

CARNEYS POINT TOWNSHIP
Salem County, New Jersey



Housing Element and Fair Share Plan

June 2025

**Adopted by the Carneys Point Township Planning Board on June 24, 2025
(Resolution # 2025-15).**

A stylized, bold signature of Steven M. Bach, consisting of the letters "SB" followed by a period.

Steven M. Bach, PE, RA, PP, CME

A cursive signature of Candace A. Kanaplue, appearing to read "Ck" in a stylized manner.

Candace A. Kanaplue, AICP, PP

The original of this document was signed and
sealed in accordance with NJAC 13:41-1.3.b



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TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	AFFORDABLE HOUSING IN NEW JERSEY	1
B.	HOUSING ELEMENT AND FAIR SHARE PLAN REQUIREMENTS	3
C.	MUNICIPAL SUMMARY	4
D.	FAIR SHARE OBLIGATIONS	4
E.	AFFORDABLE HOUSING HISTORY	5
II.	HOUSING ELEMENT ANALYSIS	7
A.	EXISTING HOUSING STOCK	7
B.	DEMOGRAPHIC CHARACTERISTICS	10
C.	EMPLOYMENT	15
D.	PROJECTED HOUSING STOCK	16
E.	FAIR SHARE CAPACITY	16
III.	CARNEYS POINT TOWNSHIP FAIR SHARE PLAN	17
A.	FAIR SHARE PLAN - FOURTH ROUND (2025 - 2035)	17

APPENDICES

1. Municipal Resolution Adopting Fourth Round Affordable Housing Obligations
2. Carneys Point WWTP Summary of Flow Allocations
3. Carneys Point Township Sewerage Authority Administrative Consent Order
4. Deeds
5. Additional Appendices to be Included by March 15, 2026

I. INTRODUCTION

A. AFFORDABLE HOUSING IN NEW JERSEY

The New Jersey Supreme Court ruled in 1975, in a decision now commonly referred to as "*Mount Laurel I*," that developing municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate income housing. Then in 1983 in the "*Mount Laurel II*" decision, the Supreme Court went further, creating an incentive for private developers to enforce the Mount Laurel doctrine by suing municipalities that have not chosen to comply with the *Mount Laurel* principles. Needing a mechanism to implement the *Mount Laurel* doctrine, the legislature adopted the Fair Housing Act (N.J.S.A. 52:27D-310) in 1985, and created the Council on Affordable Housing as the administrative alternative to dealing with affordable housing cases through the courts. COAH was given the responsibility to establish housing regions, estimate low and moderate income housing needs, set criteria for municipalities to determine and address their fair share affordable housing numbers, and review and approve housing elements and fair share plans.

On December 20, 2004, COAH's first version of the Third Round rules became effective. At that time the Third Round was to cover the time period from 1999 to 2014, since the First and Second Round covered the 1987 to 1999 period. The Third Round affordable housing delivery period was to run from January 1, 2004 through January 1, 2014. After much legal debate on the Third Round Rules, on March 10, 2015, the Supreme Court ruled that the New Jersey Council on Affordable Housing (COAH) failed to act, and as a result, the Courts assumed jurisdiction over municipal compliance with the Mount Laurel doctrine and the Fair Housing Act.

The Township's Third Round Housing Element and Fair Share Plan was prepared utilizing the Prior Round Rules (N.J.A.C. 5:91 Procedural and N.J.A.C. 5:93 Substantive) as well as the guidance provided in the March 10, 2015 Supreme Court Order, the Township's March 27, 2019 Settlement Agreement between the Township of Carneys Point and Fair Share Housing Center, and the January 28, 2022 Amended Settlement Agreement between the Township of Carneys Point and Fair Share Housing Center.

On March 20, 2024, Governor Murphy signed A4/S50 into law ushering in substantial amendments to the New Jersey Fair Housing Act (FHA) and significantly altering the manner in which municipalities will determine their Fourth Round "fair share" obligations, maintain immunity from Mount Laurel lawsuits, respond to objections, and secure approval of their Fourth Round Housing Element and Fair Share Plans. The new affordable housing legislation, A-4 and S-50, establishes processes for calculating municipal housing obligations, compliance filing deadlines, procedures for challenges and dispute resolution mechanisms. The legislation includes considerable amendments to the New Jersey Fair Housing Act and significantly changes the manner in which municipalities will determine their Fourth Round "fair share" obligations, maintain immunity from Mount Laurel lawsuits, respond to objections, and secure approval of their Fourth Round Housing Element and Fair Share Plans.

The amended FHA does the following:

1. Abolishes the Council on Affordable Housing (COAH);
2. Requires the DCA to calculate municipal "fair share" numbers;
3. Establishes a process for municipalities either to accept the DCA's numbers or to determine and substantiate their own present and prospective fair share obligations based on the formulas established in the bill;

4. Creates parameters for fair share plans, such as age-restricted unit maximums, "family-rental" minimums, bonus credit maximums, etc.;
5. Identifies various compliance techniques;
6. Provides criteria for municipalities to secure and maintain Fourth Round "temporary immunity" from exclusionary zoning/builder's remedy lawsuits during the process;
7. Permits interested parties to file formal challenges to the numbers and fair share plans, which will be addressed by the new "Affordable Housing Dispute Resolution Program;"
8. Provides a process for fair share plan approval either through the DCA or the courts via declaratory judgment actions; and
9. Delineates ongoing post-approval municipal monitoring and reporting requirements.

The amended FHA also establishes a series of deadlines for actions to be taken prior to, and after, the beginning of Fourth Round in July of 2025. These are:

January 31, 2025: Deadline for Towns to adopt their numbers via "Binding Resolution" (with or without using the DCA's numbers) thereby establishing temporary immunity.

This was completed via Resolution No. 2025-43, adopted by Township Committee on January 15, 2025 and filed with the Program in a Declaratory Judgment action under the caption, In the Matter of the Carneys Point Township's Determination of Fourth Round Affordable Housing Obligations, Docket No.: SLM-L-15-25 ("DJ Action").

February 28, 2025: Deadline to challenge the town's Binding Resolution and adopted numbers.

No challenge was made by Carneys Point Township.

March 1, 2025: If no challenges are filed by interested parties, the Town's numbers are established by default and immunity remains in effect.

No challenges were filed by interested parties.

April 1, 2025: Deadline for the Affordable Housing Dispute Resolution Program ("AHDRP") to settle the number challenge(s).

Not applicable to Carneys Point Township.

June 30, 2025: Deadline to adopt and endorse a Housing Element and Fair Share Plan and file with the AHDRP to maintain temporary immunity.

July 1, 2025: First day of Fourth Round

August 31, 2025: Deadline to challenge the validity of a Town's Housing Element and Fair Share Plan.

December 31, 2025: Deadline for the Town to settle the challenge or provide an explanation as to why it will not make all, or some of the requested changes, or both.

March 15, 2026: Deadline for the Fourth Round of affordable housing obligations, the implementing ordinances and resolutions, proposed, and incorporating any changes from the program, shall be adopted. Failure to meet the March 15 deadline shall result in the municipality losing immunity from exclusionary zoning litigation.

B. HOUSING ELEMENT AND FAIR SHARE PLAN REQUIREMENTS

The Township must prepare and submit both a Housing Element (an element of Master Plan) and Fair Share Plan (describing how the Township will address the obligation). The requirements of the Housing Element are outlined below (N.J.A.C. 5:97-2.1, 2.3 and N.J.S.A. 52:27D-310).

The Housing Element must review and analyze the Township's housing stock, demographic and employment characteristics, leading into the Fair Share Plan, which will demonstrate how the Township will make an effort to provide for its Fair Share obligation. The Housing Element must provide an analysis demonstrating that the plan will provide a realistic opportunity to meet the Township's housing obligations and identify which ordinances must be revised to incorporate the provisions for low and moderate income housing. A municipality's housing element must be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing.

1. Housing Element Requirements under the Fair Housing Act:

A municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing, and shall contain at least:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);

- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20); and
- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

C. MUNICIPAL SUMMARY

The land area of Carneys Point Township is approximately 17 square miles and is located in the western portion of Salem County. Carneys Point Township is bordered by Penns Grove Borough, Oldmans Township, Pilesgrove Township, Mannington and Pennsville Townships.

The 2023 American Community Survey population estimate for Carneys Point was 7,945 persons (an increase from the 2020 U.S. Census Bureau population of 7,841).

D. FAIR SHARE OBLIGATIONS

1. Prior Round (1987-199) and Third Round (1999-2025) Obligations

As a result of an Amended Settlement Agreement Between the Township of Carneys Point and Fair Share Housing Center, In the Matter of Township of Carney's Point, County of Salem, Docket No. SLM-L124-15 which was entered into on January 4, 2022 and was approved by Carneys Point Township on February 2, 2022; the Township's affordable housing obligation was determined to be:

Carneys Point Township Affordable Housing Obligations 1987-2025 (January 4, 2022 Amended Settlement Agreement)	
Rehabilitation (Present Need 2015)	39
Prior Round (1987 – 1999)	184
Third Round (Prospective Need 1999-2025)	240

2. Fourth Round Obligations (2025-2035)

Under the Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background as issued by the New Jersey Department of Community Affairs (NJDCOA), the Township's Fourth Round (2025-2035 obligations are:

Carneys Point Township Affordable Housing Obligations (NJDCOA)	
Rehabilitation (Present Need 2025)	43
Fourth Round (Prospective Need 2025-2035)	93

3. Township of Carneys Point Continuing Efforts

1. Affordable Housing Trust Fund. The Township will continue to collect the mandatory development fee from non-inclusionary residential developments. The Trust Fund monies may be used for the rehabilitation program and other eligible programs in support of affordable housing.

E. AFFORDABLE HOUSING HISTORY

A Summary of Carneys Point's historic affordable housing timeline is provided below:

First and Second Round Obligation

1. On August 1, 2001, the Township of Carneys Point secured substantive certification of its cumulative Cycle I/Cycle II Housing Element and Fair Share Plan ("Cycle II Plan") from the New Jersey Council on Affordable Housing ("COAH").
2. By voluntarily complying with its Mount Laurel obligations through COAH's administrative process, Carneys Point Township secured immunity from Mount Laurel lawsuits until August 1, 2007.
3. While the Township was implementing its approved Cycle II Plan, COAH adopted its initial Cycle III regulations, which became effective on December 20, 2004

Third Round Obligation

COAH first proposed Third Round substantive and procedural rules in October, 2003. 35 N.J.R. 4636(a); 35 N.J.R. 4700(a). Those rules remained un-adopted and COAH re-proposed both the substantive and procedural Third Round rules (N.J.A.C. 5:94 and 5:95) in August of 2004 and adopted the same effective on December 20, 2004. (the "2004 Regulations")

The Township of Carneys Point's Third Round participation may be summarized as follows:

1. The Township commenced work on its initial Third Round plan, but that work was suspended when, on January 25, 2007, the Appellate Division struck down COAH's original Third Round Methodology. See In re Adoption Of N.J.A.C. 5:94 and 5:95 By New Jersey Council On Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied 192 N.J. 72 (2007).

2. In August of 2008, COAH adopted amended Cycle III regulations, which became effective on October 20, 2008.
3. Pursuant to those amended regulations, the deadline for a municipality to adopt, endorse, and file its amended Cycle III plan was December 31, 2008.
4. On December 9, 2008, the Township met COAH's deadline and filed its duly adopted and endorsed Cycle III plan ("2008 Plan"), and petitioned COAH for Cycle III certification.
5. However, after COAH granted a number of reasonable extensions of the deadline to repetition, the Appellate Division again invalidated COAH's regulations in In Re the Adoption of 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010).
6. On January 14, 2011 a builder's remedy lawsuit was filed against the Township.
7. In 2011, the Township amended and adopted a Third Round Plan; however it was never filed, due to the pending status of COAH's amendments to its Third Round Regulations.
8. On March 22, 2019, an agreement to resolve issues between the township of Carneys Point and Fair Share Housing Center concerning the Township's mount laurel fair share obligations and the means by which to township shall satisfy same, In the Matter of Township of Carney's Point, County of Salem, Docket No. SLM-L124-15, was executed.
9. An Amended Settlement Agreement Between the Township of Carneys Point and Fair Share Housing Center, In the Matter of Township of Carney's Point, County of Salem, Docket No. SLM-L124-15, was entered into on January 4, 2022 and was approved by Carneys Point Township on February 2, 2022.
10. The December 2019 Carneys Point, Salem County, New Jersey - Housing Element and Fair Share Plan, was adopted by Planning Board January 14, 2020 and endorsed by Township Committee on January 15, 2022.
11. On December 14, 2022 an Amended Final Judgement of Compliance and Repose was granted In the Matter of the Application of the Township of the Township of Carneys Point, County of Dalem, Docket No. SLM-L124-15

II. HOUSING ELEMENT ANALYSIS

Except when more recent reliable data is available, U.S. Census Bureau 2023 American Community Survey (ACS) has been utilized for demographic and housing data analysis.

A. EXISTING HOUSING STOCK

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, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards.

According to the Census estimate, in 2023 there were 3,657 year-round housing units in Carneys Point, of which 3,318 were occupied and 339 were vacant, the estimated vacancy rate was 1.0% for homeowners and 3.7% for rentals. In comparison, the 2010 census data indicates 3,502 units, of which 238 units were vacant. The census bureau estimates that housing units and occupancy decrease over time.

1. Age of Housing Stock

The Carneys Point Township housing stock is younger than the majority of the County stock and the number of persons per household is slightly larger than that of the county. The median year for housing unit construction in Carneys Point Township is 1965.

	Persons Per Household	% Housing Stock Built 1939 or Earlier	Median Year Structure Built
Carneys Point Township	2.3	17.17	1963
Salem County	2.55	19.34	1965

Source: U.S. Census Bureau, B25034 2023 ACS

Carneys Point Township Age of Housing Stock		
Year Constructed	Number of units	Percent of Total in Year 2023
2020 or later	15	0.4
2010 to 2019	121	3.3
2000 to 2009	176	4.8
1990 to 1999	135	3.7
1980 to 1989	322	8.8
1970 to 1979	688	18.8
1960 to 1969	516	14.1
1950 to 1959	618	16.9
1940 to 1949	439	12.0
1939 or earlier	629	17.2

According to the residential building permit data from the New Jersey Department of Community Affairs, 3 residential certificates of occupancy were issued in 2023 in Carneys Point Township.

2. Condition and Substandard Units

Of the 3,318 estimated occupied housing units in existence at the time of the 2023 ACS Census, 18 units were reported to be without complete plumbing facilities and 86 units were lacking complete kitchen facilities. There are 21 units within the Township that have more than one (1) occupants per room. An assessment of the number of substandard units capable of being rehabilitated may be made by considering the number of homes without complete plumbing and kitchen facilities since this information is provided in the Census sample data, but there are other factors to consider as well. Occupied housing units with a low market value relative to the average in the area may be an indicator of potential for rehabilitation. COAH has also used "crowding" and the age of the housing units to estimate the number of units in need of rehabilitation.

The table below presents a breakdown of the Township's housing stock by number of rooms as they relate to County averages. The County has a larger percentage of homes with more than six rooms than the Township, with the median number of rooms in the Township at 5.8 per housing unit.

Carneys Point Township Number of Rooms in Housing Units			
Carneys Point # of Rooms	Carneys Point # of Units	Carneys Point %	Salem County %
1	68	1.9	2.1
2	26	0.7	0.7
3	572	15.6	6.7
4	430	11.8	10.7
5	533	14.6	17.4
6+	2,421	55.5	62.3
Median for Carneys Point	5.8 rooms		6.1 rooms

3. Ownership and Rental Characteristics

A majority, 61.9 percent, of Carneys Point's population live in owner occupied housing units, while 38.1 percent of the population lived in rented housing units according to the ACS in 2023. Almost 68.5 percent of the total housing units in Carneys Point Township are single family dwellings (rented and owned), 3.7 percent are mobile homes.

Year Round Housing Units			Owner-occupied	Rental
Occupied	Vacant	Total	%	%
3,318	339	3,657	61.9	38.1

4. Occupancy Characteristics and Housing Type

The vacancy rate for year round units in the Township is 1.0% vacancy for owner-occupied units and 3.7% occupancy for rental units. The average household size in the Township is 2.47 persons per owner occupied units and 2.3 for renter occupied units.

The number of bedrooms in a home is often reflective of the size of a home. The municipalities with a newer housing stock have a larger percentage of units with more bedrooms. This is reflective of the trend toward larger, more sprawling homes in America over the last several decades. Carneys Point has an older stock of homes and therefore lends itself to a larger percentage of homes with two to three bedrooms.

	Bedroom Distribution Percent of Housing Stock With:		
	One or less Bedrooms	2 - 3 Bedrooms	4+ Bedrooms
Carneys Point Township	24.1%	57.7%	18.3%
Salem County	12.7%	66.3%	21%

Source: U.S. Census Bureau, ACS 2023 DP04

Percent Distribution of Housing Units by Structure Type Carneys Point Township		
	Number of units	Percentage
1 (detached)	2,414	66
1 (attached)	91	2.5
2	51	1.4
3-4	112	3.1
5-9	10	0.3
10-19	401	11.0
20+	442	12.1
Mobile	136	3.7
Other	0	0
Total	3,657	100%

Source: U.S. Census Bureau, ACS 2023 DP04

Selected Housing or Housing-Related Value Characteristics				
	Median Housing Value	Median Contract Rent	Median Household Income	Rental Vacancy Rate (%)
Carneys Point Township	\$180,600	\$1,283	\$75,436	3.7%

Source: U.S. Census Bureau, ACS 2023 DP04, S1901

B. DEMOGRAPHIC CHARACTERISTICS

An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age.

1. Historic Population Trends

Carneys Point Township's population increased 40% between 1940 and 1960, saw a small dip in population in 1970 and continued to grow consistently through its peak in 1990 of 8,443 residents, with its current 2023 ACS estimate of 7,945. The table below shows the population changes from 1940 through 2020.

Carneys Point Township, Salem County Population									
1940	1950	1960	1970	1980	1990	2000	2010	2020	2023*
4,805	6,717	7,595	7,016	8,396	8,443	7,684	8,049	7,841	7,945

Table 6. New Jersey Resident Population by Municipality 1930-1990; US Census, *2023 ACS Estimate

2. Recent Population Change

Between 2010 and 2023, the population in Carneys Point decreased from 8,049 to 7,945, a decrease of 104 people or 1.3%.

3. Population Density

In 2023, the population density in Carneys Point Township was 461 people per square mile, which is more than Salem County's and State's population density overall.

Carneys Point Township and Surrounding Municipalities Density Indicators			
	Square Miles	Population per sq mile	Housing units per sq mile
Carneys Point	17	467	215
Salem County	372	174	75
New Jersey	8,722.58	1,062	432

Source: Calculated from U.S. Census Bureau, 2023 ACS

4. Age of Population

The table below provides a breakdown of Carneys Point's population by age cohorts and gender in 2020. The largest age cohort is the 65+ years of age bracket, with 21.5% of the total population. This Township's median age is 43 years. The second largest age cohort is the 55-64 age bracket, with 14.9% of the population. While the Township has proportionally more seniors, the Township otherwise has an equally diverse range of ages and should continue to accommodate and plan for this diverse population in addition to looking for opportunities for the older population cohort.

Carneys Point Township Summary Population Characteristics 2020		
	Number of People	% of Total
Male	3,778	48.2%
Female	4,266	51.8%
Total	7,841	100.0
Under 5	425	5.4%
5 – 14	956	12.2%
15 – 24	882	11.3%
25 – 34	976	12.5%
35 - 44	863	11.0%
45 - 54	895	11.4%
55 - 64	1,169	14.9%
65+	1,677	21.5%
Median Age	43	N/A

Source: 2020 Decennial Census

5. Household Characteristics

The next table includes family and household characteristics of the Township. In 2023, there were 3,318 households and 1,821 families in Carneys Point with an average of 2.3 persons per household. The table below indicates that Carneys Point is comprised of a majority of married/cohabitating-couple households (51.1%) with the second largest household type being non-family householders at 48.9%.

	Number Households	of Percent
Married / Cohabiting Couple Family	1,697	51.1
with children	557	16.8
Male Householder, no spouse	729	22
with children	31	0.9
Female householder, no spouse	892	26.9
with children	93	2.8
Total Households	3,318	100

Source: 2023 ACS

6. Income Level & Poverty Status

Five-year American Community Survey (ACS) estimates were relied upon for the most recent (2023) statistics. Carneys Point has higher percentages of households in poverty status than both the County and State overall. The Township had a 2023 household median income of \$75,436, compared with the Salem County household median income of \$78,412. 10.6% percent of Carneys Point's population had household incomes below the federal poverty level, compared with 12.8% in the County.

State affordable housing regulations define low income (those earning up to 50% of the median household income for the region) and moderate income households (those earning from more than 50% to 80% of the median household income for the region). The figures are adjusted for household size and the municipality's geographic location since cost of living differs among regions.

Carneys Point is located within Region Six, which includes Salem, Atlantic, Cape May, and Cumberland Counties. The 2025 income guidelines for Region six (based on household size) range from \$57,520 (one person household) to \$82,160 (four person household) for the upper limits of what is considered moderate income; and \$35,950 (one person household) to \$51,350 (four person household) for the upper limit of what is considered low income. Median 2023 income for the region ranges from \$68,852 to \$98,360 (1 to 4 person households).

Carneys Point Township 2023 Household Income						
	Carneys Point Township		Salem County		New Jersey	
	Households	Carneys Point %	Households	Salem County %	Households	State %
Less than \$10,000	163	4.9	896	3.6	139,134	4
10,000 - 14,999	139	4.2	1,244	5	100,872	2.9
15,000 - 24,999	173	5.2	1,941	7.8	173,918	5
25,000 - 34,999	272	8.2	1,742	7	184,353	5.3
35,000 - 49,999	358	10.8	2,165	8.7	278,268	8
50,000 - 74,999	538	16.2	3,807	15.3	448,708	12.9
75,000 - 99,999	859	25.9	3,707	14.9	396,532	11.4
100,000 - 149,999	395	11.9	4,404	17.7	626,104	18
150,000 - 199,999	348	10.5	2,563	10.3	406,968	11.7
200,000 +	66	2.0	2,413	9.7	720,019	20.7

Source: U.S. Census Bureau, 2023 American Community Survey 5-year Estimates

	Carneys Point Township 2023 Income Levels		
	Carneys Point Township	Salem County	New Jersey
Median Household Income	\$101,050	\$78,412	\$101,050
Median Family Income	\$123,892	\$96,968	\$123,892
Poverty Status (Percent of people)	10.6%	12.8%	9.8%
Poverty Status (Percent of families)	8.5%	8.6%	7.0%

Source: U.S. Census Bureau, 2023 American Community Survey 5-year Estimates

7. Employment Status of Residents

Of the 6,784 estimated residents aged sixteen and over in 2023, 4,269 were in the labor force (62.9%). 4.8 percent of the labor force was listed as unemployed in the 2023 ACS. The mean travel time to work for Township residents is 22.6 minutes.

The employment data included in the US Census for the Carneys Point Township residents provides a picture of what types of work Township residents are involved in, but does not indicate where those jobs are located. As indicated in the table below, the most significant employment activities of the employed residents are Educational, Health and Social Services with 27%, followed by manufacturing with 12.9% and third highest employment category is a tie with retail trade and transportation, warehousing and utilities at 9.9%, each.

	Carneys Point	
Industry Code	Jobs	%
1 Agriculture, Forestry, Fisheries & Mining	44	1.1
2 Construction	153	3.9
3 Manufacturing	510	12.9
4 Wholesale Trade	265	6.7
5 Retail Trade	328	8.3
6 Transportation, Warehousing, Utilities	392	9.9
7 Information	84	2.1
8 Finance, Insurance, Real Estate, Rental	277	7
9 Prof., Sci., Mgmt., Admin Services	378	9.6
10 Educ. Health, Social Services	1064	27
11 Arts, Entertainment, Recreation, Food	166	4.2
12 Other Services	79	2
13 Public Administration	202	5.1

Source: U.S. Census Bureau, 2023 American Community Survey 5-year

Occupation of Carneys Point Residents			
	# Persons	%	% Salem County
Management, Professional. & Related	1153	29	37
Service	665	17	14
Sales and Office	1091	28	23
Natural resources, Construction & Maintenance	349	9	10
Production, Transp. & Material Moving	684	17	16
Total	3,942	100	100

Source: U.S. Census Bureau, 2023 American Community Survey 5-year

C. EMPLOYMENT

An analysis of the existing and probable future employment characteristics of the municipality.

1. Employment Trends and Outlook

The South Jersey Transportation Planning Organization publishes employment projections. Employment in Carneys Point Township is expected to fall through 2040, with a 15% decrease.

Year	2015	2020	2025	2030	2035	2040	Change 2015-40	% change
Projected Employment	4,500	4,300	4,100	3,900	3,900	3,800	700	-15%

Source: SJTPO Appendix C.3. 2010-2040 Year-Round Employment Projections
by County and Municipality

D. PROJECTED HOUSING STOCK

A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;

Residential growth in Carneys Point has decreased since 2000. Since 2009 through 2023, growth has dropped off steeply.

Historic Trend of Certificates of Occupancy and Demolition Permits															
	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23
COs Issued	9	5	6	19	10	9	10	2	5	2	6	1	2	0	3
Demolitions	9	1	2	4	1	4	7	4	1	2	3	5	6	4	12
Net	0	4	4	15	9	5	3	-2	4	0	3	-4	-4	-4	-9

Source: New Jersey Construction Reporter and Municipal construction office records

E. FAIR SHARE CAPACITY

1. Availability of Land

Carneys Point Township contains a mix of several State Planning Areas, ranging from Metropolitan through Environmentally Sensitive. There is sufficient vacant land and redevelopment areas to accommodate the Township's affordable housing obligations.

2. Availability of Existing and Planned Infrastructure

At the time of this Plan, the Township is in a deficit of 141,599 gallons per day (GDP). The Township has an agreement with Penns Grove to receive 120,000 gallons per day with a connection from Delaware Avenue. This would leave a deficit of 21,599 gallons per day as of April 2025. This remaining capacity, for which the Township and its boards and agencies shall only issue land use approvals that will utilize the capacity consistent with this Fair Share Plan, is sufficient for approximately 26 of the inclusionary zoned 98 single family units at 150 Pennsgrove-Auburn Road. Appendix 2 is the Carneys Point WWTP Summary of Flow Allocations.

Sanitary sewer infrastructure are limited in the Township. An expansion to the current treatment plant is currently being planned, Appendix 3 contains the Order. The timeline in the Order indicates an anticipated first year of operations in 2033. The Township did not have sufficient capacity for sewer to support meeting its full Third Round obligation and received a Durational Adjustment. The Township continues to have limited sewer availability for a minimum of the next eight (8) years. For these reasons, the Durational Adjustment granted to the Township in the Third Round, should continue into Fourth Round. When the new sewer plant comes online, development in the Township should be able to occur at a greater speed and density. At this moment in time and for the foreseeable Fourth Round future and possibly beyond, a Durational Adjustment is warranted.

III. Carneys Point Township's Fair Share Plan

A. Contents of a Fair Share Plan

The Fair Share Plan contains the following information:

- Description of existing credits intended to satisfy the obligation;
- Description of mechanisms that will be used to meet any outstanding obligation; and
- An implementation schedule that sets forth a detailed timetable for units to be provided.

In adopting its housing element, a municipality may provide for its fair share of low and moderate income housing by means of any technique or combination of techniques that provide a realistic opportunity for the provision of the fair share. As per N.J.A.C. 5:93, these potential techniques include but are not limited to:

- Rehabilitation of existing substandard housing units;
- ECHO units (as a Rehabilitation credit);
- Municipally-sponsored and 100% affordable developments;
- Zoning for inclusionary development;
- Alternative living arrangements;
- Accessory apartment program;
- Purchase of existing homes;
- Write-down/buy-down programs; and
- Assisted living residences.

B. Regional Income Limits

Dwelling units are affordable to low and moderate income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. The State provides income limits based upon the median gross household income of the affordable housing region in which the household is located. A moderate income household is one with a gross household income equal to or more than 50%, but less than 80%, of the median gross regional household income. A low income household is one with a gross household income equal to 50% or less of the median gross regional household income. Very-low income households are those with a gross household income equal to 30% or less of the median gross household income. Carneys Point Township is located in Region 6, which contains Atlantic, Cape May, Cumberland and Salem Counties.

Using the 2025 regional income limits, a four-person household moderate income is capped at \$51,350.00. Two-person households could make up to \$66,760.00 and be considered a moderate income household or earn up to \$41,100.00 and be considered a low income household. See the table on the following page for greater detail.

2025 REGIONAL INCOME LIMITS FOR REGION 6				
	1 Person	2 Person	3 Person	4 Person
Median	\$71,900.00	\$82,200.00	\$92,500.00	\$102,700.00
Moderate	\$57,520.00	\$66,760.00	\$74,000.00	\$82,160.00
Low	\$35,950.00	\$41,100.00	\$46,250.00	\$51,350.00
Very Low	\$21,570.00	\$24,660.00	\$27,750.00	\$30,810.00

Source: https://www.nj.gov/dca/hmfa/about/regulations/docs/UHAC_Income%20Limits.pdf

C. Rehabilitation Obligation Compliance

The Opinion issued by the Supreme Court of New Jersey on March 10, 2015 states that “the Appellate Division also approved a methodology for identifying substandard housing that used fewer surrogates [or indicators] to approximate the number of deficient or dilapidated housing units”. The Order states that three indicators was not an abuse of discretion. The three indicators utilized are old and over-crowded units, homes with incomplete plumbing and housing units with incomplete kitchens.

Pursuant to the “NJDCA Affordable Housing Obligations for 2025-2035 (Fourth Round Methodology and Background)”, the Township has a rehabilitation requirement of 43 units which will be addressed through funds in the Affordable Housing Trust Fund, or as an alternative, through participation in Salem County’s rehabilitation program, which is administered with the use of CDBG and HOME funds.

N.J.A.C. 5:93-5.2(g) and (h) requires \$10,000 to be spent per unit and a six-year control on affordability for owner-occupied units. Rental units are required to have ten-year controls on affordability. Additionally, a major system must be repaired in order for a home to qualify as a credit. Section II of this report indicates the condition of houses from the most recently available census data.

- 1 The rules specifically require a minimum of \$2,000 per unit to be spent on administration and \$8,000 per unit to be spent on the rehabilitation activity, which totals at least \$10,000.
- 2 A major system is defined by N.J.A.C. 5:93-5.2(b) as weatherization, a roof, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems) and/or a load bearing structural system.

D. Prior Round Obligation Compliance

The Township had a Prior Round obligation of 184 units and satisfied this obligation per the following:

Name of Project	# of Units	Bonus Credits	In SSA & Capacity
Soders Village (family rental) (existing)	48	46	Yes
Urban Renewal Housing (age-restricted rental) (existing)	46		Yes
Habitat for Humanity (family for-sale) (existing)	3		N/A
Frangible Disk (family rental)	41 (46 carried to R3)	46	Yes
Subtotal of Units	138		
Rental Bonus (.25 x 184=46)	46		
Total Credits	184		

The total units from these developments equal 138, 46 bonus credits from the family rental units is utilized to reach the 184 unit obligation. With the exception of Frangible Disk (which has its approvals and is in the process of being constructed), all of these developments have already been constructed and approved by the Fair Share Housing Center.

E. Third Round Obligation Compliance (1999 - 2025)

The Township had a Third Round obligation of 240 units and claimed and was approved by the court for a durational adjustment for lack of sanitary sewer capacity resulting in a 98 unit deficit or durational adjustment of the Township's Third Round obligation.

Name of Project	# of Units	Bonus Credits	In SSA & Capacity
Urban Renewal Housing (age-restricted rental) (existing)	60		Yes
Frangible Disk (family rental) (under construction)	46	36	Yes
Subtotal of Units	106		
Rental Bonus (.25 x 142 = 36)	36		
Total Credits	142		
Deficit (240-142)	98		

It is noted that a condition of the Township's December 14, 2022 an Amended Final Judgement of Compliance and Repose the Township adopted mandatory set asides for the Township's inclusionary affordable housing zones to require a 20% affordable housing set-aside where the affordable units are provided for sale and a 15% where the affordable units are provided for rental.

F. Fourth Round Obligation Compliance (2025 - 2035)

The Township has a Fourth Round obligation of 93 units. The Township has rezoned the following properties for inclusionary affordable housing.

- a. Sandy Ridge, Block 45, Lot 33, 175 Penns Grove – Auburn Road – zoning will allow for construction of maximum of 24 multifamily units in addition to current apartment development on site, with a 15 percent set-aside for rental units (4 units);
- b. Moores Landing, Block 168 Lot 33 and Block 168.01 Lot 1, 294-394 Merion Avenue – zoning will allow for construction of maximum of 48 multifamily units in addition to current apartment development on site, with a 15 percent set-aside for rental units (8 units);
- c. 150 Penns Grove-Auburn Road, Block 48, Lot 7 (16.36 acres) zoning will allow for 6 dwelling units per acre (96 single family units) with a required 15 percent set-aside for rental units or 20 percent set-aside for for-sale units (15 units);
- d. 517 South Pennsville Auburn Road, Block 218, Lot 12 (11.80 acres) zoning will allow for 6 dwelling units per acre (66 single family units) with a required 15 percent set-aside for rental units or 20 percent set-aside for for-sale units (10 units);
- e. 350-420 Georgetown Road Block 160, Lots 1 (11.24 acres), 3.02 (8.82 acres), 3 (2.24 acres) and 3.01 (2.31 acres) (24 acres total) zoning will allow for 6 dwelling units per acre with a required 15 percent set-aside for rental units or 20 percent set-aside for for-sale units; 144 potential total units = 22 affordable units at 15% set-aside.

In addition, two (2) single family properties were owned by the Carneys Point Industrial Commission and recently sold to a developer who is renovating and deed restricting these for affordable units. 0.5 bonus credits are taken as each was a low- or moderate-income ownership unit created in partnership sponsorship with a non-profit housing developer. The deeds of these units are included in Appendix 4.

While the Township has recently increased sanitary sewer capacity through an agreement with Penns Grove Sewer Authority (PGSA), there is still a lack of sewer capacity to accommodate the Township's full Fourth Round obligation. Therefore the Township claims a 44 unit deficit durational adjustment of the Township's Fourth Round obligation.

Name of Project	# of Units	Bonus Credits	In SSA & Capacity
140 Ives	1	.5	Yes
336 Jackson	1	.5	Yes
Sandy Ridge Inclusionary Zone	3.6		Yes
Moore's Landing Inclusionary Zone	7.2		Yes
150 Penns Grove-Auburn Road Inclusionary Zone	3.9		Partial
517 South Pennsville Auburn Road Inclusionary Zone	9.9		Yes
350-420 Georgetown Road	21.6		Yes
Subtotal of Units	48.2		
Bonus	1		
Total Credits	49.2 (50)		
Deficit (93-49)	44		

1. Included as Appendix 2 is the Carneys Point WWTP Summary of Flow Allocations. Sanitary sewer capacity available for inclusionary affordable housing is limited to 107,616 gallons per day (129,214 GPD COAH Allocations – 21,599 GPD deficit for Capacity Remaining w/ PGSA Connection). This allows for sewer capacity for all of the above projected inclusionary development with the exception that there is only capacity 26 of the planned 98 single family units at 150 Pennsgrove-Auburn Road.
2. The Township will address its remaining 44 unit Fourth Round obligation through a durational adjustment. As demonstrated by the above facts, the Township does not have sufficient capacity for water or sewer to support inclusionary development and thus is entitled to a durational adjustment in accordance with N.J.A.C. 5:93-4.3 for the remaining 50 units of its obligation.
3. In accordance with N.J.A.C. 5:93-4.3(c), the requirement to address the remaining Fourth Round obligation of 44 units shall be deferred until adequate water and/or sewer are made available. The Township shall reserve and set aside new water and/or sewer capacity, when it becomes available, for low and moderate income housing, on a priority basis. Municipal officials shall endorse all applications to the Department of Environmental Protection (DEP) or its agent to provide water and/or sewer capacity. Where the DEP or its designated agent approves a proposal to provide infrastructure to a site for the development of low and moderate income housing identified in the housing element, the Township shall permit such development. Where the Township has designated sites for low and moderate income housing that lack adequate water and/or sewer and where the DEP or its designated agent approves a proposal to provide water and/or sewer to a site other than those designated for the development of low and moderate income housing in the housing element, the Township shall amend its housing element and fair share housing ordinance to permit development of such site for low and moderate income housing.

1. Very Low Income Housing

In 2008, P.L. 2008, c. 46 was signed by the Governor, which made a number of changes to the affordable housing rules. In fact, it amended the Fair Housing Act (hereinafter "FHA") to include a requirement that at least 13% of affordable housing units must be made available to very-low income households. Specifically, the FHA reads:

The council shall coordinate and review the housing elements as filed pursuant to section 11 of P.L.1985, c.222 (C.52:27D-311), and the housing activities under section 20 of P.L.1985, c.222 (C.52:27D-320), at least once every three years, to ensure that at least 13 percent of the housing units made available for occupancy by low-income and moderate income households will be reserved for occupancy by very low income households, as that term is defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304).

"Very low income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30% or less of the median gross household income for households of the same size within the housing region in which the housing is located.

Therefore, Carneys Point's very-low income obligation is 13% of the affordable housing obligation not constructed.. As Carneys Point Township has 48 affordable units not constructed, the Township's Fourth Round very-low income obligation is calculated at 6.24 units.

2. Preservation of Multigenerational Family Continuity

Pursuant to the 2024 Fair Housing Act, an analysis was conducted to evaluate the extent to which municipal ordinances and local factors promote or impede the preservation of multigenerational family continuity, as recommended by the Multigenerational Family Housing Continuity Commission (established under P.L.2021, c. 273). The Commission's primary objective is to facilitate senior citizens' ability to reside with their extended families, in so doing strengthening multigenerational family ties.

A review of the Township's ordinances reveals no provisions that would diminish this objective.

3. State Development and Redevelopment Plan Consistency

This Housing Element and Fair Share Plan is consistent with the 2001 State Development and Redevelopment Plan (SDRP) and the draft proposed SDRP as the proposed projects and zoning mechanisms will provide a meaningful opportunity for the construction of affordable housing.

4. Conclusion

Carneys Point Township is a diverse community that will continue to grow in a planned and careful manner. The Township has already provided affordable homes to its residents, and will continue to plan for responsible development in the future. It has always been Carneys Point Township's intent to be inclusionary in its housing policies. The lack of sanitary sewer has been a hindrance in providing larger scale residential development. The Township has prepared a plan that provides opportunities for the provision of affordable housing, but its implementation will require cooperation among the Township, developers, Salem County and non-profit organizations.

The implementation schedule for the mechanisms that are proposed within Carneys Point Township is subject to change according to the land development process, funding, developer schedules and issues that are beyond the control of the Township.

APPENDIX 1

TOWNSHIP OF CARNEYS POINT, COUNTY OF SALEM,
STATE OF NEW JERSEY
RESOLUTION 2025-43

**RESOLUTION OF THE TOWNSHIP OF CARNEYS POINT ESTABLISHING THE
TOWNSHIP'S FOURTH ROUND PRESENT AND PROSPECTIVE NEED PURSUANT
TO THE FAIR HOUSING ACT AS CALCULATED BY THE NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS**

WHEREAS, on March 20, 2024, Governor Philip D. Murphy signed into law P. L. 2024, c.2, which substantially amended the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA required the Department of Community Affairs ("DCA") to produce non-binding estimates of Fourth Round present and prospective need on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Township of Carneys Point's Fourth Round (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 43 and a Prospective Need or New Construction Obligation of 93; and

WHEREAS, the Amended FHA has established a January 31, 2025 deadline for municipalities to determine and accept its Fourth Round present and prospective affordable housing fair share obligations in order to maintain immunity from exclusionary zoning litigation by timely filing this resolution with the Affordable Housing Dispute Resolution Program ("Program"); and

WHEREAS, the Township of Carneys Point is determined to address the January 31, 2025 deadline established in the Amended FHA for the acceptance of the DCA-calculated Fourth Round affordable housing fair share obligations in order to maintain immunity from exclusionary zoning litigation by timely filing this resolution (**within 48 hours of resolution adoption**) with the Program; and

WHEREAS, the Township of Carneys Point commits to the Fourth Round Present Need and Prospective Need numbers produced by DCA and acknowledges that its fair share of affordable housing is cumulative, meaning it must address the Prospective Need Obligations from the First, Second and Third Rounds, reflective of the prior Court-approved durational adjustments of its Prospective Need Obligations; and

WHEREAS, the Township of Carneys Point shall apply for a durational adjustment of some or all of its Fourth Round Prospective Need as part of its Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, notwithstanding the foregoing, substantial activity has occurred surrounding the Amended FHA and is ongoing since the legislation was signed into law that warrants the Township of Carneys Point explicitly reserving certain rights to avoid any claim that it has waived them; and

WHEREAS, the Amended FHA specifically provides that "[a] II parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A. 52:27D-311m), of which the municipality intends to utilize in the crafting of its Housing Element and Fair Share Plan; and

WHEREAS, the Township of Carneys Point reserves all rights to adjust its position in the event of any rulings in the Montvale case (MER-L-1778-24) or any other such relevant action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event of a third-party challenge of the calculations provided for in this Resolution, the Township of Carneys Point reserves the right to take such position as it deems appropriate; and

WHEREAS, in light of the above, the Township of Carneys Point finds that it is in the best interest of the Township of Carneys Point to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director of the Courts issued Administrative Directive #14-24, dated December 13, 2024, and made the directive available on December 18, 2024; and

WHEREAS, pursuant to Administrative Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, the Township of Carneys Point reiterates its determination to voluntarily comply with the Amended FHA in order to maintain immunity from exclusionary zoning litigation and, thus, the Township will also voluntarily comply with the requirement of the Administrative Directive #14-24 to file a declaratory relief action in Superior Court which shall be viewed by both the Program and/or the Courts as the Township specifically seeking a certification of compliance with the Amended FHA so as to avail itself of all rights and privileges of voluntary compliance with the Amended FHA; and

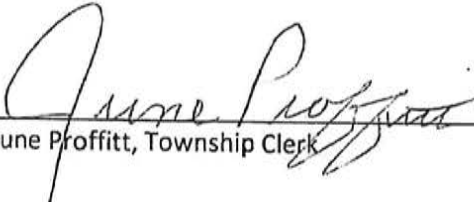
WHEREAS, the Township of Carneys Point seeks a Fourth Round certification of compliance with the Amended FHA and, therefore, directs its Township COAH Attorney to file a declaratory relief action within 48 hours of the adoption of this resolution in Salem County.

NOW, THEREFORE, BE IT RESOLVED, on this 15th day of January 2025 by the Township Committee of the Township of Carneys Point, Salem County, State of New Jersey, as follows:

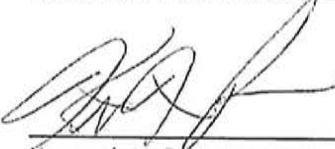
1. All of the Whereas Clauses set forth above are hereby incorporated into the operative clauses of this resolution as if set forth in full.
2. The Township Committee of the Township of Carneys Point hereby commits acceptance of the DCA Fourth Round Present Need Obligation of 43 and the Prospective Need Obligation of 93 described in this Resolution, subject to all reservations of rights, which specifically include:
 - a. The right to adjust its obligations in the event of any future legislation that adjusts the obligations the DCA reported on October 18, 2024;
 - b. The right to adjust its obligations based upon binding litigation; and
 - c. The right to take such position as it deems appropriate in any third-party challenge.
3. The Township Committee of the Township of Carneys Point hereby directs its Township Attorney to file a declaratory judgment complaint in Salem County within 48 hours after adoption of this resolution attaching this resolution which describes the method whereby DCA calculated its affordable housing obligations.
4. The Township Committee of the Township of Carneys Point further directs its Township Attorney to file the declaratory judgment complaint within 48 hours after adoption of this resolution with the Dispute Resolution Program or any other such entity as may be determined to be appropriate, and attaching this resolution which describes the method whereby DCA calculated its affordable housing obligations.
5. The Township Committee of the Township of Carneys Point further directs its Township Clerk to post a copy of the declaratory judgment complaint within 48 hours after adoption of this resolution on the Township website, and attaching this resolution which describes the method whereby DCA calculated its affordable housing obligations.

This resolution shall take effect immediately according to law.

ATTEST:


June Proffitt, Township Clerk

CARNEYS POINT TOWNSHIP


Kenneth H. Brown, Mayor

COMMITTEE	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
SHAW			X			
PELURA			X			
BOMBA	X		X			
JOHNSON		X	X			
BROWN			X			

APPENDIX 2

Carneys Point WWTP				
Summary of Flow Allocations				
Project Name	Block	Lot	Parcel Size (Acre)	Buildings (sq)
Gateway Business Park				
424 Harding Highway (KAST)	68	5.03	12.3	1,
2 Collins Drive (Verizon)	192	3.03	11.7	
Harding Hwy Distribution Center (Trex)	250	3	43.7	
Tri-State Distribution Center (Amazon)	250	1, 1.01, 2, 2.02, 7, 8, 8.03	112.9	1,
15 S Pennsville-Auburn Rd (Vesper)	247	4	74.5	
30 N Game Creek Rd (DPIF3/Dermody)	247	12, 12.01	21.8	
429 Shell Rd (Clemente Farm/Endurance)	193	13	90.3	
517 S. Pennsville-Auburn Road (Conquip)	218	12	11.8	
AACHCP (B255, L13 & 14; B268, L5 & 6)	255; 268	13-14.03; 5, 5.01, 6	135.9	1,
AAC2CP Block 255, Lot 10 & 11 (Catalano)	255	10, 11	74.0	
965 Harding Hwy (DePalma Tract/D2)	240	4	52.3	
Block 191, Lots 1-5 (Exit 4/Wright Farm)	191	1-5	45.3	
25 N Golfwood Rd (EQT Exeter)	55	14	29.2	
627/637 Soders Road	246	15, 16.01	10.8	
505 Shell Road	193	4		
Forest Lane (Rockefeller)	254	2, 3, 4, 4.01, 4.02, 5, 6, 7	126.3	1,
7 Collins Drive (Building A, D2)	192.01	1	11.9	
4 Collins Drive (Building B, D2)	192	3	13.4	
1&3 Collins Drive (Building C, D2)	192.01	3 & 4	9.4	
Kelly Farm Stand (Cassaday, Core5)	239;241	15; 29,30	5.0	
Kelly Logistics Park South (Core5)	255	12	156.2	1,
Kelly Logistics Park North (Core5)	239	17, 17.01, 17.02, 19	229.6	2,

APPENDIX 3



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Southern Bureau of Water Compliance & Enforcement
2 Riverside Drive, Suite 201
Camden, NJ 08103
Phone: (856) 614-3655

SHAWN M. LATOURETTE
Commissioner

TAHESHA L. WAY
Lt. Governor

IN THE MATTER OF

CARNEYS POINT TOWNSHIP
SEWERAGE AUTHORITY

ADMINISTRATIVE

CONSENT ORDER

This Administrative Consent Order ("ACO") is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection ("Department" or "NJDEP") by N.J.S.A. 13:1D-1 et seq., the New Jersey Water Pollution Control Act ("WPCA"), N.J.S.A. 58:10A-1 et seq., and the New Jersey Pollutant Discharge Elimination System regulations, N.J.A.C. 7:14A-1 et seq and is duly delegated to the Assistant Commissioner of Water Resource Management and assignees, pursuant to N.J.S.A. 13:1B-4.

A. FINDINGS

1. Carneys Point Township Sewerage Authority ("CPTSA") owns and operates a wastewater treatment facility ("Facility") located at Cleveland and E Streets, Carneys Point, Salem County, New Jersey. The Facility is identified under the Department's Program Interest ID# 46181.
2. The Department issued a New Jersey Pollutant Discharge Elimination System ("NJPDDES") discharge to surface water permit, Permit Number NJ0021601 ("the Permit"), to CPTSA. The Permit was most recently renewed effective October 1, 2022.
3. The Permit authorizes CPTSA to discharge 1.3 million gallons per day ("MGD") of treated and disinfected domestic wastewater to the Delaware River Zone 5 waters under specified conditions.
4. As of the date of execution of this ACO, CPTSA is not in violation of discharge limitations, effluent limitations, or Capacity Assurance Program (CAP) provisions required by its Permit. CPTSA, however, has reason to believe that the flow to its treatment plant will grow past the permitted flow of 1.3 MGD referenced in paragraph three (3) and therefore capacity upgrades are necessary.
5. CPTSA has a preliminary design to construct a new wastewater treatment facility that would allow treatment of up to 2.6 MGD of domestic wastewater (the "Project"). CPTSA submitted a NJPDDES permit modification application on January 26, 2024, to request this increased flow

and to provide information on treatment improvements included in this preliminary design. Based on data from October 1, 2022, to December 31, 2023, CPTSA does not exceed the 95% action level of 1.3 MGD as a 12 month rolling average. However, CPTSA currently projects that influent at the Facility will increase past the permitted flow of 1.3 MGD prior to the completion and operation of the Project and diverting a portion of its influent is necessary.

6. To address the projected increases in influent at the Facility, CPTSA plans to temporarily divert all wastewater flow currently received at its Delaware Avenue Pumping Station to the Penns Grove Sewerage Authority ("PGSA") sanitary sewer system until such time as the Project is completed and operational. The Delaware Avenue Pumping Station is located in Block 22, Lot 4 in the Township of Carneys Point.
7. PGSA owns and operates a wastewater treatment facility located at 81 Beach Avenue, Penns Grove, Salem County, New Jersey. The Department issued a NJPDES discharge to surface water permit, permit number NJ0024023, to PGSA. This permit was most recently renewed effective July 1, 2022, and authorizes the discharge of 0.75 MGD of treated and disinfected domestic wastewater without any industrial contribution to the Delaware River Zone 5 waters under specified conditions.
8. In furtherance of its intent to divert flow referenced in paragraph six (6), CPTSA entered into a contract with PGSA, dated February 7, 2023, which will allow CPTSA to divert up to 120,000 gallons per day ("GPD") of flow into the PGSA sanitary sewer system to be treated by PGSA in its ordinary course of business.
9. To convey the wastewater flows from the Delaware Avenue Pumping Station to PGSA's treatment plant, the construction of certain infrastructure is necessary. On March 16, 2023, CPTSA submitted a Treatment Works Approval (TWA) application to the Department requesting authorization to construct and operate a force main and associated infrastructure between CPTSA's Delaware Avenue Pumping Station and the PGSA treatment plant ("Force Main Infrastructure"). This TWA application was withdrawn on July 13, 2023, at the Department's request pending execution of this ACO.
10. On January 26, 2024, and in furtherance of the Project, CPTSA submitted an application to the Department to modify its NJPDES permit to reflect the additional flow anticipated following completion of the Project.
11. Pursuant to N.J.A.C. 7:14A-22.14(b), the temporary use of wastewater diversion may be approved by the Department if authorized by the Department through an administrative/judicial consent order executed by the applicant and the Department. This ACO is intended to represent the Department's authorization for the temporary use of wastewater diversion required by N.J.A.C. 7:14A-22.14(b).
12. PGSA's treatment plant currently has excess capacity to allow it to receive, treat, and discharge the amount of wastewater CPTSA intends to convey. From January 1, 2022, to October 31, 2023, PGSA's monthly average flow rate was 0.32 MGD.

13. Based on the facts set forth in these FINDINGS, the Department and CPTSA have determined that CPTSA is not currently in violation of the WPCA, N.J.S.A. 58:10A-1 et seq., and the NJPDES regulations, N.J.A.C. 7:14A-1 et seq., but has the potential to come into violation with same in the near future if these flows are not conveyed to PGSA. Accordingly, the Department and CPTSA have agreed to enter into this ACO and to be bound by its terms and conditions.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED AND AGREED TO BY THE PARTIES THAT:

14. It is the intended purpose of this ACO to provide for the timely and satisfactory completion of the Project and to ensure the diversion of flow from the Delaware Avenue Pumping Station to PGSA's treatment plant is satisfactory and for only as long as is necessary for CPTSA to complete the Project.
15. Subject only to the express terms of this ACO, CPTSA shall comply with the WPCA and the regulations promulgated pursuant thereto, N.J.A.C. 7:14A-1 et seq., including any permit or approval issued pursuant thereto, in the operation and management of its Facility, and shall take whatever actions are necessary to achieve and maintain compliance with its Permit, the regulations and the WPCA.
16. The construction schedule for the Project, attached hereto as Appendix A, is hereby approved by the Department and incorporated herein by reference.
17. CPTSA shall continue regular communication throughout the pendency of this ACO with PGSA so as to avoid any and all process upsets or effluent violations at PGSA's treatment plant (NJ0024023) as a result of the diversion of flow from the Delaware Avenue Pumping Station to PGSA's treatment plant. CPTSA shall take every precaution to prevent any violation from occurring at its treatment plant and at PGSA's treatment plant as a result of the Project or the diversion during the specified time period. This ACO shall not be construed as an advanced approval for any affirmative defense requests for any violation that may occur due or related to the project. Any request for an affirmative defense will be subject to the Department's review and determination. In addition, this ACO shall not preclude the Department from taking any enforcement actions for any future noncompliance.

B. CONSTRUCTION SCHEDULE

18. Following execution of this ACO, CPTSA shall submit a written request to the Department to reactivate the TWA application concerning the Force Main Infrastructure, referenced in paragraph nine (9). The Department shall review same in the normal course in accordance with applicable regulations.
19. Upon approval of the TWA application concerning the Force Main Infrastructure CPTSA shall commence construction of the Force Main Infrastructure as approved in the TWA and subject to any conditions set forth in such approval.

20. CPTSA shall complete construction of the Force Main Infrastructure within two (2) years of the issuance of the TWA.
21. Within thirty (30) days of completion of the construction of the Force Main Infrastructure, CPTSA shall submit an executed WQM005 Certification of Completion in accordance with the terms of the TWA.
22. Upon completion of the construction and operation of the Force Main Infrastructure, CPTSA may divert the flow received to its Delaware Avenue Pumping Station, up to a maximum of 120,000 GPD, to PGSA's treatment plant. All flow received at the Delaware Avenue Pumping Station in excess of 120,000 GPD shall be sent to CPTSA's treatment plant.
23. CPTSA shall notify the Department in writing within thirty (30) days of the date in which it begins diverting flow from its Delaware Avenue Pumping Station to PGSA's treatment plant.
24. CPTSA shall continuously meter the flow sent to PGSA's treatment plant as a daily average and report this information to the Department as part of its quarterly progress reports.
25. CPTSA shall implement the design and construction of the Project according to the schedule set forth in Appendix A hereto.
26. CPTSA shall apply for all local, state, and/or federal permits and approvals necessary to divert flow from the Delaware Avenue Pumping Station to PGSA's treatment plant and for the Project.
27. The Project shall be completed and placed in operation on or before February 7, 2035.
28. Within thirty (30) days of the "Start-up" date referenced in Appendix A, but not later than February 7, 2035, CPTSA shall cease diversion of wastewater from CPTSA's Delaware Avenue Pumping Station to PGSA's treatment plant.
29. Unless otherwise agreed to in writing by the Department and CPTSA, upon the cessation of the diversion of wastewater from CPTSA's Delaware Avenue Pumping Station to PGSA's treatment plant, CPTSA shall cause all associated infrastructure to be properly decommissioned in accordance with N.J.A.C. 7:14A-23.34.

C. PROGRESS REPORTS

30. CPTSA shall submit quarterly progress reports to the Department. The quarters shall be January through March, April through June, July through September, and October through December of each calendar year. Each progress report shall be submitted on or before the last day of the year for the first five years and on or before the last day of the month following the quarter being reported for the remaining years of this ACO. CPTSA shall submit the first progress report to the Department by December 31, 2024. Each progress report shall detail the status of CPTSA's compliance with this ACO and shall include, but not be limited to, the following:

- A. Identification of site and reference to this ACO;
- B. Status of permitting and planning approvals needed to complete the CONSTRUCTION AND COMPLIANCE SCHEDULE SECTION of this ACO;
- C. The status of any work at the site and progress to date;
- D. Identification of any difficulties or problems encountered during the reporting period;
- E. All actions taken to rectify any difficulties or problems;
- F. Identification of the CONSTRUCTION AND COMPLIANCE SCHEDULE SECTION activities planned for the next reporting period;
- G. Required and actual completion date for each CONSTRUCTION AND COMPLIANCE SCHEDULE SECTION activity required by this ACO;
- H. An explanation of any noncompliance with the CONSTRUCTION AND COMPLIANCE SCHEDULE SECTION provisions of this ACO; and performance evaluation of all corrective measures implemented to date.
- I. Amount of flow diverted to the PGSA treatment plant on a monthly average basis as well as a monthly total.

Progress reports shall be submitted by email to Bryan.Barrett@dep.nj.gov and DWQ_BSWP@dep.nj.gov.

D. RESERVATION OF RIGHT TO SEEK PENALTIES

- 31. The Department reserves the right to seek civil and/or administrative penalties for any present and future violations committed by CPTSA.

E. STIPULATED PENALTIES

- 32. CPTSA shall pay stipulated penalties to the Department, as set forth below, for each failure to comply with the deadlines specified in the CONSTRUCTION AND COMPLIANCE SCHEDULE SECTION and the PROGRESS REPORTS SECTION of this ACO. However, CPTSA shall not be liable for the following stipulated penalties for violations of the CONSTRUCTION AND COMPLIANCE SCHEDULE SECTION if the Department has notified CPTSA in writing pursuant to the FORCE MAJEURE SECTION of this ACO that it has extended CPTSA's deadline for a particular period of time for specific violations of the CONSTRUCTION AND COMPLIANCE SCHEDULE SECTION.

<u>Calendar Days Past Compliance Date</u>	<u>Per Calendar Day</u>
1-7	\$100
8-14	\$200
15 or more	\$500

For all violations of deadlines in the PROGRESS REPORT SECTION the stipulated penalty to be paid by CPTSA is \$50.00 for each calendar day that CPTSA is late on the submittal of the Progress Report.