

**TOWNSHIP OF CARNEYS POINT, COUNTY OF SALEM  
PUBLIC NOTICE OF MOUNT LAUREL COMBINED COMPLIANCE  
AND FAIRNESS HEARING**

**Docket Number: SLM-L-124-15**

**PLEASE TAKE NOTICE** that, on May 24, 2022, beginning at 10:00 a.m., the Honorable Robert P. Becker, Jr., P.J.Ch., will conduct a virtual Compliance and Fairness Hearing In The Matter of the Application of the Township of Carneys Point in Salem County, bearing Docket No. SLM-L-124-15 (“the Action”) at the Gloucester County Superior Court, Courtroom 203 located at 1 N. Broad Street, Woodbury, NJ 08096.

Any person who wishes to remotely participate in the Hearing should contact the Township Clerk at (856) 299-0070 or the office of Nancy L. Holm, Esq. at 732-612-3100. For the convenience of the public and since a virtual link and/or a phone number to participate in the Hearing is not currently available from the Court, said virtual link and/or phone number will be posted on the Township’s website (<http://www.carneypointtp.org>) as soon as it is made available by the Court prior to the Hearing.

The purpose of the combined Compliance and Fairness Hearing is for the Court to determine (1) whether an Amendment to the March 27, 2019 Court-Approved Settlement Agreement between Fair Share Housing Center (“FSHC”) and the Township of Carneys Point, dated January 28, 2022 (hereinafter “Amended FSHC Settlement Agreement”), is fair and reasonable to the region’s low- and moderate-income households according to the principles set forth in Morris County Fair Housing Council v. Boonton Tp., 197 N.J.Super. 359 (Law Div.1984), aff’d o.b., 209 N.J.Super. 108 (App. Div. 1986) and East/West Venture v. Bor. of Fort Lee, 286 N.J.Super. 311 (App. Div. 1996), and (2) whether the Amended Housing Element and Fair Share Plan (hereinafter “Amended Affordable Housing Plan”) of the Township of Carneys Point, satisfies the Township’s obligation to provide a realistic opportunity to satisfy the Rehabilitation, Prior Round and Round 3 components of its “fair share” of the regional need for housing affordable for very low-, low- and moderate-income households pursuant to (i) the Fair Housing Act (“FHA”), N.J.S.A. 52:27D-301 et seq.; (ii) applicable substantive regulations of the New Jersey Council on Affordable Housing (“COAH”); (iii) the Settlement Agreement entered into between FSHC and the Township of Carneys Point on March 27, 2019, approved by the Court at a properly noticed Fairness Hearing held on May 1, 2019, and memorialized by an approval order entered by the Court on June 4, 2019, as amended; (iv) the June 2, 2020 Final Judgment of Compliance and Repose entered by the Court after a duly-noticed Compliance Hearing; and (iv) other applicable laws. If the Court determines that the Township’s amendment to its Housing Element and Fair Share Plan has satisfied its obligation to provide a realistic opportunity to satisfy its Rehabilitation, Prior Round and Round 3 components of its “fair share,” it will enter an Amended Judgment of Compliance and Repose, which will give the Township protection from all Mount Laurel lawsuits until July 2, 2025, other than actions to enforce the FSHC Settlement Agreement, as amended, or the Court's orders.

To facilitate this procedure, the Township has presented to the Court and will place on file with the Township Clerk on April 22, 2022, a copy of the Affordable Housing Plan and various other related documents, including the Amended FSHC Settlement Agreement, along with the March 27, 2019 Court-Approved Settlement Agreement and June 4, 2020 Judgment of Compliance and Repose. These documents are available for public inspection at the office of the Township Clerk

located at 303 Harding Highway, Carneys Point, NJ 08069 during normal business hours. You may also contact the Township Clerk via e-mail ([junep@carneypointtwp.org](mailto:junep@carneypointtwp.org)) or phone (856-299-0070) to request a copy of the documents be sent to you. Alternatively, you may contact Surenian, Edwards & Nolan LLC at the contact information listed below to request a copy of the documents be sent to you.

The Amended Affordable Housing Plan, the First Amendment to the FSHC Settlement Agreement, and additional documents on file in the Township's Municipal Building describe how the Township will address its "fair share" of the regional need for low and moderate-income housing as established pursuant to a Court-approved Settlement Agreement between the Township and FSHC, as amended.

The various elements of the Township's Amended Affordable Housing Plan are summarized as follows:

1. The agreed upon Rehabilitation Obligation is 39.
2. The agreed upon Prior Round Obligation is 184.
3. The agreed Gap + Prospective Need or Round 3 Obligation is 240.
4. The Township has a 39-unit Rehabilitation obligation and has/shall satisfy that obligation by working with Salem County or will hire a separate entity to rehabilitate units in the Township in need of rehabilitation and occupied by low- and moderate-income households.
5. The Township has a 184-unit Prior Round Obligation and will satisfy that obligation by applying existing and proposed credits for various sites including Soder's Village, Frangible Disk (redevelopment), Habitat for Humanity, Urban Renewal Housing, and "rental bonus" credits.
6. The Township has a 240-unit Round 3 Obligation and will satisfy that obligation by applying credits from the Frangible Disk and Urban Renewal Housing Sites, and "rental bonus" credits.
7. Because the Township does not have sufficient available sewer capacity, it is eligible for an 98-unit "durational adjustment" pursuant to N.J.A.C. 5:93-4.3.
8. The Amended FSHC Settlement Agreement increases the number of affordable units on the Frangible Disk site from 60 units to 88 units, so as to maximize the number of affordable units against the Township's remaining sewer capacity.
9. The Township will also adopt a mandatory set-aside ordinance that requires a twenty-percent (20%) affordable housing set-aside where the affordable units are provided for for-sale, and fifteen-percent (15%) set-aside where the affordable units are provided for rental whenever any residential development, including the residential portion of a mixed-use project, consists of five (5) or more new residential units at six (6) units per acre or higher,

or equivalent, which results, in whole or in part, from (i) a municipal rezoning or zoning amendment; (ii) any variance pursuant to NJSA 40:55D-70(d), including but not limited to, any use variance or a density variance increasing the permissible density; and/or (iii) the adoption of a new or amended redevelopment plan or rehabilitation plan.

10. The Township will maintain the zoning, but is not required to reserve sewer capacity, on the following inclusionary sites:
  - a. Sandy Ridge, Block 45, Lot 33, 175 Penns Grove – Auburn Road – zoning allows for construction of maximum of 24 multifamily units in addition to current apartment development on site, with a 15 percent set-aside for rental units or 20 percent set-aside for for-sale units;
  - b. Moores Landing, Block 168 Lot 33 and Block 168.01 Lot 1, 294-394 Merion Avenue – zoning allows for construction of maximum of 48 multifamily units in addition to current apartment development on site, with a 15 percent set-aside for rental units or 20 percent set-aside for for-sale units;
  - c. 150 Penns Grove-Auburn Road, Block 48, Lot 7 (16.36 acres);
  - d. 517 South Pennsville Auburn Road, Block 218, Lot 12 (11.80 acres).

Any interested party, including any low- or moderate-income persons residing in the housing region, any organization representing the interests of low- and moderate-income persons, any owner of property in the Township of Carneys Point, or any organization representing the interests of owners of property in the Township of Carneys Point, may file comments on, or objections to, the Affordable Housing Plan or the First Amendment to the FSHC Settlement Agreement. Objections must provide: (a) a clear and complete statement as to each aspect of the Township's Affordable Housing Plan or the First Amendment to the FSHC Settlement Agreement contested by the objector; (b) an explanation of the basis for each objection; and (c) copies of all such expert reports, studies, or other data relied upon by the objector, along with a list of witnesses the Objector intends to call during the combined Compliance and Fairness Hearing. For an objector witness to testify during the combined Compliance and Fairness Hearing, an accompanying written expert report must be filed with all interested parties by the deadline below.

Such comments or objections, together with copies of any supporting affidavits, expert reports, or other documents, **must be filed in writing**, on or before May 13, 2022 at 4:00 p.m. with the Honorable Robert P. Becker, Jr., P.J.Ch. at the Gloucester County Superior Courthouse, Courtroom 203, located at 1 N. Broad Street, Woodbury, NJ 08096, with copies of all papers being forwarded by mail or e-mail to:

**Frank J. Banisch, III, PP/AICP**  
Special Master  
111 Main Street  
Flemington, NJ 08822  
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**June Proffitt, Clerk**  
Township of Carneys Point  
303 Harding Highway  
Carneys Point, NJ 08069  
[junep@carneyspointtp.org](mailto:junep@carneyspointtp.org)

**Nancy L. Holm, Esq.**  
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Fair Share Housing Center  
510 Park Boulevard  
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This Notice is intended (a) to inform all interested parties of the existence of an Affordable Housing Plan, the First Amendment to the FSHC Settlement Agreement, and of documents on file that explain the specific manner in which the Township proposes to address its “fair share” of affordable housing; and (b) to explain the consequences of court approval of the Township’s Affordable Housing Plan; namely, immunity from all Mount Laurel lawsuits through July 2, 2025, other than actions to enforce the FSHC Settlement Agreement as amended or the Court’s orders. This Notice does not indicate any view by the Court, the Special Master, the Township, or FSHC as to whether the Court will approve the manner in which the Township proposes to satisfy its fair share.