

TOWNSHIP COMMITTEE MEETING
July 11, 2016

The Township Committee Meeting of the Township of Cranbury was held at 6:30 p.m. in the Town Hall Meeting Room. Answering present to the roll call were Township Committee members: Dave Cook, Glenn Johnson, and Jay Taylor. Susan Goetz and Mayor Dan Mulligan were absent. Also present were Richard Preiss, P.P., Township Planner; Denise Marabello, Township Administrator/Director of Finance; and Kathleen R. Cunningham, Municipal Clerk/Assistant Administrator. Deputy Mayor Johnson led in the salute to the flag, and Ms. Cunningham gave the following Open Public Meetings Act statement:

In accordance with Section 5 of the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided:

- (1) Posted on December 1, 2015 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.
- (2) Communicated to the Cranbury Press, Home News Tribune and Trenton Times on December 1, 2015.
- (3) Filed on December 1, 2015 at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey, posted on the Township's web site and remains on file for public inspection.
- (4) Sent to those individuals who have requested personal notice.
- (5) Notice of time change was sent to the Cranbury Press, Home News Tribune and Trenton Times, posted on the Township's website and bulletin board on July 5, 2016

Work Session

(a) Discussion of expanded permitted use for the HC and GC Zones

Mr. Richard Preiss, Township Planner, discussed the draft of expanded permitted uses for the HC and GC Zones in the Township. The draft was the result of a series of meetings, spearheaded by Mr. Johnson, who felt that the Route 130 Corridor, and in particular Highway Commercial Zone, was too restrictive despite the changes previously made to the List of Permitted Uses. Mr. Preiss explained expanding the permitted uses could stimulate growth and ratables. He stated there were also suggestions on what uses should be permitted in General Commercial Zone. He stated it was decided that all the uses permitted in Highway Commercial would be permitted in General Commercial. Mr. Preiss stated there are already some restrictions that are conditional uses in Highway Commercial that will continue to be conditional uses. Mr. Preiss stated there is also a list of prohibited uses in the draft.

Concerning the section of the draft dealing with gas stations and convenience stores, Deputy Mayor Johnson inquired about the space limitation of 6,000 square feet and asked about the size those types of businesses usually run. Mr. Preiss explained these are the standards presently existing in the General Commercial Zone. He stated what he has seen in convenience stores with gas stations are slightly under 5,000 square feet. There was additional discussion about various standards and if variances would be required as a result of the restrictions. Mr. Preiss stated the Township Committee can change any of the standards.

Mr. Cook stated he felt it the changes are a step in the right direction to make the Route 130 Corridor more interesting for ratables. Mr. Taylor commended Mr. Johnson on the list and inquired if any thought was given to prohibiting bars, like the "go-go" bar that existed years ago. It was clarified that bar was actually in South Brunswick; however, Deputy Mayor

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Work Session

(a) Discussion of expanded permitted use for the HC and GC Zones (cont'd.)

Johnson clarified it would be difficult to get a liquor license. It was agreed that go-go bars could be added to the list of prohibited uses. Mr. Taylor inquired if it would be possible to add houses of worship to the list of prohibited uses so that the Township would not lose the ratables out on Route 130. Mr. Preiss cautioned about restricting houses of worship. He stated it can be done; however, the Township opens itself to challenges since a house of worship ranks very high on the scale of beneficial uses. There was discussion about prohibiting houses of worship and the challenges and damages the Township could face. Ms. Marabello suggested reaching out to the Township Attorney, stating it could be done but it also could be challenged. Mr. Preiss stated assisted-living facility has been added to the list. Mr. Taylor stated last year the Zoning Board received an application for an out-patient drug rehab facility, and inquired if that type of facility would be a permitted use under No. 36 on the draft. Mr. Preiss stated he could see no reason why it would not be permitted. Mr. Johnson stated he will follow up on that use and others in question. Mr. Preiss stated the draft contains the wording, "the following uses, and those which are substantially similar," which gives the Zoning Officer discretion on uses.

Deputy Mayor Johnson opened the discussion to the public. Mr. Richard Kallan, Wynnewood Drive, asked for a definition of "fast food" and asked why a McDonald's would not be permitted while another drive-through business is being allowed. Mr. Preiss explained a drive-through coffee shop is being permitted but not fast food. Mr. Kallan stated a Dunkin Donuts with two drive-in lanes is being permitted and stated he believes some clarification is needed on "fast food." Mr. Kallan asked what happens if a use is not on the permitted or prohibited lists. Mr. Preiss stated if a use is not listed, but is "substantially similar" to a use on the list, the Zoning Officer has the discretion to decide. Mr. Kallan inquired why one person (Zoning Officer) and not more people (Zoning Board) would make that determination. Mr. Preiss clarified that the Zoning Officer is the professional and the gatekeeper to the initial decision. He stated that decision can be appealed to the Zoning Board or the Zoning Board can make interpretation. Mr. Preiss stated that applies to the State and not just Cranbury. There was discussion about tattoo parlors, and Mr. Preiss stated tattoo parlors today are more main stream and there are health regulations. He stated a community can decide if tattoo parlors are a permitted use. Mr. Kallan inquired if a use was not on the permitted use list and an applicant applied for that use, would it be accepted. Deputy Mayor Johnson stated an applicant would have to apply for a use variance and defend their case before the Zoning Board. Mr. Cook stated the list gives Cranbury an ability to have a discussion or negotiation based on the use.

Mr. Richard Goldman, Esq. of Drinker Biddle, stated he has a client on South River Road, which converts hotels into assisted living facilities. He explained they combine assisted living facilities with "memory care centers," a day facility for seniors with memory issues. He stated it would be an out-patient medical facility. He stated he would like to have discussions with Mr. Preiss concerning converting an existing building that may not comply with the current standards and if relief could be applied for. He stated it is not easy to apply for variances. Mr. Goldman reported his client is working on the site plan now and he would like to share that with Mr. Preiss. Mr. Goldman stated they did a quick tax analysis, and stated the tax ratable to the Township would probably quadruple. The Township Committee thanked Mr. Goldman. Having no additional comments from the public, Deputy Mayor Johnson proceeded with the Agenda.

Township Committee Minutes of June 27, 2016

On motion by Mr. Taylor, seconded by Mr. Cook and unanimously carried (with Ms. Goetz and Mayor Mulligan being absent), the Township Committee Minutes of June 27, 2016 were adopted.

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Closed Session Minutes of June 27, 2016

On motion by Mr. Taylor, seconded by Mr. Cook and unanimously carried (with Ms. Goetz and Mayor Mulligan being absent), the Closed Session Minutes of June 27, 2016 were adopted.

Reports and Communications

--Members of Committee

--Deputy Mayor Johnson

Deputy Mayor Johnson reported he attended a Zoning Subcommittee Meeting and the assisted living facility was discussed. He reported he attended the Development Review Committee Meeting and stated a large framing business is looking to build a headquarters just east of the Police Headquarters. He reported he met with Mayor Mulligan and Ms. Marabello concerning a personnel issue.

--Mr. Cook

Mr. Cook reported work will be done shortly on the fountain by Brainerd Lake. He reported the permitting process is moving forward on the edge of Brainerd Lake. Concerning the Plainsboro Road storm water management issue, Mr. Bill Tanner, Township Engineer is trying to obtain a cost for the jet vac. Ms. Marabello stated East Windsor is not able to do it because the lines are too large so Mr. Tanner will obtain an estimate from a private contractor.

--Mr. Taylor

Mr. Taylor thanked the Public Works Department for the July 5th fireworks. He reported the fireworks continued even as people were leaving and stated he was not sure if the sequencing was off.

Reports and Communications

--Mayor

Mayor Mulligan was absent.

Reports and Communications

--Subcommittees

There were no reports from Subcommittees.

Reports and Communications

--Department Heads

There were no reports from Departments

Follow-up Items

Ms. Marabello reported Mr. Bill Tanner, Township Engineer, is preparing a budget for additional work to address the drainage issues on Plainsboro Road. Ms. Marabello inquired if the Township Committee is agreeable to the \$5,000 cost of assessing the problem (survey work, jet vac, etc.) to allow Mr. Tanner to move forward. The Township Committee agreed to get the project moving along.

Agenda Additions/Changes

Ms. Cunningham reported there were no additions or changes.

Public Comment - For Agenda Items

Deputy Mayor Johnson opened the meeting to public questions and comments for items on the Agenda. There being no comments, he closed the public portion of the meeting.

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Ordinances
First Reading

CRANBURY TOWNSHIP ORDINANCE # 07-16-11

An Ordinance entitled, Cranbury Township Ordinance # 07-16-11, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY AMENDING CHAPTER 44 "AFFORDABLE HOUSING" OF THE CODE OF THE TOWNSHIP OF CRANBURY TO ADDRESS THE REQUIREMENTS OF THE NJ SUPERIOR COURT" was introduced for first reading. On motion by Mr. Taylor, seconded by Mr. Cook, the Ordinance was passed on first reading by vote:

| | |
|------------------------------------|---|
| Ayes: (Cook (Johnson (Taylor | Abstain: (None Absent: (Goetz (Mulligan |
|------------------------------------|---|

Nays: (None

Public Hearing: July 25, 2016 at 7:00 p.m.

WHEREAS, the New Jersey Council on Affordable Housing ("COAH") has promulgated rules, set forth at N.J.A.C. 5:93 and 5:91, concerning the substantive and procedural requirements for obtaining third round substantive certification of the Township's Housing Element and Fair Share Plan; and

WHEREAS, on March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mt. Laurel trial judges within the Superior Court; and

WHEREAS, on July 7, 2015, the Township submitted a Declaratory Judgment Action to NJ Superior Court; and

WHEREAS, on April 7, 2016, the Township adopted a revised third round Housing Element and Fair Share Plan; and

WHEREAS, on April 18, 2016, the NJ Superior Court granted the Township a preliminary Judgment of Compliance and Repose for the third round; and

WHEREAS, as part of its review and grant of the Township's petition for a Judgment of Compliance and Repose, the Superior Court requires that the Township's affordable housing ordinances be updated and brought into compliance with its current rules.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, County of Middlesex and State of New Jersey, that the "Code of the Township of Cranbury" ("Code") is hereby amended as follows:

Section 1. Chapter 44, entitled "Affordable Housing," Deleted and Replaced. Chapter 44 "Affordable Housing" of the Code is hereby deleted in its entirety and replaced with a new Chapter 44 "Affordable Housing," which shall read as follows:

CRANBURY TOWNSHIP ORDINANCE # 07-16-11
(Continued)

Chapter 44
AFFORDABLE HOUSING

ARTICLE I
General Program Purposes, Procedures

§ 44-1. Affordable Housing Obligation.

- A. This section of the Township Code sets forth regulations regarding the low and moderate income housing units in the Township consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing", N.J.A.C. 5:93 et seq., the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq., and the Township's constitutional obligation to provide a fair share of affordable housing for low and moderate income households. In addition, this section applies requirements for very low income housing as established in P.L. 2008, c.46 (the "Roberts Bill").
- B. This Ordinance is intended to assure that very-low, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low, low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- C. The Cranbury 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 Plan has also been endorsed by the Township Committee of the Township of Cranbury. The Fair Share Plan describes the ways the Township shall address its fair share for low- and moderate-income housing as determined by the Superior Court and documented in the Housing Element.
- D. This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, as may be amended and supplemented.
- E. The Township shall file monitoring reports with the Superior Court and place the reports on its municipal website.. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by the Special Master in accordance with N.J.A.C. 5:91 shall be available to the public at the Cranbury Township Municipal Building, 23-A North Main Street, Cranbury, New Jersey.

§ 44-2. Definitions. As used herein the following terms shall have the following meanings:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same

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site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

“Act” 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 responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:91N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

“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 restricted units in an affordable housing development are affordable to low- and moderate-income households.

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

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable 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, credited pursuant to N.J.A.C. 5:93, 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

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

"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 arrangement includes, but is not limited to: transitional facilities for the homeless, Class A,B,C,D, and E boarding homes as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

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

"Certified household" 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, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under 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 require 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 proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

"Development" 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

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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.

"Fair Share Plan" means the plan that describes the mechanisms, strategies and the funding sources, if any, by which the Township proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:93-5.

"Housing Element" means the portion of the Township's Master Plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, that includes the information required by N.J.A.C. 5:93-5.1 and establishes the Township's fair share obligation.

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

"Low-income household" means a household with a total gross annual household income equal to 50% or less of the median household income.

"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 or 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 county, as adopted annually by COAH or approved by the NJ Superior Court.

"Moderate-income household" means a household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

"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

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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% of the regional median as defined by adopted/approved Regional Income Limits.

"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 ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

"Special master" means an expert appointed by a judge to make sure that judicial orders are followed. A master's function is essentially investigative, compiling evidence or documents to inform some future action by the court.

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

"Very low-income household" means a household with a total gross annual household income equal to 30% or less of the median household income.

"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 rehabilitation.

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§ 44-3. New Construction. The following requirements shall apply to all new or planned developments that contain low- and moderate- income housing units.

A. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in a single phase development, or in a multi-phase development:

| Maximum Percentage of Market-Rate Units <u>Completed</u> | Minimum Percentage of Low- and Moderate- Income <u>Units Completed</u> |
|--|--|
| 25 | 0 |
| 25+1 | 10 |
| 50 | 50 |
| 75 | 75 |
| 90 | 100 |

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

C. Payments-in-lieu and off-site construction. The standards for the collection of payments-in-lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with *N.J.A.C. 5:93-8.10 (c)*.

D. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

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

1. The fair share obligation shall be divided equally between low- and moderate- income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.

2. In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.

3. Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very low income households.

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

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

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- (b) At least 30% of all low- and moderate-income units shall be two bedroom units;
 - (c) At least 20% of all low- and moderate-income units shall be three bedroom units; and
 - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
5. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

F. Accessibility Requirements:

- 1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
- 2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor;
 - (b) An adaptable kitchen on the first floor;
 - (c) An interior accessible route of travel on the first floor;
 - (d) An interior accessible route of travel shall not be required between stories within an individual unit;
 - (e) 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
 - (f) 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 the Township has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

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(1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

(2) To this end, the builder of restricted units shall deposit funds within the Township of Cranbury's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.

(3) The funds deposited under paragraph (2) herein, shall be used by the Township for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

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

(5) 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 of Cranbury's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

(6) 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.

G. Maximum Rents and Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and by the Superior Court, utilizing the regional income limits established.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60%

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of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.

3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - (a) At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be met:
 - (a) A studio or efficiency unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be met:
 - (a) A studio or efficiency unit shall be affordable to a one-person household;

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- (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
 8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
 9. 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.
 10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% 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.
 11. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

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§ 44-4. Condominium and Homeowners Association Fees.

For any affordable housing unit that is part of a condominium association and/or homeowners association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100% of the market rate fee.

§ 44-5. Reserved.

§ 44-6. Reserved.

§ 44-7. Reserved.

§ 44-8. Reserved.

§ 44-9. Reserved.

ARTICLE II
Affordable Unit Controls and Requirements

§ 44-10. Purpose.

The requirements of this section apply to all developments that contain affordable housing units, including any currently unanticipated future developments that will provide low- and moderate- income housing units.

§ 44-11. Affirmative Marketing.

- A. The Township shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 3 and covers the period of deed restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 3, comprised of Hunterdon, Middlesex and Somerset Counties.

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- D. The Administrative Agent designated by the Township shall assure the affirmative marketing of all affordable units is consistent with the Affirmative Marketing Plan for the municipality.
- E. 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.
- F. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- G. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of Cranbury.

§ 44-12. Occupancy Standards.

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

§ 44-13. Selection of Occupants of Affordable Housing Units.

- A. The administrative agent shall use a random selection process to select occupants of low- and moderate- income housing.
- B. A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 *et seq.*

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§ 44-14. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years.
- B. Rehabilitated owner-occupied single family housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- D. 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.
- E. 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 that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 44-15. 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:

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

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§ 44-16. Buyer Income Eligibility.

- A. 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% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

§ 44-17. Limitations on indebtedness secured by ownership unit; subordination.

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

§ 44-18. Control Periods for Restricted Rental Units.

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years.
- B. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. 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 Middlesex. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

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

§ 44-19. Price Restrictions for Rental Units; Leases.

- A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- C. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

§ 44-20. Tenant Income Eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be

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amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

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

§ 44-21. Conversions.

Each housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

§ 44-22. Reserved.

§ 44-23. Reserved.

§ 44-24. Reserved.

ARTICLE III
Administration

§ 44-25. Municipal Housing Liaison.

- A. The position of Municipal Housing Liaison for the Township of Cranbury is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted

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resolution of the Township Committee and be subject to the approval by the Superior Court.

- B. The Municipal Housing Liaison must be either a full-time or part-time employee of the Township of Cranbury.
- C. The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in N.J.A.C. 5:93.
- D. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Cranbury, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - 1. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - 2. The implementation of the Affirmative Marketing Plan and affordability controls.
 - 3. When applicable, supervising any contracting Administrative Agent.
 - 4. Monitoring the status of all restricted units in the Township of Cranbury's Fair Share Plan;
 - 5. Compiling, verifying and submitting annual reports as required by the Superior Court;
 - 6. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - 7. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.

§ 44-26. Administrative Agent.

- A. The Township shall designate by resolution of the Township Committee, subject to the approval of the Superior Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:93 and UHAC.
- B. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Superior Court.

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The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

- C The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Superior Court;
 2. Affirmative Marketing;
 3. Household Certification;
 4. Affordability Controls;
 5. Records retention;
 6. Resale and re-rental;
 7. Processing requests from unit owners; and
 8. Enforcement, although the ultimate responsibility for retaining controls on the units rests with the municipality.
 9. The Administrative Agent shall, as delegated by the Township Committee, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

§ 44-27. Enforcement of Affordable Housing Regulations.

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

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the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - (a) A fine of not more than \$500.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - (b) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Cranbury Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (c) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
 2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- D. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in

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the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- F. 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.
- G. 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.
- H. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

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§ 44-28. Appeals. Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Township.

Section 2. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any Court of competent jurisdiction that any such portion of this Ordinance is unconstitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

Section 4. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

CRANBURY TOWNSHIP ORDINANCE # 07-16-12

An Ordinance entitled, Cranbury Township Ordinance # 07-16-12, "AN ORDINANCE AMENDING AND REVISING CHAPTER 150, THE LAND DEVELOPMENT CODE, AND THE ZONING MAP OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY" was introduced for first reading. On motion by Mr. Cook, seconded by Mr. Taylor, the Ordinance was passed on first reading by vote:

| | |
|-------------|----------------|
| Ayes: (Cook | Abstain: (None |
| (Johnson | Absent: (Goetz |
| (Taylor | (Mulligan |

Nays: (None

Public Hearing: July 25, 2016 at 7:00 p.m.

BE IT ORDAINED by the Township Committee of the Township of Cranbury, in Middlesex County, New Jersey, as follows:

Section 1. New Section §150-29.2 "Planned Adult Residential (PAR) Overlay Zone". The Code of the Township of Cranbury ("Code") is hereby amended to add new Section §150-29.2 "Planned Adult Residential (PAR) Overlay Zone" to Article III – Zoning Districts, Rules and Regulations of Chapter 150 – Land Development of the Code, that shall read as follows:

§150-29.2. Planned Adult Residential (PAR) Overlay Zone.

A. Purpose. In addition to the base zoning district standards that shall continue to apply, the Planned Adult Residential (PAR) Overlay Zone is designed to permit a planned adult, age-restricted development consisting of single-family detached

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housing units and community amenities as provided herein, subject to the following standards and requirements.

B. Permitted Uses. In the PAR Overlay Zone, no land shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:

- (1) Single-family detached houses, occupied by persons 55 years of age or older in accordance with State and Federal law, inclusive of a prohibition that no occupant may be under the age of 18 years, and that no occupant may be registered in the public school system of the Township.
- (2) Other permitted uses allowed in the RLD-3 Zone.
- (3) Recreation facilities as permitted by the bylaws of the condominium or homeowners' association governing the use of property in the PAR community.
- (4) Pump station, lift station, maintenance building(s), and storage building(s) appurtenant to a planned adult residential community.

C. General Tract Requirements.

- (1) The minimum gross tract area for a planned adult residential community shall be 50 acres.
- (2) The maximum gross density for a tract zoned for a planned adult residential community is 3 dwelling units per acre.
- (3) The development shall be served by public water and sewer facilities.
- (4) The development shall have primary access and egress in accordance with the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21 et. seq.).
- (5) Residential units shall be age-restricted in accordance with the requirements of this section.
- (6) Not more than 35% of the entire tract shall be covered by buildings.
- (7) Not more than 60% of the entire tract shall be covered by impervious surfaces.
- (8) All buildings shall be set back a minimum of 50' from the tract perimeter.
- (9) A minimum 25' landscaped buffer meeting the requirements of this chapter shall be provided at the perimeter of the tract adjacent to existing roads and where proposed lots abut existing off-tract residential parcels. The

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landscaped area shall be deed restricted as a planted buffer and shall be maintained by the homeowners association and/or the property owner. Planted buffers may be included in open space or on individual lots.

- (10) The internal roads may be privately owned and maintained. Private roads shall meet New Jersey Residential Site Improvement Standards design guidelines for residential streets. Mountable granite curbing shall be permitted on private roads. Gatehouse structures shall be set back a minimum of 80 feet from public roads and shall provide for resident access as well as visitor and emergency access, to the reasonable satisfaction of the township.
- (11) Location, design, installation, construction, maintenance and control of fences, lighting, public and private landscaping (including street trees), community buildings and related parking, bikeways and pathways, entrance structures, signage, and private roads, to the extent that they are proposed, shall be addressed in the subdivision and/or site plan submitted for preliminary approval.

D. Area and bulk requirements – Single-family detached lots.

- (1) Minimum lot area: 6,050 square feet.
- (2) Minimum lot width, measured at the front setback line: 55 feet.
- (3) Minimum lot depth: 110 feet.
- (4) Minimum front yard setback - principal & accessory structures: 20 feet.
- (5) Minimum side yard setback - principal & accessory structures: 7 feet; driveways shall be set back a minimum of 2' from the side lot line.
- (6) Minimum rear yard setback - principal structures only: 20 feet.
- (7) Minimum rear yard setback - accessory structures, including but not limited to patios & decks: 10 feet.
- (8) Minimum driveway depth from back of sidewalk to face of garage: 20 feet.
- (9) Minimum driveway width: 8 feet per garage bay.
- (10) Maximum building height: 35 feet.
- (11) Patios: raised paver patios shall be permitted at a height not to exceed 2 feet-6 inches (2'-6").

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E. Open Space and recreation requirements. A planned adult residential community shall provide common open space and recreational improvements for the exclusive use of its residents, in accordance with the following standards:

- (1) The minimum common open space in each planned adult residential community shall be 30%. The minimum required open space area is permitted to include drainage basins, environmentally sensitive lands, perimeter landscape buffers, and all recreational improvements in common open space, including community buildings and associated public parking and walkways.
- (2) There shall be not less than 15 square feet of floor space per dwelling unit provided in a community clubhouse building(s), which building(s) shall have a minimum total floor area of 3,000 square feet. The community clubhouse buildings(s) shall not exceed two stories.
- (3) The community clubhouse buildings(s) shall meet the parking standard of one (1) space per 350 square feet of building area.
- (4) Within the common open space, facilities shall be included for outdoor recreational use. These facilities may include but shall not be limited to tennis and other sport courts, bocce courts, and a swimming pool. Walking, jogging, and bicycle paths may also be provided.
- (5) The community clubhouse shall be operational on or prior to the issuance of certificates of occupancy for 50% of the approved residential units.
- (6) A homeowners' association administrative area and sales office shall be permitted within the community clubhouse or in a separate building.
- (7) Community maintenance and storage facilities shall be permitted. Such facilities shall be landscaped, fenced, and visually screened.
- (8) Sidewalks. An interconnected system of sidewalks and walking paths shall be provided to permit access from all residential units to the recreational facilities and to existing frontage roads. At a minimum, sidewalks shall be provided on one side of all proposed residential streets in the community.
- (9) Perimeter setback requirements. No buildings or structures, other than roadways, access drives, entrance sign, walking, jogging and bicycle paths, walkways, entrance gatehouses, walls, fences, drainage facilities, utility structures and residential decks and/or patios with at least one wall contiguous with the principal building shall be located within 50 feet of any exterior tract boundary. The outer 25 feet of the perimeter setback shall be designated as a landscape/conservation easement, and may be included within the individual lot areas. Where the outer 25 feet of the non-

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roadway perimeter setback is comprised of existing preserved vegetation, such as within a wetland area, floodplain, or wetland transition area, the landscaped buffer requirements shall not apply.

- (10) Signs shall be permitted on and around the clubhouse and recreational facilities for identification purposes. Such signs shall be permitted in addition to other signs permitted within the community. Each sign shall be limited to a maximum of 12 square feet of sign face and shall be coordinated as part of an overall signage design for the community.

F. Signs. In addition to the signs customarily permitted in residential zones, a planned adult residential community shall be permitted to have the following additional signs:

- (1) One monument entrance feature sign on each side of the primary entrance to the community, plus one entrance feature sign on each side of a secondary entrance. Each entry monument shall be limited to a maximum of 36 square feet of sign face and shall be coordinated as part of an overall signage design for the community.
- (2) Way-finding signs may be located throughout the community.
- (3) Temporary flags and signs shall be permitted during sales events during the construction phases of the development.
- (4) Entry feature monuments may include hardscape in the form of brick or stone and may include decorative fencing at a maximum height of 48". Monument structures shall have a maximum height of 60" from the average grade. The sign face shall be designed to match the scale, style, and design of the entrance monument on which it is mounted.
- (5) Entrance features and all secondary way-finding signage may be lighted with either ground-mounted or sign-mounted lighting meeting the requirements of this chapter.
- (6) All signs shall be landscaped appropriately and shall be designed as a coordinated signage plan.

G. Deed restrictions. Approval of a PAR planned adult residential community shall be conditioned upon the placement of restrictive covenants on the deeds to any and all portions of the tract so developed to:

- (1) Ensure that the age-restricted units qualify as "55 or over housing" within the meaning of the Federal Fair Housing Act. The age-restrictive covenants shall be subject to review by the Township Attorney.
- (2) Ensure garages shall not be converted to habitable space.

TOWNSHIP COMMITTEE MEETING
July 11, 2016

CRANBURY TOWNSHIP ORDINANCE # 07-16-12
(Continued)

- (3) Ensure that all public and common open space, all community facilities, private roads, signs, lighting, parking, and all required landscaping are maintained by a homeowners' association.
- H. Affordable housing. A planned adult residential community shall provide for affordable housing either on-site or by way of a monetary payment to fund municipally-sponsored off-site housing, at a rate to be mutually agreed upon by the developer and Cranbury Township.
- I. Other ordinances. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 2. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any Court of competent jurisdiction that any such portion of this Ordinance is un-Constitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

Section 4. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

Resolutions
Consent Agenda

Deputy Mayor Johnson asked the Township Committee if there were any questions or comments on the Consent Agenda. Hearing no questions or comments, he requested a motion to adopt the Consent Resolutions. On a motion by Mr. Taylor, seconded by Mr. Cook and unanimously carried, the following Resolutions were passed by vote:

| | |
|-------------|----------------|
| Ayes: (Cook | Abstain: (None |
| (Johnson | Absent: (Goetz |
| (Taylor | (Mulligan |

Nays: (None

Cranbury Township Resolution # R 07-16-117

NOW, THEREFORE, BE IT RESOLVED, by the Township of Cranbury that all bills and claims as audited and found to be correct be paid.

TOWNSHIP COMMITTEE MEETING
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Cranbury Township Resolution # R 07-16-118

WHEREAS, a Tax Sale was held in the Township of Cranbury on October 23, 2015; and,

WHEREAS, DSHC Enterprises paid \$100.00 as a premium to obtain Tax Sale Certificate #15-00002 on Block 18 Lot 44.17 Qualifier C2415 and,

WHEREAS, the Tax Sale certificates have been redeemed, the holder is entitled to a refund of the premium paid to obtain said certificate,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that a refund in the amount of \$100.00 be paid to DSHC Enterprises.

Cranbury Township Resolution # R 07-16-119

A Resolution of the Township of Cranbury Ratifying a Contract with Cranbury Fraternal Order of Police, Lodge No. 68 and Approving the Salaries, Wages and Benefits Contained Therein.

WHEREAS, a certain Collective Bargaining Agreement between the Township of Cranbury and the Cranbury Fraternal Order of Police, Lodge No. 68, dated July 11, 2016, is hereby ratified, confirmed and approved. The salaries, wages and fringe benefits and other benefits contained in said Contract are hereby adopted for the Police Department of the Township of Cranbury, effective January 1, 2017; and

WHEREAS, a copy of said Contract is available for public inspection at the Office of the Municipal Clerk, 23-A North Main Street, Cranbury, New Jersey, during normal business hours; and

WHEREAS, a duly authenticated copy of this Resolution shall be provided to the Cranbury Fraternal Order of Police, Lodge No. 68.

Cranbury Township Resolution # R 07-16-120

A RESOLUTION AUTHORIZING THE RELEASE OF A
PERFORMANCE GUARANTEE FOR SWEETWATER CONSTRUCTION

WHEREAS, by letter dated May 12, 2016, Sweetwater Construction has requested the release of their performance guarantee previously posted with the Township in accordance with Planning Board approval and

WHEREAS, the Township Engineer has, in a letter dated June 24, 2016 (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

| | |
|------|-----------|
| Cash | \$9551.64 |
|------|-----------|

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury as follows:

It has reviewed, agrees with and hereby accepts all recommendations of the Township Engineer as set forth in "Exhibit A".

1. It hereby authorizes the release of performance guarantees set forth in the Township Engineer's letter referenced above.
2. The Township hereby accepts the public improvements, if any so designated pursuant to the Planning Board's approval.

TOWNSHIP COMMITTEE MEETING
July 11, 2016

Cranbury Township Resolution # R 07-16-120
(Continued)

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy and forwarded to each of the following:

- (a) Township Engineer
- (b) Township Chief Financial Officer
- (c) Ron Witt, Sweetwater Construction

Cranbury Township Resolution # R 07-16-121

A RESOLUTION AUTHORIZING THE RELEASE OF ESCROW

WHEREAS, CranSud Two has deposited planning escrow with Cranbury Township

WHEREAS, CranSud Two has requested the release of the balance of said escrow in the amount of \$34,922.00

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranbury authorizes the release of the above escrow deposit.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy and forwarded to each of the following:

- (a) Township Director of Finance
- (b) CranSud Two

Reports from Township Staff and Professionals

--Administrator's Report

Ms. Marabello reported a letter will be going to the NJ Department of Transportation from Mayor Mulligan asking to have Bill Tanner as a contact as some residents have asked for a decibel reading of the residential corridor of Route 130 due determine noise level of the increased traffic. Ms. Marabello stated she heard it is difficult to get a sound barrier from the DOT, however, she stated the Township can request it.

Ms. Marabello reported the security system at the Fire House was discussed during budget time. She reported Vector Security met with Charlie Smith at the Fire House, who had some suggestions other than what had been discussed, including disarming the alarm system during fire calls so the firemen would not have to use their keys to get into the building. Ms. Marabello reported this required software, and the Township had to request another quote from Vector. Ms. Marabello stated the Committee had approved almost \$5,600 from Capital to cover the system; however, this would require an additional \$3,744 to do the security system. She reported Vector did give back \$1,000 in incentives not used, which would offset some of the cost. Mr. Smith stated the Fire Company would be willing to contribute toward the cost once the quote was received. Ms. Marabello stated the Township does have the money in Capital for the better system. The Committee agreed to the increase in spending for the security system.

--Assistant Administrator

Ms. Cunningham stated she has nothing to report.

TOWNSHIP COMMITTEE MEETING
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Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions

Public Comment

Deputy Mayor Johnson opened the meeting to public comment. Mr. Richard Kallan, Wynnewood Drive, inquired which hotel Mr. Goldman referred to would be turned into the assisted living facility. The Township Committee responded Staybridge Suites. There being no comments, he closed the public portion of the meeting.

Township Committee Members' Notes

The Township Committee Members had no additional comments.

Mayor's Notes

Deputy Mayor Johnson stated he had no additional comments and asked for a motion to go into Closed Session.

Resolution

At 7:35 p.m., on motion by Mr. Taylor, seconded by Mr. Cook and unanimously carried, the following Resolution was adopted by vote:

| | |
|-------------|----------------|
| Ayes: (Cook | Abstain: (None |
| (Johnson | Absent: (Goetz |
| (Taylor | (Mulligan |

Nays: (None

Cranbury Township Resolution # R 07-16-122

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

BE IT RESOLVED, by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey as follows:

The general nature of the subject to be discussed in this session is as follows:

----- N.J.S.A. 10:4-12b (7)/Contract Negotiations" – Discussion of
contract negotiations.

It is unknown at this time precisely when the matters discussed in this session will be disclosed to the public. Matters involving contract negotiations or the acquisition of land will be disclosed upon conclusion of the negotiations or upon approval of the acquisition. Matters involving personnel will be disclosed when the need for confidentiality no longer exists. Matters concerning litigation will be announced upon the conclusion of trial or settlement of that litigation or when the need for confidentiality no longer exists.

On motion by Mr. Taylor, seconded by Mr. Cook and unanimously carried, the meeting returned to open session at 7:50 p.m.

TOWNSHIP COMMITTEE MEETING
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On motion by Mr. Taylor, seconded by Mr. Cook, and unanimously carried, the meeting adjourned at 7:52 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk