



## **South Brunswick Township**

### **Housing Element & Fair Share Plan of the Municipal Master Plan**

January, 2026

Adopted January 28, 2026  
Planning Board Resolution \*/2026

Endorsed by the Governing Body on January 29, 2026  
Municipal Resolution\_\_\_\_\_

Prepared in Accordance with  
NJSA 40:55D-28.b.(3) MLUL  
&NJSA 52:27D-310 FHA



  
Richard Hunt, PP, AICP  
N.J. Professional Planner #6478

Alaimo Group  
200 High Street  
Mt. Holly, New Jersey, 8060  
  
609-267-8310

Document original Signed and sealed in accordance with NJAC 13:41-1.3 and filed in South Brunswick Clerks Office

# South Brunswick Township

## Township Council

Charlie Carley, Mayor  
Kenneth Bierman, Deputy Mayor,  
Patricia Germain, Councilwoman  
Archana Grover, Councilwoman  
Josephine Hochman, Councilwoman

## 2026 Township Planning Board

Aly Azhar, (Class II), Member  
Ken Bierman, (Class III), Member  
Charles Carley, Mayor's Designee, (Class I), Member  
Mike Dooley, (Class IV), Member  
Shalu Khanna, (Class IV), Member  
Jerome Lutin, (Class IV), Member  
Barry Nathanson, Vice Chairman, (Class IV), Member  
Paul Prodromo, Chairman, (Class IV), Member  
Emma Von Thun, (Class IV), Member  
Kevin Bifulco, Alternate No. 1  
Mario Jordan, Alternate No. 2

## Administrative and Professional Staff

Tammy Scimone, Planning Board Secretary  
Paul Prodromo, Planning Board Chair  
Jeffrey R. Surenian, Township Affordable Housing Attorney  
Francis Womack, Municipal Attorney  
Thomas Collins, Planning Board Affordable Housing Attorney  
Anthony Campisano, Assistant Affordable Housing Attorney  
Benjamin Bucca, Jr, Planning Board Attorney  
James Campbell, Planning Director  
Bryan Bidlack, Township Manager  
Di Shonay Pittman, Township Administrative Agent, Municipal Housing Liaison  
Richard Hunt, PP, AICP, Affordable Housing Planner, Alaimo Group

# Table of Contents

Part 1:           Housing Element

Part 2:           Fair Share Plan

Appendices:

## South Brunswick Housing Plan Appendices

1.    2021 JOR
2.    2024 FSHC Settlement Agreement
3.    COAH Round 2 Grant Of Substantive Certification
4.    Group Home Program
5.    Days Inn Redevelopment Investigation and Plan
6.    4126 Rt 1 Redevelopment Plan
7.    Sonesta Redevelopment Plan
8.    Extensions of Controls
9.    South Brunswick Center
10.   Amato Nursery Redevelopment
11.   4375 US-1 Sonesta Redevelopment
12.   3674 Route 27
13.   Henderson Road
14.   Spend Plan
15.   Affordable Housing Ordinance
16.   Resolution of Intent to Bond
17.   Resolution of Condemnation

## ***INTRODUCTION***

This 2025 Fourth Round Housing Element and Fair Share Plan (HEFSP) outlines South Brunswick Township's strategy to meet its constitutional obligation to provide a realistic opportunity for the development of affordable housing. This plan implements a settlement between the Township and Fair Share Housing Center, Inc ("FSHC"), dated September 9, 2024, which the Township implemented through an Amended Third Round Housing Element and Fair Share Plan, dated October 2024 and which the Court approved in November 2024 pursuant to a joint fairness and compliance hearing. This HEFSP also addresses the Township's Present Need as established by the New Jersey Department of Community Affairs ("DCA") and its Round 4 Prospective Need as set forth in the September 2024 settlement with FSHC.

## ***HISTORY***

In 2015, pursuant to a case commonly referred to as "Mount Laurel IV", the Township filed a complaint seeking a declaration of their compliance with the Mount Laurel Doctrine and the Fair Housing Act (FHA) for Rounds 1, 2 and 3. In the context of this lawsuit, the trial court ruled that the 1,000 unit cap provision in the FHA applied to each individual housing cycle instead of to the Township's entire obligation. Consequently, the court assigned the Township an obligation of 1,000 for Round 3 (2015-2025) and an additional obligation of 1,250 for the so-called "gap" period (1999 through 2015). The Court ruled that the 1,250 should be split among the third, fourth, and fifth rounds. This resulted in third round obligation of 1,417: the third-round obligation of 1,000 plus one third of the 1,250 gap obligation. In view of the enormous obligation the Court assigned to the Township and that the Township's plan at that time did not come close to satisfying such a large obligation, the Court ruled that South Brunswick was determined to be constitutionally non-compliant and stripped the Township of immunity, precipitating a flood of builder's remedy lawsuits.

In 2019, the Township submitted a third round HEFSP which the court approved, restoring the Township's immunity from builders' remedy lawsuits. To satisfy the court's conditions, the Township filed an amended third round HEFSP in 2020, which addressed how the Township would meet its 1,417-unit third round gap and prospective need obligation.

In 2021, the court approved (JOR Appendix 1) the third round HEFSP the Planning Board adopted and the Township endorsed in 2020 and the spending plan the Township adopted in 2021. Following this, the Township appealed a number of the trial courts' earlier rulings, including the ruling on the 1,000-unit cap.

On July 12, 2023, the appellate decided In the Matter of the Application of the Township of South Brunswick For a Judgment of Compliance and Repose and Immunity From Mount Laurel Lawsuits(A-3344-20). The Appellate Division reversed the trial judge's ruling that the 1,000-cap applied for each housing cycle and acknowledged that the cap applied to the entire obligation assigned to the Township pursuant to the applicable fair share formula. The Appellate Division further ruled that South Brunswick could not be deemed constitutionally non-compliant for failing

to satisfy a Third-Round obligation above the statutory cap. Finally, the Court remanded the case to the trial court so it could reformulate the Township's plan to address its obligations through Round 3 in accordance with the statute.

On September 9, 2024, the Township and Fair Share Housing Center, Inc ("FSHC") entered into a settlement agreement (hereinafter the "2024 FSHC Agreement", located in Appendix 2). This Agreement not only settled the Township's obligations through Round 3, but also its Fourth-Round fair share obligation. This Agreement also spelled out how the Township would address its third-round obligation and identified many of the means by which the Township would generate affordable housing for Round 4. The Agreement required the Township and its Planning Board to provide an amended HEFSP to implement the agreement and called for a joint fairness/ compliance hearing for the Court's review and approval of the agreement and the Amended HEFSP to be adopted to implement the agreement. Finally, the 2024 FSHC Agreement established a process for a second compliance hearing on a HEFSP to address the Township's obligations through Round 4.

The 2024 FSHC Settlement Agreement is significant in many ways. In this comprehensive agreement, the Township, FSHC, and various intervening parties settled all the litigation in several consolidated cases. The 2024 FSHC Agreement superseded all prior writings between the parties. The 2024 FSHC Agreement establishes three elements of South Brunswick Township's affordable housing obligations:

- Prior Round (1986-1999) Obligation (pursuant to N.J.A.C. 5:93): 841
- Third Round (1999-2025 gap and prospective) New Construction Obligation: 1,450
- Fourth Round (2025-2035) New Construction Obligation: 1,070, including seventy unit nonprofit development program

In addition, in October 2024, the DCA issued a report setting the Township's present need at 132.

In October 2024, the Planning Board adopted and the Township endorsed an Amended Third Round Housing Element and Fair Share Plan. (hereinafter the "2024 Amended Third Round HEFSP"). In November of 2024, the trial judge approved the "2024 FSHC Agreement and the 2024 Amended Third Round HEFSP pursuant to a joint fairness and compliance hearing.

### *FHA II*

On March 20, 2024, Governor Murphy signed legislation that dramatically modified the State's affordable housing regulations. The seventy-five (75) page bill, known as P.L. 2024 c.2 ("Amended FHA" or "FHA II"), abolished COAH, modified the affordable housing compliance process, amended bonus credits, and among other changes, and created the Affordable Housing Dispute Resolution Program (the "Program") to serve as a mediation forum for resolving disputes.

The amended FHA charged the New Jersey Department of Community Affairs (DCA) with the preparation of non-binding recommendations for municipalities' fourth round obligations. In October of 2024, the DCA published a report entitled "Affordable Housing Obligation of 2025-2035 (Fourth Round) Methodology and Background", which set forth non-binding estimates as to each municipality's present need and its prospective need for Round 4. The DCA calculated the Township's present need obligation (rehabilitation) as 132 affordable units and its prospective need for Round 4 at 959. The Township is providing significantly more units than what the DCA calculated and reported.

The Amended Fair Housing Act provides that "[t]he municipality may in its plan lower its prospective need obligation to the extent necessary to prevent establishing a prospective need obligation that requires the municipality to provide a realistic opportunity for more than 1,000 housing units, after the application of any excess credits, or to prevent a prospective need obligation that exceeds 20 percent of the total number of households in a municipality according to the most recent federal decennial census, **not including any prior round obligation.**" N.J.S.A. 52:27D-304.1 f. (2) (a). So, a municipality must satisfy its prior round obligations and may cap its prospective need if that number exceeds 1,000 after applying any excess credits.

### ***REQUIRED ELEMENTS OF HOUSING ELEMENT***

Pursuant to N.J.S.A. 52:27D-310, a Housing Element must include the following components:

- 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 confident basis for the sole purpose of conducting the inventory to all necessary propriety tax assessment records and information in the assessor's office including but not limited to the property record cards.
- b. A projection of the municipalities' housing stock including the probable future construction of low- and moderate-income housing for the next ten years, considering, but not necessarily limited to, construction permits issues, approvals of application for development and probable residential development of lands.
- c. An analysis of the municipalities' 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 municipalities' 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.

- 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 the conversion to, or rehabilitation for low- and moderate-income housing including a consideration of lands of developer 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 N.J.S.A. 52:27D-329.20(f)(1);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to N.J.S.A. 13:20-4, an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; 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.

To address the requirements of N.J.S.A. 52:27D-310 quoted above, this Plan will include the following sections:

- A. Municipal Housing Stock Inventory
  - 1. Year Structure Built
  - 2. Occupied Housing Units by Year Householder Moved into Unit
  - 3. Estimated Housing Quality for Municipality
  - 4. Housing Occupancy and Vacancy Rates
  - 5. Average Household Size by Tenure

**B. Projection of Municipal Housing Stock**

1. 10 year projection of low/moderate income housing based on construction permits issues approvals and residential development potential

**C. Municipal Demographic Characteristics**

1. Population Trends
2. South Brunswick Township Veteran Status
3. Population by Age
4. Population by Disability Characteristics
5. Financial Characteristics of Household Income by Tenure
6. Financial Characteristics Per Capita Income

**D. Municipal employment**

1. Municipal Employment and Forecasts
2. Industry By Occupation for The Civilian Population 16 Years and Over

- E. Consideration of the lands most appropriate for construction of low- and moderate-income housing and of existing structures most appropriate for conversion or rehabilitation for low- and moderate-income housing including a consideration of lands and developers who have expresses a commitment to provide low- and moderate-income housing

**A. Municipal Housing Stock Inventory:****1. Year Structure Built**

<b>Year Built</b>	<b>Estimated Housing Units</b>
<b>Total</b>	16,844
<b>Owner Occupied:</b>	12,863
Built 2020 or later	69
Built 2010 to 2019	1,293
Built 2000 to 2009	1,289
Built 1990 to 1999	3,272
Built 1980 to 1989	2,699
Built 1970 to 1979	1,419
Built 1960 to 1969	1,300
Built 1950 to 1959	874
Built 1940 to 1949	317
Built 1939 or earlier	331



Year Built	Estimated Housing Units
<b>Renter Occupied:</b>	3,981
Built 2020 or later	0
Built 2010 to 2019	173
Built 2000 to 2009	150
Built 1990 to 1999	803
Built 1980 to 1989	1,575
Built 1970 to 1979	749
Built 1960 to 1969	213
Built 1950 to 1959	240
Built 1940 to 1949	0
Built 1939 or earlier	78

U.S. Census Bureau, U.S. Department of Commerce. (2023). Tenure by Year Structure Built. *American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B25036*. Retrieved May 13, 2025, from

<https://data.census.gov/table/ACSDT5Y2023.B25036?q=South+Brunswick+Township,+Middlesex+County,+New+Jersey+B25036>.

## 2. Occupied Housing Units By Year Householder Moved Into Unit

Subject	Estimated Population
<b>Total Population In Occupied Housing Units:</b>	46,610
<b>Owner occupied:</b>	37,683
Moved in 2021 or later	2,116
Moved in 2018 to 2020	4,200
Moved in 2010 to 2017	12,842
Moved in 2000 to 2009	10,415
Moved in 1990 to 1999	5,603
Moved in 1989 or earlier	2,507
<b>Renter Occupied:</b>	8,927
Moved in 2021 or later	972
Moved in 2018 to 2020	3,776
Moved in 2010 to 2017	3,628
Moved in 2000 to 2009	438
Moved in 1990 to 1999	96
Moved in 1989 or earlier	17

U.S. Census Bureau, U.S. Department of Commerce. (2023). Total Population in Occupied Housing Units by Tenure by Year Householder Moved Into Unit. *American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B25026*. Retrieved May 13, 2025, from

<https://data.census.gov/table/ACSDT5Y2023.B25026?q=South+Brunswick+Township,+Middlesex+County,+New+Jersey+B25026>.

### 3. Estimated Housing Quality for Municipality

Condition	South Brunswick Township	
	Units	Estimated Percentage
Lacking Complete Plumbing Facilities	112	0.7%
Lacking Complete Kitchen Facilities	79	0.5%
No Telephone Service Available	43	0.3%

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04*. Retrieved May 13, 2025, from <https://data.census.gov/table/ACSDP5Y2023.DP04?q=South+Brunswick+Township,+Middlesex+County,+New+Jersey+DP04>.

### 4. Estimated Value Owner Occupied Housing Units by Mortgage Status

Estimated Value Owner Occupied Housing Units By Mortgage Status	Estimated Housing Units
Less than 50,000	319
50,000 to 99,999	339
100,000 to 149,999	39
150,000 to 199,999	138
200,000 to 299,999	838
300,000 to 499,999	3,974
500,000 to 999,999	6,645
1,000,000 +	571

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04*. Retrieved May 13, 2025, from <https://data.census.gov/table/ACSDP5Y2023.DP04?q=South+Brunswick+Township,+Middlesex+County,+New+Jersey+DP04>.

### 5. Estimated Gross Rents for Specified Renter-Occupied Housing Units

Monthly Rent	Estimated Housing Units
Lower than 500	136
500 to 900	107
1,000 to 1,499	598
1,500 to 1,999	1,487
2,000 to 2,499	987
2,500 to 2,999	312
3,000 +	218
Occupied Units Paying Rent	3,845
No Rent Paid	136
Median Gross Rent	\$1,864

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04*. Retrieved May 13, 2025, from <https://data.census.gov/table/ACSDP5Y2023.DP04?q=South+Brunswick+Township,+Middlesex+County,+New+Jersey+DP04>.

## 6. Housing Occupancy and Vacancy Rates

Housing Occupancy	Estimated Housing Units
Occupied housing units	16,844
Vacant housing units	290
Owner-occupied	12,863
Renter-occupied	3,981

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04*. Retrieved May 13, 2025, from <https://data.census.gov/table/ACSDP5Y2023.DP04?q=South+Brunswick+Township,+Middlesex+County,+New+Jersey+DP04>.

## 7. Average Household Size By Tenure

	Estimated Household Size
Average household size of owner-occupied unit	2.93
Average household size of renter-occupied unit	2.24

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04*. Retrieved May 13, 2025, from <https://data.census.gov/table/ACSDP5Y2023.DP04?q=South+Brunswick+Township,+Middlesex+County,+New+Jersey+DP04>.

## B. Projection of Municipal Housing Stock

**Projection of low/moderate income housing as a segment is based on historical 10 year construction permits issued along with residential development potential.**

Year	Housing Units Authorized by Building Permits
2023	13
2022	334
2021	27
2020	32
2019	72
2018	94
2017	73
2016	230
2015	172
2014	66
<b>Total</b>	<b>1113</b>
<b>Average</b>	<b>111.3</b>

[New Jersey Department of Community Affairs |](#)

The projection of South Brunswick Township's Housing Stock is based on the historical ten (10) year mean of the housing units (111.3) authorized by building permits. The probable future construction of low- and moderate-income housing in South Brunswick is based on implementation of the South Brunswick Fair Share Plan.

## C. Municipal Demographic Characteristics

### 1. Population Trends

South Brunswick Township, Middlesex County, New Jersey, NJTPA Forecast 2050	
2015 Population	45,548
2050 Forecast	56,899
Absolute Change	11,351
Annualized Percent Change	%

<https://www.njtpa.org/Data-Maps/Demographics-GIS/Forecasts.aspx>

According to NJTPA forecast, the township would increase its population from 45,548 residents to 56,899 (11,351 resident increase). The average household size in the township for owner occupied units is 2.93 and 2.24 for renter occupied units. Consequently, if the forecast is accurate, approximately 3,874 new dwellings would be expected.

Middlesex County, New Jersey, NJTPA Forecast 2050	
2015 Population	830,300
2050 Forecast	939,723
Absolute Change	109,423
Annualized Percent Change	0.4%

<https://www.njtpa.org/Data-Maps/Demographics-GIS/Forecasts.aspx>

### 2. Population By Age

	Estimated Population
<b>Total</b>	46,686
<b>Total Male</b>	23,066
<b>Total Female</b>	23,620
Under 5 years	1,914
5 to 9 years	3,099
10 to 14 years	3,516
15 to 17 years	2,076
18 and 19 years	1,081
20 years	411
21 years	509
22 to 24 years	1,465
25 to 29 years	2,557
30 to 34 years	2,175
35 to 39 years	2,968
40 to 44 years	3,308

	Estimated Population
45 to 49 years	4,522
50 to 54 years	4,037
55 to 59 years	3,763
60 and 61 years	1,184
62 to 64 years	1,520
65 and 66 years	825
67 to 69 years	1,534
70 to 74 years	1,860
75 to 79 years	1,138
80 to 84 years	534
85 years and over	690

U.S. Census Bureau, U.S. Department of Commerce. (2023). Sex by Age. *American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B01001*. Retrieved May 13, 2025, from <https://data.census.gov/table/ACSST5Y2023.B01001?q=South+Brunswick+Township,+Middlesex+County,+New+Jersey+B01001>.

U.S. Census Bureau, U.S. Department of Commerce. (2023). Median Age by Sex. *American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B01002*. Retrieved May 13, 2025, from <https://data.census.gov/table/ACSST5Y2023.B01002?q=South+Brunswick+Township,+Middlesex+County,+New+Jersey+B01002>.

### 3. Financial Characteristics: Household Income by Tenure

Household Income In The Past 12 Months (In 2023 Inflation-Adjusted Dollars)	Estimate		
	Occupied Housing Units	Owner Occupied	Renter Occupied
Less than \$5,000	1.3%	0.5%	2.9%
\$5,000 to \$9,999	0.4%	0.5%	0.2%
\$10,000 to \$14,999	1.8%	1.5%	2.7%
\$15,000 to \$19,999	1.8%	0.4%	6.4%
\$20,000 to \$24,999	1.8%	1.1%	4.1%
\$25,000 to \$34,999	2.3%	2.1%	2.8%
\$35,000 to \$49,999	4.6%	3.9%	6.7%
\$50,000 to \$74,999	10.0%	7.0%	19.6%
\$75,000 to \$99,999	7.2%	6.2%	10.3%
\$100,000 to \$149,999	20.1%	18.6%	25.25
\$150,000 or more	48.8%	58.0%	19.1%
Median household income (dollars)	\$145,575	\$176,628	\$86,746

U.S. Census Bureau, U.S. Department of Commerce. (2023). Financial Characteristics. *American Community Survey, ACS 5-Year Estimates Subject Tables, Table S2503*. Retrieved May 13, 2025, from <https://data.census.gov/table/ACSST5Y2023.S2503?q=South+Brunswick+Township,+Middlesex+County,+New+Jersey+S2503>.

U.S. Census Bureau, U.S. Department of Commerce. (2023). Per Capita Income in the Past 12 Months (in 2023 Inflation-Adjusted Dollars). *American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B19301*. Retrieved May 13, 2025, from <https://data.census.gov/table/ACS5Y2023.B19301?q=South+Brunswick+Township,+Middlesex+County,+New+Jersey+B19301>.

## D. Municipal Employment

### 1. Municipal Employment and Forecasts

Year	Estimated Employment
2015 Employment	23,288
2020 Employment	23,981
2025 Employment	24,695
2030 Employment	25,430
2035 Employment	26,187
2040 Employment	26,966
2045 Employment	27,769
2050 Employment	28,595
Approximate Annualized % Change 2015-2050	0.60%

<https://www.njtpa.org/NJTPA/media/Documents/Data-Maps/Demographics-GIS/Forecasts/Final-County-and-Municipal-Forecasts-for-LRTP.xlsx>

### 2. Industry Occupation for the Civilian Population 16 Years and Over

	Estimated Total	Management, business, science, and arts occupations	Service occupations	Sales and office occupations	Natural resources, construction, and maintenance occupations	Production, transportation, and material moving occupations
Civilian employed population 16 years and over	25247	15754.13	1767.29	4998.91	732.16	1994.51
Agriculture, forestry, fishing and hunting, and mining	117	67.04	0.00	32.99	16.97	0.00
Construction	1051	278.52	0.00	405.69	353.14	13.66
Manufacturing	2762	1590.91	0.00	298.30	162.96	709.83
Wholesale trade	778	357.10	7.78	297.97	0.00	115.14
Retail trade	1815	319.44	43.56	1154.34	29.04	270.44
Transportation and warehousing, and utilities	1367	411.47	8.20	281.60	0.00	667.10
Information	757	632.85	8.33	115.82	0.00	0.00
Finance and insurance, and real estate and rental and leasing	3031	2467.23	72.74	433.43	15.16	42.43

	Estimated Total	Management, business, science, and arts occupations	Service occupations	Sales and office occupations	Natural resources, construction, and maintenance occupations	Production, transportation, and material moving occupations
Professional, scientific, and management, and administrative and waste management services	5507	4422.12	341.43	660.84	0.00	82.61
Educational services, health care and social assistance	5548	4161	482.68	837.75	27.74	38.84
Arts, entertainment, recreation, and accommodation and food services	918	340.58	418.61	134.03	0.00	23.87
Other services, except public administration	485	124.16	178.97	75.18	85.85	20.86
Public administration	1111	593.27	206.65	265.53	45.55	0.00

\*\*\*Numbers may not add up perfectly due to rounding\*\*\*

U.S. Census Bureau, U.S. Department of Commerce. (2023). Industry by Occupation for the Civilian Employed Population 16 Years and Over. *American Community Survey, ACS 5-Year Estimates Subject Tables, Table S2405*. Retrieved May 13, 2025, from <https://data.census.gov/table/ACSST5Y2023.S2405?q=South+Brunswick+Township,+Middlesex+County,+New+Jersey+S2405>.

**E. Consideration of the lands most appropriate for the construction of low- and moderate-income housing; of existing structure most appropriate for conversion or rehabilitation for low- and moderate-income housing, including consideration of lands of developers who have expressed a commitment to providing low- and moderate-income housing.**

Three developers proposed projects with affordable housing and each project was considered as follows.

**Property: 46 Fresh Ponds, Block 18, Lot 22.02**  
**Developer: Active Acquisitions**

The developer proposed an inclusionary development of 294 units with a twenty percent set-aside (59 units) on a 38-acre parcel located on Block 18, Lot 22.02 on the Township's official tax map, more commonly known as 46 Fresh Ponds. The Township has satisfied its obligations without this site and therefore has no obligation to rezone it for affordable housing. Even if the Township is found to have a gap, it has immunity and the right to decide how best to address its obligations. Notwithstanding the foregoing, the Township has previously met with the developer and will continue to negotiate with the developer in

an effort to find common ground and to bank affordable housing for future rounds. The final proposed unit counts and set-aside will be a part of these negotiations.

**Property: Block 92.02, Lots 13.06 and 13.10**  
**Developer: South Brunswick Terrace**

The developer proposed a mixed-use inclusionary development of 440 units, including: 272 market rate units, 100 market rate senior apartments, sixty-eight age restricted affordable units (20% set-aside), and two commercial buildings totaling 16,400-SF. The site is on a 31.66-acre parcel located on Block 92.02, Lots 13.06 and 13.10 on the Township's official tax map with frontage onto RT-1. The Township has satisfied its obligations without this site and therefore has no obligation to rezone it for affordable housing. Even if the Township is found to have a gap, it has immunity and the right to decide how best to address its obligations.

Notwithstanding the foregoing, the Township met with the developer to discuss the developer's proposal. After considering the proposal, the Township has determined that it does not wish to use the site for affordable housing. The developer has proposed density too high for the site, which would place significant amounts of traffic in an area with substantial access issues. A jughandle exists on the northern end of the property and is inaccessible from the site. The closest jughandle to access RT-1 north is a half mile to the south of the site. The excessive density is not consistent with the surrounding development of the area. Low-density mobile home developments are located across RT-1 to the east and directly adjacent north. A low-density residential subdivision is located directly adjacent to the rear or west of the property. A small commercial building and significant woods and wetlands are located directly adjacent to the south. The site itself is currently entirely wooded with significant wetlands and environmental conditions on the northern portion of the property. Oakeys stream runs through this portion of the site. An 85-foot wide gas line ROW easement runs through the center of the property, and the concept plan depicts improvements within this area, which may limit access to said easement. The Township has not identified this site as a growth area in its Master Plan. The property is currently zoned Office Park, and while that does not necessarily exclude a site from being developed for affordable housing, the Township has identified this area for low-intensity office uses in its zoning ordinance and Master Plan objectives.

**Property: Dey Road Site, Block 1, Lot 1.101**  
**Developer: HUK Partners**

The developer recently proposed possibly four different concepts of inclusionary development on a 21.78-acre parcel located on Block 1, Lot 1.101 on the Township's official tax map. The proposals show Concept A to be 135 townhome units (108 Market Rate and twenty-seven Affordable), nearly 8.5-units an acre, with four acres of Retail (20,000-SF) and thirty-six apartments (28 market rate, 8 affordable) fronting on Dey Road. Concept D proposes 127 townhome units (101 market rate and twenty-six affordable) nearly eight units an acre, with four acres of a sewer treatment plant fronting onto Dey



Road. Both of these concepts propose primary access to the townhomes onto Eiker Road. A third unlabeled concept plan proposes 185 units (153 for sale Townhomes, thirty-two rental apartments) with thirty-seven affordable units and four story mixed-use (retail, apartments, clubhouse) fronting onto Dey Road. It is unclear which units will be affordable. It is also unclear if there is a fourth concept plan proposed, which can be inferred by there being a concept plan D.

The Township has satisfied its obligations without this site and therefore has no obligation to rezone it for affordable housing. Even if the Township is found to have a gap, it has immunity and the right to decide how best to address its obligations.

In any event, the Township does not wish to use the site for affordable housing. The rural site is not appropriate for the proposed high-density concepts. The site is currently qualified farmland and has sixty-nine acres of preserved farmland directly adjacent to the east and another qualified farm and single-family residence to the north. An additional 350-acres of qualified farmland is located within the vicinity. A large lot single-family subdivision is located across Eiker Street to the west. Low-density residential subdivisions are located across Dey Road to the South. Eiker Road and Dey Road function as local roads intended to provide access to adjacent properties rather than to serve area-wide traffic circulation. As such, they lack the roadway capacity and functional characteristics typically associated with sites appropriate for higher-density residential or affordable housing development. The site does not have access to Township Water and Sewer, key components of affordable sites. The site and surrounding area would require significant infrastructure development in an identified rural area of the Township. The Township has not identified this site as a growth area in its Master Plan. The property is currently zoned Rural Residential, which is intended for large lot single-family residential and while that does not necessarily exclude a site from being developed for affordable housing, the Township has identified this area for low-intensity rural uses in its zoning ordinance and Master Plan objectives.

#### **F. Multigenerational Family Continuity Evaluation**

N.J.S.A. 52:27D-310g. requires “[a]n 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)”. A review of the DCA’s and State of New Jersey’s websites on January 13, 2026 revealed no webpage for the Multigenerational Family Housing Continuity Commission. DCA’s website is silent regarding the Commission, its annual reports, studies, and/or recommendations. Without recommendations from the Commission, South Brunswick is unable to conduct an analysis. Despite the absence of recommendations, it should be noted that there is nothing in South Brunswick’s ordinance that prohibits senior citizens from residing at the home of their extended family.

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



N.J.S.A. 52:27D-310i. calls for “[a]n 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.”

On December 17, 2025, the State Planning Commission adopted the State Development and Redevelopment Plan (SDRP) . The SDRP was reviewed for consistency with this Fourth Round HEFSP. The SDRP serves as a roadmap for future growth, guiding land use, infrastructure, housing, and environmental policies. The majority of South Brunswick is located in Suburban Planning Area (PA2), where development is permitted. All proposed Affordable Housing sites are located within PA2, and each development has been reviewed to be consistent with those policies of PA2.

## **FAIR SHARE PLAN**

### **FAIR SHARE OBLIGATION**

The Township’s fair share is 3,525 consisting of a rehab number or present need obligation of 132; a prior round obligation of 841; a Round 3 obligation of 1,450; and a Round 4 obligation of 1,070. The DCA report dated October 18, 2024, established the Township’s present need or rehab obligation of 132. The grant of substantive certification by COAH in Round 2 (Appendix 3) established the Township’s prior round obligation of 841. The 2024 FSHC Agreement established the Township’s Round 3 obligation of 1,450 and its Round 4 obligation as 1,070. The Court approved the agreement and the Housing Element and Fair Share Plan adopted to implement the agreement following a fairness and compliance hearing.

### **COMPLIANCE**

The FSHC Agreement, dated September 19, 2024, spelled out how the Township would satisfy its prior round and Round 3 obligations and its Round 4 prospective need obligation. Thereafter, various courts entered orders approving relatively minor changes to the manner in which the Township satisfied its obligations. The “PRIOR ROUND” and “THIRD ROUND” sections below will summarize how the Township complied in Round 1-3. The section entitled “ROUND 4” will detail how the Township will address its Round 4 obligation.

### **PRIOR ROUND**

All of the compliance mechanisms listed in the table below were approved toward Prior Round compliance as part of the 2021 Final JOR that approved the Township’s 2020 Third Round HEFSP. The appendices to the Township’s 2020 HEFSP included all required crediting documentation for these compliance mechanisms and are incorporated by reference.

As demonstrated in the table below, the Township fully satisfies its Prior Round obligation with prior cycle credits, completed inclusionary developments, completed alternative living arrangements, completed 100% affordable housing developments, and Prior Round rental bonuses.

The 2024 FSHC Agreement sets South Brunswick's Prior Round obligation at 841 units, as previously established by COAH pursuant to N.J.A.C. 5:93 and upheld by previous Court Order.

South Brunswick Prior Round Obligation				
Name of Development	Type of AH Unit	No. of AH Units	Rental Bonuses	Comments/ Notes
Deans Apartments/Woodhaven Terrace	Family Rentals	40		Prior Cycle
Charleston Place I	Senior Rentals	54		Prior Cycle
Regal Point	Family Sales	5		Inclusionary
Monmouth Walk	Family Sales	43		Inclusionary
Nassau Square	Family Sales	49		Inclusionary
Summerfield	Family Sales	69		Inclusionary
Deans Pond Crossing	Family Sales	20		Inclusionary
Southridge/Southridge Woods	Family Rentals	124	124	Inclusionary
Woodhaven	Family Rentals	80	80	100%
Charleston Place II	Senior Rentals	30		100%
Oak Woods	Senior Rentals	73	3	100%
Wheeler Road - Bedrooms	Special Needs	3	3	Group Home
Major Road - Bedrooms	Special Needs	3	1, Cap	Group Home
CIL Woods	Special Needs	16		
CIL Wynwood	Special Needs	7		
Dungarvin, 30 Cranston - Bedrooms	Special Needs	4		Group Home
Dungarvin - Bedrooms	Special Needs	8		Group Home
Triple C - 1 of 6 Bedrooms	Special Needs	2		Group Home
		630	211	841

### THIRD ROUND

The 2024 FSHC Agreement sets the Township's Third Round New Construction ("gap" and Prospective Need) obligation at 1,450. The agreement provides that the entire obligation for Round 3 (gap and prospective need) is 1,450 and that the Township will not have additional obligations from Round 3 to be satisfied in Rounds 4 and 5. Hence, the 124 completed pre-2015 extensions of controls, which were previously applied specifically to the Third-Round portion of the uncapped "gap" obligation under an earlier trial court ruling, will now be included toward satisfaction of the entirety of the Third-Round obligation.

The 2024 Amended Third Round HEFSP relied upon much of the FHA/MLUL required plan narrative and crediting documentation included in the Township's 2020 Third Round HEFSP approved by the Court as part of the Township's 2021 Final Third Round JOR. The 2024 Amended Third Round HEFSP also supplemented the crediting documentation issued/received subsequent to the adoption of the Township's 2020 Third Round HEFSP.

South Brunswick Third Round Obligation				
Name of Development	Type of AH Unit	No. of AH Units	Rental Bonuses	Comments/ Notes
Princeton Orchards	Family Rentals	46	46	Inclusionary
PPF/Matrix - 83 Rentals, 15 Sales	Family Rentals	98	83	Inclusionary
SBC - 336 Family, 24 Seniors	Rentals	360	234, Cap	Inclusionary
Khov - 30 Family Sales, 4 Special Needs	Sales/Special Need	34		Inclusionary, Group Home
American Properties	Family Sales	72		Inclusionary
Pulte/Avalon - 27 Family Sales, 5 Special Needs	Sales/Special Need	32		Inclusionary, Group Home
Windsor	Family Rentals	13		Inclusionary
Jaynar/Wilson Farm - 151 of 210	Senior Rentals	151		Inclusionary
Buckingham Place Assisted Living	Senior Rentals	23		Inclusionary
Deans Apartments/Woodhaven Terrace	Family Rentals	4		Ext. of Controls
Charleston Place I and II	Senior Rentals	84		Ext. of Controls
Regal Point/Monument Walk/Nassau Square 97 (91 Third Round/6 Fourth Round)	Family Sales	91		Ext. of Controls
Group Homes (Wheeler/Major/Dungar.)	Special Needs	10		Ext. of Controls
Triple C - 4 Bal. Bedrooms	Special Needs	4		Group Homes

South Brunswick Third Round Obligation (continued)				
Name of Development	Type of AH Unit	No. of AH Units	Rental Bonuses	Comments/Notes
Comm Opt - BR 13 comp/1 fund	Special Needs	14		Group Homes
ARC of Middlesex - Bedrooms	Special Needs	15		Group Homes
RDG/MNHP/TG Acq.	Family Rentals	32		Inclusionary
		1,119*	+ 363	= 1,482*
*The Parties recognize and agree that the chart above provides for the Township to address its Third-Round obligation of 1,450 units with a thirty-two (32) unit family rental surplus which shall be applied to the Fourth-Round obligation				

## FOURTH ROUND

The 2024 FSHC Agreement established the Township's Fourth Round obligation at 1,070 units. The Court approved the Township's Fourth Round obligation in November 2024 after a Fairness Hearing on the 2024 FSHC Agreement and after a Compliance Hearing on the October 2024 Housing Element and Fair Share Plan. The Township seeks approval of its Housing Element and Fair Share Plan in accordance with the 2024 FSHC Agreement.

The Township will satisfy its 1,070 Round 4 obligation with carryover units, extensions of controls, inclusionary sites, a market-to-affordable program, 100% affordable, and redevelopment sites as outlined below. The Township will have a surplus of 119 units:

FOURTH ROUND						
Name of Development	Type of AH Unit	# of AH Units	Bonuses	Comments/Notes	Block	Lot
Sites/Mechanisms Agreed to in 2024 Settlement Agreement						
Third Rd. Surplus - TG/RDG	Family Rentals	32		Inclusionary		
Menowitz/Khov Cam Cross	Family Sales	8		Inclusionary	84	4.06
East Meadow	Family Sales	6		Inclusionary Off-Site	94.02	114
Sassman	Family Sales	1		Inclusionary	31.01	27.13
Harbor Assisted Living	Senior Rentals	15	12	Inclusionary	98	3.06
Jaynar/Wilson Farm - bal.	Senior Rentals	59		Inclusionary	96.24	24.023, 24.024, 24.025
RPM Mixed Use - Ph I	Family Rentals	63	63	Tax Credit Mixed Income	90.03	12.011

FOURTH ROUND (continued)						
Name of Development	Type of AH Unit	# of AH Units	Bonuses	Comments/Notes	Block	Lot
Sites/Mechanisms Agreed to in 2024 Settlement Agreement						
RPM Family/Supp - Ph II	44FRent, 26SN	70	70	100%	90.03	12.011
Dungarvin - agreement	Special Needs	3	3	Group Home		
REACH Completed 29 Fam, 1Sen	Sales	30	30	Market-to-Affordable		
REACH New	Family	34	34	Market-to-Affordable		
Days Inn Redevelopment	Family Rentals	30	15	Inclus./Reconstruction	95	48.13
4126 Route 1 Redev	Family	24		Inclusionary	84	4.05
Sonesta Redevelopment	Family Rentals	40	20	Inclus./Reconstruction	97	13.012
New Group Homes	Special Needs	30	21	Group Home		
Non-profit program	Family	70		Scattered Site		
Summerfield (69), Deans Pond Crossing (20) Mon Walk (6)	Family Sales	96		Ext. of Controls		
<b>TOTAL</b>		610	268			
<b>New Inclusionary Sites</b>						
SBC	Family Rentals	40		Inclusionary	86.03	22.04
Amato Nursery Redevelopment	Family Rentals	40		Inclusionary	29.02	38.08, 38.09
4375 US-1 Redevelopment (Sonesta)	Family Rentals	25		Inclusionary/Reconstruction	99	11.1
<b>New 100% Affordable Sites</b>						
Henderson Road	Senior	125		100%	90.04	12.012, 13.042
3674 Rt 27 Redevelopment (SBCDC)	Senior	79		100%	96.24	23.201
<b>New Sites Total</b>		<b>309</b>				
<b>TOTAL</b>		<b>920</b>	<b>268</b>	<b>1188</b>		
<b>4th Round Obligation</b>				<b>1070</b>		
			Surplus	<b>118</b>		

The mechanisms listed above comply with the parameters set forth in the amended FHA. Those parameters are as follows:

1. Minimum fifty percent of the actual affordable units (exclusive of any bonus credits) available to families. South Brunswick must provide 535 family affordable units and is proposing 552 family affordable units. The Township complies.

2. Minimum twenty-five percent of the actual affordable units (exclusive of any bonus credits) as rental units. South Brunswick Township requires 268 rental units. The Township is proposing 414 rental units. The Township complies.
3. Maximum thirty percent of the affordable units (exclusive of any bonus credits) as age-restricted housing. South Brunswick is permitted a maximum of 321 age-restricted units. The Township is seeking 305 units (not counting bonus credits). The Township complies.
4. Maximum twenty-five percent of the obligation as bonus credits. South Brunswick Township is permitted a maximum of 268 bonus units. Rental bonus credits are earned in accordance with the chart set forth below:

<b>BONUS CREDIT INCENTIVES AND LIMITATIONS</b>	
<b>FOURTH ROUND BONUS CREDIT TYPES</b>	
1.0 Bonus Credit Per Affordable Unit	0.5 Bonus Credit Per Affordable Unit
<ul style="list-style-type: none"> <li>Special needs or permanent supportive housing</li> </ul>	<ul style="list-style-type: none"> <li>Partnership sponsorship with non-profit developer for affordable ownership units.</li> </ul>
<ul style="list-style-type: none"> <li>Municipal contribution (land or funds for at least 3% of the cost) to a 100% affordable project.</li> </ul>	<ul style="list-style-type: none"> <li>Transit-oriented development within one-half mile of public transit stations.</li> </ul>
<ul style="list-style-type: none"> <li>Market-to-affordable program for rental or ownership units.</li> </ul>	<ul style="list-style-type: none"> <li>Age-restricted housing (capped at 10% of age-restricted housing in local plan).</li> </ul>
	<ul style="list-style-type: none"> <li>More three-bedroom units than required by State bedroom distribution rules.</li> </ul>
	<ul style="list-style-type: none"> <li>Redevelopment of former or current retail office, or commercial sites.</li> </ul>
	<ul style="list-style-type: none"> <li>Extended affordability controls that preserve rental affordable housing.</li> </ul>
	<ul style="list-style-type: none"> <li>More housing affordable to very low-income households than the minimum 13% required.</li> </ul>
<p>The choice among these incentives is up to municipalities, with two caveats:</p> <ol style="list-style-type: none"> <li>The municipality may opt for only one bonus type per affordable housing unit.</li> <li>A maximum of twenty-five percent (25%) of the municipality's Prospective Need may be satisfied by these bonus credits.</li> </ol>	

Source: Developing Effective Plans in the Fourth Round, December 2024

The chart set forth above shows the 268 bonuses which the Township claims in accordance with the 2024 FSHC Settlement Agreement. To further clarify the source of each bonus, the Township seeks 268 bonus credits based on the following projects:

- Harbor Assisted Living (15 Units, 12 Bonus): Project Approved. Township seeks twelve Bonus Credits for Special Needs Supportive Housing (Medicaid Beds).
- Dungarvin Group Home (3 Bedroom Units, 3 Bonus): Project Approved. Township seeks three Bonus Credits for Special Needs Housing (Medicaid Beds).

- New Group Homes (30 bedroom units, 21 Bonus): To be completed in Fourth Round. Township will facilitate the construction of thirty Group Home bedroom units and seeks twenty-one Bonus Credits for Special Needs Housing (Medicaid Beds).
- RPM Mixed Use Phase 1 (63 Units, 63 Bonus): Project Approved and under construction. Township seeks sixty-three Bonus Credits for the Municipally Sponsored Development.
- RPM Phase 2 (70 Units, 70 Bonus): Project Approved and under construction. Township seeks seventy Bonus Credits for the 100% affordable Municipally Sponsored Development.
- REACH Market-to-Affordable Program (30 Units, 30 Bonus): Completed. The Township has purchased twenty-nine Family and one Senior market units and converted to affordable housing. Township seeks thirty Bonus Credits for the market-to-affordable units.
- REACH Market-to-Affordable Program (34 Units, 34 Bonus): To be completed in the Fourth Round. The Township will purchase thirty-four Family market units and convert to affordable housing. Township seeks thirty-four Bonus Credits for the market-to-affordable units.
- Days Inn Redevelopment (30 Units, 15 Bonus): Redevelopment Plan adopted. The Township seeks fifteen Bonus Credits for the redevelopment of a former commercial site.
- Sonesta Redevelopment (40 Units, 20 Bonus): Redevelopment Plan adopted. The Township seeks twenty Bonus Credits for the Redevelopment of a former commercial site.

The Township is addressing the Fourth Round 1,070 obligation through the bonuses described above and a variety of mechanisms listed below

- Components Agreed to in the November 2024 Settlement Agreement – 611 Units, 268 Bonus Units
- New Traditional Inclusionary Zoning Sites – 105 Units
- New Municipally Sponsored Projects – 205 Units
- **Total – 921 Units, 268 Bonus = 1189 Units.**



- **Surplus of 119 Units**

The analysis that follows will elaborate on each of these sources of credits

**1. COMPONENTS OF HOUSING ELEMENT AND FAIR SHARE PLAN  
PREVIOUSLY APPROVED USED TO ADDRESS ROUND 4  
OBLIGATION**

The 2024 Settlement not only spelled out how the Township would satisfy its Third-Round obligation but also identified the Township's Fourth-Round obligation and the mechanisms the Township would use to address its Fourth Round obligation. More specifically, the following sites were agreed to and approved by way of the 2024 Settlement Agreement with FSHC to address Round 4.

- **Third Round Surplus – TG/RDG (32 Units):** In March 2024, RDG submitted a builder's remedy site plan application that proposed 127 total units, of which thirty-two would be affordable family rental units, a 25.2% set-aside. Although these thirty-two units were approved in Round 3, according to the 2024 FSHC Agreement, the parties agreed that these thirty-two affordable family rental units shall be applied to the Fourth-Round obligation.
- **Menowitz/Khov Cambridge Crossing (8 Units):** The Cambridge Crossing (formerly Menowitz and Matzel & Mumford) site, which consists of approximately 53.9 acres, is located on County Route 522. Its northern boundary also has frontage on Route 1. The site is identified as Block 84, Lots 4.06 on the Township's tax maps. Hovnanian secured Planning Board approval for a mixed-use development consisting of 28,000 square feet of commercial development along the Route 1 frontage and a total of eighty-five family townhouse units along the Route 522 frontage. As part of an April 2, 2013 Court Order approving a settlement agreement with the prior owner/developer (Matzel & Mumford), the developer was obligated to set aside ten percent of the housing units for affordable housing, resulting in the construction of eight affordable on-site units and a payment in lieu of construction for the remaining half-unit. The gross density of the development, which excludes the ten acre portion of the site that will be subdivided for commercial development along Route 1, is 1.9 units/acre and the net density is 2.4 units/acre. There are six two-bedroom and two three-bedroom units and all units are compliant with COAH regulations. The approved site plan confirmed that the on-site affordable units will be interspersed with the market-rate units. All of the units have been completed and the Township issued COs for the units in 2016 and 2017. Four of the units are affordable to low-income households and four units are affordable to moderate-income households. All of the for-sale units have at least thirty year affordability controls.

- **East Meadow (6 units):** On November 20, 2014, Robert Gelbard/Brunswick Square at South Brunswick, LLC (“Gelbard”) obtained use variance and bulk variance approval from the South Brunswick Township Zoning Board of Adjustment allowing for the development of fifty-five non-age restricted single-family detached homes on a 23±acre site in the ARRC and R-3 zones at 3240 Route 27 and 8-30 Beekman Road (Block 94.02, Lot 114). On December 7, 2015, Gelbard filed an application for preliminary and final major subdivision approval of East Meadow Estates, a fifty-five unit, non-age restricted residential development consisting of single-family detached homes. South Brunswick Code Section 62-2002 requires that any proposed residential development consisting of five or more lots or units shall set aside 12.5 percent of those units for affordable housing. For a fifty-five unit development, the affordable housing obligation is 6.875 affordable units. Gelbard provided a payment in lieu of construction, which the Township used to write down the price of six units. Five units have been resold with an affordable housing deed restriction and the sixth sale is pending. The affordable units have at least thirty-year affordability controls.
- **Sassman (1 unit):** As part of the process for preliminary and final major subdivision approval for a five lot development, Sassman Properties at South Brunswick, LLC was required to designate one of the lots as an affordable housing lot, to be used for the construction of a single-family home restricted to moderate-income households. As a result, a 1,550-square-foot, three-bedroom home was constructed at 55-61 Fresh Ponds Road (Block 31.01, Lot 27.13), with a certificate of occupancy issued on September 10, 2015. The property is located in the RR Rural Residential District. Appropriate deed restrictions were placed on the property for use as an affordable home. The South Brunswick Affordable Housing Office located an eligible buyer, who closed on the purchase of the property on September 29, 2015. The unit is administered in accordance with N.J.A.C. 5:80-26.1.
- **Harbor Assisted Living(15 units, 12 Bonus):** The Harbor Assisted Living site is located on 25.98 acres at 4331 U.S. Route 1 (Block 98, Lot 3.06) in the Township. On March 22, 2018, the Board of Adjustment granted Harbor Retirement Development, LLC preliminary and final site plan approval to construct a 120,000-square-foot assisted-living and memory-care facility that would contain 160 beds. Consistent with assisted living licensing requirements, ten percent of the units must be reserved for Medicaid recipients, resulting in sixteen beds affordable to income-eligible individuals. However, Charlie Jennings, chief development officer for Harbor Retirement Associates, has indicated that Harbor intends to apply

for a license to operate a 150-bed facility, which will reduce the number of required Medicaid-eligible (creditable) beds from sixteen to fifteen.

- **Jaynar/Wilson Farm – balance (59 units):** The Township owns the Wilson Farm site, which is located at 3614-3668 Route 27 (Block 96.24, Lot 24.023, 24.024, 24.025). On June 26, 2019, the Township signed a redeveloper’s agreement with Jaynar Construction, a division of Eastern Properties, to develop up to 210 age-restricted affordable units and a skilled nursing facility on the property. On November 26, 2019, the Township adopted an amended Redevelopment Plan to allow a skilled nursing facility as a permitted use on the site. In 2021, Jaynar obtained preliminary site plan approval for the project, including 210 units of affordable age-restricted housing (plus two superintendent units). In 2024, Jaynar obtained final site plan approval. The Township claimed and the Court approved 151 affordable age-restricted units toward Third Round compliance and the remaining fifty-nine units towards the Township’s fourth round obligations.
- **RPM Mixed Use – Phase I/ RPM Family/Supp – Ph II (133 units, 133 bonus):** The RPM municipally sponsored mixed-income tax credit development includes sixty-three affordable family rental units. The parties included this site in the 2024 Settlement agreement, which the Court approved in November 2024. In addition, RPM received tax credits for a sixty unit 100% affordable family and special-needs rental project (eligible for seventy credits including credits by the bedroom for two-bedroom special needs units). Both RPM phases are under construction and are included in the Township’s Fourth Round HEFSP.
- **Dungarvin – Agreement (3 Units, 3 Bonus):** On October 23, 2009, the Township and Dungarvin entered into an agreement to establish three low-income group homes in the Township, each having a minimum of three bedrooms and a maximum of four bedrooms, for persons with developmental disabilities. Dungarvin then applied for and received operating and capital funding from DDD for two four-bedroom group homes. The Township provided \$35,000 per bedroom to subsidize the acquisition of the two group homes, and the properties are deed-restricted for forty-five years. A 2014 amendment to this agreement restricted occupancy at all three group homes to very low-income individuals. Two operating group homes have been included towards the satisfaction of the Prior Round Precredited Need Obligation. South Brunswick Township will help Dungarvin with the acquisition of a third group home through a per-bedroom payment from collected affordable housing development fees. The group home will have a minimum of three bedrooms, making the Township eligible for a minimum of three credits and three rental bonuses towards its Round 4 obligation. Dungarvin anticipates receiving operational and capital funding from DDD for the group home.

- **REACH Completed 29 Family, 1 Senior (30 units, 30 bonus):** The Township, utilizing its' successful REACH Program (a market-to-affordable program), purchased twenty-nine family units and one senior unit, for affordable housing.
- **REACH New (34 units, 34 bonus):** The Township will continue the implementation of its successful REACH Program (a market-to-affordable program) for a total of thirty-four additional affordable family sale units at a rate of four per year over the Fourth Round until the program is completed. The Township has a proven track record with this model and has set aside trust fund monies to continue implementing this program. The Township's in-house Affordable Housing Office will administer the market-to-affordable program. The affordable units will have thirty year affordability controls and will be affirmatively marketed. The Township will income-qualify applicants and will provide long-term administration of the units in accordance with COAH's rules at N.J.A.C. 5:93 et seq. and UHAC. In the case of the market-to-affordable REACH sale program, the Township will include the following:
  - Maintain an up-to-date inventory of units that meet the requirements of a market-to-affordable program;
  - Qualify and place income-eligible households in low- and moderate-income units upon initial occupancy;
  - Place income-eligible households in low- and moderate-income units as they become available during the minimum thirty year term of affordability controls; and,
  - Enforce the terms of the deed restriction and mortgage lien.

N.J.A.C. 5:97-6.9 requires that a municipality provide a minimum subsidy of \$25,000 per moderately priced unit and \$30,000 for low-income sale units. The Township in prior rounds has supplemented the subsidy with additional resources in order to ensure that the units meet the affordability standards established in UHAC and may provide between \$25,000 and \$125,000 per unit. To date, the per-unit cost of the program has averaged approximately \$75,000 (including funds for potential renovations). South Brunswick receives funding for the market-to-affordable REACH program from sources including, but not limited to, development fees and payments in lieu of construction. The Township currently has sufficient funds in its Affordable Housing Trust Fund and is reflected in the Spend Plan.

- **Days Inn Redevelopment (30 Units, 15 units):**

The Days Inn Redevelopment site is comprised of Block 95 Lot 48.13, with frontage on New Road, and is 9.79-acres. The Township approved a Redevelopment Plan (RES-2025-257, Appendix 5) for the redevelopment of Block 95 Lot 48.13 for a total of 150 multi-family housing units with twenty percent or thirty affordable family rental units to be provided on-site. The Township will negotiate a redevelopment agreement for the site. In accordance with N.J.A.C. 5:93-5.3 (b), the site is available, approvable, developable and suitable:

- **The site is Suitable;** The site has frontage along New Road and US Route-1, with site access from New Road. The area surrounding the site is a mix of undeveloped lands, a mobile home park, commercial, and single-family residential units. The site contains wetlands as per the New Jersey Department of Environmental Protections' geographic data, but no other environmental constraints are present on site.
- **The site is Approvable;** The site is within the State Planning Area 2, the suburban planning area. According to the SDRP, some of the goals of the planning area are "to provide adequate housing at a reasonable cost through public/private partnerships that create and maintain a broad choice of attractive affordable ecologically designed housing, particularly for those most in need and to conserve the states natural resources and systems as capital assets of the public by promoting ecologically sound development and redevelopment in the metropolitan and suburban planning areas.". This makes the PA2 a good location for affordable housing development. The site is not within the CAFRA zone, the pinelands area, the highlands planning or preservation areas, or the meadowlands. The site is located in the Block 95 Lot 48.13 Redevelopment Zone, which is specifically intended for Inclusionary Affordable Housing Development.
- **The site is Available;** The site is owned by Laxmi Acquisitions LLC. We are aware of no legal encumbrances or deed restrictions that would preclude the development of the site for affordable housing.
- **The site is Developable;** There are no known contaminated facilities on the property. There are no category 1 waterways on site. The site is within the Stony Brook RSA River Road Sewer Service

Area, Township Water service area, and has the sufficient infrastructure and capacity to serve the proposed project.

- **4126 Route 1 Redevelopment (24 units)**

The 4126 Route 1 Redevelopment site is comprised of Block 84, Lot 4.05, on Route 1, and is 9.74-acres. The Township approved a Redevelopment Plan (Appendix 6) for the redevelopment of Block 84/Lot 4.05 for a total of 118 multi-family housing units with twenty percent or twenty-four affordable family rental units to be provided on-site. The Township will negotiate a redevelopment agreement for the site. In accordance with N.J.A.C. 5:93-5.3 (b), the site is available, approvable, developable and suitable:

- **The site is Suitable;** The site has frontage and access on US Route 1. The area surrounding the site is a mix of mostly vacant/undeveloped land, residential, and commercial. The site contains wetlands as per the New Jersey Department of Environmental Protections' geographic data, as well as a regulated waterway on the southwestern border of the property.
- **The site is Approvable;** The site is within the State Planning Area 2, the suburban planning area. According to the SDRP, some of the goals of the planning area are "to provide adequate housing at a reasonable cost through public/private partnerships that create and maintain a broad choice of attractive affordable ecologically designed housing, particularly for those most in need and to conserve the states natural resources and systems as capital assets of the public by promoting ecologically sound development and redevelopment in the metropolitan and suburban planning areas.". This makes the PA2 a good location for affordable housing development. The site is not within the CAFRA zone, the pinelands area, the highlands planning or preservation areas, or the meadowlands. The site is located in the Block 84 Lot 4.05 Redevelopment Zone, which is specifically intended for Inclusionary Affordable Housing Development.
- **The site is Available;** The site is owned by 4112-4126 Us Route 1 LLC. We are aware of no legal encumbrances or deed restrictions that would preclude the development of the site for affordable housing.
- **The site is Developable;** There are no known contaminated facilities on the property. There are no category 1 waterways on site. The site is within the Stony Brook RSA River Road Sewer Service

Area, Township Water service area, and has the sufficient infrastructure and capacity to serve the proposed project.

- **Sonesta Redevelopment (40 units. 20 bonus):**

The Sonesta Hotel/ Avia NJ Deerpark Redevelopment site (Appendix 7) is comprised of Block 97 Lot 13.012, on 8.29-acres. There is a fully executed Redeveloper's Agreement, dated April 22, 2024, between the Township and Avia NJ Deerpark for the redevelopment and reconstruction of the former Sonesta hotel into a total of 200 housing units including a twenty percent set-aside or forty affordable family rental units. In accordance with N.J.A.C. 5:93-5.3 (b), the site is available, approvable, developable and suitable:

- **The site is Suitable;** The site has frontages on Deer Park Drive, US Route 1, and Raymond Road, with access on Deer Park Drive. The area surrounding the site is a mix of primarily commercial, residential, and undeveloped land. The site contains no environmentally sensitive areas.
- **The site is Approvable;** The site is within the State Planning Area 2, the suburban planning area. According to the SDRP, some of the goals of the planning area are “to provide adequate housing at a reasonable cost through public/private partnerships that create and maintain a broad choice of attractive affordable ecologically designed housing, particularly for those most in need and to conserve the states natural resources and systems as capital assets of the public by promoting ecologically sound development and redevelopment in the metropolitan and suburban planning areas”. This makes the PA2 a good location for affordable housing development. The site is not within the CAFRA zone, the pinelands area, the highlands planning or preservation areas, or the meadowlands. The site is located in the Sonesta Redevelopment Zone, which is specifically intended for Inclusionary Affordable Housing Development.
- **The site is Available;** The site is owned by Avia Nj Deerpark, LLC. We are aware of no legal encumbrances or deed restrictions that would preclude the development of the site for affordable housing
- **The site is Developable;** There are no known contaminated facilities on the property. There are no category 1 waterways on site. The site is within the Stony Brook RSA River Road Sewer Service Area, Township Water service area, and has sufficient infrastructure and capacity to serve the proposed project.

- **New Group Homes (30 Units):** During the period between now and July 1, 2030, the Township shall facilitate the construction of thirty more additional supportive housing and/or group home units/bedrooms. The Township has developed a Group Home Program, located in Appendix 4. Township has set aside money in the Trust Fund/2026 Spending Plan for the development of these units.
- **Scattered Site - Non-Profit Programs (70 Units):** During the period between now and July 1, 2035, South Brunswick shall facilitate the construction of seventy new rental/ownership affordable units for families within the Township in 100% scattered site affordable housing developments, subject to the parameters of the settlement agreement. The Township currently has an agreement in place with Morris Habitat for Humanity for their rehabilitation program. Morris Habitat is a prolific developer of these non-profit scattered site affordable units. The Township will seek to expand their current partnership with Morris Habitat, for the construction of seventy new rental/ownership affordable units for families. The Township has set aside money in the Trust Fund/2026 Spending Plan for the development of these units.
- **Extension of Controls (96 Units)**

South Brunswick proposes to satisfy ninety-six of its 1,070 Round 4 obligation through extensions of deed restriction. The 2024 settlement anticipated six credits for extending deed restriction on the six units in Monmouth Walk which have already been extended.

As to these six units, the chart, patched in below, shows the initial date of the thirty year deed restriction and the final date that restriction would expire before June 30, 2035.

Address	Start Date of Deed	30 Year Deed Restriction Date	Recent 30 Year Deed Restriction Date
*43 Allison Court	12/15/1995	12/15/2025	12/15/2055
45 Allison Court	6/10/1996	6/10/2026	6/10/2056
30 Heather Court	8/11/1995	8/11/2025	8/11/2055
*31 Heather Court	4/30/1997	4/30/2027	4/30/2057
32 Heather Court	7/7/1995	7/7/2025	7/7/2055
33 Heather Court	7/14/1995	7/14/2025	7/14/2055



As to the extensions on the remaining ninety units (seventy units in Summerfield and twenty units in Deans Pond Crossing), the Township proposes to extend the deed restrictions in accordance with the standards set forth in the HMFA regulations adopted on November 6, 2025 that became available in December 2025. The analysis that follows shows how the Township will secure credits for extensions on these ninety units

**The Restriction Initially Imposed On The Ninety Units Will Expire Between June 30, 2025 And July 1, 2035 If The Restrictions Are Not Extended:**

The chart, patched in below, shows the initial date of the 30 year deed restriction and the final date that restriction would expire before June 30, 2035.

Address	Start Date of Deed	30 Year Deed Restriction Date
*101 Blossom Circle	8/21/1998	8/21/2028
*102 Blossom Circle	7/16/1998	7/16/2028
103 Blossom Circle	7/23/1998	7/23/2028
*104 Blossom Circle	9/28/2001	9/28/2031
*113 Blossom Circle	7/28/1999	7/28/2029
*114 Blossom Circle	12/10/1998	12/10/2028
115 Blossom Circle	3/12/1999	3/12/2029
*116 Blossom Circle	1/4/1999	1/4/2029
*210 Blossom Circle	10/10/2000	10/10/2030
*211 Blossom Circle	6/30/1999	6/30/2029
*212 Blossom Circle	12/6/1999	12/6/2029
*213 Blossom Circle	10/19/2000	10/19/2030
*401 Blossom Circle	3/24/2001	3/24/2031
*402 Blossom Circle	1/12/2001	1/12/2031
403 Blossom Circle	2/21/2001	2/21/2031
*404 Blossom Circle	4/26/2001	4/26/2031
*412 Blossom Circle	11/26/2001	11/26/2031
*413 Blossom Circle	12/28/2000	12/28/2030
414 Blossom Circle	6/14/2001	6/14/2031
*415 Blossom Circle	6/8/2001	6/8/2031

Address	Start Date of Deed	30 Year Deed Restriction Date
501 Blossom Circle	3/8/2001	3/8/2031
502 Blossom Circle	10/18/2000	10/18/2030
*503 Blossom Circle	11/30/2000	11/30/2030
*504 Blossom Circle	11/26/2001	11/26/2031
*710 Blossom Circle	7/5/2001	7/5/2031
*711 Blossom Circle	3/26/2001	3/26/2031
712 Blossom Circle	11/21/2000	11/21/2030
713 Blossom Circle	6/27/2001	6/27/2031
801 Blossom Circle	6/26/2001	6/26/2031
802 Blossom Circle	12/4/2000	12/4/2030
*803 Blossom Circle	5/16/2001	5/16/2031
*804 Blossom Circle	8/30/2001	8/30/2031
*812 Blossom Circle	2/15/2002	2/15/2032
*813 Blossom Circle	10/30/2000	10/30/2030
*814 Blossom Circle	10/27/2000	10/27/2030
*815 Blossom Circle	4/20/2001	4/20/2031
901 Blossom Circle	4/30/2001	4/30/2031
*902 Blossom Circle	4/25/2000	4/25/2030
*903 Blossom Circle	3/23/2001	3/23/2031
*904 Blossom Circle	3/29/2001	3/29/2031
*1001 Blossom Circle	6/14/2001	6/14/2031
1002 Blossom Circle	12/29/2000	12/29/2030
*1003 Blossom Circle	6/15/2001	6/15/2031
*1004 Blossom Circle	7/18/2001	7/18/2031
*1101 Blossom Circle	7/13/2000	7/13/2030
1102 Blossom Circle	12/15/2000	12/15/2030
*1103 Blossom Circle	9/8/2000	9/8/2030

Address	Start Date of Deed	30 Year Deed Restriction Date
*1112 Blossom Circle	1/28/2002	1/28/2032
1113 Blossom Circle	10/29/2001	10/29/2031
1114 Blossom Circle	9/9/1999	9/9/2029
*1115 Blossom Circle	4/27/2001	4/27/2031
*1201 Blossom Circle	6/7/2001	6/7/2031
*1202 Blossom Circle	7/28/1999	7/28/2029
1203 Blossom Circle	7/27/2001	7/27/2031
1401 Blossom Circle	9/25/2001	9/25/2031
1402 Blossom Circle	8/26/1999	8/26/2029
1403 Blossom Circle	3/14/2001	3/14/2031
*1404 Blossom Circle	12/28/2001	12/28/2031
*1413 Blossom Circle	5/31/2002	5/31/2032
1414 Blossom Circle	8/22/2001	8/21/2031
*1415 Blossom Circle	9/17/1999	9/17/2029
*1416 Blossom Circle	7/21/2001	7/21/2031
*1506 Blossom Circle	2/2/1999	2/2/2029
*1507 Blossom Circle	8/26/1999	8/26/2029
1508 Blossom Circle	6/21/2000	6/21/2030
*1509 Blossom Circle	3/31/1999	3/31/2029
*1608 Blossom Circle	2/16/2001	2/16/2031
*1609 Blossom Circle	11/14/2000	11/14/2030
1610 Blossom Circle	1/25/2000	1/25/2030
*1611 Blossom Circle	9/21/2001	9/21/2031
6 Potomac Road	9/24/2002	9/24/2032
*4 Potomac Road	8/2/2002	8/2/2032
6 Lexington Road	3/18/2002	3/18/2032
*4 Lexington Road	4/12/2002	4/12/2032

Address	Start Date of Deed	30 Year Deed Restriction Date
49 Lexington Road	4/8/2002	4/8/2032
*7 Lexington Road	10/30/2002	10/30/2032
4 Yorktown Road	2/6/2002	2/6/2032
1 Putnam Road	8/30/2001	8/30/2031
13 Chesapeake Road	7/23/2004	7/23/2034
*14 Putnam Road	3/29/2001	3/29/2031
*56 Putnam Road	7/3/2001	7/3/2031
57 Putnam Road	2/5/2001	2/5/2031
*12 Putnam Road	12/18/2000	12/18/2030
61 Yorktown Road	11/21/2001	11/21/2031
3 Yorktown Road	2/12/2002	2/12/2032
69 Chesapeake Road	4/8/2004	4/8/2034
70 Chesapeake Road	7/19/2004	7/19/2034
*15 Chesapeake Road	12/19/2003	12/19/2033
5 Champlain Road	10/17/2002	10/17/2032
7 Champlain Road	11/27/2002	11/27/2032

\*These unit were resold during the 30-year restriction imposed in the initial deeds. All units are for-sale units.

Appendix 8 includes an example of a deed for one of the ninety units along with the agreement referenced in the deed that empowers the Township to extend the restriction. The Township will furnish the ninety deeds along with the accompanying agreements that provides that the Township can extend the restriction. The extension shall run thirty years from the last date of the initial restriction so that, in combination with the initial restriction, each unit will be restricted for sixty years. In addition, the Township will furnish the extensions on the six units in Monmouth Walk referenced above.

**The Township Will Provide Notice To The Households Residing In the 90 Units Within The Time Specified By The New Regulations:**

The new regulations the NJHMFA adopted on November 6, 2025 and signed by Governor Murphy on December 15, 2025 provide as follows:

If the municipality has not received notice of any intent by the owner to make an exit sale, the municipality notifies the owner, by certified mail and, if known, by email, of its election to extend affordability controls no earlier than one year and no later than 180 days before the execution of a new deed restriction extending affordability controls, during which time the owner shall have the opportunity to seek and provide notice of intent for an exit sale and/or obtain an appraisal of the value of their unit as if it were not subject to UHAC;

[N.J.A.C. 5:80-26.6(h) 4]

Accordingly, the Township will notify the households residing in the units “no earlier than one year and no later than 180 days before the execution of a new deed restriction extending affordability controls”. The Township will send a certified letter in the form attached under Appendix 8. In addition, the Township will adopt a resolution identifying the ninety units and seek to record the resolution further putting all would be purchasers on notice that the unit is an affordable unit for a total of sixty years.

**In Accordance With Ordinance 2024-7, The Township Will Ensure That All Units Transferred After the Deed Restrictions Expire Are Safe and Habitable:**

South Brunswick adopted Ordinance 2024-7, setting forth the requirements to obtain a Certificate of Occupancy to resell a residential unit. The Seller must not only provide a Certificate of Occupancy in accordance with Ordinance 2024-7 but also must produce the State mandated smoke detector/carbon monoxide inspection certificate and install a prescribed fire extinguisher. The Township will offer to inspect the units owned the low or moderate income households listed above and to pay all reasonable expenses the household may incur to obtain a Certificate of Occupancy, and to comply with State laws on smoke /carbon monoxide detectors and to install a prescribed fire extinguisher.

**The Township Will Use the Form of Deed Restriction Required by the New HMFA Regulations When Extending the Deed Restrictions on the Ninety Units:**

The regulations the HMFA adopted on November 6, 2025 and Governor Murphy signed on December 15, 2025 require the use of new forms of deed restrictions for units under the extension of controls program. Accordingly, when extending deed restrictions on the ninety units set forth above, the Township will use the form of deed restriction required by the new regulations.

### **Monetary Compensation**

The new regulations include the following language:

iii. If the restricted unit is governed by a deed restriction executed prior to November 6, 2025, extends affordability controls pursuant to the terms of the governing deed restriction, provided that a new deed restriction is executed according to the requirements of this subchapter.

[N.J.A.C. 5:80-26.6(h) 6 (iii)]

The deeds for the ninety units do not require South Brunswick to pay anything to extend restrictions. Nevertheless, the Township has set aside a conservative \$5,000 to extend the deed restriction on each unit provided the household provides access to inspect the unit and otherwise cooperates with the Township's efforts to extend the deed restriction.

The Court approved the components of the current Round 4 Plan described above when it approved the South Brunswick/FSHC agreement, dated September of 2024 and the Housing Element and Fair Share Plan adopted to implement this agreement. While the Court's approval envisioned that the Township would need to provide additional information, we have now done just that.

It bears emphasis that the Court utilized the procedures set forth in Morris County Fair Housing Council v. Boonton Township, 197 N.J. Super. 359, 364 (Law Div. 1984) affd o.b. 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328 (App. Div. 1996)" to approve the FSHC Settlement Agreement and the Housing Element and Fair Share Plan used to implement the agreement. By following these procedures, the Township secured protection of its agreement and previously approved plan to possible challenges from parties as well as non-parties.

## **2. NEW TRADITIONAL INCLUSIONARY SITES**

### **The Applicable Standard**

COAH regulations require sites used for new construction to be available, approvable, developable and suitable. N.J.A.C. 5:93-5.3 (b). COAH defines available, suitable, developable, and approvable in N.J.A.C. 5:93-1.3 as follows:

- "Available site" means a site with clear title, free of encumbrances which preclude development for low and moderate income housing.

- “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.
- “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 wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.
- “Approvable site” means a site that may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing.
- In addition to determining whether the site and proposed development is suitable pursuant to the above definitions, and the 2025 State Development and Redevelopment Plan (SDRP), approved by the State Planning Commission on December 17, 2025 for this guidance, which indicates that inclusionary housing in Planning Areas 1, 2 and Centers is encouraged.

The Round 4 Plan identifies three sites that will be used for affordable housing in which only a percentage of the units will be affordable. The analysis below will apply the standards set forth above to these three sites.

#### **South Brunswick Center (40 units)**

- For the South Brunswick Center (SBC) Site (Block 86.03 Lot 22.04), the Township proposes to adopt by ordinance an Affordable Housing zone for the property for the development of 160 market rate units and forty affordable housing units. All units are to be Family Rental units. As part of the development, SBC will maintain the existing wooded area along Route 1 and Northumberland Way.
  - **The site is Suitable;** The site has frontages on US Route 1, Northumberland Way, and Cornwall Road, with access proposed on Cornwall Road. The surrounding area is primarily undeveloped land and commercial. The site contains wetlands as per the New Jersey Department of Environmental Protection’s geographic data.
  - **The site is Approvable;** The site is within the State Planning Area 2, the suburban planning area. According to the SDRP, some of the goals of the planning area are “to provide adequate housing at a reasonable cost through public/private partnerships that create and maintain a broad choice of attractive affordable ecologically

designed housing, particularly for those most in need and to conserve the states natural resources and systems as capital assets of the public by promoting ecologically sound development and redevelopment in the metropolitan and suburban planning areas.” This makes the PA2 a good location for affordable housing development. The site is not within the CAFRA zone, the pinelands area, the highlands planning or preservation areas, or the meadowlands. The Township will adopt an affordable housing zone for this site (Appendix 9).

- **The site is Available;** The site is owned by South Brunswick Center, LLC. We are aware of no legal encumbrances or deed restrictions that would preclude the development of affordable housing.
- **The site is Developable;** Although the New Jersey Department of Environmental Protection Mapping Shows the adjacent property (Block 86.03 Lot 24.03) as having a groundwater contamination Area, there are no known contaminated facilities on the property. There are no category 1 waterways on site. The site is within the Middlesex County Sewer Service Area, Township water service area, and has sufficient infrastructure and capacity to serve the proposed project.

#### **Amato Nursery Redevelopment (40 units):**

- For the Amato Nursery Redevelopment site (Block 29.02, Lots 38.08 and 38.09), The Township proposes to prepare an Area In Need or Redevelopment Study for the possible redevelopment and reconstruction of the former Amato Nursery into a total of 160 housing units including a twenty five percent set-aside or forty affordable family rental units. The Township passed a resolution in September 2025 authorizing the investigation (Appendix 10). If the site is found to be an Area In Need of Redevelopment, the Township shall provide a draft redevelopment plan and a letter from the owner supporting redevelopment of the site as part of its HEFSP. The Township has worked closely with the developer on the attached concept plan (Appendix 10) for this site. The Developer has agreed to the increased set-aside.

The site is available, approvable, developable and suitable as required by N.J.A.C. 5:93-5.3

- **The site is Suitable;** The site has frontage on US Route 130 and Deans Rhode Hall Road, with access from both. The surrounding area is a mix of undeveloped land and commercial space, with



residential developments nearby. There are no environmentally sensitive areas on the site.

- **The site is Approvable;** The site is within the State Planning Area 2, the suburban planning area. According to the SDRP, some of the goals of the planning area are “to provide adequate housing at a reasonable cost through public/private partnerships that create and maintain a broad choice of attractive affordable ecologically designed housing, particularly for those most in need and to conserve the states natural resources and systems as capital assets of the public by promoting ecologically sound development and redevelopment in the metropolitan and suburban planning areas.”. This makes the PA2 a good location for affordable housing development. The site is not within the CAFRA zone, the pinelands area, the highlands planning or preservation areas, or the meadowlands. The site is in Light Industrial / Office / Research (LI-2), which is not necessarily zoned for affordable housing development, but that does not restrict a site from being considered approvable. The Township will adopt, pursuant to the area being deemed in need of redevelopment, a Redevelopment Plan that will be specifically intended for the development of this Inclusionary Affordable Housing Development. In the event the site is not found to be an area in need of redevelopment, the Township will adopt an ordinance (Appendix 10) to rezone the property for the proposed development.
- **The site is Available;** The site is owned by Peter and Jo Ann Amato. There is no legal encumbrances or deed restrictions that to our knowledge would preclude the development of affordable housing.
- **The site is Developable;** There are no known contaminated facilities on the property. There are no category 1 waterways on site. The site is within the Middlesex County Sewer Service Area, Township water service area, and has sufficient infrastructure and capacity to serve the proposed project.

Although no proof of owner willingness is required, the Amato’s have been involved in the discussions between Township and Developer.

#### **4375 US-1 Sonesta Redevelopment (25 units)**

- For the 4375 US-1 Redevelopment site, the Township has authorized by resolution an Area In Need or Redevelopment Study for the possible redevelopment and reuse of the former Sonesta Hotel into a total of 124 housing units including a twenty percent set-aside or twenty-five affordable

family rental units. The Township passed a resolution in December 2025 authorizing the investigation. The Township has had success with this redevelopment method for affordable housing on the previous Sonesta site. If the site is found to be an Area In Need of Redevelopment, the Township shall provide a draft redevelopment plan and a letter from the owner supporting redevelopment of the site as part of its HEFSP. The site is available, approvable, developable and suitable.

- **The site is Suitable;** The site has frontage and access on US Route 1. The surrounding area is primarily commercial, with agricultural lands behind the site. There are no environmentally sensitive areas on the site.
- **The site is Approvable;** The site is within the State Planning Area 2, the suburban planning area. According to the SDRP, some of the goals of the planning area are “to provide adequate housing at a reasonable cost through public/private partnerships that create and maintain a broad choice of attractive affordable ecologically designed housing, particularly for those most in need and to conserve the states natural resources and systems as capital assets of the public by promoting ecologically sound development and redevelopment in the metropolitan and suburban planning areas.”. This makes the PA2 a good location for affordable housing development. The site is not within the CAFRA zone, the pinelands area, the highlands planning or preservation areas, or the meadowlands. The Township will adopt, pursuant to the area being deemed in need of redevelopment, a Redevelopment Plan that will be specifically intended for the development of this Inclusionary Affordable Housing Development. In the event the site is not found to be an area in need of redevelopment, the Township will adopt an ordinance (Appendix 11) to rezone the property for the proposed development.
- **The site is Available;** The site is owned by Cwp-Asr Princeton I Llc Etal. We are aware of no known legal encumbrances or deed restrictions that would preclude the development of affordable housing.
- **The site is Developable;** There are no known contaminated facilities on the property. There are no category 1 waterways on site. The site is within the Stony Brook RSA River Road Sewer Service Area, Township NJ American – Raritan Water service area and has sufficient infrastructure and capacity to serve the proposed project.

### 3. NEW 100% AFFORDABLE MUNICIPALLY SPONSORED PROJECTS

#### The Applicable Standard

COAH regulations not only require all sites slated for 100 percent affordable projects to be available, approvable, developable and suitable (N.J.A.C. 5:93-5.3 (b)) but also require all municipally sponsored projects to satisfy four criteria (N.J.A.C. 5:93-5.5). Nore specifically, N.J.A.C. 5:93-5.5 requires municipally sponsored projects to satisfy the following four basic requirements:

- **Site Control-** The municipality shall demonstrate that it has control or has the ability to control the site.
- **Administrative Mechanism:** The affordable housing developer will retain an administrative entity approved by the Township to administer and affirmatively market the units at the site, income qualify applicants, place minimum forty year affordability controls on the units and provide long term administration of the units in accordance with the Fair Housing Act and UHAC.
- **Adequate and Stable Funding Source:** The Township anticipates that each developer will apply for various funding sources, including Federal low income tax credits. The Township also has and anticipates receiving substantial contributions to its trust fund. Finally, the Township will have a resolution of intent to bond if necessary to cover any gap in financing.
- **Construction Schedule:** Each municipally sponsored project will have a construction schedule focused on commencing construction within two years of approval of the Township's Housing Element and Fair Share Plan.

The Township has identified two new 100% affordable Municipally Sponsored Projects in its plan. These sites have been reviewed against those standards described above.

#### **3674 Route 27 Redevelopment (79 units)**

This site has been deemed an Area in Need of Redevelopment by the Township based upon the Planning Board's Recommendation. A draft Redevelopment Plan has been prepared for the property for the development of seventy-nine age-restricted affordable units, with one additional unit for on-site manager. The project will be 100% affordable. The site is located directly adjacent to the previously approved Wilson Farms age restricted affordable development, with a skilled nursing facility, making it an ideal location for an eighty-unit age restricted development. After the Township adopts the Redevelopment Plan the town will release an RFQ to select an experienced affordable housing redeveloper and partner

with South Brunswick Community Development Corporation SCBDC for the development and management of these units. SCBDC has several of these similar type of properties within the Township and State and has an extensive track record of managing these types of properties.

The Block 96.24 Lot 23.021 tract is owned by Gateway 27 LLC, is approximately 4.051 acres, and is located on Route 27 near the intersection of Route 27 and Gateway Boulevard. The Township will enter into a development agreement with the selected developer and work to utilize and expand the existing structure on the lot for the development of eighty age-restricted units. The Township intends to address and implement a component of the Township's affordable housing obligation by creating a municipally sponsored, 100% affordable, age restricted development. As detailed below, the site qualifies for an inclusionary project and the Township's plan complies with the requirements for municipally sponsored projects.

The subject property is available, approvable, developable and suitable

- **Suitable Site** – The site is adjacent to compatible land uses and has access to appropriate streets. The site has frontage on Route 27 (Lincoln Highway) and Gateway Boulevard, with access from Route 27. The site is located directly adjacent to the recently approved Wilson Farms affordable age restricted development. This development also contains a skilled nursing facility, making this site an ideal location for an age-restricted development. The site is located approximately 0.5 miles away from the Kendall Park OurBus Bus stop. This bus line serves routes to Princeton and New York City. Although the site has a waterway that runs through the southern portion of the site which is considered a regulated waterway by the New Jersey Department of Environmental Protection, it also has significant uplands available for this development.
- **Developable Site** – The site is within the Stony Brook RSA Sewer Service area, and is serviced by public water and sewer, as well as electric, telephone, and gas utilities. There are no known contaminated facilities on the property.
- **Available**- The site is available in that it has clear title and is free of encumbrances which preclude development of affordable housing. The Redevelopment Investigation confirmed this.
- **Approvable Site** – pursuant to NJAC 5:93-1.3, an approvable site may be developed for low- and moderate-income housing in a manner consistent with the rules and regulations of all agencies with jurisdiction over the site. The site is approvable and will be developed in accordance with Town,

County, and State regulations. The Township will adopt the Gateway 27 Redevelopment Plan which will specifically permit this development type and density.

In addition, the project satisfies the criteria for N.J.A.C.5:93-5.3 (b) as follows

- Site control –The Township has an amicable working relationship with the current property owner and has been in discussions to purchase the property (Appendix 16). The property owner has been involved in the entire Redevelopment process and discussions of an affordable housing development on this property. In the event that the Township and Property Owner cannot come to an agreement, the Township will acquire the property (Appendix 17) via condemnation. The Township has passed a resolution authorizing such an act.
- Administrative Entity – The Township will enter into an agreement with an experienced administrative agent to administer the Towns affordable housing units. For the proposed fourth round affordable units, the Townships administrative agent or the developer if the 100% affordable project will affirmatively market units, income qualify applicants, place thirty year affordability controlled restrictions on the units, and provide long term administration of the units in accordance with COAH’s rules at NJAC 5:93 et seq. and UHAC per NJAC 5:80-26.1 or any successor regulations, with the exception that in lieu of ten percent affordable units in rental projects being required to be at thirty-five of median income, thirteen percent of affordable units in such projects shall be required to be at thirty percent of median income. The Township will be partnering with the experienced SCBDC group to manage this property. SCBDC has several age restricted properties and proven track record managing these properties.
- Funding – Pursuant to the 2025-2035 Spending Plan, the Township will utilize money from the Affordable Housing Trust Fund to purchase the subject property. To facilitate and encourage the implementation of the plan, the Township may employ other tools, such as but not limited to long term tax exemptions and abatements pursuant to The Long Term Tax Exemption Law, NJSA 40A:20-1 et seq. and / or pursuant to the New Jersey Housing And Mortgage Finance Agency Laws, NJSA 55:14K-37. As provided by statute the establishment of redevelopment agreements and / or financial agreements providing for tax exemptions or abatements will include the payment of an “Annual Service Charge”, also commonly known as “Payment In Lieu Of Taxes”, or “PILOT”. The project and payment structure shall be subject to an agreement between the redeveloper and the Township in accordance with the statutory standards and requirements. The municipality will issue a Request for Qualification and select an affordable

housing developer to enter into an agreement with for the development of the Project on the newly acquired municipally owned Site. This municipal-owned Site would be transferred to SBCDC. It is expected that the Project would be financed by that chosen developer, SBCDC, and Township, using any and all available sources including federal Low Income Housing Tax Credits. Affordability controls would be consistent with that program, as well recently adopted affordable housing laws. The redeveloper shall seek any additional funding through tax credits, a mortgage, or other sources of financing. SBCDC has provided a development program and plan addressing how the development will be financed (Appendix 12).

- Construction Schedule – Based upon discussions with SBCDC the Township anticipates a schedule where construction will commence two years from adoption of the Township’s plan.

### **Henderson Road (125 Units)**

- This site has been deemed an Area in Need of Redevelopment by the Township at Planning Board Recommendation. A draft Redevelopment Plan (Appendix 13) has been prepared for the property for the development of 125 age-restricted affordable units, with one additional unit for an on-site manager. and will be moving forward rapidly. The project will be 100% affordable. A number of similar dense developments exist along Henderson Road making the site suitable for this project. 1.

The Block 90.04 Lot 12.012 tract is owned by Traditional Developers LLC, is approximately 8.16 Acres, and is located on Henderson Road approximately 1,000-feet north of Henderson Roads intersection with Black Horse Lane, and approximately 3,500-feet south from its intersection with the Brunswick Pike / US Highway-1. The Township will enter into a development agreement with the selected developer and work to create a single structure on the lot and provide for 126 affordable units. The Township intends to address and implement a component of the Township’s affordable housing obligation by creating a municipally sponsored, 100% affordable, age restricted development. As detailed below, the site qualifies for an inclusionary project and the Township’s plan complies with the requirements for municipally sponsored projects.

The subject property (Block 96.24 Lot 23.021) is available, approvable, developable and suitable

- Suitable Site – The site is located adjacent to residential uses of similar density. The site has access to appropriate streets. More specifically, the site has adequate access to Henderson Road and is only about 1,000-feet from

the intersection of Henderson and Black Horse Lane, and about 3,500 feet from US Highway-1. A majority of the surrounding area is made up of similar multifamily and age restricted residential complexes and is part of the overall Black Horse Lane Redevelopment Area. The site is located approximately 1.5 miles away from the M1 bus stop along US Highway 130. The M1 bus service is operated by Middlesex County Area Transit (MCAT) which connects to NJ Transit's New Brunswick's train station. Although the site has significant portions of land that are encumbered by wetlands and its transition area, flood hazard area, and riparian buffers, the applicant has shown that the site can be developed even with these restrictions.

- Available- The Township's Henderson Redevelopment plan confirms the site has a clear title and is free of encumbrances which preclude development of affordable housing.
- Developable Site – The site is within the Lower Raritan / Middlesex County Sewer Service area, and is serviced by public water and sewer, as well as electric, telephone, and gas utilities. The site will be served by public water and sanitary sewer, both available in Henderson Road. Sewer and water mains are accessible.
- Approvable Site – The site is approvable and will be developed in accordance with Town, County, and State regulations. The site is located with the Henderson Road Redevelopment Plan which permits a development of this type and density.

In addition, the project satisfies the criteria for N.J.A.C.5:93-5.3 (b)

- Site control – The Township will need to sign a letter of intent (Appendix 16) to purchase the site based upon the FMV for the intended use. The Township has an amicable working relationship with the current property owner and has been in discussions to purchase the property. In the event that the Township and Property Owner cannot come to an agreement, the Township will acquire the property via condemnation. The Township has passed a resolution (Appendix 17) authorizing such an act.
- Administrative Entity – The Township will enter into an agreement with an experienced administrative agent to administer the Towns affordable housing units. For the proposed fourth round affordable units, the Townships administrative agent or the developer if the 100% affordable project will affirmatively market units, income qualify applicants, place 30-year affordability controlled restrictions on the units, and provide long term administration of the units in accordance with applicable regulations, with the exception that in lieu of 10% affordable units in rental projects being

required to be at thirty-five percent of median income, thirteen of affordable units in such projects shall be required to be at 30% of median income.

- **Funding** – Pursuant to the 2025-2035 Spending Plan, The Township will utilize money from the Affordable Housing Trust Fund to purchase the subject property. To facilitate and encourage the implementation of the plan, the Township may employ other tools, such as but not limited to long term tax exemptions and abatements pursuant to The Long Term Tax Exemption Law, NJSA 40A:20-1 et seq. and / or pursuant to the New Jersey Housing And Mortgage Finance Agency Laws, NJSA 55:14K-37. As provided by statute the establishment of redevelopment agreements and / or financial agreements providing for tax exemptions or abatements will include the payment of an “Annual Service Charge”, also commonly known as “Payment In Lieu Of Taxes”, or “PILOT”. The project and payment structure shall be subject to an agreement between the redeveloper and the Township in accordance with the statutory standards and requirements. The municipality will issue a Request for Qualification and select an affordable housing developer to enter into an agreement with for the development of the Project on the newly acquired municipally owned Site. This municipal-owned Site would be transferred to that chosen developer. It is expected that the Project would be financed by that chosen developer using any and all available sources including federal Low Income Housing Tax Credits. The developer has provided the Township with a preliminary pro forma, located in appendix 17. Affordability controls would be consistent with that program, as well recently adopted affordable housing laws. The redeveloper shall seek any additional funding through tax credits, a mortgage, or other sources of financing.
- **Construction Schedule** – Based on discussions with the anticipated developer, the Township expects construction to begin within two years of approval of the Township’s Plan.

### **VERY LOW-INCOME UNITS**

In 2008, the New Jersey Legislature adopted P.L. 2008, c.46, N.J.S.A. 52:27D-329.1, which required municipalities to provide at least thirteen percent (13%) of all affordable housing units approved and constructed (or to be constructed) after July 17, 2008, be affordable to very low income households. Very low income households are households whose gross median income is thirty percent or less than the regional median income for the region. The Township is expected to exceed the requirement that thirteen percent (13%) for affordable units constructed after July 17, 2008. Pursuant to N.J.S.A. 52:27D-329.1 (enacted in 2024), at least half of very low income units addressing the Fourth Round Prospective Need must be “available for families with children.”. Each affordable housing development has complied or will comply with very low income unit required as set forth in UHAC.



## **AFFORDABLE HOUSING ADMINISTRATION AND AFFIRMATIVE MARKETING**

South Brunswick Township currently has a Court-approved Affordable Housing Ordinance, Division 14 of the Township Code, adopted on June 23, 2020 by way of Ordinance No. 2020-13. The Affordable Housing Ordinance governs the establishment and occupancy of the affordable units in the Township, including, but not limited to, the phasing of affordable units, the mix of very low, low and moderate income units, bedroom distribution, occupancy standards, affordability controls, rents and sales prices, affirmative marketing, and income qualification. The Affordable Housing Development Fees are contained in the Township's Code in Section 62:2013, "Development Fees", of Division 14, which was adopted June 23, 2020 by Ordinance 2020-13. A copy of this ordinance is located at Appendix 15.

The Township will update its Affordable Housing Ordinance in accordance with the DCA's proposed new regulations (N.J.A.C. 5:99-1.1, et seq.), and UHAC's new 2025 regulations (N.J.A.C. 5:80-26-1.1, et seq.), that recently became available in December. All affordable housing must comply with the recently adopted UHAC regulations.

The Township shall adopt by resolution an updated Affirmative Marketing Plan. The Township's Administrative Agent designated by the Township, or any Administrative Agent appointed by a specific developer and approved by the Township, shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

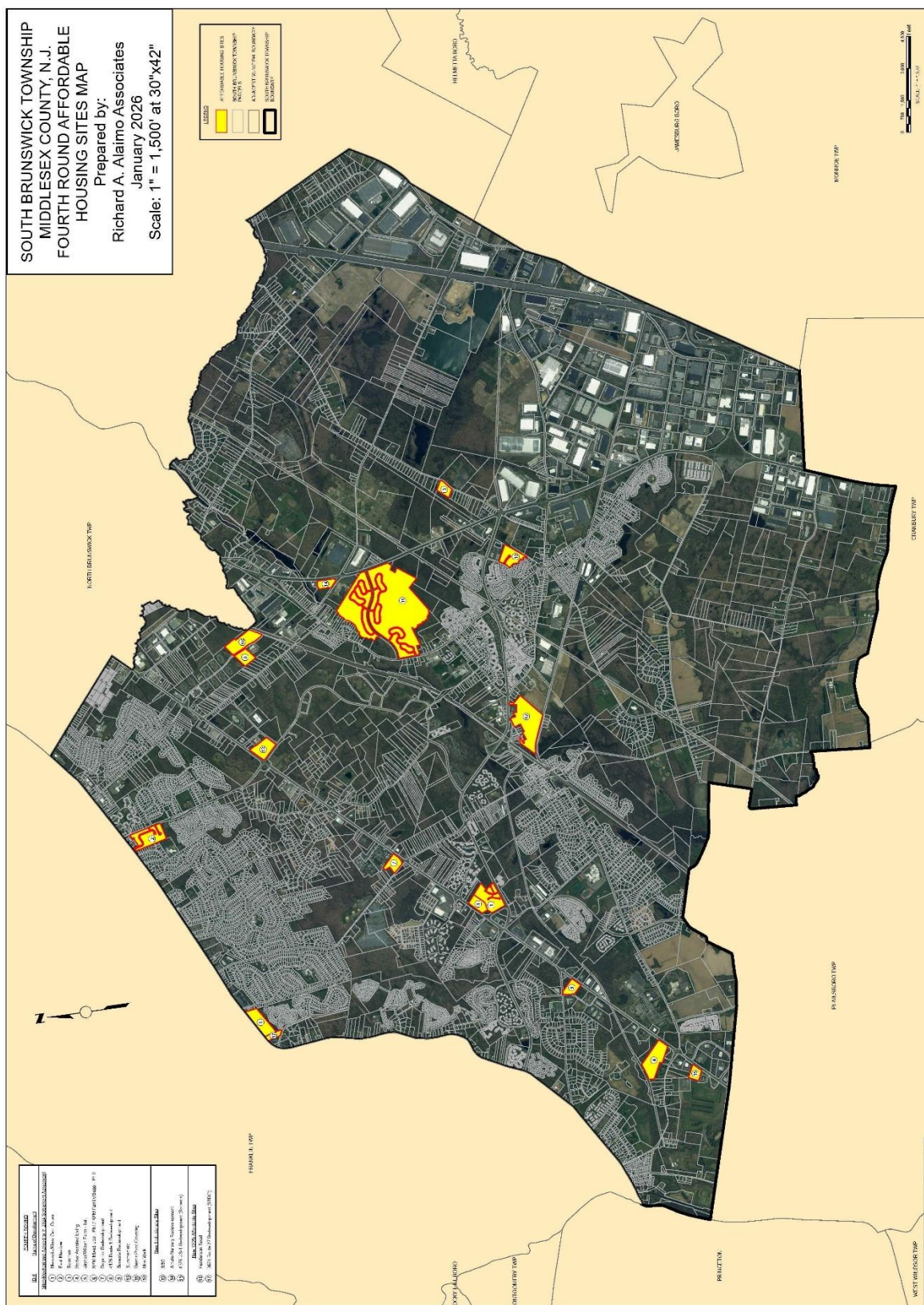
The Township has appointed a Municipal Housing Liaison by resolution.

## **SPENDING PLAN**

The Township has prepared a Fourth Round Spending Plan (located in Appendix 14) which discusses anticipated revenues, collection of revenues, and the use of revenues, in accordance with the FHA and N.J.A.C. 5:99-1.1, et seq. All collected revenues are placed in the Township's Affordable Housing Trust Fund and will be dispensed for the use of affordable housing activities as indicated in the Fourth Round Spending Plan. The Township will update its spending plan in accordance with the recent DCA regulations found at N.J.A.C. 5:99-1.1 et seq.

## **SUMMARY**

Through the proposed mechanisms set forth above, the Township will fully satisfy its affordable housing obligations. Should the Township need to take additional steps to secure approval of its Housing Element and Fair Share Plan as so often happens during plan review, the Township is committed to comply with its obligations and its right to immunity protects its right to decide how best to comply.



Appendix 1.  
2021 JOR

Donald J. Sears, Esq.  
 Attorney ID: #020031986  
 Township of South Brunswick  
 540 Ridge Road  
 P.O. Box 190  
 Monmouth Junction, NJ 08852  
 Phone No.: (732) 329-4000

**FILED**

July 6, 2021

Hon. Michael V. Cresitello, Jr., P.J.Cv.

Attorney for Township of South Brunswick

<p>IN THE MATTER OF THE          APPLICATION OF THE TOWNSHIP          OF SOUTH BRUNSWICK FOR A          JUDGMENT OF COMPLIANCE AND          REPOSE AND IMMUNITY FROM  <u>MOUNT LAUREL</u> LAWSUITS</p>	<p>SUPERIOR COURT OF NEW JERSEY          LAW DIVISION          MIDDLESEX COUNTY</p> <p>DOCKET NO.: MID-L-4433-17</p> <p>CIVIL ACTION – <i>MOUNT LAUREL</i></p> <p>FINAL JUDGMENT OF          COMPLIANCE AND REPOSE</p>
--	--

**THIS MATTER** comes before the Court upon the Declaratory Judgment Complaint of Petitioner Township of South Brunswick ("Township" or "Petitioner"), seeking a determination that the Township has complied with its Mount Laurel obligation, in accordance with the procedures set forth in In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N. J. 1 (2015) ("Mount Laurel IV"), and

**THE COURT HAVING** conducted a Compliance Hearing on September 23, 24 and 25, 2019, in accordance with the requirements of the New Jersey Fair Housing Act ("FHA") and the Mount Laurel case law, upon the Township's proposed plan to provide for affordable housing and address its fair share obligations, resulting in entry of an Order of Conditional Judgment of Compliance and Repose by this Court on November 27, 2019; and

**THE COURT HAVING** conducted a Final Compliance Hearing on October 22, 2020,

to determine if the Township has satisfied all of the conditions set forth in the November 27, 2019, Order of Conditional Judgment and otherwise demonstrated that its 2020 Amended Housing Element and Fair Share Plan and Amended Spending Plan (“Plan”) provides for a realistic opportunity for the development of the Township’s Third Round Fair Share of low- and moderate-income housing, with Donald J. Sears, Esq., appearing on behalf of Petitioner; Thomas F. Collins, Jr., Esq. and Thomas J. Molica, Jr., Esq., Vogel, Chait, Collins & Schneider, P.C., appearing on behalf of the Township of South Brunswick Planning Board (“Planning Board”); Adam Gordon, Esq., and Bassam Gergi, Esq., appearing on behalf of Intervenor Fair Share Housing Center (“FSHC”); Henry L. Kent-Smith, Esq., Fox Rothschild LLP, appearing on behalf of Intervenor Richardson Fresh Ponds/Princeton Orchards Associates and Intervenor K. Hovnanian Shore Acquisitions; Danielle Kinback, Esq., Bisgaier Hoff, LLC, appearing on behalf of Intervenor Avalon Bay and Pulte Homes; Kenneth D. McPherson, Jr., Esq., and Jessica Almeida, Esq., appearing on behalf of Intervenor South Brunswick Center, LLC; Bryan Plocker, Esq., Hutt & Shimanowitz, appearing on behalf of Intervenor TG Acquisitions and Intervenor Windsor Associates; John Sarto, Esq., Giordano, Halleran & Ciesla, P.C., appearing on behalf of Intervenor American Properties; Thomas F. Carroll, III, Esq., Hill Wallack LLP, appearing on behalf of Intervenor PPF Industrial –Route 130/ Exit 8A, LLC; Joshua A. Zielinski, Esq., O’Toole Scrivo, appearing on behalf of Intervenor Ridge Road Properties LLC; on notice to Kevin J. Moore, Esq., Sills Cummis & Gross, on behalf of Intervenor Stanton Girard (collectively "Intervenors"); and Robert F. Simon, Esq., Herold Law, P.A., appearing on behalf of Objector Royal Oaks Apartments, LLC (“Royal Oaks”), in the presence of Special Master Christine Nazzaro-Cofone, PP, AICP ("Special Master"); and

**THE COURT HAVING** received and considered the testimony of Mary Beth Lonergan, PP, AICP, municipal and affordable housing planner on behalf of the Township, as well as the testimony of the Special Master, along with written submissions by the Township and various Intervenors and/or objectors; and

**THE COURT HAVING** also received and considered written submissions from numerous members of the public prior to and during the course of the hearing; and

**THE COURT HAVING** received into evidence the Final Report of the Special Master, dated July 28, 2020 ("Report"), evaluating the compliance of Petitioner's Plan, and the Special Master having concluded in her Report that, "[a]s of July 27, 2020, the Township has acted in good faith to comply with the terms of the Court Orders. The Township's ongoing efforts are ensuring that the municipality will meet its constitutionally-mandated low and moderate income affordable housing obligation in a compliant fashion," and otherwise recommended in her Report that the Township be granted a Third Round Final Judgment of Compliance and Repose; and

**THE COURT HAVING** issued, following briefing and oral argument, an order dated March 3, 2021, Directing Payment to Fair Share Housing Center of Reasonable Attorney's Fees and Costs as well as an order dated April 26, 2021, Directing the Township of South Brunswick to Reimburse Its Affordable Housing Trust Fund; and

**THE COURT HAVING** reviewed and considered all evidence marked into the record during the Final Compliance Hearing and heard closing arguments of all counsel;

**IT IS** on this 6th of July 2021, **HEREBY ORDERED AND ADJUDGED:**

1. Petitioner properly afforded notice of the Final Compliance Hearing and Mid-Point Review in accordance with governing law and this Court's Order of September 8, 2020.



2. As set forth in the December 5, 2018, Court order, the Township's cumulative 1987-2025 Third Round affordable housing obligation is comprised of:

- a. A Third Round Present Need (Rehabilitation Share) of 109.
- b. A Prior Round (1987-1999) Precredited Need obligation of 937.
- c. A Third Round New Construction obligation (including the 'Gap Present Need' and 'Prospective Need') from 1999-2025 of 1,417.

3. Having reviewed the Township's Plan, adopted by the Planning Board "under protest" on June 17, 2020, and endorsed by the Township "under protest" on June 23, 2020, and having considered the testimony, evidence and argument presented by the parties on October 22, 2020, and for the reasons set forth on the record on October 22, 2020, the Court finds and declares that the Township has (a) complied with all of the conditions set forth in the November 27, 2019, Order of Conditional Judgment, and (b) has otherwise met its court-ordered fair share obligation and has prepared a Plan to meet its Third Round Present Need (Rehabilitation Share), its Prior Round obligation and its Third Round New Construction obligation ('Gap Present Need' and 'Prospective Need'). As such, the Court finds that the Township's Plan is constitutionally compliant and creates a realistic opportunity for the Township's cumulative Third Round fair share affordable housing obligations and is therefore approved.

4. For the reasons set forth on the record on October 22, 2020, a Final Judgment of Compliance and Repose is hereby entered for the Township of South Brunswick through July 6, 2025, pursuant to N.J.S.A. 52:27D-313 of the FHA, Mount Laurel IV, and applicable regulations of the Council on Affordable Housing ("COAH").

5. South Brunswick Township's immunity from Builder's Remedy claims and/or suits shall be confirmed and continued in full force and effect through July 6, 2025 ("Repose Period") in order to protect the Township from any additional builder's remedy challenges beyond those that had been filed as of November 27, 2019. Said immunity is subject to the



Township's compliance with the Court's orders and the Township's Plan, provided that this Final Judgment shall not affect any right the Township may have to challenge said orders and any provisions of its Plan in any appeal of this Final Judgment.

6. The Township shall not repeal, modify, or amend its Affordable Housing Ordinance, or any other ordinance or zoning ordinance in effect as of the date of this Final Judgment that affects the use or development of the affordable housing in the Township's Plan, except upon further order of this Court or as determined in any appeal of this Final Judgment.

7. The court finds and declares that the Township has met its statutory obligation for a Midpoint Review in satisfaction of N.J.S.A. 52:27D-313.

8. For the reasons set forth in this court's Order dated April 26, 2021, the Township shall reimburse its Affordable Housing Trust Fund in the amount of \$1,354,642.78 within 120 days of the date of that Order.

9. The Township has revised its Amended Third Round Spending Plan consistent with the reimbursement to the Affordable Housing Trust Fund set forth in the preceding paragraph, with same being adopted by the Planning Board (under protest) on May 19, 2021, and endorsed by the Township Council (under protest) on May 25, 2021, and said revised Amended Third Round Spending Plan is hereby approved.

10. For the reasons set forth in this court's Order dated March 3, 2021, and set forth on the record on February 26, 2021, the Township shall pay \$602,259.00 in attorney's fees and costs to FSHC within 120 days of the date of that Order.

11. The within Final Judgment is a Final Judgment pursuant to R. 4:42-1 and for purposes of filing an appeal from final judgments pursuant to R. 2:2-3(a).

12. Entry of this Final Judgment of Compliance and Repose does not affect in any way the rights and remedies that any Builder's Remedy Plaintiff has under the prior Orders of this Court,

including, but not limited to, the right to proceed under the Special Hearing Officer process for site plan approval pursuant to the Court's Order of October 21, 2016. In addition, entry of this Final Judgment does not preclude the entry of an Order granting preliminary and/or final site plan approval in the Builder's Remedy applications and does not stay those proceedings or the Special Hearing Officer process, except upon further order of this Court or decision on appeal of this Final Judgment.

13. The Township continues to be authorized to impose and collect affordable housing development fees as well as payments in-lieu of construction, other income, etc., to deposit and maintain those funds in the Township's Affordable Housing Trust Fund, and to expend those funds in accordance with its approved Amended Spending Plan dated May 25, 2021, subject to applicable law. The proposed expenditure of funds from the Township's Affordable Housing Trust Fund is found and determined to be consistent with and authorized by the FHA, and as such, those funds are properly committed for expenditure as required by the 2008 amendments to the FHA, P.L. 2008, c.46.

14. The Court hereby confirms the July 6, 2018, Consent Order that set forth a process for the Township to update income limits for all affordable housing units annually within 60 days of the publication of determinations of median income by the U.S. Department of Housing and Urban Development ("HUD"). The Township shall continue to follow the process outlined therein as a requirement of this Final Judgment of Compliance.

15. On the first anniversary of the entry of this Judgment, and every anniversary thereafter through the end of the Repose Period, the Township shall provide annual reporting to the NJ Department of Community Affairs, COAH, the Division of Local Government Services and/or other entity designated by the State of NJ or the Superior Court. The reporting shall be posted on the Township's website and a copy provided to FSHC. The annual reporting shall address

- a. all Affordable Housing Trust Fund activity, including the amount and purpose of all expenditures, the source and amount of all deposits, updated totals, as well as a summary of any anticipated deposits and expenditures.
- b. all affordable housing activity in the Township, including but not limited to detailed updates on every mechanism in the Township's plan, the location and the number of affordable units approved, under construction, and built, information on the bedroom and income distribution of the affordable units, and whether the required deed restriction has been imposed on the affordable units.

15. Within 30 days of the third anniversary of this Final Judgment (and every three years after that), the Township shall prepare a status report regarding its efforts to produce very low-income housing units per N.J.S.A. 52:27D-329.1. The report shall be posted on the Township's website and a copy provided to FSHC. The posting will invite any interested party to submit comments to the Township as to the Township's efforts to comply with its very low-income affordable housing obligation.

16. The Court's posting of this Final Judgment on eCourts shall constitute service upon all counsel of record. The Court has provided a copy of this Final Judgment to the Special Master via email. \The Township shall serve any other interested parties or pro se litigants on eCourts, via regular and certified mail within seven (7) days of the posting of this Final Judgment on eCourts.

/s/ Michael V. Cresitello, Jr.  
Hon. Michael V. Cresitello, Jr., P.J.Cv.

OPPOSED

Notwithstanding the objections received from South Brunswick Center, the within relief is granted based upon the totality of the record as summarized herein and as further supported by correspondence received from Fair Share Housing Center dated June 3, 2021 and the report of the Special Master dated June 7, 2021.

Appendix 2.  
2024 FSHC Settlement Agreement

# FAIR SHARE HOUSING CENTER

Adam M. Gordon, Esq.  
Laura Smith-Denker, Esq.  
Joshua D. Bauers, Esq.  
Ashley J. Lee, Esq.  
Esmé Devenney, Esq.  
Will Fairhurst, Esq.

September 19, 2024

## VIA E-COURTS

Honorable Michael V. Cresitello, Jr., P.J.Cv  
Superior Court of New Jersey, Law Division  
Middlesex County Courthouse  
P.O. Box 964  
New Brunswick, NJ 08903-0964

Re: **In the Matter of the Application of the Township of South Brunswick  
Docket No. MID-L-4433-17**

Dear Judge Cresitello:

Please accept this letter enclosing the final executed settlement agreement between Fair Share Housing Center (“FSHC”) and the Township of South Brunswick’s (the “Township” or South Brunswick”).

Respectfully submitted,

**FAIR SHARE HOUSING CENTER**



---

Joshua D. Bauers, Esq.  
*Attorney for Intervenor  
Fair Share Housing Center*





South Brunswick Township  
540 Ridge Road  
Monmouth Junction, NJ 08852

RES-2024-302

## Authorizing Settlement Agreement in the Matter of the Township of South Brunswick, County of Middlesex Under Docket No. MID-L-4433-17

WHEREAS, in accordance with Mount Laurel IV, on July 8, 2015, South Brunswick filed a complaint seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., and

WHEREAS, the Trial Court rejected the relief sought by the Township in the 2015 Declaratory Judgment Action, revoked the Township's immunity and imposed a new construction fair share obligation for the Gap and Third Round periods, with additional phasing for the Fourth and Fifth Rounds, in excess of 2,251 affordable units on the Township, with at least 1,417 affordable units allocated for the Third Round, 417 affordable units for the Fourth Round, and 417 affordable units for the Fifth Round (the "Wolfson Decision"); and

WHEREAS, the Appellate Division, while affirming most of the trial court's decisions including the revocation of immunity and imposition of builder's remedies, reversed and remanded the Litigation to the Trial Court as to one issue, for the express purpose of requiring the Township to seek approval of a revised Third-Round Housing Element and Fair Share Plan (HEFSP) that is capped at one thousand (1,000) affordable housing units, in accordance with the Appellate Division Decision as to the application of the 1,000-Unit Cap Statute codified at N.J.S.A. 52:27D-307e (the "1,000-Unit Cap Statute" or the "1,000-Unit Cap"); and

WHEREAS, the Township and Fair Share Housing Center, Inc. ("FSHC" or "Fair Share Housing Center"), Township Planning Board (the "Board"), and various other intervening parties including developers that are parties to the Litigation, have filed Petitions and Cross-Petitions for Certification with the New Jersey Supreme Court (collectively the or those "Petitions" and "Cross-Petitions") to review various aspects of the Appellate Division Decision, including and not limited to the issue of whether the Appellate Division Decision as to the application of the 1,000-Unit Cap should be reversed. Those Petitions and Cross-Petitions remain pending for consideration before the New Jersey Supreme Court as of the date of execution of this Agreement; and

WHEREAS, while the matter was pending at the trial court and after case management conferences on March 13, 2024 and March 27, 2024 the trial court entered an Order For Further Proceedings dated April 9, 2024 wherein Hon. Michael V. Cresitello, J.S.C. retained the jurisdiction for the parties to negotiate a resolution and settlement to the Township's Third Round and Fourth Round fair share plans, including a determination of the Third Round and Fourth Round fair share obligations and the mechanisms that will be utilized to address those obligations. This order was followed by orders signed and entered by the Court on May 9, 2024, July 2, 2024, and the order efiled on July 30, 2024, which all specified an intention by the parties and the court to negotiate and resolve and globally settle the Township's Third Round and Fourth Round fair share obligations and all litigation and in the consolidated cases; and

WHEREAS, the Township, FSHC, and the various intervening parties agree to settle the litigation and to present this Agreement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it ends delays and the expense of further litigation and results more quickly in the construction of homes for very-low-, low- and moderate-income households.

WHEREAS, the Agreement supersedes all prior writings between the parties and, once implemented, will create a realistic opportunity for the construction of a substantial number of new affordable homes for very-low-, low-, and moderate-income households;

NOW THEREFORE BE IT RESOLVED on this 4<sup>th</sup> day of September, 2024, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

1. The Mayor and Township Clerk shall be and are hereby authorized to execute the Settlement Agreement reached between declaratory judgment plaintiff the Township of South Brunswick and Fair Share Housing Center in the Matter of the Township of South Brunswick, County of Middlesex Under Docket No. MID-L-4433-17.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ken Bierman, Deputy Mayor
<b>SECONDER:</b>	Joseph Camarota, Councilman
<b>AYES:</b>	Bierman, Camarota, Grover, Hochman, Carley

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on September 4, 2024.

  
 Barbara Nyitrai, Township Clerk





Adam M. Gordon, Esq.  
 Laura Smith-Denker, Esq.  
 Joshua D. Bauers, Esq.  
 Ashley J. Lee, Esq.  
 Esmé Devenney, Esq.  
 Will Fairhurst, Esq.

September 12, 2024

Francis M. Womack, Esq.  
 Township of South Brunswick  
 Municipal Building  
 P.O. Box 190  
 Monmouth Junction, N.J. 0885-0190

**Re: In the Matter of the Township of South Brunswick, County of Middlesex,**  
 Docket No. MID-L-4433-17

Dear Mr. Womack:

This letter agreement memorializes the terms of a Settlement Agreement ("Agreement") reached between declaratory judgment plaintiff the Township of South Brunswick (the "Township" or "South Brunswick") and Fair Share Housing Center ("FSHC"), a Supreme Court-designated interested party and intervenor in the within declaratory judgment action filed by South Brunswick.

### **Background**

In accordance with Mount Laurel IV, on July 8, 2015, South Brunswick filed a complaint seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq.,

The Trial Court rejected the relief sought by the Township in the 2015 DJ Action, revoked the Township's immunity and imposed a new construction fair share obligation for the Gap and Third Round periods, with additional phasing for the Fourth and Fifth Rounds, in excess of 2,251 affordable units on the Township, with at least 1,417 affordable units allocated for the Third Round, 417 affordable units for the Fourth Round, and 417 affordable units for the Fifth Round (the "Wolfson Decision").

The Appellate Division, while affirming most of the trial court's decisions including the revocation of immunity and imposition of builder's remedies, reversed and remanded the Litigation to the Trial Court as to one issue, for the express purpose of requiring the Township to seek approval of a revised Third-Round HEFSP that is capped at one thousand (1,000) affordable housing units, in accordance with the Appellate Division Decision as to the application of the 1,000-Unit Cap Statute codified at N.J.S.A. 52:27D-307e (the "1,000-Unit Cap Statute" or the 1,000-Unit Cap").

The Township and Fair Share Housing Center, Inc. ("FSHC" or "Fair Share Housing Center"), Township Planning Board (the "Board"), and various other intervening parties including developers that are parties to the Litigation, have filed Petitions and Cross-Petitions for Certification with the New Jersey Supreme Court (collectively the or those "Petitions" and "Cross-Petitions") to review various aspects of the Appellate Division Decision, including and not limited to the issue of whether the Appellate Division Decision as to the application of the 1,000-Unit Cap should be reversed. Those Petitions and Cross-Petitions remain pending for consideration before the New Jersey Supreme Court as of the date of execution of this Agreement.



While the matter was pending at the trial court and after case management conferences on March 13, 2024 and March 27, 2024 the trial court entered an Order For Further Proceedings dated April 9, 2024 wherein Hon. Michael V. Cresitello, J.S.C. retained the jurisdiction for the parties to negotiate a resolution and settlement to the Township's Third Round and Fourth Round fair share plans, including a determination of the Third Round and Fourth Round fair share obligations and the mechanisms that will be utilized to address those obligations. This order was followed by orders signed and entered by the Court on May 9, 2024, July 2, 2024, and the order efiled on July 30, 2024, which all specified an intention by the parties and the court to negotiate and resolve and globally settle the Township's Third Round and Fourth Round fair share obligations and all litigation and in the consolidated cases.

The Township, FSHC, and the various intervening parties agree to settle the litigation and to present this Agreement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it ends delays and the expense of further litigation and results more quickly in the construction of homes for very-low-, low- and moderate-income households.

This Agreement supersedes all prior writings between the parties and, once implemented, will create a realistic opportunity for the construction of a substantial number of new affordable homes for very-low-, low-, and moderate-income households.

### **Agreement Terms**

The Township and FSHC hereby agree to the following terms:

1. The parties recognize that this Settlement Agreement occurs after the main trial in this matter, after the Appellate Division has issued a decision, and while the issues contained in that appeal are pending for potential certification before the New Jersey Supreme Court. The parties recognize that, at this juncture, certain issues remain pending before the trial court and the Supreme Court, and also that the parties, absent entering into this Agreement, may assert certain rights to appeal aspects of the trial court's adjudication and/or pursue a Petition for Certification before the Supreme Court. By entering into this Agreement and subject to the trial court approving this Agreement at a duly noticed fairness hearing as specified herein and entering a final judgment of compliance and repose ("JOR") in accordance with the terms specified in this Agreement, the parties (a) agree to abide by the trial court's orders and decisions to this point, including prior determinations by the trial court appointed Special Hearing Officer(s) ("SHO") except as specifically modified herein; (b) agree to resolve the outstanding issues before the trial court, including but not limited to the matters remanded by the Appellate Division decision, in the manner specified herein, and agree that the unpublished Appellate Division decision's interpretation of the 1,000 unit cap shall not bind any party given that the issue was the subject of pending petitions before the Supreme Court at the time of this settlement and that the parties have agreed to settle this issue in a manner that differs from both the trial court's original decision and the Appellate Division decision based upon mutual agreement of the parties; (c) agree to not appeal, and to relinquish and waive all rights to appeal, any and all aspect of the trial court's adjudication since the filing of the declaratory judgment action, and (d) agree to withdraw with prejudice any appeals, petitions for certification, or motions that may be pending as specified further herein. This Agreement contemplates that the SHO may (and in some cases shall) be required to continue to act in lieu of the Planning Board for current parties to the litigation. Such action by the SHO shall not be a basis for the parties not abiding by the terms of this

paragraph. Non-parties to the litigation shall make application to and appear before the Planning Board.

2. The parties agree to act in good faith, with candor, and with all continuity of purpose to ensure the full and swift implementation of the terms of this Agreement and the expeditious provision of the affordable housing agreed to herein, including but not limited to cooperating with efforts of any builders remedy plaintiff or settling developer to construct affordable housing as further provided for in this Agreement. The parties shall work to avoid all delays and to promptly and amicably resolve any disagreements that may arise. Where the parties are unable to reach a prompt accord and/or where disputes arise, the parties agree and accept that the ultimate authority and power to resolve all issues and to take/order all required action and to enforce this Agreement rests with the Superior Court of New Jersey based upon input from the Special Adjudicator and the SHO. Such issues include, but are not limited to, requiring the adoption of or amendment to zoning ordinances, approving site plan applications, requiring the issuance of permits, terminating immunity from exclusionary zoning suits in the event of a material violation of this Agreement, and/or issuing orders of contempt. The Parties agree that, where appropriate, the court may delegate appropriate tasks to the Special Adjudicator and/or SHO subject to the final decision of the court. As an essential term of this Agreement, the Parties accept and agree that where the court takes such actions as the court deems necessary hereunder to ensure the full and swift implementation of this Agreement, including resolving disagreements and/or disputes amongst the parties or ordering appropriate relief, that the parties shall abide by that decision and shall not thereafter challenge nor appeal such a decision. As discussed above, non-parties to the litigation shall make application to and appear before the Planning Board.
3. FSHC agrees that the Township, through adoption of a Housing Element and Fair Share Plan ("HEFSP") consistent with the terms of this Agreement and through the implementation of the HEFSP satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, for the Prior Round (1987-1999), Third Round (1999-2025), and Fourth Round (2025-2035).
4. FSHC and South Brunswick hereby agree for purposes of settlement that South Brunswick's affordable housing obligations are as follows:

Third Round Present Need (per 2016 Kinsey Report); Fourth Round Present Need to be determined pursuant to paragraph 6	109
Prior Round Obligation (pursuant to <u>N.J.A.C. 5:93</u> )	841
Third Round (1999-2025) New Construction Obligation	1,450
Fourth Round (2025-2035) New Construction Obligation	1,070 including 70-unit non-profit development program (see para 13(l))

5. For purposes of this Agreement, the unadjusted Third Round Obligation of 1,450 shall be deemed to include the Gap Period present need for new construction to address the affordable housing needs of households formed from 1999-2015, a need that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), and the Prospective Need, which is a measure of the affordable housing need anticipated to be generated between July 1, 2015 and June 30, 2025. The parties recognize that the prior trial court decision in this matter identified a Third Round Prospective Need of more than 2,251 including an allocation from the "Gap Period (1999-2015)," and that the trial court previously allocated some elements of this obligation

to the Fourth Round (2025-2035) and Fifth Round (2035-2045). The parties also recognize that this configuration was rejected by the Appellate Division in an unpublished opinion which found that the Township's obligation for the Third Round should be capped at 1,000 units, inclusive of the Gap Period obligation. FSHC and other parties have petitioned for certification of this decision to the New Jersey Supreme Court which petition is currently pending, but undecided. The parties agree to seek approval from the trial court as set forth herein of this final resolution of disputed issues from both the pending petitions for certification and disputed interpretations between the parties of the Appellate Division decision through the Township's acceptance of a Third Round New Construction obligation of 1,450 units and a Fourth Round New Construction obligation of 1,070 units including a 70-unit non-profit development program (see para 13(l)), which obligations shall cumulatively satisfy all new construction need for the 1999-2015 Gap Period and the 2015-2025 and 2025-2035 prospective need periods, with the mechanisms for satisfying these obligations as set forth in this Agreement. The parties agree to a total 1,070 obligation for the Fourth Round, which the parties anticipate will include a total of 802 units and 268 bonuses as specified further in paragraphs 11 and 12, provided that the Township can demonstrate they are eligible for 268 bonuses pursuant to the new bonus standards set forth by P.L. 2024, c. 2. The parties agree that included in those 802 units will be a 70-unit non-profit program, further described in paragraph 13(l) below, which at the time of the Fourth Round approval is not anticipated to provide a realistic opportunity but will provide a realistic opportunity throughout the Fourth Round as set forth therein. The parties agree that allowing the timing established by paragraph 13(l) is a fair and reasonable resolution of pending issues regarding the 1000-unit cap that, as of the date of this settlement, remained pending in petitions for certification before the Supreme Court. The parties agree that no further obligation from the so-called "Gap Period" shall be met in excess of this and that no additional obligation deriving from the "Gap Period" beyond those obligations set forth in this Agreement shall be required in the Third, Fourth, or Fifth Rounds.

6. The Township's actions to meet its Third Round Present Need consist of continued participation in the Middlesex County Home Improvement Program as well as the municipally sponsored South Brunswick Home Improvement Program, which is consistent with the provisions of N.J.A.C. 5:93-5.2. These actions are sufficient to satisfy the Township's Third Round Present Need obligation of 109 units. The parties also recognize that the Township's Fourth Round Rehabilitation Share has not yet been definitively determined. The parties recognize that recent legislation has now codified a methodology for calculating Present Need and both parties agree that South Brunswick's Present Need for the Fourth Round shall be calculated in accordance with the standards set forth in N.J.S.A. 52:27D-304.2 and -304.3. The parties also agree that South Brunswick shall present a plan to address its Fourth Round Present Need when it presents its Fourth Round plan to court in accordance with the terms outlined below. Given the unique circumstances of this case involving disputed issues resulting from a case still pending as of the date of execution of this settlement of the trial court Third Round determinations that included obligations assigned to the Fourth and Fifth Rounds, the parties agree that it is appropriate for the Township's Fourth Round present need and new construction obligation to be determined through the trial court's review of this settlement and that the Township shall not be required to submit an adopted resolution by Jan 31, 2025 to the Affordable Housing Dispute Resolution Program regarding Fourth Round obligation determinations.
7. As stated above, the Township has a Prior Round (new construction) Obligation of 841 units. The Township's Prior Round obligations were previously deemed satisfied by the trial court in an August 8, 2016 order of the trial court finding that South Brunswick had fully-satisfied

September 12, 2024

Page 5

its Prior Round obligation. The parties have agreed for the purposes of settlement and subject to approval by the court that South Brunswick's Prior Round obligations shall be calculated to be 841 units and satisfied via the mechanisms approved by Judge Wolfson as modified by this Agreement and listed in the chart below.

Name of Development	Type of AH Unit	# of AH Units	Rental Bonuses	Comment/ Notes
Deans Apartments/Woodhaven Terr.	Family Rentals	40		Prior Cycle
Charleston Place I	Senior Rentals	54		Prior Cycle
Regal Point	Family Sales	5		Inclusionary
Monmouth Walk	Family Sales	43		Inclusionary
Nassau Square	Family Sales	49		Inclusionary
Summerfield	Family Sales	69		Inclusionary
Deans Pond Crossing	Family Sales	20		Inclusionary
Southridge/Southridge Woods	Family Rentals	124	124	Inclusionary
Woodhaven	Family Rentals	80	80	100%
Charleston Place II	Senior Rentals	30		100%
Oak Woods	Senior Rentals	73		100%
Wheeler Rd - Bedrooms	Special Needs	3	3	Group Home
Major Road - Bedrooms	Special Needs	3	3	Group Home
CIL Woods	Special Needs	16	1, cap	
CIL Wynwood	Special Needs	7		
Dungarvin, 30 Cranston – Bedrooms	Special Needs	4		Group Home
Dungarvin - Bedrooms	Special Needs	8		Group Homes
Triple C - 1 of 6 Bedrooms	Special Needs	2		Group Home
		630	211	841

8. As noted above, it is agreed for purposes of this Settlement Agreement, that the Township has a Third Round (new construction) Obligation of 1,450 units, which will be satisfied as follows:

Name of Development	Type of AH Unit	# of AH Units	Rental Bonuses	Comments/ Status
Princeton Orchards	Family Rentals	46	46	Inclusionary
PPF/Matrix – 83 Rentals, 15 Sales	Family	98	83	Inclusionary
SBC – 336 Family, 24 Seniors	Rentals	360	234, cap	Inclusionary
KHov – 30 Fam. Sales, 4 Sp.Nd	Sales/Sp Need	34		Inclus., Gr. Home
American Properties	Family Sales	72		Inclusionary
Pulte/Avalon - 27 Fam.Sale, 5 Sp.Nd	Sales/Sp Need	32		Inclus., Gr. Home
Windsor	Family Rentals	13		Inclusionary
Jaynar/Wilson Farm – 151 of 210	Senior Rentals	151		Inclusionary
Buckingham Pl. Assist. Living	Senior Rentals	23		Inclusionary
Deans Apts/Woodhaven Terr	Family Rentals	40		Ext. of Controls
Charleston Place I and II	Senior Rentals	84		Ext. of Controls
Regal Pt/Monm. Walk/Nassau Sq. 97 (91 Third Rd; 6 Fourth Rd.)	Family Sales	91		Ext. of Controls
Gr. Homes (Wheeler/Major/Dungar.)	Special Needs	10		Ext. of Controls
Triple C - 4 Bal. Bedrooms	Special Needs	4		Group Homes
Comm Opt – BR 13 comp/ 1 fund	Special Needs	14		Group Homes
ARC of Middlesex - Bedrooms	Special Needs	15		Group Homes

Name of Development	Type of AH Unit	# of AH Units	Rental Bonuses	Comments/ Status
RDG/MMHP/TG Acq.	Family Rentals	32		Inclusionary
		1,119*	+ 363	= 1,482*

\*The Parties recognize and agree that the chart above provides for the Township to address its Third Round obligation of 1,450 units with a 32-unit family rental surplus which shall be applied to the Fourth Round obligation.

9. While the Township's declaratory judgment action proceeded through the trial court a number of parties were awarded builder's remedies and proceeded through a SHO process established by the court and/or were included in the Township's fair share plan that was previously approved by the trial court. Those parties are in various stages of SHO/Court approval /and resolution compliance, but all will have their affordable housing units counted toward the Township's Third Round obligations. They are as follows:

- a. Pulte Homes/AvalonBay Communities (hereinafter "Pulte/AVB") site located at Block 86, Lots 63, 65, and 67 through 71. Pulte/AVB was granted a builder's remedy and its builder's remedy site plan was recommended for approval by the SHO on November 20, 2020, as modified on January 19, 2021. That approval recommendation was reviewed and approved by the court in an order dated February 16, 2021. Pulte/AVB has secured all necessary outside agency approvals to begin construction, with the exception of approval for public water service, which approval remains the subject of the Township's resolution compliance process. The Township agrees that upon approval of this agreement by the trial court that it withdraws all objections to the builder's remedy, zoning, site plan approval, and development plans of the Pulte/AVB site that were previously approved by the SHO and trial court. The Township further agrees to expedite all outstanding items of resolution compliance for the Pulte/AVB project.
- b. Princeton Orchards (hereinafter "PO") site located at Block 31, Lots 30.012 and 35.09. PO was granted a builder's remedy and PO ultimately entered into a settlement agreement with South Brunswick on March 19, 2018, which was approved by the Court after a Fairness Hearing in an order dated May 22, 2018 and its settlement site plan was approved by the Board on February 5, 2020. PO has secured all necessary approvals to begin construction.
- c. PPF/Matrix (hereinafter "PPF") site located at Block 6, Lots 15.021 and 15.022 and Block 11, Lots 13.02 and 15.03. PPF was granted a builder's remedy and PPF ultimately entered into a settlement agreement with South Brunswick on October 8, 2020, which was approved by the Court after a Fairness Hearing in an order dated January 28, 2021 and its settlement site plan was approved by the Board. PPF has secured many, but not all necessary approvals to begin construction.
- d. South Brunswick Center (hereinafter "SBC") site located at intersection of Route 1 and Northumberland Way, Block 86, Lots 22.041, 89.13 and 89.023. SBC was granted a builder's remedy and its builder's remedy site plan was recommended for approval by the SHO on February 13, 2020. That approval recommendation was reviewed and approved by the court in an order dated September 8, 2020. SBC has begun construction. The Township agrees that upon approval of this agreement by the trial court that it withdraws all objections to the builder's remedy, zoning, site plan approval, and development plans, and building permits applied for, or issued, for the SBC site.
- e. K. Hovnanian/ Bellemead (hereinafter "KHov") site located at Block 80, Lot 3.024. KHov was granted a builder's remedy and its builder's remedy site plan was



September 12, 2024

Page 7

recommended for approval by the SHO on July 23, 2020. That approval recommendation was reviewed and approved by the court in an order dated December 9, 2020. KHov has secured all necessary approvals to begin construction. The Township agrees that upon approval of this agreement by the trial court that it withdraws all objections to the builder's remedy, zoning, site plan approval, and development plans of the KHov site.

- f. American Properties (hereinafter "American Prop") site located at Block 79, Lots 1.06, 11 and 12. American Prop was granted a builder's remedy and its builder's remedy site plan was recommended for approval by the SHO on March 7, 2022. That approval recommendation was reviewed and approved by the court in an order dated July 21, 2022. American Prop has secured all necessary approvals to begin construction. The Township agrees that upon approval of this agreement by the trial court that it withdraws all objections to the builder's remedy, zoning, site plan approval, and development plans of the American Prop site.
- g. Windsor Associates (hereinafter "Windsor") site located at Block 85, Lot 17.014. Windsor was granted a builder's remedy and its builder's remedy plan is under review by the SHO. The Township agrees that upon approval of this agreement by the trial court that it withdraws all objections to the builder's remedy, zoning, and, at such time the SHO recommends approval of and the trial court approves the development plans of the Windsor site, the Township agrees to withdraw all objections to the development plans.
- h. RDG/MMHP/TG Acq. (hereinafter "TG Acq.") site located at Block 95, Lots 48.011, 49, 50.02, 50.03, 50.04, 50.06, and 50.07. TG Acq. was granted a builder's remedy and its builder's remedy plan is under review by the SHO. The Township agrees that upon approval of this agreement by the trial court that it withdraws all objections to the builder's remedy, zoning, and at such time the SHO recommends approval of and the trial court approves the development plans of the TG Acq. site, the Township agrees to withdraw all objections to the development plans..
- i. Jaynar/Wilson Farm (hereinafter "Jaynar") is a site located at Block 96.24, Lot 24.002. On June 26, 2019 the Township entered into a redeveloper's agreement with Jaynar for the construction of 210 age-restricted affordable units. In 2019, the redeveloper received preliminary site plan approval and in 2024, it is anticipated the redeveloper will receive final site plan approval.
- j. Ridge Road Properties, LLC ("Ridge Road") is the owner of real property located at Block 79, Lots 4.02, 4.031, 4.032, 4.04, 6.01 and 6.03 ("Ridge Road Site"). Ridge Road was granted a builder's remedy to construct an inclusionary development consisting of 264 affordable units. After Ridge Road was granted its builder's remedy, it entered into a settlement agreement dated April 26, 2022, with the Township and Township Planning Board that allows for the construction of a warehouse/light industrial development on the Ridge Road Site ("Ridge Road Settlement"). The Township and Township Planning Board each reaffirm and agree to be bound by their respective obligations required by the Ridge Road Settlement including but not limited to the requirement of Ridge Road to pay \$8,065,000 towards the production of affordable housing in the Township or the 2.5 percent non-residential development fee, whichever is greater, which shall be used towards the mechanisms in the Township's Fourth Round Housing Element and Fair Share Plan with the process for determining the use of those funds and specific mechanisms as set forth in this settlement and which shall not be used for administrative costs. The parties acknowledge that the Ridge Road Settlement requires by its own terms review at a fairness hearing which has not occurred and will need to be scheduled by the trial court in order for the agreement to take effect.

The parties acknowledge that FSHC is not a party to the Ridge Road Settlement and is not bound by it or under any obligation to defend it, and FSHC reserves all rights to ensure an adequate plan is in place to ensure appropriate buffering and circulation between the proposed warehousing uses on the Ridge Road site and any neighboring proposed inclusionary affordable housing developments, which may include an objection to the settlement agreement between Ridge Road Partners and the Township and Planning Board at the fairness hearing to be scheduled on that settlement in accordance with that agreement. In the event that any legal challenge invalidates the Ridge Road Settlement, Ridge Road shall construct the inclusionary development it was granted as a builder's remedy which the Township may count towards its Fourth Round Obligation or any future obligation. In the event Ridge Road proceeds with its inclusionary residential development, the development application shall proceed before and be reviewed by a Special Hearing Officer appointed by the court.

10. The process for approval of the settlement agreement is as follows:
  - a. Upon execution of the settlement agreement the parties agree to jointly request a joint fairness/compliance hearing from the court which the parties expect to take place in October/November 2024.
  - b. By October 1, 2024 the Township shall provide a draft/proposed Third Round HEFSP consistent with the terms of this Agreement to FSHC and the Special Adjudicator. FSHC and the Special Adjudicator shall provide any comments to the Draft/Proposed Third Round HEFSP by October 4, 2024. The Township shall adopt and endorse a final Third Round HEFSP and all Third Round implementing ordinances consistent with the terms of this Agreement before the compliance hearing.
  - c. Through the hearing to take place in November 2024 the parties anticipate requesting approval of the settlement agreement including the obligations set forth in paragraph 4 as to Third Round Present Need and Third and Fourth Round New Construction Obligation, which obligations represent a comprehensive and final settlement of the disputed issues around the trial court and Appellate Division's decisions on fair share obligations for the Gap Period (1999-2015), Third Round (2015-2025), and Fourth Round (2025-2035).
  - d. Through the same November hearing, the parties anticipate requesting a finding of compliance with the settlement agreement and the Mount Laurel doctrine as to the Township's Third Round affordable housing obligations such that the Township shall be eligible for a Third Round judgment of repose. The parties agree to jointly request that the court enter an amended final judgment as to the Township's Third Round fair share obligations subsequent to the hearing to take place in November. The final judgment will replace, in full, the final judgment of repose entered by the trial court on June 6, 2021. The final Third Round judgment shall be appealable as of the date of that judgment by parties other than the parties to this agreement, who waive their right of appeal pursuant to paragraph 1., except with respect to the builders remedies awarded to the parties hereto in the June 6, 2021 Judgment and Orders of Site Plan approval issued on recommendations of the SHOs affirmed by the Appellate Division in its July 2023 decision, which builders remedy awards and site plan approval orders shall remain final and non-appealable in all respects as to all parties, interested persons, and objectors.
  - e. The parties also agree to request that the court continue to retain jurisdiction as to the Township's Fourth Round fair share plan as contemplated in the April 9, 2024 order and to approve a Fourth Round fair share obligation of 1,070 units including a 70-unit non-profit program as described above. The parties agree to jointly

September 12, 2024

Page 9

request the court provide a schedule for the finalization of the Township's Fourth Round fair share plan to create a realistic opportunity to address the 1,070-unit, including 70-unit non-profit program, Fourth Round fair share obligations by March 31, 2025. All parties agree to request a Fourth Round fairness and compliance hearing, requesting entry of a final judgment of compliance and repose for the Fourth Round to take place on or before May 31, 2025. The present need obligation and compliance for the Fourth Round will also be determined as part of this hearing, consistent with the present need standards set forth in N.J.S.A. 52:27D-304.2 and -304.3. Given the unique circumstances of this case involving disputed issues resulting from a case still pending as of the date of execution of this settlement of the trial court Third Round determinations that included obligations assigned to the Fourth and Fifth Rounds, the parties agree that it is appropriate for the Township's Fourth Round present need and new construction obligation to be determined through the trial court's review of this settlement and that the Township shall not be required to submit an adopted resolution by Jan 31, 2025 to the Affordable Housing Dispute Resolution Program regarding Fourth Round obligation determinations.

- f. The parties agree that if the Township is not able to adopt/endorse a final fair share plan and adopt implementing ordinances and resolutions that create a realistic opportunity to address the 1,070-unit obligation, including 70-unit non-profit program as provided for in paragraph 13(l) by March 31, 2025, the Township will submit its Fourth Round Housing Element and Fair Share Plan to the Affordable Housing Dispute Resolution Program as set forth in paragraph 12 below.
- g. Upon the entry of an Order by the Trial Court that confirms that this agreement is fair and reasonable, the Township and FSHC shall withdraw their petition and cross-petition for Certification within 7 days.



September 12, 2024

Page 10

11. As noted above, it is agreed for purposes of this Settlement Agreement, that the Township has a Fourth Round (new construction) Obligation of 1,070 units, which the Township proposes will be satisfied as follows, including a 70-unit obligation for non-profit development referenced in paragraph 13(l):

Name of Development	Type of AH Unit	# of AH Units	Bonus	Comments/Status
Third Rd Surplus - TG/RDG	Family Rentals	32		Inclusionary
Menowitz/KHov Cam Cross	Family Sales	8		Inclusionary
East Meadow	Family Sales	6		Inclusionary Off-Site
Sassman	Family Sale	1		Inclusionary
Harbor Assisted Living	Senior Rentals	15	12*	Inclusionary
Jaynar/Wilson Farm – bal.	Senior Rentals	59		Inclusionary
RPM Mixed Use – Ph I	Family Rentals	63	63**	Tax Credit Mixed Income
RPM Family/Supp – Ph II	44FRent, 26SN	70	70**	100%
Days Inn Redevelopment	Family Rentals	30	15***	Inclus./Reconstruction
4126 Route 1 Redev	Family	24		Inclusionary
New Windsor	Family Rentals	3		Inclusionary
Sonesta Redevelopment	Family Rentals	40	20***	Inclus./Reconstruction
Site(s) TBD	Senior Rentals	50		Inclusionary
Site(s) TBD	Family Rentals	19		Inclusionary
REACH New	Family	34	34****	Market-to-Affordable
REACH Comp 29 Fam, 1Sen	Sales	30	30****	Market-to-Affordable
Summerfield (69), Deans Pond Crossing (20) Mon Walk (6)	Family Sales	95		Ext. of Controls
New Senior Site (2 phases)	Senior Rentals	115		100%
New Road, 5 or 24	Family Rental	5		
Dungarvin - agreement	Special Needs	3	3*****	Group Home
New Group Homes	Special Needs	30	21*****	Group Homes
Non-profit program	Family	70		See paragraph 13(l)
		802	268	1,070

\* N.J.S.A. 52:27D-311(k)(4) - Max Senior Bonus =  $240 \times 10\% = 24 \times 0.5$  bonus = 12.

\*\* N.J.S.A. 52:27D-311(k)(8)(b) – 100% Bonus on RPM site  $(63 + 70) \times 1.0$  bonus = 63 + 70

\*\*\* N.J.S.A. 52:27D-311(k)(6) – Bonus on prior commercial space  $(30 + 40) \times 0.5$  bonus = 15 + 20

\*\*\*\* N.J.S.A. 52:27D-311(k) (10) – Bonus on REACH  $(30 + 34) \times 1.0$  bonus = 30 + 34. In order to receive this bonus, the Township will have to demonstrate as part of the review of its Housing Element and Fair Share Plan compliance with the statutory requirement that "A municipality may only rely on this bonus credit as part of its fair share plan and housing element if the municipality demonstrates that a commitment to follow through with this market to affordable agreement has been made and: (a) this agreement has been signed by the property owner; or (b) the municipality has obtained ownership of the property." If such requirements cannot be demonstrated, the municipality shall demonstrate compliance with alternative bonuses or units as part of its Housing Element and Fair Share Plan.

\*\*\*\*\* N.J.S.A. 52:27D-311(k) (1) – Bonus on Special Needs units  $(3 + 30) \times 1.0$  bonus = 33, capped at 24

12. The parties recognize that some portions of South Brunswick's Fourth Round Fair Share Plan are not definitively determined, including on sites that have been identified and sites listed as TBD, and require additional preparation on behalf of South Brunswick, as more specifically described in paragraph 13 below. The Township agrees that it shall provide updates to FSHC at least once per month until these items are resolved. The parties agree and recognize that these elements of the HEFSP necessarily cannot be approved by the court at a hearing until sites are specifically identified.

The Township agrees that it shall identify all necessary information to demonstrate a realistic opportunity for the remainder of its Fourth Round fair share obligations by March 31, 2025. The parties shall jointly request a fairness and compliance hearing as to the remaining elements of the Fourth Round fair share plan to take place by May 31, 2025. If all elements of the Fourth Round plan are approved by the court at the fairness and compliance hearing, the Township agrees to prepare and present a submission of the final judgment of compliance and repose to the Affordable Housing Dispute Resolution Program (the "Program") by June 30, 2025 which the parties agree will be a submission for informational purposes.

The parties agree that any element of the Township's fair share plan that is not sufficiently documented through adopted ordinances and resolutions to demonstrate a realistic opportunity or crediting documentation for constructed units by March 31, 2025 and/or are rejected at the fairness and compliance hearing to take place by May 31, 2025 shall be presented to the Program pursuant to P.L. 2024, c. 2 in accordance with the timeframes set forth therein, and that in that instance the Township shall submit the orders entered by the court approving mechanisms within the Fourth Round plan with any remaining elements not approved by the court as part of an updated HEFSP to the Program by June 30, 2025. The parties recognize and agree that amendments to this agreement may be necessary to ensure and demonstrate a realistic opportunity on the remaining sites necessary to address the Township's Fourth Round obligation. The parties agree to work in good faith to reach these as potential amended agreements, as necessary, before March 31, 2025.

13. The Township's plan for each individual site utilized to address the Fourth Round, other than the TBD sites, that is not yet built or described above is further described below:
  - a. 4112-4126 Route 1 Redevelopment – Block 84/Lot 4.05, Route 1. A Redevelopment Plan was approved by the Township for the redevelopment of Block 84/Lot 4.05 for a total of 118 multi-family housing units with 20% or 24 affordable family rental units to be provided on-site. The Township shall provide a redeveloper's agreement for this site demonstrating the owner's agreement to the rezoning within sixty (60) days of the court's approval at the fairness hearing.
  - b. Sonesta Hotel/ Avia NJ Deerpark Redevelopment – Block 97/Lot 13.012. There is a fully executed Redeveloper's Agreement, dated April 22, 2024, between the Township and Avia NJ Deerpark for the redevelopment and reconstruction of the former Sonesta hotel into a total of 200 housing units including a 20% set-aside or 40 affordable family rental units.
  - c. Days Inn Redevelopment – The Township proposes to prepare an Area In Need or Redevelopment Study for the possible redevelopment and reconstruction of the former

Days Inn hotel into a total of 150+/- housing units including a 20% set-aside or 30 affordable family rental units. If the site is found to be an Area In Need of Redevelopment, the Township shall provide a draft redevelopment plan and a letter from the owner supporting redevelopment of the site as part of its HEFSP adopted by March 31, 2025. If the site is not found to be an Area in Need of Redevelopment the Township shall otherwise demonstrate how this site creates a realistic opportunity for the construction of 30 affordable housing units by March 31, 2025.

- d. Windsor Site expansion - Family Inclusionary Zoning - Block 85, Lot 17.014; Northumberland Way. Proposed Inclusionary Zoning site for a total of 15 additional multi-family housing units with 20% or 3 affordable family rental units to be provided on-site. The Township shall provide the adopted zoning ordinance within sixty (60) days of the court's approval at the fairness hearing.
- e. New Road – Block 95, Lot 46.051 – the Township proposes to rezone the site for either a small, DCA-funded 100% development of up to 24 total affordable family rental units (the Township shall address the funding and development timetable requirements in N.J.A.C. 5:93-5.5) or for an inclusionary development of 24 total housing units with a 20% set-aside to produce five (5) affordable family rental units.
- f. Extension of Expiring Controls – Summerfield (70 existing affordable family sale units) and Deans Pond Crossing (20 existing affordable family sale units) have controls that are scheduled to expire in the Fourth Round time period (July 1, 2025 to June 30, 2035). The Township will extend these controls in accordance with COAH's extensions of control regulations at N.J.A.C. 5:97-6.14 which are incorporated by reference pursuant to N.J.S.A. 52:27D-311(m).
- g. Future Senior Affordable Housing Site – As part of its Fourth Round plan the Township agrees to create a realistic opportunity by March 31, 2025 for the construction of a 108-unit, up to two-phased 100% Affordable Housing development.
  - i. The parties agree that this development may be, but is not required to be, age-restricted. The development may also include supportive and/or special needs housing units as may be required to receive the maximum score under the Qualified Allocation Plan by the New Jersey Housing and Mortgage Financing Agency.
  - ii. By March 31, 2025, the Township and FSHC shall agree upon an "available," "approvable," "developable," and "suitable" location, as those terms are defined in N.J.A.C. 5:93-1.3, whereon a 100% senior affordable development may be constructed.
  - iii. The parties agree to work in good faith between now and March 31, 2025 to identify an agreeable location and shall amend this agreement, as needed, to include the identified location for the 108-unit, 100 percent affordable housing development. In the event the parties cannot agree upon an "available," "approvable," "developable," and "suitable" site the Township shall present this site to the "Program" as described above pursuant to N.J.S.A. 52:27D-304.1.
  - iv. In accordance with N.J.A.C. 5:93-5.5, the Township recognizes that it must provide evidence that the municipality has adequate and stable funding for any non-inclusionary development. The Township is required to provide a pro forma of both total construction costs and sources of funds and documentation of the funding available to the municipality and/or project

- sponsor, and any applications still pending. In the case where an outside application is still pending the municipality shall provide a stable alternative source, such as municipal bonding, in the event the funding request is not approved. As a condition of any judgment in this matter the Township agrees to meet these obligations by adopting a resolution of intent to bond for any shortfalls.
- v. In accordance with N.J.A.C. 5:93-5.5, for non-inclusionary developments, a construction or implementation schedule, or timetable shall be submitted for each step in the development process: including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction. The schedule shall provide for construction to begin within no more than two (2) years of the approval of the Township's Fourth Round HEFSP. Once a site is selected the Township shall work with the developer to produce the construction schedule which shall be submitted to FSHC and the court prior to final judgment.
- h. REACH program – The Township will continue the implementation of its successful REACH Program (a market-to-affordable program) for a total of 34 affordable family sale units at a rate of 4 per year over the Fourth Round until the program is completed. The Township will address COAH's market-to-affordable program regulations at N.J.A.C. 5:97-6.9 as incorporated by reference pursuant to N.J.S.A. 52:27D-311(m).
  - i. Supportive Housing/Group Home program – During the period between now and July 1, 2030 the Township shall facilitate the construction of 30 more additional supportive housing and/or group home units/bedrooms.
    - i. On or before March 31, 2025 the Township shall provide a detailed and specific plan to create a realistic opportunity to construct and/or convert dwellings into at least 30 additional supportive housing units. The plan document shall include an outline of which providers and locations the Township is targeting to construct these units.
    - ii. The Township shall provide annual reports outlining its progress in meeting the goals specified in the plan.
    - iii. The Township shall be required to bond and/or utilize the affordable housing trust fund as needed in order to facilitate the construction of the 30 group home bedrooms.
    - iv. The parties agree that this program will need to be reviewed and approved by the court at a fairness hearing in the Spring of 2025 as described above.
  - j. Non-profit Affordable Housing Development Program - During the period between now and July 1, 2035, South Brunswick shall facilitate the construction of 70 new rental/ownership affordable units for families within the Township in 100% scattered site affordable housing developments, subject to the following parameters.
    - i. The 70 units shall be constructed via agreements between the Township and non-profit affordable housing developers which may include a variety of roles for the Township in supporting the development.
    - ii. South Brunswick shall not be required to facilitate construction of a single, 70-unit all-affordable development.
    - iii. The parties agree that these seventy family affordable units shall be pro-rated to ten units per year in the first seven years of the

Fourth Round. The Township agrees that it will annually provide a report to FSHC and the Special Adjudicator that demonstrates how it has created a realistic opportunity for the construction of the previous year's ten units and how it plans to create a realistic opportunity for the construction of the following year's ten units, in accordance with the standards for 100% affordable developments set forth in N.J.A.C. 5:93-5.5. The first report shall be due on July 1, 2026 with the Township providing a report annually on July 1<sup>st</sup> thereafter through July 1, 2033.

- iv. In furtherance of engaging the non-profit development community, the Township agrees that it shall conduct an annual meeting noticed to non-profit developers of its Mount Laurel subcommittee. The notice for this meeting shall solicit proposals from non-profit developers for how they can contribute to the Township's non-profit affordable housing program.
  - v. The parties agree that it is appropriate to allow the construction of the units at a 10-unit per year pace during the first seven years of the Fourth Round due to the unique circumstances and history of this matter and aspects that have been disputed by the parties throughout of the original trial court ruling about deferring certain obligations over time.
14. The Township agrees to adopt an ordinance requiring a mandatory affordable housing set aside for all new multi-family residential developments of five (5) units or more at a density of at least six (6) units per acre that becomes permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted, or new redevelopment plan. The set aside of affordable units for all developments will be 20%. The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. The form of the Ordinance shall be finalized and the ordinance adopted prior to the Third Round final judgment being issued in this matter through collaboration between FSHC, the Special Adjudicator, and representatives of the Township. Neither this mandatory set-aside ordinance nor this Settlement Agreement gives any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of the Township to grant such rezoning, variance or other relief.
15. The Township will address its Third Round Obligations in accordance with the following standards as agreed to by the Parties and reflected in the HEFSP:
- a. Third Round bonuses will be applied consistent with former N.J.A.C. 5:93-5.15(d).
  - b. At least 50 percent of the units addressing the Third Round Obligation will be affordable to very-low-income and low-income households with the remainder being affordable to moderate-income households.
  - c. At least 25 percent of the Third Round Obligation will be met through rental units, including at least half in rental units available to families.
  - d. At least half of the units addressing the Third Round Obligation in total must be available to families.



- e. The HEFSP will be consistent with the current Third Round age-restricted cap of 25% and will not include a claimed credit toward the Township's current fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet the cumulative Prior Round and Third Round fair share obligation. Any such "excess" age-restricted affordable housing units may be credited against any future obligation.
  - f. Thirteen percent (13%) of all affordable units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, shall be very-low-income units for households earning thirty percent (30%) or less of the median income pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA"), with half of the very low income units being available to families.
  - g. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
16. The Township will address its Fourth Round Obligation in accordance with the standards set forth in P.L. 2024, c. 2, including but not limited to with respect to:
- a. Fourth Round Bonuses shall be consistent with P.L. 2024, c. 2 such that rental bonuses are no longer permitted and only those bonuses listed in N.J.S.A. 52:27D-311(k)(1) through (10) may be applied toward a Fourth Round obligation. The bonus cap remains at 25 percent of the Fourth Round obligation.
  - b. The Township agrees that it shall not exceed the age-restricted cap found in N.J.S.A. 52:27D-311(l), which requires age-restricted units to be capped at 30 percent of the overall Fourth Round affordable housing units which is applied to the Fourth Round obligation exclusive of bonuses or to the total of Fourth Round affordable housing units, i.e. a maximum of 240 units.
  - c. Family units – pursuant to N.J.S.A. 52:27D-311(l), the municipality shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits, i.e. a minimum of 401 units, created to address its Fourth Round affordable housing obligation through the creation of housing available to families with children and otherwise in compliance with the requirements and controls established pursuant to section 21 of P.L.1985, c.222 (C.52:27D-321).
  - d. Rental and family rental units - pursuant to N.J.S.A. 52:27D-311(l), at least 25 percent of the affordable housing units, exclusive of any bonus credits, i.e. a minimum of 201 units, shall be addressed through rental housing, including at least half as available to families with children.
  - e. Very Low-Income Units – pursuant to N.J.S.A. 52:27D-329.1, thirteen percent (13%) of all affordable units referenced in this Agreement shall be very-low-income units for households earning thirty percent (30%) or less of the median income, with half of the very low income units being available to families.
  - f. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.

17. In all developments that produce affordable housing, the Township agrees that unless varied by a prior court order of the trial court or the SHO, the below terms shall apply. In the event that any of the following terms are inconsistent with a prior order of the trial court or SHO for an approved development, the terms of that prior order of the trial court or SHO shall control:
- a. All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not limited to the required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent (30%) or less of median income pursuant to the Fair Housing Act, and controls on affordability. Affordability controls shall remain on affordable units unless and until the Township, in its sole discretion, takes action to extend or release the unit from such controls after the applicable deed restriction time period. If the Township acts to release the unit from such controls, affordability controls shall remain in effect until the date on which a rental unit shall become vacant due the voluntary departure of the income-eligible occupant household in accordance with N.J.A.C. 5:80-26.11(b). All of the affordable units approved prior to the passage of P.L. 2024, c. 2 shall be subject to the requirements of UHAC as modified by this paragraph it was written at the time of the approval. All affordable units approved after the passage of P.L. 2024, c. 2 and not part of a site previously approved as part of the Township's Judgment of Compliance and Repose of July 6, 2021, and that are subject to the revisions to UHAC required pursuant to N.J.S.A. 52:27D-313.3(b) shall be subject to affordability controls of at least forty (40) years for rental units and at least thirty (30) years for for-sale units from the date of initial occupancy and affordable deed restrictions and otherwise governed by the revised form of UHAC.
  - b. The parties recognize that the Housing and Mortgage Financing Agency ("HMFA") is required to adopt updated UHAC regulations before the end of the year. The Township agrees to review its Affordable Housing Ordinance and other ordinances to ensure that it complies with the most up to date requirements of UHAC per the timing required per N.J.S.A. 52:27D-313.3(b) and revise those ordinances accordingly as part of its Fourth Round Housing Element and Fair Share Plan and implementing ordinances.
  - c. In inclusionary developments, to the extent practical and cognizant of differing unit type and tenure, the affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units of similar tenure, this shall mean that the affordable units shall be generally distributed within each building with market units. The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.
  - d. Construction of the affordable units in inclusionary developments shall be phased in compliance with N.J.A.C. 5:93-5.6(d).
  - e. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include the community and regional organizations identified in this agreement, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.

18. The Township and/or its Administrative Agent shall add the following entities to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5):
  - a. Fair Share Housing Center, Inc. (510 Park Boulevard, Cherry Hill, New Jersey 08002); the New Jersey State Conference of the NAACP, the Latino Action Network, the New Brunswick, Plainfield Area, Perth Amboy, and Metuchen/Edison branches of the NAACP, the Central Jersey Housing Resource Center, and Supportive Housing Association and other appropriate non-profits and Civil Rights organizations that request to be notified of available units, and shall, as part of its regional affirmative marketing strategies during its implementation of any affirmative marketing plan, provide direct notice to those organizations of all available affordable housing units, along with copies of application forms. The Township also agrees to require any other entities, including developers, persons or companies retained to do affirmative marketing, to comply with these notice requirements.
  - b. As part of its regional affirmative marketing strategies during implementation of its fair share plan, the Township and/or its Administrative Agent shall also provide notice of all available affordable housing units to the above-referenced organizations and shall ensure all affordable units are posted on the New Jersey Housing Resource Center website in accordance with applicable law.
19. Income limits for all units that are part of the HEFSP and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 will be consistent with the table of 2024 Affordable Housing Regional Income Limits by Household Size prepared by the Affordable Housing Professionals of New Jersey, dated April 12, 2024, a copy of which is attached hereto as **Exhibit I**, as may be updated or superseded by similar calculations consistent with former COAH regulations and UHAC.
20. The previously approved Township Third Round Spending Plan which was adopted in accordance with the prior rulings of the trial court in this matter is deemed to be appropriate, and FSHC agrees to cooperate with and support South Brunswick's request for approval of any needed Spending Plan amendment by the Court consistent with those prior rulings, including an express judicial determination that expenditures of funds contemplated under the Spending Plan constitute a "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and 329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of an amended final judgment in this matter that includes approval of an Amended Third Round Spending Plan in accordance with the provisions of In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) *aff'd* 442 N.J. Super. 563. Any future trust fund reporting shall address P.L. 2024, c. 2. The Department of Community Affairs is now required to review and update the regulations regarding affordable housing trust funds and spending plans. Those updated regulations are required to be adopted by December 2024. The Township agrees that it shall prepare a Fourth Round Spending Plan in accordance with those regulations and present that Fourth Round Spending Plan along with its Fourth Round HEFSP on March 31, 2025 pursuant to the process set forth in paragraph 12.
21. On February 15, 2025, and every anniversary thereafter, the Township shall address the unit monitoring and trust fund reporting requirements of N.J.S.A. 52:27D-329.2(a)(3), N.J.S.A. 52:27D-329.4(b)(2), and N.J.S.A. 40:55D-8.4(c)(4).



22. For the midpoint realistic opportunity review, the Township shall address the requirements of N.J.S.A. 52:27D-313.
23. The parties agree that due to the unique circumstances of this case and litigation over obligations across multiple affordable housing rounds, upon the trial court entering an order approving this Agreement following a duly noticed Fairness Hearing, any binding legal determination by the Judiciary, the Legislature, or any administrative subdivision of the Executive Branch that, if applied, would result in a lower or higher affordable housing obligation for the Township for the Third or Fourth Round shall be inapplicable and the Township shall neither have a reduced or increased affordable housing obligation for the Third and Fourth Rounds. Rather the terms of this Agreement shall continue to control and no subsequently enacted, binding legal determination by the Judiciary, the Legislature, or any administrative subdivision of the Executive Branch shall provide a basis for seeking leave to amend any provision of this Agreement or to amend an order or judgment pursuant to R. 4:50-1. Regardless of any such legal determination, South Brunswick shall be obligated to implement the Third and Fourth Round HEFSPs prepared, adopted and endorsed as a result of this Agreement, including adopting and/or leaving in place any site-specific zoning adopted or relied upon in connection with the HEFSP approved pursuant to this Agreement; and otherwise fulfilling fully the fair share obligations as established herein.
24. This Agreement must be approved by the Court following fairness hearings for the Third Round and Fourth Round as described above and as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Township will present its planner as a witness at these hearings. FSHC agrees to support this Agreement at the fairness hearings. If the Third Round plan and/or the fair share numbers set forth in this Agreement is rejected by the Court at the initial fairness hearing the agreement shall be null and void; if any portion of the Fourth Round Housing Element and Fair Share Plan is rejected by the Court at a fairness hearing, the procedures set forth in paragraph 12 shall apply. In the event the Court approves this Agreement, subject to the provision of Paragraph 10(d) regarding continued finality and non-appealability of the builders remedy awards and site plan approval orders affirmed by the Appellate Division, the parties contemplate the municipality will receive a comprehensive adjudication of the Township's fair share obligations as set forth above and a final judgment of compliance and repose as to its Third Round Housing Element and Fair Share Plan that will supersede the prior Third Round judgment of compliance and repose entered by the trial court on July 6, 2021, as well as a Fourth Round final judgment of compliance and repose pursuant to the process specified in paragraph 12 of this Agreement.
25. As part of the earlier Third Round judgment of repose, the Township of South Brunswick was required to pay attorney's fees and costs of FSHC in the amount of \$602,259, which already has been fully paid. FSHC asserts the Township already waived any right to further contest, and the Township agrees as part of this agreement to waive any claim it may have to further contest. In light of the additional time and resources expended since then by FSHC, including to review compliance documents, negotiate and enter into this agreement, and to conduct a fairness and an additional compliance hearing, the Township agrees to pay FSHC's additional attorney's fees and costs of an additional \$75,000 to be used at the discretion of FSHC for the provision of affordable housing opportunities/assistance within sixty (60) days after entry by the Court of an Order approving this Agreement pursuant to a duly-noticed fairness hearing and such Order becoming final and unappealable as part of

the entry of a Third Round final judgment. The Parties agree that neither shall request or otherwise make a claim against the other for payment or reimbursement of any further legal fees and/or costs incurred in connection with the within Declaratory Judgment Action and/or any related actions or proceedings, other than a motion to enforce litigant's rights or separate action pursuant to paragraph 27 of this Agreement.

26. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, provided, however, that each Party shall be responsible for its own legal fees for any such proceedings and shall have the sole discretion as to litigation strategy and the extent of resources devoted thereto. The Parties agree to continue to implement the terms of this Agreement if the Agreement is approved before the trial court, unless and until an appeal of the trial court's approval is successful, the Parties each reserve their right to return to the *status quo ante*.
27. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Middlesex County.
28. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
29. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
30. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
31. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
32. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
33. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
34. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.

September 12, 2024

Page 20

35. No member, official or employee of the Township has or will have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
36. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
37. All Notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight carrier or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) Notices shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be effected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) day notice as provided herein:

**TO FSHC:**

Adam M. Gordon, Esquire  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
Phone: (856) 665-5444  
Telecopier: (856) 663-8182  
Email: adamgordon@fairsharehousing.org

**TO THE TOWNSHIP:**

Barbara Nyitrai, Township Clerk  
Township of South Brunswick  
Municipal Building  
P.O. Box 190  
Monmouth Junction, N.J. 0885-0190  
Phone: (732) 329-4000 x 7352  
Telecopier: (732) 329-9026  
Email: bnyitrai@sbtanj.net

**WITH A COPY TO THE  
TOWNSHIP ATTORNEY:**

Francis M. Womack, Esq.  
Township of South Brunswick  
Municipal Building  
P.O. Box 190  
Monmouth Junction, N.J. 0885-0190  
Phone: (732) 329-4000 x 7311  
Telecopier: (732) 329-9026  
Email: mwomack@sbtanj.net

September 12, 2024

Page 21

**IN WITNESS WHEREOF**, the Parties hereto have caused this Settlement Agreement to be properly executed, their corporate seals affixed and attested and this Settlement Agreement to be effective as of the Effective Date.

Sincerely,

Adam M. Gordon, Esq.  
Executive Director of Fair Share Housing Center

Witness: \_\_\_\_\_

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

**On behalf of the Township of South Brunswick, with the authorization of the governing body:**

Witness/ Attest:

TOWNSHIP OF SOUTH BRUNSWICK

Norma Carlin

Charles Carley  
Charles Carley, Mayor

Dated: 9/18/2024

September 12, 2024  
Page 21

**IN WITNESS WHEREOF**, the Parties hereto have caused this Settlement Agreement to be properly executed, their corporate seals affixed and attested and this Settlement Agreement to be effective as of the Effective Date.

Sincerely,



Adam M. Gordon, Esq.  
Executive Director of Fair Share Housing Center

Witness: 

Dated: 9/12/24

**On behalf of the Township of South Brunswick, with the authorization of the governing body:**

Witness/ Attest:

TOWNSHIP OF SOUTH BRUNSWICK

\_\_\_\_\_

\_\_\_\_\_

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

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - April 12, 2024

## 2024 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents**	Sales***	Regional Asset Limit****
Region 1	Median	\$84,288	\$90,309	\$96,329	\$108,371	\$120,412	\$125,228	\$130,045	\$139,678	\$149,311	\$158,944			
	Moderate	\$67,431	\$72,247	\$77,064	\$86,697	\$96,329	\$100,183	\$104,036	\$111,742	\$119,449	\$127,155			
	Low	\$42,144	\$45,154	\$48,165	\$54,185	\$60,206	\$62,614	\$65,022	\$69,839	\$74,655	\$79,472		0.00%	\$223,627
	Very Low	\$25,286	\$27,093	\$28,899	\$32,511	\$36,124	\$37,568	\$39,013	\$41,903	\$44,793	\$47,683			
Region 2	Median	\$90,591	\$97,062	\$103,533	\$116,475	\$129,416	\$134,593	\$139,769	\$150,123	\$160,476	\$170,829			
	Moderate	\$72,473	\$77,650	\$82,826	\$93,180	\$103,533	\$107,674	\$111,816	\$120,098	\$128,381	\$136,663			
	Low	\$45,296	\$48,531	\$51,766	\$58,237	\$64,708	\$67,296	\$69,885	\$75,061	\$80,238	\$85,415		4.51%	\$230,966
	Very Low	\$27,177	\$29,119	\$31,060	\$34,942	\$38,825	\$40,378	\$41,931	\$45,037	\$48,143	\$51,249			
Region 3	Median	\$102,340	\$109,650	\$116,960	\$131,580	\$146,200	\$152,048	\$157,896	\$169,592	\$181,288	\$192,984			
	Moderate	\$81,872	\$87,720	\$93,568	\$105,264	\$116,960	\$121,638	\$126,317	\$135,674	\$145,030	\$154,387			
	Low	\$51,170	\$54,825	\$58,480	\$65,790	\$73,100	\$76,024	\$78,948	\$84,796	\$90,644	\$96,492		2.31%	\$264,166
	Very Low	\$30,702	\$32,895	\$35,088	\$39,474	\$43,860	\$45,614	\$47,369	\$50,878	\$54,386	\$57,895			
Region 4	Median	\$91,038	\$97,540	\$104,043	\$117,048	\$130,054	\$135,256	\$140,458	\$150,862	\$161,267	\$171,671			
	Moderate	\$72,830	\$78,032	\$83,234	\$93,639	\$104,043	\$108,205	\$112,367	\$120,690	\$129,013	\$137,337			
	Low	\$45,519	\$48,770	\$52,022	\$58,524	\$65,027	\$67,628	\$70,229	\$75,431	\$80,633	\$85,836		0.00%	\$230,643
	Very Low	\$27,311	\$29,262	\$31,213	\$35,115	\$39,016	\$40,577	\$42,137	\$45,259	\$48,380	\$51,501			
Region 5	Median	\$80,290	\$86,025	\$91,760	\$103,230	\$114,700	\$119,288	\$123,876	\$133,052	\$142,228	\$151,404			
	Moderate	\$64,232	\$68,820	\$73,408	\$82,584	\$91,760	\$95,430	\$99,101	\$106,442	\$113,782	\$121,123			
	Low	\$40,145	\$43,013	\$45,880	\$51,615	\$57,350	\$59,644	\$61,938	\$66,526	\$71,114	\$75,702		0.26%	\$195,849
	Very Low	\$24,087	\$25,808	\$27,528	\$30,969	\$34,410	\$35,786	\$37,163	\$39,916	\$42,668	\$45,421			
Region 6	Median	\$68,852	\$73,770	\$78,688	\$88,524	\$98,360	\$102,294	\$106,228	\$114,097	\$121,966	\$129,835			
	Moderate	\$55,081	\$59,016	\$62,950	\$70,819	\$78,688	\$81,835	\$84,983	\$91,278	\$97,573	\$103,868			
	Low	\$34,426	\$36,885	\$39,344	\$44,262	\$49,180	\$51,147	\$53,114	\$57,049	\$60,983	\$64,917		2.61%	\$166,836
	Very Low	\$20,655	\$22,131	\$23,606	\$26,557	\$29,508	\$30,688	\$31,868	\$34,229	\$36,590	\$38,950			

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

\* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

\*\*This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:97-9.3 (Consumer price Index for All Urban Consumers (CPI-U); Regions by expenditure category and commodity and service group). Landlords who did not increase rents between 2015 through 2023 because of the lack of authority to do so, may increase rent by up to the applicable combined percentage including 2024 or 9.0% whichever is less in accordance with N.J.A.C. 5:97-9.3(c). In no case can rent for any particular apartment be increased more than one time per year.

\*\*\* This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations.

\*\*\*\* The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3).

Appendix 3.  
COAH Round 2 Grant of Substantive Certification

Appendix 4.  
Group Home Program



## **Program Description: Group Home Development Program**

### **1. Program Overview**

South Brunswick Township proposes the creation of a Group Home Development Program to deliver a total of 30 affordable rental units (bedrooms) by July 1, 2030. The program will provide permanent supportive housing for individuals with special needs in partnership with licensed nonprofit housing and service providers.

This program is designed to meet the Township's Fourth Round rental obligation under the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the Uniform Housing Affordability Controls (UHAC, N.J.A.C. 5:80-26.1 et seq.). Each bedroom within a group home will be deed-restricted as a separate affordable unit consistent with N.J.A.C. 5:93-5.8 and N.J.A.C. 5:80-26.2.

The Township received a Group Home list from the Tax Assessor and Fire official (see attached). The Township will investigate these uncredited Group Homes with the goal of crediting towards the 4<sup>th</sup> Round Obligation. Should the Township be unsuccessful, the Township will follow this program to ensure the 30 unit obligation will be met.

### **2. Program Design**

- Unit Count: 30 affordable rental units (bedrooms).
- Unit Type: Small group homes of 4–6 bedrooms each, scattered within residential neighborhoods.
- Tenure: All units will be rental, satisfying the Township's rental obligation (N.J.A.C. 5:93-5.14).
- Target Population: Individuals with developmental disabilities, mental illness, or other special needs, as defined under DCA/HMFA supportive housing standards.
- Operator: Licensed nonprofit supportive housing agencies (e.g., Allies, SERV, ARC, Enable).

### **3. Affordability Controls**

- Income Distribution:
  - At least 50% of the units (15) shall be restricted to low-income households.
  - At least 13% of the units (minimum of 4) shall be restricted to very-low income households, consistent with P.L. 2008, c.46 and N.J.A.C. 5:93-5.5.
  - The balance may be moderate-income units.
- Affordability Average: The overall affordability average shall not exceed 52% of median income as required by UHAC (N.J.A.C. 5:80-26.3(d)).
- Bedroom Distribution: Group homes naturally satisfy bedroom distribution requirements under N.J.A.C. 5:93-7.3 (minimum 20% three-bedroom units; maximum 20% one-bedroom units).

- Controls: Each unit will be subject to minimum 30-year affordability controls pursuant to N.J.A.C. 5:80-26.5 and the amended FHA.

#### **4. Funding & Implementation**

- Funding Sources: The Township will use a combination of Affordable Housing Trust Fund dollars, HMFA Special Needs Housing Trust Fund, Low-Income Housing Tax Credits (if applicable), and State supportive housing subsidies.
- Municipal Contribution: The Township will provide Trust fund subsidies for crediting these existing homes and any new developments. The Township may also facilitate land acquisition or donation.
- Licensing: Each home shall be operated by a provider licensed through the NJ Department of Human Services or DCA.

#### **5. Phasing & Schedule**

The Township anticipates the following schedule to ensure completion by July 1, 2030:

- 2026: Reach out to existing uncredited group homes for crediting;
- If unsuccessful in crediting existing Group Homes the Township will issue RFP to supportive housing providers; select first sites;
- 2027: Construction/rehabilitation of the first 2 homes (8–10 units).
- 2027–2028: Construction of 3–4 additional homes (12–15 units).
- 2029–2030: Construction of final homes to achieve full 30 units.

#### **6. Credit Allocation**

Township will seek to credit Group Homes from the existing Group Homes list received from the Tax Assessor and Fire Official. Currently, only a handful of homes listed on this sheet are credited in South Brunswick's prior and third round affordable housing plan. If unsuccessful, the Township will sponsor and come to agreements on any new developments. Upon construction and recording of deed restrictions, each bedroom will be credited as a separate rental affordable unit. These units will count toward:

- The Township's Fourth Round rental obligation;
- The Township's very-low income set-aside requirement; and
- The Township's overall affordable housing obligation.

Conclusion: This program ensures the delivery of 30 deed-restricted group home rental units in South Brunswick by July 1, 2030, in compliance with N.J.A.C. 5:93-5.5, 5.8, 5.14 and UHAC (N.J.A.C. 5:80-26 et seq.).

Appendix 5.  
Days Inn Redevelopment Investigation and Plan



---

## Resolution

### Referring the “Redevelopment Plan Block 95, Lot 48.13 (208 New Road)” to the Township Planning Board, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the “**Redevelopment Law**”), authorizes a municipality to determine whether certain property within the municipality constitutes an area in need of redevelopment; and

**WHEREAS**, to make such a determination under the Redevelopment Law, the municipal council (the “**Township Council**”) of the Township of South Brunswick (the “**Township**”) authorized and directed the planning board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the property identified as Block 95, Lot 48.13 on the Township’s Official Tax Maps (208 New Road) (the “**Study Area**”), and to determine that the Study Area meets the criteria for a Non-Condemnation Redevelopment Area, as defined by the Redevelopment Law; and

**WHEREAS**, the Planning Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condemnation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

**WHEREAS**, the Board received and reviewed the report of Ricci Planning, LLC entitled “Redevelopment Study and Preliminary Investigation Report” dated May 8, 2024 (the “**Preliminary Investigation Report**”) for the Planning Board for its consideration in determining whether all or part of the Study Area should be designated a Non-Condemnation Redevelopment Area; and

**WHEREAS**, a public hearing was conducted by the Planning Board on July 24, 2024, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

**WHEREAS**, at the public hearing, the Planning Board reviewed the Preliminary Investigation Report and associated documents, and heard testimony from all interested parties (if any); and

**WHEREAS**, at the public hearing, members of the general public were given an opportunity to be heard and to address questions to the Board concerning the potential designation of the Study Area as a Non-Condemnation Redevelopment Area; and

**WHEREAS**, after completing its investigation and public hearing on this matter, the Planning Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq.,

for designating part of the Study Area as a Non-Condensation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

**WHEREAS**, on October 16, 2024, by way of Resolution RES 2024-333, the Township Council accepted the recommendation of the Planning Board and adopted a resolution which designated the Study Area as an “area in need of redevelopment” without the powers of condemnation, in accordance with the Redevelopment Law (the Study Area hereinafter known as the “**Redevelopment Area**”); and

**WHEREAS**, a redevelopment plan entitled “Redevelopment Plan Block 95, Lot 48.13 (208 New Road)” (the “**Redevelopment Plan**”), was prepared for the Redevelopment Area by Paul Ricci, P.P.; and

**WHEREAS**, the Township Council desires to refer the Redevelopment Plan, a copy of which is attached hereto as Exhibit A, to the Planning Board for its review and comment, pursuant to N.J.S.A. 40A:12A-7(e) of the Redevelopment Law.

**NOW THEREFORE, BE IT RESOLVED** by the Township Council of the Township of South Brunswick, County of Middlesex, New Jersey that:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Pursuant to N.J.S.A. 40A:12A-7(e), the Township Council hereby refers the Redevelopment Plan to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations as to the Redevelopment Plan and submit same to the Township Council within forty-five (45) days after referral, as required by the Redevelopment Law.

Section 3. The Clerk of the Township shall forward a copy of this Resolution and the Redevelopment Plan to the Planning Board for review.

Section 4. This Resolution shall take effect immediately.

**EXHIBIT A**

Redevelopment Plan entitled, "Block 95, Lot 48.13 (208 New Road)"

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ken Bierman, Deputy Mayor
<b>SECONDER:</b>	Archana "Ann" Grover, Councilwoman
<b>AYES:</b>	Ken Bierman, Patricia Germain, Archana "Ann" Grover, Charlie Carley
<b>ABSENT:</b>	Josephine "Jo" Hochman

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on August 20, 2025.

  
Barbara Nyitrai, Township Clerk

V0364

# Redevelopment Study and Preliminary Investigation Report

**Block 95, Lot 48.13  
(208 New Road)**

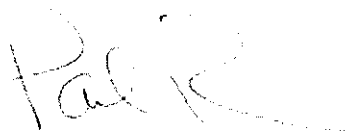
**Township of South Brunswick**  
Middlesex County, New Jersey

May 8, 2024

Prepared by:

**ricciplanning**

177 Monmouth Avenue  
Atlantic Highlands, NJ 07716



**Paul N. Ricci, PP, AICP**  
New Jersey Professional Planner  
License No.: LI005570

*The original of this document was signed  
and sealed in accordance with New Jersey Law*

## **Table of Contents**

Introduction.....	1
Study Area Description .....	1
Existing Land Use.....	1
Ownership.....	2
Environmental Constraints .....	2
Zoning.....	2
Local Planning Context.....	3
Master Plan.....	3
Middlesex County Master Plan .....	3
New Jersey State Development and Redevelopment Plan.....	4
Redevelopment Area Criteria.....	4
Redevelopment Analysis .....	7
"a" Criterion.....	7
"d" Criterion .....	9
"h" Criterion .....	10
State Planning Act.....	11
New Jersey State Development and Redevelopment Plan.....	12
Smart Growth Areas .....	13
Municipal Land Use Law.....	13
Summary .....	14
Conclusion .....	14



## **List of Appendices**

Appendix A: Resolution No. 2024-112

Appendix B: Tax Maps

Appendix C: Aerial Imagery

Appendix D: Environmental Constraints

Appendix E: Study Area Photographs

## **Introduction**

On February 21, 2024, the South Brunswick Township Council passed Resolution No. 2024-112, which authorized the South Brunswick Planning Board to undertake a preliminary investigation as to whether Block 95, Lot 48.13 in the Township of South Brunswick may be designated as an area in need of redevelopment and/or rehabilitation in accordance with applicable New Jersey Law. A copy of Resolution No. 2024-112 is provided in Appendix A.

This report documents and analyzes the existing conditions of Block 95, Lot 48.13 and makes a determination as to whether or not it may be designated as an area in need of redevelopment and/or rehabilitation in accordance with the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.). The information contained in this report will assist the South Brunswick Planning Board in making a recommendation to the South Brunswick Township Council as to whether or not it should adopt a resolution determining that Block 95, Lot 48.13 is need of redevelopment and/or rehabilitation.

## **Study Area Description**

The Study Area is located in the central part of the Township and has frontage on New Road and US Route 1. The area of the Study Area is approximately 9.79 acres.

Appendix B provides a copy of Sheet 124 of the official tax map of the Township of South Brunswick. Appendix C provides aerial imagery dating from 2020.

### **Existing Land Use**

New Jersey's MOD-IV property tax assessment database indicates that the Study Area is assessed as Class 4A (Commercial).

The observed land use of the Study Area comports with the assessed land uses. Block 95, Lot 48.13 is developed with a hotel and associated improvements.

The Study Area is generally surrounded by a mix of undeveloped lands, a mobile home park, commercial, and single-family residential uses.

### **Ownership**

A review of New Jersey's MOD-IV property tax assessment database indicates that the Study Area is owned by Laxmi Acquisition, LLC with a registered address of 208 New Road in South Brunswick.

### **Environmental Constraints**

A review of the latest digital geographic data of the New Jersey Department of Environmental Protection and the Federal Emergency Management Agency indicates that the Study Area contains mapped wetlands. The Study Area does not contain any other environmental constraints.

Environmental constraints are mapped in Appendix D.

### **Zoning**

The Study Area is located in the C-3 (Highway Commercial) Zone District. According to Chapter 62 of the South Brunswick Township Code, the following uses are principal permitted uses in the C-3 (Highway Commercial) Zone District:

- Highway-oriented commercial establishments, including automobile sales and services, lumberyards, home supply and appliances, garden centers, liquor stores and restaurants, excluding fast food restaurants.
- Highway-oriented services, excluding movie theaters, and including commercial and professional offices, commercial recreation within an enclosed building, such as gymnasiums and health clubs.
- Ministorage warehousing for the sole purpose of providing rental and lease storage space for area residents, not commercial or wholesale distribution.

Further details on the C-3 (Highway Commercial) Zone District, including information on bulk regulations and required design standards, are provided in Chapter 62 of the South Brunswick Township Code.

## **Local Planning Context**

### **Master Plan**

The Township of South Brunswick's master plan was originally adopted in 2001. The most recent comprehensive reexamination of the master plan was prepared by the planning board in 2018. There was a reexamination report prepared in 2023, but it was specific to the Monmouth Junction area of the township and does not include the Study Area.

While the 2018 Master Plan Reexamination Report does not specifically discuss the Study Area, it is noted that redevelopment of the Study Area would provide the Township with an opportunity to support the following master plan goal of the master plan:

- **Protect and enhance the residential character of the Township. Avoid conflicting land uses** and create buffers between residential and non-residential uses. Continue and augment land use policies that reduce residential densities in appropriate areas and preserve open space and critical environmental features (*emphasis added*).

### **Middlesex County Master Plan**

Middlesex County is currently preparing a new, comprehensive master plan, entitled "Destination 2040." As of the preparation of this redevelopment study, a draft document unavailable. We note, however, that under the guise of Destination 2040, the Middlesex County Planning Department prepared a separate Open Space and Recreation Plan, which was adopted on February 8, 2022. A key feature of the Open Space and Recreation Plan was the identification of "Open Space Opportunity Areas," which are public and private parcels that are potential and informal open space acquisition targets for Middlesex County. It is noted that neither the Study Area nor the immediate proximity thereof is identified as an Open Space Opportunity Area.