

**COUNCIL OF THE TOWNSHIP OF MONROE**  
**MINUTES**  
**REGULAR MEETING - AUGUST 1, 2016**

The Council of the Township of Monroe met in the Municipal Building, 1 Municipal Plaza, for a Regular Meeting.

The Regular Meeting was Called to Order at 7:00 p.m. by Council President Leslie Koppel with a Salute to the Flag.

**UPON ROLL CALL** by the Township Clerk, Sharon Doerfler, the following members of Council were present: Councilman Blaise Dipierro, Councilman Michael Leibowitz, Councilwoman Elizabeth Schneider, Council Vice-President Stephen Dalina and Council President Leslie Koppel.

**ALSO PRESENT:** Mayor Gerald W. Tamburro, Business Administrator Wayne R. Hamilton, Attorney Greg Pasquale sitting for Township Attorney Joel L. Shain, Engineer Mark Rasimowicz and Deputy Township Clerk Patricia Reid.

There were approximately thirty (30) members of the Public present in the audience.

Council President Koppel requested the Township Clerk to read the following **SUNSHINE LAW** into the record:

In accordance with the Open Public Meetings Act, it is hereby announced and shall be entered into the Minutes of this meeting that adequate notice of this meeting has been provided by the following:

1. Posted on January 5, 2016 on the Bulletin Board of the Office of the Township Clerk in the Municipal Building, 1 Municipal Plaza and remains posted at that location for public inspection;
2. Printed in the **HOME NEWS TRIBUNE** and **STAR LEDGER** on January 8, 2016;
3. Posted on the Bulletin Boards within the Municipal Complex;
4. Posted on the Monroe Township website; and
5. Sent to those individuals who have requested personal notice.

In accordance with Chapter 3, Section 17 of the Monroe Township Code, Public Comment shall be limited to five (5) minutes unless further time is granted by the Council President.

Mayor Tamburro awarded the "Key to the City" to Township Clerk Sharon Doerfler who will be retiring after 36 years of service to the Township.

Council Members and the Business Administrator each offered their congratulations and good wishes to Ms. Doerfler.

A ten-minute recess was taken for pictures.

The meeting was reconvened at 7:20PM.

The following **PROCLAMATION** of Mayor Gerald W. Tamburro was read into the record by title:

***INDIA INDEPENDENCE DAY***  
***AUGUST 15, 2016***

**UPON MOTION** made by Councilman Leibowitz and seconded by Councilman Dipierro, the **CLAIMS** per run date of **07/21/2016** were approved for payment as presented.

ROLL CALL: Councilman Blaise Dipierro	Aye
Councilman Michael Leibowitz	Aye
Councilwoman Elizabeth Schneider	Aye
Council Vice-President Stephen Dalina	Aye
Council President Leslie Koppel	Aye

**UPON MOTION** made by Councilman Leibowitz and seconded by Councilwoman Schneider, the **MINUTES** of the **June 8, 2016 Regular Meeting** were approved as written and presented.

ROLL CALL: Councilman Blaise Dipierro	Aye
Councilman Michael Leibowitz	Aye
Councilwoman Elizabeth Schneider	Aye
Council Vice-President Stephen Dalina	Aye
Council President Leslie Koppel	Aye

**UPON MOTION** made by Council Vice-President Dalina and seconded by Councilwoman Schneider, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE NO. O-7-2016-023 AUTHORIZING THE ACQUISITION OF A CERTAIN PARCEL OF LAND FOR OPEN SPACE LOCATED AT BARRYMORE DRIVE AND APPEARING ON THE OFFICIAL TAX MAPS AS BLOCK 77, PORTIONS OF LOTS NOS. 2.3 AND 2.3Q FARM A/K/A PROPOSED LOT 2.47.**

**ORDINANCE** as follows: (O-07-2016-023)

**WHEREAS**, the Estate of Matilda Reese ("Estate of Reese") owned real property commonly known as 7 Barrymore Drive, identified on the official Tax Maps of the Township of Monroe as Block 77, Portions of Lot Nos. 2.3 and 2.3Q Farm (a/k/a Proposed Lot 2.47) in the County of Middlesex, and State of New Jersey ("the Property"); and

**WHEREAS**, the Township of Monroe Planning Board included the Property in its Master Plan as property targeted for acquisition as Open Space; and

**WHEREAS**, in or about December, 2015, the Estate of Reese offered to sell the Property to the Township of Monroe; and

**WHEREAS**, the Estate of Reese agreed to sell the Property to the Township of Monroe for consideration of Three Hundred Sixty-Five Thousand Dollars (\$365,000.00); and

**WHEREAS**, the Township of Monroe, Chief Financial Officer, verified that there were sufficient funds remaining from the issuance of bonds pursuant to the Open Space Acquisition Bond Ordinance O-8-2000-026, to pay for the aforesaid acquisition; and

**WHEREAS**, The Township of Monroe's attorney has already recorded said Deed, a copy of which is attached hereto as Exhibit "A";

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township of Monroe, County of Middlesex, State of New Jersey, *nunc pro tunc* to April 21, 2016, as follows:

**Section 1.** The Mayor, Township Clerk and Township Attorney are hereby authorized and directed to execute any and all documents as are reasonably necessary to acquire title to:

- (a) All portions of the parcel of land identified as Proposed Lot 2.47 in Block 77, on the official Tax Maps of the Township of Monroe, as more particularly described on Exhibit "A";
- (b) All improvements erected on, over and beneath aforesaid lands; and
- (c) All easements, rights-of-way or use, privileges, licenses, hereditaments, appurtenances, interests and other rights belonging to or inuring to the benefit of the lands and all right, title and interest of the owners in and to any land lying in the bed of any highway, street, road or avenue, opened or proposed, in front or abutting or adjoining aforesaid lands.

**Section 2.** The purchase price for the Property shall be Three Hundred Sixty-Five Thousand Dollars (\$365,000.00), as determined through arm's length negotiations.

**Section 3.** The Mayor and Township Clerk are hereby authorized to accept the Deed transferring the Property for open space, provided the Deed is in a form satisfactory to the Township Attorney.

**Section 4.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**Section 5.** If any section, subdivision, sentence, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**Section 6.** This Ordinance shall take effect upon final passage and publication as provided by law.

Council President Koppel opened the Public Hearing to Council and Public discussion of this Ordinance.

There was no Public or Council discussion.

As Council Vice-President Dalina and Councilwoman Schneider regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **O-7-2016-023 ORDINANCE AUTHORIZING THE ACQUISITION OF A CERTAIN PARCEL OF LAND FOR OPEN SPACE LOCATED AT BARRYMORE DRIVE AND APPEARING ON THE OFFICIAL TAX MAPS AS BLOCK 77, PORTIONS OF LOTS NOS. 2.3 AND 2.3Q FARM A/K/A PROPOSED LOT 2.47.**

ROLL CALL: Councilman Blaise Dipierro	Aye
Councilman Michael Leibowitz	Aye
Councilwoman Elizabeth Schneider	Aye
Council Vice-President Stephen Dalina	Aye
Council President Leslie Koppel	Aye

Copy of Ordinance Duly Filed.  
O-07-2016-023

**UPON MOTION** made by Councilman Leibowitz and seconded by Councilwoman Schneider, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE NO. O-7-2016-024 REPEALING, REPLACING AND AMENDING CERTAIN PROVISIONS OF CHAPTER 131-1 ET SEQ., OF THE AFFORDABLE HOUSING ORDINANCE OF THE TOWNSHIP OF MONROE TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS.**

**ORDINANCE** as follows: (O-07-2016-024)

**BE IT ORDAINED** by the Township Council of the Township of Monroe, Middlesex County, New Jersey, that the Code of the Township of Monroe is hereby amended to include provisions addressing the Township of Monroe's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, *et seq.*, as amended and supplemented, N.J.A.C. 5:80-26.1, *et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

The Township of Monroe Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, *et seq.* The Housing Element and Fair Share Plan has been endorsed by the governing body. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, *et seq.*, as amended and supplemented,

N.J.A.C.5:80-26.1, *et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

The Township of Monroe shall file such annual monitoring reports as may be directed by the Court regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan. The report shall be filed with the Middlesex County Superior Court and shall be available to the public at the Township of Monroe Clerk's Office, One Municipal Plaza, Monroe Township, New Jersey, 07035.

**BE IT FURTHER ORDAINED** as follows:

- 1. Section 131-1 shall remain in full force and effect.**
- 2. Section 131-2 shall be repealed and replaced with the following:**

**§ 131-2. Definitions.**

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

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

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

"Administrative agent" means the entity designated by the Township to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

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

"Affordable" means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

"Affordable housing development" means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

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

"Affordable unit" means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

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

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

"Age-restricted unit" means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

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

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

"COAH" means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*).

"DCA" means the State of New Jersey Department of Community Affairs.

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

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

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, *et seq.*

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

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

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

"Major system" means the primary structural, mechanical, plumbing, electrical, fire protection or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

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

"Median income" means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

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

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

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

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

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

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

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

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

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, *et seq.*

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income for the applicable housing region.

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

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

**3. Section 131-3 shall be amended to read as follows:**

**§ 131-3. Affordable Housing Board established. [Amended 5-4-92 by Ord. No. 0-5-92-015]**

**A. Membership**

1. There is hereby established a Monroe Township Affordable Housing Board, which shall be composed of five (5) members and two (2) alternate members appointed by the Mayor with the advice and consent of the Township Council. The five (5) regular members shall consist of:
  - a. One (1) municipal employee;
  - b. One (2) member of the Township Council;
  - c. Three (3) citizens of the Township.

The two (2) alternate members shall be citizens of the Township.

Members and alternates shall serve for two (2) terms, with (2) of the initial appointments, as determined by the Mayor, to be for one (1) year.

- B. The Mayor shall appoint the Chairperson of the Board from among its members. The Board shall organize and conduct its activities under the supervision of the Mayor.
- C. The Municipal Housing Manager and Municipal Housing Liaison appointed pursuant to § 131-13 shall serve as staff to the Board.

**4. Section 131-4 shall be amended to read as follows.**

**§ 131-4. Municipal Housing Manager**

The Municipal Housing Manager shall be appointed by the Mayor.

**5. Section 131.5 shall be amended to read as follows:**

**§ 131-5. Duties of the Affordable Housing Board.**

- A. The Board shall be the administrative mechanism responsible for assuring that low and moderate income housing units developed or rehabilitated in the Township remain affordable to low and moderate income households, as required by N.J.A.C. 5:93-1, *et seq.*
- B. The Board shall implement the Township's affirmative marketing program to market the designated low and moderate income units to eligible households in the Township and Housing Region 3, comprised of Middlesex, Somerset and Hunterdon Counties.
- C. The Board shall assist the Administrative Agent in screening and qualifying prospective purchasers and tenants of designated low and moderate income housing.
- D. The Board shall review and comment to the Planning Board on a developer's affordable housing plan submitted with an application for development in any of the Township zoning districts designated and promulgated for the creation of affordable housing.
- E. The Board shall enforce controls on resales and rentals of designated low and moderate income housing units.
- F. The Board shall, at a minimum, provide an annual written report to the Mayor, Township Council and Planning Board on its activities and the progress and problems in providing affordable housing and assuring the continued affordability of this housing. The Board shall also prepare reports required by the New Jersey Council on Affordable Housing, the Court or other appropriate supervising agency, including the progress and summary reports on the actual experience of the Board's affirmative marketing program as required by N.J.A.C. 5:93-12.
- G. The Board shall meet quarterly and may meet more frequently as needed. The Chairperson of the Board may call special meetings of the Board.
- H. The Board may adopt its own rules and guidelines.

**6. Section 131-5.1 shall be repealed and replaced with the following:**

**§ 131-5.1. Affirmative marketing program.**

The Board shall supervise the implementation of the Township's Affirmative Marketing Program.

**7. Section 131-6 shall be amended as follows:**

**§ 131-6. Screening and qualification of prospective purchasers and tenant.**

- A. The Township Affordable Housing Board shall screen and determine whether prospective purchasers and tenants qualify for the new designated low and moderate income units built within the Township. Qualification criteria shall include household income, place of residence and place of employment.
- B. The Board shall maintain a registry of income-eligible applicants for purchase or rental of low and moderate income housing.

- C. Residency preference.
1. An occupancy preference shall be provided to low and moderate income households that reside or work in the West Central Housing Region, Region 3, which includes Middlesex, Somerset and Hunterdon Counties, for new low and moderate housing units.
  2. An occupancy preference shall be provided to low and moderate households that reside within Monroe Township for low and moderate income units created as a result of the Township's rehabilitation program.
- D. The Board shall recommend eligible prospective purchasers and tenants to the developer(s) of low and moderate income housing,
- E. Occupancy Standards. In referring certified households to specific restricted units, the Administrative Agent and/or Board shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
1. Provide an occupant for each bedroom;
  2. Provide children of different sexes with separate bedrooms;
  3. Provide separate bedrooms for parents and children; and
  4. Prevent more than two persons from occupying a single bedroom.
- 8. Section 131-7 shall be repealed and replaced with the following:**

**§ 131-7. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices**

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

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

**§ 131-7.1. Buyer Income Eligibility and Verification**

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- B. Income verification. In placing households in low and moderate income units, the Township and its Administrative Agent shall utilize the following verification and certification procedures:
  1. Every household member eighteen (18) years of age or over who will live in the affordable unit and receives income shall be required to provide income



documentation as applicable and determined by the reviewer for the Board. This includes income received by adults on behalf of minor children for their benefit. Household members eighteen (18) years of age or over not receiving income must produce documentation of current status.

2. Verification may include, but is not limited to, the following:
  - (a) Four (4) consecutive pay stubs including overtime, bonuses or tips dated within one hundred twenty (120) days of the interview date or a letter from employer stating present annual income figure as projected annually;
  - (b) A copy of regular IRS Form 1040 (tax computation form), 1040A or 1040 EZ as applicable and State Income Tax returns filed for each of the three (3) years prior to the date of interview;
  - (c) A letter or appropriate reporting form verifying benefits such as Social Security, Unemployment, Welfare, Disability or Pension income (monthly or annually);
  - (d) A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony and child support;
  - (e) Reports that verify income from assets to be submitted by banks or other financial institutions managing trust funds, money market accounts, certificates of deposit, stocks or bonds;
  - (f) Evidence or reports of income from assets such as real estate or businesses that are directly held by any household member;
  - (g) A notarized statement of explanation in such form as to be satisfactory to the reviewer.
3. Generally, sources of annual income shall be based on regular income reported to the IRS and which can be utilized for mortgage approval. Household annual gross income shall be calculated by projecting current gross income over a twelve (12) month period.
4. Income includes, but is not limited to, wages, salaries, tips, commissions, alimony, regularly scheduled overtime, pensions, social security, unemployment compensation, AFDC, verified regular child support, disability, net income from business or real estate and funds, stocks and bonds and imputed income from non-income producing assets such as equity in real estate.
5. Assets not earning a verifiable income shall have an imputed interest income using a current average savings interest rate. Assets not earning income include present real estate equity. Applicants owning real estate must produce documentation of a market value appraisal and outstanding mortgage debt. The difference will be treated as the monetary value of the asset and the imputed interest added to income.
6. Income from assets that have delayed earnings, such as IRAs or annuity programs shall not be included in current income until such payments are being received. However, these assets must be reported and verified.
7. Net rent from real estate is considered income after the monthly mortgage payment, including real estate taxes and insurance, is deducted. Other expenses are not deductible. In addition, the equity in the rented real estate is considered an asset and will have the imputed interest income on the calculated value of equity added to income.
8. Income does not include payments, rebates or credits received under federal or state low income home energy assistance programs, food stamps, payments received for care of foster children, relocation assistance benefits, income of live-in attendants, scholarships, student loans, personal property such as automobiles,

lump-sum additions to family assets such as inheritances, one-time lottery winnings and insurance settlements, except for additional income earned from these additions, and casual, sporadic or irregular gifts and bonuses.

9. Standard credit information services that provide conventional credit and tenants reports may be utilized when certifying a household with required written permission from the household. An unsatisfactory credit history or credit information that demonstrates a disproportionate debt to income ratio may result in a denial of certification. Court-ordered payments for alimony or child support to another household shall be considered a regular monthly debt whether or not it is being paid regularly.
  10. At the discretion of the Board and Administrative Agent, households may also be required to produce documentation of household composition for determining the correct unit size and the applicable median income guide.
  11. A form for certification shall be prepared and signed by the Board. Only households receiving certification shall be referred to Affordable Housing units.
  12. Certified households who reject an opportunity for affordable housing may be replaced on the referral list at their request and may be re-interviewed for certification when their name appears on a listing for a subsequent unit.
  13. Certification shall be valid for no more than one hundred twenty (120) days unless a valid sales contract or lease has been executed within that time period. In this event, certification shall be valid until such time as the sales contract or lease is ruled invalid and no occupancy has occurred. Certifications may be renewed in writing at the request of a certified household for no more than an additional period of one hundred twenty (120) days at the discretion of the Board.
  14. Households who are denied certification may make a written request for a redetermination. Households shall be required to produce additional documentation to support their claim. Households who are denied certification a second time may request a hearing by forwarding a written request to the Board within thirty (30) days following the household's receipt of a denial notification. If a written request has not been received within the thirty (30) day time period, the ineligible determination will be final. The hearing decision shall be final.
- C. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Township Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
- D. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- E. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed thirty-three (33%) percent of the household's eligible monthly income.

#### **§ 131-7.2. Limitations on Indebtedness Secured by Ownership Unit; Subordination**

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the

proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

- B. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed ninety-five (95%) percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

**9. Section 131-8 shall be repealed and replaced with the following:**

**§ 131-8. Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least fifty (50) years, until the Township of Monroe takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

**§ 131-8.1. Capital Improvements to Ownership Units**

- A. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year,

straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

#### **§ 131-8.2. Control Periods for Restricted Rental Units**

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least fifty (50) years, until the Township of Monroe takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Middlesex. A copy of the filed document shall be provided to the Administrative Agent within thirty (30) days of the receipt of a Certificate of Occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
  - 1. Sublease or assignment of the lease of the unit;
  - 2. Sale or other voluntary transfer of the ownership of the unit; or
  - 3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

#### **§ 131-8.3. Rent Restrictions for Rental Units; Leases**

- A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- C. Application fees (including the charge for any credit check) shall not exceed five (5%) percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
- D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least fifteen (15%) percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

#### **§ 131-8.4 Tenant Income Eligibility**

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

- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed thirty-five (35%) percent (forty (40%) percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
1. The household currently pays more than thirty (35%) percent (forty (40%) percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  2. The household has consistently paid more than thirty-five (35%) percent (forty (40%) percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  3. The household is currently in substandard or overcrowded living conditions;
  4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in A.1. through B.5. above with the Administrative Agent, who shall counsel the household on budgeting.

**10. Section 131-9 shall remain in full force and effect.**

**11. Section 131-10 shall be repealed.**

**12. Section 131-11 shall remain in full force and effect.**

**13. Section 131-12 shall remain in full force and effect.**

**14. Section 131-13 shall be repealed and replaced with the following:**

**§ 131-13. Municipal Housing Liaison.**

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Township of Monroe.
- B. The Municipal Housing Liaison shall be appointed by the Mayor with the advice and consent of the Council and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison. The Municipal Housing Liaison in Monroe Township is hereby designated to act as liaison between the Township, the Monroe Township Affordable Housing Board, the Administrative Agent, and the Council on Affordable Housing (COAH), the Court or other appropriate supervising agency; and shall provide a monthly report to the Affordable Housing Board concerning action taken by the Administrative Agent.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Monroe, including the following responsibilities which may not be contracted out to the Administrative Agent:
1. Serving as the Township of Monroe's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
  2. Monitoring the status of all restricted units in the Township of Monroe's Fair Share Plan;

3. Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
  4. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
  5. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- D. Subject to the approval of the Court, the Township of Monroe shall designate an Administrative Agent to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Township Clerk, in the office of the Municipal Housing Liaison, and in the office of the Administrative Agent. The Municipal Housing Liaison shall supervise the contracting of the Administrative Agent.
- E. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- F. The Administrative Agent shall be an independent entity serving under contract to and reporting to the Affordable Housing Board. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:
1. Affirmative Marketing:
    - a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Monroe and the provisions of N.J.A.C. 5:80-26.15; and
    - b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
  2. Household Certification:
    - a. Soliciting, scheduling, conducting and following up on interviews with interested households;
    - b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
    - c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
    - d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1, *et seq.*;
    - e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
    - f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Monroe when referring households for certification to affordable units.
  3. Affordability Controls:

- a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
  - c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Middlesex County Register of Deeds or Middlesex County Clerk's office after the termination of the affordability controls for each restricted unit;
  - d. Communicating with lenders regarding foreclosures; and
  - e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
4. Resales and Re-rentals:
- a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
  - b. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
5. Processing Requests from Unit Owners:
- a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
  - b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
  - c. Notifying the municipality of an owner's intent to sell a restricted unit; and
  - d. Making determinations on requests by owners of restricted units for hardship waivers.
6. Enforcement:
- a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
  - b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
  - c. In the event that the administration of low and moderate income housing in an inclusionary development is to be performed by the Administrative Agent, the payment of the Administrative Agent fee shall be the responsibility of the developer/owner of that particular inclusionary development and shall be a condition of Municipal Planning Board Approval.

- d. All developers/owners of low and moderate income housing units shall be required to assist in the marketing of the affordable units in their respective developments. The cost of advertising the low and moderate income units shall be the developer's responsibility and this requirement shall be a condition of Municipal Planning Board approval.
  - e. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
  - f. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
  - g. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
  - h. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.
7. Additional Responsibilities:
- a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
  - b. In the event that the Township of Monroe enters into a contract with the Administrative Agent regarding affordable sales and rental units, all other applicable sections of this chapter shall be enforced by the Administrative Agent on behalf of the Township of Monroe.
  - c. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.
  - d. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

**15. The following additional provisions shall be added:**

**§ 131-14. Applicability**

- A. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Monroe pursuant to the Township's most recently adopted Housing Element and Fair Share Plan, and all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.
- B. In addition, any property in the Township of Monroe that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside of twenty (20%) percent if the affordable units will be for rent and twenty (20%) percent if the affordable units will be for sale. The determination of a "sufficient compensatory benefit" shall be made by the reviewing authority based upon prevailing legislation and/or case law.



### § 131-15. Alternative Living Arrangements

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
  - 1. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
  - 2. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least fifty (50) year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- C. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

### § 131-16. New Construction

- A. Accessibility Requirements.
  - 1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Sub-Code, N.J.A.C. 5:23-7 and the following:
  - 2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
    - a. An adaptable toilet and bathing facility on the first floor; and
    - b. An adaptable kitchen on the first floor; and
    - c. An interior accessible route of travel on the first floor; and
    - d. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
    - e. If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
    - f. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, *et seq.*) and the Barrier Free Sub-Code, N.J.A.C. 5:23-7, or evidence that the Township of Monroe has collected funds from the developer sufficient to make ten (10%) percent of the adaptable entrances in the development accessible:
      - i) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
      - ii) To this end, the builder of restricted units shall deposit funds within the Township of Monroe's Affordable Housing Trust Fund sufficient to install accessible entrances in ten (10%) percent of the affordable units that have been constructed with adaptable entrances.
      - iii) The funds deposited under paragraph 6(b) above shall be used by the Township of Monroe for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with

a disability who occupies or intends to occupy the unit and requires an accessible entrance.

- iv) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township of Monroe for the conversion of adaptable to accessible entrances.
- v) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Sub-Code, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- vi) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Sub-Code, N.J.A.C. 5:23-7.

B. Design:

- 1. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- 2. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

C. Distribution of low and moderate income units:

- 1. With the exception of inclusionary development constructed pursuant to low income tax credit regulations, at least half of all units within each inclusionary development shall be affordable to low income households.
- 2. With the exception of inclusionary developments constructed pursuant to low income tax credit regulations, at least half of all rental units shall be affordable to low income households.
- 3. With the exception of inclusionary developments constructed pursuant to low income tax credit regulations, at least one-third (1/3) of all units in each bedroom distribution, as set forth in N.J.A.C. 5:93-7.3, shall be affordable to low income households.

D. Bedroom distribution.

- 1. Inclusionary developments that are not restricted to senior citizens shall be structured in conjunction with realistic market demands so that:
  - a. The combination of efficiency and one-bedroom units is at least ten (10%) percent and no greater than twenty (20%) percent of the total low and moderate income units.
  - b. At least thirty (30%) percent of all low and moderate income units are two-bedroom units.
  - c. At least twenty (20%) percent of all low and moderate income units are three-bedroom units.
- 2. Low and moderate income units restricted to senior citizens may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of senior citizen low and moderate income units within the inclusionary development. This standard can be met by creating all one bedroom units or by creating a two-bedroom unit for each efficiency unit. Applications to waive this

standard shall be made in accordance with N.J.A.C. 5:93 and shall be referred to the DCA Division on Aging for review and recommendations.

- E. Construction phasing of inclusionary units. Inclusionary development shall require low and moderate income housing units to be built in accordance with the following schedule:

Minimum Percentage of Low and Moderate Income Units Completed	Percentage of Market Housing Units Completed
0	25
10	25 + 1 unit
50	50
75	75
100	<u>90</u>
	100

- F. Utilities:

1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

- G. Maximum Rents and Sales Prices:

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than sixty (60%) percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than fifty-two (52%) percent of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that **at least ten (10%) percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning thirty (30%) percent or less of the regional median household income.**
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than seventy (70%) percent of median income, and each affordable development must achieve an affordability average of fifty-five (55%) percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
  - a. A studio shall be affordable to a one-person household;
  - b. A one-bedroom unit shall be affordable to a one and one-half person household;

- c. A two-bedroom unit shall be affordable to a three-person household;
  - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
  - e. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
    - a. A studio shall be affordable to a one-person household;
    - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
    - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
  7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to ninety-five (95%) percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed twenty-eight (28%) percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
  8. The initial rent for a restricted rental unit shall be calculated so as not to exceed thirty (30%) percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
  9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
  10. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine (9%) percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

#### **§ 131-17. Enforcement of Affordable Housing Regulations**

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
    - a. A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
    - b. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Monroe Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - c. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
  2. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
    - a. The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
    - b. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- c. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- e. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- f. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

#### **§ 131-18. Appeals**

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

#### **REPEALER**

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

#### **SEVERABILITY**

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

#### **EFFECTIVE DATE**

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

Council President Koppel opened the Public Hearing to Council and Public discussion of this Ordinance.

**Mark Klein**, 7 Crenshaw – does not approve of how the State dictates how a Township must provide affordable housing in a community.

**Hy Grossman**, 15 Doral Dr. – Page 4 of the Ordinance, 131-3 of the attachment, he believes there is a typo. Subsection a, b & c talks about 5 members of the Board – but lists a total of 6. The Council President thanked Mr. Grossman and advised the Ordinance will be modified.

**Michele Arminio**, 9 Nathaniel St. – at the Agenda meeting it was mentioned that some of the Ordinances would be removed. She was advised that is to follow later in the meeting.

She asked to have the changes noted. Administrator Hamilton stated the references in the Ordinance only applies to the State level and not the Municipal level. This was removed at the recommendation of the Court Master.

As Councilman Leibowitz and Councilwoman Schneider regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **ORDINANCE NO. O-7-2016-024 REPEALING, REPLACING AND AMENDING CERTAIN PROVISIONS OF CHAPTER 131-1 ET SEQ., OF THE AFFORDABLE HOUSING ORDINANCE OF THE TOWNSHIP OF MONROE TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS.**

ROLL CALL: Councilman Blaise Dipierro	Aye
Councilman Michael Leibowitz	Aye
Councilwoman Elizabeth Schneider	Aye
Council Vice-President Stephen Dalina	Aye
Council President Leslie Koppel	Aye

Copy of Ordinance Duly Filed.  
O-07-2016-024

**UPON MOTION** made by Councilman Leibowitz and seconded by Councilwoman Schneider, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE NO. O-7-2016-025 ACKNOWLEDGING MONROE TOWNSHIP'S ACCEPTANCE OF THE TRAFFIC CONTROL SIGNAL LOCATED AT THE INTERSECTION OF COUNTY ROUTE 522 (a/k/a BUCKELEW AVENUE) AND COUNTY ROUTE 613 (a/k/a SPOTSWOOD-ENGLISHTOWN ROAD).**

**ORDINANCE** as follows: (O-07-2016-025)

**BE IT ORDAINED** by the Township Council of the Township of Monroe, in the County of Middlesex and State of New Jersey as follows:

**SECTION 1.** The intersection of County Route 522 (a/k/a Buckelew Avenue) and County Route 613 (a/k/a Spotswood-Englishtown Road) shall be controlled by a Traffic Control Signal in accordance with the Plan dated July 14, 2015, last revised February 2, 2016, as built, and the Traffic Signal and Timing Diagram dated July 14, 2015, last revised February 1, 2016, as built.

**SECTION 2.** The Traffic Control Signal shall be in accordance with the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes and the New Jersey Administrative Code, and shall be operated in conformance with the designated plan.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed.

**SECTION 4.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

**SECTION 5.** This Ordinance shall take effect upon final passage and publication as provided by law.

**SECTION 6.** Upon final passage and adoption, the Township Clerk shall forward a certified copy of this Ordinance to Richard Wallner, Middlesex County Engineer, County Administration Bldg., 5<sup>th</sup> Floor, 75 Bayard Street, New Brunswick, New Jersey 08901, for submission to the Middlesex County Board of Chosen Freeholders for a Consenting Resolution.

**SO ORDAINED**, as aforesaid.

Council President Koppel opened the Public Hearing for Council and Public discussion of this Ordinance.

There was no Council or Public discussion of this Ordinance.

As Councilman Leibowitz and Councilwoman Schneider regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **ORDINANCE NO. O-7-2016-025 ACKNOWLEDGING MONROE TOWNSHIP'S ACCEPTANCE OF THE TRAFFIC CONTROL SIGNAL LOCATED AT THE INTERSECTION OF COUNTY ROUTE 522 (a/k/a BUCKLEW AVENUE) AND COUNTY ROUTE 613 (a/k/a SPOTSWOOD-ENGLISHTOWN ROAD).**

ROLL CALL: Councilman Blaise Dipierro	Aye
Councilman Michael Leibowitz	Aye
Councilwoman Elizabeth Schneider	Aye
Council Vice-President Stephen Dalina	Aye
Council President Leslie Koppel	Aye

Copy of Ordinance Duly Filed.  
O-07-2016-025

**UPON MOTION** made by Councilwoman Schneider and seconded by Council Vice President Dalina, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE NO. O-7-2016-026 AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE, ENTITLED "LAND DEVELOPMENT"**.

**ORDINANCE** as follows: (O-07-2016-026)

**WHEREAS**, by Resolution 7-2016-283, the Council approved The Housing Element and Fair Share Plan of the Monroe Township Master Plan; and

**WHEREAS**, that Plan contemplated certain amendments to Chapter 108; and

**WHEREAS**, the Planning Board, the Township Planner and Township Counsel recommend the adoption of these amendments; and

**WHEREAS**, the Council believes the amendments to be in the public interest;

**WHEREAS**, pursuant to N.J.S.A. 40:55D-62, *et seq.*, the Township Clerk has notified persons affected by the zoning district changes contemplated hereby;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Monroe, in the County of Middlesex and State of New Jersey that Chapter 108 of the Code of the Township of Monroe entitled "Land Development" be and is hereby amended as follows:

**§ 108-6.28. PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District.**

The PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District is repealed in its entirety.

**§ 108-6.7. R-3A Residential –Agricultural District.**

The overlay zone PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District in the R-3A Residential-Agricultural District is removed from Lots 2, 4, 5, 10, 11.05, 13, 14, 15, 16.01 and 32 in Block 36 and Lot 1 in Block 36.02 and said lots shall be zoned strictly R-3a Residential Agricultural District.

**§ 108-6.30. R-ARAF Residential-Age Restricted Affordable Housing District.**

Lots 1.09, 3, 6, 9.01, 9.02 and 11.01 in Block 36, which were formerly zoned R-3A Residential-Agricultural District with an overlay PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District, are changed to a R-ARAF Residential-Age Restricted Affordable Housing District.

- A. The purpose of this section is to establish the standards and requirements for developments that include a mix of market-priced housing and housing affordable to



low- and moderate-income age-restricted households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's needed low and moderate income housing.

B. The following shall be requirements of the R-ARAF District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.

C. Permitted Uses:

(1) Inclusionary housing development consisting of affordable age-restricted housing as defined by this Article and the current rules of the New Jersey Council of Affordable Housing and market-rate housing. All housing shall comply with the provisions set forth herein this section. Permitted residential dwellings include:

(a) Market-rate multi-family townhouse and apartment dwelling units that are deed restricted to limit the number of bedrooms to two (2) per dwelling units and to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum amount of market-rate multi-family townhouse and apartment dwelling units shall not exceed two-hundred-thirteen (213).

(b) Affordable multi-family age-restricted rental apartment dwelling units that are provided at a minimum twenty percent (20%) set aside of total dwelling units and thirteen percent (13%) of the total affordable dwelling units are for very low-income households. The minimum amount of affordable multi-family age-restricted rental apartment dwelling units shall be fifty-three (53).

(2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable age-restricted and market-rate housing to be used by the residents of the Inclusionary housing development, their guests or other authorized users.

D. Permitted Accessory Uses:

(1) Decks and patios for use by the residents on the premises, located in the rear yard within the building envelope. No deck shall be larger than ten (10) feet by twenty (20) feet.

(2) Open space and recreational facilities for use by the residents on the premises.

E. Development, area, yard and building requirements. No building permit shall be issued for construction or other improvement in an R-ARAF Residential-Age Restricted Affordable Housing District development except in accordance with a general development plan for the overall site and an engineering and improvement plan for each section that has been approved by the Planning Board. The following development requirements shall apply to the R-ARAF Residential-Age Restricted Affordable Housing District:

(1) Minimum site area. The minimum site area for an inclusionary development in the R-ARAF Residential-Age Restricted Affordable Housing District shall be at least sixty-six (66) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads.

(2) Gross residential density. The gross residential density shall not exceed four (4) dwelling units per acre.

(3) Site bulk requirements:

[1] Minimum site frontage shall be one thousand one hundred (1,100) feet.

[2] Minimum site width shall be one thousand one hundred (1,100) feet.

[3] Minimum site depth shall be one thousand (1,000) feet.

(4) Yard and setback requirements:

<u>Description</u>	<u>Tract Boundary</u>	<u>Internal Lots</u>	<u>To Curb Line of Internal Road, Townhouses</u>	<u>To Curb Line of Internal Road Apartments</u>
Minimum Front Yard	50 feet	--	25 feet; 25 feet to front façade with driveway	15 feet; 25 feet to front façade with driveway and garage
Minimum Side Yard	50 feet	10 feet	--	--
Minimum Rear Yard	50 feet	20 feet	--	--

(5) Minimum separation between facades of residential buildings on lot with multiple residential buildings:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	40 feet

(6) Building coverage. Not more than twenty percent (20%) of the gross area of the total property tract shall be covered by buildings.

(7) Maximum building height.

(a) Townhouses shall not exceed three (3) stories or forty-five (45) feet.

(b) Apartment flats shall not exceed three (3) stories or forty-five (45) feet.

(8) Sidewalks and walkways shall comply with § 108-6.21.I. of this Article.

(9) Buffers and landscaping, shade trees and tree preservation shall comply with § 108-6.30.I. of this Article.

F. Affordable Housing.

(1) Required percentage of affordable age-restricted dwelling units built on-site. The developer shall designate and set aside twenty percent (20%) of the age-restricted dwelling units to be built on-site to have rents that are affordable to low- and moderate-income households and at least thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households.

(2) Required bedroom distribution for age-restricted affordable dwelling units. Low- and moderate-income units that are age-restricted may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of senior citizen low- and moderate- income units within the Inclusionary development. The standard can be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit. Applications to waive this standard shall be made in accordance with N.J.A.C. 5:93 and shall be referred by the Council on Affordable Housing (C.O.A.H.) to the DCA Division of Aging for review and recommendations.

(3) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low income households. Thirteen percent (13%) of the total affordable dwelling units

shall be affordable to very low-income households, which very low-income units shall be counted as part of the low-income housing requirement.

- (4) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

<b>Minimum Percentage of Low and Moderate Units Completed</b>	<b>Percentage of Market-Housing Units Completed</b>
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

- (5) Age restrictions shall be placed on the occupants of the designated affordable housing dwelling units.
- (6) The location and design of affordable housing shall comply with the following requirements:
- (a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.
  - (b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
- (7) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and current New Jersey Council on Affordable Housing rules.
- (8) Establishing rents of units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (9) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (10) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (11) Application procedures for Inclusionary housing development shall comply with § 108-6.21.M of this Article.
- G. Signage as permitted in Article X of this Chapter.
- H. Parking as required in Article IX of this Chapter.
- I. Landscaping and buffering as required by the following standards and in Article VIII of this Chapter:

- (a) Buildings shall be set back a minimum of fifty (50) feet from the property lines of the tract. At least thirty (30) feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property.
  - (b) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.
  - (c) Buffering shall consist of a six (6)-foot high, sculptured, undulating, landscaped berm that has a top width of at least ten (10) feet. The top and side slopes of the berm shall be planted with massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves a full screening effect. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.
- J. Fences are permitted in accordance with Article VIII of this Chapter.
- K. An eight (8)-foot wide meandering path that consists of permanent pavement, such as concrete or bituminous concrete, shall be provided along Spotswood-Englishtown Road.

**§ 108-6.31. HD-R-AH Highway Development-Residential-Affordable Housing District.**

Block 1.14 consisting of Lot 13.02, which was formerly zoned as HD Highway Development District, is changed to a HD-R-AH Highway Development-Residential-Affordable Housing District.

- A. The purpose of this section is to establish the standards and requirements for developments that include a mix of highway commercial uses, market-priced housing and housing affordable to low- and moderate-income households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's needed low and moderate income housing.
- B. The following shall be requirements of the HD-R-AH District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.
- C. Permitted Uses:
  - (1) All non-residential uses permitted in the HD District as provided in § 108-6.18.A. Only HD permitted uses shall be developed within four hundred (400) feet from the right-of-way line of New Jersey State Highway Route 33.
  - (2) Inclusionary housing development consisting of affordable housing as defined by this Article and the current rules of the New Jersey Council of Affordable Housing and market-rate housing. All housing shall be developed beyond four hundred (400) feet from the right-of-way line of New Jersey State Highway Route 33 and shall comply with the provisions set forth herein this section. Permitted residential dwellings include:
    - (a) Market-rate multi-family townhouse and apartment dwelling units that are deed restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum amount of market-rate multi-family townhouse and apartment dwelling units shall not exceed one hundred twenty (120).
    - (b) Affordable multi-family family rental apartment dwelling units that are provided at a minimum twenty percent (20%) set aside of total dwelling units and

thirteen percent (13%) of the total affordable dwelling units are for very low-income households. The minimum amount of affordable multi-family family rental apartment dwelling units shall be thirty (30).

(3) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable and market-rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized users.

D. Permitted Accessory Uses:

- (1) Common swimming pools and clubhouses for use by the residents on the premises as per the requirements of Article XII of this Chapter.
- (2) Open space and recreational facilities for use by the residents on the premises.
- (3) Decks and patios for use by the residents on the premises located in the rear yard within the building envelope, except for decks and patios facing Butcher Road when compliant landscape buffer and berm are provided to create an effective screen from said road. No deck shall be larger than ten (10) feet by twenty (20) feet.
- (4) Off-street parking areas and loading areas.
- (5) Signs.
- (6) Fences and walls.
- (7) Satellite antennas.
- (8) Public utility installations.

E. Conditional uses requiring a conditional use permit subject to the provisions of Article VII of this Chapter:

- (1) Automotive gasoline stations, automotive repair garages, automotive service stations, automotive sales and service facilities.

F. Development, area, yard and building requirements. The following development requirements shall apply to the HD-R-AH Highway Development-Residential-Affordable Housing District:

- (1) Minimum tract area for a mix of non-residential and inclusionary residential uses shall be thirty (30) acres.
- (2) Permitted non-residential uses shall comply with the development, area, yard and building requirements of the HD District as set forth in § 108-6.4 of this Chapter, except for minimum lot area which shall be four (4) acres and minimum lot depth shall be four hundred (400) feet.
- (3) Inclusionary housing development shall comply with the following development, area, yard and building requirements:
  - (a) Minimum site area. The minimum site area for an inclusionary development in the HD-R-AH Highway Development-Residential-Affordable Housing District shall be at least twenty-five (25) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads, exclusive of the area of the parcel of land that will be developed with permitted non-residential uses.
  - (b) Gross residential density. The gross residential density of the entire tract shall not exceed five (5) dwelling units per acre, and the maximum number of residential units shall not exceed one hundred fifty (150) dwelling units of which one hundred twenty (120) dwellings may be market-rate dwelling units and thirty (30) dwelling units shall be affordable dwelling units.
  - (c) Residential sections may be subdivided into separate lots. Regardless of whether a residential section has been subdivided into a separate lot, a townhouse residential section shall not exceed a net residential density of eight (8) dwelling units per acre and an apartment residential section shall not exceed a net residential density of twelve and five tenth (12.5) dwelling units per acre.
  - (d) Bulk requirements for subdivided lots containing a residential section:
    - [1] Minimum lot area shall be four (4) acres.
    - [2] Minimum lot frontage shall be two hundred (200) feet.
    - [3] Minimum lot width shall be two hundred (200) feet.
    - [4] Minimum lot depth shall be five hundred (500) feet.
  - (e) Yard and setback requirements:

<u>Description</u>	<u>Tract Boundary</u>	<u>Internal Lots</u>	<u>To Curb Line of Internal Road, Townhouses</u>	<u>To Curb Line of Internal Road Apartments</u>
Minimum Front Yard	50 feet	--	25 feet; 25 feet to front façade with driveway	15 feet; 25 feet to front façade with driveway and garage
Minimum Side Yard	50 feet	10 feet	--	--
Minimum Rear Yard	50 feet	20 feet	--	--

- (f) Minimum separation between facades of residential buildings on lot with multiple residential buildings:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	40 feet

- (g) Lot coverage by buildings. Not more than thirty percent (30%) of the gross area of each residential section shall be covered by buildings.

- (h) Maximum building height.

- [1] Townhouses shall not exceed three (3) stories or forty-five (45) feet.
- [2] Apartment flats shall not exceed three (3) stories or forty-five (45) feet.

- (i) Sidewalks and walkways shall comply with § 108-6.21.I. of this Article.

- (j) Buffers and landscaping, shade trees and tree preservation shall comply with § 108-6.31.J. of this Article.

- (4) All residential, including market-rate housing sections and affordable housing sections, and non-residential sections shall be interconnected with free flowing, non-barricaded roads and sidewalks. Cross access easements shall be provided on all subdivided residential and non-residential lots to ensure the free flow of pedestrian, bicycle and vehicular traffic.

G. Affordable Housing.

- (1) Required percentage of affordable family rental dwelling units built on-site. The developer shall designate and set aside of twenty percent (20%) of the dwelling units to be built on-site to have rents that are affordable to low- and moderate-income households and at least thirteen percent (13%) affordable to very low-income households.
- (2) Required bedroom distribution for affordable family rental dwelling units.

- (a) At a minimum, thirty percent (30%) of all low- and moderate-income units shall have two (2) bedrooms.
  - (b) At a minimum, twenty percent (20%) of all low- and moderate-income units shall have three (3) bedrooms.
  - (c) The combination of efficiency and one-bedroom units shall be at least ten percent (10%) and no greater than twenty percent (20%) of the total low- and moderate-income units.
- (3) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households.
- (4) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

<b>Minimum Percentage of Low and Moderate Units Completed</b>	<b>Percentage of Market-Housing Units Completed</b>
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

- (5) The location and design of affordable housing shall comply with the following requirements:
  - (a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.
  - (b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
- (6) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and current New Jersey Council on Affordable Housing rules.
- (7) Establishing rents of units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (8) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (9) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.



(10) Application procedures for Inclusionary housing development shall comply with § 108-6.21.M of this Article.

H. Signage as permitted in Article X of this Chapter.

I. Parking and loading as required in Article IX of this Chapter.

J. Landscaping and buffering as required by the following standards and in Article VIII of this Chapter

(1) Permitted non-residential uses shall comply with the buffer requirements of the HD District as set forth in § 108-6.18.H.

(2) Inclusionary housing development shall comply with the following buffering requirements:

(a) Minimum width of buffer area along Butcher Road and the property lines of the tract shall be fifty (50) feet.

(b) Buildings shall be set back a minimum of fifty (50) feet from the property lines of the tract. At least thirty (30) feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property.

(c) Minimum width of buffer area between the permitted non-residential uses and inclusionary development shall be twenty (20) feet. The buffer may include a berm of at least two (2) in height as is feasible given good engineering practices.

(d) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.

(e) Buffering shall consist of a six (6)-foot high, sculptured, undulating, landscaped berm that has a top width of at least ten (10) feet. The top and side slopes of the berm shall be planted with massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves a full screening effect. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

K. Fences are permitted in accordance with Article VIII of this Chapter.

L. A ten (10)-foot wide meandering path that consists of permanent pavement, such as concrete or bituminous concrete, shall be provided along the frontage of the entire tract along Butcher Road and Route 33 and along the perimeter of stormwater management basins and connected to the internal pedestrian walkway system of the site.

**§ 108-6.32. POCD-AR-AH Planned Office Commercial Development-Age Restricted-Affordable Housing District.**

Block 25 consisting of Lots 2.10, 2.11, 2.12, 2.13 and 2.14, which was formerly zoned as PO/CD Planned Office Commercial District, is changed to a POCD-AR-AH Planned Office Commercial Development-Age Restricted-Affordable Housing District.

- A. The purpose of this section is to establish the standards and requirements for developments that include a mix of office and commercial uses, market-priced age-restricted housing and housing affordable to low- and moderate-income age-restricted households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's needed low and moderate income housing.
- B. The following shall be requirements of the POCD-AR-AH District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.

C. Required Uses:

Mixed-use building that consists of non-residential uses as permitted in this section and residential uses as required in this section. Non-residential uses shall be required to be provided on the first floor of the mixed-use building that faces Applegarth Road. Inclusionary housing development consisting of affordable housing as defined by this Article and the current rules of the New Jersey Council of Affordable Housing and market-rate housing shall be required to be provided within the mixed-use building. All housing shall comply with the provisions set forth herein this section. Permitted residential dwellings include:

- (a) Market-rate multi-family apartment dwelling units that are deed restricted to permit only senior citizen residents as regulated in this Chapter and to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum amount of market-rate multi-family age-restricted apartment dwelling units shall not exceed one hundred nine (109).
- (b) Affordable multi-family age-restricted rental apartment dwelling units that are provided at a minimum twenty-three-and-twenty-four-hundredths percent (23.24%) set aside of total dwelling units and thirteen percent (13%) of the total affordable dwelling units are for very low-income households. The minimum amount of affordable multi-family age-restricted rental apartment dwelling units shall be thirty-three (33). The affordable rental apartments shall be deed restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom.

D. Permitted Uses:

- (1) All non-residential uses permitted in the PO/CD District as provided in § 108-6.16.A. and the NC Neighborhood Commercial District as provided in § 108-6.17.A.
- (2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable and market-rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized users.

E. Permitted Accessory Uses:

- (1) Off-street parking areas and loading areas.
- (2) Signs.
- (3) Fences and walls.
- (4) Satellite antennas.
- (5) Public utility installations.
- (6) Open space and recreational facilities for use by the residents on the premises.
- (7) Customary and accessory uses and buildings which are clearly incidental to permitted principal non-residential uses and buildings.

F. Development, area, yard and building requirements. The following development requirements shall apply to the POCD-AR-AH Planned Office Commercial Development-Age Restricted-Affordable Housing District:

- (1) Minimum tract area for mixed-use inclusionary housing and non-residential development in the POCD-AR-AH District shall be seventeen (17) acres.
- (2) Permitted non-residential uses shall comply with the development, area, yard and building requirements of the PO/CD District as set forth in § 108-6.4 of this Chapter.
- (3) Inclusionary housing development shall comply with the following development, area, yard and building requirements:
  - (a) Minimum lot area. The minimum site area for an inclusionary development in the POCD-AR-AH Planned Office Commercial Development-Age Restricted-Affordable Housing District shall be at least four (4) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads, exclusive of the area of the parcel of land that will be developed with permitted non-residential uses.
  - (b) Gross residential density. The gross residential density of the entire tract shall not exceed eight and two-tenths (8.2) dwelling units per acre, and the maximum number of residential units shall not exceed one hundred forty-two (142) of which one hundred nine (109) may be market-rate age-restricted dwelling units and thirty-three (33) dwelling units shall be affordable age-restricted dwelling units.
  - (c) Bulk and yard requirements:
    - [1] Minimum lot frontage shall be three hundred (300) feet.
    - [2] Minimum lot width shall be three hundred (300) feet.
    - [3] Minimum lot depth shall be three (300) feet.
    - [4] Minimum front yard setback shall be fifty (50) feet.
    - [5] Minimum side yard setback to the tract boundary shall be fifty (50) feet.
    - [6] Minimum side yard setback to an internal lot shall be twenty [20] feet.
    - [7] Minimum rear yard setback shall be one hundred (100) feet.
  - (d) Maximum building height. Mixed-use building shall not exceed four (4) stories or fifty-eight (58) feet.
  - (e) Building Separation Requirement:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	40 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	50 feet
  - (f) Lot coverage by buildings. Not more than thirty percent (30%) of the gross area of each residential section shall be covered by buildings.

- (g) Sidewalks and walkways shall comply with § 108-6.21.I. of this Article.
- (h) Buffers, landscaping, shade trees and tree preservation shall comply with § 108-6.32.I. of this Article.

G. Affordable Housing.

- (1) Required percentage of affordable family rental dwelling units built on-site. The developer shall designate a set aside of twenty-three-and-twenty-four-hundredths percent (23.24%) of the dwelling units to be built on-site to have rents that are affordable to low- and moderate-income households and at least thirteen percent (13%) of the total affordable dwelling units shall be for very low-income households.
- (2) Required bedroom distribution for age-restricted affordable dwelling units. Low- and moderate-income units that are age-restricted may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of senior citizen low- and moderate- income units within the Inclusionary development. The standard can be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit. Applications to waive this standard shall be made in accordance with N.J.A.C. 5:93 and shall be referred by the Council on Affordable Housing (C.O.A.H.) to the DCA Division of Aging for review and recommendations.
- (3) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households.
- (4) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

<b>Minimum Percentage of Low and Moderate Units Completed</b>	<b>Percentage of Market-Housing Units Completed</b>
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

- (5) Age restrictions shall be placed on the occupants of the designated affordable housing dwelling units.
- (6) The location and design of affordable housing shall comply with the following requirements:
  - (a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.

- (b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
  - (7) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and current New Jersey Council on Affordable Housing rules.
  - (8) Establishing rents of units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
  - (9) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
  - (10) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
  - (11) Application procedures for Inclusionary housing development shall comply with § 108-6.21.M of this Article.
- H. Signage as permitted in Article X of this Chapter.
- I. Parking and loading as required in Article IX of this Chapter.
- J. Landscaping and buffering as required by the following standards and in Article VIII of this Chapter:
- (1) Permitted non-residential uses shall comply with the buffer requirements of the PO/CD District as set forth in § 108-6.16.H.
  - (2) Inclusionary housing development shall comply with the following buffering requirements:
    - (a) Minimum width of buffer area fifty (50) feet.
    - (b) Buildings shall be set back a minimum of fifty (50) feet from the property lines of the tract. At least thirty (30) feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property.
    - (c) Minimum width of buffer area between the permitted non-residential uses and inclusionary development shall be thirty (30) feet.
    - (d) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.
    - (e) Buffering shall consist of a six (6)-foot high, sculptured, undulating, landscaped berm that has a top width of at least ten (10) feet. The top and side slopes of the berm shall be planted with massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves a full screening effect. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

K. Fences are permitted in accordance with Article VIII of this Chapter.

**§ 108-6.33. MU-HD-R-AH Mixed Use-Highway Development-Residential-Affordable Housing District.**

Block 3 consisting of Lots 12.01, 13, 14, 26 and 27, which was formerly zoned as LI Light Industrial District, is changed to MU-HD-R-AH Mixed Use-Highway Development-Residential-Affordable Housing District.

A. The purpose of this section is to establish the standards and requirements for developments that include a mix of highway commercial uses, market-priced housing and housing affordable to low- and moderate-income family households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to

provide a realistic opportunity for the construction of its fair share of its region's needed low and moderate income housing.

B. The following shall be requirements of the MU-HD-R-AH District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.

C. Required Uses:

(1) Inclusionary housing development consisting of affordable housing as defined by this Article and the current rules of the New Jersey Council of Affordable Housing and market-rate housing. The inclusionary housing development shall be provided on the eastern two-thirds of the tract of land facing Route 33. All housing shall comply with the provisions set forth herein this section. Permitted residential dwellings include:

(a) Market-rate multi-family townhouse and apartment dwelling units that are deed restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum amount of market-rate multi-family townhouse and apartment dwelling units shall not exceed one thousand two hundred seventy-three (1,273).

(b) Affordable multi-family family rental apartment dwelling units that are provided at a minimum eight-and-fifteen hundredths percent (8.15%) set aside of total dwelling units and thirteen percent (13%) of the total affordable dwelling units are for very low-income households. The minimum amount of affordable multi-family family rental apartment dwelling units shall be one hundred thirteen (113). The affordable rental apartments shall be deed restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom.

(c) Pursuant to a court settlement, the inclusionary development in the MU-HD-R-AH District shall be phased with the development of a one hundred percent (100%) affordable family rental project that consists of one hundred (100) dwelling units, which will be developed on Block 53, part of Lot 24 and shall set aside fifteen percent (15%) of the total one hundred percent (100%) affordable family rental dwelling units for very low-income households, and a one hundred percent (100%) affordable family rental project that consists of one hundred seventy-one (171) dwelling units,

which will be developed on Block 6, Lots 12.06, 15.01, 23.01 and 27.01 and shall set aside fifteen percent (15%) of the total one hundred percent (100%) affordable family rental dwelling units for very low-income households. When the two (2) one hundred percent (100%) affordable family rental projects are combined with the affordable multi-family family rental apartment dwelling units of the MU-HD-R-AH district, the total affordable housing set aside is twenty-three and seventeen hundredths

percent (23.17%), which is calculated by dividing a total of three hundred eighty-four (384) affordable dwelling units by one thousand six hundred fifty-seven (1,657) total dwelling units consisting of the market-rate and affordable dwelling units in MU-HD-R-AH District and the one-hundred percent (100%) affordable dwelling units on Block 53, part of Lot 24 and Block 6, Lots 12.06, 15.01, 23.01 and 27.01. The overall phasing of market-rate dwelling units in the MU-HD-R-AH District and the affordable dwelling units in the MU-HD-R-AH District and the two hundred-seventy-one (271) one hundred percent (100%) affordable dwelling units shall be provided as set forth in subsection G.(6) below.

D. Permitted Uses:

- (1) All non-residential uses permitted in the HD Highway Development District as provided in § 108-6.18.A. Non-residential development shall be provided on the western one-third of the site facing Route 33.
- (2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable and market-rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized user.

E. Permitted Accessory Uses:

- (1) Off-street parking areas and loading areas.
- (2) Signs.
- (3) Fences and walls.
- (4) Satellite antennas.
- (5) Public utility installations.
- (6) Open space and recreational facilities for use by the residents on the premises.

F. Development, area, yard and building requirements. The following development requirements shall apply to the MU-HD-R-AH Mixed Use-Highway Development-Residential-Affordable Housing District:

- (1) Minimum tract area for mixed-use inclusionary housing and non-residential development in the MU-HD-R-AH District shall be two hundred thirty (230) acres.
- (2) Permitted non-residential uses shall comply with the development, area, yard and building requirements of the HD District as set forth in § 108-6.4 of this Chapter.
- (3) Inclusionary housing development shall comply with the following development, area, yard and building requirements:
  - (a) Minimum area. The minimum site area for an inclusionary development in the MU-HD-R-AH District shall be at least one hundred (100) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads, exclusive of the area of the parcel of land that will be developed with permitted non-residential uses.

(b) Gross residential density. The gross residential density of the entire tract shall not exceed five and six tenths (5.6) dwelling units per acre.

(c) Bulk and yard requirements:

- [1] Minimum lot frontage shall be five hundred (500) feet.
- [2] Minimum lot width shall be five hundred (500) feet.
- [3] Minimum lot depth shall be seven hundred (700) feet.
- [4] Minimum front yard setback shall be one hundred (100) feet.
- [5] Minimum side yard setback shall be one hundred (100) feet.
- [6] Minimum rear yard setback shall be one hundred (100) feet.

(d) Setback requirements:

<u>Description</u>	<u>Tract Boundary</u>	<u>Internal Lots</u>	<u>To Curb Line of Internal Road, Townhouses</u>	<u>To Curb Line of Internal Road, Apartments</u>
Minimum Front Yard	50 feet	--	25 feet; 25 feet to front façade with driveway	15 feet; 25 feet to front façade with driveway and garage
Minimum Side Yard	50 feet	10 feet	--	--
Minimum Rear Yard	50 feet	20 feet	--	--

(e) Minimum separation between facades of residential buildings on lot with multiple residential buildings:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	40 feet

(f) Maximum building height.

- [1] Townhouses shall not exceed two-and-one-half (2-1/2) stories or thirty-five (35) feet
- [2] Apartment flats shall not exceed three (3) stories or forty-five (45) feet

(g) Lot coverage by buildings. Not more than thirty percent (30%) of the gross area of each residential section shall be covered by buildings.

(h) All residential, including market-rate housing sections and affordable housing sections, and non-residential sections shall be interconnected with free flowing, non-barricaded roads and sidewalks. Cross access easements shall be provided on all subdivided residential and non-residential lots to ensure the free flow of pedestrian, bicycle and vehicular traffic.

(i) Sidewalks and walkways shall comply with § 108-6.21.I. of this Article.



- (j) Buffers and landscaping and shade trees and tree preservation shall comply with § 108-6.32.I, of this Article.
- (k) Establishment of an open space organization shall comply with § 108-6.32.J. of this Article.
- (l) Recreation facilities shall comply with § 108-6.32.K. of this Article.

G. Affordable Housing.

- (1) Required percentage of affordable family rental dwelling units built on-site in the MU-HD-R-AH District. The developer shall set aside eight-and-fifteen hundredths percent (8.15%) set aside of the dwelling units to be built on-site to have rents that are affordable to low- and moderate-income households and at least thirteen percent (13%) of the total affordable dwelling units shall be for very low-income households.
- (2) Required percentage of affordable family rental dwelling units in the one hundred percent (100%) affordable family rental projects set aside for very low-income households shall be fifteen percent (15%).
- (3) Required bedroom distribution for affordable family rental dwelling units for MU-HD-R-AH District and one hundred percent (100%) affordable family rental projects.
  - (a) At a minimum, thirty percent (30%) of all low- and moderate-income units shall have two (2) bedrooms.
  - (b) At a minimum, twenty percent (20%) of all low- and moderate-income units shall have three (3) bedrooms.
  - (c) The combination of efficiency and one-bedroom units shall be at least ten percent (10%) and no greater than twenty percent (20%) of the total low- and moderate-income units.
- (4) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households, which very low-income units shall be counted as part of the low-income housing requirement.
- (5) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

<b>Minimum Percentage of Low and Moderate Units Completed</b>	<b>Percentage of Market-Housing Units Completed</b>
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

- (6) The project phasing of the inclusionary development in the MU-HD-R-AH District and the one hundred percent (100%) affordable family rental projects shall comply with the following table:

<b>Market-Rate Units in MU-HD-R-AH District To be Completed</b>	<b>Affordable Units to Be Completed by Development</b>
318	0 in MU-HD-R-AH District
319	38 cumulative in MU-HD-R-AH District
637	92 cumulative in MU-HD-R-AH District and 100 cumulative in 100% Affordable Project in Block 53, part of Lot 24
955	113 cumulative in MU-HD-R-AH District and 76 cumulative in 100% Affordable Project Block 6, Lots 12.06, 15.01, 23.01 and 27.01
1,273 total	171 cumulative 100% Affordable Project Block 6, Lots 12.06, 15.01, 23.01 and 27.01

- (7) The location and design of affordable housing shall comply with the following requirements:
- (a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.
  - (b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
  - (8) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and current New Jersey Council on Affordable Housing rules.
  - (9) Establishing rents of units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
  - (10) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
  - (11) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
  - (12) Application procedures for Inclusionary housing development shall comply with § 108-6.21.M of this Article.

- H. Signage as permitted in Article X of this Chapter.
- I. Parking and loading as required in Article IX of this Chapter.
- J. Landscaping and buffering as required by the following standards and in Article VIII of this Chapter:
  - (1) Permitted non-residential uses shall comply with the buffer requirements of the HD District as set forth in § 108-6.18.H.
  - (2) Inclusionary housing development shall comply with the following buffering requirements:
    - (a) Minimum width of buffer area one hundred (100) feet.
    - (b) Buildings shall be set back a minimum of one hundred (100) feet from the property lines of the tract.
    - (c) Minimum width of buffer area between the permitted non-residential uses and inclusionary development shall be fifty (50) feet.
    - (d) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.
    - (e) Buffering shall consist of a six (6)-foot high, sculptured, undulating, landscaped berm that has a top width of at least ten (10) feet. The top and side slopes of the berm shall be planted with massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves a full screening effect. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.
- K. Establishment of open space organization required.
  - (1) The developer shall provide for an organization or organizations for the ownership and maintenance of any common open space and recreation facilities, landscaped areas and internal roadways for the benefit of owners and residents of the development.
  - (2) The establishment and operation of the open space organization(s) shall be governed by applicable law N.J.S.A. 40:55D-43.
- L. Recreation facilities.
  - (1) The areas within the common open space reserved for recreation shall be developed with appropriate recreation facilities for all age groups.
  - (2) The common open space and recreation facilities of the tract shall be available on an equal basis to residents of all parts of the tract.
  - (3) The recreation facilities shall include a central recreation complex with a minimum of one (1) swimming pool, two (2) tennis courts, one (1) basketball court and a picnic area. If feasible within the natural environmental constraints of the site, this central recreation complex shall also include multi-purpose fields for soccer and baseball. In addition, at least fifteen percent (15%) of the developed

open space of the tract shall include equipped playgrounds within the open space system.

- (4) The recreation facilities shall include a meandering open space and trails system linking residential clusters with the tract's principal recreation complex.

M. Fences are permitted in accordance with Article VIII of this Chapter.

N. A ten (10)-foot wide meandering path that consists of permanent pavement, such as concrete or bituminous concrete, shall be provided along the frontage of the entire tract along Route 33 as is permissible given environmental constraints and regulations.

## SECTION 2.

All other ordinances or parts of ordinances contained in said Chapter shall remain in full force and effect.

## SECTION 3.

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

## SECTION 4.

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

**SO ORDAINED**, as aforesaid.

Council President Koppel asked for a Motion to Adjourn the Public Hearing and Final Adoption of this Ordinance until the September 7, 2016 Regular Meeting in order to allow additional time for the Mayor and Council to review the measures being taken by this Ordinance and to consult with the Township Planner and Attorney, if necessary.

**UPON MOTION** made by Councilwoman Schneider and seconded by Council Vice-President Dalina, the Public Hearing and Final Adoption of Ordinance O-7-2016-026 was Adjourned to the September 7, 2016 Regular Meeting.

ROLL CALL:	Councilman Blaise Dipierro	Aye
	Councilman Michael Leibowitz	Aye
	Councilwoman Elizabeth Schneider	Aye
	Council Vice-President Stephen Dalina	Aye
	Council President Leslie Koppel	Aye

**UPON MOTION** made by Councilman Leibowitz and seconded by Council Vice-President Dalina, an Ordinance of which the following is the title was introduced on first reading for final passage: **ORDINANCE NO. O-8-2016-027 OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LEASE AND AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY RELATING TO THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT REVENUE BONDS, SERIES 2016 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY.**

ROLL CALL:	Councilman Blaise Dipierro	Aye
	Councilman Michael Leibowitz	Aye
	Councilwoman Elizabeth Schneider	Aye
	Council Vice-President Stephen Dalina	Aye
	Council President Leslie Koppel	Aye

Copy of Ordinance Duly Filed.

**UPON MOTION** made by Council Vice-President Dalina and seconded by Councilman Dipierro, an Ordinance of which the following is the title was introduced on first reading for final passage: **ORDINANCE NO. O-8-2016-028 A LOAN ORDINANCE OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LOAN AND SECURITY AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY FOR THE UNDERTAKING OF VARIOUS 2016 CAPITAL IMPROVEMENTS AND THE ACQUISITION AND INSTALLATION, AS APPLICABLE, OF VARIOUS EQUIPMENT WITH AN ESTIMATED COST OF \$1,317,600, THE COST OF SUCH IMPROVEMENTS AND EQUIPMENT TO BE FINANCED THROUGH THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT REVENUE BONDS, SERIES 2016 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY.**

ROLL CALL: Councilman Blaise Dipierro Aye  
Councilman Michael Leibowitz Aye  
Councilwoman Elizabeth Schneider Aye  
Council Vice-President Stephen Dalina Aye  
Council President Leslie Koppel Aye

Copy of Ordinance Duly Filed.

**UPON MOTION** made by Councilman Dalina and seconded by Councilman Leibowitz, the following Resolutions were moved for Adoption under the **CONSENT AGENDA** with the exclusion of Item #12.aa., as hereinbelow set forth:

ROLL CALL: Councilman Stephen Dalina Aye  
Councilman Michael Leibowitz Aye  
Councilwoman Elizabeth Schneider Aye  
Council Vice-President Leslie Koppel Aye  
Council President Gerald W. Tamburro Aye

**RESOLUTIONS** adopted under **CONSENT AGENDA** are as follows:

- R-8-2016-266 RESOLUTION AUTHORIZING RELEASE OF THE PERFORMANCE GUARANTEES UPON THE POSTING OF A MAINTENANCE GUARANTEES FOR STONEBRIDGE AT MONROE, SECTION 4A, W & S 818.4A – PB-1079-10 POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).**
- R-8-2016-267 RESOLUTION AUTHORIZING RELEASE OF CERTIFICATE OF DEPOSIT MAINTENANCE GUARANTEE FOR BLOCK 109.02, LOTS 1.01, 3-4-5, W & S 1101 – BA-5035-11 POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).**
- R-8-2016-268 RESOLUTION AUTHORIZING RELEASE OF THE PERFORMANCE GUARANTEES UPON THE POSTING OF MAINTENANCE GUARANTEES FOR MONROE MANOR, W&S 416 – PB-734-01 & 1037-07 POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).**
- R-8-2016-269 RESOLUTION AUTHORIZING RELEASE OF THE PERFORMANCE GUARANTEES UPON THE POSTING OF MAINTENANCE GUARANTEES FOR SUNRISE ACRES, W&S 833R – PB-924.04 POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).**
- R-8-2016-270 RESOLUTION APPROVING CHANGE ORDER NO. 3 TO CONTRACT NO. 423, “REMOTE WATER AND SEWER PLC AND WIRELESS SYSTEMS INSTALLATION AND UPGRADE OF EXISTING SCADA SYSTEM” FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).**
- R-8-2016-271 RESOLUTION REFUNDING CONSTRUCTION PERMIT FEES.**
- R-8-2016-272 RESOLUTION AUTHORIZING REDUCTION OF A PERFORMANCE GUARANTEE POSTED FOR REGENCY AT MONROE, PHASE 8C, 8D & 8E (PB-1100-11).**
- R-8-2016-273 RESOLUTION AUTHORIZING REDUCTION OF A PERFORMANCE GUARANTEE POSTED FOR REGENCY AT MONROE, PHASE 8H & 8I (PB-1100-11).**

- R-8-2016-274** RESOLUTION AUTHORIZING REDUCTION OF A PERFORMANCE GUARANTEE POSTED FOR REGENCY AT MONROE, PHASE 8F, 8G & 8J (PB-1100-11).
- R-8-2016-275** RESOLUTION AUTHORIZING REDUCTION OF A PERFORMANCE GUARANTEE POSTED FOR REGENCY AT MONROE, PHASE 10-LANDSCAPE BERM (PB-1151-14).
- R-8-2016-276** RESOLUTION AUTHORIZING THE RELEASE OF A CASH PERFORMANCE GUARANTEE AND ESTABLISHING A MAINTENANCE GUARANTEE POSTED FOR OLD FORGE LAND HOLDINGS LLC./ALPHA LAND DEVELOPMENT CORP. (PB-1144-07).
- R-8-2016-277** RESOLUTION AUTHORIZING MONROE TOWNSHIP TO CONTRACT WITH ROK/REAL AUCTION TO CONDUCT AN ELECTRONIC TAX SALE.
- R-8-2016-278** RESOLUTION AUTHORIZING FEES FOR ELECTRONIC TAX SALE NOTICES.
- R-8-2016-279** RESOLUTION AUTHORIZING RELEASE OF A PERFORMANCE GUARANTEE POSTED BY FAIGON ELECTRIC, INC. FOR THE SENIOR CENTER EMERGENCY GENERATOR UPON THE POSTING OF A MAINTENANCE GUARANTEE.
- R-8-2016-280** RESOLUTION AUTHORIZING RELEASE OF A PERFORMANCE GUARANTEE POSTED BY PRO MAX FENCE SYSTEMS, INC. FOR THE SOCCER COMPLEX FENCE REPLACEMENT PROJECT UPON THE POSTING OF A MAINTENANCE GUARANTEE.
- R-8-2016-281** RESOLUTION AUTHORIZING RELEASE OF A PERFORMANCE GUARANTEE POSTED BY LAND-TECH ENTERPRISES, INC. FOR THE COMMUNITY GARDEN PHASE 2 PROJECT UPON THE POSTING OF A MAINTENANCE GUARANTEE.
- R-8-2016-282** RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 AND FINAL SUBMITTED BY LAND-TECH ENTERPRISES, INC. IN CONNECTION WITH THE COMMUNITY GARDEN- PHASE 2 PROJECT.
- R-8-2016-283** RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH CENTER STATE ENGINEERING FOR TITLE SURVEY, PROPERTY DESCRIPTION AND PHASE 1 ENVIRONMENTAL ANALYSIS ON BLOCK 27.02; LOT 16 – 297 UNION VALLEY ROAD UNDER THE OPEN SPACE PROGRAM.
- R-8-2016-284** RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICE CONTRACT TO TIMOTHY HOFFMAN, LLC FOR AN OPEN SPACE APPRAISAL ON BLOCK 27.02; LOT 16 – 297 UNION VALLEY ROAD.
- R-8-2016-285** RESOLUTION AUTHORIZING AWARD OF BID FOR A GENERATOR FOR THE MONROE TOWNSHIP COMMUNITY CENTER.
- R-8-2016-286** RESOLUTION AUTHORIZING THE TOWNSHIP BUSINESS ADMINISTRATOR TO PREPARE PLANS, SPECIFICATIONS AND ADVERTISE FOR RECEIPT OF BIDS FOR 2016 VARIOUS GOODS AND SERVICES.
- R-8-2016-287** RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENTS WITH THE COUNTY OF MIDDLESEX REGARDING ACQUISITION OF LAND AT GRAVEL HILL – SPOTSWOOD ROAD FOR OPEN SPACE.
- R-8-2016-288** RESOLUTION APPOINTING A MUNICIPAL CLERK.

- R-8-2016-289** RESOLUTION APPROVING THE EMPLOYEE AGREEMENT BY AND BETWEEN THE TOWNSHIP OF MONROE AND PATRICIA REID AS THE MUNICIPAL CLERK.
- R-8-2016-290** RESOLUTION AUTHORIZING AN AFFORDABLE HOUSING HOMEOWNERSHIP ASSISTANCE LOAN REPAYMENT AGREEMENT WITH THE OWNER OF AN AFFORDABLE HOUSING UNIT LOCATED AT BLOCK 14.11 LOT 1, MONROE TOWNSHIP NEW JERSEY.
- R-8-2016-291** RESOLUTION AMENDING R-7-2016-260 AUTHORIZING AN AFFORDABLE HOUSING HOMEOWNERSHIP ASSISTANCE LOAN REPAYMENT AGREEMENT WITH THE OWNER OF AN AFFORDABLE HOUSING UNIT LOCATED AT BLOCK 14, LOT 12.5, MONROE TOWNSHIP NEW JERSEY.
- R-8-2016-292** RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 3 SUBMITTED BY LEWIS-GRAHAM, INC. IN CONNECTION WITH THE RESTORATION AND RECONSTRUCTION PROJECTS FOR THE DEY FARMSTEAD.
- R-8-2016-293** RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 SUBMITTED BY A. TAKTON CONCRETE CORP. IN CONNECTION WITH THE LITTLE BROOK LANE DRAINAGE REPAIRS.
- R-8-2016-294** RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 SUBMITTED BY SMC FENCING, INC. IN CONNECTION WITH THE INSTALLATION OF SAFETY FENCING AT JAMES MONROE PARK.
- R-8-2016-295** RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO WATER WORKS SUPPLY CO., INC. FOR SECTIONS A, B, C, D, F, G, I, J AND L OF CONTRACT 456 "WATER & SEWER SYSTEM APPURTENANCES" BY THE MONROE TOWNSHIP UTILITY DEPARTMENT (M.T.U.D.).
- R-8-2016-296** RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO KENNEDY CULVERT SUPPLY CO. FOR SECTIONS E, AND K, OF CONTRACT 456 "WATER & SEWER SYSTEM APPURTENANCES" BY THE MONROE TOWNSHIP UTILITY DEPARTMENT (M.T.U.D.).
- R-8-2016-297** RESOLUTION AUTHORIZING THE EXECUTION OF RIGHTS-OF-WAY AGREEMENT WITH NEW YORK SMSA, L.P. d/b/a VERIZON WIRELESS.
- R-8-2016-298** RESOLUTION AUTHORIZING THE PAYMENT OF ADDITIONAL FEES TO SHAIN, SCHAFFER & RAFANELLO, P.C. TO HANDLE VARIOUS MATTERS OF EXTRAORDINARY LITIGATION.
- R-8-2016-299** RESOLUTION AUTHORIZING SHAIN, SCHAFFER & RAFANELLO, P.C. TO HANDLE MATTERS OF CONDEMNATION AS EXTRAORDINARY LITIGATION IN CONNECTION WITH THE ACQUISITION OF LAND FOR FEDERAL ROAD AND PERRINEVILLE ROAD INTERSECTION IMPROVEMENTS.
- R-8-2016-300** RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE UPON THE POSTING AND ACCEPTANCE OF A MAINTENANCE GUARANTEE POSTED FOR STRATFORD AT MONROE – SECTION 1 (PB-697-00)
- R-8-2016-301** RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR BIDS FOR LEASE OF CERTAIN LAND AT THE MONROE TOWNSHIP POLICE DEPARTMENT FOR A WIRELESS COMMUNICATIONS TOWER.

- R-8-2016-302** RESOLUTION AUTHORIZING THE PURCHASE OF “SCALE” COMPUTER EQUIPMENT USING THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (M.T.U.D.).
- R-8-2016-303** RESOLUTION REFUNDING TAX OVERPAYMENTS.
- R-8-2016-304** RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CENTER STATE ENGINEERING FOR ENGINEERING SERVICES RELATED TO THE PREPARATION OF THE MASTER PLAN AND CHAPTER 108 AMENDMENTS.
- R-8-2016-305** RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH JEROME CONVERY ESQ. FOR LEGAL SERVICES RELATED TO THE PREPARATION OF THE MASTER PLAN AND CHAPTER 108 AMENDMENTS.
- R-8-2016-306** RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH MARK REMSA, PP FOR PLANNING SERVICES RELATED TO THE PREPARATION OF THE MASTER PLAN AND CHAPTER 108 AMENDMENTS.
- R-8-2016-307** RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH SHAIN, SCHAFFER AND RAFANELLO, PC FOR LEGAL SERVICES RELATED TO THE PREPARATION OF THE MASTER PLAN AND CHAPTER 108 AMENDMENTS.
- R-8-2016-308** RESOLUTION AUTHORIZING A DEVELOPER’S AGREEMENT BETWEEN THE TOWNSHIP OF MONROE AND JSM AT MONROE, LLC.

**Mayor’s Report** – Mayor Tamburro reminded everyone that tomorrow night is National Night Out and is held from 6-8pm in Thompson Park near the gazebo parking lot. With all the acrimony and incidents with police, he would like to see a large turnout. A 15ft banner will be there for everyone in attendance to sign and when completed will be posted in the Municipal Building for a week or so.

He also read a Press Release regarding an incident that occurred in Rossmoor over the weekend on Gloucester Way.

He further spoke about the Fair Share Housing issue wherein the Appellate Court of Ocean County ruled against the gap years. The towns concern was that they felt they originally had a reasonable agreement with the Court with a number of 400 houses for that period of time which would be broken down as follows: 133 the first 10-yrs, 133 the next 10-yrs, and 133 the final 10 yrs. If we had been party to the Ocean County ruling, we do not know how the Court would have ruled. He referenced South Brunswick who was a party to the Ocean County ruling and came out worse than their initial ruling. The reason the Ordinance was Tabled until the September 7<sup>th</sup> meeting is because there is a meeting on Aug. 15<sup>th</sup> between all the towns and attorneys and if Monroe comes away with a fair ruling, they will proceed with the Ordinance on Sept. 7<sup>th</sup>. One of the steps in the agreement allows that if any town gets a deal 20% better than Monroe, the ruling can be opened up; if it is higher, we are safe with what we have. We will know definitely by the 15<sup>th</sup> of August.

**Administrator’s Report** – Administrator Hamilton talked about the annual sale with a one-year term of Bond Anticipation Notes. This is the “short term financing” for Capital Expenditures before we go to permanent sale by way of permanent bonds. On July 21<sup>st</sup> we authorized Bond Anticipation Notes and the net interest cost is 0.76%.



**Engineer's Report** – Engineer Rasimowicz mentioned that milling of roads is taking place in the northern end of town, including North & South Rhoda Streets, 10<sup>th</sup> St., Cornell Avenue and Texas Rd. The paving should have started today but has been delayed until tomorrow due to rain.

**Council Reports:**

Councilman Dipierro – This past Saturday the Ikam event was to take place at the Indian Cultural Assn. of Monroe but due to the weather, it will be rescheduled.

He also stated he had a small tree fire in his yard and commended Fire District #1 and the Police for the quick response.

Councilwoman Schneider – Commented on the following:

- She and Council Vice President Dalina attended the Eagle Scout Court of Honor for Evan Pranz.
- She commended the police department in handling the incident at Rossmoor.
- On Sept. 27<sup>th</sup> there will be a small town meeting with veterans and their dependents to discuss the benefits they should be receiving.
- October 19<sup>th</sup> there will be a volunteer luncheon held at the Senior Center.
- Sept 16<sup>th</sup> the Senior Center will host a Country Western BBQ at 12:30pm.
- Attended a ribbon cutting for the Martin Ins. Co. in the Matrix / Applegarth area.

Councilman Leibowitz – No Report

Council Vice-President Dalina – Commented on Evan Pranz's Eagle Ceremony. His parents are very much involved in the various recreational programs.

Council President Koppel – reminded everyone that the Music in the Park is continuing on Thursday evenings thru August 18<sup>th</sup>. If there are any changes, you can find the information by checking the website or Nixels. Four Seasons will be performing on Sunday, Sept. 18<sup>th</sup> at 4pm at the Marasco Performing Arts Center. This weekend the "Pirates of Panzance" is being performed by the Mighty Oak Players.

The Community Garden is very busy and a great experience for all this year.

**Public:**

**Gary Busman** – announced that Investors Bank, which will be taking over the Bank at Rossmoor, made a presentation of a Check in the amount of \$1,000 to the Community Gardens.

**Mark Klein, 7 Crenshaw** – understands that the deal between the Township and the Court had to be done but feels that the State Supreme Court has the right to write a law, that being Mount Laurel. He does not believe COAH has a right to dictate what type of housing must be provided. He then spoke on the distribution of equal state aid for all children by the State. He does not understand why we cannot get bi-partisan support on this matter.

**Harold Kane, Newport Way, Rossmoor** – requested information on a VA event to be held. Councilwoman Schneider stated that it will be held Sept. 7<sup>th</sup> at 1:30 pm with the Dept. of Veterans Affairs. Mr. Kane advised he will make sure the Legion Post is aware of the meeting.

**Hy Grossman, 15 Doral Dr.** – spoke about the State Senate proposing a Constitutional Amendment to be held later this week on pension funding.

**Joe Delaney, 403 Newport Way** – spoke about gun control laws and the incident at Rossmoor.

**Michelle Arminio, 9 Nathaniel St.** – questioned to following Resolutions:

- R-8-2016-283 Professional Service Contract for engineering services related to Block 27.02, Lot 16 – 297 Union Valley Rd under the Open Space Program. She asked what section of Union Valley and the cost. Engineer Rasimowicz explained that it's Union Valley-Half Acre Rd. at the intersection with Prospect Plains, the cost being \$5,500.
- R-8-2016-284 Professional Service Contract with Timothy Hoffman for Open Space appraisal services related to Block 27.02, Lot 16-297 Union Valley Rd. at a cost of \$1850.
- R-8-2016-287 Agreement with the County regarding acquisition of land at Gravel Hill Spotswood Rd. for Open Space, asking the location. Administrator Hamilton explained that it is a 26-acre piece on Gravel Hill-Spotswood Rd. past the DPW. It is a County Open Space acquisition project that we are participating in. The County is putting up \$400,000 and the town is contributing \$50,000.

She mentioned the information Administrator Hamilton had stated he would provide from the last meeting and he advised the amount of funds expended for Commercial Tax Appeals defense in 2013 was \$300,000; in 2014 - \$350,000 and 2015 – \$335,000.

- R-8-2016-298 Additional fees to Shain, Schaffer & Rafanello for extraordinary litigation, asking the amount & purpose. Administrator Hamilton responded it is an additional \$100,000 for Tax Appeals and an affordable housing lien with Wells Fargo Bank.
- R-8-2016-299 Extraordinary litigation to Shain, Schaffer & Rafanello for condemnation for intersection improvements for Federal Rd & Perrineville Rd intersection. Administrator Hamilton confirmed that it is for a traffic light and the amount is \$10,000.

**UPON MOTION** made by Council Vice-President Dalina and seconded by Councilwoman Schneider, the Regular Council Meeting of August 1, 2016 was Adjourned at 8:05PM.

ROLL CALL: Councilman Stephen Dalina Aye  
Councilman Michael Leibowitz Aye  
Councilwoman Elizabeth Schneider Aye  
Council Vice-President Leslie Koppel Aye  
Council President Gerald W. Tamburro Aye

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PATRICIA REID, Township Clerk

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LESLIE KOPPEL, Council President

Minutes were adopted on November 9, 2016