

2009 Municipal Petition for Highlands Regional Master Plan Conformance
Township of Pohatcong

Module 3 – Municipal Housing Plan – Required Submission

1. Summary of Housing Obligations

- a. Prior Round Obligation
- b. Highlands RMP Adjusted Growth Projection calculated as per Appendix B of the Module 3 instructions along with calculations:
 - i. Selection of Highlands RMP Adjusted Growth Projection or COAH Projected Growth Share Obligation
 - ii. 2. Completed Growth share calculator with exclusions, if applicable
 - iii. 3. Final Projected Growth Share Obligation

Please See Attached Workbook D of the Highlands/COAH Growth Share Calculator for the above listed information.

2. Summary and Consistency Review of proposed Prior Round Sites

Hamptons at Pohatcong

The Hamptons at Pohatcong site (Block 93, Lots 4 & 5) is located in the western portion of the Township with the railroad right-of-way to the north and Interstate 78 to the south. EAI Investments - Hamptons at Pohatcong has received preliminary subdivision approval on a 170-acre property to create 401 single-family lots, two apartment buildings containing a total of 44 low and moderate-income flats, and one lot for future retail, all of which are to be served by sewer and water.

The project is in Pohatcong Township's AH Affordable Housing zoning district, which is the product of prior round affordable housing litigation and a key component of the Township's current Affordable Housing Plan, which is currently under court jurisdiction. The standards for this particular development are regulated by the settlement agreement. The RMP has placed the parcel in the Conservation Environmentally Constrained Zone of the Planning Area. Based on Highlands's analysis, about 150 acres of the site are developable and 20 acres are environmentally constrained lands.

According to recent correspondence, EAI has met with NJDEP and the Highlands Council to discuss a revised waste water management plan. The project has been reconfigured as a cluster development, with 45 acres of the 170 being developed and the remaining 125 acres to be preserved as open space. The total number of units has been reduced from 396 to 242 units (44 affordable housing apartments, 122 single-family homes and 76 townhomes).

The property is not located in existing wastewater service area. By court order, the site will receive service of 120,950 gallons per day (contract of 0.1205 million gallons per day). However, the Highlands data specifies the type used for build-out calculations to be septic. Similarly, the site is not in an existing public potable water service area served. However, there site has a status of unconditional HUL water availability (0.39 million gallons per day).

The Township will need to work with the Highlands Council to resolve these issues and make a final determination of the ability to develop this key component of the Township's current Affordable Housing Plan either through Map Updates, Map Adjustments or other methodology prior to a final commitment to conform to the Highlands Regional Master Plan in the Planning Area.

Regency of Pohatcong

The Regency of Pohatcong Site (Block 95, Lots 2 & 2.05) is located along Interstate 78 in the western part of the Township. The two lots total about 88 acres and are located in the R-1/ARH Residential Zone with Age-Restricted Housing option.

The property has received preliminary subdivision approval to create 148 age-restricted single-family lots, 160 age-restricted townhouse units and a clubhouse with recreational amenities, all of which are to be served by sewer and water. This development is part of the Township's COAH Third Round Fair Share Plan. The project is in Pohatcong Township's R-1 Rural Residential zoning district, and is utilizing the specifically designated ARH Age Restricted Housing overlay zoning district applied to this particular property, which is the product of litigation and is also a component of the Township's current Affordable Housing Plan, which is currently under court jurisdiction. The ARH zone allows a specific number of age-restricted units on the site based on an overall density of two dwelling units per gross acre of land. The ARH zoning district

standards allow 168 age-restricted dwelling units. The ARH overlay zoning allows the transfer of an additional 122 age-restricted from Block 99, Lot 4 that is to be protected as open space.

The RMP has placed the parcel in the Conservation Environmentally Constrained Zone of the Planning Area with more than 87 acres of the 88-acre property are designated as developable by the RMP.

The property is not located in an existing wastewater service area. By court order, the site is contracted to get 18,000 gallons per day (contract of 0.018 million gallons per day) but the actual requirement is for 62,000 gallons per day (0.062 MGD). The property is not located in an existing public potable water service area.

The Township will need to work with the Highlands Council to resolve these issues and make a final determination of the ability to develop this component of the Township's current Affordable Housing Plan either through Map Updates, Map Adjustments or other methodology prior to a final commitment to conform to the Highlands Regional Master Plan in the Planning Area.

3. Housing Partnership Program: Narrative discussing any interest in the proposed sending and receiving of any affordable housing obligations under the draft RAHDPP guidelines and the justification for the use of any such partnerships.

The Township of Pohatcong was engaged in a proposed settlement with regard to a complaint filed by Regency of Pohatcong on the Township's Growth Share Ordinance, which was in place at the time of the subdivision approval. The ARH Ordinance requires the applicant to provide thirty one (31) RCA's. The Growth Share Ordinance requires one (1) affordable unit for every five (5) market rate units. For three hundred eight (308) total units fifty-one (51) affordable units would be required under the Growth Share Ordinance. The settlement provides for Regency making contributions for an additional seven (7) RCA's at \$35,000. The addition of seven (7) RCA's would bring their total RCA's to thirty-eight (38).

Subsequently Pohatcong Township and the Town of Phillipsburg had a draft RCA agreement for the transfer thirty-five (35) low- and moderate-income units. Pohatcong Township had a growth share number of eighty (80) and the transferred units combined with other approved or proposed RCAs was equal to or less than 50 percent of Pohatcong Township's growth share

obligation. The Town of Phillipsburg had agreed to apply the funds to create or rehabilitate at least thirty-five (35) units of low- and moderate-income housing.

The change in COAH regulations that prohibited RCAs made the above referenced agreements null and void. The Township of Pohatcong had considered re-negotiation a new agreement with the Town of Phillipsburg regarding the RAHDPP, but it is the Townships understanding that the Town of Phillipsburg is the only Municipality in the Highlands that is not eligible as a receiving Municipality in the RAHDPP. This is unfortunate, since the Municipalities have had a long running partnership on a number of issues, including affordable housing. Additionally, as stated above, it is unclear what the final development status of the Regency of Pohatcong project will be under Highlands RMP. Given the reduced Growth Share obligation of the Highlands RMP Adjusted Growth Projection and the likelihood that the Regency of Pohatcong will require a significant redesign under Highlands's regulations, the Township of Pohatcong is not anticipating the use of the RAHDPP. The Township may reconsider this position as it moves forward in the final drafting of a revised Affordable Housing Plan in anticipation of the March draft deadline.

Summary of Adjusted Growth Share Projection Based On Land Capacity
(Introduction to Workbook D)

Municipality Code: 2120

[Muni Code Lookup](#)

Municipality Name: Pohatcong Township

This workbook is to be used for determining the projected Municipal Growth Share Obligation by comparing growth projected by COAH with actual growth based on certificates of occupancy that have been issued from 2004 through 2008 and the RMP build-out analysis conducted under Module 2 of the Highlands RMP conformance process. Data must be entered via the "tabs" found at the bottom of this spreadsheet which may also be accessed through the highlighted links found throughout the spreadsheet. This workbook consists of five worksheets that, when combined on this introduction page, provide a tool that allows the user to enter exclusions permitted by N.J.A.C. 5:97-2.4 to determine the projected Growth Share Obligation. COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules, Highlands Council build-out figures based on Mod 2 Reports and actual growth based on COs as published by the DCA Division of Codes and Standards in The Construction Reporter are imported automatically upon entry of the Municipal Code.

[Click Here to enter COAH and Highlands Council data](#)

Municipalities seeking to request a revision to the COAH-generated growth projections based on opting in to the Highlands RMP may do so by providing this comparative analysis of COAH and RMP build-out projections. After completing this analysis, the growth projections may be revised based on the Highlands RMP build-out analysis. Actual growth must first be determined using the Actual Growth worksheet. The RMP adjustment applies only to RMP capacity limitations that are applied to growth projected from 2009 through 2018.

[Click Here to Enter Actual Growth to Date](#)

[Click Here to Enter Permitted Exclusions](#)

[Click Here to View Detailed Results from Analysis](#)

Summary Of Worksheet Comparison

	COAH Projected Growth Share	Growth Share Based on Highlands RMP
Residential Growth	133	86
Residential Exclusions	242	242
Net Residential Growth	-109	-156
Residential Growth Share	0.00	0.00
Non-Residential Growth	959	121
Non-Residential Exclusions	0	0
Net Non- Residential Growth	959	121
Non-Residential Growth Share	59.94	7.58
Total Growth Share	60	8

The Highlands RMP analysis results in a revision to the COAH-generated growth projection. Pohatcong Township may file this Workbook and use a Residential Growth Share of 0 plus a Non-residential Growth Share of 7.58 for a total Highlands Adjusted Growth Share Obligation of 8 affordable units

Growth Projection Adjustment - Actual Growth

Actual Growth 01/01/04 to 12/31/08

Municipality Name: Pohatcong Township

Residential COs Issued

As Published by D C S	19
Per Municipal Records (if different)	19
Qualified Residential Demolitions	

Note: To **qualify** as an offsetting residential demolition, the unit must be the primary residence of the household for which the demolition permit has been issued, it had to be occupied by that owner for at least one year prior to the issuance of the demolition permit, it has to continue to be occupied by that household after the re-build and there can be no change in use associated with the property. (See [N.J.A.C. 5:97-2.5\(a\)1.v.](#)) A Certification Form must be completed and submitted for each qualifying demolition.

[Get Demolition Certification Form](#)

Non-residential CO's by Use Group	Square Feet Added (COs Issued) As Published by D C S	Square Feet Added (COs Issued) per Municipal Records (if different)	Square Feet Lost Demolition Permits Issued)	Jobs Per 1,000 SF	Total Jobs
B	1,500	1,500		2.8	4.20
M	61,400	61,400		1.7	104.38
F	0	0		1.2	0.00
S	3,716	3,716		1.0	3.72
H	0	0		1.6	0.00
A1	0	0		1.6	0.00
A2	0	0		3.2	0.00
A3	0	0		1.6	0.00
A4	0	0		3.4	0.00
A5	0	0		2.6	0.00
E	0	0		0.0	0.00
I	0	0		2.6	0.00
R1	0	0		1.7	0.00
Total	66,616	66,616	0		112.30

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[Proceed to COAH Data and RMP Module 2 Build-out Data](#)

[Proceed to Exclusions Tab](#)

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Pohatcong Township

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 affordable units are rentals)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
EAI HAMPTONS	Y	242	198	44	198
		0			0
		0			0
		0			0
		0			0
Total		242	198	44	198

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

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[View Detailed Results from Analysis](#)

COAH Growth Projections and Highlands Buildout Data

Must be used in all submissions

Municipality Name: Pohatcong Township

The COAH columns have automatically been populated with growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. The Highlands RMP Build-out columns have automatically been populated with residential and non-residential build-out figures from the municipal build-out results with resource and utility constraints found in Table 4 of the RMP Module 2 report. Always check with the Highlands Council for updates. If figures have been updated, enter updated build-out results. Use the Tabs at the bottom of this page or the links within the page to toggle to the exclusions worksheet of this workbook. After entering all relevant exclusions, toggle back to the introduction page to view the growth share obligation that has been calculated based on each approach.

COAH Projections

From Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq.
Allocating Growth To Municipalities

Residential	Non-Residential
133	959

Highlands RMP Buildout Analysis

From Module 2
Table 4 – Municipal Build-Out Results With Resource and Utility Constraints
Updated as of September 8, 2009

	Preservation Area	Planning Area	Totals
Residential units – Sewered	0	21	21
Septic System Yield	27	19	46
Total Residential Units	27	40	67
Non-Residential Jobs – Sewered	0	9	9

Note: Always check with the Highlands Council for updated municipal Build-out numbers. Enter build-out figures in the appropriate boxes only if revised figures have been provided by the Highlands Council.

[Click Here to link to current Mod 2 Build-Out Reports](#)

[Proceed to Enter Prior Round Exclusions](#)
[Retrun to Enter Actual Growth](#)
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Comparative Analysis Detail For Pohatcong Township

The following chart applies the exclusions permitted pursuant to N.J.A.C 5:97-2.4 to both the COAH growth projections and the projected growth that results from the Highlands RMP build-out analysis plus actual growth for the period January 1, 2004 through December 31, 2008.

	COAH		Highlands	
	Residential	Non-Residential	Residential	Non-Residential
Projected Growth From COAH Appendix F(2)	133	959		
Residential Exclusions per 5:97-2.4(a) from "Exclusions" tab COs for prior round affordable units built or projected to be built				
Inclusionary Development	44		44	
Supportive/Special Needs Housing	0		0	
Accessory Apartments	0		0	
Municipally Sponsored or 100% Affordable	0		0	
Assisted Living	0		0	
Other	0		0	
Market Units in Prior Round Inclusionary development built post 1/1/04	198		198	
Subtract the following Non-Residential Exclusions per 5:97-2.4(b) from "Exclusions" tab				
Affordable units	0		0	
Associated Jobs		0		0
Net Growth Projection	-109	959	-156	121
Projected Growth Share (Residential divided by 5 and jobs divided by 16)	0.00	59.94	0.00	7.58
Total Projected Growth Share Obligation		60 Affordable Units		8 Affordable Units

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