BRANCHBURG TOWNSHIP
Somerset County

Revised Third Round Housing Element and Fair Share Plan

Adopted by the Planning Board
July 13, 2010
and
Endorsed by the Township Committee
July 15, 2010

Elizabeth C. McKenzie, AICP, PP License No. 33LI00229400

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HOUSING ELEMENT

HOUSING ELEMENT

Overview

This Housing Element has been prepared in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28b(3) to address Branchburg Township's affordable housing obligations for the third round, covering the period from 2004 to 2018 (but also including the housing need generated between 2000 and 2004). This Plan includes the minimum requirements presented at N.J.S.A. 52:27D-310, the Fair Housing Act, and the information required pursuant to N.J.A.C. 5:97-2.3 and 3.2.

According to the Fair Housing Act, municipalities that choose to enact and enforce a zoning ordinance are obligated to prepare and adopt a Housing Element as part of the community's Master Plan. The Fair Housing Act established the Council on Affordable Housing (COAH) as the State agency to administer municipal implementation of municipal Housing Elements and Fair Share Plans and to create rules and regulations regarding the development of low- and moderate-income housing in the State. COAH has established both Procedural and Substantive Rules for municipalities to adhere to in addressing their affordable housing obligations. To receive certification from COAH, a municipality must not only adopt the required Housing Element of the Master Plan but also adopt a Fair Share Plan that includes all of the implementation strategies, including the specific ordinances, plans, timetables and resolutions that are needed to carry out the plan. Once certified by COAH, a municipality's Housing Element and Fair Share Plan is now entitled to a *ten-year* presumption of validity against a builders remedy challenge, as long as the municipality continues to implement the plan in accordance with COAH's approval.

COAH's first round regulations covered the time period from 1987 to 1993. In 1994, COAH adopted new Substantive Rules establishing the requirements for the second round of affordable housing plans, covering the twelve year cumulative period from 1987 to 1999.

The Substantive Rules for COAH's third round were initially adopted on December 20, 2004, to cover the period from January, 2000, to December, 2013. These third round Rules were challenged, and in January of 2007, the Appellate Court invalidated large portions of the 2004 Rules. As a result, COAH went back to the drawing boards and prepared new Rules, which were introduced in December of 2007 and adopted in May of 2008. COAH received an overwhelming number of comments on the December, 2007, Rule proposals. Consequently, when COAH adopted the Rules, it simultaneously introduced a set of comprehensive amendments to the newly adopted Rules. These amendments were adopted in September of 2008. In addition, the New Jersey Legislature adopted amendments to the Fair Housing Act in June of 2008 that were signed into law by the Governor in July of 2008. The amendments to the Fair Housing Act affect, among other things, the requirements for providing very low income housing and the role of non-residential developments in the provision of affordable housing.

The Rules now in effect provide that municipalities address a third round fair share obligation based upon COAH's projections of growth in households and employment in each municipality during the delivery period. Municipalities are required to provide one affordable housing unit

for every four market priced housing units projected and one affordable housing unit for every 16 jobs projected.

Summary of Branchburg Township's Past Affordable Housing Activities

Branchburg was sued under Mount Laurel II in 1983, shortly after the Supreme Court's decision was handed down. Following the Legislature's adoption of the Fair Housing Act in 1985, which created the Council on Affordable Housing, and COAH's adoption of its first set of Rules and initial fair share housing allocations, Branchburg sought and received a transfer to COAH's jurisdiction. Branchburg Township was initially certified by COAH as to its first round Housing Element and Fair Share Plan on June 13, 1990.

That certification expired in 1996. The Township then filed a second round Housing Element and Fair Share Plan with COAH on May 15, 1998, but did not, at that time, petition for substantive certification. In October of 1998, the Township was sued by Branchburg Builders, Inc. (BBI). The Court transferred the matter to COAH, converting the previously filed plan into a petition for substantive certification. Mediation ensued but was not concluded. Nevertheless, Branchburg amended its Housing Element and Fair Share Plan in 1999 to deal with a change in the proposal by Midland Adult Services to provide affordable housing and submitted a new petition for substantive certification. BBI objected to the revised plan and mediation was re-initiated. This second mediation was ultimately successful. The Township amended its second round plan once again in March of 2001 and submitted it to COAH along with a final petition for substantive certification. COAH granted the Township's petition for substantive certification of its prior round Housing Element and Fair Share Plan on August 11, 2004.

The terms of the mediated agreement with BBI called for the development of 50 homes on a 50 acre portion of a 200 acre tract of land, the carving out of a 21 acre exception lot for the owner of the property, and the dedication of the balance of the tract as open space and a farm lot. In exchange, BBI would make a payment in lieu of constructing affordable housing based on a 15% set-aside rate at $25,000 per unit, for a total contribution of $187,500.

Branchburg Township's fair share allocation from COAH for the first six year period (1986-1993) following the adoption of the Fair Housing Act was 200 units consisting of a 197 unit new construction obligation and a 3 unit rehabilitation obligation (for existing substandard units within the Township occupied by low or moderate income households). The first round obligation was addressed through a 100 unit RCA with the City of New Brunswick, the construction of 40 affordable for sale units at Cedar Brook, and the construction of 73 affordable rental units at Whiton Hills.

Branchburg Township's cumulative twelve year (second round) fair share obligation was 309 units, consisting of a 7 unit rehabilitation obligation and a 302 unit new construction obligation, part of which had been addressed in the first round. The Township's second round Housing Element and Fair Share Plan addressed this cumulative obligation with a combination of credits

for its previous housing activities and a proposal to establish four new alternative living arrangements in cooperation with Midland Adult Services, plus the creation of 4 new low income family rental units in a building located at the Terrace Edgewood Mobile Home Park as follows:

7 credits for rehabilitated units (16 were actually rehabilitated)
100 units of credit for first round RCA with New Brunswick
40 units of family for sale housing at Cedar Brook
43 units of family rental housing units at Whiton Hills plus
43 rental bonuses
30 age restricted rental housing units at Whiton Hills plus
4 rental bonuses
8 unit substantial compliance reduction (@ 20% of the first round obligation)
17 units (bedrooms) in 4 alternative living arrangements plus
17 rental bonuses
4 units of low income housing at Terrace Edgewood plus
4 rental bonuses

TOTAL 317 units/credits (an 8 unit surplus)

As part of COAH's grant of substantive certification, the Township also received a waiver of the 50/50 low/moderate split requirement on the Cedar Brook and Whiton Hills sites, both of which were weighted in favor of moderate income units. COAH approved the waiver on the grounds that, overall, the Township had more low income than moderate income units in its plan.

COAH determined at the time it granted substantive certification that the Township's second round plan actually resulted in 8 surplus credits over and above the prior round obligation.

The Township's plan also called for the construction of a new five-bedroom alternative living arrangement by Midland Adult Services at a site on Robbins Road. COAH did not give the Township credit for the bedrooms in the Robbins Road facility because it was uncertain at the time as to whether and when it would be built. That building is now constructed and occupied, and the Township will be eligible for a credit for each bedroom within that facility in addition to .25 bonus credits per bedroom, or one additional bonus credit, for a total of six (6) credits from that facility.

Thus, the Township will begin the third round with 14 credits over and above the credits used in satisfaction of the Township's prior round obligation.

In May of 2007, although still covered by its second round certification through the year 2010, Branchburg sought and was granted an extension of COAH's deadline to submit a third round plan until after COAH had adopted its revised third round Rules. The deadline for the

submission of the Township's third round plan was December 31, 2008, and the Township met that deadline.

When notice of the petition for third round substantive certification was published, several entities filed objections to the plan. The Township attempted, both with and without COAH's assistance, to mediate the issues raised by the objectors, but in the end, these efforts were unsuccessful. In December of 2009, COAH issued its Report Requesting Additional Information (RRAI). The Township was able to provide some of the information requested by COAH in the RRAI by the January 30, 2010, deadline for responding, and hoped to address the remaining issues through continued mediation. By May of 2010, however, mediation was terminated by COAH at the request of the objectors. The Township recognized that the failure of mediation meant that it would need to prepare and adopt a Revised Housing Element and Fair Share Plan. The Township asked COAH for additional time to do this, and COAH granted the Township the additional time it requested. The deadline for the Revised Third Round Housing Element and Fair Share Plan to be adopted and submitted to COAH along with a new petition for third round substantive certification is now July 19, 2010.

Meanwhile, the Township has learned that one of the objectors to the original plan, S & K Stoney Brook Associates, has filed a motion seeking what amounts to a "builder's remedy" on land it owns adjacent to a gas transmission line in Branchburg's Industrial zone.

Housing, Demographic and Employment Information

Appendices A, B and C to this Housing Element contain the Housing, Demographic and Employment background information required by COAH.

Components of the Current Fair Share Obligation

Table I presents the entire cumulative fair share obligation for Branchburg Township, including the prior round obligation, the rehabilitation obligation determined by COAH based upon the 2000 Census, and the third round obligation based upon COAH's projections of household and employment growth within the Township between 2004 and 2018.

TABLE I
TOTAL CUMULATIVE AFFORDABLE HOUSING OBLIGATION

Prior Round Obligation	302
Rehabilitation Obligation	22
Third Round Obligation	348
Total	**672**

The third round fair share obligation has been calculated by COAH based upon a growth projection of 824 new housing units, which, divided by 5, yields an obligation for 164.8 (165) new affordable housing units, plus 2,922 new jobs, which, divided by 16, yields an obligation for 182.6 (183) affordable housing units, for a total of 348 affordable housing units that will be required to meet the third round fair share obligation yielded by COAH's projections. At least half of these units must be provided as family housing units, available to the general public.

Projected Housing, Demographic and Employment Changes and Capacity to Accommodate Growth Projections

According to the Township's 2006 Master Plan Reexamination Report, prepared by Banisch Associates and adopted by the Branchburg Planning Board on May 23, 2006, Branchburg's ability to accommodate the level of development projected by COAH is not in question:

> A 2002 analysis of the remaining undeveloped land in Branchburg's commercial and industrial zones revealed that over 8.6 million square feet of non-residential floor area could be developed based on current zoning. Over 3/4 of this total would result from build-out of the I-1 and I-2 zones (over 6 million square feet), while the OL zone would account for almost 1.9 million square feet. Nearly half of all potential non-residential development in Branchburg would occur on vacant land south of Route 22 in the I-1 Industrial zoning district.
>
> By contrast, non-residential development of vacant land within the Office Zone (slightly over 200,000 square feet) and the Retail Service Zones (slightly over 80,000 square feet) represents a minor portion of the future non-residential build-out.
>
> (p. 5)

The Reexamination Report recommended the imposition of floor area ratio (FAR) limits to help control the intensity of new non-residential development, and the traffic and impervious surface coverage that attends such development, in the Township's non-residential zones.

According to the same 2006 Reexamination Report, large-lot (and large home) residential development in Branchburg had begun to eat up the Township's farmland, especially in the southern portions of Branchburg, adjacent to Hunterdon County. The Reexamination Report recommended reductions in the permitted densities of residential development in the as yet undeveloped agricultural areas of the Township (designated as Planning Area 4 on the State Plan) as well as in the more environmentally sensitive areas along stream corridors and in the northernmost reaches of the Township (designated as Planning Areas 4B and 5 on the State Plan), to achieve greater consistency with Statewide planning objectives, to protect agriculture, and to preserve the scenic character of the Township's historic hamlets from encroaching suburban development. The 2006 Reexamination Report also identified an opportunity for "smart growth" mixed use development in the North Branch area, in the vicinity of Route 28 and the Raritan Valley Community College campus.

In a positive economy, Branchburg could undoubtedly accommodate the level of growth projected by COAH, particularly the non-residential growth projection and perhaps the residential growth projection, as well. For this reason, Branchburg has accepted COAH's projection of the third round fair share obligation. Appendix D to this Housing Element contains Workbook A showing the calculation of the Township's third round fair share obligation based upon COAH's projections of growth.

The fact that so much of the Township's growth capacity lies in its non-residential zones and the desire of the Township to check the kind of sprawling large lot single-family residential development that has been consuming Branchburg's agricultural land resources and seek out more intelligent ways to accommodate residential growth have shaped the Township's early decisions about how best to address its third round fair share obligation. However, the Township has added an inclusionary zoning component to the Revised Housing Element and Fair Share Plan in an effort to better balance the plan and in recognition of the time (and money) involved to implement the acquisition and development of a municipal construction project.

Addressing the Third Round Fair Share Obligation

As indicated previously in this report, the entire prior round obligation has already been satisfied, and Branchburg was acknowledged by COAH, at the time substantive certification was granted, to have 8 surplus credits from the prior round. In addition, with the completion and occupancy of the Robbins Road alternative living arrangement, the Township will be eligible to receive 5 additional credits, one for each bedroom in that facility plus a special needs bonus credit. Thus, ***the Township enters the third round with 14 credits toward the fulfillment of its 348 unit third round new construction obligation.***

According to COAH's Rules, the maximum number of units that can be age-restricted in the third round is, as it was in the prior round, 25% of the total third round obligation, or, in Branchburg's case, 87 units in the third round. Two inclusionary age-restricted developments that received use variances from the Zoning Board of Adjustment were included in the original Third Round Housing Element and Fair Share Plan, but one of these (River Trace) has received approval for a conversion to a non-age-restricted project – with a slight increase in the number of affordable housing units to be provided. The only other proposed age-restricted units are the 18 senior special needs units contemplated by Midland in Phase Three.

The Township has a third round rental obligation of 87 units. If the rental obligation is fully satisfied, with at least 50% of the rental units being family rental units available to the general public, the Township will be eligible to receive rental bonuses at the rate of two credits (one being the rental bonus) for each excess family rental unit over and above those counted toward fulfillment of the rental obligation that is available to the general public. Bonus credits for excess rental units and for certain other mechanisms in COAH's Rules may be used to satisfy up to 25% (or 87 units) of the total third round obligation.

Based upon the 2008 amendments to the Fair Housing Act, the Township also has an obligation to provide very low income housing. At least 13% of all affordable housing units created to

satisfy the third round obligation must be affordable to households earning 30% or less of median income, and at least 50% of the very low income housing must be in the form of family units available to the general public. *In Branchburg's case, the very low income housing obligation would be 35 units, since the Township's plan maximizes rental units (and thus the opportunity to capture bonus credits to meet up to 25% of the total projected obligation).*

Third Round Rehabilitation Obligation

In satisfaction of its 22 unit third round rehabilitation obligation, the Township of Branchburg has contracted with Mullen and Lonergan, a qualified rehabilitation consultant, to undertake its rehabilitation program in a manner that satisfies COAH's Rules for rehabilitation. A copy of the executed rehabilitation contract is included in the Appendix to the Fair Share Plan. It is anticipated that the rehabilitation consultant has already or will soon be preparing a Rehabilitation Manual for adoption by the governing body.

Third Round Affordable Housing Plan

Branchburg's proposals for meeting the third round fair share obligation have evolved from the Township's recognition that non-residential development, which will likely generate most of the obligation, will not be providing affordable housing. That obligation will fall to the Township. Further, the Township is committed to accommodating additional residential development in a manner that does not continue to eat up all of the remaining farmland and that promotes "smart growth" planning objectives.

Initially, the Township's Third Round Housing Element and Fair Share Plan had relied primarily on two municipally-sponsored 100 percent affordable housing developments. This Revised Plan proposes instead an inclusionary residential development that will be part of a larger planned unit development that will encompass lands located adjacent to the Midland School. One of the original municipally-sponsored developments has been eliminated, so that the Township can concentrate its efforts on implementing the other. In addition, the Revised Plan incorporates the effects of the converted (no longer age-restricted) River Trace development, with the three (3) additional affordable housing units it will produce.

The Township acknowledges the previously mediated 2004 agreement with Branchburg Builders, Inc. (BBI), to construct 50 market rate homes on a portion of its 200 acre tract (Block 4, Lot 1, and Block 2, Lot 8), in exchange for a $187,500 in lieu payment. Should this site develop as agreed, the in lieu payment from the developer will be used to help fund the components of the Township's third round affordable housing plan. As of this writing, BBI has received all of the approvals it needs to build, but has not started construction, so no fees have been received.

Two age-restricted developments had been approved as use variances by the Zoning Board of Adjustment (Advance Realty/Fox Hollow II and River Trace). At the time of the approvals, the

Zoning Board required the provision of affordable housing within each development, and the original Third Round Housing Element and Fair Share Plan had indicated that a total of 34 age-restricted affordable housing units would be provided between these two sites.

One of these developments (River Trace) has received approval from the Zoning Board of Adjustment for a conversion to a non-age-restricted development. The first of its two buildings had been constructed (but had not been occupied) and the second was under construction at the time of the conversion application. The Board of Adjustment's approval was challenged by the Township (due to a small density increase that had been approved at the same time) but that challenge has been settled. As a result of the settlement, River Trace will now be providing a total of 11 affordable units instead of the 8 originally anticipated, although the three additional units will all be created off-site by the developer, most likely through a market to affordable mechanism. Of the 11 affordable units, 6 will be low income and 5 will be moderate income.

The other age-restricted development, Advance/Fox Hollow II, has not yet proceeded. Advance was one of the objectors to the original Third Round Housing Element and Fair Share Plan. Recently, Advance submitted an application to the Zoning Board of Adjustment for a conversion of its age-restricted Fox Hollow II project to a non-age-restricted development, but the proposal for the conversion did not meet statutory requirements, and so it was denied. As it stands now, Advance is still anticipated to be producing 28 units of age-restricted affordable housing, evenly split between low income and moderate income units.

The Township of Branchburg has had a successful continuing relationship with the Midland School and Midland Adult Services. Midland School has been a valued institution in Branchburg for many years, and Midland Adult Services, which evolved out of Midlands' commitment to serving adults with special needs as well as children, has become an experienced provider of special needs housing. Midland has long term goals for the creation of additional special needs housing opportunities in Branchburg, although it is now looking for a format in which such housing, particularly for adults of working age, is intermingled with non-special needs housing in mixed residential developments. It is the Township's intention to work cooperatively with Midland Adult Services to make this happen when Midland is ready to proceed.

The Township has been actively working toward the acquisition of the tract of land located at the intersection of Old York Road and Route 202 (which has been referred to as "the Triangle Site") for the purposes of contracting with an affordable housing provider to construct a total of 120 affordable family rental units at this location. The construction of these 120 rental units will complete the fulfillment of the Township's rental obligation and enable the Township to access rental bonuses, earning the Township a substantial number of credits toward its third round growth share obligation. The Township has already acquired two of the three lots that comprise the Triangle Site and is preparing to move forward via eminent domain, if necessary, on the third lot.

The Township had been in discussions with an experienced affordable housing provider willing to obtain outside funding for, build, market and manage these units but had delayed execution of

a contract pending the completion of the site acquisition stage. It now expects to have an executed contract with this developer for submission to COAH by the end of July, 2010.

The targeted time frame for completion and occupancy of the 120 new units to be constructed on the Triangle Site has been adjusted from the original Third Round Housing Element and Fair Share Plan, which had anticipated full occupancy by the end of 2012. The original schedule has turned out to be unrealistic, although the Township remains fully committed to implementing this project. The Appendix to the Fair Share Plan contains an amended schedule for implementation of the Triangle Site project and the documents required by COAH in support of it. The Appendix to the Housing Element contains the site suitability mapping and analysis COAH requires, and this mapping and analysis is also replicated in the Fair Share Plan for ease of reference.

The Triangle Site is identified on the Township's Tax Map as Lots 3, 3.01 and 3.02 in Block 74. It totals 9.48 acres. It is noteworthy that the Triangle site is located immediately to the south of the Whiton Hills apartments, which were approved and built as a result of the Township's first round Housing Element and Fair Share Plan.

Instead of taking on a second municipally-sponsored 100% affordable housing development, for which a site had not yet been selected, the Township has decided, instead, to add a new inclusionary residential zone encompassing a portion of the 159 acres of land owned by the Vollers family adjacent to the Midland School and lying between Industrial Parkway and Route 22.

The entire 159 acres of land owned by the Vollers family (in 12 separate tax lots) are proposed to be encompassed in a Planned Unit Development (PUD) that will include a mix of land uses, including industrial uses, some limited commercial uses and multi-family residential uses. All of this land is included in the existing and proposed sewer service areas. The amount of land that will be required to be developed residentially within the PUD will be a function of the tenure of the affordable units proposed. If rental affordable units are proposed, the density will be higher (at least 12 units per acre), and the amount of land that has to be devoted to the residential component can be reduced accordingly, perhaps to as little as 15 acres out of the total. If the affordable units will be for sale, however, then the density of the residential development will be lower (6 units per acre, since the land is in Planning Area 2 on the State Plan), but the amount of land needed to produce the larger number of affordable units required will be closer to 70 acres. The developer will have the option to design the general development plan for the PUD to provide for either 50 affordable rental units (20% of 250 total units) or 100 affordable for sale units (25% of 400 total units), or some combination of the two, depending on market conditions and other proposed uses. Preliminary discussions with representatives of the owners have indicated that the preference will likely be for the greater flexibility afforded by the higher density on the smaller amount of land.

In the upcoming months, it is anticipated that the zoning regulations governing the entirety of the PUD will be developed and adopted. The Appendix to the Fair Share Plan contains the proposed zoning regulations that would cover the inclusionary residential component of the

development. These residential regulations could be adopted independently of the rest of the PUD zone regulations and incorporated into the PUD zone when it is completed later or could be adopted in conjunction with the regulations for the rest of the PUD zone.

The portion of the land owned by the Vollers Family that lies immediately adjacent to the Midland School is Block 17, Lot 2. This is a roughly 53 acre lot located on Industrial Parkway. Industrial Parkway also provides the access to the Midland School. The western leg of this L-shaped lot would be the primary focus for any residential development, with other parcels (or portions of parcels) added if needed (based upon the tenure of the affordable units). Block 17, Lot 2, is currently being used as a police firing range, and undoubtedly would require removal of part of the hillside to remediate any lead contamination.

The adjacency of Block 17, Lot 2, to the Midland School offers a number of potential benefits associated with its inclusionary residential development. First, residential development will enhance the setting for the Midland School. Second, residential development of the adjacent property may be both a catalyst and a vehicle for Midland's own plans for the development of special needs housing which has been part of Branchburg's Third Round Housing Element and Fair Share Plan since 2008.

It should be noted that the nearby Cedar Brook development, an inclusionary residential development constructed as part of Branchburg's first round compliance plan, reflects a similar pattern of development as that proposed here, as it was carved out of land that was formerly part of an industrial zone.

Block 17, Lot 2 (hereafter, "the Vollers Site") is largely unencumbered by environmental constraints, except along its southern perimeter. Thus, as few as 15 acres (depending on the developability of those acres) would be able to accommodate the construction of the 250 apartments that would generate 50 affordable rental units, based on a 20 percent set-aside. If the Township is able to obtain an agreement from the property owner to provide all of the affordable units as rental units, regardless of the tenure of the market units, then the boundaries of the residential portion of the PUD can be fixed at the outset, but in the event that such an agreement is not forthcoming, the regulations will be written to ensure that sufficient additional portions of the PUD are required to be developed residentially (albeit at a lower density) so that the affordable housing set-aside from such development will yield sufficient credits to meet the expectations of this plan (for either 50 affordable rental units or 100 affordable for-sale units).

Since the inclusionary zoning of this tract can be effectuated immediately upon receipt of substantive certification by the adoption of a zoning amendment, it will become part of the first phase of the Township's compliance plan, allowing a little more time for the implementation of the Triangle project. Thus, Phase One of the Township's revised third round affordable housing plan is structured as follows:

50 units of family rental housing or 100 units of family for-sale housing on the Vollers Site
28 age-restricted units at Advance Realty/Fox Hollow II
11 family units at River Trace
8 surplus credits from the prior round, per COAH
5 credits for 5 bedrooms in Robbins Road alternative living/special needs
1.00 special needs credit @ .25 per bedroom for 4 of the 5 bedrooms at Robbins Road

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SUBTOTAL 103 to 153 credits (PHASE ONE)

Phase Two of the Township's third round compliance plan will involve completion of the implementation of the Township's plan for the Triangle Site previously described. Not only will this address the bulk of the Township's remaining third round growth share obligation, but also it will fulfill whatever remains of the balance of the Township's rental and family rental obligation (depending on how much of it is fulfilled on the Vollers Site), enabling the Township to begin to claim rental bonuses. The fulfillment of this component of the plan gives the Township another 153 to 203 credits toward the fulfillment of its third round obligation, as follows:

120 family rental units
33 to 83 rental bonuses (depending on development of Vollers Site)

SUBTOTAL 153 to 203 credits (PHASE TWO)

The implementation of Phase Two brings the Township up to a total of 306 credits – well within sight of full compliance with its third round growth share obligation, with only 42 units remaining to be provided before the end of the certification period.

Phase Three involves a cooperative effort with Midland Adult Services to construct 24 new units of permanent supportive living housing for working adults with special needs. Since Midland would like to accomplish this goal within the context of a development containing other types of housing, it is possible that the Township will be able to accommodate Midland's needs sooner than Phase Three either as part of (or in conjunction with) the Phase One development of the Vollers Site or as part of the Phase Two development of the Triangle Site. At this time, the Midland Adult Services plan is being allocated to Phase Three, to give Midland's plans a chance to ripen. If Midland chooses to go forward in an earlier phase, the Township will amend its Housing Element and Fair Share Plan to accelerate the timetable for this particular undertaking.

Midland would also like to construct housing for seniors with special needs on its own campus, where services can be provided more readily than if such housing were built in the more community-oriented location desired for working adults with special needs. At this time, 18

senior special needs units are contemplated. This plan, too, is being placed in Phase Three to allow Midland the time it needs to ripen its plans. If Midland is ready to go forward sooner, the Township will accelerate this part of Phase Three to accommodate Midland's schedule.

It is anticipated that both components of Phase Three would be initiated at the six year mark, to be completed in the ninth year of the program. The proposed schedule for these two undertakings by Midland is included in the Appendix to the Fair Share Plan. As a result of the completion of Phase Three of the Township's Fair Share Plan, the total number of affordable units and credits would be as follows:

24 Midland permanent supportive living units for working adults with special needs
18 Midland supportive shared living bedrooms or permanent supportive living units for seniors with special needs

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SUBTOTAL 42 credits (PHASE THREE) (with up to three possible additional rental bonuses available from the Triangle Site, to be recalculated after the completion of Phase Three)

GRAND TOTAL: 348 TOTAL CREDITS (with 351 possible after the completion of Phase Three)

Development Fees and In Lieu Payments

Branchburg Township adopted a revised Development Fee Ordinance on November 24, 2008, although it has yet to be implemented, since COAH has not yet approved the Ordinance. The Ordinance adopting the Development Fee Ordinance also repealed a Growth Share Ordinance that the Township had previously adopted in an effort to capture in lieu payments from developers consistent with COAH's 2004 third round Rules. The 2008 Development Fee Ordinance calls for residential developers to pay a mandatory fee of 1 and 1/2 % of equalized assessed valuation and for non-residential developers to pay a mandatory fee of 2 and 1/2% of equalized assessed valuation, with exemptions for certain classes of development.

The Township acknowledges the Legislature's action suspending non-residential development fees. However, if the payment of development fees by non-residential developers resumes, and if Branchburg is allowed to retain such fees, the funds generated by the non-residential fees, by any residential fees collected pursuant to the Development Fee Ordinance, and by in lieu contributions sitting in the Affordable Housing Trust Fund now, plus interest that has been or may be earned on these deposits, will be used in one of two ways: to fund the Township's housing rehabilitation program and/or to offset the Township's costs of implementing its Fair Share Plan for the third round. The Spending Plan presented in the Appendix to the Fair Share Plan addresses these proposed uses of moneys in the Township's Affordable Housing Trust Fund.

The Township plans on bonding to cover the costs of the acquisition and, possibly, the development of the Triangle Site, and in 2008, adopted a bond ordinance to cover the acquisition costs. The Township Committee also adopted (in 2008) a resolution of intent to cover any shortfalls in the costs of its affordable housing programs. A copy of the resolution is included with the Spending Plan in the Appendix to this report.

Third Round Rental Obligation

The Table below identifies the units that are proposed to be used to satisfy the third round rental obligation and also to generate rental bonuses:

TABLE II
PROPOSED AFFORDABLE UNITS ADDRESSING THE THIRD ROUND RENTAL OBLIGATION

Development	**Units**
Vollers Site – if affordable units are all rentals	50 family rental units
Triangle Site	120 family rental units
Total Proposed Rental Units	120 - 170
Total Third Round Rental Obligation	**87 units (all family units)**
Excess Family Rental Units Available for Rental Bonuses	**33 - 83**

The Township's third round rental obligation will not only be met, but there could be as many as 83 bonus credits available for a surplus of family rental units available to the general public, depending on whether rental units are constructed on the Vollers Site. After the Phase Three proposal for the 24 units of permanent supportive living special needs housing by Midland is implemented, the Township will be able to recalculate the rental bonuses to which it is entitled and add additional rental bonuses from the Triangle Site – to obtain up to the maximum number of bonus credits available, which is 87 (but only 86 can be rental bonuses, since one special needs bonus is already being claimed for Robbins Road).

Third Round Very Low Income Housing Obligation

Branchburg Township also has to address the requirement of the Fair Housing Act that 13% of ALL affordable housing units that will be created to satisfy the third round obligation must be affordable to very low income households. In Branchburg's case, this means that out of the 264

units that are expected to have to be constructed to meet the 348 unit third round obligation (the additional units needed will be addressed with 83 rental bonuses and 1 special needs bonus), 34.32 (or 35) will be required to be very low income units.

The Affordable Housing Ordinance presented in the Appendix to the Fair Share Plan includes a requirement that at least 10% of all affordable rental units shall be affordable to households earning 30% or less of median income. Assuming that the Vollers Site yields 50 affordable rental units, then that site and the Triangle Site together will produce a total of at least 170 affordable family rental units, thus yielding a minimum of 17 very low income family rental units, or just about half of the 35 unit very low income housing obligation. COAH's Rules require that at least 50% of the very low income housing obligation be met with units available to families (the general public). The one unit shortfall in the family very low income obligation can be made up in the development of the Triangle Site, if necessary, since the municipality will have control over that project.

The Midland proposals will more than satisfy the balance of the calculated 35 unit very low income housing obligation.

Consideration of Other Sites Proposed for Affordable Housing

Several developers came forward at the end of 2008 with proposals to develop inclusionary residential developments. The proposals were, for the most part, sincere offers and many of them had merit. All of them required zoning changes to accomplish, and a number of them involved the rezoning of non-residentially zoned properties. Given the relatively short time frame for submitting a Third Round Housing Element and Fair Share Plan to COAH, the Planning Board and Township Committee had decided in 2008 that it would rather select sites for affordable housing themselves than make hasty and ill-considered zoning decisions that the Township may later regret. That has changed since 2008, and the Township is now prepared to provide for inclusionary zoning in the context of a Planned Unit Development (PUD) of the 159 acres owned by Vollers. The primary site within this acreage that is being targeted for inclusionary residential development is a portion of the western leg of Block 17, Lot 2, adjacent to the Midland School, with other lots owned by the Vollers family included only if needed to produce the requisite number of affordable housing credits.

The following paragraphs review each of the other inclusionary residential development proposals the Township had been asked to consider:

<u>S & K (Stoney Brook Associates), Evans Way</u>

This is a proposal that involves the rezoning of Lots 4, 35 and 36 in Block 58, located in the I-2 Industrial zone, to accommodate what was originally proposed as a total of 413 dwellings. The site has access from both Evans Way (through an industrial park) and from Stony Brook Road. Although an initial proposal submitted to the Zoning Board of Adjustment showed fewer affordable housing units, the developer has since then offered to construct 83 affordable units in

addition to conveying a five (5) acre lot to the Township for a 100% affordable municipal construction project. While the offer is generous, the site is not without its problems. It is traversed by gas transmission lines (in addition to electrical transmission lines). There is a multi-family development located adjacent to the property that is also adjacent to these same transmission lines, but that project was developed before the gas pipeline explosion that occurred in Middlesex County several years ago. The Township continues to be averse to placing more housing (especially housing that will serve households with inherently fewer housing choices) in such close proximity to a type of utility feature that has created problems in other municipalities.

Alan Frank, Route 22 (Charter Oak 22, LLC)

This developer had proposed a rather dense development of retail uses along Route 22 and inclusionary residential uses in the back (again, on land currently zoned Industrial and backing up to an existing industrial park) on a 24 acre site identified on the Tax Map as Lots 9-13 in Block 9. While the Planning Board and Township Committee remains willing to entertain further discussions with this developer in the future, there are a number of planning concerns associated with the retail development proposed along Route 22 (the Township is desirous of avoiding a commercial strip), with the interrelationship between the retail uses and the residential development proposed, and with the proximity of the proposed residential development to an industrial area that has had issues with odors in the past. For this reason, the site has not been included in the Third Round Housing Element and Fair Share Plan.

Advance Realty/3040 Route 22 and Station Road, North Branch

This property (Lot 4, Block 7) has played a significant role in a public visioning process encompassing the whole North Branch area of the Township. The developer had offered a plan and stated his willingness to develop the site for inclusionary residential development (as an alternative to the office development for which the site has been zoned). However, public reaction to the notion of multi-family development on this site has not been encouraging and the Township has determined to leave the existing zoning in place. The site is located in an area heavily impacted by traffic, and there are significant roadway design and access issues to be resolved. Residential development may or may not be appropriate on some portion of this site, but the issues of use, density/intensity, orientation and access will not be resolved easily, if ever. Consequently, this site cannot be considered for inclusionary residential development at this time.

Spectrum Proposals

Spectrum Developers proposed three separate sites for inclusionary residential development, but with no actual plans accompanying the proposals. All of the sites are located in Planning Area 2 on the State Plan. Two have sewerage at the site. The third has sewerage within 500 feet of the site.

Site One is located at 104 Readington Road, Lot 5 in Block 17. It contains 9.4 acres of land. This is an awkwardly configured site with Chambers Brook forming its southern boundary. It is

traversed by a number of easements and contains a pond. Its access appears to be constrained by wetlands - and if the site could be accessed through the wetlands, it would intersect with Readington Road opposite an already badly configured intersection. The problems associated with this site seem too numerous to make it a viable site for high density inclusionary residential development.

Site Two is located on Whiton Road and is identified on the Tax Map as Lot 7.07 in Block 76. It contains 7.7 acres of land. This site has limited access (via a narrow strip of land leading to Whiton Road) and is bisected by one of the same gas pipelines that traverses the S & K site. Given these constraints coupled with its comparatively small size, this site is inappropriate for higher density inclusionary residential development.

Site Three is located at 75 Elia Drive (Lot 52, Block 76.04). It is an 8.7 acre farmette left over from a single-family residential subdivision. Its location and access through an established subdivision makes it less than desirable as a site for high density residential development, with or without an inclusionary component. When this site develops, it should be at a density compatible with the neighborhood that has developed around it.

Spectrum has not pursued its interest in developing these properties since its initial objection was filed. In fact, Spectrum representatives failed to appear at a mediation meeting the Township has scheduled with them before the onset of mediation with COAH.

River Trace II

The developer of the River Trace development, which was approved by grant of a use variance from the Zoning Board of Adjustment and is included in the Housing Element and Fair Share Plan, had suggested the possibility of developing low and moderate income family units on a small site (Block 53, Lots 4 and 5) located at the intersection of Van Dyke Road and Route 202, but no specific proposals were ever presented.. Given the size of this site, it would be difficult to buffer the units from Route 202. Moreover, the lots are too small to have a significant impact on the Township's affordable housing obligation.

Advance Realty/Fox Hollow II

This is an age-restricted inclusionary development approved by the Zoning Board of Adjustment. The developer and the Township have met on several occasions to come up with other alternatives for this site, all of which would continue to include affordable housing. These discussions are continuing, but at this time the site is being retained in the plan based on its existing approval for 120 age-restricted housing units, including 28 low and moderate income units. Advance had filed an application with the Zoning Board of Adjustment for a conversion of this project to a non-age-restricted development, but the application was denied on the grounds that the proposed conversion did not comply with the statutory requirements for approval of a conversion.

Sunrise

There was, in 2008, a proposal before the Zoning Board of Adjustment to utilize a site located along Route 202 in an Industrial zone (in a highly visible location) for the development of an assisted living facility and independent senior living apartments with a service component. The developer's representative had indicated that while there would be Medicaid beds in the assisted living facility as required by law, the senior living portion of the project would not have included any low and moderate income housing. This application is no longer pending before the Zoning Board of Adjustment.

While the Township is appreciative of the offers from all of the foregoing developers to work with the Township in an effort to meet Branchburg's third round affordable housing obligations, the Township believes that its decision to incorporate inclusionary residential development on a portion of the Vollers Site (Lot 2, Block 17, and other lots if needed) as a complement to its continuing efforts to implement a 100% affordable housing development on the Triangle Site is the best approach for Branchburg and for the low and moderate income households this plan is intended to serve.

Availability of Infrastructure

The sites included in the Revised Third Round Housing Element and Fair Share Plan are all located in areas already served by sewer and water infrastructure.

Effect on Anticipated Land Use Patterns, Anticipated Demand for Projected Growth and Economic Development Policies

The sites that are included in the Revised Third Round Housing Element and Fair Share Plan are all located in areas that have been determined to be well suited for such development. As such, there will be no significant changes in anticipated land use patterns in the Township as a result of the adoption of the Housing Element and Fair Share Plan. This is not to say that the Township will not remain open to responsible zoning changes. The Township will continue to consider rational planning and zoning changes that make sense for Branchburg. Certainly, if any other non-residential sites are rezoned for residential purposes, or if higher density residential developments are approved, whether by zoning change or by use variance, the Township's policy will be to ensure that substantial set-asides of affordable housing units are provided in such developments, consistent with COAH's Rules.

The River Trace and Advance Realty/Fox Hollow II sites were approved by the Zoning Board of Adjustment as use variances, based on the Board's findings that multi-family residential development at the densities contemplated in these two developments would be appropriate to the particular sites in question.

A portion of the Vollers Site is proposed to be developed at a density of at least 12 units per acre, if the affordable units are for rent, or at a lower density of not more than 6 units per acre (but using considerably more land) if the affordable units are for sale. The site is located adjacent to existing and proposed industrial uses and a railroad track but is also adjacent to the Midland School and to existing public open space. It is easily accessible to Route 22 (which affords access to public transit opportunities).

The Triangle Site, proposed to be developed at a density of 12-15 units per acre, is located just south of the Whiton Hills apartment development, which was constructed at a density of more than 11 units per acre. The Triangle Site is otherwise surrounded by roadways, with one outparcel containing a single-family dwelling.

In the case of the Robbins Road special needs residence, the site is in a single-family residential neighborhood and is well suited for the single-family dwelling that has been built there.

The Phase Three sites have not been selected yet, although it is anticipated that the 18 senior special needs units contemplated by Midland will be located on the Midland campus. When a site is selected for the 24 permanent supportive living non-age-restricted units Midland is proposing, the Township will provide COAH with the justification for the use and density entailed in light of the uses and densities on surrounding properties.

The Township's Revised Third Round Housing Element and Fair Share Plan proposes to implement the municipally-sponsored 100% affordable housing development on the Triangle Site in accordance with the amended timetable presented in the Fair Share Plan. This will occur regardless of when and at what pace market-priced residential and non-residential development occurs in the Township. As a result, the vicissitudes of the market will not have as much of an impact on the implementation of the Township's affordable housing plan and programs as they might otherwise do.

Branchburg Township has substantial areas zoned for industrial and office development, with a good deal of growth potential remaining within these areas. The Township's industrial parks have proven to be attractive to a variety of large and small industrial users, as the Township is well-located relative to the highway network and has sewer and water infrastructure. The Township has been careful to try to limit intrusions into industrial areas. Indeed, the 2006 Reexamination Report prepared by Banisch Associates notes that where residential areas abut non-residential uses with a heavy trucking component, there are apt to be conflicts. The Vollers Site is in an area that already accommodates the Midland School and where a residential development would actually be a better neighbor to Midland that additional non-residential development.

Constraints on Development

All of the sites included in the Third Round Housing Element and Fair Share Plan are located in Planning Area 2 on the State Plan. Planning Area 2 is the Suburban Planning Area and is intended by the State Planning Commission to receive growth.

None of the selected sites have environmental constraints that would preclude their development as planned. None of the sites are known to require any kind of major environmental remediation.

Summary of Branchburg's Revised Affordable Housing Plan for Third Round

Branchburg Township will address its current cumulative affordable housing obligation as follows:

Prior Round Obligation	302 new units	Fully addressed in prior round.
Rehab Obligation	22 units	To be addressed through a 22 unit rehabilitation program provided by a qualified rehabilitation consultant.
		Phase One-Third Round
Third Round Obligation	348 units	50 family rental units or 100 family for sale units at Vollers Site/within Vollers PUD.
		8 surplus credits from prior round, per COAH.
		5 credits for 5 bedrooms in Robbins Road alternative living/special needs facility plus .25 bonus per four of the five bedrooms (total of 1.00 bonus credit) = 6 credits.
		28 age-restricted units at Advance Realty Route 22/Fox Hollow development.
		11 units at River Trace development (8 on-site; 3 off-site).
		Phase Two-Third Round
		120 units at Triangle Site plus 33-83 rental bonuses.

	Phase Three-Third Round
	24 Midland permanent supportive living units for working adults with special needs
	18 Midland supportive shared living bedrooms or permanent supportive living units for seniors with special needs
Third Round Subtotal:	348 units/credits (with potential for up to 3 additional rental bonuses after completion of Phase Three)
TOTAL:	672 units/credits (potentially up to 675)

The Appendices to this Housing Element and Fair Share Plan include the documentation and support required by COAH for each of the foregoing programs, including a new Affordable Housing Ordinance, a new Affirmative Marketing Plan and the Township's proposed Development Fee Ordinance and Spending Plan. The Township's administrative staff already includes a COAH-qualified Administrative Agent, who will continue to administer the Township's affordable housing units.

HOUSING ELEMENT
APPENDICES

APPENDIX A
INVENTORY OF MUNICIPAL HOUSING CONDITIONS

APPENDIX A

Inventory of Municipal Housing Conditions

The primary source of information for the inventory of the Township's housing stock is the 2000 U.S. Census, with data reflecting conditions in 2000.

According to the 2000 Census, the Township had 5,450 housing units, of which 5,317 (98%) were occupied. Table 1 identifies the units in a structure by tenure; as used throughout this Plan Element, "tenure" refers to whether a unit is owner-occupied or renter-occupied. In 2000, the Township consisted primarily of one-family, detached dwellings (72% of the total, compared to 61% in the County), and single-family attached units (13%) there were 795 units in multi-family structures. The Township had a smaller percentage of renter-occupied units than the County, 12%, compared to 23% in Somerset County and 32% in the State.

Table 1: Units in Structure by Tenure

Units in Structure	Vacant Units	Occupied Units		
		Total	Owner	Renter
1, detached	84	3,856	3,700	156
1, attached	11	704	596	108
2	0	46	21	25
3 or 4	0	86	48	38
5+	29	482	229	253
Other	0	0	0	0
Mobile home or trailer	9	143	108	35
Total	**133**	**5,317**	**4,702**	**615**

Source: 2000 U.S. Census, Summary Tape File 3 (STF-3) for Township, QT-H5 & 10.

Table 2 indicates the year housing units were built by tenure, while Table 3 compares the Township to Somerset County and the State. Approximately 57% of the owner-occupied units in the Township were built in the 1980's with 29% built in the 1990's. Most renter-occupied units (54%) were also built between 1990 and 2000.

Table 2: Year Structure Built by Tenure

Year Built	Vacant Units	Occupied Units		
		Total	Owner	Renter
1990-2000	58	1,712	1,377	335
1980-1989	0	1,394	1,323	71
1970-1979	18	796	758	38
1960-1969	6	522	507	15
1950-1959	29	362	333	29
1940-1949	7	168	142	26
Pre-1940	15	363	262	101

Source: 2000 U.S. Census, STF-3 for Township, QT-H7.

Table 3 compares the year of construction for all dwelling units in the Township to Somerset County and the State. The Township had a much larger percentage of units built between 19780 and 2000 than did the County or State, and a smaller percentage of units built for all previous years. This is clearly seen in the median year built between the State, County and Township.

Table 3: Comparison of Year of Construction for Township, County, and State

Year Built	%		
	Branchburg Township	Somerset County	New Jersey
1990 – 2000	32.5	21.3	10.5
1980 – 1989	25.6	20.2	12.4
1970 – 1979	14.9	11.6	14.0
1960 – 1969	9.7	15.2	15.9
1950 – 1959	7.2	12.9	17.1
1940 – 1949	3.2	6.6	10.1
Pre-1940	6.9	12.4	20.1
Median Year	**1983**	**1973**	**1962**

Source: 2000 U.S. Census, SF-3 for Township, County, and State, DP-4.

The 2000 Census documented household size in occupied housing units by tenure, and the number of bedrooms per unit by tenure; the data is reported in Tables 4 and 5, respectively. Table 4 indicates that renter-occupied units generally housed slightly smaller households, with 73% of renter-occupied units having 2 persons or fewer compared to 47% of owner-occupied units. Table 5 indicates that renter-occupied units generally had fewer bedrooms, with 72% having two bedrooms or fewer, compared to 17% of owner-occupied units.

Table 4: Household Size in Occupied Housing Units by Tenure

Household Size	Total Units	Owner-occupied Units	Renter-occupied Units
1 person	990	741	249
2 persons	1,660	1,466	194
3 persons	953	875	78
4 persons	1,126	1,067	59
5 persons	409	386	23
6 persons	103	97	6
7+ persons	31	31	0
Total	**5,272**	**4,663**	**609**

Source: 2000 U.S. Census, SF-3 for Township, H-17.

Table 5: Number of Bedrooms per Unit by Tenure

Number of Bedrooms	Total Units	(%)	Vacant Units	Occupied Units		
				Total	Owner	Renter
No bedroom	11	.2	0	11	0	11
1 bedroom	281	5.2	33	248	67	181
2 bedrooms	1,015	18.6	27	988	744	244
3 bedrooms	1,634	30	30	1,604	1,464	140
4 bedrooms	2,003	36.8	31	1,972	1,957	15
5+ bedrooms	506	9.3	12	494	470	24

Source: 2000 U.S. Census, SF-3 for Township, QT-H8 and QT-H5.

Table 6 compares the Township's average household size for all occupied units, owner-occupied units, and renter-occupied units in 2000 to those of the County and State. The Township's average household size for owner-occupied is higher than the County and Stae an renter-occupied is lower than those for the State and County.

Table 6: Average Household Size for Occupied Units for Township, County, and State

Jurisdiction	All Occupied Units	Owner-occupied units	Renter-occupied units
Branchburg Township	2.76	2.85	2.07
Somerset County	2.69	2.78	2.36
New Jersey	2.68	2.81	2.43

Source: 2000 U.S. Census, SF-1 for Township, County, and State, DP-1.

The distribution of bedrooms per unit, shown in Table 7, indicates that the Township contained dramatically more four or more bedroom units than the County or State in 2000, and fewer none to three bedroom units than either the County or State.

Table 7: Percentage of All Units by Number of Bedrooms

Jurisdiction	None or one	Two or Three	Four or More
Branchburg Township	5.4	48.6	46.1
Somerset County	12.7	54.2	33.2
New Jersey	18.3	59.2	22.6

Source: 2000 U.S. Census, SF-3 for Township, County, and State, QT-H4.

In addition to data concerning occupancy characteristics, the 2000 Census included a number of indicators, or surrogates, which related to the condition of the housing stock. These indicators are used by the Council on Affordable Housing (COAH) in calculating a municipality's deteriorated units and indigenous need. In the first Two Rounds of COAH's fair share allocations (1987-1999), COAH used seven indicators to calculate indigenous need: age of dwelling; plumbing facilities; kitchen facilities; persons per room; heating fuel; sewer; and, water. In the Round Three rules, COAH has reduced this to three indicators, which in addition to age of unit (Pre-1940 units in Table 2), are the following, as described in COAH's rules.

Plumbing Facilities — Inadequate plumbing is indicated by either a lack of exclusive use of plumbing or incomplete plumbing facilities.

Kitchen Facilities — Inadequate kitchen facilities are indicated by shared use of a kitchen or the non-presence of a sink with piped water, a stove, or a refrigerator.

Table 8 compares the Township, County, and State for the above indicators of housing quality. The Township had fewer units with inadequate plumbing and fewer overcrowded and inadequate kitchen units the State.

Table 8: Housing Quality for Township, County, and State

Condition	%		
	Branchburg Township	**Somerset County**	**New Jersey**
Overcrowding	.4	3.5	5
Inadequate plumbing [1]	.3	.4	.7
Inadequate kitchen [1]	.6	.5	.8

Notes: [1]The universe for these factors is all housing units.

Source: 2000 U.S. Census, SF-3 for Township, County, and State QT-H4.

The last factors used to describe the municipal housing stock are the housing values and gross rents for residential units. With regard to values, the 2000 Census offers a summary of housing values, seen in Table 9, which indicate that 81% of all residential properties in the Township were valued over $200,000 with a median housing value of $278,000.

Table 9: Value of Owner Occupied Residential Units

Value	Number of Units	%
$0 – 50,000	8	.2
$50,000 – 99,999	26	.6
$100,000 – 149,999	162	4
$150,000 – 199,999	587	14.4
$200,000 – 299,999	1,610	39.4
$300,000 – 499,999	1,507	36.8
$500,000 – 999,999	170	4.2
$1,000,000 +	20	.5

Source: 2000 U.S. Census, SF-3 for Township, County, and State, DP-4.

The data in Table 10 indicate that in 2000 virtually all housing units rented for more than $750/month with the largest percentage, 32.9%, for more than $1,000-$1,499 per month.

Table 10: Gross Rents for Specified Renter-Occupied Housing Units[1]

Monthly Rent	Number of Units	%
Under $200	12	2
$200 – 299	12	2
$300 – 499	7	1.2
$500 – 749	86	14.2
$750 – 999	149	24.6
$1,000 – 1,499	199	32.9
$1,500 or more	108	17.9
No Cash Rent	32	5.3

Note: Median gross rent for Branchburg Township is $1,036.
Source: 2000 U.S. Census, SF-3 for Township, QT-H12.

The data in Table 11 indicate that in 2000 there were 218 renter households earning less than $35,000 annually. At least 145 of these households were paying more than 30% of their income for rent; a figure of 30% is considered the limit of affordability for rental housing costs.

Table 11: Household Income in 1999 by Gross Rent as a Percentage of Household Income in 1999[1]

Income	Number of Households	Percentage of Household Income					
		0 – 19%	20 – 24%	25 – 29%	30 – 34%	35% +	Not computed
< $10,000	43	0	0	0	0	22	21
$10,000 – 19,999	65	0	0	0	0	65	0
$20,000 – 34,999	110	0	18	12	19	39	22
$35,000 +	387	224	61	53	16	23	10

Note: *[1]The universe for this Table is specified renter-occupied housing units.*
Source: *2000 U.S. Census, SF-3 for Township, QT-H13.*

APPENDIX B
ANALYSIS OF DEMOGRAPHIC CHARACTERISTICS

APPENDIX B

Analysis of Demographic Characteristics

As with the inventory of the municipal housing stock, the primary source of information for the analysis of the demographic characteristics of the Township's residents is the 2000 U.S. Census. The Census data provide a wealth of information concerning the characteristics of the Township's population in 2000.

The 2000 Census indicates that the Township had 14,566 residents, or 3,678 more residents than in 1990, a 34% increase. The Township's 34% increase in the 1990's compares to a 24% increase in Somerset County and an 8% increase in New Jersey.

The age distribution of the Township's residents is shown in Table 1. The Township's male population was predominant in younger age groups from 0-19, with females being predominant in most other groups.

Table 1: Population by Age and Sex

Age	Total Persons	Male	Female
0-4	1,269	636	633
5 – 19	2,905	1,514	1,391
20 – 34	2,346	1,101	1,245
35 – 54	5,446	2,643	2,803
55 – 69	1,772	904	868
70 +	828	350	478
Total	**14,566**	**7,148**	**7,718**

Source: 2000 U.S. Census, SF-1 for Township, QT-P1.

Table 2 compares the Township to the County and State for the same age categories. The principal differences among the Township, County, and State occurred in the 0-4 and 35-54 age groups, where the Township had more population than the County or State. However the Township had fewer persons in the 20-34 and 70+ age groups than the County and State.

Table 2: Comparison of Age Distribution for Township, County, and State (% of persons)

Age	Branchburg Township	Somerset County	New Jersey
0-4	8.7	7.5	6.7
5 – 19	19.9	19.8	20.4
20 – 34	16.1	18.4	19.9
35 – 54	37.4	34.4	30.9
55 – 69	12.2	11.9	12.4
70 +	5.7	8.2	9.7
Median	**37.5**	**37.2**	**36.7**

Source: 2000 U.S. Census, SF-1 for Township, County, and State. QT-P1.

Table 3 provides the Census data on household size for the Township, while Table 4 compares household sizes in the Township to those in Somerset County and the State. The Township differed from the County and State in terms of the distribution of household sizes by having a higher number of households with two to five persons and fewer six or more person households.

Table 3: Persons in Household

Household Size	Number of Households
1 person	990
2 persons	1,660
3 persons	953
4 persons	1,126
5 persons	409
6 persons	103
7 or more persons	31

Source: 2000 U.S. Census, STF-1 for Township, QT-P10.

Table 4: Comparison of Persons in Household for Township, County, and State (% of households)

Household Size	Branchburg Township	Somerset County	State
1 person	18.8	22.8	24.5
2 persons	31.5	31.1	30.3
3 persons	18.1	17.5	17.3
4 persons	21.4	17.5	16
5 persons	7.8	7.4	7.5
6 persons	2	2.4	2.7
7 or more persons	.6	1.2	1.7
Persons per household	**2.76**	**2.69**	**2.68**

Source: 2000 U.S. Census, SF-1 for Township, County, and State, QT-P10.

Table 5 presents a detailed breakdown of the Township's population by household type and relationship. There were 4,065 family households in the Township and 1,207 non-family households; a family household includes a householder living with one or more persons related to him or her by birth, marriage, or adoption, while a non-family household includes a householder living alone or with non-relatives only. In terms of the proportion of family and non-family households, the Township had more family households than the State (77.1% for the Township, 72.3% for the County, and 70.3% for the State).

Table 5: Persons by Household Type and Relationship

	Total
In family Households:	**4,065**
Married Couples	3,668
Child	2,095
In Non-Family Households:	**1,207**
Male householder:	503
Living alone	408
Not living alone	95
Female householder:	704
Living alone	582
Not living alone	122
In group quarters:	**0**

Source: 2000 U.S. Census, SF-3 for Township, QT-P11 and QT-P12.

Table 6 provides 1999 income data for the Township, County, and State. The Township's per capita and median incomes were higher than those of the State and County for household income. The definitions used for households and families in Table 6 are similar to those identified in the description of Table 5, so that the households figure in Table 6 includes families.

Table 6: 1999 Income for Township, County, and State

Jurisdiction	Per Capita Income	Median Income	
		Households	Families
Branchburg Township	41,241	96,864	110,268
Somerset County	37,970	76,933	90,605
New Jersey	27,006	55,146	65,370

Source: 2000 U.S. Census, SF-3 for Township, County, and State, DP-3.

Table 7 addresses the lower end of the income spectrum, providing data on poverty levels for persons and families in 2000. The determination of poverty status and the associated income levels were based on the cost of an economy food plan and range from an annual income of $8,501 for a one-person household to $28,967 for an eight-person family for the year 1999. According to the data in Table 7, the Township had proportionately fewer persons and families qualifying for poverty status than the County and State. However, the percentages in Table 7 translate to 282 persons and 44 families in poverty status. Thus, the non-family households had a larger share of the population in poverty status.

Table 7: Poverty Status for Persons and Families for Township, County, and State (% with 1999 income below poverty)

Jurisdiction	Persons (%)	Families (%)
Branchburg Township	1.9	1.1
Somerset County	4.7	3.2
New Jersey	8.5	6.3

Source: 2000 U.S. Census, SF-3 for Township, County, and State, DP-3.

The U.S. Census includes a vast array of additional demographic data that provide insights into an area's population. For example, Table 8 provides a comparison of the percent of persons who moved into their homes between the years 1995-1998; this is a surrogate measure of the mobility/stability of a population. The data indicate that the percentage of year 2000 Township residents residing in the same house in 1995 was more than that of the County and State.

Table 8: Comparison of Place of Residence for Township, County, and State (1995)

Jurisdiction	Percent living in same house in 1995
Branchburg Township	60.1
Somerset County	55.5
New Jersey	59.8

Source: 2000 U.S. Census, SF-3 for Township, County, and State, QT-H7.

Table 9 compares the educational attainment for Township, County, and State residents. The data indicate that Township residents exceeded the County and State for residents in educational attainment.

Table 9: Educational Attainment for Township, County, and State Residents (Persons 25 years and over)

Jurisdiction	Percent (%) high school graduates or higher	Percent (%) with bachelor's degree or higher
Branchburg Township	94.8	53.7
Somerset County	89.6	46.5
New Jersey	82.1	29.8

Source: 2000 U.S. Census, SF-3 for Township, County, and State, DP-2.

The 2000 Census also provides data on the means of transportation which people use to reach their place of work. Table 10 compares the Census data for the Township, County, and State relative to driving alone, carpooling, using public transit, and using other means of transportation. The Township had a relatively high percentage of those who drive alone, and a relatively low percentage of workers who carpool or use public transit. Of the workers who resided in the Township and used other means of transportation to reach work, 243 workers worked at home and 55 workers walked to work.

Table 10: Means of Transportation to Work for Township, County and State Residents (Workers 16 years old and over)

Jurisdiction	Percent who drive alone	Percent in carpools	Percent using public transit	Percent using other means
Branchburg Township	89.4	3.7	2.2	4.6
Somerset County	81.7	8	4.1	6.3
New Jersey	73	10.6	9.6	6.7

Source: 2000 U.S. Census, SF-3 for Township, County, and State, DP-3.

APPENDIX C
SUMMARY OF EMPLOYMENT DATA

Appendix C

Summary of Employment Data

The 2000 Census provides detailed information on a municipality's resident population regarding their means of employment. Employment characteristics are describes two ways. First through occupation, which is the type of work the employee performs. The second is by industry, or the type of business in which the employee works. Table 1 outlines these two characteristics for Branchburg Township's residents.

Table 1
Selected Employment Characteristics of Resident Population

Employed civilian population 16 years and over	**7,850**	**100.0**
OCCUPATION		
Management, professional, and related occupations	**4,376**	**55.7**
Service occupations	453	5.8
Sales and office occupations	1,984	25.3
Farming, fishing, and forestry occupations	0	0.0
Construction, extraction, and maintenance occupations	521	6.6
Production, transportation, and material moving occupations	516	6.6
INDUSTRY		
Agriculture, forestry, fishing and hunting, and mining	7	0.1
Construction	408	5.2
Manufacturing	1,326	16.9
Wholesale trade	375	4.8
Retail trade	673	8.6
Transportation and warehousing, and utilities	277	3.5
Information	535	6.8
Finance, insurance, real estate, and rental and leasing	893	11.4
Professional, scientific, management, administrative, and waste management services	1,259	16.0
Educational, health and social services	**1,510**	**19.2**
Arts, entertainment, recreation, accommodation and food services	176	2.2
Other services (except public administration)	216	2.8
Public administration	195	2.5

**Data from the 2000 Census table DP-3 (STF-3).*

The table highlights that the largest percentage of the population is in the educational, health and social services field and holds a management or professional position.

In addition to seeking information about the employment characteristics of the population, COAH requires municipalities to report on the types of industries found within the municipality. According to the New Jersey Department of Labor Annual Report for 2003, Branchburg's employment opportunities were primarily in the manufacturing, wholesale trade, health care and social assistance, and construction industries. Table 2 presents these data.

Table 2
Employment and Wages by Industry, Branchburg Township

BRANCHBURG TOWNSHIP	Average Annual Units	Average Annual Employment	Average Annual Wages
Agriculture, forestry, fishing and hunting	.	.	.
Construction	60	776	$59,884
Manufacturing	46	1,729	$53,905
Wholesale trade	47	820	$59,309
Retail trade	38	322	$31,192
Transportation and warehousing	11	322	$42,622
Information	5	77	$63,923
Finance and insurance	.	.	.
Real estate and rental and leasing	5	10	$12,981
Professional and technical services	77	367	$76,951
Management of companies and enterprises	.	.	.
Administrative and waste services	25	423	$45,847
Educational services	.	.	.
Health care and social assistance	17	815	$22,908
Arts, entertainment, and recreation	.	.	.
Accommodation and food services	27	442	$14,877
Other services, except public administration	33	156	$23,079
Unclassified entities	21	31	$46,937
PRIVATE SECTOR MUNICIPALITY TOTAL	429	7,255	$50,096
FEDERAL GOVT MUNICIPALITY TOTAL	2	7	$35,459
LOCAL GOVT MUNICIPALITY TOTAL	8	987	$40,186

Source: 2003 Annual Report, NJDOL.

APPENDIX D
WORKBOOK A

Workbook A: Growth Share Determination Using Published Data

(Using Appendix F(2), *Allocating Growth To Municipalities)*

COAH Growth Projections
Must be used in all submissions

Municipality Name: BRANCHBURG TWP., SOMERSET CO.

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

		Residential	Non-Residential
1	**Enter Growth Projections From Appendix F(2) ***	824	2,922
2	**Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab**	Click Here to enter Prior Round Exclusions	
	built or projected to be built post 1/1/04		
	Inclusionary Development	0	
	Supportive/Special Needs Housing	5	
	Accessory Apartments	0	
	Municipally Sponsored or 100% Affordable	0	
	Assisted Living	0	
	Other	0	
	Market Units in Prior Round Inclusionary development built post 1/1/04	0	
3	**Subtract the following Non-Residential Exclusions (5:97-2.4(b)**		
	Affordable units	0	
	Associated Jobs		0
4	**Net Growth Projection**	819	2,922
5	**Projected Growth Share** (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	164 **Affordable Units**	183 **Affordable Units**
6	**Total Projected Growth Share Obligation**		347 **Affordable Units**

* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: 0

Prior Round Affordable Units NOT included in Inclusionary Developments Built post 1/1/04

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	
Accessory Apartments	
Municipally Sponsored and 100% Affordable	
Assisted Living	
Other	
Total	**0**

Market and Affordable Units in Prior Round Inclusionary Development
Built post 1/1/04
N.J.A.C. 5:97-2.4(a)
(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
ROBBINS ROAD/MIDLAND	✓	5 (br)	0	5 (br)	0
GROUP HOME/SUPP.		0			0
SHARED LIVING		0			0
		0			0
		0			0
Total		5	**0**	5	**0**

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development
N.J.A.C. 5:97-2.4(b)

Development Name		Affordable Units Provided	Permitted Jobs Exclusion
			0
			0
			0
			0
Total		**0**	0

Return To Workbook A Summary

APPENDIX E
ROBBINS ROAD/MIDLAND ADULT SERVICES DOCUMENTATION

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

(Submit separate checklist for each site or project)

General Description

Municipality/County: Branchburg Twp., Somerset

Project or Program Name: Robbins Road

Date facility ~~will be constructed or~~ placed into service: CO issued 7/23/07

Type of facility: Midland Adult Services, Inc.

For group homes, residential health care facilities and supportive shared housing:

Affordable bedrooms ~~proposed~~ existing: 5 Age-restricted affordable bedrooms: 0

For permanent supportive housing:

Affordable units proposed: 0 Age-restricted affordable units: 0

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: ____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): 0.25 per bedroom (1.25 total) (after 12/11)

Very low income bonuses as per N.J.A.C. 5:97-3.7[1]: ____

Compliance bonuses as per N.J.A.C. 5:97-3.17: ____

Date development approvals granted: ____

Information and Documentation Required with Petition or in Accordance with an Implementation Schedule

Is the municipality providing an implementation schedule for this project/program.

☐ Yes. Skip to and complete implementation schedule found at the end of this checklist. NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.

☑ No. Continue with this checklist.

☑ Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)

☐ Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including: See Project/Program Information and Unit Inventory Form (attached) and map in this Appendix

- ☐ Name and address of owner
- ☐ Name and address of developer
- ☐ Subject property street location
- ☐ Subject property block(s) and lot(s)
- ☐ Subject property total acreage
- ☐ Indicate if urban center or workforce housing census tract
- ☐ Description of previous zoning
- ☐ Current zoning and date current zoning was adopted
- ☐ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☐ Description of surrounding land uses single and multi-family residential
- ☑ Demonstration that the site has street access extension of Robbins Road
- ☑ Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans PA 2
- ☑ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4 served
- ☑ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4 served

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints: N.A.

- ☐ Wetlands and buffers
- ☐ Steep slopes
- ☐ Flood plain areas
- ☐ Stream classification and buffers
- ☐ Critical environmental site
- ☐ Historic or architecturally important site/district
- ☐ Contaminated site(s); proposed or designated brownfield site

- ☐ Based on the above, a quantification of buildable and non-buildable acreage
- N.A. ☐ Pro-forma statement for the project
- N.A. ☐ RFP or Developer's Agreement
- N.A. ☐ Construction schedule and timetable for each step in the development process
- N.A. ☐ Documentation of funding sources
- N.A. ☐ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall

Information and Documentation Required Prior to Marketing the Completed Units or Facility

- N.A. ☐ For units not exempt from UHAC, an affirmative marketing plan in accordance with N.J.A.C. 5:97-6.10(c)
- ☑ If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency (including validation of the number of bedrooms or units in which low- or moderate-income occupants reside) P.Q. is deed restricted, as well.

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Acquisition			
RFP Process			

Developer Selection			
Executed Agreement with provider, sponsor or developer			
Development Approvals			
Contractor Selection			
Building Permits			
Construction			
Occupancy			

Supportive/Special Needs Narrative Section

This project had been proposed but not completed and not credited in the prior round. It is now completed, occupied and eligible for crediting

[1] Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

PROJECT / PROGRAM INFORMATION FORM

Changes to the highlighted areas are to be made directly into the CTM system. All other changes must be made on the form and submitted to COAH.

(Complete a separate Project / Program information form for each proposed or completed project or program. For RCAs and Partnership Programs, the sending municipality need only complete Part D. RCA receiving municipalities should submit complete information for all projects and programs receiving RCA funding)

Part A – Project Header

Municipality: Township of Branchburg County: Somerset

Project or Program Name: Midland Residential Communities, Inc.

Project Status (circle current status and enter date of action for that status) Date of Action

Proposed/Zoned	
Preliminary Approval	
Final Approval	
Affordable Units under Construction	
Completed (all affordable certificates of occupancy (C.O.) issued	07/23/07
Deleted from Plan (date approved by COAH) _____)	

Project / Program Type (circle one)

Assisted Living Facility **Alternative Living Arrangement** Accessory Apartment

Buy – Down Credits without Controls ECHO Municipally-Sponsored Rental Units[1]

100 Percent Affordable Inclusionary Rehabilitation

If an Inclusionary project, identify type (circle all that apply) **N/A**

Units constructed on-site Units constructed off-site Combination Contributory

Growth Share Ordinance

If an Alternative Living Arrangement project, identify type (circle one)

Transitional Facility for the Homeless Residential Health Care Facility Congregate Living Facility

Group Home Boarding Homes (A through E) (eligible for credit for 1987-99 plans)

[1]See N.J.A.C. 5:94-4.11

Part B – Project Detail (complete all applicable sections)

COAH Round Rules Used: Round 1 Round 2 Round 3

Project Address: 112 Robbins Road, Branchburg

Project Block/Lot/Qualifier (list all): Block 48, Lot 11

Project Acreage: 105 x 400 lot

Project Sponsor: (circle one) Municipally Developed **Nonprofit Developed** Private Developer

Project Developer: Midland Adult Services, LLC.

Planning Area (circle all that apply)

1 **2** 3 4 4B 5 5B

Highland Preservation Highlands Planning Area Pinelands Meadowlands

CAFRA Category 1 Watershed

Credit Type (circle one)

Prior-cycle (1980-1986) Post-1986 completed Proposed/Zoned Rehabilitation

Credit Sub-Type

Addressing Unmet Need Extension of Controls

Flags (Circle all that apply) Conversion Court Project Density Increase Granted Mediated Project

Result of Growth Share Ordinance High Poverty Census Tract Off-Site Partnership Project

RCA Receiving Project Reconstruction Part of Redevelopment Plan

Project Waiver Granted Yes **No** **Round waiver was granted** R1 R2 R3

Type of Waiver _____

Number of market units proposed _____ **Number of market units completed** **5 Bedroom Home**

Condo Fee percentage (if applicable) _____

Affordability Average Percentage [2] **<30%**

For Contributory or Combination Sites

Total payment in lieu of building affordable units on site N/A

Number of affordable units created with payment _____

Municipal or RCA funds committed to project Yes – to acquire land

Municipal or RCA funds expended Yes – to acquire land

[2] "Affordability Average" means an average of the percentage of median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

Funding Sources (circle all that apply)

County HOME County Rehab Funds CDBG Federal Home Loan Bank HODAG HUD HUD2
HUD 236 HUD 811 HUD HOPE VI HUD HOME McKinney Funds Fannie May Multi-Family
UDAG UHORP USDA-FHA Rural Development USDA-FHA-Section 515 Development Fees
Municipal Bond **Municipal Funds** Payment in Lieu Private Financing RCA Capital Funding
Balanced Housing Balanced Housing – Home Express DCA –Low Income House Tax Credit NPP
DCA Shelter Support Services DDD DHSS DHHS HMFA Low Income House Tax Credit
HMFA HMFA HOME MONI Section 8 Small Cities Other _____

Effective date of affordability controls **June 31, 2007**

Length of Affordability Controls (in years) **30 years** or perpetual

Administrative Agent _____

Part C – COUNTS

Affordable Unit Counts

Total non-age restricted 0 Sales 0 Rentals 5 Total age-restricted 0 Sales 0 Rentals 0

Complete the chart for the number of non-age-restricted and age-restricted units that are **restricted** for the following income categories (do not report on the income levels of residents currently residing in the units)

Low Income	Non-Age restricted	Age-restricted
30% of median income [3]		
35$ of median income [4]		
50% of median income		
Moderate Income		
80% of median income		

Note: 30% = less than or equal to 30 percent of median income
35% = greater than 30 percent and less than or equal to 35 percent of median income
50% = greater than 35 percent and less than or equal to 50 percent of median income
80% = greater than 50 percent and less than 80 percent of median income

[3] Pursuant to N.J.A.C. 5:94-4.22 units deed restricted to households earning 30% or less of median income may be eligible for Bonus Credit for Very-Low Income Units. (RCA receiving units not eligible for bonus credits)
[4] Pursuant to N.J.A.C. 5:80-26.3(d) at least 10 percent of all low- and moderate-income rental units must be deed restricted to households earning no more than 35 percent of median income

Bedroom Distribution of Affordable Units

Sales Units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____
Rental Units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____

Completed Units

Number of affordable units completed in this project 5

Number of affordable units in this project lost through foreclosures, illegal sale or expired affordability controls _____

Part D – (completed by Sending Municipality) N/A

For Regional Contribution Agreements (RCA)

Sending Municipality	_____	County	_____
RCA Receiving Municipality	_____	County	_____
COAH approval date	_____		
Number of units transferred	_____	Cost per unit	_____
Total transfer amount	_____	Amount transferred to date	_____

For Partnership Program

Sending Municipality	_____	County	_____
RCA Receiving Municipality	_____	County	_____
COAH approval date	_____		
Number of units transferred	_____	Cost per unit	_____
Total transfer amount	_____	Amount transferred to date	_____

Summary of Sending Municipality's contractual agreement of Partnership Receiving Municipality

_____

_____

_____

_____

Portion of Branchburg Township

Block 48, Lot 11
Somerset County, New Jersey

June 2010

Legend

- Parcel in Question
- Slope 15% or Greater
- Wetlands
- 100 Year Floodplain
- Stream Buffer
- Branchburg Township
- Parcel
- Stream
- C1 Stream

N
W E
S

0 250 500 Feet

Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

This map was developed using New Jersey Department
Environmental Protection Geographic Information Syst
digital data, but this secondary product has not been NJDI
verified and is not Statauthorized.

TOWNSHIP OF BRANCHBURG
1077 ROUTE #202 NORTH
BRANCHBURG, NEW JERSEY 08876
(908) 526-1300 — X 147

NEW JERSEY UNIFORM CONSTRUCTION CODE

CERTIFICATE

Permit # 07-0049
Date Issued
- or -
Control #
Certificate Issued Date: 7/23/07

IDENTIFICATION

Block 48 Lot 11 Qualification Code

Work Site Location 122 Robbins Road

Owner in Fee MIDLAND ADULT SERVICES INC
Address 94 Readington Road
Branchburg,NJ 08876
Tel. ( ) 722-7727
Contractor Dimino Construction Co. Inc.
Address 395 River Road
Branchburg,NJ 08876
Tel. ( ) 526-3715 FAX ( )
Lic. No. or Bldrs. Reg. No. 026429
Federal Employer No.

Home Warranty No. N/A
Type of Warranty Plan: [ ] State [ ] Private
Use Group R-3
Maximum Live Load
Construction Classification 5B
Maximum Occupancy Load 18
Description of Work/Use:

GROUP HOME

XXX **CERTIFICATE OF OCCUPANCY**

This serves notice that said building or structure has been construed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

☐ **CERTIFICATE OF APPROVAL**

This serves notice that the work completed has been construed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of the inspection.

☐ **TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE**

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than _____ or will be subject to fine or order to vacate:

☐ **CERTIFICATE OF CLEARANCE — LEAD ABATEMENT 5:17**

This serves notice that based on written certification, lead abatement was performe as per NJAC 5:17, to the following extent:

[ ] Total removal of lead-based paint hazards in scope of work
[ ] Partial or limited time period (_____ years); see file

☐ **CERTIFICATE OF CONTINUED OCCUPANCY**

This serves notice that based on a general inspection of the visible parts of the buildi there are no imminent hazards and the building is approved for continued occupan

☐ **CERTIFICATE OF COMPLIANCE**

This serves notice that said potentially hazardous equipment has been installed anc maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until _____.

CONSTRUCTION OFFICIAL 7/23/07 DATE

Fee $
Paid [ ] Check No.
Collected by:

UCC/ F-260 (REV 5/03)
Professional Printing

1 WHITE — APPLICANT 2 CANARY — OFFICE 3 PINK — TAX ASSESSOR

1805 BLOCK 48 LOT 11 QUAL. UPDATED ON 101908

---------OWNER INFORMATION---------

MIDLAND ADULT SERVICES INC
94 READINGTON RD
BRANCHBURG, NJ 08876

DED AMT #OWN 01
BANK# MORT# SS#

---------PROPERTY INFORMATION---------

PROP LOC: 122 ROBBINS RD
PROPERTY CLASS 15D ACCOUNT#
BLDG DESC RESIDENCE
LAND/ACRE 105 X 400 / .96
ADDITIONL LOTS

ZONE LD MAP 15 USER#1 #2 LD16
BULT 2007 UNITS 01 BCLASS 20
VCS LD16 SFLA 03123

----------SALES INFORMATION----------

	DATE	BOOK	PAGE	PRICE	PCD	NU	4TYPE
CUR:	010401	02334	194	87000	Z	17	
-1:							
-2:							

-----TENANT REBATE----

BASE YR	TAXES	FLAG
08	.00	N

---VALUES---

LAND 111700
IMPR 479500
EXM1
EXM2
EXM3
EXM4
NET 591200

--------TAXES--------

08	TOTAL	.00
09	HALF1	.00
09	TOTAL	.00
10	HALF1	.00

SPECTAX CDS:

OLDID: 48 11

-------EXEMPT PROPERTY DATA-------

EPL CD 2004997 STAT. 54:04-06.06
FACILITY RESIDENCE
INIT FILE 103107 FUR FILE
ASMT CODE

NEXT ACCESS: BLK LOT QUAL

EN=CHANGE F1=NO ACTION F3=ASSMT HISTORY F5=RECORD CARD F7=MORE

BLK 48 LOT 11 01 OF 01 VCS LD16

BLDG CLS= 20
TYPE+USE= ONE FAMILY
DESIGN = RANCH
STY HGHT= 1 STORY
ROOF TYP= GABLE
MATER= ASPH SHNGL
PITCH=
EXT FIN.= ALUM/VINYL

FOUNDATN= BLK/CONCRT

INT FIN.= DRYWALL

FLR FIN.= MIXED

HEAT SRC= GAS

HEAT SYS= FORCED AIR 3123

ELECTRIC= ADEQUATE

AIR COND= ALL COMBIN 3123

PLUMBING= 3FIX BATH 3
2FIX BATH 1

FIREPLCE= NONE

MISCELL.=

WRITEINS=

ROOM COUNT	B	1	2	3
LIV ROOM	0	1	0	0
DIN ROOM	0	0	0	0
BATHROOM	0	4	0	0
BEDROOM	0	5	0	0
KITCHEN	0	1	0	0
REC ROOM	0	0	0	0
DEN/OFF	0	1	0	0
TOTAL	0	12	0	0

EXP ATT=

DORMERS=

BASEMNT= TOTAL AREA 3123

FULL ST= GROUND FLR 3123
UPPER STYS

HALF ST=

-CONDITION- ---YEARS---
INTER GOOD BUILT 2007
EXTER GOOD EFFECT 2007
LAYOT GOOD

-MKT INFLUENCE- NET COND
99%

BLK 48 LOT 11 01 OF 01 122 ROBBINS RD

<=== FLOOR AREA ===>

SEQ	ITEM	BSMT	FRST	UPER	HLF	ATT
A	**1S-B**	**3123**	**3123**			

<==== HOUSE DRAWING ====>

```
                 *----26----*
                 |          |
        *--19--*            |
        |                   |
        |                   |
        |        A          |
        4                   8
        8                   7
        |                   |
        |                   |
        *--16-*             |
        |     +--1C--*      |
        2  B 2+--16--*-13-*
        3    3|
        *--16-*
```

ATT. ITEM	AREA	ATT. ITEM	AREA
B ATT. GAR.	**368**	**C OPEN PORC**	**96**

-------SQ. FOOT LIVING AREAS-------

1ST FLOOR	= 3123	LIV BSMNT	= 0
UPPER FLR	= 0	BUILT INS	= 0
HLF STORY	= 0	UNFIN AREA	= 0
FIN ATTIC	= 0		

TOTAL LIVING AREA = 3123

HOUSING SUBSIDY AGREEMENT

This Agreement is made this 4th day of December, 2000 between the Township of Branchburg, in the County of Somerset, a municipal corporation ("Branchburg") and the Midland Adult Services, Inc., a New Jersey non-profit corporation ("Midland"). Branchburg and Midland are the "Parties".

WHEREAS, Branchburg is obligated to provide housing for persons of low and moderate income under the New Jersey Fair Housing Act and the Rules of the New Jersey Council on Affordable Housing; and

WHEREAS, Branchburg wishes to provide for a portion of its low income housing obligation in group homes for developmentally disabled adults to be developed by Midland in Branchburg; and

WHEREAS, Branchburg is willing to contribute to Midland a minimum of $20,000.00 per bedroom toward the cost of purchasing, constructing and converting such housing; and

WHEREAS, Midland owns and has converted an existing house at 423 Readington Road, known as Block 59, Lot 16, Branchburg Township ("Readington Road Property") as a four bedroom group home for rental occupancy by low income developmentally disabled adults, and Midland has agreed to Deed-Restrict the Readington Road Property for a period of thirty years to ensure its continued occupancy by and affordability to low income tenants; and

WHEREAS, Midland has recently purchased, with the assistance of Branchburg, an existing house at 363 Pleasant Run Road, known as Block 81.01, Lot 1.03, Branchburg Township ("Pleasant Run Property") for conversion to a four or more bedroom group home for rental occupancy by low income developmentally disabled adults, and, as a requirement of Branchburg's assistance, Midland is to

deed-restrict the Pleasant Run Property for a period of thirty years to ensure its continued occupancy by and affordability to low income tenants; and

WHEREAS, Midland wishes to develop in Branchburg and Deed-Restrict additional group houses for rental occupancy by low income developmentally disabled adults pursuant to this Agreement and requires the financial assistance of Branchburg in order to do so; and

WHEREAS, Branchburg (in its own name or through agents) has contracted to purchase an existing house at 890 Old York Road, known as Block 71, Lot 2, Branchburg Township ("Old York Road Property") and a vacant lot on Robbins Road, known as Block 48, Lot 11, Branchburg Township ("Robbins Road Property") for the purpose of developing low income rental housing;

NOW, THEREFORE, in consideration for the exchange of mutual promises and for the further consideration recited below, Branchburg and Midland agree as follows:

Article 1. DEFINITIONS. For purposes of this Agreement, the following terms shall be defined as follows:

"Act" shall mean N.J.S.A. 52:27D-301 *et seq.*;

"COAH" shall mean the Council on Affordable Housing created by the Act;

"COAH's Rules" shall mean the rules adopted by COAH, N.J.A.C. 5:93-1 *et seq.*;

"Division" shall mean the New Jersey Department of Health and Human Services, Division of the Developmentally Disabled;

"Low Income Housing" shall mean low income housing as defined by COAH's Rules, particularly N.J.A.C. 5:93-1.3;

"Deed-Restrict" shall mean to place a deed restriction upon the land upon which one or more Housing Units exist or are to be constructed or converted limiting their use to Low Income rental housing, for a period of at least thirty (30) years, pursuant to COAH's Rules;

"Housing Unit" shall mean a bedroom in a low-income rental group home for developmentally disabled adults to be converted or developed and Deed-Restricted by Midland pursuant to this Agreement;

Article 2. READINGTON ROAD PROPERTY. Midland shall Deed-Restrict the Readington Road Property by not later than January 1, 2001. As soon the Readington Road Property is Deed-Restricted pursuant to this Agreement, Branchburg shall pay to Midland $80,000.00.

Article 3. PLEASANT RUN ROAD PROPERTY. Midland shall Deed-Restrict the Pleasant Run Road Property by not later than January 1, 2001. Midland shall convert the Pleasant Run Road Property to a minimum of four Housing Units by September 1, 2001. As soon the Pleasant Run Road Property is Deed-Restricted pursuant to this Agreement, Branchburg shall pay to Midland $20,000.00 per Housing Unit to be developed on the Pleasant Run Road Property (up to a maximum of six Housing Units) and Midland shall execute a note and mortgage on the Pleasant Run Road Property to Branchburg for a like amount. The note shall be without interest or periodic payment, and shall become due on September 1, 2001, but the note and mortgage shall be canceled to the extent of $20,000.00 per Housing Unit if the Pleasant Run Road Property is occupied as a

minimum of four Housing Units by July 1, 2001.

Article 4. OLD YORK ROAD PROPERTY. Branchburg or its agents and Midland shall promptly enter into an agreement for the sale of the Old York Road Property to Midland for $270,000. The sale of the Old York Road Property shall be by deed providing for reversion to Branchburg if the property is not converted to and occupied for a minimum of five Housing Units by August 31, 2001.

Article 5. ROBBINS ROAD PROPERTY. Branchburg or its agents and Midland shall promptly enter into an agreement for the sale of the Robbins Road Property to Midland for $1.00. The sale of the Robbins Road Property shall be by deed providing for reversion to Branchburg if the property is not developed as and occupied for a minimum of four Housing Units by December 31, 2002.

Article 6. MIDLAND'S GENERAL RESPONSIBILITIES. Midland's responsibilities shall include, but are not be limited to, the following:

6.1 To rent the Housing Units in a manner which will, for a period of at least thirty years, qualify them as low income housing according to COAH's Rules.

6.2 Midland shall develop all necessary plans for approval and construction and/or conversion of the Housing Units in accordance with the requirements of COAH and the Division.

6.3 Midland shall apply to the appropriate agencies for all required government approvals.

6.4 Midland shall obtain all financing necessary for its share of the costs of providing the Housing Units. Branchburg will remain responsible for any and all financing which may be necessary to its contributions as set forth in

this Agreement.

6.5 Midland shall apply for appropriate grants in aid of construction which may be available from various sources. Any monies realized through such grants will be used to defray Midland's cost of construction or conversion and to minimize the cost of the Housing Units to the occupants, and will not affect the amount of Branchburg's contribution.

6.6 When necessary, Midland shall borrow to provide for adequate cash flow during construction or conversion of the Housing Units.

6.7 Midland shall construct and convert all Housing Units in accordance with applicable New Jersey construction standards and applicable rules of COAH and the Division.

6.8 Midland shall take all necessary steps to satisfy its obligations under this Agreement by December 31, 2002.

Article 7. BRANCHBURG'S GENERAL RESPONSIBILITIES. Branchburg's responsibilities shall include, but are not limited to, the following:

7.1 When necessary, Branchburg shall borrow to provide for its contributions to Midland pursuant to this Agreement.

7.2 Branchburg shall provide documentation to and testimony before the Zoning Board of Adjustment in support of any variances reasonably necessary or convenient for the use of the Pleasant Run Road Property and Robbins Road Property consistent with the purposes of this Agreement.

Article 8. REPORTS. The Parties shall complete and file the following reports pursuant to COAH's Rules:

8.1 Midland shall file with the Township Clerk and with COAH an annual report, by February 1st of each year, delineating its progress in implementing this Agreement.

8.2 Branchburg shall file with COAH an annual report, by February 15th of each year, of the payment of funds to Midland under this Agreement and Midland's progress in implementing this Agreement.

Article 9. COOPERATION. The Parties agree to diligently pursue all necessary steps and cooperate with each other in good faith to Deed-Restrict the Readington Road Property and to assure the completion of and to Deed-Restrict a minimum of twelve additional Housing Units, all as described in this Agreement.

Article 10. EFFECTIVE DATE. This Agreement shall become effective upon execution by the Parties.

Article 11. FINAL AGREEMENT; MODIFICATION. This Agreement represents the final understanding of the Parties with respect to all matters contained herein, and supersedes any and all other oral and written documentation, including a similar agreement between Branchburg and Midland dated March 27, 2000. This Agreement may not be modified orally; any modifications must be in writing and signed by the Parties.

Article 12. SUCCESSORS AND ASSIGNS. This Agreement shall inure to the benefit of, and be binding upon, the respective successors, representatives and assigns of the Parties.

IN WITNESS WHEREOF the Parties have hereunto set their hands and seals the day and year first above written.

ATTEST:

Sharon L. Brienza, RMC,
Township Clerk

TOWNSHIP OF BRANCHBURG

By: M. Kate Sarles

M. Kate Sarles
Deputy Mayor

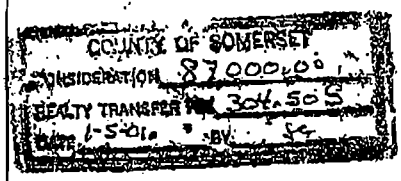
ATTEST:

MIDLAND ADULT SERVICES, INC.

By:

Prepared By:

Gregory G. Campisi
Gregory G. Campisi
An Attorney At Law of N.J.



DEED

This Deed is made on January 4, 2001,

BETWEEN

Anthony Holowinski, Executor of the Estate of Anthony Delasandro, (a/k/a Anthony Delassandro, a/k/a Anthony Delasandra) whose address is 764 Texas Road, Morganville, New Jersey 07751

hereinafter referred to as the "Grantor",

AND

Midland Adult Services, Inc. whose address is 94 Readington Road, North Branch, New Jersey 08876

hereinafter referred to as the "Grantee".

The words "Grantor" and "Grantee" shall mean all Grantors and Grantees respectively listed above.

Transfer of Ownership and Consideration (N.J.S.A. 46:15-6). The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. The true consideration for this transfer is the sum of EIGHTY SEVEN THOUSAND DOLLARS ($87,000.00), receipt of which is acknowledged.

Tax Map Reference. Township of Branchburg, Block: 48; Lot: 11.

Property. The property consists of the land and all the buildings and structures on the land in Township of Branchburg, County of Somerset, and State of New Jersey. The legal description of the Property is:

All that certain tract, lot and parcel of land and premises, situate, lying, and being in Township of Branchburg in the County of Somerset and State of New Jersey, being more particularly described as follows:

Known as Plot Number One (1), in Block Number Two (2), as shown on a certain map entitled "H.R.M. section of William Bradley estate situated in Branchburg Township, Somerset County, N.J. July 1949" and the same is filed in the Somerset County Clerk's Office December 8th, 1949 and is known as Map #206.

Being further described per the attached legal description.

Being the same premises conveyed to Salvatore Delassandro and Theresa Delassandro, husband and wife, by Deed from Salvatore Delassandro and Theresa Delassandro, his wife, Anthony Delassandro, Joseph Delassandro and Felix Delassandro, all residing at 652 A Leonard Street, Brooklyn, New York being all the heirs at law and next of kin of Gerard J. Delassandro, deceased, who died on July 28, 1958 and dated September 4, 1958, recorded September 10, 1958 in Book 926 of Deeds at page 26 of Somerset County.

Theresa Delassandro died May 23, 1960 testate, a resident of Queens County, New York.

REC MAY/05/2001 11:31AM 00435
SOMERSET COUNTY CLERK JLK 328.50

Salvatore Delassandro died May 18, 1967 testate a resident of Queens County, New York. Pursuant to Paragraph Two in the Last Will and Testament of Salvatore Delassandro the above described premises was devised to his three sons, Anthony Delassandro, Joseph Delassandro, and Felix Delassandro.

Joseph Delassandro died May 24, 1983 testate, a resident of Queens County, New York and pursuant to Paragraph Two of his Last Will and Testament he devised his 1/3 interest to the premises to his brothers, Anthony Delassandro and Felix Delassandro.

Felix Delassandro died April 24, 1984 testate, a resident of Queens County, New York and pursuant to Paragraph Two of his Last Will and Testament he devised his 1/2 interest to the premises to his brother, Anthony Delassandro.

Anthony Delassandro died February 17, 1985, testate, a resident of Queens County, New York and pursuant to Paragraph Five of his Last Will and Testament, he devised a 1/3 interest to the premises to Nancy Holowinski; a 1/3 interest to Geraldine Holowinski Di Santo and her husband , Joseph DiSanto; and 1/3 interest to Anthony Holowinski and his wife, Susan Holowinski. By paragraph Six of the Last Will and Testament of Anthony Delassandro, he appoints his nephew Anthony Holowinski as Executor together with full power of sale.

Being commonly known as Block 48, Lot: 11, (Robbins Road), Branchburg, New Jersey.

Limitation to use as Low Income Housing for Developmentally Disabled Adults. The property conveyed by this deed may for a period of 30 years be used only for the construction of housing for Low Income Developmentally Disabled Adults. "Low Income" for the purpose of this limitation shall be defined by the regulations of the New Jersey Council on Affordable Housing or its successor. "Developmentally Disabled" for the purpose of this limitation shall be defined by the regulations of the New Jersey Department of Human Services or its successor. This limitation is created for the benefit of and may be enforced by the Township of Branchburg, which has provided the funds for this purchase of the property. If this limitation is violated, title to the property shall revert to the township of Branchburg pursuant to N.J.S. 40A:12-21. This limitation shall expire on January 5, 2031.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not done or executed, or allowed to be done or executed, any act, deed or thing whereby anyone else has obtained any legal rights which affect the property.

Signatures. The Grantor signs this Deed as of the Date at the top of the first page.

Witness:

Anthony Holowinski,
Executor of the Estate of
Anthony Delasandro

Gregory G. Campisi
Attorney at Law
of New Jersey

SCHEDULE "A-5"

File Number: TA55500

The land referred to in this Commitment is described as follows:

KNOWN as Plot Number One (1), in Block Number Two (2), as shown on a certain map entitled "H. R. M. Section of William Bradley Estate situated in Branchburg Township Somerset County, N.J. July 1949" and the same is filed in the Somerset County Clerk's Office December 8th, 1949 and is known as Map #206.

BEGINNING at an iron pipe in the northerly sideline of Robbins Road being 300.00 feet northwesterly from the westerly sideline of Henry Road and running; thence

1) along the northerly sideline of Robbins Road, North 62 degrees 48 minutes 00 seconds West, 105.14 feet to a point; thence

2) North 27 degrees 02 minutes 00 seconds East, 400.00 feet to a point; thence

3) South 62 degrees 48 minutes 00 seconds East, 106.30 feet to a point; thence

4) South 27 degrees 12 minutes 00 seconds West, 400.00 feet to the point and place of BEGINNING.

The above description being in accordance with a survey prepared by George Riehman, Professional Land Surveyor, and dated December 27, 2000.

STATE OF New Jersey
COUNTY OF ESSEX | SS.

I certify that on January 4, 2001, Anthony Holowinski, Executor of the Estate of Anthony Delasandro personally appeared before me and acknowledged under oath, to my satisfaction, that each person;

(a) is named in and personally signed this Deed;
(b) signed, sealed and delivered this Deed as his and her own act and deed; and
(c) made this deed for a consideration of $87,000.00 paid for the transfer of title.

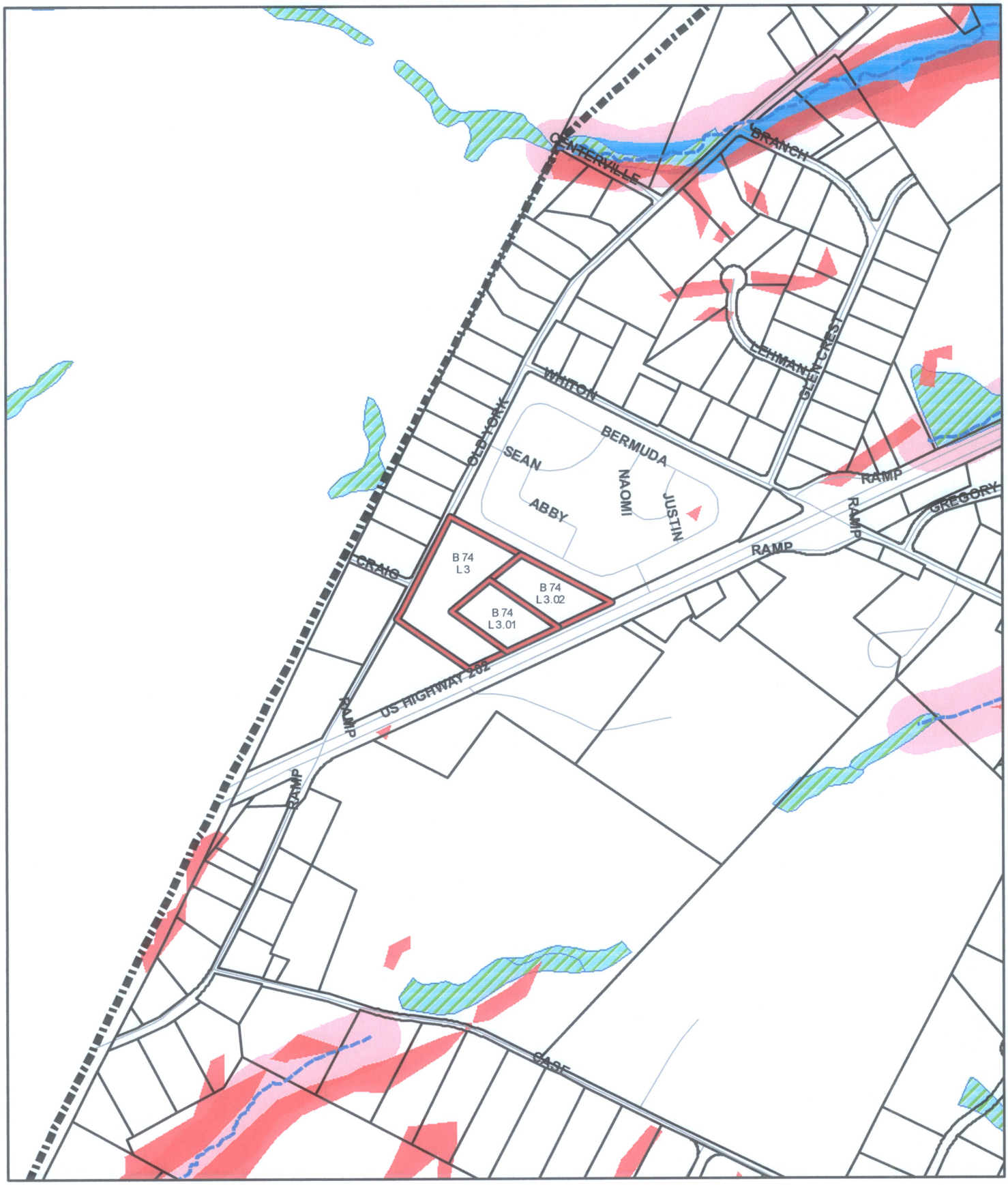
Gregory H. Campisi
An Attorney-at-law
of the State of New Jersey

RECORD AND RETURN TO:

Mark S. Anderson, Esq.
Woolson, Sutphen Anderson & Nergaard
11 East Cliff Street
Somerville, New Jersey 08876

END OF DOCUMENT

APPENDIX F
SITE DOCUMENTATION RE TRIANGLE SITE



Portion of Branchburg Township

Block 74, Lots 3, 3.01 and 3.02
Somerset County, New Jersey

June 2010

N
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Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

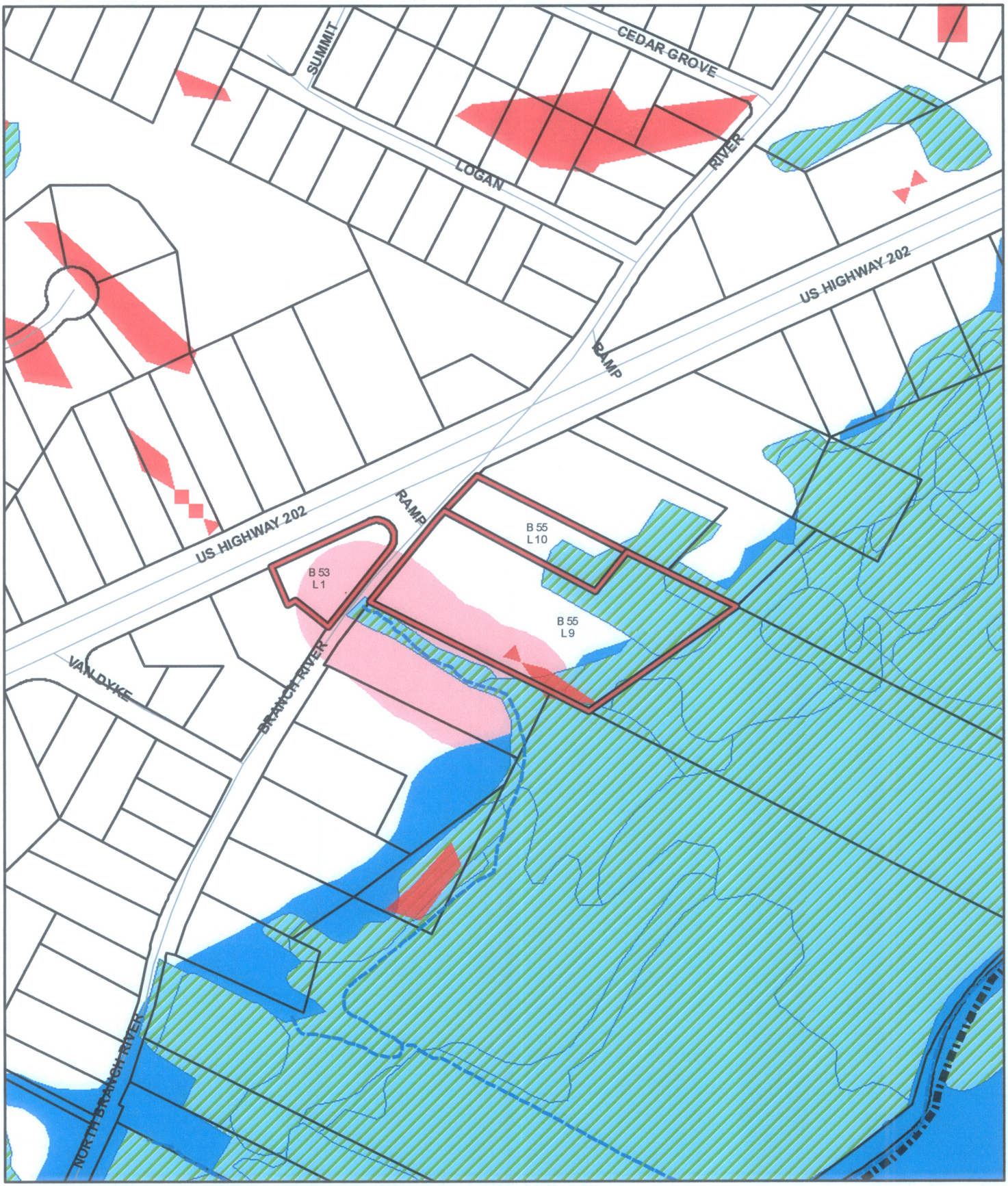
Legend

- Parcels in Question
- Slope 15% or Greater
- Wetlands
- 100 Year Floodplain
- Stream Buffer
- Parcel
- Branchburg Township
- Stream
- C1 Stream

0 250 500 1,000 Feet

This map was developed using New Jersey Department
Environmental Protection Geographic Information Syst
digital data, but this secondary product has not been NJDI
verified and is not Statauthorized.

APPENDIX G
SITE DOCUMENTATION RE RIVER TRACE



Portion of Branchburg Township

Block 53 Lot 1, Block 55 Lots 9 and 10
Somerset County, New Jersey

June 2010

Legend

- Parcels in Question
- Slope 15% or Greater
- Wetlands
- 100 Year Floodplain
- Stream Buffer
- Branchburg Township
- Parcel
- Stream
- C1 Stream

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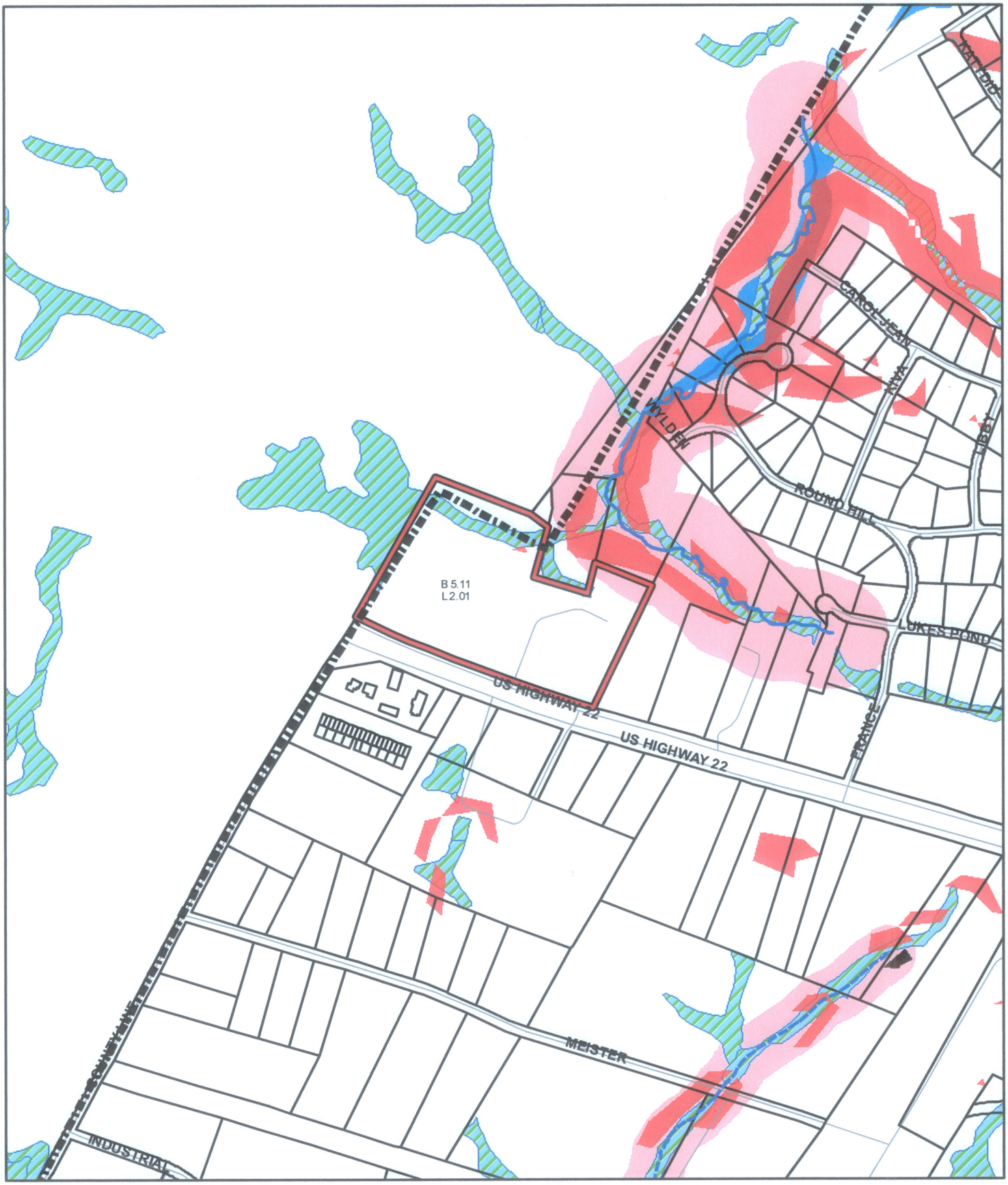
0 250 500 Feet

Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

This map was developed using New Jersey Department
Environmental Protection Geographic Information Syst
digital data, but this secondary product has not been NJDI
verified and is not Statesauthorized.

APPENDIX H
SITE DOCUMENTATION RE ADVANCE REALTY/FOX HOLLOW II



Portion of Branchburg Township

Block 5.01, Lot 2.01
Somerset County, New Jersey

June 2010

Legend

- Parcels in Question
- Slope 15% or Greater
- Wetlands
- 100 Year Floodplain
- Stream Buffer
- Branchburg Township
- Parcel
- Stream
- C1 Stream

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0 250 500 1,000 Feet

Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

This map was developed using New Jersey Department
Environmental Protection Geographic Information Syst
digital data, but this secondary product has not been NJDI
verified and is not Statauthorized.

APPENDIX I
SITE DOCUMENTATION RE VOLLERS SITE

Portion of Branchburg Township

Block 17, Lot 2
Somerset County, New Jersey

June 2010

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Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

Legend

Parcel in Question
Parcel

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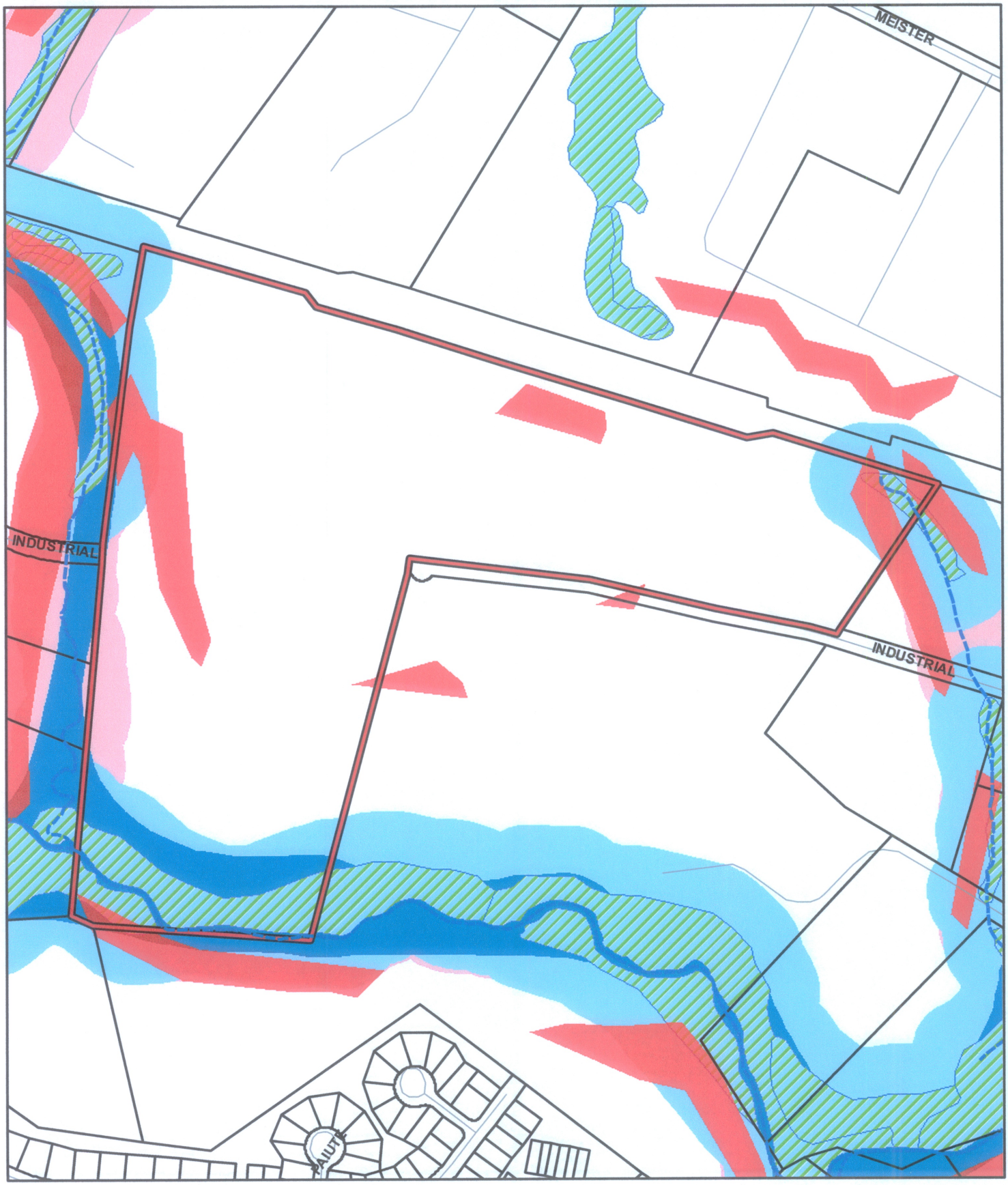
This map was developed using New Jersey Department
Environmental Protection Geographic Information Syst
digital data, but this secondary product has not been NJDI
verified and is not Stateauthorized.



Portion of Branchburg Township

Block 17, Lot 2
Somerset County, New Jersey

June 2010

Legend

- Parcel in Question
- Slope 15% or Greater
- Wetlands
- 100 Year Floodplain
- Stream Buffer
- Parcel
- 150' Wetlands Buffer
- Stream
- C1 Stream

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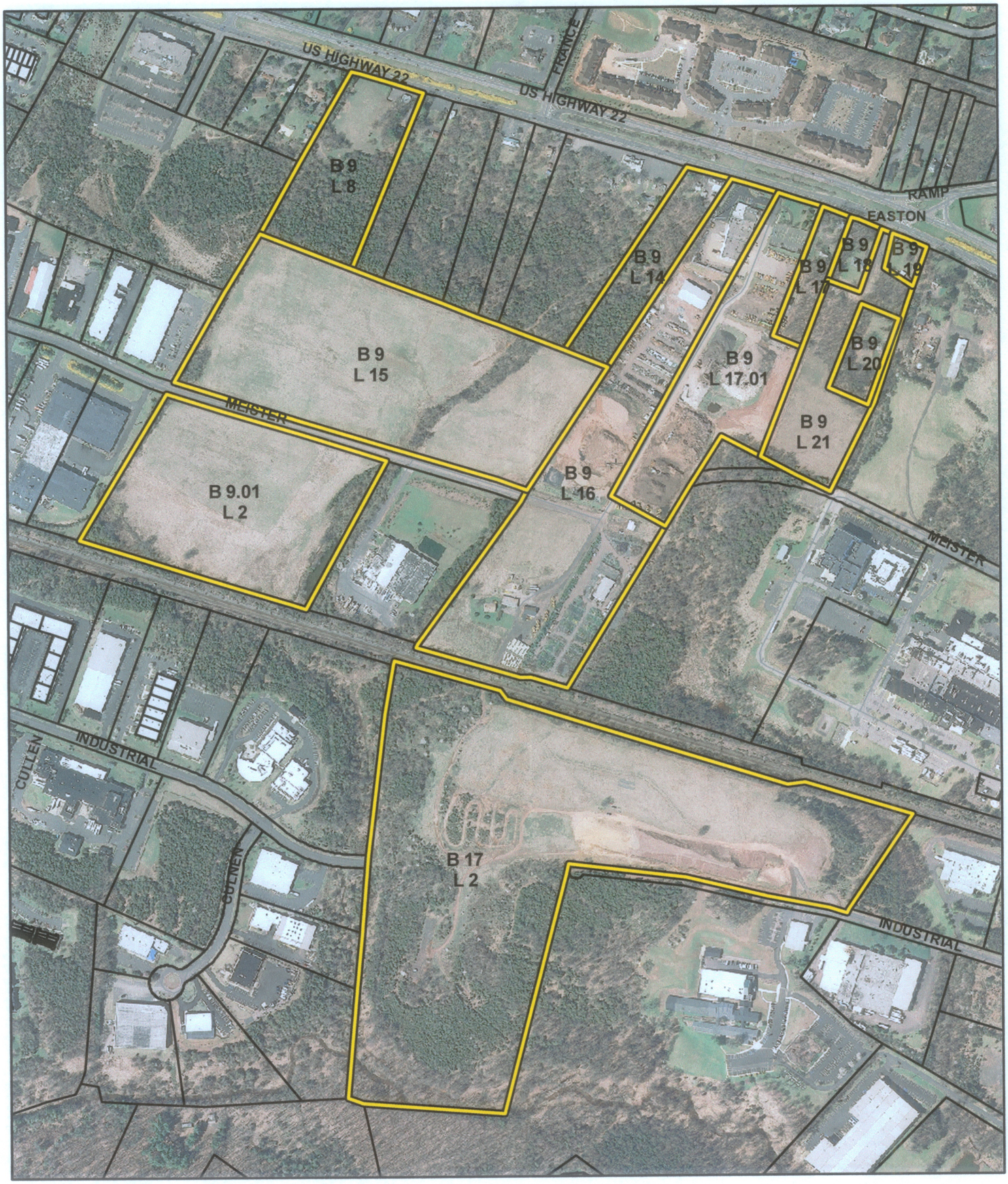
0 250 500 Feet

Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

This map was developed using New Jersey Department
Environmental Protection Geographic Information Syst
digital data, but this secondary product has not been NJDI
verified and is not Statauthorized.



Portion of Branchburg Township

Proposed PUD Lots
Somerset County, New Jersey

July 2010

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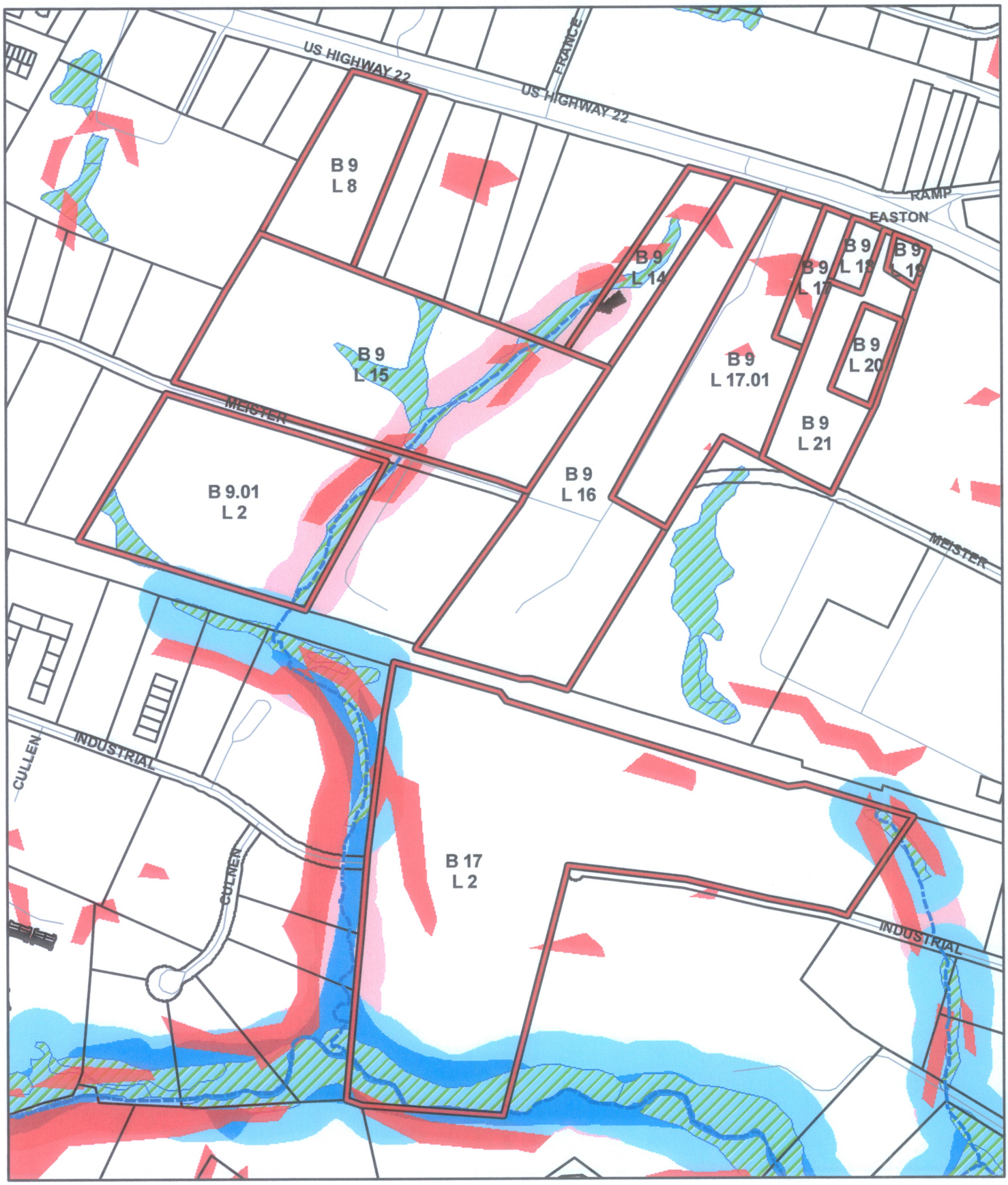
Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

Legend

- Proposed PUD Lots
- Parcel

0 250 500 1,000 Feet

This map was developed using New Jersey Department Environmental Protection Geographic Information Syst digital data, but this secondary product has not been NJDI verified and is not Stateauthorized.



Portion of Branchburg Township

Proposed PUD Lots
Somerset County, New Jersey

July 2010

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Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

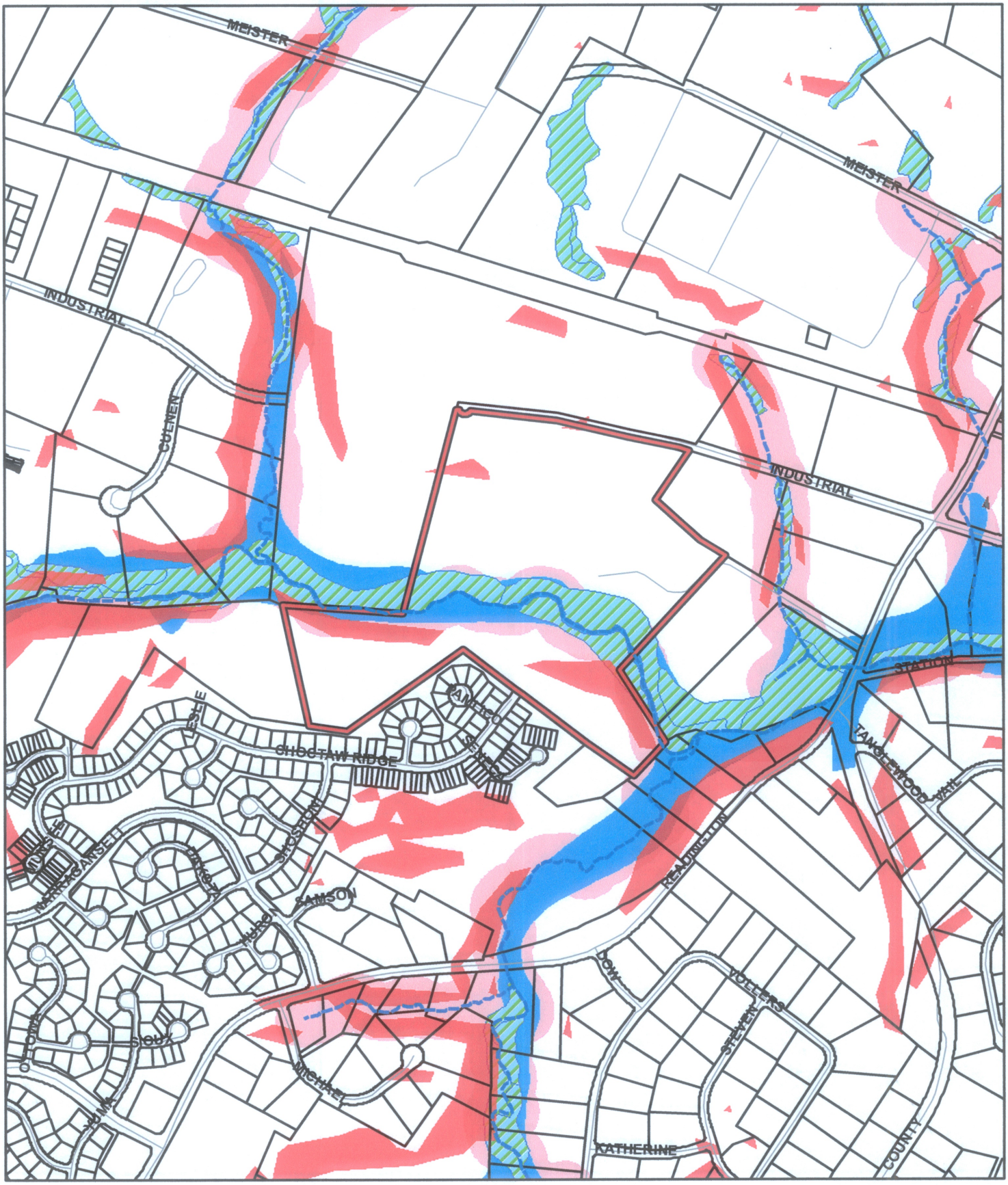
Legend

- Proposed PUD Lots
- Slope 15% or Greater
- Wetlands
- 100 Year Floodplain
- Stream Buffer
- Parcel
- 150' Wetlands Buffer
- Stream
- C1 Stream

0 250 500 1,000 Feet

This map was developed using New Jersey Department Environmental Protection Geographic Information Syst digital data, but this secondary product has not been NJDI verified and is not Stateauthorized.

APPENDIX J
SITE DOCUMENTATION RE MIDLAND SCHOOL SITE



Portion of Branchburg Township

Block 17, Lot 4
Somerset County, New Jersey

June 2010

Legend

- Parcel in Question
- Slope 15% or Greater
- Wetlands
- 100 Year Floodplain
- Stream Buffer
- Branchburg Township
- Parcel
- Stream
- C1 Stream

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0 250 500 1,000 Feet

Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

This map was developed using New Jersey Department
Environmental Protection Geographic Information Sysb
digital data, but this secondary product has not been NJDI
verified and is not Stateauthorized.

FAIR SHARE PLAN

FAIR SHARE PLAN

Description of Obligation

Table I presents the entire cumulative fair share obligation for Branchburg Township, including the prior round obligation, the rehabilitation obligation determined by COAH based upon the 2000 Census, and the third round obligation based upon COAH's projections of household and employment growth within the Township between 2004 and 2018.

TABLE I
TOTAL CUMULATIVE AFFORDABLE HOUSING OBLIGATION

Prior Round Obligation	302
Rehabilitation Obligation	22
Third Round Obligation	348
Total	**672**

The third round fair share obligation has been calculated by COAH based upon a growth projection of 824 new housing units, which, divided by 5, yields an obligation for 164.8 (165) new affordable housing units, plus 2,922 new jobs, which, divided by 16, yields an obligation for 182.6 (183) affordable housing units, for a total of 348 affordable housing units that will be required to meet the third round fair share obligation yielded by COAH's projections. At least half of these units must be provided as family housing units, available to the general public.

Appendix D of the Housing Element portion of this document contains Workbook A showing the calculation of the Township's third round fair share obligation based upon COAH's projections of growth.

The entire prior round obligation has already been satisfied, and Branchburg was acknowledged by COAH, at the time the prior round substantive certification was granted, to have 8 surplus credits from the prior round. In addition, with the completion and occupancy of the Robbins Road special needs alternative living arrangement, the Township will be eligible to receive 5 additional credits, one for each bedroom in that facility, plus one special needs bonus credit (at .25 credits per bedroom for four of the five bedrooms). Thus, ***the Township enters the third round with 14 credits toward the fulfillment of its 348 unit third round new construction obligation***.

According to COAH's Rules, the maximum number of units that can be age-restricted in the third round is, as it was in the prior round, 25% of the total third round obligation, or, in Branchburg's case, 87 units in the third round. Two inclusionary age-restricted developments that received use variances from the Zoning Board of Adjustment were included in the original

Third Round Housing Element and Fair Share Plan, but one of these (River Trace) has received approval for a conversion to a non-age-restricted project – with a slight increase in the number of affordable housing units to be provided. The only other proposed age-restricted units are the 18 senior special needs units contemplated by Midland in Phase Three.

The Township has a third round rental obligation of 87 units. If the rental obligation is fully satisfied, with at least 50% of the rental units being family rental units available to the general public, the Township will be eligible to receive rental bonuses at the rate of two credits (one being the rental bonus) for each excess family rental unit over and above those counted toward fulfillment of the rental obligation that is available to the general public. Additionally, the Township will be eligible to receive one (1.00) special needs bonus credit (at a rate of .25 credits per bedroom) for four of the five bedrooms in the Robbins Road facility. Bonus credits for excess rental units and for certain other mechanisms in COAH's Rules may be used to satisfy up to 25% (or 87 units) of the total third round obligation.

Based upon the 2008 amendments to the Fair Housing Act, the Township also has an obligation to provide very low income housing. At least 13% of all affordable housing units created to satisfy the third round obligation must be affordable to households earning 30% or less of median income, and at least 50% of the very low income housing must be in the form of family units available to the general public. *In Branchburg's case, the very low income housing obligation would be 35 units, since the Township's plan maximizes rental units (and thus the opportunity to capture bonus credits to meet up to 25% of the total projected obligation).*

Overview

The Third Round Fair Share Plan for the Township of Branchburg addresses the following elements: 22 units of rehabilitation share and 334 additional affordable housing units/credits to meet the balance of the third round obligation, after deducting the 8 credits for surplus prior round affordable housing plus the 6 credits (5 bedrooms plus one special needs bonus credit) for the Robbins Road special needs facility. The plan anticipates meeting (in fact, exceeding) the Township's rental obligation and also meeting the Township's very low income housing obligation.

Rehabilitation

In satisfaction of its 22 unit third round rehabilitation obligation, the Township of Branchburg has already contracted with a qualified rehabilitation consultant to undertake its rehabilitation program in a manner that satisfies COAH's Rules for rehabilitation. A copy of the proposed rehabilitation contract is included in the Appendices to the Fair Share Plan. It is anticipated that the rehabilitation consultant will be preparing a Rehabilitation Manual for adoption by the governing body.

Inclusionary Residential Zoning

The Township will be adding a new inclusionary residential zone in the context of a larger PUD (planned unit residential zone) encompassing a portion of the 159 acres of land owned by the Vollers family lying adjacent to the Midland School and between Industrial Parkway and Route 22.

The entire 159 acres of land owned by the Vollers family (which are in 12 separate tax lots) will be encompassed in a Planned Unit Development (PUD) that will include a mix of land uses, including industrial uses, some limited commercial uses and multi-family residential uses. The amount of land that will be required to be developed residentially within the PUD will be a function of the tenure of the affordable units proposed. If rental affordable units are proposed, the density will be higher (at least 12 units per acre), and the amount of land that has to be devoted to the residential component can be reduced accordingly, perhaps to as little as 15 acres out of the total. If the affordable units will be for sale, however, then the density of the residential development will be lower (6 units per acre, since the land is in Planning Area 2 on the State Plan), but the amount of land needed to produce the larger number of affordable units required will be closer to 70 acres. The developer will have the option to design the general development plan for the PUD to provide for either 50 affordable rental units (20% of 250 total units) or 100 affordable for sale units (25% of 400 total units), or some combination of the two, depending on market conditions and other proposed uses. Preliminary discussions with representatives of the owners have indicated that the preference will likely be for the greater flexibility afforded by the higher density on the smaller amount of land.

In the upcoming months, it is anticipated that the zoning regulations governing the entirety of the PUD will be developed and adopted. The Appendix to the Fair Share Plan contains the proposed zoning regulations that would cover the inclusionary residential component of the development. These residential regulations could be adopted independently of the rest of the PUD zone regulations and incorporated into the PUD zone when it is completed later or could be adopted in conjunction with the regulations for the rest of the PUD zone.

The primary target for the inclusionary residential development on the land owned by the Vollers Family is the western leg of Block 17, Lot 2, which abuts the Midland School. This is a roughly 53 acre lot located on Industrial Parkway. Industrial Parkway also provides the access to the Midland School. Other parcels (or portions of parcels) within the PUD would be added if needed (based upon the proposed tenure of the affordable units).

Block 17, Lot 2 (hereafter, "the Vollers Site") is largely unencumbered by environmental constraints, except along its southern perimeter. Thus, as few as 15 acres (depending on the developability of those acres) would be able to accommodate the construction of the 250 apartments that would generate 50 affordable rental units, based on a 20 percent set-aside. If the Township is able to obtain an agreement from the property owner to provide all of the affordable units as rental units, regardless of the tenure of the market units, then the boundaries of the residential portion of the PUD can be fixed at the outset, but in the event that such an agreement is not forthcoming, the regulations will be written to ensure that sufficient additional

portions of the PUD are required to be developed residentially (albeit at a much lower density) so that the affordable housing set-aside from such development will provide either 50 affordable rental units or 100 affordable for-sale units.

Municipal Construction/100% Affordable Housing Project

The Township proposed to continue with its efforts to construct a municipally sponsored/100% affordable housing project on the Triangle Site (Lots 3, 3.01 and 3.02 in Block 74). This site totals 9.48 acres and is proposed to be developed at a density of 12-15 units per acre so as to yield 120 affordable family rental units. The Appendix to this Fair Share Plan presents a revised timetable for the completion of this project, which is already underway.

The combination of the zoning for the Vollers Site and the development of the Triangle Site will not only address the Township's entire rental obligation (which can actually be accommodated on the Triangle Site alone), but will also address most of the family very low income houisng obligation. The balance of the very low income housing obligation will be addressed in Phase Three with the two Midland proposals. Due to the anticipation that there will be excess family rental units generated as a result of the Triangle project and the development of the Vollers Site, assuming that the affordable units will be rental units, the Township will be able to include rental bonuses up to the maximum (87) allowed (less the bonus credit claimed for four of the five Robbins Road special needs bedrooms).

Special Needs Housing

The Township will be working with Midland Adult Services, Inc., to develop their plans for 24 non-age-restricted permanent supportive living housing units and 18 age-restricted permanent supportive living units or supportive shared living housing. Currently, these proposals are relegated to Phase Three of the Township's Revised Third Round Housing Element and Fair Share Plan in order to give Midland time to refine its proposals. There is a possibility that one or both of these projects would be moved up in the schedule if Midland is ready to proceed sooner. In any case, the Township's timetable for delivery of these units would be in the ninth year of the certification period, with initiation of the programs targeted for year six.

The special needs housing contemplated by Midland will address the balance of the Township's very low income housing obligation, which is permitted to be met with special needs housing or other very low income units not available to the general public.

Other Inclusionary Developments Approved by Variance

The Branchburg Zoning Board of Adjustment had approved two age-restricted inclusionary developments, River Trace and Advance Realty/Fox Hollow II. Advance is still slated to produce 28 affordable age-restricted units; although construction has not been started on this development. The River Trace project has been converted to a non-age-restricted project and

will be producing a total of 11 non-age-restricted (family) affordable units (8 on-site and 3 off-site).

Affordable Housing Ordinance, Affirmative Marketing Plan, Administration

The Township will adopt its proposed Affordable Housing Ordinance and Affirmative Marketing Plan, and these will be applicable to all new and existing affordable housing units within Branchburg. The proposed Affordable Housing Ordinance and Affirmative Marketing Plan are included in the Appendices to this Fair Share Plan.

It is anticipated that the experienced affordable housing developer selected to obtain the funding and design and build the Triangle Site units will also market and manage the affordable units in that development. The Township has on staff its own qualified Administrative Agent, who will be responsible for administering the affordability controls on any other units that are built.

The Appendices to this Fair Share Plan include the appropriate resolution of intent to contract with a developer for the Triangle Site.

Development Fee Ordinance and Spending Plan

An adopted (but not yet effective) Development Fee Ordinance and an adopted Spending Plan are included in the Appendices to this Fair Share Plan.

The Development Fee Ordinance is consistent with COAH's current Rules and its most recent model Development Fee Ordinance. The Township seeks COAH's approval of the Development Fee Ordinance.

The Spending Plan outlines the anticipated collection and distribution of mandatory development fees and in lieu contributions and the Township's proposals for spending the money that comes into the Affordable Housing Trust Fund. The Township understands that funds cannot be collected pursuant to the Development Fee Ordinance without COAH's approval of the Development Fee Ordinance and that funds cannot be expended without COAH's approval of the Spending Plan. ***In general, funds in the Affordable Housing Trust Fund will be spent for rehabilitation and administration and, to the extent that sufficient funds are available, to offset and reimburse the Township for the costs of acquiring land and implementing its municipal construction project.***

Bonus Credits

The Housing Element portion of this document describes the bonus credits to which Branchburg expects to be entitled as a result of the excess rental units in the plan as well as for the special

needs bedrooms at the Robbins Road supportive shared living facility that was built by Midland Adult Services, Inc.

Summary

Branchburg Township will address its entire current cumulative affordable housing obligation as follows:

Prior Round Obligation	302 new units	Fully addressed in prior round.
Rehab Obligation	22 units	To be addressed through a 22 unit rehabilitation program provided by a qualified rehabilitation consultant.
		Phase One-Third Round
Third Round Obligation	348 units	50 family rental units or 100 family for sale units at Vollers Site/within Vollers PUD.
		8 surplus credits from prior round, per COAH.
		5 credits for 5 bedrooms in Robbins Road alternative living/special needs facility plus .25 bonus per four of the five bedrooms (total of 1.00 bonus credit) = 6 credits.
		28 age-restricted units at Advance Realty Route 22/Fox Hollow development.
		11 units at River Trace development (8 on-site; 3 off-site).
		Phase Two-Third Round
		120 units at Triangle Site plus 33-83 rental bonuses.

	Phase Three-Third Round
	24 Midland permanent supportive living units for working adults with special needs
	18 Midland supportive shared living bedrooms or permanent supportive living units for seniors with special needs
Third Round Subtotal:	348 units/credits (with potential for up to 3 additional rental bonuses after completion of Phase Three)
TOTAL:	672 units/credits (potentially up to 675)

FAIR SHARE PLAN
APPENDICES

APPENDIX A
PROPOSED AFFORDABLE HOUSING ORDINANCE

Ordinance No. ____-__-__
Affordable Housing Ordinance
Township of Branchburg, Somerset County

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BRANCHBURG, NEW JERSEY, TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the governing body of the Township of Branchburg, Somerset County, New Jersey, that the Code of the Township of Branchburg, New Jersey, is hereby amended to include provisions addressing the Township's constitutional obligation to provide for its fair share of low- and moderate-income housing, consistent with N.J.A.C. 5:97-1, et seq., as may be amended and supplemented, and N.J.A.C. 5:80-26.1, et seq., as may be amended and supplemented, and pursuant to the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.

The Branchburg Township Planning Board has adopted a 2008 Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the methods by which Branchburg Township shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and as outlined in the Housing Element and Fair Share Plan. This Ordinance is part of and implements the balance of the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97-1, et seq., as may be amended and supplemented.

The Township of Branchburg shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96 et seq. regarding the status of the implementation of the Housing Element and Fair Share Plan. Any report filed by Branchburg Township with COAH and any report prepared by COAH in response shall also be available to the public at the Branchburg Township Municipal Building, Township Clerk's Office, 1077 Highway 202 North, Branchburg, New Jersey, 08876, at the COAH offices at P.O. Box 813, 101 South Broad Street, Trenton, New Jersey 08625-0813 and on COAH's website.

Section 1. Municipal Fair Share Obligation

The Township of Branchburg has a third round fair share obligation consisting of a 302 unit prior round obligation, a 22 unit rehabilitation obligation, and a 348 unit projected growth share obligation. Notwithstanding the fact that the Housing Element and Fair Share Plan have been prepared based upon the projected third round growth share obligation, the actual third round growth share obligation will be determined based on the actual development that occurs between

January 1, 2004, and December 31, 2018, and calculated at the rate of one affordable housing unit for every four market rate residential units constructed and one affordable housing unit for every 16 jobs created through the development or expansion of non-residential floor area in accordance with the schedule presented in Appendix D of COAH's Substantive Rules (N.J.A.C. 5:97).

Section 2. Definitions

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

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

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

"Administrative agent: means the entity responsible for the administration of affordable units in accordance with this Ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 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 in N.J.A.C. 5:97-9 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 development" means a housing development of which all or a portion consists of restricted units.

"Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 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, credited pursuant to N.J.A.C. 5:97-4, 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 where 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 that 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.

"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, which is in, but not of, the Department of Community Affairs of the State of New Jersey, 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 require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

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

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation 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 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 or load bearing structural systems.

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

"Median income" means the median income by household size for the applicable housing region, as adopted annually by COAH.

"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 COAH's adopted Regional Income Limits published annually by COAH.

"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 may be 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 the rehabilitation program.

Section 3. Affordable Housing Programs

Branchburg Township has fully satisfied its entire prior round obligation and has determined that it will use the following programs to satisfy its remaining third round affordable housing obligation, all of which are identified and more fully described in the adopted Third Round Housing Element and Fair Share Plan:

1. A rehabilitation program covering at least 22 units that will be available to owner-occupied and rental units alike. See Section 4.

2. Age-restricted inclusionary residential development of two sites for which such development was approved by zoning variance granted by the Zoning Board of Adjustment.

3. Municipal construction projects (100% affordable) on two separate sites.

4. Supportive shared living and permanent supportive living housing to be provided by or in conjunction with Midland Adult Services, Inc., on a minimum of two separate sites.

5. Existing supportive shared living (group home) constructed by Midland Adult Services, Inc., and occupied on July 23, 2007.

6. Rental bonuses and credits for surplus units from the prior round.

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

will provide low- and moderate-income housing units. All developers and providers of affordable housing units shall consult COAH's Rules and UHAC for requirements specific to the type of affordable housing development proposed.

Section 4. Rehabilitation

Branchburg's rehabilitation program will result in the rehabilitation of 22 deficient housing units occupied by low- and moderate-income households within Branchburg Township. It is the Township's intention to fund sufficient improvements to these units such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.

1. Branchburg Township will designate and contract with a qualified Rehabilitation Administrator for the implementation of the 22 unit rehabilitation program.

2. Both owner-occupied and renter-occupied units shall be eligible for rehabilitation funds.

3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units, the control period shall be enforced with a lien, and, for renter occupied units, the control period shall be enforced with a deed restriction.

4. Branchburg Township shall dedicate funds based on a minimum of $10,000 for each unit to be rehabilitated through the rehabilitation program, at the rate of $30,000 in 2009, and $20,000 each year thereafter, with a minimum of $1100,000 to have been authorized and available by December 1, 2013. All of the $10,000 authorized herein (or any additional amount) shall be utilized for the hard costs of rehabilitation. The cost of the Rehabilitation Administrator's services shall be over and above the hard cost of the rehabilitation.

5. The Township of Branchburg shall adopt a resolution committing to fund any shortfall in its rehabilitation program.

6. The Rehabilitation Administrator shall provide a rehabilitation manual for the rehabilitation program to be adopted by resolution of the governing body so as to ensure that COAH's rehabilitation program requirements are met. The manual shall be continuously available for public inspection in the Office of the Township Clerk, in the office of the Township's Affordable Housing Liaison, and in the office of the Rehabilitation Administrator.

7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and UHAC, but shall be administered in accordance with the following:

a. Upon the initial rental of a vacant unit subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and to be affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.

b. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.

c. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.

d. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC., except that households in owner occupied rehabilitation units shall be exempt from the regional asset limit.

Section 5. Permanent Supportive Living and Supportive Shared Living Housing

1. The administration of a supportive living housing facility shall be in compliance with N.J.A.C. 5:97-6.10, including the administration thereof in accordance with N.J.A.C. 5:97-9 and UHAC, with the following exceptions:

a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms shall be affirmatively marketed to individuals with special needs in accordance with a plan approved by COAH's Executive Director; and

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, supportive living housing facilities shall have the appropriate controls on affordability in accordance with N.J.A.C. 5:97-9 and UHAC.

3. The service provider for a supportive living housing facility shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the supportive living housing facility.

Section 6. Inclusionary Zoning

1. Branchburg Township has two sites in its Housing Element and Fair Share Plan that were approved for inclusionary residential development by the Branchburg Township Zoning Board of Adjustment.

2. In these two developments and in any other existing or currently unanticipated inclusionary developments, the following phasing schedule shall be followed for the delivery of the affordable housing units:

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

Section 7. New Construction

The following requirements shall be applicable to all inclusionary residential developments that include affordable housing and to all municipal construction/100% affordable housing developments within the Township of Branchburg.

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

a. Affordable housing units constructed on each site 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.

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 N.J.A.C. 5:97-3.14.

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;

2) An adaptable kitchen on the first floor;

3) An interior accessible route of travel on the first floor;

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;

5) An interior accessible route of travel between stories within an individual unit, except that if all of the terms of paragraphs b.1) through b.4) above have been satisfied, 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 and N.J.A.C. 5:97-3.14, or evidence that Branchburg has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

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

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

c) The funds deposited under paragraph 6)b) above shall be used by the Township of Branchburg 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 for the conversion of adaptable to accessible entrances to the Construction Official of the Township of Branchburg.

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 N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township CFO or Township Treasurer, as applicable, 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 and N.J.A.C. 5:97-3.14.

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.

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 low- and moderate-income 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 10 percent of all low- and moderate-income rental units shall be affordable to very low-income households.

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.

Section 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.

Section 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.

Section 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 Branchburg 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.

2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted,

fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 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 14.

Section 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, subject to COAH's approval, permit moderate-income purchasers to buy low-income units in housing markets determined by COAH to have 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 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 a certified household for a period not to exceed one year.

4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

Section 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).

Section 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 add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of

the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

Section 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 Branchburg Township 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.

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

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

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

b. Sale or other voluntary transfer of the ownership of the unit; or

3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

Section 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.

Section 17. Tenant Income Eligibility

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of 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 proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

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

Section 18. Municipal Housing Liaison

1. COAH requires municipalities to 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. Branchburg Township has adopted an Ordinance creating the position of Municipal Housing Liaison and has adopted a resolution appointing a Municipal Housing Liaison.

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

a. Serving as the Township'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 the Fair Share Plan;

c. Compiling, verifying and submitting annual monitoring reports as required by COAH;

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 as offered or approved by COAH.

3. The Township of Branchburg has designated an Administrative Agent to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC. Operating Manuals have been prepared by the Administrative Agent, adopted by the governing body and approved by COAH. The Operating Manual is and shall remain available for public inspection in the Office of the Township Clerk, in the Office of the Municipal Housing Liaison, and in the office of the Administrative Agent.

Section 19. Administrative Agent

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 include:

1. Affirmative Marketing:

a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Branchburg 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 and the Affordable Housing Operating Manual of the Township of Branchburg 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 Somerset County Register of Deeds or Somerset 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 rerental; 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 or other appropriate municipal fund approved by the DCA; and

f. Creating and publishing a written operating manual, as approved by COAH, 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 for their submission by the Municipal Housing Liaison to COAH, as required by COAH.

c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH.

Section 20. Affirmative Marketing Requirements

1. The Township of Branchburg shall adopt by resolution an Affirmative Marketing Plan 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 COAH Housing Region 3 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 COAH Housing Region 3, comprised of Somerset, Hunterdon and Middlesex 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 Township of Branchburg 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 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 Branchburg Township Municipal Building; and the developer's sales or 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.

Section 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 Township of Branchburg Affordable Housing Trust Fund of the gross amount of rent illegally collected;

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

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

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

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

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

4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the

difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

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

6) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 22. Appeals

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

REPEALER

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

SEVERABILITY

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

EFFECTIVE DATE

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

ATTEST:

TOWNSHIP OF BRANCHBURG

Sharon L. Brienza, RMC,
Township Clerk

The Honorable Robert Bouwman,
Mayor

APPENDIX B
PROPOSED AFFIRMATIVE MARKETING PLAN

RESOLUTION
OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BRANCHBURG, COUNTY OF SOMERSET
STATE OF NEW JERSEY
ADOPTING THE 'AFFIRMATIVE MARKETING PLAN'
FOR THE TOWNSHIP OF BRANCHBURG

WHEREAS, in accordance with the regulations of COAH pursuant to N.J.A.C. 5:97-1, *et seq.*, and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, *et seq.*, the Township of Branchburg is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Township of Branchburg, are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 3, the COAH Housing Region encompassing the Township of Branchburg.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Branchburg, County of Somerset, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

A. All affordable housing units in the Township of Branchburg shall be marketed in accordance with the provisions herein unless otherwise provided in COAH's Rules at N.J.A.C. 5:97-1, *et seq.*

B. The Township of Branchburg has a Prior Round obligation that it has fulfilled and a Third Round obligation. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate income units, including those that are part of the Township's prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units.

C. The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract to the Township of Branchburg. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).

D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Township of Branchburg, shall undertake all of the following strategies:

1. Publication of one advertisement in a newspaper of general circulation within the housing region.

2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.

3. At least one additional regional marketing strategy using one of the other sources listed below.

E. 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 or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Township of Branchburg is located in COAH Housing Region 3, consisting of Hunterdon, Somerset and Middlesex Counties.

F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:

1. All newspaper articles, announcements and requests for applications for low and moderate income units shall appear in the Hunterdon Democrat, the Courier News and the Home News Tribune.

2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.

3. The advertisement shall include a description of the:

   a. Location of the units;

   b Directions to the units;

   c. Range of prices for the units;

   d. Size, as measured in bedrooms, of units;

e. Maximum income permitted to qualify for the units;

f. Location of applications;

g. Business hours when interested households may obtain an application; and

h. Application fees.

4. Newspaper articles, announcements and information on where to request applications for low and moderate income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily in Somerset County and the other two of which shall be circulated primarily outside of Somerset County but within the housing region.

5. The following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:

a. WKXW (101.5 FM)

b. WOR (710 AM)

c. WCBS (880 AM)

d. Comcast of Central New Jersey

e. Cablevision of Raritan Valley

G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

1. Branchburg Township Municipal Building

2. Branchburg Township Web Site

3. Developer's Sales/Rental Offices

4. Somerset County Administration Building

5. Hunterdon County Administration Building

6. Middlesex County Administration Building

7. Somerset County Library (all branches).

9. Hunterdon County Library (all branches)

10. Middlesex County Library (all branches)

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Hunterdon, Somerset and Middlesex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's ***Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 3*** (attached to and hereby made part of this Resolution).

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

   Somerset County Board of Realtors
   Hunterdon County Board of Realtors
   Middlesex County Board of Realtors

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Hunterdon, Somerset and Middlesex:

   Welfare or Social Service Board (via the Director)
   Rental Assistance Office (local office of DCA)
   Office on Aging
   Housing Authority (municipal or county)
   Community Action Agencies
   Community Development Departments

3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3d.

I. The following is a listing of community contact person(s) and/or organizations in Hunterdon, Somerset and Middlesex Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of low and moderate income units:

1. Somerset County Coalition on Affordable Housing, 600 First Avenue, Suite 3, Raritan, NJ 08869

2. Brunswick and Raritan Housing Corporation, P.O. Box 11575, New Brunswick, NJ 08906

3. Housing Coalition of New Jersey, 78 New Street, 3rd Floor, New Brunswick, NJ 08901

4. Northwest New Jersey Community Action Program, Inc. (NORWESCAP), 350 Marshall Street, Phillipsburg, NJ 08865

5. Branchburg Township Municipal Affordable Housing Liaison and Administrative Agent.

J. A random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 3 comprised of Hunterdon, Somerset and Middlesex Counties.

J. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq*.

K. The Administrative Agent shall provide or direct qualified low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.

L. All developers/owners of low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.

M. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all low income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or reoccupancy of units continues to be necessary.

N. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq*.

I hereby certify that this is a true copy of a resolution duly adopted by the Township Committee of the Township of Branchburg at a Township Committee meeting held on _____, 2010.

_____

Sharon L. Brienza, RMC, Township Clerk

ATTACHMENT A
AFFIRMATIVE FAIR HOUSING MARKETING PLAN
For Affordable Housing in **(REGION 3)**

I. APPLICANT AND PROJECT INFORMATION
(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address
1c. Number of Affordable Units: Number of Rental Units: Number of For-Sale Units:	1d. Price or Rental Range From To	1e. State and Federal Funding Sources (if any)
1f. ☐ Age Restricted ☐ Non-Age Restricted	1g. Approximate Starting Dates Advertising:	Occupancy:
1h. County **Hunterdon, Middlesex, Somerset**		1i. Census Tract(s):
1j. Managing/Sales Agent's Name, Address, Phone Number		
1k. Application Fees (if any):		

(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.

III. MARKETING

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 X Black (non-Hispanic) X Hispanic ☐ American Indian or Alaskan Native

X 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			
☐		Star-Ledger	
TARGETS PARTIAL COAH REGION 3			
Daily Newspaper			
☐		Home News Tribune	Middlesex, Somerset, Union
☐		Courier News	Somerset and Hunterdon
Weekly Newspaper			
☐		Beacon	Hunterdon
☐		Delaware Valley News	Hunterdon
☐		Hunterdon County Democrat / Hunterdon Observer	Hunterdon
☐		Hunterdon Review	Hunterdon
☐		Amboy Beacon	Middlesex
☐		Colonia Corner	Middlesex
☐		Cranbury Press	Middlesex
☐		East Brunswick Sentinel	Middlesex
☐		Edison Sentinel	Middlesex
☐		South Brunswick Post	Middlesex
☐		South Plainfield Observer	Middlesex
☐		Suburban, The	Middlesex
☐		Princeton Packet	Middlesex, Somerset
☐		Sentinel, The	Middlesex, Somerset
☐		Atom Tabloid & Citizen Gazette	Middlesex, Union
☐		Parsippany Life	Morris

☐		Echoes Sentinel	Morris, Somerset
☐		Bernardsville News	Somerset
☐		Branchburg News	Somerset
☐		Chronicle	Somerset
☐		Hills-Bedminster Press	Somerset
☐		Hillsborough Beacon	Somerset
☐		Manville News	Somerset
☐		Messenger-Gazette	Somerset
☐		Reporter	Somerset
☐		Somerset Spectator	Somerset
Monthly Newspaper			
☐		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			
☐		2 WCBS-TV CBS Broadcasting, Inc.	
☐		3 KYW-TV CBS Broadcasting, Inc.	
☐		4 WNBC NBC Telemundo License Co. (General Electric)	
☐		5 WNYW Fox Television Stations, Inc. (News Corp.)	
☐		6 WPVI-TV American Broadcasting Companies, Inc. (Walt Disney)	
☐		7 WABC-TV American Broadcasting Companies, Inc. (Walt Disney)	
☐		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
☐		10 WCAU NBC Telemundo License Co. (General Electric)	
☐		11 WPIX WPIX, Inc. (Tribune)	
☐		12 WHYY-TV WHYY, Inc.	
☐		13 WNET Educational Broadcasting Corporation	
☐		17 WPHL-TV Tribune Company	

☐		31 WPXN-TV Paxson Communications License Company, LLC	
☐		35 WYBE Independence Public Media Of Philadelphia, Inc.	
☐		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	
☐		41 WXTV WXTV License Partnership, G.P. (Univision Communications, Inc.)	
☐		48 WGTW-TV Trinity Broadcasting Network	
☐		50 WNJN New Jersey Public Broadcasting Authority	
☐		52 WNJT New Jersey Public Broadcasting Authority	
☐		57 WPSG CBS Broadcasting, Inc.	
☐		58 WNJB New Jersey Public Broadcasting Authority	
☐		61 WPPX Paxson Communications License Company, LLC	
☐		63 WMBC-TV Mountain Broadcasting Corporation	
☐		65 WUVP-TV Univision Communications, Inc.	
☐		68 WFUT-TV Univision New York, LLC	Spanish
TARGETS PARTIAL COAH REGION 3			
☐		16 WNEP-TV New York Times Co.	Hunterdon
☐		46 W46BL Maranatha Broadcasting Company, Inc.	Hunterdon
☐		51 WTVE Reading Broadcasting, Inc.	Hunterdon (Christian)
☐		25 W25BB New Jersey Public Broadcasting Authority	Hunterdon, Middlesex
☐		22 WYOU Nexstar Broadcasting, Inc.	Hunterdon, Somerset
☐		28 WBRE-TV Nexstar Broadcasting, Inc.	Hunterdon, Somerset
☐		44 WVIA-TV Ne Pa Ed TV Association	Hunterdon, Somerset
☐		56 WOLF-TV Wolf License Corp.	Hunterdon, Somerset
☐		60 WBPH-TV Sonshine Family Television Corp.	Hunterdon, Somerset
☐		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Hunterdon, Somerset

☐		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Middlesex, Somerset
☐		47 WNJU NBC Telemundo License Co. (General Electric)	Middlesex, Somerset
☐		66 WFME-TV Family Stations of New Jersey, Inc.	Middlesex, Somerset (Christian)
☐		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			
☐		Comcast of Northwest NJ, Southeast Pennsylvania	Partial Hunterdon
☐		Patriot Media & Communications	Partial Hunterdon, Somerset
☐		Service Electric Cable TV of Hunterdon	Partial Hunterdon
☐		Cablevision of Raritan Valley	Partial Middlesex, Somerset
☐		Comcast of Central NJ, NJ (Union System)	Partial Middlesex
☐		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			
☐		WFAN 660	
☐		WOR 710	
☐		WABC 770	
☐		WCBS 880	
☐		WBBR 1130	
☐		WWTR 1170	
☐		WTTM 1680	Spanish, Asian, etc.
FM			
☐		WFNY-FM 92.3	
☐		WPAT-FM 93.1	Spanish
☐		WNYC-FM 93.9	
☐		WPST 94.5	

☐		WFME 94.7	
☐		WPLJ 95.5	
☐		WQXR-FM 96.3	
☐		WQHT 97.1	
☐		WSKQ-FM 97.9	Spanish
☐		WRKS 98.7	
☐		WAWZ 99.1	Christian
☐		WBAI 99.5	
☐		WPHI-FM 100.3	
☐		WCBS-FM 101.1	
☐		WKXW-FM 101.5	
☐		WQCD 101.9	
☐		WNEW 102.7	
☐		WPRB 103.3	
☐		WKTU 103.5	
☐		WWPR-FM 105.1	
☐		WDAS-FM 105.3	
☐		WLTW 106.7	
TARGETS PARTIAL COAH REGION 3			
AM			
☐		WFIL 560	Hunterdon
☐		WIP 610	Hunterdon
☐		WAEB 790	Hunterdon
☐		WCHR 1040	Hunterdon
☐		WGPA 1100	Hunterdon
☐		WEEX 1230	Hunterdon
☐		WKAP 1470	Hunterdon
☐		WRNJ 1510	Hunterdon
☐		WWJZ 640	Hunterdon, Middlesex
☐		WPHY 920	Hunterdon, Middlesex

☐		WPHT 1210	Hunterdon, Middlesex
☐		WBUD 1260	Hunterdon, Middlesex
☐		WMCA 570	Middlesex (Christian)
☐		WIMG 1300	Middlesex
☐		WCTC 1450	Middlesex, Somerset
FM			
☐		WRTI 90.1	Hunterdon
☐		WCVH 90.5	Hunterdon
☐		WHYY-FM 90.9	Hunterdon
☐		WXTU 92.5	Hunterdon
☐		WAEB-FM 104.1	Hunterdon
☐		WFKB 107.5	Hunterdon
☐		WMMR 93.3	Hunterdon, Middlesex
☐		WYSP 94.1	Hunterdon, Middlesex
☐		WBEN-FM 95.7	Hunterdon, Middlesex
☐		WRDW-FM 96.5	Hunterdon, Middlesex
☐		WOGL 98.1	Hunterdon, Middlesex
☐		WUSL 98.9	Hunterdon, Middlesex
☐		WIOQ 102.1	Hunterdon, Middlesex
☐		WMGK 102.9	Hunterdon, Middlesex
☐		WJJZ 106.1	Hunterdon, Middlesex
☐		WKDN 106.9	Hunterdon, Middlesex (Christian)
☐		WAXQ 104.3	Hunterdon, Middlesex, Somerset
☐		WNTI 91.9	Hunterdon, Somerset
☐		WZZO 95.1	Hunterdon, Somerset
☐		WCTO 96.1	Hunterdon, Somerset
☐		WLEV 100.7	Hunterdon, Somerset
☐		WNJT-FM 88.1	Middlesex
☐		WRSU-FM 88.7	Middlesex
☐		WWFM 89.1	Middlesex
☐		WWPH 107.9	Middlesex

☐		WDVR 89.7	Middlesex, Somerset
☐		WVPH 90.3	Middlesex, Somerset
☐		WMGQ 98.3	Middlesex, Somerset
☐		WBLS 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				
		Nuestra Communidad	Central/South Jersey	Spanish-Language
Monthly				
☐		Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL COAH REGION 3				
Daily				
☐		24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly				
☐		Arab Voice Newspaper	North Jersey/NYC area	Arab-American
☐		Catholic Advocate, The	Essex County area	Catholic
☐		La Voz	Hudson, Union, Middlesex Counties	Cuban community
☐		Amerika Magyar Nepszava (American Hungarian Peoples' Voice)	Central/North Jersey	Hungarian-Language
☐		New Jersey Jewish News	Northern and Central New Jersey	Jewish
☐		Nuestra Communidad	Central/South Jersey	Spanish-Language
☐		Desi NJ	Central Jersey	South Asian
☐		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
Hunterdon County			
☐		Merck & Co.	1 Merck Dr., Whitehouse Station

☐		Hunterdon Medical Center	2100 Wescott Drive, Flemington, NJ 08822
☐		Foster Wheeler	Perryville Corporate Park, Clinton, NJ 08809-4000
☐		Chubb Insurance Co.	202 Halls Mill Rd., Whitehouse Station, NJ 08889
☐		Exxon-Mobil Research & Engineering	1545 US Highway 22 E., Annandale, NJ 08801
☐		New York Life	110 Cokesbury Rd, Lebanon

Middlesex County			
☐		Bristol-Myers Squibb	1 Squibb Dr, New Brunswick, NJ 08901
☐		Merrill Lynch & Company	800 Scudders Mill Rd, Plainsboro
☐		Johnson & Johnson	1 Johnson & Johnson Plaza, New Brunswick
☐		Prudential Insurance Company	44 Stelton Rd. # 130, Piscataway
☐		Robert Wood Johnson University Hospital	1 Robert Wood Johnson Pl., New Brunswick, NJ 08901
☐		Silverline Building Products	207 Pond Ave, Middlesex, NJ 08846
☐		St. Peter's University Hospital	254 Easton Ave., New Brunswick
☐		Telecordia Technology	444 Hoes Ln., Piscataway
☐		J.F.K. Medical Center	65 James Street, Edison, NJ 08818
☐		Raritan Bay Medical Center	530 New Brunswick Av., Perth Amboy, NJ 08861
☐		Amerada Hess Corporation	405 Main St., Woodbridge and 679 Convery Blvd., Perth Amboy
☐		Dow Jones & Company	54 Eddington Ln., Monroe Twp
☐		Siemens AG	755 College Rd. E., Princeton
☐		AT&T	1 Highway Ter., Edison
☐		Engelhardt Corporation	101 Wood Ave. S., Metuchen

Somerset County			
☐		AT&T	1414 Campbell St., Rahway
☐		ABC Limousine	574 Ferry St., Newark
☐		Bloomberg LP	1350 Liberty Ave., Hillside
☐		Courier News	1091 Lousons Road, PO Box 271, Union, NJ
☐		Emcore Corp.	800 Rahway Ave. Union, NJ
☐		Ethicon, Inc.	1515 West Blancke Street, Bldgs 1501 and 1525, Linden, NJ
☐		Fedders Corp.	27 Commerce Drive, Cranford, NJ

☐		ICI Americas, Inc.	450 West First Ave., Roselle, NJ
☐		ITW Electronic Component Packaging	600 Mountain Ave., Murray Hill, NJ
☐		Johnson & Johnson	1 Merck Drive, PO Box 2000 (RY60-200E), Rahway, NJ
☐		Tekni-Plex, Inc.	865 Stone Street, Rahway, NJ
		Ortho-Clinical Diagnostics, Inc.	1401 Park Ave. South, Linden
☐		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

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
☐	Middlesex County Administration Bldg.	75 Bayard Lane, New Brunswick, NJ 08903
☐	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

4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)

4c. Sales/Rental Office for units (if applicable)

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

APPENDIX C
DEVELOPMENT FEE ORDINANCE AND ORDINANCE REPEALING GROWTH SHARE ORDINANCE

ORDINANCE NO. 2008-1113

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BRANCHBURG BY REPEALING SECTION 13-18, ENTITLED "GROWTH-SHARE AFFORDABLE HOUSING PRODUCTION", AND ADOPTING A REVISED SECTION 13-19, ENTITLED "AFFORDABLE HOUSING DEVELOPMENT FEES"

BE IT ORDAINED by the Township Committee of the Township of Branchburg in the County of Somerset that the Land Development Ordinance of the Township of Branchburg adopted May 8, 1996 and heretofore amended be further amended as follows:

SECTION ONE:

Section 13-18, which is entitled "GROWTH-SHARE AFFORDABLE HOUSING PRODUCTION", is hereby repealed in its entirety. Section 13-18 shall be designated "Reserved".

SECTION TWO:

Section 13-19, which is entitled "AFFORDABLE HOUSING DEVELOPMENT FEES" is hereby replaced in its entirety with the following:

13-19 AFFORDABLE HOUSING DEVELOPMENT FEES

13-19.1 Purpose

A. In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S. 52:27d-301 *et seq.*, and the State Constitution, subject to the adoption of Rules by COAH.

B. Pursuant to N.J.S. 52:27D-329.2 (L.2008, c. 46, §8) and the Statewide Non-Residential Development Fee Act (N.J.S. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of COAH or a court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.

C. This section establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance N.J.S. 52:27D-329.2 (L. 2008, c. 46, §8 and N.J.S. 40:55D-8.1 through -8.7 (L. 2008, c. 46, §§ 32-38). Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing. This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

13-19.2 Basic Requirements

A. This ordinance shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.

B. The Township shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

13-19.3 Definitions

A. The following terms, as used in this section, shall have the following meanings:

1. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a Township construction project or a 100% affordable development.

2. "COAH" means the New Jersey Council on Affordable Housing established under the Fair Housing Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in the State.

3. "Development fee" means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

4. "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person

having an enforceable proprietary interest in such land.

5. "Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the Township, as determined in accordance with N.J.S. 54:1-35a through C.54:1-35c (L.1973, c.123 §§4, 5 and 6).

6. "Green building strategies" means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

13-19.4 Residential Development Fees

A. Imposed Fees

1. Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1½% of the equalized assessed value for residential development provided no increased density is permitted.

2. When an increase in residential density pursuant to N.J.S. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1½% of the equalized assessed value on the first two units; and 6% of the equalized assessed value for the two additional units, provided zoning

on the site has not changed during the two-year period preceding the filing of such a variance application.

3. In any residential development resulting from a zoning change from non-residential to residential, where the zoning change occurs within the two-year period preceding the application for development, 20% of the residential units shall be restricted for occupancy by low and moderate income households if the affordable units are rental units and 25% of the residential units shall be restricted for occupancy by low and moderate income households if the affordable units are for sale. Similarly, if a use variance is granted pursuant to N.J.S. 40:55D-70d(1) for residential development on a site zoned for non-residential development, 20% of the residential units shall be restricted for occupancy by low and moderate income households if the affordable units are rental units and 25% of the residential units shall be restricted for occupancy by low and moderate income households if the affordable units are for sale. In either case, the development shall be exempt from the payment of a development fee pursuant to paragraph B.1. below.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Development

1. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

2. Developments that have received preliminary or final site plan approval prior to the adoption of a Township development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

3. Improvements or additions to existing one- and two-family dwellings on individual lots shall not be required to pay a development fee, but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit.

13-19.5 Non-residential Development Fees

A. Imposed Fees

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2½% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

2. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2½% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2½% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Non-residential Development

1. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the 2½% development fee, unless otherwise exempted below.

2. The 2½% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S. 40:55D-8.1 through 8.7), as specified in the N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.

4. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

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

13-19.6 Collection Procedures

A. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.

B. For non-residential developments only, the developer shall also be provided with a copy of

form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the form N-RDF. The Township Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in form N-RDF.

C. The construction official responsible for the issuance of a building permit shall notify the Township Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.

D. Within 90 days of receipt of that notice, the Township Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

E. The construction official responsible for the issuance of a final certificate of occupancy shall notify the Township Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

F. Within 10 business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

G. Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in N.J.S. 40:55D-8.6 (L.2008, c.46 § 37, subsection b).

H. 50% of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy.

The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

I. Appeal of Development Fees

1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 *et seq.*, within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 *et seq.*, within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

13-19.7 Affordable Housing Trust Fund

A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and

shall at all times be identifiable by source and amount:

1. payments in lieu of on-site construction of affordable units;

2. developer contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;

3. rental income from Township operated units;

4. repayments from affordable housing program loans;

5. recapture funds;

6. proceeds from the sale of affordable units; and

7. any other funds collected in connection with the Township's affordable housing program.

C. Within seven days from the opening of the trust fund account, the Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the Township, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

D. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

13-19.8 Use of Funds

A. The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or

regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through -8.9 and specified in the approved spending plan.

B. Funds shall not be expended to reimburse the Township for past housing activities.

C. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the Township Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

1. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.

2. Affordability assistance to households earning 30% or less of median income may include buying down the cost of low or moderate income units in the Township Fair Share Plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner shall entitle the Township to bonus credits pursuant to N.J.A.C. 5:97-3.7.

3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

4. The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

5. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for Township employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to COAH's regulations and/or action are not eligible uses of the affordable housing trust fund.

13-19.9 Monitoring

A. The Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

13-19.10 Ongoing Collection of Fees

A. The ability for the Township to impose, collect and expend development fees shall expire with its substantive certification unless the Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for

substantive certification, and has received COAH's approval of its development fee ordinance.

B. If the Township fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to N.J.S. 52:27D-320 (L.1985, c.222, § 20).

C. The Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Township retroactively impose a development fee on such a development. The Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

SECTION THREE:

Section two of this Ordinance shall take effect upon its final passage and publication according to law and approval by the New Jersey Council on Affordable Housing. Section one of this Ordinance shall take effect upon its final passage and publication according to law and approval of section two of this Ordinance by the New Jersey Council on Affordable Housing.

INTRODUCED AND
PASSED ON FIRST READING: November 10, 2008

PUBLISHED: November 12,2008

ADOPTED: November 24, 2008

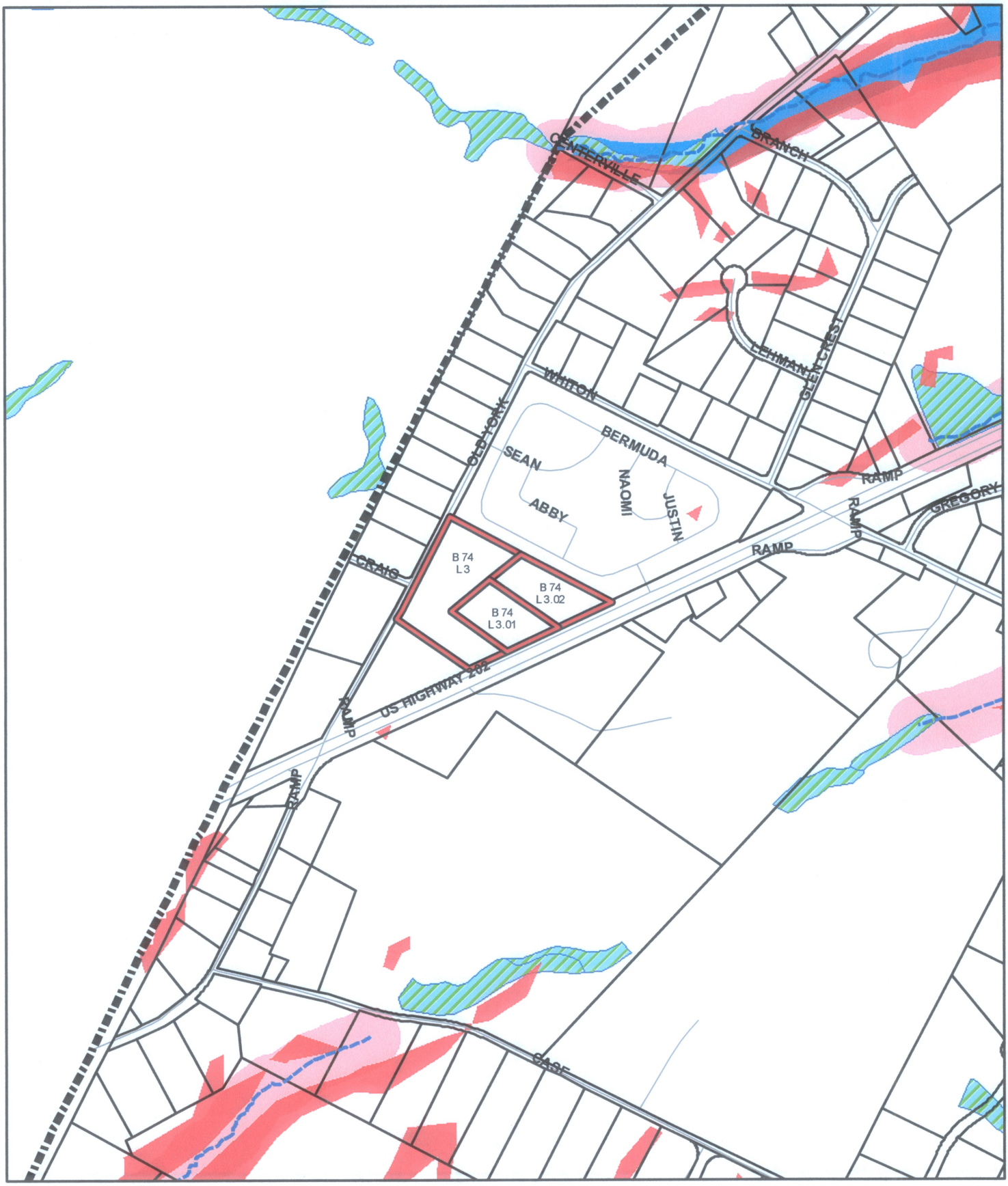
ATTEST:

Sharon L. Brienza, R.M.C.
Township Clerk

John Sanford
Mayor

ROLLCALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
SANFORD	✓			
LEONARD	✓			
SARLES	✓			
YOUNG				✓
BOUWMAN	✓			

APPENDIX D
DOCUMENTATION REQUIRED FOR TRIANGLE SITE
MUNICIPAL CONSTRUCTION/100% AFFORDABLE HOUSING



Portion of Branchburg Township

Block 74, Lots 3, 3.01 and 3.02
Somerset County, New Jersey

June 2010

Legend

- Parcels in Question
- Slope 15% or Greater
- Wetlands
- 100 Year Floodplain
- Stream Buffer
- Parcel
- Branchburg Township
- Stream
- C1 Stream

N
W E
S

0 250 500 1,000 Feet

Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

This map was developed using New Jersey Department
Environmental Protection Geographic Information Syst
digital data, but this secondary product has not been NJDI
verified and is not Stateauthorized.

THIRD REVISED IMPLEMENTATION SCHEDULE
FOR TRIANGLE SITE AND OTHER SUPPORTING DOCUMENTATION

THIRD REVISION

MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE DEVELOPMENTS (N.J.A.C. 5:97-6.7)

(Submit separate checklist for each site or project)

General Description

Municipality/County: Branchburg Twp., Somerset

Project Name: "Triangle Site"

Block(s) and Lot(s): Block 74, lots 3, 3.01 and 3.02

Affordable Units Proposed: 120 (min.)

Family: 120 Sale: 0 Rental: 120

Very low-income units: 13 Sale: 0 Rental: 13

Age-Restricted: 0 Sale: 0 Rental: 0

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: ____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): 33 - 83 (depending on other developments)

Very low income bonuses as per N.J.A.C. 5:97-3.7[1]: ____

Smart Growth Bonus as per N.J.A.C. 5:97-3.18: ____

Compliance Bonus as per N.J.A.C. 5:97-3.17: ____

Date zoning adopted: N.A. Date development approvals granted: N.A.

Required Information and Documentation with Petition or in Accordance with an Implementation Schedule

☐ Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)

Is the municipality providing an implementation schedule for this project/program.

☑ Yes. Skip to and complete implementation schedule found at the end of this checklist. NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.

☐ No. Continue with this checklist.

☐ Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- ☐ Name and address of owner
- ☐ Subject property street location
- ☐ Subject property block(s) and lot(s)
- ☐ Subject property total acreage
- ☐ Indicate if urban center or workforce housing census tract
- ☐ Description of previous zoning
- ☐ Current zoning and date current zoning was adopted
- ☐ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☐ Description of surrounding land uses
- ☐ Demonstration that the site has street access
- ☐ Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☐ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☐ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☐ Wetlands and buffers
- ☐ Steep slopes
- ☐ Flood plain areas
- ☐ Stream classification and buffers
- ☐ Critical environmental site
- ☐ Historic or architecturally important site/district
- ☐ Contaminated site(s); proposed or designated brownfield site

- ☐ Based on the above, a quantification of buildable and non-buildable acreage
- ☐ RFP or Developer's Agreement
- ☐ Construction schedule with a minimum provision to begin construction within two years of substantive certification; including timetable for each step in the development process
- ☐ Pro-forma statement for the project
- ☐ Demonstration that the first floor of all townhouse or other multi-story dwelling units are accessible and adaptable per N.J.A.C. 5:97-3.14
- ☐ Evidence of adequate and stable funding; including municipal bond and/or general revenue funds where applicable

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- ☐ An affirmative marketing plan in accordance with UHAC

MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE DEVELOPMENTS (N.J.A.C. 5:97-6.7)

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Identification	12/1/08	3/1/09	DONE

RFP Process	N.A.	N.A.	N.A.
Developer Selection	7/1/10	7/15/10	7/19/10
Executed Agreement with provider, sponsor or developer	7/15/10	8/15/10	8/31/10
Development Approvals	6/28/11	12/25/11	12/31/11
Contractor Selection	N.A.	N.A.	N.A.
Building Permits	8/21/12	10/5/12	12/31/12
Occupancy	12/31/13	4/12/14	6/30/14

(B) Site specific information, including the following:

Site Information	Date Supporting Documentation to be Submitted to COAH	
Site Description	7/19/10	included in Housing Element
Site Suitability Description	7/19/10	included in Housing Element
Environmental Constraints Statement	awaiting acquis. of 3rd lot	

(C) Financial documentation including, the following:

Financial Documentation	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Documentation of Funding Sources	2012	7/31/12
Project Pro-forma	2/23/12 (FINAL FOR LITC APPLICATION)	2/28/12

Municipal resolution appropriating funds or a resolution of intent to bond in the event of a shortfall of funds	12/15/08	12/31/08

100% or Municipally Sponsored Narrative Section

See Fair Share Plan text and next of this Appendix D, FSP.

[1] Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

BRANCHBURG, NJ - POTENTIAL SCHEDULE - TRIANGLE SITE

9% Funding Spring 2012

Task	*Duration*		*Start / Target Date*	*Finish*
Township to Obtain and Finalize Site Acquisition	60	days	1-Oct-10	30-Nov-10
Prepare Base Mapping and Complete Site Assessment& Arch. Schematics	30	days	1-Oct-10	31-Oct-10
Complete Site & Architectural Schematics	60	days	31-Oct-10	30-Dec-10
Adopt Zoning/Redevelopment Plan	60	days	30-Dec-10	28-Feb-11
Complete Feasibility, Contracts and Agreements	60	days	30-Dec-10	28-Feb-11
CIS to Secure Site Control			**28-Feb-11**	
PILOT/Abatement & Resolution of Need/Letters of support/density bonus	30	days	28-Feb-11	30-Mar-11
Prepare Preliminary & Final Engineering & All Permits	120	days	28-Feb-11	28-Jun-11
Submit Preliminary & Final Site Plan & All Permits			**28-Jun-11**	
Planning Board Approval & All Permits	180	days	28-Jun-11	25-Dec-11
Finalize Architectural Plans and Construction Drawings	90	days	28-Feb-11	29-May-11
Submit for Funding Commitments			**28-Jun-11**	
Obtain Funding Committments	60	days	28-Jun-11	27-Aug-11
Obtain Planning Board Approval & All Permits			**25-Dec-11**	
Prepare tax credit application - SPRING CYCLE 2012	90	days	25-Nov-11	23-Feb-12
Submit 9% tax credit Spring cycle			23-Feb-12	
Obtain Tax Credit Award			22-Jun-12	
Submit for Building Permit			**21-Aug-12**	
Building Permit	45	days	21-Aug-12	5-Oct-12
Obtain Building Permit			**5-Oct-12**	
Close on Real Estate and Loans			**19-Oct-12**	
Construction	540	days	19-Oct-12	12-Apr-14
Obtain Certificates of Occupancy (C.O.s)			**12-Apr-14**	
Total Project Schedule		***1271*** days	***42.37*** months	

Community
Investment
Strategies, Inc
[illegible]
[illegible]

3FS

November 12, 2008 **VIA OVERNIGHT MAIL (PM)**

Gregory J. Bonin, Administrator
Branchburg Township
1077 US Highway 202 North
Branchburg, NJ 08876

RE: Branchburg Township – Affordable Housing Initiative; REVISED

Dear Greg:

We appreciate the opportunity that you are giving us to work with the municipality on the proposed 100% municipally sponsored affordable housing project. Consistent with discussions, we have revised the Proforma Analysis to reflect 120 units; as we understand it is the Township's desire to yield this number of (non age-restricted) units on the property known as Lots 3, 3.01 and 3.02 in Block 74.

Project Description
The Township has identified a ±9 acre development site located on Route 202, adjoining an existing multifamily housing community known as Whiton Hills. The site is currently vacant. Full due diligence needs to be done on the property prior to the town's acquisition (environmental, yield, etc…). We understand that there are wetlands along the frontage which will need to be delineated prior to proceeding with development plans.

As in our prior proposal to you, we propose the town purchases the land and donate it to the Project ready to be improved, free from hazardous materials, and with marketable title. We assume that utilities are readily available and proximate to the property; and that there are no capacity issues associated with obtaining water and sewer allocations.

A suitable product for the site would be a three story "multiplex" building to maximize the yield but while providing semi-private entrances and common space. We've successfully used this architecture in other affordable family communities. For discussion purposes we have aggressively assumed the site will yield 120 units using the three story product, 100% of which are affordable rental and includes a unit for an onsite superintendent's residence.

Memorandum of Understanding
As requested we have prepared a Memorandum of Understanding (MOU) between us, the Township, and the Township Planning Board. This document indicates the intent of the parties and generally outlines the issues to be incorporated into a Development Agreement.

Proforma Analysis
A summary of our financial analysis for the 120 unit project is attached to the MOU. Again, as in our prior proposal, the Project utilizes the competitive 9% tax credit (LIHTC) coupled with gap subsidy financing provided by the New Jersey Housing and Mortgage Finance Agency (HMFA) through their Home Express program.

We will also look to the municipality to fund certain predevelopment expenses in the form of a loan from Branchburg's Affordable Housing Trust Fund (Development Fees) which would be paid back when the project funding was obtained.

We are also again requesting that the Township and Planning Board afford reasonable variance entitlements, and waive Township fees, such as administrative application fees, inspection fees, building permits fees, recreation fees, tree removal or clearing permit fees, street lighting and fire hydrant fees and utility connection fees. COAH sets precedence for cost reductions and reasonable waivers and variances in Subchapter 10 of the proposed revised third round rules (N.J.A.C. 5:97-10.1 *et seq.*)

PILOT
The MOU and the financial analysis include a tax abatement or payment in lieu of taxes (PILOT) in an amount not to exceed 6.28% of Gross Sheltered Rents.

Evidence of Funding Sources
As previously mentioned, CIS intends to utilize the 9% LIHTC as the primary source of funding for this project. We have establish a conceptual financial structure combining deferred developer fee, Home Express funds, municipal contribution of land, and waiver of Township and utility fees that should accomplish our funding requirements. However, we do anticipate the upcoming 9% LIHTC allocation cycles to be highly competitive. In the event that the project does not receive a 9% tax credit award, the 4% volume cap non-competitive tax credit program could be used. This program provides considerably less equity and the Township may need to contribute additional municipal funds to subsidize the feasibility of the project. CIS would also pursue additional sources of public subsidy including Federal Home Loan Bank, HOME or CDBG funds if available.

Conclusion
In conclusion, CIS is looking forward to your signing the MOU so that we can begin working on the Project and pursuing the Development Agreement. Thank you.

Very truly yours,

Barbara K. Schoor
Vice President

C: Christiana Foglio
Lianna Schafer
Betsy McKenzie

Township of Branchburg

1077 Highway 202, Branchburg, NJ 08876-3936
Telephone: (908) 526-1300 Fax: (908) 526-2452 www.branchburg.nj.us

December 16, 2008

Ms. Barbara Schoor
Community Investment Strategies
201 Crosswicks Street
Bordentown, NJ 08505

Re: Affordable Housing MOU

Dear Ms. Schoor,

Enclosed please find an executed copy of the Memorandum of Understanding between the Township and CIS.

Please note that the MOU has been amended from the version you sent us to conform to our desire to have this MOU be an understanding of what the arrangement would be between our two organizations should we enter into a formal agreement.

Should you agree with this MOU please sign one copy and return it to my attention. The Township is committed to this program and is looking forward to working with you as we fulfill our COAH obligation.

Should you have any questions on this matter please do not hesitate to contact my office.

Sincerely,

Gregory J. Bonin, Administrator

c: Branchburg Township Committee
Mark S. Anderson, Township Attorney
Elizabeth McKenzie, Township COAH Planner
Linda Weber, Township Planner
Douglas Ball, Township Engineer

RESOLUTION

NO. 2008-328 **ADOPTED: DECEMBER 15, 2008**

BE IT RESOLVED by the Township Committee that they ratify the Memorandum of Understanding between the Township of Branchburg and CIS, Community Investment Strategies, Inc. as filed in the Municipal Clerk's Office.

ATTEST:

Sharon L. Brienza, RMC/MMC
Township Clerk

John Sanford
Mayor

ROLL CALL VOTE				
COMMITTEE MEMBER	**YES**	**NO**	**ABSTAIN**	**ABSENT**
SANFORD	✓			
LEONARD				✓
SARLES	✓			
YOUNG	✓			
BOUWMAN	✓			

MEMORANDUM OF INTENT

AGREEMENT, made this 15 day of DECEMBER, 2008, between Community Investment Strategies, Inc., hereinafter referred to as "CIS" and the Township of Branchburg, hereinafter referred to as the "Township" and the Township of Branchburg Planning Board hereinafter referred to as the "Planning Board".

WHEREAS, Community Investment Strategies, Inc. may be designated by Branchburg as developer for a municipally sponsored affordable housing project.

WHEREAS, CIS, the Township, and the Planning Board each possess certain necessary skills and resources, and it may be in the mutual interest of the parties to jointly participate in implementing the development of a municipally sponsored 100% affordable housing development of up to 120 rental apartment units, or a unit count that is consistent with Branchburg's Affordable Housing Plan and Housing Element of the Master Plan to be finalized and adopted later this year by the Planning Board, hereinafter referred to as the "Project"; and

WHEREAS, Branchburg has extensive experience with a certain provider of supportive housing services and is interested, to the extent feasible, to have the greater of 10% of the units or 10 units in the Project set-aside for that purpose.

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

A. PURPOSE OF MEMORANDUM. This memorandum outlines a concept for the construction and development of the Project. The Project is proposed to consist of up to 120 units on vacant property, or properties, currently owned or to be acquired by the Township at its sole cost and expense.

B. PROGRAM. Sources of financing may include equity investment by investors through syndication of Low Income Housing Tax Credits (LIHTC) to be allocated by the New Jersey Housing and Mortgage Finance Agency (NJHMFA), conventional loans, and loans or grants from public sources, including the State of New Jersey and subsidy from the Township in an amount to be determined, which will allow the Project to be financially feasible. This subsidy could consist of "in lieu" items such as fee waivers and reductions of municipally controlled costs. In an effort to secure grant funding,

CIS could file for funding which could require that the Township cooperate and be a party to applications as necessary or required. A potential financial structure is attached as Exhibit A.

C. RESPONSIBILITIES OF PARTIES. The Parties anticipate the following potential division of responsibilities:

1. CIS responsibilities:

a. Application for LIHTC and Syndication of the Project. It is understood that in order to receive the most advantageous financing, the Project will compete for the 9% tax credits. There are certain funding cycles and time frames for components of the application which the Township must acknowledge and cooperate with. In the event the Project is not awarded 9% credits in two funding cycles, CIS may proceed with an application for 4% tax credits which may require additional sources including additional funding from the Township.

b. Application for grants and loans, and other financing as available. Certain grants and loans may require participation by a non-profit entity which shall be selected and arranged for by CIS.

c. Supervision of preparation of site engineering and land development plans.

d. Application for land use development approvals. The site plan shall include a tot lot and a community building containing leasing and management offices.

e. Supervision of preparation of construction documents.

f. Selection of general contractor.

g. Construction oversight, supervision, and management.

h. Construction close-out and punch list.

i. Administrative Agent for the Project.

j. Management during initial rent-up and occupancy.

k. Preparation of financial projections.

l. Syndication of the Project.

m. Preparation of annual investor reports, communications, and tax forms.

2. Township or Planning Board responsibilities:

a. Acquire and transfer marketable fee title of land, free of environmentally hazardous materials, to CIS, and provide an ALTA survey for the property, which shall be certified to parties necessary to secure funding.

b. Zoning or re-zoning of the properties for the intended use.

c. Provision of all utilities to property boundary.

d. Waiver of certain costs and fees.

e. Expeditious review and approval of development and building permit applications.

f. Assistance on applications for any grants and loans, including any available subsidy program funds.

g. Release of previous reports, plans, drawings, studies and approvals on properties to be developed, to CIS.

D. ADVANCEMENT OF INITIAL COSTS. The Township might be required to advance certain of the required third party predevelopment expenses, such as architectural and engineering plans, for the Project, which would be reimbursed at closing from loan or mortgage proceeds and/or equity funds, as available. These advances would be reimbursed together with interest at the rate of WSJ Prime Rate, plus 2%.

E. OTHER REQUIREMENTS. Any final agreement will need to address the following:

1. A developer fee to CIS equivalent to up-to 15% of the total development cost of the Project for all development services including construction, syndication, legal and organizational. The fee would be earned in accordance with the NJHMFA rules and the LIHTC syndication agreement.

2. A reimbursement agreement for expenses and direct out-of-pocket costs incurred by CIS in securing financing, planning, zoning and land use approvals. The

reimbursement shall be paid out. of construction funds, syndication funds, or permanent mortgage funds.

3. A transfer of fee interest in the title to the property to CIS by the Township for nominal consideration. The Township would pay rollback and realty transfer taxes, if applicable.

4. A maximum of 10 units or 10% of the Project set aside for supportive housing units to be serviced and managed by Midland Adult Services under an agreement with CIS.

5. A Payment In Lieu of Taxes Agreement (PILOT), not to exceed 6.28% and a Resolution of Need.

F. PREPARATION OF AGREEMENT. The parties shall explore in good faith a Development Agreement to implement Project. This Memorandum of Intent is not an agreement, and is intended to express only a conceptual framework for a later agreement.

Community Investment Strategies, Inc.

By: _____

Dated: _____

Township of Branchburg

By: _____
John Sanford, Mayor

Dated: 12/15/08

~~Branchburg Township Planning Board~~

~~By: _____~~

~~Dated: _____~~

REVISED Exhibit A to the MOU

Branchburg Township Municipally Sponsored

120 Affordable Apartments - 9% LIHTC with 4% PILOT

15-Jul-10

Project Summary

120 Rental Units

10 One Bedroom Apartments
74 Two Bedroom Apartments
36 Three Bedroom Apartments

Development Costs

Construction Contract	$16,017,070
Other Construction Costs/Fees	3,928,474
Soft Costs	1,167,813
Financing / Working Capital	3,511,733
Marketing / Miscellaneous	115,000
Total Project Cost	$24,740,090

Sources

Equity Tax Credits	$16,423,358
Special Needs Housing Trust Fund	1,000,000
Pledged Developer Fee	1,407,192
Permanent Mortgage	5,909,540
	$24,740,090

Income / Expense Analysis Income

1 One Bedroom Apts @	$416	$4,992.00
5 One Bedroom Apts @	$751	$45,060.00
4 One Bedroom Apts @	$892	$42,816.00
8 Two Bedroom Apts @	$493	$47,328.00
33 Two Bedroom Apts @	$894	$354,024.00
32 Two Bedroom Apts @	$1,024	$393,216.00
4 Three Bedroom Apts @	$561	$26,928.00
16 Three Bedroom Apts @	$1,025	$196,800.00
16 Three Bedroom Apts @	$1,240	$238,080.00
1 Resident Super Unit@	$0	$0.00
Fees/Laundry		$0.00
Anticipated Gross Rental Income		$1,349,244

Expenses

Administrative	$53,174
Salaries	131,580
Maintenance	107,000
Utilities	41,000
Management Fees	72,000
PILOT	48,552
Insurance	66,000
Replacement Reserve	52,800
Vacancy / Uncollected	94,447
Subtotal	$666,553
Net Income Before Debt Service	$682,691
Mortgage Payment and Debt Service	568,909
Net Income	$113,782

PREDEVELOPMENT BUDGET

Branchburg Triangle Site - 120 Units

7/15/2010	TOTAL PROJECT SOFT COST BUDGET	Predevelopment Budget Prior to Closing
Legal (transactional, land use, financing)	$ 225,000.00	$ 40,000.00
Retainer for legal work associated with landuse approvals and revised developers agreement; estmated expense		
Enviromental - Phase 1 / PI / SI / HUD EA	$ 20,000.00	$ 6,500.00
Initial report requried for LIHTC application; estimated expense		
Preliminary Cultural Resource Review	$ 5,000.00	$ 2,500.00
Initial report and SHPO file review for NJDEP LURP applications requried for LIHTC application; estimated expense		
Enviromental - NJDEP, Wetlands, CAFRA, Flood Hazard, T&E	$ 20,000.00	$ 15,000.00
Field investigation, research, preapp. mtgs, and applications to NJDEP requried for LIHTC application; estimated expense		
Architecture	$ 325,000.00	$ 175,000.00
Conceptual planning, architecture and ZBA presentations, and testimony		
Engineering - Civil	$ 275,000.00	$ 150,000.00
Subdivision and Site plans for ZBA application; includes updated base mapping; ZBA presentation and testimony		
Engineering - survey ALTA Outbound	$ 10,000.00	$ 7,500.00
Engineering - soils/geotech	$ 25,000.00	$ 20,000.00
Preliminary subsurface investigation required for stormwater basin design and bearing capacity		
Land App. and Permit Fees (regional and state - local waived)	$ 165,000.00	$ 100,000.00
Outside agency permit application will need to be made in order to be positioned to begin construction ; estimate expense		
Utility Connection Fees (regional and state - local waived)	$ 180,000.00	$ -
Market Studies	$ 30,000.00	$ 13,500.00
Required for LIHTC application		
Organizational	$ 10,000.00	$ 2,750.00
entity creation; and state business filings		
Adminsitrative	$ 25,000.00	$ 2,750.00
reproduction, postage and deliveries, travel, reimbursibles		
Accounting/Audit/Cost Certification	$ 35,000.00	$ 52,000.00
Soft Cost Contingency	$ 17,812.50	
Commitment Fees (State)	$ 57,500.00	$ 57,500.00
NJHMFA permanet commitment fee and application fees to HMFA requried for LIHTC		
	$ 1,425,312.50	$ 645,000.00

TOWNSHIP PREDEVELOPMENT ADVANCE	$ 645,000.00
REIMBURSEMENT TO TOWN AT CLOSING	**$ 645,000.00**

ADOPTED BOND ORDINANCE FOR TRIANGLE SITE

ORDINANCE NO. 2008-1116

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY FOR THE DEVELOPMENT OF AFFORDABLE HOUSING IN AND BY THE TOWNSHIP OF BRANCHBURG, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING $2,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,900,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BRANCHBURG, IN THE COUNTY OF SOMERSET, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Branchburg, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of $2,000,000, including the sum of $100,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of $1,900,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of one or more of the following properties for the development of affordable housing by the Township or on behalf of the Township by a non-profit developer in order to meet the Township's requirements under the Council of Affordable Housing:

- B74, Lots 3, 3.01 & 3.02
- B55, Lots 3, 4, 5
- B55, Lot 2.01
- B76, Lot 7.07

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the

meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of

the bonds and notes provided in this bond ordinance by $1,900,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond

counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST:

Sharon L. Brienza, RMC/MMC
Municipal Clerk

John Sanford
Mayor

INTRODUCED AND PASSED
ON FIRST READING: NOVEMBER 24, 2008

PUBLISHED: DECEMBER 1, 2008

ADOPTED: DECEMBER 15, 2008

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
SANFORD	✓			
LEONARD				✓
SARLES	✓			
YOUNG	✓			
BOUWMAN	✓			

DEEDS TO LOTS 3.01 AND 3.02, BLOCK 74
(PORTION OF TRIANGLE SITE)

5 PSOCL JD

74/3.01

Deed

Prepared by:

Richard R. Kahn, Esq.

2009022571

BRETT A. RADI COUNTY CLERK
SOMERSET COUNTY, NJ
2009 MAY 08 10:28:16 AM
BK:5217 PG:543-545
CONS:$275,000.00 EXEMPT: N
NJ XFER FEE:$6.00
INSTRUMENT # 2009022571

201-487-8529

This Deed is made on May 1, 2009

BETWEEN

ELLIOTT E. HERSHKOWITZ, Executor of the Last Will and Testament of Lillian Hershkowitz, deceased,

whose address is 37-14 Jasper Road, Fair Lawn, New Jersey 07410

referred to as the Grantor,

AND

TOWNSHIP OF BRANCHBURG

whose post office address is 1077 Highway 202, Branchburg, NJ 08876-3936

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Grantor. The Grantor makes this Deed as the Personal Representative of the Estate of Lillian Hershkowitz, late of Bergen County, New Jersey, who died, testate, a resident of Bergen County, on October 12, 2008.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of **TWO HUNDRED SEVENTY-FIVE THOUSAND and 00/100 ($275,000.00) DOLLARS**. The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of Branchburg; Block No. 74; Lot No. 3.01; Account No.

____ No property tax identification number is available on the date of this Deed. (Check box if applicable).

Property. The property consists of the land and all the buildings and structures on the land in the Township of Branchburg, County of Somerset, and State of New Jersey. The legal description is:

Please see attached Legal Description annexed hereto and made a part hereof.

The street address of the property is: 1376 Route 202, Branchburg, New Jersey.

05812-00001
87395v1

Check acreage

SUBJECT to such state of facts as an accurate survey may reveal, restrictions and easements of record, if any, governmental ordinances and regulations.

BEING the same premises conveyed to Lillian Hershkowitz, widow, by Deed from Jayne Goralsky and Jack Goralsky, her husband, dated November 15, 1984, recorded October 29, 1985 in the Somerset County Clerk/Register's Office in Deed ook 1558, Page 260. Lillian Hershkowitz died testate, a resident of Bergen County, on October 12, 2008.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witness:

Elliott E. Hershkowitz,
Executor of the Last Will and Testament of
Lillian Hershkowitz

STATE OF NEW JERSEY)

COUNTY OF BERGEN) SS:

I certify that on ~~April~~ May 1, 2009, **ELLIOTT E. HERSHKOWITZ,** personally came before me and stated to my satisfaction that this person (or if more than one, each person):

(a) was the maker of the attached deed;
(b) executed this deed in his capacity as personal representative of the deceased owner; and
(c) made this Deed for **$275,000.00** as the full and actual consideration paid or to be paid for the transfer of title

(Such consideration is defined in N.J.S.A. 46:15-5.)

CINDY J. JACKSON
A Notary Public of New Jersey
My Commission Expires 3/27/2014

RECORD AND RETURN TO:

05812-00001
873955v1

WOOLSON SUTPHEN & ANDERSON
11 EAST CLIFF ST
SOMERVILLE NJ 08876

STEWART TITLE GUARANTY COMPANY

TITLE INSURANCE COMMITMENT
File Number: TS209117

SCHEDULE A
LEGAL DESCRIPTION

All that certain Lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Township of Branchburg, County of Somerset State of New Jersey:

Lot 3.01: BEGINNING at a stake in the northerly sideline of U.S. Highway Route No. 202, said stake being South 72 degrees 16 minutes West, 280.0 feet from a corner of a parcel owned by Lorena Vincent and Charlotte Cole; thence

(1) along a line of lands now or formerly of Benjamin Hershkowitz, deceased, North 49 degrees 01 minutes West, 409.22 feet; thence

(2) along a line of lands now or formerly of the late Benjamin Hershkowitz, South 60 degrees 42 minutes West, 246.0 feet; thence

(3) along a line of the same, South 47 degrees 44 minutes East, 346.45 feet to a stake in the northerly sideline of said highway; thence

(4) along the northerly sideline of said highway, North 72 degrees 16 minutes East, 280.0 feet to the beginning.

409.22 246.0
346.45 280.0
526
377.84
2.28 R

RTF-1 (Rev. 7/08)
MUST SUBMIT IN DUPLICATE

STATE OF NEW JERSEY

AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

COUNTY BERGEN } SS. County Municipal Code 1800

MUNICIPALITY OF PROPERTY LOCATION Branchburg

FOR RECORDER'S USE ONLY
Consideration $ 275,000.00
RTF paid by seller $ 0
Date 5.8.09 By JB

*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See instructions #3 and #4 on reverse side)

Deponent, Elliott E. Hershkowitz (Name) being duty sworn according to law upon his/her oath, deposes and says that he/she is the Grantor (Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.) in a deed dated April, 2009 transferring real property identified as Block number 74 Lot number 3.01 located at 1376 Route 202, Branchburg, NJ 08876 (Street Address, Town) and annexed thereto.

(2) CONSIDERATION $ 275,000.00 (See instructions #1 and #5 on reverse side)

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A COMMERCIAL PROPERTY TRANSACTIONS:
(See instructions #5A and #7 on reverse side)

Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation

$ _____ ÷ _____ % = $ _____

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (See instruction #3 on reverse side)
Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 68, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(b) The within conveyance is to a governmental agency.

(5) PARTIAL EXEMPTION FROM FEE (See instruction #9 on reverse side)
NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic Fee, Supplemental Fee, and General Purpose Fee, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 68, P.L. 2004 for the following reason(s)

A. SENIOR CITIZEN Grantor(s) ☐ 62 years of age or over. * (See instruction #9 on reverse side for A or B)
B. BLIND PERSON Grantor(s) ☐ legally blind or, *
DISABLED PERSON Grantor(s) ☐ permanently and totally disabled ☐ Receiving disability payments ☐ Not gainfully employed*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:
☐ Owned and occupied by grantor(s) at time of sale. ☐ Resident of State of New Jersey
☐ One or two-family residential premises. ☐ Owners as joint tenants must all qualify.

*IN THE CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEEDS TO QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (See instruction #9 on reverse side)
☐ Affordable according to H.U.D. standards. ☐ Reserved for occupancy.
☐ Meets income requirements of region. ☐ Subject to resale controls.

(6) NEW CONSTRUCTION (See instructions #2, #10 and #12 on reverse side)
☐ Entirely new improvement. ☐ Not previously occupied.
☐ Not previously used for any purpose. ☐ "NEW CONSTRUCTION" printed clearly at the top of the first page of the deed.

(7) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 7th day of April, 2009

CINDY J. JACKSON
A Notary Public of New Jersey
My Commission Expires 3/27/2014

Signature of Deponent

37-14 Jasper Rd, Fair Lawn, NJ
Deponent Address

XXX-XXX-608
Last 3 digits of Grantor's Social Security Number

Elliott E. Hershkowitz, Executor of the Last Will and Testament of Lillian Hershkowitz
Grantor Name

37-14 Jasper Rd, Fair Lawn, NJ
Grantor Address at Time of Sale

Richard R. Kuhn, Esq.
Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY
Instrument Number _____ County Somerset
Deed Number _____ Book _____ Page _____
Deed Dated 5.1.09 Date Recorded 5.8.09

County Recording Officers shall forward one copy of each Affidavit of Consideration for Use by Seller when Section 3A is completed.

STATE OF NEW JERSEY • DIVISION OF TAXATION
PO BOX 251
TRENTON, NJ 08695-0251
ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at: www.state.nj.us/treasury/taxation/lpt/localtax.shtml

GIT/REP-3
(12-07)

State of New Jersey

SELLER'S RESIDENCY CERTIFICATION/EXEMPTION

(C.55, P.L. 2004)

(Please Print or Type)

SELLER(S) INFORMATION (See Instructions, Page 2)

Name(s)

ELLIOTT E. HERSHKOWITZ, Executor of the Last Will and Testament of Lillian Hershkowitz

Current Resident Address:

Street: 37-14 Jasper Road

City, Town, Post Office	State	Zip Code
Fair Lawn	NJ	07410

PROPERTY INFORMATION (Brief Property Description)

Block(s)	Lot(s)	Qualifier
74	3.01	

Street Address:

1376 Route 202

City, Town, Post Office	State	Zip Code
Branchburg	NJ	08876

Seller's Percentage of Ownership	Consideration	Closing Date
100%	$275,000.00	

SELLER ASSURANCES (Check the Appropriate Box) (Boxes 2 through 8 apply to NON-residents)

1. ☒ I am a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ☐ The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3. ☐ I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☒ Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☐ Seller is not an individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A.54A:1-1 et seq.
6. ☐ The total consideration for the property is $1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7. ☐ The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale (see instructions).

   ☐ No non-like kind property received.
8. ☐ Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this state.

SELLER(S) DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

5/1/09
Date

Signature
(Seller) Please indicate if Power of Attorney or Attorney in Fact

Date

Signature
(Seller) Please indicate if Power of Attorney or Attorney in Fact

BRETT A. RADI
SOMERSET COUNTY CLERK
20 GROVE STREET
P.O. BOX 3000
SOMERVILLE, NJ 08876-1262

****

Recorded:	**05/08/2009 10:26:16 AM**
Book:	**OPR 6217 Page: 543-548**
Instrument No.:	**2009022571**
	DEED 6 PGS $80.00
CONSIDERATION:	**$275,000.00**
EXEMPTION:	**N**

Recorder: **DELUCIA**

****

DO NOT DISCARD

2009022571

74/3.02

7p90 CK VB

2009022570

BRETT A. RADI COUNTY CLERK
SOMERSET COUNTY, NJ
2009 MAY 08 10:26:16 AM
BK:8217 PG:538-542
CONS:$275,000.00 EXEMPT: N
NJ XFER FEE:$0.00
INSTRUMENT # 2009022570

Deed

Prepared by:

Richard R. Kahn, Esq.

201-487-8529

This Deed is made on May 1, 2009

BETWEEN

ELLIOTT E. HERSHKOWITZ, whose address is 37-14 Jasper Road, Fair Lawn, New Jersey 07410 **and JAYNE P. GORALSKY,** whose address is 546 Old Dover Road, Morris Plains, New Jersey 07950, **Individually and as Co-Executors of the Last Will and Testament of Benjamin Hershkowitz, deceased,**

referred to as the Grantor,

AND

TOWNSHIP OF BRANCHBURG

whose post office address is 1077 Highway 202, Branchburg, NJ 08876-3936

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Grantor. The Grantor makes this Deed as the Personal Representative of the Estate of Benjamin Hershkowitz, late of Hunterdon County, New Jersey, who died, testate, a resident of Hunterdon County, on December 27, 1982.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of **TWO HUNDRED SEVENTY-FIVE THOUSAND and 00/100 ($275,000.00) DOLLARS**. The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of Branchburg; Block No. 74; Lot No. 3.02; Account No.

_____ No property tax identification number is available on the date of this Deed. (Check box if applicable).

Property. The property consists of the land and all the buildings and structures on the land in the Township of Branchburg, County of Somerset, and State of New Jersey. The legal description is:

Please see attached Legal Description annexed hereto and made a part hereof.

The street address of the property is: 1372 Route 202, Branchburg, New Jersey.

05812-00001
87392v1

Check acreage with Eng.

2009-AV
314,000

114.18

NU#15
Sheets
Township

SUBJECT to such state of facts as an accurate survey may reveal, restrictions and easements of record, if any, governmental ordinances and regulations.

BEING the same premises conveyed to Benjamin Hershkowitz by Deed made by Ben Levine and Eleanor Levine, his wife, Ben Levine, Louis Levine and Harry Eisenberg, as Executors of the Last Will and Testament of Max Levine, deceased, dated September 11, 1972, recorded September 14, 1972 in the Somerset County Clerk/Register's Office in Deed Book 1267, Page 493. The said Benjamin Hershkowitz died testate, a resident of Hunterdon County on December 27, 1982.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

WITNESS:

Jayne P. Goralsky, individually and as Executor of the Last Will and Testament of Benjamin Hershkowitz

STATE OF NEW JERSEY)

COUNTY OF MORRIS) SS:

I certify that on April 30 th, 2009, **JAYNE P. GORALSKY,** personally came before me and stated to my satisfaction that this person (or if more than one, each person):

(a) was the maker of the attached deed;
(b) executed this deed individually and in her capacity as personal representative of the deceased owner; and
(c) made this Deed for **$275,000.00** as the full and actual consideration paid or to be paid for the transfer of title

(Such consideration is defined in N.J.S.A. 46:15-5.)

Elliott Hershkowitz
Notary Public
My Commission Expires
February 11, 2013

05812-00001
87392v1

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witness:

Elliott E. Hershkowitz, individually and as Co-Executor of the Last Will and Testament of Benjamin Hershkowitz

STATE OF NEW JERSEY)

COUNTY OF BERGEN) SS:

I certify that on ~~April~~ May 1, 2009, **ELLIOTT E. HERSHKOWITZ**, personally came before me and stated to my satisfaction that this person (or if more than one, each person):

(a) was the maker of the attached deed;
(b) executed this deed individually and in his capacity as personal representative of the deceased owner; and
(c) made this Deed for **$275,000.00** as the full and actual consideration paid or to be paid for the transfer of title

(Such consideration is defined in N.J.S.A. 46:15-5.)

CINDY J. JACKSON
A Notary Public of New Jersey
My Commission Expires 3/22/2014

RECORD AND RETURN TO:

WOOLSON SUTPHEN & ANDERSON
11 EAST CLIFF ST
SOMERVILLE NJ 08876

05812-00001
87392v1

STEWART TITLE GUARANTY COMPANY

TITLE INSURANCE COMMITMENT
File Number: TS209117

SCHEDULE A
LEGAL DESCRIPTION

All that certain Lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Township of Branchburg, County of Somerset State of New Jersey:

Lot 3.02: BEGINNING at an iron in the northerly sideline of U.S. Highway Route No. 202, said iron also being a corner of lands owned by Lorena Vincent and Charlotte Cole; thence

(1) along a line of lands owned by the said Lorena Vincent and Charlotte Cole, North 55 degrees 42 minutes West, 494.0 feet; thence

(2) along a line now or formerly of Richard E. Krautwald, South 60 degrees 42 minutes West, 191.4 feet; thence

(3) along a line of the second tract hereinafter described, South 49 degrees 01 minutes East, 409.22 feet to a stake in the northerly sideline of said Highway; thence

(4) along the northerly sideline of said highway, North 72 degrees 16 minutes East, 280.0 feet to the beginning.

494 191.4

409.22 280

451.61 x 235.7

RTF-1 (Rev. 7/04)
MUST SUBMIT IN DUPLICATE

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER
(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2008) (N.J.S.A. 46:15-5 et seq.)
BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY
} SS. County Municipal Code
COUNTY BERGEN 1500

FOR RECORDER'S USE ONLY
Consideration $ 275,000.00
RTF paid by seller $ 0
Date 5-8-09 By

MUNICIPALITY OF PROPERTY LOCATION Branchburg

*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE *(See instructions #3 and #4 on reverse side)*

Deponent, Elliott E. Hershkowitz (Name) being duly sworn according to law upon his/her oath, deposes and says that he/she is the Grantor (Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.) in a deed dated April, 2009 transferring real property identified as Block number 74 Lot number 3.02 located at 1372 Route 202, Branchburg, NJ 08876 (Street Address, Town) and annexed thereto.

(2) CONSIDERATION $ 275,000.00 *(See instructions #1 and #5 on reverse side)*

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required

(3A) **REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A COMMERCIAL PROPERTY TRANSACTIONS:**
(See instructions #5A and #7 on reverse side)

Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation

$____ ÷ ____% = $____

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE *(See instruction #9 on reverse side)*
Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(b) The within conveyance is to a governmental agency.

(5) PARTIAL EXEMPTION FROM FEE *(See instruction #9 on reverse side)*
NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic Fee, Supplemental Fee, and General Purpose Fee, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s).

A. **SENIOR CITIZEN** Grantor(s) ☐ 62 years of age or over.* *(See instruction #9 on reverse side for A or B)*
B. **BLIND PERSON** Grantor(s) ☐ legally blind or;*
DISABLED PERSON Grantor(s) ☐ permanently and totally disabled ☐ Receiving disability payments ☐ Not gainfully employed*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:
☐ Owned and occupied by grantor(s) at time of sale. ☐ Resident of State of New Jersey.
☐ One or two-family residential premises. ☐ Owners as joint tenants must all qualify.

*IN THE CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEEDS TO QUALIFY IF TENANTS BY THE ENTIRETY.

C. **LOW AND MODERATE INCOME HOUSING** *(See instruction #9 on reverse side)*
☐ Affordable according to H.U.D. standards. ☐ Reserved for occupancy.
☐ Meets income requirements of region. ☐ Subject to resale controls.

(6) NEW CONSTRUCTION *(See instructions #2, #10 and #12 on reverse side)*
☐ Entirely new improvement. ☐ Not previously occupied.
☐ Not previously used for any purpose. ☐ "NEW CONSTRUCTION" printed clearly at the top of the first page of the deed.

(7) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2008.

Subscribed and sworn to before me this 7th day of May, 2009

CINDY J. JACKSON
A Notary Public of New Jersey
My Commission Expires 2/27/2014

Signature of Deponent

Elliott E. Hershkowitz, Executor
Jayne P. Goralsky, Executor.
Grantor Name

37-14 Jasper Rd, Fair Lawn, NJ
Deponent Address

37-14 Jasper Rd, Fair Lawn, NJ
Grantor Address at Time of Sale

XXX-XX- 910
Last 3 digits in Grantor's Social Security Number

Richard R. Kahn, Esq.
Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY
Instrument Number
Deed Number
Deed Dated 5-1-09
County Somerset
Book PAGE
Date Recorded 5-8-09

County Recording Officers shall forward one copy of each Affidavit of Consideration for Use by Seller when Section 3A is completed.
STATE OF NEW JERSEY - DIVISION OF TAXATION
PO BOX 381
TRENTON, NJ 08693-0261
ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at www.state.nj.us/treasury/taxation/rpt/realtax.shtml.

GIT/REP-3
(12-07)

State of New Jersey

SELLER'S RESIDENCY CERTIFICATION/EXEMPTION

(C.55, P.L. 2004)

(Please Print or Type)

SELLER(S) INFORMATION (See Instructions, Page 2)

Name(s)

Jayne P. Goralsky, individually and as Executor of the Last Will and Testament of Benjamin Hershkowitz

Current Resident Address:

Street: 546 Old Dover Road

City, Town, Post Office	State	Zip Code
Morris Plains	NJ	07950

PROPERTY INFORMATION (Brief Property Description)

Block(s)	Lot(s)	Qualifier
74	3.02	

Street Address:

1372 Route 202

City, Town, Post Office	State	Zip Code
Branchburg	NJ	08876

Seller's Percentage of Ownership	Consideration	Closing Date
100%	$275,000.00	

SELLER ASSURANCES (Check the Appropriate Box) (Boxes 2 through 8 apply to NON-residents)

1. ☒ I am a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ☐ The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3. ☐ I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☒ Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☐ Seller is not an individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A.54A:1-1 et seq.
6. ☐ The total consideration for the property is $1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7. ☐ The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale (see instructions).

   ☐ No non-like kind property received.
8. ☐ Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this state.

SELLER(S) DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

Date	Signature (Seller) Please indicate if Power of Attorney or Attorney in Fact
April 30, 2008	Jayne P Goralsky
Date	Signature (Seller) Please indicate if Power of Attorney or Attorney in Fact

GIT/REP-3
(12-07)

State of New Jersey

SELLER'S RESIDENCY CERTIFICATION/EXEMPTION

(C.55, P.L. 2004)

(Please Print or Type)

SELLER(S) INFORMATION (See Instructions, Page 2)

Name(s) Elliott E. Hershkowitz,
Individually and as Executor of the Last Will and Testament of Benjamin Hershkowitz

Current Resident Address:

Street: 37-14 Jasper Road

City, Town, Post Office	State	Zip Code
Fair Lawn	NJ	07410

PROPERTY INFORMATION (Brief Property Description)

Block(s)	Lot(s)	Qualifier
74	3.02	

Street Address:

1372 Route 202

City, Town, Post Office	State	Zip Code
Branchburg	NJ	08876

Seller's Percentage of Ownership	Consideration	Closing Date
100%	$275,000.00	

SELLER ASSURANCES (Check the Appropriate Box) (Boxes 2 through 8 apply to NON-residents)

1. ☒ I am a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ☐ The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3. ☐ I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☒ Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☐ Seller is not an individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A.54A:1-1 et seq.
6. ☐ The total consideration for the property is $1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:6-1-1 et seq.
7. ☐ The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale (see instructions).

   ☐ No non-like kind property received.
8. ☐ Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this state.

SELLER(S) DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

5/1/09
Date

Signature
(Seller) Please indicate if Power of Attorney or Attorney in Fact

Date

Signature
(Seller) Please indicate if Power of Attorney or Attorney in Fact

BRETT A. RADI
SOMERSET COUNTY CLERK
20 GROVE STREET
P.O. BOX 3000
SOMERVILLE, NJ 08876-1262

****

Recorded:	**05/08/2009 10:26:16 AM**
Book:	**OPR 6217 Page: 535-542**
Instrument No.:	**2009022570**
	DEED 8 PGS $100.00
CONSIDERATION:	**$275,000.00**
EXEMPTION:	**N**

Recorder: **DELUCIA**

****

DO NOT DISCARD

2009022570

APPENDIX E
DOCUMENTATION REQUIRED FOR PHASE THREE
SPECIAL NEEDS HOUSING #1

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

(Submit separate checklist for each site or project)

General Description

Municipality/County: Franklin Twp., Somerset

Project or Program Name: Midland Phase Three #1

Date facility will be constructed or placed into service: 2017

Type of facility: Permanent supportive living housing

For group homes, residential health care facilities and supportive shared housing:

Affordable bedrooms proposed: 0 Age-restricted affordable bedrooms: 0

For permanent supportive housing:

Affordable units proposed: 24 Age-restricted affordable units: 0

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7[1]: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date development approvals granted: _____

Information and Documentation Required with Petition or in Accordance with an Implementation Schedule

Is the municipality providing an implementation schedule for this project/program.

- [x] Yes. Skip to and complete implementation schedule found at the end of this checklist. NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.
- [ ] No. Continue with this checklist.

- ☐ Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)
- ☐ Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- ☐ Name and address of owner
- ☐ Name and address of developer
- ☐ Subject property street location
- ☐ Subject property block(s) and lot(s)
- ☐ Subject property total acreage
- ☐ Indicate if urban center or workforce housing census tract
- ☐ Description of previous zoning
- ☐ Current zoning and date current zoning was adopted
- ☐ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☐ Description of surrounding land uses
- ☐ Demonstration that the site has street access
- ☐ Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☐ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☐ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☐ Wetlands and buffers
- ☐ Steep slopes
- ☐ Flood plain areas
- ☐ Stream classification and buffers
- ☐ Critical environmental site
- ☐ Historic or architecturally important site/district
- ☐ Contaminated site(s); proposed or designated brownfield site

- ☐ Based on the above, a quantification of buildable and non-buildable acreage
- ☐ Pro-forma statement for the project
- ☐ RFP or Developer's Agreement
- ☐ Construction schedule and timetable for each step in the development process
- ☐ Documentation of funding sources
- ☐ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall

Information and Documentation Required Prior to Marketing the Completed Units or Facility

- ☐ For units not exempt from UHAC, an affirmative marketing plan in accordance with N.J.A.C. 5:97-6.10(c)
- ☐ If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency (including validation of the number of bedrooms or units in which low- or moderate-income occupants reside)

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Acquisition	12/1/13	3/1/14	4/1/14
RFP Process	N.A.	N.A.	N.A.

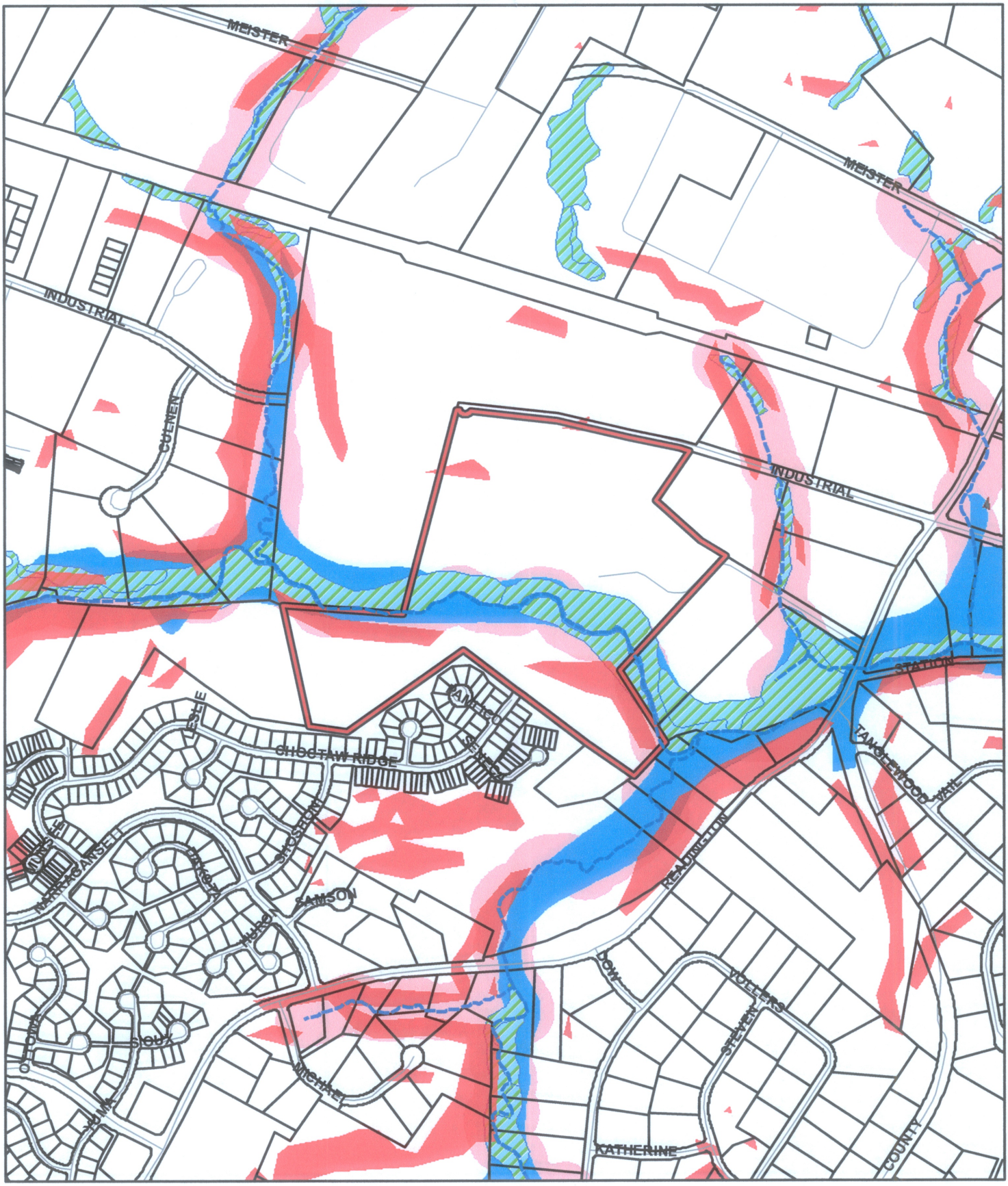
Developer Selection	N.A.	N.A.	N.A.
Executed Agreement with provider, sponsor or developer	4/30/14	7/29/14	8/15/14
Development Approvals	10/27/14	2/24/15	3/15/15
Contractor Selection	N.A.	N.A.	N.A.
Building Permits	7/9/15	8/8/15	9/15/15
Construction	7/9/15	8/4/16	9/15/16
Occupancy	8/4/16	12/31/16	3/15/17

Supportive/Special Needs Narrative Section

See Housing Element and Fair Share Plan for detailed description of proposal.

[1] Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

APPENDIX F
DOCUMENTATION REQUIRED FOR PHASE THREE
SPECIAL NEEDS HOUSING #2



Portion of Branchburg Township

Block 17, Lot 4
Somerset County, New Jersey

June 2010

N
W E
S

Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP, Somerset County

Legend

- Parcel in Question
- Slope 15% or Greater
- Wetlands
- 100 Year Floodplain
- Stream Buffer
- Branchburg Township
- Parcel
- Stream
- C1 Stream

0 250 500 1,000 Feet

This map was developed using New Jersey Department Environmental Protection Geographic Information Syst digital data, but this secondary product has not been NJDI verified and is not Statauthorized.

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

(Submit separate checklist for each site or project)

General Description

Municipality/County: Franklin Twp., Somerset

Project or Program Name: Midland- Phase Three #2

Date facility will be constructed or placed into service: 2017

Type of facility: Senior Special Needs

For group homes, residential health care facilities and supportive shared housing:

Affordable bedrooms proposed: _____ Age-restricted affordable bedrooms: 18

For permanent supportive housing:

Affordable units proposed: _____ Age-restricted affordable units: _____

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7[1]: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date development approvals granted: _____

Information and Documentation Required with Petition or in Accordance with an Implementation Schedule

Is the municipality providing an implementation schedule for this project/program.

- [x] Yes. Skip to and complete implementation schedule found at the end of this checklist. NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.
- [ ] No. Continue with this checklist.

- ☐ Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)
- ☐ Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- ☐ Name and address of owner
- ☐ Name and address of developer
- ☐ Subject property street location
- ☐ Subject property block(s) and lot(s)
- ☐ Subject property total acreage
- ☐ Indicate if urban center or workforce housing census tract
- ☐ Description of previous zoning
- ☐ Current zoning and date current zoning was adopted
- ☐ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☐ Description of surrounding land uses
- ☐ Demonstration that the site has street access
- ☐ Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☐ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☐ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☐ Wetlands and buffers
- ☐ Steep slopes
- ☐ Flood plain areas
- ☐ Stream classification and buffers
- ☐ Critical environmental site
- ☐ Historic or architecturally important site/district
- ☐ Contaminated site(s); proposed or designated brownfield site

- ☐ Based on the above, a quantification of buildable and non-buildable acreage
- ☐ Pro-forma statement for the project
- ☐ RFP or Developer's Agreement
- ☐ Construction schedule and timetable for each step in the development process
- ☐ Documentation of funding sources
- ☐ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall

Information and Documentation Required Prior to Marketing the Completed Units or Facility

- ☐ For units not exempt from UHAC, an affirmative marketing plan in accordance with N.J.A.C. 5:97-6.10(c)
- ☐ If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency (including validation of the number of bedrooms or units in which low- or moderate-income occupants reside)

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Acquisition	owned by provider	N.A.	4/1/14
RFP Process	N.A.	N.A.	N.A.

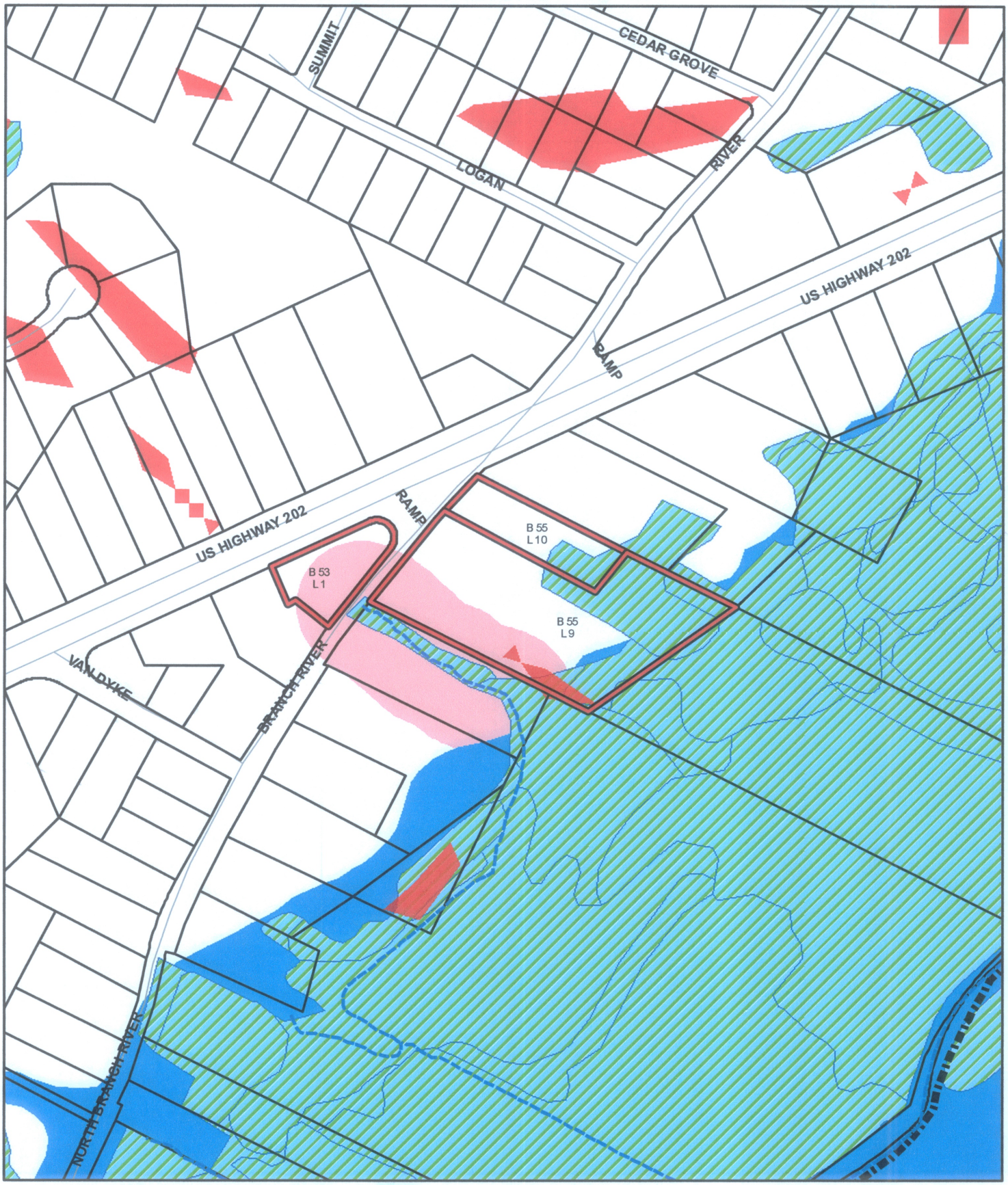
Developer Selection	N.A.	N.A.	N.A.
Executed Agreement with provider, sponsor or developer	4/30/14	7/29/14	8/15/14
Development Approvals	10/27/14	2/24/15	3/15/15
Contractor Selection	N.A.	N.A.	N.A.
Building Permits	7/9/15	8/8/15	9/15/15
Construction	7/9/15	8/4/16	9/15/16
Occupancy	8/4/16	12/31/16	3/15/17

Supportive/Special Needs Narrative Section

See Housing Element and Fair Share Plan for detailed description of proposal.

[1] Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

APPENDIX G
DOCUMENTATION REQUIRED FOR RIVER TRACE INCLUSIONARY DEVELOPMENT



Portion of Branchburg Township

Block 53 Lot 1, Block 55 Lots 9 and 10
Somerset County, New Jersey

June 2010

Legend

- Parcels in Question
- Slope 15% or Greater
- Wetlands
- 100 Year Floodplain
- Stream Buffer
- Branchburg Township
- Parcel
- Stream
- C1 Stream

N
W E
S

0 250 500 Feet

Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

This map was developed using New Jersey Department
Environmental Protection Geographic Information Syst
digital data, but this secondary product has not been NJDI
verified and is not Stateauthorized.

Inventory of Sites Changed From Non-residential to Residential Use
(P.L 2008 c.46)

Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

Municipalities must document at the time of petition, repetition or submission of amendment sites that have been or are proposed to be rezoned or that are the subject of a use variance from nonresidential to residential uses as follows: all sites that were rezoned from nonresidential to residential uses since July 17, 2006 where a developer has made an application for development after July 17, 2008. This would include both applications to the municipal planning board and to the municipal zoning board. Such sites shall include affordable housing as a percentage of the units constructed on site based on economic feasibility.

The determination of economic feasibility will be made based upon the presumptive densities and set-asides in COAH's rules pursuant to N.J.A.C. 5:97-6.4(b)2 (for-sale housing) and N.J.A.C. 5:97-6.4(b)6 (rental housing). A site zoned for inclusionary development will be presumed to be economically feasible if it meets these minimum densities and maximum set-asides.

Owner/Developer Name	Block	Lot	Previous Zoning	New Residential Density	Use Change Date	Development Application Date	Total Units	Total Affordable Units	Use Change Granted By
AMERICAN CLASSICS, LLC	53	1	R/S-2		3/1/05	2004			ZONING BOARD
(RIVER TRACE)	55	9+10			w/ conversion approved				
				16.4/ac.	12/1/09		50	11 (8 on-site; 3 off-site)	

Change of Use Narrative Section

See Zoning Board of Adjustment Resolutions included in this Appendix G, FSP.

INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: BRANCHBURG TWP, SOMERSET

Project Name/Zoning Designation: RIVER TRACE USE VARIANCE / CONVERSION

Block(s) and Lot(s): BL. 53, LOT 1 AND BL. 55, LOTS 9+10

Total acreage: 3.05 ac. Proposed density (units/gross acre): 16.4 d.u./acre

Affordable Units Proposed: 11 (8 on-site, 3 off-site)

Family: 11 Sale: 11 Rental: ____

Very low-income units: 0 Sale: ____ Rental: ____

Age-Restricted: 0 Sale: ____ Rental: ____

Market-Rate Units Anticipated: 42

Non-Residential Development Anticipated (in square feet), if applicable: 0

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: ____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): ____

Very low income bonuses as per N.J.A.C. 5:97-3.7[1]: ____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: ____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: ____

Compliance bonuses as per N.J.A.C. 5:97-3.17: ____

Date inclusionary zoning adopted: N/A Date development approvals granted: LAST 12/1/09

Information and Documentation Required with Petition

☐ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☐ in lieu of submitting forms.)

N.A. ☑ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone. N.A.

☑ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning See ZBA resolutions (attached)

If payments in lieu of on-site construction of the affordable units is an option, submit:

N.A. ☑ Proposed or adopted ordinance establishing the amount of the payments N.A.

N.A. ☑ Spending plan Spending Plan included in Appendix J, FSP.

A general description of the site or zone, including:

☑ Name and address of owner

☑ Name and address of developer(s)

☑ Subject property street location

☑ Indicate if urban center or workforce housing census tract NO

☑ Previous zoning designation and date previous zoning was adopted UNKNOWN

N.A. ☑ Current zoning and date current zoning was adopted SAME AS PRIOR ZONING

N.A. ☑ Description of any changes to bulk standards intended to accommodate the proposed densities N.A.

☑ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including: See ZBA resolutions (attached)

☑ Description of surrounding land uses

☑ Demonstration that the site has street access

☑ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans PA-2

☑ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4 already served

☑ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4 already served

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

N.A. ☑ Wetlands and buffers

N.A. ☑ Steep slopes

N.A. ☑ Flood plain areas

N.A. ☐ Stream classification and buffers

N.A. ☐ Critical environmental site

☑ Historic or architecturally important site/district See ZBA resolutions.

☑ Contaminated site(s); proposed or designated brownfield site See ZBA resolutions.

☑ Based on the above, a quantification of buildable and non-buildable acreage 3.05 AC.

Agreements with developers or approvals for development of specific property, which shall include: See ZBA Resolutions.

☑ Number, tenure and type of units

☑ Compliance with N.J.A.C. 5:97-9 and UHAC

N.A. ☐ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Developer has already filed an affordable housing plan with the Admin. Agent

Information and Documentation Required Prior to Marketing the Completed Units

☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18

☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual

☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

See Housing Element and Fair Share Plan as well as ZBA resolutions.

[1] Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

EXECUTED DEVELOPER'S AGREEMENT
AND ORIGINAL ZONING BOARD RESOLUTION
GRANTING FINAL APPROVAL FOR RIVER TRACE

DEVELOPER' S AGREEMENT

AMERICAN CLASSICS, L.L.C.

2005-015
Lot 1, Block 53 and Lots 9 & 10, Block 55

THIS AGREEMENT, dated September 8, 2006, by and between **American Classics, LLC.,** having an address of P.O. Box 5344, North Branch, NJ 08876 and **River Trace, LLC,** having an address of P.O. Box 5344, North Branch, NJ 08876 (collectively the "Developer") and the **Township of Branchburg,** in the County of Somerset, a Municipal Corporation of the State of New Jersey, with offices located at 1077 Route 202, Branchburg, New Jersey 08876 (the "Municipality").

WHEREAS, the Developer is the developer of a tract or parcel of land located at 965 Route 202 North in the Municipality and designated on the Tax Map of the Municipality as Block 53, Lot 1 and Block 55, Lots 9 and 10 (the "Property"); and

WHEREAS, the Developer filed a bifurcated application with the Board of Adjustment(the "Board") of the Municipality for preliminary and final site plan approval, together with variance and design waiver relief of the Development, as shown on the plans prepared by James V. DeMuro, P.E., L.S. of DeMuro Associates, dated April 20, 2005 and last revised on March 27, 2006 (the "Plans") ; and

WHEREAS, at its meetings of December 7, 2004, and December 6, 2005 the Board reviewed and approved the Developer's application for preliminary and final site plan approval, use variance and design waivers and subsequently confirmed that decision by written resolutions adopted on March 1, 2005, and January 18, 2006, ("the Resolutions") copies of which are incorporated within this Agreement and annexed hereto as Exhibit A; and

WHEREAS, in accordance with Municipal Ordinance No. 98-772, a Developer's Agreement must be submitted by the Developer and be reviewed and approved by the Municipal Attorney's office.

NOW, THEREFORE, in consideration of the foregoing, and the agreements and conditions of the Resolutions, it is mutually agreed by and between the parties hereto as follows:

1. The Developer shall post any cash deposit, surety bond or letter of credit (collectively, the "Performance Guarantee"), and all other necessary deposits in the amounts required by the Municipal Engineer's calculations and as set forth in the Resolutions. All bonds or letters of credit submitted by the Developer shall comply with the requirements of the applicable Municipal ordinances and the Municipal Land Use Law and shall be in a form satisfactory to the Municipal Attorney.

2. All of the work and public improvements ("Improvements") required by the Resolutions shall be completed within two (2) years of the date of this Agreement. Should the Developer fail, refuse or neglect to complete, to the satisfaction of the Municipal Engineer and in

accordance with this Agreement, all the required Improvements within the specified time, then upon thirty (30) days' prior written notice to Developer, the Municipality shall be free to take whatever legal steps the Municipality desires, including, but not limited to (i) utilizing any cash deposit (and interest earned thereon) and (ii) filing an action on any bond or drawing funds under any letter of credit, in order to secure the satisfactory completion of the Improvements. In doing so, the Municipality may contract for completion of the Improvements or may do the same with its own labor and materials, and the cost and expenses for the completion shall be chargeable against the Developer and/or the Developer's cash deposit and performance bond or letter of credit. Should the cash deposit and performance bond or letter of credit prove to be insufficient, then the Developer shall be liable for payment of any deficiencies.

3. The Developer shall fully comply with all applicable statutes, ordinances, rules, regulations and all other requirements of any governmental bodies having jurisdiction over any aspect of the Development or the Improvements or facilities thereof, including all applicable requirements, rules, regulations and statutes of the State of New Jersey, all conditions of the approving Board and all representations made to the approving Board (the "Requirements"). The Developer agrees that should it fail to comply with these Requirements, the Municipality may, upon proper notice to the Developer, suspend all building permits issued for the Development until such time as the Developer shall comply with the Requirements.

4. The Developer shall restore and replenish all escrow and inspection fee deposits as required by the applicable Municipal ordinances and as permitted by the Municipal Land Use Law. In any event, the Developer shall remain responsible for the payment of any inspection and professional fees which may be required.

5. Upon completion of all Improvements called for by the Resolutions, and this Agreement, the Developer shall deliver to the Municipality a twenty-four (24) month surety maintenance bond or letter of credit for the maximum sum permitted by applicable law, in a form satisfactory to the Municipality Attorney.

6. Upon satisfactory completion of all Improvements, or at such other times as the Municipality may require, the Developer agrees without cost or expense to the Municipality, to demonstrate to the satisfaction of the Municipal Attorney that the Developer has good and marketable title to same, free from all encumbrances or liens. Unless otherwise required by the Municipality, the Developer shall retain ownership of and responsibility for maintaining all site improvements.

7. The Developer shall remove and properly dispose of all tree stumps, dead trees, limbs, construction or other debris resulting from construction of the Development.

8. The Developer shall comply with all requirements of the Municipal Engineer and the Somerset Union Soil Conservation District ("Soil Conservation District") and shall remove any silt deposited in or about the Development, or in any storm sewers, brooks, catch basins or other drainage areas resulting from erosion or siltation of soil or debris during the course of construction. Any instruction given by the Municipal Engineer, Construction Official or Soil Conservation District to prevent such erosion or siltation shall be promptly performed by the Developer.

9. After completing construction of the Improvements, the Developer shall furnish the Municipality with "as built" plans as required by the Resolutions. Upon request of the Developer and recommendation of the Municipal Engineer and in the manner provided by the Municipal Land Use Law, the Municipality, by duly adopted resolution, shall reduce the amount of the Performance Guarantee posted by the Developer when portions of the Improvements have been certified by the Municipal Engineer to have been properly completed. The Developer shall be released from the obligations of the Performance Guarantee when all Improvements covered by the Performance Guarantee have been certified to have been properly completed in accordance with this Agreement

and the Resolutions, provided that applications for this release shall be processed as provided in the Municipal Land Use Law. Upon such release, any remaining amount of the cash deposit (including unused interest) shall be returned to the Developer.

10. The Developer shall ensure that all lots in the Development shall be properly graded and drained.

11. Although the Municipality shall issue certain construction permits pursuant to its ordinances from time to time after the execution of this Agreement and proper application by the Developer, no Certificates of Occupancy for any occupant shall be issued until all utilities, electric, storm sewer, curbing, and other improvements which affect the building for which the Certificate of Occupancy is sought, have been fully and properly installed. Additionally, no Certificates of Occupancy for any occupant shall be issued until a Homeowners' Association has been formed, and the said Association has executed the Stormwater Management Agreement, annexed hereto as Exhibit B.

12. No work shall commence on the Development until a preconstruction meeting has been held between the Developer, Municipal Engineer and Soil Conservation District.

13. In the event that the Developer submits an irrevocable letter of credit to the Municipality as or in partial satisfaction of the requirement for posting a Performance Guarantee, the Developer shall be obligated to have that letter of credit renewed not less than sixty (60) days prior to its expiration. In the event that the Developer fails to renew the letter of credit as required by this paragraph, the Municipality shall have the right to do the following: (i) call the letter of credit and deposit the proceeds thereof into a cash escrow account; (ii) issue a Stop Work Order for all buildings for which building permits have been issued; or (iii) not issue any Certificates of Occupancy for any buildings that have been constructed within the Development until the letter of credit is renewed or replaced by a valid letter of credit or cash escrow.

14. The Resolutions and this Agreement shall be incorporated within all bonds or letters of credit supplied by the Developer.

15. Any bonding company selected by the Developer must be licensed to do business in the State of New Jersey. The Developer shall provide a certification of financial solvency of the bonding company upon presentation of the bond and annually thereafter and, if the bonding company becomes financially insecure at any time during construction of the Development or during the life of the maintenance guarantee, the Developer shall immediately provide substitute surety or letter of credit in a form acceptable to the Municipal Attorney.

16. While the terms and conditions set forth in this Agreement are binding upon the Municipality, the approving Board, and the Developer, nothing contained herein shall be construed as preventing the Municipality, the approving Board or the Developer from exercising in any court of law or elsewhere any rights or duties which it may have by statute, ordinance or other law. This Agreement shall not operate to confer upon such public body any powers, rights or duties it does not now possess, nor abridge the rights of the Developer vis-a-vis any such body politic.

17. The covenants, undertakings, agreements and other obligations mentioned in this Agreement shall not be construed as a representation by the Municipality, the approving Board, or by any other Municipal officer, board or employee to have or assume to have any contractual or other liability to or with any persons, firms or corporations purchasing any land, buildings or improvements from the Developer or otherwise using or having an interest in the same, nor shall this Agreement be construed to create any liability on the Municipality or the approving Board to third persons.

18. Nothing contained herein shall be construed to render the Municipality or any of its officers, boards or employees liable for any charges, costs or debts for material, labor or other expenses incurred in the making of the improvements.

19. The Developer shall be and remain liable for any and all damage or money loss incurred by the Municipality or its officers or agents by any neglect, wrongdoing, omission or commission of or by the Developer or by any person, firm or corporation acting for the Developer arising from the making of the Improvements or other performance of the terms of this Agreement. The Developer shall save, indemnify and hold harmless the Municipality, its officers, agents, boards and employees from any and all liability and reasonable costs incurred in defending, negotiating or settling any action which may arise from any such damage or loss, from the making of the Improvements by Developer or the performance of the terms of this Agreement, unless the Municipality or its agents shall have acted contrary to law or failed to perform such acts required by law or by this Agreement.

20. Nothing contained in this Agreement shall be construed to give any person or legal entity, not a party to this Agreement, any claim against the Municipality or any of its agencies with respect to the manner of the installation of the Improvements or any work permitted by the Resolutions, or for any damages arising therefrom.

21. All notices sent pursuant to this Agreement shall be in writing and directed to the party at the address set forth at the beginning of this Agreement, unless the party delivers a substitute address to the other party by certified mail, return receipt requested, in which case the notice shall be sent to that address.

22. If required by the Municipality, the Developer shall submit to the Municipal Attorney for approval and shall subsequently execute and record all easements for the benefit of the Municipality.

23. This Agreement is binding upon the Municipality, the Developer and their respective successors and assigns. The Developer further agrees that this Agreement shall be binding upon the Developer and the Developer's heirs, personal representatives, successors, or assigns, notwithstanding the fact that it may sell, transfer, encumber or otherwise dispose of the Development or any portion thereof, and the Performance Guarantee called herein shall remain in full force and effect in any such event. **OR**

24. The validity and construction of this Agreement, and of the rights and duties of the parties, shall be governed by the laws of the State of New Jersey.

IN WITNESS WHEREOF, the said parties have hereunto caused this Agreement to be signed by their personal representatives and, if a corporation, have caused their proper seal to be affixed hereto, the day and year first written above.

ATTEST:

TOWNSHIP OF BRANCHBURG

Sharon Brienza, Clerk

By: M. Kate Sarles

M. Kate Sarles, Mayor

ATTEST:

AMERICAN CLASSICS, LLC

By: _____
Anthony J. Monticello, Sr., Member

ATTEST:

RIVER TRACE, L.L.C.

By: _____
Anthony J. Monticello, Sr., Managing Member

STATE OF NEW JERSEY:

SS.

COUNTY OF SOMERSET:

STATE OF NEW JERSEY:

SS.

COUNTY OF SOMERSET :

I CERTIFY that on 9/18, 2006, SHARON BRIENZA

personally came before me and this person acknowledged under oath, to my satisfaction that:

(a) this person is the Clerk of the Township of Branchburg, the municipal corporation named in this Agreement;

(b) this person is the attesting witness to the signing of this Agreement by the proper municipal officer who is the Mayor of the Township of Branchburg;

(c) this Agreement was signed and delivered by the Township of Branchburg as its voluntary act duly authorized by a proper resolution of its Members;

(d) this person knows the proper seal of the Township of Branchburg which was affixed to this Agreement; and

(e) this person signed this proof to attest to the truth of these facts.

Signed and Sworn to before me on

9/18, 2006.

Notary Public

MARY ANN SINAWA
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 4/3, 2006

STATE OF NEW JERSEY:

SS.

COUNTY OF SOMERSET:

STATE OF NEW JERSEY:

SS.

COUNTY OF SOMERSET:

I CERTIFY that on Sept. 8, 2006, before me, the subscriber, a notary public or an Attorney at Law of the State of New Jersey, personally appeared ANTHONY J. MONTICELLO, SR. who acknowledge under oath that:

(a) he is a Member of American Classics, L.L.C.;
(b) he is duly authorized to sign and deliver this Agreement on behalf of American Classics, L.L.C.; and
(c) this Agreement was signed by him on behalf of American Classics, L.L.C. as his/her voluntary act and deed.

Signed and Sworn to before me on

Sept 8, 2006.

Julie Vaccher Goldstein, Esq.
An Attorney at Law of New Jersey

STATE OF NEW JERSEY:

SS.

COUNTY OF SOMERSET:

I CERTIFY that on Sept 8, 2006, before me, the subscriber, a notary public or an Attorney at Law of the State of New Jersey, personally appeared ANTHONY J. MONTICELLO, SR. who acknowledge under oath that:

(a) he is the Managing Member of River Trace, L.L.C.;
(b) he is duly authorized to sign and deliver this Agreement on behalf of River Trace, L.L.C.; and
(c) this Agreement was signed by him on behalf of River Trace, L.L.C. as his/her voluntary act and deed.

Signed and Sworn to before me on

Sept 8, 2006.

Julie Vaccher Goldstein, Esq.
An Attorney at Law of New Jersey

EXHIBIT A

PLANNING BOARD

RESOLUTIONS

Zoning Board Resolution granting final approval attached.

TOWNSHIP OF BRANCHBURG BOARD OF ADJUSTMENT

RESOLUTION

Case No.04-046
Block 53, Lot 1 and
Block 55, Lots 9 & 10
953 Route 202 North

WHEREAS, American Classics, LLC ("Applicant") has applied to the Board of Adjustment of the Township of Branchburg (the "Board") for variance relief to permit the construction of 48 units of age-restricted housing (a use not permitted in the R/S-2 Zone) on property located at 953 Route 202 North in the Township of Branchburg, designated Block 53, Lot 1 and Block 55, Lots 9 and 10 on the Branchburg Township Tax Map (the "Subject Property"); and

WHEREAS, a public hearing was held on December 7, 2004, at which time Applicant's submissions were reviewed by the Board, testimony was provided on behalf of Applicant, and the Board's consultants and members of the public were given an opportunity to comment on the Application; and

WHEREAS, the Board has considered the Applicant's submissions for the requested use variance relief, including testimony presented on behalf of Applicant, and the comments of the Board's consultants, and there being no comments from members of the public;

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Branchburg that, based upon the foregoing, the following findings of fact and conclusions of law are made:

1. Applicant is the contract purchaser of the Subject Property, which property is located at 953 Route 202 North in the Township of Branchburg, designated Block 53, Lot 1 and Block 55, Lots 9 and 10 on the Branchburg Township Tax Map. The Subject Property is a 3.05 acre parcel located in the "R/S-2" (Retail) Zone District.

2. The Subject Property is presently owned by Kwei-Ching, H. Lai and Muh-Tsann Lai (as to Block 53, Lot 1 and Block 55, Lot 9) and Babu Patel (as to Block 55, Lot 10), which owners have consented to the prosecution of this Application. Applicant will supply written consent of these owners, if not previously furnished to the Board.

3. This Application is a bifurcated Application, seeking only use variance relief at this time. Applicant understands that should the use variance be granted, Applicant would have to return to the Board with a separate application for site plan approval and any other variance or waiver relief which might be sought. Proofs on such matters as come before the Board in this follow-on application could result in modification of any site-specific elements shown in connection with the use variance portion, and must separately satisfy all positive and negative criteria relating to the use variance separately prosecuted.

4. The Subject Property presently comprises the "Pine Motel" site. The parcel of land includes an historic cemetery. Applicant proposes to take appropriate steps to secure and protect the historic cemetery portion of the Subject Property while proceeding with its development plan, if appropriate approvals are obtained.

5. Applicant proposes to combine two lots (Block 55, Lots 10 and 9) into a single lot fronting on North Branch River Road. Separated from those lots by North Branch River Road, Block 53 Lot 1 fronts on both Route 202 North and North Branch

River Road. Applicant proposes to take appropriate steps to insure the care and maintenance of an historic cemetery located on a portion of the Subject Property presently designated Block 55, Lot 9. Suggestions and requests set forth in a letter from the Township's Historic Preservation Commission dated November 11, 2004 are acceptable to Applicant.

6. For purposes of this bifurcated Application, Applicant has submitted a "Variance Plan" prepared by DeMuro Associates, dated September 21, 2004 (3 sheets) which includes a schematic lay-out of the proposed structures and other features on the Subject Property (the "Plan").

7. The Subject Property has for some years been used as a motel site, presently occupied by the Pine Motel. Applicant proposes to demolish all of the existing Pine Motel structures and to construct a pair of three-story buildings, each containing 24 residential units to be offered as age-restricted housing. Accessory structures would be included, as shown on the Plan, together with two (2) parking spaces provided for each unit. Applicant proposes that 64 of these 96 spaces be located below the residential units (32 under each of the buildings) and 32 surface spaces be provided on the site.

8. Though the details will be pursued during site plan review, the Township's Fire Official and the Country Hills Fire Department have indicated in a letter to the Board (dated November 18, 2004) that the present proposed lay-out does not yield acceptable access for fire and EMS apparatus. The Fire Official and the Fire Department have indicated a desire to work with Applicant to achieve design changes necessary to allow adequate emergency access. Applicant has agreed to consult with them in this regard to assure an acceptable and safe plan.

9. Applicant indicated that a Letter of Interpretation had been received with respect to the NJDEP evaluation of the Subject Property. Applicant agreed to furnish a copy of the Letter of Interpretation to the Board. In addition, Applicant shall supply sufficient information regarding the classification of any stream or other watercourse located on the Subject Property, located within 300 feet of any portion of the Subject Property, and/or being associated with a flood plain located on any portion of the Subject Property. This information and its source should be set forth on Applicant's site plan submission.

10. Applicant proposes the construction of "age-restricted" housing, commonly known as an "active adult" community, where owners must be 55 years of age or older. Applicant recognizes that the construction of such housing units will result in a need for the provision of affordable housing. Applicant will consult with the Township Committee regarding the extent of the Township's obligation related to this project and the manner in which that obligation may be fulfilled by inclusion of COAH units in the project, construction of units elsewhere in the Township, and/or contribution for construction of units by others.

11. As shown on the Plan, two (2) three-story buildings with garage space underneath are proposed for the age-restricted housing units. Each building would contain eight (8) units per floor for a total of 24 units per building. Each unit would be a two (2) bedroom unit with two (2) baths and measure approximately 1600 square feet. In addition to the residential units, a clubhouse with deck is proposed, as well as a gazebo and some connecting pathways.

12. Applicant proposes to use the building presently housing the motel "office" as the construction office during the build-out of the project (estimated to be two (2) years). Once the project has been completed, the present motel office building would be demolished, disposal of all materials would be in accordance with applicable law, and the triangular area (present Block 53, Lot 1) would be restored "...unless approval for some other use or disposition is obtained from this Board or other approving authority having jurisdiction."

13. Applicant's Planner testified to the following factors and criteria underlying his opinion regarding the proposed use variance:

(a) The proposed Plan meets all RS/2 Zone District bulk requirements;

(b) The proposed use would provide a form of housing not otherwise available in the Township of Branchburg. It would meet a need not presently met by housing choices permitted under the Land Development Ordinances;

(c) The proposed housing would be designed for occupants 55 years of age or older. It would be ADA compliant and would be age-restricted by a covenant to run with the land;

(d) The proposed location for this project is appropriate as a transitional use between the neighboring low density single family residential housing on the one hand, and retail and business uses permitted in the RS/2 Zone;

(e) The proposed age-restricted housing would be of smaller scale than many uses permitted in the RS/2 Zone. This would enhance its serving as a transition between the business uses on Route 202 and the low density single family housing zone to the other side of the Subject Property;

(f) The proposed residential project would resolve a problematic history with the Pine Motel, as well as create a more complimentary residential use adjoining the single family residential zone;

(g) The proposed project would replace antiquated and deteriorating structures, benefiting not only the proposed users, but the Township in general and producing an upgrade to the property specifically beneficial to the North Branch River Road residential area;

(h) The proposal would satisfy several purposes of the Municipal Land Use Law, including "a" (appropriate use of lands), "i" (creating a desirable visual environment), and "l" (encouraging senior citizen housing construction). The site is particularly suited for this proposed use, given that its function and amenities would be those of a residential use, while it is able to exist in proximity to retail and commercial uses. The proposed use is similar to a hotel/motel (permitted in the Zone), but having fewer units, less traffic and less impact than a hotel/motel use would have;

(i) The proposed use was compatible with the Township's Master Plan, particularly the goals and objectives set forth with respect to the RS Zones, including the Township's desire to upgrade appearance and, in this case, creating a preferable use for the site in proximity to the single family residential zone.

14. Applicant's Planner also opined that the criteria of the Medici Case were satisfied with this proposed age-restricted housing. Housing of this variety is a new market phenomenon in this area. The housing meets a need so newly identified that the Township's zoning does not provide for it. Additionally, the project as proposed allows a "compromise" use between uses permitted in the RS/2 Zone (whether retail or

hotel/restaurant) and those permitted in the adjoining single family residence zone. Applicant's Planner concluded that the proposal is a good solution for a peculiarly situated property.

15. The Township Engineer suggested in his Memorandum of December 3, 2004 that, even if the proposed use, as such, is deemed by the Board to be appropriate for the Subject Property, the number of units proposed (48) may be too dense a development for the overall site conditions and location. He recommended to the Board that even if approval is granted for the nature of the proposed use, that no approval be given specifically to the size of proposed buildings or the number of units until a full site plan can be developed and reviewed.

16. The Township Engineer also pointed out the numerous environmental constraints affecting the Subject Property. These also must be explored in connection with site plan review of the overall development of the property. Stream corridor buffers, protective areas, and other safeguards will have to be explored, in addition to any limitations imposed by state environmental regulations or specific NJDEP approvals relating to development of the Subject Property.

17. The Township Engineer proceeded in his December 3, 2004 Memorandum to detail items of concern and suggestions relating to overall site planning and the functioning of the Subject Property post-development. These included comments on storm water management, access points and design, parking location and design, driveway widths, right-of-way dedication, dumpster location, tree canopy removal, and preservation of the historic cemetery.

18. The Township Engineer also suggested that at the time of site plan approval Applicant provide a traffic impact study relating to vehicle movements, ingress and egress, parking, and similar topics. He also suggested that the Applicant should be responsible for the installation of drainage improvements along North Branch River Road and the re-construction of North Branch River Road along the frontage of the lots comprising the Subject Property. Applicant essentially agreed with the comments of the Township Engineer and understood that these matters will have to be addressed during the site plan process.

19. The Township Planner also provided a Memorandum dated December 3, 2004, in which a number of issues were reviewed. Included in the Planner's observations were matters to be considered during site plan review relating to parking, access to the Subject Property, the potential for separate emergency access, the historic cemetery, wetlands protection (including buffers and conservation easements), and tree canopy removal issues. Applicant agreed these subjects would have to be addressed in connection with the site plan portion of the development Application.

20. There were no comments on the Application from the public.

21. The Board concluded that, based upon the foregoing, use variance relief to permit the construction of age-restricted residential housing was appropriate for the Subject Property, provided appropriate conditions were put in place and provided further that full site plan details (to be explored in a separate site plan application) would be subject to the continuing requirement for proofs satisfying that the proposed site development would satisfy both positive and negative criteria applicable to the desired use variance.

22. Based upon all of the foregoing, the Board concluded that use variance relief for construction of age-restricted residential housing on the Subject Property could be granted, subject to appropriate conditions, without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan or Zoning Ordinance.

BE IT FURTHER RESOLVED that, for the reasons set forth above, the Application of American Classics, LLC for use variance relief to permit the construction of up to 48 age-restricted residential housing (a bifurcated application) on property located at 953 Route 202 North and designated Block 53, Lot 1 and Block 55, Lots 9 and 10 on the Branchburg Township Tax Map, be and hereby is granted, subject to the following conditions:

1. Applicant shall supply written consents from the present owners of the Subject Property, if not previously filed with the Board.

2. Applicant shall submit within six (6) months of the date of this Resolution, a site plan application, conduct a satisfactory site plan hearing before the Board, and obtain a site plan approval from this Board. The site plan hearing shall explore all issues normally related to site planning, including safety issues, lighting, traffic on and off site, circulation and parking issues on site, environmental protections, actions to be taken to minimize impacts on surrounding properties and the surrounding neighborhood and road network, and all other typical and ordinary site plan and site engineering issues. In addition, the Board will particularly evaluate intensity of development, building size and lay-out, site circulation issues, and other factors, including emergency access and public

safety issues, relating to the size and number of units to be permitted on the Subject Property for the age-restricted residential use. Recorded restrictions and covenants will also be determined.

3. Applicant must reach an agreement with the Township Committee regarding Applicant's construction of and/or contribution to the provision for affordable housing. The scope of the obligation as well as a determination of whether the proposed project will be inclusionary, contributory, involve off-site construction, or be some combination of these, shall be for the Township Committee.

4. Applicant shall consult with the Township Fire Official and the Country Hills Fire Department to design satisfactory structure and site elements permitting acceptable and safe access for fire and other emergency apparatus.

5. Applicant shall furnish a copy of NJDEP's current Letter of Interpretation relating to the Subject Property and shall furnish information concerning the classification of any stream or other watercourse on or within 300 feet of the Subject Property and/or associated with a flood plain affecting the Subject Property.

6. Applicant shall comply with the requests set forth in the November 11, 2004 letter from the Township's Historic Preservation Commission regarding the cemetery located on a portion of the Subject Property.

7. Applicant shall comply, or provide proofs to the satisfaction of the Board regarding non-compliance, with the comments and recommendations of the Township Engineer set forth in his December 3, 2004 Memorandum.

8. Applicant should comply, or provide proofs to the satisfaction of the Board regarding non-compliance, with comments numbers 7, 8 and 10 set forth in the Township Planner's December 3, 2004 Memorandum.

9. Applicant shall comply with all applicable regulations and shall obtain all licenses, permits and other approvals required from any municipal, county, state or federal board, body or agency having jurisdiction over the proposed project or the Subject Property.

10. All open taxes, as well as application and escrow fees and funding of sufficient additional escrow to cover unbilled work to the completion of this Application and project shall be paid by Applicant.

BE IT FURTHER RESOLVED that this Resolution adopted this 1st day of March, 2005, memorializes the action of the Board, as set forth above, taken at its regular meeting on December 7, 2004.

The Vote:

In Favor : 5

Eligible to Vote:

Bowers (abs)
Bye
Crandall
Cutler
Herzog
Anczarki

Application Approved: 12/07/04
Amended Resolution Adopted: 3/1/05

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On a motion by Ms. Bye, seconded by Mr. Crandall, the Board of Adjustment voted to adopt the Resolution.

ROLL CALL

Case No. 2004-046A UV

American Classics

Block 53 Lot 1

965 Route 202 North

APPROVED: 12/07/04 ADOPTED: 03/01/05

Member	Y	N	NE	NV	ABS	Member	Y	N	NE	NV	ABS
Follett			X			Herzog	X				
Cutler	X					Bye	X				
Danyluk			X			Bowers					X
Quade			X			Anczarki	X				
Crandall	X										

X – Indicates Vote
NE – Not Eligible to Vote
NV - Not Voting (Abstained)
ABS – Absent

Robert Anczarki
ROBERT ANCZARKI, CHAIRMAN

Ellwood Cutler
ELLWOOD CUTLER, SECRETARY

TOWNSHIP OF BRANCHBURG BOARD OF ADJUSTMENT

RESOLUTION

Case No.05-015
Block 53, Lot 1 and
Block 55, Lots 9 & 10
953 Route 202 North

WHEREAS, American Classics, LLC ("Applicant") has applied to the Board of Adjustment of the Township of Branchburg (the "Board") for preliminary and final site plan approval, together with variance and design waiver relief, to permit the construction of 48 units of age-restricted housing on property located at 953 Route 202 North in the Township of Branchburg, designated Block 53, Lot 1 and Block 55, Lots 9 and 10 on the Branchburg Township Tax Map (the "Subject Property"); and

WHEREAS, a "d" (use) variance was granted to Applicant in a bifurcated application on December 7, 2004 (memorialized by Resolution dated March 1, 2005) to permit construction on the Subject Property of age-restricted housing, the grant being subject to numerous conditions set forth in the referenced Resolution, including the necessity for Applicant to obtain site plan approval for the project; and

WHEREAS, the Board had an informal discussion regarding incomplete initial plans at its November 1, 2005 public meeting, and proceeded to conduct a public hearing on the completed Application at its regular meeting of December 6, 2005, at which time Applicant's submissions were reviewed by the Board, testimony was provided on behalf of Applicant, and the Board's consultants and members of the public were given an opportunity to comment on the Application; and

WHEREAS, the Board has considered the Applicant's submissions for the requested site plan, variance and design waiver relief, including testimony presented on behalf of Applicant, legal argument from Applicant's counsel, the comments from the Board's consultants and comments from the public;

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Branchburg that, based upon the foregoing, the following findings of fact and conclusions of law are made:

1. Applicant is the contract purchaser of the Subject Property, which property is located at 953 Route 202 North in the Township of Branchburg, designated Block 53, Lot 1 and Block 55, Lots 9 and 10 on the Branchburg Township Tax Map. The Subject Property comprises a 5.504 acres, is located in the "R/S-2" (Retail) Zone District, but Applicant has obtained "d" variance relief to permit the construction of age-restricted housing on the Subject Property..

2. The Subject Property is presently owned by Kwei-Ching, H. Lai and Muh-Tsann Lai (as to Block 53, Lot 1 and Block 55, Lot 9) and Babu Patel (as to Block 55, Lot 10), which owners have consented to the prosecution of this Application. Applicant will supply written consent of these owners, if not previously furnished to the Board.

3. Applicant proposes, in connection with the development of the Subject Property, to merge Lots 9 and 10 in Block 55 into a single lot. The Application is being prosecuted and the Board has proceeded with the understanding that the portion of the Subject Property presently designated Block 55, Lots 9 and 10 will become a single lot.

4. Applicant proposes to construct 48 age-restricted residential units in two (2) buildings (24 units each), together with a club house, parking, drive aisles, and related

site improvements and landscape planting, all as shown on the plans submitted to the Board.

5. Except for the "motel office" building on Block 53, Lot 1, the present motel buildings, signs and site improvements are to be demolished and removed from the Subject Property prior to any new construction being undertaken. Demolition and disposal shall be in accordance with all applicable laws and regulations. The "motel office" is proposed by Applicant to remain in its present location for use as a construction office during build-out of the project. Upon completion of the construction, and within sixty (60) days of issuance of the last Certificate of Occupancy for the residential units, the office building shall be demolished and removed from the Subject Property. The cost of demolition and disposal shall be included in the calculation of the performance security to be posted by the Applicant, the applicable portion of which shall not be released until demolition and disposal have been completed by the Applicant. Demolition and disposal shall be in accordance with all applicable laws and regulations. Removal of the office building must be completed unless some other use or disposition is approved by way of separate application to this Board of Adjustment.

6. The proposed residential buildings will be comprised of underground parking and three (3) stories above of individual dwelling units (8 per floor). The buildings will be entirely sprinklered (all floors).

7. Six (6) units of affordable housing will be included within the two (2) residential buildings. There will be no studio/efficiency apartments (i.e., each affordable unit must have at least one (1) bedroom). An equal number of low-income and moderate-income units, respectively, will be made available, in conformance with all applicable COAH regulations.

8. Applicant submitted plans prepared by DeMuro Associates (11 sheets) entitled "Preliminary and Final Site Plan prepared for River Trace at Branchburg", Sheets 1 through 10, inclusive, being dated April 20, 2005 and revised through November 11, 2005, and Sheet 11 being dated November 11, 2005 (all of the foregoing hereafter referred to as the "Plans".).

9. Applicant also submitted architectural plans prepared by Frank's Design (4 Sheets) entitled "Rivertrace at Branchburg", dated November 11, 2005 (hereafter referred to as the "Architectural Plans").

10. Applicant's witnesses reviewed with the Board the most recent revised Plans and Architectural Plans in light of comments and plan reviews from the Township Engineer, the Township Planner, the Township's Historic Preservation Commission, and the Country Hills Volunteer Fire Company. As a result of that review process, Applicant agreed to comply with all of the comments and requirements of the Township Engineer's December 1, 2005 Memorandum, the Township Planner's November 21, 2005 Memorandum, the Historic Preservation Commission's October 12, 2005 letter, and the Country Hills Voluntary Fire Company's October 28, 2005 letter, as detailed below.

11. With respect to the December 1, 2005 Memorandum from the Township Engineer, Applicant acknowledges the need to complete numerous conditions of the use variance previously granted. Applicant also acknowledges its obligation to provide six (6) units of affordable housing, its obligation to demolish and remove the "motel office" building, its need to conform to the requirements for transition and frontage buffers, its need to provide at least 96 parking spaces (no separate parking space requirement attaching to the club house), and its need to address all of the open issues indicated by the Township Engineer in connection with those portions of his Memorandum designated

"4.0" through "13.0", inclusive, providing revisions, information, design, or other matters required by the Township Engineer, to the satisfaction of the Township Engineer. Should any matter not be resolved between Applicant and the Township Engineer, the Applicant shall return to the Board for decision.

12. Applicant agreed to comply with all of the comments of the Township Planner as set forth in his November 21, 2005 Memorandum.

13. Applicant agreed it would comply with the comments of the Historic Preservation Commission as set forth in its October 12, 2005 letter regarding the cemetery located within the Subject Property. The preserved cemetery area will be enlarged to encompass the possible interred remains; this area will be preserved and will be made the subject of a cemetery preservation easement, as to which an exception will be provided for a walking path for public access and any necessary fire or emergency access. An easement shall be drafted and recorded to memorialize the preservation requirements, the access requirements, and to provide for on-going maintenance of the area.

14. Applicant indicated that it would comply with the comments of the Country Hills Volunteer Fire Company, as set forth in its letter of November 28, 2005, except that comment S-4 will be dealt with by raising the garage floor elevation six (6) inches and lowering the emergency spillway elevation by six (6) inches.

15. Should there be any matters which can not be resolved between the Township Engineer, Township Planner, the Historic Preservation Commission, the Country Hills Volunteer Fire Company or the Township Fire Official, as the case may be, with Applicant, the matters or issues shall be returned to this Board for decision.

16. The Board concluded that, based upon the foregoing, and assuming Applicant's cooperation in satisfying the Township Engineer, Township Planner, and other officials with respect to those matters described above to be revised, re-worked, or otherwise addressed, Applicant's request for Preliminary and Final Site Plan approval, together with technical variances for existing front yard setback non-conformities of the "motel office" (until it is demolished and removed), for the proposed free-standing sign within the Route 202 right-of-way (subject to NJDOT permissions), and for design waivers as are ultimately indicated on the fully-revised plans, with appropriate conditions, can be approved and granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan or Zoning Ordinance.

BE IT FURTHER RESOLVED that, for the reasons set forth above, the Application of American Classics, LLC for Preliminary and Final Site Plan approval, together with a variance for the existing front yard setback non-conformity of the "motel office" on Lot 1, Block 53 (until it is demolished and removed), for the proposed location of a free-standing sign within the Route 202 right-of-way (subject to NJDOT permissions), and for design waivers as shown on the fully-revised plans, with respect to the construction of age-restricted residential housing on property located at 953 Route 202 North and designated Block 53, Lot 1 and Block 55, Lots 9 and 10 on the Branchburg Township Tax Map, be and hereby are approved and granted, subject to the following conditions:

1. All conditions imposed upon the grant of use ("d") variance relief, as set forth in this Board's memorializing Resolution dated March 1, 2005, which have not previously been satisfied, shall remain in full force and effect and shall be conditions of

this approval. It is specifically noted that the prior conditions no. 2 and no. 3 are no longer applicable.

2. Unless previously filed, Applicant shall supply written consents from the present owners of the Subject Property with respect to this Site Plan Application.

3. The Plans shall be revised to reflect the testimony offered on behalf of Applicant, the Board's findings and conclusions as set forth in this Resolution, and the conditions set forth herein regarding the approval and grant, including all revisions necessary to comply with the referenced comments of the Township Engineer, the Township Planner, the Township's Historic Preservation Commission, and the Country Hills Volunteer Fire Company.

4. Applicant shall conform the Plans (Engineering Site Plans) as revised and the Architectural Plans relating to this proposal.

5. The Board shall retain jurisdiction to resolve any issues which can not be resolved between Applicant and the Township Engineer, the Township Planner, the Historic Preservation Commission, the Country Hills Volunteer Fire Company and/or the Township's Fire Official.

6. Applicant shall prepare a cemetery preservation easement with respect to the cemetery located within the Subject Property. The easement shall cover the protection, preservation and maintenance of the cemetery and its surrounding area, while providing for appropriate means of public access and for fire or other emergency access. The form and content of the easement in recordable form shall be subject to review and approval of the Township Engineer and the Board of Adjustment Attorney. After approval of same, Applicant shall record the document and shall provide a copy of the recorded document to the Board of Adjustment Administrator.

7. Applicant must obtain whatever permission or approval may be required from NJDOT for the proposed location of its free-standing sign within the Route 202 right-of way.

8. Applicant shall satisfy NJDEP with respect to contaminated site remediation issues, as raised in the report of the Somerset County Planning Board.

9. Applicant shall obtain County Planning Board approval with respect to the project.

10. No construction permits shall be issued unless and until the Township Fire Official is satisfied with fire protection and fire safety measures on site for and during the build-out.

11. Except for the "motel office" building on Block 53, Lot 1, the present motel buildings, signs and site improvements are to be demolished and removed from the Subject Property prior to any construction being undertaken. Although Applicant shall be permitted to utilize the "motel office" as a construction office during the build-out, upon completion of construction and within sixty (60) days of the issuance of the last certificate of occupancy for the residential units, the office building shall be demolished and removed from the Subject Property. The cost of demolition and disposal shall be included in the calculation of the performance security to be posted by the Applicant, the applicable portion of which shall not be released until demolition and disposal have been completed by the Applicant. All demolition and disposal shall be in accordance with all applicable laws and regulations. Removal of the office building must be completed unless some other use or disposition is approved by way of separate application to this Board of Adjustment.

12. The two (2) buildings containing residential units shall be completely sprinklered (all floors, including lower level garages).

13. The six (6) units of affordable housing will be included within the two (2) residential buildings. There will be no studio/efficiency apartments (i.e., each affordable unit must have at lease one (1) bedroom). There will be an equal division of low-income and moderate-income units, which units shall be designed, constructed and sold or rented, as the case may be, in accordance with COAH requirements and regulations.

14. The proposed club house shall be for common use by all residents and is not to be used for dwelling purposes, nor shall it be leased, rented out, or otherwise made available for use by third parties. Applicant shall provide a recorded deed restriction to implement this condition. The proposed form and content of the restriction shall be subject to approval by the Board of Adjustment Attorney and, after approval, shall be recorded by the Applicant, a copy of the recorded document being supplied to the Board of Adjustment Administrator.

15. Applicant shall obtain whatever approvals or permits may be required from NJDEP regarding wetlands, transition areas, stream corridor protection, and/or stream encroachment permits.

16. Applicant shall enter into a developer's agreement with the Township of Branchburg with respect to public improvements, site improvements, and the build-out of the project, unless relieved from the obligation by the Township Committee or the Township Attorney. For purposes of the developer's agreement, Applicant shall submit cost estimates for those elements designated by the Township Engineer. These estimates, once approved by the Township Engineer, shall be the basis upon which performance guarantees and inspection fees shall be based.

17. Applicant shall comply with all applicable regulations and shall obtain all licenses, permits, and other approvals required from any municipal, county, state or federal board, body or agency having jurisdiction over the proposed project or the Subject Property.

18. All open taxes, as well as application and escrow fees and funding for sufficient additional escrow to cover unbilled work to the completion of this Application and the project shall be paid by Applicant.

BE IT FURTHER RESOLVED that this Resolution adopted this 18th day of January, 2006, memorializes the action of the Board, as set forth above, taken at its regular meeting on December 6, 2005.

The Vote:

In Favor: 4

Eligible to Vote:

Bowers
Bye
Cutler
Follett
Herzog
Anczarki

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On a motion by, Mr. Follett **, seconded by** Mr. Herzog **, the Board of Adjustment voted to Adopt the Resolution.**

ROLL CALL

Case No. 2005-015A PFSP

AMERICAN CLASSICS, LLC, INC

Block 53 Lot 1

Block 55 Lots 9 & 10

968 Route 202 & North Branch River Road

APPROVED: 12/06/05 ADOPTED: 01/18/06

Member	Y	N	NE	NV	ABS	Member	Y	N	NE	NV	ABS
Bye					X	Quade			X		
Crandall			X			Anczarki	X				
Erd			X			Follett	X				
Hay			X			Bowers	X				
Herzog	X					Ihling			X		

X – Indicates Vote
NE – Not Eligible to Vote
NV - Not Voting (Abstained)
ABS – Absent

ROBERT ANCZARKI, CHAIRMAN

, SECRETARY

DECEMBER 1, 2009 RESOLUTION OF
ZONING BOARD OF ADJUSTMENT
APPROVING RIVER TRACE CONVERSION

TOWNSHIP OF BRANCHBURG BOARD OF AJDUSTMENT

RESOLUTION

Case No. 09-007 (Amended)
Block 53, Lot 1
Block 55, Lot 10 (formerly Lots 9 & 10)
965 Route 202 &
North Branch River Road

WHEREAS, American Classics, LLC ("Applicant") has applied to the Branchburg Township Board of Adjustment (the "Board") for permission to convert its development of property located at Route 202 & North Branch River Road, and designated Block 53, Lot 1 and Block 55, Lot 10 (formerly Lots 9 & 10) on the Branchburg Township Tax Map (the "Subject Property") from "age-restricted" to "non-age-restricted; " and

WHEREAS, a public hearing was held on November 18, 2009, during which hearing Applicant's submissions were reviewed by the Board, testimony was offered on behalf of the Applicant, and the Board's consultants and members of the public were given an opportunity to be heard and to comment on the Application; and

WHEREAS, the Board has considered the Applicant's submissions, testimony offered on behalf of the Applicant, the content of a newly enacted state statute, argument of Applicant's counsel, and comments of the Board's consultants and there being no comments from members of the public;

NOW THEREFORE BE IT RESOLVED, by the Board of Adjustment of the Township of Branchburg that, based upon the foregoing, the following findings of fact and conclusions of law are made:

1. Applicant obtained several prior approvals with respect to the Subject Property, which property is located at Route 202 & North Branch River Road, and is designated Block 53, Lot 1 and Block 55, Lot 10 (formerly Lots 9 & 10) on the Branchburg Township Tax Map.

2. Applicant applied for variance relief to permit the construction of 48 units of age-restricted housing (a use not permitted in the Zone) and received approval for that use variance, subject to certain conditions, by action of this Board on December 7, 2004 (memorialized in a Resolution adopted March 1, 2005).

3. Applicant also applied for and received preliminary and final site plan approval, together with variance and design waiver relief for the proposed 48 unit age-restricted housing project (inclusive of 6 Affordable Housing Units) as the second part of a bifurcated application. Such approval was granted by this Board at its regular meeting of December 6, 2005 and was memorialized in a Resolution adopted January 18, 2006. Applicant also obtained a minor administrative revision regarding utility transformer location.

4. Applicant subsequently obtained approval for conversion of the project pursuant to P.L. 2009, c.82, resulting in a 50 unit non-age-restricted development, inclusive of 10 Affordable Housing Units. Said approval was granted by this Board at its regular meeting of July 7, 2009 and was memorialized in a Resolution adopted August 19, 2009. This approval of conversion was appealed by the Branchburg Township Committee and is presently pending in the Superior Court.

5. Applicant now seeks amendment and re-grant of the previously granted approvals to permit the previously "age-restricted" development to proceed as a "converted" 50 unit development, both (a) as a pure statutory conversion pursuant to the provisions of P.L. 2009,

c. 82, as signed into law by the Governor on July 2, 2009, and (b) as a statutory conversion as to 48 units with "d(5)" density variance relief to permit the additional 2 units (totalling 50 units, inclusive of 10 Affordable Housing Units).

6. In addition to this Board's exclusive jurisdiction under the Municipal Land Use Law to hear and decide applications for development involving any "d" variance relief, this Board is given jurisdiction by P.L. 2009, c.82 (hereinafter the "Conversion Statute") to hear and decide the application for amendment of its previously granted approvals, notwithstanding the proposed converted development is deemed by action of the said statute to be a permitted use.

7. Testimony was adduced on behalf of Applicant with respect to the conditions set forth in the Conversion Statute to be met by the development in order to be eligible to be changed to a "converted development". To this end, Applicant's testimony established the following:

(a) preliminary and final site plan approval for construction of the development was granted prior to July 2, 2009;

(b) the developer (Applicant) has not sold, and is not holding a deposit for, any dwelling unit within the development;

(c) the developer (Applicant) agrees that 20% of the units (10 of the now proposed 50 units) in the development will be provided as Affordable units in accordance with regulations promulgated by the Council of Affordable Housing (COAH) pursuant to the Fair Housing Act.

8. Applicant's witnesses also testified that the pertinent statutory improvement and infrastructure requirements are met, as follows:

(a) RSIS parking requirements are satisfied by the 100 spaces (previously approved) with respect to the proposed converted development;

(b) no revision of recreation improvements or other amenities to be constructed on the site have been made (Applicant indicating that the existing plan is still appropriate for the converted development, which will remain an "age-targeted" or "age-appropriate" development);

(c) the public water supply system is adequate to meet the needs of the converted development;

(d) the public sanitary sewer system capacity is adequate to meet the projected flow requirements of the converted development, taking into account both the increased number of units and conversion from age-restriction;

(e) proposed on-site parking as previously approved is adequate for the proposed 50 unit converted development.

9. In compliance with the statutory requirement, Applicant proposes 20% of its units to be Affordable Housing units. The prior age-restricted approval had incorporated a plan for 6 of the 48 units to be Affordable Housing units. The proposed converted development will add 4 additional Affordable Housing Units, reduce the number of market rate units by 2, and result in a total of 50 units, (10 of which will be Affordable Housing units). Other than the floor plan changes needed to accommodate the additional Affordable units, within the footprint of the building yet to be constructed, Applicant proposes to continue as designed and approved and to construct and offer the units in the development as "age-targeted" or "age-appropriate" housing. The project will be a "converted development" under the statute, but its design features will continue to attract empty nesters or, now, young professionals, rather than families with children.

10. Applicant has already completed construction of the first of its two (2) approved buildings. This first building included twenty-two (22) market units and two (2) Affordable Housing units. The second building - for which only the foundation is in place - was planned to include twenty (20) market units and four (4) Affordable Housing units. With this Application raising the required number of Affordable Housing units from six (6) to ten (10), it will be necessary for Applicant to provide eight (8) Affordable Housing units in the second building. The rearrangement of floor plans (the overall dimensions of the building having to remain as previously approved) results in the Applicant's revised building layout now including eighteen (18) market units and eight (8) Affordable Housing units. The reallocation of Affordable Housing unit count relative to market rate unit count will result in a reduction in bedrooms in market rate units, notwithstanding the increase in total unit count from 48 to 50. There will be an increase in Affordable Housing unit bedroom count.

11. Though Applicant desires, and will request the Township to support its petition, to obtain a waiver from the COAH requirement for any three bedroom Affordable Housing units, Applicant will, in any event, comply with COAH requirements as are ultimately determined. Applicant has agreed that no efficiency units of Affordable Housing will be constructed. It desires to construct all one bedroom and two bedroom units. The question of whether any three bedroom units will be required in accordance with standard COAH distribution requirements, remains to be determined by COAH.

12. Except for new landscape screening of transformers and a lighting change (pole-mounted fixtures replacing wall-mounted fixtures), which are unrelated to the proposed "conversion", Applicant proposes no site changes, nor are any exterior, design or materials changes to the structures (buildings) themselves being proposed.

13. Applicant agreed to satisfy the Township Planner regarding the sufficiency and content of the screening for transformers and to comply with the comments of the Township Engineer regarding lighting in his Nov. 11, 2009 memo.

14. Applicant's planner testified that the proposed converted project would satisfy several purposes of the Municipal Land Use Law, including "a" (appropriate use of lands), "i" (creating a desirable visual environment). The site is particularly suited for this proposed use, given that its function and amenities would be those of a residential use, while it is able to exist in proximity to retail and commercial uses. The proposed use is similar to a hotel/motel (permitted in the Zone), but having fewer units, less traffic and less impact than a hotel/motel use would have.

15. He further testified that the proposed conversion to age-targeted residential development would be substantially consistent with the zone plan and zoning ordinance amendments contemplated in the Branchburg Township Master Plan Re-examination Report, adopted May 23, 2006 by the Branchburg Planning Board. In this report, it examined "the goal of orderly, compatible infill" and found that "to assure compatible, orderly infill development, attention should be paid to areas where non-residential development will occur in close proximity to existing residences especially densely settled neighborhoods" (Branchburg Master Plan Re-examination Report, Page 5). This report goes on to discuss how the use of age-restricted and age-targeted housing could be substituted in or for non-residential zones to reduce incompatible land use conflicts.

16. Applicant's planner testified that, though not required by the Conversion Statute, it remained his opinion that virtually all of the planning criteria to which he had testified in support of the initial use variance was still applicable to the proposed non-age-restricted

development and could satisfy the criteria applicable to a full "d-1" use variance for the converted development. He did opine that the Affordable Housing units might produce up to 5 to 10 school-aged children, basing this opinion on the Rutgers study entitled "Who Lives in New Jersey Housing?" released in November 2006. He did point out, however, that one of the provisions in the Conversion Statute allows the municipality to give preference to up to 50% of the Affordable Housing units to people who work or reside in the Township.

17. Applicant's planner reviewed the purposes for the Conversion Statute, including the Legislature's findings regarding an oversupply of age-restricted housing, inadequate workforce housing, and a particular need for housing suitable for 1- and 2-person households. He concurred with Applicant's engineer that the proposed conversion of the development satisfied all of the requirements and criteria of the Conversion Statute.

18. Applicant's planner opined that, consistent with his conclusion that the entire non-age-restricted development could satisfy full "d-1" variance requirements, the criteria for a "d-5" density variance to support a 50 unit project (with the 48 unit project previously obtaining "d-1" approval and being clearly qualified for conversion to a statutorily permitted non-age-restricted project) were clearly and easily satisfied. The overall increase of 2 units (within the same, previously-approved structures) would produce no substantial impacts; no change in site plan elements would be required; given the increase in Affordable Housing and workforce units, the project would be consistent with the intent and purpose of the Conversion Statute.

19. Applicant's planner further testified that, both as to the Conversion Statute approval and the "d" variance approval aspect potentially required for the change from a total of 48 units to 50 units, there would be no substantial detrimental impact to the public good. In fact, the proposed non-age-restricted development would generally attract 1- and 2-person

households, the housing design would generally be unattractive to families with children relative to other forms of residential housing in the Township, and there would be a low pupil multiplier. In addition, the inclusionary Affordable Housing is deemed as a matter of law to be an inherently beneficial use, affirmatively serving the public good. The proposed development would continue to be an appropriate transitional use between the R/S (Retail) zone and proximate single family residences, making the Subject Property particularly suited to the proposed use.

20. Further, Applicant's planner opined that there would be no substantial impairment of the intent and purpose of the zone plan and zoning ordinance. In fact, he pointed out that the project as originally approved constituted an element of the Township's Affordable Housing Plan, and that this is enhanced by the increase to 10 Affordable Housing Units (while the total project is exempted by the Conversion Statute from generating any growth share count - resulting in a double benefit for the Township).

21. Specifically, as to the potential need for "d" variance relief for the increase from 48 units to 50 units, Applicant's planner also testified that given the desirability of the project as a transitional use, the lack of any site impacts, and the fact that the proposed development would constitute a much less intense use than most of the uses permitted in the zone, there would be no substantial detriment to surrounding properties.

22. Applicant agreed with the Board that it would continue to exclude efficiency apartments from the Affordable Housing; that the bedroom distribution of the Affordable Housing units would otherwise comply with COAH requirements, except to the extent that Applicant is successful in obtaining a waiver from the requirement for any three bedroom units; that all conditions of the former approvals would remain in full force and effect (including without limitation the items noted in the May 26, 2009 letter from the Branchburg Township

Historic Preservation Commission), other than the specific requirement for "age-restricted" housing units; and that the project was being built for purposes of sale of the apartments only, and that there would not be any developer rentals of apartment units.

23. The Board concluded that, based upon all of the foregoing, the change of the referenced development by Applicant from an "age-restricted" development to a "converted development" under PL 2009, c. 82 could and should be approved, provided appropriate conditions were observed.

24. To the extent pertinent, the Board further concluded that the Applicant had offered satisfactory affirmative proofs to justify any required "d" variance relief for a 50 unit count and that the converted development could be constructed and marketed without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan or Zoning Ordinance.

25. Applicant requested that the Board separately address (a) the request for approval of the entire proposed 50-unit (40 market rate and 10 Affordable) project as a conversion consistent with the criteria established in P.L. 2009, c.82, and in the alternative, (b) conversion of the previously-approved 48-unit (42 market and 6 Affordable) project pursuant to P.L .2009, c.82, together with approval of a "d" variance, as necessary, for the addition of 2 units to a total of 50 (40 market and 10 Affordable).

26. The Board proceeded to vote first on a motion to approve the application for the entire conversion from a 48 unit (42 market and 6 Affordable) to a 50 unit (40 marketable and 10 Affordable) non-age-restricted project, subject to certain stated conditions as a conversion consistent with P.L. 2009, c.82. This motion passed by a vote of 5 to 1 (Bowers, Bye, Crandall, Follett and Anczarki in favor).

27. The Board then proceeded to vote on a motion to approve the application for the conversion of the previously approved 48 unit age-restricted development to a converted development pursuant to the criteria established in P.L. 2009, c.82, together with "d" variance relief to the extent required to permit the addition of 2 units to the total unit count of 50 (40 market and 10 Affordable), subject to certain stated conditions. This motion passed by a vote of 5 to 1 (Bye, Crandall, Erd, Follett and Anczarki in favor).

BE IT FURTHER RESOLVED that, for the reasons set forth above, the Application of American Classics, LLC to amend its previously granted approvals to permit the construction of a now-50 unit "converted development" (deleting the requirement for the housing units to be "age-restricted"), in accordance with the provisions of P.L. 2009, c. 82, inclusive or not, as the case may be, with "d" variance relief for 2 additional units on property located at Route 202 and North Branch River Road (designated Block 55, Lot 10 (formerly Lots 9 & 10), and including Block 53, Lot 1 as a part of the previous approvals) be and hereby is granted, subject to the following conditions:

1. Applicant shall submit to the Township Engineer and Township Planner the materials required to satisfy the conditions imposed by a prior administrative revision of the approval regarding screening of relocated transformers. The proposed screening shall be satisfactory to the Township Planner.

2. Applicant shall comply with the comments of the Township Engineer regarding lighting, as set forth in his November 11, 2009 memo and shall submit appropriate plan revisions for his approval.

3. The apartment units which have been constructed and those to be constructed in this project are to be sold; there are to be no developer rentals.

4. There shall be no efficiency apartments among the Affordable Housing units.

5. Though Applicant intends seeking a waiver from COAH's standard bedroom distribution standards with respect to having any three bedroom units, the ultimate required bedroom distribution, as well as income distribution, shall be as determined by the Council on Affordable Housing.

6. Applicant shall submit to the Township Engineer such plan revisions as the Township Engineer determines appropriate to document the modification of the project from 48 to 50 total units with the increase from 6 to 10 Affordable Housing units. Applicant shall submit floor plans and materials for eventual submission for Township endorsement of the waiver of 3-bedroom Affordable Housing units, within two (2) weeks of the date of adoption of this Resolution. Copies shall be furnished to the Township Engineer, the Township Planner, and the Township COAH planning consultant.

7. No further construction work shall be undertaken on the second building until the plan revisions required by this Resolution have been submitted and approved.

8. Without limiting the generality of other conditions set forth in this Resolution, Applicant shall comply with the previously-imposed condition regarding the cemetery located on the Subject Property.

9. Applicant shall comply with all conditions imposed by this Board in connection with the original use variance approval and the follow-on site plan approval, except as varied or modified, expressly or by necessary implication, by the findings, terms and/or conditions of this approval, and shall complete the project and operate the development in accordance with the findings and conclusions set forth in this Resolution and the conditions imposed on the approval.

10. Applicant shall comply with all applicable regulations and shall obtain all licenses, permits, and other approvals required from any municipal, county, state or federal board, body or agency having jurisdiction over the proposed project or the Subject Property.

11. All open taxes, as well as application and escrow fees and funding for sufficient additional escrow to cover unbilled work to the completion of this Application and the project shall be paid by Applicant.

BE IT FURTHER RESOLVED that this Resolution adopted this 1st day of December, 2009, memorializes the action of the Board, as set forth above, taken at its regular meeting on November 18, 2009.

The Vote:

In Favor: 4

Eligible to Vote:

Bye
Crandall
Follett
Anczarki

L:\Branchburg Board of Adjustment\Resolutions\2009\American Classics Resolution.doc

On motion by Mr. Crandal seconded by Ms. Bye, the Board of Adjustment voted to adopt the Resolution.

ROLL CALL

Case No. 2009-007A AMEND UV

American Classics, LLC

Block 53, Lot 1
Block 55, Lots 9 & 10

965 Route 202 & North Branch River Road

Application Approved: November 18, 2009

Resolution Adopted: December 1, 2009

MEMBER	Y	N	NE	NV	ABS	MEMBER	Y	N	NE	NV	ABS
ANCZARKI	X					ERD			X		
BOWERS			X			FOLLETT	X				
BYE	X					HAY			X		
CRANDALL	X					QUADE			X		

X – indicates vote
NE – not eligible to vote
NV – not voting (abstained)
ABS – absent

ROBERT ANCZARKI, CHAIRMAN

PAUL CRANDALL, SECRETARY

LOI AND APPROVED SITE PLAN FOR RIVER TRACE

State of New Jersey

James E. McGreevey
Governor

Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 777-3656
www.state.nj.us/dep/landuse

Bradley M. Campbell
Commissioner

7

Joel Boriek
De Muro Associates
24 West Cliff Street
Somerville, NJ 08876

DEC 1 3 2002

RE: Letter of Interpretation/Line Verification
File No.: 1805-02-0021.1
Activity No.: FWW 020001
Applicant: Curtis Patel
Block: 55; Lots: 9, 10
Branchburg Township, Somerset County

Dear Mr. Boriek:

This letter is in response to your request for a Letter of Interpretation to verify the jurisdictional boundary of the freshwater wetlands and waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Land Use Regulation Program is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retains the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon a site inspection conducted on December 10, 2002, the Land Use Regulation Program has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled "BOUNDARY AND TOPOGRAPHIC SURVEY, PREPARED FOR, HOMEWOOD SUITES BY HILTON, BLOCK 55 – LOTS 9 AND 10, BLOCK 53 – LOT 1, SITUATED IN, BRANCHBURG TOWNSHIP, SOMERSET COUNTY NEW JERSEY," dated March 20, 2002, last revised September 23, 2002, and prepared by De Muro Associates, is accurate as shown.

Any activities regulated under the Freshwater Wetlands Protection Act proposed within the wetlands or transition areas or the deposition of any fill material into any water area, will require a permit from this office unless exempted under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., and implementing rules, N.J.A.C. 7:7A. A copy of this plan, together with the information upon which this boundary determination is based, has been made part of the Program's public records.

Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1 et seq.), you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above LURP file number and the following note:

FILE COPY

05 01 5 JUL 01 2005

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP File No. 1805-02-0021.1 FWW020001."

In addition, the Department has determined that the wetlands on the subject property are of Intermediate resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet. The Department has also identified State open waters on the property, they are noted on the referenced plan by the following location points: B-1 through B-5 and C-1 through C-5. There is no transition area required adjacent to State open waters. It should be noted that the Flood Hazard Area Control Act may require a riparian buffer from this watercourse. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of Statewide General Permits available for the wetlands portion of this property (see N.J.A.C. 7:7A-5) and the modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

It should be noted that this determination of wetlands classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. Also this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to:

New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 East State Street
P.O. Box 402
Trenton, NJ 08625-0402.

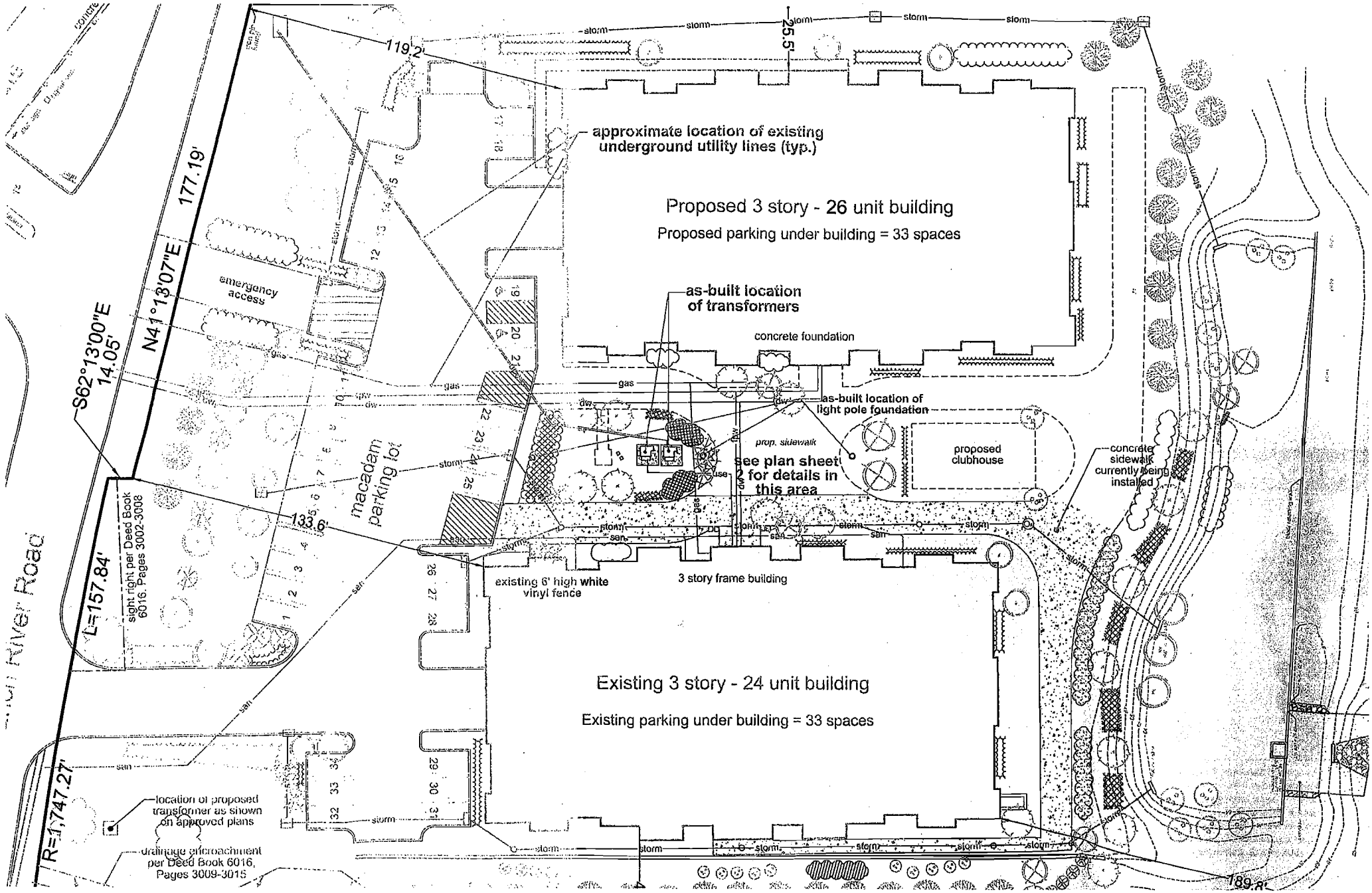
This request must include a completed copy of the Administrative Hearing Request Checklist.

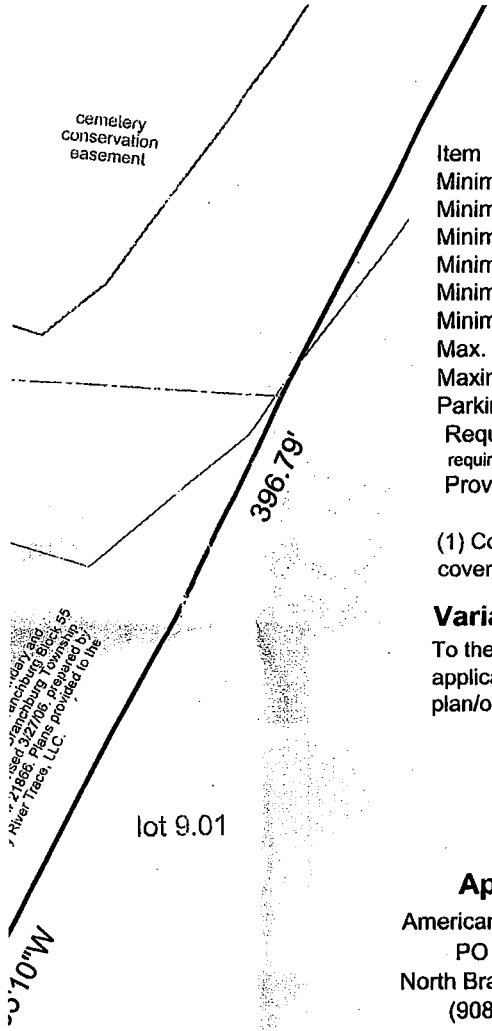
Please contact Kim Kessler of our staff at (609) 633-6754 should you have any questions regarding this letter. Be sure to indicate the Program's file number in all communication.

Sincerely,

Christopher Jones
Section Chief
Bureau of Inland Regulation

c: Branchburg Township Clerk
Branchburg Township Construction Official


approximate location of existing underground utility lines (typ.)
Proposed 3 story - 26 unit building
Proposed parking under building = 33 spaces
as-built location of transformers
concrete foundation
as-built location of light pole foundation
prop. sidewalk
see plan sheet 2 for details in this area
proposed clubhouse
concrete sidewalk currently being installed
emergency access
macadam parking lot
existing 6' high white vinyl fence
3 story frame building
Existing 3 story - 24 unit building
Existing parking under building = 33 spaces
location of proposed transformer as shown on approved plans
drainage encroachment per Deed Book 6016, Pages 3009-3015
sight right per Deed Book 6016, Pages 3002-3008
S62°13'00"E 14.05'
N41°13'07"E 177.19'
L=157.84'
R=1,747.27'
119.2'
25.5'
133.6'
189.8'
River Road



Zoning Requirements

R/S - 2 Retail Service Zone

Item	Required	Proposed
Minimum lot area	60,000 sf	209,515 sf
Minimum lot frontage (at street)	100'	353.4'
Minimum lot width (at setback)	200'	355.8'
Minimum front yard	50'	119.2'
Minimum side yard	25'	25.5'
Minimum rear yard	25'	189.8'
Max. building height	50'/3.5 stories	3 stories
Maximum impervious coverage	60% (1)	34.7%

Parking

Required: 50 units @ 2 spaces/unit = 100 spaces (note: parking requirement of 2 spaces/unit per resolution of use variance memorialized 3/1/2005)

Provided: 34 outdoor spaces+66 spaces under buildings = 100 spaces

(1) Coverage varies by number of stories in principal building. Max. coverage is 60% for "at least 3 stories"

Variances and/or Waivers Required

To the applicant's knowledge, there are no variances required for this application, other than previously granted use variance and site plan/ordinance waivers.

Applicant

American Classics, LLC
PO Box 5344
North Branch, NJ 08876
(908)722-7405

Owner

River Trace, LLC
PO Box 552
Neshanic Station, NJ 08853
(908)218-9098

Tax Map Data

Block 55, Lot 10
Tax Map Sheet 15
area = 4.787± acres

Board of Adjustment Approvals

Board of Adjustment Chairman — Date

Board of Adjustment Secretary — Date

Township Engineer — Date

scale: 1"=30'

0' 30' 50' 100' 200'

of improvements on this
ons on this complex.
epared by James V.
his plan should be
s shown on the approved
with the exception of the
shown on this plan.
from a plan entitled
anchburg, NJ" dated
. # 31588, Luongo
ineers and Planners

Revisions		
Date	Item(s)	By
5/14/09	add zoning table, parking	JJM
6/26/09	transformer screening on sheet 2	JJM

Revised Site Plan
for
River Trace at Branchburg
(American Classics, LLC - applicant)
situated in
North Branch River Road — Branchburg Township
Somerset County — New Jersey

JAMES J. MANTZ , PE & LS
Professional Engineer & Land Surveyor
150 Brahma Avenue Bridgewater , NJ 08807 (908)231-9664

Scale	Date	Data File	Sheet
1"=30'	5/5/09	River Trace.job	1 of 2

N.J.PE & LS Lic. # 27843 — Date 6/26/09

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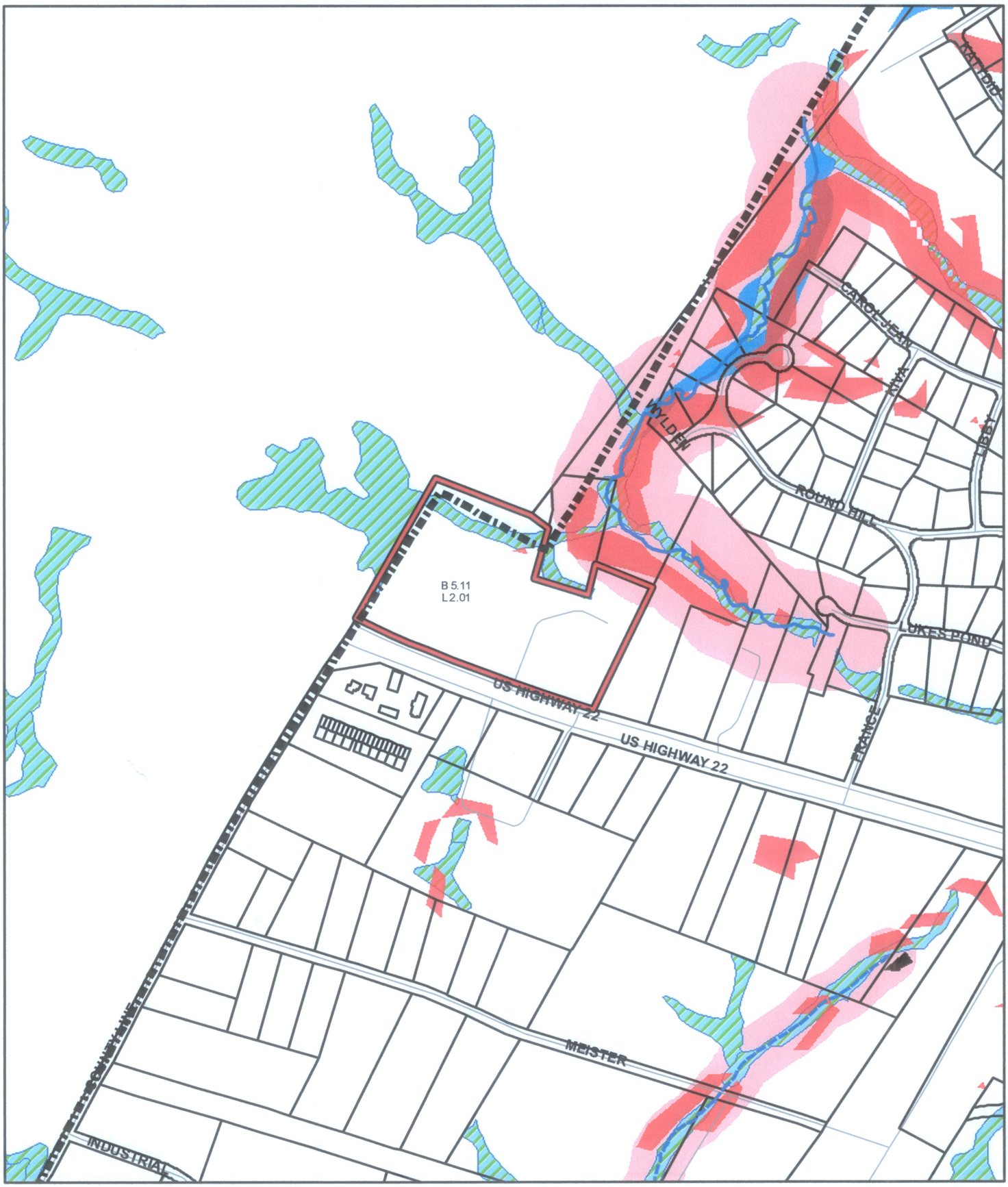
APPENDIX H
DOCUMENTATION REQUIRED FOR ADVANCE REALTY/FOX HOLLOW II AGE-RESTRICTED INCLUSIONARY DEVELOPMENT



Portion of Branchburg Township

Block 5.01, Lot 2.01
Somerset County, New Jersey

June 2010

Legend

- Parcels in Question
- Slope 15% or Greater
- Wetlands
- 100 Year Floodplain
- Stream Buffer
- Branchburg Township
- Parcel
- Stream
- C1 Stream

N
W E
S

0 250 500 1,000 Feet

Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

This map was developed using New Jersey Department
Environmental Protection Geographic Information Syst
digital data, but this secondary product has not been NJDI
verified and is not Statauthorized.

Inventory of Sites Changed From Non-residential to Residential Use
(P.L 2008 c.46)

Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

Municipalities must document at the time of petition, repetition or submission of amendment sites that have been or are proposed to be rezoned or that are the subject of a use variance from nonresidential to residential uses as follows: all sites that were rezoned from nonresidential to residential uses since July 17, 2006 where a developer has made an application for development after July 17, 2008. This would include both applications to the municipal planning board and to the municipal zoning board. Such sites shall include affordable housing as a percentage of the units constructed on site based on economic feasibility.

The determination of economic feasibility will be made based upon the presumptive densities and set-asides in COAH's rules pursuant to N.J.A.C. 5:97-6.4(b)2 (for-sale housing) and N.J.A.C. 5:97-6.4(b)6 (rental housing). A site zoned for inclusionary development will be presumed to be economically feasible if it meets these minimum densities and maximum set-asides.

Owner/Developer Name	Block	Lot	Previous Zoning	New Residential Density	Use Change Date	Development Application Date	Total Units	Total Affordable Units	Use Change Granted By
ADVANCE REALTY (FOX HOLLOW II)	5.11 CPORTION	2.01	O-OFFICE	8.5 ±	OCT., 2005	2005	120	28	ZONING BOARD

Change of Use Narrative Section

See Zoning Board of Adjustment Resolutions included in this Appendix H, FSP.

INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: BRANCHBURG TWP., SOMERSET

Project Name/Zoning Designation: ADVANCE REALTY

Block(s) and Lot(s): BL. 5.11, LOT 2.01 (PORTION - NOW LOT 2.04)

Total acreage: 14 ± Proposed density (units/gross acre): 8.5 ±

Affordable Units Proposed: 28

Family:____	Sale:____	Rental:____
Very low-income units:____	Sale:____	Rental:____
Age-Restricted: 28	Sale: 28	Rental:____

Market-Rate Units Anticipated: 92

Non-Residential Development Anticipated (in square feet), if applicable: ____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: ____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): ____

Very low income bonuses as per N.J.A.C. 5:97-3.7[1]: ____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: ____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: ____

Compliance bonuses as per N.J.A.C. 5:97-3.17: ____

Date inclusionary zoning adopted: N/A Date development approvals granted: LAST 12/4/07 (3/4/08)

Information and Documentation Required with Petition

☐ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☐ in lieu of submitting forms.)

N.A. ☐ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.

☑ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning See ZBA resolutions in this Appendix H, FSP

If payments in lieu of on-site construction of the affordable units is an option, submit:

N.A. ☐ Proposed or adopted ordinance establishing the amount of the payments

N.A. ☑ Spending plan Spending Plan included in Appendix J, FSP

A general description of the site or zone, including:

- ☑ Name and address of owner
- ☑ Name and address of developer(s)
- ☑ Subject property street location
- ☑ Indicate if urban center or workforce housing census tract NO
- ☑ Previous zoning designation and date previous zoning was adopted UNKNOWN
- N.A. ☐ Current zoning and date current zoning was adopted
- N.A. ☑ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☑ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including: See ZBA resolutions (attached)

- ☑ Description of surrounding land uses
- ☑ Demonstration that the site has street access
- ☑ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans PA-2
- ☑ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4 has water service
- ☑ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4 has sewer service

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☑ Wetlands and buffers (small portion of site)
- N.A. ☐ Steep slopes
- N.A. ☐ Flood plain areas

N.A. ☒ Stream classification and buffers

N.A. ☒ Critical environmental site

N.A. ☒ Historic or architecturally important site/district

N.A. ☒ Contaminated site(s); proposed or designated brownfield site

☑ Based on the above, a quantification of buildable and non-buildable acreage 14± AC.

Agreements with developers or approvals for development of specific property, which shall include: See ZBA Resolutions – no Dev. Agree. at this time.

- ☐ Number, tenure and type of units
- ☐ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☐ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

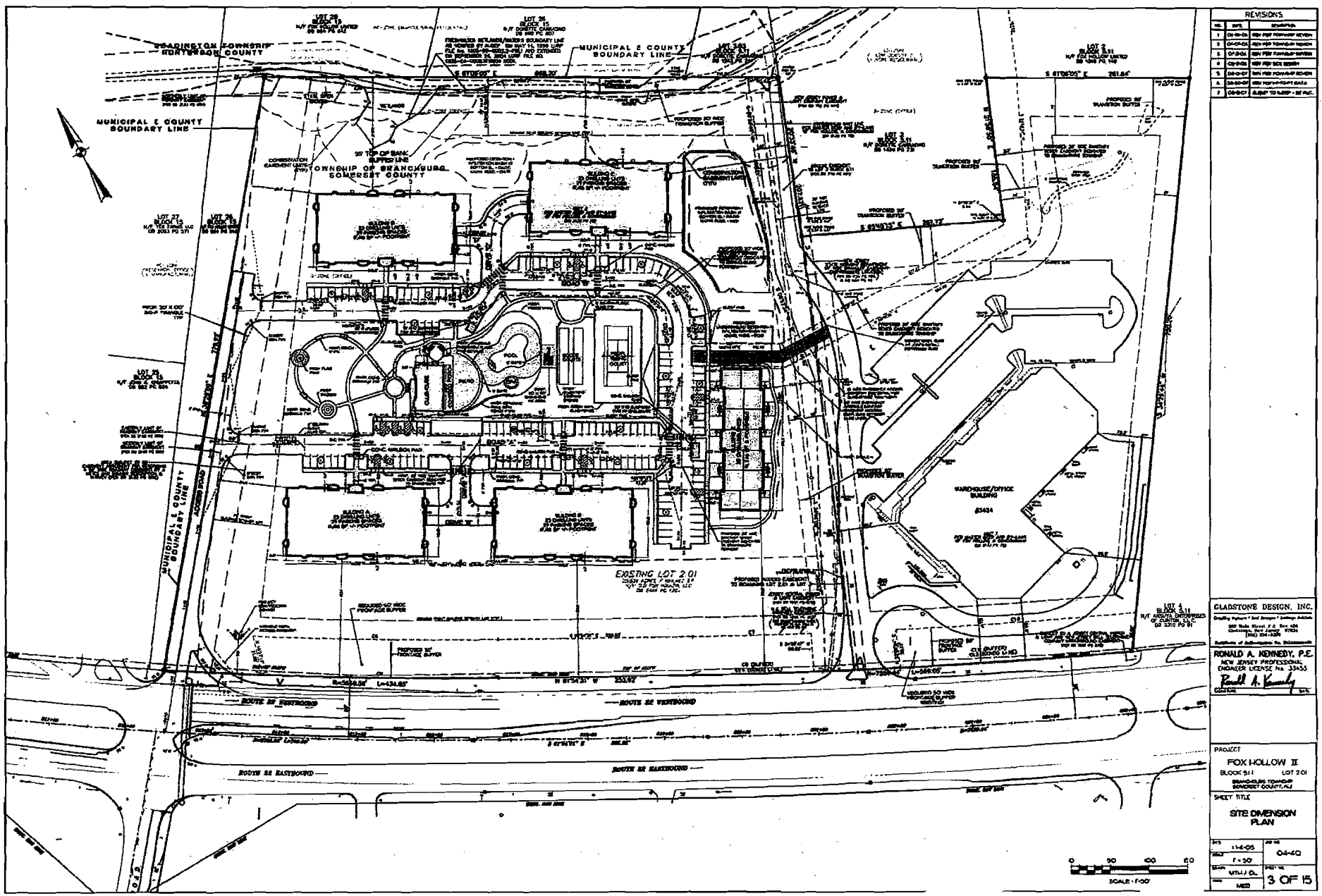
Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

See Housing Element and Fair Share Plan as well as ZBA resolutions.

[1] Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.



120 Total Units
28 Low Mod Housing

TOWNSHIP OF BRANCHBURG BOARD OF ADJUSTMENT

RESOLUTION

Case No. 03-018
Block 5.11, Lot 2.01

WHEREAS, Advance Realty Group, LLC and Advance/GLB Development Partners, LLC ("Applicants") have applied to the Board of Adjustment of the Township of Branchburg (the "Board") for a use variance to permit an age-restricted residential apartment use on property located and fronting on Route 22 (Westbound) and designated Block 5.11, Lot 2.01 on the Branchburg Township Tax Map (the "Subject Property"); and

WHEREAS, a public hearing to implement a settlement of a pending appeal was held by the Board on September 6, 2005, during which hearing Applicants' submissions were reviewed by the Board, testimony was provided on behalf of the Applicants, legal argument was advanced by Applicants' counsel, and the Board's consultants, retained experts, and members of the public were given an opportunity to comment on the Application; and

WHEREAS, the Board has considered the Applicants' submissions for use variance relief with respect to the Subject Property, including testimony of witnesses presented by Applicants and the arguments of Applicants' counsel, in addition to the comments and reports of the Board's consultants and experts, comments from members of the public, and the familiarity of the Board members with the Subject Property and its environs;

NOW THEREFORE BE IT RESOLVED, by the Board of Adjustment of the Township of Branchburg that, based upon the foregoing, the following findings of fact and conclusions of law are made:

1. Applicants are the owners of the Subject Property located on Route 22 (Westbound) in the Township of Branchburg, is designated Block 5.11, Lot 2.01on the Tax Map of the Township of Branchburg. The easterly portion of the Subject Property is presently developed with an existing warehouse/office building and related parking facilities.

2. Advance Realty Group, LLC previously prosecuted an Application for age-restricted housing on the Subject Property. The Application was prosecuted on a bifurcated basis, seeking initially only the use variance. The Application was denied by this Board on May 4, 2004, which denial and bases were set forth in a memorializing Resolution adopted June 9, 2004.

3. An appeal was filed from the Board's denial and, in the course of the prosecution and defense of that appeal, Applicants and the Board reached a settlement agreement, conceived by the Board, Applicants and the Township to be in the best interests of all parties and to reflect an appropriate development of the Subject Property, with features and elements addressing the issues previously leading to the Board's denial and providing desirable elements and features from the perspective of the Township.

4. At the September 6, 2005 public hearing, the proposed plan of settlement was presented for final review by the Board and public comment in accordance with the provisions for such settlements outlined by the Court in the case of Whispering Woods vs. Middletown Township.

5. For purposes of the public hearing Applicants submitted a Concept Plan entitled "Senior Residential Concept Plan #1C", last dated June 1, 2005 (hereinafter "Concept Plan"). This Concept Plan depicted the Subject Property, indicated a proposed subdivision of the property to divide the proposed residential development from the office warehouse portion, and depicted the schematic proposed development of the westerly portion of the property (approximately 14 acres) for an age-restricted, multi-building, residential apartment development.

6. Reflecting the agreement of the parties, the residential parcel is proposed to be developed with 120 units of age-restricted housing, including 92 market-rate units in four (4) buildings (23 units each) and 28 affordable housing age-restricted residential units in two (2) buildings (one of 12 units and one of 16 units), together with related amenities. Significantly, the new proposed Plan provides for ingress and egress from a northerly extension of the County Line Road controlled intersection with Route 22. All of these features are depicted on the referenced Concept Plan.

7. The new proposed Plan reduces the total density and intensity of development, adds inclusionary affordable housing, retains the basic desirable design features (much parking under the buildings; topographic and construction material sound attenuation; retention of on-site amenities; providing a desired use in the Township), eliminates highway access problems, separates the residential from the commercial traffic components, and utilizes an improved fourth leg of the controlled County Line Road intersection for all regular ingress and egress.

8. The matter before the Board for purposes of confirming settlement remains the bifurcated use variance application. Applicants understand that full site plan

hearings, together with any other bulk variance or design waiver relief which may be sought, must be separately prosecuted in the normal fashion.

9. Applicants offered testimony describing the Concept Plan, its basic lay-out and features, and the details which will implement the settlement agreement. Applicants site engineer reiterated the County Line Road access, the retention of the club house, tennis court, pool, etc. as amenities, the continued design of a Route 22 buffer with an enhanced berm, and placement of the buildings at least 150 feet back from Route 22, together with noise attenuating construction details. He also pointed out that there could be emergency access through the commercial driveway into the residential development, if that was desired. This would be explored during site plan hearings. He outlined the mix of buildings, the proposed arrangement of parking, on-site detention, etc. All of these will be explored in site plan hearings, as well. He confirmed that the development would contain a total of 120 units, reduced from the previously proposed 144 units. In addition, 28 of the 120 units would be affordable housing units. Applicant agreed that it would design these units in such a way that there would be no efficiency units. Whether all units would be one bedroom or there would be some mix of one bedroom and two bedroom units would be worked out in the course of site plan hearings.

10. Applicants recognized and agreed to comply with the terms of the Township Attorney's July 29, 2005 letter with respect to agreed provisions for affordable housing, their implementation, and their governance. Phasing of development, unit mix, application of Township Ordinance and COAH requirements would be the subject of discussion during site plan hearings.

11. Applicants' Planner testified with respect to the Master Plan and general planning support for the project proposed in the settlement agreement. He reviewed again for the Board his opinion concerning the need for age-restricted housing, the attention to the Township's Master Plan goal to accommodate seniors within the community, the reduced impact on municipal services of the proposed housing, the desirability of providing more affordable housing units than would otherwise be required for a project of this type, the appropriateness of the site for development as proposed, the advantage to the now-redesigned approach to access, the various features and elements which will be detailed in the course of site plan hearings and other supporting criteria. In addition, he testified to his opinion that the proposed development satisfies the statutory negative criteria for variance relief.

12. Certain members of the public raised questions concerning access rights, easements, etc., but were advised that such matters, to the extent they were within the jurisdiction and purview of the Board, would be more appropriately addressed in the course of site plan hearings.

13. There were no issues, comments, or questions raised by members of the public with respect to the proposed use variance or implementation of the proposed settlement.

14. The Board concluded, based upon all of the foregoing, that the settlement agreement reached between the Board and Applicants, and therefore the desired use variance relief to permit the construction of 120 units of age-restricted housing (including 92 market-rate and 28 affordable housing units), together with related amenities, with its access from a northerly leg extension of County Line Road, all as shown on the

referenced Concept Plan, and as described in the testimony of Applicants' witnesses at the September 6, 2005 public hearing, could be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance, provided certain conditions were observed.

BE IT FURTHER RESOLVED that, for the reasons set forth above, the Application of Advance Realty Group, LLC and Advance/GLB Development Partners, LLC to confirm and implement a settlement agreement reached with the Board by way of a use variance to permit the construction of age-restricted residential apartment buildings on the Subject Property, as described in, and in accordance with, the findings and conclusions set forth above, be and hereby is approved, confirmed and granted subject to the following conditions:

1. A complete Application for site plan and subdivision approval, substantially in accordance with the Concept Plan described above, together with any proposed bulk variances and/or design waivers, shall be filed with the Branchburg Township Board of Adjustment within 120 days of the adoption of this Resolution. Failure of Applicants to file a complete site plan and subdivision application within 120 days of the date upon which this Resolution is adopted, absent an extension granted by this Board, shall void the variance relief granted hereby, which shall be of no further force or effect. Similarly, the use variance granted hereby is not effective unless and until approval by the Board of a site plan, subdivision, and any required bulk variances and/or design waivers to implement the plan of development for which the use variance has been sought.

2. Applicants shall design the project and operate same in compliance with the conditions set forth by the Township Attorney in his July 29, 2005 letter with respect to affordable housing on the Subject Property.

3. Applicants' design and plan shall continue to incorporate the various noise attenuation features and construction details described to the Board in the course of the original use variance hearings and re-confirmed to the Board in the course of the September 6, 2005 public hearing.

4. All open taxes, as well as application and escrow fees and funding of sufficient additional escrow to cover unbilled work to the completion of this Application and project, shall be paid by Applicants.

BE IT FURTHER RESOLVED, that this Resolution adopted this 4th day of October, 2005, memorializes the action taken by the Board, set forth above, taken at its regular meeting on September 6, 2005.

The Vote:

In Favor 6

Eligible to Vote:

Bowers
Bye
Cutler
Quade
Herzog
Follett
Crandall
Anczarki

L:\Branchburg Board of Adjustment\Resolutions\Advance Realty Group, LLC (Final Apvl-Rev1).doc

On a motion by, Mr. Quade **seconded by,** Mr. Crandall **the Board of Adjustment voted to adopt the Resolution.**

ROLL CALL

Case No. 2003-018A UV

Advance Realty Group, LLC

Block 5.11 Lot 2.01

Route 22 West

APPROVED: 09/06/05 ADOPTED: 10/04/05

Member	Y	N	NE	NV	ABS	Member	Y	N	NE	NV	ABS
Follett	X					Herzog					X
Cutler	X					Bye					X
Danyluk			X			Bowers	X				
Quade	X					Anczarki	X				
Crandall	X										

X – Indicates Vote
NE – Not Eligible to Vote
NV - Not Voting (Abstained)
ABS – Absent

Robert P. Anczarki

ROBERT ANCZARKI, CHAIRMAN

Ellwood Cutler

ELLWOOD CUTLER, SECRETARY

TOWNSHIP OF BRANCHBURG BOARD OF ADJUSTMENT
RESOLUTION

Case No. 06-002
Block 5.11, 2.01

WHEREAS, Advance Realty Group, LLC ("Applicant") has applied to the Board of Adjustment of the Township of Branchburg (the "Board") for preliminary and final site plan approval, minor subdivision approval, and such variances and exceptions as may be required to permit the construction of age-restricted housing on a portion of property located and fronting on Route 22 (westbound) and designated Block 5.11, Lot 2.01 on the Branchburg Township Tax Map (the "Subject Property"); and

WHEREAS, a public hearing was conducted by the Board beginning on April 3, 2007, continuing on September 4, 2007, and concluding with deliberations and a vote on December 4, 2007, during which hearing Applicant's submissions were reviewed by the Board, testimony was provided on behalf of the Applicant, legal argument was advanced by Applicant's counsel, and the Board's consultants and members of the public were given an opportunity to comment on the Application; and

WHEREAS, the Board has considered the Applicant's submissions, including testimony of witnesses presented by Applicant and the arguments of Applicant's counsel, in addition to the comments and reports of the Board's consultants and experts, various committees and commissions of the Township , and there being no comments from members of the public;

NOW THEREFORE BE IT RESOLVED, by the Board of Adjustment of the Township of Branchburg that, based upon the foregoing, the following findings of fact and conclusions of law are made:

1. Applicant previously obtained "d" variance relief to permit a multi-family use, particularly age-restricted residential apartment use, on the Subject Property. As such use is not a permitted use in the "O" (Office) zone, Applicant prosecuted a bifurcated application, resulting in the grant of the necessary use variance relief on September 6, 2005, memorialized by Resolution adopted October 4, 2005.

2. Applicant now seeks preliminary and final site plan approval, together with such variances and/or design standard exceptions as may be required to construct the proposed multi-family, age-restricted housing on a portion of the Subject Property (designated Block 5.11, Lot 2.01 on the Tax Map of the Township of Branchburg). Applicant also seeks minor subdivision approval to divide the Subject Property so as to create a new lot (proposed Lot 2.04) upon which the multi-family housing will be constructed, leaving the remainder lot 2.01 with the existing office/warehouse building and related improvements.

3. The Subject Property is located at 3434 Route 22 (westbound) and is presently designated Block 5.11, Lot 2.01 on the Branchburg Township Tax Map. The Subject Property is located in the "O" (Office Zone) and has an area of approximately 20.5 acres. The proposed minor subdivision would create a new Lot 2.04 of approximately 14 acres and leave a remainder Lot 2.01 of approximately 6.5 acres. The existing warehouse/office building, its access drive and related improvements would be located on the remainder Lot 2.01. The multi-family housing development and its related

improvements would be constructed on proposed Lot 2.04. The Site Plan, improvements, and details relating to their construction are set out on various plans submitted to the Board, as follows:

(a) A Site Plan and subdivision package (fifteen (15) sheets) entitled "Fox Hollow II, Preliminary & Final Major Site Plan and Minor Subdivision", prepared by Gladstone Design, dated November 4, 2005 and revised through August 1, 2007, except sheet eight (8) of fifteen (15) which was revised through August 20, 2007 (the "Engineering Plans");

(b) A survey/subdivision plat (one (1) sheet), entitled "Fox Hollow II, Survey & Minor Subdivision Plat", prepared by Gladstone Design, dated November 4, 2005, revised through August 1, 2007 (the "Subdivision Plan");

(c) Sanitary Sewer Plan (One (1) sheet), entitled "Fox Hollow II, off-site Sanitary Sewer As-Built and Easement Plan", prepared by Gladstone Design, dated May 26, 2006, revised through August 20, 2007 (the "Sanitary Sewer Plan");

(d) Plan (one (1) sheet) entitled "Fox Hollow II, Resource Conservation Area Plan", prepared by Gladstone Design, dated July 21, 2006, revised through August 1, 2007 (the "Conservation Area Plan");

(e) Cross-section Study (one (1) sheet), entitled "Fox Hollow II, Supplemental Site Cross-Sections", prepared by Gladstone Design, dated August 1, 2007 (the "Supplemental Cross-Section Plan");

(f) Planting Plan (one (1) sheet), entitled "Fox Hollow II, Amenity Area Permit Planting Plan", prepared by Gladstone Design, dated August 1, 2007 (the "Amenity Area Planting Plan"); and

(g) Architectural Plans (eighteen (18) sheets) comprising floor plans, elevations and various construction details, prepared by Rotwein & Blake, dated May 29, 2007, with sheets A1 & A2 revised August 20, 2007 (the "Architectural Plans").

All of the foregoing, taken together, are hereinafter referred to as the "Plans".

4. The Subject Property is owned by Advance/GLB Development Partners, LLC, which has consented to the prosecution of the Application for Site Plan and Subdivision Approval, as filed by Applicant.

5. In accordance with the Concept Plan presented by Applicant at the time of its "d" variance hearing, Applicant proposes a construction of one hundred twenty (120) units of age-restricted housing, including ninety-two (92) market rate units and twenty-eight (28) affordable housing units. The proposed minor subdivision will separate the residential from the non-residential uses on what is presently Lot 2.01. Ingress and egress for the residential use will be via the extension of County Line Road (there being no ingress or egress provided directly from or to Route 22). The present driveway (which currently serves the warehouse/office building) will continue to serve only the warehouse/office building and the property to the rear of the Subject Property. The present driveway will not be utilized for access to the age-restricted housing, except for an emergency access drive north of proposed Building "E".

6. The proposed residential development of housing will include two hundred sixty-one (261) parking spaces. There will be twenty-nine (29) spaces below grade under each of the four (4) market rate unit buildings (each including two (2) handicapped parking spaces). In addition, one hundred forty-five (145) surface parking spaces will be provided, including fifteen (15) handicapped spaces. The Board solicited

and Applicant agreed, that management of the completed residential facility would include appropriate mechanisms to assure that each affordable housing unit would have available to it at least one parking space.

7. In addition to the apartment buildings, Applicant proposes centrally located amenities and recreation facilities. These will include a clubhouse of approximately two thousand two hundred (2,200) square feet, a pool with pool house, a spa, a bocce court and a tennis court. All of these are set forth on the Plans.

8. In discussion of the proposed construction, Applicant reiterated that the desirable design features discussed in the course of the use variance hearing, including particularly the utilization of sound attenuating construction materials and windows, would be implemented. Applicant also confirmed that there would be compliance with the terms of the Township attorney's July 29, 2005 letter regarding provisions for affordable housing, their implementation and their governance.

9. Applicant and the Board reviewed the comments of the Township Engineer set forth in his memorandum dated September 4, 2007. Applicant agreed that it would comply with all of the Township Engineer's comments other than the following:

(a) Numbers 9 and 10 regarding which Applicant requested waivers;

(b) Number 45, as to which the easement will be provided with an appropriate metes and bounds description, but the roadway will not be dedicated to the Township ;

(c) Applicant agreed to work out the details of parking design, etc. with respect to the lower levels of the market rate buildings to the satisfaction of the

Township Engineer. In addition, Applicant agreed that cameras will be installed in the basement parking areas.

10. Applicant agreed with the Board that lighting would be in compliance with the Township lighting requirements. Low "garden" type lighting would be used along walkways and there would be no lighting of the tennis court or bocce courts.

11. Applicant agreed that signage for the multi-family development would be limited to one (1) ground-mounted sign at the southwesterly corner of the Subject Property. The sign would comply with Township dimensional requirements/limitations.

12. The Board discussed proper dumpster location with Applicant and, ultimately, resolved the issue with the dumpster located as proposed by Applicant and the architectural design indicating that the dumpster associated with the affordable housing units would be fully enclosed, sides and roof. The enclosure would be architecturally consistent with the architectural design and materials of the affordable housing building, which building would be substantially the same quality and compatible materials, architectural theme and design as the market rate buildings.

13. Applicant's architect also reconfirmed that all unit designs would incorporate noise attenuation features, especially window structures. These features would be found in all buildings. Applicant also proposes the installation of a berm and landscaped buffer along the Route 22 frontage to further reduce sound levels on site. The architect also confirmed that the air conditioning for market rate units would all be within their respective buildings. There would be no roof-mounted or ground-mounted units.

14. Applicant's witnesses described in detail the concepts and designs created to assure safe and efficient access and site circulation, including Applicant's undertaking major road improvements to the County Line Road/Route 22 intersection to address additional queuing and traffic control features.

15. The Board concluded that the Site Plan and Develop Plans for the proposed multi-family housing on the Subject Property continued to satisfy the criteria applicable to the "d" variance relief granted as a result of the initial, bifurcated application. As a result, the Board concluded that the Site Plan and subdivision proposed, particularly in light of the lack of any further variance relief being required, could be approved and granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance, provided certain conditions were observed.

BE IT FURTHER RESOLVED that, for the reasons set forth above, the Application of Advance Realty Group, LLC for Preliminary and Final Major Site Plan Approval, Minor Subdivision Approval, and design standard exceptions regarding treatment of the stream buffer and steep slope disturbance, as set forth on the Plans and subject to the comments of the Township Engineer and the Township Planner, to allow construction of the proposed age-restricted residential apartment buildings and related amenities on the designated portion of the Subject Property, as described in, and in accordance with, the testimony adduced by Applicant in the course of all hearings relating to variance relief and this approval, including the findings and conclusions set forth above, be and hereby is approved, confirmed and granted subject to the following conditions:

1. All open taxes, as well as Application and escrow fees and funding of sufficient additional escrow to cover unbilled work to the completion of this Application and the Project, shall be paid by Applicant. Plan revisions, including agreement to work out acceptable parking design details, lighting and other matters, shall be made to the satisfaction of the Township Engineer and the Township Planner reflecting the findings and conclusions set forth in this Resolution, as well as the conditions set forth herein.

2. Applicant shall obtain all other required approvals from any board, body, or agency, whether federal, state, county or municipal with respect to the proposed construction and development of the Subject Property and the completion of the project.

3. The construction of the project and operation of the housing facilities after completion shall be in accordance with the testimony adduced in the course of all hearings related to this Application and the preceding use variance Application, the findings and the conclusions of the Board set forth herein, and the conditions set forth in this Resolution.

4. As to any work to be performed in the public right of way or on public property, or with respect to any infrastructure which will serve the public, Applicant shall provide estimates of construction costs to the Township Engineer for his review and approval. Following approval of same, Applicant shall enter into a Developer's Agreement with the Township , unless relieved of this responsibility by the Township , and shall provide appropriate performance guarantees with respect to all such work. The Township may include the construction and implementation of plans for affordable housing on site.

5. Applicant shall enter into an Agreement with the Township with respect to implementation and governance of the affordable housing plan related to the apartments to be constructed on site, including appropriate management mechanisms to assure the availability of at least one (1) parking space for each affordable unit. Build out of affordable housing units available for occupancy and satisfying the appropriate requirements for certification by the Township, shall be at least proportional to the construction and completion of market rate units and, in any event, shall all be completed and available for occupancy no later than completion of 90% of the market rate units.

6. Applicant shall prepare a Minor Subdivision Deed for review and approval by the Board of Adjustment Attorney and the Township Engineer. Once approved, the Deed shall be recorded in the office of the Somerset County Clerk and copies delivered as required by the municipal land use law. After return of the recorded document, copies with recording information shall be supplied to the Township Land Use Administrator.

7. Applicant shall provide marked cross walks on its internal pedestrian walkways.

8. Applicant shall submit a plan for review and approval by the Township Engineer and the Township Police Department with respect to soil removal. Times, routes, on-site protections, clean-up requirements, disposal plans, and security for road damage shall be implemented in a manner satisfactory to and coordinated with the Township Engineer and the Township Police Department. The security amount shall be determined by the Township Engineer and shall be provided to and accepted by the Township prior to the commencement of any site clearing.

9. Applicant shall prepare a grant of easement to the Township, in form and content satisfactory to the Township Attorney and the Township Engineer, for the entire sanitary sewer line presently serving the Subject Property and including the easement extension to the property line. In addition, the sanitary sewer easement shall be provided for the sanitary sewer improvements proposed on Lot 2.04. The easement shall be described by metes and bounds and shall provide for Township access for purposes of inspection, maintenance, construction as may be required, or other appropriate public activity relating to the sanitary sewer line. The approved form of easement shall be recorded by Applicant and a copy with recording information supplied to the Township Land Use Administrator. Prior to preparation of the easement description, Applicant shall stake out the proposed extension from the point where it will commence to the property line such that the Township Engineer can field evaluate the location relative to all environmental constraints. Applicant shall relocate the easement if the Township Engineer concludes it is necessary in respect of any such constraints on or off the Subject Property.

10. Applicant shall provide a driveway access and maintenance easement across the corner of proposed Lot 2.04 to serve Lots 2.01 and 3. The grant of easement shall be submitted for review and approval by the Board of Adjustment Attorney and the Township Engineer and, after approval, shall be recorded in the office of the Somerset County Clerk. After recording of same, a copy with the recording information shall be supplied to the Township Land Use Administrator.

11. Applicant shall supply a metes and bounds description for the driveway easement presently extending from Route 22 to Lot 2.03.

12. Applicant shall provide a grant of easement with respect to the Stream Corridor Conservation Area. The easement shall be granted to the Township in form and content satisfactory to the Township Attorney and the Township Engineer. Once approved, the easement shall be recorded in the office of the Somerset County Clerk and a copy, after recording, shall be supplied to the Township Land Use Administrator with recording information thereon.

13. Applicant shall perform a TV inspection of the existing sanitary sewer lines on lots 2.01, 2, and 17-21, shall provide the results of same to the Township Engineer, and shall make any repairs or modifications deemed necessary by the Township Engineer to appropriately allow for the connection of Applicant's project to the said sewer lines. This inspection, analysis and any required repairs shall be made prior to the Applicant's submission to NJDEP for a Treatment Works Approval.

14. Applicant shall obtain NJDOT approval, as necessary, for work associated with the County Line Road/Route 22 intersection. If such approval is not materially consistent with the Plans as approved by this Board, Applicant must return to this Board for approval of the modifications. Prior to the submission of plans to NJDOT, Applicant shall submit the proposed plans to the Township Engineer for his review and approval of any work to be done on the southerly side of Route 22, including analysis of any separate land use approval issues which may appear.

15. Applicant shall obtain NJDEP approval of its plan for disturbance of the stream corridor for discharge of storm water. Such approval shall be consistent with the Site Plan approved herein. In the event of any material change being required to the Site Plan, Applicant shall return to the Board.

16. Applicant shall impose a conservation easement for the benefit of the Township , in form and content satisfactory to the Township Engineer and the Township Attorney with respect to the municipal stream corridor buffer. Wetlands and buffer areas, including all areas subject to DEP stream corridor protection, shall be included within the conservation easement. Applicant shall install markers indicating boundaries of the conservation easement in a form and manner satisfactory to the Township Engineer. The Board recognizes that a small portion of Building "C" will encroach into a steep slope area and the municipally-required buffer. To the extent shown on the Plans, such encroachment has been permitted by the design standard waivers granted herein. In addition, the conservation easement shall allow maintenance of landscaping which has been installed in the buffer area. The easement will distinguish between those areas subject to some disturbance and those areas subject to later landscape maintenance from those areas which are to be left in their natural state.

17. Applicant shall arrange for relocation of those utility poles in conflict with the proposed access drives for the Subject Property. Applicant shall confirm at the pre-construction meeting that the utility companies have agreed to relocate such poles or to permit Applicant to perform this relocation.

18. All utility boxes and ground-mounted air conditioning units will be screened. A detail with respect to such screening shall be placed on the landscape plan for the Subject Property.

19. The dumpster serving the affordable housing units shall be fully enclosed (sides and roof) consistent with the architectural design of the affordable housing building.

20. Signage shall be in compliance with municipal design standards to the satisfaction of the Township Planner.

21. Design, layout, building materials, etc. shall be as described in testimony in both the "d" variance and Site Plan hearings, including noise attenuation features. The affordable housing shall be constructed and operated in compliance with the conditions set forth in the Township Attorney's letter of July 29, 2005, provided they do not now violate or contravene any COAH regulations, state statutes, or Township Ordinances in this regard.

22. Applicant shall enter into a Storm Water Facility Agreement with the Township, as required by Township Ordinances.

23. Applicant shall submit a Waste Water Discharge Application to the Township, as required.

24. As referenced in the memorandum from James McAleer dated March 26, 2007 and further confirmed by Gladstone Design, Inc. dated March 27, 2007; the application drawings shall be revised accordingly to the satisfaction of the Fire Official and Township Engineer.

25. The applicant shall provide the appropriate access and emergency access easements to provide Township personnel to access the sanitary sewer easement and Fire Department personnel access to the proposed emergency fire access driveway. This easement shall extend from the fire driveway and sanitary sewer easement along the existing driveway on Lot 2 to Route 22.

26. Conditions Nos. 9, 10, 11 and 25 shall be satisfied prior to the Board's endorsement of a minor subdivision deed or map.

27. Conditions Nos. 1, (including, but not limited to, matters agreed, as set forth in findings 9 (c), 10, 11, 12 & 13), 2 (except for construction permits), 4, 6, 8, 9 (as to document), 10 (as to document), 11, 12 (as to document), 13, 14 (as to Township Engineer's review and approval), 15, 16 (as to document), 18 (as to plan), 22, 23, 24, 25 and 26 shall be satisfied prior to the Township's and/or Board's signing of the approved Site Plan drawings.

BE IT FURTHER RESOLVED, that this Resolution adopted this 4th day of March, 2008, memorializes the action of the Board, as set forth above, taken at its meeting on December 4, 2007.

The Vote:

In Favor _____

Eligible to Vote:

Follett
Erd
Herzog
Bye
Anczarki

On a motion by Mr. Erd, seconded by Ms. Bye, the Board of Adjustment voted to adopt the Resolution.

ROLL CALL

Case No. 2006-002 A PFSP

FOX HOLLOW II
Advance Realty Group, LLC

Block 5.11, Lot 2.01

3434 Route 22

Application Approved: 12/04/07

Resolution Adopted: 03/04/08

Member	Y	N	NE	NV	ABS	Member	Y	N	NE	NV	ABS
Anczarki	X					Follett	X				
Bowers			X			Hay			X		
Bye	X					Herzog					X
Crandall			X			Ihling			X		
Erd	X					Quade			X		

X – Indicates Vote
NE – Not Eligible to Vote
NV - Not Voting (Abstained)
ABS – Absent

ROBERT ANCZARKI, CHAIRMAN

PAUL CRANDALL, SECRETARY

APPENDIX I
DOCUMENTATION REQUIRED FOR VOLLERS INCLUSIONARY RESIDENTIAL DEVELOPMENT

Portion of Branchburg Township

Block 17, Lot 2
Somerset County, New Jersey

June 2010

N
W E
S

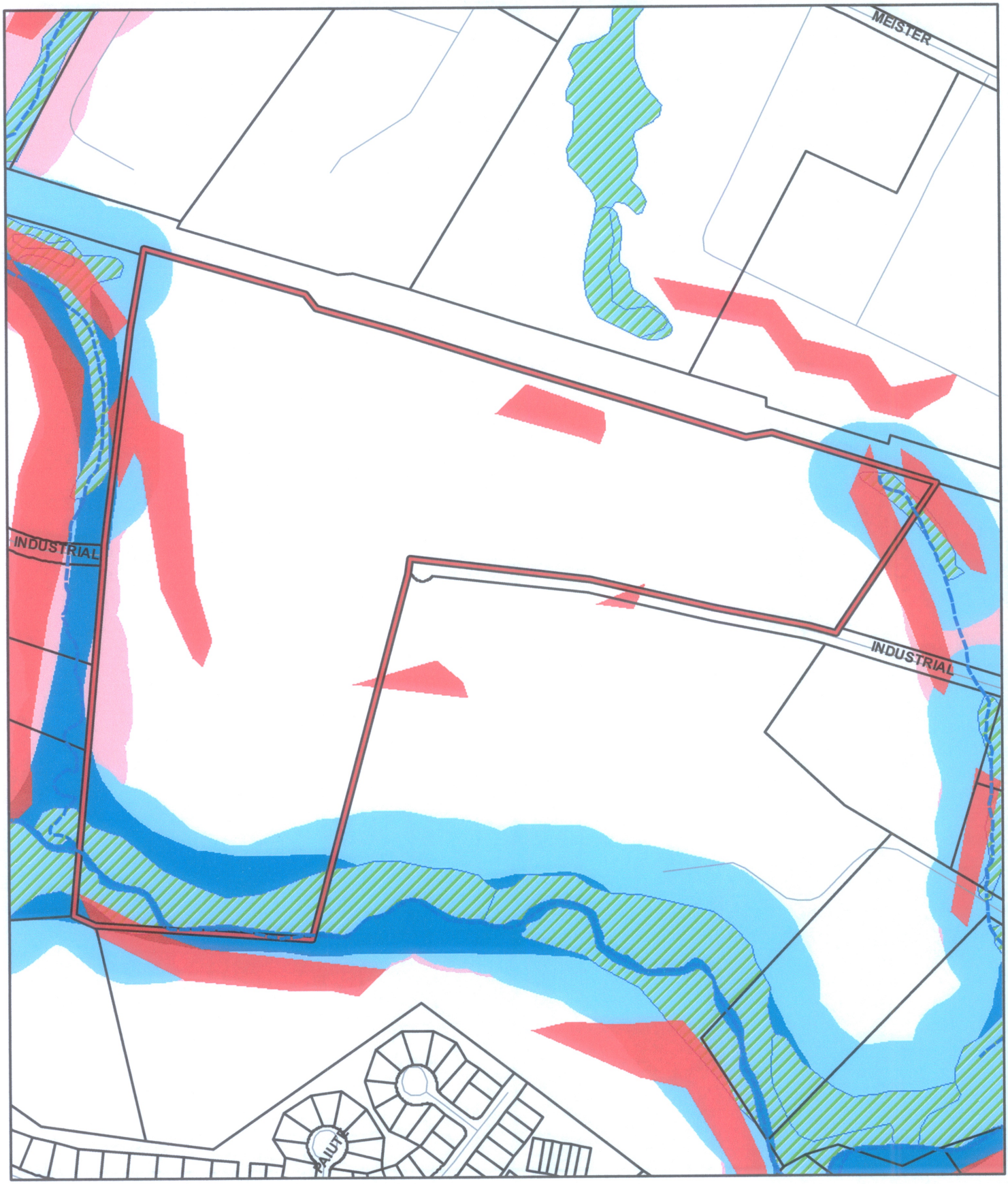
Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP, Somerset County

Legend

Parcel in Question
Parcel

0 250 500 Feet

This map was developed using New Jersey Department Environmental Protection Geographic Information Syste digital data, but this secondary product has not been NJDI verified and is not Statesauthorized.



Portion of Branchburg Township

Block 17, Lot 2
Somerset County, New Jersey

June 2010

Legend

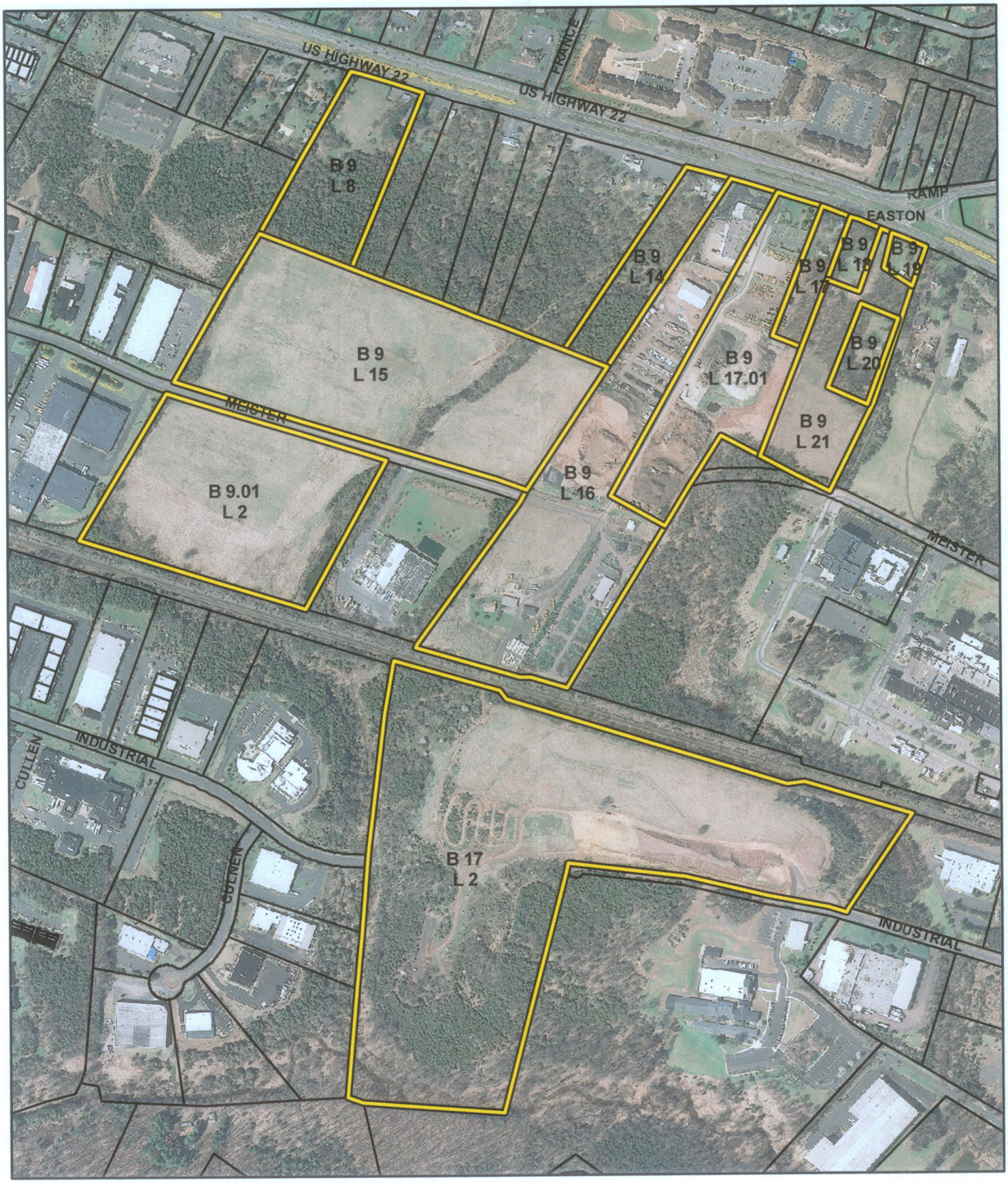
- Parcel in Question
- Slope 15% or Greater
- Wetlands
- 100 Year Floodplain
- Stream Buffer
- Parcel
- 150' Wetlands Buffer
- Stream
- C1 Stream

N
W E
S

0 250 500 Feet

Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

This map was developed using New Jersey Department
Environmental Protection Geographic Information Syst
digital data, but this secondary product has not been NJDI
verified and is not Statauthorized.



Portion of Branchburg Township

Proposed PUD Lots
Somerset County, New Jersey

July 2010

N
W E
S

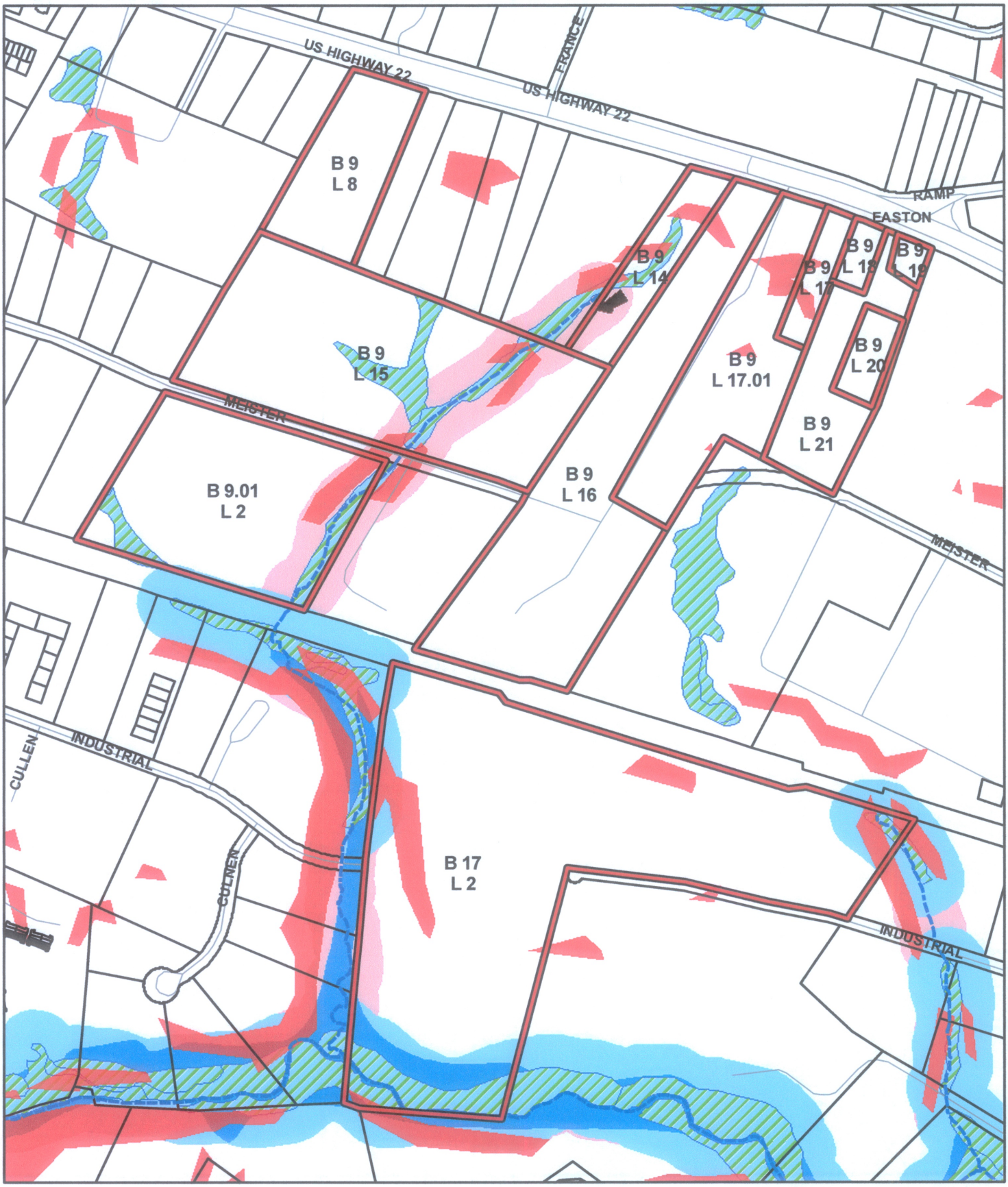
Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

Legend

Proposed PUD Lots
Parcel

0 250 500 1,000 Feet

This map was developed using New Jersey Department
Environmental Protection Geographic Information Syst
digital data, but this secondary product has not been NJDI
verified and is not Stateauthorized.



Portion of Branchburg Township

Proposed PUD Lots
Somerset County, New Jersey

July 2010

N
W E
S

Prepared by:
Elizabeth C. McKenzie, PP, PA
Data Sources: NJDEP,
Somerset County

Legend

- Proposed PUD Lots
- Slope 15% or Greater
- Wetlands
- 100 Year Floodplain
- Stream Buffer
- Parcel
- 150' Wetlands Buffer
- Stream
- C1 Stream

0 250 500 1,000 Feet

This map was developed using New Jersey Department Environmental Protection Geographic Information Syst digital data, but this secondary product has not been NJDI verified and is not Statauthorized.

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Branchburg Twp., Somerset County

Project Name/Zoning Designation: Vollers Site / Portion of PUD Zone

Block(s) and Lot(s): Bl. 17, Lot 2, and others

Total acreage: 53/159 Proposed density (units/gross acre): 12+ for rental affordables; 6 for sold affordables

Affordable Units Proposed: 50 if rental; 100 if sold

	Sale:	Rental:
Family: all		
Very low-income units:		5 (if rental)
Age-Restricted:		

Market-Rate Units Anticipated: 200 if rental affordables
300 if sold affordables

Non-Residential Development Anticipated (in square feet), if applicable: unknown at this time

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☑ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: N.A.

Rental bonuses as per N.J.A.C. 5:97-3.6(a): NA.

Very low income bonuses as per N.J.A.C. 5:97-3.7[1]: N.A.

Smart growth bonuses as per N.J.A.C. 5:97-3.18: N.A.

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: N.A.

Compliance bonuses as per N.J.A.C. 5:97-3.17: N.A.

Date inclusionary zoning adopted: PROPOSED DRAFT Date development approvals granted: N.A.

Information and Documentation Required with Petition

N.A. ☐ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☐ in lieu of submitting forms.)

☑ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.

N.A. ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

N.A. ☐ Proposed or adopted ordinance establishing the amount of the payments

☑ Spending plan

A general description of the site or zone, including:

☑ Name and address of owner FARM ACRES, LLC (FOR BL 17, LOT 2) AND OTHER ENTITIES c/o ROB VOLLERS, P.O. BOX 5297, BRANCHBURG, NJ 08876

☑ Name and address of developer(s) SAME

☑ Subject property street location INDUSTRIAL PARKWAY, ETC.

☑ Indicate if urban center or workforce housing census tract NOT IN

☑ Previous zoning designation and date previous zoning was adopted I-1 INDUSTRIAL - DATE UNKNOWN (OLD)

☑ Current zoning and date current zoning was adopted (PROPOSED)

SEE DRAFT ☑ Description of any changes to bulk standards intended to accommodate the proposed densities

☑ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

☑ Description of surrounding land uses SEE HOUSING ELEMENT, MAPS

☑ Demonstration that the site has street access SEE HOUSING ELEMENT, MAPS

☑ Planning Area and/or Special Resource Area designation(s) i.e., PA1, (PA2) PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans SEE HOUSING ELEMENT

☑ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4 WATER SERVICE AREA

☑ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4 SEWER SERVICE AREA (SEE NARRATIVE

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

☐ Wetlands and buffers 150' BUFFERS ONLY ON BL. 17, LOT 2 (OTHERS 25' OR NONE)

☑ Steep slopes MINIMAL

☑ Flood plain areas MINIMAL

- [x] Stream classification and buffers 150' BUFFER (NOT C-1)
- [x] Critical environmental site NOT
- [x] Historic or architecturally important site/district NOT
- [x] Contaminated site(s); proposed or designated brownfield site POSSIBLY IN NEED OF REMEDIATION
- [x] Based on the above, a quantification of buildable and non-buildable acreage FOR LOT 2, BLOCK 17: 53 ACRES GROSS; AT LEAST 45 BUILDABLE

Agreements with developers or approvals for development of specific property, which shall include:

N.A. [ ] Number, tenure and type of units WILL BE IN GEN'L DEV. PLAN

N.A. [ ] Compliance with N.J.A.C. 5:97-9 and UHAC WILL BE REQUIRED

N.A. [ ] Progress points at which the developer shall coordinate with the Municipal Housing Liaison WILL BE IN RESO. OF APPROVAL/ DEV. AGREEMENT

Information and Documentation Required Prior to Marketing the Completed Units

- [x] Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18 ON STAFF
- [x] Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual ON FILE
- [x] An affirmative marketing plan in accordance with UHAC SEE APPENDIX B OF THIS FAIR SHARE PLAN

Zoning Narrative Section

See proposed zoning regulations for res. portions of PUD Zone – min. 70 acres @ 6/acre for affordable units if sold (100) and min. 15 acres @ 17/acre for affordable units if rented (50).

[1] Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

NARRATIVE
PROPOSED PUD SITE - SEWERAGE ISSUES

The Housing Element and Fair Share Plan asserts that the proposed PUD is located within both the existing and currently proposed sewer service area. Since the Housing Element and Fair Share Plan was prepared, more specific and accurate information is available and this narrative is intended to provide COAH with this more complete and accurate information as to the status of the sewer service area for Branchburg Township.

The lots that comprise the proposed PUD (Block 17, Lot 2; Block 9.01, Lot 2; and Block 9, Lots 8, 14, 15, 16, 17, 17.01, 18, 19, 20 and 21) are all currently located in the sewer service area of Branchburg Township.

Somerset County and the NJDEP are engaged in an ongoing review and revision of the existing sewer service area in Branchburg Township as well as all other Somerset County municipalities. This review is scheduled to be completed in the Spring of 2011. In November of 2009, the Somerset County Planning Board issued a map comparing proposed and previously adopted sewer service areas in Branchburg Township. A copy of that map is attached to this report, along with an enlargement of a portion of that map showing the subject properties. According to that map, the western leg of Block 17, Lot 2, all of Block 9.01, Lot 2 and Block 9, Lot 15, and the rear portions of Block 9, Lots 8 and 14 are excluded from the proposed sewer service area.

In response to this map, the property owner caused a number of reports to be prepared (one for each lot excluded) and submitted to the NJDEP in support of the inclusion of these lots back into the sewer service area. Although the map has not yet been corrected, e-mail correspondence from Paul DeMuro of the NJDEP (enclosed) makes it clear that, with one exception, all of these lots have been approved to be put back into the proposed sewer service area. The single exception is the western leg of Block 17, Lot 2, which is the portion of the PUD where the Township believes it would be most appropriate to site a multi-family residential development.

On Thursday, July 15, 2010, representatives of the property owner and Branchburg Township met with Robert Bzik and Laurette Kratina of the Somerset County Planning Board. The purpose of that meeting was to clarify the limits of and basis for the currently proposed sewer service area and the process for amending the map to re-include a property. A follow-up e-mail from Laurette Kratina outlining the process discussed is enclosed with this Narrative.

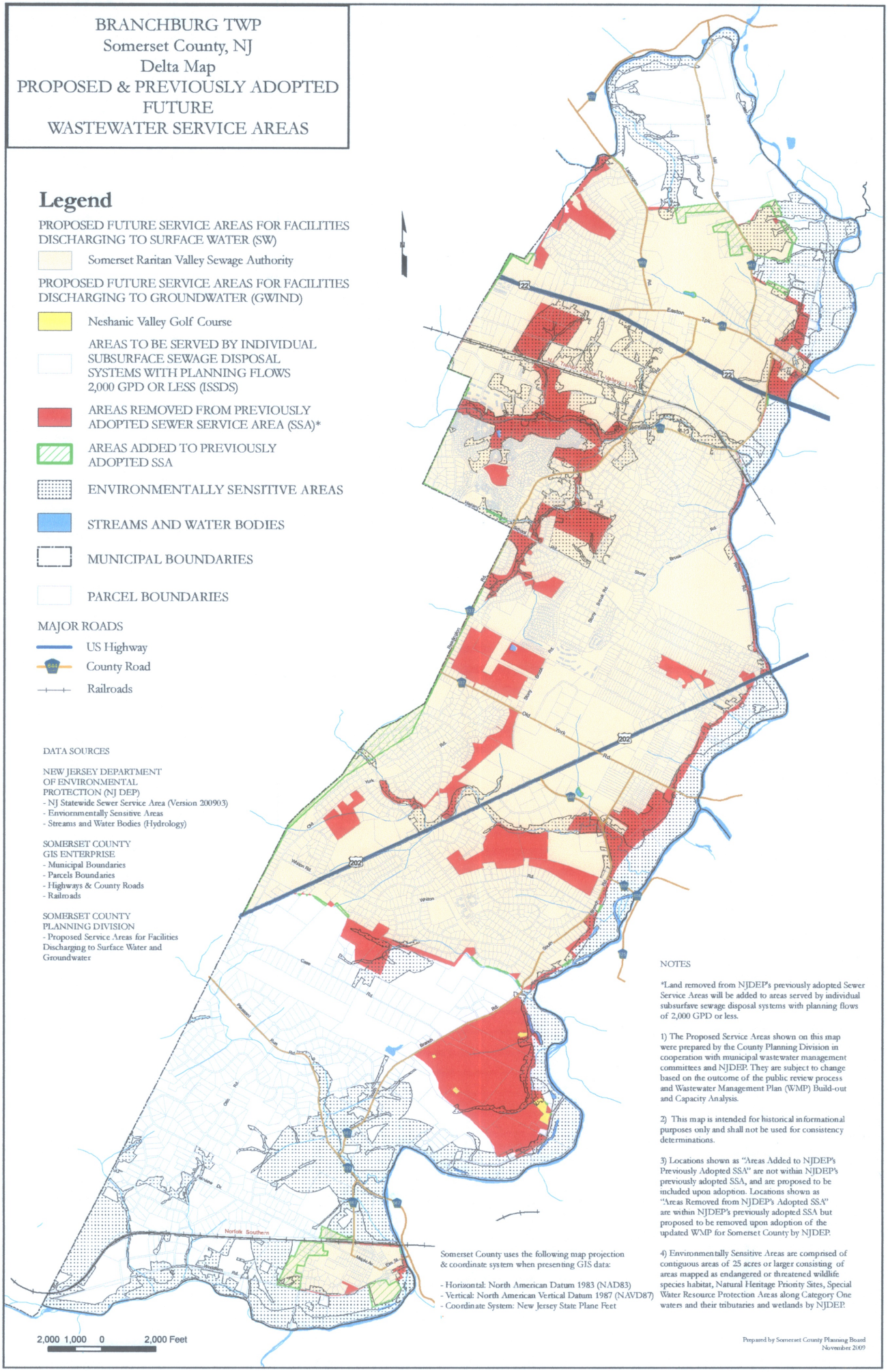
At the meeting, Branchburg presented its new Housing Element and Fair Share Plan (which includes Block 17, Lot 2, as an inclusionary development site) and clarified for the County representatives the location of the police firing range on that lot and the

extent of the previously disturbed areas encompassed by the lot, information that had not previously been accurately conveyed to the County. The County representatives, in turn, explained the environmental concerns that had motivated the initial exclusion of the western portion of Block 17, Lot 2. The information provided by Branchburg to the County should be sufficient to justify a further amendment to the map, and over the next several weeks, this information will be provided to the County in a format that can be transmitted to the NJDEP.

The property owner's Habitat Suitability Determination Report for this property is also enclosed with this Narrative. It contains information concerning the wetlands delineation, Landscape Project data and other relevant information. A copy of this report has already been submitted to Somerset County and to the NJDEP.

A further point regarding sewer service is that the remaining sewage treatment capacity at the SRVSA plant is not unlimited (currently, the plant is running at about 90% of capacity). The implications of the treatment capacity limit for development will not be known until existing infiltration and inflow problems throughout the SRVSA service area are identified and corrected and until the proposed sewer service areas for all of the municipalities within the SRVSA service area are finalized and the build-out analyses are all completed. There is some expansion potential at the plant, but any decision about the need to pursue an expansion would be premature at this point.

BRANCHBURG TWP
Somerset County, NJ
Delta Map
PROPOSED & PREVIOUSLY ADOPTED FUTURE WASTEWATER SERVICE AREAS



Legend

PROPOSED FUTURE SERVICE AREAS FOR FACILITIES DISCHARGING TO SURFACE WATER (SW)

- Somerset Raritan Valley Sewage Authority

PROPOSED FUTURE SERVICE AREAS FOR FACILITIES DISCHARGING TO GROUNDWATER (GWIND)

- Neshanic Valley Golf Course
- AREAS TO BE SERVED BY INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS WITH PLANNING FLOWS 2,000 GPD OR LESS (ISSDS)
- AREAS REMOVED FROM PREVIOUSLY ADOPTED SEWER SERVICE AREA (SSA)*
- AREAS ADDED TO PREVIOUSLY ADOPTED SSA
- ENVIRONMENTALLY SENSITIVE AREAS
- STREAMS AND WATER BODIES
- MUNICIPAL BOUNDARIES
- PARCEL BOUNDARIES

MAJOR ROADS

- US Highway
- County Road
- Railroads

DATA SOURCES

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJ DEP)
- NJ Statewide Sewer Service Area (Version 200903)
- Enviornmentally Sensitive Areas
- Streams and Water Bodies (Hydrology)

SOMERSET COUNTY GIS ENTERPRISE
- Municipal Boundaries
- Parcels Boundaries
- Highways & County Roads
- Railroads

SOMERSET COUNTY PLANNING DIVISION
- Proposed Service Areas for Facilities Discharging to Surface Water and Groundwater

Somerset County uses the following map projection & coordinate system when presenting GIS data:

- Horizontal: North American Datum 1983 (NAD83)
- Vertical: North American Vertical Datum 1987 (NAVD87)
- Coordinate System: New Jersey State Plane Feet

NOTES

*Land removed from NJDEP's previously adopted Sewer Service Areas will be added to areas served by individual subsurfave sewage disposal systems with planning flows of 2,000 GPD or less.

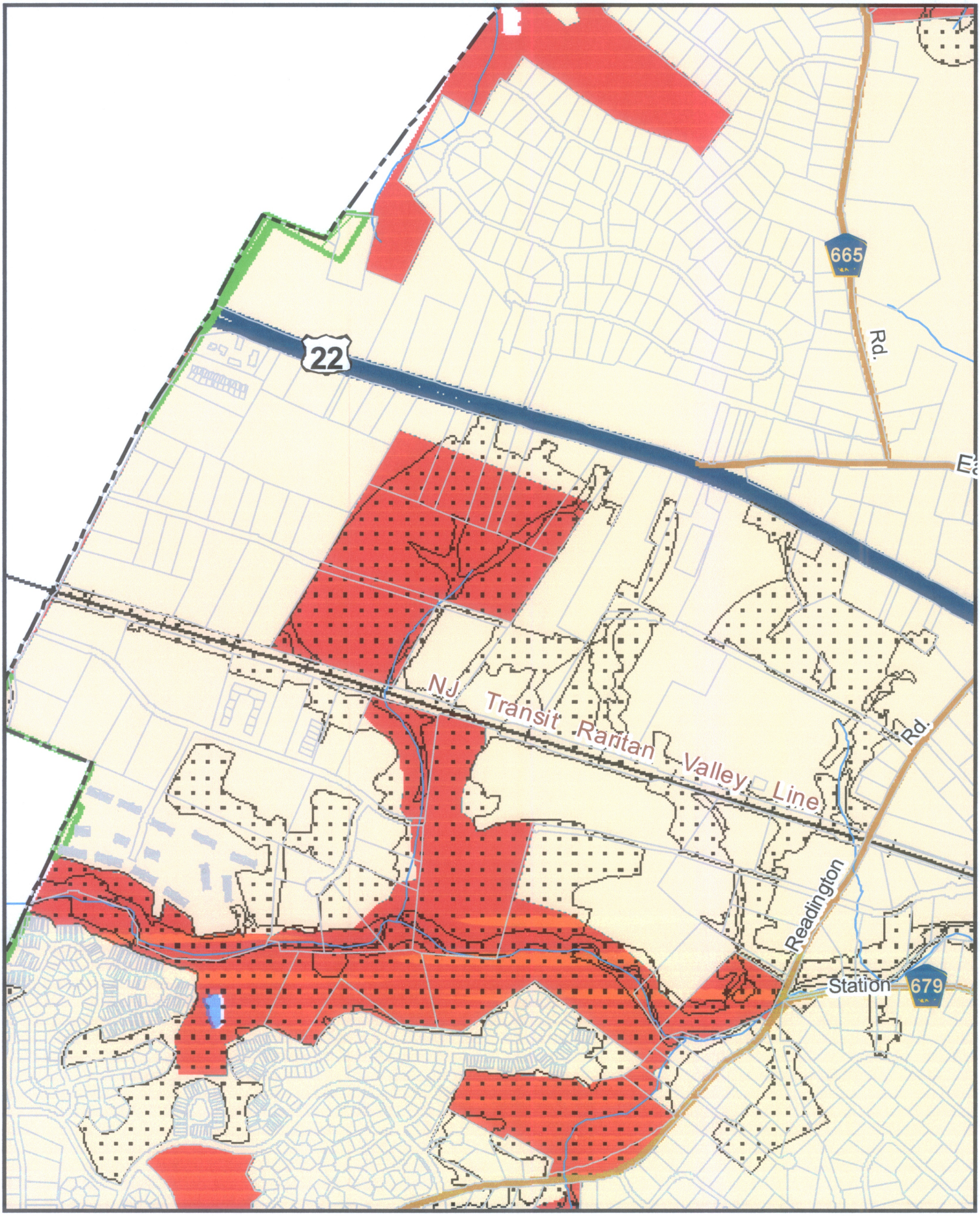
1) The Proposed Service Areas shown on this map were prepared by the County Planning Division in cooperation with municipal wastewater management committees and NJDEP. They are subject to change based on the outcome of the public review process and Wastewater Management Plan (WMP) Build-out and Capacity Analysis.

2) This map is intended for historical informational purposes only and shall not be used for consistency determinations.

3) Locations shown as "Areas Added to NJDEP's Previously Adopted SSA" are not within NJDEP's previously adopted SSA, and are proposed to be included upon adoption. Locations shown as "Areas Removed from NJDEP's Adopted SSA" are within NJDEP's previously adopted SSA but proposed to be removed upon adoption of the updated WMP for Somerset County by NJDEP.

4) Environmentally Sensitive Areas are comprised of contiguous areas of 25 acres or larger consisting of areas mapped as endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, Special Water Resource Protection Areas along Category One waters and their tributaries and wetlands by NJDEP.

Prepared by Somerset County Planning Board
November 2009


22
665
Rd.
NJ Transit Raritan Valley Line
Rd.
Readington
Station
679

Tubman, Lloyd H.

From: Paul DeMuro [Paul.DeMuro@dep.state.nj.us]
Sent: Thursday, January 21, 2010 9:29 AM
To: Kratina@co.somerset.nj.us
Cc: 'MRALANFRANK@aol.com'; Tubman, Lloyd H.; Douglas.Ball@branchburg.nj.us; 'ed.rapp@branchburg.nj.us'; Bzik@co.somerset.nj.us; Mccrackt@co.somerset.nj.us; 'lweber@mosaic-planning-design.com'; 'rvollers@vollersexcavating.com'; 'jbmelitski@yahoo.com'
Subject: Proposed SSA for Bk 9.01, L 2 Branchburg Twp.

BK_9.01_L_2.jpg
(416 KB)

Laurette,

This e-mail is to notify the applicant contact for Bk, 9.01, lot 2 of our decision to include this lot to the Draft Proposed SSA with Branchburg Township.

This decision is based on the discussion tread below.

Paul DeMuro
Division of Watershed Management
Bureau of Watershed Regulation

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>>> Paul DeMuro 1/21/2010 9:18 AM >>>
Laurette,

This e-mail is to clarify that the above referenced lot 2 is associated with Block 9.01 and not 9. This location also requested a HSD application review. However, as illustrated in the attached jpg, this lot is also contiguous to the other lots to be included in the SSA and is bordered by the RR line which separates the headwaters from the main stem of Chamber's Brook and has been determined as indicated below to be "heavily disturbed between the subject site and the "core" wood turtle habitat associated with the main branch of Chamber's Brook".

As a result the "green hatched" area as shown on the jpg can be added back in to the Draft proposed SSA.

Thanks for the opportunity yo clarify.

Paul DeMuro
Division of Watershed Management
Bureau of Watershed Regulation

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>>> Paul DeMuro 1/20/2010 3:16 PM >>>
Laurette,

As you are aware, the owner of the above-referenced properties (lots 9-13) has requested that the entirety of the parcels which have direct frontage on State Hwy Rt. 22 in Branchburg be included in the proposed updated SSA.

A habitat suitability determination from NJDEP was processed and a determination has been rendered at this time. In part this determination indicated that:

COMMENTS/DESCRIPTION: Previous site inspections and reviews of nearby properties has determined that this area is not suitable for the wood turtle. The stream leading to this headwater area is heavily disturbed between the subject site and the "core" wood turtle habitat associated with the main branch of Chamber's Brook. As a result, we see no reason to exclude these properties from the sewer service area solely on endangered or threatened species habitat concerns.

Additionally, as you know property owners of Block 9, lots 2, 8, 14, & 15 submitted HSD application for their properties through your PON process. Based on the above decision and due to the fact lots 2, 8, 14, & 15 are contiguous to or adjacent to lots 9-13 and to the Rail Road line that separates the main stem of Chambers Brook form this location, the Department will also allow theses specific parcels to be returned to the Draft proposed SSA for public comment.

It is requested, if you could please assist the Department in providing this determination to the other effected property owners and if you could please copy us on your response. It you are unable to, do so please let me know.

Thanks Paul

Paul DeMuro
Division of Watershed Management
Bureau of Watershed Regulation

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Elizabeth Calhoun McKenzie

From: "Laurette Kratina" <Kratina@co.somerset.nj.us>
To: "'Elizabeth Calhoun McKenzie'" <ecmcke@embarqmail.com>
Cc: <gregory.bonin@branchburg.nj.us>; "Bob Bzik" <Bzik@co.somerset.nj.us>; "'Douglas Ball'" <Douglas.Ball@branchburg.nj.us>
Sent: Thursday, July 15, 2010 3:37 PM
Subject: RE: BK 17; L 2 - Branchburg

Hi Betsy,

Thank you for updating us today regarding the status of Block 17; Lot 2 in Branchburg, which has been included in the Township's revised Third Round COAH Plan to be adopted by the Township and submitted to COAH on Monday. Based on this meeting, it is my understanding that this parcel will be developed with a combination of both residential and non-residential uses. The Third Round Plan specifies that the residential development component of this will be comprised of 250 rental units of which 50 will be low-moderate income or 400 for-purchase units, of which 100 will be low-moderate income. The amount of non-residential development will vary depending on which of these options is chosen by the developer. It is also my understanding that this parcel is part of a larger concept plan involving BK9, Ls 8, 14, 15, 16, 17, 17.01, 18, 19, 20, 21 and BK 9.01; L 2 for which a "General Development Plan" and PUD ordinance are being developed.

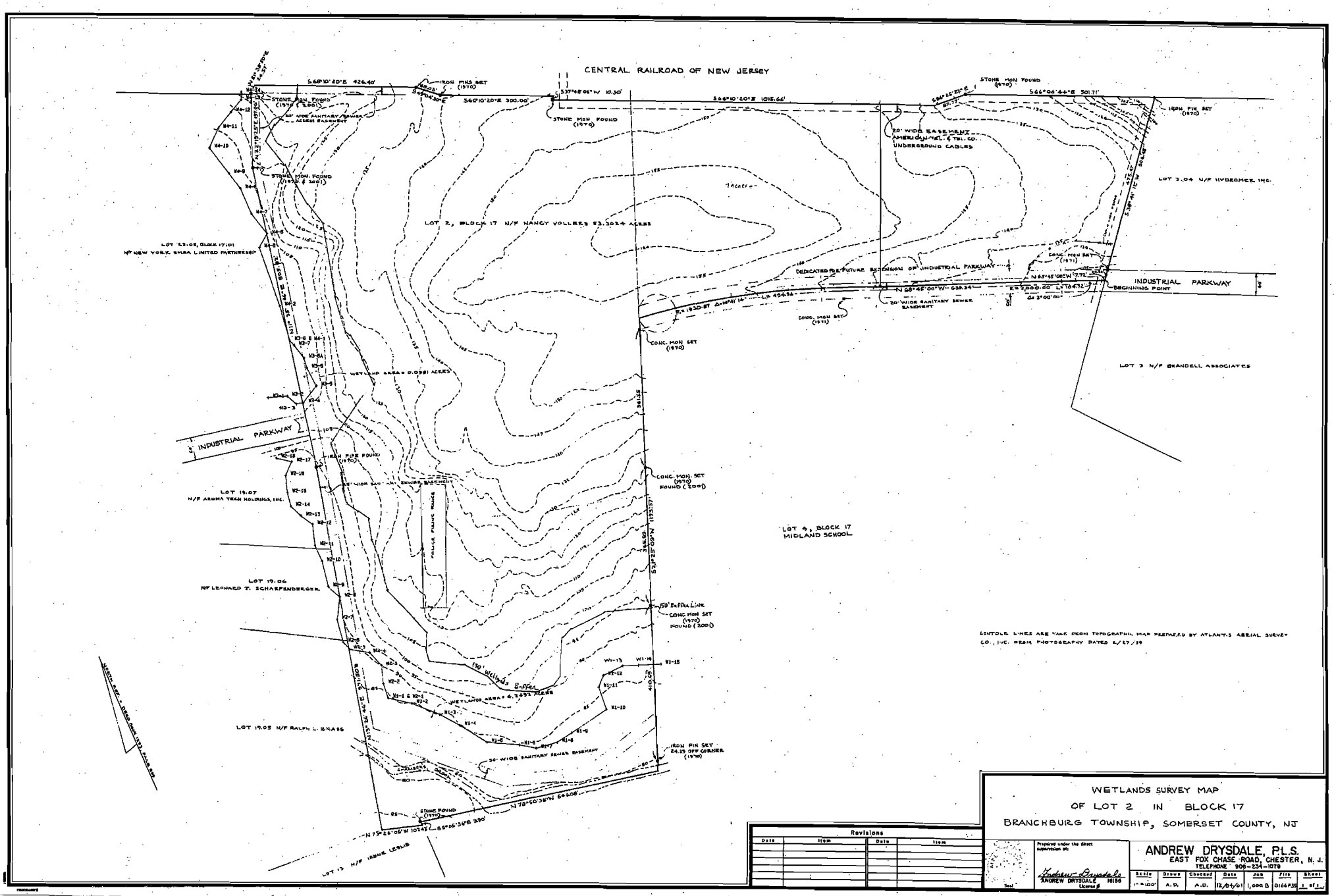
As you described at today's meeting, in order for the development of Block 17; L 2 to move forward in accordance with the revised Third Round COAH Plan, the disturbed "police department firing range" portion of the parcel, which is likely to have some contamination due to many years of use for this purpose must also be returned to the sewer service area. Previously, NJDEP agreed to the inclusion of fields actively used for agricultural purposes in the proposed updated SSA. In order to substantiate this request, we greatly appreciate the provision of an electronic copy of a map for Block 17; Lot 2 that that delineates the wetlands and associated buffer area on this site pursuant to the NJDEP's Wetlands LOI issued for this parcel. It appears that another plan that delineates and labels the different existing "activity areas" and associated limits of disturbance would be helpful. In addition, please submit an electronic copy of the concept plan the delineates the area to be developed pursuant to the revised Third Round COAH Plan, and that shows that the stream buffer, riparian, steep slope, 100-year floodplain, and wetland areas associated with the Chambers Brook will not be disturbed. Since NJDEP is of the impression that the portion of the site that includes the firing range is habitat, it may be appropriate to submit photos of this area and any other appropriate information documenting conditions on this portion of the site. All of this information will be forwarded to NJDEP electronically for review. Assuming NJDEP authorizes this change, the County will integrate this change into the proposed updated SSA data layer and Future Wastewater Service Areas Map to be included in the Township's Chapter of the updated County WMP.

The following are the general steps in the WMP process that have been completed to date:

1) County and Municipal corrections to NJDEP draft SSA developed and Submitted to NJDEP
2) NJDEP review and "acceptance: of corrected draft SSA Shape file
3) Release of map illustrating differences between previously approved SSA and proposed updated SSA released on County Website
4) Property Owners notified by County via certified mail
5) Additional corrections to draft SSA shape file have been identified as a result of the property owner notification process which have been reviewed and accepted by the Township WMP Committee and NJDEP

General Next Steps:

1) Completion of changes to SSA shape file by County
2) Preparation of build-out analysis by County
3) provide build-out analysis to Township WMP Committee for review and comment
4) Complete ordinance requirements by Township
5) Resolve any Treatment Plan capacity issues by County, SRVSA and affected municipalities
6) Prepare Draft Township WMP Chapter by Malcolm Pirnie
7) Review and Endorsement of WMP Chapter by Township
8) Prepare County WMP and Submit to NJDEP



WETLANDS SURVEY MAP

OF LOT 2 IN BLOCK 17

BRANCHBURG TOWNSHIP, SOMERSET COUNTY, NJ

Revisions			
Date	Item	Date	Item

Prepared under the direct supervision of:

Andrew Drysdale

ANDREW DRYSDALE 16156

License #

Seal

ANDREW DRYSDALE, P.L.S.

EAST FOX CHASE ROAD, CHESTER, N. J.

TELEPHONE 908-234-1079

Scale	Drawn	Checked	Date	Job	File	Sheet
1" = 100'	A. D.	A. D.	12/04/01	1,000 B	0166P35	1 of 1

EASTERN STATES

ENVIRONMENTAL ASSOCIATES INC.

HABITAT SUITABILITY DETERMINATION APPLICATION

Block 17 - Lot 2

Township of Branchburg

Somerset County, New Jersey

Specializing in the Assessment and Management of the Natural Resources

RR-3 Box 541, Mountain View Drive, Kunkletown, Pennsylvania 18058
(610) 681-6030 • Fax:(610) 681-6031

ENVIRONMENTAL ASSOCIATES INC.

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RR-3 Box 541
Mountain View Drive
Kunkletown, Pennsylvania 18058
Phone: (610) 681-6030
Fax: (610) 681-6031

HABITAT SUITABILITY DETERMINATION APPLICATION

Block 17 - Lot 2

Township of Branchburg

Somerset County, New Jersey

Prepared For:

Farm Acres, LLC

P.O. Box 5297
North Branch, New Jersey 08876

Prepared By:

Eastern States Environmental Associates, Inc.

December 11, 2009

HABITAT SUITABILITY DETERMINATION APPLICATION

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SECTION I

INTRODUCTION

Pursuant to NJAC 7:15-5.26, if an area is excluded from a sewer service area (SSA) in accordance with NJAC 7:15-5.24 on the basis that it is within a habitat patch of Rank 3, 4 or 5 on the NJDEP Landscape Maps of Habitat for Endangered, Threatened and Other Priority Wildlife, an applicant may seek a Habitat Suitability Determination (HSD) from the NJDEP if the applicant desires to dispute the presumption that the habitat patch of Rank 3, 4 or 5 on the NJDEP Landscape Maps of Habitat for Endangered, Threatened and Other Priority Wildlife is accurate.

Pursuant to NJDEP's Water Quality Management Planning regulations, specifically NJAC 7:15-5.24(a), the NJDEP will generally require the removal of "environmentally sensitive areas" from sewer service areas. Pursuant to NJAC 7:15-5.24(b)1, "environmentally sensitive areas include:

1. "Areas mapped as endangered or threatened wildlife species habitat on the Department's Landscape Maps of Habitat for Endangered, Threatened or other Priority Species..." (Referred to herein as the "Landscape Project Version 2.1")

2. "Areas mapped as Natural Heritage Priority Sites...."

3. "Special water resource protection areas along Category One waters and their tributaries..."; and

4. "Wetlands as mapped pursuant to NJSA 13:9A-1 and 13:B-25..."

This HSD Application is prepared and submitted pertaining to the Subject Property presently known as ***Block 17 - Lot 2*** in ***Branchburg Township, Somerset County, New Jersey*** (Property). In accordance with the Hillsborough Township, Somerset County, New Jersey Delta Map Proposed and Previously Adopted Future Wastewater Sewer Service Areas, the southern and western regions of the Property are proposed to be removed from a previously adopted sewer service area (SSA) (Figure #1).

The Property is not a Natural Heritage Priority Site, and there are no Category One waters or tributaries associated with the drainage of the Property. The NJDEP has determined that the jurisdictional wetlands occur within the low-lying floodplain lands associated with the Chambers Brook stream corridor in the southern region of the Property. Wetlands are also determined to be associated with a narrow tributary stream corridor which exists along the western border of the Property. In accordance with an NJDEP Wetlands Letter of Interpretation Reissuance (LOI) issued on May 31, 2007 (Section X), the wetlands associated with the Property are classified as exceptional resource value thereby requiring a standard wetland transition area distance of 150 feet. However, it is understood that the southern, western and easternmost regions of the Property have been classified as an environmentally sensitive area because the Landscape Project Version 2.1 has mapped these areas of the Property as consisting of Wood Turtle habitat based upon the mapping criteria summarized in the Wood Turtle Habitat Inventory and Suitability Evaluation Report (Section XIII). The Wood Turtle is not a federally endangered or threatened species. However, the Wood Turtle is listed as a State Threatened Species in the State of New Jersey. In addition, the Landscape Project Version 2.1 has mapped the riparian corridor associated with Chambers Brook in the southern region of the Property as Bald Eagle foraging habitat. However, this mapped Bald Eagle foraging habitat is encompassed within the area mapped as Wood Turtle habitat by the Landscape Project Version 2.1.

Pursuant to NJAC 7:15-5.24(g), environmentally sensitive areas may be included in a sewer service area if "the Department determines that the environmentally sensitive areas included in the sewer service area are not critical to a population of endangered or threatened species, the loss of which would decrease the likelihood of the survival or recovery of the species in the State."

A Wood Turtle Habitat Inventory and Suitability Evaluation (Section XIII) has been conducted to determine whether the inclusion of the Property in a sewer service area would decrease the likelihood of the survival or recovery of Wood Turtles in New Jersey. The conducted research addressed in this report consists of both literature review and field investigations conducted of the Property and surrounding lands in April of 2001, March of 2007 and June of 2009. In summary, it is determined that the riparian corridor associated with Chambers Brook which forms the southern border of the Property along with the contiguous tributary stream corridor which exists along the western border of the Property contain preferred hibernating, breeding, nesting and foraging habitat for the Wood Turtle. The Landscape Project Version 2.1 maps these areas as Wood Turtle habitat. However, the extent to which Wood Turtle habitat is mapped in the southern and western regions of the Property is excessive in that a significant portion of these areas are either developed or significantly disturbed. Based upon field evaluation of the Property and surrounding lands, it is determined that the extent to which the Property is mapped as consisting of preferred Wood Turtle hibernating, breeding, nesting and foraging is excessive given the occurrence of manipulations within portions of these mapped areas. In accordance with the NJDEP Wetlands LOI, it is determined that approximately 12.15 acres of the Property consist of either wetlands or wetland transition area (WTA) as a result of the exceptional resource value classification. The wetlands and WTA generally exclude areas of the Property which are developed or significantly manipulated. Accordingly, it is determined that the additional areas mapped as Wood Turtle habitat by the Landscape Project Version 2.1 do not warrant the restricted use of the Property for the purpose of protecting the Wood Turtle

beyond that mandated by current wetlands regulations. Therefore, the inclusion of the Property within a sewer service area will not decrease the likelihood of the survival or recovery of Wood Turtles in the State of New Jersey.

Similarly, it is determined that approximately 12.15 acres of the Property be considered as Rank 3 Forest since said areas consist of the forested stream corridor and associated maximum buffers in accordance with respective wetlands and Flood Hazard Area regulations. However, the remainder of the wooded areas of the Property should not be classified as Rank 3 Forest given its determined marginal Wood Turtle utilization potential resulting from site specific conditions.

In addition, the Landscape Project Version 2.1 maps Chambers Brook and the associated riparian corridor as Bald Eagle foraging habitat. However, the riparian corridor associated with Chambers Brook does not include an open water body greater than 8 hectares as defined in the Bald Eagle Foraging Model.

FIGURE #1 **Branchburg Township, Somerset County, New Jersey Delta Map Proposed and Previously Adopted Future Wastewater Sewer Service Areas**

SECTION II

NJ NATURAL HERITAGE PROGRAM THREATENED/ENDANGERED SPECIES DATA REQUEST

Pursuant to NJAC 7:15-5.26, application was submitted to the New Jersey Natural Heritage Program (NJNHP) for a listing of any rare, threatened or endangered species or potentially suitable habitat that may occur on or in the vicinity of the subject property. As of the preparation date of this HSD Application, results of the aforementioned database review have not been received from the NJNHP.

However, as illustrated on the NJDEP I-Map, the Landscape Project Version 2.1 has mapped the entire Property as consisting of Wood Turtle habitat based upon the mapping criteria summarized in the Wood Turtle Habitat Inventory and Suitability Evaluation Report (Section XIII). In addition, as illustrated on the NJDEP I-Map, the Landscape Project Version 2.1 has mapped the riparian corridor associated with Chambers Brook in the southern region of the Property as Bald Eagle foraging habitat in accordance with the Bald Eagle Foraging Model.

ENVIRONMENTAL ASSOCIATES INC.

Specializing in the Assessment and Management of the Ecological Resources

RR-3 Box 541
Mountain View Drive
Kunkletown, Pennsylvania 18058
Phone: (610) 681-6030
Fax: (610) 681-6031

December 8, 2009

New Jersey Department of Environmental Protection
Division of Parks and Forestry
Office of Natural Lands Management
Natural Heritage Program
P.O. Box 404
Trenton, New Jersey 08625-0404

RE: REQUEST for NATURAL HERITAGE PROGRAM RARE and ENDANGERED SPECIES DATA SEARCH

Ecological Assessment and Impact Evaluation
Vollers - Industry Parkway Property
Block 17 - Lot 2
Branchburg Township, Somerset County, New Jersey
ESEA File #: 1261.107

Dear Sir/Madam:

Eastern States Environmental Associates, Inc. (ESEA) has been retained to conduct an ecological assessment of the referenced property. In conjunction with associated field research of the Subject Property, I wish to obtain information as to the possible documentation of rare, threatened and endangered species on and in the vicinity of said property. Therefore, I would appreciate the Natural Heritage Program undertaking the necessary procedures required to provide my office with a listing of any rare, threatened and endangered species documentation on and in the vicinity of the Subject Property along with the documentation dates should any records exist.

Enclosed herewith is a completed Data Request Form and location maps of the Study Area. Kindly forward an invoice or billing statement to ESEA pertaining to the fees for services rendered pursuant to this request so that payment can be promptly issued.

EASTERN STATES
ENVIRONMENTAL ASSOCIATES
INC.

Thank you for your time and anticipated prompt attention pertaining to this request. Please do not hesitate to contact my office should you have any questions or require additional materials.

Sincerely,

Edward A. Kuc

Edward A. Kuc
Principal Ecologist

EAK/jmd

Enclosures

State of New Jersey
Department of Environmental Protection
Natural Heritage Data Request Form

The New Jersey Natural Heritage Program
Office of Natural Lands Management
P.O. Box 404, Trenton, New Jersey 08625
(609) 984-1339
Fax No.: (609) 984-1427

PLEASE PRINT AND SUBMIT COMPLETED FORM WITH ATTACHMENTS TO THE ADDRESS ABOVE
(Fields shown in bold font must be completed in order for data request to be processed.)

1. **Applicant Name:** Eastern STates Environmental Associates, Inc. **Agency/Company:**

Address: RR#3, Box 541 Mountainview Drive **City:** Kunkletown

State: PA **Zip:** 18058 **Daytime Phone:** 610-681-6030 **Ext.:**

Cell Phone: 570-350-4856 **Email:** esea@ptd.net

Project Name: Vollers Industrial Parkway Property

Municipality(ies): Branchburg Township **County(ies):** Somerset

Block(s): 17 **Lot(s):** 2

N.A.D. 1983 State Plane Coordinates (feet) 6 digits only: **E (x):** 435121 **N (y):** 643035

Project Description: Environmental assessment of Property

USGS Quad: ✓ A copy of a USGS quad map(s) that clearly indicates the site boundary is included with this form. Specify name of USGS quad(s): Raritan, NJ

(USGS quad maps are required, unless prior arrangements have been made to submit site boundaries in an alternate format. Responses will be delayed if site locations are not delineated in a suitable format.)

Flood Hazard Control Act Use: **Is this request submitted as part of a Flood Hazard Area Control Act rule (N.J.A.C. 7:13) application? Yes____ No ✓**

Acknowledgement & Signature: Any material supplied by the Office of Natural Lands Management will not be published without crediting the Natural Heritage Database as the source of the material. It is understood that there will be a charge of $20.00 per hour for the services requested. An invoice will be sent with the request response and payment should be made by check or money order payable to "Office of Natural Lands Management."

Signed Carol Hulia **Date** 12-8-09

Frame for Response:
Requests are processed in the order in which they are received; the response time depends on the backlog at the time your request is logged in. Due to the number of attachments, we cannot fax results. If you would like to have your response package sent by Federal Express, please include an account number with your request.

OFFICE USE ONLY

RECEIVED_____

Code: REG ____ ST ____ RTC ____ NC ____ REGEO ____ STEO ____ RTCEO ____ NCEO ____

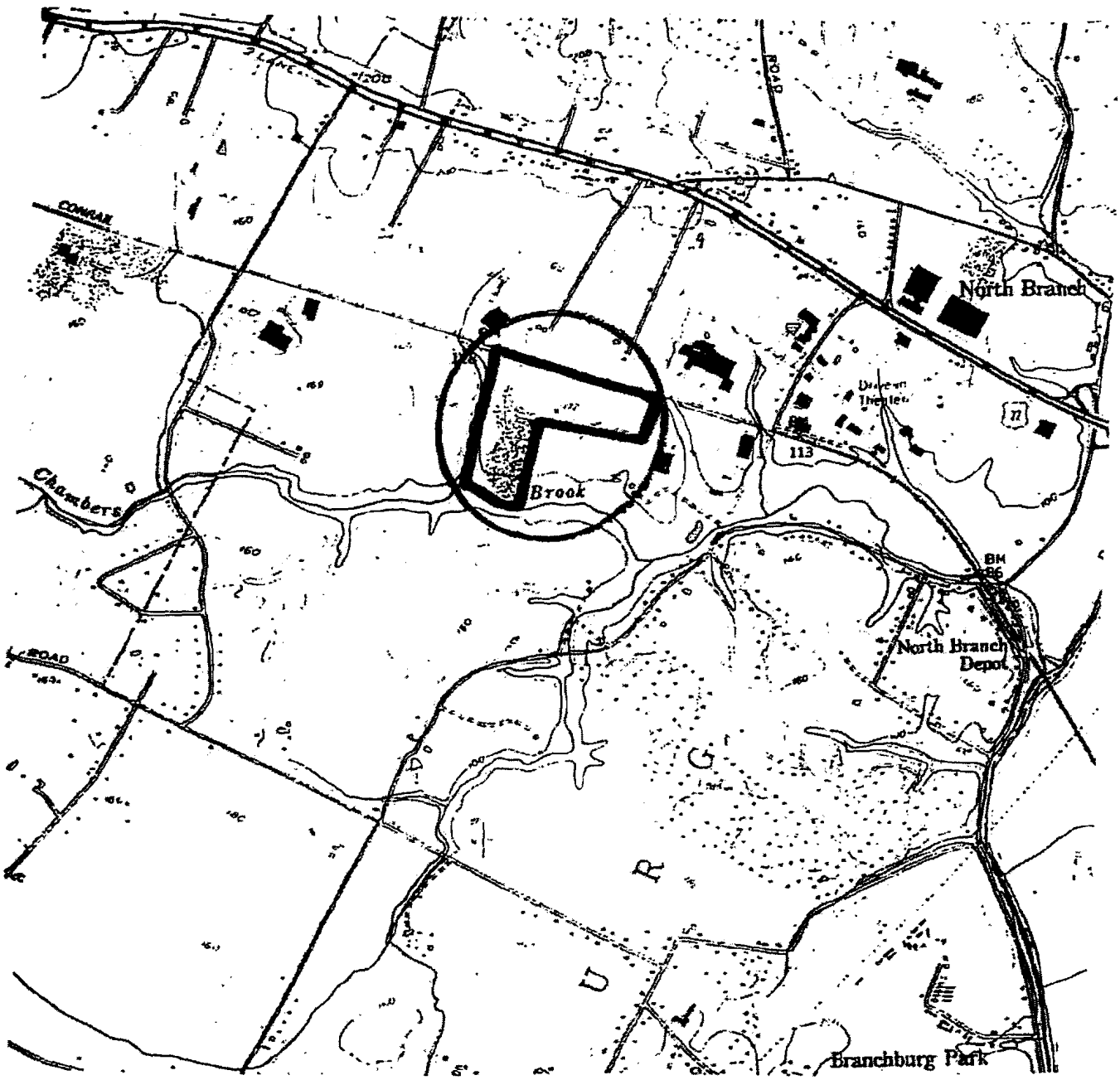


FIGURE #2A Study Area location as depicted on the ***Raritan, New Jersey USGS Quadrangle Map***.

Scale: 1" = 2000'

SECTION III

HABITAT REQUIREMENTS OF SPECIES IDENTIFIED BY NJNHP

As discussed in Section II of this HSD Application, although results of the NJNHP Database Review have not been received as of the preparation of this HSD Application, the NJDEP I-Map illustrates that the Landscape Project Version 2.1 has mapped the southern, western and eastern regions of the Property as consisting of Wood Turtle habitat based upon the mapping criteria summarized in the Wood Turtle Habitat Inventory and Suitability Evaluation Report (Section XIII). In addition, the NJDEP I-Map illustrates that the Landscape Project Version 2.1 has mapped the riparian corridor associated with Chambers Brook in the southern region of the Property as Bald Eagle foraging habitat in accordance with the Bald Eagle Foraging Model.

Wood Turtle:

As discussed in the Wood Turtle Habitat Inventory and Suitability Evaluation Report (Section XIII), the Wood Turtle (Glyptemys (Clemmys) insculpta) is a semi-aquatic species for which critical habitat (hibernating, breeding and nesting) generally includes riparian corridors. However, the Wood Turtle is not as habitat specific as many other reptiles and amphibians and therefore it is known to utilize a variety of habitats for foraging.

The Wood Turtle requires stream habitat for hibernating which usually occurs in relatively deep (> 24inches) permanently flowing streams with undercut banks where the turtle will typically bury itself in mud and bank material amongst exposed root systems of streamside trees. Courting and breeding activity typically occurs within close proximity to these hibernation areas. Nesting generally occurs in June with nesting sites being fully exposed with well drained soils. The Wood Turtle is omnivorous and is known to feed on a variety of items including worms, slugs, berries and insects. With regard to feeding, the Wood Turtle is a generalist and is

known to utilize a wide range of habitats for feeding including but not limited to bogs, vernal pools, open meadows, woodlands and agriculture fields. The Wood Turtle may travel distances away from the preferred riparian habitat while foraging.

Bald Eagle Foraging Habitat:

Bald Eagle foraging habitat is defined as the amount of habitat required to support a nesting pair of eagles throughout the year. Bald Eagles hunt in open water primarily for fish; however, they will also prey upon waterfowl and other aquatic species. Bald Eagles usually hunt from perches along the water's edge (Stalmaster 1987). The model calculates open water area by increasing the radius around each nest incrementally one cell (30 meters) at a time until an area of 660 hectares of foraging habitat has been identified. Foraging habitat is defined as all open water bodies greater than 8 hectares. A 90 meter buffer is applied to identified waters to protect perching sites. All habitat patches (forest and forested wetlands) that intersect with the foraging habitat and 90 meter buffer are designated as critical for eagles.

SECTION IV

OVERVIEW OF SITE SPECIFIC CONDITIONS AND CHARACTERISTICS

The Property is presently undeveloped; however, evidence of manipulation is apparent throughout the northern and northwestern regions of the Property. The northern region of the Property consists of maintained fields. The northwestern and central-western regions of the property have undergone soil excavation and deposition. A police firing range is maintained in the southwestern region of the Property. Unmanipulated areas within the southwestern region of the Property are wooded. Wetlands are associated with the forested riparian corridor associated with Chambers Brook in the southern region of the Property. Wetlands are also associated with a tributary stream corridor which flows along the western border of the Property.

Lands immediately adjacent and to the north of the Property consist of railroad tracks with industrial development and agriculture lands existing to the north of said railroad tracks. Beyond the tributary stream corridor, lands adjacent and to the west of the Property consist of industrial development. Lands adjacent and to the east of the Property likewise consist of industrial development. The riparian corridor associated with Chambers Brook which forms the southern border of the Property provides for a broad corridor of primarily undeveloped lands to the south.

SECTION V

VEGETATION and NATURAL COMMUNITIES OF THE SUBJECT PROPERTY

Vegetation and natural communities associated with the Property and general region are illustrated in Figure #2. Field evaluations determined that the Property does not possess any unique habitats. Furthermore, field evaluations of the habitats present on and in the vicinity of the Property determined that said habitats do not possess any unique characteristics.

Maintained Field (MF):

These lands are routinely cut and maintained. This habitat type occurs in the northern region of the Property. Canopy (tree layer), subcanopy (sapling layer) and shrub layer vegetation is nonexistent throughout this habitat. This habitat is not unique to the region and does not possess any unique characteristics. Vegetation throughout this upland field habitat consists predominantly of Grasses (V), Bluestem (Fac), Tall Goldenrod (FacU), Thistle (Fac) and Queen Anne Lace (NL).

Riparian Stream Corridor (SC):

The forested riparian corridor associated with Chambers Brook which exists in the southern region of the Property consists primarily of Palustrine Forested Broad-leaved Deciduous Wetland habitat. Canopy (tree layer) vegetation ranges from moderate to high in coverage density (40-90% coverage) and consists predominantly of Red Maple (Fac), White Ash (FacU), Elm (Fac) and Pin Oak (FacW). Subcanopy (understory layer) vegetation ranges from low to high in coverage density (20-80% coverage) and consists predominantly of Red Maple (Fac), White Ash (FacU), Pin Oak (FacW) and Elm (Fac). Shrub layer vegetation ranges from moderate to high in coverage density (40-100% coverage) and consists predominantly of Red-osier Dogwood (FacW), Silky Dogwood (FacW), Blackhaw (Fac), Arrowwood (Fac), Spicebush (FacW) and Multiflora Rose (Fac). Ground cover vegetation ranges is high in coverage density (20-100% coverage) and consists predominantly of Grasses (V), Sensitive Fern (FacW), Jewelweed (FacW), Reed Canarygrass (FacW), Sedges (Obl), Rushes (Obl) and Smartweed (FacW).

Tributary Stream Corridor (TSC):

The wetland tributary stream corridor which exists along the western border of the Property consists primarily of Palustrine Forested Broad-leaved Deciduous Wetland habitat. Canopy (tree layer) vegetation ranges from low to moderate in coverage density (0-50% coverage) and consists predominantly of Red Maple (Fac), White Ash (FacU), Elm (Fac) and Pin Oak (FacW). Subcanopy (understory layer) vegetation ranges from low to high in coverage density (30-100% coverage) and consists predominantly of Elm (Fac) and White Ash (FacU). Shrub layer vegetation ranges from moderate to high in coverage density (40-100% coverage) and consists predominantly of Red-osier Dogwood (FacW), Silky Dogwood (FacW), Blackhaw (Fac), Arrowwood (Fac), Spicebush (FacW) and Multiflora Rose (Fac). Ground cover vegetation ranges from low to moderate in coverage density (10-70% coverage) and consists predominantly of Jewelweed (FacW), Mosses (V), Sedges (Obl) and Rushes (Obl).

Developed / Significant Disturbance (D):

These areas on an adjacent to the Property consist of lands which are developed or are otherwise disturbed to the extent that minimal, if any ecological amenities are provided. Lands which have experienced significant disturbances and manipulations occur in the northern and southwestern regions of the Property. Developed lands exist adjacent and to the north, west and east of the Property.

Early Succession Wooded (ESF):

This habitat type exists in the southern-central and western regions of the Property. This habitat type also occurs immediately adjacent and to the east of the Property. This habitat consists of young growth. This habitat is not unique to the region and does not possess any unique characteristics. Canopy (tree layer) and subcanopy (understory layer) vegetation species occurring throughout this habitat ranges from moderate to high in coverage density (60 - 100% coverage) and consist predominantly of Eastern Red Cedar (FacU), Black Cherry (FacU), White

Ash (FacU) and Red Maple (Fac). Shrub layer vegetation species occurring throughout this habitat ranges from low to moderate in coverage density (10-70% coverage) and consists predominantly of Multiflora Rose (Fac) and Blackhaw (Fac). Ground cover vegetation species throughout this habitat is low in coverage density (10-20% coverage) and consist predominantly Japanese Honeysuckle (Fac), Poison Ivy (Fac), Grasses (V), Garlic Mustard (Fac), Violet (Fac), Virginia Creeper (FacU) and Wild Onion (Fac).

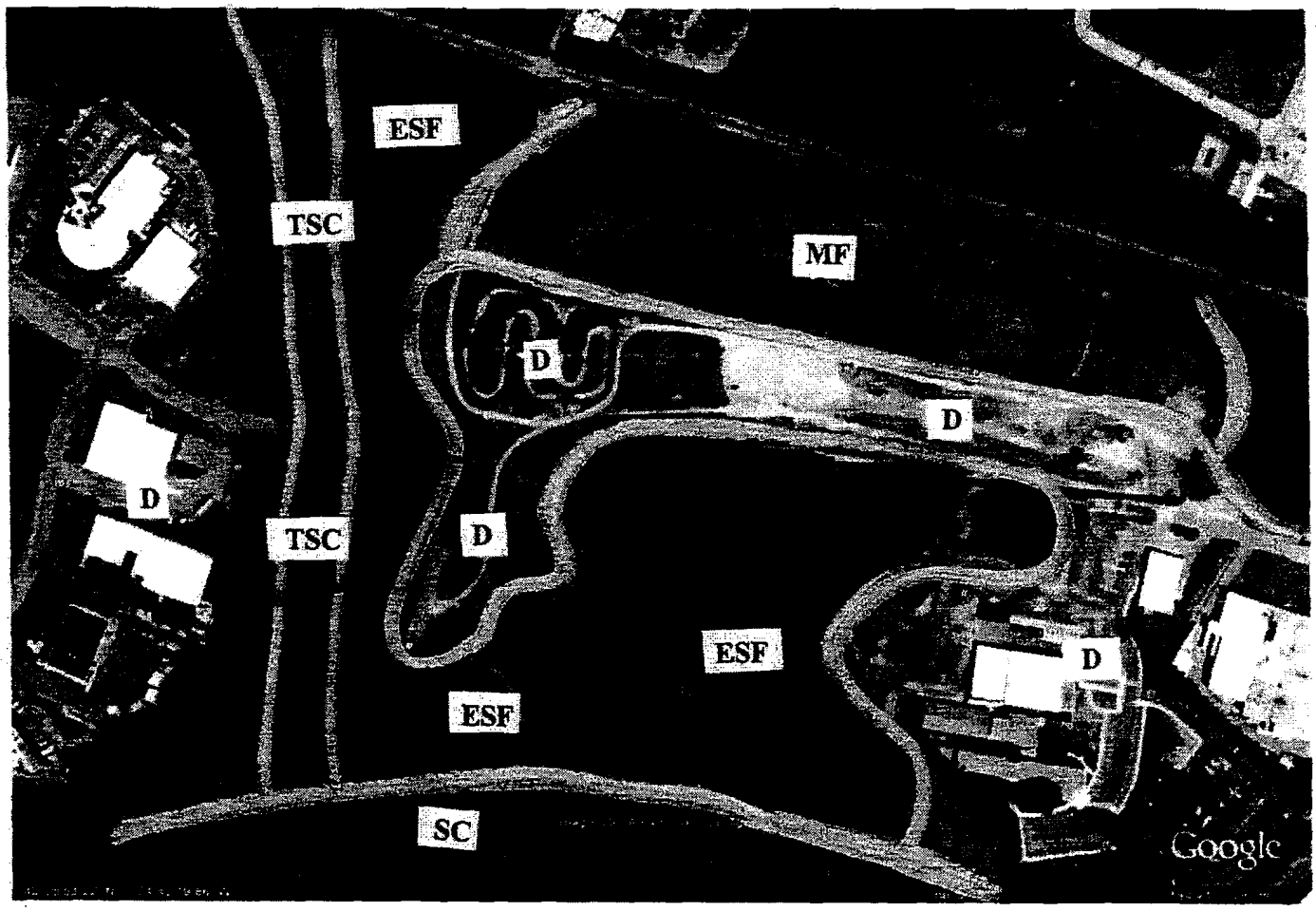


Figure #2 **Vegetation Communities Associated with the Property**

D = Developed/Significant Disturbance
SC = Riparian Stream Corridor
TSC = Tributary Stream Corridor
ESF = Early Succession Woods
MF = Maintained Field

SECTION VI

MAP OF NATURAL COMMUNITIES

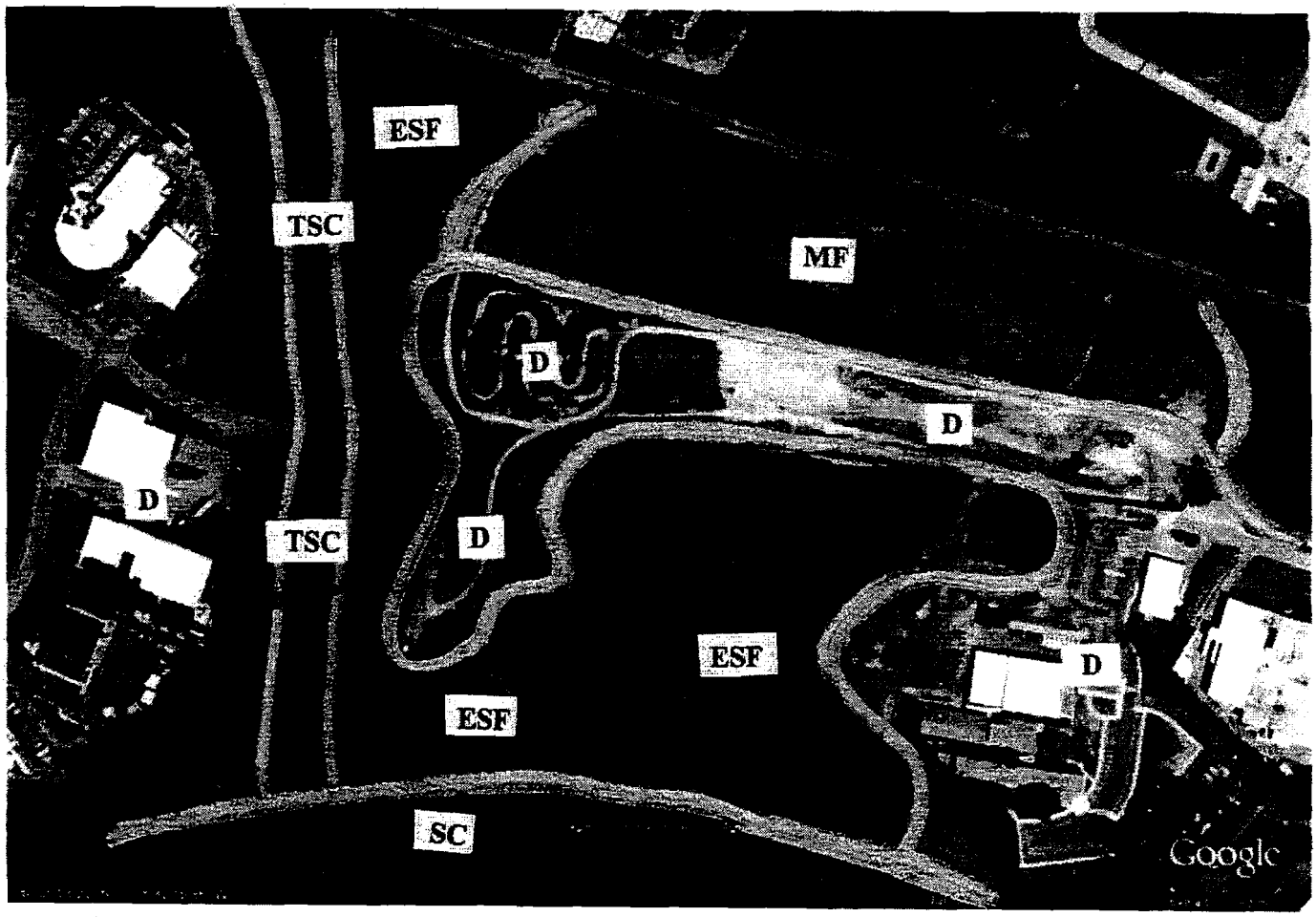


Figure #3 **Vegetation Communities Associated with the Property**

D = Developed/Significant Disturbance
SC = Riparian Stream Corridor
TSC = Tributary Stream Corridor
ESF = Early Succession Woods
MF = Maintained Field

SECTION VII

GEOLOGY OF THE SUBJECT PROPERTY

As illustrated on the NJDEP I-Map Geology, the Property along with all lands in the general region are underlain by the Passaic Formation (JtrP). Surficial geology associated with the majority of the Property along with the majority of lands in the general region consist of weathered shale, mudstone and sandstone (Qws). The drainage corridor along the western border along with the Chambers Brook stream corridor in the southern region of the Property consist of alluvium (Qal). The Property along with all lands in the general region are included in the Brunswick Bedrock Aquifer.

No significant geologic features including cliffs, bluffs, talus, caves, extremely steep slopes or sinkholes are known to exist on or in the general vicinity of the Property.

SECTION VIII

SOILS OF THE SUBJECT PROPERTY

The Soil Survey of Somerset County, New Jersey, prepared by the U.S. Soil Conservation Service (USSCS), was consulted with regard to the types of soils which exist on this Property along with certain characteristics and limitations generally associated with each of these soil types. The USSCS mapped the soils of Somerset County during the period of 1957-68 and said mapping was approved in 1971. Accordingly, soil conditions described in this publication refer to conditions in the county in 1971.

As depicted on Sheet #15 of the Soil Survey of Somerset County, New Jersey, four (4) soil types are found to be associated with the Property (Figure #4). Some characteristics and limitations of these soils are described as follows:

Klinesville shaly loam, 12 to 18% slopes (KlD):

Concurrent with available mapping, it was determined that this soil type may occur in portions of the western, southern and northeastern regions of the Property.

This soil type formed in material weathered from red shale, siltstone and fine-grained sandstone. This soil type is commonly found on narrow divides and rolling uplands. Permeability of this soil type is moderately rapid and available water capacity is low. The seasonal high water table may be found at depth of 4+ feet.

Penn silt loam, 2 to 6% slopes (PmB):

Concurrent with available mapping, it was determined that this soil type occurs in portions of the eastern region of the Property.

This soil type formed in material weathered from red shale, siltstone and fine-grained sandstone. This soil type is commonly found on undulating and rolling uplands. Permeability of these soil types is moderate and available water capacity is moderate. The seasonal high water table may be found at depth of 5+ feet.

Penn shaly silt loam, 6 to 12% slopes (PnC):

Concurrent with available mapping, it was determined that this soil type occurs in portions of the central and northeastern regions of the Property.

This soil type formed in material weathered from red shale, siltstone and fine-grained sandstone. This soil type is commonly found on undulating and rolling uplands. Permeability of these soil types is moderate and available water capacity is moderate. The seasonal high water table may be found at depth of 5+ feet.

Rowland silt loam (Ro):

Concurrent with available mapping, it was determined that this soil type may occur in portions of the southern and westernmost regions of the Property.

This soil type formed in mixed sediment that washed from upland soils and in the underlying red shale, siltstone and fine-grained sandstone. This soil type is commonly found in floodplains and drainageways. Permeability of this soil type is moderate and available water capacity is high. The seasonal high water table may be found at depth of 1 to 3 feet.

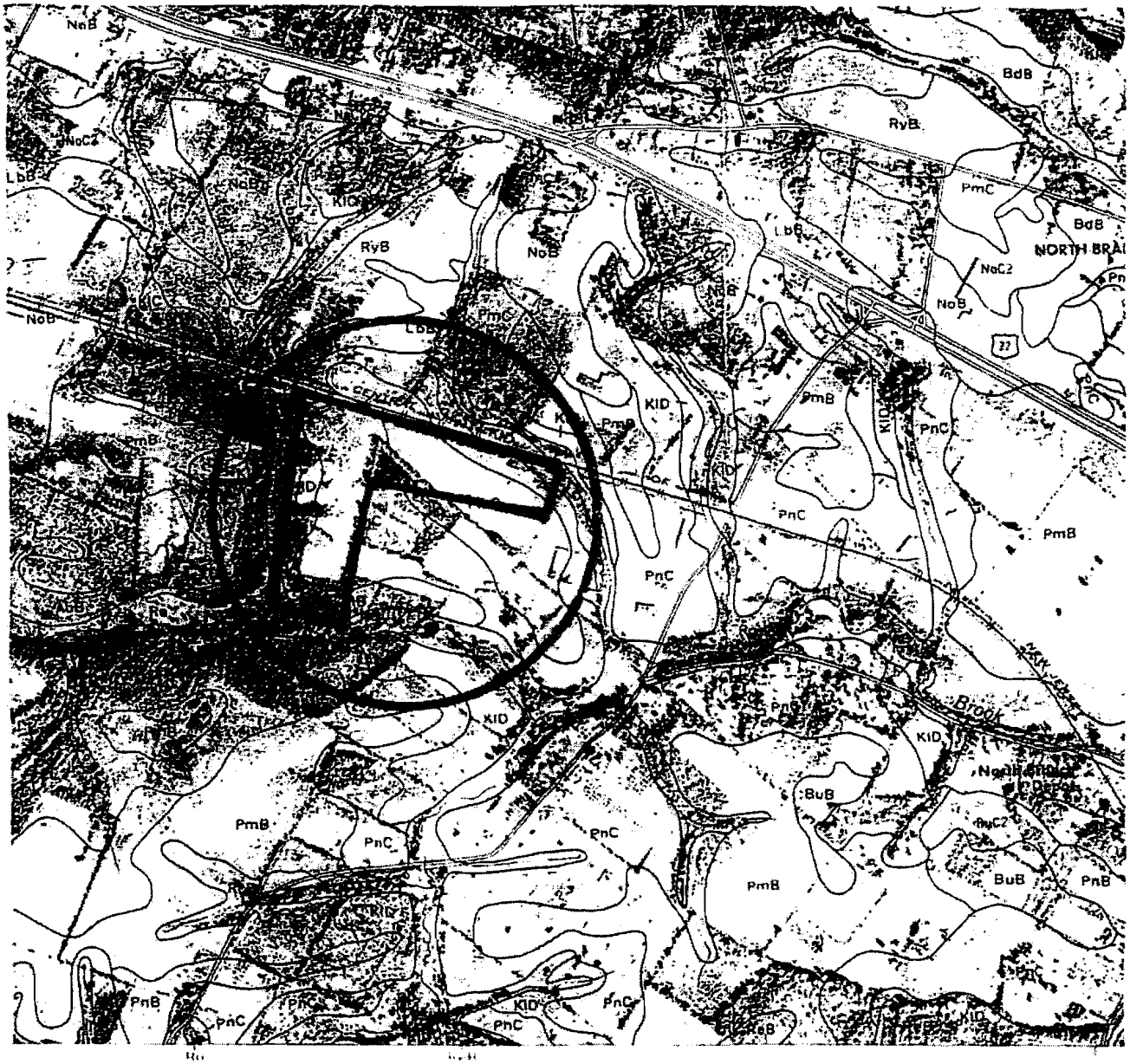


FIGURE #4 **Study Area location as depicted on Sheet #15 of the USSCS Soil Survey of Somerset County, New Jersey.**

Scale: 1" = 1320'

SECTION IX

HYDROLOGIC FEATURES OF THE SUBJECT PROPERTY

The Property is located in the Chambers Brook Subwatershed, North Branch Raritan River Watershed, Raritan River Drainage Basin.

Chambers Brook flows in an easterly direction through the southern region of the Property. In addition, a small tributary stream flows in a southerly direction along the western border of the Property.

Chambers Brook and its associated tributaries are classified as FW-2 Non-Trout Waters by the NJDEP. These classified waters are determined to be unable to support trout species throughout the entire year. Trout are generally used as indicator species of high quality waters because of the species' demand of well oxygenated, minimal sedimentation impacted and overall high quality waters.

SECTION X

NJDEP WETLANDS LETTER OF INTERPRETATION

On May 8, 2002, the NJDEP issued a Wetlands LOI for the Property (NJDEP #: 1805-02-0002.1) which confirmed that jurisdictional areas associated with the Property are limited to the Chambers Brook stream corridor in the southern region of the Property along with a tributary stream corridor along the western border of the Property. The Wetlands LOI classified the jurisdictional areas associated with the Property as wetlands of exceptional resource value thereby requiring a standard wetland transition area (WTA) distance of 150 feet. In addition, on May 31, 2007, the NJDEP issued a Wetlands LOI Reissuance (NJDEP #: 1805-02-0002.1 FWW070001) which extended the validity of the original Wetlands LOI until May 8, 2012.

RECEIVED JUL 0 6 2007

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

Division of Land Use Regulation
P.O. Box 439, Trenton, New Jersey 08625
FAX # (609) 777-3656
Web Site:www.state.nj.us/dep/landuse

LISA P. JACKSON
Commissioner

MAY 31 2007

Edward A. Kuc
Eastern States Environmental Associates
RR-3 Box 541
Mountain View Drive
Kunkletown, PA 18058

RE: Letter of Interpretation, Line Verification – Re-issuance
File No.: 1805-02-0002.1
Activity No.: FWW 070001
Applicant: Vollers, Inc.
Block: 17 Lot: 2
Branchburg Township, Somerset County

Dear Mr. Kuc:

The New Jersey Department of Environmental Protection issued a Letter of Interpretation for the referenced site on May 8, 2002. You have requested that the Letter of Interpretation be reissued in accordance with the requirements at N.J.A.C. 7:7A-3.7.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Division of Land Use Regulation is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retain the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon an inspection of the site conducted on April 10, 2002, the Division of Land Use Regulation has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled, "WETLANDS SURVEY MAP, OF LOT 2 IN BLOCK 17, BRANCHBURG TOWNSHIP, SOMERSET COUNTY, NJ," dated December 4, 2001, unrevised, and prepared by Andrew Drysdale, P.L.S., is accurate as shown. Therefore the term of the original Letter of Interpretation is hereby extended to May 8, 2012, which is five years from the expiration of the original Letter of Interpretation.

Any activities regulated under the Freshwater Wetlands Protection Act proposed within the wetlands or transition areas or the deposition of any fill material into any water area, will require a permit from this office unless exempted under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., and implementing rules, N.J.A.C. 7:7A.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above DLUR file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP File No.1805-02-0002.1 FWW 070001."

In addition, the Department has determined that the wetlands on the subject property are of Exceptional resource value and the standard transition area or buffer required adjacent to these wetlands is 150 feet. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of General Permits available for the wetlands portion of this property (see N.J.A.C. 7:7A-5) and the modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

It should be noted that this determination of wetlands classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant. Under NJSA 13:9B-7a(2), if the Department has classified a wetland as exceptional resource value, based on a finding that the wetland is documented habitat for threatened and endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division of Land Use Regulation, P.O. Box 439, Trenton, New Jersey 08625.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. Also this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, 401 East State Street, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist. If a person submits the hearing request after this time, the Department shall deny the request. The DEP bulletin is available through the Department's website at www.state.nj.us/dep.

Please contact Kim Kerkuska of our staff at (609) 633-6754 should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,

Christopher Jones
Section Chief
Bureau of Inland Regulation

c: Applicant
Branchburg Township Construction Official

State of New Jersey

James E. McGreevey
Governor

Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439, Trenton, New Jersey 08625
Fax # (609) 777-3656
Web Site: www.state.nj.us/dep/landuse

Bradley M. Campbell
Commissioner

MAY 0 8 2002

Edward Kuc
Eastern States Environmental Associates, Inc.
18 Starlight Drive, Suite 102
Effort, PA 18330

RE: Letter of Interpretation/Line Verification
File No.: 1805-02-0002.1
Applicant: Vollers Inc.
Block: 17; Lot: 2
Branchburg Township, Somerset County

Dear Mr. Kuc:

This letter is in response to your request for a Letter of Interpretation to verify the jurisdictional boundary of the freshwater wetlands and waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Land Use Regulation Program is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retains the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon a site inspection conducted on April 10, 2002, the Land Use Regulation Program has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled "WETLANDS SURVEY MAP, OF LOT 2 IN BLOCK 17, BRANCHBURG TOWNSHIP, SOMERSET COUNTY, NJ," dated December 4, 2001, unrevised and prepared Andrew Drysdale, P.L.S., is accurate as shown.

Any activities regulated under the Freshwater Wetlands Protection Act proposed within the wetlands or transition areas or the deposition of any fill material into any water area, will require a permit from this office unless exempted under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., and implementing rules, N.J.A.C. 7:7A. A copy of this plan, together with the information upon which this boundary determination is based, has been made part of the Program's public records.

Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1 et seq.), you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above LURP file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP."

In addition, the Department has determined that the wetlands on the subject property are of Exceptional resource value and the standard transition area or buffer required adjacent to these wetlands is 150 feet. This classification may affect the requirements for a Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of Statewide General Permits available for the wetlands portion of this property (see N.J.A.C. 7:7A-5) and the modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

It should be noted that this determination of wetlands classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. Also this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

In accordance with N.J.A.C. 7:7A-12, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to:

New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 East State Street
P.O. Box 402
Trenton, NJ 08625-0402.

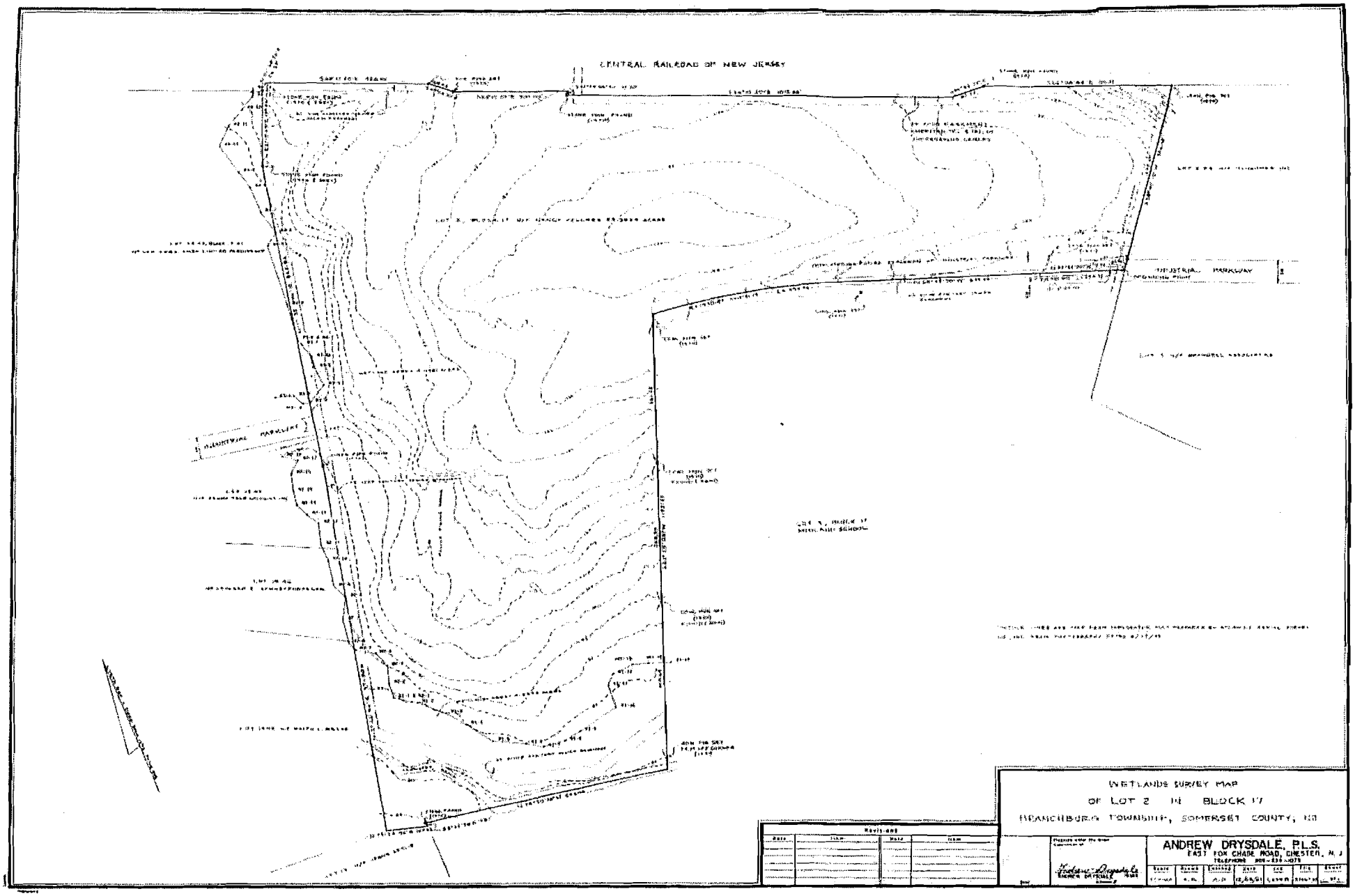
This request must include a completed copy of the Administrative Hearing Request Checklist.

Please contact Kim Kessler of our staff at (609) 633-6754 should you have any questions regarding this letter. Be sure to indicate the Program's file number in all communication.

Sincerely,

Christopher Jones
Section Chief
Bureau of Inland Regulation

c: Branchburg Township Clerk
Branchburg Township Construction Official


CENTRAL RAILROAD OF NEW JERSEY
INDUSTRIAL PARKWAY
WETLANDS SURVEY MAP
OF LOT 2 IN BLOCK 17
BRANCHBURG TOWNSHIP, SOMERSET COUNTY, NJ
ANDREW DRYSDALE, P.L.S.
EAST FOX CHASE ROAD, CHESTER, N.J.
TELEPHONE 908-879-4079

SECTION XI

SITE SPECIFIC DETERMINATIONS CONCERNING WOOD TURTLE UTILIZATION POTENTIAL and BALD EAGLE FORAGING HABITAT POTENTIAL

Wood Turtle:

During field inspections of the Property and surrounding lands, no Wood Turtles were observed nor was there any indication as to their occurrence. However, existing habitats associated with this Property were evaluated in accordance with the critical preferred habitats associated with the Wood Turtle. Due to the general rarity of this threatened species, total absence of this species on the Property cannot be assumed based upon the lack of their observation during this particular evaluation. Similarly, their presence on the Property cannot be assumed just based upon the availability of potential habitat and inclusion within the species' range.

It is understood that the Landscape Project Version 2.1 has mapped Wood Turtle habitat throughout the southern and western regions of the Property along with a portion of the northeastern region. In accordance with the Landscape Project 2.1 mapping process, it is understood that the southern region of the Property is mapped as Wood Turtle habitat for the reason that this area consists of a riparian corridor within which the occurrence of Wood Turtles has been documented. It is understood that the western region of the Property is mapped as Wood Turtle habitat for the distance of 0.2 miles from the tributary stream which is contiguous and within a 1 mile radius of a Wood Turtle sighting.

Field evaluation of the Property determined that the riparian corridor associated with Chambers Brook which forms the southern border of the Property along with the contiguous tributary stream corridor which exists along and beyond the western border of the Property may include hibernating, breeding, nesting and foraging habitat characteristics preferred by the Wood Turtle.

Although the Wood Turtle will primarily forage within the preferred riparian corridors, potential foraging habitat of the Wood Turtle is more variable than the preferred hibernating, breeding and nesting habitat. It is determined that foraging habitat preferred by the Wood Turtle occurs throughout the Chambers Brook riparian corridor in the southern region of the Property and the tributary stream corridor in the western region of the Property.

As a result of the linear distance factor, the Landscape Project Version 2.1 maps potential Wood Turtle throughout the southern region of the Property and throughout a significant portion of the western region of the Property. However, a significant portion of the uplands adjacent to the riparian corridor in the southern region of the Property are manipulated and consist of a police firing range and associated disturbances. Said development and disturbances will serve to diminish the utilization potential of the uplands in the southern region of the Property by Wood Turtles. Another contributing factor influencing the diminished utilization potential of the uplands throughout the southern region is the availability of significantly more preferred, contiguous habitat availability associated with the Chambers Brook riparian corridor. Similarly, a significant portion of the uplands adjacent to the tributary stream corridor along the western border of the Property are manipulated; a portion of which consists of significant soil excavation and deposition. Said disturbances will serve to diminish the utilization potential of the uplands in the western region of the Property by Wood Turtles.

Based upon field evaluation of the Property and surrounding lands, it is determined that the extent to which the Property is mapped as consisting of preferred Wood Turtle hibernating, breeding, nesting and foraging is excessive given the occurrence of manipulations within portions of these mapped areas. In accordance with the NJDEP Wetlands LOI (Section X), it is determined that approximately 12.15 acres of the Property consist of either wetlands or wetland transition area (WTA) as a result of the exceptional resource value classification. The wetlands and WTA generally exclude areas of the Property which are developed or significantly

manipulated. Accordingly, it is determined that the additional areas mapped as Wood Turtle habitat by the Landscape Project Version 2.1 do not warrant the restricted use of the Property for the purpose of protecting the Wood Turtle beyond that mandated by current wetlands regulations. Therefore, the inclusion of the Property within a sewer service area will not decrease the likelihood of the survival or recovery of Wood Turtles in the State of New Jersey.

Bald Eagle Foraging Habitat:

During field inspections of the Property and surrounding lands, no Bald Eagles were observed nor was there any indication as to their occurrence. However, existing habitats associated with this Property were evaluated in accordance with the critical preferred habitats associated with the Bald Eagle. Due to the general rarity of this species, total absence of this species on the Property cannot be assumed based upon the lack of their observation during this particular evaluation. Similarly, their presence on the Property cannot be assumed just based upon the availability of potential habitat and inclusion within the species' range.

It is understood that the Landscape Project Version 2.1 has mapped Chambers Brook and the associated riparian corridor as Bald Eagle foraging habitat. However, the riparian corridor associated with Chambers Brook does not include an open water body greater than 8 hectares as defined in the Bald Eagle Foraging Model. Although Chambers Brook itself consists of an open water, the riparian corridor associated with Chambers Brook inclusive of the stream itself consists primarily of a closed canopy habitat which is not preferred by Bald Eagles for foraging purposes.

Nonetheless, the extent of Bald Eagle Foraging Habitat as illustrated on the NJDEP I-Map is limited to the riparian corridor of Chambers Brook. This extent is generally consistent with delineated wetlands limits along with the associated WTA imposed by the Freshwater Wetlands Protection Act (FWWPA) and riparian buffers imposed by the Flood Hazard Area Control Act (FHA).

SECTION XII

PROFESSIONAL CREDENTIALS

EDWARD A. KUC
PROFESSIONAL CREDENTIALS and QUALIFICATIONS

EXPERIENCE:

Principal Natural Resource Specialist; **Eastern States Environmental Associates, Inc., Effort, Pennsylvania**

Responsible for the coordination, supervision, and implementation of natural resource inventories and evaluations (i.e. natural habitats and communities; terrestrial and aquatic vegetation, wildlife, fisheries, aquatics, threatened and endangered species habitat suitability and utilization potential, and freshwater wetlands), environmental feasibility assessment, environmental impact analysis, natural resources protection and mitigation/restoration programs, and ecological management programs (i.e. terrestrial and aquatic habitats, fisheries and wildlife). Serve as chief representative of public and private clientele of the Association throughout the United States for matters including project design, regulatory compliance, regulatory permit applications and expert testimony. Represented clientele include various state governments, municipalities, utility authorities, boards of education, private corporations, land development organizations, conservation organizations and land owners.

Natural Resource Specialist; **Environmental Associates, Inc., Rockaway, New Jersey**

Responsible for the coordination and supervision of the ecological staff and research projects consisting of natural resource inventories (habitat, vegetation, natural communities, wildlife, fisheries, threatened and endangered species); freshwater wetlands inventory, analysis and functional assessment; environmental feasibility; environmental impact assessment; and environmental protection and natural resource mitigation/restoration programs. Responsible for the coordination and review of associated environmental reports and publications.

Research and Management Environmental Specialist; **New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife, New Jersey**

Fisheries Research/Management:
Responsible for collection and analysis of biological information pertaining to fishery population inventories, population reproduction, trout waters classification, fishery population introduction, anadromous species migration, and stream encroachment reviews. Provided riparian habitat

suitability surveys with regard to various fish and wildlife species utilization. Provided recommendations for various stream and riparian conservation and enhancement programs along with fishery management.

Wildlife Research/Management:
Responsible for the capture of Black Bear and collection of biological information pertaining to individual and population condition, size, and reproduction. Responsible for the determination of population density and distribution of various furbearers in watersheds throughout New Jersey. Performed various laboratory procedures associated with the collection and analysis of information pertaining to the age composition, sex ratios, and condition of various furbearer populations. Check station supervisor responsible for the collection of biological information pertaining to the Whitetail Deer population. Responsible for the compilation and analysis of relevant whitetail deer harvest data for the determination of population condition and management objective revisions. Responsible for the trapping, banding and collection of biological information pertaining to various waterfowl species. Conducted nest, brood and habitat availability surveys pertaining to various waterfowl populations. Provided habitat suitability evaluations for various game and non-game species. Provided recommendations to various wildlife conservation and management programs.

Research Biologist; **U.S.D.A. Forest Service, Clearwater National Forest, Orofino, Idaho**
Fishery Research/Management:

Responsible for analysis of stream condition; riparian habitat availability and quality; sport fishery populations; and salmonid spawning area potential. Implemented stream and riparian habitat enhancement projects and determined and performed corrective procedures for salmonid migration barriers. Performed various surveys to determine fish species density and size for impact evaluation of various land use activities.

Wildlife Research:

Responsible for habitat evaluation and suitability evaluation and population analysis for various large-game, non-game and endangered species. Responsible for the determination of various wildlife species' population dynamics and seasonal range distributions.

Forest Fire Management:

Member of Initial Attack Forest Fire Suppression Strike Team with extensive training in fire behavior, weather prediction and helicopter operations.

EDUCATION:

Rutgers University - Cook College; New Brunswick, New Jersey
Bachelor of Science degree in Natural Resource Management. Independent research in Fishery Science regarding the migration of American Shad (Alosa sapidissima) in the Delaware River. Received the New Jersey Chapter of The Wildlife Society Outstanding Student in Wildlife Sciences Award. President and Treasurer of the Rutgers University Chapter of The Wildlife Society.

RELEVANT PROFESSIONAL CERTIFICATION and TRAINING:

Professional Wetland Scientist Certificate #000835
Certification based upon recognition of professional requirements mandated by the Society of Wetland Scientists Certification Program and verified by the Society's Certification Review Panel.

Advanced Wetland Delineation
Interagency Cooperative Program Certificate: U.S. Fish and Wildlife Service, U.S. Soil Conservation Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers. Office of Continuing Education, Cook College - Rutgers University, New Brunswick, New Jersey.

Watershed Management
Office of Continuing Education, Cook College - Rutgers University, New Brunswick, New Jersey.

Wetlands Identification and Delineation Methodology
Interagency Cooperative Program Certificate: U.S. Fish and Wildlife Service, U.S. Soil Conservation Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers. Office of Continuing Education, Cook College - Rutgers University, New Brunswick, New Jersey.

Wetland Systems of the Northeast
Office of Continuing Education, Cook College - Rutgers University, New Brunswick, New Jersey.

PROFESSIONAL AFFILIATIONS:

The Wildlife Society; New Jersey Chapter
Past President and Executive Board

New Jersey Division of Fish, Game and Wildlife Conservation Corps Program
Black Bear Project Research Team

Member: The Wildlife Society (National, NJ Chapter)
American Fisheries Society
Society of Wetland Scientists
National Wildlife Federation
The Nature Conservancy
Audubon Society
Association of Urban Wildlife Managers

PUBLICATIONS:

Numerous technical reports and articles have been authored pertaining to various natural resource related topics and issues. A listing of these reports and articles is available upon request.

SEMINARS/PRESENTATIONS:

Numerous seminars and presentations have been conducted pertaining to a variety of environmental topics and issues including natural resource evaluation and impact assessment, natural resource mitigation and restoration, wetlands management and regulatory compliance, wildlife resource management, environmental careers, etc. Seminars and presentations have been provided to numerous audiences including universities, colleges, corporations, New Jersey Association of Municipal Engineers, New Jersey Board of Realtors, and various special interest organizations.

SECTION XIII

WOOD TURTLE HABITAT EVALUATION REPORT

EASTERN STATES

ENVIRONMENTAL ASSOCIATES INC.

WOOD TURTLE HABITAT INVENTORY and SUITABILITY EVALUATION

Block 17 - Lot 2

Township of Branchburg

Somerset County, New Jersey

Specializing in the Assessment and Management of the Natural Resources

RR-3 Box 541, Mountain View Drive, Kunkletown, Pennsylvania 18058
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ENVIRONMENTAL ASSOCIATES INC.

Specializing in the Assessment and Management of the Ecological Resources

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Fax: (610) 681-6031

WOOD TURTLE HABITAT INVENTORY and SUITABILITY EVALUATION

Block 17 - Lot 2

Township of Branchburg

Somerset County, New Jersey

Prepared For:

Vollers, Inc.

P.O. Box 5297
North Branch, New Jersey 08876

Prepared By:

Eastern States Environmental Associates, Inc.

July 17, 2009
Revised October 8, 2009

WOOD TURTLE HABITAT INVENTORY
and
SUITABILITY EVALUATION

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I. INTRODUCTION

This Wood Turtle Habitat Suitability Evaluation Report is prepared pertaining to the conducted research of the Subject Property presently known as ***Block 17 - Lot 2*** in ***Branchburg Township, Somerset County, New Jersey*** (Property).

Pursuant to NJDEP's Water Quality Management Planning regulations, specifically NJAC 7:15-5.24(a), the NJDEP will generally require the removal of "environmentally sensitive areas" from sewer service areas. Pursuant to NJAC 7:15-5.24(b)1, "environmentally sensitive areas include:

1. "Areas mapped as endangered or threatened wildlife species habitat on the Department's Landscape Maps of Habitat for Endangered, Threatened or other Priority Species..." (Referred to herein as the "Landscape Project Version 2.1")

2. "Areas mapped as Natural Heritage Priority Sites...."

3. "Special water resource protection areas along Category One waters and their tributaries..."; and

4. "Wetlands as mapped pursuant to NJSA 13:9A-1 and 13:B-25..."

The Property is not a Natural Heritage Priority Site, and there are no Category One waters or tributaries associated with the drainage of the Property. Wetlands limits associated with the Property have been verified by the NJDEP and are discussed in Section VII and Appendix B of this report.

It is our understanding that portions of the Property have been classified as an environmentally sensitive area" because the Landscape Project Version 2.1 has mapped the majority of the southern and western regions of the Property as consisting of Wood Turtle habitat based upon the mapping criteria summarized in Section IV of this report. The Wood

Turtle is not a federally endangered or threatened species. However, the Wood Turtle is listed as a State Threatened Species in the State of New Jersey. Consequently, in accordance with the Landscape Project Version 2.1, wooded areas which are encompassed within the Wood Turtle habitat mapping are thereby classified as Rank 3 Forest. A Rank 3 Forest consists of mapped wooded areas which also are mapped by the Landscape Project as containing habitat for State threatened species.

Pursuant to NJAC 7:15-5.24(g), environmentally sensitive areas may be included in a sewer service area if "the Department determines that the environmentally sensitive areas included in the sewer service area are not critical to a population of endangered or threatened species, the loss of which would decrease the likelihood of the survival or recovery of the species in the State."

This evaluation has been conducted to determine whether the inclusion of the Property in a sewer service area would decrease the likelihood of the survival or recovery of Wood Turtles in New Jersey. The conducted research addressed in this report consists of both literature review and field investigations conducted of the Property and surrounding lands in April of 2001, March of 2007 and June of 2009.

In summary, based upon site specific field evaluation of the Property and surrounding lands, it is determined that the Property does not support the utilization potential of the Wood Turtle that would warrant the restricted use of the Property for the purpose of protecting the Wood Turtle beyond that mandated by current wetlands regulations. Therefore, the inclusion of the Property within a sewer service area will not decrease the likelihood of the survival or recovery of Wood Turtles within the State of New Jersey.

II. PROPERTY LOCATION AND SPECIFICATIONS

The Property is located Branchburg Township, Somerset County and includes approximately 53.3 acres (Appendix A). The Property is situated on the western terminus of Industrial Parkway approximately 1,300 feet west of the intersection of Industrial Parkway with Readington Road.

The New Jersey State Plane Coordinates for the center of the Property are 643035 feet N and 435121 feet E as illustrated on the Raritan, New Jersey USGS Quadrangle Map (Appendix A - Figure A2).

III. WOOD TURTLE and PREFERRED HABITAT CHARACTERISTICS

The Wood Turtle (Glyptemys (Clemmys) insculpta) is a semi-aquatic species for which critical habitat (hibernating, breeding and nesting) generally includes riparian corridors. However, the Wood Turtle is not as habitat specific as many other reptiles and amphibians and therefore it is known to utilize a variety of habitats for foraging.

The Wood Turtle requires stream habitat for hibernating which usually occurs in relatively deep (> 24inches) permanently flowing streams with undercut banks where the turtle will typically bury itself in mud and bank material amongst exposed root systems of streamside trees. Courting and breeding activity typically occurs within close proximity to these hibernation areas. Nesting generally occurs in June with nesting sites being fully exposed with well drained soils. The Wood Turtle is omnivorous and is known to feed on a variety of items including worms, slugs, berries and insects. With regard to feeding, the Wood Turtle is a generalist and is known to utilize a wide range of habitats for feeding including but not limited to bogs, vernal

pools, open meadows, woodlands and agriculture fields. The Wood Turtle may travel distances away from the preferred riparian habitat while foraging.

The Wood Turtle is listed as Threatened in New Jersey. However, this species is ***not*** listed as a Federally Threatened Species.

IV. LANDSCAPE PROJECT VERSION 2.1 MAPPING PROCESS

Critical areas for Wood Turtles are mapped in accordance with the following process: A 322-meter (0.2 miles) buffer is applied to all streams (NJDEP streams) within a one-mile radius of each Wood Turtle siting location. The buffers are clipped so that all areas being designated as critical Wood Turtle habitat are within one mile of a Wood Turtle siting. The NJDEP LULC layer is overlaid on the buffered areas. All areas classified as urban, with the exception of undeveloped upland rights-of-ways, are deleted from the buffered areas. Next, all areas classified as wetlands in the NJDEP LULC layer with the exception of cemetery on wetlands, and saline marshes, are overlaid on the stream buffers. All wetlands that are contiguous with the buffered areas are selected and clipped to only include wetlands within one mile of a siting. Those wetlands are then merged onto the stream buffers. Lastly, a staff turtle biologist conducts a review of each resultant polygon to ensure biological accuracy. The Wood Turtle mode is a stand alone layer that is not used to value habitat patches.

A Rank 3 Forest consists of mapped wooded areas which also are mapped by the Landscape Project as containing habitat for State threatened species. Therefore, in accordance with the Landscape Project Version 2.1, wooded areas which are encompassed within the Wood Turtle habitat mapping are thereby classified as Rank 3 Forest.

V. LANDSCAPE PROJECT VERSION 2.1 MAPPING PROCESS JUSTIFICATION

A radius of one mile as the starting point for Wood Turtle habitat mapping was chosen based upon ecological studies that demonstrated Wood Turtle movements of 800m (Harding and Bloomer), 1 km (Mitchell 1991), and 1.9 km and 3.6 km (Quinn and Tate 1991) along riparian corridors. Carroll and Ehrenfeld (1978) demonstrated that Wood Turtles displaced up to 2 km were well within their home range. In addition to linear movements following watercourses, it is documented that Wood Turtles travel beyond the riparian zone during the summer months. The 322m buffer represents a mean distance Wood Turtles traveled from their hibernation/breeding streams according to various natural history studies (Burt and Collins n.d.; Ernst 1986; Harding and Bloomer 1979; Strang 1983; Kaufman 1992, 1995; Brewster and Brewster 1991; Farrel and Graham 1991; Quinn and Tate 1991), as well as ongoing research (R.L. Burke, Hofstra University; J.L. Behler, Wildlife Conservation Society).

VI. LANDSCAPE PROJECT VERSION 2.1 MAPPING PROCESS JUSTIFICATION LIMITATIONS

As stated in the Landscape Project Version 2.1 Mapping Process Justification (Justification), the Wood Turtle model is a stand-alone layer that is not used to value habitat patches. The mapping process involves the inclusion of areas as mapped habitat based upon a linear distance from a known occurrence. The mapping process does not incorporate more significant, site specific factors which influence a species utilization potential of an area.

The utilization potential of a specific area by a species is dependent upon many factors inclusive of habitat quality, habitat diversity, habitat continuity, species movement ability within habitat corridors, extent of surrounding disturbances and relation to higher quality habitats. The Landscape Project Version 2.1 selected a radius of one mile as a starting point for the Wood Turtle habitat mapping based upon certain studies which demonstrated Wood Turtle movement

within riparian corridors. A major assumption made by the Landscape Project Version 2.1 is that every mapped stream includes preferred critical habitat (hibernating, breeding and nesting) for the Wood Turtle. Furthermore, mobility within linear drainage connections is assumed by the Landscape Project Version 2.1.

Furthermore, the Justification references that it has been documented by certain studies that Wood Turtles travel beyond the riparian zone during summer months and a distance of 322 meters (0.2 miles) represents a mean distance that Wood Turtles traveled from their hibernating/breeding streams according to various studies. A major assumption made by the Landscape Project Version 2.1 is that all lands within 0.2 miles of a mapped stream provide suitable foraging habitat for the Wood Turtle. However, it must be reiterated that species utilization of a given area is not simply dependent upon a linear distance factor. Said movement and utilization by wildlife species is significantly dependent upon the factors including habitat quality, habitat diversity, habitat continuity, species movement ability within habitat corridors, habitat disturbances, extent of surrounding disturbances and relation to higher quality habitats.

Therefore, although the linear movement capabilities and potential of the Wood Turtle are understood both within and outside of preferred riparian corridors, the other significant factors which influence a species occurrence or utilization of an area cannot not be discounted when evaluating an area with regard to the utilization potential that it may or may not provide for the Wood Turtle. It is simply impossible for the generalized mapping provided by the Landscape Project Version 2.1 Mapping to incorporate site specific factors which have more influence with regard to the utilization potential of an area by the Wood Turtle than simply a linear distance from a point of known occurrence.

Similarly, the ranking process of forested lands is based solely upon the aforementioned generalized mapping. Consequently, if a forested area is encompassed within an area included as Federally or State threatened or endangered species habitat as a result of the generalized

mapping process, it is assigned the higher ranking of Rank 3 to 5 irregardless of the on-site conditions or qualities of the given forested area.

VII. SITE SPECIFIC HABITAT EVALUATION

Field evaluations of the Property were conducted in April of 2001, March of 2007 and June of 2009. During said field evaluations of the Property, no evidence of the occurrence of Wood Turtles was determined to exist on or in the vicinity of the Property. Habitat characteristics associated with the Property and surroundings lands were identified along with other influencing factors inclusive of habitat size, habitat quality, continuity, disturbances and relation to disturbance. In addition, habitat characteristics associated with known Wood Turtle occurrences in the region were identified and drainage connections between said preferred critical habitats and the Property were identified and evaluated.

The Property is presently undeveloped; however, evidence of manipulation is apparent throughout the northern and northwestern regions of the Property. The northern region of the Property consists of maintained fields. The northwestern and central-western regions of the property have undergone soil excavation and deposition. A police firing range is maintained in the southwestern region of the Property. Unmanipulated areas within the southwestern region of the Property are wooded. Wetlands are associated with the forested riparian corridor associated with Chambers Brook in the southern region of the Property. Wetlands are also associated with a tributary stream corridor which flows along the western border of the Property.

The forested riparian corridor associated with Chambers Brook which exists in the southern region of the Property consists primarily of Palustrine Forested Broad-leaved Deciduous Wetland habitat. Canopy (tree layer) vegetation ranges from moderate to high in coverage

density (40-90% coverage) and consists predominantly of Red Maple (Fac), White Ash (FacU), Elm (Fac) and Pin Oak (FacW). Subcanopy (understory layer) vegetation ranges from low to high in coverage density (20-80% coverage) and consists predominantly of Red Maple (Fac), White Ash (FacU), Pin Oak (FacW) and Elm (Fac). Shrub layer vegetation ranges from moderate to high in coverage density (40-100% coverage) and consists predominantly of Red-osier Dogwood (FacW), Silky Dogwood (FacW), Blackhaw (Fac), Arrowwood (Fac), Spicebush (FacW) and Multiflora Rose (Fac). Ground cover vegetation ranges is high in coverage density (20-100% coverage) and consists predominantly of Grasses (V), Sensitive Fern (FacW), Jewelweed (FacW), Sedges (Obl), Rushes (Obl) and Smartweed (FacW).

The wetland tributary stream corridor which exists along the western border of the Property consists primarily of Palustrine Forested Broad-leaved Deciduous Wetland habitat. Canopy (tree layer) vegetation ranges from low to moderate in coverage density (0-50% coverage) and consists predominantly of Red Maple (Fac), White Ash (FacU), Elm (Fac) and Pin Oak (FacW). Subcanopy (understory layer) vegetation ranges from low to high in coverage density (30-100% coverage) and consists predominantly of Elm (Fac) and White Ash (FacU). Shrub layer vegetation ranges from moderate to high in coverage density (40-100% coverage) and consists predominantly of Red-osier Dogwood (FacW), Silky Dogwood (FacW), Blackhaw (Fac), Arrowwood (Fac), Spicebush (FacW) and Multiflora Rose (Fac). Ground cover vegetation ranges from low to moderate in coverage density (10-70% coverage) and consists predominantly of Jewelweed (FacW), Mosses (V), Sedges (Obl) and Rushes (Obl).

Upland areas in the southern region and western region of the Property which are not manipulated or otherwise disturbed are generally wooded. Vegetation species occurring in the unmanipulated portions of the uplands in the southern and western regions of the Property consist predominantly of Eastern Red Cedar (FacU), Black Cherry (FacU), White Ash (FacU), Multiflora Rose (Fac), Blackberry (Fac), Blackhaw (Fac), Japanese Honeysuckle (Fac), Virginia Creeper (FacU), Garlic Mustard (Fac) and Grasses (V).

Upland areas throughout the northern region of the Property consist of maintained fields. The northwestern and central-western regions of the Property have undergone significant soil excavation and deposition. A police firing range is maintained in the southwestern region of the Property.

Soil samples taken throughout the designated wetland areas of the Property consist primarily of silt and silt loam which produced Munsell Soil Color Chart readings with matrix Hues of 5YR; Values ranging from 2 to 4; and Chromas ranging from 1 to 3. Mottling was apparent on occasion with Hues of 5YR; Values ranging from 3 to 5; and Chromas ranging from 1 to 4.

Soil samples taken within unmanipulated upland areas on the Property consist primarily of shaly silt loams. Said soil samples produced Munsell Soil Color Chart readings with Hues of 5YR; Values of 4; and Chromas ranging from 4 to 6.

Permanent long-term hydrology associated with Chambers Brook riparian corridor in the southern region of the Property and the tributary stream corridor which exists along the western border of the Property include stream channels, floodplain, drainage patterns, saturation, oxidized root channels, exposed roots of vegetation and hummocking of vegetation.

Lands immediately adjacent and to the north of the Property consist of railroad tracks with industrial development and agriculture lands existing to the north of said railroad tracks. Beyond the tributary stream corridor, lands adjacent and to the west of the Property consist of industrial development. Lands adjacent and to the east of the Property likewise consist of industrial development. The riparian corridor associated with Chambers Brook which forms the southern border of the Property provides for a broad corridor of primarily undeveloped lands to the south.

On May 8, 2002, the NJDEP issued a Wetlands LOI for the Property (NJDEP #: 1805-02-0002.1) (Appendix B) which confirmed that jurisdictional areas are limited to the Chambers Brook riparian corridor in the southern region of the Property along with the tributary stream corridor which exists along the western border of the Property. These verified wetland areas were classified as exceptional resource value by the NJDEP as a result of the documentation of Wood Turtle habitat associated with said wetlands. On May 31, 2007, the NJDEP issued a Wetlands LOI Reissuance (NJDEP #: 1805-02-0002.1) (Appendix B). In accordance with the NJDEP LOI Reissuance, the NJDEP continued to classify the wetlands associated with the Property as exceptional resource value.

VIII. SITE SPECIFIC DETERMINATIONS CONCERNING WOOD TURTLE UTILIZATION POTENTIAL

During field inspections of the Property and surrounding lands, no Wood Turtles were observed nor was there any indication as to their occurrence. However, existing habitats associated with this Property were evaluated in accordance with the critical preferred habitats associated with the Wood Turtle. Due to the general rarity of this threatened species, total absence of this species on the Property cannot be assumed based upon the lack of their observation during this particular evaluation. Similarly, their presence on the Property cannot be assumed just based upon the availability of potential habitat and inclusion within the species' range.

As stated in Section I of this report, the Landscape Project Version 2.1 has mapped Wood Turtle habitat throughout the southern and western regions of the Property. In accordance with the Landscape Project 2.1 mapping process, it is understood that the southern region of the Property is mapped as Wood Turtle habitat for the reason that this area consists of a riparian

corridor within which the occurrence of Wood Turtles has been documented. It is understood that the western region of the Property is mapped as Wood Turtle habitat for the distance of 0.2 miles from the tributary stream which is contiguous and within a 1 mile radius of a Wood Turtle sighting.

The location and extent of streams and wetlands associated with the Property as illustrated by the Landscape Project mapping is consistent with site specific determinations regarding these features. In accordance with the Landscape Project Version 2.1 mapping process as discussed in Section IV of this report, the southern and western regions of the Property are included within the selected linear distances adjacent to streams and wetlands.

Field evaluation of the Property determined that the riparian corridor associated with Chambers Brook which forms the southern border of the Property along with the contiguous tributary stream corridor which exists along and beyond the western border of the Property may include hibernating, breeding, nesting and foraging habitat characteristics preferred by the Wood Turtle.

Although the Wood Turtle will primarily forage within the preferred riparian corridors, potential foraging habitat of the Wood Turtle is more variable than the preferred hibernating, breeding and nesting habitat. It is determined that foraging habitat preferred by the Wood Turtle occurs throughout the Chambers Brook riparian corridor in the southern region of the Property and the tributary stream corridor in the western region of the Property.

As a result of the linear distance factor, the Landscape Project Version 2.1 maps potential Wood Turtle throughout the southern region of the Property and throughout a significant portion of the western region of the Property. However, a significant portion of the uplands adjacent to the riparian corridor in the southern region of the Property are manipulated and consist of a police firing range and associated disturbances. Said development and disturbances will serve

to diminish the utilization potential of the uplands in the southern region of the Property by Wood Turtles. Another contributing factor influencing the diminished utilization potential of the uplands throughout the southern region is the availability of significantly more preferred, contiguous habitat availability associated with the Chambers Brook riparian corridor. Similarly, a significant portion of the uplands adjacent to the tributary stream corridor along the western border of the Property are manipulated; a portion of which consists of significant soil excavation and deposition. Said disturbances will serve to diminish the utilization potential of the uplands in the western region of the Property by Wood Turtles.

IX. SUMMARY OF WOOD TURTLE HABITAT SUITABILITY AND UTILIZATION POTENTIAL OF THE SUBJECT PROPERTY

In summary, as discussed in Section VIII of this Report, it is determined that the riparian corridor associated with Chambers Brook which forms the southern border of the Property along with the contiguous tributary stream corridor which exists along the western border of the Property contain preferred hibernating, breeding, nesting and foraging habitat for the Wood Turtle. The Landscape Project Version 2.1 maps these areas as Wood Turtle habitat. However, the extent to which Wood Turtle habitat is mapped in the southern and western regions of the Property are excessive in that a significant portion of these areas are either developed or significantly disturbed.

Based upon field evaluation of the Property and surrounding lands, it is determined that the extent to which the Property is mapped as consisting of preferred Wood Turtle hibernating, breeding, nesting and foraging is excessive given the occurrence of manipulations within portions of these mapped areas. In accordance with the NJDEP Wetlands LOI (Appendix B), it is determined that approximately 12.15 acres of the Property consist of either wetlands or

wetland transition area (WTA) as a result of the exceptional resource value classification. The wetlands and WTA generally exclude areas of the Property which are developed or significantly manipulated. Accordingly, it is determined that the additional areas mapped as Wood Turtle habitat by the Landscape Project Version 2.1 do not warrant the restricted use of the Property for the purpose of protecting the Wood Turtle beyond that mandated by current wetlands regulations. Therefore, the inclusion of the Property within a sewer service area will not decrease the likelihood of the survival or recovery of Wood Turtles in the State of New Jersey.

Similarly, it is determined that approximately 12.15 acres of the Property be considered as Rank 3 Forest since said areas consist of the forested stream corridor and associated maximum buffers in accordance with respective wetlands and Flood Hazard Area regulations. However, the remainder of the wooded areas of the Property should not be classified as Rank 3 Forest given its determined marginal Wood Turtle utilization potential resulting from site specific conditions.

X. REFERENCES

Brady, Nyle C., 1984. The Nature and Properties of Soils 9th ed., Macmillan Publ. Co., NY.

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XI. APPENDICES

APPENDIX A

FIGURES

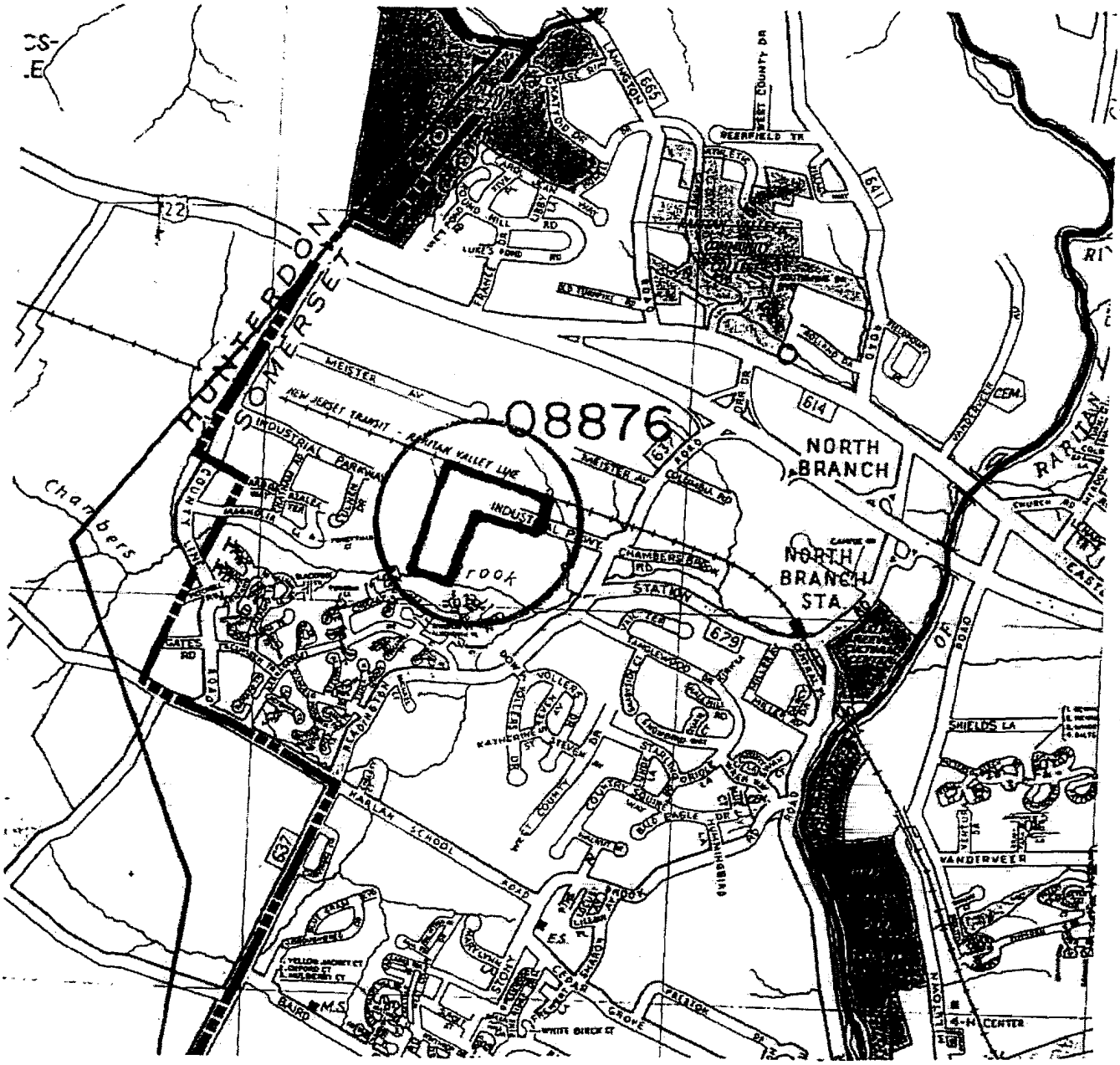

FIGURE #1A Study Area location as depicted on the ***Somerset County, New Jersey Road Map*** (Hagstrom).

Scale: 1" = 4500'

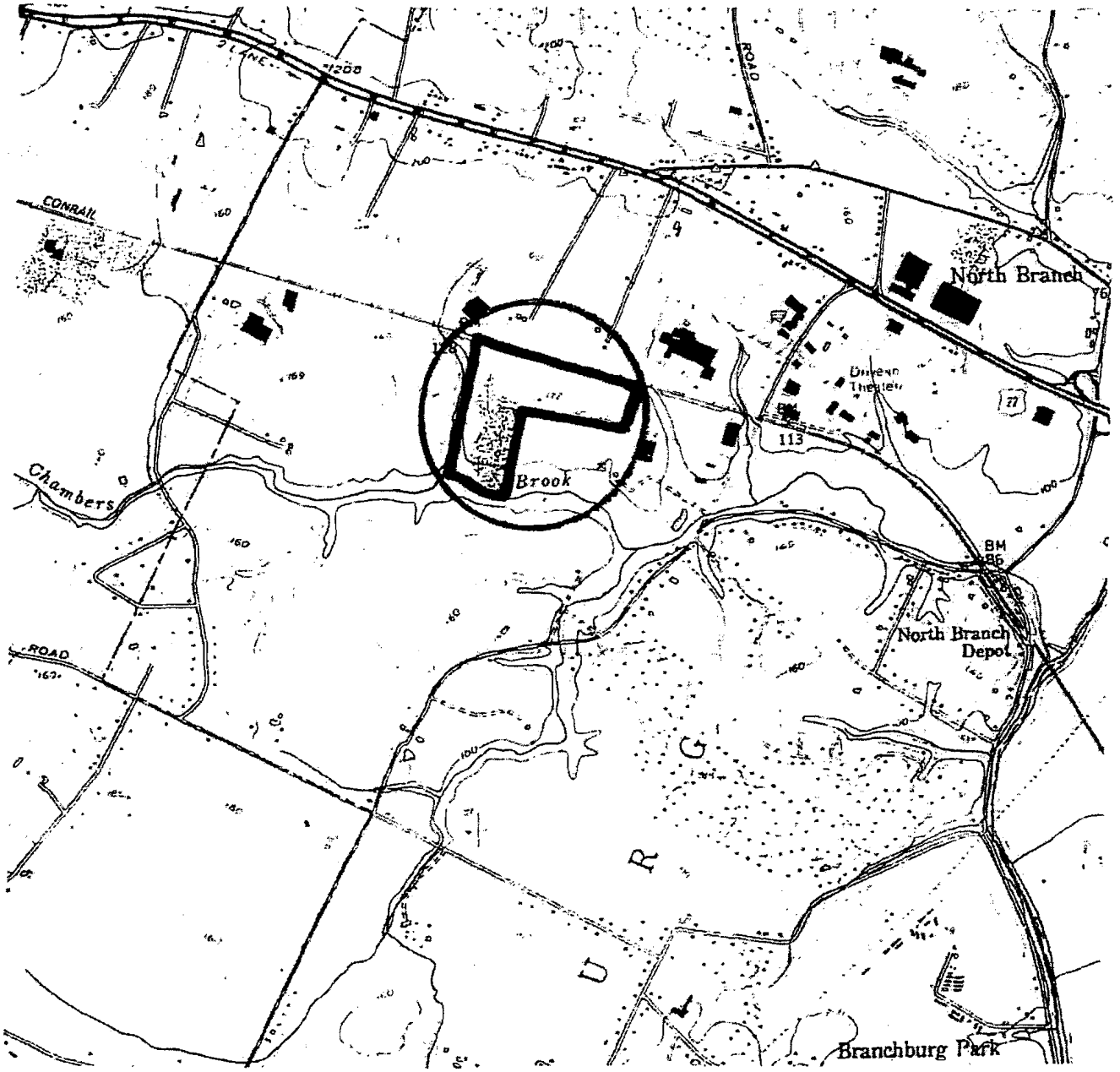

FIGURE #2A Study Area location as depicted on the ***Raritan, New Jersey USGS Quadrangle Map***.

Scale: 1" = 2000'

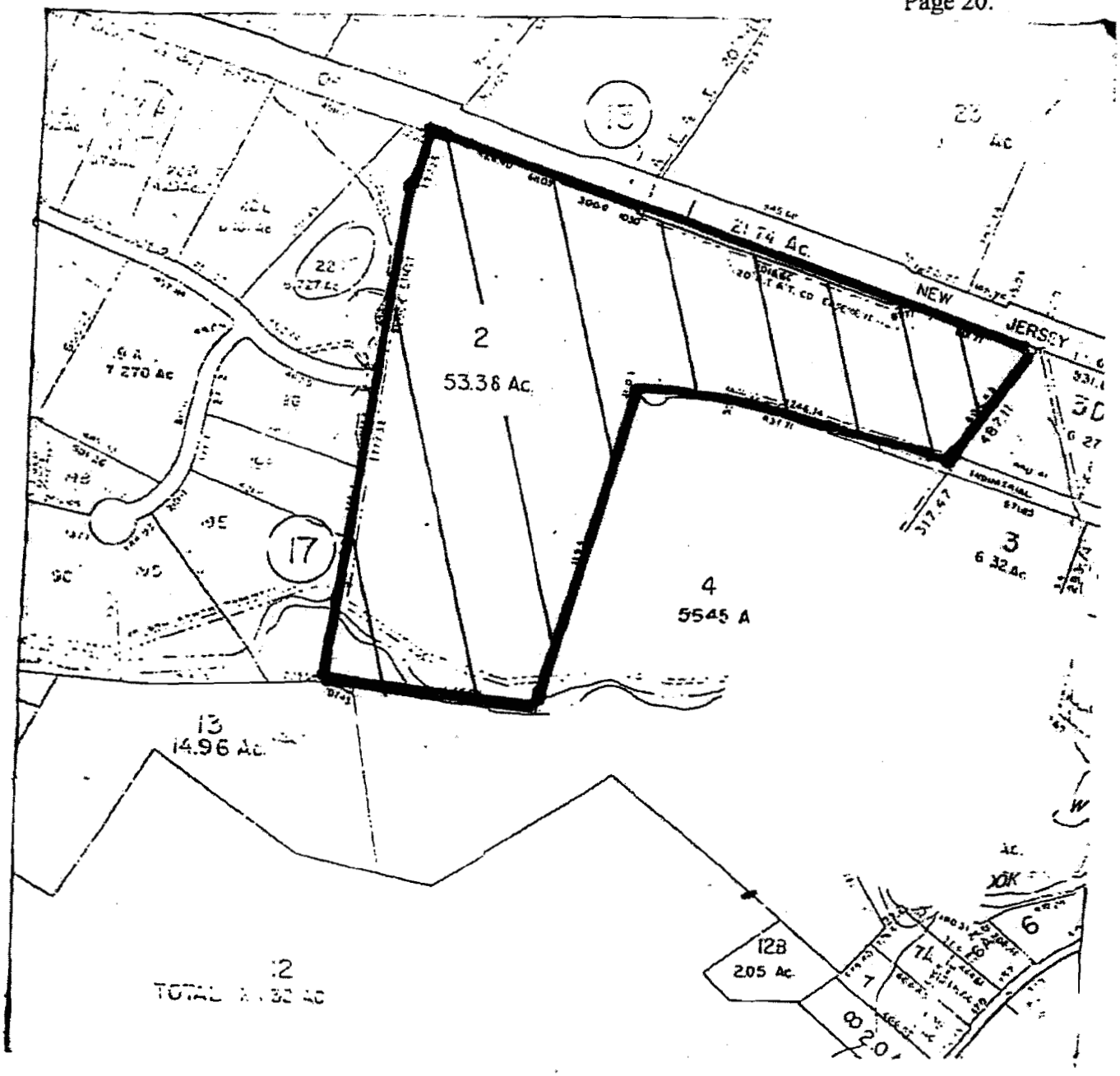

FIGURE #3A Study Area location as depicted on ***Branchburg Township, Somerset County Municipal Tax Maps.***

APPENDIX B

NJDEP WETLANDS LETTER OF INTERPRETATION

RECEIVED JUL 0 6 2007

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

Division of Land Use Regulation
P.O. Box 439, Trenton, New Jersey 08625
FAX # (609) 777-3656
Web Site:www.state.nj.us/dep/landuse

LISA P. JACKSON
Commissioner

MAY 31 2007

Edward A. Kuc
Eastern States Environmental Associates
RR-3 Box 541
Mountain View Drive
Kunkletown, PA 18058

RE: Letter of Interpretation, Line Verification – Re-issuance
File No.: 1805-02-0002.1
Activity No.: FWW 070001
Applicant: Vollers, Inc.
Block: 17 Lot: 2
Branchburg Township, Somerset County

Dear Mr. Kuc:

The New Jersey Department of Environmental Protection issued a Letter of Interpretation for the referenced site on May 8, 2002. You have requested that the Letter of Interpretation be reissued in accordance with the requirements at N.J.A.C. 7:7A-3.7.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Division of Land Use Regulation is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retain the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon an inspection of the site conducted on April 10, 2002, the Division of Land Use Regulation has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled, "WETLANDS SURVEY MAP, OF LOT 2 IN BLOCK 17, BRANCHBURG TOWNSHIP, SOMERSET COUNTY, NJ," dated December 4, 2001, unrevised, and prepared by Andrew Drysdale, P.L.S., is accurate as shown. Therefore the term of the original Letter of Interpretation is hereby extended to May 8, 2012, which is five years from the expiration of the original Letter of Interpretation.

Any activities regulated under the Freshwater Wetlands Protection Act proposed within the wetlands or transition areas or the deposition of any fill material into any water area, will require a permit from this office unless exempted under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., and implementing rules, N.J.A.C. 7:7A.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above DLUR file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP File No.1805-02-0002.1 FWW 070001."

In addition, the Department has determined that the wetlands on the subject property are of Exceptional resource value and the standard transition area or buffer required adjacent to these wetlands is 150 feet. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of General Permits available for the wetlands portion of this property (see N.J.A.C. 7:7A-5) and the modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

It should be noted that this determination of wetlands classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant. Under NJSA 13:9B-7a(2), if the Department has classified a wetland as exceptional resource value, based on a finding that the wetland is documented habitat for threatened and endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division of Land Use Regulation, P.O. Box 439, Trenton, New Jersey 08625.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. Also this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, 401 East State Street, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist. If a person submits the hearing request after this time, the Department shall deny the request. The DEP bulletin is available through the Department's website at www.state.nj.us/dep.

Please contact Kim Kerkuska of our staff at (609) 633-6754 should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,

Christopher Jones
Section Chief
Bureau of Inland Regulation

c: Applicant
Branchburg Township Construction Official

APPENDIX C

PROFESSIONAL CREDENTIALS

EDWARD A. KUC
PROFESSIONAL CREDENTIALS and QUALIFICATIONS

EXPERIENCE:

Principal Natural Resource Specialist; **Eastern States Environmental Associates, Inc., Effort, Pennsylvania**

Responsible for the coordination, supervision, and implementation of natural resource inventories and evaluations (i.e. natural habitats and communities; terrestrial and aquatic vegetation, wildlife, fisheries, aquatics, threatened and endangered species habitat suitability and utilization potential, and freshwater wetlands), environmental feasibility assessment, environmental impact analysis, natural resources protection and mitigation/restoration programs, and ecological management programs (i.e. terrestrial and aquatic habitats, fisheries and wildlife). Serve as chief representative of public and private clientele of the Association throughout the United States for matters including project design, regulatory compliance, regulatory permit applications and expert testimony. Represented clientele include various state governments, municipalities, utility authorities, boards of education, private corporations, land development organizations, conservation organizations and land owners.

Natural Resource Specialist; **Environmental Associates, Inc., Rockaway, New Jersey**

Responsible for the coordination and supervision of the ecological staff and research projects consisting of natural resource inventories (habitat, vegetation, natural communities, wildlife, fisheries, threatened and endangered species); freshwater wetlands inventory, analysis and functional assessment; environmental feasibility; environmental impact assessment; and environmental protection and natural resource mitigation/restoration programs. Responsible for the coordination and review of associated environmental reports and publications.

Research and Management Environmental Specialist; **New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife, New Jersey**

Fisheries Research/Management:
Responsible for collection and analysis of biological information pertaining to fishery population inventories, population reproduction, trout waters classification, fishery population introduction, anadromous species migration, and stream encroachment reviews. Provided riparian habitat

suitability surveys with regard to various fish and wildlife species utilization. Provided recommendations for various stream and riparian conservation and enhancement programs along with fishery management.

Wildlife Research/Management:
Responsible for the capture of Black Bear and collection of biological information pertaining to individual and population condition, size, and reproduction. Responsible for the determination of population density and distribution of various furbearers in watersheds throughout New Jersey. Performed various laboratory procedures associated with the collection and analysis of information pertaining to the age composition, sex ratios, and condition of various furbearer populations. Check station supervisor responsible for the collection of biological information pertaining to the Whitetail Deer population. Responsible for the compilation and analysis of relevant whitetail deer harvest data for the determination of population condition and management objective revisions. Responsible for the trapping, banding and collection of biological information pertaining to various waterfowl species. Conducted nest, brood and habitat availability surveys pertaining to various waterfowl populations. Provided habitat suitability evaluations for various game and non-game species. Provided recommendations to various wildlife conservation and management programs.

Research Biologist; **U.S.D.A. Forest Service, Clearwater National Forest, Orofino, Idaho**
Fishery Research/Management:

Responsible for analysis of stream condition; riparian habitat availability and quality; sport fishery populations; and salmonid spawning area potential. Implementetream and riparian habitat enhancement projects and determined and performed corrective procedures for salmonid migration barriers. Performed various surveys to determine fish species density and size for impact evaluation of various land use activities.

Wildlife Research:

Responsible for habitat evaluation and suitability evaluation and population analysis for various large-game, non-game and endangered species. Responsible for the determination of various wildlife species' population dynamics and seasonal range distributions.

Forest Fire Management:

Member of Initial Attack Forest Fire Suppression Strike Team with extensive training in fire behavior, weather prediction and helicopter operations.

EDUCATION:

Rutgers University - Cook College; New Brunswick, New Jersey
Bachelor of Science degree in Natural Resource Management. Independent research in Fishery Science regarding the migration of American Shad (Alosa sapidissima) in the Delaware River. Received the New Jersey Chapter of The Wildlife Society Outstanding Student in Wildlife Sciences Award. President and Treasurer of the Rutgers University Chapter of The Wildlife Society.

RELEVANT PROFESSIONAL CERTIFICATION and TRAINING:

Professional Wetland Scientist Certificate #000835
Certification based upon recognition of professional requirements mandated by the Society of Wetland Scientists Certification Program and verified by the Society's Certification Review Panel.

Advanced Wetland Delineation
Interagency Cooperative Program Certificate: U.S. Fish and Wildlife Service, U.S. Soil Conservation Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers. Office of Continuing Education, Cook College - Rutgers University, New Brunswick, New Jersey.

Watershed Management
Office of Continuing Education, Cook College - Rutgers University, New Brunswick, New Jersey.

Wetlands Identification and Delineation Methodology
Interagency Cooperative Program Certificate: U.S. Fish and Wildlife Service, U.S. Soil Conservation Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers. Office of Continuing Education, Cook College - Rutgers University, New Brunswick, New Jersey.

Wetland Systems of the Northeast
Office of Continuing Education, Cook College - Rutgers University, New Brunswick, New Jersey.

PROFESSIONAL AFFILIATIONS:

The Wildlife Society; New Jersey Chapter
Past President and Executive Board

New Jersey Division of Fish, Game and Wildlife Conservation Corps Program
Black Bear Project Research Team

Member: The Wildlife Society (National, NJ Chapter)
American Fisheries Society
Society of Wetland Scientists
National Wildlife Federation
The Nature Conservancy
Audubon Society
Association of Urban Wildlife Managers

PUBLICATIONS:

Numerous technical reports and articles have been authored pertaining to various natural resource related topics and issues. A listing of these reports and articles is available upon request.

SEMINARS/PRESENTATIONS:

Numerous seminars and presentations have been conducted pertaining to a variety of environmental topics and issues including natural resource evaluation and impact assessment, natural resource mitigation and restoration, wetlands management and regulatory compliance, wildlife resource management, environmental careers, etc. Seminars and presentations have been provided to numerous audiences including universities, colleges, corporations, New Jersey Association of Municipal Engineers, New Jersey Board of Realtors, and various special interest organizations.

DRAFT ORDINANCE PROVISIONS FOR RESIDENTIAL PORTION(S) OF PUD

BASIS FOR PUD ZONE
PROVISIONS ADDRESSING INCLUSIONARY RESIDENTIAL DEVELOPMENT

§ __-___ PUD Zone

§ __-___ Requirements for Inclusionary Residential Development

Within the PUD, a sufficient amount of land shall be reserved for residential development to ensure the production of at least 100 units or 100 credits for affordable housing. The amount of land required to be devoted to residential use within the PUD shall be a function of whether or not the affordable units yielded by the development will be for sale or for rent and the densities associated with such development. The lands to be devoted to residential use shall be designated by the applicant at the time of the submission of a general development plan for the entirety of the PUD and shall be designated as Phase I of the development of the PUD.

A. If the affordable units will be for rent, a minimum of 15 acres located wholly within Block 17, Lot 2, shall be developed with 250 flats in buildings constructed at a maximum density of 18 units per developable acre, provided there is at least a 20% set-aside yielding a minimum of 50 affordable rental units. The market-priced units may be for sale or for rent, at the developer's discretion.

B. If the affordable units will be for sale, a minimum of 67 acres, which shall include at least 35 acres within Block 17, Lot 2, and at least 32 acres elsewhere within the PUD, shall be devoted to up to 400 multi-family residential units, including flats and townhouses, constructed at a maximum density of 6 units per acre, and there shall be at least a 25% set-aside yielding a minimum of 100 affordable for sale units. The market-priced units may be for sale or for rent, at the developer's discretion.

C. All of the affordable units within the PUD shall be constructed, marketed and maintained in full compliance with applicable COAH (or successor agency) Rules pertaining to the phasing, integration, low/moderate income split, controls on affordability, bedroom distribution, affirmative marketing, heating source and administration of the affordable units, and in full compliance with applicable provisions of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1, et seq.) and Branchburg Township's Affordable Housing Ordinance and Affirmative Marketing Plan.

§ __-___ Development Standards for Inclusionary Residential Development

A. Developments Producing Rental Affordable Units:

1. Permitted principal uses shall include:

a. Buildings containing flats.

b. Community residences.

2. Permitted accessory uses shall include:

a. Uses enumerated at Section 3-10.3 (for the AH-1 zone).

3. The maximum impervious coverage shall be 70% of the area of the development tract.

4. The maximum building height shall be two (2) stories and 35 feet. For the purposes of this paragraph only, building height and stories shall be measured along one side of a building only, allowing for the construction of an additional story where permitted by the site's topography.

5. All buildings shall be set back a minimum of 25 feet from any development tract boundary. All parking lots or parallel driveways shall be set back a minimum of 10 feet from any development tract boundary. Landscaping, as approved by the Planning Board, shall be provided between any building or parking lot and the development tract boundary.

6. The number of units per building shall be limited to 30, unless the developer can demonstrate that a larger number of units per building will result in a superior design or significant cost savings that will promote the production of affordable housing.

7. Distances between buildings shall be a minimum of 60 feet between long walls and 20 feet between short walls; for all other orientations, the minimum distance shall be 60 feet. No building wall shall exceed 200 feet in length, and building façades in excess of 100 feet shall include off-sets of at least two (2) feet or other architectural breaks (not counting windows) that will, in the opinion of the Planning Board, achieve a similar effect, and such offsets or architectural breaks shall be spaced no further than 50 feet apart.

8. The regulations of Section 3-10.10.B.3., 4., 5. and 7. (for the AH-1 zone) shall be applicable to the development of the buildings containing flats.

B. Developments Producing For Sale Affordable Units:

The bulk regulations for the development of Residential Combination Clusters (now deleted from the MDR Medium Density Residential zone) shall be reinstated for the development of inclusionary residential developments containing affordable units that will be for sale in the PUD, except as specifically modified herein. The Residential Combination Clusters regulations had governed the development of Cedar Brook, a first round inclusionary development that is located in close proximity to the proposed PUD.

C. All Inclusionary Residential Development within the PUD:

1. The development shall be governed by the Township of Branchburg Land Development Ordinance except that where the New Jersey Residential Site Improvement Standards and the Township of Branchburg Land Development Ordinance prescribe different standards, the applicable standards shall be those prescribed by the New Jersey Residential Site Improvement Standards.

2. All development within the PUD, including Inclusionary Residential Development, shall be serviced by public water and public sewer service.

3. The development site shall be fully landscaped to complement the placement of buildings and to screen views of parking areas, refuse storage areas and the like. A landscaping plan complying with all applicable requirements of the Land Development Ordinance shall be prepared by a certified landscape architect shall be submitted with the site plan application.

4. Every effort shall be made to limit tree removal and preserve existing vegetation. Where trees are to be removed, efforts shall be made to replace them on the site or elsewhere within the PUD. Where this is not possible, no replacement fees shall be charged in connection with the development of the Inclusionary Residential Development tract.

5. Appropriate recreational areas shall be provided on the Inclusionary Residential Development tract area as approved by the Planning Board.

§ __-___ Amendment to Zoning Map

To accompany full PUD regulations.

APPENDIX J
PROPOSED SPENDING PLAN
AND RESOLUTION OF INTENT TO COVER SHORTFALL

RESOLUTION

NO. 2008-314 **ADOPTED: DECEMBER 15, 2008**

RESOLUTION REQUESTING COAH'S
APPROVAL OF THE SPENDING PLAN

WHEREAS, the Township Committee of the Township of Branchburg, Somerset County, is petitioning the Council on Affordable Housing (COAH) for substantive certification of its Third Round Housing Element and Fair Share Plan; and

WHEREAS, Branchburg Township, Somerset County, proposes as part of its Fair Share Plan to adopt a Development Fee Ordinance consistent with COAH's current regulations and the Fair Housing Act, as amended; and

WHEREAS, the proposed Development Fee Ordinance establishes an Affordable Housing Trust Fund that will receive development fees, payments from developers in lieu of constructing a fraction of an affordable unit on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and other sources of funds consistent COAH's Rules; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an Affordable Housing Trust Fund to receive approval of a Spending Plan from COAH prior to spending any of the funds in its Affordable Housing Trust Fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a Spending Plan to include the following:

A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;

A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;

A description of the administrative mechanism that the municipality will use to collect and distribute revenues;

A description of the anticipated use of all funds in the Affordable Housing Trust Fund pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;

A schedule for the expenditure of all affordable housing trust funds;

If applicable, a schedule for the creation or rehabilitation of housing units;

A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and

A plan to spend the trust fund balance as of July 17, 2008, within four years of the Council's approval of the Spending Plan, or in accordance with an implementation schedule approved by the Council;

A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;

The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and

A description of the anticipated use of excess funds in the Affordable Housing Trust Fund, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and

WHEREAS, the Township of Branchburg, Somerset County, has prepared a Spending Plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c. 46;

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Branchburg, Somerset County, requests that COAH review and approve Branchburg Township's Spending Plan.

ATTEST:

Sharon L. Brienza, RMC/MMC
Township Clerk

John Sanford
Mayor

ROLL CALL VOTE				
COMMITTEE MEMBER	**YES**	**NO**	**ABSTAIN**	**ABSENT**
SANFORD	✓			
LEONARD				✓
SARLES	✓			
YOUNG	✓			
BOUWMAN	✓			

CERTIFICATION

I, Sharon L. Brienza, RMC, Clerk of the Township of Branchburg, County of Somerset, hereby certify the foregoing to be a true copy of a resolution adopted by the Township Committee of the Township of Branchburg at a duly noticed and duly convened special meeting held on December 15, 2008.

Sharon L. Brienza, RMC/MMC
Township Clerk

Affordable Housing Trust Fund Spending Plan

Township of Branchburg
Somerset County
2008

INTRODUCTION

The Township of Branchburg, Somerset County, has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). COAH approved the establishment of an affordable housing trust fund and a spending plan for payments in lieu of construction on 8/4/2004. A new development fee ordinance has been submitted to COAH for approval. The municipality shall adopt the development fee ordinance subsequent to COAH's approval. The ordinance will establish the Township of Branchburg's affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, the Township of Branchburg has collected $128,937.38, expended $6,500.00, resulting in a balance of $122,437.38. 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 TD Commerce Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

The Township of Branchburg first received COAH substantive certification on 4/15/1999 and received prior approval to maintain an affordable housing trust fund on 8/4/2004. As of December 31, 2004, the affordable housing trust fund had a zero balance. From January 1, 2005 through July 17, 2008, the Township of Branchburg collected an additional $128,937.38 in development fees, payments in lieu of construction, other funds, and/or interest. From January 1, 2005 through July 17, 2008, the Township of Branchburg expended funds on the affordable housing activities detailed in Section 4 of this spending plan.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, the Township of Branchburg 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): Payments in lieu will no longer be collected or assessed as a result of the repeal of the Township's growth share ordinance, except to the extent that any inclusionary developments may generate a fraction of an affordable housing unit obligation.

(c) Other funding sources: No other funds 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 2% projected to total of $80,000.00.

Source of Funds	BRANCHBURG TWP. PROJECTED REVENUES-HOUSING TRUST FUND-2008 THROUGH 2018											
	7/18/2008											
	12/31/2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development Fees												4,000,000.00
1. Approved Development												0.00
2. Development Pending Appvl												0.00
3. Projected Development		400,000.00	400,000.00	400,000.00	400,000.00	400,000.00	400,000.00	400,000.00	400,000.00	400,000.00	400,000.00	4,000,000.00
(b) Pmts in Lieu of Construction												0.00
(c) Other Funds												0.00
(d) Interest 2%		8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	80,000.00
Total	0.00	408,000.00	408,000.00	408,000.00	408,000.00	408,000.00	408,000.00	408,000.00	408,000.00	408,000.00	408,000.00	4,080,000.00

The Township of Branchburg projects a total of $4,080,000.00 in revenue to be collected between July 18, 2008 and December 31, 2018. 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 Township of Branchburg:

(a) <u>Collection of development fee revenues:</u>

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

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) Rehabilitation program (N.J.A.C. 5:97-8.7)

The Township of Branchburg will dedicate $220,000 to rehabilitation programs (see detailed descriptions in Fair Share Plan and the implementation Schedule in Section 4 herein) as follows:

Rehabilitation program: $220,000

(b) Affordability Assistance (N.J.A.C. 5:97-8.8)

Projected minimum affordability assistance requirement:

Branchburg Twp. Projected Minimum Affordability Assistance		
		$
Actual development fees through 7/17/2008	+	0.00
Actual interest earned through 7/17/2008	+	7,950.17
Development fees projected 7/18/2008-2018	+	4,000,000.00
Interest projected 7/18/2008-2018	+	80,000.00
Less housing activity expenditures through 6/2/2008	-	0.00
Total	=	4,087,950.17
30 percent requirement	x 0.30 =	1,226,385.05
Less Affordability assistance expenditures through 12/31/2004	-	0.00
Projected Minium Affordability Assistance	=	1,226,385.05
Requirement 1/1/2005 through 12/31/2018		
Projected Minimum Very-Low-Income Affordability Asst.	/3 =	408,795.02
Requirement 1/1/2005 through 12/31/2018		

The Township of Branchburg shall be seeking a waiver of the requirement that 30% of the funds in the affordable housing trust fund be made available for affordability assistance programs (projected to be an amount of $1,226,385.05), to render units more affordable, including $408,795.02 or one-third of the projected amount to render units more affordable to households earning 30 percent or less of regional median income, since the Township will be expending substantial sums of its own on the acquisition of land for the development of affordable housing in 100% affordable municipal construction projects. Any funds dedicated to rendering units more affordable will be utilized as follows: closing costs, down-payment assistance and/or rental assistance.

(c) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

The Township of Branchburg projects that $841,787.48 is the maximum that 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:

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

Branchburg Twp. Projected Maximum Administrative Expenses		**$**
Actual development fees through 7/17/2008	+	0.00
Actual interest earned through 7/17/2008	+	7,950.17
Development fees projected 7/18/2008-2018	+	4,000,000.00
Interest projected 7/18/2008-2018	+	80,000.00
Pmts in Lieu of Construction through 7/17/2008	+	120,987.21
Other Funds through 7/17/2008	+	0.00
Less RCA Expenditures through 2018	-	0.00
Total Projected Administration Expenses	x 0.20 =	841,787.48
Less Actual Administrative Expenses through 12/31/2004	-	0.00
Total Remaining Projected Administration Expenses	=	841,787.48

4. EXPENDITURE SCHEDULE

The Township of Branchburg intends to use affordable housing trust fund revenues for rehabilitation of housing units. The rehabilitation funding schedule below is summarized as follows.

	#of	Funds Expended/ Dedicated	BRANCHBURG TWP. PROJECTED EXPENDITURE SCHEDULE 2009-2018											
	Projected	2005-	7/18/2008											
Program	Units	7/17/2008	12/31/2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Land Acquisition Survey		6,500.00												0.00
Rehabilitation Program	22			30,000.00	20,000.00	20,000.00	20,000.00	20,000.00	30,000.00	20,000.00	20,000.00	20,000.00	20,000.00	220,000.00
Total Programs	22	6,500.00	0.00	30,000.00	20,000.00	20,000.00	20,000.00	20,000.00	30,000.00	20,000.00	20,000.00	20,000.00	20,000.00	220,000.00
Affordability Assistance				122,638.51	122,638.51	122,638.51	122,638.51	122,638.51	122,638.51	122,638.51	122,638.51	122,638.51	122,638.51	1,226,385.05
Administration				84,178.75	84,178.75	84,178.75	84,178.75	84,178.75	84,178.75	84,178.75	84,178.75	84,178.75	84,178.73	841,787.48
Total	22	6,500.00	0.00	236,817.25	226,817.26	226,817.26	226,817.26	226,817.26	236,817.26	226,817.26	226,817.26	226,817.26	226,817.24	2,288,172.53

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of the Township of Branchburg has adopted a resolution agreeing to fund any shortfall of funds required for implementing the provision of the group homes. Since the Township will be expending substantial sums of its own on the acquisition of land for the development of affordable housing in 100% affordable municipal construction projects, the Township will be seeking a waiver from the requirement to expend 30% of the revenues it collects for an affordability assistance program so that these additional revenues can be dedicated to implementation of the Township's 100% affordable housing projects. The Township has already introduced a bond ordinance in the amount of $2,000,000 for land acquisition of the Triangle Site as more fully described in the Housing Element and Fair Share Plan.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to supplement other funds the Township will be spending to acquire land and implement its municipal construction projects.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Township of Branchburg's Affordable Housing Ordinance in accordance (Section 7, Sub-section 2, Accessibility Requirements) and in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

The Township of Branchburg intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the Housing Element and Fair Share Plan adopted December 9, 2008.

The Township of Branchburg has a balance of $122,437.38 as of July 17, 2008 and anticipates an additional $4,080,000.00 in revenues before the expiration of substantive certification for a total of $4,202,437.38. The municipality will dedicate $220,000 towards its rehabilitation program. The municipality will seek a waiver from the requirement to dedicate $1,226,385.05 to render units more affordable. The municipality will dedicate a maximum of $841,787.48 to administrative costs. Any shortfall of funds will be offset by municipal bonding. The municipality will dedicate any excess funds toward supplementing the funds the Township will be spending to acquire land and implement its municipal construction projects.[1]

[1] Affordable Housing Trust Fund figures and all projections are subject to verification and correction.

BRANCHBURG TWP. SPENDING PLAN SUMMARY	
	$
Balance as of July 17, 2008	122,437.38
PROJECTED REVENUE July 18, 2008-2018	
Development Fees	4,000,000.00
Payments in lieu of construction	0.00
Other Funds	0.00
Interest	80,000.00
TOTAL REVENUE	4,202,437.38
EXPENDITURES	
Funds used for Rehabilitation	220,000.00
Funds used for New Construction	
Affordability Assistance	1,226,385.05
Administration	841,787.48
Excess Funds for Additional Housing Activity	1,914,264.85
Land Acquisition Reimbursement - Triangle Site	1,914,264.85
TOTAL PROJECTED EXPENDITURES	4,202,437.38
REMAINING BALANCE	0.00

RESOLUTION

NO. 2008-313 **ADOPTED: DECEMBER 15, 2008**

RESOLUTION OF INTENT TO FUND SPENDING PLAN SHORTFALL FOR AFFORDABLE HOUSING PROGRAMS IN FAIR SHARE PLAN

WHEREAS, significant portions of the December, 2008, Housing Element and Fair Share Plan of this Township as adopted by the Branchburg Township Planning Board and endorsed by the Township Committee of the Township of Branchburg provide for a financial commitment by the Township; and

WHEREAS, the New Jersey Council on Affordable Housing (COAH) requires a municipality to state its intent to cover any shortfall in the funding of its affordable housing programs as set forth in the Spending Plan and the Fair Share Plan, including its intention to incur bonded indebtedness, if necessary, to provide the funds required for the timely implementation of the Fair Share Plan;

RESOLVED, by the Township Committee of the Township of Branchburg, in the County of Somerset, New Jersey, as follows:

1. That to the degree that the funds required for the implementation of the Township's adopted 2008 Fair Share Plan, as more particularly set forth in the Spending Plan adopted by the Township Committee on December 15, 2008, are not available at the time they are needed from funds collected from developers under the Development Fee Ordinance, or from in lieu payments from developers to cover a fraction of an affordable unit generated by their respective developments, or from outside grants, the Township will provide the funding needed to cover any shortfall from appropriations in the Township's annual budget or by incurring indebtedness by authorizing and issuing, pursuant to the Local Bond Law, bonds and/or bond anticipation notes to the extent of the funding deficiency, with the understanding that any payments subsequently collected from developers under the Development Fee Ordinance or any "in lieu of" contributions from developers to cover a fraction of an affordable unit generated by their respective developments may be used to reimburse the Township for the costs of the programs such funds are intended to cover; and

2. That the Township currently has the unencumbered capacity to incur such debt under the Local Bond Law.

ATTEST:

Sharon L. Brienza, RMC/MMC
Township Clerk

John Sanford
Mayor

ROLL CALL VOTE				
COMMITTEE MEMBER	**YES**	**NO**	**ABSTAIN**	**ABSENT**
SANFORD	✓			
LEONARD				✓
SARLES	✓			
YOUNG	✓			
BOUWMAN	✓			

CERTIFICATION

I, Sharon L. Brienza, RMC, Clerk of the Township of Branchburg, County of Somerset, hereby certify the foregoing to be a true copy of Resolution No. 2008-313 adopted by the Township Committee of the Township of Branchburg at a duly noticed and duly convened special meeting held on December 15, 2008.

Sharon L. Brienza, RMC/MMC
Township Clerk

APPENDIX K
DOCUMENTATION REQUIRED FOR REHABILITATION PROGRAM

REHABILITATION PROGRAM (N.J.A.C. 5:97-6.2)

General Description

Municipality/County: Branchburg Twp., Somerset

Program Name: Local

Number of proposed units to be rehabilitated: 22

Information and Documentation Required with Petition

- [x] Determination of Rehabilitation Share
- [x] Accept number in N.J.A.C. 5:97 – Appendix B; **OR**
- [ ] Exterior Housing Survey conducted by the municipality
- [ ] Information regarding the rehabilitation program on forms provided by the Council. (If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)
- [x] Documentation demonstrating the source(s) of funding See Spending Plan, App. J, FSP
- [x] Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- [x] Schedule illustrating how the rehabilitation share will be addressed within the period of substantive certification See narrative section of checklist.

Information and Documentation Required Prior to Substantive Certification

- [x] Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- [ ] Draft or adopted rehabilitation operating manual that includes a description of the program procedures and administration including a copy of sample deed restriction and/or lien.
- [x] Affirmative Marketing Plan for the re-rental of rehabilitated rental units, in accordance with UHAC See Aff. Mktg. Plan – App. B, FSP

Rehabilitation Narrative Section

Funding will be provided by Branchburg Twp. for 22 units @ $10,000 per unit (hard costs) plus admin. costs. Program will be advertised through notices with Tax Bills.

Funding for first 11 units will be provided by 12/13.

CONTRACT FOR PROFESSIONAL SERVICES

BY AND BETWEEN

TOWNSHIP OF BRANCHBURG

AND

MULLIN & LONERGAN ASSOCIATES, INC.

THIS AGREEMENT, entered into as of this 15th day of DECEMBER, 2008 by and between the TOWNSHIP OF BRANCHBURG (herein after called the "Public Body" and MULLIN & LONERGAN ASSOCIATES, INC. (herein after called the "Consultant").

WITNESSETH THAT:

WHEREAS, the Public Body desires to engage a consultant to provide housing rehabilitation services relative to the Public Body's COAH obligation as well as other community development issues; and

WHEREAS, the Public Body desires to engage the Consultant to render certain technical advice and assistance in connection with such undertakings.

NOW, THEREFORE, the parties to the contract do mutually agree as follows:

I. SCOPE OF SERVICES

The consultant shall perform Administrative and Technical Assistance services in accordance with the following, and as requested by the Township of Branchburg.

A. General Program Administration for the Community Development Program

1. Provision of Staff Personnel

The Consultant will provide staff to administer the program. The Community Development Program Coordinator will be responsible for the day-to-day operation of the community development program and will provide the services set forth below.

2. Staff Availability

The Consultant's staff will be available and work in the Township of Branchburg to implement community development activities. The Consultant's Community Development staff will be available to the Township on an as-needed basis. This includes evenings as required to meet the specific needs of the Township

Committee, the Planning Board and individuals interested in community development.

3. Service to be Provided

Community Development Program – The following is a summary of the services provided by the Consultant in the administration of community development activities:

- Maintain accounting, budgeting and fiscal management procedures to assure compliance with applicable Federal and State regulations.

- Review vouchers for Community Development expenditures for approval and payment by the Township.

- Coordinate Community Development Program activities with the various municipal departments involved in implementing the Township's community development activities.

4. General Consultant Services

The Consultant agrees to provide the Public Body with general advice and assistance in carrying out management coordination and activities necessary for effective implementation and continuation of community development activities in accordance with applicable regulations.

The Consultant agrees to render general advice and assistance through personal visits, telephone communication with and written inquiries from the Public Body on matters listed below:

a. Cost principals applicable to grants and contracts with the Public Body, including determinations of allowable costs of the program.

b. Administrative requirements for the Community Development Program.

c. Assist the Public Body in clarifying questions on eligible activities.

d. Advise the Public Body on the need for additional environmental reviews for activities funded by activities.

e. Provide guidance and direction to the Public Body on compliance with new regulations and memos periodically issued.

f. Provide guidance and assistance in budgetary changes as may be required.

g. On the requirements of the various laws, regulations, circulars, handbooks, etc. pertaining to nondiscrimination, relocation and acquisition, and labor standards.

h. On the requirements of the Architectural Barriers Act of 1968, Hatch Act, National Flood Insurance Program, Clean Air Act and Federal Water Pollution Control Act as they relate to implementing the Community Development Program.

i. On the requirements of Equal Opportunity, Fair Housing and Affirmative Action as they relate to implementing the Community Development Program.

j. Preparation of Local Amendments

Assist the Public Body in preparing local amendments to the Community Development Program.

B. Technical Services

1. Environmental Review

As a project is identified which requires compliance with 24 CFR Part 58 concerning environmental review, the Consultant shall prepare:

Environmental Review Record

- Submit resource identification letter to State Historic Preservation Officer (SHPO)
- Respond to SHPO (as revelant)
- Floodplain review
- Review of statutory regulations at 24 CFR Part 58
- Determination of environmental finding, i.e. assess, categorical exclusion or exempt

2. Housing Rehabilitation

As a housing assistance inquiry is received by the Township of Branchburg, the Consultant shall:

- Determine income eligibility of homeowner
- Conduct housing inspection
- Prepare work write-up specifications
- Prepare cost estimate
- Solicit bids on behalf of homeowner
- Review bids with homeowner

- Prepare contractor's agreement between homeowner and contractor
- Monitor work in progress
- Process payment requests from contractor
- Prepare lien documents (mortgage and mortgage note)

3. Preparation of Grant/Loan Applications

As the Township and its associated boards and commissions identify potential funding sources for a variety of programs, the Consultant shall:

- Review application requirements
- Discuss application procedures and deadlines with the Township
- Prepare application as applicable

4. Other

As the Township identifies specific projects requiring assistance, the Consultant shall proceed only upon the Township's request.

II. TIME OF PERFORMANCE

The services of the Consultant shall be for a period of twelve (12) months from the date of this contract execution.

III. COMPENSATION AND METHOD OF PAYMENT

The Consultant will be entitled to payment for services based on the Consultant's current hourly rates as listed below:

- Chairman/President: $175 per hour, or fraction thereof
- Associates/Principals: $140 per hour, or fraction thereof
- Professional Staff: $105 per hour, or fraction thereof
- Administrative support: $40 per hour, or fraction thereof

The hourly rate will be in effect from portal to portal. In addition, M&L shall be entitled to reimbursement of travel and related expenses including mileage at the Federal Mileage.

It is expressly understood that the total cost of this contract shall not exceed $15,000, unless an appropriate amendment is made to this contract.

IV. OTHER TERMS AND CONDITIONS

This Agreement is subject to the General Terms and Conditions, PART II, a copy of which is attached hereto.

IN WITNESS WHEREOF, the Public Body and the Consultant have executed this Agreement as of the date first above written.

TOWNSHIP OF BRANCHBURG

ATTEST:

BY: _____

Sharon L. Brienza, Township Clerk

John Sanford, Mayor

MULLIN & LONERGAN ASSOCIATES, INC.

ATTEST:

BY: _____

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Contract for Professional Services
Part II - Terms and Conditions

1. **Termination of Contract for Cause**. If, through any cause, the Contractor shall fail to fulfill in a timely and proper manner his obligations under this Contract, or if the Contractor shall violate any of the covenants, agreements, or stipulations of this Contract, the Public Body shall thereupon have the right to terminate this Contract by giving written notice to the Contractor of such termination and specifying the effective date thereof, at least five days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Contractor under this Contract shall, at the option of the Public Body, become its property and the Contractor shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder.

   Notwithstanding the above, the Contractor shall not be relieved of liability to the Public Body for damages sustained by the Public Body by virtue of any breach of the Contract by the Contractor, and the Public Body may withhold any payments to the Contractor for the purpose of set-off until such time as the exact amount of damages due the Public Body from the Contractor is determined.

2. **Termination for Convenience of the Public Body**. The Public Body may terminate this Contract at any time by giving at least ten (10) days notice in writing to the Contractor. If the Contract is terminated by the Public Body as provided herein, the Contractor will be paid for the time provided and expenses incurred up to the termination date. If this Contract is terminated due to the fault of the Contractor, Paragraph 1 hereof relative to termination shall apply.

3. **Reports and Information**. The Contractor, at such times and in such forms as the Public Body may require, shall furnish the Public Body such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Contract.

4. **Patent Rights**. Whenever any invention, improvement or discovery is made or conceived or for the first time actually or constructively reduced to practice by the Contractor or its employees in the course of, in connection with, or under the terms of this Contract, the Contractor shall immediately give the Public Body written notice thereof and shall promptly thereafter furnish the Public Body with complete information thereon. The Public Body shall have the sole and exclusive power to determine whether or not and where a patent application shall be filed and to determine the disposition, improvement or discovery, including title to and rights under any patent application or patent that may issue thereon. The determination of the Public Body on all of these matters shall be accepted as final. The Contractor warrants that all of its employees who may be the inventors will execute all documents and do all things necessary or proper to the effectuation of such determination.

   Except as otherwise authorized in writing by the Public Body, the Contractor shall obtain patent agreements to effectuate the provisions of this article from all persons who perform any part of the work under this Contract except such clerical and manual labor personnel as will have no access to technical data.

   Except as otherwise authorized in writing by the Public Body, the Contractor will insert in each subcontract having experimental, developmental or research work as one of its purposes, provisions making this clause applicable to the subcontractor and its employees.

   If the Public Body obtains patent rights pursuant to this article, the Contractor shall be offered license rights thereto on terms at least as favorable as those offered to any firm.

5. **Copyright**. No report, maps, or other documents produced in whole or in part under this Contract shall be the subject of an application for copyright by or on behalf of the Contractor.

6. **Records and Audits**. The Contractor shall maintain accounts and records, including personnel, property, and financial records, adequate to identify and account for all costs pertaining to the Contract and such other records as may be deemed necessary by the Public Body to assure proper accounting for all project funds. These records will be made available for audit purposes to the Public Body, any subgrantee, the federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives.

7. **Retention of Records**. All accounts and records as required under item #6 above shall be retained by the Contractor for five years after the expiration of this Contract unless permission to destroy them is granted by the Public Body.

8. **Clean Air Act and Clean Water Act Compliance**. Compliance with the applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738 and Environmental Protection Agency regulations (40 CFR Part 15) is required for all contracts, subcontracts and subgrants of amounts in excess of $100,000. For all such Contracts, all Contractors and subcontractors agree to the following requirements:

   a. A stipulation by the Contractor or subcontractors that any facility to be utilized in the performance of any non-exempt contract or subcontract is not listed on the List of Violating Facilities issued by the Environmental Protection Agency (EPA) pursuant to 40 CFR 15.20.

   b. Agreement by the Contractor to comply with all the requirements of Section 114 of the Clean Air Act, as amended, (42 U.S.C. 1857c-8) and Section 308 of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1318) relating to inspection, monitoring, entry, reports and information, as well as all other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder.

   c. A stipulation that as a condition for the award of the Contract, prompt notice will be given of any notification received from the Director, Office of Federal Activities, EPA indicating that a facility utilized or to be utilized for the Contract is under consideration to be listed on the EPA List of Violating Facilities.

   d. Agreement by the Contractor that he will include or cause to be included the criteria and requirements in paragraph (a) through (d) of this section in every nonexempt subcontract and requiring that the Contractor will take such action as the Government may direct as a means of enforcing such provision.

   In no event shall any amount of the assistance provided under this Agreement be utilized with respect to a facility which has given rise to a conviction under Section 113(c)(1) of the Clean Air Act or Section 309(c) of the Federal Water Pollution Control Act.

9. **Energy Conservation Provisions**. Contractors must recognize mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163, 89 Stat. 871).

10. **Compliance with the Americans with Disabilities Act**. Pursuant to federal regulations promulgated under the authority of The Americans With Disabilities Act, 28 C.F.R. 35.101 et seq, the Contractor understands and agrees that no individual with a disability shall, on the basis of the disability, be excluded from participation in this Contract or from activities provided for under this Contract. As a condition of accepting and executing this Contract, the Contractor agrees to comply with the "General Prohibitions Against Discrimination," 28 C.F.R. 35.130, and all other regulations promulgated under Title II of the Americans With Disabilities Act.

    The Contractor shall be responsible for and agrees to indemnify and hold harmless the public body and any grantor agency from all losses, damages, expenses, claims, demands, suits and actions brought by any party against the Public Body and any grantor agency as a result of the Contractor's failure to comply with the

provisions of the above paragraph.

11. **Changes**. The Public Body may, from time to time, request changes in the scope of the services of the Contract to be performed hereunder. Such changes, including any increase or decrease in the amount of the Contractor's compensation, which are mutually agreed upon by and between the Public Body and the Contractor shall be incorporated in written amendments to this Contract.

12. **Assignability**. The Contractor shall not assign any interest in this Contract, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the Public Body. Provided, however, that claims for money by the Contractor from the Public Body under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the Public Body.

13. **Compliance with Federal, State and Local Laws**. The Contractor shall comply with all applicable laws, ordinances and codes of the Federal, State and local governments, and shall commit no trespass on any public or private property in performing any of the work embraced by this Contract.

14. **Executive Order 11246**

    a. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such actions shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Local Public Agency setting forth the provisions of this nondiscrimination clause.

    b. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

    c. The Contractor will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this contract so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

15. **Title VI of the Civil Rights Act of 1964**. No person shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with Federal funds.

16. **Section 109 of the Housing and Community Development Act of 1974.** No person in the United States shall on the grounds of race, color, national origin or sex be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

17. **Fair Housing** No person in the United States shall on the basis of race, color, religion, sex, or national origin, be discriminated against in housing (and related facilities) provided with Federal assistance and in lending practices with respect to residential property when such practices are connected with loans insured or guaranteed by the Federal Government.

18. **"Section 3" Compliance in the Provision of Training, Employment and Business Opportunity**. Every applicant, recipient, contracting party, contractor and subcontractor shall incorporate, or cause to be

incorporated, in all contracts for work in connection with a Section 3 covered project, the following clause (referred to as a Section 3 clause):

a. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

b. The parties to the contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations.

c. The Contractor agrees send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the said labor organization or workers' representative of contractor's commitments under this Section 3 clause and will post copies of the notice in conspicuous places available to at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the sections 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each, and the name and location of the person(s) taking applications for each of the positions and the anticipated date the work shall begin.

d. The Contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.

e. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.

f. Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

19. The Undersigned certifies, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.

c. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

11/19/08
Date

Signature of Contractor

APPENDIX L
QUALIFICATIONS OF BRANCHBURG'S ADMINISTRATIVE AGENT

Denise Piszkowski
475 Kenbury Road
Branchburg, NJ 08876
(908) 429-1576

Professional Experience:

Township of Branchburg August 2001 - Present
Administrator's Assistant
Report directly to the Administrator as a confidential secretary. Responsibilities for this position include acting as a liaison with Department Heads, coordinating correspondence and calendar. Also includes assisting with residents needs in coordination with the Township Clerk's office as well as working with the General Services Administrator to purchase supplies and office equipment.

Additional responsibilities include:

- Coordinating Workers Compensation and Liability claims with the employees and insurance company.
- Programming local TV channel 14.

Affordable Housing Services August 2003 – Present
This responsibility requires maintaining files on all of the Affordable Housing properties and all certified applicants on the waiting list. It also includes completing reports as required by COAH, assuring that all procedures are to COAH regulations and that all units are occupied according to COAH standards. Co-hosted a COAH session at the Municipal Clerks Conference in Atlantic City in April of 2005.

Responsibilities include, but are not limited to:

- Reviewing and qualifying applications for all rental and re-sale properties.
- Preparing attorney documents for resale's.
- Working with landlords to assure that the correct rents are being charged
- Responding to request from owners for current resale pricing.
- Reviewing and approving refinancing requests.

Planning Board and Board of Adjustment Secretary. March 2004 – December 2004
This responsibility required coordinating with the Township Engineer to plan two meetings a month for each Board.

- Attend monthly meetings and work with the Board members to keep the meetings running smoothly.
- Compose minutes for each meeting and transcribe recordings.

***inc* Integrated Network Corporation** August 1999 - February 2001
Administrative Assistant, Sales and Marketing

Reported directly to the Executive Vice President and General Manager. This position also required working with such high-level executives as the President, AVP of National Sales, and Vice President of Operations. Handled a broad range of administrative duties in a fast-paced office environment, e.g., created PowerPoint presentations, coordinated quarterly sales meetings, designed and edited Marketing collateral, made travel arrangements and provided Customer Service support.

Additional responsibilities included:

- Supporting the Director of Marketing and seven outside Sales Managers.
- Maintaining Product Manager's price books and price sheets.
- Working with Engineering and Operations departments to format, edit and assemble system documentation manuals.
- Helping to coordinate major tradeshow arrangements.
- Creating a standard look and feel throughout presentations and documentation.

DSET Corporation August 1995 - July 1999
Senior Administrative Assistant, Worldwide Sales and Marketing

Reported directly to the CEO and Senior Vice President of Sales, this position also supported the Vice Presidents of Marketing, Sales, and Carrier Sales as well as the Product Management Director. In addition to general administrative duties, this position required advanced organizational, computer and marketing skills and the ability to multitask on a daily basis. Position required high level knowledge and skill in Word, Excel and PowerPoint, as well as the ability to interact with high level professionals on a daily basis.

Skills
Excellent interpersonal skills; have cultivated the ability to deal with high level management and high ranking individuals. Advanced abilities: Microsoft Word, Microsoft Excel, Microsoft PowerPoint, and Microsoft Access.

Notary Public, State of New Jersey.

Statement of Affordable Housing Qualifications

Since January of 2003 I have been managing the Affordable Housing program for Branchburg Township. Branchburg was new to the management of Affordable Housing as such I created the procedures, an application and, with the help of outside consultants, the current Administrative Manual, Owners Manual and Renters Manual. Branchburg has an Administrative Agent that is responsible for signing legal documents like the release of controls and the required documents when a unit sells upon my recommendation.

As part of this program I am also responsible for assuring that each unit is occupied by a household that has been certified according to COAH regulations.

My responsibilities for the program in Branchburg include the following:

Administrative
Maintain files of all certified applications
Maintain spreadsheet of all applications mailed
Maintain files of all current owners and renters of Affordable Housing properties
Send quarterly invoices to landlords
Created an approval spreadsheet to help with certifying applications
Maintain template files of legal documents
Answer questions from all incoming calls

Applications
Mail out applications per requests
Review incoming applications
Determine income range
Certify households for housing
Send notification to applicants

Refinance
Provide current sale price
Process refinance requests
Review documents
Approve or deny refinance

Resales
Provide seller with current sales price
Process paperwork (i.e. Notice of Intent to Sell, Property Information Form, etc.)
Hold random lottery of certified applications on file
Notify household chosen in lottery.
Work with attorney to process documentation for the closing
Send Owners Manual and a Welcome to Branchburg packet to new renter
Have Administrative Agent release legal documents.

Rentals
Work with landlord
Inform landlord of correct rent increase rates as provided by COAH
Advertise rental units as they become available
Review incoming applications
Certify households for housing
Hold random lottery of certified applications on file
Notify household chosen in lottery.
Send Renters Manual and a Welcome to Branchburg packet to new tenant