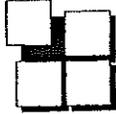


EXHIBIT B



Heyer, Gruel & Associates, PA

Community Planning Consultants

December 26, 2001

Ms. Shirley M. Bishop
Executive Director
New Jersey Council on Affordable Housing
101 South Broad Street
P.O. Box 813
Trenton, New Jersey 08625-0813

Re: Clark Township
Amended Fair Share Plan

Dear Ms. Bishop:

Enclosed please find two (2) copies of the Amended Fair Share Plan for Clark Township, as well as two (2) sets of the Township's Implementing Ordinances and Spending Plan.

The Clark Township Planning Board adopted the enclosed Amended Fair Share Plan on December 11, 2001. The Township Governing Body endorsed the Amended Fair Share Plan on December 17, 2001. The Planning Board and Governing Body resolutions are being sent to you under separate cover by Clark Township. A proof of publication of the notice will also be sent to you by Clark Township.

If you have any questions concerning the enclosed materials, please do not hesitate to contact me.

Sincerely yours,

HEYER, GRUEL & ASSOCIATES, PA

Stanley C. Stachetka, P.P.
Senior Planner

cc: Mayor Sal Bonaccorso, Mayor
John Laezza, Township Administrator
Michael N. Kurzawski, Planning Board Chairman
Kathleen Leonard, Township Clerk

63 Church Street, 2nd Floor
New Brunswick, NJ 08901
Phone: (732) 828-2200
Fax: (732) 828-9480
e-mail: mail@hgapa.com

RESOLUTION PLANNING BOARD TOWNSHIP OF CLARK
AMENDING THE ADOPTED FAIR SHARE HOUSING PLAN

MEETING DATE December 11, 2001
MOTION BY: Liz Hudak
SECONDED BY: Mayor Bonaccorso
VOTE: 9 Ayes 0 Nays 0 Abstain

WHEREAS, the Planning Board of the Township of Clark, County of Union, State of New Jersey did on or about 1991 adopt a Master Plan and subsequent thereto adopted a Master Plan Reexamination Report on September 1998 pursuant to N.J.S.A. 40:55D-28 and 89; and

WHEREAS, pursuant to N.J.S.A. 40:55D-28(b)(3) a housing element is an essential part of said Master Plan; and

WHEREAS, the Planning Board of the Township of Clark on September 2, 1997 held a public hearing on the said housing element and fair share plan, for which hearing notice was duly provided pursuant to N.J.S.A. 40:55D-13 and did adopt same on September 2, 1997; and

WHEREAS, the Planning Board of the Township of Clark on February 14, 2001 held a public hearing on an amended housing element and fair share plan, for which hearing notice was duly provided pursuant to N.J.S.A. 40:55D-13, and did adopt same on February 14, 2001; and

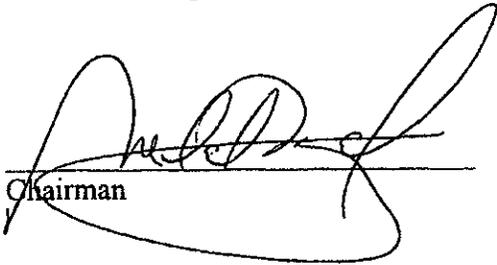
WHEREAS, the Planning Board of the Township of Clark on December 12, 2001 held a public hearing on an additional amendment to the housing element and fair share plan, for which hearing notice was duly provided pursuant to N.J.S.A. 40:55D-13; and

WHEREAS, the Planning Board has determined that the additional amendment to the housing element and fair share plan are consistent with the goals and objectives of the Township of Clark 1998 Master Plan Reexamination update and that adoption of the additional amended to the housing element and fair share plan and implementation of same is in the public interest and protects public health and safety and promotes the general welfare.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Clark,
County of Union, State of New Jersey as follows:

The Board hereby adopts the additional amendment to the housing element and fair share plan.

I hereby certify that this is a true copy of the resolution adopting the amended housing element
of the Township of Clark, County of Union on December 18, 2001.



Chairman



Secretary

COAH Filed

**AMENDED
FAIR SHARE PLAN**

**Township of Clark
Union County, New Jersey**

Prepared by

Heyer, Gruel & Associates, PA
Community Planning Consultants
732-828-2200
mail@hgapa.com

December 2001

Amended Fair Share Plan

Township of Clark
Union County, New Jersey

Adopted by

Township of Clark Planning Board

December 11, 2001

Prepared by

Heyer, Gruel & Associates, PA
Community Planning Consultants
63 Church Street, 2nd Floor
New Brunswick, New Jersey 08901
732-828-2200

The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12.



Stanley C. Slachetka, P.R. #3508

**Clark Township Planning Board
2001**

Members

Michael N. Kurzawski, Chairman
Charles Mazzucco, Vice Chairman
Salvatore Bonaccorso, Mayor
Peter Nevargic, Council President
Frank Mazarella
John Giordano
Liz Beth Hudak
Nancy Sheridan
John Zamboni
Michele Cisló, Alternate
Judy Kaminsky, Alternate

Fire Liaison

Chris Buccarelli

Police Liaison

Sgt. Detective Raymond Palmer

Secretary

Lisa McCabe

Board Attorney

Robert Mega, Esq.

Township Engineer

Richard O'Connor, P.E., P.P., C.M.E.

Planning Consultant

Stanley C. Slachetka, P.P.
Heyer, Gruel & Associates, PA

EXECUTIVE SUMMARY

Clark Township received its first-round substantive certification from the Council on Affordable Housing (COAH) on September 4, 1991. The Planning Board of Clark Township, adopted a "second round" Housing Element and Fair Share Plan on September 2, 1997 that addressed the Township's 12-year (1987-1999) cumulative obligation. The Township Council of Clark Township adopted a resolution endorsing the Housing Element and Fair Share Plan on September 10, 1997. However, the Township did not petition at that time. On August 16, 1999, the Township Council approved a resolution petitioning for substantive certification. COAH received Clark Township's Housing Element and Fair Share Plan and resolution of petition on August 23, 1999.

When Clark Township was granted its first substantive certification in September 1991, it received a vacant land adjustment from COAH due to the lack of vacant and developable land within the Township. COAH's approval of the vacant land adjustment established the Township's new construction obligation, or realistic development potential (RDP) at 23 units. Pursuant to COAH's regulations, Clark Township is able to retain its previously approved vacant land adjustment so long as it continues to implement its plan and address the Township's adjusted housing obligation number. Clark Township also has a 13-unit obligation to rehabilitate existing dwellings occupied by low and moderate-income families in the Township. Clark Township's current affordable housing obligation is 36 units, consisting of a 23-unit RDP and a 13-unit rehabilitation component.

Clark Township's proposed second-round Fair Share Plan fully addresses both its RDP of 23 units and its 13-unit rehabilitation obligation. The Township's Fair Share Plan is summarized below and described in detail in the subsequent sections of this report. The Fair Share Plan consists of the following components:

- Clark Township is eligible to receive six (6) credits for two existing group homes in the Township. Because COAH considers these group homes as rental units, the Township is eligible to receive an additional six (6) rental bonus credits, for a total of 12 units of credit from these facilities
- The township is eligible to receive a reduction of 22 units for zoning that permits affordable housing on three sites in the Township.
- Clark is also receiving 13 units of credit for dwellings in the Township that were rehabilitated by the Union County Multi-Jurisdictional Housing Program.

Combined, Clark Township is eligible to receive a total of 47 units of credits and reductions, or 11 units more than its current affordable housing obligation as established by COAH. These credits and reductions are listed in Table 5 on Page 12 of the Fair Share Plan.

Summary of the Current Amendments

After review of the Township's Housing Element and Fair Plan, COAH issued a report on March 28, 2000, requesting additional information from the Township. In its report, COAH requested that the Township capture opportunities for affordable housing beyond the RDP as required pursuant to N.J.A.C. 5:93-4.1(b), provide documentation to COAH on its previously zoned sites to confirm that they still met COAH's criteria, and revise its affirmative marketing ordinance to reflect COAH's current regulations.

In response to COAH's report, the Township Planning Board adopted an amended Housing Element and Fair Share Plan on February 14, 2001 and submitted it to COAH for its review and approval. The amended Fair Share plan addressed COAH's requirement to capture opportunities for affordable housing beyond the RDP by creating an overlay zone for age-restricted housing with an affordable setaside and by proposing a mandatory development fee ordinance designed to collect monies for affordable housing purposes as new development occurred in the Township. This overlay district is being retained in the current Fair Share Plan amendment.

The amended plan also identified three group homes in Clark that could potentially be eligible for credit towards the Township's affordable housing obligation. Each of the group homes contain three bedrooms and are owned and operated by the Arc of Union County to provide alternative living arrangements for developmentally disabled individuals. Upon review by Township professionals and subsequent discussions with COAH, the Township has determined that two of the group homes containing a total of six bedrooms are eligible for credit towards the Township's RDP. These facilities provide the Township with six credits, plus an additional six rental bonus credits, for a total of 12 units of credit. After applying these credits, the Township's new construction obligation is reduced to 11 units. Consequently, the Township is now amending its fair share plan to take advantage of the eligible credits from these facilities.

With the application of the credits from the group homes, the Township is also proposing to eliminate one of the four existing inclusionary sites from its Fair Share Plan. The site is commonly known as the Esposito Farm site on Madison Hill Road (Block 40, Lots 25, 25.01 and 27) in the southeastern portion of the Township. The site has been identified by Union County as a priority site for open space acquisition. Clark Township supports the County's efforts in this regard and, accordingly, proposes to eliminate this site from its Fair Share Plan.

With the elimination of the Esposito site from the plan, the new construction component of the Township's Fair Share plan will consist of 34 units of affordable housing, or 11 units more than its RDP of 23 units. In addition, the Township is eligible to receive 13 units of credit for rehabilitation activities in the Township. Consequently, the Township has fully addressed its current affordable housing obligation.

This amendment supplants Clark Township's previously amended Fair Share Plan. The Township's Housing Element, which was previously adopted and reviewed by COAH, including the analysis of housing stock, demographic characteristics, and employment characteristics of the Township remain unchanged.

DETERMINATION OF CLARK TOWNSHIP'S LOW AND MODERATE INCOME HOUSING NEED

Precredited Need

Pursuant to the Fair Housing Act, COAH is responsible for defining housing regions in New Jersey and developing criteria for establishing each municipality's share of the regional affordable housing need. Clark Township is located within Housing Region No. 2, the Northwest region. This region consists of Warren, Morris, Essex and Union counties.

COAH has established Clark Township's precredited need as 105 units, consisting of a new construction component of 92 units and a rehabilitation component of 13 units. The Township's precredited need is Clark's affordable housing obligation prior to the application of any adjustments, credits and reductions that the Township is eligible to receive pursuant to COAH's regulations. The following sections describe each of the components that contribute to that need, including both the Township's new construction and rehabilitation components.

1. Indigenous Need

Indigenous need is the total number of existing deficient housing units occupied by low and moderate-income households within a community. The indigenous need is determined by the presence of a number of statistical surrogates.

The surrogates used by the Council on Affordable Housing in its methodology are:

1. The year the structure is built. Units built before 1940 are considered "old housing", and are subject to greater deterioration than newer homes;
2. Persons per room. 1.01 or more persons per room is an index of overcrowding;
3. Plumbing facilities. Lack of the exclusive use of complete plumbing facilities is considered as an inadequate facility.
4. Kitchen facilities. Adequate kitchen facilities include exclusive use of a sink with piped water, a stove and a refrigerator.
5. Heating facilities. Inadequate heating is the use of coal, coke, wood or no fuel for heating.
6. Sewer. Inadequate sewer services are lack of public sewer, septic tank or cesspool.
7. Water. Inadequate water supply is lack of either city water, drilled well or dug well.

A unit with at least two of the above characteristics and occupied by a low or moderate-income family is a deficient unit.

Because Census data are only available by sub-region, it is necessary to "step down" the sub-regional indigenous need to the municipal level. Six indices of deficiency are available at both the municipal and sub-regional levels. These indices are used to distribute the sub-regional indigenous need among the sub-region's municipalities. The indices of deficiency are (1) water or sewer deficiency, whichever is greater; (2) non-standard heating facilities or no fuel; (3) overcrowding, i.e. 1.01 or more persons per room; (4) inadequate plumbing facilities; (5) housing built before 1940; (6) absence of telephone in unit.

Using COAH's methodology, Clark has an indigenous need of 19 units. It should be noted that the determination of indigenous need, based on the surrogates, used 1990 census data. Some of the "substandard" housing units may have been rehabilitated since then. COAH's formula calculates that six (6) units were anticipated to be "spontaneously" rehabilitated by private initiatives, resulting in a rehabilitation component of 13 units for the Township.

2. *Reallocated Present Need*

Reallocated present need is a share of the excess deteriorated units in a region transferred to all communities which are within the growth area except selected urban aid cities. Excess deficient units are allocated and redistributed to all of the other municipalities within a growth area in the region.

Low-and moderate-income housing is distributed to each community using both economic and land use factors. The factors were selected as measures of both municipal responsibility and capacity. The factors used in apportioning reallocated present need include:

1. Equalized nonresidential valuation (commercial and industrial).
2. Undeveloped land.
3. Aggregate income difference.

Using the allocation formula, the Township of Clark has a reallocated present need of 52 units.

3. *Prospective Need*

According to COAH, prospective need is a projection of low-and moderate-income housing needs based on development and growth that is reasonably likely to occur in a region or municipality. Prospective low-and moderate-income housing need is derived by projecting the population by age cohort from 1993 to 1999 and converting this to households.

The following factors are used to distribute regional prospective need to each municipality:

1. Change in equalized nonresidential valuation from 1980 to 1990.
2. Undeveloped land.
3. Aggregate income difference.

Clark's 1993-1999 prospective need is 10 units.

4. *Prior Cycle Prospective Need (1987 - 1993)*

Prior cycle prospective need is an allocation of unmet need from the previous, or first-round, cycle (1987 - 1993). The formula recalculates the prior cycle prospective need to reflect the best estimate of the growth in low and moderate-income households that actually occurred in the period.

The Township of Clark has a prior cycle prospective need of 51 units.

5. *Modifications and Adjustments*

1. Demolitions. The fair share formula identifies demolition as a factor that eliminates housing opportunities for low and moderate-income households. Therefore, the number of demolitions is added to the total need number.

The number of municipal demolitions that occurred during 1988, 1989 and 1990 are averaged and multiplied by six to obtain the projected 1993 to 1999 demolition estimate. Total demolitions are tallied by municipality and the share affecting low and moderate-income housing is estimated by a multiple of the sub-regional low-and moderate-income housing deficiency percentage.

In Clark, estimated demolitions account for one (1) additional unit.

2. Filtering. Filtering is a factor that reduces total need number, based upon the recognition that housing needs of low and moderate income households are partially met by sound housing units formerly occupied by higher income sectors of the housing market. That is, as higher income households vacate certain units, they become available to households of lower income. Filtering is strongly correlated with the presence of multi-family housing units. Filtering is measured by using the American Housing survey over the 4-year period 1985 - 1989.

In Clark, filtering reduces the total housing obligation by 18 units.

3. Residential Conversions. Residential conversion is the creation of dwelling units from already existing residential structures. Residential conversion causes a reduction in total municipal need because it provides housing for low-and moderate-income households. Residential conversion is positively correlated with the presence of two-to four-family housing units.

Converted units are measured using the 1980 and 1990 Housing Census. Conversions are calculated as the difference between the increase in total housing units and the housing units constructed less the demolitions over the period.

In Clark residential conversions reduces the Township's housing obligation by four (4) units.

4. Spontaneous Rehabilitations. Spontaneous rehabilitation measures the private market's ability to rehabilitate deficient low and moderate-income units to code standard. It causes a reduction to the indigenous municipal need. Spontaneous rehabilitation is positively correlated with income.

In Clark, spontaneous rehabilitation is calculated to cause a net reduction of six (6) units.

The components of Clark Township's precredited affordable housing need are summarized in the following table

**Table 1
Affordable Housing Need Calculation
Clark Township, NJ**

Indigenous Need	+19
Reallocated Present Need	+52
Prospective Need	+10
Total Need 1993-1999	81
Prior Cycle Prospective Need (1987-1993)	+51
12-Year Cumulative 1987-1999 Need	132
Adjustments	
Demolitions	+1
Filtering	-18
Conversions	-4
Spontaneous Rehabilitation	-6
Precredited Need	105
New Construction Component	92
Rehabilitation Component	13

Vacant Land Adjustment

Clark has been identified as a "VL" (Vacant Land Adjustment Community) in COAH's 1987-1999 municipal affordable housing allocations. The VL designation is given to municipalities that received a vacant land adjustment in the first affordable housing cycle (1987 to 1993) from COAH.

When Clark Township received its first substantive certification on September 4, 1991, it received a vacant land adjustment from COAH due to the lack of sufficient vacant and developable land within the Township. COAH's approval of the vacant land adjustment established the Township's new construction obligation, or realistic development potential (RDP) at 23 units. Pursuant to N.J.A.C. 5:93-4.2(f), a municipality that received an adjustment due to lack of vacant land in addressing its first-round (1987-1993) obligation is entitled to retain its vacant land adjustment as part of its second-round plan and is presumed to have addressed its RDP, provided the municipality continues to implement the terms of its previous substantive certification and addresses its adjusted affordable housing obligation.

A municipality's rehabilitation component cannot be reduced through a vacant land adjustment. Consequently, the Township's rehabilitation component remains at 13 units and is addressed through eligible credits for rehabilitation work performed by the Union County Multi-Jurisdictional Housing Program.

**Table 2
Adjusted Affordable Housing Need
Clark Township, NJ**

New Construction Component	+92
Rehabilitation Component	+13
Precredited Need	105
Prior-Cycle Credits (units created prior to 12/96)*	-3
Vacant Land Adjustment	-66
Adjusted Affordable Housing Need	36
Realistic Development Potential (RDP)	23
Rehabilitation Component	13

*Group home located 279 Oak Ridge Road (See page 10.)

Clark Township proposes to continue to implement the terms of its original certification by obtaining credit for two existing group homes with rental bonus credits and retaining inclusionary zoning on three of four of its previously zoned inclusionary sites. Together, the two group homes, rental bonus credits and zoning will provide the Township with a total of 34 units of credits and reductions, or 11 units more than its 23-unit RDP. These components of the Township's Fair Share Plan are described in the following section.

FAIR SHARE PLAN

Based on the previously discussed credits and adjustments, the Township's current affordable housing obligation is 36 units, including a 13-unit rehabilitation obligation and a 23-unit RDP. The Township addresses this obligation in the following manner:

Rehabilitation

The Union County Multi-Jurisdictional Housing Program has rehabilitated 13 units in Clark Township since April 1, 1990. Clark Township has submitted documentation to COAH to support the granting of credits for these units and COAH staff has determined that they meet COAH's criteria as indicated in its March 28, 2000 report. Clark Township proposes a continuation of the current rehabilitation program under the auspices of the Union County Multi-Jurisdictional Housing Program, which is administered by Planners Diversified, a private firm retained by Union County to administer its program.

New Construction

The Township addresses its new construction obligation, or RDP, through a combination of group homes and retention of inclusionary zoning on three of its four previously certified sites.

1. Group Homes

Alternative living arrangements may be used to address a municipal housing obligation. Alternative living arrangements are defined as structures in which residents live in distinct bedrooms but share kitchen and plumbing facilities and common areas. Alternative living arrangements include transitional facilities for the homeless, State-licensed boarding homes, residential healthcare facilities, group homes for the developmentally disabled and other congregate living arrangements. For each of these facilities, the unit of credit is the bedroom.

There are three group homes for the developmentally disabled in Clark Township that qualify as alternative living arrangements as per COAH guidelines. Each of the three facilities contains three bedrooms. The three facilities are all owned and operated by The ARC of Union County, a not for profit organization funded by State grants and charitable donations. Two are located on Oak Ridge Road and one is located on Union County Parkway.

All three of the facilities are operated under contract with the New Jersey Division of Developmental Disabilities in the Department of Human Services. The two facilities on Oak Ridge Road were purchased with capital funding from the DDD. The facility on Union County Parkway was donated to The Arc of Union County and renovated using DDD capital funding. The capital grants have a term of twenty years

and are renewable at the end of the initial term which COAH's requirements for affordability controls. Crediting forms and a letter from DDD confirming the status of the facilities is included in Appendix A.

Two of the group homes are eligible for credit toward the Township's RDP for a total of six (6) credits. In addition, the Township can receive an additional six (6) rental bonus credits, for a total of 12 units of credit. The two group homes and eligible credits are summarized in the following table:

**Table 3
Group Home Facilities
Clark Township**

Facility Location	Type of Facility	Operator	No. of Bedrooms	Date Opened	Eligible Credits	Rental Bonus Credits	Total Credits
93 Union County Parkway	Group Home for the Developmentally Disabled	Arc of Union County	3	1995	3	3	6
507 Oak Ridge Road	Group Home for the Developmentally Disabled	Arc of Union County	3	November 2001	3	3	6
Totals			6		6	6	12

The third group home located at 279 Oak Ridge Road was opened in July 1986 and is considered by COAH to be a "prior-cycle" credit that can be applied against the Township's precredited need prior to the application of the vacant land adjustment.

2. Zoning

The Township of Clark proposes to retain inclusionary zoning on three of the four parcels zoned for inclusionary development in its 1991 Housing Element and Fair Share Plan. Each of these parcels are zoned R-B, Multiple Family Residential. Permitted uses in the R-B Zone include townhouses and garden apartments at a density of 8 dwelling units per acre and a 20 percent affordable housing set aside. The potential number of low/moderate income units to be generated by these three parcels is 22 units. A summary of the units to be generated by the inclusionary zoning on the three sites is as follows:

**Table 4
Sites Zoned for Inclusionary Development
Clark Township, NJ**

Site Name	Block	Lot	Acres	Density (D.U./Acre)	Total Units	Low and Moderate Income Units
Schieferstein Farm	36	13	3.25	8.0	26	5
Miele Nursery	28.01	13 & 14	5.00	8.0	40	8
Raritan Road & Charlotte Drive	28	8 & 9	5.43	8.0	43	9
Totals			13.68		109	22

In approving the Township's first-round plan in 1991, COAH found that each of these sites met COAH's criteria for suitable, approvable, available, and developable sites. Each of the three sites is located in Planning Area 1 (PA-1) of the State Development and Redevelopment Plan. Each site has access to sewer and water and is surrounded by compatible land uses. The Township has entered into an appropriate dialogue with the property owners of the sites as required by COAH and none of the property owners have approached the Township for rezoning of their sites. It is the understanding of the Township that the current zoning is appropriate given current market conditions.

The Township's previously certified plan contained a fourth site that had been zoned for inclusionary zoning. Commonly known as the Esposito Farms site (Block 40, Lots 25, 25.01 and 27), the property is located on Madison Hill Road in the southeastern portion of Clark Township and contained one of the last working farms in Clark Township and Union County. The site contains approximately 12.8 acres and was to have provided 20 units of affordable housing pursuant to the requirements of the R-B zoning on the tract.

With the two group homes, rental bonus credits, and zoning on the remaining three sites, the Township's plan provides for a total of 34 affordable units towards its new construction obligation, or 11 units more than its current RDP. Consequently, the Esposito Farms site is not needed to satisfy the Township's obligation and the Township is proposing to eliminate the site from its plan.

The removal of the Esposito Farms site is predicated on the fact that the site has been identified as a priority site for open space acquisition by Union County. Clark Township supports the effort of Union County to acquire the Esposito Farms site for open space purposes. The Township is currently in the process of amending its Master Plan and intends to identify this site for open space and recreation purposes in the Open Space Element of its Master Plan consistent with Union County's Master Plan.

Pursuant to N.J.A.C. 5:93-5.13(b), a municipality petitioning for substantive certification of a plan that addresses its 12-year cumulative obligation, must retain inclusionary zoning on a site included in its first-round plan if: (1) the site was subject to an agreement pursuant to COAH's mediation process or part of negotiated settlement in court; or (2) a development application for the site was filed prior to the expiration of the first-round plan. None of these conditions are applicable to the Esposito site. In accordance with COAH requirements, the Township provided the property owner of the Esposito Farms site with a notice of the intent of the Township to rezone the site and remove it from the Township's affordable housing plan. (See Appendix B.)

A listing of the eligible credits and reductions and a summary of Clark Township's amended Fair Share Plan are summarized in the following table:

**Table 5
Amended Fair Share Plan
Clark Township, NJ**

Realistic Development Potential	23
Rehabilitation Component	13
Total Affordable Housing Obligation	36
Credits (Group Homes)	-6
Rental Bonus Credits	-6
Reductions (R-B Zones)	-22
Units Rehabilitated After 4/1/90	-13
Total Credits and Reductions	-47
Remaining Fair Share Obligation	0
Surplus Units	11

3. Capturing Opportunities for Affordable Housing Beyond the RDP

A municipality receiving a vacant land adjustment is expected to capture opportunities for affordable housing beyond its calculated RDP. COAH calls this difference between the RDP and new construction component of the precoded need, a municipality's "unmet need." In its March 28, 2000 report, COAH requested that Clark Township consider overlay zoning, an accessory apartment program or a development fee ordinance to address its obligation beyond the RDP. Clark Township has chosen to respond to COAH's requirement by creating an overlay zone for age-restricted housing with an affordable and by instituting a development fee.

a. Overlay Zoning

The overlay zone will apply to Block 57, Lot 1 and will allow senior age-restricted housing at a density of 15 units per acre with a mandatory set aside of twenty percent (20%) of the units for low and moderate income housing. The property contains two (2) acres that could potentially yield a total of 30 age-restricted units, with six (6) affordable units. The property is located on Old Raritan Road and is shown on a street map, USGS Topographic Map and National Wetlands Inventory Map included in Appendix C.

b. Development Fee Ordinance

Clark Township will adopt a development fee ordinance designed in accordance with COAH's model. The ordinance will apply to all non-residential improvements and to new residential construction. Additions and improvements to existing dwellings will be exempt from paying a fee. The development fee for non-residential activities will be one (1%) percent of equalized assessed value. The development fee for eligible residential activities will be one-half of one (0.5%) percent of equalized assessed value. Where there is a zoning change or use variance that permits increased residential development, the Township will impose a development fee of six (6%) percent of the equalized assessed value for each additional unit that may be realized as a result of the rezoning or use variance.

The proceeds from the development fee ordinance will be deposited in a housing trust fund and will be used for COAH approved activities to address the Township's low and moderate income housing obligation. The Township has submitted a spending plan that has been designed in accordance with COAH's model spending plan.

4. Rental Obligation

Pursuant to N.J.A.C. 5:93-5.15(a), every municipality addressing its 1987-1999 affordable housing need has an obligation to create a realistic opportunity to construct rental units as part of its plan. For municipalities receiving a vacant land adjustment, the rental obligation is 25 percent of the RDP. Consequently, Clark Township's rental obligation is six (6) units, or 25 percent of the Township's RDP of 23 units. The Township is satisfying its rental obligation with the two group homes described above.

Affirmative Marketing

The Township has revised its affirmative marketing ordinance in accordance with COAH's request. The ordinance has been prepared in accordance with N.J.A.C. 5:93-11, to insure that as sales/re-sales and rents/re-rentals occur, the units will be marketed to the COAH housing region consisting of Essex, Morris, Union and Warren Counties.

Administrative Entity

In accordance with N.J.A.C. 5:93-9.1(a), Clark Township will utilize the Housing Affordability Service (HAS), formerly known as the Affordable Housing Management Service (AHMS), as the affordable housing administrator for new construction. In the event that housing units are created in Clark Township during the six-year period of substantive certification, the township will contract with HAS to ensure the affordability of the units during the period of affordability controls.

Controls on Affordability

In accordance with N.J.A.C. 5:93-9, the Township has adopted an administrative plan that outlines the methods of qualifying applicants, establishing waiting lists and procedures to match applicants to units.

Fair Share Ordinance

Clark Township will also adopt revised fair share ordinance that regulates the development of inclusionary development in accordance with applicable COAH regulations.

Appendix A
Group Home Crediting Documentation



DONALD T. DIFRANCESCO
ACTING GOVERNOR

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES
PO BOX 726
TRENTON, NJ 08625-0726

JAMES W. SMITH, JR.
ACTING COMMISSIONER
DEBORAH TRUB WEHRLEN
DIRECTOR
TEL. (609)292-3742

November 13, 2001

Mr. Stanley Slachetka
Heyer Gruel & Associates
63 Church St.-2nd Floor
New Brunswick, NJ 08901

Dear Mr. Slachetka:

This letter is in response to your inquiry regarding three properties in Clark Township, Union County:

93 Union County Parkway

279 Oakridge Road

507 Oakridge Road

All three of these homes are Community Residences for the Developmentally Disabled that are operated under contract with the State Division of Developmental Disabilities. In addition, the two homes on Oakridge Road were purchased with Capital Funding from the Department of Human Services, Division of Developmental Disabilities. Although the home on Union County Parkway was donated to the Arc of Union County, the money to renovate the home was also provided with Capital Funding from the Division. The contracts providing the capital grant have a term of twenty years and are renewable at the end of the initial term.

I hope this information is helpful. Should you need additional information you may call me at 609-984-5349.

Sincerely,

A handwritten signature in cursive script that reads "Blanche Ellis".

Blanche Ellis, Director
Community Capital Planning & Development Unit

ALTERNATIVE LIVING ARRANGEMENTS

MUNICIPALITY: Clark Township

COUNTY: Union

A:

<u>Type of Facility</u>	<u>Address of Facility</u>	<u># Of Rooms Specifically Restricted to Low/Moderate Income Households/ Individuals</u>	<u>Construction or Rehabilitation</u>	<u>Date of Occupancy For New Construction or Final Inspection For Rehabilitation</u>
Group home for the developmentally disabled	93 Union County Parkway, Clark, NJ	Three (3) bedrooms	Donated to ARC of Union County renovated in 1995	1995

B. Briefly description of affordability control. (Kindly attach applicable legal instrument)

The ARC of Union County is a not for profit organization funded by state grants and charitable donations. The facility was renovated using capital funding from the Department of Human Services, Division of Developmentally Disabilities. The contracts providing the capital grant have a term of twenty years and are renewable at the end of the initial term.

C. Briefly describe rehabilitation work and cost per room, if applicable.

The dwelling is a cape cod home donated to the ARC of Union County in 1995 and renovated to accommodate three (3) developmentally disabled persons.

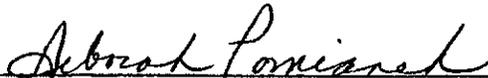
D. Affidavit that occupants meet either low or moderate income eligibility standards.

Residents receive only social security income and meet COAH eligibility standards for low-income households.

E. Verification that facility is open to the general public and is not age restricted.

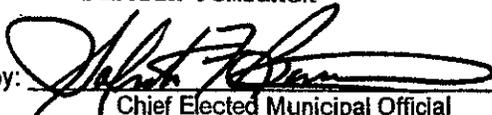
The facility is open to the general public and not age-restricted.

Certified by:



Owner or Administrator of Facility or Developer
Deborah Pomianek

Certified by:



Chief Elected Municipal Official

ALTERNATIVE LIVING ARRANGEMENTS

MUNICIPALITY: Clark Township

COUNTY: Union

A:

<u>Type of Facility</u>	<u>Address of Facility</u>	<u># Of Rooms Specifically Restricted to Low/Moderate Income Households/ Individuals</u>	<u>Construction or Rehabilitation</u>	<u>Date of Occupancy For New Construction or Final Inspection For Rehabilitation</u>
Group home for the developmentally disabled	279 Oak Ridge Road, Clark, NJ	Three (3) bedrooms	Purchased and renovated by the ARC of Union County	July 1986

B. Briefly description of affordability control. (Kindly attach applicable legal instrument)

The ARC of Union County is a not for profit organization funded by state grants and charitable donations. The facility was purchased and renovated using capital funding from the Department of Human Services, Division of Developmental Disabilities. The contracts providing the capital grant have a term of twenty years and are renewable at the end of the initial term.

C. Briefly describe rehabilitation work and cost per room, if applicable.

The bi-level dwelling ~~the brick, Ranch-Style~~ home was purchased and renovated by the ARC of Union County using funds from the Division of Developmental Disabilities.

D. Affidavit that occupants meet either low or moderate income eligibility standards.

Residents receive only social security income and meet COAH eligibility standards for low-income households.

E. Verification that facility is open to the general public and is not age restricted.

The facility is open to the general public and not age-restricted.

Certified by: Deborah Pomianek
Owner or Administrator of Facility or Developer
Deborah Pomianek

Certified by: Mark [Signature] May-
Chief Elected Municipal Official

ALTERNATIVE LIVING ARRANGEMENTS

MUNICIPALITY: Clark Township

COUNTY: Union

A:

<u>Type of Facility</u>	<u>Address of Facility</u>	<u># Of Rooms Specifically Restricted to Low/Moderate Income Households/ Individuals</u>	<u>Construction or Rehabilitation</u>	<u>Date of Occupancy For New Construction or Final Inspection For Rehabilitation</u>
Group home for the developmentally disabled	507 Oak Ridge Road, Clark, NJ	Three (3) bedrooms	Purchased and renovated by the ARF of Union County	November 2001

B. Briefly description of affordability control. (Kindly attach applicable legal instrument)

The ARC of Union County is a not for profit organization funded by state grants and charitable donations. The facility was purchased and renovated using capital funding from the Department of Human Services, Division of Developmental Disabilities. The contracts providing the capital grant have a term of twenty years and are renewable at the end of the initial term.

C. Briefly describe rehabilitation work and cost per room, if applicable.

The brick, Ranch-Style home was purchased and renovated by the ARC of Union County using funds from the Division of Developmental Disabilities.

D. Affidavit that occupants meet either low or moderate income eligibility standards.

Residents receive only social security income and meet COAH eligibility standards for low-income households.

E. Verification that facility is open to the general public and is not age restricted.

The facility is open to the general public and not age-restricted.

Certified by: Deborah Pomianek
Owner or Administrator of Facility or Developer

Deborah Pomianek

Certified by: [Signature]
Chief Elected Municipal Official

Appendix B
Letter to Owner of Esposito Site



SAL BONACCORSO
MAYOR

TOWNSHIP OF *Clark*, NEW JERSEY

430 Westfield Avenue
Clark, New Jersey 07066-1704
Tel.: (732) 388-3600
Fax.: (732) 388-0256

November 29, 2001

The Estate of Mr. Peter Esposito
659 Madison Hill Road
Clark, New Jersey 07066

Re: Proposed Clark Township fair Share Plan Amendment
Esposito Farm Property
Block 40, Lots 25, 25.01 and 27

To whom it may concern:

This letter is to inform you that the Township of Clark has prepared an amended Housing Element and Fair Share Plan that addresses its cumulative 1987-1999 fair share housing obligation as established by and the New Jersey Council on Affordable Housing (COAH). The Township intends to adopt its amended plan and petition COAH for substantive certification before the end of December.

This letter is being sent to you as part of the notification requirements to owners of inclusionary sites that is required by COAH as part of the Township's substantive certification review. The Township's new plan seeks to eliminate the R-B Multiple - Family Residential District designation from your property (Block 40, Lots 25, 25.01 and 27) and rezone it to an R-150 Residential Zone designation. Clark will affirmatively address its obligation by retaining the R-B Zoning on three remaining inclusionary sites in the Township and receiving credits for two existing group homes for the developmentally disabled.

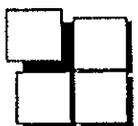
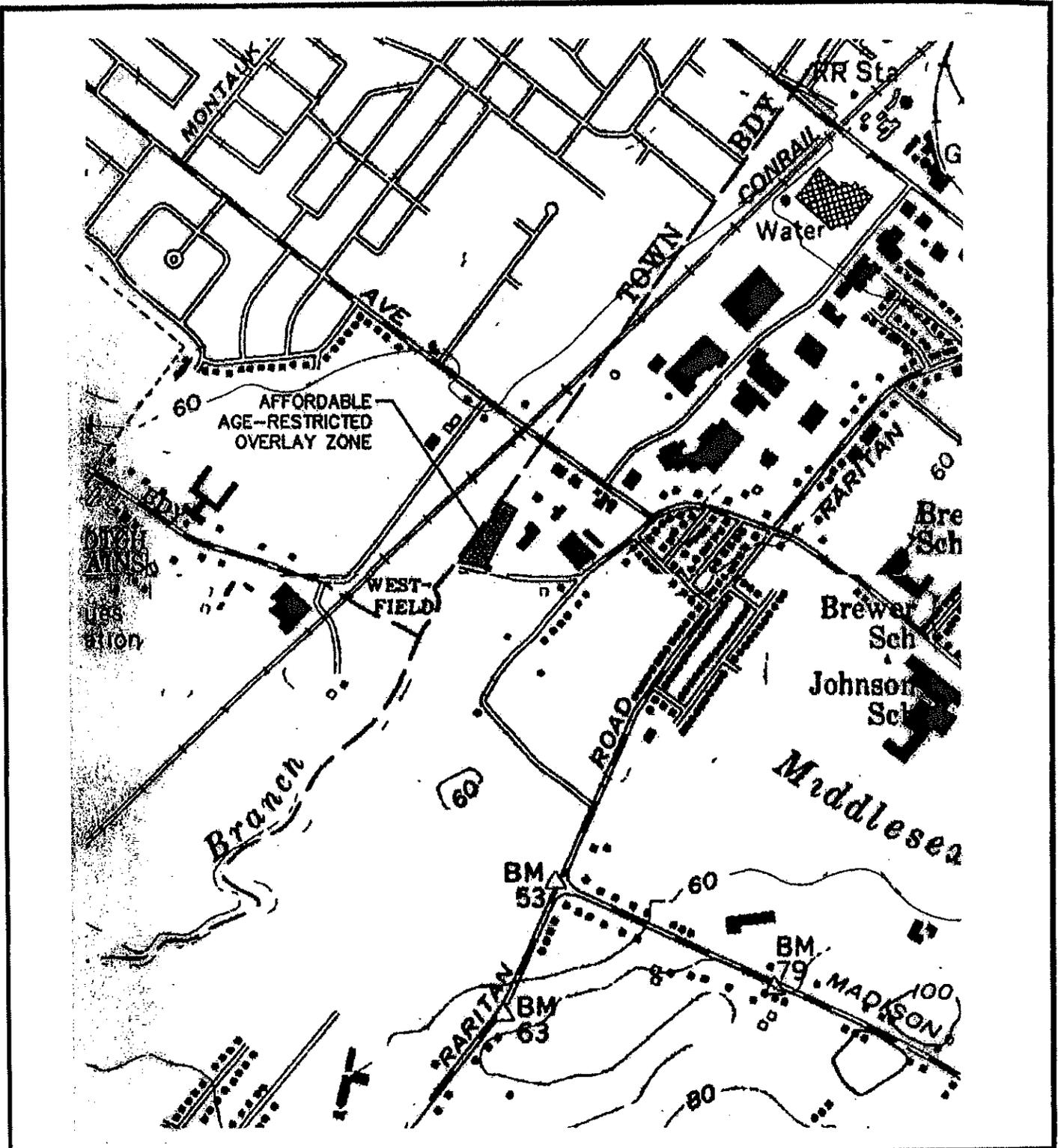
I have enclosed a copy of the Township's proposed Fair Share Plan amendment for your review. The Clark Township Planning Board will hold a public hearing on the proposed amendment to the Fair Share Plan on December 11, 2001, at 8:00 p.m. in the Clark Township Council Chambers located at 315 Westfield Avenue. The Township would appreciate it if we could have your response in writing before the date of the Planning Board hearing.

Yours truly,

Mayor Sal Bonaccorso

SB:ff

Appendix C
Senior Citizen Overlay Zone Maps



Heyer, Gruel & Associates, PA
 Community Planning Consultants
 63 Church Street, 2nd Floor
 New Brunswick, NJ 08901

USGS TOPOGRAPHIC MAP FOR
LOT 01 BLOCK 57
 Township of Clark

Union County New Jersey

Nov. 2001

