

This Notice is for reference purposes, as per the Open Public Meetings Act Requirements, N.J.S.A. 10:4-8 and N.J.S.A. 10:4-18.

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
June 16, 2025
7:30 pm**

ROLL CALL:

Council Member Hoff _____	Council Member Minniti _____
Council Member Hund _____	Council Member O'Connor _____
Council Member Mazzarella _____	Council Member Toal _____
	Council President Smith _____

PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meetings Act (Chapter 231, P.L.1975) as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County Hawk, Union County Local Source, and TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements, the Official Website of the Township and the proper filing of said Notice. Formal action may be taken at this meeting.

Regular order of business is suspended

- Recognizing Mathias Gabriel Lopez for participation in the NJLM Scholarship Competition
- Recognizing Ed Merola, John Cistaro, Sharon Prusakowski and Hernan Garcia for their exceptional guidance and leadership in Boy Scout/Cub Scout Troop 145

Regular order of business resumes

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor: Appointments to Local Emergency Management Council; Mayor Angel Albanese and Police Director Patrick Grady

Township Officers: Reports given this evening will be available in the Clerk's office and on the township website www.ourclark.com

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

(No objections have been received in connection with the proposed Ordinance)

1. **25-20 CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$50,000 FOR THE ACQUISITION OF A NEW COMPACT EXCAVATOR IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP.**

INTRODUCTION OF PROPOSED ORDINANCES:

2. 25-21 AN ORDINANCE TO AMEND CHAPTER 76 ENTITLED ALCOHOLIC BEVERAGES, SECTION 76-10C ENTITLED REGULATIONS OF LICENSES OF THE CODE OF THE TOWNSHIP OF CLARK

Public Hearing July 21

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee has reviewed the Current and Capital expenditures received and encumbered through June 13, 2025 in the amount of \$375,403.15

CITIZEN HEARING ON THE AGENDA:

The public comment portion of the meeting is to allow the public to bring to the Council's attention their concerns or comments. In accordance with N.J.S.A. 10: 4-12(a) and the Code of the Township of Clark, each person addressing the Council shall give their name and the town in which they reside, to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 5 minutes in duration. At the conclusion of the statements or questions from a member of the public, the Council President, at his discretion, may choose to respond or not respond.

The Public may speak on any agenda item that does not have its own public hearing

RESOLUTIONS:

3. Certifying to the Local Finance Board of the State of New Jersey that the members of the Governing Body have reviewed as a minimum, sections of the 2024 Annual Audit entitled General Comments and Recommendations
 4. Endorsing the Housing Element and Fair Share Plan as adopted June 5, 2025, by the Planning Board and directing the Township's Affordable Housing Counsel to file the documents necessary to seek a Compliance Certification
 5. **Council as the ABC Board:** Authorizing the annual renewal of Alcoholic Beverage Licenses for the 2025-2026 term
 6. Authorizing the Mayor and Township Clerk to execute a Developer's Agreement with 1180 Raritan, LLC; Chase Bank
 7. Authorizing the Tax Collector to prepare and mail Estimated Tax Bills in accordance with P.L. 1994, c.72
 8. Authorizing the Mayor and/or the Business Administrator to execute an Agreement between the Township of Clark, and Vincent and Stacy Meli in connection with the property located at 201 Broadway
 9. Consenting to Assignment and Transfer of real property designated as Block 91, Lots 8.01, 10.01 and 36, located on Westfield Avenue and Washington Street
-

CONSENT AGENDA RESOLUTIONS:

The following items are considered routine and non-controversial items by the Township Council and will be enacted upon by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda to be discussed and voted on, following the approval of the remaining items listed on the Consent Agenda.

10. Award of contract to Waste Management for solid waste services for Bulky Waste Type 13 and 13C at the Union County rate of \$119.12 per ton
11. Authorizing the Tax Collector to apply sewer account balance adjustments as credit in the amount of \$2,200.00
12. Authorizing Final Payment to T. Fiotakis Construction LLC, for work completed on the Year 50 Community Development Block Grant – ADA Curb and Sidewalk Improvements, in the amount of \$14,440.00
13. Refunding construction permit #22-432 in the amount of \$1,928.40
14. Authorizing a Professional Services Agreement with LEW Environmental Services to manage lead testing of residential rental units built prior to 1978 in compliance with N.J.A.C. 5:28A, at the property owners' expense and to prepare and submit required documentation to the State on behalf of the township, free of charge

NEW BUSINESS ON THE CALENDAR:

PUBLIC COMMENTS:

The public comment portion of the meeting is to allow the public to bring to the Council's attention their concerns or comments. In accordance with N.J.S.A. 10: 4-12(a) and the Code of the Township of Clark, each person addressing the Council shall give their name and the town in which they reside, to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 5 minutes in duration. At the conclusion of the statements or questions from a member of the public, the Council President, at his discretion, may choose to respond or not respond.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

PH 1

TOWNSHIP OF CLARK
Ordinance No. 25 - 20
Adopted _____

Introduced: June 2, 2025 Public Hearing: June 16, 2025

CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$50,000 FOR THE ACQUISITION OF A NEW COMPACT EXCAVATOR IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP.

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

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township") is hereby authorized to acquire a new compact excavator for the use of the Department of Public Works in, by and for the Township. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$50,000 is hereby appropriated to the payment of the cost of the improvement authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from the Capital Improvement Fund of the Township. The sum of \$50,000 is hereby appropriated from the Capital Improvement Fund of the Township to the payment of the cost of said purpose.

Section 3. Said improvement is a lawful capital improvement of the Township having a period of usefulness of at least five (5) years. Said improvement shall be made as a general improvement, no part of the cost of which shall be assessed against property specially benefitted.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated

INTRO 2

TOWNSHIP OF CLARK
Ordinance No. 25 - 21
Adopted _____

Introduced: June 16, 2025 Public Hearing: July 21, 2025

**AN ORDINANCE TO AMEND CHAPTER 76 ENTITLED ALCOHOLIC BEVERAGES,
SECTION 76-10C ENTITLED REGULATIONS OF LICENSES
OF THE CODE OF THE TOWNSHIP OF CLARK**

BE IT ORDAINED by the governing body of the Township of Clark, County of Union, State of New Jersey that Chapter 76, Section 76-10C. of the Code of the Township of Clark is hereby amended as follows:

SECTION 1: Chapter 76, Section 10C. entitled Regulations of Licenses

Plenary retail distribution licenses. Plenary retail distribution licensees may only sell or deliver alcoholic beverages between the hours of 9:00 a.m. and 10:00 p.m., Monday through Saturday, and 10:00 a.m. to 7:00 p.m. on Sundays.

SECTION 2: Inconsistent Ordinance

Any Ordinance or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3: Effective Date

This Ordinance shall take effect upon adoption and upon publication according to law.

Effective Date:

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

ANGEL ALBANESE
Mayor

TOWNSHIP OF CLARK
Resolution 25-117
June 16, 2025

3

WHEREAS N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

WHEREAS the Annual Report of Audit for the year 2024 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS N.J.S.A. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit containing the auditor's findings, comments, and recommendations; and

WHEREAS the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit containing the auditor's findings, comments, and recommendations, as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of N.J.S.A. 52:27BB-52, to wit:

N.J.S.A. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Clark, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/6-16 117AuditReport2024-GrpAffidavit

		Motion	Second	Aye	Nay	Abstain	Absent
	Hoff						
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Toal						
Withdrawn	Smith						
	Entire Council						
	TOTAL						

State of New Jersey)
County of Union) ss.

I, Edith L. Merkel, Township Clerk of the Township of Clark, County of Union, State of New Jersey, DO HEREBY certify that the foregoing is a true and correct copy of Resolution 25-117, as approved at a Regular Meeting of the Township Council held on June 16, 2025.

Edith L. Merkel, Township Clerk
Date: June 16, 2025

TOWNSHIP OF CLARK
Resolution 25-118
June 16, 2025

4

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CLARK ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE CLARK PLANNING BOARD

WHEREAS, the Township of Clark (hereinafter the “Township” or “Clark”) has a demonstrated history of voluntary compliance as evidenced by and the entry of a Judgment of Repose, dated January 9, 2018, approving the Township’s Housing Element and Fair Share Plan for Round 3; Third Round record; and

WHEREAS, for ease in reference, this resolution shall refer to the Fair Housing Act as amended as “FHA II”; and

WHEREAS, FHA II established a procedure by which municipalities can secure approval of a Housing Element and Fair Share Plan (HEFSP") and secure immunity while developing and seeking approval of a Plan; and

WHEREAS, that procedure contemplated that municipalities would adopt a resolution by January 31, 2025 committing to a fair share number and filing a declaratory relief action within 48 hours from adoption of the resolution and then filing a HEFSP by June 30, 2025 with the Affordable Housing Dispute Resolution Program (the “Program”) within 48 hours of adoption of the Plan; and

WHEREAS, in accordance with this statutory procedure, the Township adopted a binding resolution by January 31, 2025 concerning its fair share and filed a declaratory relief action within 48 hours from adoption of the resolution; and

WHEREAS, the Township asked its affordable housing planning consultant, Paul N. Ricci, AICP, PP of Ricci Planning to prepare a HEFSP to address the Township’s affordable housing obligations under FHA II; and

WHEREAS, Paul N. Ricci, AICP, PP prepared a Housing Element and Fair Share Plan and the Clark Township Planning Board adopted the Plan, attached hereto; and

WHEREAS, in accordance with the procedure established by FHA II, the Township’s Affordable Housing Counsel filed the duly adopted HEFSP with the Program within 48 hours from adoption; and

WHEREAS, the Township of Clark now wishes to endorse the Housing Element and Fair Share Plan adopted by the Clark Township Planning Board and seek approval of the HEFSP by the Program and Court.

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

1. The Township Council hereby endorses the Fourth Round HEFSP previously adopted by the Clark Planning Board and attached hereto.

2. The Township Council hereby directs the Township's Affordable Housing Counsel to (a) file this resolution with the Program, along with any additional documents the professionals deem necessary or desirable; and (b) seek a Compliance Certification from the Program or Vicinage area judge as may be appropriate formally approving the Plan.

3. The Township reserves the right to further amend the HEFSP attached hereto, should that be necessary.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res25/6-16 118EndorsingHEFSP(rd4)

		Motion	Second	Aye	Nay	Abstain	Absent
	Hoff						
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Toal						
Withdrawn	Smith						
	Entire Council						
	TOTAL						

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Council of Clark Township at a regular meeting held on the 16th day of June 2025.

 Edith L. Merkel, Municipal Clerk

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CLARK ADOPTING A HOUSING ELEMENT AND FAIR SHARE PLAN FOR ROUND FOUR

WHEREAS, the Township of Clark (hereinafter the “Township” or “Clark”) secured approval of a Housing Element and Fair Share Plan for Round 3 and the judge entered a Judgment of Repose, dated January 9, 2018, memorializing its approval of that plan; and

WHEREAS, the Township wishes to secure approval of a Housing Element and Fair Share Plan for Round 4; and

WHEREAS, in March of 2024, Governor Murphy signed an amendment to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (hereinafter “FHA II”) which established a procedure by which a municipality could secure approval of a Housing Element and Fair Share Plan for Round 4; and

WHEREAS, that procedure contemplated that municipalities would adopt a resolution by January 31, 2025 committing to a fair share number and file a declaratory relief action within 48 hours from adoption of the resolution and then filing by June 30, 2025 an adopted Housing Element and Fair Share Plan within 48 hours after adoption with the Affordable Housing Dispute Resolution Program (the “Program”); and

WHEREAS, in accordance with this procedure, the Township adopted a resolution by January 31, 2025 committing to a fair share number and filing a declaratory relief action within 48 hours from adoption of the resolution; and

WHEREAS, the Township’s affordable housing planning consultant, Paul Ricci A.I.C.P, P.P. of Ricci Planning has prepared a Housing Element and Fair Share Plan to address the Township’s affordable housing obligations for Round 4; and

WHEREAS, the Township now wishes for the Clark Planning Board to consider adopting the Housing Element and Fair Share Plan and then filing the duly adopted Housing Element with the Affordable Housing Dispute Resolution Program (the “Program”) within 48 hours after adoption; and

WHEREAS, in accordance with the provisions of N.J.S.A. 40:55D-13 of the MLUL, the Planning Board scheduled a public hearing on the HEFSP for June 5, 2025 at 7:30 p.m. at Council Chambers at Clark Township Police Department located at 315 Westfield Avenue Clark, New Jersey 07066 ; and

WHEREAS, in accordance with the provisions of N.J.S.A. 40:55D-13 of the MLUL, the Planning Board published a notice of this public hearing in the Township’s official newspaper at least ten days before the scheduled date for the public hearing and served a copy of this notice upon the clerks of all municipalities adjoining the Township, upon the clerk of the County Planning Board, and upon the New Jersey Office of Planning Advocacy; and

WHEREAS, a copy of the HEFSP was placed on file with the Planning Board Secretary and was available for public review at least ten days before the scheduled date for the public hearing; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Housing Element and Fair Share Plan on June 5, 2025; and

WHEREAS, at the public hearing, Paul Ricci provided professional planning testimony regarding the HEFSP and the Board provided members of the public with the opportunity to provide their comments about the plan.

WHEREAS, the Planning Board determined that the attached Housing Element and Fair Share Plan is consistent with the goals and objectives of the current Master Plan of Clark, and that adoption and implementation of the plan is in the public interest and protects public health and safety and promotes the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of Clark, County of Union, State of New Jersey, that the Planning Board hereby adopts the Housing Element and Fair Share Plan attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board hereby directs the affordable housing attorney for Clark to file the duly adopted Housing Element and Fair Share Plan with the Program, an entity created by the Amended FHA, within 48 hours of adoption and present the duly adopted Housing Element and Fair Share Plan to Clark for endorsement.

BE IT FURTHER RESOLVED that Affordable Housing Counsel is authorized to pursue approval of the Housing Element and Fair Share Plan and submit such additional documents as may be necessary or desirable in an effort to secure such approval.



Chairman of the Planning Board

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Planning Board of the Clark at a regular meeting held on the 5th day of June 2025.



Planning Board Secretary

Resolution Adopting A Housing Element and Fair Share Plan for Round Four

Township of Clark Planning Board DATE: June 5, 2025						
	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Albanese			X			
Ulrich						X
Minniti			X			
Koch	X		X			
Triola						X
Altmann			X			
Steinberg		X	X			
Brocato						X
Arancio						X
Grzyb			X			

**Master Plan
Housing Element and Fair Share Plan**

Township of Clark
Union County, New Jersey

May 22, 2025

Prepared by:

ricciplanning

177 Monmouth Avenue
Atlantic Highlands, NJ 07716

A handwritten signature in blue ink that reads "Paul Ricci". The signature is written in a cursive style with a horizontal line underneath the name.

Paul N. Ricci, AICP, PP
New Jersey Professional Planner
License No.: LI005570

*The original of this document was signed
and sealed in accordance with New Jersey Law*

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Appendix F – Township Affordable Housing Ordinances

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I. INTRODUCTION

This Housing Element and Fair Share Plan has been prepared on behalf of the Township of Clark, Union County, in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq. as amended through P.L. 2024, c. 2 and hereinafter referred to as "FHA II"). This document supersedes and replaces the Township's 2017 Housing Element and Fair Share Housing Plan.

The Municipal Land Use Law requires that a municipality's master plan include a Housing Element for it to exercise the power to zone and regulate land use.

FHA II established a new process whereby a municipality could secure approval of its Housing Element and Fair Share Plan. FHA II requires any municipality that wished to participate in the new process to adopt a resolution committing to fair share obligations by January 31, 2025, and to file a declaratory relief action within 48 hours of adopting this resolution. By adopting this resolution and filing this declaratory judgment action, FHA II provides that the municipality is immune from exclusionary zoning lawsuits. FHA II further provides that if a municipality wishes to extend immunity, it must adopt a Housing Element and Fair Share Plan by June 30, 2025 and file the duly adopted Housing Element and Fair Share Plan with the Dispute Resolution Program created by FHA II.

The Township has determined that it is in the best interest of the community to participate in the procedures established by FHA II.

Accordingly, the Township adopted a resolution committing to certain fair share numbers by January 31, 2025 and filed a declaratory relief action within 48 hours of its adoption. In a further effort to follow the procedures created by FHA II, the Township directed Paul Ricci, AICP, PP to prepare a Housing Element and Fair Share Plan for consideration by the Planning Board and Governing Body. Accordingly, Paul Ricci, AICP, PP prepared this Housing Element and Fair Share Plan. If the Planning Board adopts, this plan will be filed with the Dispute Regulation Program within 48 hours.

FHA II specifies that all parties may continue to rely on regulations previously adopted by the agency until new rules and regulations are adopted. A municipality's affordable housing obligation consists of its rehab obligation, also known as its Present Need and its new construction obligation. The new construction obligations consist of the Township's prospective need obligation for Round 1 through the Round 4.

As to the rehab obligation, the obligation is 71 units.

As to the new construction obligation, the total obligation is 429 units. This consists of a prior round obligation of 93 units for Rounds 1 and 2, a Round 3 obligation of 170 units, and a Round 4 obligation of 166 units. A municipality with insufficient vacant land may request a vacant land adjustment of its new construction obligation, pursuant to N.J.S.A. 52:27D-310.1. The Township of Clark is requesting such an adjustment and has determined that its Realistic Development Potential (RDP) is zero (0) units, thereby resulting in an unmet need of 166 units. This is Clark's Round 4 obligation after adjusting for the amount of vacant land in the municipality.

This Housing Element and Fair Share Plan constitutes an amendment of the Clark Township Master Plan and explains how it proposes to address its obligations. N.J.S.A. 52:27D-310 sets forth the required contents of a Housing Element as follows:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion

to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.

- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

II. HOUSING ELEMENT

A. Analysis of Demographic, Housing and Employment Characteristics

As required by N.J.S.A. 52:27D-310, all housing elements must contain a discussion of the community’s demographic, housing, and economic characteristics. In fulfillment of this requirement, the following subsections profile the Township of Clark with information obtained from the United States Census Bureau and the New Jersey Department of Labor and Workforce Development.

1. Housing Stock Inventory

According to the most recent data of the United States Census Bureau, there are 6,084 housing units in the Township of Clark, of which 135 or 2.2 percent are vacant. Of the 5,949 occupied housing units, 4,527 are owner-occupied and the remaining 1,422 units are renter-occupied. See Table 1, Housing Tenure by Number of Units in Structure, 2023 for a detailed explanation of the housing units identified in the United States Census Bureau’s 5-Year American Community Survey.

Table 1: Housing Tenure by Number of Units in Structure, 2023

<i>Unit Type</i>	<i>Owner-Occupied Units</i>	<i>Percent of Total Occupied Units</i>	<i>Renter-Occupied Units</i>	<i>Percent of Total Occupied Units</i>	<i>Total Occupied Units</i>	<i>Percent of Total Occupied Units</i>
1 unit, detached	4,230	93.4	255	17.9	4,485	75.4
1 unit, attached	172	3.8	31	2.2	203	3.4
2 units	34	0.8	201	14.1	235	4.0
3 or 4 units	9	0.2	108	7.6	117	2.0
5 to 9 units	53	1.2	50	3.5	103	1.7
10 to 19 units	0	0.0	108	7.6	108	1.8
20 or more units	29	0.6	669	47.0	698	11.7
Mobile home	0	0.0	0	0.0	0	0.0
Boat, RV, van, etc.	0	0.0	0	0.0	0	0.0
Total Units	4,527	100.0	1,422	100.0	5,949	100.0

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau, 2023 Five-Year American Community Survey

As can also be seen in Table 1, the Township of Clark has a mix of housing types. Although 4,688 occupied housing units, or approximately 78.8 percent of all occupied housing units, are single-family units, including 4,485 single-family detached and 203 single-family attached units, a total of 1,261 occupied housing units, or about 21.2 percent of all occupied housing units, are in structures that contain at least two housing units. Moreover, more than half (55.4 percent) of

the housing units that are in structures that contain at least two housing units are in structures that contain 20 or more units.

Table 2, Housing Units by Age of Structure, 2023, indicates the age of the Township’s housing stock. More than half (56.3 percent) of Clark’s existing housing units were constructed between 1950 and 1969, which reflects the trend towards suburbanization in the New York/New Jersey/Connecticut metropolitan area during this period. The Township’s housing stock is aging, with the median year built of all housing units being 1962; owner-occupied housing units being 1961; and renter-occupied housing units being 1966.

Table 2: Housing Units by Age of Structure, 2023

<i>Year Built</i>	<i>Total Units</i>	<i>Percent of Total Units</i>	<i>Owner-Occupied Units</i>	<i>Percent of Owner-Occupied Units</i>	<i>Renter-Occupied Units</i>	<i>Percent of Renter-Occupied Units</i>
2020 or later	50	0.8	50	1.1	0	0.0
2010 to 2019	326	5.4	90	2.0	211	14.8
2000 to 2009	294	4.8	130	2.9	137	9.6
1990 to 1999	171	2.8	120	2.7	51	3.6
1980 to 1989	234	3.8	194	4.3	23	1.6
1970 to 1979	769	12.6	569	12.6	177	12.4
1960 to 1969	1,563	25.7	1,252	27.7	268	18.8
1950 to 1959	1,861	30.6	1,602	35.4	259	18.2
1940 to 1949	633	10.4	387	8.5	246	17.3
1939 or earlier	183	3.0	133	2.9	50	3.5
Totals	6,084	100.0	4,527	100.0	1,422	100.0
Median Year Built	1962	N/A	1961	N/A	1966	N/A

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau, 2023 Five-Year American Community Survey

Table 3, Housing Units by Number of Rooms, 2023, shows that 70.5 percent of the Township’s housing stock contains six or more rooms, with all housing units containing a median of 6.8 rooms. When considering just owner-occupied units, however, it is noted that they contain a median of 7.3 rooms, with 88.3 percent of them containing six or more rooms. On the other hand, the Township’s renter-occupied units contain a median of 3.8 rooms with just 17.4 percent of them containing six or more rooms.

Table 3: Housing Units by Number of Rooms, 2023

<i>Rooms</i>	<i>Total Units</i>	<i>Percent of Total Units</i>	<i>Owner-Occupied Units</i>	<i>Percent of Owner-Occupied Units</i>	<i>Renter-Occupied Units</i>	<i>Percent of Renter-Occupied Units</i>
1 room	36	0.6	0	0.0	36	2.5
2 rooms	60	1.0	0	0.0	60	4.2
3 rooms	644	10.6	49	1.1	522	36.7
4 rooms	504	8.3	161	3.6	326	22.9
5 rooms	550	9.0	319	7.0	231	16.2
6 rooms	863	14.2	748	16.5	105	7.4
7 rooms	1,241	20.4	1,185	26.2	56	3.9
8 rooms	1,280	21.0	1,226	27.1	54	3.8
9 or more rooms	906	14.9	839	18.5	32	2.3
Total	6,084	100.0	4,527	100.0	1,422	100.0
Median Rooms	6.8	N/A	7.3	N/A	3.8	N/A

Note: Percentage totals may not sum to 100 percent due to rounding
Source: United States Census Bureau, 2023 Five-Year American Community Survey

Table 4, Value of Owner-Occupied Housing Units, 2023, provides a detailed description of housing values within the Township of Clark. Indeed, it shows that most (60.4 percent) of the owner-occupied housing units in the Township have a value of between \$500,000 and \$999,999, with the median value of owner-occupied housing units being \$570,000.

Table 4: Value of Owner-Occupied Housing Units, 2023

<i>Home Value</i>	<i>Number</i>	<i>Percent</i>
\$199,999 or less	73	1.6
\$200,000 to \$299,999	114	2.5
\$300,000 to \$499,999	1,478	32.6
\$500,000 to \$999,999	2,734	60.4
\$1,000,000 or more	128	2.8
Total	4,527	100.0
Median Value	\$570,400	N/A

Note: Percentage totals may not sum to 100 percent due to rounding
Source: United States Census Bureau, 2023 Five-Year American Community Survey

Table 5, Gross Rent of Renter-Occupied Units, 2023, details gross rents within Clark. As shown in Table 5, a cash rent is paid in all except 78, or 5.5 percent, of Clark's 1,422 renter-occupied housing units. When a cash rent is paid, the gross rent of most (80.1 percent) renter-occupied housing units with a cash rent ranges from \$1,500 to \$2,999 per month.

Table 5: Gross Rent of Renter-Occupied Units, 2023

Gross Rent	Number	Percent
\$499 or less	0	0.0
\$500 to \$999	12	0.8
\$1,000 to \$1,499	256	18.0
\$1,500 to \$1,999	690	48.5
\$2,000 to \$2,499	182	12.8
\$2,500 to \$2,999	204	14.3
\$3,000 or more	0	0.0
No Cash Rent Paid	78	5.5
Total Units	1,422	100.0
Median Rent	\$1,793	N/A

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau, 2023 Five-Year American Community Survey

Evidence of the quality of Clark’s housing stock is provided by the United States Census Bureau, 2023 Five-Year American Community Survey, which indicates that none of the Township’s 5,949 occupied housing units lack complete plumbing or kitchen facilities. The lack of units with incomplete facilities points to a well-maintained housing stock.

2. General Population Characteristics

According to the information from the United States Census Bureau that is presented in Table 6, Comparison of Clark Township and Union County Population Growth, 1920-2020, Clark’s population grew by 18,035 residents between 1920 and 1970, when it peaked at 18,829 residents. In the period since 1970, the Township’s population has declined to 15,544 residents in 2020, which represents a decrease of 17.4 percent. Although there has been a decrease in the period from 1970 to 2020, the Township’s population has increased by 6.5 percent since 2000, when the Township’s population was 14,597 residents.

With regard to Union County overall, it is noted that the County’s population steadily increased in the period from 1920 to 1970, when the population grew from 200,157 residents in 1920 to 543,116 residents, which represents an increase of 171.3 percent. Unlike in the Township, however, the County’s population did not peak in 1970. Indeed, although the County’s population experienced decreases in the period from 1970 to 1990, it peaked at 575,345 residents in 2020. The County’s 2020 population represents an increase of 187.4 percent since 1920 and 5.9 percent since 1970.

It is noted that the United States Census Bureau’s 2023 Five-Year American Community Survey estimates the populations of Clark and Union County to be 15,410 and 572,549, respectively. While these values represent a decrease over the values reported by the 2020 United States

Census, we note that the 2023 Five-Year American Community Survey represents *average* values over the five-year period ending in 2023.

Table 6: Comparison of Clark Township and Union County Population Growth, 1920-2020

<i>Decennial Census</i>	<i>Clark Township</i>	<i>Percent Change Since Prior Census</i>	<i>Union County</i>	<i>Percent Change Since Prior Census</i>
1920	794	—	200,157	—
1930	1,474	85.6	305,209	52.5
1940	2,083	41.3	328,344	7.6
1950	4,352	108.9	398,138	21.3
1960	12,195	180.2	504,255	26.7
1970	18,829	54.4	543,116	7.7
1980	16,699	-11.3	504,094	-7.2
1990	14,629	-12.4	493,819	-2.0
2000	14,597	-0.2	522,541	5.8
2010	14,756	1.1	536,499	2.7
2020	15,544	5.3	575,345	7.2

Source: United States Census Bureau

Clark’s age distribution, which is provided in Table 7, Clark Age Distribution, 2010-2020, results in a median age of 44.2 years, which is 0.9 percent more than the 2010 median age of 43.8 years. This median age is significantly higher than exhibited by Union County, where the median age was 39.5 years in 2020 and 38.0 years in 2010.

The increase in Clark’s median age is reflected in an increased percentage of population aged 65 years and above. In 2010, a total of 18.5 percent of the Township’s population was at least 65 years old. By 2020, however, this demographic accounted for 19.7 percent of the Township’s population. This increase in population aged 65 years and above was accompanied by a decrease in population aged 19 years and below. In 2010, 23.2 percent of the Township’s population was aged 19 years and below, but in 2020 this demographic accounted for only 22.1 percent of the Township’s population.

It is noted that the United States Census Bureau’s 2023 Five-Year American Community Survey estimates the median age of Clark’s population to be 43.2 years, with those aged 65 years and above estimated to comprise 22.6 percent of the Township’s population and those aged 19 years and below estimated to comprise 22.8 percent of the Township’s population. As previously mentioned, however, it is noted that the 2023 Five-Year American Community Survey represents *average* values over the five-year period ending in 2023.

Table 7: Clark Age Distribution, 2010-2020

<i>Age Cohort</i>	<i>2010</i>	<i>Percent</i>	<i>2020</i>	<i>Percent</i>	<i>Percent Change (2010-2020)</i>
Under 5 Years	731	5.0	755	4.9	3.3
5 through 9 Years	818	5.5	868	5.6	6.1
10 through 14 Years	959	6.5	935	6.0	-2.5
15 through 19 Years	912	6.2	884	5.7	-3.1
20 through 24 Years	757	5.1	834	5.4	10.2
25 through 29 Years	709	4.8	786	5.1	10.9
30 through 34 Years	742	5.0	913	5.9	23.0
35 through 39 Years	935	6.3	968	6.2	3.5
40 through 44 Years	1096	7.4	1,002	6.4	-8.6
45 through 49 Years	1237	8.4	1,038	6.7	-16.1
50 through 54 Years	1261	8.5	1,119	7.2	-11.3
55 through 59 Years	1022	6.9	1,180	7.6	15.5
60 through 64 Years	843	5.7	1,196	7.7	41.9
65 through 69 Years	629	4.3	925	6.0	47.1
70 through 74 Years	506	3.4	699	4.5	38.1
75 through 79 Years	529	3.6	545	3.5	3.0
80 through 84 Years	524	3.6	388	2.5	-26.0
85 Years and Over	546	3.7	509	3.3	-6.8
Total Population	14,756	100.0	15,544	100.0	5.3
Median Age	43.8	N/A	44.2	N/A	0.9

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau

3. Household Characteristics

As defined by the Census Bureau, a household includes all persons who occupy a single housing unit, regardless of blood relation. Thus, a household may also include a group of unrelated individuals sharing group quarters. A family is identified as a group of persons that includes a householder and one or more persons related by blood, marriage or adoption, all living in the same household. According to the 2020 United States Census, there were 5,919 households in the Township, with an average of 2.59 persons per household. In total, there were 3,668 families with an average of 2.80 persons per family. Of these family households, approximately 93.0 percent were comprised of married couples with or without children.

4. Income Characteristics

According to the United States Census Bureau's 2023 Five-Year American Community Survey, the median household income in Clark was \$122,610, which was 22.5 percent higher than the median household income of \$100,117 in Union County overall. Table 8, Household Income – Clark Township and Union County, 2023 provides additional information on household income in Clark and Union County overall.

Table 8: Household Income – Clark Township and Union County, 2023

	<i>Clark</i>	<i>Union County</i>
Total Households	5,949	201,663
Percent of Households with Less than \$10,000	1.6	2.9
Percent of Households with \$10,000 to \$14,999	1.4	2.4
Percent of Households with \$15,000 to \$24,999	3.3	4.9
Percent of Households with \$25,000 to \$34,999	2.0	5.3
Percent of Households with \$35,000 to \$49,999	6.5	8.4
Percent of Households with \$50,000 to \$74,999	13.7	13.6
Percent of Households with \$75,000 to \$99,999	13.1	12.4
Percent of Households with \$100,000 to \$149,999	22.2	17.2
Percent of Households with \$150,000 to \$199,999	13.4	11.5
Percent of Households with \$200,000 or more	22.9	21.4
Median Household Income	122,610	100,117

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau, 2023 Five-Year American Community Survey

The United States Census Bureau’s 2023 Five-Year American Community Survey indicates that of the 15,238 households for which poverty status has been determined, 438 households or approximately 2.9 percent were below the poverty level within the last 12 months.

5. Resident Employment Characteristics

Table 9, Distribution of Employment by Industry, Employed Clark Residents, 2023, indicates the distribution of Clark’s 7,794 residents aged 16 years and over who are employed in the civilian labor force. The three industries with the largest share of employment in Clark include: Education, Health and Social Services with 24.5 percent of employment; Retail Trade with 11.8 percent of employment; and Professional, Scientific, Management, Administrative, and Waste Management Services with 9.1 percent of employment.

Table 9: Distribution of Employment by Industry, Employed Clark Residents, 2023

<i>Industry</i>	<i>Number</i>	<i>Percent</i>
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0.0
Construction	620	8.0
Manufacturing	619	7.9
Wholesale Trade	471	6.0
Retail Trade	920	11.8
Transportation and Warehousing, and Utilities	622	8.0
Information	186	2.4
Finance, Insurance, Real Estate, and Renting and Leasing	510	6.5
Professional, Scientific, Mgmt., Administrative, and Waste Mgmt. Services	712	9.1
Education, Health and Social Services	1,909	24.5
Arts, Entertainment, Recreation, Accommodation and Food Services	534	6.9
Other	115	1.5
Public Administration	576	7.4
Total	7,794	100.0

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau, 2023 Five-Year American Community Survey

Table 10, Employment by Occupation, Clark Residents, 2023 more specifically identifies the occupations of Clark’s 7,794 residents aged 16 years and over who are employed in the civilian labor force. The numbers indicate that the most common occupation type is Management, Business, Science and Arts Occupations with 48.7 percent of employment, followed by Sales and Office Occupations with 23.2 percent of employment and Service Occupations with 11.3 percent of employment. In total, these three occupation types account for 83.2 percent of all employment in the Township.

Table 10: Employment by Occupation, Clark Residents, 2023

<i>Occupation Type</i>	<i>Number</i>	<i>Percent</i>
Management, Business, Science and Arts Occupations	3,794	48.7
Service Occupations	881	11.3
Sales and Office Occupations	1,811	23.2
Natural Resources, Construction, and Maintenance Occupations	504	6.5
Production, Transportation, and Material Moving Occupations	804	10.3
Total	7,794	100.0

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau, 2023 Five-Year American Community Survey

6. Employment within Clark

According to the New Jersey Department of Labor and Workforce Development, Clark was estimated to have an average of 9,091 private sector jobs in 2023. As there is minimal developable land, it is anticipated there will be limited employment growth in coming years.

III. FAIR SHARE PLAN

A. Introduction

This section presents the Township of Clark’s plan to address its fair share obligations. The Township’s total cumulative fair share obligation is 500, broken down as follows:

Present Need (i.e., Rehabilitation)	71 units
Round 1, 2 and 3 Obligation	263 units
Round 4 Prospective Need	166 units

The remainder of the Fair Share Plan outlines how the Township of Clark proposes to address these above obligations.

B. Rehabilitation Obligation

To address the 71-unit present need (i.e., rehabilitation) obligation, the Township established a local rehabilitation program. The Township intends to address its present need obligation through the continued operation of its municipally sponsored rehabilitation program using funds from the Township’s Affordable Housing Trust Fund. The Township has contracted with Community Grants, Planning & Housing (CGP&H) to manage and administer the rehabilitation program to provide for the rehabilitation for both owner- and renter-occupied homes. Program funds are to be used for work and repairs required to make the unit standard and abate all interior and exterior violations of the New Jersey State Housing Code (N.J.A.C. 5:28) and the Rehabilitation Subcode (N.J.A.C. 5:23-6); remove any health and/or safety hazards; and perform any other work or repairs that are directly related to such objectives. Municipal rehabilitation investment for hard costs shall average at least \$20,000 per unit and include the rehabilitation of at least one major system.

The current plan is to dedicate \$20,000 per year to rehabilitate 7 units for the first 3 years and then reevaluate the program to increase or decrease funding accordingly based on public response. This will be reflected in the Spending Plan. If low- and moderate-income households elect not to participate, monies in the trust fund will be redirected to other activities.

C. Round 1, 2 and 3 Obligation

On November 9, 2016, the Township entered into a Settlement Agreement with the Fair Share Housing Center. The Planning Board adopted, and the Governing Body endorsed, a Housing Element and Fair Share Plan to implement the settlement. On January 9, 2018, the Court entered a Judgment of Repose to approve the Housing Element and Fair Share Plan. The approved

Housing Element and Fair Share Plan addressed the Township's obligation for Rounds 1 and 2 (also known as the "prior round obligation") as well as for Round 3.

1. Round 1, 2 and 3 Compliance

As provided in the Township's Settlement Agreement with the Fair Share Housing Center, Round 1, 2 and 3 compliance relies upon the rezoning of nine (9) sites. These sites and their current status are described below:

1. Woodcrest at Clark: This site is in the R-SH (Age-Restricted/Senior Housing) Overlay Zone. Sixty-six (66) age-restricted rental units were completed. Clark can claim sixty-five (65) units in its Round 1, 2 and 3 compliance and one (1) age-restricted unit in Round 4.
 - o *As of the preparation of this 2025 Housing Element and Fair Share Plan, this project was complete.*
2. Westfield and Terminal: The Westfield Avenue and Terminal Avenue Site (Block 57, Lot 6.01) is one (1) parcel occupied with a plumbing supply business between Woodcrest and the Clark Nursing Home. The site is zoned to provide five (5) affordable family rental units. The site is in the R-B-20 District, which permits development at 20 units per acre. The site is approximately 0.7 acres in area and adjoins a nursing home to the east and age-restricted apartments to the south and west. With 20-unit per acre zoning, the site continues to provide an attractive incentive to repurpose an existing plumbing supply business into market rate and affordable housing.
 - o *As of the preparation of this 2025 Housing Element and Fair Share Plan, this site remains a part of the Township's compliance plan.*
3. Raritan Gas Station: The Raritan Gas Station Site (Block 34, Lot 25) is currently vacant and previously had a gasoline station on the property. The site is zoned to provide two (2) affordable family rental units. The site has been vacant for approximately 20 years. Existing zoning allows for 16 units per acre where surrounding development is largely 2.9 units per acre. Conversations with the Township Engineer suggest that the property owner continues to show interest in redeveloping the property. With 16-unit per acre zoning, the site continues to provide an attractive incentive to construct market rate and affordable housing.
 - o *As of the preparation of this 2025 Housing Element and Fair Share Plan, this site remains a part of the Township's compliance plan.*
4. Westfield and Raritan (Brookside Manor): The Westfield and Raritan Site (Block 63, Lots 45, 47, 49, 51) had one (1) vacant property, another with a vacant and uninhabitable home, both of which face Raritan Road. The project was completed with six (6) affordable

- family rental units, including one (1) one-bedroom moderate income unit; one (1) two-bedroom very low-income unit; one (1) two-bedroom low-income unit; one (1) two-bedroom moderate income unit; one (1) three-bedroom low-income unit; and one (1) three-bedroom moderate income unit.
- *As of the preparation of this 2025 Housing Element and Fair Share Plan, this project was complete.*
5. Schieferstein: The Schieferstein Site (Block 36, Lots 13, 14, 15) is located on Madison Hill Road between Rainbow Drive and Amelia Drive and has an area of 4.5 acres. The property is currently zoned for affordable housing. The site is anticipated to generate eleven (11) affordable family rental units. The site remains one of the largest properties in town, primarily consisting of open space or unimproved land such as farmland. Consequently, it continues to represent an excellent opportunity for the development of multiple units on a single tract of land within the Township.
- *As of the preparation of this 2025 Housing Element and Fair Share Plan, this site remains a part of the Township's compliance plan.*
6. Jack's Tavern: The Jack's Tavern Site (Block 77, Lots 11-15, 17, 18) formerly had a building with a tavern and a laundromat that has been razed. A CVS Pharmacy was constructed, where zero (0) affordable units were generated. A mixed-use building was approved to create one (1) affordable unit, but it has not been constructed. Nine (9) affordable family rental units were originally planned. Onsite contamination influenced the site's development with the construction of the CVS Pharmacy use. The site is no longer a viable affordable housing site.
- *As of the preparation of this 2025 Housing Element and Fair Share Plan, this was no longer an active site. Nonetheless, one (1) affordable unit was approved.*
7. A & P Site: The former A & P Site encompasses 3.6 acres on an entire block at the south end of the DTV (Downtown Village) Zone and the Westfield Avenue corridor near the border with the City of Rahway. Site plan approval is in place. However, it has not yet been constructed. Originally, 18 affordable family rental units were planned per the Round 3 Housing Plan, but only 12 affordable family rental units were approved as a key corner property was unavailable for purchase. However, this key property is available, which will likely result in the creation of at least 18 affordable housing units. To assist in the process, the Township designated the above-mentioned corner property as an area in need of redevelopment in May 2025. Currently, the Township is working with the redeveloper to amend the current redevelopment plan for the property.
- *As of the preparation of this 2025 Housing Element and Fair Share Plan, this site remains a part of the Township's compliance plan.*

8. Downtown Village District: This district is located along Westfield Avenue and is intended to serve as a downtown district. Based on zoning devised in coordination with the Fair Share Housing Center, a total of 101 affordable family rental units could theoretically be created based on a density of thirty-two (32) units per acre. At the time of ordinance creation, the Fair Share Housing Center recognized potential limitations due to the built-out condition of this area. Assemblage of lots has indeed posed a challenge. Notwithstanding the challenges, six (6) affordable family rental units were approved at 27-29 Westfield Avenue, and an additional two (2) affordable units are anticipated at 175-181 Westfield Avenue as a site plan has been filed with the Planning Board. As the Supreme Court noted in Mount Laurel II, the **“actual construction of that housing will continue to depend, in a much larger degree, on the economy, on private enterprise, and on the actions of the other branches of government at the national, state and local level”** (Page 352).
 - o *As of the preparation of this 2025 Housing Element and Fair Share Plan, the zoning for this site, which was prepared with the assistance of FSHC, remains intact.*

9. Walnut Site: This site is located at Valley Road and Walnut Avenue. The Settlement Agreement with the Fair Share Housing Center anticipated 27 affordable units. A total of 28 family rental units were built, including four (4) one-bedroom units; 18 two-bedroom units; and six (6) three-bedroom units. In addition, the site was originally planned to result in 28 family rental bonus credits.
 - o *As of the preparation of this 2025 Housing Element and Fair Share Plan, this project was complete.*

In addition to the nine (9) sites listed above, the Township's Round 1, 2 and 3 compliance plan anticipated that it would create 19 bedrooms in group homes. Ten (10) exist and the Township will redouble its efforts to secure an additional nine (9) bedrooms in group homes. Specifically, the Township's plan is to assist the Arc of Union County in providing up to three (3) additional three-bedroom homes.

- *As of the preparation of this 2025 Housing Element and Fair Share Plan, the three (3) additional three-bedroom homes with a combined total of up to nine (9) additional units or bedrooms have not been constructed. However, this project remains tentatively active. To increase the likelihood of the generation of additional group homes, the Township will dedicate up to \$300,000 from its trust fund to assist in the creation of these units. The Township will also work to identify other potential funding sources to match or compliment the Township's contribution.*

2. Summary of Round 1, 2 and 3 Compliance

Clark’s Round 1, 2 and 3 compliance strategy, as updated to reflect current conditions as of the preparation of this 2025 Housing Element and Fair Share Plan, is summarized in Table 11, Summary of Round 1, 2 and 3 Compliance (2025 Revision).

Table 11: Summary of Round 1, 2 and 3 Compliance (2025 Revision)

<i>Mechanism</i>	<i>Status</i>	<i>Credits</i>	<i>Rental Bonus Credits</i>
Woodcrest at Clark	Complete	65	Excluded
Westfield and Terminal	Active Site	5	5
Raritan Gas Station	Active Site	2	2
Westfield and Raritan (Brookside Manor)	Complete	6	6
Schieferstein	Active Site	12	3
Jack’s Tavern	Inactive	0	0
A&P Site	Active Site	12	12
Downtown Village District	Active Site	101	Excluded
Walnut Site	Complete	28	28
Group Homes (Existing)	Complete	10	10
Group Homes (Proposed)	Tentative	9	0
Subtotal		250	66
Total			316
Surplus			53

Note: Woodcrest at Clark, Downtown Village District, and Group Homes (Existing) are excluded from the calculation of bonus credits due to applicable caps.

As can be seen in Table 11, the Township’s Round 1, 2 and 3 compliance strategy results in 250 units of credit and 66 rental bonus credits. This exceeds the combined Round 1, 2 and 3 obligation of 263 units by 53 units.

A maximum of 25 percent of the units addressing the combined Round 1, 2 and 3 obligation may be age-restricted units. The only age-restricted units in the Township’s Round 1, 2 and 3 compliance strategy are those associated with the project Woodcrest at Clark. A total of 65 units have been applied from this project. This is conformant with the 25 percent maximum limit of age-restricted units permitted (i.e., 25 percent of 263 units is 65.75 units, which rounds down to 65 units).

A minimum of 25 percent of the units addressing the combined Round 1, 2 and 3 obligation shall be rental units. The rental obligation is, therefore, 66 units (i.e., 25 percent of 263 units is 65.75 units, which rounds up to 66 units). All units addressing the Township’s compliance strategy for the combined Round 1, 2 and 3 obligation are rental units. The Township is, therefore, conformant with the rental obligation.

No rental bonus credits shall be granted for units in excess of the rental obligation. Table 11 indicates that only 66 rental bonus credits are applied, which conforms with the rental obligation.

3. Monitoring

The Township has engaged Community Grants, Planning and Housing to monitor the administrative compliance and creditworthiness of the projects outlined above. Project monitoring sheets are Attached in Appendix A.

D. Round 4 Obligation

As previously noted, the Township of Clark's Round 4 Obligation, which covers the period from July 1, 2025 through June 30, 2035, is 166 units. However, Clark has a limited supply of vacant, developable land and, therefore, applies a Vacant Land Adjustment to this obligation.

Clark's Vacant Land Adjustment, which is detailed in Appendix B, results in a Realistic Development Potential (RDP) of zero (0) units and an unmet need of 166 units.

The Township of Clark addresses its unmet need of 166 units in various ways including the proposed adoption of overlay zoning to enable five (5) sites to redevelop with a residential density of 16 units per acre and 20-percent affordable housing set-aside. Each of these five (5) sites:

1. Is free of encumbrances which preclude the development of affordable housing;
2. Is located in a public water and sewer district without restriction;
3. Can be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21, where applicable;
4. Is located in Planning Area 1 (Metropolitan) and accordingly is consistent with the current State Development and Redevelopment Plan;
5. Does not contain mapped environmental constraints (viz., flood hazard areas, wetlands, lakes, and streams);
6. Is located outside of a historic preservation district, is not regulated by Highlands, CAFRA, Pinelands or other state agencies;
7. Is located adjacent to suitable land uses; and
8. Adjoins an arterial roadway.

These five (5) sites to address unmet need include:

- Grand Centurions (Block 52, Lot 15.01) This site is located at 440 Madison Hill Road in the central portion of the Township. With a total area of 4.4 acres, redevelopment could result in 70 units with 14 affordable units when developed at 16 units per acre with a 20-percent set-aside. The site is currently zoned R-150, which permits single-family residential development at a density of 2.9 units per acre. The site adjoins preserved lands on the County's Recreation and Open Space Inventory where walking trails and other associated lakeside recreational activities are proposed.



- Clarkton Plaza (Block 63, Lots 54 and 55): This site is located at 1065 Raritan Road in the northwestern portion of the Township. With a total area of approximately three (3) acres, redevelopment could result in 48 units with ten (10) affordable units when developed at 16 units per acre with a 20-percent set-aside. The site is currently zoned CN (Neighborhood Service Commercial) but adjoins the Township's R-A (Multiple-Family Apartment Residential) District, which permits garden apartments at the same density of 16 units per acre. Its proximity to compatible land uses to the east and its higher likelihood of redevelopment played a pivotal role in its selection.



- Clark Village (Block 63, Lots 52 and 53): This site is located at 1043-1049 Raritan Road in the northwestern portion of the Township. With a total area of 1.6 acres, redevelopment could result in 25 units with 6 affordable units when developed at 16 units per acre with a 20-percent set-aside. It adjoins the proposed Clark Village site to the north and the developed Brookside Manor site to the south, which developed with six (6) affordable units in the RB-16 zone (n.b., the 2020 aerial does not show this new development).



- Raritan Road (Block 148, Lots 1, 10, 13, 15, 19, 20, 23 & 24): This site is located at 1425 – 1463 Raritan Road and Reifel Street in the northern portion of the Township. With a total area of 2.5 acres, redevelopment could result in 40 units with eight (8) affordable units when developed at 16 units per acre with a 20-percent set-aside. The site is currently zoned CN (Neighborhood Service Commercial). The properties are attractively located equidistant between two Garden State Parkway access points, which increases their attractiveness for residential redevelopment.



- Polish Heritage (Block 131, Lot 7): This site is located at 177-179 Broadway in the central portion of the Township. With a total area of 3.5 acres, redevelopment could result in 55 units with 11 affordable units when developed at 16 units per acre with a 20-percent set-aside. The Polish Heritage Foundation is the site of a former Clark Public School. In addition to its size, the site maintains access to two (2) arterial roadways near Garden State Parkway Interchange 135. The site is also proximate the Township's DTV downtown district, which is close to shops and public transportation. Adjacent zoning ranges from downtown mixed-use commercial to single-family residential.



In total, the five (5) sites for which overlay zoning will be adopted could result in as much as 49 affordable units and 12 bonus credits for the Township, which totals 61 units applied towards unmet need. On a conservative basis, this also exceeds the minimum of 42 units, or 25 percent of the Township’s unadjusted prospective need obligation of 166 units, should Section C.52:27D-310.1.1. be interpreted differently than written in the Fair Housing Act. The five (5) sites for which overlay zoning will be adopted are mapped in Appendix C. Appendix D provides the proposed overlay ordinance.

The Township’s unmet need compliance strategy is summarized in Table 11.

Table 11: Summary of Unmet Need Compliance

<i>Mechanism</i>	<i>Credits</i>
Grand Centurions	14
Clarkton Plaza	10
Clark Village	6
Raritan Road	8
Polish Heritage	11
Woodcrest at Clark	1
Total Credits	50

As shown above, the Township’s plan for the unmet need could generate as many as 50 units towards the unmet need of 166.

E. The 25 Percent Requirement

Pursuant to N.J.S.A. 52:27D-310.1, any municipality that receives an adjustment of its prospective need obligations for Round 4 or subsequent rounds based on a lack of vacant land shall, as part of the process of adopting and implementing its housing element and fair share plan, identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation or demonstrate why the municipality is unable to do so. Note that 25 percent of the Township's prospective need obligation that has been adjusted is zero because 25 percent of zero is zero.

F. Reservation of Right and Authority

Planning is a dynamic process, not a static one. Over the span of a ten-year compliance period, much may change that might warrant the Township adjusting its approach to how it best addresses its obligations. Accordingly, the Township reserves the right and authority to seek the right to amend or modify this Housing Element and Fair Share Plan.

Appendices

Appendix A – Project monitoring sheets

**Clark Township, Union County
Project/Unit Monitoring - October 27, 2023 (Page 1)**

Site / Program Name	Clark Home Improvement Program				52 Westfield (A&P Site)				Downtown Village District				Jack's Tavern				Raritan Gas Station					
Project Type	Housing Rehabilitation Program				Inclusionary Family Rental				Inclusionary Family Rental				Inclusionary Family Rental				Inclusionary Family Rental					
Block & Lot / Street	NA				B-105 / L-2 & 26.01 Westfield Ave				Westfield Ave				B-77 / L-11-15, 17-18 Westfield Ave				B-34 / L-25 Raritan Rd					
Status	Under Construction				Final Approval				Proposed/Zoned				Proposed/Zoned				Proposed/Zoned					
Date	TBD				PB Approval 5/6/21				NA				NA				NA					
Length of Affordability Controls	10 Years				30 Years				30 Years				30 Years				30 Years					
Administrative Agent	CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/				T.B.D.				CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/				CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/				CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/					
Contribution	N/A				N/A				N/A				N/A				N/A					
Type of Units	Housing Rehabilitation Program				Family Rental				Family Rental				Family Rental				Family Rental					
Total Affordable Units	53				12				101				9				2					
Units Notes	Clark has a 53 unit rehabilitation obligation.				Within DTV. Income/bedroom distribution to be finalized.				Exact unit distribution to be finalized.				Part of the site has been developed as a CVS. Future affordable housing provision is unlikely at this time.				Exact unit distribution to be finalized.					
Income/Bedroom Distribution	Eff.	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR			
	Std.	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	
Very-Low-Income	-	-	-	-	-	1	1	-	-	-	3	6	5	-	1	1	-	-	-	-	-	-
Low-Income	-	-	-	-	-	-	4	1	-	-	7	24	6	-	-	2	1	-	-	-	-	-
Moderate-Income	-	-	-	-	-	1	3	1	-	-	10	30	10	-	-	3	1	-	-	-	-	-

**Clark Township, Union County
Project/Unit Monitoring - October 27, 2023 (Page 2)**

Site / Program Name	Schieferstein Site	Walnut Hill	Brookside Manor (Westfield and Raritan)	Westfield and Terminal	Woodcrest at Clark
Project Type	Inclusionary Family Rental	Inclusionary Family Rental	Inclusionary Family Rental	Inclusionary Family Rental	Inclusionary Age Restricted Rental
Block & Lot / Street	B: 36 / L: 13-15 Madison Hill Rd	B: 155 / L: 7, 10 Walnut Ave	B: 63 / L: 45, 47, 49, 51 Raritan Rd	B: 57 / L: 6.01 Westfield Ave	B: 57 / L: 2, 3, 4, 8, 10 Westfield Ave
Status	Proposed/Zoned	Completed	Completed	Proposed/Zoned	Completed
Date	NA	4/4/2023	10/6/2022	NA	CO granted 2/2/2015
Length of Affordability Controls	30 Years				
Administrative Agent	CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/	CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/	CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/	CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/	Piazza and Associates, Inc., 216 Rockingham Row, Princeton, NJ 08540, (609) 786-1100, https://www.affordablehomesnewjersey.com/
Contribution	N/A	N/A	N/A	N/A	N/A
Type of Units	Family Rental	Family Rental	Family Rental	Family Rental	Age Restricted Rental
Total Affordable Units	11	28	6	5	66
Units Notes	Exact unit distribution to be finalized.			Exact unit distribution to be finalized.	Development is 66 units, however Clark can only claim 65 credits due to the cap on senior units.
Income/Bedroom Distribution	Eff. Std. 1 2 3 4				
Very-Low-Income	- 1 1 - -	- 1 2 1 -	- - 1 - -	- - 1 - -	- - 7 - -
Low-Income	- 2 2 -	- 1 7 2 -	- - 1 1 -	- - 2 1 -	- - 26 - -
Moderate-Income	- 1 3 1 -	- 2 9 3 -	- 1 1 1 -	- - 1 - -	- - 33 - -

Clark Township, Union County: Very-Low Income Units 2022

Development/Compliance Mechanism	Project Status	Controls Date	Affordable Units	Very-Low Income Units
Brookside Manor (Westfield and Raritan)	Under Construction	Affirmative marketing completed 10/31/22	6	1
Woodcrest at Clark	Completed	CO granted 2/2/2015	66	7
60-62 Westfield	Under Construction	PB Approval 2/4/21	1	0
52 Westfield	Final Approval	PB Approval 5/6/21	12	2
Walnut Avenue	Under Construction	PB Approval 5/6/21	27	4
A&P Site	Funded / Prelim. Approval	Waiting on info	11	2
Totals:			123	16

(% of VLI units: 13%)

Appendix B – Vacant Land Adjustment

Vacant Land Adjustment

Township of Clark

Union County, New Jersey

May 22, 2025

Prepared by:

ricciplanning

177 Monmouth Avenue
Atlantic Highlands, NJ 07716



Paul N. Ricci, AICP, PP
New Jersey Professional Planner
License No.: LI005570

*The original of this document was signed
and sealed in accordance with New Jersey Law*

Vacant Land Adjustment

A vacant land adjustment is a means by which a municipality may adjust its fair share obligation due to a limited amount of vacant land to capable of supporting the new development of affordable housing. The concept of adjusting a municipality's fair share obligation has been included within the Fair Housing Act at N.J.S.A. 52:27D-310.1.

As part of the development of this Fair Share Plan, all Class 1 (Vacant) and Class 15C (Public) properties, which comprise a combined total of 476.31 acres throughout the Township, were inventoried and evaluated for the potential to accommodate the new development of affordable housing. The analysis, which is detailed below, determined that there is no realistic development potential (RDP) to support new development of affordable housing in the Township.

Methodology

N.J.S.A. 52:27D-310.1 establishes the criteria by which sites or portions of sites in a municipal vacant land inventory may be excluded from the calculation of RDP. For instance, environmentally constrained areas may be excluded from consideration. In addition, small, isolated lots having an insufficient acreage to generate one (1) affordable unit based on a 20 percent affordable housing set-aside and appropriate standards pertaining to housing density may be excluded. Vacant lots under development as part of an approved subdivision or properties that received site plan approval for development may also be excluded. Landlocked parcels or sites with limited or no access may also be excluded from the calculation of growth projections. Sites may also be excluded based upon incompatible land use.

The Vacant Land Inventory Table of Appendix B provides a parcel-by-parcel description of the exclusions that have been made. The general categories of exclusions are summarized below.

- Environmental Constraints: Environmentally constrained lands may be eliminated pursuant to N.J.S.A. 52:27D-310.1(g). Key environmental constraints of Clark include the following:
 - Wetlands: Some of the vacant lots contain freshwater wetlands. Wetlands areas and their associated transition area buffers have been overlaid on the vacant land inventory sites and are identified in the mapping of Appendix C. A uniform buffer width of 50 feet has been assumed to be conservative, as the transition area requirement could be increased to 150 feet for some wetlands areas.
 - Special Flood Hazard Areas: Special flood hazard areas have been eliminated from the developable land acreage of properties included in the vacant land inventory. The Township of Clark has used digital geographic Flood Insurance Rate Map from FEMA

to analyze the special flood hazard areas within the Township. Areas located in the special flood hazard area are shown in the mapping of Appendix C.

- Small and Isolated Sites: A large number of vacant lots in the municipality are too small to be realistically developed with an inclusionary development. Consequently, they have been eliminated as they are too small to accommodate one (1) affordable unit based on a 20 percent affordable housing set-aside and appropriate standards pertaining to housing density, and they are not located adjacent to another vacant lot that would result in the combined potential for one (1) affordable unit if merged. Such sites are identified as vacant with zero (0) RDP in the Vacant Land Inventory Table of Appendix B.
- Access: Sites may be eliminated due to inadequate access. Any exclusions due to reason of access are identified in the Vacant Land Inventory Table of Appendix B.
- Association-Owned Properties and Dedicated Open Space or Recreation: Sites may be eliminated due to their status as association-owned properties and dedicated open space or recreation. Any exclusions due to such reasons are identified in the Vacant Land Inventory Table of Appendix B.
- Properties with Approved or Pending Development Applications: Sites may be eliminated due to existing approval or pending development applications. Any exclusions due to such reasons are identified in the Vacant Land Inventory Table of Attachment B.
- Incompatible Land Uses: Sites may be eliminated when their development with affordable housing would be incompatible with surrounding land uses, such as heavy industrial uses. Any exclusions due to such reasons are identified in the Vacant Land Inventory Table of Appendix B.
- Developed Status: It should be noted that Class 1 (Vacant) and Class 15C (Public) properties as identified in MOD-IV property tax assessment records frequently contain properties that are not actually vacant. This could be the result of errors in property tax assessment records, delay in updating property tax assessment records after a site has been developed, or a variety of other reasons. To determine actual vacancy, each lot in the Vacant Land Inventory Table of Appendix B was reviewed using the most recent aerial photographs of the New Jersey Department of Environmental Protection and other resources, local knowledge, input from municipal officials, and site visit. Where a site was identified in the MOD-IV property tax assessment records as Class 1 (Vacant) or Class 15C (Public), but developed, such development is noted in the Vacant Land Inventory Table of Appendix B.

After the exclusions detailed above have been made, a total of 4.50 acres remains as vacant and developable land. The mapping of Attachment A includes mapping of vacant parcels with developable land.

Realistic Development Potential (RDP)

The RDP is calculated based on the 4.50 acres remaining as vacant and developable land, all on small sites each of which could not reasonably accommodate five units. More specifically, as detailed in the Vacant Land Inventory Table of Appendix B, a density ranging from six (6) to 24 units per acre was applied to each parcel containing vacant and developable land. The result of this calculation is that the municipality's RDP is zero (0) units. This results from the fact that the maximum yield of each property is insufficient to result in an RDP of one (1) with a 20 percent set-aside.

Unmet Need

The difference between the prospective need obligation and RDP is commonly referred to as the unmet need. Based on Clark's prospective need obligation of 166 units and its RDP of zero (0) units, the unmet need is 166 units.

Attachment A: Vacant Land Adjustment Mapping

Vacant Land Base
Township of Clark, Union County, New Jersey



Legend:
[Yellow Box] Vacant Land as Reported to the Comprehensive Zoning
[Blue Box] Water
[Green Box] Parks and Recreation
[Grey Box] Other Land Use

Attachment B: Vacant Land Adjustment Table

CLARK TOWNSHIP

PRELIMINARY VACANT LAND ADJUSTMENT (12-29-24, REVISED 04-03-25)

BLOCK	LOT	PROPERTY CLASS	PROPERTY LOCATION	TOTAL ACRES	ENCUMBERED ACRES	NET ACRES	VACANT WITH NET ACRES	EXISTING DENSITY OF CENSUS BLOCK GROUP PER 2023 AMERICAN COMMUNITY SURVEY 5-YEAR ESTIMATE)	PROPOSED PRESUMPTIVE DENSITY	NOTES	ADJACENT TO VACANT DEVELOPABLE LAND IN ADJACENT AREAS	TOTAL YIELD (VACANT DEVELOPABLE * PROPOSED PRESUMPTIVE DENSITY)	APPLICABLE YIELD (TOTAL YIELD ± 5)	RDP
2	1	15C	OAK RIDGE RD	3.72	3.72	-	N (ROSI)	1.54	-			-	-	-
2	3	15C	OAK RIDGE RD	36.94	36.94	-	N (ROSI)	1.54	-			-	-	-
201	1	15C	MADISON HILL RD	0.78	0.54	0.24	N (ROSI)	2.12	-			-	-	-
3	1	15C	136 OAK RIDGE RD	91.19	91.19	0.00	N (ROSI)	1.54	-			-	-	-
31.03	8	15C	SWEET BRIAR DR-REAR	7.33	7.33	-	N (ROSI)	4.42	-			-	-	-
33	5	15C	FEATHERBED LANE	9.10	9.08	0.02	N (ROSI)	2.50	-			-	-	-
33	7	15C	OLD RARITAN ROAD	0.79	0.78	0.01	N (ROSI)	2.50	-			-	-	-
40	25	15C	659 MADISON HILL ROAD	9.77	9.70	0.07	N (ROSI)	2.12	-			-	-	-
40	27	15C	659 MADISON HILL RD	3.11	3.04	0.08	N (ROSI)	2.12	-			-	-	-
42	89.01	15C	MADISON HILL RD	56.13	52.07	4.06	N (ROSI)	2.12	-			-	-	-
52	13	15C	MADISON HILL RD	48.09	46.73	1.37	N (ROSI)	2.50	-			-	-	-
57	1	15C	805 OLD RARITAN ROAD	1.90	1.24	0.66	N (ROSI)	2.50	-			-	-	-
62	33	15C	LEXINGTON BLVD	0.46	0.42	0.04	N (ROSI)	1.92	-			-	-	-
97	16	15C	FRANKLIN ST	0.65	0.63	0.02	N (ROSI)	3.13	-			-	-	-
98	1	15C	LINCOLN BLVD	1.22	1.22	-	N (ROSI)	3.13	-			-	-	-
1	2	1	OAK RIDGE RD	1.46	1.46	-	N	1.54	-			-	-	-
102	1	1	11 HARDING AVE	0.09	0.09	-	N	3.13	-			-	-	-
104	9	1	HARDING AV	0.05	0.05	-	N	3.13	-			-	-	-
104	9	1	HARDING AV	0.05	0.05	-	N	3.13	-	25 Feet wide undersized lot.		-	-	-
105	26.01	1	BROADWAY & JOSEPH	0.35	-	-	N	2.12	-	Received development approval for Mixed-Use, including AH.		-	-	-
111	2	1	OAK RIDGE RD	0.13	-	-	N	1.54	-	Developed with Block 11, Lot 13		-	-	-
115	22	15C	FULTON ST	0.07	-	-	N	3.36	-			-	-	-
116	1	1	88 WESTFIELD AVE	0.18	-	-	N	3.36	-			-	-	-
118	18	15C	FULTON ST	0.05	-	-	N	3.36	-			-	-	-
127	1	15C	VALLEY ROAD	0.02	-	-	N	3.36	-			-	-	-
127	2	15C	VALLEY ROAD	0.06	-	-	N	3.36	-	Associated access with Clark Fire Department Headquarters		-	-	-
127	26	15C	JOHN ST	0.06	-	-	N	3.36	-	Associated access with Clark Fire Department Headquarters		-	-	-
127	3	15C	HALIDAY ST	0.11	-	-	N	3.36	-	Associated access with Clark Fire Department Headquarters		-	-	-
127	4	15C	HALIDAY ST	0.06	-	-	N	3.36	-	Associated access with Clark Fire Department Headquarters		-	-	-
128	1	15C	HALIDAY ST	1.25	-	-	N	3.36	-	Associated access with Clark Fire Department Headquarters		-	-	-
128	40	15C	BROADWAY	0.14	-	-	N	3.36	-	Associated access with Clark Fire Department Headquarters		-	-	-
129	11	15C	BROADWAY	0.06	-	-	N	3.36	-			-	-	-
129	14	15C	BROADWAY	0.08	-	-	N	3.36	-			-	-	-
137	14	1	BOYNTON AVE	0.06	-	-	N	1.92	-			-	-	-
140.01	19	15C	GEORGIA ST	0.88	-	-	N	1.92	-	Peter Nevargic Park		-	-	-
140.01	20	15C	GEORGIA ST	0.21	-	-	N	1.92	-	Peter Nevargic Park		-	-	-
142	2.01	15C	CENTRAL AVE-REAR	0.07	-	-	N	1.92	-			-	-	-
148	7	15C	REFEL ST	0.17	-	-	N	1.92	-	Contains Town Storage Building		-	-	-
148	8	15C	REFEL ST	0.17	-	-	N	1.92	-	Curry Field - Encumbered		-	-	-
148	9	15C	REFEL ST	0.16	-	-	N	1.92	-	Curry Field - Encumbered		-	-	-
149	6	15C	DAYTON ST	0.23	0.03	0.20	N	1.92	-	Curry Field - Encumbered		-	-	-
155	4	1	470A PARKWAY DR	0.30	-	-	N	1.32	-			-	-	-
155	7.01	1	35 WALNUT AVE	8.46	0.23	8.23	N	1.32	-			-	-	-
181	20	1	1083 MAURICE AVE	0.04	-	-	N	3.13	-			-	-	-
195	55	1	PETER CIRCLE	0.36	-	-	N	1.92	-			-	-	-
2	2	1	OAK RIDGE RD	1.17	1.17	-	N	1.54	-			-	-	-
21	10.01	15C	ACKEN DR	0.01	-	-	N	1.83	-	Silver parcel		-	-	-
21	26	1	SKYLINE DR	0.09	-	-	N	1.83	-			-	-	-

**CLARK TOWNSHIP
PRELIMINARY VACANT LAND ADJUSTMENT (12-29-24, REVISED 04-03-25)**

BLOCK	LOT	PROPERTY CLASS	PROPERTY LOCATION	TOTAL ACRES	ENCUMBERED ACRES	NET ACRES	VACANT WITH NET ACRES	EXISTING DENSITY OF CENSUS BLOCK GROUP (PER 2023 AMERICAN COMMUNITY SURVEY 5-YEAR ESTIMATE)	PROPOSED PRESUMPTIVE DENSITY	NOTES	ADJACENT TO PARCELS WITH VACANT DEVELOPABLE LAND IN ADJACENT AREAS	TOTAL YIELD (VACANT DEVELOPABLE * PROPOSED PRESUMPTIVE DENSITY)	APPLICABLE YIELD (TOTAL YIELD ≥ 5)	RDP
128.01	23	15C	PROSPECT ST	0.09	-	0.09	V	3.36	9.00	Vacant land	B	0.83	-	-
128.01	25	15C	BROADWAY	0.09	0.09	0.09	V	3.36	9.00	Vacant land	B	0.83	-	-
38.02	13 01	15C	RIDGE RD	0.16	-	0.16	V	1.83	6.00	Flag lot - tax lien foreclosure. Surrounded by SF	A	0.96	-	-
38.02	12	1	60 RIDGE ROAD	0.58	-	0.58	V	1.83	6.00		A	3.45	-	-
97	1	15C	LOESER AVE	0.24	0.01	0.23	V	3.13	12.00	Landlocked (ACCESS POSSIBLE VIA PAPER STREET)		2.74	-	-
118	2	15C	BROADWAY	0.09	-	0.09	V	3.36	12.00	Vacant land		1.10	-	-
125	11	15C	HOLIDAY ST	0.13	-	0.13	V	3.36	12.00	Isolated undersized lot.		1.61	-	-
141	17	15C	CENTRAL AVE	0.09	-	0.09	V	1.92	9.00	Adjoins parkway right-of-way		0.82	-	-
152	16	15C	WALNUT AVE	0.12	-	0.12	V	1.92	9.00	Adjoins parkway right-of-way		1.11	-	-
156	14	15C	RIVERSIDE DR	0.09	-	0.09	V	2.80	8.00	Adjoins parkway right-of-way		0.69	-	-
164	46	15C	VALLEY ROAD	0.24	-	0.24	V	1.32	9.00			2.13	-	-
165	22	1	430 WEST LANE	0.09	-	0.09	V	1.32	9.00	Isolated undersized lot.		0.83	-	-
173	22	15C	RIVERSIDE DR	0.25	0.01	0.24	V	2.12	8.00	Adjoins Clark Reservoir		1.96	-	-
30.04	76	1	99 CHARLOTTE DR	0.34	-	0.34	V	1.83	6.00			2.01	-	-
33.05	3.02	1	565 OAK RIDGE ROAD	0.55	0.00	0.55	V	1.83	6.00	Vacant lot		3.29	-	-
63	77	1	51 FEATHERBED LANE	0.38	-	0.38	V	2.50	6.00	Vacant		2.28	-	-
7	2	1	185 LEXINGTON BLVD	0.34	-	0.34	V	1.92	8.00	Vacant		2.68	-	-
75	10	15C	1 GOODMAN'S CROSSING	0.17	0.00	0.17	V	1.54	24.00	Narrow triangular piece next to storage property		4.04	-	-
81	68.01	1	KING ST	0.22	-	0.22	V	2.12	8.00			1.72	-	-
88	73	1	138 GERTRUDE ST	0.16	-	0.16	V	2.80	9.00			1.42	-	-
1	1	15C	87 FAN ST	0.11	-	0.11	V	2.12	9.00			0.98	-	-
1	1	15C	OAK RIDGE RD	11.61	11.61	-	N (ROSI)	1.54	-			-	-	-
1	3	15C	OAK RIDGE RD	51.65	51.65	-	N (ROSI)	1.54	-			-	-	-
107	14	15C	JOSEPH ST	0.14	0.13	0.02	N (ROSI)	3.13	-			-	-	-
128	37	15C	BROADWAY	0.18	0.18	0.01	N (ROSI)	3.36	-			-	-	-
149	10	15C	DAYTON ST	0.06	0.06	-	N (ROSI)	1.92	-	Curry Field - Encumbered		-	-	-
149	11	15C	DAYTON ST	0.11	0.11	-	N (ROSI)	1.92	-	Curry Field - Encumbered		-	-	-
149	15	15C	RIEFEL ST	0.17	0.16	0.02	N (ROSI)	1.92	-	Curry Field - Encumbered		-	-	-
149	16	15C	RIEFEL ST	0.23	0.21	0.02	N (ROSI)	1.92	-	Curry Field - Encumbered		-	-	-
149	18	15C	RIEFEL ST	0.23	0.20	0.03	N (ROSI)	1.92	-	Curry Field - Encumbered		-	-	-
149	5	15C	DAYTON ST	0.11	0.09	0.02	N (ROSI)	1.92	-	Curry Field - Encumbered		-	-	-
149	8	15C	DAYTON ST	0.23	0.22	0.01	N (ROSI)	1.92	-	Curry Field - Encumbered		-	-	-
150	13	15C	DAYTON ST	0.23	0.23	-	N (ROSI)	1.92	-	Curry Field - Encumbered		-	-	-
150	15	15C	DAYTON ST	0.23	0.23	-	N (ROSI)	1.92	-	Curry Field - Encumbered		-	-	-
150	17	15C	DAYTON ST	0.23	0.23	0.01	N (ROSI)	1.92	-	Curry Field - Encumbered		-	-	-
150	4	15C	NORWOOD ST	0.17	0.15	0.02	N (ROSI)	1.92	-	Curry Field - Encumbered		-	-	-
150	6	15C	NORWOOD ST	0.23	0.22	0.01	N (ROSI)	1.92	-	Curry Field - Encumbered		-	-	-
150	8	15C	NORWOOD ST	0.17	0.16	0.01	N (ROSI)	1.92	-	Curry Field - Encumbered		-	-	-
150	9	15C	NORWOOD ST	0.23	0.22	0.01	N (ROSI)	1.92	-	Curry Field - Encumbered		-	-	-
174.01	28	15C	HILLSIDE AVE	0.13	0.13	-	N (ROSI)	1.32	-	Curry Field - Encumbered		-	-	-
174.01	29	15C	AUTUMN LANE	0.04	0.04	-	N (ROSI)	1.32	-	Curry Field - Encumbered		-	-	-
176	52	15C	LUPINE WAY	2.39	2.39	0.00	N (ROSI)	3.13	-			-	-	-
176	53	15C	LUPINE WAY	1.51	1.51	-	N (ROSI)	3.13	-			-	-	-
176	55	15C	LUPINE WAY	13.24	13.24	-	N (ROSI)	3.13	-			-	-	-
179.01	48	15C	LUPINE WAY	40.02	39.93	0.09	N (ROSI)	3.13	-			-	-	-
199	1	15C	FRANKLIN ST	0.36	0.35	0.01	N (ROSI)	3.13	-			-	-	-
199	22	15C	BEDFORD ST	0.30	0.28	0.01	N (ROSI)	3.13	-			-	-	-

**CLARK TOWNSHIP
PRELIMINARY VACANT LAND ADJUSTMENT (12-29-24, REVISED 04-03-25)**

BLOCK	LOT	PROPERTY CLASS	PROPERTY LOCATION	TOTAL ACRES	ENCUMBERED ACRES	NET ACRES	VACANT WITH NET ACRES	EXISTING DENSITY OF CENSUS BLOCK GROUP (PER 2023 AMERICAN COMMUNITY SURVEY 5-YEAR ESTIMATE)	PROPOSED PRESEUMPTIVE DENSITY	NOTES	ADJACENT TO VACANT DEVELOPABLE LAND IN ADJACENT AREAS	TOTAL YIELD (VACANT DEVELOPABLE * PROPOSED PRESUMPTIVE DENSITY)	APPLICABLE YIELD (TOTAL YIELD ≥ 5)	RDP
21	8	1	25 ACKEN DR	0.28	-	0.28	N	1.83	-	Developed with a new home	-	-	-	-
24	29.01	15C	HILLCREST DR	0.06	-	0.06	N	1.83	-	Property is 15 Feet Wide	-	-	-	-
24	3	1	121 HILLCREST DR	0.42	-	0.42	N	1.83	-	SF tear down and rebuild	-	-	-	-
24	38.01	15C	REAR FAIRVIEW RD	0.06	-	0.06	N	1.83	-	-	-	-	-	-
24	38.02	15C	REAR FAIRVIEW RD	0.11	-	0.11	N	1.83	-	-	-	-	-	-
32	1	1	LAKE AVE	0.91	-	0.91	N	4.42	-	-	-	-	-	-
38.03	36.01	15C	MILDRED TERR-REAR	0.06	-	0.06	N	1.83	-	10 feet wide and built out adjacent lands	-	-	-	-
38.06	30	15C	SKYLINE DR-REAR	0.06	-	0.06	N	1.83	-	-	-	-	-	-
4	1	15C	201 OAK RIDGE RD	8.36	-	8.36	N	1.54	-	-	-	-	-	-
4	10	1	421 WILLOW WAY	0.45	-	0.45	N	1.54	-	-	-	-	-	-
40	46	15C	593 MADISON HILL ROAD	0.91	0.89	0.02	N	2.12	-	-	-	-	-	-
40	50.04	1	8 HARTMAN COURT	0.57	0.08	0.49	N	2.12	-	-	-	-	-	-
49	12.13	15C	WESTFIELD AVE	0.04	0.03	0.01	N	2.50	-	-	-	-	-	-
49	13	15C	973 RARITAN ROAD	0.16	-	0.16	N	2.50	-	Contains a pumping station	-	-	-	-
50	1	15C	HUTCHINSON ST	1.18	0.64	0.54	N	2.50	-	-	-	-	-	-
50	1.02	15C	865 RARITAN ROAD	0.52	0.07	0.45	N	2.50	-	-	-	-	-	-
50	16	15C	HUTCHINSON ST (REAR)	1.76	0.74	1.02	N	2.50	-	-	-	-	-	-
53	34	1	868 RARITAN ROAD	1.15	1.10	0.05	N	2.50	-	Contains a parking lot associated with the Deutscher Club	-	-	-	-
53	35	15C	FEATHERBED LANE	8.79	8.36	0.43	N	2.50	-	This is a lake.	-	-	-	-
57	11	1	WESTFIELD AVE	0.41	0.41	-	N	2.50	-	-	-	-	-	-
58	4	1	100 TERMINAL AVE	10.68	-	10.68	N	1.92	-	-	-	-	-	-
58	6	15C	TERMINAL AVE	0.16	-	0.16	N	1.92	-	-	-	-	-	-
59	14	15C	TERMINAL AVE-REAR	0.79	-	0.79	N	1.92	-	-	-	-	-	-
59	17	15C	CENTRAL AVE	0.32	-	0.32	N	1.92	-	-	-	-	-	-
59.01	15	1	1750 DAKOTA ST	0.13	-	0.13	N	1.92	-	-	-	-	-	-
59.01	16	1	1755 FLORIDA ST	0.06	-	0.06	N	1.92	-	-	-	-	-	-
60	60.01	1	1088 RARITAN ROAD	0.23	-	0.23	N	1.92	-	-	-	-	-	-
60	61	1	1084 RARITAN ROAD	0.82	-	0.82	N	1.92	-	-	-	-	-	-
60	62	1	1084 RARITAN ROAD	0.56	-	0.56	N	1.92	-	-	-	-	-	-
60	63	1*	1072 RARITAN ROAD	0.34	-	0.34	N	1.92	-	-	-	-	-	-
63	43	15C	430 WESTFIELD AVE	10.18	-	10.18	N	1.92	-	-	-	-	-	-
63	76	1	191 LEXINGTON BLVD	0.28	-	0.28	N	1.92	-	-	-	-	-	-
63	79	1	177 LEXINGTON BLVD	0.39	-	0.39	N	1.92	-	A part of Lexington Village Apartments	-	-	-	-
7	1	1	LAKE AVE	0.51	0.47	0.04	N	1.54	-	-	-	-	-	-
7.02	4	1	564 LAKE AVE	0.08	0.08	-	N	1.54	-	-	-	-	-	-
75	20	15C	BARTLETT PL	4.84	-	4.84	N	2.12	-	-	-	-	-	-
76	4	15C	275 WESTFIELD AVE	0.23	-	0.23	N	2.80	-	Sold to the owner of Block 76, Lot 2	-	-	-	-
81	49.01	15C	RICHARD ST	0.01	-	0.01	N	2.80	-	-	-	-	-	-
81	82	1	22 KATHRYN ST	0.12	-	0.12	N	2.80	-	Developed with 87/83	-	-	-	-
88.01	49	15C	HARRISON ST	0.03	-	0.03	N	2.12	-	-	-	-	-	-
88.01	53	1	23 KATHRYN ST	0.06	-	0.06	N	2.12	-	-	-	-	-	-
91	2	1	MADISON HILL ROAD	0.10	-	0.10	N	2.12	-	-	-	-	-	-
91	1	1	81 WESTFIELD AVE	0.13	-	0.13	N	2.12	-	-	-	-	-	-
94	11	15C	LIONEL ST	0.10	-	0.10	N	3.13	-	-	-	-	-	-
94	2	1*	9 HAROLD AVE	0.17	-	0.17	N	3.13	-	Developed with a new single family home	-	-	-	-
141	20	15C	CENTRAL AVE	0.31	-	0.31	N	1.92	-	Peter Neargic Park	-	-	-	-
150	19	15C	DAYTON ST	0.11	0.00	0.11	N	1.92	-	Curry field - Encumbered	-	-	-	-

**CLARK TOWNSHIP
PRELIMINARY VACANT LAND ADJUSTMENT (12-29-24, REVISED 04-03-25)**

BLOCK	LOT	PROPERTY CLASS	PROPERTY LOCATION	TOTAL ACRES	ENCUMBERED ACRES	NET ACRES	VACANT WITH NET ACRES	EXISTING DENSITY OF CENSUS BLOCK GROUP (PER 2023 AMERICAN COMMUNITY SURVEY 5-YEAR ESTIMATE)	PROPOSED PRESEUMPTIVE DENSITY	NOTES	ADJACENT TO PARCELS WITH VACANT DEVELOPABLE LAND IN ADJACENT AREAS	TOTAL YIELD (VACANT DEVELOPABLE x PROPOSED PRESUMPTIVE DENSITY)	APPLICABLE YIELD (TOTAL YIELD ≥ 5)	ROP
34	25.01	1	737 RARITAN ROAD	0.81	-	0.81	N	1.83	-	Currently zoned for affordable housing setaside		-	-	-
36	15.01	1	385 MADISON HILL ROAD	0.85	-	0.85	N	1.83	-	Part of Schifferstein Farm - Current Affordable Housing Zone		-	-	-
7.01	3	1	LAKE AVE	0.11	0.11	-	N	1.54	-			-	-	-

Appendix C – Proposed Affordable Housing Sites Mapping and Table

Map 1
Potential Affordable Housing Sites
Clark, New Jersey



Legend

- Affordable Housing Sites
- Recreation and Open Space Inventory
- County
- Municipal

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April 29, 2025

Prepared by Paul Ricci, AICP, PP
 Aerial Date: 2020

Table 1 - Affordable Housing Sites

Id	Block	Lot	Sites	Acres	Density	Total Yield	Total Affordable Units (20% Set-Aside)	Set-Aside	Permitted Uses	Rentals/Sale	Very Low and Low Units	Moderate Units	Bonus Credits	AHU Unit Subtotal	1- Bedroom	2- Bedroom	3- Bedroom
5	52	15.01	Grand Centurion	4.42	16.00	70.64	14.00	20%	Age-Restricted Apartments, Stacked Flats or Townhomes	Sale	2	7	0.5	14	2	8	4
1	63	55	Clarkton Plaza	1.46	16.00	23.40	4.68	20%	Townhouses, Stacked Flats and Apartments	Rental							
2	63	54	Clarkton Plaza	1.57	16.00	25.08	5.02	20%	Townhouses, Stacked Flats and Apartments	Rental							
				3.03		48.48	10.00				2	5	5	10	2	6	2
3	63	53	Clark Village	1.14	16.00	18.32	3.66	20%	Townhouses, Stacked Flats and Apartments	Rental							
4	63	52	Adjoins Clark Village	0.47	16.00	7.52	1.50	20%	Townhouses, Stacked Flats and Apartments	Rental							
			Subtotal	1.62		25.84	6.00				0	3	2	2.5	5	1	3
6	148	1	Rentlan CN	0.27	16.00	4.32	0.86	20%	Townhouses or Stacked Flats	Rental							
7	148	24	Rentlan CN	0.16	16.00	2.59	0.52	20%	Townhouses or Stacked Flats	Rental							
8	148	23	Rentlan CN	0.27	16.00	4.32	0.86	20%	Townhouses or Stacked Flats	Rental							
9	148	20	Rentlan CN	0.26	16.00	4.12	0.82	20%	Townhouses or Stacked Flats	Rental							
10	148	19	Rentlan CN	0.16	16.00	2.64	0.53	20%	Townhouses or Stacked Flats	Rental							
11	148	15	Rentlan CN	0.40	16.00	6.32	1.26	20%	Townhouses or Stacked Flats	Rental							
12	148	10	Rentlan CN	0.42	16.00	6.72	1.34	20%	Townhouses or Stacked Flats	Rental							
13	148	13	Rentlan CN	0.58	16.00	9.28	1.86	20%	Townhouses or Stacked Flats	Rental							
			Subtotal	2.52		40.30	8.00				1	4	4	8	1	5	2
14	131	7	Polish Heritage	3.49	16.00	55.83	11.00	20%	Townhouses, Stacked Flats and Apartments	Rental	2	6	6	0	12	2	7
			Total	12.04			49.00				7	25	24	49	8	28	12

Total AHU with Bonus Credits

Appendix D – Draft Proposed Overlay Ordinances

THESE ARE DRAFT ORDINANCES WITH THE EXCEPTION OF THE R-B-16 ORDINANCE. ONCE THE REMAINING ORDINANCES ARE PRESENTED FOR ADOPTION, WE WILL HAVE PUBLIC INPUT WHICH COULD RESULT IN SOME MODIFICATION

§ 195-140.2. R-B-16 Multiple-Family Residential District.

- A. Purpose of district. The purpose of the R-B-16 District is to allow for the construction of multifamily residential buildings, including townhouses and garden apartments, meeting the minimum density requirement for inclusionary housing and providing for the required set-aside 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.
- B. Permitted uses. The permitted uses are townhouses and garden apartments.
- C. Development standards.
 - (1) Definition of uses. Garden apartments include multiple dwellings arranged in flats, up to 40 feet in height. Townhouses comprise single-family dwellings attached side by side, up to 2 1/2 stories in height. A half story is one within a gable roof, in which not over 1/2 of the floor area of the full story below has a full ceiling height.
 - (2) Density. The maximum density shall be 16 units per acre of site area.
 - (3) Affordable housing requirements. A minimum of 20% of the housing units shall be deed-restricted so as to be affordable to and occupied only by qualified low- and moderate-income family households, including very-low-income households, if applicable, in full accordance with the Township's Court-approved Affordable Housing Ordinance (Chapter 66 of the Township's Code).
 - (4) Building requirements, garden apartments. Maximum building height shall be 40 feet, and maximum building length shall be 120 feet.
 - (5) Building requirements, townhouses. Maximum building height shall be 2 1/2 stories and 35 feet, and there shall not be more than six housing units per structure.
 - (6) Setbacks and spacing, garden apartments. The minimum setback from street and property lines shall be 50 feet, except that accessory garages, if provided, may be within 20 feet of side or rear lot lines. The minimum

distance between buildings shall be 35 feet between fronts and backs, and 20 feet end to end. The minimum setback from parking areas and driveways shall be 10 feet.

- (7) Setbacks and spacing, townhouses. The minimum setback from streets and property lines shall be 50 feet. The minimum separation between buildings shall be 50 feet between fronts and backs, and 25 feet end to end. The minimum setbacks from driveways and parking areas shall be 20 feet from building fronts and 25 feet from building rears, and 20 feet on building ends.
- (8) Landscaped areas, buffer areas, and recreation facilities. All areas not occupied by buildings, driveways, walkways, and parking areas shall be suitably landscaped and shall be arranged such that appropriate active and passive recreation facilities will be provided. Where the site adjoins other zones on the side or rear, a suitable landscaped buffer strip of at least five feet in width shall be provided to form a visual screen.
- (9) Parking areas and access drives. A minimum of two 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 10 feet from side and rear property lines.
- (10) Other general design and site requirements. Other general design and site requirements shall be as required in the R-A Multiple-Family Apartment Residential District, in § 195-128 hereunder, as well as the standards below:
 - (a) Maximum impervious cover: 80%.
 - (b) There shall be a minimum of 20% open space.

D. Affordable housing requirements.

- (1) Definitions. As used in this section, the following terms shall have the meanings indicated:

LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 50% or less of the regional median household income by household size.

MODERATE-INCOME HOUSEHOLD — A household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.

VERY-LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 30% or less of the regional median household income by household size.

- (2) Affordable units in this district shall not be age-restricted.
- (3) Affordable units in this district shall be architecturally similar to the market rate units and shall be distributed among the market-rate units rather than isolated.

§ 195-140.4. MU -AH Mixed-Use Affordable Housing Zone.

- a. Purpose. The purpose of this zoning district is to encourage the construction of low- and moderate-income housing by permitting mixed-use commercial development with inclusionary multifamily development subject to the Mixed Use-Affordable Housing Zone regulations enumerated herein at Block 63, Lots 52-55. It is further the intent of the zone to promote neighborhood scale mixed-use development. Large-scale, single-user commercial development is to be discouraged in this zone.
- b. Principal Permitted Commercial and Residential Uses.
 1. Retail business.
 2. Dance studios, art and photographic studios, yoga and wellness studios or similar such uses.
 3. Restaurants and food establishments without drive-through facilities.
 4. Pharmacies without drive-through facilities.
 5. Health spas, gym and boutique exercise/fitness facilities.
 6. General office uses.
 7. Multifamily residential housing on ground level, above commercial or as stand-alone buildings provided no more than 30% of such multifamily residential units may be placed on ground level.
- c. Multiple permitted uses may occupy a single building.
- d. Rooftops limited to second-story roof areas with direct walkout access from a third floor may be used as an outdoor amenity space for seating and consuming food and beverages only.
- e. Accessory Uses. Any use which is ordinarily subordinate and customarily incidental to the principal permitted uses allowed in the MU-AH Zone.
- f. Prohibited Uses. Any use not specifically permitted herein is prohibited.
- g. Dwelling Unit Maximum Density. The maximum number of permitted dwelling units shall not exceed 16 units per acre.
- h. It is intended that this zone be developed as a mix of residential and commercial uses to satisfy the Township's affordable housing obligation. It is further intended that the zone be developed in a comprehensive and coordinated fashion. Therefore, no development may proceed without a comprehensive development plan that demonstrates that the mix of commercial and residential components, including the affordable housing obligation, as required by this zone, are satisfied. This requirement should not be construed as precluding a phased

development plan; provided, however, that such phasing guarantees the development of affordable housing as contemplated in the zone and in accordance with the Borough's affordable housing requirements and state affordable housing laws and regulations.

- i. Building area, external yard and bulk requirements shall be as follows:
 1. Minimum lot area (acres): 1.0
 2. Minimum distance between buildings (feet).
 - (a) Buildings fronting directly on Raritan Road (feet): 15.
 - (b) All other buildings (feet): 10.
 3. Minimum setbacks from external lot lines (feet) shall be as follows:
 - (a) Front yard: 15.
 - (b) Side yard: 15.
 - (c) Rear yard:
 - (1) From residential: 15.
 4. Maximum building lot coverage (percentage): 60%.
 5. Maximum impervious lot coverage (percentage): 80%.
- j. Building Height. To provide for the appropriate transition and relationship of proposed development to Raritan Road and the surrounding area, the regulations regarding permitted maximum building height, as provided herein, are as follows:
 1. Buildings Fronting on Raritan Road.
 - (a) Shall not exceed a building height of two stories or 30 feet.
 2. Buildings located behind the frontage building on Raritan Road or at least 50 feet from Raritan Road, the building height can increase to no more than three stories and shall not exceed 40 feet.
- k. Site Design Requirements. The following site design standards are intended to promote a unified theme, displayed through the application of common building materials to achieve a harmonious and cohesive design. Deviations from this section shall be considered design standard exceptions and not variances and may be granted at the discretion of the Planning Board if doing so is compatible and consistent with the intent and purposes of the zone.

1. Architectural Design Standards.

(a) Facade Design.

- (1) Horizontal articulation between floors. Each facade should be designed to have a delineated floor line between street-level and upper floors. This delineation can be in the form of a masonry belt course, a concrete lintel or a cornice line delineated by wood detailing.
 - (2) Vertical articulation. Each building facade facing a public right-of-way must have elements of vertical articulation comprised of columns, piers, recessed windows or entry designs, overhangs, ornamental projection of the molding, different exterior materials or wall colors, or recessed portions of the main surface of the wall itself. The vertical articulations shall be designed in accordance with the following:
 - (i) Each vertical articulation shall be no greater than 30 feet apart.
 - (ii) Each vertical articulation shall be a minimum of one foot deep.
 - (iii) Each vertical projection noted above may extend into the required front yard a maximum of 18 inches in depth.
 - (iv) Building walls with expansive blank walls are prohibited on any building facade regardless of its orientation.
- (b) Rooflines. Roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- (c) All ground-level retail and service uses that face a public street shall have clear glass on at least 50% of their facades between two feet and eight feet above grade.
- (d) Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
- (e) All buildings should relate harmoniously to the site's natural features and existing buildings, as well as other structures in the vicinity that have a visual relationship and orientation to the proposed buildings. Such features should be incorporated into the design of building form and mass and assist in the determination of building orientation in order to preserve visual access to natural and man-made community focal points.
- (f) Buildings with expansive blank walls are prohibited. Appropriate facade

treatments should be imposed to ensure that such buildings and facades are integrated with the rest of the development and the entirety of the building.

- (g) New buildings are encouraged to incorporate such building elements as entrances, corners, graphic panels, display windows, etc., as a means to provide a visually attractive environment.
- (h) Cornices, awnings, canopies, flagpoles, signage, and other ornamental features should be encouraged as a means to enhance the visual environment. Such features may be permitted to project over pedestrian sidewalks, with a minimum vertical clearance of 8.5 feet, to within four feet of a curb.
- (i) A human scale of development should be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and canopies.
- (j) Design emphasis should be placed on primary building entrances. They should be vertical in character, particularly when there is the need to provide contrast with a long linear building footprint, and such details as piers, columns, and framing should be utilized to reinforce verticality.
- (k) Refuse and recycling shall be located interior to a building or, alternatively, if located outside, the refuse area shall be appropriately screened by decorative masonry wall consistent with the type of building materials used within the development not to exceed six feet.
- (l) Rooftop utilities, including mechanical, electrical, and plumbing equipment, and HVAC units, are permitted but shall be shielded from public view with appropriate screening that complements the character of the buildings architecture.
- (m) Private balconies shall be permitted but shall not exceed a maximum depth of five feet beyond the building facade nor encroach within a required setback. Notwithstanding the foregoing, ground level private and common courtyards shall not be subject to these requirements and may be permitted within the required setback provided the encroachment is screened or landscaped.

§ 195-140.5. R-SH-2 Age-Restricted/Senior Housing Overlay District.

- A. Purpose of district. The purpose of the Age-Restricted/Senior Housing District is to permit construction of an age-restricted multifamily residential development at Block 52, Lot 15.01 with a 20% affordable housing set-aside in accordance with the Township's adopted Housing Element and Fair Share Plan.

- B. Permitted uses. Age-restricted multifamily residential development containing a 20% set-aside for low- and moderate-income households ages 55 years and older. The development may be constructed as multifamily dwellings, multiple-group dwellings, or garden apartments, townhouses or a townhouse/flat combination.
- C. Accessory uses and structures. The following accessory uses and structures shall be permitted in the R-SH Zone District:
 - (1) Parking and parking facilities as regulated in Article XXIV.
 - (2) Signs pursuant to the provisions of Article XXV for the uses for which signs are permitted.
 - (3) Other accessory uses and structures customarily subordinate and incidental to permitted principal uses.
- D. Development standards:
 - (1) Minimum tract area: 4 acres.
 - (2) Minimum frontage: no standard.
 - (3) Density. The maximum density shall be 16 units per acre for townhouses and townhouse/apartment/flat combinations.
 - (4) Low- and moderate-income housing requirements. A minimum of 20% of the total age-restricted dwelling units shall be affordable to low- and moderate-income households as regulated by the Township's Affordable Housing Ordinance (Chapter 66 of the Township Code).
 - (5) Building height. Maximum building height shall be 40 feet and three stories.
 - (6) Design standards. All development shall incorporate the following design standards. Waivers from these standards may be granted by the Board pursuant to N.J.S.A. 40:55D-51b.
 - (a) Building design. The objectives of the building design standards are to provide overall high-quality building with special emphasis on methods that reduce the visual impact of large buildings. The exterior appearances of buildings shall complement the character of existing development in the surrounding area.
 - (b) Specific design features that reduce the visual impact of large buildings shall be used. These include but are not limited to:
 - [1] Elements that draw focus, introduce scale and provide three-dimensional effects.
 - [2] Variations and articulation to overall building facades by changing

the facade plane.

- [3] Use of subdued wall coloration, patterning, texture and reveals.
 - [4] Extensive use of landscaping to shield and break up building planes.
- (c) Building mass. Solid and unarticulated buildings are not permitted. The mass, scale and visual impact of buildings shall be reduced by staggered building walls. The staggered building walls shall incorporate a setback or bump-out that, in the opinion of the Board, provides an equivalent reduction in the mass, scale and visual impact of the buildings.
- (d) Architectural interest. To provide architectural interest, create a three-dimensional effect and further reduce the visual scale and impact of a building, the following techniques shall also be used:
- [1] Variations in building treatment shall be liberally used and shall include painted panels, awnings or canopies, wall openings, wall texture changes, changes in building height and variations in rooflines.
 - [2] Building entries and building corners shall be readily identifiable through the use of canopies, marquees, architectural treatment and the use of different materials.
 - [3] Extensive use of small-scale elements, such as planter walls and hedges, shall be provided particularly around building entrances.
 - [4] Landscaping shall be employed to further reduce the visual impact of building mass.
- (e) Materials.
- [1] The front and two side elevations of all buildings and structures shall be constructed of brick, architectural block, architectural precast concrete or tilt- up construction using similar materials of equally high quality and aesthetics. Utility standard concrete panels or masonry units may be used on rear elevations if the rear elevations are not visible from any public right-of-way after berming, fencing or landscaping treatment.
 - [2] Rooflines and parapets shall be designed to minimize the visual impact of rooftop-mounted equipment, such as vents and stacks, from public rights-of- way.
- (f) Pedestrian circulation.
- [1] On-site concrete or brick sidewalks, or such other material

acceptable to the Board, shall be provided to create a continuous pedestrian network and to connect with existing sidewalks and neighborhoods.

- [2] Vehicular and pedestrian circulation patterns shall be separated. A landscaped buffer shall provide a separation between pedestrian and vehicular ways.
 - [3] Pedestrian crossings shall be indicated by such techniques as changed pavement materials or texture, signals, signage, or painted stripes, as determined by the Board.
 - [4] Secure and convenient pedestrian walkway access shall be provided between parking lots, sidewalks and primary entrances to buildings. Sidewalks shall be barrier-free, a minimum of five feet in width and shall be set back a minimum of five feet from all buildings.
- (7) Setbacks. The following setback standards shall apply:
- (a) Buildings:
 - [1] A 25-foot perimeter setback is required for all yards, except the rear yard facing the park may be reduced to 5 feet.
- (8) Building coverage. Buildings and accessory structures shall cover not more than 55% of the lot or parcel area. Accessory structures devoted to parking shall count towards total lot coverage.
- (9) Total lot coverage. Not more than 70% of the lot or parcel area shall be covered by a combination of buildings, accessory structures, parking areas, driveways, and other impervious surfaces.
- (10) Minimum open space. Not less than 30% of the parcel area shall be open space as defined in § 195-111.
- (11) 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 10 feet from any property line. A carport and adjacent driveway space shall be counted as two spaces; designated stacked parking spaces shall also be counted as two spaces. Parking spaces may be located at grade in the building footprint (garage), without limitation.
- (12) 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 10 feet in width shall be provided to the property boundaries to form a visual screen.

- (13) Townhouse and townhouse/apartment combination building spacing. The minimum spacing between buildings shall be 40 feet between front and front/back, 25 feet front/ back to side and 15 feet end to end. The minimum setbacks from driveways and parking areas shall be 15 feet from primary buildings, unless a garage is attached.

Appendix E – Spending Plan

Affordable Housing Trust Fund Spending Plan

Township of Clark

Union County

Adopted:

INTRODUCTION

The Township of Clark, Union County, has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (N.J.S.A. 52:27D-301). A development fee ordinance creating a dedicated revenue source for affordable housing was adopted by the municipality on April 4, 2006 and amended on September 18, 2017. The ordinance establishes the Township of Clark Affordable Housing Trust Fund for which this spending plan is prepared.

As of May 19, 2025, the Township of Clark has collected \$1,780,481.38, expended \$103,302.64, resulting in a balance of \$1,677,178.74. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Columbia Bank for the purposes of affordable housing. These funds shall be spent as described in the sections that follow. This Spending Plan is submitted to the Superior Court of New Jersey for approval to expand all current and future affordable housing trust fund monies, as necessary.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of July 1, 2025 to June 30, 2035, the Township of Clark considered the following:

- (a) Development fees:
 - 1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;

2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.
 - (b) Other funding sources: No other funds have been or are anticipated to be collected.
 - (c) Projected interest: The trust fund is in an interest-bearing account.

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND - 2025 THROUGH 2035												Total		
	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035				
(a) Development Fees:															
Approved Development	\$40,000														\$40,000
Development Pending Approval	\$32,500														\$32,500
Projected Development	\$100,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$100,000	\$2,000,000	\$2,000,000
(b) Payments in Lieu of Construction															
(c) Other Funds (Specify source(s))															
(d) Interest															
Total	\$172,500	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$100,000	\$2,072,500	\$2,072,500

Clark projects a total of \$2,072,500 in revenue to be collected between July 1, 2025 and June 30, 2035. This projected amount, when added to Clark's trust fund balance as of May 19, 2025, results in an anticipated total revenue of \$3,749,678.74 available to fund and administer its affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Township of Clark:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with the Township of Clark's development fee ordinance for both residential and non-residential developments in accordance with state rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

The governing body shall adopt a resolution authorizing the expenditure of development fee revenues consistent with the spending plan. Once a request has been approved by resolution, the CFO shall release the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects**

Rehabilitation program: \$420,000 is budgeted for the rehabilitation program. This will fund 21 units which will partially satisfy the Township's rehabilitation obligation for the first three years of the 10-year affordable housing cycle. Based on public response to the program, the Township will evaluate the need to dedicate additional rehabilitation monies. The average per unit cost of \$20,000 includes construction costs, cost estimating, bid specifications, contractor bid process, loan closing, and construction inspections. (Rehabilitation administrative costs such as income certifications, program marketing and reporting are not included in this per unit cost and is an Administrative expense.)

(b) **Affordability Assistance:**

Projected minimum affordability assistance requirement:

AFFORDABILITY ASSISTANCE CALCULATION	
Actual fees thru 5/19/25	\$1,677,178
Actual interest thru /19/25	\$0
Projected Development Fees, 2025 thru June 30, 2035	\$2,072,500
Projected Trust Fund Interest, 2025 thru June 30, 2035	\$369,960
Less housing Activity assist. Expenditures thru June 30, 2035	\$720,000
Total	\$3,399,638
30% Requirement	\$1,019,891
Less Affordability assist. Expenditures thru June 30, 2035	\$0.00
Projected Min. Afford Asst., 7/1/2025 thru 6/30/35	\$1,019,891
Projected Min. Afford Asst. for Very Low Income, 25' thru '35	\$339,623

The Township of Clark will dedicate \$1,019,891 from the affordable housing trust fund to render units more affordable, including \$339,623 to render units more affordable to households earning 30 percent or less of median income by region, as follows.

Affordability assistance will be utilized to assist very low, low, and moderate-income residents of credit worthy group homes and family affordable housing. Specifically, funds will be utilized to help make affordable units more energy efficient, saving thousands of dollars over the term of the affordability controls. This program will be available to affordable housing landlords, single-family affordable housing units, and group homes/supportive housing. Inclusionary developments will also be eligible, but only on a pro rata basis when applicable. In addition, affordability assistance funds may be made available to provide down payment assistance for affordable housing purchasers; a rental assistance program that provides a grant for the first month's rent to assist affordable housing renters; and an emergency assistance program to protect documented and eminent health and safety concerns. Group Homes will also be eligible for emergency prevention upgrades including provision of a generator, so services can remain operational during power outages. The Township has also included a buy down program in the Spending Plan to make currently affordable low or moderate-income units into additional very low-income units. The Township is not budgeting funds for every one of these five programs at this time, but wants these programs approved in order to reserve the ability to fund them in the future, as opportunities present themselves.

For the details on each program and a complete budget breakdown, please refer to Exhibit I of Clark's Affordability Assistance Manual.

(c) Administrative Expenses

Projected maximum administrative expense calculation:

ADMINISTRATIVE EXPENSE CALCULATION		
Actual fees and interest thru 5/19/25	+	\$1,677,178
Projected Development Fees and interest 2025 thru June 30, 2035	+	\$2,442,460
Payments-In-Lieu of construction and other deposits thru 6/30/35	+	\$0.00
Total for Admin. Calculation 2025 thru June 30, 2035	=	\$4,119,638
20% Maximum for Admin Expense	x.20	\$823,927
Less Admin thru 6/30/35	-	\$0.00
Available for Admin 2025 thru June 30, 2035	=	\$823,927

The Township of Clark projects that a maximum of \$823,927 will be available from the affordable housing trust fund to be used for administrative purposes. However, at this time Clark is only allocating \$205,981 for administrative purposes (5%) but reserves the right to automatically increase the amount to the 20 percent cap, if needed. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

Administrative costs may include the costs of salaries and benefits for municipal employees or consultants' fees necessary to develop or implement municipal housing programs such as the preparation of amendments to the housing element and fair share plan, the implementation of the affirmative marketing program, the costs of marketing and income qualifications of the Housing Rehabilitation Program and reporting.

4. EXPENDITURE SCHEDULE

The Township of Clark intends to use affordable housing trust fund revenues for the creation of housing units. Where applicable, the creation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

Source of Funds	Projected Expenditure Schedule 2025 - 2035											Total	
	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035		
Rehabilitation (21 units)	\$140,000	\$140,000	\$140,000										\$420,000
Affordability Assistance	\$50,994	\$101,989	\$101,989	\$101,989	\$101,989	\$101,989	\$101,989	\$101,989	\$101,989	\$101,989	\$50,994		\$1,019,891
Supportive Housing Arc of Union County		\$100,000	\$100,000	\$100,000									\$300,000
Administration	\$10,299	\$20,598	\$20,598	\$20,598	\$20,598	\$20,598	\$20,598	\$20,598	\$20,598	\$20,598	\$10,299		\$205,981
Total													\$1,945,872

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of the Township of Clark has adopted a resolution agreeing to fund any shortfall of funds required for implementing the Housing Rehabilitation Program. In the event that a shortfall of anticipated revenues occurs, the Township of Clark will bond for any shortfall.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to fund the Housing Rehabilitation Program.

SPENDING PLAN SUMMARY		
Balance as of May 19, 2025		\$1,677,178
PROJECTED REVENUE 2025-2035		
Development Fees	+	\$2,072,500
Interest	+	\$369,960
TOTAL FUNDS AVAILABLE	=	\$4,119,638
PROJECTED EXPENDITURES 2025-2035		
Funds used for Rehabilitation	+	\$420,000
Funds used for Group Home Creation	+	\$300,000
Affordability Assistance*	+	\$1,019,891
Administration**	+	\$205,981
TOTAL PROJECTED EXPENDITURES	=	\$1,945,872
REMAINING BALANCE	=	\$2,173,766

* Actual affordability minimums are calculated on an ongoing basis, based on actual revenues.

** Administrative expenses are limited to 20 percent of what is actually collected.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Township of Clark's Affordable Housing Ordinance Chapter 66-4.(B).

SUMMARY

The Township of Clark intends to spend affordable housing trust fund revenues consistent with the housing programs outlined in the Housing Element and Fair Share Plan dated May 2025 and the revised spending plan.

The Township of Clark has a balance of \$1,677,178 as of May 19, 2025, and anticipates an additional \$2,072,500 in revenues before June 30, 2035 for a total of \$4,119,638 when including interest of \$369,960. The municipality will initially dedicate \$420,000 towards its Rehabilitation Program, \$300,000 to assist the Arc in acquiring additional group homes/supportive housing, \$1,019,891 to render units more affordable, and \$205,981 for administrative costs. Any shortfall of funds will be offset by municipal bonding. The municipality will dedicate any excess funds towards the Housing Rehabilitation Program.

Appendix F – Township Affordable Housing Ordinances

Chapter 66

AFFORDABLE HOUSING

§ 66-1.	Affordable housing obligation.	§ 66-10.	Limitations on indebtedness secured by ownership unit; subordination.
§ 66-2.	Applicability.		
§ 66-3.	Affordable housing programs.	§ 66-11.	Capital improvements to ownership units.
§ 66-4.	New construction.	§ 66-12.	Control periods for restricted rental units.
§ 66-5.	Affirmative marketing requirements.	§ 66-13.	Price restrictions for rental units; leases.
§ 66-6.	Occupancy standards.	§ 66-14.	Tenant income eligibility.
§ 66-7.	Control periods for restricted ownership units and enforcement mechanisms.	§ 66-15.	Administration.
§ 66-8.	Price restrictions for restricted ownership units, homeowner association fees and resale prices.	§ 66-16.	Enforcement of affordable housing regulations.
§ 66-9.	Buyer income eligibility.	§ 66-17.	Appeals.

[HISTORY: Adopted by the Township Council of the Township of Clark 9-18-2017 by Ord. No. 17-14.¹ Amendments noted where applicable.]

§ 66-1. Affordable housing obligation.

- A. This chapter is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This chapter shall apply except where inconsistent with applicable law.
- B. The Clark Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:5513-1 et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Clark Township shall address its fair share for low- and moderate-income housing as determined by the Court and documented in the Housing Element.
- C. This chapter implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1 et seq., as may be amended and supplemented.
- D. Reporting; required action.
 - (1) On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, Clark shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of

1. Editor's Note: This ordinance also repealed former Ch. 66, Affordable Housing, adopted 5-15-2017 by Ord. No. 17-07.

funds collected and the amount and purpose for which any funds have been expended.

- (2) On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Township shall provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
- (3) The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in this agreement. The Township shall comply with those provisions as follows:
 - (a) For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township shall post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
 - (b) For the review of very-low-income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this agreement, and every third year thereafter, the Township shall post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very-low-income requirements, including the family very-low-income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very-low-income housing obligation under the terms of this settlement.

E. The following terms, when used in this chapter, shall have the meanings given in this section:

ACCESSORY APARTMENT — A self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

ACT — The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).

ADAPTABLE — Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT — The entity responsible for the administration of affordable units in accordance with this chapter, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

AFFIRMATIVE MARKETING — A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE — The average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

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

AFFORDABLE DEVELOPMENT — A housing development all or a portion of which consists of restricted units.

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent affordable development.

AFFORDABLE HOUSING PROGRAM(S) — Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT — A housing unit proposed or created pursuant to the Act, and approved for crediting by the Court, and/or funded through an affordable housing trust fund.

AGE-RESTRICTED UNIT — A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that:

- (1) All the residents of the development where the unit is situated are 62 years or older; or
- (2) At least 80% of the units are occupied by one person that is 55 years or older; or
- (3) The development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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

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

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

CERTIFIED HOUSEHOLD — A household that has been certified by an administrative agent as a low-income household or moderate-income household.

COURT OF COMPETENT JURISDICTION — The approving authority that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

DCA — The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT — A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes components of a building as

provided in the definition of "major system" below.

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

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

INCLUSIONARY DEVELOPMENT — A development containing both affordable units and market-rate units. This term includes, but is not necessarily limited to, new construction, the conversion of a nonresidential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 50% or less of the regional median household income by household size.

LOW-INCOME UNIT — A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM — The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building, which include, but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load-bearing structural systems.

MARKET-RATE UNITS — Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME — The median income by household size for the applicable housing region.

MODERATE-INCOME HOUSEHOLD — A household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.

MODERATE-INCOME UNIT — A restricted unit that is affordable to a moderate-income household.

NONEXEMPT SALE — Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a Class A beneficiary and the transfer of ownership by court order.

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

REGIONAL ASSET LIMIT — The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by adopted Regional Income Limits published annually.

REHABILITATION — The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

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

RESTRICTED UNIT — A dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UIETORP or MONT.

UHAC — The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

VERY-LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 30% or less of the regional median household income by household size.

VERY-LOW-INCOME UNIT — A restricted unit that is affordable to a very-low-income household.

WEATHERIZATION — Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

§ 66-2. Applicability.

The provisions of this chapter shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Clark pursuant to the Township's most recently adopted Housing Element and Fair Share Plan.

§ 66-3. Affordable housing programs.

The Township of Clark has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

A. A rehabilitation program.

- (1) The Township of Clark's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28, and the Rehabilitation Subcode, N.J.A.C. 5:23-6. The program is also guided by N.J.A.C. 5:93-5.2 and is subject to all applicable laws, regulations, ordinances and codes of the New Jersey Department of Community Affairs (DCA) and the Township of Clark. The Township program may include units rehabilitated under the Union County Home Improvement Program.
- (2) Both owner-occupied and renter-occupied units shall be eligible for rehabilitation funds.
- (3) All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period will be enforced with a lien, and for renter-occupied units the control period will be enforced with a deed restriction.
- (4) The Township of Clark shall dedicate an average of at least \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum average hard cost of rehabilitation for each unit.
- (5) The Township of Clark shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Township of Clark.

- (6) The Township of Clark shall designate, subject to the approval of a Court of Competent Jurisdiction, one or more administrative agents to administer the rehabilitation program in accordance with N.J.A.C. 5:93-5.2. The administrative agent(s) shall provide a rehabilitation manual for the owner-occupancy rehabilitation program and for the rental-occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Court. The rehabilitation manual shall be available for public inspection in the office of the Municipal Clerk and in the office(s) of the administrative agent(s).
 - (7) Units in a rehabilitation program shall be exempt from Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - (a) If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to UHAC.
 - (b) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to UHAC.
 - (c) Rents in rehabilitated rental units may increase annually which will be updated regularly, either by DCA or, in its absence, via the formula approved by the Court of Jurisdiction and attached as an appendix to the Township's Housing Rehabilitation Policies and Procedures Manual.
 - (d) Applicant and/or tenant households shall be certified as income-eligible in accordance with UHAC, except that households in owner-occupied units shall be exempt from the regional asset limit.
- B. Alternative living arrangements. The administration of an alternative living arrangements shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
- (1) Affirmative marketing (N.J.A.C. 5:80-26.15); provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
 - (2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
 - (3) With the exception of units established with capital funding through a twenty-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the court.
 - (4) The service provider for the alternative living arrangement shall act as the administrative agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 66-4. New construction.

The following general guidelines apply to all newly constructed developments that contain very low-, low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

A. Low/moderate split and bedroom distribution of affordable housing units:

- (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13% of all restricted rental units shall be very-low-income units (affordable to a household earning 30% or less of median income). The very-low-income units shall be counted as part of the required number of low income units within the development.
- (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
- (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
 - (b) At least 30% of all low- and moderate-income units shall be two-bedroom units;
 - (c) At least 20% of all low- and moderate-income units shall be three-bedroom units; and
 - (d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
- (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility requirements:

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
- (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor;
 - (b) An adaptable kitchen on the first floor;
 - (c) An interior accessible route of travel on the first floor;
 - (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor;
 - (e) If not all of the foregoing requirements in Subsection B(2)(a) through (d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of Subsection B(2)(a) through (d) directly above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit;
 - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311.a et seq.)

and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Township of Clark has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

- [1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
- [2] To this end, the builder of restricted units shall deposit funds within the Township of Clark's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
- [3] The funds deposited under Subsection B(2)(f)[2] above shall be used by the Township of Clark for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- [4] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Code Official of the Township of Clark.
- [5] Once the Construction Code Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of Clark's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

C. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 Design.

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

D. Maximum rents and sales prices.

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH. If COAH is not functioning, Clark will utilize the procedures approved by the Court.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units. At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of regional median income, provided that at least 13% of all low- and moderate-income

rental units shall be affordable to very-low-income households earning 30% or less of the regional median household income by household size, which very-low-income units shall be part of the low-income requirement. The very-low-income units shall be distributed as evenly as possible among the bedroom types.

- (4) At least 13% of all low- and moderate-income rental units shall be affordable to very-low-income households earning 30% or less of the regional median household income by household size, which very-low-income units shall be part of the low-income requirement. The very-low-income units shall be distributed as evenly as possible among the bedroom types.
- (5) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- (6) In determining the initial sales prices and rent levels for restricted units other than age-restricted units (including assisted living units), the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
- (7) In determining the initial sales prices and rent levels for age-restricted (including assisted living) units, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (8) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (9) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

- (10) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (11) The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the northeast urban area. This increase shall not exceed 9% in any one year. Rent increases for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.
- (12) Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by HUD for its Section 8 program. Affordable units in an inclusionary development shall utilize the same type of heating source as the market units.

E. Phasing requirements. In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0%
25 + 1	10%
50	50%
75	75%
90	100%

F. Affordable housing set-aside requirements. [Added 9-18-2023 by Ord. No. 23-26]

- (1) In the R-B Multiple-Family Residential District, the R-SH Age-Restricted/Senior Housing Overlay District, the R-TH Residential Townhouse District, and the R-B-16 Multiple-Family Residential District with an affordable housing set-aside of 20% (the "20% Districts"), developments creating fewer than five residential units shall pay the residential development fee to the Township of Clark Affordable Housing Trust Fund.
- (2) In the 20% Districts, developments creating five residential units shall provide one affordable housing unit.
- (3) In the 20% Districts, developments creating six or more units shall provide a minimum of one affordable housing unit, and:
 - (a) Where the set-aside creates a fraction of a unit less than 0.5, the developer shall have the option to either:
 - [1] Pay \$200,000, as may be adjusted based on the United States Census Bureau's Quarterly Multifamily Housing Units Under Construction Index, to the Township of Clark Affordable Housing Trust Fund.
 - [2] Provide an affordable housing unit.
 - (b) When applying the set-aside creates a fraction of a unit greater than 0.5, the developer

shall provide an affordable housing unit.

- (c) All whole numbers created by the set-aside shall be provided as affordable units.
- (4) In the DTV Downtown Village District with an affordable housing set-aside of 15% (the "15% District"), developments creating fewer than five residential units shall pay the residential development fee to the Township of Clark Affordable Housing Trust Fund.
- (5) In the 15% District, developments creating five or six residential units shall provide one affordable housing unit.
- (6) In the 15% District, developments creating seven or more residential units shall provide a minimum of one affordable housing unit, and:
 - (a) Where the set-aside creates a fraction of a unit less than 0.5, the developer shall have the option to either:
 - [1] Pay \$200,000, as may be adjusted based on the United States Census Bureau's Quarterly Multifamily Housing Units Under Construction Index, to the Township of Clark Affordable Housing Trust Fund.
 - [2] Provide an affordable housing unit.
 - (b) When applying the set-aside creates a fraction of a unit greater than 0.5, the developer shall provide an affordable housing unit.
 - (c) All whole numbers created by the set-aside shall provide be provided as affordable units.
- (7) If the Township of Clark enacts an ordinance creating a district with an affordable housing set-aside other than 20%, 16% or 15%, that ordinance will address the method of calculating partial affordable units. Additionally, if a redevelopment plan requires a set-aside, the redevelopment plan will address the appropriate set-aside percentage.

§ 66-5. Affirmative marketing requirements.

- A. The Township of Clark shall adopt by resolution an affirmative marketing plan, subject to approval of a Court of Competent Jurisdiction, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- 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, sponsor or owner 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 Housing Region 2 and covers the period of deed restriction. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 2 comprised of Essex, Morris, Union and Warren counties.
- C. The administrative agent designated by the Township of Clark shall assure the affirmative marketing of all affordable units consistent with the affirmative marketing plan for the municipality.
- D. In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit

issues, mortgage qualification, rental lease requirements, and landlord/tenant law. Additionally, the administrative agent shall ensure that the following organizations are specifically notified of the availability of affordable units in the Township of Clark and provided with application forms:

FSHC (510 Park Blvd, Cherry Hill, NJ); the Latino Action Network (PO Box 943, Freehold, NJ 07728); East Orange NAACP (PO Box 1127, East Orange, NJ 07019); Newark NAACP (PO Box 1262, Newark, NJ 07101); Morris Co. NAACP (PO Box 2256, Morristown, NJ 07962); Elizabeth NAACP (PD Box 6732, Elizabeth, NJ 07206), and the Supportive Housing Association, 15 Alden St # 14, Cranford, NJ 07016

- E. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- F. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of Clark.

§ 66-6. Occupancy standards.

- A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the administrative agent shall strive to:
 - (1) Provide an occupant for each bedroom; and
 - (2) Provide children of different sex with separate bedrooms; and
 - (3) Prevent more than two persons from occupying a single bedroom; and
 - (4) Provide separate bedrooms for parents and children.
- B. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

§ 66-7. Control periods for restricted ownership units and enforcement mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this chapter until the Township of Clark elects to release the unit from such requirements; however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- D. At the time of the first sale of the unit, the purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the requirements of this

chapter, an amount equal to the difference between the unit's nonrestricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

- E. The affordability controls set forth in this chapter shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Code Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 66-8. Price restrictions for restricted ownership units, homeowner association fees and resale prices.

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

- A. The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
- B. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- D. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

§ 66-9. Buyer income eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income, and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- B. Notwithstanding the foregoing, however, the administrative agent may, upon approval by the Township Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the administrative agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
- C. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

- D. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the administrative agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

§ 66-10. Limitations on indebtedness secured by ownership unit; subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the administrative agent for a determination in writing that the proposed indebtedness complies with the provisions of this section, and the administrative agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of first purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).

§ 66-11. Capital improvements to ownership units.

- A. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the administrative agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to ten-year, straight-line depreciation, has been approved by the administrative agent. Unless otherwise approved by the administrative agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 66-12. Control periods for restricted rental units.

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this chapter until the Township of Clark elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented, for at least 30 years.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Union. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a

certificate of occupancy.

- C. A restricted rental unit shall remain subject to the affordability controls of this chapter, despite the occurrence of any of the following events:
- (1) Sublease or assignment of the lease of the unit;
 - (2) Sale or other voluntary transfer of the ownership of the unit; or
 - (3) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

§ 66-13. Price restrictions for rental units; leases.

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

§ 66-14. Tenant income eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
- (1) Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median household income by household size.
 - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median household income by household size.
 - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median household income by household size.
- B. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
- (1) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

- (2) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (3) The household is currently in substandard or overcrowded living conditions;
 - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (5) The household documents reliable third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection B(1) through (5) above with the administrative agent, who shall counsel the household on budgeting.

§ 66-15. Administration.

- A. The position of Municipal Housing Liaison (MHL) for the Township of Clark is established by this chapter. The Township Council of the Township of Clark shall make the actual appointment of the MHL by means of a resolution.
- (1) The MHL must be either a full-time or part-time employee of the Township of Clark.
 - (2) The person appointed as the MHL and the qualifications of such person shall be approved by the Court.
 - (3) The MHL must meet all requirements for qualifications, including initial and periodic training.
 - (4) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Clark, including the following responsibilities which may not be contracted out to the administrative agent:
 - (a) Serving as the municipality's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
 - (b) Overseeing the implementation of the Affirmative Marketing Plan and affordability controls by the administrative agent(s);
 - (c) When applicable, supervising any contracting administrative agent;
 - (d) Monitoring the status of all restricted units in the Township of Clark's Fair Share Plan;
 - (e) Compiling, verifying and submitting annual reports as required by this chapter;
 - (f) Coordinating meetings with affordable housing providers and administrative agents, as applicable; and
 - (g) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered.
- B. The Township of Clark shall designate by resolution of the Township Council, subject to the approval of the Court, one or more administrative agents to administer and affirmatively market the affordable units constructed in Clark in accordance with this ordinance. The Municipal Housing Liaison shall supervise the work of the administrative agent(s).

- C. An operating manual shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and subject to the approval of the Court. The operating manuals shall be available for public inspection in the office of the Municipal Clerk and in the office(s) of the administrative agent(s).
- D. Duties and responsibilities of the administrative agents.
- (1) The administrative agent(s) shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the project or program operating manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 - (a) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH or the Affordable Housing Professionals of New Jersey (AHPNJ);
 - (b) Affirmative marketing;
 - (c) Household certification;
 - (d) Affordability controls;
 - (e) Records retention;
 - (f) Resale and rental;
 - (g) Processing requests from unit owners;
 - (h) Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality; and
 - (i) Preparing monitoring reports for submission to the Municipal Housing Liaison in time to meet the deadlines for reporting set forth in this ordinance.
 - (2) The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
 - (3) The fees and costs of the administrative agent(s) shall be paid by the owners of the affordable units for which the services of the administrative agent are required. The administrative agent(s) shall nevertheless report to and be responsible to the Township of Clark in the performance of their duties.

§ 66-16. Enforcement of affordable housing regulations.

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation

that remains uncured for a period of 60 days after service of the written notice:

- (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the court to have violated any provision of the regulations governing affordable housing units, the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - (a) A fine of not more than \$500 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense.
 - (b) In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Clark Affordable Housing Trust Fund of the gross amount of rent illegally collected.
 - (c) In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
- (2) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- and moderate-income unit.
 - C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - D. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
 - E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing

unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriffs sale shall not be entitled to any right of redemption.

- F. If there are no bidders at the Sheriffs sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- G. Failure of the low- and moderate-income unit to be either sold at the Sheriffs sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- H. The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

§ 66-17. Appeals.

Appeals from all decisions of an administrative agent designated pursuant to this chapter shall be filed in writing with the Court.

§ 195-130. R-SH Age-Restricted/Senior Housing Overlay District.

- A. Purpose of district. The purpose of the Age-Restricted/Senior Housing District is to permit construction of an age-restricted multifamily residential development with a 20% affordable housing set-aside in accordance with the Township's adopted Housing Element and Fair Share Plan and the terms and conditions of the Township's Judgment of Compliance and Repose.
- B. Permitted uses. Age-restricted multifamily residential development containing a 20% set-aside for low- and moderate-income households ages 55 years and older. The development may be constructed as multifamily dwellings, multiple-group dwellings, or garden apartments, townhouses or a townhouse/flat combination.
- C. Accessory uses and structures. The following accessory uses and structures shall be permitted in the R-SH Zone District:
- (1) Parking and parking facilities as regulated in Article XXIV.
 - (2) Signs pursuant to the provisions of Article XXV for the uses for which signs are permitted.
 - (3) Other accessory uses and structures customarily subordinate and incidental to permitted principal uses.
- D. Development standards:
- (1) Minimum tract area: 10 acres.
 - (2) Minimum frontage: a minimum of 250 feet on a paved public street.
 - (3) Density. The maximum density shall be 32 units per acre for multifamily dwellings, multiple-group dwellings, or garden apartments, and 15 units per acre of gross site area for townhouses and townhouse/apartment/flat combinations.
 - (4) Low- and moderate-income housing requirements. A minimum of 20% of the total age-restricted dwelling units shall be affordable to low- and moderate-income households as regulated by the Township's Court-approved Affordable Housing Ordinance (Chapter 66 of the Township Code).
 - (5) Building height. Maximum building height shall be 45 feet and four stories.
 - (6) Design standards. All development shall incorporate the following design standards. Waivers from these standards may be granted by the Board pursuant to N.J.S.A. 40:55D-51b.
 - (a) Building design. The objectives of the building design standards are to provide overall high-quality building with special emphasis on methods that reduce the visual impact of large buildings. The exterior appearances of buildings shall complement the character of existing development in the surrounding area.
 - (b) Specific design features that reduce the visual impact of large buildings shall be used. These include but are not limited to:

- [1] Elements that draw focus, introduce scale and provide three-dimensional effects.
 - [2] Variations and articulation to overall building facades by changing the facade plane.
 - [3] Use of subdued wall coloration, patterning, texture and reveals.
 - [4] Extensive use of landscaping to shield and break up building planes.
- (c) Building mass. Solid and unarticulated buildings are not permitted. The mass, scale and visual impact of buildings shall be reduced by staggered building walls. The staggered building walls shall incorporate a setback or bump-out that, in the opinion of the Board, provides an equivalent reduction in the mass, scale and visual impact of the buildings.
- (d) Architectural interest. To provide architectural interest, create a three-dimensional effect and further reduce the visual scale and impact of a building, the following techniques shall also be used:
- [1] Variations in building treatment shall be liberally used and shall include painted panels, awnings or canopies, wall openings, wall texture changes, changes in building height and variations in rooflines.
 - [2] Building entries and building corners shall be readily identifiable through the use of canopies, marquees, architectural treatment and the use of different materials.
 - [3] Extensive use of small-scale elements, such as planter walls and hedges, shall be provided particularly around building entrances.
 - [4] Landscaping shall be employed to further reduce the visual impact of building mass.
- (e) Materials.
- [1] The front and two side elevations of all buildings and structures shall be constructed of brick, architectural block, architectural precast concrete or tilt-up construction using similar materials of equally high quality and aesthetics. Utility standard concrete panels or masonry units may be used on rear elevations if the rear elevations are not visible from any public right-of-way after berming, fencing or landscaping treatment.
 - [2] Rooflines and parapets shall be designed to minimize the visual impact of rooftop-mounted equipment, such as vents and stacks, from public rights-of-way.
- (f) Pedestrian circulation.
- [1] On-site concrete or brick sidewalks, or such other material acceptable to the Board, shall be provided to create a continuous pedestrian network and to

connect with existing sidewalks and neighborhoods.

- [2] Vehicular and pedestrian circulation patterns shall be separated. A landscaped buffer shall provide a separation between pedestrian and vehicular ways.
 - [3] Pedestrian crossings shall be indicated by such techniques as changed pavement materials or texture, signals, signage, or painted stripes, as determined by the Board.
 - [4] Secure and convenient pedestrian walkway access shall be provided between parking lots, sidewalks and primary entrances to buildings. Sidewalks shall be barrier-free, a minimum of five feet in width and shall be set back a minimum of five feet from all buildings.
- (7) Setbacks. The following setback standards shall apply:
- (a) Buildings:
 - [1] Front yard: 45 feet or the height of the principal building, whichever is greater.
 - [2] Side yard: 40 feet.
 - [3] Rear yard: 40 feet.
 - (b) Accessory building:
 - [1] Front yard: 50 feet.
 - [2] Side yard: 25 feet.
 - [3] Rear yard: 25 feet.
- (8) Building coverage. Buildings and accessory structures shall cover not more than 40% of the lot or parcel area. Accessory structures devoted to parking shall count towards total lot coverage.
- (9) Total lot coverage. Not more than 70% of the lot or parcel area shall be covered by a combination of buildings, accessory structures, parking areas, driveways, and other impervious surfaces.
- (10) Minimum open space. Not less than 30% of the parcel area shall be open space as defined in § 195-111.
- (11) 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 25 feet from any property line. A carport and adjacent driveway space shall be counted as two spaces; designated stacked parking spaces shall also be counted as two spaces. Parking spaces may be located at grade in the building footprint (garage), without limitation.

- (12) 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 25 feet in width shall be provided to the property boundaries to form a visual screen.
- (13) Parking lot setback and landscaping. Parking areas shall be attractively landscaped in accordance with the following standards:
 - (a) Parking lots shall be set back a minimum of 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 40 feet of frontage shall be provided.
 - (b) In addition to landscaping required along public streets, the interior of the parking lot shall be landscaped with at least one tree for every 20 parking spaces, which shall be planted in suitably prepared and protected landscaping islands.
 - (c) No more than 20% of the required parking shall be provided between the building line and the public right-of-way.
- (14) Townhouse and townhouse/apartment combination building spacing. The minimum spacing between buildings shall be 50 feet between front and front/back, 35 feet front/back to side and 25 feet end to end. The minimum setbacks from driveways and parking areas shall be 15 feet from primary buildings, unless a garage is attached.

§ 195-131. DTV Downtown Village District.

A. Purpose of the district.

- (1) The downtown of any community should be a mixed-use center with many diverse retail shops and restaurants where the community can gather on nights and weekends. The Downtown Village District has been created in that area along Westfield Avenue between Washington Street and Broadway, from Denman Avenue and Benjamin Street to the Rahway border. The purpose of the DTV Downtown Village District is to permit construction of a multifamily residential development with a 15% affordable housing set-aside in accordance with the Township's adopted Housing Element and Fair Share plan and the terms and conditions of the Township's Court-approved Affordable Housing Ordinance (Chapter 66 of the Township Code). The DTV Zone District is intended to encourage retail sales and personal services oriented to pedestrian shopping on the ground floor. Second floors may be commercial or residential, and shall have only one use, commercial or residential in any one building. Only residential uses are allowed on the third and fourth floors of any building.
- (2) Authentic period (Colonial, Federal or Victorian) reproductions are encouraged to complement the established character of more recently constructed buildings. In any case, as a minimum, in order to assure compatibility of new building construction or alterations of existing buildings, the building design standards in this section shall be

adhered to, except that the Planning Board may grant waivers of specific requirements on a showing by the developer of unavoidable hardship.

- (3) Exterior walls shall be finished with face brick, integrally colored masonry units (not panels), or wood clapboards, cedar shingles or vertical boards. All exterior walls of buildings shall be finished with the same materials or combinations of materials. Exceptions require Board of Adjustment or Planning Board approval.
 - (4) Visible sections of roof areas shall be cedar shingle or textured asphalt shingle, in dark colors. Mansard roofs, when provided, shall be full canopies of textured asphalt shingle, or fiberglass in dark colors.
 - (5) All design features applied to building exteriors shall be functional, rather than superimposed for decorative purposes only, unless part of authentic period architecture. Shutters, when provided, shall be designed to fit the windows to which they are attached.
 - (6) No rooftop mechanical structures shall be permitted in the DTV Zone without Planning Board or Board of Adjustment approval. All mechanicals shall be adequately screened so as to conceal them.
 - (7) All development applications containing proposed new buildings and structures or alterations or modifications to existing structures shall conform to the building site design standards set forth in § 195-182 of this chapter.
- B. Principal uses and structures. The following principal uses and structures shall be permitted in the DTV Zone District:
- (1) Business establishments devoted primarily to the retail sales of goods and personal services on the premises. Retail establishments that serve local needs may include the sale of baked goods, office supplies, flowers and the dispensing of pharmaceutical products.
 - (2) Taverns and restaurants and food establishments intended for food consumption on the premises. Outdoor dining is permitted as an accessory use.
 - (3) Takeout of food is permitted as an accessory use, provided that the food is consumed off-premises.
 - (4) Personal and consumer service establishments, such as hair salons.
 - (5) Businesses that provide permanent cosmetics as such term is defined in N.J.A.C. 8:27-1.3.
 - (6) Banks and other financial institutions engaged in the business of accepting deposits from the public and/or extending credit to the public in the form of loans. Such business must be conducted on the premises and must be the principal activity of the use on the premises; drive-through service is permitted as an accessory use only.
 - (7) Business, administrative and professional offices or other business establishments providing the following services:

- (a) Finance, insurance or real estate sales or services;
 - (b) Business or professional services;
 - (c) Health services;
 - (d) Social services;
 - (e) Consulting services;
 - (f) Private clubs and service organizations.
- (8) Museums, art galleries and indoor motion-picture theaters and theaters for conducting live entertainment or cultural performances; music and dance studios.
 - (9) Child-care centers.
 - (10) Public parks and playgrounds.
 - (11) Residential dwelling units limited to the second, third and fourth floors, which shall include a 15% set-aside for very-low-, low- and moderate-income housing, if the affordable units will be for rent, and a 20% set-aside for low- and moderate-income housing, if the affordable units will be for sale.
 - (12) Commercial parking lots.
- C. Accessory uses and structures. The following accessory uses and structures shall be permitted in the DTV Zone District:
- (1) Parking and parking facilities as regulated in Article XXIV (§ 195-141 through § 195-148).
 - (2) Signs, pursuant to the provisions of Article XXV (§ 195-149 through § 195-161), for the uses for which signs are permitted.
 - (3) Other accessory uses and structures customarily subordinate and incidental to permitted principal uses and permitted conditional uses.
- D. Conditional uses and structures. The following conditional uses and structures shall be permitted in the DTV District only if they comply with the appropriate regulations for such uses or structures in Article XXVIII (§ 195-176 through § 195-179):
- (1) Nonprofit chartered membership organizations;
 - (2) Public utility installations;
 - (3) Certain telecommunications antennas as set forth in Article XXVI (§ 195-162 through § 195-168.1).
- E. Prohibited uses and structures. Any use or structure other than those uses or structures permitted in Subsections B, C and D above are prohibited. In addition, and notwithstanding the above permitted uses, the following uses shall be specifically prohibited:

- (1) Any business conducted outside the confines of a building, except those temporary activities permitted by special permission from the Township Mayor and Council or allowed elsewhere in this chapter;
 - (2) Gasoline filling stations, gasoline service stations, public garages, automobile body repair or painting shops;
 - (3) Lumberyards or building material yards;
 - (4) Sale, rental or repair of automobiles, motorcycles, boats, trailers, lawn mowers, small gasoline or other liquid-fuel engines;
 - (5) Dry-cleaning establishments where the dry cleaning is done on the premises;
 - (6) Warehouses or businesses which do not sell directly to the general public;
 - (7) Public or private schools;
 - (8) Funeral services, undertakers, crematories and morticians;
 - (9) Residential use of any kind, other than those uses as permitted in Subsection B(11) above. Existing nonconforming residential buildings or structures shall not be extended or enlarged for use relating to a business, unless the first floor is used entirely for business use and off-street parking;
 - (10) All aboveground and underground bulk storage of liquefied petroleum gases, gasoline, diesel fuel, kerosene, No. 2 fuel, fuel oil, chemicals or similar hazardous, flammable or combustible liquids in any amount, except as permitted otherwise by permit. Aboveground or basement storage of up to 530 gallons of kerosene or No. 2 heating fuel in approved storage tanks and used exclusively for heating purposes on the premises is exempted from the above prohibition;
 - (11) Any building, structure or use which would create an undue hazard of fire, explosion or nuisance by reason of odor, noise, dust or smoke, or which in any way would be detrimental to the health, public morals and public safety of the community; and
 - (12) Private commercial parking lots as a principal use.
- F. Area, yard and building dimensions. In any DTV District, the following dimensional requirements shall be applied, unless otherwise excepted:
- (1) Minimum lot dimensions:
 - (a) Lot area: 7,500 square feet.
 - (b) Lot frontage: 75 feet.
 - (2) Minimum yards.
 - (a) Front yard. There shall be a minimum front yard of 15 feet, except that when abutting a residential district, the front yard requirement of such residential district shall apply to the abutting yard. No parking service shall be located closer than five

feet to any street line.

- (b) There shall be no minimum single side yard requirement except that:
- [1] When abutting a residential district, the side yard requirement of such residential district shall apply to the abutting property; and
 - [2] When developing adjacent to existing structures which are to remain on an adjacent property, a combined minimum distance of 10 feet shall be maintained between structures.

(c) Rear yard: 20 feet for principal structures; five feet for accessory structures.

(3) Maximum building dimensions:

- (a) Height shall be a maximum of 35 feet and three stories, except that a height of 45 feet and four stories will be permitted, provided the building setback from the property line is a distance equal to or exceeding the proposed height of the structure.
- (b) Building coverage: 80%.
- (c) Impervious cover: 90%.
- (d) Floor area ratio: 3.0.
- (e) Density: 32 units per acre.

(4) Open space. There shall be a minimum of 10% open space. When open space is adjacent to a designated parking space, the owner shall be prohibited from conducting snow removal or stockpiling activities where those activities infringe upon the designated parking area. Snow removal plans shall be provided as a part of any application for development. Snow shall promptly be removed from any open space area.

G. Streetscape standards. Private development within the DTV District shall include street improvements to enhance the downtown streetscape. Required streetscape improvements will include a specific architectural and site design theme similar to the streetscape improvements undertaken by the Township of Clark within this area during the period 2000 through 2001. Site improvements will include benches, trash receptacles, area lighting, street trees, brick pavers and planters. These improvements shall be consistent with plans and specifications on file with the Township Engineer. Architectural details and standards not included therein will be developed and adopted by the Township Engineer to encourage a unity among the diverse uses and structures that make up this village neighborhood. Building architectural features will involve facade and large window treatments, cornice lines that are visually connective with neighboring buildings, finishes and rooflines.

H. Integrated shopping units.

- (1) Nothing in this section shall be construed to prevent the construction or erection of a series or row of attached stores, shops or offices on a single piece of property, or a composite of lots under one ownership, where such a grouping forms an integrated

limited shopping unit. Such unit shall be constructed or erected in accordance with a site plan and shall meet any applicable dimensional requirements set forth in this section for the DTV District. Each such integrated shopping unit shall consist of a group of individual shops or offices and shall have a uniform architectural design and appearance. Such design shall be consistent with the goals and objectives of the zone.

- (2) Signs shall be in accordance with the provisions of Article XXV. In addition, such shopping unit is permitted one sign stating the name or designation of such shopping unit or listing the names or designations of stores, shops or offices therein. Such sign shall be no greater in area than 48 square feet and shall be no higher than the height of the principal building. Any illumination of such sign shall be nonflashing, uncolored and confined to the face of such sign.
- I. Screening of commercial uses. Any lot used for commercial purposes which abuts any permitted dwellings, public buildings or institutional premises in the DTV District or other district along any lot line, except a front lot line or side street line, shall be screened along such lot line. Such screen shall be a solid wall or a solid fence not less than four feet in height, together with a three-foot planting strip along the outside face of such wall or fence, planted in shrubs or evergreens. In lieu of such wall, fence and planting strip, a compact evergreen hedge of not less than three feet in height at the time of planting may be used. Such wall, fence, planting or hedge shall be maintained in good condition, and no advertising shall be placed thereon. Such screening shall be indicated on the site plan.
- J. Dumpsters are required in this zone where the property contains multiple uses or units.

§ 195-140.1. R-TH Residential Townhouse District.

- A. Purpose of district. The purpose of the R-TH Residential Townhouse District is to allow moderate-density townhouses to be developed as a transitional use between single-family homes and more intensive nonresidential uses. Single-family detached residences as per the R-75 District requirements are also permitted.
- B. Permitted uses. In any R-TH District, only the following uses shall be permitted, except as provided in Subsection C:
 - (1) Single-family residences, subject to the minimum and maximum requirements set forth in § 195-126 for the R-75 District.
 - (2) Townhouses.
 - (3) Public buildings and uses.
 - (4) Home occupations.
 - (5) The following accessory uses shall be permitted:
 - (a) In conjunction with townhouses, swimming pools, clubhouses and similar indoor and outdoor recreation for use by residents and their guests only.
 - (b) Attached or detached private parking garages and/or off-street parking.

- (c) Other accessory uses, structures and buildings customary and accessory to the principal use.
 - (d) Signs.
 - (e) Parking to serve the principal use, located within 200 feet of the property.
- C. Conditional uses. In the R-TH District, the following conditional uses may be permitted pursuant to the provisions of this section:
- (1) Public utility installation.
- D. Area, yard and building dimensions. In any R-TH District, the following dimensional requirements shall apply:
- (1) For single-family detached residences, the provisions in the R-75 District in § 195-126 shall apply.
 - (2) Townhouses:
 - (a) Minimum lot dimensions:
 - [1] Area: 40,000 square feet.
 - [2] Frontage: 100 feet.
 - (b) Minimum perimeter setback: 20 feet between a building and the exterior lot line.
 - (c) Minimum distances between buildings:
 - [1] Front-to-front: 35 feet.
 - [2] Front-to-side: 30 feet.
 - [3] Front-to-rear: 30 feet.
 - [4] Side-to-side: 15 feet.
 - [5] Side-to-rear: 30 feet.
 - [6] Rear-to-rear: 25 feet.
 - (d) Maximum number of units per building: six units.
 - (e) Maximum building dimensions:
 - [1] Height: 35 feet and 2.5 stories.
 - [2] Lot coverage:
 - [a] Buildings: 25%.
 - [b] Impervious cover: 50%.
 - (f) Maximum density: eight units per acre of site area.

- (g) Setbacks for off-street parking:
 - [1] From exterior lot lines: 10 feet.
 - [2] From buildings: 10 feet.
 - [3] From driveways: five feet.
- (h) Minimum open space coverage: 35%.
- (i) Minimum parking requirements shall be provided as per RSIS Standards.
- (j) Circulation shall be designed so that access to parking garages shall be from on-site driveways, not the adjoining street. Parking lots shall not be located between the building line and the street line.
- (k) Affordable housing set-aside. A minimum of 20% of the units shall be affordable to low- and moderate-income households, pursuant to N.J.A.C. 5:97-6.4 and N.J.A.C. 5:80-26.

§ 195-140.2. R-B-16 Multiple-Family Residential District.

- A. Purpose of district. The purpose of the R-B District is to allow for the construction of multifamily residential buildings, including townhouses and garden apartments, meeting the minimum density requirement for inclusionary housing and providing for the required set-aside 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.
- B. Permitted uses. The permitted uses are townhouses and garden apartments.
- C. Development standards.
 - (1) Definition of uses. Garden apartments include multiple dwellings arranged in flats, up to 40 feet in height. Townhouses comprise single-family dwellings attached side by side, up to 2 1/2 stories in height. A half story is one within a gable roof, in which not over 1/2 of the floor area of the full story below has a full ceiling height.
 - (2) Density. The maximum density shall be 16 units per acre of site area.
 - (3) Affordable housing requirements. A minimum of 20% of the housing units shall be deed-restricted so as to be affordable to and occupied only by qualified low- and moderate-income family households, including very-low-income households, if applicable, in full accordance with the Township's Court-approved Affordable Housing Ordinance (Chapter 66 of the Township's Code).
 - (4) Building requirements, garden apartments. Maximum building height shall be 40 feet, and maximum building length shall be 120 feet.
 - (5) Building requirements, townhouses. Maximum building height shall be 2 1/2 stories and 35 feet, and there shall not be more than six housing units per structure.

- (6) Setbacks and spacing, garden apartments. The minimum setback from street and property lines shall be 50 feet, except that accessory garages, if provided, may be within 20 feet of side or rear lot lines. The minimum distance between buildings shall be 35 feet between fronts and backs, and 20 feet end to end. The minimum setback from parking areas and driveways shall be 10 feet.
- (7) Setbacks and spacing, townhouses. The minimum setback from streets and property lines shall be 50 feet. The minimum separation between buildings shall be 50 feet between fronts and backs, and 25 feet end to end. The minimum setbacks from driveways and parking areas shall be 20 feet from building fronts and 25 feet from building rears, and 20 feet on building ends.
- (8) Landscaped areas, buffer areas, and recreation facilities. All areas not occupied by buildings, driveways, walkways, and parking areas shall be suitably landscaped and shall be arranged such that appropriate active and passive recreation facilities will be provided. Where the site adjoins other zones on the side or rear, a suitable landscaped buffer strip of at least five feet in width shall be provided to form a visual screen.
- (9) Parking areas and access drives. A minimum of two 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 10 feet from side and rear property lines.
- (10) Other general design and site requirements. Other general design and site requirements shall be as required in the R-A Multiple-Family Apartment Residential District, in § 195-128 hereunder, as well as the standards below:
 - (a) Maximum impervious cover: 80%.
 - (b) There shall be a minimum of 20% open space.

D. Affordable housing requirements.

- (1) Definitions. As used in this section, the following terms shall have the meanings indicated:

LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 50% or less of the regional median household income by household size.

MODERATE-INCOME HOUSEHOLD — A household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.

VERY-LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 30% or less of the regional median household income by household size.
- (2) Affordable units in this district shall not be age-restricted.

- (3) Affordable units in this district shall be architecturally similar to the market rate units and shall be distributed among the market-rate units rather than isolated.

§ 195-140.3. R-B-20 Multiple-Family Residential District.

- A. Purpose of district. The purpose of the R-B District is to allow for the construction of multifamily residential buildings, including townhouses and garden apartments, meeting the minimum density requirement for inclusionary housing and providing for the required set-aside 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.
- B. Permitted uses. The permitted uses are townhouses and garden apartments.
- C. Development standards.
 - (1) Definition of uses. Garden apartments include multiple dwellings arranged in flats, up to 45 feet in height. Townhouses comprise single-family dwellings attached side by side, up to 2 1/2 stories in height. A half story is one within a gable roof, in which not over 1/2 of the floor area of the full story below has a full ceiling height.
 - (2) Density. The maximum density shall be 20 units per acre of site area. A minimum of 168 units are permitted, with three-bedroom units permitted for both market-rate and affordable units. At the applicant's option, the maximum units permitted would be 177, provided that the only permitted three-bedroom units would be affordable units to meet the Township's obligation.
 - (3) Lower-income housing requirements. A minimum of 16% of the housing units shall be sold or rented and shall be maintained for a minimum period of 30 years so as to be affordable to families and persons of low- and moderate-income, under the lower-income housing requirements specified in Subsection D below. If the total unit count is 168 units, the affordable housing set-aside shall be 27 units. If the total unit count is 177 units, the affordable housing set-aside shall be 28 units.
 - (4) Building requirements, garden apartments. Maximum building height shall be 45 feet.
 - (5) Building requirements, townhouses. Maximum building height shall be 2 1/2 stories and 35 feet, and there shall not be more than six housing units per structure.
 - (6) Setbacks and spacing, garden apartments. The minimum setback from street and property lines shall be 50 feet, except that accessory garages, if provided, may be within 20 feet of side or rear lot lines. The minimum distance between buildings shall be 35 feet between fronts and backs, and 20 feet end to end. The minimum setback from parking areas and driveways shall be 10 feet.
 - (7) Setbacks and spacing, townhouses. The minimum setback from streets and property lines shall be 50 feet. The minimum separation between buildings shall be 50 feet between fronts and backs, and 25 feet end to end. The minimum setbacks from driveways and parking areas shall be 20 feet from building fronts and 25 feet from building rears, and 20 feet on building ends.

- (8) Landscaped areas, buffer areas, and recreation facilities. All areas not occupied by buildings, driveways, walkways, and parking areas shall be suitably landscaped and shall be arranged such that appropriate active and passive recreation facilities will be provided. Where the site adjoins other zones on the side or rear, a suitable landscaped buffer strip of at least five feet in width shall be provided to form a visual screen.
- (9) Parking areas and access drives. A minimum of two 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 10 feet from side and rear property lines.
- (10) Other general design and site requirements. Other general design and site requirements shall be as required in the R-A Multiple-Family Apartment Residential District, in § 195-128 hereunder, as well as the standards below:
 - (a) Maximum impervious cover: 80%.
 - (b) There shall be a minimum of 20% open space.

D. Affordable housing requirements.

- (1) Definitions. As used in this section, the following terms shall have the meanings indicated:

LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 50% or less of the regional median household income by household size.

MODERATE-INCOME HOUSEHOLD — A household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.

VERY-LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 30% or less of the regional median household income by household size.
- (2) Affordable units in this district shall not be age-restricted.
- (3) Affordable units in this district shall be architecturally similar to the market-rate units and shall be distributed among the market-rate units rather than isolated.

Appendix G – Township Development Fee Ordinance

Chapter 195. Land Use and Development

Part 2. Subdivision and Site Plan Review

Article XIX. Affordable Housing Development Fees

§ 195-101. Residential development fees.

A. Imposition of fees.

- (1) Within the Township of Clark, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of 1.5% of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- (2) When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70D(5), developers shall be required to pay a bonus development fee of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

B. Eligible exactions, ineligible exactions and exemptions for residential developments.

- (1) Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by ordinance or by agreement with the Township of Clark, shall be exempt from the payment of development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of this article shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a zoning permit and/or construction permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
- (3) Improvements or additions to existing one- and two-family dwellings on individual lots shall

not be required to pay a development fee, but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.

- (4) Homes replaced as a result of a natural disaster (such as a fire or flood) shall be exempt from the payment of a development fee.

§ 195-102. Nonresidential development fees.

A. Imposition of fees.

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
- (2) Within all zoning districts, nonresidential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvements and the equalized assessed value of the newly improved structure, i.e., land and improvements, and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

- (1) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to a development fee of 2.5%, unless otherwise exempted below.
- (2) The development fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
- (3) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
- (4) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to the Statewide Nonresidential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy for the nonresidential development, whichever is later.

- (5) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township of Clark as a lien against the real property of the owner.

TOWNSHIP OF CLARK
Resolution 25-119
June 16, 2025

5

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following licenses are approved for their annual renewal: Plenary Retail Consumption Licenses in the sum of \$2,500.00; Plenary Retail Distribution Licenses in the sum of \$2,073.00; Club Licenses in the sum of \$188.00, be renewed for the Year 2025-2026, effective as of July 1, 2025.

- 2002-33-001-003 Brinker New Jersey Inc.
t/a Chili's Grill & Bar
225 Central Ave., Clark, NJ 07066
- 2002-44-002-006 Clark Circle Liquors & Lounge Inc.
t/a Wine Anthology
1075 Raritan Road, Clark, NJ 07066
- 2002-33-003-006 Whole Foods Market Group, Inc. (pocket)
t/a Whole Foods Market
1255 Raritan Road, Clark, NJ 07066
- 2002-33-004-007 Garry's Catering, LLC
440 Madison Hill Road, Clark, NJ 07066
- 2002-33-005-009 Clark BBQ Inc.
1419 Raritan Road, Clark, NJ 07066
- 2002-36-006-011 Holiday Clark, LLC
t/a Holiday Inn
36 Valley Road, Clark, NJ 07066
- 2002-33-007-007 Apple Food Service of Clark LLC
t/a Applebee's Neighborhood Grill & Bar
1255 Raritan Road, Clark, NJ 07066
- 2002-44-008-008 KRUPACLARK INC
t/a Rotondo's
1040 Lake Avenue, Clark, NJ 07066
- 2002-33-009-005 TKG-LL Clark LLC (pocket)
1085 Central Avenue, Clark, NJ 07066
- 2002-33-010-007 CLKDIN LLC
t/a Manny's Diner
1030 Raritan Road, Clark, NJ 07066

2002-33-011-009 Tarantellas Restaurant Inc.
1199 Raritan Road, Clark, NJ 07066

2002-31-012-001 Clark Post #328 The American Legion
t/a American Legion Clark Post 328
78 Westfield Avenue, Clark, NJ 07066

2002-31-013-002 Deutscher Club Clark Inc.
787 Featherbed Lane, Clark, NJ 07066

2002-31-017-001 John L. Ruddy Post 7363 VFW
6 Broadway, Clark, NJ 07066

2002-33-018-013 Paragon Restaurant Group LLC
t/a Paragon Tap & Table
77 Central Ave., Clark, NJ 07066

2002-31-020-001 Polish Cultural Foundation Inc.
177 Broadway, Clark, NJ 07066

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/6-16 119ABCLicenseRenewals

		Motion	Second	Aye	Nay	Abstain	Absent
	Hoff						
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Toal						
Withdrawn	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 25-120
June 16, 2025

6

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Mayor and Township Clerk to execute a Developer's Agreement with 1180 Raritan, LLC, a New Jersey corporation, having its principal office located at 343 W. Mt. Pleasant Avenue, Livingston, New Jersey 07039 for the property identified as Block 60, Lot 22 on the Tax Maps of the Township of Clark, known as 1180 Raritan Road.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/6-16 120AuthDevelopersAgrmt-1180RaritanRd-ChaseBank

		Motion	Second	Aye	Nay	Abstain	Absent
	Hoff						
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Toal						
Withdrawn	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 25-121
June 16, 2025

7

RESOLUTION AUTHORIZING THE CLARK TOWNSHIP TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72

WHEREAS due to the late adoption of the State of New Jersey’s Budget, the Union County Board of Taxation is unable to certify tax rates throughout Union County and the Clark Township Tax Collector will be unable to mail the Township’s 2025 tax bills on a timely basis; and

WHEREAS the Clark Township Tax Collector in consultation with the Clark Township Acting Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.33 and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, in the County of Union and State of New Jersey on this 16th day of June 2025, as follows:

1. The Clark Township Tax Collector is hereby authorized to prepare and issue estimated tax bills for the Township for the third installment of 2025 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax-levy for 2025 is hereby set at \$20,868.495.47.
3. In accordance with law the third installment of 2025 taxes shall not be subject to interest until the later of August 11 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/6-16 121AuthEstimatedTaxBills

		Motion	Second	Aye	Nay	Abstain	Absent
	Hoff						
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Toal						
Withdrawn	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 25-122
June 16, 2025



BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Mayor and/or the Business Administrator to execute an Agreement between the Township of Clark, a municipal corporation maintaining offices located at 430 Westfield Avenue, Clark, New Jersey 07066, and Vincent Meli and Stacy Meli in connection with the property located at 201 Broadway, Clark, New Jersey 07066 to set forth the guidelines regarding the acquisition of two municipal lots through a public auction process.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/6-16 122AuthAgrmt-201Broadway-Meli

		Motion	Second	Aye	Nay	Abstain	Absent
	Hoff						
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Toal						
Withdrawn	Smith						
	Entire Council						
	TOTAL						

9

**TOWNSHIP OF CLARK
RESOLUTION CONSENTING TO
ASSIGNMENT AND TRANSFER**

Resolution 25-123
June 16, 2025

WHEREAS, the Township Council has adopted Resolution 25-102 approving and authorizing the Mayor or the Business Administrator and the Township Clerk to execute and deliver a certain Redevelopment Agreement between the 27-29 Westfield Avenue Urban Renewal LLC, a New Jersey limited liability company which is an urban renewal entity, as Redeveloper (“27-29”), and the Township, acting as a Redevelopment Entity (the “Agreement”), concerning real property being designated as Block 91, Lots 8.01, 10.01 and 36, located on Westfield Avenue and Washington Street, Clark, New Jersey, consisting of approximately .47 acres (the “Property”); and

WHEREAS, the Agreement has not yet been executed or delivered by either the Township or 27-29 and will not be executed or delivered, nor recorded in the Union County Clerk’s Office, until after June 25, 2025 (the “Effective Date”), the date that Ordinance No. 25-19 approving the execution and delivery of the accompanying Financial Agreement (the “Financial Agreement”) by the Mayor and the Township Clerk becomes effective; and

WHEREAS, 27-29 has requested that the Agreement, once and after being fully executed and delivered and recorded in the Union County Clerk’s Office, be assigned to and assumed by, and that the Property be transferred to, Clark Rukh Urban Renewal LLC, a New Jersey limited liability company which is an urban renewal entity (“CR”); and

WHEREAS, such an assignment and assumption of the Agreement and transfer of the Property requires the Township’s prior written consent under Sections 1.01, 3.01 (b) and 3.05 (b) thereof; and

WHEREAS, the Township desires to consent to such assignment to and assumption by CR of the Agreement and transfer of the Property to CR subject to delivery to the Township and approval by the Township of the conditions to such approval as set forth in Section 3.05 (b) of the Agreement effective only after the full execution and delivery of the Agreement and the Financial Agreement and the recording of the Agreement and the Financial Agreement in the Union County Clerk’s Office, following the Effective Date.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clark that it consents to the assignment by 27-29 to CR and assumption by CR of the Agreement and transfer of the Property by 27-29 to CR, provided, however, that first, the following conditions to such consent, to which such consent shall be subject, shall be fully satisfied:

1. The Effective Date shall have elapsed; and

2. The Agreement and the Financial Agreement shall have been fully executed and delivered by the Township and 27-29 and shall have been properly acknowledged before and by a Notary Public; and

3. The Agreement and the Financial Agreement shall have been properly recorded in and by the office of the Union County Clerk; and

4. CR shall demonstrate that it is qualified to do business in the State of New Jersey and is in good standing; and

5. CR shall have executed and delivered an agreement in which it assumes and agrees to perform all the obligations of 27-29 set forth in the Agreement; and

6. CR shall demonstrate that it is financially and technically capable of developing, designing, financing, constructing, operating, and maintaining the Project (as such term is defined in the Agreement); and

BE IT FURTHER RESOLVED, that the Mayor or the Business Administrator and the Township Clerk be and hereby are authorized to execute and deliver to 27-29 and CR a document, in such form and substance as is approved by the Township Attorney, after the foregoing conditions have been fully satisfied, to memorialize such consent.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/6-16 123ConsentingtoAssignmentandTransfer27-29toCR

		Motion	Second	Aye	Nay	Abstain	Absent
	Hoff						
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Toal						
Withdrawn	Smith						
	Entire Council						
	TOTAL						

CA 10

TOWNSHIP OF CLARK
Resolution 25-124
June 16, 2025

WHEREAS the Department of Public Works has solicited and received quotes for solid waste services with respect to Bulky Waste Type – 13 and Construction and Demolition Waste – Type 13C with the following results:

	Rate:
Waste Management	\$119.12 per ton
Plainfield Municipal Utilities Authority	\$135.00 per ton
Bayshore	Not currently accepting type 13 and 13C

WHEREAS Waste Management, 629 S. Front St, Elizabeth, New Jersey 07202 provided the lowest responsible quote in the amount of \$119.12 per ton, which meets the needs of the Township. This rate will increase based on the Union County Utilities Authority’s proposed increase effective on or around July 1, 2025.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby awards a contract for solid waste services with respect to Bulky Waste Type – 13 and Construction and Demolition Waste – Type 13C to Waste Management as hereinabove described.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/6-16 124BulkyType13&13C

		Motion	Second	Aye	Nay	Abstain	Absent
	Hoff						
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Toal						
Withdrawn	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 25-125
June 16, 2025

CA 11

WHEREAS the Tax Collector has certified that sewer utility account(s) require balance adjustments; and

WHEREAS the Business Administrator has reviewed and approved the sewer fee adjustment(s).

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, County of Union, State of New Jersey, that the Tax Collector be authorized to apply the sewer account balance adjustments according to the attached schedule.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/6-16 125SewerAdj

		Motion	Second	Aye	Nay	Abstain	Absent
	Hoff						
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Toal						
Withdrawn	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 25-126
June 16, 2025

CA 12

WHEREAS T. Fiotakis Construction LLC has completed work on the Year 50 Community Development Block Grant – ADA Curb and Sidewalk Improvements; and

WHEREAS the Township Engineer recommends payment in the sum of Fourteen Thousand, Four Hundred Forty Dollars and Zero Cents (\$14,440.00) including final quantities change order which decreases the adjusted contract amount by Two Thousand, One Hundred Dollars and Zero Cents (\$2,100.00); and

WHEREAS the Acting Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Account C-04-22-005-003 as attached hereto as a “Certification of Availability of Funds”; and

WHEREAS Section 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Bond and Final Payment; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by T. Fiotakis Construction LLC to be One Thousand, Four Hundred Forty Dollars and Zero Cents (\$1,440.00); and

WHEREAS T. Fiotakis Construction LLC has submitted a Maintenance Bond in the amount of \$1,440.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize Final Payment to T. Fiotakis Construction LLC, 197 Central Avenue, Edison, New Jersey 08817 in the amount of \$14,440.00 including final quantities change order and release of the Performance Guarantee.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/6-16 126FinalPayment-ADACurbsRamps-TFiotakis

		Motion	Second	Aye	Nay	Abstain	Absent
	Hoff						
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Toal						
Withdrawn	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
 Resolution 25-127
 June 16, 2025

CA 13

WHEREAS James Leonard, owner of 47 Mildred Terrace, Clark, New Jersey 07066 has requested a refund of One Thousand, Nine Hundred Twenty-Eight Dollars and Forty Cents (\$1,928.40) due to the cancellation of Construction Permit #22-432; and

WHEREAS the Construction Official has recommended to Council that authorization for such refund be granted.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, that the Acting Chief Financial Officer is hereby authorized and directed to refund \$1,928.40 as hereinabove stated.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res25/6-16 127RefundConstrPermit22-432-47Mildred

		Motion	Second	Aye	Nay	Abstain	Absent
	Hoff						
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Toal						
Withdrawn	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 25-128
June 16, 2025

CA 14

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Business Administrator to execute and deliver a Professional Services Agreement with LEW Environmental Services, a New Jersey corporation, having its principal office located at 181 US Hwy 46, Mine Hill, New Jersey 07803 to manage lead testing of residential rental units built prior to 1978 in compliance with N.J.A.C. 5:28A, at the property owners' expense and to prepare and submit required documentation to the New Jersey Department of Community Affairs on behalf of the Township of Clark and provide monthly status reports to the township free of charge.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/6-16 128AuthContract-StateCertifiedLeadEvaluationContractor-LEW

			Motion	Second	Aye	Nay	Abstain	Absent
		Hoff						
		Hund						
<input type="checkbox"/> Adopted		Mazzarella						
<input type="checkbox"/> Adopted as Amended		Minniti						
<input type="checkbox"/> Defeated		O'Connor						
<input type="checkbox"/> Tabled		Toal						
<input type="checkbox"/> Withdrawn		Smith						
		Entire Council						
		TOTAL						