

Frances C. McManimon, Esq. (019901993)  
Ted J. Del Guercio, III, Esq. (036901997)  
Jessica F. Silva, Esq. (333342020)  
McMANIMON, SCOTLAND & BAUMANN, LLC  
75 Livingston Avenue, Second Floor  
Roseland, New Jersey 07068  
(973) 622-1800  
Attorneys for Plaintiff/Petitioner,  
Borough of Belmar

IN THE MATTER OF THE APPLICATION  
OF THE BOROUGH OF BELMAR, a  
municipal Corporation of the State of New  
Jersey,

Plaintiff/Petitioner

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MONMOUTH COUNTY  
DOCKET NO. MON-L-000414-25

Civil Action  
(Mount Laurel)

**CERTIFICATION OF COUNSEL**

I, Frances C. McManimon, Esq., hereby certify and say:

1. I am a Partner with the law firm of McManimon, Scotland & Baumann, LLC, attorneys for Plaintiff/Petitioner the Borough of Belmar in this declaratory judgement action.

2. On January 28, 2025, the Borough Council adopted Resolution 2025-34, accepting the obligation set forth in the “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” (the “**DCA Report**”) by the New Jersey Department of Community Affairs (the “**DCA**”).

3. Pursuant to the Administrative Directive #14-24, dated December 13, 2024 (the “**Directive**”), implementing the Affordable Housing Dispute Resolution Program (the “**Program**”), the Borough filed this action in the Superior Court of Monmouth County on January 30, 2025.

4. On April 1, 2025, the Honorable Linda Grasso Jones, J.S.C., the designated Mount Laurel Judge for the Monmouth Vicinage, entered an order setting the Borough’s Present Need

Obligation as 0 and the Prospective Need Obligation as 43, as set forth in the Binding Resolution No. 2025-34.

5. On June 16, 2025, the Planning Board of the Borough of Belmar adopted a resolution, attached hereto as **Exhibit B**, adopting its Fourth Round Housing Element and Fair Share Plan (“**HEFSP**”), attached hereto as **Exhibit A**.

6. On June 17, 2025, the Council of the Borough of Belmar adopted Resolution 2025-132 endorsing the HEFSP, attached hereto as **Exhibit C**.

7. In accordance with the Directive, the Borough is hereby filing the HEFSP with the Program.

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

Dated: June 23, 2025

*Frances C. McManimon*

Frances C. McManimon, Esq.

## EXHIBIT A

# Housing Element and Fair Share Plan

***Prepared for:***

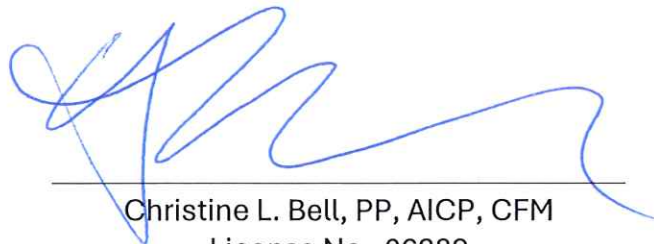
**The Borough of Belmar  
Monmouth County, New Jersey**

**Adopted:  
June 16, 2025**

Prepared By:

**LEON S. AVAKIAN INC.**  
CONSULTING ENGINEERS

788 Wayside Road  
Neptune, New Jersey 07753  
(732) 922-9229



Christine L. Bell, PP, AICP, CFM  
License No. 06289

**Mayor and Council**

Gerald Buccafusco, Mayor

Mark Levis

Maria Rondinaro

Caitlin Donovan

Jodi Kinney

**Planning Board**

Jay McDermott

Bill Lindsay

Rick Meyer

Gerald Buccafusco, Mayor

Mark Levis

Linda Sharkus

Brett Lomas

Louis Fierro

Christopher Picconi

Mike DeBlasio

**Board Professionals**

Doug Kovats, Esq., Board Attorney

April Claudio, Board Secretary

James Oris, PE, Borough Engineer

Christine Bell, PP, AICP, Borough Planner

**Project Team**

Jennifer Beahm, PP, AICP

Christine Bell, PP, AICP, CFM

Matthew Joyner

Stephen Myer

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## **INTRODUCTION**

In the case of Southern Burlington County NAACP v. the Township of Mount Laurel, (commonly known as Mount Laurel I), the New Jersey Supreme Court established the doctrine that developing municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate income housing in their communities. In its Mount Laurel decision, decided on January 20, 1983 (Mount Laurel II), the Supreme Court expanded the Mount Laurel doctrine by stating that this constitutional responsibility extended to all municipalities in New Jersey. The Court also established various remedies, including the “builder remedy” or court-imposed zoning, to ensure that municipalities affirmatively addressed this obligation.

In response to the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act in 1985 (Chapter 222, Laws Of New Jersey, 1985). The Fair Housing Act established a Council on Affordable Housing (COAH) as an administrative alternative to the courts. COAH was also given the responsibility of establishing various housing regions in the state, determining regional and municipal fair share affordable housing obligations, and adopting regulations establishing the guidelines and approaches that municipalities may use in addressing their affordable housing need.

Under COAH’s regulations, low income households are defined as those with incomes no greater than 50 percent of the median household income, adjusted for household size, of the housing region in which the municipality is located, and moderate-income households are those with incomes no greater than 80 percent and no less than 50 percent of the median household income, adjusted for household size, of the housing region. For the Borough of Belmar, the housing region is defined by COAH as Region 4 and is comprised of Mercer, Monmouth, and Ocean counties. In Region 4 the median income for a four-person household is \$130,054, the moderate-income limit is \$104,043, the low-income limit is \$65,027, and the very low-income limit is \$39,016 in 2024.

Pursuant to both the Fair Housing Act and the Municipal Land Use Law (MLUL), municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to provide for methods of achieving the goal of access to affordable housing to meet the municipality’s low- and moderate-income housing needs. The statutory required contents of the housing element are:

- An inventory of the municipality’s housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality’s housing stock, including the probable future construction of low- and moderate-income housing, for the ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of



applications for development and probable residential development of lands;

- An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share 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; and
- 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.

## **MUNICIPAL SUMMARY**

The Borough of Belmar is a popular beach town in southern Monmouth County, nestled along the Atlantic Ocean to the east and the Shark River to the north and west. The Borough is a fully developed community, comprised of mostly residential uses with a downtown area that is home to a variety of shops, restaurants, and cafes; and has been recognized for many of its innovative environmental, art, tourism, and recreation programs.

Throughout the existing residential neighborhoods are a number of municipally owned parks and open space facilities including the 1.3 miles of public beach on the eastern edge, the marina along Shark River to the west, the boardwalk which was rebuilt in 2013 following Hurricane Sandy, and the beach front pavilions that re-opened in Spring 2017. In addition to State Route 35, there are several County roadways, including Ocean Avenue, 16th Avenue, and Main Street, all serving as the Borough's main thoroughfares. Development throughout the Borough is primarily residential; however, there are several commercial uses located along the western side of Ocean Avenue; and Main Street functions as the Borough's main downtown commercial corridor. NJ Transit also provides access to the Borough via the North Jersey Coast Line. Belmar is part of the continuous string of Monmouth County Shore Towns, each of which have a distinctive character that adds to the vibrancy of variety of the Jersey Shore in this region.

The current year-round population of Belmar is estimated at 5,861 (ACS 2023 5-year data), swelling substantially in the summer months. Belmar has a population density of 5,653 persons per square mile, compared to that of the county's 1,375 persons per square mile. The Borough's median age increased between 2010 and 2023, with a 2010 median age of 38.4 and a 2023 median age of 43.6 years of age. Belmar's 2023 median household income estimate of \$92,859 was lower than that of both the County (\$122,727) and the State (\$101,050).

In the guidelines established by COAH, Belmar Borough is located in affordable housing Region 4 which is comprised of Monmouth, Mercer, and Ocean Counties.

## DEMOGRAPHIC CHARACTERISTICS

### POPULATION

In 2023, Belmar had an estimated total population of 5,861. This number represents a population increase of 248 persons or 4.4 percent since 2020, when the total population was 5,613. Despite gains from the most recent Census, the Borough has been experiencing an overall downward population trend since 1980, the year in which the population peaked at 6,771.

**TABLE 1: POPULATION TRENDS, 1940-2020**

Year	Belmar			Monmouth County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1940	3,435	-	-	161,238	-	-	4,160,165	-	-
1950	4,636	1,201	35.0%	225,327	64,089	39.7%	4,835,329	675,164	16.2%
1960	5,190	554	11.9%	334,401	109,074	48.4%	6,066,782	1,231,453	25.5%
1970	5,782	592	11.4%	461,849	127,448	38.1%	7,171,112	1,110,330	18.2%
1980	6,771	989	17.1%	503,173	41,324	8.9%	7,365,011	193,899	2.7%
1990	5,877	-894	-13.2%	553,124	49,951	9.9%	7,730,188	365,177	5.0%
2000	6,045	168	2.9%	615,301	62,177	11.2%	8,414,350	684,162	9.0%
2010*	5844	-201	-3.3%	628,112	12,811	2.1%	8,721,577	307,227	3.7%
2020	5613	-231	-4.0%	620,821	-7,291	-1.2%	8,885,418	163,841	1.9%
2023	5861	248	4.4%	643,615	15,503	2.5%	9,267,014	545,437	6.3%
2050	6,234	373	6.4%	669,624	26,009	4.4%	-	-	-

Source: U.S. Census Bureau Decennial Census (table DP-1)  
 \*U.S. Census Bureau, 2020 ACS 5-Year Estimates (table DP05)  
 \*\*Population Projections from North Jersey Transportation Planning Authority (NJTPA)

### POPULATION COMPOSITION BY AGE

The age composition of Belmar has shifted noticeably since 2010. According to American Community Survey 2023 5-Year Estimates, significant changes occurred in many age groups. The greatest percentage decreases occurred in the 75 to 84 years cohort, which decreased by 55.1 percent, followed by the 20 to 24 years age cohort, which decreased by 38.2 percent. Conversely, the Borough has seen a significant increase in the number of residents between 55 and 74 years. The greatest percentage increases occurred in the 65 to 74 years age cohort, which increased by 163 percent, and the 55 to 59 years and older age cohort, which increased by 55 percent.

**TABLE 2: POPULATION BY AGE COHORT, BELMAR, 2010-2023**

Population	2010		2023		Change 2010-2023
	Number	Percent	Number	Percent	
Total population	5,844	100.0%	5,861	100.0%	0.3%
Under 5 years	214	3.7%	152	2.6%	-29.0%
5 to 9 years	323	5.5%	276	4.7%	-14.6%
10 to 14 years	273	4.7%	177	3.0%	-3.5%
15 to 19 years	246	4.2%	243	4.1%	-1.2%
20 to 24 years	536	9.2%	331	5.6%	-38.2%
25 to 34 years	1,074	18.4%	1091	18.6%	1.6%
35 to 44 years	844	14.4%	708	12.1%	-16.1%
45 to 54 years	781	13.4%	752	12.8%	-3.7%
55 to 59 years	351	6.0%	544	9.3%	55.0%
60 to 64 years	371	6.3%	549	9.4%	48.0%
65 to 74 years	278	4.8%	731	12.5%	162.95%
75 to 84 years	472	8.1%	212	3.6%	-55.1%
85 years and over	81	1.4%	95	1.6%	17.3%
U.S. Census Bureau American Community Survey 2023 5-Year Estimates (table DP-05)					

Monmouth County also experienced shifts in the age make-up of its population. The County experienced a significant decrease in the elementary, middle, and high school-aged population, while the largest decreases were seen among residents aged 35 to 54. The 65 to 74 years cohort experienced the most substantial population increase over this timeframe, with a 70.4 percent increase. The percentage of the County's older age cohorts (55 years and over) experienced increases between 2010 and 2020, suggesting that the County has an aging population.

**TABLE 3: POPULATION BY AGE COHORT, MONMOUTH COUNTY, 2010-2023**

Population	2010		2023		Change 2010-2023
	Number	Percent	Number	Percent	
Total population	628,112	100.0%	643,615	100.0%	2.5%
Under 5 years	36,105	5.7%	32,114	5.0%	-11.1%
5 to 9 years	43,432	6.9%	37,013	5.8%	-14.8%
10 to 14 years	45,172	7.2%	39,484	6.1%	-12.6%
15 to 19 years	44,706	7.1%	42,163	6.6%	-5.7%
20 to 24 years	33,055	5.3%	37,390	5.8%	13.1%
25 to 34 years	63,105	10.0%	70,569	11.0%	11.8%
35 to 44 years	93,461	14.9%	75,860	11.8%	-18.8%
45 to 54 years	108,675	17.3%	88,083	13.7%	-18.9%
55 to 59 years	85,861	6.8%	50,654	7.9%	18.9%
60 to 64 years	34,235	5.5%	50,797	7.9%	48.4%
65 to 74 years	41,719	6.6%	71,107	11.0%	70.4%
75 to 84 years	29,301	4.7%	33,953	5.3%	15.9%
85 years and over	12,552	2.0%	14,428	2.2%	14.9%
U.S. Census Bureau American Community Survey 2023 5-Year Estimates (table DP-05) S0101					

The median age of Belmar residents increased by 5.2 years between 2010 and 2023. The State and County also experience median age increases between 2010 and 2023, though not as large as the Borough's. While also experiencing the greatest increase in median age, Belmar's median age in 2023 the oldest median age, slightly greater than Monmouth County, both of which were older than the New Jersey State median age.

**TABLE 4: MEDIAN AGE**

Year	Belmar	Monmouth County	New Jersey
2010	38.4	40.6	38.5
2023	43.6	43.2	40.1
Change	5.2	2.6	1.6
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP-05)			

## HOUSEHOLDS

A household is defined as one or more persons, related or not, living together in a housing unit. 2023 ACS 5-Year Estimates note that there were approximately 2,791 households in Belmar. Approximately 71.5 percent of the Borough's households were comprised of one and two persons, with the one-person category containing the greatest number of households. A smaller percentage (59.1%) of Monmouth County households fell into these categories. The Borough exhibited a lower percentage of three and four-or-more person households than the County. The Borough's average household size reflects these trends, at 2.10 persons per household compared to the County's 2.58 persons per household figure.

**TABLE 5: HOUSEHOLD CHARACTERISTICS  
BELMAR AND MONMOUTH COUNTY, 2023**

	Belmar		Monmouth County	
	Number	Percent	Number	Percent
Total Households	2,791	100.0%	250,195	100.0%
1-person	1,226	43.9%	66,589	26.6%
2-persons	770	27.6%	81,289	32.5%
3-persons	407	14.6%	40,929	16.4%
4 or more persons	388	13.9%	61,388	24.5%
Average Household Size	2.10		2.55	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (tables S2501 & B25010)				

Family households are defined as two or more persons living in the same household, related by blood, marriage, or adoption. Households in Belmar are mainly non-family households, comprising 52.2 percent of all households. The average household size in Belmar is 2.10 persons. Of all Borough households, 47.8 percent were family households. Approximately 63.2 percent of all family households were family households with married couple householders, while 15.4 percent and 21.5 percent of family households respectively were family households consisting of single parent male or female householders. The average family size was 2.92 persons.

**TABLE 6: HOUSEHOLDS BY TYPE (2023)**

Household Size	Total	Percent
Total Households	2,791	100.0%
1 person household	1,226	43.9%
2 or more person household	1,565	56.1%
Family households	1,335	47.8%
Married Couple Family	843	63.1%
With own children under 18 years	270	32.0%
No children under 18 years	573	68.0%
Other Family	492	17.6%
Male householder, no spouse present	205	15.4%
With own children under 18 years	0	0.0%
No own children under 18 years	205	100.0%
Female householder, no spouse present	287	21.5%
With own children under 18 years	137	47.7%
No own children under 18 years	150	52.3%
Nonfamily Households	1,456	52.2%
Average Family Size (persons)	2.92	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (tables S2501, S1101)		

## INCOME

Belmar experienced an estimated 104 percent increase in per capita income between 2010 and 2023, which was greater than Monmouth County's 60 percent increase, and the State's 52.4 percent increase. Additionally, Belmar's 2023 per capita income of \$71,843 was greater than the County's \$65,545 per capita income figure, both of which are higher than the State's \$53,118 per capita income. Belmar's median household income was \$92,859, lower than the median income for both the County and State. In terms of the rate of change since 2010, Belmar residents experienced a 55 percent rise in their median household income, higher than their Monmouth County and New Jersey counterparts.

**TABLE 7: PER CAPITA INCOME AND MEDIAN HOUSEHOLD INCOME**

	2010 Per Capita Income	2023 Per Capita Income	Percent Change	2010 Median Household Income	2023 Median Household Income	Percent Change
<b>Belmar</b>	\$35,223	\$71,843	104.0%	\$59,928	\$92,859	55.0%
<b>Monmouth County</b>	\$40,976	\$65,545	60.0%	\$82,265	\$122,727	49.2%
<b>New Jersey</b>	\$34,858	\$53,118	52.4%	\$69,811	\$101,050	44.7%
U.S. Census Bureau, 2023 ACS Selected Population Tables (table DP03)						

The income distribution for the Borough was similar to that of the County. The income bracket containing the highest percentage of households was \$200,000 or more in both Belmar (25.1%) and Monmouth County (27.7%). The income bracket containing the second highest percentages for Belmar was \$75,000 to \$99,999 range, representing 15 percent of Borough residents, while the income bracket representing the second highest percentage of Monmouth County residents was the \$150,000 to \$199,999, representing 13.6% of County residents.

**TABLE 8: HOUSEHOLD INCOME DISTRIBUTION  
BELMAR AND MONMOUTH COUNTY, 2023**

	Belmar		Monmouth County	
	Number	Percent	Number	Percent
<b>Total Households</b>	2,791	100.0%	250195	100.0%
Less than \$10,000	111	4.0%	8,165	3.3%
\$10,000 to \$14,999	19	0.7%	5,319	2.1%
\$15,000 to \$19,999	56	2.0%	5,203	2.1%
\$20,000 to \$24,999	92	3.3%	5,578	2.2%
\$25,000 to \$29,999	0	0.0%	5,530	2.2%
\$30,000 to \$34,999	73	2.6%	5,175	2.1%
\$35,000 to \$39,999	54	1.9%	5,648	2.3%
\$40,000 to \$44,999	239	8.6%	5,544	2.2%
\$45,000 to \$49,999	81	2.9%	6,198	2.5%
\$50,000 to \$59,999	182	6.5%	9,995	4.0%
\$60,000 to \$74,999	168	6.0%	15,158	6.1%
\$75,000 to \$99,999	418	15.0%	25,542	10.2%
\$100,000 to \$124,999	178	6.4%	24,161	9.7%
\$125,000 to \$149,999	163	5.8%	19,756	7.9%
\$150,000 to \$199,999	257	9.2%	33,996	13.6%
\$200,000 or more	700	25.1%	69,227	27.7%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B19001)				

## HOUSEHOLD COSTS

The tables below show housing expenditures for owner- and renter-occupied units in Belmar in 2023. The first table shows the housing costs of owner occupants as a percentage of total income. A total of 383 households (27.9%) were devoting more than 30 percent of their annual income to housing costs. The State affordability threshold for housing as a percent of income suggests that not more than 28 percent of gross income should be allocated for housing costs.

The second table shows rental costs as a percentage of household income. Almost half of households in Belmar, a total of 685 rental households or 48.5%, were spending over 30 percent of their incomes on rent. The State affordability threshold for housing as a percent of income suggests that not more than 30 percent of gross income should be allocated for rent.

**TABLE 9: MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME, 2023**

	Belmar		Monmouth County	
	Number	Percent	Number	Percent
Total Owner-Occupied Housing Units	1,377	100.0%	188,578	100.0%
Less than 10.0 percent	381	27.7%	28,917	15.3%
10.0 to 14.9 percent	109	7.9%	32,253	17.1%
15.0 to 19.9 percent	238	17.3%	31,997	17.0%
20.0 to 24.9 percent	144	10.5%	25,780	13.7%
25.0 to 29.9 percent	108	7.8%	16,946	9.0%
30.0 to 34.9 percent	67	4.9%	10,722	5.7%
35.0 to 39.9 percent	33	2.4%	8,426	4.5%
40.0 to 49.9 percent	132	9.6%	10,377	5.5%
50.0 percent or more	151	11.0%	21,847	11.6%
Not Computed	14	1.0%	1,313	0.7%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B25091)				

**TABLE 10: GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME, 2023**

	Belmar		Monmouth County	
	Number	Percentage	Number	Percentage
Total Renter-Occupied Housing Units	1,414	100.0%	61,617	100.0%
Less than 10.0 percent	79	5.6%	2,113	3.4%
10.0 to 14.9 percent	165	11.7%	4,993	8.1%
15.0 to 19.9 percent	77	5.4%	6,970	11.3%
20.0 to 24.9 percent	138	9.8%	6,927	11.2%
25.0 to 29.9 percent	159	11.2%	6,419	10.4%
30.0 to 34.9 percent	268	19.0%	4,751	7.7%
35.0 to 39.9 percent	33	2.3%	3,057	5.0%
40.0 to 49.9 percent	93	6.6%	6,163	10.0%
50.0 percent or more	291	20.6%	16,805	27.3%
Not computed	111	7.9%	3,419	5.5%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B25070)				



## EXISTING HOUSING CONDITIONS

### HOUSING UNIT DATA

According to the 2023 ACS, there are approximately 3,835 housing units in Belmar, with 2,791 occupied housing units. Most occupied units (50.7%) are renter occupied. Approximately 27.2 percent of the Borough's housing stock is vacant. The majority of these homes are considered vacant because they serve as seasonal homes, rather than as the primary residence of the owners. Most of the housing structures (~80%) were built before 1980.

**TABLE 11: HOUSING UNIT DATA, 2023**

Housing Units in Belmar	Number	Percent
Total Housing Units	3,835	100.0%
Vacant Housing Units	1,044	27.2%
Occupied Housing Units	2,791	72.8%
Owner Occupied	1,377	49.3%
Renter Occupied	1,414	50.7%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)		

	Number	Percent
Built 2020 or later	0	0.0%
Built 2010 to 2019	266	6.9%
Built 2000 to 2009	265	6.9%
Built 1990 to 1999	169	4.4%
Built 1980 to 1989	173	4.5%
Built 1970 to 1979	442	11.5%
Built 1960 to 1969	505	13.2%
Built 1950 to 1959	730	19.0%
Built 1940 to 1949	221	5.8%
Built 1939 or earlier	1,064	27.7%
Total	3,835	100.0%
Median Year Structure Built	1959	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04 and B25035)		

### HOUSING TYPE AND SIZE

The majority of residences in Belmar are one unit detached homes, which comprise 49.4 percent of the housing stock, followed by residences with 20 units or more, which comprise 15.2 percent of the housing stock. The median number of rooms per unit was 4.8.

**TABLE 12: HOUSING UNITS BY TYPE, 2023**

Units in Structure	Total	Percent
Total	3,835	100.0%
1 Unit, detached	1,894	49.4%
1 Unit, attached	273	7.1%
2 Units	445	11.6%
3 or 4 Units	297	7.7%
5 to 9 Units	130	3.4%
10 to 19 Units	203	5.3%
20 Units or more	584	15.2%
Mobile home	9	0.2%
Boat, RV, van, etc.	0	0.0%
Rooms	Total	Percent
1 room	140	3.7%
2 rooms	256	6.7%
3 rooms	698	18.2%
4 rooms	702	18.3%
5 rooms	423	11.0%
6 or more rooms	1,616	42.2%
Median number of rooms	4.8	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (DP04)		

## HOUSING VALUES AND CONTRACT RENTS

According to ACS 5-Year Estimates, the majority of units in Belmar, approximately 70.6 percent, were valued at over \$500,000. Table 13 provides a breakdown of home values for owner-occupied units within the Borough. Only 41 owner-occupied housing units in Belmar were worth less than \$50,000. The median value of an owner-occupied housing unit in Belmar was \$771,400 at the time of the survey, compared to the county's median value of \$566,500.

**TABLE 13: VALUE OF OWNER-OCCUPIED HOUSING UNITS, 2023**

	Belmar		Monmouth County	
	Number	Percentage	Number	Percentage
Total	1377	100.0%	188,578	100.0%
Less than \$50,000	41	3.0%	3,202	1.7%
\$50,000 to \$99,999	21	1.5%	2,703	1.4%
\$100,000 to \$149,999	6	0.4%	1,760	0.9%
\$150,000 to \$199,999	20	1.5%	2,797	1.5%
\$200,000 to \$299,999	66	4.8%	12,780	6.8%
\$300,000 to \$499,999	250	18.2%	55,119	29.2%
\$500,000 to \$999,999	685	49.7%	88,909	47.1%
\$1,000,000 or more	288	20.9%	21,308	11.3%
Median Value	\$771,400		\$566,500	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)				

The number of rental units is estimated at 1,303. However, 111 of these rental units are categorized as units for which no cash rent is paid. The overall median rent paid in Belmar was \$1,832, which was more than what was paid by county residents (\$1,771).

**TABLE 14: GROSS RENT PAID, 2023**

	Belmar		Monmouth County	
	Number	Percentage	Number	Percentage
Total Renter Occupied Units	1,303	100.0%	59,223	100.0%
Less than \$500	0	0.0%	4,045	6.8%
\$500 to \$999	104	8.0%	3,453	5.8%
\$1,000 to \$1,499	279	21.4%	13,711	23.2%
\$1,500 to \$1,999	404	31.0%	15,499	26.2%
\$2,000 to \$2,499	161	12.4%	10,920	18.4%
\$2,500 to \$2,999	293	22.5%	6,150	10.4%
\$3,000 or more	62	4.8%	5,445	9.2%
No cash rent	111	(X)	2,394	(X)
Median Contract Rent	\$1,832		\$1,771	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)				

## HOUSING CONDITIONS

According to the 2023 ACS, there were zero (0) owner occupied units and zero (0) renter occupied units experiencing overcrowding. No units exhibiting lacking complete plumbing facilities, or lacking complete kitchen facilities. Table 15 details the condition of housing within Belmar based on plumbing facilities, kitchen facilities, and overcrowding. These factors are utilized in determining housing deficiency and general housing problems and are used as the basis to calculate the municipal rehabilitation obligation.

**TABLE 15: HOUSING DEFICIENCY CHARACTERISTICS, 2023**

	Count	Percent
<b>Housing Units with 1.01 or More Persons Per Room</b>		
Owner Occupied	0	0.0%
Renter Occupied	0	0.0%
<b>Plumbing Facilities</b>		
Total Occupied Housing Units	2,791	100.0%
Lacking complete plumbing facilities	0	0.0%
<b>Kitchen Equipment</b>		
Total Occupied Housing Units	2,791	100.0%
Lacking complete kitchen facilities	0	0.0%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (tables B25014, S2504)		

## PROJECTED HOUSING STOCK

According to New Jersey Department of Community Affairs, the Borough of Belmar has issued building permits for 329 residential dwelling units between 2004 and 2023. During that same time period, the Borough issued 352 residential demolition permits, for a total net decrease of 23 dwelling units over this time period. Building permit data by year is summarized in Table 16 below.

**TABLE 16: BUILDING PERMITS AND DEMOLITION PERMITS ISSUED, 2004-2023**

Year	1 & 2 Family	Multi Family	Mixed Use	Total New Construction	Total Residential Demolitions	Net Units Added
2004	13	0	0	13	18	-5
2005	14	0	0	14	40	-26
2006	26	0	0	26	33	-7
2007	27	3	0	30	32	-2
2008	8	0	0	8	41	-33
2009	10	0	0	10	7	3
2010	9	0	0	9	8	1
2011	6	0	0	6	7	-1
2012	10	0	0	10	9	1
2013	25	0	0	25	27	-2
2014	16	0	0	16	13	3
2015	16	0	0	16	17	-1
2016	9	0	0	9	9	0
2017	15	0	0	15	28	-13
2018	66	0	0	66	6	60
2019	10	0	0	10	10	0
2020	9	0	0	9	16	-7
2021	11	0	0	11	11	0
2022	12	0	0	12	11	1
2023	14	0	0	14	9	5
<b>Total</b>	<b>326</b>	<b>3</b>	<b>0</b>	<b>329</b>	<b>352</b>	<b>-23</b>

Source: NJ DCA Construction Reporter

## EMPLOYMENT DATA

The 2023 ACS reports on the work activity of residents aged 16 years and older. The Borough's working age population was 5,220 persons (80.7 percent of the overall population), approximately 3,838 of whom were part of the labor force (73.5%). 26.5 percent of the Borough's working age residents were not participating in the labor force, which is 7 percent lower than that of the County. All of Belmar's labor force was employed in civilian jobs. Approximately 5.3 percent of Borough residents are estimated to be unemployed at this time, which is higher than the estimated unemployment rate of Monmouth County overall (3.5%).

**TABLE 17: EMPLOYMENT STATUS, 2023**

	Belmar		Monmouth County	
	Number	Percent	Number	Percent
Population 16 years and over	5,220	100.0%	526,352	100.0%
In labor force	3,838	73.5%	349,815	66.5%
Civilian Labor Force	3,838	73.5%	349,355	66.4%
Employed	3,563	68.3%	331,018	62.9%
Unemployed	275	5.3%	18,337	3.5%
Armed Forces	0	0.0%	460	0.1%
Not in labor force	1,382	26.5%	176,537	33.5%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)				

74.7 percent of the Borough's workers were employed in private wage and salary positions, while about five percent of workers are self-employed. Government workers comprise about 19.4 percent of the Borough's workforce. Table 18 provides a breakdown of worker classifications.

**TABLE 18: CLASSIFICATION OF WORKERS IN BELMAR, 2023**

	Number	Percent
Total	3,563	100.0%
Private Wage and Salary Worker	2,663	74.7%
Government Worker	691	19.4%
Self-Employed Worker	183	5.1%
Unpaid Family Worker	26	0.7%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

## EMPLOYMENT BY INDUSTRY

An analysis of employees (over the age of 16) by economic sector indicates that employed working age individuals in Belmar were involved in a range of economic sectors. As depicted in Table 19 below, the highest concentration of workers (21.2%) are educational services and health care and social assistance, followed by professional, scientific, and

management, and administrative and waste management services (19.2%). The only other sectors to employ over ten percent of the Borough's residents were finance and insurance, and real estate and rental and leasing, and arts, entertainment, and recreation, and accommodation and food services, both with slightly over 11%.

**TABLE 19: WORKFORCE BY SECTOR, 2023**

Sector	Number	Percent
Civilian employed population 16 years and over	3,563	100.0%
Agriculture, forestry, fishing and hunting, mining	0	0.0%
Construction	285	8.0%
Manufacturing	266	7.5%
Wholesale Trade	50	1.4%
Retail Trade	226	6.3%
Transportation and Warehousing, and Utilities	250	7.0%
Information	22	0.6%
Finance and insurance, and real estate and rental and leasing	415	11.6%
Professional, scientific, and management, and administrative and waste management services	683	19.2%
Educational services, and health care and social assistance	757	21.2%
Arts, entertainment, and recreation, and accommodation and food services	411	11.5%
Other Services, except public administration	78	2.2%
Public administration	120	3.4%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

Table 20 provides a percentage comparison of the Borough's workforce against that of the County. The Borough's profile of employment by sector generally mirrors that of the County. A higher percentage of the Borough's workforce was employed in 'arts, entertainment, and recreation, and accommodation and food services' and 'finance and insurance, and real estate and rental and leasing, and arts'. Conversely, a higher percentage of the County's population worked in 'retail trade'.

**TABLE 20: COMPARISON OF WORKFORCE BY SECTOR  
BELMAR BOROUGH AND MONMOUTH COUNTY, 2023**

Sector	Belmar	Monmouth County
Civilian employed population 16 years and over	3,563	331,018
Agriculture, forestry, fishing and hunting, mining	0.0%	0.4%
Construction	8.0%	7.0%
Manufacturing	7.5%	6.2%
Wholesale Trade	1.4%	2.5%
Retail Trade	6.3%	10.5%
Transportation and Warehousing, and Utilities	7.0%	4.4%
Information	0.6%	3.2%
Finance and insurance, and real estate and rental and leasing	11.6%	10.3%
Professional, scientific, and management, and administrative and waste management services	19.2%	15.5%
Educational services, and health care and social assistance	21.2%	24.4%
Arts, entertainment, and recreation, and accommodation and food services	11.5%	7.7%
Other Services, except public administration	2.2%	3.7%
Public administration	3.4%	4.3%
U.S. Census Bureau, American Community 2023 Survey 5-Year Estimates (table DP03)		

Table 21 provides a breakdown of occupations by type for the Borough's employed civilian labor force. Approximately 45 percent of the Borough's employed civilian labor force was employed in 'management, business, science and arts', followed by the two other leading types of occupation: 'service occupations' and 'sales and office occupations'. Together these three (3) occupation types make up over 85 percent of the Borough's employed civilian labor force.

**TABLE 21: OCCUPATIONS BY TYPE, 2023**

Occupation	Number	Percent
Employed Civilian population 16 years and over	3,563	100.0%
Management, business, science and arts occupations	1,608	45.1%
Service occupations	831	23.3%
Sales and office occupations	618	17.3%
Natural resources, construction and maintenance occupations	225	6.3%
Production Transportation and material moving occupations	281	7.9%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

As indicated in Table 22 below, it is projected that Monmouth County will add 21,400 jobs by 2032. The 'ambulatory health care services', 'transportation and warehousing', and 'information' sectors are poised to experience the greatest percentage increases over the

course of the projection period.

**TABLE 22: PROJECTED EMPLOYMENT, MONMOUTH COUNTY, 2032**

Industry Title	2022 Actual Employment	2032 Projected Employment	Numeric Change	Annual Growth Rate	Percent Change	Outlook
Mining	0	50	13.6	0.0	0.0%	Stable
Utilities	16,250	16,900	650	4.1	4.0%	Growing
Construction	1,300	1,400	100	6.9	7.8%	Growing
Manufacturing	9,700	10,250	550	5.9	5.6%	Growing
Wholesale Trade	8,900	9,200	300	3.5	3.3%	Growing
Retail Trade	36,450	36,700	250	0.7	1.5%	Growing
Transportation and Warehousing	6,100	7,100	1,000	16.6	16.3%	Growing
Postal Service	1,050	1,000	-50	-6.8	-4.7%	Declining
Information	6,050	6,950	900	14.8	14.8%	Growing
Finance and Insurance	10,950	11,050	100	0.9	0.9%	Growing
Real Estate and Rental and Leasing	4,150	4,300	150	4.0	3.6%	Growing
Professional, Scientific, and Technical Services	21,850	22,650	800	3.9	3.6%	Growing
Management of Companies and Enterprises	4,150	4,800	650	15.3	15.7%	Growing
Administrative and Support and Waste Management and Remediation Services	14,650	15,450	800	5.4	5.4%	Growing
Educational Services	25,800	27,350	1,550	6.0	6.0%	Growing
Health Care and Social Assistance	51,200	57,750	6,550	12.7	12.7%	Growing
Ambulatory Health Care Services	24,450	29,550	5,100	20.8	20.9%	Growing
Hospitals	11,250	11,600	350	3.2	3.1%	Growing
Nursing and Residential Care Facilities	8,150	8,400	250	3.0	3.1%	Growing
Social Assistance	7,350	8,200	850	11.4	11.5	Growing
Arts, Entertainment, and Recreation	8,150	9,700	1,550	19.4	13.9%	Growing
Accommodation and Food Services	28,750	30,650	1,900	6.7	6.6%	Growing
Other Services (except Government)	14,150	15,450	1,300	9.1	9.2%	Growing
Government	14,350	15,150	800	5.3	5.5%	Growing
Total Federal Government Employment	1,950	1,900	-50	-3.3	-2.5%	Declining
State Government, Excluding Education and Hospitals	1,300	1,200	-100	-7.3	-7.6%	Declining
Local Government, Excluding Education and Hospitals	11,100	12,050	950	8.3	8.6%	Growing
Federal Government, Excluding Post Office	900	900	0	0.8	0	Stable
Total Self Employed and Unpaid Family Workers, All Jobs	18,700	19,950	1,250	6.5	6.6%	Growing
<b>Total All Industries</b>	<b>302,150</b>	<b>323,550</b>	<b>21,400</b>	<b>7.1</b>	<b>7.0%</b>	<b>Growing</b>

Source: 2022-2032 Industry Employment Projections, NJ Department of Labor and Workforce Development



## **Lands Most Appropriate for Affordable Housing**

An analysis was conducted to determine which areas of the Borough could accommodate developments that address affordable housing need. This analysis reviews the Borough's existing zoning and planned zoning changes and outlines the Borough's capacity to accommodate residential and non-residential growth projections. The following are included:

- An analysis of the available existing and planned infrastructure;
- The projected demand for types of uses permitted by zoning based on present and anticipated future demographic characteristics of the Borough and anticipated land use patterns; and
- Factors, such as environmental conditions, that present constraints on development.

## **Infrastructure**

### *Water and Sewer*

The Borough of Belmar is located within public water and sewer service areas. Sewer service is provided by the South Monmouth Regional Sewerage Authority, which directs wastewater to a secondary treatment plant located in Wall Township. Public water is provided by the Belmar Water Department which owns and operates the potable water system within the Borough. Water for public consumption is drawn from four (4) wells tapping into the Englishtown Aquifer and one (1) purchased surface water source.

## **Anticipated Demand and Land Use Patterns**

The Borough of Belmar contains mainly residential neighborhoods, as well as a commercial Main Street corridor, a beach area, a marina and access to the Shark River and Shark River Inlet. According to NJTPA population estimates projected to 2050, it is anticipated that the Borough will grow to approximately 6,234 people (a 6.4 percent increase since 2023). As a fully built-out municipality, it is anticipated that Belmar will need to accommodate future population and employment growth as opportunities for redevelopment arise.

### *Residential*

Currently, the Borough is predominantly zoned for Single Family housing in the R-36, R-40, R-50, R-70, R-75, and R-100 Single Family Residential Zones. The Planned Residential Development District for persons aged 55 and older allows a density of 11 dwelling units per acre and is a conditional use within the CBD-2 Zone. Apartments/Residences are permitted on the second floor of a commercial or professional office structure in the CBD-1, CBD—2, B-C, MC-1, MC-2, and PO-75 Zone Districts. The Seaport Redevelopment Area allows for

residential dwellings restricted to the second floor or above where fronting on Main/ F Street or Route 35 or on a side street withing 50 ft. of Main/F Street or Route 35, unless located entirely within one hundred (100) feet of an adjacent residential zone and on property located within the Plan Area and previously zoned R-75.

### *Non-Residential*

Belmar has a well-defined commercial area that runs the length of the Borough along Main Street. Buildings located in the Commercial district are typically two-stories in height, between two and three tenant spaces per lot or building. This area, with many positive aspects of downtown commercial corridors, has a variety of restaurants, salons, offices, and a couple of retail establishments. An additional commercial corridor can be found along the western side of Ocean Avenue, with a variety of restaurants and shops catering to beach-goers concentrated in specific blocks from 4<sup>th</sup> to 5<sup>th</sup> Avenues, 8<sup>th</sup> to 9<sup>th</sup> Avenues, 16<sup>th</sup> to 17<sup>th</sup> Avenues, and 18<sup>th</sup> to 19<sup>th</sup> Avenues. Given the built-out nature of the Borough, new commercial development will most likely take the place of existing tenants or will require some degree of redevelopment to occur on already developed sites.

## **Environmental Constraints**

Belmar enjoys many natural environmental amenities, including the ocean, lake, dunes, river and inlet, and wetlands. In order for these environmentally sensitive features to retain their existing quality and perform vital ecosystem functions, the Borough must be conscious of its role as steward of its natural environment. Belmar is home to a stretch of coastline, bordered by the Shark River Inlet to the north and by Spring Lake Borough to the south. The Shark River forms the western and northern boundaries of the Borough, leading out to the Atlantic Ocean between Belmar and Avon by the Sea. Along this stretch of coastal zone there are limited pervious surfaces. Impervious surface contributes to negative environmental outcomes, particularly in coastal communities, by creating high velocity runoff and limiting groundwater recharge during storm events. Given these realities, the Belmar must conserve natural features such as dunes and wetlands that can absorb excess stormwater and help filter polluted runoff.

## **Historic**

Belmar has a number of properties that are Eligible or Identified on the State Register of Historic places, however the Borough does not have any properties that are listed on either the National or State Register of Historic Places.

## **Existing Land Use Designations**

The Borough's land use designations have been continually examined and updated through the Master Plan Reexamination process. The last Reexamination Report was adopted in August 2016.

The following districts comprise the Borough's **residential** zones:

*Single-Family Residential Zones: R-100, R-75, R-70, R-50, R-40, R-36*

The Borough has established six (6) single-family residential zones, which have similar principal, accessory, and conditional uses. The principal permitted uses in all districts are single family dwellings and community residences for the developmentally disabled and victims of domestic violence for 1-6 residents, municipal services and facilities, public parks and playgrounds, athletic fields, and swimming pools, and public libraries. Conditionally permitted uses in all zones include community residences for the developmentally disabled and victims of domestic violence for 7-15 residents, elementary and secondary schools, nursery schools, places of worship, public utilities. Bed and Breakfast Inns are permitted as a conditional use in the R-75, R-70, R-50, and R-40 Zone Districts.

The R-100 Zone has the largest minimum lot requirement of all residential zone in Belmar, with a minimum area requirement of 10,000 sq. ft. This zone is located primarily in the area around and including Inlet Terrace. The R-75 zone is the largest zone district in the Borough, encompassing much of the area east of the Main Street Central Business Districts from the Shark River Inlet to 11<sup>th</sup> Ave and along Ocean Avenue to 16<sup>th</sup> Ave. There are also small pockets of the R-75 zone west of Main Street. This zone has a minimum lot area of 7,500 sq. ft. for interior lots and 9,000 sq. ft. for corner lots. The R-70 zone district is located between 11<sup>th</sup> and 13<sup>th</sup> Avenues, west of B street and east of the CBD-2 Zone with a minimum lot area of 7,000 sq. ft. for interior lots and 8,400 sq. ft. for corner lots.

The R-50 zone has a minimum lot area of 5,000 sq. ft. for interior lots and 6,000 sq. ft. for corner lots. The R-40 requires a minimum lot area of 4,000 sq. ft. for interior lots and 5,500 sq. ft. for corner lots. The R-36 zone district permits a minimum lot area of 3,600 sq. ft. for interior lots and 4,950 sq. ft. for corner lots.

In addition to its residential zones, Belmar permits some form of residential development in **all non-residential zones** where the main purpose is to accommodate non-residential uses, but **where dwelling units are permitted by right as a principal use**. Permitted residential development in primarily non-residential zone districts includes:

*Apartments/ Residences on the second floor of Commercial or Professional office structures are permitted in the CBD-1 Central Business District, CBD-2 Central Business District, B-C Beachfront Commercial District, MC-1 Marine Commercial District, MC-2 Marine Commercial District, and PO-75 Professional Office Zone District.*

*The Seaport Redevelopment Area allows for residential dwellings restricted to the second floor or above where fronting on Main/ F Street or Route 35 or on a side street withing 50 ft. of Main/F Street or Route 35, unless located entirely within one hundred*

(100) feet of an adjacent residential zone and on property located within the Plan Area and previously zoned R-75.

### **CONSISTANCY WITH STATE PLAN**

The Borough of Belmar remains consistent with the New Jersey State Development and Redevelopment Plan. The entirety of the Borough is classified as being in the State's PA-1 Metropolitan Planning Area. This Planning Area is intended to: provide for much of the state's future growth in compact development and redevelopment; revitalize cities, towns and neighborhoods, and in particular overburdened neighborhoods; address existing legacy issues such as air pollution, urban heat islands, lead contamination, Brownfields, urban highways, and combined sewer systems; prevent displacement and gentrification; promote growth that occurs in Centers, other appropriate areas that are pedestrian friendly, and in compact transit-oriented forms; rebalance urbanization with natural systems; promote increased biodiversity and habitat restoration; stabilize and enhance older inner ring suburbs; redesign and revitalize auto oriented areas; protect and enhance the character of existing stable communities. The PA-1 encourages redevelopment, including affordable housing.

The Borough of Belmar has published multiple public documents related to storm water planning, most notably, a stormwater management plan that outlines the proactive steps the Borough is taking to protect citizens and property from the adverse effects of stormwater flooding. The Borough of Belmar continues to follow NJDEP requirements regarding stormwater management.

The Borough of Belmar is one of the 36 New Jersey designated Transit Villages. The Borough is served by NJ Transit's North Jersey Coast Line, which connects Bay Head, New Jersey with Newark Penn Station, Secaucus Junction, and Penn Station New York. NJ Transit also operates two bus routes within the Borough; Route 317, which runs between Asbury Park and Center City Philadelphia, and Route 830, which runs between Asbury Park and Point Pleasant.

## **FAIR SHARE PLAN**

### **Fair Share Obligation Summary**

The Fourth Round (2025-2035) housing obligation is based upon the figures calculated in the NJ Department of Community Affairs Affordable Housing Obligations for the 2025-2035 (Fourth Round) Methodology. The Borough's housing obligation is outlined in Table 23, below:

**TABLE 23: FAIR SHARE OBLIGATION SUMMARY**

<b>Obligation Component</b>	<b>Number of Credits Required</b>
Present Need	0
Prior Round Obligation (1987-1999)	59
Third Round "Gap" and Prospective Need (1999-2025)	145
Fourth Round Prospective Need (2025-2035)	43

The following sections outline how the Borough will comply with its Fair Share Obligation.

### **Lack of Developable Vacant Land**

From the outset of the Mount Laurel affordable housing program, Belmar has continually had to contend with the reality that it is a built-out municipality with virtually no available developable vacant land upon which to construct new affordable housing units.

Given the Borough's lack of sufficient vacant and developable land, the Borough's ability to satisfy its Court-determined affordable housing obligation is limited. To demonstrate its continued lack of vacant developable land, the Borough has prepared an updated Vacant Land Adjustment analysis in accordance with N.J.A.C. 5:93:4.2, submitted as part of this plan as Appendix A. The Borough continues to exhibit a lack of vacant developable land, with redevelopment over time presenting itself as the principal vehicle for accomplishing projects with affordable housing. The prepared VLA illustrated a lack of vacant land and a Realistic Development Potential (RDP) of five (5) affordable units.

### **Satisfaction of the Borough's Rehabilitation/Present Need Obligation**

The Borough of Belmar's rehabilitation obligation is zero (0) units for the Fourth Round period from 2025 to 2035.

### **Third Round Compliance Summary**

#### **Lack of Developable Vacant Land**

The Borough's cumulative 1999-2025 affordable housing obligation calculation does not factor in the availability of vacant and developable land within the Borough. Belmar

conducted an analysis of vacant developable land within the Borough pursuant to N.J.A.C. 5:93-4.2 and determined that the Borough was entitled to a vacant land adjustment that reduces the Borough's new construction obligation to ninety one (91) as part of the Borough's Cumulative Affordable Housing Obligation (Prior Round, Gap and Prospective Need).

The Court and Fair Share Housing Center's acceptance of the Borough's vacant land adjustment has established a Realistic Development Potential (RDP) of ninety one (91) units and an unmet need of 113 units within the Borough. N.J.A.C. 5:93-4.2(g) permits a municipality to address its RDP through any activity permitted to be used to satisfy a municipality's new construction obligation outlined in N.J.A.C. 5:93-5.

### **Satisfaction of the Borough's Realistic Development Potential**

The Borough's Realistic Development Potential (RDP) is 91 units. The Borough proposed to address this RDP through the following inclusionary projects:

#### *Existing Units*

The Borough has required, through redevelopment efforts, the inclusion of 12 units located at 500 Main Street (2 units); 800 Main Street (4 units) and Tenth Avenue Associates (6 units). These units are constructed and occupied within the Borough.

#### *Repetti Redevelopment Project*

The Repetti project area is located on Block 87, Lots 1, 2, and 3, as identified on the tax maps of the Borough of Belmar. This site is located between 10th and 8th Avenue and Route 35 and the NJ Transit Line and W. Railroad Avenue. The Repetti redevelopment project includes a four-story building consisting of 198 residential units with a 15% set-aside. Twenty (20) low- and moderate-income units will be constructed on-site as part of this project and the redeveloper will provide a payment in lieu for the construction of 10 remaining units to be paid into the Borough's Affordable Housing Trust Fund.

#### *Mark Built Redevelopment Area*

The Mark Built project area is located on Block 56, Lots 1, 2, 4 and 6, and Block 57, Lot 4 and is comprised of the Block bounded by 6th Avenue, River Road and Main Street. The Mark Built redevelopment project includes 139 residential units and 24 affordable rental units.

#### *Sackman Redevelopment Area*

The Sackman project area is located on Block 75, Lots 4, 5 and 6. The Sackman redevelopment project includes 56 rental units including 46 market rate units and 10 affordable rental units.

#### *613 Tenth Avenue Development*

The 613 Tenth Avenue Development Project is located at Block 105 Lot 8 as identified on the Borough's tax maps. This site is located on the south side of 10th Avenue just east of Main

Street. The site is 0.26 acres in area. The 613 Tenth Avenue project includes twelve (12) units of which two (2) units are identified as available to low- and moderate-income households. As the affordable units will be available as family rentals, the Borough has taken a bonus credit for up to twenty-five percent (25) of the Borough's RDP can be bonus credits.

$$\text{RDP} * 0.25 = \text{Max Rental Bonus}$$

$$91 * 0.25 = \mathbf{23 \text{ bonus credits}}$$

**TABLE 24: THIRD ROUND COMPLIANCE SUMMARY**

<b>Affordable Housing Mechanism</b>	<b>Units</b>	<b>Bonus Credits</b>	<b>Total Credits</b>
Existing Units	12	-	12
Repetti Redevelopment Project	20	-	20
Mark Built Redevelopment Project	24	-	24
Sackman Redevelopment Area	10	-	10
613 Tenth Ave Development	2		25
<b>Total</b>	<b>56</b>	<b>23</b>	<b>91</b>
<b>Realistic Development Potential</b>			<b>91</b>

The Borough will ensure and require that thirteen percent (13%) of the low-income units will be made available to very low-income households and will satisfy the distribution requirement for both low- and moderate-income households and will comply with all UHAC requirements to ensure compliance with the required bedroom distribution. The Borough has demonstrated compliance with the maximum age-restricted requirements as well as the family rental requirements. All the affordable housing units will be affirmatively marketed and administered.

All the proposed projects included within this report to meet the Borough's affordable housing obligation are located within a half mile of the NJ Transit Stop along the New Jersey Coastline. All the properties are located within the New Jersey State Development and Redevelopment Plan's Planning Area 1 (PA-1), the Metropolitan Planning Area, where redevelopment including affordable housing is encouraged. Within a half mile to the north and west of the project sites is the Shark River and associated marina activities. To the east of all subject sites is the Atlantic Ocean and Belmar Beach and Boardwalk. All sites are located within the Coastal Area Facilities Review Act (CAFRA) jurisdiction, which will require any redevelopment activity to obtain a CAFRA permit for the proposed development applications. All the sites maintain access to public sewer and water.

There are no wetlands or special flood hazard areas on the subject sites, therefore all the projects included herein are available, suitable, developable and approvable in accordance with N.J.A.C. 5:93-5.3.



## **Fourth Round Obligation Compliance**

### **Lack of Developable Vacant Land**

To demonstrate its continued lack of vacant developable land, the Borough has prepared an updated Vacant Land Adjustment analysis in accordance with N.J.A.C. 5:93:4.2, submitted as part of this plan as Appendix A. The Borough continues to exhibit a lack of vacant developable land, with redevelopment over time presenting itself as the principal vehicle for accomplishing projects with affordable housing.

During the Third-Round settlement process, the Borough agreed to include Block 66, Lots 11 and 12, and Block 76, Lots 1, 4, 5, 6, 13, and 14, the “7<sup>th</sup> Ave Site,” as a potential site for inclusionary development within the Fourth Round. Belmar identified this one (1) site as generating an RDP. The prepared VLA illustrated a lack of vacant land and calculated a Realistic Development Potential (RDP) of five (5) affordable units utilizing the average density of multi-family developments throughout the Borough.

### **Satisfaction of the Borough’s Realistic Development Potential**

The Borough’s Realistic Development Potential is five (5) units. The Borough proposes to address this RDP through the creation of five (5) units at the 7<sup>th</sup> Avenue Site.

#### *7<sup>th</sup> Avenue Site*

The proposed 7<sup>th</sup> Avenue Site project will consist of Block 66, Lots 11 and 12, and Block 76, Lots 1, 4, 5, 6, 13, and 14, a 0.77-acre project located on both the north and south sides of 7<sup>th</sup> Avenue, west of Main Street. The project can include up to 26 units, of which five (5) will be designated for the creation of affordable housing.

### **Satisfaction of the Borough’s Unmet Need**

The Borough’s unmet need is 38 units based on the Fourth Round Obligation. The Borough proposes to utilize the following mechanisms to address its unmet need:

#### *Mandatory Set-Aside Ordinance (“MSO”)*

The Borough established a Borough-wide Mandatory Set-Aside Ordinance (“MSO”). The MSO requires a 20 percent (20%) affordable housing set-aside for residential developments comprised of five or more dwelling units. The MSO requires that to the extent possible, in all inclusionary developments, low and moderate-income units should be integrated with market units. The Ordinance ensures that the MSO does not give any developer the right to any such rezoning, variance, redevelopment designation or other relief, or establish any obligation on the part of Belmar or its boards to grant such rezoning, variance, redevelopment designation or other relief. The ordinance is included herein as Appendix C.



*Mixed Use District Overlay Zoning*

The Borough adopted a Mixed-Use District Inclusionary Overlay Zone (MU-O) which will include the properties that currently front on both the east and west side of Main Street and extends to the west to Route 35. The Overlay Zone permits:

- Retail/commercial on ground level with residential units above; no residence on ground level; townhouse units are permitted in the rear of the mixed-use building. Any mixed-use development requires a mandatory 20% set aside for affordable housing. All affordable housing units shall be two- and three- bedroom units.
- Essential services
- Municipal facilities, public parking lots, public parks, and walkways deemed necessary and appropriate by the governing body.
- Commercial (Business, Office, Retail)
- All non-residential uses permitted in the Seaport Redevelopment Plan

Conditional Uses within the MU-O Zone Include:

- Townhouses attached with individual connecting walls.
- Bed and Breakfast

Development within the MU-O Zone is allowed two and one-half (2.5) stories over retail at the street level for a total of 3.5 stories and can increase to four (4) stories total twelve (12) feet back off the street line. A copy of the MU-O Ordinance is enclosed in Appendix D.

*Affordable Housing/Development Fee Ordinance*

The Borough adopted a development fee ordinance in August 2023 for all new non-residential development and new non-inclusionary residential development. The ordinance also requires residential development fees be collected for all residential expansions that increase density pursuant to N.J.S.A. 40:55D-70d(5). The ordinance can be found in Appendix E.

## **APPENDICES**

## **Appendix A. Vacant Land Adjustment**

# **Vacant Land Inventory and Analysis Report**

**Prepared for:  
Borough of Belmar  
Monmouth County, New Jersey**

**June 2025**

Prepared By:



788 Wayside Road  
Neptune, New Jersey 07753  
(732) 922-9229

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Christine L. Bell, PP, AICP  
License No. 06289

## **I. INTRODUCTION**

As noted in N.J.A.C. 5:93, “there may be instances where a municipality can exhaust an entire resource (land, water or sewer) and still not be able to provide a realistic opportunity for addressing the need for low and moderate income housing.” In recognition of the need to provide for the opportunity to adjust municipal affordable housing obligations, N.J.A.C. 5:93 outlines standards and procedures for municipalities to demonstrate that a municipal response to its housing obligation is limited by lack of land, water or sewer. This report outlines the vacant land analysis methodology and summarizes the results of the vacant land analysis prepared on behalf of the Borough of Belmar by Leon S. Avakian Inc (Avakian).

### *Previous Housing Rounds and Vacant Land Analyses*

The Borough of Belmar is a fully developed shore community located in southern Monmouth County. Belmar participated in prior Fair Share Housing Rounds.

### *Current Housing Round and Vacant Land Assessment*

Given the Borough’s relative lack of vacant and developable land, the Borough’s ability to satisfy its Court-determined affordable housing obligation is limited. To demonstrate its continued lack of vacant developable land, the Borough has prepared an updated Vacant Land Adjustment analysis in accordance with N.J.A.C. 5:93:4.2, which includes the following components:

- An inventory of all vacant parcels in accordance with N.J.A.C. 5:93-4.2(b), included as Attachment A.
- A Vacant Land Map depicting vacant properties within the Borough, included as Attachment B.
- An existing land use map for the Borough in accordance with N.J.A.C. 5:93-4.2(a), included as Attachment C.

The realistic development potential (RDP) of the Borough’s vacant land was analyzed in accordance with the provisions of Subchapter 4 of N.J.A.C. 5:93 based on the most recently available data. After following the procedures as outlined, the analysis shows that the Borough has one (1) site available for development, and consequently, has an RDP new construction obligation of five (5) affordable units.

## **II. PERMITTED EXCLUSIONS**

N.J.A.C. 5:93 establishes criteria by which sites, or portions thereof, in a municipal land inventory may be excluded from a municipality’s RDP. Environmentally sensitive areas, including flood hazard areas, areas within Environmentally Sensitive Planning Areas according to the State Plan Policy Map, areas outside of the Sanitary Sewer Service Area (SSA), wetlands, and areas characterized by steep slopes of greater than 15 percent that render a site unsuitable for affordable housing may be excluded from consideration. In addition, small, isolated lots lacking sufficient acreage to generate affordable housing set-aside as part of an inclusionary

development may also be excluded. Vacant lots under development or properties for which site plan approval has been granted may also be excluded. Finally, landlocked parcels or sites with limited or no access may also be excluded from the calculation of the Borough's RDP.

The vacant land inventory table in Attachment A provides a parcel-by-parcel description of exclusions that have been made pursuant to N.J.A.C. 5:93.

It should be noted that the Borough is permitted to reserve up to three percent of its total developed and developable acreage, less existing active municipal recreation areas, for active municipal recreation and exclude this acreage from consideration as potential sites for low and moderate income housing pursuant to N.J.A.C. 5:93-4.2(e)4. Any such site designated for active recreation in accordance with this section must be purchased and limited to active recreational purposes within one year of substantive certification. Although this calculation has not been completed as part of this analysis, the Borough reserves the right to revise this analysis to complete this calculation.

### **III. Summary and Conclusion**

Based on the procedures for municipal adjustments provided in N.J.A.C. 5:93, the Borough of Belmar's RDP has been determined to be five (5) affordable units. This finding is consistent with the Borough's current development conditions.

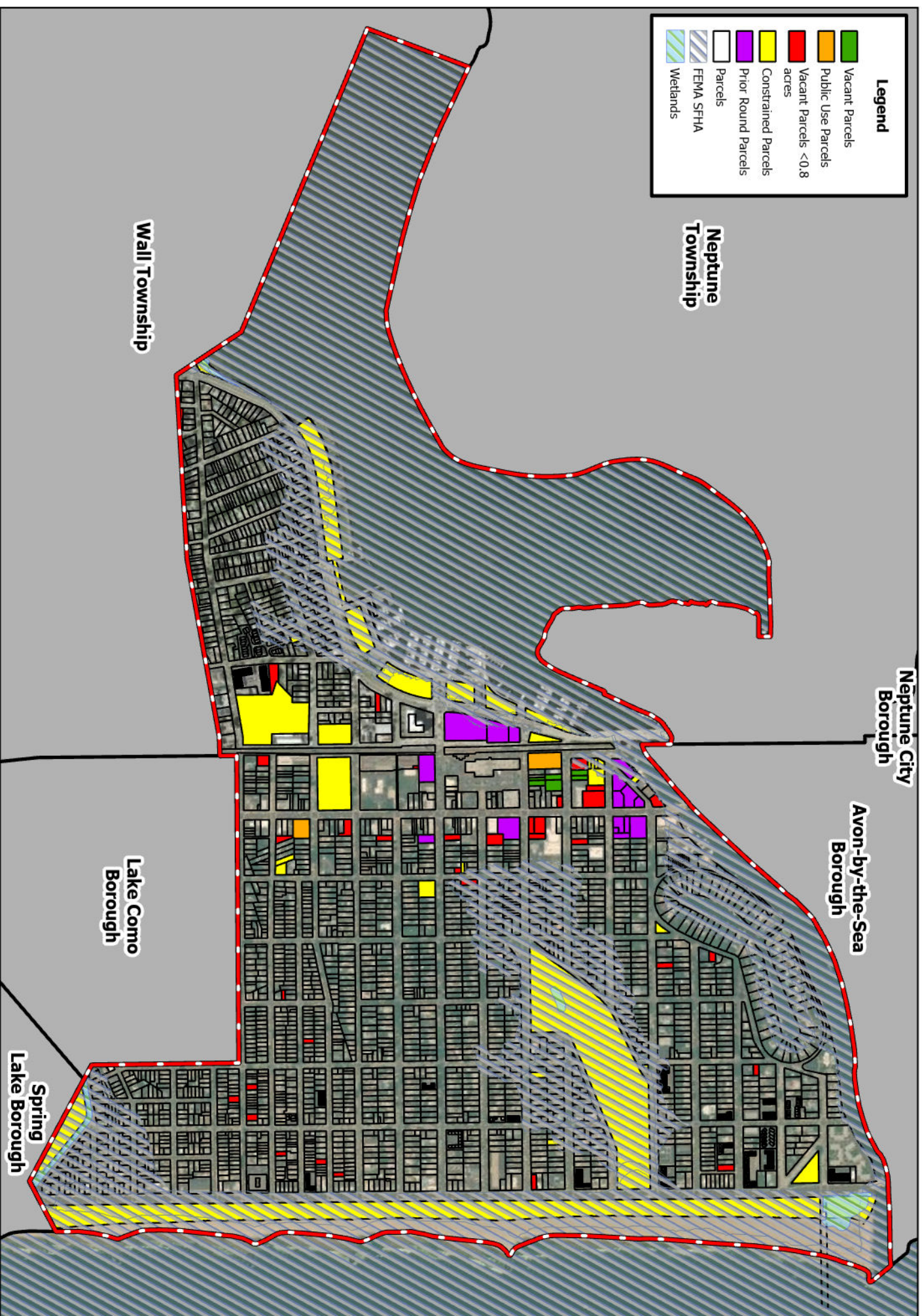
## **ATTACHMENT A: VACANT LAND INVENTORY** **TABLE**

Block	Lot	Class	Location	Owner Name	Area	Constrained Acres	Unconstrained Acres	Developable Acres	Reason for Exclusion	Total Units	Affordable Units
3	1	15C	FIRST AVE & SHARK RIVER	BORO OF BELMAR	1.92331	1.921038	0.004275	0	located within SFHA, On ROSI	0	0
3	3	15C	FIRST AVE & NORTH BLVD	BORO OF BELMAR	25.7798	25.779756	0	0	On ROSI	0	0
10.01	1	15C	FIRST AVE & OCEAN AVE	BORO OF BELMAR	0.8408	0	0.840796	0	On ROSI	0	0
12	30.01	15C	RIVER AVE	BORO OF BELMAR	0.01816	0.018164	0	0	located within SFHA, developable acreage less than 0.8	0	0
21	7	1	202 B ST	MERKLER, WILLIAM & MCALOON, SHANNON	0.11479	0	0.114785	0	developable acreage less than 0.8	0	0
30	2	15C	101 THIRD AVE	BORO OF BELMAR	0.19008	0	0.190083	0	Storage Building	0	0
33	6.03	1	402 RIVER AVE	YARUSI, BRETT & LAURIE	0.11933	0	0.119331	0	developable acreage less than 0.8	0	0
43	14	1	410 FIFTH AVE	SILVESTRI, JOSEPH P	0.17	0	0.17	0	developable acreage less than 0.8	0	0
44	1	15C	5TH AVE & D ST	BORO OF BELMAR	0.14733	0	0.147329	0	On ROSI	0	0
50	1	15C	SILVER LAKE	BORO OF BELMAR	21.8206	21.433139	0.387488	0	On ROSI	0	0
51	1	15C	FIFTH AVE & B ST	BORO OF BELMAR	0.05669	0.056693	0	0	On ROSI	0	0
55	6	1	500 MAIN ST	500 MAIN STREET PARTNERS URBAN RENIE	0.17218	0	0.172176	0	parking lot for development at 500 Main - third round site	0	0
55	9	4A	506 MAIN ST	G.S.K., LLC	0.1722	0	0.1722	0	Eastport Development - third round site	0	0
55	10	2	508 MAIN ST	EKP ENTERPRISES OF BELMAR, LLC	0.286	0	0.286	0	Eastport Development - third round site	0	0
55	12	4A	614 SIXTH AVE	BELMAR MAIN STREET, LLC	0.0574	0	0.0574	0	Eastport Development - third round site	0	0
55	13.02	1	612 SIXTH AVE	EKP ENTERPRISES OF BELMAR, LLC	0.17218	0	0.172176	0	Eastport Development - third round site	0	0
56	1	4A	511 MAIN ST	NETHERWOOD HOLDINGS LLC	0.331	0	0.331	0	Mark Built - third round site	0	0
56	2	4A	507 MAIN ST	EKP ENTERPRISES OF BELMAR, LLC	0.423	0	0.423	0	Mark Built - third round site	0	0
56	4	4A	501 MAIN ST	EKP ENTERPRISES OF BELMAR, LLC	0.171	0	0.171	0	Mark Built - third round site	0	0
56	6	4A	702 SIXTH AVE	NETHERWOOD HOLDINGS LLC	0.345	0	0.345	0	Mark Built - third round site	0	0
57	1	1	700 RIVER AVE	KLEIN REALTY, INC.	0.22193	0.013375	0.208557	0	parking lot for Kleins restaurant	0	0
57	4	1	RIVER AVE	LOKO CO LLC	0.43267	0.43267	0	0	Mark Built - third round site	0	0
57	4.01	15C	RIVER AVE	BORO OF BELMAR	0.16	0.16	0	0	located within SFHA, developable acreage less than 0.8	0	0
62	1	15C	SEVENTH AVE & B ST	BORO OF BELMAR	0.0225	0.022499	0	0	On ROSI	0	0
65	16	15C	610 SEVENTH AVE	BORO OF BELMAR	0.17218	0	0.172178	0	Firehouse	0	0
66	1	15C	601 MAIN ST	BORO OF BELMAR	0.68871	0	0.688705	0	Municipal Building	0	0
66	2	15C	703 SIXTH AVE	BORO OF BELMAR	0.1894	0	0.189395	0	municipal parking lot	0	0
66	3	15C	705-707 SIXTH AVE	BORO OF BELMAR	0.58198	0.160859	0.421117	0	municipal parking lot, located partially within SFHA	0	0
66	4	15C	713 SIXTH AVE	BORO OF BELMAR	0.10639	0.106386	0	0	municipal parking lot, located within SFHA	0	0
66	5	15C	RIVER AVE	BORO OF BELMAR	0.06514	0.065138	0	0	located within SFHA, municipal parking lot	0	0
66	7	15C	RIVER AVE	BORO OF BELMAR	0.06514	0.065139	0	0	located within SFHA, municipal parking lot	0	0
66	8	15C	608 RIVER RD	BORO OF BELMAR	0.09566	0.086872	0.008785	0	Belmar Arts Council	0	0
66	11	1	708 SEVENTH AVE	708 7TH AVENUE ASSOCIATES, LLC	0.77479	0.086872	0	0.774733388	7th Ave Site	26	5
66	12							7th Ave Site -see Block 66, Lot 11			
70	7	1	111 SEVENTH AVE	LASLANDRA, ANDREA & VITO	0.17	0.17	0	0	located within SFHA, developable acreage less than 0.8	0	0
70	19.01	15C	711 OCEAN AVE	S. MONMOUTH REGIONAL SEWERAGE AUTH	0.14573	0	0.145731	0	Sewage Treatment Plant	0	0
71	11	1	216 EIGHTH AVE	FORTUNATO, KEVIN J & NILSA TOPPE	0.17	0.17	0	0	located within SFHA, developable acreage less than 0.8	0	0
75	4	1	708 MAIN ST	75 RAINEY, LLC	0.34435	0	0.344354	0	This is the Sackman/ St. Rose Site. 3 sites combines are 0.69 acres	0	0
75	5	1	710 MAIN ST	75 RAINEY, LLC	0.17218	0	0.172178	0	This is the Sackman/ St. Rose Site. 3 sites combines are 0.69 acres	0	0
75	6	1	614 EIGHTH AVE	75 RAINEY, LLC	0.17218	0	0.172178	0	This is the Sackman/ St. Rose Site. 3 sites combines are 0.69 acres	0	0
76	1	1	701 MAIN ST	701 MAIN URBAN RENEWAL, LLC	0.11	0	0.11	0	developable acreage less than 0.8	0	0
76	4							7th Ave Site -see Block 66, Lot 11			
76	5							7th Ave Site -see Block 66, Lot 11			
76	6							7th Ave Site -see Block 66, Lot 11			
76	8	15C	710 EIGHTH AVE	BORO OF BELMAR	1.01172	0	1.011715	0	Belmar Housing Authority Senior Public Housing	0	0
76	13							7th Ave Site -see Block 66, Lot 11			
76	14	1	702 EIGHTH AVE	F. L. S. ASSOC		0	0	0	7th Ave Site -see Block 66, Lot 11	0	0
77	1	15C	790 RIVER RD	BORO OF BELMAR	0.36232	0	0.362324	0	On ROSI	0	0
78	1	15C	MARINA AT EIGHTH AVE	BORO OF BELMAR	0.84312	0.757356	0.085765	0	On ROSI	0	0
84	20.05	15C	510.5 NINTH AVE REAR	BORO OF BELMAR	0.06116	0.061163	0	0	located within SFHA, alleyway	0	0
85	9	1	800 MAIN ST	800 MAIN STREET PARTNERS U.R., LLC	0.05886	0	0	0	located within SFHA, developable acreage less than 0.8	0	0
85	18	15C	610 NINTH AVE	BORO OF BELMAR	0.34435	0	0.344354	0	800 Main Street Development - third round site	0	0
86	3	15C	807.5 MAIN ST	BORO OF BELMAR	0.03444	0	0.034438	0	municipal parking lot	0	0
87	1	4A	800 RIVER RD	PAT'S MOTEL INC C/O WATERVIEW PAY.	0.03096	0.025773	0.0305184	0	alleyway	0	0
87	2	4A	810 RIVER AVE	REPELTI, ANTHONY J & PAUL	0.03245	0.131326	0.701124	0	Mediterranean project site - third round site	0	0
87	3	4A	910 RIVER RD	PAT'S MOTEL INC	2.05438	0.27594	1.778439	0	Mediterranean project site - third round site	0	0
88	1	15C	MARINA AT NINTH AVE	BORO OF BELMAR	0.87243	0.872434	0	0	On ROSI	0	0
94	11	15C	519 NINTH AVE	BORO OF BELMAR	0.17218	0.172178	0	0	firehouse	0	0
95	14	15C	612 TENTH AVE	BORO OF BELMAR	0.18366	0.183655	0	0	municipal parking lot	0	0
95	21	15C	905 E ST	BORO OF BELMAR	0.06887	0.051416	0.017455	0	located partially within SFHA, developable acreage less than 0.8	0	0
95	22.01	1	903 E ST	WALSH, THOMAS & GLORIA	0.06887	0.013312	0.055559	0	located partially within SFHA, developable acreage less than 0.8	0	0
96	4	15C	919 MAIN ST	BORO OF BELMAR	0.06084	0	0.060836	0	alleyway	0	0
98	1	15C	905 RIVER RD	BORO OF BELMAR	1.03836	1.038361	0	0	On ROSI	0	0



104	7	15C	512 TENTH AVE	BORO OF BELMAR	0.51653	0.269456	0.247077	0	located partially within SFHA, library	0
105	8	4A	613 TENTH AVE	613 TENTH AVE LLC	0.2582	0	0.2582	0	third round site	0
106	5.01	1	707 TENTH AVE	TENTH AVENUE ASSOCIATES URBAN RENEWAL	0.8222	0	0.8222	0	0	0
106	6.01	1	709 TENTH AVE	B&H BELMAR 2010, LLC	0.02	0	0.02	0	0	0
108	1	15C	MARINA AT ELEVENTH AVE	BORO OF BELMAR	1.90956	1.625946	0.283611	0	developable acreage less than 0.8	0
115	8	15C	613 ELEVENTH AVE	BORO OF BELMAR	0.16644	0	0.166439	0	located within SFHA, On ROISI	0
117	8	1	1104 RIVER RD	COLGATE DESIGN CORP	0.17399	0	0.173985	0	Firehouse	0
118	1	15C	MARINA AT TWELFTH AVE	BORO OF BELMAR	1.4918	1.398816	0.020366	0	developable acreage less than 0.8	0
119	1	15C	MARINA AT K ST	BORO OF BELMAR	0.45792	0.457918	0	0	located within SFHA, On ROISI	0
120	17.03	1	100 THIRTEENTH AVE	LONSKI, DAVID P & JEANNINE	0.08724	0	0.087236	0	developable acreage less than 0.8	0
125	7	15C	1200 MAIN ST	BORO OF BELMAR	0.27	0	0.27	0	developable acreage less than 0.8	0
126	1	15C	1201 MAIN ST	BORO OF BELMAR	3.28516	0	3.285158	0	On ROISI	0
127.01	1	15C	801-803 TWELFTH AVE	BORO OF BELMAR	1.26034	0	1.26034	0	Water Plant	0
130	6	1	105 THIRTEENTH AVE	CHOUDHARY, AMOD & RATNA	0.11	0	0.11	0	developable acreage less than 0.8	0
132	21	1	308 FOURTEENTH AVE	PHILHOWER, MARK B	0.09	0	0.09	0	developable acreage less than 0.8	0
135	8	15C	1302 MAIN ST	US GOV-POST OFFICE	0.59988	0	0.599879	0	Post Office	0
135	13	1	614 FIFTEENTH AVE	WALSIFFER HOLDINGS, LLC	0.16234	0	0.162339	0	developable acreage less than 0.8	0
135	17	15C	604 FIFTEENTH AVE	BORO OF BELMAR	0.19065	0	0.190646	0	On ROISI	0
135	18	15C	600 FIFTEENTH AVE	BORO OF BELMAR	0.21672	0	0.21672	0	On ROISI	0
136	6.01	1	707.5 THIRTEENTH AVE	UNKNOWN, % EASTSIDE BUILDERS&BENNER	0.01377	0	0.013772	0	developable acreage less than 0.8	0
137	2	15C	807 THIRTEENTH AVE	BORO OF BELMAR	5.64145	0	5.641449	0	On ROISI	0
137	12	1	1312 H ST	J.C.P & L. C/O FIRSTENERGY SERVICE	0.405482	0	0.405482	0	developable acreage less than 0.8	0
138	3	1	905 THIRTEENTH AVE	BLASER, ANTONIO & PATRICIA	0.12	0.12	0	0	located within SFHA, developable acreage less than 0.8	0
140	18	1	104 FIFTEENTH AVE	NEPEL, ARIENIA A	0.09183	0	0.091829	0	developable acreage less than 0.8	0
143	22	1	1403 CST	SALANDRA, GUIDO	0.06636	0	0.066359	0	developable acreage less than 0.8	0
151	19.02	1	214 SIXTEENTH AVE	CHILPAZZI, ANDREW	0.12397	0	0.123965	0	developable acreage less than 0.8	0
151	26	1	200 SIXTEENTH AVE	SESSA-KORCHA FAMILY LLC	0.13774	0	0.137742	0	developable acreage less than 0.8	0
156	8	1	713 FIFTEENTH AVE	FISHERMAN'S COVE REALTY, LLC	0.24027	0	0.240273	0	developable acreage less than 0.8	0
161	6	1	213 SIXTEENTH AVE	BELMAR JV REALTY, LLC, ETAL	0.13774	0	0.137737	0	developable acreage less than 0.8	0
167	12	1	SIXTEENTH AVE	UNKNOWN OWNER C/O BELMAR BORO	0.00977	0	0.009774	0	developable acreage less than 0.8	0
173	20	1	18TH AVE-LAND LOCKED	UNKNOWN EASTSIDE BUILDERS %BENNER	0.00801	0	0.00801	0	developable acreage less than 0.8	0
210	1	15C	101 NORTH BOULEVARD	BORO OF BELMAR	2.4543	2.454304	0	0	located in SFHA and with areas of wetlands, On ROISI	0
225	1	15C	MARINA AT L ST-MACLEARIE	BORO OF BELMAR	4.28677	4.286764	1E-06	0	located in SFHA, On ROISI	0
236	1	15C	MARINA AT OAKWOOD RD	BORO OF BELMAR	0.79661	0.790028	0.006586	0	located in SFHA and with areas of wetlands, On ROISI	0
237	5	1	1603 RIVERVIEW TER	COLLINS, MARK B	0.11569	0	0.115687	0	developable acreage less than 0.8	0
Total					26	5	5	0		0

## **ATTACHMENT B: VACANT LAND MAPPING**



LEON S. AVAKIAN, Inc.

Consulting Engineers

This map was developed using New Jersey Department of Environmental Protection Geographic Information System (GIS) data, but this secondary product has not been verified by NJDEP and is not state authorized or endorsed.

# Vacant Land and Constraints

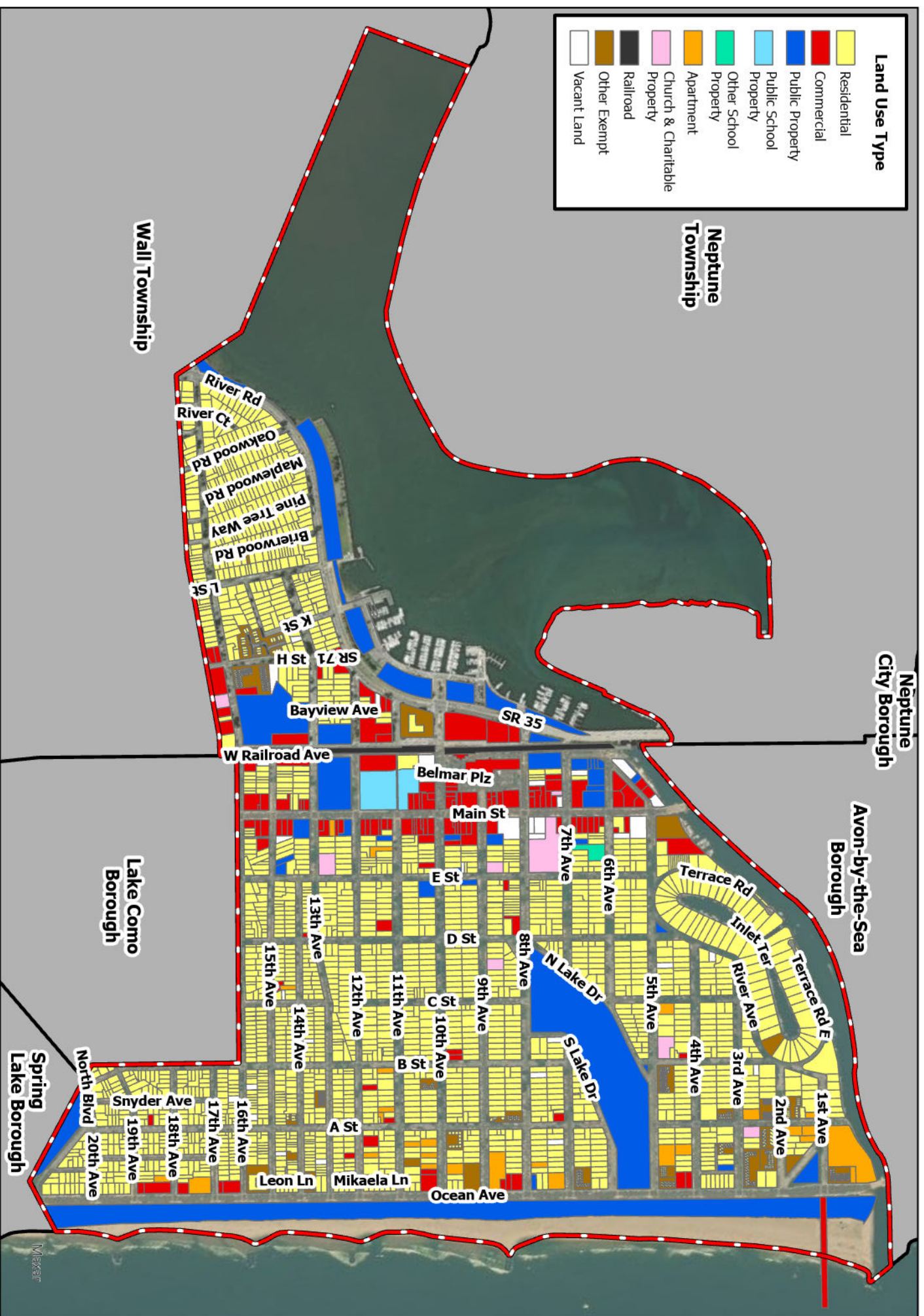
Vacant Land Adjustment

Borough of Belmar

Monmouth County, New Jersey

## **ATTACHMENT C: EXISTING LAND USE MAP**





**LEON S. AVAKIAN, Inc.**  
**Consulting Engineers**

**Existing Land Use**  
 Vacant Land Assessment  
 Borough of Belmar  
 Monmouth County, New Jersey

Source: LSA, NJSN, and Monmouth County GIS. Revised: April 25, 2025.

## **Appendix B. Spending Plan**

**BELMAR BOROUGH  
AFFORDABLE HOUSING TRUST FUND SPENDING PLAN  
JUNE 2025**

The Borough has prepared a Fourth Round Housing Element and Fair Share Plan that advances a comprehensive strategy for meeting its regional share of affordable housing need in accordance with the intent of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (N.J.S.A. 52:27D-301), and in accordance with the procedural and substantive requirements of N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:91-1 et seq. The Borough has actively participated in the Fourth Round compliance process.

The Borough adopted a new Development Fee Ordinance on August 8, 2023 pursuant to a Consent Order entered by the Court In the Matter of the Application of the Borough of Belmar, in the Declaratory Judgment proceeding, in the Superior Court of New Jersey, Law Division: Monmouth County, Docket No. MON-L-655-23. The Development Fee Ordinance, has been codified as part of the Borough's Revised General Ordinances, and authorizes the Borough to regulate the collection of residential and non-residential development fees as revenue for deposit into a separate interest-bearing Affordable Housing Trust Fund account which funds are to be expended in accordance with a Spending Plan approved by the Court. The sections below outline the Borough's plan for the administration and use of collected development fee revenues as per the requirements of N.J.A.C. 5:93-5.1(c)

**I. Projected Revenues 2025 through 2035**

A projection of anticipated revenues to be collected during the tenure of the Fourth Round has been calculated based on historical annualized trends in average increase in value of structures after being knocked down and rebuilt in Belmar. Belmar is a fully developed community, in which all development occurs through the removal of a previously existing structure.

Multiplying the average development fee by the average number of rebuilds per year provides a reasonable estimate for the anticipated annual development fee revenues through 2035. The Borough also anticipates collecting \$ 2,060,890.80 in revenue from payments in lieu of construction of affordable units. We estimate that Belmar should generate approximately \$4,877,254.80 in development fees each year.

**II. Administrative Mechanisms for Collecting and Distributing Revenues**

The Borough's Development Fee Ordinance will be recorded in Belmar's General Ordinance. Procedures for collection, administration, and distribution of development fees as affordable housing trust fund revenues are fully established in this section. The Borough's ordinance complies with P.L. 2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7).

The Development Fee Ordinance covers the following general topics:

1. Determination of residential development fees;
2. Determination of non-residential development fees;
3. Fee collection procedures;
4. Operation of the affordable housing trust fund;
5. Permitted uses of funds;
6. Monitoring; and
7. Ongoing collection of fees as related to affordable housing compliance.

### **III. Anticipated Use of Development Fees**

As per the Borough's ordinance, development fees shall be used for the sole purpose of providing low- and moderate-income housing. Funding mechanisms can be set up as a grant or revolving loan program to cover costs associated activities including, but not limited to, the following:

1. Preservation or purchase of housing for maintaining or implementing affordability controls;
2. Rehabilitation grants;
3. New construction of affordable housing units and related costs;
4. Implementing accessory apartment, market to affordable, or regional housing partnership programs;
5. Conversion of existing non-residential buildings to create new affordable units;
6. Green building strategies designed to be cost saving and in accordance with accepted national or State standards;
7. Purchase of land or improvement of land to be used for affordable housing;
8. Extensions or improvements of roads and infrastructure to affordable housing sites;
9. Financial assistance designed to increase affordability; and
10. Administration necessary for implementation of the Housing Element and Fair Share Plan.

#### **(A) Anticipated Rehabilitation and New Construction Projects**

As discussed in the Housing Element and Fair Share Plan, Belmar has a rehabilitation present need obligation of zero (0) units in the Fourth Round. The Borough anticipates to spend \$750,000 to address its Third Round rehabilitation obligation in 2025.

#### **(B) Affordability Assistance Requirement**

The Borough anticipates dedicating \$1,464,174.00 to its affordability assistance program.

As per the requirements of N.J.A.C. 5:93-8.16, at least thirty (30%) percent of all development fees and interest earned shall be used to provide low- and moderate-income households in affordable units with affordability assistance. One-third of the



required affordability assistance shall specifically be used to provide affordability assistance to very low-income households (i.e. those households earning thirty percent or less of regional median income).

The projected minimum affordability assistance requirement through 2035 is calculated as follows:

**Table 1. Minimum Affordability Assistance**

AHTF Balance as of 8/1/2024	\$66,364.00
Payments in Lieu of Construction	\$2,060,890.80
Projected development fees plus interest, 2025 - 2035	\$2,750,000.00
<b>PROJECTED TOTAL</b>	<b>\$4,877,254.80</b>
Projected minimum affordability assistance requirement (30%)	\$ 1,463,176.44
Projected minimum required for very low-income households (1/3 of total affordability assistance)	\$ 487,725.48

Affordability assistance programs may include down payment assistance; security deposit assistance; low interest loans; rental assistance; assistance with homeowner's association or condominium fees and special assessments; and assistance with emergency repairs.

Affordability assistance to households earning thirty (30%) percent or less of median income may further include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning thirty (30%) percent or less of median income.

### **(C) Administrative Expenses**

Belmar Borough may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan. Also in accordance with N.J.A.C. 5:93-8.16, the Borough can use up to twenty (20%) percent of all revenues collected from development fees on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, rehabilitation program, a Housing Element and Fair Share Plan, an affirmative marketing program, income qualification of households, monitoring the turnover of sale and rental units, and/or compliance with monitoring requirements.

The projected maximum administrative expenditures through 2035 is calculated as follows:

Table 2. Maximum Administrative Expenditures

AHTF Balance as of 8/1/2024	\$66,364.00
Payments in Lieu of Construction	\$2,060,890.80
Projected development fees plus interest, 2025 - 2035	\$2,750,000.00
<b>PROJECTED TOTAL</b>	<b>\$4,877,254.80</b>
Projected maximum administrative expenditures (20%)	\$ 975,450.96

#### **IV. Schedule for New or Rehabilitated Housing Units**

The schedule for new or rehabilitated housing units is documented by year in the Projected Expenditures table attached to this Spending Plan.

#### **V. Expenditure Schedule**

The schedule for expenditures by year can be found in Table 3 attached to this Spending Plan.

#### **VI. Excess of Funds**

In the event that more funds than anticipated are collected, these excess funds will be used to fund additional rehabilitation and/or affordability assistance programs.

#### **VII. Barrier Free Escrow**

Collection and distribution of barrier free funds shall be consistent with the Borough's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5. A process describing the collection and distribution procedures for barrier free escrow funds pursuant to N.J.A.C. 5:97-8.5 is detailed within the Affordable Housing Ordinance.

#### **VIII. In Sum**

Belmar has prepared this Spending Plan in support of the implementation of its Fourth Round Housing Element and Fair Share plan, and in accordance with the administrative requirements of N.J.A.C. 5:93-1 et seq. The Borough has a balance of \$66,364.00 as of August 1, 2024 and anticipates an additional \$4,810,890.80 in revenues, including interest, by December 31, 2035. The Spending Plan represents the Borough's intended use of development fee revenues that are collected in its Housing Trust Fund, illustrating how the Borough will use these funds to provide for its fair share of regional affordable housing need. This will leave a balance of \$1,688,080.80, which the Borough will reserve in the event that an additional affordable housing project becomes necessary. The Spending Plan represents the Borough's intended use of development fee revenues that are collected in its Housing Trust Fund, illustrating how the Borough will use these funds to provide for its fair share of regional affordable housing need.



## **Appendix C. Mandatory Set-Aside Ordinance (MSO)**

## **ORDINANCE**

### **AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF BELMAR TO ADD SECTION 40-7.34 ENTITLED “AFFORDABLE HOUSING MANDATORY SET-ASIDE REQUIREMENT”**

**WHEREAS**, the Borough Council of the Borough of Belmar (the “Borough”) has determined that it is in the best interests of the community to revise portions of its existing Borough Code concerning the Development Regulations, to establish a Mandatory Set-Aside Ordinance to promote the creation of very low, low- and moderate-income housing within the Borough; and

**WHEREAS**, the Borough has sought, to the best of its ability as a built-out municipality with a lack of available vacant land, to meet the intent and spirit of the Affordable Housing process by drafting an affordable housing plan, participating in the court-lead settlement process, and reviewing its existing land use ordinances; and

**WHEREAS**, the Borough has determined that enacting a Borough-wide Mandatory Set-Aside Ordinance to ensure that any site that benefits from rezoning, variance or redevelopment plan approved by the Borough or the Borough’s Planning Board that results in multi-family residential development of five (5) or more dwelling units, produces affordable housing at a set-aside of 20%, is in the public interest pending adjudication of its Complaint for Declaratory Judgment In the Matter of the Application of the Borough of Belmar, MON-L-655-23 (the “DJ Action”) with respect to the Borough’s Third Round Housing Element and Fair Share Plan and potential settlement with Fair Share Housing Center regarding compliance with the Borough’s affordable housing obligations; and

**WHEREAS**, such set-aside requirement shall apply and be effective immediately for multi-family residential development of five (5) or more dwelling units in the Borough with the exception of the set-aside required of those developments that are subject to settlement in accordance the terms of a Settlement Agreement reached with Fair Share Housing Center in the pending DJ Action.

**NOW THEREFORE BE IT ORDAINED** by the Governing Body of the Borough of Belmar that Chapter 40 of the Borough Code of the Borough of Belmar, be and is hereby amended and supplemented as follows:

#### **SECTION 1: Amend Chapter 40 to add Section 40-7.34 “Affordable Housing Mandatory Set-Aside Requirement”**

- a. If the Borough or the Borough’s Planning Board permits the construction of multi-family or single-family attached residential development that is “approvable” and “developable,” as defined at N.J.A.C. 5:93-1.3, the Borough or the Borough’s Planning Board shall require that an appropriate percentage of the residential units be set aside for low and moderate income households.

- b. This requirement shall apply, beginning with the effective date the Ordinance creating this section was adopted, to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the Borough's Planning Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation.
- c. For any such development for which the Borough's land use ordinances (e.g. zoning or an adopted Redevelopment Plan) already permitted residential development as of the date of the Ordinance creating this section was adopted, this requirement shall only apply if the Borough or the Borough's Planning Board permits an increase in approvable and developable gross residential density to at least twice the permitted approvable and developable gross residential density as of the effective date of this Ordinance.
- d. Nothing in this section precludes the Borough or the Borough's Planning Board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
- e. For all inclusionary projects, the appropriate set-aside percentage shall be twenty percent (20%) or a minimum of one (1) unit.
- f. This requirement does not create any entitlement for a property owner or applicant to a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- g. This requirement does not apply to any sites or specific zones otherwise identified in the Borough's Settlement Agreement with Fair Share Housing Center in the DJ Action, or in the Borough's Housing Element and Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.
- h. Furthermore, this section shall not apply to developments containing four (4) or less dwelling units.
- i. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
- j. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five (5) or more.
- k. All inclusionary projects created under this section must comply with the affordable housing requirements in Chapter [ ] (Affordable Housing Regulations).

**SECTION 2.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**SECTION 3.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Belmar, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Belmar are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**SECTION 4.** This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor and Council pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

## **Appendix D. Mixed Use Overlay Zoning District**



**ORDINANCE 2025-[     ]****BOROUGH OF BELMAR  
COUNTY OF MONMOUTH****ORDINANCE AMENDING CHAPTER 40, ARTICLE V ZONING DISTRICTS, OF THE  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR**

**BE IT HEREBY ORDAINED** by the Mayor and Council of the Borough of Belmar in the County of Monmouth, State of New Jersey that the Borough's Land Development Ordinance at Chapter 40, Article V Zoning Districts, Sections 5.2 is hereby amended and Section 5.7 is hereby created by a new overlay zoning district along Main Street within the Borough entitled "Mixed Use Overlay Zone (MU-O). The purpose of the MU-O would be to allow for a combination of mixed uses along Main Street including commercial, retail, and residential uses.

**Mixed Use Overlay (MU-O)**

- A. Purpose.** The purpose of the MU-O Zone is to allow for a combination of mixed uses along Main Street including commercial, retail, and residential uses.
- B. Permitted Principal Uses (Land and Building)**
  - 1. Mixed Use**
    - (a) Retail/commercial on ground level with residential units above; no residence on ground level; townhouse units are permitted in the rear of the mixed-use building. Any mixed-use development requires a mandatory 20% set aside for affordable housing. All affordable housing units shall be two- and three-bedroom units.**
    - (b) Essential services**
    - (c) Municipal facilities, public parking lots, public parks, and walkways deemed necessary and appropriate by the governing body.**
  - 2. Commercial (Business, Office, Retail)**
    - a. All non-residential uses permitted in the Seaport Redevelopment Plan**
- C. Permitted Accessory Uses**
  - 1. Off-street parking and loading facilities**
  - 2. Signs, conforming to the provisions of the development regulations**
  - 3. Fences and walls**
- D. Conditional Uses.** Other uses permitted upon site approval of the Planning Board
  - 1. Townhouse attached with individual connecting walls**
  - 2. Bed and Breakfast**

**E. Area and bulk requirements**

<b>Minimum Lot Area:</b>	<b>7,000 square feet</b>
<b>Minimum Lot Frontage:</b>	<b>50 feet</b>
<b>Minimum Lot Width:</b>	<b>50 feet</b>
<b>Minimum Lot Depth:</b>	<b>125 feet</b>
<b>Minimum Front Yard:</b>	<b>0 feet</b>
<b>Minimum Side Yard:</b>	<b>0 feet</b>
<b>Minimum Rear Yard:</b>	<b>0 feet</b>
<b>Maximum Building Height:</b>	<b>3.5 stories at the street line; 4 stories setback 12 feet from the street line</b>
<b>Maximum Lot Coverage:</b>	<b>80%</b>

**F. Off -street parking and Loading requirements**

- 1. All residential development shall comply with the Residential Site Improvement Standards for all residential development.**
- 2. Non-residential parking will not be required to have off-street parking.**

**G. Design Criteria: In accordance with the Design Guidelines set forth within the Seaport Redevelopment Plan**

**SECTION 2**

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

**SECTION 3**

If any section, paragraph, subdivision, clause or provision of this ordinance is adjudged to be invalid, such adjudication shall apply only to section paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

**SECTION 4**

This ordinance shall take effect upon its passage and publication and review according to law.

## **Appendix E. Development Fee Ordinance**

**Chapter 42****AFFORDABLE HOUSING DEVELOPMENT FEES**

§ 42-1.	<b>PURPOSE.</b>	§ 42-6.	<b>AFFORDABLE HOUSING</b>
§ 42-2.	<b>DEFINITIONS.</b>		<b>TRUST FUND.</b>
§ 42-3.	<b>RESIDENTIAL</b>	§ 42-7.	<b>USE OF FUNDS.</b>
	<b>DEVELOPMENT FEES.</b>	§ 42-8.	<b>MONITORING.</b>
§ 42-4.	<b>NON-RESIDENTIAL</b>	§ 42-9.	<b>ONGOING COLLECTION OF</b>
	<b>DEVELOPMENT FEES.</b>		<b>FEES.</b>
§ 42-5.	<b>COLLECTION</b>		
	<b>PROCEDURES.</b>		

Editor's Note: Former Ch. 42. Affordable Housing Development Fees, was repealed 8-8-2023 by Ord. No. 2023-14. Prior history includes Ord. No. 2019-25.

**§ 42-1. PURPOSE. [Added 8-8-2023 by Ord. No. 2023-14]**

- a. In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH or court approved spending plan may retain fees collected from non-residential development.
- c. In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as "the Mount Laurel IV decision," the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025, are under the Court's jurisdiction and are subject to approval by the Court.
- d. This chapter establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L. 2008, c. 46, Sections 8 and 32 to 38. Fees collected pursuant to this chapter shall be used for the sole purpose of providing low- and moderate-income housing. This chapter shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

**§ 42-2. DEFINITIONS. [Added 8-8-2023 by Ord. No. 2023-14]**

The following terms, as used in this chapter, shall have the following meanings:

**AFFORDABLE HOUSING DEVELOPMENT** — A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction

project or a 100% affordable development.

COAH or the COUNCIL — The New Jersey Council on Affordable Housing established under the Fair Housing Act.

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE — Money paid by a developer for the improvement of property as authorized by Holmdel Builder's Association v. Holmdel Borough, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the NJ Statewide Non-Residential Development Fee Act, P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.1 et seq.), regulated by applicable COAH regulations.

EQUALIZED ASSESSED VALUE — The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

GREEN BUILDING STRATEGIES — Those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

### **§ 42-3. RESIDENTIAL DEVELOPMENT FEES. [Added 8-8-2023 by Ord. No. 2023-14]**

#### **a. Imposed Fees.**

1. Within the residential district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development provided no increased density is permitted.
2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

#### **b. Eligible exactions, ineligible exactions and exemptions for residential development.**

1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
2. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
3. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or

natural disaster shall be exempt from paying a development fee.

4. Development fees shall be imposed and collected when an existing structure 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. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
5. Developers of one- or two-family owner occupied dwelling units and green buildings shall be subject to a reduced fee of 50%.
6. Nonprofit organizations which have received tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.
7. Federal, state, county and local governments shall be exempted from paying a development fee.

**§ 42-4. NON-RESIDENTIAL DEVELOPMENT FEES. [Added 8-8-2023 by Ord. No. 2023-14]**

a. Imposed fees.

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
2. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b. Eligible exactions, ineligible exactions and exemptions for non-residential development.

1. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the 2.5% development fee, unless otherwise exempted below.
2. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a non-residential development exempted from the nonresidential development

fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

5. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by Belmar as a lien against the real property of the owner.

**§ 42-5. COLLECTION PROCEDURES. [Added 8-8-2023 by Ord. No. 2023-14]**

- a. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official or Zoning Officer responsible for the issuance of a building permit.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c. The construction official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e. The construction official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should Belmar fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- h. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
  1. Appeal of development fees.

- (a) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Belmar. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- (b) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Belmar. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

**§ 42-6. AFFORDABLE HOUSING TRUST FUND. [Added 8-8-2023 by Ord. No. 2023-14]**

- a. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - 1. Payments in lieu of on-site construction of affordable units;
  - 2. Developer contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
  - 3. Rental income from municipally operated units;
  - 4. Repayments from affordable housing program loans;
  - 5. Recapture funds;
  - 6. Proceeds from the sale of affordable units;
  - 7. Development fees; and
  - 8. Any other funds collected in connection with Belmar's affordable housing program.
- c. In the event of a failure by Belmar to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aft'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within Belmar, or, if not practicable, then



within the County or the Housing Region.

- d. Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.
- e. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH or court of competent jurisdiction.

**§ 42-7. USE OF FUNDS. [Added 8-8-2023 by Ord. No. 2023-14]**

- a. The expenditure of all funds shall conform to a spending plan approved by COAH or court of competent jurisdiction. Funds deposited in the Housing Trust Fund may be used for any activity approved by COAH or court of competent jurisdiction to address Belmar's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 5:97-8.9 and specified in the approved spending plan.
- b. Funds shall not be expended to reimburse Belmar for past housing activities.
- c. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
  - 1. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
  - 2. Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
  - 3. Payments in lieu of constructing affordable units on-site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d. Belmar may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

- e. No more than 20% of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH or court of competent jurisdiction's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to COAH's regulations and/or action are not eligible uses of the affordable housing trust fund.

**§ 42-8. MONITORING. [Added 8-8-2023 by Ord. No. 2023-14]**

- a. On an annual basis commencing with the first anniversary of the entry of the Order granting a Final Judgment of Compliance and Repose Belmar shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs ("DCA"), COAH, or Local Government Services ("LGS"), 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 DCA, COAH, or LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on-site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Belmar's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the Court.

**§ 42-9. ONGOING COLLECTION OF FEES. [Added 8-8-2023 by Ord. No. 2023-14]**

- a. The ability for Belmar to impose, collect and expend development fees shall expire with its Judgment of Compliance and Repose. If Belmar fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). Belmar shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance and Repose, nor shall Belmar retroactively impose a development fee on such a development. Belmar shall not expend development fees after the expiration of its Judgment of Compliance and Repose.

## EXHIBIT B

**BOROUGH OF BELMAR PLANNING BOARD  
RESOLUTION ADOPTING THE 2025 FOURTH ROUND HOUSING PLAN  
ELEMENT & FAIR SHARE PLAN ELEMENT OF THE MASTER PLAN**

WHEREAS, upon notice duly provided pursuant to *N.J.S.A. 40:55D-13*, the Belmar Planning Board (the "Board"), held a public hearing on the proposed 2025 Fourth Round Housing, Element and Fair Share Plan Element of the Master Plan (the "2025 HPEFSP") on June 16, 2025; and

WHEREAS, upon the conclusion of the public hearing, the Board determined that the proposed 2025 HPEFSP will guide the use of lands in the Borough in a manner which protects public health and safety and promotes the general welfare in accordance with *N.J.S.A. 40:55D-28*, and is designed to achieve access to affordable housing to meet the Borough's Fourth Round Mount Laurel constitutional affordable housing obligations and considers the lands that are most appropriate for construction of affordable housing in accordance with *N.J.S.A.52:27D-304.1*.

NOW, THEREFORE BE IT RESOLVED, by motion duly made and seconded on June 16, 2025, that the Board hereby adopts the 2025 Fourth Round Housing, Element and Fair Share Plan Element of the Master Plan.

The above resolution was adopted on June 16, 2025 by the following vote of the members of the Board:

AYES: Meyer, Picconi, DeBlasio, McDermott, Lindsay, Lomas, Fierro, Levis and Buccafusco

NAYS:

ABSTAIN:

I, April Claudio, Secretary to the Borough of Belmar Planning Board, do hereby certify that the foregoing is a true and accurate copy of the memorializing resolution duly adopted by the said Board on June 16, 2025.

  
April Claudio, Board Secretary

## EXHIBIT C

## RESOLUTION 2025-132

**RESOLUTION OF THE BOROUGH OF BELMAR  
ENDORING THE BOROUGH'S FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the New Jersey Supreme Court declared that the discriminatory use of zoning powers was illegal and provided, as a matter of constitutional law, that each developing municipality "must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of low and moderate income," In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1, 6 (2015) ("Mount Laurel IV"), citing S. Burlington County NAACP v. Township of Mount Laurel ("Mount Laurel I"), 67 N.J. 151, 179, 187, appeal dismissed and cert. denied, 423 U.S. 808, 96 S. Ct. 18, 46 L. Ed. 2d 28 (1975), and that this constitutional obligation requires that towns must provide "a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing," Id., citing S. Burlington County NAACP v. Township of Mount Laurel ("Mount Laurel II"), 92 N.J. 158, 205 (1983), (together with Mount Laurel I, the "Mount Laurel Doctrine"); and

**WHEREAS**, pursuant to Mount Laurel IV, the Borough of Belmar (the "**Borough**") filed a declaratory judgment action on March 2, 2023, entitled "*In the Matter of the Application of the Borough of Belmar, a municipal Corporation of the State of New Jersey*", Docket No. MON-L-655-23 (the "**DJ Action**"), seeking a judicial declaration that its Housing Element and Fair Share Plan ("**Third Round HEFSP**") satisfied the Third Round "fair share" of the regional need for very low - low- and moderate-income housing, pursuant to the Mount Laurel Doctrine; and

**WHEREAS**, as part of the settlement and resolution of the DJ Action, the Borough's Planning Consultant, Leon S. Avakian Inc., prepared the Third Round HEFSP, identifying specific sites and mechanisms to address the Borough's Third Round housing obligations that present a realistic opportunity for the development of housing affordable to very low, low and moderate income households; and

**WHEREAS**, the Borough Planning Board (the "**Planning Board**") adopted the Third Round HEFSP on May 19, 2025 and the Council of the Borough (the "**Borough Council**") adopted Resolution 2025-110 endorsing the Third Round HEFSP on May 27, 2025; and

**WHEREAS**, a Fairness and Compliance Hearing in the DJ Action is scheduled on June 27, 2025; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. (hereinafter "**A4**") into law, amending the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 (the "**Act**") and establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the Mount Laurel doctrine for the years 2025 – 2035 (the "**Fourth Round**"); and

**WHEREAS**, A4 required the New Jersey Department of Community Affairs (the "**DCA**") to produce non-binding estimates of need for present and prospective need for very low-, low- and moderate- income housing in each municipality for the Fourth Round on or before October 20, 2024; and

**WHEREAS**, on October 18, 2024, in furtherance of such requirement, the DCA issued a report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" (the "**DCA Report**") which report established the final calculation and obligations for each municipality in New Jersey, including the Borough; and

**WHEREAS**, the DCA Report calculated the Borough's Fourth Round obligation as follows: a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation of 43; and

**WHEREAS**, on January 28, 2025, the Borough Council adopted Resolution No. 2025-34 (the "**Binding Resolution**"), accepting the obligation as set forth in the DCA Report; and

**WHEREAS**, pursuant to the Administrative Directive #14-24, dated December 13, 2024 (the "**Directive**"), implementing the Affordable Housing Dispute Resolution Program (the "**Program**") on January 30, 2025, the Borough filed a declaratory judgment action in the Superior Court of Morris County, bearing Docket No. MON-L-414-25 (the "**Fourth Round DJ Action**"); and

**WHEREAS**, the filing of the Fourth Round DJ Action, in accordance with the Act and the Directive, gave the Borough continued immunity from Builder's Remedy lawsuits, which continues to be in full force and effect; and

**WHEREAS**, no interested party filed a challenge to the Fourth Round DJ Action; and

**WHEREAS**, the Borough engaged Christine Bell, PP, AICP, CFM of Leon S. Avakian, Inc. (the "**Borough Planner**") to prepare a Housing Element and Fair Share Plan for the Fourth Round (the "**Fourth Round HEFSP**") consistent with the obligation set forth in the Binding Resolution; and

**WHEREAS**, on April 1, 2025, the Honorable Linda Grasso Jones, J.S.C., the designated Mount Laurel Judge for the Monmouth Vicinage, entered an order setting the Borough's Present Need Obligation as 0 and the Prospective Need Obligation as 43, as set forth in the Binding Resolution; and

**WHEREAS**, in accordance with the Act and the Binding Resolution, the Borough Planner has prepared the Fourth Round HEFSP, dated June, 2025, on file in the Borough Clerk's office, which addresses the Borough's Present Need and Prospective Need Obligations for the Fourth Round; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-28, the Planning Board is charged with the preparation and adoption of the Borough's Master Plan, which includes the housing element and fair share plan; and

**WHEREAS**, on June 16, 2025, after providing notice in accordance with the Municipal Land Use Law, specifically N.J.S.A. 40:55D-313, the Planning Board held a public hearing to review the Fourth Round HEFSP prepared by the Borough Planner; and

**WHEREAS**, after review and consideration of the Fourth Round HEFSP and presentation by the Borough Planner, the Planning Board determined it was consistent with the goals and objectives of the Borough's current Master Plan, and adopted the same; and

**WHEREAS**, pursuant to the Directive, a resolution of the governing body must be adopted endorsing the Fourth Round HEFSP, no later than June 30, 2025, in order to seek a Final Judgment of Compliance and Repose; and

**WHEREAS**, after review and consideration of the Fourth Round HEFSP, the Borough finds it is in the best interest of the Borough to endorse the Fourth Round HEFSP, as adopted by the Borough's Planning Board.

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Belmar, in the County of Monmouth, New Jersey, as follows:

**Section 1.** The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

**Section 2.** The Borough's Council endorses the Fourth Round HEFSP as prepared by the Borough Planner and adopted by the Planning Board.


**Section 3.** The Borough authorizes its professionals to file a copy of this Resolution, as well as a copy of the endorsed Fourth Round HEFSP with the Program.

**Section 4.** This resolution shall take effect immediately.

Mayor Buccafusco offered the above resolution and moved its adoption. Seconded by Councilwoman Rondinaro and adopted by the following vote on roll call:

Council Members:	AYES	NAYS	ABSTAIN	ABSENT
Mayor Buccafusco	X			
Councilwoman Rondinaro	X			
Councilwoman Kinney	X			
Councilwoman Donovan	X			
Councilman Levis	X			

I, APRIL CLAUDIO, CLERK OF THE BOROUGH OF BELMAR, Monmouth County, and the State of New Jersey do hereby Certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Governing Body at its meeting of June 17, 2025.

  
APRIL CLAUDIO, RMC/CMC  
MUNICIPAL CLERK