



Township of Branchburg

1077 HIGHWAY 202, BRANCHBURG, NJ 08876-3936
TELEPHONE: (908) 526-1300 FAX: (908) 526-2452
OFFICE OF THE ADMINISTRATOR

www.branchburg.nj.us

MEMORANDUM

To: Residents

From: Gregory J. Bonin, Township Administrator

Date: June 2021

Re: Court Mandated Affordable Housing projects

As residents may be aware there are several residential developments underway in our community at this time. The residential developments are a result of the requirement for the Township to address its required affordable housing obligation. The affordable housing obligation comes from what is known as the *Mount Laurel I Supreme Court* case which was decided in 1975 which found that every municipality has a constitutional obligation to provide for its fair share of affordable housing. While the Township has complied with this requirement since the obligations and affordable housing rules were issued by a state agency known as the Council on Affordable Housing (COAH), the process to receive approval of the Township's affordable housing plan has changed.

In 2015, the NJ Supreme Court issued a ruling that turned control of NJ affordable housing oversight and approval to the NJ Superior Court, taking the assignment of affordable housing obligations and approval of affordable housing plans away from COAH and transferring it to a court oversight and approval process.

A process occurred in the court system which determined how many affordable units each NJ community would be obligated to address in the affordable housing plan. For Branchburg, our affordable housing obligation was determined to be 1,300 units. The court put a cap of 1,000 units on the obligation, so Branchburg has been issued a court mandated affordable housing obligation of 1,000 units that must be implemented within the Township.

The Township was then appointed a "Court Master" by the NJ Superior Court. This person would meet regularly with the Township to ensure our compliance with the Court orders and report back to the Superior Court on our progress. The NJ Superior Court and Court Master required the Township meet with developers and come up with a plan to meet our obligation. To not comply with the required affordable housing obligation and not work with the Superior Court would result in an increased risk of lawsuits from various developers who would sue the township for what is called a "builders remedy".

In a "builders remedy" lawsuit the developer files a complaint with the Superior Court indicating that a municipality has not created a realistic opportunity for affordable housing and seeks to work directly with the court to determine the where, when and the type of affordable housing to be built. Under a "builders remedy" lawsuit, the Township loses zoning control and runs the real risk of having little to no input regarding the overall development of the Township. While the Township received immunity from the "builders remedy" lawsuit by working with the Superior Court and receiving immunity, the court process permits developers to become "interveners" in the court review of the affordable housing plan and the Township is required to negotiate with the developers deciding which projects are and are not in the Township affordable housing plan to meet the affordable housing obligation.

In an effort to control future development within the Township, the Township Committee and staff have worked diligently to reduce and mitigate the negative effects associated with incompatible development resulting addressing its affordable housing obligation.



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There are several ways municipalities can meet affordable housing obligations. The COAH regulations limit our use of affordable housing methods. Although we provided alternative methods that would have further reduced negative impacts from incompatible development, COAH regulations do not permit these methods at this time and the Township affordable housing plan was developed to first, utilize existing affordable housing credits and infill development and second, work with developers that provided a higher percentage of affordable housing units than the minimum required and in areas where the development met the COAH criteria as being suitable, developable, available and approvable. In brief summary, the methods of creating affordable housing units are;

- **Inclusionary Development:** This method involves a developer approaching the township wanting to build market rate units, normally at a higher density than permitted. As part of the 'project' the developer will build market rate units and affordable units. There is no funding put forth by the municipality. Generally, this type of development is built with a mix of 80% market units and 20% affordable units. In Branchburg we have required developers construct at minimum 25% affordable unit mix thereby lowering the total number of market units that would have been otherwise constructed in the Township.
- **Municipally sponsored units:** In this process the township contributes funding to a developer who is willing to construct a development consisting of 100 % affordable housing units. The municipal funding helps offset the cost of building and selling/renting affordable units which sell/rent for far less than market rate units. The benefit of this process is that far less units are built as there are no market units which can account for 80% of the units in a development.
- **Bonus Credits;** The COAH affordable housing rules provide bonus credits (2 for 1) for rental units. The Township has sought to maximize the number of credits, which equals 25% of the obligation or 250 credits so as to build less affordable units throughout the Township.

The Township has worked hard with the Superior Court and Court Master to develop a plan that meets our land use goals, reduces negative impacts from overdevelopment, while simultaneously ensuring that we do not end up with "builders remedy" lawsuits that would take away our ability to control (at least in some way) the manner in which development occurs in town.

It should be noted that the township had 14 developers that filed motions with NJ Superior Court to be a part of the Township's affordable housing plan. That is the most of any town in NJ that we have found.

We urge all residents to visit our website, www.branchburg.nj.us/documents/index.php, for much more information on this matter.

Below is a description of each future development in our community. Attached is a map showing the location of each.

ACTIVE (UNDER CONSTRUCTION) RESIDENTIAL CONSTRUCTION SITES:

1. Developer: Conifer ('Triangle' site)

- Location: Old York Road and Route 202 next to Whiton Hills Apartments
- Units: 100 affordable rental apartments, non-age restricted.
- Bonus: 100 rental bonus credits toward obligation
- Will consist of the following:
 - 1 - four story building, with parking on the lower level and residential apartment on two floors, office and community room.



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- 5 - three story buildings with residential apartments.
- A clubhouse/maintenance building with a laundry room.

2. Developer: Advance / Fox Hollow (Lennar)

- Location: Route 22 West across from County Line Road
- Units: 111 units, non-age restricted
- Bonus: 28 rental bonus credits toward obligation
- Will consist of the following:
 - 81 market rate, for sale townhouses
 - 30 affordable rental units (2 units will be counted to a future affordable housing obligation)
 - a. 2- three story apartments building consisting of 18 units in one building and 12 units in the other.

3. Developer: Cornerstone at Branchburg (Branchburg Senior Apartments LLC)

- Location: Corner of Route 202 and Old York Road across from the municipal building.
- Units: 150 age restricted rental units
- Will consist of the following:
 - 2- three story buildings with 75 affordable rental apartment units in each
 - 132 single bedroom units and 18 two-bedroom units.

4. Developer: North Branch Walk (Sycamore Developers)

- Location: Route 22 East and Meister Ave. across from the Quik Chek light at Rt 28
- Units: 365 rental units, non-age restricted
- Bonus: 91 rental bonus credits toward obligation
- Will consist of the following:
 - 149 townhouses market rate, rental units.
 - 8- three story buildings consisting of 125 market rate, rental apartment units
 - 91 apartments will be affordable rental apartments
 - Also included will be a 2-story maintenance building, clubhouse with an inground pool and playground.

APPROVED BY PLANNING BOARD, NOT YET UNDER CONSTRUCTION

5. Developer: Summit Green (Premier Developers)

- Location: Route 22 East (behind 30 Burgers)
- Units: 523 rental units, non-age restricted
- Bonus: 22 rental bonus credits toward obligation
- Will consist of the following:
 - 103 townhouses market rate, rental units
 - 16-three story buildings consisting of 315 market rate rental apartment units
 - 92 apartments will be affordable rental apartments
 - 39 three-bedroom apartments for special needs residents

INCLUDED IN APPROVED HOUSING ELEMENT, NO PLANS SUBMITTED TO DATE

6. Developer: Genesis Development

- Location: Route 28 eastbound, across from Lamington Rd
- Units: 9 affordable housing rental apartments



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- Bonus: 9 rental bonus credits toward obligation
- Will consist of the following:
 - One building with 9 rental apartments

7. Developer: Judelson/Glen Willow

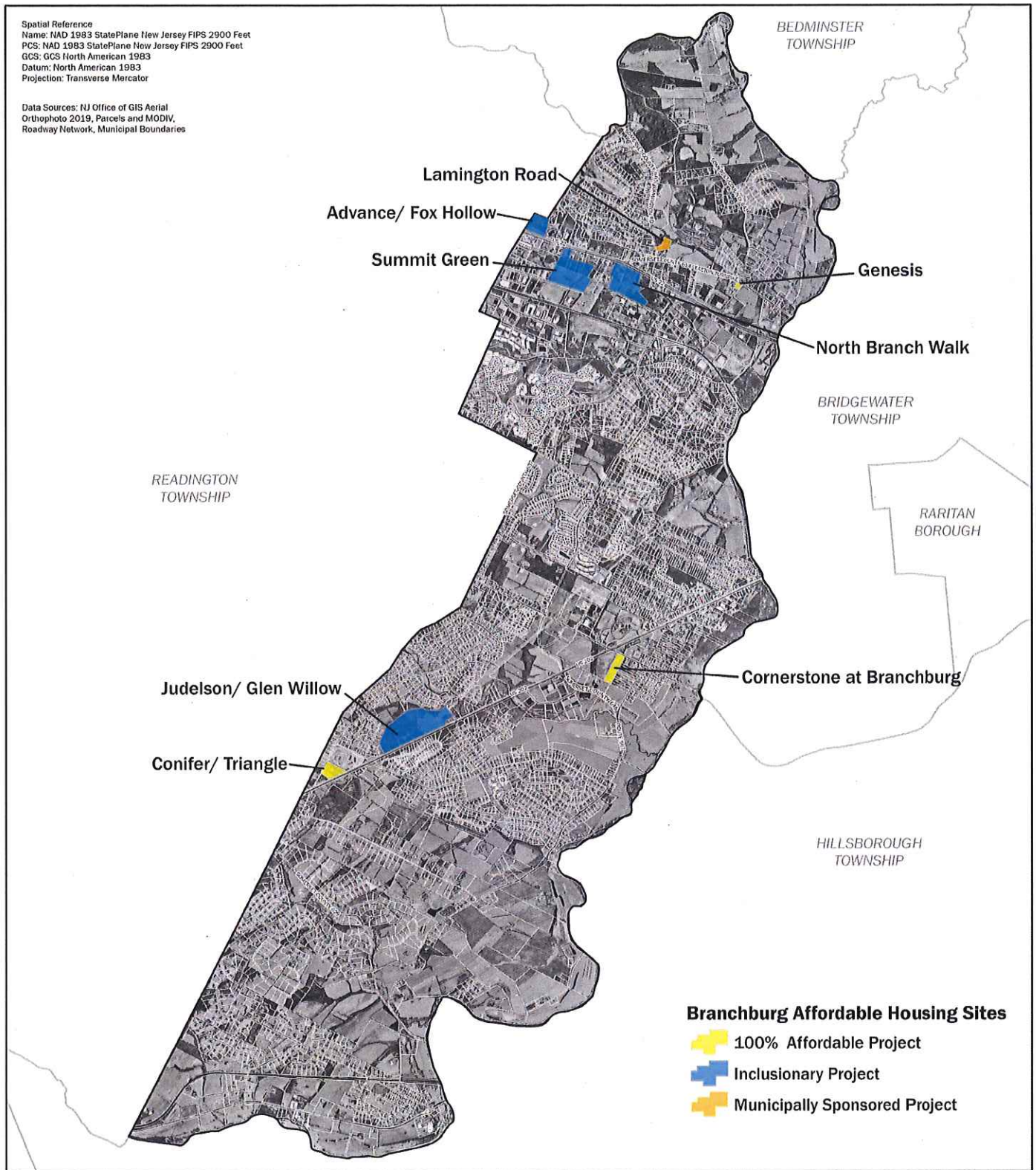
- Location: Rt 202 southbound, between Holland Brook and Whiton Roads
- Units: 475 for sale and rental units, age-restricted and non-age restricted mix
- Will consist of the following
 - 350 market rate rental and for-sale units
 - 125 affordable units consisting of:
 - 26 age-restricted for sale units
 - 28 age-restricted rental units
 - 40 non age-restricted for sale units
 - 31 non age-restricted rental units

8. Developer: Lamington Road (Premier Development)

- Location: Lamington Road (adjacent to RVCC)
- Units: 100 age-restricted rental units
- Will consist of the following:
 - 60 market rate rental units
 - 40 affordable rental units

Spatial Reference
 Name: NAD 1983 StatePlane New Jersey FIPS 2900 Feet
 PCS: NAD 1983 StatePlane New Jersey FIPS 2900 Feet
 GCS: GCS North American 1983
 Datum: North American 1983
 Projection: Transverse Mercator

Data Sources: NJ Office of GIS Aerial
 Orthophoto 2019, Parcels and MODIV,
 Roadway Network, Municipal Boundaries



AFFORDABLE HOUSING SITES

Branchburg Township, Somerset County, NJ



0 0.5 1 2 Miles

Map Scale: 1 inch equals 1 mile



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