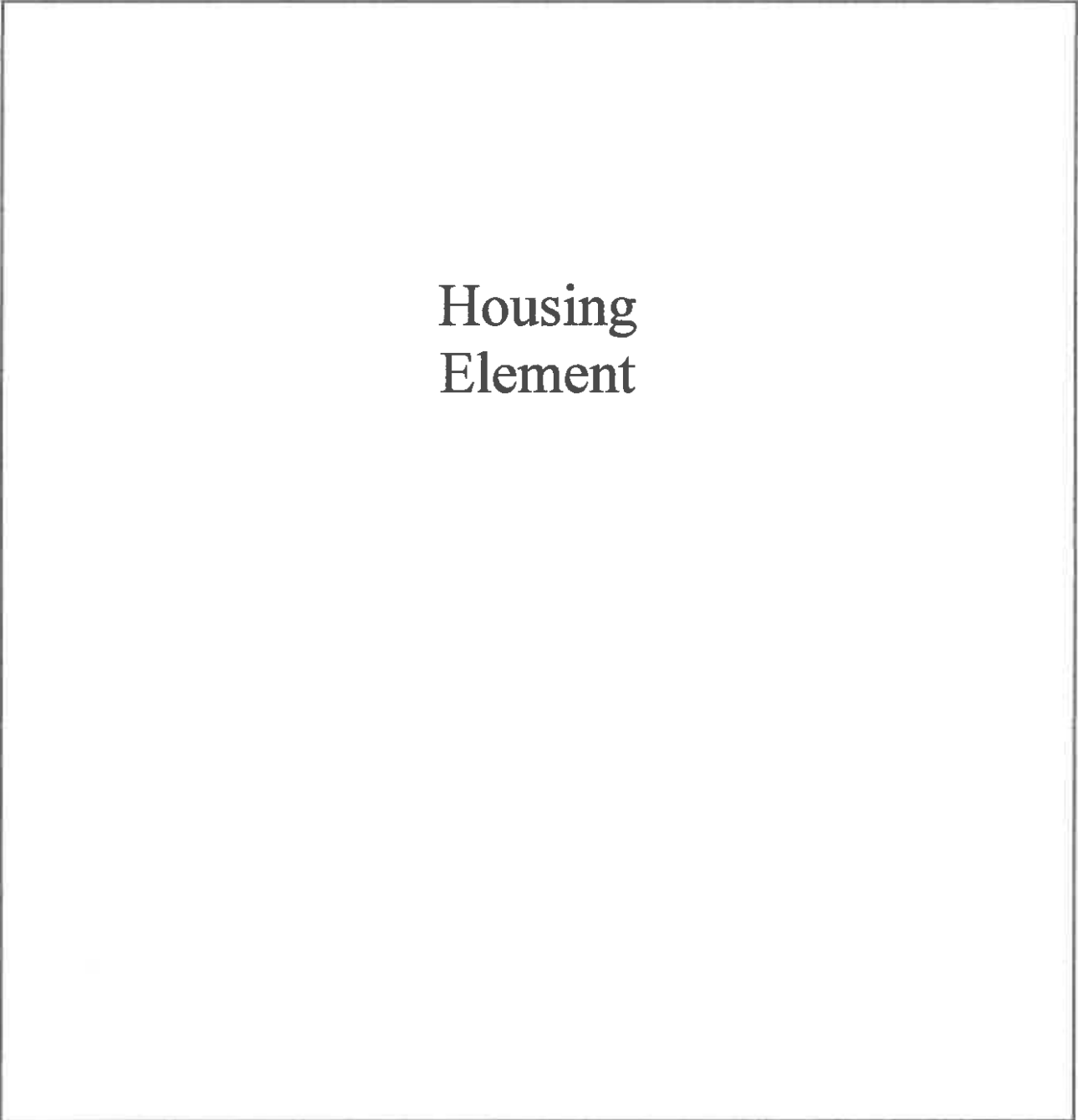


**Housing Element and
Fair Share Plan**

**Metuchen Borough
Middlesex County**

Adopted: July 21, 2016



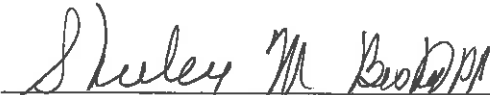


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METUCHEN BOROUGH/MIDDLESEX COUNTY
HOUSING ELEMENT

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METUCHEN BOROUGH/MIDDLESEX COUNTY
HOUSING ELEMENT

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METUCHEN BOROUGH
MIDDLESEX COUNTY

HOUSING ELEMENT

PREFACE

The Borough of Metuchen is located in Middlesex County, in east central New Jersey. The Borough has a land area of 1,836 acres surrounded entirely by the Township of Edison. Metuchen is within an hour's drive of New York City and has a passenger/commuter rail line through downtown. As a built-up community, there is limited vacant land for development. As a result, redevelopment opportunities play an important role in the borough's limited growth.

A municipality's Housing Element must be designed to achieve the goal of providing affordable housing to meet the total 1987-2025 affordable housing need comprised of Prospective Need, the Prior Round obligation and Present Need or the Rehabilitation Share. The regulations of the Council on Affordable Housing (COAH) and the Fair Housing Act delineate a municipality's strategy for addressing its present and prospective housing needs, and, as such, each municipality's Housing Element must contain the following:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the 10 years subsequent to the adoption of the housing element, taking into account, but not necessarily limited to, construction permits issued, approvals for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including, but not limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing;

6. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;
7. A map of all sites designated by the municipality for the production of low and moderate income housing and a listing of each site that includes its owner, acreage, lot and block;
8. The location and capacities of existing and proposed water and sewer lines and facilities relevant to the designated sites;
9. Copies of necessary applications for sewer service and water quality management plans submitted pursuant to Sections 201 and 208 of the Federal Clean Water Act, 33 U.S.C. §1251, et seq.;
10. A copy of the most recently adopted municipal master plan, and where required, the immediately preceding, adopted master plan;
11. For each designated site, a copy of the New Jersey Freshwater Wetlands map where available. When such maps are not available, municipalities shall provide appropriate copies of the National Wetlands Inventory maps provided by the U.S. Fish and Wildlife Service;
12. A copy of appropriate United States Geological Survey Topographic Quadrangles for designated sites; and
13. Any other documentation pertaining to the review of the municipal housing element as may be required.

I. INVENTORY OF HOUSING STOCK

A. Age

Around 60 percent of Metuchen's housing stock was built before 1960. Metuchen has a total housing stock of 5,448 units. The median year that a structure was built in Metuchen was 1956 according to the 2010 American Community Survey.

TABLE 1

Age of Housing Units

<u>Dates of Construction</u>	<u>Structures</u>	<u>Percent of Total</u>
1939 or earlier	1,197	.22
1940 - 1949	653	.12
1950 - 1959	1,403	.26
1960 - 1969	779	.14
1970 - 1979	382	.07
1980 - 1989	203	.04
1990 - 1999	307	.06
2000 - 2004	461	.08
2005 - 2010	63	.01
TOTAL UNITS	5,448	1.00

Source: 2006-2010 American Community Survey 5-Year Estimates

Units built before 1960 and contain 1.01 or more persons per room are highly correlated with substandard housing indicators. This is an index utilized by COAH in determining the Rehabilitation Share. Metuchen had some overcrowding and some units that lacked complete kitchen and plumbing facilities. This is generally an important indicator in calculating Metuchen's Rehabilitation Share and explains why Metuchen's Rehabilitation Share or Present Need is 40 units.

B. Condition

Rehabilitation Share is the total deficient housing signaled by selected housing unit characteristics unique to each community. It is assumed that units so indicated will be prime candidates for rehabilitation. Characteristics indicating a need for rehabilitation are:

- (1) Persons per Room. 1.01 or more persons per room in housing units built 1960 or before. These are old units that are overcrowded.
- (2) Plumbing Facilities. Inadequate plumbing sufficient for rehabilitation is indicated by incomplete plumbing facilities, i.e., lack of hot and cold piped water, flush toilet or bathtub/shower.

- (3) Kitchen Facilities. Inadequate kitchen facilities signaling rehabilitation are indicated by the non-presence of kitchen facilities within the unit, or the non-presence of one of three components: a sink with piped water, a stove or a refrigerator.

These characteristics of deficient housing are nationally recognized indicators of housing inadequacy. Each one, properly identified and not double-counted or multiplied is enough to signal the call for unit rehabilitation. This is true not solely because the characteristic specified is itself debilitating but rather signals a unit that is either old or missing a basic component of normal housing services. These characteristics exist at the municipal level, are reported by the American Community Survey such that they can be isolated and not over counted, and individually indicate the need for structure rehabilitation.

The age of Metuchen's housing stock has been presented in Table 1. Tables 2 through 4 address the other surrogates of deficient housing.

TABLE 2

Persons Per Room

Persons Per Room	Occupied	Owner Occupied	Renter Occupied
1.01 to 1.50	84	28	56
1.51 to 2.00	13	0	13
2.01 or more	0	0	0
TOTAL	97	53	32

Source: 2006-2010 American Community Survey 5-Year Estimates

TABLE 3

Plumbing Facilities

Complete plumbing facilities	5,419
Lacking complete plumbing facilities	29

Source: 2006-2010 American Community Survey 5-Year Estimates

TABLE 4

Kitchen Facilities

Complete kitchen facilities	5,392
Lacking complete kitchen facilities	56

Source: 2006-2010 American Community Survey 5-Year Estimates

Based on the above, it is determined that Metuchen has 40 housing units that are substandard and occupied by low and moderate income households.

C. Purchase and Rental Value

Approximately 72 percent of the owner-occupied housing units in Metuchen had values between \$300,000 and \$749,999. The median value was \$402,900

TABLE 5

Owner-Occupied Housing
Unit Values

	<u>Units</u>	<u>Percent</u>
Less than \$49,999	64	.01
\$50,000 - \$59,999	0	.00
\$60,000 - \$69,999	11	.00
\$70,000 - \$99,999	0	.00
\$100,000 - \$124,999	11	.00
\$125,000 - \$149,999	46	.01
\$150,000 - \$174,999	61	.01
\$175,000 - \$199,999	100	.02
\$200,000 - \$249,999	327	.08
\$250,000 - \$299,999	243	.06
\$300,000 - \$399,999	1,255	.29
\$400,000 - \$499,999	1,049	.24
\$500,000 - \$749,999	788	.18
\$750,000 - \$999,999	318	.07
\$1,000,000 or more	24	.01
TOTAL	4,297	1.00
Median Value	\$402,900	

Source: 2006-2010 American Community Survey 5-Year Estimates

Of the 934 rental units with cash rent in Metuchen, 408 or 44 percent had rents between \$750 and \$1,249 per month. The median contract rent was \$1,202 per month.

TABLE 6

Contract Rent Values

<u>With cash rent:</u>	
\$0 - \$99	0
\$100 - \$149	0
\$150 - \$199	30
\$200 - \$249	0
\$250 - \$299	32
\$300 - \$349	19
\$350 - \$399	10
\$400 - \$449	9
\$450 - \$499	0
\$500 - \$549	0
\$550 - \$599	0
\$600 - \$649	0
\$650 - \$699	0
\$700 - \$749	0
\$750 - \$999	195
\$1,000 - \$1,249	213
\$1,250 - \$1,499	107
\$1,500 - \$1,999	276
\$2,000 - or more	43
Total	934
No cash rent	18
Median contract rent	\$1,202

Source: 2006-2010 American Community Survey 5-Year Estimates

D. Occupancy Characteristics and Types

Approximately 78 percent of the housing in Metuchen is owner occupied. Approximately 22 percent of the housing stock is rental.

TABLE 7

Tenure and Vacancy

	Housing Units
Total Occupied	5,243
Occupied:	4,113
Owner Occupied	1,130
Renter Occupied	
Vacant:	197
For rent	66
For sale only	39
Rented or sold, not occupied	20
For seasonal, recreational, or occasional use	22
Other vacant	50

Note: Total housing units do not match between tables due to varied data sources

Source: 2010 Census of Population and Housing

E. Units Affordable to Low and Moderate Income Households

Units are affordable to low and moderate income households if the maximum sales price or rent is set within a specified formula as per the Uniform Housing Affordability Controls (UHAC) regulations, N.J.A.C. 5:80-26.1 et seq. A moderate income household is a household whose gross family income is more than 50 percent of median income, but less than 80 percent of median income for households of the same size within the housing region. A low income household is a household whose gross family income is equal to or less than 50 percent of median gross household income for a household of the same size within the housing region for Metuchen. Metuchen is in Region 3 which encompasses Middlesex, Somerset and Hunterdon counties.

Using current regional income limits adopted by COAH in 2014, a four person Middlesex County median household income is estimated at \$105,000. A moderate-income four person household would earn a maximum of \$84,000 (80 percent of regional median) and a four person low-income household would earn a maximum of \$52,500 (50 percent of regional median).

Income levels for one, two, three and four person households as of 2014 are given below:

TABLE 8

2014 Low and Moderate Regional Incomes

Income	1 person	2 persons	3 persons	4 persons
Median	\$73,500	\$84,000	\$94,500	\$105,000
Moderate	\$58,800	\$67,200	\$75,600	\$84,000
Low	\$36,750	\$42,000	\$47,250	\$52,500

Source: COAH, 2014 Income Limits

Based on the qualifying formula in the Uniform Housing Affordability Controls (UHAC) regulations, N.J.A.C. 5:80-26, the monthly cost of shelter which includes mortgage (principal and interest), taxes, insurance and homeowners or condominium association fees, may not exceed 28 percent of gross monthly household income based on a five percent down payment. In addition, moderate income sales units must be available for at least three different prices and low income sales units available for at least two different prices. The maximum sales prices must now be affordable to households earning no more than 70 percent of median income. The sales prices must average 55 percent of median income.

Under the UHAC regulations, rents including utilities, may not exceed 30 percent of gross monthly income. The average rent must now be affordable to households earning 52 percent of median income. The maximum rents must be affordable to households earning no more than 60 percent of median income. In averaging 52 percent, one rent may be established for a low income unit and one rent for a moderate income unit for each bedroom distribution. In addition, 10 percent of all the restricted rental units must be affordable to households earning no more than 35 percent of median income. The utility allowance must be consistent with the utility allowance approved by HUD and utilized in New Jersey.

Metuchen currently has the following low and moderate income housing that qualifies for COAH credit.

<u>NAME</u>	<u>TYPE</u>	<u>NUMBER</u>
Franklin Square/School	Family Sales	17
Central Square of Metuchen	Family Rentals	7
Homestead at Metuchen	Family Rentals	15
Metuchen Corners	Family Rental	1

50 Aylin Street	Family Sales	1
YMC – 756 Middlesex Ave	Family Rentals	2
Lincoln Avenue Seniors	Senior Rentals	122
Amboy Holdings 292 Central	Family Rentals	2
Suburban Square 95 Central Ave	Family Rentals	5
DAG Holdings 457-452 Main	Family Rental	1

II. PROJECTION OF HOUSING STOCK

A. Building Permits

According to the New Jersey Department of Labor, Residential Building Permits Issued, there were 214 new building permits issued in Metuchen from 2000-2009. Between 2010 and 2014, there were 76 new residential building permits issued.

B. Future Construction of Low and Moderate Income Housing

Metuchen will address the future construction of low and moderate income housing in the Fair Share Plan.

III. DEMOGRAPHIC CHARACTERISTICS

A. Population

The population in Metuchen increased six percent between 2000 and 2010. Table 9 illustrates the figures.

TABLE 9

Population

Year	Population
2000	12,840
2010	13,574

Note: Total population does not match between tables due to varied data sources

Sources: 2000 and 2010 Census of Population and Housing

TABLE 10

Population Characteristics

SELECTED POPULATION CHARACTERISTICS

Approximately 43 percent of Metuchen residents are between the ages of 25 and 54 years. Interestingly, 3,679 residents or nearly 27 percent of the population are 55 or older.

	<u>Number</u>	<u>Percentage</u>
<u>TOTAL POPULATION</u>	13,574	100
<u>SEX</u>		
Male	6,544	.48
Female	7,030	.52
<u>AGE</u>		
	<u>Male</u>	<u>Female</u>
Under 5 years	458	411
5 to 14 years	970	903
15 to 19 years	417	356
20 to 24 years	271	232
25 to 44 years	1,749	1,893
45 to 54 years	1,055	1,180
55 to 59 years	457	511
60 to 64 years	388	444
65 to 74 years	432	508
75 to 84 years	259	394
85 years and over	88	198

Note: Total population does not match between tables due to varied data sources

Source: 2010 Census of Population and Housing

B. Household Size and Type

A household profile of Metuchen shows that there were 5,243 households with a total household population of 13,573 in 2010. The average number of persons per household was 2.59

TABLE 11

Household Profile 2010

	<u>Total Number</u>
Households	5,243
Population of households	13,573
Persons per household	2.59

Note: Total households do not match between tables due to varied data sources

Source: 2010 Census of Population and Housing

TABLE 12

Household Type and Relationship

Total	13,574
In family households:	11,786
householder:	3,744
Male	2,635
Female	1,109
Spouse	3,055
child:	3,804
Natural born/adopt	4,190
step	82
grandchild	142
other relatives	88
non-relatives	161
In non-family households:	1,787
householders living alone	1,254
householders not living alone	245
Non-relatives	288
In group quarters:	1
Institutionalized population	0
Non-institutionalized population	1

Source: 2010 Census of Population and Housing

TABLE 13

Type of Housing Units by Structure

Units in Structure	Total Units
1, detached	3,637
1, attached	665
2	439
3 or 4	151
5 to 9	209
10 to 19	120
20 to 49	52
50 or more	163
Mobile home or trailer	12
Other	0
TOTAL	5,448

Note: Total housing units do not match between tables due to varied data sources

Source: 2006-2010 American Community Survey 5-Year Estimates

C. Income Level

Approximately, 45 percent of the households in Metuchen earned between \$60,000 and \$149,999 according to the 2010 American Community Survey.

TABLE 14
Household Income

<u>Household Income</u>	<u>Number</u>	<u>Percent</u>
\$0 -9,999	97	.02
\$10,000-\$14,999	140	.03
\$15,000-\$19,999	56	.01
\$20,000-\$24,999	54	.01
\$25,000-\$29,999	143	.03
\$30,000-\$34,999	230	.04
\$35,000-\$39,999	187	.04
\$40,000-\$44,999	87	.02
\$45,000-\$49,999	299	.06
\$50,000-\$59,999	272	.05
\$60,000-\$99,999	1,194	.23
\$100,000-\$149,999	1,137	.22
\$150,000-\$199,999	558	.11
\$200,000 or more	795	.15
TOTAL	5,249	1.00

Median Household Income \$94,410

Note: Total households do not match between tables due to varied data sources

Source: 2006-2010 American Community Survey 5-Year Estimates

D. Age

The age of the Metuchen population has been discussed under Section III, Demographic Characteristics, A. Population.

E. Marital Status

In 2010, there were more women than men over the age of 15 years in Metuchen. There were slightly more males that never married. Of those widowed, 78 percent were females.

TABLE 15

Sex by Marital Status - Persons 15 Years and over

Marital Status	Total	Male	Female
Total	10,703	5,073	5,630
Never Married	2,734	1,415	1,319
Now Married	6,356	3,099	3,257
Widowed	701	155	546
Divorced	912	404	508

Note: Total population does not match between tables due to varied data sources

Source: 2006-2010 American Community Survey 5-Year Estimates

IV. EXISTING AND PROBABLE FUTURE EMPLOYMENT CHARACTERISTICS

Of the 7,152 Metuchen residents employed in the civilian labor force, 56 percent are in educational, health and social service occupations or construction, manufacturing, wholesale trade, retail trade and transportation fields.

TABLE 16
Occupation
Employed Persons 16 Years and Over

	Male	Female	Total
Finance, insurance, real estate	431	372	803
Construction, manufacturing, wholesale trade, retail trade, transportation	1,414	798	2,212
Information	145	201	346
Arts, entertainment, recreation, accommodation and food services	206	141	347
Professional, scientific and technical services	562	505	1,067
Educational, health and social services	557	1,220	1,777
Public administration	202	110	312
Other services	99	189	288
Total	3,616	3,536	7,152

Note: Total population does not match between tables due to varied data sources

Source: 2006-2010 American Community Survey 5-Year Estimates

According to the New Jersey State Data Center, Metuchen had a covered employment number of 5,703 in 2010 and 5,968 in 2014.

TABLE 17

Covered Employment Status Within Metuchen- 2014

<u>INDUSTRY</u>	<u>ANNUAL AVERAGE UNITS</u>	<u>AVERAGE</u>
Construction	46	491
Manufacturing	25	705
Wholesale trade	.	.
Retail trade	46	781
Transportation and warehousing	.	.
Information	.	.
Finance and insurance	.	.
Real estate and rental and leasing	10	74
Professional and technical services	63	732
Administrative and waste services	.	.
Educational services	11	79
Health care and social assistance	31	569
Arts, entertainment, and recreation	.	.
Accommodation and food services	27	344
Other services, except public administration	38	290
Unclassified entities	.	.
PRIVATE SECTOR MUNICIPALITY TOTAL	404	9,309
FEDERAL GOVT MUNICIPALITY TOTAL	2	99
LOCAL GOVT MUNICIPALITY TOTAL	2	502

Source: NJ Employment and Wages: 2014 Annual Report

V. TOTAL OBLIGATION FOR PRESENT NEED/ REHABILITATION AND PRIOR ROUND

A. PRESENT NEED/REHABILITATION SHARE

Metuchen has a 40-unit rehabilitation obligation.

B. PRIOR ROUND OBLIGATION

Metuchen has a 99-unit obligation from the Prior Round that was reduced to 20 units as the result of a vacant land adjustment that was certified by the Council on Affordable Housing (COAH). However, Metuchen will now address its entire Prior Round Obligation of 99 units as seen in the Fair Share Plan.

VI. THIRD ROUND PROSPECTIVE NEED OBLIGATION

As the result of a Settlement Agreement with Fair Share Housing Center (FSHC), Metuchen has a 349- unit Third Round Prospective Need Obligation that has been reduced to a 133-unit realistic development potential (RDP) via a vacant land survey and actual/ proposed housing units, leaving a 216-unit unmet need obligation that will be addressed in the Fair Share Plan.

VII. ANALYSIS OF EXISTING AND FUTURE ZONING TO ACCOMMODATE PROSPECTIVE NEED

Metuchen believes that although the existing zoning can accommodate the Prospective Need based on the affordable housing options selected, there will be two existing sites that will be the focus of overlay zones. No additional zoning changes are necessary at this time.

A. Availability of Existing and Planned Infrastructure

Metuchen Borough is an established, stable community with a limited number of vacant developable parcels. The Borough's infrastructure is fully developed and has been maintained and upgraded, within the resources available, to support projected development and growth, primarily in the downtown area. Water and sewage systems are well maintained and capable of handling increased demand. The main storm sewer line running from along the Lehigh Valley Railroad right-of-way from downtown to its discharge point in the Dismal Brook at the edge of the Dismal Swamp is in the process of being cleared of sediment which had accumulated over decades of use including recent hurricane events.

B. Anticipated Demand for Types of Uses Permitted by Zoning Based on Present and Anticipated Future Demographic Characteristics

As Metuchen is a built-up community, there is minimal vacant land and future new development will be the result of redevelopment, infill and adaptive reuse.

C. Anticipated Land Use Patterns

Metuchen has been undergoing changes in land use patterns over the past 30 years. Changes in market demand have continued to maintain a strong downtown housing market which began to emerge more than two decades ago. This downtown housing market consisting of primarily upper floor loft-style apartments, attracts smaller households, typically without children, who are attracted to the convenience of easily available mass transit, restaurants and other downtown services. One of Metuchen's longstanding planning goals has been to direct the development of new housing into centralized locations in the downtown area which are convenient to shopping, the railroad station, bus service and employment opportunities. This goal is consistent with Metuchen's Town Center designation.

In the residential neighborhoods surrounding and extending further from the downtown, adding on and renovating existing houses and, to a lesser extent, teardowns, have become common practice and are increasing the residential square footage on already small lots.

Responding to strong public sentiment about maintaining the character of existing neighborhoods, the Borough has taken measures to adopt infill housing design guidelines and to limit the type of growth resulting from subdivision applications where variances are required that deviate from the established neighborhood character. These expansions and new infill houses outside of the downtown area continue to be primarily owner-occupied by families as well as younger childless couples and empty-nesters.

Metuchen has also had a long-term strategy on promoting the redevelopment of former industrial sites situated from the edge of the downtown and extending to the Dismal Swamp in the Borough's Northwest Quadrant. These master plan policies have resulted in the redevelopment of the former EFCO site as Central Square and portions of the former Oakite site superblock as the Metuchen Sportsplex, a branch bank, Trailhead Park and Vidas Park.

D. Economic Development Policies

The Borough is largely built-out and envisions economic development as a synthesis of infill development and redevelopment supporting an efficient, compact mixed-use core in its downtown. Over the past 15 years, the Borough has been focused on improving its economic base by coordinating revitalization efforts in its downtown area. Traditional retail uses in the Main Street core have given way to the service sector including restaurants and other food and beverage uses. Metuchen is also realizing its long-term goal of redeveloping a downtown grocery store to help anchor a mix of newly viable commercial uses. The Borough also planned for a cluster of non-residential uses in the Southwest Gateway area, near the I-287 interchange, which has been almost entirely redeveloped during the past 25 years.

E. Constraints on Development

1. State and federal regulations: Metuchen is not in the Pinelands, Highlands area or CAFRA and there are no known constraints.
2. Land ownership patterns: The Borough is one of the smaller communities in north-central Middlesex County and consists of approximately 2.8 square miles. A mix of residential land use ownership presently exists throughout the Borough of which 78 percent is owner-occupied and the balance is renter-occupied. Metuchen is clearly a central place which owes much of its compact, traditional form to the period in which it originally developed, including its rail station and downtown area and its municipal boundary with Edison Township.
3. Incompatible land uses: One problem noted in earlier Master Plans was the extent to which non-residential uses encroached upon residential areas. As a result, Metuchen revised its Land Development Ordinance to limit the further expansion of neighborhood commercial areas outside the center of town, while encouraging the location and expansion of such uses in a mixed-use pattern along with multi-family housing in the downtown.

**Fair Share Plan
July 21, 2016**

**Metuchen Borough
Middlesex County**

PREFACE

A municipality's affordable housing obligation is cumulative, and includes affordable housing need for the period 1987 to 2025. The affordable housing obligation consists of three components:

- Present Need/Rehabilitation Share (2010)
- Prior Round Obligation (1987-1999)
- Third Round Prospective Need (2000-2025)

A municipality's Present Need/ Rehabilitation Share is a measure of deficient housing that is occupied by low- and moderate-income households. Rehabilitation Share numbers from each prior round are replaced with the latest round number because the numbers are updated with each decennial census.

A municipality may receive credit for rehabilitation of low- and moderate-income deficient housing units completed after April 1, 2010 provided the units were rehabilitated up to the applicable code standard, the capital cost spent on rehabilitating a unit was at least \$10,000 and the units have the appropriate controls on affordability to ensure the unit remains affordable during the required period of time (10 years).

Rehabilitation credits cannot exceed the Rehabilitation Share and can only be credited against the rehabilitation component, not the new construction component.

The Prior Round Obligation is the municipal new construction obligation from 1987 to 1999.

The Third Round Prospective Need Obligation is for the period 2000-2025

II. REHABILITATION SHARE

The purpose of a rehabilitation program is to renovate deficient housing units. Deficient housing units are defined as units 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. Upon rehabilitation, the housing deficiencies must be corrected and the unit must comply with the applicable code standard.

A municipality must demonstrate that it has the capability to administer a rehabilitation program by either designating an experienced employee to administer the program or entering into an agreement with a governmental agency or private consultant to administer all or some of the program. A municipality must provide the consultant or municipal employee's credentials to administer the program as well as a procedures manual.

Rental units cannot be excluded from a municipal rehabilitation program. There must be at least 10 years of affordability controls on owner-occupied units and rental units. For owner-

occupied units, these controls may be in the form of a lien filed with the appropriate property's deed. For rental units, the controls must be in the form of a deed restriction and may also include a lien. Units rehabilitated after April 1, 2010 are eligible for credits against the Rehabilitation Share.

The municipal investment for the rehabilitation of a unit must average \$10,000 per unit in hard costs. Documentation must also be submitted demonstrating adequate funding source(s) and a resolution of intent to bond in the event there is a shortfall of funds.

Fair Share Housing Center (FSHC) has calculated Metuchen's Rehabilitation Share to be 40 units. Metuchen proposes to address the rehabilitation obligation through its on-going participation in the Middlesex County Rehabilitation Program that is funded through the Community Development Block Grant Program. The program is open to income eligible residents of the Borough because Metuchen is part of the Middlesex Urban County Consortium. All units to be rehabilitated must be below code, have one major system in need of repair or replacement and then raised to code after the rehabilitation is completed. The county places a life lien on all rehabilitated units.

Metuchen has had zero units rehabilitated to date. However, Metuchen intends to aggressively market this program. On an annual basis, Metuchen will enclose flyers in all tax bills explaining the county rehabilitation program and the availability of a rental rehabilitation program. In addition, flyers will be forwarded to local Houses of Worship for inclusion in applicable bulletins. Finally, Metuchen will advertise the program on the Borough's website and on the Borough's Facebook page.

The Middlesex County program does not include renter-occupied units. Metuchen will contract with an experienced provider of a rental rehabilitation program. Metuchen released a Request for Proposals for a rental rehabilitation administrator on June 22, 2016 that will be published the week of June 27, 2016 and placed on the Borough's website. The return date is July 15, 2016 with a contract being awarded August 15, 2016. Thereafter, the Borough will designate the administrator.

Henceforth, all advertising will include renter-occupied units as being eligible for rehabilitation funding. For that reason, a provision of funds will be allocated in the Spending Plan.

III. PRIOR ROUND OBLIGATION

COAH has determined that Metuchen's Prior Round Obligation was 99 units. However, Metuchen had a vacant land adjustment for 79 units. As a result, Metuchen's Prior Round Obligation was reduced to a realistic development potential (RDP) of 20 units leaving an unmet need of 79 units which was confirmed when COAH granted Metuchen second round substantive certification.

A. RENTAL OBLIGATION AND RENTAL BONUSES

The rental component was calculated as follows:

$$.25 \text{ (RDP)}$$

$$.25 \text{ (20)}$$

$$.25 \text{ (20)} = 5$$

Therefore, Metuchen had a Prior Round rental obligation of five units.

B. MAXIMUM AGE RESTRICTED UNITS

A municipality may receive credit for age-restricted units according to the following formula:

$$.25 \text{ (RDP + rehabilitation component – rehabilitation credits)}$$

$$.25 \text{ (20+40-0)}$$

$$.25 \text{ (60)} = 15$$

Based on this formula, Metuchen was eligible to age-restrict 15 units for COAH credit in the Prior Round.

C. REGIONAL CONTRIBUTION AGREEMENT (RCA) MAXIMUM

A municipality may transfer one-half of its obligation to another willing municipality within the COAH housing region. The formula for calculating the maximum RCA was as follows:

$$.50 \text{ (RDP + rehabilitation component – rehabilitation credits – any unit transferred as a result of previously approved RCA)}$$

$$.50 \text{ (20+40-0)-0}$$

$$.50 \text{ (60)} = 30$$

Based on this formula, Metuchen was permitted to enter into an RCA in the Prior Round not to exceed 30 units.

D. IMPLEMENTATION

Metuchen's second round Housing Element and Fair Share Plan received substantive certification from COAH on August 2, 2000. The following components of Metuchen's second round certified plan addressed Metuchen's RDP of 20 units:

PROJECT	NUMBER	TYPE
Beringer House	5	Senior Bedrooms
Franklin Square	3	Family For Sale
50 Aylin Street	1	Family For Sale
Central Square of Metuchen	6	Family Rentals
Rental Bonuses	5	Rental Bonuses
TOTAL	20	

1. Beringer House (Block 108, Lot 7.01) is a five-bedroom, age-restricted, shared living residence that resulted from the conversion of a former single-family residence. Opened in 1992, the house is located on a half-acre tract on the corner of Grove Avenue and Stoneham Place. All of the units are low-income rentals with private bedrooms and a common living/dining/kitchen area. All documentation was filed with COAH.
2. Franklin Square (Block 85, Lots 1, 12-19, 24-27, 38 & 100) is also known as the Franklin School site and contains a total of 105 multi-family units of which 15 are for-sale affordable townhouses. Ten are low income and five are moderate-income units. Three of the 15 affordable units will address Metuchen's Prior Round obligation and 12, the Third Round Prospective Need Obligation. All documentation was filed with COAH.
3. Central Square of Metuchen (Block 44, Lot 1.12) contains a total of 72 family rental units of which seven are moderate income rentals. Six will address the Prior Round Obligation and one will address the Third Round Obligation. All documentation was filed with COAH.
4. 50 Aylin Street (Block 46, Lot 43, COO5A) is an owner-occupied, moderate-income unit created by converting a former garage below an existing, seven unit apartment building. The entire building, including the affordable unit, was subsequently converted to condominium ownership. The one affordable unit is administered by Piazza and Associates. All documentation was filed with COAH.

Because Metuchen had a vacant land adjustment, Metuchen had to address its unmet need. As a result, the Borough adopted an Affordable Housing Ordinance in 1992 that required any townhouse, garden apartment or other multi-family residential development, including PURDs, containing a total of 10 or more dwelling units, to set aside a minimum of 10 percent of the total number of units as affordable housing. Inclusionary developments were excluded from this Ordinance.

It is noted that Metuchen has amended the Ordinance and reduced the minimum number of units for a set-aside obligation to five units and has increased the set aside to 15 percent for rental units and 20 percent for sale units.

Now, however, Metuchen is addressing its entire Prior Round Obligation of 99 units. With a 99-unit Prior Round Obligation, Metuchen has a 24-unit age restricted cap and is eligible for 25 rental bonuses. The following chart addresses Metuchen’s Prior Round Obligation:

Beringer House – 5	Senior ALA	5 Very Low
Lincoln Avenue Seniors – 19	Senior M2A	19 Low
Franklin Square – 15	Family Sales	10 Low/5 Mod
Central Square – 7	Family Rentals	7 Mod
50 Aylin - 1	Family Sale	1 Mod
Homestead – 15	Family Rentals	7 Low/8 Mod
Metuchen Corners – 1	Family Sale	1 Mod
The District – 8	Family Rentals	3 Low/5 Mod
DAG Holdings– 1	Family Rental	1 Mod
Amboy Holdings – 2	Family Rentals	1 Low/1 Mod
Rental Bonus - 25		
TOTAL - 99		

1. Beringer House was discussed above.
2. Lincoln Avenue Seniors. The Metuchen Senior Citizens Housing is also known as the Lincoln Avenue Seniors (Block 208, Lot 150) and contains 122 apartments. The land and property were originally financed by the New Jersey Housing and Mortgage Finance Agency (HMFA) in 1977. Then, in 1999, Metuchen Associates, LLC, the owner/sponsor requested to prepay the First Mortgage Loan and transfer ownership to Metuchen Associates, LLC. In the deed transferring ownership dated March 9, 1999, Metuchen Associates agreed to comply with HMFA’s requirements until October 1, 2009. At that time, the deed further extended the controls on affordability to 2042. The deed restriction states that from October 1, 2009 through October 1, 2042, the owner must comply with the outlined requirements in the deed restriction and regulatory agreement that is on file with COAH. One of the requirements is that “At least 20% of the units in the Project shall be reserved at all times for occupancy by persons of low or moderate income...” Twenty percent would be 25 senior rentals. However, the owner agreed to maintain the balance of the non-restricted units as affordable to low income seniors. As a result, 97 of the balance of the units are now eligible for Market to Affordable crediting. The reason that the owner agreed was because Metuchen negotiated a PILOT in return for having the market rate units restricted to income eligible seniors. A copy of the PILOT agreement was included in a December 19, 2007 letter to COAH. Nineteen of the senior units address a portion of the Metuchen Prior Round Obligation. Thirty-three address the Prospective Need, leaving 45 low income senior units without credit at this time because of FSHC’s restriction that the overall plan contains no more than 25 percent age –restricted units. However, as new family affordable units are created to address unmet need, the Borough will be able to receive credit for the 45 senior units at the rate of one additional age-restricted affordable unit for each

three family affordable units, thereby maintaining compliance with the age-restricted cap.

3. Franklin Square has been discussed above. However, all 15 units will address the Prior Round Obligation.
4. Central Square was also addressed above. However, all seven will address the Prior Round Obligation.
5. 50 Aylin was also discussed above.
6. Homestead at Metuchen (Block 49, Lot 57.01 and Block 49.01, Lot 1) is located on approximately six acres on Central Avenue. The tract became an inclusionary tract as the result of a COAH mediation. The development contains a total of 77 units of which eight are moderate income rental units and seven are low income rental units. The complex was completed and occupied in 2000. All documentation was filed with COAH.
7. Metuchen Corners (Block 44, Lot 1.12) is located at 10 Mulberry Lane and contains one moderate income family sale unit. Metuchen Corners is a 10-unit inclusionary development. All documentation was filed with COAH.
8. The District at Metuchen, LLC, is the owner of land that was previously known as McDade/Renaissance and is now called The District at Metuchen. This land is an assemblage of multiple blocks and was the focus of a previous development application that received preliminary approval on December 20, 2007. Now however, The District has received approval for 12 affordable family rental apartments in an inclusionary development of which two will be very low income. Of the 12, eight will address the Prior Round, two will address the Prospective Need and two will go toward unmet need.
9. DAG Holdings/De Pasquale replaced and expanded an existing mixed-use structure into two retail uses on the first floor and six residential uses on the second and third floors. Of the six apartments, one is affordable.
10. Amboy Holdings (Block 197, Lots 52 and 56) is located on the south side of Amboy Avenue between Main Street and Green Street. The property is located in the R-4 Residential Zone and contains 12 market rate townhouses. As part of the approval, Amboy Holdings provided two affordable family rentals off-site at 292 Central Avenue in Metuchen.

The Court should also be aware that apartments are permitted uses in the B1, B2 and B3 zones and are also a permitted use in the D1 zone. In addition, the Borough's Ordinance now requires a 15/20 percent set-aside wherever five or more units are created.

1V. THIRD ROUND PROSPECTIVE NEED OBLIGATION

The Fair Share Plan includes the projects and strategies to address an affordable housing obligation and any municipal ordinances in draft form that a municipality is required to adopt a requirement of repose. The Fair Share Plan is based upon a Settlement Agreement between Metuchen and FSHC. FSHC originally gave Metuchen a 582 -unit Prospective Need Obligation. However, that number was subsequently reduced to 349 units that resulted in an RDP of 133 and an unmet need of 216. The planning board adopts both the Housing Element and the Fair Share Plan which are endorsed by the governing body prior to the submittal to the Court. The proposed implementing ordinances must be adopted prior to a Judgment of Compliance and Repose.

The Fair Share Plan consists of a proposal on how a municipality intends to provide for its affordable housing obligation.

COAH rules have a number of different provisions regulating the development of affordable housing. The options available to meet the 2000-2025 Prospective Need Obligation include:

- Municipal zoning
 - Zoning for inclusionary developments
 - Redevelopment districts/sites
- Municipally sponsored new construction, 100 percent affordable developments and gut rehabilitation
- Alternative living arrangements
 - Permanent supportive housing
 - Group homes
 - Congregate housing
 - Residential health care facilities
 - Transitional facilities
- Accessory apartments
- Market to Affordable Buy-down Program
- Assisted living residences
- Expanded crediting opportunities
- Extension of affordable units with expiring controls
- Age-restricted housing
- Rental housing with bonus credits
- Very low-income housing with bonus credit

A. RDP OBLIGATION

The Settlement Agreement has resulted in Metuchen's having a Third Round Prospective Need Obligation of 349 units which was reduced to an RDP of 133 units and an unmet need of 216. The revised vacant land survey that increased the density on the four sites that are vacant and developable and revised mapping for sites that are environmentally constrained are in Exhibit A. The mapping of the 500 year flood plan sites has been eliminated. A density similar to the density of the two overlay sites was assigned to each of the four sites in the vacant land

inventory. There are no contiguous sites with the same owner nor are there any sites under 0.5 acres that could accommodate one affordable unit.

1. **Rental Obligation and Rental Bonuses**
The rental component is calculated as follows:

$$\begin{aligned} &.25 \text{ (RDP)} \\ &.25 (133) = 33 \end{aligned}$$

Therefore Metuchen has a rental obligation of 33 units and could receive bonus credits for rental units up to 33.

2. **Age Restricted Maximum-** Metuchen may age restrict units based on the following formula:

$$\begin{aligned} &.25 \text{ (RDP)} \\ &.25 (133) = 33 \end{aligned}$$

B. IMPLEMENTATION OF RDP PROSPECTIVE NEED OBLIGATION

The following are new/proposed developments/programs:

NAME	NUMBER	TYPE
The District at Metuchen	2	Family Rentals
Suburban Square	5	Family Rentals
Woodmont Metro	41	Family Rentals
Lincoln Ave. Seniors	33	Market to Affordable
Bergen County United Way	4	Very Low Income Bedrooms
YMC Properties	2	Family Rentals
Metuchen Investors	3	Family Rentals
Greenway Village	7	Family Rentals
Miciak/Pearl Street	3	Family Rentals
Rental Bonuses	33	
TOTAL	133	

1. The District at Metuchen, LLC was discussed above.
2. Suburban Square consists of a new two story building with a restaurant, retail, personal service office, commercial and residential and a three-story residential building containing 33 apartments of which five are affordable units.
3. Woodmont Metro is constructing a mixed use commercial community that will consist of a multi-story building with four components including a six

level parking garage, a five story east building for retail and rental apartments, a four story west building for rental apartments only and a one story retail only building. There will be a total of 273 rental apartments of which 41 will be affordable with five of the 41 as very low income apartments.

4. United Way - The ARC of Middlesex County entered into a Memorandum of Understanding with the NJ Housing and Mortgage Finance Agency to provide a four bedroom group home for very low income special needs households in a home owned by the Y. Metuchen provided a subsidy from its Affordable Housing Trust Fund to assist in the financing. Now, the Y is currently selling the home to the Bergen County United Way that will contract with a service provider to administer the group home for developmentally disabled adults.
5. Lincoln Avenue Seniors was discussed above.
6. YMC Properties contains two affordable rental apartments that previously were illegal. The Borough permitted the apartments to remain if they became affordable apartments which they are now.
7. Metuchen Investors LLC and Main Street LTD received Preliminary Approval and Final Site Plan Approval on April 10, 2014. The owner proposes to construct a three story residential building which will contain three affordable units out of 19 total apartments. Plans have been filed with the Borough.
8. Greenway Village's developer has demolished all existing features and is constructing two apartment buildings that are ready for occupancy. One would be two stories with 16 apartments and the other would be a three story building with 33 apartments for a total of 49 units. Seven of the apartments would be affordable units. In addition, the owner will make a fractional payment in lieu.
9. Miciak/Pearl Street is a single use four story structure containing 22 apartments. There will be three affordable units in the building. The plan was just approved.

C. UNMET NEED

Metuchen has an unmet need of 216. Unmet need is addressed with techniques that would provide opportunities for affordable housing. Metuchen has ordinances in place that address unmet need.

First, Metuchen has several Downtown Business Zones where multi-story mixed-use is required and apartments are permitted as-of-right under the existing zoning.

Second, Metuchen had enacted a Borough-wide overlay zone requiring an affordable housing set-aside on all residential developments of 10 or more units, which overlay zone had been in place since 1992. That ordinance was recently amended to lower the threshold to five (5) units. If the development contains rental units, then the set-aside is 15 percent while a 20 percent set-aside is required for sale housing. Metuchen intends to maintain this amended Borough-wide overlay zone which has historically produced a substantial number of needed affordable housing units.

Third, there are two other recently adopted and relevant ordinances that will specifically target the Unmet Need. One relates to “Parking in the Downtown Area” and the other is the “Downtown Gateway Overlay District” both of which are attached as Exhibit B. Three aerials with graphics overlain on them and a zoning map of Metuchen with an explanatory chart are in Exhibit C.

The three attached aerials with graphics overlain on them illustrate recently approved and built Downtown Inclusionary Residential Projects that were permitted as-of-right in Metuchen’s downtown business districts and were, in some of the more recent approvals, supported and promoted by the Borough’s recently adopted “location efficient” policies intended to reduce transportation costs and promote affordability. All of these projects are within a five-minute walk of the Metuchen Train Station. They have an overall average density of 41 dwelling units per acre. However, without the Borough’s recently adopted “location efficient” policies, these projects would have yielded a significantly reduced overall average density of 21 dwelling units per acre and there is a likelihood that several of the projects would not have been feasible enough to have been built.

As background:

- In 2014, the Metuchen Parking Authority completed a Downtown Parking Study which contained both “Transformative Strategies” and “Supportive Strategies” including recommendations that downtown zoning be amended to reduce minimum parking requirements, set maximum parking requirements and incentivize sharing of parking.
- In June 5, 2014 Metuchen adopted a Master Plan Amendment to address the changing circumstances in the downtown including several new policies to promote downtown reinvestment. The Master Plan Amendment recommended applying the recommendations from the Downtown Parking Study to properties located within the B-1 Central Business District, B-3 Office Business District and D-1 Downtown Development District which form the core of the downtown business and mixed-use zones. The properties in these zones are also most proximate to and well served by the Train Station, bus stops, numerous Metuchen Parking Authority lots and the planned parking structure on the Pearl Street lot, thus allowing such properties to most effectively take advantage of the recommendations from the Downtown Parking Study.

- These recently adopted Master Plan policies were designed to help stimulate interest and “unlock” the latent value of properties that are too small or otherwise constrained to make it feasible to construct both a building and the required on-site parking. In such situations, the required on-site parking on the property itself acts as an effective constraint to redevelopment. The Borough wanted to maximize the benefits of public investment in the Pearl Street parking structure by promoting infill development on properties located within 1,250 feet (approximately equivalent to a five-minute walk) by utilizing a Payment in Lieu of Parking (PILOP) for up to 100 percent of required parking.
- The new Master Plan policies were implemented by enacting Ordinance No. 2015(attached) which reduced the minimum parking requirements on qualified sites in certain zones by 50 percent and instituted a Payment in Lieu of Parking (PILOP) provision allowing uses that are short of required parking to pay the Metuchen Parking Authority an established fee for each space needed.

Without this combination of reduced parking requirements and other "location efficient" relief/policies, some of Metuchen's most recent and most productive projects (in terms of affordable housing) within the Downtown area would not have been feasible and would have reflected an approximate 50 percent reduction in overall average density and resultant affordable housing units. Metuchen's implementation of its "location efficient" policies has been recognized by statewide organizations as one of the most progressive Smart Growth policies in New Jersey.

Currently, there are approximately 42.5 acres of land remaining within the Downtown Business zones which have the potential to accommodate inclusionary residential development through Metuchen's as-of-right zoning and recently enacted "location efficient" policies. Admittedly, much of the land that comprises the remaining 42.5 acres in the Downtown Business zones may not be redeveloped in the near future and some sites may never redevelop, due to the existing uses of the sites, the value of existing buildings and site improvements, or the inability to assemble an appropriate site. Nevertheless, the opportunity is provided.

In order to demonstrate the potential for addressing Unmet Need within the remaining 42.5 acres in the Downtown Business zones, several blocks (or block faces) totaling eight acres were identified as "Blocks More Likely to be Redeveloped". The remaining 34.5 acres were identified as "Blocks Less Likely to be Redeveloped". Based on the average density of recent approvals under existing zoning and the application of "location efficient" policies, Metuchen could provide as many as 12 additional affordable housing units addressing the Unmet Need within the portions of the Downtown Business zones that have been characterized as "Blocks More Likely to be Redeveloped" alone. See Exhibit D

For example, if 25 percent of the land (2 acres) within the "Blocks More Likely to be Redeveloped" was redeveloped as permitted (with apartments), approximately 42 total (and six affordable units) would be produced based on the existing zoning alone, without the application of the "location efficient" policies. If the "location efficient" policies are applied in a manner similar to recent approvals, the same redeveloped lands might yield up to 82 units. With a 15

percent affordable housing set aside for rental apartments, this would result in 12 affordable housing units.

If 10 percent of the land (3.45 acres) within the “Blocks Less Likely to be Redeveloped” was redeveloped as permitted (with apartments), it could yield approximately 73 total units (with 11 affordable units) based on the existing zoning, without the application of the “location efficient” policies. If the “location efficient” policies are applied in a manner similar to recent approvals, the same redeveloped lands might yield up to 142 units. With a 15 percent affordable housing set aside for rental apartments, this would result in 21 affordable housing units.

It is noted that Metuchen has provided two additional sites, South Main Street and Safety Place, that will be the focus of overlay zoning which, when adopted, will result in four units of additional affordable housing over and above what the current ordinance permits. Exhibit E contains information on these two sites.

Finally, the District at Metuchen was originally proposed to include 10 affordable units. However, the District received approval for a project with 12 affordable units. As a result, two of the 12 affordable family rental units will go toward unmet need.

D. SETTLEMENT AGREEMENT PROVISIONS

The following provisions of the Settlement Agreement have been incorporated into a new Affordable Housing Ordinance that will replace the one that is currently in the Code:

1. Thirteen percent of the new affordable units, with the exception of units that have been approved and vested prior to 2008, will be very low income units of which half will be available to families.
2. In any new project generating more than five units, Metuchen will impose 50 years of controls on the affordable units.
3. Third Round bonuses will be applied in accordance with NJAC 5:93 and capped at 25 percent of the rental obligation.
4. At least 50 percent of the units in each of the Third Round Prospective Need sites including units fulfilling unmet need will be affordable to low and very low income households with the remainder affordable to moderate income households.
5. Metuchen will comply with the 25 percent age –restricted cap and will not request a waiver.
6. The new Affirmative Marketing Plan will include an updated Service List and notice to all the organizations on the Service List in addition to other

entities, including developers or persons or companies retained to do affirmative marketing.

7. Metuchen will comply with the requirements of NJAC 5:80, including but not limit to the marketing, bedroom distribution and affordability standards for the affordable housing units referenced in this plan and units that are developed to meet unmet need.
8. The subdivision of properties proposed for inclusionary residential developments or mixed use developments that will include affordable housing is prohibited as a means to circumvent the 50 year control period.

E. CONSIDERATION OF SITES PROPOSED FOR INCLUSIONARY RESIDENTIAL DEVELOPMENT

Metuchen has received no other residential inclusionary development proposals from any interested party in this litigation nor has any interested party, all of which received notice of the Fairness Hearing and filed no objections to the plan.

F. AFFIRMATIVE MARKETING PLAN

An updated Affirmative Marketing Plan is in Exhibit F. The New Jersey State NAACP, the New Brunswick, Plainfield Area, Perth Amboy and Metuchen/ Edison branches of the NAACP and the Latino Action Network have all been added to the list of organizations that will be contacted regarding affordable housing opportunities.

G. AFFORDABLE HOUSING ORDINANCE

An Affordable Housing Ordinance is attached as Exhibit G.

H. SPENDING PLAN

An updated Spending Plan has been prepared that includes funding for a Rental Rehabilitation Program and is in Exhibit H.

I. ADMINISTRATIVE AGENT

The Resolution appointing Piazza & Associates is in Exhibit I.

J. MUNICIPAL HOUSING LIAISON

The Resolution appointing the Municipal Housing Liaison is in Exhibit J.

K. RESOLUTION OF INTENT TO BOND

A Resolution of Intent to Bond is in Exhibit K.

L. ADOPTED DEVELOPMENT FEE ORDINANCE

The adopted Development Fee Ordinance is in Exhibit L.

All of the Ordinances and Resolutions will be adopted prior to the Final Hearing Granting a Judgment of Compliance and Repose.

EXHIBIT A

BOROUGH of METUCHEN

Middlesex County, New Jersey

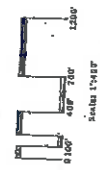
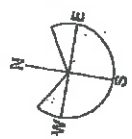
ZONING MAP

R-1	RESIDENTIAL DISTRICT
R-1A	RESIDENTIAL DISTRICT
R-2	RESIDENTIAL DISTRICT
R-2A	RESIDENTIAL DISTRICT
R-3	RESIDENTIAL DISTRICT
R-4	RESIDENTIAL DISTRICT
[Hatched Box]	OVERLAP RESIDENTIAL DISTRICT
B-1	CENTRAL BUSINESS DISTRICT
B-2	NEIGHBORHOOD BUSINESS DISTRICT
B-3	OFFICE BUSINESS DISTRICT
B-4	RESTRICTED BUSINESS DISTRICT
D-1	DOWNTOWN DEVELOPMENT
F-1	FRANKLIN DEVELOPMENT
G-1	GATEWAY DEVELOPMENT
G-2	GATEWAY DEVELOPMENT
LI	LIGHT INDUSTRIAL DISTRICT



ADOPTION / REVISION
 Adopted October 17, 1988
 Revised February 24, 1990
 Revised November 24, 1990
 Revised November 24, 1990

NOTE: All Zoning District Boundaries Follow Lot Lines
 unless otherwise indicated on this map.
 This map is subject to change without notice.



T&M ASSOCIATES

Map Originally Prepared by V. J. Lombardi, 1970

Item	Tracts	Block	Lot	Acres/ft	Owner's Name	Zone	Comments	Developable Acreage	Deliv. (sq/ft)	Yield (du)	Set-aside (du)
1	1	1	1	2.67	Elizabethtown Gas Co	R-1	Land-locked / Utility / Easement				
2	1	1	2	1.39	Edison-Tyler Estates Inc	R-1	Land-locked / Open Space				
3	1	2	2	5.42	VGWDC, LLC	R-1	Land-locked / Open Space				
4	2	3	1.02	Kushnick, Michael A. & Joanne	R-2	Land-locked / Yard Area for Adjacent Residence (Edison)					
5	2	3	1.03	Metuchen Oak Hills Assoc	R-2	Land-locked / Open Space					
6	3.01	5.01	10	0.17	Gupta, Anshul & Shw	R-1	Yard Area for Adjacent Residence (Edison)				
7	4	7	25	0.02	Borough of Metuchen	R-1	Undersized				
8	4	11	5-6	0.09	Suchovic, Linda A	R-1	Yard Area for Adjacent Residence (Edison)				
9	6	26	2.02, 3.02	0.07	Elizabethtown Gas Co	R-1	Undersized / Land-locked / Utility / Easement				
10	5	26	67	0.07	Borough of Metuchen	R-1	Undersized				
11	7	29	1.0501 (Q. 0018)	1.28	Whitfield at Metuchen Homeowner's Assn	G-2	Common Area for Townhouse Neighborhood				
12	7	29	1.01, 1.03	0.60	JFK Plaza LLC	G-2	Parking Lot for Adjacent Commercial/Office (Edison)				
13	7	29	1.02	0.20	PSEG Services Corp, Corp Prop Dept.	G-2	Utility ROW				
14	5	29.03	2.01	0.19	Elwood, Kevin F. & Geraldine A.	R-1	Yard Area for Adjacent Residence (Edison)				
15	5	29.03	3.01	0.05	Junio, Joseph & Olga	R-1	Yard Area for Adjacent Residence (Edison)				
16	5	29.03	4	0.07	Karimnial, Sridhar & Padmanabhan, Reikha	R-1	Yard Area for Adjacent Residence (Edison)				
17	5	29.03	5	0.09	Port Residing Railroad Co	R-1	Yard Area for Adjacent Residence (Edison)				
18	5	31	1-6	0.00	Borough of Metuchen	R-1	Railroad				
19	6	33	1-2	0.11	Borough of Metuchen	R-1	Vacant / Undersized				
20	6	33	23.01, 24.01, 25.01	0.14	Borough of Metuchen	R-1	Vacant / Undersized				
21	6	33	15-18	0.23	Borough of Metuchen	R-1	Vacant / Undersized				
22	V	35	1, 7	11.29	Amtrak	V	Railroad				
23	V	35	3, 5-6	5.95	Amtrak	V	Railroad				
24	33	35	5 (Q. 701)	0.02	T-Mobile/Lenox Mgmt Site #NJ06313A	D-1	Cell Tower				
25	32	35	5.01	0.37	Borough of Metuchen	D-1	Dred Restricted ROW Computer				
26	7	36	42	2.25	PSEG Services Corp, Corp Prop Dept.	R-4	Utility ROW / Cell Tower				
27	8.01	37	1.02	0.83	Borough of Metuchen	R-2	Divinal Brook Park / Green Acres / Open Space				
28	8	37	3	0.30	Ronald S. Krantz	L-1	Industrial				
29	8.01	37	5.03	1.04	Borough of Metuchen	R-2	Land-locked / Hubed Former Railroad				
30	8.01		5.05, 7.01, 7.02, 14, 15.06		Metuchen Realty Acquisition, LLC	R-2 / L-1	Portions Land-locked / Industrial / Wetlands / Floodplain / Contaminated - 30 Acres Actually Developable (Including Portions of Items 31, 32, & 37); Designated an Area in Need of Redevelopment	10.00	10.00	100.00	15.00
31	8.01	37	15.02, 15.03, 17.01, 17.02	22.95	Metuchen Realty Acquisition, LLC	R-2 / L-1	Portions Land-locked / Industrial / Wetlands / Floodplain / Contaminated - 30 Acres Actually Developable (Including Portions of Items 31, 32, & 37); Designated an Area in Need of Redevelopment	10.00	10.00	100.00	15.00
32	8	37	13	2.30	Metuchen Realty Acquisition, LLC	L-1	Land-locked / Industrial				
33	8	37	8	0.95	Schobek, Gary & Eileen	R-2	Land-locked				
34	8	37	10	0.73	Schobek, Gary W. & Eileen H.	L-1	Yard Area for Adjacent Industrial				
35	8.01	38	1	0.20	Borough of Metuchen	R-2	Parking Lot for Adjacent Industrial				
36	8.01	39	28-29	0.11	Briggs, Charles & Ida	R-2	Vacant / Undersized				
37	8.01	42	1-7	0.43	Metuchen Realty Acquisition, LLC	L-1	Yard Area for Adjacent Residence				
38	V	43	1-3	14.75	Con Rail Corp % Nordik Southern Corp	V	Railroad				
39	9	44	4-8	12.18	County of Middlesex % Co. Treasurer	R-3	Middlesex Greenway / Middlesex County Open Space				
40	9	44	1.04	0.75	Metuchen Sq. Inc. Homeowners Assoc.	L-1	Common Area for Townhouse Neighborhood				
41	9	44.01	9	0.06	125 Liberty St., LLC % R.Karabanchak	L-1	Yard Area for Adjacent Industrial				
42	9	44.01	27.02	1.09	Van-Bari Realty Inc.	L-1	Yard Area for Adjacent Industrial				
43	9	44.02	35	0.07	Sui, Jung Kun & Young Sook	R-2	Contractor Yard for Tree Service Company				
44	9	44.02	49 - 50.01	0.14	Shi, Liang & Meng, Hui-Hong	R-2	Yard Area for Adjacent Residence				
45	9	45.01	1-2	0.14	LibertyForest LLC	L-1	Yard Area for Adjacent Residence				
46	9	45.01	58.01 - 59.01	0.14	LibertyForest LLC	L-1	Approved for Warehouse (2013 Site Plan)				
47	9	46	57	0.40	LibertyForest LLC	L-1	Parking Lot for Adjacent Industrial				
48	9	48	3-4	0.14	Leonard Street Partnership	L-1	Yard Area for Adjacent Industrial				
49	9	48.01	2.012	1.38	Tree Top Partnership	R-2	Yard Area for Adjacent Residence				
50	10	49	15-16.01	0.14	Zelichowski, Stanley, Jr	L-1	Truck Parking & Contractor Yard for Landscaping Company				
51	10	49	52.01	0.60	Yunco, LLC	B-2	Parking Lot for Adjacent Gas Station	0.60	10	16.00	0.90

52	12	51.04	20.03	0.10	Rufolo, Joseph	R-2	Approved for Single-Family Dwelling (2013 Subdivision)				
53	12	51.04	27, 27.01, 23 - 24	1.06	Borough of Metuchen	R-2	Center Street Park / Green Acres / Open Space				
54	12	51.05	4 - 5	0.09	Baranowski, Elizabeth Ann	R-2	Yard Area for Adjacent Residence				
55	13	53	5 (Apporioned)	0.61	MapleGate Homeowners Association	R-2	Common Area for Townhouse Neighborhood				
56	13	54	28 - 29	0.16	ZM Management LLC	R-2	Parking Lot for Adjacent Restaurant				
57	13	54	39 - 41	0.23	Russomanno, Ronald R. & Joann	R-2	Approved for Two-Family Dwelling (2009 Site Plan)				
58	14	50	59	0.13	Bell Atlantic-NJ / Duff & Phelps	R-4	Parking Lot for Commercial Access Street				
59	16	56	1 - 3	0.20	Metuchen Realty Acquisition, LLC	R-2	Residing Lot for Industrial Access Street				
60	16	58	14 - 17	0.26	New Hope Baptist Church	R-2	Parking Lot & Bell Tower for Adjacent Church				
61	16	58	25 - 26	0.13	New Hope Baptist Church	R-2	Parking Lot for Adjacent Church				
62	17	59	101 - 103	0.17	Vital Management & Consulting, LLC	B-3	Parking Lot for Adjacent Commercial / Industrial				
63	17	59	104 - 105	0.11	Vital Management & Consulting, LLC	B-3	Parking Lot for Adjacent Commercial / Industrial				
64	17	59	125.07	5.08	Borough of Metuchen	L-1	Villas Park / Open Space				
65	17	70	53	0.06	Borough of Metuchen	R-2	Undersized				
66	17	70	86 - 88	0.17	Vital Mgmt & Consulting, LLC	B-3	Parking Lot for Adjacent Commercial / Industrial				
67	17	71	37.01	6.60	Metuchen III LLC	L-1	Blank Site on Land Leasing 3.50 Acres Actually Developable				
68	18	73	9	0.05	Eckstein, Vincenta	R-2	Designated an Area in Need of Redevelopment		5.50	55.00	8.25
69	18	76	45	2.00	Micalik, Joseph	R-2	Yield Area for Adjacent Residence				
70	19	78	13	1.13	Borough of Metuchen	R-2	Unlocked / Barrier & Steep Slope along Frontage				
71	20	79	12, 25.01	0.84	Borough of Metuchen	R-2	Hudson Park / Green Acres / Open Space				
72	20	81	1.02, 9.01, 13	0.46	Borough of Metuchen	R-2	Hudson Park / Open Space				
73	21	82.02	31	0.21	Borough of Metuchen	B-3	Vacant				
74	21	83	24.01	2.69	Central Sq. of Metuchen, LLC 1/2 Bart Mgt	B-5	Common Area for PUDO Neighborhood				
75	21	83	33	1.05	The District at Metuchen II, LLC	B-3	Vacant / Phase II of The District Development (2014 Site Plan)				
76	23	90	24	0.33	PSEG Services Corp, Corp Prop Dept	B-3	Utility / Proposed Middlesex Greenway Extension				
77	23	90	27	0.34	Costello-Runyon Funeral Home Inc.	B-3	Funeral Home				
78	23	90	34, 36	0.16	Costello-Runyon Funeral Home Inc.	B-3	Yield Area and Parking Lot for Adjacent Funeral Home				
79	23	91	15	0.25	Costello-Runyon Funeral Home, Inc.	B-3	Parking Lot for Adjacent Funeral Home				
80	23	91	18.05	0.16	Cairo Prop. 2 LLC % Friendly Ice Cream	B-3	Access & Parking Lot for Adjacent Retail/Restaurant				
81	24	92	32	1.17	Costello-Runyon Funeral Home, Inc.	B-3	Parking Lot for Funeral Home Access Street				
82	25	95.01	35	0.15	Borough of Metuchen	R-1	Climatez Park / Green Acres / Open Space				
83	26	97	1.02	0.00	Jessen, Martin D & Barbara B.	R-1	Unlocked / Yield Area for Adjacent Residence				
84	26	98	25	0.12	Borough of Metuchen	R-1	Undersized				
85	26	98	36.01	0.17	Rossi, F&G L/O Karl, R & D	R-1A	Yield Area for Adjacent Residence				
86	27	99	80.012	0.27	Urgell, Jorge & Banerjee, Sucharita	R-1A	Private Lane				
87	27	100	20	0.19	Gawronski, Glenn	R-1A	Private Lane				
88	28	101	7.05, 7.06	0.21	Keyes, Barbara J.	R-1A	Vacant / Approved for Single-Family Dwelling (2011 Subdivision)				
89	28	101	7.07	0.25	St Francis of Assisi Cathedral	R-1	Yield Area for Adjacent Residence				
90	29	104	23.03	0.17	St Francis Church	R-1	Parking Lot for Adjacent Church / School				
91	30	105	1, 58	1.04	Dorf, M.E. HMS MBIB NRB-830	R-1	Parking Lot for Adjacent Church / School / Parsonage				
92	30	106	12	2.59	Woodwild Park Association	R-1A	Yield Area for Adjacent Restaurant				
93	31	108	5	0.28	Woodwild Park Association	R-1A	Woodwild Park / Private Open Space				
94	32	109	1	2.68	Patentit, Helen & Tomaro, Maria-Trust	R-1	Woodwild Park / Private Open Space				
95	32	110	42	1.75	Middlesex County	B-3	Vacant				
96	32	111	2.01	0.96	PSEG Services Corp, Corp Prop Depl.	D-1	Trailhead Park / Middlesex County Open Space				
97	33	112	2	0.18	The District at Metuchen, LLC	D-1	Utility				
98	33	112	10	0.07	JOJO Auto, LLC	D-1	Parking Lot / Phase III of The District Development (2014 Site Plan)				
99	33	112	13.01	0.09	Jawle LLC C/O Metuchen Diner	D-1	Canopy, Pumps & Parking Lot for Adjacent Gas Station				
100	33	112	15.01	0.24	Anastasi, A & Anastas, G & Anastasio, P	D-1	Access & Parking Lot for Adjacent Restaurant				
101	33	113	37.01	0.28	Parking Authority of Metuchen	D-1	Vacant				
102	33	113	39.41	0.23	Pearl Street Associates	D-1	Vacant / Approved for 22-Unit Apartment Building (2015 Site Plan)				
103	33	113	54	0.47	Dorf, M.E. HMS MBIB NRB-830	D-1	Vacant				
104	33	114	66	0.08	Martha T Cole Inc	D-1	Vacant				
105	33	114	68	0.33	Metuchen Savings Bank	D-1	Leased to Parking Authority of Metuchen for Municipal Parking Lot				
106	33	115	36.03	0.45	Parking Authority of Metuchen	B-1	Municipal Parking Lot				
107	34	117	23.01	0.12	Woodmont Metuchen, LLC	D-1	Parking Lot for Adjacent Bank				
					Mail-rovick, Taroslav & Halina	R-1	Yield Area for Adjacent Residence				

108	34	117	50	Convery, Samuel Y. Jr.	B-1	Perfiling Lot for Adjacent Commercial / Office					
109	35	118	12, 13.01, 14.01	Parking Authority of Metuchen	R-1	Vacant / Acquired for Future Municipal Parking Lot					
110	35	118	15, 16, 17, 18.05	Cyana LLC	R-1	Perfiling Lot for Adjacent Commercial / Office					
111	35	118	18.04	Main Street Metuchen, LTD.	R-1	Perfiling Lot / Approved for Tandam Parking Lot (2024 Site Plan)					
112	35	118	18.4	Altken, David	R-1	Driveway for Adjacent Residence					
113	35	122	32.9, 11	Parking Authority of Metuchen	B-1	Municipal Parking Lot					
114	35	123	25.01	Borough of Metuchen	R-1	Land-locked / Underused					
115	37	124	60	Griffin & Griffin Pshp.	R-1	Yard Area for Adjacent Residence					
116	36	125.01	41.08	State of New Jersey	R-1	Underused					
117	38	125.07	14	Centenary Methodist Church	R-1	Yard Area for Adjacent Church					
118	39	126	130	Borough of Metuchen	R-1	Underused					
119	42	130.01	47.01	Suburban Sportsland LLC	R-1	Underused					
120	42	130.01	47.02	Suburban Sportsland LLC	G-1	Vacant. 1.43 Acres Actually Developable (Including Item 120)		1.43		14.30	2.15
121	44	132	1-6	Petersen, Bart	R-4	Billboard Sign					
122	44	132	36-38	Pitcher, Sherald Ann	R-2	Underused					
123	44	132	42-46	Borough of Metuchen	R-2	Underused					
124	44	132	48	White, Robert	R-2	Underused					
125	44	132	52	Borough of Metuchen	R-2	Land-locked / Underused					
126	44	133	59	Borough of Metuchen	R-2	Billboard Sign / Open Space					
127	44	134.01	1	Dept of Transportation State of NJ	B-3	Perfiling Lot for Middlesex Greenway					
128	45	135	1-24	Borough of Metuchen	R-2	Perfiling Lot for Middlesex Greenway					
129	45	136	1-32	Borough of Metuchen	R-2	Kittnor Park / Green Acres / Open Space					
130	45	138	53.03	Borough of Metuchen	R-2	Kittnor Park / Green Acres / Open Space					
131	46	141	28.23	Borough of Metuchen	R-2	Vacant					
132	47	142	48.06	Borough of Metuchen	R-2	Land-locked / Underused					
133	47	143.01	6.12, 6.02	Metuchen Lake Realty LLC	R-2	Yard Area for Adjacent Gas Station					
134	48	144	29	Metuchen Realty LLC	R-2	Land-locked / Yard Area for Adjacent Residence					
135	48	145	1	Borough of Metuchen	B-3	Active Contamination Site / Site ID #572H					
136	48	145	78	Metuchen Parking Authority	B-3	Old Presbyterian Cemetery / Open Space					
137	49	146	9	Carm Stavel Assoc Ltd % Somerset	B-3	Municipal Parking Lot					
138	49	148	3	K & W Realty LLC	B-3	Home-Car / Perfiling Lot for Adjacent Commercial					
139	49	148	6	HDM Realty, LLC	B-3	Approved for Parking Lot for Adjacent Mixed-Use (2009 Site Plan)					
140	49	148	8	HDM Realty, LLC	B-3	Perfiling Lot					
141	50	149	15	Borough of Metuchen	R-3	Perfiling Lot					
142	50	151	15, 17	Roosevelt Investments LLC	R-2	Thomas Park / Green Acres / Open Space					
143	52	153	30.01, 30.03	Metuchen Assembly of God Inc.	R-4	Approved for 2 Single-Family Dwellings (2015 Subdivision)					
144	53	154.06	77.02	Borough of Metuchen	R-2	Yard Area for Adjacent Church					
145	53	154.06	84	Borough of Metuchen	R-2	Underused					
146	54	155	1	Borough of Metuchen	R-2	Underused					
147	54.01	155	7	Borough of Metuchen	R-2	Edgar Park & Municipal Pool / Green Acres / Open Space					
148	54.01	155	18	Borough of Metuchen	R-2	Underused					
149	55	158	2	Parking Authority of Metuchen	R-2	Underused, Wetlands, Easements, 0.15 Acres Actually Developable					
150	55	158	67.04	Avale, Juan & Fany	R-2	Municipal Parking Lot					
151	56	161	17.02, 18.01	State of New Jersey	R-2	Yard Area for Adjacent Residence					
152	56	162	8.01 - 23	Borough of Metuchen	R-2	Underused (Lot Depth 30 to 80 feet deep)					
153	57	164	51	Amtrak	R-2	Perfiling Lot for Metuchen Train Station					
154	59	173	1	Borough of Metuchen	R-2	Underused					
155	59	173	8	Nesenjuk, Lynn	R-2	Yard Area for Adjacent Residence					
156	60	175	10.96	Borough of Metuchen	R-2	Underused					
157	67	195	27 & 28	Gateway to Metuchen Condo Assoc.	R-2	Yard Area for Adjacent Apartment Complex (Edison)					
158	68	197	20.01	E & G Realty Inc	B-3	Perfiling Lot for Adjacent Commercial / Office					
159	70	206	13, 15	Ali, Adnan	R-2	Yard Area for Adjacent Residence (Edison)					
160	70	206	17, 19, 21, 23	Venkatarman, Sundarshan	R-2	Yard Area for Adjacent Residence (Edison)					
161	70	206	36, 38, 40	Yip, Ngai Wan & Michael & Fany, Wal	R-2	Yard Area for Adjacent Residence (Edison)					
162	70	206	42, 44	Schoner, Scott	R-2	Yard Area for Adjacent Residence (Edison)					
163	71	208	5	KMP Realty LLC	R-2	Vacant (2008 Site Plan - Ignored)					

164	71	308	9.03	0.17	KMP Realty LLC	R-2	Village (2003 Site Plan, adopted)			
165	71	308	31, 31.01	0.19	Metuchen Senior Citizen Corp	R-4	Yard Area for Adjacent Senior Housing			
166	71	308	71	0.25	Carbonaro, Jr., Michael A & Elizabeth T	R-2	Yard Area for Adjacent Commercial			
167	71	308	84	2.70	Metuchen Cemetery Assn	R-2	Hillside Cemetery			
168	72	309	1 - 3, 14, 15	4.33	Metuchen Cemetery Assn	R-2	Hillside Cemetery			
169	73	210	1 - 4	0.25	188 Main Street Inc	R-2	Parking Lot for Adjacent Automobile Repair Shop			
170	73	211	7, 7.03	0.13	Huss, John & Nancy	R-2	Yard Area for Adjacent Restaurant			
171	73	212	21	0.09	Borough of Metuchen	R-2	Understand			
172	74	213	1.01, 3 - 69	9.69	Borough of Metuchen	R-2	Myrtle-Charles Park / Green Acres / Open Space (including Item 172a)			
173	75/74	215	62, 63, 126, 82, 02, 83, 01, etc	2.33	Borough of Metuchen	R-2	Myrtle-Charles Park / Green Acres / Open Space			
174	76	218	7.01	0.02	Borough of Metuchen	R-2	Wetlands / Orchard Street Pavement / Culvert			
175	76	218	32.01	0.04	State of New Jersey	R-2	Understand			

17.53

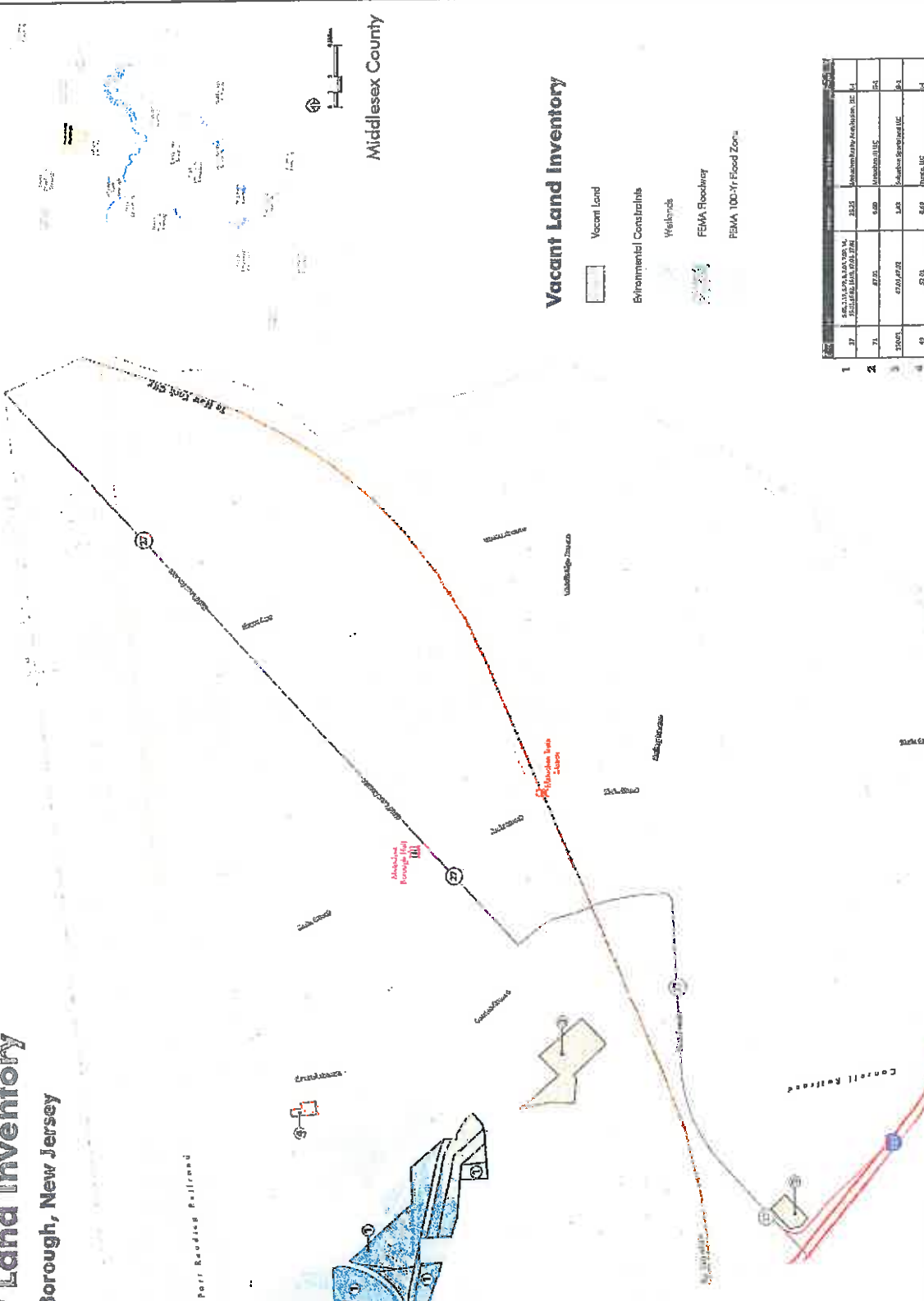
175.3

26,295

Vacant Land Inventory

Metuchen Borough, New Jersey

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Middlesex County

Vacant Land Inventory

- Vacant Land
- Environmental Constraints
- Wetlands
- FEMA Floodway
- FEMA 100-Yr Flood Zone

Parcel ID	Area (Acres)	Notes
1	2.55	Unincorporated
2	5.00	Unincorporated
3	1.43	Unincorporated
4	8.49	Unincorporated

5 - Minute Walk
Approx. 100ft

LRK
Landscape Architecture & Planning

ORDINANCE NO. 2014-12

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF METUCHEN, CHAPTER 110, SECTION 110-77 B-3 OFFICE BUSINESS DISTRICT, SECTION 110-78 B-4 RESTRICTED BUSINESS DISTRICT AND SECTION 110-80 D-1 DOWNTOWN DEVELOPMENT DISTRICT; SECTION 110-87 CONDITIONAL USES – SPECIFIC CONDITIONS; SECTION 110-134.3. DOWNTOWN GATEWAY OVERLAY DISTRICT IN THE B-3 OFFICE BUSINESS DISTRICT, B-4 RESTRICTED BUSINESS DISTRICT AND D-1 DOWNTOWN DEVELOPMENT DISTRICT;

BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen that the Land Development Code of the Borough of Metuchen be amended as follows:

SECTION 1. Chapter 110 of the Code of the Borough of Metuchen is hereby amended as follows to § 110-77. B-3 Office Business District, § 110-78. B-4 Restricted Business District, § 110-80. D-1 Downtown Development District:

ARTICLE 17

§ 110-77. B-3 Office Business District

Principal, accessory and conditional uses shall be permitted and regulated in the B-3 Office Business District as follows:

C. (3) Downtown Gateway Overlay District, pursuant to 110-87AA.

§ 110-78. B-4 Restricted Business District

Principal, accessory and conditional uses shall be permitted and regulated in the B-4 Restricted Business District as follows:

C. (8) Downtown Gateway Overlay District, pursuant to 110-87AA.

§ 110-80. D-1 Downtown Development District.

Principal, accessory and conditional uses shall be permitted and regulated in the D-1 Downtown Development District as follows:

C. (6) Downtown Gateway Overlay District, pursuant to 110-87AA.

SECTION 2. Chapter 110 of the Code of the Borough of Metuchen is hereby amended to add § 110-87.AA Downtown Gateway Overlay District:

ARTICLE 18

Conditional Uses

§ 110-87.AA Downtown Gateway Overlay District

(1) A Downtown Gateway Overlay District shall be a permitted conditional use.

The permitted uses within a Downtown Gateway Overlay District shall be:

- a) Supermarket, not exceeding 50,000 square feet in gross floor area and which may include eating, drinking and an outdoor cafe on premises.
- b) Retail shops and stores.

- c) Service businesses.
- d) Offices.
- e) Banks and other financial institutions, including drive-in banks.
- f) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.
- g) Apartments, only if located on the north side of Middlesex Avenue and not including any apartments located on the ground floor of a building fronting on Middlesex Avenue or Central Avenue.
- h) Nursery schools and day-care centers.
- i) Dry cleaning establishment where no dry-cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.
- j) Health clubs, gyms and spas.
- k) Inns and hotels.
- l) Social halls, clubs, lodges and places of public assembly.
- m) Borough-operated public facilities.

(2) Permitted Accessory Uses within a Downtown Gateway Overlay District shall include:

- a) Driveways, parking lots, loading areas and multilevel parking facilities.
- b) Outdoor display and sales area associated with permitted retail shops and stores and supermarkets.
- c) Outdoor cafes and restaurants, including those with appropriate licenses that serve alcoholic beverages outdoors.
- d) Plazas, courtyards, kiosks, outdoor art exhibit space, water features, permanent or temporary installations of public art, walkways and alleys and other similar type of public and semipublic open spaces.
- e) Trash enclosures, compactors and dumpsters.
- f) Walls, fences, hedges and other landscape elements.
- g) Utility boxes.
- h) Other uses deemed to be permitted accessory uses.

(3) Conditions: a Downtown Gateway Overlay District shall meet the following conditions:

- a) Minimum tract area shall be five (5) acres. For the purposes of calculating tract area, lots separated by street rights-of-way may be considered part of the same tract, including the area of the right-of-way separating such lots.
- b) Minimum frontage on Middlesex Avenue: two hundred fifty (250) feet located along both sides of the street facing one another.
- c) A supermarket shall be a required use.
- d) If development of the tract is proposed in multiple phases, a phasing plan shall be provided. The phasing plan shall identify the portions of the tract proposed for preliminary and final site plan approval as well as any phases reserved for future development. The required

supermarket use shall be developed in the first phase. A concept plan for the entire tract, depicting both proposed first phase development and illustrating one or more scenarios for potential future phases, shall be provided.

SECTION 3. Chapter 110 of the Code of the Borough of Metuchen is hereby amended as follows to § 110-134.3. **Downtown Gateway Overlay District in the B-3 Office Business District, B-4 Restricted Business District and D-1 Downtown Development District.**

ARTICLE 29.C

Downtown Gateway Overlay District - Design Standards

110-134.3 Downtown Gateway Overlay District in the B-3 Office Business District, B-4 Restricted Business District and D-1 Downtown Development District.

- (1) Maximum building coverage: seventy percent (70%) of the tract.
- (2) Maximum impervious coverage: ninety percent (90%) of the tract.
- (3) Business and service uses included within a Downtown Gateway Overlay District shall be designed to be integrated with and/or compliment other existing commercial areas within the B-3, B-4 and D-1 Districts. Integration of business and service uses shall be accomplished by proximity of location, site orientation, scale and massing along the streetscape, architectural style, color, materials and details, pedestrian circulation linkages, vehicular circulation and parking, lighting, landscaping and street furniture.
- (4) Height of principal buildings fronting on Middlesex Avenue, Lake Avenue and Central Avenue shall have a minimum height of twenty (20) feet for one (1) story buildings and a maximum height of three (3) stories and forty five (45) feet. Height of principal buildings or portions of such buildings set back a minimum of fifty (50) feet from the edge of curb of the above streets shall not exceed four (4) stories and fifty (50) feet in height. Any four (4) story building shall be designed using some combination of massing, scale, roof type, cornice, projections, recesses, materials, colors and other architectural treatments to minimize the visual impact of the height of such building. For the purposes of this section, height shall be measured from finished grade.
- (5) Building elements and appurtenances such as cornices, chimneys, spires, cupolas, belfries, towers or flagpoles, designed exclusively for ornamental purposes, as well as functional elements such as elevator housing, roof-mounted HVAC systems, solar panels and roof access stairwells may exceed the height requirements by up to fifteen (15) feet.
- (6) Minimum front yard setbacks: five (5) feet, except along Central Avenue, where no minimum setback is required. Buildings shall be setback a

minimum of fifteen (15) feet from the edge of curb of the street upon which such building fronts, except along Central Avenue and other internal streets, where the setback from the edge of curb shall be ten (10) feet. Steps leading to a first floor, balconies, awnings and landscape planters shall be allowed to project within the right-of-way.

- (7) Minimum side and rear yard setbacks: ten (10) feet for any residential use and five (5) feet for all other uses. Along a property line adjacent to a railroad right-of-way or utility-owned property, the minimum side or rear setback may be reduced to zero (0) feet.
- (8) Buildings shall be located to front towards and relate to a public street, both functionally and visually. In locations where on-street parking does not exist, the entry to a use or building may be placed in a location other than facing the street at the discretion of the Planning Board. All buildings facing Middlesex Avenue, Lake Avenue and Central Avenue shall be designed with facades that engage and activate the streetscape and shall not appear to turn the backside of the building to the street. Design techniques that may be used to engage and activate the street include multi-sided pavilion-style buildings, wrap-around storefronts, large display windows to create interest along walls, overhanging awnings and canopies, front entries visible from the street, outdoor display space and café dining terraces lining the streetscape.
- (9) A supermarket may be permitted to have parking located between the building and the street. Buildings located in the interior of a site may be permitted to front upon parking lots. In such instances, the parking lot shall be designed to incorporate visual and functional pedestrian elements such as pedestrian-scale signage and lighting, shade trees and landscaping to soften the parking area, and more detailed streetscape treatments along the frontage of such buildings.
- (10) The predominant building material for buildings facing Middlesex Avenue, Lake Avenue and Central Avenue shall be brick in traditional colors consistent and complimentary with those found on Main Street
- (11) Pedestrian gathering spaces shall be provided consisting of walkways and special elements such as courtyards, outdoor cafes, plazas, or similar type improvements. Sidewalks and pedestrian gathering spaces shall incorporate pedestrian amenities, such as moveable seating and chairs, benches, bicycle racks, shade trees, landscaping, accent lighting and other street furniture.
- (12) Frontages along Middlesex Avenue, Lake Avenue and Central Avenue shall include Main Street style street lamps at intervals of spacing consistent with the existing street lamps on Main Street.

- (13) Free-standing monument signage shall be visually compatible with the design characteristics of a town center by taking the form of unique monuments or kiosk-style structures, while strictly avoiding typical highway pylon or shopping center directory sign boards.
- (14) Off-tract improvements may be required of the developer as part of an overall development integration plan, including but not limited to vehicular, pedestrian and bicycle circulation improvements including channelization of travel lanes along Middlesex Avenue with landscaped medians and pedestrian shelter islands, textured crosswalks, wide sidewalks designed to accommodate safe pedestrian and bicycle linkage between the downtown and the Middlesex Greenway, street connections and other improvements identified in the Circulation Plan Element of the Master Plan or that advance the Borough's Complete Streets policy, and storm water management systems.
- (15) Parking for non-residential uses shall be subject to 110-154. Parking for residential uses shall be subject to the Residential Site Improvement Standards NJAC 5:21. The Planning Board shall entertain reductions in the required number of both non-residential and residential parking spaces if the applicant can demonstrate through expert testimony and technical documents that the proposed application would so warrant, as a result of its mixed-use nature, parking demands of specific users, proximity to transit options, specific housing demographics, a parking management plan or other special reasons.
- (16) Drive-in banks shall comply with the following standards:
 - a) A total of three (3) vehicle-stacking spaces shall be provided for each drive-in lane.
 - b) A by-pass lane shall be provided to allow vehicles to alternatively exit the drive-in stacking area without having to pass the drive-in facility or window.
 - c) All drive-in stacking lanes shall have adequate directional signage and striping to ensure safe and efficient operation of the facility.
 - d) Internal circulation shall be arranged such that stacked vehicles in drive-in lanes shall not interfere with general vehicular circulation or parking or pedestrian circulation on the site. Additionally, vehicles exiting from the parking lot shall not use any drive-in lane as a means of egress.
 - e) Principal buildings and pedestrian walkways shall have the primary visual orientation to the street or a parking plaza and drive-in facilities shall maintain a secondary visual orientation through location, setbacks, driveway, width and architectural design treatments.

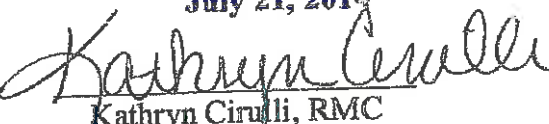
- f) Where possible, drive-in lanes shall exit onto side streets or parking lots in which case setbacks may be reduced if a secondary visual orientation is appropriately achieved for the drive-in facility.
- g) The drive-in facility shall be on the same property as the primary bank use, with walk-in service and teller windows having not less than 1,500 square feet.
- h) The applicant shall demonstrate by competent professional evidence that vehicular ingress and egress and internal traffic circulation shall be designed in accordance with engineering standards to be safe and that no unreasonably adverse impact on adjacent thoroughfares or intersections will result from development of the site as proposed.

SECTION 4. This ordinance shall become effective immediately upon publication following final adoption, pursuant to law.

VOTE ON INTRODUCTION

COUNCIL MEMBER	YES	NO	NV	AB	COUNCIL MEMBER	YES	NO	NV
MULDOON	X				GRAYZEL	X		
CAMMARANO				X	RASMUSSEN	X		
INSERRO	X				WALLACE	X		
MOTION	MULDOON				SECOND	RASMUSSEN		
X - INDICATES VOTE	AB- ABSENT			NV- NOT VOTING				

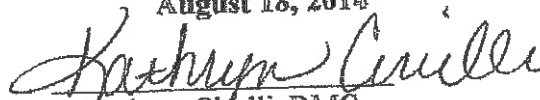
Certified copy of an ordinance adopted at a regular meeting of the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey on
July 21, 2014


 Kathryn Cirulli, RMC
 Municipal Clerk

VOTE ON PUBLIC HEARING

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
MULDOON	X				GRAYZEL	X			
CAMMARANO	X				RASMUSSEN	X			
INSERRO	X				WALLACE	X			
MOTION	MULDOON				SECOND	RASMUSSEN			
X - INDICATES VOTE	AB- ABSENT			NV- NOT VOTING					

Certified copy of an ordinance adopted at a
regular meeting of the Borough Council of
the Borough of Metuchen, Middlesex
County, New Jersey on
August 18, 2014


 Kathryn Cirulli, RMC
 Municipal Clerk

Introduced: July 21, 2014
 Second Reading: August 18, 2014
 Publication on Introduction: August 6, 2014
 Approval or Veto:
 Final Publication: August 23, 2014

RESOLUTION

PLANNING BOARD OF THE BOROUGH OF METUCHEN

WHEREAS, in accordance with N.J.S.A. 40:55D-64, the Mayor and Council of the Borough of Metuchen has referred proposed Ordinance No. 2014-12 to the Planning Board; and

WHEREAS, the Planning Board has reviewed such proposed ordinance in accordance with N.J.S.A. 40:55D-26 and has determined to make certain recommendations to the Governing Body as the action of the Planning Board;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Metuchen, that the Planning Board makes the following findings and recommendations:

1. The Board has found no provisions of proposed Ordinance 2014-12 to be inconsistent with the Master Plan of the Borough of Metuchen or any subsequent reexamination.
2. The Board recommends that the Mayor and Council of the Borough of Metuchen adopt proposed Ordinance No. 2014-12.

I hereby certify that the Planning Board of the Borough of Metuchen took the foregoing action at its meeting held on July 24, 2014.



Sharon Hollis, Planning Board Secretary

ORDINANCE NO. 2015-04

AN ORDINANCE ADDING A NEW SECTION TO THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF METUCHEN, CHAPTER 110, SECTION 110-154 PARKING REGULATIONS "PARKING IN THE DOWNTOWN AREA"

WHEREAS, the Borough of Metuchen is committed to promoting reinvestment in centrally located downtown properties including the use of innovative tools to facilitate continued growth and enhanced value for downtown properties; and

WHEREAS, there are situations where downtown properties have been unable to be efficiently utilized by potential tenants or cost-effectively developed with new construction because of a lack of on-site parking based on the strict requirements of the Land Development Ordinance; and

WHEREAS, prior to 30 years ago, when the downtown was at its peak as a retail center, Metuchen's zoning ordinance did not require the provision of parking for any downtown land use located within 400 feet of a public parking lot; and

WHEREAS, the Metuchen Parking Authority completed a Downtown Parking Study in 2014 which determined that there exists a sufficient supply of downtown parking and recommended that the Land Development Ordinance be amended to reduce minimum parking requirements, establish maximum parking requirements, and permit payments in lieu of parking ("PILOP") in the downtown, which recommendations were adopted by the Planning Board in an amendment to the Metuchen Master Plan on June 19, 2014; and

WHEREAS, allowing a PILOP will create a mechanism for Applicants to the Planning Board and Zoning Board of Adjustment to satisfy parking requirements without burdening resident taxpayers, while maximizing potential development opportunities in the downtown area in proximity to public parking facilities and mass transit; and

WHEREAS, permitting a PILOP will provide potential benefits such as stimulating reinvestment in downtown properties that are too small or constrained to provide sufficient on-site parking on the property itself, establishing a funding mechanism for the improvement of public parking facilities for the public at large, and promoting sustainable development with shared parking; and

WHEREAS, the Borough of Metuchen shall use any PILOP payment as it deems necessary and appropriate in order to effectuate the goals and objectives of the Master Plan, Downtown Parking Plan and Complete Streets policies as it relates to circulation, accessibility, traffic and pedestrian safety and related issues in the Borough. These include, but are not limited to, the acquisition, development, expansion or capital repair of public and municipal parking facilities, traffic or transportation-related capital projects, the provision or operating expenses of transit facilities designed to reduce reliance on private automobiles, programs to facilitate carpooling or ride sharing, improve traffic and introduce context-sensitive design

elements at intersections and corridors, creating a consistent streetscape for all user groups utilizing all modes of transportation, such as parking meters, wayfinding signage, kiosks, trails, sidewalks, crosswalks, streets and similar improvements that connect users to public and municipal parking facilities throughout the Borough.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Metuchen that a new section designated 110-154. F. entitled, "Parking in the downtown area" be added to Article 36 of the Land Development Code of the Borough of Metuchen, that shall read in its entirety as follows:

§ 110-154. F. Parking in the downtown area. The following regulations shall apply to parking in the B-1 Central Business District, B-3 Office Business District and D-1 Downtown Development District:


- (1) Reduced parking requirements. The minimum parking requirements of Section 110-154. B. shall be reduced by 50% for all uses. For residential uses where parking is governed by the Residential Site Improvement Standards (RSIS), the Board may grant alternative parking standards in accordance with N.J.A.C. 5:21-4.14 (c).
- (2) Maximum parking requirements. The parking requirements of Section 110-154. B. shall be considered maximum permitted parking standards and exceeding such standards shall require an exception to be granted by the Board.
- (3) Payments in Lieu of Parking (PILOP). The Board may allow applicants whose application for development has insufficient on-site parking to meet the reduced parking requirements of Subsection (1) above, provided the following are satisfied:
 - (a.) Prior to granting a PILOP agreement to an applicant as part of final approval, the Board shall determine that circumstances exist which make the granting of a PILOP appropriate based on the type of use proposed and after due consideration of the impact that granting of a PILOP will have on the area surrounding the development site.
 - (b.) Nothing in this ordinance shall be deemed to serve as an automatic requirement to grant a PILOP agreement, nor in any way diminish the Board's ability to grant full or partial parking exceptions.
 - (c.) The entry into a PILOP agreement with the Borough of Metuchen shall be a condition of any approval by appropriate Board. Such agreement shall indicate that the Metuchen Parking Authority has established that there are adequate available parking resources to provide any parking required under the PILOP.
 - (d.) The PILOP payment shall be established at \$5,000.00 per required parking space for all uses and \$2,500.00 per required parking space for any affordable housing unit. The established fees herein shall be reexamined, and may be modified, from time to time, in intervals no greater than once every two (2) years, to ensure that the fees are appropriate for intents and purposes of the PILOP program.
 - (e.) The PILOP shall be paid in full to the Borough of Metuchen prior to the issuance of any certificate of occupancy by the Borough in order to effectuate the goals and objectives of the Master Plan, Downtown Parking Plan and Complete Streets

policies as it relates to circulation, accessibility, traffic and pedestrian safety and related issues in the Borough. The proceeds shall be deposited into a fund established solely for the acquisition, development, expansion or capital repair of public and municipal parking facilities, traffic or transportation-related capital projects, the provision or operating expenses of transit facilities designed to reduce reliance on private automobiles, programs to facilitate carpooling or ride sharing, and creating a consistent streetscape for all user groups utilizing all modes of transportation by introducing context-sensitive design elements at intersections and corridors, such as parking meters, wayfinding signage, kiosks, trails, sidewalks, crosswalks, streets and similar improvements that connect users to public and municipal parking facilities throughout the Borough. The proceeds of such fund shall not be considered a part of the municipal general fund.


- (f.) The PILOP shall not relieve the applicant or any users of the parking spaces covered under a PILOP agreement from paying any required parking fees to the Metuchen Parking Authority.

SECTION 2. This ordinance shall become effective immediately upon publication following final adoption, pursuant to law.

ATTEST:


Susan D. Jackson
Borough Clerk

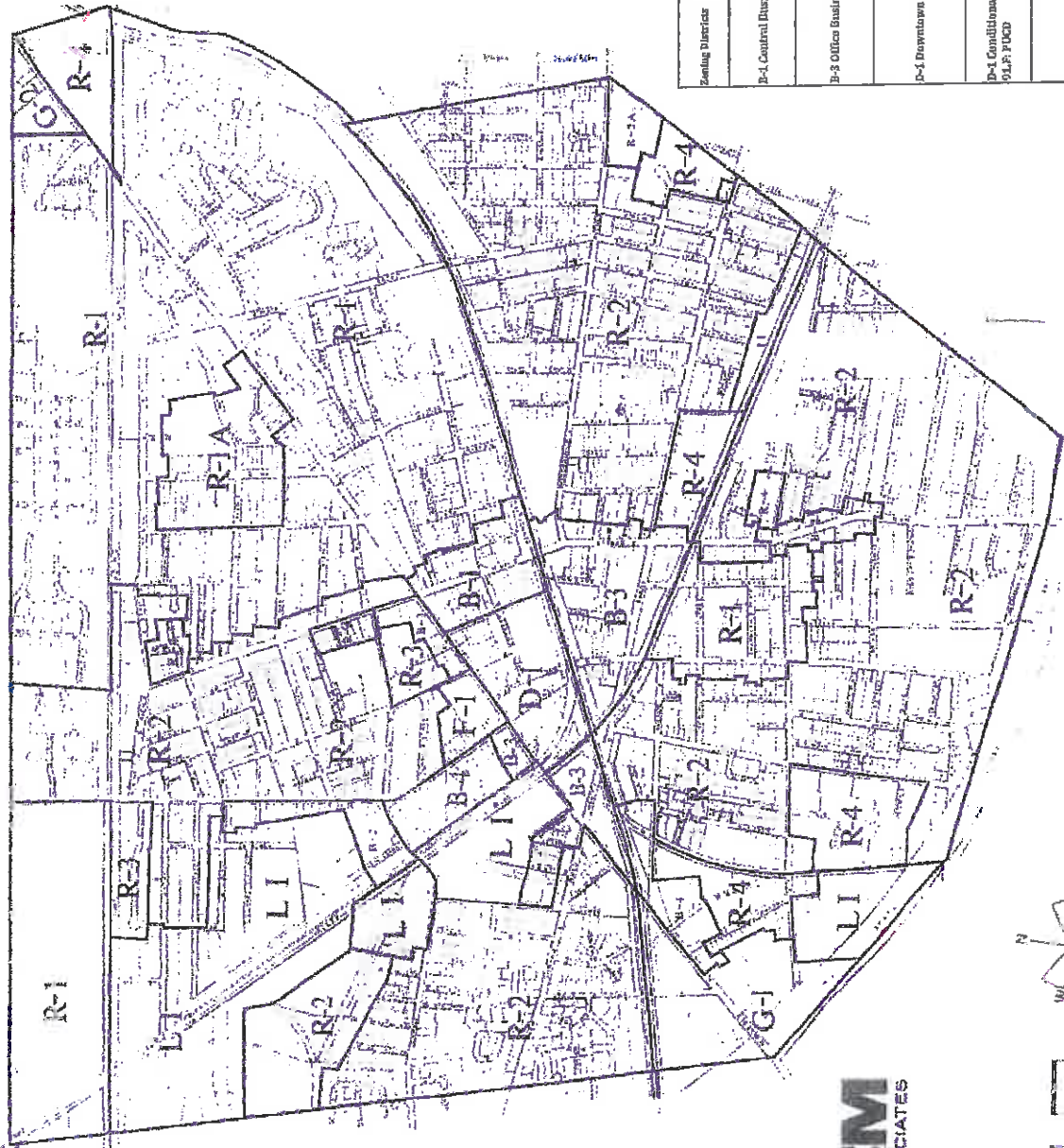
BOROUGH OF METUCHEN

By: 
Thomas Vahalla
Mayor

Introduced:	March 2, 2015
Date of Publication of Introduction:	March 5, 2015
Final Adoption:	March 16, 2015
Date of Publication of Adoption:	March 19, 2015

EXHIBIT C

BOROUGH of METUCHEN Middlesex County, New Jersey ZONING MAP

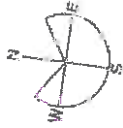


- R-1 RESIDENTIAL DISTRICT
- R-1A RESIDENTIAL DISTRICT
- R-2 RESIDENTIAL DISTRICT
- R-2A RESIDENTIAL DISTRICT
- R-3 RESIDENTIAL DISTRICT
- R-4 RESIDENTIAL DISTRICT
- R-4A RESIDENTIAL DISTRICT
- B-1 CENTRAL BUSINESS DISTRICT
- B-2 NEIGHBORHOOD BUSINESS DISTRICT
- B-3 OFFICE BUSINESS DISTRICT
- B-4 BUSINESS DISTRICT
- D-1 DOWNTOWN DEVELOPMENT
- D-2 PLANNED DEVELOPMENT
- D-3 GASTROIA DEVELOPMENT
- D-4 GASTROIA DEVELOPMENT
- LI LIGHT INDUSTRIAL DISTRICT

Zoning District	Min. Lot Area (Sq. Ft.)	Max. Lot Area (Sq. Ft.)	Min. Lot Width (Feet)	Max. Lot Width (Feet)	Min. Building Setback (Feet)	Max. Building Setback (Feet)	Min. Building Height (Feet)	Max. Building Height (Feet)	Min. Floor Area (Sq. Ft.)	Max. Floor Area (Sq. Ft.)	Min. Lot Coverage (%)	Max. Lot Coverage (%)	Min. Open Space (%)	Min. Setback from Right-of-Way (Feet)
R-1 Central Business	4,000	40	40	100	70%	90%	35' 3 min. 2							
B-3 Office Business	10,000	100	100	100	10%	70%	35' 3 min. 2							
D-1 Downtown Development	4,000	40	40	100	70%	90%	35' 3 min. 2							
D-2 Conditional Use § 110-91.6 PUCD	4 ac.					70%								
D-4 Conditional Use § 110-91.6 PUCD														
D-4 Conditional Use § 110-91.6 PUCD														

BY THE ORDER OF THE BOARD OF ZONING ADJUSTERS
 METUCHEN, NEW JERSEY

DATE: 11/15/2011



T&M
ASSOCIATES





Blossed
Swamps

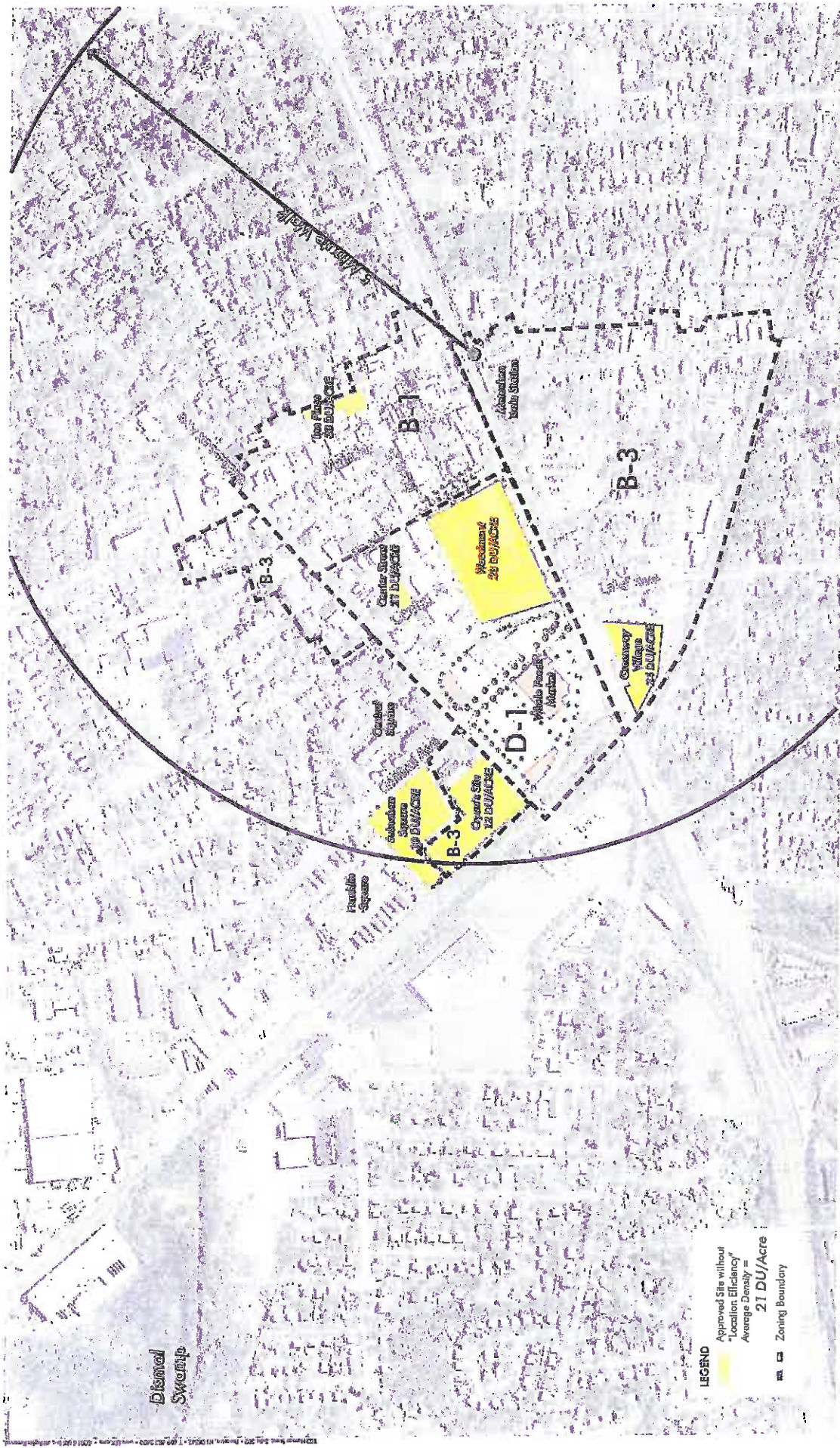
LEGEND
 Approved Site with "Location Efficiency" Average Density = 41 DU/Acre
 Zoning Boundary



APPROVED DENSITY OF DOWNTOWN RESIDENTIAL PROJECTS WITH "LOCATION EFFICIENT" POLICIES* TO REDUCE TRANSPORTATION COSTS AND PROMOTE AFFORDABILITY

* CONSISTING OF ZONING AMENDMENTS, BAYS BELLETT SHARED PARKING, "LAND BANKED" PARKING, PAYMENT IN LIEU OF PARKING, AND TRANSFER OF PARKING TO PUBLIC PARKING FACILITIES
 Hudson, New Jersey
 April 04, 2016 - Project Number 15070113





LEGEND

Approved Site without
"Location Efficiency"
Average Density =
21 DU/Acre

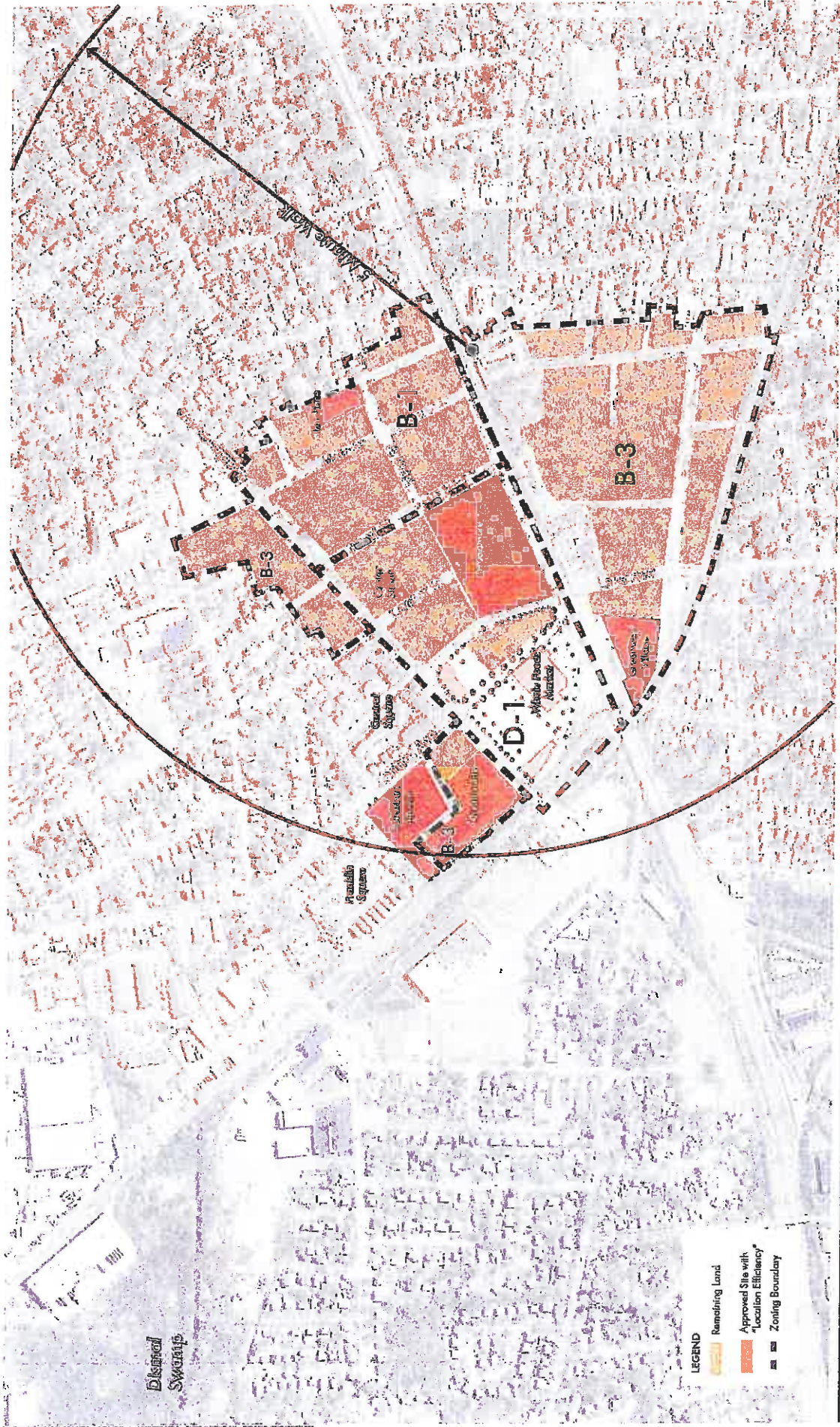
□ Zoning Boundary

REDUCED DENSITY OF DOWNTOWN RESIDENTIAL PROJECTS WITHOUT UTILIZING "LOCATION EFFICIENT" POLICIES*

* CONSISTING OF ZONING AMENDMENTS, RES RELIEF, SHARED PARKING, "LAND BANKED" PARKING, PAYMENT IN LIEU OF PARKING, AND TRANSFER OF PARKING TO PUBLIC PARKING FACILITIES

Meluchon, New Jersey
April 04, 2016 • Page 2 of 2 • 001.0001.15





42.5 ACRES OF LAND REMAINING WITHIN DOWNTOWN BUSINESS ZONES WITH POTENTIAL TO ACCOMMODATE INCLUSIONARY HOUSING



Meluhon, New Jersey
 April 01, 2015 • Report Number: 0312001_13



EXHIBIT D

EXHIBIT E



SOUTH MAIN STREET SITE

METUCHEN, NEW JERSEY

March 11, 2016 • Project Number 05.14001.00





Charles Street

South Main Street

2 story Mixed-use Building

2 story Courtyard Apartment

25 ft

25 ft

DEVELOPMENT PROGRAM

- 2 story Mixed-use Building
 - 3,000 sq ft business on ground floor
 - 2 apartments on second floor
- 2 story Courtyard Apartment
 - 6 apartments (1 affordable unit)
- PARKING
 - 30 SPACES (SURFACE LOT)
 - 4 (ON STREET)



CONCEPT SKETCH - SOUTH MAIN STREET SITE

MIETUCHEN, NEW JERSEY

March 11, 2016 • Project Number 03.1403.00





CONCEPT SKETCH - SOUTH MAIN STREET SITE

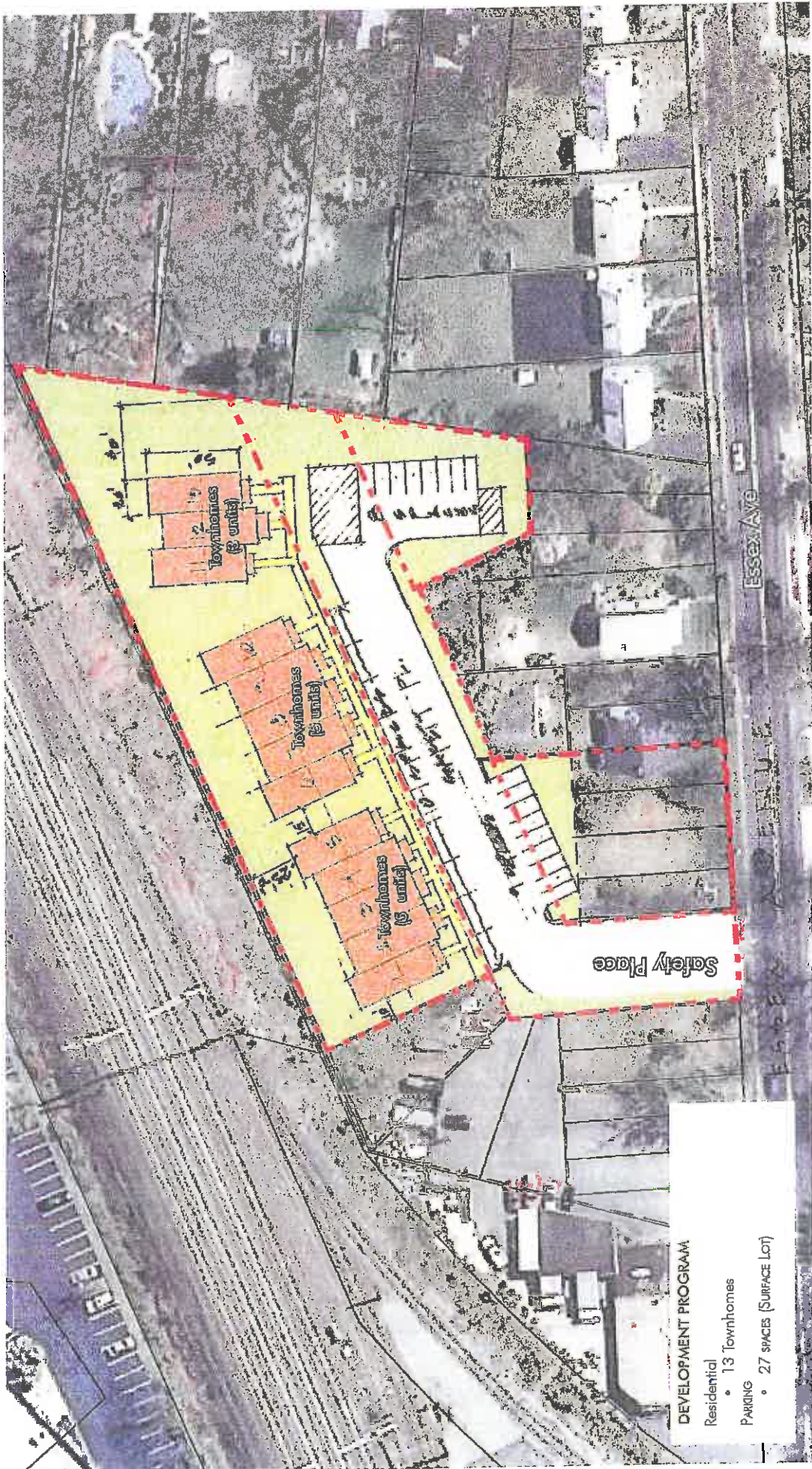


METUCHEN, NEW JERSEY
March 11, 2016 • Project Number: 03_16001_00



SAFETY PLACE SITE
METUCHEN, NEW JERSEY
March 11, 2016 • Project Number: 0316001.00





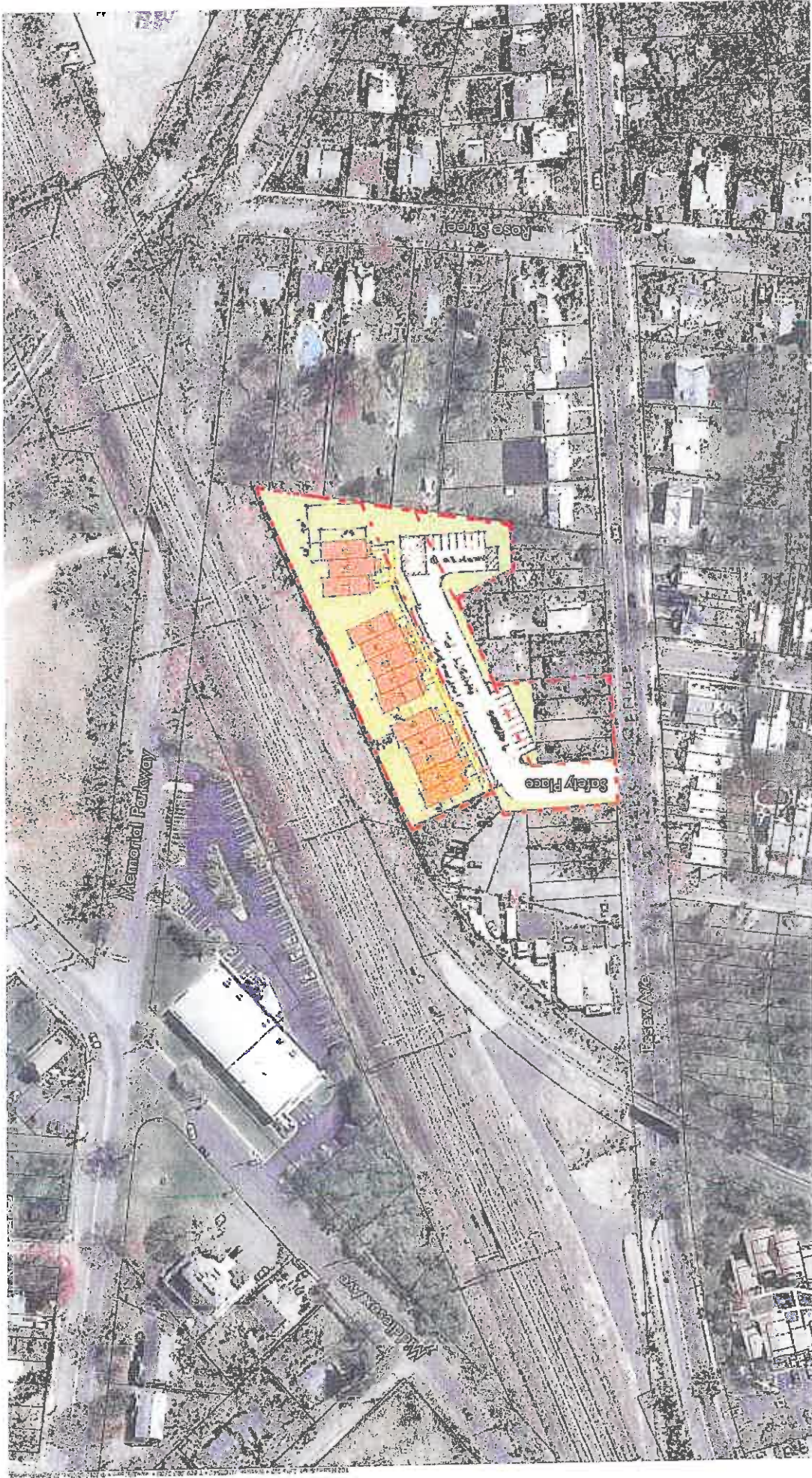
DEVELOPMENT PROGRAM
 Residential
 • 13 Townhomes
 PARKING
 • 27 SPACES (SURFACE LOT)



CONCEPT SKETCH - SAFETY PLACE SITE

METUCHEN, NEW JERSEY
 March 11, 2016 • Proj. #17-14400-00





CONCEPT SKETCH - SAFETY PLACE SITE

HAETUCHEN, NEW JERSEY

March 11, 2016 • Project Number: 03.10001.00



EXHIBIT F

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in Metuchen

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number Piazza & Associates, Inc. 216 Rockingham Row Princeton, NJ 08540 (609)786-1100 x. 301 Contact name: Frank Piazza		1b. Development or Program Name, Address Borough of Metuchen Borough Hall 500 Main Street Metuchen, NJ 08840 732-632-8540	
1c. Number of Affordable Units: N/A Number of Rental Units: N/A Number of For-Sale Units: 0	1d. Price or Rental Range From Per project To	1e. State and Federal Funding Sources (if any) None N/A	
1f. <input type="checkbox"/> Age Restricted <input checked="" type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: N/A		
1h. County Hunterdon, Middlesex, Somerset		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number See Administrative Agent, above			
1k. Application Fees (if any): TBD, but not to exceed 5% of the monthly rent.			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received.
<ol style="list-style-type: none"> 1. New Units: An initial deadline date, no less than 60 days after the start of the marketing process, will be established. All of the preliminary applications received by Piazza & Associates, on or before the initial deadline date, shall be deemed received on that date. 2. Households that apply for low and moderate income housing will be prescreened by Piazza & Associates for preliminary income eligibility by comparing their total income and household size to the low and moderate income limits adopted by COAH and other program restrictions that may apply. All households will be notified as to their preliminary status. 3. A drawing will be held under the direction of Piazza & Associates to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline, will be processed on a "first come, first served" basis. 4. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each low and moderate income unit

available, or until all of the low and moderate income units within the development have been rented.

5. Final applications will be mailed by Piazza & Associates to an adequate number of pre-qualified applicants, in priority order, for each available low and moderate income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
6. Completed final applications will be forwarded to Piazza & Associates. Piazza & Associates will make a determination as to their eligibility for a low or moderate income unit. Applicants will receive a letter from Piazza & Associates with respect to the status of their application each time a review is performed.
7. At the same time, applicants will also be subject to any criteria set forth by the Owner, such as credit worthiness, recommendations from former landlords, etc. The criteria shall comply with all fair housing standards and be set forth in a policy statement made available to all applicants in the leasing office. The Owner will be responsible for the assessment of all criteria beyond the income and household size criteria set forth by COAH.
8. Subsequent to the initial rent-up period, a list of pre-qualified applicants will be maintained by Piazza & Associates for each type of low and moderate income unit.

III. MARKETING: NEW UNITS

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

- White (non-Hispanic)
 Black (non-Hispanic)
 Hispanic
 American Indian or Alaskan Native
 Asian or Pacific Islander
 Other group:

3b. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE COAH REGION 3			
Daily Newspaper			
<input type="checkbox"/>		Star-Ledger	
TARGETS PARTIAL COAH REGION 3			
Daily Newspaper			
<input checked="" type="checkbox"/>	One weekend day at start of Affirmative Marketing	Home News Tribune	Middlesex, Somerset, Union
<input checked="" type="checkbox"/>	One weekend day at start of Affirmative Marketing	Courier News	Somerset and Hunterdon
Weekly Newspaper			
<input type="checkbox"/>		Beacon	Hunterdon
<input type="checkbox"/>		Delaware Valley News	Hunterdon
<input checked="" type="checkbox"/>	One week day at start of Affirmative Marketing	Hunterdon County Democrat / Hunterdon Observer	Hunterdon
<input type="checkbox"/>		Hunterdon Review	Hunterdon
<input type="checkbox"/>		Amboy Beacon	Middlesex
<input type="checkbox"/>		Colonia Corner	Middlesex

<input type="checkbox"/>		Cranbury Press	Middlesex
<input type="checkbox"/>		East Brunswick Sentinel	Middlesex
<input type="checkbox"/>		Edison Sentinel	Middlesex
<input type="checkbox"/>		South Brunswick Post	Middlesex
<input type="checkbox"/>		South Plainfield Observer	Middlesex
<input type="checkbox"/>		Suburban, The	Middlesex
X	One week day at start of Affirmative Marketing	Princeton Packet	Middlesex, Somerset
<input type="checkbox"/>		Sentinel, The	Middlesex, Somerset
<input type="checkbox"/>		Atom Tabloid & Citizen Gazette	Middlesex, Union
<input type="checkbox"/>		Parsippany Life	Morris
<input type="checkbox"/>		Echoes Sentinel	Morris, Somerset
<input type="checkbox"/>		Bernardsville News	Somerset
<input type="checkbox"/>		Branchburg News	Somerset
<input type="checkbox"/>		Chronicle	Somerset
<input type="checkbox"/>		Hills-Bedminster Press	Somerset
<input type="checkbox"/>		Hillsborough Beacon	Somerset
<input type="checkbox"/>		Manville News	Somerset
X	One week day at start of Affirmative Marketing	Messenger-Gazette	Somerset
<input type="checkbox"/>		Reporter	Somerset
<input type="checkbox"/>		Somerset Spectator	Somerset
Monthly Newspaper			
<input type="checkbox"/>		About Our Town/Community News	Middlesex, Somerset
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 3			
<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	
<input type="checkbox"/>		3 KYW-TV Cbs Broadcasting Inc.	
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	

<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	
<input type="checkbox"/>		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	
<input type="checkbox"/>		12 WHYY-TV Whyy, Inc.	
<input type="checkbox"/>		13 WNET Educational Broadcasting Corporation	
<input type="checkbox"/>		17 WPHL-TV Tribune Company	
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, Llc	
<input type="checkbox"/>		35 WYBE Independence Public Media Of Philadelphia, Inc.	
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	
<input type="checkbox"/>		41 WXTV Wxtv License Partnership, G.p. (Univision Communications Inc.)	
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	
<input type="checkbox"/>		50 WNIN New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		57 WPSG Cbs Broadcasting Inc.	
<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		61 WPPX Paxson Communications License Company, Llc	
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcasting Corporation	
<input type="checkbox"/>		65 WUVP-TV Univision Communications, Inc.	
<input type="checkbox"/>		68 WFUT-TV Univision New York Llc	Spanish

TARGETS PARTIAL COAH REGION 3			
<input type="checkbox"/>		16 WNEP-TV New York Times Co.	Hunterdon
<input type="checkbox"/>		46 W46BL Maranatha Broadcasting Company, Inc.	Hunterdon
<input type="checkbox"/>		51 WTVE Reading Broadcasting, Inc	Hunterdon (Christian)
<input type="checkbox"/>		25 W25BB New Jersey Public Broadcasting Authority	Hunterdon, Middlesex
<input type="checkbox"/>		22 WYOU Nexstar Broadcasting, Inc	Hunterdon, Somerset
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Hunterdon, Somerset
<input type="checkbox"/>		44 WVIA-TV Ne Pa Ed Tv Association	Hunterdon, Somerset
<input type="checkbox"/>		56 WOLF-TV Wolf License Corp	Hunterdon, Somerset
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Hunterdon, Somerset
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Hunterdon, Somerset
<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Middlesex, Somerset
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	Middlesex, Somerset
<input type="checkbox"/>		66 WFME-TV Family Stations of New Jersey, Inc.	Middlesex, Somerset (Christian)
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	Somerset
DURATION & FREQUENCY OF OUTREACH		NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL COAH REGION 3			
<input type="checkbox"/>		Comcast of Northwest NJ, Southeast Pennsylvania	Partial Hunterdon
<input type="checkbox"/>		Patriot Media & Communications	Partial Hunterdon, Somerset
<input type="checkbox"/>		Service Electric Cable TV of Hunterdon	Partial Hunterdon
<input type="checkbox"/>		Cablevision of Raritan Valley	Partial Middlesex, Somerset
<input type="checkbox"/>		Comcast of Central NJ, NJ (Union System)	Partial Middlesex
<input type="checkbox"/>		Comcast of Plainfield	Partial Middlesex, Somerset

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 3			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
<input type="checkbox"/>		WCBS 880	
<input type="checkbox"/>		WBBR 1130	
<input type="checkbox"/>		WWTR 1170	
<input type="checkbox"/>		WITM 1680	Spanish, Asian, etc.
FM			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WPST 94.5	
<input type="checkbox"/>		WFME 94.7	
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WSKQ-FM 97.9	Spanish
<input type="checkbox"/>		WRKS 98.7	
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WBAI 99.5	
<input type="checkbox"/>		WPHI-FM 100.3	
<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		WKXW-FM 101.5	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WPRB 103.3	
<input type="checkbox"/>		WKTU 103.5	

<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WDAS-FM 105.3	
<input type="checkbox"/>		WLTW 106.7	
TARGETS PARTIAL COAH REGION 3			
AM			
<input type="checkbox"/>		WFIL 560	Hunterdon
<input type="checkbox"/>		WIP 610	Hunterdon
<input type="checkbox"/>		WAEB 790	Hunterdon
<input type="checkbox"/>		WCHR 1040	Hunterdon
<input type="checkbox"/>		WGPA 1100	Hunterdon
<input type="checkbox"/>		WEEX 1230	Hunterdon
<input type="checkbox"/>		WKAP 1470	Hunterdon
<input type="checkbox"/>		WRNJ 1510	Hunterdon
<input type="checkbox"/>		WWJZ 640	Hunterdon, Middlesex
<input type="checkbox"/>		WPHY 920	Hunterdon, Middlesex
<input type="checkbox"/>		WPHT 1210	Hunterdon, Middlesex
<input type="checkbox"/>		WBUD 1260	Hunterdon, Middlesex
<input type="checkbox"/>		WMCA 570	Middlesex (Christian)
<input type="checkbox"/>		WIMG 1300	Middlesex
<input checked="" type="checkbox"/>	One week day at start of Affirmative Marketing	WCTC 1450	Middlesex, Somerset
FM			
<input type="checkbox"/>		WRTI 90.1	Hunterdon
<input type="checkbox"/>		WCVH 90.5	Hunterdon
<input type="checkbox"/>		WHYY-FM 90.9	Hunterdon
<input type="checkbox"/>		WXTU 92.5	Hunterdon
<input type="checkbox"/>		WAEB-FM 104.1	Hunterdon
<input type="checkbox"/>		WFKB 107.5	Hunterdon
<input type="checkbox"/>		WMMR 93.3	Hunterdon, Middlesex
<input type="checkbox"/>		WYSP 94.1	Hunterdon, Middlesex
<input type="checkbox"/>		WBEN-FM 95.7	Hunterdon, Middlesex
<input type="checkbox"/>		WRDW-FM 96.5	Hunterdon, Middlesex
<input type="checkbox"/>		WOGI 98.1	Hunterdon, Middlesex

<input type="checkbox"/>		WUSL 98.9	Hunterdon, Middlesex
<input type="checkbox"/>		WIOQ 102.1	Hunterdon, Middlesex
<input type="checkbox"/>		WMGK 102.9	Hunterdon, Middlesex
<input type="checkbox"/>		WJZ 106.1	Hunterdon, Middlesex
<input type="checkbox"/>		WKDN 106.9	Hunterdon, Middlesex (Christian)
<input type="checkbox"/>		WAXQ 104.3	Hunterdon, Middlesex, Somerset
<input type="checkbox"/>		WNTI 91.9	Hunterdon, Somerset
<input type="checkbox"/>		WZZO 95.1	Hunterdon, Somerset
<input type="checkbox"/>		WCTO 96.1	Hunterdon, Somerset
<input type="checkbox"/>		WLEV 100.7	Hunterdon, Somerset
<input type="checkbox"/>		WNJT-FM 88.1	Middlesex
<input type="checkbox"/>		WRSU-FM 88.7	Middlesex
<input type="checkbox"/>		WWFM 89.1	Middlesex
<input type="checkbox"/>		WWPH 107.9	Middlesex
<input type="checkbox"/>		WDVR 89.7	Middlesex, Somerset
<input type="checkbox"/>		WVPH 90.3	Middlesex, Somerset
<input type="checkbox"/>		WMGQ 98.3	Middlesex, Somerset
<input type="checkbox"/>		WBL 107.5	Middlesex, Somerset

3c. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters)
(Check all that applies)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 3			
Weekly			
<input checked="" type="checkbox"/>	Nuestra Comunidad Or Reporte Hispano (Gannett Co.)	Central Jersey	Spanish-Language
Monthly			
<input type="checkbox"/>	Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL COAH REGION 3			
Daily			
<input type="checkbox"/>	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly			

<input type="checkbox"/>		Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>		Catholic Advocate, The	Essex County area	Catholic
<input type="checkbox"/>		La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>		Amerika Magyar Nepszava (American Hungarian Peoples' Voice)	Central/North Jersey	Hungarian-Language
<input type="checkbox"/>		New Jersey Jewish News	Northern and Central New Jersey	Jewish
<input type="checkbox"/>		Nuestra Comunidad	Central/South Jersey	Spanish-Language
<input checked="" type="checkbox"/>		Tiranga in New Jersey	Central Jersey	South Asian
<input type="checkbox"/>		Ukrainian Weekly	New Jersey	Ukrainian Community

3d. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION
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Hunterdon County

<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	Merck & Co	1 Merck Dr, Whitehouse Station
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	Hunterdon Medical Center	2100 Wescott Drive Flemington, NJ 08822
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	Foster Wheeler	Perryville Corporate Park Clinton, NJ, 08809-4000
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	ChubbInsurance co.	202 Halls Mill Rd Whitehouse Station, NJ 08889
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	Exxonmobil Research & Engineering	1545 US Highway 22 E Annandale, NJ 08801
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	New York Life	110 Cokesbury Rd, Lebanon

Middlesex County

<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	Colgate Palmolive	909 River Rd Piscataway, NJ 08854-5596
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	Web Craft	1980 Us Highway 1, North Brunswick, NJ 08902
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	Bristol-Myers Squibb	1 Squibb Dr, New Brunswick, nj 08901
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	Merrill Lynch & Company	800 Scudders Mill Rd, Plainsboro
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	Johnson & Johnson	1 Johnson & Johnson Plaza
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	Prudential Insurance Company	44 Stelton Rd # 130, Piscataway
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	Robert Wood Johnson University Hospital	1 Robert Wood Johnson Pl, New Brunswick, NJ 08901
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	Silverline Building Products	207 Pond Ave Middlesex, NJ 08846
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	St. Peter's University Hospital	254 Easton Ave, New Brunswick
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	Telcordia Technology	444 Hoes Ln, Piscataway
<input checked="" type="checkbox"/>	One Announcement at Start of Affirmative Marketing	J.F.K. Medical Center	65 James Street Edison, NJ 08818

X	One Announcement at Start of Affirmative Marketing	Raritan Bay Medical Center	530 New Brunswick Av Perth Amboy, NJ 08861
X	One Announcement at Start of Affirmative Marketing	Amerada Hess Corporation	405 Main St, Woodbridge and 679 Convery Blvd, Perth Amboy
X	One Announcement at Start of Affirmative Marketing	Dow Jones & Company	54 Eddington LN, Monroe Twp
X	One Announcement at Start of Affirmative Marketing	Siemens AG	755 College Rd E, Princeton
X	One Announcement at Start of Affirmative Marketing	AT&T	1 Highway Ter, Edison
X	One Announcement at Start of Affirmative Marketing	Engelhard Corporation	101 Wood Ave S, Metuchen

Somerset County			
X	One Announcement at Start of Affirmative Marketing	AT&T	1414 Campbell St Rahway
X	One Announcement at Start of Affirmative Marketing	ABC Limousine	574 Ferry St Newark
X	One Announcement at Start of Affirmative Marketing	Bloomberg LP	1350 Liverty Ave Hillside
X	One Announcement at Start of Affirmative Marketing	Courier News	1091 Lousons Road PO Box 271 Union, NJ
X	One Announcement at Start of Affirmative Marketing	Emcore Corp	800 Rahway Ave Union, NJ
X	One Announcement at Start of Affirmative Marketing	Ethicon Inc	1515 West Blancke Street Bldgs 1501 and 1525 Linden, NJ
X	One Announcement at Start of Affirmative Marketing	Fedders Corp	27 Commerce Drive Cranford, nj
X	One Announcement at Start of Affirmative Marketing	ICI Americas Inc.	450 West First Ave Roselle,nj
X	One Announcement at Start of Affirmative Marketing	ITW Electronic Component Packaging	600 Mountain Ave Murray Hill,NJ
X	One Announcement at Start of Affirmative Marketing	Johnson & Johnson	1 Merck Drive PO Box 2000 (RY60-200E) Rahway, NJ
X	One Announcement at Start of Affirmative Marketing	Tekni-Plex Inc.	865 Stone Street Rahway, NJ
X	One Announcement at Start of Affirmative Marketing	Ortho-Clinical Diagnostics Inc	1401 Park Ave South Linden
X	One Announcement at Start of Affirmative Marketing	Hooper Holmes Inc	170 Mount Airy Rd. Basking Ridge, NJ 07920

3e. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
Agencies and Services as ATTACHED	Region	All	One notice at start of marketing
www.HousingQuest.com	State	All	Ongoing
www.NJHousing.gov	State	All	Ongoing

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:	
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)	
BUILDING	LOCATION
X Middlesex County Administration Bldg	75 Bayard, New Brunswick, NJ 08903

X	Somerset County Admin. Bldg	20 Grove Street, Somerville, NJ 08876
X	Somerset County Library Headquarters	1 Vogt Drive, Bridgewater, NJ 08807
X	Hunterdon County Library Headquarters	314 State Highway 12, Flemington, NJ 08822
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)		
Borough of Metuchen Borough Hall 500 Main Street Metuchen, NJ 08840 732-632-8540		
4c. Sales/Rental Office for units (if applicable)		
n/a		

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's COAH substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI funding).

Name (Type or Print)

Title/Municipality

Signature Date

NJ State NAACP
PO Box 638
Lakewood, NJ 08701

Plainsboro Non Profit Housing
216 Rockingham Row
Princeton, NJ 08540

Borough Of Metuchen
Borough Hall
500 Main St.
Metuchen, NJ 08840

Courier News
1091 Lousons Rd
Union, NJ 07083

Emcore Corp.
800 Rahway Ave.
Union, NJ 07083

Ethicon Inc.
1515 W. Blancke St. Bldgs 1501
Linden, NJ 07036

Ethicon Inc.
1515 W. Blancke St. Bldgs 1525
Linden, NJ 07036

ICI Americas Inc.
450 W. First Ave
Roselle, NJ 07203

ITW Electronic Component
600 Mountain Ave
Murray Hill, NJ 07203

Johnson & Johnson
1 Merck Drive
Rahway, NJ 0706

Johnson & Johnson
P.O. Box 2000
(RY60-200E)
Rahway, NJ 0706

Tekni-Plex Inc.
865 Stone Street
Rahway, NJ 07065

Ortho- Clinical Diagnosis Inc.
1401 Park Ave.
S. Linden, NJ 07036

South Amboy Housing Authority
250 South Broadway St.
S. Amboy, NJ 08879

Monroe Public Library
1630 Perrineville Rd
Monroe Township, NJ 08831

Hunterdon County Library
RR.12 Box Main
Flemington, NJ 08822

Arab Voice Newspaper
85-89 Hazel St #2
Paterson, NJ 07503

Catholic Advocate
PO. Box 9500
Newark, NJ 07104

La Voz
159 E.116TH St.
New York, NY 10029

NJ Jewish News
901 NJ-10
Whippany, NJ 07981

Tiranga in NJ
222 Worth St.
Iselin, NJ 08830

Ukranian Weekly
2200 NJ-10
Parsippany, NJ 07054

Somerset County Admin Bldg
20 Grove Street
Somerville, NJ 08876

Somerset County
Library Headquarters
1 Vogt Drive
Bridgewater, NJ 08807

Hunterdon County
Library Headquarters
314 State Highway 12
Flemington, NJ 08822

Ahavas Achim Congregation
216 S. 1st Avenue
Highland Park, NJ 08904

All Saints Lutheran Church
5205 Deborah Drive
Piscataway, NJ 08854

Christ Community Church
1347 Stelton Road
Piscataway, NJ 08854

Christ United Methodist Church
485 Hoes Lane
Piscataway, NJ 08854

Church of Christ
258 Highland Avenue
Piscataway, NJ 08854

Congregation Bethel
91 Jefferson Blvd
Edison, NJ 08817

Congregation OHR Torah
48 Edgemount Road
Edison, NJ 08817

First Baptist of New Market
450 New Market Street
Piscataway, NJ 08854

Grace Alliance Church
240 Stelton Road
Piscataway, NJ 08854

Grace Christian Fellowship Church
39 Johnson Avenue
Piscataway, NJ 08854

Lake Nelson Seventh – Day
Adventist Church
561 South Randolphville Road
Piscataway, NJ 08854

Norwescap Housing Development
51 High Street
Newton, NJ 07860

Muslim Center of Middlesex
1012 Hoes Lane
New Brunswick, NJ 08901

North Stelton AME Church
123 Craig Avenue
Piscataway, NJ 08854

Our Lady of Fatima
499 New Market Road
Piscataway, NJ 08854

Rose of Sharon Community Church
2 Halley Court
Piscataway, NJ 08854

St George Church
1101 River Road
Piscataway, NJ 08854

Temple Beth El of Somerset
1489 Hamilton Street
Somerset, NJ 08873

United House of Prayer
1539 W. 4th Street
Piscataway, NJ 08854

Zion Hill Baptist Church
450 Highland Avenue
Piscataway, NJ 08854

Middlesex County
Board of Social Services
181 How Lane
New Brunswick, NJ 08903

Middlesex County Offices
Housing & Community Development
75 Bayard Street
New Brunswick, NJ 08901

Somerset County Coalition
On Affordable Housing
600 1st Avenue Suite 3
Raritan, NJ 08869

Somerset County Board of Social
Services
73 East High Street
Somerville, NJ 08876

Arc of Hunterdon County
Rosemont Ringoes Road
Sergeantsville, NJ 08557

Arc of Somerset
22 South Street
Manville, NJ 08835

Lutheran Social Ministries of NJ
6 Terri Lane Suite 300
Burlington, NJ 08016

Middlesex Interfaith Partners with
the Homeless
78 New Street
New Brunswick, NJ 08901

Catholic Charities
398 5th Avenue
Hackettstown, NJ 07840

Highland Park Borough
Housing Authority
242 South 6th Avenue
Highland Park, NJ 08904

South Amboy Housing Authority
Bayshore Drive
South Amboy, NJ 08879

Middlesex County College – Library
P.O. Box 3050
Edison, NJ 08818-3050

Central Jersey Housing Resource
Center
600 1st Avenue, Suite 3
Raritan, NJ 08869

Metuchen Community Services
223 Fayette St.
Perth Amboy, NJ 08861

County of Hunterdon
PO Box 2900
Flemington, NJ 08822

Fair Share Housing Center
510 Park Blvd
Cherry Hill, NJ 08002

Metuchen NAACP
P.O. BOX 86
Edison, NJ 08818

Catholic Charities of Metuchen
319 Maple Street
Perth Amboy, NJ 08861

Cartaret Borough
Housing Authority
Roosevelt Avenue & East
Carteret, NJ 07008

Housing Authority of Plainfield
510 East Front Street Suite 1
Plainfield, NJ 07060

East Brunswick Community
Housing Corp
P.O. Box 185
East Brunswick, NJ 08816

Somerset County Offices
County Clerk
PO Box 3000
Somerville, NJ 08876

Hunterdon County Housing
Corporation
171 Main Street
Flemington, NJ 08822

Middlesex County Clerk
P.O. Box 1110, 4th Floor
New Brunswick, NJ 08901

Old Bridge Public Library
One Old Bridge Plaza
Old Bridge, NJ 08857

New Brunswick NAACP
P.O. BOX 235
New Brunswick, NJ 08901

Plainfield NAACP
Plainfield Eks (2nd flr)
1357 W. 3rd flr
Plainfield, NJ 07060

Catholic Charities
93 Grove
Somerville, NJ 08876

Edison Housing Authority
Building #1
Willard Dunham Drive
Edison, NJ 08837-3570

Woodbridge Township
Housing Authority
20 Bunns Lane
Woodbridge, NJ 07095

Monroe Public Library
1630 Perrineville Road
Monroe Township, NJ 08831

Faith Fellowship
2707 Main Street
Sayerville, NJ 08872

Franklin Twp. Housing Authority
25 Parkside St.
Somerset, NJ 08873

Brunswick and Raritan Housing Corp.
56 Throop Avenue
New Brunswick, NJ 08901

Township of South Brunswick
540 Ridge Rd.
PO Box 190
Monmouth Junction, NJ 08852

Latino Action Network
P.O. BOX 943
Freehold, NJ 07728

Perth Amboy NAACP
P.O. BOX 1219
Perth Amboy, NJ 08862

Merck & Company
1 Merck Drive
Whitehouse Station, NJ 08889

Hunterdon Medical Center
2100 Wescott Drive
Flemington, NJ 08822

Foster Wheeler
Perryville Corporate Park
Clinton, NJ 08809-4000

Chubb Insurance Company
202 Halls Mill Road
Whitehouse Station, NJ 08889

Exxon Mobile
Research & Engineering
1545 US Highway 22 E
Annandale, NJ 08801

New York Life
110 Cokebury Road
Lebanon, NJ 08833

Colgate Palmolive
909 River Road
Piscataway, NJ 08854-5596

ARC Middlesex County
32 Ford Ave., #2
Milltown, NJ 08850

Bristol – Myers Squibb
1 Squibb Drive
New Brunswick, NJ 08901

Johnson & Johnson
1 Johnson & Johnson Plaza
New Brunswick, NJ 08933

Prudential Insurance Company
44 Stelton Road # 130
Piscataway, NJ 08854

Robert Wood Johnson
University Hospital
1 Robert Wood Johnson Plaza
New Brunswick, NJ 08901

University Medical Center of
Princeton at Plainsboro
1 Plainsboro Road
Princeton, NJ 08540

St. Peters University Hospital
254 Easton Avenue
New Brunswick, NJ 08901

Telcordia Technolgy
444 Hoes Lane
Piscataway, NJ 08854

JFK Medical Center
65 James Street
Edison, NJ 08818

Raritan Bay Medical Center
530 New Brunswick Avenue
Perth Amboy, NJ 08861

Perth Amboy Housing Authority
869 Drahos Ave.
Perth Amboy, NJ 08861

Amerada Hess Corporation
679 Convery Blvd
Perth Amboy, NJ 08861

Dow Jones & Company
54 Eddington Lane
Monroe Township, NJ 08831

Siemens AG
755 College Road East
Princeton, NJ 08540

AT&T
1 Highway Terrace
Edison, NJ 08817

Engelhard Corporation
101 Woods Avenue South
Iselin, NJ 08830

AT&T
1414 Campbell Street
Rahway, NJ 07065

Bloomberg LP
1350 Liverty Avenue
Hillside, NJ 07205

Emcore Corporation
800 Rahway Avenue
Union, NJ 07083

City of New Brunswick Housing
Authority
270 George Street
New Brunswick, NJ 08901

ITW Electronic
Componenet Packaging
600 Mountain Avenue
Murray Hill, NJ 07974

Hooper Holmes Inc
170 Mount Airy Road
Basking Ridge, NJ 07920

Middlesex County
Administration Bldg.
75 Bayard Street
New Brunswick, NJ 08901

EXHIBIT G

Ordinance No. _____
Affordable Housing Ordinance
Borough of Metuchen, Middlesex County

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF METUCHEN TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), the Borough of Metuchen filed an action for declaratory judgment requesting that the Court declare that Metuchen has complied with its constitutional obligation to provide a realistic opportunity for the development of housing that is affordable to low- and moderate-income families and individuals; and

WHEREAS, in order to carry out such Constitutional obligation, the Code of the Borough of Metuchen is to be amended to include provisions addressing Metuchen'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; and

WHEREAS, 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; and

WHEREAS, this Ordinance shall apply except where inconsistent with applicable law; and

WHEREAS, the Metuchen Borough 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.; and

WHEREAS, the Housing Element and Fair Share Plan have been endorsed by the governing body; and

WHEREAS, 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;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen as follows:

SECTION 1. Article 21 (Affordable Housing) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby repealed in its entirety and replaced with the following, which is hereby enacted:

§ 110-95.1. Filing of reports.

The Borough of Metuchen shall file such annual monitoring reports as may be directed by the Court regarding the status of the implementation of its Court-approved Housing Element and

Fair Share Plan. The report shall be filed with the Middlesex County Superior Court and shall be available to the public at the Metuchen Municipal Building, Borough Clerk's Office, 500 Main Street, Metuchen, NJ 08840

§ 110-95.2. 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 Borough 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 Borough'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 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 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 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 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 median household income for the applicable housing region.

“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.

§ 110-95.3. Applicability

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 Borough of Metuchen pursuant to the Borough’s most recently adopted Housing Element and Fair Share Plan.

§ 110-95.4. Reserved

§ 110-95.5. 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.

§ 110-95.6. Phasing Schedule for Inclusionary Zoning

In inclusionary developments the following schedule shall be followed:

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

§ 110-95.7. 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 median income) except for those units that have been approved and vested prior to 2008. The very low income units shall be counted as part of the required number of low income units within the development. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families. A maximum of 25 percent may be age restricted. At least half of the units in total shall be available to families.

b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be 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 Metuchen 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 Borough of Metuchen'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 Borough of Metuchen 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 Borough of Metuchen 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 Borough's Affordable Housing Trust Fund in care of the Borough Chief Financial Officer 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.

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 regional income limits established by COAH or a successor entity.

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, earning 30 percent or less of the regional median household income.

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 rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. 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.

5. Multi-Family Zones:

a. Any property in the Borough of Metuchen that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside of 15 percent if the affordable units will be for rent and 20 percent if the affordable units will be for sale. The determination of a "sufficient compensatory benefit" shall be made by the reviewing authority based upon prevailing legislation and/or case law.

b. Any townhouse, garden apartment or other multiple family residential development, including PURDS, containing five or more dwelling units shall comply with the following:

1. A minimum of 15 percent of the total number of units in a rental development shall be set-aside as affordable housing units with half being affordable to low income households and 13 percent shall be affordable to very low income households. If the calculation of the total number of such affordable units yields a fractional unit of less than 0.5 percent then a payment in lieu shall be provided or one additional unit. If the calculation of the total number of such affordable units yields a fractional unit of greater than 0.5, it shall count as one additional unit.

2. A minimum of 20 percent of the total number of units in a for-sale development shall be set-aside as affordable housing units. If the calculation of the total number of such affordable units yields a fractional unit of less than 0.5, then a payment in lieu shall be provided or one additional unit. If the

calculation of the total number of such affordable units yields a fractional unit of greater than 0.5, it shall count as one additional unit.

6. No subdivision:

The subdivision of properties proposed for inclusionary residential developments or mixed use developments that will include affordable housing is prohibited as a means to circumvent the 50 year control period.

§ 110-95.8. 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 DCA for its Section 8 program.

§ 110-95.9. 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.

§ 110-95.10. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Metuchen 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, as may be amended and supplemented, provided that for any development of five units or more for which an application for development has not been filed as of the date of the adoption of this ordinance, the control period shall be 50 years.
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.

§ 110-95.11. 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 anticipated 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.

§ 110-95.12. 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, however, the Administrative Agent may, upon approval by the Borough Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.

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.

§ 110-95.13. 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).

§ 110-95.14. 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 adds 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.

§ 110-95.15. Control Periods for Restricted Rental Units

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Metuchen 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, as may be amended and supplemented, except for those units that have not yet received approvals such that the controls shall be for 50 years.

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 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.

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.~~

§ 110-95.16 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 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.~~

§ 110-95.17. 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 median income.

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

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

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.

§ 110-95.18. Municipal Housing Liaison

1. The Borough of Metuchen shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Metuchen shall adopt an Ordinance creating the position of Municipal Housing Liaison. Metuchen shall adopt a Resolution appointing a 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.

2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Metuchen, including the following responsibilities which may not be contracted out to the Administrative Agent:

a. Serving as Metuchen'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 Metuchen's Fair Share Plan;

c. Compiling, verifying and submitting annual monitoring reports as may be required by the Court;

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.~~

3. Subject to the approval of the Court, the Borough of Metuchen shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. 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 Borough 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 contracting Administrative Agent(s).

§ 110-95.19 Administrative Agent

The 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 Borough of Metuchen 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; and

f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Metuchen when referring households for certification to affordable units.

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 Middlesex County Register of Deeds or 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- 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. ~~The posting annually in all rental properties, including two-family homes, of 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 Borough 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 any monitoring requirements and deadlines imposed by the Court.

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.~~

§ 110-95.20 Affirmative Marketing Requirements

1. The Borough of Metuchen 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 2 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 3, comprised of Middlesex, Hunterdon and Somerset 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 rerentals. The Administrative Agent designated by the Borough of Metuchen 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. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§ 110-95.21 Enforcement of Affordable Housing Regulations

1. 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, 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 Borough of Metuchen 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.

§ 110-95.22 Appeals

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

SECTION 2. § 110-68 (R-2 Residential District) in Article 17 (Permitted Uses) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended by adding subsection C(3) to read as follows:

§ 110-68. R-2 Residential District

Principal, accessory and conditional uses shall be permitted and regulated in the R-2 Residential District as follows:

C. (3) Townhouses, pursuant to 110-87 BB , on the following lots only:

Block	Lot
-------	-----

SECTION 3. § 110-87 (Specific Conditions) in Article 18 (Conditional Uses) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended by adding subsection BB to read as follows:

BB Townhouses

Townhouses shall meet the following specific conditions:

- a) Minimum tract area shall be 20,000 square feet. For the purposes of calculating tract area, lots separated by street rights-of-way may be considered part of the same tract.
- b) Minimum frontage on Safety Place: two hundred fifty (200) feet.
- c) The design of the townhouse structures shall be oriented to front toward Safety Place and back toward the Northeast Corridor Railroad right-of-way.
- d) Townhouse structures shall have a minimum setback of 25 feet from any adjacent lot occupied by a single-family home.
- e) Parking for the townhouses may be located both on Safety Place and on portions of the tract located across Safety Place from the townhouse structures.
- f) Any accessory use permitted in an R-2 Residential District shall be a permitted accessory use.

SECTION 4. § 110-76 (B-2 Neighborhood Business District) in Article 17 (Permitted Uses) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended by adding subsection C(3) to read as follows:

§ 110-76. B-2 Neighborhood Business District

Principal, accessory and conditional uses shall be permitted and regulated in the B-2 Neighborhood Business District as follows:

C. (3) Courtyard Apartments, pursuant to 110-87 CC BB , on the following lots only:

Motion by: _____

Second by: _____

Introduction Roll Call:

Ayes:

Nayes:

Absent:

Abstain:

Adopted: _____

Motion by: _____

Second by: _____

Adoption Roll Call:

Ayes:

Nayes:

Absent:

Abstain:

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Mayor and Council at a meeting held on _____, 2016.

Susan Jackson, Borough Clerk

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 Borough of Metuchen

Block Lot

SECTION 5. § 110-87 (Specific Conditions) in Article 18 (Conditional Uses) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended by adding subsection CC to read as follows:

CC Courtyard Apartments

Courtyard Apartments shall meet the following specific conditions:

- a) Minimum tract area shall be 20,000 square feet.
- b) Minimum frontage: one hundred twenty five (125) feet on Main Street and frontage on any other street shall not be permitted.
- c) The design of the courtyard apartment structure shall be oriented to front internally on the site and frame a courtyard space oriented away from any adjacent lot occupied by a single-family home.
- d) Courtyard apartment structures shall have a minimum setback of 25 feet from any adjacent lot occupied by a single-family home.
- e) Any accessory use permitted in a B-2 Neighborhood Business District shall be a permitted accessory use.

SECTION 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 8. This ordinance shall take effect upon final passage and publication in accordance with law and upon filing with the Middlesex County Planning Board.

ATTEST:

BOROUGH OF METUCHEN

Susan Jackson
Borough Clerk

Peter Cammarano, Mayor

Introduced: _____

held in the Municipal Building on the ____ day of _____, 2016, 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 _____, 2016, 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.

Susan Jackson, Borough Clerk

EXHIBIT H

Affordable Housing Trust Fund Spending Plan

Borough of Metuchen Middlesex County Revised July, 2016

INTRODUCTION

The Borough of Metuchen, Middlesex County, has adopted a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) and the Settlement Agreement with Fair Share Housing Center. A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on 9/21/1998 and adopted by the municipality on 9/28/1998. The ordinance establishes the Borough of Metuchen Affordable Housing Trust Fund for which this spending plan is prepared.

As of December 31, 2015, the Borough of Metuchen has collected \$458,633.14, expended \$224,700.16, resulting in a balance of \$233,932.98. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Metuchen Savings Bank for the purposes of affordable housing. These funds shall be spent as described in the sections that follow.

The Borough of Metuchen first petitioned COAH for substantive certification on 5/1/1998 and received prior approval to maintain an affordable housing trust fund on 9/21/1998.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round Judgment of Compliance and Repose, the Borough of Metuchen considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows: Not Applicable

(c) Other funding sources:

No other funds are anticipated have been or are anticipated to be collected.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate of one percent is projected to total \$3,500.00.

METUCHEN PROJECTED REVENUES – HOUSING TRUST FUND 2016 THROUGH 2025											
Source of Funds	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	Total
(a) Development Fees Total											0.00
1. Approved Development											0.00
2. Development Pending Approval											0.00
3. Projected Development – Non-Residential											
4. Projected Development - Residential	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	350,000
(b) Pymts in Lieu of Construction											0.00
(c) Other Funds											
(d) Interest – 1%	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	3,500.00
Total											353,500.00

The Borough of Metuchen projects a total of \$353,500.00 in revenue to be collected between January 1, 2016 and December 31, 2025. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

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

(a) Collection of development fee revenues:

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

(b) Distribution of development fee revenues:

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

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

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

The Borough of Metuchen will dedicate up to \$50,000.00 for rental rehabilitation.

Rental Rehabilitation Program: \$50,000.00

New construction project(s): \$0

No new construction project(s) has been selected at this time. However, Metuchen reserves the right to amend the spending plan at a later date.

(b) Affordability Assistance

Projected minimum affordability assistance requirement:

Metuchen Projected Affordability Assistance Requirement		
Actual development fees and interest through 2015	+	\$383,271.94
Development fees projected 2016-2025	+	\$350,000
Interest projected 2016-2025	+	\$3,500.00
Less housing activity expenditures through 2015	-	\$150,000
Total	=	\$586,771.94
30 percent requirement	X 0.30=	\$176,031.58
Less Affordability assistance expenditures through 2015	-	\$44,239.48
Projected Minimum Affordability Assistance	=	\$131,792.10
Requirement 1/1/2016 through 12/31/2025		
Projected Minimum Very-Low Income Affordability Asst.	/ 3 =	\$43,930.70
Requirement 1/1/2016 through 12/31/2025		

The Borough of Metuchen will dedicate more than the required 30 percent minimum. Metuchen is allocating \$390,394.79 from the affordable housing trust fund to render units more affordable, including \$43,930.70 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

Energy efficiency assistance in the form of emergency generators for units in the Fair Share Plan and new HVAC systems to replace aging units: \$100,000 administered by Piazza & Associates

Rental assistance with paying the first month's rent for new renters in the affordable units: \$150,000 administered by Piazza & Associates

Converting low income units to very low income units: \$100,000 administered by Piazza & Associates and

Contingency: \$40,394.79.

(c) Administrative Expenses

The Borough of Metuchen projects that \$147,038.19 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

Consulting fees and legal fees, program implementation, monitoring, administration.

Metuchen Projected Maximum Administrative Expenses and Interest		
Actual development fees and interest through 2015	+	\$458,633.14
Development fees projected 2016-2025	+	\$350,000
Interest projected 2016-2025	+	\$3,500.00
Pmts in Lieu of Construction through 2015	+	\$75,361.20
Other Funds through 2015	+	\$0.00
Less RCA Expenditures through 2008		\$0.00
Total Projected Administration Expenses	X 0.20 =	\$177,498.87
Less Actual Administrative Expenses through 12/31/2015	-	\$30,460.68
Total Remaining Projected Administration Expenses	=	\$147,038.19

4. EXPENDITURE SCHEDULE

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

METUCHEN PROJECTED EXPENDITURE SCHEDULE 2016 - 2025												
Program	# of Projected units	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	Total
Rental Rehabilitation	4		12,500	12,500	12,500	12,500						50,000
Total Programs												390,394.79
Affordability Assistance												147,038.19
Administration												
Total	1											587,432.98

5. EXCESS OR SHORTFALL OF FUNDS

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

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used for affordability assistance.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Borough of Metuchen's Affordable Housing Ordinance Section B Accessible Townhouse Units and in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

The Borough of Metuchen intends to spend affordable housing trust fund revenues consistent with the housing programs outlined in the Housing Element and Fair Share Plan, dated June 2016.

The Borough of Metuchen has a balance of \$233,932.98 as of December 31, 2015 and anticipates an additional \$353,500 in revenues before the expiration of a Judgment of Compliance and Repose for a total of \$587,432.98. The municipality will dedicate \$147,038.19 to administrative costs and \$50,000 for a Rental Rehabilitation Program. Metuchen will also utilize up to \$390,394.79 in affordability assistance funds. Any shortfall of funds will be offset by municipal bonding. The municipality will dedicate any excess funds toward affordability assistance.

METUCHEN SPENDING PLAN SUMMARY	
Balance as of December 31, 2015	\$233,932.98
PROJECTED REVENUE 2025	
Development Fees	\$350,000
Payments in lieu of construction	\$00.00
Other Funds	\$00.00
Interest	\$3,500.00
TOTAL REVENUE	\$587,432.98
EXPENDITURES	
Funds used for Rental Rehabilitation	\$50,000.00
Funds used for New Construction	
Affordability Assistance	\$390,394.79
Administration	\$147,038.19
Excess Funds for Additional Affordability Assistance/ Rehabilitation Activity	\$00.00
TOTAL PROJECTED EXPENDITURES	\$587,432.98
REMAINING BALANCE	\$00.00

EXHIBIT I

RESOLUTION 2016-31

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AFFORDABLE HOUSING/COAH COMPLIANCE SERVICES

WHEREAS, the Borough of Metuchen has a need to acquire the services of a Affordable Housing/COAH Compliance Services as a fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4*; and,

WHEREAS, Requests for Qualifications were received on December 16, 2015 and reviewed by the Borough Administrator; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$3,000; and,

WHEREAS, the anticipated term of this contract is *one* year; and

WHEREAS, the maximum amount of the contract is \$5,000.00 and funds will be available in the 2015 Budget as evidenced by the Chief Financial Officer's Certification; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, in the County of Middlesex, as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Frank Piazza of the firm Piazza and Associates, 216 Rockingham Row, Princeton Forrestal Village, Princeton, NJ 08540 in amount not to exceed \$5,000.
2. This contract is awarded as a fair and open "Professional Service" in accordance with N.J.S.A. 19:44A-20.4.
3. A notice of this action shall be printed once in The Home News Tribune.

	YES	NO	AB	COUNCIL MEMBER	X	NO	NV	AB	
LEIBFRIED	X			MULDOON	X				
GRAYZEL	X			RASMUSSEN	X				
INSERRO	X			WALLACE	X				
MOTION	GRAYZEL			SECOND	RASMUSSEN				
X -- INDICATES VOTE		AB- ABSENT		NV- NOT VOTING					

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on January 1, 2016


 Susan D. Jackson, RMC
 Borough Clerk

EXHIBIT J

RESOLUTION 2016-15

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AUTHORIZING APPOINTMENT OF MUNICIPAL HOUSING
LIAISON**

WHEREAS, the Governing Body of Borough of Metuchen petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on July 5, 2006; and

WHEREAS, Borough of Metuchen's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, *et. seq.*) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, *et. seq.*); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 *et. seq.*, Borough of Metuchen is required to appoint a Municipal Housing Liaison for the administration of Borough of Metuchen's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 *et. seq.*; and

WHEREAS, Borough of Metuchen has amended Chapter 110 entitled Land Development – Article 21 Affordable Housing to provide for the appointment of a Municipal Housing Liaison to administer Borough of Metuchen's affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Borough of Metuchen in the County of Middlesex, and the State of New Jersey that Chris Cosenza, Zoning Officer is hereby appointed by the Governing Body of Borough of Metuchen as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Article 21 of Borough of Metuchen's Land Development Code.

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>NV</u>	<u>AB</u>	<u>COUNCILMEMBER</u>	<u>YES</u>	<u>NO</u>	<u>NV</u>	<u>AB</u>
LEIBFRIED	X				MULDOON	X			
GRAYZEL	X				RASMUSSEN	X			
INSERRO	X				WALLACE	X			
MOTION		GRAYZEL			SECOND		RASMUSSEN		
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on January 1, 2016



 Susan D. Jackson, RMC
 Borough Clerk

EXHIBIT K

RESOLUTION 2016-136

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**A RESOLUTION OF THE BOROUGH OF METUCHEN REGARDING ANY
SHORTFALLS ASSOCIATED WITH THE PROVISION OF AFFORDABLE
HOUSING AS SET FORTH IN THE BOROUGH'S ADOPTED HOUSING
ELEMENT AND FAIR SHARE PLAN**

WHEREAS, Metuchen Borough, Middlesex County, has petitioned the Superior Court for a Judgement of Compliance and Repose of its adopted Housing Element and Fair Share Plan; and

WHEREAS, the plan submitted to the Court allocates funds for affordability assistance, administration and eligible housing activities; and

WHEREAS, Metuchen anticipates that funding will come from developer fees collected and projected and from the Middlesex County Rehabilitation Program; and

WHEREAS, it is the Court's position that Metuchen must allocate funds for the provision of affordable housing as set forth in the Borough's adopted Housing Element and Fair Share Plan; and

WHEREAS, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in Metuchen's Housing Element and Fair Share Plan, Metuchen shall take all appropriate actions to secure and make available sufficient funding from all sources to address any shortfalls.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Metuchen, Middlesex County, that the Governing Body does hereby agree to take appropriate actions, consistent with law, to fund any shortfall in its approved affordable housing programs that may arise whether due to inadequate funding from other sources or for any other related reason; and

BE IT FURTHER RESOLVED that any shortfall may also be funded by bonding if there are no other resources, provided, however, that the Borough should first utilize all other funding sources available to it, including but not limited to, development fees.

R2016-136
 June 20, 2016

MEMBER	YES	NO	AB	NV	MEMBER	YES	NO	NV	AB
LEIBFRIED			X		MULDOON	X			
GRAYZEL	X				RASMUSSEN	X			
INSERRO	X				WALLACE	X			
MOTION	GRAYZEL			SECOND	RASMUSSEN				
X - INDICATES VOTE AB- ABSENT NV- NOT VOTING									

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on June 20, 2016



 Susan D. Jackson, RMC
 Borough Clerk

EXHIBIT L

Part 5: Applications for Development**Article 14A: Development Fees for Residential Development**

[Added 6-29-1998 by Ord. No. 98-4]

§ 110-55.1 Purpose.

The New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution subject to the Council on Affordable Housing's (COAH) developing rules. The purpose of this article is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees.

§ 110-55.2 Residential development fees.

Throughout the Borough of Metuchen, developers of major subdivisions or site plans of five units or more shall pay a development fee of 1/2 of 1% of the equalized assessed value of any eligible residential activity pursuant to § 110-55.4 of this article.

§ 110-55.3 Eligible exaction, ineligible exaction and exemptions.

- A. Developers of low- and moderate-income units shall be exempt from paying development fees.
- B. Developers that expand an existing structure shall pay a development fee. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.
- C. Developers that have received preliminary or final approval prior to the effective date of this article shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval.

§ 110-55.4 Collection of fees.

- A. Developers shall pay 50% of the calculated development fee to the Borough of Metuchen at the issuance of building permits. The development fee shall be estimated by the Tax Assessor prior to the issuance of building permits.
- B. Developers shall pay the remaining fee to the Borough of Metuchen at the issuance of certificates of occupancy. At the issuance of certificates of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at certificate of occupancy and the amount paid at issuance of building permit.

§ 110-55.5 Housing Trust Fund.

- A. There is hereby created an interest-bearing Housing Trust Fund for the purpose of receiving development fees from residential and nonresidential developers. All development fees paid by developers pursuant to this article shall be deposited in this fund. No money shall be expended from the Housing Trust Fund unless the expenditure conforms to a spending plan approved by COAH.
- B. If COAH determines that the Borough of Metuchen is not in conformance with COAH's rules on development fees, COAH is authorized to direct the manner in which all development fees collected pursuant to this article shall be expended. Such authorization is pursuant to this article and COAH's rules on development fees.

§ 110-55.6 Use of funds.

- A. Money deposited in a Housing Trust Fund may be used for any activity approved by COAH for addressing the Borough's

low- and moderate-income housing obligation. Such activities may include, but are not necessarily limited to, housing rehabilitation, new construction, regional contribution agreements, the purchase of land for low- and moderate-income housing, extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites, assistance designed to render units more affordable to low- and moderate-income households and administrative costs necessary to implement the Borough of Metuchen's housing element. The expenditure of all money shall conform to a spending plan approved by COAH.

- B. At least 30% of the revenues collected shall be devoted to render units more affordable. Examples of such activities include, but are not limited to, down payment assistance, low interest loans and rental assistance.
- C. No more than 20% of the revenues shall be expended on administrative costs necessary to develop, revise or implement the housing element. Examples of eligible administrative activities include personnel, consultant services, space costs, consumable supplies and rental or purchase of equipment.
- D. Development fee revenues shall not be expended to reimburse the Borough of Metuchen for housing activities that preceded substantive certification.

§ 110-55.7 Expiration of article.

This article shall expire if:

- A. COAH dismisses or denies the Borough's petition for substantive certification;
- B. COAH revokes substantive certification or its certification of this article;
- C. Substantive certification/judgment of repose expires prior to the Borough's filing an adopted housing element with COAH, petitioning for substantive certification or receiving COAH's approval of this article; or
- D. For urban aid municipalities, COAH's approval to collect development fees expires unless the Borough has filed an adopted housing element with COAH and COAH has approved this article.