

Green Sergeant's Bridge  
*New Jersey's Only Remaining Covered Bridge*

# Delaware Township

Hunterdon County, New Jersey

[www.DelawareTwpNJ.org](http://www.DelawareTwpNJ.org)

Judith A. Allen, RMC  
OFFICE OF TOWNSHIP CLERK

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## DELAWARE TOWNSHIP PLANNING BOARD

### RESOLUTION #05-2008

#### ADOPTING AN AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Planning Board of Delaware Township, Hunterdon County, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 in 1994 and that Master Plan has been amended and revised on various occasions since that time; and

WHEREAS, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28b (3); and

WHEREAS, the substantive rules of the New Jersey Council on Affordable Housing ("COAH"), N.J.A.C. 5:97-2.1(a) require the adoption of a Housing Element by the Planning Board and endorsement by the Governing Body; and

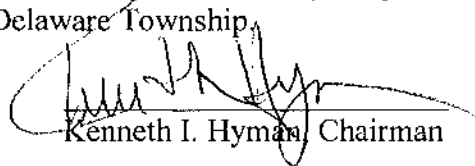
WHEREAS, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the total 1987-2018 fair share obligation of Delaware Township; and

WHEREAS, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

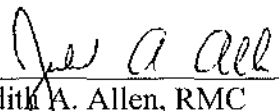
WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of Delaware Township held a public hearing on the Housing Element and Fair Share Plan on December 2, 2008; and

WHEREAS, the Planning Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the Delaware Township's 1994 Master Plan as amended and revised, and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of Delaware Township, Hunterdon County, State of New Jersey, that the Planning Board hereby adopts the December 2, 2008 Housing Element and Fair Share Plan of Delaware Township.

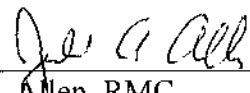
  
Kenneth I. Hyma, Chairman

ATTEST:

  
Judith A. Allen, RMC  
Secretary  
December 2, 2008

CERTIFICATION

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of Delaware Township, Hunterdon County, on December 2, 2008.

  
Judith A. Allen, RMC  
Secretary



Green Sergeant's Bridge  
*New Jersey's Only Remaining Covered Bridge*

# Delaware Township

Hunterdon County, New Jersey

Judith A. Allen, RMC  
OFFICE OF PLANNING BOARD

P. O. BOX 500  
TOWNSHIP HALL  
SERGEANTSVILLE, NJ 08557  
(609) 397-3240  
Direct FAX Number (609) 397-4893

To: Hunterdon County Planning Board via Certified Mail RRR  
From: Judith A. Allen, RMC  
Planning Board Administrative Officer  
Date: December 10, 2008  
Subject: NOTICE OF ADOPTION OF DECEMBER 2, 2008 HOUSING ELEMENT AND FAIR SHARE PLAN OF DELAWARE TOWNSHIP

Pursuant to N.J.S.A. 40:55D-13 notice by personal service or certified mail shall be made to the county planning board about adoptions, revisions or amendments of municipal Master Plans within thirty days after the date of the adoption, revision or amendment with a copy of the master plan, revision or amendment thereto.

Please be advised that following a public hearing held by the Delaware Township Planning Board on December 2, 2008, the Delaware Township Planning Board approved the December 2, 2008 Housing Element and Fair Share Plan as an amendment to the Delaware Township Master Plan, 1994 Revision.

Please add the enclosed amendment to the Township's Master Plan on file in your office.

Via Cert. Mail RRR

Enclosures: December 2, 2008 Housing Element and Fair Share Plan

cc: Hunterdon County Library with Addendum  
Without Addendum:  
Township Committee  
Delaware Township Planning Board  
Delaware Township Board of Adjustment  
Delaware Township Environmental Commission  
Delaware Township Board of Health  
Delaware Township Zoning Review Committee  
Shirley Bishop, P.P.  
Elizabeth C. McKenzie, P.P.  
Peter A. Turek, P.E.  
Steven Goodell, Esq.  
Kristina P. Hadinger, Esq.  
Robert Miller, Zoning Officer  
Municipalities adjoining Delaware Township

Copies available upon request.  
Master Plan Notice of Approved Revision

**HOUSING ELEMENT  
AND  
FAIR SHARE PLAN  
OF  
DELAWARE TOWNSHIP  
HUNTERDON COUNTY, NEW JERSEY**

Dated: December 2, 2008

**HOUSING**

**ELEMENT**

## PLANNING BOARD

- Ken Hyman
  - Larry Coffey
  - Tony Szwed
  - Kristin McCarthy
  - Christine Frenchu
  - Susan D. Lockwood
  - Ron Bond
  - Kathy Katz
- 
- Attorney: Steve Goodell, Esq.
  - Planner: Elizabeth McKenzie, P.P., AICP
  - Engineer: Peter Turek
  - Secretary: Judith A. Allen, RMC

## TOWNSHIP COMMITTEE

- Susan Lockwood, Mayor
  - Alan Johnson
  - Kristin McCarthy
  - James McCue
  - Richard Madden
- 
- Attorney: Kristina P. Hadinger, Esq.
  - Clerk: Judith A. Allen, RMC

It is certified that all copies of this document are in conformance with the one signed and sealed by Shirley M. Bishop, P.P., License # 2575

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**DELAWARE TOWNSHIP, HUNTERDON COUNTY  
HOUSING ELEMENT**

**TABLE OF CONTENTS**

	<u>PAGE</u>
PREFACE .....	1
I. Inventory of Housing Stock.....	3
A. Age .....	3
B. Condition .....	3
C. Purchase and Rental Value .....	5
D. Occupancy Characteristics and Types .....	6
E. Units Affordable to Low/Moderate Income Households .....	7
II. Projection of Housing Stock.....	9
A. Building Permits .....	9
B. Future Construction of Low and Moderate Income Housing .....	9
III. Demographic Characteristics.....	9
A. Population.....	9
B. Household Size/Type.....	10
C. Income Level .....	12
D. Age.....	13
E. Marital Status.....	13
IV. Existing and Probable Future Employment Characteristics.....	14
V. Total Obligation for Rehabilitation and Prior Round .....	15
A. Rehabilitation Share .....	15
B. Prior Round Obligation .....	15
VI. Growth Share Obligation.....	15

VII.	Analysis of Existing and Future Zoning to Accommodate Growth Projections ...	16
	A. Availability of Existing and Planned Infrastructure .....	16
	B. Anticipated Demand for Types of Uses Permitted by Zoning Based on Present And Anticipated Future Demographic Characteristics .....	16
	C. Anticipated Land Use Patterns .....	16
	D. Economic Development Policies.....	16
	E. Constraints on Development .....	17
	a. State and federal regulations .....	17
	b. Land ownership patterns .....	17
	c. Incompatible land uses .....	17
	d. Sites needing remediation.....	17
	e. Environmental constraints .....	17
	f. Existing or planned measures to address any constraints.....	17



**DELAWARE TOWNSHIP, HUNTERDON COUNTY  
HOUSING ELEMENT**

LIST OF TABLES

<u>Table</u>		<u>Page</u>
1	Age of Housing Units.....	3
2	Persons Per Room.....	4
3	Plumbing Facilities.....	4
4	Kitchen Facilities.....	4
5	Owner-Occupied Housing Unit Values.....	5
6	Contract Rent Values.....	6
7	Tenure and Vacancy .....	7
8	2008 Low and Moderate Regional Incomes.....	8
9	Population.....	9
10	Population Characteristics.....	10
11	Household Profile 2000.....	11
12	Household Type and Relationship.....	11
13	Type of Housing Units by Structure.....	12
14	Household Income .....	12
15	Sex by Marital Status - Persons 15 Years and Over.....	13
16	Employment Status of Residents.....	14
17	Employment Status Within Delaware .....	14

DELAWARE TOWNSHIP  
HUNTERDON COUNTY

HOUSING ELEMENT

PREFACE

Delaware Township in Hunterdon County is primarily a rural township with historic villages, hamlets and farms, with New Jersey's only remaining covered bridge. Approximately 37 square miles, Delaware is located in the west central part of New Jersey along the Delaware River.

The township lies in the southern part of Hunterdon County bordered by the City of Lambertville to the south and the townships of West Amwell, East Amwell, Raritan, Kingwood and Franklin. It surrounds the Borough of Stockton to the West.

Delaware balances its goal of fostering farmland preservation and farm development with its goal of providing a variety of housing to meet its residents' needs as well as affordable housing.

A municipality's Housing Element must be designed to achieve the goal of providing affordable housing to meet the total 1987-2018 affordable housing need comprised of the targeted Growth Share, the Prior Round obligation and the Rehabilitation Share. The regulations of the Council on Affordable Housing (COAH), N.J.A.C. 5:97 et seq., delineate a municipality's strategy for addressing its present and prospective housing needs, and, as such, each municipality's Housing Element must contain the following:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the ten years subsequent to the adoption of the housing element, taking into account, but not necessarily limited to, construction permits issued, approvals for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including, but not limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing;

6. A consideration of the 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;
7. A map of all sites designated by the municipality for the production of low and moderate income housing and a listing of each site that includes its owner, acreage, lot and block;
8. The location and capacities of existing and proposed water and sewer lines and facilities relevant to the designated sites;
9. Copies of necessary applications for sewer service and water quality management plans submitted pursuant to Sections 201 and 208 of the Federal Clean Water Act, 33 U.S.C. §1251, et seq.;
10. A copy of the most recently adopted municipal master plan, and where required, the immediately preceding, adopted master plan;
11. For each designated site, a copy of the New Jersey Freshwater Wetlands map where available. When such maps are not available, municipalities shall provide appropriate copies of the National Wetlands Inventory maps provided by the U.S. Fish and Wildlife Service;
12. A copy of appropriate United States Geological Survey Topographic Quadrangles for designated sites; and
13. Any other documentation pertaining to the review of the municipal housing element as may be required by the Council.

## I. INVENTORY OF HOUSING STOCK

### A. Age

More than 34 percent of the township's housing stock was built in 1939 or before. Twenty seven percent of the residential construction occurred between 1970 and 1989. Delaware has a total housing stock of 1,698 units. The median year that a structure was built in Delaware was 1962.

**TABLE 1**

**Age of Housing Units**

<u>Dates of Construction</u>	<u>Structures</u>	<u>Percent of Total</u>
1939 or earlier	578	.34
1940 - 1949	90	.05
1950 - 1959	143	.08
1960 - 1969	177	.10
1970 - 1979	229	.13
1980 - 1989	245	.14
1990 - 1994	103	.06
1995 to March 2000	133	.08
<b>2000 TOTAL UNITS</b>	<b>1,698</b>	<b>98*</b>

*\*Does not add up due to rounding*

*Source: 2000 Census of Population and Housing*

Units built before 1949 and contain 1.01 or more persons per room are highly correlated with substandard housing indicators. This is an index utilized by COAH in determining the Rehabilitation Share. In Delaware Township, 668 units or 39 percent of the housing stock was built before 1949. However, 20 units were overcrowded and explains why Delaware's Rehabilitation Share is eight units.

### B. Condition

Rehabilitation Share is the total deficient housing signaled by selected housing unit characteristics unique to each community. It is assumed that units so indicated will be prime candidates for rehabilitation. Characteristics indicating a need for rehabilitation are:

- (1) *Persons per Room.* 1.01 or more persons per room in housing units built 1949 or before. These are old units that are overcrowded.
- (2) *Plumbing Facilities.* Inadequate plumbing sufficient for rehabilitation is indicated by incomplete plumbing facilities, i.e., lack of hot and cold piped water, flush toilet or bathtub/shower.

(3) *Kitchen Facilities.* Inadequate kitchen facilities signaling rehabilitation are indicated by the non –presence of kitchen facilities within the unit, or the non–presence of one of three components: a sink with piped water, a stove or a refrigerator.

These characteristics of deficient housing are nationally recognized indicators of housing inadequacy. Each one, properly identified and not double-counted or multiplied is enough to signal the call for unit rehabilitation. This is true not solely because the characteristic specified is itself debilitating but rather signals a unit that is either old or missing a basic component of normal housing services. These characteristics exist at the municipal level, are reported by the U.S. Census such that they can be isolated and not over counted, and individually indicate the need for structure rehabilitation.

The age of Delaware Township’s housing stock has been presented in Table 1. Tables 2 through 4 address the other surrogates of deficient housing.

**TABLE 2**

<b>Persons Per Room</b>	<b><u>Persons Per Room</u></b>		
	<b>Occupied</b>	<b>Owner Occupied</b>	<b>Renter Occupied</b>
1.01 to 1.50	4	4	0
1.51 to 2.00	9	9	0
2.01 or more	7	0	7
<b>TOTAL</b>	<b>20</b>	<b>13</b>	<b>7</b>

*Source: 2000 Census of Population and Housing*

**TABLE 3**

	<b><u>Plumbing Facilities</u></b>	<b><u>Total Units</u></b>
Complete plumbing facilities		1,698
Lacking complete plumbing facilities		0

*Source: 2000 Census of Population and Housing*

**TABLE 4**

	<b><u>Kitchen Facilities</u></b>
Complete kitchen facilities	1,698
Lacking complete kitchen facilities	0

*Source: 2000 Census of Population and Housing*

Based on the above, COAH has determined that Delaware Township has eight housing units that are substandard and occupied by low and moderate income households.

### C. Purchase and Rental Value

Approximately 81 percent of the owner-occupied housing units in Delaware Township had values over \$200,000. The median value was \$293,500.

TABLE 5

Owner-Occupied Housing  
Unit Values

	<u>Units</u>	<u>Percent</u>
Less than \$34,999	0	0
\$35,000 - \$39,999	6	0
\$40,000 - \$49,999	7	0
\$50,000 - \$59,999	0	0
\$60,000 - \$69,999	0	0
\$70,000 - \$99,999	13	.01
\$100,000 - \$124,999	24	.02
\$125,000 - \$149,999	57	.04
\$150,000 - \$174,999	58	.04
\$175,000 - \$199,999	111	.08
\$200,000 - \$249,999	218	.15
\$250,000 - \$299,999	247	.17
\$300,000 - \$399,999	290	.20
\$400,000 - \$499,999	174	.12
\$500,000 - \$749,999	116	.08
\$750,000 - \$999,999	66	.05
\$1,000,000 or more	31	.02
<b>TOTAL</b>	<b>1,418</b>	<b>98*</b>

Median Value                      \$293,500

Source: 2000 Census of Population and Housing

\* Does not add up due to rounding

Of the 153 rental units with cash rent in Delaware Township, 54 percent were rented for \$1,000 per month or more. The median contract rent was \$1,031 per month.

**TABLE 6**

**Contract Rent Values**

<b><u>With cash rent:</u></b>	<b><u>Units</u></b>
\$0 - \$199	0
\$200 - \$249	9
\$250 - \$299	0
\$300 - \$349	0
\$350 - \$399	0
\$400 - \$449	0
\$450 - \$499	9
\$500 - \$549	9
\$550 - \$599	8
\$600 - \$649	7
\$650 - \$699	0
\$700 - \$749	14
\$750 - \$999	15
\$1,000 - \$1,249	45
\$1,250 - \$1,499	37
\$1,500 - \$1,999	0
\$2,000 - or more	0
<b>Total</b>	<b>153</b>
No cash rent	18
Median contract rent	\$1,031

*Source: 2000 U.S. Census of Population and Housing*

**D. Occupancy Characteristics and Types**

Eighty-six percent of the housing in Delaware Township is owner occupied. Approximately 14 percent of the housing stock is rental.

TABLE 7

Tenure and Vacancy

	<b>Housing Units</b>
Total Occupied	1,641
Occupied:	
Owner Occupied	1,418
Renter Occupied	223
Vacant:	
For rent	11
For sale only	0
Rented or sold, not occupied	15
For seasonal, recreational, or occasional use	31
For migrant workers	0
Other vacant	0

*Source: 2000 Census of Population and Housing*

**E. Units Affordable to Low and Moderate Income Households**

Units are affordable to low and moderate income households if the maximum sales price or rent is set within a COAH specified formula. A moderate income household is a household whose gross family income is more than 50 percent of median income, but less than 80 percent of median income for households of the same size within the housing region. A low income household is a household whose gross family income is equal to or less than 50 percent of median gross household income for a household of the same size within the housing region for Delaware Township. Delaware Township is in Region 3, which encompasses Middlesex, Hunterdon and Somerset counties.

Using current regional income limits adopted by COAH, a four person Hunterdon County median household income is estimated at \$96,700. A moderate income four person household would earn a maximum of \$77,360 (80 percent of regional median) and a four person low income household would earn a maximum of \$48,350 (50 percent of regional median).

Income levels for one, two, three and four person households as of 2008 are given below:



**TABLE 8**

**2008 Low and Moderate Regional Incomes**

<b>Income</b>	<b>1 person</b>	<b>2 persons</b>	<b>3 persons</b>	<b>4 persons</b>
Median	\$67,690	\$77,360	\$87,030	\$96,700
Moderate	\$54,152	\$61,888	\$69,624	\$77,360
Low	\$33,845	\$38,680	\$43,515	\$48,350

*Source: COAH, 2008 Income Limits*

Based on the qualifying formula in N.J.A.C. 5:80-26, the monthly cost of shelter which includes mortgage (principal and interest), taxes, insurance and homeowners or condominium association fees, may not exceed 28 percent of gross monthly household income based on a five percent downpayment. In addition, moderate income sales units must be available for at least three different prices and low income sales units available for at least two different prices. The maximum sales prices must now be affordable to households earning no more than 70 percent of median income. The sales prices must average 55 percent of median income.

Under COAH regulations, rents including utilities, may not exceed 30 percent of gross monthly income. The average rent must now be affordable to households earning 52 percent of median income. The maximum rents must be affordable to households earning no more than 60 percent of median income. In averaging 52 percent, one rent may be established for a low income unit and one rent for a moderate income unit for each bedroom distribution. The utility allowance must be consistent with the utility allowance approved by HUD and utilized in New Jersey.

Delaware currently has six family rental units on the Perimeter site, one family rental at Raven Rock and a six bedroom group home.

## II. PROJECTION OF HOUSING STOCK

### A. Building Permits

According to the New Jersey Department of Labor, Residential Building Permits Issued, 242 new building permits were issued in Delaware from 1990 through 1999. In addition, 153 building permits were issued between 2000 and August 2008.

### B. Future Construction of Low and Moderate Income Housing

Delaware will address the future construction of low and moderate income housing in the Fair Share Plan.

## III. DEMOGRAPHIC CHARACTERISTICS

### A. Population

The population in Delaware Township decreased by one percent between 1990 and 2000. Table 9 illustrates the figures.

**TABLE 9**

**Population**

<b>Year</b>	<b>Population</b>
1990	4,512
2000	4,481

*Sources: 1990 and 2000 Census of Population and Housing*

**TABLE 10**

**Population Characteristics**

**SELECTED POPULATION CHARACTERISTICS**

Forty-seven percent of Delaware Township residents are between the ages of 25 and 54 years.

	<u>Number</u>	<u>Percentage</u>
<u>TOTAL POPULATION</u>	4,481	
<u>SEX</u>		
Male	2,228	.50
Female	2,253	.50
<u>AGE</u>		
	<u>Male</u>	<u>Female</u>
Under 5 years	104	119
5 to 17 years	397	434
18 to 20 years	59	61
21 to 24 years	81	63
25 to 44 years	581	633
45 to 54 years	469	455
55 to 59 years	183	180
60 to 64 years	86	58
65 to 74 years	166	148
75 to 84 years	76	75
85 years and over	26	27

*Source: 2000 Census of Population and Housing*

**B. Household Size and Type**

A household profile of Delaware Township shows that there were 1,647 households with a total household population of 4,481 in 2000. The average number of persons per household was 2.72.

**TABLE 11**

**Household Profile 2000**

	<b><u>Total Number</u></b>
Households	1,647
Population of households	4,481
Persons per household	2.72

*Source:* 2000 Census of Population and Housing

**TABLE 12**

**Household Type and Relationship**

In family households:	4,030
householder:	1,297
Male	1,080
Female	217
Spouse	1,170
child:	1,419
Natural born/adopt	1,354
step	65
grandchild	11
other relatives	43
non-relatives	47
In non-family households:	
householders living alone	246
householders not living alone	96
Non-relatives	102
In group quarters:	7
Institutionalized population	0
Non-institutionalized population	7

*Source:* 2000 Census of Population and Housing

**TABLE 13**

**Type of Housing Units by Structure**

<b>Units in Structure</b>	<b>Total Units</b>
1, detached	1,608
1, attached	14
2	53
3 or 4	5
5 to 9	5
10 to 19	7
20 to 49	0
50 or more	0
Mobile home or trailer	6
Other	0
<b>TOTAL</b>	<b>1,698</b>

*Source: 2000 Census of Population and Housing*

**C. Income Level**

Approximately, 56 percent of the households in Delaware earn between \$60,000 and \$199,999 according to the 2000 census. The median household income was \$80,756.

**TABLE 14**  
**Household Income**

<b><u>Household Income</u></b>	<b><u>Number</u></b>	<b><u>Percent</u></b>
\$0 -9,999	75	.05
\$10,000-\$14,999	39	.02
\$15,000-\$19,999	34	.02
\$20,000-\$24,999	38	.02
\$25,000-\$29,999	53	.03
\$30,000-\$34,999	42	.03
\$35,000-\$39,999	22	.01
\$40,000-\$44,999	39	.02
\$45,000-\$49,999	43	.03
\$50,000-\$59,999	147	.09
\$60,000-\$99,999	443	.27
\$100,000-\$149,999	330	.20
\$150,000-\$199,999	155	.09
\$200,000 or more	179	.11
<b>TOTAL</b>	<b>1,639</b>	<b>.99*</b>

Median Household Income \$80,756

*Source: 2000 Census of Population and Housing*

*\*Does not add up due to rounding.*

#### **D. Age**

The age of the Delaware population has been discussed under Section III, Demographic Characteristics, A. Population.

#### **E. Marital Status**

In 2000, there were almost the same number of women as men over the age of 15 years in Delaware. There were 84 more widows than widowers and more divorced males than females.

**TABLE 15**

**Sex by Marital Status - Persons 15 Years and over**

Marital Status	Total	Male	Female
Total	3,618	1,804	1,814
Never Married	769	411	358
Now Married	2,408	1,201	1,207
Widowed	158	37	121
Divorced	283	155	128

*Source: 2000 Census of Population and Housing*

**IV. EXISTING AND PROBABLE FUTURE EMPLOYMENT CHARACTERISTICS**

Of the 2,437 Delaware residents employed in the civilian labor force, 44 percent are in agricultural, construction, manufacturing, wholesale trade, retail trade and transportation fields.

**TABLE 16**  
**Occupation**  
**Employed Persons 16 Years and Over**

	<b>Male</b>	<b>Female</b>	<b>Total</b>
Finance, insurance, real estate	73	104	177
Construction, manufacturing, wholesale trade, retail trade, transportation	766	307	1,073
Information	42	31	73
Arts, entertainment, recreation, accommodation and food services	68	80	148
Professional, scientific and technical services	155	126	281
Educational, health and social services	148	286	434
Public administration	79	84	163
Other services	31	57	88
<b>Total</b>	<b>1,362</b>	<b>1,075</b>	<b>2,437</b>

*Source: 2000 U.S. Census of Population and Housing*

According to the New Jersey State Data Center, Delaware had a covered employment number of 290 in 2003 and 344 in 2006. Delaware has very little commercially zoned land, and nearly all of it is developed. Most of the future employment opportunities in Delaware are likely to be farm-related, with perhaps some very limited growth in government and service sector businesses. The latter operating as home occupations.

**TABLE 17**  
**Employment Characteristics Within Delaware**

<b><u>INDUSTRY</u></b>	<b><u>AVERAGE</u></b>
Construction	20
Manufacturing	23
Wholesale Trade	14
Administrative and Waste Services	9
Other Services, Except Public Administration	12
PRIVATE SECTOR TOTAL	157
FEDERAL GOVERNMENT TOTAL	2
LOCAL GOVERNMENT TOTAL	131

## **V. TOTAL OBLIGATION FOR REHABILITATION AND PRIOR ROUND**

### **A. REHABILITATION SHARE**

Delaware has an eight unit rehabilitation obligation.

### **B. PRIOR ROUND OBLIGATION**

Delaware's obligation from the Prior Rounds is now 23 units.

## **VI. GROWTH SHARE OBLIGATION**

Delaware Township will accept the household and employment projections in Appendix F of the COAH rules. Delaware accepts 227 new households and the 142 new jobs.



## **VII. ANALYSIS OF EXISTING AND FUTURE ZONING TO ACCOMMODATE GROWTH PROJECTIONS**

With the rezoning of the Skyland site, Delaware does not believe it needs additional zoning to accommodate COAH's growth share projections based on the housing options selected.

### **A. Availability Of Existing And Planned Infrastructure:**

At the present time, the township, with one exception, is served by on-lot septic systems for sewage disposal and treatment. The Village of Sergeantsville is served by a public sewage treatment plant with approximately 110 users. Additional units could be added to the system although any significant expansion for service depends on a substantial rebuilding of the plant. No rebuilding is anticipated at this time. Septic systems are expected to continue to serve future residential units. As to water, groundwater is the current source of water supply for the township. Future water supplies depend upon available groundwater for on-lot private wells.

### **B. Anticipated Demand For Types Of Uses Permitted By Zoning Based On Present And Anticipated Future Demographic Characteristics:**

Delaware continues to remain a primarily rural community with increased efforts to guide development away from farmland and open space. There are no new non-residential zones in Delaware and none are anticipated.

### **C. Anticipated Land Use Patterns:**

Delaware does not anticipate a change in land use patterns. Delaware is containing its goal of preserving farmland and open space and encouraging developers to expand setbacks for environmental protection and open space. Delaware is also considering additional public recreation resources for both active and passive recreation.

### **D. Economic Development Policies:**

Existing commercial uses within the villages serve a local purpose and are encouraged to remain as existing uses. Businesses are encouraged to use existing structures that have a previous commercial history and are located within a limited area of the Villages of Sergeantsville and Rosemont. The types of retail sales and services are community oriented in that they serve primarily local residents and not a larger market.

### **E. Constraints On Development:**

1. State and federal regulations: Delaware Township is not within the Highlands Preservation area, CAFRA or the Meadowlands. Part of Delaware is within the Delaware and Raritan Canal Commission zone. As a result, the commission has to approve any development of disturbed land over one acre for both the quantity and the quality of the water. The Delaware sewer plant is within this zone. There are also C-1 stream corridors within the township.
2. Land ownership patterns: Delaware is comprised of approximately 25,000 acres. Currently there are 5,320 acres of preserved farmland and open space. The preserved land represents 21 percent of the total land area in the township. Approximately 86 percent of the residential units are owner-occupied and 14 percent are rentals.
3. Incompatible land uses: There are no known incompatible land uses.
4. Sites needing remediation: There are no known sites needing remediation.
5. Environmental constraints: All but the central portion of the township has severe limitations for septic suitability largely because of the high water table. Almost the entire township has at least moderate restrictions for septic suitability. As to water, the amount of available groundwater is limited and this in turn could limit additional growth.
6. Existing or planned measures to address any constraints: Delaware will carefully analyze the effects of each new well on the availability of water supply for surrounding properties. New methods of managing infiltration of surface water, including providing adequate stream buffers, appear to hold the promise of restoring and protecting the crucial natural hydrologic system of surface and groundwater.

# **FAIR SHARE PLAN**

**DELAWARE TOWNSHIP,  
HUNTERDON COUNTY**

## I. PREFACE

A municipality's affordable housing obligation is cumulative, and includes affordable housing need for the period 1987 to 2018. The affordable housing obligation consists of three components:

- Rehabilitation Share (2000)
- Prior Round Obligation (1987-1999)
- Growth Share (2000-2018)

A municipality's Rehabilitation Share is a measure of old, crowded, deficient housing that is occupied by low- and moderate-income households. Rehabilitation Share numbers from each prior round are replaced with the latest round number because the numbers are updated with each decennial census.

A municipality may receive credit for rehabilitation of low- and moderate-income deficient housing units completed after April 1, 2000 provided the units were rehabilitated up to the applicable code standard, the capital cost spent on rehabilitating a unit was at least \$10,000 and the units have the appropriate controls on affordability to ensure the unit remains affordable during the required period of time.

Rehabilitation credits cannot exceed the Rehabilitation Share and can only be credited against the rehabilitation component, not the new construction component.

The prior round obligation is the municipal new construction obligation from 1987 to 1999. All municipalities participating in the COAH process must use these dated figures. COAH continues to offer credits, reductions, and adjustments that may be applied against the Prior Round Obligation (1987-1999) for affordable housing activity undertaken from 1980 to 1999.

## II. REHABILITATION SHARE

The purpose of a rehabilitation program is to renovate deficient housing units. Deficient housing units are defined as units 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. Upon rehabilitation, the housing deficiencies must be corrected and the unit must comply with the applicable code standard.

A municipality must demonstrate that it has the capability to administer a rehabilitation program by either designating an experienced employee to administer the program or entering into an agreement with a governmental agency or private consultant to administer all or some of the program. A municipality must provide the consultant or municipal employee's credentials to administer the program as well as a procedures manual.

Rental units cannot be excluded from a municipal rehabilitation program. There must be at least 10-year affordability controls placed on both owner-occupied units and rental units. For owner-occupied units, these controls may be in the form of a lien filed with the appropriate property's deed. For rental units, the controls must be in the form of a deed restriction and may also include a lien. Units rehabilitated after April 1, 2000 are eligible for credits against the Rehabilitation Share.

The municipal investment for the rehabilitation of a unit must be at least \$10,000 per unit. Documentation must also be submitted demonstrating adequate funding source(s) and a resolution of intent to bond in the event there is a shortfall of funds.

A municipality is also required to prepare and submit a rehabilitation manual to COAH that summarizes the administration of the rehabilitation program including an affirmative marketing plan. The affirmative marketing program must clearly describe the outreach efforts to be used in implementing the program.

**Delaware has an eight unit rehabilitation share and has completed 16 units to date that meet COAH criteria.**

## III. PRIOR ROUND OBLIGATION

COAH has determined that Delaware's Prior Round Obligation is 23 units. With a Rehabilitation Share of eight units, Delaware has a pre-credited need of 31 units.

### *A. Rental Obligation and Rental Bonuses*

The rental component is calculated as follows:

.25 (pre-credited need-prior cycle credits-rehabilitation component)

$$.25 (31-6-8)$$

$$.25 (17) = 4.25$$

Therefore, Delaware has a rental obligation of five units.

*B. Maximum Age-restricted Units.*

A municipality may receive credit for age-restricted units according to the following formula:

$$.25 (\text{pre-credited need-prior cycle credits-rehabilitation credits})$$

$$.25 (31-6-8)$$

$$.25 (17) = 4.25$$

Based on this formula, Delaware is eligible to age-restrict four units for COAH credit.

*C. Regional Contribution Agreement (RCA) Maximum*

A municipality may transfer one-half of its obligation to another willing municipality within the COAH housing region. The formula for calculating the maximum RCA is as follows:

$$.50 (\text{pre-credited need-prior cycle credits-credits pursuant to } \underline{\text{N.J.A.C. 5:93-3.4}})$$

$$.50 (31-6-8)$$

$$.50 (17) = 8.5$$

Based on this formula, Delaware may enter into an RCA not to exceed eight units.

*D. Implementation*

Delaware Township's second round plan was granted substantive certification by COAH on January 10, 1996. Subsequently, Delaware amended its certified plan and COAH certified the amendment on December 6, 2000.

COAH certified the following amended plan:

<b>Project</b>	<b>Type</b>	<b>Number</b>
RCA	Lambertville	5
Group Home (prior cycle)	ALA	6 Bedrooms
NORWESCAP	Age-restricted ALA	9 Bedrooms
NORWESCAP	Bonus	1
NORWESCAP	Handicapped ALA	1 Bedroom
NORWESCAP	Bonus	1
<b>TOTAL</b>		<b>23 Units</b>

1. Delaware received credit for an existing six-bedroom group home for the developmentally disabled that is administered by ARC of Hunterdon County. The facility was opened in 1982 and is considered eligible for prior cycle credits. All documentation is on file with COAH.
2. Delaware entered into a five unit RCA with the City of Lambertville that was approved by COAH. All money has been transferred. All documentation is on file with COAH.
3. NORWESCAP was to construct a 10-unit, municipally sponsored, alternative living arrangement in two homes on property known as the Higgins Farm. (Block 24, Lot 7) The site has a tract area of approximately 2.89 acres and fronts on Higgins Farm Road in the Village of Sergeantsville. One home was to contain five bedrooms that were to be age-restricted. The other home was to contain four age-restricted bedrooms and one bedroom that was to be occupied by a handicapped person. Delaware submitted a proforma and a proposed development schedule with its extension documentation to COAH. In addition, NORWESCAP and Delaware executed an amended agreement that is on file with COAH. NORWESCAP received final approval from the Delaware Township Planning Board on March 15, 2005.

As COAH is aware from previous and voluminous correspondence, this site is no longer viable for development by NORWESCAP. COAH has copies of all correspondence up to and including the Resolution terminating the Agreement with NORWESCAP. This termination occurred because NORWESCAP was in violation of the terms of the Agreement and did not meet deadlines in a timely manner including the actual provision of the 10 shared living bedrooms.

Since COAH recalculated the Rehabilitation Share, which has been addressed by Delaware, the calculations have changed and the number of eligible age-restricted units has decreased substantially.

The following chart illustrates Delaware's Prior Round plan:

<u>PROJECT</u>	<u>TYPE</u>	<u>NUMBER</u>
RCA	Transfer	5
ARC Group Home (1982)	Bedrooms	6
New ARC Shared Senior Home	Bedroom	1
Raven Rock	Family Rental	1
Raven Rock	Rental Bonus	1
Allies Group Home	Bedrooms	3
Allies Group Home	Rental Bonuses	3
Accessory Apartments	Family Rental	3
<b>TOTAL</b>		<b>23</b>

4. The Higgins tract that was to be developed by NORWESCAP will now be developed by the ARC of Hunterdon County. Instead of 10 shared living bedrooms, there will be eight senior shared living bedrooms. One of the eight bedrooms will address the Prior Round obligation and seven will address Growth Share.
  
5. Raven Rock is a single family home located at 82 Raven Rock Road (a portion of Block 30, Lot 181) within Delaware Township. Hunterdon County owns the property and was leasing the property to the Hunterdon County Housing Corporation (HCHC) for the sole purpose of providing a low and moderate-income rental unit. HCHC was the sole management agent and landlord of this property. However, HCHC is no longer in existence and Delaware will be contracting with a new administrative agent. HCHC placed the appropriate controls on affordability and filed the deed with the restrictive covenant with Hunterdon County ensuring affordability for 30 years. The HCHC documented that the property was raised to code standard and was affirmatively marketed. The rent is consistent with COAH regulations.

As per the November 24, 2004 letter from COAH outlining the requirements for this unit to receive COAH credit, the following documentation was previously filed with COAH:

- a. Executed resolution between Delaware Township and HCHC;
- b. Copy of re-filed deed, that contains 30 year affordability controls;
- c. Statement signed by HCHC that the unit was below code and raised to code standard after rehabilitation;
- d. Statement signed by HCHC that the unit was affirmatively marketed and the rent is consistent with COAH regulations;
- e. Copy of the signed lease that includes statement that HCHC will assume all caretaking and maintenance services and that the occupant is only responsible for normal maintenance of the unit.



The Raven Rock family rental generates one rental bonus credit.

6. A home was purchased at 85 Locktown-Sergeantsville Road (Block 13, Lot 10) by Allies, Inc. to be converted into a three bedroom group home. Originally, Delaware was to provide \$35,000 per bedroom to assist in the creation of the group home. Delaware filed a motion with COAH to utilize development fees and COAH granted the motion with conditions. Instead, Delaware elected to utilize bonding to assist in the creation of the group home bedrooms. All documentation and correspondence is on file with COAH. Delaware Township is reimbursing Allies for the purchase of the home via a bond ordinance. The bond sale is expected to be completed on November 18, 2008. The payment to Allies is to be authorized on November 24, 2008. The Agreement between Allies and Delaware, dated February 28, 2008, is included in the Appendices. The appropriate affordability controls will be in place. The house is being rehabilitated with the rehabilitation expected to be completed within 90 days. Residents are expected to be in place within 30 days after the final inspection. There is both a DDD commitment and a 30-year deed restriction.

The three bedroom group home is eligible for three bonus credits.

7. Delaware is also proposing a total of 10 accessory apartments. Three will address the Prior Round obligation and seven will address Growth Share. The Delaware housing stock lends itself to accessory apartments as the housing stock is primarily rural and consists of large lots with outbuildings that can be converted into accessory apartments. In addition, Delaware has a housing stock that could contain an accessory apartment within an existing home.

Delaware is proposing one accessory apartment a year starting in 2010 through year 2017. The accessory apartments will be available to moderate income households with the group home bedrooms providing the low/moderate income split. All accessory apartments will be affirmatively marketed. Delaware will provide \$20,000 per apartment as a subsidy to encourage homeowners to participate in the program. A 10-year deed restriction will be placed on each unit. There is a letter from Peter Turek, the Delaware Township engineer, regarding compliance with DEP regulations and capacity.

A draft accessory apartment ordinance is included in the Appendices. Delaware expects to fund the accessory apartment program with development fees but if they are not sufficient, Delaware has already included a Resolution of Intent to Bond with its original Third Round Plan that is on file with COAH.

#### IV. GROWTH SHARE OBLIGATION

The Fair Share Plan includes the projects and strategies to address an affordable housing obligation and any municipal ordinance in draft form that a municipality is required to adopt as a requirement of certification. The Fair Share Plan is based upon the municipal fair share obligation developed in the housing element. The planning board adopts the Fair Share Plan and it is endorsed by the governing body prior to the petition for substantive certification. The proposed implementing ordinances may be adopted prior to substantive certification but in any event must be adopted no later than 45 days after COAH grants substantive certification.

The Fair Share Plan consists of a proposal on how a municipality intends to provide for its affordable housing obligation. Once certified, the plan will be monitored by COAH to verify that the construction or provision of affordable housing is in proportion to the actual residential growth and employment growth.

COAH rules have a number of different provisions regulating the development of affordable housing. The options available to meet the 2000-2018 fair share obligation include:

- Municipal zoning
  - Zoning for inclusionary developments
  - Redevelopment districts/sites
- Municipally sponsored new construction and 100 percent affordable developments
- Alternative living arrangements
  - Permanent supportive housing
  - Group homes
  - Congregate / shared housing
  - Residential health care facilities
- Accessory apartments
- Market to Affordable Program
- Municipally sponsored rental program
- ECHO (elder cottage housing opportunities) housing
- Assisted living residences
- Affordable housing partnership program
- Expanded crediting opportunities
- Extension of affordable units with expiring controls
- Age-restricted housing
- Rental housing with bonus credits
- Very low-income housing with bonus credit

A. COAH has given Delaware Township a 54-unit growth share obligation that is now 53 based on exclusions. The rental component is calculated as follows:

.25 (growth share)

.25 (53) = 14 (7 family)

Therefore, Delaware has a 14-unit rental obligation. Only rental units open to the general public over the rental obligation are eligible for bonus credits. Thirteen of the affordable units within Delaware may be age-restricted. Delaware may receive no more than 13 bonus credits. In addition, shared living bedrooms in excess of the rental obligation may receive a .25 bonus credit.

Delaware is proposing the following plan to address its targeted growth share obligation of 53 units:

<b>Project</b>	<b>Type</b>	<b>Number</b>
Perimeter Tract	Family Rentals	6
New ARC Shared Living	Age-Restricted Bedrooms	7
Skylands	Family Rentals	15
Skylands	Rental Bonuses	13
Accessory Apartments	Family Rentals	7
Existing ARC Group Home	Extend Controls	6
<b>TOTAL</b>		<b>54 Units</b>

1. The Perimeter site contains 18.84 acres (Block 39, Lot 24). The owner is Perimeter Properties, LLC. Once completed, the site will contain 16 total units of which 10 will be market rate units and six will be affordable rental units open to the general public. Perimeter Properties, LLC entered into a developer's agreement with Delaware and the six affordable rentals are now built and occupied.

The site is in Planning Area 4 according to the State Development and Redevelopment Plan. Although the site is in PA 4, the site is in an approved sewer service area and sewer will be provided by the Delaware Township Municipal Utilities Authority (DTMUA). The site also has public water.

All of the 18.84 acres are developable except for a small pocket of wetlands at the end of the property that remains as open space. The small pocket of wetlands is at the opposite corner from where the affordable housing is built and occupied.

The Perimeter Tract is not within a designated center. However, the site is consistent with sound planning principles and goals, because the affordable housing is already located within an approved sewer service area and has public water rather than being located outside of a service area.

The site is consistent with the policies and objections of the State Plan in that it is in the public interest to encourage development that is well situated with respect to present public facilities and to discourage development where it may impair or destroy natural resources or environmental qualities that are vital to the health and well-being of the present and future citizens of this state.

Previously, COAH granted a waiver from center designation to a site known as the Higgins Farm in Delaware because it was in an approved sewer service area. Since the six affordable rental units are constructed and occupied, Delaware does not believe a waiver is necessary. However, if a waiver is necessary, the above criteria is offered to justify a waiver.

The site is consistent with Policy 28 Mix of Housing Types because the family rental units will enhance Delaware's fair share plan that already includes a group home, a family rental unit, accessory apartments and a shared, age-restricted alternative living arrangement. Finally, since the affordable housing is built and occupied, there is an integration of different housing types and units of varied costs.

Delaware Township has included this site in the Village Extension Zone and added the following language to the Land Use Section of the Master Plan:

"Areas immediately adjacent to the Village of Sergeantsville within the sewer service district should be developed efficiently at a density compatible with the Village, provided that the layout, design and architecture of such development are complementary to the existing Village and do not undermine its historic character. Any new development in and around the Village of Sergeantsville should include housing affordable to low/moderate income households as a significant component. Zoning amendments to provide for such development should include design and architectural standards to maintain the historic ambience of Sergeantsville.

Lots may exist or may be created in and adjacent to the existing V-1 and V-2 districts encompassing the Villages of Sergeantsville and Roscmont, respectively, on which buildings could be built to accommodate new low and moderate-income housing units. The selection of site conditions and the availability of sewer and/or water infrastructure to support such development. The scale of any buildings that are proposed to be constructed for affordable housing on such lots should be compatible with the scale of existing buildings in the adjacent Village and should be designed to be part of the Village and to maintain its historic ambience."

2. As mentioned under the Prior Round plan, seven of the eight new ARC senior shared living bedrooms will address Growth Share.
3. Also mentioned above were accessory apartments. Delaware is proposing 10 accessory apartments of which seven will address the Growth Share obligation and three will address the Prior Round obligation.
4. As to the existing six bedroom group home, ARC has agreed to extend the controls for 30 years in whatever form that COAH requires. A draft form of agreement is in the Appendices.

5. The owner of a site (Block 15, Lot 1) on Route 12 in Delaware, known as Skyland Estates, is planning a 100 percent affordable family rental development of up to 15 apartments.

Representatives from Skylands and Delaware met with representatives from DEP to discuss infrastructure issues. DEP agreed that Skylands could create three lots, each with five units. Each lot will handle fewer than 2,000 gpd of septic and will be under separate ownership. No further DEP review is necessary. The proposed 15 family rentals will have the appropriate COAH bedroom mix and will meet the 13 percent requirement for very low income, if needed. All units will be affirmatively marketed.

The Skylands site is in Planning Area 4B and will need a waiver from N.J.A.C. 5:97-3.13(b)2. Delaware respectfully requests that COAH grant a waiver based on the Policy 28 Mix of Housing Types that was enunciated for the Perimeter Tract. As noted above, a meeting with DEP confirmed the viability of the site for providing the 15 family rental units, all affordable, because the infrastructure can be accommodated on-site. The developer intends to apply for federal and state funding for the project. A draft form of ordinance for the Skylands site is included in the Appendices.

The waiver request meets the requirements of N.J.A.C. 5:96-15.2(a) because both the Perimeter site and the Skylands site foster the production of affordable housing in that the Perimeter site contains six occupied affordable family rentals and the Skylands site could contain 15 affordable family rentals.

Granting the waiver fosters the intent of, if not the letter of, COAH's rules because the Perimeter site is already in a sewer service area and the Skylands site can support an on-site septic system, according to DEP. Finally, the Delaware plan proposes a mix of housing types ranging from alternative living arrangements to accessory apartments to age-restricted units.



**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.

<b>MUNICIPALITY</b>	Delaware Township	<b>COUNTY</b>	Hunterdon
<b>COAH REGION</b>	<u>3</u>	<b>PLANNING AREA(S)</b>	4, 4b, 5
<b>SPECIAL RESOURCE AREA(S)</b>	_____		
<b>PREPARER NAME</b>	Shirley M. Bishop, P.P.	<b>TITLE</b>	Housing Consultant
<b>EMAIL</b>	<u>shirleymbishop@aol.com</u>	<b>PHONE NO.</b>	609-844-7720
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	609-844-7722
<b>MUNICIPAL HOUSING LIAISON</b>	Judith Allen	<b>TITLE</b>	Clerk
<b>EMAIL</b>	<u>jallen@delawaretwpnj.org</u>	<b>PHONE NO.</b>	609-397-3240x205
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	609-397-4893

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.

<b>History of Approvals</b>	<u>COAH</u>	<u>JOC</u>	<u>N/A</u>
First Round	<u>5/20/1987</u>	_____	<input type="checkbox"/>
Second Round	<u>1/10/1996</u>	_____	<input type="checkbox"/>
Extended Second Round	<u>7/27/2005</u>	_____	<input 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: N.J.A.C. 5:97-3.13 (b) 2

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

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

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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 PNC

(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 on<sup>1</sup> \_\_\_\_\_

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)**

**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 type="checkbox"/>	<input checked="" 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) <sup>1</sup> Date of Last Amendment: <u>7/21/2008</u> Date of Submission to COAH: <u>2008</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Municipal Tax Maps (most up-to-date, electronic if available) Date of Last Revision: <u>4/30/2007</u> Date of Submission to COAH: <u>2008</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other documentation pertaining to the review of the adopted Housing Element & Fair Share Plan(list): Acc. Apt. Ord., Dev. Fee Ord., Spending Plan, Aff. Hsng. Ord.

FOR OFFICE USE ONLY			
Date Received _____	Affidavit of Public Notice _____	Date Deemed _____	
Complete/Incomplete _____	Reviewer's Initials _____		

<sup>1</sup> 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 by<sup>1</sup>:

- 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: 3-8       No (incomplete)

2. The plan provides an analysis of the municipality's demographic characteristics, including, but not necessarily limited to<sup>2</sup>:

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

Yes, Page Number: 9-14       No (incomplete)

3. The plan provides an analysis of existing and future employment characteristics of the **municipality**, including but not limited to<sup>3</sup>:

- 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: 14       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: 16, 17       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: FSP       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: 15       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: \_\_\_\_\_       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/coah/planningtools/gscalculators.shtm](http://www.nj.gov/dca/coah/planningtools/gscalculators.shtm))

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: 15     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: \_\_\_\_\_

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<sup>1</sup> Information available through the U.S. Census Bureau at [http://factfinder.census.gov/servlet/ACSSAFFHousing?\\_sse=on&\\_submenuId=housing\\_0](http://factfinder.census.gov/servlet/ACSSAFFHousing?_sse=on&_submenuId=housing_0)

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

<sup>3</sup> Information available through the New Jersey Department of labor at <http://www.wnjin.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.

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**Determining the 1987-2018 Fair Share Obligation**

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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 N.J.A.C. 5:97 Appendix B) <b>OR</b>	<u>8</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 N.J.A.C. 5:97 Appendix C)	<u>23</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	_____
5 <b>Adjusted Prior Round Obligation:</b> (Number in Appendix C <b>minus</b> Total Prior Round Adjustment(s))	<u>23</u>
<hr/>	
6 <input type="radio"/> Prior Round Vacant Land Adjustment (Unmet Need)	_____
Realistic Development Potential(RDP) <sup>1</sup>	_____

<sup>1</sup> 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/dea/coah/planningtools/gscalculators.shtml](http://www.nj.gov/dea/coah/planningtools/gscalculators.shtml).

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

Line	<i>○ Required 2004-2018 COAH Projections and Resulting Projected Growth Share</i>			
	Household Growth (From Appendix F)	<u>227</u>	Employment Growth (From Appendix F)	<u>142</u>
	Household Growth After Exclusions (From Workbook A)	<u>223</u>	Employment Growth After Exclusions (From Workbook A)	_____
	Residential Obligation (From Workbook A)	<u>44.6</u>	Non-Residential Obligation (From Workbook A)	<u>8.88</u>
7	Total 2004-2018 Growth Share Obligation			<u>53.00</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)	_____	Employment Growth After Exclusions (From Workbook C)	_____
	Residential Obligation (From Workbook C)	_____	Non-Residential Obligation (From Workbook C)	_____
9	Total 2004-2018 Growth Share Obligation			_____
10	<b>Total Fair Share Obligation</b> (Line 1 or 2 + Line 5 or 6 + Line 7, 8 or 9)			<u>84.00</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>
<b>Rehabilitation Share</b>			
<i>Less: Rehabilitation Credits</i>	16		_____
Rehab Program(s)		_____	0
<b>Remaining Rehabilitation Share</b>			_____
			<b>Prior Round (1987-1999 New Construction) Obligation</b>
			23
<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			_____
<b>Mechanisms addressing Prior Round</b>			
Prior Cycle Credits (1980 to 1986)	6		- 6
Credits without Controls			_____
Inclusionary Development/Redevelopment			_____
100% Affordable Units	1		1
Accessory Apartments		3	3
Market-to-Affordable			_____
Supportive & Special Needs		4	- 4
Assisted Living			_____
RCA Units previously approved	5		5
Other			_____
Prior Round Bonuses		4	4
<b>Remaining Prior Round Obligation</b>			0
			<b>Third Round Projected Growth Share Obligation</b>
			23
<i>Less: Mechanisms addressing Growth Share</i>			
Inclusionary Zoning	6		6
Redevelopment			0
100% Affordable Development		15	15
Accessory Apartments		7	7
Market-to-Affordable Units			_____
Supportive & Special Need Units		7	7
Assisted Living: post-1986 Units			_____
Other Credits		6	6
Compliance Bonuses			_____
Smart Growth Bonuses			_____
Redevelopment Bonuses			_____
Rental Bonuses		13	13
<b>Growth Share Total</b>			54
<b>Remaining (Obligation) or Surplus</b>			1

## PARAMETERS<sup>1</sup>

<b><u>Prior Round 1987-1999</u></b>			
RCA Maximum	8	RCA's Included	5
Age-Restricted Maximum	4	Age-Restricted Units Included	1
Rental Minimum	5	Rental Units Included	14

<b><u>Growth Share 1999-2018</u></b>			
Age-Restricted Maximum	13	Age-Restricted Units Included	7
Rental Minimum	14	Rental Units Included	41
Family Minimum	24	Family Units Included	28
Very Low-Income Minimum <sup>2</sup>	7	Very Low-Income Units Included	13

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

<sup>2</sup> 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/coah/planningtools/checklists.shtml](http://www.nj.gov/dca/coah/planningtools/checklists.shtml).

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 <sup>1</sup>
1. <u>HCHC Rehabilitation</u>	<u>Completed</u>	<u>X</u>	<u>On File</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____

<sup>1</sup> 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 <sup>1</sup>
1. Lambertville RCA	RCA	Completed	5	0	0	On File
2. ARC Group Home	Prior Cycle	Completed	6 BR	0	0	On File
3. New ARC Shared Home	ALA	Proposed	1 BR	1	1	Checklist
4. Raven Rock	Family Rental	Completed	1	1	0	On File
5. Allies Group Home	ALA	Proposed	3 BR	0	0	Checklist
6. Accessory Apartments	Family Rental	Proposed	3	3	0	Checklist
7. Rental Bonuses			4			
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
<b>Subtotal from any additional pages used</b>				_____		
<b>Total units (proposed and completed)</b>				_____		
Total rental				14		
Total age-restricted				1		
Total very-low				10		
Total bonuses				4		

Please add additional sheets as necessary.

<sup>1</sup> 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 <sup>1</sup>
16. Perimeter Tract	Family Rental	<u>Completed</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>0</u>	<u>On File</u>
17. New ARC Shared Living	ALA	<u>Proposed</u>	<u>7</u> BR	<u>7</u>	<u>0</u>	<u>0</u>	<u>Checklist</u>
18. Skylands	Family Rental	<u>Proposed</u>	<u>15</u>	<u>0</u>	<u>15</u>	<u>0</u>	<u>Checklist</u>
19. Accessory Apartments	Family Rental	<u>Proposed</u>	<u>7</u>	<u>7</u>	<u>7</u>	<u>0</u>	<u>Checklist</u>
20. Existing ARC Group Home	Control Extension	<u>Proposed</u>	<u>6</u> BR	<u>0</u>	<u>0</u>	<u>0</u>	<u>Checklist</u>
21. Skylands	Rental Bonus	<u>13</u>	<u>13</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>_____</u>
22.		<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
23.		<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
24.		<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
25.		<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
26.		<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
27.		<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
28.		<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
29.		<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
30.		<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<b>Subtotal from any additional pages used</b>		<u>_____</u>	<b>Total units (proposed and completed)</b>		<u>_____</u>		
	Total family units	<u>28</u>		Total rental units	<u>41</u>		
	Total age-restricted units	<u>7</u>		Total family rental units	<u>28</u>		
	Total Supportive/Special Needs units	<u>0</u>		Total very-low units	<u>13</u>		
	Total Special Needs bedrooms	<u>13</u>		Total bonuses	<u>13</u>		

Please add additional sheets as necessary.

<sup>1</sup> 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.

3. Does the ordinance follow the ordinance model **updated September 2008** and available at [www.nj.gov/dca/coah/round3resources.shtml](http://www.nj.gov/dca/coah/round3resources.shtml)? 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 1.50% 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) \$192,000

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?

Closing costs/down payment assistance, rental assistance and/or converting low income units to very low income units.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

<sup>1</sup> 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/coah/round3resources.shtml](http://www.nj.gov/dca/coah/round3resources.shtml)? 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/coah/round3resources.shtml](http://www.nj.gov/dca/coah/round3resources.shtml) ?       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)      On File

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

Delaware requests a waiver to N.J.A.C. 5:97-3.13 (b) 2 for the Skyland site and for the Perimeter site if needed. There is a narrative on pages 10 and 11 of the Fair Share Plan that addresses the waiver request.

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EXHIBIT A

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

**COAH Growth Projections**  
**Must be used in all submissions**

**Municipality Name:** Delaware Township

Enter the COAH generated growth projections from 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 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. Use these figures in the Application for Substantive Certification.

	Residential	Non-Residential
1 <b>Enter Growth Projections From Appendix F(2) *</b>	227	142
2 <b>Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab</b>	<a href="#">Click Here to enter Prior Round Exclusions</a>	
built or projected to be built post 1/1/04		
Inclusionary Development	0	
Supportive/Special Needs Housing	1	
Accessory Apartments	3	
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 <b>Subtract the following Non-Residential Exclusions (5:97-2.4(b))</b>		
Affordable units	0	
Associated Jobs		0
4 <b>Net Growth Projection</b>	223	142
5 <b>Projected Growth Share (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)</b>	44.60 Affordable Units	8.88 Affordable Units
6 <b>Total Projected Growth Share Obligation</b>		53 Affordable Units

\* 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.

## Affordable and Market-Rate Units Excluded from Growth

**Municipality Name: Delaware Township**

### Prior Round Affordable Units NOT included in Inclusionary Developments Built post 1/1/04

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	1
Accessory Apartments	3
Municipally Sponsored and 100% Affordable	0
Assisted Living	0
Other	0
<b>Total</b>	<b>4</b>

### Market and Affordable Units in Prior Round Inclusionary Development

Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
		0			0
		0			0
		0			0
		0			0
		0			0
<b>Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
<b>Total</b>	<b>0</b>	<b>0</b>

[Return To Workbook A Summary](#)

## CHECKLISTS

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

(Submit separate checklist for each site or project)

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**General Description**

Municipality/County: Delaware Township / Hunterdon County

Project or Program Name: ARC Senior Shared Living

Date facility will be constructed or placed into service: \_\_\_\_\_

Type of facility: Alternative Living Arrangement

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

Affordable bedrooms proposed: \_\_\_\_\_ Age-restricted affordable bedrooms: 8

For permanent supportive housing:

Affordable units proposed: \_\_\_\_\_ 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): \_\_\_\_\_

Very low income bonuses as per N.J.A.C. 5:97-3.7<sup>1</sup>: \_\_\_\_\_

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

Date development approvals granted: \_\_\_\_\_

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**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)

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

**IMPLEMENTATION SCHEDULE**

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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	Completed		On File
RFP Process	NA	NA	NA



Developer Selection	2008	2008	2008
Executed Agreement with provider, sponsor or developer			
Development Approvals	NA		
Contractor Selection	NA		
Building Permits	2009		2009
Construction	2009-2010		2009-2010
Occupancy	2010		2010

**Supportive/Special Needs Narrative Section**

See Fair Share Plan.

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<sup>1</sup> 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.

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**ACCESSORY APARTMENTS (N.J.A.C. 5:97-6.8)**

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**General Description**

Municipality/County: Delaware Township / Hunterdon County

Affordable Units Proposed: 10

Family: 10

Low-Income: \_\_\_\_\_

Moderate-Income: 10

Age-Restricted: \_\_\_\_\_

Low-Income: \_\_\_\_\_

Moderate-Income: \_\_\_\_\_

Average expenditure:

For each low-income unit: \$ NA

For each moderate-income unit: \$ 20,000

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**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.)
- Draft or adopted accessory apartment ordinance
- 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 On File
- Demonstration that the housing stock lends itself to accessory apartments
- Demonstration that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartments (indicate below type of infrastructure)
  - Public water and sewer system; OR
  - If served by individual well and/or septic system, the municipality must show that the well and/or septic system meet the appropriate NJDEP standards and have sufficient capacity for additional unit

**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

**Accessory Apartment Narrative Section**

See Fair Share Plan.

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**EXTENSION OF EXPIRING CONTROLS (N.J.A.C. 5:97-6.14)**

(Submit separate checklist for each location)

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**General Description**

Municipality/County: Delaware Township / Hunterdon County

Project or Program Name: ARC Group Home

Block(s) and Lot(s): \_\_\_\_\_

Affordable Units Proposed: 6

Non-Age-Restricted: 6                      Sale: \_\_\_\_\_                      Rental: 6

Age-Restricted: \_\_\_\_\_                      Sale: \_\_\_\_\_                      Rental: \_\_\_\_\_

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**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.)

**Identification of unit(s) including:**

- Name and address of owner
- Subject property address
- Subject property block and lot
- Description of units including if unit is age-restricted or not and rental or sale
- Description of expiring controls including prior program funding, date control first initiated and date when control is to expire
- Agreement or commitment to extend controls between the municipality and owner
- Proposed deed restriction
- Pro-forma statement for the project showing acquisition and/or 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
- Previous and proposed or revised Affirmative Marketing Plans



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

(Submit separate checklist for each site or project)

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**General Description**

Municipality/County: Delaware Township / Hunterdon County

Project or Program Name: Allies Group Home

Date facility will be constructed or placed into service: 2009

Type of facility: Group Home

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

Affordable bedrooms proposed: 3 Age-restricted affordable bedrooms: 0

For permanent supportive housing:

Affordable units proposed:        Age-restricted affordable units:       

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: 3

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

Very low income bonuses as per N.J.A.C. 5:97-3.7<sup>1</sup>:       

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

Date development approvals granted: NA

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**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.



- 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)

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

**IMPLEMENTATION SCHEDULE**

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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	2008	2008	2008
RFP Process	NA		





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

(Submit separate checklist for each site or project)

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**General Description**

Municipality/County: Delaware Township / Hunterdon County

Project Name: Skylands Estates

Block(s) and Lot(s): Block 15, Lot 1

Affordable Units Proposed: 15

Family: 15

Sale: \_\_\_\_\_

Rental: 15

Very low-income units: \_\_\_\_\_

Sale: \_\_\_\_\_

Rental: \_\_\_\_\_

Age-Restricted: \_\_\_\_\_

Sale: \_\_\_\_\_

Rental: \_\_\_\_\_

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: 13

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

Very low income bonuses as per N.J.A.C. 5:97-3.7<sup>1</sup>: \_\_\_\_\_

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: \_\_\_\_\_

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**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.



- 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	2008	2008	2008



Municipal resolution appropriating funds or a resolution of intent to bond in the event of a shortfall of funds	2005	2005
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**100% or Municipally Sponsored Narrative Section**

Sec Fair Share Plan.

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<sup>1</sup> 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.

SPENDING PLAN

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## Affordable Housing Trust Fund Spending Plan

### Township of Delaware Hunterdon County 2008

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#### INTRODUCTION

The Township of Delaware, Hunterdon County, 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 was approved by COAH on 11/2/1994 and adopted by the municipality on 12/27/1994. The ordinance establishes the Township of Delaware affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, the Township of Delaware has collected \$876,224.28, expended \$669,900.54, resulting in a balance of \$206,323.74. 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 PNC 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 Delaware first petitioned COAH for substantive certification on 2/17/1995 and received prior approval to maintain an affordable housing trust fund on 11/2/1994. As of December 31, 2004, the prior round balance remaining in the affordable housing trust fund was \$25,735.62. From January 1, 2005 through July 17, 2008, the Township of Delaware collected an additional \$73,085.91 in development fees, payments in lieu of construction, other funds, and/or interest. From January 1, 2005 through July 17, 2008, the Township of Delaware 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, the Township of Delaware 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): Payments in lieu have not been nor are they anticipated to be collected or assessed.

(c) Other funding sources: No other funds have been or are anticipated to be collected.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate of .0087 projected to total of \$3,741.00.

Source of Funds	DELAWARE TWP. PROJECTED REVENUES HOUSING TRUST FUND - 2008 THROUGH 2018											
	7/18/2008											
	12/31/2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development Fees Total												430,000.00
1. Approved Development												0.00
2. Development Pending Appl												0.00
3. Projected Development	5,000.00	20,000.00	25,000.00	30,000.00	35,000.00	40,000.00	45,000.00	50,000.00	55,000.00	60,000.00	65,000.00	430,000.00
(b) PILs in Lieu of Construction												0.00
(c) Other Funds												0.00
(d) Interest - .0087%	43.50	174.00	217.50	261.00	304.50	348.00	391.50	435.00	478.50	522.00	565.50	3,741.00
Total	5,043.50	20,174.00	25,217.50	30,261.00	35,304.50	40,348.00	45,391.50	50,435.00	55,478.50	60,522.00	65,565.50	433,741.00

The Township of Delaware projects a total of \$433,741.00 in revenue to be collected between July 18, 2008 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

## 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 the Township of Delaware:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with the Township of Delaware'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:

The governing body shall adopt a resolution authorizing the expenditure of development fee revenues consistent with the COAH-approved spending plan. Once a request has been approved by resolution, the CFO shall release the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

**3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS**

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

The Township of Delaware will dedicate \$ to rehabilitation or new construction programs (see detailed descriptions in Fair Share Plan) as follows:

**Rehabilitation program: \$0**

**New construction project(s): \$**

Group Home #1 which will provide 3 bedrooms @ \$35,000/BR – Total \$105,000  
And for which the municipality has approved bonding  
Group Home #2 which will provide 3 bedrooms @ \$50,000/BR – Total \$150,000  
Accessory Apartments – 10 @ \$20,000 - Total \$200,000

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

Projected minimum affordability assistance requirement:

Delaware Twp. Projected Minimum Affordability Assistance		\$
Actual development fees through 7/17/2008	+	759,396.02
Actual interest earned through 7/17/2008	+	116,843.90
Development fees projected 7/18/2008-2018	+	430,000.00
Interest projected 7/18/2008-2018	+	3,741.00
Less housing activity expenditures through 6/2/2008	-	-669,034.45
Total	=	640,946.47
<b>30 percent requirement</b>	x 0.30 =	192,283.94
Less Affordability assistance expenditures through 12/31/2004	-	0.00
<b>Projected Minimum Affordability Assistance -</b>	<b>=</b>	<b>192,283.94</b>
Requirement 1/1/2005 through 12/31/2018		
<b>Projected Minimum Very-Low-Income Affordability Asst.</b>	<b>/3 =</b>	<b>64,094.65</b>
Requirement 1/1/2005 through 12/31/2018		

The Township of Delaware will dedicate \$192,283.94 from the affordable housing trust fund to render units more affordable, including \$64,094.65 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

Closing costs, down-payment assistance, rental assistance and/or convert low-income rental units to very low-income units.

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

The Township of Delaware projects that \$191,831.20 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

The governing body shall adopt a resolution authorizing the expenditure of development fee revenues consistent with the COAH-approved spending plan. Once a request has been approved by resolution, the CFO shall release the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

Delaware Twp. Projected Maximum Administrative Expenses		
		\$
Actual development fees through 7/17/2008	+	759,396.02
Actual interest earned through 7/17/2008	+	116,843.90
Development fees projected 7/18/2008-2018	+	430,000.00
Interest projected 7/18/2008-2018	+	3,741.00
Pmts in Lieu of Construction through 7/18/2008	+	0.00
Other Funds through 7/18/2008	+	0.00
Less RCA Expenditures through 2018	-	0.00
Total Projected Administration Expenses	x 0.20 =	261,996.18
Less Actual Administrative Expenses through 12/31/2004	-	-70,164.98
<b>Total Remaining Projected Administration Expenses</b>	<b>=</b>	<b>191,831.20</b>

**4. EXPENDITURE SCHEDULE**

The Township of Delaware intends to use affordable housing trust fund revenues for two group homes and accessory apartments. Where applicable, the funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

		Funds Expended/ Dedicated	DELAWARE TWP. PROJECTED EXPENDITURE SCHEDULE 2009-2018											
	# of	2005-7/17/2008	7/18/2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Program	Units	0.00	12/31/2008											
Group Home	3	0.00	105,000.00											105,000.00
Group Home	3			150,000.00										150,000.00
Accessory Apartments	10			20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	200,000.00
Total Programs	16	0.00	105,000.00	170,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	455,000.00
Affordability Assistance			0.00	19,228.39	19,228.39	19,228.39	19,228.39	19,228.39	19,228.39	19,228.39	19,228.39	19,228.39	19,228.39	192,283.94
Administration			0.00	19,183.12	19,183.12	19,183.12	19,183.12	19,183.12	19,183.12	19,183.12	19,183.12	19,183.12	19,183.12	191,831.20
Total	16	0.00	105,000.00	208,411.51	58,411.51	58,411.51	58,411.51	58,411.51	58,411.51	58,411.51	58,411.51	58,411.51	58,411.51	839,115.15

## 5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of the Township of Delaware has adopted a resolution agreeing to fund any shortfall of funds required for implementing the group homes, accessory apartments and 100% affordable project. In the event that a shortfall of anticipated revenues occurs, the Township of Delaware will bond to provide for a shortfall. A copy of the adopted resolution is attached.

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 affordability assistance.

## 6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Township of Delaware's Affordable Housing Ordinance Section B Accessible Townhouse Units and in accordance with N.J.A.C. 5:97-8.5

**SUMMARY**

The Township of Delaware 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 2, 1008.

The Township of Delaware has a balance of \$206,323.74 as of July 17, 2008 and anticipates an additional \$433,741.00 in revenues before the expiration of substantive certification for a total of \$640,064.74. The municipality will dedicate \$455,000.00 towards group homes and accessory apartments, \$192,283.94 to render units more affordable, and \$191,831.20 to administrative costs. Any shortfall of funds will be offset by municipal bonding. The municipality will dedicate any excess funds toward affordability assistance.

<b>DELAWARE TWP. SPENDING PLAN SUMMARY</b>	
	<b>\$</b>
Balance as of July 17, 2008	206,323.74
<b>PROJECTED REVENUE July 18, 2008-2018</b>	
Development Fees	430,000.00
Payments in lieu of construction	0.00
Other Funds	0.00
Interest	3,741.00
<b>TOTAL REVENUE</b>	<b>640,064.74</b>
<b>EXPENDITURES</b>	
Funds used for Rehabilitation	0.00
Funds used for New Construction	
Group Home #1	105,000.00
Group Home #2	150,000.00
Accessory Apartments	200,000.00
Affordability Assistance	192,283.94
Administration	191,831.20
Excess Funds for Additional Housing Activity	0.00
<b>TOTAL PROJECTED EXPENDITURES</b>	<b>839,115.15</b>
<b>REMAINING BALANCE</b>	<b>-199,050.41</b>

## APPENDICES

Affordable Housing Development Fees  
§230-135

[Amended, as follows: ]

12-27-2004 by Ord. No. 2004-25LU

9-11-2006 by Ord.No. 2006-07LU

9-8-2008 by ord. No. 2008-17LU

5-11-2009 by Ord. No. 2009-10LU

**§ 230-135. Affordable housing development fees. [Amended 12-27-2004 by Ord. No. 2004-25LU; 9-11-2006 by Ord. No. 2006-07LU; 9-8-2008 by Ord. No. 2008-17LU; 5-11-2009 by Ord. No. 2009-10LU]**

**A. Purpose.**

- (1) In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the adoption of Rules by COAH.
- (2) Pursuant to N.J.S.A. 52:27D-329.2 (L. 2008, c. 46, § 8) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of COAH or a court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.
- (3) This section establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance N.J.S.A. 52:27D-329.2 (L. 2008, c. 46, § 8) and N.J.S.A. 40:55D-8.1 through 8.7 (L. 2008, c. 46, §§ 32 through 38). Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing. This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

**B. Basic requirements.**

- (1) This chapter shall not become effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- (2) The Township shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

**C. Definitions. The following terms, as used in this section, shall have the following meanings:**

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

**COAH** — The New Jersey Council on Affordable Housing established under the Fair Housing Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in the state.

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



DEVELOPMENT FEE — Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

EQUALIZED ASSESSED VALUE -- The assessed value of a property divided by the current average ratio of assessed to true value for the Township, as determined in accordance with N.J.S.A. 54:1-35a through 54:1-35c (L. 1973, c.123, §§ 4, 5 and 6).

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

- D. Residential development fees. [Amended 7-13-2009 by Ord. No. 2009-14LU]
- (1) Imposed fees. [Amended 6-28-2010 by Ord. No. 2010-06LU]
- (a) Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a residential development fee of 1 1/2% of the equalized assessed value of land and improvements [for residential development], provided no increased density is permitted.
- (b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of 1 1/2% of the equalized assessed value of the initial "by-right" number of units and 6% of the equalized assessed value for each additional unit that is realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
- (c) Example. If an approval allows four units to be constructed on a site that was zoned for two units, the fees would equal 1 1/2% of the equalized assessed value on the first two units; and shall equal 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.
- (2) Eligible exactions, ineligible exactions and exemptions for residential development.
- (a) Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from the payment of development fees.
- (b) Developments that have received preliminary or final site plan approval prior to the adoption of a Township development fee ordinance shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with

preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

- (c) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is expanded or undergoes renovations such as conversions of basements or attics to habitable space, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure. [Improvements or additions to existing one- and two-family dwellings on individual lots shall not be required to pay a development fee, but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit.]
- (d) Developers of residential structures demolished and replaced with a substantially similar residence as a result of an accidental fire or natural disaster shall be exempt from paying a development fee.

E. Nonresidential development fees.

(1) Imposed fees.

- (a) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2 1/2% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots. **[Amended 6-28-2010 by Ord. No. 2010-06LU]**
- (b) Nonresidential developers, except for developers of the types of development specifically exempted in Subsection E(2)(c) below, shall also pay a fee equal to 2 1/2% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2 1/2% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvements and the equalized assessed value of the newly improved structure, i.e., land and improvements, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

(2) Eligible exactions, ineligible exactions and exemptions for nonresidential development.

- (a) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the 2 1/2% development fee, unless otherwise exempted below.

- (b) The 2 1/2% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (c) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in the N-RDF "State of New Jersey Nonresidential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.
- (d) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to the Statewide Nonresidential Development Fee Act shall be subject to the fee at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
- (e) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township as a lien against the real property of the owner.

F. Collection procedures.

- (1) Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.
- (2) For nonresidential developments only, the developer shall also be provided with a copy of form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a nonresidential development shall complete form NRDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the form N-RDF. The Township Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in form N-RDF.
- (3) The Construction Official responsible for the issuance of a building permit shall notify the Township Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (4) Within 90 days of receipt of that notice, the Township Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- (5) The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Township Tax Assessor of any and all requests for the

scheduling of a final inspection on property which is subject to a development fee.

- (6) Within 10 business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (7) Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in N.J.S.A. 40:55D-8.6 (L. 2008, c.46, § 37, subsection b).
- (8) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- (9) Appeal of development fees.
  - (a) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
  - (b) A developer may challenge nonresidential development fees imposed by a filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

G. Affordable housing trust fund.

- (1) The Township has established a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- (2) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - (a) Payments in lieu of on-site construction of affordable units;

- (b) Developer contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
  - (c) Rental income from Township operated units;
  - (d) Repayments from affordable housing program loans;
  - (e) Recapture funds;
  - (f) Proceeds from the sale of affordable units; and
  - (g) Any other funds collected in connection with the Township's affordable housing program.
- (3) The Township has provided COAH with written authorization, in the form of a three-party escrow agreement between the Township, the bank, and COAH, to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- (4) All interest accrued in the Affordable Housing Trust Fund shall only be used on eligible affordable housing activities approved by COAH.

#### H. Use of funds.

- (1) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by COAH to address the Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- (2) Funds shall not be expended to reimburse the Township for past housing activities.
- (3) At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the Township's Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
- (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance

with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.

- (b) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the Township Fair Share Plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner shall entitle the Township to bonus credits pursuant to N.J.A.C. 5:97-3.7.
  - (c) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
  - (d) The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
  - (e) No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for Township employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to COAH's regulations and/or action are not eligible uses of the affordable housing trust fund.
- I. Monitoring. The Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.
- J. Ongoing collection of fees.
- (1) The ability for the Township to impose, collect and expend development fees shall expire with the expiration of its substantive certification unless the Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance.
  - (2) If the Township fails to renew its ability to impose and collect development fees prior to the expiration of its substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds

so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to N.J.S.A. 52:27D-320 (L. 1985, c.222, § 20).

- (3) The Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification, nor shall the Township retroactively impose a development fee on such a development. The Township shall not expend development fees after the expiration of its substantive certification.

230-310

DRAFT AFFORDABLE HOUSING ORDINANCE



**Third Round Affordable Housing Ordinance**  
**Delaware Township / Hunterdon County**

**Ordinance Number \_\_\_\_\_**

AN ORDINANCE TO AMEND THE \_\_\_\_\_ CODE OF DELAWARE TOWNSHIP CHAPTER \_\_\_\_\_ IN ORDER TO ADDRESS REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) RELATED TO DELAWARE TOWNSHIP'S SUBSTANTIVE CERTIFICATION OF ITS THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN.

BE IT ORDAINED by the governing body of Delaware Township, Hunterdon County that Chapter \_\_\_\_\_ entitled (*name of chapter*) of the general ordinances/ zoning ordinances of Delaware Township is hereby created to address Delaware's constitutional obligation to provide for its fair share of low- and moderate-income housing, consistent with the provisions of N.J.A.C. 5:97 et seq. and N.J.A.C. 5:80-26.1 and pursuant to the New Jersey Fair Housing Act of 1985. This ordinance is also intended to provide assurances that low and moderate income units (the "affordable units") are created with controls on affordability over time and that low and moderate income people occupy these units. This ordinance shall apply except where inconsistent with applicable law.

The Delaware Township Planning Board adopted the Housing Element pursuant to the MLUL at N.J.S.A. 40:55D-1 et seq. on December 2, 2008. A Fair Share Plan consistent with this Housing Element was adopted by the Planning Board on December 2, 2008 and endorsed by the Governing Body on December 2, 2008. This Fair Share Plan describes the methods by which Delaware Township will address its Fair Share obligation as determined by the Housing Element. This ordinance implements and incorporates that Fair Share Plan and addresses the requirements of N.J.A.C. 5:97 et seq. Delaware will annually file a monitoring report with the Council delineating the status of its certified plan and this report will be available to the public at the Office of the Clerk, Township Hall, Sergeantsville and from the Council on Affordable Housing at PO Box 813, Trenton, New Jersey 08625-0813.

**Section 1. Municipal Fair Share Obligation**

The fair share obligation in Delaware consists of an eight-unit rehabilitation obligation, a 23 unit prior round obligation and a 54-unit growth share obligation that represents one affordable unit for every five market rate residential units receiving a certificate of occupancy subsequent to January 1, 2004 plus one affordable housing unit for every 16 jobs created through the expansion or creation of non-residential development in accordance with the schedule determined by the New Jersey Council on Affordable Housing (COAH).

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

“MONI” means the Agency’s Market Oriented Neighborhood Investment Program, as it may be authorized from time to time by the Agency.

“95/5 unit” means a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93 before October 1, 2001.

“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 affordable to a four-person household with an income at or above 80% of the regional median as defined by the Council’s annually adopted income limits.

“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, but does not include a market-rate unit financed under UHORP or MONI.

“UHORP” means the Agency’s Urban Homeownership Recovery Program.

### Section 3. Affordable Housing Programs

Delaware has determined that it will use the following programs to satisfy its affordable housing obligation: rehabilitation, 100 percent affordable family rental housing, accessory apartments, supportive shared living bedrooms and extending controls on existing units.

The following general guidelines apply to all developments that contain low-and moderate-income units, and any future developments that may occur.

### Section 4. Rehabilitation

The rehabilitation program

1. Delaware’s rehabilitation program is designed to renovate deficient housing units occupied by low and moderate-income households and after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
2. Delaware has completed its eight unit obligation.
3. Both renter occupied and owner occupied units were eligible for rehabilitation funds.
4. Both renter occupied and owner occupied units will remain affordable to low and moderate-income households for a period of 10 years. For owner occupied units this

2. To receive Council credit for a townhouse unit or other multistory dwelling unit that is attached to at least one other dwelling unit Delaware shall ensure that:
  - a. Townhouses or other multistory dwelling units that are attached to at least one other dwelling unit for which credit is sought for low or moderate income housing 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 accessible route of travel;
      - (1) An interior accessible route of travel shall not be required between stories;
    - iv. 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
    - v. 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, or evidence that Delaware has collected funds from the development sufficient to make 10 percent of the adaptable entrances in the development accessible;
  - b. In the case of a unit or units which are 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;
3. The builder of the unit or units shall deposit funds, sufficient to adapt 10 percent of the affordable units in the projects which have not been constructed with accessible entrances, with Delaware, for deposit into the municipal affordable housing trust fund;
4. The funds under (b)3 above shall be available for the use of Delaware for the 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;
5. The developer of the affordable project subject to P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) shall submit the design with a cost estimate for conversion to Delaware; and
6. Once Delaware has determined that the plans to adapt the entrances of the townhouse or other multistory unit meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, the Chief Financial Officer shall ensure that the funds are deposited into that fund.
7. Full compliance with this section 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.

3. 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:
  - a. Provide an occupant for each unit bedroom;
  - b. Provide children of different sex with separate bedrooms; and
  - c. Prevent more than two persons from occupying a single bedroom.

#### Section 9. Control Periods for Ownership Units and Enforcement Mechanisms

Control periods for ownership units are pursuant to N.J.A.C. 5:80-26.5 and each restricted ownership unit shall remain subject to the requirements of this ordinance until Delaware Township elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1 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 for at least 30 years.

1. 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.
2. All conveyances of restricted ownership units shall be made by deeds and restrictive covenants pursuant to N.J.A.C. 5:80-26.1 and each purchaser of a 95/5 unit, in addition, shall execute a note and mortgage, incorporated herein by reference.
3. 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.
4. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the municipal building inspector 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).

#### Section 10. Price Restrictions for Ownership Units, Homeowner Association Fees, and Resale Prices

Price restrictions for ownership units are pursuant to N.J.A.C. 5:80-26.1, including;

1. The initial purchase price for a restricted ownership unit shall be approved by the administrative agent. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying costs 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 an appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3.

household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3.

1. Rents may be increased annually based on the Housing Consumer Price Index for the United States, as published annually by COAH. Rents may not be increased more than once a year.
2. A written lease is required for all restricted rental units, except for units in an assisted living residence, and tenants are responsible for security deposits and the full amount of the rent as stated on the lease.
3. No additional fees or charges may be added to the approved rent (except, in the case of units in an assisted living residence, for the customary charges for food and services) without the express written approval of the administrative agent and application fees (including the charge for any credit check) may not exceed five percent of the monthly rental of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls in this ordinance as applicable to the unit.

Section 14 Tenant income eligibility pursuant to N.J.A.C. 5:80-26.1.

Pursuant to N.J.A.C. 5:80-26.13, tenant income eligibility shall be determined as follows:

1. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income. Moderate income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
2. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a 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; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - a. 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;
  - b. 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;
  - c. The household is currently in substandard or overcrowded living conditions;
  - d. The household documents the existence of assets, with which the household proposes to supplement the rent payments; or
  - e. 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.
3. The applicant shall file documentation sufficient to establish the existence of the circumstances in (b) above with the administrative agent, who shall counsel the household on budgeting.

- to take all actions necessary and appropriate to carrying out its responsibilities hereunder. The operating manual shall have a separate and distinct chapter or section setting forth the process for identifying applicant households seeking certification to restricted units, for reviewing applicant household eligibility, and for certifying applicant households in accordance with the household certification and referral requirements set forth in N.J.A.C. 5:80-26.16.
2. The administrative agent shall establish and maintain a ready database of applicant households as a referral source for certifications to restricted units, and shall establish written procedures to ensure that selection among applicant households be via the database, and in accordance with a uniformly applied random selection process and all applicable State and Federal laws relating to the confidentiality of applicant records.
3. The municipality in which restricted units are located shall select one or more administrative agents for those units. A municipality itself (through a designated municipal employee, department, board, agency or committee) may elect to serve as the administrative agent for some or all restricted units in the municipality, or the municipality may select HAS or an experienced private entity approved by the Division, the Agency or COAH to serve as administrative agent for some or all restricted units in the municipality. The foregoing approval by COAH or the Division is to be based on the private entity's demonstration of the ability to provide a continuing administrative responsibility for the length of the control period for the restricted units.
4. The administrative agent shall have the authority to discharge and release any or all instruments, as set forth in the Appendices of this ordinance, filed of record to establish affordability controls.

#### Section 17 Affirmative Marketing

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 or sponsor 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 the COAH Housing Region in which the municipality is located and covers the period of deed restriction.

#### **Delaware Township will have a regional preference for residents and workers in Region 3 in its Affirmative Marketing Plan.**

1. The administrative agent shall assure the affirmative marketing of affordable units.
2. If the municipality does not designate a municipal staff person, it shall contract with other experienced administrative agents approved by COAH to administer the affirmative marketing plan. Where a municipality contracts with another administrative agent to administer the affirmative marketing plan, the municipality shall appoint a municipal housing liaison who shall supervise the contracting administrative agent. In addition, where the contracting administrative agent is not responsible for the entire affirmative marketing plan, the municipality shall outline who or what municipal agent is responsible for the remaining portion of the affirmative marketing plan. The municipality has the

- requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent.
2. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates.
  3. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent can be made.
  4. If the unit is owner-occupied, that the unit may be resold only to a household that has been approved in advance and in writing by the administrative agent.
  5. That no sale of the unit shall be lawful, unless approved in advance and in writing by the administrative agent, and that no sale shall be for a consideration greater than regulated maximum permitted resale price, as determined by the administrative agent.
  6. That no refinancing, equity loan, secured letter of credit, or any other mortgage obligation or other debt secured by the unit may be incurred except as approved in advance and in writing by the administrative agent, and that at no time will the administrative agent approve any debt, if incurring the debt would make the total of all such debt exceed 95 percent of the then applicable maximum permitted resale price.
  7. That the owner of the unit shall at all times maintain the unit as his or her principal place of residence, which shall be defined as residing at the unit at least 260 days out of each calendar year.
  8. That, except as set forth in N.J.A.C. 5:80-26.18(c)4vii, at no time shall the owner of the unit lease or rent the unit to any person or persons, except on a short-term hardship basis, as approved in advance and in writing by the administrative agent.
  9. That the maximum permitted rent chargeable to affordable tenants is as stated in the notice required to be posted in accordance with N.J.A.C. 5:80-26.18(d)3 of this ordinance, a copy of which shall be enclosed, and that copies of all leases for affordable rental units must be submitted annually to the administrative agent.
  10. Banks and other lending institutions are prohibited from issuing any loan secured by owner-occupied real property subject to the affordability controls set forth in this ordinance, if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located.

#### Section 20 Appeals

Appeals from all decisions of an administrative agent appointed pursuant to this ordinance shall be filed in writing with the Executive Director of COAH.

Accessory Apartment Ordinance  
§230-12W  
[Added 9-14-2009 by Ord. No. 2009-20LU]



W. Accessory apartments. [Added 9-14-2009 by Ord. No. 2009-20LU]

- (1) Purpose. Accessory apartments are permitted in conjunction with Delaware Township's affordable housing program and the rules and regulations established herein shall be designed to ensure that each accessory apartment established hereunder shall be and shall remain creditworthy under the rules and regulations of the New Jersey Council on Affordable Housing (COAH) for a period of at least 10 years.
- (2) Permitted use. Accessory apartments shall be a permitted use in all zones in Delaware Township that permit single-family residential uses.

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22. Editor's Note: Original Section 3:1.23, Required growth share affordable housing production, added 6-13-2005 by Ord. No. 2005-08, as amended 11-14-2005 by Ord. No. 2005-27 and 9-8-2008 by Ord. No. 208-17, was repealed 5-11-2009 by Ord. No. 2009-10. See § 230-135, Affordable housing development fees, of this chapter.

- (3) Term defined. As used in this section, the following terms shall have the meanings indicated:

**ACCESSORY APARTMENT** — A second dwelling unit located on a lot containing a single-family dwelling which has been specifically authorized under the terms of this section and is established and maintained in a manner consistent with this section and the Rules of the New Jersey Council on Affordable Housing. Such a dwelling may be located within the principal structure, added to a principal structure, or located in a detached accessory building, provided all other requirements of this section are met. Such a dwelling may be newly created or may be an existing accessory or secondary dwelling that is designated as an affordable housing unit pursuant to this section. Any dwelling unit created or designated as an accessory apartment pursuant to this section shall be and shall remain permanently accessory to the primary use of the property as a single-family dwelling and shall in no way confer upon the property owner any future rights to subdivide the existing lot in order to place the accessory dwelling on a separate lot from the principal dwelling.

- (4) Minimum standards.
- (a) Lot area. An accessory apartment shall be permitted on any lot meeting the minimum lot area requirements of the zone in which the lot is located. An accessory apartment shall be permitted on a lot of less than the minimum lot area required in the zone if the lot is at least 20,000 square feet in size and if the accessory apartment will be wholly within an existing structure that is being modified to create the accessory apartment and if the other requirements of this section are met. No more than one accessory apartment shall be established on any lot that is less than twice the minimum lot area required for the zone (or less, if applicable). Lots that are twice the minimum lot area required for the zone or more may be permitted a second accessory apartment if all other requirements of this section are met for each accessory apartment.
- (b) Unit size and description. Accessory apartments shall contain at least 500 square feet of gross floor area each and no more than 1,200 square feet each, excluding garage space. Each unit shall contain a minimum of two rooms, one of which shall be a bedroom and one of which shall not be a bedroom, plus a bathroom and kitchen facilities. An accessory apartment unit attached to or located within the principal dwelling must have a separate entrance that is not used for the principal residence.
- (c) Deed restriction. A deed restriction shall be recorded for any property containing an accessory apartment created pursuant to this section specifying that such unit(s) shall remain permanently accessory to the principal dwelling and shall not in the future be subdivided and placed on a separate lot from the principal dwelling.
- (d) Parking. A minimum of one off-street parking space shall be provided for each accessory apartment. In no case shall the parking provided for an accessory apartment result in a reduction of the existing parking available for the principal dwelling below two spaces.

- (e) Building setbacks. An accessory apartment shall not be created within any accessory building located in the front yard of the principal structure. Applicable side and rear yard setbacks shall be the same as those for all other accessory buildings within the zoning district.
  - (f) Driveways and parking. Where a new paved or gravel driveway or parking area is proposed, a minimum five-foot setback from any side or rear property line shall be maintained. Landscaping and/or solid fencing shall be provided to screen such driveways or parking areas from adjacent properties and same shall be depicted on the proposed plot plan.
- (5) Maximum regulations.
- (a) Building height. Notwithstanding the building height limitations applicable to accessory structures elsewhere in this chapter, structures containing an accessory apartment authorized pursuant to this section shall be permitted to have a height of up to 2 1/2 stories and 35 feet.
- (6) Submission requirements and affordable housing regulations.
- (a) Prior to the issuance of a construction permit for an accessory apartment, a plot plan and architectural plans shall be submitted to the Zoning Officer for review. Plans shall accurately depict the location, size, and appearance of the proposed or existing structure that will contain the accessory apartment. Any construction relative to the creation of an accessory apartment shall be architecturally consistent with the appearance of other structures on the same site.
  - (b) Before a construction permit shall be issued, the applicant shall have entered into and recorded an agreement with the Township of Delaware specifying that the proposed accessory apartment shall be constructed, occupied, and maintained in a manner that complies with all of the requirements of the New Jersey Council on Affordable Housing, including the minimum ten-year length of the affordable housing deed restriction, the necessity of affirmatively marketing the unit, the basis for calculating the maximum permitted rent and all incremental increases in the permissible rent; the method and timing of payments/subsidies by the Township and any other relevant matters consistent with the intent and purpose of this section and the affordable housing program in general.
  - (c) Before a certificate of occupancy shall be issued, a separate permanent deed restriction shall be recorded establishing the accessory status of the accessory apartment and precluding any subdivision that would place the accessory apartment on a separate lot from the principal dwelling.
  - (d) Accessory apartments created pursuant to this section shall be created for the sole purpose of providing a supply of housing for moderate-income households and shall conform to all requirements of the New Jersey Council on Affordable Housing and the Township of Delaware. Before any rental or rereal of an accessory apartment, the unit shall be affirmatively marketed by the Township's Affordable Housing Administrative Agent to households throughout the housing region (consisting of Hunterdon,

Somerset and Middlesex Counties) in a manner consistent with the affirmative marketing requirements of the New Jersey Council on Affordable Housing. All leases shall be executed in the presence of and witnessed by the Affordable Housing Administrative Agent to ensure that all terms are in full compliance with this section, the Chapter 107, Affordable Housing, and the Rules of the New Jersey Council on Affordable Housing.

- (e) Each accessory apartment shall be created in full compliance with all applicable Health and Construction Code requirements, including approval from the Hunterdon County Health Department of the adequacy of the septic system and well to serve the additional unit. The property owner shall submit a copy of the Hunterdon County Health Department approval(s) to both the Construction Official and the Municipal Housing Liaison.
- (f) If the accessory apartment will be connected to the Delaware Township Municipal Utilities Authority or other public utility for either sewage treatment or water supply, the property owner shall submit proof of the availability of such service(s) to both the Construction Official and the Municipal Housing Liaison.
- (g) The property owner shall submit an annual affidavit of continuing use and COAH compliance to the Municipal Housing Liaison by February 1 of each year.
- (h) The rent for an accessory apartment shall be established in compliance with COAH's rules for moderate income rental units and shall be consistent with COAH rules.

230:41

DRAFT ORDINANCE FOR 100 PERCENT  
AFFORDABLE DEVELOPMENT

DELAWARE TOWNSHIP  
ORDINANCE #2009 - \_\_LU

AN ORDINANCE SUPPLEMENTING AND AMENDING THE ORDINANCE  
ENTITLED "THE LAND USE ORDINANCE OF THE TOWNSHIP OF DELAWARE"  
BY AMENDING THE PROVISIONS OF ARTICLE III TO CREATE AN  
AFFORDABLE HOUSING OVERLAY ZONE WITHIN A PORTION OF THE A-2  
ZONE FOR THE PURPOSES OF ACCOMMODATING MUNICIPALLY  
SPONSORED AND 100% AFFORDABLE HOUSING DEVELOPMENTS

WHEREAS, Delaware Township has a constitutional obligation to provide for low and moderate income housing to be constructed within the Township; and

WHEREAS, the Delaware Township Planning Board has adopted a new Third Round Housing Element and Fair Share Plan, which Third Round Housing Element and Fair Share Plan has been reviewed and endorsed by the Delaware Township Committee for submission to the New Jersey Council on Affordable Housing along with a petition for Substantive Certification of the Township's adopted Third Round Housing Element and Fair Share Plan; and

WHEREAS, the Third Round Housing Element and Fair Share Plan includes a plan for the construction by a private developer of a 100% affordable housing development on parcel of land located within the A-2 zone and identified on the Township Tax Map as Lot 15 in Block 1; and

WHEREAS, the Township Committee of the Township of Delaware is desirous of encouraging such development on this lot and others that are similarly situated where feasible and, to that end, wishes to amend the Land Use Ordinance and more specifically the zoning regulations for the A-2 zone so as to make such development a permitted use in the event a developer is able to obtain funding for a 100% affordable housing development without removing the underlying zoning entitlement and thereby protecting the rights of the affected property owners;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey, that the Land Use Ordinance of the Township of Delaware is hereby amended, supplemented and revised as follows:

SECTION ONE

The Zoning Map for the Township of Delaware is hereby amended to show the entire area bounded by Old Croton Road to the south, Croton Road (Route 579) to the east, the western lot line of Lot 15 to the west, and the Franklin Township boundary to the north (the entirety of this area being included in Block 1 on the Tax Map) as part of an AHO Affordable Housing Overlay within the A-2 zone.

boundary than 40 feet. Maximum impervious surface coverage on each lot shall not exceed .20, and maximum impervious coverage on the entire tract shall not exceed .10.

5. Each lot created under this Section shall be served by a separate septic system and well, which shall not be shared with any other lot. Such septic system and well shall be subject to the approval of the Delaware Township Board of Health.

6. Access to the lot(s) created under this Section shall be by way of a public or private street complying with RSIS standards, as approved by the municipal agency.

7. All of the affordable housing units constructed under this Section shall comply with the Delaware Township Fair Share Ordinance; with COAH's Rules set forth at N.J.A.C. 5:97-1, *et seq.*, concerning bedroom distribution, low/moderate split, very low income affordability, adaptability and accessibility, and affordability average and maximum; and with the regulations of the Uniform Housing Affordability Controls (UHAC) set forth at N.J.A.C. 5:80-26.1, *et seq.*

8. Any development proposed under the terms of this Section shall be subject to both site plan and subdivision approval. The municipal agency shall, in its discretion, waive any of the submission requirements that it deems non-essential to a responsible review of the development application, recognizing that the removal of potentially cost-generating requirements will promote the production of affordable housing within the AHO. Nevertheless, the architectural plans for the buildings shall be reviewed with the municipal agency to ensure compatibility of scale and materials with adjacent residential uses.

9. The provisions of this Section shall apply exclusively to developments within the AHO only that are proposed for developments consisting of 100% affordable housing. Any lot of less than 12 acres in the AHO, any lot of 12 acres or more that is not proposed for 100% affordable housing, and any lot located outside of the AHO shall continue to be subject to all requirements of the underlying zoning.

#### SECTION FOUR

Severability. If any paragraph, section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency 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 paragraphs or sections hereof.

#### SECTION FIVE

Inconsistency. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

EXECUTED ALLIES AGREEMENT



**AGREEMENT**

This Agreement is made and dated this 20<sup>th</sup> day of February, 2008, by and between:

**ALLIES, INC.**, a non-profit corporation of the State of New Jersey, having an address at 1262 Whitehorse-Hamilton Square Road, Building A, Suite 101, Hamilton Square, New Jersey 08690, ("Allies"), and

**THE TOWNSHIP OF DELAWARE**, in Hunterdon County, a municipal corporation of the State of New Jersey, having an address at Delaware Township Hall, P.O. Box 500, 570 Rosemont-Ringoes Road, Sergeantsville, New Jersey 08557 (the "Township").

**WITNESSETH**

*Whereas*, Allies is a non-profit organization dedicated to providing a variety of services, including residential services, to individuals with disabilities; and,

*Whereas*, Allies intends to purchase one or more properties located within the Township to be used as supportive shared living housing, a type of supportive and special needs housing providing separate bedrooms (also referred to as "units") to individuals with special needs (the "group home project"); and,

*Whereas*, the New Jersey Council on Affordable Housing ("COAH") previously referred to the type of housing described in this Agreement as "alternative living arrangements," and has proposed new rules defining supportive and special needs housing and setting forth certain requirements for municipality's to receive COAH credits by the bedroom for this type of housing; and,

*Whereas*, the bedrooms provided by the group home project will be affordable to low-income individuals as defined by COAH rules and regulations; and,

*Whereas*, the Fair Housing Act, N.J.S.A. 52:27D-301 *et seq.* (the "Act") requires municipalities in the State of New Jersey to provide for their fair share of housing that is affordable to low and moderate income households in accordance with the provisions of the Act; and,

*Whereas*, COAH has been established by the Act for the purpose of assisting municipalities in determining realistic opportunities for the planning and development of affordable housing; and,

*Whereas*, current and proposed COAH rules and regulations allow for municipalities to receive affordable housing credit for the type of supportive and special needs housing described in this Agreement, and the group home project will qualify toward the Township's affordable housing obligation; and,

*Whereas*, the Township has determined that designation of the Property as supportive and special needs housing affordable to low-income individuals presents an opportunity for the development of affordable housing within the Township in accordance with the requirements and goals of the Act; and,

*Whereas*, the Township intends to contribute to the purchase of the Property by Allies on the following conditions: (i) that the Property is used as supportive and special needs housing providing

A. This Agreement is contingent upon: (1) the Township receiving from COAH a waiver, pursuant to N.J.A.C. 5:95-14.1, from the requirements of COAH rule N.J.A.C. 5:94-6.1(a) and approval to spend \$35,000 per bedroom for up to nine (9) bedrooms from the Township's affordable housing trust fund, in accordance with the terms hereof, for this group home project that is not currently identified in the Township's Fair Share Plan or Spending Plan; and (2) the Township receiving from COAH a waiver, pursuant N.J.A.C. 5:95-14.1, from the requirements of COAH rule N.J.A.C. 5:94-6.2(c) and approval to spend money from the Township's affordable housing trust fund prior to the Township obtaining Third Round substantive certification; and (3) the Township obtaining such other waivers and approvals as may be required by COAH in order for the Township to proceed under the terms of this Agreement.

B. In the event such waivers and approvals are not obtained by the Township within nine (9) months of the date of this Agreement, the Township may cancel this Agreement upon written notice to Allies, in accordance with Section II C above, whereupon the parties shall have no further obligation toward one another, or the parties may agree, in writing, to extend this time frame.

C. The parties hereto acknowledge that COAH has recently proposed new rules and regulations that may impact the type of group home housing project described herein, and agree that this Agreement is conditioned upon the group home project meeting all COAH requirements for the Township to obtain COAH credits by the bedroom unit for supportive and special needs housing that may be pending and/or approved by COAH at the time the Property is purchased.

**IV. Affordable Housing Agreement and Declaration of Covenants, Conditions and Restrictions.**

An Affordable Housing Agreement and Declaration of Covenants, Conditions and Restrictions (the "Declaration") in a form acceptable to the Township and Allies shall be executed by Allies and the Township and recorded simultaneously with the deed(s) of conveyance vesting title in Allies. The Declaration will set forth the affordability restrictions that will encumber the Property in perpetuity, binding the parties hereto and their respective heirs, successors and assigns.

**V. Deed(s) of Conveyance.**

The deed(s) of conveyance vesting title in Allies shall be in a form acceptable to the Township and shall contain in a conspicuous location the following provision: "Affordable Housing Restrictions: The right, title and interest of the Grantee in this Property, and the use, sale, resale and rental of this Property are subject to the terms, conditions, restrictions, limitations and provisions set forth in an Affordable Housing Agreement and Declaration of Covenants, Conditions and Restrictions which has been filed in the Office of the Hunterdon County Clerk prior to or simultaneously with these presents."

**VI. Parties.**

Allies and the Township, and all parties who lawfully succeed to their rights and responsibilities, shall be bound by this Agreement.

**VII. Entire Agreement.**

This Agreement represents the entire agreement between the parties and can only be changed in writing by both Allies and the Township.

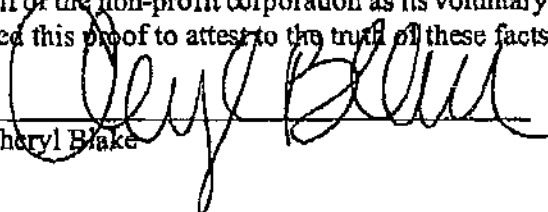
**VIII. Controlling Law.**

This Agreement shall be interpreted under the laws of the State of New Jersey.


**Acknowledgments**

State of New Jersey :  
County of Mercer :ss.

I CERTIFY that on February 20, 2008, before me the subscriber, an Attorney at Law of the State of New Jersey, personally appeared Cheryl Blake, who I am satisfied: (a) is the Assistant Secretary of Allies, Inc., the non-profit corporation named in this document; (b) is the attesting witness to the signing of this document by the proper corporate officer who is Elise M. Gambino, Vice President of Allies, Inc.; (c) signed, sealed and delivered this document on behalf of the non-profit corporation as its voluntary act and deed, under authority from its Board; and (d) signed this proof to attest to the truth of these facts.

  
Cheryl Blake

Signed and sworn to before me  
on the 20<sup>th</sup> day of February, 2008.

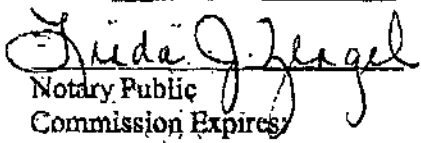
  
David A. Schweizer, Esquire  
An Attorney at Law of the State of New Jersey

State of New Jersey :  
County of Hunterdon :ss.

I CERTIFY that on FEBRUARY 8, 2008, before me, the subscriber, a Notary Public of the State of New Jersey, personally appeared Judith A. Allen, RMC, who I am satisfied: (a) is the Clerk of the Township of Delaware, the municipal corporation named in this document; (b) is the attesting witness to the signing of this document by the proper officer who is Susan D. Lockwood, Mayor of the Township of Delaware; (c) signed, sealed and delivered this document on behalf of the Township as its voluntary act and deed under authority from its governing body; (d) this person knows the seal of the Township which was affixed to this document; and (e) signed this proof to attest to the truth of these facts.

  
Judith A. Allen, RMC

Signed and sworn to before me  
on the 8<sup>th</sup> day of FEBRUARY, 2008.

  
Notary Public  
Commission Expires  
... LINDA J. ZENGEL  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires July 20, 2009

ACCESSORY APARTMENT SEWER/WELL LETTER



Hatch Mott  
MacDonald

Hatch Mott MacDonald  
120 West Main Street  
Clinton, NJ 08809  
T 908.730.6000 www.hatchmott.com

November 21, 2008

Township of Delaware  
c/o Ms. Judith A. Allen, Clerk  
Township Hall  
P.O. Box 500  
Sergeantsville, NJ 08557-0500

Reference: Accessory Apartment Ordinance  
COAH Checklist Criteria  
Delaware Township, Hunterdon County

Dear Ms. Allen:

It is my understanding that Delaware Township has recently drafted, and anticipates adoption of an Ordinance to permit "Accessory Apartments" at appropriate sites within the municipality. This proposed "Accessory Apartments" Ordinance is intended to encourage the creation of affordable housing facilities, in furtherance of meeting the COAH obligations for the Township.

One of the (COAH Checklist) criteria that must be met to demonstrate the suitability of a specific site for an "Accessory Apartment" is the provision for adequate sewage disposal and potable water supply. Under Subsection 1.E(7) of the proposed "Accessory Apartment" Ordinance, it stipulates that "The building shall be in full compliance with all applicable health and construction codes." As such, any approval by the Board of an "Accessory Apartment" application, customarily contains a condition which requires the approvals of the Hunterdon County Health Department (on matters relating to the adequacy of on-site wells and septic disposal systems) and/or Delaware Township Municipal Utilities Authority (on matters relating to the provision of public water and sewer within the franchise area). Adherence to this requirement ensures that all applicable state and local health regulations will be enforced.

Should you require any additional information or clarification regarding the comments provided in this correspondence, please feel free to contact me.

Very truly yours,

Hatch Mott MacDonald

Peter A. Turek, C.M.E.  
Township Engineer  
[peter.turek@hatchmott.com](mailto:peter.turek@hatchmott.com)  
T 908.730.6000 F 908.730.6500

PAT:smg

cc: Shirley Bishop, PP

ARC SENIOR SHARED LIVING LETTER

NOV 21 2008

CC - TC  
Kathleen Hyde Walsh, President  
Jeffrey D. Mattison, Executive Director

Shirley Bishop

*Serving individuals with developmental disabilities since 1954*

November 18, 2008

Kristin McCarthy, Deputy Mayor  
DELAWARE TOWNSHIP  
PO Box 500  
570 Rosemont-Ringoes Road  
Sergeantsville, New Jersey 08557

RE: 11 Higgins Farm Road,  
Block 24, Lot 37, Delaware Township

Dear Deputy Mayor McCarthy:

Please accept this letter as confirmation from The Arc of Hunterdon County relative to its interest in developing the 2.89 acre property referenced above. It is the intent of The Arc to pursue and obtain the necessary approvals from the New Jersey Department of Human Services, Division of Developmental Disabilities (DDD) for constructing and operating two, four-bedroom residences for medically frail senior citizens with developmental disabilities on this site. Approvals from DDD will include those required to operate a residential program at 11 Higgins Farm Road, as well as provide the necessary funding for the project. It is our understanding that plans for the subject property had formerly involved NORWESCAP and that any contractual obligation on the part of the Township and NORWESCAP no longer exists.

Following you will please find a preliminary breakdown of proposed "primary" responsibilities in connection with this project:

Delaware Township will furnish:

- a) Approved residential building lot (Block 24, Lot 37)
- b) Access to all public utilities (including water and sewer)
- c) Municipal and governmental approvals to build
- d) Site work (grading and excavation)

The Arc of Hunterdon will provide:

- a) Concrete slabs or foundations
- b) Driveways
- c) Two four-bedroom modular homes

1322 State Route 31, Suite 5 · Annandale, New Jersey 08801-3127  
Phone: (908) 730-7827 · Fax: (908) 730-7726 · archunterdon.org



United Way Member Agency

Employment Solutions Accredited by



ACCESSORY APARTMENT SEWER/WELL LETTER





Hatch Mott  
MacDonald

Hatch Mott MacDonald  
120 West Main Street  
Clinton, NJ 08809  
T 908.730.6000 www.hatchmott.com

November 21, 2008

Township of Delaware  
c/o Ms. Judith A. Allen, Clerk  
Township Hall  
P.O. Box 500  
Sergeantsville, NJ 08557-0500

Reference: Accessory Apartment Ordinance  
COAH Checklist Criteria  
Delaware Township, Hunterdon County

Dear Ms. Allen:

It is my understanding that Delaware Township has recently drafted, and anticipates adoption of an Ordinance to permit "Accessory Apartments" at appropriate sites within the municipality. This proposed "Accessory Apartments" Ordinance is intended to encourage the creation of affordable housing facilities, in furtherance of meeting the COAH obligations for the Township.

One of the (COAH Checklist) criteria that must be met to demonstrate the suitability of a specific site for an "Accessory Apartment" is the provision for adequate sewage disposal and potable water supply. Under Subsection 1.E(7) of the proposed "Accessory Apartment" Ordinance, it stipulates that "The building shall be in full compliance with all applicable health and construction codes." As such, any approval by the Board of an "Accessory Apartment" application, customarily contains a condition which requires the approvals of the Hunterdon County Health Department (on matters relating to the adequacy of on-site wells and septic disposal systems) and/or Delaware Township Municipal Utilities Authority (on matters relating to the provision of public water and sewer within the franchise area). Adherence to this requirement ensures that all applicable state and local health regulations will be enforced.

Should you require any additional information or clarification regarding the comments provided in this correspondence, please feel free to contact me.

Very truly yours,

Hatch Mott MacDonald

Peter A. Turek, C.M.E.  
Township Engineer  
[peter.turek@hatchmott.com](mailto:peter.turek@hatchmott.com)  
T 908.730.6000 F 908.730.6500

PAT:smg

cc: Shirley Bishop, PP

## ARC LETTER EXTENDING CONTROLS



Green Sergeant's Bridge  
New Jersey's Only Remaining Covered Bridge

# Delaware Township

Hunterdon County, New Jersey

OFFICE OF TOWNSHIP COMMITTEE  
P.O. BOX 500  
BERGEANTSVILLE, NJ 08557  
(809) 397-3240  
Direct FAX Number (809) 397-4893

November 18, 2008

Lucy Vandenberg, Executive Director  
NJ Council on Affordable Housing  
101 South Broad Street  
P.O. Box 813  
Trenton, NJ 08625-0813

Re: Extension of affordability controls on existing ARC of Hunterdon County house in Delaware Township, NJ

Please be advised that the Township of Delaware and ARC of Hunterdon County have agreed to an extension of the affordability controls on the existing group home located at 548 Rosemont-Ringoes Road (Block 23/Lot 6.01) for another thirty (30) years. This extension will be effective from 2008-2038. If you have any further questions or need additional information, please feel free to contact us at your earliest convenience.

Sincerely,

Kristin McCarthy  
Deputy Mayor

Jeff Mattison  
Executive Director, ARC of Hunterdon County