

**Township of Gloucester  
Planning Board Agenda  
February 25, 2020**

- 1) Call to Order
- 2) Salute to the Flag
- 3) Roll Call
- 4) Opening Statement
- 5) Swearing of Board Professionals
- 6) General Rules:
  - \*\* Meeting will start at 7:00 P.M.
  - \*\* No new applications will be heard after 10:00 P.M.
  - \*\* Meeting will adjourn at 11:00 P.M.
  - \*\* All persons testifying before the Board must be sworn in.
  - \*\* The Board Chairperson reserves the right to hear applications in any order.

**MINUTES FOR MEMORIALIZATION**

**Minutes for Memorialization –January 28, 2020**

**RESOLUTIONS FOR MEMORIALIZATION**

<b>#191060SPW</b>	<b>Site Plan Waiver</b>
<b>KMG New Jersey, LLC</b>	<b>Block: 12302 Lot: 1.07</b>

**MOTIONS FOR ADJOURNMENTS**

**NONE**

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**  
**(3 Minutes Per Person)**

**UNFINISHED OR ADJOURNED HEARINGS**

**None**

**NEW APPLICATIONS**

**#201005CR  
Camden County Capital  
Project Review Improvements  
To Timber Creek Park  
Remembrance & Hope  
Memorial**

**Courtesy Review  
Block: 8401 Lot: 8  
Location: Timber  
Creek along Chews-  
Landing Rd.  
Memorial for those  
Battle Addiction  
(Capital Improve-  
Project.**

**O-20-03 An Ordinance repealing and replacing  
Article X, Affordable Housing and Procedural and  
Eligibility Requirements of the Land Development  
Ordinance.**

**O-20-04 An Ordinance amending O-12-26, The  
Lakeland Complex Phase 1.**

**O-20-05 An Ordinance adopting a Redevelopment  
Plan for Blcok 12303, Lot 1, Lakeland Phase 2.**

**CORRESPONDENCE - OTHER BUSINESS**

**Meeting Adjourned**

**TOWNSHIP OF GLOUCESTER  
PLANNING BOARD**

**Tuesday January 28, 2020**

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Chair MacPherson calls meeting to order

Salute to the Flag.

Chair MacPherson requested an attendance Roll Call.

**Roll Call:**

<b>Mr. Dintino</b>	Absent
<b>Mr. Guevara</b>	Present
<b>Mr. Kricun</b>	Absent
<b>Mr. Hutchison</b>	Present
<b>Mrs. Bradley</b>	Absent
<b>Mrs. Rossi</b>	Absent
<b>Mr. Thomas</b>	Absent
<b>Mr. Hojnowski</b>	Present
<b>Ms. Botsford</b>	Present
<b>Mrs. Marks</b>	Present
<b>Chairperson MacPherson</b>	Present
<b>Mr. Boraske, Esq.</b>	Present
<b>Mr. DeRosa</b>	Present
<b>Mr. Lechner</b>	Present

Opening Statement made by Mr. Lechner.

Chair MacPherson announces the general rules of the meeting.

Chair MacPherson asked that the Board Professionals be Sworn In.

Mr. Boraske swears in Mr. DeRosa & Mr. Lechner

**Minutes for Memorialization**

Minutes from January 14, 2020.

Chair McPherson requests a motion to adopt the minutes.

Mr. Hutchison made the motion seconded by Mr. Guevara.

Chair MacPherson requested a roll call.

**Roll Call:**

<b>Mr. Guevara</b>	Yes
<b>Mr. Hutchison</b>	Yes
<b>Mr. Hojnowski</b>	Yes
<b>Ms. Botsford</b>	Yes
<b>Mrs. Marks</b>	Yes
<b>Chair MacPherson</b>	Yes

The January 14, 2020 Minutes were Memorialized.

**Resolutions for Memorialization**

NONE

**Motions for Adjournments**

NONE

**Public Comments on Non-Agenda Items**

Seeing No one present for comments Chair MacPherson moved to next section.

**Unfinished or Adjourned Hearings**

NONE

**New Applications for Review**

#201004C Review  
 Prefab Multipurpose Bldg.  
 For Sustainability &  
 Shared Services Facility

Courtesy Review  
 Block: 12303 Lot: 1  
 Location: 508 Lakeland Rd.  
 Blackwood, NJ 08012

**NOTES:**

Chair MacPherson introduced the Application.

Mr. Gregory Musco approached the podium who is a Civil Engineer representing Camden County Office of Sustainability. The project includes a 500 sq. ft. Pole Barn to include a Kitchen, Storage and Multipurpose room. The County operates three green houses on this property that supplements the Camden City and Camden County College pantries. As these programs grew, they noticed that they needed a place to prepare the food and storage until distribution or usage. The Freeholders agreed on a pole barn. This multi-purpose addition to the facility would allow the development educational opportunities with the addition of outdoor market and county events. These events would only be in the evening hours while outdoor events would occur only during warmer weather and at scheduled times.

All building air handling equipment would be housed in the attic with open air market in the buildings rear with the parking area in front and side of building.

After Mr. Musco's presentation Mr. Lechner explained that this is a courtesy review because construction is under Capital expenditures. No formal resolution is necessary or procedure is further warranted.

There were No other questions from Board members.  
 Chair MacPherson proceeded to the next review.

#191060SPW  
 KMG New Jersey, LLC.  
 Zoned: IN

Courtesy Review  
 Block: 12303 Lot: 1  
 Location: 508 Lakeland Rd.  
 Blackwood, NJ 08012

**NOTES:**

Chair MacPherson introduced the Application.

Ms. Emily Givens Esq. approached the podium representing the applicant KMG, LLC. They are requesting a site wavier for renovations to an existing structure formerly known a YES facility. The renovations are to fit the structure interior w/ residential semi-private accommodations with attached bathroom facilities. They will provide a full-service medical clinic and institutional pharmacy within the building along with on-premise full-service laundry and full-service commercial kitchen. Hours of operation will be 24/7, accepting patients as needed with three working shifts.

Ms. Givens stated they received the Board letters comments and agree to do all the improvements requested. Interior renovations are on-going with cleaning out before actual interior construction can begin. There will be 2 separate parking lots with one front lot and a second lot of 40 spaces where the basketball courts are currently on the building side.

Ms. Givens introduced Mr. Eric Littlehales from Consulting Engineers of Berlin who approached the podium and was sworn in. He stated he did a light intensity study at the site per Board Engineer. He explained the results commenting on dark areas especially in the parking lot. He will produce a lighting plan and plans to address other areas such as the sidewalk replacement, parking restriping and enclosed trash receptacle.

Mr. Lechner commented that the chain link fence during his inspection needs repair and there is no pedestrian access from the building to the courts. Ms. Givens stated the fence will be replaced per ordinance and they will look at correcting the walkway problem.

Chair MacPherson asked if there were questions from the board.

Seeing none Mr. Lechner commented that if the Board entertains the site plan waiver a condition must be met as to the agreed upon improvements of the sidewalks prior to the issuance of Certificate of Occupancy. Mr. Marks inquired of the parking count.

Ms. Givens stated that the basketball court was not included in the original parking space count and parking would be as stated on the front and sides of building not to exceed one parking space per three beds.

Chair MacPherson opened the meeting to the public but seeing none closed the public portion of the meeting.

Mr. Boraske announced the conditions of the approval.

Chair MacPherson asked for a motion to approve the application.

Mr. Hutchison made the motion seconded by Ms. Botsford.

Chair MacPherson asked for a roll call.

**Roll Call:**

<b>Mr. Guevara</b>	Yes
<b>Mr. Hutchison</b>	Yes
<b>Mrs. Bradley</b>	Yes
<b>Mr. Hojnowski</b>	Yes
<b>Ms. Botsford</b>	Yes
<b>Mrs. Marks</b>	Yes
<b>Chair MacPherson</b>	Yes

The application #191060SPW was approved unanimously.

**General Correspondence – Other Business**

NONE

Chair MacPherson asked for a motion to adjourn the meeting.

Ms. Botsford made the motion seconded by Mr. Hojnowski.

All were in favor.

Chair MacPherson adjourned the meeting.

Meeting Adjourned.

Recording Secretary,

Christopher Nowak

**A RESOLUTION OF THE GLOUCESTER TOWNSHIP PLANNING  
BOARD MEMORIALIZING APPROVAL OF SITE PLAN WAIVER  
FOR KMG NEW JERSEY, LLC  
APPLICATION NO.: 191060SPW**

**WHEREAS**, on January 28, 2020 consideration was given to the application of KMG New Jersey, LLC (hereinafter “Applicant”) for the property located at 410 Turnersville Rd, identified on the Tax Map for the Township of Gloucester as Block 12302, Lot 1.07 (hereinafter “the Property”) located within the Township’s Institutional (“IN”) District, for a Waiver of Site Plan Approval in accordance with the requirements of the Land Development Ordinance of the Township of Gloucester (hereinafter “LDO”); and

**WHEREAS**, Ms. Emily Givens, Esq., appeared on behalf of the Applicant and presented Mr. Erik Littlehales, PE, who was sworn in, accepted as an expert engineer, and provided testimony in favor of the Application; and

**WHEREAS**, Ms. Givens introduced the Application, identified the location of the Property, the requested relief, and summarized the proposed site plan waiver, explaining the Applicant seeks Site Plan Waiver approval to renovate the existing structure on the Property that was formerly known as a YES facility in order to open and operate an essential Residential Detoxification Treatment Facility; and

**WHEREAS**, Ms. Givens further represented and Mr. Littlehales testified as to the proposed site improvements and the Applicant’s reasons for the proposed improvements, explaining that the Applicant proposes interior renovations to the existing structure with residential semi-private accommodations with attached bathroom facilities; that the Applicant will provide a full-service medical clinic and institutional pharmacy building along with on-premises full-service laundry and a full-service commercial kitchen; that the existing chain link fence will be replaced; that various other site improvements will be made and other aspects of the Property cleaned up for the new proposed use; that the hours of operation will be 24 hours a day, 7 days a week as the Applicant will accept patients on an as-needed basis with three working shifts but that the lighting was reviewed via a light intensity study and will be designed in accordance with Township requirements, shielded, and otherwise not disruptive to neighboring properties once it has gotten dark outside; that there will be 2 separate parking lots with one front lot and a second lot with 40 spaces where basketball courts are currently located; and that the sidewalks and site walkways will be improved prior to issuance of certificate of occupancy; and

**WHEREAS**, the Board and Board Professionals questioned and discussed with the Applicant’s attorney and engineer several issues relating to the Property, including the location and proposed number of parking spaces, that will be increased from the original proposal because the basketball courts were not originally included in the parking space count; and

**WHEREAS**, the Applicant agreed to all comments and conditions expressed within the Board Engineer Stephen Bach, PE, RA, PP, CME January 16, 2020 Review Letter, to the extent not already addressed by the testimony of the Applicant; and

**WHEREAS**, the Applicant agreed to all comments and conditions expressed within Board Planner Kenneth Lechner, PP, AICP, January 9, 2020 Review Letter, to the extent not already addressed by the testimony of the Applicant; and

**WHEREAS**, the Board Applicant agreed, as conditions of approval, to: (1) improve and repair/replace sidewalk abutting the Property prior to issuance of a certificate of occupancy; and (2) comply with all comments and recommendations set forth in the Board Professionals' review letters; and

**WHEREAS**, the meeting was open to the public, and no members of the public appeared to testify; and

**WHEREAS**, the Planning Board having received reports from professionals and other advisors to the Board including, without limitation, the Zoning Officer, Board Engineer, Board Planner, County Planning Board, Traffic Commander, Fire Marshall, Tax Assessor, Water Department and Municipal Utilities Authorities and having heard testimony from the Board Planner and Board Engineer, makes the following factual findings and conclusions of law in approving the subject application for a site plan waiver:

1. The Applicant and owner of the Property is KMG New Jersey, LLC. The Property is 410 Turnersville Road, identified on the Tax Map for the Township of Gloucester as Block 12302, Lot 1.07. The Property is located in the IN District.
2. Requested Relief: Site Plan Waiver approval to renovate the existing structure on the Property in order to open and operate an essential Residential Detoxification Treatment Facility.
3. The proposed use of the Property as a residential detoxification treatment facility is a permitted use in the IN District. LDO § 419.D.
4. The Application does not require any variances or other waivers.
5. The Board Planner, Kenneth D. Lechner, PP, AICP, issued a report dated September January 9, 2020 incorporated by reference as if set forth fully herein, recommending certain revisions, clarification and/or modifications to the plans with which the Applicant agreed to comply unless otherwise outlined or modified further herein, or to the extent that they had not been addressed through testimony.
6. The Board Engineer, Steven M. Bach, PE, RA, PP, CME of Bach Associates, PC, issued a report dated January 16, 2020, incorporated by reference as if set forth fully herein, recommending certain revisions, clarification and/or modifications to



the plans with which the Applicant agreed to comply unless otherwise outlined or modified further herein, or to the extent that they had not been addressed through testimony

7. The Applicant agreed as a condition of approval to: (1) improve and repair/replace sidewalk abutting the Property prior to issuance of a certificate of occupancy; and (2) comply with all comments and recommendations set forth in the Board Professionals' review letters.
  
8. Pursuant to Township Code § 801.A(3), the Board determines that a site plan waiver is warranted because the proposed development and alteration does not affect the existing condition of the Property; the Applicant has presented sufficient evidence and information to allow the Board to determine the Application as proposed meets applicable Township Code requirements; and because the Property is suitable for the proposed improvements, the majority of which are interior renovation improvements, and the requested waiver of site plan review is reasonable under the above circumstances.

**NOW, THEREFORE BE IT RESOLVED**, after considering the foregoing facts, the Board further concludes that the Applicant has demonstrated that the Application will not have a deleterious effect upon the neighborhood, and has satisfied the standards necessary for approval and should therefore be approved subject to the specific and standard conditions stated herein and on the record; and

**WHEREAS**, a motion was duly made by Councilman Hutchinson and duly seconded by Ms. Botsford to **APPROVE** the Application as set forth above, and a roll call vote on the motion was recorded as follows:

Those Eligible to Vote
Those in Favor
Those Opposed

Those Eligible to Vote	Those in Favor	Those Opposed
Mr. Guevara	X	
Ms. Bradley	X	
Councilman Hutchinson	X	
Mr. Hojnowski	X	
Chairperson MacPherson	X	
Ms. Botsford	X	
Ms. Marks	X	

**IT IS FURTHER RESOLVED**, the above relief is subject to the following conditions:

1. The Applicant shall improve and repair/replace sidewalk abutting the Property prior to issuance of a certificate of occupancy.
  
2. The Applicant shall comply with all comments and recommendations set forth in the Board Professionals' review letters.

3. That the Application, all exhibits, testimony, map, and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant's request for approval. In the event that it is determined by the Board, on non-arbitrary, non-capricious and reasonable grounds, that the Application, exhibits, testimony, maps, and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the Applicant, the Board may review its approval and rehear the Application, if circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice.
4. Upon discovery by the Board of clear and convincing evidence of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, consistent with the MLUL and case law, including but not limited to a reconsideration of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate. In addition, at any time within 45 days after the adoption of this resolution, a party of interest may appeal to the Superior Court for an order vacating or modifying any term or condition as set forth herein.
5. The Applicant shall indemnify and hold the Township harmless from any Claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to N.J.S.A. 40:55D-12(c), and publication of the notice of public hearing in this matter in accordance with the law.
6. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed.
7. The Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required.

8. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer, and Planner.
9. The Applicant must pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the MLUL.
10. The Applicant assumes all risks should the Applicant fail to obtain any other construction or other municipal permits required with respect to the relief as granted herein during the statutory appeal period associated with the language of this resolution.
11. The Applicant must obtain any other construction or other municipal permits required with respect to the relief as granted herein.
12. The Applicant shall comply with all of the representations and stipulations as contained in the application and as represented through testimony in support of the application.

ATTEST:

GLOUCESTER TOWNSHIP  
PLANNING BOARD:

\_\_\_\_\_  
KENNETH LECHNER, SECRETARY

\_\_\_\_\_  
ANDREA MACPHERSON, CHAIRPERSON

### **CERTIFICATION**

I HEREBY CERTIFY that this resolution of memorialization being adopted by action of the Board on this 25th day of February 2020 represents a true and correct copy of a resolution adopted by the Gloucester Township Planning Board consistent with its decision at a meeting held on the 28th day of January 2020.

\_\_\_\_\_  
KENNETH LECHNER, SECRETARY

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)  
DAVID J. SAMUEL, PE, PP, CME  
JOHN J. STEFANI, PE, LS, PP, CME  
JAY B. CORNELL, PE, PP, CME  
MICHAEL J. McCLELLAND, PE, PP, CME  
GREGORY R. VALES, PE, PP, CME



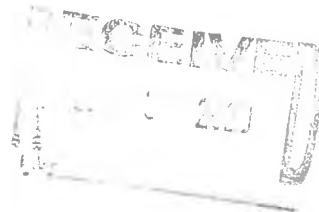
TIMOTHY W. GILLEN, PE, PP, CME  
BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME  
JOHN J. HESS, PE, PP, CME

January 28, 2020

Gloucester Township  
Department of Community Development & Planning  
1261 Chews Landing Road  
Laurel Springs, NJ 08021

Attn: Kenneth D. Lechner, PP, AICP, Director

**Re: Camden County Capital Project Review  
Improvements to Timber Creek Park  
Remembrance and Hope Memorial  
Block 8401, Lot 8  
City of Camden, Camden County, New Jersey**



Dear Mr. Lechner:

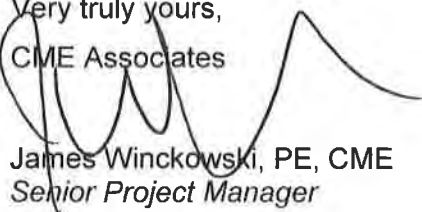
On behalf of the Camden County Parks Department and in accordance with NJSC40:55D-31, please find enclosed two (2) 24" x 36" and ten (10) 11" x 17" paper sets of construction plans for the above referenced project for review by the Gloucester Township Planning Board.

The capital improvement project involves the construction of a memorial for the those who have lost their battle to addiction. Improvements include the construction of a ribbon sculpture, freestanding ornamental wall, paver block walkways and a parking area, as well as, landscaping, lighting and drainage improvements. The project site is situated within Timber Creek Park located along Chews Landing Road (Camden County Route 683).

We respectfully request this matter be placed on an upcoming agenda for the Board's review and consideration. If possible, please email [jwinckowski@cmeusa1.com](mailto:jwinckowski@cmeusa1.com) any correspondence or information relative to a date this may be heard so we can schedule representation accordingly. We have also included a Zoning Permit application and one full size set of plans for consideration upon completion of the Planning Board courtesy review process.

We trust this is all the information you require at this time. Should you require any additional information, please do not hesitate to contact our office.

Very truly yours,  
CME Associates

  
James Winckowski, PE, CME  
Senior Project Manager

*Enclosures*

cc: Maggie McCann Johns, Director Camden County Parks Department

S:\Camden County\Project Files\CCM00209 01 - Timber Creek Park Memorial\Correspondence\2020-1-28 Capital Review Submission doc

**AN ORDINANCE REPEALING AND REPLACING ARTICLE 10. (X.) AFFORDABLE HOUSING PROCEDURAL AND ELIGIBILITY REQUIREMENTS OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS**

**BE IT ORDAINED**, by the Mayor and Council of the Township of Gloucester, Camden County, New Jersey, that Article 10 of the Code of the Township of Gloucester is hereby amended to include provisions addressing Gloucester's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, *et seq.*, as amended and supplemented, N.J.A.C. 5:80-26.1, *et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

The Gloucester Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, *et seq.* The Housing Element and Fair Share Plan has been endorsed by the Council. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, *et seq.*, as amended and supplemented, N.J.A.C.5:80-26.1, *et seq.* as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

**Section 1. Monitoring and Reporting Requirements**

The Township of Gloucester shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Housing Element and Fair Share Plan:

1. Beginning on June 8, 2019, and on every anniversary of that date through June 8, 2025, the Township shall provide annual reporting of its Affordable Housing 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, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
2. Beginning on June 8, 2019, and on every anniversary of that date through June 8, 2025, 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 COAH or any other forms endorsed by the Special Master and FSHC.
3. By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, 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 FSHC, 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.
4. By July 8, 2021, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including its family very low

income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income and family very low income housing obligations.

## **Section 2. Definitions**

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity designated by the Township to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

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

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

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

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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

“Assisted living residence” means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to

the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

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

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

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

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

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

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

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

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

### **Section 3. Applicability**

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

2. Moreover, this Ordinance shall apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units, and also including projects funded with Low Income Housing Tax Credits.

### **Section 4. Alternative Living Arrangements**

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

a. 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;

b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).



2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

3. 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.

**Section 5. Phasing Schedule for Inclusionary Zoning**

In inclusionary developments, the following schedule for the issuance of certificates of occupancy for the required affordable housing units relative to the issuance of certificates of occupancy for the permitted market units shall be followed:

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

**Section 6. New Construction**

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

a. 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 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low income units shall be counted as part of the required number of low income units within the development.

b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low-income units.

c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;

3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

d. 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. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2. Accessibility Requirements:

a. 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 and the following:

b. 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:

- 1) An adaptable toilet and bathing facility on the first floor; and
- 2) An adaptable kitchen on the first floor; and
- 3) An interior accessible route of travel on the first floor; and
- 4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and

6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, *et seq.*) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Gloucester has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

a) 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.

b) To this end, the builder of restricted units shall deposit funds within the Township of Gloucester's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

c) The funds deposited under paragraph 6)b) above shall be used by the Township of Gloucester for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

d) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township of Gloucester for the conversion of adaptable to accessible entrances.

e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free 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's Affordable Housing Trust Fund in care of the Township Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

f) 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.

### 3. Design:

a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

4. Maximum Rents and Sales Prices:

a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and using calculation procedures approved by the Court. Income limits for all units that are part of the Township's Housing Element and Fair Share Plan and for which income limits are not already established through a federal program exempted from the UHAC pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Township annually within 30 days of the publication of determinations of median income by the Department of Housing and Urban Development ("HUD") as follows:

1) Regional income limits shall be established for the region that the Township is located within based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

2) The income limits are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the fiscal year 2017, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

3) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)(3) shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

In establishing sale prices and rents of affordable housing units, the Township's administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established pursuant to the process defined above:

(a) The resale prices 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 determined pursuant to the above methodology. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

(b) The rent levels of very-low-, 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, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.

d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household;
- 3) A two-bedroom unit shall be affordable to a three-person household;
- 4) A three-bedroom unit shall be affordable to a four and one-half person household; and
- 5) A four-bedroom unit shall be affordable to a six-person household.

f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household; and
- 3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

g. 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 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

i. 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.

j. The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed nine percent 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.

#### **Section 7. Utilities**

1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

#### **Section 8. Occupancy Standards**

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sexes with separate bedrooms;
3. Provide separate bedrooms for parents and children; and
4. Prevent more than two persons from occupying a single bedroom.

#### **Section 9. Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

1. Control periods for newly constructed restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, except as modified by the terms of the settlement agreement between the Township of Gloucester and Fair Share Housing Center (FSHC), as said settlement agreement may be further amended and supplemented, and each newly constructed restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least fifty (50) years, until Gloucester takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, except as modified by the terms of the settlement agreement between the Township of Gloucester and Fair Share Housing Center (FSHC), as said settlement agreement may be further amended and supplemented.
2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

**Section 10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices**

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

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
4. 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 approved capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

**Section 11. Buyer Income Eligibility**

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Township Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.
3. 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.
4. 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 percent of the household's eligible monthly income.

**Section 12. Limitations on Indebtedness Secured by Ownership Unit; Subordination**

1. 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.
2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

### **Section 13. Capital Improvements To Ownership Units**

1. 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.

2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

### **Section 14. Control Periods for Restricted Rental Units**

1. Control periods for newly constructed restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, except as modified by the terms of the settlement agreement between the Township of Gloucester and Fair Share Housing Center (FSHC), as such settlement agreement may be further amended and supplemented, and each newly constructed restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least fifty (50) years, until Gloucester takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, except as modified by the terms of the settlement agreement between the Township of Gloucester and Fair Share Housing Center (FSHC), as such settlement agreement may be further amended and supplemented.

2. 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 Gloucester. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

- a. Sublease or assignment of the lease of the unit;
- b. 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.

### **Section 15. Rent Restrictions for Rental Units; Leases**

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

2. 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.

3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

4. 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 are restricted rental units in compliance with this Ordinance.

#### **Section 16. 100% Affordable Projects**

1. All 100% affordable projects, including projects funded through Low Income Housing Tax Credits, shall comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et. seq., except as modified by the terms of the settlement agreement executed between the Township of Gloucester and Fair Share Housing Center (FSHC), as such settlement agreement may be further amended and supplemented. All such projects shall be required to have an initial thirty (30) year affordability control period plus a fifteen (15) year extended use period.

#### **Section 17. Tenant Income Eligibility**

1. 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:

a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median household income by household size.

b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.

c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.

2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

c. The household is currently in substandard or overcrowded living conditions;

d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.



3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

#### **Section 18. Municipal Housing Liaison**

1. Section 18 of this ordinance creates the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Gloucester, including the following responsibilities which may not be contracted out to the Administrative Agent:

- a. Serving as Gloucester's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
- b. Monitoring the status of all restricted units in Gloucester's Fair Share Plan;
- c. Compiling, verifying, submitting and posting all monitoring reports as required by the Court and by this Ordinance;
- d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
- e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

2. The Township of Gloucester shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for overseeing the Township's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the Township's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). Gloucester shall adopt a Resolution appointing the person to fulfill the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

3. Subject to the approval of the Court, the Township of Gloucester shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Township in accordance with this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Township Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).

#### **Section 19. Administrative Agent**

An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. *The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.* The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

1. Affirmative Marketing:
  - a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Gloucester and the provisions of N.J.A.C. 5:80-26.15; and

b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

2. Household Certification:

a. Soliciting, scheduling, conducting and following up on interviews with interested households;

b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;

f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Gloucester when referring households for certification to affordable units; and

g. Notifying the following entities of the availability of affordable housing units in the Township of Gloucester: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Camden County and Southern Burlington County Branches of the NAACP, the Supportive Housing Association of New Jersey, and the New Jersey Housing Resource Center.

3. Affordability Controls:

a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Camden County Register of Deeds or Camden County Clerk's office after the termination of the affordability controls for each restricted unit;

d. Communicating with lenders regarding foreclosures; and

e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resales and Rerentals:

a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

b. Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.

5. Processing Requests from Unit Owners:

a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

c. Notifying the municipality of an owner's intent to sell a restricted unit; and

d. Making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement:

a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

c. Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;

d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and

f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.

7. Additional Responsibilities:

a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.

c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

**Section 20. Affirmative Marketing Requirements**

1. The Township of Gloucester shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

2. 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 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 marketing activities toward Housing Region 5 and is required to be followed throughout the period of restriction.

3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 5, comprised of Gloucester, Burlington, and Camden Counties.

4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Township of Gloucester shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

5. 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.

6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

9. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Gloucester, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Camden County and Southern Burlington County Branches of the NAACP, the Supportive Housing Association of New Jersey, and the New Jersey Housing Resource Center.

10. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

#### **Section 21. Enforcement of Affordable Housing Regulations**

1. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

1) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

2) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Gloucester Affordable Housing Trust Fund of the gross amount of rent illegally collected;

3) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.

1) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

2) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

3) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

6) 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.

**Section 22. Appeals**

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

**REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any Reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**EFFECTIVE DATE**

This Ordinance shall take effect upon passage and publication as provided by law.

Introduced: February 24, 2020

Adopted: Second Reading Public Hearing will be scheduled for March 9<sup>th</sup>, 2020 (Pending Introduction Approval)

\_\_\_\_\_  
Mayor  
David R. Mayer

\_\_\_\_\_  
President of Council  
Orlando Mercado

\_\_\_\_\_  
Township Clerk, RMC  
Nancy Power

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Mayor and Council at a meeting held on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Township Clerk, RMC  
Nancy Power

**NOTICE**

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Township of Gloucester held in the Municipal Building on the \_\_\_ day of \_\_\_\_\_, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the \_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_ P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

---

Nancy Power, R.M.C.  
Municipal Clerk





O-20-04

**ORDINANCE OF THE TOWNSHIP OF GLOUCESTER, COUNTY OF CAMDEN  
AND STATE OF NEW JERSEY AMENDING ORDINANCE O-12-26 ENTITLED  
THE LAKELAND COMPLEX PHASE 1(BLOCK 12301) REDEVELOPMENT  
PLAN IN ACCORDANCE WITH N.J.S.A. 40A:12A-1 ET SEQ., LOCAL  
REDEVELOPMENT AND HOUSING LAW.**

**BE IT ORDAINED**, by the Township Council of the Township of Gloucester, County of Camden, State of New Jersey, that Ordinance O-12-26 , known as the Lakeland Complex Phase I (Block 12301) Redevelopment Plan as prepared by the Camden County Improvement Authority on July 26, 2005 is hereby amended, as follows:

SECTION 1. That the Redevelopment Plan Land Use Element is hereby amended to add the following as paragraph four under the heading "Development/Design Standards":

"In accordance with the Gloucester Township Housing Element and Fair Share Plan and the Settlement Agreement with the Fair Share Housing Center, multi-family housing is a permitted and preferable use, in accordance with the development standards to permit senior mid-rise residential developments, as described on page 14 of the Lakeland Phase I Redevelopment Plan and within (SCR\_LL) Section 409.

SECTION 2. That the Redevelopment Plan Development/Design Standards section is hereby amended to add the following to Implementation Recommendations:

- "Permit Multi-Family Housing within Block 12301"

SECTION 3. That the Redevelopment Plan Senior Mid-Rise Design Standards section is hereby amended:

**"SENIOR/VETERANS/MULTI-FAMILY MID-RISE DESIGN STANDARDS**

All Phase 1 redevelopment area family mid-rise residential development shall be comply with the following requirements:

25 DU/acre with required 20% set-aside for low and moderate income families in accordance with the Township's Housing Element and Fair Share Plan."

SECTION 4. All ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection or part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of the ordinance.

SECTION 6. This Ordinance shall take effect immediately after final passage and publication as required by law.

Introduced: February 24, 2020

Adopted: Final Adoption and Public Hearing will be held on the 24<sup>th</sup> of February, 2020 (Pending Introduction Approval)

---

Mayor  
David R. Mayer

---

President of Council  
Orlando Mercado

---

Township Clerk, RMC  
Nancy Power

**ORDINANCE ADOPTING REDEVELOPMENT PLAN  
FOR ENTIRETY OF BLOCK 12302, Lot 1, LAKELAND PHASE 2**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "Redevelopment Law"), authorizes municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS**, the Township's Planning Consultant prepared a Redevelopment Plan for the entirety of BLOCK 12302, Lot 1; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, the Redevelopment Plan was referred to the Gloucester Township Planning Board ("Planning Board") for a consistency review with the master plan and to provide an opportunity for the Planning Board to make recommendations concerning any inconsistency with the master plan and concerning any other matters the Planning Board deems appropriate; and

**WHEREAS**, the Township Council has reviewed and considered the recommendations of the Planning Board regarding the proposed amendments to the Redevelopment Plan; and

**NOW, THEREFORE, BE IT ORDAINED, BY THE GLOUCESTER TOWNSHIP COUNCIL, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** The Redevelopment Plan for the entirety of BLOCK 12302, Lot 1 (the "Redevelopment Plan") is hereby adopted.

**Section 2.** The Redevelopment Plan meets the criteria, guidelines, and conditions set forth at N.J.S.A. 40A:12A-7 and is otherwise in conformance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

**Section 3.** The Redevelopment Plan is consistent with the Township of Gloucester's Master Plan or is designed to effectuate the Master Plan.

**Section 4.** The Redevelopment Plan shall constitute an overlay of existing zoning and the Official Zoning Map is hereby amended to reflect the overlay zone as set forth in the Redevelopment Plan.

**Section 5.** If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance except so far as the provision so declared invalid shall be severable from the remainder of the portion thereof.

**Section 6.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

**Section 7.** This Ordinance shall take effect immediately upon adoption and publication according to law.

Introduced: February 24, 2020

Adoption: Second Reading and Public Hearing will be held on the 9th of March (Pending Introduction Approval)

\_\_\_\_\_  
Mayor  
David R. Mayer

\_\_\_\_\_  
Township Clerk, RMC  
Nancy Power

\_\_\_\_\_  
President of Council  
Orlando Mercado

**LAKELAND COMPLEX PHASE 2 (BLOCK 12302, Lot 1)  
REDEVELOPMENT PLAN**

**Report to the Gloucester Township Council**

**As recommended by the Gloucester Township Planning Board on \_\_\_\_\_, 2020**

\_\_\_\_\_  
**Steven M. Bach , PE, RA, PP, CME**

\_\_\_\_\_  
**Candace A. Kanaplue, AICP, PP**

**The original of this document was signed and  
sealed in accordance with NJAC 13:41-1.3.b**



**304 White Horse Pike, Haddon Heights, NJ 08035  
(856) 546-8611 • Fax (856) 546-8612**

**LAKELAND COMPLEX PHASE 2 (BLOCK 12302, Lot 1)  
REDEVELOPMENT PLAN**

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## LAKELAND COMPLEX PHASE 2 (BLOCK 12302, Lot 1) REDEVELOPMENT PLAN

### **GOALS AND OBJECTIVES**

Because it assumed that the Camden County Health and Executive Campus (Lakeland Complex) would remain a government facility, the 1999 Gloucester Township Master Plan did not plan for any re-use of the area. The Township has zoned the entire complex for institutional use. As discussed in the redevelopment needs study, Camden County no longer requires most of the vacant land at Lakeland. It seeks to work with Gloucester Township to return the property to productive uses that will benefit the Township, County, and surrounding communities.

For this reason, the parties have agreed to proceed with a second phase redevelopment plan for Block 12302, Lot 2 at the northwest of the intersection of Barnsboro Road and Blackwood-Mt Pleasant Road. The tract on Block 12302 is an expansive area, with approximately 94.6 acres of developable vacant uplands. The tract contains wetlands, uplands, woodlands and is vacant. Camden County also has identified the wetlands system along the South Branch of the Big Timber Creek. Existing County facilities, single family and multi-family neighborhoods surround this tract, but major roads, creeks and vegetated wetlands buffer it from those areas.

The County and Township's mutual interests in the Phase 2 (Block 12302, Lot 1) redevelopment of the Lakeland Complex on Block 12302, Lot 1 can be summarized in the following goal:

***Redevelop Block 12302 Lot 1 of the Lakeland Complex for uses consistent with:***

- a. Local fair share housing goals,***
- b. local and regional land use and/or conservation management plans,***
- c. local area development patterns, and***
- d. smart growth planning principles.***

This redevelopment plan is composed of a series of elements and other provisions designed to implement these goals. Each of the elements contains individual objectives to be accomplished by a series of implementation recommendations.

### **Land Use Element Objectives:**

- Provide opportunities for infill development of uses that would complement existing County capital investments.

### **LAND USE ELEMENT**

The Camden County Health and Executive Campus (Lakeland Complex) and adjacent parts of Gloucester, Deptford and Washington townships are within the State Plan's Suburban (PA-2) Planning Area, which is designated to absorb most of the State's growth over the next twenty years. The area is characterized by existing and planned residential neighborhoods and automobile-oriented commercial and industrial centers. Because it is not located along any major highways, significant commercial and industrial redevelopment at the Lakeland Complex is not likely at this time. The preponderance of a variety of housing types in the Lakeland area indicates the general market preference for residential development. The Phase 1 Lakeland Complex currently contains Senior housing and the recent Housing Element and Fair Share Plan has slated the remaining 150 units to be built for Veterans Supportive Housing or multifamily apartments. A variety of housing types are needed within the Township to accommodate all needs of current and future residents. These dwelling types would include a mix of Single Family Homes, Townhouses and apartments. The area

## LAKELAND COMPLEX PHASE 2 (BLOCK 12302, Lot 1) REDEVELOPMENT PLAN

would provide families with a mix of housing types and would be inclusive of affordable housing mixed throughout the development. Phase 2 of the Lakeland Redevelopment would create an all-inclusive community of veterans, seniors and families, furthering Gloucester Township’s ability to provide housing for all types of residents.

The following chart summaries current and proposed uses in the redevelopment area.

Block	Lot	Acreage	Current Use	Proposed Uses	Owner
12302	1	180.4	Vacant cleared land, woodlands, uplands and forested wetlands. Misc building.	Inclusionary Single Family Detached dwellings, Townhouses and apartments.	COUNTY

### Pre-existing, non-conforming land uses and structures

Continuation of uses not identified as permitted principal, accessory or conditional uses, and the structures occupied by those uses, shall be allowed in accordance with the provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and other pertinent laws. Voluntary and forcible removal of those uses and structures, however, may be occur under the provisions of the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.), Eminent Domain Act (N.J.S.A. 20:3-1 et seq.), New Jersey Relocation Assistance Law (N.J.S.A. 52:31B-1 et seq.), New Jersey Relocation Assistance Act (N.J.S.A. 20:4-1 et seq.), etc.

Expansion of pre-existing, non-conforming uses, and the structures occupied by those uses is discouraged, as they are inconsistent with and detrimental to the land use policies in the adopted Township master plan and this Redevelopment Plan. However, the lawful use, improvement, sale and disposal of such properties shall not be prohibited. Continuation of the county’s statutory prerogative to continue its current operations at the Lakeland Complex shall not be adversely affected by the implementation of this redevelopment plan or the recommended Gloucester Township land development ordinance amendments.

### Development / Design Standards

Implementation of the redevelopment plan will require amendments to the existing Gloucester Township zoning district map and land development ordinance to delineate Block 12302 Lot 1 of the redevelopment area as the Lakeland Mixed Residential Inclusionary (LL-MRI) zoning district. The specific intent of this new zoning district is to provide a combination of housing types that are inclusionary, to implement Phase 2 of the Lakeland Complex redevelopment plan and to conform to the Housing Element and Fair Share Plan.

### Land Use Element Objectives:

- Provide opportunities for infill development of uses that would provide a variety of inclusive housing opportunities for low and moderate income families.

### Implementation Recommendations

- Amend the Land Use Ordinance to permit MRI-type uses in Block 12302, as described above.

## LAKELAND COMPLEX PHASE 2 (BLOCK 12302, Lot 1) REDEVELOPMENT PLAN

- Provide private sector incentives, if necessary, for redevelopment of MRI-type uses on Block 12302.

### STATUTORY REQUIREMENTS

#### 1. Relationship to Definite Local Objectives:

The purpose of the Phase 2 Redevelopment Plan is to address the Township's and County's Lakeland re-use objectives and other community development issues raised in Township's master plan and Housing Element and Fair Share Plan. The Phase 2 Redevelopment Plan, which focuses on redevelopment of the land in the northeast quadrant of the county property, is consistent with the Township's Master Plan, Fair Share Plan, as well as County smart growth objectives.

#### 2. Proposed Land Uses and Building Requirements:

The Phase 2 Redevelopment Plan identifies that the uses in Phase 2 shall be redeveloped to provide a mix of inclusionary housing opportunities that will include apartment, townhouse and single-family detached dwellings consistent with the Township's Fair Share Plan. This would occur while preserving the much of the woodlands and wetlands that are located on the property. The Phase 2 redevelopment plan would allow those permitted principal and accessory uses and structures, with the same densities and area, yard, height, building coverage and other general requirements, as describe on page 11 of this plan. Landscaping, buffering and other site improvement issues shall be addressed through the development review and approval process for individual redevelopment projects, in accordance with the Township's Land Development Ordinance.

These standards shall be used for the implementation of this Redevelopment Plan, and should be incorporated into the current Township Master Plan and Land Development Ordinance through their respective statutory amendment processes. Developments, including those requiring site plans and subdivisions, within the Redevelopment Area shall be governed by the respective Gloucester Township codes regarding such development. The land uses identified within this Redevelopment Plan shall be used as the Redevelopment Area's land use plan, until the Land Development Ordinance is amended to correlate with the Redevelopment Plan.

#### 3. Identification of Properties to be Acquired:

Implementation of this Lakeland Phase 2 Redevelopment Plan will not require the acquisition any property. The County owns the redevelopment area tract.

#### 4. Relocation Provisions

Because no properties will be acquired, The Redevelopment Entity does not need to provide any opportunity of relocation within the Township limits to the fullest extent of the New Jersey Relocation Assistance Law (N.J.S.A. 52:31B-1 et seq.) and the New Jersey Relocation Assistance Act (N.J.S.A. 20:4-1 et seq.).

#### 5. Relationship to the Municipal Land Use Law:

The Phase 2 Redevelopment Plan conforms to the general intent and scope of the Municipal Land Use Law. Redevelopment projects requiring site plan and subdivision approval by the Gloucester Township Planning Board or Zoning Board of Adjustment will



## **LAKELAND COMPLEX PHASE 2 (BLOCK 12302, Lot 1) REDEVELOPMENT PLAN**

be submitted to the Planning Board for review and approval, in accordance with the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12-1 et seq.). Those requiring County Planning Board approval will be submitted for their review and approval also.

The land use and development standards provided in the Redevelopment Plan are designed to be primarily consistent with those in the current Township Land Development Ordinance, however, they have been modified to allow sufficient flexibility for successful redevelopment within the Phase 2 Study Area Redevelopment Area. In cases where there is a difference between the standards in the Land Development Ordinance and those in the Redevelopment Plan, the uses and standards specified in the Redevelopment Plan shall supercede those in the ordinance. Uses identified as restricted and prohibited in the Township of Gloucester shall be restricted and prohibited in the Redevelopment Area, as well. In essence and fact, the uses and standards provided in this Redevelopment Plan shall be considered a new zoning district, the Lakeland Redevelopment Phase 2 Zoning District.

Expansion of pre-existing, non-conforming uses, and the structures in which they are located, is discouraged, as they are inconsistent with and detrimental to the land use policies in this Redevelopment Plan.

### **6. Gloucester Township Master Plan:**

The Phase 2 Redevelopment Plan has been developed from and is consistent with the Gloucester Township Master Plan, as updated and amended It has been designed to implement its recommendations.

## **LAKELAND COMPLEX PHASE 2 (BLOCK 12302, Lot 1) REDEVELOPMENT PLAN**

### **CONFORMANCE WITH OTHER PLANS**

The Phase 2 Redevelopment Plan is consistent with the Intent and Policy Objectives of the Suburban Planning Area (PA2) in the 2001 State Development and Redevelopment Plan (SDRP), as well as the preliminary 2004 SDRP. The Lakeland Phase 2 Redevelopment Plan supercedes the 1971 Camden County Future Land Use Plan, which indicates the area be dedicated for “services” commercial and industrial uses for this area. The County identified its Lakeland property for “services” thirty-three years ago to recognize its then existing institutional complex. The complex and the County’s institutional service delivery systems have changed markedly since that time, as indicated in the previously approved redevelopment needs study. The anticipated use has changed and the County no longer has a need for the subject area.

### **REDEVELOPMENT ENTITY AND REDEVELOPER(S)**

The Governing Body of the Township of Gloucester shall designate a Redevelopment Entity to implement this Lakeland Phase 2 Redevelopment Plan and undertake the redevelopment projects in the area designated by this plan as the Phase 2 Study Area Redevelopment Area. The Township anticipates that the Camden County Improvement Authority will be dedicated as the Redevelopment Entity.

When necessary for the implementation of this plan, the designated Redevelopment Entity shall enter into a contract(s) with a Redeveloper(s) for any construction or other improvements forming part of this Redevelopment Plan.

The Redeveloper shall agree to retain interest in the project until the completion of construction, development and/or improvements of the specific project. The Redeveloper shall agree not to lease, sell or transfer interest or any part thereof without written prior approval of the Redevelopment Entity.

### **GENERAL PROVISIONS**

The following general provisions shall apply to this Redevelopment Plan:

1. Land use provisions and building requirements for the Phase 2 Study Area Redevelopment Area are deemed necessary as minimum requirements in the interest of public health, safety and general welfare. They are intended to provide a frame of reference for physical development of the designated Redevelopment Area and as context for development in neighboring area. Developers and designated redevelopers (hereinafter Redevelopers) may be given flexibility in project planning and design, so long as building and other improvements reflect quality, permanence and physical integration through design elements and quality construction. The Township of Gloucester cannot anticipate every possible design or land use solution for the variety of issues involved in this Redevelopment Plan. Redevelopment proposals will be evaluated as to how they appropriately achieve the redevelopment goal and objectives of this plan, as outlined in this document
2. The Redevelopment Entity and the Township of Gloucester Planning Board, and its respective advisory committees, specifically reserve the right to review and approve a Redeveloper’s plans, pro forma / marketing analyses, construction documents and specifications, and other development application submission materials that it may deem necessary to

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determine a project's conformance to the Redevelopment Plan. Such a review also shall be based on submissions to both agencies of a site context plan locating the proposed project in the Redevelopment Area; a site plan; and building elevations. All design changes must be approved by both agencies, or their designees, prior to their execution.

3. As part of the final site plan approval process, the Planning Board may require a redeveloper to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53. Such performance guarantees shall be approved by the Township Engineer and Township Attorney. The amount of such performance guarantees shall be determined by the Township Engineer and shall be sufficient to assure completion of improvements within two years of final site plan approval.
4. Interim uses, such as surface parking lots, may be established, subject to finding by the Planning Board that such uses will not have an adverse effect upon existing or contemplated development during the interim use. The Planning Board will determine a time during which the interim use will be permitted. No interim use approval shall be granted for more than two years; extensions may be granted at the Planning Board's discretion for a maximum of two additional two-year periods.
5. Subdivision of lots and tax parcels within the Redevelopment Area shall be in accordance with the requirements of this plan and the Township's Subdivision Ordinance. Subdivisions or combinations of parcels that conflict with the proposed rights-of-way in the Redevelopment Plan's circulation element shall not be approved.
6. Redevelopers shall comply with the requirements of the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.).
7. No building shall be constructed over a right-of-way or utility easement in the Redevelopment Area without prior written approval of the Redevelopment Entity and the Township's Public Works and Code Enforcement offices.
8. Utility easements, when necessary, shall be provided by Redevelopers and approved by the Township's Public Works and Code Enforcement offices. Such easements shall be provided within seven working days after completion of project construction.
9. Any plans or plats approved by the Township of Gloucester, or its agencies and subsidiaries, prior to the adoption of this Redevelopment Plan shall not be subject to the requirements of this plan.
10. The Redevelopment Entity will agree to ensure compliance with Title VI of the Civil Rights Act of 1964, and Title VII as amended in March 1972, and with all the affirmative action requirements of the State of New Jersey, including those required by P.L. 1975 and other regulations issued by the State of New Jersey and the Township of Gloucester.

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### **PUBLIC IMPROVEMENTS**

Existing water, sewer and roadway facilities serving the Phase 2 Study Area Redevelopment Area will require upgrading to meet future needs. Such improvements, e.g., any future widening of or sidewalks along Barnsboro-Salina Road (Route 748) and Blackwood-Mount Pleasant Road (Route 749), should be provided by the redeveloper as part of the development review process. Redevelopers will be required to participate in on-site and off-tract infrastructure improvements for the Redevelopment Area, in proportion to the size of their projects. Additional water, sanitary sewer, and storm sewer planning issues will be addressed as part of a future Lakeland master plan process.

### **TYPES OF PROPOSED REDEVELOPMENT ACTIONS**

Upon adoption of the Phase 2 Redevelopment Plan, the Redevelopment Entity may proceed with the clearance, re-planning, development and redevelopment of the areas delineated in the plan. In order to undertake and effectuate the purposes of the Municipal Redevelopment and Housing Law and the Township Master Plan, the Redevelopment Entity may:

1. Undertake redevelopment projects, and for this purpose, issue bonds in accordance with provisions of Section 29 of P.L. 1992, C.29;
2. Form public-private partnerships for development of the Redevelopment Area;
3. Provide for public improvements necessary to support redevelopment;
4. Select Redevelopers to implement all or part of the projects for this Redevelopment Area, in accordance with this Redevelopment Plan and all applicable local, state and federal requirements;
5. Enter upon any buildings or property in the Redevelopment Area to conduct investigations or make surveys, soundings or test borings necessary to carry out the purposes of this plan;
6. Acquire by condemnation any land or building which is necessary for a redevelopment project, pursuant to the provisions of the Eminent Domain Act of 1971 (N.J.S.A. 20-3-1 et seq.);
7. Clear any owned or acquired area, and install, construct or reconstruct streets, facilities, utilities and site improvements essential to the preparation of sites for use in accordance with the Redevelopment Plan;
8. Prepare, or arrange by contract, for the provision of professional services and the preparation of plans by registered architects and landscape architects, licensed professional engineers or planners, or other consultants, to carry out redevelopment projects;

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9. Arrange, or contract with public agencies or Redevelopers, for re-planning, construction or undertaking of any project or redevelopment work, or any part thereof;
10. Negotiate and collect revenue from a Redeveloper to defray the costs of the Redevelopment Entity, including where applicable the costs incurred with bonds, notes or other obligations issued by the Redevelopment Entity, and to secure payment of such revenue as part of any such arrangement or contract;
11. Provide for extension of credit or making of loans to Redevelopers to finance any project or redevelopment work, or upon finding that the project or redevelopment work would not be undertaken but for the provision of financial assistance, provide as part of an arrangement or contract for capital grants to Redevelopers;
12. Arrange or contract with public agencies or Redevelopers, for the opening, grading or closing of streets, roads, roadways, alleys or other such place, or for the furnishing of facilities or for the acquisition by such agency of property options or property rights, or for furnishing of property or services in connection with this Redevelopment Plan;
13. Lease or convey property or improvements to any other party, without public bidding, and at such prices and upon such terms as it deems reasonable, provided that the lease of conveyance is made in conjunction with this Redevelopment Plan, notwithstanding the provisions of any law, rule or regulation to the contrary;
14. Arrange or contract with a public agency for relocation of residents or commerce displaced from or within the Redevelopment Area, pursuant to the Relocation Assistance Laws of 1967 (N.J.S.A. 52:31B-1 et seq.) and the Relocation Assistance Law of 1971 (N.J.S.A. 20:4-1 et seq.);
15. Make, consistent with this Redevelopment Plan, plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements; and plans for the enforcement of laws, codes and regulations relating to the use and occupancy of buildings and improvements, and the compulsory repair, rehabilitation, demolition or removal of buildings and improvements;
16. Publish and disseminate information concerning the Redevelopment Plan or any area or project noted within;
17. Improve vehicular and pedestrian circulation in the Redevelopment Area through roadway design and redesign, improved signal timing, signage and paving;
18. Improve the infrastructure and streetscape within the Redevelopment Area and on adjacent streets as redevelopment takes place;
19. Improve the condition of public park, trails and other spaces recreational purposes;

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20. Demolish acquired vacant structures that cannot be cost-effectively rehabilitated;
21. Develop and adopt design guidelines and a design review process that will govern all new development within the Redevelopment Area.

### **TIME LIMITS**

Redevelopers of specific projects within the Phase 2 Study Area Redevelopment Area shall begin the development of land and construction of improvements within a reasonable period of time to be determined in a contract between the Redevelopment Entity and its designated Redevelopers (N.J.S.A. 40A:12A-8(f)).

### **PROCEDURES FOR AMENDMENTS**

The Phase 2 Redevelopment Plan may be amended from time to time upon compliance with the appropriate sections of the Local Redevelopment and Housing Law (N.J.S.A. 40A-7). It is anticipated that this plan may be amended upon completion of Camden County's future Facilities Master Plan for the Lakeland Complex.

### **SUPERCEDENCE, REPEAL AND SEVERABILITY**

All ordinances or parts of ordinances inconsistent with the Phase 2 Redevelopment Plan are hereby repealed to the extent of such inconsistency only.

If any standards, control, objectives, land uses, permitted uses, and other restrictions and requirements called for in this Redevelopment Plan differ in content from provisions set forth in the Township of Gloucester Land Development Ordinance or other land development regulations, the provisions in this Redevelopment Plan, unless otherwise specified, shall prevail.

If any provision or regulation of this Redevelopment Plan shall be judged invalid by court or competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of the Redevelopment Plan and the governing body's redevelopment ordinance, which are hereby declared severable and shall remain in full force and effect.

### **MULTI-FAMILY MID-RISE DESIGN STANDARDS**

All Phase 2 redevelopment area multi-family mid-rise residential developments shall comply with the following requirements:

1. The maximum tract size for mid-rise residential developments shall be 20 acres.
2. Gross density shall not exceed 25 dwelling units per acre. 20% Affordable housing set aside is required.

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3. The maximum building height of a principal building shall be 6 stories and the minimum height shall be 3 stories, exclusive of elevator towers.
4. The minimum required front and side yard building setbacks of the mid-rise structure shall be 30 feet and shall be increased 10 feet for each additional story above 3 stories. In no case shall the minimum side or rear yard be less than 60 feet.
5. No mid-rise structure shall be closer than 120 feet to another mid-rise structure.
6. A maximum 65% of the total area of a mid-rise residential development may be covered by structures, paving, and/or any impervious surfaces.
7. At least 20% of the tract shall be common open space. The use of the common open space shall be limited to active and passive recreation or the preservation of natural vegetation and wildlife habitats. Open space adjacent to the structure shall be graded and seeded to provide a thick strand of grass or other ground cover material. All such landscaping and the provision of trees and shrubs shall comply with the standards set forth in this chapter. The Planning Board, in reviewing plans, shall determine that the landscaping plan is designed to optimize solar access and protect buildings from prevailing winter winds.
8. The maximum number of parking stalls per unit shall be in accordance with the New Jersey Residential Site Improvement Standards.
9. Parking may be permitted on the ground floor or below ground, provided it shall not be more than two levels below ground, and provided that, except for necessary driveways, no accessory parking garage or area shall be visible from any public street or road.
10. Buildings shall be located to front toward and relate to either a public street or public open space, both functionally and visually.
11. The siting of the building upon the tract shall be determined to afford maximum solar gain and minimum effects from prevailing winter winds and to assure that the siting does not result in the excessive blockage of solar access for adjoining properties and structures.

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12. All mid-rise structures shall incorporate energy conservation techniques and the utilization of alternative sources of energy to the maximum extent practical. The applicant shall submit an Energy Conservation Analysis and Report to the Planning Board for its review at the time of submitting the original application.
13. Service areas, loading docks, solid waste and recycling facilities and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations. All trash, garbage and recycling disposal facilities shall be properly screened by enclosures or buffering composed of suitable fencing, masonry walls or shrubbery at least six feet in height around the perimeter of the facilities. Fencing and walls shall not be more than 50% opaque on the vertical surfaces.
14. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be screened from view from the ground level of the public rights-of-way and adjacent properties, by using walls, fencing, roof elements, parapet walls, architectural enclosures, penthouse-type screening devices or landscaping.
15. All mid-rise structures shall include at least 1 elevator.
16. Provisions shall be made in any mid-rise structure to provide access for the handicapped residents.
17. Washing and drying facilities shall be provided within the multi-family principal structure in an amount equal to or greater than one washer and one dryer for each floor contained therein. All such facilities shall be placed in convenient locations for the use of the occupants.
18. All mid-rise structures shall be equipped with security systems designed to prevent unwanted or unauthorized intrusion of the building, unless 24 hours doorman services is to be provided. The security system shall permit two-way communication between each apartment unit and the entrance area to provide residents with a means of identifying persons wishing to gain admittance.
19. Any mid-rise residential development shall provide community areas and recreational facilities to meet the social service needs of the residents within the development. The design and maintenance of any community areas and recreational facilities shall be the responsibility of the developer.
20. Pedestrian walks shall be provided wherever normal pedestrian traffic will occur. Pedestrian walks shall be hard-surfaced in accordance with the controlling specifications and standards.



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21. There shall be a minimum storage area in each building for bicycles, carriages, furniture, and similar incidental equipment of items, equal to 70 square feet in area by a minimum of seven feet in height per multifamily apartment unit.
22. All installations of utilities shall be underground and all residential developments shall have public sewerage facilities and water supply available prior to development or made available by the developer.
23. All developments shall provide sufficient illumination of the streets, roads, access drives, parking areas, dwelling entrances and pedestrian walks. The site lighting plan shall be subject to the review and approval of the Planning Board.
24. Buildings and structures (including infrastructure) shall be designed to relate to the human scale, using modular elements (such as doors and windows), facade treatments and design details to display a variety of sizes, from large to small.

### **TOWNHOUSE DESIGN STANDARDS**

All Phase 2 redevelopment area townhouse residential developments shall comply with the following requirements:

1. The maximum tract size for townhouse residential developments shall be 48 acres.
2. Gross density shall not exceed 8 dwelling units per acre. 20% Affordable housing set aside is required.
3. The maximum building height of a principal building shall be 3 stories and the minimum height shall be 2 stories.
4. The minimum required front and side yard building setbacks of the townhouse structure shall be 30 feet. In no case shall the minimum side or rear yard be less than 60 feet.
5. No townhouse structure shall be closer than 120 feet to another mid-rise structure.
6. The maximum number of townhouses shall be 8 and the minimum shall be 4 townhouses linked together.
7. A maximum 65% of the total area of a townhouse residential development may be covered by structures, paving, and/or any impervious surfaces.

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8. At least 20% of the tract shall be common open space. The use of the common open space shall be limited to active and passive recreation or the preservation of natural vegetation and wildlife habitats. Open space adjacent to the structure shall be graded and seeded to provide a thick strand of grass or other ground cover material. All such landscaping and the provision of trees and shrubs shall comply with the standards set forth in this chapter. The Planning Board, in reviewing plans, shall determine that the landscaping plan is designed to optimize solar access and protect buildings from prevailing winter winds.
9. The maximum number of parking stalls per unit shall be in accordance with the New Jersey Residential Site Improvement Standards.
10. Buildings shall be located to front toward and relate to either a public street or public open space, both functionally and visually.
11. The siting of the building upon the tract shall be determined to afford maximum solar gain and minimum effects from prevailing winter winds and to assure that the siting does not result in the excessive blockage of solar access for adjoining properties and structures.
12. All structures shall incorporate energy conservation techniques and the utilization of alternative sources of energy to the maximum extent practical. The applicant shall submit an Energy Conservation Analysis and Report to the Planning Board for its review at the time of submitting the original application.
13. Solid waste and recycling facilities and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations. All trash, garbage and recycling disposal facilities shall be properly screened by enclosures or buffering composed of suitable fencing, masonry walls or shrubbery at least six feet in height around the perimeter of the facilities. Fencing and walls shall not be more than 50% opaque on the vertical surfaces.
14. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be screened from view from the ground level of the public rights-of-way and adjacent properties, by using walls, fencing, roof elements, parapet walls, architectural enclosures, penthouse-type screening devices or landscaping.
15. Any townhouse residential development shall provide community areas and recreational facilities to meet the social service needs of the residents within the development. The design and maintenance of any community areas and recreational facilities shall be the responsibility of the developer.

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16. Pedestrian walks shall be provided wherever normal pedestrian traffic will occur. Pedestrian walks shall be hard-surfaced in accordance with the controlling specifications and standards.
17. All installations of utilities shall be underground and all residential developments shall have public sewerage facilities and water supply available prior to development or made available by the developer.
18. All developments shall provide sufficient illumination of the streets, roads, access drives, parking areas, dwelling entrances and pedestrian walks. The site lighting plan shall be subject to the review and approval of the Planning Board.
19. Buildings and structures (including infrastructure) shall be designed to relate to the human scale, using modular elements (such as doors and windows), facade treatments and design details to display a variety of sizes, from large to small.

### **SINGLE FAMILY RESIDENTIAL DWELLING DESIGN STANDARDS**

All Phase 2 redevelopment area single family detached residential developments shall comply with the following requirements:

1. The maximum tract size for single family detached residential developments shall be 25 acres.
2. Gross density shall not exceed 4 dwelling units per acre. No Affordable housing set aside is required; however, the Affordable Housing Development Fee in accordance with Township Code will be required.
3. The maximum building height of a principal building shall be 3 stories.
4. The minimum required front and rear yard set back shall be 30 feet. Side yard building setbacks shall be 10 feet, 30 feet aggregate.
5. A maximum 65% of the total area of a single family lot may be covered by structures, paving, and/or any impervious surfaces.
6. The maximum number of parking per unit shall be in accordance with the New Jersey Residential Site Improvement Standards.