

**TOWNSHIP OF BOONTON
MORRIS COUNTY, NEW JERSEY**

ADDENDUM

**HOUSING ELEMENT AND FAIR SHARE PLAN
AUGUST 2009**

March 3, 2014

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The original copy has been signed and sealed in accordance with N.J.A.C. 13:41-1.3

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PURPOSE OF ADDENDUM

This Addendum will modify the existing 2009 Housing Element and Fair Share Plan (HE/FSP) of Boonton Township to the extent it removes the analysis and proposed measures concerning the third round obligation which were based upon the “growth share” methodology. This modification is undertaken to permit Boonton Township to petition the Council on Affordable Housing (COAH) for substantive certification.

The Boonton Township Planning Board adopted a HE/FSP, dated August, 2009 on September 9, 2009 to address both the prior and third round affordable housing obligation. The Township elected to file the HE/FSP with COAH pursuant to N.J.A.C. 5:96-2.2 rather than submit for substantive certification, and did so on September 10, 2009. On December 11, 2009, COAH deemed Boonton Township’s HE/FSP complete. In accordance with N.J.A.C. 5:96-1.2(b), the filing of a HE/FSP must be followed with a petition for substantive certification within two years after the filing date. Failure to do so results in the automatic expiration of the filed HE/FSP. In order to evaluate the potential impact of the *Highlands Water Protection and Planning Act* (P.L. 2004, C. 120) and the subsequent Highlands Regional Master Plan upon the Township in general and with regard to its affordable housing obligation in particular, Boonton Township did not submit a petition for substantive certification within the two year time period which ended in September 2011. Consequently the Township no longer remains under COAH’s jurisdiction, thus the amended 2009 HE/FSP and substantive certification petition.

In light of the September 26, 2013 decision of the New Jersey Supreme Court, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council on Affordable Housing, 215 N.J. 578 (2013), affirming the Appellate Division’s decision that invalidated the “growth share” methodology to determine a municipality’s third round obligation, Boonton Township’s 2009 HE/FSP will be revised in accordance with new rules once same are promulgated by COAH to address its third round obligation and will repetition for substantive certification with an updated plan.

Boonton Township has fully addressed its prior round obligation of 20 units with the 24 affordable units in Brae Loch, as detailed on page 8 of the 2009 Housing Element and Fair Share Plan. The excess four units together with the 20 beds in the assisted living facility, Victoria Mews will be applied to the third round obligation. Boonton Township has no rehabilitation obligation.

The following sections concerning the Township of Boonton’s third round affordable housing obligation as set forth in the August 2009 Housing Element and Fair Share Plan shall be deleted with the present petition for substantive certification. A revised Housing Element and Fair Share Plan will address the Township’s third round obligation subsequent to COAH’s adoption of modified rules.

[Page 2, as follows:]

Subsequent to the adoption of the Fair Housing Act, COAH adopted procedural and substantive rules which set forth the requirements for municipalities under the Act. The rules determined the local and regional need for affordable housing units, and allocated a "fair share" of the regional need to each municipality in the region for the period of 1987 to 1993. In May, 1994, COAH amended its substantive rules and established revised affordable housing requirements for municipalities for the period of 1987 to 1999. COAH determined Boonton's total affordable housing obligation to be 108 housing units.

[Page 5, as follows:]

This housing element is intended to satisfy the plan requirement for addressing this obligation and obtain substantive certification of the Township's third round fair share plan by providing a realistic opportunity for the construction and/or rehabilitation of affordable housing in the Township of Boonton. At the time of this writing, there continues to be court challenges to the overall methodology of calculation of the 3rd round figures issued by the Council on Affordable Housing by numerous public/private entities and municipalities.

[Pages 6 and 7, as follows:]

Based on the latest set of rules, the following information in addition to the aforementioned must be included when preparing a housing plan:

- A projection of the municipality's probable future construction of housing through January 1, 2018, based on certificates of occupancy (CO's), construction permits, approved development and historic development trends;
- An analysis of existing jobs and employment characteristics of the municipality and a projection of the probable future jobs and employment characteristics through January 1, 2018, based upon certificates of occupancy (CO's), construction permits, approved development and historic trends;
- An analysis of how existing zoning and planned changes in zoning provide adequate capacity and provisions to accommodate residential and nonresidential growth projections;
- The number of new affordable housing units the municipality was obligated to provide during the 1987 to 1999 period and the number of affordable units actually provided; The number of deficient units occupied by low and moderate income households that the municipality is obligated to rehabilitate;

- The projected growth share affordable housing need (based on residential and non-residential growth);
- A general description of any sites slated for affordable housing including acreage, property owner, block and lot, current zoning, surrounding land uses and street access.

Fair Share Plan Provisions

A municipal Fair Share Plan must be adopted by the Planning Board and endorsed by the governing body prior to the municipality's petition to COAH for substantive certification. The Fair Share Plan must address the municipalities total 1987 –2018 fair share obligation (Rounds I, II & III), including implementing ordinances created to ensure that the affordable housing obligation is met.

The municipal Fair Share Plan is to include a strategy for ensuring the development of one (1) affordable housing unit for every five (5) market-rate units of new construction and one (1) affordable housing unit for every sixteen (16) newly created jobs as created by new or expanded non-residential construction.

THIRD ROUND (2000-2018) (COAH rules as adopted through 09/22/08)

A. Obligation: 79du (COAH Substantive Rules – Appendix F)

B. Total Obligation

20 First & Second Rounds
 + 79 Third Round
 99 Total
 - 44 Credit and Reductions
 55

Remaining obligation: 55 new affordable units plus 0 rehabilitations

[Pages 26 – 30, as follows:]

COMPLIANCE PLAN

Based upon COAH's rules and analyses performed for this report, The Township of Boonton is required to provide a reasonable opportunity for the development of an increase of 79 low- and moderate-income housing generated by both residential and non-residential growth. The means of addressing this obligation are discussed below:

New Construction Obligation

Based on the latest set of adopted rules, the following general rules apply to the creation of affordable housing including:

- Must provide realistic opportunity for affordable housing to provide for one affordable unit among every 5 residential units built, and one affordable unit for every 16 jobs generated.
- Affordable to income-eligible households/individuals
- Provide controls on affordability
- Must be affirmatively marketed
- Distribution of Low/moderate unit mix
- Bedroom distribution requirements
- Limits on number of age-restricted units (Cap of 25%)
- Family units (Non-Age Restricted) required- Minimum of 50%
- Rental obligation-Minimum 25%
- Minimum 13% of units in Fair Share Plan deed-restricted for households earning no more than 30% of median income (Very Low Income)

As part of amended third round rules, COAH provided projected growth of residential and non-residential growth for each municipality. The rules were to also take into account available vacant land and environmental constraints. The rules were further amended by Executive Order #114 which requires COAH and the Highlands Council reach a “memorandum of understanding” as it pertains to allocated growth to those municipalities located within the Highlands Region (Boonton is wholly located within the Highlands planning area).

Within the amended rules (Appendix F), COAH provides projected residential and non-residential growth within the community for the period between January 1, 2004 to 2018. This is to be compared with actual and anticipated future growth as estimated by the municipality. As it pertains to Boonton, the following COAH projections are indicated:

Residential Growth: 271 units, generating 54 affordable units (1/5du)
 Non-Residential Growth: 395 jobs; generating 25 affordable units (1/16jbs)
 Total Affordable Units: 79 units

Based on these growth projected, the Township would have to construct an average of 27.1 new residential dwelling units per year and construct commercial structures generating an average of 39.5 jobs for the ten-year period to 2018.

The following tables, however, reflects the historic pattern of new residential dwellings authorized by building permits, and the square footage of non-residential development for the period between 1999 to 2008.

HISTORIC TREND OF RESIDENTIAL & NON-RESIDENTIAL CO'S BY SQUARE FOOTAGE - 1999-2008
TOWNSHIP OF BOONTON

Use Group	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	TOTAL	Post 01/01/04 TOTAL
B - Office CO's											0	0
M - Merchantile CO's											0	0
S - Storage CO's			14,400	2,304				4,500	48,492		69,696	52,992
A1/A3 Assembly CO's							72				72	72
A2 - Restaurants											0	0
A4 - Arenas, Pools											0	0
A5 - Bleachers, Etc.											0	0
F - Factories/Industrial											0	0
"E" - Education		28,370									28,370	0
"I" - Institutional Uses	151,744										151,744	0
"R1" - Hotel/Motel Uses											0	0
TOTAL Sq.Ft.	151,744	28,370	14,400	2,304	0	0	72	4,500	48,492	0	249,882	53,064

RESIDENTIAL CERTIFICATE OF OCCUPANCY'S

Year	Number
1999	5
2000	100
2001	11
2002	93
2003	9
2004	7
2005	6
2006	9
2007	9
2008	5
Total	254

NON-RESIDENTIAL GROWTH, 01/2004 TO PRESENT

Use Group	Square Footage	Factor	Affordable Units
B - Office	0	5,714	0.00
M - Merchantile	0	9,412	0.00
S - Storage/Warehouse	52,992	16,000	3.31
A1/A3 Assembly	72	10,000	0.01
A2 - Restaurants	0	5,000	0.00
A4 - Arenas, Pools	0	4,706	0.00
A5 - Bleachers, Etc.	0	6,154	0.00
"F" Factories	0	13,333	0.00
"E" - Education	0	0	0.00
"I" - Institutional Uses	0	8,154	0.00
"R1" - Hotel/Motel Uses	0	9,412	0.00
Total			3.32

Residential Development

For the period between 1999 and 2008, a total of 254 new dwelling units were constructed. This equates to a 10-year average of 25.4 units per year. Based on actual growth from 2004 however, the construction pace slowed dramatically to 7.2 new dwellings per year. This pace better reflects the current Township conditions. Based on the historic averages, an additional 108 dwelling units, generating 21.6 affordable units could be anticipated for the period between 2004 and 2018. This growth however, will most likely be tempered by the available properties left within the Township.

As part of the on-going wastewater management planning program being conducted by the Morris County Planning Board, a detailed build out analysis (see map) was prepared by the County and reviewed by Township professionals. Based on this review, the County indicated that based on available existing sewers and septic densities, a total of 271 additional dwelling units (lots) could be provided throughout the Township. This figure was reduced to 188 units based on correction of data and taking into consideration environmental constraints. A build out of 188 units would generate an obligation of 37.6 affordable units, less than half the obligation mandated by the amended COAH third-round rules.

Non-Residential Growth

The table above, which was compiled from State data, also indicates nonresidential CO's by use group for the period between 1999 and 2008. Based on this analysis, non-residential growth since 2004 would generate a total affordable housing obligation of 3.3 units. An additional 2.7 affordable units were generated (for a total of 6 units) by the 2008 approval of the project known as Powerville Village, where 25,167sf of retail space was approved. To date, this establishment has not been built.

Based on the above findings, it can be estimated that for the period between 2004 and 2018, an affordable housing obligation of approximately 24.3 affordable units could be anticipated based on the historic pattern of residential growth and lack of new developable non-residential construction.

Restrictions to Future Growth

Based on the above analysis, an affordable housing obligation of 24.3 units is projected, compared to COAH's projection of 79 units. This reduced projection is derived in part from the following facts:

- Lack of large parcels of developable land, environmental constraints (wetlands/steep slopes) and current zone development standards;
- No new multi-family development under as-of-right zoning is anticipated as all the existing multi-family zones are currently built-out. Any multi-family development may occur as part of use variance applications, or subsequent master plan land use plan amendments;
- The majority of residential growth over the next 10 year period will be a result of infill development of scattered vacant lots and minor subdivisions in conformance with the historic pattern of development
- The remaining historic growth has been confined to small additions to existing commercial establishments. Based on the current Township of Boonton Master Plan and the absence of large vacant developable (without environmental constraints) commercial and industrial lands, together with limited demolitions, additional large scale redevelopment of existing nonresidential uses is not anticipated.

[Page 35, as follows:]

Summary

The Township of Boonton has taken, and will continue to take a proactive position in providing affordable housing within the limits of the municipality. This Plan proposes the methods to address potential growth while preserving the established small-town character of the Township. Although this Plan projects significant less development through the 2018 time period, the Plan provides for a minimum of 79 affordable housing units under COAH third-round projections, where Township projections indicate a need of approximately 24 affordable units.

This Plan provides for affordable housing within the most appropriate locations within the Township balanced against the lack of developable vacant lands, environmental constraints and current competing regulations associated with the Highlands Regional Master Plan, NJDEP regulations and Wastewater Management requirements.