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# Housing Element & Fair Share Plan

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RARITAN TOWNSHIP  
HUNTERDON COUNTY, NEW JERSEY

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January 6, 2020

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Prepared by:



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**& Associates, LLC**  
Community Planning Consultants

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Jessica C. Caldwell, P.P., A.I.C.P., Township Planner

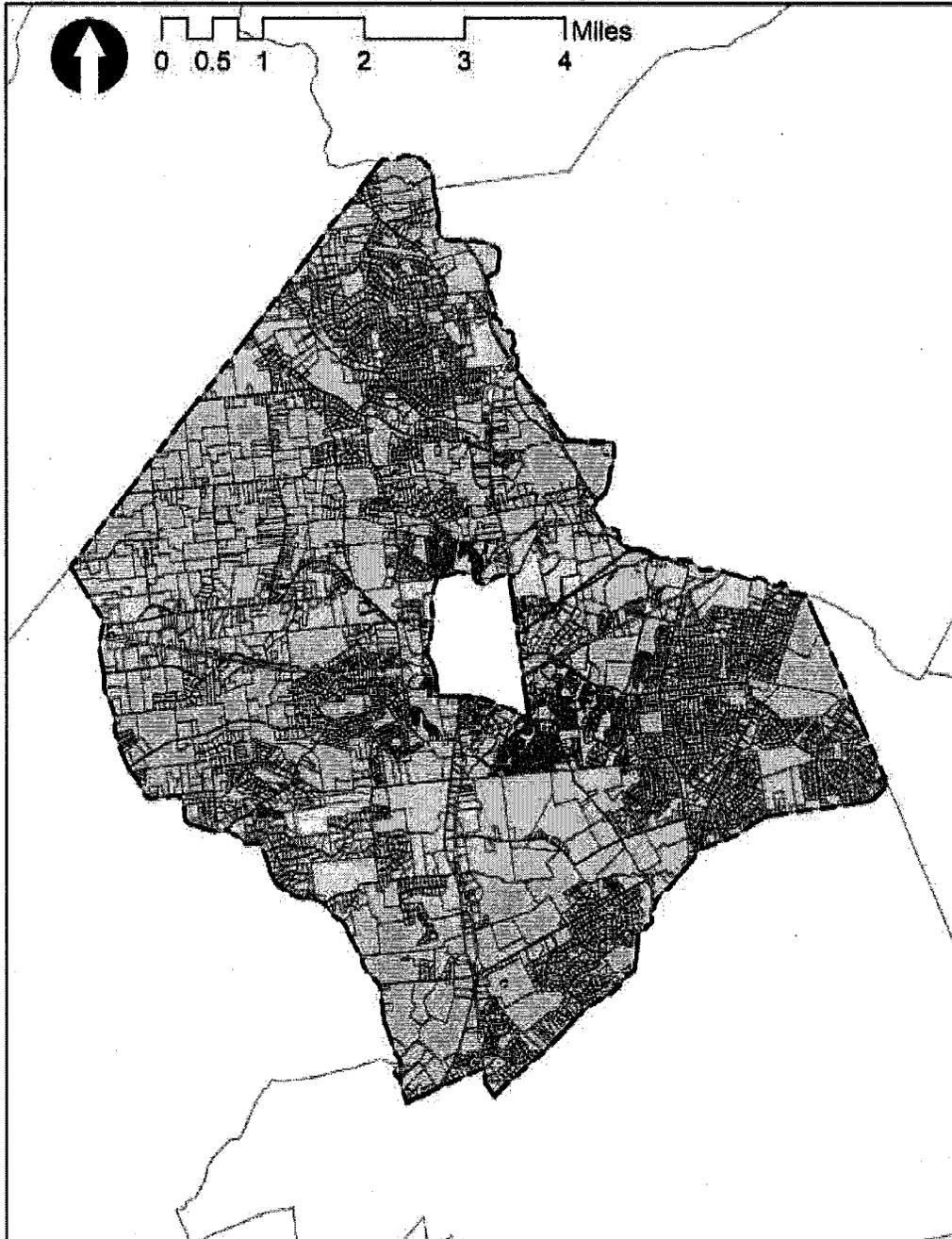
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**RARITAN TOWNSHIP  
HUNTERDON COUNTY, NEW JERSEY**



# HOUSING ELEMENT

## INTRODUCTION

The Township of Raritan is located in Hunterdon County. The Township contains 37.5 square miles and is within commuting distance of several major metropolitan areas. Raritan Township is the largest municipality in Hunterdon County by population with 22,103 residents according to the 2017 American Community Survey (ACS) Estimates. Raritan, like the rest of the County, has experienced a slight decrease in population since the 2010 Census, when the population was estimated to be 22,185 residents. This slight population loss is attributed to several factors, including an economic downturn, changing trends in housing locations and types, increased transportation costs, and regulatory restrictions on development.

## BACKGROUND

The New Jersey Supreme Court, in Mount Laurel I (1975) and Mount Laurel II (1983), required all New Jersey municipalities to take affirmative actions toward providing their “fair share” of the region’s affordable housing for low- and moderate-income households. In response to the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act (FHA) in 1985. This act created the Council on Affordable Housing (COAH) to assess the statewide need for affordable housing, allocate that need on a municipal fair share basis, and review and approve municipal housing plans aimed at implementing the local fair share obligation.

Subsequently, the New Jersey Municipal Land Use Law (MLUL) was amended to require a housing element as a mandatory element of the municipal master plan. According to the MLUL, “a municipality’s housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing (52: 27D-310).”

On October 11, 1995, Raritan Township received its Substantive Certification from COAH for Round 2.

COAH adopted its Third Round Rules in December 2004. Raritan Township petitioned to COAH for Third Round Certification in late 2005. The petition included an updated Housing Element and Fair Share Plan adopted by the Raritan Planning Board in December 2005. On January 25, 2007, the Appellate Division issued a decision on an appeal of COAH’s Third Round Regulations, which required COAH to revise its Third Round Rules and precluded COAH from issuing Third Round Substantive Certifications until the new rules were adopted. As a result, Raritan’s Petition for Substantive Certification was put on hold during the rulemaking process.

On May 6, 2008, COAH adopted new Third Round rules, which became effective on June 2, 2008. At the same time, COAH proposed amendments to those rules. Those amendments were published in the New Jersey Register on June 16, 2008. The amendments were adopted on September 22, 2008, with an additional amendment proposed on the same day. The amended rules were then adopted on

October 20, 2008. As a result of the newly adopted Third Round Substantive Rules, communities petitioning to COAH for the Third Round Substantive Certification were required to submit updated Housing Elements and Fair Share Plans that met the new rules by December 31, 2008.

On November 25, 2008, the Raritan Township Planning Board adopted the Housing Element and Fair Share Plan as part of the Township Master Plan. The Governing Body adopted a resolution to submit the Petition for Substantive Certification of the Housing Element and Fair Share Plan to COAH for Third Round Certification on December 8, 2008.

Raritan received a determination of completeness for its petition for Third Round Substantive Certification on March 30, 2009. Objections were received from three parties, and the mediation report concluded on December 14, 2009. On June 21, 2010, Raritan Township received a COAH compliance report recommending approval of its Petition for Third Round Substantive Certification, and on July 15, 2010, COAH granted Third Round Substantive Certification to Raritan Township.

Following the Township's Substantive Certification, on October 8, 2010, the Appellate Division invalidated COAH's Rules in In re Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010). The decision stated, among other things, that growth share methodology was invalid, and directed COAH to adopt rules utilizing methodologies similar to those used in the First and Second Round Rules.

On September 26, 2013 the Supreme Court affirmed the Appellate Division's 2010 decision and remanded to COAH to undertake new rulemaking based on COAH's prior round rules and methodologies. COAH failed to formally adopt amended Third Round Rules. The Supreme Court on March 10, 2015 ordered the following:

- a) The Fair Housing Act's exhaustion of administrative remedies requirements is dissolved and the Courts may resume their role as the forum of first resort for evaluating municipal compliance with Mount Laurel obligations.
- b) The effective date of the Order was June 8, 2015.
- c) Municipalities that were under COAH's administrative review were permitted to file Declaratory Judgment motions with the Court by July 8, 2015.

Raritan Township filed a Declaratory Judgment motion with the Superior Court on July 1, 2015. In the motion, the Township sought, among other relief, a judicial determination that the Township's Housing Element and Fair Share Plan, as it may be amended and supplemented, satisfies the Township's fair share of need for low- and moderate-income housing in the region pursuant to Mount Laurel doctrine. The Township Committee passed Resolution 19-156 on June 18, 2019, authorizing a settlement agreement between the Township and Fair Share Housing Center, which established the Township's affordable housing obligation and established the basis for this Housing Element and Fair Share Plan, which follows the Round 2 and Round 3 rules as identified by the Supreme Court in Mount Laurel IV.

## **CONTENT OF PLAN**

The Municipal Land Use Law and the Fair Housing Act both require that the Housing Element and Fair Share Plan include the following:

- 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 eliminated;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- 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; and
- 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.

## **PURPOSE AND GOALS**

The purpose of this Housing Element and Fair Share Plan is to provide a realistic opportunity to address the housing needs of Raritan residents across all income levels. This plan proposes multiple opportunities to develop a variety of housing types to meet these needs, which can be integrated into the existing land use pattern and character of the Township.

This Housing Element and Fair Share Plan supports the goals of the Township's 2015 Master Plan, specifically the following:

1. Support a diverse mix of housing that offers a wide range of choice in terms of value, type, and location;
2. Seek quality housing design that provides adequate light, air, and open space;
3. To the extent feasible, guide new residential development into areas with sufficient capacity to support them and without environmental constraints;
4. Provide a realistic opportunity for the provision of the municipal share of the region's present and prospective needs for housing for low- and moderate-income families;
5. Maximize the efficient use of existing infrastructure, through such means as redevelopment, infill, and adaptive reuse;
6. To the extent feasible, incorporate affordable housing units into new residential construction that occurs within the Township, including any mixed use, redevelopment, and /or adaptive reuse projects;
7. Preserve and monitor existing stocks of affordable housing; and
8. Reduce long term housing costs through the implementation of green building and energy efficient technology in the rehabilitation, redevelopment, and development of housing.

This Plan has been prepared to meet the requirements of the Municipal Land Use Law (MLUL), Fair Housing Act (FHA), the New Jersey State Development and Redevelopment Plan (SDRP), and the recent Court rulings regarding the substantive rules of the Council on Affordable Housing (COAH).

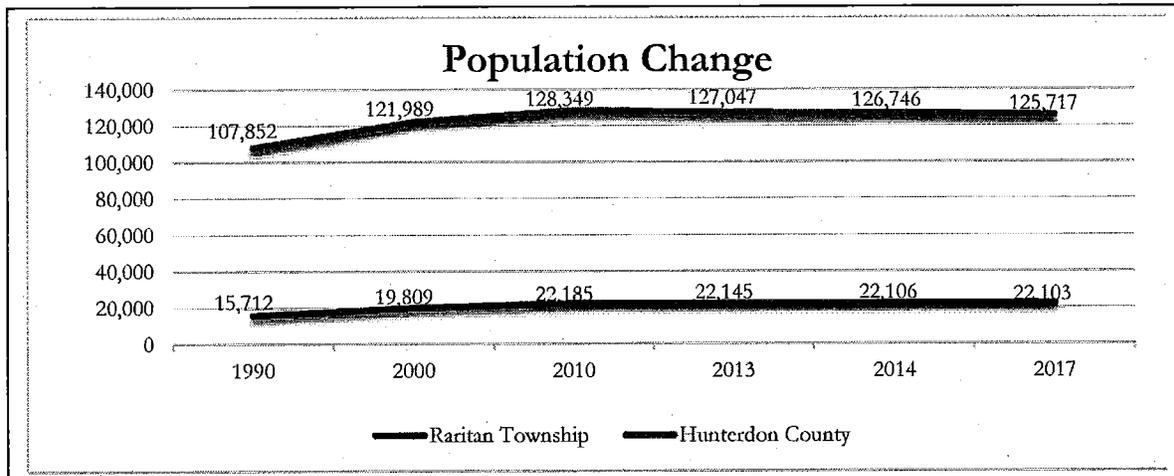
## DEMOGRAPHIC ANALYSIS

### Population

Raritan Township is a rural and suburban community of approximately 38.6 square miles located in Hunterdon County. According to the 2017 American Community Survey (ACS), Raritan had a population of 22,103 residents and a density of 573 persons per square mile. This represents a slight decrease from the 2010 Census when the population was estimated to be 22,185 residents. This mirrors a larger trend of population loss in Hunterdon County as a whole in the period between 2013 and 2017.

Population Change	1990	2000	2010	2013	2014	2017
<b>Raritan Township</b>	15,712	19,809	22,185	22,145	22,106	22,103
<b>Hunterdon County</b>	107,852	121,989	128,349	127,047	126,746	125,717
<b>New Jersey</b>	7,747,750	8,414,350	8,721,577	8,832,406	8,874,374	8,960,161

*Source: ACS 2017 5-Year Estimates.*



### Sex and Age

The median age of residents in Raritan Township is 44.8 years. This is slightly lower than Hunterdon County (45.9 years), but older than the State median age of 39.6 years.

The largest age cohort includes residents between the ages of 45-54 (19%), followed by those aged 35 to 44 years (12.6%). The third highest cohorts include individuals who fall between 55 to 59 years and 10 to 14 years (8.9%, respectively). This hints towards the suburban community pattern of the Township.

There is a roughly even distribution of male (47.5%) and female (52.5%) residents in Raritan Township. However, among senior adults 65 years and older, there are significantly more women than men. These differences in gender may be useful when planning for adult and/or age-restricted communities.

**Selected Demographic Characteristics (2017)**

Sex and Age	New Jersey		Hunterdon County		Raritan Township	
	Estimate	%	Estimate	%	Estimate	%
<b>Total population</b>	8,960,161	100	125,717	100	22,103	100
<b>Male</b>	4,372,321	48.8	62,901	50.0	10,496	47.5
<b>Female</b>	4,587,840	51.2	62,816	50.0	11,607	52.5
<b>Under 5 years</b>	526,716	5.9	4,992	4.0%	874	4.0
<b>5 to 9 years</b>	547,575	6.1	6,196	4.9%	1,275	5.8
<b>10 to 14 years</b>	571,455	6.4	8,712	6.9%	1,961	8.9
<b>15 to 19 years</b>	575,048	6.4	9,275	7.4%	1,479	6.7
<b>20 to 24 years</b>	575,668	6.4	7,997	6.4%	1,284	5.8
<b>25 to 34 years</b>	1,151,431	12.9	10,516	8.4	1,450	6.6
<b>35 to 44 years</b>	1,165,156	13.0	13,652	10.9	2,793	12.6
<b>45 to 54 years</b>	1,317,652	14.7	22,512	17.9	4,204	19.0
<b>55 to 59 years</b>	636,863	7.1	11,586	9.2	1,975	8.9
<b>60 to 64 years</b>	538,598	6.0	9,497	7.6	1,381	6.2
<b>65 to 74 years</b>	755,476	8.4	12,449	9.9	1,766	8.0
<b>75 to 84 years</b>	399,788	4.5	5,826	4.6	1,029	4.7
<b>85 years and over</b>	198,735	2.2	2,507	2.0	632	2.9
<b>Median age (years)</b>	39.6		45.9		44.8	
<b>18 years and over</b>	6,960,340	77.7	99,853	79.4	17,067	77.2
<b>62 years and over</b>	1,661,704	18.5	26,180	20.8	4,246	19.2
<b>65 years and over</b>	1,353,999	15.1	20,782	16.5	3,427	15.5

*Source: ACS 2017 5-Year Estimates*

## Income

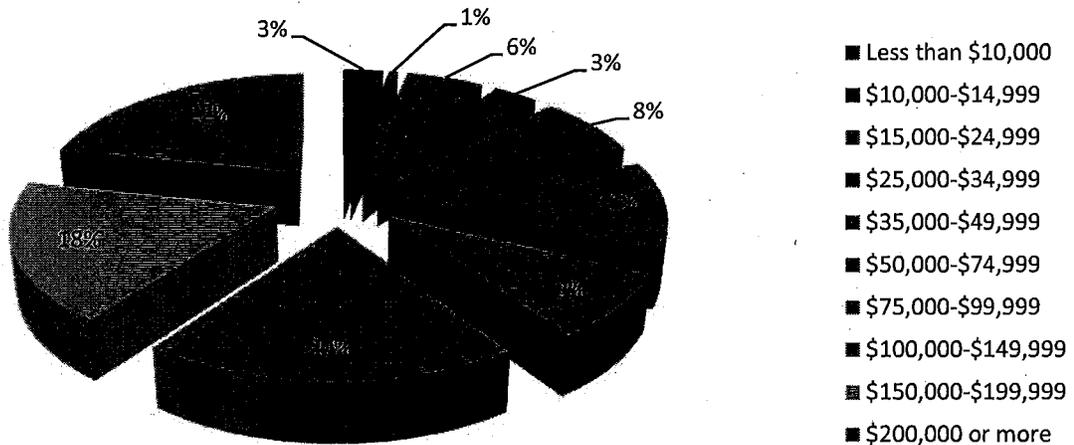
The median household income in Raritan Township is \$120,644 and the per capita income is \$53,738 according to the 2017 ACS Estimates. While these figures are higher than the median incomes for Hunterdon County and the State, the Township also has significant number of households earning Social Security (28.9%) and retirement income (17.6%). About 79.6 percent of households earn more than \$50,000 as per the 2017 ACS. In 2017, about 59.4 percent of households earned more than \$100,000 while about 9% earned less than \$25,000.

### 2017 Income and Benefits

Income and Benefits	New Jersey		Hunterdon County		Raritan Township	
	Estimate	%	Estimate	%	Estimate	%
<b>Total households</b>	3,199,111		46,822		8,092	
<b>Less than \$10,000</b>	170,840	5.3	1,404	3.0	239	3.0
<b>\$10,000 to \$14,999</b>	113,188	3.5	723	1.5	48	0.6
<b>\$15,000 to \$24,999</b>	247,138	7.7	2,099	4.5	460	5.7
<b>\$25,000 to \$34,999</b>	232,026	7.3	2,258	4.8	269	3.3
<b>\$35,000 to \$49,999</b>	322,263	10.1	3,173	6.8	632	7.8
<b>\$50,000 to \$74,999</b>	490,325	15.3	6,078	13.0	938	11.6
<b>\$75,000 to \$99,999</b>	390,092	12.2	5,197	11.1	694	8.6
<b>\$100,000 to \$149,999</b>	556,938	17.4	9,013	19.2	1,587	19.6
<b>\$150,000 to \$199,999</b>	296,256	9.3	6,881	14.7	1,465	18.1
<b>\$200,000 or more</b>	380,045	11.9	9,996	21.3	1,760	21.7
<b>Median household income</b>	76,475		110,969		120,644	
<b>Median family income</b>	94,337		136,895		144,688	
<b>Median non-family income</b>	41,692		56,916		53,939	
<b>Per capita income</b>	39,069		54,200		53,738	
<b>Median earnings for workers</b>	40,647		54,256		61,775	

*Source: ACS 2017 5-Year Estimates*

### Raritan Township Median Household Income

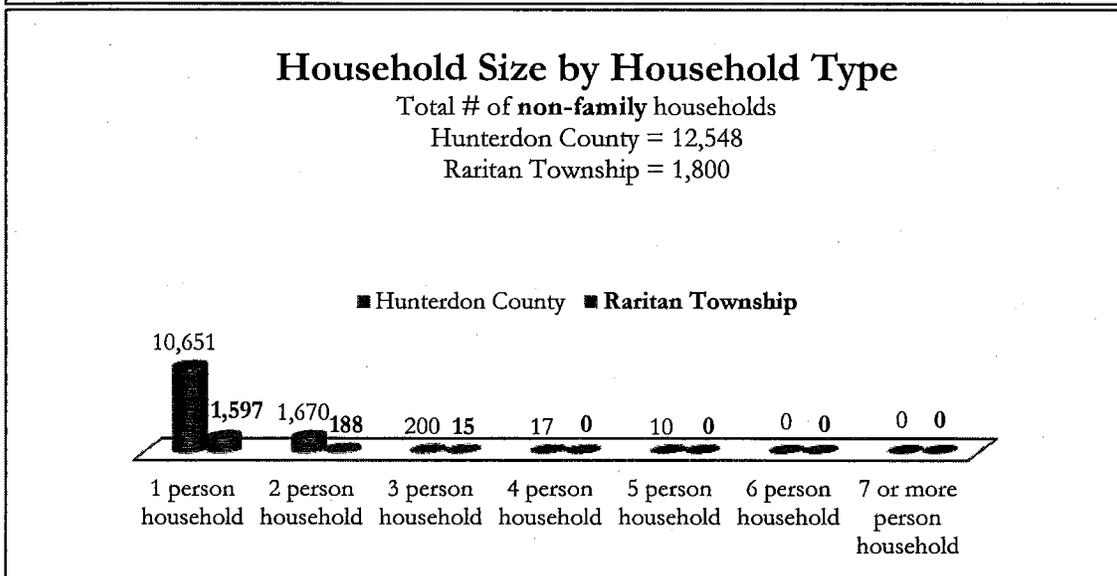
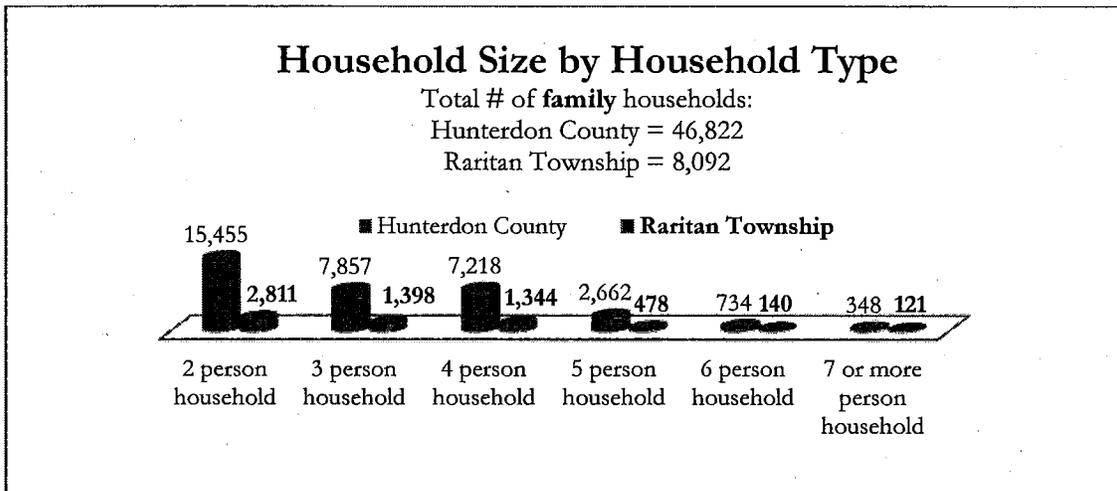


## Household Size

Average Household Size	2000	2010	2013	2014	2017
<b>Raritan Township</b>	2.81	2.72	2.59	2.66	2.69
<b>Hunterdon County</b>	2.69	2.62	2.61	2.64	2.59
<b>State of New Jersey</b>	2.68	2.69	2.71	2.72	2.74

*Source: ACS 2017 5-Year Estimates*

The 2017 ACS estimates the average household size in Raritan Township is 2.69 persons per household. This reflects a steady decline from the 2000 Census, which reported an average household size of 2.21 persons. In addition, the 2017 ACS estimates 8,092 households in Raritan Township, of which 6,292 (77.8%) are family households, with equal distribution of three- and four-person households. The U.S. Census Bureau defined a “family household” as a householder and one or more other people related to the householder by birth, marriage, or adoption. Only 22.2 percent of all households in Raritan Township are “non-family households,” with the majority being a single person living alone.



## EMPLOYMENT ANALYSIS

In order to more comprehensively understand Raritan Township's current and future housing needs, it is important to analyze the municipality's employment characteristics, which include employment status of residents, information on local industries and major employers, and commuting characteristics.

### Employment Status

Employment Status	New Jersey		Hunterdon County		Raritan Township	
	Estimate	%	Estimate	%	Estimate	%
<b>Population 16 years and over</b>	7,197,215		103,806		17,646	
<b>In labor force</b>	4,724,242	65.6	69,493	66.9	12,167	71.3
<b>Civilian labor force</b>	4,716,191	65.5	69,455	66.9	12,167	99.8
<b>Employed</b>	4,388,024	61.0	66,382	63.9	11,550	93.3
<b>Unemployed</b>	328,167	4.6	3,073	3.0	617	6.66
<b>Armed Forces</b>	8,051	0.1	38	0.0	0	0.17
<b>Not in labor force</b>	2,472,973	34.4	34,313	33.1	5,479	28.6
<b>Civilian labor force</b>	4,716,191		69,455		12,167	
<b>Percent Unemployed</b>		7.0%		4.4%		5.1%

*Source: ACS 2017 5-Year Estimates*

Raritan has a working-age population of 17,646 persons according to the 2017 ACS 5-Year Estimates. Of that population, 12,167 are in the labor force; 11,550 are employed; and 617 unemployed. This produces an unemployment rate of 6.6 percent. The unemployment rate for Raritan (5.1%) is slightly higher than that of Hunterdon County (4.4%), but lower than the State of New Jersey (7.0%). However, the unemployment rate alone does not provide a full picture of Township employment levels.

The data table above illustrates employment characteristics for Raritan residents for the most recent year of data available (2017), as measured by the 2017 ACS. As was noted in the "Income" section above, the median income for an individual worker in 2017 was \$120,644, according to these same estimates.

### Class of Worker

Class of Worker	New Jersey		Hunterdon County		Raritan Township	
	Estimate	%	Estimate	%	Estimate	%
<b>Employed civilian population 16 years and over</b>	4,388,024		66,382		11,550	
<b>Private wage and salary workers</b>	3,589,154	81.8	52,779	79.5	9,515	82.4
<b>Government workers</b>	589,100	13.4	9,105	13.7	1,678	14.5
<b>Self-employed in own not incorporated business workers</b>	203,589	4.6	4,414	6.6	352	3.0
<b>Unpaid family workers</b>	6,181	0.1	84	0.1	5	0.0

*Source: ACS 2017 5-Year Estimates*

In the table above, one can identify that the majority of workers are employed in the private sector (82.4%) while only 14.5 percent are employed by a governmental agency. It should be noted that 3.0 percent of Raritan Township residents are self-employed. This is about half that of the estimate for Hunterdon County (6.6%) and similar to that of the State (4.6%).

### Employment by Industry

Industry	New Jersey		Hunterdon County		Raritan Township	
	Estimate	%	Estimate	%	Estimate	%
<b>Civilian employed population 16 years and over</b>	4,388,024		66,382		11,550	
<b>Agriculture, forestry, fishing and hunting, and mining</b>	13,755	0.3	821	1.2	43	0.4
<b>Construction</b>	249,596	5.7	3,774	5.7	355	3.1
<b>Manufacturing</b>	362,892	8.3	7,500	11.3	1,742	15.1
<b>Wholesale trade</b>	149,340	3.4	2,703	4.1	559	4.8
<b>Retail trade</b>	488,795	11.1	6,821	10.3	1,101	9.5
<b>Transportation and warehousing, and utilities</b>	261,195	6.0	2,033	3.1	388	3.4
<b>Information</b>	123,449	2.8	2,584	3.9	585	5.1
<b>Finance and insurance, and real estate and rental and leasing</b>	372,301	8.5	5,886	8.9	1030	8.9
<b>Professional, scientific, and management, and administrative and waste management services</b>	580,562	13.2	9,548	14.4	1,626	14.1
<b>Educational services, and health care and social assistance</b>	1,041,368	23.7	14,369	21.6	2,674	23.2
<b>Arts, entertainment, and recreation, and accommodation and food services</b>	366,508	8.4	4,749	7.2	601	5.2
<b>Other services, except public administration</b>	194,728	4.4	2,857	4.3	431	3.7
<b>Public administration</b>	183,535	4.2	2,737	4.1	415	3.6

*Source: ACS 2017 5-Year Estimates*

Of Raritan’s employed population, most workers (23.2%) are employed in the “educational services, and health care and social assistance” sector. The percentage of employed residents working in other sectors roughly mirrors that of Hunterdon County (21.6%) and the State (23.7%) as a whole. However, there is one sector in which Raritan has significantly more workers than the larger geographies, which is the manufacturing sector (15.1%).

## Commuting Characteristics

Mode of Transportation	New Jersey		Hunterdon County		Raritan Township	
<b>Workers 16 years and over</b>	4,300,873		64,755		11,305	
<b>Car, truck, or van; drove alone</b>	3,074,062	71.5%	52,248	80.7%	9,585	84.8%
<b>Car, truck, or van; carpoled</b>	344,646	8.0%	3,539	5.5%	560	5.0%
<b>Public transportation</b>	493,428	11.5%	1,691	2.6%	389	3.4%
<b>Walked</b>	128,622	3.0%	1,175	1.8%	57	0.5%
<b>Other means</b>	78,727	1.8%	485	0.7%	71	0.6%
<b>Worked at home</b>	181,388	4.2%	5,617	8.7%	643	5.7%

*Source: ACS 2017 5-Year Estimates*

As shown in the above table, workers in all three geographies were mostly driving to work alone as opposed to carpooling, taking public transit, walking, or using another mode of transportation. 84.8 percent of the working population in Raritan Township drove alone, 80.7% in Hunterdon County, and 71.5% in the State. Less than 1 percent of workers walked to work in the Township. Additionally, it is important to note that 5.7 percent of the working population of the Township worked at home; that is slightly higher than the State (4.2%) and slightly lower than the County (8.7%).

Travel Time to Work	New Jersey	Hunterdon County	Raritan Township
<b>&lt; 10 minutes</b>	10.4%	9.7%	10.9%
<b>10-14 minutes</b>	12.2%	10.4%	12.4%
<b>15-19 minutes</b>	12.9%	10.4%	6.8%
<b>20-24 minutes</b>	13.1%	11.1%	11.9%
<b>25-29 minutes</b>	5.8%	6.0%	6.9%
<b>30-34 minutes</b>	13.4%	12.9%	12.3%
<b>35-44 minutes</b>	7.6%	9.9%	8.6%
<b>45-59 minutes</b>	9.6%	13.6%	14.0%
<b>≥ 60 minutes</b>	14.8%	16.1%	16.2%

*Source: ACS 2017 5-Year Estimates*

<b>Mean travel time to work (minutes)</b>	<b>30.7</b>	<b>33.5</b>	<b>40</b>
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Shown in the table above, workers in Raritan Township have an average commute of 40 minutes in 2017. This is slightly higher than the Hunterdon County average of 33.5 minutes and slightly lower than the State average of 30.7 minutes. In addition, more than a 16.2 percent of workers in Raritan Township commute more than an hour each way to work.

Place of Work	Raritan Township	%
<b>Worked in state of residence</b>	10,349	92
<b>Worked in county of residence</b>	4,943	43.9
<b>Worked outside county of residence</b>	5,406	48.0
<b>Worked outside state of residence</b>	896	7.9

*Source: ACS 2017 5-Year Estimates*

Just under half of Raritan Township's workers (43.9%) stayed in Hunterdon County to work, while 48 percent commuted to jobs outside the County. 7.9 percent commuted to jobs outside the state.

### INVENTORY OF EXISTING HOUSING STOCK

According to the 2017 ACS estimates, there were 8,305 housing units in Raritan Township, of which 8,092 (97.4%) were occupied. Of those 8,092 occupied housing units, 7,080 (87.5%) were owner-occupied and 1,738 units (24.5%) were renter-occupied.

<b>Housing Occupancy</b>		
<b>Occupancy Status</b>	<b>Count</b>	<b>%</b>
<b>Total Housing units</b>	8,305	100
<b>Occupied housing units</b>	8,092	97.4
<b>Vacant housing units</b>	213	2.6
<b>Tenure</b>		
<b>Occupied housing units</b>	8,092	100
<b>Owner Occupied</b>	7,080	87.5
<b>Owned with a mortgage or loan</b>	5,342	75.5
<b>Owned free and clear</b>	1,549	21.5
<b>Renter Occupied</b>	1,738	24.5
<b>Vacancy Status</b>		
<b>Vacant housing units</b>	213	100
<b>For rent</b>	41	19
<b>Rented, not occupied</b>	0	0
<b>For sale only</b>	33	16
<b>Sold, not occupied</b>	12	5
<b>For seasonal, recreational, or occasional use</b>	0	0
<b>For migratory workers</b>	0	0
<b>Other vacant</b>	127	60
<i>Source: ACS 2017 5-Year Estimates</i>		

<b>Value of Owner-Occupied Units</b>	<b>Count</b>	<b>%</b>
<b>Total</b>	7,080	100
<b>Less than \$50,000</b>	73	1.0
<b>\$50,000 to \$99,999</b>	10	0.1
<b>\$100,000 to \$149,999</b>	115	1.6
<b>\$150,000 to \$199,999</b>	248	3.5
<b>\$200,000 to \$299,999</b>	1,227	17.3
<b>\$300,000 to \$499,999</b>	3,222	45.5
<b>\$500,000 to \$999,999</b>	2,084	29.4
<b>\$1,000,000 or more</b>	101	1.4
<b>Median (dollars)</b>	422,800	
<i>Source: ACS 2017 5-Year Estimates</i>		

The average value of an owner-occupied dwelling in Raritan was estimated at \$422,800 in 2017, and approximately 45.5 percent were valued at between \$300,000 to \$499,999. The other half of the Township's housing stock was distributed between homes valued at \$500,000 or more (30.8% of homes) and those valued at less than \$300,000 (23.5% of homes).

### **Selected Housing Characteristics**

As of 2017, the vast majority of housing units in Raritan Township (67.5%) are single-family detached homes, while 20.5% are attached multifamily housing. In addition, the table below shoes that the highest number of units was built during the period between 1980 and 1989 (35.7%).

To understand how these housing values translate into affordability, it is important to look at the "selected monthly owner costs" (SMOC). This is defined as the sum of payments for mortgages, real estate taxes, various insurances, utilities, fuels, mobile home costs, and condominium fees. The median SMOC for owner-occupied homes with a mortgage was \$2,870 in 2017. This number was significantly lower for owner-occupied homes with no mortgage at and \$1049.

<b>Housing Tenure</b>	<b>Estimate</b>	<b>%</b>
<b>Owner-occupied</b>	7,080	87.5
<b>Renter-occupied</b>	1012	12.5
<b>Average household size of owner-occupied unit</b>	2.77	
<b>Average household size of renter-occupied unit</b>	2.13	
<b>Units in Structure</b>		
<b>Total housing units</b>	8,305	
<b>1-unit, detached</b>	5,609	67.5
<b>1-unit, attached</b>	1,705	20.5
<b>2 units</b>	82	1.0
<b>3 or 4 units</b>	176	2.1
<b>5 to 9 units</b>	268	3.2
<b>10 to 19 units</b>	250	3.0
<b>20 or more units</b>	172	2.1
<b>Construction Year of Building</b>		
<b>Total housing units</b>	8,305	
<b>Built 2010 or later</b>	100	1.2
<b>Built 2000 to 2009</b>	1,278	15.4
<b>Built 1990 to 1999</b>	1,494	18.0
<b>Built 1980 to 1989</b>	2,968	35.7
<b>Built 1970 to 1979</b>	664	8.0
<b>Built 1960 to 1969</b>	806	9.7
<b>Built 1950 to 1959</b>	579	7.0
<b>Built 1940 to 1949</b>	132	1.6
<b>Built 1939 or earlier</b>	284	3.4
<b>Bedrooms</b>		
<b>Total housing units</b>	8,305	
<b>No bedroom</b>	41	0.5
<b>1 bedroom</b>	493	5.9
<b>2 bedrooms</b>	1,598	19.2
<b>3 bedrooms</b>	2,390	28.8
<b>4 bedrooms</b>	3,406	41.0
<b>5 or more bedrooms</b>	377	4.5
<i>Source: ACS 2017 5-Year Estimates</i>		

<b>House Heating Fuel</b>		
<b>Occupied housing units</b>	8,092	
Utility gas	6,366	78.7
Bottled, tank, or LP gas	338	4.2
Electricity	443	5.5
Fuel oil, kerosene, etc.	888	11.0
Coal	0	0
Wood	47	0.6
Solar energy	0	0
Other fuel	0	0
No fuel used	10	0.1
<b>Selected Characteristics</b>		
<b>Occupied housing units</b>	8,092	
Lacking complete plumbing facilities	17	0.2
Lacking complete kitchen facilities	84	1.0
No telephone service available	111	1.4
<i>Source: ACS 2017 5-Year Estimates</i>		

<b>Mortgage Status</b>	<b>Estimate</b>	<b>%</b>
<b>Owner-occupied units</b>	7,080	
Housing units with a mortgage	5,342	75.5
Housing units without a mortgage	1,738	24.5
<i>Source: ACS 2017 5-Year Estimates</i>		

<b>Selected Monthly Owner Costs (SMOC)</b>	<b>Estimate</b>	<b>%</b>
<b>Housing units with a mortgage</b>	5,342	
Less than \$500	14	0.0
\$500 to \$999	49	0.5
\$1000 to \$1,499	383	0.3
\$1,500 to \$1,999	668	0.4
\$2,000 to \$2,499	1039	5.9
\$2,500 to \$2,999	700	13.0
\$3,000 or more	2,489	46.6
<b>Median (dollars)</b>	2,870	
<i>Source: ACS 2017 5-Year Estimates</i>		

For further comparison, the monthly costs of ownership for owner-occupied housing can be compared to the costs for renter-occupied housing units, which was estimated at \$1,618 in 2017. As shown in the table below, there are 957 rental units available in the township and of these, about 61% pay more than \$1,500 for rent, and about 23% pay between \$1,000-\$1,500. About 16% pay less than \$1,000 a month.

Gross Rent	Estimate	%
<b>Occupied units paying rent</b>	957	
<b>Less than \$500 / month</b>	34	3.6
<b>\$500 to \$999</b>	124	13.0
<b>\$1000 to \$1,499</b>	219	22.9
<b>\$1,500 to \$1,999</b>	431	45.0
<b>\$2,000 to \$2,499</b>	133	13.9
<b>\$2,500 to \$2,999</b>	16	1.7
<b>\$3,000 or more</b>	0	0.0
<b>Median (Dollars)</b>	1,618	
<i>Source: ACS 2017 5-Year Estimates</i>		

### PROJECTION OF FUTURE HOUSING STOCK

In order to project the future housing stock in Raritan Township, it is important to look at recent trends in housing construction for the municipality. As one can see the amount of mixed use and multifamily certificate of occupancy has gone up substantially in 2017.

#### Certificates of Occupancy Issued from 2005 to 2017

Housing Type	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Single	100	73	48	44	25	29	22	30	32	41	0	40	23	507
Mixed/Multi Use	1	0	0	1	1	0	8	0	0	0	0	0	96	107
<b>Total</b>	<b>101</b>	<b>73</b>	<b>48</b>	<b>45</b>	<b>26</b>	<b>29</b>	<b>30</b>	<b>30</b>	<b>32</b>	<b>41</b>	<b>0</b>	<b>40</b>	<b>119</b>	<b>614</b>
<i>Source: New Jersey Department of Labor &amp; Workforce Development</i>														

# FAIR SHARE PLAN

## INTRODUCTION

This plan uses the methodology for determining a municipality's affordable housing obligation identified in the Second Round and Third Round Rules, as determined by the Supreme Court, and relies on the most recent housing and socioeconomic data available.

## PLAN PURPOSE AND GOALS

This Fair Share Plan will describe specific projects, programs, strategies and funding sources to meet the Township's affordable housing obligation, while also complying with COAH's Second and Third Round Rules for Substantive Certification and the Fair Housing Act. The overriding goal of this Fair Share Plan is to provide a framework for the Township to take affirmative steps toward providing a realistic opportunity to achieve its fair share of the present and prospective regional need for low- and moderate-income housing.

## DETERMINATION OF HOUSING NEED

The Township of Raritan agreed to a Third Round Calculated Need obligation of **395 units**. This number is derived from the Econsult report entitled New Jersey Affordable Housing Need and Obligations, dated June 14, 2019, which extrapolated from the Hon. Mary C. Jacobson, A.J.S.C., decision on March 8, 2018, which established a Third Round Prospective Need and Gap Period Need for the Township of 857 units. Because the Township already has 462 credits, bonuses, and reductions toward the Third Round which were implemented prior to July 1, 2015, the remaining calculated need is 395. Therefore, the affordable housing obligation by category for Raritan is as follows:

Rehabilitation Share (Present Need)	16
Prior Round Obligation (1987-1999)	360
Third Round (1999-2025) Calculated Need	395

## PRESENT NEED

The Township has a present need of 16 units, which will be completed through the Township's rehabilitation program. The program is funded through the Township's Affordable Housing Trust Fund.

## PRIOR ROUND

Raritan Township received Substantive Certification from COAH for Round 2 on October 11, 1995. At the time of Certification, the Township's obligation was for 426 units; subsequent amendments reduced the Prior Round obligation to 360 units. In the recent numbers, the Township's Prior Round obligation is **360 units**. The Township met its obligation as follows:

Mechanism		Type	Units	Bonus Credits	Total Credits
<i>Prior Cycle Credits</i>			60	33	93
Credits without Controls	Credits without Controls		27		27
Easter Seals	Supportive/Special Needs		18	18	36
ARC Group Home	Supportive/Special Needs		5	5	10
Good News Home	Supportive/Special Needs		3	3	6
Cherryville Group Home	Supportive/Special Needs		4	4	8
Ringoes Group Home	Supportive/Special Needs		3	3	6
<i>RCA Credits</i>			57		57
New Brunswick RCA			27		27
New Brunswick RCA			7		7
New Brunswick RCA			3		3
Lambertville RCA			20		20
<i>Post 1986</i>			153	57	210
Flemington South Gardens	Age-Restricted Rental		96		96
The Mews (Countryside)	100 % Affordable Family Rental		6	6	12
The Mews (Countryside)	Supportive/ Special Needs		4	4	8
Village Commons	Inclusionary Family Rental		2	2	4
Good News Home	Supportive/ Special Needs		14	14	28
Morning Star	Supportive/ Special Needs		10	10	20
Oakridge at Flemington	Inclusionary Family Rental		16	16	32
Hunterdon Medical Center	Family Rental		5	5	10
<b>Total</b>			<b>270</b>	<b>90</b>	<b>360</b>

### Credits without Controls

The Fair Housing Act of 1985 states that municipalities are entitled to a one-for-one credit for privately-built housing that meets certain criteria. This allows the Township to receive credits towards its affordable housing obligations utilizing existing units that are affordable but may not be deed restricted within the Township. Housing that received a Certificate of Occupancy (CO) between April 1, 1980 and December 25, 1986 and are currently affordable to low- and moderate-income people in the region are eligible. The Township is focusing on two developments with units constructed during this timeframe: Flemington South and Village Commons. Flemington South has 267 units. The Village Commons has 159 units, although some were built after 1986. The Township will implement a program to compile voluntary income surveys for residents of the eligible units. The Township is projecting that at least 27 units will be verified.

### **RCAs with New Brunswick and Lambertville**

Raritan Township is proposing to apply 57 Regional Contribution Agreement (“RCAs”) credits to the Prior Round from a total of 144 credits. The Township entered into RCAs with New Brunswick and Lambertville during 1996 and 2003. An RCA, pursuant to N.J.S.A. 52:27D-312, is the transfer of up to 50 percent of a municipality’s fair share obligation to another municipality within its housing region by means of a contractual agreement into which two municipalities voluntarily enter. The Township completed RCAs for a total of 124 units in New Brunswick and 20 units in Lambertville. However, the purchase of RCAs is no longer a valid affordable housing crediting mechanism by the Third Round affordable housing regulations and therefore Raritan is permitted to keep its existing RCA unit credits, but cannot seek more.

### **Flemington South Gardens**

Flemington South Gardens includes 96 age-restricted one-bedroom and efficiency rental units that were completed between 1988 and 1990. Flemington South Gardens is located at 30 and 63 Manchester Road (Block 71.16, Lot 51 and Block 71.17, Lot 1).

### **The Mews (Countryside)**

ARC/Countryside and Countryside - The Mews (Block 44, Lot 50) – a municipally supported 100% affordable project containing six (6) two and three-bedroom family rental units (30 year affordability restrictions) and two (2), two-bedroom units that are rented to the ARC of Hunterdon for special needs households (50 year affordability restrictions), for a total of ten (10) credits. The project was completed in 2010.

### **Village Commons**

Village Commons (Block 65, Lot 1) is an inclusionary development that contains two family rental units, one 2-bedroom low income unit and one 1-bedroom moderate income unit. Raritan received two credits and two rental bonuses for completion of these two-family rental units. The project was completed in 1996.

### **Good News Home**

Good News Home (Block 9, Lot 18) is a short- and long-term residential rehabilitation center for women with addictions to drugs and/or alcohol. The development contains 14 special needs rental units that are affordable to low- and moderate-income adults. The project was completed in 2008.

### **Morning Star**

Morning Star is a supportive/special needs housing development that contains 10 bedrooms that are available to rent to low- and moderate-income adults. This project is eligible to receive 10 bonus credits for affordable rental units for a total of 20 credits. The project was completed in 1996.

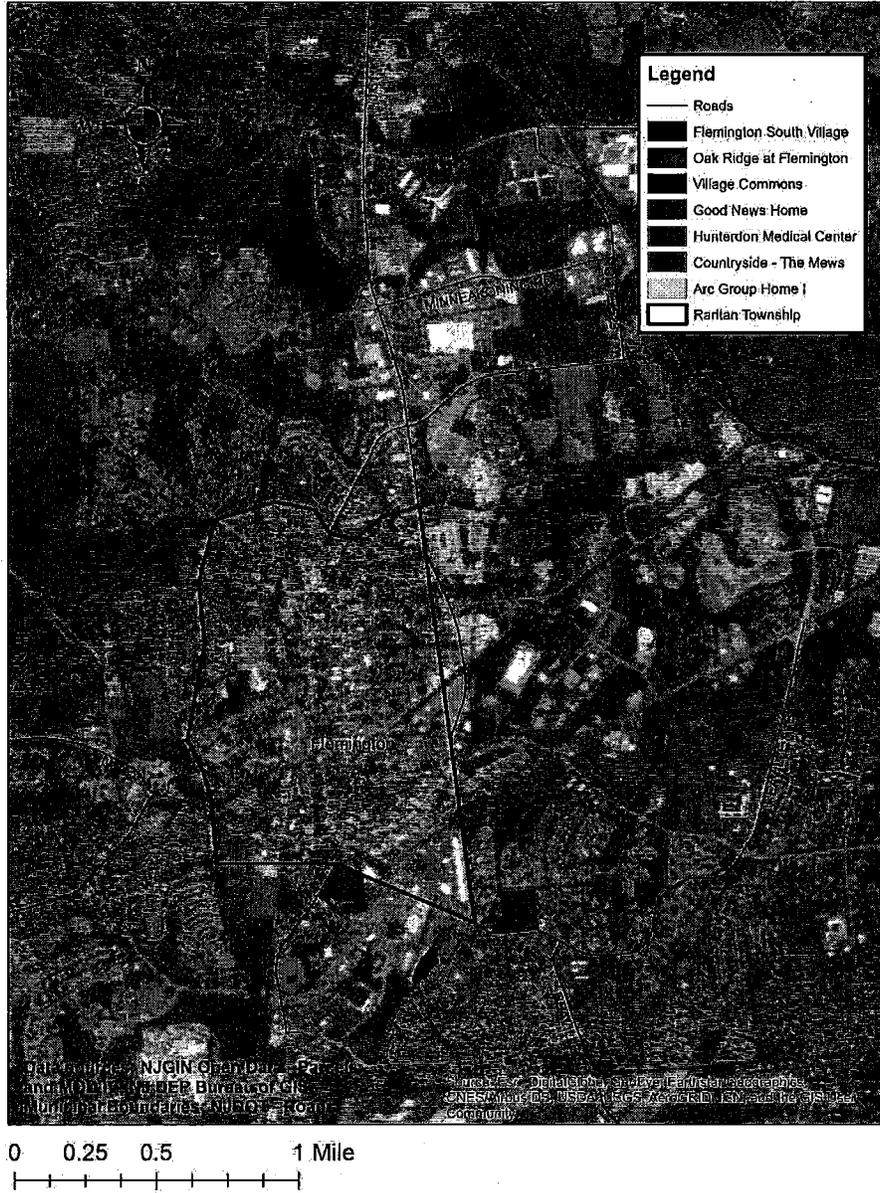
### **Oakridge at Flemington**

The Oakridge at Flemington (Block 72.12, Lot 10) contains 16, two- and three-bedroom family rental units that are available to low- and moderate-income families. The project was completed in 1996.

### **Hunterdon Medical Center**

Hunterdon Medical Center (Block 15, Lot 14) has five existing residential units on the site of the hospital that have been deed restricted and made available to low- and moderate-income families. The project was completed in 2006.

# Prior Round



<b>Good News Home</b>	Block 9, Lot 18
<b>Hunterdon Medical Center</b>	Block 15, Lot 14
<b>Village Commons</b>	Block 65, Lot 1
<b>Flemington South Gardens</b>	Block 71.16, Lot 51
<b>Flemington South Gardens</b>	Block 71.10, Lot 1
<b>The Mews (Countryside)</b>	Block 44, Lot 50

### THIRD ROUND CREDITS, BONUSES, AND REDUCTIONS

Raritan Township implemented the following credits, bonuses and reductions for the Third Round prior to July 1, 2015. These units reduced the Township's Third Round Calculated Need.

Credits, Bonuses, and Reductions Towards Third Round Obligation	Type	Units	Bonus Credits	Total Credits
South Main Village	Inclusionary Family for Sale	13		13
Stonegate Inclusionary	Inclusionary Family for Sale	10		10
ARC Group Home I	Supportive/Special Needs	5	5	10
Raritan Motorsports	Family Rental 100% Affordable	2		2
Independence Manor	Assisted Living	10		10
RCAs from New Brunswick (carry over – gap period obligation)	RCA	87		87
Pulte Homes	Inclusionary Family for Sale	50		50
Flemington South Gardens	Extension of Expiring Controls	96		96
Flemington Junction	Municipally Sponsored 100% Affordable Family Rental	84	84	168
ARC Group Home II	Supportive/Special Needs	4	4	8
Stickel Group	Supportive/Special Needs	4	4	8
<b>Total Credits, Bonuses, and Reductions Towards Third Round Obligation</b>		<b>364</b>	<b>97</b>	<b>462</b>

### **South Main Village – Inclusionary Family for Sale**

South Main Village located at Block 64, Lot 3 is an inclusionary development that contains 13 family for-sale units that are deed-restricted affordable to low- and moderate-income households. The site was completed in 1993.

### **Stonegate Inclusionary – Inclusionary Family for Sale**

The Stonegate inclusionary development consists of 10 family for-sale affordable units to low- and moderate-income households located at Block 71.25, Lot 1. The affordable units were completed in 1993.

### **ARC Group Home I**

ARC Group Home I is a 5-bedroom supportive/special needs housing project located at Block 36.01, Lot 92 and completed in 2002. The development was administered throughout the ARC of Hunterdon County, for which the Raritan Township committed \$115,000 to complete.

### **Raritan Motorsports**

Raritan Motorsports is a 100% affordable family rental project consisting of 2 units. The property is located on Block 15, Lot 65, where it was completed in 2009.

### **Independence Manor**

Independence Manor is an assisted living facility located at 188 State Highway 31 (Block 16, Lot 14.05). The property consists of 100 beds and as part of a Zoning Board application for an expansion, the owner agreed to deed restrict 10% or 10 units as Medicaid beds available to very low-income individuals.

### **RCAs with New Brunswick and Lambertville**

Raritan Township is proposing to apply 87 Regional Contribution Agreement (RCAs) credits of a total of 144 RCA credits to the Third Round. The Township entered into RCAs, with New Brunswick and Lambertville between 1996 and 2003. An RCA is the transfer pursuant to N.J.S.A. 52:27D-312 of up to 50 percent of a municipality's fair share obligation to another municipality within its housing region by means of a contractual agreement into which two municipalities voluntarily enter. The Township completed RCAs for a total of 124 units in New Brunswick and 20 units in Lambertville. However, the purchase of RCAs is no longer accepted by the Third Round affordable housing regulations therefore, Raritan is permitted to keep its existing RCA unit credits, but cannot seek more.

### **Pulte Homes/Linque Flemington LLC**

Pulte Homes units are part of an inclusionary development located on 658 Penna Ave (Block 36, Lot 17). The development includes 250 market-rate, age-restricted units and 50 family, for-sale units on the site. The Township further deed-restricted five of these units for very low-income households. The project was completed in 2019.

### **Flemington South Gardens**

Raritan extended expiring affordability controls in accordance with UHAC on 96 age-restricted rental units at the Flemington South Gardens development located at 30 and 63 Manchester Road (Block 71.16, Lot 51 and Block 71.17, Lot 1). The affordable units were completed between 1988 and 1990 with 20-year controls on affordability that were expiring during the Third Round period. Raritan Township provided \$650,000 in infrastructure improvements to the site, including a water pump station from the Township's Housing Trust Fund.

**Flemington Junction (The Willows)**

Flemington Junction (The Willows) is a 100-percent affordable development that includes 84 family rental units. The development covers 11.45 acres on Block 16.01, Lot 54.01, also known as 71 Junction Road. Raritan Township approved funding for \$1,000,000 of the project costs from the affordable housing trust fund for the project and entered into a Payment of Lieu of Taxes agreement with the developer, Ingerman. The project was completed in 2017.

**ARC II Group Home**

The ARC II group home is a 4-bedroom supportive and special needs group home. Raritan provided \$225,000 from its housing trust fund to ARC through an agreement executed by the Township and ARC for the purchase of a four-bedroom single family home which ARC converted into a group home for individuals with developmental disabilities. The site was acquired in October 2009 and the building permit was issued November 2009.

**Stickel Group Home**

The Stickel group home is located at 12 Samuel Drive (Block 73, Lot 49) and is a 4-unit supportive group home for individuals with special needs. The affordable units were completed in 2011.

**THIRD ROUND CALCULATED NEED**

The Township’s compliance mechanisms for its Third Round Calculated Need are listed below:

Mechanism	Type	Units	Bonus Credits	Total Credits
Cedar Grove Shopping Center	Family Rental	6	0	6
66 Junction Road	Municipally Sponsored, 100% Affordable Family Rental	100	0	100
Villages at Raritan Junction	Inclusionary Development-Family rental	28	28	56
Enclave at Raritan Junction	Inclusionary Development-Family rental	40	40	80
Raritan Junction	Inclusionary Development-Family rental	28	25	52
Raritan Town Square	Inclusionary Development-Family rental	28	28	56
Stonegate South Main Village	Extensions of Expiring Controls	21	0	21
Group Home/ Supportive Housing Program	Special Needs	27	0	27
<b>Total</b>		<b>278</b>	<b>121</b>	<b>398</b>

### **Cedar Grove Shopping Center**

Cedar Grove Shopping Center is located on Block 18.01, Lot 12.04 includes 6 family rental units. The property consists of 6 units that are proposed in conjunction with approval for an office complex.

### **66 Junction Road**

The 66 Junction Road Development is located on Block 27, Lot 22 and is a 100-percent affordable family rental site that is replacing the Dayton Road 100-percent affordable family rental site, which was part of the Township's Third Round Substantive Certification. The Township designated the property as an Area in Need of Redevelopment, adopted a Redevelopment Plan and the developer, Ingerman, received Preliminary Site Plan approval for 100 units in September 2019. The project is proposed to include 18 one-bedroom, 25 three-bedroom, and 57 two-bedroom units in nine (9) buildings. The project was awarded Low-Income Housing Tax Credits in December 2019. The Township Committee also passed a resolution allowing the Township to enter into an agreement with Ingerman to transfer the sewer allocation that was previously allocated to the construction of the Dayton Road project to this project. The units will be 50 percent low-income and 50 percent moderate-income. The developer agreed as part of the Site Plan approval to deed restrict 30 percent of the low-income units (34 units) to very low-income families.

### **The Enclave and the Villages at Raritan Junction (Health Quest Park)**

The Enclave and the Villages at Health Quest Park is located on Block 9, Lots 16 and 17.01 in an inclusionary development zone. The proposed inclusionary developments would be located on two sites that are adjacent to the Health Quest property located on Block 9, Lots 16, 16.03, and 17.01, in a mixed-use shopping center area. The Enclave is proposed to have 200 units with a 20 percent set-aside, resulting in 40 affordable family rental units. The second site, The Villages, would have 139 units with a 20 percent set-aside, resulting in 28 affordable family rental units, for a total of **68 units**. The affordable units will be 50 percent low income units and 50 percent moderate income units. At least 13 percent of the units will be for very low-income individuals. The applications were granted Preliminary and Final Site Plan approval by the Planning Board in December 2016. The Villages is currently under construction.

### **Raritan Junction**

Raritan Junction is located on Block 16.02, Lot 41 in an inclusionary development zone. The Raritan Junction residential development includes 140 units that are proposed as part of the same mixed-use development as the Raritan Town Center project. The developer proposes that 20 percent of the units (28 units), would be deed-restricted affordable to low- and moderate-income households. The Township Committee adopted the ordinance for inclusionary development in July 2017. The site meets the site suitability standards of N.J.S.A. 5:97-3.13.a which require the site to have a free and clear title, be located in an area of compatible land uses with street access, have adequate water and sewer available and be able to meet RSIS standards. The site is located in a 44.61-acre redevelopment area that has been developed as a commercial town center by a single developer that has site control. The site has access from Walter E. Foran Boulevard (CR 523) and is also near NJSH Route 31. The area is developed with a Costco, Walmart, restaurants and retail. The developer of the site requested a redevelopment plan amendment to allow for residential apartments. The site has public water and sewer available and is readily developable. There are other residential uses along Walter E. Foran Boulevard. The site has adequate access and available land to be developed to RSIS standards. The site meets the site suitability criteria of N.J.S.A. 5:97-3.13.a.

**Raritan Town Square**

The Raritan Town Square project is located on Block 16.01, Lots 35, 36, and 38 at 150 NJSH Route 31. The development received Preliminary and Final Site Plan approval from the Planning Board in July 2017 for 140 units with a 20 percent set-aside for a total of 28 affordable units. At least half of the affordable units will be available for low-income households, with a minimum of 13 percent of the low-income units available to very low-income households. The project is currently under construction.

**Stonegate Inclusionary and South Main Village**

The Township will be extending controls on 21 units with expiring controls from the Stonegate and South Main Village developments. Prior to the final compliance hearing in this matter, the Township will provide confirmation that the controls have been extended for at least thirty years from the original date the controls were to expire.

**Group Home/ Supportive Housing Program**

By December 31 of each year from 2020 through 2024, the Township will partner with supportive and special needs housing providers to create a minimum of seven special needs bedrooms per year (in the first two years) and six special needs bedrooms per year (in the remaining three years). The program will be funded by the Township's Housing Trust Fund.

**DISTRIBUTION OF OBLIGATION**

Of the total obligation for the Third Round Period, Raritan Township agrees to the following restrictions on the distribution of its affordable housing obligation: a maximum of 25 percent may be senior or age-restricted units; a minimum of 50 percent of the units must be family housing; at least 25 percent of the affordable units created must be rental units; and, of those, at least 50 percent must be family housing. In terms of affordability, at least 50 percent of the total number of affordable units must be low income ( $\leq 50\%$  of the median income) and at least 13 percent of the low-income units must be allocated to very low income (30 percent or less of median income) households. The remaining units may be occupied by moderate-income ( $\leq 80\%$  of the median income) households. At least half of the very low-income units must be available to families. The table below illustrates these requirements.

<b>Raritan Township's Fair Share Obligation by Unit Type</b>			
Type of Housing	Requirement <sup>1</sup>	Number of Units Permitted	Proposed
Senior Units	Max. 25%	Max. 214	106 units
Family Housing	Min. 50% (of 639)	Min. 320	410 units
Rental	Min. 25% (of 857)	Min. 215	422 units
Family Rental	Min. 50% of Rental (of 215)	Min. 108	316 units
Very Low-Income	Min. 13% of units built after 2008	Min. 53	96 units
Very Low-Income Family	Min. 50% of Very Low	Min. 27	56 units

### Third Round Calculated Need



<b>66 Junction Road</b>	Block 27, Lot 22
<b>Raritan Town Square</b>	Block 16.01, Lots 35, 36, 38
<b>Raritan Junction</b>	Block 16.02, Lot 41
<b>Cedar Grove Shopping Center</b>	Block 18.01, Lot 12
<b>Village at Health Quest Park</b>	Block 9, Lots 16, 17.01
<b>Stonegate</b>	Block 71.25, Lot 1
<b>South Main Village</b>	Block 64, Lot 3

**APPENDICES**

**Resolution to Execute Settlement Agreement**

**TOWNSHIP OF RARITAN  
COUNTY OF HUNTERDON, NEW JERSEY**

**RESOLUTION #19-156**

**A RESOLUTION OF THE TOWNSHIP OF RARITAN  
AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT  
BETWEEN THE TOWNSHIP OF RARITAN AND  
FAIR SHARE HOUSING CENTER.**

**BE IT RESOLVED**, by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, as follows:

**WHEREAS**, the Township of Raritan (hereinafter "Township") filed a Complaint on or about July 7, 2015 seeking a declaration of its compliance with the Mount Laurel Doctrine and Fair Housing Act of 1987, N.J.S.A. 53:27D-301, et seq., in accordance with In re: N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015); and

**WHEREAS**, after extended negotiations with the participation of the Court and the Court-appointed Special Master, Fair Share Housing Center and the Township have agreed to settle the litigation and present the settlement for review and approval by the Superior Court having jurisdiction over this matter; and

**WHEREAS**, the Township Attorney, Special Affordable Housing Counsel, Township Planner, and Township Administrator have participated in the extended negotiations and have advised the Township Committee regarding the proposed Settlement Agreement and have also recommended that the proposed Settlement Agreement be approved by the Township Committee; and

**WHEREAS**, the Township Committee believes it is in the best interest of the Township of Raritan to approve said settlement and to authorize the appropriate Township officials to execute same on behalf of the Township of Raritan.

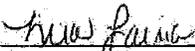
**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Raritan that the appropriate Township officials are hereby authorized to execute a written Settlement Agreement attached hereto as Exhibit "A;" and

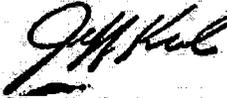
**BE IT FURTHER RESOLVED**, that the Township Clerk is directed to make the Settlement Agreement available for public review; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

ATTEST:

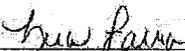
TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF RARITAN

  
\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

  
\_\_\_\_\_  
Jeff Kuhl  
Mayor

CERTIFICATION

I, Lisa Fania, Clerk of the Township of Raritan, County of Hunterdon, State of New Jersey, hereby certify that the foregoing resolution is a true, complete and accurate copy of a resolution adopted by the Township Committee of the Township of Raritan at a meeting held on June 18, 2019.

  
\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

Affordable Housing Settlement Agreement



Peter J. O'Connor, Esq.  
Kevin D. Walsh, Esq.  
Adam M. Gordon, Esq.  
Laura Smith-Denker, Esq.  
David T. Rompler, Esq.  
Joshua D. Bauer, Esq.

June 14, 2019

RECEIVED

JUN 17 2019

Edward Purcell, Esq.  
DiFrancesco Bateman, P.C.  
15 Mountain Boulevard  
Warren, New Jersey 07059

RARITAN TOWNSHIP  
CLERKS OFFICE

Re: In the Matter of the Township of Raritan, County of Hunterdon,  
Docket No. HNT-L-312-15

Dear Mr. Purcell:

This letter memorializes the terms of an agreement reached between the Township of Raritan (the Township or "Raritan"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

**Background**

Raritan filed the above-captioned matter on July 1, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, the Township and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

**Settlement terms**

The Township and FSHC hereby agree to the following terms:

1. FSHC agrees that the Township, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and Raritan hereby agree that Raritan's affordable housing obligations are as follows:

(A1131148.1)

510 Park Blvd. • Cherry Hill, New Jersey 08002 • 856-665-5444 • fax: 856-663-8182 • www.fairsharehousing.org  
3499231v1

Rehabilitation Share (per Kinsey Report <sup>1</sup> )	16
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	360
Third Round (1999-2025) Calculated Need (per Kinsey Report, as adjusted through this Agreement) <sup>2</sup>	396

4. For purposes of this Agreement, the Third Round Calculated Need shall be deemed to be the Third Round Prospective Need as adjusted for credits, reductions, and bonuses as further detailed below and in accordance with N.J.A.C. 5:93-2.17. The Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017). FSHC and the Township agree that while the Township does not accept the basis of the methodology or calculations proffered by FHSC's consultant, David H. Kinsey, Ph.D., P.P. F.A.I.C.P., the Parties agree to the terms of this agreement for purposes of settlement of this action.
  
5. The Township's efforts to meet its present need include a municipally sponsored local rehabilitation program. This is sufficient to satisfy the Township's present need obligation of 16 units.
  
6. As noted above, the Township has a Prior Round prospective need of 360 units, which is met through the following compliance mechanisms:

Prior Round Obligation	Type	Units	Bonus Credits	Total Credits
<i>Prior Cycle Credits</i>		68	33	101
Credits without Controls	Credits without Controls	35		
Easter Seals	Supportive/Special Needs	18	18	
ARC Group Home	Supportive/Special Needs	5	5	
Good News Home	Supportive/Special Needs	3	4	
Cherryville Group Home	Supportive/Special Needs	4	4	
Ringoes Group Home	Supportive/Special Needs	3	3	
<i>RCA Credits</i>		57	-	57
New Brunswick RCA		27		
New Brunswick RCA		7		

<sup>1</sup> David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May 2016.

<sup>2</sup> See paragraphs 7 and 8 below for discussion of Calculated Need.

New Brunswick RCA		3		
Lambertville RCA		20		
<i>Post 1986</i>		153	57	210
Flemington South Gardens	Age-Restricted Rental	96		96
The Mews (Countryside)	Family Rental 100% Affordable	6	6	12
The Mews (Countryside) ARC Group Homes	Supportive/Special Needs	4	4	8
Village Commons	Inclusionary Family Rental	2	2	4
Good News Home	Rental Supportive/Special Needs	14	14	28
Morning Star	Rental Supportive/Special Needs	10	10	20
Oakridge at Flemington	Inclusionary Family Rental	16	16	32
Hunterdon Medical Center	Family Rental	5	5	10
<b>Total</b>		<b>278</b>	<b>82</b>	<b>360</b>

7. The Township implemented the following credits, bonuses, and reductions prior to July 1, 2015.

Credits, Bonuses, and Reductions Towards Third Round Obligation	Type	Units	Bonus Credits	Total Credits
South Main Village	Inclusionary Family For Sale	13		13
Stonegate Inclusionary	Inclusionary Family For Sale	10		10
ARC Group Home I	Supportive/Special Needs	5	5	10
Raritan Motorsports	Family Rental 100% Affordable	2		2
Independence Manor	Assisted Living	9		9
RCAs from New Brunswick (carry over – gap period obligation)	RCA	87		87
Pulte Homes	Inclusionary Family For Sale	50		50
Flemington South Gardens	Extension of Expiring Controls	96		96
Flemington Junction	Municipally Sponsored 100% Affordable Family Rental	84	84	168
ARC Group Home II	Supportive/Special Needs	4	4	8
Stickel Group	Supportive/Special Needs	4	4	8
<b>Total Credits, Bonuses, and Reductions Towards Third Round Obligation</b>		<b>364</b>	<b>97</b>	<b>461</b>

8. The Township will implement mechanisms to address its calculated need as described in this paragraph. The calculated need is derived as follows. The parties agree for the purposes of settlement to use as the total Third Round Prospective Need and Gap Period Need the number that multiple experts have extrapolated the methodology that the Hon. Mary C. Jacobson, A.J.S.C. utilized in her decision issued on March 8, 2018 and found that methodology, if applied to Hunterdon County, would have resulted in the Township's Round 3 obligation being 857. Neither party accepts the basis of the methodology or calculations made in the decision, though FSHC contends, and is free to take the position before the Court, that such an obligation reflects a reasonable reduction of Dr. Kinsey's July 2016 and April 2017 calculation of the Township's Round 3 (1999-2025) fair share obligation in the context of settlement, and that obligation is based on the Prior Round methodology. Because the Township already has 461 credits, bonuses, and reductions implemented prior to July 1, 2015 pursuant to paragraph 7, the calculated need is 396, which shall be addressed as follows:

Mechanisms to Satisfy Calculated Need	Type	Units	Bonus Credits	Total Credits
Cedar Grove Shopping Center	Family Rental	6		6
66 Junction Road	Municipally Sponsored 100% Affordable Family Rental	100		100
Villages at Raritan Junction	Inclusionary Development – Family Rental	28	28	56
Enclave at Raritan Junction	Inclusionary Development – Family Rental	40	40	80
Raritan Junction	Inclusionary Development – Family Rental	21	15	36
Raritan Town Square	Inclusionary Development – Family Rental	35	35	70
Extensions of Expiring Controls	Extensions of Expiring Controls	21	-	21
Group Home/Supportive Housing Program	Special Needs	27	-	27
<b>Total Units</b>		<b>278</b>	<b>118</b>	<b>396</b>

9. The Township will provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning on the following sites:

The Township has already adopted inclusionary zoning on the Cedar Grove Shopping Center, Villages at Raritan Junction, Enclave at Raritan Junction, Raritan Junction, and Raritan Town Square sites. All other Inclusionary sites listed in paragraphs 6 through 8 are already constructed.

10. The Township will provide a realistic opportunity for the development of additional affordable housing that will be developed or created through means other than inclusionary zoning in the following ways:

- **Extensions of Expiring Controls:** The Township will be extending controls on twenty-one (21) units with expiring controls from the Stonegate and South Main Village developments. Prior to the final compliance hearing in this matter the Township will provide confirmation that the controls have been extended for at least thirty years from the original date the controls were to expire.

- **Group Home/Supportive Housing Program:** By December 31 of each year from 2020 through 2024, the Township will partner with supportive and special needs housing providers to create a minimum of seven special needs bedrooms per year (in the first two years) and six special needs bedrooms per year (in the remaining three years).

- **66 Junction Road:** 66 Junction Road is a 100% affordable family rental site that is replacing the Dayton Road 100% affordable family rental site that was part of the Township's Third Round substantive certification. The Township as part of the compliance phase of this litigation will transfer the sewer allocation that was allocated for

construction of Dayton Road to 66 Junction Road to make construction of this site possible.

In accordance with N.J.A.C. 5:93-5.5, the Township recognizes that it must provide evidence that the municipality has adequate and stable funding for any non-inclusionary affordable housing developments. The municipality is required to provide a pro forma of both total development costs and sources of funds and documentation of the funding available to the municipality and/or project sponsor, and any applications still pending. In the case where an application for outside funding is still pending, the municipality shall provide a stable alternative source, such as municipal bonding, in the event that the funding request is not approved. The Township will provide a pro forma and documentation for 66 Junction Road as part of its Housing Element and Fair Share Plan, show any necessary spending for all of the programs referenced in this paragraph as part of its Spending Plan, and pass a resolution of intent to bond in case of a shortfall in accordance with N.J.A.C. 5:93-5.5.

In accordance with N.J.A.C. 5:93-5.5, for non-inclusionary developments, a construction or implementation schedule, or timetable, shall be submitted for each step in the development process: including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction. The schedule shall provide for construction to begin within two years of court approval of this settlement. The municipality shall indicate the entity responsible for undertaking and monitoring the construction and overall development activity. The Township will provide this information for the 66 Junction Road site as part of its Housing Element and Fair Share Plan.

11. The Township agrees to require 13% of all units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will demonstrate how it will comply with these requirements as part of its Housing Element and Fair Share Plan.
12. The Township shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:
  - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
  - b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
  - c. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
  - d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.

- e. The Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
13. The Township shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
14. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. The 66 Junction Road site shall be at least 13 percent very low income as part of at least 50 percent low income units and meet the bedroom distribution requirements in UHAC (i.e. N.J.A.C. 5:80-26.3). The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:
- a. Regional income limits shall be established for the region that the Township is located within (i.e. Region 3) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

- b. The income limits attached hereto as Exhibit A are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2019, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
  - c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
  - d. The parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement.
15. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
  16. As an essential term of this Agreement, within one hundred and twenty (120) days of Court's approval of this Agreement, the Township shall introduce and adopt an ordinance or ordinances providing for the amendment of the Township's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.
  17. The parties agree that if a decision of a court of competent jurisdiction in Hunterdon County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Township for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Township may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Township shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Township's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Township prevails in reducing its prospective need for the Third Round, the Township may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.
  18. The Township shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those

provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this Agreement, which shall be established by the date on which it is executed by a representative of the Township, and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

19. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
20. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in this Agreement. The Township agrees to comply with those provisions as follows:
  - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
  - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
21. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an

order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.

22. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Township shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
23. The Township agrees to pay FSHC's attorneys fees and costs in the amount of \$15,000 within ten (10) days of the Court's approval of this Agreement pursuant to a duly-noticed fairness hearing. The Township is permitted to seek recovery of these attorneys fees and costs from developers within the Township's affordable housing plan on a pro-rata basis.
24. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
25. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Hunterdon County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
26. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
27. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
28. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
29. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
30. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper

person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

31. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
32. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
33. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
34. No member, official or employee of the Township shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
35. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
36. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

**TO FSHC:** Adam M. Gordon, Esq.  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
Phone: (856) 665-5444  
Telecopier: (856) 663-8182  
E-mail: adamgordon@fairsharehousing.org

**TO THE TOWNSHIP:** Edward Purcell, Esq.  
DiFrancesco Bateman, P.C.  
15 Mountain Boulevard  
  
Warren, New Jersey 07059  
Telephone No. 908-757-7800

Telecopier: (908) 757-8039  
Email: epurcell@newjerseylaw.net

**WITH A COPY TO THE  
MUNICIPAL CLERK:**

Lisa Fania, R.M.C.  
1 Municipal Drive  
Flemington, NJ 08822

Telecopier: (908) 806-8221  
Email: clerk@raritantwpnj.gov

Please sign below if these terms are acceptable.

Sincerely,



Adam M. Gordon, Esq.  
Counsel for Intervenor/Interested Party  
Fair Share Housing Center

On behalf of the Township of Raritan, with the authorization  
of the governing body:

  
\_\_\_\_\_  
Jeffrey Kuhl, Mayor  
Dated: 6/16/19

**EXHIBIT A. 2019 INCOME LIMITS**

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - May 2019

**2019 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE**

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

	1 Person	*1.5 Person	2 Person	*3 Person	*4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rent*** Solic***	Regional Asset Limit****
<b>Region 1</b>												
Median	\$65,607	\$71,355	\$76,122	\$81,637	\$85,133	\$89,959	\$102,765	\$110,377	\$117,989	\$125,602		
Moderate	\$53,286	\$57,092	\$60,898	\$64,510	\$67,122	\$70,167	\$82,212	\$88,302	\$94,391	\$100,481	2.6%	\$183,994
Low	\$33,303	\$35,682	\$38,061	\$42,819	\$47,576	\$49,719	\$51,382	\$55,189	\$58,995	\$62,801	4.73%	
Very Low	\$19,982	\$21,409	\$22,837	\$24,891	\$26,346	\$28,688	\$30,829	\$33,113	\$35,397	\$37,680		
<b>Region 2</b>												
Median	\$70,537	\$75,576	\$80,614	\$90,691	\$100,767	\$104,798	\$108,829	\$116,890	\$124,952	\$133,013		
Moderate	\$55,430	\$60,469	\$64,491	\$72,553	\$80,614	\$83,838	\$87,063	\$93,512	\$99,961	\$106,410	2.6%	\$193,321
Low	\$35,269	\$37,788	\$40,307	\$46,345	\$50,384	\$52,299	\$54,414	\$58,445	\$62,476	\$66,506	5.67%	
Very Low	\$21,161	\$22,673	\$24,184	\$27,207	\$30,230	\$31,439	\$32,649	\$35,057	\$37,465	\$39,904		
<b>Region 3</b>												
Median	\$82,810	\$88,725	\$94,640	\$105,470	\$118,300	\$118,032	\$127,764	\$137,228	\$146,692	\$156,156		
Moderate	\$66,248	\$70,980	\$75,712	\$85,176	\$94,640	\$98,426	\$102,211	\$109,782	\$117,354	\$124,925	2.6%	\$225,261
Low	\$41,405	\$44,369	\$47,332	\$55,235	\$59,150	\$61,516	\$63,882	\$68,614	\$73,346	\$78,078	9.64%	
Very Low	\$24,843	\$26,618	\$28,392	\$33,941	\$35,490	\$36,940	\$38,329	\$41,188	\$44,008	\$46,847		
<b>Region 4</b>												
Median	\$72,165	\$77,319	\$82,474	\$92,783	\$103,092	\$107,216	\$111,340	\$119,587	\$127,834	\$136,082		
Moderate	\$57,732	\$61,855	\$65,979	\$74,226	\$82,474	\$85,773	\$89,072	\$95,670	\$102,268	\$108,865	2.6%	\$193,319
Low	\$36,082	\$38,680	\$41,277	\$48,392	\$51,546	\$53,608	\$55,670	\$59,794	\$63,917	\$68,041	3.91%	
Very Low	\$21,649	\$23,196	\$24,742	\$27,835	\$30,928	\$32,165	\$33,402	\$35,876	\$38,350	\$40,825		
<b>Region 5</b>												
Median	\$63,070	\$67,575	\$72,080	\$81,090	\$90,100	\$93,704	\$97,308	\$104,516	\$111,724	\$118,932		
Moderate	\$50,456	\$54,060	\$57,664	\$64,872	\$72,080	\$74,568	\$77,056	\$83,613	\$89,179	\$95,146	2.6%	\$166,981
Low	\$31,595	\$33,788	\$36,040	\$40,545	\$44,050	\$46,852	\$48,654	\$52,258	\$55,862	\$59,466	3.09%	
Very Low	\$18,921	\$20,273	\$21,624	\$24,327	\$27,030	\$28,111	\$29,192	\$31,385	\$33,577	\$35,680		
<b>Region 6</b>												
Median	\$53,714	\$57,590	\$61,467	\$69,061	\$76,734	\$79,803	\$82,873	\$89,011	\$95,150	\$101,289		
Moderate	\$42,971	\$46,040	\$49,110	\$55,248	\$61,387	\$63,843	\$66,298	\$71,209	\$76,120	\$81,031	2.6%	\$143,713
Low	\$26,857	\$28,275	\$30,694	\$34,530	\$38,367	\$39,902	\$41,436	\$44,506	\$47,575	\$50,644	5.15%	
Very Low	\$16,114	\$17,265	\$18,416	\$20,718	\$23,020	\$23,941	\$24,862	\$26,709	\$28,545	\$30,387		

Moderate income is between 80 and 90 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

\*\*\* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).  
 \*\*\*\* This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:87-9.3). The increase for 2015 was 2.3%, the increase for 2016 was 1.1%, the increase for 2017 was 1.7%, and the increase for 2018 was 2.3%. The increase for 2019 is 6% (Consumer Price Index for All Urban Consumers (CPI-U): Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, 2017, or 2018 may increase rent by up to the applicable combined percentage including 2019 or 9.0% whichever is less in accordance with N.J.A.C. 5:87-9.3(d). In no case can rent for any particular apartment be increased more than one third per year.  
 \*\*\*\*\* This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:87-9.3). The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.  
 \*\*\*\*\* Low income tax credit developments may increase based on the low income tax credit regulations.  
 \*\*\*\*\* The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b).

## Resolution Appointing Municipal Housing Liaison

### TOWNSHIP OF RARITAN COUNTY OF HUNTERDON, NEW JERSEY

#### RESOLUTION #19-199

#### A RESOLUTION APPOINTING DONALD HUTCHINS AS THE MUNICIPAL HOUSING LIAISON FOR THE TOWNSHIP OF RARITAN

**WHEREAS**, the Township of Raritan was granted substantive certification of its Housing Element and Fair Share Plan by the Council on Affordable Housing (COAH) on June 18, 2019; and

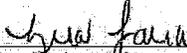
**WHEREAS**, the Township of Raritan's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

**WHEREAS**, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; the Township of Raritan is required to appoint a Municipal Housing Liaison for the administration of the Township of Raritan's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

**WHEREAS**, Chapter 15.20.050 of the Township Municipal Code, entitled Municipal Housing Liaison; Compensation; Powers and Other Duties provides for the appointment of a Municipal Housing Liaison to administer the Township of Raritan's affordable housing program.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that Donald Hutchins is hereby appointed as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Chapter 15.20.050 of the Township of Raritan's Municipal Code.

ATTEST:

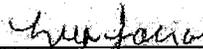
  
\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF RARITAN

  
\_\_\_\_\_  
Jeff Kuhl  
Mayor

**CERTIFICATION**

I, Lisa Fania, Clerk of the Township of Raritan, County of Hunterdon, State of New Jersey, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a resolution adopted by the Township Committee of the Township of Raritan at a meeting held on August 20, 2019.

  
\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

**Resolution Extending Affordable Housing Restrictions and Controls at South Main Village**

**[UPDATED JUNE 5, 2019]**

**RARITAN TOWNSHIP**

**RESOLUTION NO.**

**RESOLUTION EXTENDING AFFORDABLE HOUSING RESTRICTIONS AND  
CONTROLS ON ELEVEN AFFORDABLE HOUSING UNITS AT SOUTH MAIN  
VILLAGE CONDOMINIUM DEVELOPMENT AS SET FORTH IN THIS  
RESOLUTION**

**WHEREAS**, N.J.A.C. 5:80-26.25(a) provides that “a municipality shall have the right to determine that the most desirable means of promoting an adequate supply of low- and moderate income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2”; and

**WHEREAS**, such a determination shall be made by resolution of the municipal governing body and shall be effective upon adoption, and filing with the court; and

**WHEREAS**, the municipality’s resolution must specify the time period for which the repayment option shall not be applicable, and that during such period, no seller of the units affected housing in the municipality may utilize the repayment option permitted by N.J.A.C. 5:93-9.8; and

**WHEREAS**, pursuant to N.J.A.C. 5:80-26.25(b), a municipality that exercises the option outlined above shall: (1) provide public notice in a newspaper of general circulation and (2) notify the municipality’s administrative agent and the court of adoption of the resolution, and

**WHEREAS**, Raritan Township Ordinance No. 90-30, Section 5-12, expressly provides as follows:

- C. The terms, restrictions and covenants of the Affordable Housing Agreement may be extended by municipal resolution as provided for in N.J.A.C. 5:92-12.8. Such municipal resolution shall provide for a period of extended restrictions and shall be effective upon filing with the Council and the Board. The municipal resolution shall specify the extended time period by providing for a revised Housing Agreement shall be filed with the recording office

of the count in which the affordable housing unit or units is/are located.

**WHEREAS**, Section 15.20.170 further governs duration of controls on affordable housing units and permits said controls to be extended by municipal resolutions as set forth in N.J.A.C. 5:80-26.1 et seq.; and

**WHEREAS**, deeds for the eleven (11) South Main Village affordable condominium units (the "Units") expressly reference the Units are subject to Ordinance No. 90-30;

**WHEREAS**, the Units are low and moderate income housing as defined by the Fair Housing Act, N.J.S.A. 52:27D-301, et seq (the "Act") and describes the Units as an Affordable Housing Units subject to certain covenants, conditions and restrictions (the "Controls"); and

**WHEREAS**, the Township Committee is extending Controls on the following eleven (11) Units in South Main Village Condominium and pursuant to N.J.A.C. 5:80-26.25(a) extending Controls on the following Units for an additional thirty (30) years until June 30, 2049.

1. 103 Clark Circle, Block 64, Lot CO103
2. 104 Clark Circle, Block 64, Lot CO104
3. 203 Clark Circle, Block 64, Lot CO203
4. 304 Clark Circle, Block 64, Lot CO304
5. 403 Clark Circle, Block 64, Lot CO403
6. 404 Clark Circle, Block 64, Lot CO404
7. 504 Clark Circle, Block 64, Lot CO504
8. 505 Clark Circle, Block 64, Lot CO505
9. 603 Clark Circle, Block 64, Lot CO603
10. 604 Clark Circle, Block 64, Lot CO604
11. 705 Clark Circle, Block 64, Lot CO705

**WHEREAS**, the purpose of the Ordinance No. 90-30 and Section 15.20.170 are to ensure that the Units remain affordable to low and moderate income eligible households for the term prescribed therein; and

**WHEREAS**, the Controls set forth in the Ordinance No. 90-30 and Section 15.20.170 may be extended by municipal resolution as provided for in N.J.A.C. 5:93-9 and N.J.A.C. 5:80-26.1 et seq. and that the resolution shall provide for a period of extended restrictions; and

**WHEREAS**, Raritan Township has determined that the most desirable means of promoting an adequate supply of low and moderate income housing in Raritan Township pursuant to N.J.A.C. 5:80-26.25 is to maintain the Controls on the Units for a longer period than the initial time period, and Raritan Township has determined to adopt the within resolution to extend the Controls on the Units.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Raritan, in the County of Hunterdon, and the State of New Jersey, as follows:

1. Any Repayment Option on the Units shall not be permitted from the date of this Resolution until June 30, 2049.
2. The Controls are extended until June 30, 2049, and during this period of extended Controls no seller of any of the Units may utilize any Repayment Option as permitted by N.J.A.C. 5:93-9.8.
3. The Raritan Township Clerk is authorized and directed to publish this Resolution in full in the official newspaper of Raritan Township and to notify the administrative agent and the court of the Raritan Township Committee's action.
4. The administrative agent or township attorneys shall ensure that the Controls on the Units extend until June 30, 2049.
5. This Resolution shall evidence that the Controls have been extended in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. and any amendments, changes or supplements thereto ("UHAC") and the Raritan Township ordinances.
6. As a result of the within extension of Controls as to the Units, Raritan Township is entitled to additional [SUPPLY] credits towards addressing its affordable housing obligation.
7. The sale and use of the Units is governed by UHAC.
8. The restricted Units shall remain subject to the requirements of N.J.A.C. 5:80-26.5, as may be amended and supplemented from time to time, during the extended Controls period and thereafter until Raritan Township elects to release the Units from such requirements.

Date Voted: June \_\_\_\_, 2019

Independence Manor Assisted Living Facility



**Independence Manor**  
AT HUNTERDON

8/28/2019

Donald Hutchins, Municipal Administrator  
Township of Raritan  
One Municipal Drive  
Flemington, NJ 08822

Dear Mr. Hutchins:

This letter is in response to your request for reporting of affordable units within the township of Raritan, Hunterdon County, New Jersey. I am owner of Independence Manor, a New Jersey State Licensed Assisted Living Facility located in Raritan Township. Independence Manor has 100 beds available in the assisted living facility, of which, 10 percent, or 10 beds, have been restricted to residents who are Medicaid eligible. These 10 units are therefore restricted to low income residents.

Sincerely,

Gary Nagle, President/ CEO

Independence Manor At Hunterdon Assisted Living Facility

**Ordinance Adopting a Redevelopment Plan for an "Area in Need of Redevelopment" South Junction Road (66 Junction Road)**

**TOWNSHIP OF RARITAN  
HUNTERDON COUNTY, NEW JERSEY**

**ORDINANCE #19-20**

**AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR AN "AREA IN NEED OF REDEVELOPMENT" KNOWN AS THE "SOUTH JUNCTION ROAD REDEVELOPMENT DISTRICT" CONSISTING OF BLOCK 27, LOT 22 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF RARITAN IN ACCORDANCE WITH N.J.S.A. 40A:12A-7, AND SUPPLEMENTING AND AMENDING TITLE 16 ENTITLED "LAND DEVELOPMENT" BY THE AMENDMENT OF CHAPTER 16.22 ENTITLED "ZONING DISTRICTS ESTABLISHED;" AND ADDING NEW CHAPTER 16.28D ENTITLED "SOUTH JUNCTION ROAD REDEVELOPMENT DISTRICT (SJRR)"**

**WHEREAS**, the Township of Raritan is authorized, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 et seq. (the "Redevelopment Law"), to determine whether certain parcels of land within the Township constitute "an area in need of redevelopment;" and

**WHEREAS**, by Resolution No. 19-117 dated May 7, 2019, the Township Committee of the Township of Raritan ("Committee") authorized and directed the Raritan Township Planning Board (the "Board") to undertake a preliminary investigation and conduct a public hearing in order to determine whether or not Block 27, Lot 22 as shown on the tax map of the Township of Raritan (the "Study Area") is "an area in need of redevelopment" in accordance with the criteria set forth in N.J.S.A. 40A:12A-5 of the Redevelopment Law; and

**WHEREAS**, the Board, pursuant to N.J.S.A. 40A:12A-6, undertook a preliminary investigation, conducted a public hearing on June 12, 2019, reviewed a report dated May 20, 2019 entitled "Preliminary Investigation-Area In Need of Redevelopment Non-Eminent Domain Report" as well as testimony provided by Jessica Caldwell PP/AICP, and in consideration of the Report and the testimony presented, recommended to the Committee, by Resolution adopted June 12, 2019, that the Study Area be determined to be "a non-condemnation area in need of redevelopment;" and

**WHEREAS**, on June 18, 2019, the Committee adopted Resolution 19-145 authorizing the designation of the Study Area as "non-condemnation" "an area in need of redevelopment" pursuant to N.J.S.A. 40A:12A-1 et seq., and directed the Township Planner to cause to be prepared a redevelopment plan entitled "South Junction Road Redevelopment Plan (Block 27, Lot 22)" (the "Redevelopment Plan") for the Study Area pursuant to N.J.S.A. 40A:12A-7f; and

**WHEREAS**, the Committee reviewed the Redevelopment Plan and found the specifics of the Redevelopment Plan to be satisfactory; and

**WHEREAS**, the Committee now desires to adopt the Redevelopment Plan, a copy of which is annexed hereto and made a part hereof, Exhibit "A;" and

**WHEREAS**, in accordance with N.J.S.A. 40A:12A-7, the Planning Board is required to review the Redevelopment Plan and transmit its recommendations to the Committee; and

**WHEREAS**, the Committee further desires to amend Title 16 "Land Development Code" as set forth below to include (for reference purposes) the specific land use, bulk requirements and design standards contained within the Redevelopment Plan.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Raritan, in the County of Hunterdon, State of New Jersey, as follows:

**SECTION 1.** The Township Committee hereby refers the Redevelopment Plan to the Planning Board for review and recommendation. Contingent upon the receipt of the Planning Board's recommendations, the Redevelopment Plan attached hereto and made a part hereof as Exhibit A is hereby approved pursuant to N.J.S.A. 40A:12A-7 of the Redevelopment Law.

**SECTION 2.** Chapter 16.22 entitled "Zoning Districts Established" of Title 16 entitled "Land Development Code" of *The Revised General Ordinances of the Township of Raritan*, as heretofore supplemented and amended, is revised as follows:

**§ 16.22.010 Establishment of Zones:**

A. For the purpose of this Title, Raritan Township is divided into the following zone districts:

- OR Outdoor Recreation Overlay Zone
- SJRR South Junction Road Redevelopment District

**§ 16.22.025 Zoning Map Amendments.**

J. The Zoning Map shall be amended to designate the entirety of the designated "Redevelopment Area" consisting of Block 27, Lot 22, containing approximately 7.7 acres, as a new "SJRR South Junction Road Redevelopment District."

**SECTION 3.** Title 16 entitled "Land Development Code" of *The Revised General Ordinances of the Township of Raritan*, as heretofore supplemented and amended, is hereby supplemented and amended by the addition of new Chapter 16.28D entitled "South Junction Road Redevelopment District (SJRR)" to read as follows:

**§ 16.28D.010 Created.**

There is created a "SJRR South Junction Road Redevelopment District" within the Township of Raritan in order to permit the development of a designated "Redevelopment Area" consisting of approximately 7.7 acres and identified as Block 27, Lot 22 on the Township Tax Map pursuant to the South Junction Road Redevelopment Plan.

**§ 16.28D.020 Purpose.**

It is the purpose of this chapter to govern the creation of affordable housing pursuant to the South Junction Road Redevelopment Plan in the SJRR South Junction Road Redevelopment District of the Township, which is serviced by adequate public sanitary sewer and public water facilities.

**§ 16.28D.030 Permitted Uses.**

The following uses are permitted in the Plan Area. Uses not identified below are prohibited.

**A. Principal permitted uses:**

- (a) 100 % Affordable Housing Development
  - i. Two- and three-story townhouse units
  - ii. Multi-family dwelling units
  - iii. Combination of townhouse and multifamily units.

**§ 16.28D.040 Area and Bulk Requirements.**

The following area and bulk requirements apply to the Plan Area:

Max. Dwelling Units	100
Max Number of Dwellings Per Building	14
Min. Distance from Building	N/A
Front to Building Front	80 ft.
Front to Building side	50 ft
Side to Building Rear	30 ft
Side to Building Side	20 ft
The wall containing a window to another wall containing a window	30 ft.
Min. Building Depth Through the Short Axis	30 ft.
Max Building Length Through the Long Axis	180 ft
Max. Height Apartment Building	3 Stories (40 ft)
Max Height Maintenance and Max Height Community center other Building	2 Stories (28 ft)
Building Setback from the edge of paving or curbing	15 ft
Porches not exceeding 50 sf in floor area setback in the yard between the front of the building and parking space	6 ft
Porches not exceeding 150 sf in floor area setback in the yard between the front of the building and parking space	11 ft.
Minimum parking requirements	As Required by RSIS

**§ 16.28D.050 Affordable Housing Requirements.**

Any affordable housing development within the Plan Area must meet state standards for affordable housing administration found in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.

**§ 16.28D.060 Parking Standards.**

Parking shall comply with the Residential Site Improvement Standards (RSIS), including but not limited to the minimum number of parking spaces to be provided, the size of parking spaces, drive aisle and/or parking aisle width, and any other parking and circulation requirements. In the event of any conflict between RSIS and the requirements of Section 16.20.040 (Design Standards), RSIS shall govern.

**§ 16.28D.070 Buffer Requirements.**

- A. The perimeter buffer shall be a minimum width of thirty (30) feet. Balcony, deck and patio encroachments shall be permitted within the perimeter buffer.
- B. The minimum landscaped width shall be twenty (20) feet and suitable for its function of site enhancement, screening, and control of climatic effects. The perimeter buffer shall meet the minimum standards of the Type B buffer in 16.20.040.E-4-b. ii of the LDC.
- C. The landscape buffer design should retain existing vegetation which is of high quality and appropriate density.
- D. Where existing vegetation is unsuitable, it shall be augmented or replaced by new plantings in accordance with a landscape plan submitted to and approved by the Planning Board.
- E. Trash enclosures are permitted within any buffer and/or setback required by the Plan.

**§ 16.28D.080 Landscaping Requirements.**

The Landscaping Requirements set forth herein this Plan shall supersede any and all landscaping requirements in the underlying Raritan Township Zoning Ordinance, including but not limited to the Design Standards in Section 16.20.040. Landscaping must be provided to promote a desirable and cohesive natural environment for residents and neighboring properties. Landscaping must also be utilized to screen parking and, provide windbreaks for winter winds and summer cooling for buildings, streets, and parking, according to the following standards:

- A. All landscaping must have a two-year maintenance guarantee. If any planting material dies within two years of planting, it must be replaced the following planting season.
- B. Tree and shrub replacement. A limit of disturbance line shall be established during the review of an application for development taking into account grading, utility placement, and anticipated construction activities. Within the area encompassed by the limit of

disturbance, there shall be no requirement for the replacement of trees. Within the area to be disturbed by construction activities, the redeveloper shall liberally install trees, shrubs, and groundcover in accordance with a landscape plan submitted to and approved by the Planning Board.

- C. Native plants required. In the design of the landscaping plan, no non-native or invasive species of plants shall be used.
- D. Landscaping should be used to accept and complement buildings and provide for climate control.
- E. Landscaping. The protection of wooded areas, specimen trees, and existing vegetation suitable for landscaping within the redevelopment shall be a factor in determining the location of open space, buildings, underground services, paved areas, playgrounds, parking areas.

**§ 16.28D.090 Mobility Regulations.**

Thoroughfares are an important aspect of public space. Streets and their surrounding development form our primary sense of place. The design of the Plan Area plays a key role in forming this sense of place for the neighborhood and the nearby central business district.

**A. Streets and automobile circulation**

- 1. The primary automobile access points should be from driveways on Walter E Foran Blvd.
- 2. Appropriate traffic control signs must be installed to ensure the safe flow of traffic into and through the redeveloped area.
- 3. New developments need to provide more to the traffic network than just access to their site.
- 4. Streets, roads, and automobile circulation shall comply with RSIS.
- 5. Sidewalks shall comply with RSIS.

**§ 16.28D.100 Building Design Standards.**

Building design should meet, to the maximum extent practicable, the requirements of Section 16.20.040 (Design Standards) of the Township Ordinance. In the event of a conflict between Section 16.20.040 and the Plan, the Plan shall control. The following sections in Section 16.20.040 (Design Standards) shall not apply to development of the Plan Area:

- B(3)(b) Within the Plan Area, Garden apartment structures should be grouped in clusters with architectural design consistence in each cluster. Each unit shall only be required to have one means of access. A minimum of two-foot building offset should be provided at least every 40 feet.
- B(3)(c) Recreation facilities shall be setback at least 25 feet from the property line.
- C(5)(h)
- D(4)(o) This section is superseded by the Landscape section in this Plan.
- E This section is superseded by the Buffer section in this Plan.
- F(2) The minimum size of a tot lot and/or playground shall be 1,500 square feet.
- S(2)

Notwithstanding the above, a tot lot shall be provided which is of a size that is conducive to serving the projected number of children for the development.

**§ 16.28D.110 Lighting.**

Lighting standards for the Redevelopment Plan are regulated by Section 16.20.040 (C) of the Township Code.

**§ 16.28D.120 Signage.**

A comprehensive wayfinding and directional signage package for the parking areas, pedestrian corridors, and buildings should be provided that is consistent with the architecture of the buildings. The sign package should include design elements such as size, materials, style, and illumination. Signage standards for the Redevelopment Plan are regulated by Section 16.20.040 (H), except that signs are permitted to have internal lighting on the sign.

**§ 16.28D.130 Submittal Requirements.**

The Redeveloper(s) will submit a site plan for all, or a portion of, the Plan Area. The site plan approval process will occur as per the Township's site plan review requirements, except that (1) the Redeveloper(s) are exempt from the requirement to provide a Wetlands Analysis and Report and (2) the Fire Protection Systems plan and will-serve letters shall not be required to be submitted for the preliminary site plan application, but are required for the final site plan application.

**SECTION 4.** A copy of this Ordinance and the Redevelopment Plan shall be forwarded, after introduction, to the Raritan Township Planning Board for a Master Plan consistency review in accordance with N.J.S.A. 40A:12A-7e.

**SECTION 5.** All ordinances, or parts thereof, that are inconsistent with this Ordinance are hereby repealed to the extent of any inconsistency.

**SECTION 6.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be deemed to be invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

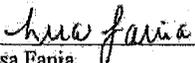
**SECTION 7.** This Ordinance shall take effect upon (i) filing with the Hunterdon County Planning Board in accordance with the Municipal Land Use Law; and (ii) adoption and publication according to law.

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**Note to Codifier:** deleted provisions indicated by brackets [ ]. New provision indicated by underline.

**DATE ADOPTED: JULY 16, 2019**

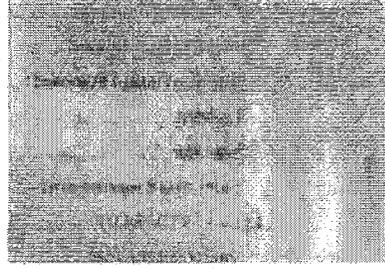
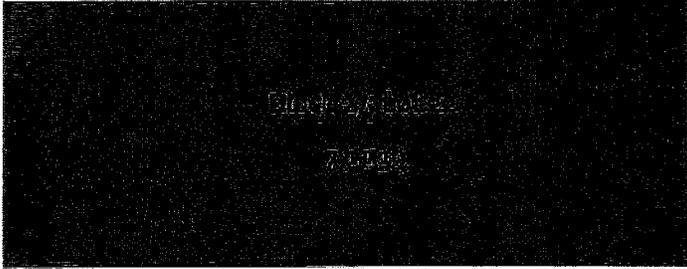
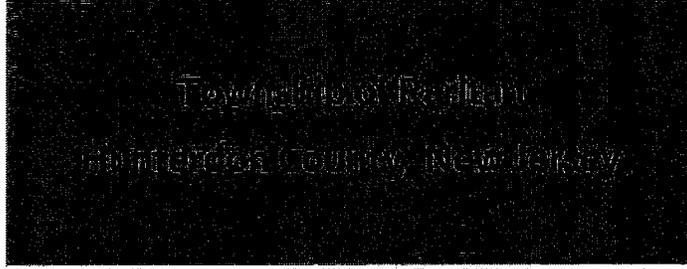
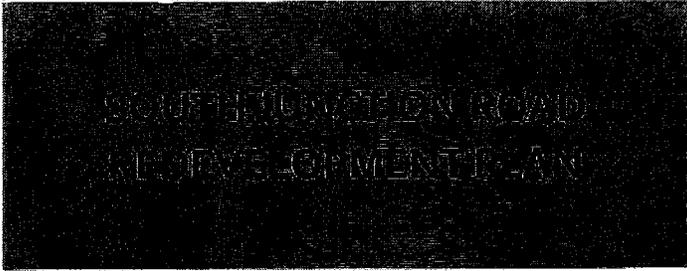
**ATTEST:**

  
\_\_\_\_\_  
Lisa Pania  
Township Clerk

**TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF RARITAN**

  
\_\_\_\_\_  
Jeff Kuhl  
Mayor

**Exhibit "A"**



*Jessica Caldwell*

Jessica Caldwell, P.P., A.I.C.P., Township Planner, P.P. #5944

The original of this document was signed and sealed in accordance with Chapter 42 of Title 13 of the State Board of Professional Planners.



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**SOUTH JUNCTION ROAD REDEVELOPMENT PLAN**

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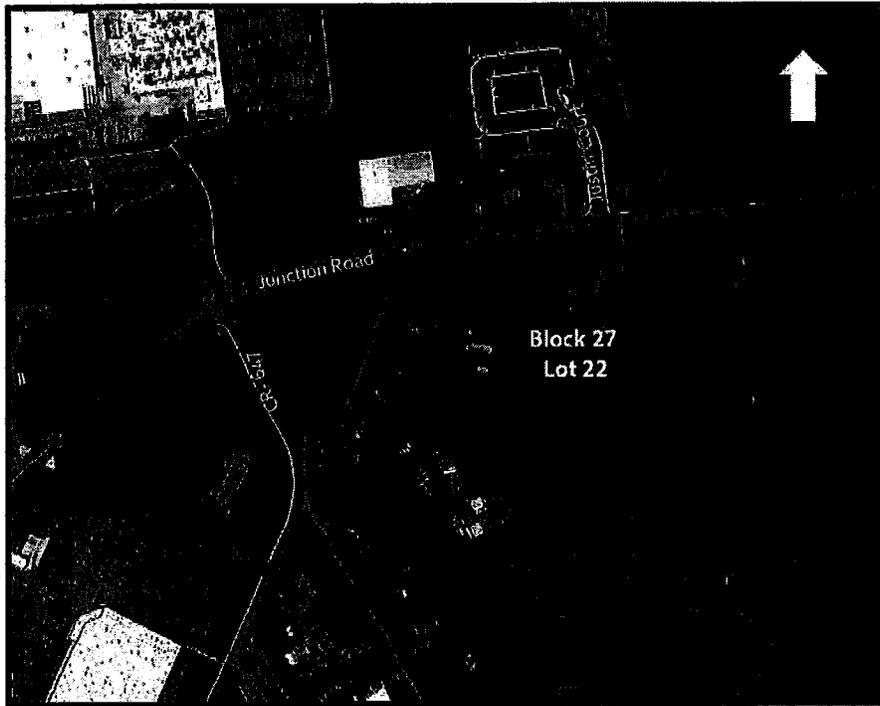
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### INTRODUCTION

The South Junction Road Redevelopment Plan (the "Plan") governs the Non-Condemnation Area in Need of Redevelopment designated by a resolution adopted by the Governing Body of the Township of Raritan on June 18, 2019, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), including Block 27, Lot 22 (the "Plan Area"). This Plan is proposed to achieve the redevelopment of the Area, shown below.



South Junction Road Redevelopment Area Map

## PLAN CONTEXT

The Plan Area occupies approximately 7.7 acres and includes one tax lot, Lot 22, Block 27, bounded by Walter E Foran Boulevard (Junction Road) to the north, residential parcels, farmland and a solar farm to the east and residential uses and Junction Road to the west. The existing uses in the Plan Area primarily consist of a former chicken farm, three family residential structures and a landscaping business. The primary goal of the Plan is to provide for 100 percent affordable housing in an underutilized area that is currently zoned for industrial uses. This Plan complements the large commercial stores located in close proximity to the Plan Area on Junction Road by increasing the residential density in the area. The Plan also is consistent with a similar development across Junction Road to the north, on Justin Court, known as the Willows at Flemington Junction.

The Plan area is currently zoned I-2 Major Industrial. The area surrounding the Plan Area is generally residential and undeveloped land. These uses are non-conforming under the current industrial zoning.

## PURPOSE

This Plan is designed to serve as the zoning for the Plan Area, to provide guidelines for new construction in the Plan Area and establish permitted land uses and building requirements for the Area. The Plan calls for affordable housing that will enhance this underutilized section of the Township and will provide affordable housing in an area that is accessible to employment. Junction Road should be developed with an inviting streetscape, including buildings and/or other elements to create an engaging public realm. The Plan is designed to encourage the integration of building, parking, landscape, and signage elements in order to improve the appearance of the streetscape to support the specific goals and policy statements set forth in the Township Master Plan.

## PLAN CONSISTENCY REVIEW

### Township Master Plan Consistency

The Redevelopment Law requires that the Plan define the plan's relationship to local master plan goals and objectives such as appropriate land uses, population densities, improvements to traffic, public utilities, recreational and community facilities, and other improvements. The Redevelopment Law also requires that the Plan be substantially consistent with the municipal master plan or designed to effectuate the master plan.

The Township's most recent Master Plan Reexamination Report was adopted on February 27, 2019. In the Township's Housing Element and Fair Share Plan, affordable housing is identified as an appropriate use in the Raritan Junction area and notes the potential residential uses in the nearby Raritan Junction Redevelopment Area. Given the location adjacent to employment centers and its accessibility to transit options, the Master Plan recommended an overlay zone permitting the development of 100% affordable housing in compliance with state guidelines for production and administration of affordable units. Any such development must be serviced by public sanitary sewer and public water.

The South Junction Road Redevelopment Area is located within a half-mile of Raritan Junction Development, a large mixed-use commercial development in the Township. Redevelopment of the Plan Area will enhance the adjacent development and will offer needed services to the residents. This Plan is consistent with these goals and objectives of the Township's Master Plan.

### Local, Regional, and State Plan Consistency

The relationship of the Plan with surrounding communities' master plans is also reviewed to determine whether any significant relationship exists. Its relationship to the Hunterdon County Master Plan and State Development and Redevelopment Plan must also be reviewed.

Raritan Township is surrounded by Franklin Township, Hunterdon County to the northwest, Readington Township, Hunterdon County to the northeast, Hillsborough Township, Somerset County to the east, East Amwell Township, Hunterdon County to the southeast and Delaware Township, Hunterdon County to the southwest. The Borough of Flemington is located in the approximate center of the Township. The Plan Area is in the central eastern section of the Township, west of Flemington Borough and east of Readington Township.

The Plan is consistent with the goals and objectives of the Borough of Flemington. The Borough's 2015 Master Plan proposes to expand Affordable housing by encouraging multifamily projects. This is to ensure that the Borough continues to meet its constitutionally-mandated affordable housing obligation and to ensure that the Borough continues to provide housing for a diversity of households. The Township of Readington is working to amend land use and zoning regulations to facilitate the implementation of fair share housing and affordable housing. With regard to other nearby municipalities, the Plan Area does

not create any potential issues or significant relationships with master plans in other surrounding municipalities.

The Hunterdon County Growth Management Plan outlines guidelines for development. The Plan highlights the following objectives relevant to the Redevelopment Area: "Create locally accessible high-density areas for one-stop shopping" and "Direct development away from areas targeted for preservation." This Plan is consistent with the Hunterdon County Growth Management Plan because the Plan provides for consolidated development along established transportation corridors with existing development.

The State Development and Redevelopment Plan (SDRP) designates this portion of Raritan Township as a Fringe Planning Area (PA3). The proposed Plan is consistent with SDRP goals for PA3. The SDRP outlines goals which should guide local planning efforts. Within Goal #1: Revitalize the state's cities and towns, the Plan states that municipalities should, "build on the assets of cities and towns such as their labor force, available land and buildings, strategic location, and diverse populations" and "leverage private investments in jobs and housing." By concentrating development within an already developed area, the Plan also aligns with Goal #2: Conserve the State's Natural Resources and Systems, which recommends, "Promoting ecologically sound development and redevelopment and accommodating Environmentally designated development and redevelopment." The Plan is also consistent with Goal #3, Promote beneficial economic growth, development, and renewal for all residents of New Jersey. The Plan states that municipalities should, "expand businesses and encourage new, environmentally sustainable businesses in Centers and areas with infrastructure." This Plan is consistent with the SDRP.

## APPLICATION OF REGULATIONS

The Township will seek a Redeveloper in order to redevelop the Plan Area according to the following land use regulations:

### Permitted Uses

The following uses are permitted in the Plan Area. Uses not identified below are prohibited.

#### A. Principal permitted uses:

- (a) 100% Affordable Housing Development
  - i. Two- and three-story townhouse units
  - ii. Multi-family dwelling units
  - iii. Combination of townhouse and multifamily units.

Area and Bulk Requirements

The following area and bulk requirements apply to the Plan Area:

Max. Dwelling Units	100
Max Number of Dwellings Per Building	14
Min. Distance from Building	N/A
Front to Building Front	80 ft.
Front to Building side	50 ft
Side to Building Rear	30 ft
Side to Building Side	20 ft
The wall containing a window to another wall containing a window	30 ft
Min. Building Depth Through the Short Axis	30 ft
Max Building Length Through the Long Axis	180 ft
Max. Height Apartment Building	3 Stories (40 ft)
Max Height Maintenance and Max Height Community center other Building	2 Stories (28 ft)
Building Setback from the edge of paving or curbing	15 ft
Porches not exceeding 50 sf in floor area setback in the yard between the front of the building and parking space	6 ft
Porches not exceeding 150 sf in floor area setback in the yard between the front of the building and parking space	11 ft.
Minimum parking requirements	As Required by RSIS

Affordable Housing Requirements

Any affordable housing development within the Plan Area must meet state standards for affordable housing administration found in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.

### Parking Standards

Parking shall comply with the Residential Site Improvement Standards (RSIS), including but not limited to the minimum number of parking spaces to be provided, the size of parking spaces, drive aisle and/or parking aisle width, and any other parking and circulation requirements. In the event of any conflict between RSIS and the requirements of Section 16.20.040 (Design Standards), RSIS shall govern.

#### Buffer Requirements

- A. The perimeter buffer shall be a minimum width of thirty (30) feet. Balcony, deck and patio encroachments shall be permitted within the perimeter buffer.
- B. The minimum landscaped width shall be twenty (20) feet and suitable for its function of site enhancement, screening, and control of climatic effects. The perimeter buffer shall meet the minimum standards of the Type B buffer in 16.20.040.E-1-b, ii of the LDC.
- C. The landscape buffer design should retain existing vegetation which is of high quality and appropriate density.
- D. Where existing vegetation is unsuitable, it shall be augmented or replaced by new plantings in accordance with a landscape plan submitted to and approved by the Planning Board.
- E. Trash enclosures are permitted within any buffer and/or setback required by the Plan.

#### Landscaping Requirements

The Landscaping Requirements set forth herein this Plan shall supersede any and all landscaping requirements in the underlying Raritan Township Zoning Ordinance, including but not limited to the Design Standards in Section 16.20.040. Landscaping must be provided to promote a desirable and cohesive natural environment for residents and neighboring properties. Landscaping must also be utilized to screen parking and, provide windbreaks for winter winds and summer cooling for buildings, streets, and parking, according to the following standards:

- A. All landscaping must have a two-year maintenance guarantee. If any planting material dies within two years of planting, it must be replaced the following planting season.
- B. Tree and shrub replacement. A limit of disturbance line shall be established during the review of an application for development taking into account grading, utility placement, and anticipated construction activities. Within the area encompassed by the limit of disturbance, there shall be no requirement for the replacement of trees. Within the area to be disturbed by construction activities, the redeveloper shall liberally install trees, shrubs, and groundcover in accordance with a landscape plan submitted to and approved by the Planning Board.
- C. Native plants required. In the design of the landscaping plan, no non-native or invasive species of plants shall be used.
- D. Landscaping should be used to accept and complement buildings and provide for climate control.
- E. Landscaping. The protection of wooded areas, specimen trees, and existing vegetation suitable for landscaping within the redevelopment shall be a factor in determining the location of open space, buildings, underground services, paved areas, playgrounds, parking areas.

#### Mobility Regulations

Thoroughfares are an important aspect of public space. Streets and their surrounding development form our primary sense of place. The design of the Plan Area plays a key role in forming this sense of place for the neighborhood and the nearby central business district.

**A. Streets and automobile circulation**

1. The primary automobile access points should be from driveways on Walter E Foran Blvd.
2. Appropriate traffic control signs must be installed to ensure the safe flow of traffic into and through the redeveloped area.
3. New developments need to provide more to the traffic network than just access to their site.
4. Streets, roads, and automobile circulation shall comply with RSIS.
5. Sidewalks shall comply with RSIS.

**Building Design Standards**

Building design should meet, to the maximum extent practicable, the requirements of Section 16.20.040 (Design Standards) of the Township Ordinance. In the event of a conflict between Section 16.20.040 and the Plan, the Plan shall control. The following sections in Section 16.20.040 (Design Standards) shall not apply to development of the Plan Area:

- B(3)(b) Within the Plan Area, Garden apartment structures should be grouped in clusters with architectural design consistence in each cluster. Each unit shall only be required to have one means of access. A minimum of two-foot building offset should be provided at least every 40 feet.
- B(3)(c) Recreation facilities shall be setback at least 25 feet from the property line.
- C(5)(h)
- D(4)(a) This section is superseded by the Landscape section in this Plan.
- E This section is superseded by the Buffer section in this Plan.
- F(2) The minimum size of a tot lot and/or playground shall be 1,500 square feet.
- S(2)  
Notwithstanding the above, a Tot Lot shall be provided which is of a size that is conducive to serving the projected number of children for the development.

**Lighting**

Lighting standards for the Plan are regulated by Section 16.20.040 (G) of the Township Code.

**Signage**

A comprehensive wayfinding and directional signage package for the parking areas, pedestrian corridors, and buildings should be provided that is consistent with the architecture of the buildings. The sign package should include design elements such as size, materials, style, and illumination. Signage standards for the Plan are regulated by Section 16.20.040 (H), except that signs are permitted to have internal lighting on the sign.

**Submittal Requirements** The Redeveloper(s) will submit a site plan for all, or a portion of, the Plan Area. The site plan approval process will occur as per the Township's site plan review requirements, except that (1) the Redeveloper(s) are exempt from the requirement to provide a Wetlands Analysis and Report and (2) the Fire Protection Systems plan and will-serve letters shall not be required to be submitted for the preliminary site plan application, but are required for the final site plan application.

## LEGAL PROVISIONS

### Validity of the Plan

If any section, subsection, paragraph, division, subdivision, clause, or provision of this Plan is deemed by a court of competent jurisdiction to be invalid, such adjudication will only apply to the particular section, subsection, paragraph, division, subdivision, clause, or provision in question, and the balance of the Plan will be adjudged valid and effective.

### Zoning Map Revisions

Upon final adoption of this Plan by the Township Committee, the Zoning Map of the Township of Raritan is hereby amended and must be revised to show the boundaries of the South Junction Road Redevelopment Area and identify the district as the "South Junction Road Redevelopment Area". All provisions of this Plan apply, and upon final adoption of this Redevelopment Plan by the Township Committee, this Plan will supersede all provisions of the Raritan Zoning Ordinance for the Plan Area. No variance from the requirements herein will be cognizable by the Zoning Board of Adjustment. The Planning Board alone will have the authority to grant deviations from the requirements of this Plan, as provided herein. An authority approving an application pursuant to this Plan shall not require items deemed "cost-generating" as defined by N.J.A.C. 5:93-20.1 et. seq.

### Amendment to the South Junction Road Redevelopment Plan

The South Junction Road Redevelopment Plan may be amended from time to time in compliance with the requirements of the Local Redevelopment & Housing Law.

As development occurs within the Area, development priorities and market demands may change. This Plan should have the adaptability to meet the changing needs of market demand, the Township of Raritan, and its citizens. Amendments may be required in order to accommodate these changes.

### Variations in Site Plan Design

Modifications from standards which are expressly stated to be "mandatory" under the Land Use Regulations of this Plan, may be approved by the Planning Board only by formal grant of a deviation as provided.

The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures, or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk, or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property. The Planning Board may also grant a

deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan, and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan.

An application requesting a deviation from the requirements of this Plan must provide public notice of such application in accordance with the public notice requirements set forth in N.J.S.A. 40:55D-12.a. & b.

No deviations may be granted which will result in permitting:

1. A use or principal structure not permitted in this Plan;
2. An expansion of a non-conforming use; and
3. An increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in this Plan.

Any party seeking a deviation from this Plan which cannot be granted by the Planning Board as set forth above, may apply to the Governing Body to request an amendment to this Plan.

#### ACQUISITION PLAN

There is no property acquisition by the Township anticipated by this Plan.

#### RELOCATION PLAN

Because there is no property acquisition by the Township anticipated by this Plan, no Relocation Plan is necessary.



# Township of Raritan

Planning and Zoning Department  
1 Municipal Drive, Flemington, NJ 08822

(908) 806-6104/806-8031 (fax)

July 12, 2019

Raritan Township Committee,

The Raritan Township Planning Board on July 10, 2019 reviewed Ordinance 19-20, an ordinance adopting a redevelopment plan for an "area in need of redevelopment" known as the "South Junction Road Redevelopment District" consisting of block 27, lot 22 as shown on the tax map of the Township of Raritan in accordance with N.J.S.A. 40a:12a-7, and supplementing and amending Title 16 entitled "Land Development" by the amendment of Chapter 16.22 entitled "Zoning Districts Established;" and adding new Chapter 16.28d entitled "South Junction Road Redevelopment District (SJRR)". The Board also reviewed Jessica Caldwell's report entitled "South Junction Road Redevelopment Plan" and makes the following recommendations to the Committee:

**Section 16.28D.100 Building Design Standards.**

After S(2)

**Notwithstanding the above, a Tot Lot shall be provided which is of a size that is conducive to serving the projected number of children for the development.**

The Planning Board determined that this Ordinance and Redevelopment Plan are not inconsistent with the Township of Raritan's Master Plan.

Amy Fleming  
Planning Board Secretary

## Resolution of Sewer Assignment

### TOWNSHIP OF RARITAN COUNTY OF HUNTERDON, NEW JERSEY

#### RESOLUTION #19-192

#### A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWNSHIP OF RARITAN AND JUNCTION ROAD URBAN RENEWAL ASSOCIATES, LLC FOR THE ASSIGNMENT AND ASSUMPTION OF SEWER CAPACITY FOR THE PROVISION OF AFFORDABLE HOUSING

**WHEREAS**, the Township entered into an agreement with the Raritan Township Municipal Utilities Authority (RTMUA) for the provision of 24,000 gallons per day/80 EDUs of sewer capacity for affordable housing purposes, attached hereto as Exhibit "A," and

**WHEREAS**, the Township Committee of the Township of Raritan ("Township"), by way of Resolution #17-284, authorized allocation of the same 24,000 gallons per day/80 EDUs in sewer capacity for affordable housing purposes at Block 63.14, Lot 23 of the Township Tax Map ("Dayton Road Property") attached hereto as Exhibit "B;" and

**WHEREAS**, the Township now wishes to transfer 23,171 gallons per day/77.25 EDUs from the Dayton Road Property to Junction Road Urban Renewal Associates, LLC for the construction of affordable housing on Block 27, Lot 22 of the Township Tax Map (also known as "South Junction Road Redevelopment Area"); and

**WHEREAS**, the Township also wishes to place the remaining capacity, 829 gallons per day/2.75 EDUs, into reserve capacity for affordable housing purposes thereby removing all sewer capacity from the Dayton Road Property; and

**WHEREAS**, the Township now wishes to enter an assignment and assumption agreement with Junction Road Urban Renewal Associates, LLC for 23,171 gallons per day/77.25 EDUs.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, does hereby authorize the following:

The Mayor of the Township of Raritan is authorized to execute the agreement between the Township and the RTMUA attached herein as Exhibit "C" and any other documents necessary to effectuate this resolution.

**R**ARITAN TOWNSHIP PLANNING BOARD  
*Hunterdon County, New Jersey*

**RESOLUTION 5 - 2020**

**OWNER:** Junction Road Urban Renewal Associates, LLC  
**APPLICANT:** Junction Road Urban Renewal Associates, LLC  
**APPLICATION:** Preliminary Site Plan Approval with Variance  
**PROPERTY:** Block 27, Lot 22  
**ADDRESS:** 66 Junction Road, Raritan, NJ  
**R.T.P.B. #** SP-681-P

**WHEREAS**, Junction Road Urban Renewal Associates, LLC (“Applicant”) applied to the Raritan Township Planning Board (the “Board”) for Preliminary Site Plan approval for the property currently contracted for purchase by Applicant, identified as Lot 22 in Block 27, located at 66 Junction Road, Raritan Township, Hunterdon County, New Jersey, consisting of 7.07± acres in total located in a redevelopment area (the “Property”); and

**WHEREAS**, the Applicant proposes 100 percent affordable residential development on the Property consisting of nine multi-family residential apartment buildings with 18 one-bedroom units, 57 two-bedroom units, and 25 three-bedroom units; and

**WHEREAS**, Applicant applied for Preliminary Site Plan approval with variance relief and a public hearing was held by the Board on August 28, 2019; and

**WHEREAS**, during the public hearings, the Applicant was represented by Katharine A. Coffey, Esq. of Day Pitney, LLP; and

**WHEREAS**, prior to the start of the meeting, at the reorganization meeting of the Board, Antoine Hajjar, P.E., the Township Engineer, Jessica Caldwell, AICP, P.P., the Board Planner, Jay Troutman Jr., P.E., the Board Traffic Engineer, and John Morgan Thomas, CLA, the Board Landscape Architect, were sworn in and remained under oath for the balance of the Board’s proceedings throughout the year; and

**WHEREAS**, the public was given notice of the application and had an opportunity to attend and to participate in the hearings; and

**WHEREAS**, all jurisdictional requirements of the applicable state statute and local ordinance have been met; and

**WHEREAS**, the Board, after carefully considering the evidence presented by the Applicant and the reports from consultants and reviewing agencies, has made the following factual findings and conclusions:

1. The Board reviewed the application and deemed it complete.
2. The Applicant submitted for the Board's consideration and official file:
  - (1) Plans entitled, "Junction Road Urban Renewal Associates, LLC Proposed Residential Development" prepared by Dynamic Engineering Consultants, PC, dated July 24, 2019, with no revisions;
  - (2) Traffic Impact Study prepared by Dynamic Traffic, dated July 24, 2019;
  - (3) Architectural Plans entitled, "Willows at Junction Road" prepared by Haley Donovan, dated July 24, 2019;
  - (4) Site Plan Application, checklist and support materials
3. During the course of the hearing, the following exhibits were marked:

- A-1 Aerial Map
- A-2 Site Plan Rendering
- A-3 Typical Second Floor Plan
- A-4 Community Building Plan
- A-5 Sustainability exhibit board
- A-6 Colorized rendering of building

4. The Township and Board Engineer, Antoine Hajjar, NJPE, submitted for the Board's review and consideration a memorandum dated August 23, 2019, which was incorporated into and made a part of the record.
5. The Board Planner, Jessica Caldwell, AICP, PP, submitted for the Board's review and consideration a memorandum, dated August 6, 2019, which was incorporated into and made a part of the record.
6. The Board Traffic Engineer, Jay S. Troutman, P.E. submitted for the Board's review and consideration a memorandum, dated August 6, 2019, which was incorporated into and made a part of the record.
7. The Township Fire Marshal, Dennis B. Concannon, submitted for the Board's review and consideration a memorandum, dated July 31, 2019, which was incorporated into and made a part of the record.
8. The Board Landscape Architect John Morgan Thomas, CLA submitted for the Board's review and consideration a memorandum, dated August 26, 2019, which was incorporated into and made a part of the record.

9. Katharine A. Coffey, Esq. of Day Pitney, LLP presented the application before the Board. Ms. Coffey identified the Property and summarized the application and stated that one variance was requested for an underground basin within the side yard setback.

10. Ms. Coffey stated that the Property is subject to the South Junction Road Redevelopment Plan that was adopted by Ordinance 19-20 on July 16, 2019.

11. The first witness to testify was the Applicant's professional engineer and planner, Brett Skapinetz, P.E., P.P.

12. Utilizing exhibit A-1, Mr. Skapinetz described the Property's location. He stated the Property is currently developed with a single-family home with a couple of out structures toward the rear and side of the home.

13. Mr. Skapinetz testified that there will be a full movement driveway for residents to pull into different parking areas. Additionally, Mr. Skapinetz stated that there will be eight buildings that are three stories and one building that is two-story connected to the community building.

14. Mr. Skapinetz testified that there will be 200 parking spaces and the amount complies with the RSIS.

15. Mr. Skapinetz described the stormwater management system which will be located in the southeastern portion of the property and a subsurface basin.

16. Mr. Skapinetz stated the Applicant intended to provide a uniform and enhanced landscape plan.

17. The lighting plan proposed by the Applicant includes 39 area light fixtures that are decorative and 15 feet high. He stated that the light fixtures will not have a negative impact on the surrounding properties.

18. Mr. Skapinetz testified that the Applicant will have one sign that will be 13.2 square feet. Mr. Skapinetz stated the Applicant wanted to reserve the right to modify the size of the sign. He said the sign will not be larger than 32 square feet.

19. In response to a question from the Board, Mr. Skapinetz described the stormwater management and the series of inlet locations on the Property. He stated the outlet structure is designed for the 100 year storm.

20. Mr. Skapinetz stated the variance was for a five foot setback for the basin where the side yard requirement was for 30 feet. He emphasized that the basin will be underground and not visible.

21. Mr. Skapinetz spoke about the permeability testing and said depending on the

results there may be further testing in other locations.

22. Mr. Skapinetz addressed the trash and recycling component of the Application. He stated there will be three areas designated for trash and recycling that will be picked up on a routine basis by a private company.

23. Addressing snow removal, Mr. Skapinetz stated there will be enough room on each side of the sidewalk to push snow off the walkways. Additionally, snow will be plowed out in front of the parking area and if needed taken off-site.

24. Ms. Coffey indicated that the Applicant will comply with all comments in Mr. Hajjar's memorandum with the exception of the following comments: 14 and 18.

25. In addressing Mr. Hajjar's memorandum, Ms. Coffey addressed comment one and stated that a use variance was not required for a proposed shed because the shed will be used exclusively for storing maintenance equipment to service the multifamily community. Board Attorney John Belardo concurred that a use variance was not required because it was an accessory structure.

26. In response to a question from the Attorney Belardo, Ms. Skapinetz stated the Applicant was seeking a variance for the basin setback under N.J.S.A. 40:55D-70c(2).

27. Addressing comment number 12, Mr. Skapinetz stated that the Applicant will add benches to the tot lot.

28. In response to a question from the Board, Ms. Coffey stated the Applicant will add swings and slides to the tot lot and will address this requirement at the final application stage.

29. Ms. Coffey addressed comment 14 of Mr. Hajjar's memorandum and stated that, to avoid confusion between the proposed development and the existing Willows development located at Block 16.01, Lot 54.01 in the Township of Raritan, the monument sign for the development located at Block 16.01, Lot 54.01 will state the development is called Willows North and the monument sign for the proposed development will state the development is called Willows South.

30. Mr. Skapinetz addressed comment 16 of Mr. Hajjar's memorandum and stated the Applicant will place a strip of concrete to divide the inbound and outbound traffic.

31. Mr. Skapinetz testified that the Applicant will make adjustments to the slope in the back of the buildings to provide a flat area. He further testified that the Property will be a slight cut from a cut/fill perspective; however, based on the flattening out of the area behind the building, the Property can be further balanced from a cut/fill perspective.

32. Mr. Skapinetz explained that if there is any water trapped within the area for the two parking areas there will be grading adjustments so that the water flows to the two inlets.

33. Addressing comment 27, Mr. Skapinetz testified that the current plan did not show trees being planted on top of the basin but he will get confirmation as to whether trees can be planted on top of the basin location and modify plan only if feasible.

34. Mr. Skapinetz addressed comment 28 and described the lighting of the buildings.

35. Mr. Skapinetz testified about the retaining wall and comment 37 of Mr. Hajjar's memorandum. The Applicant is proposing a small retaining wall east of the cul-de-sac; however, Mr. Skapinetz stated the wall may not be built depending on the grading.

36. Mr. Skapinetz also acknowledged that the Property was near a wetlands buffer. He stated that the Applicant will seek a transition area waiver from NJDEP if required or provide further information to ensure no disturbance in the area.

37. Mr. Skapinetz testified that the black aluminum picket fence will be located around the tot lot.

38. Mr. Skapinetz gave further testimony about comments 54, indicating that the appropriate minimum cover on the underground basin structure is provided, 55, indicating the construction details of the storage depth as a variable will be provided at the time of final site plan application, and 60, indicating that the only nonstructural stormwater management strategy that is not provided is grass swales.

39. Next, Mr. Skapinetz addressed the Environmental Commission's report dated July 29, 2019. Mr. Skapinetz addressed comment one, and stated the Applicant will provide the LOI once it is received.

40. Addressing the comment about the trees in the Environmental Commission's report, Mr. Skapinetz stated that the Applicant will comply with the redevelopment plan, which does not require the Applicant to inventory trees.

41. Mr. Skapinetz further addressed the Environmental Commission's report and stated that maintaining the wooden buffer perimeter will be difficult once the grading takes place.

42. Mr. Skapinetz testified that the Applicant will replace the Kousa dogwood with the flowering dogwood.

43. Additionally, Mr. Skapinetz testified that the Applicant will replace the Zelkova native species.

44. Mr. Skapinetz further testified that a Phase I Environmental Assessment was performed and no underground storage tanks were found.

45. Mr. Skapinetz testified that the Applicant will comply with all the comments from

the Board Planner, Jessica Caldwell's memorandum, dated August 6, 2019.

46. Mr. Skapinetz testified that the Applicant will comply with all the comments from the Board Landscape Architect John Morgan Thomas' memorandum, dated August 26, 2019.

47. The next memorandum Mr. Skapinetz addressed was the Township's Emergency Management's memorandum, dated August 27, 2019. Addressing the comment regarding better circulation for emergency service vehicles, Mr. Skapinetz testified that the Applicant will move the trash enclosures five feet further back and eliminate an adjacent parking space so cars can have more room to turn around. Additionally, the Applicant will relocate two parking spaces along the main drive aisle and stripe for a turnaround area.

48. Mr. Skapinetz testified that the Applicant will comply with all the comments from the Township Fire Marshal, Dennis B. Concannon's memorandum dated July 31, 2019.

49. Additionally, Mr. Skapinetz testified that the Applicant will continue to work with the Hunterdon County Planning Board to comply with their letter dated August 21, 2019.

50. There were no further questions from either the Board or public.

51. The next witness to testify was Mr. Corey Chase of Dynamic Traffic, the Applicant's professional traffic engineer.

52. Mr. Chase described the traffic study he conducted from his report dated July 24, 2019.

53. Mr. Chase addressed the Board Traffic Engineer, Jay S. Troutman's memorandum, dated August 6, 2019. Mr. Chase confirmed that his study assumed full build out and occupancy by 2021.

54. Mr. Chase addressed comment nine of Mr. Troutman's report regarding the offset between the proposed access roadway and Justin Court.

55. In response to a question from the Board, Mr. Chase stated that his study did take into account the morning and afternoon traffic.

56. There were no further questions from the public of Board for Mr. Chase.

57. The next witness to be called was Mr. James Haley, the Applicant's professional architect.

58. Utilizing exhibit A-2, Mr. Haley described the project and stated there will be nine residential buildings consisting of 18 one-bedroom, 25 three-bedroom, and 57 two-bedroom units.

59. Utilizing exhibit A-3, Mr. Haley showed the Board a typical second floor plan or layout.

60. He stated each of the units were large with open floor plans. Additionally, Mr. Haley testified that the lower floor is fully accessible or adaptable in the three-story flat buildings.

61. Utilizing exhibit A-4, Mr. Haley described the community building plan. He stated the project was fully energy star complaint and certified. Additionally, the community building will be Enterprise Green Community certified.

62. Using exhibit A-6, Mr. Haley showed the Board what the buildings will look like.

63. Mr. Haley also stated the condensers will be wall mounted in the rear and sides of the buildings.

64. In response to a question from Ms. Drewes, Mr. Haley stated that the condensers will be dispersed around the buildings. He also stated the condensers will not be visible from the front elevations.

65. Utilizing exhibit A-3, Mr. Haley indicated where the condensers will be located.

66. In response to a question from the Board, Mr. Haley stated the condensers will be about 30 inches from the floor and are 24 x 36 feet.

67. The Applicant agreed to provide final exhibits and renderings that will show the location, elevations, and landscape screening proposed for the building condenser units.

68. There were no further questions from either the Board or public.

69. Ms. Coffey summarized the Application for preliminary site plan approval and variance relief with respect to the underground detention basin within the side yard setback.

70. Ms. Coffey also confirmed the plans will indicate the enclosure of the well and septic.

71. There was no further public comment or Board discussion.

72. In that the proceeding in this matter was voice recorded and a transcript was provided by the Applicant, the recital of facts in this resolution is not intended to be all inclusive but merely a summary and highlight of the complete record made before the Board.

**WHEREAS**, the Board then entertained a Motion to approve the preliminary site plan and side yard setback variance; the Motion was seconded and the Board voted to approve application and variance; and

**WHEREAS**, the Board hereby finds good cause and grants the application as set forth

below. The Board finds that the proposal is consistent with the Township Master Plan and the South Junction Road Redevelopment Plan, is in conformity with ordinance requirements and should be approved.

**NOW, THEREFORE, BE IT RESOLVED** by the Raritan Township Planning Board, in Hunterdon County, New Jersey that the Applicant's request for preliminary site plan with variance approval be and is hereby approved for the reasons hereinabove, and subject to the terms and conditions contained in the body of this resolution, and as set forth below.

1. The Applicant shall post all required application fees and provide sufficient funds with the Township to satisfy any deficiency in the Applicant's escrow account. No permits or certificates will be issued, nor will any work be performed by Township professionals or staff at any time that the Applicant's escrow account balance is not paid current, which shall be set forth by certification by the Township Planning and Zoning Department. The Applicant will have a continuing duty to maintain a positive balance in all escrow accounts until all conditions have been satisfied and all charges have been paid. If the Applicant fails to pay the required fees within twenty-one (21) days prior notice, the Township shall have the right to revoke this Resolution, and file same with the County Clerk.

2. The Board's approval is expressly subject to all requirements, conditions, restrictions and limitations set forth in all required governmental approvals. **Additionally, the Applicant will comply with comments 24, 27, 28, 42-43, 47, 67 and 70 of this resolution.**

3. The Board's approval is also expressly subject to all State, County and Township statutes, ordinances, rules, regulations and requirements affecting development in the Township, County and State.

**BE IT FURTHER RESOLVED**, that this Resolution, adopted this 8th day of January 2020, memorializes the action taken by the Board in accordance with N.J.S.A. 40:55D-10.g, as set forth above, by a vote of 7 to 0, at its August 28, 2019 meeting.

ATTEST:

Raritan Township Planning Board

\_\_\_\_\_  
Name: Amy Fleming  
Title: Planning Board Secretary

By: \_\_\_\_\_  
Name:  
Title: Planning Board Chairperson

**DATE APPROVED: August 28, 2019**

**DATE MEMORIALIZED: January 8, 2020**

**VOTE ON MOTION DULY MADE AND SECONDED ON AUGUST 28, 2019:**

**THOSE IN FAVOR: KUHL, GETTINGS, FANIA, DIGIANDOMENICO, MILLER,  
MACDADE, DREWES**

**THOSE OPPOSED: NONE.**

\*\*\*\*\*

The above memorializing resolution was adopted on January 8, 2020 by the following vote of eligible Board members:

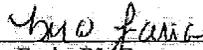
<u>Members</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Mr. Jeff Kuhl				
Mr. Edward Gettings				
Ms. Lisa Fania				
Ms. Judi DiGiandomenico				
Mr. James Miller				
Mr. Scott MacDade				
Ms. Donna Drewes				

**ATTEST:**

AMY FLEMING  
Board Secretary

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF RARITAN

  
\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

  
\_\_\_\_\_  
Jeff Kuhl  
Mayor

CERTIFICATION

I, Lisa Fania, Clerk of the Township of Raritan, County of Hunterdon, State of New Jersey, hereby certify that the foregoing resolution is a true, complete and accurate copy of a resolution adopted by the Township Committee of the Township of Raritan at a meeting held on August 20, 2019.

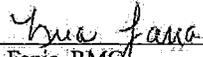
  
\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

Exhibit "A"

RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

RESOLUTION #2017 - 71

AUTHORIZATION FOR EXECUTION OF AGREEMENT FOR  
WASTEWATER TREATMENT CAPACITY FOR THE  
PROVISION OF AFFORDABLE HOUSING

WHEREAS, the Raritan Township Municipal Utilities Authority ("Authority") previously entered into an Agreement with the Township of Raritan ("Township") dated August 17, 2006, for the transfer of 15,000 gallons per day ("gpd") / 50 equivalent dwelling units ("EDUs") for use by the Township in development affordable housing within Raritan Township; and

WHEREAS, the Township is in further need of wastewater treatment capacity to provide for the development of affordable housing within the Township of Raritan; and

WHEREAS, the Authority has available wastewater treatment capacity for this purpose; and

WHEREAS, the Authority believes that it is in the best interests of its users and all of the residents of Raritan Township that wastewater treatment capacity be made available to the Township for the development of affordable housing; and

WHEREAS, the Authority, on the advice of its consulting engineers, believes that it has the ability to make available to the Township 24,000 gpd / 80 EDUs of wastewater treatment capacity.

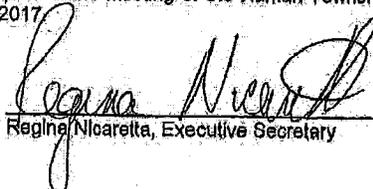
NOW, THEREFORE, BE IT RESOLVED by the Raritan Township Municipal Utilities Authority that its Chairperson be and he is hereby authorized to execute an Agreement for Wastewater Treatment Capacity for the provision of affordable housing in the Township of Raritan.

MOTION BY: Mr. Kendzujak, Jr.

SECOND BY: Dr. Buza

ROLL CALL VOTE:	Dr. Buza	-	Yes
	Mr. Grand	-	Absent
	Mr. Kendzujak, Jr.	-	Yes
	Mr. Kinsella	-	Yes
	Mrs. Robitzki	-	Yes

I certify that the above Resolution was adopted at the meeting of the Raritan Township Municipal Utilities Authority held on November 16, 2017.

  
Regina Nioareta, Executive Secretary

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LR

**AGREEMENT FOR WASTEWATER TREATMENT CAPACITY  
FOR THE PROVISION OF AFFORDABLE HOUSING**

THIS AGREEMENT made this 19<sup>th</sup> day of December, 2017 ("Effective Date"), by and between the RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY (hereinafter referred to as the "RTMUA"), a body corporate and politic of the State of New Jersey, organized pursuant to N.J.S.A. 40:14B-1, et seq., with a mailing address of 365 Old York Road, Flemington, New Jersey 08822, and the TOWNSHIP OF RARITAN, a municipal corporation of the State of New Jersey, with a mailing address of 1 Municipal Drive, Flemington, New Jersey 08822, (hereinafter referred to as the "Township").

**W I T N E S S E T H:**

WHEREAS, the Township has an obligation to meet certain affordable housing requirements as set forth in the Fair Housing Act, N.J.S.A. 52:27D-301, and by the New Jersey Supreme Court pursuant to Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and its progeny; and

WHEREAS, the Township has filed a declaratory judgement action pursuant to the New Jersey Supreme Court's decision in IMO the Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015), ("In re COAH"); and

WHEREAS, the Township is attempting to settle this matter on favorable terms, the result of which will be that affordable units will be developed within the sewer service area and will need to be serviced by the RTMUA; and

WHEREAS, the Township desires to make sanitary sewage treatment capacity available to assist in the development of affordable housing; and

WHEREAS, RTMUA agrees to transfer sanitary sewage treatment capacity to the Township in order to assist in the development of affordable housing; and

WHEREAS, both the Township and RTMUA believe that this Agreement for Wastewater Treatment Capacity for the Provision of Affordable Housing is in the best interests of the RTMUA users and all of the Township residents.

NOW, THEREFORE, IN CONSIDERATION of the mutual promises herein contained and for other good and valuable consideration, the parties do mutually covenant and agree as follows:

1. GRANT OF CAPACITY:

The RTMUA hereby transfers to the Township, subject to the terms of this Agreement, Wastewater Treatment Capacity in the amount of 24,000 gallons per day ("gpd") / 80 Equivalent Dwelling Units ("EDU's") for use by the Township in developing affordable housing within the Township.

2. TRANSFER OF CAPACITY:

The Township shall transfer the capacity in its discretion to public, non-profit, and/or private developers for the development of affordable housing only. The Township shall have the right to transfer the capacity to any property within the sewer service area as recommended by the Township Planning Board/Township Board of Adjustment for the purposes of development affordable housing in accordance with the Township's Housing Element and Fair Share Plan or pursuant to any order or settlement related the Township's affordable housing obligations. The recipient of the capacity shall be required to comply with all RTMUA requirements and guidelines and shall be required to enter into a capacity reservation agreement with the RTMUA prior to the transfer. The capacity recipient will be responsible for the payment of any required fees and

the construction of any infrastructure as may be required by the RTMUA or the Township. The amount of Wastewater Treatment Capacity required to serve a particular development shall be determined by the RTMUA in accordance with its rules and regulations.

**3. CONNECTION CHARGES:**

The Township and/or its subsequent assignee of the capacity shall be responsible for all connection charges.

**4. CONSTRUCTION OF SEWERAGE FACILITIES:**

The Township and/or its subsequent assignee of the capacity shall be responsible to construct all wastewater conveyance facilities in accordance with the Authority's approval of Preliminary and Final Sewer Service Applications. The Township and/or its subsequent assignee of the capacity shall apply for and receive from the Authority a Connection Permit prior to the issuance by the Township of Raritan of any required construction permits. The Township and/or its subsequent assignee of the capacity shall apply for and receive a Certificate of Compliance prior to the issuance by the Township of Raritan of any required Certificate of Occupancy. The Township and/or its subsequent assignee of the capacity shall be bound by and fully comply with the Authority's Sewer Use Rules and Regulations which may, from time to time, be revised.

**5. USE OF WASTEWATER TREATMENT CAPACITY:**

The Township acknowledges that the transfer of Wastewater Treatment Capacity by the RTMUA pursuant to this Agreement is to serve affordable housing. If capacity is provided for any other use without the prior written consent of the RTMUA, this Agreement shall be immediately revoked by the RTMUA, the capacity reserved hereby irrevocably returned to the RTMUA and all sums paid to the RTMUA for fees and/or connection charges shall be retained by the RTMUA.

6. DURATION:

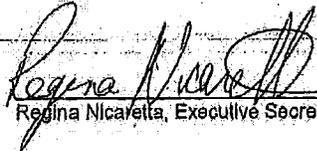
~~This Agreement for Reservation of Wastewater Treatment Capacity shall~~ commence on the Effective Date and expire on December 31, 2025 ("Expiration Date"). Prior to the Expiration Date, the Township and the RTMUA shall conduct a review of the efficacy of the program. Subsequent to this review this Agreement may be extended for an additional two (2) years from the Expiration Date only upon the written agreement of both the Township and the RTMUA duly adopted by a Resolution of each body. Upon the Expiration Date, any wastewater treatment capacity not transferred by the Township pursuant to the terms hereof shall automatically revert to the RTMUA.

7. ENTIRE AGREEMENT:

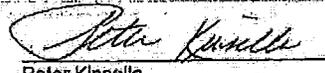
This Agreement sets forth all of the promises, agreements, conditions and undertakings between the parties hereto relative to the subject matter hereof. Except as otherwise specifically provided herein, no subsequent alteration, amendments, changes or modification to this Agreement shall be binding upon either party unless reduced to writing and signed by each party. If any section or part of this Agreement shall be against or contrary to any rule, regulation or law of the United States or the State of New Jersey, it shall only affect that part of his Agreement that is against or contrary to said law, rules or regulations and shall make that part or section of this Agreement invalid, but shall not affect any other part or section of this Agreement which shall remain valid and in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above mentioned.

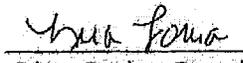
ATTEST/WITNESS

  
Regina Nicaretta, Executive Secretary

Raritan Township Municipal  
Utilities Authority  
By:

  
Peter Kinsella  
Chairperson

ATTEST:

  
Lisa Fania, Township Clerk

Township of Raritan  
By:

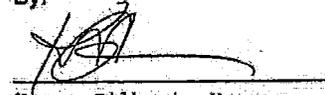
  
Karen Gilbert, Mayor

Exhibit "B"

TOWNSHIP OF RARITAN  
COUNTY OF HUNTERDON, NEW JERSEY

RESOLUTION #17-284

**A RESOLUTION AUTHORIZING ALLOCATION OF SEWER CAPACITY  
FOR AFFORDABLE HOUSING AT MUNICIPAL PROPERTY  
ON DAYTON ROAD, BLOCK 63.14, LOT 23**

WHEREAS, the Raritan Township Municipal Utilities Authority ("Authority") previously entered into an Agreement with the Township of Raritan ("Township") dated August 17, 2006, for the transfer of 15,000 gallons per day ("gpd")/50 equivalent dwelling units ("EDUs") for use by the Township to assist in development of affordable housing within the Township; and

WHEREAS, the Township is now in further need of wastewater treatment capacity to provide for the development of affordable housing within the Township; and

WHEREAS, the Authority has available wastewater treatment capacity for this purpose; and

WHEREAS, the Township believes that it is in the best interest of all of the residents of the Township that wastewater treatment capacity be made available to the Township for the development of affordable housing; and

WHEREAS, the Authority by Resolution 2017-71 dated November 16, 2017, on the advice of its consulting engineers, has made available to the Township 24,000 gpd/80 EDUs of wastewater treatment capacity for affordable housing use; and

WHEREAS, the Township received from the Council of Affordable Housing Third Round Substantive Certification on July 15, 2010, including 104 affordable housing units on Township-owned property on Dayton Road, Block 63.14, Lot 23 consisting of  $\pm$  19.557 acres; and

WHEREAS, the Township has as part of Mt. Laurel litigation In the Matter of the Application of Raritan Township, Docket No. HNT-L-312-15 affirmed the intent to make available the Dayton Road property for development of 104 affordable housing units.

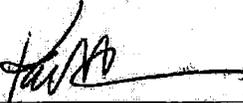
**NOW, THEREFORE BE IT RESOLVED** that the Township Committee designates the 24,000 gallons per day/80 EDUs received from the Authority for use by a qualified developer of affordable housing of the municipally-owned property at Dayton Road, Block 63.14, Lot 23, (the "Property") and this capacity shall be reserved for the Property until December 31, 2025.

Resolution #17-284  
page 2

ATTEST:

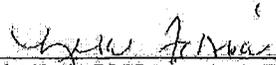
TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF RARITAN

  
\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

  
\_\_\_\_\_  
Karen Gilbert  
Mayor

CERTIFICATION

I, Lisa Fania, Clerk of the Township of Raritan, County of Hunterdon, State of New Jersey, hereby certify that the foregoing resolution is a true, complete and accurate copy of a resolution adopted by the Township Committee of the Township of Raritan at a meeting held on November 21, 2017.

  
\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

# Exhibit "C"

**ASSIGNMENT AND ASSUMPTION**  
**AGREEMENT FOR WASTEWATER TREATMENT CAPACITY**  
**FOR THE PROVISION OF AFFORDABLE HOUSING**

THE TOWNSHIP OF RARITAN, a municipal corporation of the State of New Jersey ("Assignor") hereby transfers and assigns to JUNCTION ROAD URBAN RENEWAL ASSOCIATES, LLC, ("Assignee") as the contract purchaser of Block 27, Lot 22 of the Township Tax Map all of its right, title and interest in and to 23,171 gallons per day/77.25 EDUs of wastewater treatment capacity from the reserved treatment capacity assigned to the Township of Raritan as set forth in that certain Agreement for Wastewater Treatment Capacity for the Provision of Affordable Housing, dated December 19, 2017 (the "Agreement"), a copy of which is attached hereto and made a part hereof.

Assignee hereby assumes and agrees to perform from and after the signing of this document all of Assignor's obligations under the Agreement upon the terms and conditions set forth therein, including but not limited to the execution of a capacity reservation agreement with the Raritan Township Municipal Utilities Authority prior to the transfer of the capacity identified in the Agreement being effective.

The parties agree that this Assignment and Assumption Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

Attest:

By: Lisa Rania  
Lisa Rania, Township Clerk

Assignor:  
TOWNSHIP OF RARITAN

By: Jeffrey Kuhl  
Jeffrey Kuhl, Mayor

Date: August 30, 2019

Witness:

By: Goff H

Assignee:  
JUNCTION ROAD-URBAN-RENEWAL  
ASSOCIATES, LLC

By: M. Brad Tappan

Name: M. Brad Tappan

Title: Managing Member

Date: August 21, 2019

RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

RESOLUTION #2017 - 71

AUTHORIZATION FOR EXECUTION OF AGREEMENT FOR  
WASTEWATER TREATMENT CAPACITY FOR THE  
PROVISION OF AFFORDABLE HOUSING

WHEREAS, the Raritan Township Municipal Utilities Authority ("Authority") previously entered into an Agreement with the Township of Raritan ("Township") dated August 17, 2006, for the transfer of 15,000 gallons per day ("gpd") / 50 equivalent dwelling units ("EDUs") for use by the Township in development affordable housing within Raritan Township; and

WHEREAS, the Township is in further need of wastewater treatment capacity to provide for the development of affordable housing within the Township of Raritan; and

WHEREAS, the Authority has available wastewater treatment capacity for this purpose; and

WHEREAS, the Authority believes that it is in the best interests of its users and all of the residents of Raritan Township that wastewater treatment capacity be made available to the Township for the development of affordable housing; and

WHEREAS, the Authority, on the advice of its consulting engineers, believes that it has the ability to make available to the Township 24,000 gpd / 80 EDUs of wastewater treatment capacity.

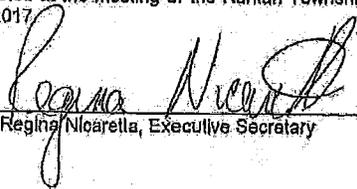
NOW, THEREFORE, BE IT RESOLVED by the Raritan Township Municipal Utilities Authority that its Chairperson be and he is hereby authorized to execute an Agreement for Wastewater Treatment Capacity for the provision of affordable housing in the Township of Raritan.

MOTION BY: Mr. Kendzulak, Jr.

SECOND BY: Dr. Buza

ROLL CALL VOTE:	Dr. Buza	-	Yes
	Mr. Grand	-	Absent
	Mr. Kendzulak, Jr.	-	Yes
	Mr. Kinsella	-	Yes
	Mrs. Robitzski	-	Yes

I certify that the above Resolution was adopted at the meeting of the Raritan Township Municipal Utilities Authority held on November 16, 2017.

  
Regina Nicoretta, Executive Secretary

B48  
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**AGREEMENT FOR WASTEWATER TREATMENT CAPACITY  
FOR THE PROVISION OF AFFORDABLE HOUSING**

THIS AGREEMENT made this 19<sup>th</sup> day of December, 2017 ("Effective Date"), by and between the RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY (hereinafter referred to as the "RTMUA"), a body corporate and politic of the State of New Jersey, organized pursuant to N.J.S.A. 40:14B-1, at sec. with a mailing address of 365 Old York Road, Flemington, New Jersey 08822, and the TOWNSHIP OF RARITAN, a municipal corporation of the State of New Jersey, with a mailing address of 1 Municipal Drive, Flemington, New Jersey 08822, (hereinafter referred to as the "Township").

**W I T N E S S E T H:**

WHEREAS, the Township has an obligation to meet certain affordable housing requirements as set forth in the Fair Housing Act, N.J.S.A. 52:27D-301, and by the New Jersey Supreme Court pursuant to Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 161 (1975) ("Mount Laurel I") and its progeny; and

WHEREAS, the Township has filed a declaratory judgement action pursuant to the New Jersey Supreme Court's decision in IMO the Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015), ("In re COAH"); and

WHEREAS, the Township is attempting to settle this matter on favorable terms, the result of which will be that affordable units will be developed within the sewer service area and will need to be serviced by the RTMUA; and

WHEREAS, the Township desires to make sanitary sewage treatment capacity available to assist in the development of affordable housing; and

WHEREAS, RTMUA agrees to transfer sanitary sewage treatment capacity to the Township in order to assist in the development of affordable housing; and

WHEREAS, both the Township and RTMUA believe that this Agreement for Wastewater Treatment Capacity for the Provision of Affordable Housing is in the best interests of the RTMUA users and all of the Township residents;

NOW, THEREFORE, IN CONSIDERATION of the mutual promises herein contained and for other good and valuable consideration, the parties do mutually covenant and agree as follows:

1. GRANT OF CAPACITY:

The RTMUA hereby transfers to the Township, subject to the terms of this Agreement, Wastewater Treatment Capacity in the amount of 24,000 gallons per day ("gpd") / 80 Equivalent Dwelling Units ("EDU's") for use by the Township in developing affordable housing within the Township.

2. TRANSFER OF CAPACITY:

The Township shall transfer the capacity in its discretion to public, non-profit, and/or private developers for the development of affordable housing only. The Township shall have the right to transfer the capacity to any property within the sewer service area as recommended by the Township Planning Board/Township Board of Adjustment for the purposes of development affordable housing in accordance with the Township's Housing Element and Fair Share Plan or pursuant to any order or settlement related to the Township's affordable housing obligations. The recipient of the capacity shall be required to comply with all RTMUA requirements and guidelines and shall be required to enter into a capacity reservation agreement with the RTMUA prior to the transfer. The capacity recipient will be responsible for the payment of any required fees and

the construction of any infrastructure as may be required by the RTMUA or the Township. The amount of Wastewater Treatment Capacity required to serve a particular development shall be determined by the RTMUA in accordance with its rules and regulations.

3. CONNECTION CHARGES:

The Township and/or its subsequent assignee of the capacity shall be responsible for all connection charges.

4. CONSTRUCTION OF SEWERAGE FACILITIES:

The Township and/or its subsequent assignee of the capacity shall be responsible to construct all wastewater conveyance facilities in accordance with the Authority's approval of Preliminary and Final Sewer Service Applications. The Township and/or its subsequent assignee of the capacity shall apply for and receive from the Authority a Connection Permit prior to the issuance by the Township of Raritan of any required construction permits. The Township and/or its subsequent assignee of the capacity shall apply for and receive a Certificate of Compliance prior to the issuance by the Township of Raritan of any required Certificate of Occupancy. The Township and/or its subsequent assignee of the capacity shall be bound by and fully comply with the Authority's Sewer Use Rules and Regulations which may, from time to time, be revised.

5. USE OF WASTEWATER TREATMENT CAPACITY:

The Township acknowledges that the transfer of Wastewater Treatment Capacity by the RTMUA pursuant to this Agreement is to service affordable housing. If capacity is provided for any other use without the prior written consent of the RTMUA, this Agreement shall be immediately revoked by the RTMUA, the capacity reserved hereby irrevocably returned to the RTMUA and all sums paid to the RTMUA for fees and/or connection charges shall be retained by the RTMUA.

6. DURATION:

This Agreement for Reservation of Wastewater Treatment Capacity shall commence on the Effective Date and expire on December 31, 2025 ("Expiration Date"). Prior to the Expiration Date, the Township and the RTMUA shall conduct a review of the efficacy of the program. Subsequent to this review this Agreement may be extended for an additional two (2) years from the Expiration Date only upon the written agreement of both the Township and the RTMUA duly adopted by a Resolution of each body. Upon the Expiration Date, any wastewater treatment capacity not transferred by the Township pursuant to the terms hereof shall automatically revert to the RTMUA.

7. ENTIRE AGREEMENT:

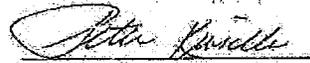
This Agreement sets forth all of the promises, agreements, conditions and undertakings between the parties hereto relative to the subject matter hereof. Except as otherwise specifically provided herein, no subsequent alteration, amendments, changes or modification to this Agreement shall be binding upon either party unless reduced to writing and signed by each party. If any section or part of this Agreement shall be against or contrary to any rule, regulation or law of the United States or the State of New Jersey, it shall only affect that part of this Agreement that is against or contrary to said law, rules or regulations and shall make that part or section of this Agreement invalid, but shall not affect any other part or section of this Agreement which shall remain valid and in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above mentioned.

ATTEST/WITNESS

  
Regina Nicarella, Executive Secretary

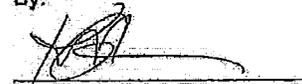
Raritan Township Municipal  
Utilities Authority  
By:

  
Peter Kinsella  
Chairperson

ATTEST:

  
Lisa Fania, Township Clerk

Township of Raritan  
By:

  
Karen Gilbert, Mayor

**Pro Forma for 66 Junction Road**



**SCHEDULE 10-B: EST. DEVELOPMENT COSTS AND CAPITAL REQUIREMENTS**

Inducement \_\_\_\_\_  
 Commitment \_\_\_\_\_  
 Re-Commitment \_\_\_\_\_  
 Mtg. Extension \_\_\_\_\_  
 Bond Sale \_\_\_\_\_  
 Closing \_\_\_\_\_

HMP&P  
 Prepared by: \_\_\_\_\_  
 Reviewed by: \_\_\_\_\_  
 (Director of Technical Services)  
 (Director of HPS/J & Leasing)  
 Chief Financial Officer: \_\_\_\_\_  
 Chief of Programing: \_\_\_\_\_  
 Deputy Director of SH & Leasing: \_\_\_\_\_

Date: \_\_\_\_\_  
 Date: \_\_\_\_\_

**1. SOURCES OF FUNDS DURING CONSTRUCTION:**

	Enter the total Loan Amount Here	Will loan/s be repaid from project revenues? (If Source is a grant, enter "G") Y, or N, or G	
a) Private Construction Loan	\$17,861,497		\$ 17,861,497
b) Equity Investment \$1	\$1,497,501		\$ 1,497,501
c) Equity Investment \$2 (partial)	\$274,000		\$ 274,000
d)			\$
e)			\$
f)			\$
g)			\$
h) Deferred Development Fee			\$ 1,537,267
<b>TOTAL SOURCES OF CONSTRUCTION FUNDS:</b>			<b>\$ 23,073,370</b>

**2. USES OF FUNDS DURING CONSTRUCTION:**

		% of Const Cost OR Const/Unit	
<b>A. ACQUISITION COSTS:</b>			
a) Land	\$ 1,500,000		
b) Building Acquisition	Should be between \$15,000 & \$25,000 per unit		
c) Relocation			
d) Other			1,500,000
<b>TOTAL ACQUISITION AS A PERCENT OF TOTAL PROJECT COST:</b>	<b>6.31%</b>		
<b>B. CONSTRUCTION COSTS:</b>			
a) Mobilization			
b) Off-site improvements			
c) Residential Structures (including all on-site improvements)	12,641,972		
d) Community Building			
e) Environmental Cleanups			
f) Survey & Mapping	Should be between 75% and 1% of Construction Cost		
g) Building Permit			
h) Utility Paying	garage should be approx \$15,000/spacing parking lot around \$790/Space		
i) General Requirements	Should be about 6% of Construction cost		746,641 5.87%
j) Contractor Overhead & Profit - should not exceed 8% of construction cost - usually 3% for Overhead & 4% for Profit	1,352,214		9.89%
k) Green Features			
l) Other			
m) Other			14,592,829
<b>TOTAL Const Costs as a percent of Total Project Costs:</b>	<b>63.47%</b>		
<b>C. DEVELOPERS PER - CONTR/REHAB:</b>			
	12.00%		2,765,901
<b>D. DEVELOPER PER - BUILDING:</b>			
			2,305,501
<b>D. CONTINGENCY</b>			
a) Hard Cost	5.000% 5% For New Construction & 10% For Rehabilitation		729,641
b) Soft Cost	1.024% should be a Maximum of 5%		40,000
<b>TOTAL PROFESSIONAL FEES AS A % OF TOTAL PROJECT COSTS:</b>	<b>4.55%</b>		<b>1,099,100</b>
<b>F. PRE-OPERATIONAL EXPENSES *</b>			
a) Operator fees (pre-construction completion) *	Should not exceed \$250 per unit		
b) Advertising and Promotion (pre-construction completion) *			50,000
c) Staffing and Startup Supplies (pre-construction completion) *			
d) Other: *			
<b>TOTAL Pre-Oper Costs as a % of Total Project Costs:</b>	<b>0.31%</b>		<b>50,000</b>
<b>G. CARRYING AND FINANCING COSTS DURING CONSTRUCTION</b>			
a) Interest @ 5.750% for (24 mos.) on \$ 2,274,954			1,103,136
b) R.E. Tax 5 (per annum) x 2.00 Yrs.			60,000
c) Insurance \$ 30,000 (per annum) x 2.00 Yrs.			60,000
d) Title Insurance and Retention Expenses			446,010
e) Utility Connection Fees			216,743
f) Other Lender's Points			350,000
g) Other Lender Construction Financing Fee			
h) Tax Credit Fees	If the HMP&P will be selling Bonds for the project either before or during the		
i) Negative Abstrage (if Bonds are sold during Construction) - should be accounted for during the construction period.			
j) Cost of Issuance (if Bonds are sold during Construction) - should be accounted for during the construction period.			
k) HMP&A First Year Upfront Fee			500
l) State Agency Application Fees			100,000
m) Furniture, Fixtures & Equipment (FF&E)			150,000
n) Building Permits			245,000
o) Planning Review			
<b>TOTAL Carrying/Fin. Costs as % of Total Project Costs:</b>	<b>11.41%</b>		<b>2,755,899</b>
<b>3. USES OF FUNDS DURING CONSTRUCTION:</b>			<b>\$ 23,073,370</b>
<b>4. BALANCE OF FUNDS NEEDED FOR CONSTRUCTION (negative if surplus):</b>			<b>\$ (0)</b>

**PERMANENT LOAN CLOSING**

**5. SOURCES OF FUNDS FOR PERMANENT FUNDING**

	Y, or N, or G	\$
a) HMFA 1st Mortgage NOTE I	Y	
b) Permanent Mortgages		\$ 6,749,909
c) Partial Equity #2		\$ 8,591,807.5
d) Equity #2 # 21		\$ 4,159,824
e)		\$
f)		\$
g)		\$
h)		\$
<b>TOTAL SOURCES FOR PERMANENT CLOSING:</b>		<b>\$ 19,699,581</b>

**6. USES OF FUNDS FOR PERMANENT CLOSING**

	Y, or N, or G	\$
<b>A. DEVELOPER'S FEES</b>		\$ 768,633
M. HMFA Funds for redemptorial services (est)	on	\$
O. HMFA Second Note Financing Fee	on	\$
D. SHUTE Finance Fee	on	\$ 7,000
<b>F. CONSTRUCTION LOAN PAYOFF</b>		\$ 17,941,017
F. Construction Loan Interest (Developer Fund)	on	\$
G. Negative Amortgage (ESTIMATE)		(Ltr Daily Amount)
H. Cash Advances (ESTIMATE)		
I. Reimbursement of any Indemnification Fee not dedicated to other costs		
<b>J. TAX CREDIT FEES</b>		
K. R.E. Tax due & Payable at Closing		
L. Title Insurance	# of days	(Ltr Daily Amount)
M. HMFA Loan pay down interest on NOTE I (Applicable)	on	\$
N. Disposition Payment to Professional & Sub-Contractors		
O. Payment and Performance Bond & 30% Warranty Bond at 10% Letter of Credit		
P. Other Fees		\$ 74,219
<b>Q. ESCROW REQUIREMENTS:</b>		
1) Working Capital Escrow		
a) Debt Service & Operating Expenses		\$ 494,261
b) Rental Agent Retainage Fee (during Rent-up)		
c) Advertising and Promotional (during Rent-up)		
2) Other Escrows		
a) Reserve (12 YR)		\$
b) Trust (1 Qtr)		\$
c) Debt Service Payment & Servicing Fee fee (1 Month)		\$
d) Mortgage Insurance Premium (MIP) 1 year plus 3 months		\$
e) Repair & Replacement Reserve		\$
f) HMFA Operating Deficit Reserve		\$
g) Other: Social Services Escrow		\$ 400,000
h) Other:		
<b>TOTAL ESCROWS as a % of Total Project Costs</b>	<b>4.12%</b>	<b>\$ 19,699,581</b>
<b>7. USES OF FUNDS FOR PERMANENT CLOSING</b>		<b>\$ 19,699,581</b>
<b>8. BALANCE NEEDED TO CLOSE (coverage/shoring/etc)</b>		\$ 0
<b>9. TOTAL PROJECT COSTS</b>		\$ 24,141,899
<b>10. MAXIMUM MORTGAGE LOAN</b>	27.5% % of Item 10	\$ 6,749,909

<b>11. 85% of Basis Tests</b>	<table border="1"> <tr> <td>Acquisition Basis:</td> <td>\$ 29,073,570</td> <td>Check each line item for Eligibility</td> </tr> <tr> <td>85% of Basis (estimated):</td> <td>\$ 24,712,534</td> <td></td> </tr> <tr> <td>Less 1st Mortgage Note:</td> <td>\$ 12,667,854</td> <td></td> </tr> <tr> <td>Equals 1st 85% 2nd Note Needed:</td> <td>\$ 12,644,680</td> <td></td> </tr> </table>	Acquisition Basis:	\$ 29,073,570	Check each line item for Eligibility	85% of Basis (estimated):	\$ 24,712,534		Less 1st Mortgage Note:	\$ 12,667,854		Equals 1st 85% 2nd Note Needed:	\$ 12,644,680	
Acquisition Basis:	\$ 29,073,570	Check each line item for Eligibility											
85% of Basis (estimated):	\$ 24,712,534												
Less 1st Mortgage Note:	\$ 12,667,854												
Equals 1st 85% 2nd Note Needed:	\$ 12,644,680												

<b>12. DEPAYMENT OF SECOND NOTE (OPTIONAL)</b>		
Interest @ _____	(_____ ) max.	Principal \$ _____
		Total \$ _____
		Total \$ _____

**NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY**

By: \_\_\_\_\_ By: \_\_\_\_\_  
 (Developer or Authorized Signatory) NHHMFA Executive Director or Designee







Resolution designating the 66 Junction Road development as an Area in Need of Redevelopment.

**TOWNSHIP OF RARITAN PLANNING BOARD  
HUNTERDON COUNTY, NEW JERSEY**

**RECOMMENDING THAT 66 JUNCTION ROAD, BLOCK 27, LOT 22  
SHOULD BE DETERMINED A NON-CONDEMNATION AREA IN NEED  
OF REDEVELOPMENT.**

**RESOLUTION No.: 12-2019**

**WHEREAS**, pursuant to Township Committee Resolution No. 2019-117, adopted on May 7, 2019, and P.L. 2003, Chapter 159, the Township of Raritan Planning Board (the "Board") conducted a public hearing on June 12, 2019, to determine whether or not the property in the Township identified below could be designated as an area in need of redevelopment pursuant to the criteria set forth in Sections 5 and 6 of the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et. seq.).

**WHEREAS**, the property is identified on the Township Tax Assessor's Records as follows:

66 Junction Road, Block 27, Lot 22, (the "Study Area")

**WHEREAS**, a map showing the boundaries of the Study Area and the location of the parcel included in the Study Area, as well as the Preliminary Investigation - Area In Need of Redevelopment Non-Eminent Domain Report dated May 20, 2019, were prepared by Jessica Caldwell, PP/AICP; and

**WHEREAS**, notices required pursuant to N.J.S.A. 40A:12-6 were properly mailed, advertised and otherwise all timely served in the Courier News on May 24, 2019, and May 31, 2019; and

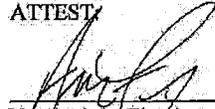
**WHEREAS**, based on the testimony presented at the hearing, the Planning Board undertook to determine and recommend to the Township Committee whether the Study Area be designated an area in need of redevelopment. This recommendation by this Resolution will be sent to the Township Committee of the Township of Raritan for further action as per the requirements of the Local Redevelopment and Housing Law. Thereafter, the Township Committee can approve, reject, or amend the Planning Board's recommendation and may adopt a resolution determining that the Study Area, or any part thereof, is an area in need of redevelopment.

**WHEREAS**, various interested parties appeared (or were given the opportunity to appear) at the public hearing on June 12, 2019, and participated therein, and Board Planner Jessica Caldwell PP/AICP testified and was subject to questioning concerning the criteria for the Study Area under the Redevelopment and Housing Law.

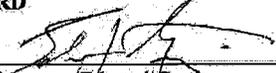
**NOW THEREFORE IT BE RESOLVED**, that the Board determined 66 Junction Road, Block 27, Lot 22 in the Study Area meets the criteria to be designated an area in need of redevelopment.

**BE IT FURTHER RESOLVED**, that this Resolution, adopted this 12<sup>th</sup> day of June, 2019, memorializes the action taken by the Board at its June 12, 2019, meeting.

ATTEST:

  
\_\_\_\_\_  
Name: Amy Fleming  
Title: Planning Board Secretary

**RARITAN TOWNSHIP PLANNING BOARD**

By:   
\_\_\_\_\_  
Name: Edward Gettings  
Title: Planning Board Chairman

Dated: June 12, 2019

Resolution granting Amended Site Plan for Block 16.01, Lots 35 & 36

**R**ARITAN TOWNSHIP PLANNING BOARD  
*Hunterdon County, New Jersey*

**RESOLUTION 13 - 2018**

**OWNER:** RARITAN TOWN SQUARE, LLC  
**APPLICANT:** RARITAN TOWN SQUARE, LLC  
**APPLICATION:** AMENDED SITE PLAN ("AMENDED SITE PLAN")  
**PROPERTY:** Block 16.01, Lots 35 & 36 ("the Property")  
**ADDRESS:** STATE HIGHWAY 31 & COUNTY ROUTE 523  
**R.T.P.B.#** SP-668-PF

**WHEREAS,** Applicant applied to the Raritan Township Planning Board (the "Board") for an Amended Site Plan; and

**WHEREAS,** a public hearing was held by the Board on the application at a public meeting on June 13, 2018; and

**WHEREAS,** during the public hearing, the Applicant was represented by Ms. Kimberly Bennett, Esq. of Fox Rothschild, LLP; and

**WHEREAS,** at the reorganization meeting of the Board, Antoine Hajjar, P.E., the Township Engineer; Jessica Caldwell, AICP, P.P., the Board Planner; Judd Rocciola, P.E., Township Traffic Engineer; and John Morgan Thomas, CLA, the Board Landscape Architect; were sworn in and have remained under oath for the balance of the Board's proceedings throughout the year; and

**WHEREAS,** the public was given notice of the application and had an opportunity to attend and to participate in the hearings; and

**WHEREAS,** all jurisdictional requirements of the applicable state statutes and local ordinances have been met; and

**WHEREAS,** the Board, after carefully considering the evidence presented by the Applicant and the reports from consultants and reviewing agencies, has made the following factual findings and conclusions:

1. The Board reviewed the application and deemed it complete. The Applicant submitted documents prepared by Menlo Engineering Associates, Inc., entitled: "Raritan Town Square-Buildings E & F Amended Site Plan, Block 16.01, Lot 35 & 36", dated October 20, 2017, last revised May 25, 2018, consisting of 12 sheets; Architectural Plans prepared by Appel Design Group, PA, entitled: "Raritan Town Square Building E & F," dated September 25, 2017, no revisions, consisting of seven sheets; Alta Survey prepared by Pennoni Associates, Inc., entitled:

RARITAN TOWNSHIP PLANNING BOARD

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"Raritan Town Square-Lots 35, 36 & 38, Block 16.02," dated December 4, 2013, no revisions, consisting of two sheets; Addendum to the Stormwater Management Report prepared by Menlo Engineering Associates, dated October 2017; Traffic Impact Analysis prepared by Dolan & Dean Consulting Engineers, LLC, dated February 1, 2018; Wetland Analysis Report prepared by Menlo Engineering Associates, dated October 20, 2017; and application materials.

2. The Applicant applied for Amended Site Plan approval for proposed Building E which will contain 141,185 total square feet consisting of 101 residential apartment units distributed among four floors. Building E will contain 91 market rate units and 10 affordable housing units. Building F will contain 71,816 square feet and four stories. The proposal for Building F is for service and retail on the first floor and 39 residential units on the second through fourth floors. Building F will contain 21 market rate units and 18 affordable housing units.

3. The Applicant received prior approvals for the Raritan Town Square project, a mixed-use center comprised of retail, service, and office buildings along with public space amenities. Specifically, Applicant received preliminary site plan approval for the development by Resolution 12-2005 on May 10, 2005. Approvals for variances and waivers were granted by Resolutions from 2006 through 2010. The prior approvals and resolutions allowed the development of 12 buildings consisting of 509,884 square feet, with the additional development of a community building, which is dedicated to the Township.

4. The PCOS ("Planned Commercial Office Service") zoning was created for the site redevelopment and included Category 1, 2, & 3 uses within the development. The modification to the PCOS zone permits residential use with an affordable housing set aside. The Application conforms with the modifications of the PCOS zone in accordance with Ordinance 17-14 and no variances or waivers are required.

5. During the course of the hearings, the following exhibits were marked:

- Exhibit A-1: Overall Plan
- Exhibit A-2: Site Plan Exhibit with geometric plan
- Exhibit A-3: Residential Parking Area Exhibit
- Exhibit A-4: Architectural colored rendering of Building F
- Exhibit A-5: Architectural colored rendering of Building E
- Exhibit A-6: Enlargement of Elevation Keys showing corner of Building E

6. The Board Planner, Jessica Caldwell, AICP, P.P., submitted for the Board's review and consideration a memorandum dated April 20, 2018, which was incorporated into and made a part of the record as Exhibit A.

7. The Board Landscape Architect, John Morgan Thomas, CLA, submitted for the Board's review and consideration a memorandum dated June 12, 2018, which was incorporated into and made a part of the record as Exhibit B.

RARITAN TOWNSHIP PLANNING BOARD

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8. The Township Engineer, Antoine Hajar, P.E., submitted for the Board's review and consideration a memorandum dated June 7, 2018, which was incorporated and made a part of the record as **Exhibit C**.

9. The Township Traffic Engineer, Judd Rocciola, P.E., submitted for the Board's review and consideration a memorandum dated May 31, 2018, which was incorporated and made a part of the record as **Exhibit D**.

10. The Township Fire Marshal, Dennis B. Concannon submitted for the Board's review and consideration a report dated April 19, 2018, which was incorporated and made a part of the record as **Exhibit E**.

11. Ms. Bennett acknowledged receipt of the aforementioned reports of the Board professionals. Ms. Bennett explained to the Board the Application was to obtain an Amended Site Plan approval for Buildings E & F. Ms. Bennett described the project to the Board.

12. Attorney Bennett explained that the application was in furtherance of smart planning and that there was a reservation of sewer capacity for affordable housing. She stated that the RTMUA agreed to assign a reserved capacity to the Township that will transfer to the Applicant.

13. Scott Loventhal, Director of Development and Principal of Raritan Town Square, LLC, was sworn in and testified.

14. Mr. Loventhal described the project and the prior approvals given to the Applicant for the overall site. He testified that neither Building E nor Building F will contain an office component as previously approved for those buildings.

15. There were no questions from the public.

16. William Lane, P.E., Applicant's licensed New Jersey professional engineer, was sworn in, accepted as an expert.

17. Mr. Lane testified that he had been involved with the project from its inception and he described the next phase of the project.

18. Mr. Lane described Buildings E and F. He testified that Building E will have 39 residential units on the second, third, and fourth floors. The first floor of Building E will contain amenities designated for use by residents, such as a fitness center. The first floor of Building E

RARITAN TOWNSHIP PLANNING BOARD

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will have retail space and may possibly contain a "quick-service" type of restaurant.

19. He testified that Building F will have four stories and 101 residential units distributed throughout the four floors.

20. Mr. Lane testified that the Application did not require any variances or design waivers.

21. Addressing item one of the Board Engineer's report, Mr. Lane testified that the Applicant will include a pedestrian access path that will make the Raritan Town Square site more accessible.

22. Mr. Lane testified that the Applicant will meet with Fire Marshal Dennis B. Concannon to discuss whether an access path between Buildings E and F will be needed or whether access from the perimeter is sufficient.

23. Mr. Lane testified that the Applicant will work with the Board Engineer to discuss whether pedestrian access to the southern portion of the site was needed.

24. Mr. Lane testified that there will be 240 total parking spaces and 140 parking spaces will be designated for residents.

25. Utilizing Exhibit A-1, Mr. Lane explained the overall location of Buildings E and F.

26. Utilizing Exhibit A-2, Mr. Lane described the overall development with the proposed landscape areas.

27. Utilizing Exhibit A-3, Mr. Lane discussed how the parking spaces will be distributed. He testified that there will be 140 designated parking spaces for residential use and that each unit will have a space that can be utilized at anytime. He also testified that there will be 70 additional spaces for overflow parking. To the west of PetSmart there will be 100 parking spaces, which Mr. Lane testified can be used by the residents at night when the store is closed.

28. Mr. Lane testified that it was a shared parking plan.

29. In response to a question from the Board, Mr. Lane testified that there will be a secondary entrance opposite the main entrance in the rear of Building E that will shorten the

RARITAN TOWNSHIP PLANNING BOARD

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length to the overflow parking. This secondary access will allow residents easier access to the courtyard and between the buildings, which will provide better access to residential amenities for residents of both buildings.

30. Mr. Lane described the loading plan for Building F. He testified the Applicant will provide two small loading spaces to the left of Building F that will not impact the parking in the front of Building F. There will be an additional loading space along the main drive aisle north of the bus stop for to provide larger trucks access to both Buildings E and F.

31. Mr. Lane testified that in regards to the driveway east of Building F, the Applicant will make it a two way driveway to help with vehicle circulation.

32. In response to a question from the Board, Mr. Lane testified that in regards to the landscaping there will be an additional 190 trees and 700 shrubs planted that will provide a buffer along Walter Foran Boulevard. Mr. Lane testified that the Applicant will be providing a revised landscaping plan to the Township professionals and will work with them to make sure the landscaping plan is agreeable.

33. In response to a question from the Board, Mr. Lane explained the access points by the residents and the overall structure of the monitoring of the doors and lobby. Each residential access point will be a secure entry point, requiring a key or fob to enter.

34. He testified that there will be a bus stop located on the main drive aisle, adjacent to Buildings E and F. Applicant agreed to contact the School Board to confirm the location of the bus stop for school children pickup.

35. In response to a question from the Board, Mr. Loventhal testified that each unit will receive one parking permit and that residents will be given either a hangtag or sticker to identify each vehicle associated with a parking permit. Applicant's property management team will be responsible for enforcing compliance with residential parking locations. Mr. Loventhal testified that he did not anticipate any issues with the shared parking located near the PetSmart.

36. In response to a question from the Board, Mr. Loventhal testified the Applicant will be installing a playground and it will have restricted access so only residents can use it. The playground will be fenced.

37. Mr. Loventhal elaborated on the trash pickup and enclosures. He testified there will be a private hauler. Further, he testified that each floor had a trash room with a chute to the first floor. There will be scheduled pickups by the trash trucks.

RARITAN TOWNSHIP PLANNING BOARD

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38. Township Traffic Engineer Judd Rocciola described the discussions that were had between the Township and the Applicant in regards to the two way driveway and the right hand turn off of Walter Foran Boulevard. Mr. Rocciola also stated that the Applicant will look at the possibility of installing a raised surface on the main drive aisle at the right-in entrance from Walter Foran Boulevard. Design concepts will be presented by the Applicant in regards to the possibility of the raised surface or rumble strip.

39. There were no additional questions from either the Board or the public for Mr. Lane.

40. In response to a question from the Board, Mr. Lane described the wetlands location and testified that the DEP gave the Applicant a wetlands permit to fill the area. Mr. Lane testified that the Applicant had applied to the Hunterdon County Planning Board and received a conditional approval.

41. Mr. Lane testified that the Applicant was agreeable to the conditions set forth in the report by the Township Landscape Architect dated June 12, 2018, with the exception of item 5 regarding the tree replacements.

42. In response to a question from the Board, Mr. Loventhal described the pruning of trees that had taken place near Lowes. He explained that the trees were Lowes responsibility under the lease. Mr. Loventhal testified that he will meet with Lowes representatives to discuss the trees.

43. Mr. Loventhal testified that in regards to trees located between Buildings E and F, the Applicant will agree to replace them in accordance with the recommendation by the Township Landscape Architect's report, but that replanting will be dependent upon the determination made by the Fire Marshal regarding the potential fire access lane between Buildings E and F.

44. There was a question from the public. Ms. Barbara Sachau commented that trees were important because they kept the concrete pavement cool during warm temperatures.

45. In response to Ms. Sachau's comment, Mr. Loventhal testified that 119 trees will be planted.

46. There were no further questions from either the Board or from the public.

47. Douglas Polyniak, Applicant's licensed New Jersey professional traffic engineering consultant, was sworn in, accepted as an expert.

48. Mr. Polyniak testified that his trip generation comparison study determined that the proposed apartments will generate less traffic than the previously approved project with the office

RARITAN TOWNSHIP PLANNING BOARD

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and retail area component.

49. Mr. Polyniak described the flow of traffic at peak times. Mr. Polyniak testified that he reviewed the letter from Mr. Rocciola. He also stated that the Applicant was in the process of conducting a traffic study that was requested by Hunterdon County.

50. Mr. Polyniak testified that in his opinion there was sufficient parking under the shared parking plan.

51. In response to a question from the Board, Mr. Polyniak testified that he was satisfied with the traffic flow and fire truck access.

52. In response to a question from the Board, Mr. Polyniak described the impact of the traffic on Walter Foran Boulevard.

53. There were no questions from either the Board or from the public.

54. Mr. Laurance Appel, P.A., Applicant's licensed New Jersey professional architect, was sworn in, accepted as an expert.

55. Utilizing Exhibits A-4 and A-5, Mr. Appel described the buildings. He testified that they are elevator serviced and have common hallways. He testified that of the 140 units 28 units are affordable units. Further, he testified that there will be five one-bedroom, 17 two-bedroom, and six three-bedroom affordable units. There will be 52 one-bedroom, 54 two bedroom, 5 one-bedrooms with dens, and one two-bedroom with den at market rates.

56. In response to a question from the Board, Mr. Appel described the second doorway proposal in the rear of Building E. He testified that there will be many benefits to having this doorway, including increased proximity to overflow parking and improved access to the courtyard and residential amenities from Building E.

57. Mr. Appel described the amenities located in Building F. He testified that there was 3,490 square feet dedicated for amenity space for use by residents of both buildings, which will likely include a fitness center and other typical residential amenities.

58. Utilizing Exhibit A-4, Mr. Appel described the location of the main entrance and where the stairs will be located.

59. Mr. Appel testified that the Applicant wanted the buildings to be unique while also

RARITAN TOWNSHIP PLANNING BOARD

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being compatible with the prior retail buildings in the community. Mr. Appel testified that the Applicant used compatible color and materials on the buildings. Additionally, Mr. Appel testified that each of the buildings highlight their architectural elements and have character.

60. In response to a question from the Board, Mr. Appel testified that the building height is in conformance with Township design standards for buildings in the PCOS Zone. Building E is 43 feet and six inches in height and Building F is 49 feet and eleven inches in height.

61. In response to a question from the Board, Mr. Appel testified that while there were no specific green or environmental measures in place for the buildings, the building codes have evolved and the construction provides various efficiencies which have now become standard. For example, Mr. Appel testified that the buildings are built with six inch walls, have significant insulation, and energy efficient appliances.

62. In response to a question from the Board, Mr. Appel testified that the balconies were not walk outs and were mainly for decorative purposes.

63. Mr. Appel described the location of the affordable units and that the majority of the affordable units were in Building F due to geometrical layout providing for the appropriate mix of unit size.

64. There were no questions from either the Board or from the public.

65. Board Member Deputy Mayor Ms. Karen Gilbert moved for a vote of approval on the Application.

WHEREAS, the Board then entertained a motion to approve the Amended Site Plan with application for the Property; the motion was seconded and the Board voted to approve the Amended Site Plan subject to the conditions contained herein; and

WHEREAS, the Board hereby finds good cause and grants the application for the Amended Site Plan, as set forth herein. The Board finds that the proposal is consistent with the Township Master Plan, is in conformity with ordinance requirements and should be approved.

**NOW, THEREFORE, BE IT RESOLVED** by the Raritan Township Planning Board, in Hunterdon County, New Jersey that the Applicant's request for the Amended Site Plan be and is hereby approved for the reasons hereinabove, and subject to the terms and conditions contained in the body of this resolution, and as set forth below.

1. The Applicant shall post all required application fees and provide sufficient funds with the Township to satisfy any deficiency in the applicant's escrow account. No permits or

RARITAN TOWNSHIP PLANNING BOARD

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certificates will be issued, nor will any work be performed by Township or Board professionals or staff at any time that the Applicant's escrow account balance is not paid current, which shall be set forth by certification by the Township Planning and Zoning Department. The Applicant will have a continuing duty to maintain a positive balance in all escrow accounts until all conditions have been satisfied and all charges have been paid. If the Applicant fails to pay the required fees within twenty-one (21) days prior notice, the Township shall have the right to revoke this Resolution, and file same with the County Clerk.

2. Completion of the proposed development and subsequent use of the Property shall be consistent with testimony offered at the public hearing, the findings and conclusions of the Board herein, and the conditions set forth in this Resolution and all prior Resolutions.

3. The Applicant shall submit digital copies of all plans and documents, in such formats as are acceptable to the Township Engineering Department.

4. The Board's approval is expressly subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, to the extent the same are not inconsistent with the terms and conditions set forth herein, which are incorporated herein by reference.

5. The Board's approval is also expressly subject to all State, County and Township statutes, ordinances, rules, regulations and requirements affecting development in the Township, County and State.

6. The Applicant's obtaining of approvals from all outside agencies shall be a prerequisite for the work approved herein.

7. The Applicant shall reasonably address the Township Engineer's, the Board Planner's, and the Board Landscape Architect's concerns as set forth herein, on the record before the Board, and in their respective reports.

8. [NOT APPLICABLE] If applicable, the Applicant shall pay all development fees of the increase in equalized assessed value of the development approved by the Board, or other charges payable in connection therewith, or resulting from, this approval of the application or the development undertaken, in accordance with Section 16.10 of the Township Land Development Ordinance, pursuant to the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1, *et seq.*, or as otherwise required by law. No final Certificate of Occupancy shall be issued until the development fee is paid in full by the owner-applicant, unless otherwise provided by law.

**BE IT FURTHER RESOLVED**, that this Resolution, adopted this 8th day of August, 2018, memorializes the action taken by the Board in accordance with N.J.S.A. 40:55D-10.g, as set forth above, by a vote of 7 to 0, at its June 13, 2018, meeting.

RARITAN TOWNSHIP PLANNING BOARD

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ATTEST:

RARITAN TOWNSHIP PLANNING BOARD

\_\_\_\_\_  
Name: Amy Fleming  
Title: Planning Board Secretary

By: \_\_\_\_\_  
Name: Jeffrey Kuhl  
Title: Planning Board Chairman

DATE APPROVED: June 13, 2018

DATE MEMORIALIZED: September 26, 2018

VOTE ON  
DECISION

BOARD  
MEMBER

VOTE ON  
RESOLUTION

Y  
Y  
Y  
Y  
Y  
Y  
Y

Chairman Jeffrey Kuhl  
Mayor Michael Mangin  
Ms. Michelle Cavalchire  
Ms. Judi DiGiandomenico  
Ms. Donna Drewes  
Deputy Mayor Karen Gilbert  
Mr. Edward Gettings

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Raritan Township Fair Share Plan Micro-Requirement Table

<b>Project Name</b>	<b>Units</b>
<b>Family Units (50% of 639)</b>	<b>320 required</b>
S Main Village	13
Stonegate	10
Pulte	50
Stonegate extensions	21
Raritan Motorsports	2
Flemington Junction	84
Cedar Grove	6
66 Junction	100
Villages	28
Enclave	40
Raritan Junction	28
Raritan Town Square	28
<b>Total</b>	<b>410 – complies</b>
<b>Rental Units (25% of 857)</b>	<b>215 required</b>
Raritan Motorsports	2
Flemington Junction	84
Cedar Grove	6
66 Junction	100
Villages	28
Enclave	40
Raritan Junction	28
Raritan Town Square	28
Independence Manor	10
Flemington South	96
<b>Total</b>	<b>422 complies</b>
<b>Family Rental Units (50% of 215)</b>	<b>108 required</b>
Raritan Motorsports	2
Flemington Junction	84
Cedar Grove	6
66 Junction	100
Villages	28
Enclave	40
Raritan Junction	28
Raritan Town Square	28
<b>Total</b>	<b>316 - complies</b>
<b>Very Low (13% of units built after 2008 – 405 units)</b>	<b>53 required</b>
Arc GHI	5
Independence manor	10
Pulte	5

Raritan Township Fair Share Plan Micro-Requirement Table

<b>Project Name</b>	<b>Units</b>
Flemington Junction	13
Arc II	4
Stickel	4
66 Junction	34
Enclave/Villages	9
Raritan Junction	4
Raritan Town Square	4
Group Home program	4
<b>Total</b>	<b>96 total - complies</b>
<b>Very Low Family (50% of 53)</b>	<b>27 - required</b>
Pulte	5
66 Junction	34
Enclave/Villages	9
Raritan Junction	4
Raritan Town Square	4
<b>Total</b>	<b>56 - complies</b>