

**BOROUGH OF WENONAH, COUNTY OF GLOUCESTER**  
**NOTICE OF MIDPOINT REALISTIC OPPORTUNITY REVIEW**

**PLEASE TAKE NOTICE** that the Borough of Wenonah, County of Gloucester, posted its Midpoint Review Report on its municipal website at [www.boroughofwenonah.com](http://www.boroughofwenonah.com) with a copy of the Report provided to Fair Share Housing Center (“FSHC”).

The requirement for a midpoint realistic opportunity review derives from the Fair Housing Act at N.J.S.A. 52:27D-313 and the purpose and process is set forth in the Borough of Wenonah’s Court-approved Settlement Agreement with FSHC. The purpose of the midpoint realistic opportunity review is for Wenonah to provide a status report as to the Borough’s implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity.

Any interested party may submit comments to the Borough of Wenonah, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced. Comments must be submitted in writing no later than August 3, 2020. Any interested party may by motion request a hearing before the Court regarding these issues. In the event the Court determines that a site or mechanism no longer presents a realistic opportunity and should be replaced or supplemented, then the Borough of Wenonah shall have the opportunity to supplement or revise its plan to correct any deficiency.

To facilitate this process, the Borough has also placed on file with the Borough Clerk a copy of the Midpoint Review Report. This Report will be available for public inspection on July 3, 2020 at the office of the Borough Clerk, 1 South West Avenue, Wenonah, NJ 08090, during normal business hours 8:30 to 4:30 Monday thru Thursday.

The Borough of Wenonah requests that all comments provide: 1) A clear and complete statement as to each aspect of the municipality’s housing element and fair share plan contested as no longer presenting a realistic opportunity and needing to be replaced/supplemented; 2) An explanation of the basis for each comment; 3) Copies of all such expert reports, studies, or other data relied upon by the commenter; 4) Proposed modifications, changes, or other measures which the commenter contends would resolve the deficiency; and 5) An explanation of how the commenter’s proposals are consistent with applicable law.

Such comments, together with copies of any supporting affidavits or other documents, must be filed in writing, on or before August 3, 2020 or 30 days after the posting on the municipal website or when the notice is in the newspaper, whichever is later at 4:00 p.m. with Matthew Lyons, Esq., Gebhardt & Kiefer, P.C., PO Box 4001, Clinton, NJ 08809-4001 copies of all papers being forwarded by mail or e-mail to: [mlyons@gklegal.com](mailto:mlyons@gklegal.com)

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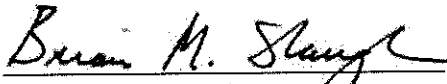
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AFFORDABLE HOUSING  
THIRD ROUND MIDPOINT REVIEW  
BOROUGH OF WENONAH  
GLOUCESTER COUNTY, NEW JERSEY

July 1, 2020

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## PURPOSE

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Wenonah's Settlement Agreement with Fair Share Housing Center ("FSHC") requires that the Borough comply with the statutory midpoint review requirements of the Fair Housing Act ("FHA") and specifically N.J.S.A. 52:27D-313, which provides in relevant part: "[t]he Council shall establish procedures for a realistic opportunity review at the midpoint of the certification period and shall provide for notice to the public." Pursuant to the FSHC Settlement Agreement, that review requires the Borough to post on its website, with a copy to FSHC and an opportunity for comment, a status report regarding its compliance mechanisms and whether or not unbuilt sites/unfulfilled mechanisms continue to present a realistic opportunity. The Settlement also contemplates review of unmet need/deferred mechanisms, though the realistic opportunity for the construction of those mechanisms during the compliance period is not applicable. This report has been prepared to comply with the statutory midpoint review requirements and the Agreement.

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## BACKGROUND

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The Borough filed a petition on July 7, 2015, seeking declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act, in accordance with In re N.J.A.C. 5:96 and 5:97. After February 22, 2016, adopted Wenonah Third Round Housing Element and Fair Share Plan was submitted to the Court, the Borough and Fair Share Housing Center met to discuss settlement terms. The Borough amended its plan to address concerns raised by FSHC, and adopted a revised plan following a public hearing on April 25, 2016. The Borough submitted that plan to the Court, and on September 26, 2016 received a final Judgment of Repose through July 7, 2025.

The Settlement Agreement established the Borough's Third Round Fair Share obligation as follows:

- Rehabilitation share: 0 units
- Prior Round obligation: 30 units
- Third Round gap and prospective need obligation: 109 units

Because of its limited quantity of developable land, Wenonah was granted a Prior Round Vacant Land Adjustment ("VLA") that reduced its Prior Round obligation to a Realistic Development Potential ("RDP") of four units, with a remaining Unmet Need of 26 units. The Borough was granted a Third Round VLA that reduced its Third Round obligation to an RDP

of zero units and a Third Round unmet need of 109 units. The combined Prior Round and Third Round Unmet Need totals 135 units.

**REHABILITATION OBLIGATION REVIEW**

The Borough has no Rehabilitation obligation.

**REALISTIC OPPORTUNITY REVIEW**

The Borough satisfied its four-unit Prior Round RDP with existing special-needs bedrooms, proposed inclusionary affordable family rental units, proposed affordable accessory apartments, and one rental bonus credit. The table below provides additional detail.

Table 1. Wenonah Borough's Prior Round 4-Unit RDP Compliance Status					
Mechanism	Units	Bonus Credits	Total Credits	Status	Notes
<b>Special Needs/Supportive Housing – Existing</b>					
Willowglen Academy	4	1; capped	5	Existing	
<b>Inclusionary Development – Approved</b>					
Wenonah Associates LLC; affordable family rentals	4		4	Not built	See status update below
<b>Accessory Apartments – Proposed</b>					
Wenonah Associates LLC (off-site affordable family rentals)	4		4	Not funded	See status update below
<b>Total</b>	<b>12</b>	<b>1</b>	<b>13</b>		

**Wenonah Associates:** The Borough received Prior Round credit for four approved affordable family rental units at a 34-unit townhouse project to be constructed by Wenonah Associates LLC. The project address is 1415 Woodbury-Glassboro Road. The project had originally been

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approved as an age-restricted development; Wenonah Associates petitioned and received approval to remove the age restriction pursuant to the age-restriction conversion act, and received site plan approval for the family affordable development in July 2012.

Wenonah Associates subsequently filed for bankruptcy before construction began, and in 2017 the Borough purchased the land out of foreclosure. The Borough is intending to sell the land to a developer who will agree to use it for residential development, including affordable units. The Borough proposes to issue an RFP for the development of the site for inclusionary development by the end of 2020.

In addition to the inclusionary development, to meet its 20% set-aside requirement, Wenonah Associates had agreed to fund, via a payment in lieu of construction, the creation of four off-site affordable accessory apartments pursuant to an accessory apartment ordinance the Borough had adopted in 2006. The Borough claimed four credits for these proposed units.

Wenonah Associates also did not provide funds for any accessory apartments prior to its bankruptcy filing. The Borough will enlarge the accessory apartment program to a total of

The eight total credits from the Wenonah Associates project and accessory apartments and the bonus credit from the Willowglen group home gave the Borough nine credits to apply toward its Prior Round unmet need.

#### **UNMET NEED REVIEW**

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To address its combined Prior Round and Third Round Unmet Need of 135 units, reduced by the nine Prior Round surplus units and credit to 126 units, the Borough was required to adopt inclusionary overlay ordinances on two sites, amend an overlay ordinance on a third site to include an affordable-housing requirement, and to fund the creation of four accessory apartments.

**Wenonah Swim Club, Holy Nativity Lutheran Church, Senior Citizen Overlay District:** The Borough is in the process of adopting amendments to its existing LMR District regulations to permit inclusionary residential development as an alternate use, with a required affordable housing set-aside of 20% if the units are for sale and 15% if the units are for rent, on the Wenonah Swim Club property and the Holy Nativity Lutheran Church property. The Borough is also in the process of amending its Senior Citizen Overlay District to require affordable housing as a use.

**Accessory Apartments:** The Borough has allocated \$78,000 in its spending plan toward its accessory apartment program, including \$28,000 to fund the creation of one very low-income unit.