

TOWNSHIP OF MONROE
COUNCIL MEETING MINUTES
REGULAR MEETING - DECEMBER 5, 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, Patricia Reid, the following members of Council were present: 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, Township Attorney Joel L. Shain, Engineer Mark Rasimowicz and Deputy Township Clerk Christine Robbins.

ABSENT: Councilman Blaise Dipierro

There were approximately fifteen (15) 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 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.

Recognition of John Riggs' Retirement: Mayor Tamburro and Administrator Hamilton talked about the many hats worn by John in his time spent with Monroe Township. All of Council gave high praises to him and wished him well in his retirement. John commented that it has been a privilege to serve the residents of Monroe Township adding that he has served the Township with very professional administrators. He also added that the Township is always looking to solve problems no matter of the political party and there is a great quality of life in Monroe. He thanked everyone for all of their support.

A brief recess was taken and the meeting reconvened at 7:19.

UPON MOTION made by Council Vice-President Dalina and seconded by Councilman Leibowitz, the **CLAIMS** per run date of **11/28/2016** were approved for payment as presented.

ROLL CALL: Councilman Blaise Dipierro	Absent
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 Councilman Leibowitz, the **MINUTES** of the **October 31, 2016 Agenda Meeting** was approved as written and presented.

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

UPON MOTION made by Council Vice-President Dalina and seconded by Councilman Leibowitz, the **MINUTES** of the **November 9, 2016 Regular Meeting** was approved as written and presented.

ROLL CALL:	Councilman Blaise Dipierro	Absent
	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, an Ordinance of which the following is the title was moved on second reading for final passage: **O-10-2016-035 ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "LAND DEVELOPMENT"** (building height)

ORDINANCE as follows: (O-10-2016-035)

WHEREAS, certain revisions made to Chapter 108 in connection with the approved Housing Element and Fair Share Plan limited the height of certain inclusionary developments to 45 feet; and

WHEREAS, the VC I Village overlay height restrictions were inconsistent with those amendments; and

WHEREAS, the Council believes that the inclusionary housing zones should have similar height restrictions;

BE IT ORDAINED by the Township Council of the Township of Monroe, County of Middlesex and State of New Jersey that Chapter 108, § 6.7 J (7)(b)[4] shall be revised to read:

Description

Principal Building, Townhouse	3 stories, 36 feet
100 percent affordable and Multi-family	3 stories of occupied space, 45 feet

SO ORDAINED as aforesaid.

There was no Public or Council discussion.

UPON MOTION made by Councilman Leibowitz and seconded by Council Vice-President Dalina, an Ordinance of which the following is the title was moved on second reading for final passage: **O-11-2016-036 ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "LAND DEVELOPMENT"** (changes made by the Court Special Master)

ORDINANCE as follows: (O-11-2016-036)

WHEREAS, by Resolution No. R-7-2016-253, 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, Ordinance No. O-7-2016-026 was reviewed by the Court and Special Master in connection with the matter entitled IMO Application of the Township of Monroe for

Substantive Certification of its Obligations Under the Fair Housing Act, Docket No: MID-L-3365-15, in which Monroe sought a Judgement of Compliance and Repose; and

WHEREAS, the Judgement was entered on October 5, 2016, subject to Monroe fulfilling certain conditions including the following amendments to Chapter 108.

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" is hereby further amended as follows:
Section 1.

§108-6.2. Official Zoning Map

Section A, A(1), and A(2) are to be repealed in their entirety and replaced with the following:

- A. The "Official Zoning Map" of Monroe Township, New Jersey dated September 7, 2016, is attached hereto and made a part hereof. (The Zoning Map referred to herein is located on file in the office of the Township Clerk.)

§ 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

§ 108-6.28. 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.

§ 108-6.30. 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:

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 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>Internal Road, To Curb Line of 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:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
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 13.2, 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) Private 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:

Description	Tract Boundary	Internal Lots	To Curb Line of	To Curb Line of
			Internal Road, Townhouses	Internal Road Apartments
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:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
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:

- (1) 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).

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:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
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).

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.

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:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
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:

Market-Rate Units in MU-HD-R-AH District To be Completed	Affordable Units to Be Completed by Development
318	0
319	38 cumulative, all in MU-HD-R-AH District
637	192 cumulative (92 in MU-HD-R-AH District and 100 in 100% Affordable Project in portion of Lot 24, Block 53)

	955	289 cumulative (113 in MU-HD-R-AH District, 100 in 100% Affordable Project in portion of Lot 24, Block 53, and 76 in 100% Affordable Project in Block 6, Lots 12.06, , 15.01, and 27.01
23.01,		
	1,146	384 cumulative allprojects

(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.

234 SO ORDAINED, as aforesaid

Public Hearing - **ORDINANCE O-11-2016-036**:

Township Attorney Joel Shain – Township Attorney Joel Shain read a statement explaining that after the first reading the referenced ordinance was referred to the Planning Board for review and recommendation. During its review, the Board discovered a typographical error made in §108-6.30(C)(1) and (C)(1)(a) by the Special Master who inserted the words “age restricted” in those sections, modifications inconsistent with the Township’s Court-approved settlement. The market rate units are restricted by bedroom size, amenities and conversion options, but not by age, although they are designed to target adult households. The Ordinance adopted by Council on September 7, 2016, to effectuate the COAH settlement did not contain the “age-restricted” language. In our view, deletion of those words does not materially impact the amending Ordinance and the revisions have been made consistent with the Court’s approval and the Planning Board’s recommendation.

Hy Grossman, 15 Doral Drive – Mr. Grossman asked if this now solves our dilemma on this issue; Township Attorney Joel Shain answered that yes, the litigation is now settled.

Prakash Parab, 33 Devon Drive – Mr. Parab asked if this confirms that the “age restriction” is to be removed; Township Attorney Joel Shain responded yes.

UPON MOTION made by Council Vice-President Dalina and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was moved on second reading for final passage: **O-11-2016-037 ORDINANCE 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-11-2016-037)

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,.

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.

, 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.
 - 3. An occupancy preference shall be provided to low and moderate income households headed by honorably discharged veterans for all units created under the Township
- 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;
 - (6) Evidence or reports of income from assets such as real estate or businesses that are directly held by any household member;
 - (f) 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.

§ 131-13.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.

§ 131-18. Appeals

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

ALER

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

There was no Public or Council discussion.

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: **O-11-2016-038 ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "FEES"**.

ORDINANCE as follows: (O-11-2016-038)

BE IT ORDAINED by the Council of the Township of Monroe, County of Middlesex, State of New Jersey that Chapter 39 of the Code of the Township of Monroe is hereby amended as follows:

SECTION 1.

- ' 39-1. **Title.**
- ' 39-2. **Purpose.**
- ' 39-3. **Fees enumerated.**
- § 39.4. **Board of Education exemption.**

' 39-1. Title

This chapter shall be known as the "Codification of Fees and Costs of the Township of Monroe@

' 39-2. Purpose

This chapter is adopted in order to advise the citizens of the township, and any and all persons doing business with the township, of the various fees charged for services rendered by the departments of township government and to provide ready access to any and all such information.

39-3. Fees Enumerated

A. General Fees.

(5) Division of Ambulance Service.

(a) Clinical Coordinator training fees:

<u>Course</u>	<u>Tuition Cost Per Person</u>
AMLS (advanced Medical Life Support)	\$150.00
CISM (Critical Incident Stress Management)	\$65.00
Assisting the Paramedic	\$60.00
Cold Weather Emergencies	\$45.00
CPR for Health Care Provider	\$60.00
CPR for Health Care Provider-Renewal	\$60.00
CPR Family & Friends (Adult & Child)	\$60.00
CPR Family & Friends (Infant)	\$60.00
CPR Family & Friends (Adult, Child & Infant)	\$60.00
Heartsaver Adult & Child	\$60.00
Heartsaver Adult, Child & Infant	\$60.00
Heartsaver Adult, Child & Infant (Groups of 10 or more)	\$30.00
Heartsaver AED Adult & Child	\$60.00
Heartsaver AED Adult, Child & Infant	\$60.00

Heartsaver First Aid	\$60.00
Heartsaver First Aid with CPR/AED	\$90.00
AHA CPR Instructor Course	\$300.00
Diversity	\$25.00
Drowning and Near Drowning	\$65.00
EMS Response to Acute Stroke	\$45.00
EMS Safety	\$60.00
Ethics	\$25.00
Fire/EMS Rehab Monroe Twp.	\$45.00
Sports & Safety First Aid	\$30.00
First Responder	\$300.00
HIPPA In-service	\$40.00
ITLS (International Trauma Life Support)	\$300.00
HIV/AIDS	\$40.00
Blood borne Pathogens	\$40.00
NJSFAC Basic Extrication	\$180.00
NJSFAC Extrication Recertification	\$180.00
OB Emergencies	\$85.00
OPRA (Open Public Records Act)	\$45.00
PEPL	\$150.00
PEPP – Advanced or Basic Pediatric Emergencies for Pre-Hospital providers	\$80.00
Pharmedic	\$300.00
Defensive Driving Course - 8 hour	\$80.00
Defensive Driving Course - 6 hour May be used for MVA point reduction or Insurance reduction pending each state	\$80.00
CEVO II: Ambulance or Fire Certified Emergency Vehicle Operations	\$75.00
Miscellaneous CEU/In-Service Per credit	\$25.00
GEMS Geriatric Emergency Medical Services	\$80.00
NJ EMT Basic Full Course	\$475.00
NJ EMT Refresher (Core 13)	\$225.00
Respiratory Fit Testing	\$120.00
RAD 57 & Epi Pen	\$25.00
Right to Know NSC	\$25.00

Fork Lift Training	\$150.00
Sexual Harassment	\$25.00
Special Children's Outreach & Pre-Hospital Edu.	\$180.00
Warm Weather Emergencies #1	\$45.00
Wound Care Management	\$45.00

(b) Certificates of Completion:

These certificates are available for purchase to those who have successfully completed any of the Clinical Coordinator Training Courses listed.

NAEMT GEMS Certificate	\$10.00
NAEMT EPC Certificate	\$10.00
NAEMT PEPL Certificate	\$10.00
NAEMT Safety Certificate	\$10.00
Any Replacement Certificate	\$10.00
AHA CPR Card/Certificate	\$10.00
AHA First Aid Card/Certificate	\$10.00
Any AHA Replacement Card/Certificate	\$10.00

(c) CPR Devices:

CPR Pocket Mask Device	\$15.00
CPR Key Chain Device	\$10.00

**The cost of certain training materials such as, individual study booklets etc.) and the cost of administrative processing fees if applicable (at actual cost), are the responsibility of each student and are not included in the above training referenced fees.

J. Monroe Township Utility Department fees and charges.

RATE SCHEDULE

PART 1 – SEWER SERVICE

SECTION A – DEFINITIONS

A "UNIT" shall be defined as follows:

1. Residential:
 - (a) Each single family dwelling.
 - (b) Each single family apartment dwelling in a multiple family structure or structures.
2. For users other than residential:, including each tenant in a non-residential building, an Equivalent Dwelling Unit of sewage flow shall be deemed to equal 138 gallons per day of sewage flow. Example: 138 gal/day x 365 days = 50,370 gal/year = one unit.

Customer – shall be the owner of the property. For existing multi-family or non-residential customers with multiple meters the MTUD will continue as a courtesy to send the bills to the Tenant with a copy to the Owner. The Owner is responsible for payment of the bills. If the bill(s) are unpaid a lien will be placed on the property.

BOD shall mean the capacity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade.

Suspended Solids shall mean solids that either float on the surface or are in suspension in water, sewage, or other liquids and those which are removable by laboratory filtration.

Chlorine Demand is the difference between the amount of chlorine applied to a treated supply and the amount of free combined or total available chlorine remaining at the end of the contract period.

GREASE: Grease is defined to include the accumulation of oils, fats, cellulose, starch, proteins, wax, or grease, whether emulsified or not, in the Sewer System of Utility Department. These are substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred-fifty (150 Fahrenheit) (0 degrees – 65 degrees Celsius).

GREASE GENERATING ESTABLISHMENTS: Grease generating establishments, shall mean all retail food establishments, catering establishments, commercial food preparation facilities, meat processing facilities, and other establishments that may be capable of accumulating and discharging grease into the Sewer System.

OWNER: Owner shall mean individual, person, firm, company, association, society, corporation, or group upon whose property the building or structure is located or will be constructed. In the event that one entity owns the building while another entity owns the property then the Owner is the latter of the two.

SECTION B – ANNUAL SEWER SERVICE CHARGES

<u>Classification</u>	<u>Minimum Annual Service Charge</u>
1. Residential (as defined in Section A (1) above).	\$259.00per unit
2. All users other than residential:	

- (a) For the first unit or portion thereof, a minimum annual service charge of \$259.00.
- (b) For those users whose quarterly sewage flow exceeds 12,593 gallons based on metered water consumption or actual sewage flow the rate shall be as follows:

Quarterly usage (#of Gallons)		Rates
From: 0	To: 12,953<<<gallons per qtr.	\$64.75 per quarter
12,953<<<gallons per qtr.	And over	\$64.75 plus \$5.68 per 1,000 gallons

- (c) All water consumption readings shall be those obtained by the Utility Department from its own billing records where the Utility Department is supplying the water, or from the water company furnishing water to the respective units. If a customer obtains its water supply from a private well or an un-metered public water supply, then the user shall install a meter, location of which is to be approved by the Utility Department. In the event the user fails to install said meter after receiving notice from the Utility Department, then such installation shall be made by the Utility Department. In either case, the costs of the meter and the installation thereof shall be borne by the user. The meter shall be of the type approved by the Utility Department and may be purchased from the Utility Department. Prices of meters will be furnished upon request to the Utility Department.
- (d) In the event that estimated usage should prove to be inaccurate, the Utility Department reserves the right to recalculate prior Annual Service Charges with the difference charged to or credited to the user.
- (e) In the event a customer claims a substantial water use, the waste product of which does not pass into the sewer system, the customer shall have an option of specifically metering the waste usage which does not flow into the sewer system and the water so used shall be deducted from the total water usage in computing annual water consumption. All customers shall have the option of installing a sewer meter at

the customer's cost and expense and in the event of such an installation, the readings on said sewer meter shall be substituted for the annual water consumption as set forth in subsection (b) hereof.

- (f) An industrial cost recovery surcharge shall be collected by the Utility Department for those users whose sewage characteristics exceed one or more of the following standards:
1. Biochemical oxygen demand (BOD) greater than 200 parts per million (PPM).
 2. Suspended solids greater than 250 PPM.
 3. Chlorine demand in excess of 15 PPM.

For such users the industrial cost recovery surcharge shall be based on the most recent Schedule of Rates charged by Middlesex County Utilities Authority plus a twenty-five percent administrative fee for only those characteristics that are higher than the above standards. In addition, surcharges shall only be charged for the specific characteristic(s) above the maximums listed above.

Where the industrial cost recovery surcharge is charged to another municipality, the charge shall be based on the Schedule of Rates charged by Middlesex County Utilities Authority plus a ten percent administrative fee.

The characteristics of the sewage waste shall be determined from actual samplings or other approved means, and shall be based upon analysis made in accordance with the procedure outlined in the latest edition of "Standard Methods of Analysis of Water and Sewage" published by the American Public Health Association. The Utility Department may require the installation of automatic samplers at the cost of the owner to obtain representative samples during a calendar quarter, or as may be required. The cost of sampling and analysis will be borne by the customer.

- (g) Control of Grease. No person or business shall discharge or cause to be discharged into the Sewer System, any water or waste containing more than one hundred (100) PPM by weight of fats, oils or grease.

In the event it is determined that blockage of an Utility Department sewer main is a result of the discharge from any grease generating establishment, all costs incurred by the Utility Department will be charged to the Owner of said grease generating establishment. Such costs can include but are not limited to, cost of clearing the blockage; damages to sewer lines; administrative, legal, and engineering costs; cleanup of pollution to surrounding soils or water; and reimbursement of any penalties imposed by regulatory agencies.

In addition to such other remedies as may be provided by law for violation of these regulations, the Utility Department may add or required to be added by the owner of said premises, such bacteria formulations and/or other recognized chemical formulations, to the Sewer System servicing grease generating establishments regulated herein. The Utility Department may charge the cost thereof as an additional sewer use charge to the Owner who is in violation of any provision of this regulation.

All food establishments shall install and regularly/properly service grease traps of sufficient capacity to eliminate the discharge of oil and grease.

In the event of any violation of this regulation or of any improper unauthorized use of any portion of the sewer system by any owner, then the Owner shall in the discretion of the Director be penalized a maximum of Five Hundred (\$500.00) Dollars for each violation or improper unauthorized use. Each Day in which a violation or improper unauthorized use occurs, shall be deemed a separate offense. For purposes of this regulation, two (2) test readings showing more than 100 parts per million by weight of fats, oils or grease within a calendar month shall be deemed to be presumptive evidence of a violation occurring in each day of that calendar month.

SECTION C – PAYMENT OF ANNUAL SEWER SERVICE CHARGES

1. All sewer service charges are payable quarterly in advance.
2. All charges shall be payable on or before the due date of the bill. Any charges which

are not paid by the due date will be charged a penalty of (1%) per month or fraction of a month, back to the billing date. Any partial payment of a bill will be applied first to interest charges, then to the oldest service charges.

3. If any account which remains unpaid after the due date will be sent a reminder. If any account is still unpaid at thirty (30) calendar days after the date due, a notice will be sent giving fifteen (15) calendar days to make payment or services will be discontinued. If payment is not received within fifteen (15) calendar days service will be shut off and a shut off fee of \$75.00 will be assessed to the account.
4. All penalties are due and payable within thirty (30) days from the date that the Owner is notified in writing of the violations charged and the penalty to be imposed. In the event the penalty is not paid as required under these rules, then the Utility Department in its discretion may take all actions available to it for the non-payment of sewer charges as provided in N.J.S.A. 40A:26A-12. For purposes of these regulations, the Owner shall be responsible for the actions of any tenant using the sewer system.

The penalties imposed in this section shall be cumulative to other remedies afforded to the Utility Department by statute, as provided in N.J.S.A. 40A:26-14.

SECTION D – SEWER CONNECTION FEES AND CHARGES

1. The initial fees for the right to connect directly or indirectly to the Utility Department sewer system shall include a connection charge or fee per unit, as well as fees for applications, review, and inspection of work to be accomplished by the applicant in keeping with the Utility Department's "Rules and Regulations Governing Applications to the Monroe Township Utility Department for Construction of Comprehensive Sewer Systems in the Township of Monroe." These connection fees, which are one-time initial service charges for the right to connect to the Utility Department's sewer system, are calculated in accordance with N.J.S.A. 40A26A-11 and are an integral part of this Rate Schedule.
2. The connection fee for each unit shall be \$3,160. Connection fees for single family homes not part of a real estate development are payable at the option of the applicant in two installments with the initial installment paid prior to the time of the connection and the second payment due within one year. Interest shall accrue and be due to the Utility Department at 1% per month on the unpaid balance. In the case where the system is under construction but not yet available for connection, connection fees can be paid at the option of the applicant in two (2) installments without interest.

In the case of real estate developers, the connection fees for any development of ten (10) or less units shall be payable at the time of final approval.

In any development of more than ten (10) units, connection fees for the first ten (10) units shall be payable at the time of final approval with the balance of connection fees payable in groups of ten (10) units at a time in advance of the building permit.

3. For a user other than residential with estimated sewage flows in excess of 138 gallons per day the connection fee shall be based on the number of units as defined in Section A (2) above. Fractional number of units shall be calculated to the next highest unit.
4. Where a connection to the sewer system is to be made after construction of mains has been completed and sewer service is available to the user, then in addition to the connection fee, the applicant shall pay for the cost of construction and inspection from the main to the curb, such construction to be performed by an approved contractor and inspection by the MTUD
5. No connection to the Utility Department sewer system shall be made until compliance with the requirements set forth in this Section have been met, and no excavation shall be back-filled until inspection has been completed by the duly designated representative of the Utility Department.

SECTION E – FILING, REVIEW AND INSPECTION FEES

1. Where mains are to be constructed by anyone other than the Utility Department, the applicant shall make application and pay fees for the time of Utility Department personnel on an hourly basis to draw down against the deposit as listed below:

- a) Application for Review of Preliminary Plans:
Minor Subdivision Fee \$600.00

Major Subdivision or Major Site Plan-Deposit \$1,000 min.
or \$25.00 per unit whichever is greater.
- b) Application for Tentative Approval:
Review Fee – Deposit 1-1/2 % of estimated construction cost or 600.00 min
- c) Application for Final Approval:
Review Fee – Deposit 1-1/2 % of estimated construction cost
- d) Inspection Fee – Deposit 5% of estimated construction cost
- e) Application for extensions of approval must be accompanied by a review fee deposit of \$600.00. Application for revisions after submittal and initial review must be accompanied by a review fee deposit of \$1,000.00.
- f) Request for USEPA grant waiver or mapping revision must be made by the Owner of the property. A \$600.00 processing fee made payable to MTUD must accompany the request.

If the deposit is depleted before completion of review or inspection, the applicant shall deposit an additional amount to complete the review or inspection as estimated by the Utility Department Engineer within five (5) days of notification or all review and inspection will cease at the end of five (5) days after notification.

Any review fees for Preliminary Minor Applications is a flat fee and no portion will be returned to the applicant upon approval by the Utility Department.

Minor applications include any residential application which does not require extension of water and or sewer facilities (including service connection in the street) and which will not connect more than three houses to the water/sewer system. All commercial/industrial applications are major applications; however, the Utility Department may charge the lower minor review fee to tenants in newly approved commercial buildings for individual tenant fit out.

Any deposit monies other than review fees for Preliminary Minor Application not used will be returned to the applicant upon request after the project is completed. The Utility Department will retain sufficient funds to conduct an inspection at the end of the maintenance period.

The amount charged by the Utility Department for review and/or inspection shall be calculated by the Utility Department on an annual basis after the adoption of the Utility Department's budget for the coming fiscal year, and shall be based on the hourly salary cost to the Utility Department plus the cost of fringe benefits payable to said individual and the cost of the overhead of the Utility Department allocable to that employee.

2. All persons wishing to connect to the sewer system are required to make application for connection under the terms of the preceding paragraph and pay the required fees as outlined in that paragraph.

2A. Each time there is a change in the owner or tenant of a non-residential unit, the owner shall file an application for approval.

SECTION F – RATES CHARGED TO CUSTOMERS SERVICED BY OTHER ENTITIES

Rates charged to customers who are serviced by other entities through contract between the Monroe Township Utility Department and that entity shall be at that rate which is set forth in the contract with the entity, plus a twenty-five percent administrative cost unless prohibited by

the contract with the other entity.

SECTION G- RESERVATION, RIGHT TO MODIFY

The Township of Monroe reserve the rights to modify or change any of the foregoing rules or make such addition, by rules and regulation, as maybe found essential in the protection of the public interests and the management of the Department and to impose such additional restrictions as may be deemed necessary.

If any of the above regulations is declared or held to be unconstitutional or legally inoperative, no other portion of this regulation shall be affected, but the unconstitutional or inoperative provision shall be rescinded and remaining provisions of this regulation shall remain in effect.

PART II – WATER SERVICE

SECTION A – DEFINITIONS:

- A. "UNIT" shall be defined as follows:
1. Residential
 - a) Each single family dwelling
 - b) Each single family apartment dwelling in a multiple family structure or structures.
 2. Other than Residential: includes each tenant in a non-residential building, One Equivalent Dwelling Unit of potable water shall equal 188 gallons per day of estimated water consumption or fraction thereof. In a building with more than one tenant or occupant, each separate tenant or occupant shall be calculated separately. Example: 188 gal/day x 365 days = 68,620 gal/year = one unit.
 3. IRRIGATION: One equivalent unit of water used for irrigation shall equal 483 gallons per day of water consumed or fraction thereof. Connection fees set forth in Section I shall be applicable.

SECTION B – FIXED SERVICE CHARGES FOR WATER

1. All metered general water service users shall pay a fixed service charge based on the size of each connection installed, in addition to the charges for the quantity of water used, if any.

	Size of Connection	Fixed Service Charge per Quarter
(A)	Residential: 5/8" or 3/4" 1" Multiple Dwelling	\$13.28 \$26.55 \$13.28 per unit
(B)	Residential without electronic radio transmitter: 5/8" or 3/4" 1" Multiple Dwelling	\$38.28 \$45.55 \$38.28 per unit
(C)	Commercial 5/8: or 3/4" 1" 1 –1/2" 2" 3" 4" 6" and Over	\$13.28 \$26.55 \$39.80 \$55.78 \$94.84 \$132.76 \$185.86

SECTION C – RATES FOR POTABLE WATER CONSUMED

1. In addition to the fixed service charge set forth above, a charge will be made for all water used as registered by the meter.

	Gallons per Quarter	Rater per 1,000 Gallons
For the first	10,000	\$1.45
For the next	25,000	\$2.47
For all over	35,000	\$2.76

SECTION D – IRRIGATION CHARGES – POTABLE WATER

Customers with a separate meter for irrigation connected to a potable water distribution main shall pay a fixed service charge based on the size of each connection installed, in addition to the charges for the quantity of water used, if any.

Size of Connection	Fixed Service Charge per Quarter
3/4"	\$13.28
1"	\$26.55
1 –1/2"	\$39.80
2"	\$55.78
3"	\$94.84
4"	\$132.76
6" and Over	\$185.86

SECTION E - RATES FOR POTABLE WATER USED FOR IRRIGATION WITH A SEPARATE WATER METER:

In addition to the fixed service charge set forth above, a charge will be made for all water used as registered by the meter.

	Gallons per Quarter	Rater per 1,000 Gallons
For the first	10,000	\$1.45
For the next	25,000	\$2.47
For all over	35,000	\$2.76

SECTION F - IRRIGATION CHARGES-NON POTABLE WATER USE

- a. Residential customers with a separate meter for irrigation, connected to a non-potable water main quarterly charges will be based only on the amount of water actually used. No fixed service charge and no connection fee. A rate of \$2.00 per 1,000 gallons will apply.
- b. Commercial customers with a separate meter for irrigation connected to a non-potable distribution main, charges will be based only on the amount of water actually used. ~~No minimum service charge and no connection fee.~~ A rate of \$2.73 per 1,000 gallons will apply.

In the event that any water meter shall become damaged or otherwise inoperable during any billing period, the bill for that billing period shall be based on an estimated use of water.

SECTION G – PRIVATE FIRE PROTECTION SERVICE

1. Annual stand-by water charges for sprinkler systems.

Size of Connection Inches	Annual Charge
Non-residential 2" or smaller*	\$170.00
3"	\$255.00
4"	\$340.00
6"	\$675.00
8"	\$1,350.00
10"	\$2,025.00
12"	\$2,675.00

Additional charge for each sprinkler head is \$1.00

*non-residential only; there will be no stand-by charge for residential fire connections 2" and smaller

2. The annual charge for each hydrant and/or Siamese connection shall be \$275.00
3. No charge shall be made for water used in the extinguishing of fires. Water for any other purpose shall not be drawn from a private fire service connection.
4. Fire protection shall be provided by separate connection to the Utility Department mains.

SECTION H – PUBLIC FIRE PROTECTION SERVICE

1. The annual charge for each hydrant shall be \$275.00
2. No charge shall be made for water used in the extinguishing of fires.

SECTION I – MISCELLANEOUS

1. **Turn on and turn off fees**

A charge of \$75.00 shall be made for each turn-off or turn-on during regular working hours. Any turn-on or turn-of required outside regular working hours shall be charged at \$105.00 each unless both turn-on and turn-off are scheduled two days in advance no more than one hour apart. A minimum notice of seven (7) days for each turn-off and/or turn-on must be given to the Utility Department. Under no circumstances shall any person not authorized by the Utility Department open or close the curb stops or valves in any Utility Department water line.

2. **Temporary Meters**

The Utility Department reserves the right to install temporary meters during construction of any residential or commercial structure. The fee for installation of temporary meters shall be \$275.00

3. **Wet tap fees**

Where the user requires connection to the water system after construction of mains has been completed and water service is available to the user, then in addition to the connection fee, the applicant shall pay for the cost of construction from the main to the curb, such construction to be performed by the Utility Department and/or an approved contractor. These costs shall be as follows:

When the tap is on the same side of the road as the service:

3/4"	\$1,500.00
1"	\$1,650.00
1-1/2"	\$2,650.00
2"	\$3,100.00

When the tap is on the opposite side of the road from the service:

3/4"	\$1,750.00
1"	\$1,950.00
1-1/2"	\$3,000.00
2"	\$3,650.00

The above fees are based on a 4 hours timeframe. If project goes over 4 hours then hourly rate of \$223.00 is applied. These fees includes meter pit and installation costs.

It is the applicant's responsibility to secure necessary road opening permit, to excavate, backfill and restore the excavated area according to MTUD Rules and Regulations.

4. Hydrant Meter Rental

The use of water for building purposes, irrigation, or other construction, shall be metered at a hydrant to be determined by the Utility Department. At the time of application, the user shall pay submit a deposit for the meter as follows:

3/4" Meter	\$500.00
3"	\$1,500.00

In addition, there shall be a rental charge for the hydrant meter of \$50.00 per month or part thereof, payable monthly in advance. Each meter holder, by the 5th day of each month shall return the meter to the Utility Department for them to read. If the meter holder fails to provide a meter by the date specified then the meter will be confiscated and the deposit will be forfeited. The charge for water usage will be made on the basis of Section C hereof. The application for such water services shall be made by the owner of the property on which said water is to be used. The Utility Department shall have its statutory lien on such property for the collection of said charges.

5. Tampering, Illegal Connections & Theft of Services

In any case, where a water meter of the Monroe Township Utility Department has been adjusted, damaged, or tampered with, the customer on whose premises said meter is located shall be charged a cost recovery charge of \$275.00, which shall be billed as part of his regular billing on the next regular billing date after said adjusting, tampering or damage shall have been discovered. Any person found tampering or unauthorized use of water by way of using of fitting known as "Jumper", "Spacer" or "Spreader" shall be billed a recovery charge plus water usage charge to be determined by the Utility Department

6. Meter, Removal, Testing & Certification charges

If at the request of the customer, a meter is removed and bench tested and it is found to be accurate (within 1% of 100%) then the customer shall pay the cost of such testing as stated below. A deposit equal to test fee is required before any testing can be done. If the meter meets the utilities' standards, the deposit is used to cover the cost of testing. No charge if meter tests outside these standards, the deposit is returned to the customer.

Size of Meter	Test Fee
5/8 to 1 inch	\$150.00
1 1/2	\$250.00
2" and up	\$350.00

7. When the Utility Department performs a bacteriological test on new water lines, there shall be a fee of \$100.00 per test, payable in advance.

8. Winterization Fees

The work should be done by a licensed plumber bonded with the MTUD. It is the responsibility of the customer/homeowner to protect the meter from freezing during cold

and freezing weather. Fees for repairs due to damage resulting from freezing meters are the responsibility of the customer/homeowner. There will be a non refundable fee as follows:

Size (inches)	Fee
Up to 1	\$10.00

Note: Call MTUD or visit our website for a current list of MTUD qualified (bonded) plumbers.

9. Returned Check Fee \$20.00

10. Access to the premises.

Upon presentation of an official M.T.U.D. identification badge, Utility staff in full uniforms, the authorized MTUD employee shall be granted access to the meter at reasonable hours of the day to inspect the meter and perform other duties as may deem necessary. Any person, who may obstruct or oppose the Utility Department in making such inspection or other work relative to the water service, shall bear the cost of having a meter pit installed. If the cost of the installation remains unpaid, the Utility Department shall have its statutory lien on the property for the collection of said charges.

SECTION J – PAYMENT

1. All water fixed service charges are payable quarterly in advance and water usage charges shall be billed in the next quarter.
2. All charges shall be payable on or before the due date of the bill. Any charges which are not paid by the due date will be charged a penalty of one percent (1%) per month or fraction of a month, back to the billing date. Any partial payment of a bill will be applied first to interest charges, then to the oldest service charges.
3. If any account which remains unpaid after the due date will be sent a reminder; if any account is still unpaid at thirty (30) calendar days after the due date, a notice will be sent giving fifteen (15) calendar days to make payment or services will be discontinued. If payment is not received within fifteen (15) calendar days water service will be discontinued and a shut off fee of \$75.00 will be assessed to the account.
4. All penalties are due and payable within thirty (30) days from the date that the Owner is notified in writing of the violations charged and the penalty to be imposed. In the event the penalty is not paid as required under these rules, then the Utility Department in its discretion may take all actions available to it for the non-payment of sewer charges as provided in N.J.S.A 40A:31-12. For purposes of these regulations, the Owner shall be responsible for the actions of any tenant using the sewer system.

The penalties imposed in this section shall be cumulative to other remedies afforded to the Utility Department by statute, as provided in N.J.S.A. 40A:13-14.

SECTION K – POTABLE WATER CONNECTION FEES AND CHARGES

1. The initial fees for the right to connect directly or indirectly to the Utility Department's water system shall include a connection charge or fee as well as fees for application review and inspection of work to be accomplished by the applicant in keeping with the requirements of the Utility Department's Rules and Regulations. These connection fees, which are one-time initial service charges for the right to connect to the Utility Department's water system, are calculated in accordance with NJSA 40: 31-11 and are an integral part of this Rate Schedule.
2. The potable water connection fee for each unit shall be \$3,304.00 and the irrigation connection fee shall be \$0.00. Connection fees for single family homes not part of a real estate development are payable at the option of the applicant in two (2) installments with the initial installation paid prior to the time of the connection and the second payment due within one year. Interest shall accrue and be due to the Utility Department at 1% per month on the unpaid balance. In case the system is under construction but not yet available for connection, connection fees can be paid at the option of the applicant in two (2) installments without interest. In the case of real estate developers, the connection

fees for the development shall be payable at the time of final approval.

In any development of more than ten (10) units, connection fees for the first ten (10) units shall be payable at the time of final approval with the balance of connection fees payable in groups of ten (10) units at a time in advance of the building permit.

3. For a user other than residential with estimated potable water consumption in excess of 188 gallons per day and/or 483 gallons per day for irrigation, then the connection fee shall be based on the number of units as defined in Section A (2) above. Fractional number of units shall be calculated to the next highest unit.
4. The Utility Department reserves the right to examine plans for all connections and to specify the connection size required. The gallonage used to determine the size of the connection shall be based on estimated annual water consumption as calculated by the applicant's engineer and approved by the Utility Department Engineer.
5. Where a connection to the water system is to be made after construction of mains has been completed and water service is available to the user, then in addition to the connection fee, the applicant shall pay for the cost of construction and inspection from the main to the curb, such construction to be performed by an approved contractor and inspection by the MTUD.
6. No connection into the Utility Department's water system shall be made until compliance with the requirements set forth in this Section have been met, and no excavation shall be back-filled until inspection has been completed by the duly designated representative of the Utility Department.

SECTION L – FILING, REVIEW, AND INSPECTION FEES

Where mains are to be constructed by anyone other than the Utility Department the application shall make application and pay fees for the time of Utility Department personnel on an hourly basis down against the deposit as listed below:

- a) Application for Review of Preliminary Plans:
Minor Subdivision Fee \$600.00

Major Subdivision or Major Site Plan-Deposit \$1,000.00 minimum
or \$ 25.00 per unit whichever is greater.
- b) Application for Tentative Approval:
Review Fee – Deposit 1-1/2 % of estimated construction cost or \$600.00
minimum.
- c) Application for Final Approval:

Review Fee – Deposit 1-1/2 % of estimated construction cost

Inspection Fee – Deposit 5% of estimated construction cost

Applications for extensions of approval must be accompanied by a review fee deposit of \$600.00. Application for revisions after submittal and initial review must be accompanied by a review fee deposit of \$1,000.00.

If the deposit is depleted before completion of review or inspection, the applicant shall deposit an additional amount to complete the review or inspection as estimated by the Utility Department Engineer within five (5) days of notification or all review and inspection will cease at the end of the allotted five (5) days.

Any review fees for Preliminary Minor Applications is a flat fee and no portion will be returned to the applicant upon approval by the Utility Department.

Minor applications include any residential application which does not require extension of water and or sewer facilities (including service connection in the street) and which will not connect more than three houses to the water/sewer system. All commercial/industrial applications are major applications; however, the Utility Department may charge the lower minor review fee to tenants in newly approved commercial buildings for individual tenant fit out.

Any deposit monies other than review fees for Preliminary Minor Application not used will be returned to the applicant upon request after the project is completed. The Utility

Department will retain sufficient funds to conduct an inspection at the end of the maintenance period.

The amount charged by the Utility Department for review and/or inspection shall be calculated by the Utility Department's Auditor on an annual basis after the adoption of the Utility Department's budget for the upcoming fiscal year, and shall be based on the hourly salary cost to the Utility Department plus the cost of fringe benefits payable to said individual and the cost of the overhead of the Utility Department allocable to that employee.

SECTION M – RATES CHARGED TO CUSTOMERS SERVICED BY OTHER ENTITIES

Rates charged to customers who are serviced by other entities through contract between the Monroe Township Utility Department and that entity shall be at that rate which is set forth in the contract with the entity, plus a twenty-five percent administrative cost.

SECTION N - RESERVATION, RIGHT TO MODIFY

The Township of Monroe reserve the rights to modify or change any of the foregoing rules or make such addition, by rules and regulation, as maybe found essential in the protection of the public interests and the management of the Department and to impose such additional restrictions as may be deemed necessary.

If any of the above regulations is declared or held to be unconstitutional or legally inoperative, no other portion of this regulation shall be affected, but the unconstitutional or inoperative provision shall be rescinded and remaining provisions of this regulation shall remain in effect.

SECTION 2. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed.

SECTION 3. 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 4. This Ordinance shall take effect twenty (20) days after passage, adoption and publication according to law.

SO ORDAINED, as aforesaid.

George Gunkelman, 5 Kelly Court – Mr. Gunkelman asked about the Board of Education exemption, stating that all of the others have an explanation but this one; Administrator Wayne Hamilton responded that there are no changes to that section which is why there is no explanation needed.

UPON MOTION made by Councilwoman Schneider and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was introduced on first reading for final passage:

O-12-2016-039 ORDINANCE AUTHORIZING THE ISSUANCE OF A DEED OF RIGHT-OF-WAY AND A DRAINAGE EASEMENT TO THE COUNTY OF MIDDLESEX FOR ROAD WIDENING ALONG APPLGARTH ROAD.

ROLL CALL: Councilman Blaise Dipierro	Absent
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 Vice-President Dalina and seconded by Councilwoman Schneider, the following Resolutions were moved for Adoption under the **CONSENT AGENDA** as herein below set forth:

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

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

- R-12-2016-397** RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES UPON THE POSTING AND ACCEPTANCE OF MAINTENANCE GUARANTEES FOR BLOCK 18, LOTS 4 & 6, ENGEL HOMES, LLC. – W&S 890R POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
- R-12-2016-398** RESOLUTION AUTHORIZING A REDUCTION OF PERFORMANCE GUARANTEES FOR W&S 968, CORNELL DEVELOPERS, LLC, PB#1079-09 POSTED TO THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
- R-12-2016-399** RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE UPON THE POSTING AND ACCEPTANCE OF A MAINTENANCE GUARANTEE POSTED BY MATRIX 259 LCE F, LLC(PB-1166-15).
- R-12-2016-400** RESOLUTION AUTHORIZING REFUND OF CONSTRUCTION PERMIT FEES.
- R-12-2016-401** RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE POSTED FOR ROAD OPENING PERMIT NO. 13-29.
- R-12-2016-402** RESOLUTION AUTHORIZING EXTENSION OF CONTRACT WITH PABCO INDUSTRIES, LLC. FOR MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS – GRASS BAGS.
- R-12-2016-403** RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE POSTED BY RAVI GOOMER (PB-988-05).
- R-12-2016-404** RESOLUTION AUTHORIZING THE PURCHASE OF A JOHN DEERE HIGHWAY MOWER FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS UNDER THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM.
- R-12-2016-405** RESOLUTION AMENDING AND SUPPLEMENTING THE 2016 CASH MANAGEMENT PLAN.
- R-12-2016-406** RESOLUTION PROVIDING ADVICE AND CONSENT TO THE APPOINTMENT OF MEMBERS TO THE AFFORDABLE HOUSING BOARD.
- R-12-2016-407** RESOLUTION PROVIDING ADVICE AND CONSENT TO THE APPOINTMENT OF MEMBERS TO THE CULTURAL ARTS COMMISSION.
- R-12-2016-408** RESOLUTION AUTHORIZING AN EMERGENCY CONTRACT WITH DELL MARKETING L.P. FOR THE PURCHASE OF EMAIL SERVERS FOR THE POLICE DEPARTMENT UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM.

- R-12-2016-409 RESOLUTION REFUNDING THIRD PARY TAX LIEN PREMIUM PAYMENTS.
- R-12-2016-410 RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE UPON THE POSTING AND ACCEPTANCE OF A MAINTENANCE GUARANTEE POSTED BY ENGEL PROPERTIES, LLC. – VALLEY VIEW (PB#956-05).
- R-12-2016-411 RESOLUTION REFUNDING TAX OVERPAYMENTS.
- R-12-2016-412 RESOLUTION AUTHORIZING 90-DAYS OF EXTENDED SICK LEAVE.
- R-12-2016-413 RESOLUTION AUTHORIZING 90-DAYS OF EXTENDED SICK LEAVE.
- R-12-2016-414 RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICES CONTRACT WITH CENTER STATE ENGINEERING FOR THE ADA RESTROOM IMPROVEMENTS TO THE DANIEL P. RYAN FIELD.
- R-12-2016-415 RESOLUTION CANCELLING TAX REFUNDS AND/OR DELINQUENCIES OF LESS THAN THREE (\$3.00) DOLLARS.
- R-12-2016-416 RESOLUTION AUTHORIZING AWARD OF CONTRACT TO UTILITY SERVICE CO., INC. FOR CONTRACT 457-R – “SUBMERSIBLE TANK MIXER SYSTEMS” BY THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
- R-12-2016-417 RESOLUTION AUTHORIZING AWARD OF BID FOR THE MONROE TOWNSHIP 2017-2018 AMBULANCE MAINTENANCE, PARTS & REPAIRS.
- R-12-2016-418 RESOLUTION AUTHORIZING BUDGET TRANSFERS.

Mayor’s Report –

- Attended the kickoff, along with Councilman Leibowitz and Councilwoman Schneider, for the Monroe Township High School Marching Band, as they were chosen to go to Hawaii for a parade commemorating the 75th Anniversary of Pearl Harbor. We bought them t-shirts and they were all very appreciative and honored and would be wearing them to the airport. Mayor Tamburro commented that he is very honored that our High School is the only High School from New Jersey to have been asked to participate in this service.

Administrator’s Report –

- The State EMS Conference was held on November 18th and our EMS received a statewide award for excellence pertaining to a particular call in April of 2016 on the NJ Turnpike involving Military vehicles. Administrator Hamilton was very proud to be in attendance and noted that our EMS handles 10,000-11,000 calls per year providing quality care in Monroe Township.

Engineer’s Report –

- The intersection of Federal and Perrineville Road will have a traffic signal installed.
- Milling and paving on Spotswood-Gravel Hill Road will begin soon. Please use alternate routes for the next four to five days.

Council’s Reports -

Councilman Dipierro – Absent.

Councilwoman Schneider – Attended the kickoff for the High School marching band for their departure to Hawaii for the 75th Anniversary of Pearl Harbor. She added that sometimes it is hard to forget that terrible day but mentioned that everyone is very honored they will be there representing.

November 24th the Senior Center held their Community Cares Thanksgiving Dinner. The dinner cost \$10.00 per person and approximately 143 people attended. She extended her thanks to all of the volunteers, Bonnie Leibowitz and staff for all of their hard work.

The Police Department is having their annual toy drive; please make all donations to their department by December 8th.

Councilman Leibowitz – Councilman Leibowitz wished everyone a Happy Hanukkah, Merry Christmas and whatever holiday you may celebrate.

Council Vice-President Dalina – The annual book sale will be happening at the library from December 9th through December 11th; they will also be selling media and artwork.

The Youth Advisory Committee will be having a meeting this Thursday. They will be doing a drunk driving mock crash to bring awareness of the dangers of drinking and driving. Also, they are interested in having a dual meeting with the Senior Advisory Committee.

Council President Koppel – Council President Koppel mentioned that our cheerleaders will be cheering in Florida and our marching band is going to Hawaii.

We have wonderful police officers keeping us safe.

Please have a safe holiday and be safe always.

Public:

Gary Busman, 7 Monarch – Mr. Busman commented that the Community Garden is accepting applications now for the 2017 season. Applications can be found on the www.monroecommunitygardens.com website.

He added that none of this could have been accomplished without John Riggs' continuous support.

Mark Klein, 7 Crenshaw – Mr. Klein thanked John Riggs for all his service, as he has lived here for fifteen years and has always seen John at all of the Township's events.

Commented that Affordable Housing, Mt. Laurel and COAH are all frauds and that this was done for the builders. He understands that the Township did what they have to do.

Sent letters to Senator Greenstein complaining about the school funding. 8 years ago, when a member of the School Board, Mr. Klein came up with a plan. Says that Governor Christie's plan was basically his plan and has received nothing but excuses from legislatures. He added that the average cost per student is between \$16,000-\$24,000 and schools that have K-8 only are receiving more funding than schools like us because we are K-12. He plans to set up a committee and go to Trenton, stating that if many towns have representatives they will listen.

Wished everyone a happy holiday and will see everyone in April.

Hy Grossman, 15 Doral Drive – Mr. Grossman commended the EMS mentioning that his wife had fallen and within fifteen minutes they had shown up and were very caring and professional.

Questioned R-12-2016-418 regarding the budget transfers; Administrator Hamilton mentioned that we were moving \$20,000 from building and grounds to another buildings and grounds.

Joseph Bellani, 34 Newport Way – Mr. Bellani mentioned that there will be a town hall meeting on December 10th at 10am in Somerset at 711 Somerset Ave. It will give the public an opportunity to meet Congresswoman Bonnie Watson.

George Gunkelman, 5 Kelly Ct. – Mr. Gunkelman had a question regarding R-12-2016-417 asking who it was awarded to and questioned if there were any Township businesses that bid; Administrator Hamilton explained that the bid was awarded to VCI, located in Bayhead, with their cost being \$95 per hour. He added that the repair facility must be within 30 miles.

UPON MOTION made by Council Vice-President Dalina and seconded by Councilman Leibowitz, the Regular Council Meeting of December 5, 2016 was Adjourned at 7:59PM.

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

PATRICIA REID, Township Clerk

LESLIE KOPPEL, Council President

Minutes were adopted on December 28, 2016