

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

RESOLUTION #17-411

**RESOLUTION ENDORSING AMENDED THIRD ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, the Township of Hopewell filed a declaratory judgment action with the Superior Court of Mercer County to have the Court review and approve its third round affordable housing initiatives pursuant to N.J.S.A. 52:27D-313 in the matter captioned In the Matter of the Application of the Township of Hopewell, Docket No. MER-L-1557-15 (Mount Laurel); and

WHEREAS, the Township entered into four (4) separate Mount Laurel Settlement Agreements with several property owners and developers who desire to produce affordable housing during the third round and with Fair Share Housing Center (FSHC) which was designated by the Supreme Court as an interested party and acknowledged representative of the Mount Laurel beneficiaries in all third round affordable housing proceedings throughout the state; and

WHEREAS, the four Settlement Agreements were approved by the Superior Court after the Court conducted a Fairness Hearing upon adequate notice to the public and require that the Township and the Planning Board adopt a third round Housing Element and Fair Share Plan to implement the terms of the settlements which will be the subject of a Compliance Hearing before the Court on December 14, 2017; and

WHEREAS, the third round Housing Element and Fair Share Plan was approved and endorsed by the Hopewell Township Planning Board at a hearing on November 16, 2017. Pursuant to the terms of the settlements and the rules adopted by the New Jersey Council on Affordable Housing, on November 13, 2017, the Township Committee of the Township of Hopewell adopted Resolution # 17- 369 formally endorsing the third round Housing Element and Fair Share Plan.

WHEREAS, an amended third round Housing Element and Fair Share was approved and endorsed by the Hopewell Township Planning Board at a hearing on December 7, 2017. The Township Committee of the Township of Hopewell is required under the terms of the settlements and the rules adopted by the New Jersey Council on Affordable Housing to adopt a Resolution formally endorsing the amended third round Housing Element and Fair Share Plan.

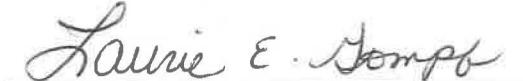
WHEREAS, the purpose of this Resolution is to accomplish the foregoing.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hopewell that it herewith endorses the amended third round Housing Element and Fair Share Plan and directs that a certified copy of this Resolution be filed with the Court and forwarded to all parties on the Court's Service List.

Date Adopted: December 11, 2017

CERTIFICATION

I, Laurie Gompf, Municipal Clerk of the Township of Hopewell, hereby CERTIFY that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Hopewell at a duly advertised meeting held on December 11, 2017, at which a quorum was present.



Laurie E. Gompf
Municipal Clerk

HOPEWELL TOWNSHIP PLANNING BOARD

RESOLUTION NO. 17-026

RESOLUTION GRANTING APPROVAL OF HOPEWELL TOWNSHIP'S AMENDED THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN OF THE MASTER PLAN

WHEREAS, the Hopewell Township Planning Board is organized in accordance with N.J.S.A. 40:55D-23 and 24; and

WHEREAS, the Hopewell Township Planning Board has the statutory power to adopt and amend its Master Plan under N.J.S.A. 40:55D-25(1); and

WHEREAS, it has been determined that Hopewell Township needs to address its third round cumulative housing obligation for the period commencing in 1987 and extending to June 30, 2025; and

WHEREAS, on November 16, 2017, the Planning Board, in Resolution No. 17-025, adopted a Housing Element and Fair Share Plan of the Master Plan which was prepared by the Hopewell Township Planning Board with assistance from Banisch Associates, Inc, entitled "Hopewell Township Mercer County, New Jersey Third Round Housing Element and Fair Share Plan" dated November 6, 2017; and

WHEREAS, an updated and amended Housing Element and Fair Share Plan of the Master Plan has been prepared by the Hopewell Township Planning Board with assistance from Banisch Associates, Inc, entitled "Hopewell Township Mercer County, New Jersey Third Round Housing Element and Fair Share Plan" dated November 16, 2017 (hereinafter the "Plan"); and

WHEREAS, the Plan was reviewed by the Court Master who suggested that it be further supplemented and amended to specifically document compliance with COAH's site suitability criteria for each of the targeted inclusionary sites even though this information has been thoroughly studied, examined and reviewed by the Planning Board and is already part of the public record; and

WHEREAS, an amended Third Round Housing Element and Fair Share Plan has been prepared by the Hopewell Township Planning Board with assistance from Banisch Associates, Inc, entitled "Hopewell Township Mercer County, New Jersey Third Round Housing Element and Fair Share Plan" also dated November 16, 2017 but including additional site suitability information (hereinafter the "Amended Plan"); and

WHEREAS, the Amended Plan has been prepared in accordance with the Municipal Land Use Law, specifically N.J.S.A. 40:55D-28b(3) and pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-310, et seq.; and

WHEREAS, a public hearing on the Amended Plan was duly noticed and held on December 7, 2017, at a regular meeting of the Planning Board; and

WHEREAS, notice of the hearing was given in accordance with N.J.S.A. 40:55D-13; and

WHEREAS, Francis J. Banisch, PP/AICP, License No. 1686, presented the Amended Plan to the Planning Board and the public at the December 7, 2017, meeting; and

WHEREAS, various members of the public participated in the hearing and provided their comments; and

WHEREAS, the Board has made the following findings of fact:

1. This Amended Plan for Hopewell Township utilizes the Court-approved affordable housing obligation that resulted from settlement of lawsuits between Hopewell Township, Fair Share Housing Center (FSHC) and a number of intervenors. The Township's affordable housing obligation per the settlement is as follows:
 - Prior round (1987-1999) – 520
 - Prospective need (2014-2024) – 1,141
 - Present need (Rehabilitation) -- 0
2. Hopewell Township is located in northwestern Mercer County, where it borders the Delaware River and is traversed by Interstate 95. The Township's diverse landscape spans a range from rural in the Sourland Mountain and the Hopewell Valley to suburban in the southern portion of the Township, where regional sewer service is available. It has been this infrastructure that has attracted growth to southern Hopewell, where most of the Township's affordable housing is situated. The Township of Hopewell received substantive certification of its Housing Element and Fair Share Plan from COAH on January 8, 1997.
3. The Amended Plan includes a current inventory of Hopewell Township's housing units. The Plan also includes an analysis of the demographic characteristics of Hopewell Township, which data includes tables reporting population by age and sex 2010, comparison of age distribution for Township, County and State (percentage of persons 2010), persons in households 2010, comparison of persons in household for Township, County and State (% of households), persons by household type and relationship 2010, 2011 – 2015 income for Township, County and State,

comparison of poverty status for persons and families for Township, County and State 1999 to 2011-2015, residents in current dwellings prior to 2000 for Township, County and State 2011-2015, educational attainment for Township, County and State residents 2011-2015, means of transportation to work for Township, County and State residents 2011-2015.

4. The Board reviewed detailed information regarding Hopewell Township's resident population and the population's means of employment.
5. The Amended Plan includes data setting forth the selected employment characteristics of Hopewell Township's resident population between 2011 and 2015 and further provides employment and wage information by industry in Hopewell Township as of 2016.
6. The Planning Board finds that the amended Housing Plan Element of the Plan does address Hopewell Township's cumulative housing obligation for the period commencing in 1987 and extending to June 30, 2025. It further finds that the Amended Plan has been prepared pursuant to the New Jersey Fair Housing Act (N.J.S.A. 52:27D-310, et seq) which outlines the mandatory requirements for a housing plan element.
7. Regarding the Fair Share Plan Element of the Amended Plan, the Planning Board has concluded that the Fair Share Plan utilizes the Court-approved affordable housing obligation for Hopewell Township and specifically finds as follows:
 - Hopewell Township delivered a total of 570 units of affordable housing during the period between 1987 and 1999 and qualified for a total of 669 affordable housing credits after the application of 99 bonus credits. This total provides 149 excess credits for the third round.
 - The Township does not have a present need (rehabilitation) obligation.
 - Hopewell Township will address the 1,141 unit third round obligation with a combination of 851 affordable units and 316 rental bonus credits. Of the 851 affordable units, 198 have already been constructed (49 at Hopewell Gardens plus 149 excess over the prior round).
 - Going forward, zoning for an additional 653 affordable units will completely satisfy the 1,141 unit third round obligation.
8. The municipal rental obligation is a required component of meeting the fair share obligation and is calculated at 25% of the prospective need. This calculation results in 130 rental units for the prior round ($520 \times .25$) and 285 affordable rental units in the third round ($1,141 \times .25$). There are a total of 170 rental units provided for the prior round, where 130 are required. 285 affordable

rental units are required in the third round and the Plan provides for a total of 445 rental units applicable to the third round.

9. Regarding family units, at least 50% of the third round prospective need units must be available to families (not age restricted or group home units), requiring at least 571 family units (1,141/2).
10. No more than 50% of the prospective need affordable units will be moderate income units and at least 50% of the prospective need affordable units will be affordable to low income and very low income households. Additionally, 13% of the prospective need units must be affordable to very low income households (less than 30% median income). The settlement agreements with inclusionary developers require this low-moderate split and these very low income units.
11. The maximum number of third round prospective need units that can be age-restricted is calculated at 25% (1,141 x .25) or 285 units.
12. Rental bonus credits are applied as provided in N.J.A.C. 5:93-5.1, which permits bonus credits for rental units up to 25% of the prospective need. For the prior round, this rule allowed up to 130 bonus credits and for the third round the total is 285 units. The combined potential for rental bonus units is 415 for both rounds. The Fair Share Plan applies a total of 415 bonuses.
13. The Township Planner provided testimony and introduced exhibits as to the site suitability of all of the sites included in the court settlement and compliance plan, which sites are identified in the Fair Share Plan as
 - CF Hopewell/Capital Health (east side) Scotch Road,
 - Zaitz,
 - Enourato,
 - Woodmont,
 - BMS
14. The site suitability criteria is set forth in the Amended Plan which consists of 323 pages of information.
15. Based on the Township Planner's testimony and the documentary evidence as well as a comprehensive review of site suitability of all of the inclusionary sites as set forth specifically in the Amended Plan, the Planning Board finds and concludes that each of the compliance sites is suitable for inclusionary zoning.
16. Additionally, Hopewell Township's compliance sites are well situated to accommodate the inclusionary developments from several perspectives, as follows:

- Geographic distribution – 5 of the 6 compliance sites are distributed across the Township from east to west within the regional sewer service area; the 6th site is the Bristol Meyers Squibb (BMS) campus, which this pharmaceutical giant has announced will be closed; given the likelihood that the site will be redeveloped for uses other than the permitted industrial uses, affordable housing will also be provided in this redevelopment node
- Traffic access – each of the compliance sites has advantageous traffic access as follows:
 - a) CF Hopewell and Capital Health have dualized 4-lane highway access to the site and direct access to Scotch Road interchange with I-95
 - b) The Enourato site has direct access to Route 31
 - c) The Zaitz, et al site has direct access to Route 31 and County Route 546
 - d) The Woodmont site has direct access to Federal City Road and the interchange with I-95
 - e) The BMS site has direct access to County Route 624 and Titus Mill Road
- The neighborhoods where the proposed inclusionary developments are planned will be suitable for residential living and include the following land uses:
 - a) CF Hopewell/Capital Health (East Side) – research, offices, hospital & medical offices
 - b) CF Hopewell (West Side) – farmland (north & south), single family residential (west & south), hospital and offices (east)
 - c) Enourato – professional offices (south), cluster housing (east), tree service (north), open space (west across Rt 31)
 - d) Zaitz et al – commercial (east), moderate density residential (west & north), open space (south)
 - e) Woodmont – low and moderate density residential, church, offices
 - f) BMS – low and moderate density residential, research, offices

17. Deer Valley Realty LLC appeared and presented information attacking the site suitability of the compliance sites. The Board finds that the information submitted by Deer Valley Realty LLC is insufficient to overcome the site suitability analysis in the Amended Plan supporting the site suitability of all of the compliance sites.

WHEREAS, based upon the foregoing information, testimony and evidence as well as the Amended Plan, the Planning Board makes the following ultimate findings of fact and conclusions of law:

1. All jurisdictional requirements have been met.

2. The compliance sites will result in the construction of the 653 affordable units required in the Amended Plan.
3. Each of the compliance sites included in the Fair Share Plan are
 - Approvable by all agencies with jurisdiction
 - Available for development with unencumbered title
 - Developable with access to water and sewer and within an existing or planned sewer service area
 - Suitable – adjacent to compatible land uses, streets and consistent with the environmental policies of N.J.A.C. 5:93-4
4. The Planning Board finds and concludes that the amended Housing Element Plan of the Plan does address Hopewell Township's cumulative housing obligation for the period commencing in 1987 and extending to June 30, 2025.
5. The Planning Board finds and concludes that the Amended Plan has been prepared pursuant to the New Jersey Fair Housing Act (N.J.S.A 52:27D-310, et seq.).
6. The Planning Board finds and concludes that the Amended Plan incorporates specific site suitability criteria for each of the compliance sites and further concludes that based on that criteria, all compliance sites are suitable.
7. The Planning Board finds and concludes that the objections of Deer Valley Realty LLC to the site suitability of the compliance sites are not sufficient to affect the Board's determination that all of the compliance sites are suitable to be included in the Township's Amended Third Round Housing Element and Fair Share Plan.
8. Deer Valley Realty LLC's contention that its site is more suitable for affordable housing than the sites in the Township's compliance plan, even if proven, is irrelevant to the Planning Board's determination approving the Township's Amended Third Round Housing Element and Fair Share Plan.

WHEREAS, at the conclusion of the public hearing, the Planning Board took action by voting to approve and adopt the Amended Plan identified as "Hopewell Township Mercer County, New Jersey Third Round Housing Element and Fair Share Plan" dated November 6, 2017;

NOW, THEREFORE, BE IT RESOLVED on this 7th day of December, 2017, by the Planning Board of the Township of Hopewell, County of Mercer, New Jersey, that the Planning Board hereby approves and adopts the Plan entitled "Hopewell Township Mercer County, New Jersey Third Round

Housing Element and Fair Share Plan," dated November 16, 2017, which is a part of the record in these proceedings and a copy of which is attached hereto.

BE IT FURTHER RESOLVED that the Planning Board will give notice of the adoption of this Third Round Housing Element and Fair Share Plan of the Master Plan by publication together with actual notice to the Mercer County Planning Board including a copy of the Amended Plan as adopted.

BE IT FURTHER RESOLVED that a copy of the Amended Plan as adopted will be submitted to the Hopewell Township Committee.

VOTE ON THE RESOLUTION – December 7, 2017

Yes - 5 No - 1 Absent - 4 Abstain - 0 Not Voting - 0

Belmont:	Yes	Murphy:	Yes
Blake:	Absent	Parker:	Absent
Clarke:	No	Swanson:	Yes
Kiss:	Yes	Khare:	Absent
Kuchinski:	Absent (Recused)	Peters-Manning:	Yes

CERTIFICATION

I hereby CERTIFY that the foregoing is a true copy of a Resolution adopted by the Hopewell Township Planning Board at a duly advertised meeting held on December 7, 2017, at which a quorum was present.



Linda Barbieri
Assistant Secretary

HOPEWELL TOWNSHIP MERCER COUNTY, NEW JERSEY

THIRD ROUND HOUSING ELEMENT and FAIR SHARE PLAN

Adopted: November 16, 2017

Adopted as Amended: December 7, 2017

Prepared by the
Hopewell Township Planning Board
with assistance from Banisch Associates, Inc.
111 Main Street
Flemington, NJ 08822



Francis J. Banisch, PP, AICP
License No. 1686

12.8.17
Date

The original of this document has been signed and sealed pursuant to N.J.A.C. 13:41-1.3

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I. INTRODUCTION

This Housing Plan Element has been prepared in accordance with the Municipal Land Use Law, specifically N.J.S.A. 40:55D-28b(3), to address Hopewell Township's cumulative housing obligation for the period commencing in 1987 and extending to June 30, 2025. This Plan has also been prepared pursuant to the New Jersey Fair Housing Act (N.J.S.A. 52:27D-310 et seq.) which outlines the mandatory requirements for a Housing Plan Element, including an inventory and projection of the municipal housing stock; an analysis of the demographic characteristics of the Township's residents and a discussion of municipal employment characteristics. As required by the New Jersey Fair Housing Act, municipalities that choose to enact and enforce a zoning ordinance are obligated to prepare a Housing Element as part of the community's Master Plan.

The Council on Affordable Housing (COAH) adopted third round rules in 2004 (N.J.A.C. 5:94 Procedural and N.J.A.C. 5:95 Substantive) that were subsequently invalidated by the Appellate Division on January 25, 2007. COAH then adopted modified rules in June 2008 (N.J.A.C. 5:96 Procedural and N.J.A.C. 5:97 Substantive) which, in turn, were followed by additional legal challenges. In a decision issued on October 8, 2010, the Appellate Division invalidated a number of provisions in N.J.A.C. 5:97 including its central component, the "growth share" methodology; a decision later upheld by the New Jersey Supreme Court on September 26, 2013.

COAH again drafted revised third round rules (N.J.A.C. 5:98 Procedural and N.J.A.C. 5:99 Substantive) which were to apply to a period commencing on November 17, 2014. However, COAH deadlocked on a vote to officially adopt the rules at its October 20, 2014 meeting, which resulted in the March 15, 2015 Mt. Laurel IV decision by the N.J. Supreme Court [In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing]. Finding COAH unable to perform the duties assigned it under the law and regulation, the Supreme Court removed COAH from the process, placing jurisdiction back with the courts.

This third round Housing Element and Fair Share Plan for Hopewell Township utilizes the Court-approved affordable housing obligation that resulted from settlement of lawsuits between Hopewell Township, Fair Share Housing Center (FSHC) and a number of interveners. The Township's affordable housing obligation per the settlement is as follows:

Prior Round (1987-1999)	520
Prospective Need (2014-2024)	1,141
Present Need (Rehabilitation)	0

II. HOUSING ELEMENT

The Municipal Land Use Law, at N.J.S.A. 40:55D-28(d)3 requires a housing plan element to be prepared "...pursuant to section 10 of P.L. 1985, c. 222 (C.52:27D-310), [New Jersey Fair Housing Act] including, but not limited to, residential standards and proposals for the construction and improvement of housing"

Hopewell Township is located in northwestern Mercer County, where it borders the Delaware River and is traversed by Interstate 95. The Township's diverse landscape spans a range from rural in the Sourland Mountain and the Hopewell Valley to suburban in the southern portion of the Township, where regional sewer service is available. It has been this infrastructure that has attracted growth to southern Hopewell, where most of the Township's affordable housing is situated. The Township of Hopewell received substantive certification of its Housing Element and Fair Share Plan from COAH on January 8, 1997.

This first part of this HE/FSP will address the Township's housing stock and demographic characteristics. This is followed by the Fair Share Plan which addresses Hopewell Township's affordable housing obligation.

A. INVENTORY OF MUNICIPAL HOUSING UNITS

The primary sources of information for the inventory of the Township's housing stock are the 2010 U.S. Census Summary File 2 and the 2015 American Community Survey 5-Year Estimates (herein ACS).

It is important to recognize the data limitations when interpreting the two different types of tables in this document. The 2010 SF2 data are specifically for the period around April 2010, and as a hundred percent count are the most precise figures. Limitations include a) a narrow scope confining to basic demographic and housing information, b) no coverage on economic information, and c) out of date (seven years old).

The 2015 ACS data, which represents estimates from a 2011 to 2015 pooled sample, and the 2010 SF3 data (April 2010 sample) provide a wider coverage. However, one should NOT relate the 2011-2015 ACS figures to a single 2015 figure, because the sample estimates are from data collected throughout a five year period.

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. The ACS recorded 6,796 housing units in the Township, of which 6,431 (95.0%) were occupied. Hopewell's housing supply grew by roughly 1,000 units since 2000. The Township's housing stock consists primarily of one-family, detached dwellings (85.9%) and 8.89% of housing units are single-family attached dwellings. The Township has a very low percentage of renter-occupied units (7%) compared to the County (34.2%) and State (33%).

TABLE 1: Units in Structure by Tenure for Occupied Units, 2011-2015

Units in Structure	Occupied Units		
	Total (%)	Owner (%)	Renter (%)
1, detached	85.9%	89.4%	38.1%
1, attached	8.89%	9.1%	5.8%
2	.87%	.3%	8.6%
3 or 4	.16%	0%	2.3%
5 to 9	1.36%	.2%	16.9%
10 to 19	.48%	.5%	0%
20 to 49	.44%	.5%	0%
50 or more	1.9%	0%	28.3%

Source: 2011-2015 American Community Survey 5-Year Estimates, B25032.

Table 2 indicates the year housing units were built by tenure, and Table 3 compares the Township to Mercer County and the State. Four out of five housing units in Hopewell were built after 1950 and less than 14% of owner-occupied units were constructed prior to 1940, as compared to 41% of renter-occupied units.

TABLE 2: Year Structure Built by Tenure for Occupied Units, 2011-2015

Year Built	Total Units	% of Total	Occupied Units	
			Owner	Renter
2010 or later	6	0%	6	0
2000 - 2009	738	11%	600	138
1990 - 1999	1,822	28%	1,770	52
1980 - 1989	705	11%	705	0
1970 - 1979	612	10%	600	12
1960 - 1969	771	12%	720	51
1950 - 1959	601	9%	601	0
1940 - 1949	204	3%	204	0
Pre-1940	972	15%	794	178
Total	6,431	100%*	6,000	431

Source: 2011-2015 American Community Survey 5-Year Estimates, B25036.

*due to rounding

Hopewell Township has a comparatively young housing stock, with nearly 750 units constructed since 2000. Table 3 compares the year of construction for all dwelling units in the Township to Mercer County and the State.

The most striking comparison in the table is that of the percentage of units constructed between 1990 and 1999. The Township had a much higher percentage of units constructed during these years (at 28.3%) compared to the County (9.5%) and the State (9.5%). It also had a somewhat higher percentage of units constructed between 2000 and 2009 (11.0% as compared to 9.2% for Mercer County and 9.4% for the State).

The Township has a newer overall housing stock than both the County and the State, and the percentage of units constructed between 1940 and 1949 and the percentage of those constructed before 1940 were lower than both the County and the State.

TABLE 3: Comparison of Year of Construction for Occupied Units in Township, County, and State, 2011-2015

Year Built	% Year Built		
	Hopewell Township	Mercer County	New Jersey
2010 or later	.1%	.9%	1.1%
2000 – 2009	11.5%	9.2%	9.4%
1990 – 1999	28.3%	9.5%	9.5%
1980 – 1989	11%	12.3%	11.8%
1970 – 1979	9.5%	11%	12.9%
1960 – 1969	12%	13.6%	13.8%
1950 – 1959	9.3%	16%	15.8%
1940 – 1949	3.2%	7.2%	7.9%
Pre-1940	15.1%	20.3%	17.1%

Source: 2011-2015 American Community Survey 5-Year Estimates, B25036

Table 4 documents household size in occupied housing units by tenure, and Table 5 documents the number of bedrooms per unit by tenure. Table 4 shows that a greater percentage of renter-occupied units house smaller households (76% have two persons or fewer) as compared to owner-occupied units (54% have two persons or fewer).

TABLE 4: Household Size in Occupied Housing Units by Tenure, 2011-2015

Household Size	Total Units	Owner-occupied Units	Renter-occupied Units
1 person	1,137	947	190
2 persons	2,436	2,298	138
3 persons	1,020	975	45
4 persons	1,229	1,220	9
5 persons	424	385	39
6 persons	158	158	0
7+ persons	27	17	10
Total	6,431	6,000	431

Source: 2011-2015 American Community Survey 5-Year Estimates, B25009

Most of Hopewell Township's housing has 3 bedrooms or more (87%), with owner-occupied units generally larger than rentals. Table 5 demonstrates that most of renter-occupied units had 1-2 bedrooms (269 units) compared with 162 rentals with 3 or more bedrooms.

TABLE 5: Number of Bedrooms per Unit by Tenure for Occupied Units, 2011-2015

Number of Bedrooms	Total Occupied Units	(%) of Total Units	Occupied Units	
			Owner	Renter
No bedroom	0	0%	0	0
1 bedroom	225	3%	72	153
2 bedrooms	606	9%	490	116
3 bedrooms	2,239	35%	2,137	102
4 bedrooms	2,519	39%	2,508	11
5+ bedrooms	842	13%	793	49

Source: 2011-2015 American Community Survey 5-Year Estimates, B25042.

Table 6 compares the Township's average household size for all occupied units, owner-occupied units and renter-occupied units to Mercer County and the State. The Township's average household size for renter-occupied units is lower than those of the County and State, while the average household size for owner-occupied units is higher than that of Mercer County, and nearly equal with that of the State.

TABLE 6: Average Household Size for Occupied Units for Township, County, and State, 2010

Jurisdiction	All Occupied Units	Owner-occupied units	Renter-occupied units
Hopewell Township	2.75	2.80	2.23
Mercer County	2.61	2.71	2.42
New Jersey	2.68	2.79	2.47

Source: 2010 U.S. Census, SF-2, PCT1, HCT5 for Township, County, and State.

As seen in Table 7, the Township had a significantly higher percentage of four or more bedroom units (52.3%) than either the County (27.7%) or the State (25.2%). The Township also had a lower percentage of units with one or fewer bedrooms (3.5%) than the County (15.2%) and the State (16.3%).

TABLE 7: Percentage of Occupied Units by Number of Bedrooms, 2009-2013

Jurisdiction	None	One	Two or Three	Four or More
Hopewell Township	0.0%	3.5%	44.2%	52.3%
Mercer County	1.9%	13.3%	57.1%	27.7%
New Jersey	2.4%	13.9%	58.5%	25.2%

Source: 2011-2015 American Community Survey 5-Year Estimates for Township, County and State, S2504.

The ACS also includes indicators of 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 proposed Round Three rules, COAH reduced this to three indicators, including the age of the unit (Pre-1940 units in Table 2) and whether there are complete kitchen and plumbing facilities. The Supreme Court upheld this approach in March 2015. ACS defines these features as follows:

Plumbing Facilities – Complete plumbing facilities include hot and cold piped water, a flush toilet, and a bathtub or shower. All three facilities must be located inside the dwelling unit.

Kitchen Facilities – Complete kitchen facilities include a sink with piped water, a range or cook top and oven, and a refrigerator. All three facilities must be located inside the dwelling unit.

Table 8 compares the Township, County and State for the above indicators of housing quality. The Township has almost no units with incomplete plumbing or kitchen facilities.

**TABLE 8: Housing Quality Indicators for Township, County, and State
2011-2015**

Condition	%		
	Hopewell Township	Mercer County	New Jersey
Complete plumbing facilities	99.8%	99.6%	99.6%
Complete kitchen facilities	99.8%	99.3%	99.2%

Source: 2011-2015 American Community Survey 5-Year Estimates for Township, County and State, S2504.

The complexion of the municipal housing stock is also gleaned from housing values and gross rents for residential units. The ACS summary of housing values presented in Table 9 indicates that the majority of owner-occupied units (79%) are valued between \$300,000 and \$999,999, with 38% of units priced about \$500,000. The median residential housing value in the 2011-2015 ACS was \$464,200.

TABLE 9: Value of Owner Occupied Residential Units, 2011-2015

Value	Number of Units	%
\$0 – 50,000	76	1%
\$50,000 – 99,999	48	1%
\$100,000 – 149,999	109	2%
\$150,000 – 199,999	35	1%

\$200,000 – 299,999	603	10%
\$300,000 – 499,999	2,473	41%
\$500,000 – 999,999	2,263	38%
\$1,000,000 +	393	7%

Note: Median Value \$464,200. 2011-2015 American Community Survey 5-Year Estimates, B25077.

Source: 2011-2015 American Community Survey 5-Year Estimates, B25075.

In 2000, 51% of units rented for more than \$500 and 38% rented for over \$1,000/month. Table 10 indicates that in 2011-2015, nearly 60% of leased housing units rented for \$1,000 or more, and 53% of the units rented for \$1500 or more. No units rented for under \$750. The median gross rent has risen by almost 86% from 2000 to 2011-2015.

TABLE 10: Gross Rents for Renter-Occupied Housing Units, 2011-2015

Monthly Rent	Number of Units	--% (of those who paid rent)--
Under \$200	0	0.0%
\$200 – 299	0	0.0%
\$300 – 499	0	0.0%
\$500 – 749	0	0.0%
\$750 – 999	152	40%
\$1,000 – 1,499	24	6%
\$1,500 or more	200	53%
No rent paid	55	--

Note: Median gross rent for Hopewell Township is \$1548/month, as compared to \$833/month in 2000.

Source: 2011-2015 American Community Survey 5-Year Estimates, B25063.

As seen on Table 11, 43% of renter households earned less than \$50,000 per year, and all of these households were paying more than 35% of their income for rent. At the other end of the spectrum, 37% of households earned more than \$100,000 per year, and all of these households were paying less than 29.9% of their income for rent, with 86% of them paying less than 19.99% of their income for rent. A figure of 30% is considered the limit of affordability for rental housing costs.

TABLE 11: Household Income by Gross Rent as a Percentage of Household Income, 2011-2015

Income	Number of Households	Percentage of Household Income					
		0 – 19.99%	20 – 24.9%	25 – 29.9%	30 – 34.9%	35% +	Not computed
< \$10,000	17	0	0	0	0	0	17
\$10,000 - 19,999	52	0	0	0	0	52	0

\$20,000 - 34,999	78	0	0	0	0	62	16
\$35,000 - 49,999	39	0	0	0	0	0	39
\$50,000 - 74,999	42	17	13	0	0	12	0
\$75,000 - 99,999	42	19	0	11	0	12	0
\$100,000 or more	161	138	13	10	0	0	0

Source: 2011-2015 American Community Survey 5-Year Estimates, B25074.

B. ANALYSIS OF DEMOGRAPHIC CHARACTERISTICS

As with the inventory of the municipal housing stock, the primary sources of information for the analysis of the demographic characteristics of the Township's residents are the 2010 U.S. Census and the 2009-2013 American Community Survey (ACS). These two sources provide a wealth of information concerning the characteristics of the Township's population in 2010.

The 2010 Census indicates that the Township had 17,304 residents, or 1,199 more residents than the 16,105 residents in 2000, representing a population increase of approximately 7.4%. The Township's 7.4% increase in the 2000's compares to a 4.5% increase in Mercer County and a 4.5% increase in New Jersey.

Nearly 60% of Township residents were over 35 in 2010 when the Township had relatively few millennials. The age distribution of the Township's residents is shown in Table 12, broken down by gender. Males outnumbered females in the youngest age groups (0-17) and in the 55-64 age group. Females predominated in all other age groups.

TABLE 12: Population by Age and Sex, 2010

Age	Total Persons	Male	Female
0-4	799	412	387
5 - 17	3,777	1,949	1,828
18 - 34	1,978	981	997
35 - 54	5,808	2,763	3,045
55 - 64	2,493	1,258	1,235
65 +	2,449	1,146	1,303
Total	17,304	8,509	8,795

Source: 2010 U.S. Census, SF 2, PCT3/PCT5.

Hopewell Township is aging, and millennials are in short supply in the Township. As seen in Table 13, the Township had a much lower percentage of its population in the 18-

34 category (11.4%) than both the County (23.7%) and the State (21.3%). The Township also had a higher percentage in the 35-54, 55-64 and 64+ age categories. Consequently, the median age for Hopewell Township was 44.4 as compared to 37.8 for the County and 39.0 for the State. The percentage of persons over 65 nearly doubled since 2000.

**TABLE 13: Comparison of Age Distribution for Township, County, and State
(% of persons), 2010**

Age	Hopewell Township	Mercer County	New Jersey
0-4	4.6%	5.9%	6.2%
5 – 17	21.8%	16.8%	17.3%
18 – 34	11.4%	23.7%	21.3%
35 – 54	33.6%	29.3%	29.8%
55 – 64	14.4%	11.7%	11.9%
65 +	14.2%	12.6%	13.5%
Median	44.4	37.8	39.0

Source: 2010 U.S. Census, SF 2 for Township, County and State, PCT3/PCT5.

Table 14 provides the 2010 Census data on household size for the Township, while Table 15 compares household sizes in the Township to those in Mercer County and the State. The Township had fewer 1-person households and more 3- and 4-person households than the County and the State. The average number of persons per household was 2.75.

TABLE 14: Persons in Household, 2010

Household Size	Number of Households
1 person	1,118
2 persons	2,100
3 persons	1,194
4 persons	1,214
5 persons	483
6 persons	128
7 or more persons	45
Total Households	6,282

Source: 2010 U.S. Census, SF 2, PCT20/HCT6.

**TABLE 15: Comparison of Persons in Household for Township, County, and State
(% of households)**

Household Size	Hopewell Township	Mercer County	State
1 person	17.8%	26.9%	25.2%
2 persons	33.4%	29.9%	29.8%
3 persons	19.0%	17.0%	17.4%
4 persons	19.3%	15.1%	15.7%
5 persons	7.7%	6.6%	7.2%

6 persons	2.0%	2.5%	2.7%
7 or more persons	0.7%	1.8%	1.9%
Persons per household	2.75	2.61	2.68

Source: 2010 U.S. Census, SF 2 for Township, County and State, PCT20/HCT6.

Table 16 presents a detailed breakdown of the Township's population by household type and relationship. There were 4,928 family households in the Township (78.4% of total households) and 1,354 non-family households (householder living alone or with non-relative). The percentage of family households dropped slightly from 2000 to 2010, as 80% of households were family households in 2000.

In terms of the proportion of family and non-family households, the Township had more family households than the County and the State (78.4% for the Township, 67.2% for the County, and 64.6% for the State) in 2010.

TABLE 16: Persons by Household Type and Relationship, 2010

	Total
In family Households:	15,630
Householder	4,928
Spouse	4,339
Child	5,711
Other relatives	485
Nonrelatives	167
In Non-Family Households:	1,664
Male householder:	556
Living alone	425
Not living alone	131
Female householder:	798
Living alone	693
Not living alone	105
Relatives living with householder	310
In group quarters:	10
Institutionalized:	0
Nursing facilities/skilled nursing facilities	0
Mental (psychiatric) hospitals	0
Other institutions	0
Non-institutionalized	10
Group homes for adults	10
Other non-institutional facilities	0

Source: 2010 U.S. Census, SF 2, PCT22/PCT 28 and PCT38/39.

Hopewell has more wealth and less poverty than Mercer County and New Jersey. Table 17 provides 2011-2015 income data for the Township, County and State. The Township's per capita and median household and median family incomes were significantly higher than those for the County and State. The definitions used for households and families in

Table 17 are similar to those identified in the description for Table 16, so that the household figure in Table 17 includes families. By way of comparison, in the 2000 Census, Hopewell's per capita income jumped to 49% (almost \$21,802) from \$43,947 to \$65,749. Increases for the County and State were modest (roughly 1/3).

TABLE 17: 2011-2015 Income for Township, County, and State

Jurisdiction	Per Capita Income (\$)	Median Income (\$)	
		Households	Families
Hopewell Township	65,749	141,003	158,385
Mercer County	37,680	72,804	94,908
New Jersey	36,582	72,093	88,335

Source: 2011-2015 American Community Survey 5-Year Estimates for Township, County and State, DP03 and S1901.

Table 18 addresses the lower end of the income spectrum, providing data on poverty levels for persons and families in 2009-2013. The determination of poverty status and the associated income levels is based on the 2013 cost of an economy food plan and ranged from an annual income of \$11,770 for a one-person family to \$40,898 for an eight-person family (three-person family is \$20,090). Many federal programs, including food stamps, use the economy food plan as the determining guideline. According to the data in Table 18, the Township has a lower proportion of persons and families qualifying for poverty status than the County or State.

Since 2000, the percentage of persons and families in poverty status increased across the board, the Township's increase for families in poverty was less dramatic than the increases seen in the County and State. Table 18 also compares poverty status from the 2000 Census to poverty status from the 2011-2015 ACS for the Township, County and State.

TABLE 18: Comparison of Poverty Status for Persons and Families for Township, County, and State, 1999 to 2011-2015
(% with 1999 or 2011-2015 income below poverty)

Jurisdiction	Persons (%)		Families (%)	
	1999	2011-2015	1999	2009-2013
Hopewell Township	1.1%	1.9%	0.9%	1.3%
Mercer County	8.6%	11.5%	5.9%	8%
New Jersey	8.5%	10.8%	6.3%	8.2%

Source: 2011-2015 American Community Survey 5-Year Estimates for Township, County and State, DP03; 2000 U.S. Census, SF-3 for Township, County and State, DP-3

A variety of interesting insights into an area's population can be gathered from the ACS, which includes a vast array of additional demographic data. For example, Table 19 provides a comparison of the percent of persons who moved into their current homes prior to 2000; this is a surrogate measure of the mobility/stability of a population. These data indicate that the percentage of current Township residents residing in the same house in 2011-2015 as in

2000 exceeds that of the County and State.

TABLE 19: Resided in Current Dwelling prior to 2000 for Township, County and State, 2011-2015

Jurisdiction	Percent living in dwelling prior to 2000
Hopewell Township	48.7%
Mercer County	35.1%
New Jersey	36.3%

Source: 2009-2013 American Community Survey 5-Year Estimates for Township, County and State, DP04.

Hopewell's population is comparatively quite well educated, as seen on Table 20. While the percentage of residents with a high school diploma or higher exceeds that of the County and State, the percentage with a bachelor's degree or higher far exceeds that of the County and the State. The figures for the Township have increased since 2000, when 94% of residents had a high school degree or higher and 66.8% had a bachelor's degree or higher.

TABLE 20: Educational Attainment for Township, County and State Residents, 2011-2015
(Persons 25 years and over)

Jurisdiction	Percent (%) high school graduates or higher	Percent (%) with bachelor's degree or higher
Hopewell Township	94.6%	66.8%
Mercer County	87.4%	39.6%
New Jersey	88.6%	36.8%

Source: 2011-2015 American Community Survey 5-Year Estimates for Township, County and State, S1501.

The ACS also provides data on the means of transportation which people use to reach their place of work. Table 21 compares the data for the Township, County, and State relative to driving alone, carpooling, using public transit, and using other means of transportation. A lack of public transit here virtually assures that a relatively high percentage of workers will drive alone, and a relatively low percentage of workers who carpool or use transit. Of the 9.9% using other means, 8.1% work from home and 1.1% walk to work.

TABLE 21: Means of Transportation to Work for Township, County and State Residents, 2011-2015
(Workers 16 years old and over)

Jurisdiction	Percent who drive alone	Percent in carpools	Percent using public transit	Percent using other means
Hopewell Township	79.9%	4.4%	5.8%	9.9%
Mercer County	72.2%	9.6%	8.1%	10.2%
New Jersey	71.9%	8.1%	11.1%	9%

Source: 2011-2015 American Community Survey 5-Year Estimates for Township, County and State, DP03.

C. SUMMARY OF EMPLOYMENT DATA

The ACS provides detailed information on a municipality's resident population regarding their means of employment. Nearly 2/3 of Hopewell Township residents are in management, business, science and arts occupations. Employment characteristics are described in two ways: first, by occupation, which is the type of work the employee performs; and second, by industry, or the type of business in which the employee works. Table 22 provides data for these two characteristics.

TABLE 22: Selected Employment Characteristics of Resident Population, 2011-2015

Employed civilian population 16 years and over	9,206	
OCCUPATION		
Management, business, science, and arts occupations	6,010	65.3%
Service occupations	967	10.5%
Sales and office occupations	1,465	15.9%
Natural resources, construction, and maintenance	500	5.4%
Production, transportation, and material moving	264	2.9%
INDUSTRY		
Agriculture, forestry, fishing and hunting, and mining	178	1.9%
Construction	488	5.3%
Manufacturing	762	8.3%
Wholesale trade	254	2.8%
Retail trade	458	5%
Transportation and warehousing, and utilities	120	1.3%
Information	304	3.3%
Finance and insurance, and real estate and rental and	996	10.8%
Professional, scientific, and management, and	1,306	14.2%
Educational services, and health care and social assistance	2,840	30.8%
Arts, entertainment, and recreation, and accommodation	602	6.5%
Other services, except public administration	421	4.6%
Public administration	477	5.2%

Source: 2011-2015 American Community Survey 5-Year Estimates, DP03.

Table 23 identifies the types of industries that are found within the municipality. Unfortunately, for Hopewell Township, data from the New Jersey Department of Labor and Workforce Development is incomplete and does not provide an accurate picture of the distribution of employment opportunities between industries.

TABLE 23: Employment and Wages by Industry, Hopewell Township, 2016

	Average Annual Units	Average Annual Employment	Average Annual Wages
Agriculture	3	25	\$25,327
Construction	17	45	\$52,888
Manufacturing			
Wholesale trade			
Retail trade	6	46	\$17,327
Transportation and warehousing			
Information			
Finance and insurance			
Real estate			
Professional and technical	16	542	\$197,652
Management			
Administrative and waste remediation	25	223	\$34,293
Education			
Health care and social assistance	6	68	\$24,542
Arts and entertainment	6	68	\$20,379
Accommodations and food service	4	67	\$25,360
Other services	17	39	\$18005
Unclassified			
PRIVATE SECTOR TOTAL			
FEDERAL GOVERNMENT TOTAL	1	3	\$56,512
LOCAL GOVERNMENT TOTAL	2	145	\$63,337
STATE GOVERNMENT TOTAL	1	7	\$77,053

Source: N.J. Department of Labor and Workforce Development, Office of Research and Information, Quarterly Census of Employment and Wages, Annual Municipal Data by Sector, 2016 Fourth Quarter.

DP = Data do not meet publication standards

III. FAIR SHARE PLAN

A. SUMMARY OF FAIR SHARE PLAN

A Fair Share Plan is defined as a “...plan or proposal, which is in a form that may readily be converted into an ordinance, by which a municipality proposed to satisfy its obligation to create a realistic opportunity to meet its fair share of low and moderate income housing needs of its region and which details the affirmative measures the

municipality proposes to undertake to achieve its fair share of low and moderate income housing...”¹

This Fair Share Plan utilizes the Court-approved affordable housing obligation for Hopewell Township which are as follows:

Prior Round (1987-1999)	520
Prospective Need (1999-2024)	1,141
Present Need (Rehabilitation)	0

B. UNITS AND CREDITS ADDRESSING THE PRIOR ROUND

Table 24 indicates the sources of units and credits applied against the 520-unit prior round as it was presented to the Court.

Table 24: Affordable Units and Bonus Credits Applied to Prior Rounds (1987-1999)			
Sources of Units/Credits	Units	Bonus	Total
Substantial Compliance	46		46
Regional Contribution Agreement			
Trenton	198		198
Alternative Living Arrangements			
CIFA group home	4	4	8
Community Options	4	4	8
Homefront	3	3	6
Wrick Avenue	1	1	2
Minnietown Lane	2		2
Project Freedom	72	72	144
Accessory Apartments		1	1
100% Affordable Housing Developments			
Hopewell Gardens	100	15	115
Inclusionary Housing Developments - Constructed			
Brandon Farms	135		135
Pennington Pointe	5		5
Total	570	99	669

Hopewell Township delivered a total of 570 units during this period and qualified for a total of 669 affordable housing credits after application of 99 bonus credits. This total provides 149 excess credits to the third round.

C. PRESENT NEED

The Township does not have a present need (rehabilitation) obligation.

¹ N.J.A.C. 5:93-1.3

D. UNITS AND CREDITS ADDRESSING THIRD ROUND PROSPECTIVE NEED

As shown in Table 25, Hopewell Township will address the 1,141-unit third round obligation with a combination of 851 affordable units and 316 rental bonus credits. Of the 851 affordable units, 198 have already been constructed (49 @ Hopewell Gardens plus 149 excess over prior round).. Thus, going forward, zoning for an additional 653 affordable units will completely satisfy the 1,141-unit third round obligation.

Table 25: Affordable Units and Bonus Credits Applied to Third Round Obligation			
Sources of Units/Credits	Units	Bonus	Total
Prior Round Surplus	149		149
100% Affordable Housing Developments			
Hopewell Gardens	49		49
Inclusionary Housing Developments - Proposed			
Zaitz	78	78	156
CF Hopewell	430	185	615
CF Hopewell/Capital Health*	35		35
Woodmont	48	48	96
BMS**	50		50
Enourato	12	5	17
Total	851	316	1,167

* Medicaid beds

**The Settlement Agreement with Fair Share Housing Center requires a midpoint realistic opportunity review. Should the 50 affordable housing unit opportunity included in this plan for BMS campus not be realized, Hopewell Township is obliged to revise the plan to demonstrate compliance using other sites.

SUMMARY:

Total affordable units per settlement	1,167
Prior Round Surplus	149
Hopewell Gardens Rental Bonus	49
<u>Third Round Rental Bonus</u>	<u>316</u>
Affordable Units to be Constructed	653

As part of meeting this obligation, affordable units will be required to satisfy the following parameters:

1. Rental Unit Obligation

The municipal rental obligation, a required component of meeting the fair share obligation, is calculated at 25 percent of the prospective need. This calculation results in 130 rental units for the prior round ($520 \times .25$) and 285 affordable rental units in the third round ($1,141 \times .25$). As seen in Table 26, there are a total of 170 rental units provided for the prior round, where 130 are required.

Table 26: Units Addressing Prior Round Rental Obligation

Sources of Units/Credits	Senior rentals	Family rentals	Group homes
Alternative Living Arrangements			
CIFA group home			4
Community Options			4
Homefront			3
Wrick Avenue		1	
Project Freedom		72	
Accessory Apartments			
100% Affordable Housing Development	85		15
Hopewell Gardens			
TOTALS	85	74	11

With regard to the obligation to provide affordable rental units in the third round, where 285 are required, this plan provides a total of 445 rental units applicable to the third round, as seen on Table 27.

Table 27: Units Addressing Third Round Rental Obligation

Sources of Units/Credits	Senior Rentals	Family Rentals
Inclusionary Housing Developments - Proposed		
Zaitz		78
CF Hopewell		185
CF Hopewell/Capital Health	35	
Woodmont		48
BMS	50*	
Hopewell Gardens	49	
TOTAL	134	311

*May be senior or family units

2. Family Units

At least 50% of the third round prospective need units must be available to families (not age restricted or group home units), requiring at least 571 family units (1,141 / 2).

3. Low-Moderate Split and Very-Low Income Obligation

No more than 50% of the prospective need affordable units will be moderate income units and at least 50% of the prospective need affordable units will be affordable to low income and very low income households. Additionally, 13% of the prospective need units must be affordable to very low income households (less than 30% median income). The settlement agreements with inclusionary developers require this low-moderate split and these very low income units.

4. Age-restricted Units

The maximum number of third round prospective need units that can be age-restricted is calculated at 25% (1,141 x .25) or 285 units.

5. Rental Bonus Credits

Rental bonus credits are applied as provided in N.J.A.C. 5:93-5.1, which permits bonus credits for rental units up to 25% of the prospective need. For the prior round this rule allowed up to 130 bonus credits and for the third round the total is 285 units. The combined potential for rental bonus credits is thus 415 for both rounds. As seen on Tables 24 and 25, a total of 415 bonuses have been applied.

E. HOPEWELL TOWNSHIP'S AFFORDABLE HOUSING SITE SELECTION PROCESS

Suitable Sites - Hopewell Township's Planning Board examined site suitability of those lands in the Township that could qualify for inclusionary zoning according to COAH criteria. Each of the compliance sites included in the settlement is:

- Approvable by all agencies with jurisdiction
- Available for development with unencumbered title
- Developable with access to water and sewer and within an existing or planned sewer service area
- Suitable - adjacent to compatible land uses, streets and consistent with the environmental policies of N.J.A.C. 5:93-4

Compliance sites included in this Fair Share Plan consist largely of developable uplands, although there are fingers of wetlands and/or stream corridors that affect these sites to a limited degree. Development standards will be crafted to permit the full extent of the development authorized by the settlements.

Additionally, Hopewell Township's compliance sites are well situated to accommodate the inclusionary developments from several perspectives, as noted below.

Geographic distribution – Five of the six compliance sites are distributed across the Township from east to west within the regional Sewer Service Area. The sixth site is the Bristol Meyers Squibb (BMS) campus, which this pharmaceutical giant has announced will be closed. Given the likelihood that the site will be redeveloped for uses other than the permitted industrial uses, affordable housing will also be provided in this redevelopment node.

Traffic Access – Each of the compliance sites has advantageous traffic access as follows:

Compliance Site	Highway Access
CF Hopewell and Capital Health	Dualized 4-lane highway access to the site and direct access to Scotch Road interchange with 1-95
Enourato	Direct access to Route 31
Zaitz et als.	Direct access to Route 31 and County Route 546
Woodmont	Direct access to Federal City Road and the interchange with 1-95
BMS	Direct access to County Route 624 and Titus Mill Road

Compatible Land Uses – The neighborhoods where the proposed inclusionary developments are planned will be suitable for residential living, and include the following land uses:

Compliance Site	Neighborhood Character
CF Hopewell/ Capital Health (East Side)	Research, Offices, Hospital and Medical Offices
CF Hopewell (West Side)	Farmland (north and south), single family residential (west and south), Hospital and Offices (east)
Enourato	Professional offices (south) cluster housing (east), tree service (north) Open space (west across Rt. 31)
Zaitz et als.	Commercial (east), moderate density residential (west and north), open space (south)
Woodmont	Low and moderate density residential, church, offices
BMS	Low and moderate density residential, research, offices

CHAPTER IV

SPENDING PLAN

HOPEWELL TOWNSHIP

MERCER COUNTY

Affordable Housing Trust Fund Spending Plan

Adopted 12-7-17

OVERVIEW

Hopewell Township has enacted a development fee ordinance that was approved by the Council on Affordable Housing (COAH) on December 20, 2004. This spending plan is prepared in accordance with N.J.A.C. 5:94-6.2(c) and 6.5 and includes the following:

1. Projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historic rate of development activity.
2. A description of the administrative mechanism that the municipality will use to collect and distribute revenues.
3. A description of the anticipated use of all development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, pursuant to N.J.A.C. 5:94-6.12, repayment of loans for rehabilitation or affordability assistance, and voluntary contributions.
4. A schedule for the creation and/or rehabilitation of housing units.
5. If the municipality is including a municipally sponsored or 100 percent affordable program, a new construction alternative living arrangement or an affordable housing partnership program, a pro-forma statement of the anticipated costs and revenues associated with the development.
6. The manner in which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan.

At present, Hopewell Township has \$ in its affordable housing trust fund. All development fees collected and interest generated by the fees are deposited in a separate interest-bearing account in Wachovia Bank for the purposes of affordable housing.

This document is organized into five sections that address the standard information required by N.J.A.C. 5:97-8.10. A process describing the collection and distribution procedures for barrier free escrow funds pursuant to N.J.A.C. 5:97-8.5 is detailed separately within the Affordable Housing Ordinance.

Hopewell Township 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. 5:93-1 et seq. and N.J.A.C. 5:92 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on March 14, 1994 and adopted by the municipality on May 2, 1994. The ordinance establishes the Hopewell Township affordable housing trust fund for which this spending plan is prepared.

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 Wachovia 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.

Hopewell Township first petitioned COAH for substantive certification February 21, 2005 and received prior approval to maintain an affordable housing trust fund on March 14, 1994. As of November 14, 2017, Hopewell Township has collected \$9,484,005.16 in developer fees, which with interest and other income has generated a Housing Trust Fund total of \$12,288, 254. The Township has expended \$12,208,254.24 to date on affordable housing activities, resulting in a balance of \$79,570.03.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, Hopewell Township considered the following:

- (a) Development fees projected on the basis of fees paid since 2007.
- (b) Payment in lieu (PIL).
- (c) Other funding sources.
- (d) Projected interest.

For 2017 (through November 2) the total of Housing Trust Fund fees collected was \$128,234. This equates to an annual total of around \$150,000. Viewed historically, development fee income has ranged from a high of \$1,395,996 in 2001 to a low of \$36,012 in 2011.

Since 2007, development fees totaling \$1,749,921 were collected, but the Township only retained \$1,142,883 after repayment of the fee collected from Capital Health System. As a result, the average annual development fee revenue totaled roughly \$175,000 since 2007. Assuming a similar rate of payment between now and 2025 will produce an additional \$1,575,000 plus interest of roughly \$23,625, as seen on Table 1.

Hopewell Township's compliance plan provides for inclusionary residential development to meet the Township's affordable housing obligation. As a result, major developments that will occur according to the rezonings will not be required to pay development fees.

Hopewell Township projects a total of \$ 1,598,625 in revenue to be collected between January 1, 2017 and December 31, 2025. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

Table 1
Projection of Development Fee Revenue and Interest

SOURCE OF FUNDS	2017	2018	2019	2020	2021	2022	2023	2024	2025	Total
(a) Development fees:										
1. Approved Development										
2. Development Pending Approval										
3. Projected Development fees	\$175,000	\$175,000	\$175,000	\$175,000	\$175,000	\$175,000	\$175,000	\$175,000	\$1,575,000	
(b) Payments in Lieu										
(c) Other Funds										
(d) Interest @ 1.5%	\$2,625	\$2,625	\$2,625	\$2,625	\$2,625	\$2,625	\$2,625	\$2,625	\$2,625	\$23,625
Total	\$177,625	\$1,598,625								

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 Hopewell Township:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Hopewell Township'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:

Distribution of development fees shall be based upon the Township's approved Spending Plan. Each expenditure shall be authorized by a Resolution of the Governing Body prior to issuance of the funds by the Finance Office.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

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

Hopewell Township has not proposed rehabilitation or new construction programs as part of the Round 3 compliance plan, but will be open to rehabilitation activity if qualifying units and households are identified during the period of repose.

(b) Affordability Assistance (N.J.A.C. 5:97-8.8)

Table 2 Affordability Assistance		
Housing Trust Fund Balance as of November 14, 2017		\$ 79,570.03
Development fees projected for 2017-2025	+	\$1,575,000
Interest projected for 2017-2025	+	\$ 23,625
Total	=	\$1,678,195.03
30 percent requirement	$\times 0.30 =$	\$ 503,458
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2017 through 12/31/2025	=	\$ 503,458
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2017 through 12/31/2025	$\div 3 =$	\$ 167,819

As seen on Table 2, Hopewell Township will dedicate at least 30% of the total of future development fees and interest from the affordable housing trust fund to render units more affordable, a total currently estimated at \$503,458. Additionally, one-third of this total, currently estimated at \$167,819, will be used to render units more affordable to households earning 30 percent or less of median income by housing region.

Hopewell Township will provide Association Fee assistance and mortgage buy-ins to avoid foreclosure as well as assistance to renters (e.g.- security deposit assistance).

(c) Administrative Expenses (N.J.A.C. 5:97-8.9)

Administrative expenditures are subject to a 20 percent cap. Hopewell Township projects that within the cap \$319,725 will be available from the affordable housing trust fund to be used for administrative purposes.

4. EXPENDITURE SCHEDULE

Hopewell Township intends to use at least 30% of affordable housing trust fund revenues for affordability assistance to aid in the occupancy of for sale and rental units. In the event that units in need of rehabilitation and occupied by low and or moderate income households are found to be deficient, trust fund monies may be expended for this purpose.

5. EXCESS OR SHORTFALL OF FUNDS

There are no programmed expenditures for creation of affordable housing since the full compliance plan is being implemented through inclusionary development. Excess funds above the amount necessary to satisfy the municipal affordable housing obligation will be used for administration, affordability assistance and buy down programs.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with Hopewell Township's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

Hopewell Township 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 dated November 2008.

Hopewell Township has a balance of \$79,570.03 *as of November 14, 2017* and anticipates an additional \$1,598,625 in revenues before the expiration of repose for a total of \$1,678,195.03. The municipality will dedicate at least \$503,458 to render units more affordable, and \$319,725 to administrative costs. Since there are no housing programs in the Township's compliance plan that will require the use of funding from the housing trust fund, there will be no need to cover any shortfall of funds. The municipality will dedicate excess funds toward affordability assistance, rehabilitation or other activities to preserve the affordability of existing affordable units.

SPENDING PLAN SUMMARY	
Balance as of November 14, 2017	\$ 79,570
PROJECTED REVENUE July 18, 2008-2018	
Development fees	+ \$ 1,575,000
Payments in lieu of construction	+ \$
Other funds	+ \$
Interest	+ \$ 23,625
TOTAL REVENUE	
	= \$1,678,195
EXPENDITURES	
Funds used for Rehabilitation	-
Affordability Assistance	- \$503,458
Administration	- \$319,725
TOTAL PROJECTED EXPENDITURES	
	= \$823,183
EXCESS FUNDS FOR ADDITIONAL HOUSING ACTIVITY	
	= \$855,012

CHAPTER V
SITE SUITABILITY INFORMATION

CF HOPEWELL CC&L, LLC



TOWNSHIP OF HOPEWELL

MERCER COUNTY

SITE SUITABILITY INFORMATION

CF Hopewell Tract

November 19, 2017

Page 1 of 2

Block:	91
Lots:	3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961
Block:	93
Lot:	3.01, 5.01, 5.02 and 6.01
Address:	Scotch Road
Present Owner of Record:	CF Hopewell CC&L, LLC, Hopewell Township, CHS
Existing Zoning:	Block 91 - OP (All Block 91 Lots) Block 93 - OP (Lot 6.01 only) and VRC
Proposed Zoning:	Block 91 – IPD-2 (Lots 3.11 and 3.95 only) Block 91 – IPD-3 (Lots 3.14, 3.161, 3.181, 3.191, 3.22 and 3.961) Block 93 – IPD-1 (All Lots)
Planning Area:	PA2, PA3
Sewer Service:	ELSA (Included in existing sewer service area)
Water Service:	Trenton Water (Included in existing franchise area)

SITE SUITABILITY

Gross Lot Area:	61.40 Acres
<u>Constrained Areas:</u>	<u>5.3 Acres</u>
Net Area for Development	56.10 Acres

- CF Hopewell CC&L, LLC in an Intervener. See attached settlement of litigation dated 6/12/17
- Block 93, Lot 5.01 and 5.02 owned by Hopewell Township. Lot 5.02 is leased to HomeFront. Both lots will be transferred to CF Hopewell CC&L, LLC and are to be used for inclusionary development.

Site Suitability Information

November 19, 2017

Page 2 of 2

- Schedule

DEVELOPMENT PROCESS ACTION	DATE ANTICIPATED TO BEGIN	DATE ANTICIPATED TO BE COMPLETED
Redevelopment Plan Approval	11/13/17	11/27/17
Phase 1 (CCRC and Apartments)		
Development Approvals		
Building Permits		
Occupancy		10/2025
Phase 2		

Environmental Constraints
**Block 91; Lots 3.11, 3.14,
 3.161, 3.181, 3.191, 3.22,
 3.95, 3.961**

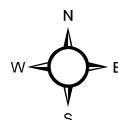
&

Block 93; Lots 3.01, 5.01, 6.01

*Portion of
 Hopewell Township
 Mercer County, NJ
 November 2017*

Legend

- Subject Properties
- Water
- Wetlands
- 50' Wetlands Buffer
- Slopes Greater than 15%

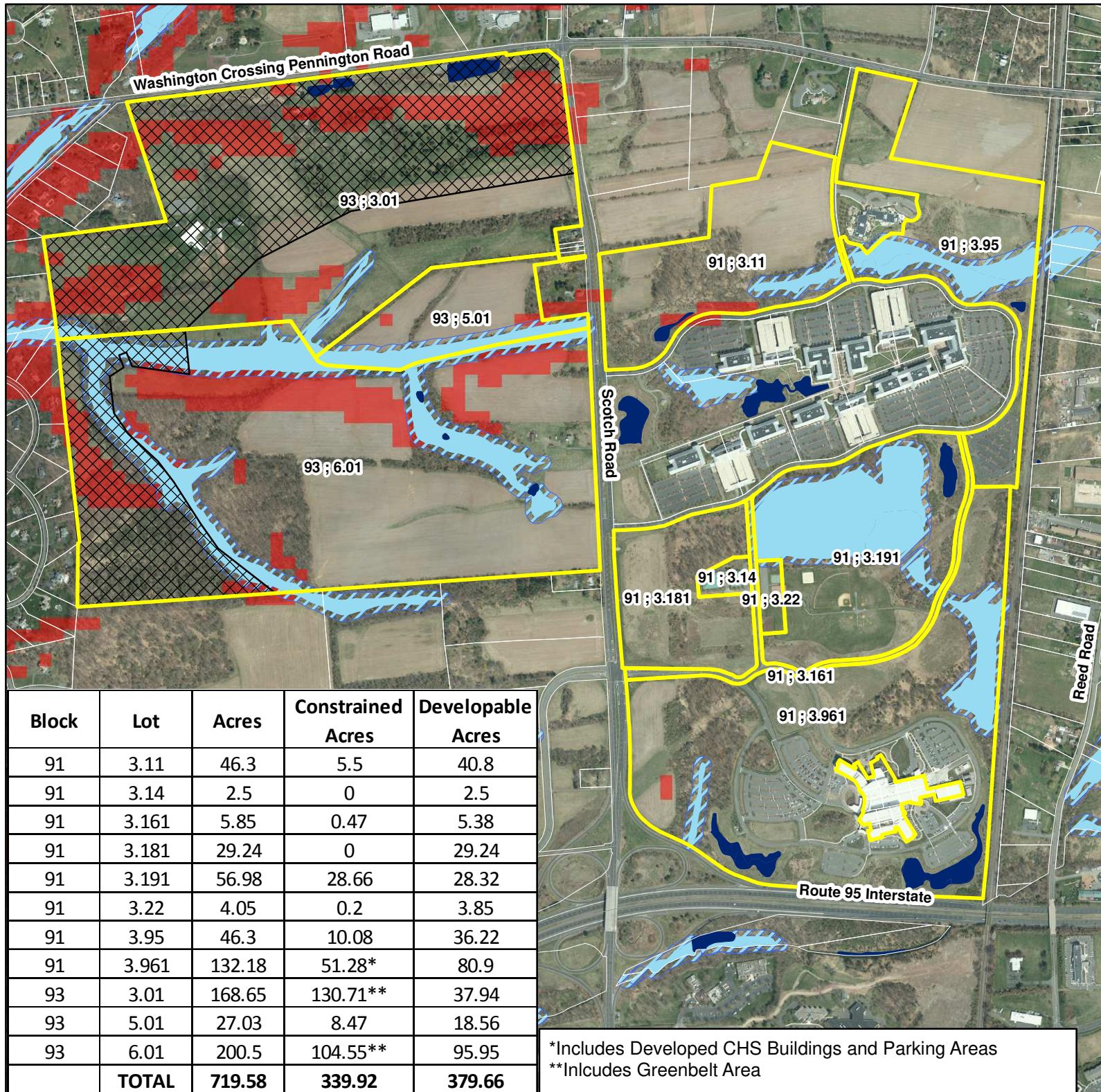


0 500 1,000
 Feet

Data Sources:
 NJGIN Parcels 2011
 NJDOT Roadway Network
 NJGIS 2015 Aerial Photography
 NJDEP 2012 Land Use/Land Cover
 NJDEP 10 Meter DEM's
 FEMA Floodzones

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.

B A N I S C H
 ASSOCIATES, INC.
 Planning and Design



**TOWNSHIP OF HOPEWELL,
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 17-

AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 91, LOTS 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 AND 3.961 AND BLOCK 93, LOTS 3.01, 5.01 AND 6.01, KNOWN AS THE CF HOPEWELL AREA IN NEED OF REDEVELOPMENT, IN ACCORDANCE WITH N.J.S.A. 40A:12A-7 AND AMENDING CHAPTER XVII, "LAND USE AND DEVELOPMENT," ARTICLE VIII, "ZONING-GENERAL PROVISIONS," SECTION 17-138.b, "ZONING DISTRICTS" TO ADD SUB-PARAGRAPH 23 TO THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL

WHEREAS, the Township Committee of the Township of Hopewell, County of Mercer, directed the Planning Board to undertake a preliminary investigation as to whether certain areas within the municipality met the statutory criteria for declaring the lands an area in need of redevelopment on May 8, 2017 as memorialized in Resolution No. 17-173; and

WHEREAS, the Planning Board of the Township of Hopewell, County of Mercer conducted the preliminary investigation to determine if Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 and Block 93, Lots 3.01, 5.01 and 6.01 the "CF Hopewell Area" met one or more of the criteria for such designation pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board, after the conclusion of a public hearing held on July 27, 2017, adopted Resolution No. 17-012 finding and concluding that the CF Hopewell Area satisfies the criteria for redevelopment area designation set forth in N.J.S.A. 40A: 12A-5c, 5d, 5e and 5h and recommending to the Township Committee that the study area was an area in need of redevelopment; and

WHEREAS, the Township Committee favorably received the recommendation of the Planning Board and by the adoption of Resolution No. 17-012, dated July 27, 2017, established the CF Hopewell Redevelopment Area, among others; and

WHEREAS, Resolution No. 17-012 also authorized the preparation of a redevelopment plan for any portion or the entirety of the area in need of redevelopment; and

WHEREAS, the Township Committee finds that the redevelopment plan adopted herein is designed to implement a comprehensive redevelopment strategy to overcome blighting conditions in the CF Hopewell Area and is intended to improve the quality of life of the residents, landowners, business owners and visitors thereto to the Township of Hopewell through new investment for business and job creation; and

WHEREAS, the Township Committee desires to adopt the Redevelopment Plan for Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 and Block 93, Lots 3.01, 5.01 and 6.01 dated November, 2017, attached hereto and known as the CF Hopewell Redevelopment Plan which is designated as Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 and Block 93, Lots 3.01, 5.01 and 6.01 on the tax assessment maps of the municipality.

NOW, THEREFORE BE IT ORDAINED, that the Township Committee of the Township of Hopewell adopts the following provisions:

Section 1. Adoption of the CF Hopewell Redevelopment Plan. The

Township Committee hereby adopts the CF Hopewell Redevelopment Plan, dated November 2017, prepared by Francis J. Banisch AICP/PP, and hereby adopted by reference and incorporated into this ordinance as if sent forth at length.

Section 2. Establishment of the Redevelopment Ordinance Title. This ordinance may be known and cited as, “The CF Hopewell Redevelopment Ordinance of the Township of Hopewell, Mercer County, New Jersey”.

Section 3. Purpose and Intent. The purpose and intent of this ordinance is to further the following goals and objectives.

- A. To return the property to productive use through the efforts of private capital and ownership.
- B. To provide appropriate development standards to guide and facilitate the redevelopment of the CF Hopewell Area in a manner consistent with the overall redevelopment goal;
- C. To encourage high quality architectural design and construction of new buildings within the redevelopment area;
- D. To utilize “green” building techniques and sustainable design features in both the site design and commercial building design consistent with the goals and objectives of the Hopewell Township Master Plan

Section 4. Redevelopment Authority. The Township Committee shall act as the “Redevelopment Authority” pursuant to N.J.S.A. 40A-12A-4.c for purposes of implementing the CF Hopewell Redevelopment Plan and carrying out redevelopment projects. In doing so, the Township Committee shall have all of the powers set forth in N.J.S.A. 40A:12A-8 to effectuate its duties and responsibilities in the execution and implementation of the redevelopment plan.

Section 5. Annual Reports. Pursuant to the requirements of N.J.S.A. 40A:12A-43, the municipality shall submit an annual report to the Commissioner of the Department of Community Affairs of the State of New Jersey indicating the name, location and size of all projects undertaken in the redevelopment area.

Section 6. Section 17-138.b of the Land Use and Development Ordinance of the Revised General Ordinances of the Township of Hopewell shall be amended to add paragraph 23, as follows:

23. The official zoning map of the Township of Hopewell was amended on November 27, 2017 [such date being the date of the final passage of this ordinance] to designate Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 and Block 93, Lots 3.01, 5.01 and 6.01 known as the CF Hopewell Redevelopment Area pursuant to N.J.S.A. 40A:12A-7.c.

Section 7. Continuation. In all other respects, the Code of the Township of Hopewell shall remain unchanged.

Section 8. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Hopewell, then the restriction which imposes the greater limitation shall be enforced.

Section 10. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 11. Enactment. This Ordinance shall take effect after final passage and publication in the manner prescribed by law.

Date Introduced:

Date Advertised:

Date Adopted:

Kevin D. Kuchinski
Mayor

Attest:

Laurie E. Gompf
Municipal Clerk

Redevelopment Plan

for

Block 91

Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961

and

Block 93

Lots 3.01, 5.01 and 6.01

Hopewell Township
Mercer County

November 2017

Prepared by:
Hopewell Township Committee
With Assistance from:
Banisch Associates, Inc.

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1. INTRODUCTION

1.1 *BASIS FOR THE PLAN*

This Redevelopment Plan has been prepared pursuant to New Jersey's Local Redevelopment and Housing Law (LRHL) for Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 in Block 91 and Lots 3.01, 5.01 and 6.01 in Block 93, referred to herein as the "Redevelopment Area" (see Figure 1 – Aerial Photo of Redevelopment Area).

Hopewell Township occupies the northwest corner of Mercer County. Regional highway access to the township is via I-95, which traverses the Township's southern boundary. The subject property is located in the southwestern portion of the Township just north of I-95. This redevelopment area straddles the east and west sides of Scotch Road and consists of approximately 350 acres. The Redevelopment Area includes property that has received prior General Development Plan approvals permitting a total of 3,800,000 square feet of Class A office. The present zoning of the redevelopment area is single-family detached homes and office park development.

The redevelopment area has been included as a compliance site in a settlement agreement with Fair Share Housing Center (FSHC) and is an integral part of the Township's plan to address its 1999 – 2025 housing obligation.

A settlement agreement with CF Hopewell CC&L, LLC (CF) provides for the development of this property with a phased, mixed use inclusionary community of not more than 2,200 homes, up to 100,000 square feet of retail and office space and a continuing care retirement community with up to 500 senior living units and/or assisted living beds. As an inclusionary development, the Redevelopment Area will include a 20% set aside of all residential units (up to 465 units) that will be affordable to very low, low and moderate income households. Of this total, at least 185 of the affordable units will be family rentals and at least 13% will be very low-income units. Age-restricted units are permitted with a township-wide cap of 25%.

Hopewell Township Committee Resolution No. 17-173, directed the Hopewell Township Planning Board to determine if the subject property qualified as a non-condemnation area in need of redevelopment. The Planning Board recommended that the site be determined an area in need of redevelopment, pursuant to a July 2017 Preliminary Investigation Report and the Township Committee concurred (Resolution No. 17-297). This Redevelopment Plan has been prepared at the direction of the Hopewell Township Committee.

1.2 *REDEVELOPMENT PLANNING PROCESS*

The LRHL details the process that a municipality must follow to utilize the State's redevelopment powers. The adoption of a redevelopment plan is a precondition for the use

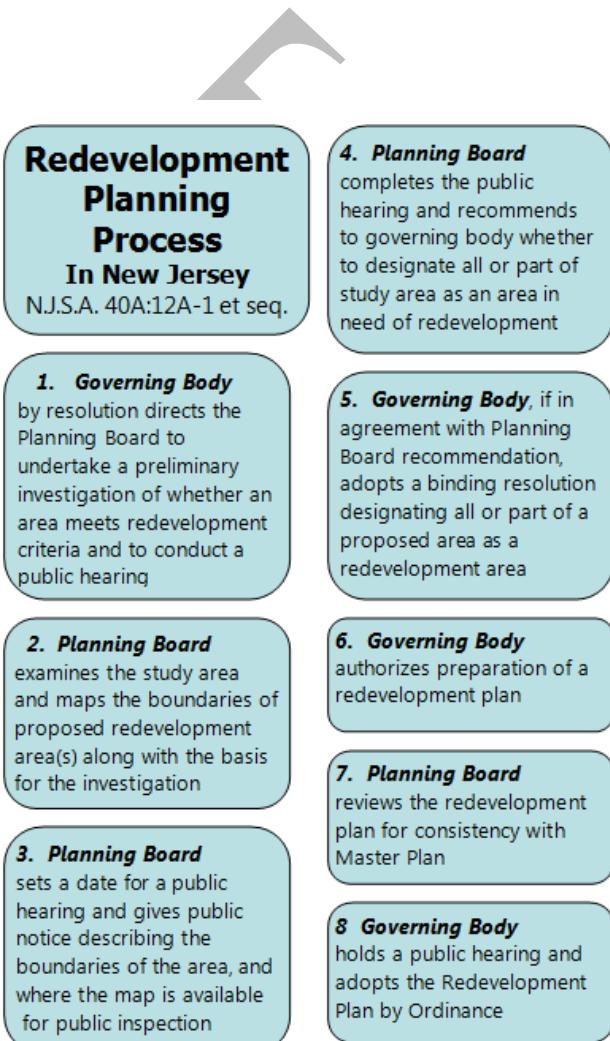
of these powers, which permit municipalities to plan and zone in a manner that can remedy the blighting effects of underperforming, outdated or obsolete land uses and structures.

After adoption of a redevelopment plan, the municipality may:

- Negotiate and collect revenues from a redeveloper to defray the costs of the redevelopment entity
- Clear any area owned or acquired and install, construct or reconstruct public infrastructure essential to the preparation of sites for use in accordance with the redevelopment plan.
- Contract for professional services.
- Contract with public agencies or redevelopers for the undertaking of any project or redevelopment work.
- Lease or convey property or improvements to any party without public bidding.

According to the Local Redevelopment and Housing Law (NJSA 40A: 12A-1, et seq.), the Redevelopment Plan shall include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definitive local objectives, including appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements;
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area;
4. Identification of properties to be acquired, if any;
5. Any significant relationship of the Redevelopment Plan to the Master Plans of contiguous municipalities, the County and the State Development and Redevelopment Plan;
6. Enumeration of deed-restricted affordable units in the redevelopment area and their disposition.



1.3 OVERVIEW OF EXISTING SITE CONDITIONS

Exhibit 1 is an aerial photograph of the redevelopment area and Exhibit 2 includes excerpts from the Hopewell Township Tax Maps indicating the subject properties.

The redevelopment area on the east side of Scotch Road includes Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961. These lots are included in General Development Plans that provide for the development of 3,300,000 square feet of Class A office development:

Block 91, Lots 3.14 and 3.22 are currently vacant or primarily undeveloped farmland.

Block 91, Lots 3.11, 3.95, 3.181 and 3.19 are vacant land and adjoin existing developed portions of the former Merrill Lynch campus. All lots have access from the internal private road network. Lot 3.181 has frontage Scotch Road with access to a signalized intersection.

Block 91, Lot 3.14 is the site of a one-story building referred to as the "hut" (maintenance facility) and Lot 3.22 is improved with parking and recreational courts.

Block 91, Lot 3.961 is the Capital Health complex situate in the southeastern corner of the area. This complex is adjacent to I-95 and the CSX railroad. The northern and western portions of the lot are undeveloped with Scotch Road frontage at a signalized intersection.

The redevelopment area on the west side of Scotch Road includes Block 93, Lots 3.01, 5.01, and 6.01:

Lot 3.01 is currently active agricultural areas and wooded stream corridors. This lot includes dwellings and an equestrian facility.

Lot 5.01 is currently active agricultural use and designated for affordable housing.

Lot 6.01 is currently a mixture of active agricultural areas and wooded stream corridors. Lot 6.01 includes an extensive wooded area roughly 1,000 feet deep along its westerly boundary providing a unique natural buffer between any development on Lot 6.01 and the existing single family residential neighborhood to the west. Lot 6.01 is part of an approved General Development Plan that permits up to 1,000,000 square feet of Class A office on this lot.

Scotch Road is a county-owned four-lane divided highway that spans the distance between I-95 and County Route 546. Merrill Lynch improved this roadway during its initial campus construction to accommodate the approved 3,800,000 square foot Class A office development planned to be constructed on both the east and west sides of Scotch Road.

Exhibit 3 depicts the land cover character of the study area and Exhibit 4 illustrates the property tax class for each parcel in the Scotch Road study area.

In addition to the regionally significant office and medical facilities along Scotch Road, a ribbon of residential development, on lots of varying sizes, spans the frontage of Nursery Road near the interchange. Limited residential development also occupies a small portion of the frontage of Scotch Road.

Beyond the lands east of the dualized portions of Scotch Road, the Township is generally rural in character with low density and medium density residential neighborhoods to the north and west.

1.4 OVERVIEW OF REDEVELOPMENT PLAN

This Redevelopment Plan creates a mixed-use inclusionary housing zone that advances local community planning objectives related to the provision of affordable housing as part of a balanced housing plan. This redevelopment plan is located in a sector of Hopewell Township adjacent to major transportation infrastructure and utilities where intense office development is presently permitted. This unique location concentrates development within an existing development corridor and avoids the need to utilize other less developed and more environmentally sensitive areas of the Township for housing production. This location provides for mass transit opportunities and the reduction of carbon footprint by creating “live-work” opportunities through less reliance upon the automobile.

The Inclusionary Planned Development Zones respond to the terms of a Settlement Agreement between CF Hopewell and Hopewell Township. This agreement requires that the Redevelopment Area will include a 20% set aside of all residential units (up to 465 units) that will be affordable to very low, low and moderate income households. Of this total, at least 185 of the affordable units will be family rentals and at least 13% will be very low-income units. Age-restricted units are permitted with a township-wide cap of 25%.

2. CONTEXT, GOALS AND VISION

2.1 CONTEXT

The 2009 Hopewell Township Land Use Plan echoes the goals, objectives and policies of the 2002 Hopewell Township Master Plan. In both Land Use Plans the redevelopment area on the east side of Scotch Road is located within Office Park District and the redevelopment area on the west of Scotch Road is partly within the Office Park district and partly within the Valley Resource Conservation District. In December 2016, a Master Plan revision was adopted for the redevelopment area on the east side of Scotch Road, which added Affordable Housing and Continuing Care as additional permitted uses.

In 2008, Hopewell Township adopted a Housing Plan in response to the then required Round 3 Affordable Housing Rules. Round 3 rules were dissolved by the court and until present, there has been no guidance for Round 3 compliance. Hopewell Township has received approval from the Court of a settlement of litigation for affordable housing for its Round 3 obligation (1999-2025). This settlement provides for inclusionary development with up to 465 affordable units and/or assisted living beds on those lots located within the redevelopment area. The redevelopment area is well-situated to provide for inclusionary residential development, having sufficient developable land to accommodate the development, access to all necessary infrastructure and unparalleled regional highway access.

This Plan establishes the vision for redevelopment of the property and identifies opportunities and constraints specific to the site. It also identifies the intended future uses, their arrangement and design and method of implementation of the plan.

2.2 GOALS & OBJECTIVES

This redevelopment plan is located in a sector of Hopewell Township adjacent to major transportation infrastructure and utilities where intense office development is presently permitted. This unique location concentrates development within an existing development corridor and avoids the need to utilize other less developed and more environmentally sensitive areas of the Township for housing production. This location provides for mass transit opportunities and the reduction of carbon footprint by creating “live-work” opportunities through less reliance upon the automobile.

This redevelopment plan provides a comprehensive strategy to address the Township’s affordable housing obligation. This plan aims to:

- Provide affordable housing within a mixed use planned neighborhood including higher-density inclusionary housing at the site.
- Advance Hopewell’s long-standing goal to provide a wider variety of housing types and opportunities within the Township.
- Lay out a vision for redevelopment that incorporates strategies to create a “sense of place” in the redevelopment area.
- Guide redevelopment to protect, to the greatest extent practicable, important environmental features including groundwater recharge.
- Create new housing opportunities that will be desirable and marketable.
- Protect and enhance the character of surrounding areas of Hopewell Township by preserving key natural buffers to adjacent neighborhoods, protecting existing view sheds to the north, providing a network of trails that will connect neighborhoods to each other and to nearby existing municipal parks and facilities.
- Encourage aesthetically pleasing architectural design, layout and finishes.
- Examine planning documents from surrounding municipalities, Mercer County and NJ SDRP for consistency.

2.3 VISION

There is an increasing demand for alternatives to single family dwellings on individual lots. Situated in the heart of a significant regional employment node, mixed use development in the redevelopment area will provide dining, shopping and recreational opportunities along with vibrant residential neighborhoods of varied housing types that will appeal to households of varying sizes, ages, and income levels.

A. These new neighborhoods are conceived as having a health and wellness focus and will address the housing needs of millennials, aging baby boomers, professionals and young families. Walkable neighborhoods and an engaging landscape will help to promote active lifestyles and attract a full range of housing types, including continuing care. The neighborhoods will be arranged to maximize connectivity and are to be based upon the following design concepts to create a vital and walkable place that:

- is compact;
- is designed for the human scale with buildings placed closer to the street and a variety of gathering places.
- provides a mix of uses, including residential, commercial, civic green spaces in close within the neighborhood;
- provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
- incorporates environmental features into the design;

Amenities including recreational buildings, clubhouses, tot lots, barbecue patios and other common areas are to be connected with pathways to promote walking and bicycling between neighborhoods and beyond the site to nearby public parks and municipal facilities.

With a focus on design that promotes the health, happiness and wellbeing of residents, this plan puts a special emphasis on human-scale streetscape elements (such as benches and streetlights) and landscaping that incorporates native plants, trees and shrubs.

2.4 REDEVELOPMENT PLAN'S RELATIONSHIP TO HOPEWELL TOWNSHIP MASTER PLAN

Hopewell Township has spent the past several years examining opportunities for affordable housing to address its constitutional fair share obligation. Primary among the Township's objectives has been the identification of realistic opportunities for the creation of affordable housing. Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 in Block 91 and Lots 3.01, 5.01 and 6.01 in Block 93, have been found to provide such opportunity through inclusionary mixed use development.

The 2009 Hopewell Township Land Use Plan echoes the goals, objectives and policies of the 2002 Hopewell Township Master Plan. This Redevelopment Plan is consistent with the following basic principles of the 2002 Master Plan ("a" thru "k") and its goals and objectives:

- a. *A variety of housing and a balance of opportunities to live, work and play in safe and attractive surroundings should be provided in part by identifying locations and developing criteria for mixed use development.*

Rationale: The rezoning of this site will expand and diversify the local housing stock and will assist low and moderate-income households in finding decent, safe, affordable housing. It will also assist young people and older households looking to live in a high-quality community with upscale amenities.

- b. *An efficient circulation system that promotes important circulation linkages, retains the character of the rural road network and provides for safe vehicular, pedestrian, equestrian and bicycle movements should be maintained.*

Rationale: The subject property is located within one mile of the Scotch Road interchange with I-95, permits full access to and from Interstate 95. The redevelopment of the subject property takes advantage of the existing highway system and will allow people to travel to and from the area with limited impacts to local rural roads. A network of pedestrian and bicycle pathways and trails connecting neighborhoods to each other and to nearby existing public parks and municipal facilities will be incorporated. Mass transit opportunities are also part of long range planning for this area of the township.

- c. *Farmland and open lands should be retained and the impacts of development should be limited throughout the valley and mountain areas in part by allowing the use of techniques to encourage development*

Rationale: Portions of the subject property within the Valley Resource Conservation District that are actively farmed will continue to be available for agricultural use. The location of this redevelopment area allows the concentration of development within an existing development corridor and avoids the need to utilize other less developed and more environmentally sensitive areas of the Township. Wooded areas and stream corridors will be protected from development.

- d. *To protect the rural character and unique sense of place of the Township.*

Rationale: Concentration of housing within this redevelopment area will reduce development pressures in other more rural and environmentally sensitive areas of the Township. The redevelopment area preserves most of the woodland west of Scotch Road as a natural buffer to the residential neighborhood to the west. Surrounding land to the north will also be preserved protecting the vista between Co. Rt. 546 south to the redevelopment area helping to retain the rural aspect of this scenic corridor.

- e. *To promote the goals and objectives of Hopewell Township through the incorporation of local policies and strategies that respond to the basic premises, intent and purposes*

of the State Development and Redevelopment Plan and the Mercer County Master Plan.

Rationale: Pursuant to the settlement agreement between Hopewell Township and FSHC, the subject property will be an integral part of the Township's response to its affordable housing obligation. The State Planning Commission has placed the site in Planning Areas 2 and 3, an area in which the State Development and Redevelopment Plan (SDRP) encourages growth and the production of inclusionary development. The Mercer County Master Plan supports the goals and objectives of the SDRP. More information about how this Redevelopment Plan relates to the SDRP and Mercer County's Master Plan can be found in section 6, Plan Consistency Review.

f. To continue and expand upon land use policies that promote controlled development at suitable locations and appropriate intensities by directing and limiting the more intense development to areas where sanitary sewer service and public water supplies exist or are planned, and by discouraging the extension of growth-inducing infrastructure into rural areas.

Rationale: The SDRP locates the portion of the redevelopment area east of Scotch Road within the Suburban Planning Area (PA-2), where infrastructure exists and growth is encouraged. The area west of Scotch Road is in the Fringe Planning Area (PA-3) intended to accommodate growth in the future.

The site is particularly appropriate for higher density housing due to:

- proximity to Interstate 95
- the ability to provide public water and sewer to the site (most land located within ELSA sewer service area)

g. To provide for a variety of housing types which respond to the needs of households of varying size, age and income, persons with disabilities and emerging demographic characteristics.

Rationale: Over the past 40 years, household sizes have been steadily decreasing, while there has been an increase in the percentage of older households. The demographic trends indicate that virtually all of New Jersey's growth over the next 20 years will be in smaller households that are under 35 and over 55. These are households that need smaller housing units and that tend to rent, and demographers that study changes in household formation on housing demand project a strong increase in demand for rental housing.

Regarding the younger households, the Joint Center for Housing Studies at Harvard University concludes:

Meanwhile, the aging of the millennial generation over the coming decade will lift the number of households in their 30s by 2.4–3.0 million, depending

on immigration trends. But these numbers vastly understate the impact of this group on housing demand since they will account for most newly formed households in the coming decade. Indeed, the millennials will make up fully 24 million new households between 2015 and 2025, *thus driving up demand for rentals and starter homes.*¹ (emphasis provided)

In addition, the Joint Center for Housing Studies at Harvard University notes the following national trend regarding rentals:

Two broad trends will drive future growth in renters: the imminent surge in the number of older households and the increasing racial/ethnic diversity of younger age groups. Over the coming decade, the number of renters aged 65 and older is projected to rise by about 2.2 million and account for roughly half of all renter growth. *The aging of the population also means that the share of renters that are single persons or married couples without children will soar.*

The redevelopment at the subject property thus responds not only to a wide range of incomes, but also to the varying household size and age characteristics, and emerging demographic trends that will continue to impact the Township and the region.

- h. To promote and support the development and redevelopment of affordable housing intended to address the Township's fair share of the region's lower income housing, particularly in areas served by public transportation which connect to areas of employment.*

Rationale: The redevelopment of the subject property is an integral part of a settlement to address the Township's round three fair share obligation. It is located close to Interstate 95 and in the heart of a regional employment node with major highway access to an even wider range of regional employment opportunities.

- i. To provide a range of housing opportunities within the Township, with densities and lot sizes that respond to the capabilities and limitations of natural systems and available infrastructure.*

Rationale: The varied housing types proposed within the redevelopment area will expand the range and diversity of Hopewell's housing supply. The subject property lies within the ELSA sewer service area.

¹ State of the Nation's Housing, 2014, page 16.

j. *To establish transportation policies and programs that improve connections among housing, employment and commercial uses, including provisions for vehicular and pedestrian travel and bicycle paths.*

Rationale: The subject property is consistent with this goal in that the housing has a direct access to employment and commercial opportunities through its location adjacent to the Merrill Lynch campus and very close to the Interstate 95 interchange. Pedestrian and bicycle circulation systems will be incorporated in the design to connect open spaces, municipal facilities and common areas.

k. *To control development in rural areas so that traffic will not exceed the capacity of the existing rural road network and historic bridges to provide safe, efficient and convenient traffic movements based on rural road service standards designed to minimize the character of the community.*

Rationale: Scotch Road and its interchange with Interstate 95 were designed and constructed to accommodate millions of square feet of research and office development. With less than one third of the potential office floor area developed to date and little demonstrated demand for additional office space at this location, substantial traffic carrying capacity exists within this redevelopment area. Traffic signals control key access points to the Scotch Road. The use of the subject property for higher density affordable housing and commercial uses concentrate these traffic generators close to arterial highways and away from the more rural parts of Hopewell Township.

The spirit of Hopewell Township's Master Plan goals and objectives has served to guide this Redevelopment Plan, ensuring it promotes the Township's long-standing goals and objectives, and that the resulting redevelopment will harmonize with established nearby neighborhoods and preserve the high quality of life in Hopewell.

3. LAND USE AND BUILDING REQUIREMENTS

This Redevelopment Plan shall supersede Hopewell's Land Use and Management Ordinance (Chapter 17) in the event of conflict. The general standards set forth in the Hopewell Township Land Use Ordinance shall continue to apply except when inconsistent with the standards set forth in this Redevelopment Plan.

This Redevelopment Plan provides for the development of mixed-use and multi-family residential inclusionary neighborhoods containing up to 465 affordable units, of which at least 185 shall be family rental units.

3.1 REDEVELOPMENT AREA ZONES - The redevelopment area is divided into the following zones:

Block 93 Lots 3.01, 5.01 and 6.01 –Inclusionary Planned Development 1 - Mixed-use center.

Block 91 Lots 3.11 and 3.95 –Inclusionary Planned Development 2 – Residential uses including single family homes, townhouses and apartments.

Block 91 Lots 3.14, 3.161, 3.181, 3.191, 3.22, and 3.961 - Inclusionary Planned Development 3 - Mixed-use neighborhood of medical/health facilities with a continuing care community.

3.2 PERMITTED USES

- A. Inclusionary Planned Development 1- – Mixed-use center with up to 100,000 square feet of retail sales and services and restaurant uses, with residential apartments on upper floors. Grocery stores, pharmacies, banks, restaurants, convenience-oriented retail stores, professional, general and business offices and institutional uses. Drive-thru lanes are permitted for grocery, pharmacies, banks and restaurants provided they are located at the side or rear of the building. Residential uses include single family homes, townhouses and apartments and customary accessory uses such as facilities and structures designed for recreation or community use, private garages and carports, swimming pools with outdoor dining areas, dog runs, tot lots and pedestrian and bicycle paths.
- B. Inclusionary Planned Development 2– Residential uses including single family homes, townhouses and apartments and customary accessory uses such as facilities and structures designed for recreation or community use, private garages and carports, swimming pools with outdoor dining areas, dog runs, tot lots and pedestrian and bicycle paths.
- C. Inclusionary Planned Development 3 - Mixed-use neighborhood including medical/health facilities (medical-related commercial uses, health clubs, physical therapy, same-day surgery) and a continuing care community of independent senior living units, assisted living, memory care, adult day care, nursing home and related elements in the continuum of care for the aging and infirm.

3.3 BULK AND AREA REQUIREMENTS

A. Residential Uses

- 1) Apartments shall be permitted either over commercial uses, in apartment buildings or in connection with the continuum of care community (in which case they may be age restricted), where the following would apply:
 - a) Minimum lot area – 1 Acre

- b) Maximum density – 75 units per acre
- c) Maximum lot coverage – None - N/A
- d) Maximum building height when no retail or parking on first floor – 55'
- e) Maximum building height with retail or parking on first floor – 70'¹
- f) Maximum building length – None - N/A
- g) Maximum number of units per building – None - N/A
- h) Minimum setback to streets – 20 feet for structures; 10 feet for parking areas
- i) Minimum setback from other buildings:
 - Front to front – 50'
 - Front to side – 30'
 - Side to side – 20'
 - Rear to rear – 50'
 - Rear to side – 30'
- j) Minimum front yard setback – 20 feet
- k) Minimum side yard setback – 20 feet.
- l) Minimum rear yard setback – 25 feet
- m) Parking – 1.25 parking spaces per unit

2) Townhouses

- a) Minimum Lot Width for individual unit – 16 feet
- b) Minimum Lot Depth – 60 feet
- c) Minimum front yard setback - 15 feet
- d) Minimum Rear yard Setback – 15 feet
- e) Minimum Side Yard Setback – 15 feet (0-feet for attached units)
- f) Minimum distance to other buildings – 25'
- g) Maximum units per townhouse building – 8
- h) Maximum units per stacked townhouse building - 16
- i) Parking – 1.75 parking spaces per unit

3) Single-Family units

- a) Minimum Lot Area – 5,000 square feet
- b) Minimum Lot Width – 50 feet
- c) Minimum Lot Depth – 100 feet
- d) Minimum front yard setback – 20 feet
- e) Maximum front yard setback – 25 feet
- f) Minimum Rear yard Setback – 15 feet
- g) Minimum Side Yard Setback – 5 feet
- h) Parking – 2 parking spaces per unit

B. Non-residential and mixed uses

- a. Min. Lot Size 22,000 sq. ft.²

b.	Min. Lot Width	50 ft.
c.	Min. Lot Depth	50 ft.
d.	Min. Front Yard to Scotch Road	100 ft. for buildings over 35 ft. 70 ft. for buildings up to 35 ft.
e.	Min. Side Yard	None – N/A
f.	Min. Rear Yard	None – N/A
g.	Max. Building Height	70 ft. East of Scotch Road 55 ft. West of Scotch Road ¹
h.	Max. Lot Coverage	65%
i.	Min. Parking Ratio	3.0 spaces per 1,000 SF non-residential

Note 1. Notwithstanding the requirements above, non-residential uses may be subdivided along lease lines with appropriate cross access and parking easements.

Note 2. Max. Building Height permitted to be 70 feet when residential is provided over retail and/or parking.

3.4 VERY LOW, LOW AND MODERATE INCOME HOUSING REQUIREMENTS

A. Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing. A minimum of 13% of the affordable units shall be very low income units affordable to households earning 30% of the median income; and 37% of the affordable units shall be low income units. The balance of units (50 percent) shall be moderate income units.

1. The affordable housing units shall be located in more than one building.
2. Development within the Redevelopment Area will include a 20% set aside of all residential units (up to 465 units) that will be affordable to very low, low and moderate income households. Age-restricted units are permitted with a township-wide cap of 25%.
3. The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.
4. There shall be a control period pursuant to N.J.A.C. 5:80-26.11 of not less than 40 years for all affordable units.

3.4 OTHER REQUIREMENTS

Building Design. The design of the residential buildings shall be of a residential character and not institutional and an integrated architectural theme shall be utilized throughout each neighborhood, including principal and accessory buildings and structures and all signage.

1. Architectural elevations and floor plans shall be provided for each type of building.
2. Maximum length of buildings shall not exceed 225 feet unless a 4' offset is provided in the facade.
2. Variations in setback, materials, colors and design including breaks in the building façade shall be encouraged to reduce and separate the building mass.
3. Rooflines shall be pitched. If flat roofs are provided, they shall incorporate green design techniques including either vegetation or solar collection and shall be designed to shield any roof-mounted equipment.
4. All HVAC and mechanical equipment shall be adequately screened from view.
5. All multiple family dwelling buildings and all accessory buildings and structures, including signs, shall be designed in a unified architectural style.
6. Building design shall include spare electrical conduit to permit future installation of rooftop mounted solar.

B. Circulation.

1. A boulevard treatment shall form the circulation spine of the development.
2. Pedestrian and/or bicycle circulation systems shall be designed to extend through and connect with open space and common areas both on and off site.

C. Open Space.

1. Parks and trails are essential elements of place. Pedestrian-friendly neighborhood design shall include trees for shade and natural beauty, parks and green spaces to foster positive community and social interaction in communal spaces that are safe and conveniently located.
2. The open space requirement for the IPD Districts shall be substantially satisfied by the dedication of 174 acres on the west side of Scotch Road, pursuant to the Settlement Agreement. Nonetheless, neighborhood-scale open spaces shall also be distributed throughout the developed areas, including small neighborhood parks (approximately 5,000 square feet) and green spaces.

3. The site landscape design shall include a component to assist the township in meeting Tree City qualifications.
- D. Utilities/Services. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.
- E. Stormwater Management Plan. Stormwater designs shall use as naturalized designs and shall promote water quality, minimize maintenance and provide for groundwater recharge. Use low impact development design techniques to the greatest extent practicable. Where possible use geologic formations to enhance groundwater recharge.

3.6 VARIANCES AND INAPPLICABLE ORDINANCES

- A. The Planning Board is authorized to grant, pursuant to NJSA 40:55D-70c, variances from the redevelopment standards and other zoning standards that are not superseded by the redevelopment plan. The Planning Board is also authorized to grant waivers from design standards.
- B. In order to achieve the number of affordable units and related market rate units provided for in the settlement agreement, the site design may require deviation from strict application of certain municipal design standards. In all cases, NJDEP Flood Hazard Area rules, wetland rules including wetland buffers shall be complied with. Should deviations from stream corridor standards be necessary, stream corridor averaging shall be used to minimize the total area of stream corridor that is lost because of the deviation.
- C. The developer of the redevelopment area may also request relief from other cost generative features of land use ordinances.

3.7 MUNICIPAL COOPERATION WITH UTILITIES

- A. The Township shall confirm in writing its support of submission and applications for all utilities (specifically water and sewer) and all necessary government agency or private utility approvals related to all aspects of the development within five (5) business days of a written request for such support from the developer. Specifically, the Township shall assist the developer in discussions with ELSA, Trenton Water, Mercer County, NJDOT, NJDEP, the DRCC and any other public or private entity with which the developer must deal in order to develop the subject property, including any effort the developer may make to decrease the fees charged by ELSA. The Township

shall assist in acquiring rights-of-way or easements if necessary. The township will support the use of other redevelopment tools as prescribed by law.

4. REDEVELOPMENT ACTIONS

4.1 OUTLINE OF PROPOSED ACTIONS

Construction of new structures and other improvements will take place as proposed in this Redevelopment Plan. The redeveloper will be required to enter into a Redeveloper's Agreement with the Township that stipulates the precise nature and extent of the improvements to be made and their timing and phasing shall be governed as permitted therein.

4.2 PROPERTIES TO BE ACQUIRED

This Redevelopment Plan will require the dedication of 174 acres within the Redevelopment Area to Hopewell Township, as detailed in 3.5C above.

4.3 RELOCATION

This Redevelopment Plan will not displace or relocate any residents within the Plan Area.

4.4 ADMINISTRATIVE PROVISIONS

Redevelopment activities within the Redevelopment Area shall comply with all requirements in any executed redevelopment agreement between a designated redeveloper and the Township of Hopewell.

5. PLAN CONSISTENCY REVIEW

5.1 RELATIONSHIP TO EWING TOWNSHIP MASTER PLAN

The Redevelopment Area is adjacent to Hopewell's border with Ewing Township, where the zoning to the southwest is R-1 (single family residential) and to the southeast is the Industrial Park (IP-1) Zone that surrounds the Mercer County Airport.

The redevelopment of the subject property will not have a substantial impact on the Ewing Township Master Plan, as:

- the area of Ewing closest to the subject property is virtually fully developed;
- the proposed land use is consistent with other land uses in the area; and
- I- 95 will accommodate much of the proposed community's traffic.

Route 95 physically separates the subject properties from all development to the south in Ewing and the lands closest to Ewing are already developed with the Capital Health campus.

5.2 RELATIONSHIP TO THE MERCER COUNTY MASTER PLAN

The Mercer County Master Plan (amended in 2016) supports the basic goals, objectives and strategies of the State Development Redevelopment Plan. It focuses on combating urban sprawl and capitalizing on available transportation infrastructure. The use of the subject property for inclusionary development is consistent with the following housing and transportation goals (MCMP pages 30 and 32):

1. Focus on housing needs of the work force.
2. Address the housing needs of both lower-income and moderate-income households
3. Through planning efforts, continue to make efficient use of existing road infrastructure including the implementation of access management concepts to maximize the efficiency of the existing roadway system.

5.3 RELATIONSHIP TO STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The Redevelopment Area includes lands in Planning Area 2 (PA2) and Planning Area 3. The SDRP envisions itself as a growth management plan in which PA2 is one of the areas in which the SDRP promotes growth, including higher density inclusionary development and PA-3 is an area where growth is to be accommodated. Among the goals for PA2 is a preferred location for inclusionary development. The SDRP's goals for PA-2 include:

- a. Guiding development in more compact forms,
- b. Encouraging densities that promote transit,
- c. Providing for a full range of housing choices, and
- d. Encouraging redevelopment.

The SDRP is designed to use land and transportation infrastructure efficiently and minimize commuting times. The subject property is a convenient location for households looking for a well situated base from which to commute to work or travel to regional shopping and recreational facilities.

The adopted housing policies of the State Development and Redevelopment Plan (SDRP) are specifically advanced by this redevelopment plan, as seen in the highlighted excerpt below:

#6. *Housing – Preserve and expand the supply of safe, decent and reasonably priced housing while meeting the constitutional mandate with respect to affordable housing through improved planning, regulatory reform, supportive infrastructure investments, housing subsidies, tax and discounted fee incentives and municipal property tax relief in ways that are consistent with the vision and goals of the State Plan.*

6. GENERAL PROVISIONS

6.1 AMENDMENT TO ZONING MAP AND LAND DEVELOPMENT ORDINANCE

The Zoning Map of the Township of Hopewell is hereby amended to indicate the location of the Inclusionary Multifamily Development - 1 Zone and reference this Redevelopment Plan.

6.2 DEFINITIONS

The “Definitions” section of the Township’s Land Development Ordinance shall govern unless a word is otherwise defined herein.

6.3 VARIANCE REQUESTS

Hopewell Township’s Master Plan goals and policies have been designed to permit managed growth in appropriate locations and to protect the many valuable environmental and cultural features of the natural and man-made landscape. These primary objectives continue to govern this redevelopment plan.

Within this context, the Hopewell Township Planning Board may grant variances from the regulations within this Redevelopment Plan, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, the strict application of any bulk regulation adopted pursuant to this Redevelopment Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the redeveloper.

The Hopewell Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan.

An application for site plan approval shall provide public notice of such application and shall further identify all requested variances from the regulations contained herein.

Notwithstanding the above, no variances shall be granted that would permit a use or principal structure not permitted by the Redevelopment Plan or an increase in the maximum permitted floor area ratio or an increase in the maximum permitted height of a principal structure by more than 10 feet or 10%, whichever is less, which can only be modified by a duly adopted amendment to this Redevelopment Plan.

6.4 REQUESTS FOR DESIGN EXCEPTIONS

The Hopewell Planning Board may grant exceptions from the “should” regulations contained within this Redevelopment Plan as may be reasonable and within the general purpose and intent of this Redevelopment Plan or if the literal enforcement of one or more provisions is impractical or will exact undue hardship because of peculiar conditions related to the property in question.

6.5 SITE PLAN AND SUBDIVISION REVIEW

Within the Redevelopment Area, subdivisions and/or site plans providing for the demolition of existing improvements and construction of new buildings and other improvements shall be prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and shall be submitted by the redeveloper for review and approval by the Township of Hopewell Planning Board.

To assure the comprehensive and coordinated development of the Redevelopment Area, any site plan presented to the Hopewell Planning Board shall be consistent with the terms of this Redevelopment Plan and shall include a preliminary site plan including proposals on the following elements:

- An overall development plan (bubble diagram) for the Redevelopment Area identifying the traffic circulation system, land use types, building heights, floor areas of each building and the number of residential units.
- Architectural elevations, renderings and floor plans.
- A circulation and streetscape plan, indicating the overall design with a boulevard street entry, and locations and types of materials to be used, including pavements, trees and other plantings and any street furniture. Pedestrian and/or bicycle circulation systems shall be designed to extend throughout the development and connect with open space and common areas.
- Parking, loading and vehicular access plan. A traffic circulation analysis shall analyze traffic conditions in the project vicinity and identify existing traffic problem areas as well as the cumulative effect of traffic from the redevelopment area on adjacent and affected roadways. Shared parking arrangements are permissible, subject to a showing of parking sufficiency.
- Landscape plan. Use indigenous and non-invasive species to the greatest extent practicable.
- Utility plan.
- Stormwater Management Plan. Stormwater designs shall use naturalized designs and shall promote water quality, minimize maintenance and provide for groundwater recharge. Use low impact development design techniques

- to the greatest extent practicable. Where possible use geologic formations to enhance groundwater recharge.
- Lighting plan. Use LED and low energy use lighting. Accommodate Dark Sky design standards to the greatest extent practicable.

No permits shall be issued for construction of buildings within the Redevelopment Area until the Hopewell Planning Board has granted final site plan approval for such improvements.

The criteria for the consideration and approval of the site plan shall be in conformance with the requirements of this Redevelopment Plan, the site plan provisions of the Township of Hopewell Land Use Ordinance and the executed Redevelopment Agreement between the redeveloper and the Township of Hopewell.

6.6 GENERAL DEVELOPMENT PLAN

The developer(s) of the IPD Zone Districts may submit a general development plan to the approving authority for review and approval prior to submitting a preliminary plat. The submission shall be in accordance with section 17-126. The design standards for required improvements shall comply with the approved general development plan and the provisions of this ordinance that have not been modified by the approved general development plan.

6.7 AFFORDABLE HOUSING

The IPD Zones respond to the terms of a Settlement Agreement between CF Hopewell and Hopewell Township. This agreement requires that the Redevelopment Area will include a 20% set aside of all residential units (up to 465 units) that will be affordable to very low, low and moderate income households. Of this total, at least 185 of the affordable units will be family rentals and at least 13% will be very low-income units (and such very low-income units are anticipated to be rental units). Age-restricted units are permitted with a township-wide cap of 25%.

6.8 ADVERSE INFLUENCES

No use shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

6.9 NON-DISCRIMINATION PROVISIONS

No covenant, lease, conveyance or other instrument shall be affected or executed by the Township Committee or by any redeveloper or any of his successors or assignees, whereby

the sale, lease, use or occupancy of land within the Redevelopment Area is restricted on the basis of race, creed, color, sexual orientation or national origin. Appropriate covenants, running with the land in perpetuity, shall prohibit any such restrictions and shall be included in the disposition instruments.

6.10 DURATION OF THE PLAN

The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restrictions with respect thereto shall be in effect for a period of 30 years from the date of approval of this plan by the Township Committee.

7. OTHER PROVISIONS

7.1 STATEMENT ABOUT REDEVELOPMENT

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the Plan objectives.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.
- The Redevelopment Plan does not envision a need to acquire privately-owned properties or to relocate any residents or businesses.
- The Redevelopment Plan is substantially consistent with the intent of the Master Plan for the Township of Hopewell and advances the objectives of the Housing Element and Fair Share Plan. The Redevelopment Plan also advances the goals and objectives of the New Jersey State Development and Redevelopment.
- This Redevelopment Plan shall supersede all provisions of the Zoning and Land Development Regulations of the Township of Hopewell regulating development in the area addressed by this Redevelopment Plan, except where stated otherwise within the text of this Plan. Final adoption of this Plan by the Township Committee shall be considered an amendment of the Township of Hopewell Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

7.2 PROCEDURE FOR AMENDING THE APPROVED PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A non-refundable application fee shall be paid pursuant to site plan fee schedule found in Section 126-35 "Fees" by the party requesting such amendment, unless the request is issued from any agency of Hopewell Township. The Township Committee, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.

DRAFT

APPENDIX A

Zoning Amendment Creating the Inclusionary Planned Development Zones

1. Amend the Land Use and Management Ordinance and Zoning Map to establish new **Inclusionary Planned Development** Districts as follows:

Block 93 Lots 3.01, 5.01, and 6.01 – IPD-1 Zone - Mixed-use center.

Block 91 Lots 3.11 and 3.95 – IPD-2 Zone – Residential uses including single family homes, townhouses and apartments.

Block 91 Lots 3.14, 3.161, 3.181, 3.191, 3.22, and 3.961 – IPD-3 Zone - Mixed-use neighborhood of medical/health facilities with a continuing care community.

2. Amend Section 17-126.3 Eligibility to read as follows:

General development plans shall be limited to the following eligibility standards.

- a. Sites must have a minimum of 250 acres of land area.
- b. Sites must be located within either the RO or IOP-G or the Inclusionary Planned Development (IPD) zoning districts.

3. Establish the Inclusionary Planned Development Districts as follows:

Inclusionary Planned Development Districts

A. *Purpose:* The Inclusionary Planned Development (IPD) Districts provide for a mixed use community of inclusionary single family and multi-family residential neighborhoods and commercial and office uses. The Inclusionary Planned Development Zones respond to the terms of a Settlement Agreement between CF Hopewell and Hopewell Township. This agreement requires that the Redevelopment Area will include a 20% set aside of all residential units (up to 465 units) that will be affordable to very low, low and moderate income households. Of this total, at least 185 of the affordable units will be family rentals and at least 13% will be very low-income units. Age-restricted units are permitted with a township-wide cap of 25%.

A variety of housing types are provided to meet the needs of people of all ages and abilities, including senior housing options.

B.1 Permitted Principal Uses in the IPD-1 Zone Mixed-use center

Residential Uses

1. single family homes
2. townhouses , including stacked units
3. apartments

Non-residential uses not to exceed to 100,000 square feet of floor area including:

1. Grocery stores
2. Pharmacies *
3. Banks *
4. Restaurants *
5. Convenience-oriented retail stores,
6. Professional, general and business offices
7. Institutional uses
8. Retail sales and services with residential apartments on upper floors

* - Drive-thru lanes are permitted provided they are located at the side or rear of the building.

B.2. Permitted Principal Uses in the IPD-2 Zone - Northeast Residential Zone

1. single family homes
2. townhouses , including stacked units
3. apartments

B.3. Permitted Principal Uses in the IPD-3 Zone - Southeast Mixed Use Zone

1. Medical offices
2. Medical-related commercial uses
3. Health clubs
4. Physical therapy
5. Same-day surgery centers
6. Continuing care retirement community of up to 500 units and/or beds, consisting of:
 - a. independent senior living units
 - b. assisted living
 - c. memory care
 - d. adult day care
 - e. skilled nursing facilities

C. Permitted Residential Accessory Uses:

1. customary accessory uses, facilities and structures designed for recreation or community use
2. off street parking and private garages and carports
3. swimming pools with outdoor dining areas
4. dog runs
5. tot lots
6. pedestrian and bicycle paths.
7. Community clubhouse with fitness room, club room business center and furnished model.
8. Management and leasing offices.
9. Maintenance office/garage building not to exceed one (1) story in height and 1,500 square feet in floor area. The façade design shall match the residential structures.
10. Solid waste and recycling facilities.
11. Monument signs located at entrance to be constructed of stone or brick, not to exceed 100 square feet in area and eight (8) feet in height.
12. Utility structures and facilities needed to provide the direct service of gas, electricity, telephone, water, sewerage and cable television.

D. BULK AND AREA REQUIREMENTS FOR USES IN THE INCLUSIONARY PLANNED DEVELOPMENT DISTRICTS

1. Residential Uses

- A. Apartments shall be permitted either over commercial uses or in apartment buildings, where the following would apply:
 1. Minimum lot area – 1 acres
 2. Maximum density – 75 units/ acre
 3. Maximum lot coverage – None – N/A
 4. Maximum building height east of Scotch Road – 70'
 5. Maximum building height west of Scotch Road – 55'
 6. Maximum building length – None – N/A
 7. Maximum number of units per building – None – N/A
 8. Minimum setback to streets – 20 feet for structures; 10 feet for parking areas.
 9. Min. Front Yard to Scotch Road - 100 ft. for buildings over 35 ft./50 ft. for buildings up to 35 ft.
 10. Minimum setback from other buildings:
Front to front – 50'
Front to side – 30'
Side to side – 20'
Rear to rear – 50'
Rear to side – 30'
 11. Minimum front yard setback – 20 feet.
 12. Minimum side yard setback – 20 feet.

13. Minimum rear yard setback – 25 feet
14. Parking – 1.25 parking spaces per unit.

B. Townhouses, which may be family or age-restricted units.

1. Minimum Lot Width for individual unit – 16 feet
2. Minimum Lot Depth – 60 feet
3. Minimum front yard setback - 15 feet
4. Minimum Rear yard Setback – 15 feet
5. Minimum Side Yard Setback – 15 feet (0-feet for attached units)
6. Min. Front Yard to Scotch Road - 100 ft. for buildings over 35 ft./50 ft. for buildings up to 35 ft.
7. Minimum distance to other buildings – 25'
8. Maximum units per townhouse building – 8
9. Maximum units per stacked townhouse building - 16
10. Parking – 1.75 parking spaces per unit.

C. Single-Family units, which may be family or age-restricted units.

1. Minimum Lot Area – 5,000 square feet
2. Minimum Lot Width – 50 feet
3. Minimum Lot Depth – 100 feet
4. Minimum front yard setback – 20 feet
5. Maximum front yard setback – 25 feet
6. Minimum Rear yard Setback – 15 feet
7. Minimum Side Yard Setback – 5 feet
8. Maximum building height – 40 feet/2 1/2 stories
9. Parking – 2 parking spaces per unit.

2. *Non-residential and mixed use*

1.	Min. Lot Size	22,000 sq. ft. ¹
2.	Min. Lot Width	50 ft.
3.	Min. Lot Depth	50 ft.
4.	Min. Front Yard to Scotch Road	100 ft. for buildings over 35 ft. 50 ft. for buildings up to 35 ft.
5.	Min. Side Yard	None – N/A
6.	Min. Rear Yard	None – N/A
7.	Max.	55 ft. (35' within 100' of Scotch Road)

	Building Height	70 ft. (if over retail space or on East side of Scotch Road)
8.	Max. Lot Coverage	65%
9.	Max. Floor Area Ratio	0.50
10.	Minimum Parking Requirements	3 spaces per 1,000 square feet of non-residential building area

Note 1. Non-residential uses may be subdivided along lease lines with appropriate cross access and parking easements, in which case none of the standards in this Section 2 must be met except limitations on building height.

3. *Permitted Commercial Signage*

- i) Freestanding Monument Signs for Retail Center
 - (1) One sign permitted at each driveway to Scotch Road
 - (2) Maximum Height – 20 feet
 - (3) Maximum Sign Area – 200 square feet
 - (4) Sign Setback- 10 feet
- ii) Wall/Façade Signs for Shopping Center
 - 1. Maximum sign area – two (2) square feet per one (1) lineal foot of building width dedicated to the specific business or one hundred (100) square feet, whichever is larger.
 - 2. Anchor tenants are permitted façade signs equal to 10% of the total façade area.
- iii) Freestanding Signs for Pad Sites. One freestanding monument sign may be provided for each pad site.
 - (1) Maximum Height – 15 feet
 - (2) Maximum Sign Area – 100 square feet
 - (3) Sign Setback – 10 feet
- iv) Wall/Façade Signs for Pad Sites
 - (1) 75 square feet on primary/front façades.
 - (2) 50 square feet on internal facades.
- v) Two directional signs are permitted at each driveway entrance at a maximum height of 6-feet with a maximum area of 10 square feet.
- vi) Canopy signage is permitted in addition to the wall signs. The maximum sign area on the canopy shall not exceed 40 square feet per side.

vii) Drive-thru establishments are permitted signage, intended for the drive-thru user only and not the general public, including a menu board, not to exceed 20 square feet, and directional signage for ordering lanes, not to exceed 2 square feet.

GENERAL DEVELOPMENT PLAN

The developer(s) of the Inclusionary Planned Development Districts may submit a general development plan to the approving authority for review and approval prior to submitting a preliminary plat. The submission shall be in accordance with section 17-126. The design standards for required improvements shall comply with the approved general development plan and the provisions of this ordinance that have not been modified by the approved general development plan.

VERY LOW, LOW AND MODERATE INCOME HOUSING REQUIREMENTS

1. Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing.
2. Twenty-percent (20%) of the total residential units, exclusive of assisted living, are to be set-aside as affordable housing (low- and moderate-income units) up to a maximum of 430 units.
3. Ten-percent (10%) of the assisted living units, are to be set-aside as affordable housing (low- and moderate-income units) up to a maximum of 50 units.
4. A minimum of 13% of the affordable units shall be very low income units, affordable to households earning 30% of the median income; and 37% of the affordable units shall be low income units. The balance of units (50 percent) shall be moderate income units.
5. The affordable housing units shall be distributed throughout the Inclusionary Planned Development Zones.
6. The Township-designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.
7. At least 185 of the low- and moderate-income units shall be family rental units and shall not be age-restricted.
8. A maximum of 15% of the low- and moderate-income units may be age-restricted. Age-restricted affordable units shall be integrated into and distributed throughout the market-rate age-restricted development.
9. The production of low and moderate income units and market units shall be in accordance with the following schedule:

Minimum Percentage of Low and Moderate Income Units Completed	Percentage of Market Units Completed
0	25
10	25 + 1 unit
50	50
75	75
100	90
10. A Continuing care retirement community may include independent living units and assisted living beds, not to exceed a total of 500 units and/or beds. Up to 400 assisted living beds are permitted, of which at least 10 percent shall be reserved for Medicaid recipients, consistent with N.J.S.A. 26:2H 12.16, et seq. and N.J.A.C. 8:36-5.1, et seq.	
11. All affordable residential units shall be subject to a control period pursuant to N.J.A.C. 5:80-26.11 of not less than forty (40) years.	

OTHER REQUIREMENTS

1. Site Design - Any application for development or redevelopment shall include at least the following elements:
 - A. An overall development plan for the Redevelopment Area identifying land use types, building heights, floor areas of each building and the number of residential units, designed to be a vital and walkable place that:
 - is compact;
 - is designed for the human scale with buildings placed closer to the street and a variety of gathering places;
 - provides a mix of uses, including residential, commercial, civic green spaces in close within the neighborhood;
 - provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
 - incorporates environmental features into the design;
 - B. Architectural elevations, renderings and floor plans.
 - C. A circulation and streetscape plan, indicating the overall design with a boulevard street entry, and locations and types of materials to be used, including pavements, trees and other plantings and any street furniture. Pedestrian and/or bicycle circulation systems shall be designed to extend throughout the development and connect with open space and common areas.
 - D. Parking, loading and vehicular access plan. A traffic circulation analysis shall analyze traffic conditions in the project vicinity and identify existing traffic problem areas as well as the cumulative effect of traffic from the redevelopment area on adjacent and affected roadways. Shared parking arrangements are permissible, subject to a showing of parking sufficiency.

- E. Landscape plan. Use indigenous and non-invasive species to the greatest extent practicable.
- F. Open Space Plan. The open space requirement for the IPD Districts shall be substantially satisfied by the dedication of 174 acres on the west side of Scotch Road, pursuant to the Settlement Agreement. Nonetheless, neighborhood-scale open spaces shall also be distributed throughout the developed areas, including neighborhood parks (approximately 5,000 square feet) and green space. The site landscape design shall include a component to assist the township in meeting Tree City qualifications.
- G. Utility plan. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.
- H. Stormwater management plan - . Stormwater designs shall use as naturalized designs and shall promote water quality, minimize maintenance and provide for groundwater recharge. Use low impact development design techniques to the greatest extent practicable. Where possible use geologic formations to enhance groundwater recharge.
- I. Lighting plan. Use LED and low energy use lighting. Accommodate Dark Sky design standards to the greatest extent practicable.
- J. Phasing plan – Phasing shall be indicated for all elements to be constructed as the development proceeds. This shall include the phasing of construction of utilities, access roads and key service components of the development, which may occur independent and in advance of building construction.

2. Building Design. The design of the residential buildings shall be of a residential character and not institutional and an integrated architectural theme shall be utilized throughout each neighborhood, including principal and accessory buildings and structures and all signage.

- A. Architectural elevations and floor plans shall be provided for each type of building.
- B. Maximum length of buildings shall not exceed 225 feet unless a 4' offset is provided in the facade.2. Variations in setback, materials, colors and design including breaks in the building façade shall be encouraged to reduce and separate the building mass.
- C. Rooflines shall be pitched. If flat roofs are provided, they shall incorporate green design techniques including either vegetation or solar collection and shall be designed to shield any roof-mounted equipment.
- D. All HVAC and mechanical equipment shall be adequately screened from view.
- E. All multiple family dwelling buildings and all accessory buildings and structures, including signs, shall be designed in a unified architectural style.
- F. Building design shall include spare electrical conduit to permit future installation of rooftop mounted solar.

VARIANCES AND INAPPLICABLE ORDINANCES

- A. The Planning Board is authorized to grant (C) variances from the redevelopment standards and other zoning standards that are not superseded by the redevelopment plan. The Planning Board is also authorized to grant waivers from design standards.

- B. In order to achieve the number of affordable units and related market rate units provided for in the settlement agreement, the site design may require deviation from strict application of certain municipal design standards. In all cases, NJDEP Flood Hazard Area rules, wetland rules including wetland buffers shall be complied with. Should deviations from stream corridor standards be necessary, stream corridor averaging shall be used to minimize the total area of stream corridor that is lost because of the deviation.
- C. The developer of a redevelopment project proposing the construction of affordable housing shall be entitled to request relief from asserted cost generative features in the Township's land use ordinances as authorized by N.J.A.C. 5:93-10.1, *et seq.*.

MUNICIPAL COOPERATION WITH UTILITIES

The Township shall confirm in writing its support of submission and applications for all utilities (specifically water and sewer) and all necessary government agency or private utility approvals related to all aspects of the development within five (5) business days of a written request for such support from the developer. Specifically, the Township shall assist the developer in discussions with ELSA, Mercer County, NJDOT, NJDEP, the DRCC and any other public or private entity with which the developer must deal in order to develop the subject property, including any effort the developer may make to decrease the fees charged by ELSA. The Township shall assist in acquiring rights-of-way or easements if necessary. The Township shall make available redevelopment tools for the subject property as fully as permitted by law.

REDEVELOPER'S AGREEMENT

The Redeveloper shall enter into an agreement with the municipality pursuant to the provisions of N.J.S.A. 40:55D-39 within 90 days of a memorialized Board resolution of final site plan approval setting forth variations from ordinary standards for preliminary and final approval to provide increased flexibility and promote mutual agreement between the applicant and the municipality at the time of conceptual master site plan approval. The substance of the Redeveloper's Agreement shall be consistent with the laws of the State of New Jersey, the Hopewell Land Use Code and the conditions and standards applicable to development in the zone. The Redeveloper's Agreement shall be in a form satisfactory to the Township Attorney and the Redeveloper, shall be assignable to such other redeveloper or redevelopers as are reasonably acceptable to the Township at no cost, and may include, but is not limited to, provisions relating to the following:

- Building layout and use.
- Signage: Criteria to ensure a harmonious signage design for the entire development, which shall include lettering style, lighting standard types, sign material and sign lighting.

- Architecture: Architectural design standards to ensure that the development will result in an aesthetically-harmonious design which may include external building materials, fenestration, color, mechanical penthouse screening and roof appearance where visible from adjoining buildings of higher elevation. Upon application by the developer and upon approval of the Planning Board, architectural criteria may be revised from time to time.
- Lighting plan: to ensure a uniform lighting plan to provide safe and attractive lighting for exterior roads, interior roads and driveways, parking lots, walkways and landscape display lighting.
- Landscaping: to ensure retention of natural vegetation, landscaping of parking areas, landscaping of building sites and the screening of trash collection and removal areas, buffering and wind shielding, pedestrian and bike linkages between buildings and the entire tract to encourage free passage while discouraging conflict with vehicular traffic.
- Recreation: Active and passive recreational facilities, such as jogging and fitness trails, passive sitting areas, and other athletic facilities shall be provided for the benefit of building occupants.
- Maintenance: Developer's obligation to maintain: provisions for maintenance and repair by the developer, or his successors, of building exteriors, trash removal and maintenance of public improvements until acceptance, landscaping, buffered areas and open spaces.
- Payment In Lieu Of Taxes Agreement

PLAN AMENDMENT

Amendments to the Redevelopment Plan may be adopted in order to meet changing circumstances within and affecting the Redevelopment Area and the Township, but any site plan must be consistent with the adopted or amended Redevelopment Plan and conform to the design requirements of the ordinance.

CHAPTER V
SITE SUITABILITY INFORMATION

ENOURATO



TOWNSHIP OF HOPEWELL

MERCER COUNTY

SITE SUITABILITY INFORMATION

Enourato

September 21, 2015

Revised November 19, 2017

Page 1 of 1

Block: 78
Lots: 17
Address: 2500 Pennington Road
Present Owners of Record: Albert M. Enourato

Existing Zoning: HBO
Proposed Zoning: IMF-1
Planning Area: PA2

Sewer Service: ELSA (Included in existing sewer service area)
Water Service: Trenton Water (Included in existing water franchise area)

SITE SUITABILITY

Gross Lot Area: 11.0 Acres
Constrained Areas: 4.0 Acres (wetlands and transition areas)
Net Area for Development **7.0 Acres**

- Enourato filed Interested Party Status request 07/28/15
- Schedule

DEVELOPMENT PROCESS ACTION	DATE ANTICIPATED TO BEGIN	DATE ANTICIPATED TO BE COMPLETED
Proposed Zoning	11/13/17	11/27/17
Development Approvals	1/2018	7/2019
Building Permits	9/2019	2/2022
Occupancy	3/2020	7/2022

Environmental Constraints

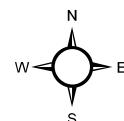
Block 78

Lot 17

Portion of
Hopewell Township
Mercer County, NJ
November 2017

Legend

- Subject Properties (Yellow outline)
- Water (Dark Blue)
- Wetlands (Light Blue)
- 50' Wetlands Buffer (Blue with diagonal lines)

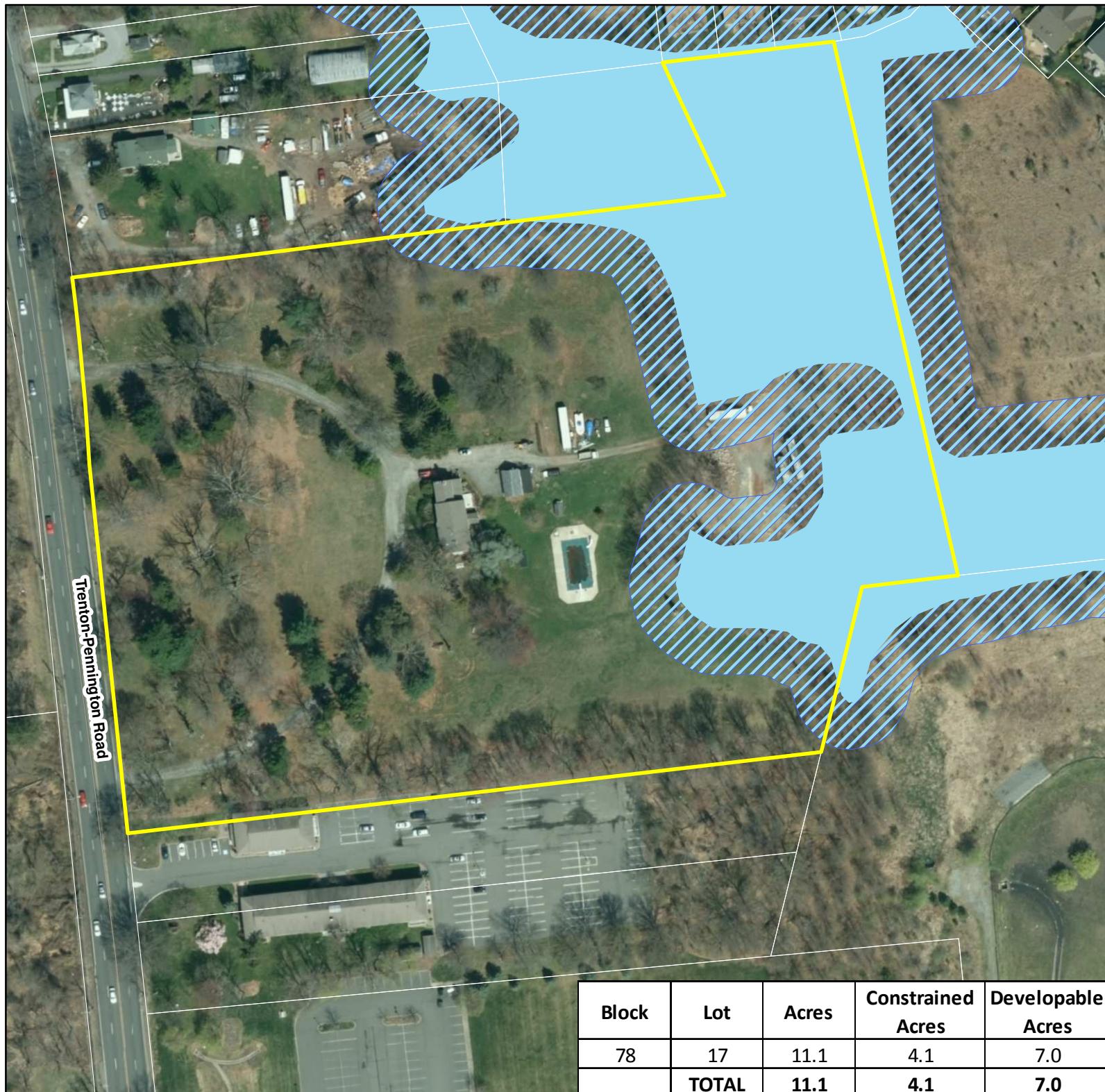


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Feet

Data Sources:
NJGIN Parcels 2011
NJDOT Roadway Network
NJOGIS 2015 Aerial Photography
NJDEP 2012 Land Use/Land Cover
NJDEP 10 Meter DEM's
FEMA Floodzones

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.

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ASSOCIATES, INC.
Planning and Design



**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 17 -

**AN ORDINANCE AMENDING VARIOUS ZONING PROVISIONS OF
CHAPTER XVII, LAND USE AND DEVELOPMENT, OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL (1978)"**

BE IT ORDAINED by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey as follows:

Section 1. Amend Section 17-138(a) so that the Zoning Map includes Block 78, Lot 17 within the ***Inclusionary Multi-Family – 1 Zone (IMF-1)***.

Section 2. Amend Section 17-138(b) "Map Amendments" to add the following note:

"21. The official zoning map of the Township of Hopewell was amended on _____ (Ord. No. _____) to designate Block 79.01, Lot 21 within the ***Inclusionary Multi-Family – 1 Zone (IMF-1)***.

Section 3. Article IX, entitled "Zoning Districts", of Chapter XVII, Land Use and Development, of the "Revised General Ordinances of the Township of Hopewell, New Jersey (1978)," is hereby amended and supplemented with the addition of the Inclusionary Multi-family -1 Zone (IMF-1) to read as follows:

17-173 *Inclusionary Multi-Family – 1 Zone (IMF-1)*

- a. *Purpose.* The purpose of this district is to provide an opportunity for inclusionary residential development in an appropriate location in order to meet the constitutional obligation to provide for the Township's fair share of the regional need for affordable housing. This zone advances the dual master plan objectives of increasing the supply of affordable housing and diversifying the types of housing available to meet the changing demographics of the Township. This zone is also intended to implement the terms of a certain Settlement Agreement, including the Supplemental Settlement Agreement attached thereto, by and between, *inter alia*, the Township and Fair Share Housing Center dated July 13, 2017, which Agreement was approved by the Court at a Fairness Hearing held on August 28, 2017 in the action captioned *In the Matter of the Application of the Township of Hopewell*, Docket No. MER-L-1557-15 (Mt. Laurel).
- b. Permitted Principal Uses.
 1. Garden apartments.
 2. Townhouses.
 3. Stacked flats, in a multi-family dwelling building, which may contain up to three dwelling units vertically provided each unit has its own private entrance. Stacked flats may have rear loaded driveways and garages with a rear access

way of 24' in width (excluding driveways) for 2 way traffic or 18' in width (excluding driveways) for 1 way access.

c. Permitted Accessory Uses

1. Structures designed for recreation or community use as a part of the multi-family dwelling development.
2. Private garages and carports.
3. Tot lots.
4. Walking paths.
5. Off-street parking facilities.
6. Community clubhouse with fitness room, club room and furnished model.
7. Management and leasing offices.
8. Maintenance office/garage building not to exceed one (1) story in height and 1,500 square feet in floor area. The façade design shall match the residential structures.
9. Solid waste facilities.
10. Monument signs located at entrance to be constructed of stone or brick, not to exceed 100 square feet in area and eight (8) feet in height.
11. Utility structures and facilities needed to provide the direct service of gas, electricity, telephone, water, sewerage and cable television.
12. Temporary Sales Model Homes within the respective home types, including related direction signage to identify the home(s) as a model.
13. One temporary construction and one temporary marketing/sales trailers.
14. Patios and Decks directly adjacent to the rear of any homes, which shall also be permitted to be located within building setbacks.
15. Privacy fences separating the townhomes shall not exceed 10' in length and shall not enclose a patio.
16. Such other accessory uses customarily incidental to the uses permitted herein, however outdoor storage other than that which can be accommodated on a deck or patio is not permitted. Free standing or attached storage sheds outside of a patio or deck are not permitted.

d. Overall or Entire Tract Bulk and Area Requirements

1. Minimum Lot Area	10 acres
2. Minimum Lot Frontage	150 feet
3. Minimum Lot Width	300 feet
4. Minimum Lot Depth	200 feet
5. Minimum Building Set-back	
1. Front yard	45 feet (for individual units: shall be 20' from back of curb where no sidewalk provided, and 20' from back of sidewalk)
2. Side/Rear yard	40 feet (for individual units: shall be 10' from back of curb)
3. Building to Building	20 feet
6. Maximum Building Coverage	30%
7. Maximum Impervious Coverage	60%
8. Maximum Density	8 units/acre
9. Maximum Building Height	3 stories and 45 feet
10. Drive Aisle Width	24' for 2 way traffic/access

11. Parking (excludes driveways for the purpose of set-back and distance)		
1. Spaces per unit		per RSIS
2. Set-back from tract property line	20 feet	
3. Distance from building		10 feet
4. Parking stall size		9' x 18'
17. Minimum landscaped buffer		25' front yard 20' side and rear yards

e. Very Low, Low and Moderate Income Housing Requirements

1. A minimum set aside of 15% of all units must be deed restricted for occupancy by very, low and moderate income households.
2. Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing.
3. A minimum of 13% of the affordable units shall be very low income units, affordable to households earning 30% of the median income; and 37% of the affordable units shall be low income units. The balance of units (50 percent) shall be moderate income units.
4. Affordable housing units shall be affordable family rentals (not age-restricted) and shall be located in one or more buildings. A Certificate of Occupancy for the affordable building must be issued before the Township is obligated to issue more than 51% of the Certificates of Occupancy for the market rate units. The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

f. Other Requirements

1. Building Design. The design of the buildings shall be residential and not institutional and shall conform to the following:
 - a. Architectural elevations and floor plans shall be provided for each type of building.
 - b. Maximum length of buildings shall not exceed 225 feet.
 - c. Variations in setback, materials, colors and design including breaks in the building façade shall be encouraged to reduce and separate the building mass.
 - d. Rooflines shall be pitched. If flat roofs are provided, they shall incorporate design techniques to shield any roof mounted equipment.
 - e. All HVAC and mechanical equipment shall be located on the side or rear of each home. If not so located then the HVAC and mechanical equipment shall be adequately screened from view.
 - f. All units shall be designed in a unified architectural style.

2. Circulation.

- a. A boulevard street entry shall be provided at the community entrance.

- b. Pedestrian circulation systems shall be designed to extend through the neighborhood and connect with open space and common areas. Sidewalks shall be provided on at least one side of the streets.
- 3. Open Space - A minimum of 20 percent of the tract shall be specifically set aside for conservation, recreation and/or other open space.
- 4. Utilities/Services. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.
- 5. Recreation. For a community less than 90 homes, recreation shall be permitted as a system of walking paths or sidewalks and a tot lot to service the subject property.

Section 4. The review of development applications submitted hereunder shall be expedited and variances other than "d"-type variances, waivers and/or exceptions necessary to achieve approval of an inclusionary development of up to 8 dwelling units per acre shall be reviewed by the Planning Board.

Section 5. If any section of this ordinance is determined to be invalid, such determination shall apply only to that section and the remainder of the ordinance shall be deemed to be valid.

Section 6. This ordinance shall take effect upon passage and publication as provided by law.

Date Introduced:

Date Advertised:

Date Adopted:

CHAPTER V
SITE SUITABILITY INFORMATION

WOODMONT



TOWNSHIP OF HOPEWELL

MERCER COUNTY

SITE SUITABILITY INFORMATION

Woodmont

September 21, 2015

Updated November 19, 2017

Page 1 of 1

Block: 78.09
Lots: 21
Address: 87 Federal City Rd.
Present Owners of Record: Donna and David Klockner

Existing Zoning: R-100
Proposed Zoning: IMF-1
Planning Area: PA2

Sewer Service: ELSA (Included in existing sewer service area)
Water Service: Trenton Water (Included in existing franchise area)

SITE SUITABILITY

Gross Lot Area: 21.0 Acres
Constrained Areas: 6.0 Acres
Net Area for Development **15.0 Acres**

- Schedule

DEVELOPMENT PROCESS ACTION	DATE ANTICIPATED TO BEGIN	DATE ANTICIPATED TO BE COMPLETED
Redevelopment Plan	10/02/17	10/23/17
Development Approvals	2/1/18	12/30/18
Building Permits	1/15/19	6/1/19
Occupancy	3/1/19	12/30/19

Environmental Constraints

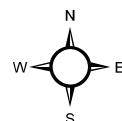
Block 78.09;

Lot 21

Portion of
Hopewell Township
Mercer County, NJ
November 2017

Legend

- Subject Property
- Water
- Wetlands
- 50' Wetlands Buffer

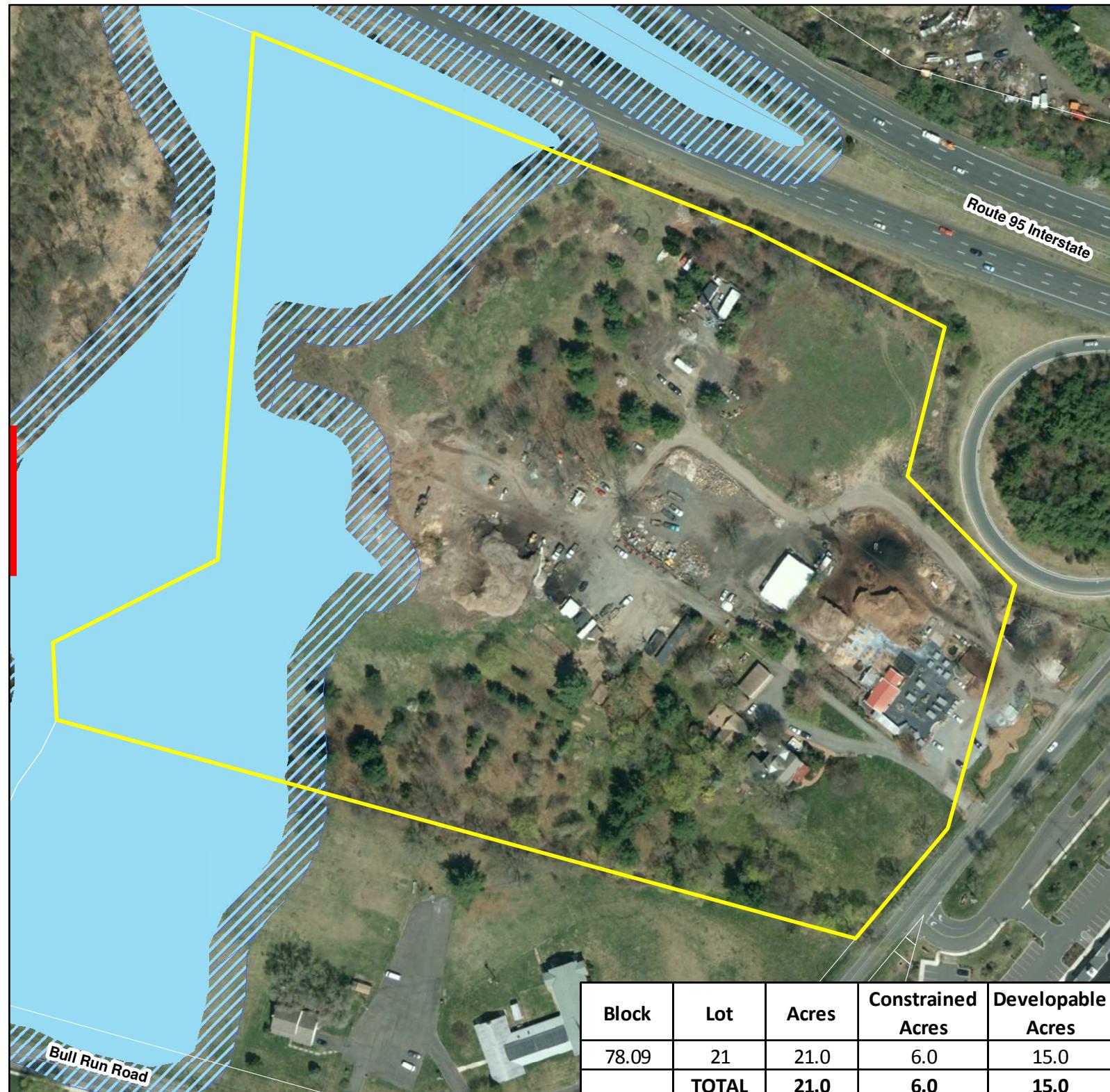


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Feet

Data Sources:
NJGIN Parcels 2011
NJDOT Roadway Network
NJOBIS 2015 Aerial Photography
NJDEP 2012 Land Use/Land Cover
NJDEP 10 Meter DEM's
FEMA Floodzones

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.

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ASSOCIATES, INC.
Planning and Design



**TOWNSHIP OF HOPEWELL,
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 17-1666

**AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE
WOODMONT AREA IN NEED OF REDEVELOPMENT IN
ACCORDANCE WITH N.J.S.A. 40A:12A-7 AND AMENDING CHAPTER
XVII, "LAND USE AND DEVELOPMENT," ARTICLE VIII, "ZONING-
GENERAL PROVISIONS," SECTION 17-138.b, "ZONING DISTRICTS"
TO ADD SUB-PARAGRAPH 20 TO THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF HOPEWELL**

WHEREAS, the Township Committee of the Township of Hopewell, County of Mercer, directed the Planning Board to undertake a preliminary investigation as to whether certain areas within the municipality met the statutory criteria for declaring the lands an area in need of redevelopment on May 8, 2017 as memorialized in Resolution No. 17-172; and

WHEREAS, the Planning Board of the Township of Hopewell, County of Mercer conducted the preliminary investigation to determine if Block 78.09, Lot 21, the "Woodmont Site" met one or more of the criteria for such designation pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board, after the conclusion of a public hearing held on July 27, 2017, adopted Resolution No. 17-013 finding and concluding that the Woodmont Site satisfies the criteria for redevelopment area designation set forth in N.J.S.A. 40A: 12A-5c, 5d, 5e and 5h and recommending to the Township Committee that the study area was an area in need of redevelopment; and

WHEREAS, the Township Committee favorably received the recommendation of the Planning Board and by the adoption of Resolution No. 17-013, dated July 27, 2017, established the Woodmont Redevelopment Area, among others; and

WHEREAS, Resolution No. 17-013 also authorized the preparation of a redevelopment plan for any portion or the entirety of the area in need of redevelopment; and

WHEREAS, the Township Committee finds that the redevelopment plan adopted herein is designed to implement a comprehensive redevelopment strategy to overcome blighting conditions in the Woodmont Site and is intended to improve the quality of life of the residents, landowners, business owners and visitors thereto to the Township of Hopewell through new investment for business and job creation; and

WHEREAS, the Township Committee desires to adopt the Woodmont Redevelopment Plan, dated October 2, 2017, attached hereto for the Woodmont Redevelopment Area designated as Block 78.09, Lot 21 on the tax assessment maps of the municipality, constituting the Woodmont Site.

NOW, THEREFORE BE IT ORDAINED, that the Township Committee of the Township of Hopewell adopts the following provisions:

Section 1. Adoption of the Woodmont Redevelopment Plan. The Township Committee hereby adopts the Woodmont Redevelopment Plan, dated October 2, 2017, prepared by Francis J. Banisch AICP/PP, and hereby adopted by reference and incorporated into this ordinance as if sent forth at length.

Section 2. Establishment of the Redevelopment Ordinance Title. This ordinance may be known and cited as, "The Woodmont Redevelopment Ordinance of the Township of Hopewell, Mercer County, New Jersey".

Section 3. Purpose and Intent. The purpose and intent of this ordinance is to further the following goals and objectives.

- A. To return the property to productive use through the efforts of private capital and ownership.
- B. To provide appropriate development standards to guide and facilitate the redevelopment of the Woodmont property in a manner consistent with the overall redevelopment goal;
- C. To encourage high quality architectural design and construction of new buildings within the redevelopment area;
- D. To utilize "green" building techniques and sustainable design features in both the site design and commercial building design consistent with the goals and objectives of the Hopewell Township Master Plan

Section 4. Redevelopment Authority. The Township Committee shall act as the "Redevelopment Authority" pursuant to N.J.S.A. 40A-12A-4.c for purposes of implementing the Woodmont Redevelopment Plan and carrying out redevelopment projects. In doing so, the Township Committee shall have all of the powers set forth in N.J.S.A. 40A:12A-8 to effectuate its duties and responsibilities in the execution and implementation of the redevelopment plan.

Section 5. Annual Reports. Pursuant to the requirements of N.J.S.A. 40A:12A-43, the municipality shall submit an annual report to the Commissioner of the Department of Community Affairs of the State of New Jersey indicating the name, location and size of all projects undertaken in the redevelopment area.

Section 6. Section 17-138.b of the Land Use and Development Ordinance of the Revised General Ordinances of the Township of Hopewell shall be amended to add paragraph 20, as follows:

20. The official zoning map of the Township of Hopewell was amended on October 23, 2017 [such date being the date of the final passage of this ordinance] to designate Block 78.09 Lot 21 as the Woodmont Redevelopment Area pursuant to N.J.S.A. 40A:12A-7.c.

Section 7. Continuation. In all other respects, the Code of the Township of Hopewell shall remain unchanged.

Section 8. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Hopewell, then the restriction which imposes the greater limitation shall be enforced.

Section 10. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 11. Enactment. This Ordinance shall take effect after final passage and publication in the manner prescribed by law.

Date Introduced: October 2, 2017
Date Advertised: October 6, 2017
Date Adopted: October 23, 2017



Kevin D. Kuchinski
Mayor

Attest:



Laurie E. Gompf
Municipal Clerk

Redevelopment Plan

for

Block 78.09, Lot 21

Hopewell Township
Mercer County

establishing the

***Inclusionary Multi-Family – I Zone
(IMF-I)***

October 2, 2017

Prepared by:
Hopewell Township Committee
With Assistance from:
Banisch Associates, Inc.

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1. INTRODUCTION

1.1 BASIS FOR THE PLAN

This Redevelopment Plan has been prepared pursuant to New Jersey's Local Redevelopment and Housing Law (LRHL) for Lot 21 in Block 78.09 ("Redevelopment Area"), located at Federal City Road, adjoining I-95 in southern Hopewell (see Figure 1 – Aerial Photo of Redevelopment Area).

The property consists of approximately 22 acres. With the exception of a small triangular area along Federal City Road that lies in Lawrence Township, the property is located in the southeastern corner of Hopewell Township.¹ The property is zoned for single-family detached homes, but its location - adjoining an access ramp to Interstate 95 - makes it a less attractive location for single-family detached homes.

The site has been included as a compliance site in a settlement agreement with Fair Share Housing Center (FSHC) and is an integral part of the Township's plan to address its 1999 – 2025 housing obligation. A settlement agreement with Woodmont Properties, L.L.C (Woodmont) provides for the development of this property with a neighborhood of 300 rental units, of which at least 48 (16%) will be affordable to very low, low and moderate income households.

Hopewell Township Committee Resolution No. 17-172, directed the Hopewell Township Planning Board to determine if the subject property qualified as a non-condemnation area in need of redevelopment. The Planning Board recommended that the site be determined an area in need of redevelopment, pursuant to a July 2017 Preliminary Investigation Report. This Redevelopment Plan has been prepared at the direction of the Hopewell Township Committee.

1.2 REDEVELOPMENT PLANNING PROCESS

The LRHL details the process that a municipality must follow to utilize the State's redevelopment powers. The adoption of a redevelopment plan is a precondition for the use of these powers, which permit municipalities to plan and zone in a manner that can remedy the blighting effects of underperforming, outdated or obsolete land uses and structures.

After adoption of a redevelopment plan, the municipality may:

- Negotiate and collect revenues from a redeveloper to defray the costs of the redevelopment entity

¹ For purposes of this Plan, the term "property" shall refer to the portion within Hopewell Township only.

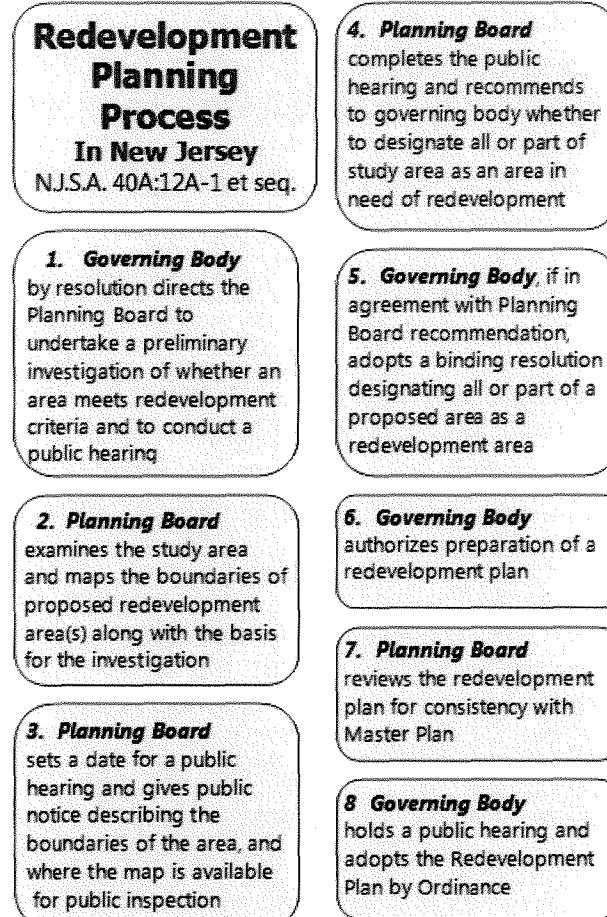
- Clear any area owned or acquired and install, construct or reconstruct public infrastructure essential to the preparation of sites for use in accordance with the redevelopment plan.
- Contract for professional services.
- Contract with public agencies or redevelopers for the undertaking of any project or redevelopment work.
- Lease or convey property or improvements to any party without public bidding.

According to the Local Redevelopment and Housing Law (NJSA 40A: 12A-1, et seq.), the Redevelopment Plan shall include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definitive local objectives, including appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements;
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area;
4. Identification of properties to be acquired, if any;
5. Any significant relationship of the Redevelopment Plan to the Master Plans of contiguous municipalities, the County and the State Development and Redevelopment Plan;
6. Enumeration of deed-restricted affordable units in the redevelopment area and their disposition.

1.3 OVERVIEW OF REDEVELOPMENT AREA

Hopewell Township occupies the northwest corner of Mercer County, and is afforded advantageous regional highway access via I-95, which straddles the Township's southern boundary. Figure 2 illustrates the land use character on and immediately adjoining the Redevelopment Area in Hopewell Township, which includes a mixture of religious and educational uses, as well as the residential and commercial/office uses across Federal City



Road in Lawrence Township. Major transportation infrastructure, in the form of I-95, which borders the parcel on the north, provides direct regional access to the Interstate highway network. While State data misclassifies the church to the south of the site on Figure 2, Figure 3 – Property Tax Class – clarifies that it is indeed a church.

The 22-acre subject property is occupied by one single-family dwelling and several accessory buildings. The accessory buildings include several storage buildings and a discontinued garden center and farm market. While the property is mostly developable upland, NJDEP mapping indicates the presence of wetlands along the westerly edge of the property, as seen on Figure 2.

A portion of the site is used by a landscaping business for storage of mulch, landscape materials and equipment. A cellular tower is also located on the site adjacent to I-95. The accessory buildings are in marginal to poor condition, except for the 4-bay garage behind the former garden center, which is in good condition.

The property's location adjacent to I-95 and resulting highway noise make it less desirable for single family residential development, as currently permitted, but access to I-95 makes it an attractive rental location.

1.4 OVERVIEW OF REDEVELOPMENT PLAN

This Redevelopment Plan, which creates an inclusionary multi-family residential zone, advances local community planning objectives related to the provision of affordable housing as part of a balanced housing plan. The inclusionary development serves as a transitional use that will blend well in the community context, and will create high quality rental housing opportunities that are in short supply in Hopewell Township. The redevelopment area's advantageous location will provide the residents with regional access advantages.

2. CONTEXT, VISION AND GOALS

2.1 CONTEXT

The 2009 Hopewell Township Land Use Plan, which echoes the goals, objectives and policies of the 2002 Hopewell Township Master Plan, includes the property within the R-100 Zone. When public water and sewer are available, the R-100 permits single-family homes on lot sizes as small as 20,000 square feet². At the time of adoption of the 2002 Master Plan and the 2009 Land Use Plan, Hopewell Township had no reliable guidance regarding its post 1999 affordable housing obligation. Nonetheless, Hopewell Township's continuing efforts to address its post 1999 constitutional fair share obligation resulted in 149 post-1999 affordable units and credits.

² The ordinance permits a cluster provision on 7,000 square foot lots.

The Township has recently received Court approval to address a 1999–2025 affordable housing obligation of 1,141 low- and moderate-income housing units and, after substantial deliberation, has determined that the subject property is an appropriate site to permit higher-density inclusionary development.

The property is well-situated to provide for inclusionary residential development, having sufficient developable land to accommodate the development, all necessary infrastructure and advantageous regional highway access. The site is also well situated to create an education-focused community, with two (2) institutions of higher learning (The College of New Jersey and Rider University) within a 1.5 mile radius and with ready pedestrian and bicycle access to the adjoining Mercer County Technical School. Improved connectivity will be provided in the form of sidewalks along Federal City Road and walking paths within the new neighborhood.

This Plan establishes the vision for redevelopment of the property and identifies opportunities and constraints specific to the site. It also identifies the intended future uses, their arrangement and design and method of implementation of the plan.

2.2 *GOALS & OBJECTIVES*

This Redevelopment Plan is a key component of Hopewell Township's comprehensive strategy to address its affordable housing obligation. This Plan aims to:

- Aid Hopewell Township in addressing its affordable housing obligation (1999-2025) through creation of a planned neighborhood of higher-density inclusionary housing at the site (IMF-1)
- Advance Hopewell's long-standing goal to provide a wider variety of housing types within the Township
- Guide redevelopment on the property to ensure that the new housing opportunities created will be desirable and marketable
- Present development standards that will protect the character of surrounding areas of Hopewell Township
- Encourage aesthetically pleasing architectural design, layout and finishes
- Lay out a vision for redevelopment that incorporates strategies to create a "sense of place" at the property
- Examine planning documents from surrounding municipalities, Mercer County and NJ SDRP for consistency

2.3 *VISION*

The "bookend generations" – Baby-boomers and Millennials – are increasingly demanding alternatives to single family dwellings on individual lots. Taking advantage of direct access to I-95 and surrounding regional employment, shopping and recreational opportunities, the IMF-

1 zone will provide multiple family housing that appeals to households of varying sizes, ages, and income levels.

This new neighborhood of aesthetically pleasing, low-maintenance, apartments and townhouses will promote an active lifestyle and will address the housing needs of millennials, aging baby boomers, high-level professionals and young families looking to make Hopewell Township their home. Amenities will include recreation facilities, including clubhouse, tot lot, walkways and bike paths. These units will also bring residents who come to the Township looking for its many attributes and later choose to buy a home here.

The units will be arranged to maximize connectivity and echo a traditional neighborhood design, with a central green that is well-defined by use of “street walls.” Amenities including recreational buildings, clubhouses, tot lots, barbecue patios and other common areas will be connected with pathways to promote walking and bicycling on site.

Adaptive reuse should be explored for the Hunt/Fitzpatrick House, one of only 41 properties in the Township listed on or eligible for listing on the National Register of Historic Places. The Historic Preservation Plan cites that the home’s eligibility for listing on the National Register according to the State Historic Preservation Office (SHPO opinion 6/23/1982). The Historic Preservation Plan seeks to safeguard our heritage and foster civic pride in the history and architecture of Hopewell Township, in part by “managing change to historic landmarks and historic districts by *encouraging sensitive alteration and/or new construction*”. Redeveloper shall make the Hunt House available for relocation to any preservation group approved by the Township. The timing of the relocation shall be at Redeveloper’s direction so as to not delay development and the cost of relocation shall be borne by the group moving the structure.”

With a focus on design that promotes the health, happiness and wellbeing of residents, the IMF-1 zone puts a special emphasis on human-scale streetscape elements (such as benches and streetlights) and landscaping that incorporates native plants, trees and shrubs.

2.4 REDEVELOPMENT PLAN’S RELATIONSHIP TO HOPEWELL TOWNSHIP MASTER PLAN

Hopewell Township has spent the past several years examining opportunities for affordable housing to address its constitutional fair share obligation. Primary among the Township’s objectives has been the identification of realistic opportunities for the creation of affordable housing. Block 78.09, Lot 21 has been found to provide such opportunity through inclusionary residential development.

This Redevelopment Plan is consistent with the following basic principles of the 2002 Master Plan and its goals and objectives:

- a. A variety of housing and a balance of opportunities to live, work and play in safe and attractive surroundings should be provided in part by identifying locations and developing criteria for mixed use development.

Rationale: The rezoning of this site will expand and diversify the local housing stock and will assist low and moderate-income households in finding decent, safe, affordable housing. It will diversify the municipal housing stock and also assist young people and older households looking to live in a high-quality rental community with upscale amenities.

- b. An efficient circulation system that promotes important circulation linkages, retains the character of the rural road network and provides for safe vehicular, pedestrian, equestrian and bicycle movements should be maintained.

Rationale: The subject property is located adjacent to an interchange to I-95, which permits access to and from Route 95 northbound. Therefore, the redevelopment of the subject property is an efficient use of the existing highway system and will allow people to travel to and from the north without impacting local rural roads. In addition, train service to Philadelphia is a six to seven minute ride from the site. A network of pedestrian and bicycle pathways will be incorporated into the neighborhood design.

- c. Farmland and open lands should be retained and the impacts of development should be limited throughout the valley and mountain areas in part by allowing the use of techniques to encourage development to designated villages and hamlets.

Rationale: The subject property is not actively farmed and is not in the valley and mountain areas where preservation is a priority for the Township. Compact development in locations like this helps limit development impacts in the mountain and valley areas.

- d. To protect the rural character and unique sense of place of the Township.

Rationale: The subject property has been developed with a single family dwelling, a former nursery and a large cell tower installation and is adjacent to I-95. The decision to direct higher-density housing development to the site may alleviate some development pressure in other areas of the Township that are more rural in character.

- e. To promote the goals and objectives of Hopewell Township through the incorporation of local policies and strategies that respond to the basic premises, intent and purposes of the State Development and Redevelopment Plan and the Mercer County Master Plan.

Rationale: Pursuant to the settlement agreement between Hopewell Township and FSHC, the subject property will be an integral part of the Township's response to its affordable housing obligation. The State Planning Commission has placed the site in Planning Area 2, an area in which the State Development and Redevelopment Plan (SDRP) encourages growth and the production of inclusionary development. The Mercer County Master Plan supports the goals and objectives of the SDRP. More information about how this Redevelopment Plan

relates to the SDRP and Mercer County's Master Plan can be found in section 6, Plan Consistency Review.

- f. To continue and expand upon land use policies that promote controlled development at suitable locations and appropriate intensities by directing and limiting the more intense development to areas where sanitary sewer service and public water supplies exist or are planned, and by discouraging the extension of growth-inducing infrastructure into rural areas.

Rationale: The SDRP locates the site in Planning Area 2, a location where infrastructure is planned and growth is encouraged. The site is particularly appropriate for higher density housing due to:

- its immediate access to Interstate 95
- the ability to provide public water and sewer to the site (located within ELSA sewer service area)

- g. To provide for a variety of housing types which respond to the needs of households of varying size, age and income, persons with disabilities and emerging demographic characteristics.

Rationale: Over the past 40 years, household sizes have been steadily decreasing, while there has been an increase in the percentage of older households. The demographic trends indicate that virtually all of New Jersey's growth over the next 20 years will be in smaller households that are under 35 and over 55. These are households that tend to rent, and demographers that study changes in household formation on housing demand project a strong increase in demand for rental housing.

Regarding the younger households, the Joint Center for Housing Studies at Harvard University concludes:

Meanwhile, the aging of the millennial generation over the coming decade will lift the number of households in their 30s by 2.4–3.0 million, depending on immigration trends. But these numbers vastly underestimate the impact of this group on housing demand since they will account for most newly formed households in the coming decade. Indeed, the millennials will make up fully 24 million new households between 2015 and 2025, *thus driving up demand for rentals and starter homes.*³ (emphasis provided)

In addition, the Joint Center for Housing Studies at Harvard University notes the following national trend regarding rentals:

Two broad trends will drive future growth in renters: the imminent surge in the number of older households and the increasing racial/ethnic diversity of younger age groups. Over the coming decade, the number of renters aged 65 and older is projected to rise by about 2.2 million and

³ State of the Nation's Housing, 2014, page 16.

account for roughly half of all renter growth. *The aging of the population also means that the share of renters that are single persons or married couples without children will soar.*

The redevelopment at the subject property thus responds not only to a wide range of incomes, but also to the varying household size and age characteristics, and emerging demographic trends that will continue to impact the Township and the region.

- h. To promote and support the development and redevelopment of affordable housing intended to address the Township's fair share of the region's lower income housing, particularly in areas served by public transportation which connect to areas of employment.

Rationale: The redevelopment of the subject property is an integral part of a settlement to address the Township's 1999 – 2025 fair share. It is located adjacent to Interstate 95; this direct connection to a major highway will connect residents to regional employment opportunities. A short drive (6-7 minutes) allows residents access to direct train service to Philadelphia, New York and throughout the Northeast Corridor.

- i. To provide a range of housing opportunities within the Township, with densities and lot sizes that respond to the capabilities and limitations of natural systems and available infrastructure.

Rationale: The IMF-1 zone provides an opportunity to expand the range and diversity of Hopewell's housing supply. The subject property lies within the ELSA sewer service area.

- j. To establish transportation policies and programs that improve connections among housing, employment and commercial uses, including provisions for vehicular and pedestrian travel and bicycle paths.

Rationale: The subject property is consistent with this goal in that the housing has a direct access to employment and commercial opportunities through its location at Interstate 95's interchange. Pedestrian and bicycle circulation systems will be incorporated in the design to connect open space and common areas.

- k. To control development in rural areas so that traffic will not exceed the capacity of the existing rural road network and historic bridges to provide safe, efficient and convenient traffic movements based on rural road service standards designed to minimize the character of the community.

Rationale: The use of the subject property as a higher density affordable housing site will limit traffic on rural roads because of its direct access to Interstate 95.

The spirit of Hopewell Township's Master Plan goals and objectives has served to guide this Redevelopment Plan, ensuring it promotes the Township's long-standing goals and objectives, and that the resulting redevelopment will harmonize with established nearby neighborhoods and preserve the high quality of life in Hopewell.

3. LAND USE AND BUILDING REQUIREMENTS

This Redevelopment Plan shall supersede Hopewell's Land Use and Management Ordinance (Chapter 17) in the event of conflict. The general standards set forth in the Hopewell Township Land Use Ordinance shall continue to apply except when inconsistent with the standards set forth in this Redevelopment Plan.

This Redevelopment Plan provides for the development of a multi-family residential inclusionary neighborhood on at least 20 acres that will include 300 non-age restricted rentals, including 16% non-age restricted rentals affordable to very low, low and moderate income households. An appropriate integrated architectural theme shall be utilized throughout the development including principal and accessory buildings and structures and all signage.

3.1 PERMITTED USES

Principal permitted uses include a variety of multi-family dwelling types, including:

- garden apartments,
- townhouses,
- dwelling, plex, and
- stacked flats (multi-family dwelling containing three or more dwelling units vertically and/or horizontally).

Accessory uses include utility structures and facilities, off-street parking facilities, solid waste facilities and structures designed for recreation or community use, private garages and carports, a swimming pool with outdoor dining area, dog runs, tot lots and pedestrian and bicycle paths. There shall be a community clubhouse with fitness room and club room, as well as a furnished model, management and leasing offices and maintenance facilities.

Monument signs, which may be located at the entrance to the development, shall not be internally illuminated and shall be constructed of stone or brick, not to exceed 100 square feet in area and eight (8) feet in height.

3.2 BULK AND AREA REQUIREMENTS

A. Minimum Lot Area	20 acres
B. Minimum Lot Frontage	150 feet
C. Minimum Building Set-back	
1. Front yard	100 feet

2.	Side/Rear yard	35 feet
3.	Building to Building	20 feet
D.	Maximum Impervious Coverage	40%
E.	Maximum Density	The lesser of 300 units or 15 units/acre
F.	Maximum Building Height	4 stories and 75 feet, provided that four (4) story buildings shall be set-back 300 feet.
G.	Parking	
1.	Spaces per unit	1.5
2.	Set-back from property line	20 feet
3.	Distance from building	10 feet
H.	Minimum landscaped buffer adjacent to existing public streets and property lines	20 feet
H.	Minimum set aside of very, low and Moderate-income units	16%

3.3 *VERY LOW, LOW AND MODERATE INCOME HOUSING REQUIREMENTS*

A. Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing. A minimum of 13% of the affordable units shall be very low income units, affordable to households earning 30% of the median income; and 37% of the affordable units shall be low income units. The balance of units (50 percent) shall be moderate income units.

1. Affordable housing units shall be affordable family rentals and shall not be age-restricted.
2. The affordable housing units shall be located in not less than two buildings
3. The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

3.4 *OTHER REQUIREMENTS*

A. Building Design. The design of the buildings shall be residential and not institutional and shall conform to the following:

1. Architectural elevations and floor plans shall be provided for each type of building.
2. Maximum length of buildings shall not exceed 225 feet.

3. Variations in setback, materials, colors and design including breaks in the building façade shall be encouraged to reduce and separate the building mass.
4. Rooflines shall be pitched. If flat roofs are provided, they shall incorporate design techniques to shield any roof mounted equipment.
5. All HVAC and mechanical equipment shall be adequately screened from view.
6. All multiple family dwelling buildings and all accessory buildings and structures, including signs, shall be designed in a unified architectural style.
7. Building design shall include spare electrical conduit to permit future installation of rooftop mounted solar.

B. Circulation.

1. A boulevard street entry shall be provided.
2. Pedestrian and/or bicycle circulation systems shall be designed to extend through and connect with open space and common areas.

C. Open Space.

1. A minimum of 30 percent of the tract shall be specifically set aside for conservation, recreation and/or other open space.
2. No more than one-half of the minimum 30 percent of land area may be wetlands, wetlands buffer, 100-year flood plains or lands with a topographic slope of 15 percent or greater.
3. The site landscape design shall include a component to assist the township in meeting Tree City qualifications.

D. Utilities/Services. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.

E. Stormwater. Stormwater designs shall be in a form as naturalized as possible and shall promote water quality, minimize maintenance and provide for groundwater recharge.

3.5 VARIANCES AND INAPPLICABLE ORDINANCES

A. The Planning Board is authorized to grant (C) variances from the redevelopment standards and other zoning standards that are not superseded by the redevelopment plan. The Planning Board is also authorized to grant waivers from design standards.

- B. In order to achieve the number of affordable units and related market rate units provided for in the settlement agreement, the site design may require deviation from strict application of certain municipal design standards. In all cases, NJDEP Flood Hazard Area rules, wetland rules including wetland buffers shall be complied with. Should deviations from stream corridor standards be necessary, stream corridor averaging shall be used to minimize the total area of stream corridor that is lost because of the deviation.
- C. The developer of a redevelopment project proposing the construction of affordable housing shall be entitled to request relief from asserted cost generative features in the Township's land use ordinances as authorized by N.J.A.C. 5:93-10.1, *et seq.*

3.6 MUNICIPAL COOPERATION WITH UTILITIES

- A. The Township shall confirm in writing its support of submission and applications for all utilities (specifically water and sewer) and all necessary government agency or private utility approvals related to all aspects of the development within five (5) business days of a written request for such support from the developer. Specifically, the Township shall assist the developer in discussions with ELSA, Mercer County, NJDOT, NJDEP, the DRCC and any other public or private entity with which the developer must deal in order to develop the subject property, including any effort the developer may make to decrease the fees charged by ELSA. The Township shall assist in acquiring rights-of-way or easements if necessary. The township will support the use of other redevelopment tools prescribed by law.

4. REDEVELOPMENT ACTIONS

4.1 OUTLINE OF PROPOSED ACTIONS

Construction of new structures and other improvements will take place as proposed in this Redevelopment Plan. The redeveloper will be required to enter into a Redeveloper's Agreement with the Township that stipulates the precise nature and extent of the improvements to be made and their timing and phasing shall be governed as permitted therein.

4.2 PROPERTIES TO BE ACQUIRED

This Redevelopment Plan will not require Hopewell to acquire any privately-owned property within the Redevelopment Area.

4.3 RELOCATION

This Redevelopment Plan will not displace or relocate any residents or businesses within the Plan Area.

4.4 ADMINISTRATIVE PROVISIONS

Redevelopment activities within the Redevelopment Area shall comply with all requirements in any executed redevelopment agreement between a designated redeveloper and the Township of Hopewell.

5. PLAN CONSISTENCY REVIEW

5.1 RELATIONSHIP TO LAWRENCE TOWNSHIP MASTER PLAN

The property is adjacent to Hopewell's border with Lawrence Township., where the zoning to the north is R-1 and to the east is professional office. The redevelopment of the subject property will not have a substantial impact on the Lawrence Township Master Plan, as:

- the area of Lawrence abutting the subject property is virtually fully developed;
- the proposed land use is consistent with other land uses in the area; and
- I- 95 will accommodate much of the proposed community's traffic.

Route 95 will separate the subject properties from all development to the north in Lawrenceville. The land to the east of Federal City Road has been developed as professional offices, single-family housing and a multi-family age restricted community (Traditions Way).

5.2 RELATIONSHIP TO THE MERCER COUNTY MASTER PLAN

The Mercer County Master Plan (amended in 2016) supports the basic goals, objectives and strategies of the State Development Redevelopment Plan. It focuses on combatting urban sprawl and capitalizing on available transportation infrastructure. The use of the subject property for inclusionary development is consistent with the following housing and transportation goals (MCMP pages 30 and 32):

1. Focus on housing needs of the work force.
2. Address the housing needs of both lower-income and moderate-income households
3. Through planning efforts, continue to make efficient use of existing road infrastructure including the implementation of access management concepts to maximize the efficiency of the existing roadway system.

5.3 RELATIONSHIP TO STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The site lies in Planning Area 2 (PA2). The SDRP envisions itself as a growth management plan and PA2 is one of the areas in which the SDRP promotes growth, including higher density inclusionary development. PA2 is a preferred location for inclusionary development. The SDRP's goals for PA-2 include:

- a. Guiding development in more compact forms,
- b. Encouraging densities that promote transit,
- c. Providing for a full range of housing choices, and
- d. Encouraging redevelopment.

The SDRP is designed to use land and transportation infrastructure efficiently and minimize commuting times. The subject property is located at an interchange to Interstate 95 and is a short drive from rail service. It is a convenient location for households looking for a well situated base from which to commute to work or travel to regional shopping and recreational facilities.

The adopted housing policies of the State Development and Redevelopment Plan (SDRP) are specifically advanced by this redevelopment plan, as seen in the highlighted excerpt below:

#6. Housing – Preserve and expand the supply of safe, decent and reasonably priced housing while meeting the constitutional mandate with respect to affordable housing through improved planning, regulatory reform, supportive infrastructure investments, housing subsidies, tax and discounted fee incentives and municipal property tax relief in ways that are consistent with the vision and goals of the State Plan.

6. GENERAL PROVISIONS

6.1 AMENDMENT TO ZONING MAP AND LAND DEVELOPMENT ORDINANCE

The Zoning Map of the Township of Hopewell is hereby amended to indicate the location of the Inclusionary Multifamily Development - 1 Zone and reference this Redevelopment Plan.

6.2 DEFINITIONS

The “Definitions” section of the Township’s Land Development Ordinance shall govern unless a word is otherwise defined herein.

6.3 VARIANCE REQUESTS

Hopewell Township’s Master Plan goals and policies have been designed to permit managed growth in appropriate locations and to protect the many valuable environmental and cultural features of the natural and man-made landscape. These primary objectives continue to govern this redevelopment plan.

Within this context, the Hopewell Township Planning Board may grant variances from the regulations within this Redevelopment Plan, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, the strict application of any bulk regulation adopted pursuant to this Redevelopment Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the redeveloper.

The Hopewell Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan.

An application for site plan approval shall provide public notice of such application and shall further identify all requested variances from the regulations contained herein.

Notwithstanding the above, no variances shall be granted that would permit a use or principal structure not permitted by the Redevelopment Plan or an increase in the maximum permitted floor area ratio or an increase in the maximum permitted height of a principal structure by more than 10 feet or 10%, whichever is less, which can only be modified by a duly adopted amendment to this Redevelopment Plan.

6.4 REQUESTS FOR DESIGN EXCEPTIONS

The Hopewell Planning Board may grant exceptions from the "should" regulations contained within this Redevelopment Plan as may be reasonable and within the general purpose and intent of this Redevelopment Plan or if the literal enforcement of one or more provisions is impractical or will exact undue hardship because of peculiar conditions related to the property in question.

6.5 SITE PLAN AND SUBDIVISION REVIEW

Within the Redevelopment Area, subdivisions and/or site plans providing for the demolition of existing improvements and construction of new buildings and other improvements shall be prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and shall be submitted by the redeveloper for review and approval by the Township of Hopewell Planning Board.

To assure the comprehensive and coordinated development of the Redevelopment Area, any site plan presented to the Hopewell Planning Board shall be consistent with the terms of this Redevelopment Plan and shall include at least the following elements:

- An overall development plan (bubble diagram) for the Redevelopment Area identifying land use types, building heights, floor areas of each building and the number of residential units.
- Architectural elevations, renderings and floor plans.
- A streetscape plan, indicating the overall design, locations and materials to be used, including pavements, trees and other plantings and any street furniture.
- Parking, loading and vehicular access plan. A traffic circulation analysis shall analyze traffic conditions in the project vicinity and identify existing traffic problem areas as well as the cumulative effect of traffic from the redevelopment area on adjacent and affected roadways. Shared parking arrangements are permissible, subject to a showing of parking sufficiency.
- Landscape plan.
- Utility plan.
- Stormwater management plan.
- Lighting plan
- Phasing plan.

No permits shall be issued for construction of buildings within the Redevelopment Area until the Hopewell Planning Board has granted final site plan approval for such improvements.

The criteria for the consideration and approval of the site plan shall be in conformance with the requirements of this Redevelopment Plan, the site plan provisions of the Township of Hopewell Land Use Ordinance and the executed Redevelopment Agreement between the redeveloper and the Township of Hopewell.

6.6 AFFORDABLE HOUSING

Any redeveloper shall be required to build and set aside at least 16% of the total number of units as affordable housing, in any redevelopment agreement between the redeveloper and the Township of Hopewell.

6.7 ADVERSE INFLUENCES

No use shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

6.8 NON-DISCRIMINATION PROVISIONS

No covenant, lease, conveyance or other instrument shall be affected or executed by the Township Committee or by any redeveloper or any of his successors or assignees, whereby the sale, lease, use or occupancy of land within the Redevelopment Area is restricted on the basis of race, creed, color, sexual orientation or national origin. Appropriate covenants, running with the land in perpetuity, shall prohibit any such restrictions and shall be included in the disposition instruments.

6.9 DURATION OF THE PLAN

The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restrictions with respect thereto shall be in effect for a period of 30 years from the date of approval of this plan by the Township Committee.

7. OTHER PROVISIONS

7.1 STATEMENT ABOUT REDEVELOPMENT

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the Plan objectives.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.
- The Redevelopment Plan does not envision a need to acquire privately-owned properties or to relocate any residents or businesses.
- The Redevelopment Plan is substantially consistent with the Master Plan for the Township of Hopewell. The Plan is also complies with the goals and objectives of the New Jersey State Development and Redevelopment.
- This Redevelopment Plan shall supersede all provisions of the Zoning and Land Development Regulations of the Township of Hopewell regulating development in the area addressed by this Redevelopment Plan, except where stated otherwise within the text of this Plan. Final adoption of this Plan by the Township Committee shall be considered an amendment of the Township of Hopewell Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

7.2 PROCEDURE FOR AMENDING THE APPROVED PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A non-refundable application fee shall be paid pursuant to site plan fee schedule found in Section 126-35 "Fees" by the party requesting such amendment, unless the request is issued from any agency of Hopewell Township. The Township Committee, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.

APPENDIX A

Zoning Amendment Creating the IMF-1 Zone

Amend the Land Use and Management Ordinance and Zoning Map to establish a new Inclusionary Multi-Family- 1 (IMF-1) District subject to the following requirements:

Inclusionary Multi-Family-1 (IMF-1) District

This IMF-1 Zone provides for a multi-family residential inclusionary neighborhood that will include up to 300 non-age restricted rental units, including at least 48 (16%) non-age restricted rentals affordable to very low, low and moderate income housing units.

Permitted Uses

- A. Multi-family dwellings consisting of:
 - 1. Garden apartments.
 - 2. Townhouses.
 - 3. Dwelling, plex
 - 4. Stacked flats, in a multi-family dwelling building, which may contain three or more dwelling units vertically with each unit having its own private entrance.

- B. Accessory Uses
 - 1. Structures designed for recreation or community use as a part of the multi-family dwelling development.
 - 2. Private garages and carports.
 - 3. Swimming pools with outdoor dining area, outdoor barbeque and party deck.
 - 4. Dog runs.
 - 5. Tot lots.
 - 6. Walking paths
 - 7. Barbeque patios.
 - 8. Off-street parking facilities.
 - 9. Community clubhouse with fitness room, club room, business center and furnished model.
 - 10. Management and leasing offices.
 - 11. Maintenance office/garage building not to exceed one (1) story in height and 1,500 square feet in floor area. The façade design shall match the residential structures.
 - 12. Solid waste and recycling facilities.
 - 13. Monument signs located at entrance to be constructed of stone or brick, not to exceed 100 square feet in area and eight (8) feet in height.
 - 14. Utility structures and facilities needed to provide the direct service of gas, electricity, telephone, water, sewerage and cable television.

C. Bulk and Area Requirements

A. Minimum Lot Area	20 acres
B. Minimum Lot Frontage	150 feet
C. Minimum Building Set-back	
1. Front yard	100 feet
2. Side/Rear yard	35 feet
3. Building to Building	20 feet
D. Maximum Impervious Coverage	40%
E. Maximum Density	The lesser of 300 units or 15 units/acre
F. Maximum Height of Building and/or Rooftop Equipment	4 stories and 75 feet, provided that any four (4) story buildings shall be set- back 300 feet.
G. Parking	
1. Spaces per unit	1.5
2. Set-back from property line	20 feet
3. Distance from building	10 feet
H. Minimum landscaped buffer adjacent to existing public streets and property lines	20 feet
I. Minimum set aside of very, low and moderate income units	16%

D. Very Low, Low and Moderate Income Housing Requirements

Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing. A minimum of 13% of the affordable units shall be very low income units, affordable to households earning 30% of the median income; and 37% of the affordable units shall be low income units. The balance of units (50 percent) shall be moderate income units.

1. Affordable housing units shall be affordable family rentals and shall not be age-restricted.
2. The affordable housing units shall be located in one or more buildings.
3. The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

E. Other Requirements

1. Site Design

Any application for development or redevelopment shall include at least the following elements:

- A. An overall development plan for the Redevelopment Area identifying land use types, building heights, floor areas of each building and the number of residential units.
- B. Architectural elevations, renderings and floor plans.
- C. A circulation and streetscape plan, indicating the overall design with a boulevard street entry, and locations and types of materials to be used, including pavements, trees and other plantings and any street furniture. Pedestrian and/or bicycle circulation systems shall be designed to extend throughout the development and connect with open space and common areas.
- D. Parking, loading and vehicular access plan. A traffic circulation analysis shall analyze traffic conditions in the project vicinity and identify existing traffic problem areas as well as the cumulative effect of traffic from the redevelopment area on adjacent and affected roadways. Shared parking arrangements are permissible, subject to a showing of parking sufficiency.
- E. Landscape plan.
- F. Open Space Plan
 - 1. A minimum of 30 percent of the tract shall be specifically set aside for conservation, recreation and/or other open space.
 - 2. No more than one-half of the minimum 30 percent of land area may be wetlands, wetlands buffer, 100-year flood plains or lands with a topographic slope of 15 percent or greater.
 - 3. The site landscape design shall include a component to assist the township in meeting Tree City qualifications.
- G. Utility plan. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.
- H. Stormwater management plan - Stormwater designs shall be in a form as naturalized as possible and shall promote water quality, minimize maintenance and provide for groundwater recharge.
- I. Lighting plan
- J. Phasing plan

F. Variances and Inapplicable Ordinances

1. The Planning Board is authorized to grant (C) variances from the redevelopment standards and other zoning standards that are not superseded by the redevelopment plan. The Planning Board is also authorized to grant waivers from design standards.
2. In order to achieve the number of affordable units and related market rate units provided for in the settlement agreement, the site design may require deviation from strict application of certain municipal design standards. In all cases, NJDEP Flood Hazard Area rules, wetland rules including wetland buffers shall be complied with. Should deviations from stream corridor standards be necessary, stream corridor averaging shall be used to minimize the total area of stream corridor that is lost because of the deviation.
3. The developer of a redevelopment project proposing the construction of affordable housing shall be entitled to request relief from asserted cost generative features in the Township's land use ordinances as authorized by N.J.A.C. 5:93-10.1, *et seq.*

G. Municipal Cooperation with Utilities

1. The Township shall confirm in writing its support of submission and applications for all utilities (specifically water and sewer) and all necessary government agency or private utility approvals related to all aspects of the development within five (5) business days of a written request for such support from the developer. Specifically, the Township shall assist the developer in discussions with ELSA, Mercer County, NJDOT, NJDEP, the DRCC and any other public or private entity with which the developer must deal in order to develop the subject property, including any effort the developer may make to decrease the fees charged by ELSA. The Township shall make available redevelopment tools for the subject property as fully as permitted by law.

H. Redeveloper's Agreement

The Redeveloper shall enter into an agreement with the municipality pursuant to the provisions of N.J.S.A. 40:55D-39 within 90 days of a memorialized Board resolution of final site plan approval setting forth variations from ordinary standards for preliminary and final approval to provide increased flexibility and promote mutual agreement between the applicant and the municipality at the time of conceptual master site plan approval. The substance of the Redeveloper's Agreement shall be consistent with the laws of the State of New Jersey, the Hopewell Land Use Code and the conditions and standards applicable to development in the zone. The Redeveloper's Agreement shall be in a form satisfactory to the Township Attorney, and may include, but is not limited to, provisions relating to the following:

- Building layout and use.
- Signage: Criteria to ensure a harmonious signage design for the entire development, which shall include lettering style, lighting standard types, sign material and sign lighting.
- Architecture: Architectural design standards to ensure that the development will result in an aesthetically-harmonious design which may include external building materials, fenestration, color, mechanical penthouse screening and roof appearance where visible from adjoining buildings of higher elevation. Upon application by the developer and upon approval of the Planning Board, architectural criteria may be revised from time to time.
- Lighting plan: to ensure a uniform lighting plan to provide safe and attractive lighting for exterior roads, interior roads and driveways, parking lots, walkways and landscape display lighting.
- Landscaping: to ensure retention of natural vegetation, landscaping of parking areas, landscaping of building sites and the screening of trash collection and removal areas, buffering and wind shielding, pedestrian and bike linkages between buildings and the entire tract to encourage free passage while discouraging conflict with vehicular traffic.
- Recreation: Active and passive recreational facilities, such as jogging and fitness trails, passive sitting areas, and other athletic facilities shall be provided for the benefit of building occupants.
- Maintenance: Developer's obligation to maintain: provisions for maintenance and repair by the developer, or his successors, of building exteriors, trash removal and maintenance of internal roadways, landscaping, buffered areas and open spaces.
- Payment In Lieu Of Taxes Agreement

I. Plan Amendment

Amendments to the Redevelopment Plan may be adopted in order to meet changing circumstances within and affecting the Redevelopment Area and the Township, but any site plan must be consistent with the adopted or amended Redevelopment Plan and conform to the design requirements of the ordinance.

CHAPTER V
SITE SUITABILITY INFORMATION

ZAITZ



TOWNSHIP OF HOPEWELL

MERCER COUNTY

SITE SUITABILITY INFORMATION

Zaitz Tract

September 21, 2015

Updated November 19, 2017

Page 1 of 1

Block: 85
Lot: 3
Address: Washington Crossing-Pennington Road
Present Owner of Record: Hopewell Township

Existing Zoning: R-100
Proposed Zoning: IMF-X
Planning Area: PA2

Sewer Service: ELSA (Included in existing sewer service area)
Water Service: Trenton Water (Included in existing franchise area)

SITE SUITABILITY

Gross Lot Area: 61.40 Acres
Constrained Areas: 5.3 Acres
Net Area for Development **56.10 Acres**

- Acquired by Hopewell Township in 2008.
- Included in Hopewell Township's fair share compliance plan by Hopewell Township Planning Board by Resolution 11-011.
- Schedule

DEVELOPMENT PROCESS ACTION	DATE ANTICIPATED TO BEGIN	DATE ANTICIPATED TO BE COMPLETED
Redevelopment Plan Approval	11/13/17	11/27/17
Contract of Sale	11/27/17	12/11/17
Development Approvals	2/2018	1/2020
Building Permits	3/2020	3/2025
Occupancy	9/2020	10/2025

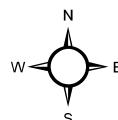
Environmental Constraints

Block 85;
Lots 3, 4, 5.01, 7 & 24

Portion of
Hopewell Township
Mercer County, NJ
November 2017

Legend

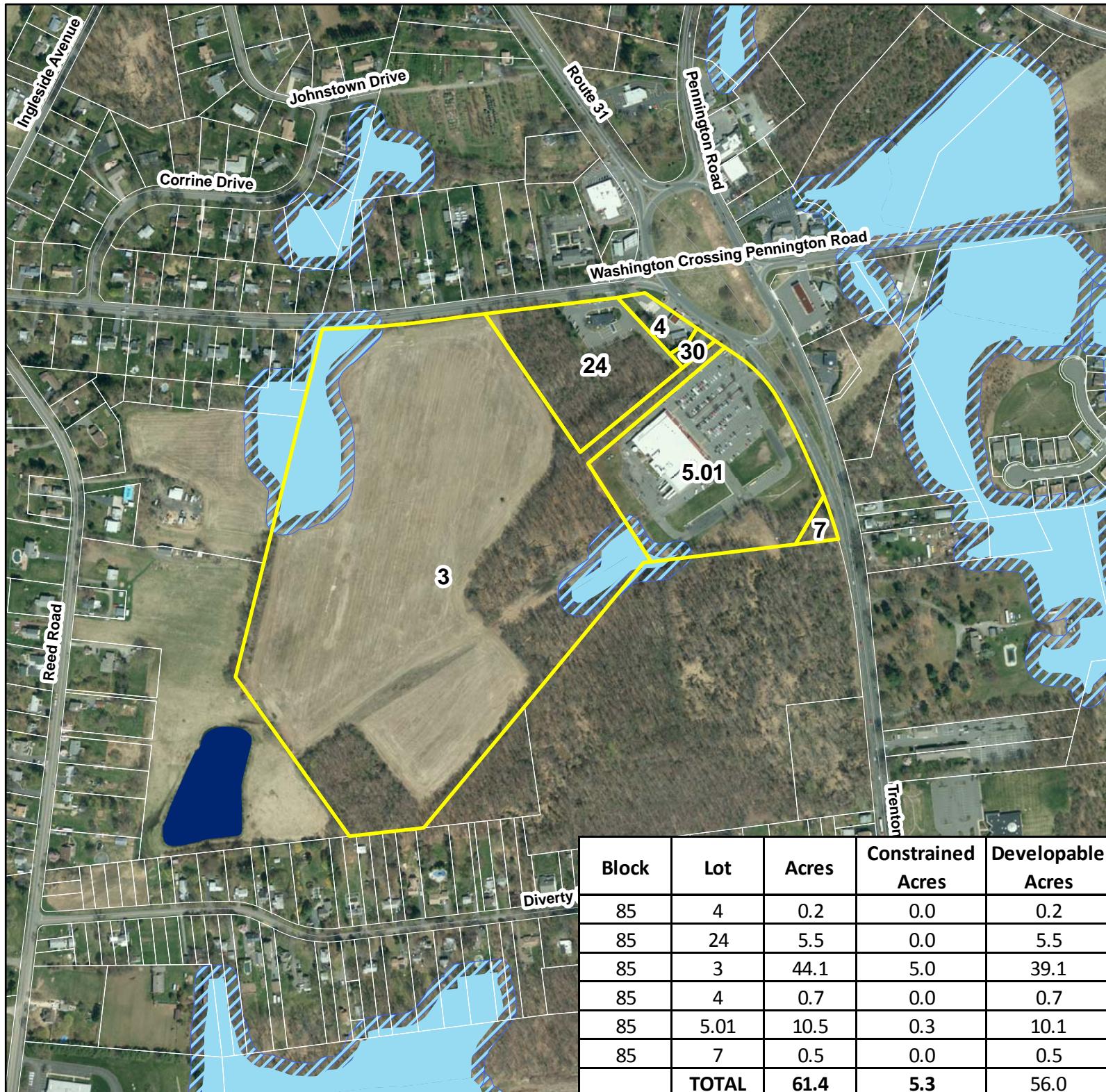
- Subject Properties
- Water
- Wetlands
- 50' Wetlands Buffer



0 400 800
Feet

Data Sources:
NUGIN Parcels 2011
NJDOT Roadway Network
NJOGIS 2015 Aerial Photography
NJDEP 2012 Land Use/Land Cover
NJDEP 10 Meter DEM's
FEMA Floodzones

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.



**TOWNSHIP OF HOPEWELL,
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 17-

**AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR
BLOCK 85, LOTS 3,4,5,01,7 AND 24, KNOWN AS THE ZAITZ AREA IN
NEED OF REDEVELOPMENT, IN ACCORDANCE WITH N.J.S.A.
40A:12A-7 AND AMENDING CHAPTER XVII, "LAND USE AND
DEVELOPMENT," ARTICLE VIII, "ZONING-GENERAL
PROVISIONS," SECTION 17-138.b, "ZONING DISTRICTS" TO ADD
SUB-PARAGRAPH 22 TO THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF HOPEWELL**

WHEREAS, the Township Committee of the Township of Hopewell, County of Mercer, directed the Planning Board to undertake a preliminary investigation as to whether certain areas within the municipality met the statutory criteria for declaring the lands an area in need of redevelopment on May 8, 2017 as memorialized in Resolution No. 17-174; and

WHEREAS, the Planning Board of the Township of Hopewell, County of Mercer conducted the preliminary investigation to determine if Block 85, Lot 3,4, 5.01, 7 and 24, the "Zaitz Area" met one or more of the criteria for such designation pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board, after the conclusion of a public hearing held on September 7, adopted Resolution No. 17-014 finding and concluding that the Zaitz Area satisfies the criteria for redevelopment area designation set forth in N.J.S.A. 40A: 12A-5c, 5d, 5e and 5h and recommending to the Township Committee that the study area was an area in need of redevelopment; and

WHEREAS, the Township Committee favorably received the recommendation of the Planning Board and by the adoption of Resolution No. 17-014, dated September 7, 2017, established the Zaitz Redevelopment Area, among others; and

WHEREAS, Resolution No. 17-014 also authorized the preparation of a redevelopment plan for any portion or the entirety of the area in need of redevelopment; and

WHEREAS, the Township Committee finds that the redevelopment plan adopted herein is designed to implement a comprehensive redevelopment strategy to overcome blighting conditions in the Zaitz Area and is intended to improve the quality of life of the residents, landowners, business owners and visitors thereto to the Township of Hopewell through new investment for business and job creation; and

WHEREAS, the Township Committee desires to adopt the Redevelopment Plan for Block 85, Lots 3,4, 5.01, 7 and 24 dated November, 2017, attached hereto and known as the Zaitz Redevelopment Plan which is designated as Block 85, Lots 3,4, 5.01, 7 and 24 on the tax assessment maps of the municipality.

NOW, THEREFORE BE IT ORDAINED, that the Township Committee of the Township of Hopewell adopts the following provisions:

Section 1. Adoption of the Zaitz Redevelopment Plan. The Township Committee hereby adopts the Zaitz Redevelopment Plan, dated November 2017, prepared by Francis J. Banisch AICP/PP, and hereby adopted by reference and incorporated into this ordinance as if sent forth at length.

Section 2. Establishment of the Redevelopment Ordinance Title. This ordinance may be known and cited as, “The Zaitz Redevelopment Ordinance of the Township of Hopewell, Mercer County, New Jersey”.

Section 3. Purpose and Intent. The purpose and intent of this ordinance is to further the following goals and objectives.

- A. To return the property to productive use through the efforts of private capital and ownership.
- B. To provide appropriate development standards to guide and facilitate the redevelopment of the Zaitz Area in a manner consistent with the overall redevelopment goal;
- C. To encourage high quality architectural design and construction of new buildings within the redevelopment area;
- D. To utilize “green” building techniques and sustainable design features in both the site design and commercial building design consistent with the goals and objectives of the Hopewell Township Master Plan

Section 4. Redevelopment Authority. The Township Committee shall act as the “Redevelopment Authority” pursuant to N.J.S.A. 40A-12A-4.c for purposes of implementing the Zaitz Redevelopment Plan and carrying out redevelopment projects. In doing so, the Township Committee shall have all of the powers set forth in N.J.S.A. 40A:12A-8 to effectuate its duties and responsibilities in the execution and implementation of the redevelopment plan.

Section 5. Annual Reports. Pursuant to the requirements of N.J.S.A. 40A:12A-43, the municipality shall submit an annual report to the Commissioner of the Department of Community Affairs of the State of New Jersey indicating the name, location and size of all projects undertaken in the redevelopment area.

Section 6. Section 17-138.b of the Land Use and Development Ordinance of the Revised General Ordinances of the Township of Hopewell shall be amended to add paragraph 22, as follows:

22. The official zoning map of the Township of Hopewell was amended on November 27, 2017 [such date being the date of the final passage of this ordinance] to designate Block 85, Lots 3,4, 5,01, 7 and 24 known as the Zaitz Redevelopment Area pursuant to N.J.S.A. 40A:12A-7.c.

Section 7. Continuation. In all other respects, the Code of the Township of Hopewell shall remain unchanged.

Section 8. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Hopewell, then the restriction which imposes the greater limitation shall be enforced.

Section 10. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 11. Enactment. This Ordinance shall take effect after final passage and publication in the manner prescribed by law.

Date Introduced:

Date Advertised:

Date Adopted:

Kevin D. Kuchinski
Mayor

Attest:

Laurie E. Gompf
Municipal Clerk

Redevelopment Plan

for
Block 85
Lots 3, 4, 5.01, 7 and 24

Hopewell Township
Mercer County, New Jersey

November 2017

Prepared By:
Banisch Associates, Inc.
111 Main Street, Flemington, NJ 08822

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DRAFT

1. INTRODUCTION

1.1 BASIS FOR THE PLAN

Pursuant to the requirements of N.J.S.A. 40A:12A-6, and at the direction of the Hopewell Township Committee (Resolution No. 17-174), the Hopewell Township Planning Board undertook a preliminary redevelopment investigation of Block 85, Lots 3, 4, 5.01, 7 and 24 (“Redevelopment Area”), and concluded that these parcels should be designated a non-condemnation area in need of redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5. This conclusion was embraced by the Township Committee, as outlined in Resolution No. 17-299.

This Redevelopment Plan has also been prepared at the direction of the Hopewell Township Committee pursuant to New Jersey’s Local Redevelopment and Housing Law (LRHL) for Block 85, Lots 3, 4, 5.01, 7 and 24 (“Redevelopment Area”). These parcels, which occupy the southwest corner of the intersection of Route 31 and Washington Crossing-Pennington Road (CR 546), include over 2,000 feet of frontage on these roadways. (see Figure 1 – Aerial Photo of Redevelopment Area).

The 61-acre Redevelopment Area consists of the five parcels in Block 85:

Lot #	Tax Map Acreage
3	44.08
4	0.68
5.01	10.45
7	0.5
24	5.22
Total Acreage	60.93

The Redevelopment Area is a compliance site in a fair share plan implementing a settlement agreement with Fair Share Housing Center (FSHC) and is an integral part of the Township’s plan to address its 1999 – 2025 housing obligation. The FSHC settlement agreement provides that development of this property will include 78 family rental units, affordable to very low, low and moderate income households.

It is noted that Lot 30 in Block 85, which was not enumerated by the Township Committee among the parcels for investigation by the Planning Board and not formally designated an area in need of redevelopment, is held in common ownership with Lot 24 where it is used as a driveway to Route 31 from the Wells Fargo Bank. Since Lot 30 is surrounded by the Redevelopment Area, planning and zoning for Lot 30 is included in this Redevelopment Plan.

1.2 REDEVELOPMENT PLANNING PROCESS

The LRHL details the process that a municipality must follow to utilize the State's redevelopment powers. The adoption of a redevelopment plan is a precondition for the use of these powers, which permit municipalities to plan and zone in a manner that can remedy the blighting effects of underperforming, outdated or obsolete land uses and structures.

After adoption of a redevelopment plan, the municipality may:

- Negotiate and collect revenues from a redeveloper to defray the costs of the redevelopment entity
- Clear any area owned or acquired and install, construct or reconstruct public infrastructure essential to the preparation of sites for use in accordance with the redevelopment plan.
- Contract for professional services.
- Contract with public agencies or redevelopers for the undertaking of any project or redevelopment work.
- Lease or convey property or improvements to any party without public bidding.

According to the Local Redevelopment and Housing Law (NJSA 40A: 12A-1, et seq.), the Redevelopment Plan shall include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definitive local objectives, including appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements;
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area;
4. Identification of properties to be acquired, if any;
5. Any significant relationship of the Redevelopment Plan to Master Plans of contiguous municipalities, the County and the State Development and Redevelopment Plan;
6. Enumeration of deed-restricted affordable units in the redevelopment area and their disposition.



1.3 OVERVIEW OF REDEVELOPMENT AREA

Hopewell Township occupies the northwest corner of Mercer County, and is afforded advantageous regional highway access via I-95, which straddles the Township's southern boundary. Route 31 is a direct conduit between the Redevelopment area and I-95, which is situated less than one mile south.

The existing conditions on the parcels-in-question are as follows:

Lot 3 is a 44-acre Township-owned parcel consisting of farm fields and woodlands. It was acquired for the production of affordable housing. Access is informal and provided via a farm driveway to CR 546.

Lot 4 is a 2/3-acre parcel occupied by a 3-bay gas station. The service bays have not been converted to convenience retail as is frequently the case, and over the past several years there have been numerous attempts at a repair business that have all closed within a few months. The site is covered with building and paving and has multiple driveways to CR 546 and Route 31.

Lot 5.01 is a 10.45-acre parcel developed with a Shop Rite supermarket. Situated at the southeast corner of the Route 32/CR 546 intersection, the access to Shop Rite is complicated by the irregular alignment of a series of driveways that are confusing to unfamiliar drivers and which encourages cross-movements that are a safety hazard. This is most evident when vehicles exiting Shop Rite attempt to enter the circle and cross southbound Route 31 traffic.

Lot 7 is a small (1/2 acre) triangular lot that adjoins Shop Rite along the Route 31 frontage. It is not in use at this time.

Lot 24 is a 5.5-acre parcel occupied by Wells Fargo Bank. The bank building and its associated driveways and parking occupy a small portion of the lot in the northeast corner, with most of the lot remaining as woodland.

Figure 2 illustrates the land use character on and immediately adjoining the Redevelopment Area in Hopewell Township, and Figure 3 – “Property Tax Class” illustrates the tax classification for each parcel. The character and extent of land uses surrounding the PQ can be briefly summarized as follows:

- To the west – single family homes fronting upon CR 546
- To the north - single family homes on CR 546, a gas station on Route 31
- To the east – medical offices, convenience/gas
- To the south – vacant lot on Route 31, Township open space

The Redevelopment Area's proximity to I-95 gives it advantageous regional accessibility that will benefit all proposed uses.

1.4 OVERVIEW OF REDEVELOPMENT PLAN

Situated roughly $\frac{1}{2}$ mile south of Pennington Borough, the Pennington Circle, while recently upgraded, is nonetheless still plagued with a multiplicity of driveways to adjoining land uses. While these driveways occur on both northbound and southbound legs of the circle, including the liquor store to the north and convenience gas to the east, the concentration of traffic-interrupting driveways is most densely clustered on the parcels in question, between Wells Fargo Bank and Shop Rite. Access to Shop Rite is complicated by the irregular alignment of a series of driveways that are confusing to unfamiliar drivers and that encourage cross-movements that are a safety hazard.

Comprehensive redevelopment of these commercial sites is encouraged, in part to reduce the number of driveways and optimize driveway locations – both key factors in improving traffic flow and safety. Inclusionary residential development is also planned within the Redevelopment Area, as seen on Figure 4, “Land Use Plan”, which indicates the distribution of future land uses within the Redevelopment Area.

Figure 5, “Circulation Plan”, depicts the conceptual approach to providing enhanced access to regional travelers, local residents and occupants of the Redevelopment Area. This plan will reduce the number of driveways to Route 31 and relocate the Shop Rite driveways to eliminate traffic safety hazards associated with the current flow pattern.

This Redevelopment Plan creates an inclusionary multi-family residential zone on the largely undeveloped acreage and provides for an upgraded community-serving retail node in the area of existing commercial uses. These combined uses advance a variety of local community planning objectives, including the provision of affordable housing as part of a balanced housing plan. Other objectives include improving traffic safety and access, by reducing the proliferation of driveways on and near the circle and eliminating irregular driveway alignments affecting traffic safety at the Route 31 Circle.

2. CONTEXT, VISION AND GOALS

2.1 CONTEXT

The 2009 Hopewell Township Land Use Plan, which echoes the goals, objectives and policies of the 2002 Hopewell Township Master Plan, includes most of the Redevelopment Area within the R-100 Zone (44 acres) which permits single-family homes on lots as small as 20,000 square feet¹. The remainder of the Redevelopment Area (17 acres) is located in the Neighborhood Retail (C-1) Zone, which permits a variety of retail and service uses on lots of at least 80,000 square feet. The C-1 Zone was created to recognize existing retail uses that can serve local retail needs while preventing further strip commercial development. The C-1 Zone was also designed to assist in the development of lower income housing.

¹ The ordinance permits a cluster provision on 7,000 square foot lots.

At the time of adoption of the 2002 Master Plan and the 2009 Land Use Plan, Hopewell Township had no reliable guidance regarding its post 1999 affordable housing obligation. Nonetheless, Hopewell Township's continuing efforts to address its post 1999 constitutional fair share obligation resulted in 149 post-1999 affordable units and credits.

The Township has recently received Court approval to address a 1999–2025 affordable housing obligation of 1,141 low- and moderate-income housing units and, after substantial deliberation, has determined that the subject property is an appropriate site to permit higher-density inclusionary development.

The property is well-situated to provide for inclusionary residential development, having sufficient developable land to accommodate the buildings, parking and amenities and all necessary infrastructure and advantageous regional highway access.

This Plan establishes the vision for redevelopment of the property and identifies opportunities and constraints specific to the site. It also identifies the intended future uses, their arrangement and design and method of implementation of the plan.

2.2 GOALS & OBJECTIVES

This Redevelopment Plan is a key component of Hopewell Township's comprehensive strategy to address its affordable housing obligation. This Plan aims to:

- Aid Hopewell Township in addressing its affordable housing obligation (1999-2025) through creation of a planned neighborhood of higher-density inclusionary housing at the site (IMF-X)
- Encourage redevelopment with relocated and improved driveway access to ameliorate traffic safety hazards at and near the Rt. 31 circle
- Advance Hopewell's long-standing goal to provide a wider variety of housing types within the Township
- Guide redevelopment on the property to ensure that the new housing opportunities created will be desirable and marketable
- Provide development standards that facilitate the construction of affordable housing, improve the character of commercial development and protect the character of surrounding areas of Hopewell Township.
- Encourage aesthetically pleasing architectural design, layout and finishes
- Lay out a vision for redevelopment that incorporates strategies to create a "sense of place" at the property
- Examine planning documents from surrounding municipalities, Mercer County and NJ SDRP for consistency

2.3 VISION

Market trends are demonstrating an increasing demand for alternatives to single family homes on individual lots. The “bookend generations” – Baby-boomers and Millennials – are seeking out these alternatives and are looking for more walkable locations. This Redevelopment Area is an attractive mixed use redevelopment opportunity, including housing and commercial uses in a new neighborhood with proximity to I-95 and surrounding regional employment, shopping and recreation.

A new neighborhood of aesthetically pleasing, low-maintenance apartments and townhouses will promote an active lifestyle and will respond to the housing needs of a broad cross section of the population. Amenities will include recreation facilities, including a clubhouse, tot lot, walkways and bike paths. These units will also bring residents who come to the Township looking for its many attributes and may later choose to buy a home here.

The units will be arranged to maximize connectivity and echo a traditional neighborhood design, with a central green that is well-defined by use of “street walls.” Amenities including recreational buildings, clubhouses, tot lots, barbecue patios and other common areas will be connected with pathways to promote walking and bicycling on site. With a focus on design that promotes the health, happiness and wellbeing of residents, the IMF-X zone puts a special emphasis on human-scale streetscape elements (such as benches and streetlights) and landscaping that incorporates native plants, trees and shrubs. This Redevelopment Plan also seeks to reform the character of existing commercial development on Route 31, improve accessibility and highway safety and provide for a range of multiple family housing types that appeal to households of varying sizes, ages, and income levels.

The CA-1-A zone is intended to encourage redevelopment of commercial properties with relocated and improved driveway access that will make this section of Route 31 safer and more efficient. This redevelopment area is also deemed an appropriate location for a convenience store dispensing motor fuels, when designed to adequately accommodate the use.

2.4 REDEVELOPMENT PLAN’S RELATIONSHIP TO HOPEWELL TOWNSHIP MASTER PLAN

Hopewell Township has spent the past several years examining opportunities for affordable housing to address its constitutional fair share obligation. Primary among the Township’s objectives has been the identification of realistic opportunities for the creation of affordable housing. Block 85, Lots 3, 4, 5.01, 7 and 24 have been found to provide such an opportunity through inclusionary residential development.

This Redevelopment Plan is consistent with the following basic principles of the 2002 Master Plan and its goals and objectives:

- a. A variety of housing and a balance of opportunities to live, work and play in safe and attractive surroundings should be provided in part by identifying locations and developing criteria for mixed use development.

Rationale: The rezoning of this site will expand and diversify the local housing stock and will assist low and moderate-income households in finding decent, safe, affordable housing. It will also assist young people and older households of all income levels looking to live in a high-quality rental community with upscale amenities.

- b. An efficient circulation system that promotes important circulation linkages, retains the character of the rural road network and provides for safe vehicular, pedestrian, equestrian and bicycle movements should be maintained.

Rationale: The redevelopment of the subject property is an efficient use of the existing highway system and will improve future access options through this portion of the Township. In addition, train service to New York, Philadelphia and throughout the Northeast Corridor is available within a short ride. A network of pedestrian and bicycle pathways will be incorporated into the neighborhood design.

In addition, the redevelopment of the parcels-in-question will enhance the safety of vehicular, pedestrian and bicycle traffic by reducing the number of driveways on and near the circle and eliminating irregular and hazardous driveway alignments at the Route 31 Circle.

- c. Farmland and open lands should be retained and the impacts of development should be limited throughout the valley and mountain areas in part by allowing the use of techniques to encourage development to designated villages and hamlets.

- d. To protect the rural character and unique sense of place of the Township.

Rationale: The subject property is not in the rural Valley or Mountain zones, where farmland and other land preservation is a Township priority. Compact development in locations like this helps limit development impacts in the remaining rural areas.

- e. To promote the goals and objectives of Hopewell Township through the incorporation of local policies and strategies that respond to the basic premises, intent and purposes of the State Development and Redevelopment Plan and the Mercer County Master Plan.

Rationale: Pursuant to the settlement agreement between Hopewell Township and FSHC, the subject property will be an integral part of the Township's response to its affordable housing obligation. The State Planning Commission has placed the site in Planning Area 2, an area in which the State Development and Redevelopment Plan (SDRP) encourages growth and the production of inclusionary development. The Mercer County Master Plan supports the goals and objectives of the SDRP. More information about how this Redevelopment Plan

relates to the SDRP and Mercer County's Master Plan can be found in section 6, Plan Consistency Review.

- f. To continue and expand upon land use policies that promote controlled development at suitable locations and appropriate intensities by directing and limiting the more intense development to areas where sanitary sewer service and public water supplies exist or are planned, and by discouraging the extension of growth-inducing infrastructure into rural areas.

Rationale: The SDRP locates the site in Planning Area 2, a location where infrastructure is planned and growth is encouraged. The site is particularly appropriate for higher density housing due to:

- its immediate access to State Route 31 and proximity to Interstate 95
- the ability to provide public water and sewer to the site (located within ELSA sewer service area)

- g. To provide for a variety of housing types which respond to the needs of households of varying size, age and income, persons with disabilities and emerging demographic characteristics.

Rationale: Over the past 40 years, household sizes have been steadily decreasing, while there has been an increase in the percentage of older households. The demographic trends indicate that virtually all of New Jersey's growth over the next 20 years will be in smaller households that are under 35 and over 55. These are households that tend to rent, and demographers that study changes in household formation on housing demand project a strong increase in demand for rental housing.

Regarding the younger households, the Joint Center for Housing Studies at Harvard University concludes:

Meanwhile, the aging of the millennial generation over the coming decade will lift the number of households in their 30s by 2.4–3.0 million, depending on immigration trends. But these numbers vastly underestimate the impact of this group on housing demand since they will account for most newly formed households in the coming decade. Indeed, the millennials will make up fully 24 million new households between 2015 and 2025, *thus driving up demand for rentals and starter homes.*² (emphasis added)

In addition, the Joint Center for Housing Studies at Harvard University notes the following national trend regarding rentals:

Two broad trends will drive future growth in renters: the imminent surge in the number of older households and the increasing racial/ethnic diversity of younger age groups. Over the coming decade, the number of

² State of the Nation's Housing, 2014, page 16.

renters aged 65 and older is projected to rise by about 2.2 million and account for roughly half of all renter growth. *The aging of the population also means that the share of renters that are single persons or married couples without children will soar.*

The redevelopment at the subject property thus responds not only to a wide range of incomes, but also to the varying household size and age characteristics, and emerging demographic trends that will continue to impact the Township and the region.

- h. To promote and support the development and redevelopment of affordable housing intended to address the Township's fair share of the region's lower income housing, particularly in areas served by public transportation which connect to areas of employment.

Rationale: The redevelopment of the subject property is an integral part of a settlement to address the Township's 1999 – 2025 fair share. It is located adjacent to Interstate 95; this direct connection to a major highway will connect residents to regional employment opportunities. A relatively short drive allows residents access to direct train service to Philadelphia, New York and throughout the Northeast Corridor.

- i. To provide a range of housing opportunities within the Township, with densities and lot sizes that respond to the capabilities and limitations of natural systems and available infrastructure.

Rationale: The IMF-X zone provides an opportunity to expand the range and diversity of Hopewell's housing supply and includes townhouses and apartments serving a wide range of housing needs. The subject property lies within the ELSA sewer service area.

- j. To establish transportation policies and programs that improve connections among housing, employment and commercial uses, including provisions for vehicular and pedestrian travel and bicycle paths.

Rationale: The subject property is consistent with this goal in that the housing has easy access to employment and commercial opportunities through its location on Route 31 and proximity to the Interstate 95 interchange. Pedestrian and bicycle circulation systems will be incorporated in the design to connect open space and common areas.

- k. To control development in rural areas so that traffic will not exceed the capacity of the existing rural road network and historic bridges to provide safe, efficient and convenient traffic movements based on rural road service standards designed to maintain the character of the community.

Rationale: The use of the subject property as a commercial and multi-family inclusionary housing site will limit traffic on rural roads because of its direct access to State Route 31 and proximity to Interstate 95.

The spirit of Hopewell Township's Master Plan goals and objectives has served to guide this Redevelopment Plan, ensuring it promotes the Township's long-standing goals and objectives, and that the resulting redevelopment will harmonize with established nearby neighborhoods and preserve the high quality of life in Hopewell.

3. LAND USE AND BUILDING REQUIREMENTS WITHIN THE REDEVELOPMENT AREA

This Redevelopment Plan shall supersede Hopewell's Land Use and Management Ordinance (Chapter 17) in the event of conflict. The general standards set forth in the Hopewell Township Land Use Ordinance shall continue to apply except when inconsistent with the standards set forth in this Redevelopment Plan.

This Redevelopment Plan provides for the development of a new multi-family residential inclusionary community within the residential portion of the Redevelopment Area and a realignment of access to commercial uses within a new C-1-A Zone. The IMF-X Zone will permit multiple family residential development on at least 30 acres and must include at least 78 non-age restricted rentals, affordable to very low, low and moderate income households. In accordance with Hopewell Township Ordinance #17-1670, an additional 30 non-age restricted rentals, affordable to very low, low and moderate income households may be constructed on this site in the event deemed necessary in accordance with the settlement of litigation (Docket No. MER-L-1557-15).

Appropriately integrated architectural themes shall be utilized throughout the development and redevelopment, including all principal and accessory buildings, structures and signage.

3.1 *IMF-X ZONE*

3.2 *IMF-X ZONE PERMITTED USES*

Principal permitted uses are intended to create a vibrant mixed-income multi-family neighborhood and include a variety of multi-family dwelling types, including:

- garden apartments
- townhouses
- stacked townhouses
- stacked flats

Accessory uses include utility structures and facilities, off-street parking facilities, solid waste facilities and structures designed for recreation or community use, private garages and carports, a swimming pool with outdoor dining area, dog runs, tot lots and pedestrian and

bicycle paths. There shall be a community clubhouse with fitness room and club room, as well as a furnished model, management and leasing offices and maintenance facilities.

Monument signs, which may be located at the entrance to the development, shall not be internally illuminated and shall be constructed of stone or brick, not to exceed 100 square feet in area and eight (8) feet in height.

3.3 IMF-X ZONE BULK AND AREA REQUIREMENTS

A. Min. Lot Area (Tract)	30 Acres
B. Min. Residential Lot Area	NA
C. Min Lot Width (Tract)	100 Feet
D. Min Lot Depth (Tract)	125 Feet
E. Min Front Yard Setback (Tract) ¹	75 Feet
F. Min Side Yard Setback (Tract) ¹	40 Feet
G. Min Rear Yard Setback (Tract) ¹	50 Feet
H. Min. Setback from Buildings Onsite:	
Front to Front	60 Feet
Front to Side	40 Feet
Side to Side	20 Feet
Rear to Rear	50 Feet
Rear to Side	30 Feet
I. Min. Building Setback to Roadway ²	15 Feet
J. Max. Building Coverage (residential)	30%
K. Max. Impervious Coverage	60%
L. (Residential Lot Coverage)	
M. Max. Building Height	45 Feet / 3-stories ³
N. Maximum Gross Residential Density	12 units / acre
O. Maximum Units per Building	
Traditional Townhouse	8 units / bldg.
Stacked Townhouse	18 units / bldg.
Multi-Family Building	30 units / bldg.
P. Parking Setbacks:	
From Building	10 Feet
From Property Line	5 Feet
From Existing Public Street	25 Feet
Q. Parking Spaces: Number	Per RSIS
R. Parking Stall Size	9 FT x 18 FT
S. Drive Aisle Width	24 Feet
T. Clubhouse:	
Size	Min. 2.5 SF / Unit
Parking	Min. 1/20 Units
Pool Size	Min. 2.5 SF / Unit

- 1. Patios, decks, and fences permitted to be located within building setbacks except no closer than 10 feet to any tract boundary.
- 2. Open porches and stairs permitted to be located closer to roadway.
- 3. Max. Building Height South of the Transcontinental Gas Pipeline Right-of-Way shall be 55 feet/4 Stories

3.4 *IMF-X ZONE VERY LOW, LOW AND MODERATE INCOME HOUSING REQUIREMENTS*

- A. Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing. A minimum of 13% of the affordable units shall be very low income units, affordable to households earning 30% of the median income; and 37% of the affordable units shall be low income units. The balance of units (50 percent) shall be moderate income units.
 - 1. Affordable housing units shall be affordable family rentals and shall not be age-restricted.
 - 2. The affordable housing units shall be located in more than one building.
 - 3. The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.
 - 4. There shall be a control period pursuant to N.J.A.C. 5:80-26.11 of not less than 40 years for all affordable units.

3.5 *OTHER REQUIREMENTS - IMF-X ZONE*

- A. Building Design. The design of the buildings shall be residential and not institutional and shall conform to the following:
 - 1. Architectural elevations and floor plans shall be provided for each type of building.
 - 2. Maximum length of buildings shall not exceed 225 feet.
 - 3. Variations in setback, materials, colors and design including breaks in the building façade shall be encouraged to reduce and separate the building mass.
 - 4. Pitched roofs are preferred. If flat roofs are provided, best efforts shall be made to incorporate green design techniques (green roofs, solar) and to shield any roof mounted equipment.

5. All HVAC and mechanical equipment shall be located on the side or rear of each home. If not so located, then it shall be adequately screened from view.
6. All multiple family dwelling buildings and all accessory buildings and structures, including signs, shall be designed in a unified architectural style.
7. Building design shall include spare electrical conduit to permit future installation of rooftop mounted solar.

B. Circulation.

1. A boulevard street entry shall be provided.
2. Pedestrian and/or bicycle circulation systems shall be designed to extend through and connect with open space and common areas. Sidewalks shall be provided on at least one side of the streets throughout the community.

C. Open Space.

1. A minimum of 20 percent of the tract shall be specifically set aside for conservation, recreation and/or other open space which shall include any area available for civic uses and restricted due to utility easements.
2. No more than one-half of the minimum 20 percent of land area may be wetlands, wetlands buffer, 100-year flood plains or lands with a topographic slope of 15 percent or greater.
3. The site landscape design shall include a component to assist the township in meeting Tree City qualifications.

D. Utilities/Services. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.

E. Stormwater. Stormwater designs shall be in a form as naturalized as possible and shall promote water quality, minimize maintenance and provide for groundwater recharge.

3.6 C-1-A ZONE

3.7 C-1-A ZONE PERMITTED USES

Principal permitted uses, which include a variety of office, retail and service uses, including grocery stores, banks, restaurants and shopping centers are intended to encourage redevelopment of these commercial properties with relocated and improved driveway access

that will make this section of Route 31 safer and more efficient. This redevelopment area is also deemed an appropriate location for a convenience store dispensing motor fuels, when designed to adequately accommodate the use.

3.8 C-1-A ZONE BULK AND AREA REQUIREMENTS FOR COMMERCIAL USES OTHER THAN CONVENIENCE STORES DISPENSING MOTOR FUEL

1. <i>Minimum lot size:</i>	1 acre
2. <i>Minimum lot width:</i>	200 feet
3. <i>Minimum lot depth:</i>	150 feet
4. <i>Minimum front yard setback:</i>	
a. <i>Buildings up to 20,000 s.f.:</i>	50 feet
b. <i>Buildings greater than 20,000 s.f.:</i>	200 feet
c. <i>Fuel canopy or storage tanks:</i>	15 feet
5. <i>Minimum westerly building setback:</i>	60 feet
6. <i>Minimum southerly building setback:</i>	40 feet
7. <i>Maximum building height:</i>	40 feet
8. <i>Maximum floor area ratio:</i>	0.20
9. <i>Maximum lot impervious coverage:</i>	70%
10. <i>Minimum parking setback:</i>	
a. <i>From streets:</i>	5 feet
b. <i>From adjacent lot lines:</i>	10 feet
c. <i>From residential zones and uses:</i>	25 feet

3.9 C-1-A ZONE BULK AND AREA REQUIREMENTS FOR CONVENIENCE STORES DISPENSING FUEL

- A. Minimum lot size: 1.5 acres.
- B. Maximum building size: 6,500 square feet.
- C. Maximum number of fueling stations: eight dispensers with two fueling positions at each.
- D. Maximum height for convenience store building: 35 feet, exclusive of towers, cupolas or other architectural elements
- E. Maximum height for fuel area canopy: not to exceed height of convenience store building.
- F. Parking: minimum of one space for each 300 square feet of building footprint, plus one space for each employee on the most heavily-staffed shift. Additional parking shall be provided where needed to enhance internal circulation and eliminate stacking at driveways.

3.10 C-1-A ZONE SIGN REQUIREMENTS FOR CONVENIENCE STORES DISPENSING MOTOR FUEL

- A. Free Standing signs: one free standing pole sign at the driveway of each street frontage, with fuel pricing, maximum area of 100 square feet, maximum height of 20 feet and minimum set back of 5 feet from any street.

- B. Façade sign: Two façade signs, one each on the front and back of the building, not to exceed 20 % of the front wall area.
- C. Canopy signs: maximum of three canopy signs, no wider than the width of the canopy, located on, or under or on the side of, the canopy facing the front or side street.

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3.11 VARIANCES AND INAPPLICABLE ORDINANCES

- A. The Planning Board is authorized to grant (C) variances from the redevelopment standards and other zoning standards that are not superseded by the redevelopment plan. The Planning Board is also authorized to grant waivers from design standards.
- B. In order to achieve the number of affordable units and related market rate units provided for in the settlement agreement, the site design may require deviation from strict application of certain municipal design standards. In all cases, NJDEP Flood Hazard Area rules, wetland rules including wetland buffers shall be complied with. Should deviations from stream corridor standards be necessary, stream corridor averaging shall be used to minimize the total area of stream corridor that is lost because of the deviation.
- C. The developer of the redevelopment area may also request relief from other cost generative features of land use ordinances.

3.12 MUNICIPAL COOPERATION WITH UTILITIES

- A. The Township shall confirm in writing its support of submission and applications for all utilities (specifically water and sewer) and all necessary government agency or private utility approvals related to all aspects of the development within five (5) business days of a written request for such support from the developer. Specifically, the Township shall assist the developer in discussions with ELSA, Mercer County, NJDOT, NJDEP, the DRCC and any other public or private entity with which the developer must deal in order to develop the subject property, including any effort the developer may make to decrease the fees charged by ELSA. The Township shall assist in acquiring rights-of-way or easements if necessary. The township will support the use of other redevelopment tools as prescribed by law.

4. REDEVELOPMENT ACTIONS

4.1 OUTLINE OF PROPOSED ACTIONS

Construction of new structures and other improvements shall take place as proposed in this Redevelopment Plan. The redeveloper will be required to enter into a Redeveloper's Agreement with the Township that stipulates the precise nature and extent of the improvements to be made and their timing and phasing shall be governed as permitted therein.

4.2 PROPERTIES TO BE ACQUIRED

This Redevelopment Plan shall not require Hopewell to acquire any privately-owned property within the Redevelopment Area.

4.3 RELOCATION

This Redevelopment Plan will not displace or relocate any residents within the Redevelopment Plan Area.

4.4 ADMINISTRATIVE PROVISIONS

Redevelopment activities within the Redevelopment Area shall comply with all requirements in any executed redevelopment agreement between a designated redeveloper and the Township of Hopewell.

5. PLAN CONSISTENCY REVIEW

5.1 RELATIONSHIP TO MASTER PLANS OF ADJOINING MUNICIPALITIES

The Redevelopment Area is not adjacent to any of Hopewell Township's borders, and will have no impact on the zone plans of these municipalities, since the Redevelopment Area is situated more than one mile from the closest municipal neighbors, Ewing and Lawrence Townships.

5.2 RELATIONSHIP TO THE MERCER COUNTY MASTER PLAN

The Mercer County Master Plan (amended in 2016) supports the basic goals, objectives and strategies of the State Development Redevelopment Plan. It focuses on combatting urban sprawl and capitalizing on available transportation infrastructure. The use of the subject property for inclusionary development is consistent with the following housing and transportation goals (MCMC pages 30 and 32):

1. Focus on housing needs of the work force.
2. Address the housing needs of both lower-income and moderate-income households
3. Through planning efforts, continue to make efficient use of existing road infrastructure including the implementation of access management concepts to maximize the efficiency of the existing roadway system.

5.3 RELATIONSHIP TO STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The site lies in Planning Area 2 (PA2). The SDRP envisions itself as a growth management plan and PA2 is one of the areas in which the SDRP promotes growth, including higher density inclusionary development. PA2 is a preferred location for inclusionary development. The SDRP's goals for PA-2 include:

- a. Guiding development in more compact forms,
- b. Encouraging densities that promote transit,
- c. Providing for a full range of housing choices, and
- d. Encouraging redevelopment.

The intent of the State Plan for PA 2 is to:

- Provide for much of the State's future development
- Promote growth in Centers and other compact forms
- Protect the character of existing stable communities
- Protect natural resources
- Redesign areas of sprawl
- Reverse the current trend toward further sprawl
- Revitalize cities and towns

The State Plan, which provided the organizing principles around which the Township's 2002 Master Plan was developed, encourages incentives for beneficial development in PA-2 that protects resources and community character. Policy objectives for Redevelopment in Planning Area 2 include retrofitting existing developed areas and developing at higher residential densities, both proposed here.

The adopted housing policies of the State Development and Redevelopment Plan (SDRP) are specifically advanced by this redevelopment plan, as seen in the highlighted excerpt below:

#6. Housing – Preserve and expand the supply of safe, decent and reasonably priced housing while meeting the constitutional mandate with respect to affordable housing through improved planning, regulatory reform, supportive infrastructure investments, housing subsidies, tax and discounted fee incentives and municipal property tax relief in ways that are consistent with the vision and goals of the State Plan. (emphasis added)

6. GENERAL PROVISIONS

6.1 AMENDMENT TO ZONING MAP AND LAND DEVELOPMENT ORDINANCE

The Zoning Map of the Township of Hopewell is hereby amended to indicate the location of the Inclusionary Multifamily Development IMF- X Zone and to reference this Redevelopment Plan.

6.2 DEFINITIONS

The “Definitions” section of the Township’s Land Development Ordinance shall govern unless a word is otherwise defined herein.

For purposes of this plan, *Convenience Stores Dispensing Motor Fuel*, are hereafter defined as follows: a retail establishment operating 24 hours per day, 7 days per week, offering for sale prepackaged food products and grocery items, hot and cold made-to order drinks, freshly prepared foods, including sandwiches, soups and salads, household items, tobacco products, newspapers and magazines, in-store ATM and lottery, and which includes outside facilities for dispensing motor fuels, gasoline and diesel fuel for light trucks and passenger vehicles under a lit canopy. No servicing of motor vehicles is permitted, although up to two external air pumps may be provided.

6.3 VARIANCE REQUESTS

Hopewell Township’s Master Plan goals and policies have been designed to permit managed growth in appropriate locations and to protect the many valuable environmental and cultural features of the natural and man-made landscape. These primary objectives continue to govern this redevelopment plan.

Within this context, the Hopewell Township Planning Board may grant variances from the regulations within this Redevelopment Plan, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, the strict application of any bulk regulation adopted pursuant to this Redevelopment Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the redeveloper.

The Hopewell Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan.

An application for site plan approval shall provide public notice of such application and shall further identify all requested variances from the regulations contained herein.

Notwithstanding the above, no variances shall be granted that would permit a use or principal structure not permitted by the Redevelopment Plan or an increase in the maximum permitted floor area ratio or an increase in the maximum permitted height of a principal structure by more than 10 feet or 10%, whichever is less, which can only be modified by a duly adopted amendment to this Redevelopment Plan.

6.4 REQUESTS FOR DESIGN EXCEPTIONS

The Hopewell Township Planning Board may grant design exceptions from the regulations contained within this Redevelopment Plan as may be reasonable and within the general purpose and intent of this Redevelopment Plan or if the literal enforcement of one or more provisions is impractical or will exact undue hardship because of peculiar conditions related to the property in question.

6.5 SITE PLAN AND SUBDIVISION REVIEW

Within the Redevelopment Area, subdivisions and/or site plans providing for the demolition of existing improvements and construction of new buildings and other improvements shall be prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and shall be submitted by the redeveloper for review and approval by the Township of Hopewell Planning Board.

To assure the comprehensive and Township-coordinated development of the Redevelopment Area, any site plan presented to the Hopewell Planning Board shall be consistent with the terms of this Redevelopment Plan and shall include at least the following elements:

- An overall concept plan for the Redevelopment Area identifying land use types, building heights, floor areas of each building and the number of residential units.
- Architectural elevations, renderings and floor plans.
- A streetscape plan, indicating the overall design, locations and materials to be used, including pavements, trees and other plantings and any street furniture.
- Parking, loading and vehicular access plan. A traffic circulation analysis shall analyze traffic conditions in the project vicinity and identify existing traffic problem areas as well as the cumulative effect of traffic from the redevelopment area on adjacent and affected roadways. Shared parking arrangements are permissible, subject to a showing of parking sufficiency.
- Landscape plan.
- Utility plan.

- Stormwater management plan.
- Lighting plan.
- Phasing plan.

No permits shall be issued for construction of buildings within the Redevelopment Area until the Hopewell Planning Board has granted final site plan approval for such improvements.

The criteria for the consideration and approval of the site plan shall be in conformance with the requirements of this Redevelopment Plan, the site plan provisions of the Township of Hopewell Land Use and Development Ordinance and the executed Redevelopment Agreement between the redeveloper and the Township of Hopewell.

6.6 AFFORDABLE HOUSING

Any redeveloper of Block 85, Lot 3 shall be required to build and deed-restrict according to COAH requirements at least 78 dwelling units as affordable housing, in any redevelopment agreement between the redeveloper and the Township of Hopewell. In accordance with Hopewell Township Ordinance #17-1670, an additional 30 non-age restricted rentals, affordable to very low, low and moderate income households may be constructed on this site in the event deemed necessary in accordance with the settlement of litigation (Docket No. MER-L-1557-15).

6.7 ADVERSE INFLUENCES

No use shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

6.8 NON-DISCRIMINATION PROVISIONS

No covenant, lease, conveyance or other instrument shall be affected or executed by the Township Committee or by any redeveloper or any of his successors or assignees, whereby the sale, lease, use or occupancy of land within the Redevelopment Area is restricted on the basis of race, creed, color, sexual orientation or national origin. Appropriate covenants, running with the land in perpetuity, shall prohibit any such restrictions and shall be included in the disposition instruments.

6.9 DURATION OF THE PLAN

The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restrictions with respect thereto shall be in effect for a period of 30 years from the date of approval of this plan by the Township Committee.

7. OTHER PROVISIONS

7.1 STATEMENT ABOUT REDEVELOPMENT

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the Plan objectives.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.
- The Redevelopment Plan does not envision a need to acquire privately-owned properties or to relocate any residents or businesses.
- The Redevelopment Plan is substantially consistent with the Master Plan for the Township of Hopewell, which has long sought to provide its fair share of affordable housing and has focused attention on the Route 31 corridor needs for improvement. This plan will provide affordable housing and allow better and safer travel on the State and County roads that provide access to the redevelopment area. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment.
- This Redevelopment Plan shall supersede all provisions of the Zoning and Land Development Regulations of the Township of Hopewell regulating development in the area addressed by this Redevelopment Plan, except where stated otherwise within the text of this Plan. Final adoption of this Plan by the Township Committee shall be considered an amendment of the Township of Hopewell Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

7.2 PROCEDURE FOR AMENDING THE APPROVED PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A non-refundable application fee shall be paid pursuant to site

plan fee schedule found in Section 10-1 “Fees” by the party requesting such amendment, unless the request is issued from any agency of Hopewell Township. The Township Committee, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.

DRAFT

APPENDIX A
Zoning Amendment Creating the IMF-x Zone and the C-1-A Zone

1. Add the following definition to 17-181 WORDS DEFINED:

Convenience Store with Motor Fuel Dispensing - a retail establishment operating 24 hours per day, 7 days per week, offering for sale prepackaged food products and grocery items, hot and cold made-to order drinks, freshly prepared foods, including sandwiches, soups and salads, household items, tobacco products, newspapers and magazines, in-store ATM and lottery, and which includes outside facilities for dispensing motor fuels, gasoline and diesel fuel for light trucks and passenger vehicles under a lit canopy. No servicing of motor vehicles is permitted, although up to two external air pumps may be provided.

2. Amend the Land Use and Development Ordinance and Zoning Map to establish a new Inclusionary Multi-Family-x (IMF-x) District subject to the following requirements:

Section 17-? Inclusionary Multi-Family-X (IMF-X) District

A. Purpose: This IMF-x Zone provides for a multi-family residential inclusionary neighborhood, including at least 78 non-age restricted rental units affordable to very low, low and moderate income housing units. In accordance with Hopewell Township Ordinance #17-1670, an additional 30 non-age restricted rentals, affordable to very low, low and moderate income households may be constructed on this site in the event deemed necessary in accordance with the settlement of litigation (Docket No. MER-L-1557-15).

B. Permitted Uses

A. Multi-family dwellings consisting of:

1. Garden apartments.
2. Townhouses.
3. Stacked townhouses - stacked townhouses may have rear loaded driveways and garages with a rear access way of 24 feet in width (excluding driveways for two-way traffic) or 18 feet in width (excluding driveways for one-way access).
4. Stacked flats.

B. Accessory Uses

1. Structures designed for recreation or community use as a part of the multi-family dwelling development.
2. Private garages and carports.
3. Swimming pool with outdoor dining area, outdoor barbecue and party deck.
4. Dog runs.
5. Tot lots.
6. Walking paths.

7. Barbeque patios.
8. Off-street parking facilities.
9. Solar panels.
10. Community clubhouse with fitness room, club room, business center and furnished model.
11. Management and leasing offices.
12. Maintenance office/garage building not to exceed one (1) story in height and 1,500 square feet in floor area. The façade design shall match the residential structures.
13. Solid waste and recycling facilities.
14. Monument signs located at entrance to be constructed of stone or brick, not to exceed 100 square feet in area and eight (8) feet in height.
15. Utility structures and facilities needed to provide the direct service of gas, electricity, telephone, water, sewerage and cable television.
16. Temporary sales model homes within the respective home types, including related direction signage to identify the home(s) as a model.
17. One temporary construction trailer and one temporary marketing/sales trailer.
18. Patios and decks directly adjacent to the rear of any homes, which shall also be permitted to be located within building setbacks.
19. Privacy fences separating the townhomes shall not exceed ten (10) feet in length and shall not enclose a patio.
20. Such other accessory uses customarily incidental to the uses permitted herein, however outdoor storage (furniture, etc. that are functional and which can be accommodated on a deck or patio) is not permitted. Freestanding or attached storage sheds outside of a patio or deck are not permitted.

C. Bulk and Area Requirements

A. Min. Lot Area (Tract)	30 Acres
B. Min. Residential Lot Area	NA
C. Min Lot Width (Tract)	100 Feet
D. Min Lot Depth (Tract)	125 Feet
E. Min Front Yard Setback (Tract) ¹	75 Feet
F. Min Side Yard Setback (Tract) ¹	40 Feet
G. Min Rear Yard Setback (Tract) ¹	50 Feet
H. Min. Setback from Buildings Onsite:	
Front to Front	60 Feet
Front to Side	40 Feet
Side to Side	20 Feet
Rear to Rear	50 Feet
Rear to Side	30 Feet
I. Min. Building Setback to Roadway ²	15 Feet
J. Max. Building Coverage (residential)	30%
K. Max. Impervious Coverage	60%

L. (Residential Lot Coverage)	
M. Max. Building Height	45 Feet / 3-stories ³
N. Maximum Gross Residential Density	12 units / acre
O. Maximum Units per Building	
Traditional Townhouse	8 units / bldg.
Stacked Townhouse	18 units / bldg.
Multi-Family Building	30 units / bldg.
P. Parking Setbacks:	
From Building	10 Feet
From Property Line	5 Feet
From Existing Public Street	25 Feet
Q. Parking Spaces: Number	Per RSIS
R. Parking Stall Size	9 FT x 18 FT
S. Drive Aisle Width	24 Feet
T. Clubhouse:	
Size	Min. 2.5 SF / Unit
Parking	Min. 1/20 Units
Pool Size	Min. 2.5 SF / Unit
1. Patios, decks, and fences permitted to be located within building setbacks except no closer than 10 feet to any tract boundary.	
2. Open porches and stairs permitted to be located closer to roadway.	
3. Max. Building Height South of the Transcontinental Gas Pipeline Right-of-Way shall be 55 feet/4 Stories	

D. Very Low, Low and Moderate Income Housing Requirements

Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing. A minimum of 13% of the affordable units shall be very low income units, affordable to households earning 30% of the median income; and 37% of the affordable units shall be low income units. The balance of units (50 percent) shall be moderate income units.

1. Affordable housing units shall be affordable family rentals and shall not be age-restricted.
2. The affordable housing units shall be located in two or more buildings.
3. The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

E. Other Requirements

1. Site Design

Any application for development or redevelopment shall include at least the following elements:

- A. An overall development plan for the Redevelopment Area identifying land use types, building heights, floor areas of each building and the number of residential units.
- B. Architectural elevations, renderings and floor plans.
- C. A circulation and streetscape plan, indicating the overall design with a boulevard street entry, and locations and types of materials to be used, including pavements, trees and other plantings and any street furniture. Pedestrian and/or bicycle circulation systems shall be designed to extend throughout the development and connect with open space and common areas.
- D. Parking, loading and vehicular access plan. A traffic circulation analysis shall analyze traffic conditions in the project vicinity and identify existing traffic problem areas as well as the cumulative effect of traffic from the redevelopment area on adjacent and affected roadways. Shared parking arrangements are permissible, subject to a showing of parking sufficiency.
- E. Landscape plan.
- F. Open Space Plan.
 - 1. A minimum of 30 percent of the tract shall be specifically set aside for conservation, recreation and/or other open space.
 - 2. No more than one-half of the minimum 30 percent of land area may be wetlands, wetlands buffer, 100-year flood plains or lands with a topographic slope of 15 percent or greater.
 - 3. The site landscape design shall include a component to assist the township in meeting Tree City qualifications.
- G. Utility plan. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.
- H. Stormwater management plan - Stormwater designs shall be in a form as naturalized as possible and shall promote water quality, minimize maintenance and provide for groundwater recharge.
- I. Lighting plan.
- J. Phasing plan.

F. Variances and Inapplicable Ordinances

- 1. The Planning Board is authorized to grant (C) variances from the redevelopment standards and other zoning standards that are not superseded by the redevelopment plan. The Planning Board is also authorized to grant waivers from design standards.

2. In order to achieve the number of affordable units and related market rate units provided for in the settlement agreement, the site design may require deviation from strict application of certain municipal design standards. In all cases, NJDEP Flood Hazard Area rules, wetland rules including wetland buffers shall be complied with. Should deviations from stream corridor standards be necessary, stream corridor averaging shall be used to minimize the total area of stream corridor that is lost because of the deviation.
3. The developer of the redevelopment area may also request relief from cost generative features of Township land use ordinances.

G. Redeveloper's Agreement



The Redeveloper shall enter into an agreement with the municipality pursuant to the provisions of N.J.S.A. 40:55D-39 within 90 days of a memorialized Board resolution of final site plan approval setting forth variations from ordinary standards for preliminary and final approval to provide increased flexibility and promote mutual agreement between the applicant and the municipality at the time of conceptual master site plan approval. The substance of the Redeveloper's Agreement shall be consistent with the laws of the State of New Jersey, the Hopewell Land Use Code and the conditions and standards applicable to development in the zone. The Redeveloper's Agreement shall be in a form satisfactory to the Township Attorney, and may include, but is not limited to, provisions relating to the following:

1. Building layout and use.
2. Signage: Criteria to ensure a harmonious signage design for the entire development, which shall include lettering style, lighting standard types, sign material and sign lighting.
3. Architecture: Architectural design standards to ensure that the development will result in an aesthetically-harmonious design which may include external building materials, fenestration, color, mechanical penthouse screening and roof appearance where visible from adjoining buildings of higher elevation. Upon application by the developer and upon approval of the Planning Board, architectural criteria may be revised from time to time.
4. Lighting plan: to ensure a uniform lighting plan to provide safe and attractive lighting for exterior roads, interior roads and driveways, parking lots, walkways and landscape display lighting.
5. Landscaping: to ensure retention of natural vegetation, landscaping of parking areas, landscaping of building sites and the screening of trash collection and removal areas, buffering and wind shielding, pedestrian and bike linkages between buildings and the entire tract to encourage free passage while discouraging conflict with vehicular traffic.
6. Recreation: Active and passive recreational facilities, such as jogging and fitness trails, passive sitting areas, and other athletic facilities shall be provided for the benefit of building occupants.

7. Maintenance: Developer's obligation to maintain: provisions for maintenance and repair by the developer, or his successors, of building exteriors, trash removal and maintenance of internal roadways, landscaping, buffered areas and open spaces.
8. Payment In Lieu Of Taxes Agreement

I. Plan Amendment

Amendments to the Redevelopment Plan may be adopted in order to meet changing circumstances within and affecting the Redevelopment Area and the Township, but any site plan must be consistent with the adopted or amended Redevelopment Plan and conform to the design requirements of the ordinance.

3. Amend the Land Use and Development Ordinance and Zoning Map to establish a new and a new Retail Service (C-1-A) District subject to the following requirements:

Section 17-?? Retail Service (C-1-A) District

A. Purpose: This district provides for the consolidation and redevelopment of an area of existing commercial uses situated on the west side of the Pennington Circle. The intent for this redevelopment is to consolidate parcels where appropriate and to optimize the traffic access to Route 31, through the rearrangement of driveway locations and through the creation of new routes for traffic from the Redevelopment Area to access the arterial highway network.

B. Permitted Principal Uses:

1. Grocery Store/Supermarket.
2. Pharmacy/Drug Store with drive-thru.
3. Restaurants, including fast food.
4. Offices, banks, medical clinics and veterinary hospital.
5. Convenience stores with motor fuel dispensing.
6. Retail sale of consumable products, apparel, hardware, appliances, household goods, confections and general merchandise.
7. Personal services such as repair of shoes, appliances, and furniture; cleaners; tailors; salons; barber shops; and day spas.
8. Child Care Centers.
9. Shopping Centers comprised of two or more of the permitted uses in the zone.
10. Pumping stations and other essential utility infrastructure needed in order to provide site-specific or regional utility services

C. Area and Bulk Requirements for Convenience Stores with Motor Fuel Dispensing:

1.	Minimum lot size:	1.5 acre
2.	Minimum lot width:	200 feet
3.	Minimum lot depth:	150 feet
4.	Minimum front yard setback:	
	a. Buildings up to 20,000 s.f.:	50 feet
	b. Buildings greater than 20,000 s.f.:	200 feet
	c. Fuel canopy or storage tanks:	15 feet
5.	Minimum rear yard setback:	60 feet
6.	Minimum side yard building setback:	40 feet
7.	Maximum building floor area:	6,500 s.f.
8.	Maximum height for convenience store:	35 feet, plus decorative cupolas
9.	Maximum height for fuel area canopy:	height of convenience store
10.	Maximum floor area ratio:	0.20
11.	Maximum lot impervious coverage:	70%
12.	Minimum parking setback:	
	a. From streets:	5 feet
	b. From adjacent lot lines:	10 feet
	c. From residential zones and uses:	25 feet
13.	Minimum number of parking spaces:	one space per 300 square feet of building footprint, plus one space per employee on most heavily staffed shift. Additional parking as needed to enhance internal circulation and eliminate stacking at driveways shall be provided.
14.	Maximum number of fueling positions:	eight dispensers with two fueling positions at each

D. Permitted signs for convenience store with motor fuel dispensing:

1. Free Standing signs: one free standing pole sign at the driveway of each street frontage, with fuel pricing, maximum area of 100 square feet, maximum height of 20 feet and minimum set back of 5 feet from any street.
2. Façade sign: Two façade signs, one each on the front and back of the building, not to exceed 20 % of the front wall area.
3. Canopy signs: maximum of three canopy signs, no wider than the width of the canopy, located on, or under or on the side of, the canopy facing the front or side street.

E. Area and Bulk Requirements for all other commercial uses:

1.	Minimum lot size:	1 acre
2.	Minimum lot width:	200 feet
3.	Minimum lot depth:	150 feet
4.	Minimum front yard setback:	
	a. Buildings up to 20,000 s.f.:	50 feet
	b. Buildings greater than 20,000 s.f.:	200 feet
	c. Fuel canopy or storage tanks:	15 feet
5.	Minimum westerly building setback:	60 feet
6.	Minimum southerly building setback:	40 feet
7.	Maximum building height:	40 feet
8.	Maximum floor area ratio:	0.20
9.	Maximum lot impervious coverage:	70%
10.	Minimum parking setback:	
	a. From streets:	5 feet
	b. From adjacent lot lines:	10 feet
	c. From residential zones and uses:	25 feet

F. Variances and Inapplicable Ordinances

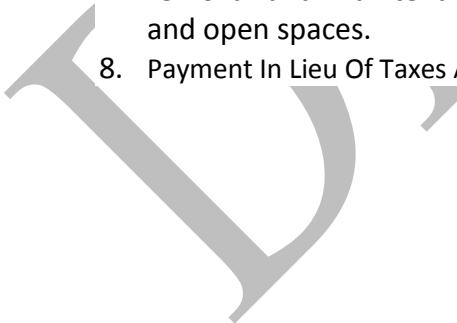
1. The Planning Board is authorized to grant (C) variances from the redevelopment standards and other zoning standards that are not superseded by the redevelopment plan. The Planning Board is also authorized to grant waivers from design standards.
2. In order to achieve the number of affordable units and related market rate units provided for in the settlement agreement, the site design may require deviation from strict application of certain municipal design standards. In all cases, NJDEP Flood Hazard Area rules, wetland rules including wetland buffers shall be complied with. Should deviations from stream corridor standards be necessary, stream corridor averaging shall be used to minimize the total area of stream corridor that is lost because of the deviation.
3. The developer of the redevelopment area may also request relief from cost generative features of Township land use ordinances and such requests shall be measured against the standards found in NJSA 40:55D-70 c, with sufficient proofs to address the positive and negative variance criteria

G. Redeveloper's Agreement

The Redeveloper shall enter into an agreement with the municipality pursuant to the provisions of N.J.S.A. 40:55D-39 within 90 days of a memorialized Board resolution of final site plan approval setting forth variations from ordinary standards for preliminary and final approval to provide increased flexibility and promote mutual agreement between the applicant and the municipality at the time of conceptual master site plan approval. The substance of the Redeveloper's Agreement shall be consistent with the laws of the State of New Jersey, the Hopewell Land Use Code and the conditions and standards applicable to

development in the zone. The Redeveloper's Agreement shall be in a form satisfactory to the Township Attorney, and may include, but is not limited to, provisions relating to the following:

1. Building layout and use.
2. Signage: Criteria to ensure a harmonious signage design for the entire development, which shall include lettering style, lighting standard types, sign material and sign lighting.
3. Architecture: Architectural design standards to ensure that the development will result in an aesthetically-harmonious design which may include external building materials, fenestration, color, mechanical penthouse screening and roof appearance where visible from adjoining buildings of higher elevation. Upon application by the developer and upon approval of the Planning Board, architectural criteria may be revised from time to time.
4. Lighting plan: to ensure a uniform lighting plan to provide safe and attractive lighting for exterior roads, interior roads and driveways, parking lots, walkways and landscape display lighting.
5. Landscaping: to ensure retention of natural vegetation, landscaping of parking areas, landscaping of building sites and the screening of trash collection and removal areas, buffering and wind shielding, pedestrian and bike linkages between buildings and the entire tract to encourage free passage while discouraging conflict with vehicular traffic.
6. Recreation: Active and passive recreational facilities, such as jogging and fitness trails, passive sitting areas, and other athletic facilities shall be provided for the benefit of building occupants.
7. Maintenance: Developer's obligation to maintain: provisions for maintenance and repair by the developer, or his successors, of building exteriors, trash removal and maintenance of internal roadways, landscaping, buffered areas and open spaces.
8. Payment In Lieu Of Taxes Agreement.



CHAPTER V

SITE SUITABILITY INFORMATION

BRISTOL MYERS SQUIBB



TOWNSHIP OF HOPEWELL

MERCER COUNTY

SITE SUITABILITY INFORMATION

Bristol Myers Squibb

November 19, 2017

Page 1 of 1

Block: 46
Lots: 8.01
Address: Pennington Rocky Hill Road
Present Owners of Record: Bristol Myers Squibb Company

Existing Zoning: RO-1
Proposed Zoning: Garden Apartments and Townhouses as Conditional Use¹
Planning Area: PA3

Sewer Service: SBRSA and On-Site Treatment Plant (included in existing sewer service area)
Water Service: NJ American Water (Included in existing franchise area)

SITE SUITABILITY

Gross Lot Area: 441.9 Acres
Constrained Areas: 109.3 Acres
Net Area for Development **332.6 Acres**

- Schedule

DEVELOPMENT PROCESS ACTION	DATE ANTICIPATED TO BEGIN	DATE ANTICIPATED TO BE COMPLETED
Zoning Ordinance	11/13/17	11/27/17
Development Approvals	2020	2021
Building Permits	2022	2022
Occupancy	2023	2024

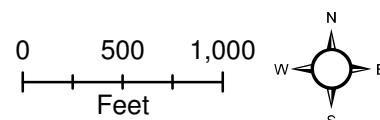
¹ Because Hopewell Township has determined that conditional use standards will be the method for permitting affordable housing in the RO-1 zone, the township is also required to provide an alternative location to provide the required number of affordable units to ensure a realistic opportunity. Hopewell Township will include an additional 30 affordable units on Block 85 Lot 3, also known as the Zaitz tract; to be constructed only if affordable units are not constructed on these RO-1 zoned lands.

Environmental Constraints
Block 46; Lot 8.01
Portion of
Hopewell Township
Mercer County, NJ
November 2017

Legend

- Subject Properties
- Water
- Wetlands
- 50' Wetlands Buffer
- Slopes Greater than 15%
- 100 Year Floodzone
- Future Developable Area
- Approximate BMS Easement Area*

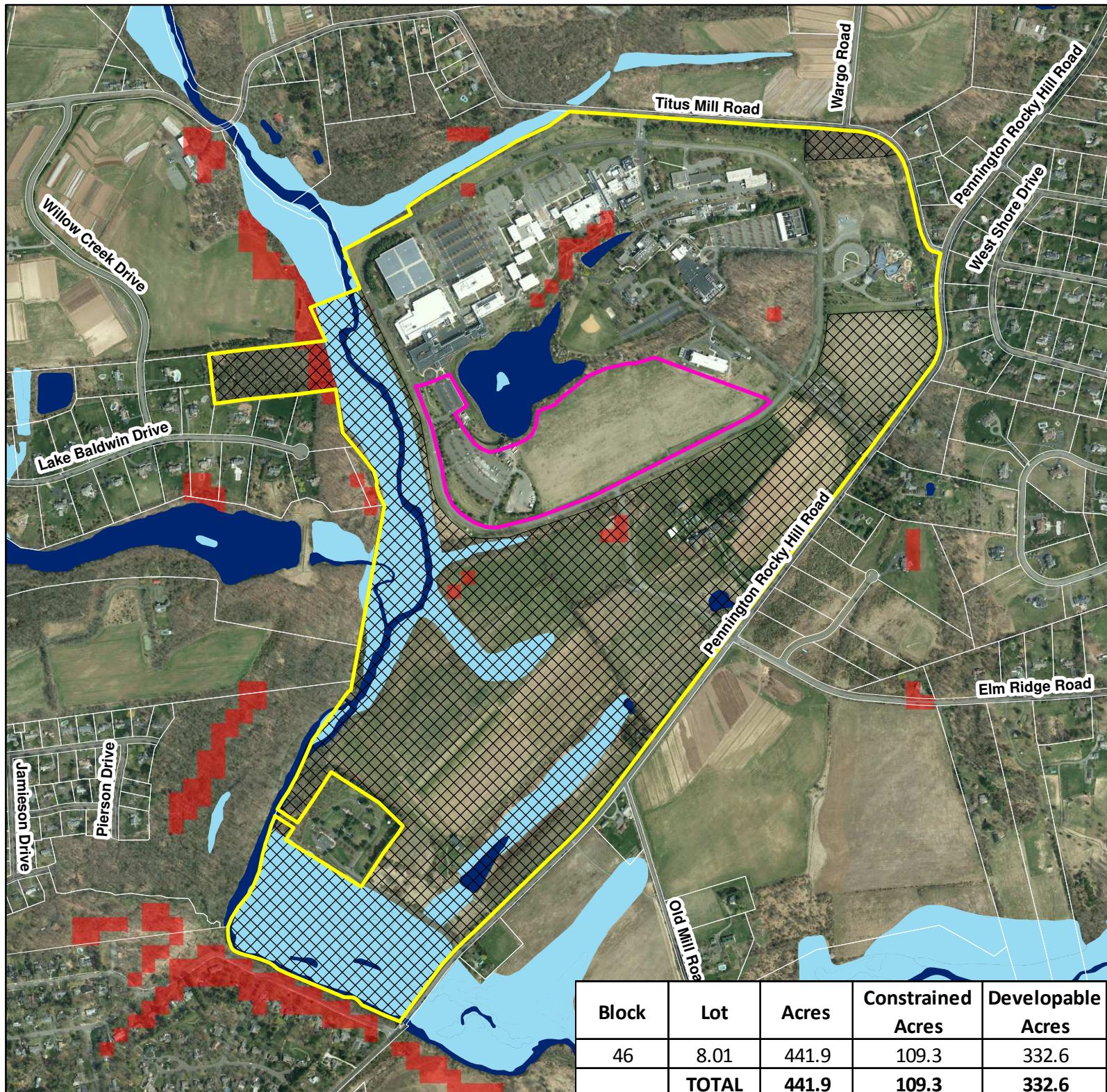
*Approximately 153 acres outside Loop Road



Data Sources:
 NJGIN Parcels 2011
 NJDOT Roadway Network
 NJOGIS 2015 Aerial Photography
 NJDEP 2012 Land Use/Land Cover
 NJDEP 10 Meter DEM's
 FEMA Floodzones

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.

B A N I S C H
 ASSOCIATES, INC.
 Planning and Design



ORDINANCE NO. 2017-_____

**ORDINANCE OF THE TOWNSHIP OF HOPEWELL
AMENDING CHAPTER XVII OF THE CODE OF THE
TOWNSHIP OF HOPEWELL ENTITLED THE
HOPEWELL TOWNSHIP “LAND USE AND
DEVELOPMENT ORDINANCE”**

WHEREAS, the Township of Hopewell is required to amend certain provisions of Chapter XVII of the Code of the Township of Hopewell entitled the Hopewell Township “Land Use and Development Ordinance” to facilitate the production of low and moderate housing pursuant to third round affordable housing proceedings in the Law Division of the Superior Court captioned In the Matter of the Application of the Township of Hopewell, Docket No. MER-L-1557-15 (Mount Laurel); and

WHEREAS, the purpose of this Ordinance is to accomplish the foregoing as required by judicial mandate; and

WHEREAS, the intent of this ordinance is to provide affordable housing on RO-1 zoned land through the use of conditional use standards because such standards afford the land owner the maximum opportunity to utilize its site in accordance with the RO-1 non-residential standards while permitting a defined number of affordable and inclusionary housing units; and

WHEREAS, because Hopewell Township has determined that conditional use standards will be the method for permitting affordable housing in the RO-1 zone, the township is also required to provide an alternative location to provide the required number of affordable units to ensure a realistic opportunity; and

WHEREAS, Hopewell Township will include an additional 30 affordable units on Block 85 Lot 3, also known as the Zaitz tract, to be constructed only if affordable units are not constructed on RO-1 zoned lands.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Chapter XVII of the Code of the Township of Hopewell entitled the Hopewell Township “Land Use and Development Ordinance” be amended, modified and supplemented as follows:

SECTION I.

Chapter 17-168.a. entitled “Purpose” of the RO-1, RO-2 and RO-3 Zoning Districts is repealed as currently stated and is replaced by the following new Chapter 17-168.a. in its place and stead:

17-168 RO-1, 2 AND 3 DISTRICTS: RESEARCH/OFFICE DISTRICTS.

- a. *Purpose.* The purpose of these districts is to provide for research/office uses by single owners with one or more tenant occupants on large parcels within the township. A neighborhood of inclusionary housing is also deemed appropriate in the RO-1 District when arranged on undeveloped portions of the property, and adequately buffered from manufacturing buildings and activities. It is also intended that the provision for assisting in the development of lower income housing as set forth below be a required portion of any new development in the RO-1 District.

SECTION II.

Chapter 17-168.b entitled “Conditional Uses” is supplemented to add a new Paragraph 2 as follows:

2. Inclusionary affordable housing development pursuant to the requirements in §17-168(g).

SECTION III

Chapter 17-252 entitled “Applicability of Growth Share”, Chapter 17-253 entitled “Residential Growth Share Provisions”, and Chapter 17-254 entitled “Nonresidential Growth Share Provisions” are repealed inasmuch as the “Growth Share” rules adopted by the New Jersey Council on Affordable Housing (“COAH”) upon which they were based have been invalidated by the Courts.

SECTION IV

A new section 17-168(g) entitled “Conditional Use Inclusionary Development in the RO-1 District” is added as follows:

17-252. Conditional Use Inclusionary Development in the RO-1 District.

A. Principal permitted uses.

- (1) Garden apartments.
- (2) Townhouses.

B. Permitted accessory uses.

- (1) Off-street parking
- (2) Any use or structure customarily incidental to a principal permitted use.
- (3) Private garages and carports.
- (4) Recreational and cultural facilities for the sole use of the residents of the community and their guests, including but not limited to a clubhouse, jogging and bike trails, swimming pool, library, media center, court games, picnic areas and other typical active and passive recreation facilities.
- (5) Sales office of a temporary nature not to extend beyond the occupancy of the last dwelling

C. Area and Yard Requirements – Relief required by this section shall be considered according to the standards in N.J.S.A. 40:55D-70 (c):

The following bulk standards apply to all tracts proposed for inclusionary residential development within the RO-1 District:

i.	Minimum tract size:	thirty (30) contiguous acres
ii.	Maximum tract size:	fifty (50) contiguous acres
iii.	Minimum front yard for townhouse structures:	25 feet to private road/100 feet to public road
iv.	Minimum front yard for apartment buildings:	75 feet to private road/100 feet to public road
v.	Minimum tract width:	750 feet
vi.	Minimum side yard for principal structures:	50 feet
vii.	Total for both side yards:	100 feet
viii.	Minimum rear yard:	100 feet
ix.	Minimum distance between apartment buildings	50 feet
x.	Minimum distance between townhouse buildings	25 feet
xi.	Accessory building side yard:	25 feet
xii.	Accessory building rear yard:	50 feet
xiii.	Maximum coverage:	60 percent, including private roadways
xiv.	Maximum building height:	4 stories and 55 feet

Multi-Family Building Setbacks.

- a. Building face to local street curb or pavement: 25 feet.
- b. Building face to collector street curb or pavement: 40 feet.
- c. Building face to arterial street curb or pavement: 50 feet.
- d. Building face to common parking area:

1. Front building face: 20 feet.
2. Rear or side building face: 15 feet.

Multi-Family Building Spacing.

The following separation of buildings shall be provided:

Dimension	Separation of Buildings (feet)
Long side to long side	75
Front to rear	50
Front to end	45
Rear to rear	50
Rear to end	40
End to end	30

Multifamily building requirements:

(1) Garden apartments.

- (a) The maximum length of structures shall be 200 feet. Maximum density shall be 25 dwelling units per acre.
- (b) Garden apartment structures should be grouped in clusters, with architectural design consistent in each cluster.
- (c) Recreation facilities, such as swimming pools and tennis courts, should be encouraged but carefully located to avoid problems of noise, light and similar nuisance elements affecting residential units. They shall be located not less than 100 feet from any tract boundary.
- (d) No front yard shall be used for service such as clothes drying and/or outdoor storage.
- (e) Where townhouses or garden apartments abut a residential zone or use, there shall be a landscaped strip not less than 15 feet in width or depth, which strip shall not be utilized for roadway or parking and which shall be so planted as to form an effective visual screen.
- (f) All utilities and their service lines, including electric and telephone, shall be installed underground and subject to approval of the appropriate utility. Wherever the utility is not installed in a public right-of-way, an appropriate utility easement shall be provided.
- (g) All streetlights and all lighting along pedestrian walks and in parking areas shall be downward-directed and shaded and installed on ornamental standards of the appropriate utility. They shall be of a style and design compatible with the architectural style of the project and shall be approved by the Planning Board and the utility company.
- (h) Adequate provision shall be made for the storage, recycling and removal of garbage, which shall be at the sole cost and expense of the owner.
- (i) Adequate provision shall be made for snow removal on all sidewalks, streets, roads, driveways and parking areas within the project, which shall be at the sole cost and expense of the owner.

- (j) Minimum roof pitch shall be 4:12 unless flat roofs are employed, in which case green roof design or solar collectors shall be employed.
- (k) Landscape or rooftop screening shall be provided for all a/c units, meters, connections, etc.
- (2) Townhouses.
 - (a) Maximum of eight units in a single row. Minimum width of unit, 18 feet. Offset of at least four feet between every two units.
 - (b) Townhouses should be grouped in clusters, with a maximum of 30 per cluster. Private parking areas should be located near the unit entrances and outdoor living areas or patios adjoining open space or paths leading to open space.
 - (c) Townhouses in each cluster should be consistent in terms of architectural style and major design elements such as materials, windows, rooflines, roof designs, etc. Design approval shall rest with the Planning Board.
 - (d) Each dwelling unit in a townhouse building shall be completely separated from all other dwelling units in the same building by a fire wall subject to the requirements of the Uniform Construction Code.
 - (e) Adequate safe and sanitary provisions shall be made for the recycling and storage of solid waste and garbage in compliance with all applicable ordinance requirements of the Township of Hopewell.
 - (f) Guest parking of one space for every six units shall be required.
 - (g) Minimum roof pitch shall be 4:12.
 - (h) Landscape or rooftop screening shall be provided for all a/c units, meters, connections, etc.

6) Development Requirements for Inclusionary Housing in the RO-1 District:

- a. **Infrastructure** - All development shall be connected to public sewers and public water.
- b. **Residential Use**
 - 1) There shall be a minimum of 50 affordable units and a maximum of 250 dwelling units,
 - 2) Pursuant to COAH's second round rules at N.J.A.C. 5:93-1, et seq., at least 15% of all rental units and 20% of all for-sale units shall be deed-restricted for occupancy by low and moderate income households and the affordable housing units shall be dispersed among the residential buildings rather than concentrated in a few buildings.
 - 3) No more than 60% of all market rate dwellings shall be two-bedroom units and at least 40% shall be one-bedroom units.
 - 4) Low and moderate income units shall meet the following bedroom distribution requirements:
 - 1. The combination of efficiency and one bedroom units shall be at least 10 % and no greater than 20 % 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; and
 - 5) At least 20 percent of all low and moderate income units shall be three bedroom units. Residential units shall be afforded the following activities within the redevelopment area: fitness room, community room, convenient recycling and trash receptacle area and multipurpose pedestrian/bicycle trail.

6) At least 50% of all affordable units shall be made available to low income households of which at least 13% shall be available to very low income households as required by P.L. 2008, c.46.

c. **Site Design** - Relief required by this section shall be considered according to the standards in N.J.S.A. 40:55D-70 (c)

- 1) The location and arrangement of buildings, uses, parking areas and street setbacks shall be designed to minimize conflicts with non-residential uses in the RO-1 District.
- 2) The buildings shall be located, arranged and designed to maximize opportunities for active and/or passive solar energy collection.
- 3) Each dwelling unit and combined complex of dwelling units shall have a compatible architectural theme with variations in design to provide attractiveness to the development which shall include consideration of landscaping techniques, building orientation to the site and to other structures, topography, natural features and individual dwelling unit design such as varying unit widths, staggering unit setbacks, providing different exterior materials, changing roof lines and roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination for each dwelling unit.
- 4) The dwelling unit mix shall be such that no more than 65% of the total number of dwelling units shall have the same number of bedrooms.
- 5) No townhouse building shall contain more than eight dwelling units.
- 6) A minimum of 20% of the total land area of the inclusionary development tract, shall be designated as active and passive open space. Pedestrian and bike paths, ball fields, playgrounds and other areas for active or passive recreation shall be included in the calculation of required open space.
- 7) A dense landscape buffer screen of 75 feet in width shall be installed where the development abuts any non-residential use or public street.
- 8) Pedestrian and bicycle circulation shall be provided and shall be separated from motor vehicle circulation wherever possible, and, where applicable, shall be consistent with the Township's master plan for bikeways.
- 9) Pedestrian facilities shall include a perimeter loop pathway around the inclusionary development.
- 10) An integrated sidewalk system shall be provided throughout the development which encourages pedestrian movements.
- 11) Residential uses shall be located within the existing ring road. Residential uses may be located between the ring road and site perimeter only if the developer demonstrates to the planning board that environmental or other planning reasons preclude residential development within the ring road. Any development located between the ring road and site perimeter shall protect existing views from the perimeter through site grading, landscaping or other means acceptable to the planning board.

d. **Parking** - Relief required by this section shall be considered according to the standards in N.J.S.A. 40:55D-70 (c):

- 1) Parking facilities shall be at least 75' feet from the right-of-way line of any public road, and at least 50' from any private road
- 2) Parking facilities and driveways shall be at least ten feet from District lines.
- 3) Bicycle racks shall be provided on site at a rate of one bicycle storage space for every 30 automobile parking spaces.
- 4) Where abutting a residential zone or residential use, accessory buildings, accessory structures or accessory uses shall not be closer than 75 feet to any side or rear property line.

e. **Traffic**

- 1) Traffic studies shall be prepared to project the development-generated traffic volumes affecting the roadways serving the development. In addition, an updated study for on-site parking usage for each development phase shall be submitted.
- 2) Provisions for traffic improvements shall be made and strategies for traffic control shall be provided to ensure that the levels of service are maintained or improved.

SECTION V

A new Chapter 17-253 entitled “Mandatory Affordable Housing Set-aside in Future

Rezonings or the Grant of Variances Authorizing Multi-Family Housing” is added as follows:

**17-253. Mandatory Affordable Housing Set-aside in Future
Rezonings or the Grant of Variances Authorizing Multi-Family
Housing.**

- a. Pursuant to directives of the Superior Court in the third round affordable housing proceedings captioned In the Matter of the Township of Hopewell, Docket No. MER-L-1557-15 (Mount Laurel), if the Township or its land use Boards permit, either through future rezonings or the grant of variances, multi-family or single family attached development that is “approvable” and “developable” as defined in N.J.A.C. 5:93-1, et seq. at a gross density of 6 units to the acre or more, the Township and/or its land use Boards shall require that an appropriate percentage of the residential units shall be set-aside for low and moderate income households in accordance with N.J.A.C. 5:93-1, et seq. This requirement shall apply to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project which consists of six (6) or more new residential units, whether permitted by a zoning amendment, a variance granted by the Township’s land use Boards, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation. Nothing herein precludes the

Township from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to the provisions hereof consistent with N.J.S.A. 52:27D-311(h) and other applicable law. Consistent with N.J.A.C. 5:93-1, *et seq.*, for inclusionary projects in which low and moderate income units are to be offered for “sale”, the appropriate set-aside percentage is 20 percent; for inclusionary projects for which the low and moderate income units are to be offered for “rent”, the appropriate set-aside percentage is 15 percent. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project. This requirement does not apply to any sites or specific zones otherwise identified in judicially approved Settlement Agreements under Docket No. MER-L-1557-15 (Mount Laurel) or the Township’s judicially approved third round Housing Element and Fair Share Plan (collectively “Compliance Plan”), for which density and set-aside standards shall be governed by the specific standards set forth therein. A property shall not be permitted to be subdivided so as to avoid meeting the above affordable housing requirement.

SECTION VI

Chapter 17-254 is reserved for future use now that the previously adopted Chapter 17-254 has been repealed.

SECTION VII. SEVERABILITY.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION VIII. INCONSISTENT ORDINANCES REPEALED.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this

Ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION IX. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law and the filing of same with the Mercer County Planning Board pursuant to N.J.S.A. 40:55d-16.

CHAPTER VI

**DRAFT AFFORDALE HOUSING
ORDINANCE**

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 17-

**AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL,
COUNTY OF MERCER AND STATE OF NEW JERSEY,
AMENDING CHAPTER XVII OF THE CODE ENTITLED
“LAND USE AND DEVELOPMENT” TO ADDRESS THE
REQUIREMENTS OF THE FAIR HOUSING ACT AND THE
UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)
REGARDING COMPLIANCE WITH THE TOWNSHIP’S
AFFORDABLE HOUSING OBLIGATIONS**

BE IT ORDAINED by the Township Committee of the Township of Hopewell, Mercer County, New Jersey, that the Code of the Township of Hopewell is hereby amended to include provisions addressing Hopewell’s constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

The Hopewell Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

Section 1. Monitoring and Reporting Requirements

The Township of Hopewell shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

1. Beginning on February 1, 2018, and on every anniversary of that date through February 1, 2025, the Township agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

2. Beginning on February 1, 2018, and on every anniversary of that date through February 1, 2025, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.
3. By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.
4. By March 1, 2020, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including its family very low income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income and family very low income housing obligations.

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 designated by the Township to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

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

amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township’s fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Alternative living arrangement” means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

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

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

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

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

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

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

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

“Median income” means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

Section 3. Applicability

1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the

Township of Hopewell pursuant to the Township's most recently adopted Housing Element and Fair Share Plan.

2. Moreover, this Ordinance shall 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.

Section 4. Alternative Living Arrangements

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

3. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

Section 5. Phasing Schedule for Inclusionary Zoning

In inclusionary developments the following schedule shall be followed:

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

Section 6. New Construction

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

a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low income units shall be counted as part of the required number of low income units within the development.

b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low-income units.

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

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

2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;

3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2. Accessibility Requirements:

a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:

b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

- 1) An adaptable toilet and bathing facility on the first floor; and
- 2) An adaptable kitchen on the first floor; and
- 3) An interior accessible route of travel on the first floor; and
- 4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- 5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
- 6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Hopewell 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 Hopewell'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 Hopewell for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

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

e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

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 most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures set forth in the Consent Order entered on December 16, 2016, by the Honorable Douglas K. Wolfson, JSC, in In the Matter of the Township of East Brunswick for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan, Docket No.: MID-L-004013-15.

b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.

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 rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. 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 7. 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 the NJDCA for its Section 8 program.

Section 8. 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 9. 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 Hopewell 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 10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

Section 11. 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, the Administrative Agent may, upon approval by the Township Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

Section 12. 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 13. 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 14. 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 Hopewell 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 Mercer. 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 15. Rent Restrictions for Rental Units; Leases

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

Section 16. 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 the regional median household income by household size.
 - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

- b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
- c. The household is currently in substandard or overcrowded living conditions;
- d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
- e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

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

Section 17. Municipal Housing Liaison

1. The Township of Hopewell shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for overseeing the Township's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the Township's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). Hopewell shall adopt an Ordinance creating the position of Municipal Housing Liaison and a Resolution appointing the person to fulfill the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

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

- a. Serving as Hopewell'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 Hopewell's Fair Share Plan;
- c. Compiling, verifying, submitting and posting all monitoring reports as required by the Court and by this Ordinance;
- d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and

e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

3. Subject to the approval of the Court, the Township of Hopewell shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Township in accordance with UHAC and this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Township Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).

Section 18. Administrative Agent

An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. *The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.* The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

1. Affirmative Marketing:

a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Hopewell 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;

f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Hopewell when referring households for certification to affordable units; and

g. Notifying the following entities of the availability of affordable housing units in the Township of Hopewell: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

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 Mercer County Register of Deeds or Mercer 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- (or very 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. Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;

d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and

f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.

7. Additional Responsibilities:

a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.

c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

Section 19. Affirmative Marketing Requirements

1. The Township of Hopewell shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 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 Housing Region 3, comprised of Mercer, Essex, Union and Warren 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 Hopewell shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within

the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

Section 20. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing an 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 Hopewell 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 21. Appeals

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

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 HOPEWELL

Lori E. Gompf, Township
Municipal Clerk

Kevin D. Kuchinski, Mayor

Introduced: _____

Motion by: _____

Second by: _____

Introduction Roll Call:

Ayes: _____

Nayes: _____

Absent: _____

Abstain: _____

Adopted: _____

Motion by: _____

Second by: _____

Adoption Roll Call:

Ayes: _____

Nayes: _____

Absent: _____

Abstain: _____

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Mayor and Council at a meeting held on _____, 2017.

Lori Gompf, Township Clerk

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Township of Hopewell held in the Municipal Building on the ____ day of _____. 2017, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the ____ day of _____, 2017, at ____ P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

Lori Gompf, Township Clerk

CHAPTER VII

COAH SUBSTANTIVE

CERTIFICATION INFORMATION



c: Administrator Van Vug

CHRISTINE TODD WHITMAN
Governor

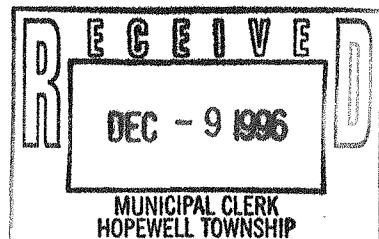
State of New Jersey
COUNCIL ON AFFORDABLE HOUSING
CN-813
TRENTON NJ 08625-0813
609-292-3000
FAX: 609-633-6056
TDD#: (609) 278-0175

JANE M. KENNY
Chairman

SHIRLEY M. BISHOP, P.P.
Executive Director

December 4, 1996

The Honorable Peter Lunetta
Township of Hopewell
201 Washington Crs Penn Road
Titusville, NJ 08560



Dear Mayor Lunetta:

Enclosed please find a resolution that was passed by the Council on Affordable Housing (COAH) at its December 4, 1996 meeting regarding your Regional Contribution Agreement (RCA) with the City of Trenton.

If you have any questions or need further information, please call Mary Beth Lonergan, COAH planner at (609)984-4584.

Sincerely,
Shirley M. Bishop, P.P.
Executive Director

cc: Service List
Mary Beth Lonergan, COAH planner

d2889w/l2



Hopewell Township/Mercer County & Trenton City/Mercer County
RCA Service List 11/96

The Honorable Peter Lunetta
Hopewell Township
201 Washington Crs Penn Road
Titusville, NJ 08560

The Honorable Douglas Palmer
City of Trenton
319 E. State Street
Trenton, NJ 08608

David Kenny, Esq.
Hartsough & Kenny
3812 Quakerbridge Road
Hamilton, NJ 08619

Rhonda Coe
Dept. of Housing & Dev.
City Hall Annex
319 E. State Street
Trenton, NJ 08608-1866

Planning Board Secretary
Hopewell Township
201 Washington Crs Penn Road
Titusville, NJ 08560

Allan Mallach, Director
Dept. of Housing & Dev.
City Hall Annex
319 E. State Street
Trenton, NJ 08608-1866

Karen Torian, Director
NJ HMFA
637 South Clinton Ave., CN 18550
Trenton, NJ 08650-2085

Howard Izes
Local Government Services
CN 803
Trenton, NJ 08625-0803

d3176w/75

85-12

RESOLUTION APPROVING REGIONAL CONTRIBUTION AGREEMENT

WHEREAS, N.J.S.A. 52:27D-312 allows a municipality to transfer up to 50 percent of its fair share obligation to another municipality within its housing region by means of a contractual agreement into which the two municipalities voluntarily enter; and

WHEREAS, the Township of Hopewell, Mercer County, has a precredited need obligation of 564 units; and

WHEREAS, the Township of Hopewell, Mercer County, as a component of its housing element and fair share plan has proposed a Regional Contribution Agreement (RCA) with the City of Trenton, Mercer County for up to 178 units; and

WHEREAS, the Township of Hopewell submitted to the Council on Affordable Housing (COAH) two draft RCA contracts (attached as Exhibit A and Exhibit B) between the Township of Hopewell and the City of Trenton, pursuant to N.J.A.C. 5:91-11.1(a); and

WHEREAS, the first contract (119 units - \$2,380,000) is the result of a court order with payments to be contributed from the Hovnanian site, Brandon Farms; and

WHEREAS, the second contract (up to 59 units - up to \$1,180,000) requires funding from the township and as part of the second contract, the township will be given one year from the date of substantive certification to determine if it will amend its plan to reduce the 59-unit RCA to no fewer than five units; and

WHEREAS, the Township of Hopewell has noted that a resolution of intent to bond has been adopted by the governing body to cover any shortfall of funds for the 59-unit RCA; and

WHEREAS, N.J.S.A. 52:27D-312(c) requires the county planning board of the county in which the receiving municipality is located to review the proposal to determine whether the RCA is in accordance with sound comprehensive regional planning; and

WHEREAS, the Mercer County Planning Board, at its June 12, 1996 meeting, approved Trenton's RCA Recipient Certification application; and

WHEREAS, on April 3, 1996, COAH granted to the City of Trenton RCA Recipient Certification, which enables Trenton to utilize funds from COAH-approved RCAs for projects within four certified housing production categories during the three-year certification period; and

WHEREAS, Trenton must file with HMFA, COAH, the Mercer County Planning Board and Hopewell Township a brief summary of each chosen project which will utilize Hopewell Township RCA funds prior to the commencement of the projects; and

WHEREAS, COAH has determined that the proposed RCA is in accordance with sound

comprehensive regional planning and in accordance with the terms of the master plan and zoning ordinance of both sending and receiving municipalities, the Mercer County Master Plan, as set forth in the Mercer County Planning Board recommendation; and

WHEREAS, COAH has determined that the proposed RCA is feasible and complies with all COAH rules governing RCAs, and further, that the proposed RCA will provide a realistic opportunity for the provision of low and moderate income housing within convenient access to employment opportunities, as set forth in the COAH RCA report, which is attached hereto as Exhibit C and incorporated by reference herein.

NOW THEREFORE BE IT RESOLVED that COAH hereby approves the RCA between the Township of Hopewell and the City of Trenton for the transfer of up to 178 units from the Township of Hopewell to the City of Trenton; and

BE IT FURTHER RESOLVED that the Township of Hopewell shall make the RCA payments to the City of Trenton as follows:

Contract 1 - Hovnanian (Brandon Farms)

Payment #1 - \$473,000 no later than the 101st certificate of occupancy; and
Payment #2 - \$473,000 no later than the 201st certificate of occupancy; and
Payment #3 - \$473,000 no later than the 301st certificate of occupancy; and
Payment #4 - \$473,000 no later than the 401st certificate of occupancy; and
Payment #5 - \$488,000 no later than the 501st certificate of occupancy; and

Contract 2 - Hopewell Township

Payment #1 - \$380,000 no later than April 1, 1999; and
Payment #2 - \$400,000 no later than April 1, 2000; and
Payment #3 - \$400,000 no later than April 1, 2001; and

BE IT FURTHER RESOLVED that Hopewell Township shall file the executed copy of the two RCA contracts with COAH within seven days of the execution; and

BE IT FURTHER RESOLVED that the City of Trenton shall file with HMFA, COAH, the Mercer County Planning Board and Hopewell Township a brief summary of each chosen project which utilizes Hopewell Township RCA funds prior to the commencement of the projects; and

BE IT FURTHER RESOLVED that the City of Trenton shall file semi-annual reports with HMFA and COAH setting forth the progress in implementing the selected RCA projects within 45 days of the first anniversary date of the granting of substantive certification to Hopewell Township by COAH. These annual reports shall be filed until the final transferred unit is completed; and

BE IT FURTHER RESOLVED that if the Township of Hopewell defaults on any of the payments, its substantive certification may be rendered null and void; and

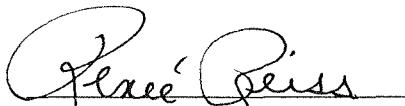
BE IT FURTHER RESOLVED that the City of Trenton shall establish a separate escrow account for all monies received from the Township of Hopewell pursuant to the RCA; and

BE IT FURTHER RESOLVED that upon execution of the RCA within 46 days after Hopewell Township is granted substantive certification, the City of Trenton shall enter into a separate agreement with COAH that permits COAH to effectively monitor disbursements of the funds received by the City of Trenton pursuant to the RCA; and

BE IT FURTHER RESOLVED that the City of Trenton shall file quarterly reports with COAH detailing the disbursements made from the RCA funds; such reports shall be in a form as determined by COAH and shall contain such information as required by COAH and shall be certified by the appropriate municipal officer; and

BE IT FURTHER RESOLVED that COAH shall file a copy of this resolution with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, pursuant to N.J.S.A. 52:27D-312 (d).

I hereby certify that the resolution
was duly adopted by the Council on
Affordable Housing at its public
meeting on 12/4/96.



Rejee Reiss, Secretary
Council on Affordable Housing

EXECUTIVE SUMMARY
REGIONAL CONTRIBUTION AGREEMENT
HOPEWELL TOWNSHIP/ TRENTON CITY

December 4, 1996
Prepared by Mary Beth Lonergan, Principal Planner

Hopewell Township, Mercer County, proposes to transfer up to 178 units of its fair share obligation to Trenton City, Mercer County, through a Regional Contribution Agreement (RCA). Along with a completed 20-unit RCA with the City of Trenton, Hopewell Township will transfer less than 50 percent of its cumulative 12-year obligation. The current RCA consists of two contracts, the first contract (119 units - \$2,380,000) is the result of a court order with payments to be contributed from the Hovnanian site, Brandon Farms, while the second contract (up to 59 units - up to \$1,180,000) requires funding from the township. As part of the second contract, the township will be given one year from the date of substantive certification to determine if it will amend its plan to reduce the 59-unit RCA to no fewer than five units.

On April 3, 1996, COAH granted the City of Trenton RCA Recipient Certification, an alternative to a project-by-project approval of a municipality's project plan. COAH's RCA Recipient Certification approval relied on the recommendation of approval from the New Jersey Housing and Mortgage Finance Agency (HMFA) and the Mercer County Planning Board. By receiving RCA Recipient Certification, Trenton may utilize funds from COAH-approved RCAs for projects within four housing production categories during the three-year certification period.

COAH staff has reviewed the draft contracts and has determined that the RCA provides a realistic opportunity for low and moderate income housing with convenient access to employment opportunities and is consistent with sound, comprehensive regional planning. The RCA is recommended for approval.

COAH REVIEW
REGIONAL CONTRIBUTION AGREEMENT
HOPEWELL TOWNSHIP/ TRENTON CITY

December 4, 1996
Prepared by Mary Beth Lonergan, Principal Planner

Background

Hopewell Township, Mercer County, has a precredited need obligation of 564 units. Hopewell Township proposes to transfer up to 178 units of its obligation to Trenton City, Mercer County, through a Regional Contribution Agreement (RCA). Along with a completed 20-unit RCA with the City of Trenton, Hopewell Township will transfer less than 50 percent of its cumulative 12-year obligation as per N.J.A.C. 5:93-6.1. The current RCA with Trenton consists of two contracts, the first contract (119 units - \$2,380,000) is the result of a court order with payments to be contributed from the Hovnanian site, Brandon Farms, while the second contract (up to 59 units - up to \$1,180,000) requires funding from the township. As part of the second contract, the township will be given one year from the date of substantive certification to determine if it will amend its plan to reduce the 59-unit RCA to no fewer than five units.

On April 3, 1996, the Council on Affordable Housing (COAH) granted the City of Trenton RCA Recipient Certification, an alternative to a project-by-project approval of a municipality's project plan. COAH's RCA Recipient Certification approval relied on the recommendation of approval of the New Jersey Housing and Mortgage Finance Agency (HMFA) and the Mercer County Planning Board. By receiving RCA Recipient Certification, Trenton may utilize funds from COAH-approved RCAs for projects within four housing production categories without further COAH or HMFA project plan approvals during the three-year certification period. The following is a review of the approvals, reports and a recommendation by COAH staff.

HMFA REVIEW

On April 3, 1996, COAH approved Trenton's RCA Recipient Certification for all four categories established by HMFA: limited or moderate rehabilitation of one- to four-family buildings; substantial rehabilitation or new construction of one- to four-family buildings, including infill housing; substantial rehabilitation, new construction or adaptive reuse of non-residential buildings into multifamily buildings containing more than four units; and substantial rehabilitation or new construction of special needs housing, including transitional housing for the homeless.

Therefore, Trenton may utilize funds from COAH-approved RCAs for projects within all four housing production categories during the three-year certification period. Although a specific RCA project plan for the Hopewell Township/ Trenton RCA does not need to be submitted, the City of Trenton must supply HMFA, COAH, the Mercer County Planning Board and Hopewell Township with a summary of each chosen project which will utilize the Hopewell Township RCA funds prior to the commencement of the projects.

COAH Rule Compliance

Low/ Moderate Income Split - At least half of the 178 RCA units are to be reserved for low income households.

RCA Payment Schedules - The receiving municipality will be required to set up an appropriate mechanism to draw down administrative funds as well as sign an escrow agreement with COAH regarding the drawdown of funds.

Affordability Controls - Trenton will utilize COAH's rules regarding affordability controls.

Excess RCA Funds - Excess funds will remain with the receiving municipality to produce additional eligible low and moderate income housing units. COAH approval as per N.J.A.C. 5:93-6.2(e) is necessary

Recommendation and Conditions

As noted in HMFA's recommendation to COAH to approve RCA Recipient Certification for the City of Trenton, dated March 28, 1996, the following conditions are noted:

1. Because inflation may increase the cost of construction over the term of the RCA and affect the feasibility of project plans, the receiving and sending municipalities shall negotiate a mechanism acceptable to the HMFA staff for meeting such cost increases.

Trenton will utilize the interest on the RCA principal to offset inflation. This condition has been addressed in the RCA contract.

2. Annual submission to HMFA and COAH of documentation acceptable to HMFA staff evidencing that there exists a sufficient number of eligible applicants, projects, and/or units to demonstrate continued project feasibility.

Condition #2 has been addressed in the revised RCA contract.

3. At the end of the third year, HMFA and COAH will evaluate the receiving municipality's RCA program in terms of the timely submission of reports and conformity to HMFA and COAH guidelines and directives.

COAH REVIEW

According to N.J.S.A. 52:27D-312, COAH may approve an RCA if the following conditions, among others, are met:

1. The agreement provides a realistic opportunity for low and moderate income housing within convenient access to employment opportunities.

2. The agreement is consistent with sound comprehensive regional planning.
3. The project plan is a feasible and viable means of achieving the agreement as determined by HFMA.

COAH approved the City of Trenton for RCA Recipient Certification thereby acknowledging that Trenton has a proven track record in providing realistic opportunities for affordable housing. The Mercer County Planning Board also indicated that previous Trenton housing projects have been in accordance with sound comprehensive regional planning. Prior to the commencement of the project which will utilize Hopewell Township RCA funds, Trenton is required to provide COAH, HMFA, the Mercer County Planning Board and Hopewell Township with a summary of the project.

Based upon the COAH RCA Recipient Certification and the COAH review of the draft contracts, it is concluded that the RCA is in accordance with sound comprehensive regional planning and is a feasible and viable means of achieving the provision of low and moderate income housing in the region.

RECOMMENDATION

The RCA between Hopewell Township and the City of Trenton does provide a realistic opportunity for low and moderate income housing within access to employment opportunities and is consistent with comprehensive regional planning. The RCA is recommended for approval.

REGIONAL CONTRIBUTION AGREEMENT**(HOVNANIAN)**

THIS AGREEMENT, entered into this _____ day of _____, 1996 by and between the **TOWNSHIP OF HOPEWELL**, a municipal corporation of the State of New Jersey, 201 Washington Crossing-Pennington Road, Titusville, New Jersey, 08560-1410, and the **CITY OF TRENTON**, a municipal corporation of the State of New Jersey, 319 East State Street, Trenton, New Jersey, 08608.

WITNESSETH:

WHEREAS, the **TOWNSHIP OF HOPEWELL** and the **CITY OF TRENTON**, prior to any pronouncement by the New Jersey Supreme Court in *Southern Burlington N.A.A.C.P. vs. Mt. Laurel Township*, 67 N.J. (1975), recognized and supported the need of municipalities to provide for a fair share of affordable housing for moderate and low income households within said Township and within the region wherein said Township is located; and

WHEREAS, the New Jersey Fair Housing Act, *N.J.S.A. 52:27D-301*, et seq., has authorized the New Jersey Council on Affordable Housing (COAH) to promulgate and adopt substantive rules to assist municipalities in addressing their constitutional obligations to provide a fair share of affordable housing for moderate and low income households within given housing regions as designated by COAH; and

WHEREAS, the **TOWNSHIP OF HOPEWELL** and the **CITY OF TRENTON** have been designated as municipalities in the East Central/Group 4 Region; and

WHEREAS, pursuant to *N.J.A.C. 5:93-6.1 et seq.*, COAH permits municipalities within a region to transfer up to 50% of their housing obligation through a voluntary inter-municipal agreement; and

WHEREAS, the TOWNSHIP OF HOPEWELL and the CITY OF TRENTON have entered into a previous agreement under which the TOWNSHIP OF HOPEWELL paid \$550,000.00 to the CITY OF TRENTON to transfer 20 units as a result of a court ordered judgment of repose; and

WHEREAS, the TOWNSHIP OF HOPEWELL had voluntarily sought court approval of its affordable housing plan, prior to the creation of the Council on Affordable Housing and prior to any litigation being initiated against the TOWNSHIP OF HOPEWELL; and

WHEREAS, that plan was approved by the Superior Court of New Jersey, and the approval included the schedule for the transfer of 119 units of low and moderate income housing as set forth below.

NOW, THEREFORE, in consideration for the exchange of mutual promises and the further consideration recited hereinbelow, the TOWNSHIP OF HOPEWELL (hereinafter referred to as "SENDING MUNICIPALITY") and the CITY OF TRENTON (hereinafter referred to as "RECEIVING MUNICIPALITY") AGREE, as follows:

1. **Transfer of Housing Obligation:** The SENDING MUNICIPALITY hereby agrees to transfer to the RECEIVING MUNICIPALITY up to 119 units of its low and moderate income housing obligation as defined by the New Jersey Fair Housing Act, *N.J.S.A. 52:27D-301* (hereinafter referred to as "Act") the "Substantive Rules of the New Jersey Council

on Affordable Housing" (N.J.A.C. 5:93-1.1, et seq.), and a court-ordered judgment of repose.

The SENDING MUNICIPALITY shall pay to the RECEIVING MUNICIPALITY \$20,000 per unit of housing according to the payment schedule set forth in paragraph 2.A below. The RECEIVING MUNICIPALITY will accept 119 units of Hopewell Township's low and moderate income housing obligation and payment in accordance with the schedule set forth herein.

2. Payment Schedule: A. As indicated above, the SENDING MUNICIPALITY agrees to make contributions to the RECEIVING MUNICIPALITY at the rate of \$20,000.00 per unit for up to 119 units with total maximum contribution of \$2,380,000.00. The SENDING MUNICIPALITY shall make said contributions in accordance with the following schedule:

<u>Payment Number</u>	<u>No later than</u>	<u>Amount</u>
1	101st Certificate of Occupancy	\$ 473,000.00
2	201st Certificate of Occupancy	\$ 473,000.00
3	301st Certificate of Occupancy	\$ 473,000.00
4	401st Certificate of Occupancy	\$ 473,000.00
5	501st Certificate of Occupancy	<u>\$ 488,000.00</u>
		\$2,380,000.00

The above schedule is incorporated into the approval granted by Hopewell Township to K. Hovnanian and prior court approval.

B. All units shall be deemed transferred and credited to the SENDING MUNICIPALITY's fair share obligation as of the actual date of payment.

3. The SENDING MUNICIPALITY acknowledges that a component of the per-unit contribution as provided for in this agreement may be applied by the RECEIVING MUNICIPALITY to defray cost of administration, infrastructure, and other expenses incurred by the RECEIVING MUNICIPALITY in connection with this agreement. The RECEIVING MUNICIPALITY acknowledges by COAH and in no event shall they exceed 20% of the funds provided for hereinabove for administrative costs.

4. Receiving Municipality Responsibilities: The RECEIVING MUNICIPALITY agrees to take all necessary steps and to act in a diligent manner to perform in good faith all appropriate activities of a RECEIVING MUNICIPALITY pursuant to the provisions of the Act and in accordance with COAH guidelines, including, but not limited to, the following:

A. The RECEIVING MUNICIPALITY has received RCA Recipient Certification from COAH and may undertake housing activity in four categories: (see attachment).

B. It will comply with all the terms and conditions of its RCA Recipient Certification. Trenton hereby agrees that it will either construct or perform gut rehabilitation on vacant buildings for 35 rental units with a portion of the funds received from Hopewell Township.

C. It will apply to the appropriate local, State or Federal agencies for all requisite governmental approvals.

D. It shall apply for all financing necessary for its share of costs for providing housing as contemplated hereunder, provided that the SENDING MUNICIPALITY shall be

responsible for any and all financing, if any, necessary to meet its contribution as set forth hereinabove. It will market said units which will be constructed as a result of this agreement in accordance with the applicable provisions of the Act and COAH regulations so as to result in occupancy by persons in the targeted low and moderate income groups with at least 50% of the units being made available to low income households as defined by said Act and COAH regulations. It shall provide to the SENDING MUNICIPALITY a report detailing the type of project that will be funded in whole or in part with the funds provided for hereinabove.

E. It agrees to place all encumbered funds received from the SENDING MUNICIPALITY in an interest-bearing account and establish therein a separate lien item account to effectively monitor the payment from the SENDING MUNICIPALITY, including interest. All interest earned shall be utilized in conformance with and to accomplish the purpose of this agreement.

F. The RECEIVING MUNICIPALITY will enter into a separate agreement with COAH that permits COAH to effectively monitor disbursements of the funds received pursuant to the RCA.

5. Term of Agreement: This agreement shall have a term of six years. The term shall commence on the transfer of the first transfer of funds. The RECEIVING MUNICIPALITY shall take all steps necessary to satisfy its obligations under this agreement within six years of the date of the first transfer of funds.

6. Reports: The following reports will be the responsibility of the RECEIVING MUNICIPALITY:

A. The RECEIVING MUNICIPALITY will file semi-annual reports to the New Jersey Housing and Mortgage Finance Agency (NJHMFA) and COAH delineating its progress in implementing this agreement, pursuant to the requirements of N.J.A.C. 5:92-11.2(e). Copies of said reports shall be furnished as provided for hereinabove to the SENDING MUNICIPALITY.

B. The RECEIVING MUNICIPALITY will provide quarterly reports to COAH as it draws down funds, which shall be furnished in accordance with Section 2 of this agreement.

7. Credit to the Housing Element: The RECEIVING MUNICIPALITY agrees that it shall not claim credit towards its own Housing Element for any low or moderate income units, as defined by the Act, provided pursuant to this agreement, but that all such credits shall inure to the benefit of the SENDING MUNICIPALITY. All housing provided pursuant to this agreement will be permanently identified in the appropriate records of the RECEIVING MUNICIPALITY as having been constructed to meet the fair share obligation of the SENDING MUNICIPALITY.

8. Utilization of Surplus Funds: The SENDING and RECEIVING MUNICIPALITIES agree that all funds transferred hereunder shall be used to provide for the construction and/or rehabilitation of the units of affordable housing contemplated by this agreement and that, to the extent such funds do not need to be expended to implement the approved project plan for the construction and/or rehabilitation of a maximum of 119 units of housing, they will be applied to administrative costs incurred within the COAH guidelines and/or utilized by the RECEIVING MUNICIPALITY to provide additional low and moderate income

housing units, or for capital expenditures ancillary to or benefiting low and moderate income households. Transferred funds in excess of the amount necessary to implement this Agreement will be retained and utilized by the RECEIVING MUNICIPALITY for the continued production of low and moderate income housing, the rehabilitation therefor and/or construction of supporting infrastructure improvements consistent with the regulations of COAH. If excess funds are utilized by the RECEIVING MUNICIPALITY, they may only be used to produce additional low and/or moderate income units or for a capital expenditure ancillary to or benefiting low and moderate income households. All interest generated must remain in the Housing Trust Fund until expended on an eligible housing activity. The specific use of excess funds is subject to COAH's approval and will require the following:

- A. A brief description of the project including the number of units;
- B. Total development costs and breakdown of the financing;
- C. Amount of funds to be expended;
- D. Estimated start date;
- E. Projected date of completion; and
- F. Balance of funds in RCA account.

Excess funds may also be utilized in accordance with the terms and conditions of the RECEIVING MUNICIPALITY's RCA Recipient Certification as referred to in Paragraph 4A hereinabove.

Finally, if excess funds are to be utilized, the RECEIVING MUNICIPALITY shall, at the same time it advises COAH as provided for herein as to how the funds are to be utilized, likewise advise the SENDING MUNICIPALITY as to the proposed use of funds.

9. Litigation or Administrative Determination Contingency: In the event of a final adjudication by a Court of competent jurisdiction or a State administrative agency that:

A. This agreement or the transfer of any units hereunder does not satisfy the obligation of the SENDING MUNICIPALITY under the Act with respect to the portion of its housing obligation addressed hereunder; or

B. The approval of this agreement was not lawfully granted; or

C. Additionally, in the event litigation is instituted seeking any adjudication as described in this section, the SENDING and RECEIVING MUNICIPALITIES will:

i. Cooperate in the defense of such litigation; and

ii. Seek to enter such litigation as a party at the request of the other;

and

D. The SENDING MUNICIPALITY may seek approval from COAH and/or a Court of competent jurisdiction for a deferral or stay of the requirement that it transfer funds under this agreement or of expenditure of funds already transferred to the RECEIVING MUNICIPALITY, pending the outcome of such litigation; provided, however, that the SENDING MUNICIPALITY shall agree to provide any additional funds reasonably required at the end of such deferral or stay to fund the project(s) to be constructed hereunder. If such approvals for stay or deferral of payments are obtained, the SENDING MUNICIPALITY and the RECEIVING MUNICIPALITY agree to enter into an amendment to this agreement or other agreements as appropriate to such approvals and based thereon.

10. Senior Citizen Housing: As a component of the SENDING MUNICIPALITY's Affordable Housing Program, during the term of this agreement, the

SENDING MUNICIPALITY may have developed within its community senior citizen housing which may count towards its fair share obligation. Therefore, the RECEIVING MUNICIPALITY agrees that none of the above-referenced maximum of 119 units of housing to be funded by this agreement shall be utilized by the RECEIVING MUNICIPALITY for housing specifically designated for senior citizens. This prohibition, however, shall not apply to individual senior citizen households who are income eligible qualifying to either purchase or rent one of the housing units funded by this agreement.

11. Unit Contribution: The RECEIVING MUNICIPALITY may spend less than the \$20,000.00 per unit provided for hereinabove in implementing this agreement, provided, however, that the remaining funds are used for an activity approved by COAH for addressing the low and moderate income obligation of the SENDING MUNICIPALITY. For scattered site rehabilitation of occupied units, the RECEIVING MUNICIPALITY will expend a minimum average of \$16,000.00 per unit for hard costs. Eligible activities shall include, but are not necessarily limited to, those activities outlined in *N.J.A.C. 5:93-5*. As provided for hereinabove, the RECEIVING MUNICIPALITY shall provide in writing a plan to COAH, and HMFA and the SENDING MUNICIPALITY to utilize said funds which may be spent in accordance with this section.

12. Effective Date: This agreement shall become effective upon execution by the SENDING and RECEIVING MUNICIPALITIES, and upon approval of this agreement by COAH.

13. Modification: The SENDING and RECEIVING MUNICIPALITIES agree that this agreement shall not be modified without the prior approval of COAH and to the extent

required, the prior approval of the New Jersey Housing and Mortgage Finance Agency. All modifications shall be in writing.

14. Inconsistencies: This agreement constitutes the entire agreement between the parties and may only be modified by a duly authorized and approved written supplemental agreement. In the event of any inconsistencies between this agreement and any other document such as, but not limited to, any memorandum of understanding entered into between the parties, this agreement shall control.

15. Interpretation: This agreement shall be interpreted and construed in accordance with the laws of the State of New Jersey, as well as the intent of the parties hereto, which intent is that the SENDING MUNICIPALITY shall pay for the funds specified herein to the RECEIVING MUNICIPALITY as a contribution for the construction of low and moderate income housing units with the RECEIVING MUNICIPALITY, and the SENDING MUNICIPALITY shall receive in consideration therefor credit for each of the units that will be constructed by the RECEIVING MUNICIPALITY on account of the SENDING MUNICIPALITY's current or future fair share obligation as determined by COAH.

16. Further Assurances: The SENDING and RECEIVING MUNICIPALITIES agree to provide any further documents and take any further action which may reasonably be required by the other in order to fully effectuate and implement the terms and conditions of this agreement.

17. Execution: This contract shall be executed within 46 days of Hopewell Township's receiving substantive certification from COAH.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures of their
duly authorized officials, the day and year first written above.

ATTESTED:

**TOWNSHIP OF HOPEWELL
(SENDING MUNICIPALITY)**

Annette Bielawski, Clerk

By: Peter J. Lunetta, Mayor

Dated:

**CITY OF TRENTON
(RECEIVING MUNICIPALITY)**

, Clerk

By: _____, Mayor

Dated:

REGIONAL CONTRIBUTION AGREEMENT**(HOPEWELL)**

THIS AGREEMENT, entered into this _____ day of _____, 1996 by and between the TOWNSHIP OF HOPEWELL, a municipal corporation of the State of New Jersey, 201 Washington Crossing-Pennington Road, Titusville New Jersey, 08560-1410, and the CITY OF TRENTON, a municipal corporation of the State of New Jersey, 319 East State Street, Trenton, New Jersey, 08608.

WITNESSETH:

WHEREAS, the TOWNSHIP OF HOPEWELL and the CITY OF TRENTON, prior to any pronouncement by the New Jersey Supreme Court in *Southern Burlington N.A.A.C.P. vs. Mt. Laurel Township*, 67 N.J. (1975), recognized and supported the need of municipalities to provide for a fair share of affordable housing for moderate and low income households within said Township and within the region wherein said Township is located; and

WHEREAS, the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq., has authorized the New Jersey Council on Affordable Housing (COAH) to promulgate and adopt substantive rules to assist municipalities in addressing their constitutional obligations to provide a fair share of affordable housing for moderate and low income households within given housing regions as designated by COAH; and

WHEREAS, the TOWNSHIP OF HOPEWELL and the CITY OF TRENTON have been designated as municipalities in the East Central/Group 4 Region; and

WHEREAS, pursuant to *N.J.A.C. 5:93-6.1 et seq.*, COAH permits municipalities within a region to transfer up to 50% of their housing obligation through a voluntary inter-municipal agreement; and

WHEREAS, the TOWNSHIP OF HOPEWELL and the CITY OF TRENTON have entered into a previous agreement under which the TOWNSHIP OF HOPEWELL paid \$550,000.00 to the CITY OF TRENTON to transfer 20 units as the result of a court-ordered judgment of repose.

WHEREAS, the TOWNSHIP OF HOPEWELL and the CITY OF TRENTON are contemporaneously entering into another agreement under which HOPEWELL TOWNSHIP will pay \$2,380,000.00 to the CITY OF TRENTON to transfer 119 units upon the terms set forth in the court settlement agreement and upon receipt of funds by HOPEWELL TOWNSHIP from K. Hovnanian, Inc.

NOW, THEREFORE, in consideration for the exchange of mutual promises and the further consideration recited hereinbelow, the TOWNSHIP OF HOPEWELL (hereinafter referred to as "SENDING MUNICIPALITY") and the CITY OF TRENTON (hereinafter referred to as "RECEIVING MUNICIPALITY") AGREE, as follows:

1. **Transfer of Housing Obligation:** Hopewell Township hereby agrees, at its option, to transfer to the City of Trenton up to 59 units of its low and moderate income housing obligation as defined by the New Jersey Fair Housing Act, *N.J.S.A. 52:27D-301* (hereinafter referred to as "Act") and the "Substantive Rules of the New Jersey Council on Affordable Housing" (*N.J.A.C. 5:93-1.1, et seq.*). It is understood by the parties that Hopewell Township may seek approval from the Council on Affordable Housing to amend its Substantive

Post-It® Fax Note	7671	Date	11/27	# of pages	2
2	To	Ms. Lonergan	From	Dave Kenny	
	Co./Dept.		Co.		
	Phone #		Phone #	588-9800	
	Fax #	633-6056	Fax #		

Certification through a zoning amendment, thus diminishing the number of units to be transferred to as few as 5 units. It shall pay to the RECEIVING MUNICIPALITY \$20,000 per unit of housing according to the payment schedule set forth in Paragraph 2A below. The RECEIVING MUNICIPALITY will accept up to 59 units of HOPEWELL TOWNSHIP's low and moderate income housing obligation and payment in accordance with the schedule set forth herein. Hopewell Township will notify the City of Trenton no later than ~~two~~ ^{one} years from the granting of substantive certification that it intends to amend its plan and reduce the number of RCA units to be transferred. Any amendment must be filed with COAH no later than one year from the granting of substantive certification. The City of Trenton shall also be notified of the amendment.

will be changed

2. Payment Schedule: A. In the event HOPEWELL TOWNSHIP exercises its option to transfer a maximum of 59 units to the CITY OF TRENTON, the following payment schedule would apply:

<u>Payment Number</u>	<u>No later than</u>	<u>Amount</u>
1	April 1, 1999	\$ 380,000.00
2	April 1, 2000	\$ 400,000.00
3	April 1, 2001	\$ 400,000.00
		\$1,180,000.00

In the event fewer units are transferred, in the discretion of the TOWNSHIP OF HOPEWELL, then payments shall be made in equal installments on each of the dates set forth above or in one payment on the first payment date.

B. All units shall be deemed transferred and credited to the SENDING MUNICIPALITY's fair share obligation as of the actual date of payment.

3. The SENDING MUNICIPALITY acknowledges that a component of the per-unit contribution as provided for in this agreement may be applied by the RECEIVING MUNICIPALITY to defray cost of administration, infrastructure, and other expenses incurred by the RECEIVING MUNICIPALITY in connection with this agreement. The RECEIVING MUNICIPALITY acknowledges by COAH and in no event shall they exceed 20% of the funds provided for hereinabove for administrative costs.

4. Receiving Municipality Responsibilities: The RECEIVING MUNICIPALITY agrees to take all necessary steps and to act in a diligent manner to perform in good faith all appropriate activities of a RECEIVING MUNICIPALITY pursuant to the provisions of the Act and in accordance with COAH guidelines, including, but not limited to, the following:

A. The RECEIVING MUNICIPALITY has received RCA Recipient Certification from COAH and may undertake housing activity in four categories: (see attachment).

B. It will comply with all the terms and conditions of its Certification.

C. It will apply to the appropriate local, State or Federal agencies for all requisite governmental approvals.

D. It shall apply for all financing necessary for its share of costs for providing housing as contemplated hereunder, provided that the SENDING MUNICIPALITY shall be responsible for any and all financing, if any, necessary to meet its contribution as set forth

hereinabove. It will market said units which will be constructed as a result of this agreement in accordance with the applicable provisions of the Act and COAH regulations so as to result in occupancy by persons in the targeted low and moderate income groups with at least 50% of the units being made available to low income households as defined by said Act and COAH regulations. It shall provide to the SENDING MUNICIPALITY a report detailing the type of project that will be funded in whole or in part with the funds provided for hereinabove.

E. It agrees to place all encumbered funds received from the SENDING MUNICIPALITY in an interest-bearing account and establish therein a separate lien item account to effectively monitor the payment from the SENDING MUNICIPALITY, including interest. All interest earned shall be utilized in conformance with and to accomplish the purpose of this agreement.

F. The RECEIVING MUNICIPALITY will enter into a separate agreement with COAH that permits COAH to effectively monitor disbursements of the funds received pursuant to the RCA.

5. Term of Agreement: This agreement shall have a term of six years. The term shall commence on the transfer of the first transfer of funds. The RECEIVING MUNICIPALITY shall take all steps necessary to satisfy its obligations under this agreement within six years of the date of the first transfer of funds.

6. Reports: The following reports will be the responsibility of the RECEIVING MUNICIPALITY:

A. The RECEIVING MUNICIPALITY will file semi-annual reports to the New Jersey Housing and Mortgage Finance Agency (NJHMFA) and COAH delineating its

progress in implementing this agreement, pursuant to the requirements of N.J.A.C. 5:92-11.2(e).

Copies of said reports shall be furnished as provided for hereinabove to the SENDING MUNICIPALITY.

B. The RECEIVING MUNICIPALITY will provide quarterly reports to COAH as it draws down funds, which shall be furnished in accordance with Section 2 of this agreement.

7. Credit to the Housing Element: The RECEIVING MUNICIPALITY agrees that it shall not claim credit towards its own Housing Element for any low or moderate income units, as defined by the Act, provided pursuant to this agreement, but that all such credits shall inure to the benefit of the SENDING MUNICIPALITY. All housing provided pursuant to this agreement will be permanently identified in the appropriate records of the RECEIVING MUNICIPALITY as having been constructed to meet the fair share obligation of the SENDING MUNICIPALITY.

8. Utilization of Surplus Funds: The SENDING and RECEIVING MUNICIPALITIES agree that all funds transferred hereunder shall be used to provide for the construction and/or rehabilitation of the units of affordable housing contemplated by this agreement and that, to the extent such funds do not need to be expended to implement the approved project plan for the construction and/or rehabilitation of a maximum of 59 units of housing, they will be applied to administrative costs incurred within the COAH guidelines and/or utilized by the RECEIVING MUNICIPALITY to provide additional low and moderate income housing units, or for capital expenditures ancillary to or benefiting low and moderate income households. Transferred funds in excess of the amount necessary to implement this Agreement

will be retained and utilized by the RECEIVING MUNICIPALITY for the continued production of low and moderate income housing, the rehabilitation therefor and/or construction of supporting infrastructure improvements consistent with the regulations of COAH. If excess funds are utilized by the RECEIVING MUNICIPALITY, they may only be used to produce additional low and/or moderate income units or for a capital expenditure ancillary to or benefiting low and moderate income households. All interest generated must remain in the Housing Trust Fund until expended on an eligible housing activity. The specific use of excess funds is subject to COAH's approval and will require the following:

- A. A brief description of the project including the number of units;
- B. Total development costs and breakdown of the financing;
- C. Amount of funds to be expended;
- D. Estimated start date;
- E. Projected date of completion; and
- F. Balance of funds in RCA account.

Excess funds may also be utilized in accordance with the terms and conditions of the RECEIVING MUNICIPALITY's Recipient Certification as referred to in Paragraph 4A hereinabove.

Finally, if excess funds are to be utilized, the RECEIVING MUNICIPALITY shall, at the same time it advises COAH as provided for herein as to how the funds are to be utilized, likewise advise the SENDING MUNICIPALITY as to the proposed use of funds.

9. Litigation or Administrative Determination Contingency: In the event of a final adjudication by a Court of competent jurisdiction or a State administrative agency that:

A. This agreement or the transfer of any units hereunder does not satisfy the obligation of the SENDING MUNICIPALITY under the Act with respect to the portion of its housing obligation addressed hereunder; or

B. The approval of this agreement was not lawfully granted; or

C. Additionally, in the event litigation is instituted seeking any adjudication as described in this section, the SENDING and RECEIVING MUNICIPALITIES will:

i. Cooperate in the defense of such litigation; and

ii. Seek to enter such litigation as a party at the request of the other;

and

D. The SENDING MUNICIPALITY may seek approval from COAH and/or a Court of competent jurisdiction for a deferral or stay of the requirement that it transfer funds under this agreement or of expenditure of funds already transferred to the RECEIVING MUNICIPALITY, pending the outcome of such litigation; provided, however, that the SENDING MUNICIPALITY shall agree to provide any additional funds reasonably required at the end of such deferral or stay to fund the project(s) to be constructed hereunder. If such approvals for stay or deferral of payments are obtained, the SENDING MUNICIPALITY and the RECEIVING MUNICIPALITY agree to enter into an amendment to this agreement or other agreements as appropriate to such approvals and based thereon.

10. Senior Citizen Housing: As a component of the SENDING MUNICIPALITY's Affordable Housing Program, during the term of this agreement, the SENDING MUNICIPALITY may have developed within its community senior citizen housing which may count towards its fair share obligation. Therefore, the RECEIVING

MUNICIPALITY agrees that none of the above-referenced maximum of 119 units of housing to be funded by this agreement shall be utilized by the RECEIVING MUNICIPALITY for housing specifically designated for senior citizens. This prohibition, however, shall not apply to individual senior citizen households who are income eligible qualifying to either purchase or rent one of the housing units funded by this agreement.

11. Unit Contribution: The RECEIVING MUNICIPALITY may spend less than the \$20,000.00 per unit provided for hereinabove in implementing this agreement, provided, however, that the remaining funds are used for an activity approved by COAH for addressing the low and moderate income obligation of the SENDING MUNICIPALITY. For scattered site rehabilitation of occupied units, the RECEIVING MUNICIPALITY will expend a minimum average of \$16,000.00 per unit for hard costs. Eligible activities shall include, but are not necessarily limited to, those activities outlined in N.J.A.C. 5:93-5. As provided for hereinabove, the RECEIVING MUNICIPALITY shall provide in writing a plan to COAH, HMFA and the SENDING MUNICIPALITY to utilize said funds which may be spent in accordance with this section.

12. Effective Date: This agreement shall become effective upon execution by the SENDING and RECEIVING MUNICIPALITIES, and upon approval of this agreement by COAH.

13. Modification: The SENDING and RECEIVING MUNICIPALITIES agree that this agreement shall not be modified without the prior approval of COAH and to the extent required, the prior approval of the New Jersey Housing and Mortgage Finance Agency. All modifications shall be in writing.

14. Inconsistencies: This agreement constitutes the entire agreement between the parties and may only be modified by a duly authorized and approved written supplemental agreement. In the event of any inconsistencies between this agreement and any other document such as, but not limited to, any memorandum of understanding entered into between the parties, this agreement shall control.

15. Interpretation: This agreement shall be interpreted and construed in accordance with the laws of the State of New Jersey, as well as the intent of the parties hereto, which intent is that the SENDING MUNICIPALITY shall pay for the funds specified herein to the RECEIVING MUNICIPALITY as a contribution for the construction of low and moderate income housing units with the RECEIVING MUNICIPALITY, and the SENDING MUNICIPALITY shall receive in consideration therefor credit for each of the units that will be constructed by the RECEIVING MUNICIPALITY on account of the SENDING MUNICIPALITY's current or future fair share obligation as determined by COAH.

16. Further Assurances: The SENDING and RECEIVING MUNICIPALITIES agree to provide any further documents and take any further action which may reasonably be required by the other in order to fully effectuate and implement the terms and conditions of this agreement.

17. Execution: This contract shall be executed within 46 days of Hopewell Township's receiving substantive certification from COAH.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures of their
duly authorized officials, the day and year first written above.

ATTESTED:

Annette Bielawski, Clerk

TOWNSHIP OF HOPEWELL
(SENDING MUNICIPALITY)

By: _____

Peter J. Lunetta, Mayor

Dated:

CITY OF TRENTON
(RECEIVING MUNICIPALITY)

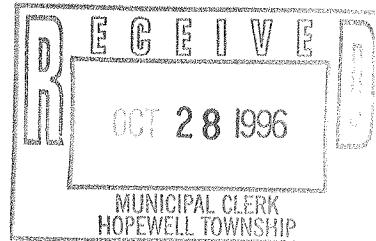
By: _____

, Clerk

, Mayor

Dated:

RCA



CHRISTINE TODD WHITMAN
Governor

State of New Jersey
COUNCIL ON AFFORDABLE HOUSING
CN-813
TRENTON NJ 08625-0813
609-292-3000
FAX: 609-633-6056
TDD#: (609) 278-0175

JANE M. KENNY
Chairman

SHIRLEY M. BISHOP, P.P.
Executive Director

October 23, 1996

The Honorable Peter Lunetta
Township of Hopewell
201 Washington Crs Penn Road
Titusville, NJ 08560

Dear Mayor Lunetta:

Enclosed please find a copy of the resolution by the Council on Affordable Housing (COAH) at the October 23, 1996 meeting that granted your municipality conditional substantive certification. Please note that all conditions must be addressed no later than December 23, 1996.

If you have any questions or need further information, please call Mary Beth Lonergan, COAH planner, at (609)984-4584.

Sincerely,
Shirley M. Bishop, P.P.
Executive Director

cc: Service List
Mary Beth Lonergan, COAH planner

d2889w/11



Honorable Peter Lunetta
Hopewell Township
201 Washington Crs Penn Road
Titusville, NJ 08560

Joseph Clayton, Deputy Mayor
Hopewell Township
201 Washington Crs Penn Road
Titusville, NJ 08560

Annette C. Bielawski
Municipal Clerk
Hopewell Township
201 Washington Crs Penn Road
Titusville, NJ 08560

Robert M. Pellegrino
Administrator
Hopewell Township
201 Washington Crs Penn Road
Titusville, NJ 08560

David Kenny, Esq.
Municipal Attorney
Hartsough & Kenny
3812 Quakerbridge Road
Hamilton, NJ 08619

William Kampfer
Planning Board Chairman
Hopewell Township
201 Washington Crs Penn Road
Titusville, NJ 08560

Robert Casey, Esq.
Planning Board Attorney
Hopewell Township
201 Washington Crs Penn Road
Titusville, NJ 08560

William Queale, Jr.
Queale & Lynch
39 Sutphin Pines
Yardley, Pa 19067

Hopewell Township/Mercer County 9/96 Property Owners 1987-99 Plan

K. Hovnanian Companies of Central
New Jersey
Att: Mitchell Newman, Esq.
PO BOX 6025
117 North Center Drive
North Brunswick, NJ 08902

Robert Ridolphi, Esq.
for Trafalgar House
3131 Princeton Pike, Bldg A
Lawrenceville, NJ 08648

Pennington Properties
Peter Blicher
23 Rte. 31 N, Suite A20
Pennington, NJ 08534

Pennington Point Properties
Peter Blicher
23 Rte 31 N, Suite A20
Pennington, NJ 08534

Center for Innovative Family
Achievement
2482 Pennington Road
Trenton, NJ 08638

Princeton Child Development
Institute
300 Cold Soil Road
Princeton, NJ 08540

Featherbed Lane Rest Home
23 Featherbed Lane
Hopewell, NJ 08525
Att: Joseph D'Agostino

Bruce M. Schragger, Esq.
Schragger, Lavine & Nagy
Mountain View Office Park
840 Bear Tavern Road - Suite 307
West Trenton, NJ 08628



CHRISTINE TODD WHITMAN
Governor

State of New Jersey
COUNCIL ON AFFORDABLE HOUSING
CN-813
TRENTON NJ 08625-0813
609-292-3000
FAX: 609-633-6056
TDD#: (609) 278-0175

JANE M. KENNY
Chairman
SHIRLEY M. BISHOP, P.P.
Executive Director

COAH SUMMARY FACT SHEET 1987-1999

1. Municipality -	Hopewell Township	2. Dates of:	
County -	Mercer	Petition for Certification -	2/21/95
Region -	4	COAH Reviews -	8/17/95 and
Planning Areas -	1, 2, 3, 4, 4B and 5		10/4/95
		COAH Certification with conditions -	10/23/96

3. Staff Reviewer- **Mary Beth Lonergan, AICP, PP**

4. **1987-1999 Cumulative Obligation -**

Precredited Need -	564
New Construction Component -	520
Rehabilitation Component -	44
Regional Contribution Agreement	
completed -	20
proposed (court order) -	118
Credits (units built) -	- 147
Rental Bonus Credits -	- 4
Substantial Compliance Bonus -	- 46

5. **Fair Share Obligation -** **229**

6. **Fair Share Plan -**

Regional Contribution Agreement -	58
Inclusionary Zoning -	127
(91 units and 36 rental bonuses)	
Rehabilitation Program -	44

RECOMMENDATION - Grant Conditional Substantive Certification



EXECUTIVE SUMMARY
HOPEWELL TOWNSHIP, MERCER COUNTY
REGION 4

October 23, 1996
Prepared by Mary Beth Lonergan, Principal Planner

The Planning Board of Hopewell Township, Mercer County, adopted a housing element and fair share plan on February 15, 1995, which addresses its 12-year cumulative obligation. The township's 1987-1999 obligation is 564 units, including a rehabilitation component of 44 units and a new construction component of 520 units. There was one objection to the township's plan which was later withdrawn.

Hopewell Township is eligible to receive a total of 335 credits, reductions and bonuses which include 20 completed and 118 proposed regional contribution agreement (RCA) units, 147 built units, four rental bonus credits and 46 substantial compliance credits.

The township proposes to address its calculated need of 229 units: 44 rehabilitation and 185 new construction through a 44-unit rehabilitation program, a 58-unit new RCA and a 91-unit inclusionary site (Trafalgar) which is eligible for 36 rental bonus credits. The township will adopt resolutions of intent to bond for any shortfalls in the rehabilitation program and 58-unit RCA.

Staff recommends that COAH grant Hopewell Township conditional substantive certification. The township must address the conditions within 60 days from the grant of conditional substantive certification.

<u>Site</u>	<u>Planning Area</u>	<u>Total Units</u>	<u>Low/Moderate</u>
Trafalgar	1	150	149
Block 48/Lot 8	3	290	29 (surplus age-restricted units)

RESOLUTION GRANTING CONDITIONAL SUBSTANTIVE CERTIFICATION

54-9

WHEREAS, Hopewell Township, Mercer County, received an order of compliance and repose on September 11, 1985 which was amended on August 12, 1986 and extended by court order on August 21, 1991; and

WHEREAS, the court approved the transfer of Hopewell Township's request for interim substantive certification to the Council on Affordable Housing (COAH) on September 9, 1993 and COAH granted the township interim substantive certification on March 14, 1994; and

WHEREAS, COAH has established a 1987-1999 precredited need for Hopewell Township of 564 units, including a rehabilitation component of 44 units and a new construction component of 520 units; and

WHEREAS, on February 15, 1995, Hopewell Township adopted a housing element and fair share plan which addressed its 12-year cumulative obligation in accordance with N.J.S.A. 52:27D-313 and N.J.A.C. 5:93-1 et. seq.; and

WHEREAS, on February 21, 1995, Hopewell Township petitioned COAH for substantive certification of its housing element and fair share plan; and

WHEREAS, on February 24, 1995, the township published notice of its petition in The Times, which is a newspaper of general circulation within the county; and

WHEREAS, the petition for substantive certification initiated a 45-day objector period, as per N.J.A.C. 5:91-1 et. seq., and

WHEREAS, one objection to the township's plan from K. Hovnanian Companies was received by COAH; and

WHEREAS, the objection was withdrawn in a letter from K. Hovnanian Companies to COAH dated August 3, 1995; and

WHEREAS, COAH staff reviewed Hopewell Township's housing element and fair share plan; and

WHEREAS, COAH issued a Report Requesting Additional Information, dated August 17, 1995; and

WHEREAS, Hopewell Township submitted a portion of the requested information; and

WHEREAS, COAH issued a Compliance Report (attached as Exhibit A) dated October 4,

1996 which was distributed to the Hopewell Township service list for a 14-day comment period; and

WHEREAS, the Compliance Report recommends that conditional substantive certification be granted, with the conditions to be met within 60 days from the grant of conditional substantive certification; and

WHEREAS, no comments on the Compliance Report were received by COAH; and

WHEREAS, Hopewell Township is eligible to receive 335 credits, reductions and bonuses which include 20 completed and 118 proposed regional contribution agreement (RCA) units, 147 built units, four rental bonus credits and 46 substantial compliance credits; and

WHEREAS, Hopewell Township's plan addresses its calculated need of 229 units: 44 rehabilitation and 185 new construction through a 44-unit rehabilitation program, a 58-unit new RCA and a 91-unit inclusionary site (Trafalgar) which is eligible for 36 rental bonus credits; and

WHEREAS, COAH finds that the housing element and fair share plan adopted by Hopewell Township will meet its 12-year cumulative obligation once the conditions (listed below) are addressed.

NOW THEREFORE BE IT RESOLVED that COAH grants conditional substantive certification to Hopewell Township with all of the following conditions to be met within 60 days from the date of this resolution:

A. The township shall submit the appropriate documentation to verify the eligibility of the Center for Innovative Family Achievement group home constructed in 1991.

B. A developer's agreement regarding intent to build affordable rental units shall be provided for the proposed Trafalgar development. Additionally, information on the area-wide water quality management plan and sewer capacity with regard to this development shall be provided.

C. An RCA contract between Hopewell Township and the City of Trenton for 58 RCA units must be submitted. Representatives from the City of Trenton and the Township of Hopewell shall meet with COAH staff on the afternoon of Friday, November 1, 1996 to finalize the terms of the RCA contract. It is understood that as a condition of substantive certification, that the RCA contract shall be placed on the December 4, 1996 COAH agenda for action.

D. The township shall address the remaining 35-unit rental obligation either through the RCA with the City of Trenton or other option of the township's choosing.

E. A resolution of the township's intent to bond for any shortfall of monies for the RCA and for the rehabilitation program shall be submitted.

F. The following additional information shall be submitted on the rehabilitation program: information on the entity that will administer the program and a signed contract with the selected entity; a schedule of the proposed rehabilitation activity over the next six-year period and a marketing program that describes the outreach efforts to be used in implementing the rehabilitation program.

G. An escrow agreement shall be submitted which authorizes access to development fee funds. This was a previous condition of the approval of the development fee ordinance.

BE IT FURTHER RESOLVED that any changes in the facts upon which this conditional certification is based or any deviation from the terms and conditions of the conditional certification, which affects Hopewell Township's ability to provide for the realistic opportunity of its fair share of low and moderate income housing and which Hopewell Township fails to remedy, shall render this conditional certification null and void.

I hereby certify that this resolution
was duly adopted by the Council on
Affordable Housing on October 23, 1996.



Renee Reiss, Secretary
Council on Affordable Housing

COAH COMPLIANCE REPORT HOPEWELL TOWNSHIP, MERCER COUNTY

**October 4, 1995
Prepared by Mary Beth Lonergan, Principal Planner**

I. INTRODUCTION

Hopewell Township, Mercer County, adopted a housing element and fair share plan addressing its 12-year cumulative 1987-1999 obligation on February 15, 1995. Hopewell Township petitioned for substantive certification on February 21, 1995, filed the plan with the Council on Affordable Housing (COAH) on February 23, 1995 and published notice on February 24, 1995. The 45-day objector period began on February 24, 1995 and ended on April 10, 1995. COAH received one objection to Hopewell Township's proposed housing element and fair share plan from K. Hovnanian Companies, which was later withdrawn in a letter to COAH dated August 3, 1995. COAH reviewed the township's housing element and fair share plan and prepared a 60-day report, dated August 17, 1995, requesting additional information. A portion of the requested information was submitted.

The township received an order of compliance and repose on September 11, 1985 which was amended on August 12, 1986 and extended by order on August 21, 1991. The court approved the transfer of Hopewell Township's request for interim substantive certification to COAH on September 9, 1993. On March 14, 1994, COAH granted the township interim substantive certification.

In the court order dated August 12, 1986, Hopewell Township's 1987-1993 final fair share obligation was reduced to 244 units to be consistent with COAH's calculated affordable housing obligation. The 244-unit obligation consisted of a rehabilitation component of 44 and an inclusionary component of 200. The township addressed its obligation through new construction (138 units at Brandon Farms, currently constructed or under construction) and through a regional contribution agreement (RCA) with Trenton (20 units completed, 118 units proposed). Hopewell Township's 12-year cumulative 1987-1999 precredited need is 564: 520 inclusionary and 44 rehabilitation.

II. HOUSING STOCK INVENTORY/ PROJECTION/ ANALYSIS

In reviewing Hopewell Township's housing element dated February 6, 1995, sufficient information was submitted regarding housing stock, demographic characteristics, employment characteristics and population trends. The township had a total population of 11,590 persons, according to 1990 census data, with a median household income of \$65,522. Hopewell Township had a total of 4,071 housing units in 1990, representing an increase of 441 units since 1980. The 1990 median value of owner-occupied housing units in the township was \$244,500 and the 1990 median gross monthly rent was \$708.

Hopewell Township
October 4, 1996

III. REDUCTIONS/ CREDITS/ BONUSES AND ADJUSTMENTS

The township is seeking to reduce its precredited need of 564 units by a total of 335 credits, reductions and bonuses resulting in a 12-year 1987-1999 cumulative calculated need of 229 units: 185 inclusionary and 44 rehabilitation units.

No prior cycle credits for new construction (affordable units completed between 4/1/80 and 9/11/85) or credits for rehabilitation (affordable units rehabilitated since 4/1/90) have been requested by the township. However, the following reductions, credits and bonus have been requested:

- Reduction for 20 completed RCA units transferred to the City of Trenton with funding from the K. Hovnanian Brandon Farms development. The total amount transferred was \$550,000 (20 units @ \$27,500). **[20 total units]**
- Reduction for 118 proposed RCA units to be transferred to the City of Trenton with funding from the K. Hovnanian Brandon Farms development. The RCA was not previously funded due to the delay in the approval of a water tower required for a section of Brandon Farms that was to fund the RCA. The planning board granted approval of the water tower in 1995 and the previously proposed funding source is now viable.

The township's consent order for final judgment requires a total contribution of \$2,365,000 from Brandon Farms. The order sets out the funding schedule as: five payments of \$473,000 each at the issuance of the 101st, 201st, 301st, 401st and 501st certificate of occupancy for the Smith Crossing/ Mershon Chase section of Brandon Farms. COAH will accept the payment schedule as set forth in the consent order. At this time, there is no executed RCA contract as the time frame for the build-out is not certain. The township will enter into an RCA with the City of Trenton at such time as funds have been contributed by Brandon Farms. **[118 total units]**

- Reduction for a group home constructed in 1991. The home is run by the Center for Innovative Family Achievement (CIFA). The township seeks four credits as there are four bedrooms in the home. The township must submit the appropriate documentation to verify the home's eligibility. **[4 total rental units]**
- Reduction for five age-restricted units in the Pennington Point development currently under construction. The development overlaps into Pennington Borough with 49 of the total 102-unit development in Hopewell Township. The five for-sale units will be calculated as part of the township's allowable age-restricted component of 81 (see Section VII - Age-Restricted Units). **[5 total age-restricted units]**

Hopewell Township
October 4, 1996

- Reduction for 138 completed units of affordable housing at the K. Hovnanian Brandon Farms development. The units include 38 townhouses in the Bakers Mill section and 100 multi-family units in the Drakes Mill section. **[138 total units]**
- Pursuant to N.J.A.C. 5:93-5.13, Hopewell Township may receive four rental bonus credits for the four-bedroom CIFA group home if appropriate crediting documentation is submitted. **[4 rental credits]**
- Reduction for 46 units which are the result of COAH's substantial compliance rule (N.J.A.C. 5:93-3.6). As Hopewell Township created more than 100 percent of its previous 1987-1993 new construction component of 138 units, the township is eligible for a 20 percent reduction of its 1987-1999 inclusionary component. The substantial compliance reduction is for units actually created within the municipality. The 20 percent reduction is applied to the inclusionary component after subtracting eligible credits, reductions and bonuses [.20 (520 - 289) = 46]. **[46 total substantial compliance bonuses]**

In summary, Hopewell Township has requested a total of 335 credits, reductions, rental bonuses and substantial compliance bonuses for housing activity completed after September 11, 1985.

Credits, Reductions and Bonuses

Name of Project	Affordable Units	Rental Bonus
Brandon Farms/ Trenton RCA	20 completed	
Brandon Farms/ Trenton RCA	118 proposed	
Group Home (1991)	4	4
Pennington Point (age-restricted)	5	
Brandon Farms	138	
Substantial Compliance Bonus	46	
Total	331	4

Hopewell Township
October 4, 1996

IV. NUMBER

Hopewell Township's precredited 1987 - 1999 need of 564 is reduced by 335 to reflect all credits, reductions, rental bonuses and substantial compliance bonuses. The township's cumulative 12-year calculated need is 229 units: 185 new construction and 44 rehabilitation.

V. HOUSING ELEMENT

A. Rehabilitation

The township proposes to establish a rehabilitation program to renovate 44 substandard housing units occupied by low and moderate income households. Hopewell Township intends to fund the rehabilitation program through revenue generated by its development fee ordinance, Mercer County community development program funds and/or state and municipal grants. The township's approved spending plan, dated July 1995, notes that \$1,312,814 will be raised to fund the rehabilitation program as well as the RCA transfer. However, a total of \$1,600,000 is needed for the rehabilitation program (44 units @ \$10,000) and for the RCA units (58 units @ \$20,000) not covered under the Brandon Farm contribution. To address the possible shortfall of funds, the township will adopt a resolution of intent to bond for any shortfall of monies for the rehabilitation program and for the RCA transfer.

Additional information must be provided on the establishment of the rehabilitation program, including a signed contract with the entity that will administer the program, a schedule of the proposed rehabilitation activity over the six-year period of certification and a detailed marketing program that describes the outreach efforts to be used in implementing the rehabilitation program.
[44 total rehabilitation units]

B. New Construction

1. Inclusionary Zoning

Hopewell Township proposes to meet a portion of its new construction obligation by zoning for inclusionary development. Two sites have been zoned and both sites were visited with the township's planning consultant, William Queale, Jr., PP, AICP, to determine if they are available, approvable, suitable and developable as per N.J.A.C. 5:93-1.3. The sites are in appropriate planning areas of the State Development and Redevelopment Plan (SDRP): Planning Area 1 for the Trafalgar site and Planning Area 3 for Block 48/ Lot 8.

Hopewell Township
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a. **Block 78/ Lot 10.01 - Trafalgar** - This site is zoned R-5 and consists of 75 acres. Concept plans have been submitted for a 150-unit development on the site. There will be 135 age-restricted units and 15 handicapped, non age-restricted units. In 1994, the township rezoned the parcel to permit age-restricted developments at six units per acre with a 10 percent setaside. Based on the maximum number of age-restricted units as discussed in Section VII of this report, the township may receive credit for no more than 76 of the 135 proposed age-restricted units at Trafalgar. As all of the units are proposed to be rentals, the township may receive rental credits in advance of construction if a signed developer's agreement committing to the rental units is submitted. The township may receive a rental bonus of 0.33 for 65 of the 76 eligible age-restricted units (only half of the 130-unit rental obligation may receive rental credits for age-restricted units) and a full rental credit of 1.0 for the 15 proposed handicapped, family units.

In summary, the Trafalgar development is eligible to receive a total of 127 rental units and rental credits (76 eligible age-restricted units + 21 eligible rental credits + 15 non age-restricted handicapped units + 15 rental credits = 127). A developer's agreement regarding intent to build the rental project should be provided. The housing element notes that there is no sewer capacity at this time from the Ewing-Lawrence Sewer Authority (ELSA). Information on the area-wide water quality management plan for the site and sewer capacity should be provided. **[127 possible rental units and rental credits]**

b. **Block 48/ Lot 8** - This 48-acre parcel has been zoned R-100 which permits moderate income, age-restricted units at a density of six units per acre with an affordable housing setaside of 10 percent. It is estimated in the plan that 85 percent of the site is not constrained by wetlands and is developable. The fair share plan notes that a total of 29 age-restricted affordable units are anticipated from this site.

As noted in the discussion of the Pennington Point and Trafalgar developments, the township has reached the maximum number of age-restricted units permitted for the 12-year cumulative period. Therefore, any age-restricted units proposed from this site would not be eligible for credit for the second round certification. To receive credit for affordable housing units from this site, the township may consider non age-restricted housing for both low and moderate income households. In addition, the township must supply information on the site's sewer capacity and on the area-wide water quality management plan for the site. **[0 eligible affordable units]**

2. Regional Contribution Agreements

Pursuant to N.J.A.C. 5:93-6.1, Hopewell Township may transfer up to 50 percent of its housing obligation based on the following formula: $(.50 \times 564) = 282$, less any units transferred as a result of a previously approved RCA. The township has already transferred or proposed to transfer

Hopewell Township
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a total of 138 RCA units to the City of Trenton to be funded by the Brandon Farms contribution as part of the consent order.

In addition, the township has decided to enter into an RCA with the City of Trenton for 58 units (@ \$20,000), to be funded through revenue raised by its development fee ordinance. The township's approved spending plan, dated July 1995, noted that \$1,312,814 will be raised to fund the rehabilitation program as well as the RCA transfer. As previously noted, a total of \$1,600,000 is needed for both programs. To address any possible shortfall of funds, the township will adopt a resolution of intent to bond for any shortfall of monies for the RCA transfer. However, the township has not yet submitted a contract with Trenton for 58 units. Trenton has been granted Recipient Certification from COAH in all four categories which will facilitate the approval of the RCA contract. As a condition of substantive certification, representatives from the City of Trenton and the Township of Hopewell must meet with COAH staff on the afternoon of Friday, November 1, 1996 to finalize the terms of the RCA contract. It is understood that as a condition of substantive certification, that the RCA contract will be on the December 4, 1996 COAH agenda for action.

A 58-unit RCA contract with the City of Trenton must be submitted by the township. The contract must comply with N.J.A.C. 5:93-6. **[58 total units]**

C. Summary

In summary, Hopewell Township's fair share plan has proposed to rehabilitate 44 units, transfer 58 additional RCAs to the City of Trenton and zone for 127 units (including rental bonus credits).

	Rehabilitation Component	Inclusionary Component
Precredited Need	44	520
Reductions/ Credits/ Bonuses		-335
Rehabilitation Program	-44	
RCA with the City of Trenton		-58
Zoning (including rental bonus)		-127
Remaining Obligation	0	0

Hopewell Township
October 4, 1996

VI. RENTAL COMPONENT

Pursuant to N.J.A.C. 5:93-5.13, every municipality must have a rental obligation. Calculated at 25 percent of its precredited need, minus prior cycle credits, minus the impact of the 20 percent cap, minus the impact of the 1,000 unit limitation, minus its rehabilitation component, the rental obligation equals 130 or [.25 (564-0-0-44) = 130].

The fair share plan proposes 95 eligible rental units (76 eligible age-restricted rental units at Trafalgar + 15 handicapped family rental units at Trafalgar + four rental units from the CIFA group home). The remaining 35-unit rental obligation must be addressed; one option is through the RCA with the City of Trenton.

Regarding rental bonus credits, COAH rules do not permit rental bonus credits in excess of the rental obligation and no more than 50 percent of the rental obligation may receive a bonus for rental units which are age-restricted ($130 \times 0.5 = 65$).

VII. AGE-RESTRICTED UNITS

As per N.J.A.C. 5:93-5.12, a municipality may address up to 25 percent of its fair share obligation with age-restricted units. Hopewell Township could receive credit for age-restricted units which equal no more than 25 percent of its precredited need, minus its rehabilitation component, minus prior cycle credits, minus completed or proposed RCA units. Based on this calculation, the township may receive credit for 81 age-restricted units [.25 (564-44-0-196) = 81]. As previously discussed, five age-restricted units are proposed for the Pennington Pointe development and 135 age-restricted units are proposed for the Trafalgar development. Only 76 of the 135 age-restricted units proposed for Trafalgar are eligible for COAH credit at this time.

VIII. DEVELOPMENT FEES

Hopewell Township received COAH approval for both its development fee retention plan and for the future imposition and collection of development fees through a development fee ordinance. The retention of fees collected by the township before December 13, 1990 was approved by COAH on February 1, 1995 and the development fee ordinance was approved by COAH on March 14, 1994 and amended on January 11, 1995. As a condition of the approval of the development fee ordinance, the township was required to submit an escrow agreement which authorizes access to development funds. This escrow agreement must be submitted.

The township also received approval of its spending plan from COAH on August 2, 1995. The spending plan noted that revenue generated by the retention of development fees, the collection

Hopewell Township
October 4, 1996

of development fees and the collection of funds from approved developments will initially be spent on the administration of the township's affordable housing program (no more than 20 percent of the annually collected development fees) and for the Trenton RCA.

IX. AFFORDABLE HOUSING ORDINANCES

Draft revisions to the township's current affordable housing ordinances have been submitted and are consistent with the requirements of N.J.A.C. 5:93 et seq.

X. AFFORDABLE HOUSING PROGRAM ADMINISTRATION

The township contracts with the Affordable Housing Management Service (AHMS) to administer the township's affordable housing program.

XI. RECOMMENDATION

Based on this review, the township has addressed its 12-year cumulative fair share obligation with RCAs, constructed units, inclusionary zoning, rental bonus credits, substantial compliance bonuses and a rehabilitation program. However, there are several outstanding items which must be addressed before Hopewell Township may receive substantive certification. At this time, it is recommended that Hopewell Township be granted conditional substantive certification with all of the conditions to be met within 60 days.

Conditions to be addressed within 60 days:

A. The township must submit the appropriate documentation to verify the eligibility of the CIFA group home constructed in 1991.

B. A developer's agreement regarding intent to build affordable rental units must be provided for the proposed Trafalgar development. Additionally, information on the area-wide water quality management plan and sewer capacity should be provided.

C. An RCA contract between Hopewell Township and the City of Trenton for 58 RCA units must be submitted. Representatives from the City of Trenton and the Township of Hopewell must meet with COAH staff on the afternoon of Friday, November 1, 1996 to finalize the terms of the RCA contract. It is understood that as a condition of substantive certification, that the RCA contract will be on the December 4, 1996 COAH agenda for action.

D. The township must address the remaining 35-unit rental obligation; one option may be

Hopewell Township
October 4, 1996

through the RCA with the City of Trenton.

E. A resolution of the township's intent to bond for any shortfall of monies for the RCA transfer and/or for the rehabilitation program must be submitted.

F. Additional information must be submitted on the establishment of the rehabilitation program, including information on the entity that will administer the program and a signed contract, a schedule of the proposed rehabilitation activity over the next six-year period and a marketing program that describes the outreach efforts to be used in implementing the rehabilitation program.

G. An escrow agreement must be submitted which authorizes access to development fee funds. This was a previous condition of the approval of the development fee ordinance.



State of New Jersey
COUNCIL ON AFFORDABLE HOUSING

RICHARD J. CODEY
Acting Governor

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Administrator
Attorney Gordell
Attorney Schneier
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SUSAN BASS LEVIN
Commissioner
LUCY VOORHOEVE
Executive Director

May 31, 2005

The Honorable Arlene Kemp
Hopewell Township
201 Washington Crossing – Pennington Road
Titusville, New Jersey 08560



Re: COAH Staff Review of Motion for Extended Substantive Certification

Dear Mayor Kemp:

As you are aware, on August 31, 2004, the Superior Court of New Jersey, Appellate Division, issued a decision upholding the authority of the Council on Affordable Housing (COAH) to grant second round extended substantive certification under the Fair Housing Act. The Court directed COAH to adopt new standards and procedures that provide a “principled review” of each municipality’s affordable housing compliance plan before a municipality can qualify for an extended substantive certification. COAH was also directed to set forth a mechanism that allows for public comment on each municipality’s plan.

On December 20, 2004, COAH adopted its third round rules. Pursuant to N.J.A.C. 5:95-15.1(b), all municipalities may submit a third round Housing Element and Fair Share Plan to COAH at any time to address their affordable housing obligations and receive the benefits of COAH’s jurisdiction.

In accordance with the Appellate Division’s ruling, COAH’s new regulation at N.J.A.C. 5:95-15.1 sets forth what is required to obtain extended substantive certification. On September 15, October 19, and December 2, 2004, COAH sent Hopewell correspondence advising the Township of the documentation required to substantiate compliance with its second round certified Housing Element and Fair Share Plan. Thereafter, on December 9, 2004, Hopewell Township submitted a motion to COAH, requesting extended substantive certification of its second round certified Housing Element and Fair Share Plan until December 20, 2005.

COAH staff reviewed each of the components of Hopewell Township’s certified plan to evaluate whether the plan continues to present a realistic opportunity for the provision of affordable housing. COAH staff has the following concerns:



1. Hopewell Township's cumulative 1987-1999 obligation is 564 units, consisting of 520 new construction units and 44 rehabilitation units. The plan certified by COAH on January 8, 1997 was adjusted by a 46-unit substantial compliance reduction, leaving a net affordable housing obligation of 518 units, consisting of 474 new construction units and 44 rehabilitation units. The Township's certified plan incorporated a total of 290 credits for units that had been built and 26 credits for units that had been previously rehabilitated pursuant to COAH rules, leaving a remaining obligation of 202 units, consisting of a 184-unit new construction obligation and an 18-unit rehabilitation obligation.

According to the motion submitted by the Township, 171 of the 184 new construction units have been completed since the grant of substantive certification in 1997, leaving a shortfall of 13 new construction units. None of the remaining 18 rehabilitation units have been completed, leaving a shortfall of 18 rehabilitation units.

2. Beazer Homes (Traflagar), Block 78/Lot 10.01. The Beazer Homes site was to produce 91 affordable age-restricted rental units and 15 non age-restricted rental units, generating 15 rental bonuses. This site received development approvals in 1997 and the project is under construction. The developer's agreement of May 4, 1998 proposed 76 age-restricted rental units and 15 non-age-restricted rental units. A COAH waiver on the age-restricted cap formula was granted to Hopewell on October 23, 1996, and this waiver permitted the Township to receive COAH credit for 91 age-restricted rental units being constructed at the Trafalgar site but still required 15 non-age-restricted rental units to be constructed. According to Hopewell Township's motion, no non-age-restricted units are being constructed, in violation of the terms of the substantive certification. Because the Beazer Homes project will be completed without non-age-restricted rental units, it no longer represents a realistic opportunity for the production of the required number of affordable housing units. Hopewell Township has not petitioned COAH for an amendment to its second round plan to address this shortfall.
3. Remaining rehabilitation obligation, 18 units – At the time of substantive certification, Hopewell Township committed to the continuation of its rehabilitation program, as managed by Housing Services, Inc. The Township adopted a resolution of intent to bond in 1997 in order to guarantee the availability of funds for this program. To date, 15 units are reported to be undergoing rehabilitation.

If COAH determines that Hopewell Township's plan does not meet the requirements of COAH rules and the Court decision, Hopewell Township's second round substantive certification will expire when COAH takes action. Hopewell Township's motion for extended substantive certification is scheduled for COAH's July 27, 2005 meeting.

In view of the fact that COAH's third round rules are in effect, we would encourage the Township to participate in the Council's process through a petition for third round substantive certification by submitting a third round Housing Element and Fair Share Plan pursuant to N.J.A.C. 5:94 et seq. and N.J.A.C. 5:95 et seq.

If you have any questions, please contact me at (609) 292-3000.

Sincerely,

Lucy Voorhoeve
Executive Director

cc: Service List
 Kate Butler, COAH Planner

Hopewell Township**Mercer**

The Honorable Arlene Kemp
Hopewell Township
201 Washington Crossing-Pennington Road
Titusville, NJ 08560

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Planning Board Secretary
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Paul Pogorzelski, Municipal Engineer
Van Cleef Engineering
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Robbinsville, NJ 08691

Princeton Child Development Institute
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Attn: Mitchell Newman, Esq.
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Printed: 6/1/2005

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Page 1 of 2

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*C: Committee
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RICHARD J. CODEY
Acting Governor

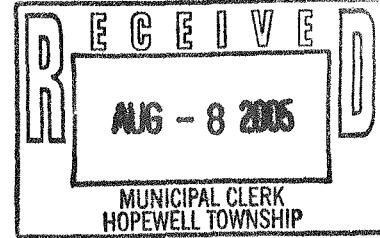
CHARLES A. RICHMAN
Acting Commissioner

LUCY VOORHOEVE
Executive Director

July 28, 2005

The Honorable Arlene Kemp
Mayor, Hopewell Township
201 Washington Crossing-Pennington Road
Titusville, NJ 08560

Dear Mayor Kemp:



Enclosed is a copy of the Council on Affordable Housing's (COAH's) resolution granting Hopewell Township an extension of substantive certification at its July 27, 2005 meeting with the conditions listed below. The grant of extended substantive certification of Hopewell Township's housing element and fair share plan is extended for a period of time not to exceed December 20, 2005, or until Hopewell Township files or petitions for third round substantive certification, whichever is earlier.

- Hopewell Township shall provide to COAH, prior to September 14, 2005, an executed developer's agreement for 15 non-age restricted rental units on the Beazer site so that the units are eligible for 15 rental bonuses pursuant to COAH criteria.

Please note that if the condition listed above are not satisfied within the prescribed time period, Hopewell Township's second round substantive certification shall automatically expire.

Please take note that in the resolution extending substantive certification, COAH is directing Hopewell Township to do the following:

1. Hopewell Township shall immediately begin expending 30 percent of the balance of revenues collected on an annual basis that are not used for a new construction project, an RCA or rehabilitation activities to make units in the COAH-certified Housing Element and Fair Share Plan more affordable and examples of such activities include, but are not limited to, down payment assistance, low interest loans, and rental assistance.



The Honorable Arlene Kemp
July 28, 2005
Page 2

2. COAH shall monitor compliance with this requirement when Hopewell Township petitions for third round substantive certification and Hopewell Township must submit a report on the expenditures of the balance remaining in the Township's affordable housing trust fund at the time the Borough submits a third round petition for substantive certification.
3. Hopewell Township must submit a revised spending plan with its third round petition that shall detail anticipated expenditures and a specific timetable to expend development fee revenues.

If you have any questions, please contact Kate Butler at (609) 292-4338.

Sincerely,



Lucy Voorhoeve
Executive Director

c: attached service list
Kate Butler, COAH

Extended Substantive Certification Fact Sheet
Hopewell Township, Mercer County
July 21, 2005
Prepared By:
Kate Butler, P.P., AICP

Hopewell Township received final second round substantive certification on January 8, 1997. The Township's cumulative 1987-1999 obligation is 564 units consisting of 520 new construction units and 44 rehabilitation units. Hopewell Township's obligation was adjusted through a 46-unit first round substantial compliance reduction, leaving a net affordable housing obligation of 518 units, consisting of 474 new construction units and 44 rehabilitation units. The plan certified by COAH incorporated a total of 290 credits for units that had been built and no credits for units that had been previously rehabilitated pursuant to COAH rules, leaving a remaining obligation of 228 units, consisting of a 184-unit new construction obligation and a 44-unit rehabilitation obligation.

The Housing Element and Fair Share Plan that was certified by COAH addressed Hopewell Township's remaining obligation as follows:

<i>Plan Elements</i>	Rehabilitation Component		New Construction Component		
	Remaining Obligation: 44	Proposed	Completed	Proposed	Completed/ Under Construction
Beazer Homes (AKA Trafalgar)				91	91
21 rental bonuses for age-restricted units				21	21
15 family units				15	0
15 rental bonuses for family units				15	0
RCA with Trenton				59	59
Township rehabilitation program	44	44			
Total				201	171
SHORTFALL		0			-13

Recommendation: Grant extended substantive certification with a condition

REPORT REVIEWING MOTION FOR EXTENDED SUBSTANTIVE CERTIFICATION**Hopewell Township, Mercer County****Prepared by:****Kate Butler, P.P., AICP****July 21, 2005****I. INTRODUCTION**

The Council on Affordable Housing (COAH) adopted N.J.A.C. 5:91-14 as an interim procedural rule, effective November 1, 1999, which was designed to address the anticipated gap between the expiration of second round low- and moderate-income housing requirements and the promulgation of a third round methodology and corresponding rules. Specifically, the rule adopted by COAH in 1999 established a mechanism whereby municipalities that had received second round certification from COAH could request an extension for a period of time up to one year after the effective date of COAH's third round rules, provided the municipality requested the extension by resolution of the governing body and committed to petition COAH with a third round plan prior to the expiration of the extension.

COAH's interim procedural rule was the subject of several appeals. On August 31, 2004, the Appellate Division of the Superior Court of New Jersey issued a consolidated opinion on these related appeals and determined that while COAH does have the authority to grant extended substantive certifications, it must provide for adequate public notice. The court further opined that COAH must "engage in a principled review of each municipality's compliance and conduct before it can qualify for an extended certification" and directed COAH to adopt rules governing the process municipalities must follow to secure extensions. In re Six Month Extension of N.J.A.C. 5:91-1 et seq. et al., 372 N.J. Super. 61 (App. Div. 2004).

In compliance with the directive of the Appellate Division, COAH adopted N.J.A.C. 5:91-14.3 as an emergency rule, which became effective on October 13, 2004, and N.J.A.C. 5:95-15.2 which replaced the October 13th rule on December 20, 2004. These revised procedures require municipalities seeking extended substantive certification to do so by filing a formal motion with COAH, providing adequate public notice and providing documentation from which COAH's review can be based.

Hopewell Township,
Mercer County
July 21, 2005

This report reviews the request for extended substantive certification that was submitted in a motion filed by Hopewell Township, Mercer County, on December 9, 2004. Hopewell Township filed its motion prior to the December 13, 2004 deadline established by N.J.A.C. 5:91-14.3 and N.J.A.C. 5:95-15.2. Hopewell Township was originally granted extended substantive certification by COAH on December 4, 2002, under N.J.A.C. 5:91-14.

The motion schedule established by COAH provided for opposing briefs to be filed by December 29, 2004. No opposing briefs were received by COAH.

II. COMPLIANCE REVIEW

Hopewell Township submitted documentation in support of its motion that included a proposed schedule for the submission of a petition for third round substantive certification, a statement describing the progress of the Township's compliance with the terms of its 1987-1999 substantive certification, and current monitoring reports. Hopewell Township has committed to submitting a newly adopted Housing Element and Fair Share Plan to address its third round obligation prior to December 20, 2005.

The second round affordable housing obligation for Hopewell Township is 564 units, consisting of 520 new construction units and 44 rehabilitation units. Hopewell Township's new construction obligation was adjusted by COAH as a result of a first round 46-unit substantial compliance reduction, leaving a net new construction obligation of 474 units and a rehabilitation obligation of 44 units.

Hopewell Township received conditional second round substantive certification on October 23, 1996, and final substantive certification on January 8, 1997. The final plan certified by COAH included a total of 290 credits and bonus credits made up of five age-restricted for-sale units at Pennington Point, 100 family for-sale units at Drakes Mill, 38 family for-sale units at Brandon Farms, four alternative living arrangement bedrooms and four rental bonus credits, 139 units that had been transferred to Trenton via two RCAs and no units that had been

Hopewell Township,
Mercer County
July 21, 2005

previously rehabilitated pursuant to COAH rules. Hopewell Township's remaining affordable housing obligation is 228 units and consists of a 184-unit new construction obligation and a 44-unit rehabilitation obligation.

The Housing Element and Fair Share Plan that was certified by COAH addressed Hopewell Township's remaining affordable housing obligation with the following elements:

New Construction:

- Zoned Site #1 Beazer- 91 age-restricted rental units, 15 family rental units and 36 rental bonus credits
- Proposed RCA – 59 units to Trenton

Rehabilitation:

- Municipal Rehabilitation Program – 44 units

The status of each of these plan elements is summarized below, based on information submitted as part of Hopewell Township's motion requesting extended substantive certification and on supplemental information requested by COAH as necessary during its review.

NEW CONSTRUCTION

Beazer

The certified plan for Hopewell Township included zoning on 75 acres at Block 78, Lot 10.01, which was to produce 150 rental units including 135 age-restricted rental units and 15 units accessible to households who have a member with a disability. On October 28, 1996, Hopewell Township received a waiver from the number of units it could age-restrict pursuant to N.J.A.C. 5:93-5.14. The Township received credit for 106 total units consisting of 91 age-restricted rental units and 15 family rental units. This waiver increased the limit on age-restricted units from 76 units to 91 units. The certified plan also relied on these 106 units to generate a total of 36 rental bonuses. The 91 age-restricted rental units qualified for a one and one-third bonus credit pursuant to N.J.A.C. 5:93-5.15(d)2 (21 bonuses) and the 15 family rental

Hopewell Township,
Mercer County
July 21, 2005

units qualified for a two for one bonus credit pursuant to N.J.A.C. 5:93-5.15(d)1 (15 bonuses). The site is currently under construction and is more than 50 percent complete. However, the municipal approval granted for the site allowed a 100 percent age-restricted development. Proceeding in this manner would eliminate the 15 rental credits and 15 rental bonuses required when the non age-restricted component of the development was certified to produce units accessible to households where a family member has a disability.

On May 11, 2005, a COAH task force met to discuss Hopewell Township's motion request for extended substantive certification. On May 13, 2005, COAH issued a letter advising Hopewell Township of the concerns raised by COAH staff and the COAH task force regarding the Township's compliance with the terms of its certified plan.

Hopewell Township representatives subsequently advised COAH staff on July 18 that the Township counsel is currently negotiating with the developer of the site to produce the 15 non age-restricted rental units required by the certified plan.

Regional Contribution Agreement III with Trenton

The certified plan for Hopewell Township proposed a 59-unit RCA with Trenton. This RCA was approved by COAH on January 8, 1997, and included a total transfer of \$1,180,000. At the time Hopewell Township filed its motion for extended substantive certification, all funds had been transferred.

[59 RCA units]

REHABILITATION

At the time of its motion requesting extended substantive certification, Hopewell Township, through its municipal rehabilitation program, has completed the rehabilitation of 26 units in accordance with COAH regulations and has identified 18 additional units for rehabilitation. These additional units have been approved for the program and have received an

Hopewell Township,
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initial inspection. The average expenditure for these rehabilitations was \$17,617. Hopewell Township has satisfied its rehabilitation obligation.

[44 rehabilitation credits]

RENTAL COMPONENT

Pursuant to N.J.A.C. 5:93-5.15, Hopewell Township's rental component was established to be 130 units. This requirement will be satisfied with five units at Pennington Point, four credits for alternative living arrangement bedrooms, 35 units as part of the second Trenton RCA and the 106 units at Beazer.

DEVELOPMENT FEE ORDINANCE

Hopewell Township's certified plan included a development fee ordinance that was approved by COAH on March 14, 1994 and adopted by the Township on May 2, 1994. COAH approved Hopewell Township's spending plan on August 2, 1995. The Township's motion for extended substantive certification reported that it has collected a total of \$7,628,789 in development fees and expended \$347,872 on Affordable Housing Programs, \$530,655 on rehabilitation, \$5,000 on Affordability Assistance, \$3,587,000 on RCA transfers and \$253,673 on administration, for total expenditures of \$4,724,200 and a remaining balance of \$2,904,589.

Pursuant to N.J.A.C. 5:93-8.16(c), at least 30 percent of the balance of revenues collected on an annual basis that are not used for a new construction project, an RCA or rehabilitation activities must be devoted to render units more affordable. Hopewell Township's development fee monitoring report demonstrates that Hopewell Township has not spent sufficient development fee revenues on affordability assistance. Hopewell Township must immediately begin expending 30 percent of the balance of revenues collected on an annual basis that are not used for a new construction project, an RCA or rehabilitation activities to make units in the COAH-certified Housing Element and Fair Share Plan more affordable. Examples of such

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activities include but are not limited to, down payment assistance, low interest loans, and rental assistance. COAH will monitor compliance with this requirement when Hopewell Township petitions for third round substantive certification.

Hopewell Township must submit a report on the expenditures of the balance remaining in the Township's affordable housing trust fund with its petition for third round substantive certification. Hopewell must also submit a revised spending plan with its petition for third round substantive certification, which must detail anticipated expenditures and a timetable to expend development fee revenues. Failure to comply with COAH's regulations on development fees and spending plans may result in COAH taking action pursuant to N.J.A.C. 5:94-6.16.

IMPLEMENTING ORDINANCES

Hopewell Township was required to adopt the following implementing ordinances within 45 days of the grant of substantive certification:

Fair Share Ordinance

Affirmative Marketing Ordinance

Hopewell Township adopted its combined Fair Share Ordinance and Affirmative Marketing Ordinance, entitled 'Land Use and Development Ordinance', number 97-1084, on November 3, 1997.

III. OPPOSING AND REPLY BRIEFS RECEIVED BY COAH

COAH did not receive any comments opposing Hopewell Township's motion requesting extended substantive certification.

Hopewell Township,
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July 21, 2005

IV. RECOMMENDATION

Hopewell Township received substantive certification from COAH on January 8, 1997, for a Fair Share Plan that includes 151 credits and bonus credits for units that have been built, 46 credits in the form of reduction for substantial compliance, 139 credits for units that have been transferred via an RCA and no credit for units that had been rehabilitated. Hopewell Township's certified plan addressed its remaining affordable housing obligation with zoning for the creation of 91 age-restricted rental units and 15 family rental units accessible to households with a member who has a disability at the Beazer Homes site, a 59-unit RCA with Trenton and a 44-unit rehabilitation program.

The Township has completed the 59-unit RCA with Trenton and its 44-unit rehabilitation obligation. However, the Township has not created the 15 family rental units in the Beazer development, nor has it provided COAH with a developer's agreement documenting that these units will not be age-restricted. The certified plan calls for these units to be accessible to family households where a household member has a disability.

COAH staff recommends that COAH grant an extension of Hopewell Township's substantive certification with the condition that the Township provide an executed developer's agreement for the 15 non-age-restricted rental units prior to September 14, 2005.

Hopewell Township must submit a developer's agreement that guarantees the creation of these 15 non-age-restricted rental units at the Beazer development, pursuant to COAH criteria, so that the units are also eligible for 15 rental bonuses.

**RESOLUTION GRANTING EXTENDED SUBSTANTIVE CERTIFICATION WITH A
CONDITION # ES-140**

Hopewell Township, Mercer County

WHEREAS, Hopewell Township, Mercer County, received conditional substantive certification from the New Jersey Council on Affordable Housing (COAH) on October 23, 1996 and final substantive certification on January 8, 1997 for a period of six years; and

WHEREAS, N.J.A.C. 5:95-15.2 permits COAH-certified municipalities to request an extension of substantive certification of their 1987-1999 Housing Element and Fair Share Plan until December 20, 2005; and

WHEREAS, Hopewell Township moved for extended substantive certification by motion on December 9, 2005, as per N.J.A.C. 5:95-12; and

WHEREAS, Hopewell Township's governing body adopted a resolution on November 22, 2005 requesting the extension, committing to continue to implement the certified second round plan and committing to file or petition for third round substantive certification in accordance with N.J.A.C. 5:94 and N.J.A.C. 5:95 by December 20, 2005; and

WHEREAS, notice of the motion was published in the Trenton Times on November 26, 2004; and

WHEREAS, Hopewell Township served the motion upon the service list maintained by COAH as per N.J.A.C. 5:95-15.2(c)2; and

WHEREAS, Hopewell Township submitted documentation demonstrating that all applicable ordinances implementing the 1987-1999 substantive certification are in effect; and

WHEREAS, Hopewell Township's motion and accompanying documentation comply with the requirements set forth in N.J.A.C. 5:95-15.2; and

Hopewell Township,
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July 27, 2005

WHEREAS, during the 20-day public comment period, COAH received no comments to Hopewell Township's motion for extended substantive certification; and

WHEREAS, COAH staff conducted a principled review of Hopewell Township's certified plan and prepared a COAH Report Reviewing Motion for Extended Substantive Certification on July 21, 2005 (attached hereto as Exhibit A and incorporated by reference herein); and

WHEREAS, Hopewell Township's cumulative fair share obligation is 564 affordable housing units, consisting of a 44-unit rehabilitation obligation and a 520-unit new construction obligation; and

WHEREAS, on October 28, 1996, Hopewell Township received a waiver from the number of units it could age-restricted pursuant to N.J.A.C. 5:93-5.14; and

WHEREAS, the plan granted final certification by COAH on January 8, 1997 included a first round 46-unit substantial compliance reduction and 290 credits and bonus credits, yielding a remaining new construction obligation of 184 units and a remaining rehabilitation obligation of 44 units; and

WHEREAS, the Housing Element and Fair Share Plan that was certified by COAH addressed Hopewell Township's remaining obligation with zoning to create 106 total affordable housing units, 59 units to be transferred via a regional contribution agreement (RCA) units and a 44-unit rehabilitation program; and

WHEREAS, the certified plan for Hopewell Township included zoning on 75 acres at Block 78, Lot 10.01, known as the Beazer Project, which was to produce a total of 150 rental units, consisting of 135 age-restricted rental units, and 15 non age-restricted rental units accessible to households where a family member has a disability; and

Hopewell Township,
Mercer County
July 27, 2005

WHEREAS, the Township received a waiver from COAH's age-restricted cap at N.J.A.C. 5:93-5.14 to allow an increase of eligible age-restricted units from 76 units to 91 units; and

WHEREAS, the certified plan relied on the 106 units proposed at the Beazer development to generate 21 age-restricted bonuses and 15 family rental bonuses for a total of 36 rental bonus credits; and

WHEREAS, the Beazer project is currently under construction and is more than 50 percent complete; and

WHEREAS, despite the language in the certified plan requiring 15 non-age-restricted rental units in this development, municipal approvals were granted for a 100 percent age-restricted project; and

WHEREAS, Hopewell Township's certified plan also included a 59-unit RCA with Trenton that has been completed since the date of final substantive certification and all of the \$1,180,000 in RCA funds has been transferred; and

WHEREAS, the Township's certified plan also included a 44-unit rehabilitation program and Hopewell Township has completed 26 rehabilitation projects and has approved and inspected an additional 18 units, and the Township has satisfied its rehabilitation obligation; and

WHEREAS, on May 11, 2005, a COAH task force met to review Hopewell Township's compliance with the terms of its substantive certification; and

WHEREAS, on May 13, 2005, COAH issued a letter advising Hopewell Township of the concerns raised by COAH staff and the COAH task force regarding the Township's compliance with the terms of its certified plan; and

Hopewell Township,
Mercer County
July 27, 2005

WHEREAS, Hopewell Township representatives subsequently advised COAH staff that the Township's counsel is currently negotiating with the developer of the Beazer site to produce the 15 non age-restricted rental units required by the certified plan; and

WHEREAS, Hopewell Township's rental obligation is 130 units and the Township will fulfill its rental obligation with five units at Pennington Point, four credits for alternative living arrangement bedrooms, 35 units in the second Trenton RCA and the 106 units at Beazer; and

WHEREAS, Hopewell Township's certified plan included a development fee ordinance that was approved by COAH on March 14, 1994 and adopted by the Township on May 2, 1994; and

WHEREAS, COAH approved Hopewell Township's spending plan on August 2, 1995; and

WHEREAS, the Township's motion for extended substantive certification reported that it has collected a total of \$7,628,789 in development fees and expended \$347,872 on Affordable Housing Programs, \$530,655 on rehabilitation, \$5,000 on Affordability Assistance, \$3,587,000 on RCA transfers and \$253,673 on administration, for total expenditures of \$4,724,200 and a remaining balance of \$2,904,589; and

WHEREAS, pursuant to N.J.A.C. 5:93-8.16(c), at least 30 percent of the balance of revenues collected on an annual basis that are not used for a new construction project, an RCA or rehabilitation activities must be devoted to render units more affordable and Hopewell Township's development fee monitoring report demonstrates that Hopewell Township has not spent sufficient development fee revenues on affordability assistance.

NOW THEREFORE, BE IT RESOLVED that COAH hereby grants Hopewell Township, Mercer County, extended substantive certification subject to the following condition:

Hopewell Township,
Mercer County
July 27, 2005

Hopewell Township shall provide to COAH, prior to September 14, 2005, an executed developer's agreement for 15 non-age-restricted rental units on the Beazer site so that the units are eligible for 15 rental bonuses pursuant to COAH criteria; and

BE IT FURTHER RESOLVED that if the condition listed above is not satisfied prior to September 14, 2005, Hopewell Township's second round substantive certification shall automatically expire; and

BE IT FURTHER RESOLVED that if the above condition is met, this extended substantive certification of Hopewell Township's Housing Element and Fair Share Plan is granted for a period of time not beyond December 20, 2005 or until Hopewell Township files or petitions for third round substantive certification, whichever is earlier; and

BE IT FURTHER RESOLVED that Hopewell Township shall immediately begin expending 30 percent of the balance of revenues collected on an annual basis that are not used for a new construction project, an RCA or rehabilitation activities to make units in the COAH-certified Housing Element and Fair Share Plan more affordable and examples of such activities include but are not limited to, down payment assistance, low interest loans, and rental assistance; and

BE IT FURTHER RESOLVED that COAH shall monitor compliance with this requirement when Hopewell Township petitions for third round substantive certification and Hopewell Township must submit a report on the expenditures of the balance remaining in the Township's affordable housing trust fund with its petition for third round substantive certification; and

BE IT FURTHER RESOLVED that the Township shall also submit a revised spending plan with its petition for third round substantive certification, and this plan must detail anticipated expenditures and a timetable to expend development fee revenues; and

Hopewell Township,
Mercer County
July 27, 2005

BE IT FURTHER RESOLVED that failure to comply with COAH's regulations on development fees and spending plans may result in COAH taking action pursuant to N.J.A.C. 5:94-6.16; and

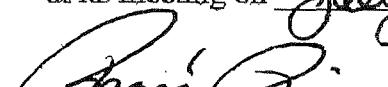
BE IT FURTHER RESOLVED that Hopewell Township shall continue to comply with all terms and conditions of its substantive certification; and

BE IT FURTHER RESOLVED that Hopewell Township's certified plan provides a realistic opportunity for the development of affordable housing, pending the Township's satisfaction of the one condition above; and

BE IT FURTHER RESOLVED that all ordinances implementing the original substantive certification shall remain in effect for the duration of the extended substantive certification; and

BE IT FURTHER RESOLVED that Hopewell Township's extended substantive certification is conditioned on the Township's continued implementation of its certified Housing Element and Fair Share Plan.

I hereby certify that this Resolution was duly adopted by the Council on Affordable Housing at its meeting on July 27, 2005.



Renée Reiss
Council Secretary

Hopewell Township**Mercer**

The Honorable Arlene Kemp
 Hopewell Township
 201 Washington Crossing-Pennington Road
 Titusville, NJ 08560

Annette C. Bielawski, Clerk
 Hopewell Township
 201 Washington Crossing-Pennington Road
 Titusville, NJ 08560

Bruce Hilling, Administrator
 Hopewell Township
 201 Washington Crossing-Pennington Road
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Edwin W. Schmierer, Esq.
 Mason, Griffin & Pierson
 101 Poor Farm Road
 P.O. Box 391
 Princeton, NJ 08542

Joan Kiernan-O'Toole
 Planning Board Secretary
 Township of Hopewell
 201 Washington Crossing - Pennington Road
 Titusville, NJ 08560

Karen Murphy, Chair
 Hopewell Township Planning Board
 201 Washington Crossing-Pennington Road
 Titusville, NJ 08560

Mark Iorio, Deputy Mayor
 Township of Hopewell
 201 Washington Crossing-Pennington Road
 Titusville, NJ 08560

Michael Bolan, PP, AICP
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 2345 Route 33
 Robbinsville, NJ 08691

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 Herbert, Van Ness, Cayci & Goodell
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Princeton Child Development Institute
 300 Cold Soil Road
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 2482 Pennington Road
 Trenton, NJ 08534

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 840 Bear Tavern Road, Suite 307
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 Hopewell, NJ 08525

Hopewell Township

Mercer

Peter Blicher
Pennington Properties
Pennington Point Properties
23 Route 31 North, Suite A20
Pennington, NJ 08534

Rhonda Coe
Director of Housing Production
City of Trenton
319 East State Street
Trenton, NJ 08608

Robert Ridolphi, Esq.
for Beazer Homes (Trafalgar House Residential)
26 Harbourton - Woodsville Road
Pennington, NJ 08534



State of New Jersey
COUNCIL ON AFFORDABLE HOUSING

101 SOUTH BROAD STREET

PO Box 813

TRENTON, NJ 08625-0813

(609) 292-3000

(609) 633-6056 (FAX)

coahmail@dca.state.nj.us

RICHARD J. CODEY
Acting Governor

CHARLES A. RICHMAN
Acting Commissioner
LUCY VOORHOEVE
Executive Director

July 28, 2005



The Honorable Arlene Kemp
Mayor, Hopewell Township
201 Washington Crossing-Pennington Road
Titusville, NJ 08560

Dear Mayor Kemp:

Enclosed is a copy of the Council on Affordable Housing's (COAH's) resolution granting Hopewell Township an extension of substantive certification at its July 27, 2005 meeting with the conditions listed below. The grant of extended substantive certification of Hopewell Township's housing element and fair share plan is extended for a period of time not to exceed December 20, 2005, or until Hopewell Township files or petitions for third round substantive certification, whichever is earlier.

- Hopewell Township shall provide to COAH, prior to September 14, 2005, an executed developer's agreement for 15 non-age restricted rental units on the Beazer site so that the units are eligible for 15 rental bonuses pursuant to COAH criteria.

Please note that if the condition listed above are not satisfied within the prescribed time period, Hopewell Township's second round substantive certification shall automatically expire.

Please take note that in the resolution extending substantive certification, COAH is directing Hopewell Township to do the following:

1. Hopewell Township shall immediately begin expending 30 percent of the balance of revenues collected on an annual basis that are not used for a new construction project, an RCA or rehabilitation activities to make units in the COAH-certified Housing Element and Fair Share Plan more affordable and examples of such activities include, but are not limited to, down payment assistance, low interest loans, and rental assistance.



The Honorable Arlene Kemp
July 28, 2005
Page 2

2. COAH shall monitor compliance with this requirement when Hopewell Township petitions for third round substantive certification and Hopewell Township must submit a report on the expenditures of the balance remaining in the Township's affordable housing trust fund at the time the Borough submits a third round petition for substantive certification.
3. Hopewell Township must submit a revised spending plan with its third round petition that shall detail anticipated expenditures and a specific timetable to expend development fee revenues.

If you have any questions, please contact Kate Butler at (609) 292-4338.

Sincerely,



Lucy Voorhoeve
Executive Director

c: attached service list
Kate Butler, COAH

Extended Substantive Certification Fact Sheet
Hopewell Township, Mercer County
July 21, 2005
Prepared By:
Kate Butler, P.P., AICP

Hopewell Township received final second round substantive certification on January 8, 1997. The Township's cumulative 1987-1999 obligation is 564 units consisting of 520 new construction units and 44 rehabilitation units. Hopewell Township's obligation was adjusted through a 46-unit first round substantial compliance reduction, leaving a net affordable housing obligation of 518 units, consisting of 474 new construction units and 44 rehabilitation units. The plan certified by COAH incorporated a total of 290 credits for units that had been built and no credits for units that had been previously rehabilitated pursuant to COAH rules, leaving a remaining obligation of 228 units, consisting of a 184-unit new construction obligation and a 44-unit rehabilitation obligation.

The Housing Element and Fair Share Plan that was certified by COAH addressed Hopewell Township's remaining obligation as follows:

Plan Elements	Rehabilitation Component		New Construction Component		
	Remaining Obligation:	44	Proposed	Completed	Proposed
Beazer Homes (AKA Trafalgar)				91	91
21 rental bonuses for age-restricted units				21	21
15 family units				15	0
15 rental bonuses for family units				15	0
RCA with Trenton				59	59
Township rehabilitation program	44	44			
Total				201	171
SHORTFALL		0			-13

Recommendation: Grant extended substantive certification with a condition

REPORT REVIEWING MOTION FOR EXTENDED SUBSTANTIVE CERTIFICATION
Hopewell Township, Mercer County
Prepared by:
Kate Butler, P.P., AICP
July 21, 2005

I. INTRODUCTION

The Council on Affordable Housing (COAH) adopted N.J.A.C. 5:91-14 as an interim procedural rule, effective November 1, 1999, which was designed to address the anticipated gap between the expiration of second round low- and moderate-income housing requirements and the promulgation of a third round methodology and corresponding rules. Specifically, the rule adopted by COAH in 1999 established a mechanism whereby municipalities that had received second round certification from COAH could request an extension for a period of time up to one year after the effective date of COAH's third round rules, provided the municipality requested the extension by resolution of the governing body and committed to petition COAH with a third round plan prior to the expiration of the extension.

COAH's interim procedural rule was the subject of several appeals. On August 31, 2004, the Appellate Division of the Superior Court of New Jersey issued a consolidated opinion on these related appeals and determined that while COAH does have the authority to grant extended substantive certifications, it must provide for adequate public notice. The court further opined that COAH must "engage in a principled review of each municipality's compliance and conduct before it can qualify for an extended certification" and directed COAH to adopt rules governing the process municipalities must follow to secure extensions. In re Six Month Extension of N.J.A.C. 5:91-1 et seq. et al., 372 N.J. Super. 61 (App. Div. 2004).

In compliance with the directive of the Appellate Division, COAH adopted N.J.A.C. 5:91-14.3 as an emergency rule, which became effective on October 13, 2004, and N.J.A.C. 5:95-15.2 which replaced the October 13th rule on December 20, 2004. These revised procedures require municipalities seeking extended substantive certification to do so by filing a formal motion with COAH, providing adequate public notice and providing documentation from which COAH's review can be based.

This report reviews the request for extended substantive certification that was submitted in a motion filed by Hopewell Township, Mercer County, on December 9, 2004. Hopewell Township filed its motion prior to the December 13, 2004 deadline established by N.J.A.C. 5:91-14.3 and N.J.A.C. 5:95-15.2. Hopewell Township was originally granted extended substantive certification by COAH on December 4, 2002, under N.J.A.C. 5:91-14.

The motion schedule established by COAH provided for opposing briefs to be filed by December 29, 2004. No opposing briefs were received by COAH.

II. COMPLIANCE REVIEW

Hopewell Township submitted documentation in support of its motion that included a proposed schedule for the submission of a petition for third round substantive certification, a statement describing the progress of the Township's compliance with the terms of its 1987-1999 substantive certification, and current monitoring reports. Hopewell Township has committed to submitting a newly adopted Housing Element and Fair Share Plan to address its third round obligation prior to December 20, 2005.

The second round affordable housing obligation for Hopewell Township is 564 units, consisting of 520 new construction units and 44 rehabilitation units. Hopewell Township's new construction obligation was adjusted by COAH as a result of a first round 46-unit substantial compliance reduction, leaving a net new construction obligation of 474 units and a rehabilitation obligation of 44 units.

Hopewell Township received conditional second round substantive certification on October 23, 1996, and final substantive certification on January 8, 1997. The final plan certified by COAH included a total of 290 credits and bonus credits made up of five age-restricted for-sale units at Pennington Point, 100 family for-sale units at Drakes Mill, 38 family for-sale units at Brandon Farms, four alternative living arrangement bedrooms and four rental bonus credits, 139 units that had been transferred to Trenton via two RCAs and no units that had been

previously rehabilitated pursuant to COAH rules. Hopewell Township's remaining affordable housing obligation is 228 units and consists of a 184-unit new construction obligation and a 44-unit rehabilitation obligation.

The Housing Element and Fair Share Plan that was certified by COAH addressed Hopewell Township's remaining affordable housing obligation with the following elements:

New Construction:

- Zoned Site #1 Beazer- 91 age-restricted rental units, 15 family rental units and 36 rental bonus credits
- Proposed RCA – 59 units to Trenton

Rehabilitation:

- Municipal Rehabilitation Program – 44 units

The status of each of these plan elements is summarized below, based on information submitted as part of Hopewell Township's motion requesting extended substantive certification and on supplemental information requested by COAH as necessary during its review.

NEW CONSTRUCTION

Beazer

The certified plan for Hopewell Township included zoning on 75 acres at Block 78, Lot 10.01, which was to produce 150 rental units including 135 age-restricted rental units and 15 units accessible to households who have a member with a disability. On October 28, 1996, Hopewell Township received a waiver from the number of units it could age-restrict pursuant to N.J.A.C. 5:93-5.14. The Township received credit for 106 total units consisting of 91 age-restricted rental units and 15 family rental units. This waiver increased the limit on age-restricted units from 76 units to 91 units. The certified plan also relied on these 106 units to generate a total of 36 rental bonuses. The 91 age-restricted rental units qualified for a one and one-third bonus credit pursuant to N.J.A.C. 5:93-5.15(d)2 (21 bonuses) and the 15 family rental

units qualified for a two for one bonus credit pursuant to N.J.A.C. 5:93-5.15(d)1 (15 bonuses). The site is currently under construction and is more than 50 percent complete. However, the municipal approval granted for the site allowed a 100 percent age-restricted development. Proceeding in this manner would eliminate the 15 rental credits and 15 rental bonuses required when the non age-restricted component of the development was certified to produce units accessible to households where a family member has a disability.

On May 11, 2005, a COAH task force met to discuss Hopewell Township's motion request for extended substantive certification. On May 13, 2005, COAH issued a letter advising Hopewell Township of the concerns raised by COAH staff and the COAH task force regarding the Township's compliance with the terms of its certified plan.

Hopewell Township representatives subsequently advised COAH staff on July 18 that the Township counsel is currently negotiating with the developer of the site to produce the 15 non age-restricted rental units required by the certified plan.

Regional Contribution Agreement III with Trenton

The certified plan for Hopewell Township proposed a 59-unit RCA with Trenton. This RCA was approved by COAH on January 8, 1997, and included a total transfer of \$1,180,000. At the time Hopewell Township filed its motion for extended substantive certification, all funds had been transferred.

[59 RCA units]

REHABILITATION

At the time of its motion requesting extended substantive certification, Hopewell Township, through its municipal rehabilitation program, has completed the rehabilitation of 26 units in accordance with COAH regulations and has identified 18 additional units for rehabilitation. These additional units have been approved for the program and have received an

initial inspection. The average expenditure for these rehabilitations was \$17,617. Hopewell Township has satisfied its rehabilitation obligation.

[44 rehabilitation credits]

RENTAL COMPONENT

Pursuant to N.J.A.C. 5:93-5.15, Hopewell Township's rental component was established to be 130 units. This requirement will be satisfied with five units at Pennington Point, four credits for alternative living arrangement bedrooms, 35 units as part of the second Trenton RCA and the 106 units at Beazer.

DEVELOPMENT FEE ORDINANCE

Hopewell Township's certified plan included a development fee ordinance that was approved by COAH on March 14, 1994 and adopted by the Township on May 2, 1994. COAH approved Hopewell Township's spending plan on August 2, 1995. The Township's motion for extended substantive certification reported that it has collected a total of \$7,628,789 in development fees and expended \$347,872 on Affordable Housing Programs, \$530,655 on rehabilitation, \$5,000 on Affordability Assistance, \$3,587,000 on RCA transfers and \$253,673 on administration, for total expenditures of \$4,724,200 and a remaining balance of \$2,904,589.

Pursuant to N.J.A.C. 5:93-8.16(c), at least 30 percent of the balance of revenues collected on an annual basis that are not used for a new construction project, an RCA or rehabilitation activities must be devoted to render units more affordable. Hopewell Township's development fee monitoring report demonstrates that Hopewell Township has not spent sufficient development fee revenues on affordability assistance. Hopewell Township must immediately begin expending 30 percent of the balance of revenues collected on an annual basis that are not used for a new construction project, an RCA or rehabilitation activities to make units in the COAH-certified Housing Element and Fair Share Plan more affordable. Examples of such

activities include but are not limited to, down payment assistance, low interest loans, and rental assistance. COAH will monitor compliance with this requirement when Hopewell Township petitions for third round substantive certification.

Hopewell Township must submit a report on the expenditures of the balance remaining in the Township's affordable housing trust fund with its petition for third round substantive certification. Hopewell must also submit a revised spending plan with its petition for third round substantive certification, which must detail anticipated expenditures and a timetable to expend development fee revenues. Failure to comply with COAH's regulations on development fees and spending plans may result in COAH taking action pursuant to N.J.A.C. 5:94-6.16.

IMPLEMENTING ORDINANCES

Hopewell Township was required to adopt the following implementing ordinances within 45 days of the grant of substantive certification:

Fair Share Ordinance

Affirmative Marketing Ordinance

Hopewell Township adopted its combined Fair Share Ordinance and Affirmative Marketing Ordinance, entitled 'Land Use and Development Ordinance', number 97-1084, on November 3, 1997.

III. OPPOSING AND REPLY BRIEFS RECEIVED BY COAH

COAH did not receive any comments opposing Hopewell Township's motion requesting extended substantive certification.

IV. RECOMMENDATION

Hopewell Township received substantive certification from COAH on January 8, 1997, for a Fair Share Plan that includes 151 credits and bonus credits for units that have been built, 46 credits in the form of reduction for substantial compliance, 139 credits for units that have been transferred via an RCA and no credit for units that had been rehabilitated. Hopewell Township's certified plan addressed its remaining affordable housing obligation with zoning for the creation of 91 age-restricted rental units and 15 family rental units accessible to households with a member who has a disability at the Beazer Homes site, a 59-unit RCA with Trenton and a 44-unit rehabilitation program.

The Township has completed the 59-unit RCA with Trenton and its 44-unit rehabilitation obligation. However, the Township has not created the 15 family rental units in the Beazer development, nor has it provided COAH with a developer's agreement documenting that these units will not be age-restricted. The certified plan calls for these units to be accessible to family households where a household member has a disability.

COAH staff recommends that COAH grant an extension of Hopewell Township's substantive certification with the condition that the Township provide an executed developer's agreement for the 15 non-age-restricted rental units prior to September 14, 2005.

Hopewell Township must submit a developer's agreement that guarantees the creation of these 15 non-age-restricted rental units at the Beazer development, pursuant to COAH criteria, so that the units are also eligible for 15 rental bonuses.

RESOLUTION GRANTING EXTENDED SUBSTANTIVE CERTIFICATION WITH A
CONDITION # ES-140

Hopewell Township, Mercer County

WHEREAS, Hopewell Township, Mercer County, received conditional substantive certification from the New Jersey Council on Affordable Housing (COAH) on October 23, 1996 and final substantive certification on January 8, 1997 for a period of six years; and

WHEREAS, N.J.A.C. 5:95-15.2 permits COAH-certified municipalities to request an extension of substantive certification of their 1987-1999 Housing Element and Fair Share Plan until December 20, 2005; and

WHEREAS, Hopewell Township moved for extended substantive certification by motion on December 9, 2005, as per N.J.A.C. 5:95-12; and

WHEREAS, Hopewell Township's governing body adopted a resolution on November 22, 2005 requesting the extension, committing to continue to implement the certified second round plan and committing to file or petition for third round substantive certification in accordance with N.J.A.C. 5:94 and N.J.A.C. 5:95 by December 20, 2005; and

WHEREAS, notice of the motion was published in the Trenton Times on November 26, 2004; and

WHEREAS, Hopewell Township served the motion upon the service list maintained by COAH as per N.J.A.C. 5:95-15.2(c)2; and

WHEREAS, Hopewell Township submitted documentation demonstrating that all applicable ordinances implementing the 1987-1999 substantive certification are in effect; and

WHEREAS, Hopewell Township's motion and accompanying documentation comply with the requirements set forth in N.J.A.C. 5:95-15.2; and

WHEREAS, during the 20-day public comment period, COAH received no comments to Hopewell Township's motion for extended substantive certification; and

WHEREAS, COAH staff conducted a principled review of Hopewell Township's certified plan and prepared a COAH Report Reviewing Motion for Extended Substantive Certification on July 21, 2005 (attached hereto as Exhibit A and incorporated by reference herein); and

WHEREAS, Hopewell Township's cumulative fair share obligation is 564 affordable housing units, consisting of a 44-unit rehabilitation obligation and a 520-unit new construction obligation; and

WHEREAS, on October 28, 1996, Hopewell Township received a waiver from the number of units it could age-restricted pursuant to N.J.A.C. 5:93-5.14; and

WHEREAS, the plan granted final certification by COAH on January 8, 1997 included a first round 46-unit substantial compliance reduction and 290 credits and bonus credits, yielding a remaining new construction obligation of 184 units and a remaining rehabilitation obligation of 44 units; and

WHEREAS, the Housing Element and Fair Share Plan that was certified by COAH addressed Hopewell Township's remaining obligation with zoning to create 106 total affordable housing units, 59 units to be transferred via a regional contribution agreement (RCA) units and a 44-unit rehabilitation program; and

WHEREAS, the certified plan for Hopewell Township included zoning on 75 acres at Block 78, Lot 10.01, known as the Beazer Project, which was to produce a total of 150 rental units, consisting of 135 age-restricted rental units, and 15 non age-restricted rental units accessible to households where a family member has a disability; and

Hopewell Township,
Mercer County
July 27, 2005

WHEREAS, the Township received a waiver from COAH's age-restricted cap at N.J.A.C. 5:93-5.14 to allow an increase of eligible age-restricted units from 76 units to 91 units; and

WHEREAS, the certified plan relied on the 106 units proposed at the Beazer development to generate 21 age-restricted bonuses and 15 family rental bonuses for a total of 36 rental bonus credits; and

WHEREAS, the Beazer project is currently under construction and is more than 50 percent complete; and

WHEREAS, despite the language in the certified plan requiring 15 non-age-restricted rental units in this development, municipal approvals were granted for a 100 percent age-restricted project; and

WHEREAS, Hopewell Township's certified plan also included a 59-unit RCA with Trenton that has been completed since the date of final substantive certification and all of the \$1,180,000 in RCA funds has been transferred; and

WHEREAS, the Township's certified plan also included a 44-unit rehabilitation program and Hopewell Township has completed 26 rehabilitation projects and has approved and inspected an additional 18 units, and the Township has satisfied its rehabilitation obligation; and

WHEREAS, on May 11, 2005, a COAH task force met to review Hopewell Township's compliance with the terms of its substantive certification; and

WHEREAS, on May 13, 2005, COAH issued a letter advising Hopewell Township of the concerns raised by COAH staff and the COAH task force regarding the Township's compliance with the terms of its certified plan; and

Hopewell Township,
Mercer County
July 27, 2005

WHEREAS, Hopewell Township representatives subsequently advised COAH staff that the Township's counsel is currently negotiating with the developer of the Beazer site to produce the 15 non age-restricted rental units required by the certified plan; and

WHEREAS, Hopewell Township's rental obligation is 130 units and the Township will fulfill its rental obligation with five units at Pennington Point, four credits for alternative living arrangement bedrooms, 35 units in the second Trenton RCA and the 106 units at Beazer; and

WHEREAS, Hopewell Township's certified plan included a development fee ordinance that was approved by COAH on March 14, 1994 and adopted by the Township on May 2, 1994; and

WHEREAS, COAH approved Hopewell Township's spending plan on August 2, 1995; and

WHEREAS, the Township's motion for extended substantive certification reported that it has collected a total of \$7,628,789 in development fees and expended \$347,872 on Affordable Housing Programs, \$530,655 on rehabilitation, \$5,000 on Affordability Assistance, \$3,587,000 on RCA transfers and \$253,673 on administration, for total expenditures of \$4,724,200 and a remaining balance of \$2,904,589; and

WHEREAS, pursuant to N.J.A.C. 5:93-8.16(c), at least 30 percent of the balance of revenues collected on an annual basis that are not used for a new construction project, an RCA or rehabilitation activities must be devoted to render units more affordable and Hopewell Township's development fee monitoring report demonstrates that Hopewell Township has not spent sufficient development fee revenues on affordability assistance.

NOW THEREFORE, BE IT RESOLVED that COAH hereby grants Hopewell Township, Mercer County, extended substantive certification subject to the following condition:

Hopewell Township shall provide to COAH, prior to September 14, 2005, an executed developer's agreement for 15 non-age-restricted rental units on the Beazer site so that the units are eligible for 15 rental bonuses pursuant to COAH criteria; and

BE IT FURTHER RESOLVED that if the condition listed above is not satisfied prior to September 14, 2005, Hopewell Township's second round substantive certification shall automatically expire; and

BE IT FURTHER RESOLVED that if the above condition is met, this extended substantive certification of Hopewell Township's Housing Element and Fair Share Plan is granted for a period of time not beyond December 20, 2005 or until Hopewell Township files or petitions for third round substantive certification, whichever is earlier; and

BE IT FURTHER RESOLVED that Hopewell Township shall immediately begin expending 30 percent of the balance of revenues collected on an annual basis that are not used for a new construction project, an RCA or rehabilitation activities to make units in the COAH-certified Housing Element and Fair Share Plan more affordable and examples of such activities include but are not limited to, down payment assistance, low interest loans, and rental assistance; and

BE IT FURTHER RESOLVED that COAH shall monitor compliance with this requirement when Hopewell Township petitions for third round substantive certification and Hopewell Township must submit a report on the expenditures of the balance remaining in the Township's affordable housing trust fund with its petition for third round substantive certification; and

BE IT FURTHER RESOLVED that the Township shall also submit a revised spending plan with its petition for third round substantive certification, and this plan must detail anticipated expenditures and a timetable to expend development fee revenues; and

Hopewell Township,
Mercer County
July 27, 2005

BE IT FURTHER RESOLVED that failure to comply with COAH's regulations on development fees and spending plans may result in COAH taking action pursuant to N.J.A.C. 5:94-6.16; and

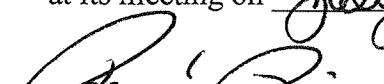
BE IT FURTHER RESOLVED that Hopewell Township shall continue to comply with all terms and conditions of its substantive certification; and

BE IT FURTHER RESOLVED that Hopewell Township's certified plan provides a realistic opportunity for the development of affordable housing, pending the Township's satisfaction of the one condition above; and

BE IT FURTHER RESOLVED that all ordinances implementing the original substantive certification shall remain in effect for the duration of the extended substantive certification; and

BE IT FURTHER RESOLVED that Hopewell Township's extended substantive certification is conditioned on the Township's continued implementation of its certified Housing Element and Fair Share Plan.

I hereby certify that this Resolution was duly adopted by the Council on Affordable Housing at its meeting on July 27, 2005.



Renée Reiss
Council Secretary

Hopewell Township**Mercer**

The Honorable Arlene Kemp
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Hopewell Township

Mercer

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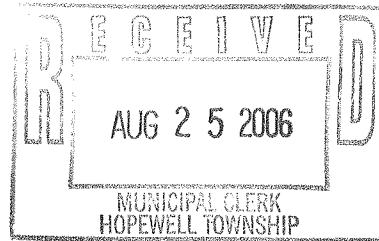
OF COUNSEL
ALLEN N. GROSSMAN†
Princeton Office

ALSO ADMITTED IN:
*PA *NY
*FL *VA

August 23, 2006

via hand-delivery

New Jersey Council on Affordable Housing
Attention: Sarah Murphy, P.P.
101 South Broad Street
Trenton, NJ 08625-0813



Re: Township of Hopewell, Mercer County, New Jersey: Petition for Third Round Substantive Certification/Housing Element and Fair Share Plan

Dear Ms. Murphy:

I am writing to you in my capacity as Special Counsel to the Township of Hopewell concerning its Affordable Housing Program.

After a preliminary review of Hopewell Township's Housing Element and Fair Share Plan which was submitted for Third Round Substantive Certification, your office requested additional documentation and information in order to complete your staff review.

On behalf of the Township of Hopewell, I hand-deliver your requested additional information.

If you have any questions or need any further information, please feel free to contact me.

Very truly yours,

Edwin W. Schmierer
Direct Dial: (609)436-1200
Email: e.schmierer@mgplaw.com

EWS:jv
enc.

cc: Vanessa Sandom, Mayor (w/o enc.)
Bruce Hilling, Administrator (w/o enc.)
Anne Moore, Affordable Housing Coordinator (w/o enc.)
Edward Truscelli, Chair Affordable Housing Committee (w/o enc.)
Michael P. Bolan, P.P./A.I.C.P., Planning Consultant (w/o enc.)

August 22, 2006

Response to COAH's Incomplete Letter of May 24, 2006

(The item numbers listed below correspond to the item numbers in COAH's May 24, 2006 report)

1. Hopewell Township issued 176 certificates of occupancy (COs) in 2004 (Table R2) and 113 COs in 2005. In 2006 we anticipate approximately 180 COs. The bulk of these COs (331 of the 469) are for the two projects, Hopewell Grant and Hopewell Crossing, that are excluded from the growth projection because they are an inclusionary development (Table R6). The remaining residential growth between now and 1/1/04 of 247 units (716 units from Table R7 minus the 469 units noted above) is anticipated to be roughly evenly distributed over the 7 years at a rate of 35 units per year. Any other residential development will be subject to the growth share ordinance, or will be an inclusionary development providing more than its growth share obligation. We also anticipate 2 demolitions per year based on historical trends.

Nonresidential development is very difficult to predict, as it depends on market forces and the developers preference. The DVRPC projects 3,118 jobs (Table NR1), or 312 jobs per year, of which 315 jobs occurred in 2004 (Table NR1). We anticipate that, on average, approximately 312 jobs per year will be created, although this could range up to 525 jobs per year for the nine years from 2005-2013 if office development picks up (Table NR13). However, it also could be much lower. For example, in 2005 only 141 jobs were created in the Township (47,000 square feet of office space, no retail space, and no other nonresidential development, according to the Construction Reporter data).

2. Under NJAC 5:94-2.3(a), growth projections that are consistent with the projections provided pursuant to NJAC 5:94-2.2(b)4 shall have a presumption of validity. The DVRPC projects a growth share of 182 units (Table T1), **a projection which the Township accepts**. However, the DVRPC projection does not discount the portion of growth share which results from the production of affordable housing. As noted in Tables R6 and R7, 331 of the projected units are the result of producing affordable housing. Subtracting the 331 units from DVRPC's projection of 515 households yields 184 units, or a growth share of 21 affordable units.

The letter also refers to growth share projections of 82 [sic] 182 and 245 affordable units. The 182 unit projection is entirely consistent with the MPO/DVRPC projection. The Fair Share Plan addresses an obligation of 241 units, which is far in excess of the presumptively valid MPO/DVRPC projection of 182 affordable units, without discounting the units that are discounted from the growth share obligation. As indicated above, based on recent trends in

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nonresidential development, the Township's higher projection of 245 affordable units may not occur. If it does occur, the Township's growth share ordinance and other affordable housing programs will address the difference, which are a *de minimis* four units (245-241).

In summary, the Township has fully addressed its presumptively valid projection, and in fact has planned to address far more than the projection.

3. The only planned changes in zoning affect two properties, Block 78, Lot 10.04 and Block 85, Lots 3, 8 and 13. We are enclosing the draft ordinances for these two properties. The properties are within the Township's sewer service area; are proximate to other high density residential uses with access to nonresidential uses; have easy accessibility to the local and regional road network and public transportation; and, are located in Planning Area 2.

The other properties included in the Housing Plan are proposed for municipally sponsored projects or alternative living arrangements, which require no zoning change. The proposed sites are compatible with existing land use patterns and the Township's economic development policies, and can be developed in accordance with state and federal regulations.

4. The prior round obligation will be addressed through the new construction projects discussed in Items 2 and 3 above.
6. The proposed zoning amendments for Block 78, Lot 10.04 and Block 85, Lots 3, 8 and 13 are enclosed.

As to suitability pursuant to NJAC 5:94-4.5, both sites are within Planning Area 2; both sites have had wetlands delineations and are suitable for the proposed use; neither site is within a Category One watershed; and, there are no steep slopes affecting the developability of the sites. Both sites also are in the Township's sewer service area as delineated in the latest approved Wastewater Management Plan (WMP).

Block 78, Lot 10.04 is owned by Beazer Homes; the surrounding land uses include a townhouse development to the east, an age-restricted affordable housing development to the south, a neighborhood/community shopping center to the west, and an age-restricted development to the north; and, the property fronts on Denow Road, a County road extending from Route 31 on the west to Federal City Road on the east. As noted above, the property is within the Township's approved WMP, and has access to public water from the Trenton Water Works.

Block 85, Lots 3, 8 and 13 is under contract to Beazer Homes; the property fronts on Washington Crossing – Pennington Road (County Route 546) to the north and Route 31 to the east; to the south and west are single-family dwellings. As noted above, the property is within the Township's approved WMP, and has access to public water from the Trenton Water Works.

There have been no decisions on applications for development for the proposed affordable housing sites. Concept plans have been submitted.

7. Block 93, Lot 5, a 34 acre parcel on Scotch Road is proposed for 30 affordable units. The Township has acquired this parcel in fee simple. The Township intends to lease or donate this

property to a qualified provider of affordable housing. The discussions that the Township has had with potential developers have focused on a turn-key operation, where the Township would provide the land and permit assistance, and the non-profit developer would assume responsibility for construction and management. The Township assumes a cost for the development of approximately \$4.5 million. Discussions have occurred with Pennrose Properties and Project Freedom, among others, for the development of this parcel. It is anticipated that the non-profit developer will provide the detailed pro-forma for the tract. To the extent necessary the Township could also provide funding for the project from its development fee or payment in lieu of construction trust funds.

Block 34, Lot 8; Block 26, Lot 4.03; Block 2, Lot 8; and Block 130, Lot 77.01 are all proposed for modular units. The Township has prepared its own pro-forma for modular units, and has a pro-forma prepared by Habitat for Humanity for Block 130, Lot 77.01. A 1,000 square foot modular unit with site preparation will cost approximately \$105,000, a new septic will cost approximately \$35,000, and a new well will cost approximately \$10,000, for a total of \$150,000. Since the Township has already purchased these properties there is no land cost. These developments can be funded through the Township's development fee or payment in lieu of construction trust funds.

9. Block 93, Lot 5 is identified for a group home. There are an existing 2-family dwelling with 4 bedrooms and a single-family dwelling with 3 bedrooms on the property. Three organizations have expressed an interest in the property: The ARC of Mercer, Inc.; Enable, Inc.; and, SERV Behavioral Health Systems. The Township intends to provide the land and buildings to the selected provider, who would then provide a more detailed pro-forma. These buildings have been occupied recently and are in good physical condition, so the rehabilitation should not be costly. To the extent necessary the Township could also provide funding for the project from its development fee or payment in lieu of construction trust funds.

Block 92, Lot 49 is also identified for a group home. The existing building recently has been used by a special task force from the Mercer County prosecutor's office. SERV Behavioral Health Systems has expressed an interest in the property. The Township intends to provide the building to the selected provider, who would then provide a more detailed pro-forma. This building has been inspected by the Township's construction official, and may require up to \$200,000 in improvements for conversion to a group home, which is anticipated to be provided by the ultimate user. To the extent necessary the Township could also provide funding for the project from its development fee or payment in lieu of construction trust funds.

15. The draft growth share ordinance is enclosed.
16. The draft third round spending plan is enclosed.

Township of Hopewell Development Fee Spending Plan

August 22, 2006

INTRODUCTION

Hopewell Township has a development fee ordinance that was approved by the Council on Affordable Housing (COAH) on December 20, 2004. This spending plan is prepared in accordance with N.J.A.C. 5:94-6.2(c) and 6.5 and includes the following:

1. Projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historic rate of development activity.
2. A description of the administrative mechanism that the municipality will use to collect and distribute revenues.
3. A description of the anticipated use of all development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, pursuant to N.J.A.C. 5:94-6.12, repayment of loans for rehabilitation or affordability assistance, and voluntary contributions.
4. A schedule for the creation and/or rehabilitation of housing units.
5. If the municipality is including a municipally sponsored or 100 percent affordable program, a new construction alternative living arrangement or an affordable housing partnership program, a pro-forma statement of the anticipated costs and revenues associated with the development.
6. The manner in which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan.

To date, Hopewell Township has \$2,828,584.26 in its affordable housing trust fund. All development fees collected and interest generated by the fees are deposited in a separate interest-bearing account in Wachovia Bank for the purposes of affordable housing.

1. PROJECTION OF REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated between November 29, 2005 and the expiration of substantive certification on December 31, 2013, Hopewell Township considered the following:

- (a) Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals are anticipated to provide \$1,401,500 in development fees at issuance of building permits and/or certificates of occupancy during the period of substantive certification.
- (b) All anticipated projects for development approvals that may apply for building permits and certificates of occupancy are anticipated to provide \$2,205,000 in development fees during the period of substantive certification.
- (c) Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of loans for rehabilitation or affordability assistance, and voluntary contributions are anticipated to provide \$1,130,560 in fees during the period of substantive certification.
- (d) Interest on the projected revenue in the housing trust fund at the current average interest rate is anticipated to provide \$75,656 to accrue to the affordable housing trust fund during the period of substantive certification.

Hopewell Township projects a total of \$4,737,060 in revenue to be collected between November 29, 2005 and the expiration of substantive certification. When the total revenue projected of \$4,737,060 is added to the amount collected to date of \$2,828,584.26 including interest a total of \$7,641,300 will be collected prior to the expiration of substantive certification. All fees listed above will be deposited in a separate interest-bearing account in Wachovia Bank and all interest earned on the account will 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 will be followed by Hopewell Township:

(a) Collection of development fee revenues

The Planning Board Administrator provides a copy of the approving Resolution to the Construction Code Official whenever preliminary, final or other applicable approval is granted for a development which is subject to a development fee.

When a request is made for a building permit, the Construction Department determines if the project is subject to the imposition of a development fee.

If so, the Construction Code Official will notify the township tax assessor to calculate the approximate value of the project and set the fee based on the projected equalized assessed value.

The developer pays 50 percent of the estimated development fee to the Finance Office at the time the building permit is issued. The funds are then forwarded to the Chief Financial Officer and deposited in the affordable housing trust fund. At the time of the issuance of the Certificate of Occupancy, the developer pays the remaining 50 percent, and the funds are forwarded to the Chief Financial Officer and deposited in the affordable housing trust fund.

(b) Distribution of development fee revenues

The Township Committee reviews the request for consistency with the spending plan, forwards the request to the Township's Affordable Housing Committee for its recommendation, and adopts the recommendation by resolution.

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

3. DESCRIPTION OF ANTICIPATED USE OF DEVELOPMENT FEES

(a) Following subtraction of the development fees collected to finance a RCA and new construction projects, the Township shall use at least 30 percent of the remaining balance to provide affordability assistance to low- and moderate-income households in affordable units included in the Fair Share Plan. One-third of the affordability assistance portion of the collected development fees shall be used to provide affordability assistance to those households earning 30 percent or less of median income. The affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans and rental assistance.

The Township may buy down the cost of low income units to make them affordable to households earning 30 percent or less of median income. The Township understands that it is entitled to bonus credits under NJAC 5:94-4.22 for the use of development fees in this manner.

(b) The Township shall spend no more than 20 percent of development fee revenues, exclusive of the fees used to fund a RCA, on administration, including, but not limited to, salaries and benefits for municipal 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. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with Council monitoring requirements.

(c) The Township shall provide \$3,255,000 to the City of Trenton, or another municipality within its housing region, for a 93 unit Regional Contribution Agreement.

(d) The Township shall spend the bulk of the development fees on new construction projects. The new construction projects include the acquisition of land for affordable housing, improvements to the purchased land, extensions or improvements to infrastructure, and the purchase of existing housing, modular units and infrastructure.

4. SPENDING PLAN SUMMARY

<i>Revenue</i>	
Existing balance as of 10/19/05	2,828,584
Anticipated future fees	4,737,060
Projected interest	75,656
Total Anticipated Revenues	7,641,300
<i>Expenditures</i>	
Municipal construction of modular units (5 at \$150,000 per unit)	750,000
Regional Contribution Agreement for 93 units	3,255,000
Municipal assistance in the construction of 30 affordable units	1,000,000
Municipal acquisition of property for affordable housing	2,150,000
Affordability assistance	200,000
Funds dedicated to administrative costs	280,000
Total Anticipated Expenditures	7,635,000
Balance	6,300

B A N I S C H
A S S O C I A T E S , I N C.
Planning and Design

Fourth Draft, August 22, 2006

**Zoning Ordinance Amendment to Implement the 2005 Housing Plan Element and Fair Share Plan
(Beazer/Denow Road Tract)**

1. Section 17-92, "Lower Income Housing", of Article VI, "Design Standards", of Chapter XVII, "Land Use and Development", of the "Revised General Ordinances of the Township of Hopewell, New Jersey (1978)", is hereby amended to add the following new paragraph i., to read as follows:
 - i. Planned Residential Development in the R-5 District.
 1. Permitted Principal Uses. The following principal uses are permitted, provided that at least 25 percent of the total number of housing units shall be limited to occupancy by low- and moderate-income households.
 - (a) Garden apartments or flats, in accordance with the standards in Section 17-92 of the ordinance
 - (b) Townhouses, atrium homes, patio homes, duplexes and quadplexes in accordance with the standards in Section 17-92 of the ordinance
 2. Permitted Accessory Uses.
 - (a) Private garages
 - (b) Off-street parking
 - (c) Buildings for the storage of maintenance equipment
 - (d) Private recreation buildings and facilities
 - (e) Open space
 3. Development standards. The following zoning standards shall apply to a planned residential development in the R-5 District.
 - (a) Minimum tract size. 22 acres
 - (b) Maximum density. 5.4 units per acre, based on the total tract size

- (c) Minimum setback from lot lines and streets. 250 feet from the front lot line; 100 feet from the rear lot line; 50 feet from the side lot lines
- (d) Maximum lot coverage. 30 percent
- (e) The tract shall have a minimum width of 800 feet and a minimum depth of 1,000 feet.
- (f) Maximum building height. 3 stories, or 45 feet
- (g) The minimum distance between residential buildings, and between a residential building and an internal driveway, shall be 30 feet.
- (h) A residential building shall contain no more than 16 units
- (i) Accessory buildings and structures shall not be located in the front yard, except for recreational facilities, and shall maintain a setback of 25 feet to side and rear lot lines.
- (j) Off-street parking. Off-street parking shall comply with the Residential Site Improvement Standards.
- (k) Low- and moderate-income housing. Low- and moderate-income housing shall comply with the standards of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., including but not limited to affordability average, bedroom distribution, occupancy standards, control periods, price restrictions and income eligibility.
- (l) Landscaping.
 - (1) For each 50' of lot width, the applicant shall provide 2 canopy trees (large deciduous trees), 5 understory trees (deciduous and/or evergreen trees) and 15 shrubs.
 - (2) The applicant shall provide a 25' deep landscape screen along the side and rear lot lines. For each 50' that is disturbed along the side or rear lot lines, the applicant shall provide 2 canopy trees (large deciduous trees), 5 understory trees (deciduous and/or evergreen trees) and 15 shrubs.
 - (3) Parking areas shall be screened from adjoining residential uses by the use of berms, landscaping, fencing, or a combination of elements.
- (m) A minimum of 25 percent of the tract shall be provided as open space.
- (n) Buildings shall not exceed an overall building length on one plane of 160 feet.

B A N I S C H
A S S O C I A T E S , I N C.
Planning and Design

Second Draft, August 22, 2006

Zoning Ordinance Amendment to Implement the 2005 Housing Plan Element and Fair Share Plan (Beazer/Pennington Tract)

Section 1. Subsection j., "R-100 District: Residential Uses", of Section 17-159, "Residential: R-150, R-100, R-75, R-50, R-5 and R-6", of Article IX, "Zoning Districts", of Chapter XVII, "Land Use and Development", of the "Revised General Ordinances of the Township of Hopewell, New Jersey (19780", is hereby amended to delete the existing paragraph 3 and add the following new paragraph 3., to read as follows:

3. Mixed Age-Restricted and General Residential Housing in the R-100 Zoning District. The purpose of these standards are to permit a mix of age-restricted housing and housing for the general public in a proposed development, provided that the required low- and moderate-income housing is available specifically to the general public.
 - (a) Permitted Principal Uses. The following principal uses are permitted, provided that 25 of the housing units shall be limited to occupancy by low- and moderate-income households that are not age-restricted households.
 - (1) Garden apartments or flats, in accordance with the standards in Section 17-92
 - (2) Townhouses, atrium homes, patio homes, duplexes and quadplexes in accordance with the standards in Section 17-92
 - (3) Detached single-family dwellings in accordance with the standards in Section 17-92
 - (b) Permitted Accessory Uses.
 - (1) Private garages
 - (2) Off-street parking
 - (3) Buildings for the storage of maintenance equipment
 - (4) Private recreation buildings and facilities
 - (5) Open space

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(c) Development standards. The following standards shall apply to a mixed age-restricted and general residential housing development in the R-100 District.

- (1) Minimum tract size. 30 acres
- (2) Maximum density. 3 units per acre, based on the original total tract size
- (3) At least 50 percent of the residential units shall be age-restricted housing units.
- (4) Minimum setback from State, County and primary local streets, and nonresidential perimeter boundary. 100 feet
- (5) Minimum setback from perimeter residential boundary and primary development road. 50 feet
- (6) Minimum setback for townhouses, atrium home, duplexes, quadplexes and detached single-family housing on secondary development road. 25 feet
- (7) The tract shall have a minimum width of 800 feet and a minimum depth of 1,000 feet.
- (8) Maximum building height. 45 feet, with a limit of 3 stories for garden apartments (flats), and 2 ½ stories for townhouses, atrium homes, patio homes, duplexes, quadplexes and detached single-family dwellings.
- (9) The minimum distance between residential buildings, and between a residential building and an internal driveway, shall be 30 feet.
- (10) A residential building shall contain no more than 16 units
- (11) Accessory buildings and structures shall not be located in the front yard, except for recreational facilities, and shall maintain a setback of 25 feet to side and rear lot lines.
- (12) Off-street parking. Off-street parking shall comply with the Residential Site Improvement Standards.
- (13) Low- and moderate-income housing. Low- and moderate-income housing shall comply with the standards of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., including but not limited to affordability average, bedroom distribution, occupancy standards, control periods, price restrictions and income eligibility.
- (14) Landscaping.
 - a. For each 50' of lot width, the applicant shall provide 2 canopy trees (large deciduous trees), 5 understory trees (deciduous and/or evergreen trees) and 15 shrubs.

- b. The applicant shall provide a 25' deep landscape screen along the side and rear lot lines. For each 50' that is disturbed along the side or rear lot lines, the applicant shall provide 2 canopy trees (large deciduous trees), 5 understory trees (deciduous and/or evergreen trees) and 15 shrubs.
- c. Parking areas shall be screened from adjoining residential uses by the use of berms, landscaping, fencing, or a combination of elements.

(15) A minimum of 25 percent of the tract shall be provided as open space.

(16) Buildings shall not exceed an overall building length on one plane of 160 feet.

<http://zoningord.beazerpennington.com> 2nd draft letterhead

TOWNSHIP OF HOPEWELL
ORDINANCE NO. 06-

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL,
COUNTY OF MERCER AND STATE OF NEW JERSEY,
AMENDING CHAPTER XVII OF THE CODE TITLED "LAND USE AND
DEVELOPMENT"
THROUGH THE ESTABLISHMENT OF A NEW ARTICLE XVI TITLED
"GROWTH SHARE AND AFFORDABLE HOUSING PROVISIONS"

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provision of affordable housing; and

WHEREAS, the New Jersey Council on Affordable Housing ("COAH") is the State administrative agency created pursuant to the FHA vested with primary jurisdiction for the administration of affordable housing obligations in accordance with sound regional planning considerations in New Jersey; and

WHEREAS, COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1 et seq.) implement a "growth share" approach to affordable housing production which requires affordable housing to be produced in conjunction with market-rate residential and nonresidential growth and development within Hopewell Township; and

WHEREAS, Hopewell Township desires to implement the "growth share" policies promulgated by COAH in its Third Round Substantive Rules in an effort to foster the production of affordable housing opportunities for qualified low and moderate income households through COAH's third round, which extends from 1999 to 2014.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Committee of Hopewell Township that the Land Use Ordinance of Hopewell Township be and is hereby amended as follows:

Section 1. The following new Sections are hereby added to a new Article XVI of Chapter XVII, Land Use and Development, to read as follows:

ARTICLE XVI
Growth Share and Affordable Housing Provisions

17-252 Applicability

- a. This subsection of the land use regulations of Hopewell Township sets forth mechanisms by which developers shall provide for a fair share of affordable housing based on growth

that is associated with development taking place within Hopewell Township.

- b. Residential Development. All residential development in the R-50, R-75, R-100, R-150, VRC and MRC zoning districts that results in the construction of new market-rate dwelling units in accordance with N.J.A.C. 5:94-1 *et seq.*, shall be subject to the "growth share" provisions of this ordinance.
- c. Non-residential development. All non-residential development in the HBO, O/CC and SI zoning districts that results in an increase in gross floor area of any existing non-residential structure or the construction of a new non-residential structure in accordance with N.J.A.C. 5:94-1 *et seq.*, shall be subject to the "growth share" provisions of this ordinance. For all non-residential development in the OP, RO-1, RO-2 and RO-3 zoning districts, the first 50 percent of floor area of any preliminary site plan approval shall be subject to the growth share provisions of this ordinance, with the remaining 50 percent of floor area subject to the development fee provisions of Section 10-7 of the Township Code.
- d. The applicant for a development approval shall submit an affordable housing plan with the initial application for completeness. The affordable housing plan shall specify the manner in which the applicant will address the affordable housing obligation, as permitted by ordinance. The plan shall be subject to review by the Planning Board Attorney, Planning Board planner and the Township affordable housing coordinator for consistency with the ordinance. Compliance with the terms of COAH's rules and the approved plan shall be a condition of any development approval that is granted.

17-253 Residential Growth Share Provisions

- a. All residential development which results in the construction of new market-rate dwelling units in Hopewell Township in R-50, R-75, R-100, R-150, VRC and MRC zoning districts shall provide one affordable unit for every eight market rate units constructed. If the affordable unit is constructed on site the affordable unit shall not be included in the calculation of density for the purposes of this Article.
- b. For developments that result in a number of market-rate residential units not evenly divisible by eight, the developer may construct the additional affordable unit on-site or alternatively, the developer may make a payment in lieu of constructing the additional affordable unit. If the developer selects the latter option, the amount of said payment shall be established by subtracting any whole multiples of eight from the total number of market-rate residential units being created, dividing any remaining number of units by eight and multiplying the resulting fraction by the subsidy required to create an affordable housing unit in Hopewell Township.

The actual payment in lieu of construction made by the developer may be negotiated with the Township considering the actual land cost of the site(s) identified for affordable housing construction elsewhere within Hopewell Township or the substitution of land, site

preparation and/or construction services for all or a portion of the monetary payment otherwise required.

- c. All residential development in the R-50, R-75, R-100, R-150, VRC and MRC zoning districts consisting of less than eight residential units may provide one affordable unit on-site or may make a payment in lieu of constructing the proportionate fraction of the affordable housing unit required. If the developer selects the latter option, the amount of said payment shall be established by dividing the number of market-rate units by eight and multiplying the resulting fraction by the subsidy required to create an affordable housing unit in Hopewell Township.

The actual payment in lieu of construction made by the developer may be negotiated with the Township considering the actual land cost of the site(s) identified for affordable housing construction elsewhere within Hopewell Township or the substitution of land, site preparation and/or construction services for all or a portion of the monetary payment otherwise required.

- d. As an alternative to fulfilling the affordable housing requirements set forth in a. through c. above, developers of residential units in the R-50, R-75, R-100, R-150, VRC and MRC zoning districts may elect to construct an affordable housing unit elsewhere in Hopewell Township or purchase an existing residential unit elsewhere in Hopewell Township in accordance with Hopewell Township's buy-down program, and/or municipally-sponsored rental program which shall comply with applicable COAH rules at N.J.A.C. 5:94-1 et seq.
- e. All residential development not subject to the provisions of a. through d. above shall be subject to the provisions of development fees as set forth in Section 10-7 of the Township Code.

17-254. Non-Residential Growth Share Provisions

- a. All non-residential development in the HBO, O/CC and SI zoning districts that results in an increase in gross floor area of any existing non-residential building or the construction of a new non-residential building in Hopewell Township shall provide one affordable unit for every 25 jobs that results from the application of standards adopted by COAH (presently found in Appendix E of N.J.A.C. 5:94-1 et seq.) and based on use groups, as defined by the International Building Code (IBC) which has been incorporated by reference into the Uniform Construction Code (UCC). For all non-residential development in the OP, RO-1, RO-2 and RO-3 zoning districts, the first 50 percent of floor area of any development approval shall provide one affordable unit for every 25 jobs that results from the application of the above standards.
- b. Except as set forth in c. below, non-residential developers in HBO, O/CC, SI, OP, RO-1, RO-2 and RO-3 zoning districts may construct an affordable housing unit elsewhere in Hopewell Township or purchase an existing residential unit elsewhere in Hopewell Township in accordance with Hopewell Township's, buy-down program, and/or municipally-sponsored rental program which shall comply with applicable COAH rules at

N.J.A.C. 5:94-1 et seq. Affordable units also may be constructed on-site or in a mixed use building. If constructed on-site or in a mixed use building, the floor area of the affordable units shall not be in the calculation of floor area for the purposes of this Article.

- c. As an alternative to fulfilling the affordable housing requirements set forth in a. above, the non-residential developer may make a payment in lieu of constructing the affordable units. The amount of said payment shall be determined by establishing the number of jobs to be created in a development by using the conversion factors published by COAH as Appendix E in N.J.A.C. 5:94-1 et seq., dividing by 25 to determine the number of affordable housing units required and multiplying the resulting figure by the subsidy required to create an affordable housing unit in Hopewell Township.
- d. For developments that result in a number of jobs not evenly divisible by 25, the developer may construct the additional affordable unit off-site in accordance with subsection b. above or alternatively, the developer may make a payment in lieu of constructing an additional affordable unit in accordance with subsection d above. If the developer selects the latter option, the amount of said payment shall be established by subtracting any whole multiples of 25 from the total number of jobs being created, dividing any remaining number of jobs by 25 and multiplying the resulting fraction by the subsidy required to create an affordable housing unit in Hopewell Township.

The actual payment in lieu of construction made by the developer may be negotiated with the Township considering the actual land cost of the site(s) identified for affordable housing construction elsewhere within Hopewell Township or the substitution of land, site preparation and/or construction services for all or a portion of the monetary payment otherwise required.

- e. All non-residential development in the HBO, O/CC and SI zoning districts creating less than 25 jobs may provide one affordable unit off-site in accordance with subsection b. above or may make a payment in lieu of constructing an affordable housing unit. If the developer selects the latter option, the amount of said payment shall be established by dividing the number of jobs by 25 and multiplying the resulting fraction by the subsidy required to create an affordable housing unit in Hopewell Township. For all non-residential development in the OP, RO-1, RO-2 and RO-3 zoning districts, the first 50 percent of floor area of any development approval shall provide one affordable unit for every 25 jobs that results from the application of the above standards.

The actual payment in lieu of construction made by the developer may be negotiated with the Township considering the actual land cost of the site(s) identified for affordable housing construction elsewhere within Hopewell Township or the substitution of land, site preparation and/or construction services for all or a portion of the monetary payment otherwise required.

- f. All non-residential development not subject to the provisions of subsections a. through e. above shall be subject to the provisions of development fees as set forth in Section 10-7 of the Township Code.

17-255. General Provisions for Constructing Affordable Units

- a. Affordable housing units being constructed on-site or off-site shall meet the requirements of the Hopewell Township's affordable housing ordinance, and shall be in conformance with COAH's third round rules at N.J.A.C. 5:94-1 et seq. and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq., including, but not limited to, requirements regarding phasing schedule, controls on affordability, low/moderate income split, heating source, maximum rent and/or sales prices, affordability average, bedroom distribution, and affirmative marketing.
- b. To the greatest extent possible, affordable housing units being provided within inclusionary developments shall be disbursed throughout inclusionary developments and shall be located within buildings designed to be architecturally indistinguishable from the market-rate units otherwise being constructed within the development. To that end, the scale, massing, roof pitch and architectural detailing (such as the selection of exterior materials, doors, windows, etc.) of the buildings containing the affordable housing units shall be similar to and compatible with that of the market-rate units.
- c. Single-family attached buildings in the form of semi-detached (side-by-side) units or duplex (over and under) units, triplex and quadplex buildings shall be deemed to be permitted uses in the underlying zone when created for the purpose of meeting the growth share obligation on-site and shall conform to the bulk standards set forth in subsection 17-92.d.3.

17-256. Payment in Lieu Provisions

- a. Any payment in lieu amount shall be derived from the analysis of the subsidy required to create an affordable housing unit in Hopewell Township, which analysis shall be on file in the office of the Planning Board. The subsidy shall be adjusted annually based on the actual construction cost of an affordable housing unit, utilizing such indicators as the Consumer Price Index for housing, the NJ Department of Community Affairs construction indicators, or such other reliable source.
- b. All payments in lieu of constructing affordable housing shall be deposited by Hopewell Township into an affordable housing trust fund to be established by Hopewell Township in conformance with regulations established by COAH and shall at all times be identifiable from development fees. These funds shall be used by Hopewell Township in accordance with regulations established by COAH to create new affordable housing opportunities within the physical boundaries of Hopewell Township.

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

MEMORANDUM

TO: Council on Affordable Housing

FROM: Anne B. Moore, Affordable Housing Coordinator *ABM*

DATE: August 24, 2006

RE: Requested Documents

The requested Resolution Appointing a Municipal Housing Liaison will be placed on the Township Committee's regular September 11, 2006 meeting agenda. Cancellation of summer meetings has precluded its consideration prior to that date.

c: Administrator Hilling
Affordable Housing Attorney Schmierer

**Council on Affordable Housing (COAH)
Alternative Living Arrangement Survey**

Municipality: Township of Hopewell County: Mercer

Sponsor: _____ Developer: CIFA

Block: 780 Lot: 53 Street Address: 155 Bull Run Road

Facility Name: Center for Innovative Family Achievement

Type of Facility:

- Group Home for developmentally disabled as licensed and/or regulated by the NJ Dept. of Human Services (Division of Developmental Disabilities (DDD))
- Group Home for mentally ill as licensed and/or regulated by the NJ Dept. of Human Services (Division of Mental Health Services) (DMHS))
- Transitional facility for the homeless
- Residential health care facility (licensed by NJ Dept. of Community Affairs or NJ Dept. of Human Services)
- Congregate living arrangement
- Other -- Please Specify: _____

of bedrooms occupied by low-income residents 6

of bedrooms occupied by moderate-income residents 0

Separate bedrooms? Yes No

Affordability Controls? Yes No

Length of Controls: _____ years

Effective Date of Controls: 1/1/

Expiration Date of Controls: 1/1/

Average Length of Stay: 12 months (transitional facilities only)

The following verification is attached:

- Copy of deed restriction (30-year minimum, HUD, FHA, FHLB, BHP deed restriction, etc.)
- Copy of Capital Application Funding Unit (CAFU) Letter (20-year minimum, no deed restriction required)
- Award letter/financing commitment (proposed new construction projects only)

Residents 18 yrs or older? Yes No

Population Served (describe): _____

For proposed new construction projects only:

Sources of funding committed to the project (check all that apply):

- Capital funding from State - Amount \$ _____
- Balanced Housing - Amount \$ _____
- HUD - Amount \$ _____
- Federal Home Loan Bank - Amount \$ _____
- Farmers Home Administration - Amount \$ _____
- Development fees - Amount \$ _____
- Bank financing - Amount \$ _____
- Other - Please specify: _____

Are funding sources sufficient to complete project?

Yes No

Residents qualify as low or moderate income?

Yes No

CO Date: 1/24/91

Indicate licensing agency:

DDD DMHS DHSS DCA

Initial License Date: 1/1/91

Current License Date: 1/13/06

Age-restricted? Yes No

Accessible (in accordance with NJ Barrier Free Subcode)? Yes No

Affirmative Marketing Strategy (check all that apply): DDD/D MHS/DHSS/DCA waiting list Other (please specify): _____**CERTIFICATIONS**

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: R.V. Donithan
Project Administrator

8/23/06

Date

Certified by: Breen Hely
Municipal Housing Liaison

8/24/06

Date

**RESOLUTION
Of Hopewell Township, Mercer County
(Sending Municipality)
Authorizing RCA Execution
Pursuant to N.J.A.C. 5:95-11.2**

WHEREAS, Hopewell Township, Mercer County, has a fair share obligation to provide housing opportunities to households of low and moderate income as established by the New Jersey Supreme Court and by the New Jersey Fair Housing Act, N.J.S.A. 52:27d-301 et. seq.; and,

WHEREAS, the Fair Housing Act provides that municipalities within the same region as defined by the Council on Affordable Housing (COAH) may meet up to 50 percent of that obligation through a regional contribution agreement (RCA) under which the sending municipality makes a cash payment to another municipality, known as the receiving municipality, which undertakes to provide low- and moderate-income housing which is credited toward the sending municipality's fair share obligation; and,

WHEREAS, N.J.A.C. 5:94-5.1(a) allows municipalities to propose the transfer of up to 50 percent of their third round growth share obligation; and,

WHEREAS, Hopewell Township proposes to transfer [insert number of units] units of its growth share obligation at a cost of [\$/insert amount] per unit or a total of [\$/insert total amount] in the form of an RCA with [insert name of receiving municipality, county]; and,

WHEREAS, Hopewell Township and [insert name of receiving municipality] are in the same region as defined by COAH; and,

WHEREAS, [insert name of receiving municipality] desires to provide affordable housing for low and moderate income residents of the region, which action will be furthered by funds made available through the RCA; and,

WHEREAS, the RCA is in the best interests of _____ and Hopewell Township,

NOW THEREFORE BE IT RESOLVED, that the Mayor of Hopewell Township in Mercer County is hereby authorized to execute such documents and exhibits as may be necessary to effectuate the RCA.

Date

Honorable Vanessa Sandom
Mayor of Hopewell Township

**TOWNSHIP OF HOPEWELL
MERCER COUNTY**

**RCA Contract
Without Recipient Certification
By and Between Hopewell Township and _____**

THIS AGREEMENT is made and dated on this _____ day of _____, 2006 by and between Hopewell Township, Mercer County (herein referred to as the "sending municipality", and _____ Township, _____ County, (herein referred to as the "receiving municipality").

WHEREAS, the Fair Housing Act, N.J.S.A. 52:27D-312, allows two municipalities to enter into a contractual agreement known as a regional contribution agreement (RCA) for the transfer of up to 50 percent of a sending municipality's fair share obligation to a receiving municipality within its housing region; and,

WHEREAS, N.J.A.C. 5:94-5.1(a) allows municipalities to propose the transfer of up to 50 percent of their third round growth share obligation; and,

WHEREAS, both municipalities believe that the execution of this RCA will be beneficial to the residents of their respective communities and the housing region,

NOW THEREFORE, in consideration of the premises herein set forth, and the mutual covenants and promises herein contained, the parties do by and between themselves agree as follows:

Article 1. TRANSFER OF HOUSING OBLIGATION

1.1 The receiving municipality hereby agrees to accept, and the sending municipality agrees to transfer [insert number of units] low- and moderate-income units. The sending municipality has a growth share number of [insert number of units] and the transferred units combined with other approved or proposed RCAs is equal to or less than 50 percent of the sending municipality's growth share obligation. The receiving municipality agrees to apply the funds to be paid to it to create or rehabilitate at least [insert number of units] units of low- and moderate-income housing. At least half of these units will be affordable to low-income households. In the case of scattered site rehabilitation of occupied units, the receiving community will ensure, as best as practicable, that 50 percent of the rehabilitated units are occupied by low-income households.

Article 2. SENDING MUNICIPALITY'S RESPONSIBILITIES

2.1 Hopewell Township agrees to pay, and [insert name of receiving municipality] agrees to accept the sum of [insert amount of per unit transfer (Note: pursuant to N.J.A.C. 5:94-5.4, per unit transfer must be a minimum of \$35,000, substantially greater than \$35,000 if a rental obligation is being transferred)] per unit transferred in payments totaling [insert total payment amount].

2.2 The payment schedule set forth below conforms to a construction or rehabilitation schedule that relates to the receiving municipality's ability to deliver housing units in a timely fashion, and all payments take place within the period of substantive certification.

Payments will be made according to the following schedule and in the following amounts:

<u>Payment Schedule</u>	<u>Amount</u>
1 st payment _____ days after effective date of this Agreement	\$ _____
2 nd payment _____ days after 1 st payment	\$ _____
<hr/> <i>[Continue with additional payments if proposed]</i>	\$ _____ (insert dollar amount)

(Note: All RCAs that include a scattered site rehabilitation program shall be structured so that the final transfer payment occurs at least one year prior to the end of the sending municipality's period of substantive certification.)

2.3 The payments and payment schedule are the responsibility of the sending municipality and will be paid in accordance with the above schedule regardless of any anticipated source of funding such as developer fees.

2.4 The sending municipality will obtain any and all financing necessary to fulfill its obligation to make the payments set forth above to the receiving municipality.

2.5 The following funding sources are being utilized to finance the RCA payments:

<u>Source</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

(Note: Payments in lieu of constructing affordable units on site may not be used by the sending municipality to fund an RCA.)

2.6 The parties acknowledge that the sending municipality's payments to the receiving municipality as set forth above include payment on a per unit basis to defray costs of administration as allowed by the rules of the Council on Affordable Housing (COAH) incurred by the receiving municipality in connection with this Agreement and that said amount is within COAH guidelines for such costs.

2.7. The sending municipality is responsible for obtaining *[select only one]*

approval of the RCA and substantive certification of its Housing Element and Fair Share Plan from COAH as provided under the Fair Housing Act.

[or]

approval of the RCA and a judgment of compliance from the court as provided under the Fair Housing Act.

2.8 The sending municipality agrees to forward the following required documents to the receiving municipality's county planning board or agency:

- a. master plan of the sending municipality, and
- b. zoning ordinances of the sending municipality.

Article 3. RECEIVING MUNICIPALITY'S RESPONSIBILITIES

3.1 *[_____ Insert name of receiving municipality]* may use revenues collected as a result of an RCA for any activity approved by COAH for addressing the low and moderate income obligation. Eligible activities include, but are not necessarily limited to, those activities outlined in N.J.A.C. 5:94-4. Rental obligations required by N.J.A.C. 5:94-4.20(a) or portions thereof that are transferred to a receiving municipality via an RCA must either create new rental housing units or meet the criteria for reconstruction as defined in N.J.A.C. 5:94-1.4. All units constructed or rehabilitated with RCA funds must conform to COAH regulations and those of the Uniform Housing Affordability Controls as set forth in N.J.A.C. 5:80-26.

3.2 The receiving municipality shall prepare a project plan to implement and achieve the purposes of this Agreement to provide a realistic opportunity for low and moderate income housing within the receiving municipality convenient to employment opportunities and consistent with sound regional planning. Such project plan will be submitted to the New Jersey Housing and Mortgage Finance Agency (HMFA), the county planning board or agency of the receiving municipality and COAH for review and approval in accordance with COAH regulations.

3.3 The parties hereto agree that the receiving municipality shall submit/has submitted its project plan to COAH by/on *[_____ insert date or deadline]*, to HMFA by/on *[_____ insert date or deadline]*, and to the county planning board of the receiving municipality by/on *[_____ insert date or deadline]*.

3.4 The receiving municipality will apply to the appropriate agencies for all governmental approvals, whether municipal, county or State.

3.5 The receiving municipality may apply for appropriate grants in aid as available. Any monies realized through such grants will not affect the amount of the sending municipality's contribution.

3.6 The funds contributed by the sending municipality shall be utilized by the receiving municipality for *[_____ insert proposed affordable housing activity(s)]*, which is an eligible housing activity under COAH's regulations.

3.7 The receiving municipality agrees to designate an experienced administrative entity to assure that the applicable affordability controls will be maintained over time.

- 3.8 Any change in the project plan or in the administration of the program subsequent to approval by HMFA must be reviewed by the executive director of HMFA to determine if a new feasibility analysis and approval is required when requested by COAH.
- 3.9 For scattered site rehabilitation of occupied units, the receiving municipality shall expend a minimum of *[\$ _____ insert amount per unit (Note: pursuant to N.J.A.C. 5:94-5.4(e), the cumulative cost shall be no less than \$12,000 per unit)]* per unit in hard costs to repair/replace a major system(s). After this threshold is met, additional repairs may be undertaken.
- 3.10 No more than *[/ _____ insert percent (Note: pursuant to N.J.A.C. 5:94-5.2(f), no more than fifteen percent of the total transfer)]* percent of the RCA principal shall be expended on administration in the receiving municipality.
- 3.11 The receiving municipality will submit all semi-annual monitoring reports required by COAH in a timely manner.
- 3.12 The receiving municipality will establish a separate interest-bearing escrow account for all monies received pursuant to the RCA. This escrow agreement will permit COAH to effectively monitor disbursements of the funds received pursuant to the RCA. This account will be monitored on a quarterly basis.
- 3.13 The receiving municipality will annually submit its municipal audit signed by the mayor to COAH and HMFA showing the disbursement of all RCA funds.
- 3.14 The receiving municipality will annually submit documentation acceptable to HMFA staff evidencing that a sufficient number of eligible applicants, projects, and/or units exist to demonstrate continued project plan feasibility.
- 3.15 The receiving municipality shall forward the following documents to its county planning board or agency and request review and approval
 - a. master plan of receiving municipality;
 - b. zoning ordinances of receiving municipality and;
 - c. project plan.
- 3.16 It is agreed that the receiving municipality's obligations pursuant to this Article are not limited to the above. The receiving municipality agrees that it will complete the project pursuant to this Agreement in accordance with the regulations of COAH.

Article 4. CREDIT TO HOUSING OBLIGATION

- 4.1 The receiving municipality agrees that it will not claim credit toward its own housing obligation for any low- or moderate-income RCA units as defined by the Fair Housing Act, but that all such credit will inure to the benefit of the sending municipality. In no event shall a sending municipality receive credit for RCA units transferred in excess of 50 percent of the municipality's actual growth share obligation at the end of the certification period. No municipality shall receive credit for any units provided in the receiving municipality in excess of the units transferred pursuant to the RCA.

4.2 All RCA units will be permanently identified in the appropriate records of the receiving municipality as having been rehabilitated or created to meet the fair share obligation of the sending municipality.

Article 5. EXCESS FUNDS

5.1 If a receiving municipality can accomplish the housing activity approved as part of its project plan for less than the minimum per unit transfer pursuant to N.J.A.C. 5:94-5.4(a), or there are funds in excess of the amount necessary to implement the RCA, including interest earned, the difference shall be used within the receiving municipality to produce additional low and moderate income housing units or for capital expenditure benefitting low and moderate income households. The specific use of excess funds by the receiving community shall be subject to COAH approval after review of the following required documentation:

- a. a brief description of the project, including the number of units;
- b. the total development costs, including administration, and breakout of financing;
- c. the amount of RCA funds to be expended;
- d. an estimated start date;
- e. the projected date of completion; and
- f. the balance of funds in the RCA account(s).

5.2 All interest generated from the RCA funds shall be retained by the receiving municipality and may not be used to exceed the 15 percent cap on administration.

Article 6. CONTINGENCIES

6.1 This Agreement is contingent upon *[insert one of the two options below]*.

COAH approval of the RCA and COAH's grant of substantive certification to Hopewell Township.

[or]

court approval of the RCA and Hopewell Townships receipt of a judgment of compliance from the court

6.2 *[_____ insert additional conditions if applicable]*.

Article 7. EFFECTIVE DATE

7.1 This Agreement is considered a contractual agreement and will become effective upon

[choose one]

COAH's approval of the RCA and grant of substantive certification and approval of any amendment thereto Hopewell Township.

[or]

court approval of the RCA and Hopewell Township's receipt of a judgment of compliance from the court and any amendment thereto.

7.2 This Agreement will be executed no later than [insert number of days] days after the sending municipality [*insert one of the two options below*].

receives substantive certification from COAH or an amendment to its certified plan pursuant to N.J.S.A. 52:27D-312.

[or]

receives court approval of the RCA and a judgment of compliance or an amended judgment of compliance pursuant to N.J.S.A. 52:27D-312.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date set forth above.

ATTEST

Date

By:
On behalf of [insert name]
Receiving Municipality

Date

By:
On behalf of Hopewell Township
Sending Municipality

**RESOLUTION
Of Hopewell Township, Mercer County
of Intent to Bond for Shortfall**

WHEREAS, Hopewell Township in Mercer County has petitioned the Council on Affordable Housing (COAH) for substantive certification of its adopted housing element and fair share plan; and,

WHEREAS, COAH has determined that Hopewell Township must allocate funds for its affordable housing program; and,

WHEREAS, Hopewell Township anticipates that funding will come from development fees and payment in lieu fees; and,

WHEREAS, in the event that the above funding sources prove inadequate to meet Hopewell Township's funding obligation, Hopewell Township shall provide sufficient funding to address any shortfall.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hopewell in Mercer County, State of New Jersey, that the Township Committee does hereby agree to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and,

BE IT FURTHER RESOLVED that said shortfall shall be funded by bonding if there are no other resources.

Municipal Clerk

Date



COAH ITEM 17

State of New Jersey
COUNCIL ON AFFORDABLE HOUSING

101 SOUTH BROAD STREET
PO Box 813
TRENTON, NJ 08625-0813
(609) 292-3000
FAX: (609) 633-6056
coahmail@dca.state.nj.us

JON S. CORZINE
Governor

SUSAN BASS LEVIN
Commissioner

LUCY VOORHOEVE
Executive Director

RECEIVED

JUN 15 2006

M.G.P.

June 9, 2006

Annette C. Bielawski, Clerk
Township of Hopewell
201 Washington Crossing –
Pennington Road
Titusville, NJ 08560-1410

Dear Ms. Bielawski:

Enclosed is an executed copy of the Escrow Agreement for the Housing Trust Fund for the Township of Hopewell. A second executed copy of the agreement is being forwarded to Wachovia Bank under copy of this letter.

COAH has retained a third executed copy of the agreement for our files.

If you have any questions, please call Larissa DeGraw at (609) 633-9575.

Sincerely,

Lucy Voorhoeve
Executive Director

cc: Susan Sparacino, Wachovia Bank (original)
Ed Schmierer, Esq. (copy)
Sarah Murphy, COAH Planner (w/o enclosure)



TOWNSHIP OF HOPEWELL
COUNTY OF MERCER, STATE OF NEW JERSEY
ESCROW AGREEMENT FOR HOUSING TRUST FUND

This Escrow Agreement made this 9th day of June, 2006, by and between the Council on Affordable Housing (COAH) and Township of Hopewell and Wachovia Bank.

WHEREAS, a municipality may impose, collect and spend development fees, payments in lieu of constructing affordable units on-site and funds from the sale of units with extinguished controls in accordance with the regulations of COAH at N.J.A.C. 5:94-6.1 et seq., and with the approval of COAH; and

WHEREAS, on March 29, 2005, COAH approved the Hopewell Township Amended Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and requiring that funds shall only be applied directly toward implementation of Township of Hopewell's COAH-certified Fair Share Plan; and

WHEREAS, on December 20, 2004 the governing body of Township of Hopewell adopted Ordinance #04-1330, the Development Fee Ordinance of the Township of Hopewell, amending the Municipal Code; and

WHEREAS, August 2, 1995 COAH approved the Township of Hopewell Spending Plan establishing standards for the expenditure of development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls pursuant to COAH'S rules; and

WHEREAS, the Development Fee Ordinance requires an interest-bearing trust fund to be established for the purpose of receiving collected development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls and provides that no money shall be expended from the housing trust fund unless the expenditure conforms to the Development Fee Ordinance, a spending plan approved by COAH and the conditions set out at N.J.A.C. 5:94-6.12; AND

WHEREAS, COAH's approval of the Development Fee Ordinance further requires the Township of Hopewell, within seven days of opening the trust fund account authorized by the ordinance, to enter into an escrow agreement with COAH pursuant to N.J.A.C. 6:94-6.11(a) to enable COAH to monitor disbursement of collected development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls and to direct expenditure of such funds after proper notice if their imposition, collection and/or

expenditure are not in conformance with the terms of the approved Development Fee Ordinance, the conditions set out at N.J.A.C. 5:94-6.16(a) and the spending plan approved by COAH; and

WHEREAS, the Development Fee Ordinance further provides that if COAH determines that the imposition, collection and/or expenditure of development fees are not in conformance with the terms of the approved Development Fee Ordinance and approved spending plan, COAH may, after a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14b-1 et seq., revoke a Development Fee Ordinance approval.

NOW THEREFORE, COAH, Township of Hopewell and the Bank agree as follows:

1. Designation of Escrow Agent

COAH and the Township of Hopewell hereby designate the Bank as their escrow agent, upon terms and conditions set forth herein, for the purpose of (a) receiving development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls collected by the Township of Hopewell, (b) holding such sums in escrow account hereinafter described, and (c) disbursing the monies upon the direction of the Chief Financial Officer (CFO) of Hopewell Township consistent with the spending plan approved by COAH.

2. Escrow Account

The Township of Hopewell shall deposit all development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls with the escrow agent and said escrow agent shall establish a separate, interest bearing account to be known as (the Account) and shall deposit therein such initial funds, as well as all subsequent development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls received from the Township of Hopewell. At no time shall the escrow agent co-mingle the funds deposited in the Account with any other funds or accounts held or maintained by the escrow agent, nor shall the escrow agent at any time set off any amount on deposit in the Account against (a) any indebtedness owed to the escrow agent by the Township of Hopewell or any other party, (b) any other obligation owed to the escrow agent by the Township of Hopewell or any other party, or (c) any claim which the escrow agent may have against the Township of Hopewell or any other party.

3. Application of Amounts on Deposit

The funds in the Account shall only be used for eligible affordable housing activities of the Township of Hopewell as set forth in a spending plan approved by COAH. The Bank shall disburse funds in the Account upon the direction of the Chief Financial Officer of the Township of Hopewell, unless notified otherwise by COAH.

4. Cessation of Disbursements from Funds and Direction of Disbursements by COAH

COAH shall have the authority to halt disbursements by the Township of Hopewell from the Account upon written notice to the Bank and to direct all further disbursements. COAH shall have such authority if it determines, after notice to the Township of Hopewell, that the municipality is not in compliance with all conditions set out in N.J.A.C. 5:94-6.16(A), the Spending Plan and the Development Fee Ordinance. Upon receipt of written notice to cease disbursements from the Account, the Bank shall immediately halt disbursements by the Township of Hopewell until further written notice from COAH. The Bank will allow disbursements by COAH on behalf of the Township of Hopewell. COAH shall provide the Township of Hopewell municipal clerk and chief financial officer with copies of all written notices.

In the event that any of the following conditions, as set out in N.J.A.C. 5:94-6.16(A) occur, COAH, shall be authorized on behalf of the Township of Hopewell and consistent with its rules, to direct the manner in which all development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be expended:

- a. Failure to meet deadlines for information required by COAH in its review of a Housing Element and Fair Share Plan, Development Fee Ordinance or Plan for spending fees;
- b. Failure to address COAH's conditions for approval of a plan to spend development fees, payments in lieu of constructing affordable units on site and funds from re-sales of units with extinguished controls within the deadlines imposed by COAH;
- c. Failure to address COAH'S conditions for substantive certification within deadlines imposed by COAH;
- d. Failure to submit accurate annual monitoring reports pursuant to N.J.A.C. 5:94-6.13(a) within the time limits imposed by COAH;
- e. Failure to implement the Spending Plan and expend the funds within the time schedules specified in the Spending Plan;
- f. Expenditure of development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls on activities not permitted by COAH;
- g. Revocation of certification; or
- h. Other good cause demonstrating that the revenues are not being used for the approved purpose.

5. Standard of Care; Indemnification

The Bank shall use reasonable care and due diligence in the performance of all of its duties hereunder. The Township of Hopewell shall indemnify COAH and hold it

harmless from and against all liabilities, losses or damages incurred under COAH with respect to any action COAH may take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.

6. Records and Accounts

The Banks shall keep accurate financial records and accounts of all transactions relating to the Account, including but not limited to all deposits to the Account, disbursements from the Account and interest earned on the Account which shall be made available for inspection by COAH and the Township of Hopewell, or their respective designees, at any reasonable time. The Township of Hopewell shall provide COAH with reports on an annual basis, which set for the amount, date and description of all activity from the Account as well as other information COAH may require to monitor the Account.

7. Notices

All notices, certificates or other communications hereunder shall be delivered by hand or mailed by certified mail to the parties at the following addresses:

- a. If to COAH: Executive Director
New Jersey Council on Affordable Housing
101 South Broad Street
P.O. Box 813
Trenton, NJ 08625-0813
- b. If to Municipality: Municipal Clerk, Chief Financial Officer and
Administrator
201 Washington Crossing-Pennington Road
Titusville, NJ 08560
- c. If to Bank: Wachovia Bank
32 East Front Street
Trenton, NJ 08608
Attn: Susan Sparacino

Any of the parties may hereby designate different or additional addresses by notice in writing given to the other parties.

8. Further Assistance

The parties hereto shall authorize, execute, acknowledge and deliver such further resolutions, assurances and other instruments as may be necessary or desirable for better

assuring, conveying, granting, assigning and confirming the rights and interests granted hereunder.

9. Agreement Subject to the Fair Housing Act

This agreement is subject to the Fair Housing Act and the rules of COAH set forth at N.J.A.C. 5:94-6.1 et seq., and nothing contained herein shall be interpreted to limit or restrict in any way the discretion and authority vested in COAH by the Act or rules.

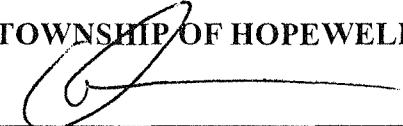
10. Amendments

This agreement may not be amended, supplemented or modified except by a written instrument executed by all the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date set forth above.

May 8, 2006
Date

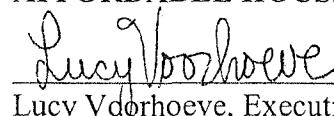
TOWNSHIP OF HOPEWELL

By: 
Vanessa Sandom.

Mayor

6/9/06
Date

**NEW JERSEY COUNCIL ON
AFFORDABLE HOUSING**

By: 
Lucy Voorhoeve, Executive Director

5/23/06
Date

WACHOVIA BANK

By: 
Susan Sparacino

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in Hopewell Township, Mercer County

I. APPLICANT AND PROJECT INFORMATION

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

Ia. Administrative Agent Name, Address, Phone Number Township of Hopewell 201 Washington Crossing Road Titusville, NJ 08560	Ib. Development or Program Name, Address Hopewell Township Affordable Housing Program	
Ic. Number of Affordable Units: Number of Rental Units: Number of For-Sale Units:	Id. Price or Rental Range From \$ To \$	Ie. State and Federal Funding Sources (if any)
If. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted	Ig. Approximate Starting Dates Advertising: Occupancy:	
Ih. County	Ii. Census Tract(s):	
Ij. Managing/Sales Agent's Name, Address, Phone Number		
Ik. 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.

The Township of Hopewell has followed and continues to follow procedures in Section 17-217.6 of the Hopewell Township Code for the affirmative marketing of affordable units. The Township has a contract with NJHMFA Housing Affordability Services for the handling of the qualification, marketing and resale of existing affordable units within the Township. The Township requires and will require during the Third Round having developers of affordable housing units to submit to the Township Affordable Housing Committee ("AHC") an Affirmative Marketing Plan. This Plan will be reviewed and shall satisfy all of the conditions and requirements of the Hopewell Township Code concerning Affordable Housing Affirmative Marketing; COAH Guidelines and Regulations concerning same and the NJHMFA Affirmative Marketing Regulations which appear at *N.J.A.C. 5:8-22.1*. For example, Hopewell Gardens, a 150 unit affordable senior rental housing (except for 15 non-senior handicapped units) is about

to receive its Certificate of Occupancy. The Township Affordable Housing Coordinator has been working with representatives of Hopewell Gardens to affirmatively market these units. If development takes place under the two (2) Ordinances submitted separately to COAH for review concerning Beazer Tracts, then a similar process will be followed to require that Beazer as a part of its land development approvals prepare and submit a compliant Affirmative Marketing Plan acceptable to the AHC.

III. MARKETING

<p>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)</p> <p><input type="checkbox"/> White (non-Hispanic) <input type="checkbox"/> Black (non-Hispanic) <input type="checkbox"/> Hispanic <input type="checkbox"/> American Indian or Alaskan Native</p> <p><input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Other group:</p>																																								
<p>3b. Commercial Media (required)</p> <table border="1"> <thead> <tr> <th>Names of Regional Newspaper(s)</th> <th>Racial/Ethnic Identification of Readers/Audience (if known)</th> <th>Duration & Frequency of Outreach</th> </tr> </thead> <tbody> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr> <th>Names of Regional Radio/TV Station(s)</th> <th>Racial/Ethnic Identification of Readers/Audience</th> <th>Duration & Frequency of Outreach</th> </tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> </tbody> </table>					Names of Regional Newspaper(s)	Racial/Ethnic Identification of Readers/Audience (if known)	Duration & Frequency of Outreach																Names of Regional Radio/TV Station(s)	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach															
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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)	
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

- f. In the case of a rental unit, units offered for rental shall continue to be offered as affordable rental units for at least the period required in subsection 17-217.3, above, and thereafter may be sold at prices affordable to moderate income households subject to the resale price controls set forth in subsection 17-218.6 below.
- g. In the case of a rental unit, that every occupant of a lower income rental unit shall, on or before April 15, file an annual statement of income and expense of occupancy for the household for the previous year with the owner/operator of the rental units, who shall in turn certify to the AHC that the units are being rented at monthly rents meeting the affordability criteria set forth in subsection 17-217.2.

Failure of a developer to comply with these requirements shall be cause for denial of certificates of occupancy for market-level units in the developments which have not already been issued. In the case of a resale or rerental, failure to comply with these requirements shall be cause for the denial of a certificate of eligibility for the unit to be sold or rerented.

(Ord. #97-1060, § 17-217.4)

17-217.5 Selection Procedures and Priorities. Selection procedures and priorities for purchase and/or occupancy of low and moderate income housing units shall be as established in subsection 17-218.6 below and shall be monitored by the AHC. (Ord. #97-1060, § 17-217.5)

17-217.6 Affirmative Marketing Plan.

- a. *Applicability.* The Township of Hopewell has a 12-year cumulative fair share obligation to the year 1999 of 564 units of which 293 is new construction. This ordinance shall apply to all developments that contain proposed low and moderate income units that are listed below and any future developments that may occur:

Brandon Farms (138 Units)
Pennington Pointe (5 units)
Trafalgar (150 units)

- b. *Purpose.* The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age and number of children, to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The plan shall address the requirements of N.J.A.C. 5:93-11. In addition, the plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of race, color, sex, religion, handicap, age, familial status/size, or national origin. The Township of Hopewell is in the housing region consisting of Mercer, Monmouth and Ocean Counties. The affirmative marketing program is a continuing program and shall meet the following requirements:

c. *Regional Advertising.* All newspaper articles, announcements, and requests for applications for low and moderate income units shall appear in the following daily and regional newspapers/publications.

Trenton Times
Asbury Park Press
Ocean County Observer

The primary marketing shall take the form of at least one press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity shall be on an "as needed" basis.

The advertisement shall include a description of the street address of the units; directions to the housing units; number of bedrooms per unit; range of prices/rents; size of units; income information; and location of applications including business hours and where/how applications may be obtained.

d. *Neighborhood Advertising.* All newspaper articles, announcements, and requests for applications for low and moderate income housing shall appear in the following neighborhood oriented weekly newspapers, religious publications, and organizational newsletters within the region:

Hopewell Valley News
Princeton Packet
Church Newsletters

e. *Radio/TV Advertising.* The following regional radio and/or cable television stations shall be used:

Local Cable TV Access Channel
WHWH
WTTM

f. *Location of Applications and Information.* The following is the location of the applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program including specific employment centers within the region:

Hopewell Township Municipal Building
Pennington Branch of the Mercer County Library
Sales Offices of Brandon Farms, Pennington Pointe & Trafalgar
Janssen Pharmaceutical
Educational Testing Service
Mobil Oil

g. *Community Contacts.* The following is a listing of counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are at least likely to apply for housing within the region:

Mercer County
Monmouth County
Ocean County

- h. *Data to County Boards of Realtors.* Quarterly flyers and applications shall be sent the Boards of Realtors in Mercer, Monmouth and Ocean Counties for publication in their journals and for circulation among their members. Applications shall be mailed to prospective applicants upon request.
- i. *Data to Social Agencies.* Additionally, quarterly informational circulars and applications shall be sent to the chief administrative employees of each of the following agencies in the counties within Mercer, Monmouth and Ocean Counties.

Welfare or Social Service Board
Rental Assistance Office (local D.C.A. office)
Office on Aging
Housing Agency or Authority
County Library
Area Community Action Agencies

- j. *Random Selection of Households.* The random selection of occupants of low and moderate income housing will be done by the township's AHC as set forth in subsection 17-218.6.
- k. *Administrative Agency.* The Affordable Housing Management Service (hereafter "AHMS") is the agency under contract with Hopewell Township to administer the affirmative marketing program. AHMS 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 reoccupancy of units as they become vacant during the period of affordability controls; to assist with advertising and outreach to low and moderate income households; and to enforce the terms and the deed restrictions and mortgage loan as per N.J.A.C. 5:93-9.1. The Hopewell Township Administrator is the designated housing officer to act as liaison to AHMS. AHMS shall 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. The following service providers have agreed to perform the above services:
- l. *Priority for Households in the Housing Region.* Households who live and work in the Mercer, Monmouth and Ocean Counties housing region may be given preference for sales and rental units constructed within that housing region. Applicants

living outside the housing region shall have an equal opportunity for units after regional applicants have been initially serviced. The township intends to comply with N.J.A.C. 5:93-11.7.

- m. *Developer Participation.* All developers of low and moderate income housing units shall be required to assist in the marketing of the affordable units in their respective developments.
- n. *Initiation and Continuance of Marketing Plan.* The marketing program shall commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program shall continue until all low and moderate income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or reoccupancy of units continues to be necessary.
- o. *Monitoring Reports to COAH.* AHMS shall comply with the monitoring and reporting requirements as per N.J.A.C. 5:93-11.6 and 12.1.

(Ord. #97-1060, §17-217.6)

17-217.7 Reserved.

17-217.8 Homeowners' Association Fee Loan Program. Low and moderate income owners of affordable housing units which are a part of a condominium or homeowners' association are required to pay monthly fees. If a low or moderate income owner is unable to stay current with the payment of said condominium homeowner association fees, then said homeowner may apply to the Affordable Housing Committee (AHC) established in subsection 17-218.1 herein below. AHC shall investigate the circumstances involving the homeowner's inability to stay current with the homeowner's condominium or homeowner's association fees. If AHC is satisfied that there is a bona fide reason for a low or moderate income owner's arrearage on their condominium or homeowner's association fees and is further satisfied that said owner is unable to pay on a current basis said fees, then AHC may authorize a one time loan for a sum not to exceed two thousand five hundred (\$2,500.00) dollars through the Hopewell Township Affordable Housing Trust Account. The proceeds from said loans shall be paid directly to the condominium or homeowners' association for which said fees are in arrearage and due and owing. The homeowner receiving said loan shall be required to repay said loan with interest thereon established from time-to-time by AHC at the same rate the township is borrowing funds for its permanent financing at the time the loan is made; said interest and principal payments, however, shall be deferred and repayment need only occur when the homeowner sells the affordable housing unit. The homeowner shall be permitted to prepay both principal and interest at any time without penalty. Said loan shall act as a lien on the homeowner's property and shall be collectible in the same manner by the township as are overdue taxes. The homeowner shall execute a mortgage, mortgage note and such other documentation as required by AHC in order to receive said loan. (Ord. #02-1246 § 1)