

**TOWNSHIP OF NORTH BRUNSWICK HOUSING
ELEMENT AMENDMENT/FAIR SHARE PLAN**

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TABLE OF CONTENTS

Introduction	1
Background of Township's Affordable Housing Efforts	2
Target Growth Share Affordable Housing Obligation	3
Challenge to Target Growth Share Affordable Housing Obligation	4
Total Third Round Affordable Housing Obligation	5
Fair Share Plan	6
Satisfaction of Rehabilitation Share	6
Satisfaction of Prior Round Obligation	6
Satisfaction of Third Round Growth share Obligation	6
Family Affordable Units	6
Rental Bonus Analysis	7
Age-Restricted Affordable Units	9
Spending Plan	11
Affordable Housing Ordinance	11

LIST OF TABLES

Table 1:	Worksheet A---COAH Growth Projections
Table 2:	North Brunswick Growth Projections Adjustment-Residential Parcel Inventory
Table 3:	Residential Certificates of Occupancy Issued
Table 4:	Rental Bonus Analysis
Table 5:	Plan to Address 412 Unit Family Obligation

- Table 6: Plan to Address 137 Unit Senior Obligation
- Table 7: Projected Residential Development Fee Income from 1/1/08 to 12/31/08
- Table 8: Projected Nonresidential Development Fee Income from 1/1/08 to 12/31/08
- Table 9: Projected Income and Expenses 2009-2018

LIST OF APPENDICES

- Appendix #1: Petition Application
- Appendix #2: Inventory of Sites Changed to Residential from Nonresidential
- Appendix #3: Rehabilitation Checklist
- Appendix #4: Checklist for Supportive Housing for Four Existing Community Residences
- Appendix #5: Checklist for Supportive Housing for Triple C
- Appendix #6: Checklist for Market to Affordable Program
- Appendix #7: Checklist for Inclusionary Development on Daveco Tract
- Appendix #8: Checklist for Assisted Living on the Daveco Tract
- Appendix #9: Checklist for Municipality Sponsored Site
- Appendix #10 Township of North Brunswick Affordable Housing Trust Spending Plan
- Appendix #11 Draft Affordable Housing Ordinance

HOUSING ELEMENT AMENDMENT/FAIR SHARE PLAN NECESSARY TO COMPLY WITH COAH'S THIRD ROUND REGULATIONS

INTRODUCTION

COAH published new 3rd Round affordable housing regulations on December 20, 2004. These regulations required most municipalities to file a new Third Round Housing Element and Fair Share Plan by December 31, 2005. The only municipalities that were not obligated to file by the December deadline were municipalities with Substantive Certifications that did not expire until after this deadline. North Brunswick was one of the municipalities that was not required to file a Third Round Plan due to the fact that its Substantive Certification does not expire until October 1, 2009.

The Township Planning Board began the task of preparing a new comprehensive Master Plan in early 2005. Due to the fact that the Township was not bound by the December deadline, the Master Plan consultant was not required to prepare a Housing Element and Fair Share Plan that complied with the new COAH Third Round housing obligations and regulations. The Township spent approximately 18 months undertaking the preparation of a comprehensive new Master Plan during 2005 and 2006, and the new Master Plan was adopted on May 16, 2006.

However, COAH subsequently modified its regulations at approximately the same time that the Township was holding public hearings on the new Master Plan. These new regulations made it prudent for the Township to amend its Housing Element/Fair Share Plan to comply with the Third Round regulations. While the Township was in the process of assessing its options, litigation was filed challenging the validity of COAH's Third Round regulations.

Based upon the fact that this litigation was likely to result in significant amendments to COAH's regulations and the resultant municipal housing obligations, the Township of North Brunswick filed for a waiver from having to file said plan by the deadline. COAH granted the Township's request for a waiver on September 12, 2007.

COAH's revised regulations, amended through October 20, 2008, have now taken effect. In addition, new legislation known as the Statewide Nonresidential Development Fee Act became effective on July 17, 2008.

The Township Planning Board is therefore amending the 2006 Master Plan by adopting a Housing Element Amendment/Fair Share Plan to comply with the amended COAH Third Round regulations and the newly enacted State statute. As appropriate, this Housing Element Amendment/ Fair Share Plan and/or accompanying application and checklists will cite appropriate portions of the 2006 Master Plan which satisfy COAH's requirement to analyze housing and population demographics.

In accordance with COAH regulations, the Township Council must petition COAH for Substantive Certification of a Housing Element and Fair Share Plan that comply with these Third Round regulations by December 31, 2008 in order to be afforded the protection from 'builder's remedy' lawsuits that is attached to participation in the COAH process.

BACKGROUND OF TOWNSHIP'S AFFORDABLE HOUSING EFFORTS

On September 10, 1984, the Township of North Brunswick executed a Consent Order that settled litigation alleging that the Township was guilty of exclusionary zoning practices. This Consent Order and a subsequent Judgment of Compliance issued on March 24, 1986 enabled North Brunswick to address its "Mt. Laurel" obligation prior to the creation of the Council on Affordable Housing (COAH) and the promulgation of COAH's First Round housing obligation numbers. In effect, this 1986 Judgment addressed the housing obligation assigned to the Township in COAH's First Round covering 1987-1993. As a result of the Consent Order, the Township was protected against "builder's remedy" lawsuits.

On June 10, 1999, the Township adopted a Housing Element and Fair Share Plan designed to address its Second Round housing obligation assigned by COAH for the twelve year period from 1987-1999. The Township petitioned COAH for Substantive Certification of this plan on September 3, 1999. Petitioning for Substantive Certification allowed the Township to come under COAH's jurisdiction. This action was necessitated because the protection granted by the 1986 Consent Order had expired, and the only way to protect the Township from "builder's remedy" lawsuits was to petition COAH for Substantive Certification of its Housing Element and Fair Share Plan. The 1999 Housing Element and Fair Share Plan addressed COAH's Second Round housing obligation of 489 units covering a twelve year period.

COAH granted Substantive Certification to the Township's Second Round Housing Element and Fair Share Plan on October 1, 2003. This approval provides the Township with protection against "builder's remedy" lawsuits for a six year period that does not expire until October 1, 2009.

This Substantive Certification acknowledged that the Township had provided, through a combination of new construction, supportive and special needs housing, Regional Contribution Agreements (RCAs) with Carteret and New Brunswick, and rental bonuses, more affordable housing than the 12 year housing obligation promulgated by COAH.

The Substantive Certification established that the Township's efforts resulted in a surplus of 282 units of new construction. It also stated that the Township "... may request credit for the remaining 50 uncredited, age-restricted rental units when addressing its Third Round affordable housing obligation." In effect, the Township has a credit of 332 units of new construction to carry forward to meet its Third Round obligation.

The Substantive Certification also acknowledged on page three that, "North Brunswick does not have an approved development fee ordinance, but per the Court's Consent Order, was granted permission to collect negotiated developer's fees." The Affordable Housing Contribution Agreement executed by the Township and Brunswick Manor Associates in June of 2002 was submitted to COAH in order to document the fact that the Township had funding for the two RCAs. This Agreement also obligated Brunswick Manor Associates to make additional payments totaling \$5,325,000 to the Township to fund future RCA payments in subsequent COAH rounds. COAH's Substantive Certification acknowledged on page 7 that the Township would be receiving these payments toward the funding of 213 future RCAs. Subsequent to execution of this agreement, COAH increased the minimum RCA contribution to \$35,000 per unit. As a result, the required payment from Brunswick Manor Associates was increased to \$7,455,000.

TARGET GROWTH SHARE AFFORDABLE HOUSING OBLIGATION

The Third Round regulations adopted by COAH represent a significant departure from previous methodologies utilized by COAH. While the Second Round affordable housing obligation was an absolute number, the Third Round regulations utilize a two step approach which establishes a target obligation that may or may not be realized based upon the number of Certificates of Occupancy actually issued.

The first step requires a municipality to develop a plan to address a target affordable housing obligation which is based upon housing stock and employment projections promulgated by COAH's consultants. The affordable housing obligation generated by employment and housing growth is referred to as "growth share". This growth share must be addressed through either the construction of new affordable housing units or the imposition of price controls, income qualifications and deed restrictions on existing housing units in order to transform these existing units into affordable housing. The Township's target growth share obligation is reflected in Table 1, Worksheet A, COAH Growth Projections.

The second step of the process establishes a municipality's actual affordable housing obligation based upon Certificates of Occupancy for residential and nonresidential uses that are actually issued over the compliance period.

While municipalities are mandated to prepare a Housing Element/Fair Share Plan based upon COAH's projections, it is possible that the actual affordable housing obligation resulting from the issuance of Certificates of Occupancy between January 1, 2004 and January 31, 2018 could be significantly less than the projected housing obligation resulting from COAH's projections of municipal employment and housing growth. As a result, COAH regulations allow a municipality to develop a Housing Element/Fair Share Plan that phases the target affordable housing obligation over the 10 year compliance period. This allows a municipality to assess on an annual basis if it is providing affordable housing at a sufficient pace to meet its actual obligation.

Table 1

Worksheet A: Growth Share Determination Using Published Data
 (Appendix F(2), *Allocating Growth To Municipalities*)

COAH Growth Projections
 Must be used in all submissions

Municipality Name: North Brunswick Township

Enter the COAH generated growth projections form Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page or the links within the page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated based on COAH's growth projections.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2)*	1,724	6,144
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	Click Here to enter Prior Round Exclusions	
COs for prior round affordable units built or projected to be built post 1/1/04		
Inclusionary Development	0	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	0	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs		0
4 Net Growth Projection	1,724	6,144
5 Projected Growth Share (Conversion to Affordable Units Divide HH by 5 and Jobs by 16)	344.80 Affordable Units	384.00 Affordable Units
6 Total Projected Growth Share Obligation		729 Affordable Units

[Click Here to return to Workbook C Summary](#)

* For Residential Growth, See Appendix F(2), Figure A.1, Housing Units by Municipality. For Non-residential Growth, See Appendix F(2), Figure A.2, Employment by Municipality

COAH has estimated that there were 17,828 jobs in North Brunswick as of January 1, 2004. COAH projections show that the number of jobs will total 23,972 by December 31, 2018, resulting in a gain of 6,144 jobs over the 18 year period. COAH's Third Round regulations require a municipality to provide one affordable housing unit for every 16 new jobs created over this 18 year period. As a result, COAH regulations establish a target of 384 affordable housing units to address the Third Round affordable housing obligation generated by projected employment growth.

COAH projections also show that the Township housing stock will grow by 1,724 units between January 1, 2004 and December 31, 2018. COAH requires that 20% of the total growth in the housing stock shall be affordable units. This equates to one out of every five units. As a result, COAH regulations establish a target of 345 additional affordable housing units to comply with the requirement that one out of every five housing units must be affordable to low and moderate income households.

The total target Third Round growth share obligation based upon COAH's projections of housing stock and employment growth is therefore 729 affordable housing units (384 + 345). In addition, based upon census data, COAH has assigned the Township an obligation to rehabilitate 64 existing housing units occupied by low or moderate income families between now and December 31, 2018.

CHALLENGE TO TARGET GROWTH SHARE AFFORDABLE HOUSING OBLIGATION

However, COAH regulations allow a municipality to challenge the COAH projections for employment growth and housing growth. The regulations state that COAH will allow for the Third Round obligation to be reduced only if a municipality can substantiate a 10% reduction in the number of projected jobs or housing units.

As a result, the Township Planning Board did a build-out analysis based upon existing zoning regulations to determine if the projection of 6,144 employees over the 18 year period is realistic. Utilizing realistic floor area ratios, the Township Planning Board projects the Township would only be able to accommodate approximately 50-60 % of the job growth projected by COAH if all non-residentially zoned land in the Township is developed before the end of 2018. However, COAH does not acknowledge Township development standards such as setbacks and floor area ratios. COAH regulations require all municipalities to project 80 employees per buildable acre for all vacant, non-residentially zoned lands. While the Township Planning Board's analysis based upon realistic development standards would suggest that there should be a significant reduction in job growth, the 80 employee per acre multiplier required by COAH does not support a reduction in this employment projection.

However, the Township can very effectively challenge the projections of COAH's consultants relative to housing stock growth. The Township has prepared worksheets to document all vacant residentially zoned land in the Township. This analysis eliminates land that exhibits development constraints that make development not feasible. COAH

regulations require that the Township utilize a presumed density of 8 units per acre for all vacant, residentially zoned land in the municipality, regardless of the development density prescribed by existing zoning, and regardless of whether vacant land has received development approvals for a lesser number of units. When this 8 unit per acre multiplier is applied to the vacant residential land in the Township, the projected build out of residential units is 744 units. This 744 number is derived from Table 2, North Brunswick Growth Projection Adjustment---Residential Parcel Inventory. This table reveals that there are 92.99 vacant, developable residentially zoned acres in the Township located in the following zones:

---10.31	R-1	Single Family
---63.03	R-2	Single Family
--- 7.00	R-3	Single Family
--- 0.7	R-4	Single Family
--- 1.2	R-5	Garden Apartment
--- 1.95	R-6	Planned Residential Development
--- 0.00	RTD	Townhouse-Duplex
--- 8.80	TMU	Transitional Mixed Use
92.99	Total Residentially Zoned Developable Acres	

When this build out capacity of 744 units is added to the 82 residential units that have received Certificates of Occupancy from January 1, 2004 through November 30, 2008 (Table 3), the total number of housing units to be anticipated over the 18 year period is 826. This is a reduction of 898 units below the COAH projections. This analysis results in a 52.1 % reduction in the number of housing units projected. As a result, in accordance with COAH regulations, the number of affordable units to be generated by growth in the housing stock is reduced by 52.1 % from 345 down to 165.

This reduction due to insufficient residentially-zoned land reduces the Township's target growth share obligation to 549 affordable housing units.

TOTAL THIRD ROUND AFFORDABLE HOUSING OBLIGATION

North Brunswick's Third Round obligation for affordable housing is comprised of three components:

- rehabilitation obligation (64 units)
- remaining obligation for the Second Round (0 units)
- Third Round growth share resulting from housing and employment growth. (549 units)

Table 2

North Brunswick Growth Projection Adjustment-Residential Parcel Inventory

PUD and PUD II - PLANNED UNIT DEVELOPMENT

BLOCK	LOT	PARCEL ADDRESS	OWNERSHIP	SQUARE FEET	UNBUILDABLE SQUARE FEET	BUILDABLE SQUARE FEET	BUILDABLE ACRES	SEWER SERVICE AREA	PLANNING AREA	CONSTRAINT DESCRIPTION	URBAN CENTER (Y/N)	HUC.11.N03 DENSITY	DENSITY (JOBS/ACRE)	CAPACITY (JOBS)
73	4	US ROUTE 1	SHEIN SENOFF LTD PARTNERSHIP	36722.38707	24,303	12,419	0.285108966	YES	1		NO	5130	80	22,80679169
73	2	THOMAS AVENUE	FINNEGANS INC	28282.44372	28,190	72	0.001663079	YES	1		NO	5130	80	0.133046312
73	1	THOMAS AVENUE	FINNEGANS INC	98699.49159	13,466	86233.49159	1.976488667	YES	1		NO	5130	80	158.3718854
148.11	1	ROUTE 130	K LAND NO 54 LLC	1031815.104	287,220	744,586	17.08835151	YES	1		NO	5130	80	1367.484121
148.13	1.01	ROUTE 130	RENAISSANCE PLAZA AT NO BRUNS LLC	1398884.448	109,247	1,280,637	29.39939045	YES	1		NO	5130	80	2351.951236
TOTAL :				2586383.874	462,426	2,123,958			49					

R1 - SINGLE FAMILY RESIDENTIAL

BLOCK	LOT	PARCEL ADDRESS	OWNERSHIP	SQUARE FEET	UNBUILDABLE SQUARE FEET	BUILDABLE SQUARE FEET	BUILDABLE ACRES	SEWER SERVICE AREA	PLANNING AREA	CONSTRAINT DESCRIPTION	URBAN CENTER (Y/N)	HUC.11.N03 DENSITY	DENSITY (UNITS/ACRE)	CAPACITY (UNITS)
227.03	1.01	LAKE DRIVE	HRYMOC JERZY-GEORGE & ZOFIA	16104.74084	13800	2304.740839	0.529719377	YES	1		NO	5130	8	2,957711816
227.01	2	4 LAKE DRIVE	CLEMENTE EML G & JAYNE	20722.12514	0	20722.12514	0.475714835	YES	1		NO	5130	8	3,805716279
227	97	1 STALLION WAY	ROLAND JOHNKINS REVOCABLE TRUST	25165.07737	0	25165.07737	0.577481115	YES	1		NO	5130	8	4,619848921
227	17.02	OLD GEORGES ROAD	JOHNKINS ROLAND & GENEVIEVE	103989.3759	103989.3759	0	0	YES	1	ROW	NO	5130	8	0
227.01	1	2 LAKE DRIVE	LENDREW INC	7817.31113	0	7817.31113	0.17946077	YES	1		NO	5130	8	1,435686158
227	18	OLD GEORGES ROAD	SKARTIKA STEVE JR	877426	484254	393172	9.025987144	YES	1		NO	5130	8	72,20789715
TOTAL :				1051214.63	602043.3759	449171.2545	10.31155313							

R2 - SINGLE FAMILY RESIDENTIAL

BLOCK	LOT	PARCEL ADDRESS	OWNERSHIP	SQUARE FEET	UNBUILDABLE SQUARE FEET	BUILDABLE SQUARE FEET	BUILDABLE ACRES	SEWER SERVICE AREA	PLANNING AREA	CONSTRAINT DESCRIPTION	URBAN CENTER (Y/N)	HUC 11 NO3 DENSITY	DENSITY (UNITS/ACRE)	CAPACITY (UNITS)
148	114.01	BLACKHORSE LANE	PARDUN C J & SONS & LA BARBERA S	102003.976	411,700	640,304	14.69356666	YES	1		NO	5130	8	117,594,4533
224	81.02	CHURCH LANE	UNKNOWN OWNER	18920.48969	18920.48969	0	0	YES	1	ROW	NO	5130	8	0
227	52.04	7 LAKEVIEW COURT	CHILUKURI RAGHU & SHARITA J	32910.61525	0	32610.61525	0.748636714	YES	1		NO	5130	8	5,989,09371
224	48.03	262 FOREST LANE	KLEIN DEVELOPMENT GROUP	43504.77944	19540	23964.77944	0.549872321	YES	1		NO	5130	8	7,989,568483
227	55.08	16 DEER CROSS LANE	TRAINER JEANNE	19051.95443	0	19051.95443	0.437372691	YES	1		NO	5130	8	3,498,98153
227	55.1	15 DEER CROSS LANE	TRAINER JEANNE	22117.39929	0	22117.39929	0.507745622	YES	1		NO	5130	8	4,061,964975
224	17	OLD GEORGES ROAD	SEERY FREDERICK P & VAN DEURSEN R	238414.8944	47,301	191113.8944	5.473252866	YES	1		NO	5130	8	43,786,02285
224	17.01	ROUTE 130	VANDEUSEN RICHARD	43153.67843	16980	26173.67843	0.99067214	YES	1		NO	5130	8	7,925,377121
227	44.03	42 LAKE DRIVE	CAMPBELL ROBERT E & JOAN	18409.48215	0	18409.48215	0.422823557	YES	1		NO	5130	8	3,380,988456
227	3.17	7 PEPPERHILL HILL ROAD	NOB VALLEY SWIM CLUB INC	69695.95969	0	69695.95969	1.599898075	YES	1		NO	5130	8	12,799,9926
64	2.01	FINNEGANS LANE	ANTIL REALTY % SAMUEL RATNER	13510.54859	11538	1972.548591	0.45283485	YES	1		NO	5130	8	4,156,116883
64	10.01	VIOLET DRIVE	HALPERN SAMUEL ETAL %KAPLAN & SONS	28715.2193	5903	20912.2193	0.48019496	YES	1		NO	5130	8	3,840,627971
64	8	PETUNIA DRIVE	ANTIL REALTY % SAMUEL RATNER	26924.50476	15130	11794.50476	0.270764572	YES	1		NO	5130	8	2,166,116577
63	1.01	FINNEGANS LANE	ORLANDO FRANK J & WARREN	68879.50248	64382	4297.502478	0.098857082	YES	1		NO	5130	8	0,789,256653
64	6	VIOLET DRIVE	KHAN KHURSHED & AHMED SHAKIL	66817.30252	60882	5935.302518	0.136255797	YES	1		NO	5130	8	1,090,046376
63	2	VIOLET DRIVE	ANTIL REALTY CO. C/O RATNER	125522.0963	125522.0963	0	0	YES	1		NO	5130	8	0
4	26	2709 LINDER AVENUE	SUTLICH JOHN & JANET TRUSTEES	22071.90014	22071.90014	0	0	YES	1		NO	5130	8	0
4	23.01	THOMAS AVENUE	HALPERN SAMUEL ET AL C/O KESSLER	125160.7173	115056	10104.71726	0.231972399	YES	1		NO	5130	8	1,855,77911
4	36	AARON ROAD	LEE CHANG SOO & YOON JA	38870.99166	21790	16880.99166	0.387634244	YES	1		NO	5110	8	3,100,273951
278	30	304 HAMILIN ROAD	SCOVELL THOMAS	15046.01433	0	15046.01433	0.345408961	YES	1		NO	5130	8	2,763,271685
283	5	HARDING AVENUE	PERNICE GIOVANNI P & DOLORES	17520.11308	0	17520.11308	0.402206453	YES	1		NO	5130	8	3,217,651621
229	22.01	1777 ROUTE 130	LUPO FIORE & ANA	16060.44234	0	16060.44234	0.366897023	YES	1		NO	5130	8	2,949,576188
229	20	ROUTE 130	LUPO FIORE & ANN	13593.98398	0	13593.98398	0.312074931	YES	1		NO	5130	8	2,495,599446
262	132	1550 VAN BUREN DRIVE	TRANSCONTINENTAL GAS PIPE LINE CORP	15994.49379	0	15994.49379	0.367183053	YES	1		NO	5130	8	2,937,464424
230	19	1709 ROUTE 130	CALVERT ASSOCIATES LLC	14742.37407	14226	516.374068	0.011854317	YES	1		NO	5130	8	0,094,83454
230	18	1709 ROUTE 130	CALVERT ASSOCIATES LLC	10165.40521	10165.40521	0	0	YES	1		NO	5130	8	0
229	28	WOOD AVENUE	MAYORGA JAIME & NELLY	10435.0722	10435.0722	0	0	YES	1		NO	5130	8	0
229	30	465 WOOD AVENUE	FAMIA CATHERINE	10892.12135	0	10892.12135	0.250046639	YES	1		NO	5130	8	2,000,389595
235	11	ROUTE 130	LABARBERA SANTO C O CHILDS S	10892.5152	0	10892.5152	0.250057741	YES	1		NO	5130	8	2,000,461929
230	15	ROUTE 130	LABARBERA SANTO C O CHILDS S	14948.21411	0	14948.21411	0.343163777	YES	1		NO	5130	8	2,745,310214
235	12	407 NIMITZ PLACE	LABARBERA SANTO C O CHILDS S	15072.1767	16096	781.000152	0.017828296	YES	1		NO	5130	8	0,143,434371
235	9.01	ROUTE 130	SANDY SILVER INC C O CHILDS SUSAN	42994.76661	0	42994.76661	0.987024027	YES	1		NO	5130	8	3,099,540891
235	9.02	1609 ROUTE 130	STANAN INC	23544.10861	0	23544.10861	0.540498361	YES	1		NO	5130	8	4,323,986889
262	139	VICTORY AVENUE	PUBLIC SERVICE ELECTRIC & GAS CO	52851.70949	0	52851.70949	1.213308299	YES	1		NO	5130	8	9,706,46639
262	137	ROUTE 130	PUBLIC SERVICE ELECTRIC & GAS CO	18752.21632	0	18752.21632	0.430491651	YES	1		NO	5130	8	3,443,933209
143.09	14	SILVER HOLLOW	MESA DEVELOPMENT CORP VII	91759.52835	91759.52835	0	0	YES	1	DETENTION BASIN	NO	5130	8	0
262	138	VICTORY AVENUE	PUBLIC SERVICE ELECTRIC & GAS CO	11144.22438	0	11144.22438	0.255836189	YES	1		NO	5130	8	2,046,689509
276	4	1422 ROUTE 130	RAGHUNATHAN ARI & SUSHEELA	15049.60634	0	15049.60634	0.345491422	YES	1		NO	5130	8	2,763,931376
4.41	21	COZZENS LANE	JGS LLC	24880.69058	7524	17366.69058	0.398684357	YES	1		NO	5110	8	3,189,474853
4.41	13	COZZENS LANE	ITALIAN AMERICAN SOCIAL CLUBIN BRNS	41947.78258	14944	27003.78258	0.619927547	YES	1		NO	5110	8	4,959,9372375
262.03	14	330 FRANKLIN ROAD	LOUIS BARBARA	28751.13062	0	28751.13062	0.660035138	YES	1		NO	5130	8	5,280,281106
269	1	333 FRANKLIN ROAD	DOMANSKI CHESTER & HELEN B	13223.43875	0	13223.43875	0.303568383	YES	1		NO	5130	8	2,428,547061
4.41	3	COZZENS LANE	K-LAND NO 66 LLC	162713.868	63060	99653.86789	2.287190116	YES	1		NO	5110	8	18,301,90413
241	3	INDEPENDENCE BOULEVARD	ALDERFER RUSSELL & DOROTHY P	22497.25265	20558	1939.252646	0.044519115	YES	1		NO	5130	8	0,355,152919
259	1.01	1024 ROUTE 130	PENNINGTON KEITH & MARIA	19379.28409	0	19379.28409	0.444887146	YES	1		NO	5130	8	3,550,93717
259	43	943 CURTIS PLACE	OLITZKY KERRY & SHERYL	24177.66	0	24177.66	0.55504271	YES	1		NO	5130	8	4,440,341598

R3 - SINGLE FAMILY RESIDENTIAL

BLOCK	LOT	PARCEL ADDRESS	OWNERSHIP	SQUARE FEET	BUILDABLE SQUARE FEET	BUILDABLE ACRES	SEWER SERVICE AREA	PLANNING AREA	CONSTRAINT DESCRIPTION	URBAN CENTER (Y/N)	HUC-11 NO3 DENSITY	DENSITY (UNITS/ACRE)	CAPACITY (UNITS)
221	16	WOOD AVENUE	TRANSCONTINENTAL GAS PIPE LINE CORP	14699.87413	0	0.344348728	YES	1		NO	5130	8	2,75479782
221	4	560 WOOD AVENUE	BRANCIFFORTE GIOVANNI & CRESCENZIO	10169.8326	0	0.233467231	YES	1		NO	5130	8	1,867737851
167	3.01	1470 FIFTH STREET	PULDA LLOYD & RUTH	8390	1610.147657	0.036963904	YES	1		NO	5130	8	0.295711232
165	6	1945 FOURTH STREET	EAST COAST LLC	12500.10699	0	0.286963016	YES	1		NO	5130	8	2,29570413
165	2	THIRD STREET	EAST COAST LLC	12498.95084	0	0.286963016	YES	1		NO	5130	8	2,295675085
143	285	1843 HOLLY ROAD	HARTLEB TIMOTHY	3727	8012.71728	0.183946678	YES	1		NO	5130	8	1,471573421
218	16	1731 FILLMORE DRIVE	KDN INC	10976.88028	0	0.251984497	YES	1		NO	5130	8	2,015955974
218	7.02	1708 HOLLY ROAD	REVILLE ANTHONY & MARGARET	11213.48921	0	0.25742652	YES	1		NO	5130	8	2,05841216
143	376	ADAMS LANE	WALLUS PETER C & WALLUS RUTH	71266.39581	0	0	YES	1		NO	5110	8	0
143	219	708 MAGNOLIA ROAD	BRUZEK EDWARD & GLORIA	10899.81602	0	0.250225345	YES	1		NO	5130	8	2,001802758
143	215	740 MAGNOLIA ROAD	BROWN ROBERT	21800.07518	0	0.500460963	YES	1		NO	5110	8	4,0003668902
143	182	728 SPRUCE ROAD	BOWBEEL HELENE	10899.94029	0	0.250228196	YES	1		NO	5130	8	2,001825582
143	175	SPRUCE ROAD	GARCIA MARC & DEBRA	13707.96975	0	0.314691684	YES	1		NO	5130	8	2,517533471
168	9	NEWTON STREET	ATLAS HOMES LLC	54449.58952	0	0	YES	1	WETLANDS	NO	5110	8	0
168	13	NEWTON STREET	FARACI DOMINICK & JOSEPH	16335.13563	0	0	YES	1	WETLANDS	NO	5110	8	0
168	12	NEWTON STREET	FARACI DOMINICK & JOSEPH	10889.7121	0	0	YES	1	WETLANDS	NO	5120	8	0
168	14.02	NEWTON STREET	COOPER JOHN R	27224.75189	0	0	YES	1	WETLANDS	NO	5120	8	0
168	16	NEWTON STREET	COOPER JOHN R	27224.76057	0	0	YES	1	WETLANDS	NO	5120	8	0
168	18	NEWTON STREET	D'ARPA ANGELO	13639.84073	0	0	YES	1	WETLANDS	NO	5120	8	0
168	21.03	NEWTON STREET	SWEET DANIEL J	10889.89636	0	0	YES	1	WETLANDS	NO	5120	8	0
168	20	NEWTON STREET	SHIMKO FLORENCE	13585.40872	0	0	YES	1	WETLANDS	NO	5120	8	0
168	21.01	NEWTON STREET	GALENSKI DIANE (DANNA)	10890.0863	0	0	YES	1	WETLANDS	NO	5120	8	0
133	39	ANTONIO DRIVE	MUSTO JOHN L & EVELYN	12818.42557	0	0	YES	1	LANDLOCKED	NO	5120	8	0
129	39	955 GRANBURY CROSS ROAD	SZCZESNA IWONA	13713.29241	0	0.314613875	YES	1		NO	5120	8	2,518511003
129	8	HERMANN ROAD	W & T REALTY LLC	10593.5523	0	0	YES	1	LANDLOCKED	NO	5120	8	0
128	28	909 HERMANN ROAD	909 HERMANN ROAD ASSOCIATES LLC	10890.19394	0	0.250004452	YES	1		NO	5120	8	2,000035619
91	17	SIXTEENTH STREET	BRUNO MARY & MARIA ANN & THOMPSON K	29072.01228	22191	0.157966305	YES	1		NO	5120	8	1,263730442
164	7	1957 SEVENTH STREET	LUPO VINCENT & LINDA	7499.931847	0	0.17214744	YES	1		NO	5120	8	1,377397952
166	5.01	FOURTH STREET	BIANCO JOSEPH	9999.826469	0	0.229584428	YES	1		NO	5120	8	1,836515421
143	281	HOLLY ROAD	WARDORP ELIZABETH	8133.54117	0	0.186720413	YES	1		NO	5130	8	1,4937633
143	189.01	SPRUCE ROAD	GALATE DUANE	9829.739601	0	0.22565977	YES	1		NO	5130	8	1,805278164
143	185.01	SPRUCE ROAD	GALATE DUANE	9885.782416	0	0.229242021	YES	1		NO	5130	8	0.385477662
82	12	SPRING STREET	LUPCO REALTY LLC	8236.378209	0	0.185081226	YES	1		NO	5130	8	1,512649809
85	2	ARLINGTON AVENUE	GUERRIERO ANTHONY & ANNA	9973.838738	0	0.228967831	YES	1		NO	5130	8	1,831742652
168	14.03	1034 NEWTON STREET	DANA ALICE	7501.174363	1560	0.363305996	YES	1		NO	5110	8	1,091124768
133	46.04	NEWTON STREET	D'ANGELO JOHN & DONNA	9991.925869	7893	0.048184708	YES	1		NO	5110	8	0.385477662
133	46.03	NEWTON STREET	D'ANGELO JOHN & DONNA	9996.471607	5855	0.095075108	YES	1		NO	5120	8	0.760600846
133	10.02	RIVERTON STREET	INGANDELA ANTHONY S & ANTONIA E	9982.496674	0	0.22916659	YES	1		NO	5120	8	1,833332722

R4 - SINGLE and TWO FAMILY RESIDENTIAL

BLOCK	LOT	PARCEL ADDRESS	OWNERSHIP	SQUARE FEET	BUILDABLE SQUARE FEET	UNBUILDABLE SQUARE FEET	ACRES	BUILDABLE ACRES	SEWER SERVICE AREA	PLANNING AREA	CONSTRAINT DESCRIPTION	URBAN CENTER (Y/N)	HUC 11 NO3 DENSITY	DENSITY (UNITS/ACRE)	CAPACITY (UNITS)	
175	8.01	GLENRIDGE AVENUE	KOVACS FAY & ANDREW	14999.66487	0	14999.66487	0.3434344924		YES	1		NO	5120	8	2,754,759,339	
197	7.01	LINCOLN AVENUE	ER SQUIBB & SONS INC PO BOX 6200	28749.7852	24152	4597.785198	0.106550624		YES	1		NO	5130	8	0,844,404,995	
181	15	LOCUST AVENUE	ABODE VALERIE & DENISE	9198.626215	0	9198.626215	0.211171401		YES	1		NO	5120	8	1,689,371,206	
197	8	JEFFERSON AVENUE	ER SQUIBB & SONS INC PO BOX 6200	9374.971987	7291	2083.971987	0.047841414		YES	1		NO	5130	8	0,382,731,311	
				TOTAL :	62323.04827	31443	30880.04827	0.708908363								

R5 - GARDEN APARTMENT RESIDENTIAL

BLOCK	LOT	PARCEL ADDRESS	OWNERSHIP	SQUARE FEET	BUILDABLE SQUARE FEET	UNBUILDABLE SQUARE FEET	ACRES	BUILDABLE ACRES	SEWER SERVICE AREA	PLANNING AREA	CONSTRAINT DESCRIPTION	URBAN CENTER (Y/N)	HUC 11 NO3 DENSITY	DENSITY (UNITS/ACRE)	CAPACITY (UNITS)	
61.01	2	THOMAS AVENUE	FINNEGANS EXECUTIVE PROPERTY MGT	24930.43183	9258	15672.43183	0.359768628		YES	1		NO	5130	8	2,878,316,222	
221	32.03	ADAMS LANE	DELA CRUZ FRANCISCO	11339.82873	0	11339.82873	0.260326847		YES	1		NO	5130	8	2,082,613,173	
221	29	ADAMS LANE	TRANS CONTINENTAL GAS PIPE LINE CORP	16908.16106	0	16908.16106	0.388167987		YES	1		NO	5130	8	3,105,263,74	
91	55	HOW LANE	NADINE PROPERTIES INC	16809.343	16809.343	0			YES	1		NO	5120	8	0	
107	6	HARVARD PLACE	SPADA GAETANO & PIETRINA	8551.963769	0	8551.963769	0.196326074		YES	1		NO	5120	8	1,570,608,589	
				TOTAL :	78539.7284	28067.343	52472.38639	1.204600216								

R6 (PRO) - PLANNED RESIDENTIAL DEVELOPMENT

BLOCK	LOT	PARCEL ADDRESS	OWNERSHIP	SQUARE FEET	BUILDABLE SQUARE FEET	UNBUILDABLE SQUARE FEET	ACRES	BUILDABLE ACRES	SEWER SERVICE AREA	PLANNING AREA	CONSTRAINT DESCRIPTION	URBAN CENTER (Y/N)	HUC 11 NO3 DENSITY	DENSITY (UNITS/ACRE)	CAPACITY (UNITS)
4.36	3	5 VETTER COURT	MAWLA HANY & ANSARY NADIA	15199.75848	0	15199.75848	0.348938441		YES	1		NO	5110	8	2,791,507,527
4	5.1	2648 ROUTE 27	HAO MAHMUD	10804.9895	0	10804.9895	0.248047968		YES	1		NO	5110	8	1,984,883,747
4	7	ROUTE 27	CSONTOS STEVE JR	23006.24392	0	23006.24392	0.528150687		YES	1		NO	5110	8	4,225,205,495
5	11	SHERWOOD BOULEVARD	DEVRIES ALBERT	10000.10368	0	10000.10368	0.229570792		YES	1		NO	5110	8	1,836,566,333
6	22	SHERWOOD BOULEVARD	DEVRIES ALBERT S	10000.03186	0	10000.03186	0.2285689143		YES	1		NO	5110	8	1,836,563,142
4	4	2730 ROUTE 27	MID JERSEY OB GYN ASSOCIATES	8060.287991	0	8060.287991	0.185038751		YES	1		NO	5110	8	1,480,310,008
11	12	BROADWAY ROAD	FORGRIEVE JAMES	7999.919372	0	7999.919372			YES	1		NO	5110	8	0
				TOTAL :	8000.034626	0	8000.034626	0.18365524				NO	5110	8	1,489,244,192

RTD - TOWNHOUSE-DUPLEX RESIDENTIAL

BLOCK	LOT	PARCEL ADDRESS	OWNERSHIP	SQUARE FEET	BUILDABLE SQUARE FEET	UNBUILDABLE SQUARE FEET	ACRES	BUILDABLE ACRES	SEWER SERVICE AREA	PLANNING AREA	CONSTRAINT DESCRIPTION	URBAN CENTER (Y/N)	HUC 11 NO3 DENSITY	DENSITY (UNITS/ACRE)	CAPACITY (UNITS)
168.01	6	MATTHEW COURT	ATLAS HOMES LLC	19604.45947	19604.45947	0			YES	1		NO	5120	8	0
				TOTAL :	19604.45947	19604.45947	0					NO	5120	8	0

TMU - TRADITIONAL MIXED USE

BLOCK	LOT	PARCEL ADDRESS	OWNERSHIP	SQUARE FEET	BUILDABLE SQUARE FEET	ACRES	SEWER SERVICE AREA	PLANNING AREA	CONSTRAINT DESCRIPTION	URBAN CENTER (Y/N)	HUC 11 NO3 DENSITY	DENSITY (UNITS/ACRE)	CAPACITY (UNITS)
4.46	3	US ROUTE 1 & AARON ROAD	SHEIN R & M & SENOFF M & S	93,007	0	0	YES	1		NO	5130	8	0
4.46	4	US ROUTE 1 & AARON ROAD	SHEIN R & M & SENOFF M & S	80,982	0	0	YES	1		NO	5130	8	0
4.46	5	US ROUTE 1 & AARON ROAD	SHEIN R & M & SENOFF M & S	58,781	0	0	YES	1		NO	5130	8	0
75	8	US ROUTE 1	906 UPPER MAIN STREET LLC	16181.29498	0	0	YES	1	WETLANDS	NO	5110	8	0
75	3	ARLINGTON AVENUE	906 UPPER MAIN STREET LLC	10000.05768	0	0	YES	1	WETLANDS	NO	5110	8	0
76	4	US ROUTE 1	906 UPPER MAIN STREET LLC	13875.80636	0	0	YES	1	WETLANDS	NO	5110	8	0
4.45	5.01	US ROUTE 1	NORTH BRUNSWICK JOINT VENTURE LLC	114296	15151	0.3478191	YES	1	WETLANDS	NO	5110	8	2,782,552,801
76	1	ARLINGTON AVENUE	906 UPPER MAIN STREET LLC	15000.211	0	0	YES	1	WETLANDS	NO	5110	8	0
4.45	17	ARLINGTON AVENUE	906 UPPER MAIN STREET LLC	29989.91683	0	0	YES	1	WETLANDS	NO	5110	8	0
4.45	20	ELIZABETH STREET	906 UPPER MAIN STREET LLC	15000.11936	0	0	YES	1	WETLANDS	NO	5110	8	0
76	3	ARLINGTON AVENUE	906 UPPER MAIN STREET LLC	20000.05664	0	0	YES	1	WETLANDS	NO	5110	8	0
4.41	39	HOFFMAN ROAD	906 UPPER MAIN STREET LLC	15000.01101	0	0	YES	1	WETLANDS	NO	5110	8	0
4.41	38	HOFFMAN ROAD	906 UPPER MAIN STREET LLC	10000.01093	0	0	YES	1	WETLANDS	NO	5110	8	0
4.41	37	ELIZABETH STREET	906 UPPER MAIN STREET LLC	18673.17935	0	0	YES	1	WETLANDS	NO	5110	8	0
4.41	31.01	HOFFMAN ROAD	906 UPPER MAIN STREET LLC	21038.38438	0	0	YES	1	WETLANDS	NO	5110	8	3,863,798,784
4.41	42	HOFFMAN ROAD	906 UPPER MAIN STREET LLC	13716.54862	0	0.31488628	YES	1		NO	5110	8	2,519,109,021
4.41	28	ELIZABETH STREET	KG SPECIALTY STEEL INC	90389.2686	0	2.07505208	YES	1		NO	5110	8	16,600,41664
75	2	ARLINGTON AVENUE	906 UPPER MAIN STREET LLC	7499.87248	0	0	YES	1	WETLANDS	NO	5110	8	0
76	5	ELIZABETH STREET	906 UPPER MAIN STREET LLC	7500.115876	0	0.172178969	YES	1		NO	5110	8	1,377,431,749
4.45	16	ARLINGTON AVENUE	906 UPPER MAIN STREET LLC	7499.870094	0	0	YES	1	WETLANDS	NO	5110	8	0
4.45	22	ELIZABETH STREET	906 UPPER MAIN STREET LLC	9999.94171	0	0	YES	1	WETLANDS	NO	5110	8	0
4.45	14	ELIZABETH STREET	906 UPPER MAIN STREET LLC	7284.187173	0	0	YES	1	WETLANDS	NO	5110	8	0
4.46	1.05	CAMBRIDGE DRIVE	K HOVNANIAN AT NORTH BRUNSWICK VI	700849.8304	463727	237122.8304	YES	1		NO	5110	8	43,548,729,19
				TOTAL :	1376546.751	991,827	384918.1478						

PAC - PLANNED ADULT COMMUNITY

BLOCK	LOT	PARCEL ADDRESS	OWNERSHIP	SQUARE FEET	BUILDABLE SQUARE FEET	ACRES	SEWER SERVICE AREA	PLANNING AREA	CONSTRAINT DESCRIPTION	URBAN CENTER (Y/N)	HUC 11 NO3 DENSITY	DENSITY (UNITS/ACRE)	CAPACITY (UNITS)
227	20.01	OLD GEORGES ROAD	PULDA WILLIAM C/O WALTER PULDA	2936088.656	0	0	YES	1	OPEN SPACE ACQUISITION	NO	5130	8	0
				TOTAL :	2936088.656	0	0						

TABLE 3**RESIDENTIAL CERTIFICATES OF OCCUPANCY ISSUED
FROM 1/1/2004---12/18/2008**

STREET NAME	UNITS COd			
Apache	1			
Beverly Avenue	2			
Broadway	1			
Cox Road	5			
Darmody Avenue	1			
Douglas	7			
Edgewood	1			
Eighth Street	2			
Excelsior Avenue	1			
Holly Road	2			
Irwin Place	1			
Lakeview Court	1			
Livingston Avenue	1			
Louis Street	2			
Lynn Court	1			
Magnolia Street	2			
Marehaven Court	3			
Matthew Street	4			
Mohawk Road	1			
Nassau Street	1			
Newton Street	1			
Oak Road	3			
Oliver Court	2			
Parillo Court	16			
Poe Road	1			
Rachel Way	8			
Spring Street	4			
Spruce Street	2			
Thomas Avenue	3			
West Lawrence	1			
Wood Avenue	1			
TOTAL UNITS	82			
82/4=21 Required Affordable Housing Units				

FAIR SHARE PLAN

The Township's Fair Share Plan consists of the remainder of this report and the attached application, checklists and other appendices which are part of this document.

SATISFACTION OF REHABILITATION OBLIGATION

The Township of North Brunswick shall meet its obligation to rehabilitate 64 existing dwelling units between the present time and December 31, 2018 by amending its current rehabilitation program to comply with all COAH requirements and by allocating sufficient funds to accomplish same.

The Township is projecting to rehabilitate approximately 150 housing units over the next ten years. This is significantly more than its 64 unit obligation. Details for this program are spelled in the Narrative Section attached to the Rehabilitation Checklist (Appendix 3)

SATISFACTION OF PRIOR ROUND OBLIGATION

The Township's prior round obligation of 489 units for the twelve year period of time from 1987 to 1999 has been met in its entirety. In fact, COAH's Substantive Certification of the Township's Second Round Plan indicates that the Township carries a 282 unit family obligation forward as credit toward its Third Round obligation. This compliance is detailed in the Petition Application attached as Appendix 1.

SATISFACTION OF THIRD ROUND GROWTH SHARE OBLIGATION

The Township's plan to provide for its target growth share obligation of 549 units is provided in tabular form in Appendix 1, Petition Application. However, this section of the Plan also provides a description of these efforts to address the Township's target affordable housing obligation of 549 units.

Family Affordable Units

COAH regulations dictate that no more than 25% of a municipality's affordable housing obligation can be addressed by providing housing for the elderly. As a result, the maximum number of age-restricted affordable units is 137. The remaining 412 affordable units must be made available to families.

When the 282 family credits from the Township's Second Round Substantive Certification are subtracted from the 412 unit target for family affordable housing, the remaining number of family affordable housing units that must be included in this Plan is reduced to 130.

As is detailed later in this Plan, four Community Residences for the developmentally disabled and mentally ill have located in the Township since the Township received Substantive Certification of its Second Round Plan. These four facilities provide 18 bedrooms of supportive/special needs housing. COAH regulations permit 1.25 units of credit for each bedroom of supportive housing. As a result, the Township gets credit for 23 units of family affordable housing for these four facilities. These 23 units of family special needs housing further reduces the Township's remaining target obligation from 130 units to 107 units.

In addition, the Township has been in discussion with Triple C Housing, Inc, a reputable service provider of supportive and special needs housing in affiliation with the State Division of Mental Health, to acquire a six units apartment building for conversion to special needs housing. This property, identified as block 165/lot 1.01, is currently a six unit apartment building. Two of the units are vacant.

Triple C has provided the Township with a pro-forma which would allow them to purchase the apartment building and convert five of the units to ten bedrooms for the mentally ill. The sixth unit would be utilized for a superintendent and other staff as needed. This pro-forma is attached to Appendix 5, Checklist for Supportive and Special Needs Housing for Triple C.

As part of the Township's Fair Share Plan, the Township will provide a grant of approximately \$450,000 to Triple C to allow them to purchase, renovate and convert these six apartments into ten bedrooms of supportive housing. These ten bedrooms will result in the Township getting credit for 13 additional family units. As a result, the remaining target for family affordable units is further reduced from 107 units to 94 units.

Before proposing any strategies or actions to create additional family housing, the Township is entitled to take a rental bonus of one additional unit for each rental unit that it provides above and beyond the minimum rental requirement imposed by COAH.

The Township has a target growth share obligation of 549 units. Based upon COAH regulations, 137 of these units must be rentals. In addition, a minimum of 50% of the rentals must be family units. As a result, the minimum number of family rentals that the Township must provide is 69 units.

The Township is entitled to 64 bonus credits for rental housing based upon the following analysis:

Rental Bonus Analysis

The Township satisfied its Second Round obligation with a combination of rentals, RCAs and inclusionary housing. The Second Round Substantive Certification clearly states that the Township had a Second Round rental obligation of only 44 units. This obligation was exceeded through 100 rental units, 8 bedrooms of alternative living arrangements, and 15

rental bonuses. This amounted to 123 units of rental housing. As a result, the Township carries 79 rental units forward as credits toward its Third Round obligation.

Table 4 below details additional rentals incorporated in this plan.

Table 4 Rental Bonus Analysis

- 79 family rental credits resulting from the 282 credits approved by COAH from the Second Round Substantive Certification
- 18 family rentals from the four supportive/special needs housing bedrooms in four facilities
- 10 family rentals from the Triple C Housing site
- 50 senior rental credits being requested as part of the Township's Third Round Plan in accordance with COAH acknowledgement in its Second Round Substantive Certification
- 16 senior rental units to be constructed in an inclusionary age-restricted development on block 148/lots 104, 105 & 106
- 20 senior rental credits resulting from the construction of a 100 bed assisted living facility on block 148/lots 104, 105 & 106

The above table reflects a total of 193 rental units resulting from prior round credits and from actions incorporated into this Fair Share Plan. This exceeds the Township's rental obligation of 137 units by a total of 56 units. As such, the Township is entitled to a 56 unit family bonus based upon the amount of rental housing being addressed in its Third Round Plan.

This 56 unit family rental bonus reduces that Township's remaining target for family affordable housing units from 94 units to 38 units.

These 38 remaining family affordable units will be addressed in one of two ways. The Township will establish a Market to Affordable Program whereby it purchases and renovates existing two family, three family and four family properties in the Township. These properties will be purchased from absentee landlords, renovated, deed restricted, and then rented to qualified low and moderate income households. All of these units will be offered for rent to qualified lower income tenants. This program is detailed in the Narrative Section attached to Appendix 6, Market to Affordable.

Depending upon the success of this program, as much as 100 % of the Township's remaining 38 unit rental obligation could be provided in this manner. However, for projection purposes, it is assumed that 19 of the remaining family units will be addressed through this Market to Affordable Program. This program reduces the remaining number of family units from 38 units to 19 units. In addition, for each rental unit, the Township will be entitled to an additional family rental bonus. These 19 additional rental bonuses will reduce the remaining family obligation from 19 units to zero. As a result, the entire family obligation has been satisfied.

Table 5 summarizes the Township's plan to address its 412 unit family growth share obligation

50 % of these units will be rented as low income units, with 26% of these low income units being affordable to very low income households. The remaining 50 % of the units will be offered as moderate income units.

Age-Restricted Affordable Units

Based upon COAH regulations that specify that only 25 % of a municipality's growth share obligation may be age-restricted units, the Township can only get credit for 137 age-restricted units.

The Township's Second Round Substantive Certification acknowledged that the Township could apply for 50 units of credit as a result of the Senior Apartments located at 740 Herman Road. Applying this 50 unit senior credit reduces the remaining target obligation for age-restricted units from 137 down to 87.

Since the Township has exceeded its total rental obligation of 137 units, as well as its family rental obligation of 69 units, the Township does not have any requirements with respect to the amount of this housing to be rental.

However, the Township Board of Adjustment recently granted use variance approval to construct a 78 unit age-restricted apartment complex and a 100 bed assisted living facility on a 7 acre parcel on Rt. 130. No site plan approval has been granted for this development. This project will generate an obligation to construct affordable units in the Township. It is the Township's intention to make this property an inclusionary development by rezoning it for the number of apartment units permitted by use variance approval, as well as the number of permitted assisted living beds. While COAH regulations permit a municipality to require that 25% of the units in a development with a density of 8 units per acre shall be affordable units, the Township will only require that 20 % of the apartment units and 20 % of the assisted living beds be developed as affordable units.

This inclusionary zoning will result in the Township getting 36 affordable senior units, reducing the remaining target senior need from 87 units to 51 units. As there is no requirement to construct a minimum percentage of age-restricted units, these remaining units can be developed as either age-restricted housing or senior housing. This project is detailed in the Narrative Sections for Appendix 7, Inclusionary Zoning, and Appendix 8, Assisted Living.

For purposes of this Fair Share Plan, it is assumed that these remaining units will be age-restricted units. These remaining senior units will either be provided through a Market to Affordable purchase, renovation and rental program of 2-4 family units, or by rezoning for an inclusionary development to be constructed on a municipally-owned site located on Renaissance Boulevard.

TABLE 5-- PLAN TO ADDRESS 412 UNIT FAMILY GROWTH SHARE OBLIGATION					
Description	Units				
Growth Share Obligation	412				
2nd Round Credits	-282				
Balance	130				
4 Existing Community Residences	-23				
Balance	107				
Triple C Housing Supportive Housing	-13				
Balance	94				
Third Round Rental Bonuses	-56				
Balance	38				
Market to Affordable	-19				
Balance	19				
Additional Rental Bounus from Market to Affordable	-19				
Balance	0				

The Township recently took title to a 10 acre site located at the intersection of Renaissance Boulevard East and Renaissance Boulevard North. This property is known as block 148.02/lot 51. The Township has had discussions with Leewood Real Estate Group/NJ, LLC, a developer of affordable housing. Leewood is in the process of developing affordable housing in adjacent Franklin Township and in the City of New Brunswick. In Franklin, 1/3 of the units being constructed are affordable, while in New Brunswick, 1/2 of the units are affordable.

It is the Township's intention that any remaining affordable housing obligation, regardless of whether it results in being age-restricted housing or family housing, be addressed as part of an inclusionary housing development on this site. It is intended that this project will provide 100 % owner-occupied units, as the Township has met its rental obligation.

The Township owns the site in question, and there are no development constraints. The Township will execute an agreement for the appropriate density and a realistic % of market units in the future based upon the number of additional affordable housing units needed to comply with its actual obligation. This project shall comply with all COAH bedroom restrictions, affordability and sales price regulations.

50 % of the affordable housing units in this development will be available to low income households, with 26% of these low income units being affordable to very low income households. The remaining 50 % of the units will be offered as moderate income units.

This inclusionary development is not scheduled until year eight of the compliance period, as it is the Planning Board's belief that the employment projections for North Brunswick are not realistic, and the actual number of affordable growth share units will be less than projected by COAH.

This project will allow for the Township to make final decisions relative to the number of units, density, family versus senior units, affordability levels, etc., after it has monitored its progress over the next six years. This project is detailed in the Narrative Section of Appendix 9, Municipally Sponsored Projects.

For purposes of this Plan, it is assumed that 40 of these remaining senior affordable units will be constructed as part of this inclusionary housing development on Renaissance Boulevard.

The remaining 11 units will be provided through the program to purchase, renovate, and deed restrict existing smaller multifamily properties in the Township (Appendix 6, Market to Affordable). When combined with the family units to be addressed in the fashion, the Township's total goal for this Market to Affordable Program is 30 affordable rental units.

Table 6 summarizes the Township's plan to address its 137 unit age-restricted growth share obligation.

A map locating sites for affordable housing is located in Appendix 2, Inventory of Sites Changed from Residential to Nonresidential.

SPENDING PLAN

A detailed spending plan is attached as Appendix 10, Township of North Brunswick Housing Trust Fund Spending Plan. Tables 7-9 following provide a brief synopsis of projected revenues by project, and proposed revenues and expenditures by year for the ten year compliance period.

AFFORDABLE HOUSING ORDINANCE

A draft Affordable Housing Ordinance is attached as Appendix 11.

TABLE 9

PROJECTED INCOME AND EXPENSES 2009-2018

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
REVENUES											
Escrow Balance/Income as of 12/18/2008											\$8,588,144
Residential Development Fees	\$36,000	\$36,000	\$36,000	\$36,000	\$72,000	\$162,000	\$144,000	\$138,000	\$54,000	\$36,000	\$750,000
Non-Residential Development Fees	\$342,813	\$558,900	\$241,719	\$1,776,606	\$339,875	\$514,875	\$486,750	\$252,375	\$224,250	\$27,375	\$4,765,538
Rental Income	\$26,082	\$24,528	\$21,946	\$24,812	\$22,872	\$115,200	\$144,000	\$172,800	\$201,600	\$230,400	\$1,036,800
Interest Income						\$21,937	\$20,923	\$12,848	\$10,737	\$5,745	\$192,431
Annual Income	\$404,895	\$619,428	\$328,465	\$1,895,018	\$521,147	\$814,012	\$795,673	\$576,023	\$490,587	\$299,520	\$15,332,913
EXPENDITURES											
Housing Rehab (15 units per year at \$15,000/unit)											
Acquisition of 10 Properties at \$450,000/property)	\$112,500	\$225,000	\$225,000	\$225,000	\$225,000	\$225,000	\$225,000	\$225,000	\$225,000	\$225,000	\$2,137,500
Rehab Cost of Acquisitions at \$75,000/property)		\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$900,000	\$4,500,000
740 Hermann Road Capital Reserve Shortfall	\$700,000			\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$150,000	\$750,000
740 Rent Supplement (\$134,000 X 1.025 annually)		\$137,350	\$140,784	\$144,303	\$147,911	\$151,609	\$155,399	\$159,284	\$163,266	\$167,348	\$700,000
Triple C Housing Subsidy (\$450,000 acq subsidy)	\$450,000										\$1,367,253
Subsidy to Inclusionary Site on Renaissance Blvd								\$1,500,000			\$450,000
Program Administration (20 % of annual cost)	\$252,500	\$177,470	\$178,157	\$178,861	\$179,582	\$180,322	\$181,080	\$481,957	\$182,653	\$288,470	\$1,500,000
Annual Expenses	\$1,515,000	\$1,064,820	\$1,068,941	\$1,073,164	\$1,077,493	\$1,081,930	\$1,086,479	\$2,891,141	\$1,095,919	\$1,730,817	\$13,685,704
Escrow Balance/Income at End of Year	\$8,588,144	\$7,478,039	\$7,032,647	\$6,292,171	\$7,114,026	\$6,557,679	\$6,289,761	\$5,998,956	\$3,078,506	\$1,647,209	

TABLE 6-- PLAN TO ADDRESS 137 UNIT SENIOR GROWTH SHARE OBLIGATION					
Description		Units			
Growth Share Obligation		137			
Additional Credits Requested from 2nd Round		-50			
Balance		87			
Daveco Apartments and Assisted Living		-36			
Balance		51			
Municipally Sponsored Project in Renaissance		-40			
Balance		11			
Market to Affordable		-11			
Balance		0			

APPENDIX 1



**STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
COUNCIL ON AFFORDABLE HOUSING
PETITION APPLICATION**



This application is a guideline for creating a Housing Element and Fair Share Plan. A completed version of this application must be submitted as part of your petition for substantive certification to COAH. This application will be used by COAH staff to expedite review of your petition. This application can serve as your municipality's Fair Share Plan. A brief narrative component of the Fair Share Plan should be included with this application and can serve primarily to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would include a description of any waivers being requested.

This form reflects COAH's newly adopted procedural and substantive rules and the amendments to those rules adopted on September 22, 2008. Footnotes and links to some helpful data sources may be found at the end of each section. To use this document electronically, use the TAB KEY to navigate from field to field. Enter data or use the Right Mouse Button to check boxes.

MUNICIPALITY	North Brunswick Township	COUNTY PLANNING AREA(S)	Middlesex
COAH REGION	<u>3</u>		PA 1
SPECIAL RESOURCE AREA(S)	NA		

PREPARER NAME	Tom Vigna	TITLE	Township Planner
EMAIL	Tvigna@Northbrunswickonline.com	PHONE NO.	732-672-1291
ADDRESS	710 Hermann Road, North Brunswick	FAX NO.	732-289-3822

MUNICIPAL HOUSING LIAISON	Tom Vigna	TITLE	Township Planner
EMAIL	Tvigna@Northbrunswickonline.com	PHONE NO.	732-672-1291
ADDRESS	<u>710 Hermann Road, North Brunswick</u>	FAX NO.	732-289-3822_____

Enter the date(s) that COAH granted Substantive Certification or that the Court granted a Judgment of Compliance (JOC) on the Housing Element and Fair Share Plan.

History of Approvals	<u>COAH</u>	<u>JOC</u>	<u>N/A</u>
First Round	_____	<u>3/24/1986</u>	<input type="checkbox"/>
Second Round	<u>10/1/2003</u>	_____	<input type="checkbox"/>
Extended Second Round	_____	_____	<input checked="" type="checkbox"/>

Does the Petition include any requests for a waiver from COAH Rules? Yes No
 If Yes, Please note rule section from which waiver is sought and describe further in a narrative section: _____

FILING/PETITION DOCUMENTS (N.J.A.C. 5:96-2.2/3.2 & N.J.A.C. 5:97-2.3/3.2)

All of the following documents must be submitted in order for your petition to be considered complete. Some documents may be on file with COAH. Please denote by marking the appropriate box if a document is attached to the Housing Element and Fair Share Plan or if you are using a document on file with COAH from your previous third round submittal to support this petition. Shaded areas signify items that must be submitted anew.

Included	On File	Required Documentation/Information
<input checked="" type="checkbox"/>		Certified Planning Board Resolution adopting or amending the Housing Element & Fair Share Plan
<input checked="" type="checkbox"/>		Certified Governing Body Resolution endorsing an adopted Housing Element & Fair Share Plan and either (check appropriate box):
		<input checked="" type="checkbox"/> Petitioning <input type="checkbox"/> Filing <input type="checkbox"/> Re-petitioning <input type="checkbox"/> Amending Certified Plan
<input checked="" type="checkbox"/>		Service List (in the new format required by COAH)
<input checked="" type="checkbox"/>		Adopted Housing Element & Fair Share Plan narrative (including draft and/or adopted ordinances necessary to implement the Plan)
<input checked="" type="checkbox"/> <input type="checkbox"/> N/A		If applicable, Implementation Schedule(s) with detailed timetable for the creation of units and for the submittal of all information and documentation required by N.J.A.C. 5:97-3.2(a)4
<input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	If applicable, Litigation Docket No., OAL Docket No., Settlement Agreement and Judgment of Compliance or Court Master's Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Municipal Master Plan (most recently adopted; if less than three years old, the immediately preceding, adopted Master Plan)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Municipal Zoning Ordinance (most recently adopted) ¹ Date of Last Amendment: <u>12/15/2008</u> Date of Submission to COAH: <u>12/23/2008</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Municipal Tax Maps (most up-to-date, electronic if available) Date of Last Revision: <u>1/1/2050</u> Date of Submission to COAH: <u>12/23/2008</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other documentation pertaining to the review of the adopted Housing Element & Fair Share Plan(list):

FOR OFFICE USE ONLY

Date Received _____ Affidavit of Public Notice _____ Date Deemed Complete/Incomplete _____ Reviewer's Initials _____

¹ Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

HOUSING ELEMENT

(N.J.A.C. 5:97-2 & N.J.S.A. 40:55D-1 et seq.)

The following issues and items must be addressed in the Housing Element for completeness review. Where applicable, provide the page number(s) on which each issue and/or item is addressed within the narrative Housing Element.

1. The plan includes an inventory of the municipality's housing stock by¹:

- Age;
- Condition;
- Purchase or rental value;
- Occupancy characteristics; and
- Housing type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated

Yes, Page Number: 26 to 30 No (incomplete)

2. The plan provides an analysis of the municipality's demographic characteristics, including, but not necessarily limited to²:

- Population trends
- Household size and type
- Age characteristics
- Income level
- Employment status of residents

Yes, Page Number: 12 to 25 No (incomplete)

3. The plan provides an analysis of existing and future employment characteristics of the **municipality**, including but not limited to³:

- Most recently available in-place employment by industry sectors and number of persons employed;
- Most recently available employment trends; and
- Employment outlook

Yes, Page Number: 31 to 35 No (incomplete)

4. The plan includes a determination of the municipality's present and prospective fair share for low and moderate income housing and an analysis of how existing or proposed changes in zoning will provide adequate capacity to accommodate residential and non-residential growth projections.
AND

The analysis covers the following:

- The availability of existing and planned infrastructure;
- The anticipated demand for the types of uses permitted by zoning based on present and anticipated future demographic characteristics of the municipality;
- Anticipated land use patterns;
- Municipal economic development policies;
- Constraints on development including State and Federal regulations, land ownership patterns, presence of incompatible land uses or sites needing remediation and environmental constraints; and
- Existing or planned measures to address these constraints.

Yes, Page Number: 5-10 No (incomplete)

5. The plan includes a consideration of lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

Yes, Page Number: -510 No (incomplete)

6. The plan relies on household and employment projections for the municipality as provided in Appendix F of COAH's rules (if yes check the yes box below and check no in lines 6a-8).

Yes, Page Number: _____ No (go to 6a)

- 6a. The Plan relies on higher household and employment projections for the municipality as permitted under N.J.A.C. 5:97-2.3(d) (optional - see Fair Share Plan section starting on page 7 of this application).

Yes (go to 7 and 8) No (go to 6b)

- 6b. The Plan relies on a request for a downward adjustment to household and employment projections for the municipality as provided in N.J.A.C. 5:97-5.6 (optional - see Fair Share Plan section starting on page 7 of this application).

Yes, Page Number: 5 No

7. If the municipality anticipates higher household projections than provided by COAH in Appendix F, the plan projects the municipality's probable future construction of housing for fifteen years covering the period January 1, 2004 through December 31, 2018 using the following minimum information for residential development:

- Number of units for which certificates of occupancy were issued since January 1, 2004;
- Pending, approved and anticipated applications for development;
- Historical trends, of at least the past 10 years, which includes certificates of occupancy issued; and
- The worksheet for determining a higher residential growth projection provided by COAH. (Worksheets are available at www.nj.gov/dca/affiliates/coah/resources/gsworksheets.html)

- Yes, Page Number: _____
- No (incomplete)
- Not applicable (municipality accepts COAH's projections)

8. If the municipality anticipates higher employment projections than provided by COAH in Appendix F, the plan projects the probable future jobs based on the use groups outlined in Appendix D for fifteen years covering the period January 1, 2004 through December 31, 2018 for the municipality using the following minimum information for non-residential development:

- Square footage of new or expanded non-residential development authorized by certificates of occupancy issued since January 1, 2004;
- Square footage of pending, approved and anticipated applications for development;
- Historical trends, of at least the past 10 years, which shall include square footage authorized by certificates of occupancy issued;
- Demolition permits issued and projected for previously occupied non-residential space; and
- The worksheet for determining a higher non-residential growth projection provided by COAH.

- Yes, Page Number: _____ No (incomplete)
- Not applicable (municipality accepts COAH's projections)

9. The plan addresses the municipality's :

- Rehabilitation share (from Appendix B);
- Prior round obligation (from Appendix C); and
- Projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4.

Yes, Page Number: 5-10 No (incomplete)

10. If applicable, the plan includes status of the municipality's application for plan endorsement from the State Planning Commission.

Yes, Page Number: _____ No (incomplete) Not Applicable

Petition date: _____ Endorsement date: _____

¹ Information available through the U.S. Census Bureau at http://factfinder.census.gov/servlet/ACSSAFFHousing?_sse=on&_submenuId=housing_0

² Information available through the U.S. Census Bureau at <http://factfinder.census.gov/home/saff/main.html>.

³ Information available through the New Jersey Department of labor at <http://www.wnjp.in.net/OneStopCareerCenter/LaborMarketInformation/lmi14/index.html>

FAIR SHARE PLAN (N.J.A.C. 5:97-3)

Please provide a summary of the Fair Share Plan by filling out all requested information. Enter N/A where the information requested does not apply to the municipality. A fully completed application may serve as the actual Fair Share Plan. A brief narrative should be attached to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would fully describe, under a separate heading, any waivers that are being requested.

Determining the 1987-2018 Fair Share Obligation

The following tables will assist you in determining your overall 1987-2018 fair share obligation. For each cycle of the affordable housing need and rehabilitation share, please use the “need” column to enter the number of units addressed in the municipal petition. Where the municipality has received and/or is proposing any adjustments to its rehabilitation share, prior round and/or growth share obligation, use the footnotes providing rule references and follow the procedures for determining the municipal need and/or for calculating any adjustments applicable to the municipality. Enter the affordable housing need as provided by COAH or that results from the adjustment under the “Need” column.

Line	<u>Need</u>
1 <input type="radio"/> Rehabilitation Share (From <u>N.J.A.C.</u> 5:97 Appendix B) OR	<u>64</u>
2 <input type="radio"/> Optional Municipally Determined Rehabilitation Share (If a municipally determined rehabilitation share is being used, attach the survey results as an exhibit to this application and indicate that it is attached as Exhibit _____.)	_____
	<u>Need</u>
3 <input type="radio"/> Prior Round (1987-1999) Affordable Housing Obligation (From <u>N.J.A.C.</u> 5:97 Appendix C)	<u>489</u>
<input type="radio"/> Prior Round Adjustments:	
<input type="radio"/> 20% Cap Adjustment	_____
<input type="radio"/> 1000 Unit Cap Adjustment	_____
4 Total Prior Round Adjustments	<u>219</u>
5 Adjusted Prior Round Obligation: (Number in Appendix C minus Total Prior Round Adjustment(s))	<u>270</u>
<hr/>	
6 <input type="radio"/> Prior Round Vacant Land Adjustment (Unmet Need)	_____
Realistic Development Potential(RDP) ¹	_____

¹ RDP = Adjusted Prior Round Obligation minus Vacant Land Adjustment

Determining the Growth Share Obligation

All municipalities must complete the “COAH projections” table below. Only municipalities that anticipate higher projections or that are seeking a growth projection adjustment based on a demonstration that insufficient land capacity exists to accommodate COAH projections need complete the corresponding additional table. COAH has published three workbooks in Excel format to assist with preparing this analysis. All municipalities must complete Workbook A. Workbook B must be used when the municipality anticipates that its growth through 2018 is likely to exceed the growth through 2018 that has been projected by COAH and the municipality wants to plan accordingly. Workbook C must be used by municipalities seeking a downward adjustment to the COAH-generated growth projections based on an analysis of municipal land capacity. Workbooks may be found at the following web location:
www.nj.gov/dca/affiliates/coah/resources/gsworksheets.html.

The applicable workbook has been completed and is attach to this application as Exhibit 1.

Line	<i>○ Required 2004-2018 COAH Projections and Resulting Projected Growth Share</i>			
	Household Growth (From Appendix F)	<u>1724</u>	Employment Growth (From Appendix F)	<u>6114</u>
	Household Growth After Exclusions (From Workbook A)	<u>1724</u>	Employment Growth After Exclusions (From Workbook A)	<u>6114</u>
	Residential Obligation (From Workbook A)	<u>345.00</u>	Non-Residential Obligation (From Workbook A)	<u>384.00</u>
7	Total 2004-2018 Growth Share Obligation			<u>729.00</u>
	<i>○ Optional 2004-2018 Municipal Projections Resulting in Higher Projected Growth Share</i>			
	Household Growth After Exclusions (From Workbook B)	_____	Employment Growth After Exclusions (From Workbook B)	_____
	Residential Obligation (From Workbook B)	_____	Non-Residential Obligation (From Workbook B)	_____
8	Total 2004-2018 Projected Growth Share Obligation			_____
	<i>○ Optional Municipal Adjustment to 2004-2018 Projections and Resulting Lower Projected Growth Share</i>			
	Household Growth After Exclusions (From Workbook C)	<u>826</u>	Employment Growth After Exclusions (From Workbook C)	<u>6114</u>
	Residential Obligation (From Workbook C)	<u>165.00</u>	Non-Residential Obligation (From Workbook C)	<u>384.00</u>
9	Total 2004-2018 Growth Share Obligation			<u>549.00</u>
10	Total Fair Share Obligation (Line 1 or 2 + Line 5 or 6 + Line 7, 8 or 9)			<u>883.00</u>

Summary of Plan for Total 1987-2018 Fair Share Obligation

(For each mechanism, provide a description in the Fair Share Plan narrative. In the table below, specify the number of completed or proposed units associated with each mechanism.)

	<u>Completed</u>	<u>Proposed</u>	<u>Total</u>
Rehabilitation Share			
<i>Less: Rehabilitation Credits</i>	_____		_____
Rehab Program(s)		64	64
Remaining Rehabilitation Share			64
Prior Round (1987-1999 New Construction) Obligation			<u>395</u>
<i>Less: Vacant Land Adjustment (If Applicable)</i>			
<i>(Enter unmet need as the adjustment amount. Unmet need = Prior round obligation minus RDP):</i>			
Unmet Need			_____
RDP			_____
Mechanisms addressing Prior Round			
Prior Cycle Credits (1980 to 1986)			219
Credits without Controls			_____
Inclusionary Development/Redevelopment	200		200
100% Affordable Units	100		100
Accessory Apartments			_____
Market-to-Affordable			_____
Supportive & Special Needs	8		8
Assisted Living			_____
RCA Units previously approved	135		135
Other			_____
Prior Round Bonuses	15		15
Remaining Prior Round Obligation			-282
Third Round Projected Growth Share Obligation			<u>549</u>
<i>Less: Mechanisms addressing Growth Share</i>			
Inclusionary Zoning		56	56
Redevelopment			_____
100% Affordable Development			_____
Accessory Apartments			_____
Market-to-Affordable Units		30	30
Supportive & Special Need Units	18	10	28
Assisted Living: post-1986 Units		20	20
Other Credits	337	3	340
Compliance Bonuses			_____
Smart Growth Bonuses			_____
Redevelopment Bonuses			_____
Rental Bonuses		75	75
Growth Share Total	<u>355</u>	<u>194</u>	<u>549</u>
Remaining (Obligation) or Surplus			0

PARAMETERS¹

<u>Prior Round 1987-1999</u>			
RCA Maximum	135	RCA's Included	135
Age-Restricted Maximum	0	Age-Restricted Units Included	0
Rental Minimum	44	Rental Units Included	123

<u>Growth Share 1999-2018</u>			
Age-Restricted Maximum	137	Age-Restricted Units Included	137
Rental Minimum	137	Rental Units Included	193
Family Minimum	412	Family Units Included	412
Very Low-Income Minimum ²	28	Very Low-Income Units Included	28

¹ Pursuant to the procedures in N.J.A.C. 5:97-3.10-3.12

² Pursuant to N.J.S.A. 52:27D-329.1, adopted on July 17, 2008, at least 13 percent of the housing units made available for occupancy by low-income and moderate income households must be reserved for occupancy by very low income households.

Summary of Built and Proposed Affordable Housing

Provide the information requested regarding the proposed program(s), project(s) and/or unit(s) in the Fair Share Plan. Use a separate line to specify any bonus associated with any program, project and/or unit in the Plan. As part of completeness review, all monitoring forms must be up-to-date (i.e. 2007 monitoring must have been submitted previously or included with this application) and all proposed options for addressing the affordable housing obligation must be accompanied by the applicable checklist(s) (found as appendices to this application). Enter whether a project is proposed or completed and attach the appropriate form or checklist for each mechanism as appendices to the plan. Please note that bonuses requested for the prior round must have been occupied after December 15, 1986 and after June 6, 1999 for the third round.

Please make sure that a corresponding mechanism checklist is submitted for each mechanism being employed to achieve compliance. Separate checklists for each mechanism are available on the COAH website at www.nj.gov/dca/affiliates/coah/resources/checklists.html.

Table 1. Projects and/or units addressing the Rehabilitation Share

Project/Program Name	Proposed (use Checklists) or Completed (use <u>Rehabilitation Unit Survey Form</u>)	Rental, Owner Occupied or Both	Checklist or Form Appendix Location ¹
1. <u>Municipal Progra</u>	<u>Proposed</u>	<u>Both</u>	<u>#3</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit Rehabilitation Unit Survey Forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Table 2. Programs, Projects and/or units addressing the Prior Round.

Project/Program Name	Mechanism or Bonus Type	Proposed (use checklists) or Completed (use Project/Unit Program Information Forms)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply)	Number Addressing Rental Obligation)	Number Subject to Age-Restricted Cap	Checklist or Form Appendix Location ¹
1. Governor' Pointe	<u>Inclusionary Zoning</u>	<u>Completed</u>	<u>200</u>	<u>0</u>	<u>0</u>	_____
2. North Brunswick Senior Housing	<u>Municipally Sponsol</u>	<u>Completed</u>	<u>100</u>	<u>44</u>	<u>44</u>	_____
3. Rca With New Bruns	<u>RCA</u>	<u>Completed</u>	<u>90</u>	_____	_____	_____
4. RCA With Carteret	<u>RCA</u>	<u>Completed</u>	<u>45</u>	_____	_____	_____
5.	<u>Municipally Sponsol</u>	<u>Completed</u>	_____	_____	_____	_____
6.	<u>Alternative Living</u>	<u>Completed</u>	_____	_____	_____	_____
7.	<u>Alternative Living</u>	<u>Completed</u>	_____	_____	_____	_____
8. Service Centers	<u>Alternative Living</u>	<u>Completed</u>	<u>3</u>	<u>3</u>	_____	_____
9. Concerned Citizens	<u>Alternative Living</u>	<u>Completed</u>	<u>5</u>	<u>5</u>	_____	_____
10. Renatal Bonuses	<u>Rental Bonus</u>	<u>Completed</u>	<u>15</u>	_____	_____	_____
11.	_____	_____	_____	_____	_____	_____
12.	_____	_____	_____	_____	_____	_____
13.	_____	_____	_____	_____	_____	_____
14.	_____	_____	_____	_____	_____	_____
15.	_____	_____	_____	_____	_____	_____

Subtotal from any additional pages used _____

Total units (proposed and completed) 458

Total rental 100

Total age-restricted 0

Total very-low 0

Total bonuses 15

Please add additional sheets as necessary.

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Table 3. Programs, Projects and/or Units Addressing the Third Round.

Project Name	Mechanism or Bonus Type	Proposed (use checklist(s)) or Completed (use Project/Unit Program Information Form)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply)	Units Addressing Rental Obligation	Units Addressing Family Obligation	Units Subject to Age-restricted Cap	Checklist or Form Appendix Location ¹
16. Triple C Housing	Special Needs	Proposed	<u>10</u>	<u>10</u>	<u>10</u>	<u>0</u>	<u>4</u>
17. Outlook America Inc	Special Needs	Completed	<u>5</u>	<u>5</u>	<u>5</u>	<u>0</u>	
18. Enable Inc	Special Needs	Completed	<u>3</u>	<u>3</u>	<u>3</u>	<u>0</u>	
19. Serv Centers	Special Needs	Completed	<u>5</u>	<u>5</u>	<u>5</u>	<u>0</u>	
20. Dungarvin	Special Needs	Completed	<u>5</u>	<u>5</u>	<u>5</u>	<u>0</u>	
21. Daveco Sen Apts	Site Specific Zoning	Proposed	<u>16</u>	<u>16</u>	<u>0</u>	<u>16</u>	<u>5</u>
22. Daveco Asst Living	Site Specific Zoning	Proposed	<u>20</u>	<u>20</u>	<u>0</u>	<u>20</u>	<u>6</u>
23. Renaissance Senior	Site Specific Zoning	Proposed	<u>40</u>	<u>40</u>	<u>0</u>	<u>40</u>	<u>7</u>
24. Buy, Rehab & Rent	Municipally Sponsored	Proposed	<u>30</u>	<u>30</u>	<u>19</u>	<u>11</u>	<u>8</u>
25. 2 nd Rnd Credits		Completed	<u>282</u>	<u>79</u>	<u>282</u>	<u>0</u>	
26. 2 nd Rnd Senior Cred		Completed	<u>50</u>	<u>50</u>	<u>0</u>	<u>50</u>	
27. Rental Bonuses	Rental Bonus	Proposed	<u>75</u>		<u>75</u>		
28. Special Needs Bonus		Proposed	<u>8</u>		<u>8</u>		
29.							
30.							

Subtotal from any additional pages used		Total units (proposed and completed)
Total family units	<u>412</u>	Total rental units
Total age-restricted units	<u>137</u>	Total family rental units
Total Supportive/Special Needs units	<u>36</u>	Total very-low units
Total Special Needs bedrooms	<u>28</u>	Total bonuses
		Please add additional sheets as necessary.
		<u>212</u>
		<u>126</u>
		<u>28</u>
		<u>83</u>

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Please answer the following questions necessary for completeness review regarding the municipality's draft and/or adopted implementing ordinances.

AFFORDABLE HOUSING TRUST FUND (N.J.A.C. 5:97-8)

1. Does the municipality have an affordable housing trust fund account? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a fully executed escrow agreement will forfeit the ability to retain development fees.)

Yes, Bank Name Wachovia

(Choose account type) Separate interest-bearing account

State of New Jersey cash management fund

No (Skip to the Affordable Housing Ordinance section)

2. Has an escrow agreement been executed? Yes No
(If no, petition is incomplete. Submit an executed escrow agreement.)

3. Is all trust fund monitoring up-to-date as of December 31, 2007? Yes No
(If no, petition is incomplete. Submit an updated trust fund monitoring report.)

DEVELOPMENT FEE ORDINANCES (N.J.A.C. 5:97-8.3)

1. Does the Fair Share Plan include a proposed or adopted development fee ordinance? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a development fee ordinance will forfeit the ability to retain non-residential development fees)

Yes,

Adopted OR Proposed

No Skip to the next category; Payments-in-Lieu

2. If adopted, specify date of COAH/Court approval here: __

- Have there been any amendments to the ordinance since COAH or the Court approved the ordinance?

Yes, Ordinance Number. _____ Adopted on¹ _____

No (Skip to the next category; Payments-in-Lieu)

- If yes, is the amended ordinance included with your petition?

Yes

No, (Petition is incomplete. Submit ordinance with governing body resolution requesting COAH approval of amended ordinance)

3. Does the ordinance follow the ordinance model **updated September 2008** and available at www.nj.gov/dca/affiliates/coah/resources/planresources.html? If yes, skip to question 5.

Yes No

4. If the answer to 3. above is no, indicate that the necessary items below are addressed before submitting the Development Fee ordinance to COAH:

Information and Documentation

The ordinance imposes a residential development fee of ____% and a Non-residential fee of 2.5 %

- A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
- A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e)
- A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d)
- A description of collection procedures per N.J.A.C. 5:97-8.3(f)
- A description of development fee appeals per N.J.A.C. 5:97-8.3(g)
- A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h)
- If part of a court settlement, submit court ordered judgment of compliance, implementation ordinances, information regarding period of time encompassed by the judgment of compliance and a request for review by the court

5. Does the ordinance include an affordability assistance provision per N.J.A.C. 5:97-8.8 (**Note: must be at least 30 percent of all development fees plus interest**)?

Yes (Specify actual or anticipated amount) \$ _____

No **Submit an amended ordinance with provisions for affordability assistance along with a governing body resolution requesting COAH approval of the amended ordinance.)**

■ If yes, what kind of assistance is offered?

Rental subsidies to residents of the lower income senior rental facility at 740 Hermann Road to bring the rent payments to no more than 35 % of any residents monthly income. Also, payments to eliminate a \$700,000 capital shortfall for the project at 740 Hermann Road in order to eliminate the need to raise \$70,000 in additional rental income annually to provide sufficient reserves to fund needed capital improvements.

■ Has an affordability assistance program manual been submitted? Yes No

¹ Any amendment to a previously approved and adopted development fee ordinance must be submitted to COAH along with a resolution requesting COAH's review and approval of the amendment prior to the adoption of said amendment by the municipality.

PAYMENTS-IN-LIEU OF CONSTRUCTING AFFORDABLE UNITS ON
SITE (N.J.A.C. 5:97-8.4)

1. Does the Fair Share Plan include an inclusionary zoning ordinance that provides for payments-in-lieu as an option to the on-site construction of affordable housing?
 Yes No (**Skip to the next category; Barrier Free Escrow**)
2. Does the plan identify an alternate site and/or project for the payment-in-lieu funds? (**Optional**)
 Yes (**attach applicable checklist**)
 No (identify possible mechanisms on which payment in lieu will be expended in narrative section of plan.)
3. Does the ordinance include minimum criteria to be met before the payments-in-lieu becomes an available option for developers? (**Optional**)
 Yes (indicate ordinance section) _____
 No

BARRIER FREE ESCROW/OTHER FUNDS (N.J.A.C. 5:97-8.5/8.6)

1. Has the municipality collected or does it anticipate collecting fees to adapt affordable unit entrances to be accessible in accordance with the Barrier Free Subcode, N.J.A.C. 5:23-7?
 Yes No
2. Does the municipality anticipate collecting any other funds for affordable housing activities?
 Yes (specify funding source and amount) _____
 No

SPENDING PLANS (N.J.A.C. 5:97-8.10)

1. Does the petition include a Spending Plan? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a Spending Plan will forfeit the ability to retain development fees.)
 Yes No

2. Does the Spending Plan follow the Spending Plan model updated October 2008 and available at www.nj.gov/dca/affiliates/coah/resources/planresources.html? If yes, skip to next section - Affordable Housing Ordinance.
 Yes No

3. If the answer to 1. above is no, indicate that the necessary items below are addressed before submitting the spending plan to COAH:

Information and Documentation

- A projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historical development activity;
- A projection of revenues anticipated from other sources (specify source(s) and amount(s));
- A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
- A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7;
- A schedule for the expenditure of all affordable housing trust funds;
- A schedule for the creation or rehabilitation of housing units;
- If the municipality envisions being responsible for public sector or non-profit construction of housing, a detailed pro-forma statement of the anticipated costs and revenues associated with the development, consistent with standards required by HMFA or the DCA Division of Housing in its review of funding applications;
- If the municipality maintains an existing affordable housing trust fund, a plan to spend the remaining balance as of the date of its third round petition within four years of the date of petition;
- The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan;
- A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and
- If not part of the petition, a resolution of the governing body requesting COAH review and approval of spending plan or an amendment to an approved spending plan.

AFFORDABLE HOUSING ORDINANCE (N.J.A.C. 5:80-26.1 et seq.)

1. Does the Fair Share Plan include an Affordable Housing Ordinance?
 Yes No
2. Does the ordinance follow the ordinance model available at www.nj.gov/dca/affiliates/coah/resources/planresources.html? Yes No
3. If the answer to 1. or 2. above is no, indicate that the required items below are addressed before submitting to COAH. If the required items are addressed in ordinances other than an Affordable Housing Ordinance, please explain in a narrative section of the Fair Share Plan.

Required Information and Documentation

- Affordability controls
- Bedroom distribution
- Low/moderate-income split and bedroom distribution
- Accessible townhouse units
- Sale and rental pricing
- Municipal Housing Liaison
- Administrative Agent
- Reference to the Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

AFFORDABLE HOUSING ADMINISTRATION (As Applicable)

Items that must be submitted with the petition:

- Governing body resolution designating a municipal housing liaison (COAH must approve)

Items that must be submitted prior to COAH's grant of Substantive Certification:

- Operating manual for rehabilitation program
- Operating manual for affordability assistance
- Operating manual for an Accessory Apartment program
- Operating manual for a Market-to-Affordable program
- COAH approved administrative agent if municipal wide

Items that must be submitted prior to any time prior to marketing completed units:

- COAH approved administrative agent(s) is project specific
- Operating manual for sale units
- Operating manual for rental units
- Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

CERTIFICATION

I, _____, have prepared this petition application for substantive certification on behalf of _____. I certify that the information submitted in this petition is complete, true and accurate to the best of my knowledge. I understand that knowingly falsifying the information contained herein may result in the denial and/or revocation of the municipality's substantive certification.

Signature of Preparer (affix seal if applicable)

Date

Title

N.J.S.A. 2C:21-3, which applies to the certifications, declares it to be a disorderly person offense to knowingly make a false statement or give false information as part of a public record.

Narrative Section

The Township of North Brunswick carries 282 units of family credit forward from its Second Round Substantive Certification. In addition, the Township is applying for 50 additional units of age-restricted credit from its Second Round approval. The reduction in growth share resulting from a 180 unit downward adjustment due to inadequate residentially zoned lands, coupled with the 332 units of credit from the Second Round Plan, result in a need to create 217 new affordable units.

729 - 180 = 549 unit growth share. 549 - 332 credits = 217 new affordable housing units

APPENDIX 2

Inventory of Sites Changed From Non-Residential to Residential Use (P.L. 2008 c.46)

Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

Municipalities must document at the time of petition, repetition or submission of amendment sites that have been or are proposed to be rezoned or that are the subject of a use variance from nonresidential to residential uses as follows: all sites that were rezoned from nonresidential to residential uses since July 17, 2006 where a developer has made an application for development after July 17, 2008. This would include both applications to the municipal planning board and to the municipal zoning board. Such sites shall include affordable housing as a percentage of the units constructed on site based on economic feasibility.

The determination of economic feasibility will be made based upon the presumptive densities and set-asides in COAH's rules pursuant to N.J.A.C. 5:97-6.4(b)2 (for-sale housing) and N.J.A.C. 5:97-6.4(b)6 (rental housing). A site zoned for inclusionary development will be presumed to be economically feasible if it meets these minimum densities and maximum set-asides.

Owner/Developer Name	Block	Lot	Previous Zoning	New Residential Density	Use Change Date	Development Application Date	Total Units	Total Affordable Units	Use Change Granted By
<i>Daveco Industrial, LLC</i>	<i>148</i>	<i>104-106</i>	<i>I-2 Industrial</i>	<i>11.14</i>	<i>7/17/08</i>	<i>2/29/08</i>	<i>78apts</i>	<i>16</i>	<i>Bd of Adjustment</i>
							<i>100 Assisted Living</i>	<i>20</i>	
<i>Top of North Brunswick</i>	<i>148.02</i>	<i>51</i>	<i>FRD-2</i>	<i>12</i>	<i>Projected 7/30/2014</i>				

CHANGE OF USE NARRATIVE SECTION

Site # 1

The North Brunswick Board of Adjustment granted approval for a use variance to allow 78 age-restricted apartments and a 100-bed assisted living facility on July 17, 2008. This property, block 148/lots 104-106, is currently zoned I-2 Industrial.

The applicant was Daveco Industrial, LLC. The site is approx 7 acres. The approval of 78 apartments on 7 acres equates to a density of approximately 11.15 units per acre.

The application was a bifurcated application for use variance only. The applicant has not filed for site plan approval at this time.

The Planning Board intends to rezone the property to an Assisted Living/Senior Apartment designation at a density that will allow the developer to build the 78 apartments and 100-bed assisted living facility that the Board of Adjustment approved.

While the density exceeds 11 units per acre, allowing the Planning Board to require a 25 % setaside of lower income housing, the Planning Board is only going to require that 20% of the apartments and 20% of the assisted living beds shall be affordable to lower income households.

This will result in 16 affordable apartment units and 20 affordable assisted living beds. 50 % of the apartments and assisted living beds will be affordable to low income households. 13% of the total number of affordable units and beds will be affordable to very low income households.

Site # 2

The Township of North Brunswick owns a 10 acre parcel at the intersection of Renaissance Boulevard East and Renaissance Boulevard North. It is known as block 148.02/lot 51.

The site is currently zoned PRD-2, which is a Planned Unit Development zone. However, the site was dedicated many years ago as a potential elementary school site. The Board of Education has made it clear that they have no interest in building a school at this location.

Therefore, the Township intends to utilize this site to construct an inclusionary housing development to meet any shortfall in its production of affordable housing. The property will be sold to a developer of inclusionary developments. Township officials have spoken to Leewood Rea Estate Group/NJ LLC about building an inclusionary development with 1/3 to 1/2 affordable units. Leewood is doing similar developments in the adjacent municipalities of New Brunswick and Franklin Township.

It is the Township's intention that 100 % of these units would be owner-occupied units, as the Township has met its rental housing requirement.

The Fair Share Plan indicates that the Township can meet its family obligation without constructing any new inclusionary family developments. As such, the plan indicates a need to construct 40 age-restricted affordable units on this site. The actual number of affordable units to be constructed, as well as the number of market units, will be determined as the Township monitors its progress over the next six years. The number of affordable units could be increased or decreased. In addition, the project could be modified to include family units if the Township is not successful in meeting its family obligation as outlined in the Fair Share Plan.

The Township does not intend to rezone the property or open up serious negotiations with a potential developer until 2014. This time frame would allow for the zoning change to be effectuated and to negotiate an agreement with a private developer in order to deliver the required number of affordable units within the ten year compliance period.

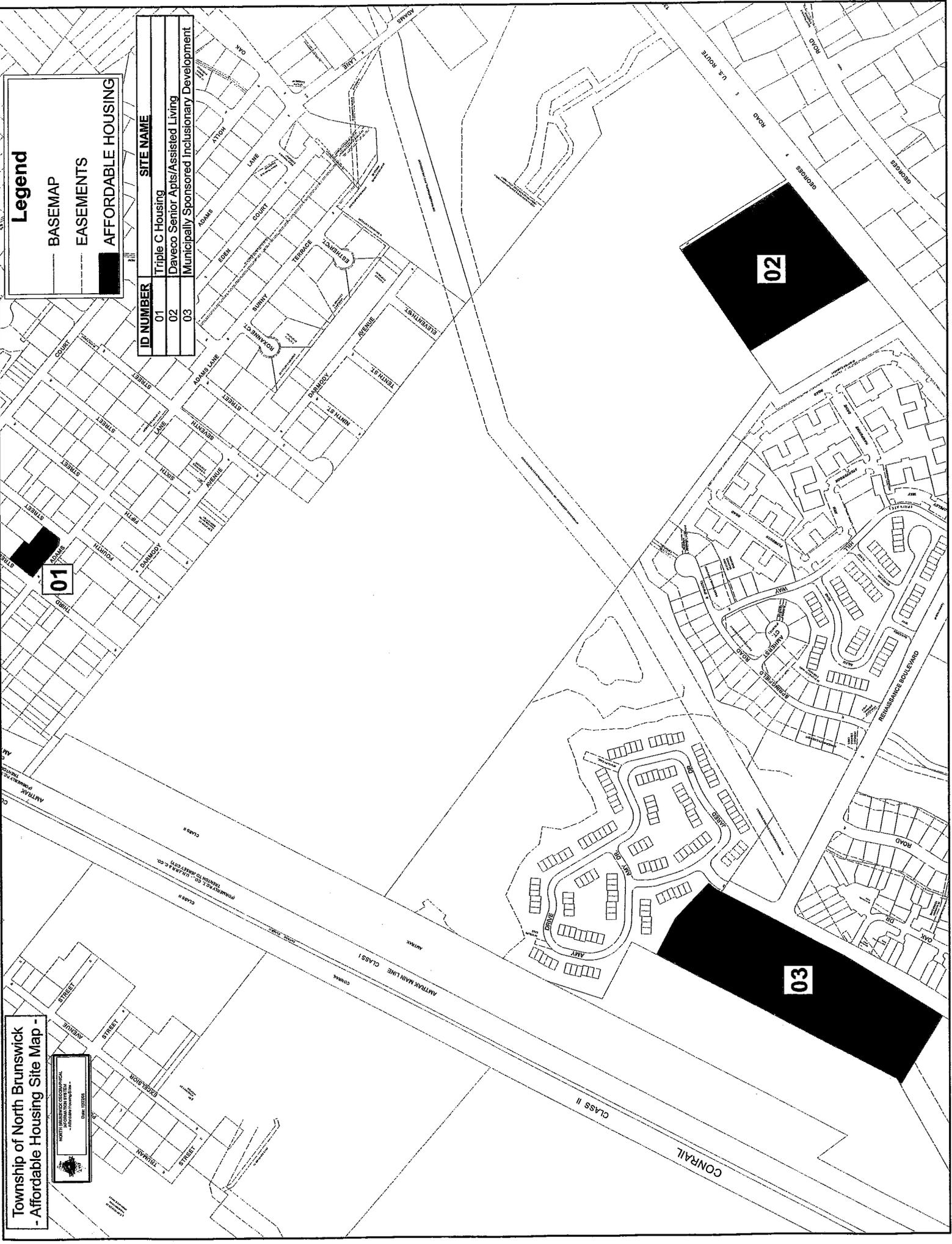
Township of North Brunswick
- Affordable Housing Site Map -



Legend

- BASEMAP
- EASEMENTS
- AFFORDABLE HOUSING

ID NUMBER	SITE NAME
01	Triple C Housing
02	Daveco Senior Apts/Assisted Living
03	Municipally Sponsored Inclusionary Development



01

02

03

APPENDIX 3

REHABILITATION PROGRAM (N.J.A.C. 5:97-6.2)

General Description

Municipality/County: North Brunswick/Middlesex County

Program Name: North Brunswick Neighborhood Preservation Program

Number of proposed units to be rehabilitated: 150

Information and Documentation Required with Petition

- Determination of Rehabilitation Share
- Accept number in N.J.A.C. 5:97 – Appendix B; OR
- Exterior Housing Survey conducted by the municipality
- Information regarding the rehabilitation program on forms provided by the Council. (If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)
- Documentation demonstrating the source(s) of funding
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- Schedule illustrating how the rehabilitation share will be addressed within the period of substantive certification

Information and Documentation Required Prior to Substantive Certification

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Draft or adopted rehabilitation operating manual that includes a description of the program procedures and administration including a copy of sample deed restriction and/or lien.
- Affirmative Marketing Plan for the re-rental of rehabilitated rental units, in accordance with UHAC

REHABILITATION NARRATIVE SECTION

The Township's Rehabilitation Share for the Third Round is 64 units. However, the Township believes that the number of dwelling units occupied by lower income households requiring rehabilitation assistance is significantly higher than this. This determination has been made from reports from housing inspectors as well as from the Township's experience with the small scale rehabilitation program that it has run over the past ten years.

The Township's program was funded by approximately \$50,000 annually from Community Development Block Grant funds. The program was limited to owner-occupied units with a maximum grant of \$10,000 per units. On numerous occasions, the Township was not able to accomplish the full amount of rehabilitation work required on a property.

The Township is discontinuing the former rehabilitation program funded with Community Development Block Grant funds. The Township will be formulating a new program that meets all of COAH's requirements. It will be open to owner-occupied and renter occupied units. All required documents will be put in place. The Township is in the process of developing a Rehabilitation Manual at the present time.

The Township's intention is to contract with the North Brunswick Housing Corporation to manage the rehabilitation program. The Township and the North Brunswick Housing Corporation will be asking COAH to approve The PRC Group to be the Administrative Agent to manage the new rehabilitation program. The PRC Group is a multi-faceted real estate owner, developer and services provider headquartered in Long Branch, NJ. They have been in business since 1960 and have a successful history of developing, owning and managing both residential and commercial properties. The company manages thousands of apartment units for property owners, and has its own construction management services division.

PRC has been providing property management services to the North Brunswick Housing Corporation since 1996 to manage the 150 unit senior building constructed by the Housing Corporation in 1996. This building was financed with Low Income Tax Credits, Home Funds, and funds from the Federal Home Loan Bank. PRC staff is experienced in performing the requisite income verifications required for these programs. Company staff is also attending COAH training for Municipal Housing Liaisons and will also be attending Administrative Agent training.

The Township's intention is to contract with the Housing Corporation, who will utilize the services of PRC to perform the income verifications on households residing in units, perform inspections and prepare work write-ups, solicit contractors, monitor construction work and make recommendations for payment.

The Township anticipated that the new rehabilitation program will rehabilitate as many as 150 dwelling units occupied by lower income households over the ten year compliance

period. For purposes of the Implementation Plan and Spending Plan, it is assumed that 15 units will be rehabilitated annually at an average cost of \$15,000 per unit. This amounts to \$225,000 annually.

A Rehabilitation Manual is being developed at this time. The Township is also in the process of negotiating a contract with the North Brunswick Housing Corporation to manage the program. Upon firming up of this contract, the Housing Corporation will complete contract negotiations with The PRC Group to provide services as Administrative Agent.

APPENDIX 4

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

(Submit separate checklist for each site or project)

General Description

Municipality/County: North Brunswick/Middlesex County

Project or Program Name: 4 Existing Community Residences

Date facility will be constructed or placed into service: 12/31/20028

Type of facility: Permanent Supportive Housing

For group homes, residential health care facilities and supportive shared housing:

Affordable bedrooms proposed: _____ Age-restricted affordable bedrooms: _____

For permanent supportive housing:

Affordable units proposed: 18 Age-restricted affordable units: _____

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): 18

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date development approvals granted: _____

Information and Documentation Required with Petition or in Accordance with an

Implementation Schedule

Is the municipality providing an implementation schedule for this project/program.

Yes. Skip to and complete implementation schedule found at the end of this checklist.
NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.

No. Continue with this checklist.

- Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)
- Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- Name and address of owner
- Name and address of developer
- Subject property street location
- Subject property block(s) and lot(s)
- Subject property total acreage
- Indicate if urban center or workforce housing census tract
- Description of previous zoning
- Current zoning and date current zoning was adopted
- Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- Description of surrounding land uses
- Demonstration that the site has street access
- Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- Wetlands and buffers
- Steep slopes
- Flood plain areas
- Stream classification and buffers
- Critical environmental site
- Historic or architecturally important site/district
- Contaminated site(s); proposed or designated brownfield site

- Based on the above, a quantification of buildable and non-buildable acreage
- Pro-forma statement for the project
- RFP or Developer's Agreement
- Construction schedule and timetable for each step in the development process
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall

Information and Documentation Required Prior to Marketing the Completed Units or Facility

- For units not exempt from UHAC, an affirmative marketing plan in accordance with N.J.A.C. 5:97-6.10(c)
- If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency (including validation of the number of bedrooms or units in which low- or moderate-income occupants reside)

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Acquisition			
RFP Process			

Developer Selection			
Executed Agreement with provider, sponsor or developer			
Development Approvals			
Contractor Selection			
Building Permits			
Construction			
Occupancy	12/31/2008	12/31/2008	12/31/2008

Supportive/Special Needs Narrative Section

See attached page.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

SUPPORTIVE HOUSING NARRATIVE FOR FOUR COMMUNITY RESIDENCES LOCATED IN THE TOWNSHIP THAT WERE NOT INCLUDED IN SECOND ROUND SUBSTANTIVE CERTIFICATION

The Township also has a minimum of 8 facilities located within its borders that serve as group homes or community residences for the developmentally disabled or mentally ill. The Township only received credit for the following four facilities in its Second Round Plan:

- 1---4 bedroom building (block 284/lot 2) owned and operated by Developmental Disabilities Association of New Jersey
- 2---10 bedroom building (block 137/lot 1.1) owned and operated by Service Centers of NJ, Inc.
- 3---3 bedroom building (block 129/lot 46) owned and operated by Service Centers of NJ, Inc.
- 4---5 bedroom building (block 4.15/lot 2) owned and operated by Triple C Housing

The Township has knowledge of the fact that there are at least four additional facilities that provide housing for the developmentally disabled or mentally ill located within its borders. The Township should receive credit for the total number of bedrooms in each of the remaining group homes/community residences that were not addressed in the Township's Second Round Plan.

The Township has contacted the Division of Mental Health and the Division of Developmental Disabilities to get relevant information on these facilities. In addition, the Township has contacted each of the service providers for these facilities. The Township has documented appropriate information to support the Township receiving credit for each bedroom provided in these five additional facilities. Contact persons, telephone numbers and mailing addresses are available for each of these facilities.

- 1---5 bedroom building (block 40/lot 6) owned by Outlook America Inc, and operated by Rescare, NJ Inc.
- 2---3 bedroom building (block 229/lot 15) owned and operated by Enable Inc.
- 3---5 bedroom building (block 138/lot 12) owned and operated by Serv Centers of NJ Inc.

4--5 bedroom building (block 133/lot 48.02) owned and operated by Dungarvin, formerly known as Guiding Light.

These four additional group homes/community residences total 18 bedrooms. COAH regulations provide that the Township is entitled to 1.25 units of credit for each bedroom in supportive and special needs housing. As a result, the Township is entitled to get credit for 23 family rental units.

If the Township is successful in getting necessary documentation on remaining supportive and special needs housing, the remaining family affordable housing obligation will be reduced further.

While the Township does not have to expend any money to have these facilities reflected in its Implementation Plan, the Township shows them as being in existence in 2009.

APPENDIX 5

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

(Submit separate checklist for each site or project)

General Description

Municipality/County: North Brunswick/Middlesex County

Project or Program Name: Triple C Housing

Date facility will be constructed or placed into service: 4/1/2010

Type of facility: Permanent Supportive Housing

For group homes, residential health care facilities and supportive shared housing:

Affordable bedrooms proposed: _____ Age-restricted affordable bedrooms: _____

For permanent supportive housing:

Affordable units proposed: 10 Age-restricted affordable units: _____

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): 10

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date development approvals granted: _____

**Information and Documentation Required with Petition or in Accordance with an
Implementation Schedule**

Is the municipality providing an implementation schedule for this project/program.

- Yes. Skip to and complete implementation schedule found at the end of this checklist.
NOTE: The remainder of this checklist must be submitted in accordance with the
implementations schedule.
- No. Continue with this checklist.

- Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)
- Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- Name and address of owner
- Name and address of developer
- Subject property street location
- Subject property block(s) and lot(s)
- Subject property total acreage
- Indicate if urban center or workforce housing census tract
- Description of previous zoning
- Current zoning and date current zoning was adopted
- Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- Description of surrounding land uses
- Demonstration that the site has street access
- Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- Wetlands and buffers
- Steep slopes
- Flood plain areas
- Stream classification and buffers
- Critical environmental site
- Historic or architecturally important site/district
- Contaminated site(s); proposed or designated brownfield site

- Based on the above, a quantification of buildable and non-buildable acreage
- Pro-forma statement for the project
- RFP or Developer's Agreement
- Construction schedule and timetable for each step in the development process
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall

Information and Documentation Required Prior to Marketing the Completed Units or Facility

- For units not exempt from UHAC, an affirmative marketing plan in accordance with N.J.A.C. 5:97-6.10(c)
- If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency (including validation of the number of bedrooms or units in which low- or moderate-income occupants reside)

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Acquisition	3/1/2009	7/1/2009	8/1/2009
RFP Process	1/15/2009	1/22/2009	1/30/2009

Developer Selection	1/30/2009	3/30/2009	4/30/2009
Executed Agreement with provider, sponsor or developer	4/30/2009	5/30/2009	6/30/2009
Development Approvals			
Contractor Selection	10/1/2009	12/1/2009	12/15/2009
Building Permits	1/15/2010	1/30/2010	2/15/2010
Construction	2/1/2010	4/1/2010	5/1/2010
Occupancy	4/1/2010	6/1/2010	7/1/2010

Supportive/Special Needs Narrative Section

See attached page.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

SUPPORTIVE HOUSING NARRATIVE FOR TRIPLE C HOUSING

The Township has been in discussion with Triple C Housing, Inc, a reputable service provider of supportive and special needs housing in affiliation with the State Division of Mental Health, to acquire a six units apartment building for conversion to special needs housing. This property, identified as block 165/lot 1.01, is currently a six unit apartment building. Two of the units are vacant.

Triple C has provided the Township with a pro-forma which would allow them to purchase the apartment building and convert five of the units to ten bedrooms for the mentally ill. The sixth unit would be utilized for a superintendent and other staff as needed.

As part of the Township's Fair Share Plan, the Township will provide a grant of approximately \$450,000 to Triple C to allow them to purchase, renovate and convert these six apartments into ten bedrooms of supportive housing. These ten bedrooms will result in the Township getting credit for 13 additional family units. As a result, the remaining target for family affordable units is further reduced from 107 units to 94 units.

Triple C Housing has provided the Township a preliminary pro-forma laying out necessary funding commitments required to allow the project to come to fruition. A copy of the Triple C Housing pro-forma is attached to this appendix.

799 Adams Lane, North Brunswick

Triple C Housing, Inc. - Housing Sponsor

Adams Lane Supportive Housing - Pro Forma
6 units with 10 Special Needs Beds + Superintendent Unit

3-Nov-08

Sources

NJ HMFA - SNHTF	\$	875,000	
Middlesex County HOME	\$	262,000	
Township of North Brunswick	\$	450,000	
Federal Home Loan Bank NY	\$	<u>200,000</u>	
			\$ 1,787,000

Uses

Acquisition	\$	1,250,000	
Construction/Renovations	\$	221,000	
Developer Fee	\$	116,800	
Contingency	\$	25,000	
Appraisal	\$	1,200	
Architect/Engineer	\$	7,000	
Attorney	\$	8,000	
Cost Certification	\$	2,000	
Environmental Consultant	\$	3,200	
Surveyor	\$	3,500	
Carry and Financing Costs/HMFA fee	\$	75,100	
Insurance and Tax Escrow	\$	16,200	
Repair and Replacement Reserve	\$	6,000	
Operating Reserve	\$	<u>52,000</u>	
			\$ 1,787,000

APPENDIX 6

MARKET TO AFFORDABLE PROGRAM (N.J.A.C. 5:97-6.9)

General Description

Municipality/County: North Brunswick/Middlesex County

Affordable Units Proposed: 30

Family Rentals: 19

Low-Income: 9

Moderate-Income: 10

Age-Restricted Rentals: 11

Low-Income: 6

Moderate-Income: 5

Family For-Sale: _____

Low-Income: _____

Moderate-Income: _____

Age-Restricted For-Sale: _____

Low-Income: _____

Moderate-Income: _____

Average expenditure:

For each low-income unit: \$ 150,000

For each moderate-income unit: \$ 150,000

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: 19

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Information and Documentation Required with Petition

Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)

- Demonstration that there are sufficient market-rate units within the municipality on the multiple listing service for a viable program
- Estimate of the amount required to subsidize typical for-sale and/or rental units including any anticipated rehabilitation costs
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- Spending plan including the details to implement this program

Information and Documentation Required Prior to Substantive Certification

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- Affirmative Marketing Plan in accordance with UHAC

Market to Affordable Narrative Section

See attached page.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

MARKET TO AFFORDABLE NARRATIVE

The Fair Share Plan projects that there will be 38 family affordable units that need to be provided through this program. The Township will establish a Market to Affordable Program whereby it will facilitate the purchase and renovation of existing two family, three family and four family properties in the Township. These properties will be purchased from absentee landlords, renovated, deed restricted, and then rented to qualified low and moderate income households. All of these units will be offered for rent to qualified lower income tenants.

Depending upon the success of this program, as much as 100 % of the Township's remaining 38 unit family obligation could be provided in this manner. However, for projection purposes, it is assumed that 19 of the remaining family units will be addressed through this Market to Affordable Program. This program reduces the remaining number of family units from 38 units to 19 units. In addition, for each rental unit, the Township will be entitled to an additional family rental bonus. These 19 additional rental bonuses will reduce the remaining family obligation from 19 units to zero. As a result, the entire family obligation will be satisfied when this program is completed.

50 % of these units will be rented as low income units, with 26% of these low income units being affordable to very low income households. The remaining 50 % of the units will be offered as moderate income units.

The Township's intention is to contract with the North Brunswick Housing Corporation to manage this program. The Township and the North Brunswick Housing Corporation will be asking COAH to approve The PRC Group to be the Administrative Agent to manage the new rehabilitation program. The PRC Group is a multi-faceted real estate owner, developer and services provider headquartered in Long Branch, NJ. They have been in business since 1960 and have a successful history of developing, owning and managing both residential and commercial properties. The company manages thousands of apartment units for property owners, and has its own construction management services division.

PRC has been providing property management services to the North Brunswick Housing Corporation since 1996 to manage the 150 unit senior building constructed by the Housing Corporation in 1996. This building was financed with Low Income Tax Credits, Home Funds, and funds from the Federal Home Loan Bank. PRC staff is experienced in performing the requisite income verifications required for these programs. Company staff is also attending COAH training for Municipal Housing Liaisons and will also be attending Administrative Agent training.

The Township's intention is to contract with the Housing Corporation, who will utilize the services of PRC to negotiate the purchase of properties, perform the income verifications on households residing in units, perform inspections and prepare work write-ups for necessary renovations, solicit contractors, monitor construction work and make recommendations for payment, handle all required COAH paperwork and manage the property after its acquisition by the Housing Corporation.

For purposes of the Implementation Plan and Spending Plan, it is assumed that the first property will not be acquired until 2010, with one additional property being acquired annually. It is also assumed that the average sale price for these properties will be \$450 per property, with an additional \$75,000 in renovations required in order to bring the properties completely up to code. All funding for the program will come from Development Fee income.

These properties will also generate income back to the Housing Corporation upon occupancy. These properties will not pay property taxes. It is assumed for purposes of the Spending Plan, that the Housing Corporation will net \$800 per month on each unit upon rental, resulting in \$9600 of rental income to further additional affordable housing activities.

While the Township has not identified the specific 2-4 family properties to acquire, the Township Tax Collector has provided a listing of several hundred 2-4 family structures that are candidates for the program. Township Code Enforcement Officers are also familiar with numerous rental properties that are prime candidates for this program. However, the Township does not believe that it is appropriate to identify any of these sites until COAH has approved the Township's Third Round Plan and negotiations have begun on specific properties.

While no specific site information is available, there is adequate water and sewer throughout the Township and the Township will not be required to appear before the Planning Board or Board of Adjustment because the Township will not be adding any additional units to the properties that it acquires.

APPENDIX 7

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: North Brunswick/Middlesex County

Project Name/Zoning Designation: Daveco Senior Apartments/Assisted Living

Block(s) and Lot(s): block 148/lots 104-106

Total acreage: 7 Proposed density (units/gross acre): 11.15

Affordable Units Proposed: 16

Family: _____ Sale: _____ Rental: 16

Very low-income units: 2 Sale: _____ Rental: 2

Age-Restricted: 16 Sale: _____ Rental: 16

Market-Rate Units Anticipated: 62

Non-Residential Development Anticipated (in square feet), if applicable: _____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? Yes No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: _____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: _____

Information and Documentation Required with Petition

- Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here in lieu of submitting forms.)
- Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- Proposed or adopted ordinance establishing the amount of the payments
- Spending plan

A general description of the site or zone, including:

- Name and address of owner
- Name and address of developer(s)
- Subject property street location
- Indicate if urban center or workforce housing census tract
- Previous zoning designation and date previous zoning was adopted
- Current zoning and date current zoning was adopted
- Description of any changes to bulk standards intended to accommodate the proposed densities
- Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- Description of surrounding land uses
- Demonstration that the site has street access
- Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- Wetlands and buffers
- Steep slopes
- Flood plain areas

- Stream classification and buffers
- Critical environmental site
- Historic or architecturally important site/district
- Contaminated site(s); proposed or designated brownfield site
- Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

- Number, tenure and type of units
- Compliance with N.J.A.C. 5:97-9 and UHAC
- Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

See attached page.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

INCLUSIONARY ZONING NARRATIVE FOR DAVECO SENIOR APARTMENTS

The North Brunswick Board of Adjustment granted approval for a use variance to allow 78 age-restricted apartments and a 100-bed assisted living facility on July 17, 2008. This property, block 148/lots 104-106, is currently zoned I-2 Industrial and has been for many years.

The owner/applicant was Daveco Industrial, LLC. The site is approx 7 acres. The approval of 78 apartments on 7 acres equates to a density of approximately 11.15 units per acre.

The application was a bifurcated application for use variance only. The applicant has not filed for site plan approval at this time.

The Planning Board intends to rezone the property to an Assisted Living/Senior Apartment designation at a density that will allow the developer to build the 78 apartments and 100-bed assisted living facility that the Board of Adjustment approved.

While the density exceeds 11 units per acre, allowing the Planning Board to require a 25 % setaside of lower income housing, the Planning Board is only going to require that 20% of the apartments and 20% of the assisted living beds shall be affordable to lower income households.

This will result in 16 affordable apartment units and 20 affordable assisted living beds. 50 % of the apartments and assisted living beds will be affordable to low income households. 13% of the total number of affordable units and beds will be affordable to very low income households.

The draft zoning ordinance is in rough form and is a modification of current R-5 Garden Apartment standards. The lower income setaside will be 20% for both the apartments and the assisted living. The Township is searching for standards utilized for assisted living developments in neighboring communities.

The site has access as a result of frontage on Rt. 130 South. It is located adjacent to Tire Barn and the recently opened Community Park, a 100 plus acre municipal park. The site is designated PA 1. There are no known environmental constraints associated with the site. Adequate water and sewer exists in close proximity to the site.

An operating manual for this type of mechanism and a new Affirmative Marketing Plan will be adopted prior to marketing units.

RESOLUTION

**NORTH BRUNSWICK TOWNSHIP BOARD OF ADJUSTMENT:
DAVECO INDUSTRIAL, LLC; APPROVAL OF USE VARIANCE AND BULK VARIANCES
TO CONSTRUCT AN ASSISTED LIVING FACILITY
AND THREE AGE RESTRICTED RESIDENTIAL BUILDINGS
LOCATED ON U.S. ROUTE 130, BLOCK 148, LOTS 104, 105 AND 106**

WHEREAS, Daveco Industrial, LLC (the "Applicant") has applied to the Township of North Brunswick Zoning Board of Adjustment (the "Board") for a Use Variance and Bulk Variances to construct an assisted living facility and three age restricted residential buildings on the property located on U.S. Route 130 known as Block 148, Lots 104, 105 and 106 pursuant to N.J.S.A. 40:55D-70(d)(1) and (c), (the "Application"); and

WHEREAS, the Applicant has filed with the Board adequate proof of service and publication pursuant to N.J.S.A. 40:55D-12(h) regarding "the Application" and has established that adequate notice of the hearing was given as required by N.J.S.A. 40:55D-12; and

WHEREAS, the Application was scheduled for a public hearing which was conducted by the Board on July 17, 2008, (the "Hearing") at which time all interested persons were given a full opportunity to be heard on the Application;

WHEREAS, the Board having heard and considered all of the testimony and comments presented during the Hearing and having reviewed and considered all of the exhibits marked into the evidence during the course of the Hearing does hereby make the following findings of fact in respect of and concerning the Application;

1. The Applicant is presently seeking a Use Variance and Bulk Variances to construct three (3) two-story senior residential buildings with a total of 78 residential units and to construct a 100-bed, three-story assisted living facility on the above-referenced property which is located in the I-2 Industrial Zoning District.

2. The Applicant has applied for the following variances which are necessary due to non-compliance:

Article IV - General Regulations
Section 205-9. Conformity Required.

No building shall hereafter be erected and no existing building shall be moved, structurally altered, added to, enlarged or rebuilt, nor shall any land be designed, used or intended to be used for any purpose other than those included among the uses listed as permitted uses in each zone, nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area, building location, percentage of lot coverage, off-street parking space and such other regulations designated in this chapter for the zone in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building shall be deemed to be in violation of the provisions of this chapter, and no certificate of occupancy shall be issued therefor.

Senior residential building units and assisted living facility do not conform to I-2 Zone.

Article XVII, 1-2 Industrial District
Section 205-74. Permitted uses

The following uses are permitted in I-2 Industrial Districts:

A. Permitted principal uses.

- (1) Light manufacturing, processing, production or fabrication operations which meet the performance standards for the zone, provided that all operations and activities, except parking, are conducted within enclosed buildings and that there is not outside storage of material, equipment or refuse.
- (2) Experimental, research or testing laboratories, provided that no operation shall be conducted or testing operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions beyond the boundaries of the property involved.
- (3) Administrative and general offices where no manufacturing is performed.
- (4) Federal, state, county and municipal buildings and grounds.

- (5) Warehouses and distribution centers.
- (6) Sheet metal fabricating, provided that no danger to life, limb or property is created beyond the limits of the lot and that no objectionable noise, smoke, dust, gas, glare or effluent is emitted the effect of which is noticeable outside the I-2 Industrial Zone.
- (7) (Reserved)
- (8) Hotel and commercial uses necessary to support development of a research park, provided that no commercial facilities shall be located in freestanding commercial buildings.
- (9) Medical and dental clinics associated with development activities in the research park.
- (10) Computer and data processing uses.
- (11) Private, for-profit training and educational facilities.

Senior residential building units and assisted living facility do not conform to I-2 Zone.

Article II

Section 205-4.1.A. Schedule of Area, Yard and Building Requirements

Table 2, I-2 Zone

Minimum Required Yard Depth (feet)

Principal Building - Side yard - One - Minimum - 40 feet

15.1 feet provided Building 2 from Lot 103,

18.1 feet provided Building 3 from Lot 103.

3. The Applicant was represented by James E. Stahl, Esq. The Applicant provided testimony of their Engineer, Keith Cahill, their Architect Douglas Coleman, their Traffic Engineer Kenneth Fears, and their Planner, Lester Nebezahl, in regard to the Application. The Applicant submitted, and the Board relied upon the following documents in support of the Application:

- A. Use Variance Plan, prepared by Bohler Engineering, dated January 14, 2008
- B. Environmental Inventory report, prepared by Bohler Engineering, dated January 8, 2008

- C. Architectural Plans, prepared by Beer & Coleman Architects and Associates, LLC, dated February, 22, 2007, last revised January 15, 2008
- D. Traffic Engineering Investigation, prepared by Oracle Engineering, Inc., dated April 15, 2008

4. In addition, the Board heard the testimony and/or reports of the Township Zoning Officer, Michael Proietti, with a report dated February 29, 2008, and Charles Carley, P.E., Board Engineer with reports dated May 7, 2008 and June 25, 2008.

5. The Applicant, Daveco Industrial, LLC is the owner of the property. The property is located on northbound Route 130 to the north of what is referred to as Park Road and contains approximately 6.95 acres. The property is located in the I-2 Industrial Zoning District. The property to the rear and south of the subject property contains a Township Park which is accessed by Park Road.

6. The Applicant is pursuing a bifurcated Application. This Application is presently seeking a Use variance as the proposed uses are not permitted in the I-2 Industrial Zoning District. The Applicant has also requested two (2) side yard setback variances. It is noted in the report of the Zoning Officer dated February 29, 2008 that approximately 10 parking spaces serving the building designed as Building 3 are located within the front yard area which requires a variance. The Applicant advised that they are not requesting the variance for the parking spaces in the front yard area at this time and the same will be addressed at the time of Site Plan approval. The Applicant will require Preliminary and Final Major Site Plan, should the Board approve this Application. The Applicant agreed as a condition of approval that the Applicant will return to this Board for Site Plan approval. The Applicant advised that it did not anticipate that the site layout as depicted on the use variance plan would change dramatically at the time of Site Plan application, should this Application be granted.

7. The Applicant is proposing a total of four (4) buildings on the property. One building which is proposed on the north corner of the property adjacent to Route 130 will be a three story senior citizen assisted living facility. This building will contain 81 rooms consisting of 100 beds of assisted living, which will be restricted to senior citizens only. Pursuant to State rules and regulations the Applicant may provide up to two and a half hours of care per patient per day. This care includes various services, such as, assistance with eating, medications and transportation of senior citizens. The assisted living building will also include a full time nursing staff and the available of doctor services. The Applicant also provides other uses for the occupants of the assisted living facility, which will also be available to the occupants of the other three senior residential buildings. Those services are determined based upon the seniors' preferences, which have not yet been determined, however, may include such accessory services as a coffee shop, a beautician/barber shop, nail salon, laundry services and the like.

8. The remaining three buildings on the property will be two story buildings restricted to senior citizens only. The Applicant has not determined the form of ownership of these units, such as a condominium association or rental units. The three buildings will contain a total of 78 units. Although these units will be restricted to senior citizens, the seniors will not receive any degree of assistance such as in the assisted living facility, the Applicant refers to these units as "independent living units." Under Federal law the Applicant has the option of restricting the age of the senior citizens to either 55 and older or 62 and older, the Applicant has not yet determined which age restriction that they will apply to this project.

9. The property is located in the I-2 Industrial Zoning District. The property to the rear and south of the subject property contains a Township Park which is accessed by Park Road. On the western boundary is the automotive service facility known as the Tire Barn. To the west of the Tire Barn is the planned development known as "The Renaissance." Across Route 130 from the subject property there are various retail service and office uses. The property lies within the I-2 Industrial Zoning District which permits a number of manufacturing, warehouse and limited office type uses as set forth above and as set forth on the record. The Applicant submits that the Use variance pursuant to N.J.S.A. 40:55D-70(d)(1) can be granted as, in general terms, the proposed senior residential use is far less intense and has far less of an impact upon the neighboring properties and the community as the permitted uses in the I-2 Zone. Further, the Applicant submits that both the assisted living use and the independent living use are "inherently beneficial uses" as that term has been interpreted by the Courts, specifically the case of: Jayber, Inc. V. West Orange, 238 N.J. Super. 165 (App. Div. 1990). The Board finds that the assisted living facility and related services provided in that facility is an inherently beneficial use as it falls within the factual and legal parameters discussed by the Court in the Jayber case. It is noted that the facility in the Jayber case is described as a "congregate care facility" and the present application is for an "assisted living facility." The Board found that this difference is more of a semantic difference and that the use proposed by the Applicant is in line with the "congregate care facility" use described by the Court in the Jayber case. However, the Board did not find that the proposed independent living units contained in the three, two story buildings, are inherently beneficial. The Board did find that the senior citizen independent living units do advance the purposes of the Municipal Land Use Law, as discussed below. The Board concurs with and adopts the reasons of the Applicant's Planner's testimony regarding the proofs required for the use variance for the senior citizens assisted living facility. As the Applicant has proven that the senior citizen assisted living facility is an inherently beneficial use, the Applicant does not need to prove that it meets the positive criteria for this Use variance. However, the Board notes that the Applicant has satisfied the positive criteria as set forth below and as testified to by the Applicant's Planner in regard to the independent living senior units, and which if the Board did not find that the assisted living facility was inherently beneficial, would also meet the positive criteria for the assisted living facility.

10. The Board concurs with and adopts the proofs of the Applicant's Planner in regard to the independent senior residential units. The Applicant has shown that the proposed use meets the positive criteria for the use variance in that it enjoys excellent access to Route 130, and also provides an emergency access on the southern border of the property to Park Road. The property is in close proximity to essential services required for the occupants of the property. In addition, it is adjacent to the park lands which will provide access and connectivity to the park. Further, the proposed use would provide a better buffer to the park land than uses permitted in the I-2 Zone. The proposed use also advances the purposes of the Municipal Land Use Law as embodied in Section N.J.S.A. 40:55D-2(a), (g) and (l). Specifically, the Application advances the purposes of Section 40:55D-2(l) which states that one of the purposes of the Municipal Land Use Law is: "to encourage senior citizen community housing construction." Additionally, as noted in the Jayber case cited above society has a responsibility to provide for senior citizen housing. Further, the proposed senior citizen uses also advances portions of the Township's Master Plan as will be discussed below.

11. The Applicant adopts the Applicant's Planner's testimony in regard to satisfying the negative criteria for both the inherently beneficial use of the senior citizen assisted living facility and the use for the independent senior citizen units. The senior citizen residential use will not cause substantial detriment upon the adjacent park, the neighboring properties and the community as a whole. The proposed use is substantially less intense than most of the uses permitted in the I-2 Zoning District. The proposed use will have a minimal impact upon noise, air pollution, traffic generation or other objectionable characteristics associated with the proposed use, which impacts are also substantially less than those that would be generated by the permitted uses in the I-2 Zoning District. The Applicant submits, and the Board finds, that the proposed use will not have a substantial detriment upon the Master Plan or Zoning Plan. As will be discussed below the Master Plan recognizes that this property is recommended for acquisition by the Township for park use to be consolidated with the existing park that borders this property. The Applicant also reconciled the omission of the proposed senior citizen residential uses in the Zoning Ordinance and Master Plan. As indicated, the Master Plan identifies this property for acquisition to be used as park land and combined with the adjoining park. The property is identified in the May 2006 Master Plan and is referred to as NBCP, Site #15, North Brunswick Community Park, in the Land Use Element at page 65 and is recommended for acquisition by the Township. It is also noted in this section of the Master Plan that the plan concludes that although the Township should consider this property for acquisition that: "the properties adjacent to the park should remain I-2." This section of the plan also notes that the Applicant had appeared before the Planning Board with a concept plan for a gasoline station and convenience store which the Planning Board noted was not appropriate development adjacent to the 105 acre Township park. The Applicant has revised their plan to the proposed much less intensive senior citizen residential use. The Goals and Objectives Element of the Master Plan list the following goals and objectives which the Application advances. Section 14 under the Land Use section of the Goals and Objectives Elements

states as an objective to: "Review the appropriateness of allowing for the construction of age-restricted housing on vacant sites ranging from 3-10 acres in size throughout the Township. Under the Housing Issues section of the Goals and Objectives Element of the Master Plan in numbered paragraph 26 the objective of: "Analyze Township demographics and determine the need for additional age-restricted housing" is stated. Further, the Community Profile Element of the Master Plan at page 14 notes that: "the 55 and older population increased from 5,410 in 1999 to 6,646 in 2000, a 23% increase." The Applicant submits, and the Board finds, that the proposed senior citizen uses advances these purposes of the Master Plan and the proposed uses do not substantially impair the purpose and intent of the Master Plan and Zoning Ordinances.

12. The Applicant is also requesting two (2) bulk variances for side yard setbacks. A minimum of 40 feet is required and 15.1 feet is provided from Building 2 to the property line with Lot 103 and 18.1 feet is provided from Building 3 to the property line with Lot 103. The Applicant submits, and the Board finds that these variances meet the requirements for a bulk variance pursuant to N.J.S.A. 40:55D-70 (c) (2) as they provide for a better zoning alternative for the property. The variances will allow for the construction and use for the property for the proposed senior citizen restricted uses. The use of Lot 103 where the side yard setback variances are required is used for the aforementioned Park Road. The Applicant submits and the Board finds that there is sufficient buffering of the proposed uses between Park Road and the Applicant's proposed building locations. The Applicant, in their Use Variance Plan, and the Applicant testified that they will provide the same at the time of Site Plan, provide for sufficient landscaping and related type buffering between the buildings and the lot line with lot 103. Further, the distance from the corner of the building requiring 15.1 foot side yard setback to the existing Park Road is approximately 62 feet, and the Board finds that the distance is sufficient to provide buffering of the buildings. As set forth above, and as further set forth on the record, the Board finds that the Bulk variances can be granted and do not substantially impair the purpose and intent of the Master Plan and Zoning Ordinances and provide for better zoning alternatives for the property.

13. The Applicant's Traffic Engineer testified that the proposed site layout provides for safe and efficient on-site traffic circulation. Provisions have been made for accommodating the number and types of vehicles that will be using this property. The Applicant submits that although the Applicant meets the required Residential Site Improvement Standards and the Township's requirements for parking that there may be more parking on-site than required, especially in light of the fact that many of the occupants of the assisted living facility will not have vehicles. The Traffic Engineer also testified that the traffic to be generated by the site in general, and during peak times does not substantially impact the existing traffic patterns or create a burden upon the roadway infrastructure. Further, the Applicant has proposed an emergency access by way of grass pavers from the proposed parking lot to Park Road, which the Applicant will further detail at the time of Site Plan, and will further coordinate with the Township to receive approvals and the like from the Township. The Applicant's Traffic Engineer also noted

that the driveway for the subject property is approximately 314 feet from Park Road which provides more than adequate separation distance for the safe ingress and egress of cars to both the subject site and to Park Road. The Board finds that these characteristics, as testified to by the Applicant's Traffic Engineer, support the positive criteria for all variances requested at this time, and also do not create a substantial impairment to the Master Plan or Zoning Ordinance or visit any negatives upon the adjoining properties, the neighborhood and the community.

14. In regard to the Board Engineer's reports from Delaware-Raritan Engineering, Inc. dated May 7, 2008 and June 25, 2008 the Applicant has met the Engineer's concerns, in so far as they apply to the presently requested Use Variance and Bulk variances. The Applicant agreed as a condition of approval to address the remainder Board Engineer's concerns in these reports and any future reports which may be issued, at the time of Site Plan application.

15. The Board finds from the testimony presented that the Applicant has satisfied the positive and negative criteria requirements of the ordinance and State law regarding the granting of the Use variance pursuant to N.J.S.A. 40:55D-70(d)(1) and Bulk variances pursuant to N.J.S.A. 40:55D-70 (c)(2) and the Board adopts the Applicant's testimony and proofs, specifically their Planner's testimony, in this regard.

a. The testimony by the Applicant demonstrated that Use Variance and Bulk Variances will permit the construction and use of three (3) two-story senior residential buildings with a total of 78 residential units and a 100-bed, three-story assisted living facility on the above-referenced property which is located in the I-2 Industrial Zoning District.

b. The proposed location will not detrimentally impact the neighborhood;

c. The property will have no detrimental impact on traffic and it will not be a visual problem to motorists;

d. The proposed location will be beneficial to the area and the Township, and will not change the present quality of life of Township residence, nor will it impact negatively on the Township Master Plan;

e. The Board finds that the plans and maps submitted are sufficiently detailed to grant the relief requested and to waive any technical requirements of this Zoning Ordinance;

f. The benefits provided by the project clearly outweigh the detriments as set forth above.

ACCORDINGLY, the Board hereby APPROVES the Use variance, and Bulk variances as set forth above:

1. This approval is specifically subject to the following conditions which the Applicant has accepted as an integral part of this approval:

(a) Prior to the issuance of any certificate of occupancy for the Project, the Applicant shall obtain any and all permits and approvals for the Project required to be issued by any and all federal, state, county or township;

(b) All real estate taxes shall be paid current;

(c) This variance will automatically expire and be null and void unless Applicant obtains a building permit before the expiration of one (1) year from the date of the granting of this variance;

(d) The Applicant shall return to this Board for Site Plan approval.

2. All conditions contained in this Resolution and in the record of the proceedings in this matter, including any agreements made by the Applicant, were essential to the Zoning Board's decision to grant the approval set forth herein. A breach of any such condition or a failure by the Applicant to adhere to the terms of any agreement within the time required shall result in the automatic revocation of the within approval and shall terminate the right of the Applicant to obtain construction permits, Certificates of Occupancy or any other governmental authorizations necessary in order to continue development of the project.

3. In the event that the Application shall make or propose any changes to the Project Site or the building from those shown on the revised plans and exhibits approved for this Application, whether such change is voluntarily undertaken or required by any other regulatory agency, Applicant shall resubmit any such changes to this Board for review and determination.

4. In the event that the Applicant shall object to any of the foregoing conditions and subsequent appeal there from, R. 4:69-6(a) shall not bar or otherwise limit the ability of the Applicant to file such an appeal; provided, however, that the Applicant shall first apply to this Board for relief from such condition.

This Resolution is adopted by the Zoning Board of Adjustment of the Township of North Brunswick pursuant to N.J.S.A. 40:55D-10g(2) to memorialize the vote of the Board on the Application take on July 17, 2008.

APPENDIX 8

ASSISTED LIVING RESIDENCE (N.J.A.C. 5:97-6.11)

(Submit separate checklist for each site or project)

General Description

Municipality/County: North Brunswick/Middlesex County

Project or Program Name: Daveco Assisted Living

Block(s) and Lot(s): block 148/ lots 104-106

Date facility will be constructed or placed into service: 9/30/2012

Total units proposed 100

Market-rate units: 80

Affordable units/bedrooms: 20

Number restricted for Medicaid waivers: 5

Bonuses, if applicable:

Prior Round Rental bonuses as per N.J.A.C. 5:97-3.5 _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date zoning adopted: _____ Date Development approvals granted: 7/18/2008

Information and Documentation Required with Petition

Completed Assisted Living survey form (If project was previously reported in 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)

A general description of the site, including:

- Name and address of owner
- Subject property address
- Subject property block(s) and lot(s)
- Subject property total acreage
- Description of previous zoning
- Current zoning and date current zoning was adopted
- Tax maps showing the location of site with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- Description of surrounding land uses

- Demonstration that the site has street access
- Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- Wetlands and buffers
- Steep slopes
- Flood plain areas
- Stream classification and buffers
- Critical environmental site
- Historic or architecturally important site/district
- Contaminated site(s); proposed or designated brownfield site
- Based on the above, a quantification of buildable and non-buildable acreage
- RFP or Developer's Agreement
- Construction schedule and timetable for each step in the development process
- Pro-forma statement for the project
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall

Information and Documentation Required Prior to Marketing the Completed Units or Facility

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- A draft or adopted operating manual that includes a description of the program procedures and administration in accordance with UHAC
- An affirmative marketing plan in accordance with UHAC if the units are not restricted to recipients of Medicaid waivers
- Check here if the affirmative marketing plan and resolution/contract with an Administrative Agent is being replaced with an executed Memorandum of Understanding with the New Jersey Housing and Mortgage Finance Agency (HMFA)

Assisted Living Narrative Section

See attached page.

ASSISTED LIVING NARRATIVE FOR DAVECO ASSISTED LIVING FACILITY

The North Brunswick Board of Adjustment granted approval for a use variance to allow 78 age-restricted apartments and a 100-bed assisted living facility on July 17, 2008. This property, block 148/lots 104-106, is currently zoned I-2 Industrial and has been for many years.

The owner/applicant was Daveco Industrial, LLC. The site is approx 7 acres. The approval of 78 apartments on 7 acres equates to a density of approximately 11.15 units per acre. The 100-bed assisted living facility was permitted in addition to the 78 apartments.

The application was a bifurcated application for use variance only. The applicant has not filed for site plan approval at this time.

The Planning Board intends to rezone the property to an Assisted Living/Senior Apartment designation at a density that will allow the developer to build the 78 apartments and 100-bed assisted living facility that the Board of Adjustment approved.

While the density exceeds 11 units per acre, allowing the Planning Board to require a 25 % setaside of lower income housing, the Planning Board is only going to require that 20% of the apartments and 20% of the assisted living beds shall be affordable to lower income households.

This will result in 16 affordable apartment units and 20 affordable assisted living beds. 50 % of the apartments and assisted living beds will be affordable to low income households. 13% of the total number of affordable units and beds will be affordable to very low income households.

The draft zoning ordinance is in rough form and is a modification of current R-5 Garden Apartment standards. The Township is searching for standards utilized for assisted living developments in neighboring communities in order to finish the proposed zoning for the new Assisted Living/Senior Apartment District.

The site has access as a result of frontage on Rt. 130 South. It is located adjacent to Tire Barn and the recently opened Community Park, a 100 plus acre municipal park. The site is designated PA 1. There are no known environmental constraints associated with the site. Adequate water and sewer exists in close proximity to the site.

An operating manual for this type of mechanism and a new Affirmative Marketing Plan will be adopted prior to marketing units.

APPENDIX 9

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE
DEVELOPMENTS (N.J.A.C. 5:97-6.7)**

(Submit separate checklist for each site or project)

General Description

Municipality/County: North Brunswick/Middlesex County

Project Name: Renaissance Boulevard Lower Income Housing

Block(s) and Lot(s): block 148.02/lot 51

Affordable Units Proposed: 40

Family: _____ Sale: _____ Rental: _____

Very low-income units: 5 Sale: 5 Rental: _____

Age-Restricted: 40 Sale: 40 Rental: _____

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart Growth Bonus as per N.J.A.C. 5:97-3.18: _____

Compliance Bonus as per N.J.A.C. 5:97-3.17: _____

Date zoning adopted: _____ Date development approvals granted: _____

Required Information and Documentation with Petition or in Accordance with an

Implementation Schedule

- Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)

Is the municipality providing an implementation schedule for this project/program.

- Yes. Skip to and complete implementation schedule found at the end of this checklist.
NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.

No. Continue with this checklist.

Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- Name and address of owner
- Subject property street location
- Subject property block(s) and lot(s)
- Subject property total acreage
- Indicate if urban center or workforce housing census tract
- Description of previous zoning
- Current zoning and date current zoning was adopted
- Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- Description of surrounding land uses
- Demonstration that the site has street access
- Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- Wetlands and buffers
- Steep slopes
- Flood plain areas
- Stream classification and buffers
- Critical environmental site
- Historic or architecturally important site/district
- Contaminated site(s); proposed or designated brownfield site

- Based on the above, a quantification of buildable and non-buildable acreage
- RFP or Developer's Agreement
- Construction schedule with a minimum provision to begin construction within two years of substantive certification; including timetable for each step in the development process
- Pro-forma statement for the project
- Demonstration that the first floor of all townhouse or other multi-story dwelling units are accessible and adaptable per N.J.A.C. 5:97-3.14
- Evidence of adequate and stable funding; including municipal bond and/or general revenue funds where applicable

Information and Documentation Required Prior to Marketing the Completed Units

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- An affirmative marketing plan in accordance with UHAC

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE DEVELOPMENTS
(N.J.A.C. 5:97-6.7)**

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Identification	12/18/2008	12/18/2008	12/31/2008

RFP Process	4/1/2013	6/30/2013	7/30/2013
Developer Selection	8/1/2013	10/31/2013	11/30/2013
Executed Agreement with provider, sponsor or developer	2/1/2014	3/30/2014	4/30/2014
Development Approvals	9/30/2014	3/31/2015	4/30/2015
Contractor Selection	1/15/2015	3/31/2015	4/30/2015
Building Permits	7/31/2015	8/31/2015	9/30/2015
Occupancy	3/31/2017	9/30/2017	10/30/2017

(B) Site specific information, including the following:

Site Information	Date Supporting Documentation to be Submitted to COAH
Site Description	12/31/2008
Site Suitability Description	12/31/2008
Environmental Constraints Statement	12/31/2008

(C) Financial documentation including, the following:

Financial Documentation	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Documentation of Funding Sources	1/31/2013	2/28/2013
Project Pro-forma	1/31/2013	2/28/2013

Municipal resolution appropriating funds or a resolution of intent to bond in the event of a shortfall of funds	3/30/2013	5/30/2013
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100% or Municipally Sponsored Narrative Section

See attached page.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

MUNICIPALLY SPONSORED NARRATIVE FOR RENAISSANCE BOULEVARD AFFORDABLE HOUSING

The Township recently took title to a 10 acre site located at the intersection of Renaissance Boulevard East and Renaissance Boulevard North. This property is known as block 148.02/lot 51. The Township has had discussions with Leewood Real Estate Group/NJ, LLC, a developer of affordable housing. Leewood is in the process of developing affordable housing in adjacent Franklin Township and in the City of New Brunswick. In Franklin, 1/3 of the units being constructed are affordable, while in New Brunswick, 1/2 of the units are affordable.

It is the Township's intention that any remaining affordable housing obligation, regardless of whether it results in being age-restricted housing or family housing, should be addressed as part of an inclusionary housing development on this site. It is intended that this project will provide 100 % owner-occupied units, as the Township has met its rental obligation.

The Fair Share Plan indicates that as many as 40 senior affordable units may need to be developed on this site. However, the project could ultimately become a family project depending upon market conditions and the success of the Township's Market to Affordable Program.

The Township owns the site in question, and there are no development constraints. There is adequate water and sewer available. The Township will execute an agreement for the appropriate density and a realistic % of market units in the future based upon the number of additional affordable housing units needed to comply with its actual obligation. This project shall comply with all COAH bedroom restrictions, affordability and sales price regulations.

50 % of the affordable housing units in this development will be available to low income households, with 26% of these low income units being affordable to very low income households. The remaining 50 % of the units will be offered as moderate income units.

This inclusionary development is not scheduled until year eight of the compliance period, as it is the Planning Board's belief that the employment projections for North Brunswick are not realistic, and the actual number of affordable growth share units will be less than projected by COAH.

This project will allow for the Township to make final decisions relative to the number of units, density, family versus senior units, affordability levels, etc., after it has monitored its progress over the next six years.

It is anticipated that the Township will begin to solicit a developer for the project in 2013. Occupancy is tentatively scheduled for 2017. The Spending Plan anticipates that in addition to providing the land to the developer at no cost, that the Township will have to make a donation of \$1,500,000 from Development Fees to defray development costs.

APPENDIX 10

NORTH BRUNSWICK AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

INTRODUCTION

The Township of North Brunswick has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing is being submitted to COAH along with the Township's Petition for Substantive Certification. This Development Fee Ordinance was adopted by the municipality on December 1, 2008. The ordinance establishes the Township of North Brunswick affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, the Township of North Brunswick has collected \$8,344,435.90, and expended \$ 6,867.29 to stop an affordable housing unit from going to Sheriff's sale, resulting in a balance of \$ 8,337,568.61. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Wachovia Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

The Township of North Brunswick first petitioned COAH for substantive certification for its Second Round on September 3, 1999. The October 1, 2003 Resolution Granting Substantive Certification states on page 3, "Whereas North Brunswick does not have an approved development fee ordinance, but per the Court's Consent Order, was granted permission to collect negotiated developer's fee." Page 7 of Appendix A, COAH Compliance Report, states, "The developers of the Manor Realty tract have agreed to contribute \$20,000 per unit toward an RCA for 135 of the 348 affordable units, for a total of \$2,700,000, and will contribute \$25,000 per unit for the balance of 213 units toward a future RCA". The Township opened up its Trust Fund Account on August 19, 2004 for deposit of funds for the Second Round RCAs and future RCAs. As of December 31, 2004, the prior round balance remaining in the affordable housing trust fund was \$0. From January 1, 2005 through July 17, 2008, North Brunswick collected an additional \$10,362,568.61 in development fees, payments in lieu of construction, other funds, and/or interest. From January 1, 2005 through July 17, 2008, North Brunswick expended funds on the affordable housing activities detailed in section 4 of this spending plan.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, North Brunswick considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows:

Len Lisa
Atlantic Realty
Verizon
Stanberry

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, *and* proceeds from the sale of affordable units. The only other funds anticipated to be collected are rents to be collected upon purchase, renovation and rental of 2-4 family homes throughout the Township.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by North Brunswick:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with North Brunswick's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

Payments will be initiated by preparation of a requisition by the Township Planner. All payment requisitions will then be forwarded to the Director of Community Development for approval. Purchasing will then prepare a Purchase Order for listing on a workshop agenda of the Township Council. After presentation of bills at the workshop meeting, they will be listed for approval at a regular meeting. After approval of the bill list by the Township Council, the Chief Financial Officer will have a check cut.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation Program**

North Brunswick will dedicate \$2,137,500 to rehabilitate 150 dwelling units over the next ten years. Assuming that COAH approval will not be achieved until July of 2009, it is projected to spend \$112,500 in 2009. Future years in the compliance period are projected to result in the rehabilitation of 15 units per year. At an average expenditure of \$15,000 per unit, the annual expenditure is projected to be \$225,000.

(b) **Market to Affordable Program:**

The Township of North Brunswick will purchase up to 10 properties identified as 2-4 family properties in the Township. These properties will be purchased, renovated, deed restricted and rented to lower income households. The Township's intention is to utilize the North Brunswick Housing Corporation to purchase, renovate and rent these properties. The average cost to purchase is estimated at \$450,000. The average cost to renovate is estimated at \$75,000. Over the course of the ten year compliance period, the Township projects that it will spend \$4,500,000 in acquisition and \$750,000 in renovation costs on this program.

(c) **North Brunswick Senior Housing (740 Hermann Road) Funding of Capital Reserve Shortfall**

The North Brunswick Housing Corporation is the managing partner of a 150 unit lower income housing project for seniors at 740 Hermann Road. 100% of the units are occupied by lower income households. This project was partially funded through the sale of Low Income Housing Tax Credits. The Housing Corporation recently completed a reserve study that found that the project's capital reserve is severely underfunded. This is the result of rapid price escalation in many of the materials and service costs associated with replacement of capital items. The study recommended that an additional \$652,373 was necessary to be allocated to the replacement of capital items.

This would result in an enormous increase in rents on an annual basis over the next ten years, forcing the Housing Corporation to pass on annual increases that cannot be absorbed by the population of the building. The Planning Board is recommending providing \$700,000 to the Housing Corporation to eliminate the shortfall in capital reserve funding. This funding of the capital reserve shortfall is an affordability assistance program, because if this funding is not provided, the rents at 740 Hermann Road would have to increase significantly annually over the next ten years to provide the necessary funding for the necessary capital improvements.

Providing the \$700,000 to eliminate the capital shortfall will eliminate the need to increase the amount of money currently placed into a capital reserve annually, eliminating the need to increase rents to cover this cost. Allocating the \$700,000 will also allow the Housing Corporation to plan for a more consistent and logical replacement of capital items as the building ages over the next ten years. The first occupants moved into the building back in 1996.

Attached at the end of this Spending Plan is a copy of a table entitled North Brunswick Housing Corporation Component Schedule, Summary of Replacement Reserve Needs. This table shows that the extent of the shortfall on September 30, 2007 was \$652,373. The allocation of this funding to eliminate this shortfall is crucial toward maintaining rents at affordable levels at 740 Hermann Road.

(d) Purchase Subsidy to Facilitate the Creation of Supportive and Special Needs Housing

The Township has been in discussion with Triple C Housing, Inc, a reputable service provider of supportive and special needs housing in affiliation with the State Division of Mental Health, to acquire a six units apartment building for conversion to special needs housing.

Triple C has provided the Township with a pro-forma which would allow them to purchase the apartment building and convert five of the units to ten bedrooms for the mentally ill. The sixth unit would be utilized for a superintendent and other staff as needed.

As part of the Township's Fair Share Plan, the Township will provide a grant of approximately \$450,000 to Triple C to allow them to purchase, renovate and convert

these six apartments into ten bedrooms of supportive housing. Triple C Housing has provided the Township a preliminary pro-forma laying out necessary funding commitments required to allow the project to come to fruition. A copy of the Triple C Housing pro-forma is attached to Appendix 5.

(e) **Grant to Subsidize Site Improvement Costs for a Municipally Sponsored Inclusionary Development Site.**

The Township recently took title to a 10 acre site located at the intersection of Renaissance Boulevard East and Renaissance Boulevard North. It is the Township's intention that any remaining affordable housing obligation, regardless of whether it results in being age-restricted housing or family housing, should be addressed as part of an inclusionary housing development on this site. It is intended that this project will provide 100 % owner-occupied units, as the Township expects to have met its rental obligation.

The Fair Share Plan indicates that as many as 40 senior affordable units may need to be developed on this site. However, the project could ultimately become a family project depending upon market conditions and the success of the Township's Market to Affordable Program.

The Township is looking to minimize the number of market units to be built on this site by the private developer to be selected to build the project. The Township will execute an agreement for the appropriate density and a realistic % of market units in the future based upon the number of additional affordable housing units needed to comply with its actual obligation. However, it is anticipated that a minimum of \$1,500,000 will be required to subsidize the project, in addition to donating the land to the developer, in order to keep the number of market units down to less than 66% of the total number of units.

(f) **Rental Assistance Program**

740 Hermann Road was constructed with the assistance of Low Income Housing Tax Credits. All 150 senior apartments are occupied by lower income households earning 60% or less of the median income. The rents in the building are several hundred dollars per month less than the rents permitted by NJ HMFA. However, because there are no rental subsidies associated with the building, all tenants must be able to pay their rents on a monthly basis. Based upon concerns that some of the residents are paying very high percentages of their income for monthly rent, the Planning Board undertook an analysis of rents and incomes to determine whether a large percentage of the population was paying in excess of 30% of their income for rent.

The study revealed that 86 of the 150 households (57.3%) were paying in excess of 30% of their incomes for rent. A calculation was done of the monthly cost to subsidize the rents of all households spending more than 30% of their income for rent. As the Senior Housing Rent/Income Analysis which is attached to this Spending Plan shows, it would

cost approximately \$17,533 per month to reduce everyone's payment to no more than 30%. That amounts to \$210,400 annually. The Planning Board suggested a lower reduction down to 35% of monthly income. As the attached report indicates, this would cost approximately \$11,165 per month at today's rents. This amounts to Approximately \$134,000 annually.

The Fair Share Plan proposes to reduce rents of all households down to 35% of their monthly incomes. Assuming that there is no significant change in the income of residents, and assuming annual rent increases of only 2.5%, this affordability assistance program would cost approximately \$1,367,000 over the ten year compliance period.

(g) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

Projected minimum affordability assistance requirement:

Actual development fees through 7/17/2008		\$7,455,000
Actual interest earned through 7/17/2008	+	\$500,604.05
Development fees projected* 2008-2018	+	\$5,648,191
Interest projected* 2008-2018	+	\$241,772
Less housing activity expenditures through 6/2/2008	-	\$0
Total	=	\$13,845,567
30 percent requirement	x 0.30 =	\$4,153,670
Less Affordability assistance expenditures through 12/31/2004	-	\$0
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018	=	\$4,153,670
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018	÷ 3 =	\$1,384,556

* Note: The 2008 portion of this projection reflects 2008 subsequent to July 17 as the remainder of 2008 is included in the actual figure reported above.

North Brunswick will dedicate a minimum of \$ 4,153,670 from the affordable housing trust fund to render units more affordable, including a minimum of \$1,384,556 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

The three programs to be instituted by North Brunswick that qualify as income assistance are the following:

- Market to Affordable purchase, renovation and renting of 2-4 family structures
- Rent supplements at 740 Hermann Road to assure that no household is paying more than 35% of their income for rent.
- Payment of funds into capital reserve to eliminate deficit at 740 Hermann Road and eliminate the need to raise an additional \$70,000 annually from rents.

(h) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

North Brunswick projects to spend \$13,685,704 over the ten year compliance period ending in December 2018. No more than 20% of that amount (\$2280,951) shall be spent on administrative expenses. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

Services related to the administration of the Rehabilitation Program, including advertising, applicant meetings, income verification, conducting housing inspections and preparing work write-ups, soliciting contractors, monitoring construction work, processing payment requests, and the recording of all necessary documents related to the participation in the program.

Services related to the Township's Market to Affordable Program whereby the Township will purchase, renovate, deed restrict and rent up to 10 2-4 family structures over the ten year period. Services involved with this program include all services listed above for the Rehabilitation Program, with the addition of reviewing tax records and conducting neighborhood surveys in order to locate properties for acquisition, negotiation of sales prices, real estate closing costs, and costs of maintaining the properties once purchased and rented.

Services related to the Affordability Assistance Program whereby the Township will subsidize the rents of lower income tenants at 740 Hermann Road include detailed income certifications annually in order to determine the amount of the Township subsidy on an annual basis.

Services involved with Triple C Housing and the Daveco Senior Apartments and Assisted Living should be minimal, including approval of their on-site process for certifying income and keeping records.

Services for the Municipally Sponsored inclusionary project to be located on Renaissance Boulevard will involve soliciting developers, interviewing developers, negotiating contract terms, and monitoring the process for soliciting and qualifying prospective homeowners.

4. EXPENDITURE SCHEDULE North Brunswick intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

EXPENDITURE SCHEDULE

Program	Number of Units	Funds Expended or Dedicated 2005-7/17/2008	7/18/08 to 12/31/2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018 Total
Rehabilitation Program	150	0	0	\$112,500	\$225,000	\$225,000	\$225,000	\$225,000	\$225,000	\$225,000	\$225,000	\$225,000	\$2,137,500
Market to Affordable Acquisitions	30				\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$4,500,000
Renovations of Acquisitions	30				\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$750,000
Funding of Capital Reserve Shortfall at 740 Hermann Road	150			\$700,000									\$700,000
Rent Subsidy Program at 740 Hermann Road	90				\$137,350	\$140,784	\$144,303	\$147,911	\$151,609	\$155,399	\$159,284	\$163,266	\$1,367,253
Triple C Housing Purchase Subsidy	10			\$450,000									\$450,000
Subsidy to Municipally Sponsored Inclusionary Site	40									\$1,500,000			\$1,500,000
Program Administration				\$252,500	\$177,470	\$178,157	\$178,861	\$179,582	\$180,322	\$181,080	\$481,857	\$182,653	\$2,280,951
ANNUAL EXPENDITURES				\$1,515,000	\$1,064,820	\$1,068,941	\$1,073,164	\$1,077,493	\$1,081,930	\$1,086,479	\$2,891,141	\$1,095,919	\$17,730,817

5. EXCESS OR SHORTFALL OF FUNDS

The Township of North Brunswick has a balance of \$8,588,144 in the Affordable Housing Trust Fund at the present time. The Township has not adopted a resolution agreeing to fund any shortfall of funds required for implementing proposed programs due to the large amount of funding available. The Township also believes that the COAH target growth share number is much larger than the Township's actual number that will be realized as a result of issuance of Certificates of Occupancy. As such, it appears that the Township will have an excess of funding for providing affordable housing activities and programs

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to provide additional affordable housing activities.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with North Brunswick's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

The Township of North Brunswick intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated December 18, 2008.

The Township of North Brunswick has a balance of \$ 8,337,568 as of July 17, 2008 and anticipates an additional \$ 6,995,345 in revenues before the expiration of substantive certification for a total of \$15,332,913. The municipality will dedicate \$ 2,137,500 towards rehabilitation of existing homes, \$ 5,250,000 towards the Affordability Program whereby it purchases, renovates and rents existing homes, \$450,000 to subsidize the creation of supportive housing, \$1,500,000 towards costs of developing a municipally sponsored inclusionary site, and an additional \$2,067,250 to render units at 740 Hermann Road more affordable. No more than 20% of total revenues (\$3,066,582) can be devoted to Administrative Costs. The Township projects expending approximately \$2,280,000 on said administrative costs over the compliance period. North Brunswick will dedicate any excess funds toward furthering the types of programs detailed in the Township's Fair Share Plan.

SPENDING PLAN SUMMARY	
Balance as of July 17, 2008	\$8,337,568.61
PROJECTED REVENUE July 18, 2008-2018	
Development fees	+ \$5,648,191
Payments in lieu of construction	+ \$38,760
Other funds	+ \$1,066,620
Interest	+ \$241,771
TOTAL REVENUE	= \$15,332,911
EXPENDITURES	
Funds used for Rehabilitation	- \$2,137,500
Funds used for New Construction	
1. <i>Municipally Sponsored Inclusionary</i>	- \$1,500,000
2. Triple C Housing Renovations	- \$ 450,000
3.	- \$
4.	- \$
5.	- \$
6.	- \$
7.	- \$
8.	- \$
9.	- \$
10.	- \$
Affordability Assistance	- \$7,317,253
Administration	- \$2,280,951
Excess Funds for Additional Housing Activity	=
1. <i>[list individual projects/programs]</i>	- \$
2.	- \$
3.	- \$
TOTAL PROJECTED EXPENDITURES	= \$13,685,704
REMAINING BALANCE	= \$1,647,207

PRC North Brunswick Housing Corporation
Component Schedule
Summary of Replacement Reserve Needs
Effective Date: 09/30/07

Category	Reserve Requirement Present Dollars	Beginning Balance	Balance Requiring Funding	Monthly Reserve Funding Required	Annual Reserve Funding Required	Full Funding Balance	Percent Funded
Sitework Totals	\$122,293	\$27,748	\$94,544	\$742	\$8,909	\$51,721	The Percent Funded and Funding Goal are based on fully funding each component within the schedule. Please review the report for various Funding strategies.
Waterproofing	\$251,267	\$67,403	\$183,864	\$1,532	\$18,386	\$125,633	
Interior	\$739,147	\$178,818	\$551,329	\$7,980	\$95,400	\$333,302	
Electrical	\$59,942	\$18,416	\$41,525	\$486	\$5,831	\$34,327	
Mechanical	\$320,905	\$57,615	\$263,290	\$1,152	\$13,827	\$107,390	
Grand Totals	\$1,484,552	\$350,000	\$1,134,552	\$11,863	\$142,353	\$652,373	54%

NORTH BRUNSWICK SENIOR HOUSING RENT/INCOME ANALYSIS

(150 Rents)

	Monthly Rent	Rent/Inc Ratio	Monthly Income	Dif Bet Monthly Rent & 30% of Monthly Inc	Dif Bet Monthly Rent & 35% of Monthly Inc
	733	0.34	2156	86	0
				0	0
	733	0.71	1032	423	372
				0	0
				0	0
	733	0.38	1929	154	58
				0	0
	733	0.39	1879	169	75
	733	0.5	1466	293	220
	733	0.72	1018	428	377
	733	0.33	2221	67	0
	733	0.52	1410	310	240
	733	0.31	2365	24	0
				0	0
				0	0
				0	0
				0	0
				0	0
	864	0.37	2335	163	47
	733	0.34	2156	86	0
				0	0
	733	0.33	2221	67	0
				0	0
	733	0.64	1145	389	332
				0	0
				0	0
	733	0.36	2036	122	20
	733	0.65	1128	395	338
				0	0
	733	0.41	1788	197	107
	733	0.34	2156	86	0
	733	0.5	1466	293	220
				0	0
				0	0
	864	0.52	1662	366	282
	864	0.5	1728	346	259
	864	0.63	1371	453	384
				0	0
				0	0
	733	0.31	2365	24	0
	733	0.41	1788	197	107
	733	0.38	1929	154	58

				0		0
	733	0.43	1705	222		136
	733	0.34	2156	86		0
	733	0.43	1705	222		136
	733	0.33	2221	67		0
				0		0
				0		0
	733	0.49	1496	284		209
				0		0
				0		0
	733	0.35	2094	105		0
				0		0
				0		0
				0		0
				0		0
	733	0.4	1833	183		92
	733	0.31	2365	24		0
				0		0
	733	0.33	2221	67		0
	733	0.38	1929	154		58
	733	0.33	2221	67		0
	733	0.37	1981	139		40
	733	0.31	2365	24		0
				0		0
	733	0.74	991	436		386
				0		0
	733	0.48	1527	275		199
				0		0
				0		0
				0		0
				0		0
	864	0.35	2469	123		0
	864	0.67	1290	477		413
				0		0
				0		0
				0		0
				0		0
	733	0.76	964	444		395
				0		0
	733	0.46	1593	255		175
	733	0.31	2365	24		0
	733	0.58	1264	354		291
	733	0.33	2221	67		0
	733	0.59	1242	360		298
				0		0
	733	0.5	1466	293		220
				0		0
				0		0
	733	0.54	1357	326		258

	733	0.67	1094	405		350
	733	0.31	2365	24		0
	864	0.32	2700	54		0
	864	0.34	2541	102		0
				0		0
	864	0.79	1094	536		481
				0		0
	733	0.39	1879	169		75
				0		0
	733	0.33	2221	67		0
	733	0.32	2291	46		0
	733	0.65	1128	395		338
	733	0.34	2156	86		0
	733	0.42	1745	209		122
				0		0
	733	0.43	1705	222		136
	733	0.33	2221	67		0
	733	0.68	1078	410		356
	733	0.42	1745	209		122
	733	0.35	2094	105		0
				0		0
	864	0.68	1271	483		419
				0		0
	733	0.47	1560	265		187
	733	0.34	2156	86		0
	733	0.35	2094	105		0
	733	0.32	2291	46		0
				0		0
	733	0.41	1788	197		107
				0		0
	733	0.48	1527	275		199
	733	0.4	1833	183		92
				0		0
	733	0.38	1929	154		58
				0		0
	733	0.59	1242	360		298
	733	0.35	2094	105		0
	733	0.51	1437	302		230
	733	0.37	1981	139		40
	733	0.32	2291	46		0
				0		0
				0		0
				0		0
	864	0.34	2541	102		0
				0		0
				0		0
	733	0.31	2365	24		0
				0		0
	733	0.47	1560	265		187
	733	0.31	2365	24		0

				0	0
				0	0
				0	0
				0	0
				0	0
				0	0
	733	0.37	1981	139	40
				0	0
	733	0.4	1833	183	92
	733	0.59	1242	360	298
	733	0.43	1705	222	136
Monthly Payments In Excess of 30% of Incom				\$17,533	\$11,166
Subsidy/year to Reduce Rents to 30% of Inco				\$210,399	\$133,994
Ten Years Estimated Rent Subsidies				\$2,103,992	\$1,339,941

APPENDIX 11

AN ORDINANCE OF THE TOWNSHIP OF NORTH BRUNSWICK TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

Section 1. Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Township of North Brunswick Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways North Brunswick Township shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (d) The Township of North Brunswick shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Township of North Brunswick Municipal Building, Municipal Clerk's Office, 710 Hermann Road, North Brunswick, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, www.nj.gov/dca/affiliates/coah.

Section 2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means 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 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of 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; or 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 the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means 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.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use 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 N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means 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.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses

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.

"Random selection process" means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

"Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by COAH's adopted Regional Income Limits published annually by COAH.

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

"Rent" means 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. In assisted living residences, rent does not include charges for food and services.

"Restricted unit" means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

"UHAC" means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

"Very low-income household" means a household with a total gross annual household income equal to 30 percent or less of the median household income.

"Very low-income unit" means a restricted unit that is affordable to a very low-income household.

"Weatherization" means 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.

Section 3. Affordable Housing Programs

The Township has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

- (a) A Rehabilitation program.
 1. North Brunswick's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.

2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
4. The Township of North Brunswick shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
5. The Township of North Brunswick shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
6. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
 - iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

(b) A Market to Affordable program.

1. A market to affordable program is established to permit the purchase or subsidization of units through a written agreement with the property owner and sold or rented to low- and moderate-income households. Subject to the provisions of 2iii below, the market to affordable programs may produce both low- and moderate-income units (the program may be limited to only low- or only moderate-income units as per the Fair Share Plan).
2. The following provisions shall apply to market to affordable programs:

- i. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
 - ii. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
 - iii. The municipality will provide a minimum of \$25,000 per unit to subsidize each moderate-income unit and/or \$30,000 per unit to subsidize the each low-income unit, with additional subsidy depending on the market prices or rents in a municipality.
 - iv. The maximum number of creditable market to affordable units shall be equal to no more than 10 for sale units and 10 rental units or a combined total of 10 percent of the fair share obligation, whichever is greater. (Additional units may be approved by COAH if the municipality demonstrates the successful completion of its initial market to affordable program.)
3. The units shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:
- i. Bedroom distribution (N.J.A.C. 5:80-26.3(b) and (c));
 - ii. Low/moderate income split (N.J.A.C. 5:80-26.3(a)); and
 - iii. Affordability average (N.J.A.C. 5:80-26.3(d) and (e)); however:
 - A. 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
 - B. 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.

Section 4. Reserved

Section 5. Reserved

Section 6. Reserved

Section 7. Inclusionary Zoning

- (a) **Presumptive densities and set-asides.** To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides as follows :
 - 1. For Sale Developments

- i. Inclusionary zoning in Planning Area 1 permits residential development at a presumptive minimum gross density of eight units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development;

2. Rental Developments

- i. The proposed zoning of the Daveco inclusionary site for senior apartments and an assisted living facility is approx 11.15 units per gross acre, in addition to the right to build a 100 bed assisted living facility on site

(b) **Phasing.** In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Low- and Units Completed	Minimum Percentage of Moderate-Income Units
25	0
25+1	10
	50
	50
	75
	75
90	100

- (c) **Design.** In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (d) **Payments-in-lieu and off-site construction.** The standards for the collection of Payments-in-Lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:97-6.4.
- (e) **Utilities.** Affordable units shall utilize the same type of heating source as market units within the affordable development.

Section 8. New Construction

The following general guidelines apply to all newly constructed developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- (a) **Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:**
 - 1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
 - 2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
 - 3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

- i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall 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.

(b) Accessibility Requirements:

- 1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
- 2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel on the first floor;
 - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
 - v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Township of North Brunswick has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - B. To this end, the builder of restricted units shall deposit funds within the Township of North Brunswick's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the

affordable units that have been constructed with adaptable entrances.

- C. The funds deposited under paragraph B. above shall be used by the Township of North Brunswick for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of North Brunswick.
- E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of North Brunswick's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
- F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) Maximum Rents and Sales Prices

- 1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
- 2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
- 3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.

**NOTE: N.J.S.A. 52:27D-329.1 (P.L. 2008, C. 46) includes the requirement that all municipal fair share plans provide for the reservation of at least 13% of the affordable units for very low income

households, i.e. households earning 30% or less of the median income. The new statute states that the requirement is not project-specific. Each municipality's version of this ordinance must reflect the determinations made in the Fair Share Plan as to the percentage of units necessary for very low income units in rental projects. Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in the zoning section of this ordinance or specified in a developer's or redeveloper's agreement.

4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be

amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. 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.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent 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.
11. **Utilities.** 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 approved by DCA for its Section 8 program.

Section 9. Affirmative Marketing Requirements

- (a) The Township of North Brunswick shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters 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 which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 3 and covers the period of deed restriction.
- (c) *Optional.* The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 3 comprised of Hunterdon, Somerset and Middlesex counties.

- (d) The Administrative Agent designated by the Township of North Brunswick shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent 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.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) 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 Township of North Brunswick.

Section 10. Occupancy Standards

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - 1. Provide an occupant for each bedroom;
 - 2. Provide children of different sex with separate bedrooms; and
 - 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

Section 11. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Township of North Brunswick elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) 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 non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.

- (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating 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 requirements of 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.
- (e) 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 restricted ownership units.
- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy 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.

Section 12. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) 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.
- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

Section 13. Buyer Income Eligibility

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted 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 33 percent of the household's certified monthly income.

Section 14. Limitations on indebtedness secured by ownership unit; subordination

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) 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 a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

Section 15. Control Periods for Restricted Rental Units

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Township of North Brunswick elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted 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 [*insert name of county*]. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, 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; or
 - 3. The entry and enforcement of any judgment of foreclosure.

Section 16. Price Restrictions for Rental Units; Leases

- (a) A written lease shall be required for all restricted 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 Administrative Agent.

- (b) No additional fees 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 Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 17. Tenant Income Eligibility

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted 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 percent (40 percent 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 percent (40 percent 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 percent (40 percent 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.

- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 18. Administration

- (a) The position of Municipal Housing Liaison (MHL) for the Township of North Brunswick has been established by a separate ordinance. The township Council will appoint the Municipal Housing Liaison by resolution.

1. The MHL must be either a full-time or part-time employee of North Brunswick Township.
2. The person appointed as the MHL must be reported to COAH for approval.
3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.

**NOTE: if the MHL position is one that will always be included in the job description for a particular position in the local staff, e.g. Township Clerk, that position can be named in this ordinance.

4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the [*insert name of municipality*], including the following responsibilities which may not be contracted out to the Administrative Agent:
 - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, supervising any contracting Administrative Agent.
 - iv. Monitoring the status of all restricted units in the [*insert name of municipality*]'s Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required by COAH;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.

- (b) The [*insert name of municipality*] shall designate by resolution of the [*governing body name*], subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.

- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 - 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - 2. Affirmative Marketing;
 - 2. Household Certification;
 - 3. Affordability Controls;
 - 4. Records retention;
 - 5. Resale and re-rental;
 - 6. Processing requests from unit owners; and
 - 7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 - 8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

Section 19. Enforcement of Affordable Housing Regulations

- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality 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.
- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality 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 municipality 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:

- i. A fine of not more than \$2,000 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - ii. 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 Township of North Brunswick Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. 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 of an innocent tenant's reasonable relocation costs, as determined by the court.
2. The Township of North Brunswick 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- and moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income 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 municipality, 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.
- (d) 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- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality 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 municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality 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 municipality 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 municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the

municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's 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 Sheriff's sale shall not be entitled to any right of redemption.
- (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income 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 low- and moderate-income 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 which would have been realized from an actual sale as previously described.
- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The 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.

Section 20. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.