

**Town of Hammonton
Atlantic County**

**Housing Element of the Master Plan
Fair Share Plan**

Adopted by the Planning Board on June 4, 2025 by Resolution 05-25PB
Endorsed by the Governing Body on ----- by Resolution -----

June 4, 2025

Town of Hammonton
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EXECUTIVE SUMMARY

The Town of Hammonton has prepared this plan in response to the enactment of Assembly Bill 4 signed by the Governor in 2024. This legislation abolished the Council on Affordable Housing (COAH), the State agency responsible for administering and overseeing affordable housing plans. The legislation also amended affordable housing regulations as provided for in the Fair Housing Act (FHA) and set deadlines for municipalities for reporting and filing a Fourth-Round Housing Element and Fair Share Plan.

In accordance with the amendments to the FHA, Hammonton accepted the Department of Community Affairs' (DCA) calculations of the Municipality's Present Need and Prospective Need in a binding resolution 32-2025 on January 27, 2025 and filed the resolution with the Affordable Housing Dispute Resolution Program ("the Program") through a Complaint for Declaratory Relief in accordance with the Administrative Office of the Courts' Directive #14-24 ("AOC Directive #14-24). On March 27, 2025, the Court issued an Order fixing Municipal Obligations for Present Need and Prospective Need for the Fourth Round Housing Cycle for the municipality consistent with the DCA calculations: Present Need of 64 and Prospective Need as 49.

This plan provides for the Municipality's Fourth-Round affordable housing obligation as calculated by the DCA and fixed by the Courts. The Town has updated its approved Vacant Land Adjustment (VLA) from its Third-Round Plan to identify any new or underutilized properties that may add to the Town's Realistic Development Potential (RDP).

The Town's VLA from the Court-approved Third-Round Fair Share Plan included a Third-Round RDP of 276 and an Unmet Need of 108. The Town's Court-

approved plan further adjusted the Third-Round RDP of 276 down to 116 due to a lack of sewer infrastructure. This durational adjustment left a durationally adjusted need of 160 and an Unmet Need of 116. The updated VLA for the Fourth-Round has identified several new vacant or underutilized properties which would yield an additional RDP. In the Fourth-Round the Town identifies an RDP of 33 and an Unmet Need of 16.

The Town has approved several affordable housing projects including a 100% age-restricted housing development along the White Horse Pike which was not included in the Towns' Court-approved Third-Round Plan. The Town has also provided for the construction of family units in the downtown area as proposed in the Prior Round planning components. There are some components of the Town's Fair Share Plan that have not been realized but remain viable.

Lastly the Town is continuously utilizing redevelopment efforts to create opportunities for new affordable housing units. This plan includes a new proposal to create an inclusionary housing redevelopment project with up to 36 affordable family units. The Town proposes to amend parts of the Court-approved Third Round plan to address new developments that have been completed.

Over the years the regulations pertaining to each Round of Affordable Housing obligations have changed. In preparing the Fourth-Round components of the Fair Share Plan, the FHA as amended (N.J.S.A. 52:27D-310, et seq.), was followed. This Plan also follows the requirements of N.J.A.C. 5:93. where appropriate, as called for by the recent FHA amendments.

INTRODUCTION

The Town of Hammonton is located in Atlantic County, consisting of 41.5 square miles. The Town is an older farming community, incorporated in 1865 and known as the “Blueberry Capital of the World.” The Town is located within the Pinelands National Reserve and is subject to the Pinelands Comprehensive Management Plan (CMP.) As such only 26% of the total land area in the Town is with a “Development” area as determined by the CMP. The balance of the land in the Town is either designated as Agricultural (35%) or Preservation/Forest Areas (48%). The Pinelands designations were created in the late 1970’s and followed the established development patterns in the Town. Today the Town has an active downtown and maintains their agricultural community.

Hammonton has an older housing stock, with many homes built prior to 1939. The core area focuses on Route 54/Bellevue Avenue with active downtown businesses and surrounding residential neighborhoods. Commercial development has focused along State Highway Route 30. The Town is transected north and south by Route 54. The Atlantic City Rail Line extends through Town with a stop in the center of the community. State Highway Route 30 extends east and west and provides access to the Town’s major commercial corridor.

In 2015 the Town of Hammonton filed an Application for Declaratory Judgment seeking Temporary Immunity from Mount Laurel Lawsuits. The Superior Court of New Jersey Law Division Atlantic County (Docket No. L-1573-15) granted the Town Temporary Immunity provided the Town file a Housing Element and Fair Share Plan addressing their future affordable housing obligation. The Town entered into a settlement agreement with FSHC on April 23, 2018 which provided for the Town’s Third Round Prospective Need running from 1999 through 2025 as 384 units. The settlement agreement provided for a Realistic Development Potential (RDP) of 276

durationally adjusted to an RDP of 116, based on the available vacant parcels in the municipality with access to public sewer and included mechanisms to meet the Town's affordable housing obligations. That settlement agreement was approved by the Court at a duly-noticed Fairness and Compliance Hearing on June 1, 2018.

Consistent with the settlement agreement, the Town adopted a Housing Element and Fair Share Plan in August of 2018. The Plan included the Mount Laurel compliance techniques through which the municipality would satisfy its Round 3 obligation. The 2018 Plan included a number of ancillary documents, including a Spending Plan that (1) accounts for the funds to be deposited through 2025, into the Town's Mount Laurel Trust Fund; and (2) demonstrates the manner in which the Town intends to expend the funds to advance the interests of the region's low- and moderate-income households. The Court approved the Town's Third Round HEFSP and entered a Final Judgment of Compliance and Repose for the Town on August 31, 2018.

In accordance with the amendments to the FHA, the Town accepted the Department of Community Affairs' (DCA) calculations of the Town's Present Need and Prospective Need in a binding resolution 32-2025 on January 27, 2025 and filed the resolution with the Affordable Housing Dispute Resolution Program ("the Program") through a Complaint for Declaratory Relief in accordance with the Administrative Office of the Courts' Directive #14-24 ("AOC Directive #14-24). On March 27, 2025, the Court issued an Order fixing Municipal Obligations for Present Need and Prospective Need for the Fourth Round Housing Cycle for the Town consistent with the DCA calculations: Present Need of 64 and Prospective Need as 49.

This Plan amends the 2018 Plan to address approved affordable housing developments, provides new mechanisms to satisfy the Town's cumulative affordable housing obligations and updates the Town's Vacant Land Adjustment.

AFFORDABLE HOUSING HISTORY IN NEW JERSEY

Affordable Housing has been embedded in New Jersey land use regulations and policy since the 1975 New Jersey Supreme Court decision, *Southern Burlington NAACP v Mount Laurel Township*, known as “Mount Laurel I.” Following a challenge to Mount Laurel’s zoning the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide a variety and choice of housing types affordable to low- and moderate-income households. This decision formed the foundation of affordable housing planning and regulations in the State.

In 1983 New Jersey Supreme Court in *Southern Burlington County NAACP v. Mount Laurel Township*, 92 N.J. 158 (1983) or “Mount Laurel II” extended the constitutional obligation to all municipalities within a “growth area” as designated in the State Development Guide Plan. This decision also created an opportunity for builders to challenge municipal ordinances, in certain circumstances, for the right to build affordable housing on land that was not zoned to permit the use or density. This is what was termed a “Builder’s Remedy” for municipalities that did not provide for their constitutional obligation of affordable housing.

In response to Mount Laurel II, the State adopted the New Jersey Fair Housing Act in 1985 which created the Council on Affordable Housing (“COAH”) as an administrative alternative to litigation. COAH was charged with promulgating regulations to establish housing regions, estimate the state’s low- and moderate-income needs, and set criteria for municipal compliance through adopted housing elements and fair share plans.

COAH established a municipality’s first round affordable housing obligation for a period of six-years, from 1987 to 1993. The rules established by COAH created both a rehabilitation (present need) obligation and a new construction (prospective need) obligation. In 1994, COAH adopted new regulations to address the second

round obligation for the period 1993 to 1999. These regulations also recalculated a portion of the municipal's first round obligation, creating a cumulative obligation from 1987 to 1999, and what is now called the "Prior Round" Obligation.

In 2004 COAH adopted rules and regulations for the Third Round, which defined the round from 1999 to 2014. These regulations changed the way in which COAH calculated a municipality's affordable housing obligation, moving from an absolute number based on available data to what the new regulations termed a "growth share" approach that linked affordable housing obligations to the construction of both residential and non-residential development in the municipality over the third round time period. This was short lived as the New Jersey Appellate Division invalidated key elements of these rules, including the growth share approach to calculating affordable housing obligations, In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super 1 (App. Div. 2007). The Court ordered COAH to adopt new rules, which was completed in 2008. The new regulations maintained in large part the growth share approach and extended the third round from 2014 to 2018.

The 2008 regulations were challenged and in 2010 the Appellate Division, In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462, upheld the COAH Prior Round regulations which assigned rehabilitation obligations. However, the Appellate Division invalidated the regulations pertaining to growth share and directed COAH to use similar methods that were set in the First and Second rounds. This decision was reviewed and upheld by the New Jersey Supreme Court in September of 2013 and ordered that COAH adopt new regulations on or before October 22, 2014. COAH failed to adopt the new regulations, and Fair Share Housing Center (FSHC) filed a motion in aid of litigant's rights with the New Jersey Supreme Court. The New Jersey Supreme Court issued a ruling on March 10, 2015, known as "Mount Laurel IV," which set the framework for the Third-Round affordable housing plans.

Mount Laurel IV transferred the responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges. This meant that municipalities would need to apply to the Courts if they wish to be protected from exclusionary zoning lawsuits. A shortfall in this decision remained as to how a municipal's affordable obligation would be calculated and left that to the trial courts, with the direction that the obligations be determined in a methodology which was similar to those used in the First and Second Round rules. The decision also directed municipalities to rely on COAH's Second Round rules at N.J.A.C. 5:93 as well as the Fair Housing Act (N.J.S.A. 52:27D-301 et seq) in preparing Third Round Housing Elements and Fair Share Plans.

FSHC was permitted to serve as an interested party in every municipal Declaratory Judgement Action. In determining an affordable housing obligation, FSHC calculated municipal affordable housing obligations, as did an expert for municipalities, and offered to settle with municipalities. Many municipalities entered into Court approved Settlements with FSHC, those that did not challenged the methodology used by FSHC to determine municipal obligations.

The Third Round, which began with COAH's 2004 rules identified the time period of 1999 to 2014. However, with COAH's stalemate in adopting regulations and the associated court challenges all cumulating past the initial third round period into the 2015 "Mount Laurel IV" decision, the third round was now identified as the period 2015 to 2025. This left a "Gap Period" of 1999 to 2015. In 2017 the New Jersey Supreme Court, In Re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), found that the "gap period," defined as 1999-2015, generates an affordable housing obligation. This obligation expanded the definition of the municipal Present Need obligation to include low- and moderate- income households formed during the gap period as a component of the new-construction obligation rather than the rehabilitation obligation.

In 2018 an unpublished decision of the NJ Superior Court, Law Division, Mercer County was rendered In re Application of Municipality of Princeton, also known as the “Jacobson Decision” which established a methodology for calculating municipal obligations in the Third Round under the Mount Laurel Doctrine. Although this decision is specific to Mercer County, Mount Laurel judges throughout the State have relied upon the Court’s decision in calculating Third Round affordable housing obligations¹. The decision came after many municipalities had entered into settlement agreements with FSHC which established a municipality’s affordable housing obligation.

While the Courts were addressing affordable housing policy and regulations, the State of New Jersey adopted two important pieces of legislation which shaped affordable housing policy. In 2008, Governor Corzine signed P.L. 2008. C.46 (referred to as “A500”, or the “Roberts Bill”) which amended the FHA. Key components of this bill include:

- Eliminating Regional Contribution Agreements (“RCA”) which allowed a municipality to transfer a portion of their affordable housing obligation to an identified receiving municipality.
- Establishing a statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing
- Created a very low-income affordable housing category and required at least 13% of all affordable housing units be restricted as very low-income housing units
- Required municipalities to commit to spend all collected development fees for affordable housing within four years of the date of collection.

¹ The Jacobson decision is also referred to in the 2024 FHA amendments providing that the decision “shall be referenced as to datasets and methodologies that are not explicitly addressed” in N.J.S.A. 52:27D-304.3 of the FHA.

The second piece of legislation was adopted in 2024. Governor Murphy signed P.L. 2024, c.2 (referred to as “A4”) which further amended the FHA and abolished COAH. The legislation replaced COAH with “the Program” which is an Affordable Housing Dispute Resolution Program. Additional key components of the Act include:

- Giving responsibility to the DCA to provide calculations of municipal present and prospective need using the standards as provided for in the legislation
- Establishing monitoring deadlines for all affordable units and trust funds
- Establishing mechanisms and bonuses for a municipality to meet its affordable housing obligation
- Establishing the Fourth Round of affordable housing obligations from 2025 through 2035
- Establishing a deadline of June 30, 2025 for a municipality to file a Housing Element and Fair Share Plan in compliance with the new regulations to remain protected from an exclusionary zoning lawsuit.

This document has been completed to effectuate the requirements of the 2024 FHA amendments utilizing the affordable housing calculations as published by the DCA in October of 2024.

HOUSING ELEMENT

The 2024 amendments to the Fair Housing Act included changes to what a Housing Element is required to address. The following is required to be part of any newly adopted Housing Element pursuant to N.J.S.A. 52:27D-310-10:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development trends;
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low and moderate income housing;
- A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;

- 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;
- An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

The following sections of this report addresses each of the above referenced requirements.

A Note on the Data: The following statistics and demographic data are derived from one of the following sources.

2023 American Community Survey 5-year Estimates: The most up to date information is the American Community Survey (ACS) estimates, which are generated between the decennial censuses. ACS figures are based on data collected over a 5-year period.

2020, 2010, 2000 and 1990 Census: The 2020 Census is the most recent decennial census. This information is used when ACS information is unavailable, and sometimes for comparison.

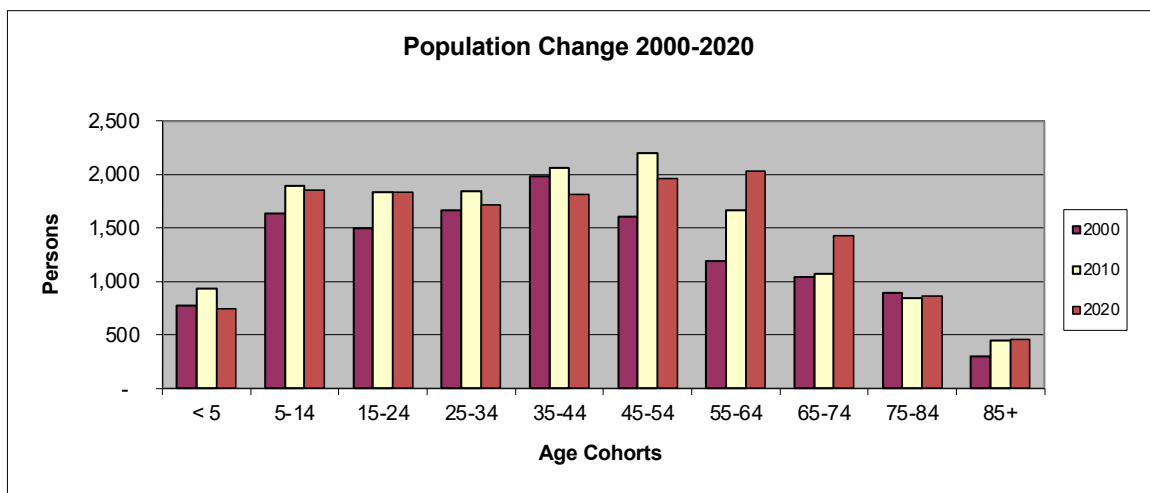
NJ Building Permit Data: NJ reports building permits and certificates of occupancy issued for each municipality on a monthly basis.

Demographic Analysis

The Town of Hammonton has seen a population increase over the past thirty years, with an 20.5% increase in total population. This primarily stems from the ten-year period from 2000 to 2010 where the population increased by 2,187 persons. The Town's population remains steady when reviewing the ACS 5 Year Estimate which provides a population of 14,746 persons.

Population Trends			
	Town of Hammonton	Atlantic County	New Jersey
1990	12,208	224,327	7,730,188
2000	12,604	252,552	8,414,350
2010	14,791	274,549	8,791,894
2020	14,711	274,534	9,288,994
1990 to 2000	3.2%	12.6%	8.9%
2000 to 2010	17.4%	8.7%	4.5%
2010 to 2020	-0.5%	0.0%	5.7%
1990 to 2020	20.5%	22.4%	20.2%

To see how the population has grown in terms of age it is helpful to look at both the changes over time to the different age-cohorts and the changes to the total housing units. We can see that there was a considerable increase in the 45-54 and 55-64 age cohort from 2000 to 2010. There is also a clear aging of the population when you look at the increase of population for persons over 55 from 2010 through 2020. The Town's median age has also increased from 38.9 years in 2000 to 41.4 years in 2020.

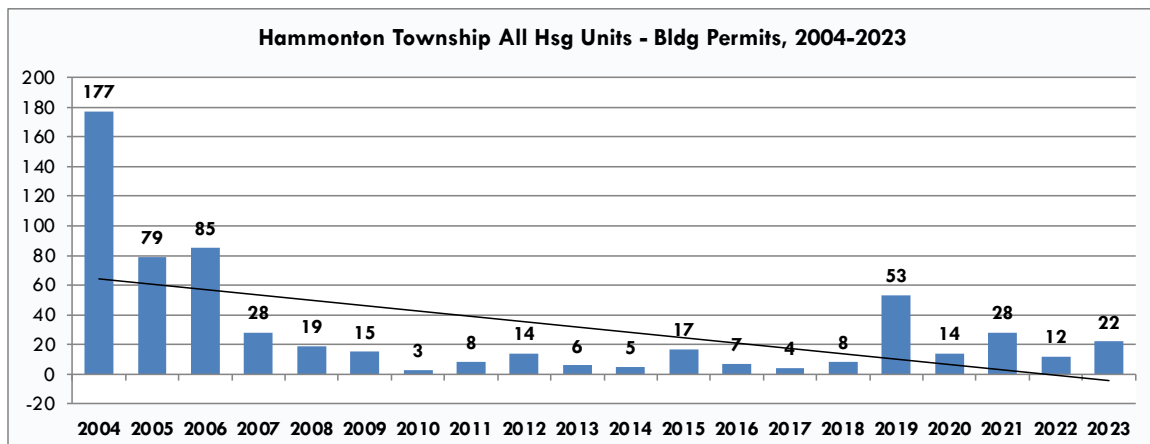


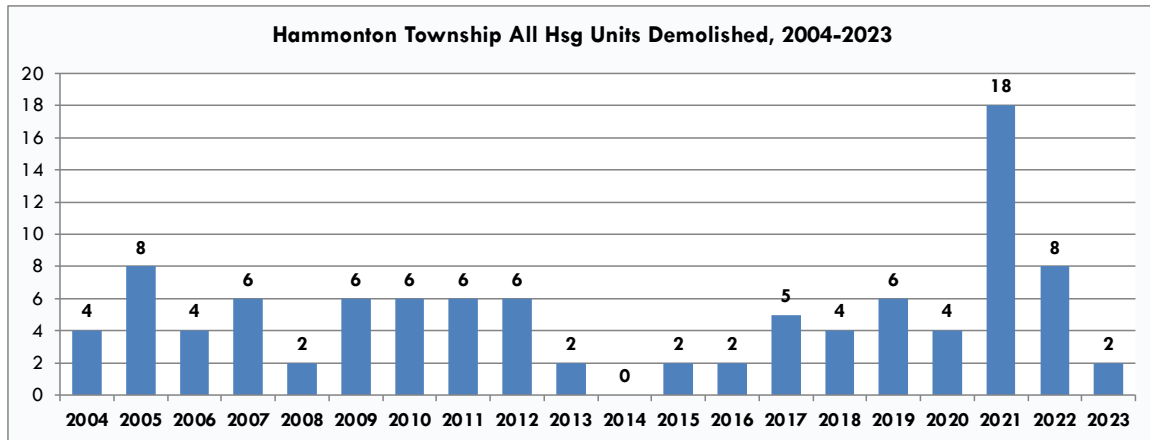
2000 to 2020 Population Profiles or Cohorts - Hammonton						
Age	Population					
	Persons			Population Change		
	2000	2010	2020	2000 to 2010	2010 to 2020	2000 to 2020
< 5	777	930	744	19.7%	-20.0%	-4.2%
5-14	1,632	1,891	1,853	15.9%	-2.0%	13.5%
15-24	1,499	1,839	1,839	22.7%	0.0%	22.7%
25-34	1,668	1,843	1,716	10.5%	-6.9%	2.9%
35-44	1,986	2,063	1,816	3.9%	-12.0%	-8.6%
45-54	1,608	2,196	1,964	36.6%	-10.6%	22.1%
55-64	1,195	1,663	2,029	39.2%	22.0%	69.8%
65-74	1,045	1,070	1,424	2.4%	33.1%	36.3%
75-84	891	843	863	-5.4%	2.4%	-3.1%
85+	303	453	463	49.5%	2.2%	52.8%
18+	9,727	11,337	11,472	16.6%	1.2%	17.9%
62+	2,560	2,819	3,330	10.1%	18.1%	30.1%
65+	2,239	2,366	2,750	5.7%	16.2%	22.8%
Median Age	38.9	39.6	41.4	1.8%	4.5%	6.4%

Correlating to the increase in population was a similar increase in the total number of housing units. From 2000 through 2010 the Town saw an 18% increase in total housing units, or a growth of 872 units. With an average household size of 2.68 persons per household in the 2010 Census, this would account for an estimated 2,337 person change in population, relatively consistent with the reported population increase over the same time period. The average household size has decreased over the years, with ACS 5 year estimates reporting an average household size of 2.51 in 2023. The ACS 5 year estimates show a continued growth of housing units, reporting 6,145, or 341 new housing units since the 2020 Census.

Housing Trends/Total Housing Units			
	Town of Hammonton	Atlantic County	New Jersey
1990	4,608	106,877	3,075,310
2000	4,843	114,090	3,310,275
2010	5,715	126,647	3,553,562
2020	5,804	132,038	3,761,229
1990 to 2000	5.1%	6.7%	7.6%
2000 to 2010	18.0%	11.0%	7.3%
2010 to 2020	1.6%	4.3%	5.8%
1990 to 2020	26.0%	23.5%	22.3%

The State of New Jersey compiles reports of building permits issued for residential purposes which correlates with the census data and shows that there has been considerable housing growth in the Town between 2004 through 2006, but much slower housing growth until 2019. The State data does not support the ACS estimates of 341 new housing units since 2020. The tables below are sourced from the DCA Residential Development Viewer shows the total building permits and demolition permits issued for housing units in the Town from 2004 through 2023.





2020 Population by Categories						
	Hammonton		Atlantic County		New Jersey	
	Persons	%	Persons	%	Persons	%
Total	14,711	100%	274,534	100%	9,288,994	100%
Sex						
F	7,494	50.9%	142,183	51.8%	4,770,289	51.4%
M	7,217	49.1%	132,351	48.2%	4,518,705	48.6%
Race						
White	10,701	72.7%	156,796	57.1%	5,112,280	55.0%
Black or African American	443	3.0%	41,519	15.1%	1,219,770	13.1%
Asian	158	1.1%	21,784	7.9%	950,090	10.2%
American Indian and Alaska Native	96	0.7%	1,253	0.5%	51,186	0.6%
Native Hawaiian and Other Pacific Islander	8	0.1%	342	0.1%	3,533	0.0%
Other	1,741	11.8%	27,192	9.9%	1,048,641	11.3%
Two or More Races	1,564	10.6%	25,648	9.3%	903,494	9.7%
Hispanic or Latino	3,517	23.9%	53,713	19.6%	2,002,575	21.6%
Age						
25-64	7,525	51.2%	140,922	51.3%	4,927,277	53.0%
65+	2,750	18.7%	51,975	18.9%	1,531,299	16.5%
Median Age	41.4	n/a	42.5	n/a	39.9	n/a

Housing Analysis

The most recent data available from the ACS 5 year estimates reflects the total year-round housing units of 5,705, of which 71.3% are owner occupied and 28.7% are rental units. Over 47% of all households are married couples and 28% are single-female households. The Town also has over 2% of their households in Group Quarters. The median housing value is \$324,200 and the median gross rent is \$1,375.

Hammonton Housing Units by Tenant and Occupancy Status						
Year Round Housing Units			Owner-occupied		Rental	
Occupied	Vacant	Total	No.	%	No.	%
5,705	440	6,145	4,070	71.3%	1,635	28.7%
Source: ACS 2023 5-year estimates						

Summary of Household Characteristics - Hammonton		
	No. of Persons	% of Total
Total Population	14,711	
In Households	14,391	97.82%
In Group Quarters	320	2.18%
Institutionalized	238	1.62%
Non-Institutionalized	82	0.56%
Total Households	5,456	
Married Couple	2,585	47.38%
Cohabiting Couple	406	7.44%
Single Male	936	17.16%
Single Female	1,529	28.02%
Source: 2020 Census		

Selected Housing or Housing Related Characteristics (Occupied Units)					
	Median Value Housing (owner-occupied)	Median Gross Rent	Median Household Income	Value Income Ratio	Rental Vacancy Rate
Hammonton	\$324,200	\$1,375	\$83,044	3.90	6.6%
Atlantic County	\$272,700	\$1,325	\$76,819	3.55	4.7%
Source: ACS 2023 5-year estimates					

Just over 68% of the Town's housing stock is single-family detached units with almost 9% of the housing stock containing two-units. The housing stock is older with 19% of the units constructed before 1939. More than 50% of the total housing stock is fifty years of age or older. In general, the housing stock has a median room count of 6.2 per unit and over 65% have 3 or more bedrooms per unit.

Housing Units by Number of Units in Structure		
Number of Units	Units	Percent of Total
1-unit, Detached	4,202	68.38%
1-unit, Attached	422	6.87%
2 units	525	8.54%
3 or 4 units	318	5.17%
5 to 9 units	292	4.75%
10 to 19 units	174	2.83%
20 or more units	207	3.37%
Mobile Home	5	0.08%
Other	-	0.00%
Total	6,145	
Source: ACS 2023 5-year estimates		

Housing Units by Age		
Year Built	Units	Percent of Total
2020 or later	-	0.00%
2010 to 2019	33	0.54%
2000 to 2009	961	15.64%
1990 to 1999	635	10.33%
1980 to 1989	502	8.17%
1970 to 1979	950	15.46%
1960 to 1969	810	13.18%
1950 to 1959	725	11.80%
1940 to 1949	360	5.86%
1939 or earlier	1,169	19.02%
Total	6,145	
Source: ACS 2023 5-year estimates		

Occupied Housing Units by Number of Rooms		
Rooms	Housing Units	Percent of Total Housing Units
1	11	0.2%
2	149	2.4%
3	364	5.9%
4	874	14.2%
5	880	14.3%
6	1,159	18.9%
7	926	15.1%
8	877	14.3%
9+	905	14.7%
Total	6,145	100.0%
Median Rooms	6.2	
Source: ACS 2023 5-year estimates		

Occupied Housing Units by Number of Bedrooms		
Bedrooms	Housing Units	Percent of Total Housing Units
No Bedrooms	11	0.2%
1-Bedroom	501	8.2%
2-Bedrooms	1,642	26.7%
3- Bedrooms	2,836	46.2%
4-Bedrooms	990	16.1%
5 + Bedrooms	165	2.7%
Total	6,145	100.0%
Source: ACS 2023 5-year estimates		

Estimated housing values show an estimated 18% of all housing units have values less than \$200,000, which would provide an opportunity for low- and moderate- income families. According to ACS 5 year estimates of the 5,705 occupied housing units in Hammonton, 54 units lack complete kitchen facilities, 22 units lack complete plumbing facilities, and 54 units are heated using wood sources. Units are not considered overcrowded, with no unit having more than 1.51 occupants per room.

Housing Value, Owner-Occupied Units		
Value	Housing Units	Percent of Total Housing Units
Less than \$50,000	23	0.6%
\$50,000 to \$99,999	9	0.2%
\$100,000 to \$149,999	189	4.6%
\$150,000 to \$199,999	506	12.4%
\$200,000 to \$299,999	1,027	25.2%
\$300,000 to \$499,999	1,766	43.4%
\$500,000 to \$999,999	522	12.8%
\$1,000,000 or more	28	0.7%
Total	4,070	100.0%
Median Housing Value	\$ 324,200	
Source: ACS 2023 5-year estimates		

Employment Analysis

The median household income in the Town is \$83,044, and the median family income is \$105,250. The poverty rate in the Town is 11% for all persons and 8% for families. This is less than the County. However, the Town reports a higher poverty rate for the percentage of persons over the age of 65 below the poverty level, at 21.8%, more than double the County rate.

Income Levels			
	Hammonton		
	Households	Families	Non-Family
Median Income	\$83,044	\$105,250	\$34,898
Mean Income	\$112,756	\$132,045	\$70,024
Source: ACS 2023 5-year estimates			

Percent Distribution Persons and Families below Poverty Level				
	Population Below Poverty Level			Families Below Poverty Line
	All Persons	% of All Persons 18+ Years of Age	% of All Persons 65 + Years of Age	
Hammonton	11.2%	30.6%	21.8%	7.9%
Atlantic County	13.1%	22.3%	10.0%	9.9%
New Jersey	9.8%	8.8%	9.5%	7.0%
Source: ACS 2023 5-year estimates				

Affordable housing units are required to be priced to be affordable to low- and moderate-income families within the specified housing region where the municipality is located. Hammonton is located within Region 6 for the purposes of determining housing affordability. Income limits for households ranging from 1 person to 5 persons range from a household income of \$20,655, for a one-person, low-

income family up to an income of \$84,983, for a 5-person, moderate income household. Household income reported in the Town includes 38% of households with incomes which would fall into the affordable housing income levels.

Household Income (2023 Inflation Adjusted Dollars)	
	Hammonton Households
Total Households	5,705
Less than \$10,000	4.3%
10,000 - 14,999	4.8%
15,000 - 24,999	3.6%
25,000-34,999	12.4%
35,000 - 49,999	11.8%
50,000 - 74,999	10.1%
75,000 - 99,999	10.6%
100,000 - 149,999	15.3%
150,000 - 199,999	10.6%
200,000 +	16.6%
Source: ACS 2023 5-year estimates	

2024 Affordable Housing Region 6 Income Limits					
	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household
Median Income	\$ 68,852	\$ 78,688	\$ 88,524	\$ 98,360	\$ 106,228
Moderate Income(80% of Median)	\$ 55,081	\$ 62,950	\$ 70,819	\$ 78,688	\$ 84,983
Low Income (50% of Median)	\$ 34,426	\$ 39,344	\$ 44,262	\$ 49,180	\$ 53,114
Very Low Income (30% of Median)	\$ 20,655	\$ 23,606	\$ 26,557	\$ 29,508	\$ 31,868
Source: Affordable Housing Professionals of NJ, April 12, 2024					

Of the population over the age of 16, 65% are in the labor force and 60% are employed. The fields of educational services, and health care/social assistance employs 28% of the population. Over 36% of the employed population work in management, business, science and arts.

EMPLOYMENT STATUS		
	Total	Percent of Population 16 Years and Over
Population 16 years and Over	12,187	100%
In Labor Force	7,963	65.34%
Civilian Labor Force	7,942	65.17%
Employed	7308	59.97%
Unemployed	634	5.20%
Armed Forces	21	0.17%
Not In Labor Force	4,224	34.66%

Employment by Industry, Civilian Employed population 16 years and over		
Occupation	No. Persons	%
Agriculture, Forestry, Fishing and Hunting, and Mining	241	3.30%
Construction	284	3.89%
Manufacturing	537	7.35%
Wholesale Trade	58	0.79%
Retail Trade	853	11.67%
Transportation and Warehousing, Utilities	500	6.84%
Information	115	1.57%
Finance and Insurance, and Real Estate and Rental and Leasing	258	3.53%
Professional, Scientific, and Management, and Administrative and Waste Management Services	1,040	14.23%
Educational Services, and Health Care and Social Assistance	2,038	27.89%
Arts, Entertainment, and Recreation, and Accommodation and Food Services	759	10.39%
Other Services, except Public Administration	332	4.54%
Public Administration	293	4.01%
Total	7,308	100%
Source: ACS 2023 5-year estimates		

Employment by Occupation Civilian Employed population 16 years and over		
Occupation	No. Persons	%
Management, Business, Science, and Arts	2,687	36.77%
Service	1,805	24.70%
Sales and Office	1,195	16.35%
Natural Resources, Construction and Maintenance	689	9.43%
Production, Transportation & Material Moving	932	12.75%
Total	7,308	100%
Source: ACS 2023 5-year estimates		

Affordable Housing Obligation

A municipality's affordable housing obligation is spread across different time periods. The most current obligation is related to the Fourth-Round. However, a municipality must also address any prior affordable housing obligations if they have not already been fully satisfied. The following reviews all components of Hammonton's affordable housing obligation beginning in 1987 and extending through 2035.

The following table identifies the Municipality's comprehensive affordable housing obligation:

Present Need/Rehab Obligation	64
Prior Round (1987-1999)	257
Round 3 Settlement (1999-2025)	384
Round 4 (DCA Calculations 2025-2035)	49
Total Obligation (New Units)	690

Present Need / Rehabilitation Component

The Present Need/Rehabilitation obligation is determined by estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, 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. This figure was calculated by the Department of Community Affairs ("DCA") based upon its interpretation of the standards of the Amended FHA. The municipality's rehabilitation obligation is **64**.

Prior Round Component

The Prior Round obligation is the Town's cumulative Round 1 and 2 affordable housing obligation for the years between 1987 and 1999. The municipality's Prior Round obligation is **257**.

Round Three Component

Pursuant to a settlement agreement dated April 30, 2018, by and between Hammonton and Fair Share Housing Center, the Town's Third Round affordable housing obligation is **384** (per the Kinsey Report², as adjusted by FSHC settlement agreement, including the "Gap Period" between 1999 and 2015). The Round 3 Prospective Need includes the so-called "Gap Period Present Need," which is a measure of households formed from 1999-2015 that need affordable housing, created by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).

Round Four Component

The Fourth-Round affordable housing obligation extends from 2025 through 2035. This is considered the current Prospective Need, which is a projection of housing needs based on development and growth which is reasonably likely to occur in a municipality. The Fourth Round prospective need was determined pursuant to methodology adopted by the state pursuant to the Fair Housing Act as amended in 2024.

² David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, July 2015.

On October 18, 2024, the Department of Community Affairs (“DCA”) issued a report estimating the Fourth-Round affordable housing obligations for all municipalities based upon its interpretation of the standards of the Amended FHA. The Town of Hammonton adopted a binding resolution #32-2025 on January 27, 2025, committing to the DCA Fourth Round Prospective Need (New Construction) Obligation of **49**.

Vacant Land Adjustment

Hammonton’s Court-approved Third-Round Settlement Agreement included a Vacant Land Adjustment (“VLA”) due to the lack of sufficient vacant, suitable land to fully-satisfy its Prospective Need obligations. A VLA requires an inventory of vacant parcels. The municipality may exclude vacant contiguous parcels if they would accommodate less than five (5) dwelling units utilizing Court-approved presumptive density of six (6) units per acre. Additionally, the municipality may eliminate sites that are environmentally sensitive (as defined under N.J.A.C. 5:93-4.2(e)2); active recreational lands; conservation, parklands and open space.

After accounting for exclusions, the available land area with a realistic development potential of five or more units was compiled to determine the Town’s Realistic Development Potential (“RDP”.) By presuming a development density of 6 units per acre with a 20% affordable housing set-aside, the vacant, suitable acres in the Town create a Realistic Development Potential (“RDP”) of 276 units.

In accordance with the 2024 amendments to the FHA, the Town has prepared an updated VLA which identifies any new vacant contiguous parcels of land in private ownership which are of a size that would be suitable to accommodate five or more housing units. The municipality utilized the zoning density of 6 units per acre to determine if the site was suitable for development and contributing to their RDP. This

density is higher than the density of many of the Town’s residential zoning districts which are governed by the Pinelands CMP. This updated analysis maintains a density of 6 units per acre in the Town, due to the Court’s prior approval of this density in the Town’s Third Round Final Judgment of Compliance and Repose, dated August 31, 2018.³ No significant changes in density have occurred within the Town since the Court’s approval of the 6 units per acre presumptive density. A review of all vacant parcels as of March, 2025 were compiled and compared to those identified in the 2018 VLA. There were 13 new vacant parcels identified which would add to the Town’s RDP. The following table identifies all newly identified vacant properties.

FOURTH ROUND UPDATED VACANT LAND ASSESSMENT								
BLOCK	LOT	ACRES	USEABLE ACRES	TOTAL UNITS (6 UNITS / ACRE)	RDP USING 20% SET-ASIDE	PROPERTY ADDRESS	ZONING	NOTES
303	8	7.70	1.3	8	1.6	463 N 2ND RD	Split AP/RR	Impacted by Wetlands and Buffers
903	22	13.37	4	24	4.8	760-764 N 1ST RD	Split AP/RR	Impacted by Wetlands and Buffers
1001	58	9.94	1.5	9	1.8	609 13TH ST	Split AP/RR	
1502	56	3.20	2.2	13	2.6	820 S 1ST RD	RR	Impacted by Wetlands and Buffers
1709	28	5.74	5.74	34	6.9	828 N CHEW RD	RR	
1709	28.01	1.01	1.01	6	1.2	820 N CHEW RD	RR	
1709	28.02	1.01	1.01	6	1.2	814 N CHEW RD	RR	
1803	15	1.38	1.38	8	1.7	525 WALNUT ST	RR	
3403	36.01	1.39	1.39	8	1.7	34 CARA LN	R1	
3715	24.07	0.99	0.99	6	1.2	589 9TH ST	R3	
3715	24.08	0.97	0.97	6	1.2	543 9TH ST	R3	
4012	22	4.94	4.94	30	5.9	809 S 1ST RD	RR	
4501	40	0.98	0.98	6	1.2	237 N WHITE HORSE PK	HB	
TOTALS		52.61	27.41	164	33			

In preparing the VLA Analysis, the focus was on those properties within the Pinelands Town Management Area, as all other areas are not accessible to sewer and are in preservation/conservation management areas under the CMP. This is consistent with the analysis completed in 2018. Different from the 2018 analysis is the implementation of a durational adjustment for the lots contributing to RDP. While sewer infrastructure remains a concern as was provided for in 2018, the properties shown as contributing were not impacted by inaccessibility to sewer infrastructure.

³ In accordance with the 2024 FHA amendments, N.J.S.A. 52:27D-310.1.1.c – vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five dwelling units based on appropriate standards pertaining to housing density. The Town utilized a density of 6 units per acre as was utilized in their Round-Three VLA. This is higher than the permitted density in many of the Town’s residential zoning district, all of which are controlled by the Pineland CMP.

Land Use Analysis

The municipality has conducted an exhaustive review of all available vacant and underutilized parcels through their approved Vacant Land Adjustment. Hammonton has given consideration to those sites which would be suitable for affordable housing purposes. The Town has worked with developers to provide affordable housing opportunities on various parcels as identified in their Third-Round Plan. The Town will continue to be proactive in identifying properties which are suited to new affordable housing developments.

The Town continues to look for opportunities to address their affordable housing obligations and has recently entered into a Memorandum of Understanding with a developer to create a new affordable housing inclusionary development consisting of 36 affordable family rental units. This property is located within the Town's Gateway District Boulevard (GW-2) and Residential (R-3) zoning districts. The parcels, Block 4604, Lots 15, 21, 22, 26, 27 and 28, have been previously determined to be in need of rehabilitation.

Multigenerational Family Housing Analysis

In 2021 the FHA was amended to require 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. Currently, there are no recommendations published from the Commission. The duties of the commission are:

“To prepare and adopt recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas.”

A review of 2020 Census data shows that 4% of the occupied housing units in the Town contain three plus generations of families. Hammonton is an older farming community and recognizes the needs of older residents who want to age in place or continue to live independently in the municipality where they raised their families. The Town has created opportunities for new age-restricted apartment housing with affordable housing units. The Town ordinances do not prohibit the creation of extra living space for family members, provided they are part of the same housekeeping unit.

Regional Planning Analysis

The Office of Planning Advocacy and the State Planning Commission are currently in the process of Cross Acceptance to adopt the 2024 State Development and Redevelopment Plan (SDRP). This is the first update to the 2001 SDRP. In both the 2001 and 2024 SDRP the Town of Hammonton is completely within the Pinelands Management Area and subject to the Pinelands Comprehensive Management Plan (CMP). The NJ SDRP recognizes and relies upon the planning areas and goals of the Pinelands Protection Act and the CMP. Based on the Pinelands Management Areas in Hammonton, only the Pinelands Town areas are intended for development and public sewer infrastructure. The total land area within the Pinelands Town in Hammonton accounts for 26% of the total municipality, at approximately 6,911 acres.

The Pinelands Town area is in the center of the municipality extending along State Highway Route 30 and Route 54. Development is encouraged in the Pinelands Town Planning Area with permissive residential densities ranging from two to four homes per acre where public water and sewer are available. The remainder of the Town is located within Pinelands Preservation and Forest Areas (38%) and Agricultural Production Areas (35%). The focus of the Preservation and Forest Areas is to preserve open space and forested areas with limited development. The focus of the Agricultural Production areas is to preserve farming and rural environment. Residential development is permitted at one unit per ten-acres for farm related uses and one unit per forty acres for non-agricultural residential uses.

FAIR SHARE PLAN

A Fair Share Plan (FSP) is prepared to address how a municipality intends to meet their constitutional affordable housing obligations. The FSP identifies the affordable housing obligations, projects that have been completed, proposed mechanisms to meet the affordable housing obligations, and addresses the requirements of the FHA and affordable housing regulations applicable to each set of obligations, including N.J.A.C. 5:93 and N.J.A.C. 5:80 where applicable.

Affordability Requirements

Affordable housing is defined under New Jersey's Fair Housing Act as a dwelling, either for sale or rent that is within the financial means of households of low or moderate income as income is measured within each housing region. The Town of Hammonton is in Region 6, which includes Atlantic, Cape May, Cumberland and Salem 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. As required by the amended FHA (Roberts bill), there is also included a very low-income category, which is defined as households earning 30% or less of the regional median income.

Through the Uniform Housing Affordability Controls (hereinafter “UHAC”) at N.J.A.C. 5:80-26.3(d) and (e), which were amended by “emergency” in December 2024, the maximum rent for a qualified unit be affordable to households that earn no more than 60% of the median income for the region. The average rent must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable to households that earn no more than 70% of the median income. The average sale price must be affordable to a household that earns no more than 55% of the median income.

The regional median income is defined using the federal Department of Housing and Urban Development (“HUD”) income limits on an annual basis. In the spring of each year HUD releases updated regional income limits. It is from these income limits that the rents and sale prices for affordable units are derived. These figures are updated annually.

Affordable Housing Plan

The following amends in part Hammonton’s approved Third Round Plan and incorporates provisions to address the Hammonton’s new Fourth-Round obligations.

Rehabilitation Obligation/Present Need:

The Town’s Present Need obligation is **64-units**. As it did in its Court-approved Third-Round plan, the Town’s rehabilitation obligation is being addressed through the Atlantic County Improvement Authority (“ACIA”) through their “Owner Occupied Housing Rehabilitation Program.” The ACIA uses federal Community

Development Block Grant (hereinafter “CDBG”) funds as well as prior rehabilitation funds paid back at the time of a home sale to operate a county-wide housing rehabilitation program. This program provides deferred loans for property owners that meet the required income limits. To qualify property owners must also demonstrate that the home is properly insured and the municipal taxes are paid up to the current quarter. The program requires that a household’s income not exceed 80% of the median income for Atlantic County in accordance with HUD published Section 8 income guidelines. If qualified a homeowner can use a deferred loan for basic rehabilitation needs including plumbing, heating, electric, roof, windows, doors, insulation and exterior repair and painting.

From April of 2010 through December of 2024, the ACIA in cooperation with the Town of Hammonton had rehabilitated twelve (12) units within the Town. The Town’s Fourth-Round rehabilitation obligation will be handled through the continued participation in the County-wide program. The Town has an Affordable Housing Trust Fund, if the ACIA program does not provide for the full rehabilitation obligation the Town will use the AHTF to rehabilitate units. A list of all units which were rehabilitated from 2010 through 2024 is included in the Appendix.

Prior Round:

As set forth above, Hammonton has addressed its Prior Round (1987-1999) obligation of **257** as per the Town’s Third-Round-Court-approved settlement agreement with FSHC, and its Third Round HEFSP, which resulted in a Final JOR dated August 31, 2018.

Bonus credits are permitted for rental units, up to 25% of the municipality’s Prior Round obligation in accordance with N.J.A.C. 5:93-5.15(a). As such Hammonton is permitted to take a bonus credit for a maximum of 65 credits. Additionally, in

accordance with N.J.A.C. 5:93-5.14(a)1, the municipality is permitted to include up to 25% of the total Prior Round obligation (less prior cycle credits) as age-restricted housing units, for a maximum of 65 units.

The Town is amending their Court-approved prior round components to move the M2-A overlay zoning to Unmet Need in the Third-Round and providing for 18 age-restricted rental units which have been completed through the White Horse HMT Urban Renewal project on the White Horse Pike.

The following Table summarizes the Prior Round Obligation Components as approved in the Town's 2018 Final JOR and as amended herein:

Hammonton's Prior Round Plan Obligation – 257	Rental	Senior	Family	Units	Bonus Credits	Total Credits
<i>Existing Credits</i>						
Silver Terrace Apartments	x	x		38		38
Plymouth Place	x		x	111	65	176
<i>Inclusionary Development Credits</i>						
MMG Main Stret	x		x	8		8
<i>100% Affordable</i>						
White Horse HMT Urban Renewal	x	x		18		18
<i>Special Needs Housing Credits</i>						
Hammonton Manor	x	x		9		9
ARC I Group Home	x		x	4		4
ARC II Group Home	x		x	3		3
CIBC Foundation/Gwynedd)	x		x	1		1
Total				192	65	257

Third Round:

Pursuant to the FSHC agreement and 2018 Final JOR referenced above, the municipality's Third Round affordable housing obligation is **384**. The Third Round Prospective Need includes the so-called "Gap Period Present Need," which is a measure of households formed from 1999-2015 that need affordable housing, created by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).

Hammonton prepared a Vacant Land Adjustment in their Court approved Third-Round plan which created an RDP of 276 and an Unmet Need of 108. The Town's RDP was further reduced to 116 through a durational adjustment due to lack of sewer infrastructure. The Court-approved Third-Round Plan provided for an adjusted **RDP of 116** with a **durationally adjusted need of 160** and an **unmet need of 108**.

Bonus credits are permitted for rental units up to 25% of the Town's RDP in accordance with N.J.A.C. 5:93-5.15(a). As such Hammonton is permitted to take a bonus credit for a maximum of 29 credits. Additionally, in accordance with N.J.A.C. 5:93-5.14(a)2, Hammonton is permitted to include up to 25% of the RDP as age-restricted housing units, for a maximum of 29 units⁴.

The Town has granted approvals for the Trocki site (Hammonton Gardens) in 2022, which provided for a total of 13 affordable family rental units. The 2018 plan provided for only 3 units from this property. The plan is being updated to address the increase of approved units on this site. Additionally, the plan will reallocate units

⁴ Silver Terrace is an age-restricted development providing for 37 credits. Under the regulations only 29 age-restricted units may be credited (25% of RDP) however the court-approved plan provided for 37 age-restricted credits. This is in part due to the eventual requirement to meet the durationally adjusted RDP which would permit up to 69 age-restricted units.

to address the Bee Settlement and Market to Affordable Program which has not been fully realized.

The following table addresses how the municipality will satisfy their Third-Round RDP obligation, amending the components of the approved plan in Hammonton's 2018 Final JOR:

Hammonton's Third Round Prospective Need Plan RDP – 116	Rental	Senior	Family	Units	Bonus Credits	Total Credits
<i>Existing Credits</i>						
Plymouth Place	x		x	17	17	17
<i>Extension of Controls</i>						
Silver Terrace	x	x		37		37
<i>Inclusionary Development</i>						
Block 4604 Redevelopment	x		x	18		18
Trocki Site – Hammonton Gardens	x		x	13	10	23
<i>Special Needs Housing Credits</i>						
CIBC Foundation (Gwynedd)	x		x	2	2	2
Total				87	29	116

The Town will continue to address their Unmet Need as provided for in their Court-approved Third-Round Fair Share Plan but also proposes to include excess age-restricted units which have been completed along the White Horse Pike. The following table provides for the mechanisms to satisfy the Town's Unmet Need:

Hammonton's Third Round Prospective Need Plan Durationally Adjusted and Unmet Need - 268	Rental	Senior	Family	Units	Bonus Credits	Total Credits
<i>Inclusionary Zoning</i>						
Block 2608, Lots 1 & 2			x	9		9
Block 2902, Lot 12			x	4		4
M2A Zone	x	x		18		18
Downtown Zoning Ordinance			x	Varies		Varies
<i>100% Affordable Housing</i>						
White Horse HMT Urban Renewal	x	x		129		129
<i>Special Needs Housing Credits</i>						
New Group Home	x		x	4		4
ARC III	x		x	4		4
Bee Group Home	x		x	8		8
<i>Municipally Sponsored</i>						
Market to Affordable	x		x	5		5
Market to Affordable (Bee)	x		x	7		7
Total				188		188

Fourth Round Prospective Need:

The Department of Community Affairs (DCA) for the State of New Jersey has calculated proposed new affordable housing obligations for each municipality for Round 4 (2025 through 2035). Hammonton's Fourth Round affordable housing obligation is **49**.

The Town has an approved Vacant Land Adjustment in their Court approved Third-Round plan which created a durationally adjusted RDP of 116. A review of the 2025 tax records identified 13 new vacant parcels, which were of sufficient size to create an RDP. As such, the Town's Fourth-Round **RDP is 33 with an Unmet Need of 16**.

The 2024 FHA amendments increased the allowable age-restricted units to 30% of the RDP, for a maximum of **10 units**. The Town will utilize units from the White Horse HMT Urban Renewal project to provide for age-restricted affordable rental units.

When a Fourth-Round plan includes a VLA, the components of the Fair Share Plan are required to include an identification of parcels which are likely to redevelop over the next ten years which would provide for up to 25% of the Town's Fourth-Round RDP (N.J.S.A. 52:27D-310.1). This would require a total of **8 credits** as the Town's Fourth-Round RDP is 33. The Town has provided for a total of 33 credits in the Fourth-Round plan satisfying this requirement.

The amendments to the FHA for a Fourth-Round plan require a municipality provide 50% of actual affordable units, exclusive of any bonus credits, available to families with children, for a total of **16 units**⁵. Additionally, at least 25% of actual units, exclusive of bonuses, are required to be rental units for a total of **8 units**, of which of which 50% of the rental units, or **4 units**, to be available to families with children. (N.J.S.A. 52:27D-311.1) The Town proposes to satisfy the family rental requirement through the proposed inclusionary development on Block 4604.

The 2024 amendments to the FHA included a new component for "Transitional Housing" which can account for up to 10% of a Fourth-Round obligation. Is licensed by the department (DCA). Within the Town there is a licensed inpatient substance abuse treatment facility operating in the former Kessler Hospital. The facility is licensed and provides for 100 beds, of which 4 beds will go to the Fourth-Round obligation.

⁵ The Town's Fourth-Round RDP obligation is 33, which is permitted to include 8 bonus credits. The Town will utilize 1 bonus credit, therefore a total of 32 actual units are required to be provided in the Plan.

The following table addresses Fourth-Round credits which will address the Town's Fourth-Round RDP.

Hammonton's Fourth Round Prospective Need Plan RDP – 33	Rental	Senior	Family	Units	Bonus Credits	Total Credits
<i>Transitional Housing</i>						
Pyramid Healthcare	x		x	4		4
<i>100% Housing Development</i>						
White Horse HMT Urban Renewal	x	x		10	1	11
<i>Inclusionary Development</i>						
Block 4604 Redevelopment	x		x	18		18
Total				32	1	33

Bonus credits are permitted for units in the Fourth Round. With an obligation of 49, the Town may utilize 12 bonus credits. In accordance with the amended FHA under N.J.S.A. 52:27D-311.k(4) the Town is utilizing one (1) bonus credit from the White Horse HMT Urban Renewal project which converted a former Econo Lodge Hotel into an age-restricted affordable housing development. The bonus credits for age-restricted units are capped at 10% of the total age-restricted units provided, limiting this bonus to one credit. The Town reserves the right to apply bonus credits in the future if they become available.

The following table addresses Fourth-Round credits which will address the Town's Fourth-Round Unmet Need obligation of 16.

Hammonton's Fourth Round Prospective Need Plan Unmet Need - 16	Rental	Senior	Family	Units	Bonus Credits	Total Credits
<i>Transitional Housing</i>						
Pyramid Healthcare	x		x	2		2
<i>100% Housing Development</i>						
White Horse HMT Urban Renewal	x	x		5		5
<i>Inclusionary Development</i>						
Mandatory Set-aside Ordinance			x	varies		varies
Total				7		7

Unfulfilled Prior Round (1987 through 2025)

The mechanisms identified in Hammonton's Court approved FSP plan included several components which were not completed. A portion of these remain viable and are discussed below, however changes to the market have impacted other components.

M2A Zone (Prior Round)- 18 Credits

The M2A site was in Hammonton's certified Prior-Round Plan and proposed as a 100 percent affordable housing site. The Court-approved Third-Round Plan amended this site to an inclusionary site. The M2A zoning remains in effect for Block 2605, Lot 1.

All land in Hammonton is located in the Pinelands Area, and thus regulated under the Pinelands Comprehensive Management Plan (CMP). The M2A site is in a higher density Pinelands Town Management area which permits the proposed density of 10 units per acre. According to the Town's Engineer, the site has access to water and sewer, as do the adjacent streets, that could be extended into the property.

The site was zoned as an inclusionary site with a 20-percent set-aside for affordable housing. This plan proposes to relocate this site to the Town's Third-Round unmet need and replace it with the approved development from Hammonton Gardens.

Trocki Site – Hammonton Gardens – 13 units

The ordinance for the Trocki site was introduced on November 21, 2016 and adopted on December 19, 2016. The ordinance established the Inclusionary Development Zone (IDZ) that would result in three affordable family rental units. The Land Use Board approved the development plan for Block 1201, Lots 5 & 5.01 in 2022 for a total of 84 new units with a 15% affordable housing set-aside. This provides for thirteen (13) affordable family rental units. The site development has not been started; however, the approval remains valid and outside agency approvals have been issued for Treatment Works and Water in 2024. A copy of the approving resolution and outside agency approvals are included in the Appendix of this report.

Arc (Third Round) – 4 credits

The ARC of Atlantic County had agreed to provide a four-bedroom group home to come online in 2020. At an agreed upon per bedroom subsidy of \$40,000, Hammonton was to fund the group home via its affordable housing trust fund and/or municipal budget and/or bonding. Unfortunately, this Group Home was never constructed or realized. The Town will continue to pursue another group home using the AHTF, however this component will be relocated to the Third-Round Unmet Need obligation.

Market to Affordable (Third Round) – 5 credits

Hammonton entered into a contract with TRIAD Associates, an experienced administrative agency, to administer five Market to Affordable family rental units. The funding for these units was to come from either the affordable housing trust fund

and/or municipal budget and/or bonding. The units were to be implemented one per year beginning in 2019 with the last unit in 2023. Since adoption of the Town's Third-Round plan the total funds deposited into the AHTF have not provided for the funds necessary to fund this program. The Town will continue to utilize market to affordable opportunities to meet their obligation as funds are realized. This plan has reallocated these credits to the Third-Round Unmet Need obligation.

New Group Home (Third Round) – 4 credits

Hammonton proposed a new group home containing four bedrooms in an existing home in Town. Hammonton was to contract with an experienced provider to have a new group home on line no later than 2022. The group home was to be funded through either the affordable housing trust fund and/or municipal budget and/or bonding. Unfortunately, this Group Home was never constructed or realized. The Town will continue to pursue another group home using the AHTF, however this component will be relocated to the Third-Round Unmet Need obligation.

Elements Satisfying Obligation

MMG Main Street (Prior Round) – 8 units

Hammonton rezoned approximately 7.5 acres adjacent to the Plymouth Place development, Block 4801, Lots 5, 6 and 6.01, known as MMG-Main Street site, to provide for six (6) units per acre with a 20-percent set-aside for affordable housing. An approval was granted in 2016, and construction has been completed for the development. The site provides for 42 family rental units of which 8 are affordable as low- and moderate-income family rental units. The controls on affordability are included in the Appendix of this Plan.

Bee Settlement (Third Round) – 15 credits

The National Institute for Brownfields Redevelopment (NIBR) sued Hammonton for exclusionary zoning and reached an agreement in 2011. The agreement is detailed in a Limited Compliance Plan, Amendment to Fair Share Plan, dated January 10, 2011. The settlement stated that NIBR would provide the applicable affordable housing set-aside for the development of 59 market-rate housing units. To realize the 15 affordable units, NIBR would provide an in-lieu contribution of \$40,000 per unit for a total contribution of \$600,000.

The property subject to the settlement was approved for development in 2024. The developer is providing the required in-lieu contribution as provided for in the settlement agreement. The Town has not received any payments as of the date of this plan, but expects payments to begin later in 2025.

The in-lieu payments were expected to fund a market to affordable program and housing for special needs population. The following outlines the terms of the phasing that was Court-approved:

- Within three months of the Town's receiving the initial \$200,000 of the total \$600,000 contribution, Hammonton will produce five affordable housing units through any combination of an approved contract with an experienced group home provider or an approved contract with a market-rate apartment owner. A contract with a group home provider will require closing on a suitable residential dwelling(s) within four months of the Town's approval of the contract.
- Within three months of the Town's receiving the \$400,000 contribution, Hammonton will produce five additional affordable housing units (resulting in a total of 10 affordable units) through any combination of an approved contract with a market-rate apartment owner or a contract with a group home provider. The contract with the group home provider will require closing on a suitable residential dwelling(s) within four months of the Town's approval of the contract.
- Within three months of the Town receiving the total \$600,000 contribution, Hammonton will produce five additional affordable housing units (resulting in a total of 15 affordable units) through any combination of an approved

contract with a market-rate apartment owner or a contract with a group home provider. The contract with the group home provider will require closing on a suitable residential dwelling(s) within four months of the Town's approval of the contract.

Given the changes to the market, the \$600,000 of in-lieu payments may not provide for the 15 affordable housing unit credits as originally anticipated. The Town will use the funds to provide for a combination of special needs housing and market to affordable units. The timing as provided for above will be adhered with, to the extent possible. All funds deposited with the Town will be allocated in the approved Spending Plan to provide for the units as described above. This component will be moved to the Unmet Need for the Third-Round.

White Horse HMT Urban Renewal – 162 credits

This site was approved by the Land Use Board in 2019 for a 162-unit affordable assisted living residence. The property consists of Block 3904, Lots 39 and 40 along the White Horse Pike. The development converted a former Econo Lodge Hotel into an affordable housing development. The site has been completed and is fully occupied. Copies of the restrictions for the affordability controls are included in the Appendix.

New Redevelopment Site – 36 units

The Town of Hammonton recently entered into a Memorandum of Understanding with a developer to create an inclusionary zoning opportunity for up to 36 affordable family rental units. The property is located within the Town's Gateway District Boulevard (GW-2) and Residential (R3) zoning districts. Consisting of Block 4604, Lots 15, 21, 22, 26, 27 and 28, the site contains approximately 48.5 acres of land. The proposed development is anticipated to include 102 single-family residential units, 40 townhouse units and 36 affordable rental units, for a total of 178 units with a 20% affordable housing set-aside.

The site is suitable for development as it is located within a Pinelands Town area and has access to sewer and water infrastructure. The property is free of environmental constraints sufficient to permit the proposed residential development. The site is accessible to public transportation. The site development as proposed is approvable under the New Jersey Redevelopment Statute.

Pyramid Health – 6 credits

The 2024 amendments to the FHA included a new component for “Transitional Housing” which can account for up to 10% of a Fourth-Round obligation. The FHA defines “Transitional Housing,” which qualify for affordable housing credits. The term means temporary housing which meets the following criteria:

- Includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements;
- Provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing;
- Is licensed by the department (DCA); and
- Allows households to remain for a minimum of six months.

Within the Town there is a licensed inpatient substance abuse treatment facility operating in the former Kessler Hospital on Block 3801, Lot 73 in the HB zone. The facility is licensed by the State Department of Community Affairs and provides for 100 beds, of which 4 beds will go to the Fourth-Round RDP obligation and 2 will go to the Unmet Need obligation. A copy of the license is included in the Appendix.

Elements Satisfying Third Round Unmet Need

In accordance with the Court-approved Third-Round Plan the Town proposed four mechanisms to provide for their unmet need. These are summarized below. As of the date of this plan, these mechanisms have not created any new affordable housing units.

Block 2608, Lots 1 & 2

Lot 1 is owned by the Town of Hammonton and Lot 2 is privately owned by John E. and Angeline M. Jacobs of Hammonton. Together the lots total 2.84 acres of land area with clear title and no encumbrances. Mr. Jacob's has discussed purchasing Lot 1 from the Town to be included in a Redevelopment Plan. The lots area approvable in that they will be the focus of a Redevelopment Plan for inclusionary rental development at a minimum of 22 units per acre with a 15 percent affordable housing set-aside. The lots are developable as they have access to public water and sewer along the Washington Street frontage. The lots are suitable in that they are in one of the downtown districts surrounded by residential and commercial uses. Lot 1 has access from Washington Street and 11th Street, while Lot 2 has access from Washington Street.

The Town did prepare and adopt a redevelopment designation for this property. The Town is continuing to look for a redeveloper of the property which provides for a viable redevelopment of the site. The Town did review two presentations for the site, both of which exceeded the 22 units per acre and/or provided for age-restricted housing. As the Town has met their quota for affordable age-restricted housing they have not finalized the future redevelopment of this site.

Block 2902, Lot 12

This parcel is owned by Hammonton and contains 1.28 acres of land area. The property is currently used as a highway garage that will be relocated. This site is approvable in that it will be the focus of a Redevelopment Plan for an inclusionary rental development at a minimum of 22 units per acre with a 15 percent set-aside. This site has clear title and is available. This site has access to public water and sewer. Finally, the site is suitable in that it is adjacent to residential uses and a nearby public works building. Access is from Egg Harbor Road.

The Town did prepare and adopt a redevelopment designation for this property. The Town is continuing to look for a redeveloper of the property which provides for a viable redevelopment of the site.

Downtown Zoning Ordinance

The Town has adopted downtown zoning in Ordinance Section 175-154.1 through 154.8. If any new multifamily residential development (including mixed-use development) are developed through this zoning, the set aside for rental developments will be 15 percent and the set aside for-sale development will be 20 percent. This provision will not require residential or mixed-use development in the downtown other than where it is already permitted.

Mandatory Set-aside ordinance

The Town adopted an ordinance requiring a mandatory affordable housing set aside for all new multifamily residential development of five or more dwelling units under Section 175-162 of the Development Ordinances on August 27, 2018.

Multifamily as used in this paragraph includes developments of units defined in Town Ordinance Section 175-10 as single family attached, multifamily, and mixed-use. For single family attached developments, the set-aside only applies to any developments of more than 10 dwelling units. The set-aside for rental development is 15 percent and the set-aside for sale development is 20 percent.

The ordinance does not apply to single family detached developments, for which there will be only a development fee required for developments of up to 10 dwellings and for which developments of more than 10 dwellings will be subject to the provisions of N.J.S.A. 52:27D-329.9. The provisions of this ordinance will not apply to residential expansions, additions, renovations, replacement, or any other type of single family attached or detached residential development that does not result in a net increase of more than 10 dwellings which is included in the Affordable Housing Ordinance.

Very Low-Income Units

Very Low-income housing is affordable to those households with a gross household income of 30% or less of the median gross household income in the region. In 2008 the FHA was amended to include a requirement that at least 13% of all affordable housing units be very low-income units⁶. The 2024 amendments to the FHA added a provision that at least half of the very low-income units be available to families with children. The Town is required to provide 13% of their total affordable housing units in their Third and Fourth-Round plans as very-low-income units. With a Third-Round RDP of 116 and a Fourth-Round RDP of 33, the total very low-income units required are 19.

⁶ Assembly Bill A-500 adopted in 2008, also known as the Roberts Bill, created a new definition for very low-income units and a requirement that 13% of all affordable units be made available to very low-income households.

These units will be provided in the various components of the plan elements. In the Third-Round 15 units are required and will include some of the group home bedrooms and existing units. In the Fourth-Round 4 units are required which will be addressed in the existing age-restricted development along the White Horse Pike with the 2 required family units within the new inclusionary zone project.

Phasing Plan for Affordable Housing Units⁷

The Town has 49 unbuilt units satisfying their Third and Fourth-Round RDP. The Unmet Need units will come online as the developments progress but are not included in the phasing schedule. The units are part of inclusionary developments and subject to market conditions. The Town anticipates that the identified projects in the RDP for both rounds will be developed in accordance with the following schedule:

Program	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Hammonton Gardens		4	4	5						
4604 Redevelopment		10	10	10	6					
Total		14	14	15	6	0	0	0	0	0

Bonus Provisions

For the Prior Round and Third-Round plan, in accordance with N.J.A.C. 5:93-5.15, the municipality intends to take bonus credits for up to 25% their total obligation as provided for in the Court-approved Third-Round plan. The projected rental bonus would account for up to 94 credits.

⁷ Phasing is estimated and may not reflect changes to market conditions which will impact the proposed developments.

Bonus credits are permitted for units in the Fourth-Round for those projects addressing the Town's RDP. With an RDP of 33, the Town is permitted to utilize 8 bonus credits under the Fourth-Round, however only one bonus credit is proposed in this plan.

The municipality reserves the right to apply additional bonus credits from units that become available as the unmet need is satisfied and they become eligible.

Affordable Housing Trust Fund

The Town of Hammonton adopted an affordable housing trust fund ordinance in accordance with affordable housing regulations for the purposes of funding affordable housing activities on June 17, 2002, under Ordinance 28-2002 and amended the same on August 26, 2002 by Ordinance 32-2002. As of May 31, 2024 the balance of the AHTF was \$145,516.83. A Spending Plan will be completed to provide for the expenditure of funds.

Cost Generation

Hammonton will provide for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings for projects involving affordable housing. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance and Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) The municipality shall comply with all requirements for unnecessary cost generating requirements under N.J.A.C. 5:93-10.

Monitoring

The Town of Hammonton shall complete all required annual monitoring reports for the municipality's Affordable Housing Trust Fund and of the affordable housing units and programs in accordance with the FHA regulations and requirements. In fact, the municipality has complied with all current AHMS reporting deadlines to date, as set forth in the Amended FHA. Hammonton's Municipal Housing Liaison has access to the AHMS and has been regularly inputting the required monitoring data as it becomes available.

Fair Share Ordinance and Affirmative Marketing

The Town of Hammonton on August 27, 2018 by ordinance 031-2018 and in accordance with the Town's Court approved Fair Share Plan, adopted an Affirmative Marketing and Fair Share Ordinance in accordance with N.J.A.C. 5:93 et seq., and UHAC at N.J.A.C. 5:80-26⁸. The Town's Fair Share Ordinance will govern the administration of affordable units in the Town as well as regulating the occupancy of such units. The Fair Share Ordinance covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and sales prices, affirmative marketing, income qualification and the like. The costs of advertising and affirmative marketing of the affordable units (including the contract with the Administrative Agent) shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Town.

⁸ At this time the State is in the process of amending the UHAC regulations and adopting new affordable housing regulations under proposed N.J.A.C. 5:99 which will potentially require amendments to the Municipal Housing Ordinances and Marketing Plan. At such time that these regulations become effective the ordinances will be amended as required by law.

The affirmative marketing plan is designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Town. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in Housing Region #6, consisting of Atlantic, Cape May, Cumberland and Salem counties.

The affirmative marketing plan includes regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance with N.J.A.C. 5:80-26. All newly created affordable units will comply with the affordability controls required by the FHA and UHAC. This plan must be adhered to by all private, non-profit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. The costs of implementing the affirmative marketing plan (i.e., the costs of advertising the availability of affordable units, contract with the Administrative Agent, etc.) are the responsibilities of the developers of the affordable units. This requirement will be included in the Town's fair share ordinances and shall be a condition of any municipal development approval.

Due to the HMFA's impending release of proposed amendments to UHAC in June or July 2025, the Town's Affordable Housing Ordinance will be amended and filed with the Program for review and approval once those regulations are adopted. If any changes to the Town's Court-approved Affirmative Marketing Plan, as amended to include new projects set forth in this FSP, are required, the Town shall amend the affirmative marketing plan to include any changes, if any are required, once the new UHAC regulations are adopted.

Conclusion

Hammonton is limited to where they can allow development based on the Pinelands CMP and the need for sewer infrastructure. This constraint has resulted in the Town preparing both a Vacant Land Adjustment and a Durational Adjustment in accordance with the FHA. There are limited remaining opportunities to create affordable housing in the Town, despite this, the Town proposes to meet its affordable housing obligations through various mechanisms as demonstrated herein. The Town also recognizes there is a need to provide future opportunities for affordable housing and has provided for set-aside ordinances to capture any future development opportunities.

*APPENDIX A - Order Fixing Municipal Obligation for “Present Need” and
“Prospective Need” for the Fourth Round Housing Cycle*

APPENDIX B – Hammonton Rehab Units

APPENDIX C(1) through (3) – Hammonton Gardens Approvals

APPENDIX D – MMG – Main Street Deed Restrictions (To Be Provided)

APPENDIX E – White Horse Renewal Deed Restrictions

APPENDIX F – Pyramid Health License (To Be Provided)

APPENDIX G – Block 4604 Redevelopment MOU

APPENDIX A

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE TOWNSHIP
OF HAMMONTON, ATLANTIC
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
ATLANTIC COUNTY
DOCKET NO. ATL-L-179-25

Civil Action

**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 28, 2025 (“DJ Complaint”) by the Petitioner, **TOWNSHIP OF HAMMONTON** (“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”);

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

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 **64** affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as **49** 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;

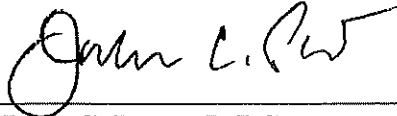
AND THE COURT, having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA's Fourth Round Report have been committed to by the Petitioner and are uncontested, 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 **64** affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as **49** 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 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:

A handwritten signature in black ink, appearing to read "John C. Porto", is written over a horizontal line.

Hon. John C. Porto, P.J.Cv.

☒ (X) Uncontested.

APPENDIX B

HOUSING UNITS REHABILITATED IN HAMMONTON FROM 04/01/2010 - 12/31/2024					
BLOCK	LOT	ADDRESS	COST	SYSTEMS REPAIRED	DATE
2709	40	421 Pratt Street	\$6,000	Structural work to porch/steps	8/31/10
3203	22	545 Peach Street	\$8,250	Heating	4/15/10
2812	7	230 Peach Street	\$24,900	Roof, Heating, Electrical	7/18/11
1102	44	221 12th Street	\$6,166	Septic Repairs	4/12/12
1102	37	775 12th Street	\$5,975	Roof	9/24/13
2908	4	420 Central Avenue	\$13,050	Roof, Weatherization, Electric	7/15/14
2513	3	9 Woodman Avenue	\$7,000	Roof/Trim	1/27/15
2201	63	562 N Fourth Street	\$6,637	Weatherization	6/22/15
3104	14	518 Pratt Street	\$7,865	Roof/Trim	6/22/15
5701	3	821 Middle Road	\$8,860	Emergency Roof	5/19/11
1001	52	567 13th Street	\$14,775	Roof	7/1/22
3401	6	130 S Liberty Street	\$13,590	Roof	11/7/24

APPENDIX C(1)

FITZGERALD McGROARTY

747 Shore Road

Linwood, New Jersey 08221

(609) 927-0015

Attorneys for Hammonton Joint Land Use Board

APPLICATION OF HAMMONTON : **HAMMONTON JOINT LAND**
GARDENS, LLC FOR PRELIMINARY AND : **USE BOARD**
FINAL MAJOR SITE PLAN APPROVAL :
FOR BLOCK 1201, LOTS 5 AND 5.01 : **APP. NO. 11-21PB**
: **DECISION AND RESOLUTION**

This matter having been heard by the Joint Land Use Board of the Town of Hammonton on June 15, 2022 and August 3, 2022, at its regular meetings at the Municipal Complex, 100 Central Avenue, Hammonton, New Jersey, 08037 and a hearing on the application having been conducted with a quorum present; and

WHEREAS, the Hammonton Joint Land Use Board has received and reviewed the following documents:

Sheet	Title	Prepared By	Dated	Revised
1 of 1	Application Cover Letter	Stephen R. Nehmad Nehmad, Davis & Goldstein	11/10/21	3/03/22
1 - 3	Development Review Application Form with Cover Letter Atlantic County Dept. of Regional Planning & Development	CherylLynn Walters, Esq. Nehmad, Davis & Goldstein	3/03/22	
1 - 5	Application for Joint Land Use Board	Unsigned	11/12/21	

1 of 1	Application Rider	Unsigned	11/3/21	
1 - 5	Preliminary Major Site Plan Checklist	Unsigned	Undated	
1-5	Final Major Site Plan Checklist	Unsigned	Undated	
1 -2	Waiver Request List	Unsigned	11/3/21	
1 of 1	Variance and Design Waiver List	Unsigned	3/03/22	
1 - 2	Site Photographs (4)	Unknown	Undated	
1 of 1	Affidavit of Applicant	Applicant	11/02/21	
1 of 1	Affidavit of Owner	Owner	11/02/21	
1 of 1	Corporate Disclosure Statement	Applicant	Undated	
1 of 1	Indemnification and Hold Harmless Agreement		11/02/21	
1 - 13	Hammonton Gardens Apartments Block 1201, Lots 5 & 5.01 Town of Hammonton	Duffy, Dolcy, McManus & Roesch		
1 of 1	Sheet No. 1 of 13, Cover Sheet	Thomas C. Roesch, PE, PP	3/05/21	2/24/22
1 of 1	Sheet No. 2, Topographic Boundary Survey	William P. McManus, PLS	3/05/21	2/24/22
1 of 1	Sheet No. 3, Site Plan	Thomas C. Roesch, PE, PP	3/05/21	2/24/22
1 of 1	Sheet No. 4, Grading, Drainage & Utility Plan	Thomas C. Roesch, PE, PP	3/05/21	2/24/22
1 of 1	Sheet No. 5, Landscape Plan	Thomas C. Roesch, PE, PP	3/05/21	2/24/22
1 of 1	Sheet 5A, Lighting Plan	Thomas C. Roesch, PE, PP	3/05/21	2/24/22

1 of 1	Sheet No. 6, Engineering Details I	Thomas C. Roesch, PE, PP	3/05/21	2/24/22
1 of 1	Sheet No. 7, Engineering Details II	Thomas C. Roesch, PE, PP	3/05/21	
1 of 1	Sheet No. 8, Engineering Details III	Thomas C. Roesch, PE, PP	3/05/21	
1 of 1	Sheet No. 9, Engineering Details IV	Thomas C. Roesch, PE, PP	3/05/21	
1 of 1	Sheet No. 10, Landscape & Lighting Details	Thomas C. Roesch, PE, PP	3/05/21	11/3/21
1 of 1	Sheet No. 11, Soil Erosion & Sediment Control Plan Details	Thomas C. Roesch, PE, PP	3/05/21	
1 of 1	Sheet No. 12, Soil Boring Logs	Thomas C. Roesch, PE, PP	3/05/21	
1 of 1	Drawing 1 of 2, Existing Drainage Area Map	Thomas C. Roesch, PE, PP	3/05/21	
1 of 1	Drawing 2 of 2, Proposed Drainage Area Map	Thomas C. Roesch, PE, PP	3/05/21	
1 of 1	Drainage Calculations for Hammonton Gardens Apartments	Thomas C. Roesch, PE, PP	3/05/21	
1 of 1	Stormwater Management Maintenance Plan	Thomas C. Roesch, PE, PP	3/05/21	
1 of 1	Drawing 1 of 2, Stormwater Management Maintenance Plan	Thomas C. Roesch, PE, PP	3/05/21	
1 of 1	Drawing 2 of 2, Stormwater Management Maintenance Details	Thomas C. Roesch, PE, PP	3/05/21	
1 - 6	Completeness Review #1 Response Letter	Thomas C. Roesch, PE, PP	3/03/21	

1 of 1	Proposed Apartment Complex - Architectural Plans	Michael W. Kolchins, Architect	12/20/20	
1 of 1	Sheet No. SK-1, 2 & 3 Bedroom Unit Mix and 2 Bedroom Unit Building Plans	Michael W. Kolchins, Architect	12/20/20	
1 of 1	Sheet No. SK-2, 1 Bed Unit Building Plan and Enlarged Typical Unit Plans	Michael W. Kolchins, Architect	12/20/20	
1 of 1	Sheet No. SK-3, Elevations	Michael W. Kolchins, Architect	12/20/20	
1 of 1	Sheet No. SK-4, Clubhouse Plan and Elevations	Michael W. Kolchins, Architect	12/20/20	
1 of 1	Sheet No. SK-5, Existing Apartment Elevations	Michael W. Kolchins, Architect	12/20/20	
1 of 1	Letter Confirmation: Taxes & Water/Sewer Charges Paid	Deborah A. Fitchett Tax Collector	3/04/22	
1 - 2	200' Property Owner List	Hammonton Tax Assessor	10/19/21	
1 - 6	Pinelands Inconsistent Certificate of Filing	Charles M. Horner, PP NJ Pinelands Commission	10/04/21	
1 - 2	Letter Addressed to Pinelands Commission	Duffy, Dolcy, McManus & Roesch	7/22/21	
1 of 1	Traffic Impact Study	Horner & Canter Associates	3/18/21	
1 of 1	Air Quality Assessment Report	Horner & Canter Associates	6/25/21	
1 - 3	Letter Submission to Hammonton Environmental Commission	CherylLynn Walters, Esq. Nehmad, Davis & Goldstein	3/3/22	

WHEREAS, the Hammonton Joint Land Use Board has heard the testimony of Mark Herrmann, PE, CME, CFM and Stuart B. Wiser, PP, AICP both of ARH Associates and received their reports dated December 20, 2021 and June 12, 2022; and

WHEREAS, the Hammonton Joint Land Use Board has heard the testimony of the Applicant's representatives, Ira Trocki and Mikhael Trocki-Videll and the Applicant's Engineer, Thomas C. Roesch, PE, PP and the Applicant's architect Michael W. Kolchins; and

WHEREAS, the following additional findings of fact and conclusions are made at this time:

1. **Application**. The Applicant, Hammonton Gardens, LLC has filed for Preliminary and Final Major Site Plan on Block 1201, Lots 5 and 5.01 with the consolidation of both lots. More particularly, the Applicant seeks approval to construct four (4) new apartment buildings (84 units) to accompany the five (5) existing apartment buildings (52 units) on the site which is located in the Hammonton (IDZ) Inclusionary Development Zone Zoning District.

Additionally, Applicant proposes a new 2,800 sq. ft. clubhouse, landscaping, stormwater management, parking, and lighting improvements as well as associated site work.
2. **Site**. The Site which is the subject of this application Block 1201, Lots 5 and 5.01 will be consolidated into one lot.
3. **Zoning**. Lots 5 and 5.01 are located in the Hammonton (IDZ) Inclusionary Development Zone Zoning District which is governed by 175-158.1. Such section was created to specifically apply to lots 5 and 5.01 Section 175-158.01 "acknowledges that 52 apartments currently exist on the property and that it is the intent of this section to control the development of the property for an additional

84 rental units (as defined herein) for a total no greater than 136 rental units...with a 15% set aside of any new units that re constructed to be designated as affordable rentals that will be governed by controls on affordability that will terminate in accordance with the applicable Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC") requirements and the Rules" of the New Jersey Council on Affordable Housing ("COAH").

4. **Completeness.** The Joint Land Use Board Engineer/Planner recommend the application for preliminary and major site plan approval for Block 1201, Lots 5 and 5.01 be deemed complete. The Applicant will comply with the completeness recommendations of the Board consultants except to the extent discussed and otherwise agreed to by the Hammonton Joint Land Use Board and the Applicant during the course of the hearings.
5. **Hearing.** Appearing on behalf of the Applicant was CherylLynn Walters, Esquire of Nehmad, Davis & Goldstein, Attorneys for the Applicant. Individuals testifying on behalf of the application are Ira Trocki and Mikhael Trocki-Videll, representatives of the Applicant, and the Applicant's Engineer, Thomas C. Roesch, PE, PP of Duffy, Dolcy, McManus & Roesch and the Applicant's architect Michael W. Kolchins of Kolchins Architect.

During the hearing, the Applicant introduced the following Exhibits into the record:

A-01: Aerial Exhibit, 4/13/22

A-02: Rendered Site Plan Exhibit dated 4/13/22

- A-03: Proposed Apartment Elevations
- A-04: Proposed Apartments & Clubhouse - Color Rendering
- A-05: Proposed Apartments Floor Plans
- A-06: Existing Building Elevations & Color Rendering
- A-07: Existing Building Color Photograph
- A-08: Clubhouse Elevations and Floor Plan
- A-09: IDZ Zoning Ordinance with Exhibits
- A-10: Plan Revisions Exhibit dated 8/3/22
- A-11: List of Plan Revisions Through 8/3/22
- A-12: Tot Lot Image
- A-13: Roesch Letter to School District Transportation Department Manager Toni Mazza dated 7/18/22
- A-14: Estimated Construction Phasing Schedule as of August 3, 2022
- A-15: IDZ Zoning Ordinance - Enlarged Exhibit A
- A-16: Existing Building Revised Rendering
- A-17: Clubhouse Revised Rendering
- A-18: IDZ Zoning Ordinance - Enlarged Exhibit B

6. **Public Notice.** Notice in accordance with N.J.S.A. 40:55D-12 was provided by the Applicant.
7. **Public Comment.** The meeting was open to public comments and questions. Town resident, Robert Vettese, was the only individual providing comment. He provided a few suggestions but was generally supportive of the application.
8. **Variances.** No variances needed.
9. **Design Waivers and Submission Waivers.** The required Submission and Design

Waivers are approved where deemed appropriate by the Board Consultants. The Waivers are deemed reasonable in all regards.

10. **Police, Fire, Public Works Review.** The Hammonton Police Department notified the Board Secretary that they had no comment regarding the application. The Hammonton Fire Department in their Memorandum dated June 17, 2022, to the Board Secretary indicates that they have reviewed the plans and had two questions regarding the turning radius of their truck and the proposed locations of fire hydrants.

Public Works: The Hammonton Public Works Department provided comment regarding the trash enclosures. Modifications to the plans were made by the Applicant to the satisfaction of the Public Works Department.

11. **Satisfaction of Conditions.** The Applicant will fully comply with:
- a. All outstanding conditions of Consulting Planner, Stuart B. Wiser, PP, AICP and Engineer, Mark Herrmann, PE, CME, CFM, except as otherwise agreed to by the Hammonton Joint Use Board and the Applicant during the course of the hearings of the matter;
 - b. All outstanding conditions required by the Hammonton Joint Use Board during the hearings;
 - c. All representations made by or on behalf of the Applicant during the hearings and in the documents and submissions to the Hammonton Joint Use Board.
 - d. The Applicant will submit any required revised plans or other documents

for the review and approval of the Consulting Engineer and Consulting Planner. All plan revisions must be noted on the plans and a revision date must be shown each time a plan is revised;

- e. All conditions set forth in the letter from the Environmental Commission dated April 14, 2022 have been addressed by the Applicant through testimony and the Applicant will revise the planting schedule as requested;
- f. The Applicant shall consolidate Lots 5 and 5.01;
- g. The trash enclosure adjacent to Building #4 will be moved back so as to not obscure the southern most parking spaces as agreed to by the Applicant;
- h. The Applicant will conform with 175-158.1-G including all other applicable provisions of the Affordable Housing Act;
- i. The Applicant will file the appropriate Deed Notice associated therewith in coordination with the Town's affordable housing manager/liaison;
- j. The Applicant will install one (1) additional light fixture on the driveway exiting to Commerce Way as discussed and agreed upon at the hearings;
- k. The Applicant will install a gravel pathway four feet (4') wide by six inches (6") deep in the areas indicated on Exhibit A-10. The Applicant shall be responsible for maintaining that pathway;
- l. The Applicant shall comply with 175-158.1-H regarding the rehabilitation requirements for the existing 5 buildings. The Applicant agrees that the cosmetic changes to the exterior described at the hearing and shown on A-

16 shall include the repair or replacement of any exterior surface which is damaged beyond repair and/or in need of replacement as determined by the Applicant;

- m. The Applicant will provide a total of four (4) trash enclosures as indicated on A-10, three (3) of which will be angled and made wider consistent with the recommendation of the Public Works Department;
- n. The Applicant will install bicycle racks near the Tot Lot as indicated on A-10;
- o. The Applicant will install a playground as indicated on A-10 with equipment similar to A-12 and with bicycle racks as indicated above;
- p. The Applicant will provide a Bus Shelter as indicated on A-10 and further described on A-13;
- q. The Applicant has modified the plans to reflect the turning radius concerns of the Hammonton Fire Department. The modifications are identified on A-10;
- r. The Applicant has agreed to provide the bedroom distribution reflected on Exhibit A to the Inclusionary Development Zone Ordinance No. 12-2016;
- s. The Applicant shall provide a new rendering of the new buildings consistent with the combination of A-18 and A-04. The new renderings will be submitted to Board Planer, Stuart Wiser for review for consistency of these Exhibits and testimony. Once approved, the new rendering will be deemed an attachment and exhibit to this Decision and Resolution.

13. **Payment of Taxes and Fees.** This approval is conditioned upon payment of all taxes, application fees and required escrows and reimbursements to the Town.
14. **Compliance With Approval.** These approvals are based upon the full and diligent adherence by the Applicant to all representations made to the Board. Any failure of the Applicant or the Applicant's successors or assigns to fully adhere to all of the provisions of these approvals and all representations made by or on behalf of the Applicant, directly or indirectly, in the hearing or in the application documents, may be deemed to be a material breach of these approvals. Such a breach will constitute a violation of the Ordinance. The Town may remedy such violation by the withholding of building permits, certificates of occupancy, continuing certificates of occupancy, or any other permit, approval or certificate for the property which is the subject of these approvals. In addition, the Town may seek the imposition of fines or penalties pursuant to the Ordinance or may pursue any other remedy available to it at law or in equity, including an action in the Superior Court to enjoin such violation or to compel performance or compliance.
15. **Other Approvals.** The Applicant shall comply with all federal, state and local laws, rules and regulations and shall obtain any and all other necessary government approvals required for this project. If as a result of the review by any other governmental agency there is any change in the approvals by this Board or any modification of any statement or representation made by or on behalf of the Applicant, the Applicant must notify the Board and the Board shall have the right to review that issue as it may relate to or impact these approvals and the Board

may modify or amend these approvals as appropriate. If there are any revisions to the plans or documents which have been approved by the Planning Board, the Planning Board must be notified in accordance with Paragraph 11 Satisfaction of Conditions. Approvals which may be required include, but are not necessarily limited to, the following:

- a. Atlantic County Planning Board;
- b. Cape Atlantic Soil Conservation District;
- c. Town of Hammonton;
- d. New Jersey Department of Environmental Protection;
- e. New Jersey Pinelands Commission;
- f. Fair Share Housing Administrator; and
- g. Any others as may be necessary.

16. **Enforceability.** All references in this Decision and Resolution to the Applicant shall, where appropriate for the context, also mean the Applicant's successors or assigns. If any provision of this Decision and Resolution or the application thereof shall be held to be invalid or unenforceable to any extent, the remainder of this Decision and Resolution shall not be affected thereby and shall remain enforceable to the fullest extent of the law.
17. **Requirements of Final Approval.** This Final Approval is conditioned upon the review and approval of the Town Engineer of an appropriate Engineer's estimate for the cost of applicable site improvements. Such estimate is to be submitted by the Applicant. Performance guarantees and inspection escrows must be posted

consistent with the requirements of the Municipal Land Use Law and in a form acceptable to the Town. A preconstruction conference with the City Engineer will be required.

NOW, THEREFORE, BE IT DECIDED AND RESOLVED by the Joint Land Use Board of the Town of Hammonton that Preliminary and Final Major Site Plan Approval is hereby granted together with the design waivers discussed during the course of the hearings and approved by the Board.

DATED: September 7, 2022

Edward A. Marinelli

Ed Marinelli, Chairman

Shelly DiChurch

Shelly DiChurch, Board Secretary

Those voting in favor: Oliva, Pheribo,
Messina, Pullia, Wuillermin, Marinelli

OPPOSED: Scipione, ABSTAIN: Brinkerhoff
Matro

APPENDIX C(2)



State of New Jersey

PHILIP D. MURPHY
GOVERNOR

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SHAWN M. LATOURETTE
COMMISSIONER

TAHESHA L. WAY
LT. GOVERNOR

Mail Code 401-04Q
Division of Water Supply & Geoscience
Water System Operations Element
Bureau of Water System Engineering
401 E. State Street - P.O. Box 420
Trenton, New Jersey 08625-0420
Tel #: (609) 292-2957 - Fax #: (609) 633-1495
<https://www.nj.gov/dep/watersupply/>

August 23, 2024

Hammonton Water Department
100 Central Avenue
Hammonton, NJ 08037

Dear Water Purveyor:

Enclosed is a simplified water main extension permit dated August 23, 2024 issued to you pursuant to the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A, and in consideration of your application dated May 20, 2024 and signed by Anthony DeCicco, Superintendent.

Your permit is for:

- ◆ Construction of approximately 1,350 L.F. of 8-inch diameter DIP water main to serve Hammonton Garden Apartments consists of 4 new buildings with 84 apartment units and replace the single family dwelling with a new clubhouse; located in Hammonton Town (12th Steet, Block # 1201, Lots # 5 & 5.01), County of Atlantic, New Jersey; and
- ◆ The distribution of water for potable purposes from said works.

Your attention is directed to both the **specific and general** conditions of the aforementioned permit. Enclosed with this permit is the Placed into Service Certification (PSC). The PSC **must** be submitted as required by the Submittal Action Requirements in the attached permit conditions. If the facility is not completed within the specified time allotment, an "Extension of Time" shall be requested at least ninety (90) days prior to the permit expiration date to allow for review and approval. No extension of time will be granted to an expired permit. Should you have any questions about this permit, please contact Ramesh Patel at (609) 292-2957. When contacting the Department regarding this permit, please reference the Permit No. and PWSID No. provided herein.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Pudney".

For Steven Pudney, C.Eng., MICE
Section Chief - Engineering
Bureau of Water System Engineering

PWSID NO.: NJ0113001, WCP240004

Enclosures

cc: Thomas Roesch, P.E., Duffy, Dolcy, McManus & Roesch
Mayor and Council of Hammonton Town
Anthony DeCicco, Licensed Operator
Ramesh Patel, BWSE

NJEMS\sd_const_permit_simple_01/22/2021



State of New Jersey

PHILIP D. MURPHY
GOVERNOR

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SHAWN M. LATOURETTE
COMMISSIONER

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Tel #: (609) 292-2957 - Fax #: (609) 633-1495
<https://www.nj.gov/dep/watersupply/>

PERMIT*

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. WCP240004	Issuance Date	Effective Date	Expiration Date
PWSID No. 0113001	August 23, 2024	August 23, 2024	August 22, 2029
Name and Address of Applicant Hammonton Water Department 100 Central Avenue Hammonton, NJ 08037		Location of Activity/Facility: 882 12 th Street Block # 1201, Lots # 5 & 5.01 Hammonton Town, Atlantic County	
		Type of Permit Potable Water Supply	Statute(s): N.J.S.A. 58:12A-1.1 et seq.

This permit grants permission to:

- Construct approximately 1,350 L.F. of 8-inch diameter DIP water main to serve Hammonton Garden Apartments consists of 4 new buildings with 84 apartment units and replace the single family dwelling with a new clubhouse.
- Operate the facilities approved by this permit and distribute water for potable purposes from said works.

According to Simplified Water Main Extension Certification Form:

Dated May 20, 2024, prepared by Duffy, Dolcy, McManus & Roesch, received June 3, 2024.

According to Plans entitled:

Hammonton Garden Apartments

Date

05/05/2023

Prepared By

Duffy, Dolcy, McManus &
Roesch

Additional information: 08/22/2024

This permit is subject to specific and general conditions contained in the following page(s):

Continued on Requirements Page -- 1 of 2

Approved by the authority of:

Shawn M. LaTourette
Commissioner
Department of Environmental Protection

For Steven Pudney, Section Chief

*The word permit means approval, certification, registration, etc.



State of New Jersey

PHILIP D. MURPHY
GOVERNOR

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SHAWN M. LATOURETTE
COMMISSIONER

TAHESHA L. WAY
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PLACED IN SERVICE CERTIFICATION

Attention: Bureau of Water System Engineering
Engineering Section

PERMIT NO.: WCP240004

ISSUANCE DATE: August 23, 2024

APPLICANT: Hammonton Water Department

PWSID: NJ0113001

PROJECT DESCRIPTION: Construction of approximately 1,350 L.F. of 8-inch diameter DIP water main to serve Hammonton Garden Apartments consists of 4 new buildings with 84 apartment units and replace the single family dwelling with a new clubhouse.

MUNICIPALITY: Hammonton Town

COUNTY: Atlantic

I (We) hereby certify that the following has been built and placed into service* and was completed in conformance with N.J.A.C. 7:10-11.10 and accordance with the approved plans and other supporting information.

COMPLETION DATE: _____

DATE FACILITIES WERE PLACED INTO SERVICE *: _____

Signature of Engineer & Embossed Seal

Name of Engineer / New Jersey License Number

Date

* Placed into service means that the water mains or other permitted infrastructure changes are actually delivering water to all consumers approved by the permit, except to the extent that the remaining number of realty improvements not being served is below the threshold for needing a permit, i.e. less than 30 realty improvements or 12,000 GPD of non-residential demand.

Permit Requirements

Submittal/Action Requirements

Applicable Subject Items	Submittal/Action Type	Requirement
WCP240004, Hammonton Garden Apartments (WSYT2039515)	Completed construction certification report	Within thirty days of completion of the approved facilities the permittee/engineer shall notify the Bureau of Water System Engineering of the completion date and certify that the facilities were constructed in accordance with the approved plans and specifications by returning the enclosed Placed in Service Certification. Submission shall be no later than 30 days after expiry of permit. [N.J.A.C. 7:10-11]

Text Requirements

All Phases

WCP240004, Hammonton Garden Apartments (WSYT2039515)

1. DISTRIBUTION SYSTEM PERMIT SPECIFIC CONDITIONS.
2. The permittee is advised that the peak daily demand associated with this approval is 0.041 MGD. [N.J.A.C. 7:10-11]
3. The permittee is advised that with this approval and previously approved water main extensions, the projected peak daily demand for this water supply will be 2.242 MGD versus a current Firm Source/Treatment Capacity of 4.32 MGD. [N.J.A.C. 7:10-11]
4. The permittee is advised that the total water available from diversion privileges as set by Water Allocation Permit No. 5035 is 95.625 MGM and 650.810 MGY. With this approval and previously approved water main extensions, the projected peak monthly and annual demands are 65.487 MGM and 454.960 MGY. [N.J.A.C. 7:10-11]
5. This permit shall not be construed as an approval for any other future development(s) or service connections to be served by this water main extension. Separate permit applications are necessary for these development(s). [N.J.A.C. 7:10-11]
6. The permittee is advised that a backflow prevention device and physical connection permit is required pursuant to N.J.A.C. 7:10-1 et seq. on a service line that serves a facility containing an unapproved water source which may contaminate the approved water source as a result of cross-connections. Therefore the permittee shall not place such a service line into service until such time as a backflow prevention device has been installed and a physical connection permit has been obtained by the facility supplied by the service line. [N.J.A.C. 7:10-11]
7. For this permit to remain valid, the facilities approved in this permit shall be constructed and placed into service within five years from the effective date of the permit. [N.J.A.C. 7:10-11]
8. PERMIT GENERAL CONDITIONS.
9. The permit is revocable, or subject to modification or change, at any time, when in the judgment of the New Jersey Department of Environmental Protection such revocation, modification or change shall be necessary. [N.J.A.C. 7:10-11]
10. The issuance of this permit shall not be deemed to affect in any way action by the New Jersey Department of Environmental Protection on any future application. [N.J.A.C. 7:10-11]
11. The works, facilities and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and said conditions. [N.J.A.C. 7:10-11]
12. No change in plans or specifications shall be made without prior written permission from the Bureau of Water System Engineering. Modification requests shall be submitted on the applicable form available at www.state.nj.us/dep/watersupply/dws_const.html. [N.J.A.C. 7:10-11]

HAMMONTON WATER DEPT

0113001

SDW Construction Permit : WCP240004

Text Requirements

All Phases

WCP240004, Hammonton Garden Apartments (WSYT2039515)

13. The granting of this permit shall not be construed in any way to affect the title or ownership of property, and shall not make the New Jersey Department of Environmental Protection or the State a party in any suit or question of ownership of property. [N.J.A.C. 7:10-11]
14. This permit does not waive the obtaining of Federal or other State or Local Government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained. [N.J.A.C. 7:10-11]
15. A copy of this permit shall be kept at the work site, and shall be exhibited upon the request of Department personnel. [N.J.A.C. 7:10-11]
16. In the examination of plans and/or other engineering data, the New Jersey Department of Environmental Protection does not examine the structural features of the design, such as thickness of concrete or its reinforcement, the efficiency of any electrical or mechanical equipment or apparatus, and the approval herewith given does not include these features. [N.J.A.C. 7:10-11]
17. Water distribution by said works shall at all times meet the applicable standards for quality. Additional units for the derivation, treatment and for distribution of the water shall be established if and when required by the New Jersey Department of Environmental Protection. [N.J.A.C. 7:10-11]
18. The operations of the public water facility shall be under the supervision of an operator or operators who shall possess a valid license or licenses issued by the New Jersey Department of Environmental Protection, pursuant to the provisions of the Water Supply and Wastewater Operators' Licensing Act, N.J.S.A. 58:11-64 et seq. [N.J.A.C. 7:10-11]
19. The minimum required licensing classification(s) shall be W-2 and T-3 or equivalent in accordance with the Licensing of Water Supply and Wastewater Treatment System Operators, N.J.A.C. 7:10A-1.1 et seq. [N.J.A.C. 7:10-11]
20. The public water facilities shall be operated in such a manner so as to be in full compliance with the New Jersey Safe Drinking Water Act Rules at N.J.A.C. 7:10-1.1 et seq. and the Water Supply Allocation Rules at N.J.A.C. 7:19-1.1 et seq. [N.J.A.C. 7:10-11]
21. The public water facilities shall be operated in such a manner as to optimize the use of all available sources of water in order to achieve and maintain compliance with Water Allocation Permit No. 5035. [N.J.A.C. 7:10-11]
22. As per N.J.A.C. 7:10-11.17, an applicant for a permit under this subchapter or any person, subject to the limitation on third party appeal rights set forth in P.L. 1993, c.359 (N.J.S.A. 52:4B-3.1 through 3.3), who believes himself or herself to be aggrieved with respect to any decision made by the Department regarding such permit application submitted pursuant to this subchapter, may contest the decision and request an adjudicatory hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1 within 20 calendar days of the receipt of the permit decision. Filing details and the required form to be submitted are available at www.state.nj.us/dep/watersupply/dws_const.html. [N.J.A.C. 7:10-12]

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER SYSTEM ENGINEERING
SIMPLIFIED WATER MAIN CERTIFICATION
TECHNICAL REVIEWER'S REPORT**

GENERAL INFORMATION

REVIEWER: Ramesh Patel

PREPARED ON: 07/17/2024

PROJECT NO.: WCP240004

APPLICANT: Hammonton Water Department

PWSID NO.: NJ0113001

MUNICIPALITY: Hammonton Town

COUNTY: Atlantic

SUBJECT: Construction of approximately 1,350 L.F. of 8-inch diameter DIP water main to serve Hammonton Garden Apartments consists of 4 new buildings with 84 apartment units and replace the single family dwelling with a new clubhouse.

LOCATION OF WORK: 882 12th Steet, Block # 1201, Lots # 5 & 5.01

DESIGN ENGINEER: Thomas Roesch, P.E.

N.J.P.E. LICENSE NO.: 37908

ENGINEERING FIRM: Duffy, Dolcy, McManus & Roesch

PERMIT FEE: \$ 250

SOURCES OF INFORMATION

APPLICATION RECEIVED: June 3, 2024

APPLICATION DATED: May 20, 2024

APPLICATION SIGNED BY: Anthony DeCicco, Superintendent

ENGINEER'S DRAWINGS:

Hammonton Garden Apartments	Date 05/05/2023	Prepared By Duffy, Dolcy, McManus & Roesch
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ADDITIONAL INFORMATION DATED: 08/22/2024

A. General Description of Project

This permit is for construction of approximately 1,350 L.F. of 8-inch diameter DIP water main to serve Hammonton Garden Apartments consists of 4 new buildings with 84 apartment units and replace the single family dwelling with a new clubhouse. The existing property contains 5 apartment buildings with 52 dwelling units plus a single-family dwelling for a total of 53 dwelling units. This project proposes 4 new apartment buildings with 84 apartment units, demolish the single-family dwelling and replace it with a new 2,800 sf clubhouse. Upon completion of this project, the site will then have a total of 136 apartment units. The existing units are connected to an existing water main with two (2) dead ends. The proposed 8 inch water main will connect into these two dead ends, run through the development, form a looped water main, and will connect to an existing water main in Commerce Way.

This distribution permit is for:

Diameter	Length	Material
8.00 in	1,350.00 Lin. Ft.	Ductile Iron Pipe (DIP)

Planning control areas

Area	(Y/N)	Comments
Highlands Planning Area	N	
Highlands Preservation Area	N	
HPA – Exempt?		
HPAA permit?		
Pinelands	Y	Provided Certificate of Filing.

B. Technical Evaluation

Anthony DeCicco, Superintendent and Thomas Roesch, P.E. have certified that the proposed water main extensions will be constructed in conformance with the requirements of N.J.A.C. 7:10-11.10 et seq.

Required Item

1. Is the water system designed and constructed to meet all demand requirements?
2. Does the system have the monthly allocation to meet the peak month demand?
3. Does the system have the annual allocation to meet the peak yearly demand?
4. Are there NO exceptions to the regulations recorded on PA-10B?
5. Has the PE unconditionally certified that the design is in conformance with regs
6. Does the system have firm source capacity to meet the peak daily demand?
7. Does the system meet the minimum storage requirements (N.J.A.C. 7:19-6.7)?

Acceptable

X
X
X
X
X
X
X

Unacceptable

C. System Capacity**1. Production Capacity****GROUND WATER SOURCES**

Well Permit Number (If applicable)	Source Name	Allocation Capacity (gpm)	Production Capacity (gpm)	Treatment Plant (if applicable) (gpm)	Assigned Pump / Production Capacity (MGD)
3100005022	Well 4	1,000	1,000		1.440
5100000037	Well 1	750	1,500		2.160
5100000039	Well 3	850			
3100074619	Well 7	1,500	1,500		2.160
3100019462	Well 5	1,500			
Total Sources					5.760
Minus Largest Well out of service					1.440
Sources Firm Capacity					4.320

Notes: According to WAP080001 permit requirements, Wells 5 and 7 only one well can be used at a time. Wells 1 and 3 have a combined production capacity of 2.160 MGD. Next largest well is Well 4 with 1.44 MGD.

2. System Demands**a. New Demand**

Estimated additional residential demand

Type/Size of Housing Unit	Water Demand per Unit (in gallons per day)	Number of Units	Average Day Demand GPD	Peaking Factor	Peak Day Demand (MGD)
1 Br Apt.	95	3	285	3	0.0009
2 Br Apt.	140	78	10,920	3	0.0328
3 Br Apt.	215	3	645	3	0.0019
Total Residential Demand			11,850		0.0356

Estimated additional non-residential demand (N.J.A.C. 7:10-12.6 Table 1):

Type of Establishment	Water Demand per Unit (in gallons per day)	Number of Units	Average Day Demand	Peaking Factor	Peak Day Demand (MGD)
Clubhouse	25	65 max. occupancy	1,625	3	0.0049
Total Non-Residential Demand			1,625		0.0049

New Peak Residential Demand	= 0.036 MGD
New Peak Non-Residential Demand	= 0.005 MGD
Total New Peak Demand	= 0.041 MGD

b. Previously Allocated Demand

The following permit(s) account for additional demand on the Hammonton Water Department system:

Permit Number	Name of the Projects	Total Demand (MGD)	Expiration Date
NPR	No Permit Required (WCP240004 PA05E)	0.046	
WCP240003	Pleasant Street Station Major Subdivision	0.036	7/16/2029
Total Allocated/Outstanding Demand:		0.082	

c. Existing Peak Daily Demand

	2019	2020	2021	2022	2023	2024		
January		24.945	23.956	25.440	24.566	28.443		
February		23.940	21.230	22.813	22.131	23.846		
March		26.413	24.152	26.345	25.046	26.652		
April		26.352	29.792	26.972	31.697	29.032		
May		36.208	47.807	39.518	42.425	42.349		
June		49.936	49.866	48.551	50.448	63.580		
July	53.274	51.429	59.217	57.935	51.505			
August	48.544	43.139	49.239	60.453	50.052			
September	45.378	43.533	40.920	46.095	41.751			
October	34.390	24.667	36.838	34.892	36.411			
November	24.833	25.141	25.028	25.897	26.535			
December	25.223	33.096	25.850	25.084	25.276			
Peak (MGM)	53.274	51.429	59.217	60.453	51.505	63.580	Peak Day	2.119
							Max Month	63.580
Total (MGY)	231.642	408.799	433.895	439.995	427.843	213.902	Max Year	439.995

3. Water Allocation Analysis

The current allocation limits for Hammonton Water Department are specified in the following Allocation Permit(s):

ALLOCATION LIMITS				
PI #_WAP No.	Daily (MGD)	Monthly (MGM)	Yearly (MGY)	Expiration Date
5035 WAP080001		95.625	650.810	Expired
Total Limits	0.000	95.625	650.810	

Note: Renewal application is under review.

Anticipated Future Demands

Daily (MGD)

= Peak Daily Demand + New Estimated Demand + Previous Commitments
 = 2.119 + 0.041 + 0.082
 = 2.242 MGD

Monthly (MGM)

= Max. Month + [31 / 2 x (New Estimated Demand + Previous Commitments)]
 = 63.580 + [31 / 2 x (0.041 + 0.082)] = 63.580 + 1.907
 = 65.487 MGM

Yearly (MGY)

= Max. Year + [365 / 3 x (New Estimated Demand + Previous Commitments)]
 = 439.995 + [365 / 3 x (0.041 + 0.082)] = 439.995 + 14.965
 = 454.960 MGY

4. System Capacity Determination

Firm Capacity:	4.320	MGD							
Allocation Limits:				Contract Limits:			Total Limits:		
(Monthly)	95.625	MGM		(Monthly)	MGM		(Monthly)	95.625	MGM
(Yearly)	650.810	MGY		(Yearly)	MGY		(Yearly)	650.810	MGY
Five Year Peak Demand:				Allocated Demand:			Deficit/Surplus:		
(Daily)	2.119	MGD		(Daily)	0.123	MGD	(Monthly)	30.138	MGM
Month/Year	06/2024			(Monthly)	1.907	MGM	(Yearly)	195.850	MGY
(Monthly)	63.580	MGM		(Yearly)	14.965	MGY			
Month/Year	06/2024						Firm-Peak Total:		
(Yearly)	439.995	MGY		Total Peak Demand:			(Daily)	2.078	MGD
Year	2022			(Daily)	2.242	MGD			
				(Monthly)	65.487	MGM			
				(Yearly)	454.960	MGY	WAP Number:	5035	

Therefore, Hammonton Water Dept **DOES** have the firm capacity to supply the new estimated peak daily demand.

Therefore, Hammonton Water Dept **DOES** have the Monthly capacity to supply the new estimated monthly demand.

Therefore, Hammonton Water Dept **DOES** have the annual capacity to supply the new estimated annual demand.

D. Storage Tanks

Name	Facility ID	Storage Capacity (MG)	Effective Capacity (MG)	Status
Elevated Tank – 12 th and Lincoln	01	0.300 MG	0.300 MG	Active
Underground Storage Tank – Well #5 / 14 th Street	04	0.055 MG	0.055 MG	Active
Underground Storage Tank – Main Road	05	0.045 MG	0.045 MG	Active
Fourth Street Storage Tank	06	1.500 MG	1.500 MG	Active
Total		1.900 MG	1.900 MG	

From N.J.A.C. 7:19-6.7 (b) Hammonton Water Department is classified as System Type v, having multiple sources, no interconnections, and auxiliary power provided. Therefore, the storage requirement is 50 % of the projected Average Daily Demand.

Anticipate Annual Demand = 454.960 MGY

Projected Average Daily Demand = $454.960 / 365 = 1.2246$ MGD

Storage Required = $1.233 \times 0.5 = 0.623$ MG

Storage Provided = 1.900 MG

Therefore, Hammonton Water Department **DOES** meet the minimum storage requirements.

E. Conclusions

Hammonton Water Department has enough firm, monthly, and annual capacities to meet the new estimated demands.

The project, as designed, is determined to comply with applicable rules and regulations in accordance with N.J.A.C. 7:10 et seq.

Based on this technical review, it is recommended that this permit application be approved.

Recommendations

Check One:

- ☒ Examination of the engineering data submitted indicated that the project, as designed, complies substantially with our rules and regulations.

It is therefore recommended that the project be APPROVED and permit issued for construction, derivation, distribution, subject to the usual conditions.

- ☐ Examination of the engineering data submitted indicates that the project, as designed, does not comply with our rules and regulations.

It is therefore recommended that the project be DISAPPROVED.

- ☐ The project has remained technically deficient beyond the due date specified by the Department for providing additional information.

It is therefore recommended that the project be RETURNED.

RECOMMENDED PROVISOS

Check One:

- ☒ Specific conditions to approval (standard conditions amended or added to)
- ☐ Reasons for disapproval
- ☐ Reasons for return
- ☐ None required



Ramesh Patel

Date: 08/23/2024

Bureau of Water System Engineering

Supervisory Review/Approval Record**PAPER PERMIT DOCUMENTS**

	Yes	No
Project Description accurate and complete?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location Description accurate and complete?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has any necessary custom language been added and is it accurate and complete?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Have the applicable parties been copied?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are the permit dates correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

TECHNICAL REVIEWER'S REPORT


Does the technical review accurately document and evaluate the application?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has the correct system capacity such as allocation limits, diversions, contracts, allocated demand been used?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are all calculations correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ELECTRONIC PERMIT SET

Cover page information complete and matching paper document?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are all the applicable standard permit conditions included?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are all custom conditions included, accurate and complete?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Have the necessary and correct subject items been added to the Permit Inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has the necessary information been added to the Subject Item details?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has the necessary location coordinate information been added and correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PERMIT FOLDER

Are all signed copies of correspondences included in the permit folder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are the materials in the folder in chronological order of receipt?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Have all superseded documents been clearly marked?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Have all duplicates been removed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Have copies of checks been removed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has all Personally Identifiable Information been removed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Permit Approval is:	Recommended <input checked="" type="checkbox"/>	NOT Recommended <input type="checkbox"/>
Supervisory Review by: Nasir Butt	 <hr style="width: 100%;"/>	Date: 8/23/2024
Any additional comments		

NJEMS\sd_tech_reviewers_report_simple_05/26/2020

APPENDIX C(3)



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER QUALITY
MUNICIPAL FINANCE AND CONSTRUCTION ELEMENT
401 East State Street
P.O. Box 420, Mail Code 401-03D
Trenton, New Jersey 08625-0420
Tel. (609) 984-4429 • Fax (609) 633-8165
www.nj.gov/dep/dwq

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

SHAWN M. LATOURETTE
Commissioner

(by email) 08/22/2024

Ira M. Trocki, Authorized Representative (drtrocki@aol.com)
Hammonton Gardens LLC
631 Tilton Road PO Box 856
Northfield, NJ 08225

Re: Treatment Works Approval No. 24-0275
Hammonton Garden Apartments
Hammonton Town, Atlantic County

Dear Ira M. Trocki:

There is enclosed a Treatment Works Approval issued to you pursuant to Title 58 of the Revised Statutes of New Jersey and in consideration of your application received on 06/17/2024 signed by Ira M. Trocki, Authorized Representative, and Thomas C. Roesch, P.E.

This approval is valid for a period of two (2) years from the issuance date, unless otherwise stated in the attached approval document. This approval shall expire unless building, installing or modifying of the treatment works has begun within the initial approval period. Treatment works approvals may be extended beyond the original two-year approval date, to a maximum period of five years from the original issuance date, in accordance with the terms and conditions contained in N.J.A.C. 7:14A-22.12. A time extension request must be received by the Department prior to the permit's expiration date. Time extension requests shall be submitted to the Bureau of Environmental, Engineering & Permitting (BEEP) at the address noted in the heading of this letter.

Within 30 days of completion of the treatment works approved herein, the permittee shall submit an executed Form WQM005 (Certification of Completion) to BEEP and to the receiving sewage treatment plant, as indicated in the Treatment Works Approval under Part II - "General Conditions for Treatment Works Approvals", Section B.

If you have any questions regarding the permit, please contact Joseph Finnegan at (609) 984-4429.

Sincerely,

grace christ

Grace Christ, Supervisor
Bureau of Environmental, Engineering & Permitting

24-0275

Enclosure

cc: Duffy, Dolcy, McManus, & Roesch (tomroesch@comcast.net)
Hammonton Town (sdidonato@townofhammonton.org)



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
P.O. Box 402, TRENTON, NJ 08625-0402

PERMIT TO CONSTRUCT AND OPERATE* TREATMENT WORKS

**Local Agency approval required prior to operation*

The New Jersey Department of Environmental Protection grants this approval in accordance with your application, attachments accompanying same application, and applicable laws and regulation.

PERMIT NO.	ISSUANCE DATE	EXPIRATION DATE	DESIGN FLOW
24-0275	08/22/2024	08/21/2026	0.0189 M.G.D.

NAME AND ADDRESS OF APPLICANT

Hammonton Gardens LLC
631 Tilton Road PO Box 856
Northfield, NJ 08225

LOCATION OF ACTIVITY

Hammonton Town
Atlantic County

This permit grants permission to:

Construct and operate 540 L.F. of 6-inch PVC sanitary sewer laterals to service 4 proposed apartment buildings and a proposed clubhouse located at 882 12th Street, Hammonton, Atlantic County, NJ.

According to the plans entitled:

"Hammonton Garden Apartments, Block 1201, Lots 5 & 5.01, Town of Hammonton, County of Atlantic, State of New Jersey", sheets 1, 4, and 6 of 14, prepared by Duffy, Dolcy, McManus, & Roesch, dated 03-05-21, last revised 05-05-23.

and according to the specifications entitled:

"Sanitary Sewer Specifications for Hammonton Garden Apartments, Block 1201, Lots 5 & 5.01, Project No 10517, Situated in Town of Hammonton, Atlantic County, NJ" prepared by Duffy, Dolcy, McManus, & Roesch, dated May 21, 2024.

APPROVED by the Department of Environmental Protection

grace christ

Grace Christ, Supervisor

Bureau of Environmental, Engineering & Permitting

This permit is also subject to special provisos and general conditions stipulated on the attached page(s) which are agreed to by the permittee upon acceptance of the permit.

PART I

PROVISOS

A. Project Specific Provisos

1. That the proper operation and maintenance of the sewer system approved herein is the sole responsibility of the OWNER AND OR APPLICANT named herein or its assignees.
2. That all sewerage conveyance facilities which are to be abandoned shall be emptied of wastes and either removed or abandoned in place in a manner which is acceptable to the administrative authority.
3. That except as provided in N.J.A.C. 7:14A-22.4, any change in usage of the building identified in this permit, which will result in an increase in the amount of sewage generated, will require a prior approval from this office.
4. The issuance of this permit does not exempt the applicant of the responsibility to comply with all other permitting and regulatory requirements of the Department's Division of Land Resource Protection, as applicable.
5. That a notification of consistency determination (#1991-0226.004) has been issued for the project. Prior to initiating the construction of the treatment works approved herein, the applicant named herein is required to obtain an approval from the Pinelands Commission.

B. Custom Requirement

1. The contributory flow of 18,900 gallons per day (0.0189 mgd) is generated from the 4 proposed apartment buildings, consisting of three 1-bedroom apartment units at 150 gpd/unit, 78 2-bedroom units at 225 gpd/unit, and three 3-bedroom units at 300 gpd/unit, as stated in the WQM 006 (Engineer's Report) submitted with the treatment works application.
2. It is the applicant's responsibility to obtain all Federal, State and Local approvals that may be required for this project.

GENERAL CONDITIONS FOR TREATMENT WORKS APPROVALS**Section A. GENERAL CONDITIONS**

1. This permit is revocable, or subject to modification or change, at any time, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of this permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of property.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. No treatment unit or conveyance system may be by-passed which would result in the discharge of untreated sewage into any of the waters of the state.
9. The full responsibility for adequate design, construction and operation of the treatment works, and the full responsibility for successful collection, treatment, and discharge of pollutants shall be on the applicant.
10. The issuance of approval by the Department shall not relieve the applicant of the continuing responsibility for the successful collection, treatment, or discharge of pollutants for the continuing compliance with any applicable effluent limitations, permits, regulations, statute, or other law.
11. Review and approval is based solely upon the information contained in the application and the contents of the engineer's report as certified by the licensed professional engineer as being in compliance with the Department's Rules and Regulations.

Section B. CONSTRUCTION COMPLETION CERTIFICATION

1. Within 30 days of completion of the treatment works approved herein, the permittee shall submit two executed forms, WQM005 Certification of Approval, to the appropriate sewage treatment plant (STP) for their approval prior to operation. One executed copy approved by the receiving STP shall be forwarded to the appropriate Bureau and address noted on the cover page of this approval. Failure to submit the certification within 30 days of completion of the project may be grounds for revocation of the permit. Should partial operation be required prior to completion, approval will be under local jurisdiction.
2. In cases where the project and the receiving treatment facility are one in the same, the WQM005 Certification of Approval form must be submitted to the Bureau and address noted on the cover page of this approval within 30 days of completion of the treatment works. Failure to submit the certification within this time period may be grounds for revocation of the permit.

Section C. PERMIT EXPIRATION AND EXTENSIONS OF TIME

1. This permit shall remain in force for a period of only two years from the date of approval unless stated otherwise within the special provisos, or construction of said works has begun within the approved time frame. Interruption of construction of said works for a period of more than two years may serve as a basis for permit revocation.
2. Treatment works approvals may be extended beyond the original two year approval date, to a maximum of five years from the original issuance date, in accordance with the terms and conditions in N.J.A.C. 7:14A-22.12, unless stated otherwise within the special provisos. A time extension request must be received by the Department prior to the permit's expiration date. Requests must be submitted to the Bureau and address noted on the cover page.



Section D. ADJUDICATORY HEARING REQUESTS

1. Pursuant to N.J.A.C. 7:14A-22.24 et seq., any interested person who considers himself or herself aggrieved by this action, may, within 30 days of publication of notice of the decision in the *DEP Bulletin*, request a hearing by addressing a written request for such hearing to the:

New Jersey Department of Environmental Protection
Office of Administrative Hearings and Dispute Resolution
P.O. Box 402, Mail Code 401-07A
401 East State Street
Trenton, NJ 08625-0402
Attention: Adjudication Hearing Request

Such a request should include a completed Administrative Hearing Request Checklist and Tracking form for Approvals or Denials (enclosed herein for Denials). This form is required, as DEP is the transmitting agency to the Office of Administrative Law, pursuant to N.J.A.C. 1:1-8.2.

APPENDIX E

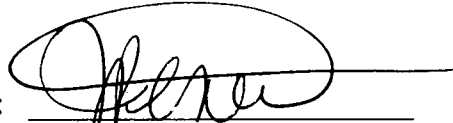
 Atlantic County Document Summary Sheet					
ATLANTIC COUNTY CLERK 5901 MAIN ST MAYS LANDING, NJ 08330	Return Name and Address Kevin Fiore c/o CDP Millville, LLC- MM 210 Boulder Ridge Rd Scardsdale NY 10583				
Official Use Only					
Submitting Company					
Document Date (mm/dd/yyyy)					
Document Type		DCR			
No. of Pages of the Original Signed Document (Including the cover sheet)		10			
Consideration Amount (If applicable)					
First Party <i>(Grantor or Mortgagor or Assignor)</i> <i>(Enter up to five names)</i>	Name(s)	<i>(Last Name, First Name Middle Initial, Suffix) (or Company Name as written)</i>		Address (Optional)	
	White Horse HMT Urban Renewal, LLC				
Second Party <i>(Grantee or Mortgagee or Assignee)</i> <i>(Enter up to five names)</i>	Name(s)	<i>(Last Name, First Name Middle Initial, Suffix) (or Company Name as written)</i>		Address (Optional)	
Parcel Information <i>(Enter up to three entries)</i>	Municipality	Block	Lot	Qualifier	Property Address
	Hammonton <input checked="" type="checkbox"/>	3904	39 40		308 S White Horse Pike Hammonton, NJ
Reference Information <i>(Enter up to three entries)</i>	Book Type	Book	Beginning Page	Instrument No.	Recorded/File Date
DO NOT REMOVE THIS PAGE DOCUMENT SUMMARY SHEET (COVER SHEET) IS PART OF ATLANTIC COUNTY FILING RECORD. RETAIN THIS PAGE FOR FUTURE REFERENCE.					

RECORD& RETURN TO:

Johanna Peña, Administrative Assistant III
NJ Housing and Mortgage Finance Agency
637 S. Clinton Avenue
Trenton, NJ 08611

LIHTC #1858

Prepared By:


Johanna Peña

DEED OF EASEMENT AND RESTRICTIVE COVENANT
FOR EXTENDED LOW-INCOME OCCUPANCY

THIS DEED OF EASEMENT and RESTRICTIVE COVENANT (the "Covenant") dated as of October 1, 2023, shall run with the land and is granted by **White Horse HMT Urban Renewal LLC** and its successors and assigns (the "Project Owner") whose principal address is **137 Broad Street, Red Bank, NJ 07701**, to the New Jersey Housing and Mortgage Finance Agency, its successors and assigns, (the "Agency") acting as the housing credit agency for the State of New Jersey as described in Section 42(h)(3) of the Internal Revenue Code as amended, and to income eligible members of the public as defined below. As conditioned below this Covenant restricts occupancy of the described premises to income eligible occupants for a specified period of time. This Covenant is made in satisfaction of the requirements of Section 42 of the Federal Tax Reform Act of 1986, P.L. 99-514, as amended, (the "Code").

As indicated on the **42m Letter** or the IRS Form(s) 8609 for the building(s) described below, the Agency has determined the eligibility for and issued Low Income Housing Tax Credits ("LIHTC") authorized under the Code in an estimated annual amount of **\$1,311,664** to be claimed by the Project Owner over a 10 or 15 year period pursuant to the Code. In consideration of the receipt of the benefit of the LIHTC, the Project Owner hereby agrees to the following restrictive covenants, which are made in satisfaction of the requirements contained in Section 42(h)(6) of the Code.

- (1) The **one** building(s) comprised of two separate condominiums, which consist of a total of **162** residential rental units, of which **162** are LIHTC units, and which will constitute a qualified low-income housing project as defined in Section 42(g) (1) of the Code and regulations promulgated thereunder, the rental units which will be rented or available for rental on a continuous basis to members of the general public, shall be known as **White Horse Assisted Living Residence** (the "Project"). The Project is located at **308 S. White Horse Pike, Hammonton, NJ 08037**, Municipal Tax Map Block No. **3904**, Lot No. **40** in the City of **Hammonton**, County of **Atlantic**, New Jersey, and title to which has been recorded in the County Clerk or Register's Office being more fully described as set forth in Attachment "A" hereto.

- (2) The applicable fraction, as defined in Section 42(c)(1)(B) of the Code (the smaller of the low-income unit fraction or the low-income floor space fraction), and as provided by the Project Owner in its low income housing tax credit application (the "Application") is **100** percent. This fraction shall not be decreased during any taxable year of the compliance period or extended use period unless terminated in accordance with the provisions enumerated at Section 42(h)(6)(E) of the Code.
- (3) This Covenant and the Section 42 occupancy and rent restrictions shall commence on the first day of the compliance period as defined in section 42 of the Code, and shall end on the date which is fifteen (15) years after the close of the initial fifteen (15) year compliance period, unless terminated by foreclosure or instrument in lieu of foreclosure, pursuant to the provisions of the Code, and any regulations promulgated thereunder.
- (4) The extended use period shall terminate, subject to the provisions regarding low-income tenancy and gross rent restrictions, on the date the buildings are acquired by foreclosure (or an instrument in lieu of foreclosure), or on the last day of the one year period beginning on the date after the fourteenth (14th) year of the initial compliance period that the Project Owner submits a written request to the Agency to present a qualified contract (as defined at Section 42(h)(6)(F) of the Code) for the acquisition of the buildings, if, and only if, the Agency is unable to present within that year's time, a qualified contract from a purchaser who will continue to operate such buildings as a qualified low-income project.
- (5) The compliance period begins at the same time as the credit period. The Project Owner elects when to begin the credit period at the time the Project Owner's first tax return is filed with the Internal Revenue Service. It is expected that the Project Owner will begin the credit period in **2024**.
- (6) The federal set-aside, as defined by section 42(g)(1) of the Tax Code, elected by the Project Owner is checked below.

☒ 40% at 60%

At least 40% of the residential units will be rent restricted and occupied by households whose income is 60% or less than the area median income. All tax credit-eligible units must be restricted to no more than 60% of the area median income adjusted for family size.

☐ 20% at 50%

At least 20% of the residential units will be rent restricted and occupied by households whose income is 50% or less than the area median income. All tax credit-eligible units must be restricted to no more than 50% of the area median income adjusted for family size.

☐ Average Income

The income of each unit will be designated at 20%, 30%, 40%, 50%, 60%, 70% or 80% of area median income and will be rent restricted and occupied by households whose incomes are less the designated income limitation. The average of all income designations shall not exceed 60% of area median income. Income designations are noted below and may not be amended without written approval from NJHMFA.

_____ units at 20% of AMI
 _____ units at 30% of AMI
 _____ units at 40% of AMI
 _____ units at 50% of AMI
 _____ units at 60% of AMI
 _____ units at 70% of AMI
 _____ units at 80% of AMI

The selection of this federal set-aside is irrevocable and is binding on the Project Owner and all successors in interest to the Project through the end of the extended use period.

- (7) ☐ If this box is checked, the Project is a Special Needs Project (Supported Housing) as defined in the 20__ Qualified Allocation Plan, and as selected by the Project Owner in its Application and as such, the Project Owner must restrict at least 25 percent of the total project units for occupancy by one or more special needs population through the end of the compliance period AND make available at a reasonable cost to all tenants with special needs all services that are appropriate and accessible as needed by the tenants throughout the compliance period. One of the social services provided must be an onsite social services coordinator. With written approval from the Agency, the Project Owner may substitute another special needs population for the one(s) identified in its Application and may substitute services to better address the needs of the tenants with special needs. Notwithstanding the above, if after a period of sixty (60) days of a unit described in this paragraph becoming unoccupied the Project cannot identify an eligible person within the special needs population selected by the Project Owner in its Application to rent the unoccupied unit, such unit may be leased to any low income housing tax credit eligible person or family, with a preference given first to eligible persons in other special needs populations. The next unit of similar size in the Project that becomes unoccupied shall be rented to an eligible person within the special needs population selected by the Project Owner in its Application on the same terms set forth herein.
- (8) Pursuant to section 42(h)(6)(B)(iii) of the Code, this Covenant prohibits the disposition to any person of any portion of a building to which this Covenant applies unless all of the building to which such Covenant applies is disposed of to such person.

- (9) Pursuant to Revenue Ruling 2004-82, this Covenant prohibits (i) the eviction or termination of tenancy (other than for good cause) of an existing tenant of any low-income unit or (ii) any increase in the gross rent with respect to the unit not otherwise permitted under section 42 of the Code for the term of the extended use period and a period of three (3) years following any termination of this Covenant, including any termination by foreclosure or instrument in lieu of.
- (10) Pursuant to section 42(h)(6)(B)(iv) of the Code, this Covenant prohibits the refusal to lease to a holder of a voucher or certificate of eligibility under section 8 of the United States Housing Act of 1937 of the status of the prospective tenant as such a holder.
- (11) This Covenant shall constitute an agreement between the Agency and the Project Owner which is enforceable in the courts of the State of New Jersey by the Agency or by individual(s), whether prospective, present, or former occupants of the Project, who meet the income limitations applicable to the Project under Section 42(g) of the Code, said individual(s) being express beneficiaries of this Covenant.
- (12) The Project Owner agrees to comply with the requirements of the federal Fair Housing Act as it may from time to time be amended.
- (13) The Project Owner agrees (i) to obtain the consent of any recorded lien holder on the Project to the terms and conditions of this Covenant and (ii) it will not grant to any lien holder an interest in the Project that is superior to the terms and conditions of this Covenant. Such consent and subordination of the interests of all recorded lien holders on the Project shall be conditions precedent to the issuance of IRS Form(s) 8609.
- (14) The Project Owner agrees to employ throughout the compliance period a staff person who has successfully completed a NJHMFA-approved tax credit certification program with a continuing education component prior to the project being placed in service. The staff person responsible for verification of tenant income must be the person to successfully pass the certification examination and maintain the certification for the term of the compliance and extended use periods.
- (15) This Covenant is binding on all successors in interest to the Project and shall run with the land until the end of the extended use period, unless terminated prior to said date in accordance with all provisions of the Code and the regulations promulgated thereunder.
- (16) These covenants may, from time to time, be amended only with the written consent of the Agency, to reflect changes to the Code or regulations promulgated thereunder. Project Owner expressly agrees to enter into such amendments as may be necessary to maintain compliance under section 42 of the Code.
- (17) In order to enable the Agency to monitor the Project Owner's compliance with these use and occupancy restrictions pursuant to the Code, Project Owner covenants and agrees that the Agency and its agents or employees shall be allowed to enter and inspect the Project during business hours and to inspect and copy all books and records pertaining to the Project.

- (18) The Project Owner covenants and agrees to comply and cooperate with the Code and all Agency tax credit compliance monitoring procedures including but not limited to completing and sending to the Agency an annual status report, or, if requested by an authorized official of the Agency, more frequent reports, in form and content acceptable to the Agency, which shall demonstrate ongoing compliance with this Covenant.
- (19) The Project Owner covenants and agrees that in the event it files for bankruptcy, liquidates, sells or otherwise transfers ownership of the Project, it will notify the Agency in writing, and further, that as a condition precedent to any sale or transfer it will enter into such agreements with the purchaser or transferee as may be prescribed by the Agency, which have the effect of causing such purchaser or transferee to be bound by these use and occupancy restrictions, as they may be amended or supplemented.
- (20) The terms of this Covenant shall be interpreted, conditioned and supplemented in accordance with and by section 42 of the Code and regulations promulgated thereunder, all of which are incorporated herein by reference, whether or not such provisions of the Code or regulations are expressed or referenced herein. In the event of any conflict between this Covenant and the requirements of the Code, the Code shall prevail. The Agency reserves the right to set conditions for the allocation of LIHTC by regulation that may be more stringent than the Code.
- (21) The invalidity of any clause, part, or provision of this Agreement shall not affect the validity of the remaining provisions.
- (22) This Covenant may be executed in any number of counterparts, each of which shall be deemed an original and all of which taken together shall constitute one and the same instrument.


[SIGNATURES ON NEXT PAGE]

Signatures: This Covenant is granted by the Project Owner whose duly authorized representative's signature appears below.

Sworn and subscribed to before
the undersigned Notary Public or
Attorney on the date appearing below:

WITNESS

(IF INDIVIDUAL, LLC, OR PARTNERSHIP)



PROJECT OWNER:

By:

By:



Authorized Representative



Kevin Fiore, White Horse HMT Urban Renewal, LLC

ACKNOWLEDGEMENT FOR PARTNERSHIP

(who has a corporate entity as general partner)

STATE OF NEW York)

COUNTY OF Westchester) SS:

I Kevin Fiore CERTIFY that on October 10, 2023, OF THE PARTNERSHIP personally came before me, and this person acknowledged under oath, to my satisfaction, that (a) this person is a Member of CDP Millville, LLC who is the managing member of White Horse HMT Urban Renewal, LLC, the Owner named in this document (the "Partnership"); and (b) this document was signed and delivered by the Partnership as its voluntary act duly authorized by a proper resolution of the Board of Directors of the General Partner.

SWORN TO AND SUBSCRIBED
before me, the date aforesaid.

Notary Public

STUART R. LANG
Notary Public, State of New York
No. 31-4829535
Qualified in WESTCHESTER County
Commission Expires July 31, 2025

ACKNOWLEDGEMENT FOR LIMITED LIABILITY COMPANY

STATE OF NEW York)

COUNTY OF Westchester) SS:

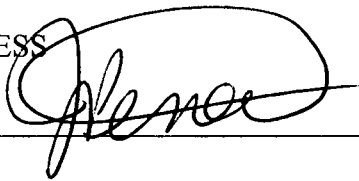
I CERTIFY that on 10/10, 2023, Kevin Fiore personally came before me, and this person acknowledged under oath, to my satisfaction, that (a) this person is the Managing Member of White Horse HMT Urban Renewal LLC the Owner named in this document (the "LLC"); and (b) this document was signed and delivered by the Company as its voluntary act duly authorized by a proper resolution of the Company.

SWORN TO AND SUBSCRIBED
before me, the date aforesaid.


Notary Public

STUART R. LANG
Notary Public, State of New York
No. 31-4829535
Qualified in WESTCHESTER County
Commission Expires July 31, 2025

WITNESS



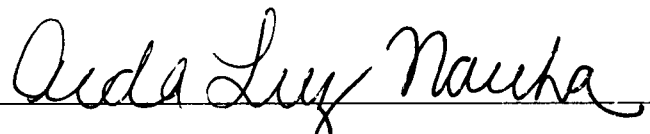
NEW JERSEY HOUSING AND
MORTGAGE FINANCE AGENCY

By: 
Debra M. Urban
Chief of Multifamily Programs

Date: 10/4/23

STATE OF NEW JERSEY, COUNTY OF MERCER **SS:**

I CERTIFY that on 10/4, 2023, **DEBRA M. URBAN** personally came before me, a Notary Public of the State of New Jersey, and acknowledged under oath to my satisfaction that a) she is the **Chief of Multifamily Programs** of **NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY**, the Agency named in this document, and b) she executed and delivered this document as the voluntary act of the Agency, duly authorized by a proper resolution of its members, on behalf of the Agency.


Notary Public of the State of New Jersey
My Commission Expires on _____

Aida Luz Nautba
Notary Public
New Jersey
Notary ID 2362190
My Commission Expires July 19, 2027

FIDELITY NATIONAL TITLE INSURANCE COMPANY

SCHEDULE A REVISED LEGAL DESCRIPTION

File No.: **CBNJ-10938**

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Hammonton, in the County of Atlantic, State of New Jersey:

Beginning at the southerly line of White Horse Pike (99 feet wide) at the division point between Lots 38 and 39, Block 3904, said point being 39 feet from the centerline of White Horse Pike, and extending thence:

1. South 36 degrees 05 minutes 47 seconds East along the southerly line of White Horse Pike 542.67 feet to the division line between Lot 40 and Lot 41 in Block 3904; thence
2. South 43 degrees 25 minutes 07 seconds West along said division line 684.27 feet to the division line of Lot 95 and Lot 40 and Lot 41 in Block 3904; thence
3. North 48 degrees 42 minutes 27 seconds West along said division line 527.11 feet to the division line between Lot 95 and Lot 38 and Lot 39 in Block 3904; thence
4. North 42 degrees 55 minutes 45 seconds East, along the division line between Lot 38 and Lot 39 in Block 3904, 802.61 feet to the point and place of Beginning.

The above description is drawn in accordance with a survey made by Duffy, Dolcy, McManus & Roesch, dated 1/27/2020.

FOR INFORMATION PURPOSES ONLY: BEING known as Tax Lot 40 (additional Lot 39) in Tax Block 3904 on the Official Tax Map of the Town of Hammonton, Atlantic County, State of NJ.

FOR INFORMATION PURPOSES ONLY: The mailing address is: 308 S White Horse Pike, Hammonton, NJ 08037.

APPENDIX G

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (this “MOU”) dated as of May 20, 2025, is made by and between Hammonton 30 Developers LLC, with offices located at c/o Paramount Realty Services, 1195 Route 70, Suite 2000, Lakewood, NJ 08701 and/or its assignee, (the “Conditional Redeveloper”), and the Town of Hammonton, a Municipal Corporation of the State of New Jersey, having offices at 100 Central Avenue, Hammonton, New Jersey, 08037 (the “Town”), (collectively referred to herein as the “Parties”).

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of rehabilitation and/or redevelopment; and

WHEREAS, based upon the recommendation of the Planning Board of the Town of Hammonton, the Town Council of the Town of Hammonton (“Council”) adopted Resolution 127-2015, designating the entire Town as an area in need of rehabilitation as defined in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“LRHL”); and

WHEREAS, Conditional Redeveloper made a presentation during the public portion of the April 28, 2025, Hammonton Town Council Meeting regarding the rehabilitation and redevelopment of Block 4604, Lot(s) 15, 21, 22, 26, 27 and 28 (the “Redevelopment Area” or “Property”) within the GW-2 Gateway District Boulevard and R-3 Residential Zoning Districts; and

WHEREAS, the Conditional Redeveloper has proposed to construct 102 single family dwellings; 40 three story townhouses; 36 two story, one-over-one affordable housing family rental units; approximately 46,000 square feet of retail/commercial space; and related improvements consistent with the Concept Plan attached as Exhibit "A" (the "Project" or "Project Improvements"); and

WHEREAS, the Town and Conditional Redeveloper desire that the Property be rehabilitated and redeveloped; and

WHEREAS, the Redevelopment Law provides a process for redevelopment entities to enter into agreements with redevelopers to carry out and effectuate the rehabilitation and redevelopment of the Property; and

WHEREAS, N.J.S.A. 40A:12A-15 and N.J.S.A. 40A:12A-8(f), authorize the Town to arrange or contract with a redeveloper for the planning, construction or undertaking of any project or redevelopment work in an area designated as an area in need of rehabilitation or redevelopment; and

WHEREAS, Town Council has determined that it is in the best interest of the Town to enter into negotiations with Conditional Redeveloper, and therefore to enter into this MOU, with Conditional Redeveloper for construction of the Project.

NOW, THEREFORE, in consideration of the Parties' promises and mutual representations, covenants and agreements set forth herein, the Parties, each binding itself, its successors and assigns, do hereby mutually promise, covenant and agree as follows:

1. **Negotiations with Conditional Redeveloper**. The Town has, pursuant to Resolution, designated Hammonton 30 Developers LLC, as Conditional Redeveloper for the

Project Improvements on the Property and, pursuant to this MOU, hereby agrees to negotiate solely with Conditional Redeveloper for a period of one hundred and eighty days (180) days, in good faith, for the rehabilitation and redevelopment of the Property, which period can be extended by the Parties' mutual written agreement.

2. **Redevelopment Agreement**. The Parties hereby agree to immediately commence good faith negotiations of the intended terms and conditions of a Redevelopment Agreement and other agreements, which shall include, but not limited to, provisions for the following: financial agreement pursuant to the Five-Year Exemption and Abatement Law; Adoption of recapture Ordinance by the Town relating to the extension of sewer infrastructure from off-site; adoption of an overlay zoning district; compliance with any redevelopment plan; local planning approval; and project oversight.

3. **The "Interim Period"**. Conditional Redeveloper shall pay the Town all Interim Costs (as defined below) incurred by the Town during the time period commencing when the Town reviewed the Conditional Redeveloper's proposal to the time the Town and Conditional Redeveloper enter into a Redevelopment Agreement or the time the Town or Conditional Redeveloper determines that a Redevelopment Agreement cannot be executed for any reason (hereinafter referred to as the "Interim Period"). Conditional Redeveloper shall pay all Interim Costs even if a Redevelopment Agreement cannot be executed for any reason.

4. **Payment of "Interim Costs"**.

A. "Interim Costs" shall include all reasonable fees and costs of any professional consultant, contractor, legal counsel or vendor retained or used by the Town during the Interim Period regarding the Town's review of the Conditional Redeveloper's proposal and negotiation of the Redevelopment Agreement.

- B. Interim Fund. Within five (5) business days of the execution of this MOU, Conditional Redeveloper shall establish a separate escrow account with the Town by depositing the amount of Twenty-Five Thousand Dollars (\$25,000.00), (the "Interim Fund") to be drawn down by the Town to pay Interim Costs. If the Interim Fund is drawn down to Five Thousand Dollars (\$5,000), the Town shall notify Conditional Redeveloper in writing and Conditional Redeveloper shall replenish the Interim Fund as required herein within ten (10) days. If the Interim Fund is not so replenished, the Town may immediately terminate negotiations upon written notice to Conditional Redeveloper and Conditional Redeveloper shall be responsible to immediately pay all costs due up to the date of termination.
- C. Statement and Invoices. The Town shall provide Conditional Redeveloper with monthly invoices during the course of the Interim Period; setting forth the Interim Costs incurred by the Town which qualify as Interim Costs pursuant to Section 4(A) hereof. Conditional Redeveloper shall have ten (10) days to review and approve or disapprove of the payment of submitted invoices. If Conditional Redeveloper does not respond to the Town within ten (10) days of receipt of the invoices, the Town shall provide Conditional Redeveloper with a statement of expenses paid from the Interim Fund when demanding that the Interim Fund be replenished. The Town shall provide a final invoice within thirty (30) days of the date a Redevelopment Agreement is executed, or the date the Town or the Conditional Redeveloper determines that such an agreement cannot be executed.

D. Disposition of Interim Fund Balance. Any balance in the Interim Fund upon execution of the Redevelopment Agreement shall be refunded to the Conditional Redeveloper at the end of the Interim Period.

5. Amendments. Any and all amendments to this MOU shall be in writing and shall require the mutual agreement of both Parties.

6. Entire Agreement. This MOU shall set forth all of the promises, covenants, agreements, conditions and undertakings between the Parties hereto with respect to the subject matter hereto, and supersedes all prior contemporaneous agreements and undertakings, inducements or conditions, express or implied, oral or written, between the Parties hereto.

7. Not Binding on Individuals. No covenant, condition or agreement contained in this MOU shall be deemed to be the covenant, condition or agreement of any past, present or future member, manager, trustee, official, officer, agent or employee of either Party, in his or her individual capacity, and neither the members, managers, trustees, officials, officers, agents or employees of such Party or Parties, nor any individual executing this MOU, shall be personally liable on this MOU or by reason of the execution hereof by such person, or arising out of any transaction or activity relating to this MOU.

8. Governing Law. The terms of this MOU shall be governed, construed, interpreted, and enforced in accordance with the laws of the State of New Jersey, including all matters of enforcement, validity, and performance.

9. Non-Binding Effect. Except for the Town's obligation to negotiate exclusively and in good faith with Conditional Redeveloper, as well as Conditional Redeveloper's obligation to negotiate in good faith, this MOU does not constitute a binding commitment between the Parties'

respective rights and obligations, which remain to be fully defined in their Redevelopment Agreement.

10. **Counterparts**. This MOU may be executed in counterparts. All such counterparts shall be deemed to be originals and together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be properly executed and attested to as of the day and year first above written.

ATTEST:


Frank Zuber, Municipal Clerk


TOWN OF HAMMONTON

By: 
Steve DiDonato, Mayor

WITNESS:



HAMMONTON 30 DEVELOPERS, LLC

By: 
Maurice Zekaria, Managing Member
Print Name/Title