

# Housing Element and Fair Share Plan

*Prepared for:*

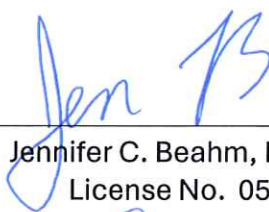
**The Borough of Union Beach  
Monmouth County, New Jersey**

**Adopted: June 25, 2025**

Prepared By:

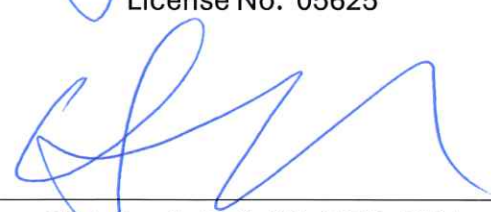
**LEON S. AVAKIAN INC.**  
CONSULTING ENGINEERS

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



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Jennifer C. Beahm, PP, AICP  
License No. 05625



---

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



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Albin J. Wicki, Council President  
Cherlanne Roche  
Louis Andreuzzi, Sr. MBA  
Louis Riccardi  
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Laura Hallam

**Planning Board Professionals**

Laurette Wade, Board Secretary  
Dennis Dayback, Zoning Official  
Andrew Denbigh, PE, Board Engineer  
T&M Associates, Planner  
Patrick McNamara, Esq., Board Attorney

**Project Team**

Jennifer Beahm, PP, AICP  
Christine Bell, PP, AICP, CFM  
Matt Joyner

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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 Union Beach, the housing region is defined by COAH as Region 4 and is comprised of Mercer, Monmouth and Ocean counties. For 2024, the Region 4 median income level 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.

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 Union Beach is a 1.78 square mile suburban community located in the northern portion of Monmouth County. Union Beach is bordered by Hazlet Township, to the south, the Borough of Keansburg, to the east, and the Borough of Keyport, to the west. North across the Raritan Bay, the New York City Borough of Staten Island lays approximately 3.7 miles away from Union Beach at its closest point. Union Beach's land uses are typical of a suburban community and consist mostly of residential properties with commercial uses clustered along local corridors like Union Avenue and NJ Route 36.

The Borough contains or is in the immediate vicinity of several notable natural features. Union Beach sits directly south of the Raritan Bay/ Lower New York Bay, which is a part of the Atlantic Ocean in a region of New Jersey known as "the Bayshore". Located right on the coast, Union Beach contains numerous wetlands, forests, dunes, marshes, a beach, and preserved lands, such as the Conaskonk Point nature/bird sanctuary.

Union Beach had a population of 5,722 in 2023, according to the US Census Bureau. Union Beach's population density was 3,211 persons per square mile of land area, which is higher than Monmouth County's overall population density of 1,375 persons per square mile. Union Beach grew older between 2010 and 2023, with a 2010 median age of 40.1 and a 2023 median age of 43.7. The Borough's 2023 median household income estimate was \$128,400, nearly \$5,600 higher than the County median (\$122,727) and more than \$27,400 more dollars than the average New Jersey resident (\$101,050). In the guidelines established by COAH, Union Beach is located in affordable housing Region 4 which is comprised of Monmouth, Mercer, and Ocean Counties.

## DEMOGRAPHIC CHARACTERISTICS

### POPULATION

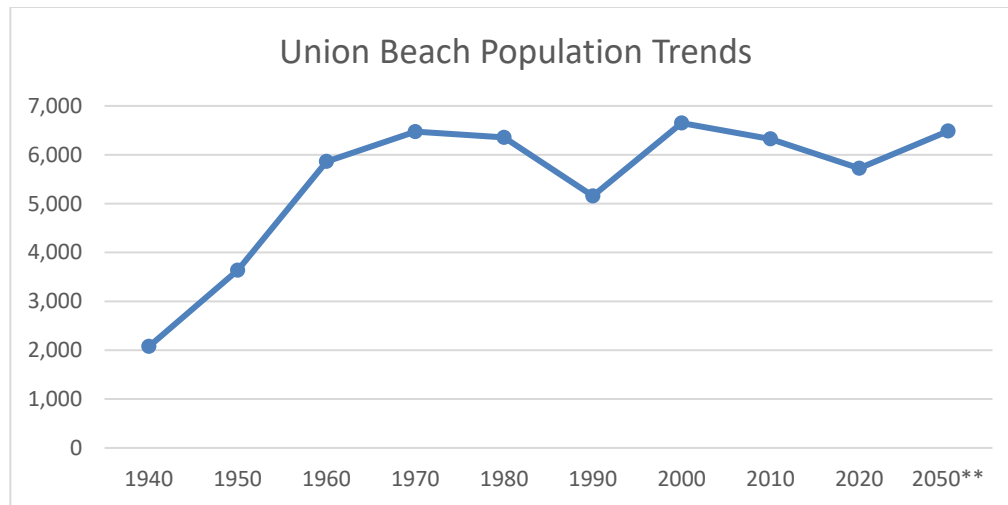
In 2023, according to the ACS 5-Year Estimates, the Borough of Union Beach had a total population of 5,722. This number represents a decrease of 602 individuals, a loss of 9.5 percent since the 2010 US Census. The percentage decrease experienced by Union Beach between 2010 and 2023 contrasts with the population growth experienced by Monmouth County and New Jersey during the same timeframe.

Union Beach was incorporated as an independent municipality in April of 1925. At the time of the 1940 Census, the Borough had a population of 2,076, which continued to grow until the 1980s. The 2000s was the first decade since 1970 where the Borough experienced positive population growth. The 2000 Census also saw the Borough's population reach its historic peak of 6,649, since then, Union Beach's population continued to decline into the next two decades. However, the Borough's population increased between 2020 and 2023 and is anticipated to grow through 2025.

The 2023 population of 5,722 represented approximately 0.9 percent of the total population of Monmouth County. The total population pattern over time for Union Beach, Monmouth County, and the State of New Jersey are detailed below.

**TABLE 1: POPULATION TRENDS, 1940-2050**

Year	Union Beach			Monmouth County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1940	2,076	-	-	161,238	-	-	4,160,165	-	-
1950	3,636	1,560	75.1%	225,327	64,089	39.7%	4,835,329	675,164	16.2%
1960	5,862	2,226	61.2%	334,401	109,074	48.4%	6,066,782	1,231,453	25.5%
1970	6,472	610	10.4%	461,849	127,448	38.1%	7,171,112	1,110,330	18.2%
1980	6,354	-118	-1.8%	503,173	41,324	8.9%	7,365,011	193,899	2.7%
1990	5,156	-1198	-18.9%	553,124	49,951	9.9%	7,730,188	365,177	5.0%
2000	6,649	1,493	30.0%	615,301	62,177	11.2%	8,414,350	684,162	9.0%
2010	6,324	-325	-4.9%	628,112	12,811	2.1%	8,721,577	307,227	3.7%
2020*	5,362	-962	-15.2	620,821	-7,291	-1.2%	8,885,418	163,841	1.9%
2023*	5,722	360	6.7%	643,615	15,503	2.5%	9,267,014	545,437	6.3%
2050**	6,484	762	13.3%	669,624	48,803	7.9%	-	-	-
Source: NJSDC 2000 Census Publication: Population Trends 1790 to 2000									
*U.S. Census Bureau, 2010-2023 ACS 5-Year Estimates (table DP05)									
**2050 Projections from North Jersey Transportation Planning Authority									



### POPULATION COMPOSITION BY AGE

The age composition of Union Beach has shifted noticeably since the 2010 Census. According to American Community Survey 2023 5-Year Estimates, significant changes occurred in many age groups. Since 2010, the Borough has experienced a sharp decrease in the younger demographics, with residents aged 25-34 being the only group to experience an increase. Residents aged 60-64 experienced the Borough's largest population gain, followed by those aged 65-74, and 55-59. Between 2010 and 2023, Union Beach's population contracted by 9.5 percent.

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

Population	2010		2023		Change 2010-2023	
	Number	Percent	Number	Percent	Number	Percent
Total population	6,324	100.0%	5,722	100.0%	-602	-9.5%
Under 5 years	373	5.9%	303	5.3%	-70	-18.8%
5 to 9 years	486	7.7%	209	3.7%	-277	-57.0%
10 to 14 years	400	6.3%	358	6.3%	-42	-10.5%
15 to 19 years	592	9.4%	344	6.0%	-248	-41.9%
20 to 24 years	351	5.6%	263	4.6%	-88	-25.1%
25 to 34 years	453	7.2%	905	15.8%	452	99.8%
35 to 44 years	1,193	18.9%	603	10.5%	-590	-49.5%
45 to 54 years	1,158	18.3%	880	15.4%	-278	-24.0%
55 to 59 years	454	7.2%	527	9.2%	73	16.1%
60 to 64 years	285	4.5%	658	11.5%	373	130.9%
65 to 74 years	268	4.2%	487	8.5%	219	81.7%
75 to 84 years	277	4.4%	184	3.2%	-93	-33.6%
85 years and over	34	0.5%	1	0.0%	-33	-97.1%
2010 US Census Bureau (S0101)						
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. Similarly to Union Beach, the County also experienced a significant decrease in elementary school through high school-aged population. However, the County experienced positive growth in among all age cohorts from 55 years to 85 years and over. This suggests that the County, like Union Beach, has an aging population. The similarities in population age distribution between the Borough and the County are illustrated by the likeness in the shape of their population pyramids provided below.

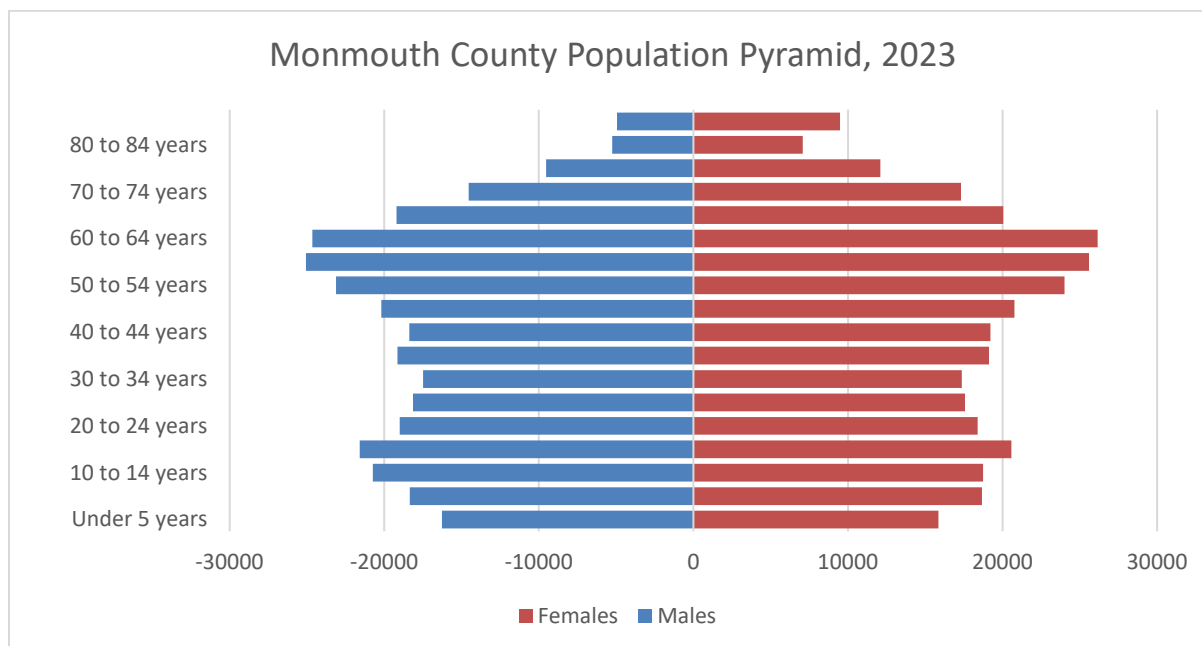
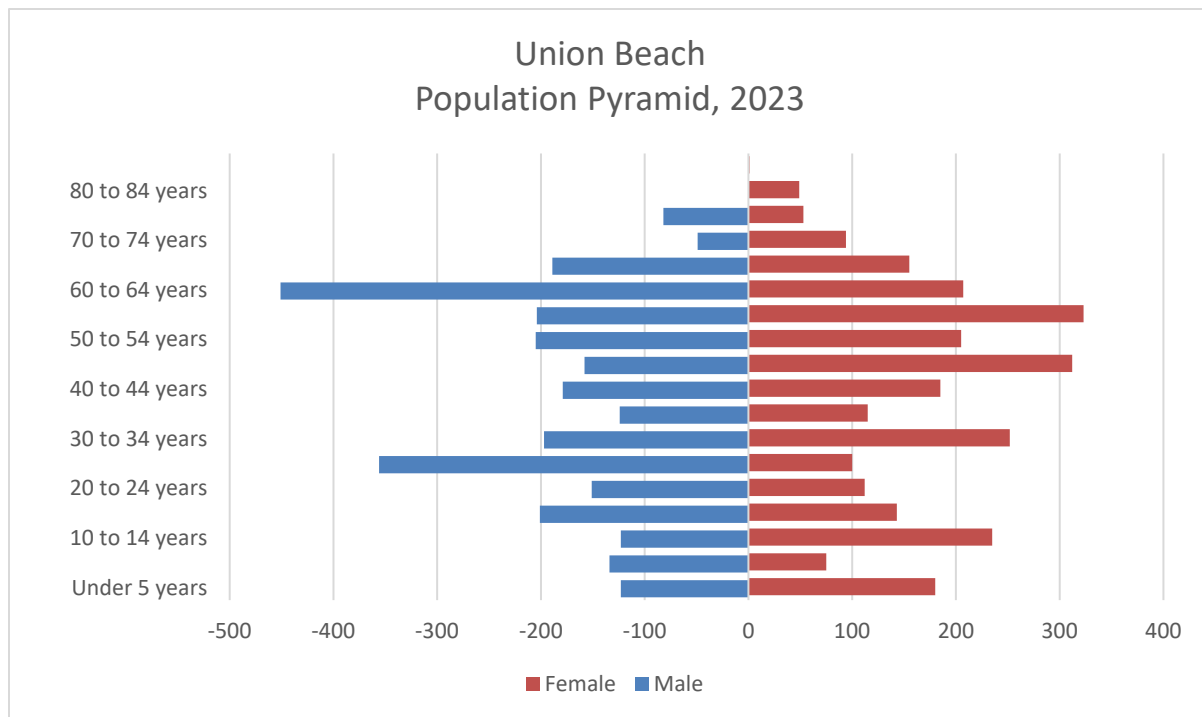
**TABLE 3: POPULATION BY AGE COHORT, MONMOUTH COUNTY, 2010-2023**

Population	2010		2023		Change 2010-2023	
	Number	Percent	Number	Percent	Number	Percent
Total population	628,112	100.0%	643,615	100.0%	15,503	2.5%
Under 5 years	36,105	5.7%	32,114	5.0%	-3,991	-11.1%
5 to 9 years	43,432	6.9%	37,013	5.8%	-6,419	-14.8%
10 to 14 years	45,172	7.2%	39,484	6.1%	-5,688	-12.6%
15 to 19 years	44,706	7.1%	42,163	6.6%	-2,543	-5.7%
20 to 24 years	33,055	5.3%	37,390	5.8%	4,335	13.1%
25 to 34 years	63,105	10.0%	70,569	11.0%	7,464	11.8%
35 to 44 years	93,461	14.9%	75,860	11.8%	-17,601	-18.8%
45 to 54 years	108,675	17.3%	88,083	13.7%	-20,592	-18.9%
55 to 59 years	42,594	6.8%	50,654	7.9%	8,060	18.9%
60 to 64 years	34,235	5.5%	50,797	7.9%	16,562	48.4%
65 to 74 years	41,719	6.6%	71,107	11.0%	29,388	70.4%
75 to 84 years	29,301	4.7%	33,953	5.3%	4,652	15.9%
85 years and over	12,552	2.0%	14,428	2.2%	1,876	14.9%
2010 US Census Bureau (S0101)						
U.S. Census Bureau, American Community Survey 2010-2023 5- Year Estimates (table DP-05)						

The median age of Borough residents increased between 2010 and 2023, rising from 40.1 years of age to 43.7 years of age. This trend follows a similar rise in the median age of Monmouth County and New Jersey as a whole, providing more evidence of the general “greying” of America as the Baby Boomer generation continues to age.

**TABLE 4: MEDIAN AGE**

Year	Union Beach	Monmouth County	New Jersey
2010	40.1	40.6	38.5
2023	43.7	43.2	40.1
Change	3.6	2.6	1.6
U.S. Census Bureau, 2020 Decennial Census (table DP-1)			
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP-05)			



## HOUSEHOLDS

A household is defined as one or more persons, either related or not, living together in a housing unit. The 2023 ACS 5-Year Estimates note that there were approximately 2,068 households in the Borough. The largest percentage of households in Union Beach consisted of four (4) or more persons, closely followed by households that only contained two (2) persons. Together, two (2) person households and four (4) or more person households accounted for 66.5 percent of the Borough's total number of households. In Monmouth County, the largest percentage of households

consisted of two (2) person households, which accounted for 32.5% of the County's total households. One (1) and two (2) person households consisted of 59.1% of all households in the County. The average household size in the Borough is slightly larger than that of the County; with the Borough's average household size being 2.76 while the County's average household size was 2.55 according to these estimates.

**TABLE 5: HOUSEHOLD CHARACTERISTICS  
UNION BEACH AND MONMOUTH COUNTY, 2023**

	Union Beach		Monmouth County	
	Number	Percent	Number	Percent
Total Households	2,068	100.0%	250,195	100.0%
1-person	334	16.2%	66,589	26.6%
2-persons	680	32.9%	81,289	32.5%
3-persons	360	17.4%	40,929	16.4%
4 or more persons	694	33.6%	61,388	24.5%
Average Household Size	2.76		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. Most households in Union Beach were families, comprising 74.6 percent of all households. Approximately 84.6 percent of all family households were family households with married couple householders, while 3.3 percent and 12.6 percent of family households consisted of single parent male or female householders, respectively. The average family size was 3.20 persons. Of all Borough households, 25.4 percent were non-family households.

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

Household Size	Total	Percent
Total Households	2,068	100.0%
1 person household	334	16.2%
2 or more person household	1,734	83.9%
Family households	1,542	74.6%
Married Couple Family	1,305	84.6%
With own children under 18 years	440	33.7%
No children under 18 years	865	66.3%
Other Family	237	15.37%
Male householder, no spouse present	51	3.3%
With own children under 18 years	51	100.0%
No own children under 18 years	0	0.0%
Female householder, no spouse present	186	12.1%
With own children under 18 years	61	32.8%
No own children under 18 years	125	67.2%
Nonfamily Households	526	25.4%
Average Family Size (persons)	3.20	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (tables S2501, S1101)		

## INCOME

Union Beach experienced a 117.8 percent increase in per capita income between 2010 and 2023 which was higher than Monmouth County's 60 percent increase, and the State's 52.4 percent increase over the same period. The Borough's 2023 per capita income of \$54,400 was lower than the County average, but slightly higher than the State's average.

**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
Union Beach	\$24,982	\$54,400	117.8%	\$61,347	\$128,400	109.3%
Monmouth County	\$40,976	\$65,545	60.0%	\$82,265	\$122,727	49.2%
New Jersey	\$34,858	\$53,118	52.4%	\$69,811	\$101,050	44.7%
U.S. Census Bureau, 2010 - 2023 ACS Selected Population Tables (table DP03)						

Household incomes in Union Beach were higher than that of the County and State overall. Union Beach residents also saw their median household incomes rise by a significantly higher percentage than their counterparts in Monmouth County and New Jersey as a whole.

The median household income in Union Beach was \$128,400; approximately \$5,700 higher than the County median and more than \$27,400 more dollars than the average New Jersey resident. Between 2010 and 2023, the median household income for the Borough increased by 109.3 percent, much higher than the 49.2 percent growth rate experienced in Monmouth County and the 22.1 percent growth rate for the State overall.

The two (2) income brackets containing the highest percentage of households were the '\$200,000 or more' range and '\$150,000 to \$199,999' range for both Union Beach and the Monmouth County. However, approximately 65 percent of Union Beach households had incomes over \$100,000, while only around 59 percent of County households had incomes greater than \$100,000.

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

	Union Beach		Monmouth County	
	Number	Percent*	Number	Percent*
<b>Total Households</b>	2,068	100.0%	250,195	<b>100.0%</b>
Less than \$10,000	54	2.6%	8,165	3.3%
\$10,000 to \$14,999	0	0.0%	5,319	2.1%
\$15,000 to \$19,999	49	2.4%	5,203	2.1%
\$20,000 to \$24,999	39	1.9%	5,578	2.2%
\$25,000 to \$29,999	0	0.0%	5,530	2.2%
\$30,000 to \$34,999	0	0.0%	5,175	2.1%
\$35,000 to \$39,999	17	0.8%	5,648	2.3%
\$40,000 to \$44,999	28	1.4%	5,544	2.2%
\$45,000 to \$49,999	15	0.7%	6,198	2.5%
\$50,000 to \$59,999	105	5.1%	9,995	4.0%
\$60,000 to \$74,999	131	6.3%	15,158	6.1%
\$75,000 to \$99,999	285	13.8%	25,542	10.2%
\$100,000 to \$124,999	263	12.7%	24,161	9.7%
\$125,000 to \$149,999	220	10.6%	19,756	7.9%
\$150,000 to \$199,999	336	16.2%	33,996	13.6%
\$200,000 or more	526	25.4%	69,227	27.7%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B19001)				
*-percentages may not total 100 due to rounding				

## HOUSEHOLD COSTS

The tables below show housing expenditures for owner-occupied and renter-occupied units in Union Beach in 2023. The first table shows the housing costs of owner occupants as a percentage of total income. A total of 443 households in the Borough (24.3%) were devoting more than 30 percent of their annual income to housing costs, which is less than the estimated 28% of Monmouth County residents also spending more than 30 percent of income on housing. The State affordability threshold for housing as a percentage 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. 111 of the total 242 households renting in Union Beach, or about 45.8 percent, were spending over 30% of their income on rent. Comparatively, a little over 56 percent of Monmouth County residents were also spending a comparable amount of their income on rent. The State affordability threshold for housing as a percentage 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**

	Union Beach		Monmouth County	
	Number	Percentage*	Number	Percentage*
Total Owner-Occupied Housing Units	1,826	100.0%	188,578	100.0%
Less than 10.0 percent	121	6.6%	28,917	15.3%
10.0 to 14.9 percent	335	18.3%	32,253	17.1%
15.0 to 19.9 percent	364	19.9%	31,997	17.0%
20.0 to 24.9 percent	269	14.7%	25,780	13.7%
25.0 to 29.9 percent	272	14.9%	16,946	9.0%
30.0 to 34.9 percent	91	5.0%	10,722	5.7%
35.0 to 39.9 percent	59	3.2%	8,426	4.5%
40.0 to 49.9 percent	153	8.4%	10,377	5.5%
50.0 percent or more	140	7.7%	21,847	11.6%
Not computed	22	1.2%	1,313	0.7%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B25091)				
*-percentages may not total 100 due to rounding				

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

	Union Beach		Monmouth County	
	Number	Percentage*	Number	Percentage*
Total Renter-Occupied Housing Units	242	100.0%	61,617	100.0%
Less than 10.0 percent	0	0.0%	2,113	3.4%
10.0 to 14.9 percent	0	0.0%	4,993	8.1%
15.0 to 19.9 percent	0	0.0%	6,970	11.3%
20.0 to 24.9 percent	47	19.4%	6,927	11.2%
25.0 to 29.9 percent	33	13.6%	6,419	10.4%
30.0 to 34.9 percent	26	10.7%	4,751	7.7%
35.0 to 39.9 percent	0	0.0%	3,057	5.0%
40.0 to 49.9 percent	0	0.0%	6,163	10.0%
50.0 percent or more	85	35.1%	16,805	27.3%
Not computed	51	21.1%	3,419	5.5%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B25070)				
*-percentages may not total 100 due to rounding				

## EXISTING HOUSING CONDITIONS

### HOUSING UNIT DATA

Union Beach's housing stock is predominantly owner-occupied and relatively old. According to the 2023 ACS, the Borough had a total of 2,253 housing units, 2,068 (91.8%) of which were occupied. Of the Borough's fully occupied housing units, most (88.3%) were owner-occupied, while

11.7 percent were renter-occupied. Most of Union Beach's housing stock, approximately 55 percent, was built between 1939 and 1970, with construction slowing down significantly after that. The median age of the Borough's housing is 1964. By comparison, the median ages of housing stock in Monmouth County and New Jersey were 1975 and 1969 respectively.

**TABLE 11: OCCUPANCY DATA, 2023**

Housing Units in Union Beach	Number	Percent*
Total Housing Units	2,253	100.0%
Occupied Housing Units	2,068	91.8%
Owner Occupied	1826	88.3%
Renter Occupied	242	11.7%
Vacant Housing Units	185	8.2%
For Rent / Rented Not Occupied	0	0.0%
For Sale Only	90	48.6%
Sold, not occupied	0	0.0%
For Seasonal, Recreational or Occasional Use	65	35.1%
Other Vacant	30	16.2%
U.S. Census Bureau, American Community Survey 2023 (tables DP04 and B25004)		
*-percentages may not total 100 due to rounding		

**TABLE 12: AGE OF HOUSING, 2023**

	Number	Percent
Built 2020 or later	77	3.4%
Built 2010 to 2019	211	9.4%
Built 2000 to 2009	210	9.3%
Built 1990 to 1999	82	3.6%
Built 1980 to 1989	193	8.6%
Built 1970 to 1979	234	10.4%
Built 1960 to 1969	202	9.0%
Built 1950 to 1959	735	32.6%
Built 1940 to 1949	95	4.2%
Built 1939 or earlier	214	9.5%
Total	2,253	100.0%
Median Year Structure Built	1964	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04 and B25035)		

## HOUSING TYPE AND SIZE

The housing stock in Union Beach is dominated by single-family detached homes, which comprise over 95 percent of the Borough's housing stock. One-unit attached dwellings (i.e. Townhouses) made up an additional 2.8 percent of the Union Beach's housing stock. The median number of rooms per unit was 6.6.

**TABLE 13: HOUSING UNITS BY TYPE, 2023**

Units in Structure	Total	Percent
Total	2,253	100.0%
1 Unit, detached	2,151	95.5%
1 Unit, attached	62	2.8%
2 Units	40	1.8%
3 or 4 Units	0	0.0%
5 to 9 Units	0	0.0%
10 to 19 Units	0	0.0%
20 Units or more	0	0.0%
Mobile home	0	0.0%
Boat, RV, van, etc.	0	0.0%
Rooms	Total	Percent
1 room	2,253	100.0%
2 rooms	0	0.0%
3 rooms	0	0.0%
4 rooms	121	5.4%
5 rooms	114	5.1%
6 rooms	116	5.1%
7 rooms	737	32.7%
8 rooms	272	12.1%
9 or more rooms	465	20.6%
Median number of rooms	6.6	
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (DP04)		

**HOUSING VALUES AND CONTRACT RENTS**

According to the 2023 ACS 5-Year Estimates, the median value of owner-occupied housing units in Union Beach was \$452,900, with 87.2 percent of units valued at \$300,000 or greater. Table 14 provides a breakdown of home values for owner-occupied units within the Borough. In 2023, zero (0) housing units in the Borough were reported to be worth less than \$100,000.

**TABLE 14: VALUE OF OWNER-OCCUPIED HOUSING UNITS, 2023**

	Union Beach		Monmouth County	
	Number	Percentage	Number	Percentage
Total	1,826	100.0%	188,578	100.0%
Less than \$50,000	0	0.0%	3,202	1.7%
\$50,000 to \$99,999	0	0.0%	2,703	1.4%
\$100,000 to \$149,999	0	0.0%	1,760	0.9%
\$150,000 to \$199,999	18	1.0%	2,797	1.5%
\$200,000 to \$299,999	217	11.9%	12,780	6.8%
\$300,000 to \$499,999	966	52.9%	55,119	29.2%
\$500,000 to \$999,999	611	33.5%	88,909	47.1%
\$1,000,000 and greater	14	0.8%	21,308	11.3%
Median Value	\$452,900		\$566,500	
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP04)				

With respect to renter-occupied units, there were a range of rents, with a plurality of rental units in the Borough (38.2%) carrying rental costs within the '\$1,000 to \$1,400' per month range. At the time of the 2023 ACS 5-Year Estimates, the median gross rent in Union Beach was \$1,957, higher than the County's median rent of \$1,771. Zero (0) units in the Borough were reported to have rents under \$500 and approximately 30 units did not require cash rent payments at all.

**TABLE 15: GROSS RENT PAID, 2023**

	Union Beach		Monmouth County	
	Number	Percentage	Number	Percentage
Total	212	100.0%	59,223	100.0%
Less than \$500	0	0.0%	4,045	6.8%
\$500 to \$999	32	15.1%	3,453	5.8%
\$1,000 to \$1,499	0	0.0%	13,711	23.2%
\$1,500 to \$1,999	81	38.2%	15,499	26.2%
\$2,000 to \$2,499	33	15.6%	10,920	18.4%
\$2,500 to \$2,999	66	31.1%	6,150	10.4%
\$3,000 or more	0	0.0%	5,445	9.2%
No cash rent	30	(X)	2,394	(X)
Median Contract Rent	\$1,957		\$1,771	
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP04)				

## HOUSING CONDITIONS

According to the 2023 ACS, there are zero (0) units exhibiting overcrowding (more than one person per room). Additionally, zero (0) housing units in Union Beach were reported to be lacking complete plumbing facilities or complete kitchen facilities. 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 16: HOUSING DEFICIENCY CHARACTERISTICS**

	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	2,068	100.0%
Lacking complete plumbing facilities	0	0.0%
<b>Kitchen Equipment</b>		
Total Occupied Housing Units	2,068	100.0%
Lacking complete kitchen facilities	0	0.0%
U.S. Census Bureau, American Community Survey 2023 (tables B25014, S2504)		

**PROJECTED HOUSING STOCK**

According to the New Jersey Department of Community Affairs, Union Beach issued building permits for 407 new residential dwelling units between January 2004 and December 2023. During that same time period, the Borough also issued 436 residential demolition permits. Subtracting demolition permits from construction permits yields a net decrease of 32 dwelling units over this period of time.

**TABLE 17: 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	14	0	0	14	2	12
2005	8	0	0	8	6	2
2006	6	0	0	6	1	5
2007	7	0	0	7	0	7
2008	4	0	0	4	4	0
2009	23	0	0	23	7	16
2010	9	0	0	9	5	4
2011	8	0	0	8	7	1
2012	5	0	0	5	6	-1
2013	73	0	0	73	239	-166
2014	70	0	1	71	27	43
2015	41	0	0	41	24	17
2016	34	0	1	35	18	16
2017	34	0	0	34	34	0
2018	33	0	0	33	38	-5
2019	28	0	0	28	11	17
2020	7	0	1	8	7	0
2021	0	0	0	0	0	0
2022	0	0	0	0	0	0
2023	0	0	0	0	0	0
<b>Total</b>	<b>404</b>	<b>0</b>	<b>3</b>	<b>407</b>	<b>436</b>	<b>-32</b>

Source: NJ DCA Construction Reporter

## EMPLOYMENT DATA

DP03 of the 2023 ACS reports on the work activity of residents aged 16 years and older. While the Borough's working age population was 4,738 residents, Union Beach had an approximate labor force of 3,771 residents. Approximately one fifth of the Borough's working age residents were not participating in the labor force at the time of the estimates. Nearly all the Borough's labor force was employed in civilian jobs, with zero (0) residents reported as members of the armed forces. Approximately 2.5 percent of Borough residents reported being unemployed.

**TABLE 18: EMPLOYMENT STATUS**

	Union Beach		Monmouth County	
	Number	Percent	Number	Percent
Population 16 years and over	4,738	100.0%	526,352	100.0%
In labor force	3,771	79.6%	349,815	66.5%
Civilian Labor Force	3,771	79.6%	349,355	66.4%
Employed	3,653	77.1%	331,018	62.9%
Unemployed	118	2.5%	18,337	3.5%
Armed Forces	0	0.0%	460	0.1%
Not in labor force	967	20.4%	176,537	33.5%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates table DP03)				

The majority of the Borough's workers (80%) were employed in private wage and salary positions, while 3.3 percent of workers were self-employed. Government workers comprised approximately 16.6 percent of the Borough's workforce. Table 18 provides a breakdown of worker classifications.

**TABLE 19: CLASSIFICATION OF WORKERS IN UNION BEACH, 2023**

	Number	Percent
Total	3,653	100%
Private Wage and Salary Worker	2,925	80.1%
Government Worker	606	16.6%
Self-Employed Worker	122	3.3%
Unpaid Family Worker	0	0.0%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP03)		

An analysis of employees (over the age of 16) by economic sector indicates that employed working age individuals in Union Beach were involved in a range of economic sectors. The highest concentration of workers (20.7%) were employed in the 'educational services, health care, and social assistance' sector. The sector with the second largest share of residents was the 'retail trade' sector (15.1%), followed closely by the 'manufacturing' sector (14.3%).

**TABLE 20: WORKFORCE BY SECTOR**

Industry	Number	Percent
Civilian employed population 16 years and over	3,653	100.0%
Agriculture, forestry, fishing and hunting, mining	0	0.0%
Construction	172	4.7%
Manufacturing	521	14.3%
Wholesale Trade	62	1.7%
Retail Trade	552	15.1%
Transportation and Warehousing, and Utilities	230	6.3%
Information	184	5.0%
Finance and insurance, and real estate and rental and leasing	283	7.7%
Professional, scientific, and management, and administrative and waste management services	404	11.1%
Educational services, and health care and social assistance	755	20.7%
Arts, entertainment, and recreation, and accommodation and food services	259	7.1%
Other Services, except public administration	100	2.7%
Public administration	131	3.6%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP03)		

Table 21 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. However, a higher percentage of the Borough's workforce is employed in the 'retail trade' and 'manufacturing' sectors, while a larger percentage of Monmouth County residents are employed in the 'professional, scientific, and management, and administrative and waste management services' sector.

**TABLE 21: COMPARISON OF WORKFORCE BY SECTOR  
UNION BEACH AND MONMOUTH COUNTY, 2023**

Industry	Union Beach	Monmouth County
Civilian employed population 16 years and over	3,653	331,018
Agriculture, forestry, fishing and hunting, mining	0.0%	0.4%
Construction	4.7%	7.0%
Manufacturing	14.3%	6.2%
Wholesale Trade	1.7%	2.5%
Retail Trade	15.1%	10.5%
Transportation and Warehousing, and Utilities	6.3%	4.4%
Information	5.0%	3.2%
Finance and insurance, and real estate and rental and leasing	7.7%	10.3%
Professional, scientific, and management, and administrative and waste management services	11.1%	15.5%
Educational services, and health care and social assistance	20.7%	24.4%
Arts, entertainment, and recreation, and accommodation and food services	7.1%	7.7%
Other Services, except public administration	2.7%	3.7%
Public administration	3.6%	4.3%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP03)		

Table 22 provides a breakdown of occupations by type for the Borough's employed civilian labor force. 42.6 percent of the Borough's employed civilian labor force was employed in 'management, business, science, and arts occupations', while approximately one quarter of Union Beach's labor force was employed in 'sales and office occupations'.

**TABLE 22: OCCUPATIONS BY TYPE, 2023**

	Number	Percentage
Employed Civilian population 16 years and over	3,653	100.0%
Management, business, science and arts occupations	1,555	42.6%
Service occupations	423	11.6%
Sales and office occupations	855	23.4%
Natural resources, construction and maintenance occupations	264	7.2%
Production Transportation and material moving occupations	556	15.2%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP03)		

As shown in Table 23, 39.8 percent of Borough residents commute less than half an hour from home to their place of work, 50 percent commute between half an hour to an hour, 10.1 percent have commutes greater than one hour. The mean travel time to work was 31.5 minutes, less than the Monmouth County average of 32.8 minutes. Of the workers that commute to work, a majority (77.5%) do so by private automobile.

**TABLE 23: TRAVEL TIME TO WORK, 2023**

	Union Beach		Monmouth County	
	Number	Percent*	Number	Percent*
Workers who did not work at home	3,426	100.0%	270,382	100.0%
Less than 5 minutes	230	6.7%	7,133	2.6%
5 to 9 minutes	224	6.5%	23,580	8.7%
10 to 14 minutes	264	7.7%	34,617	12.8%
15 to 19 minutes	305	8.9%	34,788	12.9%
20 to 24 minutes	198	5.8%	30,346	11.2%
25 to 29 minutes	145	4.2%	15,220	5.6%
30 to 34 minutes	766	22.4%	30,368	11.2%
35 to 39 minutes	100	2.9%	8,941	3.3%
40 to 44 minutes	326	9.5%	12,716	4.7%
45 to 59 minutes	522	15.2%	25,519	9.4%
60 to 89 minutes	244	7.1%	27,152	10.0%
90 or more minutes	102	3.0%	20,002	7.4%
Mean travel time to work (minutes)	31.5		32.8	
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP03)				
*-percentages may not total 100 due to rounding				



**TABLE 24: MEANS OF COMMUTE, 2023**

	Union Beach		Monmouth County	
	Number	Percent	Number	Percent
Workers 16 years and over	3,603	100.0%	325,092	100.0%
Car, truck, van- Drove Alone	2,793	77.5%	217,077	66.8%
Car, truck, van- Carpooled	370	10.3%	23,553	7.2%
Public Transportation	215	6.0%	17,981	5.5%
Walked	1	0.0%	4,775	1.5%
Other Means	47	1.3%	6,996	2.2%
Worked at home	177	4.9%	54,710	16.8%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimate (table DP03)				

As indicated in Table 25 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 increase in number of jobs over the course of the projection period.

**TABLE 25: 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*

All non-wetland portions of the Borough are contained within a public water and sewer service area. Sewer service is provided by the Bayshore Regional Sewerage Authority, which is located in Union Beach and serves approximately 83,000 people in Monmouth County. Public water is provided by New Jersey American Water, which sources their drinking water from the Old Bridge and Farrington aquifers. New Jersey American Water purchases water from the NJAW Shorelands System, which operates seven (7) wells and one (1) surface water source interconnected with the NJAW Coastal North System. NJAW also provides approximately 500,000 gallons of water to Union Beach customers from the PRM aquifer and the Swimming River Reservoir.

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

The Borough of Union Beach primarily contains residential neighborhoods, areas of commercial development, and public uses with limited vacant land. According to the NJTPA population estimates projected to 2050, it is anticipated that the Borough's population will grow by an additional 762 people, or 13.3 percent.

#### *Residential*

The Borough of Union Beach is a primarily suburban residential community. The population density within the Borough is generally spread evenly, however, higher density residential districts tend to be located in the portions of the Borough west of the East Creek. In this portion of the Borough, the Natco Lake, wetlands, and facilities utilized by the International Flavors and Fragrances use most of the land in this portion of the Borough, leaving residential development to largely occur in the areas between the East Creek and the Flat Creek and the Flat Creek and Conaskonk Point.

#### *Non-Residential*

Commercial uses within the Borough of Union Beach tend to be focused along the State Highway 36 and Union Avenue corridors. Other non-residential uses include wetlands, interstitially located throughout the Borough, industrial uses, concentrated in the eastern portion of the Borough, the Conaskonk Point Nature preserve, located at the northernmost point in Union Beach, and beach/public space, located immediately south-east of Conaskonk Point. New non-residential

development will continue to take place as the market allows through redevelopment along the major transportation corridor of NJ Route 36 and Union Avenue within the Borough.

### **Environmental Constraints**

The Borough of Union Beach is bounded to the north by the Raritan Bay and is located entirely within the FEMA Special Flood Hazard Area. The Borough was severely impacted by Hurricane Sandy in 2012, experiencing impacts from storm surge and wind damage. Approximately 90 percent of the Borough's land was flooded, ranging from 2 to 10 feet in depth. Union Beach reported that 60 properties were destroyed by Hurricane Sandy and 629 properties faced substantial damage. Despite municipal action to promote recovery from the storm and increase resiliency to future storm events, flooding remains a concern in Union Beach.

The Monmouth County Multi-Jurisdictional Hazard Mitigation Plan identified that Union Beach was at risk from extreme temperatures, extreme winds, tornadoes, lightning, hurricane and tropical storms, flooding, nor'easters, storm surge, wave action, tsunamis, coastal erosion, winter storms, drought, earthquake, and wildfire. Many of these hazards are associated with flooding and storm events. All development within Union Beach must plan for and take into account the Borough's Special Flood Hazard Areas.

### **Historic**

While Union Beach lacks any facilities listed on the State or National Register of Historic Places, the Borough is still steeped in heritage. Prior to the automobile allowing for quick access to the Jersey Shore, Union Beach and the other Raritan Bayshore communities were popular destinations for beachgoers and day-trippers from New York City and North Jersey. The Bayshore Region has also played an important role in the New Jersey's 20<sup>th</sup> century maritime shipping and logistics sectors, facilitating trade both inside and outside of New York area.

### **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 July 2015.

#### *Residential Zones: R-8, TH-2, and R-AC*

- *R-8:* The R-8 Residential Zone District is intended for single family dwellings at a minimum lot area of 10,000 square feet for corner lots and 7,500 square feet for interior lots. Other permitted uses include: federal, state, county, and municipal buildings and grounds; private and parochial schools not operated for profit, and community residences for those including but not limited to victims of domestic abuse, terminally ill residents, elderly persons, and physically disabled adults. The R-8 Residential Zone is the largest zone district within the Borough.
- *TH-2:* The TH-2 Townhouse Zone District is intended to encourage the development of a livable neighborhood that contains townhouse residential dwelling units. The TH-2 District is intended to provide for moderate density housing that meets strict design standards that promote a desirable visual environment based upon a common architectural theme. It is intended that the

development of new townhouse residential dwelling units employ a "Shingle Style" architectural theme, which is prevalent along the New Jersey shore. Design requirements and standards are intended to create a compact and pedestrian friendly form of development while ensuring a high quality of development and the preservation of open spaces for residents. This Zone District is located along the Raritan Bay directly west of the Flat Creek.

- **R-AC:** The R-AC Residential-Adult Community Zone District is intended for single-family dwellings for the habitation of people at age 52 years or older (children under 19 years may not be in permanent residence, defined as seven consecutive days or 30 days in a year), as well as residential communities which maintain a private age restriction mechanism. This Zone is located to the east of Poole Avenue and north of the Henry Hudson Trail.

*Commercial Zones: B-1, B-2, B-3, WC, and CC*

- **B-1:** The B-1 Neighborhood Commercial Zone District is intended to allow for retail business establishments which are clearly of a neighborhood service character, such as, but not limited to: stores selling groceries, meats, baked goods, and other such items; drug and pharmaceutical stores; restaurants, bars, and other eating and drinking establishments. Single family dwellings, townhouses, and age-restricted multi-family dwellings are also permitted uses within this Zone District. The B-1 Zone is located along both sides of Union Avenue in the center of the Borough.
- **B-2:** The B-2 Highway Business Zone District is intended for uses including, but not limited to retail and wholesale stores, shops, and markets; restaurants, lunchrooms, bars, and other eating and drinking establishments; businesses and professional offices and banks and fiduciary institutions; and federal, state, county, and municipal buildings and grounds, but excluding schools. Apartments over ground level retail sales and services uses along Union Avenue are also permitted. The B-2 Zone is located along Route 36.
- **B-3:** The B-3 Downtown Gateway Zone District was intended for retail business establishments which are clearly of a neighborhood service character. The uses in this Zone are similar to the uses found in the B-2 Zone District. The B-3 Zone is located to the north of the B-2 Zone, along Union Avenue.
- **B-1A:** The B-1A Neighborhood Commercial-Transition Zone District allows for retail businesses which are clearly of a neighborhood service character. The uses in this Zone are similar to the uses found in the B-2 Zone District. The B-1A Zone is located to the north of the B-1 Zone along Union Avenue.
- **WC:** The WC Waterfront Commercial Zone District allows for most retail and wholesale store, shop, and market uses on lots with a minimum area of at least 5,000 square feet and is located in specific areas along the Raritan Bay.
- **CC:** The Corporate Campus Zone District allows for uses including but not limited: single and multi-user professional, scientific, technical, and office administrative services; light manufacturing (rear of site only); and warehouses

(rear of site only). This Zone District is located in the eastern portion of the Borough, bounded by the Thornes Creek, to the east, and the East Creek, to the west.

*Industrial: M-1, M-2*

- *M-1:* The M-1 Light Industrial Zone District is intended to allow for the assembly or processing of goods or material, or the storage of bulk goods and materials where such activities or materials create no hazard from fire or explosion, or produce no toxic or corrosive fumes, gas, smoke, obnoxious dust or vapor, offensive noise or vibration, glare, flashes, or objectionable effluent. M-1 also allows for uses including but not limited to: warehousing and storage of goods and products; wholesaling or distributing establishments; and scientific or research laboratories. This Zone District is located in the south-west portion of the Borough., west of Poole Avenue and north of the Henry Hudson Trail.
- *M-2:* The M-2 Heavy Industrial Zone District is intended to allow for uses including, but not limited to: research and testing laboratories; manufacturing of light machinery; fabrication of metal/paper/wood products; and bulk storage of petroleum and other fuel. This Zone District is located in the south-east portion of Union Beach, bounded by Rose Lane, to the east, Jersey Avenue, to the north, Harris Avenue/Wesley Avenue, to the west, and NJ Route 36, to the south.

*Recreation/Conservation:*

- *Conservation:* The Conservation Zone District allows for the preservation of the ecological integrity of areas that serve to buffer the US mainland from storms and provide important habitats for fish and wildlife. This Zone District is located in the north-west portion of the Borough and along the Raritan Bay waterfront.
- *Public Zone:* Permitted uses in the Public Zone District include public parks and recreational facilities. This Zone District is located in the south-east portion of the Borough, completely overlapping Natco Lake.

*Overlay Districts: DPW*

- *DPW:* The Department of Public Works Site Overlay District is intended to allow for the development of age-restricted apartment dwelling units in lots 3 and 3.01 of block 103 in addition to the permitted uses in the M-1 Zone in accordance with the standards set forth within the Borough' Municipal Ordinance Codes. Age-restricted apartment dwelling units for residents 62 years of age and more is the only permitted principal use for this District.

*Redevelopment Districts:*

- *Brook Avenue Redevelopment District* is intended to transform an area devastated by Hurricane Sandy into a resilient residential neighborhood. Permitted principal uses on this site include: multifamily dwelling units, Townhome dwelling units and other multi-family dwellings. The Townhouse dwelling units will be permitted upon the completion of a flood control project

carried out by the Army Corps of Engineers.

### **Consistency with the State Plan**

The Borough of Union Beach remains consistent with the New Jersey State Development and Redevelopment Plan. The majority 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 northwestern tip on Union Beach falls into the New Jersey's PA-5 Environmentally Sensitive Planning Area. This Planning Area is intended to: protect environmental resources; protect both large and small contiguous areas of land; promote restoring habitats and bio-diversity; accommodate growth only in Centers; confining programmed sewers and public water services to Centers; revitalize cities, towns, and older traditional settlements; and protect, enhance, and diversify the existing character of stable communities.

Union Beach 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. Union Beach was one of the communities at the forefront of Hurricane Sandy's path. The effects of the superstorm left the Borough reeling for weeks and months after landfall, and it solidified the Borough's commitment to stormwater resiliency going forward.

The Borough of Union Beach is not one of the State's 36 designated Transit Villages; nor does the Borough have any NJ Transit rail connections. The nearest Transit Village and NJ Transit Commuter Rail Station to Union Beach is Aberdeen-Matawan station, located approximately three (3) miles from Union Beach Borough Hall. NJ Transit operates the 817 bus which runs through Union Beach, and the Borough with Perth Amboy, in the north, and Middletown Township, to the south. Ferry service is provided by the privately operated Seastreak Ferry, which runs between the NJ Bayshore region with stops in Highlands, Atlantic Highlands, Belford, and Manhattan.

## **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 26 below.

**TABLE 26: FAIR SHARE OBLIGATION SUMMARY**

<b>Obligation Component</b>	<b>Number of Credits Required</b>
Present Need	<b>0</b>
Prior Round Obligation (1987- 1999)	87
Third Round "Gap" and Prospective Need (1999-2025)	194
Fourth Round Prospective Need (2025-2035)	39

The following sections outline the Borough's plan for complying with its Fair Share Obligation.

### **Fourth Round Settlement Number**

The New Jersey Department of Community Affairs concluded that Union Beach's Fourth Round Prospective Need housing obligation was 45 units. Union Beach engaged in the Affordable Housing Dispute Resolution Program with Fair Share Housing Center and reached an agreement of a 39 unit prospective need obligation for the Fourth Round, understanding that this settlement did not prohibit Union Beach from engaging in a Vacant Land Adjustment process pursuant to N.J.A.C. 5:93-4.2.

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

Union Beach has 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. Additionally, development within the Borough is subject to significant environmental constraints.

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 illustrates a lack of vacant land and a Realistic Development Potential (RDP) of zero (0) affordable units.

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

The Borough of Union Beach has a present/ rehabilitation obligation of zero (0) units.



### **Prior Round Obligation Summary**

The Borough of Union Beach's 2005 Housing Element and Land Use Plan prepared and referenced a Vacant Land Adjustment (VLA), resulting in a Realistic Development Potential (RDP) of zero (0) for the first, second, and third affordable housing rounds.

### **Fourth Round Obligation Summary**

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

The Borough's Realistic Development Need (RDP) is zero (0).

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

The Borough's unmet need is 39 units based on the remaining Fourth Round Obligation. The Borough proposes to implement the following mechanisms to address its unmet need:

##### *Mandatory Set-Aside Ordinance ("MSO")*

The Borough will adopt a Borough-wide Mandatory Set-Aside Ordinance ("MSO"). The MSO will require a 20 percent (20%) affordable housing set-aside for for-sale residential developments and 15 percent (15%) for rental 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 shall be integrated with market units.

The MSO will ensure 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 Union Beach or its boards to grant such rezoning, variance, redevelopment designation or other relief. The proposed ordinance is included herein as Appendix C.

##### *Union Avenue Commercial Zones Mixed-Use Ordinance*

Union Avenue's Business Zones (B-1, B-1A, B-2, and B-3), permit apartments over ground level retail sales and services, subject to certain standards. These ordinance requirements will be amended to require a 20% mandatory set-aside for affordable housing units, with a minimum of one (1) affordable unit generated for all mixed-use buildings along Union Avenue. The proposed ordinance can be found in Appendix D.

##### *Affordable Housing/Development Fee Ordinance*

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

## **APPENDICES**

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

# **Vacant Land Inventory and Analysis Report**

**Prepared for:**  
**Borough of Union Beach**  
**Monmouth County, New Jersey**

**June 2025**

Prepared By:



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

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Christine 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 Union Beach by Leon S. Avakian Inc (Avakian).

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

The Borough of Union Beach is a fully developed suburban community located along the Raritan Bay in northern Monmouth County. The Borough has had some participation in prior affordable 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 zero (0) suitable sites available for development, and consequently, has an RDP new construction obligation of zero (0) 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 an 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 Union Beach's RDP has been determined to be zero (0) affordable units. This finding is consistent with the Borough's current development conditions.

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

Borough of Union Beach  
Vacant Land Adjustment  
June 2025

BLOCK	LOT	Property Class	Property Location	Owner Name	Acreage	Constrained Acres	Unconstrained Acres	Developable Acres	Reason for Exclusion	Total Units	Affordable Units
1	11	15C	FRONT STREET	UNION BEACH BOROUGH	1.16	1.15	0.01	0	park	0	0
2	1	15C	DOCK & FRONT STREET	UNION BEACH BOROUGH	0.681	0.681	0	0	municipal use	0	0
3	1	15C	LOCUST ST	UNION BEACH BOROUGH	0.7352	0.7352	0	0	municipal use	0	0
4.00	1.01	1	LOCUST STREET	LEIGHTON, ERIC L	0.23	0.23	0	0	developable area under 0.8 acres	0	0
4	7	15C	LOCUST ST	UNION BEACH BOROUGH	0.3443	0.3443	0	0	developable area under 0.8 acres	0	0
6	12	1	101 FLORENCE AVENUE	PICCINICH, JOHN D & LAURA	0.166	0.166	0	0	developable area under 0.8 acres	0	0
7.00	4	1	716 SECOND STREET	CARLOTTI, ALEC JAMES & BRITTANY NICO	0.174	0.174	0	0	developable area under 0.8 acres	0	0
9	1.01	15C	LOCUST STREET	UNION BEACH BOROUGH	0.21	0.21	0	0	developable area under 0.8 acres	0	0
10	1	15C	THIRD STREET	NEW JERSEY STATE DEPT OF EP	9.83	9.83	0	0	State use	0	0
12	6	1	FOURTH STREET	CAMARDA, VINCENT	0.196	0.196	0	0	developable area under 0.8 acres	0	0
18	9	1	311 FLORENCE AVENUE	FULLER, FRANK A JR & BRINK, BARBARA J	0.172	0.172	0	0	developable area under 0.8 acres	0	0
18	14.01	1	711 FOURTH STREET	RONKO DEVELOPERS, INC	0.057	0.057	0	0	developable area under 0.8 acres	0	0
21	1	1	502 FRONT ST	APERIO INVESTMENTS, LLC	0.138	0.138	0	0	developable area under 0.8 acres	0	0
21.00	2	1	506 FRONT STREET	APERIO INVESTMENTS, LLC	0.126	0.126	0	0	developable area under 0.8 acres	0	0
21	3	1	516 FRONT STREET	WISCONI, JOHN & ROBIN	0.253	0.253	0	0	developable area under 0.8 acres	0	0
21	8	15F	532 FRONT STREET	AMERICAN LEGION POST 321	0.063	0.063	0	0	developable area under 0.8 acres	0	0
22	1	15C	FRONT STREET	UNION BEACH BOROUGH	0.248	0.248	0	0	beachfront	0	0
22	2	15C	507 FRONT STREET	UNION BEACH BORO	0.041	0.041	0	0	beachfront	0	0
22	3	15C	FRONT STREET	UNION BEACH BOROUGH	0.1046	0.1046	0	0	beachfront	0	0
22	12.01	15C	FRONT STREET	UNION BEACH BOROUGH	0.6368	0.6368	0	0	beachfront	0	0
22	18	1	621-623 FRONT STREET	UNION BEACH BOROUGH	0.1584	0.1584	0	0	developable area under 0.8 acres	0	0
22	22.01	1	637 FRONT STREET	HUYNH, TC	0.207	0.207	0	0	developable area under 0.8 acres	0	0
22	22.02	1	643 FRONT STREET	FONTONE REALTY, LLC	0.2008	0.2008	0	0	beachfront	0	0
23	10	15C	SECOND STREET	UNION BEACH BOROUGH	0.253	0.253	0	0	developable area under 0.8 acres	0	0
23	14	1	915 SECOND STREET	ROMANO, STEVE	0.057	0.057	0	0	developable area under 0.8 acres	0	0
23	17	1	102 PINE STREET	DIAGUNA-DORR, ANGELITA	0.126	0.126	0	0	developable area under 0.8 acres	0	0
25	4	1	THIRD STREET	FORTE, ANTHONY L JR	0.115	0.115	0	0	developable area under 0.8 acres	0	0
25	5	15C	THIRD ST	UNION BEACH BOROUGH	0.172	0.172	0	0	developable area under 0.8 acres	0	0
25	6.01	15C	FOURTH STREET	UNION BEACH BOROUGH	0.8608	0.8608	0	0	municipal property/ wetlands	0	0
26	2	15C	UNION AVENUE	UNION BEACH BOROUGH	1.515	1.515	0	0	municipal property/ wetlands	0	0
27	1	15C	UNION AVENUE	UNION BEACH BOROUGH	0.87	0.87	0	0	municipal property	0	0
28	1	15C	100 UNION AVENUE	UNION BEACH BOROUGH	0.9768	0.9768	0	0	municipal property/ wetlands	0	0
29	1	1	705 FRONT STREET	ZOIS, JONATHAN & MERIDITH	0.5293	0.5293	0	0	developable area under 0.8 acres	0	0
29.00	3	1	711 FRONT STREET	KIDD, RANDALL S	0.2	0.2	0	0	developable area under 0.8 acres	0	0
29	3.01	15C	721-723 FRONT STREET	UNION BEACH BOROUGH	0.2835	0.2835	0	0	developable area under 0.8 acres	0	0
29	3.02	15C	715 FRONT STREET	UNION BEACH BOROUGH	0.408	0.408	0	0	developable area under 0.8 acres	0	0
29	4	15C	727 FRONT STREET	UNION BEACH BOROUGH	0.295	0.295	0	0	developable area under 0.8 acres	0	0
29	5	15C	731 FRONT STREET	UNION BEACH BOROUGH	0.329	0.329	0	0	developable area under 0.8 acres	0	0
29	10	15C	FRONT STREET	UNION BEACH BOROUGH	0.375	0.375	0	0	developable area under 0.8 acres	0	0
30	1	15C	SECOND STREET	UNION BEACH BOROUGH	2.34	2.34	0	0	municipal use	0	0
31	1	15C	SECOND STREET	UNION BEACH BOROUGH	1.29	1.29	0	0	municipal use	0	0
32	1	15C	THIRD ST	UNION BEACH BOROUGH	0.86	0.86	0	0	municipal use	0	0
33	1	15C	CENTER ST	UNION BEACH BOROUGH	0.895	0.895	0	0	municipal use	0	0
34	1	15C	FOURTH ST	UNION BEACH BOROUGH	2.34	2.34	0	0	municipal use	0	0
35.00	1	15C	CENTER ST	UNION BEACH BOROUGH	2.34	2.34	0	0	municipal use	0	0
36	5	15C	CENTER STREET	UNION BEACH BOROUGH	1.492	1.492	0	0	municipal use	0	0
36	6.01	1	907 CENTER STREET	GALLUCCI, MICHAEL & GIAMBALVO, ALISA	0.23	0.23	0	0	developable area under 0.8 acres	0	0
37	13	1	917 FIFTH STREET	HOFF, HARRY R	0.057	0.057	0	0	developable area under 0.8 acres	0	0
39	20.01	1	924 SIXTH STREET	ELLISON, JEFFREY & VERA	0.057	0.057	0	0	developable area under 0.8 acres	0	0
40.00	4	15F	922 SEVENTH STREET	BD OF ED - UNION BEACH	0.115	0.115	0	0	developable area under 0.8 acres	0	0
43.00	4	1	802 FLORENCE AVENUE	WELCH, LINDA	0.115	0.115	0	0	developable area under 0.8 acres	0	0



Borough of Union Beach  
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43	5	1	802 SEVENTH STREET	RAHMAN, SYEDA	0.115	0.115	0	0	developable area under 0.8 acres	0	0
48	8	15C	SEVENTH STREET	UNION BEACH BOROUGH	1.076	1.076	0	0	municipal use	0	0
48	11.02	15C	SEVENTH STREET	UNION BEACH BOROUGH	0.172	0.172	0	0	developable area under 0.8 acres	0	0
53.00	5	1	SEVENTH STREET	DE GUGAS, MILO SR & ROSE	0.115	0.115	0	0	developable area under 0.8 acres	0	0
53.00	9	1	SEVENTH STREET	PRIMAVERA, NICHOLAS	0.057	0.057	0	0	developable area under 0.8 acres	0	0
61	1	15F	815 EDMUNDS AVENUE	CARCAMO, MARIO G	0.115	0.115	0	0	developable area under 0.8 acres	0	0
62	7.01	15C	NINTH ST	UNION BEACH BOROUGH	0.0689	0.0689	0	0	developable area under 0.8 acres	0	0
63	14	1	137 HENRY STREET	MAES ENTERPRISES LLC	0.287	0.287	0	0	developable area under 0.8 acres	0	0
68.00	8.02	1	HENRY STREET	FERNANDEZ, JOSE A. JR.	0.057	0.057	0	0	developable area under 0.8 acres	0	0
68	10	1	214 RARITAN STREET	WINSOLAR ORCA, LLC	0.115	0.115	0	0	developable area under 0.8 acres	0	0
68	11	15F	212 RARITAN STREET	WINSOLAR ORCA, LLC	0.115	0.116	0	0	developable area under 0.8 acres	0	0
69	7	1	213 HERBERT STREET	907 BOND ST, LLC	0.115	0.115	0	0	developable area under 0.8 acres	0	0
70	1	15C	EDMUNDS AVE	UNION BEACH BOARD OF EDUCATION	0.918	0.918	0	0	muni/school	0	0
71	3.01	15C	BAY AVENUE	UNION BEACH BOROUGH	0.5797	0.5797	0	0	developable area under 0.8 acres	0	0
72.00	1	15C	VENICE PLACE	UNION BEACH BOROUGH	0.1905	0.1905	0	0	developable area under 0.8 acres	0	0
72	5	1	801 ST. JOHNS AVENUE	O'BRIEN, SHARON	0.0787	0.0787	0	0	developable area under 0.8 acres	0	0
73	1	15C	CAMPBELL ST	UNION BEACH BOROUGH	0.4362	0.4362	0	0	developable area under 0.8 acres	0	0
74	1	15A	1205-1207 FLORENCE AVE	UNION BEACH BOARD OF EDUCATION	0.918	0.918	0	0	muni/school	0	0
78	13	1	LORILLARD AVE	PETTINATO, MICHAEL & PATRICIA F.	0.115	0.115	0	0	developable area under 0.8 acres	0	0
80.00	6	15C	TENTH STREET	UNION BEACH BOROUGH	0.0758	0.0759	0	0	developable area under 0.8 acres	0	0
82.00	7	15C	1224 FLORENCE AVENUE	UNION HOSE FIRE CO 1	1.084	1.084	0	0	Fire/Emt	0	0
84	11.01	1	PARK AVENUE	FERNANDEZ, MARTIN & PAULA	0.057	0.057	0	0	developable area under 0.8 acres	0	0
86	2.01	1	POOLE AVE	ADAMCZYK, FRANK	0.2259	0.2259	0	0	developable area under 0.8 acres	0	0
86	10	15F	126 CENTRAL AVENUE	WALDONADO, JOSE A & RAYMOND, LISA M	0.31	0.31	0	0	developable area under 0.8 acres	0	0
88.00	5	1	ST. JOHNS AVENUE	DEVINO, BRUNA & LAURIE A	0.1339	0.1339	0	0	developable area under 0.8 acres	0	0
89	6	15C	CAMPBELL STREET (REAR)	UNION BEACH BOROUGH	0.36	0.36	0	0	developable area under 0.8 acres	0	0
89	7	15C	STATE STREET	UNION BEACH BOROUGH	0.172	0.172	0	0	developable area under 0.8 acres	0	0
90	3.01	1	105 STATE ST	WIMBLE, LEWIS PHILLIP & ZOE CLAIRE	0.057	0.057	0	0	developable area under 0.8 acres	0	0
91	1	15C	STATE STREET (REAR)	UNION BEACH BOROUGH	0.35	0.35	0	0	developable area under 0.8 acres	0	0
91	3	1	OFF POPLAR STREET	JCPL% FIRST ENERGY SERVICE CO.	0.0542	0.0542	0	0	developable area under 0.8 acres	0	0
92	1	1	POPLAR STREET	JCPL% FIRST ENERGY SERVICE CO	0.48	0.48	0	0	developable area under 0.8 acres	0	0
93.00	1	15C	POPLAR STREET	UNION BEACH BOROUGH	0.24	0.24	0	0	developable area under 0.8 acres	0	0
94.00	1	15C	POPLAR STREET	UNION BEACH BOROUGH	0.26	0.26	0	0	developable area under 0.8 acres	0	0
94	2	1	POPLAR STREET	JCPL% FIRST ENERGY SERVICE CO	0.32	0.32	0	0	utility	0	0
95.00	7	15C	POPLAR STREET (REAR)	UNION BEACH BOROUGH	0.06	0.06	0	0	developable area under 0.8 acres	0	0
95.00	8	1	POPLAR ST	JCPL% FIRTS ENERGY SERVICE CO.	0.215	0.215	0	0	developable area under 0.8 acres	0	0
99	1	1	325 BROADWAY	JCPL% FIRST ENERGY SERVICE CO.	4.72	4.72	0	0	Utility	0	0
100	1	15C	BIRCH ST	UNION BEACH BOROUGH	1.88	1.88	0	0	municipal use	0	0
100	2	1	OFF FLORENCE AVENUE	JCPL% FIRST ENERGY SERVICE CO.	0.41	0.41	0	0	developable area under 0.8 acres	0	0
101	1	15C	FLORENCE AVE	UNION BEACH BOARD OF EDUCATION	1.19	1.19	0	0	municipal use	0	0
102	12.02	1	POOLE AVENUE	KUTSCHMAN, ANDREW SR.	1.214	1.214	0	0	environmental constraints	0	0
103	3	15C	1400 FLORENCE AVENUE	UNION BEACH BOARD OF EDUCATION	2.97	2.97	0	0	muni/school	0	0
103	3.01	15C	FLORENCE AVE	UNION BEACH BOARD OF EDUCATION	2.31	2.31	0	0	muni/school	0	0
104.00	6	1	2 ASPEN STREET	BENETATOS, MICHAEL & FRANCESCA	0.2686	0.2686	0	0	developable area under 0.8 acres	0	0
106	13	15C	STATE STREET	UNION BEACH BOROUGH	0.1343	0.1343	0	0	developable area under 0.8 acres	0	0
107	1	15C	BROADWAY	UNION BEACH BOROUGH	11.33	11.33	0	0	municipal use	0	0
108	1	15C	HIGHLAND AVE	UNION BEACH BORO	0.2983	0.2983	0	0	developable area under 0.8 acres	0	0
109	8	15C	STONE RD	UNION BEACH BOROUGH	1.3	1.3	0	0	municipal use	0	0
109.01	1	15C	BROADWAY	MONMOUTH COUNTY	0.0858	0.0858	0	0	developable area under 0.8 acres	0	0
111	1	15C	STONE RD	UNION BEACH BOROUGH	1.54	1.54	0	0	municipal use	0	0
116	1	15C	FLORENCE AVE	BAYSHORE REGIONAL SEWERAGE AUTH	0.241	0.049	0.192	0	Utility	0	0
117	2	1	WEST ST	AFANASYEVA, NATALYA	0.015	0.015	0	0	developable area under 0.8 acres	0	0
118	2	1	308 BROADWAY	MANN, IRENE ESTATE % WAYNE	0.102	0.102	0	0	developable area under 0.8 acres	0	0

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118	8	1	FLORENCE AVENUE	MCPI% FIRST ENERGY SERVICE CO.	1.307	0.734	0.573	0	Utility	0	0
118	13	1	WEST STREET	MC CONNELL, JOHN & ARLENE	0.0884	0.0884	0	0	developable area under 0.8 acres	0	0
118	14	1	WEST STREET	FITZGERALD,DOREEN	0.253	0.253	0	0	developable area under 0.8 acres	0	0
124	6	1	JERSEY AVE	MCPI% FIRST ENERGY SERVICE CO.	0.142	0.142	0	0	utility	0	0
124	8	15C	POOLE AVENUE	UNION BEACH BOROUGH	0.253	0.253	0	0	developable area under 0.8 acres	0	0
127	18	15C	650 POOLE AVENUE	UNION BEACH BOROUGH	5.61	3.61	2	2	municipal use	2	2
127	20	15C	634 POOLE AVENUE	UNION BEACH BORO	0.3545	0.3545	0	0	developable area under 0.8 acres	0	0
130.00	39	15C	MORNINGSIDE AVE	UNION BEACH BOROUGH	0.069	0.069	0	0	developable area under 0.8 acres	0	0
131.00	6.01	1	SYDNEY AVENUE	MAC DONALD, LINDA	0.1033	0.1033	0	0	developable area under 0.8 acres	0	0
131.00	9.01	1	SYDNEY AVENUE	BOHLE, KENNETH J & WENDY L	0.115	0.111	0.004	0	developable area under 0.8 acres	0	0
132	24	15F	703 STONE ROAD	ENTER AVE HOLDINGS, LLC	0.152	0.152	0	0	developable area under 0.8 acres	0	0
134	24	15F	20 HAUG STREET	ROSE, PETER & ROSEMARY	0.138	0.138	0	0	developable area under 0.8 acres	0	0
137	9	15C	AUMACK AVENUE (REAR)	UNION BEACH BOROUGH	1.02	1.02	0	0	municipal use	0	0
137.00	26	15F	232 MORNINGSIDE AVENUE	BONNY, ANTOINETTE	0.207	0.207	0	0	developable area under 0.8 acres	0	0
137	27	15C	MORNINGSIDE AVENUE	UNION BEACH BOROUGH	0.287	0.287	0	0	developable area under 0.8 acres	0	0
138.00	1	15C	1428 SPRUCE STREET	BD OF EDUCATION - UNION BEACH	0.71	0.71	0	0	municipal use	0	0
139	1	15A	221 MORNINGSIDE AVENUE	BD OF ED -UNION BEACH	2.4	2.4	0	0	school	0	0
140	1	15A	SYDNEY AVE	UNION BEACH BOARD OF EDUCATION	1.6	1.6	0	0	muni/school	0	0
142.01	1.01	15C	ELLISON CT	UNION BEACH BOROUGH	0.3065	0.0655	0.241	0	developable area under 0.8 acres	0	0
145	7	15F	235 PARK AVENUE	UNION GARDENS FIRE CO	0.402	0.402	0	0	Fire EMT/too small	0	0
146	1	15C	COLUMBIA AVE	UNION BEACH BOROUGH	1.93	1.93	0	0	municipal use	0	0
147	2	15C	SPRUCE STREET	BD OF EDUCATION - UNION BEACH	2.27	2.27	0	0	school	0	0
148	2.01	15C	310 PARK AVENUE	UNION BEACH FIRST AID SQUAD INC	0.3444	0.3444	0	0	developable area under 0.8 acres	0	0
148.00	10	1	340 PARK AVENUE	HOFF, HARRY R	0.057	0.057	0	0	developable area under 0.8 acres	0	0
148	11	15F	342 PARK AVENUE	BLASHFIELD, STEPHEN R	0.057	0.057	0	0	developable area under 0.8 acres	0	0
148	21	15F	315 CENTRAL AVENUE	CONNOR, DAVID P	0.172	0.172	0	0	developable area under 0.8 acres	0	0
150.00	4	1	314 BAYVIEW AVENUE	TORRES, JAIME	0.057	0.057	0	0	developable area under 0.8 acres	0	0
151	9	1	344 PROSPECT AVENUE	WEBB, LL	0.23	0.24	0	0	developable area under 0.8 acres	0	0
152	1	15C	SPRUCE STREET	UNION BEACH BOROUGH	4.05	4.05	0	0	municipal use	0	0
152	4.01	1	423 PROSPECT AVENUE	CALLAGHAN, CHRISTY M & BARONE,ERIKA	0.2188	0.2188	0	0	developable area under 0.8 acres	0	0
152	8	1	413 PROSPECT AVENUE	BT RESIDENTIAL, INC	0.2109	0.2109	0	0	developable area under 0.8 acres	0	0
152	9	1	409-411 PROSPECT AVENUE	BAYSHORE DEVELOPMENT, LLC	0.154	0.154	0	0	developable area under 0.8 acres	0	0
153	10	1	PROSPECT AVENUE	ACKERMAN, WENDY JEAN	0.172	0.172	0	0	developable area under 0.8 acres	0	0
153	11	15C	PROSPECT AVENUE	UNION BEACH BOROUGH	0.83	0.83	0	0	municipal use	0	0
153	18	15F	417 BAYVIEW AVENUE	ARMSTRONG, MARVIN & JAN DIDOMENICO	0.172	0.172	0	0	developable area under 0.8 acres	0	0
153	20	15F	407 BAYVIEW AVENUE	LUETTCHAU, WILLIAM & PATRICIA	0.23	0.23	0	0	developable area under 0.8 acres	0	0
154	5	15F	434 BAYVIEW AVENUE	EDERER, JOHN & ROSEMARIE	0.344	0.344	0	0	developable area under 0.8 acres	0	0
154	7	15C	BAYVIEW AVENUE	UNION BEACH BOROUGH	0.057	0.057	0	0	developable area under 0.8 acres	0	0
154	8	15C	BAYVIEW AVENUE	UNION BEACH BOROUGH	0.13	0.13	0	0	developable area under 0.8 acres	0	0
154	9	15C	LORILLARD AVE	UNION BEACH BOROUGH	0.3271	0.3271	0	0	developable area under 0.8 acres	0	0
154	12	1	LORILLARD AVENUE	CUVANOV, ALBERT & JANICE H %LUTZ	0.057	0.057	0	0	developable area under 0.8 acres	0	0
154	13	15C	LORILLARD AVE	UNION BEACH BOROUGH	0.344	0.344	0	0	developable area under 0.8 acres	0	0
155	6	15C	LORILLARD AVENUE	UNION BEACH BOROUGH	1.7	1.7	0	0	municipal use	0	0
155	7.01	15F	419 PARK AVENUE	BRENNAN, EDWARD J & ANDREA	0.23	0.23	0	0	developable area under 0.8 acres	0	0
156	9	15C	CENTRAL AVE & PARK AVE	UNION BEACH BOROUGH	1.5	1.5	0	0	developable area under 0.8 acres	0	0
157	7	15C	CENTRAL AVENUE	UNION BEACH BOROUGH	1.32	1.32	0	0	municipal use	0	0
157	9	15A	COLUMBIA AVE	BD OF ED -UNION BEACH	0.115	0.115	0	0	developable area under 0.8 acres	0	0
157	10	15C	COLUMBIA AVE	UNION BEACH BOROUGH	0.402	0.402	0	0	developable area under 0.8 acres	0	0
158	1	15C	COLUMBIA AVE	UNION BEACH BOROUGH	0.1434	0.1434	0	0	developable area under 0.8 acres	0	0
159	1	15C	SPRUCE STREET	UNION BEACH BOROUGH	0.0505	0.0505	0	0	developable area under 0.8 acres	0	0
159	5	1	SPRUCE STREET	MAES ENTERPRISES LLC	0.3363	0.3363	0	0	developable area under 0.8 acres	0	0
159	5.02	15C	SPRUCE STREET ( REAR )	UNION BEACH BOROUGH	2.81	2.81	0	0	municipal use	0	0
160.00	1	15C	SEA GATE AVENUE	UNION BEACH BOROUGH	0.184	0.184	0	0	developable area under 0.8 acres	0	0

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160	4	1	SEA GATE AVENUE	BELLINO, MARC & HABERTHUR, RYAN	0.184	0.184	0	0	developable area under 0.8 acres	0	0
160	8	15C	SYDNEY AVE	UNION BEACH BOROUGH	0.314	0.314	0	0	developable area under 0.8 acres	0	0
160	11	15C	SYDNEY AVE	UNION BEACH BOROUGH	1.7	1.7	0	0	municipal use	0	0
161	6	15C	MORNINGSIDE AVE	UNION BEACH BOROUGH	0.2	0.2	0	0	developable area under 0.8 acres	0	0
161	7	15C	MORNINGSIDE AVENUE	UNION BEACH BOROUGH	0.551	0.551	0	0	developable area under 0.8 acres	0	0
161	8	1	SYDNEY AVENUE	WAN ORDEN, TIMOTHY & MARY BETH	0.184	0.184	0	0	developable area under 0.8 acres	0	0
162	1	15C	MORNINGSIDE AVE	UNION BEACH BOROUGH	1	1	0	0	municipal use	0	0
163	10	15C	MORNINGSIDE AVENUE	UNION BEACH BOROUGH	0.241	0.241	0	0	developable area under 0.8 acres	0	0
163	17.01	1	MORNINGSIDE AVENUE	JOHNSON, MARCY L	0.057	0.057	0	0	developable area under 0.8 acres	0	0
164	13	15C	AUMACK AVE	UNION BEACH BOROUGH	0.7	0.7	0	0	developable area under 0.8 acres	0	0
165	4.01	1	430 AUMACK AVENUE	HOFF, HARRY R	0.092	0	0.092	0	developable area under 0.8 acres	0	0
165	18	15C	AUMACK AVE	UNION BEACH BOROUGH	0.0807	0.0807	0	0	developable area under 0.8 acres	0	0
166	4	15C	WASHINGTON AVE	UNION BEACH BOROUGH	0.092	0.092	0	0	developable area under 0.8 acres	0	0
166	6	15C	717 HIGHWAY 36	NIDOT	1	1	0	0	state govt	0	0
166	7	15C	705 HIGHWAY # 36	NIDOT	0.5004	0.5004	0	0	developable area under 0.8 acres	0	0
166	8	15C	HIGHWAY 36	UNION BEACH BORO	0.3	0.3	0	0	developable area under 0.8 acres	0	0
166	9	1	HIGHWAY 36	UNION BEACH BORO	0.67	0.67	0	0	developable area under 0.8 acres	0	0
166	10.01	15C	WASHINGTON AVE	NIDOT	0.138	0.138	0	0	developable area under 0.8 acres	0	0
168	2	1	614 WASHINGTON AVENUE	614 WASHINGTON AVE, LLC	0.092	0	0.092	0	developable area under 0.8 acres	0	0
168	3	15F	618 WASHINGTON AVENUE	BERGEN, EUGENE & JOUNG SOON	0.092	0	0.092	0	developable area under 0.8 acres	0	0
168.00	8	1	650 WASHINGTON AVENUE	RENO REAL ESTATE & INVESTMENTS, LLC	0.154	0.154	0	0	developable area under 0.8 acres	0	0
173	11	1	MORNINGSIDE AVENUE	THERIEN, MERRILL P & JEAN MARI	0.092	0.088	0.004	0	developable area under 0.8 acres	0	0
175	1	15C	1110 UNION AVENUE	UNION BEACH FIRE CO 1	0.4752	0	0.4752	0	developable area under 0.8 acres	0	0
176	6	1	MORNINGSIDE AVENUE	MALYSKA, GEORGE	0.057	0	0.057	0	developable area under 0.8 acres	0	0
180	1.01	1	HIGHWAY 36	CBS OUTDOOR INC., % TERESA ALLAN	0.2353	0.2353	0	0	developable area under 0.8 acres	0	0
180	9	15C	SYDNEY AVENUE	UNION BEACH BOROUGH	1.148	1.148	0	0	developable area under 0.8 acres	0	0
180	10	15C	CLARK AVENUE	UNION BEACH BOROUGH	6.96	6.96	0	0	municipal use	0	0
180	10.01	15C	SHORE RD	UNION BEACH BOROUGH	0.5337	0.5337	0	0	municipal use	0	0
181	5	15C	SYDNEY AVENUE	UNION BEACH BOROUGH	0.7257	0.7257	0	0	developable area under 0.8 acres	0	0
183	7.01	1	SHORE ROAD	SANCHEZ, ROBERT K	0.057	0.007	0.05	0	developable area under 0.8 acres	0	0
184	7	15C	JERSEY AVENUE	BROOK AVENUE ASSOCIATES, LLC	0.0712	0.0712	0	0	developable area under 0.8 acres	0	0
184	10	15F	826 JERSEY AVENUE	MAKLOWSKI, DEBRA, JOSEPH J JR	0.35	0.35	0	0	developable area under 0.8 acres	0	0
184	11	15C	CAMBRIDGE AVENUE	UNION BEACH BOROUGH	0.3359	0.3359	0	0	developable area under 0.8 acres	0	0
185	9	15C	BEACH VIEW & SEA VIEW AVE	UNION BEACH BOROUGH	0.689	0.442	0.247	0	developable area under 0.8 acres	0	0
186	5	15F	711 BEACHVIEW AVENUE	FORD, ROBERT & SUSAN	0.057	0	0.057	0	developable area under 0.8 acres	0	0
186.00	18.01	1	CENTRAL AVENUE	FORD, ROBERT J & PATRICIA A	0.083	0	0.083	0	developable area under 0.8 acres	0	0
187	1	1	UNION AVENUE	DEPUTY VENTURES, LLC	0.3018	0	0.3018	0	developable area under 0.8 acres	0	0
187.00	16	1	710 UNION AVENUE	DEPUTY VENTURES, LLC	0.172	0	0.172	0	developable area under 0.8 acres	0	0
188	1	15C	810 UNION AVE	UNION BEACH FREE LIBRARY INC	0.319	0	0.319	0	developable area under 0.8 acres	0	0
188.01	1	15C	UNION AVE TO EAST CREEK	UNION BEACH BOROUGH	0.617	0.412	0.205	0	developable area under 0.8 acres	0	0
189	8	15C	UNION AVENUE	UNION BEACH BOROUGH	0.2268	0	0.2268	0	developable area under 0.8 acres	0	0
189.01	1	15C	CONASKUNK CREEK-UNION AVE	UNION BEACH BOROUGH	0.66	0.48	0.18	0	municipal use	0	0
190	11	1	915 UNION AVENUE	HOFF, HARRY R	0.095	0	0.095	0	developable area under 0.8 acres	0	0
194	1	15C	CAMBRIDGE AVE	UNION BEACH BOROUGH	0.367	0.367	0	0	municipal use	0	0
194	19	15C	SYDNEY AVENUE	UNION BEACH BOROUGH	0.046	0.046	0	0	developable area under 0.8 acres	0	0
194	20	15C	SYDNEY AVENUE	UNION BEACH BOROUGH	0.069	0.069	0	0	developable area under 0.8 acres	0	0
195	1	15C	CAMBRIDGE AVENUE	UNION BEACH BOROUGH	0.4098	0.4098	0	0	developable area under 0.8 acres	0	0
195	2	15C	CAMBRIDGE AVE	UNION BEACH BOROUGH	0.071	0.071	0	0	developable area under 0.8 acres	0	0
195	4.01	15C	JERSEY AVENUE	UNION BEACH BOROUGH	0.1129	0.1129	0	0	developable area under 0.8 acres	0	0
195	18	15C	CAMBRIDGE AVENUE	UNION BEACH BOROUGH	0.2	0.2	0	0	developable area under 0.8 acres	0	0
197	6	1	511 COLUMBIA AVENUE	MASHAS, CRAIG	0.184	0.184	0	0	developable area under 0.8 acres	0	0
197.00	9	15C	COLUMBIA AVENUE	UNION BEACH BOROUGH	0.13	0.13	0	0	municipal use	0	0
199	9	1	615 CENTRAL AVENUE	HODAN, CHRISTINE&JAWOROWSKI,JUSTIN	0.046	0	0.046	0	developable area under 0.8 acres	0	0

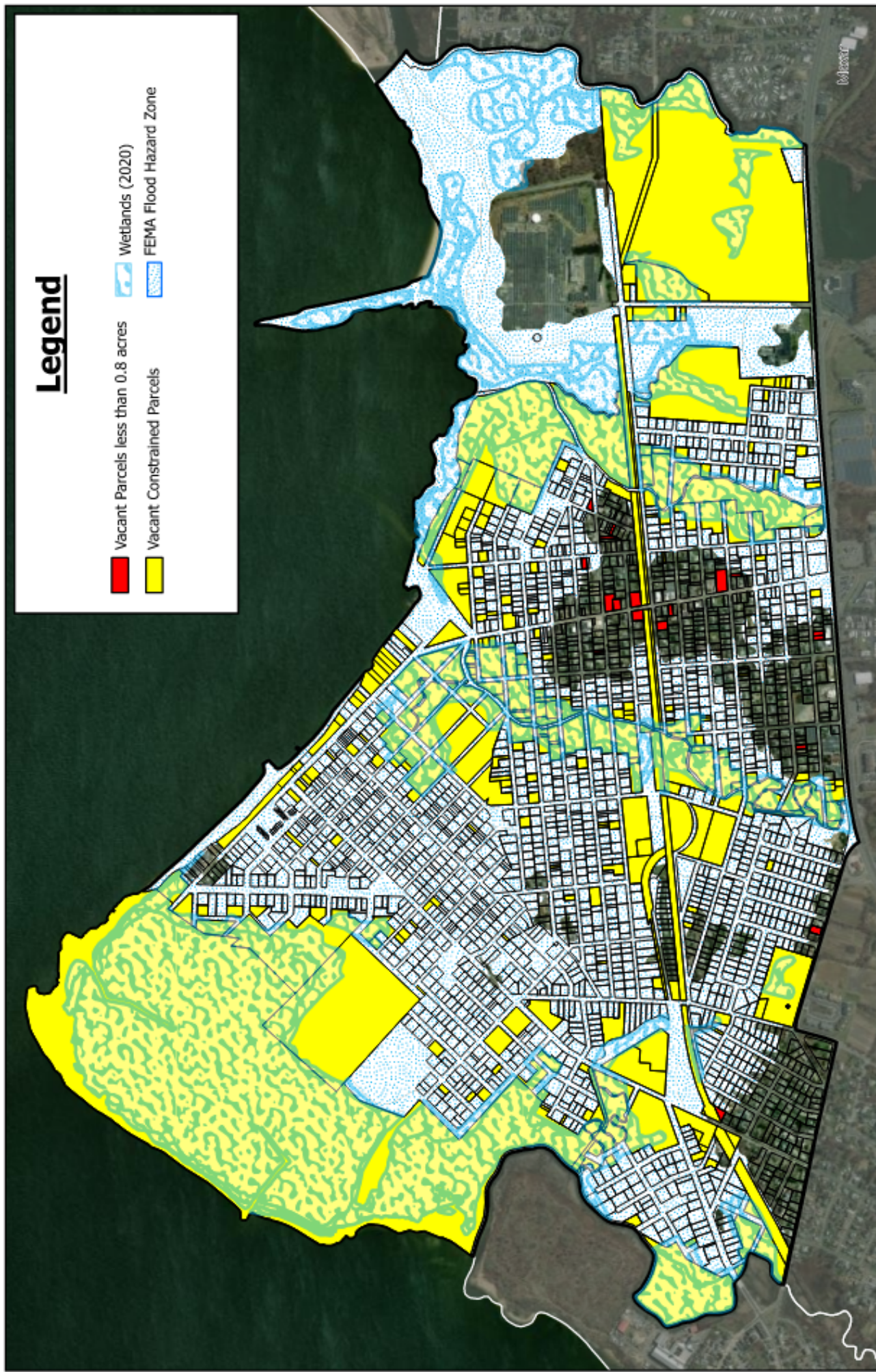
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200	7	15C	CENTRAL AVE	UNION BEACH BOROUGH	0.2296	0.2296	0	0	developable area under 0.8 acres	0	0
201	8	15C	LORILLARD AVE	UNION BEACH BOROUGH	0.47	0.47	0	0	developable area under 0.8 acres	0	0
201	11	1	526 LORILLARD AVENUE	MASTROCOLA, DOMENICK	0.069	0.069	0	0	developable area under 0.8 acres	0	0
203.00	2	1	407 UNION AVENUE	D'ANDREA, COLE & FACCAS, TERESA	0.1125	0.1125	0	0	developable area under 0.8 acres	0	0
203	10	15F	617 LORILLARD AVENUE	BOVO, VINCENT JOHN & MARY	0.138	0.088	0.05	0	developable area under 0.8 acres	0	0
204	4	15C	LORILLARD AVE	UNION BEACH BOROUGH	0.092	0.092	0	0	developable area under 0.8 acres	0	0
204	5	15C	LORILLARD AVE	UNION BEACH BOROUGH	0.367	0.367	0	0	municipal use wetlands	0	0
204	9	15C	BAYVIEW AVENUE	UNION BEACH BOROUGH	0.5739	0.5739	0	0	wetlands	0	0
204	12	15C	BAYVIEW AVENUE	UNION BEACH BOROUGH	0.321	0.321	0	0	developable area under 0.8 acres	0	0
204	15	15C	BAYVIEW AVENUE	UNION BEACH BOROUGH	0.092	0.092	0	0	developable area under 0.8 acres	0	0
204	16	1	OCEAN AVENUE	CARTON, JONATHAN L	0.184	0.184	0	0	developable area under 0.8 acres	0	0
205	1	15C	BAYVIEW AVENUE	UNION BEACH BOROUGH	1.286	1.286	0	0	municipal use	0	0
205	4	15C	BAYVIEW AVENUE	UNION BEACH BOROUGH	0.0909	0.0909	0	0	developable area under 0.8 acres	0	0
205	5	15C	BAYVIEW AVENUE	UNION BEACH BOROUGH	0.227	0.227	0	0	developable area under 0.8 acres	0	0
205	6	15C	BAYVIEW AVENUE	UNION BEACH BOROUGH	0.1162	0.1162	0	0	developable area under 0.8 acres	0	0
206	1	1	PROSPECT AVENUE	ANAND, ANJIT K & JAIDEV S	0.565	0.565	0	0	developable area under 0.8 acres	0	0
206	2	15C	PROSPECT AVE	UNION BEACH BOROUGH	0.273	0.273	0	0	developable area under 0.8 acres	0	0
207	1	15C	UNION AVENUE	UNION BEACH BOROUGH	0.1509	0.1509	0	0	developable area under 0.8 acres	0	0
207	3	15C	BROOK AVENUE	UNION BEACH BOROUGH	0.035	0.035	0	0	developable area under 0.8 acres	0	0
207	4	15C	BROOK AVE	UNION BEACH BOROUGH	0.048	0.048	0	0	developable area under 0.8 acres	0	0
207	5	15C	BROOK AVE	UNION BEACH BOROUGH	0.159	0.159	0	0	developable area under 0.8 acres	0	0
207	7	15C	BROOK AVENUE	UNION BEACH BOROUGH	0.0337	0.0337	0	0	developable area under 0.8 acres	0	0
207.00	8	1	BROOK AVE	BAIRD, R & CATHERINE S	0.052	0.052	0	0	developable area under 0.8 acres	0	0
207	9	15C	BROOK AVE	UNION BEACH BOROUGH	0.091	0.091	0	0	developable area under 0.8 acres	0	0
207	11	1	BROOK AVE	BARR, GARRETT G C/O WAYNE BARR	0.038	0.038	0	0	developable area under 0.8 acres	0	0
207	12	15C	BROOK AVENUE	UNION BEACH BORO	0.026	0.026	0	0	developable area under 0.8 acres	0	0
208.00	1	15C	UNION AVENUE	UNION BEACH BOROUGH	0.0845	0.0845	0	0	developable area under 0.8 acres	0	0
208	2	1	209 UNION AVENUE	CARHART, RUSSELL	0.1337	0.1337	0	0	developable area under 0.8 acres	0	0
208	3	15C	UNION AVE	UNION BEACH BOROUGH	0.138	0.138	0	0	developable area under 0.8 acres	0	0
208	5	15C	BROOK AVENUE	UNION BEACH BOROUGH	1.299	1.299	0	0	municipal use	0	0
209	6	15C	BAYVIEW AVENUE	UNION BEACH BOROUGH	0.23	0.23	0	0	developable area under 0.8 acres	0	0
209	7	15C	BAYVIEW AVENUE	UNION BEACH BOROUGH	0.23	0.23	0	0	developable area under 0.8 acres	0	0
209	8	15C	PROSPECT AVE	UNION BEACH BOROUGH	0.597	0.597	0	0	developable area under 0.8 acres	0	0
209.00	10	15C	PROSPECT AVENUE	UNION BEACH BOROUGH	0.108	0.108	0	0	developable area under 0.8 acres	0	0
210	2	15F	712 PROSPECT AVENUE	FOUTS, KURT	0.202	0.202	0	0	developable area under 0.8 acres	0	0
210	25	1	300-306 UNION AVE	DEPUTY VENTURES, LLC	0.4115	0.4115	0	0	developable area under 0.8 acres	0	0
211	1	1	BAYVIEW AVENUE	SCHOENEFELDT, DANIEL	0.115	0.115	0	0	developable area under 0.8 acres	0	0
211	12	1	405 SHORE ROAD	CANNIZZARO, JOHN	0.172	0.172	0	0	developable area under 0.8 acres	0	0
213.00	2	1	607 SHORE ROAD	BRESNEY, JOS G. JR.	0.115	0.115	0	0	developable area under 0.8 acres	0	0
217	10.01	15F	413 BEACH VIEW AVE	MINARD, MICHAEL	0.23	0.23	0	0	developable area under 0.8 acres	0	0
217	18	1	801 LORILLARD AVENUE	LORILLARD REALTY CORP, INC	0.1607	0.1607	0	0	developable area under 0.8 acres	0	0
218	12	1	BAYVIEW AVENUE	INTERNATIONAL FLAVORS & FRAGRANCES	1.28	1.28	0	0	wetlands	0	0
219	1	1	730 BROOK AVENUE	O'ROURKE, MARY & PELLEGRINI, PATRICIA	0.23	0.23	0	0	developable area under 0.8 acres	0	0
219	11	1	705 PROSPECT AVENUE	BAYSHORE DEVELOPMENT, LLC	0.087	0.087	0	0	developable area under 0.8 acres	0	0
219.00	16	1	700-700A BROOK AVENUE	KUTSCHMAN, ROBERT & KIM	0.1481	0.1481	0	0	developable area under 0.8 acres	0	0
219	20	1	714 BROOK AVENUE	LARSIN, EDWIN	0.087	0.087	0	0	developable area under 0.8 acres	0	0
221	1	15C	FRONT STREET	UNION BEACH BOROUGH	1.5	1.5	0	0	beach	0	0
221	2	1	FRONT STREET	INTERNATIONAL FLAVORS & FRAGRANCES	0.42	0.42	0	0	developable area under 0.8 acres	0	0
222	9	1	BROOK AVENUE	INTERNATIONAL FLAVORS & FRAGRANCES	1.67	1.67	0	0	IFF factory campus	0	0
222	12	1	819 BROOK AVENUE	UNION BEACH BOROUGH	0.23	0.23	0	0	developable area under 0.8 acres	0	0
222	16	1	809 BROOK AVENUE	BROOK DEVELOPERS, LLC % A. FERRARO	0.057	0.057	0	0	developable area under 0.8 acres	0	0
222	17	1	805 BROOK AVENUE	BROOK DEVELOPERS, LLC % A. FERRARO	0.115	0.116	0	0	developable area under 0.8 acres	0	0
223	6	1	820 BROOK AVENUE	CROWTHER, LEONARD	0.287	0.287	0	0	developable area under 0.8 acres	0	0

223.00	7	1	BROOK AVE	SOYKA ANDREW J	0.287	0.287	0	0	developable area under 0.8 acres	0	0
223	8	1	PROSPECT AVENUE	INTERNATIONAL FLAVORS & FRAGRANCES	1.65	1.65	0	0	part of IFF campus	0	0
223	16	1	208 SHORE ROAD	BARBONE, SCOTT & JOAN	0.202	0.202	0	0	developable area under 0.8 acres	0	0
224	1	1	BAYVIEW AVENUE	INTERNATIONAL FLAVORS & FRAGRANCES	11.71	11.71	0	0	wetlands	0	0
225	6	1	916 BAYVIEW AVENUE	DOYLE, THERESA & ERICKSEN, ALLEN G	0.23	0.23	0	0	developable area under 0.8 acres	0	0
226	1	1	JERSEY AVENUE (REAR)	INTERNATIONAL FLAVORS & FRAGRANCES	6.97	6.97	0	0	wetlands	0	0
226.01	1	15C	EAST CREEK TO CREEK	UNION BEACH BOROUGH	0.49	0.49	0	0	developable area under 0.8 acres	0	0
228	1	15C	JERSEY AVE	UNION BEACH BOROUGH	0.631	0.631	0	0	developable area under 0.8 acres	0	0
228	5	15C	JERSEY AVE	UNION BEACH BOROUGH	0.1943	0.1943	0	0	developable area under 0.8 acres	0	0
228.00	12	15C	CAMBRIDGE AVE	UNION BEACH BOROUGH	0.201	0.201	0	0	developable area under 0.8 acres	0	0
228	13	15C	CAMBRIDGE AVE	UNION BEACH BOROUGH	1.7	1.7	0	0	municipal use	0	0
229	1	15C	CAMBRIDGE AVE	UNION BEACH BOROUGH	1.213	1.213	0	0	wetlands	0	0
229.00	4	15C	1025 HIGH AVENUE	UNION BEACH BOROUGH	0.2355	0.2355	0	0	developable area under 0.8 acres	0	0
230.00	1	1	HIGH AVENUE	STOPPIELLO, EDWARD & ERIN	0.287	0.287	0	0	developable area under 0.8 acres	0	0
232	1	1	JERSEY AVENUE	INTERNATIONAL FLAVORS & FRAGRANCES	13.15	13.15	0	0	wetlands	0	0
237	3	1	WESLEY AVENUE	ANPRE, LLC	0.115	0.115	0	0	developable area under 0.8 acres	0	0
241	13	1	HIGH AVE	MARTINEZ-RAUDEL & SOFIA Z	0.202	0.202	0	0	developable area under 0.8 acres	0	0
242	1	1	116 ISABELLE AVENUE	BORLEY, DENNIS	0.1406	0.1406	0	0	developable area under 0.8 acres	0	0
242.00	5	1	HARRIS AVENUE	WJM HIGHWAY 36 REALTY LLC	0.2238	0.2238	0	0	developable area under 0.8 acres	0	0
242	11	1	1213 HIGHWAY 36	1213 HIGHWAY 36, LLC	0.1722	0.1722	0	0	developable area under 0.8 acres	0	0
243	2	15F	1207 HARRIS AVENUE	HARRIS GARDENS FIRE COMPANY	0.115	0.115	0	0	developable area under 0.8 acres	0	0
247	5	1	1216 WESLEY AVENUE	INTERNATIONAL FLAVORS & FRAGRANCES	0.2382	0.2382	0	0	developable area under 0.8 acres	0	0
247	6	1	1220 WESLEY AVENUE	INTERNATIONAL FLAVORS & FRAGRANCES	0.1102	0.1102	0	0	developable area under 0.8 acres	0	0
247	7	1	1222 WESLEY AVENUE	INTERNATIONAL FLAVORS & FRAGRANCES	0.1263	0.1263	0	0	developable area under 0.8 acres	0	0
247	8	1	1228 WESLEY AVENUE	INTERNATIONAL FLAVORS & FRAGRANCES	0.1263	0.1263	0	0	developable area under 0.8 acres	0	0
247.00	13	1	11A ROSE LANE	INTERNATIONAL FLAVORS & FRAGRANCES	0.184	0.184	0	0	developable area under 0.8 acres	0	0
247	14	1	ROSE LANE	INTERNATIONAL FLAVORS & FRAGRANCES	1.021	1.021	0	0	IFF factory campus	0	0
247.00	23	1	ROSE LANE	INTERNATIONAL FLAVORS & FRAGRANCES	0.149	0.149	0	0	developable area under 0.8 acres	0	0
248	1	1	ROSE LANE	INTERNATIONAL FLAVORS & FRAGRANCES	0.176	0.176	0	0	developable area under 0.8 acres	0	0
248.00	1.01	1	1200 JERSEY AVENUE	JCP1% FIRST ENERGY SERVICE CO.	0.504	0.504	0	0	municipal use	0	0
248	4	1	ROSE LANE (REAR)	INTERNATIONAL FLAVORS & FRAGRANCES	11.94	7.42	4.52	0	wetlands	0	0
248	6	1	JERSEY AVENUE	JCP1% FIRST ENERGY SERVICE CO.	1.83	1.83	0	0	lake	0	0
248	8	15C	HIGHWAY 36	UNION BEACH BOROUGH	60.48	30.26	30.22	0	lake	0	0
248	9	1	ROSE LANE	INTERNATIONAL FLAVORS & FRAGRANCES	4.062	4.062	0	0	wetlands	0	0
250.00	3	15C	POOLE AVE	UNION BEACH BOROUGH	0.0803	0.0803	0	0	developable area under 0.8 acres	0	0
250	4	15C	POOLE AVE	UNION BEACH BOROUGH	0.3134	0	0.3134	0	developable area under 0.8 acres	0	0
250.02	8	15A	SPRUCE STREET	BD OF ED - UNION BEACH	1.58	1.58	0	0	muni/school	0	0
251	1	15C	FRONT STREET	NEW JERSEY STATE DEPT OF EP	202.58	202.58	0	0	gov use	0	0
251	2.02	15C	FRONT STREET	UNION BEACH BOROUGH	1.85	1.85	0	0	municipal use	0	0
251	3	15C	100 OAK STREET	BAYSHORE REGIONAL SEWERAGE AUTH	24.9295	24.9295	0	0	Utility	0	0
251	4.01	15C	497 EDMUNDS AVENUE	COUNTY OF MONMOUTH - OUTFALL AUTH	9.77	9.77	0	0	county govt	0	0
									RDP:		0

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



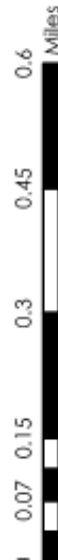


## Legend

- Vacant Parcels less than 0.8 acres
- Vacant Constrained Parcels
- Wetlands (2020)
- FEMA Flood Hazard Zone

LEON S. AVAKIAN, Inc.  
Consulting Engineers

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



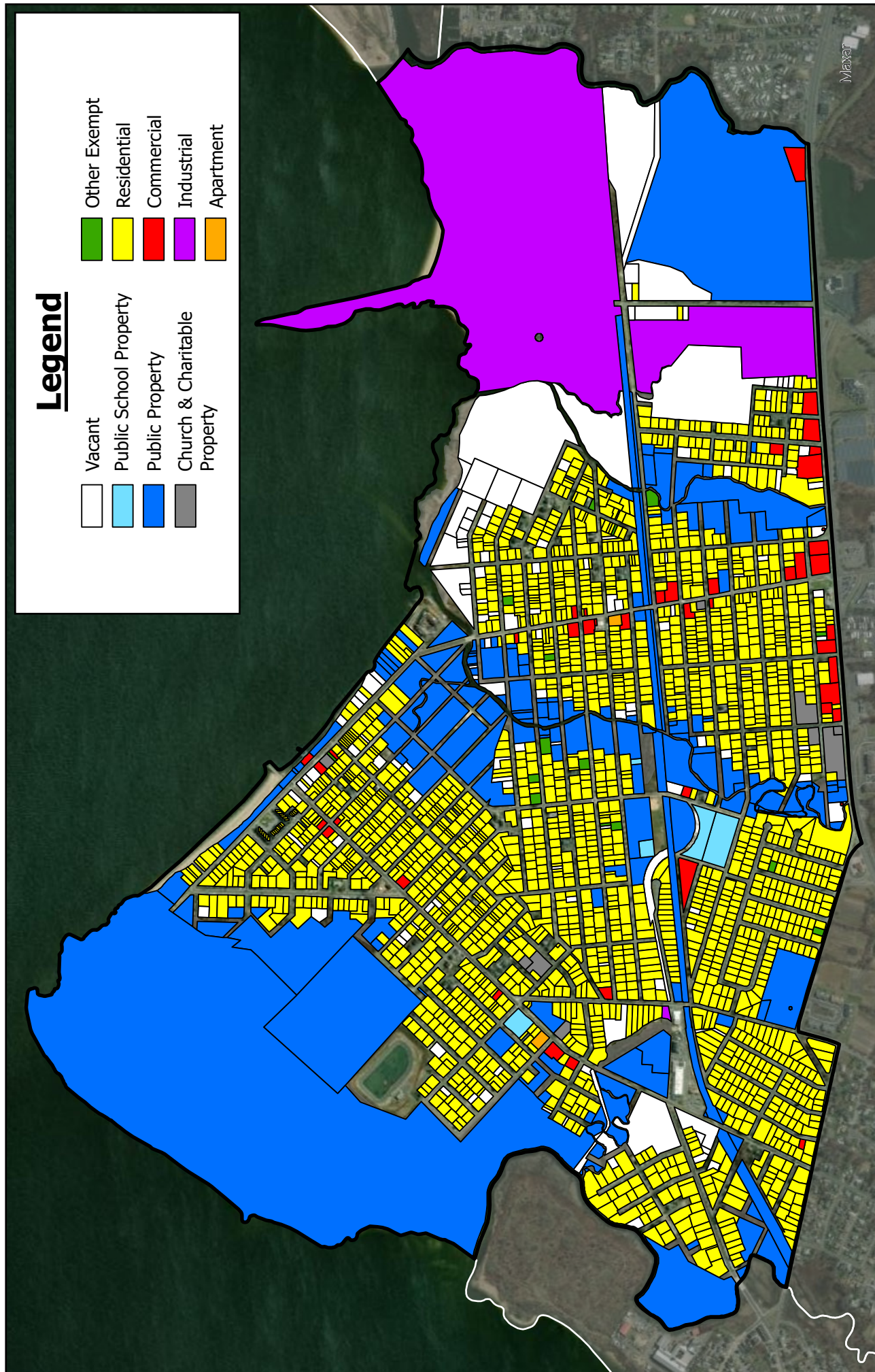
# Vacant Land and Constraints Borough of Union Beach Monmouth County, New Jersey

Source: LSA, NJGIN  
Date: March 2025  
MEJ



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





## Legend

- |                              |              |
|------------------------------|--------------|
| Vacant                       | Other Exempt |
| Public School Property       | Residential  |
| Public Property              | Commercial   |
| Church & Charitable Property | Industrial   |
|                              | Apartment    |

LEON S. AVAKIAN, Inc.  
Consulting Engineers

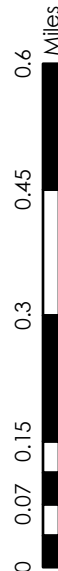
This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDE and is not state-authorized or endorsed.

## Existing Land Use Map

### Borough of Union Beach

### Monmouth County, New Jersey

Source: LSA, NJGIN  
Date: March 2025  
MEJ



## **Appendix B. Spending Plan**

**UNION BEACH 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 will adopt a development fee ordinance, codified as part of the Borough's Revised General Ordinances, to require and regulate the collection of residential and non-residential development fees as revenue for the Borough's affordable housing trust fund at a percentage of 1.5% for residential development and 2.5% for non-residential development. 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 Union Beach. Union Beach 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 2025. We estimate that Union Beach should generate approximately \$92,500 in development fees each year.

The Borough has not collected any revenue in the form of payments in lieu of construction of affordable units.

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

The Borough's Development Fee Ordinance will be recorded in Chapter 13 of Union Beach'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, Union Beach has a rehabilitation present need obligation of zero (0) units in the Fourth Round. Union Beach does not plan to dedicate any funds towards rehabilitation projects at this time.

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

The Borough anticipates dedicating \$328,000 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**

Projected development fees plus interest, 2025 - 2035	\$1,088,878.89
<b>PROJECTED TOTAL</b>	<b>\$1,088,878.89</b>
Projected minimum affordability assistance requirement (30%)	\$ 326,663.67
Projected minimum required for very low-income households (1/3 of total affordability assistance)	\$ 108,887.90

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**

Union Beach 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

Projected development fees plus interest, 2025-2035	\$1,088,878.89
<b>PROJECTED TOTAL</b>	\$1,088,878.89
Projected maximum administrative expenditures (20%)	\$ 217,775.78

**IV. Expenditure Schedule**

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

**V. 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.

**VI. 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.

**VII. In Sum**

Union Beach 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 \$0 as of January 1, 2025 and anticipates an additional \$1,088,878.89 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 \$543,178.89, 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.



Table 3: Housing Trust Fund Borough of Union Beach, New Jersey													
Projected Revenues for 2025-2035													
Funding Source	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total	
AHTF Balance as of 1/1/2025	\$ -											\$ -	
Projected Development Fees	\$ 92,500.00	\$ 92,500.00	\$ 92,500.00	\$ 92,500.00	\$ 92,500.00	\$ 92,500.00	\$ 92,500.00	\$ 92,500.00	\$ 92,500.00	\$ 92,500.00	\$ 92,500.00	\$ 1,017,500.00	
Prnts in lieu of construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Other funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Interest on total account balance (2.53%)	\$ 1,080.31	\$ 2,160.62	\$ 3,240.93	\$ 4,321.24	\$ 5,401.55	\$ 6,481.86	\$ 7,562.17	\$ 8,642.48	\$ 9,722.79	\$ 10,802.84	\$ 11,883.15	\$ 71,378.89	
<b>Total</b>	<b>\$ 93,580.31</b>	<b>\$ 94,660.62</b>	<b>\$ 95,740.93</b>	<b>\$ 96,821.24</b>	<b>\$ 97,901.55</b>	<b>\$ 98,981.86</b>	<b>\$ 100,062.17</b>	<b>\$ 101,142.48</b>	<b>\$ 102,222.79</b>	<b>\$ 103,303.00</b>	<b>\$ 104,383.15</b>	<b>\$ 1,088,878.89</b>	
Projected Expenditures for 2025-2035													
Type	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total	
Affordability Assistance	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 29,000.00	\$ 29,000.00	\$ 328,000.00	
Administrative Costs	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,700.00	\$ 217,700.00	
												\$ -	
<b>Total</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 48,800.00</b>	<b>\$ 48,700.00</b>	<b>\$ 545,700.00</b>	
<b>Projected Balance available for Future Projects and Programs</b>												<b>\$ 543,178.89</b>	

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



**DRAFT**  
**ORDINANCE #2025-XX**  
**AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF**  
**THE BOROUGH OF UNION BEACH TO ADD SECTION XX-XXX ENTITLED**  
**“AFFORDABLE HOUSING MANDATORY SET-ASIDE REQUIREMENT”**

**WHEREAS**, the Borough Council of the Borough of Union Beach (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 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 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 with respect to the Borough’s Fourth Round Housing Element and Fair Share Plan; 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.

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

**SECTION 1: Amend Chapter XX to add Section XX-XX “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, 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 Union Beach, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Union Beach 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. Union Avenue Inclusionary Mixed-Use Ordinance**

**AN ORDINANCE AMENDING CHAPTER 13, LAND USE AND DEVELOPMENT REGULATIONS,  
SECTION 10 ZONING DISTRICT REGULATIONS - GENERAL BUSINESS OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH**

**BE IT HEREBY ORDAINED** by the Mayor and Council of the Borough of Union Beach in the County of Monmouth, State of New Jersey, that the Borough's Development Regulations Ordinance at Chapter 13 is hereby amended as follows:

**NOTE:** Sections of Chapter 13, Land Use and Development Regulations, Section 13.10 Zoning District Regulations, that are to be amended are set forth below. All additions are shown in **bold italics with underlines**. All deletions are shown in ~~**bold italics with strikeouts**~~. All sections that are unchanged remain in regular typeface.

Chapter 13-10 Zoning District Regulations shall be amended as follows:

**Chapter 13 Land Use and Development Regulations**

**§13-10 ZONING DISTRICT REGULATIONS**

**§ 13-10.5. B-1 Neighborhood Commercial Zone. [Ord. No. 324, § 10.5; Ord. No. 2005-55; Ord. No. 2006-81; Ord. No. 2009-150, § 3; Ord. No. 2016-244 § 8]**

a. Permitted Uses.

1. The retail business establishments which are clearly of a neighborhood service character, such as, but not limited to, the following:
  - (a) Stores selling groceries, meats, baked goods, and other such items.
  - (b) Drug and pharmaceutical stores.
  - (c) Dry goods stores.
  - (d) Meat and poultry stores.
  - (e) Baked goods stores.
  - (f) Package liquor stores.
  - (g) Flower shops.
  - (h) Confectionery stores.
  - (i) Hardware and household supply stores.
  - (j) Stationery supplies, tobacco and periodical stores.
  - (k) Haberdashery, dress goods and notions.
  - (l) Hardware, plumbing supplies and electrical supplies.
  - (m) Shops of artisans and craftsmen.
  - (n) Gift shops.

- (o) Shoes and clothing shops.
- 2. Personal service establishments which may include the following:
  - (a) Barber shops and beauty shops.
  - (b) Tailoring and dressmaking shops.
  - (c) Dry cleaning and laundry collection shops, including self-service laundries.
  - (d) Shoe repair shops.
  - (e) (Reserved)
  - (f) (Reserved)
  - (g) Photographic studios.
- 3. Business, professional, medical, governmental and educational offices and services.
- 4. Banks and financial institutions with a minimum lot area of 25,000 square feet. Drive-through facilities are not permitted.
- 5. Restaurants, bars and other eating and drinking establishments, but not including drive-in restaurants with a minimum lot area of 25,000 square feet. Drive-through food establishments are not permitted. Outdoor seating is permitted.
- 6. Federal, state, county and municipal buildings and grounds, parks and playgrounds.
- 7. Essential services.
- 8. Single-family dwellings on lots currently used for single-family residential dwellings, subject to the same regulations established for the R-8 Residential Zone. These lots may be enlarged to the extent necessary to bring them into greater conformity with the requirements of the R-8 Residential District, but no new single-family dwelling lots may be created in this district.
- 9. Single-Family Dwellings. Townhouses and multi-family dwellings for the habitation of people at age 52 years or older (children under 19 years may not be in permanent residence, defined as seven consecutive days or 30 days in a year), as well as residential communities which maintain a private age restriction mechanism, subject to the same standards as apply to single-family dwellings in the R-AC Adult Community Zone, and townhouses and multi-family dwellings in the TH-2 Townhouse Zone.
- 10. Child care centers pursuant to N.J.S.A. 40:55D-66.6 and N.J.S.A. 40:55D-66.7 of the Municipal Land Use Law which are required to be licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1, et seq.
- 11. Educational facilities such as music schools, tutoring or special training but not including private elementary schools.
- 12. Apartments over ground level retail sales and services uses, subject to the following standards:
  - (a) Density: One dwelling unit per 8,000 square feet of lot area.

- (b) Each second story dwelling shall contain a minimum of 860 square feet of gross floor area.
- (c) Site plan approval shall be required prior to the issuance of any building permit to construct a second story dwelling.
- (d) Second story dwellings shall contain at least one bedroom as a separate room and be limited to a maximum of ~~two~~ three bedrooms.
- (e) Parking for Mixed-Use Buildings.
  - (1) A minimum of 3.5 parking spaces for every 1,000 square feet of gross commercial floor area shall be provided.
  - (2) Parking for residential uses shall comply with Residential Site Improvement Standards.
  - (3) Shared Parking on Adjacent Parcels. When land uses on adjacent parcels create shared parking areas with pedestrian and/or vehicular circulation paths and access points that are under common ownership or controlled by a reciprocal easement agreement, the collective parking requirements for development on those properties may comply with the standards set forth in paragraphs (1) and (2) above.
- (f) Shared Parking on Noncontiguous Parcels. Required parking for mixed-used buildings may be supplied at a noncontiguous parcel, provided:
  - (1) Parking is available within 1,000 feet of the mixed-use development:
  - (2) Both the mixed-use development and the parking facility comply with parking lot design standards;
  - (3) Off-site parking spaces may not already be designated as required parking for some other use.
  - (4) Documentation conforming the ownership and/or management arrangement for any shared parking arrangement shall be submitted prior to approval by the Planning Board. Properties with extra parking retain expansion rights equivalent to that number of extra spaces.
  - (5) Provided a mixed-use building(s) complies with off-street parking lot design standards, legal on-street parking along the tract's street frontage may be counted toward the development's minimum parking requirements.
  - (6) The minimum required number of parking spaces may be reduced by 25% provided a mixed-use building is within 2,500 feet of a designated transit stop.
- (g) **Affordable Housing Compliance**
  - (1) **All proposed residential dwellings are required to have a mandatory 20% set-aside for affordable housing, with a minimum of one (1) affordable unit generated.**
  - (2) **All affordable housing units generated shall be in compliance with UHAC requirements, including, but not limited to, size and bedroom distribution.**

b. Conditional Uses: Subject to the provisions of Section 13-9 of this chapter.

1. Churches (subsection 13-9.2).
2. Home professional offices (subsection 13-9.4).

**§ 13-10.6. B-2 Highway Business Zone. [Ord. No. 324, § 10.6; Ord. No. 2005-55; Ord. No. 2006-81; Ord. No. 2009-133; Ord. No. 2009-150, § 3; Ord. No. 2016-244 § 9]**

a. Permitted Uses. Uses within the following categories shall be permitted uses within the highway business zone unless otherwise specified in subsection 13-10.6d as a use requiring a conditional use approval.

1. Retail and wholesale stores, shops and markets, provided that:
  - (a) All goods or products fabricated or process incidental to such use shall be sold on the premises or distributed from the premises.
  - (b) Such fabricating or processing that is done on the premises shall not include a processing activity which would involve a physical or chemical process that would change the nature and/or character of the product and/or raw material.
  - (c) Such fabricating or processing shall be confined to the first floor and basement of the premises and no supplies, materials or goods shall be stored out-of-doors, except in conformance with the requirements of subsection 13-5.18 and subsection 13-8.6.
2. Personal service establishments, such as, but not limited to, barbershops, and beauty shops and tailoring and dressmaking shops.
3. Business and professional offices and banks and fiduciary institutions.
4. Restaurants, lunchrooms, bars and other eating and drinking establishments.
5. (Reserved)
6. Art, dancing, music, gymnastics and other similar instructional schools.
7. Schools for vocational instruction.
8. Scientific or research laboratories devoted to research, design and/or experimentation, and processing and fabricating incidental thereto, provided that no materials or finished products shall be manufactured, processed or fabricated on the premises for sale, except such as are incidental to the laboratory activities or are otherwise permitted in this zone.
9. Publication of newspapers and periodicals.
10. The offices, showrooms, warehouses and garages of contractors in the building trade.
11. Federal, state, county and municipal buildings and grounds, but excluding schools.
12. Essential services.
13. Child care centers pursuant to N.J.S.A. 40:55D-66.6 and N.J.S.A. 40:55D-66.7 of the Municipal Land Use law which are required to be licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1, et seq.



14. Artisanal Manufacturing provided that:
  - (a) Manufacture and production is performed by a manual worker or craftsperson of commercial goods, such as jewelry, metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food products.
  - (b) Artisanal manufacturing may include a retail component.
  - (c) Artisanal Manufacturing does not include any activity that causes noise, odor, or vibration to be detectable on a neighboring property, and is limited to 5,000 square feet of gross floor area.
15. Microbreweries.
16. Gas Stations.
17. Apartments over ground level retail sales and services uses along Union Avenue, subject to the following standards:
  - (a) Density: One dwelling unit per 8,000 square feet of lot area.
  - (b) Each second story dwelling shall contain a minimum of 860 square feet of gross floor area.
  - (c) Site plan approval shall be required prior to the issuance of any building permit to construct a second story dwelling.
  - (d) Second story dwellings shall contain at least one bedroom, as a separate room, and be limited to a maximum of ~~two~~ three bedrooms.
  - (e) Parking for Mixed-Use Buildings.
    - (1) A minimum of 3.5 parking spaces for every 1,000 square feet of gross commercial floor area shall be provided.
    - (2) Parking for residential uses shall comply with Residential Site Improvement Standards.
    - (3) Shared Parking on Adjacent Parcels. When land uses on adjacent parcels create shared parking areas with pedestrian and/or vehicular circulation paths and access points that are under common ownership or controlled by a reciprocal easement agreement, the collective parking requirements for development on those properties may comply with the standards set forth in paragraphs (1) and (2) above.
  - (f) Shared parking on noncontiguous parcels. Required parking for mixed-used buildings may be supplied at a noncontiguous parcel, provided:
    - (1) Parking is available within one 1,000 feet of the mixed-use development:
    - (2) Both the mixed-use development and the parking facility comply with parking lot design standards;
    - (3) Off-site parking spaces may not already be designated as required parking for some other use.

- (4) Documentation conforming the ownership and/or management arrangement for any shared parking arrangement shall be submitted prior to approval by the Planning Board. Properties with extra parking retain expansion rights equivalent to that number of extra spaces.
- (5) Provided a mixed-use building(s) complies with off-street parking lot design standards, legal on-street parking along the tract's street frontage may be counted toward the development's minimum parking requirements.
- (6) The minimum required number of parking spaces may be reduced by 25% provided a mixed-use building is within 2,500 feet of a designated transit stop.

(g) **Affordable Housing Compliance**

- (1) **All proposed residential dwellings are required to have a mandatory 20% set-aside for affordable housing with a minimum of one (1) affordable unit generated.**
- (2) **All affordable housing units generated shall be in compliance with UHAC requirements, including, but not limited to, size and bedroom distribution.**

b. Required Accessory Uses.

- 1. Off-street parking subject to the provisions of subsection 13-8.20.
- 2. Off-street loading subject to the provisions of subsection 13-8.19.

c. Permitted Accessory Uses.

- 1. Fences subject to the provisions of subsection 13-8.13.
- 2. Signs subject to the provisions of subsection 13-8.26.
- 3. Bulk storage subject to the provisions of subsection 13-8.6.
- 4. Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

d. Conditional Uses: Subject to the provisions of section 13-9 of this chapter.

- 1. Motor vehicle service stations (subsection 13-9.9).
- 2. (Reserved) **[Deleted by Ord. No. 2016-244 § 9]**
- 3. Public utilities (subsection 13-9.3).
- 4. Drive-in restaurants (subsection 13-9.6).
- 5. Hotels and motels (subsection 13-9.7).
- 6. Shopping centers (subsection 13-9.8).
- 7. (Reserved) **[Deleted by Ord. No. 2016-244 § 9]**
- 8. Commercial recreation activities (subsection 13-9.12).
- 9. Bulk storage of fuel provided the storage area is used solely in conjunction with a retail or wholesale outlet and that the storage containers are built below the ground.

10. Trailers, excluding boat and construction trailers and trailers used in delivery, loading and unloading operations, to be used for storage or sale of goods or merchandise or in which commercial services are rendered for a period not exceeding two months. Prior to the expiration of the two month duration of the conditional use the applicant may apply for one extension not to exceed 30 days and shall be permitted to continue the use until the decision of the Planning Board if all fees required for the application have been paid.
  11. Wind energy systems or facilities subject to the specifications, standards and regulations established in subsection 13-10.15 of this chapter.
  12. Churches (subsection 13-9.2).
  13. Drive-through banks.
- e. Yard and Building Requirements.
1. Minimum lot area: 25,000 square feet.
  2. Minimum lot width: 300 feet.
  3. Minimum lot frontage: 300 feet.
  4. Minimum lot depth: 150 feet.
  5. Minimum front setback: 35 feet.
  6. Minimum rear yard setback:
    - (a) Principal building - 20 feet.
    - (b) Accessory building - 15 feet.
  7. Minimum side yard setback:
    - (a) Principal building - 10 feet, with two combined side yards not less than 25% of the lot width, except that the combined side yards need not exceed 40 feet.
    - (b) Accessory building - 10 feet.
  8. Maximum building height: 35 feet subject to the provisions of subsection 13-5.12. In any event, the building shall not contain more than three useable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.
  9. Maximum lot coverage: 50%.
  10. Minimum unoccupied open space: 10%.
  11. Buffer areas along State Highway 36 should be a minimum of five feet wide; side and rear buffer areas are subject to subsection 13-8.4.
  12. Floor area ratio of any commercial building shall not exceed 1.5.

**§ 13-10.10. B-3 Downtown Gateway Zone. [Ord. No. 556, § IV; Ord. No. 2009-150, § 3; Ord. No. 2016-244 § 10]**

- a. Permitted Uses.

1. The retail business establishments which are clearly of a neighborhood service character, such as, but not limited to, the following:
  - (a) Stores selling groceries, meats, baked goods, and other such items.
  - (b) Drug and pharmaceutical stores.
  - (c) Dry goods stores.
  - (d) Meat and poultry stores.
  - (e) Baked goods stores.
  - (f) Package liquor stores.
  - (g) Flower shops.
  - (h) Confectionery stores.
  - (i) Hardware and household supply stores.
  - (j) Stationery supplies, tobacco and periodical stores.
  - (k) Haberdashery, dress goods and notions.
  - (l) Hardware, plumbing supplies and electrical supplies.
  - (m) Shops of artisans and craftsmen.
  - (n) Gift shops.
  - (o) Shoes and clothing shops.
2. Personal service establishments which may include the following:
  - (a) Barber shops and beauty shops.
  - (b) Tailoring and dressmaking shops.
  - (c) Dry cleaning and laundry collection shops, including self-service laundries.
  - (d) Shoe repair shops.
  - (e) Photographic studios.
3. Business, professional, medical, governmental and educational offices and services.
4. Banks and financial institutions with a minimum lot area of 25,000 square feet. Drive-through facilities are not permitted.
5. Restaurants, bars and other eating and drinking establishments, but not including drive-in restaurants with a minimum lot area of 25,000 square feet. Drive through food establishments are not permitted. Outdoor seating is permitted.
6. Federal, state, county and municipal buildings and grounds, parks and playgrounds.
7. Essential services.
8. Single-family dwellings on lots currently used for single-family residential dwellings,

subject to the same regulations established for the R-8 Residential Zone. These lots may be enlarged to the extent necessary to bring them into greater conformity with the requirements of the R-8 Residential District, but no new single-family dwelling lots may be created in this district.

9. Single-Family Dwellings. Townhouses and multi-family dwellings for the habitation of people at age 52 years or older (children under 19 years may not be in permanent residence, defined as seven consecutive days or 30 days in a year), as well as residential communities which maintain a private age restriction mechanism, subject to the same standards as apply to single-family dwellings in the R-AC Adult Community Zone, and townhouses and multi-family dwellings in the TH-2 Townhouse Zone.
10. Child care centers pursuant to N.J.S.A. 40:55D-66.6 and N.J.S.A. 40:55D-66.7 of the Municipal Land Use Law which are required to be licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1, et seq.
11. Educational facilities such as music schools, tutoring or special training but not including private elementary schools.
12. Apartments over ground level retail sales and services uses for lots fronting on Union Avenue, subject to the following standards:
  - (a) Density: One dwelling unit per 8,000 square feet of lot area.
  - (b) Each second story dwelling shall contain a minimum of 860 square feet of gross floor area.
  - (c) Site plan approval shall be required prior to the issuance of any building permit to construct a second story dwelling.
  - (d) Second story dwellings shall be limited to a maximum of ~~two~~ three bedrooms.
  - (e) Parking for mixed-use buildings.
    - (1) A minimum of 3.5 parking spaces for every 1,000 square feet of gross commercial floor area shall be provided.
    - (2) Parking for residential uses shall comply with Residential Site Improvement Standards.
    - (3) Shared Parking on Adjacent Parcels. When land uses on adjacent parcels create shared parking areas with pedestrian and/or vehicular circulation paths and access points that are under common ownership or controlled by a reciprocal easement agreement, the collective parking requirements for development on those properties may comply with the standards set forth in paragraphs (1) and (2) above.
  - (f) Shared Parking on Noncontiguous Parcels. Required parking for mixed-used buildings may be supplied at a noncontiguous parcel, provided:
    - (1) Parking is available within 1,000 feet of the mixed-use development:
    - (2) Both the mixed-use development and the parking facility comply with parking lot design standards; and

- (3) Off-site parking spaces may not already be designated as required parking for some other use.
- (4) Documentation conforming the ownership and/or management arrangement for any shared parking arrangement shall be submitted prior to approval by the Unified Planning Board. Properties with extra parking retain expansion rights equivalent to that number of extra spaces.
- (5) Provided a mixed-use building(s) complies with off-street parking lot design standards, legal on-street parking along the tract's street frontage may be counted toward the development's minimum parking requirements.
- (6) The minimum required number of parking spaces may be reduced by 25% provided a mixed-use building is within 2,500 feet of a designated transit stop.

(g) **Affordable Housing Compliance**

- (1) **All proposed residential dwellings are required to have a mandatory 20% set-aside for affordable housing, with a minimum of one (1) affordable unit generated.**
- (2) **All affordable housing units generated shall be in compliance with UHAC requirements, including, but not limited to, size and bedroom distribution.**

13. Municipal parks.

b. Required Accessory Uses.

- 1. Off-street parking subject to the provisions of subsection 13-8.20.
- 2. Off-street loading subject to the provisions of subsection 13-8.19.

c. Permitted Accessory Uses.

- 1. Fences subject to the provisions of subsection 13-8.13.
- 2. Signs subject to the provisions of subsection 13-8.26.
- 3. Other customary accessory uses and buildings which are clearly incidental to the principal use and building.
- 4. Family day care homes pursuant to N.J.S.A. 40:55D-66.5b of the Municipal Land Use Law which are conducted in the private residence of a family day care provider which is registered as a family day care home pursuant to the "Family Day Care Provider Registration Act," N.J.S.A. 30:5B-16, et seq.

d. Conditional Uses. Subject to the provisions of section 13-9 of this chapter.

- 1. Home professional offices (subsection 13-9.4).
- 2. Residential adult community single-family dwellings located on an area greater than one acre and subject to the requirements for such dwellings in the R-AC Zone.
- 3. Wind energy systems or facilities subject to the specifications, standards and regulations established in subsection 13-10.15 of this chapter.

e. Area, Yard and Building Requirements.

1. Residential uses in accordance with R-8 Zone District regulations and requirements.
2. For all other uses as follows:
  - (a) Minimum Lot Area: 5,000 square feet.
  - (b) Minimum Lot Width: 50 feet.
  - (c) Minimum Lot Frontage:
    - (1) Interior Lot - 50 feet.
    - (2) Corner Lot - 75 feet on both streets.
  - (d) Minimum Lot Depth: 100 feet.
  - (e) Minimum Front Setback: 10 feet.
  - (f) Minimum Rear Yard Setback:
    - (1) Principal Building - 30 feet.
    - (2) Accessory Building - 15 feet.
  - (g) Minimum Side Yard Setback:
    - (1) Principal Building - eight feet with two combined side yards not less than 20 feet.
    - (2) Accessory Building - 10 feet.
  - (h) Maximum Building Height: 35 feet subject and further provided that any building shall contain not more than three usable floor levels counted vertically at any point in the building above the grade as determined by the average grade elevation of the corners of the building or from the Federal Emergency Management Agency minimum building elevation if a building is located within a designated floodplain.
  - (i) Maximum Lot Coverage: 50%.
  - (j) Maximum Floor Area Ratio: 1.5.
3. Rooftop mechanical equipment should be screened from public view by architecturally compatible materials. Ground level mechanical equipment, such as air-conditioning equipment, utility boxes and meters, should be screened by landscaping, walls or fencing.
4. Building entrances facing a street should be retained. The visual character of buildings along street frontages and entryways should be pedestrian friendly and porches should not be enclosed. At no time should fire escapes be permitted on the front facade of a building.

**§ 13-10.20. B-1A Neighborhood Commercial-Transition Zone. [Ord. No. 2016-244 § 18]**

a. Permitted Uses.

1. The retail business establishments which are clearly of a neighborhood service character.
2. Personal service establishments.
3. Business, professional, medical, governmental and educational offices and services.
4. Restaurants, bars and other eating and drinking establishments, but not including drive-in restaurants with a minimum lot area of 25,000 square feet. Drive-through food establishments are not permitted. Outdoor seating is permitted.
5. Federal, state, county and municipal buildings and grounds, parks and playgrounds.
6. Essential services.
7. Single-family dwellings on lots currently used for single-family residential dwellings, subject to the same regulations established for the R-8 Residential Zone. These lots may be enlarged to the extent necessary to bring them into greater conformity with the requirements of the R-8 Residential District, but no new single-family dwelling lots may be created in this district.
8. Child care centers pursuant to N.J.S.A. 40:55D-66.6 and N.J.S.A. 40:55D-66.7 of the Municipal Land Use Law which are required to be licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1, et seq.
9. Educational facilities such as music schools, tutoring or special training but not including private elementary schools.
10. Apartments over ground level retail sales and services uses, on lots fronting on Union Avenue, subject to the following standards:
  - (a) Density: One dwelling unit per 8,000 square feet of lot area.
  - (b) Each second story dwelling shall contain a minimum of 860 square feet of gross floor area.
  - (c) Site plan approval shall be required prior to the issuance of any building permit to construct a second story dwelling.
  - (d) Second story dwellings shall contain at least one bedroom as a separate room and be limited to a maximum of ~~two~~ three bedrooms.
  - (e) Parking for Mixed-Use Buildings.
    - (1) A minimum of 3.5 parking spaces for every 1,000 square feet of gross commercial floor area shall be provided.
    - (2) Parking for residential uses shall comply with Residential Site Improvement Standards.
    - (3) Shared Parking on Adjacent Parcels. When land uses on adjacent parcels create shared parking areas with pedestrian and/or vehicular circulation paths and access points that are under common ownership or controlled by a reciprocal easement agreement, the collective parking requirements for development on those properties may comply with the standards set forth in paragraphs (a) and (b) above.



- (f) Shared Parking on Noncontiguous Parcels. Required parking for mixed-used buildings may be supplied at a noncontiguous parcel, provided:
  - (1) Parking is available within 1,000 feet of the mixed-use development;
  - (2) Both the mixed-use development and the parking facility comply with parking lot design standards;
  - (3) Off-site parking spaces may not already be designated as required parking for some other use.
  - (4) Documentation conforming the ownership and/or management arrangement for any shared parking arrangement shall be submitted prior to approval by the Planning Board. Properties with extra parking retain expansion rights equivalent to that number of extra spaces.
  - (5) Provided a mixed-use building(s) complies with off-street parking lot design standards, legal on-street parking along the tract's street frontage may be counted toward the development's minimum parking requirements.
  - (6) The minimum required number of parking spaces may be reduced by 25% provided a mixed-use building is within 2,500 feet of a designated transit stop.

(g) **Affordable Housing Compliance**

- (1) **All proposed residential dwellings are required to have a mandatory 20% set-aside for affordable housing, with a minimum of one (1) affordable unit generated.**
- (2) **All affordable housing units generated shall be in compliance with UHAC requirements, including, but not limited to, size and bedroom distribution.**

b. Required Accessory Uses.

- 1. Off-street parking subject to the provisions of subsection 13-8.20.
- 2. Off-street loading subject to the provisions of subsection 13-8.19.

c. Permitted Accessory Uses.

- 1. Fences subject to the provisions of subsection 13-8.13.
- 2. Signs subject to the provisions of subsection 13-8.26.
- 3. Other customary accessory uses and buildings which are clearly incidental to the principal use and building.
- 4. Family day care homes pursuant to N.J.S.A. 40:55D-66.5b of the Municipal Land Use Law which are conducted in the private residence of a family day care provider which is registered as a family day care home pursuant to the "Family Day Care Provider Registration Act," N.J.S.A. 30:5B-16, et seq.

d. Conditional Uses. Subject to the provisions of Section 13-9 of this chapter.

- 1. Home professional offices (subsection 13-9.4).

2. Residential adult community single-family dwellings located on an area greater than one acre and subject to the requirements for such dwellings in the R-AC Zone.
  3. Wind energy systems or facilities subject to the specifications, standards and regulations established in subsection 13-10.15 of this chapter.
- e. Area, Yard and Building Requirements.
1. Residential uses in accordance with R-8 Zone District regulations and requirements.
  2. For all other uses as follows:
    - (a) Minimum Lot Area: 7,500 square feet.
    - (b) Minimum Lot Width: 75 feet.
    - (c) Minimum Lot Frontage:
      - (1) Interior Lot: 75 feet.
      - (2) Corner Lot: 100 feet on both streets.
    - (d) Minimum Lot Depth: 100 feet.
    - (e) Minimum Front Setback: 20 feet.
    - (f) Minimum Rear Yard Setback:
      - (1) Principal Building - 30 feet.
      - (2) Accessory Building - 15 feet.
    - (g) Minimum Side Yard Setback:
      - (1) Principal Building - eight feet with two combined side yards not less than 20 feet.
      - (2) Accessory Building - 10 feet.
    - (h) Maximum Building Height: 30 feet subject to the provisions of subsection 13-5.12 and further provided that any building shall contain no more than two usable floor levels counted vertically at any point in the building above the grade as determined by the average grade elevation of the corners of the building or from the Federal Emergency Management Agency minimum building elevation if a building is located within a designated floodplain.
    - (i) Maximum lot Coverage: 50%.
    - (j) Maximum Floor Area Ratio: 1.5.
  3. Rooftop mechanical equipment should be screened from public view by architecturally compatible materials. Ground level mechanical equipment, such as air-conditioning equipment, utility boxes and meters, should be screened by landscaping, walls or fencing.
  4. Building entrances facing a street should be retained. The visual character of buildings along street frontages and entryways should be pedestrian friendly and porches should

not be enclosed. At no time should fire escapes be permitted on the front facade of a building.

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

**ORDINANCE NO. 2025-XX****AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE  
BOROUGH OF UNION BEACH, COUNTY OF MONMOUTH, STATE OF  
NEW JERSEY, ADOPTING A DEVELOPMENT FEE ORDINANCE TO  
COMPLY WITH CURRENT STATE AFFORDABLE HOUSING  
REGULATIONS****SECTION 1. Purpose:**

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 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 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 ordinance 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 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

**SECTION II. Definitions:**

- a) The following terms, as used in this ordinance, shall have the following meanings:
- i. **"Affordable housing development"** means 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 percent affordable development.
  - ii. **"COAH"** or the **"Council"** means the New Jersey Council on Affordable Housing established under the Fair Housing Act.
  - iii. **"Development fee"** means 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.
  - iv. **"Developer"** means 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.
  - v. **"Equalized assessed value"** means 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 (C.54:1-35a through C.54:1-35c).

- vi. **“Green building strategies”** means 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.

### SECTION III. Residential Development Fees:

- a) Imposed Fees
  - i. Within the residential district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of on one and one-half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
  - ii. 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 six percent (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
  - i. 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.
  - ii. 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.
  - iii. 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.
  - iv. 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.
  - v. Developers of one or two family owner occupied dwelling units and green buildings shall be subject to a reduced fee of fifty percent (50%).
  - vi. 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.
  - vii. Federal, state, county and local governments shall be exempted from paying a development fee.

#### **SECTION IV. Non-Residential Development Fees**

- a) Imposed fees
  - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
  - ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
  - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (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
  - i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half percent (2.5%) development fee, unless otherwise exempted below.
  - ii. The two and one-half percent (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.
  - iii. 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.
  - iv. A developer of a non-residential development exempted from the non-residential 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.
  - v. 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 forty-five (45) days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by Union Beach as a lien against the real property of the owner.

#### **SECTION V.: Collection Procedures**

- 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 ninety (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 ten (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 Union Beach fail to determine or notify the developer of the amount of the development fee within ten (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 (C.40:55D-8.6).

h) Fifty percent (50%) 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.

i) Appeal of development fees

- 1) 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 Union Beach. 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, R.S.54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- 2) 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 forty-five (45) days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Union Beach. 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, R.S.54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

## **SECTION VI. Affordable Housing Trust Fund**

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 ten percent (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 Union Beach's affordable housing program.

c) In the event of a failure by Union Beach 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 Union Beach, 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.

## **SECTION VII. Use of Funds**

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 Union Beach'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 8.9 and specified in the approved spending plan.

b) Funds shall not be expended to reimburse Union Beach for past housing activities.

c) At least thirty (30) percent 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 percent or less of median income by region.

- i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with

home-owners association or condominium fees and special assessments, and assistance with emergency repairs.

- ii. Affordability assistance to households earning 30 percent 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 percent or less of median income.
- iii. 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) Union Beach 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 twenty percent (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 twenty percent (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.

## **SECTION VIII. Monitoring**

a. On an annual basis commencing with the first anniversary of the entry of the Order granting a Final Judgment of Compliance and Repose Union Beach 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 Union Beach's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the Court.

## **SECTION IX. Ongoing collection of fees**

a. The ability for Union Beach to impose, collect and expend development fees shall expire with its Judgment of Compliance and Repose. If Union Beach 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 (C.52:27D-320). Union Beach 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 Union Beach retroactively impose a development fee on such a development. Union Beach shall not expend development fees after the expiration of its Judgment of Compliance and Repose.

## **SECTION X.**

This Ordinance shall be in full force and effect from and after its adoption and publication

as may be required by law.

## **Appendix F. Administrative Agent Ordinance**

## **§ XX-XXX Administrative Agent.**

The Administrative Agent may be an independent entity serving under contract to and reporting to the Borough. For new sales and rental developments, all of the fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. For resales, single-family homeowners and condominium homeowners shall be required to pay 3% of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in §§ 5:80-26.14, 5:80-26.16 and 5:80-26.18 thereof, which include:

### **A. Affirmative marketing:**

- (1)** Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Union Beach and the provisions of N.J.A.C. 5:80-26.15; and
- (2)** Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

### **B. Household certification:**

- (1)** Soliciting, scheduling, conducting and following up on interviews with interested households;
- (2)** Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (3)** Providing written notification to each applicant as to the determination of eligibility or noneligibility;
- (4)** Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (5)** Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
- (6)** Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Union Beach when referring households for certification to affordable units; and

(7) Notifying the following entities of the availability of affordable housing units in the Borough of Union Beach: FSHC, the New Jersey State Conference of the NAACP, the Trenton, Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, and Greater Long Branch branches of the NAACP, Shiloh Baptist Church, the Latino Action Network, and the Supportive Housing Association.

**C. Affordability controls:**

(1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

(2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

(3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Monmouth County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;

(4) Communicating with lenders regarding foreclosures; and

(5) ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C 5:80-26.10.

**D. Resales and rerentals:**

(1) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

(2) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.

**E. Processing requests from unit owners:**

(1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this article;

(2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air-conditioning systems;

**(3)** Notifying the Borough of an owner's intent to sell a restricted unit; and

**(4)** Making determinations on requests by owners of restricted units for hardship waivers.

**F. Enforcement:**

**(1)** Securing annually from the Borough a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

**(2)** Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

**(3)** The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;

**(4)** Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

**(5)** Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and

**(6)** Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Committee and the Court, setting forth procedures for administering the affordability controls.

**G. Additional responsibilities:**

**(1)** The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

**(2)** The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.

**(3)** The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

## **Appendix G. Municipal Housing Liaison Ordinance**



### **§ XX-XXX: Municipal Housing Liaison.**

**A.** The Borough of Union Beach shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Beach shall adopt an ordinance creating the position of Municipal Housing Liaison. Union Beach shall adopt a resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee of Union Beach. The Municipal Housing Liaison shall be reported to the Superior Court and thereafter posted on the Borough website and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

**B.** The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Union Beach, including the following responsibilities, which may not be contracted out to the Administrative Agent:

- (1)** Serving as Union Beach's primary point of contact for all inquiries from the state, affordable housing providers, Administrative Agents and interested households;
- (2)** The implementation of the Affirmative Marketing Plan and affordability controls;
- (3)** When applicable, supervising any contracting Administrative Agent;
- (4)** Monitoring the status of all restricted units in Union Beach's Fair Share Plan;
- (5)** Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
- (6)** Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
- (7)** Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ), if such continuing education opportunities are made available by COAH or the DCA.

**C.** Subject to the approval of the Court, the Borough of Union Beach shall designate one or more Administrative Agent(s) to administer and the affirmatively market the affordable units constructed in the Borough in accordance with UHAC and this section. An operating manual for each affordable housing program shall be provided by the Administrative Agent(s), to be adopted by resolution of the governing body and subject to approval of the

Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

## **Appendix H. Fourth Round Decision and Order Documents and Settlement Agreement**

**PREPARED BY THE COURT**

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IN THE MATTER OF THE DECLARATORY  
JUDGMENT ACTION OF THE BOROUGH  
OF UNION BEACH, MONMOUTH COUNTY  
PURSUANT TO P.L. 2024, CHAPTER 2  
(N.J.S.A. 52:27D-304.1, et seq.),

Petitioner.

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION-CIVIL PART  
MONMOUTH COUNTY  
DOCKET NO.: MON-473-25

**CIVIL PART**

*Mt. Laurel Program*

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

**THIS MATTER**, having come before the Court on referral from and recommendation issued by the Affordable Housing Dispute Resolution Program (“Program”), pursuant to the Complaint for Declaratory Judgment filed on February 3, 2025 (“DJ Complaint”) by the Petitioner, **Borough of Union Beach** (“Petitioner” or Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1 (f)(1)(C) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the “Program”, seeking a certification of compliance with the FHA;

**AND IT APPEARING** that the Municipality timely adopted Resolution 2025-35 on January 16, 2025, in which the Municipality accepted the DCA calculation of its “present need” but indicated that it could not commit to the “prospective need” calculation allocated to it by the New Jersey Department of Community Affairs (“DCA”) in its report dated October 18, 2024 entitled Affordable Housing Obligations for 2025-2035 (Fourth Round) (the “DCA’s Fourth Round Report”) – specifically, that it could not commit to the “prospective need” calculation of 45

affordable housing units; and the DCA calculation of “prospective need” calculation is “presumptively valid” as a matter of law; and the Municipality not providing in its resolution any conclusion by a planning professional that an alternative number, in lieu of the 45 affordable housing units, should be required; and with Fair Share Housing Center having proposed a “prospective need” obligation of 45 affordable units, the number provided by the DCA;

**AND IT APPEARING** that challenges to the Municipality’s calculations (“Challenges”) were timely filed by Fair Share Housing Center (“FSHC”) and the New Jersey Builders Association (“NJBA”) (each a “Challenger”, and collectively the “Challengers”) by and through their respective counsel, wherein both Challengers disputed the Municipality’s objection on the issue of prospective need, and supported DCA’s present need obligations; with each Challenge supported by their own expert reports; with Victoria A. Glynn, Esq. of the Law Office of Victoria A. Glynn LLC representing the Municipality; Ariela Rutbeck-Goldman, Esq. representing Fair Share Housing Center; and Richard J. Hoff, Esq. of Bisgaier Hoff, LLC representing the New Jersey Builder’s Association;

**AND IT APPEARING** that, pursuant to the Program, the Administrative Office of the Courts (“AOC”) appointed and assigned the case to Program member, the Hon. Thomas C. Miller, A.J.S.C. (Ret.) (“Program Member”) to manage the proceedings, host settlement conferences, and make recommendations to the Court in accordance with the FHA and the AOC’s Directive #14-24 (“Directive #14-24”), and that the Program Member appointed Kendra Lelie, PP, an independent affordable housing expert as special adjudicator (“Special Adjudicator”) in this case to work with, make recommendations to and assist the Program, who worked closely with the Program Member, and who rendered a report to the Program;

**AND IT APPEARING THAT** settlement conference(s) and session(s) were held in the matter, as necessary, on notice to all parties with the participation of with a goal toward reaching a resolution;

**AND IT APPEARING THAT** as a result of the settlement conference(s) conducted, the Municipality and FSHC reached a resolution (“Settlement”) providing that the Fourth Round “present need” is 0 affordable housing units, a number that was not disputed by the parties, and the “Fourth Round “prospective need”, which was disputed, has been settled at 39 units; and the Settlement was placed on the record; and the Program directed the parties to circulate a settlement agreement that will be signed and uploaded to eCourts, and the governing body of the Municipality shall adopt a resolution to accept and confirm the Settlement, which resolution shall also be uploaded to eCourts;

**AND IT APPEARING THAT** the NJBA notified the Program in writing by its counsel that it understood that a settlement had been entered into between the Municipality and FSHC and that the NJBA did not object to nor seek to file any appeal of the settlement that established a Fourth Round prospective need number for the Municipality;

**AND THE COURT** having received the Program Member’s report dated March 25, 2025, posted to eCourts for this matter on March 25, 2025, the findings, terms, and recommendations of which are incorporated by reference as though more fully set forth herein (the “Report”);

**AND THE COURT** having been advised that (i) the Special Adjudicator has recommended acceptance of the Settlement, (ii) the Program Member has recommended acceptance of the Settlement as reasonable and in furtherance of the interests of low- and moderate-income households in the Municipality (collectively, the “Recommendations”), and that (iii) the Program Member further recommends that the Court adopt the findings and recommendations set

forth in the Report and enter an Order, forthwith, implementing the terms of Settlement and thereby fix the “present need” and “prospective need” obligations of the Municipality for the Fourth Round housing cycle;

**AND THE COURT** having reviewed and considered the Program Member’s Report and Recommendations, having been satisfied that an arm’s length Settlement was reached and entered into by and between the parties that is fair and equitable as well as in the best interests of the protected class of low- and moderate-income households in the Municipality, and for good and sufficient cause having been shown:

**IT IS, THEREFORE**, on and as of this 14<sup>th</sup> day of April, 2025, **ADJUDGED AND ORDERED**, that the Program Member’s Report and Recommendations for approval of the Settlement is **ACCEPTED** and **ADOPTED** in its entirety; and to that end, more specifically, it is further

**ORDERED** as follows:

1. The “present need” obligation of the Municipality be, and hereby is fixed as **0** affordable units for the Fourth Round housing cycle.
2. The “prospective need” obligation of the Municipality be, and hereby is fixed as **39** affordable units for the Fourth Round Housing cycle; and
3. The settlement agreement signed by the parties accepting the Settlement shall be uploaded by the Municipality to eCourts; and
4. The resolution adopted by the governing body of the Municipality to accept and confirm the Settlement shall be uploaded by the Municipality to eCourts; and
5. The Municipality is hereby authorized to proceed to the compliance phase with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the “present need” and “prospective need” allocations

aforesaid (and which plan shall include the elements set forth in the “Addendum” attached to Directive #4-24), by or before **June 30, 2025**, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay; and

6. Any and all “challenges” to the Municipality’s Housing Element and Fair Share Plan as adopted by Paragraph 5 above must be filed by **August 31, 2025**, by way of Answer/Objection filed in eCourts for this matter, and as provided for in accordance with Section III.B of AOC Directive #14-24; and

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

*/s/ Linda Grasso Jones, J.S.C.*

HON. LINDA GRASSO JONES, J.S.C.

Designated Mount Laurel Judge – Monmouth Vicinage

**Statement of Reasons pursuant to New Jersey Court Rule 1:7-4(a):**

Having reviewed and considered the Program Member’s Report and Recommendations as well as the terms of Settlement which were placed on the record by the parties before the Program member, the Court is satisfied that an arm’s length Settlement was reached and entered into by and between the parties, and that the terms of the Settlement attained are fair and equitable as well as in the best interests of the protected class of low- and moderate-income households of the Municipality. All potential Challengers were provided with the opportunity to file a Challenge to the Municipality’s proposed calculation of “present need” and “prospective need” affordable housing obligation for the Fourth Round, and were considered as appropriate as a part of the Program, as provided in N.J.S.A. 52:27D-301, et seq, and the Settlement reached disposes of all Challenges that were filed in this matter.

Accordingly, the court hereby adopts in full the Report and Recommendations of the Program Member and accepts the same for the detailed findings and reasons set forth therein. As a result, the Municipality retains all the protections of the above-referenced amendments to the FHA, continues to retain immunity from exclusionary zoning litigation, and the Program retains jurisdiction for the compliance phase in accordance with the statutory framework and AOC Directive #14-24.



**PREPARED BY THE AFFORDABLE HOUSING PROGRAM:**

In the Matter of Union Beach  
Borough

Superior Court of New Jersey  
Law Division, Civil Part

Docket No. MON-L-473-25

**Program Settlement Recommendation  
Present Need and Prospective Need**

THIS MATTER, having come before the Affordable Housing Program, pursuant to the Complaint for Declaratory Judgment filed in this matter February 3, 2025 (“DJ Complaint”) by the Petitioner, Borough of Union Beach (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

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

Jersey municipalities for the Fourth-Round housing cycle (the “DCA’s Fourth Round Report”);

AND IT APPEARING that, pursuant to the DCA’s Fourth Round Report, the “present need” obligation of the Petitioner has been calculated and reported as 0 affordable units, and its “prospective need” obligation of the Petitioner has been calculated and reported as 45 affordable units, and which calculations have been deemed “presumptively valid” for purposes of the FHA;

AND IT APPEARING that the Municipality represented by counsel adopted a resolution seeking deviation from DCA numbers based on their planner's recommendation for its prospective need obligation of 30 units.

AND IT APPEARS that challenges to the Municipal calculations were timely and properly filed by New Jersey Fair Share Housing represented by Counsel, and by the New Jersey Builders Association represented by Counsel, both challengers disputing the town proposed obligations for present and prospective need, and supporting DCA present and prospective need obligations, each challenge supported by their own expert reports;

AND IT APPEARS that the Program, assigned the case to program member Judge Thomas C. Miller, A.J.S.C. (Ret.) to handle the case in accordance with the statute and the AOC Directive, requiring the member to issue recommendations to the County Mount Laurel Judge, and appointed member of the program having

considered the submissions of counsel, the various planners report and the DCA report, and the program having conducted settlement conferences and sessions hosted by the assigned member in accordance with Directive and the statutory framework.

AND IT APPEARS THAT, the AOC appointed an independent special adjudicator affordable housing expert to work with and make recommendations to the program, and that Kendra Lelie was appointed special adjudicator in this case,

AND IT APPEARS that the Builders Association have notified the program in writing that by their counsel that they will not participate in the settlement negotiations, and that they will not object to any settlement reached between the municipality and Fair Share Housing,

AND IT APPEARS THAT, the program hosted a settlement conference on this case, and that all parties, local officials, attorneys, and planners appeared with the goal of reaching a resolution,

AND IT APPEARS THAT, the parties have engaged in extensive settlement negotiations before, during and after the settlement conferences, with the guidance and assistance of the program member assigned to the case and the special adjudicator,

AND IT APPEARS THAT the municipality and Fair Housing have reached a resolution, the settlement was place on the record, the parties circulated a settlement

agreement that will be uploaded to eCourts and that the municipal governing body has adopted or intends to adopt a resolution to accept the settlement,

AND IT APPEARING that the special adjudicator recommends accepting the settlement to the program,

AND it APPEARING THAT the terms of the settlement are as follows: The prospective need obligation for the Township shall be 39 units and that parties will now move on to the compliance phase to address the remaining issues,

For all those reasons, the program member hereby recommends an ORDER as follows:

That the proposed settlement is hereby directed to the vicinage Mount Laurel judge for review and the entry of an order as to the municipality's determination of its fair share obligation is accordance with the terms of the settlement agreement, that this settlement disposes of all the challenges filed, that the municipality retains all the protections of the law and retains immunity from exclusionary zoning litigation, and that the program retains jurisdiction for the compliance phase of accordance with the statutory frame work and the AOC directive.

**Respectfully submitted by The Program:**

By: /s/ Thomas C. Miller

Thomas C. Miller, A.J.S.C. (Ret.),  
Program Chair  
**Hon. Thomas C. Miller, A.J.S.C. (Ret.)**

Dated: March 25, 2025

**Mount Laurel Judge:**

The Program's recommendation is ☐ accepted for the reasons set forth by the  
Program, ☐ accepted for the reasons set forth below, ☐ rejected,  
☐ accepted/rejected in part.

**Findings of fact and conclusions of law (Rule 1:7-4(a)):**

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Arms length settlement entered into by the parties was fair and equitable especially  
when balancing and considering the risks and costs and expense of litigation.

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By:

\_\_\_\_\_  
**Hon. \_\_\_\_\_, J.S.C.**

Dated: \_\_\_\_\_

MEDIATION AGREEMENT BEFORE THE  
AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM

IN THE MATTER OF THE APPLICATION OF THE BOROUGH OF UNION BEACH,  
DOCKET NO. MON-L-473-25

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2., into law, which established a new framework for determining and enforcing municipalities' affordable housing obligations under the Mount Laurel doctrine and the Fair Housing Act (the "Amended Act");

**WHEREAS**, the Amended Act required the Department of Community Affairs (the "DCA") to prepare a report with the calculation of the regional and municipal Prospective Need and the municipal Present Need for the Fourth Round in accordance with the formula required by the Amended Act;

**WHEREAS**, the DCA released this report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round)" on October 18, 2024;

**WHEREAS**, the DCA report concluded that Union Beach Borough's ("Union Beach" or the "Borough") fair share obligations for the Fourth Round included a Present Need of 0 units and a Prospective Need of 45 units;

**WHEREAS**, the Borough having filed its resolution of participation before the Affordable Housing Dispute Resolution Program (the "Program") by the deadline but it was not reflected on the affordable housing site until February 02, 2025;

**WHEREAS**, the Borough's resolution proposed to set Union Beach's affordable housing obligations for the Fourth Round to include a Present Need of 0 units but challenged the declined the Prospective Need calculation of 45 units;

**WHEREAS**, in accordance with the timeframes set forth in the Amended Act and the Directive, FSHC filed a timely objection to Union Beach's resolution on February 28, 2025;

**WHEREAS**, FSHC's objection contended that Union Beach had improperly declined its Prospective Need obligations and should be required to utilize the calculation prepared by the DCA in its October 18, 2024 report;

**WHEREAS**, Union Beach disputes the contentions raised in FSHC's objection;

**WHEREAS**, within the Affordable Housing Dispute Resolution Program ("Program") established pursuant to N.J.S.A. 52:27D-313.2, the parties have engaged in the mediation process provided by the Program and conferred and reached an accord setting forth Union Beach's Fourth Round Prospective Need obligations, without either party admitting the validity of the others' claims;

**WHEREAS**, recognizing that this agreement is reached prior to the adjudication of any challenges by the Program or any potential subsequent review in the judicial system, the parties agree that 39 units is within the range of possibilities of outcomes for Union Beach’s Fourth Round Prospective Need;

**WHEREAS**, resolving the Fourth Round Prospective Need at this juncture and allowing Union Beach to move forward with preparing its Fourth Round HEFSP is important to the interests of lower-income households; and

**WHEREAS**, the Borough and FSHC thus agree to present this mediation agreement to the Program and consent to the Mediation Agreement, upon the approval by the Program, setting forth Union Beach’s Fourth Round obligations and binding the Borough to utilize these obligations and foreclosing FSHC from further challenge to said obligations.

THEREFORE, the Borough and FSHC agree:

1. Union Beach’s Fourth Round fair share obligations shall be set forth as follows:
  - Present Need – 0 units
  - Prospective Need – 39 units
2. The Borough and FSHC will jointly present this mediation agreement to the Program and request approval of this Agreement from the Program and if approved by the Program from the vicinage Mount Laurel judge. If the Program, trial court, or any appellate court reject approval of this Agreement, the Parties reserve their right to return to the *status quo ante*.
3. This settlement shall not prohibit the Borough from engaging in a Vacant Land Adjustment process pursuant to N.J.A.C. 5:93-4.2.
4. The Borough shall prepare a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) utilizing these present and prospective need obligations and submit the HEFSP to the Program by the deadline in the Amended Act of June 30, 2025. FSHC reserves all rights as to its review of the HEFSP pursuant to the Amended Act.

The undersigned, on behalf of their respective clients, have consented to this Mediation Agreement and represent that they are authorized to execute it on their behalf. This Mediation Agreement shall not be further modified, amended or altered in any way except by a writing signed by both the Borough and FSHC.

By: \_\_\_\_\_

Victoria A. Flynn, Esq., Borough Attorney

By: \_\_\_\_\_

Ariela Rutbeck-Goldman, Attorney for FSHC