

Site Suitability Analysis

FLYING W FOSTERTOWN ROAD

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Prepared by:



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The original of this document was signed and sealed in accordance with NJAC 13:41-1.3.b

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INTRODUCTION

This report has been prepared to address the realistic development potential and continuing site suitability for the Flying W affordable housing site consisting of Block 303, Lots 1, 3 & 4 and Block 301, Lot 5.01 on the Medford Township tax maps. The Flying W site involves the development of property in Lumberton and Medford Township, this report focuses on the Medford portion of the project.¹ As proposed 300 units would be constructed in Medford, including 90 affordable housing units. This site addresses a portion of the Township’s Third-Round affordable housing obligation as provided for in both the approved Third-Round Housing Element and Fair Share Plan (“HEFSP”), the approved Third-Round settlement agreement with Fair Share Housing Center (“FSHC”), and in the approved Fourth-Round HEFSP. This site was identified as an unfulfilled prior round site in the Township’s Fourth-Round HEFSP which remains viable and suitable for development of affordable housing units.

In accordance with N.J.S.A. 52:27D-304.1(f)(2)(a) “...In addressing prior round obligations, the municipality shall retain any sites that, in furtherance of the prior round obligation, **are the subject of a contractual agreement with a developer**, or for which the developer has filed a complete application seeking subdivision or site plan approval prior to the date by which the housing element and fair share plan are required to be submitted, **and shall demonstrate how any sites that were not built in the prior rounds continue to present a realistic opportunity. ... The municipality shall only plan to replace any sites planned for development as provided by a prior court approval, settlement agreement**, or approval by the council, with alternative development plans, **if it is determined that the previously planned sites no longer present a realistic opportunity...**” (emphasis added)

¹ The Flying W site is part of a larger tract which includes property in Lumberton Township. This report focuses on the Medford portion of the site development. The total property contains 166.63 acres of which 111.34 are in Medford and 55.29 acres are in Lumberton. There are a total of 400 residential units proposed of which 300 are in Medford, including the 90 affordable units, and 100 are proposed in Lumberton. The area in Medford includes Block 301, Lot 5.01; Block 303, Lots 1, 3, & 4. The area in Lumberton includes Block 43, Lot 1; Block 46.01, Lot 2.01.

The Flying W site is subject to a Redeveloper's Agreement and an approved Redevelopment Plan which was included in the Township's court approved prior round plan and settlement agreement. The Third-Round court approved plan was adopted in August of 2020 and the Settlement Agreement with FSHC was dated May 10, 2017. Since the date of the Settlement Agreement the Township and property owner have diligently been pursuing the land use approvals for the property.

Timeline of Development for Flying W Property:

May 10, 2017	FSHC Settlement Agreement Signed
May 16, 2017	Redevelopment Area Designation Adopted by Township
August 28, 2018	Redevelopment Designation approved by the State of New Jersey
April 6, 2021	Redevelopment Plan was approved by Township
March 2, 2022	Redevelopment Agreement Signed
August 1, 2022	NJDEP LOI Approval
November 9, 2022	WQMP Application Submitted
August 4, 2025	NJDEP WQMP Notice Published for Amendment
Fall 2025	NJDEP FHA Verification Approval Expected

The above timeline shows that there has been continuing approvals and permitting activity for the Flying W property since the initial FSHC settlement agreement. The Township completed the Redevelopment Designation and Plan approval process in 2021. Since the approval of the Redevelopment Plan approvals have been submitted to various agencies to address all necessary permitting. These include NJDEP wetlands letter of interpretation, WQMP amendments and verification of Flood Hazard Areas. The above and details below show a clear effort to the continuing development plans for the Flying W property and that the site continues to represent a realistic development opportunity for affordable housing.

ANALYSIS

When identifying a site for affordable housing development, the site intended for development must be suitable for that purpose. Site Suitability is addressed in COAH's Second Round regulations at N.J.A.C. 5:93-5.3. The criteria which a site is to be evaluated includes a finding that the site is available, approvable, developable and suitable as defined in N.J.A.C. 5:93-1. The Flying W site was included in the Township's Third-Round plan and part the approved Settlement Agreement. There has been continued activity through permitting and development which demonstrates that the Flying W site remains as a realistic development site. To further this determination the following Site Suitability Analysis demonstrates that Flying W site remains suitable.

Site Description

The Flying W site is located along Fostertown Road and contains a total of 111.34 acres in the Township of Medford. The proposed site development includes the construction of 136 active adult single-family detached dwelling units; 74 active adult townhouse units; and 90 multi-family affordable apartment units. The development occurs on both sides of Fostertown Road. The site development includes the extension of the residential community into Lumberton Township and shared recreational improvements including a clubhouse.

The site is located within an approved Redevelopment Area which permits the proposed development. The property owner has entered into a Redevelopers Agreement with Township. The proposed concept plan identifies the location of wetlands and buffers and flood hazard areas. All development is outside of the restricted and environmentally sensitive areas. The site is able to accommodate the required stormwater management facilities and site improvements to facilitate the proposed development.

Available Site

“Available site” means a site with clear title, free of encumbrances which preclude development for low and moderate income housing.

The site has a clear title and is free of encumbrances, which preclude development of affordable housing.

Supporting Documents:

- Appendix I – Alta Survey
- Appendix II - Title Commitment and Policy

Approvable Site

“Approvable site” means a site that may be developed for low and moderate income housing in a manner consistent with the rules and regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing.

The subject property is included in an approved Redevelopment Plan for both the Medford and Lumberton development properties. The Medford Redevelopment Area was created in 2017 and approved by the State of New Jersey on August 28, 2018. The Redevelopment Plan was approved on April 6, 2021. The proposed development of 300 total units including 90 affordable rental units is permitted in accordance with the adopted Redevelopment Plan.

There is an approved Redeveloper’s Agreement dated March 2, 2022 between the Township of Medford and the Redeveloper, Fostertown Road, LLC. The agreement provides for the proposed development as provided for in the approved Redevelopment Plan.

Supporting Documents:

- Appendix III – Concept Development Plan
- Appendix IV - Redevelopment Plan
- Appendix V – Planning Board Consistency Resolution
- Appendix VI – Redevelopment Agreement

In addition to the above, the following sections further the approvable site standard through outside agency permitting and status. After the approval of the Redevelopment Plan the permitting for a Wastewater Quality Management Plan (“WQMP”) amendment was completed and approval is expected within the Fall of 2025. The site has an approved New Jersey Department of Environmental Protection (“NJDEP”) Letter of Interpretation (“LOI”). An application is pending with respect to the Flood Hazard Area and approval is expected in the fall of 2025. Although this site was included in the Township’s Third-Round plan and remains as an unfulfilled prior round obligation, the site has not sat stagnant, and approvals and applications are pending for outside agencies demonstrating that the site remains viable and approvable.

Developable Site

“Developable site” means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable area wide water quality management plan (including the wastewater management plan) or is included in an amendment to the area wide water quality management plan submitted to and under review by DEP.

The proposed concept plan for development includes a delineation of wetlands and buffers. All the proposed development is outside of the regulated wetland and wetland buffer areas on the subject properties. The development is proposed on primarily existing disturbed areas which were part of the Flying W airport runways, farmland and open space areas.

The site is partially impacted by NJDEP Flood Hazard Area (FHA), however all proposed development is outside of the regulated areas. An application is pending to verify the FHA limits and approval is expected in the fall of 2025.

The subject site would require approval of an amended WQMP to extend sewer to the site which is expected later this year. Public notice of the WQMP amendment for Medford Township was posted on August 4, 2025. There is a thirty (30) day public comment period which has ended. Medford Township has adopted a resolution consenting to the Tri County WQMP amendment, by

Resolution 118-25 on July 15, 2025. Consent is required Burlington County Department of Resource Conservation, Burlington County Board of Commissioners, Delaware River Basin Commission, Delaware Valley Regional Planning Commission and Medford Township Division of Municipal Utilities, all of which are expected by September 27, 2025. Approval of the WQMP amendment is expected later this year based on the above.

Public sewer is available through the Township of Medford pending the WQMP approval. The Township Engineer has determined that there is adequate capacity for public sewer.

The site has received approval from the NJDEP for a LOI as to the location of wetlands and wetland buffers. The concept plans indicate the wetland lines and buffers and all development is outside of these areas. The NJDEP approval was dated August 1, 2022.

Public water is available through the Township of Medford. The Township of Medford Utilities Authority issued a “will-serve” letter indicating there is capacity for the project on August 19, 2025.

A stormwater subsurface investigation was completed in early 2025 which determined that the soils on site are suitable for development and will be able to support an approvable stormwater management design. The current contract purchaser has engaged a Geo-Technical engineering Firm to provide additional stormwater testing to substantiate the stormwater design and allow for the completion of the site plan applications. This demonstrates that the site can accommodate the development and that the site design and permitting is continuing and has not stalled.

Supporting Documents:

- Appendix VII – NJDEP FHA Verification
- Appendix VIII - NJDEP Wetlands LOI Approval
- Appendix IX – Water Service Exhibit
- Appendix X – Sewer Service Exhibit
- Appendix XI – WQMP Documents
- Appendix XII - Will Serves
 - Medford Public Works Water
 - PSE&G Gas and Electric
 - Verizon Telecommunications
- Appendix XIII – Stormwater Subsurface Investigation Summary Letter

The above approvals and pending applications contribute to the determination that the subject site is a Developable Site as provided for in the Township’s HEFSP.

Suitable Site

“Suitable site” means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

Compatible Land Uses

The Flying W property has frontage along Fostertown Road and is located abutting the Medford Township boundary with Lumberton Township. The property contains the Airport runways, buildings and event areas. Block 303, Lots 1 and 3 and Block 301, Lot 5.01 are within the Township’s Restricted Commercial (RC) zone. Block 303, Lot 4 is within the Agricultural Retention (AR) zone. Across the street from the southern portion of the site is the Township’s sewage plant and a large solar facility. There are agricultural and residential uses surrounding the area.

The surrounding land uses are residential in nature. The proposed residential development would replace the existing airport and facilities with a residential development. The residential land use is compatible with the surrounding area and more compatible than the airport and other uses permitted in the RC and nearby Planned Industrial (PI) zoning districts.

Appropriate Streets

The subject property is located along Fostertown Road, a two-lane roadway with a posted speed limit of 45 mph. Fostertown Road provides connections to County Route 541 (Main Street) in Lumberton Township and County Route 616 (Church Road) in Medford Township. The site can be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1.4 for Streets and Parking.

Environmental policies delineated in N.J.A.C. 5:93-4

In accordance with the regulations a site which is impacted by inland wetlands, flood hazard areas and steep slopes may be excluded as potential sites for affordable housing. That does not mean any site with these conditions shall be excluded but requires a review of these conditions to determine if these conditions “render a site unsuitable for low- and moderate-income housing.” (N.J.A.C. 5:93-4.2(e)2.ii.) The regulations provide further that where these conditions exist that low- and moderate-income housing shall not be permitted “on that unsuitable portion of the site; provided however, that this rule shall not prohibit construction of low- and moderate-income housing on the remainder of the site.” (N.J.A.C. 5:93-4.2(e)2.ii.)

While the Flying W site contains inland wetlands, flood hazard areas and limited steep slopes, these conditions do not impact the entire site. As demonstrated on the submitted concept plans, the site can be developed outside of these areas in a manner which meets all environmental regulations as noted below.

Inland Wetlands

The site has received an LOI which identifies wetlands and wetland buffers. The wetland areas run along the eastern property border consistent with the location of the Southwest Branch of Rancocas Creek (Kirby's Mill Stream). The plan includes buffers of 50-feet and 150-feet. An Archeological study is also being completed for the subject site and expected to be completed in the next few weeks. The study will be submitted to NJDEP to supplement the wetlands application in the event there is a wetlands disturbance permit required.

Flood Hazard Areas

The site is bordered to the east by Kirby's Mill Stream with portions of the property within a Flood Zone "AE". This is in an area of the site which is proposed to remain undeveloped due to existing wetlands and wetland buffers. The location of the flood hazard area and riparian zone will be verified through a NJDEP Flood Hazard Verification, an application which has been submitted and an approval is pending. No development is proposed in the areas where FHA have been identified.

Steep Slopes

The proposed developed portions of the site are not encumbered by slopes in excess of 15%. The site design avoids all steep slopes.

Supporting Documents:

- Appendix V – Planning Board Consistency Resolution
- Appendix VII – NJDEP FHA Verification Medford
- Appendix VIII – NJDEP Wetland LOI – Medford

CONCLUSION

The subject property with frontage and access along both sides of Fostertown Road is suitable for the proposed development of 300 residential units, including 90 affordable rental housing units. The proposed site has clear title and sufficient unrestricted land area to accommodate the development. The development of the site requires an amendment to the WQMP which is pending approval and expected in the Fall of 2025. The required environmental permits have either been granted (for LOI) or are pending for FHA (expected in fall of 2025). There are no unusual conditions which would result in the restriction or prevention of the proposed site development.

In my professional opinion, this site is suitable, approvable and developable for the proposed 300 residential units. The site provides an appropriate location to create a variety of housing types in the municipality. This creates a greater opportunity for lower income families in the region to find affordable housing.

Additionally, the timeline of development approvals demonstrates that the site remains viable and continues to provide a realistic opportunity for an inclusionary affordable housing development. Although there has been some time since the initial approval of the FSHC Settlement, once the Redevelopment Agreement was completed there has been a clear demonstration that the outside agency permitting was undertaken and is continuing and ongoing.