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Housing Element and Fair Share Plan
Township of Clark

APPENDIX A

RESIDENTIAL GROWTH SHARE OBLIGATION

RESIDENTIAL GROWTH SHARE OBLIGATION

TABLE R-1 MPO Residential Growth Projection Township of Clark				
2015 MPO Households	2005 MPO Households	Household Growth	Affordable Housing Ratio	Affordable Housing Share
5,870	5,660	210	9	23
Source: North Jersey Transportation Authority - Data provided through the COAH website				

TABLE R-2 Historic Trend of Certificates of Occupancy and Demolition Permits ¹ Township of Clark										
	1996	1997	1998	1999	2000	2001	2002	2003	2004 ²	2005 ²
COs Issued	0	3	2	9	15	9	7	3	4	6
Demolitions	4	0	2	5	3	2	2	4	11	13
Net	-4	3	0	4	12	7	5	-1	-7	-7
1 COAH HANDBOOK										
2. Actual data from the Construction Office										

TABLE R-3 Anticipated Number of Residential Units by the Year that COs are Anticipated to be Issued ¹ Township of Clark											
	Actual Growth	Projected Growth									TOTAL
	2005	2006	2007	2008	2009	2010	2011	2012	2013		
Approved Development											
Century States	0	0	26	0	0	0	0	0	0	26	
Charlotte State Drive	0	0	7	0	0	0	0	0	0	7	
Anticipated Development											
567 Madison Hill Road ²	0	0	5	0	0	0	0	0	0	5	
Schieferstein Farm		0	5	4	0	0	0	0	0	9	
Miele nursery		0	5	5	4	0	0	0	0	14	
Schwarz Farm ³		0	5	5	5	5	5	5	5	35	
Clark Developers site		0	0	50	50	50	50	50	50	300	
TOTAL	0	0	53	64	59	55	55	55	55	396	
1 COAH HANDBOOK											
2 Five new single-family dwellings											
3 Maximum number which the zoning permits not considering the environmental constraints											

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Housing Element and Fair Share Plan
Township of Clark

TABLE R-8											
Net Residential Growth Projections After Subtracting Prior Round and Third Round Affordable and Inclusionary Market Rate Units											
Township of Clark											
	Actual Growth		Projected Growth								TOTAL
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	
Net Residential Growth (Table R-5)	-7	-7	4.25	56.25	67.25	62.25	58.25	58.25	58.25	58.25	409
Exempt Units (Table R-7)	0	0	0	5	55	55	55	55	55	55	335
Final Net Growth	-7	-7	4.25	51.25	12.25	7.25	3.25	3.25	3.25	3.25	74

TABLE R-9											
Affordable Housing Unit Obligation Generated by Residential Development											
Township of Clark											
	Actual Growth		Projected Growth								TOTAL
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	
Table R-8	-7	-7	4.25	51.25	12.25	7.25	3.25	3.25	3.25	3.25	74
Divide by 8.1	-0.88	-0.88	0.53	6.41	1.53	0.91	0.41	0.41	0.41	0.41	9.25

I COAH HANDBOOK

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Housing Element and Fair Share Plan
Township of Clark

APPENDIX B

NON-RESIDENTIAL GROWTH SHARE OBLIGATION

NON-RESIDENTIAL GROWTH SHARE OBLIGATION

TABLE NR-1				
MPO Non-Residential Growth Projection				
Township of Clark, Union County				
2015 MPO Employment	2005 MPO Employment	Employment Growth	Affordable Housing Ratio	Affordable Housing Share
7,800	7,570	230	25	9
Source: North Jersey Transportation Authority - Data provided through the COAH website				

TABLE NR-2											
Historic Trend of Certificates of Occupancy and Demolition Permits											
Township of Clark											
	1996 Sq Ft	1997 Sq Ft	1998 Sq Ft	1999 Sq Ft	2000 Sq Ft	2001 Sq Ft	2002 Sq Ft	2003 Sq Ft	2004 Sq Ft	2005 Sq Ft	2006 ¹ Sq Ft
COs Issued	0	2,060	1,134	0	24,962	4,249	10,522	290	6,450	19,028	6,238
Office											
COs Issued	0	149,610	2,195	0	3,741	2,000	0	0	0	0	0
Retail											
COs Issued	0	21,753	5,600	0	0	0	0	0	360	0	0
A-3											
COs Issued	0	0	0	1,300	0	0	0	0	0	0	0
A-4											
COs Issued	0	0	19,250	0	34,925	7,542	0	0	0	0	0
Storage											
COs Issued	0	0	0	0	1,892	0	0	0	0	0	0
R-1 Use											
Demolition											
F-Manufacturing Use	0	0	0	0	0	0	0	0	0	0	120,914
1 From Construction Office data.											
Source: New Jersey Department of Community Affairs, Division of Codes and Standards.											

TABLE NR-3											
Ten Year Historical trend of Jobs ² Created through Non-Residential Construction ¹											
Township of Clark											
	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	10-Year Total
COs Issued	0	6	3	0	75	13	32	1	19	57	206
Office											
COs Issued	0	150	2	0	4	2	0	0	0	0	8
Retail											
COs Issued	0	65	17	0	0	0	0	0	1	0	83
A-3											
COs Issued	0	0	0	4	0	0	0	0	0	0	4
A-4											
COs Issued	0	0	4	0	7	2	0	0	0	0	12
Storage											
COs Issued	0	0	0	0	2	0	0	0	0	0	2
R-1											
Demolitions	0	0	0	0	0	0	0	0	0	0	0
F - Manufacturing											
Total Jobs by year	0	221	26	4	87	16	32	1	20	57	315
1 COAH Handbook											
2 COAH Substantive Rules Appendix E.											

TABLE NR-4				
"B" Use Actual Developments by year that CO's were Issued (3 jobs/1000 sq. ft.) ¹				
Township of Clark				
	2004	2005	Total Square footage	Jobs
Total New Development				
Offices	6,450		6,450	19
Offices		19,028	19,028	57
COAH Substantive Rules Appendix E.				

TABLE NR-5				
"A-3" Use Actual Developments by year that CO's were Issued (3 jobs/1000 sq. ft.) ¹				
Township of Clark				
	2004	2005	Total Square footage	Jobs
Total New Development				
A-3	360		360	1
1 COAH Substantive Rules Appendix E.				

TABLE NR-6										
"B" USE GROUP: Developments and Anticipated Developments by the Year that COs are Anticipated to Be Issued ¹										
Township of Clark, Union County										
	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL	Jobs
Approved Development Applications										
None	0	0	0	0	0	0	0	0	0	
Pending Development Applications										
None	0	0	0	0	0	0	0	0	0	
Other Projected Development										
Total New Development	6238.00	5402.13	5402.13	5402.13	5402.13	5402.13	5402.13	5402.13	44,053	
Total Demolitions	0	0	0	0	0	0	0	0		
TOTAL NEW DEVELOPMENT	6,238	5,402	5,402	5,402	5,402	5,402	5,402	5,402	44,053	132.1586
² Three jobs per 1,000 square feet.	18.71	16.21	16.21	16.21	16.21	16.21	16.21	16.21	132.16	
1 COAH HANDBOOK										
2 COAH Substantive Rules Appendix E.										

TABLE NR-7										
"M" USE GROUP: Developments and Anticipated Developments by the Year that Cos are Anticipated to Be Issued ¹										
Township of Clark, Union County										
	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL	Jobs
Approved Development Applications										
None	0	60000	0	0	0	0	0	0	60,000	
Pending Development Applications										
None	0	0	0	0	0	0	0	0	0	
Projected Development										
Total New Development	19,693.25	19,693.25	19,693.25	19,693.25	19,693.25	19,693.25	19,693.25	19,693.25	137,853	
Total Demolitions	0	52,812.00	0	0	0	0	0	0	52,812	
TOTAL NEW DEVELOPMENT	19,693	26,881	19,693	19,693	19,693	19,693	19,693	19,693	164,734	
² One job per 1,000 square feet.	19.69	26.88	19.69	19.69	19.69	19.69	19.69	19.69	164.73	
1 COAH HANDBOOK										
2 COAH Substantive Rules Appendix E.										

TABLE NR-8										
"F" USE GROUP: Developments and Anticipated Developments by the Year that Cos are Anticipated to Be Issued ¹										
Township of Clark, Union County										
	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL	Jobs
Approved Development Applications										
None	0	0	0	0	0	0	0	0	0	
Pending Development Applications										
None	0	0	0	0	0	0	0	0	0	
Projected Development										
Total New Development	0	0	0	0	0	0	0	0	0	
Total Demolitions	120,914	0	0	0	0	0	0	0	0	
TOTAL NEW DEVELOPMENT	-120,914	0	0	0	0	0	0	0	0	0
² Two job per 1,000 square feet.	-241.828	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-241.83
1 COAH HANDBOOK										
2 COAH Substantive Rules Appendix E.										

TABLE NR-9										
"A3" USE GROUP: Developments and Anticipated Developments by the Year that COs are Anticipated to Be Issued ¹										
Township of Clark, Union County										
	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL	Jobs
Approved Development Applications										
None	0	0	0	0	0	0	0	0	0	0
Pending Development Applications										
None	0	0	0	0	0	0	0	0	0	0
Projected Development										
Total New Development	3419.13	3419.13	3419.13	3419.13	3419.13	3419.13	3419.13	3419.13	23,934	
Total Demolitions	0	0	0	0	0	0	0	0	0	0
TOTAL NEW DEVELOPMENT	3,419	3,419	3,419	3,419	3,419	3,419	3,419	3,419	27,353	27,353
² Three job per 1,000 square feet.	10.26	10.26	10.26	10.26	10.26	10.26	10.26	10.26	82.06	
1 COAH HANDBOOK										
2 COAH Substantive Rules Appendix E.										

TABLE NR-10										
"A4" USE GROUP: Developments and Anticipated Developments by the Year that COs are Anticipated to Be Issued ¹										
Township of Clark, Union County										
	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL	Jobs
Approved Development Applications										
None	0	0	0	0	0	0	0	0	0	
Pending Development Applications										
None	0	0	0	0	0	0	0	0	0	
Projected Development										
Total New Development	162.5	162.5	162.5	162.5	162.5	162.5	162.5	162.5	1,138	
Total Demolitions	0	0	0	0	0	0	0	0	0	
TOTAL NEW DEVELOPMENT	162.50	162.50	162.50	162.50	162.50	162.50	162.50	162.50	1,300.00	1.3
² Three job per 1,000 square feet.	0.49	0.49	0.49	0.49	0.49	0.49	0.49	0.49	3.90	
1 COAH HANDBOOK										
2 COAH Substantive Rules Appendix E.										

TABLE NR-11										
"Storage" USE GROUP: Developments and Anticipated Developments by the Year that COs are Anticipated to Be Issued ¹										
Township of Clark, Union County										
	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL	Jobs
Approved Development Applications										
None	0	0	0	0	0	0	0	0	0	0
Pending Development Applications										
None	0	0	0	0	0	0	0	0	0	0
Projected Development										
Total New Development	7714.63	7714.63	7714.63	7714.63	7714.63	7714.63	7714.63	7714.63	54,002	
Total Demolitions	0	0	0	0	0	0	0	0	0	
TOTAL NEW DEVELOPMENT	7,715	7,715	7,715	7,715	7,715	7,715	7,715	7,715	61,717	123.434
² 0.2 jobs per 1,000 square feet.	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	12.34	
1 COAH HANDBOOK										
2 COAH Substantive Rules Appendix E.										

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zoning Element and Fair Share Plan
 Township of Clark

TABLE NR-12										
"R-1" USE GROUP: Developments and Anticipated Developments by the Year that COs are Anticipated to Be Issued ¹										
Township of Clark, Union County										
	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL	Jobs
Approved Development Applications										
None	0	0	0	0	0	0	0	0	0	
Pending Development Applications										
None	0	0	0	0	0	0	0	0	0	
Projected Development										
Total New Development	236.50	236.50	236.50	236.50	236.50	236.50	236.50	236.50	1,656	
Total Demolitions	0	0	0	0	0	0	0	0	0	
TOTAL NEW DEVELOPMENT	236.50	236.50	236.50	236.50	236.50	236.50	236.50	236.50	1892.00	3.78
² 0.8 jobs per 1,000 square feet.	0.1892	0.1892	0.1892	0.1892	0.1892	0.1892	0.1892	0.1892	1.51	
1 COAH HANDBOOK										
2 COAH Substantive Rules Appendix E.										

TABLE NR-13										
Net Projected Employment Growth - Jobs										
Township of Clark										
	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL	
Total New Development										
"B" Use Group	18.71	16.21	16.21	16.21	16.21	16.21	16.21	16.21	132.16	
"M" Use Group	19.69	79.69	19.69	19.69	19.69	19.69	19.69	19.69	217.54	
"F" Use Group	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
"A3" Use Group	10.26	10.26	10.26	10.26	10.26	10.26	10.26	10.26	82.06	
"A4" Use Group	0.49	0.49	0.49	0.49	0.49	0.49	0.49	0.49	3.90	
"Storage" Use Group	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	12.34	
"R-1" Use Group	0.19	0.19	0.19	0.19	0.19	0.19	0.19	0.19	1.51	
Subtotal	50.89	108.37	48.38	48.38	48.38	48.38	48.38	48.38	449.52	
Total Demolitions										
"B" Use Group	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
"M" Use Group	0.00	52.81	0.00	0.00	0.00	0.00	0.00	0.00	52.81	
"F" Use Group	241.83	0.00	0.00	0.00	0.00	0.00	0.00	0.00	241.83	
"A3" Use Group	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
"A4" Use Group	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
"Storage" Use Group	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
"Multi-family/dorm" Use Group	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Subtotal	241.83	52.81	0.00	0.00	0.00	0.00	0.00	0.00	-189.02	
Net	-190.94	55.56	48.38	48.38	48.38	48.38	48.38	48.38	250.50	244.44

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Having Element and Fair Share Plan
Township of Clark

APPENDIX C

TOTAL GROWTH SHARE OBLIGATION

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Housing Element and Fair Share Plan
Township of Clark

APPENDIX D

DRAFT ZONING ORDINANCE (AHO DISTRICT): CLARK DEVELOPERS SITE

TOWNSHIP OF CLARK
Ordinance No. 04-21
Adopted: December 20, 2004

Introduced: December 6, 2004 Public Hearing: December 20, 2004
Motion: Mazzarella Motion: Ulrich
Seconded: Albanese Seconded: Albanese

**AN ORDINANCE TO SUPPLEMENT CHAPTER 34 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF CLARK TO PROVIDE
FOR THE ESTABLISHMENT OF AN AGE-RESTRICTED AFFORDABLE
HOUSING OVERLAY DISTRICT AT BLOCK 58 LOT 4 IN ACCORDANCE
WITH THE ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN OF
THE TOWNSHIP OF CLARK**

BE IT ORDAINED by the Governing Body of the Township of Clark that it does hereby supplement and amend Chapter 34 of the Revised General Ordinances of the Township of Clark as follows:

Section 1

Section 34-4 is hereby amended to include the following new definitions:

Dwelling, age-restricted shall mean a housing unit that is restricted to occupancy by at least one person that is at least 55 years of age or older.

Senior age-restricted shall mean a housing unit that is restricted to occupancy by Persons that are at least 62 years of age or older.

Age-restricted multi-family residential development shall mean a residential development containing age-restricted and senior age-restricted dwellings and providing facilities and services specifically designed to meet the needs of older persons consistent with the guidelines and requirements of the United States Department of Housing and Urban Development (HUD). Affordable housing units in age-restricted multi-family residential development meet all necessary standards and requirements for low and moderate income housing units in accordance with the rules and regulations of the New Jersey Council on Affordable Housing (COAH).

Section 2

Section 34-5.1 is hereby amended to include the following new zoning district:

AHO *Age-restricted Affordable Housing Overlay*

5 Non Age Restricted HANDICAP units
40 Age Restricted - UNMET Need - is blind to Age Restricted

2 Group Homes - 7 Bedrooms - 7 - Fund Dev. Fee Ord
Clark 9 25% SZ's
Group Home Pl 3
Group Home Presently in Place

Bond
Shovel
35000
7
245000

TOM CARROL - Hill WALLACK LLP - TRP. VTLA
Question validity of Amendment

Delete Schmecken Miele - 15-20 yrs NO ACTION
CAPIT LO-EPIT
WILLNESS TO DISCUSS

WM FIZUREKI
WATER CONSTRAINTS
Refuted by Schwarz

RON SHUMANOWITZ

WM CARUSO - Good

TOM CARROL - Hill WALLACK
50% Age Rest. CAP Rule
25% 2ND Rd.

4/0

Township of Clark
Ordinance No. _____

AN ORDINANCE TO SUPPLEMENT CHAPTER 34 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CLARK TO PROVIDE FOR THE ESTABLISHMENT OF AN AGE-RESTRICTED AFFORDABLE HOUSING OVERLAY DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF CLARK.

BE IT ORDAINED by the Governing Body of the Township of Clark that it does hereby supplement and amend Chapter 34 of the Revised General Ordinances of the Township of Clark as follows:

Section 1

Section 34-4 is hereby amended to include the following new definitions:

Dwelling, age-restricted shall mean a housing unit that is restricted to occupancy by at least one person that is at least 55 years of age or older.

Senior age-restricted shall mean a housing unit that is restricted to occupancy by Persons that are at least 62 years of age or older.

Age-restricted multi-family residential development shall mean a residential development containing age-restricted and senior age-restricted dwellings and providing facilities and services specifically designed to meet the needs of older persons consistent with the guidelines and requirements of the United States Department of Housing and Urban Development (HUD). Affordable housing units in age-restricted multi-family residential development meet all necessary standards and requirements for low and moderate income housing units in accordance the rules and regulations of the New Jersey Council on Affordable Housing (COAH).

Section 2

Section 34-5.1 is hereby amended to include the following new zoning district

AHO Age-restricted Affordable Housing Overlay

Township of Clark
Ordinance page 3

34-15.3 Development Standards

- a). Minimum Tract Area. 10 acres
- b). Minimum Frontage. A minimum of 250 feet on a paved public street
- c). Density. The maximum density shall be (30) thirty units per acre for multi-family dwelling, multiple group dwellings, or garden apartments, and fifteen (15) units per acre of gross site area for townhouses and townhouse/apartment flat combinations. Notwithstanding the foregoing, the total unit count cannot exceed 300 dwellings.

Sixty (60%) percent of the total units approved shall be restricted to occupants 55 years and older in accordance with all applicable laws and regulations.

Forty (40%) percent of the total units approved shall be restricted to occupants 62 years and older in accordance with all applicable laws and regulations. These units shall be located in one building with an additional 5000 square feet dedicated to recreation/common space.

d). Low and moderate Income Housing Requirements. A minimum of twenty percent of the total age-restricted dwelling units shall be affordable to low and moderate income household (senior age-restricted) ages 62 years or older in accordance with the standards and requirements specified in Section 34-14.4. But excluding paragraphs B 3 and B 4.

e). Building Height. Maximum building height shall be 45 feet, and 4 stories. The architectural design of the buildings must include the use of Design techniques such as hip and cable roof or mansard roof with dormers for the fourth floor to avoid the appearance of a straight block or mid-rise building.

Township of Clark
Ordinance page 5

garages/carports in townhouse and Townhouse flat developments, no parking shall be located under a building. A carport and adjacent driveway space shall be counted as two spaces.

1). Landscaped areas, buffer areas, and recreation facilities. All areas not occupied by buildings, driveways, walkways, and parking areas shall be suitably landscaped, and be arranged such that appropriate active and passive recreation Opportunities will be provided on-site for the residents of the development (e.g. walking paths, benches, gazebos, or ponds or water features); a suitable landscaped buffer strip of at least twenty-five (25) feet in width shall be provided to the property boundaries to form a visual screen.

m). Parking lot Setback and Landscaping. Parking areas shall be attractively landscaped in accordance with the following standards:

1). Parking lots shall be setback a minimum of twenty-five (25) feet from the right-of-way of a public street. The setback area shall be landscaped with shade trees and shrubs adaptable to the location and able to provide low level screening of the view of the parking lot, at least one shade tree for each forty (40) feet of frontage shall be provided.

2). In addition to landscaping required along public streets, the interior of parking lot shall be landscaped with at least one (1) tree for every twenty (20) parking spaces, which shall be planted in suitably prepared and protected landscaping islands.

N). Townhouse and Townhouse/Apartment Combination Building Spacing, The minimum spacing between buildings shall be (50) fifty feet between front and front/back, thirty-five (35) feet front/back to side and twenty-five (25) feet end to end. The minimum set backs from driveways and parking areas shall be fifteen (15) feet from primary buildings unless a garage is attached.

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Housing Element and Fair Share Plan
Township of Clark

APPENDIX E

DRAFT ZONING ORDINANCE (AHO DISTRICT): SCHWARZ FARM SITE

Township of Clark

Ordinance No. _____

AN ORDINANCE TO SUPPLEMENT CHAPTER 134 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CLARK TO PROVIDE FOR THE ESTABLISHMENT OF AN AGE-RESTRICTED OVERLAY DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF CLARK

Section 1

Section 34-5.2 is hereby amended to include the following new paragraph" f":

- f. The Zoning District Map is amended and supplemented to provide that the AHO, Age-restricted Affordable Housing Overlay District shall apply to Lot 1 in Block 57, which fronts an Old Raritan Road in the Township of Clark. Lot 1 in Block 57 shall also retain its underlying IL, Limited Industrial District zoning designation.

Section 2

Chapter 34 of the Revised General Ordinances of the Township of Clark is hereby amended to include the following new Section 34-16

34-16 AGE-RESTRICTED AFFORDABLE HOUSING OVERLAY DISTRICT WITH LOW AND MODERATE INCOME HOUSING SETASIDES.

34-16.1 Purpose of District

The purpose of the Age-Restricted Affordable Housing Overlay District is to permit the construction of an age-restricted multi-family residential development, with a twenty (20) percent affordable housing setaside in accordance with the Township's adopted Housing Element and Fair Share plan, the requirements of the New Jersey Council on Affordable Housing (COAH) and the terms and conditions of the Township's substantive certification. The development of the age restricted multi-family development shall be an option available to the developer or property owner in addition to that permitted pursuant to the requirements of the underlying zoning district.

34-16.2 Permitted Uses

Age-restricted multi-family residential development containing a twenty (20) percent setaside for low and moderate income households. The development may be constructed as multi-family dwellings, multiple group dwellings, or garden apartments, townhouses, or townhouse/flat combinations.

34-16.3 Development Standards

- (a) Minimum Tract Area. 1.9 acres.
- (b) Minimum Frontage. A minimum of 250 feet on a paved public street.

parking lot. At least one shade tree for each forty (40) feet of frontage shall be provided.

(2) In addition to landscaping required along public streets, the interior of the parking lot shall be landscaped with at least one (1) tree for every twenty (20) parking spaces which shall be planted in suitably prepared and protected landscaped islands.

(m) Townhouses and Townhouse/Apartment Combination Building Spacing. The minimum spacing between buildings shall be fifty (50) feet between front and back and twenty-five (25) feet end to end. The minimum setbacks from driveways and parking areas shall be twenty (20) feet from building fronts, twenty-five feet from building rears, and twenty (20) feet on building ends.

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Housing Element and Fair Share Plan
Township of Clark

APPENDIX F

ZONING ORDINANCE (R-B ZONING DISTRICT)

34-14 R-B DISTRICT-MULTIPLE FAMILY RESIDENTIAL WITH A LOW AND MODERATE INCOME SETASIDE.

34-14.1 Purpose of District.

The purpose of the R-B District is to allow for the construction of multiple family residential buildings including townhouses and garden apartments, meeting the minimum density requirement for inclusionary housing of the New Jersey Council on Affordable Housing, and providing for the required setaside of units within such developments affordable to low and moderate income families, complying with the obligation of the Township to provide a regional fair share of low and moderate income housing. (Ord. No. 91-21 § 2)

34-14.2 Permitted Uses.

The permitted uses are townhouses and garden apartment (Ord. No. 91-21 § 2)

34-14.3 Development Standards.

- a. *Definition of Uses.* Garden apartments include multiple dwellings arranged in flats, up to two and one-half (2 1/2) stories in height. Townhouses comprise single family dwellings attached side by side, up to two and one-half (2 1/2) stories in height. A half story is one within a gable roof, in which not over one-half (1/2) of the floor area of the full story below has a full ceiling height.
- b. *Density.* The maximum density shall be eight (8) units per acre of site area.
- c. *Lower Income Housing Requirements.* A minimum of twenty (20%) percent of the housing units shall be sold or rented and shall be maintained for a minimum period of thirty (30) years so as to be affordable to families and

- i. *Parking Areas and Access Drives.* A minimum of two (2) parking spaces shall be provided for each dwelling unit. For townhouses, one of these spaces shall be provided within the unit or in a garage, except that this requirement shall not apply to lower income units. All off-street parking areas shall be surfaced in accordance with Township standards. No off-street parking shall be located within front yards or within less than ten (10) feet from side and rear property lines.
- j. *Other General Design and Site Requirements.* Other general design and requirements shall be as required in the R-A Multiple Family Apartment Residential District, in Section 34-13 hereunder.
(Ord. No. 91-21 § 2)

34-14.4 Lower Income Housing Requirements.

- a. *Purpose.* The purpose of this section is to establish criteria for the development of land to comply with the provisions of the New Jersey Supreme Court decision commonly referred to as Mt. Laurel II. The regulations and controls contained in this section shall be interpreted to assure the construction of lower income housing which meets the standards and guidelines set forth in Mt. Laurel II.
- b. *Number and Type of Lower Income Dwelling Units Required.*
 - 1. Garden apartment and town house developments shall be required to provide twenty (20%) percent of all dwelling units to be affordable for lower income households. All units shall be affordable on senior citizen housing.
 - 2. At least one-half (1/2) of all lower income units shall meet HUD Section 8, eligibility requirements for very low income and one-half (1/2) shall meet HUD eligibility requirements for lower income (Mt.

Proposed Pricing Stratification

Low	1 at 40 through 42.5 percent 3 at 42.6 through 47.5 percent 6 at 47.6 through 50 percent
Moderate	1 at 50.1 through 57.5 percent 1 at 57.6 through 64.5 percent 1 at 64.6 through 68.5 percent 1 at 68.6 through 72.5 percent 2 at 72.6 through 77.5 percent 4 at 77.6 through 80 percent

3. For initial occupancy, priority shall be given to households that fall within the median income categories delineated in the preceding subsection.
4. In computing affordability and eligibility, not more than thirty (30%) percent of the family income may be used for rental housing and twenty-eight (28%) percent for sales housing, as follows:

Rental Units: Rent, excluding utilities. Maximum rent shall be calculated as a percentage of the uncapped Section 8 income limits.

Sales Units: Principal and Interest
Insurance
Taxes
Condominium or Homeowner
Association Fees

Condominium or homeowners association fees shall be consistent with N.J.A.C. 5:92-12.4(a) which is as follows:

"5:92-12.4 Initial pricing

- (a) Municipalities shall require that the initial price of a low and moderate income owner-occupied single family housing unit be established so that after a downpayment of

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

2. Any development for which a subdivision or site plan has been approved shall be considered a single development for purposes of this section regardless of whether parts or sections are sold or otherwise disposed of to persons or legal entities other than the one which received approval. All such approvals and conditions of approvals shall run with the land. Any tracts or parcels sold shall include documentation satisfactory to the Township Attorney, setting forth the requirements for low and moderate income housing units.

f. *Administration of Low and Moderate Income Housing.*

1. The Governing Body is hereby designated the Affordable Housing Board of the Township to administer or to provide for and supervise the administration of low and moderate income housing units hereunder and to assure that such units are made available and remain affordable to low and moderate income households for a period of not less than thirty (30) years.
2. The Township Administrator is hereby designated to carry out such administrative responsibilities within the Township as may be determined by the Affordable Housing Board.
3. Appropriate outside agencies such as the Affordable Housing Management Service of the New Jersey Department of Community Affairs may be utilized

apply for permission to offer the unit to a non-income eligible household at the maximum price permitted. The seller shall document efforts to sell the unit to an income eligible household as part of this application. If the request is granted, the seller may offer low income housing units to moderate income households and moderate income housing units to households earning in excess of eight (80%) percent of median. In no case shall the seller be permitted to receive more than the maximum price permitted. In no case shall a sale pursuant to this section eliminate the resale controls on the unit or permit any subsequent seller to convey the unit except in full compliance with the terms of N.J.A.C. 5:92-12.

5. Property owners of single family, owner-occupied housing may apply to the Affordable Housing Board or an agency designated by it for permission to increase the maximum price for eligible capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household. In no event shall the maximum price of an improved housing unit exceed the limits of affordability for the larger household. Property owners shall apply to the Affordable Housing Board or an agency designated by it if an increase in the maximum sales price is sought.
6. A judgment of the foreclosure or a deed in lieu of foreclosure by a financial institution regulated by State and/or Federal law shall extinguish controls on affordable housing units provided there is compliance with N.J.A.C. 5:92-10. Notice of foreclosure shall allow the Township, through the Affordable Housing Board, to purchase the affordable housing unit at the maximum permitted sale price.

Post Office, and other appropriate public locations. Local church groups will be contacted announcing the availability of such units, and an announcement will be made on Community Access cable television.

Announcements will also be distributed to the County Planning Board and Housing Authority, local service organizations, the Welfare Director, and other appropriate local and area-wide groups.

As provided in the rezoning ordinance, fifty (50%) percent of the units shall be made available on a priority basis to income eligible households that reside in the municipality or work in the municipality and reside elsewhere, for a period not to exceed fifteen (15) business days from the time such units are listed for sale or resale or made available for rent.

Screening of occupants will be the responsibility of the Township Housing Officer or appropriate agency designated by the Governing Body, who will work in conjunction with the projects' developers. Such developers will be required to pay the reasonable costs of advertisements, and will be required to cooperate with the Township in preparing the required announcements and advertisements.

The marketing program will commence at least ninety (90) days before the issuance of either temporary or permanent certificates of occupancy, and shall continue until all low and moderate income housing units are under contract of sale and/or lease.

DRAFT

Housing Element and Fair Share Plan
Township of Clark

APPENDIX G

DEVELOPMENT FEE ORDINANCE

TOWNSHIP OF CLARK
“COLLECTION, RETENTION AND USE OF DEVELOPMENT FEES”

ORDINANCE NO. _____ - 2005

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE PREVIOUSLY
ADOPTED ORDINANCE NO. 782, ENTITLED “AN ORDINANCE TO
ESTABLISH COLLECTION, RETENTION AND USE OF DEVELOPMENT
FEES IN, BY AND FOR THE TOWNSHIP OF CLARK, COUNTY OF UNION
AND STATE OF NEW JERSEY”**

WHEREAS, the Mayor and Township Council of the Township of Clark has complied with the New Jersey Council On Affordable Housing (COAH) and has adopted an ordinance establishing mandatory development fees for the provision of affordable housing; and

WHEREAS, the Clark Planning Board has recommended that the Clark Land Development Ordinance be amended to provide for the collection of affordable housing development fees; and

WHEREAS, the Mayor and Township Council has determined to make such amendment to the Chapter _____ of the Township Code, entitled _____.

BE IT ORDAINED, by the Mayor and Township Council of the Township of Clark, County of Union and State of New Jersey, as follows:

Section 1. Purpose

- a) In Holmdel Builder’s Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing’s (COAH’s) adoption of rules. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH’s rules. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH’s rules on development fees.

Section 2. Basic requirements

- a) The Township of Clark shall not spend development fees until COAH has approved a plan for spending such fees and the Township of Clark has received third round substantive certification from COAH or a judgment of compliance.

equalized assessed value for non-residential development. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the variance application.

Section 6. Eligible exactions, ineligible exactions and exemptions

- a) Affordable housing developments shall be exempt from development fees. All other forms of new construction shall be subject to development fees.
- b) Developments that have received preliminary or final approval prior to the imposition of a municipal development fee shall be exempt from development fees unless the developer seeks a substantial change in the approval.
- c) Development fees shall be collected when an existing structure is expanded or undergoes a change to a more intense use. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

Section 7. Collection of fees

- a) Developers shall pay fifty (50) percent of the calculated development fee to the Township of Clark at the issuance of building permits. The development fee shall be estimated by the Tax Assessor prior to the issuance of building permits.
- b) Developers shall pay the remaining fee to the Township of Clark at the issuance of certificates of occupancy. At the issuance of certificates of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at certificate of occupancy and the amount paid at issuance of building permit.

Section 8. Contested fees

- a) Imposed and collected development fees that are challenged shall be placed in an interest bearing escrow account by the Township of Clark. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

Section 9. Affordable Housing trust fund

- a) All development fees shall be deposited in a separate, interest-bearing affordable housing trust fund in Bank of America. All development fees, collected from residential and non paid by developers pursuant to this ordinance shall be deposited into this fund.

- d) The Township of Clark may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:94-7.
- e) No more than 20 percent of the revenues collected from development fees each year, exclusive of the fees used to fund an RCA, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

Section 11. Monitoring

- a) The Township of Clark shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers and the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

Section 12. Expiration of Ordinance

- a) This ordinance shall expire if:
 - i. COAH dismisses or denies the Township's petition for substantive certification;
 - ii. COAH revokes substantive certification or its certification of this ordinance;
 - iii. Substantive certification expires prior to the Township of Clark filing an adopted Housing Plan with COAH, petitioning for substantive certification or receiving COAH's approval of this ordinance.

Section 13. This ordinance shall take effect as provided by law.

Sal Bonaccorso, Mayor

ATTEST:

DRAFT

Housing Element and Fair Share Plan
Township of Clark

APPENDIX H
SPENDING PLAN

DEVELOPMENT FEE SPENDING PLAN
TOWNSHIP OF CLARK, UNION COUNTY, NEW JERSEY

INTRODUCTION

The Township proposes to adopt a development fee ordinance. The Township, when petitioned for the second round obligation, adopted a development fee ordinance to address its growth share need. However, since the Township never received substantive certification for the second round, the ordinance never came into effect. This spending plan is prepared in accordance with N.J.A.C. 5:94-6.2(c) and 6.5 and includes the following:

1. Projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historic rate of development activity.
2. A description of the administrative mechanism that the municipality will use to collect and distribute revenues.
3. A description of the anticipated use of all development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, pursuant to N.J.A.C. 5:94-6.12, repayment of loans for rehabilitation or affordability assistance, and voluntary contributions.
4. A schedule for the creation and/or rehabilitation of housing units.
5. If the municipality is including a municipally sponsored or 100 percent affordable program, a new construction alternative living arrangement or an affordable housing partnership program, a pro-forma statement of the anticipated costs and revenues associated with the development.
6. The manner in which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan.

To date, the Township of Clark has not collected any revenue in its affordable housing trust fund.

1. PROJECTION OF REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated between [insert date of spending plan] and the expiration of substantive certification on [insert date], the Township of Clark considered the following:

- (a) Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals are anticipated to provide \$ 0 in development fees at issuance of building permits and/or certificates of occupancy during the period of substantive certification.
- (b) All projects currently before the planning and zoning boards for development approvals are anticipated to provide \$ 0 in development fees during the period of substantive certification.

forwarded to the Township Administrator and deposited in the affordable housing trust fund.

The balance of the development fee will be paid by the developer to the Township Administrator at the issuance of the certificate of occupancy. The funds are then forwarded to the Township Administrator and deposited in the affordable housing trust fund.

(b) Distribution of development fee revenues:

The Township of Clark Planning Board adopts and forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution.

The release of funds requires the adoption of the governing body resolution in accordance with the COAH-approved spending plan. Once a request is approved by resolution, the Township Administrator releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

3. DESCRIPTION OF ANTICIPATED USE OF DEVELOPMENT FEES

- (a) The Township of Clark will dedicate \$ 35,000 per bedroom for a total of \$ 245,000 (\$245,000 = \$35,000*7 bedrooms) for construction or conversion of two, three or four-bedroom group homes.

- **Group Homes:** \$ 245,000

- (b) The Township of Clark will dedicate \$ 107,249 from the affordable housing trust fund to render units more affordable, including \$ 35,750 to render units more affordable to households earning 30 percent or less of median income by region, as follows:
The Township of Clark will designate \$ 107,249 of its affordable housing trust fund as a Down Payment/Closing Cost Assistance Fund.

- (c) The Township of Clark will dedicate \$ 71,500 from the affordable housing trust fund to be used for administrative purposes such as salaries and benefits for municipal employees or consultant fees necessary to develop or implement municipal housing programs such as affirmative marketing programs. Administrative funds may be used to income qualify households and monitor implementation. Development fees may be used to defray the cost of staff or consultants that are preparing or implementing a fair share plan.

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Housing Element and Fair Share Plan
Township of Clark

APPENDIX I

AFFORDABILITY ASSISTANCE PROGRAM

AFFORDABILITY ASSISTANCE – PROGRAM PLANS

TOWNSHIP OF CLARK, UNION COUNTY, NEW JERSEY

Pursuant to N.J.A.C. 5:94-6.12(c), the Township of Clark must use funds from its development fee affordable housing trust fund to increase affordability of the units that are part of its affordable housing plan. The Township of Clark proposes to provide affordability assistance through down payment/closing cost assistance, security assistance, housing association fee assistance and rental assistance. The targeted population for assistance is first-time homebuyers.

According to the Township's spending plan approved by COAH on *[insert date spending plan was approved]*, the Township of Clark has \$357,499 available for affordability assistance programs.

Of the amount designated above, the Township of Clark also has a requirement to provide at least one-third of all affordability assistance to households earning 30 percent or less of area median income. Township of Clark has designated \$35,750 for affordability assistance to very low-income households.

Program Descriptions:

Down Payment or Closing Cost Assistance

The Township of Clark will designate \$357,499 of its affordable housing trust fund as a *[revolving or not revolving]* Down Payment/Closing Cost Assistance Fund. A *[insert type of loan/grant (such as: deferred payment, low-interest, forgivable loan, etc)]* from the fund will be received by an income eligible purchaser with good credit standing who is very close to being able to afford a low- or moderate- income unit *[optional: and who has sufficient funds for a #-percent down payment]*.

The down payment/closing cost assistance *[loan or grant]* will be in the form of *[insert form of assistance (such as: secured-second mortgage, cash grant, mortgage lien, etc)]*. The maximum amount provided will be *[insert maximum amount]*. *[Insert description of loan/grant (ie: The loan will be a deferred payment loan to be repaid at the time the affordable unit is sold by the borrower. The deferred loan will accrue interest at a below-market interest rate of five points below the prime rate at the time of the issuance of the mortgage)]*.

At the time the affordable unit is sold, the down payment *[loan or grant]* *[insert the policy on repayment etc. For example, if the assistance was in the form of a grant, it does not need to be repaid. There are several options for loans; they can be repayable at the time of sale, with interest accrued, they can be repayable only if the sale occurs before a specific time period, such as ten years, and forgivable if the unit is sold after such time period, they can be repayable only up to the appreciation to the maximum sale price of the unit if the appreciation is less than the value of the loan and interest, or other options proposed by the Township of Clark]*. Funds returned to the Township of Clark

The amount of the rental supplement will be determined by the Township as the difference between the restricted rent set by the landlord and 30 percent of the renter's gross monthly income. The rental supplement will be paid directly to the landlord each month by the Township on behalf of the tenant.

Rental assistance does not need to be repaid by the tenant. If the tenant wishes to renew the lease, they must be re-income qualified and the rental supplement will be recalculated. If the tenant no longer qualifies for the rental assistance, but qualifies for the actual rent, they may renew the lease and stay in the unit, but will no longer receive rental assistance.

Administration:

Clark's Affordability Assistance Programs will be administered by *[if individual programs are administered by different agents or persons, list all]*. After an applicant is income qualified by *[insert name of entity that qualifies applicants]* pursuant to COAH's rules and the Uniform Housing Affordability Controls, or cannot be qualified due to a need for assistance, an affordability assistance application will be completed and forwarded with all necessary documentation to *[insert name of affordability assistance administrator]*.

The affordability assistance recipient will sign a contract with the Township of Clark, which states, at a minimum: the amount of funds granted, interest information, procedures, duration and conditions of affordability assistance, and repayment information.

The availability of any Affordability Assistance Programs must be noticed to all owners/tenants of affordable units within the Township of Clark and provided to all administrative agents of affordable units within the Township of Clark.

An income eligible occupant or applicant for an affordable unit within the Township of Clark may not be denied participation in the Affordability Assistance Program(s) unless funding is no longer available.

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Housing Element and Fair Share Plan
Township of Clark

APPENDIX J

AFFIRMATIVE MARKETING ORDINANCE

7. In the event of a foreclosure sale, the owner of the affordable housing unit shall be personally obligated to pay to the Township, through the Affordable Housing Board, any surplus funds, but only to the extent that such surplus funds exceed the difference between the maximum price permitted at the time of foreclosure and the amount necessary to redeem the debt to the financial institution including costs of foreclosure.

h. *Affirmative Marketing.*

1. No low and moderate income housing units are presently under construction or are as yet planned by the respective property owners. However, at such time as these units are constructed, Affirmative Marketing will be conducted by the Township through a Housing Officer or an appropriate agency to be appointed by the Governing Body. Such marketing will include the following:

- (a) Legal advertisements and also announcements suitable for newspaper articles will be prepared for local newspapers and those covering Union, Essex, Morris, and Sussex Counties prescribing the available low and moderate income housing and procedures for application, and inviting such applications.

- (b) The newspapers for such advertisements and announcements include the following:

Clark Eagle
Star Ledger

of the above, Clark Eagle is the official newspaper of the Township.

In addition, announcements of such housing will be posted in the Municipal Building, the

2. No more than fifty (50%) percent of the units shall be made available on a priority basis to income-eligible households that reside in the municipality or work in the municipality and reside elsewhere, for a period not to exceed fifteen (15) business days from the time such units are listed for sale or resale or made available for rent, subject to the regulations of the New Jersey Council on Affordable Housing.

i *Waiver of Fees.*

1. Notwithstanding any ordinance requirement of the Township, the applicable approving agency shall waive the following fees for every unit designated as lower income housing:
 - (a) Subdivision and site plan application fees.
 - (b) Building permit fees, except State and third party fees.
 - (c) Certificate of occupancy fees.
(Ord. No. 91-30 § 2)

34-15—34-16 RESERVED.

34-17 CO DISTRICT—COMMERCIAL OFFICE.

34-17.1 Purpose of District.

The Commercial Office District is designed to define those existing areas of the Township which exhibit both residential and commercial characteristics. In this respect these areas contain a mixture of dwellings, business and combined uses such as home occupations and professional offices in the home. The district designation has been used to prevent intensive commercial development which would produce excessive traffic conflicts in such districts. (1990 Code § 22-12.1)

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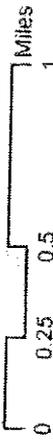
Housing Element and Fair Share Plan
Township of Clark

APPENDIX K

MAPS

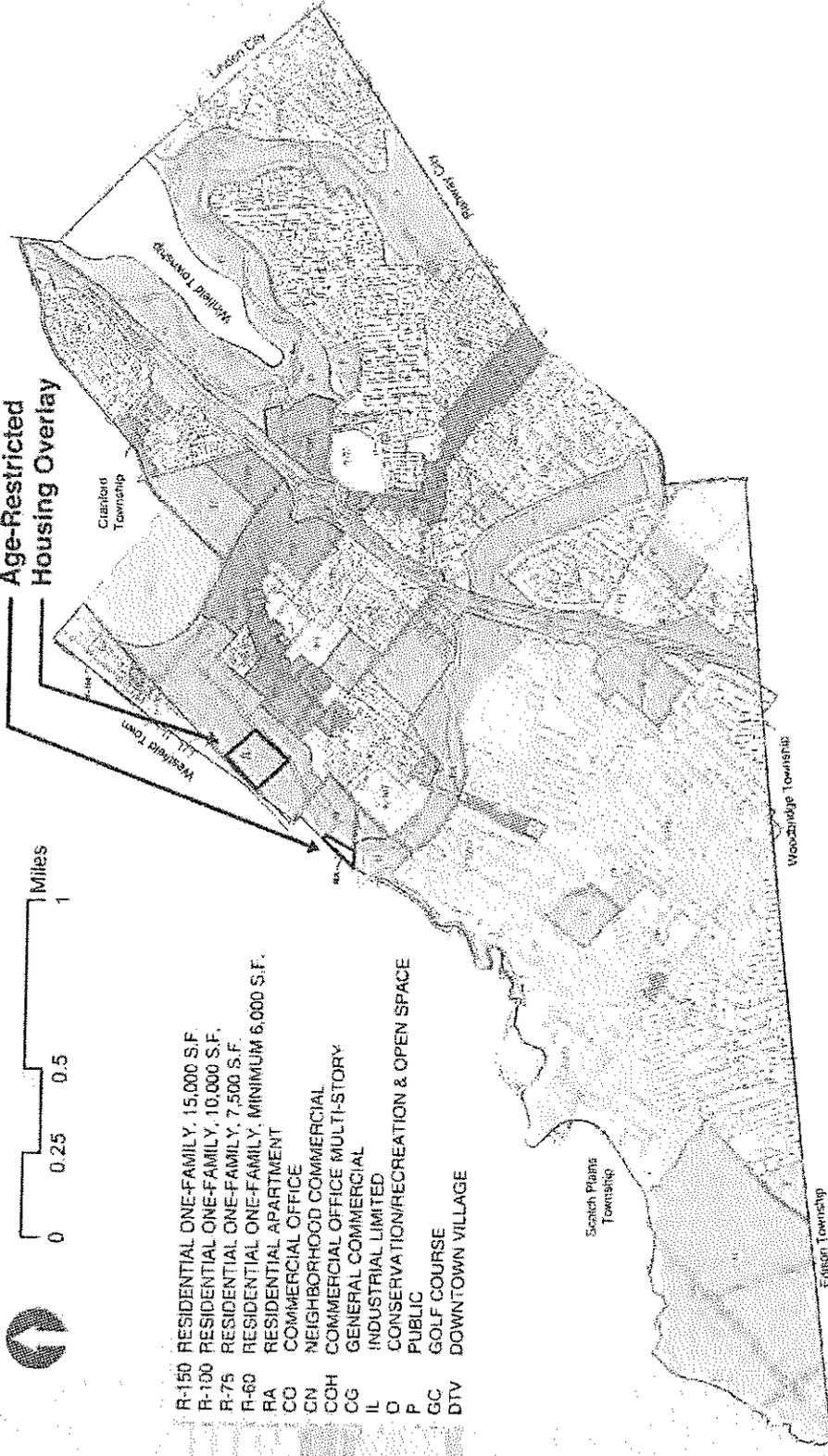
ZONING AND DESIGNATED DISTRICTS FOR LOW- AND MODERATE- INCOME HOUSING

Township of Clark Union County, New Jersey



Age-Restricted
Housing Overlay

- R-150 RESIDENTIAL ONE-FAMILY, 15,000 S.F.
- R-100 RESIDENTIAL ONE-FAMILY, 10,000 S.F.
- R-75 RESIDENTIAL ONE-FAMILY, 7,500 S.F.
- R-60 RESIDENTIAL ONE-FAMILY, MINIMUM 6,000 S.F.
- RA RESIDENTIAL APARTMENT
- CO COMMERCIAL OFFICE
- CN NEIGHBORHOOD COMMERCIAL
- COH COMMERCIAL OFFICE MULTI-STORY
- CG GENERAL COMMERCIAL
- IL INDUSTRIAL LIMITED
- D CONSERVATION/RECREATION & OPEN SPACE
- P PUBLIC
- GC GOLF COURSE
- DTV DOWNTOWN VILLAGE



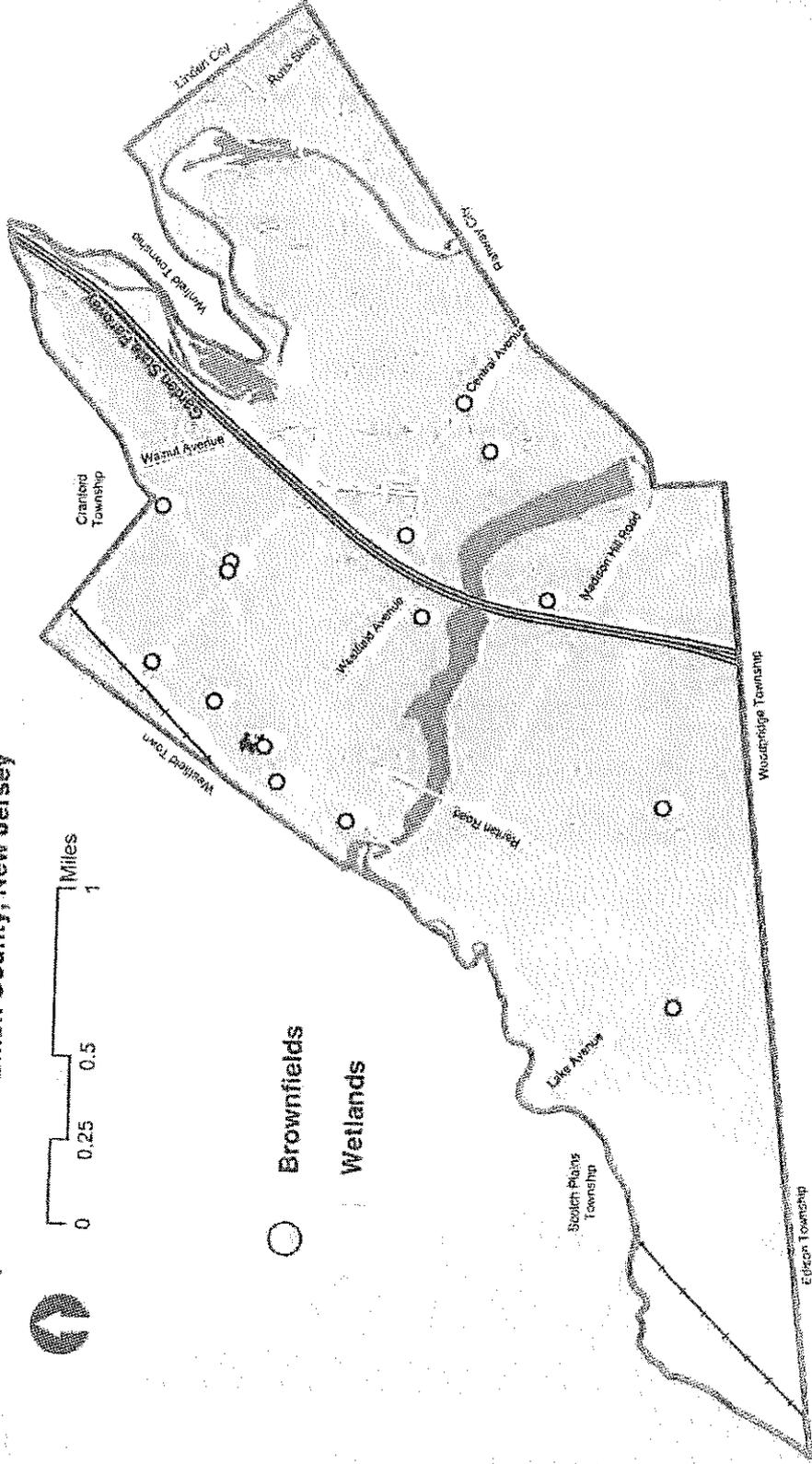
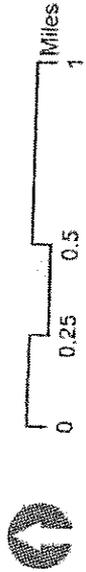
October 26, 2006

Source: Township of Clark Zoning Map, prepared by Grotto Engineering Associates, LLC, dated May 2, 2005
Colored by H2M Group (November 17, 2005)

ENVIRONMENTAL CONSTRAINTS

LOCATION OF BROWNFIELDS AND WETLANDS

Township of Clark Union County, New Jersey



○ Brownfields
 Wetlands

November 17, 2005

Source: New Jersey Department of Environmental Protection
 New Jersey Department of Transportation

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Housing Element and Fair Share Plan
Township of Clark

APPENDIX L

CERTIFICATE FROM CONSTRUCTION OFFICIAL



TOWNSHIP OF

Clark

NEW JERSEY

MIKE KHODA
Construction Code Official

430 Westfield Avenue
Clark, New Jersey 07066-1704
Tel.: (732) 388-3600
Fax.: (732) 388-3501

October 2, 2006.

Lucy Voorhoeve,
Executive Director,
Council on Affordable Housing
Department of Community Affairs
P. O. Box 800, Trenton, NJ 08625-0800

Re: Certificate of Occupancy data and demolitions.

Dear Ms. Voorhoeve,

This letter has been prepared to certify that the certificate of occupancy and demolition data listed below has been researched by my office staff and reviewed by me based upon available office records and to the best of my knowledge, the information contained herein for the years 2004, 2005 and 2006 is correct.

Table 1 RESIDENTIAL - Certificate of Occupancy and Demolition data			
Number of CO's			
Year	Issued	Demolition	Net
2004	4	11	-7
2005	6	13	-7
2006*	7	-	-

* From January 2006 to September 2006.

OCT 08 2006

Clark is an Equal Opportunity Employer

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Housing Element and Fair Share Plan
Township of Clark

APPENDIX M

PROPOSED OVERLAY ORDINANCE FOR CLARK DEVELOPERS

TOWNSHIP OF CLARK
ORDINANCE NO. 06-_____
ADOPTED _____

Introduced: _____ Public Hearing: _____
Motion: _____ Motion: _____
Seconded: _____ Seconded: _____

AN ORDINANCE TO SUPPLEMENT CHAPTER 34 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CLARK TO MODIFY PARKING REQUIREMENTS AND THE EFFECTIVE DATE OF THE AFFORDABLE HOUSING OVERLAY DISTRICT AT BLOCK 58, LOT 4.

BE IT ORDAINED by the Governing Body of the Township of Clark that it does hereby supplement and amend Chapter 34 of the Revised General Ordinances of the Township of Clark as follows:

Section 1

Section 34-15.3(d) is hereby amended as follows

(d) Low and Moderate Income Housing Requirements. A minimum of twenty percent of the total age-restricted dwelling units shall be affordable to low and moderate income households (senior age-restricted) ages 62 years or older in accordance with the standards and requirements specified in Section 34-14.4. But excluding paragraphs B3 and B4. However, the characteristics of the affordable units may be modified, at the Township's request, to satisfy the regulations of COAH and to facilitate COAH granting the Township a third round substantive certification.

Section 2

Section 34-15.3(k) is hereby amended as follows:

(k) Parking. Off-street parking shall be provided in accordance with the Residential Site Improvement Standards. But in no event shall the parking ratio for one and two bedroom units be greater than 1.5 spaces per unit. No off-street parking shall be located less than twenty-five (25) feet from any property line. ~~With the exceptions of garages/carports in townhouses and townhouse flat developments, no parking~~

SALVATORE BONACCORSO,
Mayor

	Aye	Nay	Abstain	Absent
Albanese				
Bothe				
Mazzarella				
O'Connor				
Toal				
Ulrich				
Barr				

\\Hudandshimand1\users\shared folders\PattyC\garden homes\Clark\Ordinance Amendment - Draft - Dated 9-7-06(2).doc

TOWNSHIP OF CLARK

Resolution 06-117

November 20, 2006

Motion Mazzarella Second Toal

WHEREAS the Planning Board of Clark Township, Union County, State of New Jersey, adopted an amended Housing Element and Fair Share Plan on October 26, 2006; and

WHEREAS a true copy of the Resolution of the Planning Board adopting the amended Housing Element and Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2.

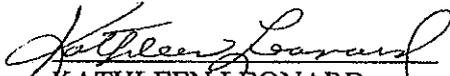
NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Township of Clark, Union County, State of New Jersey, hereby endorses the amended Housing Element and Fair Share Plan as adopted by the Clark Township Planning Board; and

BE IT FURTHER RESOLVED that the Governing Body of Clark Township, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-3.4 submits this repetition for substantive certification of the amended Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that all objectors and owners of sites in the Housing Element and Fair Share Plan have received notice of the re-petition; and

BE IT FURTHER RESOLVED that notice of this re-petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:95-3.5 within seven days of issuance of the notification letter from the Executive Director of the Council on Affordable Housing indicating that the submission is complete and that a copy of this resolution, the adopted amended Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Clark Township Municipal Clerk's Office located at 430 Westfield Avenue Clark, N. J. 07066 during the hours of 9:00 a.m. and 3:30 p.m. Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

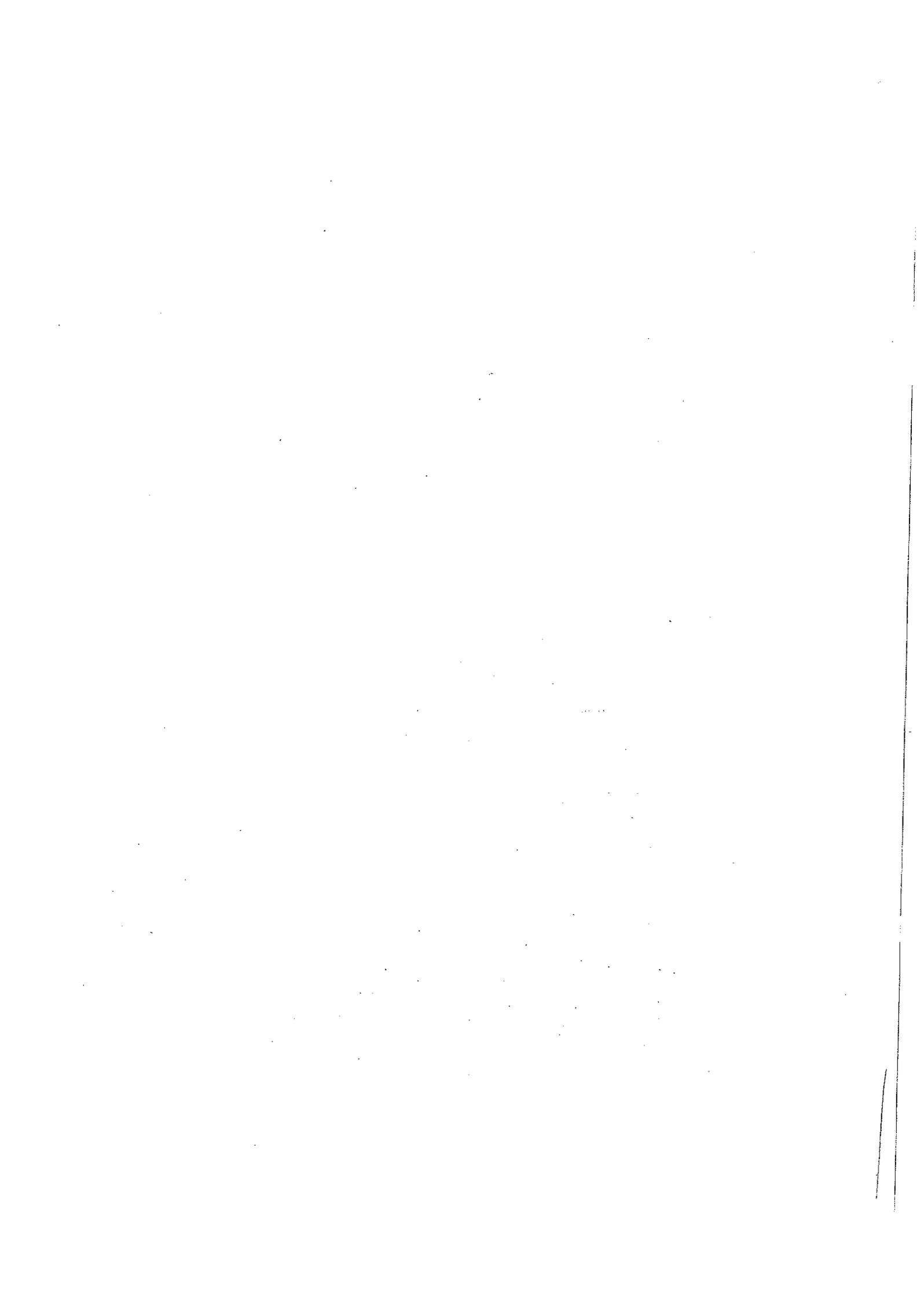
ATTEST:


KATHLEEN LEONARD
Township Clerk

APPROVED:

PATRICK O'CONNOR
Council President

Res06/HousingElement&Fair Share	
	Aye Nay Abstain Absent
Albanese	✓
Barr	✓
Bothe	✓
Mazzarella	✓
Toal	✓
Whiting	✓
O'Connor	✓



TOWNSHIP OF CLARK PLANNING BOARD

RESOLUTION

AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN

Resolution No. 06-06

MEETING DATE: October 26, 2006

MOTION BY: John Zamboni

SECONDED: Frank Mazzarella

VOTE: (6) Ayes (0) Nays

WHEREAS, the Planning Board of the Township of Clark ("Planning Board") adopted its current Housing Element and Fair Share Plan pursuant to N.J.S.A. 40:55D-28; and

WHEREAS, the Governing Body endorsed the Housing Element and Fair Share Plan; and

WHEREAS, the Governing Body petitioned the Council on Affordable Housing for substantive certification; and

WHEREAS, the Township of Clark has not yet received substantive certification from the Council on Affordable Housing; and

WHEREAS, the Planning Board has determined to amend the Housing Element and Fair Share Plan; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55-13, the Planning Board held a public hearing on the amended Housing Element and Fair Share Plan on October 26, 2006; and

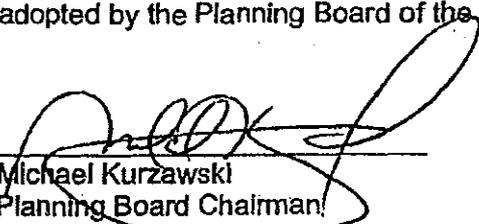
WHEREAS, the Planning Board was presented with an amended Housing Element and Fair Share Plan at the public hearing and accepted testimony and comment from owners of property within 200 feet, as well as other members of the public with an interest in the proposed amended Housing Element and Fair Share Plan; and

WHEREAS, the Planning Board has determined that the amendment to the Housing Element and Fair Share Plan is consistent with the goals and objective of the Township of Clark's Master Plan and that the adoption and implementation of the amendment to the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

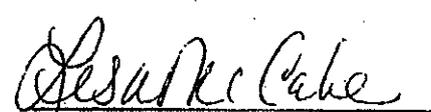
NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Clark this 26th day of October, 2006, that the Planning Board hereby adopts the amended Housing Element and Fair Share Plan.

BE AND THE SAME IS HEREBY GRANTED

I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Planning Board of the Township of Clark on October 26, 2006.



Michael Kurzawski
Planning Board Chairman



Lisa McCabe
Planning Board Secretary

Motion to Approve: John Zamboni

Second: Frank Mazarella

Ayes: John Zamboni
Frank Mazarella
John Laezza
Michael Kurzawski
Kevin Koch
Robert Tarantino

Nayes: None

**RESPONSE TO COAH'S COMMENTS
ON THE CLARK HOUSING
ELEMENT AND FAIR SHARE PLAN**

Township of Clark
Union County, New Jersey

November 13, 2006

Prepared by
H2MGROUP

H2M Associates, Inc.

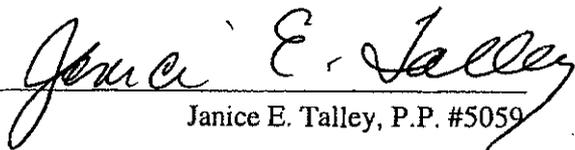
555 Preakness Avenue
Totowa, New Jersey 07512

**Response to COAH Comments
On Housing Element and Fair Share Plan
Township of Clark, Union County, New Jersey**

Prepared for:
Township of Clark
Municipal Building
430 Westfield Avenue
Clark, NJ 07066

Dated: November 13, 2006

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


Janice E. Talley, P.P. #5059

ACKNOWLEDGEMENTS

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

Township Council Members:

Robert Bothe, *Vice- President*
Alvin Barr, *Council Member*
Angel Albanese, *Council Member*
Sheila Whiting, *Council Member*
Patrick O'Connor, *Council Member*
Brian P. Toal, *Council Member*

Members of the Planning Board:

Michael N. Kurzawski, *Chairman*
Judy Kaminsky
Kevin Koch
John Zamboni
Robert Crescenza
Liz Beth Hudak
Mayor Sal Bonaccorso
Frank Mazzarella, *Council President*
John F. Laezza, *Township Administrator*

Alternates:

Victor Conti, *Alt. 1*
Robert Tarantino, *Alt. 2*

Advisors:

Jeffrey B. Lehrer Esq. *Board Attorney*
Richard O'Connor, P.E., *Board Engineer, Grotto Engineering Associates, LLC.*

Consultants:

Janice E. Talley, P.P., AICP, *Chief Planner, H2M Associates, Inc.*
Veena M. Sawant, *Assistant Planner, H2M Associates, Inc.*

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I) INTRODUCTION

COAH Comments. No comments.

Township's response. No response required.

II) BACKGROUND

COAH Comments. (*COAH's Report, page 2*). The Township should respond to COAH with the required information within 90 days of the date the report was issued. The report was issued on August 9, 2006 and so a response should be received by November 10, 2006.

Township's response. In response to COAH's report, the Township has amended plan its 2005 plan. The amended plan was adopted by the Clark Planning Board on October 26, 2006.

III) HOUSING ELEMENT

A) DEMOGRAPHIC ANALYSIS

COAH Comments. (*COAH's Report, page 6*). Clark must provide an analysis of all existing jobs and employment characteristics of the municipality. Based on the New Jersey Department of Labor statistics, there was an average of 9,629 total jobs in the Township in 1999.

Township's response. We do not use average data because the data is generally skewed due to increase in seasonal employment. The third quarter data is generally accepted as correct employment figures and therefore has been included in the plan.

B) THIRD ROUND FAIR SHARE OBLIGATION. (*COAH's Report, page 4*)

Growth Projections

Municipal Projections – Residential

COAH Comments. (*COAH's Report, page 7*)

- i) Residential: Actual Growth since January 1, 2004 (page 5). The 2005 Plan indicates that five (5) certificates of occupancy were issued for residential units in 2004 and 11 units were demolished. However, the Construction Reporter data indicates that six

- (6) COs were issued for residential units in 2004 and 10 units were demolished that results in a net actual loss of four (4) units.
- ii) Residential: Actual Growth since January 1, 2004 (page 5). Clark's Housing Plan should include 2005's data in the analysis to reflect actual growth that has occurred in the Township. As per the Construction Reporter data six (6) COs were issued for residential units in 2005 and 12 units were demolished.
 - iii) Residential: Projections to January 1, 2014 (page 9). The projections reflected in the 2005 Plan do not include the 77 affordable units.

Township's response (*Construction Official Letter, Appendix A of this report*). In response to the verification of the construction data used in the Housing Plan adopted on December 6, 2005, the Township conducted research on all the COs and demolition permits issued between 1996 and 2003. Appendix A of this report includes a letter from the Township's Construction Official certifying that the C.O. and demolition data used in the amended plan to calculate projections, are correct.

- i) As per the Construction official's letter, in 2004, Clark Township issued four (4) COs and eleven (11) demolition permits.
- ii) The amended housing plan includes actual growth that occurred, in 2005, in the Township. The Construction Reporter indicates that six COs and twelve (12) demolition permits were issued in 2005. However, as per the Construction Official six (6) CO's and thirteen (13) demolition permits were issued in 2005.
- iii) The 2005 Plan has been amended to include the affordable housing units.

Municipal Projections - Non-Residential

COAH Comments. (COAH's report, page 9)

- i) Non-Residential: Actual Growth since January 1, 2004 (page 7). The Construction Reporter indicates that 17 demolition permits were issued in 2004. The Township should gather the square footage data on the 2004 demolitions so that Clark can accurately calculate its growth share obligation. In response to COAH's report issued on August 9, 2006, the Township should correct/revise its actual growth accordingly and include data for 2005.
- ii) Non-Residential: Projections to January 1, 2014 (page 9). The Township's 2005 plan miscalculated its R-1 use group projections by applying the wrong multiplier (two per 1000 instead of 0.8 per 1000).

Township's response. (*Appendix A of this report*)

- i) The Township does not have any information on the exact square footage of the demolition permits issued in 2004. As per the Construction official's data, in 2005, 19,028 square feet of office use received a CO.
- ii) The 2005 Plan has been amended to include the accurate multiplier to calculate the jobs created from the 1,852 square feet of R-1 use development.

SDRP/MPO Consistency Review (*COAH's Report, page 11*)

COAH Comments. No comments

Township's response. No response required.

Growth Share Obligation

COAH Comments.

- i) Residential. (COAH's report, page 12). The Township's 2005 Plan miscalculated the growth share obligation. Since, the Township's net residential growth represents the number of market rate units expected to develop, the net residential growth should be divided by 8 and not 9. The Township should amend the housing plan to reflect the correct obligation. Also, the 2005 Plan did not reflect 2004 and 2005 COs and demolitions, and excluded from its projection 77 affordable units.
- ii) Non-Residential (COAH's report, page 13). As indicated earlier, Clark's 2005 plan miscalculated its R-1 use group projections by applying the wrong multiplier (two per 1000 instead of 0.8 per 1000). The plan should be revised to reflect accurate non-residential growth projections and non-residential growth share obligation.
- iii) Total Growth Share Obligation (COAH's report, page 13). The Township total growth share obligation, based on COAH staff's calculation is of 55 units. The 2005 plan included a 39-unit residential growth share obligation and a 17-unit non-residential growth share obligation. The 2005 plan should therefore, be amended to address an obligation of 55 units and not 56 units.

iv)

v) Summary of 1987-2014 Fair Share Obligations. (COAH's report, page 14).

	Rehabilitation Component	New Construction Component
Rehabilitation Share	0	
Per Capita Obligation		68
Growth Share Obligation		55
Total		118

Township's response.

- i) Residential. (Appendix A of the amended plan dated October 26, 2006). The amended plan reflects the changes suggested by COAH in its report dated August 9, 2006. The amended plan includes the residential growth share obligation that was calculated by dividing the net residential growth by 8, which is 9.25 units. The amended plan also, includes the actual growth that occurred in Clark between 2004 and 2005. Also, the affordable housing units created at the Clark Developer's site and the Schwarz Farm site have been included in the growth share projections. The Amended Plan proposes to rezone the two inclusionary development properties, Schieferstein Farm and Miele Nursery. Due to the existing market conditions, these properties have remained undeveloped for almost fifteen years. The Township therefore, proposes to rezone these two properties to R-150 zone as this zone directly abuts the two properties on all sides. The R-150 zone permits single-family detached houses on lots with a minimum area of 15,000 square feet. The Schieferstein farm property is 3.25 acres and will support development of nine (9) single-family units. The Miele Nursery property is 5 acres and will generate 14 single-family homes. Development on these two properties has been included as anticipated developments in the Amended Plan.
- ii) Non-Residential. (Appendix B of the amended plan dated October 26, 2006). The 2005 Plan has been amended to include the accurate multiplier to calculate the jobs created from the 1,852 square feet R-1 use development. Using the Construction official's data for 2004 through 2006 and the right multipliers, we determine that the Township's non-residential growth share obligation is 9.28 units.

- iii) Total Growth Share Obligation. (Appendix C of the amended plan dated October 26, 2006). The amended plan includes the Township's growth share obligation of 19 including 9.25 units through residential development and 9.28 units from non-residential development units. The growth share calculations are included in Appendix A, B and C of the amended plan.
- iv) Summary of 1987-2014 Fair Share Obligation.

	Rehabilitation Component	New Construction Component
Rehabilitation Share	0	
Prior Round Obligation		63
Realistic Development Potential		23
Unmet Need		40
Growth Share Obligation		19
Total		82

IV) FAIR SHARE PLAN

A) REHABILITATION SHARE.

COAH Comments. (COAH's report, page 15). Clark does not have a third round rehabilitation share.

Township's response. No response required.

B) PRIOR ROUND OBLIGATION

COAH Comments.

Credits. (COAH's report, page 15).

Prior Cycle Credits. Alternative Living Arrangement. The Township must complete and submit the alternative living arrangement survey form for COAH to determine if the units are eligible for credits.

Post 1986 Credits. Alternative Living Arrangement. The Township must complete and submit the alternative living arrangement survey form for COAH to determine if the units are eligible for credits.

Township's response.

Credits.

Prior Cycle Credits. Alternative Living Arrangement. The Township has reached out to the provider and has also made an OPRA request. The necessary documents will be submitted to COAH as soon as the Township receives them.

Post 1986 Credits. Alternative Living Arrangement. The Township has reached out to the provider and has also made an OPRA request. The necessary documents will be submitted to COAH as soon as the Township receives them.

COAH Comments.

Reductions (*COAH's report, page 12*).

Schieferstein Farm. Clark must submit tax maps to COAH clearly showing the location of the site so that COAH staff can perform a GIS analysis of the site [**Five-unit reduction pending review of additional information requested**].

Miele Nursery. Clark must submit tax maps to COAH clearly showing the location of the site so that COAH staff can perform a GIS analysis of the site [**Eight-unit reduction pending review of additional information requested**].

Township's response.

Schieferstein Farm. The Amended Plan proposes to rezone Schieferstein Farm and Miele Nursery property to R-150 zone. Due to the existing market conditions, these properties have remained undeveloped for almost fifteen years. The Township therefore, proposes to rezone these two properties to R-150 zone as this zone directly abuts the two properties on all sides. The R-150 zone permits single-family detached houses on lots with a minimum area of 15,000 square feet. The Schieferstein farm property is 3.25 acres and will support development of nine (9) single-family units. Development on this property has been included as anticipated development in calculating the Township's growth share obligation.

Miele Nursery. As mentioned above, the Township proposes to rezone this property to R-150 Zone. The subject property is 5 acres and will generate 14

single-family homes. Development on this property has been included as anticipated development in calculating the Township's growth share obligation.

Adjustments

COAH Comments. (COAH's report, page 13)

Lack of Available Land. The Township has not fulfilled the terms of its previous substantive certification since it has rezoned and deleted from its plan one of the site(s), located on Charlotte Drive and Raritan Road, which was included in the Township's first round certified plan to provide four affordable units. Therefore, the Township must demonstrate that it remains able to address its RDP using any combination of affordable housing mechanisms provided by N. J. A. C. 5:93-4.2(g), Clark may address its RDP through any activity consistent with COAH rules and regulations and does not have to incorporate the sites used to calculate its RDP through other COAH eligible activities.

Unmet Need. Clark received a vacant land adjustment as a part of its first round plan. The Township petitioned but did not receive substantive certification prior to the adoption of COAH's third round rules on December 20, 2004. COAH's first round regulations (N. J. A. C. 5:9.2 et seq.) did not require a municipality to address unmet need. However, pursuant to N. J. A. C. 5:93-4.1(b), a municipality receiving a vacant land adjustment is expected to capture opportunities for affordable housing beyond the calculated RDP. Clark has a 37-unit unmet need (63-unit new construction component minus three prior cycle credits minus 23-unit RDP equals 37 units). COAH may require that the municipality utilize a combination of overlay zoning, an accessory apartment program or development fee ordinance to address its obligation beyond RDP.

Although Clark's second round plan addressed unmet need, through the adoption of overlay zoning on the Clark Developers site and the Schwarz Farm site, Clark Township's third round plan does not acknowledge or include a plan to address the Township's unmet need.

Elimination of Affordable Housing Site (s) Pursuant to N. J. A. C. 5:93-5.13(d) the Township must submit correspondence demonstrating that the owner of block 28/Lot 9 was notified that the site was being deleted from the Township's plan.

Township's response.

Lack of Available Land. The Amended plan proposes to address the Township's RDP of 23 units through 12 credits obtained from two alternative living arrangement facilities (Post 1986) and 11 reductions, including six (6) age-restricted affordable units and five (5) handicap rental units, received from the adopted inclusionary age restricted housing overlay zone on the Clark Developers site. Clark Developer's is anxious to start construction of its project they have already demolished the existing building on the site. In order to encourage immediate development of the age-restricted units at the Clark Developer's site, the Township proposes to amend the current zoning ordinance (No. 04-21) that created the "Age-restricted Housing Overlay, AHO zone." Pursuant to the existing ordinance the overlay ordinance would be effective only upon COAH approval. However, the proposed ordinance makes the overlay ordinance effective immediately so that the developer can proceed with the site plan approval process. The Township plans to adopt the amended ordinance in November 2006. Table 3 summarizes the Township's prior round obligation.

Table 3

SUMMARY – Realistic Development Potential
Township of Clark, Union County

	Pre-credited Obligation	Credits	Reductions	Obligation
Realistic Development Potential	23			
Group Homes		6		
Rental Bonus		6		
Clark Developer's site				
Age-restricted			6	
Non age-restricted handicapped			5	
Subtotal	23	12	11	0

Unmet Need. The Amended plan proposes to address the Township's unmet need of 40 units through reductions received from the adopted inclusionary age restricted housing overlay zone on the Clark Developers site. The development would include 300 age-restricted housing units, including 240 market rate units and 60 low- and moderate-income units.

Elimination of Affordable Housing Site (s) The necessary correspondence has been included in the Appendix B.

Prior Round Regional Contribution Agreement

COAH Comments. (*COAH's report*, page 20).

Clark may transfer up to one half of its affordable housing obligation via regional contribution agreement (RCA). Based on this calculation, Clark may transfer 11 units (0.5×23). However, Clark's 2005 Plan does not include an RCA.

Township's response.

No response required.

Prior Round Age Restricted Units.

COAH Comments. (*COAH's report*, page 21).

Clark's plan to address its prior round obligation does not include age-restricted units.

Township's response.

Clark's amended plan addresses its prior round obligation through reductions received on the age-restricted units that would be created at the Clark Developers site. Pursuant to N. J. A. C. 5:93-5.14, a municipality can address up to twenty-five (25) percent of its growth share obligation through age-restricted units. When applied to the Township's prior round Obligation of 23 units, this creates a maximum of 6 units ($23 \times .25 = 5.75$). Clark proposes to use six (6) units from the Clark Developers site, to address the Township's prior round obligation.

Prior Round Rental Requirement and Rental bonuses.

COAH Comments. (*COAH's report*, page 21).

No comments.

Township's response.

No response required.

Summary

COAH Comments. (COAH's report, page 22).

Table 4 COAH Summary - RDP		
Total Prior Round Obligation		69
RDP		23
Credits	Plan	Eligible
Union County Arc Group home - Prior Cycle	3	3*
Union County Arc Group home - Post 1986	3	3
Union County Arc Group home - Post 1987	3	3*
Schleferstein Farm - reduction	5	5
Miele Nursery - reduction	8	8*
Rental Bonuses from group homes	6	6
Total Credits	28	28

Township's response.

Refer to Table 3.

C) GROWTH SHARE OBLIGATION

Completed Units

COAH Comments. (COAH's report, page 16). The 2005 Plan did not include any completed units to address its growth share obligation.

Township's response. (Amended Housing Plan, Page 48).

Alternative Living Arrangement. Clark Township proposes to use three (3) credits (prior cycle credits) from the existing group home to address its growth share obligation. This group home is located at 279 Oak Ridge Road and was started in July 1986. This group home contains 3 bedrooms and is funded by the Division of Developmental Disabilities. Therefore, is eligible for three (3) credits.

Proposed Units

Age-Restricted Housing Overlay (AHO) District – Schwarz Farm.

COAH Comments. (*COAH's report, page 23*)

- a. This property contains 1.9 acres, which could yield 57 units in total including 11 affordable units. However, the Township's growth share projection and compliance plan include this site for a total of 18 units, of which four will be set aside for low and moderate-income age-restricted households.
- b. The Township has not demonstrated that the site may be developed for low and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site.
- c. In addition, the Township has not provided any information on the availability of water or sewer service for the site. The Township must submit documentation demonstrating that the sites are within a NJDEP sewer service area, have access to water, and can receive the necessary Township, county and NJDEP approvals.
- d. To be eligible as a mechanism to address an obligation other than unmet need, proposed zoning must be the only permitted use. If the Township wishes to amend the zoning in this district so that the district is an eligible compliance mechanism, the Township must comply with the zoning requirements of N. J. A. C. 5:94-4.4.

Township's Response (*Amended Housing Plan, page 43*)

- a. The amended plan includes a total of 35 age-restricted units on the Schwarz Farm site, including twenty-eight (28) market rate units, three (3) moderate-income units and four (4) low-income units. The property is located on approximately 4.06 acres in Clark and Westfield, with less than two acres of land in the Township of Clark. The property was previously used as farmland, but is presently a mainly grassed field. Structures on the site include a cape-cod style residence, barn, garage and four small utility buildings. After thorough evaluation of the property, the Township has determined that a total of 35 age-restricted units can be built on this property.
- b. As mentioned earlier, the site includes a total of 35 age-restricted units, including twenty-eight (28) market rate units, three (3) moderate-income units and four (4) low-income units. The proposed Affirmative Marketing Ordinance would apply to all future affordable housing units.

- c. The site is served by public water and sewer facilities. Copies of the documentation related to this have been included in Appendix C.
- d. According to the amended plan the age-restricted units at Schwartz Farm site, when built, would be used to address the Township's future affordable housing obligation.

Age-Restricted Housing Overlay (AHO) District – Clark Developers site.

COAH Comments. (*COAH's report, page 24*)

- a. The Township has not demonstrated that the site may be developed for low and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site.
- b. In addition, the Township has not provided any information on the availability of water or sewer service for the site. The Township must submit documentation demonstrating that the sites are within a NJDEP sewer service area, have access to water, and can receive the necessary Township, county and NJDEP approvals.
- c. To be eligible as a mechanism to address an obligation other than unmet need, proposed zoning must be the only permitted use. If the Township wishes to amend the zoning in this district so that the district is an eligible compliance mechanism, the Township must comply with the zoning requirements of N. J. A. C. 5:94-4.4.

Township's Response (*Amended Housing Plan, page 43*)

- a. The Clark Developers site consists of 300 units, including 240 market rate units, thirty (30) moderate-income units and thirty (30) low-income units. The proposed Affirmative Marketing Ordinance would apply to all future affordable housing units.
- b. The site is served by public water and sewer facilities. Copies of the documentation related to this have been attached in Appendix C.
- c. Although, the underlying zone for the age-restricted housing overlay is IL, Limited Industrial District, the Township is certain that the age-restricted units will be built on the Clark Developer's site. Clark Developers is also anxious to start construction of its project they have already demolished the existing building on the site. In order to encourage immediate development of the age-restricted units at the Clark Developer's site, the Township proposes to amend

the current zoning ordinance (No. 04-21) that created the "Age-restricted Housing Overlay, AHO zone." Pursuant to the existing ordinance the overlay ordinance would be effective only upon COAH approval. However, the proposed ordinance makes the overlay ordinance effective immediately so that the developer can proceed with the site plan approval process. The Township plans to adopt the amended ordinance in November 2006. A copy of the draft ordinance is attached in Appendix D.

Regional Contribution Agreement (RCA)

COAH Comments. *(COAH Report, page 25)*

Clark's plan indicates that it will use development fees to fund a 15-unit RCA. However, as noted in Section VI (B) of this report the Township has not collected any development fees since the ordinance's adoption. If Clark proposes the 15-unit RCA in its Housing Element and Fair Share Plan to address a portion of its growth share obligation the following information must be provided to COAH as part of the Township's petition for substantive certification:

- A draft RCA contract,
- Resolutions from Clark and the designated receiving municipality authorizing execution of the RCA,
- A description of the funding source for the RCA that does not include payment in lieu funds,
- A resolution of the County Planning Board representing the receiving municipality pursuant to N. J. A. C. 5:95-11.5 and
- A project plan delineating the manner in which the receiving municipality shall create or rehabilitate low and moderate-income housing to be submitted to the Housing and Mortgage Finance Agency for review and approval.

Township's response

Clark's amended fair share plan does not propose to address its prior round or growth share obligation through RCA units.

Growth Share Regional Contribution Agreement

COAH Comments. *(COAH Report, page 26)*

No comments

Township's response

No response required.

Growth Share Age-Restricted Units.

COAH Comments. *(COAH Report, page 26)*

Based on the COAH calculations, Clark Township may age-restrict up to 20 units of its third round growth share obligation. Clark's Fair Share Plan includes 64 age-restricted units in the Affordable Housing Overlay District to address a portion of its third round growth share obligation.

Township's response

Pursuant to N.J.A.C. 5:94-4.19, a municipality can address up to 50 percent of its growth share obligation through age-restricted units. As mentioned earlier the Township's third round Growth Share Obligation is of 19 units. This creates a maximum of 9 age-restricted units ($19 \times .5 = 9.5$). Clark proposes to use the remainder nine (9) (9 = 60-11-40) units from the Clark Developers site, to address the Township's growth share obligation. The age-restricted units at Schwartz Farm site, when built, would be used to address the Township future affordable housing obligation.

Growth Share Rental Component.

COAH Comments. *(COAH Report, page 26)*

Based on COAH calculations, Clark Township has a third round growth share rental obligation of 14 units (0.25×55), of which no more than seven (7) can be age-restricted, pursuant to N. J. A. C. 5:94-20(f). Clark Township's Fair Share Plan includes 60 age-restricted rental units in the Clark Developers AHO district to address a portion of its third round growth share obligation. However, as noted above, the overlay zoning may not be used to establish a mechanism that can be relied upon for the creation of affordable housing. Therefore, the Township has a 14-unit rental shortfall that must be addressed.

Township's response

As mentioned earlier, according to the amended plan the Township's growth share obligation is of 19 units. Based on COAH calculations, Clark Township has a third

round growth share rental obligation of 4.75 units ($0.25 * 19$), of which no more than 2.5 ($5 * 0.5$) can be age-restricted, pursuant to N. J. A. C. 5:94-20(f). This requirement has been addressed, as the existing group home and all of the housing units that would be created through the age-restricted zoning overlay on the Clark Developers site are rental units.

Waiver

COAH Comments. (COAH Report, page 27)

Clark Township is seeking to address its entire 55-unit growth share obligation with 64 age-restricted units. Pursuant to N. J. A. C. 5:94-4.19, the Township would be eligible to address not more than 50 percent of the growth share obligation addressed within the Township with age-restricted units. However, the Township is seeking a waiver from N. J. A. C. 5: 94-4.19. Only July 28, 2006, a COAH task force met to review the waiver request, and recommended to the full Council that the waiver request be denied. On August 9, 2006, COAH voted to deny the waiver request. The action will be memorialized at COAH's September 13, 2006 meeting.

Township's response

The Amended Plan no longer requests a waiver from N. J. A. C. 5: 94-4.19 provision. The Township's third round Growth Share Obligation is of 19 units. This creates a maximum of 9 age-restricted units ($19 * .5 = 9.5$). Clark proposes to use the remainder nine (9) ($9 = 60-11-40$) units from the Clark Developers site, to address the Township's growth share obligation.

Summary of Growth Share Compliance Plan

COAH Comments. (COAH Report, page 28)

Clark's 2005 Plan includes a growth share obligation of 56 units. COAH staff has also calculated Clark's growth share obligation to be 55 units. Based on the plan presented, the Township proposes to address its third round obligation of 55 units with two affordable housing overlay district(s) and a RCA. The following chart summarizes the Township's third round plan:

Table 5 Summary for Growth Share Compliance		
Growth Share Obligation	New Construction Component	
	55 units	
Proposed Units	Plan	Eligible
AHO District (block 57/lot 1)	4	0
AHO District (block 58/lot 1)	60	0
RCA	15	15*
Total Units	79	15
Plan Shortfall		40
* Pending the receipt of the additional information		

Clark Township has a possible 40 unit shortfall for the growth share obligation because the overlay districts may not be used to establish a mechanism that can be relied upon for the creation of affordable housing and the Township must comply with the age-restricted limitations.

Clark is therefore required to submit an amended Housing Element and Fair Share Plan to address the Township's total third round obligation, no later than 90 days from the date of this report.

Township's response (Amended Plan, Page 47)

The Township has amended its 2005 Plan to reflect the comments and suggestions made by COAH. The Township's third round Growth Share Obligation is of 19 units. Based on the amended plan, the Township proposes to address its third round obligation of 19 units with three (3) credits from an existing group home (prior cycle credits), nine (9) reductions/credits from the units that will be created at the Clark Developers site. In addition, the Township proposes to construct two, three or four-bedroom group homes to address the remaining growth share obligation of 7 (19-3-9) units. The amended plan therefore, does not have any shortfall. Table 6 summarizes Clark Township's Fair Share Plan.

Table 6 FAIR SHARE PLAN SUMMARY- Amended Plan Township of Clark, Union County.					
	Pre-Credited Obligation	Credits	Reductions	Obligation	Excess
Prior Round Obligation	63				
<i>Realistic Development Potential</i>	23				
Alternative Living Arrangements		6			
Rental Bonus		6			
Clark Developers site			11		
Subtotal	23	12	11	0	
Unmet Need	40				
Clark Developers site			40		
Subtotal	40		40	0	
Total	63	12	51	0	
Growth Share Obligation	19				
Pre-cycle credits		3			-
Clark Developers Site		9			
Schwartz Farm Site					7
Construction of two group homes		7			
Total	19	19		0	7

V) FAIR SHARE DOCUMENT REVIEW

A) GROWTH SHARE ORDINANCE

COAH Comments. (COAH's report, page 29). COAH recommends that the Township consider incorporating "growth share" provisions into its zoning ordinance to ensure that affordable housing opportunities are captured in direct relation to development that occurs.

Township's response . No response required.

B) DEVELOPMENT FEE ORDINANCE.

COAH Comments. (*COAH's report, page 29*). No comments.

Township's response. No response required.

C) SPENDING PLAN

COAH Comments. (*COAH's report, page 29*). No comments.

Township's response. No response required.

D) AFFORDABLE HOUSING ORDINANCE/AFFORDABLE HOUSING
ADMINISTRATION

COAH Comments. (*COAH's report, page 29*). Clark Township's affirmative marketing plan designates an Affordable Housing Board to be responsible for administering the affordable housing units in the Township's plan. However, Clark Township has not provided any further information about this Board.

Township's response. Will be provided.

E) AFFIRMATIVE MARKETING PLAN

COAH Comments. (*COAH's report, page 26*). Clark must submit an affirmative marketing plan that comports to the requirements of the Uniform Housing Affordability Controls, N. J. A. C. 5:80-26.1 et. seq. and ensures the units in the Township's 1987-2014 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. In addition, as noted above the Township must designate an experienced administrator to administer the affordable units. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Township within 45 days of COAH's grant of substantive certification.

Township's response. Will be provided. Draft Affirmative Marketing Plan is included in Appendix E.

VI) SUMMARY OF PLAN FOR TOTAL 1987-2014 FAIR SHARE OBLIGATION.

COAH Comments. (COAH's report, page 32). COAH's Report summarizes Clark's 1987-2014 Fair Share Obligation as follows: Clark Township does not have a third round rehabilitation obligation. The following tables summarize Clark's Fair Share Plan for its total 1987-2014 fair share obligation:

Table 7 Summary from COAH's report Prior Round Obligation		
Obligation	RDP=23	
	Plan	Eligible
Credits/Reductions/Adjustments		
Vacancy and adjustment	47	47
Union County ARC Group Home- Prior Cycle	3	3*
Union County ARC Group Home- Post 1986	3	3*
Union County ARC Group Home- Post 1986	3	3*
Schieferstein Farm	5	5*
Miele Nursery	8	8*
Rental Bonuses	6	6*
Total Credits	28	28*
Growth Share		
Obligation	55	
Proposed Units		
AHO District (Block 57/lot 1)	4	0
AHO District (Block 58/lot 1)	60	0
RCA	15	15*
Total Units	79	15*
Potential 1999-2014 Shortfall	-40*	
* Pending additional documentation and reassessment of mechanisms to address unmet need		

Clark must revise its Housing Element and Fair Share Plan to address Township's third round growth share obligation in accordance with N. J. A. C. 5:95-4.2 (a), no later than 90 days from this report.

Township's response. Summary of the amended fair share plan is included in Table 5 above. The Township proposes to address its third round obligation of 19 units with three (3) credits from an existing group home (prior cycle credits), nine (9) reductions/credits from the units that will be created at the Clark Developers site. The Township proposes to construct two, three or four-bedroom group homes to address the remaining growth share obligation of 7 (19-3-9) units. Also, the age-restricted units at Schwartz Farm site, when built, would be used to address the Township future affordable housing obligation.

VII) OBJECTIONS

COAH Comments.

On February 10, 2006, Thomas Carroll, III, Esq., submitted an objection to Clark's Plan on behalf of Villa Contracting Company (Villa).

Summary of Villa's Objections

1. Objection to the age-restricted waiver sought by Clark.
2. Objection to Clark Developers site.
3. Objection to Calculation of Growth Share Obligation.

Township's response. No response required.

VIII) ADDITIONAL INFORMATION REQUESTED.

Pursuant to N.J.A.C. 5:95-5.2(b) Clark Township must submit the following information and documentation to COAH no later than 90 days from the date of this report or by September 25, 2006:

COAH Comments.

1. An updated Housing Element and Fair Share Plan formally adopted pursuant to N.J.S.A. 40:55D-28 that includes all the additional information required in this report, including revisions to growth projections and a strategy to address the Township's growth share shortfall. Unless Clark elects to make a change in site, substantial

change in density, other zoning requirements that result in a change of housing type on a specific site or a fundamental change in approach to the Township's low-and-moderate income housing obligation, these revisions will not precipitate the need for a re-petition pursuant to N.J.A.C. 5:95-3.4; and

Township's response: The Township has amended its 2005 Plan. The Planning Board adopted the amended plan on October 26, 2006.

COAH Comments.

2. A copy of the most recently adopted municipal master plan; and

Township's response: Enclosed please find a copy of the most recently adopted municipal master plan.

COAH Comments.

3. A copy of the most recently adopted municipal zoning ordinance; and

Township's response: Enclosed please find a copy of the most recently adopted municipal master plan.

COAH Comments.

4. A copy of the most up-to-date tax maps; and

Township's response: Enclosed please find a copy of the most up-to-date tax maps.

COAH Comments.

5. The Township must complete and submit the alternative living arrangement survey forms for COAH to determine if the units in the three alternative living arrangement developments are eligible for credit. The alternative living arrangement survey form is available on COAH's website at www.nj.gov/dca/coah/round3resources.shtml; and

Township's response: The Township has reached out to the provider and has also made an OPRA request. The necessary documents will be submitted to COAH as soon as the Township receives them.

COAH Comments.

6. The Township must submit documentation in accordance with N. J. A. C. 5:94-3.3 for the Schieferstein Farm and Miele Nursery, including tax maps; and

Township's response: Two parcels are currently zoned R-B, Multiple-Family Residential, which is an inclusionary development zone. Due to the existing market conditions, these properties have remained undeveloped for almost fifteen years. The Township therefore, proposes to rezone these two properties to R-150 zone as this zone directly abuts the two properties on all sides.

COAH Comments.

7. Pursuant to N. J. A. C. 5:93-5.12 (c) the Township must submit the necessary information for deleting the affordable housing obligations on block 28/lot 9; and

Township's response: The necessary documentation is included in Appendix B.

COAH Comments.

8. Clark Township must submit a plan to address its unmet need in accordance with N. J. A. C. 5:93-4.1 (b); and

Township's response: The Amended Plan address the Township's unmet need through reductions received on the age-restricted housing overlay site - Clark Developers site.

COAH Comments.

9. Detailed information regarding the proposed 15-unit RCA, which includes the following: a draft RCA contract; resolutions from both municipalities authorizing execution of the RCA; and a description of the funding source for the RCA, which must be funded at a minimum of \$35,000 per unit; and

Township's response: No response required.

COAH Comments.

10. An RCA project plan must be submitted to COAH, the New Jersey Housing and Mortgage Finance Agency (HMFA) and the County Planning Board for review and approval; and

Township's response: No response required.

COAH Comments.

11. A strategy to address the Township's 14-unit growth share rental shortfall.

Township's response: No response required.

COAH Comments.

12. An affordable housing ordinance that comports with the requirements of the uniform Housing Affordability Controls, N.J.A.C. 5:80-26-126.1 et seq. specifically addressing affordability controls, affirmative marketing, bedroom distribution, sale and rental pricing on all components of the Township's plan; and

Township's response: Will be provided.

COAH Comments.

13. A resolution adopted by the governing body, specifically indicating a municipal employee will be designated as the municipal housing liaison, and

Township's response: Will be provided.

COAH Comments.

14. An affirmative marketing plan that comports to the requirements of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. N.J.A.C. 5:80-26-1 et seq.

Township's response: Will be provided

APPENDIX A: CONSTRUCTION OFFICIAL LETTER



TOWNSHIP OF

Clark,

NEW JERSEY

MIKE KHODA
Construction Code Official

430 Westfield Avenue
Clark, New Jersey 07066-1704
Tel.: (732) 388-3600
Fax.: (732) 388-3501

October 2, 2006.

Lucy Voorhoeve,
Executive Director,
Council on Affordable Housing
Department of Community Affairs
P. O. Box 800, Trenton, NJ 08625-0800

Re: Certificate of Occupancy data and demolitions.

Dear Ms. Voorhoeve,

This letter has been prepared to certify that the certificate of occupancy and demolition data listed below has been researched by my office staff and reviewed by me based upon available office records and to the best of my knowledge, the information contained herein for the years 2004, 2005 and 2006 is correct.

Table I			
RESIDENTIAL - Certificate of Occupancy and Demolition data			
Year	Number of CO's		
	Issued	Demolition	Net
2004	4	11	-7
2005	6	13	-7
2006*	7	-	-

* From January 2006 to September 2006.

OCT 08 2006

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Table 2 NON-RESIDENTIAL - Certificate of Occupancy and demolition ¹				
Year	Number of COs Issued	Demolition	Type of Use	Square footage of New Construction/Addition
2005	1		Office use	19,028 sq. ft.
2006	1	0	Office use	6,238 sq. ft.
2006		1	Manufacturing use	120,914 sq. ft.

Sincerely,



Michael Khoda
 Construction Official,
 430 Westfield Avenue,
 Clark, NJ 07066

APPENDIX B: ELIMINATION OF AFFORDABLE HOUSING - CORRESPONDENCE



KATHLEEN R. LEONARD
Township Clerk

TOWNSHIP (

7302 046 090 2002

CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided)

OFFICIAL USE

Postage	.37	sent 11/7/06 Postmark Here
Certified Fee	2.40	
Return Receipt Fee (Endorsement Required)	1.85	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.64	

66-1704

Sent to **Louis R. Miele**

Street, Apt. No. or PO Box No. **982 Lake Avenue**

City, State, ZIP+4 **Clark, NJ 07066**

PS Form 3800, April 2002 See Reverse for Instructions

November 7, 2006

Louis R. Miele
982 Lake Avenue
Clark, New Jersey 07066

Re: Elimination of affordable housing site(s) from the Housing Element and Fair Share Plan

Dear Mr. Miele:

Please take notice that the property identified as Block 28.01, Lots 13 and 14 in Clark Township has been eliminated from Clark Township's Housing Element and Fair Share Plan. This site is no longer appropriate for affordable housing and will be changed from R-B, Multiple-Family Residential to R-150 zone.

Sincerely,

Kathleen Leonard
Township Clerk
Township of Clark
430 Westfield Avenue
Clark, New Jersey

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KATHLEEN R. LEONARD
Township Clerk

TOWNSHIP OF

5998 4998 E000 0990 2002

CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	0.37	sent 11/7/06	Postmark Here
Certified Fee	2.40		
Return Receipt Fee (Endorsement Required)	1.85		
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$ 4.64		

34

Sent To
Frederick H. Schieferstein

Street, Apt. No.,
or PO Box No. **431 Madison Hill Road**

City, State, ZIP+4 **Clark, NJ 07066**

PS Form 3800, April 2002 See Reverse for Instructions

November 7, 2006

Frederick H. Schieferstein
431 Madison Hill Road
Clark, New Jersey 07066

Re: Elimination of affordable housing site(s) from the Housing Element
and Fair Share Plan

Dear Mr. Schieferstein:

Please take notice that the property identified as Block 36, Lot 13 in Clark Township
has been eliminated from Clark Township's Housing Element and Fair Share Plan.
This site is no longer appropriate for affordable housing and will be changed from
R-B, Multiple-Family Residential to R-150 zone.

Sincerely,

Kathleen Leonard
Township Clerk
Township of Clark
430 Westfield Avenue
Clark, New Jersey

Clark is an Equal Opportunity Employer

**APPENDIX C: SEWER AND WATER FACILITY ON OVERLAY SITES -
CORRESPONDENCE**



TOWNSHIP OF

Clark, NEW JERSEY

RICHARD O'CONNOR, P.E., P.P., C.M.E.
TOWNSHIP ENGINEER

430 Westfield Avenue
Clark, New Jersey 07066-1704
732/388-3600
EXT. 3022/3026
FAX: 732/388-3501

June 26, 2002

Stanley Slachetka, P.P.
T&M Associates
11 Tindall Road
Middletown, NJ 07748-2792

RE: Township of Clark Fair Share Plan

Dear Stan:

As per your request, our Office has reviewed information pertaining to the remaining inclusionary COAH Sites within the Township (Schieferstein, Miele, Raritan Road/Charlotte Drive and Schwartz.) In our opinion all sites are Approvable, Developable, and suitable for use as Inclusionary sites.

All sites are within the sewer franchise area of the Rahway Valley Sewer Authority (RVSA) and have ready access to Public sewer. The Township has purchased sufficient available flow rights to accommodate the development of these sites. A Sewer main extension would likely be required at all sites.

All sites are within the franchise of Elizabethtown Water Company and have ready access to public water. The Developer would be required by the Township to extend and loop mains as required by RSIS to service all sites. The Township does not oppose main extension requests.

Madison Hill Road and Raritan Road are under County jurisdiction. As such the Raritan, and Schieferstein sites require County approval as well as Municipal approvals. All sites require NJDEP approvals relating to the presence or absence of freshwater wetlands and may require NJDEP permitting for wetlands and/or floodplain. Schwartz, Miele and Schieferstein are or have been active farms and will also require testing for typical contaminants associated with farming operations. Remediation may be required. The Township shall not oppose regulatory permit requests relating to inclusionary sites or County approvals.

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11/07/2006 TUE 09:58 [TX/RX NO 5647] 002

Madison Hill Road has been classified as a Collector Road while Raritan Road and Lake Avenue are Arterials. Old Raritan Road is currently unimproved. The Schieferstein site is located on Madison Hill Road and also abuts MaeBelle Drive. The Miele site is located on Lake Avenue and a Municipal portion of Raritan Road. The Raritan/Charlotte site has ready access to Raritan Road, Thomas Drive and Charlotte Drive. The Schwartz farm lies on currently unimproved Old Raritan Road. The Developer will be required to improve the access to this site. The Township shall not oppose development of any of these sites for inclusionary housing at development intensities as stated in the Plan. In my opinion all sites are served by area roadways with appropriate geometry and capacity to adequately service the Sites.

Should you have any questions or comments or desire additional information, do not hesitate to contact me. I have attached copies of applicable tax maps for the Sites in question and surrounding areas.

Very truly yours,



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

C: S. Bonaccorso, Mayor
J. Laezza, Business Administrator

APPENDIX D: CLARK DEVELOPERS DRAFT AMENDED ORDINANCE

TOWNSHIP OF CLARK
ORDINANCE NO. 06-
ADOPTED _____

Introduced: _____ Public Hearing: _____
Motion: _____ Motion: _____
Seconded: _____ Seconded: _____

AN ORDINANCE TO SUPPLEMENT CHAPTER 34 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CLARK TO MODIFY PARKING REQUIREMENTS AND THE EFFECTIVE DATE OF THE AFFORDABLE HOUSING OVERLAY DISTRICT AT BLOCK 58, LOT 4.

BE IT ORDAINED by the Governing Body of the Township of Clark that it does hereby supplement and amend Chapter 34 of the Revised General Ordinances of the Township of Clark as follows:

Section 1

Section 34-15.3(d) is hereby amended as follows

(d) Low and Moderate Income Housing Requirements. A minimum of twenty percent of the total age-restricted dwelling units shall be affordable to low and moderate income households (senior age-restricted) ages 62 years or older in accordance with the standards and requirements specified in Section 34-14.4. But excluding paragraphs B3 and B4. However, the characteristics of the affordable units may be modified, at the Township's request, to satisfy the regulations of COAH and to facilitate COAH granting the Township a third round substantive certification.

Section 2

Section 34-15.3(k) is hereby amended as follows:

(k) Parking. Off-street parking shall be provided in accordance with the Residential Site Improvement Standards. But in no event shall the parking ratio for one and two bedroom units be greater than 1.5 spaces per unit. No off-street parking shall be located less than twenty-five (25) feet from any property line. ~~With the exceptions of garages/carpools in townhouses and townhouse-flat developments, no parking~~

~~shall be located under a building. No parking shall be located underground. Parking may be located within a building provided that such parking is no more than two (2) feet below exterior building grade and provided that the height of the building shall be measured from the finished floor of the parking area.~~ A carport and adjacent driveway space shall be counted as two spaces.

Section 3

The following Section 5 "Effective Date" of Ordinance 04-21 adopted on December 20, 2004 shall be deleted in its entirety:

Effective Date

This Ordinance shall be effective only upon the approval by COAH of the Township's application for approval of its Amended Housing Element and Fair Share Plan and the subsequent publication of same according to law.

The following new Section 5 "Effective Date" shall be inserted:

Effective Date

The Effective Date of Ordinance 04-21, adopted on December 20, 2004, shall be modified to become effective immediately upon passage and publication of this Ordinance No. 06-_____ in accordance with law.

Section 4

EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication in accordance with law.

ATTEST:

APPROVED:

KATHLEEN LEONARD,
Township Clerk

ALVIN BARR, Council President

SALVATORE BONACCORSO,
Mayor

	Aye	Nay	Abstain	Absent
Albanese				
Bothe				
Mazzarella				
O'Connor				
Toal				
Ulrich				
Barr				

\\Mutandsh\mandl\users\shared folders\PatryC\garden homes\Clerk\Ordinance Amendment - Draft - Dated 9-7-06(2).doc

APPENDIX E: DRAFT AFFIRMATIVE MARKETING PLAN

TOWNSHIP OF CLARK
"AFFIRMATIVE MARKETING ORDINANCE"

ORDINANCE NO. _____ - 2005

**AN ORDINANCE TO ADOPT THE AFFIRMATIVE MARKETING PLAN IN
THE TOWNSHIP OF CLARK, COUNTY OF UNION AND STATE OF NEW
JERSEY"**

A. Applicability.

- a. The provisions in this section shall apply to all future developments that will contain low- and moderate- income units.
- b. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the period of deed restriction.
- c. The Township of Clark is in Region 2 consisting of Essex, Morris, Union and Warren counties.

B. Required Information for Affirmative Marketing Efforts.

The following information shall be provided for affirmative marketing efforts:

- a. The name and address of the project;
- b. The number of units, including the number of sales and/or rental units;
- c. The price of sales and/or rental units;
- d. The name of the sales agent and/or rental units;
- e. The name of the sales agent and/or rental manager;
- f. A description of the random selection method that will be used to select occupants of affordable housing;
- g. Disclosure of required application fee.

C. Required Outreach.

a. Newspapers/Publications

i. All newspaper articles, advertisements, announcements and requests for applications pertaining to low and moderate income housing units shall appear in the _____ and the _____.

ii. The primary marketing shall take the form of at least one press release sent to the above publications and a paid display advertisement (at least four column inches) in each of the above newspapers. Additional advertising and publicity shall be on an "as needed" basis.

iii. The advertisement shall include a description of the:

- The location of the units;
- Directions to the housing units;
- A range of prices for the housing units;
- The size, as measured in bedrooms, of the housing units;
- The maximum income permitted to qualify for the housing units;
- The location of applications for the housing units;
- The business hours when interested households may obtain an application for a housing unit; and
- Application fees, if any.

b. Radio/Television. The following radio stations shall also be used:

-
-

c. Other advertising and outreach efforts. The following additional advertising and outreach efforts shall also be used:

- The names of other publications circulated within the housing region, such as neighborhood oriented weekly newspapers, religious publications and organizational newsletters;
- The names of employers throughout the housing region that will be contracted to post advertisements and distribute flyers regarding available housing;

- The names of specific community and regional organizations that will aid in soliciting low and moderate income applicants. Such organizations may include non-profit, religious, governmental, fraternal, civic, and other organizations; and
- Other advertising and outreach efforts to groups that are least likely to be reached by commercial media efforts.

D. Affirmative Marketing Period.

The affirmative marketing process for available affordable units shall begin at least four months prior to expected occupancy. In implementing the marketing program, the Housing Administrator shall undertake all of the following strategies.

- a. Publication of one advertisement in a newspaper listed above under (F)(a)(i);
- b. Broadcast of one advertisement by a radio or television station listed above under (F)(b); and
- c. At least one additional regional marketing strategy using one of the sources listed above under (F)(c);

E. Applications/Information.

- a. Applications and information packets to be used as part of the affirmative marketing plan shall be available in the following locations:
 - Clark Clerk's Office
 - Union County Library (all branches)
 - Essex County Library (all branches)
 - Morris County Library (all branches)
 - Warren County Library (all branches)
- b. Flyers and copies of applications and information packets shall be sent to the following community contact organizations, agencies, officials and departments:
 - Union County Director of Social Services
 - Essex County Director of Social Services
 - Morris County Director of Social Services
 - Warren County Director of Social Services

- Union County Office on Aging
- Essex County Office on Aging
- Morris County Office on Aging
- Warren County Office on Aging
- Union County Rental Assistance Office (local DCA office)
- Essex County Rental Assistance Office (local DCA office)
- Morris County Rental Assistance Office (local DCA office)
- Warren County Rental Assistance Office (local DCA office)
- Union County Housing Agency
- Essex County Housing Agency
- Morris County Housing Agency
- Warren County Housing Agency
- Union County Board of Realtors
- Essex County Board of Realtors
- Morris County Board of Realtors
- Warren County Board of Realtors
- Union County Community Development Office
- Essex County Community Development Office
- Morris County Community Development Office
- Warren County Department of Planning

c. The following is a listing of community contact persons and/or organizations that will be asked to aid in the affirmative marketing program:

- Union County Director of Social Services
- Essex County Director of Social Services
- Morris County Director of Social Services
- Warren County Director of Social Services

F. Responsibilities of the Housing Administrator.

- a. The Township of Clark may designate an experienced municipal staff person approved by COAH to be the Housing Administrator who is responsible for implementing the affirmative marketing plan. The Housing Administrator shall attend an affirmative marketing training program approved by COAH.
- b. If the Township of Clark does not designate a municipal Housing Administrator, the Township shall contract with other experienced administrative agents approved by COAH to administer the affirmative marketing plan. When the Township contracts with another administrative agent to administer the affirmative marketing plan, the Township shall appoint a housing officer who shall supervise the contracting administrative agent. In addition, when the contracting administrative agent is not responsible for the entire affirmative marketing plan, the Township shall outline who or what municipal agent is responsible for the remaining portion of the affirmative marketing plan. The Township shall also ensure that all original applicant and sales records of affordable units are returned to the municipality for reporting purposes and to aid with future re-sales. The municipality has the ultimate responsibility for the proper administration of the affirmative marketing program, including initial sales and rentals and re-sales and re-rentals.
- c. In implementing the affirmative marketing plan, Housing Administrator shall designate an experienced staff person approved by COAH 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. Alternatively, the Housing Administrator may contract with an experienced agency approved by COAH to provide such counseling services.
- d. The Housing Administrator will have the responsibility to income qualify low and moderate income households; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with advertising and outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:93-9.1
- e. All developers of low and moderate-income housing units will be required to assist in the marketing of the affordable units in their respective developments.
- f. The Township of Clark shall comply with the monitoring and reporting requirements of N.J.A.C. 5:93-11.6 and 12.1.

G. Prequalification and Selection.

- a. Households that apply for low and moderate income housing units shall be pre-screened by the Housing Administrator for income eligibility by comparing their total income to the current low and moderate income limits for each size household adopted by COAH. Thereafter, applicants shall be notified as to their preliminary eligibility status by the developer/owner.
- b. In order to ensure a sufficient supply of qualified applicants, the advertising process will continue until at least ten (10) income-eligible applicants have applied for each low and moderate income unit available or until all of the available low and moderate income units within the Township have been sold or rented, whichever comes first.
- c. The Housing Administrator will interview each applicant to verify the applicant's income and review the applicant's credit history. Applicants will be required to submit income verification of each household member 18 years or older. This process will be utilized in establishing the final certified applicant group.
- d. If there is more than one certified applicant for an available low and moderate income unit, placement will be made on a first come/first served basis, considering the date the application was first received by the Housing Administrator.
- e. The process described above will begin at least 120 days before the issuance of a Certificate of Occupancy for an affordable dwelling unit in the affordable housing compliance program and will continue until all low and moderate-income units are occupied and for as long as there are deed restricted affordable units within the municipality.
- f. In order to facilitate re-sales and re-rentals, a list of pre-qualified applicants shall be maintained by the Housing Administrator for each type of low and moderate income unit. The Housing Administrator shall update the waiting list annually by contracting prospect applicants and determining their continuing eligibility for an interest in the program. The advertising program shall be repeated by the owners of rental buildings on an as-needed basis to ensure continuing full occupancy of the low and moderate income units and, in any case, not less than annually.
- g. Households who live or work within the housing region shall be given preference over households from outside of the housing region for the first thirty (30) days that a unit becomes available. If no qualified households

from within the housing region can be found within thirty (30) days, the unit may be sold or rented to a household from outside the housing region.

- h. Households will generally be referred to available units using the following standards for occupancy:
- i. A maximum of two (2) persons per bedroom;
 - ii. Children of the same sex in same bedroom;
 - iii. Unrelated adults or persons of the opposite sex other than husband and wife in separate bedrooms; and
 - iv. Children not in the same bedroom with parents.

Households may be considered for units other than as set forth herein except that in no case shall a household be referred to a unit that provides for more than one additional bedroom over the number required by the application of (1) through (4) above.