

**TOMS RIVER TOWNSHIP, NJ**



**TOWNSHIP COUNCIL MINUTES  
Wednesday, March 11, 2026  
6:30 PM**

1. **Meeting called to order.**

Council President Ciccozzi Called The Meeting To Order At Approximately 6:30 PM

2. **Flag salute.**

3. **Open Public Meetings Act statement.**

Council President Ciccozzi Read The Following Statement: "This Meeting Is Convened In Accordance With The Provisions Of The Open Public Meetings Act Of New Jersey. Let The Official Minutes Reflect That Adequate Notice Of This Meeting Has Been Provided By Publishing A Notice In The Asbury Park Press And The Star Ledger On Wednesday, January 7, 2026, And Thereafter Posting Same On The Town Hall Bulletin Board For Such Notices, And Filing Same With The Township Clerk, Pursuant To A Resolution Adopted By The Township Council On Thursday, January 1, 2026. The Meeting Dates Have Also Been Posted On The Township Web Page.

4. **ROLL CALL:**

BRADLEY	Present
BIANCHINI	Present
NIVISON	Present
CICCOZZI	Present
COLEMAN	Via Telephone
ABER	Present
O'TOOLE	Present

5. **Minutes:** February 25 2026 Council Meeting

**Motion:** Approve February 25 2026 Meeting Minutes

**Motion Made By:** Thomas Nivison

**Seconded:** Clinton Bradley

**Roll Call:**

Council Member Bradley	Yes
Council Member Bianchini	Yes
Council Vice President Nivison	Yes
Council President Ciccozzi	Yes
Council Member Coleman	Yes
Council Member Aber	Yes
Council Member O'Toole	Yes

**6. Honoring Resolutions and Presentations:**

Councilman Clinton Bradley Asked For A Moment Of Silence In Observance Of The American Soldiers Who Lost Their Lives In Iran.

Council President Ciccozzi Said A Prayer

a. Honoring The Family of Leonard G. "Bud" Lomell

Honoring Resolution Presented to the Family of Leonard G. "Bud" Lomell

**Executive Session**

7.

**RESOLUTION** Of The Township Council Of The Township Of Toms River, Ocean County, New Jersey, Authorizing An Executive Session To Discuss Confidential Matters Including Active Litigation, Which Are Covered Under N.J.S.A. 10:4-12(B)(7), Which, By Express Provision Of Federal Law, State Statute, Or Rule Of Court Shall Be Rendered Confidential Or Excluded From The Provisions Of Subsection A Of N.J.S.A. 10:4-12(B)(7)

**WHEREAS**, The Township Council Of The Township Of Toms River Requests Authorization To Have An Executive Session To Discuss Confidential Matters Covered Under N.J.S.A. 10:4-12(B)(7) Including Active Litigation And Executive Session Minutes;

**NOW, THEREFORE, BE IT RESOLVED** By The Township Council Of The Township Of Toms River, In The County Of Ocean, And State Of New Jersey, As Follows:

1. It Hereby Authorizes The Township Council Of The Township Of Toms River To Have An Executive Session To Discuss Confidential Matters Covered Under N.J.S.A. 10:4-12(B)(7) Including Active Litigation And Executive Session Minutes.
2. A Certified Copy Of This Resolution Shall Be Provided By The Office Of The

Township Clerk To Each Of The Following:

- a. Mayor Daniel T. Rodrick
- b. Township Council
- c. Business Administrator
- d. Human Resources
- e. Chief Financial Officer
- f. Township Attorney
- g. Municipal Clerk

**Motion:** Enter Executive Session at approx 7:25 PM

**Motion Made By:** Harry Aber

**Seconded:** Craig Coleman

**Roll Call:**

Council Member Bradley	Yes
Council Member Bianchini	Yes
Council Vice President Nivison	Yes
Council President Ciccozzi	Yes
Council Member Coleman	Yes
Council Member Aber	Yes
Council Member O'Toole	Yes

**Motion:** Reconvene From Executive Session

**Motion Made By:** Robert Bianchini

**Seconded:** Clinton Bradley

**Roll Call:**

Council Member Bradley	Yes
Council Member Bianchini	Yes
Council Vice President Nivison	Yes
Council President Ciccozzi	Yes
Council Member Coleman	Yes
Council Member Aber	Yes
Council Member O'Toole	Yes

**Motion:** Approve February 25th 2026 Executive Session Minutes

**Motion Made By:** Lynn O'Toole

**Seconded:** Robert Bianchini

**Roll Call:**

Council Member Bradley	Yes
Council Member Bianchini	Yes
Council Vice President Nivison	Yes

Council President Ciccozzi	Yes
Council Member Coleman	No
Council Member Aber	Yes
Council Member O'Toole	Yes

## **Ordinances - Final Readings**

8. **ORDINANCE** Implementing Site-Specific And Area-Specific Zoning Provisions To Effectuate The Township Of Toms River's Fourth Round Housing Element And Fair Share Plan, As Amended By The Settlement Structure Approved Through The Affordable Housing Dispute Resolution Program

**WHEREAS**, the Township of Toms River is a municipal corporation of the State of New Jersey authorized to regulate land use and zoning pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and to undertake redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

**WHEREAS**, on March 20, 2024, P.L. 2024, c. 2 was enacted, amending the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (the "Amended FHA") and establishing the Affordable Housing Dispute Resolution Program (the "Program") to facilitate municipal compliance with constitutional affordable housing obligations for the ten-year period from July 1, 2025 through June 30, 2035 (the "Fourth Round"); and

**WHEREAS**, the Township elected to participate in the Program and filed a declaratory judgment action under Docket No. OCN-L-331-25 seeking review of its Fourth Round Housing Element and Fair Share Plan (the "HEFSP"); and

**WHEREAS**, on June 20, 2025, the Township Planning Board adopted the Township's HEFSP and, on June 30, 2025, the Township Council ratified and endorsed the HEFSP; and

**WHEREAS**, Fair Share Housing Center ("FSHC") and multiple property owners, including 2008 Route 37 Associates, LLC and JD Jamestowne, LLC, filed challenges to the HEFSP pursuant to N.J.S.A. 52:27D-304. 1 (f)(2)(b); and

**WHEREAS**, on December 10, 2025, the Township Council approved a Settlement Agreement with FSHC (the "Settlement Agreement") to amend the Township's compliance structure and mechanisms to address its Fourth Round affordable housing obligations, subject to review and approval by the Program and the county level affordable housing judge; and

**WHEREAS**, to address its Fourth Round prospective need obligation of 649 units, the Township's plan in large part secures affordability through the preservation of existing affordable housing located throughout the Township, including through the extension of affordability controls and other preservation mechanisms authorized under the Amended FHA; and

**WHEREAS**, the Township's plan to provide affordable housing also requires the enactment of multiple additional zoning mechanisms to generate affordable housing for low- and moderate-income persons; and

**WHEREAS**, the Amended FHA requires that municipalities enact all ordinances necessary to effectuate its compliance mechanisms for the Fourth Round no later than March 15, 2026, and the Council wishes to now enact those ordinances to satisfy the statutory deadline; and

**WHEREAS**, pursuant to the HEFSP and Settlement Agreement, the Township Council finds it necessary and appropriate to enact a new affordable housing zone to be known as the "HB MF Highway Business Multi-Family Zone," attached hereto as **Exhibit A**, to generate 4 affordable units through the construction of two (2) floors atop an existing two-story retail and commercial structure at Block 796, Lot 3, commonly known as 2008 Route 37; and

**WHEREAS**, pursuant to the HEFSP and Settlement Agreement, the Township Council finds it necessary and appropriate to enact a new affordable housing zone to be known as the "EMF-23 Multifamily Zone," attached hereto as **Exhibit B1** to generate 42 affordable units at Block 610, Lots 1, 2, 3, 5, 11, 30, 31, & 33, commonly known as the Jamestowne Village Apartment complex through new construction and market-to-affordable conversions at the property; and

**WHEREAS**, pursuant to the HEFSP and Settlement Agreement, the Township Council finds it necessary and appropriate to enact a new affordable housing zone to be known as the "MF- 18 Multifamily Zone," attached hereto as **Exhibit C**, to generate 134 affordable units through the construction of an inclusionary residential development on Rt. 70 at the following properties: Block 136, Lots 199-218; Block 137, Lots 219-223, 225-226, 228-231; Block 138, Lots 133-152 and 182-196; Block 139, Lots 153-157 and 159-178; Block 140, Lots 67-77, 80-86, and 113-132; Block 141, Lots 87-101 and 103-112; Block 142, Lots 1-20 and 47-66; Block 143, Lots 21-47; Block 135.02, Lots 106.02 and 108.01; and

**WHEREAS**, pursuant to the HEFSP and Settlement Agreement, the Township Council finds it necessary and appropriate to enact the Amendment to the Hooper-Claudina Redevelopment Plan (the "Redevelopment Plan") attached hereto as **Exhibit D**, in order to generate 6 additional affordable housing units by increasing the permitted dwelling units per acre from 10 to 18 in the Hooper-Claudina Redevelopment Area, as reflected by the two redlined amendments set forth at Pages 21 and 22, and as originally approved in the Township's Housing Element and Fair Share Plan adopted by the Planning Board and endorsed by the Township Council in June 2025; and

**WHEREAS**, the Township Council finds that each enactment adopted herein is independently justified under applicable law, advances sound planning principles, and collectively provides a realistic opportunity for the construction of low- and moderate-income housing consistent with the HEFSP and settlement structure amending the compliance mechanisms to address the Township's Fourth Round affordable housing obligations.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Toms River (the "Township Council") as follows:

**Section 1. Incorporation of Findings.**

The foregoing WHEREAS clauses are hereby incorporated as though fully set forth herein.

**Section 2. Adoption of Implementing Zoning Provisions.**

The Township hereby adopts the zoning provisions set forth in Exhibits A through D attached hereto and made a part of this Ordinance, each of which is intended to implement a discrete component of the Township's Fourth Round Housing Element and Fair Share Plan, as amended by the Settlement Agreement with Fair Share Housing Center approved by the Township Council on December 10, 2025.

**Section 3. Exhibits Adopted.**

The following Exhibits are hereby adopted with the same force and effect as if set forth at length in the body of this Ordinance:

Exhibit A: Overlay zone entitled "HB-MF Highway Business Multi-Family Zone," establishing site-specific zoning for Block 796, Lot 3, commonly known as 2008 Route 37, in order to generate 4 affordable units.

Exhibit B: Overlay zone entitled "EMF-23 Multifamily Zone," establishing site-specific zoning for Block 610, Lots 1, 2, 3, 5, 11, 30, 31, and 33, commonly known as the Jamestowne Village Apartment Complex, in order to generate 40 affordable units through new construction and market-to-affordable conversions.

Exhibit C: Overlay zone entitled "MF-18 Multifamily Zone," establishing site-specific zoning for an inclusionary multifamily development generating 134 affordable units applicable to the following properties at/near to the Route 70 corridor: Block 136, Lots 199-218; Block 137, Lots 219-223, 225-226, 228-231; Block 138, Lots 133-152 and 182-196; Block 139, Lots 153-157 and 159-178; Block 140, Lots 67-77, 80-86, and 113-132; Block 141, Lots 87-101 and 103-112; Block 142, Lots 1-20 and 47-66; Block 143, Lots 21-47; Block 135.02, Lots 106.02 and 108.01.

Exhibit D: Amendment to the Hooper-Claudina Redevelopment Plan to generate 6 additional affordable units by increasing the permitted dwelling units per acre from 10 to 18 in the Hooper-Claudina Redevelopment Area, consistent with the Township's Housing Element and Fair Share Plan adopted and ratified in June 2025.

**Section 5. Severability.**

If any section, subsection, paragraph, sentence, clause, or provision of this Ordinance or any Exhibit hereto is adjudged invalid, such adjudication shall not affect the validity of the remaining portions.

## **Section 6. Effective Date.**

This Ordinance shall take effect upon final passage and publication according to law.

**SO ORDAINED**, as aforesaid.

## **EXHIBIT A**

(Zoning to enact the "HB-MF Highway Business Multi-Family Zone" providing for the generation of affordable housing units at property designated as Block 796, Lot 3)

### **Section 1**

**A new section 348-10. \_\_\_\_ Zone"**

**§348-10.\_ Purpose shall be created entitled "HB-MF Highway Business Multi-Family**

It is the intent and purpose of this district, known as the **HB-MF Highway Business Multi-Family Zone ("HB-MF")**, to facilitate creation of inclusionary development that will diversify housing opportunities within the Township and satisfy a portion of the Township's Round 4 fair share obligation. This ordinance permits a mixed-use 20-unit inclusionary development in which 20 percent, or 4 affordable units, shall be set-aside as affordable units for very low-, low- and moderate income households.

### **§348-10.\_ Conflicts**

1. To the extent there is a conflict between this ordinance and any other section of the Township's ordinances, this ordinance shall apply. When there is a conflict between the Township ordinances and the New Jersey Uniform Housing Affordability Controls standards (UHAC), the UHAC standards shall apply.
2. To the extent there is a conflict between this ordinance and New Jersey Residential Site Improvement Standards (RSIS), RSIS standards shall apply.

### **§348-10.\_ District Area**

A. The district shall encompass the lands known as Block 796, Lot 3 on the official tax maps of the Township of Toms River.

### **§348-10.\_ Permitted uses**

1. Permitted principal uses:

(l) Multifamily units above ground-level retail and second-floor office uses (mixed use) permitted in § 348-10.26, Subsection A(l) through (4) with a maximum density of 20 units per acre. Multi-family units shall be subject to the affordable housing provisions of § 348-11.

2. Maximum of 16 market rate units
3. Minimum of 4 affordable units
4. All permitted principal uses listed under Section 348-10.26A of the Township ordinance, unless otherwise specified in Subsection D as a use requiring a conditional use

5. Required accessory uses

1. Off-street parking subject to the provisions of § 348-8.20, except shared parking between retail/office uses in mixed-use developments shall be permitted as of right with a minimum of 1 parking space required per dwelling unit during business hours in addition to the commercial required spaces:
2. Off-street loading subject to the provisions of Section 348-8.19.

100. Permitted accessory uses and structures

1. Fences subject to the provisions of Section 348-8.13
2. Signs subject to the provisions of Section 348-8.26
3. Bulk storage subject to the provisions of Section 348-8.6
4. Other customary accessory uses and buildings which are clearly incidental to the principal use and building, Except 348-8.28 A for refuse areas shall conform with the setbacks noted in this ordinance for front setbacks and distance from property lines for refuse storage areas shall comply with the side yard setback.
5. Outdoor display of goods subject to Sections 348-5.20 and 348-5.37
6. Umbrellas subject to the provisions of Section 348-8.36
7. Tents subject to the provisions of Section 348-8.37
8. Electric Vehicle Charging and Service Equipment

101. Conditional Uses subject to the provisions of Article IX of this chapter

1. Public utilities (Section 348-9.6).
2. Boatyards and marinas (Section 348-9.10).
3. Farmers' markets or auction markets (Section 348-9.20).
4. Bulk storage of fuel, provided that the storage area is used solely in conjunction with a retail or wholesale outlet and the storage containers are built below the ground or in accordance with the regulations adopted by the State of New Jersey.

**§348-10. Area restrictions and regulations**

1. Overall tract requirements
2. The maximum permitted residential density shall be 20 units.
3. Sidewalk with a width of 4 feet shall be provided along Rt 37.
4. Architectural elements such as bay or box windows, balconies, building offsets, variation of building materials, setbacks, colors, foundation plantings, textures and other architectural elements that achieve visual interest shall be considered and included in the project design.

2. Bulk requirements:

(l) Minimum lot area: 15,000 square feet

2. Minimum lot width: 100 feet
3. Minimum lot depth: 150 feet
4. Minimum lot frontage: 100 feet

5. Minimum front yard setback: 60 feet
  1. Parking areas, vehicular circulation aisles, and refuse storage areas: 25 feet fronting on Adams Avenue
6. Minimum side yard setback: 15 feet
  1. Refuse Storage Areas: 5 feet (also pertains to other property lines, other than front yard setbacks)
7. Minimum rear yard setback: 60 feet
8. Maximum building coverage: 20%
9. Maximum impervious coverage: 80% (10)Maximum building height: 45 feet/4 stories
100. Consistency with concept plan:
  1. Residential development pursuant to the HB-MF Zone shall be generally consistent with the illustrative concept plan included herein.
  2. Ordinance Section 348-8.27(1) shall not apply. Ordinance Section 348-8.27(A) shall apply, except that, due to the property's dual frontage, a screened refuse area shall be permitted within the front yard setback along Adams Avenue, provided that no refuse area shall be located within the front yard setback along Route 37.

### **§348-10.\_ Affordable Housing Requirements**

1. In accordance with the Fair Housing Act, and the Uniform Housing Affordability Controls (UHAC), a minimum of 20% of all residential dwelling units built within this district shall be set aside for very-low, low, and moderate income households. Should there be any conflict between the municipal ordinance and UHAC, the UHAC standard shall apply.
2. At least half of the affordable units shall be affordable to very low and low income households; and the remaining affordable units shall be affordable to moderate income households. The very low income units shall equal at least 13 percent of the total affordable units. A typical percentage of affordable housing units shall be 13 percent very low, 37 percent low and 50 percent moderate income units. The affordable units shall be located on site and shall be dispersed and integrated throughout the development in compliance with UHAC. The affordable housing shall be constructed in accordance with the affordable housing phasing schedule set forth in N.J.A.C. 5:97-6.4(d). Each affordable unit shall be deed-restricted to conform with the UHAC standards and shall be affirmatively marketed consistent with UHAC standards. No development fee shall be charged in addition to the set-aside requirement.

## **Section 2**

The Township's Zoning Map shall be amended so that Block 796, Lot 3 shall be placed within

the newly created HB-MF Highway Business Multi-Family Zone ("HB-MF"), as established by this ordinance.

## **EXHIBIT B**

(Zoning to enact the "EMF-23 Multifamily Zone" providing for the generation of affordable housing units at property designated as Block 610, Lots 1, 2, 3, 5, 11, 30, 31, and 33)

### **§ 348-10.40 EMF-23 Multifamily Zone."**

The goal of the EMF-23 zoning is to add inclusionary affordable housing with design elements similar to those of the existing housing developments in the zone.

1. Permitted uses.
  1. Multifamily dwellings at a density not to exceed 23.5 units per gross acre with 20% affordable set-aside for the entire site or amount agreed upon in court mediation or settlement agreements, subject to the provisions of § 348-8.18 and § 348-8.4, except none of the provisions shall be treated as variances but rather design waivers. Provision 348-8.18M shall not apply when existing buildings do not include breaks. Provision 8.18E shall not pertain so long as new buildings do not exceed the length of the existing building on site, and no design waiver is required for existing conditions that are not exacerbated by new improvements.
  2. Essential services.
2. Required accessory uses.
  1. Off-street parking subject to the provisions of § 348-8.20 or 1.35 parking spaces per dwelling unit, whichever is less restrictive.
3. Permitted accessory uses.
  1. Fences, subject to the provisions of § 348-8.13.
  2. Private swimming pools, subject to the provisions of § 348-8.21.
  3. Signs, subject to the provisions of § 348-8.26.
  4. Other customary accessory uses and buildings which are clearly incidental to the principal use and building.
4. Conditional uses subject to the provisions of Article IX of this article.

(l) Public utilities (§ 348-9.6).

5. Area, yard and building requirements.

(l) Minimum lot area: 1.5 acres.

2. Minimum lot width: 100 feet.
3. Minimum lot frontage: 100 feet.
4. Minimum lot depth: 100 feet.
5. Minimum front setback shall be no less than the existing front setback of existing buildings located on the site, except parking may encroach onto front setback where it has existed in the past.
6. Minimum rear setback shall be no less than the existing rear setback of existing buildings located on the site.

7. Minimum side setback shall be no less than the existing side setbacks of existing buildings located on the site.
8. Minimum unoccupied open space for multifamily dwellings: 20%. Open space may be spread throughout the site.
9. Maximum building height shall not exceed 40' with 3 stories, as measured either in feet or in floor levels above the grade level as determined by the average grade elevation at the comers of the building, whichever is more restrictive.

## EXHIBIT C

(Zoning to enact the "MF- 18 Multifamily Zone" providing for an inclusionary development project generating affordable housing units at property designated as Block 136, Lots 199-218; Block 137, Lots 219-223, 225-226, 228-231; Block 138, Lots 133-152 and 182-196; Block 139, Lots 153-157 and 159-178; Block 140, Lots 67-77, 80-86, and 113-132; Block 141, Lots 87-101 and 103-112; Block 142, Lots 1-20 and 47-66; Block 143, Lots 21-47; Block 135.02, Lots 106.02 and 108.01)

### § 348-10.18.1 MF- 18 Multifamily Zone.

#### 1. Permitted uses.

1. Multifamily dwellings at a density not to exceed 18 units per gross acre, subject to the provisions of § 348-8.18. All developments shall comply with Article XI, and 10% of the total number of units developed must be provided for low-income households, and 10% of the total number of units developed must be provided for moderate-income households. Essential services.

(2) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries and adult family care homes for elderly persons and physically disabled adults. **[Added 4-11-1990 by Ord. No. 2729- 90; amended 11-26-2002 by Ord. No. 3748-02]**

#### 2. Required accessory uses.

1. Off-street parking subject to the provisions of § 348-8.20, in addition to Subsections H and P herein.

#### 100. Permitted accessory uses.

1. Fences subject to the provisions of § 348-8.13.
2. Private swimming pools subject to the provisions of § 348-8.21.
3. Signs subject to the provisions § 348-8.26.
4. Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

#### 500. Conditional uses subject to the provisions of Article IX of this chapter.

9. Public utilities (§ 348-9.6).

501. Area, yard and building requirements. Development shall be in accordance with § 348-

8.18. In the event of conflict with the provisions of § 348-8.18, the provisions set forth here shall control.

1. Minimum lot area: 1.5 acres .
2. Minimum lot width: 100 feet.
3. Minimum lot frontage: 100 feet.
4. Minimum lot depth: 100 feet.
5. Minimum front setback: 35 feet.
6. Minimum rear yard setback:
  1. Principal structures: 20 feet.
2. Accessory buildings: 15 feet, unless greater setback is required for buffer and screening strips.
3. Private swimming pools: 10 feet, unless greater setback is required for buffer and screening strips.
4. Parking areas: five feet, unless greater setback is required for buffer and screening strips.
7. Minimum side yard setback:
  1. Principal structure: 20 feet.
  2. Accessory buildings: 15 feet, unless greater setback is required for buffer and screening strips.
  3. Swimming pools: 10 feet, unless greater setback is required for buffer and screening strips.
  4. Parking areas: five feet, unless greater setback is required for buffer and screening strips.
8. Minimum unoccupied open space: 20%.
9. Maximum building height: 40 feet, subject to the provisions of § 348-5.12. In any event, the building shall not contain more than three usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.
6. Courtyards. Courtyards bounded on three or more sides by wings of the same building or by the walls of separate buildings shall have a minimum court width of three feet for each one foot in height of the tallest building or building wing.
7. Variable bulk plane setback. The vertical plane of the building at the front, rear or side setback lines shall not exceed an inclined line of 40° from the horizontal established from the center line of the road or from a point four feet onto adjacent property and four feet vertical, which point is presumed to be the mid-height of a window on an adjacent property.
8. Garage and/or carport parking space shall not be counted toward meeting off-street parking requirements, unless the garage or carport space has a driveway in front of it, which is a minimum of 20 feet in depth and which driveway is adjacent and accessible from an access aisle or internal roadway.
9. Refuse storage. There shall be provided at least one outdoor refuse storage area of at least 100 square feet for each 20 dwelling units. The refuse storage area shall be

suitably located and arranged for access and ease of collection; shall not be part of, shall not restrict or occupy any parking aisle; shall not be located further than 300 feet from the entrance to any unit which it is intended to serve; and shall be screened in accordance with the requirements of

§ 348-8.27.

Outdoor lighting. Interior development roads, parking areas, dwelling entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles utilizing the same, but in no case shall such lighting be less than is required to provide a minimum lighting level of 0.5 horizontal footcandle throughout such areas from dusk to dawn. Lights shall be shielded to avoid glare disturbing to occupants of the buildings. Lighting shall be so arranged as to reflect away from all adjoining properties.

10. Recreation.

1. Passive recreation areas, such as pathways, seating areas and lawns, shall be provided and suitably arranged throughout any multifamily site.
2. If a swimming pool area or areas are to be installed, they shall include a pool of a size at least equivalent to 15 square feet per unit, provided that no pool less than 500 square feet shall be allowed, and no pool greater than 3,000 square feet shall be required. Suitable provisions for lavatories and storage shall be provided in conjunction with pools. Swimming pools shall be subject to the provisions of § 348- 8.8.
12. Building elevation break. Buildings shall have no more than two dwelling units in a line without setbacks and/or breaks in building elevation of at least five feet.
13. Walkways. Concrete walkways, at least four feet wide or of such other dimension and composition as may be approved by the Planning Board, shall be provided where normal pedestrian traffic is likely to occur.
14. Internal roadways. Internal roadways shall be constructed in accordance with the standards for public streets in this chapter.

0. Bedrooms. All rooms, exclusive of living rooms, dining rooms, kitchens and bathrooms, which contain 70 square feet or more of floor area, shall be considered bedrooms. If a dining room is not directly accessible from and adjacent to both the kitchen and living room, it shall also be considered a bedroom.

P. Parking. Compliance with § 348-8.20,

**EXHIBIT D**

(Amendment to the Hooper-Claudina Redevelopment Plan)

(Full Copy Of Maps, Site Plan Available At Clerks Office)

Public Comment:

**Dennis Galante 1149 Cherokee Court, Toms River** - Spoke About The Legalities Of Item 8

**Carlos Almizar, Winteringham** - Spoke About Solution & Leadership

**Philip Brilliant, 79 Holly Tree Lane, Toms River** - In Opposition Of The Change In Exhibit C, Asked For The Residents To Be Heard , Respected.

**Maria Lee, Lakeridge** - Spoke About Kim Pascarellas Comments To The Public At The March 10 Board Planning Meeting, And Mayor Rodrick Visiting Their Community

**Maurice Hill** - Spoke About Previous Rounds Of Fair Shared Housing, Suggested Utilizing Ciba-Geigy Property For Affordable Housing.

**Louise Smith Falcon Lane** - Spoke About Concerns, Text From Mayor Rodrick Received During Planing Board Meeting

**Rivka Rappaport, 96 Riverwood Drive, Toms River** - Said She Did Not Receive A Letter From The Township

**Bridget Mccall** - Spoke About The Existing Traffic, Pollution And Crime In The Area

**Joseph Vigna, 2911 Rockhill Lane, Toms River** - Asked About Ownership Of The Lots/Property, To Put Politics Aside And Do What Is Best For Everyone

**Irene Watson, 102 Messenger Street, Toms River** - Asked If Vote Tonight Was For An Extension, Or The Plan Itself.

**Michael Messina** - Asked When The Plan Was Developed, Finalized. Asked For Clarity On Location Of Proposed Building, Spoke About Lack Of Notice To Residents Within 200 Feet

**Paul Williams, Broad Street, Toms River** - Asked About Zoning Changes, If This Development Doesn't Move Forward

**Michael Stafford, 3223 Windsor Ave, Toms River** - Asked Council To Work Together And Find A Solution, Thanked Council For Their Service

**Bailey** - Spoke About Safety Concerns On Rt. 70 / Massachusetts & A Hit & Run Incident In That Location

**Motion:** Close Public Comment on Item 8

**Motion Made By:** Lynn O'Toole

**Seconded:** Harry Aber

**All in Favor :** Aye

**Motion:** Approve Item 8

**Motion Made By:** Lynn O'Toole

**Seconded:** Harry Aber

**Roll Call:**

Council Member Bradley	No
Council Member Bianchini	Abstained
Council Vice President Nivison	Abstained
Council President Ciccozzi	No
Council Member Coleman	Yes
Council Member Aber	Yes
Council Member O'Toole	Yes

9. **ORDINANCE** Of The Township Of Toms River To Amend § 348-11, Article Xi ("Affordable Housing Provisions") With Revised Regulations Pursuant To Newly Enacted Regulations At N.J.A.C. 5:99 And N.J.A.C. 5:80-26.1, Et Seq. (Uniform Housing And Affodability Controls)

**WHEREAS**, the State of New Jersey has adopted an Amended Fair Housing Act at P.L. 2024, c. 2 (A4), which provides new Fourth Round affordable housing fair share requirements for each municipality; and

**WHEREAS**, the State has adopted new Fourth Round substantive affordable housing regulations at N.J.A.C. 5:99; and

**WHEREAS**, the New Jersey Department of Community Affairs (DCA) and the Housing and Mortgage Finance Agency (NJHMFA) have adopted new Uniform Housing and Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq; and

**WHEREAS**, in order to maintain compliance with said state regulations regarding affordable housing, the Township of Toms River (the "Township") is required to amend certain sections of the Township Code; and

**WHEREAS**, Chapter 348-11, Article XI contains existing affordable housing provisions based on prior affordable housing regulations, which the Township wishes to amend pursuant to the within enactment.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Toms River, County of Ocean, State of New Jersey, that Chapter 348-11, Article XI of the Township Code are hereby repealed and replaced as follows:

**§ 348-11. ARTICLE XI: Affordable Housing Provisions. [Added 1-26-1988 by Ord. No. 2539-88; amended 5-10-1988 by Ord. No. 2568-88; 5-10-1988 by Ord. No. 2570-88; 6-14-1988 by Ord. No. 2581-88; 12-26-1991 by Ord. No. 2881-91; 11-10-1992 by Ord. No. 2942-92; 4-28-1993 by Ord. No. 2974-93; 5-11-1994 by Ord. No. 3036-94; 4-12-1995 by Ord. No. 3097-95; 1-26-1999 by Ord. No. 3403-99; 12-7-2004 by Ord. No. 3920-04; 3-8-2005 by Ord. No. 3933-05; 10-11-2005 by Ord. No. 3972-05; 3-9-2010 by Ord. No. 4243-10; 3-9-**

**2010 by**

**Ord. No. 4244-10; 8-24-2010 by Ord. No. 4288-10; 8-23-2011 by Ord. No. 4235-11; 3-28-2017**

**by Ord. No. 4539-17; 9-26-2017 by Ord. No. 4556-17]**

This article is amended pursuant to the State of New Jersey's adoption of new Fourth Round substantive affordable housing regulations at N.J.A.C. 5:80-26.1 et seq. and N.J.A.C. 5:99.

**§ 348-11.1. Purpose and definitions.**

This section of the Township of Toms River Code sets forth regulations regarding low- and moderate-income housing units in Toms River Township that are consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act ("FHA" ) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of

Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted Township of Toms River 2025 Fourth Round Housing Element and Fair Share Plan ("HEFSP") adopted June 2025 and its supplements.

The Toms River Township Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:550-1, et seq. The Fair Share Plan describes the ways the Township shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.

This Ordinance is intended to ensure that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item (iii) below.

**Applicability**

1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the Township's most recently adopted HEFSP.
2. This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate income housing units.
3. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom

distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

A. Terms defined. The following terms are defined in accordance with Council on Affordable Housing (COAH) rules and the Uniform Housing Affordability Controls:

**ACCESSORY APARTMENTS** - A residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as "accessory dwelling units".

**ACT** - The New Jersey Fair Housing Act, N.J.S.A. 52:270-301 et seq.

**ADAPTABLE** - means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the "State Uniform Construction Code Act," P.L.1975, c. 217 (C.52:27D-19 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

**ADMINISTRATIVE AGENT** - the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

**AFFORDABLE HOUSING ADMINISTRATOR (AH ADMINISTRATOR)** - The Township Planner of the Township of Toms River, other municipal official(s) and/or designee(s) appointed or contracted by the Township Council of the Township of Toms River to administer the compliance and/or implementation of the Township's affordable housing plan.

**AFFIRMATIVE MARKETING** - A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

**AFFIRMATIVE MARKETING PLAN** - The municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

**AFFIRMATIVE MARKETING PROCESS or PROGRAM** - The actual undertaking of

Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

**AFFORDABILITY ASSISTANCE** - The use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

**AFFORDABILITY AVERAGE** -An average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate income households.

**AFFORDABLE** - In the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

**AFFORDABLE HOUSING DEVELOPMENT** - a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

**AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM OR "THE PROGRAM"** - Refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

**AFFORDABLE HOUSING MONITORING SYSTEM OR "AHMS"** -The Department's cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

**AFFORDABLE HOUSING TRUST FUND OR "AHTF"** - Non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the "Neighborhood Preservation Nonlapsing Revolving Fund" and "Balanced Housing" mean the AHTF.

**AFFORDABLE UNIT** - A housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

**AGE-RESTRICTED HOUSING** - A housing unit that is designed to meet the needs of,

and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

**AGENCY** - The New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

**ASSISTED LIVING RESIDENCE** - A facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, c.t private bathroom, a kitchenette, and a lockable door on the unit entrance.

**BARRIER-FREE ESCROW** - The holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-3 I la et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

**BUILDER'S REMEDY** - Court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

**CERTIFIED HOUSEHOLD** -A household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

**CHOICE** - The no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

**COAH OR THE COUNCIL** - The Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:270-304.1), provided, however, that references to COAH herein include the statutorily upheld existing regulations of the former Council on Affordable Housing codified at N.J.A.C. 5:93 and 5:97, as applicable.

**COMMISSIONER**- the Commissioner of the Department of Community Affairs.

**COMPLIANCE CERTIFICATION** - The certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:270-304.1), that protects the Township from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a "judgment of compliance" or "judgment of repose." The term "compliance certification" shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:270-313).

**CONSTRUCTION** - New construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:270-119 et seq.).

**COUNTY-LEVEL HOUSING JUDGE** -A judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

**DCA AND DEPARTMENT**-The State of New Jersey Department of Community Affairs.

**DEFICIENT HOUSING UNIT** - A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

**DEPARTMENT**-The New Jersey Department of Community Affairs.

**DEVELOPER** - the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

**DEVELOPER'S AFFORDABLE HOUSING PLAN**-A plan submitted by the developer and approved by the Affordable Housing Management Service of the State of New Jersey, Department of Community Affairs, which shall identify the manner in which the developer plans to develop, price, market and restrict the low- and moderate-income dwelling units in accordance with this article.

**DEVELOPMENT** - the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:550-1 et seq.

**DEVELOPMENT FEE** -Money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

**DISPUTE RESOLUTION PROGRAM** - the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

**DIVISION** - The Division of Local Planning Services within the Department of Community Affairs.

**EMERGENT OPPORTUNITY** - A circumstance that has' a risen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

**EQUALIZED ASSESSED VALUE OR EAV** - The assessed value of a property divided by the current average ratio of assessed to true value for the Township in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

**EQUITY SHARE AMOUNT**-The product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

**EXIT SALE** - The first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

**EXCLUSIONARY ZONING LITIGATION** - Litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder's remedy.

**EXEMPT SALES** - Includes the transfer of ownership between husband and wife and transfers of ownership between former spouses as a result of a judicial decree of divorce or a judicial separation but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executors deed to a Class A b\_eneficiary and a transfer of ownership by court order.

**EXTENSION OF EXPIRING CONTROLS** - Extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

**FAIR MARKET VALUE**-The unrestricted price of a low- or moderate-income housing unit if sold at a current real estate market rate.

**FAIR SHARE OBLIGATION** - The total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

**FAIR SHARE PLAN** - The plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the Township

proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

FHA - The New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

GREEN BUILDING STRATEGIES - The strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

HMFA or THE AGENCY - The New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-l et seq.).

HOUSEHOLD INCOME - A household ' s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

HOUSING ELEMENT - The portion of a municipality's master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the Township's fair share of its region's present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D- 304.l.

HOUSING REGION -A geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

INCLUSIONARY DEVELOPMENT - A residential housing development in which a substantial percentage of the housing units are reserved for low- and moderate-income households.

JUDGMENT OF COMPLIANCE OR JUDGMENT FOR REPOSE - A determination issued by the Superior Court approving a municipality's fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

LOW-INCOME HOUSEHOLD - A household with a household income equal to 50 percent or less of the regional median income.

LOW-INCOME UNIT- A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM - The primary structural, mechanical, plumbing, electrical, fire

protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

**MIXED USE DEVELOPMENT** - Any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities may be considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

**MODERATE-INCOME HOUSEHOLD** - A household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

**MODERATE-INCOME UNIT** - A restricted unit that is affordable to a moderate-income household.

**MONI**- The no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

**MUNICIPAL HOUSING LIAISON OR MHL** - An appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the Township.

**MUNICIPAL AFFORDABLE HOUSING TRUST FUND** - A separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the Township in connection with its affordable housing programs, which shall be used to address municipal low- and moderate income housing obligations within the time frames established by the Legislature and this chapter.

**MUNICIPAL DEVELOPMENT FEE ORDINANCE** - An ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

**NEW CONSTRUCTION** - The creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new

residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

NEW JERSEY AFFORDABLE HOUSING TRUST FUND - An account established pursuant to N.J.S.A. 52:27D-320.

NEW JERSEY HOUSING RESOURCE CENTER or HOUSING RESOURCE CENTER - The online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

95/5 RESTRICTION ..., A deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the Township or an instrument of the Township at the closing of a sale at market price.

NON-EXEMPT SALE - Any sale or transfer of ownership of a restricted unit to one's self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary; and the transfer of ownership by court order.

NONPROFIT-An organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

NON-RESIDENTIAL DEVELOPMENT:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

NON-RESIDENTIAL DEVELOPMENT FEE - The fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

**ORDER FOR REPOSE** - The protection a municipality has from a builder's remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

**PAYMENT IN LIEU OF CONSTRUCTING AFFORDABLE UNITS** - The prior approval of the payment of funds to the Township by a developer when affordable units are were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

**PERSON WITH A DISABILITY** - A person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

**PRICE DIFFERENTIAL** - The difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

**PRIOR ROUND UNIT** - A housing unit that addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:270- 304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the Township adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

**PROGRAM** - The Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:270-313.2).

**PROSPECTIVE NEED** - A projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27O-304.3) for the fourth round and all future rounds of housing obligations.

**QUALIFIED URBAN AID MUNICIPALITY** - A municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(l).

**RANDOM SELECTION PROCESS** - A lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans' preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

**RCA ADMINISTRATOR** - An appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the Township that were funded through regional contribution agreements.

**RCA PROJECT PLAN** - A past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

**RECEIVING MUNICIPALITY** - For the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality's fair share obligation.

**RECONSTRUCTION** - Any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

**RECREATIONAL FACILITIES AND COMMUNITY CENTERS** - Any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

**REGIONAL CONTRIBUTION AGREEMENT or RCA** -A contractual agreement,

pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality's affordable housing obligation to another municipality within its housing region.

**REGIONAL MEDIAN INCOME** - The median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

**REHABILITATION** - The repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

**RENT** - The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. With respect to units in assisted living residences, rent does not include charges for food and services.

**REPAYMENT CLAUSE** - Obligation of a seller exercising the repayment option to pay 95% of the price differential to a municipality at closing for use within the municipal housing plan.

**REPAYMENT OPTION** - The option of a seller of a low- or moderate-income unit to sell a unit pursuant to N.J.A.C. 5:93-9.8 et seq. at a fair market value subject to compliance with the terms of the repayment clause.

**RESIDENTIAL DEVELOPMENT FEE** - Money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

**RESTRICTED UNIT** -A dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

**SET ASIDE** - The percentage of housing units devoted to low- and moderate-income households within an inclusionary development.

**SPENDING PLAN** - A method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to

N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

**STATE DEVELOPMENT AND REDEVELOPMENT PLAN OR STATE PLAN** -The plan prepared pursuant to sections 1 through 12 of the "State Planning Act," P.L. 1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the

areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

**SUPPORTIVE HOUSING HOUSEHOLD**-A very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney-Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter,

except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant's self-identification of household members on the affordable housing application.

**SUPPORTIVE HOUSING SPONSORING PROGRAM** - Grant or loan program which provided financial assistance to the development of the unit.

**SUPPORTIVE HOUSING UNIT** - A restricted rental unit, as defined by N.J.S.A. 34:1B-21.24, that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. Supportive housing units are also referred to as permanent supportive housing units.

**TRANSITIONAL HOUSING** - Temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

**TREASURER**-The Treasurer of the State of New Jersey.

UHAC -The Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 .

UHORP - The Agency's Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

UNIT COMPLETION-The receipt of any temporary or final certificate of occupancy.

UNIT TYPE - Type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily/ flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

VERY-LOW-INCOME HOUSEHOLD - A household with a household income less than or equal to 30 percent of the regional median income.

VERY-LOW-INCOME HOUSING - housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

VERY-LOW-INCOME UNIT - A restricted unit that is affordable to a very-low-income household.

VETERAN - A veteran as defined at N.J.S.A. 54:4-8.10.

VETERANS' PREFERENCE - The agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-3 I I .j.

WEATHERIZATION - Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors and is considered a major system for rehabilitation.

**§ 348-11.2. Affordable housing sites.**

Low- and moderate-income housing required. Developers of the affordable housing (AH) sites, as designated on the Zoning Map of the Township of Toms River, Ocean County, New Jersey, shall be required to set aside the number of affordable units specified in any existing valid approval or in accordance with the following schedule

\*\*\*

Zone Block and Lot Site Number Site

Mandatory Set Aside of Low and Moderate Income Units

RHB-AH37	Block 506.01,			
Lots 1.01-1.07	43 Bimini Drive	28		20%
RHB-AH9	Block 410, Lot			
25 48	Dover Shopping Center	30		20%
AH	Block 37, Lot 1	2	North Pointe Hollow	20%
AH	Block 135.01, Lot4	6	Hope's Crossing	100%
AH	Block 571, Lots			
1, 3, 60	10 The Fairways at Dover			20% (15% rental)
AH	Block 571.64,			
Lots 58, 59	11 Old Freehold Road Site			20% (15% rental)
AH	Block 609, Lot 1	15	Walnut Street	20% (15% rental)
AH	Block 591, Lot			
7.09	As Developers		3 units	
AH	Block 166, Lot 1	25	Woods at Mass. Ave	20%
AH	Block 164, Lot 4	25A	Santiago (Mass. Ave)	100%
AH	Block 414, Lot			
9.01	28 Presbyterian Homes			100%
AH	Block 164, Lot 3	31	Forgione	20%
AH	Block 120, Lot 2	29	Property Regenerators	100%
AH	Block 166, Lots			
2, 10	30 Village Properties			100%
AH	Block 164, Lots			
7,)3	32 Majesky			20%
AH	Block 136, Lots		Route 70-	20%
	199-218		Beacon Estates	
	Block 137, Lots			
	219-223			
	Block 137, Lots			
	225-226, 228-			
	231,			
	Block 138 Lots			
	133-152, 182-196			
	Block 139, Lots			
	153-157, 159-178			
	Block 140, Lots			
	67-77, 80-86,			
	113-132			
	Block 141, Lots			
	87-101, 103-112,			

	Block 142, Lots 1-20, 47-66		
	Block 143, Lots 21-47		
	Block 135.02, Lots 106.02, 108.01		
AH	Block 796, Lot 3	2008 Route 37	20%
AH	Block 610 Lots 1-3, 5, 11, 30, 31,	Jamestown	20% of new
33	Villages	Units plus market to affordable units approved in mediation	
	agreement		
AH	- 5 acres Multi- Family 20%	Hooper Caudina Redevelopment	

In addition to the set aside requirements above, the developers of affordable housing (AH) sites shall be subject to the requirements of the underlying zoning of the respective site set forth in Article X.

1. Affordable housing plan required.
  1. Each developer of an affordable housing development shall file a developer's affordable housing plan with the Township Planning Board. Said plan shall be filed at the time of application for final approval for any site plan which includes low- and moderate-income housing units. It shall be a plan that has been approved by the administrative agent. Said plan shall meet all Department of Community Affairs requirements and shall specify in detail the methods, procedures and forms to be used by the developer and comply with provisions of this article. It shall contain the following information as to the proposed development.
    1. Phasing and location of the low- and moderate-income units.
    2. The bedroom mix, proposed unit pricing and specific affirmative marketing plans.
    3. The restrictive covenant and mortgage lien to be used to insure affordability.
  2. The plan shall be in such form and content in which the Township Planning Board may from time to time establish. The Township Planning Board's approval of the developer's affordable housing plan will be required prior to the issuance of a development permit or the signing of any subdivision plat by the Township. Also, compliance with the affordable housing construction phasing schedule set forth in § 348-11.30 below shall be incorporated in the plan and actual compliance shall be required prior to the issuance of any certificate of occupancy.
2. Planning Board applications expedited and application fees waived. The Toms

River Township Planning Board, with the cooperation of the developer, shall expedite, to the maximum extent possible, the processing of applications for development of affordable housing. The Township shall, to the maximum extent permitted by the law, waive the Township land use fees for submission of applications for only that portion of the development that consists of affordable housing. There shall be no waiver or reduction of fees as to the market rate units included within the application. Additionally, the Planning Board shall consider waiver requests for Township-required design standards that can be shown to generate unnecessary costs.

3. Fee required. Prior to the issuance of a certificate of occupancy for an affordable housing unit, the developer of affordable housing sites shall pay a fee to the Township to offset the costs of the services of the Affordable Housing (AH) Administrator. Said fee shall be the prevailing fees charged by the administrative agent for such services.

### **§ 348-11.3. Low- and moderate-income housing requirements.**

1. Building permits. No building permit(s) shall be issued for any development on an affordable housing (AH) site unless the developer's affordable housing plan has been approved by the AH administrator.
2. Toms River Township's fair share obligation will be divided equally between low- and moderate-income households, except that where there is an odd number of affordable housing

units, the extra unit shall be a low-income unit.

100. Except for developments constructed pursuant to low-income tax credit regulations:

1. At least half of all affordable units within each development shall be affordable to low income households, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit;
2. At least half of all affordable rental units shall be affordable to low-income households, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit; and
3. At least 50% of all affordable units in each bedroom distribution pursuant to N.J.A.C. 5:80-26.3(a) shall be affordable to low-income households.
4. At least 13% rounded up to the nearest whole number of all affordable housing units approved and constructed after July 1, 2008, shall be affordable to very-low-income households with incomes at no more than 30% of the median income pursuant to N.J.S.A. 52:27D-329.1. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.

101. The following criteria shall be used in determining maximum rents and sales

prices:

1. Efficiency units shall be affordable to a one-person household;
2. One-bedroom units shall be affordable to one-and-one-half-person households;
3. Two-bedroom units shall be affordable to three-person households;
4. Three-bedroom units shall be affordable to four-and-one-half-person households;
5. For affordable units in assisted living facilities, a studio or efficiency unit shall be affordable to a one-person household; a one-bedroom unit shall be affordable to a one and-one-half-person household; a two-bedroom unit shall be affordable to a two-person household or to two one-person households;
6. Median income by household size for Ocean County shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3;
7. The maximum sales prices of low- and moderate-income units within each affordable development shall be affordable to households earning no more than 70% of median income. Each affordable development must achieve an affordability average of 55% for affordable sales units. In achieving this average moderate-income sales units shall be available for at least three different prices and low-income sales units shall be available for at least two different prices for each bedroom type;
8. For both owner-occupied and rental units, the low- and moderate-income units shall utilize the same heating source as market units within an inclusionary development;
9. Low-income units shall be reserved for households with a gross household income less than or equal to 50% of the median income; moderate-income units shall be reserved for

households with a gross household income less than 80% of the median income; very low-income units shall be reserved for households with a gross household income less than or equal to 30% of the median income.

5. Bedroom distribution. Affordable, non-age-restricted housing developments shall have the following distribution of bedroom types:
  1. At a minimum, 30% of all low- and moderate-income units shall be two-bedroom units;
  2. At a minimum, 20% of all low- and moderate-income units shall be three-bedroom units;
  3. The combination of efficiency and one-bedroom units shall be at least 10% and no greater than 20% of the total low- and moderate-income units;
  4. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer; and
  5. Low- and moderate-income units that are age-restricted may utilize a modified bedroom distribution. At a minimum, the number of bedrooms will equal the number of age restricted low- and moderate-income units

within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.

6. Unit location. Affordable housing units in inclusionary developments shall be situated on the development tract in locations no less desirable than market priced dwelling units within the development, and shall be equally accessible to common open space, community facilities and shopping facilities.
7. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
  1. Design of 100 percent affordable developments:
    1. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
    2. Each bedroom in each restricted unit must have at least one window.
    3. Restricted units must include adequate air conditioning and heating.
  2. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
    1. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
    2. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
    3. Restricted units may not be physically clustered so as to segregate restricted

and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.

4. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
  5. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
  6. Each bedroom in each restricted unit must have at least one window.
  7. Restricted units must be of the same unit type as market-rate units within the same building.
  8. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J .A.C. 5:43-2.4.
3. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
    1. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
    2. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
    3. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market-rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced

end townhouses *may* be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.

500. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage

required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

501. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
502. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
503. Each bedroom in each restricted unit must have at least one window; and
504. Restricted units must include adequate air conditioning and heating.

#### 4. Utilities

1. Affordable units shall utilize the same type of cooling and heating source as market rate units within the same affordable housing development.
2. Tenant-Paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with

N.J.A.C. 5:80-26.B(e).

8. Completion Schedule (Phasing). Approval of the developer's affordable housing plan shall be contingent upon the inclusionary development, whether if developed in one stage or in two or more stages, meeting the following phasing schedule:

Minimum Percentage of Low/Moderate Income Units Completed  
Maximum Percentage of Market Housing Units Completed

0  
10  
50  
75  
100

25  
25 plus 1 unit  
50  
75  
90

## 1. Occupancy Section

1. The AH administrator shall designate an application period during which applications to purchase or rent affordable housing units will be accepted.
2. Applications shall be accepted only if submitted on an application form prepared and/or approved by the AH administrator. Applications shall be completely filled out and notarized. Knowingly or intentionally making any false statement on a form shall be grounds for disqualifying an applicant even if the applicant is otherwise eligible.
3. The AH administrator shall secure all information from applicant households necessary and appropriate to determine that affordable units are occupied by properly sized households with appropriate low- or moderate-income levels in accordance with

N.J.A.C. 5:80-26.16. Income verification documentation may include, but is not limited to, the following for each and every member of a household who is 18 years of age or older:

1. A copy of federal and state tax returns for each of the three years prior to the date of the application.
2. A letter from all employers stating present annual income or four consecutive pay stubs dated within 120 days of the interview date.
3. A letter or appropriate reporting form verifying benefits, including but not limited to social security or pension.
4. A letter or appropriate reporting form verifying any other sources of income claimed by the applicant household
5. Reports that verify income from assets to be submitted by banks or other financial institutions managing trust funds, money market accounts, stocks or bonds.
6. Reports that verify assets that do not earn regular income such as real estate and savings with delayed earning provisions.
  4. The AH administrator shall determine whether the applicant meets the income and other requirements established in these regulations. The review process for a prospective purchaser shall involve a credit background report. To be an eligible applicant, the applicant shall have an acceptable credit history such that there is a realistic possibility that he will be approved for a mortgage.
  5. Waiting list. The AH administrator may establish a waiting list for the remaining eligible applicants that will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 et seq. After all the units are occupied, the AH administrator may choose to accept new applications. If an applicant is deemed eligible, the applicant shall be placed on the waiting list at the bottom of the particular priority classification for which the applicant qualifies. The AH administrator shall periodically recertify the applicants on the waiting list to ensure that the list remains current and that the applicants are still qualified for the units to which they applied.
  6. In referring certified households to specific affordable units, to the extent feasible, and without causing an undue delay in occupying the unit, the

AH administrator shall strive to:

1. Provide an occupant for each bedroom, except for age-restricted and supportive and special needs housing units;
  2. Provide children of different sex with separate bedrooms. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupy any bedroom;
  3. Prevent more than two persons from occupying a single bedroom; and
  4. Avoid placing a one-person household into a unit with more than one bedroom.
10. Income eligibility standards.
1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
  2. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3
  3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.
  4. For purposes of determining income and eligibility, the AH administrator shall consider:
    1. All sources of income, whether taxable or nontaxable, including social security and pensions.
    2. Imputed income. For the purpose of determining eligibility and rents, interest on the present value of real property and extraordinary personal property owned by the applicant shall be imputed and deemed additional income. Interest shall be imputed at the average interest rate on money market accounts in the region as determined by the AH administrator.
    3. The income and assets of all members of the household as well as the income and assets of any individual who is expected to occupy the unit for which the household is seeking to qualify shall be included in the determination of eligibility and of rents. The form used for verification of household income shall include an affidavit attesting that the application contains the complete income of all current or anticipated household members.
  5. Buyer income eligibility for restricted ownership units shall be established pursuant to

N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-

income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.

6. The AH administrator shall certify a household as eligible for an affordable ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35% of the household's certified monthly income.
7. Prior to incurring any indebtedness to be secured by an affordable ownership unit, the AH administrator shall determine in writing that the proposed indebtedness complies with the provisions of this section.
8. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by an affordable ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the AH administrator in accordance with N.J.A.C. 5:80-26.6(b).
9. The AH administrator shall certify a household as eligible for an affordable rental unit when the household is a very-low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  1. The household currently pays more than 35% (40% for households eligible for age restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  2. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  3. The household is currently in substandard or overcrowded living conditions;
  4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
10. The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection 1(8)(a) through (e) above with the AH

administrator, who shall counsel the household on budgeting.

11. Sales prices.

1. The initial purchase price for an affordable ownership unit shall be approved by the AH administrator. Sales prices shall be considered affordable where the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), property taxes (based on the restricted value of the low- and moderate-income unit), homeowner and private

mortgage insurance and condominium or homeowner association fees will not exceed 28% of the eligible monthly household income of the appropriate size household as determined under N.J.A.C. 5:80-26.4. In making these calculations, the following considerations shall govern:

1. Property taxes shall be determined by applying the equalized property tax rate in Toms River Township currently in effect to the proposed selling price of the unit;
2. The developer shall use the best available assumptions to determine the insurance and homeowners' association fees to be applied to the units, subject to the approval of the AH administrator as to reasonableness only for use in this calculation. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners; and
3. Master deeds of inclusionary developments shall regulate condominium or homeowners' associations fees or special assessments of low- and moderate-income purchasers of 100% of those paid by market purchasers consistent with the requirements of N.J.A.C. 5:80-26.6(e). Once established with a master deed, the 100% will not be amended without prior approval from the New Jersey Superior Court.
2. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
3. All resale transactions of affordable housing units shall be administered by the AH administrator. The AH administrator shall approve all resale prices, in writing and in advance of the resale.
4. Prior to the issuance of the initial certificate of occupancy for an affordable ownership unit and upon each successive sale during the period of restricted ownership, the AH administrator shall determine the affordable price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
5. At the time of the first sale of the unit, the purchaser shall execute and deliver to the AH administrator a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the requirements of this article, an amount

equal to the difference between the unit's nonrestricted fair market value and its affordable price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

6. An affordable ownership unit shall be required to obtain a certificate of reoccupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

#### 50. Rental prices.

7. In establishing rents and sales prices of affordable housing units, the Administrative

Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.

8. For rental units, developers and/or municipal sponsors shall establish at least one rent for a low-income unit and at least one for a moderate-income unit for each bedroom distribution.
9. Gross rent for rental units, including an allowance for tenant-paid utilities, shall be established so as to not exceed 30% of the eligible monthly income of the appropriate household size as per N.J.A.C. 5:80-26.4. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and the tenant-paid utility allowance shall be consistent with the utility allowance approved by DCA for its Section 8 program.
10. The maximum rents of low- and moderate-income units within each affordable development shall be affordable to households earning no more than 60% of median income. The average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
11. At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.
12. A written lease is required for all affordable rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the AH administrator.
13. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the AH administrator.
  1. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.

14. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable affordable unit and are payable to the administrative agent to be applied to the costs of administering the controls in this subchapter as applicable to the unit. Fees for truly optional, unit-specific, non-communal items that are charged to market-rate tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may be charged to affordable tenants, if applicable. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited. Fees for other optional, unit-specific, non-communal items may not exceed the amounts charged to market-rate tenants.
15. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with (k)(8) above, may continue until December 20, 2025, or until the occupant household's current lease term

expires or that occupant household vacates the unit, whichever occurs later.

#### 1000. Exempt sales.

1. The following transactions shall be deemed non-sales for the purpose of this article. The owner of the affordable unit shall be entitled to a statement of exemption from the AH administrator upon application.
  1. Transfer of an affordable housing unit between husband and wife.
  2. Transfer of ownership of an affordable housing unit between former spouses as a result of a judicial decree, judgment or order of divorce, but not including sales to third parties.
  3. Transfer of ownership of an affordable housing unit between family members as a result of inheritance.
  4. Transfer of ownership of an affordable housing unit through an order of the Superior Court.
  5. A grant of exemption shall not eliminate the resale control restriction set forth in these regulations.
14. Rental increases. All rental transactions shall be administered by the AH administrator. The rents of affordable housing units may increase annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units

constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

0. Exemption from rent control ordinances. All rental units, both market and affordable, shall not be subject to any rent control ordinance which may be adopted in the Township of Toms River during the time period in which affordable housing price controls are effective.

16. Duration of controls.

1. Control periods for affordable ownership units shall be in accordance with N.J.A.C. 5:80- 26.6, and each affordable ownership unit shall remain subject to the controls on affordability for a period of at least 30 years, subject to the requirements of N.J.A.C. 5:80- 26.6, as may be amended and supplemented.
2. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
3. Control periods for affordable rental units shall be in accordance with N.J.A.C. 5:80- 26.12.
4. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
5. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period

of at least 40 years . Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.

6. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
7. All units for owner-occupied rehabilitation subject to the Toms River Township Housing Rehabilitation Program shall be subject to affordability controls for a period of at least 10 years. Renter-occupied rehabilitated housing units that are improved to code standards shall be subject to affordability controls for at least 10 years.
8. The affordability control period for an affordable ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.

9. The affordability controls set forth in this article shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
10. Deeds of all real property that include affordable rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property., and the deed restriction shall be filed by the developer or seller with the records office of the County of Ocean. A copy of the filed document shall be provided to the AH administrator within 30 days of the receipt of a certificate of occupancy.
11. An affordable rental unit shall remain subject to the affordability controls of this article, despite the occurrence of any of the following events:
  1. Sublease or assignment of the lease of the unit;
  2. Sale or other voluntary transfer of the ownership of the unit;
  3. The entry and enforcement of any judgment of foreclosure; or
  4. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.
12. All affordable dwelling units shall be covered by covenants to ensure that in all initial sales and rentals, and in all subsequent resales and rerentals, the units will continue to remain available and affordable to the low- and moderate-income households for which they were intended for the period specified in this subsection in accordance with statutorily upheld existing regulations of COAH and the requirements and standards established by the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26. et seq.
  1. Expiration of controls. The Township reserves the right, in its sole discretion, to extend affordability controls on any unit which has affordable housing controls that are about to expire, in accordance with UHAC regulations, including N.J.A.C. 5:80-

26.1 et seq., including Section 5:80-26.21 for the implementation of the 95/5 option.

13. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
  1. If the Township exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
  2. If the Township does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
14. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the Township shall record a preliminary instrument provided by the Administrative Agent.
15. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit

based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

16. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
17. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.
17. Second mortgages. No second mortgage shall be placed upon the property without the prior written approval of the AH administrator. In determining whether to grant an approval for the second mortgage, the AH administrator shall consider the need for the second mortgage and the impact that the second mortgage shall have upon the ability to maintain the unit as a low and moderate-income unit. Under no circumstances shall a foreclosure of a second mortgage constitute grounds for eliminating the resale controls provided for in this regulation. Prior written approval shall be denied unless second mortgages are specifically authorized by COAH regulations and the application is consistent with those regulations.
18. Capital improvements. Property owners of single-family, owner-occupied housing may apply to the AH administrator for permission to increase the maximum sales price for eligible capital improvements in accordance with N.J.A.C. 5:80-26.9. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household. Property owners shall apply to the AH administrator if an increase in the maximum sales price is sought.
19. Sale of personal items. Items of personal property which are not permanently affixed to the unit (e.g., refrigerator, freezer, washer, dryer) and which were not included when the

affordable housing unit was purchased may be the subject of separate negotiations between the parties subsequent to the signing of the contract for the purchase of the house. Any agreed price for the purchase of any item or items of personal property shall be reasonable considering the original cost, nature, age and condition of the item. The price to be paid for items of personal property shall not be used as a mechanism to avoid or circumvent the limitations on the resale price of unit itself. In no event shall the right to purchase the unit be conditioned upon the buyer's willingness to agree to purchase any item or items of personal properties of the seller.

20. Certificate of occupancy.

1. No certificate of occupancy for a low- or moderate-income unit shall be

issued until the developer shall have submitted and have approved by the Township Attorney a deed restriction encompassing all the provisions of these regulations.

2. No certificate of occupancy shall be issued for the resale of a low- or moderate-income unit unless the AH administrator shall certify that the resale complies with the terms of these regulations.
3. No low- and moderate-income unit may be occupied by an initial purchaser or resale purchaser without a certificate of occupancy.

#### **§ 348-11.4. Affordable accessory apartments.**

1. Notwithstanding any provision of the Land Use and Development Regulations Ordinance to the contrary, affordable accessory apartments shall be permitted in the R-800, RR, R-400C and R-400 Zoning Districts. The affordable accessory apartment shall be located within a detached, owner-occupied single-family dwelling and on a lot that otherwise conforms to the bulk requirements of the zoning district which it is located.
2. For the purpose of this section, the definition an "affordable accessory apartment" shall be defined as a self-contained residential dwelling unit with a kitchen, complete sanitary facilities, sleeping quarters and a private entrance which is created to be occupied by a low or moderate-income household.
3. Conditions.
  1. All affordable accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all local building codes and are subject to all applicable provisions of § 348-11.3 exclusive of § 348-11.3E which requires specific bedroom distributions. The Township's accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
  2. The affordable accessory apartment shall be rented only to a household which is either a low- or moderate-income household at the time of initial occupancy of the unit.
  3. The affordable accessory apartment shall, for a period of at least 10 years from the date of the issuance of a certificate of occupancy, be rented only to low- or moderate-income households.
4. Rents of affordable accessory apartments shall be affordable to low- or moderate-income households in accordance with the applicable provisions as stated in N.J.A.C. 5:97- 6.8(c)|
5. The maximum number of affordable accessory apartments to be developed in the Township under the provisions of this section shall be 10.
6. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the affordable accessory apartment is located running with the land and limiting its subsequent rental or sale within the requirements of Subsections C and D.

7. The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.
  8. Each affordable accessory apartment shall have living/sleeping space, cooking facilities, a kitchen sink and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two rooms, one of which shall be a full bathroom.
  9. The affordable accessory apartment shall have a separate door with a private entrance.
  10. There shall be a minimum of two on-site parking spaces provided exclusively for the affordable accessory apartment. These spaces will be in addition to the number of required spaces for the existing residential dwelling unit.
  11. No accessory apartment created as a result of this section or these regulations shall exceed the gross floor area of the existing principal dwelling on the lot.
  12. The affordable accessory apartment program shall be affirmatively marketed in accordance with the provisions of N.J.A.C. 5:80-26.15.
  13. In the case of an affordable accessory apartment created illegally or without proper permits which the property owner desires to legitimize as an affordable accessory apartment under this section, all criteria set forth in the section shall apply, except that no subsidy shall be provided by the Township of Toms River.
500. Administration of the affordable accessory apartment program. The designated AH administrator of the Township of Toms River shall administer the affordable accessory apartment program in accordance with the following:
1. The AH administrator shall be responsible for all administrative aspects of the affordable accessory apartment program, including advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions, monitoring reports and affirmative marketing.
  2. The AH administrator shall only deny an application for an affordable accessory apartment if the project is not in conformance with COAH's requirements and/or

provisions of this section. All denials shall be in writing with the reasons clearly stated.

3. The Township of Toms River shall provide at least \$25,000 per unit to subsidize the creation of each low-income accessory apartment or \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates. Prior to the grant of such subsidy, the property owner shall enter into a written agreement with the Township of Toms River ensuring that the subsidy shall be used to create the accessory apartment and the

apartment shall meet the requirements of this section and

N.J.A.C. 5:97-6.8(b)2 regulations.

5. Application procedures. Each application for the creation of an affordable accessory apartment shall submit the following information to the AH administrator:
  1. A sketch of floor plan(s) showing the location, size and relationship of both the affordable accessory apartment and the primary dwelling within the building.
  2. Rough elevations showing the modification of any exterior building facade to which changes are proposed.
  3. A site development sketch showing the location of the existing dwelling and other existing buildings, all property lines, along with the. minimum building setback lines, the required parking spaces for both dwelling units and any natural or man-made condition which might affect construction.

**§ 348-11.5. Administration of affordable housing program.**

1. Piazza & Associates will be the agency under contract with the Township of Toms River to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.. Piazza & Associates shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC, including but not limited to those set forth in N.J.A.C. 5:80-26.14, 5:80-26.16 and 5:80-26.18 thereof. As applicable for any prior units under HAS oversight, HAS maintains the responsibility to advertise, income qualify low- and moderate-income households; to place eligible households in low- and moderate-income units upon initial occupancy; to continue to qualify households for reoccupancy of units as they become vacant and to enforce the terms of the deed restriction. The Township of Toms River and/or Piazza & Associates will provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord-tenant law. In addition, the Township of Toms River shall designate that the AH administrator and/or a full time Municipal Housing Liaison (MHL) act as liaison between the municipality, and Piazza & Associates. The MHL will be responsible for tracking the progress of affordable housing, fielding inquiries regarding affordable housing from the public, and complying with monitoring and reporting requirements as per N.J.A.C. 5:93-11.6 and 5:93-12.1.
2. An operating manual shall be provided by the AH administrator to be adopted by resolution of the governing body and subject to approval of the Superior Court. The operating manual shall be available for public inspection in the office of the Municipal Clerk and in the office(s) of the AH administrator.

100. The position of Municipal Housing Liaison (MHL) for the Township of Toms River is established by this article. The Township of Toms River shall designate a full-time or part time employee of the Township as the Municipal Housing Liaison between the municipality and AH administrator and/or HAS. The Municipal Housing Liaison will be responsible for oversight of the affordable housing program including tracking the progress of affordable housing; fielding inquiries regarding affordable housing from the public, interested households, the state, and affordable housing providers; and complying with monitoring and reporting requirements. The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training. The Municipal Housing Liaison is responsible for satisfying municipal affordable housing monitoring and reporting requirements.

500. The Township shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:

1. The Township shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department's website at <https://www.nj.gov/dealdlps/hss/MuniStatusReporting.shtml>.
2. On or before February 15 of each year, the Township shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
3. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.
5. Developers/builders/sponsors of low- and moderate-income housing units may be required by the Township of Toms River to assist in the advertising of affordable units in their respective developments in accordance with the preceding subsections. Such advertising must be coordinated with Piazza & Associates and is subject to the approval of the Township of Toms River.
6. The Township of Toms River, in conjunction with Piazza & Associates, may delegate other specific tasks to a developer/builder/sponsor (such as

interviewing applicants, prescreening households, etc.), provided that copies of all applications, income verification documents, sales records, etc., of the low- and moderate-income units are returned to HAS for reporting purposes and to aid with future resales.

7. Households who live or work in the housing region of Monmouth, Mercer and Ocean Counties may be given preference for the affordable housing units within the municipality. Applicants living outside the housing region shall have an equal opportunity for units after intraregional applicants have been processed.
8. The administrative agent shall comply with monitoring and reporting requirements as per

N.J.S.A. 52:27D-301, et seq., and the settlement agreement entered into and approved by the Superior Court of New Jersey, Ocean County, on December 31, 2016, In the Matter of the Township of Toms River for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan, Docket No. OCN-L-001867-15 and Township of Toms River Fourth Round Mediation Agreement, Docket No. OCN-L-331-25

#### **§ 348-11.6. Affirmative marketing.**

1. The administrative agent shall develop and implement an affirmative marketing program for affordable housing units that shall apply to all developments that contain low- and moderate income housing units, including any currently unanticipated future developments that will provide affordable housing, and shall also develop and implement affirmative marketing programs for the accessory apartments program and the write-down/buy-down program. The Township shall adopt by resolution an affirmative marketing plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
2. The affirmative marketing plan is a regional marketing strategy designed to attract income eligible households 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 housing units, for the purpose of buying or renting affordable housing units. The Township of Toms River is in the housing region consisting of Monmouth, Mercer and Ocean Counties. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in this region. The affirmative marketing plan is a continuing program and shall meet the following requirements:
  1. All newspaper articles, announcements and request for applicants for low- and moderate income housing shall appear in the following daily regional newspaper(s):
    1. The Asbury Park Press and Ocean County Observer.
  2. The initial advertising of affordable housing shall take the form of at least one press release and one paid display advertisement in the above newspaper(s). At a minimum, the paid display advertisement shall include the following:
    1. Street address of units.

2. Directions to housing units.

100. Number of bedrooms per unit.
101. Size of units.
102. Prices or rents of units.
103. Income range for qualifying households.

7. Location of applications.
8. Telephone number and office hours for obtaining information and requesting applications.
3. Applications must be mailed to prospective applicants upon request.
4. Public service announcements shall be made through the use of the following radio and/

or cable television stations broadcasting throughout the regions:

1. Cablevision of Monmouth, Comcast Cablevision and Adelphia Cable.
5. Announcements, request for applicants and newspaper articles may be placed in the following neighborhood-oriented weekly newspapers, religious publications and organizational newsletters within Monmouth, Mercer and Ocean Counties as needed:
  1. The Co-Star.
6. The following is the location of applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program, including specific employment centers within the region:
  1. Municipal building.
  2. Municipal library.
  3. Developer's sales/rental office on site.
  4. Senior center.
  5. Ocean, Monmouth and Mercer County government complexes.
7. The following is a listing of community contact person(s) and/or organization(s) in Monmouth, Mercer and Ocean Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for affordable housing within the region:
  1. Ocean County Community Development.
  2. Monmouth County Community Development.
  3. Mercer County Community Development.
8. Affordable housing applications, brochures, announcements and/or posters will be forwarded to and posted at the following locations:
  1. Developer's sales office.
  2. Municipal building and library.

3. Monmouth County Library.
4. Mercer County Library.
5. Ocean County Library.
9. Quarterly informational circulars and applications shall be sent to each of the following agencies for publication in their journals and for circulating among their members:
  1. Board of Realtors in Monmouth County.
  2. Board of Realtors in Mercer County.
  3. Board of Realtors in Ocean County.
10. The Administrative Agent shall use a random selection process to select occupants of

very low-, low-, and moderate-income housing. The following is a description of the random selection method that will be used to select occupants of low- and moderate income housing: From the list of qualified applicants, names will be drawn randomly and the applicant contacted.

11. A pool of interested households will be maintained in accordance with the provisions of

N.J.A.C. 5:80-26.16. The affirmative marketing process for available affordable units shall begin at least 120 days prior to the expected date of occupancy; for new units it shall commence 120 days before the issuance of either temporary or permanent certificates of occupancy. Affirmative marketing shall continue until all low- and moderate-income housing units are initially occupied. Affirmative marketing for existing units shall continue on an as-needed basis for as long as affordable units are deed restricted.

3. In implementing the affirmative marketing plan, the AH administrator shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
4. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township.

**§ 348-11.7. Responsibilities of The Owner of a development containing affordable units**

1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
  1. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of

affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.

2. The total number of units in the project and the number of affordable units.
  3. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
  4. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
  5. A projected construction schedule.
  6. The location of any common areas and elevators.
  7. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
2. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:

1. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
  2. Provide to the administrative agent a description of any applicable fees.
  3. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
  4. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
  5. Provide to the administrative agent a proposed form of lease for any rental units.
  6. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
  7. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
100. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
1. Proposed pricing for all units, including any purchaser options and add-on items.

2. Condominium or homeowner association fees and any other applicable fees.
3. Estimated real property taxes.
4. Sewer, water, trash disposal, and any other utility assessments.
5. Flood insurance requirement, if applicable.
6. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

**§ 348-11.8. Rehabilitated dwelling units.**

Assistance provided for the rehabilitation of affordable units shall incorporate controls on continuing affordability and resale/rental as set forth in the Rehabilitation Manual.

**§ 348-11.8.1 Enforcement of Affordable Housing Regulations**

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the Township shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an owner, developer, or tenant of an affordable unit and advising the owner, developer, or tenant of the penalties for such violations, the Township may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
  1. The Township may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
    1. A fine of not more than \$500.00 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
    2. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    3. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of

an innocent tenant's reasonable relocation costs, as determined by the Court.

100. The Township shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27O-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be

\$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.

500. The Township may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate income unit.

1. Such judgment shall be enforceable, at the option of the Township, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the Township, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
2. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the Township for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Township in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the Township in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the Township for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the Township for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the Township. Any interest accrued or earned on

such balance while being held in escrow shall belong to and shall be paid to the Township, whether such balance shall be paid to the owner or forfeited to the Township.

3. Foreclosure due to violation of the regulations governing affordable housing units

shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriffs sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriffs sale shall not be entitled to any right of redemption.

4. If there are no bidders at the Sheriffs sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the Township may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
5. Failure of the low- or moderate-income unit to be either sold at the Sheriffs sale or acquired by the Township shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the Township, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
6. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be released within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30- day cure period. If, after the 30- day cure period, the developer , landl ord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in

this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.

7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.
8. Appeals

(I) Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

#### **§ 348-11.9. Development fees to fund affordable housing.**

1. Purpose. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2),

N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8. 1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

2. Basic Requirements. The municipality shall not spend development fees until the court has approved a plan for spending such fees.
3. Definitions. The following terms, as used in this section, shall have the following meanings:

**AFFORDABLE HOUSING DEVELOPMENT** - A development included in the Housing Element and Fair Share Plan and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent affordable development.

**COAH or THE COUNCIL** - The New Jersey Council on Affordable Housing, established under the Act, which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

**DEVELOPER**- The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract

to purchase, or other person having an enforceable proprietary interest in such land.  
DEVELOPMENT FEE - Money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8. 1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

EQUALIZED ASSESSED VALUE or EAV-The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

GREEN BUILDING STRATEGIES -Those strategies that minimize the impact of development on the environment and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

#### 500. Mandatory residential development fee.

1. Residential development, except for residential development specifically addressed in Subsection 0(2) below, shall pay a fee of 1.5% of the equalized assessed value (EAV) of the residential development; provided, however, in the event an increase in density has been approved pursuant to N.J.S.A. 40:55D-70d(5), or permitted pursuant to a rezoning subsequent to March 9, 2010, a fee of 6% of the equalized assessed value shall be paid for each dwelling unit over the number of units permitted as a matter of right or permitted prior to rezoning. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
2. Exemptions from residential mandatory development fees. The following types of residential development shall be exempt from the requirement to pay a residential mandatory development fee:
  1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2,

shall be exempt from development fees.

2. On an existing lot, either vacant or improved, the expansion, improvement, renovation, rehabilitation, reconstruction or replacement of an existing detached single-family dwelling resulting in an increased EAV of \$50,000 or less, in any two-year period. For increases in EAV of less than \$50,000 but greater than

\$25,000, there shall be a flat-fee payment of \$300. For increases in EAV in excess of \$50,000, the fee shall be \$300 plus 1.5% of the increase that exceeds \$50,000.

100. The repair, reconstruction or replacement of owner-occupied residential structures damaged or destroyed by fire or natural disasters subject to § 348-I 1.90(2)(d) herein.
101. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued

## 5. Nonresidential development fees.

### 1. Imposed fees.

1. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized

assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.

2. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

100. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

2. Eligible exactions, ineligible exactions and exemptions for nonresidential development:

1. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the development fee of 2.5%, unless otherwise exempted below.
2. The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non residential development, whichever is later
4. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township of Toms River as a lien against the real property of the owner.

6. Collection procedures.

1. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Zoning Officer.
  
2. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The

construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N RDF.

3. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
  
4. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
  
5. The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
  
6. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
  
7. Should the Township of Toms River fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b

of§ 37 of P.L. 2008, c. 46 (N.J.S.A. 40:550-8.6).

8. Fifty percent of the development fee shall be collected by the Zoning Officer at the time of issuance of the zoning permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of the issuance of the zoning permit and that determined at issuance of the certificate of occupancy.

#### 7. Appeal of development fees.

1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township of Toms River. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48- 1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
2. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Township of Toms River. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed

shall be credited to the prevailing party.

#### 8. Affordable Housing Trust Fund .

(I) Establishment of fund. There is hereby established in the Township of Toms River an interest-bearing account known as the Toms River Township Affordable Housing Trust Fund, which shall have as its primary purpose support of low- and moderate-income housing in the Township of Toms River and the region in which it is included, in furtherance of the mandates of the Constitution of the State of New Jersey. Trustees of

the fund shall be the Township Committee of the Township of Toms River, and, in accordance with the provisions of N.J.A.C. 5:93-8.19, the Superior Court of the State of New Jersey may, upon notice to the Township Clerk, direct the disbursement of development fees.

2. The Township Committee, acting as trustees of the fund, shall have the power to appoint a person or organization as Housing Officer to administer the fund on its behalf and at its direction.
  
3. Development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls shall be deposited in the Township of Toms Rivers Affordable Housing Trust Fund maintained by the Chief Financial Officer.
  
4. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  1. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
  2. Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
  3. Rental income from municipally operated units;
  4. Repayments from affordable housing program loans;
  5. Recapture funds;
  6. Proceeds from the sale of affordable units; and
  7. Any other funds collected in connection with the Township of Toms Rivers affordable housing program.
  8. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Court.
  
5. The municipality shall provide the Division with written authorization, in the form of a tri party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C . 5:99-2.1 et seq.

1. Use of funds.

(I) The expenditure of all funds shall conform to a Spending Plan approved by Superior

Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.

2. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
1. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
2. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement, where previously permitted by ordinance or by

agreement with the Township and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2.

4. The Township of Toms River may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:93-8.16(d).
  
5. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues

collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units and compliance with COAHs or the Courts monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Councils regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.

#### 10. Monitoring.

1. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

11. Ongoing collection of fees.

1. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
2. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320)

**§ 348-11.10. Uniform affordable housing production.**

1. Residential development. Pursuant to the applicable rules and regulations of COAH and NJDCA, residential developments of five or more lots or units, other than single-family detached, that provides for densities at or above six units per acre, are required to include an affordable housing set-aside of 20% and shall be required to build the applicable number of affordable units (as defined by COAH) on site. Any residential application in any zoning district in the Township that involves the development of five or more lots or units, that has not yet received preliminary major subdivision or preliminary site plan approval, shall set aside 20% of for-sale units or for-rental units (rounded to the next higher whole number ) for affordable housing as defined by the applicable standards at N.J.A.C. 5:80-26.1, et seq.. For those residential developments that were approved subsequent to the passage of the Townships Mandatory Development Fee Ordinance, No. 3933-05, but prior to the passage of the instant

ordinance, those developments will remain subject to the Mandatory Development Fee Ordinance.

1. A development, other than single-family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set aside of 20%.

2. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
3. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance, or other relief, or establish any obligation on the part of the municipality or the Township to grant such rezoning, variance, or other relief.
2. Nonresidential development. Any nonresidential development application that has not yet received preliminary major subdivision or preliminary site plan approval will be required to make a contribution in accordance with the Mandatory Development Fee Ordinance, No. 3933- 05, at the rate as set forth therein.
3. Division for low- and moderate-affordable housing. The affordable housing units to be produced pursuant to these regulations shall be allocated as follows: Where only one affordable housing unit is required, that housing unit shall be available to a low-income individual or household; where more than one affordable housing unit is required, the total number of units shall be divided equally between low- and moderate-income individuals or households; and where the total number of affordable housing units required is an odd number, the last housing unit shall be available to a low-income individual or household.
4. Compliance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws. All affordable housing units shall strictly comply with the policies and regulations established by UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, including but not limited to phasing, bedroom distribution, controls on affordability, range of affordability, affirmative marketing and income qualifications.
5. Affordable housing compliance mechanisms.
  1. All major subdivisions or site plan approvals involving five or more lots or units of residential development, other than single-family detached, must provide the
    - affordable housing units on site.
    - 2. For major subdivision or site plan approvals involving four or fewer lots or units of residential or involving nonresidential development and further provided the applicant obtains advanced written permission from the Toms River Township Council, the applicant may choose to satisfy its affordable housing obligation through the following mechanisms permitted at UHAC at N.J.A.C.5:80-26.1, et seq.:
      1. On-site housing production of affordable housing;
      2. Off-site affordable housing production within the Township; or

100. The purchase of an existing market rate home at another location in the Township and its conversion to an affordable price-restricted home in accordance with COAH criteria, regulations and policies.

### **§ 348-11.11.. Market to Affordable Program**

1. Purpose.

Market to Affordable program (per N.J.A.C. 5:97-6.9).

The market to affordable program permits the purchase or subsidization of unrestricted units through a mortgage write-down provided to an income-certified buyer or through a sale or rental as a low- or moderate-income unit to an income-eligible household. The market to affordable program may produce both low- and moderate-income units. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.

2. The units shall be certified to be **in** sound condition as a result of an inspection performed by a licensed building inspector.

(1-) A minimum subsidy of \$25,000 per moderate-income unit and/or \$30,000 per low income unit shall be provided, with additional subsidy depending on the market prices or rents in a municipality unless agreed upon per court mediation or order. The units shall comply with UHAC with the following exceptions:

1. Bedroom distribution (N.J.A.C. 5:80-26.4).
  2. Low/moderate income split (N.J.A.C. 5:80-26.4).
2. Affordability average (N.J.A.C. 5:80-26.4); however:
    1. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
    2. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.

### **§ 348-11.12. Extension of Controls**

1. Purpose

Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).

An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:

2. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
3. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
  
4. The Township shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the Township shall fund and complete the work.
5. The Township shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
6. The deed restriction for the extended control period shall be filed with the County Clerk.

Public Comment

**Paul Williams, Broad Street, Toms River** - Said He Wants To Reiterate The Comments He Made

**Motion:** Close Public Comment on Item 9

**Motion Made By:** Lynn O'Toole

**Seconded:** Harry Aber

All in Favor: Aye

**Motion:** Approve Item 9

**Motion Made By:** Lynn O'Toole

**Seconded:** Harry Aber

**Roll Call:**

Council Member Bradley	No
Council Member Bianchini	Yes
Council Vice President Nivison	Yes
Council President Ciccozzi	Yes
Council Member Coleman	Yes
Council Member Aber	Yes

Council Member O'Toole

Yes

10. **ORDINANCE** Designating Certain Properties As An Affordable Housing Overlay Zone With The "Mf-16 Multifamily Zone" Designation To Provide A Realistic Opportunity For The Construction Of Low- And Moderate-Income Housing

**WHEREAS**, The Township Of Toms River (The "Township") Is Authorized To Regulate Land Use And Zoning Pursuant To The Municipal Land Use Law, N.J.S.A. 40:55D-1 Et Seq.; And

**WHEREAS**, The Township Has Adopted A Housing Element And Fair Share Plan Establishing Strategies To Satisfy Its Constitutional Obligation To Provide A Realistic Opportunity For The Construction Of Low- And Moderate-Income Housing During The "Fourth Round" Compliance Cycle; And

**WHEREAS**, The Township Council Finds It Appropriate To Designate The Properties Set Forth At **Exhibit A** (The "Designated Overlay Parcels") As An Affordable Housing Overlay Zone With The "MF-16 Multifamily Zone" Designation To Provide A Realistic Opportunity For The Creation Of Affordable Housing; And

**WHEREAS**, The Township Council Also Finds It Appropriate To Require That Two Parcels Of The Designated Overlay Parcels, Known As Block 171, Lots 23 And 42 On The Official Tax Map Of The Township Of Toms River, Although Part Of The New Overlay With The "MF-16 Multifamily Zone" Shall Be Required To Satisfy A One Hundred Percent (100%) Set-Aside, Which Shall Provide An Additional, Alternative Means Of Implementing The Township's Affordable Housing Plan For The Fourth Round For The Purpose Of Providing The Township's Fair Share Of The Regional Need For Low And Moderate-Income Housing; And

**WHEREAS**, The Township Council Further Finds That The Designation Of The Properties As An Overlay With The "MF-16 Multifamily Zone" Is An Appropriate Legislative Mechanism To Facilitate The Production Of Affordable Housing To Meet The Township's Fair Share Obligations For The Fourth Round And Future Affordable Housing Rounds.

**WHEREAS**, Pursuant To The Enactment Of This Ordinance §348-11.2 Shall Be Modified To Reflect The Set Asides Set Forth Herein, Including But Not Limited To A 100% Set Aside For Block 171, Lots 23 And 42 On The Official Tax Mapp Of The Township Of Toms River,

**NOW, THEREFORE, BE IT ORDAINED** By The Township Council Of The Township Of Toms River, County Of Ocean, State Of New Jersey, As Follows:

1. The Properties Identified In Exhibit A, Attached Hereto And Incorporated Herein By Reference (The "Designated Overlay Parcels"), Are Hereby Designated As An Affordable Housing Overlay Zone With The "MF-16 Multifamily Zone" Designation. The Zoning Standards, Regulations, And Requirements Applicable To The MF-16 Multifamily Zone Shall Apply To The Designated Overlay Parcels.

2. Notwithstanding Any Provision Of This Ordinance To The Contrary, Two (2) Parcels Identified Within The Designated Overlay Parcels, Which Are Known As Block 171, Lots 23 And 42 Of The Official Tax Map Of The Township Of Toms River, Shall Be Required To Satisfy A One Hundred Percent (100%) Affordable Housing Set-Aside Requirement. Aside From This Set Aside Requirements, The Zoning Standards, Regulations, And Requirements Applicable To The MF-16 Multifamily Zone Shall Apply.
3. Pursuant To The Enactment Of This Ordinance §348-11.2 Shall Be Modified To Reflect The Set Asides Set Forth Herein, Including But Not Limited To A 100% Set Aside For Block 171, Lots 23 And 42 On The Official Tax Mapp Of The Township Of Toms River.
4. If Any Section, Subsection, Paragraph, Sentence, Clause, Or Provision Of This Ordinance Or Any Exhibit Hereto Is Adjudged Invalid, Such Adjudication Shall Not Affect The Validity Of The Remaining Portions.
5. This Ordinance Shall Take Effect Upon Final Passage And Publication According To Law.

**SO ORDAINED**, As Aforesaid.

EXHIBIT A

(Designated Overlay Parcels)

Street Address	Block	Lot	Qualifier	Lot Size	Additional Lots
133 Riverwood Dr	171	7		16.36	
1940 Lakewood Rd	171	11		28.73	17,18,19,32
1940 Lakewod Rd	171	11	B01		
1956 Lakewood Rd	171	20		8.73	
1962 Lakewood Rd	171	21		1.48	
1970 Lakewood Rd	171	22		9.87	
1970	171	22	b02		

Lakewood Rd	1976	171	42	.88
Lakewood Rd	1980	171	23	8.24

Public Comment:

**Philip Brilliant, 79 Holly Tree Lane, Toms River** - Said We Should Not Be Developing On Rt 9

**Paul Williams, Broad St, Toms River** - Spoke About Funds Bonded For Open Space, Said Council Is In A Predicament Due To Failed Leadership

**Motion:** Close Public Comment on Item 10

**Motion Made By:** Tom Nivison

**Seconded:** Harry Aber

**All in Favor:** Aye

**Motion:** Approve Item 10

**Motion Made By:** Harry Abber

**Seconded:** Lynn O'Toole

**Roll Call:**

Council Member Bradley	No
Council Member Bianchini	Abstained
Council Vice President Nivison	No
Council President Ciccozzi	No
Council Member Coleman	Yes
Council Member Aber	Yes
Council Member O'Toole	Yes

- ORDINANCE** Of The Township Council Of The Township Of Toms River, In The County Of Ocean, And State Of New Jersey, Repealing Chapter 363 (Mobile Home Parks), Section li (Rent Leveling; Rent Leveling Board), And Repealing Chapter 71 (Statutory Boards And Commissions), Subsection J (Rent Leveling Board)

**WHEREAS**, Based On A Recent Enactment Of Statewide Rent Control For Mobile Home Parks By The State Of New Jersey, Which Will Take Effect March 1, 2026, Will Be Administered By The New Jerrey Department Of Community Affairs (DCA); And

**WHEREAS**, It Is The Intention Of The State Legislature To Centralize And Standardize Rent Control Across New Jersey's Mobile Home Park Communities;

**NOW, THEREFORE, BE IT ORDAINED** By The Township Council Of The Township Of Toms River, In The County Of Ocean, And State Of New Jersey, As Follows:

1. Chapter 363 (Mobile Home Parks), Article II (Rent Leveling Board) Is Hereby Repealed In Its Entirety.
2. Chapter 71 (Statutory Boards And Commissions), Subsection J (Rent Leveling Board). The Rent Leveling Board Of The Township Of Toms River Is Repealed In Chapter 363 (Mobile Home Parks).
3. All Ordinances Or Parts Of Ordinances Which Are Inconsistent Herewith Are Repealed, But Only To The Extent Of Such Inconsistency.
4. If Any Part Or Parts Of This Ordinance Are For Any Reason Held To Be Invalid, Such Adjudication Shall Not Affect The Validity Of The Remaining Portions Of This Ordinance.
5. This Ordinance Shall Take Effect Following Its Final Passage By The Township Council, Approval By The Mayor, And Twenty Days After Publication As Required By Law.

Public Comment:

**Irene Watson, Messenger St, Toms River** - Asked For An Explanation Of The Ordinance & Where The Mobile Parks Are

**Renee McNally** - Spoke About Being Property Manager At Homestead Run Mobile Park, Said The State Has Taken Over The Rent Leveling, They Mandate It

**Motion:** Close Public Comment on Item 11

**Motion Made By:** Lynn O'Toole

**Seconded:** Robert Bianchini

**All in Favor:** Aye

**Roll Call:**

**Motion:** Approve Item 11

**Motion Made By:** Clinton Bradley

**Seconded:** Robert Bianchini

**Roll Call:**

Council Member Bradley	Yes
Council Member Bianchini	Yes
Council Vice President Nivison	Yes
Council President Ciccozzi	Yes
Council Member Coleman	No
Council Member Aber	No
Council Member O'Toole	No

12. **ORDINANCE** Of The Township Council Of The Township Of Toms River, County Of Ocean, State Of New Jersey, Amending And Supplementing Chapter 50 Of The Township Code To Mandate Minimum Staffing Levels For The Police Department

**WHEREAS**, An Independent "Comprehensive Efficiency Study" Conducted By The Government Strategy Group In 2021 Documented That The Toms River Police Department (TRPD) Operates In A "Lean And Efficient" Manner With No Recommendations To Reduce Personnel; And

**WHEREAS**, Despite The Findings Of Said Study, The TRPD Is Currently Operating With A Significant Deficit Of Approximately 20 Sworn Officers Compared To 2024 Staffing Levels, With The Roster Falling From 163 In January 2024 To Approximately 146 By Late 2025; And

**WHEREAS**, This Reduction In Force Has Occurred While The Township Population Has Grown To Over 100,000 Residents And Annual Calls For Service Have Increased To Approximately 85,000; And

**WHEREAS**, Despite The Above, The Current Administration Has Failed To Maintain A Robust Department, Allowing The Force To Shrink Significantly Below The Authorized Strength Of 16 Officers Through Attrition And A Freeze On Hiring And Promotions; And

**WHEREAS**, The Township Council Finds That Maintaining An Active Roster Of No Less Than 162 Sworn Officers Is A Non-Negotiable Requirement For Public Safety, Officer Safety, And Effective Emergency Response;

**NOW, THEREFORE, BE IT ORDAINED**, By The Township Council Of The Township Of Toms River, County Of Ocean, State Of New Jersey, As Follows:

SECTION 1. Chapter 50 Of The Toms River Township Code Is Hereby Amended By Adding A New Subsection §50-3.1 To Read As Follows:

§50-3.1 Maintenance Of Authorized Strength:

The Toms River Police Department Shall Be Maintained At A Staffing Level Sufficient To Ensure The Safety Of The Township. Notwithstanding Any Other Provision Of Law Or Administrative Policy, The Department Shall Have No Less Than 162 Sworn Officers On The Active Roster At All Times.

For Purposes Of This Section Roster Is Defined As The Following Positions To Maintain The Minimum Roster Of 162:

- a. Chief Of Police: One (1).
- b. Captain Of Police/Deputy Chief Of Police: Three (3).
- c. Lieutenant Of Police: Seven (7).
- d. Sergeant Of Police: Twenty (20).
- e. Detective Of Police: Sixteen (16).
- f. Traffic Safety Officer: Two (2).

G. Police Officers: One Hundred Thirteen (113).

**SECTION 2.** Mandatory Filling Of Vacancies.

- A. In The Event The Number Of Personnel In Any Rank Or Classification Falls Below The Numbers Established In Section 1, The Administration Shall Immediately Take All Necessary Steps To Hire, Promote, Or Appoint Qualified Individuals To Restore The Department To The Mandated Staffing Levels Within Ninety (90) Days
- B. Appointments To Fill Vacancies Shall Be Completed Within Ninety (90) Days, Except Where Delayed By Circumstances Beyond The Township's Control, In Which Case A Written Report Explaining The Delay Shall Be Submitted By The Business Administrator To The Township Council Every Thirty (30) Days Until The Vacancy Is Filled.
- C. Nothing Herein Shall Be Construed To Interfere With The Lawful Operational Command Of The Police Department, But This Section Shall Be Binding On The Executive Administration Of The Township.

**SECTION 2 - Budget Requirement**

The Annual Municipal Budget Shall Include Sufficient Appropriations To Fund The Authorized Staffing Level Established Herein.

**SECTION 3.** All Ordinances Or Parts Of Ordinances Inconsistent Herewith Are Hereby Repealed To The Extent Of Such Inconsistency.

**SECTION 4.** If Any Section, Subsection, Sentence, Clause, Or Phrase Of This Ordinance Is For Any Reason Held To Be Unconstitutional Or Invalid, Such Decision Shall Not Affect The Remaining Portions Of This Ordinance.

**SECTION 5.** This Ordinance Shall Take Effect Immediately Upon Final Passage And Publication As Required By Law.

**Motion:** Close Public Comment on Item 12

**Motion Made By:** Lynn O'Toole

**Seconded:** Robert Bianchini

All in Favor: Aye

**Motion:** Approve Item 12

**Motion Made By:** Thomas Nivison

**Seconded:** Clinton Bradley

**Roll Call:**

Council Member Bradley	Yes
Council Member Bianchini	Yes
Council Vice President Nivison	Yes
Council President Ciccozzi	Yes
Council Member Coleman	<del>Yes</del> No *amendment to be approved on

Council Member Aber	4/8 <del>Yes</del> No *amendment to be approved on 4/8
Council Member O'Toole	<del>Yes</del> No *amendment to be approved on 4/8

**Ordinances - First Readings**

**Motion:** Table Items 13, 14, 15 (First Reading Ordinances)

**Motion Made By:** Lynn O'Toole

**Seconded:** Robert Bianchini

**Roll Call:**

Council Member Bradley	Yes
Council Member Bianchini	Yes
Council Vice President Nivison	No
Council President Ciccozzi	Yes
Council Member Coleman	Yes
Council Member Aber	No
Council Member O'Toole	Yes

13. **ORDINANCE** Of The Township Council Of The Township Of Toms River, Ocean County, New Jersey, Amending And Supplementing Subsection F Of Section 1 (Establishment) Of Chapter 71 (Statutory Boards And Commissions) To Eliminate Health Benefits For Members Of The Toms River Municipal Utilities Authority

14. **ORDINANCE** Of The Township Council Of The Township Of Toms River, Ocean County, New Jersey, Amending And Supplementing Subsections C And G Of Section 14 (Employee Health Benefits) Of Chapter 104 (Employee Regulations And Benefits) To Eliminate Health Benefits And The Health Benefit Waiver Payment For Part-Time Elected Officials

15. **ORDINANCE** Of The Toms River Amending 23-10 Of The Toms River Code And Defining "Official Business" For The Purpose Of Municipal Vehicle Utilization And Establishing Restrictions On Use

**Resolutions**

16. **RESOLUTION** Of The Township Council, Township Of Toms River, Ocean County, New Jersey, Introducing, Approving, And Establishing The Date For A Public Hearing On The 2026 Toms River Special Improvement District Budget

**WHEREAS,** The Toms River Township Business District Improvement Budget Is Stated

Below;

**NOW, THEREFORE, BE IS RESOLVED** By The Township Council Of The Township Of Toms River, County Of Ocean And State Of New Jersey, As Follows:

1. It Hereby Adopts The Toms River Business Improvement District Budget For 2026 As Follows:

SOI Ratables S02 Ratables

\$168,439,300

\$ 57,657,000

Total 2026 Revenue To Be Raised By Taxation

SOI Budget                \$264,600.00

SO2 Budget                \$29,400.00

SO1 Proposed            \$0.158

2026 Tax Rate

SO2 Proposed            \$0.051

2026 Tax Rate

2. Schedule A Attached Is The TR BID Budget Worksheet.

3. Public Hearing Of The Budget Shall Be Held At The Toms River Township Council Meeting To Be Held:

Wednesday, April 8, 2026 At 6:30 P.M. Toms River Municipal Building 33 Washington Street

Toms River, NJ 08753

L. Manuel Hirshblond Meeting Room

At Which Time The Public Shall Be Heard And At Which Time The Township Council Shall Consider Said Budget For Final Adoption. Formal Action May Be Taken.

4. The Municipal Clerk Shall Advertise This Resolution, In Its Entirety, As Public Notice Of Its Introduction And As Public Notice Of The Hearing.

5. A Certified Copy Of This Resolution Shall Be Provided By The Office Of The Township Clerk To Each Of The Following:

- a. Mayor Daniel T. Rodrick

- b. Chief Financial Officer

- c. Township Attorney

- d. Township Auditor

- e. Tax Assessor

- f. Tax Collector

- g. Division Of Local Government Services 101 S. Broad Street

PO Box 803

Trenton, NJ 08625-0803

**Motion:** Approve Item 16

**Motion Made By:** Clinton Bradley

**Seconded:** Robert Bianchini

**Roll Call:**

Council Member Bradley	Yes
Council Member Bianchini	Yes
Council Vice President Nivison	Yes
Council President Ciccozzi	Yes
Council Member Coleman	No
Council Member Aber	No
Council Member O'Toole	No

**Items From The Floor**

17. **RESOLUTION** Of No Confidence In Mayor Daniel Rodrick

**WHEREAS**, The Mayor Of Toms River, Daniel Rodrick, Has Consistently Demonstrated A Pattern Of Administrative Negligence And Disregard For The Will Of The Residents, Resulting In A Breakdown Of Essential Municipal Services And Public Trust; And

**WHEREAS**, The Mayor Failed To Perform Due Diligence In Securing Timely Joint Insurance Fund (JIF) Renewals, Creating An Entirely "Manufactured Crisis" That Risked A Lapse In Liability And Casualty Coverage For Township Employees And Police Officers As Of December 31, 2025; And

**WHEREAS**, Despite A 2024 Efficiency Study Confirming The Toms River Police Department (TRPD) Was Running Effectively, The Mayor Has Presided Over A Significant Decline In Staffing Dropping From 163 Officers In January 2024 To An Estimated 146 By Late 2025; And

**WHEREAS**, The Mayor Has Ignored A Successful Petition Drive Supported By Thousands Of Residents To Restore TRPD Positions, Choosing Instead To Move Forward With Staffing Cuts And Administrative Maneuvers That Have Severely Impacted Department Morale; And

**WHEREAS**, The Mayor Unilaterally Shut Down The Toms River Animal Shelter In June 2024, Dismissing A Petition From Thousands Of Residents To Keep It Open And Ignoring The Availability Of A \$1 Million Donation Dedicated To The Facility's Operation; And

**WHEREAS**, The Mayor Has Undermined The Administrative Integrity Of The Township By Appointing Warren "Drew" Chabot To The Critical Role Of Business Administrator-Originally Hired As A Director Of Recreation At \$105,000-Promptly Elevating Him To The Position Of Acting Business Administrator With A Significantly Increased Salary Of \$175,000, Despite Public Concerns Regarding His Qualifications, Lack Of Educational Degree For The Position And Lack Of Prior Municipal Management Experience For A Town Of Toms River's Size; And

**WHEREAS**, The Mayor Further Damaged Public Trust By Pushing For The Appointment Of Donald F. Burke As Special Counsel For The Township In May 2024, Despite Failing To Disclose At The Time Of The 4-3 Vote That Burke Was Simultaneously Representing The Mayor Personally In High-Stakes Tenure Litigation Against The Middletown Township School District; And

**WHEREAS**, The Mayor And Administration Has Failed To Effectively Enforce Rental Inspections And Code Enforcement, While Simultaneously Engaging In Contentious Affordable Housing Negotiations That Were Initially Marked By Legal Disputes Over State Mandates Before Seeking Council Approval Of A Pressured Settlement Negotiated By The Mayor; And

**WHEREAS**, The Township Council Serves As The Legislative Body Responsible For Ensuring That Municipal Governance Is Conducted In A Professional, Respectful, And Responsible Manner; And

**WHEREAS**, On March 10, 2026, Mayor Rodrick Issued A Written Communication To Residents On Official Township Of Toms River Letterhead Regarding The Township's Affordable Housing Obligations; And

**WHEREAS**, The March 10, 2026 Communication Urged Residents To Contact Certain Members Of The Township Council And Included The Personal Cellular Telephone Numbers Of Councilmembers Robert Bianchini, Tom Nivison, David Ciccozzi, And Clinton Bradley; And

**WHEREAS**, The Use Of Official Municipal Communications To Publicly Disseminate Personal Contact Information Of Elected Officials Without Their Consent Raises Serious Concerns Regarding Personal Privacy, Safety, And The Appropriate Use Of Municipal Resources; And

**WHEREAS**, The Township Council Believes That This Action Represents A Serious Lapse In Judgment And Undermines The Cooperative Working Relationship Necessary Between The Executive And Legislative Branches Of Municipal Government.

**WHEREAS**, The Mayor Has Engaged In Personal Attacks Against The Township Council, Including The Improper Publicization Of Personal Phone Numbers Of Council Members, Fostering A Hostile And Unprofessional Governing Environment;

**NOW, THEREFORE, BE IT RESOLVED**, That The Township Council Of Toms River

Hereby Expresses Its Vote Of No Confidence In Mayor Daniel Rodrick For His Continued Failures In Leadership, Administrative Incompetence, And Disregard For The Safety And Well-Being Of The Residents Of Toms River.

ADOPTED This 11 Day Of March, 2026

Approved As To Legal Form: Certified As A True Copy Of The Resolution Adopted By The Council On This Day Of March 11. 2026.

Certified Copies: A Certified Copy Of This Resolution Shall Be Provided To The Mayor, The Township Attorney, The Township Clerk, NJ Department Of Community Affairs And The Toms River Ethics Board

**Motion:** Approve Item 17

**Motion Made By:** Thomas Nivison

**Seconded:** Clinton Bradley

**Roll Call:**

Council Member Bradley	Yes
Council Member Bianchini	Yes
Council Vice President Nivison	Yes
Council President Ciccozzi	Yes
Council Member Coleman	No
Council Member Aber	No
Council Member O'Toole	No

**Consent Agenda**

All matters listed under the heading "Consent Agenda" will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired on any item, that will be considered separately.

18. Consent Items

**Motion:** Approve Consent Agenda

**Motion Made By:** Thomas Nivison

**Seconded:** Clinton Bradley

**Roll Call:**

Council Member Bradley	Yes
Council Member Bianchini	Yes
Council Vice President Nivison	Yes
Council President Ciccozzi	Yes
Council Member Coleman	Yes
Council Member Aber	Yes
Council Member O'Toole	Yes

a. **RESOLUTION** Of The Township Council Of The Township Of Toms River, Ocean County, New Jersey Authorizing Refund And Cancelations Of Tax Payments

**WHEREAS**, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(JES FOR THE YEAR (S) INDICATED, DUE TO DUPLICATE TAX PAYMENTS,

**WHEREAS**, The Party Or Parties Have Shown Proof Of Payment And/Or Have Executed An Affidavit For Same, And;

**WHEREAS**, The Party Or Parties Have Delivered To The Municipality And Executed Voucher For Same.

**NOW, THEREFORE, BE IT RESOLVED** BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, AS FOLLOWS:

1. A Refund Shall Be Processed To Party Or Parties To Wit As Follows

<b>Name</b>	<b>Block</b>	<b>Lot</b>	<b>Qua/Year</b>	<b>Amount</b>
Corelogic Centralized Refund	232.01	48	2026/1	\$1,365.08
Corelogic Centralized Refund	412.41	55	2026/1	\$1,467.72
Corelogic Centralized Refund	443.30	46	2026/1	\$2,032.65
Corelogic Centralized Refund	508.01	8	2026/1	\$1,093.76
Corelogic Centralized Refund	571.71	17	2026/1	\$1,716.49
Corelogic Centralized Refund	919.02	28	2026/1	\$2,917.32
Corelogic Centralized Refund	1086.02	31	2026/1	\$1,647.22
Corelogic Centralized Refund	1097.01	77	2026/1	\$5,440.43
Corelogic Centralized Refund	1694.03	5	2026/1	\$1,618.13
<b>Total</b>				<b>\$19,298.80</b>

2. Township Clerk Shall Send A Copy Af This Resolution To Township Auditor, Township Chief Financial Officer And Tax Collector.

**A2. WHEREAS**, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING

PROPERTY(IES FOR THE YEAR (SJ INDICATED, DUE TO DUPLICATE TAX PAYMENTS,

**WHEREAS**, The Party Or Parties Have Shown Proof Of Payment And/Or Have Executed An Affidavit For Same, And;

**WHEREAS**, The Party Or Parties Have Delivered To The Municipality And Executed Voucher For Same.

**NOW, THEREFORE, BE IT RESOLVED** BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF Ocean AND STATE OF NEW JERSEY, AS FOLLOWS:

1. *A Refund Shall Be Processed To Party Or Parties To Wit As Follows:*

<b>Name</b>	<b>Block</b>	<b>Lot</b>	<b>Qua/Year</b>	<b>Amount</b>
Lereta LLC	609.01	11	2026/1	\$10,684.47
Safeland Title Agency	1500.01	12	2026/1	\$1,713.66
Denan Hochman	808	16	2026/1	\$9,419.34
<b>Total</b>				<b>\$21,817.47</b>

2. *Township Clerk Shall Send A Copy Af This Resolution To Township Auditor, Township Chief Financial Officer And Tax Collector.*

b. **RESOLUTION** Of The Township Council Of The Township Of Toms River, Ocean County, New Jersey, Certifying Entitlement Of A 100% Disabled Veterans Status For The Owners Of Various Properties To Be Canceled And/Or Refunded

**WHEREAS** The Owner Of Real Property In The Township Of Toms River Known As Block 722 Lot 122, Located At 311 Poe Avenue, Has Been Certified By The Tax Assessor As A Of A 100% Disabled Veteran, Effective January 1, 2026, And

**Whereas** Property Taxes For 2026, As Of The Effective Date Of The Certification Of Disability By The Tax Assessor, Are To Be Cancelled; And

**WHEREAS** Any Taxes Paid After The Date Of This Resolution By The Property Owner (Or On His Behalf), Are To Be Cancelled And/Or Refunded From The Date Of This Resolution.

**NOW, THEREFORE, BE RESOLVED** By The Township Council Of The Township Of Toms River, In The County Of Ocean, And State Of New Jersey, As Follows:

1. All 2026 Real Property Block 722 Lot 122 Due On Or After January 1, 2026, Shall Be Cancelled.
2. All Real Property Taxes From The Date Of This Resolution Paid On Block 722 Lot 122, If Any, Shall Be Refunded On A Pro-Rated Basis From January 1, 2026.

3. This Exemption Shall Continue For Future Tax Years Provided That The Owner Of This Real Property Continues To Qualify For An Exemption Under N.J.S.A. 54:4-3.30A.
4. A Certified Copy Of This Resolution Shall Be Provided By The Office Of The Township Clerk For Each Of The Following:
  - a. Mayor
  - b. Business Administrator
  - c. Township Attorney
  - d. Chief Financial Officer
  - e. Township Assessor
  - f. Township Tax Collector

**WHEREAS** The Owner Of Real Property In The Township Of Toms River Known As Block 825 Lot 31.03, Located At 623 Anthony Avenue, Has Been Certified By The Tax Assessor As A Of A 100% Disabled Veteran, Effective January 1, 2026, And **WHEREAS** Property Taxes For 2026, As Of The Effective Date Of The Certification Of Disability By The Tax Assessor, Are To Be Cancelled; And

**WHEREAS** Any Taxes Paid After The Date Of This Resolution By The Property Owner (Or On His Behalf), Are To Be Cancelled And/Or Refunded From The Date Of This Resolution.

**NOW, THEREFORE, BE RESOLVED** By The Township Council Of The Township Of Toms River, In The County Of Ocean, And State Of New Jersey, As Follows:

1. All 2026 Real Property Block 825 Lot 31.03 Due On Or After January 1, 2026, Shall Be Cancelled.
2. All Real Property Taxes From The Date Of This Resolution Paid Block 825 Lot 31.03, If Any, Shall Be Refunded On A Pro-Rated Basis From January 1, 2026.
3. This Exemption Shall Continue For Future Tax Years Provided That The Owner Of This Real Property Continues To Qualify For An Exemption Under N.J.S.A. 54:4-3.30A.
4. A Certified Copy Of This Resolution Shall Be Provided By The Office Of The Township Clerk For Each Of The Following:
  - a. Mayor
  - b. Business Administrator
  - c. Township Attorney
  - d. Chief Financial Officer
  - e. Township Assessor
  - f. Township Tax Collector

- c. **RESOLUTION** Of The Township Council Of The Township Of Toms River, Ocean County, New Jersey Extending The February 1St Grace Period

**WHEREAS** The February 1St Tax Quarter Grace Period To Pay Without Interest Was February 10Th As Required Under R.S. 54:4-67 And Approved By Township Council On January 1St By Resolution.

**Whereas** On February 9Th In The Morning, The Building Was Closed Due To A Water Line

**WHEREAS** The Building Was Closed For Repair And Testing And Reopened On February 17Th

**WHEREAS** The Tax Collector Extended The Grace Period Until February 17Th As The Tax Collector's Office Was Closed To The Public On February 10Th

**WHEREAS** The Tax Collector Notified The Tax Specialist For The Division Of Local Government Services Of The Required Extension Who Recommend The Township Council Give Formal Approval Under R.S. 54:4-67

**NOW, THEREFORE, BE IT RESOLVED** By The Township Council Of The Township Of Toms River, County Of Ocean, State Of New Jersey, That The Grace Period For The February 1St Tax Quarter Be Extended Until February 17Th

A Certified Copy Of This Resolution Shall Be Provided By The Office Of The Township Clerk To Each Of The Following:

- a. Mayor
- b. Council
- c. Business Administrator
- d. Township Attorney
- e. Township Auditor
- f. Chief Financial Officer
- g. Tax Collector

- d. **RESOLUTION** Of The Township Council Of The Township Of Toms River, Ocean County, New Jersey, Accepting Reduced Performance Guarantees For A Major Subdivision Known As Block 173, Lots 5, 11, 12 And 46 (1815 Lakewood Road)

**WHEREAS**, the Township Engineer has reported to the Township Council with respect to a Major Subdivision known as Block 173, Lot 5,11,12 & 46.

**WHEREAS**, Reduced Performance Bonds have been posted as follows:

1. Surety Rider # 4300152 in the amount of \$113,700.00 which represents the ninety percent portion of the performance guarantee amount.

**NOW, THEREFORE, BE IT RESOLVED** BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1) The bonds set forth in the preamble hereto are hereby approved. Township Clerk shall send a certified copy hereof to each of the following:

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Infinity Lane Holdings, LLC

1815 Lakewood Road  
Toms River, NJ 08755

- e. **RESOLUTION** Of The Township Council Of The Township Of Toms River, Ocean County, New Jersey, Accepting Reduced Performance Guarantees For A Major Site Plan Known As Block 318, Lot 1 & Block 319, Lot 1 (Whitesville Road)

**WHEREAS**, The Township Engineer Has Reported To The Township Council With Respect To A Major Site Plan Known As Block 318 & 319, Lots 1 & 1.

**WHEREAS**, Reduced Performance Bonds Have Been Posted As Follows:

- 1. Surety Bond # PR2753420 In The Amount Of \$32,200.00 Which Represents The Ninety Percent Portion Of The Performance Guarantee Amount

**NOW, THEREFORE, BE IT RESOLVED** BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, As Follows:

- 1) The Bonds Set Forth In The Preamble Hereto Are Hereby Approved.
- 2) Said Bond Approval Is Conditioned Upon Compliance By BHHMSHM, LLC., Its Successors And Assignees, With All Terms Set Forth In The Preamble Hereof And All Requirements Of The Land Use Ordinance Of The Township Of Toms River.

Township Clerk Shall Send A Certified Copy Hereof To Each Of The Following:

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. BHHMSHM, LLC

1241 East 32<sup>Nd</sup> Street  
Brooklyn NY 22210

- f. **RESOLUTION** Of The Township Council, Township Of Toms River, Ocean County, New Jersey, Authorizing The Award Of Contract For The Bey Lea Golf Course Irrigation System Control Panel (Const-2025-307) To Willow's Bend, As The Second Lowest, Responsive, Responsible Bidder, For A Total Contract Price Not To Exceed \$98,495.00

**WHEREAS**, The Division Of Purchasing Is Requesting Authorization To Award A Contract For Bey Lea Golf Course Irrigation System Control Panel (Const-2025-307) To Willow's Bend For A Total Contract Price Not To Exceed \$98,495.00; And **WHEREAS**, Two (2) Bids Were Received On December 17, 2025, As Follows:

Par Driven  
404 W. Furrow Lane  
Newark, DE 19702 . . . . . , \$58,927.34

Willow's Bend PO Box 1344  
Belle Mead, NJ 08502        \$98,495.00

**WHEREAS**, The Low Bidder, Par Driven, Withdrew Their Bid. The Recreation Department And Bey Lea Golf Course Recommend Awarding The Bid To The Second Lowest Responsive, Responsible Bidder, Willow's Bend;  
**NOW, THEREFORE, BE IT RESOLVED** By The Township Council, Township Of Toms River, Ocean County, New Jersey, As Follows:

1. It Hereby Authorizes The Township To Award A Contract For Bey Lea Golf Course Irrigation System Control Panel To Willow's Bend, As The Second Lowest Responsive, Responsible Bidder.
2. Funds In The Amount Not To Exceed \$98,495.00, Are Available In The Following Accounts:

X-04- -238 002 - \$ 5,876.89  
X-04- -238-004 - \$ 187.16  
X-04- -238 008 - \$39,103.00  
X-04- -238-010 - \$41,227.00 X-04- -238 003 - \$12,100.95

3. The Award Of This Contract Is Subject To All The Terms And Conditions Of The Bid Specifications.
4. A Certified Copy Of This Resolution Shall Be Provided By The Office Of The Township Clerk To Each Of The Following:
  - a. Mayor Daniel T. Rodrick
  - b. Township Council
  - c. Acting Business Administrator
  - d. Chief Financial Officer
  - e. Township Attorney
  - f. Division Of Purchasing
  - g. All Aforementioned Bidders

- g. **RESOLUTION** Of The Township Council Of The Township Of Toms River, Ocean County, New Jersey, Consenting To The Mayor's Appointment Of Charles Demey To Serve As The Construction Official Of The Township Of Toms River, Effective Retroactive To February 2, 2026

**WHEREAS**, Mayor Daniel T. Rodrick Has Nominated Charles Demey To Serve As The

Construction Official Of The Township Of Toms River, Effective Retroactive To February 2, 2026; And

**WHEREAS**, The Township Council Has Considered Same And Hereby Gives Its Consent To This Appointment;

**NOW, THEREFORE, BE IT RESOLVED** By The Township Council Of The Township Of Toms River, In The County Of Ocean, And State Of New Jersey, As Follows:

1. It Hereby Consents To The Mayor's Appointment Of Charles Demey To Serve As The Construction Official Of The Township Of Toms River, Effective Retroactive To February 2, 2026.
2. Mr. Demey Shall Receive A Salary Within The Range Of The Prevailing Salary Ordinance.
3. A Certified Copy Of This Resolution Shall Be Provided By The Office Of The Township Clerk To Each Of The Following:

- a. Mayor Daniel T. Rodrick
- b. Township Council
- c. Business Administrator
- d. Chief Financial Officer
- e. Township Attorney
- f. Personnel Dept.
- g. Payroll Dept.
- h. Human Resources
- i. Building Dept.
- j. Charles Demey

- h. **RESOLUTION** Of The Township Council Of The Township Of Toms River, Ocean County, New Jersey, To Amend The 2026 Temporary Budget Pursuant To N.J.S.A. 40A:4-20

**WHEREAS**, The Township Council Of The Township Of Toms River Passed A 2026 Temporary Budget Resolution On January 1, 2026; And,

**WHEREAS**, N.J.S.A. 40A:4-20 Authorizes The Township Council By Resolution Adopted By A Two-Thirds Vote Of The Full Membership Thereof To Make Emergency Temporary Appropriations;

**NOW, THEREFORE, BE IT RESOLVED** By The Township Council Of The Township Of Toms River, In The County Of Ocean And State Of New Jersey, That The Attached List Of 2026 Emergency Temporary Appropriations Are Hereby Approved.

**BE IT FURTHER RESOLVED** That Certified Copies Of This Resolution Be Provided By The Office Of The Township Clerk To Each Of The Following:

1. Administrator
2. Township Attorney
3. Chief Financial Officer
4. Affected Department Heads

**Reports**

**Motion:** Approve Reports

**Motion Made By:** Thomas Nivison

**Seconded:** Lynn O'Toole

**Roll Call:**

Council Member Bradley	Yes
Council Member Bianchini	Yes
Council Vice President Nivison	Yes
Council President Ciccozzi	Yes
Council Member Coleman	Yes
Council Member Aber	Yes
Council Member O'Toole	Yes

<b>19. Building Department</b>	<b>2026</b>	<b>2025</b>
Building Permits - February	\$241,200.00	\$268,484.00
Building Permits - YTD	\$454,199.00	\$603,291.00
<b>Recreation Department</b>	<b>2026</b>	<b>2025</b>
Bey Lea Golf Course - February	\$21,154.32	\$21,525.40
Bey Lea Golf Course - YTD	\$32,800.71	\$32,665.78
Winding River - February	\$113,005.00	\$131,881.00
Windning River - YTD	\$277,929.00	\$291,769.00

**Approval of Bills**

**Motion:** Approve Bill List

**Motion Made By:** Clinton Bradley

**Seconded:** Thomas Nivison

**Roll Call:**

Council Member Bradley	Yes
Council Member Bianchini	Yes
Council Vice President Nivison	Yes
Council President Ciccozzi	Yes
Council Member Coleman	Yes
Council Member Aber	Yes
Council Member O'Toole	Yes

*Councilman Bradle Voted No To Bills Payable To Shore News Media*

*Council President Ciccozi Voted No To Bills Payable To Shore News Media*

Councilman Aber Abstained from:

PO # 26-00718 in the amount of \$3,166.74 & 26-00984 In the amount of \$1,894.87 Payable to Veolia Water

PO # 26-00811 in the amount of \$4,200 Payable to Toms River Municipal Utilities Authority

**Elected Official's Comments**

**Councilman Aber** Wished Everyone A Safe Trip Home

**Councilman Bradley** Wished Everyone A Safe Trip Home

**Councilman Bianchini** Wished Everyone A Safe Evening

**Council Vice President Nivison** Said Mayor Rodrick Doesn't Care About The Town

**Council President Ciccozzl** Thanked Everyone For Coming, Urged Residents To Continue Attending

**Public Comments**

**Carlos Almizar, Winteringham** - Spoke About Affordable Homes

**Joe Vigna, 2911 Rock Hill Lane, Toms River** - Spoke About Maintaining Professionalism

**Julie Adamek, 69 Cedar Grove Road, Toms River** - Spoke About An Incident In Toms River On Charles Drive

**Pat, Ortley Beach** - Suggested Executive Sessions Be Held Prior To The Meeting, Spoke About Affordable Housing.

**Paul Williams, Broad Street, Toms River** - Asked The Township Attorney About Filing Charges Against People That Obstruct The Council Meetings

**Tom Fredella, 752 Jacqueline Court** -

**Dennis Galante, 1149 Cherokee Court, Toms River** - Advised The Council Meeting Live Stream Ended, Spoke About Roberts Rules & The 1st Reading Of Ordinances Being Tabled

**Motion:** Adjourn Meeting at 11:03 PM

**Motion Made By:** Clinton Bradley

**Seconded:** Harry Aber

**Roll Call:**

Council Member Bradley	Yes
Council Member Bianchini	Yes
Council Vice President Nivison	Yes
Council President Ciccozzi	Yes
Council Member Coleman	Yes
Council Member Aber	Yes
Council Member O'Toole	Yes