



FOURTH ROUND

HOUSING ELEMENT AND FAIR SHARE PLAN

GREENWICH TOWNSHIP | WARREN COUNTY, NEW JERSEY

June 2025



FOURTH ROUND

HOUSING ELEMENT AND FAIR SHARE PLAN

ADOPTED BY THE LAND USE BOARD: JUNE 5, 2025

ENDORSED BY THE MAYOR & TOWNSHIP COMMITTEE:

PREPARED BY:

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NEW JERSEY PROFESSIONAL PLANNER LICENSE #5537

KYLE + McMANUS ASSOCIATES

A SIGNED AND SEALED ORIGINAL IS ON FILE WITH THE TOWNSHIP CLERK



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INTRODUCTION & EXECUTIVE SUMMARY

Since the 1975 New Jersey Supreme Court decision known as “Mount Laurel I”, New Jersey municipalities have had a constitutional obligation to provide opportunities for creation of low- and moderate-housing units. This 1975 decision led to a body of case law, legislative changes and rulemaking by a state agency that, collectively, is now referred to as the “Mount Laurel doctrine”. Through these actions, New Jersey municipalities have been assigned a specific number of affordable housing units that must be created or planned for creation in order to have “satisfied” their constitutional obligation, commonly referred to as their affordable housing obligation. The purpose of this Fourth Round Housing Element and Fair Share Plan (hereinafter the “Plan”) is to present how Greenwich Township will satisfy its constitutional obligation.

Affordable housing in New Jersey is defined as housing units which are reserved for households with incomes not more than 80% of the regional median income. Each affordable unit, with limited exceptions, must remain reserved for low- and moderate-income households for not less than 30 years and it is typically enforced by a deed restriction. Each affordable unit is eligible for one “credit” against the obligation and certain units are eligible for “bonus credits”, which provide more than one credit per unit. In addition to providing the minimum number of credits, municipalities must ensure diversity in the level of affordability – meaning very low, low- and moderate-income units – and diversity in the size of affordable units – meaning one, two- and three-bedroom units.

Participation in this process, and therefore satisfaction of the affordable housing obligation, can be achieved voluntarily or involuntarily. However, voluntary compliance is heavily incentivized. Municipalities that do not successfully participate may be vulnerable to “builder’s remedy” litigation. A builder’s remedy is a litigation tool that grants a developer the right to develop what is typically a multi-family project on land that was not zoned to permit the use or the residential density desired by the developer, provided a “substantial” percentage of the units are reserved for low- and moderate income households. Greenwich Township seeks to avoid this possibility through the adoption of this Plan which includes development projects that include the required affordable housing units set aside to be deed restricted for very-low, low- and moderate-income households.

This Plan will serve as the foundation for the Township’s application to the Affordable Housing Dispute Resolution Program (“Program”), which is the mediation arm of the Court to resolve disputes related to a municipality’s obligation and/or Housing Element and Fair Share Plan, and Superior Court for that approval, referred to as a Judgment of Compliance and Order of Repose.

Greenwich Township filed a complaint for Declaratory Judgment in Superior Court on January 17, 2025 and an amended Declaratory Judgment on January 18, 2025, seeking a declaration of compliance with the Mount Laurel Doctrine and the Amended Fair Share Housing Act of 2024.

Fair Housing Act Amendments

The 2024 Fair Housing Act (FHA) was signed into law in March 2024. The amendments made to the 2024 FHA govern how the municipal fair share obligations are established and satisfied. A few of the noteworthy changes include the following:

- The Department of Community Affairs (DCA) using the FHA methodology computes an advisory Fourth Round present (rehabilitation) and prospective need (new construction) obligation.
- The Affordable Housing Dispute Resolution Program (Program) will administer the review, dispute resolution and approval of the Housing Element and Fair Share Plans submitted. However, the Program recently published new administrative rules requiring municipalities to file a Declaratory Judgment action to Superior Court once a municipality adopts their Fourth Round affordable housing obligation. The process for review, dispute resolution and approval moves through a judicial process with a mediation process occurring at the Program level.
- The deadline for the submission of a Fourth Round Housing Element and Fair Share Plan to the Program is June 30, 2025. If a municipality does not meet this deadline, the municipality may be open to a builder's remedy lawsuit. The Fourth Round runs from July 1, 2025, to June 30, 2035.
- An overview of the general requirements of the law are as follows:
 - ✓ Third Round Assessment: A municipality shall include an assessment of meeting the Third Round obligation and determine if there is a deficit or surplus that must be addressed.
 - ✓ 25% of affordable units have to be rental housing units and half of those have to be available to families with children.
 - ✓ 50% of the municipality's prospective need (exclusive of any bonus credits) have to be available to families with children.
 - ✓ Transitional Housing: Municipalities can now count affordable housing credits from transitional housing, but towards no more than 10 percent of the municipality's fair share obligation.
 - ✓ Age-Restricted Units: 30% of a municipality's prospective need (exclusive of any bonus credits) can be age restricted.
 - ✓ Extension of Expiring Controls is a permitted mechanism credit if affordability controls are extended for a new term of affordability provided that the minimum extension term may be limited to no less than 20 years as long as the original and extended term, in combination, total at least 60 years. Any 100 percent affordable rental property shall have a right to extinguish a deed restriction regardless of original length, beginning 30 years following the start of the deed restriction, provided a refinancing or rehabilitation, or both, for the purpose of preservation is commenced and that a new deed restriction of at least 30 years is provided.

- ✓ Adaptability Requirements/Possible Loss of Immunity: If affordable units do not properly comply with adaptability and barrier free requirements, the municipality “shall lose its immunity to builder’s remedy lawsuits.”
 - ✓ Loss of Immunity and Trust Fund: If a municipality loses immunity, the municipality is prohibited from expending trust funds.
 - ✓ Affordability controls for rental units shall be a minimum of 40 years and for for-sale shall be a minimum of 30 years.
- Bonus credits for affordable housing have been updated as follows:
 - Bonus credits are limited:
 - No more than one type of credit for any unit
 - No more than 25% of the obligation shall be bonus credits
 - One Full Bonus Credit
 - Supportive and Special Needs Bedrooms
 - 100% Affordable Projects: Units within 100% affordable housing project provided the municipality provide the land or a minimum of 3% of the project costs
 - Market to Affordable Unit which includes municipal site control of the property or an agreement between the municipality and the landowner
 - Half Bonus Credit
 - Partnership with a non-profit developer
 - The affordable housing units are within ½ mile of transit (rail, bus)
 - Age restricted units are limited to 10% of the age-restricted units provided the age-restricted unit total is capped at 30% of the obligation
 - Three-bedrooms units above the required three-bedroom distribution (min. 20%)
 - Units constructed on land that is or was previously developed and utilized for retail, office, or commercial space
 - Redevelopment for units on land that is within a redevelopment zone
 - Extension of affordability controls on rental housing only and the municipality funds the cost for the preservation
 - Very Low-Income units above the 13% required

The Housing Element and Fair Share Plan

In accordance with the 2024 Amended Fair Housing Act this Housing Element and Fair Share Plan includes the following:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing for the next ten (10) 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; and
- 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 of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
- f. A consideration of the lands 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 providing low- and moderate-income housing;
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20);
- h. 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.

Items a through d are included as an appendix item and items e through h are included in the body of this Fair Share Plan.

AFFORDABILITY REQUIREMENTS

Affordable housing is defined under New Jersey’s FHA as a dwelling, either for sale or rent, which is within the financial means of households of very-low-, low-, or moderate-income, as is measured within each housing region. Greenwich Township is in Region 2, which includes Morris, Essex, Warren and Union counties. Moderate-income households are those with annual incomes greater than 50%, but less than 80% of the regional median income. Low-income households are those with annual incomes that are 50% or less than the regional median income. Very-low-income households are a subset of “low-income” households and are defined as those with incomes 30% or less than the regional median income.

Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.3, et seq., requires that the maximum rent for a qualified unit be affordable to households with incomes 60% or less than the median income for the region. The average rent must be affordable to households with incomes no greater than 52% of the median income. The maximum sale prices for affordable units must be affordable to households with incomes 70% or less than the median income. The average sale price must be affordable to a household with an income of 55% or less than the median income.

The regional median income uses the federal income limits established by Department of Housing and Urban Development (hereinafter “HUD”) on an annual basis. In the spring of each year, HUD releases updated regional income limits. It is from these income limits that the rents and sale prices for affordable units are derived. Said income limits post Mount Laurel IV are now set by Court Order.

For 2024, the Affordable Housing Professionals of New Jersey (“AHPNJ”) and Fair Share Housing Center (FSHC) have jointly developed updated income limits for all housing regions in New Jersey, which were calculated using the methodology outlined above. As approved by the Court, these income limits for Region 2 will be utilized for Greenwich. See Table 1 for 2024 income limits for Region 2.

Table 1: 2024 Income Limits for Region 2					
Household Income Levels	1-Person Household	2-Person Household	3-Person Household	4-Person Household	5-Person Household
Median	\$90,591	\$103,533	\$116,475	\$129,416	\$139,769
Moderate	\$72,473	\$82,826	\$93,180	\$103,533	\$111,816
Low	\$45,296	\$51,766	\$58,237	\$64,708	\$69,885
Very Low	\$27,177	\$31,060	\$34,942	\$38,825	\$41,931
<i>Source: 2024 Income Limits prepared by Affordable Housing Professionals of New Jersey.</i>					

PRESENT AND PROSPECTIVE NEED OBLIGATION

The fair share affordable housing obligation consists of a rehabilitation component (present need) and a new construction component (prospective need). Pursuant to the Amended Fair Housing Act (FHA), the NJ State Department of Community Affairs (DCA) was required to calculate the rehabilitation (present need) and prospective need obligations for municipalities within the State. The Amended FHA entitled municipalities to adjust the obligation if the information used in the DCA calculation was outdated or in error. After reviewing the DCA methodology for the present and prospective need obligations, the Township determined that the DCA calculation for prospective need (360 units after applying the 20% cap rule) was incorrect and adopted a recalculated obligation (139 units) by the Township Committee (Resolution #31-25) on January 16, 2025. The resolution and supporting report were submitted to Superior Court on January 17, 2025.

Two parties filed objections to the Township's adoption of the recalculated obligation, Fair Share Housing Center and the New Jersey Builder's Association. In accordance with the Amended FHA, the Affordable Housing Dispute Resolution Program ("Program") held mediation sessions between the parties and because of the mediation process provided by the Program, the parties agreed to a prospective need obligation of 250 units. The Settlement Agreement was executed on April 3, 2025 by the Township and on April 1, 2025 by Fair Share Housing Center, recommended by the Program on March 31, 2025 and ordered by the Superior Court Judge on April 22, 2025. The New Jersey Builder's Association did not object to the settlement between the Township and Fair Share Housing Center.

Each component of the obligation is identified below.

- **Present Need (Rehabilitation) Obligation: 0 units**
The rehabilitation obligation can be defined as an estimate of the number of deteriorated housing units existing in Greenwich Township occupied by low- and moderate-income households.
- **Prospective Need (New Construction) Obligation: 250 units**
The prospective need obligation can be defined as the cumulative 2025 through 2035 new construction affordable housing obligation.

FAIR SHARE PLAN

Third Round Compliance Status

Pursuant to the Amended FHA, the Fourth Round Fair Share Plan is required to provide an assessment of the degree to which the Third Round fair share obligation has been met as established by prior court approval. The municipality is required to determine to what extent the obligation is unfulfilled or whether the municipality has excess credits. If the Third Round obligation remains unfulfilled the municipality shall address the Third Round unfulfilled obligation in this Fourth Round Fair Share Plan. Units included as part of the municipality's unfulfilled prior round obligation shall not count towards the cap on units in the municipality's Fourth Round prospective need obligation. In addressing the status of the Third Round projects, the municipality must demonstrate how any sites that were not built in the prior rounds continue to present a realistic opportunity. The Prior and Third Round obligation totaled 245 units.

The following table provides the status of the proposed projects that addressed a portion of the Third Round prospective need obligation.

Table 2: Status of Third Round Proposed Projects			
Program/Project	Unit Type	Status	Units
Greenwich Chase	Family Sale	Occupied 2000	70
Willows at Greenwich	Family Rental	Completed Currently filling units	66
Furhman Site	Family Rental	Utility condemnation in process	64
ARC of Warren County	Special Needs	Occupied 2000	3

The Township has been litigating with several property owners adjacent to the Furhman Site to get the necessary easements for sewer service and for stormwater management purposes. Of the three litigation matters, one has been resolved (HNT-L-72-24) for a perpetual sewer easement on Block 36, Lots 1, 1.01 & 1.02 which will allow the installation of an eight (8) inch sewer pipe. The Township filed a second action (HNT-L-20-24) to acquire the sewer pipe and infrastructure, capacity and flow rights and easement rights

for the sewer utility. The Township anticipates this case to be resolved in the next few weeks. Finally, the third litigation matter (HNT-L-42-24) the Township entered is for the acquisition of a stormwater easement. The Township also anticipates this matter to be resolved soon. While the litigation matters have created a delay in the construction of the affordable housing units, the Township believes that the project is still realistic as evidenced by the fact that the Township has spent significant time and funds to gain the necessary utility easements for the project. Therefore, there are no unfulfilled units that need to be accounted for from the Third Round in the Fourth Round Fair Share Plan.

The Township had 51 bonus credits applied toward the Prior and Third Round obligation and has a surplus of nine (9) surplus credits towards the Fourth Round Obligation.

SATISFACTION OF THE AFFORDABLE HOUSING OBLIGATION

The Township is addressing its Fourth Round affordable housing obligation through inclusionary and overlay zoning on one parcel.

Durational Adjustment: Due to the lack of adequate sewer capacity to service the full Fourth Round obligation of 250 units, the Township is seeking a durational adjustment of 176 units. A durational adjustment is a deferral of a portion, or all of the affordable housing obligation based on the lack of infrastructure pursuant to N.J.A.C. 5:93-4. If a municipality has sufficient land but insufficient water and/or sewer to support inclusionary development, the municipality may request an adjustment of the obligation until such time that the water and/or sewer become available.

Pursuant to coordination with the Township Engineer, the Township has a total sewer allocation of 388,000 gallons per day (gpd), and the current usage is 210,000 gpd. Approximately 30,000 gpd of sewer capacity is committed to the Third Round affordable housing projects. The Township needs to allocate 71,650 gpd for sites that have received approval, are part of an existing Area in Need of Redevelopment and sites that require sewer service due to existing failing septic system including the town of Stewartsville and the middle school. The remaining sewer capacity for inclusionary development rests with the owner of Block 36, Lot 2. The owner of this parcel holds 75,000 gpd of sewer capacity which based upon an average allocation of 230 gpd could support 325 total units and 65 affordable housing units.

Therefore, the Township is requesting a durational adjustment of 176 affordable housing units (185 remaining units – 9 surplus credits from the Third Round) that do not have adequate sewer capacity at this time. In accordance with N.J.A.C. 5:93-4.3 (b), if a site may not receive adequate sewer capacity during the obligation round, overlay zoning may be implemented in lieu of inclusionary zoning. The Township does not know if adequate sewer capacity may become available in the next ten (10) years and therefore will implement an overlay zone over a portion of the Block 36, Lot2.

Present Need (Rehabilitation) Obligation: 0 Units

While Greenwich Township's rehabilitation obligation is zero units, the Township will continue to participate in the Warren County Housing Rehabilitation Program ("WCHRP"), which provides funds to income-eligible homeowners to repair major systems in their home in exchange for 15-year (for loans) or 99-year (for grants) affordability controls.

Prospective Need (New Construction) Obligation: 250 Units

The Township is addressing its Fourth Round obligation with inclusionary and overlay zoning on one site. The owner of the site has sewer allocation rights to 75,000 gallons per day (gpd) which will provide a maximum of 65 affordable housing units. The remaining obligation that will be durationally adjusted is accommodated on the Dowel site but due to the lack of sewer capacity will be durationally adjusted until such time that sewer capacity becomes available.

Table 3: Summary of Credits for the Fourth Round (2025-2035)					
Project/Program	Unit Type	Status	Units	Bonus Credits	Total Credits
Inclusionary Zoning Block 36, Lot 2 IRH-1	Family or Age-Restricted Single Family or Townhomes	Proposed	14	-	14
Inclusionary Zoning Block 36, Lot 2 IRH-2	Family Multi-Family	Proposed	51	-	51
Overlay Zoning Durational Adjustment Block 36, Lot 2 IORH-1	Family/Age-Restricted	Proposed	176	-	176
Surplus Credits ARC of Warren County	Supportive and Special Needs	Occupied	3	-	6
Surplus Credits Willows @ Greenwich	Family Rental 100% Affordable	Completed and Occupancy in Process	3	3	6
Total			247	3	250

Fourth Round Project Descriptions

The affordable housing rules require municipalities to designate sites that are “suitable, approvable, available and developable”, as defined in N.J.A.C. 5:93-1. These terms are defined as follows:

- ***Suitable site*** means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.
- ***Approvable site*** means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules and regulations of all agencies with jurisdiction over the site. A site may be approvable although it is not currently zoned for low- and moderate-income housing.
- ***Available site*** means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
- ***Developable site*** means a site that has access to appropriate water and sewer infrastructure and is consistent with the applicable areawide water quality management plan (including the waste management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by the NJ Department of Environmental Protection.

SUPPORTIVE AND SPECIAL NEEDS HOUSING – OCCUPIED

Arc of Warren County- 3 surplus credits

The three (3) bedroom Arc Group Home is located at Block 43, Lot 2. It has been operational since 1999/2000, with 20-year affordability controls established in an agreement with the Department of Human Services Division of Developmental Disability (DDD”), which is expected to be renewed at the end of the 20 years, effectively extending the controls to 40 years. ARC is licensed to provide services to three (3) persons with intellectual and developmental disabilities at this house, and each person has his or her own bedroom. This site received a Judgement of Compliance in 2019 as part of the Third Round Fair Share Plan and provides three (3) surplus credits toward the Fourth Round obligation.

100% AFFORDABLE DEVELOPMENT – COMPLETED AND OCCUPANCY IN PROCESS

Willows at Greenwich – 6 surplus credits (3 family rental units and 3 bonus credits)

The Ingerman Group, an experienced affordable housing provider of 100% affordable housing recently constructed a 66 family rental unit 100% affordable housing project. The site, Block 26, Lot 2, was a Township-owned lot at the corner of Dumont Street and Greenwich Street. This site received a Judgement of Compliance in 2019 as part of the Third Round Fair Share Plan and provides six (6) surplus credits toward the Fourth Round obligation.

INCLUSIONARY DEVELOPMENT – PROPOSED

Dowel: Block 36, Lot 2

The Dowel site is 110 acres in area and located on Route 173 with the parcel also having frontage on Greenwich Church Road and Beattys Road (Block 36, Lot 2). The southeast corner of the site contains active recreation facilities (baseball/softball fields) that are used by the Township and will remain as recreation facilities. The remaining tract is open land in agricultural use. There are single-family detached dwellings to the east along Beattys Road, future 100% affordable housing project located to the south across Route 173, a commercial use to the southwest across Route 173, cultivated open land to the west and Route 78 to the north. The site will be split zoned as follows:

- **Inclusionary Residential Housing-1 (IRH-1) zoning district:** This zoning district will be approximately nine (9) acres in size, permit single-family attached and detached homes and townhomes at a density of eight (8) units per acre which may yield a maximum of 72 total units including fourteen (14) affordable housing units. The residential units may be family or age-restricted.
- **Inclusionary Residential Housing-2 (IRH-2) zoning district:** This zoning district will be approximately 22 acres in size, permit multi-family residential units at a density of twelve (12) units per acres which may yield a maximum of 255 total units including 51 affordable housing units.
- **Inclusionary Overlay Residential Housing (IORH-1) zoning district:** This overlay zoning district will be approximately 74 acres in size, permit multi-family residential units at a density of twelve (12) dwelling units per acre which may yield a maximum of 880 total units including 176 affordable housing units. The affordable housing residential units may be family or age-restricted, however, the age-restricted units are limited to 52 total affordable housing units.

The site is suitable. The property is vacant and currently under agriculture production with access to Beattys Road and Route 173. The property will be rezoned to permit a minimum of 65 family and/or age restricted affordable housing units with two (2) proposed zoning districts as indicated above. In addition, an overlay zone permitting a minimum of 176 affordable housing units will be implemented to address the affordable housing obligation when sewer capacity becomes available. As indicated, the surrounding land uses are compatible with the proposed inclusionary zoning districts including agriculture, single-family homes and commercial uses. While the 2001 Adopted State Plan Map and the proposed amended State Plan designates the property as being in Rural Planning Area (PA 4), the parcel is located in a sewer service area and as such is considered to be a suitable location for future affordable housing development as adequate infrastructure is available to service a future development. The site is in the Highlands Planning Area, but the Township is not currently a conforming Highlands municipality and therefore is not

within the Highlands Commission jurisdiction. The site is outside of the Pinelands, CAFRA and Meadowlands planning areas.

The site is approvable. The site will be zoned for single-family attached and detached homes, townhomes and multi-family housing units, permitting a maximum of 65 affordable housing units through new proposed zoning and 176 affordable housing units through overlay zoning. Draft ordinances are in the appendix to this Plan.

The site is available. The site has no known legal encumbrances or deed restrictions that would preclude the development of affordable housing, and there are no known historic or architecturally important sites or buildings on the property that will affect the development of affordable housing. While there are properties that are adjacent to or in the neighborhood of this parcel that are historically significant, the proposed zoning for inclusionary development will not negatively impact or affect these properties.

The site is developable. There are no wetlands, Category One streams or known contaminated sites on the property. The site is within the Phillipsburg Sewerage Authority's sewer service area and the Township Engineer has indicated that adequate sewer capacity and infrastructure are available and accessible.

The site will be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. The Township will require a minimum 30-year and 40-year affordability (rental units) control deed restrictions on the units in accordance with N.J.A.C. 5:93 et seq. and N.J.A.C. 5:80-26.1.

OBLIGATION MICRO-REQUIREMENTS

Per the Amended FHA, the Township must address a variety of minimum or maximum credits in satisfying its Fourth Round fair share obligation. The Township must meet a rental obligation, total family unit obligation, the very low-income obligation and not exceed the maximum senior unit cap. The micro-requirements are based on the non-durationally adjusted obligation of 71 units (65 from IRH zoning districts and 6 existing surplus credits).

Maximum Bonus Credits = 17 units

.25 (Obligation) = 16 units | .25 (71) = 17.75 (round down)

The Township does not exceed the maximum number of bonus credits and is requesting bonus credits for three (3) rental units associated with the Willows at Greenwich development.

Minimum Rental = 18 units

.25 (Obligation) = 18 units | .25 (71) = 17.75, round up to 18 units

This obligation is satisfied with a total of 18 credits associated with Willows at Greenwich (3), ARC Supportive and Special Needs project (3) and the IRH-1 and IRH-2 (12 minimum).

Maximum Senior = 21 units

.30 (Obligation) = 21 units | .30 (71) = 21.3, round down to 21 units

This maximum senior units are not exceeded as there may be a total of fourteen (14) senior credits associated with the IRH-1 zoning district.

Minimum Family = 27 units

.50 (Obligation-bonus) = 27 units | .50 (71-17) = 27 units

This obligation is satisfied with 54 credits associated with the Willows at Greenwich (3) and the IRH-2 zoning district (51).

Minimum Family Rental: 9 units

.50 (rental obligation) = 9 units | .50 (18) = 9

This obligation is satisfied with a minimum of nine (9) credits associated with Willows at Greenwich (3) and the IRH-2 zoning district (6 minimum).

Minimum Very Low Income = 10 units

.13 (AH units) = 10 units | .13 (71) = 9.23, round up to 10 units

This obligation is satisfied with credits including three (3) credits associated with the ARC Supportive and Special Needs project and seven (7) units from the IRH-1 and IRH-2 zoning districts.

Consideration of Affordable Housing Options

As part of this Plan, the Township has considered land that is appropriate for the construction of low- and moderate-income housing.

In March 2025, one developer approached the Township with a proposed inclusionary housing development located at Block 26, Lot 30 which was comprised of 428 total multi-family units including 85 affordable housing units. This same developer, under a different attorney, provided a revised proposal on June 2, 2025 requesting consideration of 595 total units including 119 affordable housing units. Greenwich reviewed the proposed inclusionary development in terms of suitability and developability.

In accordance with N.J.A.C. 5:93-1, a site is considered developable when it has access to adequate sewer and water capacity. The Township is not aware of adequate sewer capacity to service this proposed development and decided to zone an alternate property with an owner that currently has rights to 75,000 gallons per day of sewer capacity that could produce a minimum of 65 affordable housing units.

In addition, the Township has concerns related to providing adequate access to an appropriate road to service the proposed community. In accordance with N.J.A.C. 5:93-1, a site is considered suitable when it has access to appropriate streets. Block 26, Lot 30 is situated at the intersection of Beatty's Road, a Township owned minor collector road and South Main Street (County Route 637), a major collector

County road. Given the current condition of this intersection, which requires substantial improvements in accordance with the 2002 Circulation Plan Element of the Master Plan, the Township has safety concerns with almost 600 units having the primary access into this intersection and believe it is not the most appropriate location for an inclusionary residential development of the size proposed. Additionally, the current access point to Beatty's Road, a minor collector roadway is impacted by the flood hazard area associated with the Pohatcong Creek, creating additional concerns related to the safe access to an appropriate street for an inclusionary residential development of the size proposed.

The Township believes that the existing surplus credits and proposed inclusionary and overlay zoning districts contained in this Fourth Round Fair Share Plan represent the best options for affordable housing in Greenwich Township and the mechanisms satisfy the Township's affordable housing obligation.

PRESERVATION OF MULTIGENERATIONAL FAMILY CONTINUITY

The 2024 FHA requires an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20). The Commission has the primary goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity. A review of the Township's ordinance indicates that there are no ordinances that would specifically create a detraction from meeting the Commission's goal of enabling senior citizens to reside at the homes of their extended families. In fact, the Township defines a family that is permitted to live in a single family dwelling in such a way that a senior citizen may live in that single family dwelling unit with their extended family which is a permitted use in the residential zoning districts. The Greenwich ordinances advance the multigenerational family continuity goal.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN CONSISTENCY

The Fourth Round Housing Element and Fair Share Plan is consistent with the 2001 State Development and Redevelopment Plan (SDRP) and the proposed SDRP that is currently in the cross acceptance process as the existing surplus credits and the proposed inclusionary zoning has and will provide a realistic opportunities for the construction of affordable housing as the projects are located in State Planning area designated as PA4 within existing sewer service areas with adequate sewer capacity to service the developments

AFFORDABLE HOUSING ADMINISTRATION & AFFIRMATIVE MARKETING

Greenwich Township adopted an Affordable Housing Ordinance in accordance with COAH's substantive rules and UHAC and will be updated as UHAC regulations as amendments are adopted. The Affordable Housing Ordinance governs the establishment of affordable units in the Township as well as regulating the occupancy of such units. The Township's Affordable Housing Ordinance covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification, etc.

The Township has established the position of the Municipal Housing Liaison and has appointed a staff member to the position. The Township relies on a consultant as the affordable housing administrator to conduct the administration and affirmative marketing of its affordable housing sites. However, the Township will permit developers who demonstrate the appropriate experience and expertise to administer their own units as both are experienced affordable housing administrators. The affirmative marketing plans are designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Township. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in the Township's housing region, Region 3, consisting of Somerset, Hunterdon and Middlesex counties.

The affirmative marketing plans include regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance to N.J.A.C. 5:80-26.1 et seq. All newly created affordable units will comply with the 30-year affordability control required by UHAC, N.J.A.C. 5:80-26.5 and 5:80-26.11. This plan must be adhered to by all private, non-profit, and municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit.

AFFORDABLE HOUSING TRUST FUND

A development fee ordinance creating a dedicated revenue source for affordable housing was adopted by Greenwich Township in 2018.

The proposed Spending Plan included in the appendix to this Housing Plan, which discusses anticipated revenues, collection of revenues, and the use of revenues, was prepared in accordance with COAH's applicable substantive rules. All collected revenues will be placed in the Township's Affordable Housing Trust fund and may be dispensed for the use of eligible affordable housing activities including, but not limited to:

- Rehabilitation program;

- New construction of affordable housing units and related development costs;
- Extensions or improvements of roads and infrastructure directly serving affordable housing development sites;
- Acquisition and/or improvement of land to be used for affordable housing;
- Purchase of affordable housing units for the purpose of maintaining or implementing affordability controls,
- Maintenance and repair of affordable housing units;
- Repayment of municipal bonds issued to finance low- and moderate-income housing activity; and
- Any other activity as specified in the approved spending plan.

However, the Township is required to fund eligible programs in a Court-approved Housing Element and Fair Share Plan, as well as provide affordability assistance.

At least 30% of collected development fees, excluding expenditures made since July 17, 2008, when affordability assistance became a statutory requirement in the Fair Housing Act, shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan. At least one-third (1/3) of the affordability assistance must be expended on very-low income units. Additionally, no more than 20% of the revenues collected from development fees each year, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a new construction program, a housing element and fair share plan, and/or an affirmative marketing program.

MONITORING

The Township will comply with monitoring provisions consistent with those required by the Fair Housing Act and similar. The monitoring requires regular tracking of progress toward meeting the affordable housing obligation and ensuring the affordable units and affordable housing trust fund are administered properly as follows:

- On or before February 1st of each year, the Township will provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website and on the Department of Community Affairs website.
- Midpoint Review. The Township will post on the municipal website and submit to the Department of Community Affairs website a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity.

Such posting shall invite any interested party to submit comments to the Program and Superior Court, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the Court regarding these issues.

COST GENERATION

The Greenwich Township's Land Development Ordinance has been reviewed to eliminate unnecessary cost generating standards; it provides for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling pre-application conferences and special monthly public hearings. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance, Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) and the mandate of the FHA regarding unnecessary cost generating features. Greenwich Township shall comply with COAH's requirements for unnecessary cost generating requirements, N.J.A.C. 5:93-10.1, procedures for development applications containing affordable housing, N.J.A.C. 5:93-10.4, and requirements for special studies and escrow accounts where an application contains affordable housing.