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August 28, 2025

VIA ECOURTS

Hon. Thomas Miller, A.J.S.C. (ret.)
Program Chair
Affordable Housing Dispute Resolution Program
Richard J. Hughes Justice Complex
P.O. Box 037
Trenton, New Jersey 08625

**RE: 2008 Route 37 Associates, LLC
Objection to Housing Element and Fair Share Plan
In the Matter of the Application of the Township of Toms River
Docket No. OCN-L-331-25**

Dear Judge Miller and Members of the Program:

This firm represents 2008 Route 37 Associates, LLC (“Developer”) with respect to these proceedings pending before the New Jersey Affordable Housing Dispute Resolution Program (“Program”). The Developer submits this letter brief in lieu of a more formal memorandum of law along with a report, entitled “Consulting Report,” prepared by Cofone Consulting Group, dated August 21, 2025 in support of its objection to the Housing Element and Fair Share Plan (“HEFSP”) submitted by Toms River Township (the “Township” or “Toms River”) pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b), attached hereto as Exhibit A.

I. Introduction

“The Mount Laurel series of cases recognized that the power to zone carries a constitutional obligation to do so in a manner that creates a realistic opportunity for producing a fair share of the regional present and prospective need for housing low- and moderate-income families.” In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Housing, 221 N.J. 1, 3-4 (2015) (“Mount Laurel IV”) (footnote omitted). In 1975, the Court prohibited the discriminatory use of zoning powers and mandated that municipalities in their development activities affirmatively “afford the opportunity for decent and adequate low- and moderate-income housing,” commensurate with “the

municipality’s fair share of the present and prospective regional need therefor.” S. Burlington Cnty. NAACP v. Twp. of Mount Laurel, 67 N.J. 151, 187-88 (1975) (“Mount Laurel I”).

In 1983, the Court reaffirmed that the New Jersey Constitution requires municipalities to provide “a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing.” S. Burlington Cnty. NAACP v. Mount Laurel Twp., 92 N.J. 158, 205 (1983) (“Mount Laurel II”) (citing Mount Laurel I, 67 N.J. at 174). To encourage voluntary municipal compliance, in 1985, the Legislature adopted the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”), which created the Council on Affordable Housing (“COAH”) and directed it to adopt governing regulations and to provide a forum for “an optional administrative alternative to litigating constitutional compliance through civil exclusionary zoning actions.” Mount Laurel IV, 221 N.J. at 4.

However, after failing to adopt appropriate Third Round rules by 2015, COAH was declared “nonfunctioning,” leaving municipalities without an administrative remedy. Id. at 5. As a result, in Mount Laurel IV, the Supreme Court provided guidance for the judiciary to resolve Third Round compliance.

On March 20, 2024, Governor Murphy signed into law P.L. 2024 c.2, amending the FHA. The amendment abolished COAH and created the Program in its place to administer the new administrative process. The FHA amendment acknowledges it was adopted as the result of the decision in Mount Laurel IV, which returned enforcement of constitutional compliance to the judiciary. N.J.S.A. 52:27D-302(1).

II. Toms River’s Present and Prospective Need

On or about October 20, 2024, the Department of Community Affairs (“DCA”) published calculations of each municipality’s present and prospective need for the Fourth Round, pursuant to N.J.S.A. 52:27D-304.1(c) and (d). The DCA calculated Toms River’s present need at 526 units and its prospective need at 670 units. On or about January 29, 2025, the Township adopted a binding resolution, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), setting its present need at 526 units and prospective need at 114 units. See Exhibit B. Subsequently, on February 27, 2025 and February 28, 2025, the New Jersey Builders Association (“NJBA”), Fair Share Housing Center (“FSHC”), and Meridia Toms River 40 Urban Renewal LLC challenged the Township’s reduction in prospective need.

Toms River made several attempts to withdraw from the Program seeking to instead obtain an order of compliance by way of a Declaratory Judgment Action filed with the Law Division. However, on May 2, 2025 the Township withdrew its request to withdraw from the Program, and the Law Division ultimately set Toms River’s present need obligation at 526 units and prospective need at 649 units. See Exhibit C. Thereafter, pursuant to N.J.S.A. 52:27D-304.1(f)(2)(a), on or about June 18, 2025, the Toms River Planning Board adopted a Resolution adopting the Township’s HEFSP setting forth its plan to satisfy its Fourth Round obligation. See Exhibit D.

III. Summary of Developer’s Objection to Township’s HEFSP

The Developer is the owner of property situated at 2008 Route 37 and identified as Block 796, Lot 3 on the Township’s Tax Map (the “Property”), which site presents a realistic opportunity for the development of affordable housing. The Developer is submitting this objection pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b). As set forth more thoroughly below, the Developer contends that Toms River’s HEFSP does not comply with the amended FHA, its attendant regulations, and the Mount Laurel Doctrine for the following reasons:

- The Township’s Fourth Round HEFSP impermissibly caps its Third Round Prospective Need Obligation to 1,000 units whereas its Third Round Settlement Agreement with FSHC established a 1,285 unit obligation. The Township’s Third Round Conditional Order of Compliance required it to “continue to implement all aspects of the plan approved pursuant to the Settlement Agreement.” A copy of Judge Troncone’s Conditional Order of Compliance, dated June 7, 2017, is attached as Exhibit E, and a copy of the Township’s 2016 Settlement Agreement with Fair Share Housing Center is attached as Exhibit F.
- The Township assumed its Third Round Obligation would be capped when it adopted the Fourth Round HEFSP, and so it is seeking to shift Third Round credits into the Fourth Round without amending its Settlement Agreement or securing a valid Court Order.
- The Township still has not received a Final Compliance Order for the Third Round despite receiving a Conditional Order in 2017. As part of a Consent Order executed with FSHC on March 5, 2025, the Township agreed to outline its Third Round Compliance in the Fourth Round HEFSP. The Township failed to satisfy Conditions 5, 11 and 16 of the Third Round Conditional Order.
- In the event the Township is entitled to a 1,000 unit cap, the Township claims duplicative units in the Third and Fourth Round for the Meadow Green and Legion Court sites resulting in a Fourth Round deficiency of thirty-two-and-one-half units.
- The Township’s Intent to Extend Affordability Controls, as set forth in its Spending Plan, is speculative and does not comply with the Amended FHA, its Attendant Regulations, or the Mount Laurel Doctrine.
- Despite the Township’s knowledge that the Developer is ready, willing and able to develop an inclusionary mixed-use building, with at least four affordable units, the Township failed to include the Property in its HEFSP. Correspondence from the Developer and concept plans provided are attached as Exhibit G.

IV. Housing Element and Fair Share Plan

A “housing element” “means that portion of a municipality’s master plan consisting of reports, statements, proposals, maps, diagrams, and text designed to meet the municipality’s fair share of its region’s present and prospective housing needs, particularly with respect to low- and moderate-income housing, and which shall contain the municipal present and prospective obligation for affordable housing.” N.J.S.A. 52:27D-304(x). Pursuant to the FHA, a HEFSP is required to assess “the degree to which the municipality has met its fair share obligation from prior rounds . . . determine to what extent this obligation is unfulfilled or whether the municipality has credits in excess of its prior round

obligations.” N.J.S.A. 52:27D-304.1(f)(2)(a). If there is a deficit in the prior round obligation, or the municipality never received certification for a prior round, unfulfilled obligation must be addressed in the HEFSP. Ibid. Units needed to satisfy a prior round do not count toward the Fourth Round cap on prospective need. Ibid. In addressing prior rounds, a municipality must retain sites subject to an agreement with a developer or where the developer has filed a complete application before a land use board. Ibid. For other sites not built in a prior round, the municipality must demonstrate how those sites remain a realistic opportunity for development of affordable housing, and may include proposed zoning changes to make development more likely. Ibid. If the site no longer represents a realistic opportunity, then a new site must be selected. Ibid.

For the Fourth Round, a municipality may use “any technique or combination of techniques which provide a realistic opportunity for the provision of the fair share.” N.J.S.A. 52:27D-311. The HEFSP must include an analysis demonstrating how the municipality will provide a “realistic opportunity” and detail the ordinances that will be revised and/or adopted to effectuate the HEFSP. Ibid. Among the techniques that must be considered are rezoning for densities to assure economic viability of inclusionary housing developments, measures to ensure the housing will remain affordable, a plan for infrastructure expansion and rehabilitation, donation of municipally owned land, land to be condemned, and phasing Ibid. It must also consider a variety of funding sources and incentives including tax abatements, State and federal subsidies, purchase of privately owned property, and use of municipal funds. Ibid.

If a municipality has credits from a prior round, they may be credited toward a prior round obligation or a Fourth Round obligation. Ibid. However, bonus credits may not exceed 25% of a municipality’s prospective need obligation in any round. Bonus credits may be received for a variety of specific housing types, including, special needs housing, housing created in partnership with a non-profit developer, age restricted housing, housing with three or more bedrooms, and by utilization of sites previously used for retail, office or commercial space. N.J.S.A. 52:27D-311(k). However, no more than 30% of the prospective need obligation can be satisfied through age-restricted housing. N.J.S.A. 52:27D-311(l). Additionally, at least 50% of the prospective need must be satisfied through units made available to families with children, half of which must be rental units. Ibid. A municipality that does not comply with these requirements may be determined to be in noncompliance with the FHA and the Mount Laurel doctrine and can have its immunity from exclusionary zoning litigation revoked. See, e.g., Matter of Application of Township of South Brunswick, 448 N.J. Super. 441, 448-51 (Law Div. 2016).

V. “Realistic Opportunity”

“Determining if an opportunity is ‘realistic’ requires application of a practical and objective standard; the court must decide ‘whether there is in fact a likelihood—to the extent economic conditions allow—that the lower income housing will actually be constructed.’” In the Matter of the Twp. of Bordentown, 471 N.J. Super. 196, 219 (App. Div. 2022) (quoting Mount Laurel II, 92 N.J. at 221-22. Pursuant to N.J.A.C. 5:93-5.3(b), in order for a given site to amount to a “realistic opportunity” for the development of affordable housing to justify inclusion in a HEFSP, a four-pronged criteria must be satisfied. Namely, the site must be available, approvable, developable, and suitable. Under the former COAH regulations at N.J.A.C. 5:93-1.3, those terms are defined as follows:

1. “‘Available site’ means a site with clear title, free of encumbrances which preclude development for low and moderate income housing.”
2. “‘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.”
3. “‘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.”
4. “‘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.”

[N.J.A.C. 5:93-1.3; see In re Twp. of Denville, 247 N.J. Super. 186, 200 (App. Div. 1991), rev’d on other grounds, In re Twp. of Warren, 132 N.J. 1 (1993).]

Further, not only must development be consistent with the FHA and its attendant regulations, but it must also be congruous with the planning goals set forth in the Municipal Land Use Law (“MLUL”), N.J.S.A. 40:55D-1 et seq. Denville, 247 N.J. Super. at 200-01. Significantly, it has been recognized that providing affordable housing “is one of the purposes of zoning incorporated by reference into the [MLUL].” Holmdel Builders Ass’n v. Twp. of Holmdel, 121 N.J. 550, 567 (1990).

In evaluating these criteria, the regulations “explicitly recognize that sewer and other infrastructure must be available to establish a realistic opportunity for the construction of affordable housing.” In re Petition for Substantive Certification, Twp. of Southampton, Cnty. of Burlington, 338 N.J. Super. 103 (App. Div. 2001). Priority must be given “to sites where infrastructure is currently or imminently available.” N.J.A.C. 5:93-5.3(b). For each site designated for affordable housing, a municipality must document: (1) a general description of each site including its acreage, current zoning, surrounding land uses and street access; (2) a description of any environmental constraints including wetlands, flood hazard areas and steep slopes; (3) information concerning availability of water and sewer utilities; and (4) for each site, the total number of housing units, the gross and net density, the total number of affordable units and whether they will be available for sale or rent. N.J.A.C. 5:93-5.3(c). Among other factors to be considered in evaluating whether the rezoning of a site presents a “realistic opportunity” for development of affordable housing are: (1) existing density, (2) whether a density bonus is necessary to produce affordable housing, (3) whether the site is approvable, available, developable and suitable, (4) “the present ability of a developer to construct low and moderate income housing at a specific density,” (5) “the length of time an inclusionary site has been zoned at a specific density and set-aside without being developed,” and (6) “the number of

inclusionary sites that have developed within the municipality at specific densities and set-asides.” N.J.A.C. 5:93-5.6(b).

VI. Deficiencies in Toms River’s HEFSP

“[A] municipality is responsible for promulgating appropriate land use ordinances under which a developer could be expected to construct the municipality’s fair share of affordable housing.” Toll Bros., Inc. v. Township of West Windsor, 173 N.J. 502, 541 (2002) (citing Mount Laurel I, 67 N.J. at 192). “Because merely removing barriers to the construction of low income housing might not be sufficient to bring about that housing,” the Supreme Court “required affirmative measures ‘to make the opportunity real,’” by “induc[ing] builders to provide affordable housing” by “providing incentives for or requiring private developers to set aside a portion of their development for lower income housing.” Id. at 544 (citing Mount Laurel II, 92 N.J. at 258-62).

A. The Township is Not Entitled to a Third Round Unit Cap.

In attempting to satisfy its Fourth Round Obligation, the Township has assumed that it is entitled to cap its Third Round Obligation to 1,000 units pursuant to N.J.S.A. 52:27D-307(e), which was repealed by the amended FHA. However, the Township agreed to a Third Round Prospective Need of 1,285 Units in its Third Round Settlement Agreement with FSHC. See Exhibit F. In anticipation of its unlawful maneuver, on May 21, 2025 the Township filed a Motion to Enforce Litigant’s Rights to claim the cap, attached hereto as Exhibit H, however the motion was referred to court ordered meditation. The Township and FSHC have not reached a Settlement as of the filing of this challenge, to the Developer’s knowledge.

This challenge is not the proper forum to adjudicate the Township’s motion. However, its outcome greatly affects the merits of the Township’s Fourth Round HEFSP. It would be unjust to presume that any Third Round Prospective Need other than the 1,285 units established in the 2016 Settlement Agreement and the 2017 Conditional Compliance Order controls. In a similar vein, the 2017 Conditional Compliance Order required the Township to “continue to implement all aspects of the plan approved pursuant to the Settlement Agreement.” See Exhibit E. Therefore, for the purposes of this challenge, the Township’s Third Round Prospective Need must be 1,285 units.

As noted in the Planner’s Report, the Township’s mechanisms to address its 649 unit Fourth Round Prospective Need is deficient because the Township may only claim 437.5 units from Prior Round extensions of affordability controls. Without the legal basis to carry over the Third Round surplus, the Township is deficient by a significant 211.5 units. Thus, the Township has not satisfied its constitutional burden to provide a realistic opportunity to develop affordable housing in accordance with the Mount Laurel Doctrine.

B. Assuming the 1,000 Unit Cap Applies, the Township is Still Deficient.

Even if the Law Division grants the Township’s motion, the Township is double-dipping units in the Third and Fourth Rounds. For example, without the cap, the Township asserts seventy-nine Third Round credits for the Meadow Green site. Applying the cap, the Township still allocates

seventy-nine units to the Third Round while seeking to apply thirty-six units from the same project in the Fourth Round. Similarly, without the cap the Township takes credit for four units at the Legion Court site. With the cap, the Township takes four Third Round credits and four Fourth Round credits for the Legion Court site, resulting in four duplicative credits. Even if the cap applies, the Township is short of the 649 required Fourth Round Prospect Need by at least thirty-two-and-one-half credits. Therefore, the Township's HEFSP should be invalidated.

C. The Township Failed to Satisfy its Third Round Conditions of Compliance.

On March 5, 2025, the Law Division executed a consent order entered between the Township and FSHC. See Exhibit I. The Consent Order states: "By June 30, 2025, the Township shall address all outstanding conditions set forth in the January 14, 2025 Special Adjudicator Memorandum, including but not limited to outstanding crediting documentation for the Prior and Third Rounds in its Fourth Round HEFSP." Id.

As admitted in the HEFSP, upon adoption of the HEFSP the Township did not satisfy Conditions 5, 11 or 16 of the Special Adjudicator Memorandum. First, regarding Condition 5, the Township failed to provide: (1) crediting documentation for Walnut Cove; (2) an administrative agent agreement for Fairways at Bey Lea; (3) recorded deed restrictions and a bedroom count/affordability level acknowledgement for Walnut Hollow; and (4) an affirmative marketing and administrative agent agreement for Leone. Second, regarding Condition 11, the Planner's Report explains that the HEFSP inconsistently claims either 175 or 176 Prior Round credits with respect to the maximum permitted age-restricted units. This inconsistency must be corrected to accurately determine satisfaction of the Prior Round obligation. Third, regarding Condition 16, which required the Township to submit documents confirming the bedroom distributions satisfied UHAC, the Township admits it must verify the calculations for accuracy.

Therefore, it is clear that the Township has not satisfied all Conditions of its Third Round Conditional Compliance as required by the March 5 Consent Order. See Exhibits E and I. Therefore, the Township failed to comply with the amended FHA requiring it to adopt a valid HEFSP prior to June 30, 2025.

D. The Township's Attempt to Extend Affordability Controls is Faulty.

As provided in the Township's Spending Plan, the Township is seeking to take credit for 302 units and 144.5 bonus credits by extending expiring affordability controls. See Exhibit J. However, this approach does not comply with the Amended FHA, its attendant regulations, or the Mount Laurel Doctrine because it merely speculative. First, the Spending Plan states that the Township is "seeking to extend all expiring extensions of controls." Ibid. This is problematic because there is no evidence that the controls will, in fact, actually be extended. Absent from the Spending Plan and the HEFSP as a whole are any executed agreements or other documentation evidencing that the extension of the controls will be effectuated.

More specifically, as set forth in the Planner's Report, the extension of controls at the Hope's Crossing property, which is a 100% affordable family rental development, is predicated on the

satisfaction of various financial conditions as follows: (1) “5% flat rate PILOT for full 30 years of extended affordability;” (2) “[f]orgiveness of the Township’s \$1,244,000 loan and \$1.9 MM interest accrued thereon;” and (3) “[c]ontingent upon our ability to have the County loan forgiven and the NJ DCA loan extended and refinanced.” See Exhibit A. Based on the text of the Spending Plan, whether the \$1,244,000 loan was advanced by the County and through the Township or if the County loan and NJ DCA loan are distinct obligations is uncertain. Because of these contingencies, it is unclear whether the affordability controls at the Hope’s Crossing property will actually be extended.

Without proof that the control extensions will be effectuated, the Township could be dramatically overstating its compliance by 144.5 credits, and until such proof can be produced, these credits should be determined to be expired. To do as the Township proposes is not compliant with the Amended FHA, N.J.A.C. 5:93 or the Mount Laurel Doctrine. See Exhibit A.

E. The Property Meets the Site Suitability Test Pursuant to N.J.A.C. 5:93-1.3.

The Township has failed to satisfy its Fourth Round Prospective Need. Therefore, the Township must consider the Developer’s site that is available, approvable, developable and suitable. In fact, the Developer put the Township on notice of the Property’s availability to yield four affordable units on May 13, 2025 and June 16, 2025. See Exhibit G.

As explained in the Planner’s Report, the Property is available because the Developer is the owner. See Exhibit A. There are no known encumbrances, title defects, or barriers preventing the Property from being available. The Property is currently developed with a commercial building that the Developer is willing to convert into a mixed-use inclusionary project yielding four affordable units.

Second, as explained in the Planner’s Report, the Property is approvable because the Township can easily rezone the site or adopt an overlay zone to permit a mixed-use development. See Exhibit A. Importantly, the Property is located along Route 37, which is a location that supports mixed-use development. The Township is entitled to use its vast zoning powers to rezone the site in furtherance of providing actual affordable units.

Third, as explained in the Planner’s Report, the Property is developable because there are no constraints preventing development. See Exhibit A. The Property is already developed with a single-story commercial use and on-site paved parking. Also, the existing building is connected to water and sewer. Additionally, there are no environmental constraints, such as wetlands or excessive steep slopes, preventing development.

Finally, the Property is suitable because an inclusionary development is not contrary to the Township’s planning. See Exhibit A. The Property is located in a highway corridor appropriate for mixed-use development because it is near transit, commercial sites, and schools. The Planner’s Report concludes that the Property promotes smart growth, and therefore it is suitable.

VII. Conclusion

In conclusion, the Township's HEFSP is deficient regardless of whether the 1,000 unit Third Round cap applies. The Developer presented a site that is available, approvable, developable, and suitable, and the Township must include same in its HEFSP to comply with the amended FHA and the Mount Laurel Doctrine. Thus, the Developer respectfully requests that the Township amend the HEFSP to include the Property and take all necessary measures to facilitate development of the inclusionary development.

Respectfully submitted,

/s/ Donna M. Jennings

DONNA M. JENNINGS

w/encl.

cc: Christopher Zingaro, Esq.
Christine Cofone, P.P.
Developer
Luke H. Policastro, Esq.

LIST OF EXHIBITS

- Exhibit A: Consulting Report, prepared by Cofone Consulting Group, LLC, dated August 21, 2025.
- Exhibit B: Resolution Rejecting DCA Calculation, adopted on January 29, 2025.
- Exhibit C: Order Fixing Fourth Round Present and Prospective Need, entered on May 9, 2025.
- Exhibit D: Sections of Township's Fourth Round HEFSP, adopted on June 18, 2025.
- Exhibit E: 2017 Conditional Order of Compliance.
- Exhibit F: 2016 Settlement Agreement with Fair Share Housing Center.
- Exhibit G: Letters from Developer Submitted to Township Proposing Development, dated May 13, 2025 and June 16, 2025 with Concept Plan.
- Exhibit H: Notice of Motion to Enforce Litigant's Rights and Proposed Order, filed May 21, 2025.
- Exhibit I: Consent Order, entered on March 5, 2025.
- Exhibit J: Township's Affordable Housing Spending Plan, adopted on June 18, 2025.



New Jersey Judiciary
Civil Practice Division

Civil Case Information Statement (CIS)

Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1. Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed, or attorney's signature is not affixed.

For Use by Clerk's Office Only

Payment type <input type="checkbox"/> check <input type="checkbox"/> charge <input type="checkbox"/> cash	Charge/Check Number	Amount \$	Overpayment \$	Batch Number
Attorney/Pro Se Name Donna M. Jennings, Esq.	Telephone Number (732) 855-6039 ext.	County of Venue Ocean		
Firm Name (if applicable) Wilentz, Goldman & Spitzer, P.A.	Docket Number (when available) OCN-L-331-25			
Office Address - Street 90 Woodbridge Center Drive, Suite 900	City Woodbridge	State NJ	Zip 07095	
Document Type Challenge - Housing Element and Fair Share Plan	Jury Demand <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Name of Party (e.g., John Doe, Plaintiff) 2008 Route 37 Associates, LLC	Caption In the Matter of the Application of the Township of Toms River, County of Ocean, a Municipal Corporation of the State of New Jersey			
Case Type Number (See page 3 for listing) <u>816</u>				
Are sexual abuse claims alleged?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Does this case involve claims related to COVID-19?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Is this a professional malpractice case? If "Yes," see N.J.S.A. 2A:53A-27 and applicable case law regarding your obligation to file an affidavit of merit.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Related Cases Pending? If "Yes," list docket numbers	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Do you anticipate adding any parties (arising out of same transaction or occurrence)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Name of defendant's primary insurance company (if known)	<input type="checkbox"/> None	<input checked="" type="checkbox"/> Unknown		

The Information Provided on This Form Cannot be Introduced into Evidence.

Case Characteristics for Purposes of Determining if Case is Appropriate for Mediation


Do parties have a current, past or recurrent relationship? Yes No

If "Yes," is that relationship:

- Employer/Employee Friend/Neighbor Familial Business
 Other (explain) _____

Does the statute governing this case provide for payment of fees by the losing party? Yes No

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition.

 Do you or your client need any disability accommodations? Yes No
If yes, please identify the requested accommodation:

Will an interpreter be needed? Yes No
If yes, for what language?

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

Attorney/Self-Represented Litigant Signature: /s/ Donna M. Jennings

Civil Case Information Statement (CIS)

Use for initial pleadings (not motions) under *Rule* 4:5-1

CASE TYPES

(Choose one and enter number of case type in appropriate space on page 1.)

Track I - 150 days discovery

- 151 Name Change
- 175 Forfeiture
- 302 Tenancy
- 399 Real Property (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 Book Account (debt collection matters only)
- 505 Other Insurance Claim (including declaratory judgment actions)
- 506 PIP Coverage
- 510 UM or UIM Claim (coverage issues only)
- 511 Action on Negotiable Instrument
- 512 Lemon Law
- 801 Summary Action
- 802 Open Public Records Act (summary action)
- 999 Other (briefly describe nature of action)

Track II - 300 days discovery

- 305 Construction
- 509 Employment (other than Conscientious Employees Protection Act (CEPA) or Law Against Discrimination (LAD))
- 599 Contract/Commercial Transaction
- 603N Auto Negligence – Personal Injury (non-verbal threshold)
- 603Y Auto Negligence – Personal Injury (verbal threshold)
- 605 Personal Injury
- 610 Auto Negligence – Property Damage
- 621 UM or UIM Claim (includes bodily injury)
- 699 Tort – Other

Track III - 450 days discovery

- 005 Civil Rights
- 301 Condemnation
- 602 Assault and Battery
- 604 Medical Malpractice
- 606 Product Liability
- 607 Professional Malpractice
- 608 Toxic Tort
- 609 Defamation
- 616 Whistleblower / Conscientious Employee Protection Act (CEPA) Cases
- 617 Inverse Condemnation
- 618 Law Against Discrimination (LAD) Cases

Track IV - Active Case Management by Individual Judge / 450 days discovery

- 156 Environmental/Environmental Coverage Litigation
- 303 Mt. Laurel
- 508 Complex Commercial
- 513 Complex Construction
- 514 Insurance Fraud
- 620 False Claims Act
- 701 Actions in Lieu of Prerogative Writs

Multicounty Litigation (Track IV)

- 282 Fosamax
- 291 Pelvic Mesh/Gynecare
- 292 Pelvic Mesh/Bard
- 293 DePuy ASR Hip Implant Litigation
- 296 Stryker Rejuvenate/ABG II Modular Hip Stem Components
- 300 Talc-Based Body Powders
- 601 Asbestos
- 624 Stryker LFIT CoCr V40 Femoral Heads
- 626 Abilify
- 627 Physiomesh Flexible Composite Mesh
- 628 Taxotere/Docetaxel
- 629 Zostavax
- 630 Proceed Mesh/Patch
- 631 Proton-Pump Inhibitors
- 633 Prolene Hernia System Mesh
- 634 Allergan Biocell Textured Breast Implants
- 635 Tassigna
- 636 Strattice Hernia Mesh
- 637 Singulair
- 638 Elmiron
- 639 Pinnacle Metal-on-Metal (MoM) Hip Implants

If you believe this case requires a track other than that provided above, please indicate the reason on page 1, in the space under “Case Characteristics”.

Please check off each applicable category

- Putative Class Action** **Title 59** **Consumer Fraud**
- Medical Debt Claim**

EXHIBIT A

*Christine A. Cofone, PP, AICP
Principal*



COFONE CONSULTING GROUP
LAND USE CONSULTANTS

CONSULTING REPORT

Block 796, Lot 3

*Township of Toms River
County of Ocean*

Prepared for:

2008 Route 37 Associates, LLC

Prepared by:

Cofone Consulting Group
52 Reckless Place
Red Bank, New Jersey 07701

August 21, 2025

Christine A. Nazzaro-Cofone, AICP, PP
New Jersey Professional Planner License #5517

52 RECKLESS PLACE • RED BANK, NEW JERSEY 07701 • (732)-439-6400

ccofone@cofoneconsulting.com 
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TABLE OF CONTENTS

I. INTRODUCTION	1
II. UNRESOLVED THIRD ROUND COMPLIANCE ISSUES AND IMPACT ON FOURTH ROUND CREDITS	2
1. Disputed Third Round Obligation	2
2. Unfulfilled Settlement and Consent Order Conditions	2
3. Duplicated and Unverified Credit Claims	3
4. Bonus Credit Eligibility Concerns	3
5. Cross-Round Credit Transfers Without Judicial Authorization	3
III. INCONSISTENCY WITH OTHER PLAN ELEMENTS	5
IV. DEVELOPER'S SITE DESCRIPTION AND BACKGROUND	5
V. LEGAL STANDARDS FOR SITE SUITABILITY	6
1. AVAILABLE	6
2. APPROVABLE	6
3. DEVELOPABLE	7
4. SUITABLE	8
VI. ANALYSIS OF MUNICIPAL EXCLUSION	9
VII. RELIEF REQUESTED	10
1. Formal Inclusion of Block 796, Lot 3 (the Objector's Site) as a Compliance Site	10
2. Activation of Enabling Zoning and Redevelopment Mechanisms	10
3. Issuance of Written Site Selection Criteria and Justification for Exclusion	11
4. Resolution of Unresolved Third Round Compliance Issues Prior to Recognition of Fourth Round Credits	11
VIII. CONCLUSION	12

I. INTRODUCTION

This formal objection is submitted in response to the Township of Toms River's adopted Fourth Round Housing Element and Fair Share Plan (HEFSP), approved by the Township Planning Board on June 18, 2025. While the Township asserts that its Plan satisfies the constitutional requirements of the Mount Laurel doctrine, the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*), and applicable administrative and judicial standards, there are substantive deficiencies that require correction before the Plan can be deemed compliant.

This report details Third Round compliance issues that directly affect the Township's claimed Fourth Round credit structure to satisfy its present need of 526 units and prospective need of 649 units. The certified Third Round obligation remains 1,285 units under the binding 2016 Settlement Agreement with Fair Share Housing Center and the 2017 Conditional Order of Compliance, rather than the 1,000 units the Township now asserts. Multiple settlement and consent order conditions remain and credit claims between rounds have not been fully reconciled. Until these matters are resolved by court order, any surplus credit applied to the Fourth Round is premature and procedurally defective.

In addition, the exclusion of a site that is demonstrably viable, approvable, and infrastructure-ready — Block 796, Lot 3, also known as S & F Plaza ("the Developer's Site"). The parcel is under single ownership, fully served by infrastructure, and the subject of a formal mixed-use proposal that would deliver 24 residential units, including four deed-restricted affordable units, consistent with the Township's inclusionary zoning requirements. The Township acknowledged the proposal in its Plan but declined to include it, without providing any documented planning, technical, or legal justification.

This objection is submitted with the goal of improving the Plan. It reflects a desire to see the Township meet its obligations while maintaining the trust of its residents, the credibility of its land use framework, and the integrity of the public planning process. The inclusion of viable, implementable sites is not optional; it is essential to meeting the constitutional requirement to create a realistic opportunity for the development of affordable housing within the statutory time horizon.

This objection is therefore consistent with N.J.S.A. 52:27D-304.1(f)(2)(b), which states, in pertinent part:

"An interested party may file a response . . . alleging that the municipality's fair share plan and housing element are not in compliance with the 'Fair Housing Act' or the Mount Laurel doctrine. Such allegation shall not include a claim that a site on real property proposed by the interested party is a better

site than a site in the plan, but rather shall be based on whether the housing element and fair share plan as proposed is compliant with the 'Fair Housing Act' or the Mount Laurel doctrine. To resolve a challenge, the program shall apply an objective assessment standard to determine whether or not the municipality's housing element and fair share plan is compliant with the 'Fair Housing Act,' and the Mount Laurel doctrine."

(N.J.S.A. 52:27D-304.1(f)(2)(b))

II. UNRESOLVED THIRD ROUND COMPLIANCE ISSUES AND IMPACT ON FOURTH ROUND CREDITS

In addition to the substantive and procedural flaws identified above, the Township's Fourth Round HEFSP is further undermined by unresolved compliance issues from the prior round. These deficiencies directly affect the legitimacy of the Township's claimed crediting. Until they are resolved through court order, the Township cannot lawfully apply disputed or surplus Third Round credits toward its current obligation.

1. Disputed Third Round Obligation

Toms River asserts a 1,000-unit cap for its Third Round obligation, yet the certified obligation remains 1,285 units under the 2017 Third Round Conditional Judgment of Compliance and Repose. The March 5, 2025 Consent Order ("2025 Consent Order") requires the Township to address all unresolved Third Round issues, including the ongoing dispute over the cap. No Final Compliance Order has been issued by the Superior Court. Accordingly, the Township cannot reallocate the disputed 285-unit difference as surplus toward the Fourth Round.

2. Unfulfilled Settlement and Consent Order Conditions

The HEFSP fails to satisfy several binding conditions from the 2016 Settlement Agreement and the 2025 Consent Order:

- Condition 5 – Prior Round Credits: The Township has not secured crediting documentation for *Walnut Cove*, rendering those units ineligible for credit.
- Condition 11 – Recalculation of Prior Round Age-Restricted Cap: The inconsistency between 175 and 176 Prior Cycle credits remains unresolved. The Plan must either correct the table to show 175 with explanatory footnote

or amend the narrative to confirm 176.

- Condition 16 – UHAC Compliance: Only partially satisfied; additional documentation and verification are required to confirm compliance.

3. Duplicated and Unverified Credit Claims

The HEFSP exhibits a pattern of unit duplication and unclear reconciliation between rounds:

- Meadow Green – 79 total units; 43 claimed in the Third Round, 36 in the Fourth Round.
- Kaplan/Camelot – 26 units; 22 assigned to the Third Round, 4 to the Fourth Round.
- Legion Court – All 4 units shifted entirely from the Third to the Fourth Round.

Although these shifts are acknowledged, the Plan lacks corresponding deductions from prior round ledgers, leaving credit reconciliation incomplete and nontransparent.

4. Bonus Credit Eligibility Concerns

The Township claims 144.5 Fourth Round bonus credits, below the allowable 162.25 (25%) cap, tied to extended affordability controls. However, N.J.A.C. 5:93-5.15(d) requires that bonus credits be linked to eligible, non-duplicated, verifiable base units. Without a full cross-round reconciliation, the eligibility of these bonus credits remains uncertain.

5. Cross-Round Credit Transfers Without Judicial Authorization

The 2016 Settlement Agreement preserved the Township's right to seek a cap on its Third Round obligation and did not preclude the future use of surplus credits if authorized by court order. No such order has been issued. The pending motion to reduce the obligation to 1,000 units remains unresolved. Until that motion is adjudicated and a Final Compliance Order entered, the Township may not lawfully apply surplus Third Round credits to satisfy Fourth Round requirements.

Toms River's charts do not clearly indicate which units are deed-restricted through 2025 or later, nor whether the Township has appropriately adjusted the 25% cap on age-restricted units, as required under the 2016 Settlement Agreement. Without proper controls and verification, these claimed credits may be facially invalid.

When prior round obligations remain in dispute, settlement conditions are unmet, and credit claims are duplicated or unreconciled, any Fourth Round reliance on such credits is premature. For the HEFSP to withstand judicial or administrative review, these deficiencies should be corrected as a condition of certification.

6. *Extensions of Controls in the Spending Plan*

The Township's Spending Plan acknowledges that it has "several older developments with affordability controls that have either expired or are nearing expiration." It further states that "the Township has identified 302 affordable housing controls expiring during the fourth round as noted in the table below. The Township is seeking to extend all expiring extensions of controls."

The operative phrase is "*seeking to extend*." At present, there is no evidence that these controls will in fact be successfully extended. This uncertainty places 302 affordable units, and the associated 144.5 bonus credits, in jeopardy. Without executed agreements or binding commitments, these units cannot be presumed to remain within the Township's affordable housing inventory.

Of particular concern is the Hope's Crossing property, a 100% affordable family rental development. Preservation of affordability controls there is presented as contingent on a series of unresolved financial conditions. The notes in the Extensions of Control table specify:

- a. "5% flat rate PILOT for full 30 years of extended affordability;"
- b. "Forgiveness of the Township's \$1,244,000 loan and \$1.9MM interest accrued thereon;"
- c. "Contingent upon our ability to have the County loan forgiven and the NJ DCA loan extended or refinanced."

It is unclear whether the original \$1,244,000 loan was advanced by the County and funneled through the Township, or whether the County loan and NJ DCA loan are separate and independent obligations. This ambiguity, coupled with the fact that all three conditions must be satisfied, renders the extension of affordability controls at Hope's Crossing speculative at best. Without clear documentation that these contingencies will be met and affordability controls legally extended, the Township cannot rely on Hope's Crossing as part of its preserved affordable housing stock.

The fact that Hope's Crossing is a 100% affordable family rental project only underscores the importance of certainty in preservation. Allowing credits and bonus credits to continue

without enforceable proof of control extensions risks overstating compliance by 144.5 credits and misrepresenting the true durability of the Township's affordable housing inventory.

Accordingly, unless and until the Township produces binding, executed agreements extending affordability controls, these credits should be deemed expired. To count them otherwise would be inconsistent with the Fair Housing Act, the regulations at N.J.A.C. 5:93, and the standards reaffirmed in *Mount Laurel II*, which require municipalities to demonstrate a "realistic opportunity" for the creation and preservation of affordable housing, not reliance on speculative contingencies.

III. INCONSISTENCY WITH OTHER PLAN ELEMENTS

The internal inconsistency of the Township's Fourth Round Plan becomes evident when one examines a speculative and unbuilt site that is mentioned alongside the Objector's Site. This discrepancy is evident in the Township's narrative treatment of JD Jamestowne Village (Block 610, Lots 1, 2, 3, 5, 11, 30, 31 and 33), which is referenced as a potential inclusionary development but includes an "unspecified affordable housing set-aside" and no demonstrable planning progress. In stark contrast, the Developer's Site was proposed with a defined approximately 17% affordable set-aside, submitted by a willing developer, and is under unified ownership, yet the Township declined to consider it for inclusion.

IV. DEVELOPER'S SITE DESCRIPTION AND BACKGROUND

The Developer's Site is a 1.278-acre parcel situated at 2008 Route 37, a major regional commercial corridor, and Adams Avenue. The site is currently developed with a single-story commercial structure and associated parking, but has been the subject of a mixed-use development proposal submitted to the Township. The proposed project includes three stories of residential development above ground-floor commercial use, totaling 24 units, four of which would be affordable.

The property is located within a developed corridor and is already connected to water, sewer, stormwater management, and other essential infrastructure. It is a flat, rectangular parcel with no environmental constraints, no steep slopes, and no known deed restrictions. Its location is transit-accessible (a bus stop is approximately 0.2 miles -- 5 minute walk -- from the site at Coolidge Ave and Route 37) and within close proximity to jobs, schools, services, and commercial amenities. From a planning perspective, it represents exactly the type of site that should be prioritized for inclusionary development as it meets the Site Suitability standards.

Moreover, the owner of the site submitted a development concept plan directly to the Township. The Township acknowledged this proposal in the Plan. Despite this

acknowledgment, no rationale was provided for its exclusion. No formal outreach was made to the developer. No public explanation has been offered as to why this site—one of the most viable in the Township—was not credited toward compliance. This omission is indefensible from both a legal and planning standpoint.

V. LEGAL STANDARDS FOR SITE SUITABILITY

The Developer's Site satisfies the Site Suitability Test established under N.J.A.C. 5:93-1.3, which sets forth the mandatory standard for inclusion of any site in a municipal Housing Element and Fair Share Plan. The regulation requires that a site must be:

- **Available**
- **Approvable**
- **Developable**
- **Suitable**

The Objector's Site clearly satisfies each of these statutory prongs. Its exclusion from the Township's Plan is, therefore, not merely an error of judgment but a material legal deficiency that undermines the Plan's credibility.

1. AVAILABLE

A site is "available" if it is under the control of a willing seller or developer and has been affirmatively offered for inclusion in the housing plan. Here, availability is beyond dispute. The Developer owns the site and submitted a formal mixed-use development concept to the Township. This concept includes 24 residential units—four of which are deed-restricted affordable units—integrated with ground-floor commercial use. The submission was acknowledged in the Plan.

Further, the site is under single ownership, requires no assemblage, and the developer is actively seeking to move forward. This is not a speculative proposal or abstract redevelopment concept. It is an active, documented opportunity for affordable housing development. Under the applicable legal standard, no municipality may ignore a site that is so plainly available.

2. APPROVABLE

A site is "approvable" if the proposed use is permitted by the existing zoning or can be made compliant with minimal adjustment, such as through rezoning, overlay zoning, or redevelopment designation. In this case, the proposed mixed-use project is consistent with both the context and the goals of the Township's broader planning objectives along the Route 37 corridor.

Should minor zoning amendments be necessary to facilitate mixed-use development, those amendments are fully within the Township's power to enact and would be consistent with established planning principles and precedent. In fact, such minor adjustments are routinely used to satisfy affordable housing obligations in other municipalities. The site does not present the kind of zoning incompatibility that would render it legally or practically unapprovable. Its regulatory alignment is either present or readily achievable through lawful municipal action.

Case law affirms that municipalities cannot rely on current zoning to exclude viable sites, especially when the zoning could be readily amended to accommodate inclusionary development. To the contrary, municipalities have an affirmative obligation to adopt zoning mechanisms, including overlays and incentives, that enable affordable housing production on appropriate sites (*South Burlington County NAACP v. Mount Laurel Township*, 92 N.J. 158 (1983) [Mount Laurel II]).

3. DEVELOPABLE

A site is "developable" if it is free from physical, legal, or regulatory constraints that would prevent it from being built within a reasonable period. The Objector's Site is flat, rectangular, and fully accessible from Route 37 and Adams Avenue. It is already developed with a single-story commercial use and surface parking, indicating prior buildability and existing utility connections.

Critically, the site is already connected to water, sewer, electric, and stormwater systems. There are no wetlands encroachments, no threatened species habitats, no steep slopes, and no environmental remediation barriers on record. The site's development history and current use eliminate the need for complex environmental assessments or infrastructure extensions, streamlining its readiness.

In fact, to advance smart growth, under P.L. 2024, c.2, municipalities may receive affordable housing credit for the conversion of existing commercial, industrial, or other non-residential structures into residential use, provided the resulting development meets affordability and regulatory standards. In this case, the Developer's Site includes an existing second-floor office space that is being converted to residential use, an approach that aligns directly with the intent of the rule. Importantly, the residential conversion can be accommodated using the site's existing paved parking lot, meaning no additional impervious coverage is required. While the rules do not explicitly reference paved parking lots, redevelopment of such previously disturbed sites may still support inclusionary housing as part of a compliant plan.

There is no credible basis for the Township to claim that the site is undevelopable when it is already developed. And while the proposed use includes a vertical intensification, this is wholly within the limits of modern engineering and zoning discretion. Courts have repeatedly found that municipalities may not exclude developable sites based on conjecture, preference, or unsubstantiated claims of complexity (*Toll Bros. v. Township of West Windsor*, 173 N.J. 502 (2002)).

4. SUITABLE

Finally, a site is “suitable” if it makes sense from a land use, community, and infrastructure perspective. The Developer’s Site is located along a major arterial corridor—Route 37—which is already designated for mixed-use and commercial development. The corridor provides access to transit, commercial amenities, employment centers, and public services. The site is proximate to schools, health care facilities, and grocery stores, all key determinants of equitable housing siting under state and federal housing guidelines.

From a planning perspective, this site supports compact, walkable, context-sensitive development. It does not introduce land use conflict. It promotes smart growth and transit-adjacent density. And it reinforces regional planning goals to steer development toward already-serviced corridors rather than outlying greenfield areas.

Excluding such a site creates a planning contradiction. If a municipality contends that no suitable land exists while overlooking textbook-suitable parcels, it undermines the factual basis of its Plan and exposes itself to challenge.

The Site Suitability Test is not advisory. It is binding. A municipality may not bypass suitable parcels in order to preserve discretionary control or avoid political controversy. The New Jersey courts have consistently held that municipalities must pursue realistic and achievable opportunities to meet their constitutional obligations. When a site is available, approvable, developable, and suitable, particularly when it has been offered affirmatively and acknowledged in the Plan, its exclusion is not just poor planning; it is a violation of governing law.

The Developer’s Site satisfies all four prongs of the statutory Site Suitability Test. Its omission from the Township’s Plan is unjustified, unsupported by any credible evidence, and in direct conflict with the standards that govern Fourth Round housing compliance.

VI. ANALYSIS OF MUNICIPAL EXCLUSION

The Township's decision to exclude the Developer's Site from its Fourth Round Housing Element raises substantive and procedural concerns regarding the consistency, transparency, and completeness of the compliance process. The record contains no published infrastructure capacity study, environmental constraints report, or formal planning analysis to support the exclusion, nor is there evidence of a public deliberation or professional memorandum addressing the site's merits.

The Developer's Site is acknowledged in the Plan at page 23, where the Township notes having received a proposal for an inclusionary development with a sixteen percent (16%) affordable housing set-aside at Block 796, Lot 3 (2008 Route 37). Rather than assessing the site's suitability or incorporating it into the compliance framework, the Plan states only that the Township "has elected not to utilize the proposed project as a compliance mechanism" because it believes it has "sufficient mechanisms to satisfy its fair share obligations for the Fourth Round" (p. 23).

The Plan further cites N.J.S.A. 52:27D-304.1(f) to preclude challenges based on the argument that another site might offer a preferable compliance option. However, the Objector's Site is absent from all supporting appendices, including Appendix C (Affordable Housing Sites Map), the Site Suitability Analysis, and the Fair Share Plan tables—omitting it entirely from the documented compliance inventory.

This omission is material. The site is under single ownership, served by infrastructure, backed by a willing developer, and accompanied by a formal concept plan. Fair share planning in New Jersey requires that municipalities give full and consistent consideration to all realistic opportunities for affordable housing before turning to alternative relief mechanisms. Here, the Township had before it a ready, approvable, infrastructure-served site and declined to evaluate it for inclusion.

Such selective evaluation undermines uniform application of planning criteria. If one site is held to a higher threshold of proof than others, the process risks becoming discretionary rather than evidence-based. That approach is inconsistent with the transparency, equity, and rigor contemplated by the Fair Housing Act, its implementing regulations, and the Mount Laurel doctrine.

Housing plans must rest on defensible, consistently applied criteria. When the result of an opaque decision is the exclusion of a site that could produce immediate affordable housing opportunities, the integrity of the compliance process is called into question.

VII. RELIEF REQUESTED

In light of the foregoing legal, procedural, planning, and unresolved prior round compliance deficiencies, the Developer respectfully requests that the Township of Toms River take immediate and corrective action to bring its Fourth Round Housing Element and Fair Share Plan into compliance with applicable law, planning doctrine, and the principle of equitable inclusion. Specifically, the Developer requests that the following relief be granted:

1. Formal Inclusion of Block 796, Lot 3 (the Objector's Site) as a Compliance Site

The Township should amend its Fourth Round Housing Element and Fair Share Plan to explicitly include the Developer's Site as a designated compliance site for inclusionary development. The development would serve as a viable primary option to assist the Township in meeting its constitutional obligation to provide a realistic opportunity to develop affordable housing.

Based on the current site plan and proposed development concept submitted to the Township, the Property is capable of delivering a minimum of four (4) affordable housing units, with the potential for additional yield subject to density and programmatic flexibility.

The Property meets all statutory and regulatory criteria for inclusion and has been formally offered by the developer for inclusion in the Plan. Formal inclusion should be made explicit in the text of the amended Plan and Housing Element, accompanied by supporting data, any necessary zoning amendments, and anticipated delivery timeline.

2. Activation of Enabling Zoning and Redevelopment Mechanisms

To facilitate the prompt and lawful development of affordable units on the Developer's Site, the Township should initiate one or more of the following zoning tools or policy instruments:

- An inclusionary overlay zone permitting residential mixed-use development with affordable set-asides;
- A redevelopment designation under the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.), if applicable;

- The adoption of site-specific development standards tailored to support a walkable, corridor-based mixed-use project in keeping with local and regional planning goals.

These steps are consistent with the affirmative planning obligation imposed under the Mount Laurel doctrine, as reaffirmed in *In re Adoption of N.J.A.C. 5:96*. Municipalities must not merely permit affordable housing; they must affirmatively facilitate its development. Enabling zoning is a threshold requirement of compliance and fairness.

3. Issuance of Written Site Selection Criteria and Justification for Exclusion

The Township must issue a formal, publicly available memorandum or statement identifying the selection methodology used to determine which sites were included or excluded from the Fourth Round Plan. This explanation should describe:

- The objective criteria (if any) applied to evaluate formal developer submissions;
- The rationale used to accept certain sites while rejecting others;
- Any specific deficiencies or barriers identified by Township professionals that were deemed to disqualify the Developer's Site.

Such transparency is required to ensure that planning decisions are not arbitrary, capricious, or influenced by improper factors. Without this written justification, the exclusion of the Developer's Site raises serious due process concerns and undermines the credibility of the Township's entire compliance framework.

4. Resolution of Unresolved Third Round Compliance Issues Prior to Recognition of Fourth Round Credits

The Township must fully resolve all outstanding Third Round disputes, settlement conditions, and credit reconciliation issues before applying any claimed surplus credits toward the Fourth Round. Specifically, the Township must:

- Obtain judicial resolution of the disputed 1,000-unit cap versus the certified 1,285-unit Third Round obligation;
- Satisfy outstanding settlement and consent order conditions, including Condition 5 (Walnut Cove documentation), Condition 11 (175 vs. 176

credit reconciliation), and Condition 16 (UHAC compliance);

- Provide a complete, transparent, and verifiable cross-round reconciliation of all units to eliminate duplication;
- Reassess Fourth Round bonus credit claims to ensure compliance with N.J.A.C. 5:93-5.15(d) and verify that they are tied to eligible, non-duplicated base units;
- Refrain from applying surplus Third Round credits to the Fourth Round unless and until authorized by Final Compliance Order.

Failure to cure these deficiencies renders any Fourth-Round credit structure premature, unsupported, and noncompliant.

VIII. CONCLUSION

The exclusion of the Developer's Site from the Township of Toms River's Fourth Round Housing Element and Fair Share Plan, combined with unresolved prior round compliance matters, raises significant concerns about the completeness and reliability of the Plan. These issues affect not only the integrity of the site selection process but also the validity of the Township's claimed credit structure.

As shown throughout this objection, the Objector's Site satisfies all four prongs of the statutory Site Suitability Test under N.J.A.C. 5:93-1.3. It is:

- **Available** – under single ownership, with a developer ready to proceed;
- **Approvable** – consistent with land use principles and zoning goals;
- **Developable** – free of constraints and fully served by infrastructure;
- **Suitable** – contextually appropriate, accessible, and adjacent to compatible uses.

This is a real, ready project with the capacity to deliver tangible affordable housing during the compliance period. The Township has acknowledged the site in its Plan, yet declined to engage with the developer, solicit additional details, or provide a documented rationale for its exclusion. No engineering analysis, environmental report, or planning memorandum has been offered to justify this decision.

These concerns are compounded by the fact that the Township's Third Round obligation remains in dispute, multiple settlement and consent order conditions are unsatisfied, and

credit claims between rounds remain duplicated or unreconciled. Until those matters are resolved and confirmed by the Court, the Township cannot lawfully apply any claimed surplus Third Round credits toward its Fourth-Round obligation.

Addressing these deficiencies is essential to restoring confidence in the process. A fair, transparent, and consistent application of statutory and regulatory standards benefits not only the Developer but also the broader community, ensuring that realistic opportunities for affordable housing are pursued in good faith.

The Developer therefore urges the Township to take corrective action, both by amending the Plan to include the Developer's Site and by curing all unresolved Third Round compliance issues before seeking certification. Should the Township decline to do so voluntarily, the Developer respectfully requests that any reviewing court or oversight body require such corrections as a condition of Plan approval.

EXHIBIT B

8

TOWNSHIP OF TOMS RIVER

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY NEW JERSEY, REJECTING THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIR'S NON-BINDING CALCULATION OF THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATION AND ADOPTING THE TOWNSHIP'S CORRECTLY CALCULATED PRESENT NEED AND PROSPECTIVE NEED NUMBERS

JANUARY 29, 2025

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (the "**FHA**"); and

WHEREAS, pursuant to the FHA, municipalities are required to determine the Present Need obligation (Rehabilitation) and Prospective Need obligation (New Construction) of their fair share of the regional need for affordable housing ("**Fair Share Obligation**") during the 10-year period beginning on July 1, 2025 (the "**Fourth Round**"); and

WHEREAS, pursuant to the FHA, should a municipality determine its Fair Share Obligation by January 31, 2025, the municipality's determination shall be established by default and shall bear a presumption of validity beginning on March 1, 2025, unless challenged by an interested party on or before February 28, 2025; and

WHEREAS, pursuant to the FHA, any challenge to a municipality's determination must be initiated through the Affordable Housing Alternative Dispute Resolution Program (the "**Program**") and include the challenger's own calculation of the fair share obligations in compliance with said sections; and

WHEREAS, on October 18, 2024, the New Jersey Department of Community Affairs (the "**DCA**") published a report with an estimate of the fair share affordable housing obligations of all municipalities, which, pursuant to the FHA, may be taken into consideration by a municipality but shall not be binding on a municipality when calculating a municipality's respective Fair Share Obligation (the "**DCA Report**"); and

WHEREAS, the DCA Report calculated the obligation of the Township of Toms River (the "**Township**") as follows: a Present Need (Rehabilitation) obligation of 526 units and a Prospective Need (New Construction) obligation of 670 units; and

WHEREAS, the Township, with the assistance of its professionals, has performed a detailed analysis of the DCA's calculations and determined that the DCA's data with respect to vacant land within the Township must be adjusted to exclude various parcels; and

WHEREAS, the FHA has consistently defined prospective need to include "a projection of housing needs based on development and growth which is *reasonably likely to occur* in a region or a municipality, as the case may be, as a result of actual determination of public and private entities" (N.J.S.A. 52:27D-304 (j)); and

WHEREAS, municipalities throughout New Jersey have recently expressed their support for a calculation of "development and growth which is *reasonably likely to occur*" for the purpose of determining regional prospective need based upon the net number of new housing units constructed over each ten-year period for which the state's affordable housing rounds are established; and

WHEREAS, a determination of the number of new residential housing units, adjusted to remove tear down/rebuilds, represents a more solid foundation to project “development and growth which is *reasonably likely to occur*” than a reliance on “household change”; and

WHEREAS, establishing prospective need for affordable units based on twenty (20) percent of residential housing units *actually constructed* over a prior ten-year period accords with New Jersey’s long-standing policies of empowering municipalities to cure the abuse of exclusionary zoning with traditional inclusionary zoning; and

WHEREAS, the demand for market-rate housing is a reasonable basis for determining whether and to what extent a realistic opportunity for the creation of affordable housing may exist and the issuance of certificates of occupancy for new residential units is a reliable indicator of such demand; and

WHEREAS, the Township Council of the Township of Toms River (the “**Township Council**”) supports a calculation of regional prospective need based on certificates of occupancy rather than “household change;” and

WHEREAS, the Township Council has reviewed the findings of the Township’s professionals, which are described in the attached **Exhibit A**, and adopts a Fair Share Obligation for the Fourth Round as follows: a Present Need (Rehabilitation) obligation of 526 units and a Prospective Need (New Construction) obligation of 114 units; and

WHEREAS, as part of the next step in the process set forth in the FHA, a Housing Element and Fair Share Plan shall be prepared to establish the compliance mechanisms needed to satisfy the Township’s Fair Share Obligations; and

WHEREAS, as part of this next step in the process, the Township reserves its right to take a Vacant Land Adjustment (predicated upon a lack of vacant, developable and suitable land); a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable, all of which may result in a reduction to the Township’s Fair Share Obligation; and

WHEREAS, the Township reserves its right to revise its Fair Share Obligation based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; an adjustment based upon any ruling in litigation involving affordable housing obligations; and any other applicable adjustments permitted in accordance with the Act and/or applicable regulations; and

WHEREAS, the FHA requires municipalities to satisfy various administrative and procedural requirements in connection with the adoption of a municipality’s Fair Share Obligation, including but not limited to the publication of this Resolution to the Township’s publicly accessible Internet website and the filing of an action with the Program through the Judiciary’s electronic filing systems, within forty-eight (48) hours of the adoption of this Resolution; and

WHEREAS, the Township Council directs the Acting Municipal Clerk to satisfy all required notice and publications requirements, and authorizes the Township and its professionals to take all actions required to file the necessary action with the Program.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River that the:

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. The Township of Toms River’s Fair Share Obligation for the Fourth Round of affordable housing obligations consists of a Present Need obligation of 526 units and a Prospective Need obligation of 114 units.
3. The Township reserves its right to take a Vacant Land Adjustment; a Durational Adjustment; and/or an adjustment predicated upon regional planning entity

formulas, inputs or considerations, as applicable, all of which may result in a reduction to the Township's Fair Share Obligation.

4. The Township reserves its right to revise its Fair Share Obligation based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; an adjustment based upon any ruling in litigation involving affordable housing obligations; and any other applicable adjustments permitted in accordance with the Act and/or applicable regulations.
5. The Acting Municipal Clerk is directed to forward a copy of this Resolution to the Department of Community Affairs and to publish a copy to the Township's publicly accessible Internet website within forty-eight (48) hours of the adoption of this Resolution.
6. The Township's legal counsel is directed to file an action with the Affordable Housing Alternative Dispute Resolution Program regarding this Resolution, and the Mayor and Acting Municipal Clerk are authorized to execute any and all documents required for said purpose.
7. This Resolution shall take effect immediately.
8. A certified copy of this Resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Mayor Daniel T. Rodrick
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Township Planner
- f) New Jersey Department of Community Affairs
- g) Acting Municipal Clerk
- h) Township Tax Collector
- i) Township Tax Assessor

SO RESOLVED, as aforesaid

Approved as to Legal Form:



PETER S. PASCARELLA
ASSISTANT TOWNSHIP ATTORNEY

Certified as a true copy of the Resolution adopted by the Council on this 29th day of January, 2025.



STEPHEN A. HENSEL
ACTING MUNICIPAL CLERK

L-Jan 29, 2025-28





Alaimo Group

200 High Street, Mount Holly, New Jersey 08060 Tel: 609-267-8310 Fax: 609-267-7452
201 Willowbrook Blvd, Wayne, New Jersey 07470 Tel: 973-523-6200 Fax: 973-523-1765

January 28, 2025

Mayor Daniel Rodrick and Toms River Council Members
Toms River Township
33 Washington Street
Toms River, NJ 08753

Re: Toms River Township Council
DCA Fourth Round Prospective Need Analysis
Planner's Report
Our File: M-0380-0012-000

Dear Mayor Rodrick and Council Members,

On March 20, 2024, Governor Murphy signed an Amendment to the Fair Housing Act ("Amended FHA") into law. Applying the standards in the Amended FHA, the New Jersey Department of Community Affairs (DCA) issued a report, dated October 18, 2024, setting forth nonbinding obligations for every municipality in the State. For Toms River, the DCA reported that the Township has a Present Need of 526 and a Round 4 Prospective Need of 670. As the Amended FHA states that the DCA's report shall be nonbinding, every municipality in New Jersey has the opportunity to review the DCA's data, correct for analytical errors, and establish its own calculation of the municipality's fair share obligation of the regional need for affordable housing during the Fourth Round (2025-2035).

On behalf of the Township, we took the opportunity to examine the data that the DCA used to calculate three allocation factors. We specifically reviewed the data and mapping layer the DCA used to calculate the Land Capacity Factor, and through analysis of each site and utilizing up-to-date data, we conclude that the Land Capacity Factor should be corrected. A corrected Land Capacity Factor results in a Round 4 Prospective Need of 514 Units. This report sets forth the basis for this conclusion.

The DCA Calculation

Housing Region – Toms River Township, per the FHA, is located in **Region 4**. This region includes Mercer, Monmouth, and Ocean Counties.

Regional Need – The FHA sets forth that the regional need for the 10-year-round (2025-2035) shall be based on the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. The resulting change in households is divided by 2.5. **DCA determined the regional need for Region 4 is 13,822.**

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-2-

January 28, 2025

Equalized Nonresidential Valuation Factor – This step requires that the changes in nonresidential property valuations in the municipality, between 1999 and 2023, shall be divided by the regional total change in nonresidential valuation. The FHA states the data input shall be that which is published by the Division of Local Government Services. The division annually publishes a summary of municipal tax data, including a Non-Residential Summary of Non-Residential Value.

DCA determined Toms River’s Equalized Nonresidential Valuation Factor: 7.25%

Income Capacity Factor - This step is an average of 1) the municipal share of the regional sum of the differences between the median municipal household income and an income floor of \$100 below the lowest median household income in the region and 2) the municipal share of the regional sum of the differences between the median municipal household incomes and an income floor of \$100 below the lowest median household income in the region, weighted by the number of the households in the municipality. The FHA states the data input shall be American Community Survey (“ACS”) five-year estimates. The ACS publishes municipal median household incomes as part of its five-year estimates.

DCA determined Toms River’s Income Capacity Factor: 2.71%

Land Capacity Factor - Estimate municipal developable land using the most recent land use land cover data and weighing such land based on the planning area type in which such land is located. The FHA sets forth one of three weighting factors for a variety of planning areas across the state. Developed areas of the State, such as Planning Areas 1 and 2, Centers, etc. have a weight of 1.0. Rural and environmentally sensitive planning areas have a weight of zero; the remaining areas have a weight of 0.5.

DCA determined Toms River’s Land Capacity Factor: 4.59%

Evaluation of Land Capacity Factor

The DCA issued the data that was the basis for the land allocation factor on November 27th, over a month after the DCA deadline to issue its non-binding numbers under the Amended FHA.

The link to the DCA GIS data, and the description section (<https://njdca.maps.arcgis.com/home/item.html?id=12acdfe0a5104f8f8a2f604e96063e74>.) includes the following language:

"The land areas identified in this dataset are based on an the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. **It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.**"

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-3-

January 28, 2025

The areas identified as developable in the DCA's calculation of the Land Capacity factor is indeed overinclusive. Accordingly, we analyzed and determined that the land capacity allocation factor should be adjusted from 519.53-acres to 136.25-acres. When this correction is made, Toms River's Round 4 prospective need number should be 514 – not 670. The following analysis sets forth the basis for removing land treated as developable in the DCA's calculation:

Basis for Correction

Our analysis used the most up-to-date data available from the Township of Toms River and Ocean County. We first created a map of the Township displaying the DCA identified "developable" areas and included this layer on a series of site constraint maps. DCA sites located in one or more of these following layers were identified as nondevelopable:

- Environmental
 - Wetlands
 - Flood Prone Areas
- DCA Area Shape and Size
- Preserved Farmland and Open Space, ROSI Sites
- Sites with Site Plan Approvals
- Current/Past Affordable Housing Sites
- Land Locked/Access
- Site Ownership
- Utilities
- Public Property
- School Property
- Houses of Worship/Cemeteries

The attached spreadsheet shows how we applied the standards set forth above to determine a correct evaluation of how much land in Toms River is developable.

It is important to note that the analysis to correct the land allocation factor is different than the analysis to use the determine a municipality's entitlement to vacant land adjustment. While the analysis to correct the Land Capacity factor focuses on developable land, the analysis to support a vacant land adjustment focuses on land suitable for inclusionary development. Therefore, just because a site was not removed for purposes of calculating the land capacity factor has no bearing on whether it should be removed to calculate entitlement to a vacant land adjustment.

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January 28, 2025

Impact of Correcting Land Capacity Factor

Toms River Obligation - The three factors (nonresidential value, income, and land capacity) are averaged and then applied to the regional need to determine how the need shall be allocated to each municipality.

Fourth Round Obligation		
Methodology Summary	DCA	Alaimo
Household Change (Region 5)	34554	34554
Low and Mod Home Estimate (Region 5)	13822	13822
Nonresidential Valuation Factor	7.25%	7.25%
Regional Income Capacity Factor	2.71%	2.71%
Land Capacity Factor	4.59%	1.20%
Average Factor	4.85%	3.72%
Prospective Need	670	514

NJILGA’s Proposed Fair Housing Amendment

The New Jersey Institute of Local Government Attorneys (NJILGA) has prepared and submitted, on October 15, 2024, a proposed amendment to the Fair Housing Act that would establish “more realistic fair share affordable housing obligations for NJ Municipalities for the Round 4 cycle.” By determining the obligation using certificates of occupancy for new dwelling units, the proposed amendment substantially reduces in a fair and accurate manner the state-wide affordable housing obligation. NJILGA states that only certificates of occupancy that have been issued for truly “new” residential units – i.e., new residential units that do not replace previously existing residential units – should be considered when determining the prospective regional need. Toms River Township supports and advances this commonsense amendment, as many homes damaged in 2012 during Hurricane Sandy were reconstructed in place. **NJILGA has calculated the Regional Need for Region 4 to be 3,042 units. With this regional need number applied, Toms River Township’s prospective need number would be 148 units. After applying our land capacity analysis to that number, Toms River Township’s prospective need number is reduced to 114 units.**

Should you need more information, please call.

Sincerely,

ALAIMO GROUP



Richard Hunt, PP, AICP
Senior Project Manager

RH

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-5-

January 28, 2025

cc: Peter Pascarella, Esq, Toms River Township Attorney
Louis N. Rainone, Esq, Toms River Township Affordable Housing Attorney
Christopher D. Zingaro, Esq, Toms River Township Affordable Housing Attorney
Jonathan Salonis, Toms River Township Business Administrator
John Mele, PE, PP, CME, CFM, Toms River Township Engineer
Stephen Hensel, Toms River Township Municipal Clerk

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FID	OBJECTID	MUN	COUNTY	Region	Weight	Faci	WeightedAc	VacantAcres	BLOCK	LOT	Reason	Buildable
0	37830	TOMS RIVER TWP	OCEAN	4	0.5	0.147135	0.29427	564		10	Water Treatment Plant Privately Owned & In Flood Zone (AE)	No
1	37831	TOMS RIVER TWP	OCEAN	4	0.5	0.036071	0.072143	534.04		12	Under 0.8-acres	No
2	37832	TOMS RIVER TWP	OCEAN	4	0.5	0.159543	0.319085	535		14.02	Under 0.8-acres	No
3	37833	TOMS RIVER TWP	OCEAN	4	0.5	0.194859	0.389718	533.06		36	Under 0.8-acres	No
4	37834	TOMS RIVER TWP	OCEAN	4	0.5	0.160945	0.32189	535.01		1	Under 0.8-acres	No
5	37835	TOMS RIVER TWP	OCEAN	4	0.5	0.136882	0.273764	538		72	Under 0.8 Acres, land locked, too narrow for development	No
6	37836	TOMS RIVER TWP	OCEAN	4	0.5	0.032974	0.065949	538		72	Under 0.8 Acres, land locked	No
7	37837	TOMS RIVER TWP	OCEAN	4	0.5	0.980538	1.961077	538/507.02		72/26	Land Locked, in rear of NJDOT maint yard & exist homes, too nrnw for dvprmnt	No
8	37838	TOMS RIVER TWP	OCEAN	4	0.5	0.944175	1.888351	506.01		1.06, 1.07	Approved Affordable Housing Site - K. Hovnanian Ent.	No
9	37839	TOMS RIVER TWP	OCEAN	4	0.5	0.179634	0.359267	506.01		1.01	Approved Affordable Housing Site - K. Hovnanian Ent. / 30' Twp Drain Esmnt	No
10	37840	TOMS RIVER TWP	OCEAN	4	0.5	0.062471	0.124941	506.01		1.01, 1.02	Approved Affordable Housing Site - K. Hovnanian Ent.	No
11	37841	TOMS RIVER TWP	OCEAN	4	0.5	6.288771	12.577543	505		14, 15		Yes
12	39332	TOMS RIVER TWP	OCEAN	4	1	0.068507	0.068507	847		6	Zoning Approval - New SFD - Zoning Permit 22-0452 / In Flood Zone (AE)	No
13	39333	TOMS RIVER TWP	OCEAN	4	1	0.597769	0.597769	570		103	In Flood Zone (Coastal A) Seaward of LIMWA	No
14	39334	TOMS RIVER TWP	OCEAN	4	1	0.569045	0.569045	701		6.03, 6.04	Approved Zoning Permit 24-1696.	No
15	39335	TOMS RIVER TWP	OCEAN	4	1	0.11204	0.11204	1085.12		19	TR Twp Open Space 54:04-03.03	No
16	39336	TOMS RIVER TWP	OCEAN	4	1	0.184796	0.184796	1085.27		1	TR Twp Open Space 54:04-03.03	No
17	39337	TOMS RIVER TWP	OCEAN	4	1	0.167472	0.167472	1085.26		4	TR Twp Open Space 54:04-03.03	No
18	39338	TOMS RIVER TWP	OCEAN	4	1	0.176443	0.176443	570		1.01, 1.03	Completely in OC Utilities Authority Easement & Flood Zone	No
19	39339	TOMS RIVER TWP	OCEAN	4	1	0.115431	0.115431	789 / 1084		83 / 1084	Apparent Gore - Unknown Ownership, Under 0.8-acre, too narrow	No
20	39340	TOMS RIVER TWP	OCEAN	4	1	0.088821	0.088821	789		83	Apparent Gore - Unknown Ownership, Under 0.8-acre, too narrow	No
21	39341	TOMS RIVER TWP	OCEAN	4	1	0.172662	0.172662	658		10	Steep Slope Area / On Church & Charitable Property (15D)	No
22	39342	TOMS RIVER TWP	OCEAN	4	1	1.235159	1.235159	691		10.07, 10.08		Yes
23	39343	TOMS RIVER TWP	OCEAN	4	1	0.163191	0.163191	566.03		1	Within OC Utilities Auth Easment & Flood Zone	No
24	39344	TOMS RIVER TWP	OCEAN	4	1	0.241871	0.241871	785		180, 181	Under 0.8-acres	No
25	39345	TOMS RIVER TWP	OCEAN	4	1	0.126672	0.126672	785		180, 181	Under 0.8-acres	No
26	39346	TOMS RIVER TWP	OCEAN	4	1	1.371525	1.371525	694.16		13.02, 57	Land Locked Parcel	No
27	39347	TOMS RIVER TWP	OCEAN	4	1	0.066039	0.066039	1108.41		45	OC Public Property (15C) / In Flood Zone (AE)	No
28	39348	TOMS RIVER TWP	OCEAN	4	1	0.148824	0.148824	689		1, 3	Under 0.8-acres, irregular shape	No
29	39349	TOMS RIVER TWP	OCEAN	4	1	0.67793	0.67793	789		83	Apparent Gore - Unknown Ownership, Under 0.8-acre, too narrow	No
30	39350	TOMS RIVER TWP	OCEAN	4	1	0.087351	0.087351	672		5	Stormwater Basin & TR Twp Open Space 54:04-03.03	No
31	39351	TOMS RIVER TWP	OCEAN	4	1	0.09546	0.09546	672		5	Stormwater Basin & TR Twp Open Space 54:04-03.03	No
32	39352	TOMS RIVER TWP	OCEAN	4	1	0.372918	0.372918	537.02		10	Flood Zone AE / On Church & Charitable Property (15D)	No
33	39353	TOMS RIVER TWP	OCEAN	4	1	0.324844	0.324844	1594.99		28	Under 0.8-acres, land locked parcel	No
34	39354	TOMS RIVER TWP	OCEAN	4	1	1.033629	1.033629	537.02		10	On Church & Charitable Property (15D)	No
35	39355	TOMS RIVER TWP	OCEAN	4	1	0.081593	0.081593	688		125	TR Twp Public Property (15C), under 0.8 Acres	No
36	39356	TOMS RIVER TWP	OCEAN	4	1	0.786855	0.786855	537.02		107	In Flood Zone (AE)	No
37	39357	TOMS RIVER TWP	OCEAN	4	1	0.615685	0.615685	688.05		38.01, 38.02	Under 0.8-acres	No
38	39358	TOMS RIVER TWP	OCEAN	4	1	0.302101	0.302101	537.02		5	Under 0.8-acres	No
39	39359	TOMS RIVER TWP	OCEAN	4	1	0.184545	0.184545	724.48		48	DEP Wetlands (2007 Saline Marshes) / In Flood Zone (AE)	No
40	39360	TOMS RIVER TWP	OCEAN	4	1	0.905555	0.905555	688		29.03	Irregular contorted shape	No
41	39361	TOMS RIVER TWP	OCEAN	4	1	0.091963	0.091963	753		61	Under 0.8-acre, apparent gore unknown ownership, appears on TRHSEast site	No
42	39362	TOMS RIVER TWP	OCEAN	4	1	0.115419	0.115419	753		61	Under 0.8-acre, apparent gore unknown ownership, appears on TRHSEast site	No

43	39363	TOMS RIVER TWP	OCEAN	4	1	0.567795	0.567795	753	61	Under 0.8-acre, apparent unknown ownership, appears on TRHSEast site	No
44	39364	TOMS RIVER TWP	OCEAN	4	1	0.665769	0.665769	688.03	15.03, 55	Under 0.8-acre, land locked parcel	No
45	39365	TOMS RIVER TWP	OCEAN	4	1	0.417272	0.417272	401.09/745	2-Jul	Majority on TR Twp Public Property (15C) / Portion Unknown Ownership	No
46	39366	TOMS RIVER TWP	OCEAN	4	1	0.231425	0.231425	688.03	15.03	Under 0.8-Acre, Area in rear of parking lot	No
47	39367	TOMS RIVER TWP	OCEAN	4	1	0.126454	0.126454	688.03	14.08, 15.03	Small Portion on TR Twp Public Property (15C), Under 0.8 Acre, land locked by parking	No
48	39368	TOMS RIVER TWP	OCEAN	4	1	3.807794	3.807794	694.14	6.06, 6.07, 6.1	2022 Subdivision Approvals	No
49	39369	TOMS RIVER TWP	OCEAN	4	1	0.769425	0.769425	609.01	13.02	Under 0.8-acres	No
50	39370	TOMS RIVER TWP	OCEAN	4	1	0.096754	0.096754	630	27, 28	Under 0.8-acres	No
51	39371	TOMS RIVER TWP	OCEAN	4	1	0.176727	0.176727	688.1	7	Under 0.8-acres, in rear of Church And Charitable Property (15D)	No
52	39372	TOMS RIVER TWP	OCEAN	4	1	0.066946	0.066946	608	19.01	Stormwater Basin	No
53	39373	TOMS RIVER TWP	OCEAN	4	1	0.068779	0.068779	760	46, 47	Under 0.8-acres	No
54	39374	TOMS RIVER TWP	OCEAN	4	1	0.563964	0.563964	608	19.01	OC Board Social Services-Zoning Permit 21-1042 - Prop Generator Station	No
55	39375	TOMS RIVER TWP	OCEAN	4	1	5.459355	5.459355	591.25	15, 28, 44, 50		Yes
56	39376	TOMS RIVER TWP	OCEAN	4	1	0.216659	0.216659	608	19.01	OC Board Social Services-Zoning Permit 21-1042 - Prop Bldg	No
57	39377	TOMS RIVER TWP	OCEAN	4	1	8.861318	8.861318	404	62, 79	Approved Affordable Housing Site - JSM Route 166	No
58	39378	TOMS RIVER TWP	OCEAN	4	1	3.654071	3.654071	693	4.03	OC Natural Lands Trust Property (Cedar Grove Site)	No
59	39379	TOMS RIVER TWP	OCEAN	4	1	1.208009	1.208009	608 / 597	19.01 / 16.01	Hooper-Caudina Redevelopment Plan - Veterans Hospital	No
60	39380	TOMS RIVER TWP	OCEAN	4	1	0.090952	0.090952	597	16.01, 45	Hooper-Caudina Redevelopment Plan - Veterans Hospital	No
61	39381	TOMS RIVER TWP	OCEAN	4	1	0.082283	0.082283	443.19	46.02	On Church & Charitable Property (15D)	No
62	39382	TOMS RIVER TWP	OCEAN	4	1	0.07543	0.07543	596	203, 205, 208	Hooper-Caudina Redevelopment Plan - Veterans Hospital	No
63	39383	TOMS RIVER TWP	OCEAN	4	1	0.137179	0.137179	596	217, 218, 232	Hooper-Caudina Redevelopment Plan - Veterans Hospital	No
64	39384	TOMS RIVER TWP	OCEAN	4	1	0.336566	0.336566	443.19	46.02	On Church & Charitable Property (15D)	No
65	39385	TOMS RIVER TWP	OCEAN	4	1	1.243034	1.243034	443.19	46.02	On Church & Charitable Property (15D)	No
66	39386	TOMS RIVER TWP	OCEAN	4	1	1.599373	1.599373	595	159, 162	Hooper-Caudina Redevelopment Plan - Veterans Hospital	No
67	39387	TOMS RIVER TWP	OCEAN	4	1	0.171233	0.171233	591	1	On Church & Charitable Property (15D)	No
68	39388	TOMS RIVER TWP	OCEAN	4	1	1.212286	1.212286	591	1	On Church & Charitable Property (15D)	No
69	39389	TOMS RIVER TWP	OCEAN	4	1	0.828401	0.828401	601	1	Partially on Approved Affordable Housing-N. Kaplan, remaining under 0.8 Ac	No
70	39390	TOMS RIVER TWP	OCEAN	4	1	0.134528	0.134528	411	114	On Church & Charitable Property (15D)	No
71	39391	TOMS RIVER TWP	OCEAN	4	1	0.084379	0.084379	405.11	71	Property Owned by State of NJ - Highway Authority	No
72	39392	TOMS RIVER TWP	OCEAN	4	1	0.104141	0.104141	608	2.03	In Flood Zone (AE)/Drainage Area for Camelot at Seacourt Development	No
73	39393	TOMS RIVER TWP	OCEAN	4	1	0.319647	0.319647	411	114	On Church & Charitable Property (15D)	No
74	39394	TOMS RIVER TWP	OCEAN	4	1	2.67759	2.67759	443.04	31	On Church & Charitable Property (15D)	No
75	39395	TOMS RIVER TWP	OCEAN	4	1	1.473815	1.473815	443.4	12	TR Twp Open Space 54:04-03.03, land locked	No
76	39396	TOMS RIVER TWP	OCEAN	4	1	1.479599	1.479599	579	1	OC Public Property (15C)(Sheriffs comm center, maint depart & others)	No
77	39397	TOMS RIVER TWP	OCEAN	4	1	0.711118	0.711118	608	2.03	In Flood Zone (AE)/Drainage Area for Camelot at Seacourt Development	No
78	39398	TOMS RIVER TWP	OCEAN	4	1	0.665089	0.665089	1501.1	10, 11	Under 0.8-acres	No
79	39399	TOMS RIVER TWP	OCEAN	4	1	1.646932	1.646932	579	3	Department of Human Services, regional school open campus, DCA area in rear	No
80	39400	TOMS RIVER TWP	OCEAN	4	1	0.15838	0.15838	572	13	Under 0.8-acres	No
81	39401	TOMS RIVER TWP	OCEAN	4	1	1.040787	1.040787	540.1	21.07		Yes
82	39402	TOMS RIVER TWP	OCEAN	4	1	2.130558	2.130558	572	13		Yes
83	39403	TOMS RIVER TWP	OCEAN	4	1	6.362885	6.362885	578	11, 18		Yes
84	39404	TOMS RIVER TWP	OCEAN	4	1	0.275336	0.275336	411.34	12	Under 0.8 Acres, too narrow	No
85	39405	TOMS RIVER TWP	OCEAN	4	1	0.767934	0.767934	411.32	8	Under 0.8 Acres, too narrow	No
86	39406	TOMS RIVER TWP	OCEAN	4	1	1.079006	1.079006	444	154	20' OC Drainage Esmnt / On Church & Charitable Property (15D)	No

87	39407	TOMS RIVER TWP	OCEAN	4	1	0.929037	0.929037	411.21	3			Yes
88	39408	TOMS RIVER TWP	OCEAN	4	1	0.722311	0.722311	571.7	21	Under 0.8 Acres		No
89	39409	TOMS RIVER TWP	OCEAN	4	1	2.399406	2.399406	443.35	90	TR Twp Open Space 54:04-03.03		No
90	39410	TOMS RIVER TWP	OCEAN	4	1	0.151838	0.151838	442.57	36	TR Twp Open Space 54:04-03.03, under 0.8 Ac irregular contorted shape, pond		No
91	39411	TOMS RIVER TWP	OCEAN	4	1	0.92932	0.92932	443.3	66.01	TR Twp Open Space 54:04-03.03		No
92	39412	TOMS RIVER TWP	OCEAN	4	1	5.881166	5.881166	443.3	66.01	TR Twp Open Space 54:04-03.03		No
93	39413	TOMS RIVER TWP	OCEAN	4	1	0.10914	0.10914	411	106	Under 0.8 Ac, commercial operation, only access to area is on jughandle		No
94	39414	TOMS RIVER TWP	OCEAN	4	1	0.112509	0.112509	414	8	Under 0.8-acres		No
95	39415	TOMS RIVER TWP	OCEAN	4	1	0.080364	0.080364	414	8	Under 0.8-acres		No
96	39416	TOMS RIVER TWP	OCEAN	4	1	0.299593	0.299593	409	30.02	TR National guard armort, under 0.8 Ac, irregular contorted shape		No
97	39417	TOMS RIVER TWP	OCEAN	4	1	3.153819	3.153819	414	8			Yes
98	39418	TOMS RIVER TWP	OCEAN	4	1	2.305211	2.305211	442.52	41	TR Twp Open Space 54:04-03.03 (15C)		No
99	39419	TOMS RIVER TWP	OCEAN	4	1	0.27108	0.27108	578.01	23	Under 0.8 Ac, irregular contorted shape, only access on jughandle		No
100	39420	TOMS RIVER TWP	OCEAN	4	1	0.068883	0.068883	573	11	TR Twp Public Property (15C), under 0.8 Ac		No
101	39421	TOMS RIVER TWP	OCEAN	4	1	0.747258	0.747258	571	68	NJ Highway Authority, Police Complex		No
102	39422	TOMS RIVER TWP	OCEAN	4	1	0.06217	0.06217	571	68	NJ Highway Authority, Police Complex		No
103	39423	TOMS RIVER TWP	OCEAN	4	1	2.866698	2.866698	442.69	61	TR Twp Open Space 54:04-03.03 (15C)		No
104	39424	TOMS RIVER TWP	OCEAN	4	1	0.610113	0.610113	409	30.02	TR National gaurd armory, area under 0.8 Ac, irregular contorted shape		No
105	39425	TOMS RIVER TWP	OCEAN	4	1	0.089548	0.089548	414	57	Under 0.8-acres		No
106	39426	TOMS RIVER TWP	OCEAN	4	1	0.073594	0.073594	472	2	Stormwater Basin with 5 Outfalls		No
107	39427	TOMS RIVER TWP	OCEAN	4	1	1.011393	1.011393	414	8, 57			Yes
108	39428	TOMS RIVER TWP	OCEAN	4	1	4.70828	4.70828	573	11	TR Twp Public Property (15C), TR Police Department		No
109	39429	TOMS RIVER TWP	OCEAN	4	1	0.231798	0.231798	442.43	22	TR Twp Open Space 54:04-03.03 (15C)		No
110	39430	TOMS RIVER TWP	OCEAN	4	1	0.545566	0.545566	442.35	15	Under 0.8-acres		No
111	39431	TOMS RIVER TWP	OCEAN	4	1	0.071612	0.071612	472	2	Stormwater Basin with 5 Outfalls		No
112	39432	TOMS RIVER TWP	OCEAN	4	1	0.347883	0.347883	472	2	In 50' Access Esmnt for 1298 Industrial Way		No
113	39433	TOMS RIVER TWP	OCEAN	4	1	1.052265	1.052265	571	68	NJ Highway Authority, Police Complex		No
114	39434	TOMS RIVER TWP	OCEAN	4	1	3.987088	3.987088	571	68	NJ Highway Authority, Police Complex		No
115	39435	TOMS RIVER TWP	OCEAN	4	1	0.073823	0.073823	472	11.02	Approved Site Plan - CAFRA Tree Save Area		No
116	39436	TOMS RIVER TWP	OCEAN	4	1	0.23628	0.23628	472	11.02	Approved Site Plan - CAFRA Tree Save Area		No
117	39437	TOMS RIVER TWP	OCEAN	4	1	0.057171	0.057171	571	68	Police Complex, under 0.8 Ac		No
118	39438	TOMS RIVER TWP	OCEAN	4	1	0.526424	0.526424	418	1	Under 0.8-acre, site triangle and tree easement on front of property		No
119	39439	TOMS RIVER TWP	OCEAN	4	1	2.402572	2.402572	413	42	Stormwater Basin / OC Public Property (15C)		No
120	39440	TOMS RIVER TWP	OCEAN	4	1	0.652806	0.652806	442.76	26	TR Twp Open Space 54:04-03.03 (15C), under 0.8 Ac, land locked		No
121	39441	TOMS RIVER TWP	OCEAN	4	1	0.363921	0.363921	413	42	Stormwater Basin / OC Public Property (15C)		No
122	39442	TOMS RIVER TWP	OCEAN	4	1	0.193698	0.193698	413	42	Stormwater Basin / OC Public Property (15C)		No
123	39443	TOMS RIVER TWP	OCEAN	4	1	2.027996	2.027996	394.06	124.01			Yes
124	39444	TOMS RIVER TWP	OCEAN	4	1	2.125958	2.125958	413	42	Stormwater Basin / OC Public Property (15C)		No
125	39445	TOMS RIVER TWP	OCEAN	4	1	0.101647	0.101647	411.02	44	Covered by OC Sewerage Authority Esmnt / TR Twp Public Property (15C)		No
126	39446	TOMS RIVER TWP	OCEAN	4	1	0.41574	0.41574	410.04	41	Under 0.8-acres		No
127	39447	TOMS RIVER TWP	OCEAN	4	1	4.669132	4.669132	394.13	80	Single Family Residence and Farm		No
128	39448	TOMS RIVER TWP	OCEAN	4	1	5.48018	5.48018	411	28.01			Yes
129	39449	TOMS RIVER TWP	OCEAN	4	1	2.179008	2.179008	410.03	41	On Church & Charitable Property (15D)		No
130	39450	TOMS RIVER TWP	OCEAN	4	1	1.415802	1.415802	411.01	51	TR Twp Public Property (15C), irregular contorted shape		No

131	39451	TOMS RIVER TWP	OCEAN	4	1	0.370754	0.370754	411.02	44	TR Twp Public Property (15C), under 0.8 Ac	No
132	39452	TOMS RIVER TWP	OCEAN	4	1	2.549458	2.549458	410.03	46		Yes
133	39453	TOMS RIVER TWP	OCEAN	4	1	0.167975	0.167975	442	17	TR Twp Open Space 54:04-03.03 (15C)	No
134	39454	TOMS RIVER TWP	OCEAN	4	1	0.41461	0.41461	442	17	TR Twp Open Space 54:04-03.03 (15C)	No
135	39455	TOMS RIVER TWP	OCEAN	4	1	0.635281	0.635281	394.48	161	Under 0.8 Ac	No
136	39456	TOMS RIVER TWP	OCEAN	4	1	1.893764	1.893764	411.01	51	TR Twp Public Property (15C), irregular contorted shape	No
137	39457	TOMS RIVER TWP	OCEAN	4	1	0.086222	0.086222	394.22	42	TR Twp Public Property (15C), under 0.8 Ac	No
138	39458	TOMS RIVER TWP	OCEAN	4	1	0.561652	0.561652	412.34	17, 18	Under 0.8-acres	No
139	39459	TOMS RIVER TWP	OCEAN	4	1	0.559388	0.559388	394.48	171	On Church & Charitable Property (15D)	No
140	39460	TOMS RIVER TWP	OCEAN	4	1	0.491479	0.491479	394.48	171	On Church & Charitable Property (15D)	No
141	39461	TOMS RIVER TWP	OCEAN	4	1	1.100382	1.100382	413.04	40		Yes
142	39462	TOMS RIVER TWP	OCEAN	4	1	11.217214	11.217214	442	8.08, 17	TR Twp Open Space 54:04-03.03 (15C)	No
143	39463	TOMS RIVER TWP	OCEAN	4	1	4.582464	4.582464	394	116, 71.01, 1	NLTF - Kettle Creek Watershed Conservation Area	No
144	39464	TOMS RIVER TWP	OCEAN	4	1	0.241089	0.241089	394.48	186	TR Twp Open Space 54:04-03.03 (15C)	No
145	39465	TOMS RIVER TWP	OCEAN	4	1	1.453466	1.453466	412.12	22.06, 26.02		Yes
146	39466	TOMS RIVER TWP	OCEAN	4	1	1.072717	1.072717	413.04	31		Yes
147	39467	TOMS RIVER TWP	OCEAN	4	1	9.040287	9.040287	413	8	NLTF - Kettle Creek Watershed Conservation Area / OC Public Property (15C)	No
148	39468	TOMS RIVER TWP	OCEAN	4	1	0.181777	0.181777	412.12	26.02	Under 0.8-acres	No
149	39469	TOMS RIVER TWP	OCEAN	4	1	0.260425	0.260425	412.12	22.06	Under 0.8-acres	No
150	39470	TOMS RIVER TWP	OCEAN	4	1	0.275157	0.275157	411	87	2021 Boy Scouts - Traffic Signal & Road Esrmt / TR Twp Public Prop (15C)	No
151	39471	TOMS RIVER TWP	OCEAN	4	1	6.818264	6.818264	410.02	25, 26.15	Majority on Church & Charitable Property (15D), 0.46 Ac portion developable, under 0.8	No
152	39472	TOMS RIVER TWP	OCEAN	4	1	13.502203	13.502203	394	116, 173	NLTF - Kettle Creek Watershed Conservation Area / OC Public Property (15C)	No
153	39473	TOMS RIVER TWP	OCEAN	4	1	0.203334	0.203334	410.01	33.02	On Church & Charitable Property (15D)	No
154	39474	TOMS RIVER TWP	OCEAN	4	1	7.949597	7.949597	410.01	31.02, 32, 33.		Yes
155	39475	TOMS RIVER TWP	OCEAN	4	1	0.628531	0.628531	394.52	1	Under 0.8-acres	No
156	39476	TOMS RIVER TWP	OCEAN	4	1	0.130057	0.130057	410.01	31.01	Under 0.8 Ac, Irregular shape	No
157	39477	TOMS RIVER TWP	OCEAN	4	1	5.216359	5.216359	410	28		Yes
158	39478	TOMS RIVER TWP	OCEAN	4	1	1.308626	1.308626	413	15.02	On Church & Charitable Property (15D)	No
159	39479	TOMS RIVER TWP	OCEAN	4	1	0.598402	0.598402	412.14	1	Under 0.8-acres	No
160	39480	TOMS RIVER TWP	OCEAN	4	1	0.168837	0.168837	413	1	On Church & Charitable Property (15D)	No
161	39481	TOMS RIVER TWP	OCEAN	4	1	0.612864	0.612864	413	13.04	Stormwater Basin / TR Twp Public Property (15C)	No
162	39482	TOMS RIVER TWP	OCEAN	4	1	0.206909	0.206909	413	1	On Church & Charitable Property (15D)	No
163	39483	TOMS RIVER TWP	OCEAN	4	1	2.366963	2.366963	393.03	15		Yes
164	39484	TOMS RIVER TWP	OCEAN	4	1	1.170053	1.170053	394	2	Ocean County Natural Lands Trust Fund - Conserved	No
165	39485	TOMS RIVER TWP	OCEAN	4	1	1.211216	1.211216	394	2	Ocean County Natural Lands Trust Fund - Conserved	No
166	39486	TOMS RIVER TWP	OCEAN	4	1	0.35672	0.35672	364	16.03	Under 0.8 Ac, minimal frontage, County owned	No
167	39487	TOMS RIVER TWP	OCEAN	4	1	0.677399	0.677399	396.01	28	Owned by Utility (TR Water Company) / In Flood Zone (AE)	No
168	39488	TOMS RIVER TWP	OCEAN	4	1	1.248243	1.248243	233.24	37		Yes
169	39489	TOMS RIVER TWP	OCEAN	4	1	1.960001	1.960001	393	8	Stormwater Drainage Basin / OC Public Property (15C)	No
170	39490	TOMS RIVER TWP	OCEAN	4	1	29.260093	29.260093	364	16.03, 25, 86		Yes
171	39491	TOMS RIVER TWP	OCEAN	4	1	17.079611	17.079611	393	6	2003 Res Approval Major Subdivision - Twp Acquisition (15C)	No
172	39492	TOMS RIVER TWP	OCEAN	4	1	0.770383	0.770383	410	8.07	Site has recently been developed.	No
173	39493	TOMS RIVER TWP	OCEAN	4	1	0.145643	0.145643	410	1	Stormwater Basin / On Church & Charitable Property (15D)	No
174	39494	TOMS RIVER TWP	OCEAN	4	1	3.193555	3.193555	394	47	TR Twp Open Space 54:04-03.03 (15C)	No

175	39495	TOMS RIVER TWP	OCEAN	4	1	1.692722	1.692722	410	8.01, 8.02, 8.1	Site has recently been developed.	No
176	39496	TOMS RIVER TWP	OCEAN	4	1	1.120528	1.120528	410	1	On Church & Charitable Property (15D)	No
177	39497	TOMS RIVER TWP	OCEAN	4	1	5.063892	5.063892	394	45, 47	TR Twp Open Space 54:04-03.03 (15C)	No
178	39498	TOMS RIVER TWP	OCEAN	4	1	2.116575	2.116575	172.04	12	Approved Major Site Plan on File - Zoning Permit 24-0426	No
179	39499	TOMS RIVER TWP	OCEAN	4	1	1.110498	1.110498	394.25	42.08	TR Twp Open Space 54:04-03.03 (15C)	No
180	39500	TOMS RIVER TWP	OCEAN	4	1	0.062377	0.062377	397.02	43	TR Twp Open Space 54:04-03.03 (15C)	No
181	39501	TOMS RIVER TWP	OCEAN	4	1	1.14165	1.14165	394	17	On Church & Charitable Property (15D)	No
182	39502	TOMS RIVER TWP	OCEAN	4	1	0.325187	0.325187	231	28	Board of Fire Commisioners Public Property (15C), under 0.8 Ac	No
183	39503	TOMS RIVER TWP	OCEAN	4	1	0.550205	0.550205	231	28	Board of Fire Commisioners Public Property (15C), under 0.8 Ac	No
184	39504	TOMS RIVER TWP	OCEAN	4	1	0.385419	0.385419	192.56	1	On Church & Charitable Property (15D)	No
185	39505	TOMS RIVER TWP	OCEAN	4	1	1.503326	1.503326	394.25	37		Yes
186	39506	TOMS RIVER TWP	OCEAN	4	1	0.689584	0.689584	394	130.02	Approx 15%-20% in Flood Zone / OC Public Property (15C), under 0.8 Ac	No
187	39507	TOMS RIVER TWP	OCEAN	4	1	0.765048	0.765048	394	17	On Church & Charitable Property (15D)	No
188	39508	TOMS RIVER TWP	OCEAN	4	1	0.990818	0.990818	392.06	2	Site Under Construction - Zoning Permit 24-0615	No
189	39509	TOMS RIVER TWP	OCEAN	4	1	0.446507	0.446507	234.05	32.02	Under 0.8-acres	No
190	39510	TOMS RIVER TWP	OCEAN	4	1	0.254699	0.254699	350.04	13, 18	Portion Site on Private Road per TM 24.01, under 0.8-acre	No
191	39511	TOMS RIVER TWP	OCEAN	4	1	0.820063	0.820063	394	13.05, 14, 15	OC Public Property (15C), irregular contorted shape	No
192	39512	TOMS RIVER TWP	OCEAN	4	1	0.749708	0.749708	254	32.02	Under 0.8-acre, portion of lot has shed on it	No
193	39513	TOMS RIVER TWP	OCEAN	4	1	0.909192	0.909192	231	20		Yes
194	39514	TOMS RIVER TWP	OCEAN	4	1	3.280561	3.280561	192.05	48		Yes
195	39515	TOMS RIVER TWP	OCEAN	4	1	0.104988	0.104988	231	7	Former Dover Mun Landfill (54:04-03.03) / TR Twp Public Property (15C)	No
196	39516	TOMS RIVER TWP	OCEAN	4	1	3.848369	3.848369	170	1.09		Yes
197	39517	TOMS RIVER TWP	OCEAN	4	1	0.115437	0.115437	234.09	62	Under 0.8-acres	No
198	39518	TOMS RIVER TWP	OCEAN	4	1	0.914607	0.914607	230	12.01	On Church & Charitable Property (15D)	No
199	39519	TOMS RIVER TWP	OCEAN	4	1	0.975873	0.975873	192.01	2	Portion of Site in Drainage Easement & TR Twp Open Space 54:04-03.03 (15C)	No
200	39520	TOMS RIVER TWP	OCEAN	4	1	6.662728	6.662728	192	35.01, 35.02	TM - Exempted Road Purposes Prop Fischer Blvd Extension / OC PP (15C)	No
201	39521	TOMS RIVER TWP	OCEAN	4	1	1.399672	1.399672	230	4	Land Locked.	No
202	39522	TOMS RIVER TWP	OCEAN	4	1	2.472713	2.472713	231	7	Former Dover Mun Landfill (54:04-03.03) / TR Twp PP (15C)	No
203	39523	TOMS RIVER TWP	OCEAN	4	1	9.346872	9.346872	172	14	Township has approved Site Plans for 16 Unit Warehouse.	No
204	39524	TOMS RIVER TWP	OCEAN	4	1	0.066175	0.066175	231	7	Former Dover Mun Landfill (54:04-03.03) / TR Twp PP (15C)	No
205	39525	TOMS RIVER TWP	OCEAN	4	1	0.073794	0.073794	192.14	1	Land Locked btwn HOA Common Area & Development / TR Twp PP (15C)	No
206	39526	TOMS RIVER TWP	OCEAN	4	1	1.338158	1.338158	172	47	JCP&L substation, narrow frontage	No
207	39527	TOMS RIVER TWP	OCEAN	4	1	0.348572	0.348572	230	4	Land Locked.	No
208	39528	TOMS RIVER TWP	OCEAN	4	1	1.418186	1.418186	231	7	Former Dover Mun Landfill (54:04-03.03) / TR Twp PP (15C)	No
209	39529	TOMS RIVER TWP	OCEAN	4	1	0.263188	0.263188	231	7	Former Dover Mun Landfill (54:04-03.03) / TR Twp PP (15C)	No
210	39530	TOMS RIVER TWP	OCEAN	4	1	1.06325	1.06325	172	26.06		Yes
211	39531	TOMS RIVER TWP	OCEAN	4	1	4.359453	4.359453	231	7	Former Dover Mun Landfill (54:04-03.03) / Tr Twp PP (15C)	No
212	39532	TOMS RIVER TWP	OCEAN	4	1	3.038859	3.038859	171	40	On Church & Charitable Property (15D)	No
213	39533	TOMS RIVER TWP	OCEAN	4	1	1.555233	1.555233	231	7	Former Dover Mun Landfill (54:04-03.03) / TR Twp PP (15C)	No
214	39534	TOMS RIVER TWP	OCEAN	4	1	1.00634	1.00634	390	9.05	Site has been developed - Zoning Permit 21-0576.	No
215	39535	TOMS RIVER TWP	OCEAN	4	1	1.544354	1.544354	390	9.07		Yes
216	39536	TOMS RIVER TWP	OCEAN	4	1	3.841764	3.841764	192.02	110	Land Locked / TR Twp Public Propoerty (15C)	No
217	39537	TOMS RIVER TWP	OCEAN	4	1	0.22664	0.22664	192.35	487	Possibly Preserved? Silverton Farms	No
218	39538	TOMS RIVER TWP	OCEAN	4	1	0.323596	0.323596	298.04	56	Competely within Wetlands Buffer & Conservation Easement / TR Twp PP (15C)	No

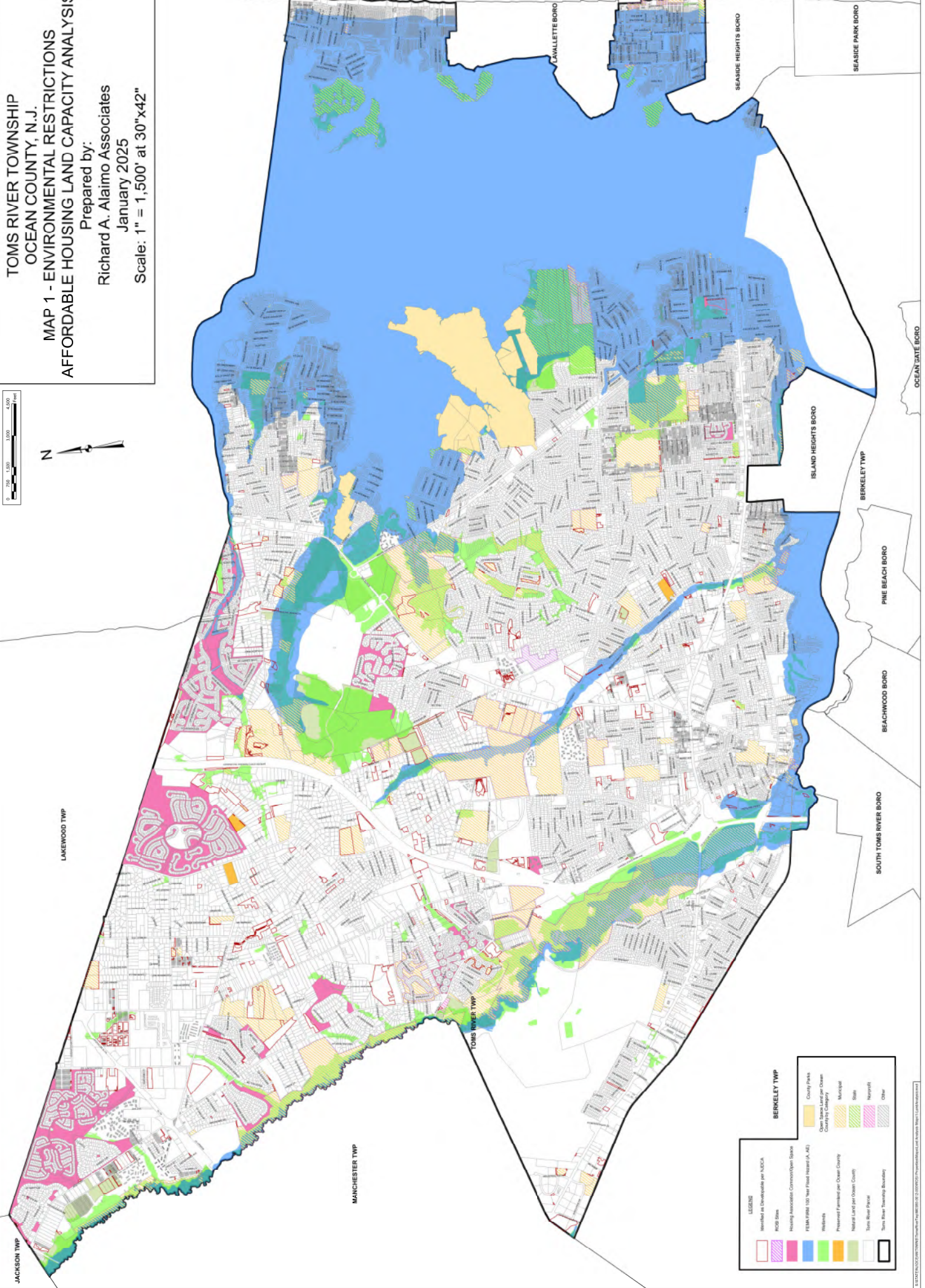
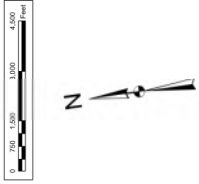
219	39539	TOMS RIVER TWP	OCEAN	4	1	0.064448	0.064448	192.35	487	Possibly Preserved? Silverton Farms	No
220	39540	TOMS RIVER TWP	OCEAN	4	1	15.17151	15.17151	171	7, 11	TR Land Acquisition 2019 - John P Herlihy / TR Twp PP (15C)	No
221	39541	TOMS RIVER TWP	OCEAN	4	1	0.559933	0.559933	230.04	4, 5	TR Township Open Space 54:04-03.03 (15C) (Approx. 35%)	No
222	39542	TOMS RIVER TWP	OCEAN	4	1	0.087863	0.087863	298.04	56	Completely within Wetlands Buffer & Conservation Easement / TR Twp PP (15C)	No
223	39543	TOMS RIVER TWP	OCEAN	4	1	0.767286	0.767286	172	29	OC Public Property (15C)	No
224	39544	TOMS RIVER TWP	OCEAN	4	1	7.750418	7.750418	172	8, 42, 16	Storm Drainage Basin / OC Public Property (15C)	No
225	39545	TOMS RIVER TWP	OCEAN	4	1	0.125947	0.125947	192.35	487	Land Locked sliver in Common Area of Holiday City,	No
226	39546	TOMS RIVER TWP	OCEAN	4	1	4.572596	4.572596	390	1, 01, 1, 03, 28	Exempted 21-plus nonprofit ownership lot 28, resident property on lot 28	No
227	39547	TOMS RIVER TWP	OCEAN	4	1	7.731323	7.731323	230.02	13, 19, 02	TR Twp Public Property (15C)	No
228	39548	TOMS RIVER TWP	OCEAN	4	1	0.136527	0.136527	171.01	13	Within Conservation Easement / On Church & Charitable Property (15D)	No
229	39549	TOMS RIVER TWP	OCEAN	4	1	0.198392	0.198392	172	30	Under 0.8 Ac, part of Hecht Trailer operation, DCA area in rear w/no access	No
230	39550	TOMS RIVER TWP	OCEAN	4	1	22.199002	22.199002	171	20, 21, 22, 23	TR Twp Public Property (15C), majority of area in the light industrial zone	No
231	39551	TOMS RIVER TWP	OCEAN	4	1	0.540597	0.540597	172	8, 43	Under 0.8-acres	No
232	39552	TOMS RIVER TWP	OCEAN	4	1	2.945551	2.945551	192.58	18		Yes
233	39553	TOMS RIVER TWP	OCEAN	4	1	1.857913	1.857913	172	8, 43	OC Drainage Easement cover majority of site prevents access	No
234	39554	TOMS RIVER TWP	OCEAN	4	1	1.329861	1.329861	192.55	18	JCP&L Substation,	No
235	39555	TOMS RIVER TWP	OCEAN	4	1	3.980547	3.980547	192.55	14		Yes
236	39556	TOMS RIVER TWP	OCEAN	4	1	0.10978	0.10978	171.07	7	Completely on Conservation & Open Space Easement	No
237	39557	TOMS RIVER TWP	OCEAN	4	1	0.389783	0.389783	172	44	Under 0.8 Ac, part of Hecht Trailers operation, zoned light industrial	No
238	39558	TOMS RIVER TWP	OCEAN	4	1	0.162838	0.162838	172	1	Under 0.8 Ac, part of Hecht Trailers operation, zoned light industrial	No
239	39559	TOMS RIVER TWP	OCEAN	4	1	0.595625	0.595625	173	16, 12	Under 0.8 Ac	No
240	39560	TOMS RIVER TWP	OCEAN	4	1	5.28179	5.28179	192.55	14		Yes
241	39561	TOMS RIVER TWP	OCEAN	4	1	0.465869	0.465869	169	2	TR Land Acquisition 2019 - Township Park (Horse Park) / TR Twp PP (15C)	No
242	39562	TOMS RIVER TWP	OCEAN	4	1	0.172834	0.172834	312	5	TR MUA 20' Utility Esmnt on Site & 8' Service / OC Public Property (15C)	No
243	39563	TOMS RIVER TWP	OCEAN	4	1	1.461602	1.461602	171.07	7	Completely on Conservation & Open Space Easement	No
244	39564	TOMS RIVER TWP	OCEAN	4	1	0.523802	0.523802	172	37	Undr 0.8 Ac, 1/2 lot lot contains Hecht Trailer operation	No
245	39565	TOMS RIVER TWP	OCEAN	4	1	0.665407	0.665407	169	28	New Single Family & accessory building - Zoning Permit 22-1980,	No
246	39566	TOMS RIVER TWP	OCEAN	4	1	0.065785	0.065785	171.08	48, 01	Under 0.8-acres	No
247	39567	TOMS RIVER TWP	OCEAN	4	1	0.061147	0.061147	319	635	Under 0.8-acres	No
248	39568	TOMS RIVER TWP	OCEAN	4	1	0.598827	0.598827	173	48	Under 0.8 Ac, too narrow for development	No
249	39569	TOMS RIVER TWP	OCEAN	4	1	1.290008	1.290008	171.08	3, 10, 01	Completely on Conservation & Open Space Easement	No
250	39570	TOMS RIVER TWP	OCEAN	4	1	0.078694	0.078694	173	26, 06	Under 0.8-acres	No
251	39571	TOMS RIVER TWP	OCEAN	4	1	0.092557	0.092557	173	15	Under 0.8 Ac, too narrow for development, on residential property & Qfarm	No
252	39572	TOMS RIVER TWP	OCEAN	4	1	0.175664	0.175664	173	48	Under 0.8 Ac, too narrow for development	No
253	39573	TOMS RIVER TWP	OCEAN	4	1	10.41624	10.41624	192.58	79		Yes
254	39574	TOMS RIVER TWP	OCEAN	4	1	0.137947	0.137947	311	1, 19	Under 0.8-acres	No
255	39575	TOMS RIVER TWP	OCEAN	4	1	0.064827	0.064827	184	1	Under 0.8-acres	No
256	39576	TOMS RIVER TWP	OCEAN	4	1	0.171363	0.171363	183	16, 27, 28, 31	Under 0.8-acres	No
257	39577	TOMS RIVER TWP	OCEAN	4	1	0.060279	0.060279	185	1	Under 0.8-acres	No
258	39578	TOMS RIVER TWP	OCEAN	4	1	0.125538	0.125538	185	29, 30, 31	Under 0.8-acres	No
259	39579	TOMS RIVER TWP	OCEAN	4	1	0.094624	0.094624	186	14, 15	Under 0.8-acres	No
260	39580	TOMS RIVER TWP	OCEAN	4	1	0.434467	0.434467	191	1, 01, 1, 02	Residential home, remaining area under 0.8 Ac	No
261	39581	TOMS RIVER TWP	OCEAN	4	1	1.648016	1.648016	189	1, 6	TR Township Open Space 54:04-03.03 (15C)	No
262	39582	TOMS RIVER TWP	OCEAN	4	1	0.088744	0.088744	187	1, 6	2023 Approved Major Subdivision Plan-Hickory St	No

263	39583	TOMS RIVER TWP	OCEAN	4	1	20,409099	20,409099	171.09	37	2022 Major Subdivision with Resolution of approval	No
264	39584	TOMS RIVER TWP	OCEAN	4	1	0,072116	0,072116	119	1, 103	Under 0.8 Ac, Irregular contorted shape	No
265	39585	TOMS RIVER TWP	OCEAN	4	1	0,079954	0,079954	117	105	Under 0.8 Ac, lack of access	No
266	39586	TOMS RIVER TWP	OCEAN	4	1	0,100952	0,100952	120	10	State of NJ Public Property (15C), under 0.8 Ac	No
267	39587	TOMS RIVER TWP	OCEAN	4	1	0,102415	0,102415	37	175	Affordable Hsng Site North Pointe Hollow Pt 1986 Credits (Built & Occupied)	No
268	39588	TOMS RIVER TWP	OCEAN	4	1	1,39432	1,39432	128 / 37	1 / 289	House of Worship on majority of lot, DCA area has minimal frontage	No
269	39589	TOMS RIVER TWP	OCEAN	4	1	4,710173	4,710173	135.01	7	Approved Affordable Housing Site - L, Arya	No
270	39590	TOMS RIVER TWP	OCEAN	4	1	1,07913	1,07913	164	5		Yes
271	39591	TOMS RIVER TWP	OCEAN	4	1	1,985891	1,985891	154	1	Approved Affordable Housing Site - TAS/Krupnick - Rt 9, 60 affordable units	No
272	39592	TOMS RIVER TWP	OCEAN	4	1	0,444613	0,444613	154	24, 47	Approved Affordable Housing Site - TAS/Krupnick - Rt 9, 60 affordable units	No
273	39593	TOMS RIVER TWP	OCEAN	4	1	2,290216	2,290216	150	5, 21, 36, 50	Approved Affordable Housing Site - TAS/Krupnick - Rt 9, 60 affordable units	No
274	39594	TOMS RIVER TWP	OCEAN	4	1	0,065518	0,065518	163	48	TR Twp Public Property (15C)	No
275	39595	TOMS RIVER TWP	OCEAN	4	1	1,991634	1,991634	153	1, 10, 19, 22	Approved Affordable Housing Site - TAS/Krupnick - Rt 9, 60 affordable units	No
276	39596	TOMS RIVER TWP	OCEAN	4	1	0,097035	0,097035	193	3	Under 0.8-acres	No
277	39597	TOMS RIVER TWP	OCEAN	4	1	0,060093	0,060093	163	28	Under 0.8-acres	No
278	39598	TOMS RIVER TWP	OCEAN	4	1	2,036643	2,036643	149	63, 67, 93, 95	Approved Affordable Housing Site - TAS/Krupnick - Rt 9, 60 affordable units	No
279	39599	TOMS RIVER TWP	OCEAN	4	1	0,138227	0,138227	162	1, 4, 6	State of NJ - DOT Owned (15C) - Block 162, Lot 1	No
280	39600	TOMS RIVER TWP	OCEAN	4	1	0,503671	0,503671	156	6, 13	Approved Affordable Housing Site - TAS/Krupnick - Rt 9, 60 affordable units	No
281	39601	TOMS RIVER TWP	OCEAN	4	1	0,283413	0,283413	193	3	Under 0.8-acres	No
282	39602	TOMS RIVER TWP	OCEAN	4	1	2,148278	2,148278	152	3, 19, 20, 29	Approved Affordable Housing Site - TAS/Krupnick - Rt 9, 60 affordable units	No
283	39603	TOMS RIVER TWP	OCEAN	4	1	0,8105	0,8105	148	121, 129	Approved Affordable Housing Site - TAS/Krupnick - Rt 9, 60 affordable units	No
284	39604	TOMS RIVER TWP	OCEAN	4	1	0,363338	0,363338	148	132, 134, 160	Approved Affordable Housing Site - TAS/Krupnick - Rt 9, 60 affordable units	No
285	39605	TOMS RIVER TWP	OCEAN	4	1	0,667339	0,667339	148	136, 137, 139	Approved Affordable Housing Site - TAS/Krupnick - Rt 9, 60 affordable units	No
286	39606	TOMS RIVER TWP	OCEAN	4	1	1,865948	1,865948	99	746, 1342		Yes
287	39607	TOMS RIVER TWP	OCEAN	4	1	0,264346	0,264346	155	26, 33	Approved Affordable Housing Site - TAS/Krupnick - Rt 9, 60 affordable units	No
288	39608	TOMS RIVER TWP	OCEAN	4	1	1,079908	1,079908	151	1, 175	Approved Affordable Housing Site - TAS/Krupnick - Rt 9, 60 affordable units	No
289	39609	TOMS RIVER TWP	OCEAN	4	1	2,257056	2,257056	147	179, 188, 193	Approved Affordable Housing Site - TAS/Krupnick - Rt 9, 60 affordable units	No
290	39610	TOMS RIVER TWP	OCEAN	4	1	0,127607	0,127607	146	233, 234, 235	Under 0.8-acres	No
291	39611	TOMS RIVER TWP	OCEAN	4	1	0,1036	0,1036	146.01	246, 247	Approved Affordable Housing Site - TAS/Krupnick	No
292	39612	TOMS RIVER TWP	OCEAN	4	1	0,420115	0,420115	146.01	237, 241	Approved Affordable Housing Site - TAS/Krupnick - Rt 9, 60 affordable units	No
293	39613	TOMS RIVER TWP	OCEAN	4	1	0,097965	0,097965	146.01	254, 269	Approved Affordable Housing Site - TAS/Krupnick / Half on TR Twp PP (15C)	No
294	39614	TOMS RIVER TWP	OCEAN	4	1	0,093119	0,093119	146.01	256, 267	Approved Affordable Housing Site - TAS/Krupnick	No
295	39615	TOMS RIVER TWP	OCEAN	4	1	9,361389	9,361389	135.02	106.02, 109.C		Yes
296	39616	TOMS RIVER TWP	OCEAN	4	1	0,605411	0,605411	146	2, 3	State of NJ Public Land - Rt 70 ROW Parcel (15C)	No
297	39617	TOMS RIVER TWP	OCEAN	4	1	1,828759	1,828759	99	742		Yes
298	39618	TOMS RIVER TWP	OCEAN	4	1	0,104265	0,104265	135.02	110,01	Under 0.8-acres	No
299	39619	TOMS RIVER TWP	OCEAN	4	1	0,425361	0,425361	40	2, 769	TR Twp Public Property (15C), too narrow	No
300	39620	TOMS RIVER TWP	OCEAN	4	1	0,064372	0,064372	60	1233	OC Public Property (15C)	No
301	39621	TOMS RIVER TWP	OCEAN	4	1	16,41071	16,41071	159	9,01, 10,01, 1	Toms River Township Open Space 54-04-03.03 (15C)	No
302	39622	TOMS RIVER TWP	OCEAN	4	1	0,064369	0,064369	60	1223	Under 0.8-acres	No
303	39623	TOMS RIVER TWP	OCEAN	4	1	0,057224	0,057224	60	1183	Area less than 2,500 s.f.	No
304	39624	TOMS RIVER TWP	OCEAN	4	1	7,255822	7,255822	40	765, 766, 767	OC Natural Lands Trust Property TR Corridor Conservation Area (15C)	No
305	39625	TOMS RIVER TWP	OCEAN	4	1	0,317027	0,317027	144	3,01, 3,02	State of NJ Public Property (15C), Under 0.8 Ac	No
306	39626	TOMS RIVER TWP	OCEAN	4	1	0,060973	0,060973	142	1	Under 0.8 Ac	No

307	39627	TOMS RIVER TWP	OCEAN	4	1	0.709281	0.709281	144	3.05	Under 0.8 Ac	No
308	39628	TOMS RIVER TWP	OCEAN	4	1	0.112545	0.112545	138	133	Under 0.8-acres	No
309	39629	TOMS RIVER TWP	OCEAN	4	1	0.123605	0.123605	136	199	Under 0.8-acres	No
310	39630	TOMS RIVER TWP	OCEAN	4	1	0.146455	0.146455	61.01	55	Under 0.8 Ac	No
311	39631	TOMS RIVER TWP	OCEAN	4	1	0.391947	0.391947	4	3.01	Under 0.8 Ac, land locked, residential home on lot	No
312	39632	TOMS RIVER TWP	OCEAN	4	1	2.007578	2.007578	3.01	3	Southern Portion is in Ocean County Toms River Corridor Conservation Area	No
313	39633	TOMS RIVER TWP	OCEAN	4	1	0.095599	0.095599	13.01	8	Land Locked by Forest Preservation Area (South)	No
314	39634	TOMS RIVER TWP	OCEAN	4	1	0.367881	0.367881	13.01	12	Land Locked by a Forest Preservation Area	No

TOMS RIVER TOWNSHIP
 OCEAN COUNTY, N.J.
 MAP 1 - ENVIRONMENTAL RESTRICTIONS
 AFFORDABLE HOUSING LAND CAPACITY ANALYSIS

Prepared by:
 Richard A. Alaimo Associates
 January 2025
 Scale: 1" = 1,500' at 30"x42"



LEGEND

	Included in Developable per NJDEP		County Parks
	RIOP Sites		Open Space Land per Ocean County Category
	Housing Affordable Community/Open Space		Municipal
	FEMA FEMA 100 Year Flood Hazard (A, AE)		State
	Wetlands		Nonprofit
	Preserved Farmland per Ocean County		Other
	Natural Land per Ocean County		
	Tom's River Pasture		
	Tom's River Township Boundary		

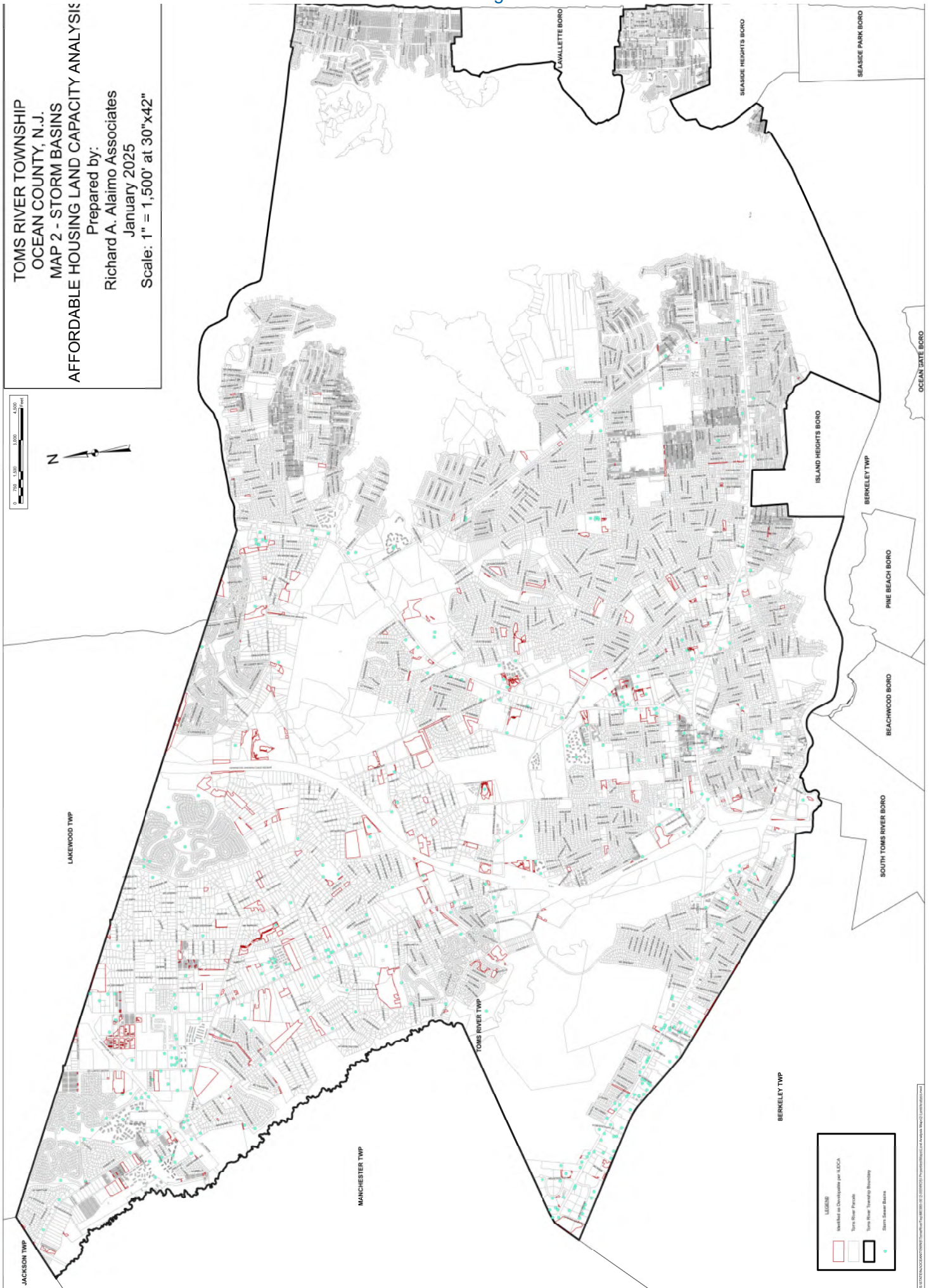
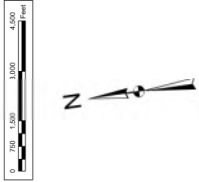
BERKELEY TWP

	County Parks
	Open Space Land per Ocean County Category
	Municipal
	State
	Nonprofit
	Other

JACKSON TWP LAKEWOOD TWP MANCHESTER TWP TOMS RIVER TWP SOUTH TOMS RIVER BORO BEACHWOOD BORO PINE BEACH BORO BERKELEY TWP ISLAND HEIGHTS BORO SEASIDE HEIGHTS BORO LAVALLETTE BORO SEASIDE PARK BORO OCEAN STATE BORO

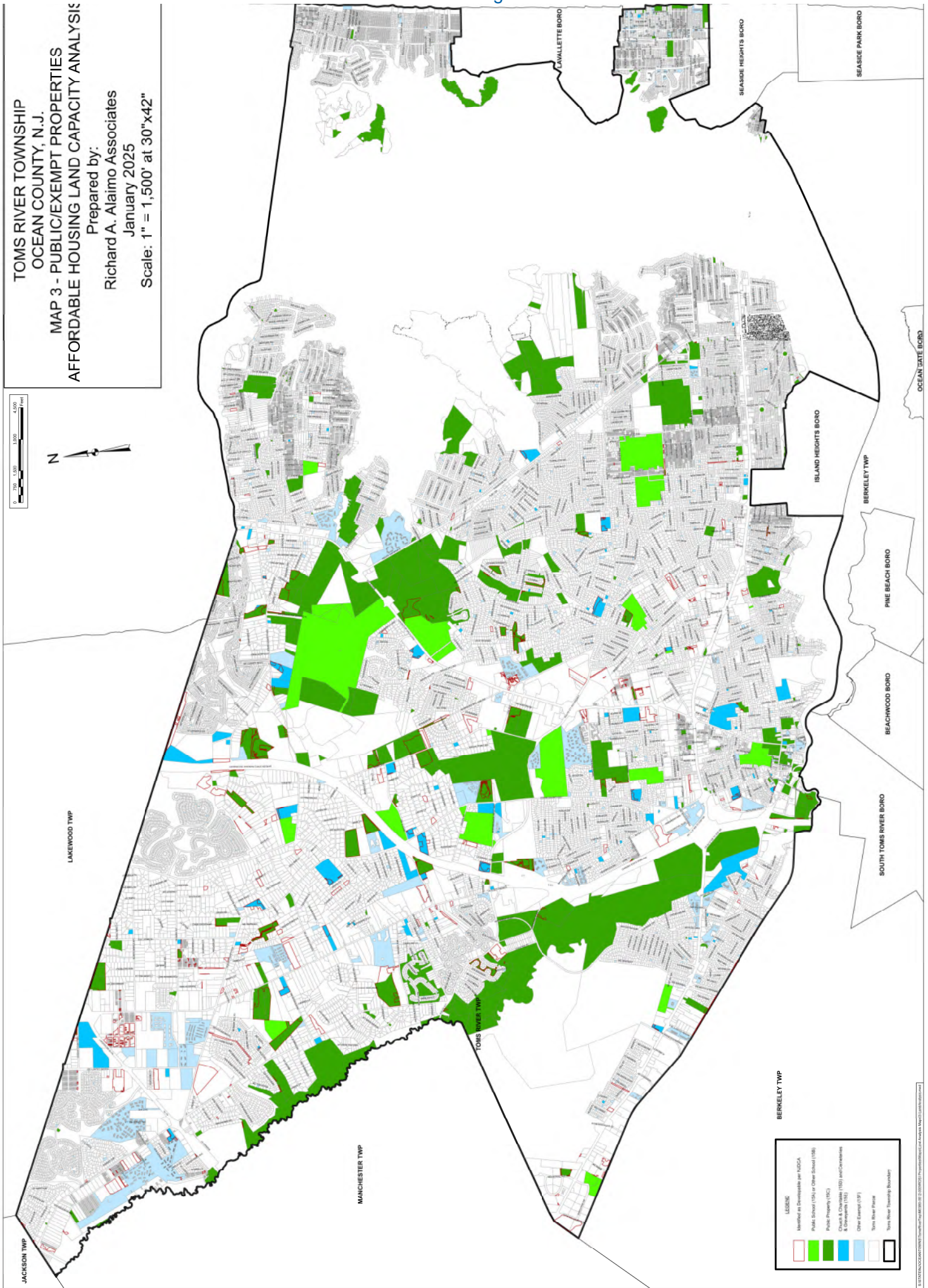
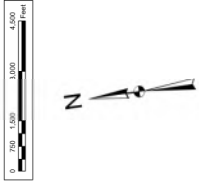
**TOMS RIVER TOWNSHIP
OCEAN COUNTY, N.J.
MAP 2 - STORM BASINS
AFFORDABLE HOUSING LAND CAPACITY ANALYSIS**

Prepared by:
Richard A. Alaimo Associates
January 2025
Scale: 1" = 1,500' at 30"x42"



TOMS RIVER TOWNSHIP
OCEAN COUNTY, N.J.
MAP 3 - PUBLIC/EXEMPT PROPERTIES
AFFORDABLE HOUSING LAND CAPACITY ANALYSIS

Prepared by:
Richard A. Alaimo Associates
January 2025
Scale: 1" = 1,500' at 30"x42"



LEGEND

- Identify as Determinable per NJCSA
- Public School (15A) or Other School (15B)
- Public Property (16C)
- Open Space (16D) and Open Space & Other (16E)
- Other Exempt (17F)
- Toms River Canal
- Toms River Township Boundary

LAKELAND TWP

MANCHESTER TWP

TOMS RIVER TWP

SOUTH TOMS RIVER BORO

BEACHWOOD BORO

PINE BEACH BORO

ISLAND HEIGHTS BORO

BERKELEY TWP

SEASIDE HEIGHTS BORO

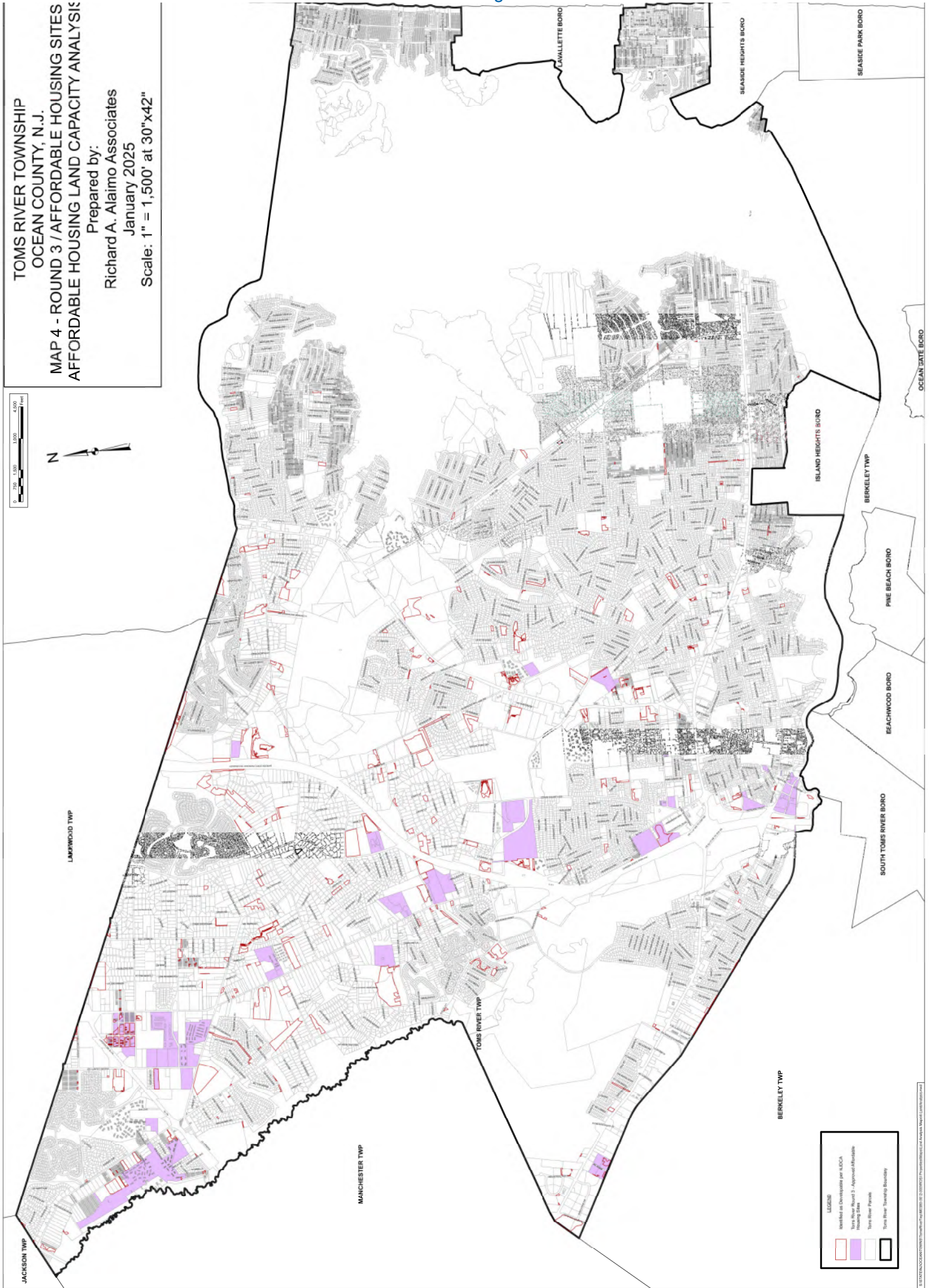
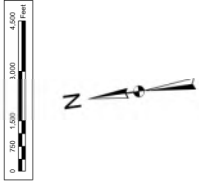
LAVALLETTE BORO

SEASIDE PARK BORO

OCEAN STATE BORO

TOMS RIVER TOWNSHIP
OCEAN COUNTY, N.J.
MAP 4 - ROUND 3 / AFFORDABLE HOUSING SITES
AFFORDABLE HOUSING LAND CAPACITY ANALYSIS

Prepared by:
Richard A. Alaimo Associates
January 2025
Scale: 1" = 1,500' at 30"x42"



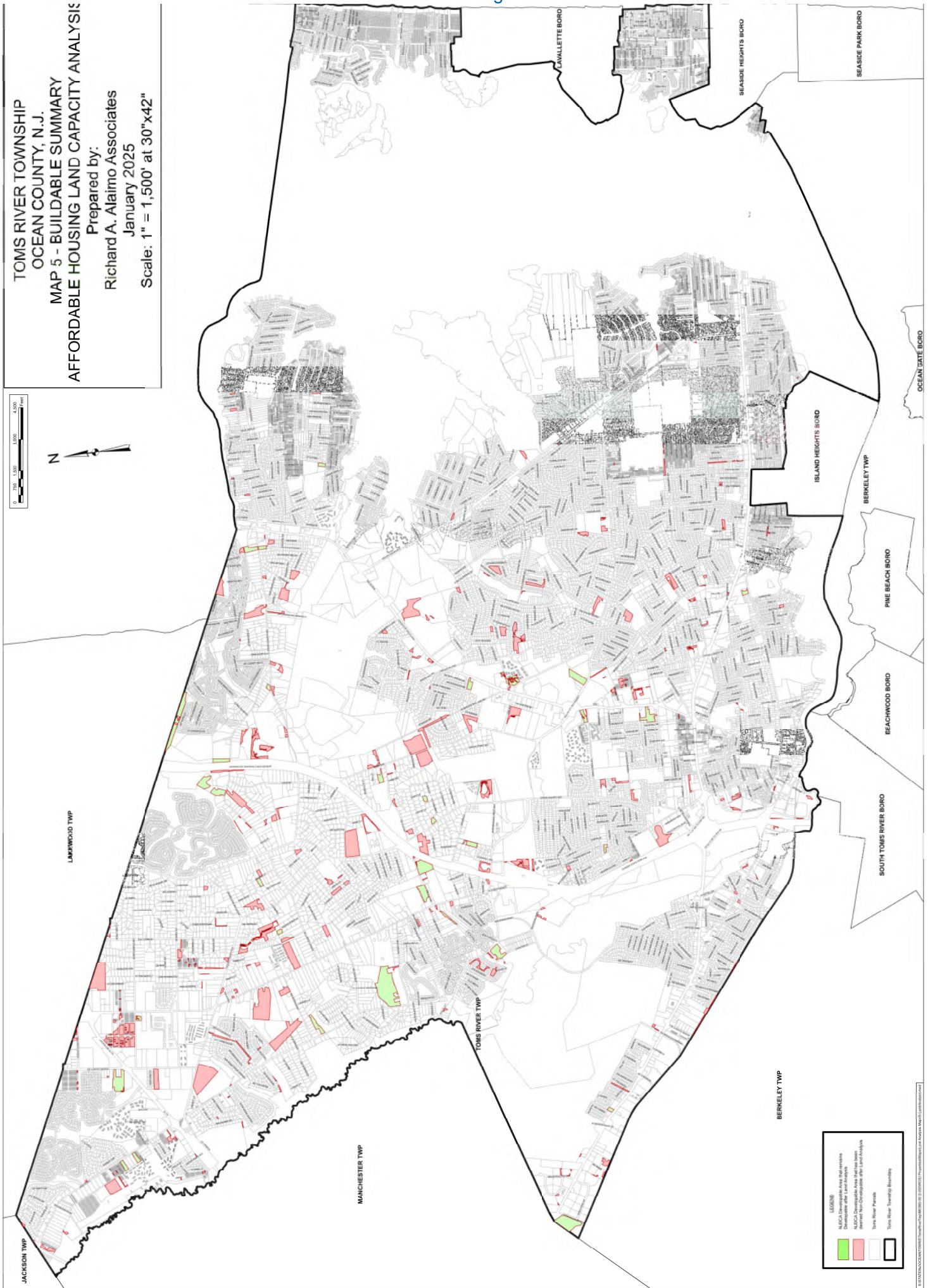
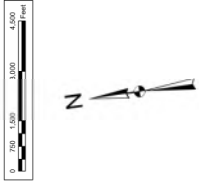
LEGEND

- Identified as Developments per ILCCA
- Round 3 - Approved Affordable Housing Sites
- Sites Not Affordable
- Toms River Township Boundary

OCN-L-000331-25-Map 4 - Round 3 - Affordable Housing Land Capacity Analysis - January 2025

TOMS RIVER TOWNSHIP
OCEAN COUNTY, N.J.
MAP 5 - BUILDABLE SUMMARY
AFFORDABLE HOUSING LAND CAPACITY ANALYSIS

Prepared by:
Richard A. Alaimo Associates
January 2025
Scale: 1" = 1,500' at 30"x42"



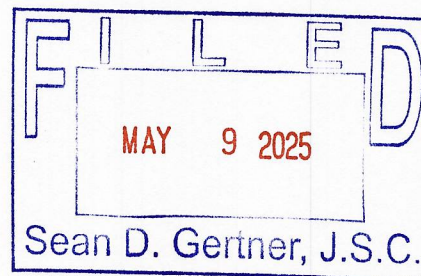
LEGEND

- Buildable Area (High Capacity)
- Buildable Area (Moderate Capacity)
- Buildable Area (Low Capacity)
- ALMCA Designable Area that has been determined through the Land Analysis
- Tom's River Parcels
- Tom's River Township Boundary

OCN-L-000331-25-Map 5 - Buildable Summary - Affordable Housing Land Capacity Analysis - January 2025

EXHIBIT C

The Hon. Sean D. Gertner, J.S.C.
Superior Court of New Jersey
Law Division – Civil Part
Ocean County
Ocean County Courthouse
118 Washington Street, 2nd Floor
Chambers/Courtroom 2
Toms River, NJ 08753



PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY
PURSUANT TO P.L. 2024, CHAPTER
2 (N.J.S.A. 52:27D-304.1, et seq.)**

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
OCEAN COUNTY
DOCKET NO. OCN-L- 331-25

Civil Action
Mt Laurel Program

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

THIS MATTER, having come before the Court on referral from and recommendation issued by the Affordable Housing Dispute Resolution Program (“Program”), pursuant to the Complaint for Declaratory Judgment filed on **January 30, 2025** (“DJ Complaint”) by the Petitioner, **TOWNSHIP OF TOMS RIVER** (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the “Program”, seeking a certification of compliance with the FHA;

AND IT APPEARING that the Municipality timely adopted a **Resolution** on **January 29, 2025**, seeking deviation from the “present need” and “prospective need” calculations allocated to it by the New Jersey Department of Community Affairs (“DCA”) in its report dated October 18, 2024 entitled *Affordable Housing Obligations for 2025-2035 (Fourth Round)* (the “DCA’s Fourth Round Report”) – specifically, DCA reported a “present need” obligation of **526** affordable housing units, and a “prospective need” obligation of **670** affordable housing units, which calculations have been deemed “presumptively valid” - while on the Municipality planners’ recommendation the Municipality accepted **526** affordable housing units for “present need” but followed its professional’s recommendation that **114** units were required for a “prospective need” affordable housing obligation for the Fourth Round housing cycle;

AND IT APPEARING that challenges to the Municipality’s calculations (“Challenges”) were timely and properly filed by Fair Share Housing Center (“FSHC”) and the New Jersey Builders Association (“NJBA”) (each a “Challenger”, and collectively the “Challengers”) by and through their respective counsel, wherein both Challengers disputed the Municipality’s proposed obligation for prospective need, and supported DCA’s present and prospective need obligations, with each Challenge supported by their own expert reports;

AND IT APPEARING that the challenge of Meridia Toms River 40 Urban Renewal LLC was dismissed on March 20, 2025, by this Court after recommendation by a Program Member;

AND IT APPEARING that pursuant to the Program, the Administrative Office of the Courts (“AOC”) appointed and assigned the case to Program Member, **Judge Julio L. Mendez (Ret.)** (“Program Member”) to manage the proceedings, host settlement conferences, and make recommendations to the Court in accordance with the FHA and the AOC’s Directive #14-24 (“Directive #14-24”), and that the Program Member appointed **Mary Beth Lonergan, PP, AICP**,

an independent affordable housing expert, as special adjudicator (“Special Adjudicator”) in this case to work with, make recommendations to and assist the Program, who worked closely with the Program Member, and who rendered a written report to the Program;

AND IT APPEARING that all parties participated in the proceedings before the Program Member;

AND IT APPEARING that on March 27, 2025, after a conference was conducted on notice to all parties with the participation of attorneys for the parties and the Special Adjudicator, such conference in accord with the statutory framework and Directive #14-24;

AND IT APPEARING that the parties, having failed to reach a resolution had the opportunity to appear before the Program Member on March 27, 2025 with all parties to discuss the Municipality’s request to withdraw and, later, for a conference with the parties on April 8, 2025 on the Municipality’s withdrawal request as well as on FSHC’s objections, all taking into account submissions from the parties. On April 8, 2025, the Program Member addressed the matter and heard oral argument on the record regarding issues raised by the Municipality’s withdrawal request and FSHC’s objections to the Municipality’s withdrawal. In addition, on April 8, 2025, pursuant to Administrative Directive #14-24, a Program Session was held with the parties to hear arguments on the record regarding the various allocation proposals set forth on the papers from counsel for the Municipality, FSHC and NJBA;

AND IT APPEARING, that the Program Member noted that the DCA is tasked with making initial, non-binding calculations of Present Need and Prospective Need as guidance for municipalities. While acknowledging the calculations are not perfect, the Program Member noted that by opting into the program, the Municipality receives certain benefits, not the least of which is immunity;

AND IT APPEARING, that in this matter, FSHC has submitted an expert's calculation indicating that the Municipality has a prospective need of **649** units;

AND IT APPEARING that the Special Adjudicator recommended that the Program Member accept the DCA's calculations of **546** present need and **670** prospective need units of the affordable housing obligation, a position to which NJBA concurred;

AND THE COURT, having received the Program Member's report filed and posted to the eCourts jacket for this matter on April 21, 2025; the findings, terms, and recommendations of which relate to the Program Member's recommendation of a prospective need allocation for the Municipality of **649** being incorporated by reference as though more fully set forth therein (the "Report");

AND THE COURT, having been advised that the Program Member recommends that the Court adopt the findings and recommendations set forth in his determination and enter an Order, *forthwith*, implementing the terms of his recommendation and thereby fix the "present need" and "prospective need" obligations of the Municipality for the Fourth-Round housing cycle pursuant to the recommendations;

AND THE COURT, having reviewed and considered the Program Member's Report and Recommendations, and having received notification from the Municipality acknowledging its continued participation in the Affordable Housing Dispute Resolution Program and its willingness to proceed accordingly with the submission of a Housing Element and Fair Share Plan to the Program pursuant to applicable statutes;

AND THE COURT, having interpreted the May 2, 2025, correspondence from Municipality counsel as one effectively withdrawing the Municipality's request to withdraw and accept, without prejudice, the Program Member's recommendation;

AND THE COURT, therefore being satisfied that the parties remain willing to act in good faith during the second phase of the process envisioned by the statute, that being the Municipality's development of a Housing Element and Fair Share Plan for submission, the Court does further find that the Program Member's recommendation as to present need¹, which was not contested, as well as prospective need is fair and equitable as well as in the best interests of the protected class of low- and moderate-income households in the Municipality, and for good and sufficient cause having otherwise been shown:

IT IS, THEREFORE, on and as of this 9th day of **MAY 2025, ADJUDGED AND ORDERED**, that the Program Member's Report and Recommendations be adopted for approval as the Court has confirmed that the Municipality shall continue with its participation in the Affordable Housing Dispute Resolution Program and will proceed accordingly with the submission of a Housing Element and Fair Share Plan to the Program pursuant to applicable statutes; and it is further

ORDERED, that as the Municipality has confirmed its continued participation in the program the Court need not reach determinations related to the effect upon the Municipality's prior requested withdrawal; and it is further

ORDERED, that the Court does adopt the substantive determinations of the Program Member, and that he same be, and are hereby **ACCEPTED** and **ADOPTED**; and to that end, more specifically, it is further

ORDERED, as follows:

1. That the "present need" obligation of the Municipality, be, and hereby is fixed as **526** affordable units for the Fourth-Round housing cycle; and

¹ Present Need was not contested.


2. That the “prospective need” obligation of the Municipality, be, and hereby is fixed as **649** affordable units for the Fourth Round Housing cycle; and

3. The Municipality having reserved its right to prepare a Vacant Land Analysis (VLA) as previously permitted under N.J.A.C. 5:93-4.2 and Realistic Development Potential (RDP) previously permitted under N.J.A.C. 5 :93-4.2(t), amongst other reservations as part of its Fourth Round Fair Share Plan, the Municipality is hereby authorized to proceed to the compliance phase with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the “present need” and “prospective need” allocations aforesaid (and which plan shall include the elements set forth in the “Addendum” attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay; and

4. That any and all “challenges” to the Petitioner’s Housing Element and Fair Share Plan as adopted by Paragraph 3 above must be filed by August 31, 2025, by way of Answer/Objection filed in the eCourts case jacket for this matter, and as provided for and in accordance with Section III.B of AOC Directive #14-24

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

SO ORDERED:


HON. SEAN D. GERTNER, J.S.C.
Designated Mt. Laurel Judge – Ocean Vicinage

(X) Challenged.


R. 1:7-4(a): Having reviewed and considered the Program Member's Report and Recommendations, the Court is satisfied that the Program Member undertook a meaningful and comprehensive evaluation of the competing expert reports submitted. It also appears to the Court that the parties' competing interests were addressed in reaching the conclusion to recommend that the FSHC's expert, Dr. David N. Kinsey, be followed in this instance. This Court also notes that while the Program member was very impressed with the Special Adjudicator who supported the DCA's conclusion and methodology, the Program Member, in giving substantial weight to the FSHC's Kinsley report, determined correctly that as equity follows the law, a determination of an opposition expert to reduce DCA's prospective need calculation, based on objective factors, ought to be given great weight at this juncture. However, as the Program Member indicated reliance upon Mr. Hunt's report, whose analysis apparently applied a methodology from proposed but not enacted legislation, would be misplaced. Thus, the Court agrees with the Program Member that a reduction in the Municipality's prospective need to 114 units is not supported. Moreover, this conclusion serves the best interests of the protected class of low- and moderate-income households in the Municipality. Of import to the Court as well, is the Municipality's abandonment of its position not to participate in the program, a signal to the Court that it will continue to articulate and provide its arguments utilizing the fabric of support envisioned by the program, thus affording itself the benefits of participation.

Accordingly, the Court hereby adopts the Report and Recommendations of the Program Member as those recommendations relate to the prospective need allocation for the Municipality of 649 affordable housing units are incorporated by reference as though more fully set forth therein. The Court determining further that the need to adopt the recommendations related to participation in the program are rendered moot by the Municipality's abandonment of that position. As a result, the Municipality retains all the protections of the above-referenced amendments to the FHA, continues to retain immunity from exclusionary zoning litigation, and that the Program retains jurisdiction for the compliance phase in accordance with the statutory framework and AOC Directive #14-24.

An appropriate form of Order implementing the Program Member's Report and Recommendations accompanies this statement of reasons.

SO ORDERED.

Respectfully submitted:



HON. SEAN D. GERTNER, J.S.C.

Designated Mt. Laurel Judge – Ocean Vicinage

EXHIBIT D



Toms River Township

Housing Element & Fair Share Plan of the Municipal Master Plan

June 6, 2025

Adopted June 18, 2025

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



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Table of Contents

	<u>Page No.</u>
Part 1: Housing Element	6
Part 2: Fair Share Plan	27
Appendix:	
A. Land Capacity Analysis	
B. Fourth Round Spend Plan	
C. Affordable Housing Sites Map	
D. Site Suitability Analysis	
• Hovnanian Bimini Drive	
• Hooper Caudina	
• JSM-Route 66	
E. Affirmative Marketing Plan	
F. Municipal Housing Liaison Resolution	
G. Rehabilitation Manual	
H. Resolution of the Planning Board	
I. Habitat for Humanity Northern Ocean	
J. North Pointe Hollow	
K. Walnut Grove	
L. Woods at Massachusetts	
M. Dover Chase	
N. Walnut Cove	
O. Hope's Crossing	
P. Fairways at Bey Lea	
Q. Leone	
R. Toms River Crescent	
S. Hyers Street/Legion Court	
T. Eagle's Crest/Michaels/Gateway 70	
U. Autumn Ridge	
V. Green Meadows	
W. Dover Shopping Center	
X. 1580 and 1606 Lakewood/Geffner	
Y. Residence Club at Cox Cro Crossing	
Z. Hooper Caudina	
AA. Alternative Living Arrangements	
BB. Meadow Green Apartments	

Supplemental Appendix
 Habitat for Humanity
 Camelot

INTRODUCTION

This Housing Element and Fair Share Plan (HEFSP) outlines Toms River Township's strategy to meet its constitutional obligation to provide a realistic opportunity for the development of affordable housing. This plan complies with the requirements set forth in amendments to the New Jersey Fair Housing Act, P.L. 1985, c.222 (C.53:27D-301, et al.) enacted pursuant to P.L. 2024, c.2, and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).

The Housing Element of Toms River Master Plan is implemented by zoning ordinance. Pursuant to N.J.S.A. 40:55D-62.(a), a governing body may not adopt or amend a zoning ordinance until and unless the Planning Board would have adopted a land use plan element and a housing plan element of the master plan.

The Housing Element set forth under the fair housing act includes:

- 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.

HISTORY

The Township of Toms River has demonstrated consistent compliance with its Mount Laurel obligations; the following facts demonstrate the township's compliance.

In December of 2005, the Township (at which point in time was known as Dover Township) submitted its adopted 2005 Housing Element and Fair Share Plan to the Council on Affordable Housing ("COAH") with a petition for substantive certification. The plan consisted of the Township's entire fair share obligation, including the rehabilitation share, the prior round obligation, and future obligations in accordance with applicable COAH regulations. However, following Appellate Division case law issued in 2007, COAH never reviewed the Township's 2005 Fair Share Plan. This decision resulted in COAH needing to revise existing third-round rules, which were adopted and made effective in 2008.

In light of these developments, the Township removed itself from COAH's jurisdiction in 2007 and began utilizing the Superior Court of New Jersey for the review of its compliance plan. Since then, the Township has been under the jurisdiction of the Superior Court.



In December of 2008, the Township adopted a revised Housing Element Fair Share Plan, which was drafted in conformity with applicable COAH rules, including COAH's newly adopted third round rules from earlier that year.

In October of 2014, following the issuance of Appellate Division case law in 2010 and 2013, which invalidated certain third round rules adopted by COAH, the Township adopted an amended housing element and fair share plan.

In 2015, the Supreme Court issued its decision In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 3 (2015) ("Mount Laurel IV"), which removed jurisdiction over affordable housing from the executive branch and resumed the court's role as the forum for adjudicating municipal compliance with constitutional affordable housing obligations. Accordingly, pursuant to the process established for municipalities to seek declarations of compliance and immunity from builder's remedy litigation, the Township filed a motion of declaratory judgment (the "DJ Action") to seek temporary immunity while it sought to acquire a declaration of compliance with both Mount Laurel Doctrine and the New Jersey Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301 et. seq. Following intervention by interested party, Fair Share Housing Center, Incorporated, a Settlement Agreement was reached in November of 2016, which addressed the Township's second and third round fair share obligations as well as a compliance plan to address such obligations. The Settlement Agreement was approved in December 2016 by the Superior Court, and the Township filed its preliminary fair share plan thereafter in December 2016.

Following a noticed Mount Laurel compliance hearing on May 11, 2017, the Court entered a Third Round Conditional Judgment of Compliance and Repose, dated June 7, 2017, finding the land use regulations and affirmative devices in the Township's Compliance Plan comply with the Township's constitutional obligations with respect to affordable housing under the Mount Laurel doctrine, granting the Township repose for the remainder of the third round period ending June 30, 2025.

The court approved Settlement Agreement, set forth the Township's Third Round affordable housing obligation as follows: **a rehabilitation share of 243 units, prior round prospective need obligation of 1,735 units, and a third round prospective need obligation of 1,275 units.**

On July 15, 2024 FSHC submitted a letter to the Court seeking the Court's involvement to ensure progress in meeting the outstanding conditions set forth in the December 5, 2023 Special Adjudicator's report and to address an inability to credit group homes.

Following a Case Management Conference on November 21, 2024, the Special Adjudicator circulated an updated memorandum dated December 10, 2024 addressing outstanding compliance conditions, which said memorandum was further updated on January 14, 2025 (the "January 14, 2025 Special Adjudicator Memorandum"). Throughout December 2024 and January 2025, the parties met with the Special Adjudicator to identify the remaining third



round conditions that needed to be addressed. Accordingly, a Consent Order was entered on March 5, 2025 to outline the remaining conditions that the Township needed to address.

The terms set forth as part of the Township's upcoming Fourth Round compliance efforts, the Township shall include in a formally adopted Fourth Round Housing Element and Fair Share Plan ("HEFSP") its 2022 draft updated Third Round HEFSP, the additional information requested in the January 14, 2025 Special Adjudicator Memorandum, and all associated crediting documents in the appendices.

In the midst of planning its Fourth Round compliance plan, the Township has undertaken extensive efforts in the late winter and spring of 2025 to pursue the crediting documents concerning the Township's third round obligations. Those materials obtained to date are included in this Plan's appendix and detailed within. As additional materials are secured by the Township, the Township shall supplement its submission.

Pursuant to the Consent Order, the Township revised and adopted an updated third round spending plan. The Township has also provided documentation related to various third round sites.

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"), abolished COAH, modified the affordable housing compliance process, amended bonus credits, and among other changes, set forth several important deadlines and created the Affordable Housing Dispute Resolution Program (the "Program"), which would serve as a mediation forum for establishing fair share obligations for each housing round and accept submitted compliance plans for review.

The Amended FHA charged the Department of Community Affairs (DCA) with the preparation of non-binding recommendations for municipalities' fourth round obligations and set forth an aggressive timeline for compliance. 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 regional need and both the present need component rehabilitation obligation and perspective need component of every municipality's fair share obligation. The DCA calculated the Township's present need obligation (rehabilitation) as 526 affordable units and its present need as 670 affordable units.

On January 30, 2025, pursuant to the authorities given to municipalities by the Amended FHA, the Township adopted a resolution identifying its present and prospective need obligations. Further, on January 30, 2025, in compliance with the timelines set forth in the Amended FHA, the Township filed a Complaint for Declaratory Relief under Docket No. OCN-L-331-25. The Complaint was filed for the purpose of securing the Program's jurisdiction, pursuant to the Court's Directive #14-24 promulgating rules for participation in the Program.



The Township remains an active participant in the Program and thus received and continues to receive temporary immunity from builder remedy lawsuits and declaratory judgment actions.

On May 9, 2025, the Superior Court entered an Order setting the Township's fair share obligation for the Fourth Round affordable housing cycle as follows:

- **Present need obligation:** 526 affordable units; and
- **Prospective need obligation:** 649 affordable units.

On May 21, 2025, pursuant to rights preserved by the Township in its **third round** Settlement Agreement, the Township filed a motion with the Superior Court under its third round Declaratory Judgment Action, Docket No. OCN-L-1867-15. The Township sought an order capping the Township's **third round** prospective need obligation of 1,275 units at 1,000 units, pursuant to the statutory cap set forth at N.J.S.A. 52:27D-307(e). Those pending motion papers were filed pursuant to the Township's affirmative preservation of rights in the 2016 Settlement Agreement to seek application of the 1,000 unit cap, which said reservation was further preserved pursuant to a Consent Order entered with Fair Share Housing Center, dated March 4 2025.

Therefore, although the Township's **fourth round** prospective need obligation consists of 649 units, the Township has addressed that obligation by shifting multiple compliance mechanisms originally provided for in the third round into its fourth round compliance plan, as detailed in the Fair Share Plan below. It has done so in recognition of its statutory right to cap its third round obligation of 1,275 units at 1,000 units. As this cap eliminated the need to utilize all identified compliance mechanisms in satisfying the Township's Third Round plan, the Township was able to reserve and shift certain surplus mechanisms for application toward its Fourth Round obligation.



HOUSING ELEMENT

- 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. Estimated value owner occupied housing units by mortgage.
 - 5. Estimated gross rent for specified renter occupied housing units.
 - 6. Selected monthly owner costs.
 - 7. Selected monthly owner costs as a percentage of the household income.
 - 8. Gross rent as a percentage of household income.
 - 9. Housing occupancy and vacancy rates.
 - 10. Average household size by tenure.
 - 11. Bedroom by housing unit.
 - 12. Occupants per room.
 - 13. Mortgage status.

- B. Projection of Municipal Housing Stock
 - 1. Ten (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. Toms River Township veteran status.



3. Population by age.
 4. Population by disability characteristics.
 5. Estimated poverty status.
 6. Public assistance income or food stamps/snap.
 7. Financial characteristics of household income by tenure.
 8. Financial characteristics per capita income.
 9. Estimated housing costs as a percentage of household income.
 10. Estimated rent as a percentage of household income.
 11. Estimated monthly owner costs as a percentage of a household income.
 12. Group quarters population and type of group quarters.
- 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
- F. Conclusion
- G. Multigenerational Family Continuity Evaluation
- H. State Development and Redevelopment Plan Consistency

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

Year Built	Estimated Housing Units
Total	38,701
Owner occupied:	31,761
Built 2020 or later	382
Built 2010 to 2019	1,071
Built 2000 to 2009	2,063
Built 1990 to 1999	5,273
Built 1980 to 1989	4,774
Built 1970 to 1979	6,291
Built 1960 to 1969	5,540
Built 1950 to 1959	3,345
Built 1940 to 1949	2,453
Built 1939 or earlier	569
Renter occupied:	6,940
Built 2020 or later	0
Built 2010 to 2019	640
Built 2000 to 2009	1,055
Built 1990 to 1999	762
Built 1980 to 1989	664
Built 1970 to 1979	1,151
Built 1960 to 1969	1,711
Built 1950 to 1959	332
Built 1940 to 1949	436
Built 1939 or earlier	189

U.S. Census Bureau, U.S. Department of Commerce. (2023). Tenure by Year Structure Built. *American Community Survey, ACS 1-Year Estimates Detailed Tables, Table B25036*. Retrieved December 17, 2024, from [https://data.census.gov/table/ACSDT1Y2023.B25036?q=Toms River township, Ocean County, New Jersey b25036&g=160XX00US3473110](https://data.census.gov/table/ACSDT1Y2023.B25036?q=Toms%20River%20township,%20Ocean%20County,%20New%20Jersey%20b25036&g=160XX00US3473110).



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

Subject	Estimated Population
Total population in occupied housing units:	97,611
Owner occupied:	83,532
Moved in 2021 or later	9,745
Moved in 2018 to 2020	17,191
Moved in 2010 to 2017	21,565
Moved in 2000 to 2009	17,483
Moved in 1990 to 1999	7,880
Moved in 1989 or earlier	9,668
Renter occupied:	14,079
Moved in 2021 or later	6,808
Moved in 2018 to 2020	2,882
Moved in 2010 to 2017	3,413
Moved in 2000 to 2009	723
Moved in 1990 to 1999	253

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 1-Year Estimates Detailed Tables, Table B25026*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACS1Y2023.B25026?q=Toms River township, Ocean County, New Jersey b25026&g=160XX00US3473110>.

3. Estimated Housing Quality for Municipality:

Condition	Toms River Township	
	Units	Estimated Percentage
Lacking Complete Plumbing Facilities	0	0.0%
Lacking Complete Kitchen Facilities	103	0.3%
No Telephone Service Available	284	0.7%

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 1-Year Estimates Data Profiles, Table DP04*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSDP1Y2023.DP04?q=Toms River township, Ocean County, New Jersey dp04&g=160XX00US3473110>.



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	684
50,000 to 99,999	520
100,000 to 149,999	634
150,000 to 199,999	292
200,000 to 299,999	4,415
300,000 to 499,999	13,915
500,000 to 999,999	3,655
1,000,000 +	1,646

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 1-Year Estimates Data Profiles, Table DP04*. Retrieved December 17, 2024, from [https://data.census.gov/table/ACSDP1Y2023.DP04?q=toms river township ocean county new jersey dp04](https://data.census.gov/table/ACSDP1Y2023.DP04?q=toms+river+township+ocean+county+new+jersey+dp04).

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

****2023 ACS 1-year survey did not have this dataset available; As such, the ACS 5-year data was utilized****

Monthly Rent	Estimated Housing Units	Estimated Percentage
Lower than 500	289	4.5%
500 to 900	478	7.4%
1,000 to 1,499	1762	27.1%
1,500 to 1,999	2,082	32.1%
2,000 to 2,499	1,045	16.1%
2,500 to 2,999	386	5.9%
3,000 +	448	6.9%
Occupied Units Paying Rent	6,490	X
No Rent Paid	297	X
Median Gross Rent	\$1,672	

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 December 17, 2024, from <https://data.census.gov/table/ACSDP5Y2023.DP04?q=Toms+river+township+ocean+county+new+jersey+dp04>.



6. Selected Monthly Owner Costs:

	Estimated Housing Units	Estimated Percentage
Housing units with a mortgage	19,072	
Less than \$500	0	0.0%
\$500 to \$999	739	3.9%
\$1,000 to \$1,499	2,221	11.6%
\$1,500 to \$1,999	4,197	22.0%
\$2,000 to \$2,499	4,174	21.9%
\$2,500 to \$2,999	3,127	16.4%
\$3,000 or more	4,614	24.2%
Median (dollars)	\$2,285	
Housing units without a mortgage	12,689	
Less than \$250	668	5.3%
\$250 to \$399	609	4.8%
\$400 to \$599	889	7.0%
\$600 to \$799	2,895	22.8%
\$800 to \$999	2,669	21.0%
\$1,000 or more	4,959	39.1%
Median (dollars)	\$887	

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 1-Year Estimates Data Profiles, Table DP04*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSDP1Y2023.DP04?q=Toms River township, Ocean County, New Jersey dp04&g=160XX00US3473110>.

U.S. Census Bureau, U.S. Department of Commerce. (2023). Financial Characteristics. *American Community Survey, ACS 1-Year Estimates Subject Tables, Table S2503*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSST1Y2023.S2503?q=Toms River township, Ocean County, New Jersey s2503&g=160XX00US3473110>.

U.S. Census Bureau, U.S. Department of Commerce. (2023). Rent Asked. *American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B25061*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSDT5Y2023.B25061?q=Toms River township, Ocean County, New Jersey b25061&g=160XX00US3473110>.



7. Selected Monthly Owner Costs as a Percentage of Household Income (SMOCAPI):

	Estimated Housing Units
Housing units with a mortgage (excluding units where SMOCAPI cannot be computed)	18,948
Less than 20.0 percent	8,081
20.0 to 24.9 percent	3,020
25.0 to 29.9 percent	2,408
30.0 to 34.9 percent	1,378
35.0 percent or more	4,061
Not computed	124
Housing unit without a mortgage (excluding units where SMOCAPI cannot be computed)	12,595
Less than 10.0 percent	3,454
10.0 to 14.9 percent	2,744
15.0 to 19.9 percent	1,173
20.0 to 24.9 percent	1,001
25.0 to 29.9 percent	626
30.0 to 34.9 percent	1,161
35.0 percent or more	2,436
Not computed	94

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 1-Year Estimates Data Profiles, Table DP04*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSDP1Y2023.DP04?q=Toms River township, Ocean County, New Jersey dp04&g=160XX00US3473110>.

U.S. Census Bureau, U.S. Department of Commerce. (2023). Financial Characteristics. *American Community Survey, ACS 1-Year Estimates Subject Tables, Table S2503*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSST1Y2023.S2503?q=Toms River township, Ocean County, New Jersey s2503&g=160XX00US3473110>.

U.S. Census Bureau, U.S. Department of Commerce. (2023). Rent Asked. *American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B25061*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSDT5Y2023.B25061?q=Toms River township, Ocean County, New Jersey b25061&g=160XX00US3473110>.



8. Gross Rent as a Percentage of Household Income:

Occupied Units Paying Rent	Estimate Housing Units	Estimated Percentage
Less than 15.0 percent	522	7.9%
15.0 to 19.9 percent	815	12.3%
20.0 to 24.9 percent	1,545	23.3%
25.0 to 29.9 percent	720	10.9%
30.0 to 34.9 percent	596	9.0%
35.0 percent or more	2,423	36.6%
Not computed	319	X

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 1-Year Estimates Data Profiles, Table DP04*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSDP1Y2023.DP04?q=Toms River township, Ocean County, New Jersey dp04&g=160XX00US3473110>.

U.S. Census Bureau, U.S. Department of Commerce. (2023). Financial Characteristics. *American Community Survey, ACS 1-Year Estimates Subject Tables, Table S2503*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSST1Y2023.S2503?q=Toms River township, Ocean County, New Jersey s2503&g=160XX00US3473110>.

U.S. Census Bureau, U.S. Department of Commerce. (2023). Rent Asked. *American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B25061*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSDT5Y2023.B25061?q=Toms River township, Ocean County, New Jersey b25061&g=160XX00US3473110>.

9. Housing Occupancy and Vacancy Rates:

Housing Occupancy	Estimated Housing Units
Occupied housing units	38,701
Vacant housing units	9,456
Owner-occupied	31,761
Renter-occupied	6,940

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 1-Year Estimates Data Profiles, Table DP04*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSDP1Y2023.DP04?q=Toms River township, Ocean County, New Jersey dp04&g=160XX00US3473110>.



10. Average Household Size by Tenure:

	Estimated Household Size
Average household size of owner-occupied unit	2.63
Average household size of renter-occupied unit	2.03

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 1-Year Estimates Data Profiles, Table DP04*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSDP1Y2023.DP04?q=Toms River township, Ocean County, New Jersey dp04&g=160XX00US3473110>.

11. Bedrooms by Housing Unit:

Bedrooms	Estimated Housing Units
No bedroom	411
1 bedroom	4,974
2 bedrooms	14,003
3 bedrooms	14,768
4 bedrooms	10,450
5 or more bedrooms	3,551

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 1-Year Estimates Data Profiles, Table DP04*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSDP1Y2023.DP04?q=Toms River township, Ocean County, New Jersey dp04&g=160XX00US3473110>.

12. Occupants Per Room:

No data available from census website

13. Mortgage Status:

Mortgage Status	Estimated Housing Units	Estimated Percentage
Owner-occupied units	31,761	31,761
Housing units with a mortgage	19,072	60.0%
Housing units without a mortgage	12,689	40.0%

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 1-Year Estimates Data Profiles, Table DP04*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSDP1Y2023.DP04?q=Toms River township, Ocean County, New Jersey dp04&g=160XX00US3473110>.



B. Projection of Municipal Housing Stock:

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

Year	Housing Units Authorized by Building Permits
2023	138
2022	183
2021	422
2020	124
2019	353
2018	343
2017	376
2016	442
2015	684
2014	812
Total	3967
Average	396.7

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

The projection of Toms River Township housing stock is based on the historical ten (10) year mean of the housing units (396.7) authorized by building permits. The probable future construction of low- and moderate-income housing in Toms River Township is based on implementation of the Toms River Fair Share Plan.

C. Municipal Demographic Characteristics

1. Population Trends:

Toms River Township, Ocean County, New Jersey, NJTPA Forecast 2050	
2015 Population	91,190
2050 Forecast	111,843
Absolute Change	20,653
Annualized Percent Change	0.6%

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

According to NJTPA forecast, the township would increase its population from 91,190 residents to 111,843 (20,653 resident increase). The average household size in the township for owner occupied units is 2.63 and 2.03 for renter occupied units, therefore if the forecast were accurate, approximately 7,853 new dwellings would be needed to accommodate for the forecast growth.

Ocean County, New Jersey, NJTPA Forecast 2050	
2015 Population	583,450
2050 Forecast	727,653
Absolute Change	144,203
Annualized Percent Change	0.6%

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

2. Toms River Township Veteran Status:

	Estimated Population	Estimated Percentage
Civilian population 18 years and over	75,721	X
Civilian Veterans	4,624	6.1%

U.S. Census Bureau, U.S. Department of Commerce. (2023). Veteran Status. American Community Survey, ACS 1-Year Estimates Subject Tables, Table S2101. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSST1Y2023.S2101?q=Toms River township, Ocean County, New Jersey s2101&g=160XX00US3473110>.

3. Population by Age:

	Estimated Population
Total	99,090
Total Male	47,182
Total Female	51,908
Under 5 years	5,970
5 to 9 years	6,800
10 to 14 years	5,989
15 to 17 years	3,126
18 and 19 years	2,438
20 years	1,041
21 years	986
22 to 24 years	2,052
25 to 29 years	5,930
30 to 34 years	6,077
35 to 39 years	6,252
40 to 44 years	5,430
45 to 49 years	4,836
50 to 54 years	6,182
55 to 59 years	7,342
60 and 61 years	2,760
62 to 64 years	4,666
65 and 66 years	2,404
67 to 69 years	3,808
70 to 74 years	5,498
75 to 79 years	4,230
80 to 84 years	2,443
85 years and over	2,830

U.S. Census Bureau, U.S. Department of Commerce. (2023). Sex by Age. *American Community Survey, ACS 1-Year Estimates Detailed Tables, Table B01001*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSST1Y2023.B01001?q=Toms River township, Ocean County, New Jersey b01001&g=160XX00US3473110>.

U.S. Census Bureau, U.S. Department of Commerce. (2023). Median Age by Sex. *American Community Survey, ACS 1-Year Estimates Detailed Tables, Table B01002*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSST1Y2023.B01002?q=Toms River township, Ocean County, New Jersey b01002&g=160XX00US3473110>.

4. Population by Disability Characteristics:

	Total	Estimated Population with Disability	Estimated Percentage
Total civilian noninstitutionalized population	97,990	12,664	12.9%

U.S. Census Bureau, U.S. Department of Commerce. (2023). Disability Characteristics. *American Community Survey, ACS 1-Year Estimates Subject Tables, Table S1810*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSST1Y2023.S1810?q=Toms River township, Ocean County, New Jersey s1810&g=160XX00US3473110>.

5. Estimated Poverty Status:

	Estimated Total	Estimated Population Below Poverty Level	Estimated Percentage
Population for whom poverty status is determined	97,684	7,155	7.3%
Under 18 years	21,579	1,193	5.5%
18 to 64 years	55,447	3,883	7.0%
65 years and over	20,658	2,079	10.1%

U.S. Census Bureau, U.S. Department of Commerce. (2023). Poverty Status in the Past 12 Months. *American Community Survey, ACS 1-Year Estimates Subject Tables, Table S1701*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSST1Y2023.S1701?q=Toms River township, Ocean County, New Jersey s1701&g=160XX00US3473110>.

6. Public Assistance Income or Food Stamps/SNAP:

	Estimated Housing Units
Total	38,701
With cash public assistance or Food Stamps/SNAP	2,486
No cash public assistance or Food Stamps/SNAP	36,215

U.S. Census Bureau, U.S. Department of Commerce. (2023). Public Assistance Income or Food Stamps/SNAP in the Past 12 Months for Households. *American Community Survey, ACS 1-Year Estimates Detailed Tables, Table B19058*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACS1Y2023.B19058?q=Toms River township, Ocean County, New Jersey b19058&g=160XX00US3473110>.

7. 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	1.6%	1.5%	2.3%
\$5,000 to \$9,999	1.4%	1.6%	0.7%
\$10,000 to \$14,999	2.2%	1.8%	4.2%
\$15,000 to \$19,999	2.7%	2.9%	1.6%
\$20,000 to \$24,999	3.6%	2.7%	8.1%
\$25,000 to \$34,999	7.5%	8.2%	4.3%
\$35,000 to \$49,999	8.8%	7.3%	15.5%
\$50,000 to \$74,999	11.1%	10.1%	15.6%
\$75,000 to \$99,999	13.9%	12.9%	18.5%
\$100,000 to \$149,999	18.6%	18.9%	17.4%
\$150,000 or more	28.4%	32.0%	11.9%
Median household income (dollars)	\$92,602	\$101,901	\$66,624

U.S. Census Bureau, U.S. Department of Commerce. (2023). Financial Characteristics. *American Community Survey, ACS 1-Year Estimates Subject Tables, Table S2503*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACS1Y2023.S2503?q=toms river township ocean 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 1-Year Estimates Detailed Tables, Table B19301*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACS1Y2023.B19301?q=toms river township ocean county new jersey b19301>.

8. Financial Characteristics: Per Capita Income:

	Toms River Township	Ocean County	New Jersey
Estimated Per Capita Income	\$48,395	\$42,910	\$52,583

U.S. Census Bureau, U.S. Department of Commerce. (2023). Financial Characteristics. *American Community Survey, ACS 1-Year Estimates Subject Tables, Table S2503*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSST1Y2023.S2503?q=toms river township ocean 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 1-Year Estimates Detailed Tables, Table B19301*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSST1Y2023.B19301?q=toms river township ocean county new jersey b19301>.

9. Estimated Housing Costs as a Percentage of Household Income:

Household Income	Housing Cost as a Percentage of Household Income					
	<20%		20-29%		>30%	
	Owner Occupied	Renter Occupied	Owner Occupied	Renter Occupied	Owner Occupied	Renter Occupied
Less than \$20,000:	0	0	166	91	2,083	357
\$20,000 to \$34,999:	727	103	326	0	2,414	724
\$35,000 to \$49,999:	366	74	848	0	1,117	1,022
\$50,000 to \$74,999:	1,194	0	651	357	1,371	723
\$75,000 or more:	13,165	1,160	5,064	1,817	2,053	267
Sub Total	15,452	1,337	7,055	2,265	9,038	3,093
Totals	16,789		9,320		12,131	
Owner Zero or Negative Income	218					
Renter Zero or Negative Income	158					
No Cash Rent	161					
Total Owner-Occupied Units	31,545					
Total Renter-Occupied Units	6,695					

U.S. Census Bureau, U.S. Department of Commerce. (2023). Tenure by Housing Costs as a Percentage of Household Income in the Past 12 Months. *American Community Survey, ACS 1-Year Estimates Detailed Tables, Table B25106*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSDT1Y2023.B25106?q=toms river township ocean county new jersey b25106>.

10. Estimated Gross Rent as a Percentage of Household Income:

Occupied units paying rent (excluding units where GRAPI cannot be computed)	Estimated Percentage
Less than 15.0 percent	7.9%
15.0 to 19.9 percent	12.3%
20.0 to 24.9 percent	23.3%
25.0 to 29.9 percent	10.9%
30.0 to 34.9 percent	9.0%
35.0 percent or more	36.6%
Median Gross Rent \$	\$1,723

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 1-Year Estimates Data Profiles, Table DP04*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSDP1Y2023.DP04?q=toms river township ocean county new jersey dp04>.

11. Estimated Monthly Owner Costs as a Percentage of Household Income:

Housing units with a mortgage (excluding units where SMOCAPI cannot be computed)	Estimated Percentage
Less than 20.0 percent	42.6%
20.0 to 24.9 percent	15.9%
25.0 to 29.9 percent	12.7%
30.0 to 34.9 percent	7.3%
35.0 percent or more	21.4%
Select Monthly Housing Costs with Mortgage Median	\$2,285

U.S. Census Bureau, U.S. Department of Commerce. (2023). Selected Housing Characteristics. *American Community Survey, ACS 1-Year Estimates Data Profiles, Table DP04*. Retrieved December 17, 2024, from <https://data.census.gov/table/ACSDP1Y2023.DP04?q=toms river township ocean county new jersey dp04>.

12. Group Quarters Population & Type of Group Quarters:

	Estimated Population
Total:	1,720
Institutionalized population:	1,368
Correctional facilities for adults	206
Juvenile facilities	1
Nursing facilities/Skilled-nursing facilities	1,056
Other institutional facilities	105
Noninstitutionalized population:	352
College/University student housing	0
Military quarters	0
Other noninstitutional facilities	352

U.S. Census Bureau. (2020). GROUP QUARTERS POPULATION BY MAJOR GROUP QUARTERS TYPE. *Decennial Census, DEC Redistricting Data (PL 94-171), Table P5*. Retrieved December 17, 2024, from [https://data.census.gov/table/DECENNIALPL2020.P5?q=toms river township ocean county new jersey p5](https://data.census.gov/table/DECENNIALPL2020.P5?q=toms%20river%20township%20ocean%20county%20new%20jersey%20p5).

D. Municipal Employment:

1. Municipal Employment and Forecasts:

Year	Estimated Employment
2015 Employment	43,773
2020 Employment	44,655
2025 Employment	45,556
2030 Employment	46,474
2035 Employment	47,411
2040 Employment	48,367
2045 Employment	49,342
2050 Employment	50,327
Annualized % Change 2015-2050	0.40%

<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	46,780	22,407.62	6,455.64	9,543.12	4,116.64	4,256.98
Agriculture, forestry, fishing and hunting, and mining	69	0	0	0	69	0
Construction	3,581	723.362	0	46.553	2,635.616	175.469
Manufacturing	3,477	1,721.115	0	222.528	601.521	931.836
Wholesale trade	883	416.78	0.00	422.96	0.00	43.27
Retail trade	4,922	654.626	369.15	2,761.242	98.44	1,048.386
Transportation and warehousing, and utilities	2,126	242.364	184.962	635.674	157.324	905.676
Information	1,695	1,515.33	0	179.67	0	0
Finance and insurance, and real estate and rental and leasing	3,409	1,663.592	0	1,384.054	54.544	306.81
Professional, scientific, and management, and administrative and waste management services	4,552	2,480.84	628.176	896.744	295.88	245.808
Educational services, health care and social assistance	13,234	9,912.266	952.848	2,130.674	79.404	158.808
Arts, entertainment, recreation, and accommodation and food services	4,314	1,643.634	2,277.792	176.874	0	215.7
Other services, except public administration	1,997	369.445	910.632	335.496	147.778	235.646
Public administration	2,521	1,043.694	1,126.887	350.419	0	0
Total	46,780	22,387.044	6,450.447	9,542.885	4,139.507	4,267.406

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 1-Year Estimates Subject Tables, Table S2405. Retrieved December 17, 2024, from [https://data.census.gov/table/ACSST1Y2023.S2405?q=toms river township ocean county new jersey s2405](https://data.census.gov/table/ACSST1Y2023.S2405?q=toms%20river%20township%20ocean%20county%20new%20jersey%20s2405).

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.

As one of the most populated towns in the entire state (100,505, 8th), Toms River has a minimal amount of developable land. As part of its fourth round efforts, the Township conducted a land capacity analysis to determine how much land in the Township could be developed. This analysis (located in Appendix A of the report) confirmed that there is a small percentage of developable land in the region. The Township has focused its affordable housing efforts on extending expiring controls, and focusing development on vacant, underutilized and dilapidated sites.

**Proposed Inclusionary Development
2008 Route 37 Associates, LLC, Toms River Township, New Jersey
Block 796, Lot 3**

The Township received a proposal to develop an inclusionary development in the Township with an approximate sixteen percent (16%) affordable housing set-aside at property known as Block 796, Lot 3 on the Township’s official tax map, more commonly known as 2008 Route 37. The Township is vested with exclusive authority and responsibility to develop a Housing Element and Fair Share Plan to fulfill its affordable housing obligation. The amendments to the *New Jersey Fair Housing Act*, P.L.1985, c.222 (C:52:27D-301, et al.) enacted pursuant to P.L.2024, c.2 confers upon the Township the mandate to solely determine the most appropriate mechanisms for compliance. Pursuant to N.J.S.A. 52:27D-304.1(f), a municipality’s adopted Housing Element and Fair Share Plan is not subject to challenge based upon any claim that a site on real property proposed by an alleged interested party provides a better compliance mechanism than the mechanisms selected by a municipality. The Township does not concede that the referenced proposal constitutes a “commitment” within the meaning of P.L.2024, c.2. Nonetheless, the Township notes the proposal for informational purposes. The Township has set forth sufficient mechanisms to satisfy its fair share obligations for the Fourth Round, and the Township has elected not to utilize the proposed project as a compliance mechanism.



9. Median Age: 42.6.
10. Residents with a disability: 12,664 / 12.9%.
11. Residents below the poverty level: 7,155 / 7.2%.
12. Residents with veteran status: 4,624 / 6.1%.
13. Households with public assistance or food stamps / SNAP: 6.9%.
14. Median housing income renter occupied: \$66,624 Owner occupied: \$101,901.
15. Toms River per capita income: \$48,395
Ocean County per capita income: \$42,910
New Jersey per capita income: \$52,583
16. 54.4% of Toms River rental housing costs are less than thirty percent (30%) of the household income.

G. Multigenerational Family Continuity Evaluation

P.L. 2024, c.2 amended various aspects of the Fair Housing Act. These amendments modified the mandatory components of a municipality's housing element. N.J.S.A. 52:27D-310g. has been added, which states "An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L. 2021, c. 273 (C.52:27D-329.20)".

P.L. 2021, c.273 took effect on November 8, 2021. The law established the Multigenerational Family Housing Continuity Commission, which consists of a body of nine members. The duties of the Commission include the preparation and adoption of recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas. The Law requires the Commission to report annually to the Governor on its activities, findings, and recommendations, if any, for State and local government. The Department of Community Affairs ("DCA") is required to provide staff services as may be needed for the



Commission to carry out its responsibilities, including assembly of necessary information and statistics, and preparation of draft reports, analyses, and recommendations.

The State of New Jersey's website was reviewed on June 3, 2025. A search of the website revealed no webpage for the Multigenerational Family Housing Continuity Commission. As DCA is required to provide staff and research for the Commission, DCA's website was reviewed on June 3, 2025. DCA's website is silent regarding the Commission, its annual required reports, studies, and/or recommendations. Without recommendations from the Commission, Toms River is unable to conduct an analysis of its ordinances and other local factors. Despite the absence of recommendations, it should be noted that there is nothing in Toms River's zoning ordinance that prohibits senior citizens from residing at the home of their extended families.

H. State Development and Redevelopment Plan Consistency

P.L. 2024, c.2 amended the Fair Housing Act to include a new requirement for housing elements. N.J.S.A. 52:27D-310i. reads "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."

The Draft State Development and Redevelopment Plan was approved by the State Planning Commission ("SPC") on December 4, 2024 and was released on December 6, 2024. The Office of Planning Advocacy ("OPA") conducted public hearings in each of New Jersey's 21 Counties between February 12, 2025 and April 16, 2025. Municipalities are tasked with completing Cross-Acceptance Response Template forms to determine a municipality's consistency with the Draft State Plan. The OPA anticipates collecting all Cross-Acceptance Response Template forms in the Summer of 2025. During this time, the OPA is accepting comments on the Draft Plan. The OPA anticipates releasing a Final Draft Plan and holding six additional public hearings in the Summer/Fall of 2025. The expected adoption of the Final Plan by the SPC is anticipated to be in the Winter of 2025.

As the document is draft, the Township cannot opine on consistency until the final version is adopted. Toms River has not received guidance concerning water or wastewater from the State Planning Commission. Furthermore, Toms River has reviewed the draft Plan and has submitted comments to Ocean County regarding the draft plan that if accepted, would potentially modify the goals and policies.



FAIR SHARE PLAN

TOMS RIVER OBLIGATION

On March 20, 2024, Governor Murphy signed P.L.2024, c.2, which enacted amendments to the Fair Housing Act (“Amended FHA”). Applying the standards in the Amended FHA, the New Jersey Department of Community Affairs (DCA) issued a report, dated October 18, 2024, setting forth nonbinding obligations for every municipality in the State. For Toms River, the DCA estimated that the Township had a Present Need (Rehabilitation) of 526 and a Round 4 Prospective Need of 670. Pursuant to the amended procedures enacted by P.L.2024, c.2, the Township elected to participate in the mediation forum provided by the Affordable Housing Dispute Resolution Program (the “Program”). The Township remains an active participant in the Program and, thus, received and continues to receive temporary immunity from builder remedy lawsuits and declaratory judgment actions.

On May 9, 2025, the Court entered an Order setting the Township’s fair share obligation for the Fourth Round affordable housing cycle as follows:

- **Present need obligation:** 526 affordable units; and
- **Prospective need obligation:** 649 affordable units.

Toms River Township, per the FHA, is located in **Region 4**. This region includes Mercer, Monmouth, and Ocean Counties.

PRESENT NEED (REHAB OBLIGATION)

The rehabilitation obligation can be defined in the Affordable Housing Law as the number of substandard existing deficient housing units currently occupied by low and moderate-income (LMI) households. The DCA estimated through their “Fourth Round Calculation Methodology & Workbook” that the Township has a Present Need (Rehab) Obligation of 526 units.

Toms River has a partnership with Northern Ocean Habitat for Humanity to run the Town’s CDBG rehab program. This program will help the Township satisfy its rehab obligation.



PRIOR ROUND

The Township has fully satisfied its prior round obligation. The resulting proposed prior round compliance plan is summarized in the table below:

Toms River Township Prior Round Obligation = 1,735					
Mechanism	Units	Bonus	Total	Difference	Notes
Prior Cycle Credits					
Credits without controls	176		176		
Highland Plaza (seniors)	110		110		
Winteringham Village	182		182	-1	Super unit removed. One bedroom removed.
Alternative Living	21		21	-1	Narrative 21, plan chart 22, loss of one unit
Regional Contribution Agreement					
Lakewood Township	72		72		
100% Affordable Family For-Sale					
Habitat for Humanity	1		1		
103 Walnut Street	12		12		
100% Affordable Rentals					
Alternative Living	42	33	75		COAH previous approved
Alternative Living	30	10	40	-27	Doc 30 bedrooms, 10 without 30-year controls
Hope's Crossing	125	125	250		
Toms River Crescent	119	119	238	-2	Super's unit/bedroom removed
Presbyterian Homes (Seniors)	84		84	-1	Super's unit removed. Bedroom removed.
Inclusionary Family For-Sale					
Autumn Ridge	10		10	+1	Moved from Third Round



Toms River Housing Element & Fair Share Plan

June 6, 2025

Toms River Township Prior Round Obligation = 1,735					
Mechanism	Units	Bonus	Total	Difference	Notes
North Pointe Hollow	89		89		
Walnut Grove	3		3		
Woods at Mass. Avenue	14		14		
Inclusionary Rentals					
Dover Chase	22	22	44		
Walnut Hollow	6	6	12		
Leone	2	2	4		
Fairways at Bey Lea	106	63	169	-3	Only 63 w/ 30-yr ctrls
Kaplan/Camelot (22 of 26)	22	10; cap	32	+32	Moved from Third Round
Villages at Bey Lea (srs)	48		48		
Assisted Living (Seniors)					
Brentwood	12		12		
Magnolia Gardens	12		12		
Residence at Toms River	14		14		
Brandywine	11		11		
TOTALS	1,345	390	1,735	-2	Township meets 1,735 obligation

THIRD ROUND

The Township received a Final Third Round Judgement of Repose in May of 2017. This Agreement provides that the Township’s Third Round Prospective Need Obligation is 1,285 units. The breakdown of how these units have been developed and credited is on the table below. The Township has also revised and adopted an updated Third Round Spending Plan.

Toms River Township Third Round Obligation = 1,285					
Mechanism	Units	Bonus	Total	Difference	Notes
Extensions of Controls					
Winteringham Village	182		182		Family Rentals
Highland Plaza (seniors)	110		110		Senior Rentals
North Pointe Hollow	68		68	+49	Family Sale
Woods at Massachusetts Avenue	2		2		Family Sale
100% Affordable Rentals					
Project Freedom	71	71	142		
Meadow Green (seniors)	79		79		
TR Senior Apartments (seniors)	101		101		

Toms River Housing Element & Fair Share Plan

June 6, 2025

Toms River Township Third Round Obligation = 1,285					
Mechanism	Units	Bonus	Total	Difference	Notes
Michaels	49	49	98		Built
TAS/Krupnick (60 units)	0		0		FSHC agree req plan incl, no third round credit
Inclusionary Family For Sale					
Autumn Ridge (0 of 10)	0		0	-2	All to prior round
Inclusionary Rentals					
Dover Summit	35	35	70		
Grabrielle Run	70	69; cap	139		
Colfax Street	2	2	4		
Autumn Ridge	5	5	10		
Lotano	11	11	22		
Nobility Crest	50	50	100		
Kaplan/Camelot (4 of 26)	4		4	-22	Built
Dover Shopping Center	30	30	60		Approved
1606 Lakewood	29		29		Built
Legion Court	4		4		Approved
JSM Route 166	27		27		Zoned
K. Hovnanian Bimini Dr.	28		28		Zoned
Residence Club at Cox Crow Crossing	9		9	+9	Not in adopted HEFSP, built
Redevelopment					
Water Street Redevelopment, Phase 1	0		0	-66	Tenure not specified
Hooper-Caudina	10		10	+10	Not in adopted HEFSP
TOTALS	976	322	1,298	-22	
Third Round Shortfall			+13		= 1,298 – 1,285

Maximum Rental Bonuses: $0.25 (1,285) = 322$, round up; 322 requested

Maximum Seniors: $0.25 (1,285) = 321$, round down; 290 provided

Third Round 1000-Unit Cap

As set forth in its motion papers pending under its third round Declaratory Judgment action Docket No. OCN-L-2867-15, the Township determined after extensive analysis that it is eligible to cap its third-round prospective need obligation at 1,000 units pursuant to N.J.S.A. 52:27D-307(e). See discussion above at Page 3-5. The Township will use the resulting surplus to assist meet its fourth-round obligation.

As part of this analysis, the Toms River Building Department aggregated all Certificate of Occupancy permits issued between December 7, 2005, and December 18, 2025. A GIS mapping analysis was performed to remove all non-residential permits (commercial Certificate of Occupancies). All residential COs issued after October 29, 2012 were mapped to determine the location of post-Hurricane Sandy Certificate of Occupancy permits. Any permit issued for a property on the barrier island or the mainland east of Hooper Avenue located between the border of Brick Township and intersection of Fischer Boulevard, east of Fischer Boulevard (both sides of the street), south of Route 37, and east of Island Heights, and south of Washington and Whittier Streets and west of Island Heights was considered a Hurricane Sandy recovery Certificate of Occupancy permit. Said Certificate of Occupancy permits were issued for repairs required to make the dwelling units habitable or for reconstruction/ house elevation projects to comply with new flood insurance requirements. These permits would not have been issued had the storm recovery process not occurred.

Certificate of Occupancy permits issued for non-sandy properties after October 29, 2012 were added to residential certificate of occupancy permits issued between December 8, 2005, and October 29, 2012. The total non-sandy residential certificate of occupancy permits issued was 4,052 over the ten (10) years. The Township is eligible for the Third Round 1,000 unit cap.

FOURTH ROUND

As part of its Fourth Round efforts, the Township is incorporating Prior Round and Third Round documentation included in its 2022 draft updated Third Round HEFSP, as well as additional information requested in the January 14, 2025 Special Adjudicator Memorandum and secured by the Township, and has included in the appendices the crediting documents provided to the Special Adjudicator and FSHC since entry of the Township's 2017 Conditional JOR. The following is a summary of those conditions outlined in the January 14, 2025 Special Adjudicator Third Round Status Memorandum (the "Status Memorandum") requiring further attention, as indicated by the Special Adjudicator's use of *italicized* text in the Status Memorandum. As the remaining materials are secured by the Township, the Township shall provide them.

Conditions 1-4: The Township has entered into an agreement with Habitat for Humanity of Northern Ocean County for administration of its local CDBG rehabilitation program and has provided the executed agreement (appendix I) and an updated operating manual. *The operating manual must have the dates on the cover updated and must be included as an appendix to the Township's Fourth Round HEFSP.*

The Township has updated the manual, which is included at Appendix G.

Condition 5: Submit crediting documentation for units addressing the Prior Round obligation.





- **Alternative Living Arrangements:**

The Township has updated the information on post-1986 facilities and included details on each of the alternative-living facilities it has claimed. Surveys and information are included in Appendix AA.

- **North Pointe Hollow (Block 37, Lot 1):**

Piazza & Associates, Incorporated, the Township’s Administrative Agent, has determined that fifty (50) units at North Pointe Hollow are currently eligible for deed restriction extension, subject to resident interest. See Appendix J. On April 14, 2025, the Township hosted an information session with North Pointe residents regarding the proposed extension project. On the same date, the Township submitted a proposed form of Deed Restriction to the Third Round Declaratory Judgment Special Adjudicator (the “Special Adjudicator”) and to the Interested Party, Fair Share Housing Center (“FSHC”). A copy of said Deed Restriction is attached hereto in Appendix J. Following that submission, the Township conferred with the Special Adjudicator and FSHC on multiple occasions concerning the required form of deed extension documentation. A mutually agreed-upon plan of action was established, and the Township is now conducting the required appraisals to determine appropriate recapture amounts for inclusion in the proposed mortgage documentation to be provided to residents.

- **AS Developers/Walnut Grove (Block 591, Lot 7.09):**

The Township has enclosed in Appendix K, an updated unit census setting forth income-bedroom distributions, as well as copies of the development’s original COs.

	Low-Income	Moderate-Income	Total
1-bedroom	1	1	2
2-bedroom	0	1	1
Total	1	2	3

- **Woods at Massachusetts (Block 166, Lot 1):**

The Township is actively working with the Special Programs office of the Single Family Division of the NJ Housing and Mortgage Finance Agency to facilitate the extension of deed restrictions on eligible units. Documentation will be provided to the Special Adjudicator and FSHC when secured. The Township has provided all crediting documentation, which was previously furnished, in Appendix L.

- **Habitat for Humanity (Block 626, Lot 13):**

Pursuant to the Status Memorandum, the Township has set forth in its low-mod split analysis for the Prior Round that the one family for-sale unit is a very low-income unit.

- **Dover Chase (Block 164, Lot 3):**

Pursuant to the Status Memorandum, the Township provided a draft deed restriction to the Special Adjudicator and FSHC in March 2025. The Township filed litigation against the Dover Chase developer on April 23, 2025, and, on May 30, 2025, secured execution of the attached electronic copy of the Deed Restriction contained in Appendix M, which shall be recorded upon receipt of an original copy by the Township. A copy of the recorded documentation will be provided to the Special Adjudicator and FSHC upon receipt. Pursuant to the Status Memorandum, the Township sets forth the below income-bedroom distribution chart for the Third Round based upon information provided by Piazza and Associates, LLC.

	Low-Income	Moderate-Income	Total	% of Total
1-bedroom	2	2	4	18.2%
2-bedroom	5	5	10	45.4%
3-bedroom	4	4	8	36.4%
Total	11	11	22	
% of Total	50%	50%		

- **Walnut Cove/103 Walnut Street (Block 609.02, Lot 8):**

Pursuant to the Status Memorandum, the Township has enclosed in the Appendix a breakdown furnished by HAS of the NJ Housing and Mortgage Finance Agency of the development's units showing the income distribution of the units. The Township is actively working with the Special Programs office of the Single Family Division of the NJ Housing and Mortgage Finance Agency to obtain all credit documentation for the existing units, which will be provided to the Special Adjudicator and FSHC upon receipt.

- **Hope's Crossing (Block 135.01, Lot 4):**

Pursuant to the Status Memorandum, the Township has enclosed in Appendix O a unit census setting forth the units, as well as their bedroom count and affordability level.

- **Fairways at Bey Lea (Block 571, Lot 89) Alternative Living Arrangements:**

The Township has facilitated communications and meetings in February 2025 and spring of 2025 between the development's owner, Fairways at Bey Lea, LLC, and the Township's administrative agent, Piazza and Associates, Inc., in order to craft an agreement that will allow the Owners to serve in the capacity of Administrative Agent, with P&A to provide oversight so to ensure that the affordable units are both marketed and rented in accordance with applicable regulations. A copy of the current proposal presented by Piazza & Associates, Incorporated is included in Appendix P. The agreement will be provided to the Special Adjudicator and FSHC when secured.

- **Walnut Hollow (Block 609, Lot 1):**

The Township is actively pursuing the original recorded deed restriction from the Developer and acknowledgment as to the bedroom count and affordability levels of each unit. The documentation will be provided to the Special Adjudicator and FSHC when secured.

- **Leone (Block 658.01, Lots 32 and 33):**

Pursuant to the Status Memorandum, the Township has secured the required developer executed Deed Restriction dated March 17, 2025, providing for a control period of at least thirty (30) years for the units. The Deed Restriction sets forth the bedroom and income distribution. Recording is being sought by the Township and a recorded copy of the Deed Restriction will be provided to the Special Adjudicator and FSHC when secured. Pursuant to the Status Memorandum, a copy of the Deed Restriction and Certificate of Occupancy are attached in Appendix Q. The Township has communicated with the development's owner, TR 2019, LLC, and the Township's administrative agent, Piazza and Associates, Inc., in order to facilitate the negotiation of an agreement to provide affirmative marketing and secure an experienced/qualified administrative agent for the development. The documentation will be provided to the Special Adjudicator and FSHC when secured.

- **Toms River Crescent (Block 230, Lot 2):**

Pursuant to the Status Memorandum, the Township provides below the development's income-bedroom distribution. Further, in Appendix R, the Township provides the requested documentation detailed in the Status Memorandum.



	Very Low-Income	Low-Income	Moderate-Income	Total	% of Total
1-bedroom					
2-bedroom	6	77		83	69.7%
3-bedroom	6	30		36	30.3%
Total	12	107		119	
% of Total	10.1%	89.9%			

The Township has included the updated unit count/rental bonuses and income-bedroom distribution information for these units, and in an appendix to the Fourth Round HEFSP the Township included all the documentation listed above.

Condition 6: Address discrepancies in the Third Round compliance plan summary table in the HEFSP and indicate which developments generate rental bonuses to be applied to the Third Round obligation.

Satisfied: The Township’s updated draft HEFSP addressed the discrepancies, including changing the maximum permitted Third Round rental bonuses from 321 to 322, and accurately reflecting which sites were eligible and would be generating the rental bonuses.

Condition 7: Provide sufficient documentation to confirm that all units being claimed for Third Round credit are eligible.

- **Hyers Street/Legion Court (Block 659, Lot 1):**

Appendix S, has provided the developer’s agreement.

- **Eagle’s Crest/Michaels/Gateway 70 (Block 145.01, Lot 1.02):**

	Very Low-Income	Low-Income	Moderate-Income	Total	% of Total
1-bedroom	1	4	4	9	18.3%
2-bedroom	3	14	13	30	61.2%
3-bedroom	1	5	4	10	20.4%
Total	5	23	21	49	
% of Total	10.2%	46.9%	42.9%		

The Township has provided Form 10 in the Appendix T.

- **Autumn Ridge/Homes for All (Block 172, Lot 11.01):**

The Township has set forth in the HEFSP which units are being claimed for credit in the Prior Round and Third Round, respectively, with all additional documentation noted in the Status Memorandum provided to the Special Adjudicator to date.

- **Nobility Crest/Riverwood Chase/Willows at Toms River (Block 166, Lot 15.02):**

The Township’s amended Third Round spending plan has acknowledged the Nobility Crest payment in lieu.

- **Dover Summit/Green Meadows at Pleasant Plains (Block 410.01, Lots 21, 28, 29, 33.01, and 42, now known as Green Meadows at Pleasant Plains):**

The Township has provided a unit census from Piazza showing the following income-bedroom distribution:

	Very Low-Income	Low-Income	Moderate-Income	Total	% of Total
1-bedroom	2	2	3	7	20.0%
2-bedroom	2	9	10	21	60.0%
3-bedroom	1	3	3	7	20.0%
Total	5	14	16	35	
% of Total	14.3%	40.0%	45.7%		

The previously furnished crediting documentation has been included in Appendix V to the Township’s Fourth Round HEFSP. The Township has secured a recorded affordable housing deed restriction, which is attached in Appendix V.

- **Meadow Green Apartments (Block 164, Lot 2):**

The Township has provided the current unit census (appendix BB) from Richmond showing the number of bedrooms and affordability level of each unit and confirmation of the percentage of units that will be affordable to low and very low income households.

- **Camelot at Toms River/Kaplan/Seacourt Pavilion (Block 608, Lot 2.01):**

The Township provided a deed restriction for the twenty-six (26) affordable units, recorded June 19, 2023, that required controls to remain in place for at least thirty (30) years, and shows the following income-bedroom distribution:



	Very Low-Income	Low-Income	Moderate-Income	Total	% of Total
1-bedroom	2	1	2	5	19.2%
2-bedroom	1	7	7	15	57.7%
3-bedroom	1	2	3	6	23.1%
Total	4	10	12	26	
% of Total	15.4%	38.5%	46.1%		

This deed restriction is located in the Supplemental Appendix.

- **Dover Shopping Center Associates, LLC (Block 410, Lot 25):**

The Township previously provided documentation of the rezoning, executed affordable housing agreement, dated November 14, 2019, and a draft UHAC-compliant deed restriction. Following receipt of amended site plan approval in June 2024, the developer, now Promenade Toms River LLC, acknowledged in March 2025 that it would maintain a twenty (20%) percent affordable set-aside and agreed to submit a revised deed restriction for Township review within thirty (30) days of anticipated site plan approval. Promenade further committed to recording the deed restriction in advance of construction permits. The documentation will be provided to the Special Adjudicator and FSHC upon receipt. A copy of developer's representations is enclosed in Appendix W.

- **1580 and 1606 Lakewood/Geffner (Block 364, Lots 24, 26.01 and 65.01):**

The Township has secured a recorded affordable housing deed restriction, which is attached in Appendix X.

- **Hovnanian Bimini Drive (Block 506.01, Lots 1.01 – 1.07):**

The Township has included the full site suitability analysis in Appendix D.

- **Downtown Waterfront Redevelopment (all of the Blocks 566.01, 566.03, 566.04, 566, 567, 569, 570, 658.01, and Block 658, Lots 25, 47, 48 and 58):**

Pending resolution of the litigation and given that the redevelopment plan pursuant to which the development was approved has now been repealed, we have eliminated any credits from this redevelopment project from the compliance tables.

- **JSM/Gabrielle Run (Block 164, Lot 7):**

The Township is securing an amendment to the existing Affordable Housing Agreement with the project developer in order to reflect the total project yield, updated income and bedroom distributions, and a form of deed restriction. Pursuant to the Status Memorandum, the Township will ensure that deed restrictions for future units as they are completed also include the required language. The Township has included the project's original Affordable Housing Agreement and Affordable Housing Administrative Agent certification documentation within the appendices and will provide the Amended Affordable Housing Agreement and agreement re. Piazza and Associates' supervision of developer's self-administration when secured.

- **JSM – Route 166 (Block 404, Lot 79):**

The Township has included the full size suitability analysis (Appendix D).

- **Residence Club at Cox Cro Crossing (Block 166, Lots 6, 7, 8, and 15.03):**

The Township has secured a recorded affordable housing deed restriction, which is attached in Appendix Y. It enumerates the units by address, bedroom count and affordability level, and notes the date of first occupancy.

- **Hooper-Caudina Redevelopment Area (Blocks 592, 594, 595, 596, 597, 605, 606.01, 606.02, 607 and paper streets of Reggio, Nocera, Sarno, Cipriano, Castlebuono and Salerno Avenues)**

The Township has provided the updated adopted redevelopment plan (Appendix Z) and full site suitability information (Appendix D).

Condition 8: Provide a full site suitability analysis for all unbuilt sites being claimed for affordable housing credit.

Condition 9: Correct the discrepancy in set-aside between the HEFSP and the zoning ordinances for the Dover Shopping Center and Hovnanian Enterprises sites.

Satisfied. The Township has provided letters from the Toms River Municipal Utilities Authority confirming sewer and water capacity. They are located in Appendix D.



Condition 10: Revise the HEFSP to reflect a Prior Round rental requirement of 390 units.

The Township has revised the minimum rental housing calculation to reflect a requirement of 390 units.

Condition 11: Revise the calculation of the Prior Round age-restricted cap in the HEFSP to reflect a maximum of 371 units.

The Township's Fourth Round HEFSP, the Prior Round calculation of maximum permitted age-restricted units must subtract only the 175 Prior Cycle credits that are credits without controls.

Condition 12: Submit sufficient crediting documentation to confirm the exact number of affordable housing units subject to the thirteen percent (13%) very low income requirement and the eligibility of the listed units to satisfy the requirement.

The Township has revised this information to include any alternative-living facilities that first went into service after 2008 and any other crediting changes.

Condition 13: Provide a map of all sites in the Fair Share Plan.

The Township has provided a map of all sites in Appendix C.

Condition 14: Revise the Affordable Housing Ordinance to include provisions related to very low-income requirements and ten (10) year affordability controls for owner-occupied housing units rehabilitated through the local rehabilitation program.

Satisfied.

Condition 15: Provide sufficient documentation to confirm that the income distribution of affordable units addressing the fair share obligation will address the requirement that at least fifty percent (50%) of all units must be affordable to low and very low-income households.

The Township has revised this table based on the final revised compliance plan and has added in the Prior Round assisted living and alternative living facilities units.

Condition 16: Provide sufficient documentation to confirm that the bedroom distribution of affordable housing units addressing the Township's fair share obligation will comply with UHAC requirements.



Partially satisfied. The Township must verify these calculations and if they are correct, in its Fourth Round HEFSP the Township must discuss the discrepancies in the narrative for each round, must note that when both rounds are analyzed together the Township is in compliance, and must provide a combined summary chart demonstrating such compliance.

Condition 17: Submit an updated Affirmative Marketing Plan reflecting the addition of the community and regional organizations listed in the Settlement Agreement. Submit an adopted resolution appointing an existing employee as the Township’s municipal housing liaison.

The Township has included in Appendix E an updated Affirmative Marketing Plan.

Condition 18: Update the Spending Plan to include projected revenues and expenditures through the end of the Third Round, or through December 31, 2025.

The Township has adopted an updated Third Round Spending Plan.

Condition 19: Provide the adopted resolution of intent to bond.

Satisfied.

Application of 1,000 Unit Cap

The Township has determined that it is eligible to seek a 1000-unit cap on its Third Round prospective need obligation pursuant to N.J.S.A. 52:27D-307(e). Thus, on May 21, 2025, the Township filed a Motion for a Declaratory Judgment with the Superior Court under the DJ Action, Docket No. OCN-L-1867-15 for an order recognizing said cap. Accordingly, the Township will use the 285-unit surplus to assist in meeting its Fourth Round Obligation.



Toms River Housing Element & Fair Share Plan

June 6, 2025

Toms River Township Third Round Obligation = 1,000					
Mechanism	Units	Bonus	Total	Diff	Notes
Extension of Controls					
Winteringham Village	182		182		Family Rentals
Highland Plaza (seniors)	110		110		Senior Rentals
North Pointe Hollow	68		68		Family Sale
Woods at Massachusetts Ave.	2		2		Family Sale
100% Affordable Rentals					
Project Freedom	71	71	142		Special Needs
					Senior CAP restricted to 39 credits, 43 units are actually constructed as part of 3rd round and 36 moved to fourth round
Meadow Green (seniors)	39		39	-40	
TR Senior Apartments (seniors)	101		101		
Michaels	49	49	98		Built
TAS/Kupnick (60 units)	0		0		Agree req. plan incl, no Third Rd credit
Inclusionary Family for Sale					
Autumn Ridge (0 of 10)	0		0	-2	All to prior round
Inclusionary Rentals					
Dover Summit	35	35	70		
Colfax Street	2	2	4		
Autumn Ridge	5	5	10		
Lotano	11	11	22		
Nobility Crest	50	50	100		
					Under construction, 22 units to prior round, 4 units to fourth round
Kaplan/Camelot (4 of 26)	0		0	-4	
Dover Shopping Center	30	27	57		Under construction
					construction complete, 4 units moved to fourth round
Legion Court	0		0	-4	
Residence Club at Cox Cro Crossing	0		0	-9	Construction complete, moved to fourth round
Total	755	250	1005		

max bonus credit = .25*1000=250, requesting 250, met
 max senior =.25*1000 = 250, proposed senior = 250, complies
 505 family units, more than 50% of total units

Bedroom Count Distribution Summary Tables for Prior Rounds**First and Second Rounds**

PRIOR ROUND BREAKDOWN OF UNIT TYPE & INCOME BY PROJECT				Family Units		
Project	Total Affordable Units	Mod Units	Low Units (including very low)	1BR	2BR	3BR
Highland Plaza	110	0	110	110	0	0
TR Crescent	120	60	60	0	84	36
Dover Chase	22	11	11	4	10	8
Winteringham Village	182	0	183	60	59	63
North Pointe Hollow	89	44	45	44	32	13
AS Developers/Walnut Grove	3	1	2	2	1	0
Woods At Massachusetts	14	7	7	0	12	2
Habitat for Humanity	1	1	0	0	1	0
103 Walnut Street	12	6	6	0	0	12
Hope's Crossing	125	62	63	12	60	53
Fairways at Bey Lea	106	53	53	21	63	22
Walnut Hollow/Caucino	6	3	3	0	6	0
Leone (Site No 34)	2	1	1	1	1	0
Village at Bey Lea	48	24	24	48	0	0
Presbyterian Homes (Springwood)	84	0	84			
Autumn Ridge/Homes For All	9	9	0	0	6	3
Brentwood Assisted Living	12	0	12			
Magnolia Gardens	12	0	12			
Residences at Toms River	14	0	14			
Brandywine Assisted Living	11	0	11			
Alternative Living Facilities	93	0	93			
Preliminary Total	1,075	282	794	302	335	212

Note: the 1075 total does not include RDA and credits without controls



Toms River Housing Element & Fair Share Plan

June 6, 2025

Third Round

THIRD ROUND BREAKDOWN OF UNIT TYPE & INCOME BY PROJECT				Type		
Project	Total Affordable Units	Mod Units	Low Units (including very low)	1BR	2BR	3BR
Project Freedom/Freedom Village**	71	35	36	13	40	18
Toms River Senior Apts./Cornerstone	101	50	51	93	8	0
Lotano/Legion Square**	11	5	6	4	7	0
Hyers Street/Legion Court**	4	2	2	1	2	1
Michaels (Gateway 70)**	49	21	28	9	30	10
Autumn Ridge/Homes For All* (for-sale units)	6	0	6	1	4	1
Autumn Ridge/Homes For All* (rentals)	5					
Nobility Crest/Riverwood Chase**	50	24	26	9	30	11
Dover Summit**	35	17	18	7	21	7
Meadow Green	79	39	40	54	25	0
Kaplan (Seacourt Pavilion)**	26	12	14	5	15	6
Dover Shopping Center, LLC**	30	15	15	6	18	6
1606 Lakewood (Gefner)**	29	14	15	5	18	6
Hovnanian (Bimini Road)**	28	14	14	5	18	5
Gabrielle Run**	70	35	35	12	44	14
JSM – Rt 166**	27	13	14	5	17	5
Colfax Street**	2	1	1	0	2	0
Cox Cro Crossing **	9	4	5	1	6	2
Hooper-Caudina Redevelopment**	10	5	5	2	6	2
Preliminary Total	642	309	306	233	311	95
*Denotes Family **Denotes Family Rental						

Note: count does not include extension of credit units

Toms River Housing Element & Fair Share Plan

June 6, 2025

Third Round with 1000 Unit CAP

THIRD ROUND BREAKDOWN OF UNIT TYPE & INCOME BY PROJECT				Type		
Project	Total Affordable Units	Mod Units	Low Units (including very low)	1BR	2BR	3BR
Project Freedom/Freedom Village**	71	35	36	13	40	18
Toms River Senior Apts./Cornerstone	101	50	51	93	8	0
Lotano/Legion Square**	11	5	6	4	7	0
Hyers Street/Legion Court**	4	2	2	1	2	1
Michaels (Gateway 70)**	49	21	28	9	30	10
Autumn Ridge/Homes For All* (rentals)	5					
Nobility Crest/Riverwood Chase**	50	24	26	9	30	11
Dover Summit**	35	17	18	7	21	7
Meadow Green	79	39	40	54	25	0
Dover Shopping Center, LLC**	30	15	15	6	18	6
Colfax Street**	2	1	1	0	2	0
Preliminary Total	437	173	223	196	183	53
*Denotes Family **Denotes Family Rental						

Note: count does not include extension of credit units



Fourth Round Mechanisms

Pursuant to Court Order entered on May 9, 2025, the Township's Fourth Round Prospective need obligation is 649-units. The Township will satisfy this obligation with carryover units, and by providing extensions of credits on a number of sites as outlined below:

Toms River Township Fourth Round Obligation = 649					
Mechanism	Units	Bonus	Total	Diff	Notes
Extension of Controls					
Hope's Crossing (rental - Family)	125	62.5	187.5		Extension of Credits – 30 years
Highland Plaza (rental -Seniors)	110	55	165		Extension of Credits – 20 years
Woods at Massachusetts (family-for-sale)	13		13		Extension of credits – 30 years
Villages of Bey Lea (rental – seniors)	48	24	72		Extension of Credits
100% Affordable Rentals					
Meadow Green (seniors)	36		36		Total of 79 units, 43 units in 3 rd round, constructed
Inclusionary Rentals					
JSM Route 166	27		27		Zoned
K. Hovanian Bimini Dr.	28		28		Zoned, application submitted
1606 Lakewood	29		29		Zoned
Gabrielle Run	70		70		Approved, under construction
Kaplan/Camelot (4 of 26)	4		4		Under construction, 22 units to prior round
Legion Court	4		4		construction complete
Residence Club at Cox Cro Crossing	9		9		Construction complete
Redevelopment					
Hooper-Caudina	16		16		Approved Redevelopment Plan
Total	519	144.5	663.5		

*Tom River Township must comply with **649** prospective need number
 Maximum bonus credits =.25*649= 162.25, seeking 144.5 bonus credits for rental extension of credits, complies
 Maximum Senior units =.3*649= 194.7, seeking 158 units and no senior bonus credits.
 Credits requested are for rental extension of credits only.

The amended FHA modified the micro-requirement formula for the FRO, which are as follows:

1. Minimum fifty percent (50%) of the actual affordable units (exclusive of any bonus credits) available to families. Toms River must provide 324.5 family affordable units and is proposing 325 family affordable units. The Township complies.
2. Minimum twenty-five percent (25%) of the actual affordable units (exclusive of any bonus credits) as rental units. Toms River Township requires 162.25 rental units. The Township is proposing 506 rental units. The Township complies.
3. Maximum thirty percent (30%) of the affordable units (exclusive of any bonus credits) as age-restricted housing. Toms River is permitted a maximum of 194.7 age-restricted units. The Township is seeking 194 units and no senior bonus credits. The Township complies.
4. Maximum twenty-five percent (25%) of the obligation as bonus credits. Toms River Township is permitted a maximum of 162.25 rental units. Rental bonus credits are earned in accordance with the figure provided below:

BONUS CREDIT INCENTIVES AND LIMITATIONS	
FOURTH ROUND BONUS CREDIT TYPES	
1.0 Bonus Credit Per Affordable Unit	0.5 Bonus Credit Per Affordable Unit
<ul style="list-style-type: none"> • Special needs or permanent supportive housing 	<ul style="list-style-type: none"> • Partnership sponsorship with non-profit developer for affordable ownership units.
<ul style="list-style-type: none"> • Municipal contribution (land or funds for at least 3% of the cost) to a 100% affordable project. 	<ul style="list-style-type: none"> • Transit-oriented development within one-half mile of public transit stations.
<ul style="list-style-type: none"> • Market-to-affordable program for rental or ownership units. 	<ul style="list-style-type: none"> • Age-restricted housing (capped at 10% of age-restricted housing in local plan).
	<ul style="list-style-type: none"> • More three-bedroom units than required by State bedroom distribution rules.
	<ul style="list-style-type: none"> • Redevelopment of former or current retail office, or commercial sites.
	<ul style="list-style-type: none"> • Extended affordability controls that preserve rental affordable housing.
	<ul style="list-style-type: none"> • More housing affordable to very low-income households than the minimum 13% required.
<p>The choice among these incentives is up to municipalities, with two caveats:</p> <ol style="list-style-type: none"> 1. The municipality may opt for only one bonus type per affordable housing unit. 2. A maximum of twenty-five percent (25%) of the municipality’s Prospective Need may be satisfied by these bonus credits. 	

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

The Township is proposing 144.5 bonus credits for extended affordability controls that preserve rental affordable housing (0.5 bonus credit per unit). The Township complies.

Fourth Round Site Descriptions

Hope's Crossing

The Hope's Crossing site is a 125 rental family unit affordable housing complex located in the North Dover portion of Toms River Township. This 100-percent affordable family rental project was also part of the Township's 1992 Court-approved Compliance Plan. As completed and occupied, the project contains 125 affordable units with thirty (30) year affordability controls. It received its initial CO in September of 1995. Per the April 20, 2005 Pre-mediation Report, COAH has verified the Township's entitlement to 125 credits for this project. The project is administered by Pennrose Properties under a joint venture agreement with Homes For All, Incorporated. The Township is seeking to extend the affordability controls on the Property for an additional thirty (30) years, in consideration of the forgiveness of outstanding loans or other indebtedness owed by the Developer to the Township and the Developer's agreement to provide a flat five percent (5%) Payment in Lieu of Taxes for the full thirty (30) year extension period.

Highland Plaza

The Highlands Plaza site is a 110-unit senior rental affordable housing complex that was built in 1984. This project-based, Section 8, age-restricted, low- and moderate-income development was constructed in 1983, and contains 110 rental units. Per the April 20, 2005 COAH Pre-mediation Report, COAH staff has verified the Township's claim to 110 prior cycle credits for this project. The thirty (30) year affordability controls expired in 2014 and were extended in January 2014 for another twenty (20) years through December 2034, for a total control period of fifty (50) years. The units are administered by Triple Lindy Urban Renewal, LLC as HUD Project No. 035-11046. The Township is seeking to extend the units for another twenty (20) years for the fourth round. The Township will pay for lender and legal costs at a capped amount and provide a new five percent (5%) Payment in Lieu of Taxes.

Woods at Massachusetts

The Woods at Massachusetts site has thirteen (13) affordable units for sale with controls expiring in 2034. The units are located in the North Dover section of Toms River and are managed by HAS. It is estimated that \$28,000 per unit will be required to extend the affordability controls for a total of \$364,000.00. The Township is actively working with the Special Programs office of the Single-Family Division of the NJ Housing and Mortgage Finance Agency to facilitate the extension of deed restrictions on eligible units.



Villages of Bey Lea

The Villages of Bey Lea Site was part of the Township's 1992 Compliance Plan and received its initial CO between December 21, 2020 – December 13, 2021. As built and occupied, this inclusionary, 235-unit project contains forty-eight (48) age-restricted rental units with twenty (20) year affordability controls. COAH's 2005 Pre-mediation Report verified the Township's entitlement to forty-eight (48) credits for this project. The units are administered by Piazza & Associates. The affordable controls expired in 2021. The Township is seeking to renew the controls for the forty-eight (48) units and has agreed to provide \$50,000 per unit for a total cost of \$2,400,000.00.

Meadow Green

The Meadow Green Site is a ten (10) acre site located on the east side of Massachusetts Avenue. The project includes a total of seventy-nine (79) units, forty-three (43) of which were constructed in the third round. This round consists of the remaining thirty-six (36). The units are administered by Richmond Property Services. The Township provided a HMFA financing agreement for the project, which imposed a thirty (30) year control (beginning in 2017) which required at least five (5) units to be set aside for special needs individuals.

JSM Route 166

The JSM site has twenty-seven (27) units on an approximately eleven (11) acre property, north of Route 37. As completed and occupied, this development will consist of 132 family rental units, of which twenty-seven (27) will be affordable. The area was rezoned as MF-8 to accommodate the development.

K. Hovanian Bimini Drive

The Bimini Drive site consists of twenty-three (23) acres on Bimini Drive in the Townships Rural Highway Business zone. The area has been rezoned to the RHB-AH37 (Rural Highway Business – Affordable Housing Route 37) zone, to accommodate the development. As completed and occupied, the development will consist of 140 units, of which twenty-eight (28) will be affordable.

1606 Lakewood

The 1606 Lakewood site is an approximately thirty-five (35) acre site, and as completed and occupied it will consist of twenty-nine (29) affordable units. A November 2020 affordable housing agreement requires phasing of the project in accordance with the COAH/Township



ordinances, requires the developer to retain the affordable housing alliance to affirmatively market and administer the units, and requires a UAHC compliant deed restrictions of at least thirty (30) years. In September 2024, the property was acquired by Woods Equity LLC which are assuming all affordable housing responsibilities spelled out in the 2020 agreement.

Gabrielle Run

The Gabrielle Run Site consists of thirty-four (34) acres on State Highway Route 9, and as completed and occupied will consist of seventy (70) affordable units. The site was originally anticipated to include only sixty-eight (68) units, but a rezoning measure in 2020 allowed for higher density, raising the count to seventy (70). The site is currently under construction and being administered by Edgewood Properties.

Kaplan/Camelot

The Kaplan/Camelot site contributes only four (4) units to the fourth-round obligation but is contributing twenty-two (22) to the prior round. The units are under construction. The Township adopted a rezoning ordinance in 2015 which permits the development. Additionally, the Township provided a list of COs issued for each of the nine buildings in the project, with date between February and June 2023. The Township provided a deed restriction for the affordable units that require the controls to remain in place for at least thirty (30) years, recorded in June 2023.

Legion Court

The Legion Court site has completed construction of its proposed twenty (20) units, four (4) of which are affordable.

Residence Club at Cox Cro Crossing

The Cox Cro Crossing Site received approvals in 2018 and is now complete and leased under a temporary CO. As completed and occupied, the site provides nine (9) family units, all of which are affordable. The affordable units are administered by Piazza.

Hooper-Caudina

The Hooper-Caudina site is part of an approved redevelopment plan that would see ten (10) affordable units included in the development. This project was included in the 2022 Draft HEFSP as a new site. A portion of the redevelopment area is included in the State Plan designated Hooper Avenue South Core Center, and the Township petitioned the State Planning



Commission for an amendment to add the remaining portion of this redevelopment are to the designation. A September 2022 resolution from the State Planning Commission approved the addition of the remaining portion of the redevelopment area into the Hooper Avenue South Core Center. All dwelling units will be required to comply with UHAC requirements. The Township anticipates amendments to the plan that will maintain the current twenty percent (20%) affordable housing set-aside but result in an affordable housing yield of sixteen (16) units in total. In the event a developer commits to reserving half of the affordable units for veterans and their families, the Township reserves its right to seek up to eight (8) special needs housing credits and to include them in the Township's plan in the future.

AH HOUSING ADMINISTRATION AND AFFIRMATIVE MARKETING

Toms River Township currently has a Court-approved Affordable Housing Ordinance, Chapter 348-11, Article IX, of the Township Code, adopted on January 26, 1988 by way of Ordinance No. 2359-88. The most recent adoption was September 26, 2017 by way of Ordinance 4556-17. 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 Article IX "Affordable Housing Provisions" under Chapter 348-11.9 "Development Fees to fund affordable housing".

The Township will prepare an updated 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.), once the DCA and HMFA finalize their rule proposals.

The Township shall adopt by resolution an updated Affirmative Marketing Plan. The Township's Administrative Agent, Piazza & Associates, 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 (see Appendix F).



TRUST FUND

The Township has prepared a Fourth Round Spending Plan (Appendix B), 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. During compliance, if necessary, the Township will prepare an updated spending plan in accordance with the final adopted new regulations at N.J.A.C. 5:99-1.1 et seq., UHAC's new final regulations anticipated to be released in 2025, N.J.A.C. 5:80-26-1.1, et seq., as well as to address any terms of the court-approved affordable housing settlement agreement or any order of the Court or the Affordable Housing Mediation Program.

FOURTH ROUND DEVELOPER PROPOSALS

The Township has received inquiries from proposed developers to include potential inclusionary developments in the Township's Fair Share Plan. The Township does not concede that the below-referenced proposals constitute a "commitment" within the meaning of P.L. 2024, c.2. Nonetheless, the Township reviewed the proposals and determined that the potential mechanisms were not required to satisfy its fair share obligations for the Fourth Round.

The Township has elected not to utilize the proposed project as a compliance mechanism. The Township is vested with exclusive authority and responsibility to develop a Housing Element and Fair Share Plan to fulfill its affordable housing obligation. The amendments to the *New Jersey Fair Housing Act*, P.L. 1985, c.222 (C:52:27D-301, et al.) enacted pursuant to P.L. 2024, c.2., confers upon the Township the mandate to solely determine the most appropriate mechanisms for compliance. Pursuant to N.J.S.A. 52:27D-304.1(f), a municipality's adopted Housing Element and Fair Share Plan is not subject to challenge based upon any claim that a site on real property proposed by an alleged interested party provides a better compliance mechanism than the mechanisms selected by a municipality.

These projects include:

Property: Block 796, Lot 3

Developer: 2008 Route 37 Associates, LLC

Proposal to develop an inclusionary development in the Township with an approximate sixteen percent (16%) affordable housing set-aside at property known as Block 796, Lot 3 on the Township's official tax map, more commonly known as 2008 Route 37.



Property: Block 610, Lots 1, 2, 3, 5, 11, 30, 31 and 33

Developer: JD Jamestowne, LLC, Toms River Township, New Jersey

Proposal to develop an inclusionary development in the Township with an unspecified affordable housing set-aside at property known as Block 610, Lots 1, 2, 3, 5, 11, 30, 31 and 33 on the Township's official tax map, more commonly known as Jamestowne Village.

SUMMARY

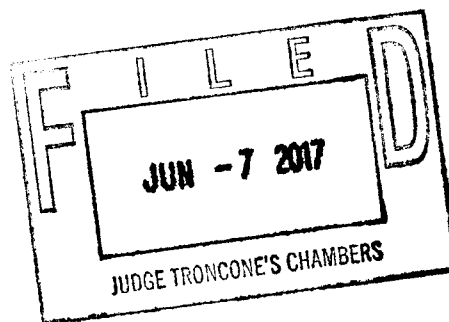
Through the proposed mechanisms addressed in this Housing Element and Fair Share Plan, the Township will be able to satisfy its Fourth Round Rehabilitation, Prior Round, Third Round and Fourth Round Prospective Need affordable housing obligations and provide a realistic opportunity for the production of its fair share of very low-, low- and moderate-income units within the Township.



EXHIBIT E

Steven A. Kunzman, Esq. (Atty I.D. # 012731981)
Our File No.: C19764

**DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.**
15 Mountain Boulevard
Warren, New Jersey 07059
Tele: 908-757-7800
Attorneys for Plaintiff Township of Toms River



IN THE MATTER OF THE TOWNSHIP OF TOMS RIVER FOR A JUDGMENT OF COMPLIANCE OF ITS THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN	: SUPERIOR COURT OF NEW JERSEY : LAW DIVISION: OCEAN COUNTY : DOCKET NO.: OCN-L-001867-15 : : (MOUNT LAUREL) : : <i>Civil Action</i> : : CONDITIONAL DECLARATORY : JUDGMENT OF COMPLIANCE : AND REPOSE :
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THIS MATTER having been opened to the Court by DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., attorneys for the Plaintiff Township of Toms River (Steven A, Kunzman, Esq. appearing), in the presence of Adam Gordon, Esq., attorney for Intervenor/Defendant Fair Share Housing Center, Inc. (“FSHC”), and Richard J. Hoff, Jr., Esq., Bisgaier Hoff, LLC, attorneys for Intervenor/Defendant Dover Shopping Center Associates, Inc. (“Dover”), and the aforementioned parties having signed a Settlement Agreement on or about October 20, 2016 (the “Settlement Agreement”), settling the instant Mount Laurel IV litigation, which Settlement Agreement provides that the Settlement Agreement is subject to approval of the Court after a Fairness Hearing conducted pursuant to East/West Venture v. Borough of Fort Lee, 286 N.J. Super 311 (App. Div. 1996); and whereas the Settlement Agreement also permits

that Plaintiff may request, at a Compliance Hearing, that the Court enter a Judgment of Compliance and Repose with immunity through June 30, 2025, in accordance with East/West Venture, *supra*, at 326, holding Mount Laurel litigation may be settled only after a finding by the Court that (1) the settlement has apparent merit; (2) notice has been given to all members of the class and others who have an interest in the settlement; (3) a hearing has been conducted on the settlement where those affected have sufficient time to prepare; and (4) the settlement is “fair and reasonable to members of the protected class,” and the Court, having determined for the reasons set forth on the record at the Fairness Hearing held on December 16, 2016, and memorializing an Order of Fairness and Preliminary Compliance Hearing dated December 31, 2016, and the Court having further held a Compliance Hearing on May 11, 2017, and having heard testimony of the Special Master, Philip B. Caton, PP, FAIC, and the Court having found that the Settlement Agreement has apparent merit, more specifically: (1) finding that the Settlement Agreement is fair and reasonable to low and moderate income persons on whose behalf the affordable units proposed by the settlement are to be built and that the Plaintiff’s affordable housing plan is generally constitutionally compliant subject to the changes and supplementary materials recommended by the Special Master as set forth in the Special Master’s Report dated May 4, 2017 annexed hereto at Exhibit A, (Master’s Report); and the Court having found upon the conclusion of the hearing for the reasons set forth on the record that all criteria set forth in East/West Venture have been satisfied, subject to the Township address the conditions cited in the report to the satisfaction of the Court Master; and that Plaintiff’s compliance plan, consisting of its Amended Housing Element and Fair Share Plan dated February 3, 2017 (the “2017 HEFSP”), along with various attachments, as well as the various implementing ordinances and resolutions (all such documents together referred to as the “2017

Compliance Plan”), reviewed and approved by the Special Master, create the realistic opportunity to achieve Plaintiff Township of Toms River’s Affordable Housing Obligations under the Mount Laurel doctrine and specifically under the procedures set forth in Mount Laurel IV; and the Court having determined to enter a Declaratory Judgment of Compliance and Repose as hereinafter set forth;

IT IS THEREFORE, ON THIS 7th DAY OF June, 2017,
 ADJUDGED, **DECLARED AND ORDERED** AS FOLLOWS:

1. Judgment is hereby declared in favor of Plaintiff Township of Toms River for a Declaratory Judgment of Compliance and Repose (the “Judgment”) pursuant to East/West Venture v. Borough of Fort Lee and the Mount Laurel line of cases;
2. The Court hereby declares that there are land use regulations and affirmative devices in the Township of Toms River 2017 Compliance Plan comply with the Township’s constitutional obligation with respect to affordable housing under the Mount Laurel doctrine.
3. The Township, through the adoption of the 2017 HEFSP and the implementation of that plan and the Settlement Agreement 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 Rounds (1987-1999) and Third Round (1999-2025).
4. The Township has implemented or will implement agreed-upon compliance mechanisms to address its Third Round obligations as set forth in the Settlement Agreement, and the 2017 HEFSP and implementing ordinances, as well as the conditions set forth in the Master’s Report.

5. The Township shall address the conditions set forth on the attached Master's Report within ninety (90) days of the entry of this Conditional Declaratory Judgment of Compliance and Repose. During this 90-day period, the Township shall confer with, and provide all relevant documents to, Special Master Caton and Fair Share Housing Center prior to taking any formal action to satisfy the conditions referenced above. The Special Master shall submit a letter to the Court confirming compliance, which shall result in this Judgment being unconditional, whether or not the Court enters a subsequent order confirming that the Township has satisfied the conditions. If the Master concludes that the Township has not satisfied the conditions, the Court shall issue a Show Cause Order providing the Township an opportunity to demonstrate why the repose granted in this Judgment of Compliance and Repose should not be revoked.
6. Judgment is hereby declared to be a final, unconditional judgment, once the conditions above are satisfied pursuant to paragraph 5.
7. The Township is granted repose and immunity from exclusionary zoning litigation by this Judgment of Compliance and Repose for the period through June 30, 2025.
8. The Township is authorized to impose and collect development fees and to maintain those fees in the Township's Affordable Housing Trust Fund during the period of repose in accordance with the Judgment, subject to applicable law, and to commit or expend same within four (4) years of this Judgment or collection, whichever occurs later.

9. By this Final Judgment of Compliance and Repose, the Court declares the Township of Toms River to be in compliance with its obligation to have provided and to provide a realistic opportunity for the development of housing affordable to low and moderate income households as defined in what are commonly known as the Mount Laurel cases and in the New Jersey Fair Housing Act, N.J.S.A. 52:27d-301, *et seq.*, as amended. Entry of this Judgment of Compliance and Repose will bar any claim that the Township of Toms River is failing to provide a sufficient realistic opportunity for the development of housing for low and moderate income households through June 30, 2025, other than to enforce the terms of the settlement agreement and this order.
10. The parties reserve rights to address how obligations established in the future by a court of competent jurisdiction in Ocean County (i.e., the Law Division of Ocean County, the Appellate Division of the New Jersey Superior Court, or the New Jersey Supreme Court) or an administrative agency responsible for implementing the Fair Housing Act and COAH regulations in accordance with the terms of the settlement agreement. Notwithstanding any such future decisions or actions, the Township shall be obligated to complete and leave in place any site specific zone changes made in connection with the plan approved pursuant to the Settlement Agreement and otherwise continue to implement all aspects of the plan approved pursuant to the Settlement Agreement thereto.

AND IT IS FURTHER ORDERED that a copy of this Judgment be served upon all interested parties in accordance with the procedure previously established in this matter.



HONORABLE MARK A. TRONCONE, J.S.C.

OCN-L-1867-15

EXHIBIT F



Peter J. O'Connor, Esq.
Kevin D. Walsh, Esq.
Adam M. Gordon, Esq.
Laura Smith-Denker, Esq.
David Rammler, Esq.
Joshua D. Bowers, Esq.

October 20, 2016

Steven A. Kunzman, Esq.
DiFrancesco, Bateman, Kunzman,
Davis, Lehrer & Flaum, P.C.
15 Mountain Blvd.
Warren, NJ 07059

Re: In the Matter of the Township of Toms River, County of Ocean,
Docket No. OCN-L- 001867-15

Dear Mr. Kunzman:

This letter memorializes the terms of an agreement reached between the Township of Toms River ("Township" or "Toms River"), the declaratory judgment plaintiff, and Fair Share Housing Center ("FSHC"), which was permitted to intervene by court order dated September 15, 2015, and with Dover Shopping Center Associates, LLC ("Dover") which permitted to intervene by court order dated October 7, 2015.

Background

Toms River filed the above-captioned matter on July 7, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 53:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. FSHC and the Township participated in numerous conferences, motions, appeals, and other proceedings since the filing of the action. Through that process, the Township, FSHC, and Dover, agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

The parties recognize that the prospective need obligation, including any "gap period" obligation, of Toms River, under any reasonable interpretation of Mount Laurel IV and other applicable law, is likely to be impacted by the 1000 unit cap. At this point in litigation, there are a number of uncertain factors about how that cap will be applied. In

accordance with In re Adoption of Housing Element for Tp. Of Monroe, 444 N.J. Super. 163 (Law Div. 2015) the Township's obligation for the period 1999-2025 would be 1533; however, under the February 18, 2016 interlocutory decision in In re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Filed Pursuant to the Supreme Court's Decision in In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015), Docket No. OCN-L- 2640-15 (Consolidated Action), the obligation for the same period would be 1,000, inclusive of the "present need." The parties have agreed for the purposes of settlement that the credits as set forth in Ex. A and B demonstrate the Township's prior round obligations and address the prospective need obligation of the Township through June 30, 2025, while reserving their rights as to the future application of such credits for future rounds after June 30, 2025 as detailed further herein.

Settlement terms

The Parties hereby agree to the following terms:

1. FSHC and Dover agree that the Township, through the adoption of a Housing Element and Fair Share Plan ("the Plan") which will incorporate the zoning, credits and other aspects of the Township's plan as set forth in Exhibits A and B and with the implementation of the Plan, and this agreement, 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) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. The parties hereby agree that the Township's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report ¹)	243
Prior Round Obligation (pursuant to <u>N.J.A.C. 5:93</u>)	1735
Third Round (1999-2025) Prospective Need (per	

¹ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, July 2015.

Kinsey Report, as adjusted through this settlement agreement)	1285
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4. The Township's efforts to meet its present need include continuing its active low- and moderate-income rehabilitation program, which is funded by the Township's HUD Community Development Block Grant Program (CDBG), the Ocean County HUD-HOME program. The Township shall more specifically set forth in the revised HEFSP to be adopted pursuant to this Agreement a more detailed plan to meet its rehabilitation obligation of 243 by 2025 through this program.
5. As noted above, the Township has a Prior Round prospective need of 1735 units, which is met through the compliance mechanisms as set forth on Exhibit A.
6. The Township has implemented or will implement the mechanisms to address its Third Round prospective need of 1285 units as set forth on Exhibit B.
7. The Township agrees to require 13% of all affordable units referenced in the Plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval as of that date, to be very low income units, with half of the very low income units being available to families. The municipality has complied or will comply with those requirements as follows:

292 units in Exhibit B have been occupied since July 1, 2008 in the Township, generating a very low income requirement of 38 units, including 19 family units. The Township has satisfied this obligation as follows: 12 units in Toms River Crescent are deed-restricted as affordable to very-low-income families, 10 family units in Project Freedom have project-based Section 8 subsidies for very-low-income families, 32 bedrooms in Project Freedom are available for very-low-income people with special needs, and 85 units in the Presbyterian Homes development are affordable to very-low-income seniors. The Township will comply with these requirements going forward through mechanisms including requiring that 13 percent of all affordable units in all rental projects in the Township approved after this settlement is approved at a fairness hearing are affordable to families at or below 30 percent of median income pursuant to paragraph 10 of this Agreement; in addition, the Karen and Nobility Crest sites per NJ HMFA

requirements will have 5 very low income family units each and Meadow Green and Toms River Senior sites will have 8 and 10 very low income senior units, respectively.

8. The Township shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:
 - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
 - b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
 - c. At least twenty-five percent of the Third Round Prospective Need shall 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 Prospective Need in total must be available to families.
 - e. The Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
 - f. FSHC and Toms River entered into a settlement agreement on or about November 17, 2009, attached hereto as Exhibit C, resolving earlier litigation challenging the approval by the trial court in Ocean County of a Regional Contribution Agreement between Toms River and Lakewood Township. As part of this Agreement, the parties agree to modify the November 17, 2009 settlement agreement as follows, subject to the approval of the trial court at the fairness hearing:

- i. Paragraph 4(a) of the November 17, 2009 settlement agreement, as amended by the first addendum to that agreement, envisioned the provision of affordable units equivalent to 25 percent of the total market units provided as part of the Nobility Crest site in the form of special needs bedrooms. Instead, these units shall be provided in the form of 50 affordable family rental units as otherwise provided for in this plan, which provision shall be deemed to satisfy in full the requirements of Paragraph 4(a) as amended.
- ii. Paragraph 4(b) of the November 17, 2009 settlement agreement imposed certain requirements with regard to the approval of units subject to Toms River Ordinance 4182-09 which created an option in the R-150, RHB, and MF-4 zones in the Township allowing for multifamily non-age-restricted residential development that had not previously been permitted. The parties agree that these requirements are fully satisfied through the following sites in the Housing Element and Fair Share Plan being approved as part of this settlement agreement, as reflected in the attached crediting charts: Dover Summit (Site #47), Dover Shopping Associates (Site #48), 1606 Lakewood Rd., LLC (Site #49), and Hovnanian Ent. (Site #43) The parties agree that the Township shall amend as necessary and maintain zoning permitting the construction of these four sites according to the specifications including the market-rate and affordable unit counts as set forth in the attached crediting charts. The parties further agree that the Township is under no obligation to maintain the provisions of Toms River Ordinance 4182-09 for any sites besides the sites specified here and may in its sole discretion repeal all or part of that ordinance as applied to any other sites upon approval of this Agreement at a fairness hearing. The ordinances necessary to accomplish the yields set forth in the attached crediting charts shall be acted upon by the Township Council within one hundred and twenty (120) days of Court approval of this Agreement.
- iii. Paragraph 4(c) of the November 17, 2009 settlement agreement referenced approvals granted on the Fairways at Bay Lea. These units have now been built which fully satisfies the terms of Paragraph 4(c).
- iv. Paragraphs 4(d) and 4(e) of the November 17, 2009 settlement agreement references adoption of an updated fair share plan incorporating very-low-income units. The parties agree that these Paragraphs are fully satisfied by the provisions regarding adoption of an updated Housing Element and Fair Share Plan and very-low-income units contained elsewhere in this Agreement.

- v. Any remaining challenge by FSHC to the crediting of 72 units for the new construction Toms River-Lakewood RCA shall be dismissed with prejudice upon approval of this agreement at a fairness hearing, and the Township shall be entitled to such credits as shown in the crediting charts attached to this settlement agreement.

- g. The Township agrees to maintain the Water Street Redevelopment in the Third Round HEFSP with an anticipated 500 units, 20% of which are to be set aside for affordable housing; however, due to the nature and extent of site conditions, the time which may be required to complete remediation of the property in accordance with applicable Technical Requirements for Site Remediation, N.J.A.C.7:26E, and other applicable laws may extend beyond 2025, therefore, the credits for this property will not counted in the Third Round, but may be used to address obligations for any future rounds.

- h. The Township agrees to maintain property referred to as TAS/Krupnick (Site #42), in the Third Round HEFSP, with an anticipated development that will yield 60 affordable units; however, due to the uncertainty of the owner's intentions and plans for development of the site, the credits for this property will not be counted in the Third Round, but may be used to address obligations for any future rounds.

- i. The Township shall maintain Township Ordinance_4243-10, until at least June 30, 2025 and shall include the maintenance of such ordinance in the Third Round HEFSP.

- j. The Township reserves its right to modify its Third Round HEFSP to include additional developments that are approved during the Third Round, including, those set forth in 8.g, 8.h, and in accordance with Township Ordinance 4243-10, and claim additional bonus credits that may be permitted in accordance with those developments, this Agreement, and applicable standards. These developments and credits shall be in addition to all of the other developments required by this Agreement and reflected in Exhibit C and not substitute for those developments.

9. The Township shall add 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), Fair Share Housing Center, the New Jersey State Conference of the NAACP, 14 Clifton Ave. S., Lakewood, NJ 08701, the Latino Action Network, PO Box 943, Freehold, NJ 07728, NAACP Toms River Branch, PO Box 5144, Toms River 08754, and NAACP Ocean County/Lakewood Branch, PO Box 836, Lakewood, NJ 08701, and shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to provide this list of organizations to any other entities, including developers or persons or companies retained to do affirmative marketing, so that those entities will be able to comply with this paragraph.
10. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law, The Township, as part of its HEFSP, shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.
11. All new construction units shall be adaptable in conformance with P.L.2005, c.350 and all other applicable law.
12. As an essential term of this settlement, within one hundred twenty (120) days of Court's approval of this Settlement Agreement, the Township shall introduce an ordinance providing for the amendment of the Township's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this settlement agreement and the zoning contemplated herein.
13. The parties agree that the obligations set forth in this agreement and steps taken to fulfill these obligations meet all the need that the Township is required to

address pursuant to the Mount Laurel Doctrine and Fair Housing Act through June 30, 2025. The parties anticipate that future decisions of a court of competent jurisdiction in Ocean County, including but not limited to decisions of the Appellate Division or Supreme Court and/or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, will establish fair share obligations for the Third Round and the application of the 1000-unit cap during the Third Round, including whether portions of the obligation above the capped amount must be satisfied in future rounds. In view of the unsettled nature of those issues now, the parties have elected not to enter into a settlement regarding whether there may be an obligation deferred to future housing cycles arising from the manner in which the cap is applied during the Third Round. The parties reserve all rights to address how such obligations will be calculated or addressed, including any arguments as to the potential carrying over of any extra credits to future rounds in conformance with the then-applicable law. Notwithstanding any change in law or other circumstance, the Township shall not have an obligation to be satisfied in the period through 2025 beyond the mechanisms set forth on Exhibit C; however, the Township shall be obligated to implement all terms of this settlement agreement and its Fair Share Plan, including by leaving in place any site specific zoning adopted or relied upon in connection with the Plan approved pursuant to this settlement agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; and otherwise fulfilling the fair share obligation as established herein. The reduction of the Township's obligation below that established in this agreement does not provide a basis for seeking leave to amend this agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1.

14. The Township has prepared a spending plan that is attached hereto as Exhibit. D that was approved by the Court by an Order entered on July 8, 2016, annexed hereto as Ex. E. On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of

Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

15. On March 30 after first anniversary of the execution of this agreement, and every March 30 thereafter through the end of this agreement, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Masler and FSHC.
16. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in this agreement. The Township agrees to comply with those provisions as follows:
 - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
 - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this agreement, and every third year thereafter, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such

posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.

17. This settlement agreement must be approved by the Court following a fairness hearing 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 shall present its planner as a witness at this hearing. FSHC agrees not to challenge the attached Plan (Exh. A) at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If the settlement agreement is rejected by the Court at a fairness hearing it shall be null and void.
18. If an appeal is filed of the Court's approval or rejection of the Settlement Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful at which point, the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
19. This settlement agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Ocean County.
20. 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.

21. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
22. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
23. 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.
24. 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.
25. 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.
26. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.

27. 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.
28. No member, official or employee of the Township shall have any direct or indirect interest in this Settlement Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
29. 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.
30. 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 or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

TO FSHC:

Kevin D. Walsh, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: kevinwalsh@fairsharehousing.org

TO DOVER:

Dover Shopping Center Associates, LLC
c/o First Montgomery Group
John Cranmer, Esq.
222 Haddon Avenue, Suite 301
Haddon Township, N.J. 08108-2827
856-985-1777
jcranmer@fmqnj.com

Copy to:

Richard J. Hoff, Jr., Esq.
Bisgaier Hoff, LLC
25 Chestnut Street, Suite 3
Haddonfield, N.J. 08033
rhoff@bisgaierhoff.com

TO THE TOWNSHIP:

John J. Lynch, P.P #19
Township Planner and
Municipal Housing Coordinator
33 Washington Street
Toms River, New Jersey 08753
jlynch@tomsrivertownship.com

**WITH A COPY TO THE
MUNICIPAL CLERK:**

Mark Mutter, Township Clerk
33 Washington Street
Toms River, New Jersey 08753
jmmutter@tomsrivertownship.com

Please sign below if these terms are acceptable.

Sincerely,



Adam M. Gordon, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Township of Toms River, with the authorization
of the governing body



Dated: _____

On behalf of the Dover Shopping Center Associates, LLC
By: Dover Shopping Center Associates, Inc.



Michael C. Haydinger, President

Dated: November 3, 2016

TOWNSHIP OF TOMS RIVER
 PRIOR ROUND (1987-1999) NEW CONSTRUCTION COMPLIANCE PLAN SUMMARY

Project Name	Project Location	Project Type	Total Number of Units	Number of Affordable Units or Credits	Rental Bonus Credits	Total Credits
I. PRIOR CYCLE CREDITS (PRE-1986)						
A. Credits without Controls	Township-wide	Credits	N/A	176	0	176
1. Grand Plaza	Highway Parkway	Age-Restricted Rentals	110	110	0	110
2. Interborough Village	Route 166/South Dakota Dr.	Family Rentals	183	183	0	183
D. Alternative Living Arrangements	Township-wide	Alternative Living Arrangements	N/A	22	0	22
II. REGIONAL CONTRIBUTION AGREEMENTS (RCAs)						
1. Lakewood #22	Lakewood Township	Regional Contribution Agreement	72	72	0	72
III. POST 1986 CREDITS BUILT						
A. Alternative Living Arrangements	Township-wide	Alternative Living Arrangements	N/A	100	49	149
B. North Point Hollow (Site #2)	Whitesville Rd., Schrey Ave.	Inclusionary - For Sale	446	89	N/A	89
C. AS De-edges Walnut Grove	Walnut St./Old Freehold Rd.	Inclusionary - For Sale	3	3	N/A	3
D. Woods at Massachusetts Ave. (Site #25)	Massachusetts Ave./Frickery St.	Inclusionary - For Sale	68	14	N/A	14
E. Habitat for Humanity	Malcolm St.	For Sale	1	1	N/A	1
F. Dover Chase (Site #31)	Massachusetts Ave.	Inclusionary - Family Rental	110	22	22	44
G. 102 Walnut St. (Site #32)	Walnut St.	For Sale	12	12	N/A	12
H. Maple Meadows (Site #6)	Massachusetts Ave./Cor Cro Rd.	Family Rentals	125	125	125	250
I. The Parkways at Bev. Lea (Site #10)	Bev. Lea Rd.	Inclusionary - Family Rental	530	106	66	172
J. Caucino (Site #12)	Walnut St./Old Freehold Rd.	Inclusionary - Family Rental	38	6	6	12
K. Leone (Site #3)	34-36 Main St.	Inclusionary - Family Rental	12	2	2	4
L. Toms River Crescent (Site #26)	Route 70	Family Rentals	120	120	120	240
M. Village at Bev. Lea (Site #11)	Bev. Lea Rd.	Age-Restricted Rentals	235	48	0	48
N. President Homes (Site #28)	Oak Ave.	Age-Restricted Rentals	85	85	0	85
O. The Commons	1657 Siverton Rd.	Assisted Living	N/A	12	0	12
P. Magnolia Gardens	1935 Lakewood Rd.	Assisted Living	N/A	12	0	12
Q. The Residence at Toms River	2145 Whitesville Rd.	Assisted Living	N/A	2	0	14
R. Rancocas	1587 Old Freehold Rd.	Assisted Living	N/A	11	0	11
TOTALS			2,150	1,345	390	1,735

10/27/2015

EXHIBIT G



DONNA M. JENNINGS, ESQ.

T: 732.855.6039
F: 732.726.6560
djennings@wilentz.com

90 Woodbridge Center Drive
Suite 900 Box 10
Woodbridge, NJ 07095-0958
732.636.8000

June 16, 2025

VIA EMAIL

Christopher Zingaro, Esq.
Rainone Coughlin Minchello Attorneys at Law
555 US Highway One South
Iselin, New Jersey

**RE: 2008 Route 37 Associates, LLC
Toms River Township
Block 796, Lot 3
2008 Route 37**

Dear Mr. Zingaro:

My firm represents 2008 Route 37 Associates, LLC in connection with its proposed development of a mixed-use building consisting of inclusionary multi-family apartments over ground-floor retail on property located at 2008 Route 37 and identified as Block 796, Lot 3 on the Toms River tax map ("Property"). Pursuant to my previous correspondence of May 13, 2025, the civil and floor plan/elevation concept plans are now complete and are attached hereto as Exhibits A and B, respectively.

As you may recall, three residential floors are proposed over ground-floor retail. Twenty-four total units are proposed with four units set aside for affordable housing. The market-rate units consist of one-1-bedroom unit and nineteen-2-bedroom units. The affordable units consist of three-2-bedroom units and one-3-bedroom unit. Parking is consistent with the Residential Site Improvement Standards and the Toms River retail parking requirement where eighty-four spaces are required and ninety-one spaces are proposed including electric vehicle credit.

My client welcomes the opportunity to meet with the Township to discuss the proposed development and its inclusion in the Township's Fourth Round Housing Element and Fair Share Plan to assist the Township in meeting its Fourth Round obligation of 649 units.

#95352130.1

Thank you for your attention to this matter.

Very truly yours,

/s/ Donna M. Jennings

DONNA M. JENNINGS

w/encl.
DMJ:lhj

cc: 2008 Route 37 Associates, LLC (via email)

WILENTZ

—ATTORNEYS AT LAW—

DONNA M. JENNINGS, ESQ.

T: 732.855.6039
F: 732.726.6560
djennings@wilentz.com

90 Woodbridge Center Drive
Suite 900 Box 10
Woodbridge, NJ 07095-0958
732.636.8000

May 13, 2025

VIA EMAIL

Christopher Zingaro, Esq.
Rainone Coughlin Minchello Attorneys at Law
555 US Highway One South
Iselin, New Jersey 08830

**RE: 2008 Route 37 Associates, LLC
Toms River Township
Block 796, Lot 3
2008 Route 37**

Dear Mr. Zingaro:

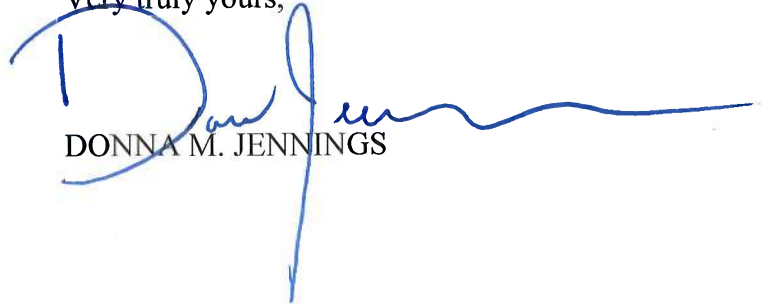
This firm represents 2008 Route 37 Associates, LLC in connection with its proposed development of property located at 2008 Route 37 and identified as Block 796, Lot 3 on the Toms River tax map (“Property”). The Property is approximately 1.278 acres and is currently developed with a two-story retail and office building. My client now proposes to construct two additional floors creating an inclusionary mixed-use building consisting of three floors of residential over ground-floor retail. Twenty-four (24) total units with four (4) units set aside for affordable housing in compliance with the Uniform Housing Affordability Controls are proposed. Public water and sewer connection is already available on the Property and will be continue to be used. My client’s professional engineer and architect are currently working on concept plans, which will be available for the Township’s review shortly. Upon completion, additional information regarding the proposed bedroom count and parking requirement under the Residential Site Improvement Standards will be made available.

It is further my understanding that the Township has a very large Affordable Housing Obligation. Pursuant to a Court Order filed on May 9, 2025, the Township has a Present Need of 526 units and an even larger Fourth Round Prospective Need of 649 units. The Township is now required to adopt its Fourth Round Housing Element and Fair Share Plan by June 30, 2025. My client proposes to meet with the Township and discuss the proposed development and the Property’s ultimate inclusion in the HEFSP.

Should you require any additional information or have any questions, please feel free to contact my office.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Donna M. Jennings", is written over the typed name. The signature is fluid and cursive, with a large initial "D" and a long, sweeping horizontal line at the end.

DONNA M. JENNINGS

w/encl.

cc: 2008 Route 37 Associates, LLC
Luke H. Policastro, Esq.

EXHIBIT A

GENERAL NOTES

- THE TRACT IS KNOWN AS BLOCK 796, LOT 3 SHOWN ON THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY TAX MAP SHEET #P2. IT CONTAINS 50,880 SF (1.28 ACRES) AND IS LOCATED IN THE RB ZONE.
- OWNER/APPLICANT: 2028 ROUTE 37, ASSOCIATES, LLC
C/O MR. BRIAN TRENTATORE
FAIRFIELD, NJ 07024
PHONE: 908-227-3330
FAX: 908-227-2368
- MAP REFERENCES:
A. BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM A PLAIN BATTERY LIMITED TOPOGRAPHIC SURVEY DATED 12-18-2022 AND A PLAIN BATTERY LIMITED TOPOGRAPHIC SURVEY DATED 12-18-2022 AND "MAJOR SITE PLAN FOR BLOCK 796" PREPARED BY FRENCH AND PARIBELLO ASSOCIATES, DATED 12-18-2022 AND "MAJOR SITE PLAN FOR BLOCK 796" PREPARED BY FRENCH AND PARIBELLO ASSOCIATES, DATED 5-11-2023, LAST REVISION 4-30-2023.

ZONING NOTES

- EXISTING USE: RETAIL AND PROFESSIONAL OFFICE (PERMITTED).
PROPOSED USE: RETAIL AND RESIDENTIAL (RESIDENTIAL IS NOT PERMITTED, A VARIANCE IS REQUIRED)

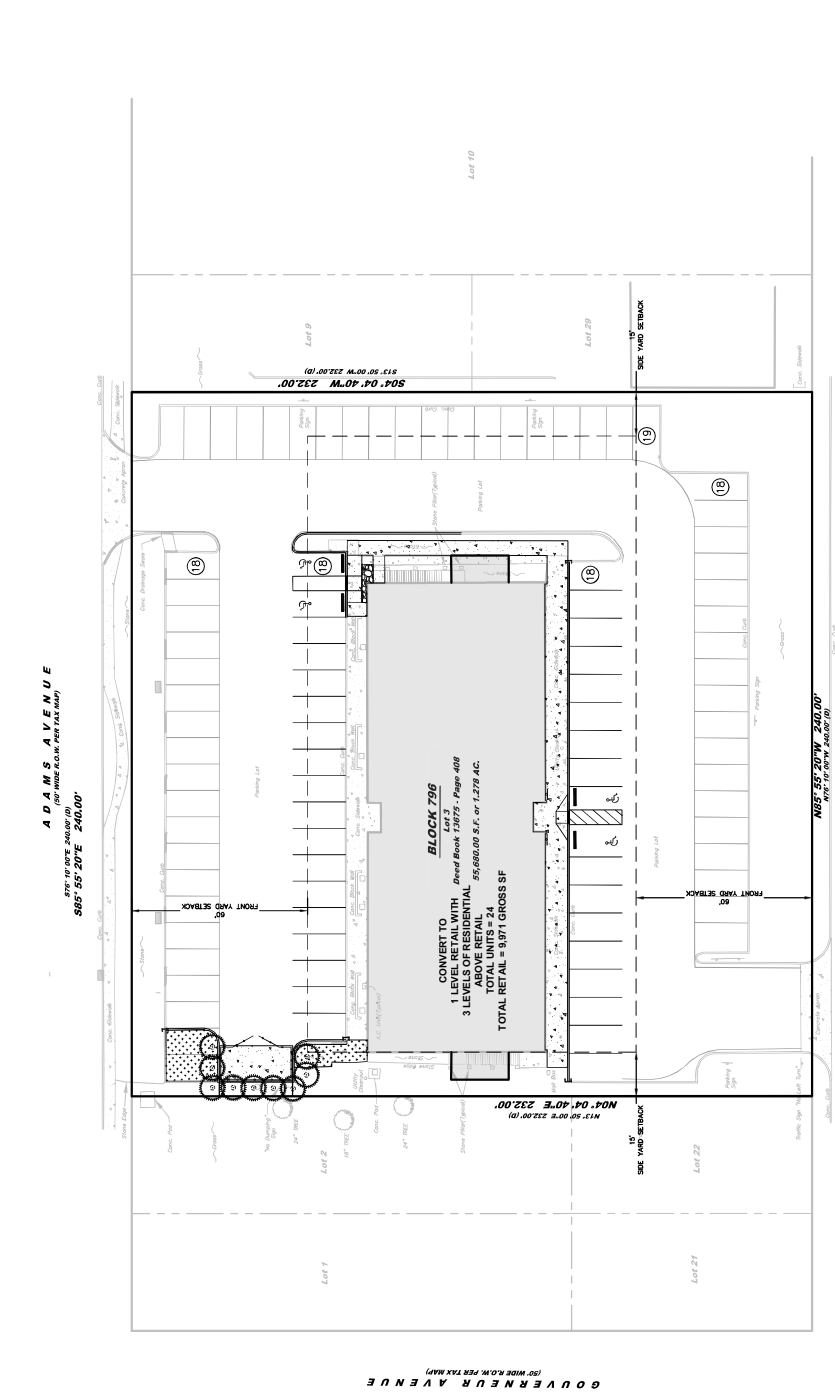
ZONING REQUIREMENTS FOR HIGHWAY BUSINESS ZONE (H2)			
ITEM	REQUIRED	EXISTING	PROPOSED (PRINCIPAL)
LOT AREA (sq. ft.)	15,000 SF	50,880 SF	NO CHANGE
LOT FRONTAGE (ft.)	100'	240'	NO CHANGE
LOT DEPTH (ft.)	150'	210'	NO CHANGE
FRONT SETBACK (ft.)	60'	80'	NO CHANGE
REAR SETBACK (ft.)	15'	15'	NO CHANGE
MAX. LOT COVERAGE BY BUILDINGS	30%	15%	NO CHANGE
MAX. BUILDING HEIGHT	40'	2.5 ST.	NO CHANGE
MAX. NUMBER OF STORIES	4	4 STORIES	NO CHANGE

2. PARKING REQUIREMENTS AS PER ORDINANCE 348-8.00 AND RBIS:
RETAIL STORES: ONE SPACE/ 225 SF OF GROSS FLOOR AREA = 9,971/ 225 SF = 45 SPACES
RESIDENTIAL: 1.8 SPACES/1-BR (1.8) = 45 SPACES
2.1 SPACES/1-BR (2.1) = 45 SPACES

PROVIDER 91 INCLUDING 4 ADA SPACES
TOTAL = 93 SPACES

DWELLING UNIT MIX	REQUIRED	PROPOSED
1-BR	1	14
2-BR	2	1
3-BR	2	1
TOTAL BEDROOMS	48	16

REQUIRED ELECTRICAL VEHICLE CHARGING EQUIPMENT SPACES (EVSE):
MIN. EVSE = 10% OF REQUIRED OFF-STREET PARKING = 14
MIN. ACCESSIBLE (EVSE) = 5% OF EVSE PROVIDED: 0.7 = 1
MINIMUM CREDIT FOR PROVIDING EVSE = 10% OF REQUIRED PARKING = 9 SPACES CREDIT.
REQUIRED SPACES = 93-9-14
PROVIDED SPACES = 91



FPA
FRENCH & PARIBELLO ASSOCIATES
New Jersey • New York • Pennsylvania • Georgia
Professional Engineer, N.J. Lic. No. 44465

ZONING ANALYSIS PLAN
S & F PLAZA
2008 ROUTE 37
BLOCK 796 LOT 3
OCEAN COUNTY, NEW JERSEY

DATE: 08/13/2025
DESIGNED BY: MKC
CHECKED BY: MKC
SCALE: 1"=40'
FIELD BOOK: 14800.004
SHEET: 3

No.	Date	Revised	Revised By

CONVERSION © 2025 FRENCH & PARIBELLO ASSOCIATES - THE CONTENT OR REUSE OF THIS DOCUMENT OR PORTIONS THEREOF, WITHOUT THE WRITTEN PERMISSION OF FRENCH & PARIBELLO ASSOCIATES, IS STRICTLY PROHIBITED.
SCALE TO PRESENT PURPOSES IN PROJECTION AND DIMENSIONS MAY VARY FROM THAT SHOWN ON ORIGINAL DRAWING.

EXHIBIT B

EXHIBIT H

Fair Share Housing Center

510 Park Boulevard

Cherry Hill, New Jersey 08002

P: (856) 665-54444

By: Joelle L. Paull (479812024)

joellepaull@fairsharehousing.org

Attorney for Fair Share Housing Center

IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF TOMS RIVER	SUPERIOR COURT OF NEW JERSEY LAW DIVISION OCEAN COUNTY DOCKET NO. OCN-L-001867-15 CIVIL ACTION: MOUNT LAUREL THIRD ROUND CONSENT ORDER TO ADDRESS OUTSTANDING COMPLIANCE CONDITIONS
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THIS MATTER having come before the court on the joint application of Louis N. Rainone, Esq. of Rainone Coughlin Minchello, LLC attorneys for the Township of Toms River (the "Township"), and Joelle L. Paull, Esq., attorney for Fair Share Housing Center ("FSHC"), with the review of the Special Adjudicator Mary Beth Lonergan, PP, AICP.

WHEREAS, the Court having approved the October 20, 2016 settlement agreement between the Township and FSHC (the "Agreement") and found that the Agreement is fair and reasonable and protects the interests of low- and moderate-income persons, consistent with the standards set forth in E.W. Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996) and Matter of Twp. of Bordentown, 471 N.J. Super 196, 223 (App. Div. 2022), and provides a realistic opportunity for the construction of affordable housing within the Township of Toms River;

WHEREAS, following a duly noticed Mount Laurel Compliance Hearing on May 11, 2017, the Court entered a Third Round Conditional Judgment of Compliance and Repose, dated

June 7, 2017, which conditioned the Township's Final Third Round Judgment of Repose on complying with conditions set forth in the May 2017 Special Adjudicator's report;

WHEREAS, the Agreement provides that the Township's affordable housing obligations are: a Rehabilitation Share of 243 units, Prior Round Prospective Need obligation of 1,735 units, and a Third Round Prospective Need obligation of 1,285 units;

WHEREAS, on July 15, 2024 FSHC submitted a letter to the Court seeking the Court's involvement to ensure progress in meeting the outstanding conditions set forth in the December 5, 2023, Special Adjudicator's report and to address an inability to credit group homes and other issues in the Township's plan;

WHEREAS, following the November 21, 2024 Case Management Conference, the Special Adjudicator circulated an updated memorandum dated December 10, 2024 addressing outstanding compliance conditions, which said memorandum was further updated on January 14, 2025 (the "January 14, 2025 Special Adjudicator Memorandum");

WHEREAS, the parties met with the Special Adjudicator on December 12, 2024 and agreed to terms ordered below.

IT IS THEREFORE DECLARED, ORDERED AND ADJUDGED ON THIS 5th DAY OF March 2025, AS FOLLOWS:

1. As part of the Township's upcoming Fourth Round compliance efforts, the Township shall include in a formally adopted Fourth Round Housing Element and Fair Share Plan ("HEFSP") all the Prior Round and Third Round information and documentation included in its 2022 draft updated Third Round HEFSP and all additional information requested in the January 14, 2025 Special Adjudicator Memorandum, and shall include in

- appendices to its Fourth Round HEFSP all the crediting documents provided to the Special Adjudicator and FSHC since entry of the Township's 2017 Conditional JOR.
2. The Township shall revise its Third Round spending plan by April 5, 2025 and adopt an updated Third Round spending plan by May 1, 2025. The Special Adjudicator shall review the updated Third Round spending plan and submit a report to the Court once ready for Court approval.
 3. The parties agree that the Township will seek the extension of expiring or expired deed restrictions for 36 units at North Pointe Hollow (Block 37, Lot 1) pursuant to N.J.A.C. 5:80-26.1 et seq. (the "North Point Hollow Deed Restrictions"). The Township shall provide a sample deed restriction to FSHC and the Special Adjudicator for review by March 15, 2025; the Township shall prepare and submit to FSHC a document identifying the number of units and the affirmative steps the Township shall take; the Township shall submit all deeds as they are recorded to FSHC.
 4. If the Township is unable to seek the extension of all or any portion of the North Point Hollow Deed Restrictions, the Township agrees to submit alternative sites to FSHC for review one month prior to the Township's Planning Board adoption of the Fourth Round HEFSP.
 5. Dover Chase (Block 164, lot 3; 22 family rental units): The Township shall provide draft deed restriction to the Special Adjudicator and FSHC for review and must provide the recorded deed restriction when it is available. In the event the Township is unable to obtain draft deed restrictions, the Township shall file an Order to Show Cause against Dover Chase by March 5, 2025.

6. Fairways at Bey Lea (Block 571, lot 89; 106 family rental units): The Township shall provide documentation that the 63 expansion units have been appropriately affirmatively marketed and are administered by an experienced/qualified administrative agent pursuant to N.J.A.C. 5:80-26.1 et seq.. In the event the Township is unable to provide the required documentation, the Township agrees to appoint Piazza and Associates, Inc. as the administrative agent.
7. Leone (Block 658.01, lots 32 and 33; two family rental units): In the event the Township is unable to obtain the documentation in this paragraph, the Township shall file an Order to Show Cause against Leone by March 5, 2025. The Township has provided the CO for this project, dated October 2007 (note the 2022 updated draft HEFSP indicates these units received their COs in 2014), and the 2022 updated draft HEFSP indicates the units, a one-bedroom and a two-bedroom unit, are administered by Leone & Daughters. The Township has also provided an executed agreement between the developer and Housing Mortgage and Finance Agency (“HMFA”) that provides for HMFA administrative oversight of the units, if HMFA is unwilling to administer these units, then the Township agrees to appoint Piazza and Associates, Inc., as the administrative agent. The agreement requires the developer to record a deed restriction of at least 30 years within 30 days of issuance of COs. In its Fourth Round HEFSP, the Township shall provide corrected CO dates, clarify the name of the experienced/qualified administrative agent, provide a recorded deed restriction of at least 30 years for these units, documentation of their affordability level, and provide documentation that the units have been and continue to be affirmatively marketed and administered by an experienced/qualified administrative agent.

8. Hyers Street/Legion Court (Block 659, Lot 1): Prior to March 15, 2025, the Township shall confirm that the 4 family rental units have valid approvals which have not expired and are not affected by the December 18, 2024 ordinance repealing the “Downtown Core Redevelopment Plan, the Waterfront Redevelopment Plan and the Robbins Parkway Redevelopment Plan as well as all amendments thereto and to implement the zoning that was applicable to the subject properties immediately prior to the adoption of said Redevelopment Plans of the Downtown Core Redevelopment Plan.” If zoning approvals are no longer valid, the Township shall identify and provide FSHC with alternative units.
9. Dover Shopping Center Associates, LLC (Block 410, Lot 25; 30 family rentals): This development recently received amended site plan approval and is in Compliance Review. The Township shall provide an affordable housing agreement with an updated UHAC compliant draft deed restriction that lists each unit by number of bedrooms and affordability levels by April 15, 2025.
10. JSM/Gabrielle Run (Block 164, Lot 7; 70 family rentals): The Township shall secure amended deed restrictions for the completed units that include the language “of at least 30 years” as required by UHAC (see N.J.A.C 5:80-26.11(a)). The Township shall attempt in good faith to present a draft master deed restriction to the Special Adjudicator and FSHC by April 15, 2025, though FSHC acknowledges that the Township must obtain said master deed restriction from the Project’s developer, which may delay said efforts. The Township shall ensure that the deed restrictions are provided as they are completed and comply with N.J.A.C. 5:80-26.1 et seq.
11. By June 30, 2025 the Township shall address all outstanding conditions set forth in the January 14, 2025 Special Adjudicator Memorandum, including but not limited to

outstanding crediting documentation for the Prior and Third Rounds in its Fourth Round HEFSP.

12. Other than the terms ordered above, the remaining terms of Agreement and Conditional Judgment remain unchanged and in force, including immunity from builder's remedy lawsuits until June 30, 2025.
13. Reservation of Rights. The Parties acknowledge and agree that no provision of this Order shall be construed as a waiver or relinquishment of any rights, claims, defenses, or remedies available to either Party under applicable law, regulation, or court rule. Respectively, the Parties expressly reserve all rights to take any action, pursue any remedies, or seek any relief as permitted by law. This Reservation of Rights shall include all claims, obligations, or disputes arising out of or related to this Order or its implementation. The Parties further acknowledge that any action taken pursuant to this Order does not preclude or limit the exercise of such rights or remedies in the future. Specifically, but without limitation, the Parties acknowledge that the Township retains its rights contained in Paragraph 13 of the October 20, 2016 Settlement Agreement. The Parties further acknowledge that FSHC retains the right to oppose any said actions.
14. Governing Body Approval. This Consent Order and the obligations contained herein are expressly subject to and contingent upon approval by the Township Council of the Township of Toms River. No rights, obligations, or liabilities shall arise under this Consent Order unless and until such approval is granted. In the event that the Township Council does not approve this Consent Order, the parties shall be restored to their respective positions as they existed prior to the execution of this Consent Order, without prejudice to any claims or defenses available to them.

15. Service of Order. The within order shall be served on all counsel via eCourts. Counsel for the Township shall provide all parties on the Supreme Court Service List and the Municipal Service List with a copy of this Order within five (5) days of receipt by counsel for the Township of the within Order.

Date: 3/5/25



Hon. Sean D. Gertner, J.S.C.

The undersigned, on behalf of their respective clients have consented to the entry of this Order and that they are authorized to execute it on their behalf.

By: /s/ Christopher D. Zingaro
Christopher D. Zingaro, Esq.
Rainone Coughlin Minchello, LLC

By: Joelle L. Paull
Joelle L. Paull, Esq.
Counsel for Fair Share Housing Center

EXHIBIT I

Louis N. Rainone, Esq. – (#021971980)
Christopher D. Zingaro, Esq. – (#264412018)
RAINONE COUGHLIN MINCHELLO, LLC
555 U.S. Highway One South, Suite 440
Iselin, NJ 08830
Phone: (732) 709-4182

Attorneys for Petitioner, The Township of Toms River

IN THE MATTER OF THE TOWNSHIP OF
TOMS RIVER FOR A JUDGMENT OF
COMPLIANCE OF ITS THIRD ROUND
HOUSING ELEMENT AND FAIR SHARE
PLAN, Petitioner

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY

DOCKET NO.: OCN-L-1867-15

CIVIL ACTION

**NOTICE OF MOTION FOR
DECLARATORY JUDGMENT WITH
RESPECT TO THE TOWNSHIP OF
TOMS RIVER’S THIRD ROUND
PROSPECTIVE NEED OBLIGATION
FOR THE THIRD ROUND
AFFORDABLE HOUSING CYCLE**

TO: Joshua D. Bauers, Esq.
Joelle L. Paull, Esq.
Fair Share Housing Center
510 Park Blvd.
Cherry Hill, New Jersey 08002

PLEASE TAKE NOTICE that on Friday, June 6, 2025 at 9:00 a.m. or as soon thereafter as counsel may be heard, undersigned counsel for Petitioner, Township of Toms River (“Petitioner”) will appear before the Honorable Sean D. Gertner, J.S.C., at the Superior Court of New Jersey, Law Division, Ocean County, Ocean County Courthouse, 118 Washington St, Toms River, New Jersey 08753, for an Order granting Petitioner’s Motion for Declaratory Judgment with respect to the Petitioner’s Prospective Need obligation for the Third Round affordable housing cycle.

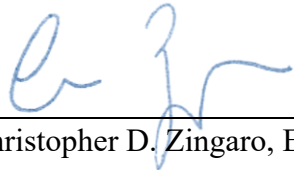
PLEASE TAKE FURTHER NOTICE that in support of this motion, Defendants will rely upon the Brief filed herewith, Certification of Christopher D. Zingaro, Esq., with exhibits, and the Certification of Benjamin Silkowitz, Director of the Building Department within the Division of Construction Services for the Township of Toms River.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is annexed hereto.

PLEASE TAKE FURTHER NOTICE that pursuant Rule 1:6-2(d), oral argument is hereby requested if this motion is contested.

Respectfully,

RAINONE COUGHLIN MINCHELLO, LLC
Attorneys for Petitioner, Township of Toms River

By: 

Christopher D. Zingaro, Esq.

Dated: May 21, 2025

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IN THE MATTER OF THE TOWNSHIP OF
TOMS RIVER FOR A JUDGMENT OF
COMPLIANCE OF ITS THIRD ROUND
HOUSING ELEMENT AND FAIR SHARE
PLAN, Petitioner

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY

DOCKET NO.: OCN-L-1867-15

CIVIL ACTION

**ORDER FOR DECLARATORY
JUDGMENT WITH RESPECT TO THE
TOWNSHIP OF TOMS RIVER’S
PROSPECTIVE NEED OBLIGATION
FOR THE THIRD ROUND
AFFORDABLE HOUSING CYCLE**

THIS MATTER having come before the court by way of a Motion for a Declaratory Judgment filed by Rainone Coughlin Minchello, LLC (Louis N. Rainone, Esq. and Christopher D. Zingaro, Esq. appearing) on behalf of Petitioner, Township of Toms River (“Petitioner”); and Joshua D. Bauers, Esq. and Joelle L. Paull, Esq. appearing on behalf of Fair Share Housing Center; and the court having considered the motion papers and arguments of counsel; and for good cause shown.

IT is on this ____ day of June 2025 HEREBY ORDERED that:

1. Petitioner’s Motion for Declaratory Judgment be and is hereby GRANTED;
2. It is declared pursuant to N.J.S.A. 2A:16-50 et seq. and R. 4:42-3 that the statutory cap of 1,000 units set forth under N.J.S.A. 52:27D-307(e) applies to Petitioner’s Third Round affordable housing prospective need obligation;

3. Petitioner's prospective affordable housing obligation for the Third Round shall be capped at 1,000 units;
4. No portion of Petitioner's Third Round prospective need obligation in excess of 1,000 units shall be phased into future housing compliance cycles, including the Fourth Round (2025-2035); and
5. Fair Share Housing Center and any other interested parties are enjoined from asserting or otherwise seeking enforcement of any Third Round prospective need obligation exceeding the statutory cap of 1,000 units.

IT IS FURTHER ORDERED that this Order shall be deemed filed and served upon uploading on eCourts.

Hon. Sean D. Gertner, J.S.C.

Unopposed

Opposed

EXHIBIT J



Toms River Township

Affordable Housing Trust Fund

Affordable Housing Spending Plan

June 5, 2025



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

Alaimo Group
200 High Street
Mount Holly, New Jersey 08060

(609) 267-8310



Toms River Township

Township Council

Honorable Daniel T. Rodrick, Mayor
Councilman Justin Lamb, Council President, Ward 1
Councilman-at-large Craig Coleman, Council Vice President
Councilman William Byrne, Ward 2
Councilman David Ciccozzi, Ward 4
Councilman-at-Large Thomas Nivison
Councilwoman-at-large, Lynne O'Toole
Councilman James Quinlisk, Ward 3

Jonathan Salonis, Township Business Administrator
Stephen Hensel, Township Clerk
Peter Pascarella, Esquire, Assistant Township Attorney
John Mele, P.E., Township Engineer
Richard Hunt, PP, AICP, Township Planner

2025 Township Planning Board

Geri Ambrosio, (Class I), Member
Peter Pascarella, (Class II), Member
Lynn O'Toole, (Class III), Member
Angelo Nizzardo, (Class IV), Member
Paul A. DiGregorio, (Class IV), Member
Ronald Heinzman, (Class IV) Member
Brian Steele Boeckel, (Class IV) Member
James Braaten, (Class IV), Member
Paul Bernhardt, (Class IV), Member
Dassi Dembitzer, Alternate No. 1
Vacant, Alternate No. 2

Administrative and Professional Staff

Lucia Lynch, Planning Board Secretary
Melissa Benedetto, Zoning Board Secretary
Debra Tellekamp, Zoning Officer
Gregory Mc Guckin, Esquire, Municipal Attorney
Melanie Appleby, Esquire, Planning Board Attorney
Christopher Zingaro, Esquire, Affordable Housing Attorney, Rainone Coughlin Michello, LLC
John Mele, P.E., Municipal Engineer
Douglas Klee, PE., PP., Planning Board Engineer
Richard Hunt, PP, AICP, Municipal Planner, Alaimo Group
Erika Stahl, PP, AICP, Alaimo Group



INTRODUCTION

The Township of Toms River has prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the affordable housing regulations of the New Jersey Department of Community Affairs (the Department) (N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:91-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by the Department and adopted by the municipality in 1992 and amended on several occasions since then, most recently in 2025, to reflect updated requirements. The ordinance establishes the Township of Toms River affordable housing trust fund for which this spending plan is prepared.

1. REVENUES FOR CERTIFICATION PERIOD

On April 5, 2024, Toms River Township submitted a revised third-round affordable housing plan for the Affordable housing balance of \$9,832,776.97 and the projected revenue of \$506,300.00 from January 1, 2025 to June 30, 2025. As of December 31, 2024, Toms River Township has collected \$17,619,028.36 and expended \$7,786,251.39 over the life of the Trust Fund, resulting in a balance (CTM) of \$9,832,776.97. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in TD Bank for affordable housing. All third-round funds will be spent in accordance with the third-round plan except for those funds that exceed the \$506,000 projected amount for the first half of 2025. Any excess funds will be spent in the fourth round in accordance with this fourth round plan. For the fourth round, it is estimated that **\$12,143,177.10** will be collected from July 1, 2025, to June 30, 2035, of which \$120,229.40 is interest.

Projected Fourth Round Affordable Housing Trust Fund Revenue					
Year	Source of Funds				
	a) Development fees:	(b) Payments in Lieu of Construction	(c) Other Funds (Foreclosure Settlement)	(d) Interest	Total
Projected beginning balance: 6-30-25	\$8,910,263.69	\$215,800.00	\$9,100.00	\$1,580,571.84	\$10,715,735.53
2025 (2 nd half)	\$601,147.38	\$0	\$0	\$6,011.47	\$606,000.00
2026	\$1,202,294.77	\$0	\$0	\$12,022.94	\$1,212,000.00
2027	\$1,202,294.77	\$0	\$0	\$12,022.94	\$1,212,000.00
2028	\$1,202,294.77	\$0	\$0	\$12,022.94	\$1,212,000.00
2029	\$1,202,294.77	\$0	\$0	\$12,022.94	\$1,212,000.00
2030	\$1,202,294.77	\$0	\$0	\$12,022.94	\$1,212,000.00
2031	\$1,202,294.77	\$0	\$0	\$12,022.94	\$1,212,000.00
2032	\$1,202,294.77	\$0	\$0	\$12,022.94	\$1,212,000.00
2033	\$1,202,294.77	\$0	\$0	\$12,022.94	\$1,212,000.00
2034	\$1,202,294.77	\$0	\$0	\$12,022.94	\$1,212,000.00
2035	\$601,147.39	\$0	\$0	\$6,011.47	\$606,000.00
Total:	\$20,933,211.39	\$215,800.00	\$0	\$120,000.00	\$22,835,735.53



These funds shall be spent in accordance with N.J.A.C. 5:93-8.9, as described in the sections that follow.

To calculate a projection of revenue anticipated during the period of fourth round, Toms River Township considered the following:

A. Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.
4. Homes are all subject to development fees based on 1.5% of the increase in Equalized Assessed Value. Development fees collected in recent years have been influenced by non-residential fees for commercial projects coming online. The actual collection of fees has been frequently over \$500,000 per year and was over \$600,000 in 2017, over \$900,000 in 2018, \$840,252 in 2019, \$655,954 in 2020, \$1,226,810 in 2021, \$958,321.95 in 2022, \$2,594,694.21 in 2023, and \$2,140,031.22 in 2024. The years 2016 and 2017 were impacted by Superstorm Sandy and the policy to not collect affordable housing development fees during the Sandy rebuilding years. The 2020 value was affected by Covid-19. Years without any economic hardship have seen collections of well over \$2,000,000. The Township will utilize the average collection of \$1,202,294.77 per year as a conservative number. Some years maybe lower, while other years may be higher; however, it is estimated that over that time period, the estimated amount collected will average \$1,202,294.77 per year.

B. Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows:

The Township does not anticipate receiving any in lieu payments, except to the extent fractional payments are made in inclusionary developments. The affordable housing ordinance (Article XI of Chapter 348) only allows the option of an in-lieu payment in major subdivision or site plan approvals involving five or fewer lots or



units of residential. Any development of six (6) units or more must provide the required amount of affordable units on-site (§ 348-11.10E).

C. Other funding sources:

None

D. Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund is based on the current average interest rate.

Toms River Township projects a total of \$12,143,177.10 in revenue to be collected between July 1, 2025, and June 30, 2035, consisting of \$120,229.40 of interest. All interest earned on the account shall be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by Toms River Township:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Toms River's development fee ordinance for both residential and non-residential developments in accordance with the Department's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

Development fees are expended based on approved spending plans, which in the case of Toms River include partial payment of salaries and other administrative costs. Other housing related expenditures continue to be made from the Housing Trust Fund as authorized by resolutions of Township Council.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:93-8.16)**

Rehabilitation program: The Township runs a rehabilitation program as an entitlement community through the use of HUD CDBG funds. No allocation of funds from the Affordable Housing Trust Fund (AHTF) will occur in 2022. However, the future of CDBG funding is dependent on Federal legislative budget



appropriations. As such, the Township is anticipating that it may need to plan for the possibility that substitute funding for the rehabilitation program from the AHTF may be necessary in the future. The annual rehabilitation program budget is \$306,000, which is based on an average of 18 rehabilitation projects per year at an average cost of \$17,000 per project to satisfy the third round. The AHTF will be used to supplement CDBG funding in the fourth round. The Township's Housing Rehabilitation need has significantly increased to an average of fifty-two (52) units per year for the fourth round. A total of forty-two (42) units will have to be supplemented with AHTF funding. The Township Rehabilitation Manual states that up to \$22,000 of AHTF can be used per project, with an additional \$2999 permitted for extreme cases. Northern Ocean Habitat for Humanity operates the Toms River Township Housing Rehabilitation Program. They have in-house general contractors and construction staff that can perform most of the work, except for electrical, plumbing, and HVAC work, which is contracted out. At this time, Northern Ocean Habitat for Humanity has indicated that the average per unit is under \$15,000 per unit. However, this number will be reevaluated in mid-2025 after they have operated the program for six months. The Township of Toms River is allocating **\$3,150,000** to the Toms River Housing Rehabilitation Program to cover five years at forty-two (42) units per year. Additional funds will be allocated in the fourth-round plan to cover the last five years of the ten-year period and to increase the average cost per unit should the need arise.

(b) **Housing Activity:**

- (1) **Purchase of Extension of Controls** – The Township has several older developments with affordability controls that have either expired or are nearing expiration. The Township has identified 302 affordable housing controls expiring during the fourth round as noted in the table below. The Township is seeking to extend all expiring extensions of controls.

Hope's Crossing is a 125 rental family unit affordable housing complex located in the North Dover portion of Toms River Township. This 100-percent affordable family rental project was also part of the Township's 1992 Court-approved Compliance Plan. As completed and occupied, the project contains 125 affordable units with thirty (30) year affordability controls. It received its initial CO in September of 1995. Per the April 20, 2005 Pre-mediation Report, COAH has verified the Township's entitlement to 125 credits for this project. The project is administered by Pennrose Properties under a joint venture agreement with Homes For All, Incorporated. The Township is seeking to extend the controls for an additional thirty (30) years. The Township has agreed to forgive \$1,244,000 in loans and approximately \$1,900,000 in interest accrued for a total of \$3,144,000. In addition, the Township has also agreed to provide a five



percent (5%) flat rate Payment in Lieu of Taxes for the full thirty (30) years of extended affordability.

The Villages at Bey Lea site was part of the Township's 1992 Compliance Plan and received its initial CO between December 21, 2020 – December 13, 2021. As built and occupied, this inclusionary, 235-unit project contains forty-eight (48) age-restricted rental units with twenty (20) year affordability controls. COAH's 2005 Pre-mediation Report verified the Township's entitlement to forty-eight (48) credits for this project. The units are administered by Piazza & Associates. The affordable controls expired in 2021. The Township is seeking to renew the controls for the forty-eight (48) units and has agreed to provide \$50,000 per unit for a total cost of \$2,400,000.00.

Highland Plaza is a 110-unit senior rental affordable housing complex built in 1984. This project-based, Section 8, age-restricted, low- and moderate-income development was constructed in 1983, and contains 110 rental units. Per the April 20, 2005 COAH Pre-mediation Report, COAH staff has verified the Township's claim to 110 prior cycle credits for this project. The thirty (30) year affordability controls expired in 2014 and were extended in January, 2014 for another twenty (20) years through December 2034, for a total control period of fifty (50) years. The units are administered by Triple Lindy Urban Renewal, LLC as HUD project No. 035-11046. The Township is seeking to extend the units for another twenty (20) years for the fourth round. The Township will pay for lender and legal costs and provide a new five percent (5%) PILOT.

Woods of Massachusetts has thirteen (13) affordable units for sale with controls expiring in 2034. The units are located in the North Dover section of Toms River and are managed by HAS. It is estimated that \$28,000 per unit will be required to extend the affordability controls for a total of \$364,000.00.

In total, the Township is seeking to expend \$6,508,000.00 to extend the credits on 302 existing affordable housing units.

EXTENSION OF CONTROLS				
Property	Number of Units	Bonus Credits	Cost	Notes
Hope’s Crossing (family units-rental)	125	62.5	\$3,144,000	<ol style="list-style-type: none"> 5% flat rate PILOT for full 30 years of extended affordability; and, Forgiveness of the Township’s \$1,244,000 loan and ~\$1.9MM interest accrued thereon; and, Contingent upon our ability to have the County loan forgiven and the NJ DCA loan extended or refinanced.
Villages at Bey Lea (age restricted units -rental)	48	24	\$2,400,000.00	Originally a 20-year restriction. Requesting \$50,000 per unit.
Highland Plaza (seniors -rental)	110	55	\$300,000.00	This will include lender costs, legal, etc. PILOT rate reduced from 7% to 5%.
Woods at Massachusetts (family- for sale units)	13	0	\$364,000	Estimating \$28,000 per unit. These units are managed by HAS.
Total	302	144.5	\$6,508,000.00	

(c) **Affordability Assistance (N.J.A.C. 5:93-8.16 (c))**

At least thirty percent (30%) of the revenues collected from development fees shall be devoted to render units more affordable. Examples of such activities include, but are not limited to, down payment assistance, low interest loans, and rental assistance. Development fees collected to finance an RCA, a rehabilitation program or a new construction project shall be exempt from this requirement. This requirement may be waived in whole or in part when the municipality demonstrates the ability to address the requirement of affordability assistance from another source.



AFFORDABILITY ASSISTANCE CALCULATION		
Actual fees thru 12/31/2024, including interest		\$ 17,619,028.36
Projected Development Fees & other revenues, Jan. 2025 thru June 30, 2025	+	\$506,300.00
Projected Development Fees from July 1, 2025 to June 30, 2035	+	\$12,143,177.10
Total	=	\$ 30,268,505.46
30% Requirement	x .30	\$ 9,080,551.64
Less funds spent on RCA	-	\$ 1,326,097.00
Less Affordable Housing Trust Fund Housing Rehab. Program Funds	-	\$ 6,600,000.00
Less Affordability assist. expenditures thru 2/28/2022	-	\$ 2,894,612.40
Less Affordability assist. for third round (with portion to be spent in 4th round)	-	\$ 2,542,986.11
Projected Min. Afford Asst, 7/1/2025 to 6/30/2035	=	\$ (4,283,143.87)
Proj Min Afford. Asst for Very Low Income, 2022 thru 2025	x 1/3	\$ (1,427,714.62)

Past Affordability Assistance Expenditures

Through February 28, 2022, Toms River Township expended \$2,894,612.40 from the affordable housing trust fund to render projects more affordable, which comprises the following specific expenditures:

1. Springpoint Senior Housing on Oak Avenue is a HUD Section 202 low-income eighty-four (84) unit nonprofit development built on land purchased for \$950,000 through the Housing Trust Fund and sponsored by Presbyterian Homes of New Jersey. The land was conveyed at no cost to the project in order to assure project feasibility. Due to unforeseen delays related to a water supply moratorium, the amount committed to the project in the Fund Reservation was insufficient to build the project unless the land was provided at no cost.
2. The project is built and occupied. The twelve (12) unit, 100% affordable housing project on Walnut Street received \$28,000 per unit from the Housing Trust Fund to ensure affordability, resulting in a total expenditure of \$336,000 for project feasibility.
3. Freedom Village is a seventy-two (72) family rental Tax Credit development with 100% of the units accessible to handicapped persons. It is located at the intersection of West Hickory Street and Massachusetts Avenue on Block 164, Lot 4. Construction is complete. The target population for this development is households with special needs, including handicapped and developmentally disabled persons. Housing Trust Fund expenditures for this project through the end of 2014 were \$81,365.67. The development is financed through NJHMFAs utilizing Low Income Housing Tax Credit financing for this 100% affordable project. It is designed to



serve special needs, with all units accessible and with support services on-site. The ten-acre site on which it is built was owned by the Township and conveyed to the nonprofit at no cost. The Township acquired the property for \$600,000 in 2003. It was appraised in 2013 as part of the NJHMFA procedure and it showed a value of \$1,080,000. The property's cost basis, including closing costs, legal fees, and interest on the bonds through the end of 2015, is \$774,761.45. Since the development is built on land formerly owned by the Township, an additional Housing Trust Fund expenditure has compensated the Township for the cost of the land and related fees and interest in the amount of \$774,761.45. Eighteen (18) households in this development have incomes below thirty percent (30%) of the regional median income. One additional cost for which reimbursement was made is for the required Rental Housing Inspection Fee of \$100 per unit. The Township has completed those inspections, and payment was made from the Housing Trust Fund for \$7,200.

4. Cornerstone Commons is located at the intersection of Cox Cro Road and Massachusetts Avenue on an eleven (11) acre site owned by the Township but conveyed to the developer prior to the start of construction. The agreed-upon price for the project was \$750,000, the maximum amount the rental proceeds would support. The Township acquired the parcel in 2003 at a cost of \$1,150,000 for the purpose of reserving it for affordable housing for seniors. On a cost basis, the Township has also expended \$294,283.28 in interest on the bonds. The appraisal that was submitted to NJHMFA as a part of the application for financing shows a land value as of November 2014 of \$1,610,000. To the extent revenues in the Housing Trust Fund permit, the Township sought reimbursement for all direct costs over the \$750,000 reimbursement paid at the time of closing, or a total of \$694,283.28. Accordingly, compensation to the Township in the amount of \$694,238.28 was paid from the Housing Trust Fund, which is the cost basis in excess of the affordable reimbursement built into the NJHMFA financing. That transfer from the Trust Fund to the Township was made on November 14, 2019.
5. Highland Plaza - In 2013, Highland Plaza applied for and received an extension of its agreement to make Payments in Lieu of Taxes to the Township. The PILOT agreement went into effect in 1983, and its expiration coincided with the terms of its thirty (30) year mortgage. The extension is for an additional twenty (20) years with an option to renew ten more years past that date. In total, therefore, the entire period of coverage is fifty (50) years with a ten-year option at the end of the fifty (50) years, thereby providing the same length of controls that should qualify it for additional credits based on the extension. Highland Plaza consists of 110 age-restricted units, so the Township is anticipating full 110-unit credit for the extension, and an additional thirty-seven (37) rental bonus credits. The basis for charging the Housing Trust Fund \$51,047 is due to HUD refinancing criteria that required the owners to reduce the size of the project reserve, which HUD determined to be excessive under current criteria, and in so doing HUD withheld



Rental Assistance Payments in the amount of \$729,241. Under the PILOT formula, HUD Rental Assistance Payments are taken into account in the payment formula, but not liquidated reserves. This is a one-time event and the Township needs the money as it anticipated in its adopted budget the normal full PILOT payment. The calculated \$51,047 payment to the Township for Highland Plaza is based on seven percent (7%) of \$729,241.

6. **Toms River Crescent** is a 120-unit 100% affordable project financed through low-income tax credits that utilizes the Home Express Balanced Housing funding that requires a reservation of twelve (12) units for very low-income (based on the HMFA standard of being under 35% of FMI). This project requires assistance with an ordinance adopted in 2017 that requires annual inspection fees from the Township’s Fire Prevention Bureau of \$15 per unit, \$5 per hydrant (x 6 hydrants), and \$45 for the clubhouse, for a total of \$2,025 per year. It is proposed that this fee be reimbursed to the project from 2017 through the end of this Spending Plan period (nine years) for a total of \$18,225.

PROJECT	EXPENDITURE
Springpoint Senior (Presb. Homes)	\$950,000.00
Walnut Street	\$336,000.00
Freedom Village	863,327.12
Cornerstone Commons	\$694,238.28
Highland Plaza	\$51,047.00
Toms River Crescent	\$18,225
TOTAL ASSISTANCE	\$2,912,837.40

Proposed Affordability Assistance Expenditures

The Township of Toms River has a large present need and has allocated third round and fourth round funds to ensure that the properties are rehabilitated. The Township is not required to set funds aside for affordability assistance as noted in the table above. Despite not needing to set aside funds, the Township has noted the need for Homeowner’s Association Assistance Program. The Township will set an additional \$356,542.10 in the fourth round for Homeowner’s Association affordability assistance in accordance with the procedure manual created by Piazza & Associates. Piazza and Associates will manage all affordability assistance programs according to each program manual.

The following expenditures were approved at the end of the third round for the third round. Funds were set aside for affordability assistance programs. These programs will remain active during the fourth round and will be administered by Piazza and Associates. There are no new funds for affordability assistance proposed for the fourth round.



Rental and Down Payment Assistance

With the gradual emergence from the economic impacts of the COVID-19 pandemic, a need for rental and home ownership assistance has become more acute. The Township proposes to collaborate with our experienced nonprofit partners in the Township's CDBG program to supplement the affordability housing assistance programs of these nonprofit partners.

Rental Assistance Program

Rental assistance will not need to be repaid by the tenant. The amount of the rental subsidy will be calculated initially based on the tenant's actual income and the rent level of the affordable units to help bring the total shelter costs down to thirty percent (30%) of the total household income or lower, if warranted by the particular household circumstances. The Township will offer affordability assistance to applicants for very low-, low- and moderate-income rental units. It is estimated that thirty (30) grant applications will be processed annually, beginning in 2025, with an average first month's rent of \$1,500. Thirty percent (30%) (3 applications per year) will be reserved for Very Low-Income tenants who will receive an additional \$2,250 for the security deposit and/or utility deposit for another month and a half worth of rent (a total of 2.5 months' worth of rent). The following assistance is available to low- and moderate-income households:

1. Rent subsidy for the first month and a half (1.5) of rent.

The following assistance is available to very low-income households:

1. Rent subsidy for the first three and a half (3.5) months' rent

Down Payment Assistance Program

The Township will offer affordability assistance to applicants for ownership units in the form of down payment, closing cost, and lender fee assistance up to a maximum of \$15,000 per application. This Spending Plan assumes an average of 10 applications per year beginning in 2023 through 2025.

- **For Down Payment Assistance**, the buyer must be able to supply three percent (3%) of the down payment with the buyer's own funds, plus additional closing costs that exceed the amount of the loan. No gifts or other loans may be used to fund the three percent down payment amount but may be used to fund additional closing costs. The loan amount may be made up to 10 percent of the purchase price. The Township must approve the buyer's qualifications and need for the loan. The loan has no prepayment penalty. It is due and payable when the buyer resells, borrows against the property or refinances the First Purchase Repayment Mortgage. The loan may be subordinated only to the First Purchase Money



Mortgage. When calculating the borrowing capacity of the homeowner and the equity in the property, this loan must be included. The buyer must sign a mortgage and mortgage note to the Township.

- **Payment of Closing Costs** may include title work and policy, reasonable attorney’s fees for closing of title, preparation of survey, homeowner’s insurance, recording fees, and other necessary closing expenses to third parties. Utility deposits, i.e., gas and electric, paid to utility companies are to be returned to the Township Affordable Housing Trust Fund upon resale of the unit. The buyer will execute documents required to secure payment to Toms River Township.
- **Payment of Lender Fees** includes mortgage points, application fees, appraisal fees, bank attorney review fees, and necessary mortgage closing expenses. The buyer will execute documents required to secure payment to Toms River Township.

Homeowner Association Fee Assistance Program (“HOA-FA Program”)

Toms River will set aside a maximum of \$356,542.10 for HOA assistance. The Township will provide a maximum of \$4,000 in HOA assistance per affordable unit/certified household. The payments will be made in six (6) month installments (up to \$4,000 per household) and will not exceed the household’s total monthly HOA fee for that time frame. This assistance will be paid directly to the HOA. Assistance will be provided on a first-come, first-served basis to income-eligible homeowners. Assistance will only be provided one time to the affordable unit/household. However, a change in occupancy would allow a new homeowner in a unit to take advantage of the program. Piazza and Associates will manage the program in accordance with the HOA-FA Program manual.

Emerging Affordable Housing Opportunities

Given the increase in activity for group homes in recent years and the expression of interest for assistance from nonprofits operating existing group homes. In order to avoid delays caused by having to amend the Spending Plan each time a group home operator requests financial assistance, an application process will be established patterned after the CDBG funding request applications that have a regular schedule of submission, review and approval based on annual funding cycles. However, as the AHTF is not reliant upon annual Federal allocations from USHUD, the application period can be ongoing. To be eligible for assistance, a group home must meet the definition of “Alternative living arrangement” in N.J.A.C. 5:93 and meet the requirements for such facilities pursuant to N.J.A.C. 5:93-5.8. This Spending Plan commits any surplus in the Trust Fund to this category.



(d) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

The Township estimates that \$ 2,428,635 will be available from the affordable housing trust fund for administrative purposes through June 30, 2035. Projected administrative expenditures, subject to the twenty percent (20%) cap, are as follows:

1. Consulting, legal, and Special Master fees related to securing administrative approval of the Township’s Housing Element and Fair Share Plan: \$125,000-\$150,000.
2. Office supplies and other administrative costs: \$25,000-\$30,000.
3. Personnel, including allocations for the Township Planner, Assistant Township Planner, and Administrative Assistant: \$280,000-\$320,000.
4. Piazza and Associates' administration of affordability programs and other administrative agent responsibilities: \$280,000-\$320,000

ADMINISTRATIVE EXPENSE CALCULATION		
Actual fees and interest thru 12/31/2024		\$ 17,403,228
Projected Development Fees and interest January 1, 2025 thru June 30, 2025	+	\$ 506,300
Projected Development Fees and Interest July, 1, 2025 thru June 30, 2035	+	\$12,143,177.10
Payments-In-Lieu of construction and other deposits thru 12/31/2024	+	\$ 215,800
Less RCA reimbursements to Township thru 7/1/25 per expiration of agreement	-	\$ (1,326,097)
Total For Admin. Calculation to 12/31/2025	=	\$ 28,942,408
20% Maximum for Admin Expense	x .20	\$ 5,788,482
Less Admin paid through 12-31-2024	-	\$ 1,893,010
Less Admin allocated in third round	-	\$ 1,466,836
Available for Admin 7/1/2025 Thru 6/30/2025	=	\$ 2,428,635

4. EXPENDITURE SCHEDULE

Toms River intends to continue to expend funds on eligible activities over the three years 2022-2025. To the extent revenues will support the expenditures identified below. As noted earlier in this Spending Plan, the Housing Trust Fund had a balance at the end of December 2024 of \$9,992,618.02, and an estimated revenue of \$506,300.00 through the end of the Third Round in July of 2025, for a total of \$10,715,735.53 available for eligible activities. Anticipated expenditures include the following:



EXPENDITURE SCHEDULE CALCULATION		
1	Administration-range up to:	\$ 2,428,635.00
2	Purchase of Extension of Controls	
	a. Hope’s Crossing (125 family rental units) @ \$25,152 each	\$ 3,144,000.00
	b. Villages at Bey Lea (48 age restricted units – rental @ \$50,000 each)	\$ 2,400,000.00
	c. Highland Plaza (seniors – rental)	\$ 300,000.00
	d. Woods at Massachusetts (13 family-for-sale units @ \$28,000/each)	\$ 364,000.00
3	Affordability Assistance -HOA Assistance	\$ 356,542.10
4	Housing Rehabilitation (15K @ 45 units per year x 5 years)	\$ 3,150,000.00
	Total	\$12,143,177.10

5. EXCESS OR SHORTFALL OF FUNDS

In the event of any expected or unexpected shortfall if the anticipated revenues are insufficient to implement the plan, the Township of Toms River has committed to address such shortfall with an intent to bond.

In the event more funds than anticipated are collected, projected funds exceed the amount necessary to implement the Fair Share Plan, or Toms River is reserving funds for affordable housing projects to meet a future affordable housing obligation, these excess funds will be used in accordance with the approved Housing Element and Fair Share Plan.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with Toms River’s Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5. Toms River Township has not collected fees to adapt affordable unit entrances to be barrier free and no such requests for funding have been made by existing owners or operators of residential communities with affordable units. We believe that all of our residential communities with affordable units have been constructed in accordance with the Americans with Disabilities Act.



SPENDING PLAN SUMMARY TABLE

Balance as of December 31, 2024	\$9,992,618.02
Projected Revenue from July 1, 2025 through June 30, 2035	
Development Fees	\$12,022,947.70
Payments in lieu of construction	\$0
Other funds	\$0
Interest	\$120,229.40
TOTAL PROJECTED FUND BALANCE	\$12,143,177.10
Expenditures through July 1, 2025	
Rehabilitation	\$3,150,000.00
Extension of Controls – Hope’s Crossing	\$3,144,000.00
Extension of Controls – Walnut Hollow	\$300,000.00
Extension of Controls – Villages at Bey Lea	\$2,400,000.00
Extension of Controls – Highland Plaza	\$300,000.00
Extension of Controls – Woods At Massachusetts	\$364,000.00
Affordability Assistance - HOA	\$56,542.10
Administration	\$ 2,428,635.00
TOTAL PROJECTED EXPENDITURES	\$12,143,177.10

