

# TOWNSHIP OF CLARK

Union County, New Jersey



REVISED  
**FAIR SHARE PLAN**

Adopted by:  
**Township of Clark Planning Board**  
September 7, 2017

# FAIR SHARE PLAN

Township of Clark  
Union County, New Jersey

September 7, 2017

The Original of This Report Was Signed and Sealed  
In Accordance With N.J.S.A. 45:14a-12

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# ACKNOWLEDGEMENTS

The Planning Board gives thanks to the selfless volunteers and staff who contribute so much to the Township:

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## A. Introduction

This Fair Share Plan uses the methodology for determining a municipality's affordable housing obligation identified in the Second Round and Third Round Rules as determined by the Supreme Court and relies on the most recent housing and socioeconomic data available.

## B. Plan Purpose and Goals

This Fair Share Plan will describe specific projects, programs, strategies and funding sources to meet the Township's affordable housing obligation, while also complying with COAH's Second Round Rules for substantive certification and the Fair Housing Act. The overriding goal of this Fair Share Plan is to provide a framework for the Township of Clark to take affirmative steps towards providing a realistic opportunity to achieve its fair share of the present and prospective regional need for low and moderate-income housing.

## C. Determination of Housing Need

The Township has based its fair share obligation on the methodology provided in the May 16, 2016 report "New Jersey Low and Moderate Income Housing Obligations for 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology," prepared by David N. Kinsey, PhD, FAICP, PP for Fair Share Housing Center (hereafter, the "Kinsey Report"). Kinsey reported a prior round obligation of 93, a rehabilitation share of 53, and a third round obligation of 243 for a total of 389 affordable units (a 336 new construction obligation and a 53 unit rehabilitation share). During the course of mediation, the Township and Fair Share Housing Center agreed to settle on 170 units as the Township's third round obligation, a 30 percent reduction in the 243 units calculated by Dr. Kinsey.. This agreement reduced the Township's combined prior round and third round obligations to a total of 263 new units, with a 53 unit rehabilitation share.

## D. Municipal Options for Providing Affordable Housing

The Prior Round Rules allowed municipalities to address their affordable housing obligations through a variety of mechanisms. A municipality may meet its rehabilitation share either through a rehabilitation program or by creating new units, or both.

According to the New Jersey Supreme Court's March 10, 2015, decision (In re N.J.A.C. 5:96 and N.J.A.C. 5:97), a municipality may address its third round fair share obligation, through a combination of techniques, including, but not necessarily limited to: municipally sponsored construction, inclusionary zoning, alternative living arrangements, the creation of accessory apartments, age restricted housing, extensions of expiring affordability controls, rehabilitation of existing homes, and redevelopment.

The Court also allowed municipalities some discretion in proposing innovative affordable housing techniques that create a realistic opportunity for meeting the fair share obligation.

Clark Township will be using inclusionary zoning to provide affordable housing. It will also contribute to the purchase of group homes for the developmentally disabled. Clark will also create the Clark Home Improvement Program (CHIP). The CHIP was created by the Township to assist properties occupied by very low, low and moderate income households to correct all existing interior and exterior health, safety and code violations in conformity with current standards.

## E. Bonus Credits

Pursuant to Clark's settlement agreement with Fair Share Housing Center, the Township will be entitled to claim rental bonus credits for eligible rental units up to the amount of the rental obligation (25 percent of the fair share obligation), as provided at N.J.A.C. 5:93.

## F. Clark Township Affordable Housing History

Clark Township received first round substantive certification on September 4, 1991. Due to insufficient vacant land, the Township received a vacant land adjustment and established a realistic development potential (RDP) of 23 units. Clark addressed its 23-unit RDP in its first round through zoning for 42 affordable units on four sites determined to be suitable for that purpose. The Township revised its Ordinance to accommodate the newly created R-B District-Multi-family Residential, which required twenty (20) percent of the total development to be set aside for low and moderate income households. Clark Township's Planning Board adopted a housing element and fair share plan on September 2, 1997, which addressed its 12-year cumulative obligation. The Township filed the plan with COAH on September 4, 1997 but did not petition at that time. COAH received Clark's resolution of petition on August 23, 1999. Three days later, the Township published a notice in The Star Ledger. No objections were received by COAH. On March 28, 2000, COAH issued a report requesting additional information from the Township. Subsequently, the Planning Board adopted an amended housing element and fair share plan on February 12, 2001. The governing body approved a resolution endorsing the plan and re-petitioned COAH for substantive certification on March 1, 2001. The Township re-published a notice in The Star Ledger and, again, no objections were received by COAH.

The Planning Board adopted a third amendment to its housing plan on December 11, 2001 and re-petitioned COAH for substantive certification on December 17, 2001. On publishing a notice, COAH received two objections during the 45-day objection period. Mediation led to an agreement with Clark Developers to rezone Block 58/Lot 4 as an age-restricted affordable housing overlay zone permitting a maximum of 328 units with a 20 percent set aside for affordable housing. As a result of the agreement, the Planning Board adopted and amended the housing element and fair share plan for the fourth time on August 24, 2004. Clark re-petitioned on September 13, 2004, with the only changes being the inclusion of the age-restricted overlay zoning on the Clark Developers property and an increase in permitted density on Block 57/Lot 1.

The Planning Board had adopted a Housing Element and Fair Share Plan on March 12, 2009 addressing the prior round and third round fair share obligations, as they were understood to be at that time. Due to the failure of the Council on Affordable Housing to adopt valid third round Rules, this plan was never certified.

## G. Affordable Housing Sites

Clark Township has proposed ten sites for inclusionary zoning that would allow the development of high density multifamily housing in order to meet Clark's Fair Share Plan. The sites, along with specific details on how each site can be developed, have been identified in the chart titled - "Summary of Proposed Fair Share Plan." Each site has also been identified by a number which corresponds to the location on the map titled "Proposed Affordable Housing Sites." The chart and map are in the back of this document. No other sites were proposed by developers. The Township diligently reviewed all proposals and included them in the list below.

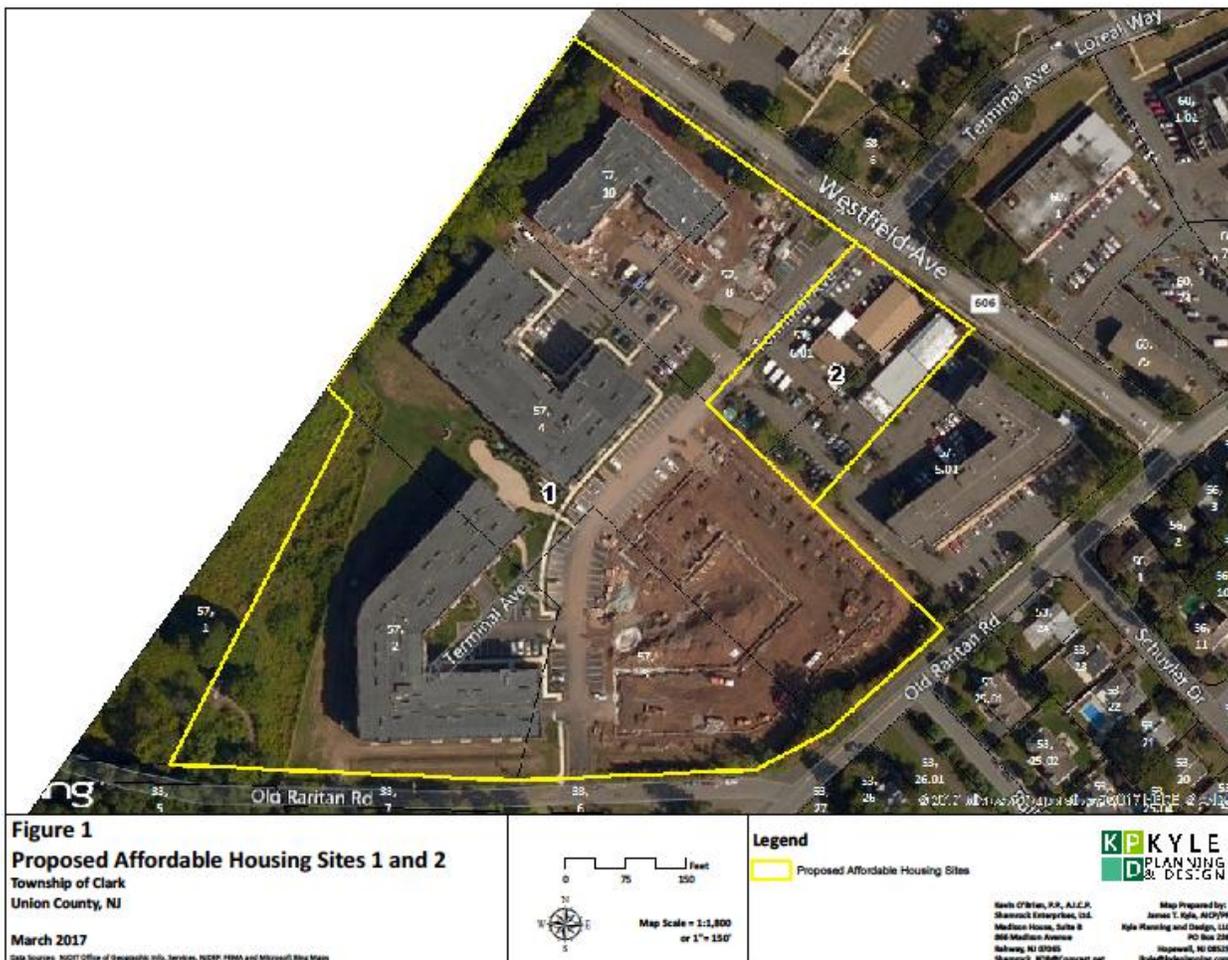
Below is a description of each of the ten sites, which are keyed to the number on the accompanying Township wide map and chart.

## 1. Woodcrest at Clark

This site is in the R-SH Age Restricted/Senior Housing Overlay. This is situated on Westfield Avenue at Terminal Avenue and has previously been called the Clark Developer's Site. This project consists of properties on Block 57, Lots 2, 3, 4, 8, and 10. The zone requires a 20% set aside for low and moderate income households of 55 years and over. The zone allows a density of 32 units an acre and has 328 units of age restricted housing, including 65 affordable units. Every unit is handicapped accessible.

## 2. Westfield and Terminal

The Westfield Avenue and Terminal Avenue site (Block 57 Lot 6.01) is one parcel between Woodcrest and the Clark Nursing Home. It is currently an industrial property. It will be included in the RB-20 zone, allowing a density of 20 units per acre. This would allow 23 total units, including 5 affordable units.



### 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. With .8 acres and a development density of 16 units per acre this site could accommodate 12 units including 2 affordable units. The site is one property away from the intersection of Madison Hill Road, with an intervening dentist's office. Another commercial building is on the western side, with single family homes to the rear.



#### 4. Westfield and Raritan

The Westfield and Raritan Site (Block 63, Lots 45, 47, 49, 51) has one vacant property, another with a vacant and uninhabitable home, both of which face Raritan Road. There is also a home facing Westfield Avenue. A bank is located on the corner of Raritan and Westfield, which is surrounded by the proposed site. The Westfield Avenue property could provide access from that street. If developed at 16 units per acre the 2.5 acre site could accommodate 40 housing units, including 6 affordable units. The 16 unit per acre density is justified by the surrounding commercial properties and the high traffic streets.



## 5. Schieferstein Site

The Schieferstein Site (Block 36, Lots 13, 14, 15) on Madison Hill Road between Rainbow Drive and Amelia Drive is 4.5 acres. It is currently zoned R-B Multi Family which allows 8 units per acre. Using a density of 16 units per acre the site would accommodate 72 units, including 11 affordable.



## 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 which has been razed. Several other buildings and uses currently exist: a vacant diner, an auto parts and repair facility, a residence used for the auto parts business, and a commercial building. If all of the properties at this 1.8 acre site were bundled together and redeveloped into housing, 58 housing units could be placed here including 9 affordable units. Density of 32 per acre would be appropriate given the commercial nature of Westfield Avenue and the nearby retail that would be supported by additional housing.

The higher density is also justified by allowing 4 story buildings, with retail and parking on the first floor, either residential or office uses on the second floor and residential uses on the third and fourth floors. All residential development shall be inclusionary (i.e., shall have an affordable housing set-aside requirement, as set forth in the Summary of Proposed Fair Share Plan).

## 7. A & P Site

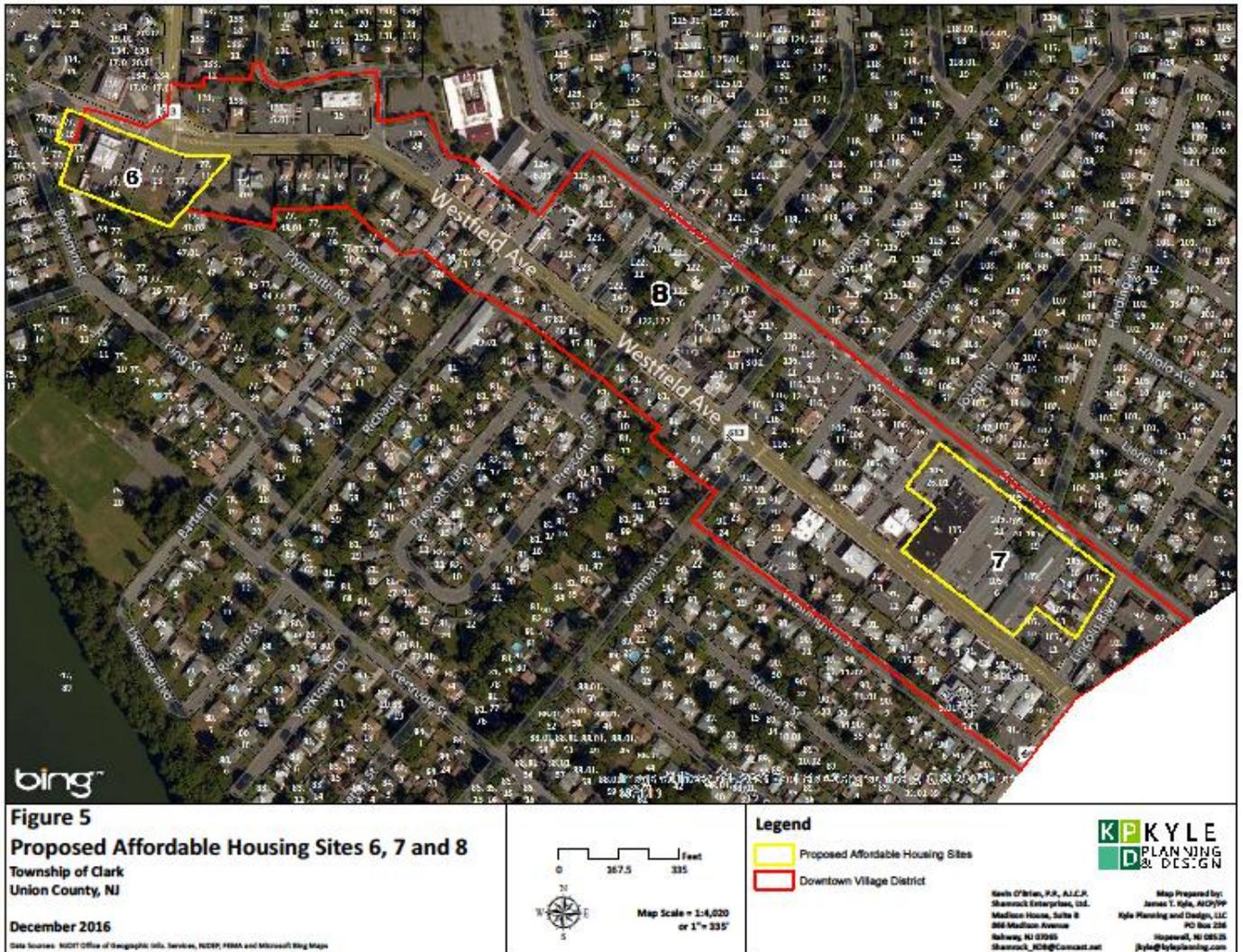
The former A & P site of 3.6 acres takes up an entire block at the south end of the DTV - Downtown Village Zone and the Westfield Avenue corridor near the border with the City of Rahway. The block has been improved with commercial and residential buildings. The residences are nonconforming in the DTV zone. Two very recent developments on this block include the new 7 - 11 convenience store at Westfield and Lincoln, and the newly renovated Investors Bank at Westfield and Joseph. These will be excluded from this site since they are recent and contribute to the Downtown Village. They will also support new housing and residents by providing needed services. The rest of the block will be placed in the affordable housing zone which would allow three stories of residential above one level of commercial and parking for a total of four stories, with a required 15 percent set aside, assuming that all of the affordable units will be rental units, and a permitted residential density of 32 units per acre. The density of 32 units an acre is justified by the downtown nature of the area and the wide extent of commercial buildings in the Westfield Avenue corridor. This block can accommodate 116 housing units, including 18 affordable. This site would also allow four story buildings, with first floor parking and retail, and second, third and fourth floor residential.

## 8. Downtown Village District

The DTV (Downtown Village) District is a zone district that runs along Westfield Avenue from Madison Hill west to beyond Brandt Avenue. The entire zone district of 20.9 acres will be an affordable housing zone that allows up to four stories, where 2.5 stories are currently allowed. This zone excludes the two large partly vacant sites discussed elsewhere - The Jack's Tavern site and the A & P site (sites 6 and 7 above).

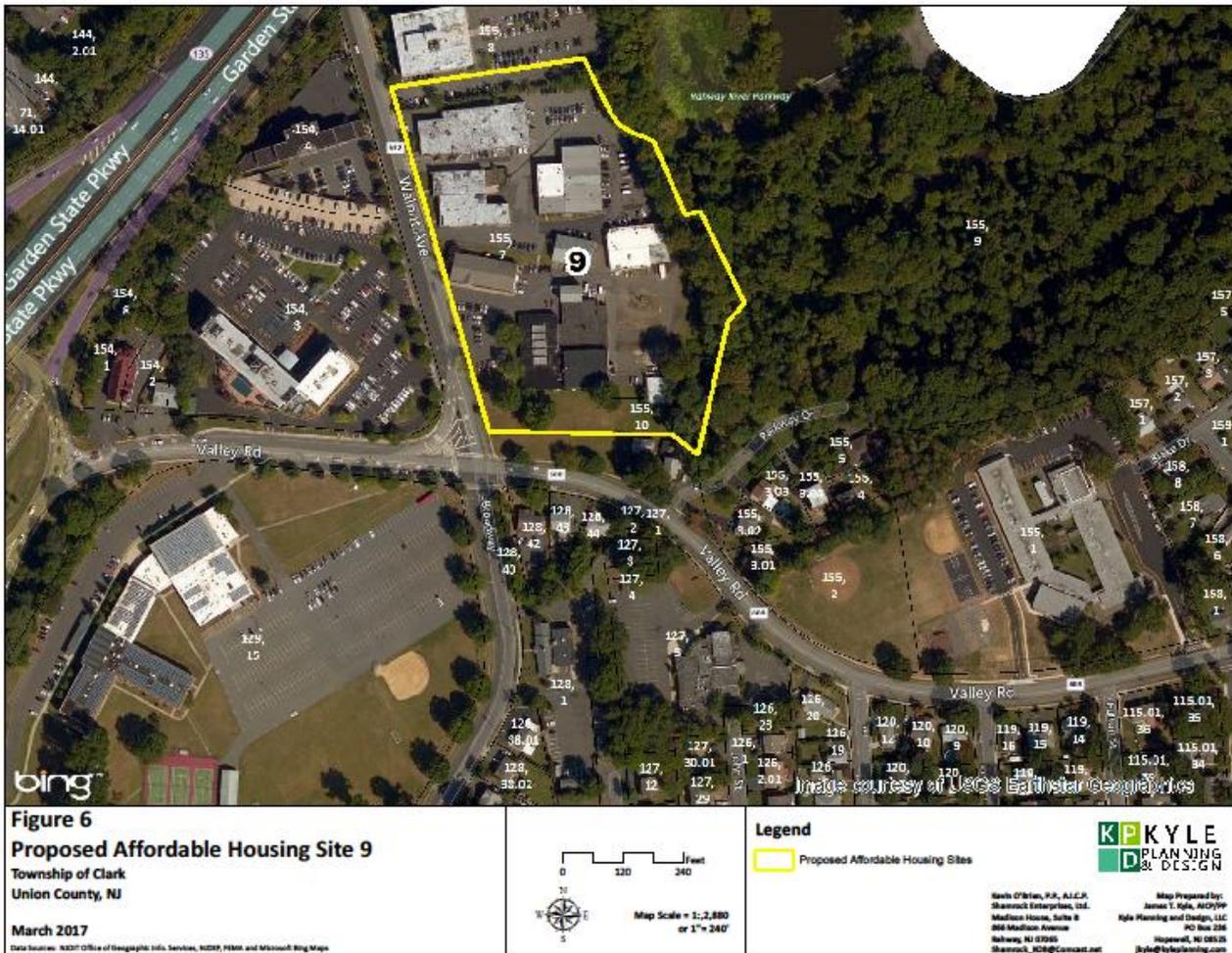
The DTV District will consist of retail and commercial first floors, with either commercial or residential second floors and residential third and fourth floors. All residential development will be inclusionary (i.e. require an affordable housing set-aside, as set forth in the Summary of Proposed Fair Share Plan). At 32 units to the acre, 668 total units, including 101 affordable units, could be built in this District.

Map of Sites 6, 7, and 8.



9. Walnut Site

The Walnut Site (Block 177 Lots 7, 10), an 8.26 acre site at the corner of Valley Road and Walnut Avenue will be zoned for inclusionary residential development at a density of 20 units per acre, yielding 168 housing units, of which 27 units will be affordable. The Walnut site is also known as the Evening Realty site, but will be referred to as the Walnut site in this and other Township documents.



## 10. Group Homes

Clark Township has a total of three group homes, all run by the Arc of Union County. Two of the three-bedroom group homes were counted in the prior round. One is located on Union County Parkway and the other on Oak Ridge Road. An additional three-bedroom group home has been opened recently.

Clark Township is proud of its continued partnership with the Arc of Union County and has had recent correspondence with the Arc concerning additional group homes. The Township will assist the Arc in providing up to three additional three-bedroom group homes within the Township.

This strategy will result in nine units of affordable housing plus nine rental bonuses.

## Clark Township -- Summary of Proposed Fair Share Plan

Prior Round Obligation	93										
Third Round Obligation Per Settlement	170										
<b>Total</b>	<b>263</b>										
Rental Obligation	66										
Maximum Rental Bonus	66										
Maximum Age-Restricted Housing	65										

Map #	Site Name	Block/Lot	Total Area (acres)	Proposed Density	Total Units	Setaside %	Total Affordable Units	Rental/ For Sale	Very Low Units	Very Low & Low Units	Moderate Units
1	Woodcrest at Clark (A/R) (1) (2)	57/2, 3, 4, 8, 10	11.36	32	328	20%	65	Rental	pre-2008	33	32
2	Westfield and Terminal	57/6.01	1.17	20	23	20%	5	Rental	1	3	2
3	Raritan Gas Station	34/25	0.8	16	12	15%	2	Rental	1	1	1
4	Westfield and Raritan (2)	63/45, 47, 49, 51	2.56	16	40	15%	6	Rental	1	3	3
5	Schieferstein Site	36/13, 14, 15	4.56	16	72	15%	11	Rental	1	6	5
6	Jack's Tavern (DTV)	77/11-15, 17, 18	1.84	32	58	15%	9	Rental	1	5	4
7	A&P Site (DTV) (2)	105/2, 6, 8, 13-16, 19-22, 26.01	3.65	32	116	15%	18	Rental	2	9	9
8	DTV (Downtown Village District) (2)	Entire District Excluding #6&7	20.9	32	668	15%	101	Rental	13	51	50
9	Walnut Site	155/7, 10	8.28	20	168	16%	27	Rental	4	14	13
	Group Homes	various			9		9	Rental	9	9	0
	<b>Rental Bonus Credits (see below)</b>	various					63				
	<b>Totals</b>				<b>1,494</b>		<b>316</b>		<b>33</b>	<b>134</b>	<b>119</b>

### Low and Moderate Income Split and Very Low Income Units

Minimum Low Income Units Required	127	Proposed	134
Maximum Moderate Income Units Required	126	Proposed	119
Minimum Very Low Income Units Required	33	Proposed	33
Total Very Low Income Units Constructed	9		
<b>Remaining Very Low Income Units to be Built</b>	<b>24</b>		

### Rental Bonus Credits

<b>Maximum Rental Bonus = 66</b>			
Site Name	Total Rental Bonus Credits	NOTES	
Group Homes	9		
Schieferstein Site	11		
Walnut Site	27		
Jack's Tavern	9		
Raritan Gas Station	2		
Westfield and Terminal	5		
<b>Total</b>	<b>63</b>	(1) Woodcrest at Clark contains 66 total affordable units, with 65 eligible for credit. (2) Excluded from calculation of Rental Bonus Credit	

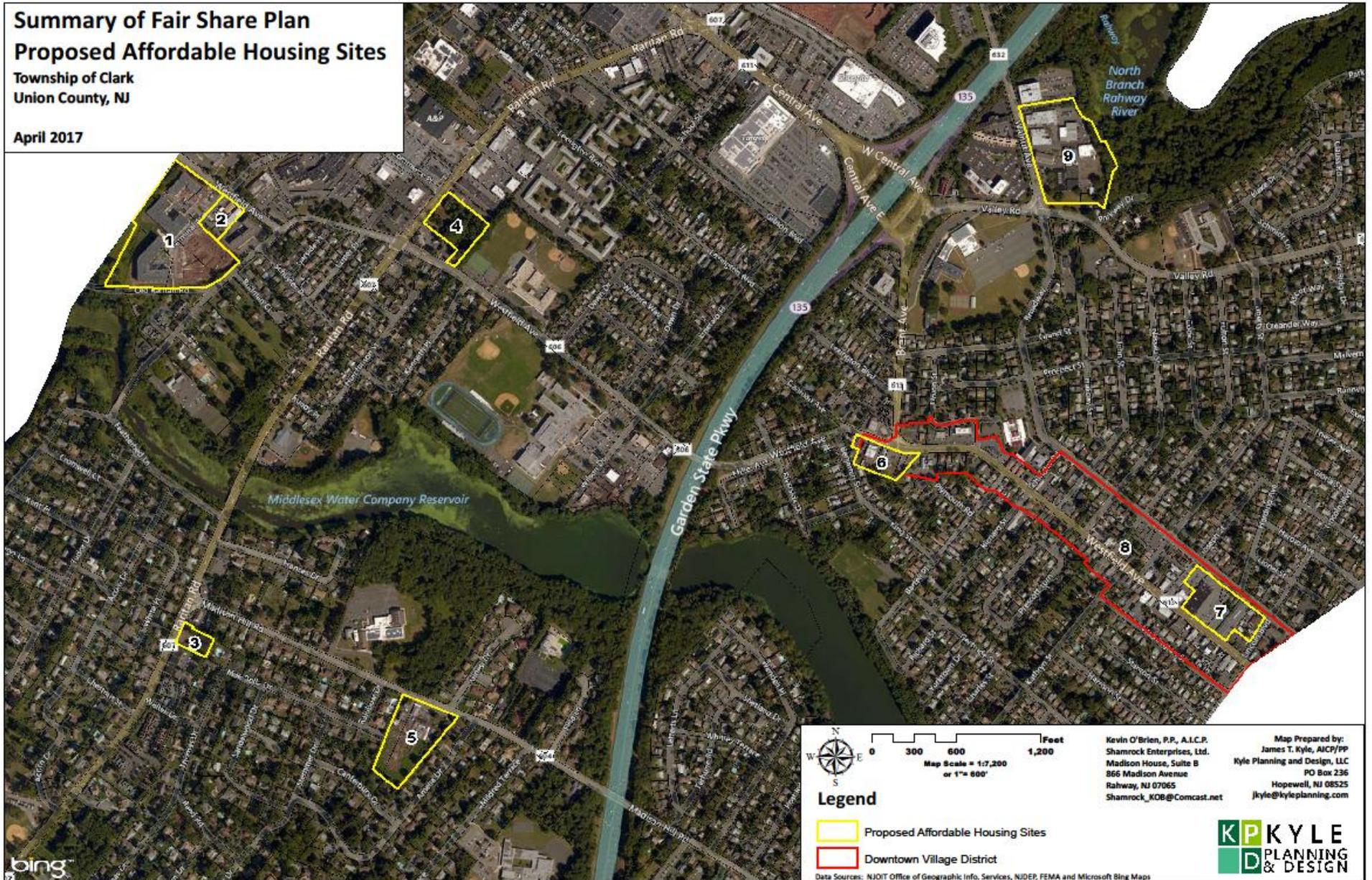
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Township of Clark Fair Share Plan, September 7, 2017

# Summary of Fair Share Plan Proposed Affordable Housing Sites

Township of Clark  
Union County, NJ

April 2017



Township of Clark Fair Share Plan, September 7, 2017

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**Fair Share Plan V12a 090117**