Township of Barnegat

OCEAN COUNTY, NEW JERSEY

Housing Plan Element & Fair Share Plan

Fourth Round (2025-2035)

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EXECUTIVE SUMMARY

Township Context

The Township of Barnegat is a large community of 40.41 square miles along the Barnegat Bay in Ocean County, and about 55 miles east of Philadelphia and 90 miles south of New York City. The Township has a current population of just over 24,000 people, a population that has increased in recent decades. Most of the development in the Township is concentrated centrally around the Garden State Parkway and Route 9, the two primary highway corridors in eastern Ocean County. Much of the Township is within the Pinelands Management Area, where growth is limited.

Affordable Housing Obligations

This is the Fourth Round Housing Plan Element and Fair Share Plan for the Township of Barnegat, Ocean County, prepared in accordance with the requirements of the Amended Fair Housing Act of N.J.A.C. 52:27D-304. The Fair Housing Act requires that every municipality in New Jersey provide for their "fair share" of the need for housing to serve the low- and moderate-income households within the greater region, through providing a realistic opportunity for the construction of housing units that would be priced to be affordable to low and moderate income households.

In accordance with the requirements of the Fair Housing Act, the Township has the following affordable housing obligations:

- A rehabilitation obligation or Present Need of 38 units
- A Prior and Third Round (1987-2025) prospective need of 782 units
- A Fourth Round (2025-2035) Prospective Need Obligation of 71 units.

Compliance Mechanisms

Barnegat proposes to satisfy these constitutional obligations through the following mechanisms and projects:

- To satisfy the Rehabilitation Obligation, the Township will participate in Ocean County's Community Development Block Grant funded Housing Rehabilitation Program for low and moderate income people. The Township will use available affordable housing trust funds to establish its own rehabilitation program that will address both rental and for-sale rehabilitations.

- The Township's Prior Round and Third Round obligation of 782 units was satisfied through a series of rental projects, inclusionary developments, and Group Homes. The Township's Third Round Fair Share Plan was previously approved by the Courts to satisfy the entire Prior Round and Third Round obligation.

- The Fourth-Round obligation of 71 affordable units will be satisfied through the following projects:
    - Sweet Jennies – 17 family rental surplus credits from the Third Round
    - Emerald Terrace – 24 senior rental surplus credits from the Third Round
    - Barnegat Terrace – 2 family rental credits
    - Mooring Point – 3 family for sale credits
    - Stone Hill at Barnegat – 3 family for sale credits
    - Gunning River Road Redevelopment – 86 family rental credits

These projects more than satisfy the Township's 71 unit Fourth Round obligation.

INTRODUCTION

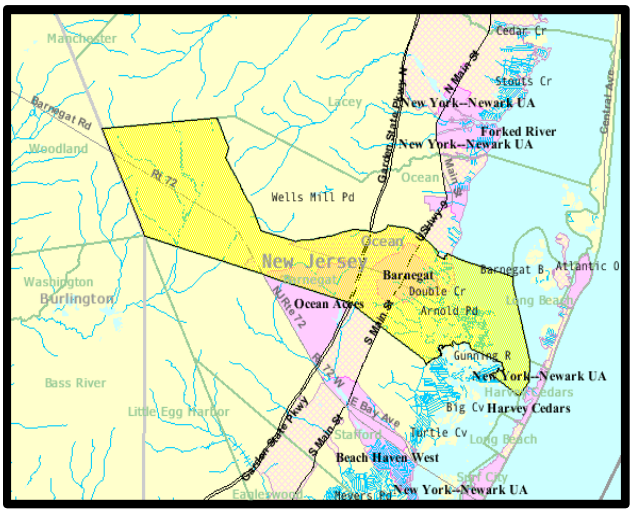
LOCATION AND CONTEXT

Geography

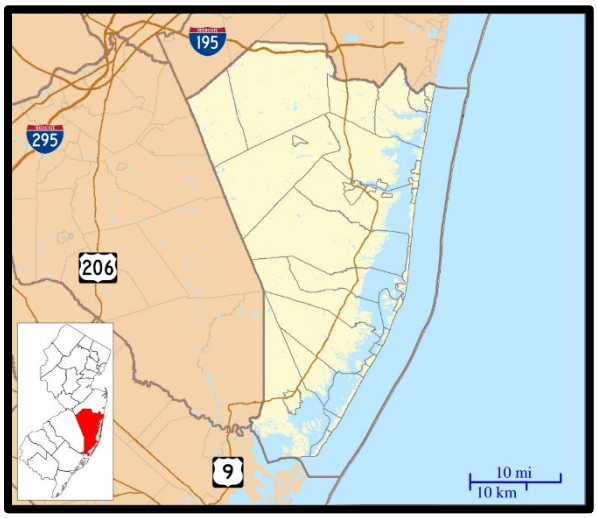
Barnegat Township is in the southern portion of Ocean County, New Jersey. The Township has a total land area of 40.41 square miles, including 34.00 square miles of land and 6.40 square miles of water. The Township is bordered by Barnegat Bay and a nautical border with the barrier island of Long Beach Island to the east, Woodland Township to the west, Stafford Township to the south, and Lacey and Ocean Townships to the north.

The Township's location along the Barnegat Bay made it a hub for shipping and manufacturing. The Township's pristine nature and accessibility to the shore are its most prominent geographic features. Despite its industrial and manufacturing history, Barnegat also contains residential neighborhoods that are generally located close to major Metropolitan Hubs. The Township is strategically connected by road infrastructure. New Jersey Route 9 and the Garden State Parkway runs north south and State Route 72 spans east west through the Township, providing regional access and linking Barnegat to the broader Philadelphia and New York metropolitan areas.

A portion of Barnegat Township, west of the Garden State Parkway, is located in the Pinelands Area. This portion of the Township is sparsely developed, and made up of substantial conservation lands, streams, and wetlands. The Township is located within the Pinelands Village, Regional Growth Area, Forest Area, and Preservation Area of the Pinelands Management Area.



Map 1 Barnegat Township



Map 2 Ocean County & Barnegat Township

Township History and Development Patterns

Before European settlements began, the Lenape Native Americans inhabited the region. European settlements begin in 1614, when Dutch explorers mapped the coastline of Barnegat Bay and

Barnegat Inlet. Around 1720, the Dutch, English, and Swedes began to inhabit the area. The first permanent homes and small businesses emerged around 1750 and stayed due to the region's fertile land, abundant natural resources, and proximity to the Atlantic Ocean.

Barnegat Township had an interesting and crucial role in the Revolutionary War; it supplied New York with cargoes of cedar rails and pine wood. Additionally, one of the last battles occurred near the Cedar Bridge Tavern in 1782; marking an end to the Revolutionary War in New Jersey. During the early 19th century and with the advent of the steam powered ship the demand for pine wood as fuel kept the Barnegat seamen extremely busy supplying the wood to Virginia and other areas along the east coast.

When the demand for pinewood decreased, Barnegat's seamen turned to the bustling charcoal trade and then to transporting freight from New York to parts of New England and Virginia and as far south as Florida.

During the early 20th century Barnegat became a hub for business and transportation. Barnegat bustled with grocery stores, a bank, a dry good's store, a butcher, a shoemaker, a bakery, blacksmiths, two doctors, a lumberyard and a coal yard. Barnegat had two main railroads depots; one the Tuckerton RR Station (also known as the Pennsylvania RR Depot) on the east side of Memorial Drive, and the Central RR of New Jersey Depot on the north side of West Bay Avenue.

Present day Barnegat has seen much more automobile focused development since the late 20th century, especially, along exit 67 of the GSP, US Route 9, Ocean County Road 554 or W Bay Avenue. Subsequently since 2000 the population has drastically increased due to tourism, development, and people seeking a coastal lifestyle.

Population History and Demographics

The Township now has a population of 24,296 people according to 2020 Census count population data. This is a large increase (3,360 people) from the 2010 Census count of 20,936 people, following a substantial increase from the 2000 count of 15,270. According to the NJTPA updated Demographic and Employment Forecast Model, Barnegat Township is projected to experience modest growth in the coming decades as the Township is expected to have a population of 28,039 people by 2050.

According to the 2020 Census, Barnegat Township had approximately 28,617 residents. Most of the population, 20,085 or (82.7 %) identified as White alone, 1,062 or (4.4 %) identified as Black or African American alone, 485 or (2.0 %) identified as Asian alone, 46 or (0.2 %) as American Indian and Alaska Native alone, and 4 or (0.0 %) as Native Hawaiian and Other Pacific Islander alone, 738 or (3.0 %) as some other race, and 1,876 (7.7 %) identifying with two or more races. Additionally, around 2,460 residents or (10.1 %) of residents identified as Hispanic or Latino of any race, while 19,461 residents or (80.1 %) identified as White alone and not Hispanic or Latino.

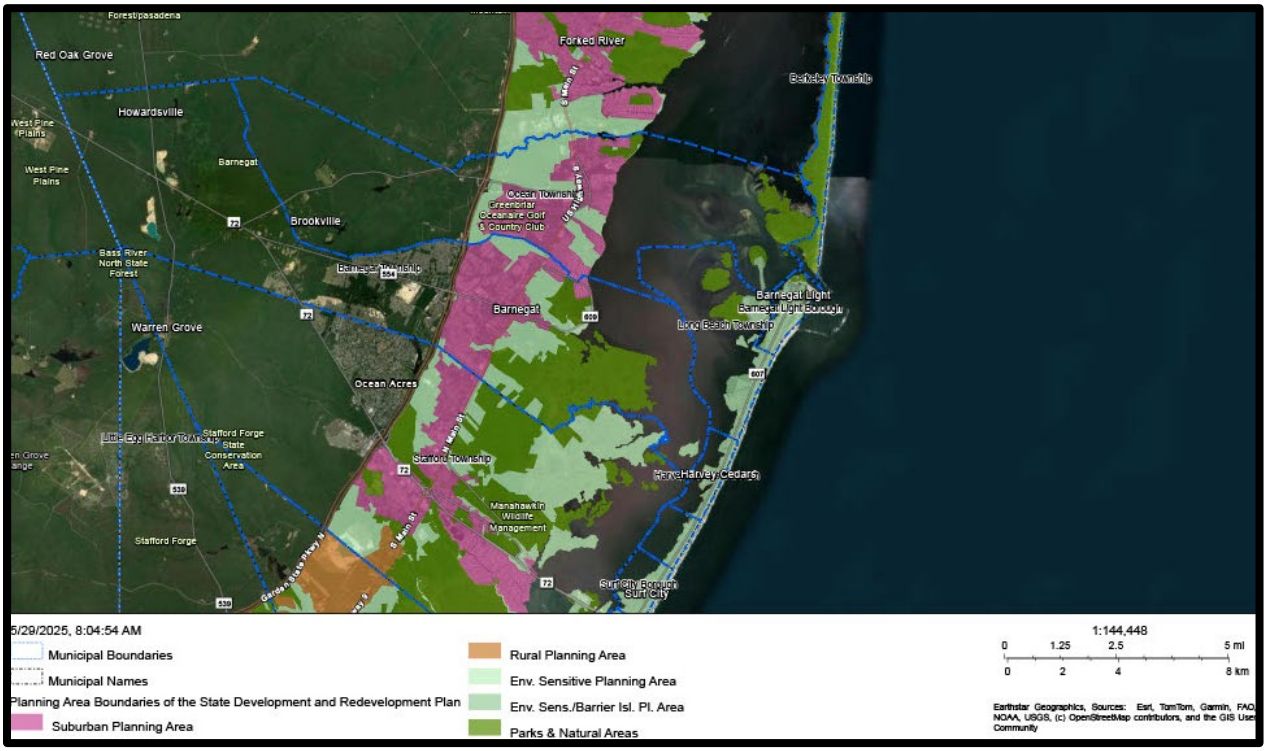
Census data from the 2023 ACS 5-Year Estimates indicates that the median household income in Barnegat Township is approximately $89,301. This figure is slightly higher than the median household income for Ocean County, which stands at $86,411, and but lower than the statewide median for New Jersey, which is approximately $101,050.

State Plan Context

According to the 2001 State Plan Policy Map, the Township is mostly located in Suburban Planning Area (PA2). Similarly, the surrounding municipalities of Ocean Township and Stafford Township in Ocean County are located in the Metropolitan Planning Area (PA2) with Ocean Township and Stafford Township having some areas located within the Environmentally Sensitive Planning Area (PA 5) Areas and Stafford Township in the Rural Planning Area (PA4).

The State Plan is designed to strategically direct investment and regulatory efforts toward maintaining and upgrading infrastructure in developed areas, restoring adequate public services in overburdened communities, and protecting New Jersey's agricultural, natural, and cultural resources.

Planning Areas defined in the State Plan Policy Map play a key role by establishing Policy Objectives that guide the implementation of the Statewide Policies. Planning Areas are areas of land that are greater than one square mile that share a common set of conditions, such as population density, infrastructure systems, level of development or protection of natural systems.



Map 3 Barnegat Township State Plan Policy Map Overview

HOUSING PLAN ELEMENT

As required by N.J.S.A. 52:27D-310, all housing elements must contain a discussion of the municipality's demographic, housing, and economic characteristics. The following subsections fulfill this requirement by providing a profile of the Townships demographic, housing and employment characteristics based on information from the US Census Bureau, and the New Jersey Department of Labor and Workforce Development.

DEMOGRAPHICS

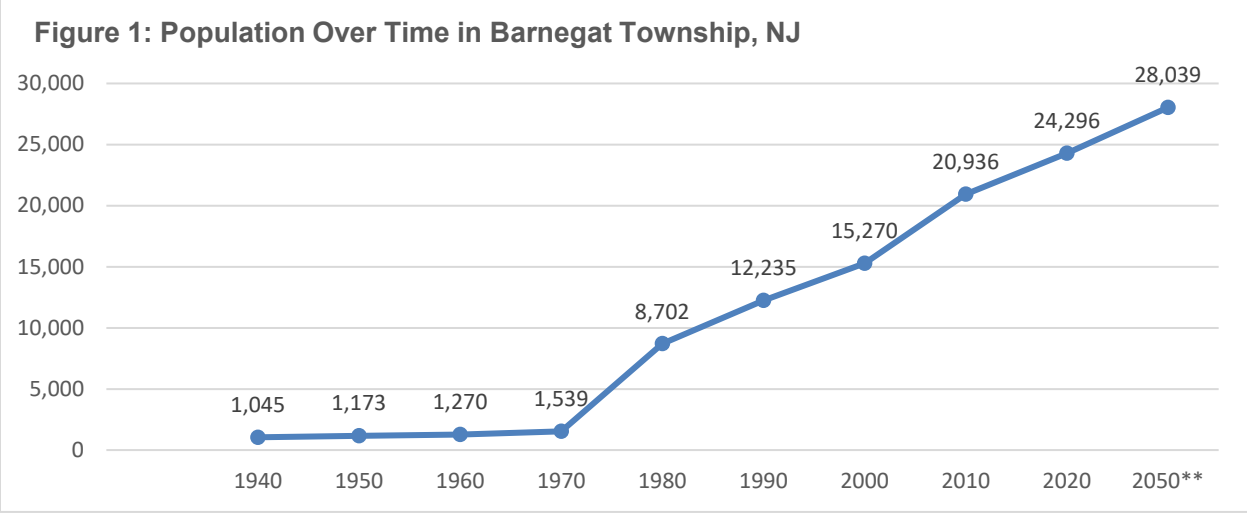
Population

Barnegat Township has experienced consistent growth over the past several decades, with a notable surge between 1970 and 1980 when its population rose sharply from 1,539 to 8,702 residents. According to the 2020 U.S. Census, the township's population reached 24,296, marking a 16.05% increase from the 20,936 residents recorded in 2010. This follows a significant 36.97% rise from the 2000 census population of 15,285. Likewise, Ocean County has also witnessed steady population growth, with a 12.85% increase between 2000 and 2010, and a further 10.52% rise between 2010 and 2020. Table 1 below highlights the population trends for both Barnegat Township and Ocean County from 2000 to 2020.

Table 1: Population Trends, 2000 - 2020

	2000	2010	2020	% Change 2000-2010	% Change 2010-2020
Barnegat Township	15,285	20,936	24,296	36.97%	16.05%
Ocean County	510,916	576,567	637,229	12.85%	10.52%

Source: US Census Bureau Decennial Census (Table DP-1),
****Projections from North Jersey Transportation Planning Authority (2050)**



Population Composition by Age

The age composition of Barnegat Township has experienced significant shifts since 2000, as revealed by the U.S. Census Bureau's Decennial Census Estimates. Various age groups have seen notable changes in population. For instance, the number of toddlers and preschool children increased by 17%, rising from 976 in 2000 to 1,142 in 2020. Similarly, the number of children in elementary and middle school grew, with those aged 5 to 9 increasing by 0.98%, from 1,221 in 2000 to 1,233 in 2020, and those aged 10 to 14 rising by 2.47%, from 1,293 to 1,325 during the same period.

The adult population also saw substantial growth, particularly in the 20 to 24 and 25 to 34 age groups, which grew by 65.94% and 62.61%, respectively, from 2000 to 2020. In parallel, the older population also saw considerable expansion, notably among those aged 55 to 59, 60 to 64, 65 to 74, 75 to 84, and 85 and older. The most striking increase was observed in the 85 and older age group, which more than doubled, expanding from 313 in 2000 to 772 in 2020. For a more detailed breakdown of the population by age group, refer to Tables 2 and 3, which provide age group data for both Barnegat Township and Ocean County from 2000 to 2020.

Table 2: Population by Age Cohort, Barnegat Township, 2000 - 2020

	2000		2020		% Change 2000-2020
	Number	Percent	Number	Percent	
Total population	15,285	100%	24,296	100%	58.95%
Under 5 years	976	6.4%	1,142	4.7%	17.00%
5 to 9 years	1,221	8.0%	1,233	5.1%	0.98%
10 to 14 years	1,293	8.5%	1,325	5.5%	2.47%
15 to 19 years	993	6.5%	1,255	5.2%	26.38%
20 to 24 years	734	4.8%	1,218	5.0%	65.94%
25 to 34 years	1,506	9.9%	2,449	10.0%	62.61%
35 to 44 years	2,454	16.1%	2,533	10.4%	3.22%
45 to 54 years	1,956	12.8%	2,660	10.9%	35.99%
55 to 59 years	729	4.8%	1,645	6.8%	125.65%
60 to 64 years	681	4.5%	1,671	6.9%	145.37%
65 to 74 years	1,636	10.7%	3,765	15.5%	100.14%
75 to 84 years	793	5.2%	2,628	10.8%	130.13%
85 years and over	313	2.0%	772	3.2%	146.65%

Source: US Census Bureau, Decennial Census (Table DP-1)

Over the past two decades, Ocean County has experienced notable shifts in the age composition of its population. Increases were observed across nearly all age groups, including preschool-aged children, adolescents, young adults, and working-age adults. The most significant growth

occurred among those aged 20 to 24, rising from 4.7% (24,034) in 2000 to 5.5% (35,107) in 2020. Simultaneously, the county's older population also expanded considerably, particularly in the 60 to 64 and 65 to 74 age groups. The 60 to 64 cohort grew from 4.4% (22,711) to 6.8% (43,205), while those aged 65 to 74 increased from 10.7% (54,420) to 12.1% (76,886). The 75 to 84 and 85+ age groups also experienced steady growth. The only cohort to decline was adults aged 35 to 44, which fell from 15.1% (76,942) to 10.1% (64,640).

This demographic shift toward an older population mirrors broader regional trends, including those seen in Barnegat Township. Both the county and the township are undergoing a steady increase in elderly residents, underscoring a wider trend of population aging throughout the area.

Table 3: Population by Age Cohort, Ocean County, 2000 - 2020

	2000		2020		% Change 2000-2020
	Number	Percent	Number	Percent	
Total population	242,708	100%	637,229	100%	162.55%
Under 5 years	32,090	6.3%	44,884	7.0%	39.87%
5 to 9 years	34,457	6.7%	43,622	6.8%	26.60%
10 to 14 years	33,984	6.7%	41,909	6.6%	23.31%
15 to 19 years	27,997	5.5%	37,880	5.9%	35.30%
20 to 24 years	24,034	4.7%	35,107	5.5%	46.07%
25 to 34 years	56,182	11.0%	71,896	11.3%	27.97%
35 to 44 years	76,942	15.1%	64,640	10.1%	-15.99%
45 to 54 years	63,369	12.4%	67,819	11.3%	7.02%
55 to 59 years	25,910	5.1%	41,928	6.6%	61.82%
60 to 64 years	22,711	4.4%	43,205	6.8%	90.24%
65 to 74 years	54,420	10.7%	76,886	12.1%	41.28%
75 to 84 years	43,465	8.5%	47,329	7.4%	8.89%
85 years and over	15,355	3.0%	20,124	3.2%	31.05%

Source: US Census Bureau, Decennial Census (Table DP-1)

The median age in Barnegat Township rose significantly from 38.9 years in 2000 to 49.1 years in 2020. This increase not only reflects a broader aging trend but also surpasses the 2020 median age of both Ocean County (41.5 years, up from 41.1 in 2000) and the state of New Jersey (39.9 years, up from 36.9 in 2000). While all three areas experienced rising median ages over the two decades, Barnegat Township stands out with the highest median age, followed by Ocean County—both exceeding the state average.

Table 4: Median Age, 2000 – 2020			
	2000	**2020**	**Percent Change**
Barnegat Township	38.9	49.1	26.22%
Ocean County	41.1	41.5	0.97%
New Jersey	36.9	39.9	8.13%
Source: US Census Bureau, Decennial Census (Table DP-1)			

Households

Barnegat Township's steady population growth has been mirrored by an increase in the number of households. A household is defined as one or more individuals, related or unrelated, living together in a single housing unit. According to the 2023 ACS 5-Year Estimates, the township had approximately 9,987 households. Among these, the largest share (42.8%) consisted of two-person households, followed by 21.2% with one person, 20.7% with four or more people, and 15.4% with three people.

By comparison, Ocean County reported 35.2% two-person households, 27.8% one-person households, 24.0% four or more people, and 13.0% three-person households. The average household size in Barnegat Township was 2.46, slightly smaller than the county average of 2.65 and the state average of 2.61.

Table 5: Household Characteristics, Barnegat Township and Ocean County				
	Barnegat Township		**Ocean County**	
	Number	**Percent**	**Number**	**Percent**
Total Households	**9,987**	**100%**	**245,827**	**100%**
1-person	2,113	21.2%	68,350	27.8%
2-persons	4,275	42.8%	86,489	35.2%
3-persons	1,534	15.4%	31,986	13.0%
4 or more persons	2,065	20.7%	59,002	24.0%
Average Household Size	**2.46 people**		**2.65 people**	
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Table S2501& B25010)				

Family households are defined as two or more individuals related by blood, marriage, or adoption living together in the same residence. In Barnegat Township, out of 9,987 total households, 7,549 (75.6%) are family households, while 2,438 (24.4%) are non-family households. In comparison, Ocean County has a lower proportion of family households at 67.1% and a higher share of non-family households at 32.9%.

Among Barnegat Township's family households, approximately 80.1% consist of married couples, closely aligning with Ocean County's 80.7%. In the township, 4.8% of family households are headed by single male householders, while 15.0% are headed by single female householders. Similarly, Ocean County reports 6.5% of family households led by single male householders and 12.8% by single female householders, figures that generally mirrors the township's distribution.

The average family size in Barnegat Township is 2.85 people, which is smaller than Ocean County's average of 3.30. Additionally, 15.6% of households in Barnegat Township (1,558) in total are headed by individuals aged 65 or older, slightly below the county's 16.9%.

Further details on household composition in both Barnegat Township and Ocean County can be found in Table 6.

Table 6: Household by Type, Barnegat Township and Ocean County

	Barnegat Township		Ocean County	
	Number	**Percent**	**Number**	**Percent**
Total Households	**9,987**	**100%**	**245,827**	**100%**
Average Family Size	**2.85 people**		**3.30 people**	
Total Families	**7,549**	**75.6%**	**164,907**	**67.1%**
Married Couple Family	6,049	80.1%	133,049	80.7%
With own children under 18 years	1,630	27.0%	49,293	37.0%
No children under 18 years	4,419	73.0%	83,756	63.0%
Male householder, no spouse present	**369**	**4.8%**	**10,712**	**6.5%**
With own children under 18 years	194	52.7%	4,205	39.3%
No own children under 18 years	175	47.4%	6,507	60.7%
Female householder, no spouse present	**1,131**	**15.0%**	**21,146**	**12.8%**
With own children under 18 years	586	51.8%	7,509	35.5%
No own children under 18 years	545	48.2%	13,637	64.5%
Nonfamily Households	**2,438**	**24.4%**	**80,920**	**32.9%**
65 years and over	1,558	15.6%	41,544	16.9%
Source: US Census Bureau, American Community Survey 5-year Estimates 2019 to 2023 (Table S1101)				

HOUSING CHARACTERISTICS

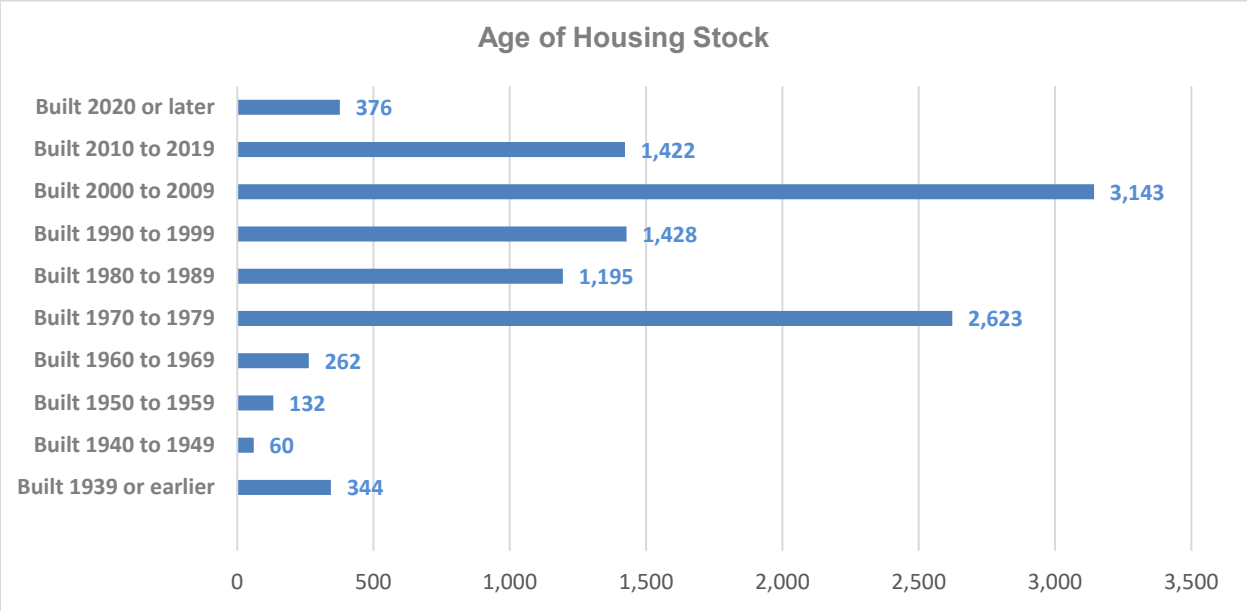
Existing Housing Conditions

According to the 2023 American Community Survey (ACS), Barnegat Township's housing stock is largely owner-occupied, with 88.8% of occupied housing units being owner-occupied and 11.2% renter-occupied. A significant portion of the housing stock is relatively new, with homes

built after 2000 accounting for a large share of the total housing units. Of the Township's 10,985 total housing units, 9,987 (90.9%) are occupied, while 998 (9.1%) are vacant. Among the occupied units, 8,872 (88.8%) are owner-occupied, and 1,115 (11.2%) are renter-occupied.

Table 7: Housing Units in Barnegat Township		
	Number	**Percent**
Total Housing Units	**10,985**	**100%**
Occupied Housing Units	**9,987**	**90.9%**
Owner Occupied	8,872	88.8%
Renter Occupied	1,115	11.2%
Vacant Housing Units	**998**	**9.1%**
For Rent	0	0.0%
Rented Not Occupied	0	0.0%
For Sale Only	53	5.31%
Sold, not occupied	143	14.3%
For Seasonal, Recreational or Occasional use	708	70.9%
Other Vacant	94	9.42%
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04 and B25004)		

Building activity in Barnegat Township saw significant spikes during certain periods, notably between 2000 and 2009, and during the 1970s. However, construction has slowed since 2019, likely due to the housing market's slower recovery following the pandemic and its ongoing impacts on the construction industry. The median year of construction for the Township's housing stock is 1996.



Housing Type and Size

Barnegat Township's housing stock is largely composed of single-family detached homes, which make up approximately 85.1% of the total housing units. Duplexes and low-density multifamily units represent the majority of the Township's multifamily housing, accounting for 6.0% of all units. High-density housing, with 10 or more units, comprises just 2.6% of the total housing stock. Notably, mobile homes make up about 4.5% (497 units) of the Township's housing units, a notably higher percentage compared to the county's 2.1%. The Township's housing inventory is primarily comprised of 3-bedroom homes, which represent 36.5% of all units, followed by 2-bedroom homes at 33.2%, and 4-bedroom homes at 22.0%. Additionally, approximately 5.2% of the housing stock consists of homes with 5 or more bedrooms.

Table 8: Housing Units by Type		
	Number	**Percent**
Total Housing Units	10,397	100.0%
1-unit detached	9,352	85.1%
1-unit, attached	463	4.2%
2 units	100	0.9%
3 or 4 units	104	0.9%
5 to 9 units	186	1.7%
10 to 19 units	95	0.9%
20 or more units	188	1.7%
Mobile home	497	4.5%
Boat, RV, Van etc	0	0.0%
Bedrooms		
No bedroom	0	0.0%
1 bedroom	346	3.1%
2 bedrooms	3,644	33.2%
3 bedrooms	4,008	36.5%
4 bedrooms	2,417	22.0%
5 bedrooms or more	570	5.2%
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04)		

Housing Values and Contract Rents

According to the ACS 5-Year Estimates, only 15.7% of Barnegat Township's housing units were valued at over $500,000, well below the county average of 27.2%. In contrast, 6.7% of Barnegat Township's owner-occupied homes were valued under $100,000, closely aligning with the county's average of 7.4%. The median value of an owner-occupied home in the Township stands at $356,800, slightly below the county's median of $366,000. A more detailed breakdown of home values for owner-occupied units can be found in Table 9.

Table 9: Value of Owner-Occupied Housing Units				
	Barnegat Township		**Ocean County**	
	Number	Percent	Number	Percent
Total	**8,872**	**100.0%**	**193,630**	**100.0%**
Less than $50,000	269	3.0%	6,722	3.5%
$50,000 to $99,999	324	3.7%	7,606	3.9%

$100,000 to $149,999	193	2.2%	6,557	3.4%
$150,000 to $199,999	253	2.9%	10,614	5.5%
$200,000 to $299,999	2,164	24.4%	38,410	19.8%
$300,000 to $499,999	4,273	48.2%	71,026	36.7%
$500,000 to $999,999	1,396	15.7%	43,985	22.7%
$1,000,000 and greater	0	0.0%	8,710	4.5%
Median Value	**$356,800**		**$366,000**	
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04)				

Rental prices in Barnegat Township varied widely, with most rents falling into two primary ranges: $2,000 to $2,499 and $1,500 to $1,999 per month. According to the ACS 5-Year Estimates, the median gross rent in Barnegat Township was $1,928, which is notably higher than the county median of $1,702. The largest share of renter-occupied units in Barnegat Township (38.3%) had rents between $2,000 and $2,499, surpassing the county's most common rent range of $1,500 to $1,999 (33.5%). Additionally, Barnegat Township had about 64 (6.4%) rental units priced under $500 per month, while approximately 4.3% of rental units in the county fell below this threshold. Furthermore, about 111 rental units in Barnegat Township were classified as not requiring cash rent payments, compared to 3,010 such units across the county. Table 10 provides a detailed comparison of gross rents between Barnegat Township and Ocean County, based on the 2023 ACS 5-Year Estimates.

Table 10: Gross Rent Paid				
	Barnegat Township		**Ocean County**	
	Number	Percent	Number	Percent
Total	**1,004**	**100%**	**44,881**	**100.0%**
Less than $500	64	6.4%	1,911	4.3%
$500 to $999	68	6.8%	3,137	7.0%
$1,000 to $1,499	128	12.7%	11,324	25.2%
$1,500 to $1,999	283	28.2%	15,025	33.5%
$2,000 to $2,499	385	38.3%	8,562	19.1%
$2,500 to $2,999	57	5.7%	2,654	5.9%
$3,000 or more	19	1.9%	2,268	5.1%
No rent paid	111		3,010	
Median Contract Rent	**$1,928**		**$1,702**	
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04)				

Housing Deficiencies

According to the 2023 ACS, overcrowding is virtually non-existent in Barnegat Township, no owner-occupied units or renter-occupied units exceeded more than one person per room. Additionally, the data also indicates that housing quality appears generally strong, with 0.3% of units lacking complete plumbing facilities and just 0.6% without kitchen facilities. Housing deficiencies are key factors in evaluating overall housing conditions and identifying areas where municipal rehabilitation efforts may be needed. A detailed breakdown of housing deficiencies, based on the 5-year ACS data, is provided in Table 11.

Table 11: Housing Deficiency Characteristics, 2023		
Housing Units with 1.01 or More Persons Per Room		
	Count	**Percent**
Total Occupied Housing Units	**9,987**	**100.0%**
Owner-Occupied	0	0.0%
Renter-Occupied	0	0.0%
Plumbing Facilities		
Total Occupied Housing Units	9,987	100.0%
Lacking complete plumbing facilities	28	0.3%
Kitchen Equipment		
Total Occupied Housing Units	9,987	100.0%
Lacking complete kitchen facilities	64	0.6%
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables B25014, S2504)		

Housing Construction

According to the New Jersey Department of Community Affairs (DCA), Barnegat Township issued permits for the construction of 2,241 new residential units between January 2013 and December 2023. During this same period, the Township approved 71 demolition permits for residential properties. After accounting for these demolitions, the net increase in residential units is 2,170.

A closer look at recent housing trends reveals notable growth in the construction of 1- and 2-family homes. Building permits for these units rose sharply from 173 in 2019 to 286 in 2020, and peaked at 291 in 2021, representing a nearly threefold increase. However, this momentum slowed in subsequent years, with permits declining to 133 in 2022 and just 46 in 2023. In contrast, multifamily housing construction remained minimal, with only one permit issued in both 2021 and 2023. These trends point to a strong, though recently cooling, market for 1- and 2-family homes in Barnegat Township, while multifamily development continues to show limited activity.

Table 12: Building Permits and Demolition Permits Issued, 2013 - 2023						
Year	**1&2 Family**	**Multi Family**	**Mixed Use**	**Total New Construction**	**Total Residential Demolitions**	**Units Added**
2013	122	11	0	133	6	127
2014	83	0	0	83	11	72
2015	102	0	0	102	6	96
2016	137	77	0	214	5	209
2017	275	0	0	275	7	268
2018	197	76	0	273	7	266
2019	173	0	0	234	5	229
2020	286	0	0	317	9	308
2021	291	1	0	291	3	288
2022	133	0	0	273	1	272
2023	46	1	0	46	11	35
Total	**1,845**	**166**	**0**	**2,241**	**71**	**2,170**
Source: NJ DCA, Construction Reporter 2013 to 2023						

Economic Conditions

Employment Status

The 5-year ACS estimates provide valuable insights into employment trends among Barnegat Township residents aged 16 and older. The Township had a working-age population of 21,252, with approximately 11,492 individuals (54.1%) participating in the labor force. About 45.9% were not in the labor force, a figure slightly higher than the county's 41.4%. Among those in the labor force, all were engaged in civilian occupations, with no residents serving in the armed forces. The Township's unemployment rate was 8.2%, significantly exceeding both the county rate of 3.5% and the state rate of 4.7%.

Table 13: Employment Status, 2023				
	Barnegat Township		**Ocean County**	
	Number	**Percent**	**Number**	**Percent**
Population 16 years and over	**21,252**	**100.0%**	**508,981**	**100.0%**
In labor force	11,492	54.1%	298,401	58.6%
Civilian Labor Force	11,492	54.1%	297,256	58.4%
Employed	10,549	49.6%	286,875	56.4%
Unemployed	943	4.4%	10,381	2.0%
Armed Forces	0	0.0%	1,145	0.2%

Not in Labor Force	9,760	45.9%	297,256	41.4%
Unemployment Rate	8.2%		3.5%	
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)				

Worker Classification

About 70.7% of Barnegat Township's workforce were employed in private wage and salary positions, while 5.9% were self-employed. Government employees made up 23.4% of the workforce, and there were no unpaid family workers reported. A detailed breakdown of worker classifications is available in Table 14.

Table 14: Classification of Workers in Barnegat Township, 2023

	Number	Percent
Total	**10,549**	**100.0%**
Private Wage and Salary Worker	7,462	70.7%
Government Worker	2,466	23.4%
Self-Employed Worker	621	5.9%
Unpaid Family Worker	0	0.0%
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)		

Workforce by Sector

An analysis of employed individuals aged 16 and older by economic sector reveals the broad spectrum of industries in which Barnegat Township's workforce is engaged. The largest sector, comprising 32.8% of the workforce (3,462 employees), is in educational services, healthcare, and social assistance, followed by retail trade with 13.5% of the workforce (1,429 employees). The professional, scientific, and management, and administration and waste management services, and public administration sectors each represented approximately 9.8% (1,037 employees) and 8.5% (897 employees) of the Township's workforce, while the finance and insurance, and real estate and rental and leasing sector made up 8.3% (872 employees). A detailed breakdown of Townships workforce by sector is provided in Table 14.

Table 15: Workforce by Sector, 2023

Industry	Number	Percent
Civilian employed population 16 years and over	**10,549**	**100.0%**
Agriculture, forestry, fishing and hunting and mining	34	0.3%
Construction	516	4.9%
Manufacturing	311	2.9%
Wholesale trade	215	2.0%
Retail trade	1,429	13.5%

Transportation and warehousing, and utilities	666	6.3%
Information	118	1.1%
Finance and insurance, and real estate and rental and leasing	872	8.3%
Professional, scientific, and management, and administration and waste management services	1,037	9.8%
Educational services, health care and social assistance	3,462	32.8%
Arts, entertainment, and recreation, and accommodation and food services	566	5.4%
Other services, except public administration	426	4.0%
Public administration	897	8.5%
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)		

Occupations by Type

Table 16 provides a breakdown of occupations within the Township's employed civilian labor force. The largest segment, representing 41.8% (4,408 employees) of the workforce, is in management, business, science, and arts occupations followed by sales and office occupations, employing 24.7% (2,602 employees) of the labor force. Service occupations account for 18.4% (1,945 employees) of the workforce. The smallest sector is natural resources, construction, and maintenance occupations, which make up just 7.1% (750 employees) of the labor force.

Table 16: Occupations by Type, 2023

	Number	Percent
Employed Civilian population 16 years and over	**10,549**	**100.0%**
Management, business, science, and arts occupations	4,408	41.8%
Service occupations	1,945	18.4%
Sales and office occupations	2,602	24.7%
Natural resources, construction, and maintenance occupations	750	7.1%
Production, transportation, and material moving occupations	844	8.0%
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)		

Commuting to Work

As shown in Table 17, the majority of Barnegat Township residents (80.5%) commute to work by private automobile, slightly above the county's 76.1%. Approximately 10.1% of residents work from home, while public transportation (excluding taxicabs) is the least common commuting method, used by just 0.3% of residents, compared to 0.7% in the county. Notably, around 0.7% of Township residents walk to work, which is a lower proportion than the county's 1.1%.

Table 17: Means of Commute, 2023				
	Barnegat Township		Ocean County	
	Number	Percent	Number	Percent
Workers 16 years and over	10,284	100.0%	279,615	100.0%
Car, truck, van -Drove Alone	8,275	80.5%	212,674	76.1%
Car, truck, van - Carpooled	760	7.4%	22,885	8.2%
Public transportation (excl. taxicab)	27	0.3%	2,018	0.7%
Walked	69	0.7%	2,969	1.1%
Other means	115	1.1%	3,921	1.4%
Worked from home	1,038	10.1%	35,148	12.6%
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)				

According to ACS data, a majority of Barnegat Township residents (60.7%) commute less than 30 minutes to work, which is somewhat lower than the county average of 73.7%. Likewise, 40.1% of Township commuters travel less than 20 minutes, compared to 52.2% countywide. Table 18 provides a detailed comparison of commute times between Barnegat Township and the broader county.

Table 18: Travel Time to Work, 2023				
	Barnegat Township		Ocean County	
	Number	Percent	Number	Percent
Total	9,246	100.0%	240,460	100.0%
Less than 10 minutes	1,029	11.1%	29,788	24.3%
10 to 19 minutes	2,685	29.0%	64,200	27.9%
20 to 29 minutes	1,904	20.6%	44,761	21.5%
30 to 44 minutes	2,176	23.5%	44,155	13.0%
45 to 59 minutes	447	4.8%	21,155	5.5%
60 to 89 minutes	675	7.3%	23,748	3.0%
90 or more minutes	330	3.6%	12,653	4.8%
Mean travel time to work (minutes)	**27.8**		**30.1**	
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03, B08303)				

AFFORDABLE HOUSING

In 1975 the New Jersey Supreme Court determined, in So. Burlington County. NAACP v. Township of Mount Laurel ("Mount Laurel I") that every developing municipality in New Jersey had an affirmative obligation to provide a "realistic opportunity" for its fair share of low-and moderate-income housing. In 1983, frustrated with the lack of voluntary compliance, the Supreme Court sought to create an incentive for voluntary compliance in its "Mount Laurel II" decision. In this decision, the Court exposed municipalities that refused to comply voluntarily to the possibility of builder's remedy relief. The Court also called for the state legislature to enact legislation that would save municipalities from the inefficiency of having the courts determine their affordable housing needs.

First and Second Rounds

In 1985 the Legislature adopted the Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) ("FHA"). The FHA created the New Jersey Council on Affordable Housing (COAH) and charged COAH with the responsibility of adopting regulations by which municipalities could determine their fair share responsibilities and the means by which they could satisfy those responsibilities. The Legislature also sought to promote voluntary compliance and empowered municipalities to submit to COAH's jurisdiction and voluntarily comply under the protections of the COAH process.

Pursuant to the FHA, COAH adopted regulations for the first housing cycle in 1986; which covered the years 1987 through 1993 ("First Round") and for the second housing cycle in 1994; which covered the years 1993 through 1999 ("Second Round"). Under both the First and Second Rounds, COAH utilized what is commonly referred to as the "fair share" methodology. COAH utilized a different methodology, known as "growth share," beginning with its efforts to prepare Third Round housing-need numbers.

Third Round

COAH first adopted the Third-Round rules in 2004; which were to cover the years 1999 through 2014. The "growth share" approach created a nexus between the production of affordable housing and future residential and non-residential development within a municipality, based on the principle that municipalities should provide affordable housing opportunities proportionate to their market rate residential growth, and that along with employment opportunities there should be proportionate opportunities for affordable housing. Each municipality was required to project the amount of residential and nonresidential growth that would occur during the period 2004 through 2014 and prepare a plan to provide proportionate affordable housing opportunities. The regulations were challenged and in January 2007, the New Jersey Appellate Division invalidated key aspects of COAH's third round rules and ordered COAH to propose and adopt amendments to its rules to address the deficiencies it had identified.

COAH adopted new Third Round rules in May of 2008 and subsequently adopted amendments that became effective on October 20, 2008. Changes to the Fair Housing Act were also adopted in July of 2008 (P.L. 2008 c. 46 on July 17, 2008). The COAH rules and regulations adopted in 2008 were subsequently challenged, and in an October 2010 decision the Appellate Division invalidated the "Growth Share" methodology and also indicated that COAH should adopt regulations pursuant

to the "Fair Share" methodology utilized in the First and Second Rounds. The Supreme Court affirmed this decision in September 2013, invalidating the third iteration of the Third Round regulations and sustaining the invalidation of growth share, and directing COAH to adopt new regulations pursuant to the methodology utilized in the First and Second Rounds. In October of 2014 COAH was deadlocked and failed to adopt their newly revised Third Round regulations. Fair Share Housing Center, who was a party in the earlier cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. On March 20, 2015, the Court ruled that COAH was effectively dysfunctional, and consequently returned jurisdiction of affordable housing issues back to the trial courts as it had been prior to the creation of COAH in 1986.

Since the 2015 Mt. Laurel IV decision, municipalities have turned to the courts to seek a declaratory judgement of their housing plans to determine whether they are meeting their constitutional affordable housing obligations, and to be granted immunity from any "builder's remedy" lawsuits. With no COAH functioning and providing guidance to municipalities to determine their municipal fair share of statewide and regional obligations, a number of independent groups produced their own reports to determine individual obligations across the state. In several court decisions in 2016 and 2018, judges in Middlesex and Mercer County developed a methodology following closely one proposed by Fair Share Housing Center to determine municipal obligations. In the 2018 decision by Judge Jacobson, it was further determined that the initial period of the Third Round which had not been addressed (1999 – 2015) known as the "gap period" is to be included in each municipality's fair share calculations to address the Third Round.

Fourth Round

In March of 2024, P.L. 2024, c.2 was signed into law establishing new procedures for determining statewide needs and municipal obligations for low- and moderate-income housing. This new law formally abolished COAH and established a new "Program" for resolving affordable housing disputes, as well as the authority to review and certify municipal fair share housing plans. The law required municipalities to determine their own fair share obligations by applying the methodology of the Jacobsen decision in Mercer County as it related to the Third Round and adopt a binding resolution setting those obligation numbers. The law also provided revisions to the crediting structures for affordable units, with changes to the types of affordable units that are permitted to be granted bonus credits. The law established timelines for submission of documents to demonstrate compliance with the Fair Housing Act.

In addition to the revisions to low- and moderate-income housing crediting, the amended law established a new Affordable Housing Alternative Dispute Resolution Program. The Program is intended to adjudicate any disputes in affordable housing, and function as the administrative body responsible for reviewing and certifying municipal compliance with the Fair Housing Act. Through the Program and the Administrative Office of the Courts, municipalities seeking a judgment of compliance with Affordable Housing regulations must submit their plans to the Program for certification and to retain immunity from any potential builder's remedy lawsuits.

BARNEGAT'S COMPLIANCE HISTORY

The Township of Barnegat has demonstrated a commitment to comply voluntarily with its Mount Laurel obligations. On June 28, 2000, the Barnegat Township Planning Board adopted a Housing

Element and Fair Share Plan ("2000 Plan") addressing the Township's 1987-1999 affordable housing obligations. The Township Committee endorsed the 2000 Plan on June 29, 2000. Barnegat petitioned COAH on June 30, 2000 for Substantive Certification, which included a "senior cap" waiver request.

Subsequent to said petition and prior to COAH action on the petition, development of an inclusionary site indicated in the plan became unrealistic as a result of the property owner's lack of interest in developing or selling the site for affordable housing purposes. As a result the 2000 Plan was amended on June 5. 2002 and July 2, 2002, respectively to remove inclusionary Site #3 and to add inclusionary Site #5. Barnegat re-petitioned COAH with the 2002 amendment for substantive certification on July 15, 2004.

The 2002 Plan was then amended again in 2004 and was adopted by the Planning Board and Township Committee on July 15, 2004 and July 20, 2004 respectively. Due to pending COAH rule changes, the 2004 Amendment was neither filed nor re-petitioned.

COAH adopted third round rules which went into effect on December 20, 2004. In 2005 the Township prepared a Housing Element and Fair Share Plan ("2005 Plan") consistent with the new regulations. On June 15, 2005, the Township Planning Board the 2005 Plan, and on June 21, 2005 the Township Committee endorsed the 2005 Plan. The Township petitioned COAH for substantive certification on July 11, 2005. On December 23, 2005 COAH issued a Report Requesting Additional Information (RRAI) with the Township. In response to the RRAI the Township prepared an Addendum to the 2005 Plan. Since the addendum did not result in a change in site, substantial change in density, other zoning requirements that result in a change of housing type on a specific site or a fundamental change in approach to the plan included with the original petition, COAH did not deem the amended plan to be a re-petition. In this case, there was no objection period, but a formal adoption of the plan including a new public hearing was required. The Township Planning Board adopted the Addendum to the 2005 Plan on Mark 23, 2006, and filed the addendum with COAH.

Prior to COAH action on the Township's petition, COAH's third round regulations were challenged by various parties and they were invalidated, in part, by the Appellate Divisions in In Re Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied. 192 N.J. 72 (2007). On May 6, 2008 COAH adopted revised Third Round regulations in response to the Appellate Division Decision, and became effective on June 2, 2008.

On December 31, 2008 the Township petitioned COAH for substantive certification of a Housing Element and Fair Share Plan ("2008 Plan") addressing its total 1987- 2018 affordable housing obligations. The 2008 Plan was granted third round substantive certification by COAH on December 9, 2009.

In March of 2015 The New Jersey Supreme Court in Its Mount Laurel IV decision (In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1[2015]) cited COAH's inability to adopt constitutional rules for the "third round" (1999-2025) in order to guide municipal affordable housing compliance. Given the lack of regulatory guidance from COAH or the Legislature, the Supreme Court's decision directed the Trial Courts to assume the role of determining the constitutionality of municipal affordable

housing plans. In response to the Mount Laurel IV decisions, the Township filed a declaratory judgement action and motion for temporary immunity on July 2, 2015. Ocean County Court granted temporary immunity on August 28, 2015, which was subsequently extended to November 20, 2016.

The Court invalidated two attempts by COAH to adopt third round rules, but left relatively intact COAH's second round rules (N.J.A.C. 5:93). Therefore, this Housing Plan relies on the second round rules to determine the Township's third round obligation. Additionally Barnegat Township and the Fair Share Housing Center (FSHC) conducted discussions and negotiations over several months to determine the content of this Plan. A settlement was reached with FSHC on April 20, 2017 on the Third Round obligations and the mechanisms to satisfy those obligations. This settlement agreement was amended in June of 2018.

The Township then adopted an amended Housing Plan Element and Fair Share Plan to implement the terms of the settlement, which was approved by the Courts on June of 2018 in an order granting a judgment of compliance and repose.

A copy of the Settlement Agreement between the Township and Fair Share Housing Center can be found in Appendix A.1

A copy of the Township's Third Round Judgment of Compliance can be found in Appendix A.2

The Township Committee adopted Resolution 2025-52 in January of 2025 to identify the Township's Fourth Round affordable housing obligations to begin the process of compliance with the Fourth Round of affordable housing obligations. The resolution adopted by the Council accepted the calculations put forward by the New Jersey Department of Community Affairs (NJDCA) in their report titled "*Affordable Housing Obligations for 225-2035 (Fourth Round) Methodology and Background*", dated October 18, 2024, and adopted the numbers determined by DCA. Subsequently, the Township filed a Declaratory Judgement Action Complaint on January 3rd, 2025, with Ocean County Superior Court to accept the DCA calculated determination of the Township's present need and prospective need.

A copy of Resolution 2025-52 can be found in Appendix B.1, and a copy of the Order Fixing the Municipal Obligation can be found in Appendix B.2.

Barnegat Township has prepared this Housing Plan Element and Fair Share Plan in accordance with all requirements of the Municipal Land Use Law and the Amended Fair Housing Act to satisfy those obligations for the Fourth Round.

FAIR SHARE PLAN

A Fair Share Plan has been defined by the Amended Fair Housing Act at N.J.A.C. 52:27D-304 as:

> *"Fair Share Plan" means the plan or proposal that is in a form which may readily be adopted, with accompanying ordinances and resolutions, pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1), by which a municipality proposes to satisfy its obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.*

FAIR SHARE OBLIGATION

Affordable Housing obligations are broken down into two distinct categories: "present need" or rehabilitation obligation; and "prospective need" or new construction obligation.

Present Need

"Present need" is not a specifically defined term in the amended Fair Housing Act. The municipal "present need" obligation is determined by estimating the current amount of homes in the Township that are likely occupied by low or moderate income households, and are deficient in some way, meaning that the house is over 50 years old and overcrowded, lacks complete plumbing facilities, or lacks a complete kitchen. More specifically:

> *"A municipality's present need obligation shall be determined by estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, following a methodology comparable to the methodology used to determine third round present need, through the use of datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof."*
>
> (N.J.A.C. 52:27D-304.3.7.b)

The present need, or rehabilitation obligation is the estimate of the need for substantial repairs to existing homes in the Township that are currently occupied by low or moderate income households.

Prospective Need

The FHA at N.J.A.C. 52:27D-304 defines "prospective need" as:

> *"Prospective need" means 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. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c.2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.*

According to the calculations for the state prepared by NJDCA in their October 2024 report titled "*Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background*", and as adopted by the Township, Barnegat Township has the following cumulative affordable housing obligations:

- Present Need or Rehabilitation Obligation: 38 Units
- First and Second Round (1987-1999) Prospective Need Obligation: 329 Units
- Third Round (1999-2025) Prospective Need Obligation: 367 units
- Fourth Round (2025-2035) Prospective Need Obligation: 71 Units

The Township's Fair Share Plan specifically describes the completed and proposed mechanisms to address the present need (rehabilitation) obligation, First and Second Round (Prior Round) obligation, Third Round obligation, and Fourth Round obligation.

The Township's Prior Round obligations were determined by COAH, and the Third Round obligation has been determined through a settlement agreement with the Fair Share Housing Center. The Township's Fourth Round obligation numbers were determined using calculations provided by the NJ Department of Community Affairs in a report dated October 2024, and adopted by the Township Committee through a binding resolution in accordance with the requirements of the Fair Housing Act.

Consideration of Lands Suitable for Affordable Housing

The New Jersey Fair Housing Act (N.J.S.A. 52:27D-310(f)) requires that the Housing Element provide a narrative that includes "a consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing."

Barnegat Township, situated on Barnegat Bay, historically was a significant maritime, agricultural, and manufacturing community, with its strategic coastal location enabling trade across the eastern seaboard. While maintaining some of its historical character, the Township's development has shifted, with most residential and commercial growth now centered in the central and eastern regions, particularly around the Garden State Parkway (Exit 63) and along US Route 9, NJ State Route 72, and Ocean County Road 554/W Bay Avenue. Barnegat Township is dedicated to sustainable development, focusing on new housing, home rehabilitation, and infrastructure improvements within these concentrated areas and existing neighborhoods. The Township has searched for potential affordable housing opportunities with a specific focus to concentrate

redevelopment and development within the Suburban Planning Area of the State Plan and the Regional Growth Areas of the Pinelands, and away from the Environmentally Sensitive Planning Area and Forest Area and the Preservation Area of the Pinelands.

All sites where developers that have approached the Township with potential projects are included in this Plan as potential mechanisms to satisfy the Township's Fourth Round obligation.

Multigenerational Family Housing Continuity

The FHA requires the Housing Element and Fair Share Plan to provide 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 23 section 1 of P.L.2021, c.273 (C.52:27D-329.20).

A review of the Township code indicates that there are no regulations or restrictions in place that would specifically create a detraction from meeting the Commission's goal of allowing senior citizens to reside at the homes of their extended families. The ordinances in the Township of Middle do not detract from the multigenerational family continuity goal.

Present Need (Rehabilitation) Obligation

The Township has a rehabilitation obligation of 38 units to satisfy the Present Need.

All residents of the Township are eligible to participate in the Ocean County Home Improvement Program. The County's Home Improvement Program is a CDBG funded program that provides deferred loans to income qualified low- and moderate-income households to repair systems such as heating systems, roofing, plumbing, electrical, and other code violations.

The Township will commit to supplementing the Ocean County Home Improvement Program, to ensure that at least 38 dwellings occupied by low- or moderate-income households that are in need of repairs are able to receive the necessary rehabilitation of a major system, within the Fourth Round period of 2025 – 2035. The Township will dedicate an average of at least $10,000.00 towards each project to be paid from the Affordable Housing Trust Fund.

The Township also reserves the right to reduce its rehabilitation obligation as a result of any existing dwellings that are rehabilitated through the Ocean County program.

PRIOR ROUND OBLIGATIONS (1987-1999)

The Township has a requirement of 329 units in order to satisfy its Prior Round (1987 – 1999) obligation. In accordance with previous COAH rules found at N.J.A.C. 5:93, the Township must meet the following minimum and maximum requirements in addressing the 454 total unit obligation.

- **Age Restricted Units:** The maximum number of age restricted credits comes from the following formula:

  25% x (Prior Round Obligation + Rehabilitation Share – Prior Cycle Credits – Rehabilitation Credits)

  - 0.25 x (329 -28) = 75.25
  - A maximum of 75 credits may come from age-restricted senior housing

- **Rental Units:** The minimum number of rental credits comes from the following formula:

  25% x (Prior Round Obligation – Prior Cycle Credits)

  - 0.25 x (329 -28) = 75.25
  - A minimum of 76 units must be rental units.

- **Rental Bonus Credits:** The maximum number of bonus credits shall be equal to the Township's rental obligation.

  - 76 bonus credits may be claimed for rental units.

PRIOR ROUND COMPLIANCE MECHANISMS

In accordance with the Township's Court approved Judgment of Compliance for the Third Round, the Township has addressed its Prior Round Obligation through the development projects and mechanisms listed below:

Prior Round Credits				
Project	**Type of Unit**	**Units**	**Bonus**	**Total**
Credits w/o Controls	Family Sale	28		28
Compass Point / Vernon	Family Rental	8		8
Sweet Jennys	Family Rental	42	11	53
Whispering Hills	Family Rental	18	18	36
Laurel Oaks	Family Rental	47	47	94
Barnegat Senior Apts	Senior Rental	43		43
Freedom Hills	Family Sale	15		15
Tedesco Homes	Family Sale	2		2
High Point	Family Sale	4		4
JS Development	Family Sale	3		3
Four Seasons at Mirage	Senior for Sale	32		32
West Cherry St	Family Sale	1		1
Ocean Mental Health	Special Needs	1		1
Community Options	Special Needs	4		4
Ocean Mental Health	Special Needs	1		1
Community Options	Special Needs	2		2
Community Options	Special Needs	1		1
Ocean Mental Health	Special Needs	1		1
Overall Totals		**253**	**76**	**329**

A summary description of each project follows:

FAMILY RENTAL PROJECTS

Compass Point: 8 credits
Block 92, Multiple Lots
Meridian Turn West
Status: Under Construction

The Compass Point project consists of 8 affordable family rental units located at Meridian Turn. The overall project consists of over 700 age restricted units on a 140 acre site. The obligation for this development is 100 affordable family units. 8 of which are being constructed on site and the remaining 92 units are being constructed as a part of the Sweet Jennys project discussed below. The project is currently under construction, and will consist of 4 low income apartments and 4 moderate income apartments with affordability controls of at least 30 years.

Sweet Jennys: 42 credits + 11 bonus credits
Block 195, Lots 5 and 6.01
107 South Main St
Status: Under Construction

The Sweet Jennys development is located at 107 South Main Street or US Route 9, in the northeastern part of the Township. The project is being developed by the same builder as the Compass Point project. The project consists of 92 affordable family rental units in total. 42 credits and 11 bonus credits will be applied to the Prior Round. Remaining credits will be applied to future rounds.

Whispering Hills: 18 credits + 18 bonus credits
Block 144.08, Lot 1
Hawthorne Lane
Status: Completed

Whispering Hills Apartments is a 100% affordable municipally-sponsored family rental housing project that includes 52 constructed and occupied units. 18 of these units and 18 rental bonus credits are applied to the Prior Round for a total of 36 credits. The remaining credits are being applied to the Third Round. A site suitability analysis was conducted in 2009 which found that the site is suitable for construction and that Rosehill Road provides adequate access. Final development approvals were received in 2010 and occupancy of the units followed in November 2011.

Laurel Oaks: 47 credits + 47 bonus credits
Block 159, Lots 2.01 and 3.01
North Main Street
Status: Completed

Laurel Oaks is an affordable family rental housing project that includes 93 family rental units which have been constructed and are occupied. Forty-seven (47) of these units are applied to the Prior Round obligation including 47 family rental bonus credits for a total of 94 affordable housing credits. The units are constructed and have been occupied since 2013.

FAMILY FOR SALE PROJECTS

Credits without Controls: 28 credits
Multiple Locations
Status: Under Construction

The Township has 28 prior cycle credits for units that were constructed between April 1, 1980 and December 15, 1986. These credits are applicable to the Prior Round Obligation.

Freedom Hills: 15 credits
Blocks 114.59 – 114.63, Multiple Lots
Cove Street
Status: Completed

Freedom Hills consists of 15 single-family affordable for-sale units within a larger residential development. All credits are applied to the Prior Round. The site is located in the ML-3 Residential Zone. The site is located within a PA-2 Suburban Planning Area as designated by the Office of State Planning and is bordered by other residential zone properties. This site is constructed and occupied.

Tedesco Homes: 2 credits
Block 114.70, Lot 5 and 8
Tedesco Way
Status: Completed

Tedesco Homes Development is located along Tedesco Way and includes two (2) single-family for-sale affordable units that have been built and occupied for Prior Round credit. The entire site consists of approximately 3.01 acres. The site is located in the ML-2 residential zone and is an appropriate site for an affordable housing development. Primarily residentially zoned properties border the site.

High Point: 4 credits
Block 142.05 – 142.08, Multiple Lots
Alexander Drive
Status: Completed

The High Point development consists of 46 single-family residential lots, including four (4) low and moderate income single family for-sale homes. All 4 credits are applied to the Prior Round. The project is constructed and occupied.

J.S. Development: 3 credits
Block 147.08, Lots 1-25
Hillside Ave
Status: Completed

J.S. Development includes three (3) constructed and occupied single-family affordable residential for-sale units. These units are applied to the Prior Round.

West Cherry Street: 1 credit
Block 180, Lot 1.01
Miro Avenue
Status: Under Construction

This project by R. Stone & Company consists of 10 single family homes, with one of them being set aside as an affordable family for sale unit. The project is currently under construction.

SENIOR PROJECTS

Barnegat Senior Apartments: 43 credits
Block 195.03, Lot 12
9 South Main Street
Status: Completed

Barnegat Senior Apartments is an age-restricted affordable rental project that includes 70 units for low/moderate income households. The southern property line is located along the municipal boundary with Stafford Township. Barnegat Township claims 43 credits for the Prior Round for this development, and the remaining credits will be applied to the Third Round. The project is constructed and occupied.

Four Seasons at Mirage: 32 credits
Block 95.16-95.57, Multiple Lots
Mirage Boulevard
Status: Completed

Four Season at Mirage is an age-restricted single-family development that includes 424 units of which 32 units are affordable for sale units. The Mirage is fully constructed and all affordable units are occupied by approved households.

SPECIAL NEEDS PROJECTS

The Township has 10 bedrooms in six special needs facilities:

Special Needs / Supportive Housing Projects				
Facility	**Location**	**Block**	**Lot**	**Bedrooms**
Ocean Mental Health	19 Nautilus	114.19	10	1
Community Options	55 Old Main Shore Rd	114.54	21.03	4
Ocean Mental Health	71 Village Drive	114.24	12	1
Community Options	17 A Emerald Drive	208.08	2CA	2
Community Options	15 Gibralter Court	208.09	34.04C	1
Ocean Mental Health	21 Mediterranean Court	208.09	43.03	1
Overall Totals				**10**

THIRD ROUND OBLIGATIONS

The Township had a cumulative Prospective Need of 367 units for the Prior Round and Third Round. The following minimum and maximum requirements apply to the Third Round obligations, in accordance with N.J.A.C. 5:97. Since the Township is eligible for 92 rental bonus credits, the minimum number of "actual" units required is 275 if all bonuses are utilized. The Township must meet the following minimum and maximum requirements in addressing the 367 total unit obligation:

- **Low/Moderate Income Split**: at least fifty percent (50%) of the actual units addressing the Third Round Prospective Need shall be affordable to low-income households, and 13% available to very low income households.
    - 367 x 0.5 = 183.5 (184)
    - A minimum of 184 units must be affordable to low income households.
    - A minimum of 48 units must be available to very low income households.
- **Rental Units**: At least twenty-five percent (25%) of the units addressing the Third Round Prospective Need shall be met through rental units, including at least half in non-age-restricted rental units available to families.
    - 367 x 0.25 = 91.75 (92)
    - A minimum of 92 units must be rental units, and at least 46 of those units must be non-age-restricted units that are available to families.
- **Age Restricted Units**: A maximum of 25 percent (25%) of the units addressing the Third Round can be from age-restricted senior units.
    - 367 x 0.25 = 91.75 (91)
    - The Township may claim a maximum of 91 credits from senior units.
- **Family Units**: A minimum of fifty percent (50%) of the units addressing the Third Round Obligation must be non-age restricted affordable units available to families.
    - 367 x 0.5 = 183.5 (184)
    - A minimum of 184 units must be affordable to families.
- **Rental Bonus Credits**: The Township may claim bonus credits for rental units in accordance with N.J.A.C. 5:93-5.15(d), up to a maximum of 25% of the total obligation.
    - The Township may claim bonus credits for rental units up to 92 bonus credit units.

THIRD ROUND COMPLIANCE MECHANISMS

The Township proposes to satisfy its 367-unit Prior Round obligation through the following mechanisms:

Third Round Credits				
Project	**Type of Unit**	**Units**	**Bonus**	**Total**
Prior Round Carryover				
Sweet Jennys	Family Rental	33	0	33
Laurel Oaks	Family Rental	46	46	92
Whispering Hills	Family Rental	34	0	34
Third Round Projects				
Independence Place	Family-for-Sale	8	0	8
Patriots Cove	Family Rental	46	46	92
Barnegat Senior Apts	Senior Rental	27	0	27
Emerald Terrace	Senior Rental	8	0	8
Paramount Homes	Senior-for-Sale	56	0	56
Accessory Apartments Pilot	Family Rental	10	0	10
70 Schooner Ave	Special Needs	1	0	1
900 Barnegat Blvd	Special Needs	1	0	1
345 Hawthorne Lane	Special Needs	10	0	10
Bayshore Drive	Special Needs	5	0	5
Overall Totals		**285**	**92**	**367**

FAMILY RENTAL PROJECTS

Sweet Jennys: 33 credits
Block 195, Lots 5 and 6.01
107 South Main St
Status: Under Construction

The Sweet Jennys development is located at 107 South Main Street or US Route 9, in the northeastern part of the Township. 33 credits of the family rental units will be applied to the Third Round for the Township. The development is currently under construction.

Laurel Oaks: 46 credits + 46 bonus credits
Block 159, Lots 2.01 and 3.01
465 N Main St and 473 N Main St.
Status: Completed

This site located at 465 N Main St and 473 N Main St in the southeastern portion of the Township contributes 46 family rental affordable apartments to the Third Round. Additionally, this site is eligible for 46 family rental bonus credits for a total of 92 affordable housing credits towards the Third Round.

Whispering Hills: 34 credits
Block 144.08, Lot 1
345 Hawthorne Lane
Status: Completed

This 100% affordable housing project located at 345 Hawthorne Lane in the southeastern portion of the Township contributes 34 family rental apartments to the Third Round. This project has been constructed and is occupied.

Patriots Cove: 92 credits (46 units + 46 Bonus Credits)
Block 146.01, Lot 6.09
5 Union Boulevard, Barnegat, NJ 08005
Status: Completed

Patriot's Cove is comprised of 46 affordable apartment units that will account for the affordable housing contributions of both the Heritage Point North and Heritage Point South projects, which are located west of the Garden State Parkway. This site is able to contribute 46 family rental bonus credits for a total of 92 affordable housing credits towards the Third Round. This project has been constructed and is occupied.

Accessory Apartments Pilot Project: 10 credits
Multiple Locations
Status: Proposed

As a part of the Third Round compliance plan, the Township adopted an ordinance to require that accessory apartments in the TC-CV and TC-CPHD Zone Districts be affordable to low- and moderate-income households. The Township adopted Ordinance 2018–16, which requires accessory apartments in the TC-CV and TC-CPHD Zone Districts be affordable to very low, low and moderate-income households. The adoption of this ordinance made the development of 10 affordable permissible and applied 10 credits to the Third-Round obligation. The project is ongoing.

FAMILY-FOR-SALE PROJECTS

Independence Place: 8 credits
Block 114.36, 114.50, 114.51, Multiple Lots
9 South Main Street
Status: Completed

Independence Place is a single-family housing development and is located in the R-6 and ML-3 zones and is comprised of 48 single family units, of which eight (8) are affordable units and are applied to the Third Round. The site is 69.55 acres and is located west of Route 9. The site is constructed and occupied.

SENIOR RENTAL PROJECTS

Barnegat Senior Apartments: 27 credits
Block 195.03, Lot 12
9 South Main Street
Status: Completed and Occupied

This site located at 9 South Main Street in the southeastern part of the Township and will provide 27 affordable age-restricted rentals towards the Third Round, of the total of 70 affordable senior rental apartments int eh development. The project is completed and occupied.

Emerald Terrace: 8 credits
Block 114, Lot 14.02
20 Barnegat Boulevard, Barnegat, NJ 08005
Status: Completed

Emerald Terrace is a 32-unit age-restricted affordable rental development that is constructed and occupied. Due to the age-restricted cap, 8 of the 32 units are eligible for credit and are applied to the Third Round. The remaining credits may be applied to the Fourth Round.

SENIOR-FOR-SALE PROJECTS

Paramount Homes: 56 credits
Block 90, 90.22, and 92, Multiple Lots
Paramount Escapes Drive
Status: Under Construction

The Paramount Homes/Escapes Ocean Breeze project is currently under construction. This project includes a total of 562 age-restricted townhomes, inclusive of 56 affordable age-restricted units for the Third Round.

SUPPORTIVE/SPECIAL NEEDS PROJECTS

The Third-Round obligation includes 17 supportive needs housing credits within four separate facilities.

Special Needs / Supportive Housing Projects				
Facility	**Location**	**Block**	**Lot**	**Bedrooms**
Allies Inc.	70 Schooner Ave	114.26	27	1
Allies Inc.	345 Hawthorne Lane	114.08	1	10
Ocean Mental Health	900 Barnegat Boulevard	144.01	5.02	1
Community Options	131 Bayshore Drive	196.01	64	5
Overall Totals				**17**

FOURTH ROUND OBLIGATIONS

The Township has a Fourth Round (2025 – 2035) Obligation of 71 affordable units. The Township must meet the following minimum and maximum requirements in addressing the 71 unit obligation, in accordance with N.J.A.C.52:27D-311.l.

- **Family Units**: A minimum of fifty percent (50%) of the units must be non-age restricted affordable units available to families.
    - 71 x 0.5 = 35.5 (36)
    - A minimum of 36 units must be available to families.
- **Rental Units**: At least twenty-five percent (25%) of the units to be constructed shall be met through rental units, including at least half in non-age-restricted rental units available to families.
    - 71 x 0.25 = 17.75 (18)
    - A minimum of 18 units must be rental units, and at least 9 of those units must be non-age-restricted units that are available to families.
- **Age Restricted Units**: A maximum of 30 percent (30%) of the Township's credits can be from age-restricted senior units.
    - 71 x 0.3 = 21.3 (21)
    - The Township may claim a maximum of 21 credits from age-restricted senior units.
- **Low/Moderate Income Split**: at least fifty percent (50%) of the actual units shall be affordable to very-low-income and low-income households with at least 13% affordable to very low income households.
    - 71 x 0.5 = 35.5 (36)
    - 71 x 0.13 = 9.23 (10)
    - A minimum of 36 units must be affordable to low income households, and 10 affordable to very low income households, with at least 5 of those available to families.
- **Bonus Credits**: The Township may claim bonus credits for a maximum of 25% of the obligation.
    - 71 x 0.25 = 17.75 (17)
    - The Township may claim a maximum of 17 bonus credits

FOURTH ROUND COMPLIANCE MECHANISMS

The Township shall satisfy its 71-unit Fourth Round (2025-2035) obligation through the following mechanisms:

Fourth Round Credits				
Project	Type of Unit	Units	Bonus	Total
Third Round Carryover				
Sweet Jennys	Family Rental	17	0	17
Emerald Terrace	Senior Rental	21	0	21
Fourth Round Developments				
Gunning River Road Redevelopment	Family Rental	86	0	86
Aaron Way				
Barnegat Terrace	Family Rental	2	0	2
Mooring Point	Family for-Sale	2	0	2
Stone Hill at Barnegat	Family for-Sale	3	0	3
Lighthouse at Barnegat / Coastal Woods	Senior for-Sale	0	0	0
Overall Totals		**131**	**0**	**131**

FAMILY RENTAL PROJECTS

Sweet Jennys: 17 credits
Block 195, Lots 5 and 6.01
107 South Main St, Barnegat, NJ 08005
Status: Under Construction

The Sweet Jennys development is located at 107 South Main Street, in the northeastern part of the Township. The project consists of 92 family rental affordable units. 17 of those family rental units will be applied to the Fourth Round. The project is currently under construction.

Gunning River Road Redevelopment
Block 174 Lots 13,36,37,47,47.01 & 48
140 Gunning River Road; Corner of West Bay/ Parkway/ Lighthouse ramp
Status: Proposed

The site is located along Gunning River Road and is within the northern end of the Township. The property has previously been designated as an area in need of redevelopment, and the Township is in the process of preparing a redevelopment plan for the site. The site is approximately 48 acres, and a proposed development consists of 576 total units. At a 15% set aside, this site would yield 86 affordable units available for moderate to low-income households. The site is located in the Suburban Planning Area (PA2) of the State Plan, where redevelopment and development are encouraged. The site is mostly within the sewer service area, except for the rear of the property on Block 174 Lot 13, and Block 174 Block 36, which

also are partially encumbered by wetlands at the rear of the parcel. This site is generally free of environmental encumbrances such as wetlands, flood hazards, and steep slopes. As an otherwise vacant tract, the site is vacant and available. Being surrounded primarily by other residential uses, the site is suitable for multi-family development. With limited environmental constraints, the site is developable. The Township will prepare and adopt a redevelopment plan for the tract to permit multi-family development at a sufficient density to permit the project, and will also require a minimum set aside of 15% for all rental units.

A draft conceptual plan for the site can be found in Appendix D.4.

Barnegat Terrace: 2 credits
Block 162.01, Lot 1.22
702 Barnegat Blvd N, Barnegat, NJ 08005
Status: Approved

Barnegat Terrace is a project located on the southeastern side of Barnegat Boulevard North within the R-20 Residential Zone. The developer received Preliminary and Final Major Site Plan approval with a use variance by the Township Board of Adjustment via resolution No. Z-2025-08 to construct a total of thirteen (13) townhomes, including two (2) affordable units.

A copy of the resolution of approval for this project can be found in Appendix D.2.

FAMILY FOR SALE PROJECTS

Mooring Point: 2 credits
Block 114.64 Lot 30, 31
Tara Lane
Status: Approved

The site consists of Block 114.64, Lots 30 and 31 and is located between the Garden State Parkway and existing residential dwellings on the west side of Tara Lane. The applicant received preliminary and final major site plan approval on January 28, 2025, via Resolution P-2025-6 to subdivide the site into nineteen (19) lots, including seventeen (17) residential lots containing single-family dwellings and two (2) lots for stormwater management basins.

A copy of the resolution of approval for the site can be found in Appendix D.1

Stone Hill at Barnegat: 3 Credits
Block 180 Lot 1.01, 1.19
10 Cherry Street and 16 Cherry Street
Status: Under Construction

The sites are located at 10 Cherry Street and 16 Cherry Street in the eastern part of the Township. The properties are conveniently located to commercial uses along US Route 9 and are within proximity to the Garden State Parkway. The applicant, Barnegat Terrace, LLC, received Amended Preliminary and Final Major Subdivision approval by the Barnegat Township Planning Board on February 25, 2025 via resolution P-2025-9 to construct 10 single family homes, including 3 affordable units.

A copy of the resolution of approval for the site can be found in Appendix D.3

SENIOR RENTAL PROJECTS

Emerald Terrace: 8 credits
Block 114, Lot 14.02
20 Barnegat Boulevard
Status: Completed and Occupied

Emerald Terrace is a 32-unit age-restricted affordable rental development that is constructed and occupied. 8 credits from this project were applied to the Third Round due to the senior unit cap. 21 units from the project will be applied to the Fourth Round, due to the cap on senior unit credits. The remaining 3 credits from this project may potentially be applied to any obligations of the Township in any future rounds, if permitted by any regulations in place at the time.

SENIOR-FOR-SALE PROJECTS

Lighthouse at Barnegat/Coastal Woods: 0 Credits (29 Senior Units)
Block 92.111 Lot 24.09
Lighthouse Drive
Status: Under Construction

The Lighthouse at Barnegat project is 29 units of additional senior for sale affordable housing. Due to the cap on senior credits for the Fourth Round, no credits will be claimed from this project at this time. However, the affordable units in this project may be eligible to be claimed for credit to any obligations of the Township in any future rounds, if permitted by any regulations in place at the time.

SUMMARY OF FAIR SHARE PLAN

PRIOR ROUND

The Township satisfies its 329 unit Prior Round Obligation entirely, and meets each of the minimum and maximum requirements below:

- At least 76 rental units are required:
  - Compass Point: 8 family rental units
  - Sweet Jennys: 42 family rental units
  - Whispering Hills: 18 family rental units
  - Laurel Oaks: 47 family rental units
  - Barnegat Senior: 43 senior rental units
  - Four Seasons: 32 senior rental units
  - Totals: 190 (115 family ; 75 senior)
- A maximum of 75 credits can come from age restricted units:
  - Barnegat Senior: 43 senior rental units
  - Four Seasons: 32 senior rental units
  - Total: 75 senior rental units
- A maximum of 76 bonus credits can be claimed:
  - Sweet Jennys: 11 bonus credits
  - Whispering Hills: 18 bonus credits
  - Laurel Oaks: 47 bonus credits
  - Total: 76 bonus credits

THIRD ROUND

The Township has an obligation of 367 units for the Third Rounds, which is completely satisfied by applying the projects discussed above, and satisfies the minimum and maximum requirements as described below:

- At least 184 units must be dedicated to low income households:
  - All projects approved include a minimum of 50% of the units being set aside for low income households, and all projects approved after 2008 include a mandatory set aside of 13% for very low income households.
- At least 92 units must be rental units, with 46 of those available to families:
  - Sweet Jennys: 33 family units
  - Laurel Oaks: 46 family units
  - Whispering Hills: 34 family units
  - Patriots Cove: 46 family units

  - Accessory Apartments: 10 units
  - Barnegat Senior: 27 senior units
  - Emerald Terrace: 8 senior units
  - Totals: 159 family rental units and 35 senior rental units
- A minimum of 184 units must be available to families:
  - Sweet Jennys: 33 family units
  - Laurel Oaks: 46 family units
  - Whispering Hills: 34 family units
  - Patriots Cove: 46 family units
  - Independence Place: 8 family units
  - Total: 167 family units
- A maximum of 91 credits from senior units can be applied:
  - Barnegat Senior: 27 units
  - Emerald Terrace: 8 units
  - Paramount Homes: 56 units
  - Total: 91 senior units
- A maximum of 92 bonus credits may be claimed by the Township:
  - Laurel Oaks: 46 bonus credits
  - Patriots Cove: 46 bonus credits
  - Total: 92 bonus credits

FOURTH ROUND

Barnegat has a Fourth-Round prospective need obligation of 71 units. The obligation is satisfied, and each of the minimum and maximum requirements of the Fair Housing Act is satisfied through the following:

- At least 36 units must be dedicated to low income households:
  - All projects will include a minimum of 50% of the units being set aside for low income households, and all projects will include a mandatory set aside of 13% for very low income households.
- At least 18 units must be rental units, with 9 of those available to families:
  - Sweet Jennys: 17 family units
  - Gunning River Redevelopment: 86 family units
  - Barnegat Terrace: 2 family units
  - Emerald Terrace: 21 senior units
  - Totals: 105 family rental units and 21 senior rental units
- A minimum of 36 units must be available to families:

  - Sweet Jennys: 17 family units
  - Gunning River Redevelopment: 86 family units
  - Barnegat Terrace: 2 family units
  - Mooring Point: 2 family units
  - Stone Hill: 3 family units
  - Total: 110 family units
- A maximum of 21 credits from senior units can be applied:
  - Emerald Terrace: 21 units
- A maximum of 17 bonus credits may be claimed by the Township:
  - No bonus credits are being claimed by the Township at this time.

SITE SUITABILITY

As per previous COAH regulations, the Fair Share Plan must demonstrate site suitability for proposed new units that are not yet fully approved, as required by N.J.A.C. 5:93 -5.3.

A. An "available site" is a site with clear title, and that is free of encumbrances which preclude development for low- and moderate-income housing.

    - Although no formal title searches have been conducted at this time, all sites identified in the compliance plan are "available".

B. A "developable site" is a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable area-wide water quality management plan and wastewater management plan.

    - All sites in the compliance plan are "developable". All sites are within the sewer service area and will be served by the water and sewer.

C. A "suitable site" is 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 (not in wetlands, flood hazard areas, steep slopes).

    - All sites in the compliance plan are "suitable". Sites encumbered by wetlands, steep slopes, or flood hazards are not included. Sites located in lands that are surrounded by industrial users and lack sufficient space for adequate buffering have also not been included.

D. An "approvable site" is 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.

    - All sites in the compliance plan are "approvable". All projects noted in the Prior Round and Third Round plans are either completed, have been approved, or have appropriate zoning regulations in place to make them completely approvable.

    - Sites identified for the Fourth Round will be made approvable through appropriate zoning or redevelopment plans to make all projects approvable.

ADMINISTRATION

AFFORDABLE HOUSING ORDINANCE

The Township has an affordable housing ordinance at Chapter 55-530 of the Township code, which was last amended in 2018 as a part of the Third Round compliance process. The ordinance mirrors the requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) regarding marketing, administration, and income and bedroom distribution for affordable units.

If necessary, the Township will prepare and adopt any comprehensive amendments to the Affordable Housing ordinances to ensure that all current and proposed affordable housing projects are compliant with the requirements for affirmative marketing, administration, income and bedroom distribution, monitoring of projects, and reporting, in accordance with the amended Fair Housing Act and the UHAC.

DEVELOPMENT FEE ORDINANCE

The Township has adopted a mandatory development fee ordinance, to provide a dedicated revenue stream for affordable housing programs, with all fees deposited into an interest bearing account, as needed. The Township's ordinance currently authorizes the collection of 1.5% residential and 2.5% non-residential development fees and allow for the collection of 6% fees for a "d" variance where an increase in the permitted residential density is involved.

AFFORDABLE HOUSING TRUST FUND

The Township has an interest-bearing affordable housing trust fund, and consistent with the updated development fee ordinance discussed above, will impose development fees on all applicable residential and non-residential development, and said fees shall be deposited into the affordable housing trust fund.

The Township will adopt by resolution a Spending Plan for the affordable housing trust fund. The Spending Plan will provide an outline of how the Township intents to utilize these funds to further the goals and mechanisms established in this Plan, and in accordance with prior COAH regulations found at N.J.A.C. 5:97 et seq, and with the Fair Housing Act. This will include a summary of revenues and expenditures to date from the affordable housing trust fund, identify mechanisms to collect revenues, project anticipated future revenues and interest, as well as outline all proposed spending from the trust fund. Funds will be spent on appropriate housing activity, affordability assistance, and administrative expenses consistent with applicable prior COAH regulations.

MUNICIPAL HOUSING LIAISON

The Township will appoint a Municipal Affordable Housing Liaison, who will be responsible for overseeing all affordable housing regulations and corresponding with administrative agent(s), the public, and all other related affordable housing professionals.

AFFORDABLE HOUSING ADMINISTRATIVE AGENT

The Township has contracted with CME Associates to serve as the municipal administrative agent to assume responsibility for the record keeping, as well as the affirmative marketing, income qualification of applicants, and randomized selection of tenants or purchasers of affordable units in Barnegat Township.

Several projects are administered and marketed by independent agents if the developer elects to contract separately with a qualified firm.

Pursuant to N.J.A.C. 5:80-26.15(f), the Township will adopt an Affirmative Marketing Plan to ensure that all available affordable units are marketed to the appropriate populations.

Income Levels

Barnegat Township is in COAH's Region 4, which includes Mercer, Monmouth, and Ocean Counties. Moderate-income households are those earning between 50% and 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. Very-low income households are a subset of "low income" households, and are defined as households earning 30% or less of the regional median income.

APPENDICES

List of Appendices:

A. Prior Round Compliance Documents
    1. Settlement Agreement with Fair Share Housing Center
    2. Third Round Judgment of Compliance
B. Fourth Round Obligations
    1. Governing Body Resolution
    2. Order Fixing Municipal Obligations
C. Affordable Housing Projects Map
D. Crediting Documents
    1. Mooring Point Resolution of Approval
    2. Barnegat Terrace Resolution of Approval
    3. Stone Hill Resolution of Approval
    4. Gunning River Redevelopment Concept Plan

APPENDIX A-1

Third Round Settlement Agreement with Fair Share Housing Center

2017-208

FAIR SHARE HOUSING CENTER

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Kevin D. Walsh, Esq.
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April 20, 2017

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APR 24 2017

BARNEGAT TOWNSHIP CLERK

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Post Office Box 1057
Forked River, New Jersey 08731

Re: In the Matter of the Application of Barnegat, County of Ocean, Docket No. OCN-L-1856-15

Dear Mr. Dastl:

This letter memorializes the terms of a settlement reached between the Township of Barnegat (the Township or "Barnegat"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV) and, through this settlement, a defendant in this proceeding. This letter agreement supersedes the November 1, 2016 partial settlement agreement in this matter in its entirety.

Background

Barnegat filed the above-captioned matter on July 2, 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. By agreement dated November 1, 2016, FSHC and the Township settled the allocation of affordable housing obligations to Township for the period 2015-2025. That agreement provided as follows: "FSHC and the Township hereby agree that the Township's prospective affordable housing obligation for the period 2015-2025 is 121 units, which reflects a 30-percent discount from the obligation calculated in the May 2016 report prepared by David N. Kinsey, PhD, PP, FAICP, entitled NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY. The November 1, 2016 agreement included this additional provision: "This settlement does not resolve any issues as to Barnegat's present need obligation nor the obligation, if any, arising from the period between July 1, 1999 and July 1, 2015, which is currently the subject of a pending appeal before the New Jersey Supreme Court, Docket No. 77,565. These issues are specifically reserved for future adjudication in the pending declaratory judgment trial court proceeding, Docket No. OCN-L-1856-15, which is anticipated to proceed before the Honorable Mark A. Troncone, J.S.C. following the Supreme Court's decision in Docket No. 77,565.

On January 18, 2017, the New Jersey Supreme Court decided In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508, 531 (2017). The Court held that, "in determining municipal fair share obligations for the Third Round, the trial courts must employ an expanded definition of present need. The present-need analysis must include, in addition to a calculation of overcrowded and deficient housing units, an analytic component that addresses the affordable housing need of presently existing New Jersey low- and moderate-income households, which formed during the gap period and are entitled to their delayed opportunity to seek affordable

housing." Id. at 531. Following that decision, the Township and FSHC agreed to fully and finally settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, 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.

Settlement terms

The Township and FSHC hereby agree to the following terms:

1. FSHC agrees that the Township, through the adoption of a Housing Element and Fair Share Plan ("the Plan"), that conforms to the terms of this agreement and through 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. FSHC and Barnegat hereby agree that Barnegat's affordable housing obligations are as follows:

Rehabilitation Share	86
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	329
Third Round (1999-2025) Prospective Need	367

4. For purposes of this agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in its January 18, 2017 decision in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508, 531 (2017).

5. The Township's efforts to meet its present need include the following: The Township will participate in Ocean County's housing rehabilitation program, which is available to as to both homeowner-occupied and tenant-occupied housing, and use available trust funds for this purpose. This is sufficient to satisfy the Township's present need obligation of 86 units.

6. As noted above, the Township has a Prior Round prospective need of 329 units and a Third Round prospective need of 367 units. The combined obligations of 696 units is met and exceeded as follows:

	Units	Credits Relied Upon in this Agreement	Bonuses	Notes
Credits Without Controls	28	28	0	Credits without controls
The combined obligation of 696 units, with a reduction for 28 credits without controls, leaves an obligation of 668 units, which is satisfied as follows:				
FAMILY FOR-SALE				
Block 142.01, Lot 1; Block 142.02, Lot 2.01 (High Point at Barnegat)	4	4	0	Constructed and Occupied
Block 174.08, Lots 1-25 (J.S. Development)	3	3	0	Built in 2006-2008
Block 114.55, Lots 26-27 (Freedom Hills)	15	15	0	Constructed and Occupied
Block 114.54, Lot 15.05 (Tedesco Homes)	2	2	0	Constructed and Occupied
Projected Yield from Vacant ML-2 Zone	11	11	0	Based on available vacant land and ML-2 zone requirements (10% low/mod set aside)
Independence Place	8	8	0	
Age-Restricted For-Sale				
Block 94, Lots 2-3 (Mirage)	32	32	0	Constructed and Occupied
*Paramount Homes	56	56	0	
FAMILY RENTAL				
Block 144.01, Multiple Lots (Whispering Hills)	18	18	18	Constructed and Occupied
Block 159, Lot 2 and 3 (Laurel Oaks)	47	47	47	Constructed and Occupied
Patriot's Cove	46	46	46	
Whispering Hills	34	34	34	
Laurel Oaks	46	46	12	
Vernon/Compass Point on- or off-site	100	100	0	See details below.
AGE-RESTRICTED RENTAL				
Block 195.03, Lot 12 (Barnegat Senior Apartments)	70	54	0	Constructed and Occupied
Block 114, Lot 14.02 (Emerald Terrace Apartments)	32	32	0	Constructed and Occupied

SUPPORTIVE/SPECIAL NEEDS HOUSING				
Block 114.24, Lot 12 (71 Village Drive)	1	1	1	Established 2001
Block 208.08, Lot 2CA (17A Emerald Drive)	3	3	3	Established 1998
Block 208.09, Lot 34.04C (15 Gibraltar Court)	1	1	1	Established 1997
Block 208.09, Lot 43.03 (21 Mediterranean Court)	1	1	1	Established 2001
Block 114.19, Lot 10 (19 Nautilus Avenue)	1	1	1	Established 2007
Block 114.54, Lot 21.03 (55 Old Main Shore Road)	4	4	3	Established 2006
70 Schooner Ave Supportive Housing	1	1	0	
131 Bayshore Drive Supportive Housing	5	5	0	
Total:		**525**	**167**	**525=692 (which provides a 24-unit surplus (692-668=24))**

Barnegat agrees to provide information regarding crediting of the units reference in the above chart during the compliance phase of this litigation. The municipality during the compliance phase shall demonstrate how undeveloped components of the compliance mechanisms referenced above provide a realistic opportunity for the provision of affordable housing in accordance with applicable law and the terms of this settlement agreement.

7. The following provisions relate to the 100-unit Vernon/Compass Point on- or off-site family rental development referenced in the above chart:
    a. The Township agrees to ensure that the affordable housing obligations for the Vernon and Compass Point developments are met through the provision of family affordable housing. The currently age-restricted affordable housing obligation for the Vernon and Compass Point developments may be satisfied on-site as a family development or be satisfied off-site as a family development east of the Garden State Parkway.
    b. Together, the affordable housing obligations for the Vernon and Compass Point developments total 100 units.
    c. The Township will assist if necessary and encourage both developers to combine their resources to construct one family rental affordable housing complex east of Route 9, for all of the approximately 100 affordable family units.
    d. The family units to be developed and made available by these developers on the east side of the Parkway will be staged to coincide with the time within which 40% of the total number of market units in the Vernon and Compass Point developments are issued certificates of occupancy.
    e. The developers will have until December 31, 2018 to locate and acquire a site for this new complex, presumably along Route 9, similar to the areas in which Walters has now constructed two (2) affordable housing complexes, one (1) age restricted and one (1) family. If either of the developers do not control land east of the

Garden State Parkway within one year of receiving preliminary approval from the Planning and/or Zoning Board or on or before December 31, 2018, whichever is first, the developers must subdivide sufficient land on the west side of the Garden State Parkway from their age-restricted property to accommodate their family units.

f. Further details regarding how the Township will provide a realistic opportunity for these 100 affordable units will be provided following the fairness hearing in this matter, during the compliance phase of the litigation. The Township agrees during the compliance phase to take all necessary steps to provide a realistic opportunity for the 100 affordable family units by, among other things, adopting ordinances, and amending redevelopment plans.

8. The Township agrees to require 13% of all units referenced in this 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. Reporting regarding this paragraph shall occur in accordance with paragraph 18b, below.

9. 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). The chart in paragraph 6 above complies with this requirement.

   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. With a Prior Round and Third Round total of 394 rental units, including 291 family rental units, Barnegat has satisfied this requirement. Third Round family rental developments Patriot's Cove, Whispering Hills, Laurel Oaks, and Vernon/Compass Point on- or off-site units together, with a total of 226 family rental units, exceed the Third Round Prospective Need minimum family rental requirement of 46 Third Round family rental units.

   d. At least half of the units addressing the Third Round Prospective Need in total must be available to families. This requirement is satisfied and exceeded through a total of 20 family for sale units at Third Round family for sale developments provided through the Vacant ML-2 Zone and Independence Place and through Third Round family rental developments Patriot's Cove, Whispering Hills, Laurel Oaks, and Vernon/Compass Point on- or off-site units, which total of 226 family rental units.

   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. The chart in paragraph 6 above complies with this requirement both as to the Prior Round and the Third

Round.

10. 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, OCEAN, Inc., S&F Plaza, 2008 Rt. 37 East – Suite 12, Toms River, NJ 08753, the New Jersey Housing Resource Center, 637 South Clinton Avenue, P.O. Box 18550, Trenton, NJ 08650, and the Supportive Housing Association, 15 Alden St # 14, Cranford, NJ 07016, 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 require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.

11. 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.

12. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.

13. As an essential term of this settlement, within sixty (60) 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.

14. The parties agree that if a decision of a court of competent jurisdiction in Ocean County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Township for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this agreement, and if that calculation is memorialized in an unappealable final judgment, the Township may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Township shall be obligated to implement the fair share plan attached hereto, 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; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations 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. If the Township prevails in reducing its prospective need for the Third Round, the Township may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

Within 90 days of this agreement, the Township will amend its ordinances to require an increase in the affordable housing development fees. The Township will adopt ordinances imposing a 1.5 percent development fee for residential developments and a 2.5 percent development fee for non-residential developments. Within 90 days of this agreement, the Township additionally agrees to adopt an ordinance, subject to the review of FSHC and the Special Master, providing that if the Township permits the construction of multi-family or single-family attached residential development that is "approvable" and "developable," as defined at N.J.A.C. 5:93-1.3, at a gross residential density of 6 units to the acre or more, the Borough shall require that an appropriate percentage of the residential units be set aside for low and moderate income households. This requirement shall apply beginning with the effective date of this Agreement to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the Township's Planning or Zoning Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation. Nothing in this paragraph precludes the Township from imposing an affordable housing set aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law. For inclusionary projects in which the low and moderate units are to be offered for sale, the appropriate set-aside percentage is 20 percent; for projects in which the low and moderate income units are to be offered for rent, the appropriate set-aside percentage is 15 percent. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project. This requirement does not apply to any sites or specific zones otherwise identified in the Settlement Agreement or Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein. The Township may permit developers to pay in lieu payments to the municipality at a rate that allows for the provision of the required number of affordable units off-site, provided that the municipality shall not accept payments in lieu of on site construction with regard to any of the affordable units addressed in the chart in paragraph 6, above.

15. The Township will prepare a spending plan to be reviewed by the Special Master and Court prior to the compliance hearing in this matter. The spending plan will address the "commitment" of trust funds for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, within the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). 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.

16. 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 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 Master and FSHC.

17. 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.

18. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.

19. The Township will pay $5000 to Fair Share Housing Center in payment of its attorney fees within 30 days of the court's approval of this agreement at a fairness hearing.

20. 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. 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.

21. 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.

22. This settlement agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Ocean County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.

23. 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.

24. This Agreement shall be governed by and construed by the laws of the State of New Jersey.

25. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. No member, official or employee of the Borough 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.

32. 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.

33. 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 THE TOWNSHIP:

Jerry J. Dasti, Esq.
Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors
The Clocktower Building
620 West Lacey Road
Post Office Box 1057
Forked River, New Jersey 08731
Telecopier: 609-971-7093
Email: JDasti@dmmlawfirm.com

WITH A COPY TO THE MUNICIPAL CLERK:

Clerk,
Barnegat Township
900 West Bay Avenue
Barnegat, NJ 08005
Telecopier: 609-698-7980
Email: clerk@barnegat.net

WITH A COPY TO THE SPECIAL MASTER:

Philip B. Caton, P.P., F.A.I.C.P
Clarke Caton Hintz
100 Barrack Street
Trenton, NJ 08608

Phone: (609) 883-8383
Email: pcaton@cchnj.com

Please sign below if these terms are acceptable.

Sincerely,

Kevin D. Walsh, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Township of Barnegat, with the authorization of the governing body and Planning Board:

Jerry J. Dasti, Esq.
Dated: April 20, 2017

In the Matter of the Application of the Township of Barnegat for a Final Judgment of Compliance and Repose of its Obligations Under the Fair Housing Act and Approval of its Spending Plan
Docket No. OCN-L-1856-15

FIRST AMENDMENT
to
SETTLEMENT AGREEMENT

This First Amendment to the Settlement Agreement (the "Agreement"), is entered into this 8th day of ~~May,~~ June 2018 by and among the Township of Barnegat, Ocean County, Declaratory Plaintiff in the above-captioned matter, which has an address of 900 West Bay Avenue, Barnegat, New Jersey 08005 (hereafter "the Township"); and Fair Share Housing Center, a nonprofit organization, with an address of 510 Park Boulevard, Cherry Hill, New Jersey 08002 ("FSHC") (collectively referred to as "the Defendants") (Plaintiff, collectively referred to as the "Parties").

WHEREAS, on April 20, 2017, the Township of Barnegat entered a Settlement Agreement with Fair Share Housing Center; and

WHEREAS, on December 5, 2017, the Honorable Mark A. Troncone J.S.C., issued an Order granting approval of the Supplemental Settlement Agreement and approving the Redevelopment Plan Term Sheet agreed to by the Township, Fair Share Housing Center, 111 West Bay and Nautilus, LLC and Barnegat Hills Associates, LP, and issued an Amendment to said Consent Order on February 2, 2018, which was attached to and made a part of the executed Settlement Agreement; and

WHEREAS, the Township has since that time amended its Housing Element and Fair Share Plan to include additional sites to meet its fair share obligations and to remove a site that no longer presents a realistic opportunity for affordable housing;

WHEREAS, the amendments do not involve any changes to the Township's affordable housing obligations as previously approved by the Court regarding the Township's Rehabilitation Share of 86 housing units, its Prior Round Obligation of 329 housing units, and its Third Round Obligation of 367 units, respectively, all as previously determined by Judge Troncone to be fair to the interests of the region's low and moderate income households; and

WHEREAS, as a result of the changes made to the Housing Element and Fair Share Plan as described above, it is necessary to amend the Settlement Agreement to replace the Housing Element and Fair Share Plan that was previously attached to and made a part of the Agreement, with the amended Housing Element and Fair Share Plan; and

WHEREAS, the parties also wish to establish a process for updating the income limits for qualifying low- and moderate-income households for affordable housing in the Township.

NOW THEREFORE, BARNEGAT AND FSHC AGREE AS FOLLOWS:

1. The amended Housing Element and Fair Share Plan attached hereto shall replace in its entirety the chart of Prior Round and Third Round credits in Paragraph 6 of the approved Settlement Agreement.
2. The amended Housing Element and Fair Share Plan modifies the overall affordable units/credits for Barnegat Township and adds special needs housing projects for Bonus credit that were excluded from the original plan.
3. The Amended Housing Element and Fair Share Plan modifies the Spending Plan to reflect the most current status of reimbursements and expenditures in the trust fund.
4. Appendices of the amended Housing Element and Fair Share Plan Contains revised Ordinances for to reflect minor adjustment requested by the Special Master.
5. All other provisions set forth in the April 20, 2017 Settlement Agreement, which was approved by the Court on December 5, 2017, and amended on February 2, 2018, remain unchanged.

IN WITNESS WHEREOF, the Plaintiff and Intervenors/Defendants hereto have caused this Agreement to be properly executed and attested to this 8th day of ~~May~~ June, 2018.

ATTEST:

Plaintiff Township of Barnegat

Frank Caputo, Mayor

Dated: 6/6/18

Fair Share Housing Center, Inc.

Adam Gordon, Esquire

Dated: 6/8/18

APPENDIX A-2

Third Round Judgment of Compliance

DASTI, MURPHY, McGUCKIN, ULAKY, KOUTSOURIS & CONNORS

JERRY J. DASTI
GEORGE F. MURPHY, JR. † ◊
GREGORY P. McGUCKIN
ROBERT E. ULAKY ‡ >
CHRISTOPHER J. CONNORS
CHRISTOPHER K. KOUTSOURIS Δ ∞
CHRISTOPHER J. DASTI
TIMOTHY J. McNICHOLS >
MARTIN J. BUCKLEY

Of Counsel
ELIZABETH MACKOLIN DASTI >

- - - - - -

† CERTIFIED CIVIL TRIAL ATTY
∞ CERTIFIED MUNICIPAL COURT LAW ATTORNEY
‡ MEMBER, NATIONAL ACADEMY OF ELDER LAW ATTORNEYS, INC
◊ MEMBER NJ AND FLA BAR
> MEMBER NJ AND PA BAR
Δ MEMBER NJ AND NY BAR

A Professional Corporation
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E-MAIL: FORKEDRIVER@DMMLAWFIRM.COM

WRITER'S E-MAIL: jdasti@dmmlawfirm.com

Fed Id #22-3450668

TELEPHONE NUMBERS
(609) 971-1010
(609) 693-4100
(732) 349-2446
(732) 295-3000
(609) 918-1292

FACSIMILE NUMBERS
(609) 971-7093
(732) 349-1590
Real Estate: (609) 971-6176

June 22, 2018

PLEASE REFER TO:

Barnegat Township
GL-22045

Via Email
Michele Rivers, RMC, Township Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, New Jersey 08005

RE: Shoreline Sand and Gravel Redevelopment Plan
IMO Barnegat Affordable Housing
Docket No.: OCN-L-1865-15
Compliance

Dear Michele:

I am pleased to enclose a copy of the Order which has been signed by Judge Troncone. I am forwarding a copy to all interested parties.

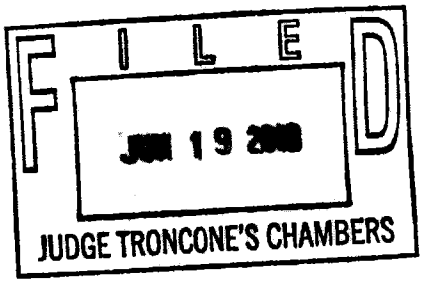
In the event you should have any further questions, please do not hesitate to contact me.

Very truly yours,

JERRY J. DASTI

JJD/pak
Enclosure
Cc: Martin Lisella, Township Administrator via email
Stacey Cole, Planning/Zoning Board Secretary via email
Maryann Bucci-Carter, P.P. via email
Philip Caton, P.P./FAICP via email
Adam Gordon, Esq. via email
John Paul Doyle, Esq. via email
Frank Petrino, Esq. via email

DASTI, MURPHY, McGUCKIN, ULAKY, KOUTSOURIS & CONNORS
JERRY J. DASTI, ESQ. [I.D. No. 005441973]
620 West Lacey Road
Post Office Box 1057
Forked River, New Jersey 08731
(609) 971-1010 FAX (609) 971-7093
Attorneys for Declaratory Plaintiff, Township of Barnegat



IN THE MATTER OF THE APPLICATION OF:

THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
OCEAN COUNTY

DOCKET NO.: OCN-L-1856-15

CIVIL ACTION – MOUNT LAUREL

ORDER OF JUDGMENT OF COMPLIANCE AND REPOSE GRANTING IMMUNITY TO THE TOWNSHIP OF BARNEGAT UNTIL JULY 2, 2025

THIS MATTER having been opened to the Court by Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors, P.C. on behalf of the Declaratory Plaintiff, Township of Barnegat (hereinafter referred to as "the **Township**" or "**Barnegat**") via Declaratory Judgment Complaint filed on July 2, 2015 to approve the Township's Housing Element and Fair Share Plan (hereinafter referred to as the "Fair Share Plan") in response to In Re: Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mount Laurel IV"); and the Court having granted the Township temporary immunity from all Mount Laurel lawsuits from the time of the filing of the Township's Declaratory Judgment action (hereinafter referred to as the "DJ Action"); and the Court having appointed Philip B. Caton, P.P./FAICP, as the Special Mount Laurel Master (hereinafter referred to as the "Special Master"); and Fair Share Housing Center (hereinafter referred to as "**FSHC**"), Barnegat Hills Associates, LP (hereinafter referred to as "**Compass Point**"), and 1111 West Bay and Nautilus, LLC (hereinafter referred to as "**Shoreline**") having

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participated in the Township's DJ Action as interested parties and not by way of formal Motion to Intervene; and the Township and FSHC having entered into a Settlement Agreement on April 20, 2017, which was approved including a Supplemental Settlement Agreement and Redevelopment Plan Term Sheet at a properly noticed Fairness Hearing held by the Court on November 27, 2017, by Order dated December 5, 2017, and thereafter the First Amendment to the Settlement Agreement dated June 8, 2018 was entered into by and between the Township and FSHC, as memorialized in an Order entered by the Court on June 8, 2018 (the Settlement Agreement and the First Amendment thereto, hereinafter collectively referred to as the "Settlement Agreement"); and said Settlement Agreement having set agreed upon fair share obligations and how the Township would satisfy same; and the Township having subsequently prepared a Housing Element and Fair Share Plan ("Fair Share Plan") and all supporting documentation in accordance with the Settlement Agreement and the recommendations of the Court Master; and the Township's Planning Board having adopted the Fair Share Plan on May 22, 2018; and the Township Council having endorsed the Fair Share Plan on May 24, 2018; and the Township having prepared a Spending Plan which was approved the Township Council on May 24, 2018 in order to help satisfy its affordable housing obligations; and the Fair Share Plan and all supporting Resolutions, Ordinances and other documents having been submitted to the Court and the Court Master for review and approval; and said documents having been put on file for public inspection; and the Court having scheduled a Compliance Hearing for June 8, 2018 to entertain approval of the Township's Fair Share Plan, which was thereafter properly noticed by the Township; and the Court Master having submitted a Compliance Hearing Report regarding the Township's Fair Share Plan to the Court on June 5, 2018; and the Compliance Hearing having been held on June 8, 2018; and Jerry J. Dasti, Esquire, on behalf of the Township, Adam Gordon, Esquire on behalf of FSHC, John Paul Doyle, Esquire on behalf of

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Compass Point, and Frank J. Petrino, Esquire on behalf of Shoreline; and the Court Master having appeared at the Compliance Hearing; and the Special Master having testified in support of the conclusions set forth in his Report and to respond to questions posed by the Court and counsel for the Township, FSHC, Compass Point and Shoreline; and the Court having accepted as evidence in the record the Township's Fair Share Plan and supporting documents, the Township's Notice Certification and the Court Master's Report; and the Court having considered the documents on the record and the Special Master's testimony; and as a result of the foregoing, the Court having made at the conclusion of the Hearing various findings of fact and determinations of law as set forth on the record; and for good cause shown;

IT IS on this 19 day of June, 2018,

ORDERED AND ADJUDGED as follows:

1.) The Township of Barnegat's Fair Share Plan is hereby approved and the Township is granted a Judgment of Compliance and Repose as to it Rehabilitation Obligation, its Prior Round Obligation and its Round 3 Obligation pursuant to the Fair Housing Act (N.J.A.C. 52:27D-301, *et seq.*), applicable Council on Affordable Housing (COAH) procedural and substantive regulations, and Mount Laurel case law, including the New Jersey Supreme Court's decision in In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015) ("Mount Laurel IV").

2.) The Township's Judgment of Compliance and Repose shall remain in effect for ten (10) years beginning on July 2, 2015 and ending on July 2, 2025.

3.) As per the Court approved Settlement Agreement between the Township and FSHC, and as established in the Township's Fair Share Plan, the Township's Present Need or Rehabilitation Obligation is 86 Units, the Township's Prior Round Obligation is 329 Units, and the Township's allocation of the Round 3 regional need is 367 Units. The First

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Amendment to the Settlement Agreement dated June 8, 2018 is hereby approved and found to be fair in accordance with applicable law.

4.) The Township will address its 1987 - 2025 need of 782 Units, which includes the remaining portion of its Prior Round obligations and its allocation of the Round 3 regional needs in accordance with the schedule and scenario set forth in the aforementioned Report from the Standing Master dated June 5, 2018.

5.) The following conditions in the Special Master's June 5, 2018 Compliance Hearing Report shall be addressed and resolved by the Township within one-hundred twenty (120) days of the date of this Order:

a.) The Township shall provide written confirmation from the County of Ocean or documentation from the completed rehabilitation Units identifying the major systems repaired or replaced, as well as copies of the applicable deed restrictions.

b.) The Housing Element and Fair Share Plan shall include examples of Deed restrictions and certificates of occupancy for projects without approval or construction dates.

c.) The Housing Element and Fair Share Plan shall be corrected accordingly to reflect the 45-Unit credit for the Barnegat Senior Apartment development.

d.) The Housing Element and Fair Share Plan shall include a sample deed restriction and certificate of occupancy for projects without approval or construction dates.

e.) The Township shall confirm the length of affordability controls for the Emerald Terrace Apartment project.

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f.) The Housing Element and Fair Share Plan shall identify those projects proposed, approved and constructed after July 17, 2008, which are subject to the thirteen (13%) percent very low income requirement and how the Township anticipates complying with the requirement.

g.) The Township shall include in its affirmative marketing plan the New Jersey Housing Resource Center.

h.) The affordable assistance minimum expenditures projected in the Township Spending Plan should be recalculated to subtract the projected Accessory Apartment Program in addition to the projected rehabilitation program.

i.) Twenty (20%) percent of the $3,089,761.10 (the sum of the projected and collected development fees and interest) is $617,952.22. The Township shall identify the Housing Trust Fund monies spent on administrative expenses to date to identify the remaining funds available that can be spent for future administrative expenses.

6.) Upon the Special Master receiving and reviewing the additional documents and revisions from the Township described in Paragraph 5 of this Order, the Special Master shall advise the Court if the additional documents and revisions meet the Special Master's approval without the need for a further hearing before the Court.

7.) Upon receipt of this executed and filed Order, the Township shall forward a copy of same to all parties listed on the Township's Service List and provide notice of the entry of this Order in an official newspaper of the Township of Barnegat, all within fourteen (14) days.

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8.) A copy of this Order shall be served on all parties within 7 days of the date hereof.

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

OCN-L-185615

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APPENDIX B-1

Resolution Adopting Fourth Round Obligation Numbers

RESOLUTION NO. 2025-52

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND STATE OF NEW JERSEY ACCEPTING THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS AFFORDABLE HOUSING OBLIGATIONS FOR THE FOURTH ROUND

WHEREAS, the New Jersey Legislature passed into law amendments to the Affordable Housing Act N.J.S.A. 52:27D-304.1 et seq.; and

WHEREAS, pursuant thereto the New Jersey Department of Community Affairs ("DCA") was to adopt the fourth round affordable housing fair share obligations for all municipalities within the State of New Jersey in October of 2024; and

WHEREAS, the regulations require that municipalities must decide whether to accept its affordable housing fair share obligations promulgated by DCA by resolution adopted on or before January 31, 2025 or risk losing its immunity from exclusionary zoning litigation; and

WHEREAS, the Township of Barnegat has received its DCA fair share housing obligation for the fourth round which indicates the Township has a present need of 38 affordable housing units and a prospective need of 71 affordable housing units; and

WHEREAS, the Township desirous to accept the DCAs fourth round fair share methodology numbers.

DASTI STAIGER
ATTORNEYS AT LAW
310 Lacey Road P.O. Box 779
Forked River, NJ 08731

NOW THEREFORE BE IT RESOLVED on this 1st day of January, 2025, by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township hereby adopts the fourth round methodology for fair share housing obligations determined by the New Jersey Department of

Community Affairs which sets forth the Township's present need is 38 units, and its prospective need is 71 units.

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

(a) Department of Community Affairs

(b) A copy shall be posted on Township's website

(c) Christopher Dochney, PP,
Township Affordable Housing Planner

(c) Christopher J. Dasti, Esq., Township Attorney

CERTIFICATION

I, Donna Manno, Municipal Clerk, of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their Reorganization meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat on January 1, 2025.

Donna M. Manno, RMC
Municipal Clerk

DASTI & STAIGER
ATTORNEYS AT LAW
310 Lacey Road P.O. Box 779
Forked River, NJ 08731

APPENDIX B-2

Order Fixing Municipal Obligation Numbers

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 BARNEGAT, 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-19-25 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 its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 3, 2025 ("DJ Complaint") by the Petitioner, **Township of Barnegat** ("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 Affordable Housing Dispute Resolution Program (the "Program"), seeking a certification of compliance with the FHA;

AND IT APPEARING, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs ("DCA") issued its report entitled *Affordable*

Housing Obligations for 2025-2035 (Fourth Round),[1] therein setting forth the present need and prospective need obligations of all New Jersey municipalities for the Fourth Round housing cycle (the "DCA's Fourth Round Report");

AND IT APPEARING that, pursuant to the DCA's Fourth Round Report, the **"present need"** obligation of the Petitioner has been calculated and reported as **38** affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as **71** affordable units, and which calculations have been deemed presumptively valid for purposes of the FHA;

AND THE COURT, having determined that no interested party has filed a challenge to the Petitioner's DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program;

AND THE COURT, having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA's Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:

IT IS, THEREFORE, on this 27th day of **MARCH 2025 ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as **thirty-eight (38)** affordable units for the Fourth Round housing cycle.

2. That the prospective need obligation of the Municipality, be, and hereby is fixed as **seventy-one (71)** affordable units for the Fourth Round Housing cycle; and

3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein

[1] *See* https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

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.

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.

SO ORDERED:

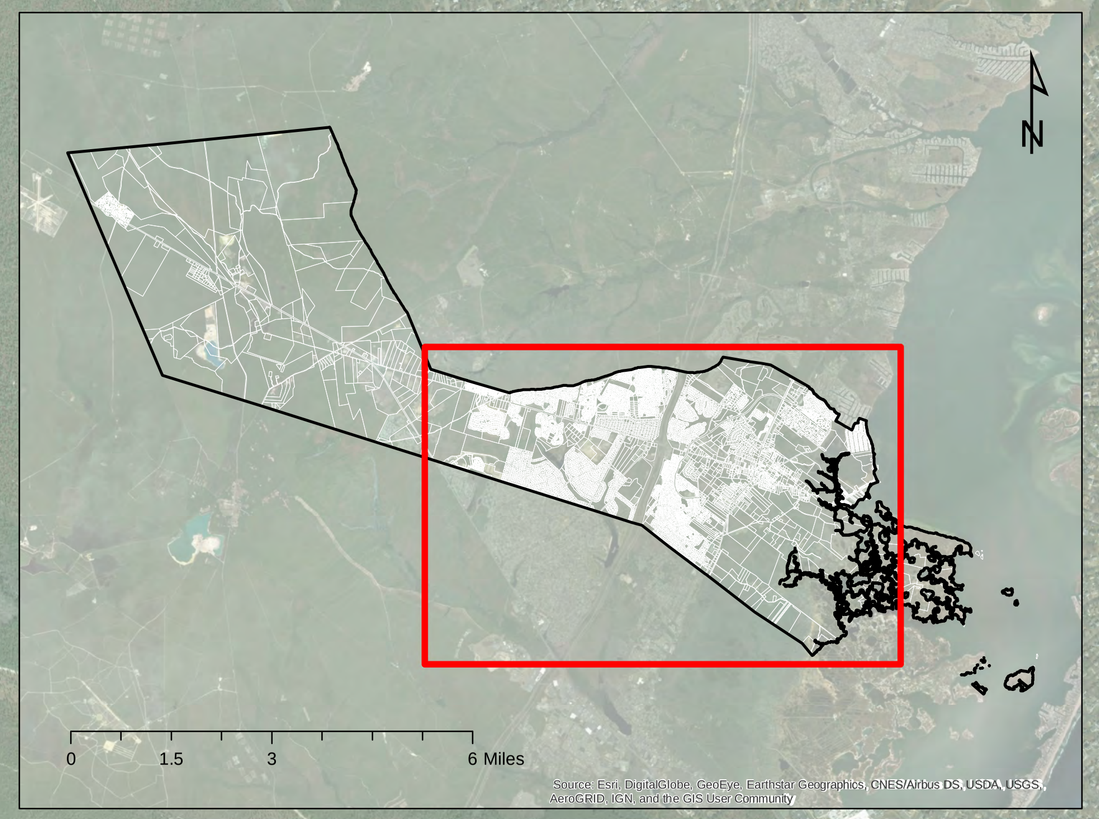
HON. SEAN D. GERTNER, J.S.C.
Designated Mt. Laurel Judge – Ocean Vicinage

(X) Uncontested.

APPENDIX C

Affordable Housing Sites Map

BARNEGAT TOWNSHIP:
AFFORDABLE HOUSING SITE MAP



Miles
0 0.25 0.5 1

Source: NJGIN
Drawn By: CD/TA/JB
Date: 5/7/2018

Paramount Homes
B 90.90.22, 92, Multiple Lots
Age Restricted -
57 affordable

Compass Point/Vernon
B 92, 92.103, 92.104, 92.105, 92.106,
92.107, 92.108, 92.109, 92.113, Multiple Lots
Family Rental - 8 units

Four Seasons at Mirage
B 95.16-95.57, Multiple Lots
Age-Restricted-for-Sale - 32 units

TC-CV & TC-CPHD Accessory Apartments Overlay
Multiple Blocks, Multiple Lots
Family Rental - 10 units

900 Barnegat Boulevard
B 144.01, L 5.02
Special Needs - 1 unit

Patriot's Cove
B 146.01, L 6.09
Family Rental - 46 units

131 Bayshore Drive
B 196.01, L 64
Special Needs - 5 units

17A Emerald Drive
B 208.08, L 2CA
Special Needs - 2 units

15 Gibraltar Court
B 208.09, L 34.04C
Special Needs - 1 unit

High Point
B 142.05, 142.07 & 142.08, Multiple Lots
Family-for-Sale - 4 units

Laurel Oaks
B 159, L 2.01 & 3.01
Family Rental - 93 units

21 Mediterranean Court
B 208.09, L 43.03
Special Needs - 1 unit

Whispering Hills Apartments/345 Hawthorne Lane Apartments
B 144.08, L 1
Family Rental - 52 units/Special Needs - 10 units

Emerald Terrace
B 114, L 14.02
Age-Restricted Rental - 8 units

West Cherry St Development
B 175, L 1&2, B 182, L 1,
Block 183, L 1, B 184, L 1,2,3
For-Sale - 1 unit

19 Nautilus Avenue
B 114.19, L 10
Special Needs - 1 unit

J.S. Development
B 174.08, L 1-25
Single-family -
Three affordable

Tedesco Homes
B 114.70, L 5 & 8
Family-for-Sale - 2 units

71 Village Drive
B 114.24, L 12
Special Needs - 1 unit

70 Schooner Avenue
B 114.26, L 27
Special Needs - 1 unit

Freedom Hills
B 114.59-114.63, Multiple Lots
Family-for-Sale - 15 units

Sweet Jenny's
B 195, L 5 & 6.01
Family Rental Units - 92

Independence Place
B 114.36, 114.50, 114.51, Multiple Lots
Family-for-Sale - 8 units

55 Old Main Shore Road
B 114.54, Lot 21.03
Special Needs - 4 Units

Barnegat Senior Apartments
B 195.03, L 12
Age-Restricted Rental - 70 units

Legend

- Family Rental
- Age-Restricted Rental
- Family-for-Sale
- Age-Restricted-for-Sale
- Supportive/Special Needs
- Parcels
- Township Boundary

CME ASSOCIATES

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

APPENDIX D-1

Resolution of Approval – Mooring Point

RESOLUTION
BARNEGAT TOWNSHIP PLANNING BOARD

RESOLUTION P-2025-6
DOCKET NO. PB 23-09

RESOLUTION MEMORIALIZING THE BARNEGAT TOWNSHIP PLANNING BOARD'S APPROVAL OF AN APPLICATION BY WAYCROSS INVESTMENT GROUP, FOR PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL FOR A PROJECT KNOWN AS MOORING POINT, ALSO KNOWN AS BLOCK 114.64, LOTS 30 AND 31, AS SHOWN ON THE BARNEGAT TOWNSHIP TAX MAP.

WHEREAS, the applicant, Waycross Investment Group, is the owner of property known as Block 114.64, Lots 30 and 31, as shown on the Barnegat Township Tax Map; and

WHEREAS, the applicant has satisfied all applicable notice requirements of the New Jersey Municipal Land Use Law and the Township of Barnegat and has provided proof thereof to the Barnegat Township Planning Board; and

WHEREAS, the Planning Board conducted a public hearing on January 28, 2025, at which time the Board heard and considered the presentation made by the applicant, and at which time the public had an opportunity to be heard; and

WHEREAS, the Planning Board has reviewed the application, together with all of the documents submitted in support of the application, and the Board has received input and advice from its professional staff; and

NOW, THEREFORE, the Planning Board hereby makes the following findings of fact and conclusions of law with regard to the application:

A. The property in question is consists of two lots, Lots 30 and 31, which are located between the Garden State Parkway and existing dwellings on the west side of Tara Lane. The property lies within the RC-7.5 Residential Cluster Zone and has a total area of 358,970 square feet (8.24 acres). The property is currently undeveloped and wooded. The property is accessed via

Bowline Street.

B. The applicant proposes to subdivide the property into nineteen (19) lots, including seventeen (17) residential lots containing single-family dwellings and two (2) lots containing stormwater management basins. The applicant proposes to extend Bowline Street and construct a new street (Mooring Court), which will be 30 feet wide with cul-de-sacs of both ends of the street. Curb and sidewalk are proposed on both sides of Mooring Court. Other proposed improvements include public water, public sewer, stormwater management infrastructure, residential driveways, and landscaping.

C. The project previously received Preliminary and Final Major Subdivision approval in 2005 for the construction of 18 lots (17 residential lots and 1 stormwater lot) pursuant to Resolution P2005-28; however, the subdivision was not perfected and has since expired.

D. In support of the application, the applicant submitted the following documents:

1. A completed Land Use and Development Application with a filing date of April 5, 2024.

2. A completed Completeness Check List for Preliminary Major Subdivision Application prepared by Jarred Fredericks, received August 10, 2023.

3. A completed Completeness Check List for Final Major Subdivision Application prepared by Jarred Fredericks, received August 10, 2023.

4. All of the other documents listed in the November 15, 2024, review letter issued by the Planning Board Engineer, Jason A. Worth, P.E., P.P., C.M.E., pp. 1-2.

E. During the public hearing held on January 28, 2025, the applicant was represented by Joseph Coronato, Esq., with Coronato Law, Toms River, N.J. During the hearing, Mr. Coronato provided a general overview of the project, presented the application, and answered questions from the Board Members and/or members of the public.

F. The following variances are requested:

1. The minimum lot depth required is 90 feet, whereas 89 feet is proposed for Lot 14 (corner lot).

2. Pursuant to Section 55-162.1.1.F, the minimum width of a residential buffer for a major subdivision east of the Garden State Parkway is 50 feet, whereas 25 feet is proposed. Following the presentation of the applicant's case, the Planning Board determined to approve the 25-foot buffer.

G. The following checklist waivers are requested:

1. Submission of Traffic Impact Analysis. [Note: the Traffic Impact Analysis was submitted and must be approved.]

H. The application is subject to the requirements of the Residential Site Improvement Standards (RSIS), adopted as N.J.A.C. 5:21-1, et. The applicant has not requested any *de minimis* exceptions or waivers from the RSIS.

I. During the public hearing, the following exhibits were marked into evidence:

A-1 Google Airial Photograph showing the property.

A-2 Colorized copy of the Site Development Plan (Sheet 4), prepared by Brian P. Murphy, P.E., FWH Associates, Toms River, N.J.

J. During the public hearing, the Planning Board heard testimony from Brian P. Murphy, P.E., FWH Associates, whose professional qualifications were accepted and who provided testimony regarding the following matters:

1. General testimony regarding the prior (now expired) approval history.

2. General testimony regarding the application. The applicant is proposing to subdivide the property into nineteen (19) lots, comprised of seventeen (17) residential lots, and two (2) stormwater lots.

3. Testimony confirming that the property is currently vacant and wooded.

4. Testimony explaining the rational for the addition of the second stormwater basin. Mr. Murphy testified that the applicant will comply with all current and applicable stormwater regulations.

5. Testimony in support of the request for the variance for the 25' foot buffer. Mr. Murphy addressed the relevant sections of the New Jersey Municipal

Land Use Law, N.J.S.A. 40:55D-70c and 40:55D-2, specifically, the positive criteria (adequate light, air, and open space, and the promotion of a desirable visual environment) and the negative criteria (none).

6. Testimony confirming that the available parking for the residential lots will be adequate and will comply with the RSIS.

7. Testimony confirming that the applicant will meet or confer with the Taylor Design Group to finalize the landscaping, the addition, types, and location of trees, as well as reforestation, buffer plantings, and the installation of appropriate fencing at the site.

8. Testimony confirming that any encroachments on the site will be removed, appropriate letters will be sent to the homeowners, and the area will be re-vegetated.

9. Testimony confirming that the applicant will make a payment in lieu of providing site recreation in the amount of $1,500.00, per lot.

10. Testimony confirming that solid fencing will be provided along the rear property line for those lots which are directly adjacent to the Garden State Parkway. The fencing will either be wood or warm muted earth color.

11. Testimony confirming that the street trees and buffer plantings will be bonded as set forth in the Taylor Design Group report dated January 23, 2025.

12. Testimony confirming that the applicant will comply with the terms and provisions of the November 15, 2024, review letter issued by the Planning Board Engineer.

13. Testimony confirming that the applicant will comply with the terms and provisions of January 23, 2025, review letter issued by the Taylor Design Group.

K. When the matter was opened up to the public for questions or comments, the following individuals addressed the board regarding the application:

1. Caroline Prestera, 30 Tara Lane, addressed the Board about water problems in the area of site, general topography, and general health concerns.

2. James Rivers, 171 Sandpiper Road, addressed the Board regarding inadequate water pressure, concerns about noise from the Garden State Parkway, and concerns about the proposed 25-buffer.

3. Daniel Jackson, 33 Tara Lane, addressed the Board with concerns about standing water in the area, mold, noise, and the removal of trees.

4. Thomas Newmeyer, 21 Tara Lane, addressed the Board with concerns about standing water, noise, and general over-development.

5. Karen Privost, 27 Tara Lane, addressed the Board with concerns about various water-related issues.

6. Joseph Kowalchik, 23 Tara Lane, addressed the Board with general quality of life concerns.

7. Justin Bolden, 19 Tara Lane, addressed the Board with concerns about water and noise.

8. John Kincaid, 33 Shelli Terrace, addressed the Board with general concerns about over-development.

9. Bobby Acosta, 43 Tara Lane, addressed the Board with general concerns about over-development and general health issues.

10. Mrs. Diane Jackson, 33 Tara Lane, addressed the Board supporting her husband's comments, and with concerns about water/mold in her basement.

L. At the conclusion of the hearing, the Planning Board determined that the application was in substantial compliance with the requirements of the Barnegat Township Land Use Code (Chapter 55), and that the application (with variances) was properly supported by sworn testimony, and that the application could be granted, subject to the conditions contained in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Barnegat Township Planning Board that the application for Preliminary and Final Major Subdivision approval (with variances) is hereby approved, subject to the conditions contained in this Resolution.

BE IT FURTHER RESOLVED that the Planning Board Secretary shall forward a copy of this Resolution to the applicant, the applicant's engineer, Township Clerk, and the Building Department.

BE IT FURTHER RESOLVED that the applicant shall cause notice of the Planning Board's decision to be published in an official newspaper of the Barnegat Township Planning Board within ten (10) days of its passage.

BE IT FURTHER RESOLVED that the Planning Board's approval of this application is made specifically subject to the following conditions:

1. The applicant shall comply with all representations made to the Planning Board by the applicant's witnesses and professionals.

2. The applicant shall meet or confer with the Taylor Design Group to finalize the landscaping, the addition, types, and location of trees, general reforestation, buffer plantings, and fencing at the site. The final resolution of all of these issues must be approved in writing by Scott D. Taylor, AICP, PP, LLA, LEED AP.

3. Any encroachments on the site shall be removed, appropriate letters shall be sent to the homeowners, and the areas in question shall be re-vegetated.

4. The applicant shall make a payment in lieu of providing site recreation in the amount of $1,500.00, per lot.

5. Solid fencing shall be provided along the rear property line for those lots which are directly adjacent to the Garden State Parkway. The fencing will either be wood or warm muted earth tone color. (*See*, Condition No. 2.)

6. The street trees and buffer plantings shall be bonded as set forth in the Taylor Design Group review letter dated January 23, 2025.

7. The applicant shall submit and obtain approval of a Traffic Impact Analysis.

8. The applicant shall update the stormwater management design/report in accordance with the comments contained in the November 15, 2024, review letter issued by the Planning Board Engineer.

9. The developer shall be limited to the maximum impervious coverage on site as included in

their final stormwater management design. The impervious coverage shall be calculated at the time each certificate of occupancy is issued. If the total allowable impervious coverage is exceeded, additional stormwater management infrastructure shall be required.

10. Future development of impervious surfaces on each building lot shall require a plot plan review by the Township Engineer as well as individual stormwater management improvements (*i.e.* drywells) to account for the additional impervious coverage on that lot.

11. The applicant shall be responsible to post performance guarantees and inspection fees in accordance with the Township Ordinance.

12. Various off-site water system improvements are planned or have been constructed by Walters Development. In accordance with the developer's agreement that has been executed between the Township of Barnegat and Walters Development, all developers within the water system service area must reimburse Walters Development for their share of the costs of the water system improvements which are being constructed and paid for by Walters Development. Therefore, the applicant will be required to pay his share of the water system costs in the amounts and at the times set forth in the developer's agreement.

13. The applicant shall be responsible to post tax map, drainage, and recreation assessments, as well as mandatory development fees, in accordance with the Township Ordinance.

14. Unless expressly stated otherwise in this Resolution, the applicant shall comply with all of the terms and provisions of the November 15, 2024, revised review letter issued by the Planning Board Engineer, Jason A. Worth, P.E., P.P., C.M.E. (Exhibit A.)

15. Unless expressly stated otherwise in this Resolution, the applicant shall comply with all of the terms and provisions of the January 23, 2005, review letter issued by the Planning Board's Landscape Architect, Scott D. Taylor, AICP, PP, LLA, LEED AP. (Exhibit B.)

16. If applicable, the applicant shall comply with all terms and conditions of all prior resolutions of the Barnegat Township Planning Board regarding the property in question.

17. The applicant shall reimburse the Barnegat Township Planning Board for all

professional fees associated with regard to this application within thirty (30) days of the date of this resolution.

18. This approval is made subject to all other applicable rules, regulations, ordinances, and statutes of the Township of Barnegat, the County of Ocean, and the State of New Jersey. The applicant shall obtain all approvals required by any federal, state, county, or municipal agency having regulatory jurisdiction of this development. Upon receipt of all such approvals, the applicant shall supply the Planning Board with a copy of the permit or, if applicable, other written indication of approval. In the event that any other agency requires a change in the plans approved by the Planning Board, the applicants must, and shall, reapply to the Planning Board for approval of that change.

19. The applicant shall resubmit this entire proposal for re-approval should there be any deviation from the terms and conditions of the Resolution or from the documents submitted as part of this application, all of which are made a part hereof and shall be binding on the applicant.

20. The applicant shall provide a statement from the Barnegat Township Tax Collector that all taxes are paid in full as of the date of this Resolution and as of the date of the fulfillment of any condition(s) of this Resolution.

LOU SCHEIDT, CHAIRMAN
Barnegat Township Planning Board

STACEY M. COLE, SECRETARY
Barnegat Township Planning Board

CERTIFICATION

I certify that the foregoing application was duly approved by the Barnegat Township Planning Board at its regular meeting held on January 28, 2025, and that the approval of the application was thereafter memorialized in this Resolution by a vote of the Barnegat Township Planning Board at its regular meeting held on February 25, 2025, a quorum being present and voting in the majority.

STACEY M. COLE, SECRETARY
Barnegat Township Planning Board

EXHIBIT A

| YOUR GOALS. OUR MISSION.

September 22, 2023
Last Revised: November 15, 2024

VIA EMAIL AND REGULAR MAIL

Barnegat Township Planning Board
900 West Bay Avenue
Barnegat, New Jersey 08005

Re: Application No. PB23-09
Preliminary & Final Major Subdivision with Variances – Review #3
Block 114.64, Lots 30 & 31
Bowline Street
Applicant: Waycross Investment Group
Barnegat Township, Ocean County, NJ
T&M File No.: BNPB-R0090

Dear Planning Board Members:

Our office received for review an application for Preliminary & Final Major Subdivision approval for the above referenced property. The application was accompanied by the following information:

- A completed Land Use and Development Application with a filing date of April 5, 2024;
- A completed Completeness Check List for Preliminary Major Subdivision Application prepared by Jarred Fredericks, received August 10, 2023;
- A completed Completeness Check List for Final Major Subdivision Application prepared by Jarred Fredericks, received August 10, 2023;
- List of Professionals & Consultants;
- A completed Affidavit of Non-Collusion by Steven Kennis, dated May 19, 2023;
- A completed Applicant/Developer Escrow Agreement by Steven Kennis, dated May 19, 2023;
- A copy of an August 10, 2023 Tax Release from the Barnegat Township Tax & Utilities billing Department for Block 114.64, Lot 30;
- A copy of an August 10, 2023 Tax Release from the Barnegat Township Tax & Utilities billing Department for Block 114.64, Lot 31;
- A copy of a W-9 Taxpayer Identification Certification, dated May 19, 2023;
- A copy of a completed Contribution Disclosure Statement from Brian P. Murphy, dated August 3, 2023;
- A copy of a completed Contribution Disclosure Statement from Steven Kennis dated May 19, 2023;
- A copy of a completed Contribution Disclosure Statement from Joseph Coronato, dated August 3, 2023;
- A Response Letter prepared by Jarred Fredericks, dated March 26,2024;
- A Stormwater Management Operation & Maintenance Manual prepared by Brian P. Murphy, P.E. of FWH Associates, P.A., dated August 2, 2023, with no revisions;
- A Stormwater Management Report prepared by Brian P. Murphy, P.E. of FWH Associates, P.A., dated July 26, 2023, last revised May 2024;
- A survey entitled "Boundary & Topographic Survey, Mooring Point, Lots 30 & 31, Block 114.64, Tax Map No. 65, Situated in Barnegat Township, Ocean County, New Jersey" consisting of two (2) sheets prepared by William P. Schemel, P.L.S. of FWH Associates, P.A. dated January 21, 2022, with no revisions;
- A subdivision plat entitled "Final Plat, Preliminary and Final Major Subdivision, Mooring Point, Lots 30 & 31, Block 114.64, Tax Map Sheet No. 57, Situated in Barnegat Township, Ocean County, New Jersey" consisting of one (1) sheet prepared by William P. Schemel, P.L.S. of FWH Associates, P.A. dated May 16, 2023, last revised August 22, 2024 ;
- A site plan entitled "Preliminary and Final Major Subdivision, Mooring Point, Lots 30 & 31, Block 114.55, Tax Map Sheet No. 57, Situated in Barnegat Township, Ocean County, New Jersey" consisting of nineteen (19) sheets prepared by Bryan P. Murphy, P.E. of FWH Associates, P.A. dated July 11, 2023, last revised May 29, 2024;

Le: Barnegat Township Planning Board
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- An Environmental Impact Statement entitled "Environmental Impact Assessment, Block 114.64 * Lots 30 & 31, Barnegat Township, Ocean County, New Jersey" prepared by Alex Stollery and Kyle Weise of Trident Environmental, dated March 29, 2024;
- Response letter prepared by Jarred Fredericks of FWH Associates, P.A. dated July 1, 2024.

Based on our review of the information submitted in support of this application, we offer the following comments:

A. GENERAL COMMENTS

The subject property is two lots, Lot 30 & 31, which are located between the Garden State Parkway and existing dwellings on the west side of Tara Lane. The property lies within the RC-7.5 Residential Cluster Zone and has a total area of 358,970 s.f. (8.24 acres). The property is currently undeveloped and wooded. The property is accessed via Bowline Street.

The Applicant proposes to subdivide the property into nineteen (19) lots, including seventeen (17) residential lots containing single-family dwellings and two (2) lots containing stormwater management basins. The applicant proposes to extend Bowline Street and construct a new street (Mooring Court), which will be 30 ft. wide with cul-de-sacs at both ends of the street. Curb and sidewalk is proposed on both sides of Mooring Court. Other proposed improvements include public water, public sewer, stormwater management infrastructure, residential driveways, and landscaping.

The project previously received Preliminary and Final Major Subdivision approval for the construction of 18 lots (17 residential lots and 1 stormwater lot) pursuant to Resolution P-2005-28 on May 24, 2005; however, the subdivision was not perfected at that time and has since expired.

We note that this is the third submission for this current subdivision, any comments that were not addressed will remain and those that have been addressed will have a **bold** note beside them.

B. VARIANCES AND/OR WAIVERS FROM LOCAL ORDINANCES

1. The following variance(s) are requested or required:
    a. The minimum lot depth required is 90 ft. whereas 89 ft is proposed for Lot 14 (corner lot).
    b. Per §55-162.1.1.F, the minimum width of a residential buffer for a major subdivision east of the parkway shall be 50 ft whereas 25 ft is proposed.
    c. Should the Board not grant relief to provide a 25 ft. buffer instead of a 50 ft. buffer, the following proposed lots would not meet the 25 ft. minimum required rear yard setback**:
        - Block 114.64 Lot 1 – 21 feet
        - Block 114.64 Lot 2 – 20.8 feet
        - Block 114.64 Lot 3 – 22.2 feet
        - Block 114.64 Lot 4 – 22.3 feet
        - Block 114.64 Lot 6 – ±3 feet

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- Block 114.64 Lot 8 – 13 feet
- Block 114.64 Lot 9 – 14.4 feet
- Block 114.64 Lot 11 – 18 feet
- Block 114.64 Lot 12– 19.2 feet
- Block 114.64 Lot 13 – 20.3 feet
- Block 114.64 Lot 14 – 21.6 feet
- Block 114.65 Lot 1 – 13.9 feet
- Block 114.65 Lot 2 – 5.6 feet
- Block 114.65 Lot 3 – 17.2 feet
- Block 114.65 Lot 4 – 0.1 feet
- Block 114.65 Lot 5 – 7.2 feet

** Buffers shall be in addition to required yard areas (§55-162.1.1.B).

2. The following checklist waiver(s) are requested:
   a. Submission of Traffic Impact Analysis.

      We would recommend at a minimum that the applicant provide an abbreviated analysis calculating the anticipated peak trips, describing the existing and proposed traffic conditions and discussing compliance with RSIS requirements. We note that this was a condition of approval previously. **We note that the applicant has stated this to be provided under separate cover.**

The Applicant shall provide testimony to the Board to demonstrate why the requested variance(s) and waiver(s) can be granted.

C. WAIVERS AND/OR EXCEPTIONS FROM THE RESIDENTIAL SITE IMPROVEMENT STANDARDS (RSIS)

This application is subject to the requirements of the Residential Site Improvement Standards (RSIS) adopted as N.J.A.C. 5:21-1, et seq.

1. The Applicant has not requested any de minimis exceptions from the RSIS.
2. The Applicant has not requested any waivers from the RSIS.

D. SUBMISSION REQUIREMENTS

The following checklist items have not been sufficiently addressed:

Preliminary Major Subdivision Checklist

1. Submission of written certification from Tax Collector that all taxes and assessments are paid to date. **The Applicant has noted that current Tax Release forms will be provided prior to the hearing date; none received to date.**

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2. An Engineering Report which sets forth the classification of all residential streets within the proposed subdivision and demonstrates that the project has been designed in accordance Subchapter 4 of the RSIS.

E. PLAT COMMENTS

1. The certification on the Final Plat relative to the map filing law shall be for the 'Township Engineer' and shall reference the Title Recordation Act. **The Applicant has updated the signature block to reflect the same.**
2. Final Block and Lot designations are to be approved by Township Tax Assessor. A written approval of same shall be provided.
3. A graphic scale shall be provided on the plat. **The Applicant has added the scale to the plat.**
4. All lots to be dedicated to the Township shall be indicated. **The Applicant has called out all Lots to be dedicated to the Township.**
5. The zoning requirements (i.e. lot area, width, etc.) were omitted from the Schedule of Bulk Requirements. Revise plat to include same.

F. SITE PLAN AND DESIGN COMMENTS

1. All landscaping and buffer comments are deferred to the Planning Board Landscape Architect.
    a. We note that buffers around the exterior of the tract should be provided, in particular in previously cleared areas and adjacent to proposed easements (northern property line).
2. All water and sanitary sewer comments are deferred to the Water & Sewer Utility Engineer.
3. The Applicant shall provide testimony regarding ownership and maintenance responsibilities of proposed improvements including roads, stormwater management and utilities. Applicant shall indicate whether or not an HOA is proposed.
4. Provide testimony regarding applicability of the EV charging requirements and compliance with same.
5. Sheet 4 of the site plans states 4 parking spaces are required and proposed per dwelling unit. We note that a 4-space requirement would equate to a 7-bedroom house. Provide testimony regarding the number of bedrooms proposed.

    Additionally, the plans do not indicate whether or not garages are proposed. Per RSIS, a two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided a minimum parking width of 20 feet is provided for a minimum length of 18 feet. Provide testimony regarding adequacy of proposed parking and compliance with RSIS requirements.
6. Per PROWAG, sidewalks are required to be a minimum 5 ft. wide or passing spaces shall be provided at intervals of 200 feet. Passing spaces shall be a minimum of 5 ft by 5 ft. **All sidewalks are now proposed to be 5' wide.**

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7. Handicap ramps and a crosswalk should be included at the intersection of Bowline Street and Mooring Court. Specific grading details for each handicap ramp should be provided. **The plans have been revised to include ramps, crosswalks and grading details. However, Handicap Ramp Detail 'B' indicates the flush curb elevation is 87.64 whereas the grading plan shows 87.84.**

8. As detailed on the survey of existing Lots 30 & 31, retaining walls, sheds, fences, patios and play areas have been built over the property line and are encroaching the subject property. We note these improvements are located within the required perimeter buffer. Applicant shall discuss same with the Board.

9. The zoning schedule shall be updated to note the lot depth, width and frontage for Lots 5 & 10. **The Applicant has updated the zoning schedule to reflect the same.**

10. The zoning schedule shall be updated to reflect a minimum rear setback of 25 feet as measured from the required perimeter buffer. **The Applicant has updated the zoning schedule to reflect the same.**

11. Revise the title block on the site plans and final plat to state the correct block designations (Block 114.64). The Applicant should revise all submitted material to ensure the correct block and lot designations. We note that the stormwater report indicates an incorrect block and lot as well (Block 114.55 and Lots 30 & 31). **The plans and stormwater management report were revised to note Block 114.64.**

12. The title blocks on the site plans and Final Plat state Tax Map Sheet No. 57. It appears the Tax Map Sheet No. is supposed to be 65. Review and revise accordingly. **The plans were revised to note Tax Map Sheet No. 65.**

13. We have reviewed the plans and NJ-GeoWeb and recommend that the applicant be required to provide an EIS which describes existing conditions, regulated areas, compliance with various Land Use Regulations, and how impacts to the various resources will be minimized. The EIS should also address the following:

    a. Review of NJ-GeoWeb shows there is an existing stream less than 300 ft east of the subject property. Assuming the stream is a regulated water, it would likely have a 300 ft riparian zone. **While the EIS submitted states that a riparian buffer is necessary, the plans do not depict the riparian buffer. Revise the site plans to depict same.**

    b. The plans depict a ditch in the southerly portion of the property. It is unclear whether this is regulated. **The EIS should be revised to indicate whether the ditch is regulated. The plans should be updated to show any required buffers, if applicable.**

    c. NJ-GeoWeb also indicates threatened species (barred owl and northern pine snake) may be located on the property. **The EIS indicates the site is a possible habitat for northern pine snakes, barred owls, pine barrens treefrog, black skimmer and black-crowned night heron. This should be discussed.**

    d. Presence or lack thereof of any wetlands. **The EIS indicates no wetlands are mapped or were observed on site.**

14. The plans should be revised to depict any environmentally regulated areas and associated buffers.

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15. With respect to construction details, we note the following:
    a. The roadway section shall meet the requirements included in 55-126.13(N) for Local and Minor Streets (6" DGA, 3" HMA Base Course, and 1.5" HMA Surface Course). **The plans have been updated to comply.**
        i. Revise the detail to indicate NJDOT mix designations.
    b. Concrete curb and sidewalk shall be 4,000 PSI and indicated in the details. **The plans have been updated to comply.** Stop bars shall be thermoplastic and 24" wide. **The Applicant has made these changes.**
    c. Eco curb pieces shall be Type 'N'. **The plans have been updated to comply.**
    d. The basin access drives are proposed as 6" gravel, we recommend that it be constructed of a stable material such as grass pavers. **We note that the Applicant has revised the access drives to be grass pavers and has provided a construction detail to reflect the same.**
16. The zoning schedules on the subdivision plat and site plan do not match. Revise accordingly,

G. GRADING & DRAINAGE COMMENTS

1. The Applicant shall provide the Board with any overview of the proposed stormwater management system, which includes a system of inlets and pipes discharging to two proposed infiltration basins, and ultimately discharging to a Township owned manhole on Block 114.56 Lot 28.
2. The calculations provided utilize exfiltration for both basins. Chapter 5 of the BMP states exfiltration may only be included in stormwater routing calculations provided all of the conditions are met. Applicant must comply with all conditions in Chapter 5 including:
    a. Additional soil testing in compliance with Chapter 12 of the BMP Manual must be provided. We note permeability tests must be conducted on undisturbed samples. **The applicant's response letter states additional soil testing will be provided within the footprints of both basins as a condition of approval. We take no exception to same. However, should the site layout be impacted, the applicant will be required to return to the Board for an amended approval.**
        i. The exfiltration rate must be based on the permeability of the most restrictive soil layer below the lowest elevation of a BMP and above the SHWT. Review of soil logs appears to show there are more restrictive layers with less than 10 in/hr permeability rates.
        ii. Some permeability tests are not included in the SWM Report. Revise the report to include all permeability tests. We note that the Applicant has stated all permeability tests done have been provided but some soil logs indicate there were tests done at depths that were not included. The Applicant has also stated that additional testing will be performed within each basin location to ensure proper recharge rates.

Le: Barnegat Township Planning Board
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b. Basin South exceeds the 2 ft. maximum storage depth permitted for infiltration basins. Revise accordingly. **The basin was revised to not exceed the 2 ft. maximum storage depth.**

c. The applicant proposes scour holes to provide pre-treatment. A detail and scour hole sizing calculations are provided. However, the scour holes should be drawn to scale on the plans. **Scour holes are now drawn to scale.**

3. The mounding calculations provided are dated August 2, 2023. The calculations need to be updated based on the revised stormwater management design. We also note that the mounding calculations that were provided used a recharge rate of 2.5 in/hr for the South Basin whereas the quantity calculations used a rate of 5 in/hr. Should the mounding analysis show a reduced recharge rate is required, the quantity calculations must be revised accordingly.

4. The stormwater management design only accounts for the impervious coverage depicted on plans. Each lot is assumed to have ±2,000 s.f. of impervious coverage (50'x30' dwelling and 25'x20' driveway) or approximately 10% - 20% impervious coverage, depending on the lot size. We note the RC-7.5 Zone permits 30% building coverage and does not have an impervious coverage requirement. Applicant should discuss with the Board the need to account for additional/future impervious coverage in the subdivision in the stormwater management design. The Board should consider the need for deed restrictions on impervious coverage.

   The stormwater management design was revised to account for an additional 0.76 acres (33,105 s.f. of impervious coverage that is not depicted on the plans. It appears that approximately 3,950 s.f. of impervious coverage is assumed for each of the 17 residential lots. This would equate to an average of 23% impervious coverage per lot.

5. There is additional off-site contributory drainage area that is not accounted for in the calculations. Revise the model to include all off-site areas which are impacted by the proposed improvements and/or collected in the proposed stormwater management system. Additionally, the drainage area (DA) maps should be revised to depict the edges of pavement for the parkway and the calculations should include any contributory area from same.

6. The basin contour areas for both basins appear to be overestimated. Review and revise as needed.

7. There are discrepancies between the values listed on the DA Maps and those used in the quantity calculations. Review and revise accordingly.

8. The pre-development SWM model includes 11 acres whereas the post development SWM model only includes 10.89 acres. Applicant shall confirm the same area is modeled for both pre and post development.

9. The applicant proposes to connect the discharge from the development to an existing manhole on Block 114.56, Lot 28, which is Township owned. Applicant shall be required to obtain any/all necessary approvals and easements for same.

10. Per §55-126.7A, all utility easements shall be 20 ft. wide whereas 10 ft. wide drainage easement are proposed. The plans shall be updated to meet the requirement. **The plans were revised to provide a 20 ft. wide drainage easement.**

Le: Barnegat Township Planning Board
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11. A drainage easement is required for the proposed drywell on Lot 2. **The plans were revised to provide a 20 ft. wide drainage easement for same.**
    a. The callout on Sheet 6 indicates three rows of pipe are proposed for the drywell but only one row of pipe is depicted. Revise the plan do depict all three rows and any header pipe. The proposed easement should be adjusted, if needed.
12. Two inlets and associated piping are proposed in the rear yards of Lots 1-4, Block 114.64. It appears CB-302 and the 18" RCP could be eliminated and positive drainage achieved via overland conveyance in the proposed swale. This would also eliminate any conflicts with proposed buffer plantings and drainage infrastructure. **The drainage infrastructure in the rear yards of Lots 1-4 has been eliminated and a swale is proposed.**
13. The proposed berm in the rear yards of Lots 1-4, Block 114.64 should be graded to have a consistent width.
14. 4 ft. high post and rail fencing is proposed around the perimeter of both basins. A detail shall be provided for same. **A detail is now provided on Sheet 19. The applicant should discuss with the Board whether black mesh should be provided for the post and rail fence.**
15. A light duty overflow grate should be specified so that access can be achieved in the case of emergency or maintenance.
16. The O&M Manual should be revised, as needed, based on revisions to the SWM design. This can be addressed as a condition of any approval.

H. ASSESSMENTS

1. Various off-site water system improvements are planned or have been constructed by Walters Development. In accordance with the developer's agreement that has been executed between the Township of Barnegat and Walters Development, all developers within the water system service area must reimburse Walters Development for their share of the costs of the water system improvements which are being constructed and paid for by Walters Development. Therefore, the Applicant will be required to pay his share of the water system costs in the amounts and at the times set forth in the developer's agreement.
2. The Applicant is subject to a tax map assessment in the amount of $2,000.00 for this major subdivision as stipulated in Section 55- 135 of the Ordinance.
3. The Applicant is subject to a drainage assessment in the amount of $42,500.00 for this major subdivision (17 residential lots x $2,500.00/lot) as stipulated in Section 55-327 of the Ordinance.
4. The Applicant shall be required to post performance guarantees and inspections fees with the Township prior to any final signoff.
5. The Applicant shall be required to post Mandatory Development fees in accordance with 55-351.

Le: Barnegat Township Planning Board
Re: Application No. PB23-09
Preliminary & Final Major Subdivision with Variances – Review #3
Block 114.64, Lots 30 & 31
Bowline Street
Applicant: Waycross Investment Group
Barnegat Township, Ocean County, NJ
T&M File No.: BNPB-R0090

I. OUTSIDE AGENCY APPROVALS

The application is subject to the following outside agency approvals, as applicable, and the Applicant shall provide an update on approval status:

1. Barnegat Township Water & Sewer
2. Ocean County Planning Board
3. Ocean County Soil Conservation District
4. Ocean County Utilities Authority
5. New Jersey Department of Environmental Protection – Treatment Works Approval (TWA)
6. All other outside agency approvals as required.

Based on our review of the submitted information, we find that the Applicant has addressed all of the submission requirements set forth in the Ordinance. Therefore, we recommend that this application be deemed **complete** for consideration by the Planning Board subject to the Applicant complying with all applicable notification requirements as set forth in the Barnegat Township Land Use Ordinance and the Municipal Land Use Law.

Should any member of the board have questions regarding this application, please feel free to contact me.

Very truly yours,

JASON A. WORTH, P.E., P.P., C.M.E.
PLANNING BOARD ENGINEER

JAW:SPM:ls

cc: Martin Lisella, Administrator
Barnegat Township Zoning Official
Michael J. McKenna, Esq. - Planning Board Attorney
Kurt Otto, Township Engineer (via email)
Scott Taylor, Board Landscape Architect/Planner (via email)
Waycross Investments Group (Applicant)
P.O. Box 662, Lanoka Harbor, New Jersey 08734
Joseph Coronato, Esq. (Applicant's Attorney)
Coronato Law, 680 Hooper Avenue, Suite 304, Toms River, NJ 08754
Christopher P. Rosati, PE (Applicant's Engineer)
FWH Associates, P.A., 1856 Route 9, Toms River, NJ 08755

EXHIBIT B

taylor design group

Michelle M. Taylor, AICP, PP
Scott D. Taylor, AICP, PP, LLA, LEED AP

Steven F. Lennon, LLA, PP
Holly M. Pasqua, Business Manager

Karen Ingram, LLA
Elaine A. Mills, LLA, ISA Cert. Arborist

Community Planning
Landscape Architecture
Municipal Consulting
Streetscape Design
Economic Development
Parks and Recreation

January 23, 2025

Barnegat Township Planning Board
900 West Bay Avenue
Barnegat, NJ 08005

Re: Waycross Investments Group - Mooring Point
Bowline Street
Preliminary & Final Major Subdivision with Bulk Variances
Block 114.64 Lots 30 & 31
Barnegat Township, NJ
Review Letter #2
TDG File: 2001-118.192P

Dear Board Members,

Our office has received and reviewed the following submission items:

- **Development Application,** submitted by Waycross Investments Group, dated May 19, 2023.
- **Preliminary & Final Major Subdivision,** prepared by FWH Associates, PA, consisting of 19 sheets, dated July 11, 2023, revised May 29, 2024.
- **Boundary & Topographic Survey,** prepared by FWH Associates, PA, consisting of 2 sheets, dated January 21, 2022.
- **Final Plat,** prepared by FWH Associates, PA, consisting of 1 sheet, dated May 16, 2023, revised August 22, 2024.
- **EIA,** prepared by Trident Environmental, dated March 29, 2024.
- **Response Letter,** prepared by FWH Associates, PA dated March 26, 2024.

At this time, we offer the following comments:

A. Site and Proposal

1. The subject property is an 8.241-acre parcel made up of lots 30 & 31. The site is located between Tara Lane and the Garden State Parkway within the RC-7.5 Residential Cluster Zoning District. The site borders the rear yards of 20 existing single-family homes along Tara Lane to the East and Southeast as well as residents to the north located on Sandpiper Road. See image below courtesy of Google Earth.
2. The applicant proposes to subdivide the existing parcel into 2 Blocks containing 19 total lots with 17 buildable lots for single-family homes and 2 lots for stormwater management. The proposal includes open space buffers and drainage easements to be dedicated to Barnegat Township, landscaping, stormwater management, utilities, and other related improvements.

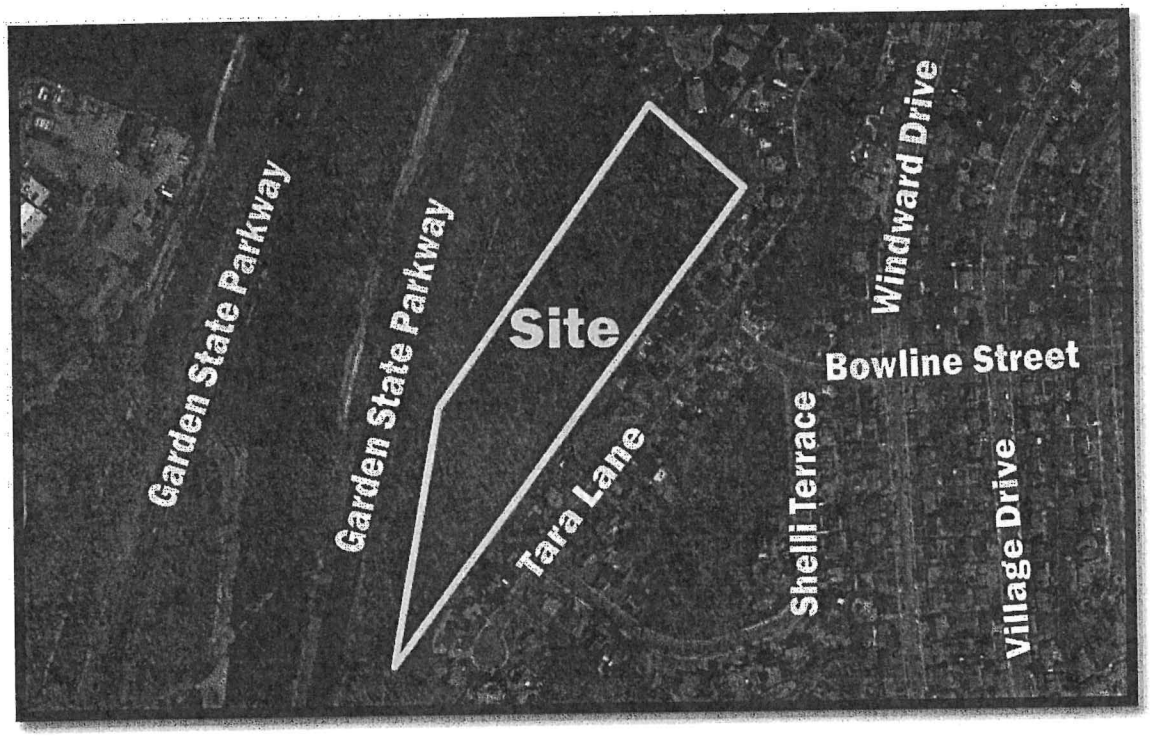
WBE•SBE
Woman Business Enterprise
•
Small Business Enterprise

Taylor Design Group, Inc.
131 Hartford Road
Mount Laurel, NJ 08054

T. 856.810.3443

W. TDGplanning.com

3. The project has previously received Preliminary and Final Major Subdivision approval of 18 total lots, 17 of which were residential, and 1 that was dedicated to stormwater management. Resolution P-2005-28 was adopted on May 24, 2005. The application was not perfected in time and the previous approval has expired.



B. Bulk variance Discussion

1. The applicant requires a variance to permit Corner Lot 14 to have a lot depth of approximately 89', whereas 90' is required.

C. Design Waivers

1. The Applicant requires a waiver to permit the perimeter buffer to be 25' in width, where a 50' buffer is required.

   If the buffer waivers are not granted, 16 lots will require setback relief to the buffer line, as enumerated in the Board Engineer's report. That configuration would also leave little usable area in the rear yards of the home for patios, pools, etc.

2. There are also several design waivers related to landscape and buffer design standards, as more fully set forth in the applicable sections below.

D. General Comments

1. The Applicant should provide testimony regarding buildings and all site improvements.
2. The applicant requires a variance to permit Corner Lot 14 to have a lot depth of approximately 89', whereas 90' is required. Should the Board consider the granting of this variance, we suggest that a limitation be imposed that the driveway and front of the home be limited to facing Mooring Court.

   The Board may also wish to impose that all homes and driveways in the development front on Mooring Court.

3. There are numerous existing encroachments, including fencing, pools, retaining walls, and sheds, along the eastern property line, apparently associated with the existing homes along Tara Lane. All encroachments are located within the proposed 25' open space preservation buffer easement to Barnegat Township. Testimony should be provided regarding all existing encroachments.

   It appears that the retaining wall encroachments behind lots 21-23 fronting on Tara Lane are significant in both length and height. It could be possible to provide an easement for these features and still provide a 25' buffer easement on the applicant's Lot 7. This should be discussed.

4. Per §55-186, all Major Subdivisions are required to reserve at least 5% of the total property area to be reserved as open space and developed as passive or active recreation area. For this project, that equates to at least 17,949 SF.

   In the alternative, the ordinance permits the developer to provide a payment in lieu of on-site construction in the amount of $1,500.00 per lot to the Township for the purposes of constructing recreation facilities. This should be addressed by the applicant.

5. There are numerous areas throughout the perimeter buffer that have been previously cleared, and the applicant proposes additional clearing within the buffers. Design waiver relief is required. We suggest that additional efforts be made to minimize the amount of clearing in these buffers, and the planting should be supplemented as further described in the landscape comments below.

6. The Schedule of Bulk Requirements chart should be revised to show all proposed lot setbacks.

7. There are no utilities shown connecting to Lot 11 on any plan.

8. The water line shown on the landscape plan and lighting plan appears to be mislabeled as an overhead wire. This should be corrected.

9. The Parking Requirements on sheet 2 should be clarified per NJ RSIS.

10. Testimony should be provided regarding the clearing of the vegetation in the northern dedicated stub of Bowline Street.

11. A detail for the post and rail fence has been provided, which is rarely available in pressure treated wood. The detail should be revised to utilize a durable pressure treated wood material, such as a 3 Board horse fence.

12. As required in the 2005 resolution, a solid fence should be considered along the rear property line adjacent to the Garden State Parkway.

E. Building Design

1. Architecture plans have not been submitted in conjunction with this application. Floor plans and building elevations should be provided including all colors, materials, and dimensions.

F. Lighting Comments

1. The Applicant should provide complete details and testimony regarding all site lighting. We suggest that all lighting be full cutoff fixtures to reduce off-site and skyward glare, and if LED is used, the color temperature should be 3,000° Kelvin.

2. The color of the poles should be provided to match the fixtures.

G. Landscaping Comments

1. The applicant proposes a **minimal** level of landscaping in conjunction with the application. As proposed, waivers are required for:
   - Buffer plantings
   - Reforestation trees
   - Reverse Frontage buffering
   - Basin Plantings
   - Street Trees

   Detailed calculations should be provided to identify the relief requested based upon the specific ordinance parameters. Additional efforts should be made to comply with the intent of the respective ordinance requirements or detailed testimony should be provided in support of the relief.

2. The proposed plan layout does not provide a minimum 50' wide perimeter buffer as required by §55-162.1 of the Township Ordinance. 25' is proposed.

   We offer concern regarding the proposed buffering between the existing homes, along Tara Lane, and proposed lots backing them. We note that if relief is granted, then additional plantings should be provided within the existing tree line to account for the undersized buffer width.

   Along the northern/western property line, behind residential lots; 1, 2, 3, 4, and stormwater management on lot 5, the plans indicate the buffer is to be cleared of all vegetation up to the property line and swales created. A row of evergreen trees, with additional shade trees, is proposed. This should be addressed.

3. The Applicant requires a waiver from locating and identifying all trees on the site to be removed and to remain, as required by §55-191.1 of the ordinance. If the Board considers granting this relief, we suggest that the clearing limits be staked in the field, and approved by the Township Engineer prior to clearing. A note to this effect should be added to the Plans.

   This will provide an opportunity to preserve any large specimens that may exist at the edge of the cleared areas, without the applicant having to go to the time and expense of a full tree survey for the site.

4. The ordinance permits a maximum clearing area of 85% of the lot area. Several of the lots show the entire lot to be cleared. Design waiver relief is required.

   The area of clearing should be calculated for each lot, along with the replanting requirements as set forth in the ordinance.

5. Reverse Frontage buffering should be provided for the lot backing up to the parkway, as required by §55-162.2.F.4. Testimony should be provided.

6. There is a conflict between the two proposed street trees, located in front of the Lot 5 Basin. This should be corrected.

7. Tree protection fencing should be indicated on the Plan of Lots and Grading Plans along the limits of clearing adjacent to all existing vegetation to remain pursuant to ordinance §55-151.G(1). A note should be added to the plans indicating that, "the installation of the tree protection fencing shall be approved by the Township Engineer prior to any clearing or excavation".

8. A detail of the protection fencing should be provided and the proposed tree line should be labeled on the plans.

9. There are numerous plant conflicts with the proposed utility pipes and stormwater. This should be addressed. Where only 5' to 10' of separation can be achieved, a root barrier should be utilized for at least 15' along the utility to be protected, adjacent to the root ball.

Additional conflicts are proposed between the basin plantings and fencing. Plantings should be shifted accordingly to eliminate conflicts.

10. Arborvitae are particularly susceptible to damage from wind, snow, and ice loading. We suggest that a more durable evergreen tree species be utilized to provide more effective long-term buffering.
11. Numerous shrubs, evergreen, and ornamental trees are proposed to be planted directly on top of each other. The plans should be revised to eliminate conflicts.
12. The planting bed lines should be shown for all planting areas, and the ground treatment of all landscaped areas should be labeled. Large expanses of unplanted mulch should be avoided.
13. Sight triangles should be shown on the landscape plan.
14. The following landscaping notes should be added to the plans:
    - *Burlap and twine should be removed from the top of the root ball.*
    - *All dead or severely declining plants shall be replanted within the next growing season for 1 year from the time of planting.*
    - *All stakes and guys shall be removed after one year.*
    - *6" of topsoil shall be provided in all lawn and planting areas.*
    - *The Contractor/Applicant shall Contact the Board/Township Landscape Architect to conduct a preconstruction meeting and to coordinate site clearing and landscape work.*
15. The ordinance at § 55-126.12 requires all lots to be sodded. This should be provided, along with an automatic, water conserving irrigation system to ensure the establishment and long-term health of the plantings.
16. We suggest that all street trees and buffer plantings be bonded as permitted by State Law. A note to this effect should be added to the plans.

If you have any questions or require additional information regarding this application, please do not hesitate to contact our office.

Respectfully submitted,
Taylor Design Group, Inc.

Scott B. Taylor, LLA, AICP, PP, LEED AP
Vice-President

Ec (only): Martin Lisella, Administrator, mlisella@barnegat.net
Stacey Cole, Board Secretary, scole@barnegat.net
Thomas Lombarski, CFO, tomL@barnegat.net
Christine Roessner, christinet@barnegat.net
Kurt J. Otto, PE, CME, Township Engineer kotto@barnegat.net
Jason Worth, PE, PP, CME, JWorth@tandmassociates.com
Michael J. McKenna, Esq. hhg5258@aol.com
Steven Kennis, Applicant, s.kennis@comcast.net
Joseph Coronato, Esq, Applicant's Attorney, joejr@coronatolaw.net
Jarred Fredericks, FWH Associates, PA, jfredericks@fwhassociates.com
Christopher Rosati, PE, FWH Associated, PA, crosati@fwhassociates.com

APPENDIX D-2

Resolution of Approval – Barnegat Terrace

RESOLUTION OF MEMORIALIZATION OF THE
BARNEGAT TOWNSHIP BOARD OF ADJUSTMENT

RESOLUTION NO. Z-2025-08
DOCKET NO. ZB 25-03

RE: BARNEGAT TERRACE, LLC.
702 Barnegat Boulevard North
Block 162.01, Lot 1.22
Preliminary and Final Major Site Pan Approval with Use Variance

WHEREAS, BARNEGAT TERRACE, LLC., whose mailing address is 432 Lakehurst Road, Suite 7, Toms River, New Jersey 08753, is the owner of premises located at Block 162.01, Lot 1.22, as shown on the Tax Map of the Township of Barnegat and otherwise known as 702 Barnegat Boulevard North, in the Township of Barnegat, State of New Jersey; and

WHEREAS, such proof of service as may be required by the New Jersey Statutory Law and Township Ordinance requirements upon appropriate property owners and governmental bodies has been duly furnished; and

WHEREAS, a public hearing was held on said application on April 14, 2025, in the Municipal Building of the Township of Barnegat and testimony and exhibits were presented on behalf of the applicant and all interested parties having been heard; and

WHEREAS, said Board having considered said application, testimony and exhibits submitted and inspection of the site, if any, makes the following findings:

1. The application is deemed conditionally complete pursuant to the applicable provisions of the Barnegat Township Zoning Ordinance.

2. Subject property is located on the southeastern side of Barnegat Boulevard North. It lies within the R-20 Residential Zone East of the Parkway. The property has a total area of 79,380 SF (1.82 acres) and is currently undeveloped and wooded.

The surrounding properties include residential properties to the north, a forest preservation area to the east (Block 162.01, Lot 1.08) and educational uses to the south (Block 163, Lot 1) and west Block 116.32, Lot 7). Block 163, Lot 1 contains Brackman Middle School and Block 116.32, Lot 7 contains Cecil S. Collins Elemental School.

The Applicant is proposing to construct a total of thirteen (13) townhomes, with two (2) being affordable housing units. The Applicant proposes site access via Barnegat Boulevard North. Other proposed improvements include paved driveways and parking areas, stormwater management infrastructure, public water and sewer connections, and lighting and landscaping. Multi-Family/townhouses are not a permitted use in the R-20 Zone.

3. Applicant seeks the following Variance approval:

A. **Use Variance (§556-11)** - Any use not explicitly permitted within the adopted Township Zoning Schedule should be deemed prohibited. Applicant proposes a residential multi-family (townhouse) use where it is not permitted in the R-20 Zone.

B. **Maximum Building Height** – 2.5 stories are permitted in the R-20 Zone, where 3 stories are proposed, therefore a variance is required.

4. The Applicant was represented by Lynne A. Dunn, Esquire.

5. The following member from the public spoke: Diane Grockenberer spoke asking if the housing was going to be age restrictive.

6. The applicant provided testimony to demonstrate to the Board that the property was especially suited for the required use variance condition and waivers and could be granted without substantial detriment to the public good and without significantly impairing the intent

and purpose of the zone plan and zoning ordinance.

7. Based upon the foregoing evidence and the uniqueness of the lot, the Board makes the following findings:

A. The applicant has demonstrated that the requested use variance, variance and Preliminary and Final Major Site Plan approval may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan of the Township of Barnegat and applicant has satisfied the criteria necessary for the grant of this variance.

NOW, THEREFORE, BE IT RESOLVED, by the said Board that on this day of May, 2025, based upon the findings herein above stated, the application is hereby granted subject to the following conditions, together with all stipulations of the applicant:

1. The applicant shall strictly adhere to all representations, plans and exhibits submitted with regard to the subject property and shall further comply in all respects with the technical review letter dated March 6, 2025, as prepared by the Barnegat Township Zoning Board of Adjustment engineer, a copy of which are annexed hereto and made a part hereof together with review letter of Taylor Design Group dated April 11, 2025, attached hereto and made a part hereof.

2. Applicant is granted the following Variances:

A. **Use Variance (§556-11)** - Any use not explicitly permitted within the adopted Township Zoning Schedule should be deemed prohibited. Applicant proposes a residential multi-family (townhouse) use where it is not permitted in the R-20 Zone.

B. **Maximum Building Height** – 2.5 stories are permitted in the R-20 Zone, where 3 stories are proposed, therefore a variance is required.

3. Resolution ZB 2022-8, Docket No. ZB 22-02 is null and void.

4. Applicant shall comply with the letters of Township Engineer, Kurt Otto, P.E., dated February 3, 2025, T & M Associates dated March 6, 2025, and Taylor Design Group dated April 22, 2025.

5. Two units shall be affordable housing and comply with Township regulations.

6. Applicant shall provide two EV parking spaces.

7. Lighting shall comply with Township standards.

8. Applicant, and upon transition, the HOA shall be responsible for all trash hauling, maintenance of roadways and parking areas, snow removal, maintenance of the stormwater management system, grass and landscaping, etc. Trash shall be picked up once a week.

9. This Resolution is conditioned upon an NJDEP CAFRA permit. Applicant shall make immediate application.

10. Applicant shall post performance and maintenance Bonds.

11. Applicant shall work with Taylor Design as to the color of the exterior.

12. Applicant shall reserve at least 5% of the total property area for open space and developed as passive/active recreation.

13. Applicant shall comply with the County regarding entrance/exit onto Barnegat Boulevard North. Applicant shall only permit right turns onto Barnegat Boulevard North. The entrance shall allow for a right into the property and only a right turn out. Applicant shall post

appropriate signage as to turns with striping and construct an island at the entrance to enforce correct traffic turns.

14. All signage shall comply with Township Ordinance and no site ID signs shall be located with a site triangle.

15. Applicant shall add accessible ramps, shall comply with ADA standards and applicant shall supply a grading plan relative to the same.

16. Applicant shall update the stormwater management design in accordance with Township Ordinance and shall submit to the Board Engineer for review.

17. The parking spaces for the affordable housing units shall be designated and marked.

18. The applicant shall further reimburse the Barnegat Township Zoning Board of Adjustment for all professional fees expended with regard to this application within thirty (30) days from the date of memorialization of this Resolution or any approvals granted herein shall automatically become null and void.

19. Notification of this favorable approval shall be published in an official newspaper of the Barnegat Township Zoning Board of Adjustment by the applicant within ten (10) days of its passage by the Board.

20. The applicant shall further secure any and all other necessary applications, permits or approvals and post any surety bonds that may be required by any other governmental agency.

21. The applicant shall resubmit this entire application should there be any substantial deviation from this Resolution or the submitted plans, documents, or oral representations

made by this applicant, his attorneys or other professionals.

MOVED BY: Broccoli

SECONDED BY: Quelch

ROLL CALL

Those In Favor: Broccoli, Quelch, Blumberg, Bruno, Gagliardi, Talluto, Murrin

Those Opposed: None

Those Absent: None

Those Not Voting: Hearn

CERTIFICATION

I certify the foregoing application was duly approved by the Barnegat Township Zoning Board of Adjustment at its regular meeting held on April 14, 2025, and that the approval of the application was thereafter memorialized in this Resolution by the vote of the Barnegat Township Zoning Board of Adjustment at its regular meeting held on May 12, 2025 a quorum being present and voting as recorded above.

STACEY M. COLE, SECRETARY
Barnegat Township Zoning Board of Adjustment

YOUR GOALS. OUR MISSION.

March 6, 2025

VIA E-MAIL & REGULAR MAIL

Stacey Cole, Board Administrator/Secretary
Barnegat Township
Zoning Board of Adjustment
900 West Bay Avenue
Barnegat, NJ 08005

Re: T&M File No. BNZB-R0250
Zoning Board Case No. ZB-25-03
Completeness & Engineering Review
Preliminary and Final Major Site Plan Approval
w/ Use Variance
Block/Lot: 162.01/1.22
Site Address: 702 Barnegat Boulevard North
Applicant: Barnegat Terrace LLC
Zone: R-20 Residential Zone
Township of Barnegat, Ocean County, New Jersey

Dear Ms. Cole:

Pursuant to your request, we have reviewed the above referenced application for completeness in accordance with the provisions of the Township Municipal Land Use Regulations and NJ MLUL.

A. Completeness

The Applicant has submitted the following information:

- Land Use and Development Application, with a filing date of January 23, 2025
- Checklist for Use Variance Application, with a filing date of January 23, 2025
- Checklist for Preliminary and Final Major Site Plan, both with filing dates of January 23, 2025
- Applicant/Developer Escrow Agreement, signed by Robert Stone, with a filing date December 20, 2024
- Affidavit of non-collusion, signed by Robert Stone, dated December 20, 2024
- Contribution Disclosure Statement, signed by Robert Stone, dated December 20, 2024
- Contribution Disclosure Statement, signed by Stuart C. Challoner, P.E., dated December 19, 2024
- Contribution Disclosure Statement, signed by Stephan R, Leone, Esq., dated December 19, 2024
- Contribution Disclosure Statement, signed by Robert Hudak, P.P., dated January 6, 2025
- Contribution Disclosure Statement, signed by Thomas Brennan, dated December 20, 2024
- Owners Consent prepared by Robert Stone of Barnegat Terrace, dated December 12, 2024
- Tax records, Block 162.01, Lot 1.22, showing taxes paid thru November 14, 2024
- W-9 Taxpayer Identification Number and Certification, signed by Robert Stone, dated December 20, 2024
- Traffic Report prepared by Stuart Challoner, P.E. of Challoner & Associates, LLC, dated December 9, 2024, with no revisions
- Residential Site Improvement Standards Compliance Report prepared by Stuart Challoner, P.E. of Challoner & Associates, LLC, dated December 9, 2024, with no revisions

Le: Stacey Cole, Board Administrator/Secretary
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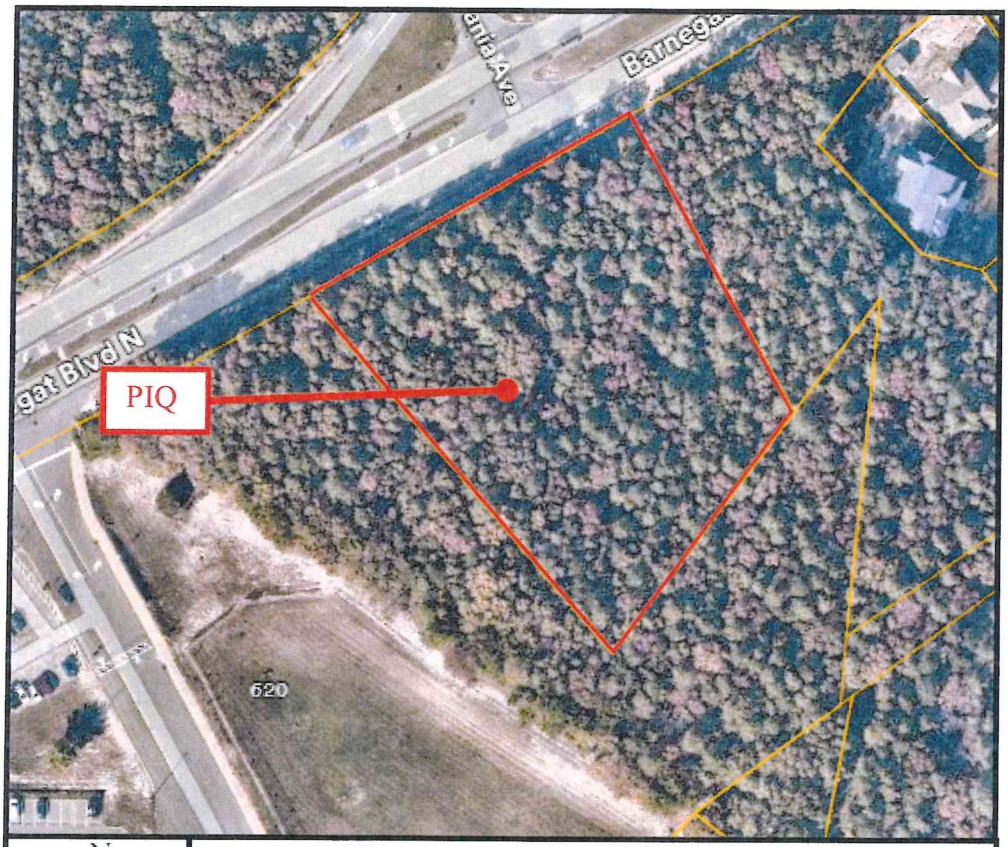

Image 1: Aerial Image
702 Barnegat Boulevard North
Township of Barnegat
Ocean County, New Jersey

Le: Stacey Cole, Board Administrator/Secretary
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C. Variances, Waivers and Items of Discussion:

The subject property is located within the R-20 Zoning District.

R-20 Zoning Schedule			
	REQUIRED	EXISTING	PROPOSED
LOT REQUIREMENTS			
Minimum Lot Area	20,000 SF	79,380 SF	79,380 SF
Minimum Lot Width	100 FT	282.28 FT	282.28 FT
Minimum Lot Depth	150 FT	308 FT	308 FT
PRINCIPAL BUILDING REQUIREMENTS			
Front Setback	30 FT	N/A	102.49 FT
Rear Setback	35 FT	N/A	35.13 FT
Side Setback (One/Combined)	10 FT/30 FT	N/A	16.80 FT/37.99 FT
Maximum Building Height	35 FT	N/A	34.08 FT
Maximum Building Height	2.5 Stories	N/A	3 Stories (V)
LOT COVERAGE REQUIREMENTS			
Maximum Building Coverage	20%	N/A	11.56%
e = Existing Non-Conformance **V** = Proposed Variance **TBD** = Applicant to Provide			

1. The property requires the following Variance(s):

   a. Use Variance (§55-11) – Any use not explicitly permitted within the adopted Township Zoning Schedule should be deemed prohibited. Applicant proposes a residential multi-family (townhouse) use where it is not permitted in the R-20 Zone.

   b. Maximum Building Height – 2.5 stories are permitted in the R-20 Zone, where 3 stories are proposed, therefore a variance is required.

D. Site Plan & Design Comments

1. The Applicant shall provide testimony regarding the proposed use, i.e. general description of the overall site development, description of the layout the townhomes, number of bedrooms in each unit, etc.

   i. The Applicant should provide testimony on the history of the subject property, i.e. previous approvals, existing easements, permits applied for, etc.
   ii. The Applicant shall provide testimony regarding whether a Homeowner's Association (HOA) is provided for the townhouse community.

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Barnegat Township Zoning Board of Adjustment
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2. It should be noted that there are multiple other zones within the Township that permit the proposed use, i.e. R-MF Multifamily Residential, ML-1 Residential, CC-CPHD, and PAC Planned Adult Community. The Applicant shall provide testimony regarding compliance with the design standards required in these zones. The Applicant's testimony should include, but not be limited to, the topics of discussion listed below:

i. Does the townhouse density exceed four (4) units per acre?
ii. Is the townhouse dwelling unit less than 20 ft wide?
iii. Does the number of dwelling units in one (1) building exceed six (6)?
iv. Does the townhouse development plan to include any active recreation areas for use of the residents?
v. Will these units be rentals or for sale?
vi. Are there age restrictions for the units?

3. The Applicant shall provide testimony regarding the parking provided on site. We note that the architectural plans provided do not identify the intended rooms within the townhomes therefore the number of bedrooms is unknown. RSIS standards state that a two-bedroom standard is to be assumed with 2.3 parking spaces per unit. This office calculates 30 spaces are required using the above information, where 33 spaces are provided. Parking testimony shall be provided in accordance with §55-173 of the Township Ordinance.

4. The Applicant shall provide testimony regarding the ownership and maintenance responsibilities of the proposed improvements including parking areas, stormwater management facilities, and utilities.

5. Provide testimony regarding the dead end of the proposed access drive. The applicant should provide a circulation plan depicting the ingress and egress of the site as well as the turnaround at the end of the drive. Templates shall be provided for the following:

i. Truck (SU-40)
ii. Truck (SU-30)
iii. Fire Truck (Confirm size with the local fire department)

6. The Applicant shall provide testimony regarding vehicles entering/exiting the site from Barnegat Boulevard North. We note that Barnegat Boulevard North is a 4-lane road with two lanes of traffic traveling in both east and west directions. The Applicant shall confirm if the County has reviewed the site plans and if there are any restrictions on entering/exiting the site.

7. The Applicant shall provide testimony regarding trash and recycling services, including frequency of pickups and times. The Applicant shall provide a detail of the trash enclosure; we recommend the walls of the enclosure be masonry.

8. The Applicant shall provide testimony relative to any and all proposed signage for the site/building and conformance with §55-181 of the Township Ordinance. No site signage shall be provided in any site triangles.

9. An accessible route is required from handicap parking, the plans shall be updated to identify same.

10. Provide testimony regarding compliance with the EV charging requirements. We note that six (6) EV spaces are provided and shown on the site plans.

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11. The Applicant shall provide testimony regarding site lighting and compliance with §55-171 of the Township Ordinance, which requires an average of 1 footcandle.

12. The Applicant shall provide testimony regarding locations of any proposed mechanicals in addition to the a/c units.

13. Pursuant to Section 55-186 of the Township Code, all major subdivisions and residential site plans are required to reserve at least 5% of the total property area to be reserved as open space and developed as passive or active recreation area. In the alternative, the ordinance permits the developer to provide a payment in lieu of on-site construction in the amount of $1,500.00 per lot to the Township for the purposes of constructing recreation facilities. This should be discussed.

14. The proposed stop bar shall extend from the driveway centerline to the curb. The Applicant shall revise the plans the detail to depict same.

15. The proposed stop sign shall be on a breakaway post. The Applicant shall revise the stop sign detail to include same.

16. The sidewalk detail shall be revised to include the proposed sidewalk width.

17. The Applicant shall include details for the ADA Ramps provided and ensure that all grading meets the ADA standards.

18. All landscaping and buffer comments are deferred to the Board Landscape Architect/Planner.

E. Grading & Drainage Comments

1. The Applicant shall provide the Board with an overview of the proposed stormwater management system, which includes one (1) infiltration/detention basin. Testimony should also be given on the site grading and runoff in accordance with §55-126.17.

   i. It should be noted that per BMP Chapter 11, Extended Detention Basins are a Non-GI BMP that may only be used for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from NJAC 7:8-5.3.

2. No soil profile pits were conducted for the project which does not meet the requirements listed for soil testing within Chapter 12 of the BMP. For a site of this size (1.82 acres), a minimum of 1 soil profile pit and 4 borings are required. For any infiltration BMP, two soil profile pits must be excavated within the infiltration area. It should also be noted that no permeability testing was provided. Further soil testing is required, and the applicant shall revise the stormwater management design to reflect the same.

3. The Applicant shall provide information regarding the forebay design. We note that a forebay should provide a minimum storage volume of 10% of the water quality design storm event.

4. The Applicant shall provide testimony regarding the forebay separation from the basin footprint. It is unclear whether the Applicant intends to install gabion baskets or create an earthen berm.

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5. We note the following regarding the time of concentration (Tc) calculations:

   i. Shallow concentrated flow should be calculated using a roughness value for grass or woods not paved/unpaved. The National Engineering Handbook has superseded TR-55 and provides several land cover types to be utilized to calculate shallow concentrated flow velocity.

6. Per Chapter 9 of the BMP, small scale infiltration basins are required to have a sand bottom where the Applicant has not proposed the same per the SWM report.

7. Water quality storm event analysis should be provided.

8. The Applicant shall provide testimony regarding the pre- and post-development DA Maps.

   i. It appears that there will be offsite area that will be contributing to the proposed stormwater management system. Revise the model to include same.
   ii. The Applicant shall clarify the Point of Analysis (POA). There is an existing headwall to the west of the site and the pre-development drainage patterns appear to flow to the headwall, not to the inlet.
   iii. The DA maps should be revised to include more of the site to accurately represent the drainage patterns that are existing and proposed.

9. Applicant shall provide t, basin drain time, calculations for the groundwater mounding analysis.

10. The Applicant shall provide a basin routing diagram/schematic for both the pre- and post-development conditions.

11. The Applicant shall provide construction details for the infiltration basin, headwalls, basin berm or gabion baskets, riprap and fencing.

12. §55-323(W) states "Guiderails and/or railing shall be placed at all drainage structures where the interests of pedestrians or vehicular safety would dictate." Provide testimony regarding whether the fencing provided around the basin is sufficient.

13. The Applicant shall provide a detail for the basin access drive. We recommend utilization of grass pavers, instead of gravel or stone, for better stabilization and maintenance.

14. An emergency spillway detail should be provided that complies with §55-325B(6)(f) and §55-325B(6)(g).

15. All proposed contours should be labeled. Applicant shall revise the plans to include same.

16. The Applicant shall provide an Operations and Maintenance Manual for the proposed basin per BMP standards.

F. Conditions of Approval

In the event the Board approves the subject application, any approval should be conditioned upon the following:

1. Compliance with any and all items noted within this report unless specifically noted in the resolution of approval.

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Barnegat Township Zoning Board of Adjustment
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Township of Barnegat, Ocean County, New Jersey

2. Compliance with any and all representations made by the Applicant during the course of the Board hearing.

3. Any and all conditions specifically desired by the Board.

4. The Applicant shall be required to post performance guaranties and inspection fees with the Township prior to any final signoff.

5. The Applicant shall be required to post Mandatory Development fees in accordance with §55-351.

6. Payment of any and all escrow fees.

7. Prior to a final signoff, proof of the following outside agency approvals, as applicable:

i. Barnegat Township Department of Utilities
ii. Barnegat Township Fire Official
iii. Ocean County Planning Board
iv. Ocean County Soil Conservation District
v. NJDEP

We reserve the right to request additional information, and/or plans should additional variances be indicated during the public hearing. Should you have any questions or require anything additional, please do not hesitate to contact my office.

Very truly yours,

JASON A. WORTH, P.E., P.P., C.M.E.
ZONING BOARD ENGINEER

JAW:DCD:ls

cc: Martin Lisella, Township Administrator
Debra Rumpf, Esq., Zoning Board Attorney (via email lawrumpf@gmail.com)
Scott Taylor, P.E., Zoning Board Planner (via email staylor@tdgplanning.com)
Barnegat Terrace LLC, Applicant/Owner
432 Lakehurst Road, Suite 2, Toms River, NJ 08755
Stuart Challoner, P.E., P.P., Applicant's Engineer
Challoner & Associates, LLC
201 Main Street, 2nd Floor, Toms River, NJ 08753

taylor design group

Michelle M. Taylor, AICP, PP
Scott D. Taylor, AICP, PP, LLA, LEED AP

Steven F. Lennon, LLA, PP
Holly M. Pasqua, Business Manager

Karen Ingram, LLA
Elaine A. Mills, LLA, ISA Cert. Arborist
Brandon Guy, LLA

Community Planning
Landscape Architecture
Municipal Consulting
Streetscape Design
Economic Development
Parks and Recreation

April 11, 2025

Barnegat Township Zoning Board
900 West Bay Avenue
Barnegat, NJ 08005

Re: Barnegat Terrace LLC, 2025 Townhomes
Preliminary & Final Major Site Plan with Use Variances
Block 162.01 Lot 1.22
Barnegat Township, NJ
Review Letter #1
TDG File: 2001-118.147Z.02

Dear Board Members,

Our office has received and reviewed the following submission items:

- **Development Application,** submitted by Barnegat Terrace LLC., dated January 23, 2025.
- **Preliminary & Final Major Site Plan,** prepared by Challoner & Associates LLC., consisting of 8 sheets, dated December 4, 2024.
- **Boundary & Topographic Survey,** prepared by Challoner & Associates LLC., consisting of 1 sheet, dated December 4, 2024.
- **Elevation & Floor Plans,** prepared by Thomas J. Brennan Architects, consisting of 3 sheets, not dated.

At this time, we offer the following comments:

A. Site and Proposal

1. The subject property is a 1.82 acre (79,380 SF) parcel fronting on Barnegat Boulevard within the R-20 Residential Zoning District.
2. The site is wooded and vacant. The existing vegetation is proposed to be predominantly removed.
3. The adjacent parcels to the north, across Barnegat Boulevard, are single family homes and wooded areas. To the east is a cluster of single-family homes which front on Molly Ct. as well as a vacant wooded parcel in between the site and residential community. To the south and west are vacant wooded areas. The Cecil S. Collins School and Brackman Middle School are also located west of the site (See aerial image courtesy Google 2025 ©).
4. The Applicant seeks a d(1) Use Variance and Preliminary/Final Major Site Plan approval to permit the construction of (2) townhouse buildings with a total of 13 units, parking, stormwater management, lighting, and landscape.

WBE•SBE
Woman Business Enterprise
•
Small Business Enterprise

Taylor Design Group, Inc.
131 Hartford Road
Mount Laurel, NJ 08054

T. 856.810.3443

W. TDGplanning.com

B. Use Variance Discussion

1. A d(1) Use Variance is required to permit townhomes which is not a permitted use in the R-20 Zone.
2. For the d(1) use variance, the Applicant must prove, and the Board must specifically find that the use promotes the general welfare because the proposed site is particularly suitable for the proposed use. Testimony should be provided regarding the unique attributes of the site that makes it "particularly suitable" for the proposed non-permitted use, and how locating the proposed use on this particular site in this zone specifically promotes the purposes of planning.

   The Applicant must prove and the Board must also find that the proposed use will not cause a substantial detriment to the public good. Any perceived detriments must be shown to be mitigated to the greatest extent possible.

   The Applicant should provide testimony regarding whether the use will substantially impair the intent and purpose of the Master Plan or Zoning Ordinance. Such findings must satisfactorily reconcile the grant of a use variance with the Township's continued omission of the uses from the zone.

C. Bulk Variance Discussion

1. The Applicant proposes a 3-story building, whereas the ordinance permits a maximum of 2.5-stories. A variance is required.
2. The Applicant should provide detailed testimony in support of all required bulk or "c" variances pursuant to N.J.S.A. 40:55D-70c, demonstrating that each variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

D. Design Waivers

1. There are several design waivers related to landscape and buffer design standards, as more fully set forth in the applicable sections below.

E. General Comments

1. The Applicant should provide testimony regarding the buildings and all site improvements. Specifically, detailed testimony should be provided regarding the affordable housing component.

   Testimony should be provided regarding compliance with the affordable housing provisions of the ordinance, including compliance with UHAC requirements, the number of bedrooms and affordability controls, the Township's Housing Element and Fair Share Plan, any applicable Settlement or Developer Agreements, any applicable order of the court, and all other applicable laws.

2. Testimony should be provided regarding how mail will be handled. A note should be provided that the location of the gang box is subject to approval by the local postmaster.

   We suggest the location of the proposed gang mailbox be shifted near the ADA parking stall.

3. The detail for the proposed mailbox should be revised to include the proposed color.

4. Per §55-186, all Major Residential Site Plans are required to reserve at least 5% of the total property area to be reserved as open space and developed as passive or active recreation area. For this project, that equates to at least 3,969 SF.

   Pedestrian spaces and amenities should be provided as discussed in §55-162.2(I) of the ordinance.

   Given the nature of the proposed use, we suggest that a picnic table and bike racks be provided.

5. A detail for the proposed trash enclosure should be provided. We suggest that a durable masonry enclosure be provided as required by ordinance, with exterior finishes to complement the façades. We recommend that the trash enclosure gates be constructed of a metal frame for durability, with a vinyl-fence panel or similar, in colors to complement the building.

6. Testimony should be provided regarding compliance with RSIS parking standards. We defer calculation to the Board Engineer.

7. Per recent clarification from NJ DCA, fee simple Townhouses with garages are exempt from providing EV charging spaces if the applicant demonstrates that the development will not be considered a multiple dwelling unit pursuant to the ***New Jersey Hotel and Multiple Dwelling Law*** (N.J.S.A. 55:13A-1 et seq.).

   EV spaces must still be provided for the affordable stacked units, totaling 15% of the required parking for those units. At least 5% of these spaces must be accessible.

8. A detail should be provided for the EV chargers. Additionally, a detail and location for EV signage should be provided.

9. The plans should be revised to indicate a depressed curb at the basin access drive.

   Additionally, the basin gate should be shown on the plans.

10. A detail should be provided for the proposed guide rail.

11. The plans should be revised to show the location of the ADA parking signage.

12. No details have been provided for any proposed signs. If signage is proposed, it should be shown on the plans and complete details should be provided to specify the materials, colors, actual sign dimensions, and method of illumination, as applicable. Testimony should be provided regarding any site signage proposed.
13. The proposed retaining wall should be shown on the site plan.

F. Building Design

1. The applicant should provide testimony and exhibits regarding the materials and colors of the proposed architecture, including all elevations of both buildings.

   We suggest that the applicant consider some additional material or color changes, or windows to the visible end unit façades.
2. Elevations should be provided for all facades of the affordable building.
3. The site plan indicates a proposed patio for each unit below the proposed deck. The architectural elevations and floor plans do not show the patios. This should be clarified.

   This should also address ground floor rear doors or windows, which are shown in the plan view, but not in the elevations.
4. Testimony should also be provided confirming if any of these elements are optional or included.
5. Testimony should be provided regarding the location and screening of building mechanicals.

G. Lighting Comments

1. The Applicant should provide testimony regarding all site lighting.
2. It appears the P3 light poles are being proposed in the same location as the basin fencing. The plans should be revised to remove these conflicts.
3. The color of the poles and fixtures should be provided. We suggest that they coordinate with the color of the benches, bike rack and building trim.

H. Landscaping Comments

1. The applicant proposes a **minimal** level of landscaping in conjunction with the application. As proposed, waivers are required for:
   - Street Trees at Unit Driveways
   - Buffer Plantings
   - Reforestation/ Green Space Plantings

   Detailed calculations should be provided to identify the relief requested based upon the specific ordinance parameters. Additional efforts should be made to comply with the intent of the respective ordinance requirements or detailed testimony should be provided in support of the relief.
2. The proposed plan layout does not provide a minimum 50' wide perimeter buffer as required by §55-162.1 of the Township Ordinance. Testimony should be provided.

   Design waivers are required to permit the buildings, parking, stormwater basin, retaining wall, etc. to be constructed in the required buffer.
3. The plans should be revised to show the required and proposed buffer widths.

4. The Applicant requires a waiver from locating and identifying all trees on the site to be removed and to remain, as required by §55-191.1 of the ordinance.

   If the Board considers granting this relief, we suggest that the clearing limits be staked in the field, and approved by the Township Engineer prior to clearing. A note to this effect should be added to the Plans.

   This will provide an opportunity to preserve any large specimens that may exist at the edge of the cleared areas, without the applicant having to go to the time and expense of a full tree survey for the site.

5. Trees should be provided be planted throughout a site at a rate of one (1) tree per one thousand (1,000) SF of upland lot area or fraction thereof as required by §55-162.2(H)(3), and §55-191.1. Trees provided in conjunction with other ordinance requirements may not be counted toward the reforestation requirement.

6. Plantings should be provided along the front of the site to screen the basin and the end unit of the northernmost building.

7. The landscape treatment of the area near the guide rail and retaining wall should be addressed as this area will likely be inaccessible for mowing. We suggest that a cluster forming shrub mass be provided.

8. Given the street tree relief required in front of the units, we suggest that additional efforts be made to provide shade trees around the perimeter of the parking areas and along the entrance driveway.

9. Some foundation plantings should be provided at the end units and also near the porches and building entrances.

10. Tree protection fencing should be indicated on the Site Plan along the limits of clearing adjacent to all existing vegetation to remain pursuant to ordinance §55-151.G(1). This should include the reserved area along the site frontage.

    The note provided should be revised to indicate that, "the installation of the tree protection fencing shall be approved by the ***Township Engineer*** prior to any clearing or excavation".

11. The planting bed lines should be shown for all planting areas, and the ground treatment of all landscaped areas should be labeled. Large expanses of unplanted mulch should be avoided.

12. The ordinance at §55-126.12 requires all lots to be sodded. This should be provided, along with an automatic, water conserving irrigation system to ensure the establishment and long-term health of the plantings.

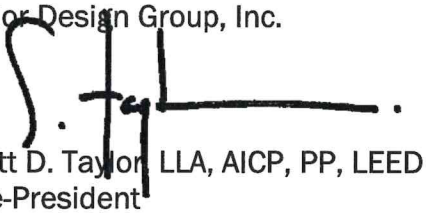
13. We suggest that all street trees and buffer plantings be bonded as permitted by State Law. A note to this effect should be added to the plans.

All future Plan revisions made by the Applicant's Architect and/or Engineer must identify the specific revisions, with an accurate Revision Date. Subsequent reviews, and any potential Plan Signoff issued by Taylor Design Group extends only to the Plans approved by the Board, and the specifically noted revisions, and ***does not apply to any revisions that are not expressly identified.***

If you have any questions or require additional information regarding this application, please do not hesitate to contact our office.

TDG

Respectfully submitted,
Taylor Design Group, Inc.



Scott D. Taylor, LLA, AICP, PP, LEED AP
Vice-President

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Stuart C. Challoner, PE, Applicant's Engineer, schalloner@challonerassociates.net

APPENDIX D-3

Resolution of Approval – Stone Hill

RESOLUTION
BARNEGAT TOWNSHIP PLANNING BOARD

RESOLUTION P-2025-9
DOCKET NO. PB 18-05

RESOLUTION MEMORIALIZING THE BARNEGAT TOWNSHIP PLANNING BOARD'S APPROVAL OF AN APPLICATION BY BARNEGAT TERRACE, LLC, FOR AMENDED PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL FOR A PROJECT KNOWN AS STONE HILL AT BARNEGAT II, ALSO KNOWN AS BLOCK 175, LOTS 1 & 2, BLOCK 176, LOT 1, BLOCK 181, LOT 1, BLOCK 182, LOT 1, BLOCK 183, LOT 1, AND BLOCK 184, LOTS 1-3, AS SHOWN ON THE BARNEGAT TOWNSHIP TAX MAP.

WHEREAS, the applicant, Barnegat Terrace, LLC, is the owner of property known as Block 175, Lots 1-2, Block 176, Lot 1, Block 181, Lot 1, Block 182, Lot 1, Block 183, Lot 1, and Block 184, Lots 1-3, as shown on the Barnegat Township Tax Map; and

WHEREAS, the applicant has satisfied all applicable notice requirements of the New Jersey Municipal Land Use Law and the Township of Barnegat and has provided proof thereof to the Barnegat Township Planning Board; and

WHEREAS, the Planning Board conducted a public hearing on February 25, 2025, at which time the Board heard and considered the presentation made by the applicant, and at which time the public had an opportunity to be heard; and

WHEREAS, the Planning Board has reviewed the application, together with all of the documents submitted in support of the application, and the Board has received input and advice from its professional staff; and

NOW, THEREFORE, the Planning Board hereby makes the following findings of fact and conclusions of law regarding the application:

A. The property in question is an irregularly shaped tract which fronts on the westerly side of Cherry Street opposite the intersection with Grace Place. The property is located in the

ML-2 Residential Zone and has an area of approximately 8.18 acres. The property is presently vacant and wooded.

B. On January 28, 2020, by the adoption of Resolution P-2020-4, the applicant obtained Preliminary and Final Major Subdivision approval for the construction of a residential development consisting of eleven (11) residential building lots, one (1) lot dedicated to open space, and a new street, Trinity Court. The runoff from the proposed street extension was to be discharged to the infiltration basin that was constructed as part of the Stone Hill at Barnegat development. The roof leaders from eight (8) of the proposed dwellings were to be connected to drywells.

C. The applicant is now seeking Amended Preliminary and Final Major Subdivision approval to change the use of one of the proposed residential building lots to a lot dedicated for stormwater management (infiltration basin). In other words, the applicant now intends to subdivide the tract into ten (10) building lots for single family homes, one (1) basin lot, and one (1) open space lot.

D. In support of the application, the applicant submitted the following documents:

1. A set of Amended Preliminary & Final Major Subdivision plans (10 sheets) prepared by Stuart Challoner, P.E., Challoner & Associates, LLC, of Toms River, N.J., with a latest revision date of December 17, 2024.

2. A print of a Final Plat (1 sheet) prepared by Edwin J. Hale, P.L.S., Challoner & Associates, LLC, with a latest revision date of December 17, 2024.

3. A completed Land Use & Development Application with a filing date of January 17, 2025.

4. A completed Completeness Check list for Final Major Subdivision Application prepared by Stuart Challoner, P.E., dated January 10, 2025.

5. All of the other documents itemized in the February 7, 2025, review letter issued by the Planning Board's Consulting Engineer, Zachary M. Jordan, P.E., C.M.E., C.F.M.

E. During the public hearing, the applicant was represented by Stephan Leone, Esq., Toms River, N.J. During the hearing, Mr. Leone presented the application and responded to questions and comments raised by the Board or by members of the public.

F. During the public hearing, the applicant relied on the documents submitted to the Planning Board in support of the application. (*See*, Paragraph D.)

G. During the public hearing, the Planning Board heard testimony from the applicant's professional engineer, Stuart Challoner, P.E., whose professional qualifications were accepted and who provided testimony regarding the following matters:

1. General testimony regarding the prior approval history.
2. General testimony regarding the present application.
3. Testimony explaining the underlying stormwater-related concerns which necessitated the filing of the present application.
4. Testimony describing and explaining the documents submitted in support of the application.
5. Testimony explaining that a Homeowners Association will be created, and that the stormwater basin lot will be owned and maintained by the HOA. The plans will be revised to show that the HOA will own and maintain the basin lot.
6. Testimony confirming that the required bonds for the project will be posted and/or remain in place.
7. Testimony confirming that the applicant will comply with the terms and provisions of the February 7, 2025, review letter issued by the Planning Board's Consulting Engineer, Zachary M. Jordan, P.E., C.M.E., C.F.M.
8. Testimony confirming that the applicant will comply with the terms and provisions of February 22, 2025, review letter issued by Scott D. Taylor, LLA, AICP, PP, LEED AP, with the Taylor Design Group.

H. When the matter was opened to the public for questions or comments, the following individuals addressed the board regarding the application:

1. Thomas Dantoni addressed the Board with general concerns about the application.

I. At the conclusion of the hearing, the Planning Board determined that the application was in compliance with the requirements of the Barnegat Township Land Use Code (Chapter 55), and that the application was properly supported by sworn testimony, and that the application could be granted, subject to the conditions contained in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Barnegat Township Planning Board that the application for Amended Preliminary and Final Major Subdivision is hereby approved, subject to the conditions contained in this Resolution.

BE IT FURTHER RESOLVED that the Planning Board Secretary shall forward a copy of this Resolution to the applicant, the applicant's engineer, Township Clerk, and the Building Department.

BE IT FURTHER RESOLVED that the applicant shall cause notice of the Planning Board's decision to be published in an official newspaper of the Barnegat Township Planning Board within ten (10) days of its passage.

BE IT FURTHER RESOLVED that the Planning Board's approval of this application is made specifically subject to the following conditions:

1. The applicant shall comply with all representations made to the Planning Board by the applicant's witnesses and professionals.

2. A Homeowners Association shall be created, and the stormwater basin lot shall be owned and maintained by the HOA. The applicant shall provide proof of compliance with this condition to the Planning Board.

3. The plans shall be revised to show that the HOA will own and maintain the basin

lot (Lot 1.10).

4. The required bonds for the project shall be posted and/or remain in place until authorized to be released.

5. The applicant shall comply with the terms and provisions of the February 7, 2025, review letter issued by the Planning Board's Consulting Engineer, Zachary M. Jordan, P.E., C.M.E., C.F.M., the contents of which are hereby fully incorporated in this Resolution.

6. The applicant shall comply with the terms and provisions of February 22, 2025, review letter issued by Scott D. Taylor, LLA, AICP, PP, LEED AP, with the Taylor Design Group, the contents of which are hereby fully incorporated in this Resolution.

7. Unless explicitly stated otherwise in this Resolution, the applicant shall comply with the provisions of Resolution P-2020-4, together with the corresponding review letters issued by the Board's Professionals.

8. The applicant shall be responsible to post performance guarantees and inspection fees in accordance with the Township Ordinance.

9. The applicant shall be responsible to post tax map, drainage, and recreation assessments, as well as mandatory development fees, in accordance with the Township Ordinance.

10. The applicant shall reimburse the Barnegat Township Planning Board for all professional fees associated with regard to this application within thirty (30) days of the date of this resolution.

11. This approval is made subject to all other applicable rules, regulations, ordinances, and statutes of the Township of Barnegat, the County of Ocean, and the State of New Jersey. The applicant shall obtain all approvals required by any federal, state, county, or municipal agency having regulatory jurisdiction of this development. Upon receipt of all such approvals, the

applicant shall supply the Planning Board with a copy of the permit or, if applicable, other written indication of approval. In the event that any other agency requires a change in the plans approved by the Planning Board, the applicants must, and shall, reapply to the Planning Board for approval of that change.

12. The applicant shall resubmit this entire proposal for re-approval should there be any deviation from the terms and conditions of the Resolution or from the documents submitted as part of this application, all of which are made a part hereof and shall be binding on the applicant.

13. The applicant shall provide a statement from the Barnegat Township Tax Collector that all taxes are paid in full as of the date of this Resolution and as of the date of the fulfillment of any condition(s) of this Resolution.

LOU SCHEIDT, CHAIRMAN
Barnegat Township Planning Board

STACEY M. COLE, SECRETARY
Barnegat Township Planning Board

CERTIFICATION

I certify that the foregoing application was duly approved by the Barnegat Township Planning Board at its regular meeting held on February 25, 2025, and that the approval of the application was thereafter memorialized in this Resolution by a vote of the Barnegat Township Planning Board at its regular meeting held on March 25, 2025, a quorum being present and voting in the majority.

STACEY M. COLE, SECRETARY
Barnegat Township Planning Board

Consulting & Municipal ENGINEERS

849 W. Bay Avenue, Suite 16
Barnegat, NJ 08005
732.410.2650
www.cmeusa1.com

February 7, 2025

Barnegat Township Planning Board
900 West Bay Avenue
Barnegat, NJ 08005

Re: ***Docket No. PB 18-05***
Amended Preliminary & Final Major Subdivision – Review #1
Stone Hill @ Barnegat II
Block 175, Lots 1 & 2; Block 176, Lot 1; Block 181, Lot 1;
Block 182, Lot 1; Block 183, Lot 1; Block 184, Lots 1, 2 & 3
Cherry Street & Memorial Drive
Barnegat Township, Ocean County, NJ
Applicant: ***Barnegat Terrace, LLC***
432 Lakehurst Road, 2nd Floor
Toms River, NJ 08753
Our File: 115.BGP0175.V02

Dear Planning Board Members:

Our office has received for review an application for Amended Preliminary & Final Major Subdivision approval for the above referenced property. The following information was submitted in support of this application:

- A set of Amended Preliminary & Final Major Subdivision plans (10 sheets) prepared by Stuart Challoner, PE with Challoner & Associates, LLC of Toms River, New Jersey and bearing the latest revision date of December 17, 2024.
- A print of a Final Plat (1 sheet) prepared by Edwin J. Hale, PLS with Challoner & Associates, LLC and bearing the latest revision date of December 17, 2024.
- A Stormwater Management Report prepared by Stuart Challoner, PE and bearing the latest revision date of June 5, 2023. Included in the Stormwater Management Report are the following documents:
  - Stormwater Management Maintenance Report prepared by Stuart Challoner, PE and bearing the latest revision date of July 27, 2022.
  - An Existing Condition Drainage Area Map (1 sheet) prepared by Stuart Challoner, PE dated September 4, 2017.
  - A Proposed Drainage Area Plan (1 sheet) prepared by Stuart Challoner, PE and bearing the latest revision date of July 26, 2022.
- A completed Land Use & Development Application with a filing date of January 17, 2025.

- A completed Completeness Check List for Final Major Subdivision Application prepared by Stuart C. Challoner, PE, dated January 10, 2025.
- A completed List of Professionals & Consultants.
- An Affidavit of Non-Collusion dated January 6, 2025.
- A completed Contribution Disclosure Statement from Robert E. Stone, Jr. with Barnegat Terrace, LLC dated January 6, 2025.
- A completed Contribution Disclosure Statement from Stephan R. Leone, Esq. with Carluccio, Leone, Dimon, Doyle & Sachs, LLC dated December 19, 2024.
- A completed Contribution Disclosure Statement from Stuart C. Challoner, PE dated December 19, 2024.

We have reviewed the information submitted in support of this application and offer the following comments:

A. GENERAL COMMENTS

The property in question is an irregularly shaped tract which fronts on the westerly side of Cherry Street opposite the intersection with Grace Place. It is located in the ML-2 Residential Zone and has an area of approximately 8.18 acres. The property is presently vacant and wooded.

On January 28, 2020, the Planning Board memorialized Resolution P-2020-04 which granted Preliminary and Final Major Subdivision approval for the construction of a residential development consisting of the following:

- Eleven (11) residential building lots
- One (1) lot dedicated to open space
- A new street, Trinity Court
- The runoff from the proposed street extension will be discharged to the infiltration basin that was constructed as part of the Stone Hill @ Barnegat development.
- The Applicant also proposes to connect the roof leaders from eight (8) of the proposed dwellings into drywells.

The Applicant is now seeking Amended Preliminary and Final Major Subdivision approval to change the use of one of the proposed residential building lots to a lot dedicated for stormwater management, which an inflation basin has been proposed.

B. VARIANCES AND/OR WAIVERS REQUESTED

1. The Applicant has not requested any variances as part of this Amended Preliminary & Final Major Subdivision application.
2. The Applicant has not requested any waivers as part of this Amended Preliminary & Final Major Subdivision application.

C. WAIVERS AND/OR EXCEPTIONS FROM THE RESIDENTIAL SITE IMPROVEMENT STANDARDS (RSIS)

This application is subject to the requirements of the Residential Site Improvement Standards (RSIS) adopted as N.J.A.C. 5:21-1, et seq.

1. The Applicant has not requested any waivers from the RSIS.
2. The Applicant has not requested any *de minimis* exceptions from the RSIS.

D. SUBMISSION REQUIREMENTS

The Applicant has addressed all of the submission requirements for this Amended Preliminary and Final Major Subdivision application.

E. FINAL PLAT COMMENTS

1. The Application is to provide testimony to the Board regarding ff the proposed basin lot will be dedicated to the Township by deed of dedication or by the filing of the map. If dedicated to the Township, our office recommends revising General Note #8 to include the proposed basin lot.
2. It shows on the plat that Mulberry Street, Miro Avenue, and Picasso Avenue are to be vacated, yet General Note #17 states that these streets have already been vacated by Ordinance No. 2021-10. The note on the plat should be revised to state "(Street Name) vacated. See Note 17".

F. PLAN DETAILS

1. General Note #1 and the unsigned property owners' certification on the plat and plans state that the Owner/Applicant is Stone Hill at Barnegat II. However, the application states that Barnegat Terrace, LLC is the contract owner and Stone Hill @ Barnegat is the contract Applicant. This discrepancy must be resolved.
2. General Note #27 on sheet 1 states that the Applicant proposes vacating the paper streets west of Cherry Street including all of Mulberry Street, a portion of Milo Avenue and a portion of Picasso Avenue. Yet, General Note #37 states that these streets were vacated by Ordinance No. 2021-10 adopted on June 1, 2021, filed in the O.C.C.O. on 6/11/2012 in Deed Book 18526 Page 1171. This discrepancy is to be resolved.

3. General Note #38 on sheet 1 should be revised to include the correct number of proposed single family residential units.

G. DESIGN COMMENTS

1. All landscaping issues are deferred to the Planning Board Landscape Architect for review and comment.

2. All water and sanitary sewer issues are deferred to the Barnegat Township Engineer for review and comment.

3. Since the proposed residential lots are located in the ML-2 Residential Zone, the Applicant is subject to the following Affordable Housing Requirements which are set forth in Section 55-23D of the Ordinance:

   a) The units shall be developed in accordance with the Regulations for Inclusionary Developments included in Section 55-352 of the Ordinance.

   b) A minimum of ten (10%) percent of the units within the development shall be set aside for low and moderate income households.

   Based on the above, one (1) of the units within this development must be set aside for low and moderate-income housing. The Applicant proposes to provide two (2) affordable dwelling units.

H. DRAINAGE & GRADING COMMENTS

1. Under predevelopment conditions, the runoff from the site discharges to the southwest. When the property is developed, the runoff from the new street, the lots on the northerly side of the new street and the front yards of the lots on the southerly side of the new street and the westerly side of the cul-de-sac will discharge to the proposed infiltration basin within the same development. In addition, the Applicant proposes to connect the roof leaders from the seven (7) dwellings on the southerly side of the new street and the westerly side of the cul-de-sac to drywells. The rear yards of the seven (7) lots on the southerly side of the new street and the westerly side of the cul-de-sac will discharge undetained towards the southwest.

2. Our office has reviewed the drainage and grading of the development and have found them to be satisfactory.

3. Our office has reviewed the stormwater report for this development and have found it to be satisfactory.

4. The Stormwater Management Maintenance Report states that the Owner of the proposed basin lot and its maintenance is Stone Hill at Barnegat II. However, the plat and construction plans state that this lot is to be dedicated to Barnegat Township. This discrepancy must be resolved.

5. If the proposed basin will be privately-owned, then the Stormwater Management Maintenance Report and any future revisions must be recorded upon the deed of record for the property on which the maintenance described in the plan must be undertaken. Prior to recording, the form of the deed must be approved by the Planning Board Attorney and our office.

I. ASSESSMENTS

1. The Applicant is subject to a tax map assessment in the amount of $1,200.00 as set forth in Section 55-135B(2) of the Ordinance.

2. The Applicant is subject to an off-tract drainage assessment in the amount of $25,000.00 (10 building lots x $2,500.00 per lot) as set forth in Section 55-327C of the Ordinance.

3. Various off-site water system improvements are planned or are under construction by Walters Development. In accordance with the developers' agreement that has been executed between the Township of Barnegat and Walters Development, all developers within the water system service area must reimburse Walters Development for their share of the costs of the water system improvements which are being constructed and paid for by Walters Development. Therefore, the Applicant must pay their share of the water system costs in the amounts and at the times set forth in the developers' agreement.

J. OUTSIDE AGENCY APPROVALS

This application is subject to the following outside agency approvals:

1. Ocean County Planning Board – ***Final Approval granted on September 16, 2023 (BAT314A.01)***

2. Ocean County Soil Conservation District – ***Soil Erosion and Sediment Control Plan Certification issued on November 29, 2023 (SCD#21319)***

3. Ocean County Utilities Authority. – ***Approved***

4. Barnegat Township Water and Sewer Utility.

   a) ***Preliminary Water System Facilities approval granted on December 6, 2022 by Resolution 2022-365.***

   b) ***Final Water System Facilities approval granted on January 1, 2023 by Resolution 2023-061.***

   c) ***Preliminary Sanitary Sewer System Facilities approval granted on December 6, 2022 by Resolution 2022-364.***

d) ***Final Sanitary Sewer System Facilities approval granted on January 1, 2023 by Resolution 2023-062.***

5. New Jersey Department of Environmental Protection:

a) CAFRA Permit. – ***CAFRA Permit No. 1553-21-0003.1 LUP210001 issued on February 9, 2023.***

b) Sanitary Sewer Extension Permit. – ***Treatment Works Approval permit number 23-0179 issued May 31, 2023.***

Based on our review of the submitted information, we find that the Applicant has addressed all of the submission requirements set forth in the Ordinance. Therefore, we recommend that this application be deemed complete for consideration by the Planning Board subject to the Applicant complying with all applicable notification requirements as set forth in the Barnegat Township Land Use Ordinance and the Municipal Land Use Law.

If you have any regarding this application, please feel free to call.

Very truly yours,

CME ASSOCIATES

Zachary M. Jordan, PE, CME, CFM
Consulting Engineer

ZMJ
cc: Martin Lisella, Administrator
Barnegat Township Zoning Official
Michael J. McKenna, Esq.
Taylor Design Group, Inc.
Barnegat Terrace, LLC
Stephan R. Leone, Esq.
Challoner & Associates, LLC

Michelle M. Taylor, AICP, PP
Scott D. Taylor, AICP, PP, LLA, LEED AP

Steven F. Lennon, LLA, PP
Holly M. Pasqua, Business Manager

Karen Ingram, LLA
Elaine A. Mills, LLA, ISA Cert. Arborist
Brandon Guy, LLA

Community Planning
Landscape Architecture
Municipal Consulting
Streetscape Design
Economic Development
Parks and Recreation

February 22, 2025

Barnegat Township Planning Board
900 West Bay Avenue
Barnegat, NJ 08005

Re: **Stone Hill at Barnegat II**
Amended Preliminary & Final Major Subdivision
Docket #PB 18-05
Block 175, Lots 1 & 2; Block 176, Lot 1;
Block 181, Lot 1; Block 182, Lot 1; Block 183, Lot 1; Block 184, Lots 1, 2, & 3
Barnegat Township, NJ
Planning Letter #1
TDG File: 2001-118.130P.01

Dear Board Members:

WBE•SBE
Woman Business Enterprise
•
Small Business Enterprise

Our office has reviewed the following in support of the referenced application:

- ***Land Development Application***, submitted by Robert Stone, dated January 6, 2025.
- ***Preliminary & Final Major Subdivision Plan***, prepared by Challoner & Associates, LLC, consisting of 10 sheets, dated September 4, 2017, last revised October 31, 2023.
- ***Final Plat,*** prepared by Challoner & Associates, LLC, consisting of 1 sheet, dated August 11, 2017, last revised December 17, 2025.
- ***Composite Environmental Constraints Map,*** prepared by Challoner & Associates, LLC, dated August 14, 2019.
- ***Soil Reports,*** prepared by Challoner & Associates, LLC, dated August 2019.
- ***Resolution of Approval P-2020-4,*** memorialized on January 28, 2020.

At this time, we offer the following comments:

A. <u>Site and Proposal</u>

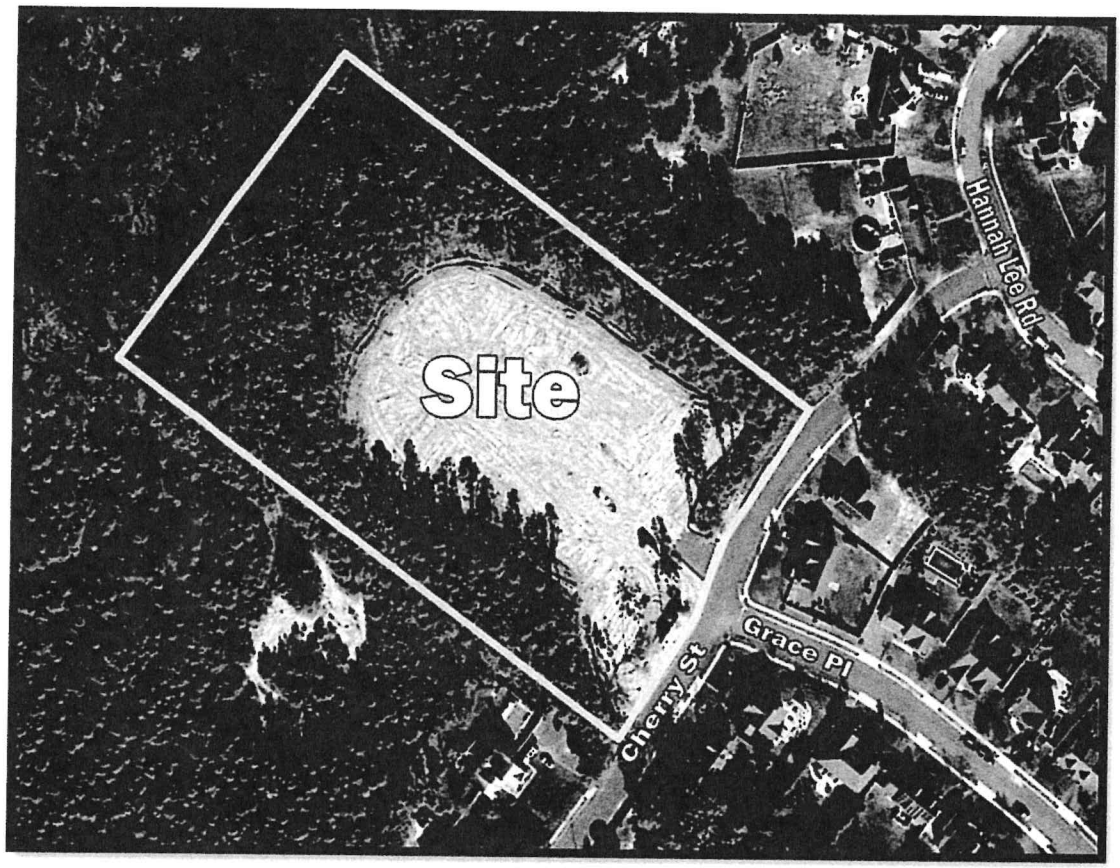
1. The subject property is an 8.18-acre parcel located on the west side of Cherry Street, opposite the intersection with Grace Place and is within the ML-2 Residential Zone.
2. The site is surrounded on the north, east, and south sides by existing single-family residential development. To the west is vacant, wooded land. See aerial image of the site and surrounding area on the following, courtesy Google 2025 ©.
3. The Board previously granted, by way of Resolution of Approval P-2020-4, memorialized on January 28, 2020, Preliminary and Final Major Subdivision Approval for 11 Residential Lots and 1 Open space Lot. After receiving Subdivision

Taylor Design Group, Inc.
131 Hartford Road
Mount Laurel, NJ 08054

T. 856.810.3443
W. TDGplanning.com

Approval, the Applicant was required to change 1 residential lot into a basin lot. This change to the plans resulted in the need for an Amended Approval.

4. The applicant is seeking Amended Preliminary and Final Major Subdivision approval to subdivide the existing parcel into 10 buildable lots for single family homes, 1 basin lot, and 1 open space lot.



B. **General Comments**

1. Testimony should be provided regarding ***all*** proposed alterations from the original approval.

   Additionally, testimony should confirm compliance with the Conditions of Approval per the Resolution of Approval P-2020-4.

2. No variances have been requested and none appear required.
3. Testimony should be provided regarding compliance with the affordable housing provisions of the ordinance, including compliance with UHAC requirements, bedrooms and affordability controls, the Township's Housing Element and Fair Share Plan, any applicable Settlement or Developer Agreements, any applicable order of the court, and all other applicable laws.

   Additionally, the plans should be revised to identify the affordable dwellings.

4. A detail should be provided for the proposed split rail fence. We suggest that pressure treated lumber be utilized for durability.
5. The proposed locations of the existing street trees that are going to be relocated should be shown on the plans.
6. A note should be added to the plans confirming all street trees and buffer plantings be bonded as permitted by State Law.

7. The street trees along the West side of Cherry Street were originally shown in conjunction with the Stone Hill at Barnegat project on the east side of Cherry Street. The applicant should confirm if these trees are still proposed to be planted in conjunction with that project or with the current project.
8. There appears to be a conflict between an unidentified utility connection to the single-family home, located on proposed lot 1.11, and a street tree along Cherry Street. This conflict should be addressed.
9. The tree planting detail should be revised to eliminate tree wrap, as this is no longer an acceptable practice.

If you have any questions or require additional information regarding this application, please do not hesitate to contact our office.

Respectfully submitted,
Taylor Design Group, Inc.

Scott D. Taylor, LLA, AICP, PP, LEED AP
Vice President

EC: (Only) Martin Lisella, Administrator, mlisella@barnegat.net
Stacey Cole, Board Secretary, scole@barnegat.net
Thomas Lombarski, CFO, tomL@barnegat.net
Christine Roessner, christinet@barnegat.net
Kurt J. Otto, PE, CME, Township Engineer kotto@barnegat.net
Zachary Jordan, PE, zjordan@cmeusa1.com
Michael J. McKenna, Esq. hhg5258@aol.com
Stuart Challoner, PE, schalloner@challonerassociates.net
Stephan R. Leone, Esq., mderose@clds.com
Barnegat Terrace, LLC, kreabold@rstoneandcompany.com

APPENDIX D-4

Gunning River Road Concept Plan

PROPOSED CONCEPT PLAN SUMMARY

AMENITY SPACE		
CLUBHOUSE		7,500 S.F.
DOG PARK		8,000 S.F.
3-STORY APARTMENTS		
	BLDG COUNT	UNITS
30-UNIT:	17	510
33-UNIT:	2	66
TOTALS:	19 BLDGs	576 Units

BEDROOM BREAKDOWN:

1-BR	230
2-BR	346
TOTALS:	576 Units

PROPOSED BULK STANDARDS:

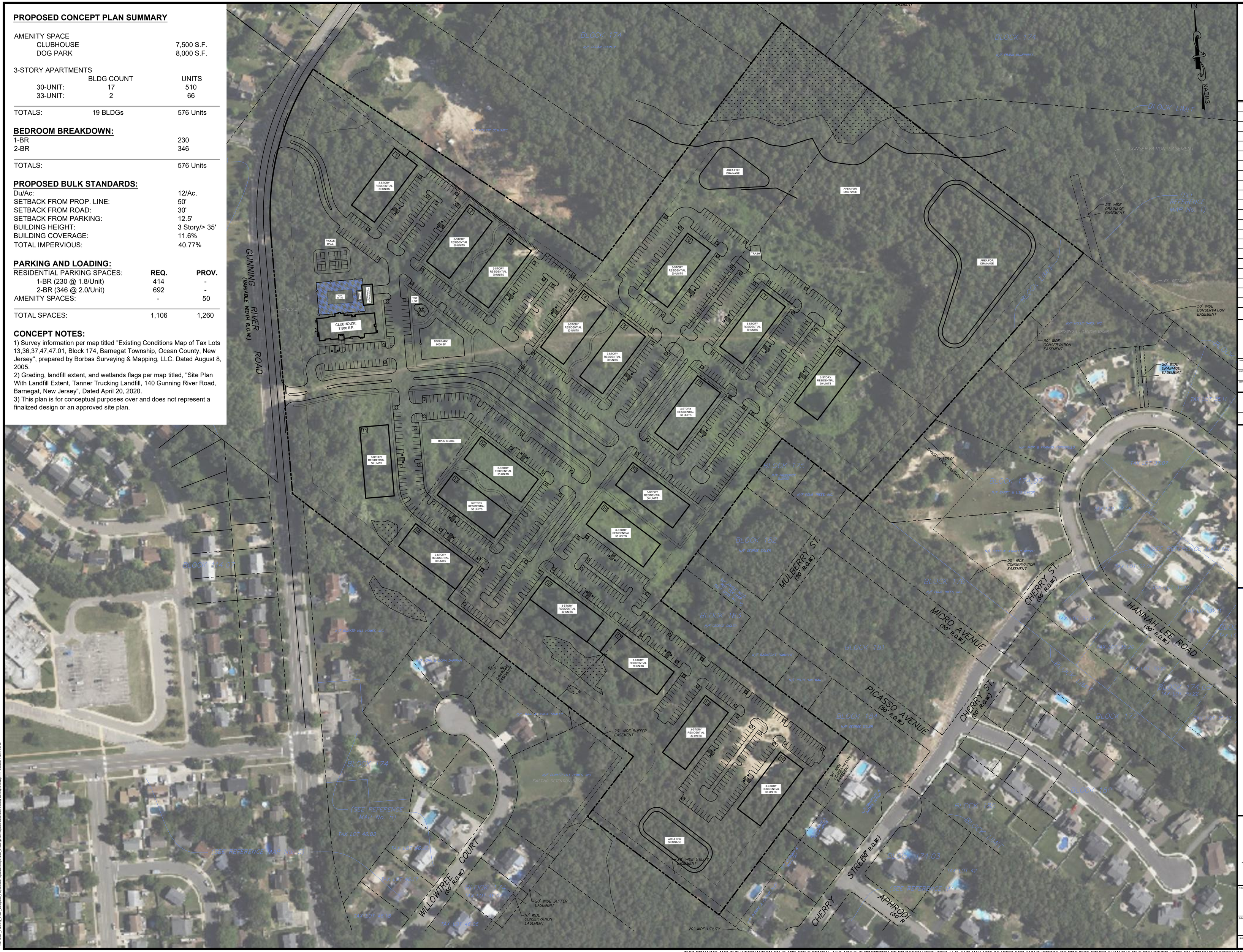
Du/Ac:	12/Ac.
SETBACK FROM PROP. LINE:	50'
SETBACK FROM ROAD:	30'
SETBACK FROM PARKING:	12.5'
BUILDING HEIGHT:	3 Story/> 35'
BUILDING COVERAGE:	11.6%
TOTAL IMPERVIOUS:	40.77%

PARKING AND LOADING:

	REQ.	PROV.
RESIDENTIAL PARKING SPACES:		
1-BR (230 @ 1.8/Unit)	414	-
2-BR (346 @ 2.0/Unit)	692	-
AMENITY SPACES:	-	50
TOTAL SPACES:	1,106	1,260

CONCEPT NOTES:

1) Survey information per map titled "Existing Conditions Map of Tax Lots 13,36,37,47,47.01, Block 174, Barnegat Township, Ocean County, New Jersey", prepared by Borbas Surveying & Mapping, LLC. Dated August 8, 2005.
2) Grading, landfill extent, and wetlands flags per map titled, "Site Plan With Landfill Extent, Tanner Trucking Landfill, 140 Gunning River Road, Barnegat, New Jersey", Dated April 20, 2020.
3) This plan is for conceptual purposes over and does not represent a finalized design or an approved site plan.



7	ADDED BEDROOM MIX & PARKING BREAKDOWN.	03/24/23	TM
6	EDITING PARKING, ADDED SPACE COUNT TO CHART	03/23/23	TM
5	ADDED BULK STANDARDS	03/21/23	TM
4	RELOCATED BUILDINGS, ADDITIONAL ENTRANCE	03/08/23	TM
3	MAX. DENSITY APARTMENTS CONCEPT	03/03/23	TM
2	RON COMMENTS, ADD TOWNHOMES	08/19/22	TM
1	REVISED PER RON REDLINES FROM 8/12/22	08/18/22	TM

0 40 80 160
SCALE: 1" = 80'

DRAWN BY: TM	SCALE: AS NOTED
CHECKED BY: RCA, BT	JOB NO:
APPROVED BY: -	DATE: 7/25/2022

NOT APPROVED FOR CONSTRUCTION UNLESS INDICATED OTHERWISE

FINAL FOR SEWER DESIGN

EP DESIGN SERVICES
2901 Atlantic Boulevard
Suite A Point Pleasant Beach, New Jersey 08742
(908) 206-0948 Fax: (908) 755-2272
New Jersey Certificate of Authorization #: 24GA28126500

PROPOSED RESIDENTIAL LAYOUT PRELIMINARY CONCEPT PLAN

FOR

GUNNING RIVER ROAD LANDFILL
BLOCK 174 LOTS 13,36,37,47,47.01 & 48
BARNEGAT TOWNSHIP
OCEAN COUNTY NEW JERSEY

THIS WORK PREPARED UNDER MY IMMEDIATE SUPERVISION
JILLIAN D. NG
PROFESSIONAL ENGINEER
DATE

NEW JERSEY LICENSE No. 43435
NEW YORK LICENSE No. 097047-01
PENNSYLVANIA LICENSE No. 084778
MASSACHUSETTS LICENSE No. 52547

TITLE: Concept Plan

DRAWING:

SHEET: of 1 | REVISION: 7

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Plotted:7/25/2022 - 4:49 PM By: mattnew
File: W:\EP_Planning_Lt\Nov_Designs\N_Projects\Barnegat\Gunning RdR22_Drawings\Concept\L7-2023 Max Density Concept AA.dwg --> Concept Plan w Aerial