2010 | 68,418 | 63,286 | 5,132 | 7.5% |
| 2011 | 67,787 | 63,101 | 4,686 | 6.9% |
| 2012 | 67,461 | 62,823 | 4,638 | 6.9% |
| 2013 | 66,376 | 62,422 | 3,954 | 6.0% |
| 2014 | 65,549 | 62,372 | 3,177 | 4.8% |
| 2015 | 65,057 | 62,333 | 2,724 | 4.2% |
| 2016 | 64,625 | 62,214 | 2,411 | 3.7% |
| 2017 | 65,920 | 63,643 | 2,277 | 3.5% |
| 2018 | 66,218 | 64,161 | 2,057 | 3.1% |
| 2019 | 67,454 | 65,659 | 1,795 | 2.7% |
| 2020 | 65,809 | 61,260 | 4,549 | 6.9% |
| 2021 | 66,288 | 63,053 | 3,235 | 4.9% |
| 2022 | 68,058 | 65,989 | 2,069 | 3.0% |
| 2023 | 69,322 | 66,902 | 2,420 | 3.5% |

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

| Table 23: Employment and Residential Labor Force, 2010 to 2023 | | | | |
|---|--------------------|-------------------|---------------------|--------------------------|
| New Jersey | | | | |
| Year | Labor Force | Employment | Unemployment | Unemployment Rate |
| 2010 | 4,559,800 | 4,119,000 | 440,800 | 9.7% |
| 2011 | 4,561,800 | 4,134,700 | 427,100 | 9.4% |
| 2012 | 4,576,300 | 4,147,200 | 429,100 | 9.4% |
| 2013 | 4,528,000 | 4,147,700 | 380,400 | 8.4% |
| 2014 | 4,493,900 | 4,191,300 | 302,600 | 6.7% |
| 2015 | 4,494,600 | 4,237,900 | 256,700 | 5.7% |
| 2016 | 4,492,800 | 4,271,200 | 221,600 | 4.9% |
| 2017 | 4,615,000 | 4,406,200 | 208,800 | 4.5% |
| 2018 | 4,604,800 | 4,420,700 | 184,100 | 4.0% |
| 2019 | 4,686,300 | 4,524,300 | 162,000 | 3.5% |
| 2020 | 4,650,300 | 4,212,400 | 437,900 | 9.4% |
| 2021 | 4,666,100 | 4,357,200 | 308,900 | 6.6% |
| 2022 | 4,739,800 | 4,564,100 | 175,700 | 3.7% |
| 2023 | 4,829,671 | 4,615,722 | 213,949 | 4.4% |

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

Employment Status

It is estimated that over 70 percent of East Amwell Township's population over the age of 16 was in the labor force in 2023, which was higher than the County's rate of 65.2%. Of the Township's labor force, 99.9% of workers were civilians and a vast majority (96.2%) were employed. At the County level, 100% of workers were civilians and 97.4% of the labor force was employed, indicating that the Township and County exhibited similar trends. This data is shown in Table 24 below.

| Table 24: Employment, 2023 | | | | | | |
|--|-----------------------------|----------------------------|-------------------------|-------------------------|----------------------------|-------------------------|
| East Amwell Township and Hunterdon County | | | | | | |
| | East Amwell Township | | | Hunterdon County | | |
| | Number | % of 16+ Population | % of Labor Force | Number | % of 16+ Population | % of Labor Force |
| Population 16 years and over | 3,533 | 100.0% | - | 108,575 | 100.0% | - |
| In labor force | 2,508 | 71.0% | 100.0% | 70,842 | 65.2% | 100.0% |
| Civilian Labor Force | 2,508 | 71.0% | 100.0% | 70,824 | 65.2% | 100.0% |
| Employed | 2,444 | 69.2% | 97.4% | 67,580 | 62.2% | 95.4% |
| Unemployed | 64 | 1.8% | 2.6% | 3,244 | 3.0% | 4.6% |
| Armed Forces | 0 | 0.0% | 0.0% | 18 | 0.0% | 0.0% |
| Not in labor force | 1,025 | 29.0% | - | 37,733 | 34.8% | - |

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

Class of Worker and Occupation

According to the 2018-2023 American Community Survey Estimates, the majority of workers (84.2%) living in East Amwell Township were a part of the private wage and salary worker group. This group includes people who work for wages, salary, commission, and tips for a private for-profit employer or a private not-for-profit, tax-exempt or charitable organization. The next largest category was local government workers (7.2%), followed by those who self-employed or an unpaid family worker (4.5%). This data is outlined in Table 25 below.

| Table 25: Class of Worker, 2020 | | |
|--|---------------|----------------|
| East Amwell Township | | |
| | Number | Percent |
| Total Civilian Employed Workers (Age 16+) | 2,444 | 100.0% |
| Private Wage and Salary Worker | 2,057 | 84.2% |
| Local Government Worker | 175 | 7.2% |
| State Government Worker | 90 | 3.7% |
| Federal Government Worker | 13 | 0.5% |
| Self-Employed Worker or Unpaid Family Worker | 109 | 4.5% |

Source: 2023 American Community Survey 5-Year Estimates, Table S2408

The occupational breakdown shown in Table 26 below includes only private wage and salary workers. Township residents who worked within the private wage field were concentrated heavily in Management, Business, Science, and Arts occupations as well as Sales and Office occupations. Collectively, the two fields accounted for just over three-quarters of the entire resident workforce over the age of 16.

| Table 26: Resident Employment by Occupation, 2023 East Amwell Township | | |
|---|---------------|----------------|
| | Number | Percent |
| Employed Civilian population 16 years and over | 2,444 | 100.0% |
| Management, business, science and arts occupations | 1,567 | 64.1% |
| Service occupations | 217 | 8.9% |
| Sales and office occupations | 334 | 13.7% |
| Natural resources, construction and maintenance occupations | 153 | 6.3% |
| Production Transportation and material moving occupations | 173 | 7.1% |

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

As portrayed in Table 27, the industry that employed the greatest number of East Amwell Township residents in 2023 was the Professional, scientific, and management, and administrative and waste management services sector, which accounted for 24.1% of the Township's resident workforce. The second most common industry during this time was the Educational services, and health care and social assistance sector, which accounted for 21.6% of jobs occupied by Township residents.

| Table 27: Employment by Industry, 2023 East Amwell Township | | |
|--|---------------|----------------|
| Industry | Number | Percent |
| Employed Civilian Population 16 Years and Over | 2,444 | 100.00% |
| Agriculture, forestry, fishing and hunting, mining | 49 | 2.0% |
| Construction | 198 | 8.1% |
| Manufacturing | 319 | 13.1% |
| Wholesale Trade | 111 | 4.5% |
| Retail Trade | 190 | 7.8% |
| Transportation and Warehousing, and Utilities | 54 | 2.2% |
| Information | 69 | 2.8% |
| Finance and insurance, and real estate and rental and leasing | 103 | 4.2% |
| Professional, scientific, and management, and administrative and waste management services | 589 | 24.1% |
| Educational services, and health care and social assistance | 529 | 21.6% |
| Arts, entertainment, and recreation, and accommodation and food services | 44 | 1.8% |
| Other Services, except public administration | 137 | 5.6% |
| Public administration | 52 | 2.1% |

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

Commuting to Work

In 2023, it is estimated that 61% of the employed population that did not work from home commuted 30 minutes or longer to their place of work. A vast majority (72.4%) of the Township's working population drove alone as their primary means of travel to work. Roughly 6% of workers carpooled, and the remaining commuters utilized public transportation, a taxicab, motorcycle, bike, walking, or other means of transportation to commute to work. After the COVID-19 pandemic, working from home became much more popular. This is reflected in the Township's estimated 18.2% of workers who worked at home in 2023. This data is outlined in Tables 28 and 29 below.

| Table 28: Travel Time to Work, 2023 | | |
|--|---------------|----------------|
| East Amwell Township | | |
| | Number | Percent |
| Workers who did not work at home | 1,954 | 100.0% |
| Less than 5 minutes | 17 | 0.9% |
| 5 to 9 minutes | 139 | 7.1% |
| 10 to 14 minutes | 119 | 6.1% |
| 15 to 19 minutes | 229 | 11.7% |
| 20 to 24 minutes | 162 | 8.3% |
| 25 to 29 minutes | 97 | 5.0% |
| 30 to 34 minutes | 407 | 20.8% |
| 35 to 39 minutes | 179 | 9.2% |
| 40 to 44 minutes | 57 | 2.9% |
| 45 to 59 minutes | 271 | 13.9% |
| 60 to 89 minutes | 212 | 10.8% |
| 90 or more minutes | 65 | 3.3% |
| Mean Travel Time to Work (minutes) | 33.8 | |

Source: 2023 American Community Survey 5-Year Estimates, Table B08303 and DP03

| Table 29: Means of Travel to Work, 2023 | | |
|--|---------------|----------------|
| East Amwell Township | | |
| | Number | Percent |
| Workers 16 years and over | 2,389 | 100.0% |
| Car, truck, van - Drove Alone | 1,729 | 72.4% |
| Car, truck, van - Carpooled | 146 | 6.1% |
| Public Transportation | 16 | 0.7% |
| Walked | 40 | 1.7% |
| Taxicab, Motorcycle, Bike, or Other | 23 | 1.0% |
| Worked at home | 435 | 18.2% |

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

Covered Employment

There is currently very limited information available on actual job opportunities within municipalities. The Department of Labor and Workforce Development collects information on covered employment, which is employment and wage data for private employees covered by unemployment insurance. The following table provides a snapshot of private employers located within East Amwell Township. The first table reflects the number of jobs covered by private employment insurance from 2013 through 2023.

According to data from the New Jersey Department of Labor and Workforce Development, the highest number of jobs covered in East Amwell Township in this 10-year span was in 2019 when 1,228 jobs were covered by unemployment insurance. Private employment has remained fluctuated in East Amwell Township since 2012, with its largest losses occurring between 2021 and 2022 (-20.4%) and between 2016

and 2017 (-13.3%). East Amwell Township experienced a gain of 37 jobs covered in 2023, representing an increase of 3.9% from 2022.

| Table 30: Private Wage Covered Employment 2013 - 2023 | | | |
|--|-----------------------|-----------------|-----------------|
| East Amwell Township | | | |
| Year | Number of Jobs | # Change | % Change |
| 2013 | 1,166 | - | - |
| 2014 | 1,207 | 41 | 3.5% |
| 2015 | 1,185 | -22 | -1.8% |
| 2016 | 1,183 | -2 | -0.2% |
| 2017 | 1,026 | -157 | -13.3% |
| 2018 | 1,098 | 72 | 7.0% |
| 2019 | 1,228 | 130 | 11.8% |
| 2020 | 1,131 | -97 | -7.9% |
| 2021 | 1,199 | 68 | 6.0% |
| 2022 | 955 | -244 | -20.4% |
| 2023 | 992 | 37 | 3.9% |

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

In-Township Establishments and Employees by Industry: 2022

Table 31 below depicts the average annual number of establishments and employees by industry sector that exist within the Township, as reported in the Quarterly Census of Employment and Wages (QCEW) published by the New Jersey Department of Labor and Workforce Development (NJDLWD). The QCEW provides a quarterly accounting of employment, establishments, and wages throughout the State of New Jersey, and accounts for over 95% of available jobs in the state. The annual municipal reports group data according to the North American Industry Classification System (NAICS). The QCEW considers an establishment to be a single economic unit, which is located at one physical location and engaged in one type of economic activity. The NJDLWD specifies that establishments differ from firms or companies in the sense that the latter can have multiple establishments.

In 2023, the Township had an annual average of 147 establishments employing an average of 992 persons in the private sector. The local government sector had an annual average of 2 establishments employing an average of 98 people. The Construction sector was the Township's predominant private sector in establishments, with 22 establishments and 117 persons employed. The Arts/Entertainment sector was the Township's predominant private sector in those employed, with 8 establishments and 136 persons employed.

| Table 31: Average Number of Establishments and Employees by Industry, 2023 East Amwell Township | | | |
|--|--------------------------------|--------------|------------|
| Industry ID and Description | | 2023 Average | |
| | | Units | Employment |
| 11 | Agriculture | - | - |
| 23 | Construction | 22 | 117 |
| 31 | Manufacturing | - | - |
| 42 | Wholesale Trade | 9 | 24 |
| 44 | Retail Trade | 12 | 121 |
| 48 | Transp/Warehousing | 5 | 10 |
| | Information | - | - |
| 52 | Finance/Insurance | 5 | 8 |
| 53 | Real Estate | - | - |
| 54 | Professional/Technical | 14 | 110 |
| 56 | Admin/Waste Remediation | 17 | 81 |
| 61 | Education | - | - |
| 62 | Health/Social | 8 | 50 |
| 71 | Arts/Entertainment | 8 | 136 |
| 72 | Accommodations/Food | 10 | 59 |
| 81 | Other Services | 14 | 95 |
| | Unclassifieds | 5 | 8 |
| | Private Sector Totals | 147 | 992 |
| | Local Government Totals | 2 | 98 |

Source: NJ Dept. of Labor & Workforce Development Labor Force, Quarterly Census of Employment and Wages (QCEW), Municipal Report by Sector (NAICS Based), 2022
Data has been suppressed (-) for industries with few units or where one employer is a significant percentage of employment or wages of the industry.

Probable Future Employment Opportunities

The North Jersey Transportation Planning Authority (NJTPA) completes regional forecasts for the New York/New Jersey metropolitan area every four years for population, households, and employment. The most recent report was released in 2021, documenting projections between 2015 and 2050. The 2021 report predicts that the Township's population (0.3%), households (0.5%), and employment (0.5%) will see steady annualized growth through 2050. It is estimated that the population will see an overall 11.6% increase, while households will increase by 18.1% and employment will increase by 18.5%.

| Table 32: Population and Employment Projections, 2015 to 2050 East Amwell Township | | | | | |
|---|-------|---------------------|----------------|--------------------------|---------|
| Category | 2015 | 2050 (Projected) | Annualized | Overall Projected Change | |
| | | | Percent Change | Number | Percent |
| Population | 3,941 | 4,397 | 0.30% | 456 | 11.6% |
| Households | 1,529 | 1,805 | 0.50% | 276 | 18.1% |
| Employment | 1,112 | 1,318 | 0.50% | 206 | 18.5% |

Source: NJTPA Municipal Forecasts, dated 9/13/2021

PART 2: FAIR SHARE PLAN

INTRODUCTION

The following Fair Share Plan ("Plan") details East Amwell's Prior Round (1987-1999), Third Round (1999-2025), and Fourth Round (2025-2035) Prospective Need obligations, as well as the Township's Fourth Round Present Need. This Plan proposes mechanisms by which the Township can realistically provide opportunities for affordable housing for those moderate-, low-, and very low- income households.

CURRENT STANDARDS

The amended Fair Housing Act includes a number of changes associated with the application of various categories of credits. The below walks through the current standards applicable to the Township's Fourth Round obligation.

Age-Restricted Housing

A municipality may not satisfy more than 30% of the affordable units, exclusive of bonus credits, to address its prospective need affordable housing need through the creation of age-restricted housing.

Transitional Housing

Transitional housing units, which will be affordable for persons of low- and moderate-income, were not previously categorized by the Fair Housing Act as a standalone housing type. The amended legislation includes such transitional housing units as a new category which may be included in the HEFSP and credited towards the fulfillment of a municipality's fair share obligations. This is limited to a maximum of 10% of the municipality's obligations.

Veterans Housing

Up to 50% of the affordable units in any particular project may be prioritized for low- and moderate-income veterans.

Families with Children

A minimum of 50% of a municipality's actual affordable housing units, exclusive of bonus credits, must be made available to families with children.

Rental Units

A minimum of 25% of a municipality's actual affordable housing units, exclusive of bonus credits, shall be satisfied through rental units. At least half of that number shall be available to families with children.

Very-Low Income Requirement

At least 13% of the housing units made available for occupancy by low-income and moderate-income houses shall be reserved for low-income households earning 30% or less of the median income pursuant to the Fair Share Housing Act, N.J.S.A. 52:27D-301, et seq. Half of the very low-income units will be made available to families with children.

Low/Moderate Income Split

At least 50% of the units addressing the Township's obligation shall be affordable to very-low income and low-income households, and the remaining may be affordable to moderate-income households.

Affordability Controls

Newly created rental units shall remain affordable to low-and moderate-income households for a period of not less than 40 years, 30 years for for-sale units, and 30 years for housing units for which affordability controls are extended for a new term of affordability, provided that the minimum extension term may be limited to no less than 20 years as long as the original and extended terms, in combination, total at least 60 years.

Affirmative Marketing

The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law, to include the community and regional organizations identified in the agreement as well as the posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.

Uniform Housing Affordability Controls (UHAC)

All affordable units created through the provisions of this Plan shall be developed in conformance with the Uniform Housing Affordability Controls (UHAC) pursuant to N.J.A.C. 5:80-26.1 et seq. as amended.

Unit Adaptability

All new construction units shall be adaptable in conformance with P.L.2005, c.250/N.J.S.A. 52:27D-311a and -311b and all other applicable laws.

Inclusionary Development Requirements

Pursuant to UHAC N.J.A.C. 5:80-26.5(b), in inclusionary developments, the affordable units shall be integrated with the market-rate units. The affordable units shall not be concentrated in less desirable locations, nor shall the affordable units be physically clustered so as to segregate the affordable units and market-rate units.

Construction of the affordable units in inclusionary developments shall be phased in compliance with N.J.A.C. 5:80-26(b)4. All inclusionary developments shall be subject to the most recent version of UHAC standards.

Bonus Credits

Bonus credits shall not exceed 25% of a municipality's prospective need obligation, nor shall a municipality receive more than one type of bonus credit for any one unit. Bonus credits may be granted on the following schedule:

| Unit Type | Unit Credit | Bonus Credit |
|---|-------------|--------------|
| Each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24). | 1 | 1 |
| Each low- or moderate-income ownership unit created in partnership sponsorship with a non-profit housing developer. | 1 | 0.5 |
| Each unit of low- or moderate-income housing located within a one-half mile radius, or one-mile radius for projects located in a Garden State Growth Zone, as defined in section 2 of P.L.2011, c.149 (C.34:1B-243), surrounding a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations. ¹ | 1 | 0.5 |
| A unit of age-restricted housing, provided that a bonus credit for age-restricted housing shall not be applied to more than 10 percent of the units of age-restricted housing constructed in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency in a municipality that count towards the municipality's affordable housing obligation for any single 10-year round of affordable housing obligations. | 1 | 0.5 |
| A unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space. | 1 | 0.5 |
| Each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new term of affordability, in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency, and the municipality contributes funding towards the costs necessary for this preservation. | 1 | 0.5 |
| Each unit of low- or moderate-income housing in a 100 percent affordable housing project for which the municipality contributes toward the costs of the project. ² | 1 | 1 |
| Each unit of very low-income housing for families above the 13 percent of units required to be reserved for very low-income housing pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1). | 1 | 0.5 |
| Each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from a market rate unit to an affordable housing unit. ³ | 1 | 1 |

¹ The distance from the bus, rail, or ferry station to a housing unit shall be measured from the closest point on the outer perimeter of the station, including any associated park-and-ride lot, to the closest point of the housing project property.

² This contribution may consist of: (a) real property donations that enable siting and construction of the project or (b) contributions from the municipal affordable housing trust fund in support of the project, if the contribution consists of no less than three percent of the project cost.

³ A municipality may only rely on this bonus credit as part of its fair share plan and housing element if the municipality demonstrates that a commitment to follow through with this market to affordable agreement has been made and: (a) this agreement has been signed by the property owner; or (b) the municipality has obtained ownership of the property.

EAST AMWELL'S AFFORDABLE HOUSING OBLIGATIONS

The Township's affordable housing obligations are as follows:

| | |
|---|-----|
| Prior Round Obligation | 40 |
| Third Round Obligation | 128 |
| Fourth Round Prospective Need | 44 |
| Fourth Round Present Need / Rehabilitation Obligation | 4 |

REVIEW OF PREVIOUS ROUND COMPLIANCE

As part of any Housing Element and Fair Share Plan, a municipality shall include an assessment of the degree to which the municipality has met its fair share obligation from the previous rounds of affordable housing obligations as established by prior court approval or approval by COAH and determine to what extent this obligation is unfulfilled or whether the municipality has credits in excess of its previous round obligations. If a previous round obligation remains unfulfilled, or a municipality never received an approval from the court or COAH for any previous round, the municipality shall address such unfulfilled previous round obligation in its Housing Element and Fair Share Plan.

In addressing previous round obligations, the municipality shall retain any sites that, in furtherance of the previous round obligation, are the subject of a contractual agreement with a developer, or for which the developer has filed a complete application seeking subdivision or site plan approval prior to the date by which the Housing Element and Fair Share Plan are required to be submitted, and shall demonstrate how any sites that were not built in the previous rounds continue to present a realistic opportunity.

Prior Round Compliance 1987-1999

The Township had a Prior Round obligation of 40 units. Per the Court-approved Third Round settlement agreement and the Township's Third Round JOR, East Amwell has met their Prior Round obligation through the following mechanisms:

RCA with Carteret/Middlesex

East Amwell Township entered into a Regional Contribution Agreement (RCA) with Carteret Borough in Middlesex County on July 18, 1997. Previous versions of the Fair Housing Act allowed for COAH-approved municipalities to enter into such agreements, to establish "sending" and "receiving" municipalities. East Amwell Township, as the "sending" municipality, was able to gain credits toward its fair share obligation through units that were constructed along Roosevelt Avenue in Carteret Borough, the "receiving" municipality. RCA agreements are no longer permitted mechanisms to satisfy municipalities' affordable housing obligations.

Twenty (20) units were transferred at \$20,000 for a total transfer of \$400,000, granting East Amwell Township 20 affordable housing credits. The 1997 RCA was approved by HMFA, the Middlesex County Planning Board and COAH. All 20 units were constructed in Carteret Borough, located within an inclusionary development at 541-545, 563, and 568 Roosevelt Avenue.

In July of 2004, the excess funds from the RCA were used to renovate the affordable units.

Women's Crisis Services Group Home

The Women's Crisis Services Group Home is a support and special needs facility that was completed in 1999. This facility includes 11 bedrooms, which are available to low and moderate-income families that have been the victims of domestic violence. Additional information about the site is confidential due to the nature of the facility and the clients served. Affordability controls for this site are in effect for 30 years.

For the construction of the Women's Crisis Services Group Home, the Township received 10 Prior Round credits, with 10 additional rental bonus credits.

| Summary of East Amwell's Prior Round Obligation of 40 | |
|--|-----------|
| Regional Contribution Agreement (RCA) with Carteret Borough | |
| <i>Roosevelt Avenue Properties</i> | 20 |
| Existing 100% Alternative Living Arrangement | |
| <i>Women's Crisis Services Group Home</i> | 10 |
| Total Units | 30 |
| Rental Bonus Credits | |
| <i>Women's Crisis Services Group Home</i> | 10 |
| Total Bonus Credits | 10 |
| | |
| TOTAL PRIOR ROUND | 40 |

Third Round Compliance

The Township had a Third Round obligation of 128 units. housing obligation until the infrastructure required to develop additional housing is implemented.

Per the court-approved Third Round settlement agreement and the Township's Third Round JOR, East Amwell's has met their Third Round obligation through the following mechanisms:

Prior Round Credits Carried Over

Women's Crisis Services Group Home

The existing support and special needs housing development includes 11 bedrooms units. One (1) unit and an additional bonus credit carried over and counted toward the Township's Third Round Obligation.

Proposed Inclusionary Development***Family Unit (Block 42 Lot 12.01)***

The East Amwell Township Zoning Board of Adjustment granted use variance approval for a mixed-use retail and residential development along State Route 31, at the intersection of Lambertville-Hopewell Road (County Route 518) on June 13, 2018 (2018-AJ-18-05). As part of the use variance approval, one (1) deed-restricted affordable housing family rental unit was approved. This unit will be a one-bedroom very-low-income dwelling unit, and contribute one unit and one bonus credit to the Township's Third Round obligation.

Preliminary and Final Site Plan approval for the site was granted on July 13, 2022. The unit's 30-year affordability controls will begin with occupancy. As of the writing of this plan, construction has not begun.

Market-to-Affordable Housing

The Township offered mortgages to four (4) qualifying homeowners in the amount of between \$20,000 and \$32,500 each in exchange for the placement of a 30-year deed restriction on their property. Each of the four properties provides one (1) affordable family for-sale unit (i.e., a total of 4 units). Additional information for these four market-to-affordable single-family homes is outlined below:

| Third Round Market-to-Affordable Housing Sites | | | | |
|---|------------------------------------|------------------------------------|------------------------------------|------------------------------------|
| | 17 John Ringo Road | 17 Ironhorse Road | 1117 Old York Rd | 101 Snyderstown Rd |
| Address | 17 John Ringo Road | 17 Ironhorse Road | 1117 Old York Road | 101 Snyderstown Rd |
| Block and Lot | Block 11, Lot 11 | Block 13, Lot 3 | Block 8, Lot 18 | Block 41, Lot 20 |
| Township Purchase Date | 2/23/2006 | 9/22/2000 | 4/25/2014 | 8/11/1998 |
| Effective Date of Affordable Controls | 8/21/2020 | 9/22/2000 | 4/25/2014 | 8/19/2006 |
| Income/Bedroom Distribution | Moderate income: (1) 3-bed unit | Moderate income: (1) 2-bed unit | Moderate income: (1) 3-bed unit | Moderate income: (1) 4-bed unit |

Accessory Apartment Program

The historic and agricultural landscape of the Township has established larger lots, that can accommodate the conversion of accessory buildings to apartments.

The Township Code defines a subsidized accessory apartment (added by Ordinance 97-23) as: "A portion of an existing single-family dwelling or an existing accessory building which has been converted through

the use of public funds to an additional dwelling unit which shall be deed restricted for occupancy by and affordability to a qualified low-income household for a period of 10 years as part of the Township's affordable housing program."

Subsidized accessory apartments are only permitted within the Amwell Valley Agricultural District (per Ordinance 99-20) and must comply with the additional provisions of Note 1 under § 92-91E of the Township Code. A formal Operating Manual for the Administration of Accessory Apartments was approved in 2021.

A total of two (2) credits from the Accessory Apartment Program were applied toward the Township's Third Round obligation. As of the writing of this Plan, no applications have been made for the Program.

Proposed Inclusionary Zoning

Inclusionary zoning overlay zoning was applied to four (4) identified properties in and near Ringoes Village. The historic Ringoes Village is the most densely developed area in the Township, and includes small retail and service businesses, as well as many historic homes. The Village is also located nearest to larger transportation areas.

A minimum of 87 new construction affordable units will be produced on the four parcels of land situated on Block 11, Lots 4 and 37.02 (Ringoes Affordable Housing Inclusionary Overlay Zone), Block 16.01, Lots 26 and 27 (Larison's Corner Affordable Housing Inclusionary Overlay Zone). The Township adopted Ordinance #2019-20 on September 12, 2019, which establishes a density of six (6) dwelling units/acre on these sites, and requires a 20% set-aside for for-sale units and 16% for rental units. Both affordable housing overlay zones permit garden apartments/condominiums, townhouses and duplexes. As of the writing of this Plan, no applications have been made that would trigger these overlays.

The four sites outlined below are not currently served by public utilities; their development will be conditioned upon the developer's provision of public water and sewer service (or a satisfactory alternative approved by the NJDEP) be provided.

Ringoes Affordable Housing Inclusionary Overlay Zone

The two (2) sites within this overlay zone are located at 35 John Ringo Road & 69 John Ringo Road. The total unconstrained land within this overlay zone amounts to 30.4 acres, which offers the potential for 32 affordable units.

These sites are appropriate for multi-family low- and moderate-income housing as they are available, approvable, developable, and suitable:

- *Available:* The sites have no easements or title issues preventing its development.
- *Suitable:* The sites border the Township's Village district, where a majority of development has been concentrated. Further, the sites' proximity to John Ringo Road and Interstate 202 offer more direct access to employment and service establishments.

- *Developable:* While the sites are not currently located within a sewer service area, Ordinance 18-20 (adopted on October 11, 2018) requires the developer to provide water and sewer service or alternative wastewater treatment facilities. The sites have access to appropriate public streets with frontage on John Ringo Road. The portion of the site is not constrained by wetlands or any special hazard areas.
- *Approvable:* East Amwell Township adopted Ordinances #18-20 on October 11, 2018 and #19-20 on September 12, 2019, that amended the Township Code to include the sites within a new affordable housing overlay district.

Larison's Corner Affordable Housing Inclusionary Overlay Zone

The two (2) sites within this overlay are located along Route 202 and Dutch Lane. The total unconstrained land within this overlay zone amounts to 43.8 acres, which offers the potential for 55 affordable units.

These sites are appropriate for multi-family low- and moderate-income housing as they are available, approvable, developable, and suitable:

- *Available:* The sites have no easements or title issues preventing their development.
- *Suitable:* The sites border the Township's Highway Office District, where higher density development has been concentrated. Further, the sites' frontage along Interstate 202 offer more direct access to employment and service establishments.
- *Developable:* While the sites are not currently located within a sewer service area, Ordinance 18-20 (adopted on October 11, 2018) requires the developer to provide water and sewer service or alternative wastewater treatment facilities. The sites have access to appropriate public streets with frontage on John Ringo Road. The portion of the site is not constrained by wetlands or any special hazard areas.
- *Approvable:* East Amwell Township adopted Ordinances #18-20 on October 11, 2018 and #19-20 on September 12, 2019, that amended the Township Code to include the sites within a new affordable housing overlay district.

Between both overlay zones, a total of 87 units can be constructed.

Proposed 100% Affordable Development

UAW Senior Housing

A new site for a 100% affordable age-restricted development was proposed during the Third Round, located at 20 John Ringo Road (Lot 18.01 of Block 27.01) and known as the "UAW Senior Housing" site. The property is approximately 200 feet south of the intersection of John Ringo Road and Old York Road. The property is an irregularly shaped lot consisting of approximately 6.94 acres. A with a majority of the property is currently undeveloped, but includes a 2.5-story historic dwelling, driveway, and shed. The remainder of

property is forested and consists of floodplains, wetlands, a 150-foot wetland transition area, and an unnamed tributary to Back Brook.

Preliminary site plan approval was granted for the site on January 31, 2023 (PB Resolution #2023-09). This approval granted a d(1) use variance for the construction of a 24-unit multi-family residential senior housing building in the Village District, when zoning only permits single-family residential uses. Bulk variance and design waiver relief were also granted.

Amended site plan and minor subdivision approval were granted for the subject property on March 18, 2024. This approval included a proposed conversion of a historic dwelling on the site into a 100% affordable, two-family dwelling. Each dwelling unit would include three (3) bedrooms. Operations for this two-family dwelling would be separate from the multifamily senior housing building, as it would be located on a separate lot.

The site is appropriate for multi-family low- and moderate-income housing as it is available, approvable, developable, and suitable:

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The sites border the Township's Village district, where a majority of development has been concentrated. Further, the sites' proximity to John Ringo Road and Interstate 202 offer more direct access to employment and service establishments.
- *Developable:* While the sites are not currently located within a sewer service area, the approved site plans outline septic provisions. The sites have access to appropriate public streets with frontage on John Ringo Road. The portion of the site is not constrained by wetlands or any special hazard areas.
- *Approvable:* The East Amwell Township Planning Board adopted Resolution XX-X on March 18, 2024, that granted amended site plan approval for the site's proposed construction.

A total of 11 credits are applied to the Township's Third Round Obligation.

| Summary of East Amwell's Third Round Obligation of <u>128</u> | |
|--|-----------|
| Prior Round Credits Carried Over <i>Women's Crisis Services Group Home</i> | 1 |
| Proposed Inclusionary Development <i>Family Unit (Block 42, Lot 12.01)</i> | 1 |
| Market-to-Affordable Housing <i>17 John Ringo Road</i> <i>17 Ironhorse Road</i> <i>1117 Old York Road</i> <i>101 Snyderstown Rd</i> | 4 |
| Accessory Apartment Program | 2 |
| Proposed Overlay Zoning | 76 |

| | |
|---|------------|
| <i>Affordable Housing Inclusionary Overlay Zones (Ringo's and Larison's Corner)</i> | |
| UAW Senior Housing | 11 |
| Total Units | 95 |
| Rental Bonus Credits | |
| <i>Women's Crisis Services Group Home</i> | <i>1</i> |
| <i>Family Unit (Block 42, Lot 12.01)</i> | <i>1</i> |
| <i>Overlay Zones*</i> | <i>31</i> |
| Total Bonus Credits | 33 |
| | |
| TOTAL THIRD ROUND | 128 |

*Pursuant to the 2019 settlement agreement, the Township will claim bonus credits as the units are constructed.

FOURTH ROUND OBLIGATION

The amended FHA called on the DCA to issue a non-binding report on the new Present Need Obligation (commonly referred to as the rehabilitation obligation) and the Prospective Need for Round 4 and subsequent rounds. The amended FHA requires the DCA to base its analysis of the obligations for each municipality based upon the standards set forth in the amended FHA.

On October 18, 2024, the New Jersey Department of Community Affairs ("DCA") released a report outlining the Fourth Round (2025-2035) Fair Share methodology and its calculations of present need and prospective need low- and moderate-income obligations for each of the State's municipalities. The obligations were calculated in alignment with the formulas and criteria found in P.L.2024, c.2. The DCA calculated a Present Need obligation for the Township of 4 units, and a Perspective Need obligation of 44 units.

The amended Fair Housing Act affirms that the DCA report is not binding on any municipality and that "a municipality shall determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in sections 6 and 7 of P.L.2024, c.2...by resolution..."

On January 8, 2025, the Township Committee adopted a binding resolution accepting the DCA's number. Resolution 2025-45 accepted a Rehabilitation obligation of 4 units, and a Perspective Need of 44 units. Following the adoption of Resolution 2025-45, East Amwell filed a declaratory judgment complaint (Docket No. HNT-L-000011-25) with the affordable housing dispute resolution program.

Addressing Present Need / Rehabilitation Obligation

Present Need was previously determined in N.J.A.C. 5:93-1.3 to be the sum of a municipality's indigenous need, the deficient housing units occupied by low- and moderate-income households, and the reallocated present need, which is the portion of a housing region's present need that is redistributed throughout the housing region. Under the Second Round rules, evidence for deficient housing included: year structure was built, persons per room, plumbing facilities, kitchen facilities, heating fuel, sewer service, and water supply. (N.J.A.C. 5:92, Appendix A).

The Third Round Rules (N.J.A.C. 5:97-1.1 et seq.) reduced the number of criteria of evidence of deficient housing to three: pre-1960 over-crowded units, which are units that have more than 1.0 persons per room; incomplete plumbing, and incomplete kitchen facilities. (N.J.A.C. 5:97). This reduction in the number of criteria was found to be by the Appellate Division to be within the Council's discretion and was upheld in the Supreme Court's decision in Mount Laurel IV.

The previously discussed Mount Laurel IV decision found that the reallocated need is no longer a component in the determination of Present Need. Therefore, the Present Need now equates to indigenous need, which means the obligation is based on deficient housing as determined by pre-1960 over-crowded units, incomplete plumbing, and incomplete kitchen facilities.

The Township intends to address its 4-unit Fourth Round Rehabilitation Obligation through participation in the Hunterdon County Housing Rehabilitation Program, which is funded by the New Jersey Department of Community Affairs Small Cities Program and managed by Hunterdon County staff.

The program is available to low- and moderate-income homeowners living in Hunterdon County:

- who have resided in the County for at least one year and have not received funding from this program in the last three years; and
- whose property exhibits conditions that must be corrected in order to meet code standards, to prevent further deterioration, or safely access and occupy the home; and
- whose income from all resources does not exceed the current HUD income guideline.

Improvements that are eligible for funding include:

- Code violations that threaten the life or health of residents.
- Access into and throughout your home.
- Weather damage resulting in code violations.
- Heating (Cooling when deemed to be medically necessary)
- Electrical
- Plumbing
- Structural (Including Windows)
- Lead paint remediation
- Well and septic repairs

East Amwell will also expand its rehabilitation opportunities by implementing a Township-wide rental rehabilitation program.

Fourth Round Prospective Need

Third Round Credits Carried Over

UAW Senior Housing Site

Per the amended Fair Housing Act, “a municipality may not satisfy more than 30% of the affordable units, exclusive of bonus credits, to address its prospective need affordable housing through the creation of age-restricted housing.”

Therefore, a maximum of 13 of the total 24 approved units can be applied to the Fourth Round Prospective Need. These 13 units carry over from the Third Round, and count toward the Fourth Round Prospective Need. Further, one (1) bonus credit is also applied to the Fourth Round Prospective Need, per the established 10% cap on age-restricted unit bonus credits.

Inclusionary Overlay Zoning Credits

The Third Round summary table outlined above allotted a total of 76 of the proposed 87 units toward the Township’s Third Round Obligation. Therefore, the remaining 11 units are applied to the Township’s Fourth Round Prospective Need Obligation.

Proposed Overlay Zone – Block 22, Lot 1

To address the remaining 19 units from the Township’s 44-unit Fourth Round Prospective Need Obligation, East Amwell is proposing to adopt an additional affordable housing overlay zone. The proposed inclusionary housing overlay zone will be located on Block 22, Lot 1, fronting Wertsville Road. This property has been selected based on its overall size, access to public roads, and location outside of the Sourland Mountain District to protect East Amwell’s critical natural resources. The proposed inclusionary overlay zone can accommodate a density of at least 6 units per acre, with a 20% set aside to provide 126 total units, and 25 affordable units.

- *Available:* The site has no easements or title issues preventing its development.
- *Suitable:* The site is located adjacent to existing residential uses and is located in the Amwell Valley Agricultural District per the Township’s Zoning Map.
- *Developable:* While the site is not currently located within a sewer service area, subsequent ordinance adoption will require the developer to provide water and sewer service or alternative wastewater treatment facilities. The site has frontage on Wertsville Road. There is a small portion of mapped wetlands along the frontage of the site, but this area is very limited and is not anticipated to negatively impact the development potential of the property. The site is not impacted by any Special Flood Hazard Areas.
- *Approvable:* The Township of East Amwell is committed to supporting the adoption of ordinances to support the inclusionary development on site.

| Fourth Round Affordable Housing Overlay | | | | |
|--|------------|----------------------|---|---|
| Block | Lot | Total Acreage | Total Units at Density of 6 units/acre | Total Affordable Units (20% Set Aside) |
| 22 | 1 | 20.53 | 126 | 25 |

Additional Mechanisms***Affordable Housing Ordinance***

An Affordable Housing Ordinance was adopted by the Township in 2010, and most recently amended on October 11, 2018 (Ordinance No. 18-19), establishing the criteria for implementing affordable housing units in conformance with the Uniform Housing Affordability Controls (UHAC). While this Plan acknowledges that an amendment to the UHAC was released on an emergency basis in December 2024, those rules are set to expire in December 2025. It is also the understanding that the Housing Mortgage and Finance Agency (HMFA), the entity currently responsible for the UHAC regulations, is in the process of establishing further amendments to those rules. Because of the uncertainty with the UHAC regulations, the Township will refrain from adopting an updated ordinance until such rules are finalized, acknowledging that the December 2024 UHAC rules adopted under emergency measures are the current governing regulations. Should there be any discrepancy between the Township's adopted ordinance and the current UHAC regulations, the current UHAC regulations shall govern.

Development Fee Ordinance

A Development Fee Ordinance was adopted by the Township on November 16, 1995, and most recently amended on October 10, 2019 (Ordinance No. 19-19).

Additional Affordable Housing Resolutions and Ordinances

The Township adopted several additional affordable housing resolutions. These include:

- Resolution #2025-94 – Resolution to Appoint Township's Municipal Housing Liaison
- Resolution #50-21 – Resolution Approving the Operating Manuals in Accordance with the Uniform Housing Affordability Controls for Rental Units, Sale Units, Affordability Assistance Program and Accessory Apartments
- Ordinance #21-06 – Adoption of the Township's Affirmative Marketing Plan

Fourth Round Summary

| Summary of East Amwell's Fourth Round Prospective Need Obligation of 44 | |
|--|-----------|
| Third Round Credits Carried Over | |
| <i>UAW Senior Housing</i> | 13 |
| <i>Ringoes and Larison's Corner Overlay Zones</i> | 11 |
| Proposed Overlay Zoning – Block 22, Lot 1 | |
| <i>20% Affordable Set Aside and Density of 6 units/acre</i> | 25 |
| Total Units | 49 |
| Rental Bonus Credits | |
| <i>UAW Senior Housing</i> | 1 |
| Total Bonus Credits | 1 |
| | |
| TOTAL FOURTH ROUND PROPOSECTIVE NEED | 49 |
| TOTAL FOURTH ROUND SURPLUS | 5 |

CONSISTENCY WITH STATE PLANNING REQUIREMENTS**State Plan**

In accordance with the amended Fair Housing Act, Housing Elements and Fair Share Plans shall provide an analysis of consistency with the State Development and Redevelopment Plan (SDRP), including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

New Jersey adopted its last SDPR in 2001. A draft amendment to the SDRP was prepared in 2011 but ultimately never adopted. The Office of Planning Advocacy released a new draft SDRP on December 4, 2024. The State is currently going through the Plan conformance process.

The 2024 draft SDRP maintains and expands upon the 2001 objectives for Rural Planning Areas (PA4), the Rural Environmentally Sensitive Planning Areas (PA4b), and Environmentally Sensitive Planning Areas (PA5), which are the primary land designation assigned to East Amwell Township. The PA4, PA4b, and PA5 objectives are outlined below:

The adopted 2001 SDRP identifies the following combined intents of the Rural Planning (4B) and Rural Environmentally Sensitive Planning (4b) Areas:

- Maintain the Environs as large contiguous areas of farmland and other lands.
- Revitalize cities and towns.
- Accommodate growth in Centers.
- Promote a viable agricultural industry.
- Protect the character of existing, stable communities.
- Confine programmed sewers and public water services to Centers.

The 2024 draft SDRP maintains and expands upon the 2001 intensions:

- Maintain the Environs as large contiguous areas of farmland, open space, and forested areas.
- Enhance habitats and sensitive lands.
- Accommodate growth in Centers.
- Reverse auto-oriented patterns of development.
- Promote a viable agricultural or forestry industry.
- Revitalize cities, towns, and other traditional settlements.
- Protect, enhance, and diversify the existing character and agricultural economy of stable communities.
- Confine programmed sewers and public water services to Centers, except where public health is at stake.

The policy objectives for the Rural Environmentally Sensitive Planning Area are those of the Environmentally Sensitive Planning Area (PA5). Relative objectives include:

- **Land Use:** Protect natural systems and environmentally sensitive features by guiding development and redevelopment into Centers and establishing Center Boundaries and buffers and greenbelts around these boundaries. Maintain open space networks, critical habitat and large contiguous tracts of land in the Environs by a variety of land use techniques. Development and redevelopment should use creative land use and design techniques to ensure that it does not exceed the capacity of natural and infrastructure systems and protects areas where public investments in open space preservation have been made. Development and redevelopment in the Environs should maintain and enhance the natural resources and character of the area.
- **Housing:** Provide for a full range of housing choices primarily in Centers at appropriate densities to accommodate projected growth. Ensure that housing in general—and in particular affordable, senior citizen, special needs and family housing—is developed with access to a range of commercial, cultural, educational, recreational, health and transportation services and facilities. Focus multi-family and higher-density, single-family housing in Centers. Any housing in the Environs should be planned and located to maintain or enhance the cultural and scenic qualities and with minimum impacts on environmental resources.

This Plan broadly aligns with the goals of the draft SDRP, specifically in the sense that utilizing a durational adjustment is intended to protect the natural and water resources and environment both within and surrounding East Amwell Township. Further, due to the severe development restrictions placed upon the Township, the use of a durational adjustment in East Amwell Township reflects sound planning practice.

Multigenerational Family Housing

An amendment to the Fair Housing Act requires “an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20).” As of the date of this Housing Plan, there have been no recommendations by the Multigenerational Family Housing Continuity Commission on which to provide an analysis.

USE OF SURPLUS CREDITS

Any surplus credits generated would be applied to any future obligation that the Township may have.

SUMMARY OF FAIR SHARE COMPLIANCE

| East Amwell Township Affordable Housing Obligations | |
|--|------------|
| <i>Present Need Total</i> | 4 |
| <i>Prior Round Obligation (1987-1999)</i> | 40 |
| Roosevelt Avenue Properties (RCA with Carteret Borough) | 20 |
| Women’s Crisis Services Group Home | 10 |
| Rental Bonus Credits | 10 |
| <i>Prior Round Total</i> | 40 |
| <i>Third Round Obligation (1999-2025)</i> | 128 |
| <i>Women’s Crisis Services Group Home</i> | 1 |
| Family Unit (Block 42, Lot 12.01) | 1 |
| Market-to-Affordable Housing | 4 |
| Accessory Apartment Program | 2 |
| Proposed Overlay Zoning | 76 |
| UAW Senior Housing | 11 |
| Rental Bonus Credits | 33 |
| <i>Third Round Total</i> | 128 |
| <i>Fourth Round Prospective Need Obligation (2025-2035)</i> | 44 |
| UAW Senior Housing | 13 |
| Ringoes and Larison’s Corner Overlay Zones | 11 |
| Proposed Overlay Zoning - Block 22, Lot 1 | 25 |
| Rental Bonus Credits | 1 |
| <i>TOTAL FOURTH ROUND PROPOSECTIVE NEED</i> | 49 |
| <i>TOTAL FOURTH ROUND SURPLUS</i> | 5 |

**Appendix A: Resolution 2025-45 – Resolution Adopting Fair Share Affordable Housing
Obligations for the Fourth Round**

RESOLUTION**NO. 2025-45****ADOPTED: JANUARY 6, 2025****RESOLUTION ADOPTING FAIR SHARE AFFORDABLE HOUSING OBLIGATIONS
FOR THE FOURTH ROUND**

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

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

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

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

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

WHEREAS, the DCA Report set the municipal obligation for East Amwell Township as follows:

Present Need: 4

Prospective Need: 44

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of East Amwell, Hunterdon County, New Jersey, as follows:

1. East Amwell Township hereby determines, based on the DCA Report and advice of the Municipal Planner and Attorney, to adopt the obligations set forth in the DCA Report as its binding Fourth Round Affordable Housing Obligations subject to adjustments made to account for decisions of a court of competent jurisdiction, lack of availability of public water or sewer infrastructure or capacity (i.e. a durational

adjustment), lack of vacant land, or a Highlands build-out analysis. Any such adjustments will be adopted as part of the municipality's Fourth Round Housing Element and Fair Share Plan.

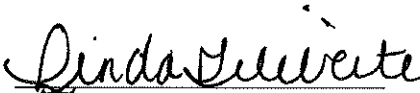
2. The Municipal Clerk and Municipal Attorney are authorized to take all actions required by N.J.S.A. 52:27D-304.1(f)(1)(b), including:

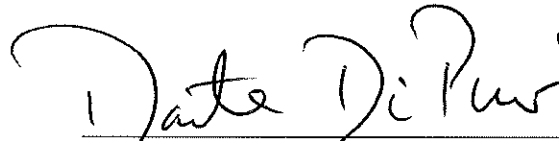
- a. Filing a declaratory judgement action with the Superior Court and filing a copy of this Resolution with the Department of Community Affairs within forty-eight hours following adoption of this Resolution.
- b. Publishing this Resolution on the Township's website.

3. The Municipal Attorney, Municipal Planner, and Affordable Housing Subcommittee are authorized to take all actions to draft documents necessary to comply with all Fourth Round affordable housing obligations, including drafting a Housing Element and Fair Share Plan, an Affordable Housing Trust Spending Plan, and effectuating ordinances and resolutions.

4. This Resolution shall take effect immediately.

ATTEST:


Linda Giliberti, RMC
Township Clerk


Dante DiPirro
Mayor

| ROLL CALL VOTE | | | | |
|------------------|-----|----|---------|--------|
| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
| CASPER-BLOOM | ✓ | | | |
| ENTIN | ✓ | | | |
| NARDI | ✓ | | | |
| DENDIS | ✓ | | | |
| DIPIRRO | ✓ | | | |

Appendix B: Complaint for Declaratory Judgment Pursuant to N.J.S.A. 52:27D-313

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

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
EAST AMWELL, A Municipal
Corporation of the State of New Jersey,

Petitioner.

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

CIVIL ACTION
(Mount Laurel)

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

The Township of East Amwell, a Municipal Corporation of the State of New Jersey,
having its principal place of business at 1070 Route 202/31, Ringoes, NJ 08551, by way of
Complaint for Declaratory Judgment pursuant to N.J.S.A. 52:27D-313 and N.J.S.A. 2A:16-50 *et*
seq. says:

BACKGROUND

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

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

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

3. East Amwell is located in Hunterdon County in Region 3 pursuant to the N.J.S.A. 52:27D-304.2.

4. Pursuant to first, second, and third round obligations, East Amwell has completed an RCA with Carteret, provided for affordable housing through market to affordable units and alternative living arrangements, approved construction of an affordable age-restricted development, and established affordable housing overlay zoning districts. East Amwell has made a good faith effort to meet its first, second, and third round affordable housing obligations.

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

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

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

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

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

Present Need: 4

Prospective Need: 44

10. On January 6, 2025, East Amwell adopted a Resolution accepting the obligations in the DCA Report as its affordable housing obligations for the Fourth Round. A copy such resolution is attached hereto as Exhibit A.

11. East Amwell desires that the Court review and accept the municipal fair share obligation of East Amwell Township as set forth in the Resolution attached hereto as Exhibit A.

12. In compliance with P.L. 2024, c. 2, East Amwell shall draft and file a Housing Element and Fair Share Plan demonstrating compliance with the Fourth Round affordable housing obligations.

13. After such filing, East Amwell desires that the Court review and accept its Housing Element and Fair Share Plan and approve the Program’s issuance of a Certificate of Compliance.

COUNT ONE

(DECLARATORY RELIEF, CONSTITUTIONAL COMPLIANCE)

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

15. Pursuant to the Declaratory Judgments Act, N.J.S.A. 2A:16-50 et seq., N.J.S.A.

52:27D-313, and P.L. 2024, c. 2, East Amwell has a right to a declaratory judgment verifying and confirming East Amwell's full compliance with its constitutional affordable housing obligations

WHEREFORE, Petitioner, the Township of East Amwell, respectfully seeks that the Court grant the following relief:

- a. An Order exercising jurisdiction over the compliance by the Township of East Amwell with its constitutional affordable housing obligations; and
- b. An Order declaring, pursuant to N.J.S.A. 52:27D-304.1(f), that the affordable housing obligations set forth by East Amwell Township in the Resolution dated January 6, 2025 are established; and
- c. An Order declaring that the Township of East Amwell is under the Court's voluntary compliance declaratory judgment jurisdiction and that the Township is immunized and protected against builder's remedy litigation and exclusionary zoning challenges; and
- d. An Order declaring that the Township of East Amwell's Housing Element and Fair Share Plan, including its spending plan, satisfactorily addresses its affordable housing mandates and provides the Township with immunity and repose against builder's remedy litigation and exclusionary zoning challenges for a period of ten (10) years from the date of the Final Judgment.
- e. A Judgment of Compliance and Repose for a period of ten (10) years from its date of entry.
- f. An Order granting such additional relief as the Court deems equitable and just.

GEBHARDT & KIEFER, P.C.
Attorneys for Petitioner, Township of East Amwell

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

Dated: January 8, 2025

DESIGNATION OF TRIAL COUNSEL

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

GEBHARDT & KIEFER, P.C.
Attorneys for Petitioner, Township of East Amwell

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

Dated: January 8, 2025

CERTIFICATION

Pursuant to Rule 4:5-1, it is hereby certified that the matter in controversy is not the subject of any other action pending in any other Court or of a pending arbitration or administrative proceeding to the best of knowledge and belief. East Amwell Township filed a declaratory judgment action related to its Third Round affordable housing obligations (*IMO East Amwell Township*, Docket No. HNT-L-306-15). Such action was closed after the filing of a Final Judgment of Compliance and Repose on October 25, 2022. To the best of our knowledge, no action, arbitration or administrative proceeding is contemplated. Furthermore, we know of no other parties that should be joined in the above action.

GEBHARDT & KIEFER, P.C.
Attorneys for Petitioner, Township of East Amwell

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

Dated: January 8, 2025

EXHIBIT A

EXHIBIT A

RESOLUTION**NO. 2025-45****ADOPTED: JANUARY 6, 2025****RESOLUTION ADOPTING FAIR SHARE AFFORDABLE HOUSING OBLIGATIONS
FOR THE FOURTH ROUND**

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

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

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

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

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

WHEREAS, the DCA Report set the municipal obligation for East Amwell Township as follows:

Present Need: 4
Prospective Need: 44

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of East Amwell, Hunterdon County, New Jersey, as follows:

1. East Amwell Township hereby determines, based on the DCA Report and advice of the Municipal Planner and Attorney, to adopt the obligations set forth in the DCA Report as its binding Fourth Round Affordable Housing Obligations subject to adjustments made to account for decisions of a court of competent jurisdiction, lack of availability of public water or sewer infrastructure or capacity (i.e. a durational

adjustment), lack of vacant land, or a Highlands build-out analysis. Any such adjustments will be adopted as part of the municipality's Fourth Round Housing Element and Fair Share Plan.

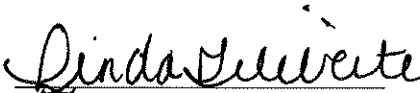
2. The Municipal Clerk and Municipal Attorney are authorized to take all actions required by N.J.S.A. 52:27D-304.1(f)(1)(b), including:

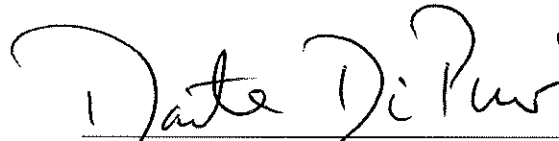
- a. Filing a declaratory judgement action with the Superior Court and filing a copy of this Resolution with the Department of Community Affairs within forty-eight hours following adoption of this Resolution.
- b. Publishing this Resolution on the Township's website.

3. The Municipal Attorney, Municipal Planner, and Affordable Housing Subcommittee are authorized to take all actions to draft documents necessary to comply with all Fourth Round affordable housing obligations, including drafting a Housing Element and Fair Share Plan, an Affordable Housing Trust Spending Plan, and effectuating ordinances and resolutions.

4. This Resolution shall take effect immediately.

ATTEST:


Linda Giliberti, RMC
Township Clerk


Dante DiPirro
Mayor

| ROLL CALL VOTE | | | | |
|------------------|-----|----|---------|--------|
| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
| CASPER-BLOOM | ✓ | | | |
| ENTIN | ✓ | | | |
| NARDI | ✓ | | | |
| DENDIS | ✓ | | | |
| DIPIRRO | ✓ | | | |

Civil Case Information Statement

Case Details: HUNTERDON | Civil Part Docket# L-000011-25

Case Caption: IN THE MATTER OF EAST AMWELL TWP

Case Initiation Date: 01/08/2025

Attorney Name: TARA ANN ST ANGELO

Firm Name: GEBHARDT & KIEFER, PC

Address: 1318 ROUTE 31 NORTH

ANNANDALE NJ 08801

Phone: 9087355161

Name of Party: PETITIONER : IMO Application of East Amwell

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: AFFORDABLE HOUSING

Document Type: Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

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

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

Are sexual abuse claims alleged by: IMO Application of East Amwell? 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)*

01/08/2025

Dated

/s/ TARA ANN ST ANGELO

Signed

**Appendix C: Order Fixing Municipal Obligations for Present Need and Prospective
Need for the Fourth Round Housing Cycle**

FILED

March 27, 2025

HUNTERDON COUNTY SUPERIOR COURT

WILLIAM G. MENNEN, J.S.C.

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE TOWNSHIP
OF EAST AMWELL,
HUNTERDON COUNTY
PURSUANT TO P.L. 2024,
CHAPTER 2**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
HUNTERDON COUNTY
DOCKET NO. HNT-L-11-25

Civil Action

**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 8, 2025 (“DJ Complaint”) by the Petitioner, **TOWNSHIP OF EAST AMWELL** (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

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

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

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 4 affordable units, and its prospective need obligation of the Petitioner has been calculated and reported as 44 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 27th day of MARCH 2025 ORDERED AND ADJUDGED as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as four (4) affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as forty-four (44) 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 a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.

SO ORDERED:



HON. WILLIAM G. MENNEN, J.S.C.
Designated Mt. Laurel Judge – V13

(X) Uncontested.

Appendix D: UAW Project Approvals

- **Resolution 2023-09**
- **Resolution 2024-06**

**RESOLUTION OF THE PLANNING BOARD
TOWNSHIP OF EAST AMWELL
HUNTERDON COUNTY, NEW JERSEY**

RESOLUTION 2023-09

**EAST AMWELL UAW URBAN RENEWAL HOUSING CORP.
20 JOHN RINGO ROAD
RINGOES, NEW JERSEY 08551
BLOCK 27.01, LOT 18.01**

**Hearing Dates: July 13, 2022
September 14, 2022
September 29, 2022
December 14, 2022
January 31, 2023**

Board Action: January 31, 2023

Memorialization: February 21, 2023

WHEREAS, East Amwell UAW Urban Renewal Housing Corporation (“Applicant”) is the owner of property located at 20 John Ringo Road in East Amwell Township, New Jersey, identified as Block 27.01, Lot 18.01 on the East Amwell Tax Map (“Property”); and

WHEREAS, the Property is an irregularly shaped 6.94 acre parcel, located in the Village District, with an existing two-family dwelling, where the Applicant seeks to construct a twenty-four (24) unit senior affordable housing structure, install a new driveway and parking lot, and renovate the existing residential building; and

WHEREAS, the Applicant has applied to the East Amwell Planning Board (“Board”) for preliminary major site plan approval and the following variance relief:

- (1) Variance under N.J.S.A. 40:55D-70d(1) to construct a multi-family residential building in the Village District, when the zoning district only permits residential uses to be single-family;
- (2) Height variance under N.J.S.A. 40:55D-70c(1) and (2), where 35 feet is permitted under the East Amwell Township Code, and 38.5 feet is proposed;
- (3) Parking variance under N.J.S.A. 40:55-70c(1) and (2) where 48 parking spaces are required and 36 are proposed;
- (4) Variance under N.J.S.A. 55D-70d(1) for a second principal building on one lot where a structure already exists; and

WHEREAS, in addition to preliminary major site plan approval and the above-listed variances, the Applicant also sought the following waivers:

- (1) Proposed light spillage, when the East Amwell Township Code requires no light spillage onto adjacent properties.
- (2) Parking space dimensions of 9 x 18 feet, 10 x 20 feet is required, with a de minimis exception to the Residential Site Improvement Standard ("RSIS").
- (3) Some parking spaces will be further than 150 feet from entrance of building, as required by the East Amwell Township Code.
- (4) Applicant proposes no active recreation, when the East Amwell Township Code § 92-64 requires one tennis court or one tot-lot for residential development with ten (10) to twenty-five (25) units.

WHEREAS, the Applicant complied with the application requirements of the Municipal Land Use Law and the Ordinance and paid in full all property taxes due and owing for the Property and the professional fees/escrow account in connection with the Application enabling the Board to entertain jurisdiction over the request; and

WHEREAS, the Applicant submitted the following documents in support of its request:

- (1) Application with checklist and addenda, dated August 11, 2021;

WHEREAS, the Applicant met all jurisdictional requirements enabling the Board to hear and act on the Application and appeared before the Board on the Hearing Dates, as specified above; and

WHEREAS, during the public hearing, the Applicant, represented by attorney, John R. Lanza, was given the opportunity to present testimony and legal argument, and the Board's consultants and members of the public were given an opportunity to comment on the Application. The Board's consultants also testified as to the contents of their reports; and

WHEREAS, members of the public appeared to ask questions and to speak with regard to the Application, as set forth more fully on the record; and

WHEREAS, the following reports prepared by the Board's professionals were considered by the Board:

- (1) Memorandum of the Board's Planner, Elena Gable, PP, AICP, CFM, dated July 8, 2022;
- (2) Memorandum of the Board's Engineer, William H. Burr, IV, PE, dated July 8, 2022;

(3) Second Memorandum of the Board's Planner, Elena Gable, PP, AICP, CFM, dated September 14, 2022;

WHEREAS, the following exhibits were marked into evidence during the Hearing:

- Exhibit A-1: Pages from Region Nine Website (July 13, 2022)
- Exhibit A-2: Proposals from Contractors (July 13, 2022)
- Exhibit A-3: Colorized Site Plan with Environmental Features (July 13, 2022)
- Exhibit A-4: Page from Traffic Report Enlarged (September 14, 2022)
- Exhibit A-5: Page from Traffic Report Enlarged (September 14, 2022)
- Exhibit A-6: Addendum to Traffic Engineering and Parking Evaluation (September 14, 2022)
- Exhibit A-7: Architectural Rendering R-1 (September 29, 2022)
- Exhibit A-8: Sample Board from Architect – siding, azek, etc. (September 29, 2022)
- Exhibit A-9: Sample board from Architect – asphalt (September 29, 2022)
- Exhibit A-10: Attachment A – Visuals from Banisch Report (December 14, 2022)
- Exhibit A-11: Planning Report in Support of Use and Bulk Variances, authored by Francis J. Banisch III, PP/AICP (December 14, 2022)
- Exhibit A-12: Concept Subdivision Sketch (January 31, 2023)
- Exhibit A-13: Consent Order (January 31, 2023)

WHEREAS, the Applicant presented testimony from the following individuals:

- (1) Daniel Antonellis, Applicant's President;
- (2) Mark Comroe, Applicant's Director of Development;
- (3) Eric Rupnarain, P.E., Applicant's Engineer;
- (4) Joseph Staigar, P.E., Applicant's Traffic Engineer;
- (5) John Anastasiou, AIA, Applicant's Architect;
- (6) Mathew J. Mulhall, P.G., Applicant's Hydrologist;
- (7) Francis J. Banisch III, PP, AICP, Applicant's Planner;

WHEREAS, the President of Applicant, Daniel Antonellis, introduced the Application and presented testimony to the Board as more fully set forth on the record, as follows:

Daniel Antonellis was duly sworn according to law and testified with regard to the Application. Mr. Antonellis testified to the overall structure of the non-profit Region Nine Corporation, as well as the proposed twenty-four (24) unit project. Mr. Antonellis testified to the Applicant's experience in operating other similar senior facilities throughout New Jersey.

WHEREAS, Mark Comroe, Director of Development for the Applicant, provided testimony as set forth on the record, as follows:

Mark Comroe was duly sworn according to law and testified with regard to the Application. Mr. Comroe testified to the general nature of the proposed project, which includes a three-story, approximately 22,000 square feet structure, with one-bedroom apartments with an average of 622 square feet per unit. The proposed structure will include two (2) elevators, a

central laundry room, community room, trash compactor, and an outside seating area. Mr. Comroe testified that the Applicant chose East Amwell because of the attractive nature of the Township and Hunterdon County, and the need of senior affordable housing in the area. He explained how the project will comply with Uniform Housing Affordable Controls ("UHAC"). Mr. Comroe also testified to the operations of the proposed project, for considerations such as personnel, trash collection, and resident access to the building.

WHEREAS, Eric Rupnarain, P.E., the Applicant's Engineer, provided testimony on behalf of the Applicant as more fully set forth on the record, as follows:

Mr. Rupnarain was duly sworn according to law, provided the Board with his qualification, and was accepted by the Board as a licensed professional engineer. Mr. Rupnarain testified describing the site and the proposed location of the three (3) story, twenty-four (24) unit structure. Since a good portion of the Property is restricted by floodplains and wetlands, and has been classified by the NJDEP as an exceptional resource value wetland, the structure and related improvements have been placed outside the 150 foot transition area. There is a ten (10) foot buffer between the back of the structure and the environmental constrained area. The delineation of the wetlands are valid for the Property as a Letter of Interpretation ("LOI") was issued in 2016, and was extended by the NJDEP.

Pursuant to the Township's Ordinance, the proposed project requires forty-eight parking spaces. Mr. Rupnarain stated that the proposed thirty-six (36) parking spaces, including four (4) electric vehicle spaces ("EVSE") and two (2) handicap accessible spaces, would be more than adequate for the proposed development. Although the ordinance requires 10 x 20 parking spaces, Mr. Rupnarain represented that the proposed 9 x 18 size is more than sufficient, especially considering that the car bumpers will overhang the curb line. Mr. Rupnarain testified that some of the parking spaces will be greater than 150 feet from the building, as required by the Township's Ordinance. He testified that this is necessary to accommodate the Property's environmental constraints. The parking area will also be curbed to help prevent storm water runoff to the adjoining properties. To avoid cars from facing adjacent neighbors, the Applicant placed the parking on the north side of the driveway to avoid facing the residents on the southerly property line. The Property will have one (1), two (2)-way driveway, which will allow traffic exit north or south onto John Ringoes Road. The trash enclosure will remain on the southern side of the structure to provide easy access for the trucks

Mr. Rupnarain testified that proposed storm water management plan includes one (1) bio-retention basin, and only a small portion of drainage will flow out to John Ringo Road. The site's soil conditions are well-suited for the retention basin. In regards to the septic system, Mr. Rupnarain explained that the BioMicrobics commercial-grade will discharge a significantly higher quality of affluent than traditional residential septic system, and the it will not impact any of the on-site or adjacent wells.

Mr. Rupnarain testified that the site will include modern light fixtures with two (2) different pole varieties, where the light shines down from the fixtures. The light poles were placed on the north side of the parking lot to minimize the impacts on the adjoining properties. With the exception of the light spillage, the lighting plan conforms to the Township's Ordinance.

Since the Property is largely wooded, Mr. Rupnarian testified that the project will require removal of approximately eighty-four (84) trees. The landscape plan includes ninety-one (91) new trees, native to New Jersey, which will include screening along the adjacent properties, shade trees along the perimeter, and street trees along John Ringoes Road. The plan also includes shrubbery along the perimeter of the parking lot. A site plan revision will include the requested changes to plant a vegetation barrier for the adjacent neighbors.

Mr. Rupnarian testified that the entire building will have sprinklers, conforming to current fire protection standards. He also provided that a thirty (30) to forty (40) foot ladder will be able to reach the third floor units and anything above that will only be the decorative features.

Mr. Rupnarian stated that the Applicant will address all of the comments presented in reports submitted by the Board's Engineer and Planner. He also provided that the Property is outside the jurisdiction of the Delaware and Raritan Canal Commission.

Mr. Rupnarian testified that the Applicant intends on coming back to the Board to seek subdivision approval for the existing historical home on the Property. He explained that the septic system and parking is consistent with a twenty-six (26) unit development, and the current plans can sustain the future subdivision. This future subdivision would require a lot line adjustment, cross-easements for the septic, and approval of an undersized lot.

Mr. Rupnarian also explained that preliminary site plan approval is required for the project's funding. Therefore, the Applicant is committed to come back to the Board for final site plan approval. At final site plan approval, the Applicant will have a full hydrological study and will have addressed all the conditions. The Applicant also understands that it cannot begin construction until final site plan approval is granted by the Board.

WHEREAS, Jospeh Staigar, P.E., Applicant's Traffic Engineer, provided testimony as set forth in the record, as follows:

Mr. Staigar was duly sworn according to law, provided the Board with his qualification, and was accepted by the Board as a professional traffic engineer. Mr. Staigar testified that the Institute of Transportation Engineers ("ITE") requires 0.66 cars per unit for age-restricted developments, so the proposed thirty-six (36) parking spaces, or 1.5 spaces per unit, is more than sufficient for the age-restricted, affordable housing development. He testified that any parking overflows would be rare, even during peak hours, such as holidays. When questioned by the Board as to whether increasing the age limit from 55 to 62 years old would decrease the parking demands, he answered in the affirmative. Mr. Staigar testified that this project proposes approximately ___ trips per hour. According to Department of Transportation ("DOT") guidelines 100 trips per hour is significant for traffic generation. Therefore, the ___ proposed trips are only about 5-10% of what constitutes significant traffic generation numbers. Mr. Staigar testified that the two (2)-way driveway with a proposed 14.5 feet sight visibility deviates from the Township's Ordinance requirement of thirty (30) feet. Mr. Staigar explained that the proposed 14.5 feet site visibility is more than sufficient under engineering standards. He committed to working with the Board's professionals to ensure that the grading is appropriate for

the necessary visibility. Mr. Staigar also testified that the ingress and egress provides sufficient fire access to the Property.

WHEREAS, John Anastasiou, AIA, Applicant's Architect, provided testimony as set forth in the record, as follows:

Mr. Anastasiou was sworn according to law, provided the Board with his qualification, and was accepted by the Board as a professional architect. Mr. Anastasiou testified as to the details, design, and configuration of the structure. He testified that the proposed height of the structure would be 38.5 feet, measured at the front, leading edge of the porch of the building, from grade to the peak of the decorative gable top. This ornamental gable on the front on the structure shields the HVAC equipment located on the roof. Mr. Anastasiou also testified to other building heights in the immediate vicinity of the Property: library and post office building (44.2 feet), firehouse (31.5 feet), and house adjacent to the Property (27.7 feet). The pre-existing structure on the Property is 32.8 feet.

WHEREAS, Mathew J. Mulhall, P.G., Applicant's Hydrologist, provided testimony as set forth in the record, as follows:

Mr. Mulhall was sworn according to law, provided the Board with his qualification, and was accepted by the Board as a professional hydrogeologist. Mr. Mulhall testified that it is very likely that there would be adequate water from the well to meet the demands of the proposed project on peak day demands. Mr. Mulhall testified that the Applicant will do the well aquifer test as required by the Township Board of Health and the New Jersey Department of Environmental Protection.

WHEREAS, Francis J. Banisch III, PP, AICP, Applicant's Planner, provided testimony as set forth in the record, as follows:

Mr. Banisch was duly sworn according to law, provided the Board with his qualification, and was accepted by the Board as a licensed professional planner. Mr. Banisch testified that the project needs two use variances: (1) a multi-family unit in a single family residential zone; (2) seeking a second principal use on the lot to keep the existing structure, when only one principal use is permitted. He testified that the project also needs bulk variances, including: (1) a proposed building height is 38.5 feet, when the permitted height is 35 feet; (2) thirty-six (36) parking spaces when forty-eight (48) are required. The necessary design waivers include: (1) light spillage onto the adjacent property, when no spillage is required; (2) 9 x 18 parking spaces, when 10 x 20 are required; (3) some parking spaces are located further than 150 feet from the building's entrance, when the Township's Ordinance require that parking spaces be within that distance; (4) no active recreation facilities, when a tennis court or tot lot would be required for the twenty-four (24) unit structure.

Mr. Banisch testified that the site is appropriate for the development. As an almost seven (7) acre, irregularly-shaped site, that is constrained by wetlands, riparian areas, and the back brook, there is still adequate upland areas for the construction. The compact footprint of the development allows the sensitive area on the Property to remain untouched.

Mr. Banisch discussed the Township's Master Plan and how it relates to the Application. The 2006 Master Plan included housing objectives to provide a variety of housing opportunities. Mr. Banisch noted that the 2013 Reexamination Report was more focused on other areas of the Township, but it still continues to support the goals and objectives of the 2006 Master Plan. The Township has long expressed a desire to provide this type of housing opportunities for existing and future residents, including affordable housing consistent with a rural setting and COAH regulations. This proposed project in the designated village area is exactly what that goal was. While the Village District does not include multi-family apartments, the proposed project will provide the affordable units needed to address the present need. The Master Plan explains that as change occurs in the Village District, new construction should respect the vernacular architectural styles that underpins the character of the Village, building massing, height, and materials should accurately reflect the Village, rhythm of windows and doors should be consistent, and should use varied setbacks along facades, porches, gable rooflines with substantial pitch, dormer windows, and prominent chimneys. Mr. Banisch testified that these characteristics provide some explanation for why the proposed structure exceeds the thirty-five (35) feet limitation.

Mr. Banisch also discussed the Township's 2022 Land Use Plan for the Local Business (LB), Highway and Office District (HO), Village (V), and Residential (R) Zoning Districts. Pursuant to the recent land use plan, the purpose of Village District is to protect the historic Village of Ringos. The Village is intended to provide needs and services on a local, not regional scale. Major development, including housing, is not intended, especially since the area is basically developed. Any new development should take place around the Village, not in it. Mr. Banisch distinguished the proposed project from major housing developments. He explained that major housing developments normally consist of substantial developments with large subdivisions, as opposed to this twenty-four (24) unit structure that infills the existing neighborhood.

Mr. Banisch provided testimony in support of granting the use variance. Mr. Banisch testified that inherently beneficial uses, like senior housing, must be evaluated under a different standard for a use variance. Inherently beneficial uses satisfy the positive criteria, which shifts the burden to the negative criteria. Established in Sica v. Bd. of Adjustment of Twp. of Wall, 127 N.J. 152 (1992), the negative criteria for inherently beneficial uses must be evaluated by way of a four-part test: (1) evaluate the public interest served by the inherently beneficial use; (2) evaluate any adverse consequences of granting variance; (3) consider conditions that would mitigate the adverse consequences; (4) balance the public interest in granting the variance against the adverse impacts. Mr. Banisch testified that the project promotes the public interest in providing affordable senior housing, in a location that provides walkable access to community services, access to the LINK bus, and gives seniors the ability to age in independent living. The potential adverse consequences include the perception that the neighborhood would be nicer without the development, and the development will result in less light and more traffic. These potential consequences could be mitigated by the following: more light and air will be present since the deed restrictions will prevent building on the wetlands; project may change the character of the neighborhood to some extent, but most improvements will be located between the existing structure and the wooded wetlands areas to the rear, which means visual buffers from

both roads; the traffic report indicates that use will create minimal traffic; lighting will be at a scale typical for the Village District; and development of the site will be done in a compact area on a large parcel. Upon balancing the important public interest of affordable senior housing in a walkable location, against the largely mitigated adverse impacts, Mr. Banisch testified that the variances could be granted without substantial detriment.

In addition to the Sica test, Mr. Banisch also provided testimony on the general negative criteria. Mr. Banisch testified that it does not cause substantial detriment to the zoning plan and intent of the Master Plan as it meets the one (1) acre minimum lot size, the project's location is in the most dense area of the Township, which is the area that can support a higher-density development such as this. Mr. Banisch also testified that this project promotes the rural character of the Township by keeping denser development in the most dense part of town.

Mr. Banisch testified that the project meets the special reasons as it inherently serves public good, supports the portion of master plan that references housing needs of elderly on fixed incomes, developer would not suffer undue hardship since site is undeveloped, and the site is suitable for the proposed use.

Mr. Banisch also testified that keeping the existing historic structure benefits the streetscape by maintaining a building with distinctive styles, as well as serves as a partial screen to the twenty-four (24) unit structure.

Mr. Banisch also testified in support of the bulk variances. The Village District permits two and one half (2 ½) stories and thirty-five (35) feet. Although the proposed height is 38.5 feet, buildings such as the post office are larger in scale than the structure. The existing structure on the Property will help obstruct the view of the new building, especially since it will be substantially set back. Based on the testimony provided by the Applicant's Traffic Engineer and Mr. Banisch's professional experience, the proposed thirty-six (36) parking spaces would be more than adequate for the Property, and helps avoid unnecessary impervious coverage. Mr. Banisch testified that a de minimis exception from the RSIS would also be required for the parking variance.

When questioned by the Board, Mr. Banisch testified that the units could be credited towards any Fourth Round Affordable Housing Obligations as senior units, especially since the deed restriction exceeds the thirty (30) year requirement. Mr. Banisch discussed the Township's Third Round Judgment of Compliance and Repose, which provided a durational adjustment for the Third Round. Mr. Banisch testified that pursuant to the Consent Order, which included the Applicant, would guarantee the Township twenty-four (24) senior credits for this project.

WHEREAS, several members of the public participated in public comment, speaking for and against approval of the Application;

WHEREAS, the Board has made the following findings of fact and conclusions of law:

- (1) The Property is an irregularly shaped 6.94 acre parcel in the Village District, located at 20 John Ringo Road in East Amwell Township, New Jersey, identified

as Block 27.01, Lot 18.01 on the East Amwell Tax Map. The Property is largely wooded and vacant, with an existing two-family historical structure. The Applicant proposes to construct a three-story, twenty-four (24) unit senior affordable housing structure. This project will also include related site improvements, including a new driveway, parking lot, storm water management, a septic system, landscaping, lighting, and renovation of the existing residential building. To construct the proposed project, the Application sought preliminary major site plan approval under N.J.S.A. 40:55D-46, two (2) use variances under N.J.S.A. 40:55D-70d(1), two (2) bulk variances under N.J.S.A. 40:55D-70c(1) and (2), and four (4) waivers from the Board, as indicated in the Relief Requested herein. Since the Applicant sought use variances, the Board heard the Application under its authority to conduct a simultaneous review as the Planning Board and Zoning Board of Adjustment.

- (2) In compliance with Ordinance requirements, the Applicant has requested preliminary and major site plan approval for the proposed development in accordance with N.J.S.A. 40:55D-46. In evaluating a request for site plan approval, a board considers the development plan provided by the Applicant which is required to be compliant with the zoning and site development standards in the Township's Land Use Ordinance and the Township's requirement for preliminary approval and will generally show "(1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways, (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices, and (3) any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans..." N.J.S.A. 40:55D-7.
- (3) An applicant requesting a use variance under subsection "d" of N.J.S.A. 40:55D-70 must prove that it has satisfied the positive and negative criteria. For applications that involve an inherently beneficial use, said use satisfies the positive criteria. The applicant must then establish the negative criteria under the "Sica Test", established in Sica v. Bd. of Adjustment of Twp. of Wall, 127 N.J. 152 (1992). The Sica Test has four parts: (1) the public interest served by the inherently beneficial use; (2) any adverse consequences of granting variance; (3) consideration of conditions that would mitigate the adverse consequences; (4) balancing the public interest in granting the variance against the adverse impacts.
- (4) An applicant requesting a bulk variance under subsection "c" of N.J.S.A. 40:55D-70 must also go through the Sica Test. Unlike use variances, reconciliation of a bulk or dimensional variance with the zone plan and zoning depends on whether the grounds offered to support the variance, either under subsection c(1) or c(2), adequately justify the board's action in granting an exception from the ordinance's requirements.

- (5) With regard to the use and bulk variances, as well as the requested waivers in the Relief Requested, the Board finds that the provision of affordable senior housing is an inherently beneficial use. The Board finds that the project supports the clear public interest of providing affordable senior housing, especially considering the increasingly growing need for such accommodations in the Township and surrounding communities. Importantly, the Applicant's proposal assists the Township in satisfying any future constitutional obligation to provide a realistic opportunity for the creation of affordable housing with the Applicant's agreement to deed restrict all twenty-four (24) units. The Board finds that the Applicant's decision to restore the existing historic home on the Property helps maintain the streetscape in the Village District. Any potential adverse consequences, such as lighting, parking, potential septic or well issues, the Applicant has been willing to change the relevant aspects of the proposal to mitigate those issues by way of conditions. The Board further finds that the Applicant's willingness to comply with the conditions imposed in this Resolution lessens the impact of the development on the surrounding neighborhood and helps to preserve critical environmental resources on the Property. The Board finds that the provision of senior affordable housing, located in the densest part of town, by a non-profit organization, far outweighs any of the remaining potential adverse consequences of the project. The Board believes, based upon the foregoing, that the variances can be granted without substantial detriment to the public good and without substantial detriment to the zone plan and the Township's Ordinance.
- (6) The Board finds that the requested design waivers may be granted as the proposed development, despite the modest design deviations, comports with the intent of the Ordinance and Master Plan to encourage the development of affordable housing.
- (7) The Board is satisfied that the Applicant's proposal complies with the Ordinance's site planning and design requirements, subject to certain conditions, and is appropriate to the development of the Property pursuant to the Master Plan and the Ordinance of the Township of East Amwell. The Applicant's proposal is appropriate to the site in appearance and the location of the improvements. The Board finds that good cause has been shown to approve the Applicant's application for preliminary major site plan approval with the conditions imposed in this approval. The Board is further satisfied that the Applicant's proposed site plan will not cause substantial detriment to the public good or the zone plan or Ordinance.

WHEREAS, after deliberation, a motion was made by Ms. Stetson and seconded by Mr. Nardi to grant approval of the Relief Requested, subject to certain conditions, as set forth herein.

NOW, THEREFORE, BE IT RESOLVED, based upon the foregoing findings of fact and conclusions of law, the East Amwell Township Planning Board, acting in its capacity as a Zoning Board of Adjustment does hereby GRANT the variance and waiver Relief Requested, as

stated herein, in accordance with the facts presented and subject to the Applicant's compliance with the following conditions:

- (1) Add emergency access to the adjacent firehouse parking lot.
- (2) Complete well testing as required by the ordinance.
- (3) Applicant must come before the Planning Board for a subdivision of the existing historical home on the Property.
- (4) Applicant will comply with Uniform Housing Affordability Controls ("UHAC") and the Township's affordable housing ordinances.
- (5) Unit size shall be 622 square feet.
- (6) Maximum number of occupants per unit shall be two (2).
- (7) Applicant will add fencing at the wetlands buffer line before the start of construction to insure against encroachments into the wetlands buffer area.
- (8) Applicant must submit a Wetlands Letter of Interpretation ("LOI") Permit Extension Approval.
- (9) Sidewalks must be connected along the parking lot to the sidewalk in the front of the building.
- (10) Applicant shall lower the parking lot light levels to minimal security lighting after a certain hour.
- (11) Parking spaces will be assigned to residents.
- (12) Four EVSE spaces.
- (13) Applicant will add street trees along John Ringo Road.
- (14) Applicant will obtain a written report from the Fire Department that confirms no objections to the project.
- (15) Architectural plans will be changed so the height of the building reflects the engineering drawings, and calculation of the structure's height will be from the finished grade, not the finished floor.
- (16) HVAC will be on the structure's roof, and will not be visible behind the faux roof.
- (17) Applicant will utilized energy efficient construction.

- (18) The project will not use external leaders for rain gutters.
- (19) Applicant shall use the materials from the material boards included with the architectural plans.
- (20) Structure will not provide external access to the roof, there should only be roof access from inside the building.
- (21) Must receive the necessary approvals from New Jersey Department of Environmental Protection for the 2,000 gallons per day septic system and public non-community well, in which the Board of Health shall comment consistent with the process.
- (22) Applicant will test the monitoring wells.
- (23) Age restriction will be 62 years old and over, not 55 years old and over.
- (24) All leases for the units will include age restriction language.
- (25) Overnight guests cannot stay for more than a total of two (2) weeks per year.
- (26) Applicant will ensure that the existing building will not fall into disrepair, by way of restoration of the historical building.
- (27) Site lighting will include light shield to prevent light spillage beyond the property line.
- (28) Applicant will work with the Board's Traffic Engineer to fix the site distance issue.
- (29) Applicant will plant tree vegetation to provide a visual buffer to the side and rear of the adjacent residential properties, including for the neighbor next to the driveway, along the rear of that property and the adjacent property.
- (30) Applicant will maximize the use of native plants, including in the retention basin.
- (31) Applicant cannot begin construction until it receives final site plan approval from the Board.
- (32) The comments presented in the Colliers Engineering Report shall be addressed by the Applicant.
- (33) The Applicant shall comply in all respects with the review letters submitted by the Board's professionals.

(34) The Applicant shall obtain the approvals of all other necessary governmental agencies having appropriate jurisdiction.

(35) The Applicant shall post all performance bonds and inspection escrows and pay in full all review escrows prior to the approvals taking effect.

BE IT FURTHER RESOLVED, that this Resolution, adopted on February 21, 2023, memorializes the action of the Planning Board, acting in its capacity as a Zoning Board of Adjustment, taken on January 31, 2023, with the following vote: Yes: Al Nardi (with all the conditions and waivers), Jamal Kadri, Mike Mills, Vice Chairperson Marine Stetson (with the understanding that there is a great benefits and the conditions mitigate the negative benefits), Nathalie Nelson (with all the conditions), Breona Porrone, No: Chairman Timothy Willey; Recused: John Seramba; Not Eligible and did not hear the application: Mayor Jenna Casper-Bloom and Dante DiPirro; Recused: Emily Deadwyler.

ATTEST:

Krista Parsons,
Board Secretary

4874-1319-4064, v. 1

Timothy Willey,
Chair

**RESOLUTION OF THE PLANNING BOARD
TOWNSHIP OF EAST AMWELL
HUNTERDON COUNTY, NEW JERSEY**

RESOLUTION 2024-06

**EAST AMWELL UAW URBAN RENEWAL HOUSING CORP.
WPR UAW HOUSING CORPORATION, INC.
20 JOHN RINGO ROAD
RINGOES, NEW JERSEY 08551
BLOCK 27.01, LOT 18.01**

**Hearing Date: April 15, 2024
Board Action: April 15, 2024
Memorialization: May 20, 2024**

WHEREAS, East Amwell UAW Urban Renewal Housing Corporation received preliminary site plan approval with variances to develop the property located at 20 John Ringo Road in East Amwell Township, New Jersey, identified as Block 27.01, Lot 18.01 on the East Amwell Tax Map ("Property"), and WPR UAW Housing Corporation, Inc. owns the Property, and both entities are collectively referred to as the "Applicant"; and

WHEREAS, the Property is an irregularly shaped 6.94 acre parcel, located in the Village District, with an existing two-family dwelling, where the Applicant seeks to construct a 24 unit senior affordable housing structure, install a new driveway and parking lot, and make the existing two-family residential building structurally sound for additional affordable housing units; and

WHEREAS, on January 31, 2023, later memorialized by Resolution 2023-09, the East Amwell Township Planning Board, acting in its capacity as a zoning board of adjustment (the "Board"), granted preliminary major site plan approval, four waivers, and the following variance relief:

- (1) Variance under N.J.S.A. 40:55D-70d(1) to construct a multi-family residential building in the Village District, when the zoning district only permits residential uses to be single-family;
- (2) Height variance under N.J.S.A. 40:55D-70c(1) and (2), where 35 feet is permitted under the East Amwell Township Code, and less than 38.4 feet is proposed;
- (3) Parking variance under N.J.S.A. 40:55-70c(1) and (2) where 48 parking spaces are required and 36 are proposed; and
- (4) Variance under N.J.S.A. 55D-70d(1) for a second principal building on one lot where a structure already exists.

WHEREAS, as required by Condition 3 of Resolution 2023-09, the Applicant agreed to return to the Board to seek minor site plan approval to create separate lots for the 24 unit structure and the existing two-family dwelling; and

WHEREAS, the Applicant now seeks amended preliminary major site plan and minor subdivision approval, with the following bulk variance relief:

- (1) Minimum front yard setback (§ 92-95-E): a minimum of 30 feet is required, where 19.1 feet is existing and proposed for the existing two-family dwelling;
- (2) Minimum lot area (§ 92-95-E): a minimum of one acre is required, where the proposed lot area for Lot 18.02 is 0.591 acres;
- (3) Minimum lot depth (§ 92-95-E): a minimum of 150 feet is required, where 118.9 feet is proposed for Lot 18.02; and
- (4) Maximum lot coverage (§ 92-95-E): a maximum of 30% is permitted, where 33.3% is proposed for Lot 18.02.

WHEREAS, the Applicant also sought eight submission waivers; and

WHEREAS, the Applicant complied with the application requirements of the Municipal Land Use Law ("MLUL") and the Ordinance, paid in full all property taxes due and owing for the Property, and paid in full the professional fees/escrow account in connection with the Application enabling the Board to entertain jurisdiction over the request; and

WHEREAS, the Applicant submitted the following documents in support of its request:

- (1) Application with checklist and Attachment A, under Cover Letter dated November 17, 2023;
- (2) Justification for Waivers and Checklist Attached;
- (3) Minor Subdivision and Preliminary Site Plan, prepared by Goldenbaum Engineering, Inc., dated July 30, 2021, and last revised November 30, 2023;
- (4) Architectural plans, prepared by Warshauer Mellusi Warshauer Architects, PC, last revised November 17, 2023;
- (5) Notice of revised drawings from Applicant's Attorney, dated December 4, 2023;
- (6) Photographs of the existing dwelling;
- (7) Copy of the deed with attachments, dated December 4, 2020;
- (8) East Amwell Township Planning Board Resolution 2023-09, memorialized March 20, 2023;
- (9) East Amwell Township Planning Board Resolution 2019-11, memorialized June 10, 2019;
- (10) Jurisdictional Determination by the Delaware and Raritan Canal Commission, dated October 1, 2021;
- (11) Soil Test Data, prepared by Goldenbaum Baill Engineering, dated January, 2022;
- (12) Copy of the Property Record Card, dated October 23, 2023;
- (13) Certified Property Owner List, dated September 24, 2023;

- (14) Affidavit of Ownership for East Amwell UAW Urban Renewal Housing Corp., dated November 13, 2023;
- (15) Affidavit of Ownership for WPR UAW Housing Corp, Inc., dated November 13, 2023;
- (16) Consent to Entry signed by WPR UAW Housing Corp., Inc., dated November 13, 2023; and
- (17) Tax Certification request from Applicant's Attorney, dated September 20, 2023.

WHEREAS, the Applicant met all jurisdictional requirements enabling the Board to hear and act on the Application, and appeared before the Board on the Hearing Date; and

WHEREAS, during the public hearing, the Applicant, represented by Robyn Wright, Esq., of Lanza & Lanza, LLP, was given the opportunity to present testimony and legal argument, and the Board's professionals and members of the public were given an opportunity to comment on the Application. The Board's professionals also testified as to the contents of their reports; and

WHEREAS, members of the public appeared to ask questions and to speak with regard to the Application; and

WHEREAS, the following reports prepared by the Board's professionals were considered by the Board:

- (1) Memorandum of the Board's Planner, Megan Stanley, PP, AICP, dated February 1, 2024; and
- (2) Memorandum of the Board's Engineer, Robert S. O'Brien, P.E., dated March 7, 2024.

WHEREAS, the following exhibits were marked into evidence during the Hearing:

- Exhibit A-1: Sheet 5 of Amended Site Plan; and
- Exhibit A-2: Sheet 3A of Minor Subdivision Plan.

WHEREAS, the Applicant presented testimony from the following individuals:

- (1) Mark Comroe, Applicant's Director of Development;
- (2) Eric Rupnarain, P.E., Applicant's Engineer; and
- (3) Francis J. Banisch III, PP, AICP, Applicant's Planner.

WHEREAS, the Applicant's Attorney, Robyn Wright, Esq., of Lanza & Lanza, LLP, introduced the Application; and

WHEREAS, Eric Rupnarain, P.E., the Applicant's Engineer, provided the following testimony:

Mr. Rupnarain was duly sworn according to law, provided the Board with his qualifications, and was accepted by the Board as a licensed professional engineer.

Mr. Rupnarain began with testimony concerning the septic systems. He testified that the Applicant confirmed through additional testing that a septic system could be installed for the two unit structure, and that it would be compliant with environmental requirements. He testified that State regulations require septic systems on different lots to be at least 50 feet apart, and 10 feet from the property line by 10 feet. The proposed subdivision plan reflects these requirements, especially since the location of the septic systems determines many other aspects of the site plan. He also elaborated that the proposed septic system is an advanced product that uses bio-microbics, appropriate for larger developments like the 24 unit structure.

Mr. Rupnarain testified that the subdivision would create two lots: the remainder of Lot 18.01 will be 6.3 acres and include the 24 unit structure, and the proposed Lot 18.02 will be 0.59 acres and include the existing two-family dwelling. Since the Township Code requires a minimum lot size of one acre, the Applicant seeks a bulk variance for the deviation. Site access will be from John Ringo Road, which will require an access easement over the proposed Lot 18.02. In addition, some of the parking for the 24 unit structure will also be located on proposed Lot 18.02.

Mr. Rupnarain also provided testimony on the amended preliminary major site plan application. The project will yield a total of 26 affordable housing units, including 24 age restricted units on Lot 18.01, and two family affordable units on proposed Lot 18.02 in the existing two-family dwelling. The amendments to the previously approved preliminary major site plan include the following items: relocation of the driveway, modification of the stormwater management facilities, rotation of the 24 unit structure to be about parallel with John Ringo Road, relocation of the dumpster, installation of a natural gas powered generator for basic functions, located at the rear of the Property, installation of a water holding tank, and a septic system for proposed Lot 18.02.

In response to the review letter provided by the Board Engineer, Robert O'Brien, P.E., dated March 7, 2024, Mr. Rupnarain confirmed that the stormwater management drainage calculations will be revised as a condition of approval. He also responded to the rest of Mr. O'Brien's review letter and the outstanding conditions from Resolution 2023-09: emergency access to the adjacent firehouse will be shown on the final site plans (Condition 1); the Applicant has secured proposals for well-testing (Condition 2); the Applicant has received a five year extension from the New Jersey Department of Environmental Protection ("NJDEP") for the Wetlands Letter of Interpretation ("LOI") (Condition 8); Electric Vehicle Supply Equipment ("EVSE") spaces will be marked on the final site plans (Condition 12); the Applicant requested a report from the Fire Department (Condition 14); the Applicant confirmed that the project will not use leaders for rain gutters (Condition 18); and the design for the septic system has been completed (Condition 21). Mr. Rupnarain also testified that all outstanding conditions of approval from Resolution 2023-09 will be addressed when the Applicant returns for final site plan approval, as will the required updates to the site plans pursuant to Mr. O'Brien's review letter.

WHEREAS, Mark Comroe, Director of Development for the Applicant, provided the following testimony:

Mark Comroe was duly sworn according to law and testified with regard to the Application. Mr. Comroe testified to the general nature of the proposed project, which includes a structure with 24 age restricted affordable housing units on Lot 18.01, and two affordable housing units for families in the existing two-family structure located on proposed Lot 18.02.

In regards to the existing two-family dwelling, Mr. Comroe testified that modifications will be made to make the interior units in the structure ADA accessible. He explained that the Applicant is seeking funding for the restoration of the existing two-family dwelling for compliance with Condition 25 of Resolution 2023-09. He also testified that the Applicant intends to comply with all of the conditions of approval from Resolution 2023-09.

Mr. Comroe testified that the Applicant conducted a study, which confirmed the need for senior affordable housing in the area. It also confirmed the prime location for this project, based on the nearby library, post office, and "Link" bus stop.

WHEREAS, Francis J. Banisch III, PP, AICP, Applicant's Planner, provided the following testimony:

Mr. Banisch was duly sworn according to law, provided the Board with his qualifications, and was accepted by the Board as a licensed professional planner. Based on his extensive experience as a professional planner in New Jersey, Mr. Banisch testified that the project should be viewed favorably since it provides a total of 26 units, two of which are for families, normally the most difficult to provide.

Mr. Banisch testified that the minor subdivision application requires bulk variances for minimum front yard setback, minimum lot area, minimum lot depth, and maximum lot coverage. He explained that the Applicant sought relief under N.J.S.A. 40:55D-70(c)(2), or "flexible" bulk variances.

For the positive criteria, Mr. Banisch testified that the project would advance several purposes of the MLUL: (a) encouraging appropriate development that promotes the general welfare through the provision of affordable housing in the center of the Township; (e) promotion of appropriate population densities based on the project's uniquely walkable location in Hunterdon County; (g) provision of sufficient space in an appropriate location for senior affordable housing; and (i) promotion of a desirable visual environment as the proposal creates a small lot that allows it to look like it has for many years, saves a historic structure, and encourages senior housing construction. The project also promotes the general welfare as it provides for the renovation of a historic structure, adds two units of affordable housing for families, and creates a lot consistent with the small lots common in the Township's Village District. Mr. Banisch concluded that the benefits of the project outweigh any potential detriments.

For the negative criteria, Mr. Banisch testified that there will be no substantial detriment to the public good since the project advances the public good. There will also be no substantial detriment to the zone plan and ordinance as it allows for the financing of the affordable housing project and the restoration of a historic building. Overall, Mr. Banish concluded that infill projects like the one proposed is likely the best method for the Township to satisfy its affordable housing obligations.

WHEREAS, two members of the public participated in public comment, and provided the following testimony:

Richard Wolfe, East Amwell resident: Mr. Wolfe supported the Application since it helps the Township achieve its affordable housing obligations.

Nancy Cunningham, East Amwell resident: Ms. Cunningham lives a few houses away, and her property borders the site. Ms. Cunningham provided her support for the project.

WHEREAS, the Board has made the following findings of fact and conclusions of law:

- (1) The Property is an irregularly shaped 6.94 acre parcel in the Village District, located at 20 John Ringo Road in East Amwell Township, New Jersey, identified as Block 27.01, Lot 18.01 on the East Amwell Tax Map. The Property is largely wooded and vacant, with an existing two-family historical structure.
- (2) By way of Resolution 2023-09, in its capacity as a zoning board, the Board granted approvals for preliminary major site plan, two (d)(1) use variances, two bulk (c) variances, and waivers for the construction of a three-story, 24 unit senior affordable housing project, with related site improvements, including a new driveway, parking lot, storm water management facilities, a septic system, landscaping, lighting, and renovation of the existing residential building. Condition 3 of Resolution 2023-09 required that the Applicant return to the Board for minor subdivision approval to create two lots, one with the 24 unit structure, and the other with the existing two-family dwelling.
- (3) The Applicant now seeks amended preliminary site plan approval, minor subdivision with four bulk variances under N.J.S.A. 40:55D-70(c)(2), and submission waivers.
- (4) In compliance with Ordinance requirements, the Applicant has requested amended preliminary major site plan approval for the proposed development in accordance with N.J.S.A. 40:55D-46. In evaluating a request for site plan approval, a board considers the development plan provided by the Applicant, which must be compliant with the zoning and site development standards in the Township's Land Use Ordinance. The Applicant must show that "(1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways, (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices, and (3) any other information that may be reasonably required in order to make an informed determination

pursuant to an ordinance requiring review and approval of site plans...” N.J.S.A. 40:55D-7.

- (5) An applicant requesting a bulk variance under subsection “c” of N.J.S.A. 40:55D-70 must also prove the positive and negative criteria associated with each variance. Under N.J.S.A. 40:55D-70c(2), a “flexible c” variance may be granted if the applicant can satisfy the positive and negative criteria. Positive criteria requires the applicant to establish that the benefits of the requested variance substantially outweigh the detriments. An applicant can satisfy the negative criteria when granting the variance does not cause a substantial detriment to the public good, and does not substantially impair of the zoning plan and zoning ordinance.
- (6) The Board finds that the Applicant satisfied the positive and negative criteria for the four bulk variances for minimum front yard setback, minimum lot size, minimum lot depth, and maximum lot coverage. The Board found that the Applicant established the positive criteria since the project will advance purposes (a), (e), (i), (g), and (i) of the MLUL. It also found that the location is ideal for senior citizens with the nearby library, post office, and bus stop, provides for the restoration of a historic structure, creates a small lot that will fit in with the surrounding lots, and adds two additional units of affordable housing for families. The Board also found that the benefits of the project outweigh any potential detriments. The Applicant also established the negative criteria for the same reasons, plus the project promotes the public good by providing 26 units of affordable housing through an infill development.
- (7) The Board finds that the requested submission waivers may be granted as the Applicant has agreed to provide the revised stormwater management calculations as a condition of approval, and the plans will be updated for final site plan review.

WHEREAS, a motion was made by Mr. Catenacci to grant approval of the Relief Requested, subject to certain conditions, as set forth herein.

NOW, THEREFORE, BE IT RESOLVED, based upon the foregoing findings of fact and conclusions of law, that the East Amwell Township Planning Board, acting in its capacity as a zoning board of adjustment, does hereby GRANT the minor subdivision, four bulk variances, amended preliminary site plan, and submission waivers, as stated herein, in accordance with the facts presented and subject to the Applicant’s compliance with the following conditions:

- (1) The Applicant shall provide revised stormwater management drainage calculations.
- (2) When the Applicant returns to the Board for final site plan review, the conditions of approval from Resolution 2023-09 shall be addressed, and the plans shall be updated to conform to the Board Engineer’s March 7, 2024 review letter.
- (3) The Applicant shall comply in all respects with the review letters submitted by the Board’s professionals, to the extent that the issues were not addressed during the hearings or addressed as conditions herein. If Applicant and the Board’s


professionals disagree over the review letters, the Applicant may return to the Board and request relief.

- (4) The Applicant shall obtain the approvals of all other necessary governmental agencies having appropriate jurisdiction.
- (5) The Applicant shall post all performance bonds and inspection escrows and pay in full all review escrows prior to the start of construction.

BE IT FURTHER RESOLVED, that this Resolution, adopted on May 20, 2024, memorializes the action of the Planning Board, acting in its capacity as a zoning board of adjustment, taken on April 15, 2024, with the following votes: Yes: Jamal Kadri, Vice Chairperson Matthew Kohut, Richard Catenacci, Mike McGovern, and Maria Torrisi; No: none; Recused, Not Eligible and did not hear the application: Mayor Dante DiPirro and Al Nardi; and Recused: Emily Deadwyler and Candice Wiggum.

| ROLL CALL VOTE | | | | |
|------------------|-----|----|---------|--------|
| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
| DEADWYLER | | | ✓ | |
| KOHUT | ✓ | | | |
| DIPIRRO | | | ✓ | |
| NARDI | | | ✓ | |
| KADRI | ✓ | | | |
| CATENACCI | ✓ | | | |
| VAN HORN | | | ✓ | |
| WIGGUM | | | ✓ | |
| MCGOVERN | ✓ | | | |
| TORRISI | | | | ✓ |

ATTEST:


 Kristen Attanasia,
 Board Secretary


 Matthew Kohut,
 Vice Chairperson

Appendix E: Affordable Housing Ordinances and Resolutions

- **Ordinance 21-06 - Affirmative Marketing Plan**
- **Resolution 50-21 – Adopting Affordable Housing Manuals**
- **Resolution 2024-128 – Appointing Municipal Housing Liaison**

**TOWNSHIP OF EAST AMWELL
HUNTERDON COUNTY, NEW JERSEY**

ORDINANCE #21-06

**AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF
HUNTERDON AND STATE OF NEWJERSEY, AMENDING CHAPTER 43 OF THE
CODE ENTITLED "AFFORDABLE HOUSING" TO FIX AN INCORRECT
IDENTIFICATION OF THE COUNTIES IN REGION 3**

WHEREAS, the Township of East Amwell has identified errors in the identification of Counties in Region ; and

WHEREAS, the Township Committee would like to amend the Ordinance to correct these errors; and

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of East Amwell, County of Hunterdon, and State of New Jersey, as follows:

Section 43-1 to 43-18- No change.

Section 43-19-

The Township of East Amwell shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

B. The Affirmative Marketing Plan is a regional marketing strategy 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 housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 3 and is required to be followed throughout the period of restriction.

C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Hunterdon, ~~Monmouth and Ocean Counties.~~ **Middlesex and Somerset Counties.**

D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The administrative agent designated by the Township of

East Amwell shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

E. In implementing the Affirmative Marketing Plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the administrative agent shall consider the use of language translations where appropriate.

G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; and the municipal administration building in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

J. The affirmative marketing plan shall specifically notify the following community and regional organizations in advertisement for affordable housing:

- (1)** Fair Share Housing Center, Cherry Hill.
- (2)** NJ State Conference of the NAACP, Trenton.
- (3)** Latino Action Network, Freehold.
- (4)** Supportive Housing Association, Cranford.
- (5)** Central Hersey Housing Resource Center, Raritan.
- (6)** NORWESCAP, Phillipsburg.

NUMBERING

This Ordinance may be renumbered for codification purposes.

REPEALER

All Ordinances or part of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any

reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This Ordinance shall not become effective until the Court approves the Township's Housing Plan Element and issues a Judgement of Repose.

ATTEST:

TOWNSHIP OF EAST AMWELL

Krista M. Parsons, Acting Municipal Clerk

Richard Wolfe, Mayor

EAST AMWELL TOWNSHIP**APRIL 8, 2021**

Resolution Approving the Operating Manuals in Accordance with the Uniform Housing Affordability Controls for Rental Units, Sale Units, Affordability Assistance Program and Accessory Apartments

RESOLUTION #50-21

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EAST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY AUTHORIZING AND ADOPTING THE ‘ACCESSORY APARTMENTS OPERATING MANUAL’; ‘FOR-SALE OPERATING MANUAL’; ‘RENTAL OPERATING MANUAL’ AND ‘AFFORDABILITY ASSISTANCE OPERATING MANUAL’ FOR THE TOWNSHIP OF EAST AMWELL

WHEREAS, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26-1, et seq.), the Township of East Amwell is required to adopt all program operating manuals, which set forth the procedures for administering the programs and their associated affordability controls for affordable housing units created within the Township of East Amwell; and

WHEREAS, the Township of East Amwell Planner and the Township of East Amwell Mayor and Committee reviewed and supports the four (4) proposed manuals, Accessory Apartment Operating Manual; For-Sale Operating Manual; Rental Operating Manual; and Affordability Assistance Program Manual, a copy of each of which is incorporated herein as if set forth at length.

NOW, THEREFORE, BE IT RESOLVED, by the Township of East Amwell Mayor and Township Committee, County of Hunterdon, State of New Jersey, that the Township do hereby authorize and adopt the following four (4) operating manuals:

1. Accessory Apartment Operating Manual
2. For-Sale Operating Manual
3. Rental Operating Manual
4. Affordability Assistance Program Operating Manual

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Certification

I, Krista M. Parsons, Acting Municipal Clerk, hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Township Committee of the Township of East Amwell at a regular and duly convened meeting held on April 8, 2021.

RESOLUTION**NO. 2024-128****ADOPTED: DECEMBER 12, 2024****RESOLUTION APPOINTING KRISTEN ATTANASIA
AS MUNICIPAL HOUSING LIAISON**

WHEREAS, pursuant to P.L. 2024, c.2, the Township of East Amwell is required to appoint a Municipal Housing Liaison for the oversight of administration of the Township of East Amwell's affordable housing program to enforce the requirements of the law and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, the Township of East Amwell has amended Chapter 43 entitled "Affordable Housing" to provide for the appointment of a Municipal Housing Liaison to administer the Township of East Amwell's affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of East Amwell in the County of Hunterdon, and the State of New Jersey that Kristen Attanasia is hereby appointed by the Governing Body of the Township of East Amwell as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Chapter 43, Section 17 of the Code of the Township of East Amwell at an hourly rate of \$31.27 per hour, not to exceed 10 hours per month.

ATTEST:

Linda Giliberti, RMC
Township Clerk

Dante DiPirro
Mayor

| ROLL CALL VOTE | | | | |
|-------------------------|------------|-----------|----------------|---------------|
| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
| CASPER-BLOOM | | | | |
| ENTIN | | | | |
| NARDI | | | | |
| DENDIS | | | | |
| DI PIRRO | | | | |

Appendix F: Third Round Compliance Documents

- **First Settlement Agreement with FSHC**
- **Amended Settlement Agreement with FSHC**
- **Order Approving Settlement Agreement**

In the Matter of the Application of the Township of East Amwell for a Final Judgement of Compliance and Repose of its Obligations Under the Fair Housing Act and Approval of its Spending Plan

Docket No. HNT –L-306-15

**FIRST AMENDMENT
to
SETTLEMENT AGREEMENT**

This First Amendment to the Settlement Agreement (the “Agreement”), is entered into this 11 day of July, 2019 by and among the Township of East Amwell, Hunterdon County, Declaratory Plaintiff in the above-captioned matter, which has an address of 1070 Route 202/31, Ringoes, New Jersey 08551 (hereafter “the Township”); and Fair Share Housing Center, a nonprofit organization, with an address of 510 Park Boulevard, Cherry Hill, New Jersey 08002 (“FSHC”) (collectively referred to as “the Defendants”) (Plaintiff, collectively referred to as the “Parties”).

WHEREAS, on April 12, 2018, the Honorable Thomas C. Miller, P.J.S.C., issued an Order granting approval of the Settlement Agreement; and

WHEREAS, the Township has since that time amended its Housing Element and Fair Share Plan to eliminate a proposed expansion of a group home that no longer presents realistic opportunities for affordable housing;

WHEREAS, the Township has enlarged its accessory apartment program and included one family rental unit in a development that has received site plan approval; and

WHEREAS, the amendments do not involve any changes to the Township’s affordable housing obligations as previously approved by the Court regarding the Township’s Rehabilitation Share of 0 housing units, its Prior Round Obligation of 40 housing units, and its Third Round Obligation of 128 units, respectively, all as previously determined by Judge Miller to be fair to the interests of the region’s low and moderate income households; and

WHEREAS, as a result of the changes made to the Housing Element and Fair Share Plan as described above, it is necessary to amend the Settlement Agreement; and

WHEREAS, the parties also wish to establish a process for updating the income limits for qualifying low- and moderate-income households for affordable housing in the Township.

NOW THEREFORE, EAST AWEEL AND FSHC AGREE AS FOLLOWS:

1. Sections 5 and 6 of the Agreement shall be amended to state as follows:

5. The Township has implemented or will implement the following mechanisms toward its Third Round Obligation of 128 units:

| Affordable Housing Mechanism | Units of Credit |
|---|------------------------|
| Women's Crisis Center Group Home (Rental) bedrooms - surplus from Prior Round | 1 |
| Bonus Credits for Group Home surplus bedrooms | 1 |
| Accessory Apartments | 2 |
| Approved Family Rental (Block 42, Lot 12.01) | 1 |
| Bonus Credits for approved family rental | 1 |
| Market to Affordable units completed <ul style="list-style-type: none"> • Lot Block 11, Lot 11, 17 John Ringo Road • Block 13 Lot 3, 17 Ironhorse Dr. • Block 8, Lot 18, 1117 Old York Rd • Block 41, Lot 20, 101 Snyderstown Rd. | 4 |
| Inclusionary Zoning (see Exhibits A and B) | 89 |
| Rental Bonuses (see Exhibit C for firm commitment for inclusionary units) | 29 |
| Total | 128 |

6. The Township will provide a realistic opportunity for the development of additional affordable housing that will be developed or created through means other than inclusionary zoning in the following ways:

- Approved Family Rental (Block 42, Lot 12.01) - The East Amwell Zoning Board of Adjustment approved a site plan application for a mixed-use project that includes two rental apartments. As part of the use variance approval, the Board required that one of those units be deed restricted in compliance with applicable COAH and UHAC regulations. Such apartment shall be available as a rental to low or moderate income families and, therefore, qualifies for one bonus credit.
- Market-to-Affordable Units. The Township has offered mortgages to qualifying homeowners in the amount of between \$20,000 and \$32,500 each in exchange for the placement of a 30-year deed restriction on their property. The funding has already been provided to the homeowner for the units applied to the Third Round.

Accessory Apartment Program. The Township shall institute an accessory apartment program to yield at least two rental units. The Township shall provide a \$10,000 subsidy to property owners in exchange for deed restricting an accessory apartment for occupancy by low or moderate-income families. The Township will update its accessory apartment ordinance and spending plan. The Township will provide funding for this program through the Township's affordable housing trust fund, which currently contains adequate funds to support the creation of at least two units

2. All other provisions set forth in the February 27, 2018 Settlement Agreement, which was approved by the Court on April 12, 2018, remain unchanged.

3. Income limits for all units that are part of the amended Housing Element and Fair Share Plan and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:

- a. Regional income limits shall be established for the region that the Township is located within (i.e. Region 4) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- b. The income limits attached hereto as Exhibit A are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2018, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
- d. The parties agree to request the Court prior to or at the compliance hearing in this matter to enter an order implementing this paragraph of this Agreement.

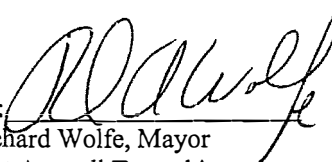
[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Plaintiff and Intervenor/Defendants hereto have caused this Agreement to be properly executed and attested to this 11 day of July, 2019.

ATTEST:

Plaintiff Township of East Amwell

Krista M. Parsons

By: 
Richard Wolfe, Mayor
East Amwell Township

Dated: 7/11/2019

Dated: 7/11/2019

Fair Share Housing Center, Inc.

By: _____
Adam Gordon, Esq.

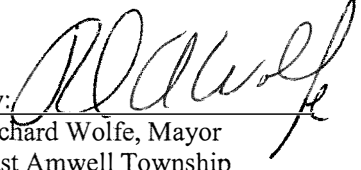
Dated: _____

Dated: _____

IN WITNESS WHEREOF, the Plaintiff and Intervenor/Defendants hereto have caused this Agreement to be properly executed and attested to this _____ day of July, 2019.

ATTEST:

Plaintiff Township of East Amwell

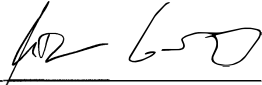
By: 
Richard Wolfe, Mayor
East Amwell Township

Dated: _____

Dated: _____

Fair Share Housing Center, Inc.



By: 
Adam Gordon, Esq.

Dated: _____

Dated: December 21, 2020

EXHIBIT A: 2018 INCOME LIMITS

Prepared by Affordable Housing Progressboard of New Jersey (AHPNJ) - April 2018

2018 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

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

| | 1 Person | *1.5 Person | 2 Person | *3 Person | *4 Person | *4.5 Person | 5 Person | 6 Person | 7 Person | 8+ Person | Max Income Range** Subarea | Regional Asset Limit*** |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|---------------------|---------------------|---------------------|---------------------|----------------------------------|----------------------------|
| Region 1 Bergen, Hudson, Passaic and Sussex | Median \$63,597 | Median \$68,140 | Median \$72,082 | Median \$81,787 | Median \$90,833 | Median \$94,487 | Median \$98,121 | Median \$106,389 | Median \$112,657 | Median \$119,926 | 2.2% | \$175,679 |
| Region 2 Essex, Morris, Union and Warren | Median \$66,755 | Median \$71,323 | Median \$76,291 | Median \$85,828 | Median \$95,364 | Median \$99,179 | Median \$102,993 | Median \$110,622 | Median \$118,252 | Median \$125,881 | 2.2% | \$182,955 |
| Region 3 Harrison, Middlesex and Somerset | Median \$69,424 | Median \$74,740 | Median \$79,056 | Median \$88,102 | Median \$97,148 | Median \$101,778 | Median \$107,146 | Median \$115,083 | Median \$123,020 | Median \$130,956 | 2.2% | \$205,468 |
| Region 4 Mercer, Monmouth and Ocean | Median \$68,447 | Median \$74,407 | Median \$79,368 | Median \$89,289 | Median \$99,205 | Median \$103,178 | Median \$107,146 | Median \$115,083 | Median \$123,020 | Median \$130,956 | 2.2% | \$185,616 |
| Region 5 Burlington, Camden and Gloucester | Median \$61,380 | Median \$65,590 | Median \$69,800 | Median \$78,680 | Median \$87,400 | Median \$90,896 | Median \$94,392 | Median \$102,384 | Median \$108,376 | Median \$115,368 | 2.2% | \$161,977 |
| Region 6 Atlantic, Cape May, Cumberland and Salem | Median \$51,085 | Median \$54,734 | Median \$58,383 | Median \$65,681 | Median \$72,978 | Median \$75,888 | Median \$78,817 | Median \$84,655 | Median \$90,494 | Median \$96,332 | 2.2% | \$136,680 |

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

** The column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:87-9.3). The increase for 2015 was 1.2%, the increase for 2017 was 1.7%, and the increase for 2018 is 2.1% (Consumer price index for All Urban Consumers (CPI-U) Region by expenditure category and continuity and service group). Landlords who did not increase rent in 2015, 2016, or 2017 may increase rent by up to the applicable combined percentage from their last rental increase for that unit. In no case can rent for any particular apartment be increased more than one time per year.

*** This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:87-9.3). The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

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

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

Note: Since the Regional Income Limits for Region 6 in 2017 were higher than the 2015 calculations, the 2017 income limits will remain in force for 2018 (as previously required by N.J.A.C. 5:87-9.2(c)).



Peter J. O'Connor, Esq.
 Kevin D. Walsh, Esq.
 Adam M. Gordon, Esq.
 Laura Smith-Denker, Esq.
 David T. Rammler, Esq.
 Joshua D. Bauers, Esq.

February 27, 2018

TARA ANN ST. ANGELO, Esq.
 GEBHARDT & KIEFER, P.C.
 1318 Route 31
 P.O. Box 4001
 Clinton, New Jersey 08809-4001

Re: In the Matter of the Township of East Amwell, County of Hunterdon,
 Docket No. HNT-L-306-15

Dear Ms. St. Angelo:

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

Background

The Township filed the above-captioned matter on or about July 7, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. During 2016 and 2017, FSHC and the Township appeared before The Honorable Thomas C. Miller at case management conferences and participated in in-person and telephonic settlement conferences with Special Master Elizabeth McKenzie (the "Special Master") in efforts to resolve this litigation. Through that process, the Township and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

Settlement terms

The Township, FSHC and Thompson hereby agree to the following terms:

1. FSHC agrees that the Township, through the adoption of a Housing Plan Element and Fair Share Plan (the "Plan") that sets forth the mechanisms and obligations described in this Agreement below, and the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and the FHA for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a

{00130880}

municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.

3. FSHC and the Township hereby agree that the Township's affordable housing obligations are as follows:

| | |
|---|-----|
| Rehabilitation Share (per Kinsey Report ¹) | 0 |
| Prior Round Obligation (pursuant to <u>N.J.A.C. 5:93</u>) | 40 |
| Third Round (1999-2025) Obligation (per Kinsey Report, as adjusted through this settlement agreement) | 128 |

The agreed-upon Third Round obligation addresses the new construction need for both the Gap Period (1999-2015) and Prospective Need Period (2015-2025).

4. As noted above, the Township has a Prior Round prospective need of 40 units, which is met through the following compliance mechanisms:

| Project / Development Name | Year built or approved | Type of Affordable Unit | # Units / Bedrooms | Bonus Type | # Bonuses | Total Units / Beds + Bonuses |
|---|------------------------|--------------------------|--------------------|------------|-----------|------------------------------|
| Completed RCA with Carteret / Middlesex | 1997 | RCA | 20 | - | - | 20 |
| Women's Crisis Services group home | 1999 | Supportive special needs | 10 | Rental | 10 | 20 |
| TOTALS | | | 30 | | 10 | 40 |

5. The Township has implemented or will implement the following mechanisms toward its Third Round Obligation of 128 units:

| Affordable Housing Mechanism | Units of Credit |
|---|-----------------|
| Women's Crisis Center Group Home (Rental) bedrooms - surplus from Prior Round | 1 |
| Bonus Credits for Group Home surplus bedrooms | 1 |
| Women's Crisis Center Group Home (Rental) – bedrooms to be added | 2 |
| Bonus Credits for Group Home added bedrooms | 2 |

¹ 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, May 2016.

| | |
|--|------------|
| Market to Affordable units completed | 4 |
| <ul style="list-style-type: none"> • Lot Block 11, Lot 11, 17 John Ringo Road • Block 13 Lot 3, 17 Ironhorse Dr. • Block 8, Lot 18, 1117 Old York Rd • Block 41, Lot 20, 101 Snyderstown Rd. | |
| Inclusionary Zoning (see Exhibits A and B) | 89 |
| Rental Bonuses (see Exhibit C for firm commitment for inclusionary units) | 29 |
| Total | 128 |

6. The Township will provide a realistic opportunity for the development of additional affordable housing that will be developed or created through means other than inclusionary zoning in the following ways:

- **Women's Crisis Center.** The Center is a non-profit providing housing and assistance to victims of domestic violence. The Center has 11 bedrooms available to low and moderate-income families that have been the victims of domestic violence, the location of which must remain confidential in order to protect the safety of staff and residents. Currently, the Center leases property from the Township. However, the Township is in the process of transferring the property to the Center for a nominal amount. The deed for the property will contain a clause stating that the property will revert back to the Township if the charitable use of the property ever ceases pursuant to N.J.S.A. 40A:12-21(k). The Center's ownership of the property will enable it to apply for additional grant funding, some of which is proposed to expand the Center to include 2 more bedrooms. The Township shall covenant that, should the subject property revert back to the Township's ownership, the Township shall make a good faith attempt to limit the use of the property only to affordable housing, which may include various forms of special needs housing otherwise consistent with the terms of this Agreement. . In the event that, after a good faith attempt, the Township is unable to re-sell or re-lease the Property for affordable housing purposes, the Township may seek to amend this Agreement to provide an alternate mechanism for providing a realistic opportunity for the same number of credits no longer provided by this site by proper application to the Court with notice to FSHC.
- **Market-to-Affordable Units.** The Township has offered mortgages to qualifying homeowners in the amount of between \$20,000 and \$32,500 each in exchange for the placement of a 30-year deed restriction on their property. The funding has already been provided to the homeowner for the units applied to the Third Round.

7. The municipality will address its Third Round Obligation in part through a 118 unit durational adjustment:

- a. As demonstrated by the following facts, the Township does not have any capacity for water or sewer to support inclusionary development and thus is entitled to a durational adjustment in accordance with N.J.A.C. 5:93-4.3:

~~The Township lacks any public water or wastewater infrastructure making inclusionary zoning difficult.~~

- b. The municipality agrees to comply with N.J.A.C. 5:93-4.3 as follows:

The Township will seek court approval for, and FSHC and Thompson will support, a durational adjustment of 118 units and address the requirements of N.J.A.C. 5:93-4.3 through the following:

- i. In accordance with N.J.A.C. 5:93-4.3(c), the requirement to address a portion of the Third Round Obligation of 128 units shall be deferred until adequate water and/or sewer are made available. The Township shall reserve and set aside new water and/or sewer capacity, when it becomes available, for low and moderate-income housing on the below-listed sites, on a priority basis. Municipal officials shall endorse all applications to the Department of Environmental Protection (DEP) or its agent to provide water and/or sewer capacity, which shall include, but is not limited to, applications for centralized on-site alternative wastewater treatment options approved by the NJDEP, for the sites designated pursuant to the below-listed sites.
- ii. The Township has designated the following sites that currently lack adequate water and sewer service to be rezoned for inclusionary residential multifamily development at the following densities:

See Exhibit A attached hereto.

- iii. The requirements included in N.J.A.C. 5:93-4.3(c)3 and 4 related to inclusion in a fair share plan when the DEP or its designated agent approves a proposal to provide water and/or sewer to a site other than those designated for the development of low and moderate income housing in the housing element are hereby waived in accordance with N.J.A.C. 5:93-4.3(c)4, which permits waiver of such requirements when a municipality has a plan that will provide water and/or sewer to sufficient sites to address the municipal housing obligation within the repose period.
8. The Township agrees to require 13% of all units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval as of July 1, 2008, to be very low-income units, with half of the very low-income units being available to families. The inclusionary zoning ordinance applied to the properties referenced in Section 7 above shall include such requirements.
 9. The Township shall meet its Third Round Obligation in accordance with the following standards, including all units provided through the provisions related to the durational adjustment addressed in this agreement:
 - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
 - b. At least 50 percent of the units addressing the Third Round Obligation shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.

- c. At least twenty-five percent of the Third Round Obligation shall be met through rental units, including at least half in rental units available to families.
 - d. At least half of the units addressing the Third Round Obligation must be available to families.
 - e. The Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
10. The Township shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center, and shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
11. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.
12. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
13. As an essential term of this settlement, within one hundred twenty (120) days of Court's approval of this Settlement Agreement, the Township shall introduce an ordinance providing for the amendment of the Township's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this settlement agreement and the zoning contemplated herein. Any extension of this time period shall only be granted upon proper application to the Court and with the written consent of the parties hereto.
14. The parties agree that if a decision of a court of competent jurisdiction in Hunterdon County, the Appellate Division, the New Jersey Supreme Court, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Township for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total Third Round Obligation established in this agreement, and if that calculation is memorialized in an unappealable final judgment, the Township may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Township shall be obligated to implement the

fair share plan attached hereto, including by leaving in place any site specific zoning adopted or relied upon in connection with the Plan approved pursuant to this settlement agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Township's Third Round Obligation below that established in this agreement does not provide a basis for seeking leave to amend this agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Township prevails in reducing its Third Round Obligation, the Township may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

15. The Township shall prepare a spending plan to be approved by the Court along with the Plan. The parties to this agreement agree that the expenditures of funds contemplated under the agreement constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
16. On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
17. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in this agreement. The Township agrees to comply with those provisions as follows:
 - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any

interested party may by motion request a hearing before the court regarding these issues.

- b. For the review of very low-income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this agreement, and every third year thereafter, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low-income requirements, including the family very low-income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low-income housing obligation under the terms of this settlement.
18. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
 19. This settlement agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Township shall present its planner as a witness at this hearing. FSHC and Thompson agree not to challenge the attached Plan (Exh. A) at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If the settlement agreement is rejected by the Court at a fairness hearing it shall be null and void.
 20. If an appeal is filed of the Court's approval or rejection of the Settlement Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful at which point, the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
 21. The Township and Thompson agree to pay FSHC's attorneys fees and costs in the amount of \$4,000, to be split evenly, within thirty (30) days of the Court's approval of this Agreement pursuant to a duly-noticed fairness hearing.
 22. This settlement agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Hunterdon County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.

23. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
24. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
25. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
26. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
27. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
28. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
29. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
30. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
31. No member, official or employee of the Township shall have any direct or indirect interest in this Settlement Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
32. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
33. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as

February 27, 2018
Page 9

follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days' notice as provided herein:

TO FSHC:

Adam M. Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: adamgordon@fairsharehousing.org

TO THE TOWNSHIP:

Tara Ann St. Angelo, Esq.
Gebhardt & Kiefer
1318 Route 31
Clinton, New Jersey 08809
Email: tstangelo@gklegal.com

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

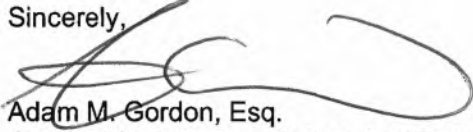
Attn: Clerk
East Amwell Township
1070 Route 202
Ringoes, New Jersey 08551-1051

TO THOMPSON REALTY CO. OF PRINCETON, INC.:

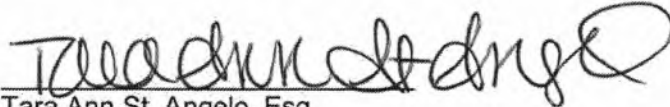
Lauri Names, V.P.
Thompson Realty Co. of Princeton, Inc.
195 Nassau Street
Princeton, New Jersey 08542

Please sign below if these terms are acceptable.

Sincerely,


Adam M. Gordon, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Township of East Amwell, with the authorization
of the governing body:


Tara Ann St. Angelo, Esq.

Dated: 2/27/18

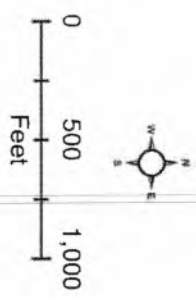
February 27, 2018
Page 10

On behalf of defendant/intervenor Thompson Realty Co. of Princeton, Inc.

Lauri Names, V.P.,
Dated: _____

**Inclusionary Site Analysis
and Environmental
Constraints**
East Amwell Township
Hunterdon County, NJ
May 2017

- Legend**
- Potential Sites
 - Streams
 - 100 yr floodplain
 - Wetlands
 - 50' Wetlands Buffer
 - Water
 - 300' C1 Stream Buffer
 - 150' Stream Buffer



Data Sources:
NIDEP 2012 LU/LC
FEMA Floodzones
NIDEP Streams
NIDEP 10ft DEMs
Hunterdon County Division of GIS

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data but this secondary product has not been NIDEP verified and is not State-authorized.
BANISCH
ASSOCIATES, INC.
Planning and Design



Exhibit B

Inclusionary Zone Properties

| Map ID | Block | Lot | Location | Owner | Tax Class | Zone | Lot Acres (GIS) | Constrained Acres | Unconstrained Acres | 6 Unit/Acres (5:93-5:6 Inclusionary Zoning) | 16% Set Aside |
|--------|-------|-------|--------------------|--------------------------------------|-----------|------|-----------------|-------------------|---------------------|---|---------------|
| 1 | 11 | 4 | 35 JOHN RINGO ROAD | CASE, CLAUDE INC | 3AB | AVAD | 19.2 | 2.5 | 16.7 | 115 | 17 |
| 2 | 11 | 37.02 | JOHN RINGO ROAD | SCIBILA, WAYNE | 3AB | AVAD | 15.1 | 1.5 | 13.7 | 91 | 15 |
| 3 | 16.01 | 26 | ROUTE 202 | THOMPSON REALTY CO OF PRINCETON, INC | 3B | AVAD | 38.5 | 6.5 | 32.0 | 231 | 37 |
| 4 | 16.01 | 27 | DUTCH LANE | THOMPSON REALTY CO OF PRINCETON, INC | 3B | AVAD | 19.2 | 7.3 | 11.8 | 115 | 18 |
| | | | | | | | | | | 552 | 89 |

EXHIBIT C

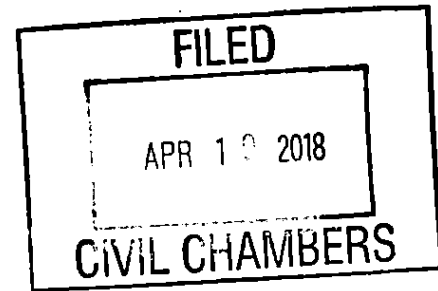
The Zoning applicable to the lands of defendant/intervenor Thompson Realty Co. of Princeton, Inc. ("Thompson"), Block 16.01, Lot 26, and Block 16.01, Lot 27 ('the Thompson Properties'), shall allow for the following:

Per Exhibits A and B, if public sewer, a package treatment plant, or a community septic system is made available, development of multi-family housing may occur at a gross density not to exceed 6 dwelling units per acre. If such wastewater treatment alternatives allow for a total development of at least 181 total units, 29 rental affordable units shall be provided (16% of 181). If less than 181 units are developed, the affordable housing obligation on the Thompson Properties shall be 16% of the total number of units, with said affordable units being rental units. If greater than 181 units may be constructed on the Thompson Properties consistent with wastewater treatment limitations, 29 rental affordable units will be provided, and 16% of the units exceeding 181 shall be rental affordable units or 20% of the units exceeding 181 shall be for-sale affordable units, at the election of the developer of the Thompson Properties. Permitted units types shall include garden apartment/condo type units, townhouses, and duplexes. Height and bulk standards shall be agreed upon following the entry of an order holding that the settlement in this matter is fair and reasonable to low and moderate income households.

If public sewer, a package treatment plant, or a community septic system cannot be made available by the time the property is ready to be developed, the Thompson Properties may be developed without any affordable housing set-aside requirement either: (1) pursuant to the current zoning applicable to said properties or, at the option of the developer, (2) pursuant to the prior settlement reached between Thompson and the Township per the attached Sketch Plan, prepared by Princeton Junction Engineering, allowing for (a) 6 residential building lots on Lot 27 accessed from Dutch Lane; (b) 4 residential building lots on Lot 26 accessed from Dutch Lane; and (c) 4 separate office buildings on Lot 26 to be accessed from Route 31/202 (each office building not to be larger than 16,000 square feet for a total of 64,000 square feet).

Attachment

MATTHEW P. LYONS, ESQ.
Attorney ID #052641993
GEBHARDT & KIEFER, P.C.
1318 Route 31 ~ P.O. Box 4001
Clinton, New Jersey 08809-4001
Tel. (908) 735-5161
Attorneys for Petitioner, Township of East Amwell



IN THE MATTER OF THE
APPLICATION OF TOWNSHIP OF
EAST AMWELL, A Municipal
Corporation of the State of New Jersey,

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-HUNTERDON COUNTY

DOCKET NO. **HNT-L-306-15**

CIVIL ACTION
(Mount Laurel)

**ORDER APPROVING SETTLEMENT
AGREEMENT**

THIS MATTER having come before the Court on the application of Gebhardt & Kiefer, PC, attorneys for Petitioner, Township of East Amwell (the "Township"), appearing, upon notice for a Fairness Hearing to approve the March 1, 2018, Settlement Agreement between the Township and interested parties Fair Share Housing Center and Thompson Realty Co. of Princeton, Inc. to resolve the requirements for the Township to meet its constitutional obligation to provide its fair share of housing for low- and moderate-income households, and the Township having provided notice to interested parties by publication in the Hunterdon County Democrat and by emailing notices to all interested parties on the Township's service list, and the Court having considered the comments and recommendations of the court-appointed special master, Elizabeth McKenzie, AICP, PP, and no other party having provided any comments or objections to the Settlement Agreement, and the Court having conducted a Fairness Hearing to consider the Settlement Agreement, and for good cause appearing,

It is on this 19th day of April 2018, **ORDERED** as follows:

activity and the status of affordable housing activity in compliance with the Settlement Agreement.

b. The monitoring and reporting requirements identified in the Settlement Agreement shall be continuing conditions of the Court's approval.

3. Compliance Hearing. A Compliance Hearing in this matter will be heard

on September 13, 2018 at 9:00am.

4. Immunity. The Temporary Immunity previously granted to the Township is hereby extended until and through the day following the entry of an order resulting from the completion of the Final Compliance Hearing herein scheduled.

5. Attached hereto as Exhibit "A" and made apart hereof to conform with this Order is the Special Masters report dated April 17, 2018.

6. Service of Order. A copy of the within Order shall be served on counsel for all persons and/or entities on the municipal service list within five (5) days of receipt of this Order by counsel for the Township.



Hon. Thomas C. Miller, P.J. Civ.

7.) The court finds the settlement to be fair and reasonable to the interests of the region's low and moderate income households

8.) a fully executed copy of the settlement agreement dated 2/27/18 is attached to this order and incorporated (Ex B).

ELIZABETH C. MCKENZIE, P.P., P.A.

COMMUNITY PLANNING AND DEVELOPMENT

9 MAIN STREET

FLEMINGTON, NEW JERSEY 08822

TELEPHONE (908) 782-5564

TELEFAX (908) 782-4056

ecmcke@gmail.com

April 17, 2018

The Honorable Thomas C. Miller, P.J.S.C.
Superior Court of New Jersey, Law Division
Somerset County Court House
P.O. Box 3000
20 North Bridge Street
Somerville, New Jersey 08876-1262

Re: In the Matter of the Application of the Township of East
Amwell, County of Hunterdon, Docket No.: HNT-L-306-15

Dear Judge Miller:

The purpose of this letter is to provide the Court with a review of and recommendations regarding the settlement reached between the plaintiff Township of East Amwell and interested party Fair Share Housing Center ("FSHC") in the above-captioned matter. This litigation has one intervening party, Thompson Realty Company of Princeton, Inc. ("Thompson"), whose sites are included in the Township's Plan and who is a signatory to the settlement agreement.

The letter addresses the extent of East Amwell Township's cumulative prior round and third round low and moderate income housing fair share obligations; the salient points of the executed settlement agreement between East Amwell, FSHC and Thompson; and the steps that need to be taken by the Township to prepare and adopt the Housing Element and Fair Share Plan and implementing ordinances ("the Plan") needed to fulfill the terms of the settlement agreement and satisfy the Township's constitutional fair share obligation.

It is my finding and recommendation to the Court that the settlement agreement is fair to the interests of the region's low and moderate income households, despite the Township's

ELIZABETH C. MCKENZIE, P.P., P.A.

The Honorable Thomas C. Miller, P.J.S.C.
Superior Court of New Jersey, Law Division
April 17, 2018
Page Two of Fourteen

entitlement to a durational adjustment in fulfilling its third round fair share obligation due to the absence of public sewer service and public water supply anywhere in the Township.

It should be noted at the outset that the Township's proposed inclusionary zones are all located in an area where there is some possibility of obtaining NJDEP approval for community wells and sewage treatment plants. Moreover, the selected inclusionary zones are all adjacent to the hamlet of Ringoes, near municipal services, neighborhood convenience shopping and Highway 202/31.

The Township's proposed Plan is outlined in the settlement agreement and in an attachment identified as Exhibits A, B and C to the agreement. Exhibit A is a map of the inclusionary sites selected by the Township. Exhibit B is a matrix showing the potential yields of these sites. And Exhibit C contains a one-page description of the agreement between East Amwell and Thompson as to the disposition of the Thompson sites and a map illustrating the fall-back development proposal for the Thompson sites based on a previous settlement between East Amwell and Thompson regarding the Thompson sites, which fall-back development would only be implemented in the event that public sewer, a package treatment plant or community septic system(s) cannot be made available by the time Thompson is ready to develop.

Subject to certain recommended conditions for achieving a final judgment of compliance that are described in the attachment to this letter, it is my finding that the Township's proposed Plan can achieve consistency with applicable COAH and UHAC Rules, with the Fair Housing Act and the Mount Laurel decisions, and with the terms of the executed settlement agreement, and I am recommending that it be preliminarily approved by the Court.

Attached to this letter is the list and description of the documents that will need to be prepared and adopted to enable East Amwell to earn a final Judgment of Compliance and Repose

ELIZABETH C. MCKENZIE, P.P., P.A.

The Honorable Thomas C. Miller, P.J.S.C.
Superior Court of New Jersey, Law Division
April 17, 2018
Page Three of Fourteen

through July 1, 2025. The settlement agreement calls for these tasks to be completed within 120 days from the entry of an Order approving the fairness of the settlement and preliminarily approving the Township's Plan for addressing its fair share obligation.

The draft documents should be reviewed by the Special Master and then adopted and submitted to the Court for approval. The adopted Plan, and all of the adopted implementing ordinances and resolutions, will become the basis for a final Compliance Hearing and, it is hoped, the grant of a final Judgment of Compliance and Repose extending through July 1, 2025.

Components of the Fair Share Obligation and Township's Plan for Addressing its Fair Share

Prior Round Obligation

East Amwell's prior round (1987-1999) fair share obligation was determined by COAH to be 40 units.

This obligation has been fulfilled through the execution and implementation of a 20 unit Regional Contribution Agreement (RCA) with Carteret in 1997 (when RCAs were still permitted as a means of addressing up to 50 percent of the municipal fair share obligation), and the establishment, in 1999, of an 11 unit group home operated by Women's Crisis Services (WCS) for victims of domestic violence and their children. The Township has relied upon 10 of these WCS units plus 10 rental bonuses to satisfy the balance of its prior round obligation. The additional unit is being carried over to the third round.

Present Need Rehabilitation Share

East Amwell's present need rehabilitation share was calculated in the May, 2016, report of David N. Kinsey, PhD, PP, FAICP, the expert for Fair Share Housing Center, to be zero (0) units.

ELIZABETH C. MCKENZIE, P.P., P.A.

The Honorable Thomas C. Miller, P.J.S.C.
Superior Court of New Jersey, Law Division
April 17, 2018
Page Four of Fourteen

Thus, the Township's Plan is not required to, nor does it, contain any proposals for a rehabilitation program.

Third Round Fair Share Obligation

Dr. Kinsey's May, 2016, report projected East Amwell's third round fair share obligation to be 182 units, a number that includes the entire new construction obligation generated between 1999 and 2025 (i.e., both the 1999-2015 "gap period" new construction obligation and the 2015-2025 prospective need obligation). As part of the settlement of this litigation, however, the parties have agreed to a 30 percent reduction in Dr. Kinsey's number, yielding a third round fair share obligation for East Amwell of 128 units.

East Amwell has one unit of credit it did not claim in the prior round for the eleventh group home unit at WCS. Additionally, East Amwell will be conveying the land occupied by WCS (currently owned by the Township) to WCS to facilitate its application for grant funds to enable it to add two (2) more units to its facility (for a total of 13). Thus, East Amwell will be claiming three (3) group home units as part of its third round compliance Plan (one existing and two proposed).

Additionally, East Amwell has *already implemented* a market to affordable program, offering mortgages to four (4) qualifying low or moderate income home purchasers in exchange for the placement of a 30 year deed restriction on their new properties. It is claiming third round credits for these four (4) market to affordable units, as well.

East Amwell Township is a rural, agricultural community, consisting primarily of farms and scattered suburban development on larger lots capable of supporting and supported by individual wells and septic systems. An exception to this predominant landscape is the village of Ringoes (which is really more of a hamlet). Ringoes is a concentration of comparatively small lots containing older homes, a few local businesses serving primarily

ELIZABETH C. MCKENZIE, P.P., P.A.

The Honorable Thomas C. Miller, P.J.S.C.
Superior Court of New Jersey, Law Division
April 17, 2018
Page Five of Fourteen

neighborhood convenience needs, a post office, and the Township's municipal building. It is in this area that the Township proposes to concentrate its inclusionary residential zones, on the premise that, even though Ringoes, too, lacks sewerage and water supply facilities, the environmental conditions, soils and groundwater resources of this area could support alternative means of water supply and sewage treatment, such as package plants and community wells, and the existing land use pattern would be compatible with such development.

The Township will provide as-of-right zoning for inclusionary residential development on four lots (two of them owned by Thompson). Such development would depend upon obtaining NJDEP approvals for package sewage treatment plants or other alternative means of treating wastewater as well as community water supply systems.

Should such facilities be approved, these sites would be permitted to be developed at densities of up to six (6) units per acre (gross), to allow room for a package treatment plant with on-site disposal of treated sewage effluent. Affordable housing will be required to be provided on these sites at the rate of 20 percent of the total number of units constructed if the affordable units are for sale and at the rate of 15 percent if the affordable units are for rent. At least 89 new affordable housing units could be constructed in these four zones, based on such zoning. None of these zones is proposed to be age-restricted, so all of the units would be available to families.

The lack (or insufficiency) of sewerage and sewage treatment capacity and water supply facilities to accommodate the amount of development needed to satisfy the municipal fair share obligation is a basis, under NJAC 5:93-4.3(c), for the Court to grant a "durational adjustment". A durational adjustment is an acknowledgement by the Court that a municipality will be unable to realize some or all of the inclusionary residential development in its Plan unless and until these services become available.

ELIZABETH C. MCKENZIE, P.P., P.A.

The Honorable Thomas C. Miller, P.J.S.C.
Superior Court of New Jersey, Law Division
April 17, 2018
Page Six of Fourteen

The Township is also committing to support any efforts on the part of the developers of these sites to obtain such services, including endorsing applications for sewage treatment facilities and/or community water supply systems to the NJDEP or its related agencies.

In light of the fact that the Township is proposing to rezone a sufficient number of sites (encompassing a sufficiently large area) at densities and set-aside rates that would satisfy the balance of its agreed-upon third round fair share obligation, and given that this area has, of any in the Township, the only possible potential for obtaining approval of the necessary alternative water supply and wastewater treatment systems, the settlement agreement waives the provision at NJAC 5:93-4.3(c)4 that the Township be required to rezone and include in its Housing Element and Fair Share Plan any other site(s) in the Township for which the NJDEP or its designated agent approves a proposal to provide sewer and water service.

It is my finding and recommendation to the Court that the Township's Plan reflects a sincere and valid effort to address its affordable housing fair share obligations under the circumstances, using inclusionary residential zoning subject to a durational adjustment as a means of addressing the obligation to provide at least 89 new affordable housing units to address the balance of the Township's third round fair share obligation. Thompson has committed to provide a minimum of 29 rental affordable units out of the first 181 total units constructed on the Thompson sites. These 29 units, together with the three (3) group home units in the Plan, will satisfy the Township's rental obligation of 32 units, enabling East Amwell to claim 32 rental bonuses, as well.

The Township will still need to prepare a Housing Element and Fair Share Plan that satisfies all statutory requirements, reflects all of the terms of the settlement agreement, and includes all of the program documentation needed to assure that its Plan can be implemented (subject, of course, to the

ELIZABETH C. MCKENZIE, P.P., P.A.

The Honorable Thomas C. Miller, P.J.S.C.
Superior Court of New Jersey, Law Division
April 17, 2018
Page Seven of Fourteen

durational adjustment). As previously indicated, the applicable requirements are outlined in the attachment to this letter.

There are a number of additional terms and conditions that are included in the settlement agreement. These are all discussed as part of the evaluation of the fairness of the settlement in the ensuing section of this report.

Evaluation of Fairness of Proposed Settlement

The various components of the East Amwell settlement are evaluated here in light of the criteria set forth in East/West Venture v. Borough of Fort Lee, 286 N.J. Super 311, 328 (App. Div. 1996) for approving a settlement of Mount Laurel litigation.

East/West was addressing a settlement between a municipality and a builder/plaintiff. We have a different situation in this case. The municipality is the plaintiff and FSHC is an interested party advocating on behalf of low and moderate income households, and Thompson is a landowner/developer who is a defendant/intervenor in the case. Nevertheless, the overarching concern of the Court in East/West is applicable to any settlement of a case involving a municipality's constitutional obligation to create a realistic opportunity for the construction of its fair share of affordable housing, and that is whether or not the "the settlement adequately protects the interests of the lower-income persons on whose behalf the affordable units proposed by the settlement are to be built".

In East/West, the determination of whether or not that standard was being met was based upon a five-part analysis. The five part test is applied here to the East Amwell settlement:

1. ***Consideration of the number of affordable units being constructed.*** East Amwell's 1999-2025 third round fair share obligation of 128 units was calculated by the parties utilizing as a basis the methodology espoused by David N. Kinsey, PhD, FAICP, PP, the expert for FSHC, in his May,

ELIZABETH C. MCKENZIE, P.P., P.A.

The Honorable Thomas C. Miller, P.J.S.C.
Superior Court of New Jersey, Law Division
April 17, 2018
Page Eight of Fourteen

2016, report. The 128 unit obligation reflects a 30 percent discount off the Kinsey calculation of 182 units.

It is noteworthy that, while FSHC's expert had projected East Amwell's (1999-2025) fair share obligation to be 182 units (and its present need rehabilitation obligation to be zero), the report prepared for the municipal consortium by Econsult Solutions, Inc. (Econsult), also in May of 2016, had assigned East Amwell a fair share obligation of just 11 units for the prospective need period (2015-2025), along with a one (1) unit rehabilitation share. However, the 2016 Econsult report did not assign any obligations to municipalities for the period from 1999-2015 (the so-called "gap period"). Similarly, in July of 2016, Richard Reading, the Court-appointed Regional Special Master in a number of vicinages throughout the State, projected a 2015-2025 prospective need of 62 units for East Amwell with a present need rehabilitation obligation of one (1) unit. The Reading report, like the 2016 Econsult report, had not assigned any obligations to municipalities for the "gap period".

The methodology embraced in the decision just rendered by the Honorable Mary C. Jacobson, AJSC, in Mercer County, has been applied by Econsult and by Art Bernard, PP, to estimate fair share obligations throughout the State (acknowledging that issues such as the impact of Highlands Area within a housing region might alter the calculations for this vicinage and others in a way that was not applicable to the housing region encompassing Mercer County). According to both of those experts, East Amwell's total 1999-2025 third round obligation would be 139 using the Jacobson methodology.

In light of the range of fair share numbers generated by these experts, East Amwell's agreement with FSHC to settle on a number that is 30 percent less than that proffered by FSHC's expert in 2016, but much higher than either Econsult's or Reading's 2016 numbers, and fairly close to the 2018 Jacobson number, is clearly fair to the region's

ELIZABETH C. MCKENZIE, P.P., P.A.

The Honorable Thomas C. Miller, P.J.S.C.
Superior Court of New Jersey, Law Division
April 17, 2018
Page Nine of Fourteen

low and moderate income households, even if the Township's ability to satisfy its number within the compliance period is constrained by the absence of centralized sewage treatment and water supply systems.

2. ***The methodology by which the number of affordable units provided is derived.*** The methodology used by FSHC's expert to calculate municipal third round fair share obligations was designed to follow, as closely as possible, the methodology used by COAH in 1993-94 to determine the cumulative 1987-1999 prior round fair share obligations.

While issues such as data sources relied upon, factors considered, and assumptions made in the process of updating COAH's prior round methodology have been actively debated, there is no question that the methodology used by Dr. Kinsey finds its roots in the only methodology that, as of this writing, has been upheld by the Courts.

3. ***Other contributions by the plaintiff.*** The terms of the settlement agreement include the following:

- a) Agreement that the Township will require at least 13 percent of all of the affordable housing units in its Plan to be affordable to very low income households earning 30 percent or less of median income and that at least half of these units will be available to families. (*paragraph 8.*)

- b) Agreement that rental bonuses shall be in accordance with N.J.A.C. 5:93-5.15(d) (which states in part that rental bonuses shall not exceed the rental obligation - a minimum of 25 percent of the Township's new construction fair share obligation). (*paragraph 9.a.*)

- c) Agreement that at least 50 percent of all affordable units addressing the third round obligation shall be affordable to low and very low income households with the

ELIZABETH C. MCKENZIE, P.P., P.A.

The Honorable Thomas C. Miller, P.J.S.C.
Superior Court of New Jersey, Law Division
April 17, 2018
Page Ten of Fourteen

remainder affordable to moderate income households.
(paragraph 9.b.)

d) Agreement that at least 25 percent of the fair share obligation shall be met with rental units, of which at least 50 percent shall be available to families. (paragraph 9.c.)

e) Agreement that at least half of all third round affordable housing units shall be available to families.
(paragraph 9.d.)

f) Agreement that no more than 25 percent of all affordable units in the Plan shall be age-restricted and that the Township shall not seek a waiver of this requirement. (paragraph 9.e.)

g) Agreement to add to the list of community and regional organizations in the Affirmative Marketing Plan that will receive notice of the availability of affordable housing units the following additional organizations: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center - and to ensure that this requirement is carried out by all entities authorized or retained to undertake affirmative marketing. (paragraph 10.)

h) Agreement that all affordable units in the Plan will include the required bedroom distribution and be subject to the affordability controls and affirmative marketing regulations set forth at N.J.A.C. 5:80-26.1, et seq. (UHAC) except that: a) in lieu of the requirement at N.J.A.C. 5:80-26.3(d) for 10 percent of all low and moderate income rental units to be affordable to households earning 35 percent or less of median income, the requirement shall be that 13% of all low and moderate income rental units shall be affordable to households earning 30 percent or less of median income. (paragraph 11.)

ELIZABETH C. MCKENZIE, P.P., P.A.

The Honorable Thomas C. Miller, P.J.S.C.
Superior Court of New Jersey, Law Division
April 17, 2018
Page Eleven of Fourteen

i) Agreement that all new construction units will be adaptable in conformance with P.L.2005,c.350/N.J.S.A. 52:27D-311(a) and 311(b) and other applicable law. (paragraph 12.)

j) Agreement by the Township to adopt a compliant Housing Element and Fair Share Plan and amend its Affordable Housing Ordinance and Zoning Ordinance implementing the terms of the settlement agreement, all within 120 days of the Court's approval of the fairness of the settlement (or as may be extended by the Court upon proper application and with the consent of all parties). (paragraph 13.)

k) Agreement by the Township to adopt a Spending Plan, subject to review and approval by FSHC and the Special Master, within 120 days of the Court's approval of the fairness of the settlement, and agreement by the parties that, once the Spending Plan has been approved by the Court, the expenditure of funds contemplated by the approved Spending Plan will constitute a commitment for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the statutory four year time period for expenditure of funds to commence with the entry of the final Judgment of Compliance and Repose. (paragraph 15.)

4. ***Other components of the settlement that contribute to the satisfaction of the constitutional obligation.*** East Amwell's Plan, if fully implemented, will satisfy (and could exceed) the minimum 25 percent rental obligation. Rental affordable units tend to be more accessible to very low, low and moderate income households than for sale units, as it is often difficult for such households to qualify for mortgages.
5. ***Other factors that may be relevant to the fairness of the settlement.*** The settlement agreement provides that if there is a decision by a Court of competent jurisdiction in Hunterdon County or, if no Court in Hunterdon County issues

ELIZABETH C. MCKENZIE, P.P., P.A.

The Honorable Thomas C. Miller, P.J.S.C.
Superior Court of New Jersey, Law Division
April 17, 2018
Page Twelve of Fourteen

a decision on fair share obligations then a Court within Vicinage 13 (Somerset, Hunterdon, Warren) or COAH's Housing Region 3 (Somerset, Hunterdon, Middlesex), or, alternatively, if there is a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, that would result in a calculation of East Amwell's 1999-2025 fair share obligation that is lower than the settlement number by more than twenty (20) percent, and if that calculation is memorialized in an unappealable final Judgment, then East Amwell may seek to amend its final Judgment of Compliance and Repose to reduce its number accordingly, provided that it shall retain all of the zoning and other mechanisms that are in its Court-approved Plan but may carry over any extra units and credits earned to a future round.

This provision ensures that East Amwell will not be disadvantaged in the future for having settled its case and that prospective developers and prospective occupants of the affordable housing units in the Plan will not be disadvantaged by the removal of the affordable housing opportunities approved by the Court.

The settlement agreement also includes "look-back" provisions every three (3) years with respect to the provision of very low income (and family very low income) housing and at the midway point (or, in this case, by July 1, 2020) with respect to the continuing realistic opportunity afforded by any un-built sites or un-implemented mechanisms in the Plan. It also includes annual reporting requirements on affordable housing progress and on affordable housing trust fund activity and implementation of the Spending Plan.

Reporting requirements will include posting on the municipal website, with copies provided to Fair Share Housing Center, and, with respect to the affordable housing trust fund/

ELIZABETH C. MCKENZIE, P.P., P.A.

The Honorable Thomas C. Miller, P.J.S.C.
Superior Court of New Jersey, Law Division
April 17, 2018
Page Thirteen of Fourteen

Spending Plan activity, to COAH, Local Government Services or other agency designated by the State of New Jersey. These reporting requirements will ensure that the public is continuously informed of East Amwell's progress in implementing its Plan, so that an aggrieved party can file a complaint with the Court, if necessary, but will also ensure that the Court does not have to be involved in the ongoing monitoring and evaluation of East Amwell's affordable housing compliance.

In conclusion, the Court is being asked to make a determination as to the fairness of the settlement reached between East Amwell Township, FSHC and Thompson based on whether the interests of the region's low and moderate income households will be served if the settlement agreement is approved and implemented.

This letter finds the settlement to be reasonable and fair to the interests of the region's low and moderate income households for all of the reasons set forth herein and recommends its approval by the Court, along with the Court's preliminary approval of the Township's proposals for implementing the settlement.

The last part of this recommendation is contingent upon the Township's preparation and adoption of a final third round Housing Element and Fair Share Plan that is fully consistent with the Fair Housing Act, UHAC, applicable COAH Rules, and the terms of the settlement agreement. It is also contingent upon East Amwell's preparation of all necessary zoning amendments, an updated Affordable Housing Ordinance, an Affirmative Marketing Plan, a Development Fee Ordinance, a Spending Plan, and all of the other ordinances and resolutions needed to ensure full implementation of the Township's Plan consistent with the settlement agreement.

Attached to this letter is a list of the documents and supplementary information that must be prepared and adopted prior to the Township's return to Court for a final Judgment of Compliance and Repose. It is recommended that timely fulfillment

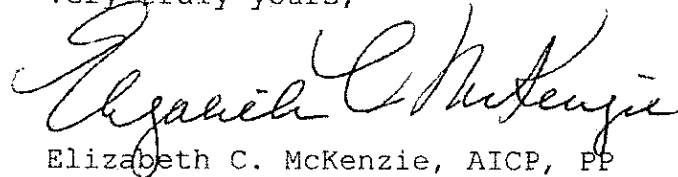
ELIZABETH C. MCKENZIE, P.P., P.A.

The Honorable Thomas C. Miller, P.J.S.C.
Superior Court of New Jersey, Law Division
April 17, 2018
Page Fourteen of Fourteen

of the items on this list be a condition of the Court's preliminary approval of East Amwell's Plan **and that the list itself be attached to the Order approving the fairness of the settlement and preliminarily approving the Township's Plan.**

I hope that this letter is helpful to the Court and to the parties.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Elizabeth C. McKenzie".

Elizabeth C. McKenzie, AICP, PP

Enclosure

cc: Tara A. St. Angelo, Esquire
Jennifer Neves
Kevin D. Walsh, Esquire
Adam M. Gordon, Esquire
Joshua D. Bauers, Esquire
Thomas F. Carroll, III, Esquire
Joanna Slagle, PP, AICP

ELIZABETH C. MCKENZIE, P.P., P.A.

REQUIRED ELEMENTS OF FINAL AFFORDABLE HOUSING COMPLIANCE PLAN
Township of East Amwell, Hunterdon County
April 17, 2018

1. The Plan as presented in the settlement agreement is essentially a summary of the proposals for meeting the Township's affordable housing fair share obligation that East Amwell will be including in its final adopted Housing Element and Fair Share Plan. The full Plan will need to be prepared to comply with all statutory requirements for the preparation of a Housing Element and Fair Share Plan.

The Plan will need to include, for example, either a consideration of any site proposed for inclusionary residential development that was not included in the Plan, along with the reasons for excluding it, or a statement that there were no such sites, which is the case in East Amwell Township.

A full analysis of the suitability of each inclusionary residential site that is included in the Plan must be provided as part of the final Plan. The final document should also include resource mapping in support of the analysis and should address all issues related to availability, suitability, approvability and developability.

All of the applicable terms of the executed settlement agreement should be referenced in the Plan, as well, along with an analysis and description of how these terms will be met.

The Plan, once reviewed by the Special Master, must be adopted and submitted to the Court for approval as part of the final Judgment of Compliance and Repose.

2. The Fair Share Plan portion of the Plan must be prepared, reviewed by the Special Master for compliance with the terms of the executed settlement agreement, the Fair Housing Act and the UHAC regulations, and then adopted and submitted to the Court prior to the entry of an Order granting a final Judgment of Compliance and Repose.

The Fair Share Plan is a document that includes all of the proposed implementing ordinances and resolutions needed to implement the Plan, including all required zoning regulations and

ELIZABETH C. MCKENZIE, P.P., P.A.

amendments, the Affordable Housing Ordinance, the Development Fee Ordinance, the Affirmative Marketing Plan, the Spending Plan, a resolution of Intent to Fund Shortfall in any municipally-sponsored affordable housing programs (such as the WCS expansion), the Ordinance creating the position of Municipal Affordable Housing Liaison and the resolution appointing a Municipal Affordable Housing Liaison, a resolution adopting the Housing Element and Fair Share Plan (Planning Board) and a resolution endorsing the Housing Element and Fair Share Plan (governing body), and evidence of a contract with a qualified affordable housing Administrative Agent. In municipalities with a rehabilitation obligation (not the case in East Amwell), a rehabilitation program manual and a contract with a rehabilitation administrator would also be required to be included.

3. The Spending Plan must be updated, submitted to the Special Master for review and comment, adopted by the Planning Board as part of the Plan and by the Township Committee as a separate action, and submitted to the Court for approval before the Township will be permitted to expend any funds from its Affordable Housing Trust Fund. ***The Spending Plan must include specific proposals with manuals for affordability assistance programs and must specify how one third of the affordability assistance funds will be targeted to very low income households.***

4. The Township's Development Fee Ordinance should be amended to reflect the Court's jurisdiction, reviewed by the Special Master, and adopted or re-adopted and submitted to the Court prior to the entry of an Order granting a final Judgment of Compliance and Repose.

5. The regulations for the proposed inclusionary development zones must be prepared, reviewed by the Special Master, and adopted and submitted to the Court prior to the entry of an Order granting a final Judgment of Compliance and Repose.

6. In accordance with N.J.A.C. 5:93-5.5, the Township must provide evidence that the municipality has adequate and stable funding for the group home expansion to begin within two years of the entry of the Final Judgment. The municipality is required to provide a pro forma of both total development costs and sources of funds and documentation of the funding available to the municipality and/or project sponsor, including naming any outside sources of funds that have been obtained. Where an application

ELIZABETH C. MCKENZIE, P.P., P.A.

for outside funding is pending, the municipality is required to provide a stable alternative source, such as municipal bonding, in the event that the outside funding request is not approved.

Also, in accordance with N.J.A.C. 5:93-5.5, for non-inclusionary developments, a construction or implementation schedule, or timetable, shall be submitted for each step in the development process: including preparation of the site plan, if applicable, granting of municipal approvals, applications for State and Federal permits, selection of a contractor, and start of construction such that the project will be shovel ready within two years of the entry of the Final Judgment.

7. The Township will need to prepare or amend an Affordable Housing Ordinance to reflect all provisions of the settlement agreement as well as applicable UHAC and COAH Rules and to reflect the Court's jurisdiction. Although not specifically addressed in East Amwell's settlement agreement, as it has been in other settlements in this vicinage, it is recommended that the Township include language in its Affordable Housing Ordinance authorizing the Township's Administrative Agent to annually update the Regional Income Limits used to calculate affordable rent levels and sales prices based upon the methodology developed by the Affordable Housing Professionals of New Jersey (AHPNJ) to replicate COAH's procedures for doing this. COAH used to provide this service, but has not done so since 2014. This methodology and permission to allow municipal Administrative Agents to utilize it, has been approved by the Courts in several vicinages, including this one.

8. In addition, an Affirmative Marketing Plan Resolution incorporating the terms of the settlement agreement must be prepared and adopted. These documents must be prepared, reviewed by the Special Master, adopted and submitted to the Court prior to the entry of an Order granting a final Judgment of Compliance and Repose.

9. If it has not done so already, the Township will need to contract with an Administrative Agent, responsible to the Township but paid for by the owners of any existing or proposed affordable housing units created in the Township, to administer the affordability controls on any very low-, low-, and moderate-income units that have been or will be created in East Amwell (including the market to affordable units, should they turn over before the 30 year control period expires²⁰). This should be

ELIZABETH C. MCKENZIE, P.P., P.A.

accomplished and submitted to the Court prior to the entry of an Order granting a final Judgment of Compliance and Repose.

10. If it has not done so already, the Township will need to create the position of Municipal Housing Liaison by ordinance and fill that position by resolution of the governing body. This should be accomplished and submitted to the Court prior to the entry of an Order granting a final Judgment of Compliance and Repose.

Upon its timely compliance with all of the foregoing and approval of the final submission by the Court, I believe that East Amwell will be entitled to a final Judgment of Compliance and Repose through July 1, 2025.

Ex. B.



Peter J. O'Connor, Esq.
Kevin D. Walsh, Esq.
Adam M. Gordon, Esq.
Laura Smith-Denker, Esq.
David T. Rammler, Esq.
Joshua D. Bowers, Esq.

February 27, 2018

TARA ANN ST. ANGELO, Esq.
GEBHARDT & KIEFER, P.C.
1318 Route 31
P.O. Box 4001
Clinton, New Jersey 08809-4001

**Re: In the Matter of the Township of East Amwell, County of Hunterdon,
Docket No. HNT-L-306-15**

Dear Ms. St. Angelo:

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

Background

The Township filed the above-captioned matter on or about July 7, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. During 2016 and 2017, FSHC and the Township appeared before The Honorable Thomas C. Miller at case management conferences and participated in in-person and telephonic settlement conferences with Special Master Elizabeth McKenzie (the "Special Master") in efforts to resolve this litigation. Through that process, the Township and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

Settlement terms

The Township, FSHC and Thompson hereby agree to the following terms:

1. FSHC agrees that the Township, through the adoption of a Housing Plan Element and Fair Share Plan (the "Plan") that sets forth the mechanisms and obligations described in this Agreement below, and the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and the FHA for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a

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February 27, 2018
Page 2

municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.

3. FSHC and the Township hereby agree that the Township's affordable housing obligations are as follows:

| | |
|---|-----|
| Rehabilitation Share (per Kinsey Report ¹) | 0 |
| Prior Round Obligation (pursuant to <u>N.J.A.C. 5:93</u>) | 40 |
| Third Round (1999-2025) Obligation (per Kinsey Report, as adjusted through this settlement agreement) | 128 |

The agreed-upon Third Round obligation addresses the new construction need for both the Gap Period (1999-2015) and Prospective Need Period (2015-2025).

4. As noted above, the Township has a Prior Round prospective need of 40 units, which is met through the following compliance mechanisms:

| Project / Development Name | Year built or approved | Type of Affordable Unit | # Units / Bedrooms | Bonus Type | # Bonuses | Total Units / Beds + Bonuses |
|---|------------------------|--------------------------|--------------------|------------|-----------|------------------------------|
| Completed RCA with Carteret / Middlesex | 1997 | RCA | 20 | - | - | 20 |
| Women's Crisis Services group home | 1999 | Supportive special needs | 10 | Rental | 10 | 20 |
| TOTALS | | | 30 | | 10 | 40 |

5. The Township has implemented or will implement the following mechanisms toward its Third Round Obligation of 128 units:

| Affordable Housing Mechanism | Units of Credit |
|---|-----------------|
| Women's Crisis Center Group Home (Rental) bedrooms - surplus from Prior Round | 1 |
| Bonus Credits for Group Home surplus bedrooms | 1 |
| Women's Crisis Center Group Home (Rental) – bedrooms to be added | 2 |
| Bonus Credits for Group Home added bedrooms | 2 |

¹ 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, May 2016.

February 27, 2018
Page 3

| | |
|---|------------|
| Market to Affordable units completed <ul style="list-style-type: none"> • Lot Block 11, Lot 11, 17 John Ringo Road • Block 13 Lot 3, 17 Ironhorse Dr. • Block 8, Lot 18, 1117 Old York Rd • Block 41, Lot 20, 101 Snyderstown Rd. | 4 |
| Inclusionary Zoning (see Exhibits A and B) | 89 |
| Rental Bonuses (see Exhibit C for firm commitment for inclusionary units) | 29 |
| Total | 128 |

6. The Township will provide a realistic opportunity for the development of additional affordable housing that will be developed or created through means other than inclusionary zoning in the following ways:

- **Women's Crisis Center.** The Center is a non-profit providing housing and assistance to victims of domestic violence. The Center has 11 bedrooms available to low and moderate-income families that have been the victims of domestic violence, the location of which must remain confidential in order to protect the safety of staff and residents. Currently, the Center leases property from the Township. However, the Township is in the process of transferring the property to the Center for a nominal amount. The deed for the property will contain a clause stating that the property will revert back to the Township if the charitable use of the property ever ceases pursuant to N.J.S.A. 40A:12-21(k). The Center's ownership of the property will enable it to apply for additional grant funding, some of which is proposed to expand the Center to include 2 more bedrooms. The Township shall covenant that, should the subject property revert back to the Township's ownership, the Township shall make a good faith attempt to limit the use of the property only to affordable housing, which may include various forms of special needs housing otherwise consistent with the terms of this Agreement. . In the event that, after a good faith attempt, the Township is unable to re-sell or re-lease the Property for affordable housing purposes, the Township may seek to amend this Agreement to provide an alternate mechanism for providing a realistic opportunity for the same number of credits no longer provided by this site by proper application to the Court with notice to FSHC.
- **Market-to-Affordable Units.** The Township has offered mortgages to qualifying homeowners in the amount of between \$20,000 and \$32,500 each in exchange for the placement of a 30-year deed restriction on their property. The funding has already been provided to the homeowner for the units applied to the Third Round.

7. The municipality will address its Third Round Obligation in part through a 118 unit durational adjustment:

- a. As demonstrated by the following facts, the Township does not have any capacity for water or sewer to support inclusionary development and thus is entitled to a durational adjustment in accordance with N.J.A.C. 5:93-4.3:

The Township lacks any public water or wastewater infrastructure making inclusionary zoning difficult.

February 27, 2018
Page 4

- b. The municipality agrees to comply with N.J.A.C. 5:93-4.3 as follows:

The Township will seek court approval for, and FSHC and Thompson will support, a durational adjustment of 118 units and address the requirements of N.J.A.C. 5:93-4.3 through the following:

- i. In accordance with N.J.A.C. 5:93-4.3(c), the requirement to address a portion of the Third Round Obligation of 128 units shall be deferred until adequate water and/or sewer are made available. The Township shall reserve and set aside new water and/or sewer capacity, when it becomes available, for low and moderate-income housing on the below-listed sites, on a priority basis. Municipal officials shall endorse all applications to the Department of Environmental Protection (DEP) or its agent to provide water and/or sewer capacity, which shall include, but is not limited to, applications for centralized on-site alternative wastewater treatment options approved by the NJDEP, for the sites designated pursuant to the below-listed sites.

- ii. The Township has designated the following sites that currently lack adequate water and sewer service to be rezoned for inclusionary residential multifamily development at the following densities:

See Exhibit A attached hereto.

- iii. The requirements included in N.J.A.C. 5:93-4.3(c)3 and 4 related to inclusion in a fair share plan when the DEP or its designated agent approves a proposal to provide water and/or sewer to a site other than those designated for the development of low and moderate income housing in the housing element are hereby waived in accordance with N.J.A.C. 5:93-4.3(c)4, which permits waiver of such requirements when a municipality has a plan that will provide water and/or sewer to sufficient sites to address the municipal housing obligation within the repose period.

8. The Township agrees to require 13% of all units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval as of July 1, 2008, to be very low-income units, with half of the very low-income units being available to families. The inclusionary zoning ordinance applied to the properties referenced in Section 7 above shall include such requirements.

9. The Township shall meet its Third Round Obligation in accordance with the following standards, including all units provided through the provisions related to the durational adjustment addressed in this agreement:

- a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
- b. At least 50 percent of the units addressing the Third Round Obligation shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.

February 27, 2018
Page 5

- c. At least twenty-five percent of the Third Round Obligation shall be met through rental units, including at least half in rental units available to families.
 - d. At least half of the units addressing the Third Round Obligation must be available to families.
 - e. The Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
10. The Township shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center, and shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
11. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.
12. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
13. As an essential term of this settlement, within one hundred twenty (120) days of Court's approval of this Settlement Agreement, the Township shall introduce an ordinance providing for the amendment of the Township's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this settlement agreement and the zoning contemplated herein. Any extension of this time period shall only be granted upon proper application to the Court and with the written consent of the parties hereto.
14. The parties agree that if a decision of a court of competent jurisdiction in Hunterdon County, the Appellate Division, the New Jersey Supreme Court, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Township for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total Third Round Obligation established in this agreement, and if that calculation is memorialized in an unappealable final judgment, the Township may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Township shall be obligated to implement the

fair share plan attached hereto, including by leaving in place any site specific zoning adopted or relied upon in connection with the Plan approved pursuant to this settlement agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Township's Third Round Obligation below that established in this agreement does not provide a basis for seeking leave to amend this agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Township prevails in reducing its Third Round Obligation, the Township may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

15. The Township shall prepare a spending plan to be approved by the Court along with the Plan. The parties to this agreement agree that the expenditures of funds contemplated under the agreement constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
16. On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
17. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in this agreement. The Township agrees to comply with those provisions as follows:
 - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any

February 27, 2018
Page 7

interested party may by motion request a hearing before the court regarding these issues.

- b. For the review of very low-income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this agreement, and every third year thereafter, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low-income requirements, including the family very low-income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low-income housing obligation under the terms of this settlement.
18. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
 19. This settlement agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Township shall present its planner as a witness at this hearing. FSHC and Thompson agree not to challenge the attached Plan (Exh. A) at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If the settlement agreement is rejected by the Court at a fairness hearing it shall be null and void.
 20. If an appeal is filed of the Court's approval or rejection of the Settlement Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful at which point, the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
 21. The Township and Thompson agree to pay FSHC's attorneys fees and costs in the amount of \$4,000, to be split evenly, within thirty (30) days of the Court's approval of this Agreement pursuant to a duly-noticed fairness hearing.
 22. This settlement agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Hunterdon County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.

February 27, 2018
Page 8

23. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
24. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
25. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
26. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
27. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
28. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
29. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
30. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
31. No member, official or employee of the Township shall have any direct or indirect interest in this Settlement Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
32. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
33. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as

February 27, 2018
Page 9

follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days' notice as provided herein:

TO FSHC:

Adam M. Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: adamgordon@fairsharehousing.org

TO THE TOWNSHIP:

Tara Ann St. Angelo, Esq.
Gebhardt & Kiefer
1318 Route 31
Clinton, New Jersey 08809
Email: tstangelo@gklegal.com

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

Attn: Clerk
East Amwell Township
1070 Route 202
Ringoes, New Jersey 08551-1051

TO THOMPSON REALTY CO. OF PRINCETON, INC.:

Lauri Names, V.P.
Thompson Realty Co. of Princeton, Inc.
195 Nassau Street
Princeton, New Jersey 08542

Please sign below if these terms are acceptable.

Sincerely,


Adam M. Gordon, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Township of East Amwell, with the authorization
of the governing body:

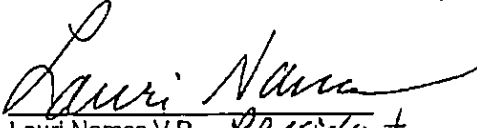


Tara Ann St. Angelo, Esq.

Dated: 2/27/18

February 27, 2018
Page 10

On behalf of defendant/intervenor Thompson Realty Co. of Princeton, Inc.

A handwritten signature in cursive script, appearing to read "Lauri Names".









Lauri Names, V.P., President

Dated: _____ 2/27/18

Inclusionary Site Analysis and Environmental Constraints

*East Amwell Township
Hunterdon County, NJ
May 2017*

Legend

-  Potential Sites
-  Streams
-  100 yr floodplain
-  Wetlands
-  50' Wetlands Buffer
-  Water
-  300' C1 Stream Buffer
-  150' Stream Buffer



0 500 1,000
Feet

*Data Sources:
NJDEP 2012 LULUC
FEMA Floodzones
NJDEP Streams
NJDEP 10ft DEMS
Hunterdon County Division of GIS*

This map was developed using New Jersey Department of
Environmental Protection Geographic Information System
digital data, but its boundary product has not been NJDEP
reviewed and is not state authorized.
B. A. N. I. S. C. H.
PLANNING AND DESIGN



[illegible]

EXHIBIT C

The Zoning applicable to the lands of defendant/intervenor Thompson Realty Co. of Princeton, Inc. ("Thompson"), Block 16.01, Lot 26, and Block 16.01, Lot 27 ("the Thompson Properties"), shall allow for the following:

Per Exhibits A and B, if public sewer, a package treatment plant, or a community septic system is made available, development of multi-family housing may occur at a gross density not to exceed 6 dwelling units per acre. If such wastewater treatment alternatives allow for a total development of at least 181 total units, 29 rental affordable units shall be provided (16% of 181). If less than 181 units are developed, the affordable housing obligation on the Thompson Properties shall be 16% of the total number of units, with said affordable units being rental units. If greater than 181 units may be constructed on the Thompson Properties consistent with wastewater treatment limitations, 29 rental affordable units will be provided, and 16% of the units exceeding 181 shall be rental affordable units or 20% of the units exceeding 181 shall be for-sale affordable units, at the election of the developer of the Thompson Properties. Permitted units types shall include garden apartment/condo type units, townhouses, and duplexes. Height and bulk standards shall be agreed upon following the entry of an order holding that the settlement in this matter is fair and reasonable to low and moderate income households.

If public sewer, a package treatment plant, or a community septic system cannot be made available by the time the property is ready to be developed, the Thompson Properties may be developed without any affordable housing set-aside requirement either: (1) pursuant to the current zoning applicable to said properties or, at the option of the developer, (2) pursuant to the prior settlement reached between Thompson and the Township per the attached Sketch Plan, prepared by Princeton Junction Engineering, allowing for (a) 6 residential building lots on Lot 27 accessed from Dutch Lane; (b) 4 residential building lots on Lot 26 accessed from Dutch Lane; and (c) 4 separate office buildings on Lot 26 to be accessed from Route 31/202 (each office building not to be larger than 16,000 square feet for a total of 64,000 square feet).

Attachment

