



The Township of Moorestown

Department of Community Development
111 West Second St. • Moorestown • New Jersey 08057
(856)235-0912

2025 LOW- AND MODERATE HOUSING OVERSIGHT COMMITTEE MEETING MINUTES

Meeting: Wednesday, February 26, 2025 at 7:00pm at Library Room B

Next Meeting: March 26, April 23, May 28, June 25, July 23, August 27, September 24,
October 22, November 12, January 28, 2026.

Call to Order: Roll Call: (Present “Y”; Not Present “N”)

Y * Chairperson Phil Garwood
Y * Vice Chair Victoria Britton, Esq.
Y * Secretary Brooks Garrison, R.A.
Y * Committee Michael Connelly
N * Committee Nick Cangelosi
Y * Councilman Christopher Keating, Esq.
Y * MT, DCD Damian Gill

NEW BUSINESS

- 1. Reorganization:** was discussed as this was the first meeting.
A: Each committee person gave a brief introduction of their experience and background.
B: Administrative Oaths; each committee person was sworn in and officially signed onto service.
C: Chair, Vice Chair and Secretary positions were confirmed.
- 2. Memorandum Concerning Affordable Housing:** The committee reviewed and discussed the attached letter from Brian Slaugh, AICP, P.P. Planning Consultant dated January 27, 2025 to Council. The letter outlines the legal obligation, important deadline and the fourth round affordable housing obligation numbers. The “Present need” (rehabilitation) number is 20 units and the “Proposed need” (New Construction) number is 250 units. These numbers were assigned and provided by the New Jersey Department of Community Affairs (State).

3. Historic Time Line: The history of Affordable Housing was discussed. Attached is “The Timeline” document from www.NJPO.org the New Jersey Planning Officials

4. Committee Goals: The purpose and goals of this committee is to review, discuss and provide insight and recommendations to Council . The groups experience and knowledge is sought to “think outside the box” and consider public input and opportunities to assist council with the State mandate. Clearly the State deadlines are a significant concern, obligation. The committee will endeavor to consider and dive into the unique opportunities Moorestown Township has available to continue providing safe, affordable housing for our neighbors in Town. Therefore, the committee will continue to meet after the State deadline to consider current and future low and moderate housing options in Town.

5. Affordable Housing Opportunities: The committee briefly discussed the opportunities available to meet the State obligation, Vacant Land Adjustment, Overly Zoning, Accessory Dwelling Unit (ADU's), and Moorestown Ecumenical Neighborhood Development (MEND) existing and future housing units.

OLD BUSINESS

1. Not Applicable

NEXT MEETING: March 26, 2025 at Library Room B

MOORESTOWN TOWNSHIP

Office of the Township Manager

Memorandum

TO: Township Council

FROM: Kevin E. Aberant, Township Manager

DATE: January 27, 2025

RE: **Resolution 75-2025**

Please accept this memo as providing an analysis of the basis for the staff's recommendation that the Township Council accept the Department of Community Affairs (DCA) calculated number representing the Townships Prospective Need Obligation for Affordable Housing set forth in Resolution 75--2025.

The starting point for the analysis is the New FHA (P.L. 2024 c.2), also referred to as A4 (the "Act") signed by the Governor last January. The Act provides the form and procedure for how a municipality will calculate and satisfy its Round Four Affordable Housing obligation. Recognizing the Round Three's calculations were the result of settlements in hundreds of Declaratory Judgment actions, with little consistency, the Act set forth the framework by which the DCA was to determine a statewide obligation, followed by the obligation of each of the six Regions in the state. Moorestown is part of Region 5, which includes Burlington, Camden and Gloucester Counties.

The Act's formula used as a starting point the growth in the number of households between the 2010 and 2020 censuses. This yielded a statewide number of 211,742, and a Region 5 number of 22,835. The Act somewhat arbitrarily decided that 40% of all new households should be dedicated to low and moderate income households, which resulted in a Region 5 number of 9,134 new low and moderate income households.

The Act provided a broad formula to allocate the regional need to each individual municipality in the region based on three factors: property value (Equalized Nonresidential Value, or ENV), income, and available land. The DCA compiled data on all of these factors and assigned percentages to each municipality within each region. These three averages were then in turn averaged to determine the "average allocation factor" which was expressed as a percentage. This is the calculation for Moorestown:

ENV	Land Capacity Factor	Income Capacity Factor	Average Allocation Factor	Prospective Need	1,000/20% Cap	Prospective Need with 1,000/20% Cap
4.36%	1.04%	2.80%	2.73%	250	1000	250

As noted in the chart, Moorestown's calculated percentage was 2.73%, which means that DCA calculates that Moorestown is responsible for 2.73% of the Region 5 obligation (9,134), which results in a calculated obligation of 250 units. Independent of the number determined by DCA, Brian Slauch, the township's Affordable Housing Planner, interpreted the statute and performed a calculation. The number his office calculated was actually in excess of what DCA set as the township's obligation.

The Act requires each municipality adopt a binding resolution no later than January 31, 2025, accepting the DCA number or providing a rationale as to an alternate calculation. A municipality's failure to adopt a resolution by this deadline will result in a loss of immunity from Builder's Remedy lawsuits, so the consequence of a failure to timely adopt a resolution is quite dire.

In order to mount a successful challenge to the DCA assigned number, it would be necessary to provide an analysis that supports an alternate calculation. In effect, the township would have to assert that DCA made a miscalculation and provide an alternate basis for a correct calculation. Putting aside the problem that the township's own planner does not have a rationale for mounting a challenge, the difficulty is having to work within the limits of how the Act requires the calculation be performed. The income (2.80%) and property value (4.36%) allocations are based on objective data that supports the conclusion that Moorestown has seen increases in income and property value relative to other municipalities in our Region during the relevant time period. This leaves as the only factor to challenge as the availability of land. The township's allocation of the regional need in this regard was the lowest number of the three factors: only 1.04%.

I attended a session at the NJ State League of Municipalities convention where representatives of DCA explained their methodology. In speaking to the DCA representative who was responsible for the land calculation, my recollection is that he stated the number of acres available in Moorestown was 196. I have never seen an itemized list of properties; rather, DCA published a GIS map that showed the land they identified. In looking at this map, it does appear that there were a few properties that arguably should be excluded, including property surrounding Lockheed Martin, portions of the Pulverizing property, and some wetlands areas.

However, since the land number (1.04%) was the smallest factor in the formula, even if the township argued it has no available land, the average allocation factor would only drop to 2.39% (the average of 4.36% + 0% + 2.80%), which would drop the number to 218 units. While this sounds as if it would be a significant drop, the professional team maintains that since the township received a vacant land adjustment in Round 3 (a recognition that there is no available land on which to build), Round 4 compliance will likely be limited to making 25% of the number realistic. Thus, the actual difference is only 8 units (63 down to 55).

The assessment of both Mike Edwards and Brian Slauch is that challenging the DCA number carries with it the risk that Fair Share Housing Center, or other interested parties, could seek to assign an even larger obligation on the township. In essence, it is better to accept a slightly flawed number since the result of a challenge could be that the township's obligation only increases. The DCA calculated number carries with it a presumption of validity, so there is a certain degree of protection with accepting that figure.



Clarke Caton Hintz
 Architecture
 Planning
 Landscape Architecture

Damian Gil, Director
 Department of Community Development
 Township of Moorestown
 Moorestown, New Jersey 08904

January 17, 2025
 Via email

100 Barrack Street
 Trenton NJ 08608
 clarkecatonhintz.com
 Tel: 609 883 8383
 Fax: 609 883 4044

Re: Affordable Housing Obligations for the Fourth Round

Dear Mr. Gil:

An important deadline for the Township is now imminent where the Township Council must declare its affordable housing obligations in a binding resolution. This resolution will be before the Council at its January 27, 2025 meeting. Widely known is that the new law passed last March directed the NJ Department of Community Affairs (DCA) to prepare and allocate these affordable housing obligations by October 20, 2024. DCA met its deadline despite some concerns and issued its report on October 18. There are two numbers, Present Need and Prospective Need, that have been published for all municipalities in the state. Recall that DCA's Present and Prospective Need obligations are advisory, not binding like the Council on Affordable Housing numbers.

Fourth Round Affordable Housing Obligations

In the table below you will find a summary of DCA's calculated obligations for Moorestown:

John Hatch, FAIA
 George Hibbs, AIA
 Brian Slaugh, AICP
 Michael Sullivan, AICP
 Michael Hanrahan, AIA
 Mary Beth Lonergan, AICP

MOORESTOWN, BURLINGTON COUNTY	
Type of Obligation	Number
Present Need (Rehabilitation)	20
Prospective Need (New Construction)	250

Township Council will need to decide whether to accept or challenge DCA's calculations, and, per the new law, should the municipality decide to challenge these calculations, Moorestown will need to provide its own calculations and be able to defend it as compliant with the provisions in the law. Clarke Caton Hintz created its own model, similar to that undertaken by DCA, to provide alternative numbers for municipal clients. We undertook this work in the event DCA failed to meet its deadline, to check DCA's work and as an alternate response to the Fourth Round law, to give our clients options as to their



Clarke Caton Hintz

declaration. The firm’s model, however, shows results that are higher for both the Present Need and the Prospective Need. Accordingly, **we recommend that the Township Council accept the DCA allocations.** Affordable housing counsel has provided a proposed resolution, previously transmitted, which states this binding declaration. Furthermore, it is our belief that municipalities accepting the DCA numbers will be much less likely to be challenged by developers or other interested parties, which is the path towards a faster and less expensive process for Moorestown.

Important Deadlines

As in previous reports to the Township, the following table sets out the deadlines by which the Township must take various actions, with the imminent deadline highlighted in red:

Date	Action
January 31, 2025	Adopt binding resolution stipulating to the Fourth Round housing numbers (either as calculated by the DCA or an alternative calculation); must be filed by Declaratory Judgment action with the Superior Court in Burlington.
February 28, 2025	Any interested party may challenge the municipal numbers
March 31, 2025	All challenges must be resolved
June 30, 2025	Municipal Planning Board must adopt Fourth Round Housing Element and Fair Share Plan; must be filed with Superior Court within 48 hours of adoption
August 31, 2025	Any interested party may challenge the municipality’s Housing Element and Fair Share Plan
December 31, 2025	Municipality must address any issues arising out of challenges to its Housing Element and Fair Share Plan that the Affordable Housing Dispute Resolution Program deems valid
March 31, 2026	All implementing ordinances and resolutions must be adopted and provided to Superior Court.

Changes Since Last Report

On December 18, 2024, the acting administrator of the courts issued a directive to the bar indicating that the process that the judiciary will be taking is different than the initial assumptions of the people working in this field. As noted in the highlighted action item, this directive requires the Township to file its binding resolution as a Declaratory Judgment electronically through the court system. This will establish a case number that will follow the process of Moorestown crafting and adopting its Housing Element and Fair Share Plan. The Affordable Housing Dispute Resolution Program will be deciding disputes only. Initially, it will be forwarded the binding resolutions that do not accept the

Time Line

December 1, 2024

The Department of Community Affairs (DCA) must publish reports on calculations of regional need and municipal present and prospective obligations for the Fourth Round. The DCA calculation of need is non-binding, allowing municipalities flexibility in calculating their specific affordable obligations.

June 18, 2024

Deadline to submit accounting of all nonresidential development fees collected and expended since you were authorized to collect such fees.

September 16, 2024

Deadline to submit accounting of all residential development fees collected and expended since you were authorized to collect such fees.

September 16, 2024

Deadline to submit a unit and program monitoring report to the DCA.

January 31, 2025

Municipalities must pass binding resolutions setting forth their present and prospective fair share obligations. Municipalities may consider the DCA's report for its calculations.

Municipalities must file an action regarding the resolutions with the Affordable Housing Dispute Resolution Program within 48 hours after adoption. If a municipality does not meet this deadline, it will lose immunity from exclusionary zoning litigation until such time as the municipality has come into compliance.

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**MARAZITI
FALCON, LLP**
ATTORNEYS AT LAW

*Environmental and Redevelopment Law,
Litigation & Climate Change Resiliency*

ANDREW M. BREWER, ESQ.
Partner

240 CEDAR KNOLLS ROAD, SUITE 301 TEL: (973) 912-9008
CEDAR KNOLLS, NJ 07927 DIRECT: (973) 912-6813
WWW.MFHLAW.COM E-MAIL: ABREWER@MFHENVLAW.COM

On or before February 28, 2025

An interested party may file a challenge with the Program after adoption of the binding resolution and must allege that the municipality's determination of its present and prospective obligation does not comply with the requirements of the Bill.

March 31, 2025

The Program provides its decision to the municipality and all parties that have filed a challenge.

June 30, 2025

Municipalities must adopt their housing element and fair share plans (HEFSP) and propose drafts of the zoning and other ordinances and resolutions to implement their present and prospective obligations. If a municipality does not file such plans by June 30,