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## 2026 AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN

BOROUGH OF MILFORD  
HUNTERDON COUNTY, NEW JERSEY

PREPARED FOR:

BOROUGH OF MILFORD JOINT PLANNING BOARD AND BOARD OF ADJUSTMENT  
BA# 4151.03

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## EXECUTIVE SUMMARY

The following **2026 Amended Fourth Round Housing Element and Fair Share Plan (Amended HE&FSP) of the Master Plan** has been prepared for the Borough of Milford, Hunterdon County, New Jersey.

This Amended HE&FSP is designed to outline the manner in which the Borough will address its affordable housing obligations. As discussed in greater detail herein, these obligations were derived from a variety of different sources including the Council on Affordable Housing (COAH), prior Court-approved Judgments of Compliance and Repose and settlement agreements with Fair Share Housing Center (FSHC), and most recently from Fourth Round obligation calculations provided by the Department of Community Affairs (DCA).

Governor Murphy signed the A-4/S-50 Bill into law on March 20, 2024 after the Senate and Assembly adopted it. This legislation amended the Fair Housing Act by abolishing COAH and created a new process that involved the creation of an entity known as the Affordable Housing Dispute Resolution Program (the Program), which is overseen by seven retired Mount Laurel judges. The Program has taken the place of the trial courts and COAH regarding the approval process involving municipal HE&FSPs. The DCA and the Administrative Office of the Courts (AOC) are both also involved in assisting the Program with this process.

The Amended Fair Housing Act directed the DCA to calculate the Present Need (also referred to as the Rehabilitation obligation) and the Prospective Need (also known as the new construction obligation) for Round Four based upon the standards set forth in the Fair Housing Act. The DCA issued its report on October 18, 2024, and made clear that the obligations generated by the report were advisory only and were non-binding. For Milford, the DCA Report identified a Present Need of three (3) and a Prospective Round Four Need of 23.

Since the DCA report is non-binding, each municipality had the opportunity to study and define why its obligations should be different based on the standards in the Act. However, the Borough adopted a binding resolution on January 28, 2025 which committed to the present and prospective need obligations identified by DCA. The Borough's Round Four Present Need is 3 units and Round Four Prospective Need is 23 units.

Milford continues to remain diligent in planning for affordable units throughout the Borough in appropriate locations as opportunities become available, as part of the Borough's RA-1 overlay zone and through implementation of the Mandatory Set-Aside Ordinance.

Accordingly, the remainder of this 2026 Amended HE&FSP is divided into the following sections:

❖ Section 1: Introduction

The first section provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

❖ Section 2: Housing Element

Section 2 contains the Housing Element for the Borough. It offers a community overview of the Borough, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the Borough's housing stock and employment.

This section also satisfies the requirements regarding of a Housing Element with regard to required consideration of lands most appropriate for construction, conversion or rehabilitation for affordable housing as well as analysis of ordinances and other local factors which 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); and lastly, an analysis of consistency with the State Development and Redevelopment Plan.

❖ Section 3: Fair Share Obligation

Next, Section 3 provides an overview of the Borough's fair share obligation. It includes a brief history of the methodologies utilized to calculate affordable housing obligations throughout the state.

❖ Section 4: Fair Share Plan

Finally, Section 4 details the manner in which the Borough will address its affordable housing obligation consistent with the Fair Housing Act, applicable COAH and UHAC regulations, and state planning initiatives.

## SECTION I: INTRODUCTION

The following section provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

### A. WHAT IS AFFORDABLE HOUSING?

Affordable housing is income-restricted housing that is available for sale or for rent. Typically, affordable housing is restricted to very-low, low-, and moderate-income households. These categories are derived from median regional income limits established for the state. New Jersey is delineated into six different affordable housing regions. Milford is located in Region 3, which includes Hunterdon, Middlesex and Somerset Counties.



Regional income limitations are updated every year, with different categories established for varying household sizes. The following table identifies the 2024 regional income limits by household size for Region 3. As shown, a three-person family with a total household income of no greater than \$105,264 could qualify for affordable housing in the Borough's region.

**Table 1: 2024 Affordable Housing Region 3 Income Limits by Household Size**

Income Level	2 Person	3 Person	4 Person	5 Person
Median	\$116,960	\$131,580	\$146,200	\$157,896
Moderate	\$93,568	\$105,264	\$116,960	\$126,317
Low	\$58,480	\$65,790	\$73,100	\$78,948
Very-Low	\$35,088	\$39,474	\$43,860	\$47,369

One of the most common forms of affordable housing is inclusionary development, in which a certain percentage of units within a multifamily development are reserved for affordable housing. Affordable housing can be found in a variety of other forms, including but not limited to: 100% affordable housing developments, deed-restricted accessory apartments, alternative living arrangements such as special need/supportive housing or group homes, assisted living facilities, and age-restricted housing.

**B. WHAT IS THE HISTORY OF AFFORDABLE HOUSING IN NEW JERSEY?**



The history of affordable housing in New Jersey can be traced back to 1975, when the Supreme Court first decided in *So. Burlington Cty. NAACP v. Township of Mount Laurel* (known as Mount Laurel I) that every developing municipality throughout New Jersey had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent Supreme Court decision in 1983 (known as Mount Laurel II), the Court acknowledged that the vast majority of municipalities had not addressed their constitutional obligation to provide affordable housing.

As such, the Court refined this obligation to establish that every municipality had an obligation, although those within the growth area of the State Development and Redevelopment Plan (SDRP) had a greater obligation. The Court also called for the state legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result of this decision was the adoption of the Fair Housing Act in 1985, as well as the creation of the New Jersey Council on Affordable Housing (COAH), which became the state agency responsible for overseeing the manner in which New Jersey's municipalities address their low- and moderate-income housing needs.

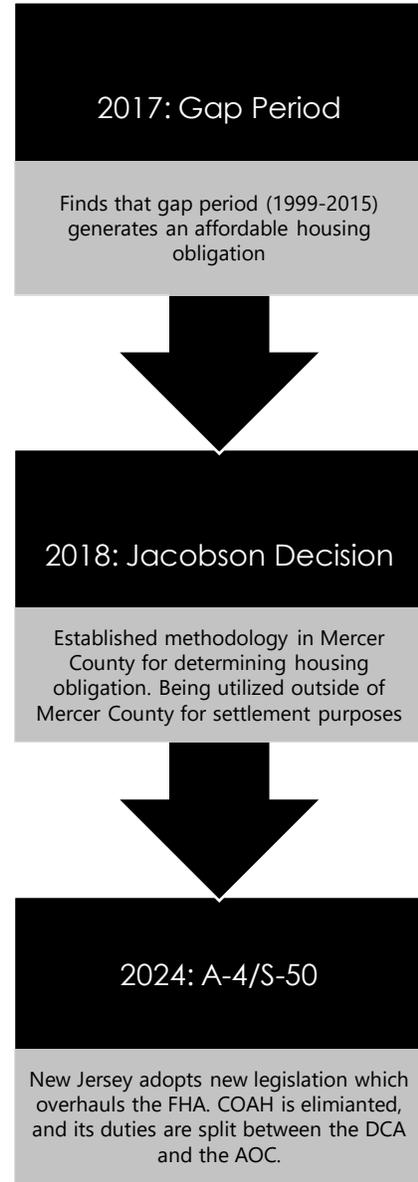
COAH proceeded to adopt regulations for the First Round obligation, which covered the years 1987 to 1993. It also established the Second Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the First and Second Rounds, COAH utilized what is commonly referred to as the "fair share" methodology. COAH utilized a different methodology, known as "growth share," beginning with its efforts to prepare Third Round housing-need numbers. The Third Round substantive and procedural rules were first adopted in 2004.

These regulations were challenged and in January 2007, the Appellate Division invalidated various aspects of these rules and remanded considerable portions of the rules to COAH with the directive to adopt revised regulations.

In May 2008, COAH adopted revised Third Round regulations which were published and became effective on June 2, 2008. Coincident to this adoption, COAH proposed amendments to the rules they had just adopted, which subsequently went into effect in October 2008. These 2008 rules and regulations were subsequently challenged, and in an October 2010 decision, the Appellate Division invalidated the Growth Share methodology, and also indicated that COAH should adopt regulations pursuant to the Fair Share methodology utilized in Rounds One and Two. The Supreme Court affirmed this decision in September 2013, which invalidated much of the third iteration of the Third Round regulations and sustained the invalidation of growth share. As a result, the Court directed COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

Deadlocked with a 3-3 vote, COAH failed to adopt newly revised Third Round regulations in October 2014. Fair Share Housing Center, who was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. The Court heard the motion in January 2015 and issued its ruling on March 20, 2015. The Court ruled that COAH was effectively dysfunctional and, consequently, returned jurisdiction of affordable housing issues back to the trial courts where it had originally been prior to the creation of COAH in 1985.

This 2015 Court decision created a process in which municipalities may file a declaratory judgment action seeking a declaration that their HE&FSP is constitutionally compliant and receive temporary immunity from affordable housing builders' remedy lawsuits while preparing a new or revised HE&FSP to ensure their plan continues to affirmatively address their local housing need as may be adjusted by new housing-need numbers promulgated by the court or COAH.



Subsequently, the Supreme Court ruled on January 18, 2017 that municipalities are also responsible for obligations accruing during the so-called “gap period,” the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need, which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

On March 20, 2024, Governor Murphy signed the A4/S50 Bill into law, which amended the FHA for the Fourth Round and beyond. The amendments to the FHA eliminated COAH, moved away from just allowing trial courts to approve municipal HE&FSPs, and created a new entity to approve the plans known as The Program, which consists of seven retired Mount Laurel Judges. FHA-2 also involved the DCA and the AOC in the process.

The DCA was designated by the amended FHA as the entity responsible for calculating the state’s regional needs as well as each municipality’s present and prospective fair share obligations pursuant to the Jacobson Decision. However, the Amended FHA makes clear that these numbers are advisory and non-binding, and that each municipality must set its own obligation number utilizing the same methodology. The Program was tasked to handle any disputes regarding affordable housing obligations and plans, and to ultimately issue a Compliance Certification to approve a municipality’s HE&FSP, which would continue immunity from all exclusionary zoning lawsuits until July 30, 2035.

## B. WHAT IS A HOUSING ELEMENT AND FAIR SHARE PLAN?

A HE&FSP serves as the blueprint for how a municipality will address its fair share of affordable housing. It is designed to help a community broaden the accessibility of affordable housing.

While technically a discretionary component of a municipal master plan, a HE&FSP is nevertheless an effectively obligatory plan element. As established by N.J.S.A. 40:55D-62.a of the Municipal Land Use Law (MLUL), a municipality must have an adopted HE&FSP in order to enact its zoning ordinance. Thus, from a public policy perspective, a HE&FSP is an essential community document. Moreover, without an approved HE&FSP, a municipality may be susceptible to a builder’s remedy lawsuit in which a developer could file suit to have a specific piece of property rezoned to permit housing at higher densities than a municipality would otherwise allow, provided a certain percentage of units are reserved as affordable.

The **Municipal Land Use Law (MLUL)** is the enabling legislation for municipal land use and development, planning, and zoning for the State of New Jersey.

The Fair Housing Act, as most recently amended pursuant to FHA-2, establishes the required components of a HE&FSP. These are summarized as follows:

1. 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;
2. 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;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. 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;
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and 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;
7. 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;
8. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, 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; and
9. 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.

## SECTION II: HOUSING ELEMENT

The following section provides the housing element for the Borough of Milford. It offers a community overview of the Borough, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the Borough's housing stock and its employment.

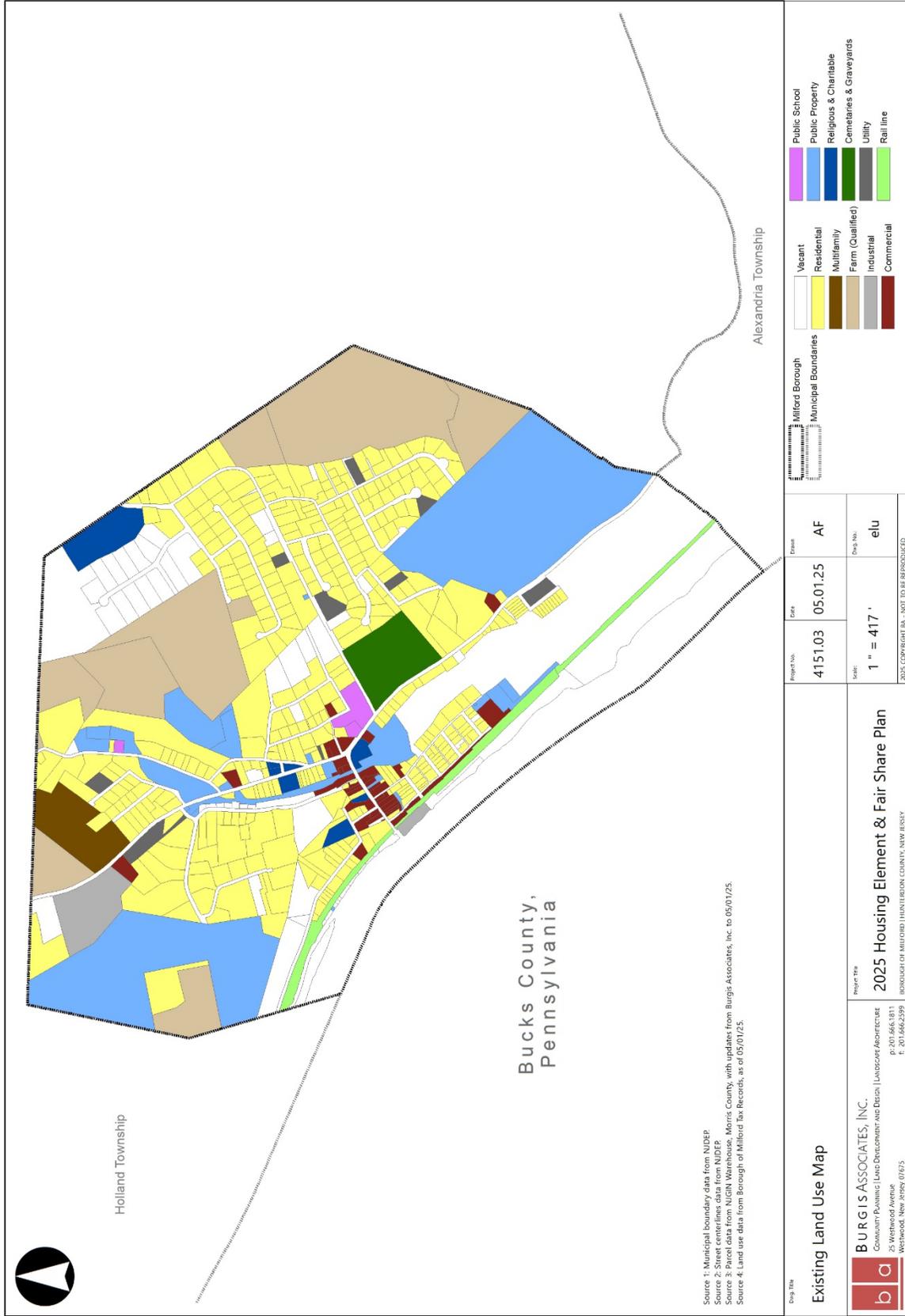
### A. COMMUNITY OVERVIEW

The Borough of Milford is located on the Delaware River in western Hunterdon County, New Jersey. It is bound to the north and east by Holland Township, the Delaware River to the west and Alexandria Township to the south. The Borough occupies an area of 1.3 square miles. The Borough is connected to Upper Black Eddy, Bridgeton Township, Bucks County, Pennsylvania by the Delaware River Joint Toll Bridge Commission's free Upper Black Eddy-Milford Bridge over the Delaware River.

Milford is a charming river village with a distinct and quaint downtown surrounded by rural uplands and rolling hills. The Borough is characterized by a mix of detached single-family dwellings around an attractive commercial core concentrated along Bridge Street. This central business district extends from the intersection of County Routes 519 and 619 westerly toward the Upper Black Eddy-Milford Bridge over the Delaware River and is typified by its small lot development and mix of retail and service commercial uses.

Traffic is carried through the Borough on County Route 619 (Frenchtown Road), which runs north-south into the center of the Borough from Alexandria Township, as well as County Route 519 (Water Street) which also runs north-south from the center of the Borough into Holland Township.

Milford is a fully built-out community, with approximately 209.4 acres of remaining vacant land, the majority of which is environmentally constrained and/or consists of isolated lots that are too small to accommodate development. The Borough's existing land uses are illustrated on the accompanying Existing Land Use Map.



**B. INFORMATION REGARDING DATA SOURCES**

The background information contained in Section 2.C entitled “Inventory of Municipal Housing Stock,” Section 2.D entitled “Projection of Municipal Housing Stock,” Section 2.E entitled “Demographic and Population Data,” and Section 2.F entitled “Employment Characteristics and Projections” was obtained from a variety of publicly available data sources. These are summarized below.

The information regarding the borough’s housing unit numbers and physical characteristics comes from the American Community Survey (ACS). It is important to note that the ACS releases new data every year, in the form of period estimates, in a variety of data tables. The data used for this plan comes from ACS 5-year estimates which means that the figures provided are an average across 5 separate period estimates, specifically 2019, 2020, 2021, 2022 and 2023. The ACS data, while valuable, can exhibit fluctuations due to several factors, including sampling errors, methodological changes, and the nature of period estimates. However, there are data quality filtering rules in place to detect tables with too many unreliable estimates and there have been changes to the weighting methodology which were implemented to address non-response bias.

<p><b>1. United States Decennial Census</b></p> <p>The US Census is described in Article I, Section 2 of the Constitution of the United States, which calls for an enumeration of the people every ten years for the apportionment of seats in the House of Representatives. Since the time of the first Census conducted in 1790, it has become the leading source of data about the nation’s people and economy. Please note that all incomes reported in the Census are adjusted for inflation.</p>
<p><b>2. American Community Survey (ACS)</b></p> <p>The American Community Survey is a nationwide ongoing survey conducted by the US Census Bureau. The ACS gathers information previously contained only in the long form version of the decennial census, such as age, ancestry, educational attainment, income, language proficiency, migration, disability, employment, and housing characteristics. It relies upon random sampling to provide ongoing, monthly data collection. Please note that all incomes reported in the ACS are adjusted for inflation.</p>
<p><b>3. New Jersey Department of Health</b></p> <p>The New Jersey Department of Health is a governmental agency of the State of New Jersey. The department contains the Office of Vital Statistics and Registry, which gathers data regarding births, deaths, marriages, domestic partnerships, and civil unions.</p>
<p><b>4. New Jersey Department of Community Affairs (DCA)</b></p> <p>The New Jersey Department of Community Affairs is a governmental agency of the State of New Jersey. Its function is to provide administrative guidance, financial support, and technical assistance to local governments, community development organizations, businesses, and individuals to improve the quality of life in New Jersey.</p>
<p><b>5. New Jersey Department of Labor and Workforce Development</b></p> <p>The New Jersey Department of Labor and Workforce Development is a governmental agency of the State of New Jersey. One of its roles is to collect labor market information regarding employment and wages throughout the state.</p>

C. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the housing element provides an inventory of the Borough’s housing stock, as required by the MLUL. The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated. The most recent information from the American Community Survey consists of five-year estimates by the Census Bureau, not actual counts and may not be directly comparable to census figures. For example, the 2023 five-year estimate is the average between January 2019 and December 2023.

1. Number of Dwelling Units. The current estimate of total housing units in Milford is 578 units in 2023. As shown in the table below, the Borough’s housing stock has steadily increased since 1980 with an exception between 1990 and 2000.

**Table 2: Dwelling Units (1980-2023)**

Year	Dwelling Units	Change (#)	Change (%)
1980	499	--	--
1990	528	29	6%
2000	484	-44	-8%
2010*	552	68	14%
2023*	578	26	5%

Sources: U.S. Census; \*American Community Survey 5-Year Estimates.

As shown below, approximately 70 percent of housing units in Milford are owner-occupied. Since 2010, the percentage of renter occupied units has remained at less than 30 percent of the total. During this same period, the percentage of vacant housing units has increased from 2 percent to 6 percent.

**Table 3: Housing Units by Tenure and Occupancy Status (2010 and 2023)**

Characteristics	2010		2023	
	Number	Percent	Number	Percent
Owner-occupied units	370	70%	397	69%
Renter-occupied units	146	28%	144	25%
Vacant units	13	2%	37	6%
<b>Total</b>	<b>529</b>	<b>100%</b>	<b>578</b>	<b>100%</b>

Sources: 2010 and 2023 American Community Survey 5-Year Estimates.

2. Housing Characteristics. As shown below, single-family detached units account for most of Milford’s housing stock. Two-family dwellings have meanwhile decreased from over 9 percent of the housing stock in 2010 to just above 1 percent of the housing stock in 2023.

Table 4: Units in Structure (2010 and 2023)

Units in Structure	2010		2023	
	Number	Percent	Number	Percent
Single family, detached	351	66.4%	403	69.7%
Single family, attached	36	6.8%	68	11.8%
2	52	9.8%	9	1.6%
3 or 4	45	8.5%	51	8.8%
5 to 9	23	4.3%	32	5.5%
10-19	12	2.3%	15	2.6%
20 or more	10	1.9%	0	0.0%
Other	0	0.0%	0	0.0%
<b>Total</b>	<b>529</b>	<b>100</b>	<b>578</b>	<b>100</b>

Sources: 2010 and 2023 American Community Survey 5-Year Estimates.

3. Housing Age. Table 5 below shows that nearly 60% of the Borough’s housing units were built prior to 1950.

Table 5: Year Structure Built

Year Units Built	Number	Percent
2020 or Later	0	0%
2010 to 2019	0	0%
2000 to 2009	5	1%
1990 to 1999	19	3%
1980 to 1989	25	4%
1970 to 1979	105	18%
1960 to 1969	89	15%
1950 to 1959	87	15%
1940 to 1949	41	7%
1939 or earlier	207	36%
<b>Total</b>	<b>578</b>	<b>100%</b>

Source: 2023 American Community Survey 5-Year Estimates

4. Housing Conditions. An inventory of the Borough’s housing conditions is presented in the following tables. Table 5 indicates the number of units considered to be overcrowded has increased since 2010, but most units are 1.00 or less occupants per room.

Table 6: Occupants per Room (2010 and 2023)

Occupants Per Room	2010		2023	
	Number	Percent	Number	Percent
1.00 or less	516	100%	532	98%
1.01 to 1.50	0	0%	9	2%
1.51 or more	0	0%	0	0%
<b>Total Occupied Units</b>	<b>516</b>	<b>100%</b>	<b>541</b>	<b>100%</b>

Sources: 2010 and 2023 American Community Survey 5-Year Estimates.

The table below presents additional detail regarding housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. As shown, none of Milford’s occupied housing units lack complete kitchen facilities, plumbing facilities and/or standard heating equipment.

**Table 7: Occupied Housing Units - Equipment and Plumbing Facilities (2010 and 2023)**

Facilities	2010		2023	
	Number	Percent	Number	Percent
<u>Kitchen:</u>				
With Complete Facilities	516	100	541	100
Lacking Complete Facilities	0	0	0	0
<u>Plumbing:</u>				
With Complete Facilities	516	100	541	100
Lacking Complete Facilities	0	0	0	0
<u>Heating Equipment</u>				
Standard Heating Facilities	505	98	541	100
No Fuel Used	11	2	0	0
<b>Total Occupied Units</b>	<b>516</b>	<b>100</b>	<b>541</b>	<b>100</b>

Sources: 2010 and 2023 American Community Survey 5-Year Estimates.

5. Purchase and Rental Values. Table 8 below shows that the Borough’s median monthly rent for its rental housing stock is \$1,476. This figure represents a 49 percent increase over the Borough’s median monthly rent of \$994 in 2010 and is 14 percent lower than the median monthly rent of Hunterdon County, which was \$1,707 in 2023.

**Table 8: Gross Rent of Specified Renter-Occupied Housing Units (2023)**

Rent	2010		2023	
	Number	Percent	Number	Percent
Less than \$500	5	4%	17	11.8%
\$500 to \$999	65	47%	3	2.1%
\$1,000 to \$1,499	61	45%	55	38.2%
\$1,500 to \$1,999	6	4%	41	28.5%
\$2,000 to \$2,499			25	17.4%
\$2,500 to \$2,999			3	2.1%
\$3,000 or more			0	0.0%
No cash rent	9	X	0	X
<b>Total Occupied Units Paying Rent</b>	<b>137</b>	<b>100%</b>	<b>144</b>	<b>100.0%</b>
<b>Median Gross Rent</b>	<b>\$994</b>		<b>\$1,476</b>	

(x) means that the estimate is not applicable or not available.

Sources: 2010 and 2023 American Community Survey 5-Year Estimates.

As shown below, the 2023 median value of owner-occupied units in Milford is \$304,100. This figure represents an 11 percent increase over the Borough’s median housing value in 2010 and is 64 percent lower than the County’s 2023 median housing value of \$498,800.

Table 9: Value of Specified Owner-Occupied Housing Units (2023)

Value	2010		2023	
	Number	Percent	Number	Percent
Less than \$50,000	4	1.1%	7	1.8%
\$50,000 to \$99,999	0	0.0%	2	0.5%
\$100,000 to \$149,999	5	1.4%	6	1.5%
\$150,000 to \$199,999	60	16.2%	15	3.8%
\$200,000 to \$299,999	168	45.4%	162	40.8%
\$300,000 to \$499,999	121	32.7%	186	46.9%
\$500,000 to \$999,999	12	3.2%	19	4.8%
\$1,000,000 or more	0	0.0%	0	0.0%
<b>Total</b>	<b>370</b>	<b>100.0%</b>	<b>397</b>	<b>100.0%</b>
<b>Median Gross Value</b>	<b>\$273,500</b>		<b>\$304,100</b>	

Sources: 2010 and 2023 American Community Survey 5-Year Estimates.

6. Number of Units Affordable to Low- and Moderate-Income Households. Based on COAH’s 2023 regional income limits, the median household income for a three-person household in COAH Region 3, Milford’s housing region comprised of Hunterdon, Middlesex and Somerset Counties, is \$128,610. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding \$102,888. A three-person low-income household, established at no more than 50 percent of the median income, would have an income not exceeding \$55,723.

An affordable sales price for a three-person moderate-income household earning 80 percent of the median income (assuming a 5% downpayment) is estimated at approximately \$315,789. An affordable sales price for a three-person low-income household earning 50 percent of the median income is estimated at approximately \$200,000. These estimates are based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.1 et seq. Approximately 64 percent of Milford’s owner-occupied housing units are valued at less than \$300,000, and approximately 18.6 percent are valued at less than \$200,000, according to the 2015 American Community Survey.

For renter-occupied housing, an affordable monthly rent for a three-person moderate-income household is estimated at approximately \$1,444. An affordable monthly rent for a three-person low-income household is estimated at approximately \$905. According to the 2023 American Community Survey, approximately 52 percent of Milford’s rental units have a gross rent less than \$1,500, and approximately 14 percent of the rental units have a gross rent less than \$1,000.

7. Substandard Housing Capable of Being Rehabilitated. According to the current methodology for calculating regional low and moderate-income housing needs calculating municipal housing obligations for housing regions and municipalities throughout New Jersey, the estimated number of units in Milford that are in need of rehabilitation is 3 units.

**C. PROJECTION OF MUNICIPAL HOUSING STOCK**

Affordable Housing regulations require a projection of the community’s housing stock, including the probable future construction of low- and moderate-income housing. This projection shall be based upon an assessment of data which minimally must include the number of residential construction permits issued, approvals of applications for residential development, and probable residential development of lands.

According to data received from New Jersey Construction Reporter as well as the Borough, a total of 6 residential building permits were issued for new construction between 2014 and 2024. Currently, there are no approved applications for development that have not yet been issued building permits for the creation of new residential units. The current rate of residential development suggests that the Borough will experience a similar rate of residential development over the next decade. It is anticipated that very few new residential units will be added to the Borough’s housing stock over the next decade.

**D. DEMOGRAPHIC ANALYSIS**

The COAH regulations require that a Housing Element provide an analysis of the community's demographic characteristics, including an assessment of population size, rate of population growth, age characteristics, income levels, and household size. Each of these items is described in this section of the report.

1. Population Size. As shown in the below, the Borough’s population grew at a relatively steady rate between 1930 and 1980. In the 1990s and 2000s, Milford’s population decreased steadily at six to seven percent most likely due to the transfer of ownership and subsequent closure of one of the Borough’s larger employers, Curtis Papers, Inc. From 2000 through 2023, the Borough’s population has continued to grow.

**Table 10: Population Growth (1930-2023)**

Year	Population	Change ( # )	Change (%)
1930	933	--	--
1940	933	0	0.0%
1950	1,012	79	8.5%
1960	1,114	102	10.1%
1970	1,230	116	10.4%
1980	1,368	138	11.2%
1990	1,273	-95	-6.9%
2000	1,195	-78	-6.1%
2010	1,233	38	3.2%
2023*	1,306	73	5.9%

Sources: U.S. Census; 2023 American Community Survey 5-Year Estimates.

2. Age Characteristics. The Borough’s age characteristics are presented in the table below. The data indicate somewhat of an aging community. The largest population increase between 2010 and 2023 was in adults 75 to 84. With that said, the second largest increase was for children under 5. The largest population decline between 2010 and 2023 occurred in adults aged 55-59 (a decrease of 67%). From 2010 to 2023, there was an increase within the young family cohort of ages 25-34 (an increase of 72%). The median age of Milford residents decreased from 44.1 years in 2010 to 43.1 years in 2023.

**Table 11: Age Characteristics (2010 and 2023)**

Age	2010		2023	
	Number	Percent	Number	Percent
Under 5	41	3.5%	98	8%
5-9	52	4.4%	82	6%
10-14	89	7.5%	45	3%
15-19	85	7.2%	70	5%
20-24	84	7.1%	55	4%
25-34	94	8.0%	162	12%
35-44	170	14.4%	182	14%
45-54	204	17.3%	172	13%
55-59	87	7.4%	29	2%
60--64	93	7.9%	121	9%
65-74	115	9.7%	159	12%
75-84	45	3.8%	122	9%
85+	22	1.9%	9	1%
<b>Total</b>	<b>1,181</b>	<b>100.0%</b>	<b>1,306</b>	<b>100%</b>
<b>Median Age</b>	<b>44.1</b>		<b>43.1</b>	

Sources: U.S. Census; 2023 American Community Survey 5-Year Estimates.

3. Average Household Size. Milford’s average household size decreased from 2.55 in 2000 to 2.36 in 2010 and then increased to 2.40 in 2023.

**Table 12: Average Household Size (2010 and 2023)**

Year	Total Population	Number of Households	Average Household Size
2000	1,195	469	2.55
2010	1,233	520	2.36
2023	1,306	541	2.40

Sources: U.S. Census; 2023 American Community Survey 5-Year Estimates.

4. Household Income. Detailed household income figures are shown in the table below. Between 2010 and 2023, the Borough’s median household income increased by 16 percent, from \$75,948 in 2010 to \$88,295 in 2023. The Borough’s 2023 median household income was approximately 35.6 percent lower than the median household income of Hunterdon County as a whole, which was \$137,275 in 2023.

Table 13: Household Income Distribution

Income Category	2010		2023	
	Number	Percent	Number	Percent
Less than \$10,000	12	2%	9	1.7%
\$10,000 to \$14,999	28	5%	23	4.3%
\$15,000 to \$24,999	41	8%	6	1.1%
\$25,000 to \$34,999	11	2%	37	6.8%
\$35,000 to \$49,999	57	11%	48	8.9%
\$50,000 to \$74,999	98	19%	117	21.6%
\$75,000 to \$99,999	134	26%	59	10.9%
\$100,000 to \$149,999	111	22%	142	26.2%
\$150,000 to \$199,999	24	5%	53	9.8%
\$200,000 or more	0	0%	47	8.7%
<b>Total</b>	<b>516</b>	<b>100%</b>	<b>541</b>	<b>100.0%</b>
<b>Median Income</b>	<b>\$75,948</b>		<b>\$88,295</b>	

Sources: U.S. Census; 2023 American Community Survey 5-Year Estimates.

E. **EMPLOYMENT ANALYSIS**

The COAH regulations require that the Housing Element include an analysis of the existing and probable future employment characteristics of the community. The following tables present information on historic trends, employment characteristics, occupational patterns, and related data.

1. Employment Status. The table below provides information on employment status in Milford for the segment of the population 16 and over. As shown, Milford’s population age 16 and over has decreased only slightly from 711 in 2010 to 673 in 2023 while the unemployment rate for Milford’s civilian labor increased slightly during this same timeframe. The 2023 unemployment rate of 4.5 percent is higher than Hunterdon County’s 2023 unemployment rate of 2.2 percent.

Table 14: Employment Status - Population 16 & Over (2010 and 2023)

Employment Status	2010		2023	
	Number	Percent	Number	Percent
In labor force	711	72.6%	673	62.9%
Civilian labor force	705	71.9%	673	62.9%
Employed	667	68.1%	625	58.4%
Unemployed	38	3.9%	48	4.5%
% of civilian labor force	--	5.4%	--	7.1%
Armed Forces	6	0.6%	0	0.0%
Not in labor force	269	27.4%	397	37.1%
<b>Total Population 16 &amp; Over</b>	<b>980</b>	<b>100.0%</b>	<b>1,070</b>	<b>100.0%</b>

Sources: U.S. Census; 2023 American Community Survey 5-Year Estimates.

2. Employment Characteristics of Employed Residents. The following two tables detail employment by occupation and employment by industry within the Borough. As shown in Table 15, more than 40 percent of Milford residents are employed in the management, business, science, arts, and sales and office occupations sectors which were also the sector group with the largest employment growth of more than 45% among Milford residents from 2010 to 2023. The occupation sectors that have experienced the greatest declines among Milford residents since 2010 are natural resources, construction, and maintenance as well as sales and office occupations. A quarter of the jobs within the Borough are within the Educational, health and social services industries. The next greatest percentage is 16% within retail trade. The industries that have experienced the greatest declines among Milford residents since 2010 are agriculture, forestry, fishing and hunting and mining.

**Table 15: Employed Residents Age 16 & Over, By Occupation (2010 and 2023)**

Occupation	2010		2023	
	Number	Percent	Number	Percent
Management, business, science, & arts occupations	197	32.4	262	42.7
Service occupations	63	10.4	74	12.1
Sales & office occupations	178	29.3	183	29.9
Natural resources, construction, & maintenance occupations	79	13.0	51	8.3
Production, transportation, & material moving occupations	91	15	43	7.0
<b>Total</b>	<b>608</b>	<b>100</b>	<b>613</b>	<b>100</b>

Sources: U.S. Census; 2023 American Community Survey 5-Year Estimates.

**Table 16: Employed Residents Age 16 & Over, By Industry (2010 and 2023)**

Industry	2010		2023		Change (%)
	Number	Percent	Number	Percent	
Agriculture, forestry, fishing, hunting & mining	9	1.5	6	1.0	-33.33%
Construction	54	8.9	44	7.2	-18.52%
Manufacturing	107	17.6	41	6.7	-61.68%
Wholesale trade	8	1.3	23	3.8	187.5%
Retail trade	63	10.4	96	15.7	52.38%
Transportation and warehousing, & utilities	30	4.9	25	4.1	-16.67%
Information	21	3.5	22	3.6	4.76%
Finance, insurance & real estate	51	8.4	45	7.3	-11.76%
Professional, scientific, management, administrative, & waste management	59	9.7	82	13.4	38.98%
Education, health care, social svcs.	120	19.7	114	18.6	-5%
Arts, entertainment, recreation, accommodation, & food services	35	5.8	40	6.5	14.29%

Industry	2010		2023		Change (%)
	Number	Percent	Number	Percent	
Other services, except public administration	18	3.0	31	5.1	72.22%
Public administration	33	5.4	44	7.2	33.33%
<b>Total</b>	<b>608</b>	<b>100</b>	<b>613</b>	<b>100</b>	

Sources: U.S. Census; 2023 American Community Survey 5-Year Estimates.

3. Employment Projections. A projection of the Borough’s probable future employment characteristics is based on an assessment of historic employment trends, the number of non-residential construction permits issued, approvals of applications for non-residential development, and probable non-residential development of lands. Each of these items are identified and outlined below.
  - a. Historic Employment Trends. The table below provides data on Milford’s average annual employment covered by unemployment insurance over the past ten years. As shown below, the number jobs in Milford has steadily declined every year for the past decade except for 2021 and 2023. Understandably, the largest decline in employment was at the beginning of COVID pandemic followed by an increase of 12% in 2021. Another slight decrease in 2022 was reversed in 2023.

**Table 17: Average Covered Employment Trends (2013-2023)**

Year	Number of Jobs	Change in Number of Jobs	Percent Change
2013	913	-	-
2014	888	-25	-2.8%
2015	834	-54	-6.5%
2016	827	-7	-0.8%
2017	821	-6	-0.7%
2018	774	-47	-6.1%
2019	737	-37	-5.0%
2020	684	-53	-7.7%
2021	785	101	12.9%
2022	767	-18	-2.3%
2023	808	41	5.1%

Sources: NJ Department of Labor and Workforce Development.

- b. Probable Non-Residential Development of Lands. The Borough of Milford has experienced a negligible level of non-residential growth over the past ten years. Given the weak office and retail market and limited developable land within Milford as well as lack of sewer and water capacity, the Borough anticipates very little non-residential growth over the next ten-year period if any at all.
- c. Probable Future Employment Characteristics. As previously stated, employment in the Borough has declined all but two years in the past decade. Assuming this trend continues and recognizing the fully developed character of Milford's non-residentially zoned lands, it appears unlikely that Milford will experience any significant increases in employment over the next decade.

#### E. Consideration of Land appropriate for Affordable Housing

As part of this Plan, the Borough has considered land that is appropriate for the construction of low- and moderate-income housing. The Borough identified the Curtis Paper Mill Redevelopment Area as the most appropriate land in the Borough to fulfill its Fourth Round obligation. The Borough took the necessary steps to amend this redevelopment area to allow for additional housing construction. The Borough will continue to work with developers in the future who express an interest in the construction of additional housing within the Borough to ensure that the required setaside of affordable units is realized.

#### F. Analysis of Impact to Multigenerational Housing

The Amended 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). The Commission has the primary goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity. A review of the Borough's ordinance indicates that there are no ordinances that would create a detraction from meeting the Commission's goal. The Borough defines a family that is permitted to live in a single-family dwelling in such a way that a senior citizen may live in that single family dwelling unit with their extended family which is a permitted use in the single-family residential zoning districts. The Milford ordinances advance the Commission's goal.

#### G. Consistency with State Development and Redevelopment Plan

The Fourth Round Housing Element and Fair Share Plan is consistent with the 2001 State Development and Redevelopment Plan (SDRP) and the proposed SDRP that is currently in the cross acceptance process as the mechanisms presented within the Fair Share Plan provide a realistic opportunity for the construction of affordable housing should the infrastructure come to fruition.

## SECTION III: FAIR SHARE OBLIGATION

The following section provides an overview of the Borough's fair share obligation. It includes a brief overview of the methodology utilized to calculate affordable housing obligations throughout the state.

### A. SUMMARY OF FAIR SHARE OBLIGATION

As previously stated, the Amended Fair Housing Act (FHA) directed DCA to report the Present Need (also referred to as the Rehabilitation obligation) and the Prospective Need for the Fourth Round based upon the standards set forth in the Amended FHA. The DCA issued its report on October 18, 2024, and made clear that the report was advisory only. For Milford, the DCA Report identified a Present Need of 3 and a Prospective Round Four Need of 23. The Borough adopted a binding resolution on January 28, 2025 which committed to the present and prospective need obligations identified by DCA. The obligations are as follows:

Rehabilitation Obligation:	3
Prospective Need Obligation:	23

### B. DURATIONAL ADJUSTMENT

Since the Borough is lacking in adequate water and sewer infrastructure, it is entitled to a durational adjustment which is a mechanism, in accordance with N.J.A.C. 5:93-4.3, to allow a municipality that has limited sewer or water infrastructure or capacity to defer satisfaction of its affordable housing obligation until such infrastructure/capacity becomes available. The following is the basis for the Borough's durational adjustment of its affordable housing obligation.

#### Existing Sewer Capacity, Demand and Infrastructure

The Borough of Milford provides sewer services for both residents of the Borough of Milford as well as the Township of Holland. The Borough and the Township entered into a certain agreement entitled "Agreement Providing for Conveyance, Treatment and Disposal by the Borough of Milford of Sanitary Sewage Emanating from the Township of Holland," dated November 6, 1967 (hereinafter referred to as the "1967 Agreement"). Subsequent to the 1967 Agreement, as a result of litigation between the Township and the Borough, the Borough and Township entered into an agreement entitled "Settlement Agreement Between Holland Township and Milford Borough," dated October 3, 1986, hereinafter referred to as the "1986 Agreement". The 1967 and 1986 Agreements were subsequently consolidated into a single agreement, on April 3<sup>rd</sup> of 2012, for the purpose of both updating operational parameters and removing obsolete provisions (the "2012 Agreement").

Under the current New Jersey Department of Environmental Protection ("NJDEP") "Capacity Assurance Program" ("CAP") rules, the Borough is allowed to connect ninety-five percent (95%) of its flows before the Borough would be required to formally introduce a CAP (Capacity Assurance Plan) to the State. Based upon the 95% threshold, and the Borough currently having a 0.101MGD

sewer capacity available, the Borough's current operational available capacity would be not more than .096MGD available. The available sewer capacity is determined by use of a "running average" of the three (3) highest reported flows for a given year plus any committed flows by either application or NJDEP permit.

The sewer required for the Curtis Paper Mill Redevelopment, at build out capacity, during the Third Round was deemed sufficient. However, there are no sewer lines servicing the property. Sewer service area (SSA) mapping published by the New Jersey Department of Environmental Protection ("DEP") and Hunterdon County's 2012 Future Wastewater Service Map indicate that the Milford Mill facility commonly referred to as the "Curtis Paper Site", situate upon two parcels, Block 19, Lot 51 and Block 13, Lot 5.01, is located within the Upper Delaware Water Quality Management Plan SSA map boundary and is reserved for the future expansion of public sewer.

The construction of sewer service lines from the Borough's current sewer lines to the Curtis Paper Site would require traversing an area outside the SSA in order to expand public sewer infrastructure to the Curtis Paper Site. The construction of sewer service lines would require a Treatment Works Approval for the lines and may require consultation with other state programs depending upon the final proposed path of the infrastructure. There are critical environmental constraints to providing sewer service to the area such as the location of the C1 stream leading up from the Delaware River, in addition to the steep slopes in the northern section of the site, and the environmentally sensitive habitat and riparian zone areas. While these constraints impose a difficulty, none are not insurmountable. Any potential development at the Curtis Paper Mill Site, which seeks an expansion of the SSA, will be subject to NJDEP's Water Quality Management Plan SSA amendment regulatory processes, timeframes and permitting fees which would necessitate the durational adjustment.

For the foregoing reasons, there is insufficient sewer infrastructure at this time to provide sewer service to the Curtis Paper Mill Redevelopment. See Appendix A-1 for further detail.

## SECTION IV: FAIR SHARE PLAN

The following Fair Share Plan outlines the components and mechanisms the Borough will utilize to address its affordable housing obligations.

### A. PLAN SUMMARY

The Fair Share Plan identifies the manner in which the Borough's fair share affordable housing obligations are to be addressed. As detailed herein, the Housing Element and Fair Share Plan can accommodate the entirety of the community's affordable housing obligation through 2035 in a manner that affirmatively addresses affordable housing need, while at the same time addressing planning concerns and maintaining the overall character of the community.

### B. PLAN COMPONENTS

1. Rehabilitation Obligation. Rehabilitation obligations do not need to be fully satisfied until 2035. The Borough intends to satisfy its 3-unit obligation through participation in the Hunterdon County Rehabilitation Program and will provide a rehabilitation program with distribution of funds from the Affordable Housing Trust Fund in the event that there is an inquiry from an eligible rental as a result of its Affirmative Marketing Plan.
2. Prospective Need Obligation. The Borough has a Prospective Need obligation of 23 units. The Borough cannot satisfy this obligation through new residential development at this time due to the unavailability of sewer and water infrastructure and capacity. The Third Round obligation was subject to a durational adjustment in accordance with N.J.A.C. 5:93-4.3 and was addressed by way of 43 affordable credits from the Curtis Paper Mill Redevelopment Area once new water and/or sewer capacity becomes available. In similar fashion, the Fourth Round obligation is also subject to a durational adjustment and will be addressed by way of 23 additional affordable credits from the Curtis Paper Mill Redevelopment Area.

Pursuant to COAH's second round rules regarding the durational adjustment, the Borough shall reserve and set aside new water and/or sewer capacity, when it becomes available, for low- and moderate-income housing, on a priority basis for these mechanisms. Municipal officials shall endorse all applications for the sites to the New Jersey Department of Environmental Protection (NJDEP) or its agent to provide water and/or sewer capacity. 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 for sites other than those designated in the Settlement Agreement 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.

**Redevelopment Area – 1 (RA-1) Overlay Zone.** The Borough proposes to adopt a second amendment to the Curtis Paper Mill Redevelopment Plan to adjust the regulations within Redevelopment Area – 1 Overlay Zone. The Redevelopment Area, commonly known as the Curtis Paper site, is identified by municipal tax records as Block 19 Lot 51 and Block 13 Lots 5.01 and 8. It is approximately 73 acres in size.

Subject to a durational adjustment and the availability of new water and/or sewer capacity already discussed, the redevelopment area is available, approvable, developable, and suitable and meets the criteria and general requirements for the development of affordable housing. The site is free of encumbrance. With the adoption of the amendment, the site may be developed for low- and moderate-income housing in a manner consistent with the rules and regulations of all agencies with jurisdiction over the site. The Borough shall reserve and set aside new water and/or sewer capacity, when it becomes available for low- and moderate-income housing, on a priority basis. The site is suitable in that it is adjacent to compatible land uses such as single-family residential and a medical center facility. The site also has appropriate access along Frenchtown Road. Lastly, the site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4. There is the presence of some environmental constraints in certain portions of the area given its proximity to the Delaware River, but not to the extent that would preclude the development for low- and moderate-income housing in other portions of the area.

The amended overlay zone for the redevelopment area will create a realistic opportunity for the development of affordable housing to address the 23 units of the Fourth Round Obligation in the following arrangement. The redevelopment plan amendment allows for two additional For Sale Townhouse buildings, each containing 8 units. One of these Townhouse buildings will accommodate 5 special needs units. The redevelopment plan amendment also allows for two additional 3-story Rental Apartment buildings with 12 units per floor totaling 36 units per building. At a 20 percent affordable set aside for both the for sale as well as for rent developments and considering one credit and one bonus credit for each special needs unit, the total number of affordable housing units created by this redevelopment plan amendment is 28 units which is a surplus of 5 units above the obligation of 23 units.

Amended Redevelopment Plan	# of Building	Total Units	Set Aside	Actual	Rounded
For Sale Townhouse Building (8 units per building)	2	11	20%	2.2	3
Special Needs Units (5 units)		5	1:1 bonus credits	10	10
Rental Apartment Building (36 units per building)	2	72	20%	14.4	15
<b>Total</b>	<b>4</b>	<b>88</b>		<b>26.6</b>	<b>28</b>
<b>Fourth Round Affordable Units/Credits</b>					<b>28</b>

**Mandatory Set-Aside Ordinance.** In addition, the Borough created a Borough-wide Mandatory Set-Aside Ordinance as part of its 2019 HE&FSP and Third Round JOR to ensure that any new multi-

family residential development in Milford will provide its fair share of affordable units and assist with the Borough's continuous efforts to address its affordable housing obligation. The ordinance requires that any site that benefits from a rezoning, variance, or redevelopment plan approved by the Borough which results in multi-family residential development containing five or more new dwelling units shall provide an affordable housing set-aside at a rate of 15 percent, where affordable units will be for rent, or 20 percent, where affordable units will be for sale.

Although the Borough will continue to implement its Mandatory Set-Aside Ordinance through the Fourth Round and credit any new affordable units created thereunder, the Borough has amended said ordinance to require that any site that is developed with five or more new multi-family or single-family attached dwelling units shall provide an affordable housing set-aside at a rate of 20 percent, regardless of tenure. This amended ordinance is intended to capture additional affordable housing opportunities to help address Milford's obligation.

**Development Fee Ordinance:** Lastly, the Borough shall continue to impose development fees on new development, as set forth in the Borough's adopted development fee ordinance. As stated therein, residential development fees of 1.5 percent of the equalized assessed value shall be collected on all residential development involving new buildings or when an existing building undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. In addition, non-residential development fees of 2.5 percent of the equalized assessed value shall be collected on all non-residential developments, with the exception of those types of developments specifically exempted pursuant to the Statewide Non-Residential Development Fee Act. The funds generated by the collection of development fees will be applied directly toward implementation of this plan.

## APPENDIX

A-1 Sewer and Water Capacity Analysis for Additional Units Required in Fourth Round



***Borough of Milford***

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**CERTIFICATION OF ROBERT MARTUCCI, P.E.  
ON BEHALF OF THE  
BOROUGH OF MILFORD,  
HUNTERDON COUNTY, NEW JERSEY**

**In the Matter of the Declaratory Judgment  
Borough of Milford  
Docket No.: HNT-L-00066-25**

I, Robert Martucci, of full age, hereby certifies as follows:

1. I am a New Jersey licensed professional engineer and have been since 2009. I have been the municipal engineer for the Borough of Milford since 2011. I am familiar with this matter, and the statements made herein are based on my first-hand knowledge of same.

2. During my tenure as the Borough's Engineer, I am thoroughly familiar with the various factors pertaining to both the Borough's water and sewer operations, and their respective infrastructures and operational capacities. A myriad of factors including but not limited to environmental constraints such as floodplains, steep topography, C-1 waterways, endangered species, as well as the existence of detected PFAS contaminants have all limited the Borough's ability to move forward with obtaining additional capacities in either the Borough's water or sewer systems.

3. The Borough's attempts to both address the remediation of the detected PFAS contaminants and to construct a new public well, to provide for increased water capacity, have been met with conflicting federal and State governmental standards, and permitting and regulatory requirements. Furthermore, the Borough's Well Number 5 is currently under "violation" for secondary contaminants necessitating a new well.

4. By way of background, the Borough of Milford is a public water system that currently has two municipal (public) wells in operation. The water system currently operates under PWSID No. NJ1020001 as regulated by the New Jersey Department of Environmental Protection (NJDEP). Today, the Borough has an allocated capacity of 10 million gallons per month (“MGM”) in accordance with its Water Allocation Permit WAP080001 issued by New Jersey Department of Environmental Protection Bureau of Water Allocation.

5. The exact allocations and capacity for the Borough, as of March 1, 2024, the latest calculation, may be found at:

<https://www.nj.gov/cgi-bin/dep/watersupply/pwsdetail.pl?id=1020001>

which is repeated and set forth below:

**MILFORD WATER DEPARTMENT**

**PWSID:** 1020001  
**County:** Hunterdon  
**Last Updated:** 03/01/2024

**Water Supply Firm Capacity:** 0.180 MGD

**Available Water Supply Limits**

	<b>Allocation</b>	<b>Contract</b>	<b>Total</b>
<b>Monthly Limit</b>	10.000 MGM	N/A MGM	10.000 MGM
<b>Yearly Limit</b>	85.100 MGY	N/A MGY	85.100 MGY

**Water Demand**

	<b>Current Peak</b>	<b>Date</b>	<b>Committed Peak</b>	<b>Total Peak</b>
<b>Daily Demand</b>	0.128 MGD	05/2021	0.000 MGD	0.128 MGD
<b>Monthly Demand</b>	3.980 MGM	05/2021	0.000 MGM	3.980 MGM
<b>Yearly Demand</b>	41.805 MGY	2020	0.000 MGY	41.805 MGY

**Water Supply Deficit or Surplus**

<b>Firm Capacity</b>	<b>Water Allocation Permit</b>
0.052 MGD	6.020 MGM 43.295 MGY

6. I have reviewed the Borough of Milford’s documentation and pleadings pertaining to its Fourth Round Affordable Housing compliance obligations as developed by the Borough’s Professional Planner, Allison Fahey, P.P., which are set forth as follows:

**COMBINED 3RD ROUND AND 4TH ROUND**

**Buildings & Unit Breakdown**

<b>Building Type</b>	<b>Bedrooms</b>	<b>No. of Units Per Building</b>	<b>No. of Buildings</b>	<b>No. of Units</b>	<b>No. of Affordable 3rd Round</b>	<b>No. of Affordable 4th Round</b>	<b>Set Aside Percentage</b>
<b>Townhouse</b>	3BR	8	8	64	10	13	20%
<b>Assisted Living</b>	1BR	110	1	110	11	0	10%
<b>Multifamily</b>	1BR	12	4	48	11	15	20%
<b>Multifamily</b>	2BR	16		64	11		
<b>Multifamily</b>	3BR	6		24			
<b>Total Units</b>				<b>310</b>	<b>43</b>	<b>28</b>	
<b>Total Affordable</b>						<b>71</b>	

7. On a five-year average, water usage for the Borough has ranged from 3,329,650 gallons per month to 5,666,450 gallons per month. The five-year average usage per month is approximately 3,900,000 gallons per month based on the well records maintained by the Borough and analyzed by the State of New Jersey.

8. The New Jersey Department of Environmental Protection, Bureau of Water Systems Engineering (the "Bureau"), has invoked a "FIRM Capacity" requirement for each public water system wherein the Bureau compares the daily average water usage from the Borough's water system's peak month over a five-year period against the well allocation total taking the highest producing well out of service. The calculated difference either results in a surplus of daily flow that could be utilized for any future connections or a deficit that would restrict the public water system from any new connection to the system or any additional water usage requirement resulting from an existing property's change in use necessitating additional water demand.

9. Currently the Borough of Milford has a deficit in its FIRM Capacity in the amount of -032 million gallons per day. This information is provided by the "NJDEP Division of Water Supply and Geoscience Public Water System Deficit/Surplus" form obtained from the NJDEP website attached hereto as Exhibit A.

10. Accordingly, no new water main extension or connection permits will be issued by the Bureau. Similarly, the Bureau will not issue any new permit to enhance FIRM capacity for changes in demand sought by an existing water user.

11. Based on the information above as provided by the Planner Fahey pertaining to 3<sup>rd</sup> Round and 4<sup>th</sup> Round affordable housing obligations, and in accordance with Table 5.1 of the New Jersey Administrative Code, Title 5, Chapter 31 "Residential Site Improvement Standards", the following are my calculations regarding the additional demands made to the Borough's water system:

**COMBINED 3RD ROUND AND 4TH ROUND**

**Water Demand Calculation  
Per Building Type & Number of Bedrooms**

Building Type	Bedrooms	No. of Units Per Building	No. of Buildings	No. of Units	No. of Affordable 3rd Round	No. of Affordable 4th Round	Gallons Per Day ("GPD")
Townhouse	3BR	8	8	64	10	13	19,200
Assisted Living	1BR	110	1	110	11	0	11,100
Multifamily	1BR	12	4	48	11	15	4,800
Multifamily	2BR	16		64	11		12,800
Multifamily	3BR	6		24			7,200
<b>Total Units</b>				<b>310</b>	<b>43</b>	<b>28</b>	

In addition to the above, the peak daily flows shall be computed by applying a peaking factor of 3.

**Total Daily Demand = 55,100 GPD or .06 MGD**

**Total Daily Demand (Factor 3x) = 165,300 GPD or 0.17 MGD**

12. Based on the above information, the Borough water system does not have a sufficient surplus to meet the demands for the affordable housing requirements. As of the date of the adoption of this certification, the Milford Borough water system has a calculated available daily water gallonage of not more than 34,000 gallons, per day.

13. In addition to the issues identified in Paragraph 12 herein, in order to realize all of new housing units that would be necessary in order to satisfy the affordable housing obligation, the Borough would need a new well and a new main line extension. The Borough would also need either a new septic plant or a substantial upgrade to the existing plant as well as new secondary clarifiers, installation of Ultra-Violet (UV) treatment, and the design and construction of a new outfall location.

14. The Borough if, and when, the Borough's current water and sewer limitations are capable of expansion, shall ensure that said water and sewer capacities will be applied towards any affordable housing units under the Fourth Round's durational adjustment as part of the Borough's compliance plan pursuant to N.J.A.C. 5:93-4.3(c).

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

*Robert Martucci*

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Robert Martucci

Dated: **December 4, 2025**

