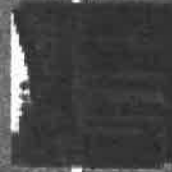
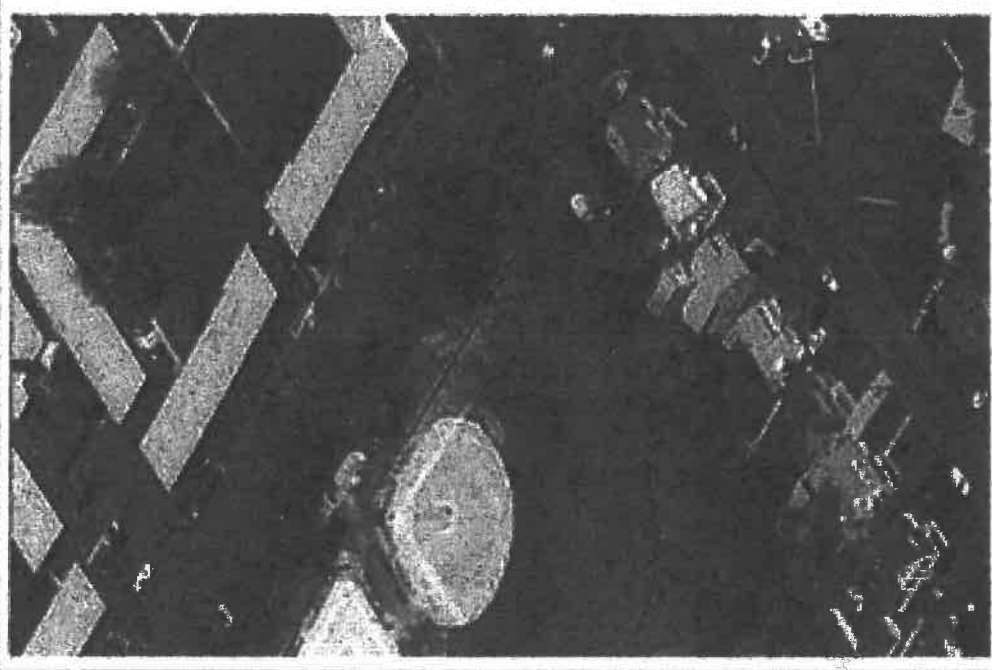


Township of Clark  
Union County, New Jersey

*Housing Element  
&  
Fair Share Plan  
for  
Clark Township*

*March 12, 2009*



Prepared by \_\_\_\_\_

**H2M**

ENGINEERS & ARCHITECTS & PLANNERS & SURVEYORS

**H2M Associates, Inc.**  
119 Cherry Hill Road, Suite 200, Parsippany, NJ 07054  
p: 862-207-6800, f: 973-334-0507  
[www.h2m.com](http://www.h2m.com)

# HOUSING ELEMENT AND FAIR SHARE PLAN

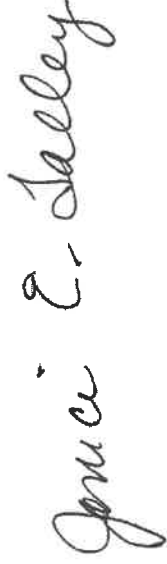
TOWNSHIP OF CLARK  
UNION COUNTY, NEW JERSEY

Adopted March 12, 2009

Prepared for

**Township of Clark**  
Municipal Building  
430 Westfield Avenue  
Clark, NJ 07066

The original of this report was signed and  
sealed in accordance with N.J.S.A. 45:14A-12.

A handwritten signature in black ink that reads "Janice E. Talley". The signature is written in a cursive style with a horizontal line underneath it.

Janice E. Talley, P.P. #5059

ACKNOWLEDGEMENTS

Mayor & Council

Mayor Sal Bonaccorso

Angel Albanese, President, Member At Large

Alvin Barr, Vice President, Member At Large

Sheila Whiting, Member At Large

Frank Mazzarella, First Ward

Patrick O'Connor, Second Ward

Richard Kazanowski, Third Ward

Brian P. Toal, Fourth Ward

John Laezza, Business Administrator

Joseph J. Triarsi, Township Attorney

Richard O'Connor, Township Engineer

Planning Board

Michael N. Kurzawski, Chairman

Robert Tarantino

Neil Curcio

Kevin Koch

John Zamboni

James Zizza

Frank Mazzarella

John Laezza, Township Administrator

Sal Bonaccorso, Mayor

Tim Nugent, Alternate 1

Joseph Pubchara, Alternate 2

Lisa McCabe, Board Secretary

Michael Cresitello, Esq., Board Attorney

Planning Consultant

Janice E. Talley, P.P., AICP, H2M

## TOWNSHIP OF CLARK PLANNING BOARD

### RESOLUTION

**WHEREAS**, the Planning Board of the Township of Clark, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 in 2003; and

**WHEREAS**, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28(b)(3); and

**WHEREAS**, N.J.A.C. 5:97-2.1(a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

**WHEREAS**, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the total 1987 – 2018 fair share obligation of the Township of Clark; and

**WHEREAS**, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

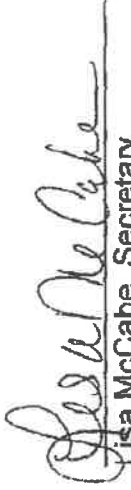
**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Township of Clark held a public hearing on the Housing Element and Fair Share Plan on March 12, 2009; and

**WHEREAS**, the Planning Board determined that the proposed Housing Element and Fair Share Plan are consistent with the goals and objectives of the Township of Clark's Master Plan and that the adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Clark, State of New Jersey that the Planning Board hereby adopts the February 23, 2009 Housing Element and Fair Share Plan.

I hereby certify that the above Resolution is a true copy of the Resolution adopting the Housing Element and Fair Share Plan of the Township of Clark, on March 12, 2009.

  
Michael Kurzawski, Chairman  
Township of Clark Planning Board

  
Lisa McCabe, Secretary  
Township of Clark Planning Board

(A0553864.DOC)

Table of Contents

SECTION I – INTRODUCTION AND SUMMARY OF FINDINGS ..... 1

INTRODUCTION ..... 1

EXECUTIVE SUMMARY ..... 2

    Prior Round Obligation (23) ..... 3

    Growth Share Obligation (25 units) ..... 4

SECTION II – DEMOGRAPHIC, HOUSING, AND EMPLOYMENT ANALYSIS..... 5

POPULATION TRENDS..... 5

POPULATION COMPOSITION BY AGE..... 6

POPULATION COMPOSITION BY RACE..... 8

HOUSEHOLD CHARACTERISTICS ..... 9

HOUSING UNIT CHARACTERISTICS..... 10

INCOME ..... 13

HOUSING VALUES..... 14

HOUSING AFFORDABILITY ..... 15

EMPLOYMENT TRENDS ..... 16

LABOR FORCE CHARACTERISTICS ..... 17

SECTION III – PROJECTIONS..... 19

ACTUAL GROWTH ..... 19

    Adjusted COAH Projection ..... 21

    Existing Land Use Inventory..... 22

LAND CAPACITY ANALYSIS..... 24

    Vacant Land Inventory..... 24

    Inventory of Underutilized Sites..... 25

ADJUSTED HOUSEHOLD AND EMPLOYMENT PROJECTIONS..... 26

SECTION IV – FAIR SHARE OBLIGATION ..... 27

PLANNING & ZONING ANALYSIS - MEETING THE NEED ..... 28

REHABILITATION COMPONENT ..... 28

PRIOR ROUND COMPONENT (1987 - 1999) ..... 29

PRIOR ROUND COMPONENT (1987 - 1999) ..... 29

    Realistic Development Potential (RDP) and Unmet Need..... 29

    Credits: ..... 29

    Reductions:..... 30

    Prior Round Obligation Requirements..... 31

    Summary ..... 31

GROWTH SHARE COMPONENT (2004 - 2018) ..... 32

    Clark's Adjusted Growth Share Obligation ..... 32

Clark Township Housing Element and Fair Share Plan

SECTION V – FAIR SHARE PLAN ..... 34

REHABILITATION OBLIGATION ..... 34

PRIOR ROUND OBLIGATION ..... 35

GROWTH SHARE OBLIGATION..... 35

Pre Cycle Credits (3 credits)..... 36

Inclusionary Development (6 credits) ..... 36

Market to Affordable Program (10 credits) ..... 36

Growth Share Bonus Credits (6 credits)..... 37

APPENDICES

APPENDIX A: CERTIFICATE OF OCCUPANCY DATA

APPENDIX B: WORKBOOK C

APPENDIX C: LAND CAPACITY ANALYSIS MAPS

APPENDIX D: AH ZONE MAPS

APPENDIX E: AH ZONING ORDINANCE

APPENDIX F: RESOLUTION OF APPROVAL FOR CLARK DEVELOPERS SITE

SECTION 1: INTRODUCTION AND SUMMARY OF FINDINGS

INTRODUCTION

The Mount Laurel II decision<sup>1</sup>, handed down by the New Jersey Supreme Court in January 1983, requires all municipalities to provide a realistic opportunity for the construction of housing affordable to those households of lower income. In response to the Mt. Laurel II decision, the Fair Housing Act ("FHA") was adopted in 1985 and signed by the Governor (Chapter 222, Laws of New Jersey, 1985). The Act established a Council on Affordable Housing (COAH) to facilitate the ability of municipalities to voluntarily meet their responsibilities to provide affordable housing.

The Council on Affordable Housing (COAH) adopted its "Third Round regulations" in November of 2004 and those regulations became effective on December 20, 2004. The new regulations utilize a "growth share" approach to determine each municipality's new construction affordable housing obligation for the third housing cycle. Under Growth Share, one "affordable" unit must be provided for every four "market units" built, and one affordable unit for every sixteen jobs created between 2004 and 2018. This is a significant change from previous COAH methodologies in which numbers were assigned based on formulas and other variables. This method is a "build as you grow" approach which is more accommodating for good planning.

The Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq, mandates that municipalities include a housing element in their master plans. The principal purpose of the housing element is to provide for methods of achieving the goal of access to affordable housing to meet the municipality's present and prospective low and moderate-income housing needs. Low-income households are defined as those with an income no greater than 50 percent of the median household income adjusted for household size of the housing region in which the municipality is based. Moderate-income households are those with incomes no greater than 80 percent of the median household income, adjusted for household size of the housing region. Clark Township is located in the Region 2, which consists of Essex, Morris, Union and Warren counties. The median household income in the region for a family of four is \$83,771 as of 2008. Qualifying households have incomes of approximately \$25,131 - \$67,017 for a family of four.

COAH regulations require the Housing Element be adopted by the Planning Board and endorsed by the governing body prior to the municipal filing pursuant to N.J.A.C. 5:95-2 or the municipal petition for

<sup>1</sup> South Burlington County NAACP v. Mt. Laurel Township, 92 NJ 158, 456 A.2d 390 (1983).

## Clark Township Housing Element and Fair Share Plan

substantive certification pursuant to N.J.A.C. 5:95-3. A municipality's Housing Element shall be designed to achieve the goal of providing affordable housing to meet the total 1987-2018 affordable housing need comprised of estimated growth share, the remaining balance of Prior Round Obligation from the municipality's 1987-1999 affordable housing obligation that has not been addressed (if any), and the rehabilitation share. The Housing Element submitted to the Council shall include the minimum requirements prescribed by N.J.A.C. 5:97-2.3.

### **EXECUTIVE SUMMARY**

Clark Township received first round substantive certification on September 4, 1991. Due to insufficient vacant land, the Township received a vacant land adjustment and established a realistic development potential (RDP) of 23 units. Clark addressed its 23-unit RDP in its first round through zoning for 42 affordable units on four sites designated by COAH as suitable. Accordingly, the Township revised its Ordinance to accommodate the newly created R-B District-Multi-family Residential, which required twenty (20) percent of the total development to be set aside for low and moderate income households. Clark Township's Planning Board adopted a housing element and fair share plan on September 2, 1997, which addressed its 12-year cumulative obligation. The Township filed the plan with COAH on September 4, 1997 but did not petition at that time. COAH received Clark's resolution of petition on August 23, 1999. Three days later, the Township published a notice in The Star Ledger however; no objections were received then by COAH. On March 28, 2000, COAH issued a report requesting additional information from the Township. Subsequently, the Planning Board adopted an amended housing element and fair share plan on February 12, 2001. The governing body approved a resolution endorsing the plan and re-petitioned COAH for substantive certification on March 1, 2001. The Township re-published a notice in The Star Ledger and again no objections were received by COAH.

As a result of the change in municipal administration, however, the Planning Board adopted a third amendment to its housing plan on December 11, 2001 and re-petitioned COAH for substantive certification on December 17, 2001. On publishing a notice, COAH received two objections during the 45-day objection period. Mediation led to an agreement with Clark Developers for rezoning of Block 58/Lot 4 for age-restricted affordable housing overlay permitting a maximum of 300 units with 20 percent set aside for affordable housing. As a result of the agreement, the Planning Board adopted and amended the housing element and fair share plan for the fourth time on August 24, 2004. Clark re-petitioned on September 13, 2004, with the only changes being the inclusion of the age-restricted overlay zoning on the Clark Developers property and an increase in permitted density on block 57/lot 1, locally as Schwarz Farm. The plan did not receive certification because objections were filed by several interested parties.

## Clark Township Housing Element and Fair Share Plan

The plan was further reviewed through COAH's mediation process and a Mediation Report was issued on October 21, 2005. An amended Housing Element and Fair Share Plan, which incorporated the recommendations from mediation and addressed the Township's third-round affordable housing obligation, was adopted by the Planning Board on December 6, 2005. The Plan was submitted to COAH along with a petition for substantive certification. A report was issued by COAH on August 9, 2006 and recommended changes to the Plan. The Plan was amended to reflect these changes and adopted by the Planning Board on October 26, 2006 and submitted to COAH.

In the interim, a lawsuit was filed against COAH's third round regulations. Revised regulations were adopted in June 2008, along with proposed changes, setting a deadline of December 31, 2008 for municipalities to submit revised housing plans. This report addresses the Township's third round affordable housing obligation under the revised rules, which is comprised of a rehabilitation component, a prior round component (second round realistic development potential), and a growth share component, which is summarized in Table 1.

| Table 1<br>SUMMARY (2004 – 2018)<br>Township of Clark, Union County |                    |    |
|---------------------------------------------------------------------|--------------------|----|
| Components                                                          | Obligation (units) |    |
| Rehabilitation                                                      |                    | 11 |
| Prior Round Obligation                                              |                    | 23 |
| Growth Share Obligation                                             |                    | 25 |
| TOTAL                                                               |                    | 59 |

### Prior Round Obligation (23).

Clark Township's prior round obligation is comprised of two parts: realistic development potential (RDP) and unmet need. The Township's RDP is 23 units, based upon the vacant land adjustment granted by COAH in 1991. COAH, however, has recalculated each municipality's prior-round obligation and, for Clark Township, has increased the prior round obligation from 63 units to 92 units. As a result, the unmet need has increased from 40 to 69 units.

Clark's RDP of twenty-three (23) units is reduced to eleven (11) units due to credits received from existing group home facilities. Clark has two existing group homes that are eligible for credits. These homes are eligible for a total of 6 credits. Also, Clark can receive 6 additional rental bonus credits for these existing

Clark Township Housing Element and Fair Share Plan

group homes. The remaining 11-unit (23-6-6) obligation will be addressed through reductions received on the sixty (60) affordable units that will be created at the Clark Developers property. Of the 11 units from the Clark Developers site used to address the RDP, five (5) units will be non-age-restricted handicapped rental units, while the remaining six (6) units will be age-restricted.

Growth Share Obligation (25 units)

COAH has projected Clark Township's Growth Share Obligation as 84 units, based on projected growth of 377 residential units and 1,103 jobs between 2004 and 2018. A land capacity analysis was prepared as part of this housing element, which indicated that vacant land within the Township, can accommodate only 47 units and 25 jobs. The Township has a total growth share obligation of 25 units. The growth share obligation will be addressed through pre-cycle credits, credits from the Clark Developers site, a market to affordable housing program and bonus credits.

SECTION II – DEMOGRAPHIC, HOUSING, AND EMPLOYMENT ANALYSIS

POPULATION TRENDS

The Township of Clark is a vibrant suburban community located in the south-central part of Union County. Access to various industries and the New York Metropolitan area made Clark an ideal town for those who desired the ease of suburban living. Clark is presently home to 14,597 residents.

The Township's population increased dramatically in the 1940s and 1950s, with a 109 percent increase between 1940 and 1950 and 180 percent increase between 1950 and 1960. These numbers clearly indicate the strong influence suburbanization and the Baby boom period had on Clark Township.

As indicated in Table 2, the Township's population peaked in 1970 at 18,829. Since then Clark Township has been experiencing a gradual decline in population. The Township lost approximately 2,000 residents per decade in the 1970s and 1980s. However, the decline in the population subdued over the last decade, resulting in a loss of only 32 residents between 1990 and 2000.

Union County has been experiencing similar population trends in the last few decades, but at a much slower rate than the Township. The County's population grew rapidly through the 1970s with a 21 percent increase during the 1940's and a 27 percent increase during the 1950s. Similar to the Township the County experienced their highest recorded population in 1970 with a total population of 543,116. The County's population also declined in the following two decades but increased again in 2000.

| Table 2<br>POPULATION TREND: 1940 - 2000<br>Township of Clark and Union County |            |                   |                    |  |
|--------------------------------------------------------------------------------|------------|-------------------|--------------------|--|
| Township of Clark                                                              |            |                   |                    |  |
| Year                                                                           | Population | Number<br>Changed | Percent<br>Changed |  |
| 1930                                                                           | 1,474      |                   |                    |  |
| 1940                                                                           | 2,083      | 609               | 41.32              |  |
| 1950                                                                           | 4,352      | 2,269             | 108.93             |  |
| 1960                                                                           | 12,195     | 7,843             | 180.22             |  |
| 1970                                                                           | 18,829     | 6,634             | 54.40              |  |
| 1980                                                                           | 16,699     | -2,130            | -11.31             |  |
| 1990                                                                           | 14,629     | -2,070            | -12.40             |  |
| 2000                                                                           | 14,597     | -32               | -0.22              |  |
| Union County                                                                   |            |                   |                    |  |
| Year                                                                           | Population | Number<br>Changed | Percent<br>Changed |  |
| 1930                                                                           | 305,209    |                   |                    |  |
| 1940                                                                           | 328,344    | 23,135            | 7.58               |  |
| 1950                                                                           | 398,138    | 69,794            | 21.26              |  |
| 1960                                                                           | 504,255    | 106,117           | 26.65              |  |
| 1970                                                                           | 543,116    | 38,861            | 7.71               |  |
| 1980                                                                           | 504,094    | -39,022           | -7.18              |  |
| 1990                                                                           | 493,819    | -10,275           | -2.04              |  |
| 2000                                                                           | 522,541    | 28,722            | 5.82               |  |

Source: U.S. Bureau of the Census

POPULATION COMPOSITION BY AGE

Clark Township has experienced a significant increase in the Baby Boomer population (age group 35 and 54), over the last decade. The 'Baby Boom' population (those born between 1946 and 1964) comprises approximately thirty percent of the population in both the Township of Clark and the County of Union, as shown in Table 3. The population in the Township, between the age groups of 25 and 34, decreased. This is a result of the 'Baby Bust' period. The Township as well as the County experienced a significant increase in population for the age group of '5-14'. This can be attributed to the 'Baby Boom Echo' period, as the Baby Boomer generation had children.

The Township experienced a significant decrease in the senior citizen population between the ages of 55 and 74 in the last decade. These age groups constitute approximately twenty-five (25) percent of the Township's total population. The County has experienced a similar trend, but at a much lower rate than the Township. The elderly citizen population for the Township of Clark and Union County has increased significantly during the last decade. The Township experienced 66 percent and 189 percent increase in the population for the age group '75-84' and '85 and over' respectively and is at a much higher rate than the County. Although these age groups, '75 to 84' and '85 and above' make up only 8.7 and 2.6 percent respectively of the Township's current total population, the trend indicates an increasing demand for services of elder citizens.

Clark Township Housing Element and Fair Share Plan

| Table 3<br>POPULATION COMPOSITION BY AGE: 1990 - 2000<br>Township of Clark and Union County |                |         |                |         |        |         |
|---------------------------------------------------------------------------------------------|----------------|---------|----------------|---------|--------|---------|
| Township of Clark                                                                           |                |         |                |         |        |         |
|                                                                                             | 1990           |         | 2000           |         | Change |         |
|                                                                                             | No. of Persons | Percent | No. of Persons | Percent | Number | Percent |
| Under 5                                                                                     | 685            | 4.7     | 759            | 5.2     | 74     | 10.8    |
| 5-14                                                                                        | 1,398          | 9.6     | 1,784          | 12.2    | 386    | 27.6    |
| 15-24                                                                                       | 1,755          | 12.0    | 1,283          | 8.8     | -472   | -26.9   |
| 25-34                                                                                       | 2,085          | 14.3    | 1,645          | 11.3    | -440   | -21.1   |
| 35-44                                                                                       | 2,055          | 14.0    | 2,383          | 16.3    | 328    | 16.0    |
| 45-54                                                                                       | 1,707          | 11.7    | 2,094          | 14.3    | 387    | 22.7    |
| 55-64                                                                                       | 2,127          | 14.5    | 1,486          | 10.2    | -641   | -30.1   |
| 65-74                                                                                       | 1,926          | 13.2    | 1,519          | 10.4    | -407   | -21.1   |
| 75-84                                                                                       | 759            | 5.2     | 1,263          | 8.7     | 504    | 66.4    |
| 84-over                                                                                     | 132            | 0.9     | 381            | 2.6     | 249    | 188.6   |
| Total                                                                                       | 14,629         |         | 14,597         |         | -32    | -0.2    |
| Under 18                                                                                    | 2,325          | 15.9    | 3,035          | 20.8    | 710    | 30.5    |
| Over 65                                                                                     | 2,817          | 19.3    | 3,163          | 21.7    | 346    | 12.3    |
| Union County                                                                                |                |         |                |         |        |         |
| Under 5                                                                                     | 32,421         | 7.8     | 36,441         | 7.0     | 4,020  | 12.4    |
| 5 - 14                                                                                      | 58,291         | 14.1    | 73,754         | 14.1    | 15,463 | 26.5    |
| 15 - 24                                                                                     | 64,984         | 15.7    | 61,215         | 11.7    | -3,769 | -5.8    |
| 25 - 34                                                                                     | 85,028         | 20.5    | 75,189         | 14.4    | -9,839 | -11.6   |
| 35 - 44                                                                                     | 73,653         | 17.8    | 88,398         | 16.9    | 14,745 | 20.0    |
| 45 - 54                                                                                     | 54,877         | 13.3    | 69,588         | 13.3    | 14,691 | 26.8    |
| 55 - 64                                                                                     | 50,440         | 12.2    | 45,935         | 8.8     | -4,505 | -8.9    |
| 65-74                                                                                       | 44,113         | 10.7    | 35,350         | 6.8     | -8,763 | -19.9   |
| 75-84                                                                                       | 23,269         | 5.6     | 27,322         | 5.2     | 4,053  | 17.4    |
| 84-over                                                                                     | 6,743          | 1.6     | 9,369          | 1.8     | 2,626  | 38.9    |
| Total                                                                                       | 493,819        |         | 522,541        |         | 28,722 | 5.8     |
| Under 18                                                                                    | 108,088        | 21.9    | 129,941        | 24.9    | 21,853 | 20.2    |
| Over 65                                                                                     | 74,125         | 17.9    | 72,041         | 13.8    | -2,084 | -2.8    |
| Source: U.S. Bureau of the Census                                                           |                |         |                |         |        |         |

POPULATION COMPOSITION BY RACE

Clark Township has a largely homogeneous population as shown in the figure 3a. In Clark, almost all residents (99.3 percent) categorize themselves as being of one race, while less than one (1) percent indicates that their heritage is comprised of two or more races. Of those of one race, 96.3 percent are White. Asians comprise the second-largest racial group at 2.8 percent. Blacks make up only 0.3 percent of the total population.

Union County as a whole has lower percentage of white population at 65.5 percent, than the Township. Approximately 21 percent of the County's population is Black.

Hispanics and Latinos account for nearly 20 percent of the total population in Union County, while they comprise only 3.7 percent in Clark.

| Table 4<br>POPULATION COMPOSITION BY RACE: 2000<br>Township of Clark and Union County |                   |         |              |         |
|---------------------------------------------------------------------------------------|-------------------|---------|--------------|---------|
|                                                                                       | Township of Clark |         | Union County |         |
|                                                                                       | Number            | Percent | Number       | Percent |
| One Race                                                                              | 14,496            | 99.3    | 505,581      | 96.8    |
| White                                                                                 | 13,956            | 96.3    | 342,302      | 65.5    |
| Black/African American                                                                | 44                | 0.3     | 108,593      | 20.8    |
| American Indian/Alaska Native                                                         | 2                 | 0.0     | 1,215        | 0.2     |
| Asian                                                                                 | 402               | 2.8     | 19,993       | 3.8     |
| Native Hawaiian/Other Pacific Islander                                                | 0                 | 0.0     | 201          | 0.0     |
| Some Other Race                                                                       | 92                | 0.6     | 33,277       | 6.4     |
| Two or More Races                                                                     | 101               | 0.7     | 16,960       | 3.2     |
| Hispanic or Latino (any race)                                                         | 535               | 3.7     | 103,011      | 19.7    |
| Not Hispanic or Latino                                                                | 14,062            | 96.3    | 419,530      | 80.3    |
| Total Population                                                                      | 14,597            |         | 522,541      |         |
| Source: U.S. Bureau of the Census                                                     |                   |         |              |         |

HOUSEHOLD CHARACTERISTICS

Significant household characteristics indicated by the 2000 Census, and displayed in Table 5, include:

- Family households dominate the Township and comprise approximately seventy-three (73) percent of the total households.
- Of the Township's family households, approximately 61.4 percent are married households.
- Female-headed households account for 9 percent of the Township's family households.
- Approximately twenty-four (24) percent of the non-family householders live alone, of which more than one tenth is senior citizens (age 65 and over).
- More than a quarter of the Township's households include children under the age of 18 and about 38 percent include senior citizen (65 years or older).
- The average household size in 2000 in Clark Township was 2.56 persons per unit, which is lower than the Union County average of 2.77.

| Table 5<br>TYPE OF HOUSEHOLDS<br>Township of Clark                                                                                                            |        |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|---------|
| Type of Household                                                                                                                                             | Number | Percent |
| Total Households                                                                                                                                              | 5,637  |         |
| <i>Family Households</i>                                                                                                                                      |        |         |
| Married couple families                                                                                                                                       | 4,124  | 73.2    |
| Other family, female householder                                                                                                                              | 3,459  | 61.4    |
|                                                                                                                                                               | 509    | 9.0     |
| <i>Non-Family*</i>                                                                                                                                            | 1,513  | 26.8    |
| Householder Living Alone                                                                                                                                      | 1,631  | 24.1    |
| Householder 65 years and over                                                                                                                                 | 726    | 12.9    |
| Households with individuals under 18 years                                                                                                                    | 1,681  | 29.8    |
| Households with individuals over 65 years and over                                                                                                            | 2,150  | 38.1    |
| Average Household Size                                                                                                                                        | 2.56   |         |
| *Not a member of a family. Roommates, boarders, resident employees, foster children, etc. are included in this category.<br>Source: U.S. Bureau of the Census |        |         |

HOUSING UNIT CHARACTERISTICS

Clark Township is a typical suburban town with the majority (81 percent) of residents living in owner occupied homes. The Township has fewer renter-occupied units, at 18.5 percent, as indicated in Table 6. The Township, as well as the County, share similar housing characteristics. Year-round housing dominates the Township at 98.7 percent, which is nearly equal to the County average of 96.5 percent. However, the Township's housing tenure differs from that of the Union County, which has roughly 62 percent owner-occupied units and 38.4 percent renter-occupied housing units.

| Table 6<br>HOUSING UNIT DATA-2000<br>Township of Clark |                |         |              |         |
|--------------------------------------------------------|----------------|---------|--------------|---------|
| Unit Type                                              | Clark Township |         | Union County |         |
|                                                        | Number         | Percent | Number       | Percent |
| Occupied Year Around                                   | 5,637          | 98.7    | 186,124      | 96.5    |
| Vacant                                                 | 72             | 1.3     | 6,821        | 3.5     |
| Total                                                  | 5,709          |         | 192,945      |         |
| Tenure of Occupied Units                               |                |         |              |         |
| Owner Occupied                                         | 4,592          | 81.5    | 114,638      | 61.6    |
| Renter Occupied                                        | 1,045          | 18.5    | 71,486       | 38.4    |
| Total                                                  | 5,637          |         | 186,124      |         |
| Source: U.S. Bureau of the Census                      |                |         |              |         |

The housing stock in Clark Township is in very good condition. Table 7 and 8 displays information that is indicators of substandard housing conditions. The age of housing stock is usually considered the most reliable indicator of substandard housing conditions, however, individual units should be considered on a case-by-case basis.

Suburbanization had a strong influence on the formation of Clark Township. Approximately 80 percent of the houses in Clark Township were built between 1940 and 1970. The Township of Clark has newer houses in comparison to the County. Only 6 percent of the houses were built before 1940, which is much lower than the County where approximately 26 percent of the houses were built before 1940. Approximately, 55 percent of the housing units in the Township were built before 1960. Construction has been minimal during the last two decades. Similar to the Township, the County has an older housing stock. Nearly 68.4 percent of the houses were built before 1960.

Clark Township Housing Element and Fair Share Plan

| Table 7<br>HOUSING UNIT DATA<br>Township of Clark and Union County |                |         |              |         |
|--------------------------------------------------------------------|----------------|---------|--------------|---------|
| Characteristics                                                    | Clark Township |         | Union County |         |
|                                                                    | Number         | Percent | Number       | Percent |
| Year Built                                                         |                |         |              |         |
| 1999 – March 2000                                                  | 27             | 0.5     | 1,030        | 0.5     |
| 1995 – 1998                                                        | 48             | 0.8     | 2,937        | 1.5     |
| 1990 – 1994                                                        | 26             | 0.5     | 3,289        | 1.7     |
| 1980 – 1989                                                        | 194            | 3.4     | 8,797        | 4.6     |
| 1970 – 1979                                                        | 516            | 9.0     | 15,799       | 8.2     |
| 1960 – 1969                                                        | 1,780          | 31.2    | 29,205       | 15.1    |
| 1940 – 1959                                                        | 2,752          | 48.2    | 81,542       | 42.3    |
| 1939 or earlier                                                    | 366            | 6.4     | 50,346       | 26.1    |
| Units in Structure                                                 |                |         |              |         |
| One detached                                                       | 4,587          | 80.3    | 102,794      | 53.3    |
| One attached                                                       | 99             | 1.7     | 7,951        | 4.1     |
| 2 units                                                            | 167            | 2.9     | 29,415       | 15.2    |
| 3 to 4 units                                                       | 80             | 1.4     | 16,704       | 8.7     |
| 5 to 9 units                                                       | 93             | 1.6     | 7,785        | 4.0     |
| 10 to 19 units                                                     | 255            | 4.5     | 7,754        | 4.0     |
| 20+ units                                                          | 417            | 7.3     | 20,290       | 10.5    |
| Other                                                              | 11             | 0.2     | 252          | 0.1     |
| Median rooms per unit                                              | 6.3            |         | 5.7          |         |
| Total Housing Units (2000)                                         | 5,709          |         | 192,945      |         |
| Total Housing Units (1990)                                         | 5,638          |         | 187,033      |         |
| Change: 1990 to 2000                                               | 101            | 1.8     | 7,256        | 3.7     |
| Source: U.S. Bureau of the Census                                  |                |         |              |         |

Clark Township Housing Element and Fair Share Plan

The majority of the housing stock in Clark is single-family detached homes, typical of a suburban community. Single-family detached homes are dominant, at 80.3 percent, in Clark Township. Other housing types include townhouses, two-family homes, multi-family houses and apartments, but are very limited. The Township differs from the County, which offers a more diverse housing stock mix to meet the needs of its residents, including single-family detached houses, two-family homes, multi-family homes and apartments

As mentioned earlier, the age of the housing stock is usually considered the most reliable indicator of housing conditions. Other indicators of housing condition – including lack of complete plumbing facilities, kitchen facilities and overcrowding- are not a problem within the Township. The County, however, has a larger old housing stock with 2 percent of the houses without telephone services and approximately 7 percent suffering from overcrowded conditions. Table 8 displays information that indicates substandard housing conditions.

| TABLE 8<br>INDICATORS OF HOUSING CONDITIONS-2000<br>Clark Township, Union County, New Jersey |                |         |              |         |
|----------------------------------------------------------------------------------------------|----------------|---------|--------------|---------|
| Number of Units                                                                              | Clark Township |         | Union County |         |
|                                                                                              | Number         | Percent | Number       | Percent |
| Built before 1940                                                                            | 366            | 6.4     | 50,346       | 26.1    |
| Lacking complete plumbing facilities                                                         | 8              | 0.1     | 1,465        | 0.8     |
| Lacking complete kitchen facilities                                                          | 8              | 0.1     | 1,628        | 0.9     |
| No telephone service                                                                         | 19             | 0.3     | 3,962        | 2.1     |
| More than 1.0 persons per room                                                               | 25             | 0.4     | 12,504       | 6.72    |
| Source: U.S. Bureau of the Census, 2000                                                      |                |         |              |         |

Clark Township Housing Element and Fair Share Plan

INCOME

Clark Township is a wealthier community with a median household income in 1999 at \$65,019, which is approximately \$10,000 higher than the state figure. Union County as a whole has a median household income and per capita income approximately equal to the State. The 1999 per capita income of the Township's residents, at \$29,883, is much higher than the County as well as the State's per capita income.

| Table 9<br>INCOME<br>Township of Clark, Union County, and New Jersey |                |              |            |
|----------------------------------------------------------------------|----------------|--------------|------------|
|                                                                      | Clark Township | Union County | New Jersey |
| 1989 Median Household Income                                         | \$50,095       | \$41,791     | \$40,927   |
| 1999 Median Household Income                                         | \$65,019       | \$55,339     | \$55,146   |
| 1989 Per Capita Personal Income                                      | \$20,422       | \$19,660     | \$18,714   |
| 1999 Per Capita Personal Income                                      | \$29,883       | \$26,992     | \$27,006   |
| Source: U.S. Bureau of the Census                                    |                |              |            |

HOUSING VALUES

The Township of Clark had a relatively affordable housing stock in 2000, with approximately 79 percent of its housing unit values falling in the range of \$150,000-\$299,999. Table 10 details the owner-occupied housing unit values in 2000. The 2000 US Census data indicates that the median housing value in Clark was \$217,500, which was \$28,700 more than the County's median housing value of \$188,800. The home sale market has changed in northern and central New Jersey towns between 2000 and 2003. The 2003 data indicates that the average home sales price in Clark was \$311,670, which was \$86,278 more than the average sales price in 2000, representing an increase of 38.3% in three years<sup>2</sup>.

| Table 10<br>HOUSING VALUES<br>Township of Clark and Union County |                |         |              |         |
|------------------------------------------------------------------|----------------|---------|--------------|---------|
| Value Range                                                      | Clark Township |         | Union County |         |
|                                                                  | Number         | Percent | Number       | Percent |
| Less than \$50,000                                               | 0              | 0.0     | 666          | 0.7     |
| \$50,000 to \$99,999                                             | 32             | 0.7     | 4,849        | 5.0     |
| \$100,000 to \$149,999                                           | 307            | 6.9     | 21,352       | 22.0    |
| \$150,000 to \$199,999                                           | 1,466          | 32.9    | 26,728       | 27.6    |
| \$200,000 to \$299,999                                           | 2030           | 45.6    | 22,869       | 23.6    |
| \$300,000 to \$499,999                                           | 610            | 13.7    | 14,807       | 15.3    |
| \$500,000 to \$999,999                                           | 5              | 0.1     | 4,981        | 5.1     |
| \$ 1,000,000 or more                                             | 0              | 0.0     | 736          | 0.8     |
| Median (dollars)                                                 | 217,500        |         | 188,800      |         |
| Source: U.S. Bureau of the Census                                |                |         |              |         |

<sup>2</sup> Star Ledger, November 30, 2003, page 8, section one.

Clark Township Housing Element and Fair Share Plan

HOUSING AFFORDABILITY

Housing affordability remains a problem with certain segments of Clark's population. Cost-burdened households are defined as households that spend more than 30 percent of their income on housing related costs. The Township of Clark and Union County follow similar traits for homeowner and renter cost burdens. For both, the Township as well as the County, renter households share greater cost burden than homeowners. As indicated in Table 11, housing costs are a problem for approximately 30 percent of the homeowner households and 34 percent of renter households in the Township. Housing costs are a problem for 37 percent of the renters in the County, which is higher compared to the Township.

The 1999 median gross rent in Clark was \$941, which was \$189 more than the County's median gross rent of \$752. The median room per housing unit is relatively high in the Township, averaging at 6.3 rooms per unit. The higher housing values as well as the median gross rents can be associated with the larger size of the houses.

| Table 11<br>HOUSING AFFORDABILITY<br>Township of Clark and Union County |                |         |                |
|-------------------------------------------------------------------------|----------------|---------|----------------|
|                                                                         | Clark Township |         | Union County   |
|                                                                         | Number         | Percent | Number Percent |
| Selected Monthly Owner Costs as a Percent of Household Income           |                |         |                |
| Less than 15 percent                                                    | 1,208          | 27.0    | 27,416 28.3    |
| 15 to 19 percent                                                        | 586            | 13.1    | 15,814 16.3    |
| 20 to 24 percent                                                        | 819            | 18.3    | 14,766 15.2    |
| 25 to 29 percent                                                        | 481            | 10.7    | 10,783 11.1    |
| 30 to 34 percent                                                        | 366            | 8.2     | 7,346 7.6      |
| 35 percent or more                                                      | 966            | 21.6    | 20,390 21.0    |
| Not computed                                                            | 24             | 0.5     | 473 0.5        |
| Cost burdened households                                                | 1332           | 29.7    | 27736 28.6     |
| Gross Rent as a Percentage of Household Income                          |                |         |                |
| Less than 15 percent                                                    | 137            | 13.1    | 13,711 19.2    |
| 15 to 19 percent                                                        | 263            | 25.1    | 11,009 15.4    |
| 20 to 24 percent                                                        | 149            | 14.2    | 9,327 13.1     |
| 25 to 29 percent                                                        | 74             | 7.1     | 7,699 10.8     |
| 30 to 34 percent                                                        | 56             | 5.3     | 5,307 7.4      |
| 35 percent or more                                                      | 299            | 28.6    | 20,789 29.1    |
| Not computed                                                            | 69             | 6.6     | 3,565 5.0      |
| Cost burdened households                                                | 355            | 33.9    | 26,096 36.5    |
| Median Gross Rent (1999)                                                | \$941          |         | \$752          |
| Source: U.S. Bureau of the Census                                       |                |         |                |

EMPLOYMENT TRENDS

Covered employment in the Township has fluctuated over the past ten years, registering a high of 8,378 jobs in 1999 and a low of 6,319 jobs in 1993. As shown in Table 12, the Township experienced an 11 percent increase in the private sector employment in 1997. The Township's private sector employment peaked in 1999 when it reached 8,378 jobs but declined until 2002. Between 1999 and 2002, Clark lost 1,904 private sector jobs. However, the private sector employment bounced back in 2003 with an increase of 4.7 percent.

The County has experienced similar employment trends as the Township. The County's employment growth stabilized during 1997 through 2002, however, started to decline in the following years. In 2003, the Township's employment increased by 4.71 percent, while the County experienced a decline in its employment by one percent.

| Table 12<br>COVERED PRIVATE SECTOR EMPLOYMENT<br>Township of Clark and Union County |                |                        |                                |
|-------------------------------------------------------------------------------------|----------------|------------------------|--------------------------------|
| Township of Clark                                                                   |                |                        |                                |
| Year                                                                                | Number of jobs | Average Annual Change* | Average Annual Percent Change* |
| 1993                                                                                | 6,319          |                        |                                |
| 1994                                                                                | 6,792          | 473                    | 7.49                           |
| 1995                                                                                | 6,822          | 30                     | 0.44                           |
| 1996                                                                                | 7,228          | 406                    | 5.95                           |
| 1997                                                                                | 8,022          | 794                    | 10.99                          |
| 1998                                                                                | 7,670          | -352                   | -4.39                          |
| 1999                                                                                | 8,378          | 708                    | 9.23                           |
| 2000                                                                                | 7,756          | -622                   | -7.42                          |
| 2001                                                                                | 7,484          | -272                   | -3.51                          |
| 2002                                                                                | 6,474          | -1,010                 | -13.50                         |
| 2003                                                                                | 6,779          | 305                    | 4.71                           |
| 2004                                                                                | 7,134          | 355                    | 5.23                           |
| Union County                                                                        |                |                        |                                |
| Year                                                                                | Number of jobs | Average Annual Change* | Average Annual Percent Change* |
| 1993                                                                                | 198,925        |                        |                                |
| 1994                                                                                | 203,968        | 5,043                  | 2.54                           |
| 1995                                                                                | 199,946        | -4,022                 | -1.97                          |
| 1996                                                                                | 199,925        | -21                    | -0.01                          |
| 1997                                                                                | 202,604        | 2,679                  | 1.34                           |
| 1998                                                                                | 203,820        | 1,216                  | 0.60                           |
| 1999                                                                                | 205,560        | 1,740                  | 0.85                           |
| 2000                                                                                | 209,558        | 3,998                  | 1.94                           |
| 2001                                                                                | 206,488        | -3,070                 | -1.46                          |
| 2002                                                                                | 202,267        | -4,221                 | -2.04                          |
| 2003                                                                                | 210,031        | 3,543                  | 1.75                           |
| 2004                                                                                | 200,328        | -1,939                 | -0.96                          |
| Source: NJ Department of Labor and Workforce Development, Third Quarter Data        |                |                        |                                |

LABOR FORCE CHARACTERISTICS

Clark Township residents are employed in a variety of occupations. Nearly thirty-seven (37) percent of the Township's employees work in management, professional and related occupations, followed closely by almost 35 percent of the employee population working in sales and office positions. The remaining labor force is engaged in service occupations (10.8 percent), production/transportation/material moving occupations (9.1 percent), and construction/extraction/maintenance occupations (8.6 percent). Although at slightly different percentages, the employment characteristics in Clark roughly mimic that of Union County. The Township has a larger number of workers in the management, professional & related occupations than in the County.

Table 13 also identifies the class of workers found in Clark Township and Union County. As expected, the largest sector of workers for both the Township and the County are in the private sector, representing 80 percent and 82.5 percent, respectively. Government is the second highest employee class for both the Township and the County. However, the Township at approximately 15 percent has a higher percentage of Government employees than the County at 12.8 percent. Clark Township has no unpaid family workers.

| Table 13<br>OCCUPATION CHARACTERISTICS<br>Township of Clark and Union County |                   |         |              |         |
|------------------------------------------------------------------------------|-------------------|---------|--------------|---------|
| Occupation                                                                   | Township of Clark |         | Union County |         |
|                                                                              | Number            | Percent | Number       | Percent |
| Management, professional, & related Service                                  | 2,572             | 37.0    | 86,482       | 35.4    |
| Sales and office occupations                                                 | 749               | 10.8    | 32,436       | 13.3    |
| Farming, fishing, & forestry                                                 | 2,402             | 34.5    | 69,268       | 28.4    |
| Construction, extraction, & maintenance                                      | 0.0               | 0.0     | 141          | 0.1     |
| Production, transportation, & material moving                                | 596               | 8.6     | 18,555       | 7.6     |
|                                                                              | 636               | 9.1     | 37,315       | 15.3    |
| Class of Worker                                                              |                   |         |              |         |
| Private wage and salary workers                                              | 5,564             | 80.0    | 201,538      | 82.5    |
| Government workers                                                           | 1,021             | 14.7    | 31,341       | 12.8    |
| Self-employed workers                                                        | 370               | 5.3     | 10,906       | 4.5     |
| Unpaid family workers                                                        | 0                 | 0.0     | 412          | 0.2     |
| Commuting to Work                                                            |                   |         |              |         |
| Drove alone                                                                  | 5,860             | 86.1    | 169,325      | 71.0    |
| Carpooled                                                                    | 436               | 6.4     | 27,686       | 11.6    |
| Public transportation                                                        | 265               | 3.9     | 25,294       | 10.6    |
| Walked                                                                       | 30                | 0.4     | 7,729        | 3.2     |
| Other means                                                                  | 5                 | 0.1     | 2,880        | 1.2     |
| Worked at home                                                               | 210               | 3.1     | 5,692        | 2.4     |
| Mean travel time to work (minutes)                                           | 24.3              |         | 28.7         |         |
| Source: U.S. Bureau of the Census                                            |                   |         |              |         |

The Township of Clark’s commutation patterns generally follow the same trend as Union County as a whole. Approximately 86 percent of the Township’s labor force drives alone to work, 6.4 percent carpool and almost 4 percent use public transport. Nearly 3 percent of the Township’s population work at home. In the County, 71 percent of the workforce drives to work, 11.6 percent carpool while approximately 10.6 percent use public transport. The County’s labor force uses public transport at a much higher rate than the Township’s labor force.

SECTION III - PROJECTIONS

The Third-Round affordable housing obligation introduces a new concept for calculating affordable housing obligations called "growth share" that is based on actual residential and nonresidential development. Development projections, therefore, are an essential component to adequately plan for this obligation. The Council on Affordable Housing provides household and employment projections for each municipality in Appendix F(2) of their regulations. COAH projections anticipate that an additional 377 housing units and 1103 jobs will be created in the Township between 2004 and 2018, as indicated in Table 14 below.

| Table 14<br>COAH Projections<br>Clark Township, Union County |                                |
|--------------------------------------------------------------|--------------------------------|
| Housing Units                                                | Net Changes 2004 - 2018<br>377 |
| Jobs                                                         | 1103                           |
| Affordable Housing Obligation                                | 144                            |

A municipality with insufficient vacant land may request an adjustment to COAH's pursuant to N.J.A.C. 5:97-5.6. Clark Township received a Vacant Land Adjustment as part of its First Round Fair Share Plan which received substantive certification from COAH on September 4, 1991. Clark Township is requesting an adjustment to COAH's growth projections as part of the Third Round Housing Element and Fair Share Plan, based on a land capacity analysis prepared pursuant to the requirements in N.J.A.C. 5:97-5.2.

ACTUAL GROWTH

Pursuant to N.J.A.C. 5:97-5.6, a municipality seeking an adjustment to its growth share projection must first measure its actual residential and non-residential growth from January 1, 2004 to the date of petitioning using the procedures in N.J.A.C. 5:97-2.5; then, the municipality subtracts housing units generated by actual residential growth from the household projection and jobs generated from actual non-residential growth from the employment projection per Appendix F(2).

Any development issued a certificate of occupancy after January 1, 2004 must be included within the Growth Share calculation. As shown in Table 15, a total of 79 new housing units were created between January 2004 and August 2008. Appendix A includes a letter from the Township's Construction Official certifying that the C.O. and demolition data for 2004, 2005 and 2006 used in this plan to calculate projections, are correct. There are several major development projects which account for the 79 CO's

Clark Township Housing Element and Fair Share Plan

approved. New projects include, Century Estates, which contains twenty-six (26) apartments and Charlotte Estates, which includes seven (7) single-family homes.

| Table 15<br>Residential COs Issued Since January 2004<br>Clark Township, Union County |      |      |      |      |      |       |
|---------------------------------------------------------------------------------------|------|------|------|------|------|-------|
|                                                                                       | 2004 | 2005 | 2006 | 2007 | 2008 | Total |
| COs Issued                                                                            | 4    | 6    | 7    | 45   | 17   | 79    |
| Demolitions                                                                           | 11   | 13   | 5    | 3    | 1    | 33    |
| Source: Clark Township Building Department                                            |      |      |      |      |      |       |

Since 2004, the Township added office space and retail space. As shown in Table 16, a total of 85,378 square feet of non-residential space has received Certificates of Occupancy since January 2004. In 2004 and 2005, three certificates of occupancy were issued for a total of 25,478 square feet of office space and 360 square feet of assembly use. In 2006, one certificate of occupancy was issued for 6,238 square feet of office space. Finally, in 2007, a C.O. was issued in association with redevelopment of an existing retail use (A&P). The building, which measured, 52,812 square feet in size, was demolished and replace with a new building measuring 60,000 square feet in size. This project represents a net increase of 7,188 square foot of retail space.

At the same time, there has been a demolition of an industrial building. As per the Construction Officer, 120,914 square feet of manufacturing space received a demolition permit in 2006. This is the demolition of the existing building on the Clark Developers site.

| Table 16<br>Nonresidential COs Issue since January 2004<br>Clark Township, Union County |                                   |                  |                       |                  |            |
|-----------------------------------------------------------------------------------------|-----------------------------------|------------------|-----------------------|------------------|------------|
| Non-Residential COs by<br>Use Group                                                     | Square Feet Added<br>(COs Issued) | Square Feet Lost |                       | Jobs/1,000<br>SF | Total Jobs |
|                                                                                         |                                   |                  | (Dem. Permits Issued) |                  |            |
| B – Business                                                                            | 31,036                            |                  |                       | 2.8              | 86.90      |
| M - Mercantile                                                                          | 60,000                            |                  | 52,812                | 1.7              | 12.22      |
| F - Factory/Industrial                                                                  |                                   |                  | 120,914               | 1.2              | -145.10    |
| S – Storage                                                                             | 1,170                             |                  |                       | 1.0              | 1.17       |
| H - Hazardous                                                                           |                                   |                  |                       | 1.6              | 0          |
| A1 - Assembly                                                                           |                                   |                  |                       | 1.6              | 0          |
| A2 - Assembly                                                                           |                                   |                  |                       | 3.2              | 0          |
| A3 - Assembly                                                                           | 360                               |                  |                       | 1.6              | .58        |
| E - Educational                                                                         |                                   |                  |                       | 0.0              | 0          |
| I - Institutional                                                                       |                                   |                  |                       | 2.6              | 0          |
| R1 - Hotels, Dorms, etc.                                                                |                                   |                  |                       | 1.7              | 0          |
| Total                                                                                   | 92,566                            |                  | 173,726               |                  | -44        |

Clark Township Housing Element and Fair Share Plan

Pursuant to a letter to all Mayors from COAH on October 30, 2008, COAH will permit any additional market-rate units that result from a rezoning to permit increased density to accommodate affordable housing to be exempted from the actual growth share obligation. In such circumstances, the increased density provided in an inclusionary zone would not generate a growth share obligation. Only the base density before the rezoning would generate a growth share obligation.

The Clark Developer's property was rezoned from IL Industrial Limited to an Age-Restricted Affordable Housing district. The building on the site has been demolished, the zoning has been adopted and site plan approval has been granted for this project by the Planning Board. The approved project includes 300 units, of which 60 units will be affordable, which is a set-aside of 20 percent. Of the 60 affordable units, five will be non-age-restricted rental units, six will be age-restricted rental units, and the remaining fifty (50) will be age-restricted units without the rental restrictions. The units resulting from this rezoning address a portion of the Township's prior round obligation and growth share obligation. As a result, the market rates units associated with this development are exempt from the Township's growth share calculation.

Adjusted COAH Projection

Pursuant to N.J.A.C. 5:97-5.6, a municipality seeking an adjustment must first measure its actual residential and non-residential growth from January 1, 2004 to the date of petitioning using the procedures in N.J.A.C. 5:97-2.5; then, the municipality subtracts housing units generated by actual residential growth from the household projection and jobs generated from actual non-residential growth from the employment projection per Appendix F(2). An adjustment may only be sought against the remaining portion of the projections. Table 29 illustrates COAH's projections reduced to reflect actual growth. As indicated, the adjustment based on actual development reduces the Township's development projections to 299 new housing units and 1,147 jobs.

| Table 17<br>COAH Projections – Reduced by Actual Development<br>Clark Township, Union County |                    |                       |                       |
|----------------------------------------------------------------------------------------------|--------------------|-----------------------|-----------------------|
|                                                                                              | 2018<br>Projection | Actual<br>Development | Reduced<br>Projection |
| Housing Units                                                                                | 377                | 78                    | 299                   |
| Jobs                                                                                         | 1103               | -44                   | 1,147                 |

Clark Township Housing Element and Fair Share Plan

Existing Land Use Inventory

Clark Township is a largely developed community. An Existing Land Use Map illustrating current land uses within the Township is provided. The 2003 Master Plan Update identifies several properties where future development may occur, including the U.S. Gypsum site and the former Felt Mill property as potential redevelopment areas. Over the years these parcels have become isolated from the main concentration of industry on the Township's western border. Also, demand for industrial space in Union County has declined because of market forces bringing into question the continued mobility of these properties for industrial use. The 2003 Clark Township Master Plan Update (pg. no. 23-25) proposes to develop a Downtown Village. Clark Township has recently amended its zoning ordinance to create a Downtown Village Zoning District. However, this would not create significant additional development within the Township.

CLARK



TOWNSHIP

UNION COUNTY, NEW JERSEY

## EXISTING LAND USE

FEBRUARY 23, 2009



0 1/4 1/2 1 MILES

### Land Use Categories

- Vacant Land
- Parks / Open Space / Recreation
- Public Uses
- Semi - Public Uses
- Utility
- Commercial
- Industrial
- Residential - Single Family
- Residential - Multi-Family

Scotch Plains Township

Garwood Borough

Rahway City

Source:  
-GIS Parcel Data - Clark Township  
-Property Usage Data - Clark Township 2007 Tax Data



119 Cherry Hill Road, Suite 200, Parsippany, NJ 07054  
T (862) 207-5900 / F (973) 334-0507

LAND CAPACITY ANALYSIS

The land capacity analysis is based on an evaluation of vacant and underdeveloped properties to provide the basis for an adjustment to COAH's household and employment projections. It includes a vacant land inventory based on the data and the procedures as specified in N.J.A.C. 5:97-5.2. It also includes an inventory of underutilized lands.

Vacant Land Inventory

Pursuant to COAH rules, a vacant land analysis must include the most recent inventory of all privately and municipally-owned vacant parcels from the tax assessor's office, which are classified as "Class 1 – Vacant" and "Class 15C – Public Property" on the tax records, respectively. The vacant land inventory is parcel-based, using the most current tax records, and identifies 1) privately-owned vacant lands and 2) municipally-owned vacant lands that could be used for affordable housing construction. Sites that are actually being used by adjoining uses (i.e. for parking or yard area), had no access because they were landlocked, were used for stormwater or common open space, or were of such unique shape that they could not be developed were excluded from the analysis. The vacant properties that remain are included in Workbook C, provided in Appendix B.

Properties that are currently vacant but are part of existing residential subdivisions or have existing development approvals are excluded from this analysis. In addition, pursuant to §5:97-5.6(c), properties that were used to calculate realistic development potential in a vacant land adjustment granted by COAH should be eliminated from the vacant land inventory. This situation applies to the Miele's Nursery and Schlieferstein Farm properties. Both of these properties were used as the basis for the Realistic Development Potential in the Vacant Land Adjustment granted to the Township in its 1991 Housing Element and Fair Share Plan. As a result, these two properties are not included in the Land Capacity Analysis because development of these properties is addressed in the prior round obligation.

In approving the Township's first-round plan in 1991, COAH found that these properties met COAH's criteria for suitable, approvable, available and developable sites as they lie in the Planning Area 1 (PA-1) of the State Development and Redevelopment Plan and have access to sewer and water. However, due to market conditions, these properties have remained undeveloped for over seventeen years. The Township therefore, has rezoned these two properties to R-150 zone (this zone directly abuts the two properties on all sides). The R-150 zone permits single-family detached houses on lots with a minimum area of 15,000 square feet. The Schlieferstein farm property is 3.25 acres and will support development of nine (9) single-family units. The Miele Nursery property is 5 acres and will generate 14 single-family homes

Clark Township Housing Element and Fair Share Plan

As a result of mediation, the Township has created an overlay zone for two sites: the Schwarz farm site and the Clark development site. The Schwartz Farm site, however, has been acquired by Union County for open space, and is no longer available. Therefore, only the Clark development site is included in the Land Capacity Analysis.

The properties included in the Land Capacity Analysis are delineated on Map 1 and the constraints for each site are illustrated on Map 2. Both maps are included in Appendix C. The land capacity analysis indicates that vacant land within the Township can accommodate 47 dwelling units and 25 jobs. This analysis utilizes COAH's Workbook C, which includes a presumptive density of 8 dwelling units and 80 jobs per acre. A copy of Workbook C is provided in Appendix B.

Inventory of Underutilized Sites

N.J.A.C. 5:97-5.2(c)3 requires that municipalities seeking an adjustment to their growth projection provide an inventory of sites that are devoted to a specific use which involves relatively low-density development and could create an opportunity for affordable housing if inclusionary zoning was in place. Such sites include, but are not limited to, a golf course not owned by its members, a farm in Planning Area 1; a driving range, a nursery and nonconforming uses. In addition, N.J.A.C. 5:97-5.2(c)6 requires that municipalities also provide an inventory of areas in the municipality that may develop or redevelop. Examples of such places include, but are not limited to: a private golf club owned by its members, publicly owned land, downtown mixed use areas, high density residential areas surrounding the downtown, areas with a large aging housing stock appropriate for accessory apartments, properties that may be subdivided and support additional development, and any parcels ripe for redevelopment. Pursuant to N.J.A.C. 5:97-5.6(g), these underutilized sites may provide additional opportunities to accommodate growth and corresponding affordable housing. The Fair Share Plan may include overlay zoning requiring inclusionary development of these properties in accordance with N.J.A.C. 5:97-6.4.

Clark Township contains two golf courses that meet the description of underutilized sites. Oak Ridge Golf Course, located on Oak Ridge Road at the southern end of the Township, is owned and operating by Union County. Hyatt Hills Golf Complex is a public nine-hole golf course located off of Central Avenue, near Terminal Avenue, at the northern end of the Township.

ADJUSTED HOUSEHOLD AND EMPLOYMENT PROJECTIONS

Table 18 shows Clark's adjusted household and employment projections, which is comprised of 1) actual residential development since January 1, 2004, 2) actual non-residential development since January 1, 2004, and 3) projected development based on the vacant land analysis. The vacant land analysis indicates a build-out capacity of 47 dwelling units and 25 jobs. As a result, Clark's projection is only 125 dwelling units, compared to COAH's projection of 377 dwelling units. Similarly, Clark's employment projection is 0 job growth, compared to COAH's projection of 1,103 new jobs.

| Table 18<br>Adjusted Household and Employment Projections<br>Clark Township, Union County |                    |                       |                              |                        |
|-------------------------------------------------------------------------------------------|--------------------|-----------------------|------------------------------|------------------------|
|                                                                                           | 2018<br>Projection | Actual<br>Development | Land<br>Capacity<br>Analysis | Adjusted<br>Projection |
| Housing Units                                                                             | 377                | 78                    | 47                           | 125                    |
| Jobs                                                                                      | 1103               | -44                   | 25                           | 0                      |

Clark Township Housing Element and Fair Share Plan

SECTION IV – FAIR SHARE OBLIGATION

The Third Round (2004 – 2018) affordable housing obligation consists of a rehabilitation share, a prior-round share and a growth share. Clark’s affordable housing obligation for each component is summarized below.

- 1. **Rehabilitation:** The Rehabilitation Component is the number of deficient housing units occupied by low and moderate-income household, which is referred to as rehabilitation share. The Township has an eleven (11) unit rehabilitation obligation for the 2004 - 2018 period.
- 2. **Prior Round:** The Prior Round (1987 – 1999) obligation is the remaining affordable housing obligation assigned to a municipality by the Council or the court for the period 1987 through 1999. Clark Township received a vacant land adjustment from COAH in its first round substantive certification. Clark is entitled to retain this as a part of its second round plan and is presumed to have addressed its prior round obligation or Realistic Development Potential (RDP). Although Clark Township petitioned for certification of their second round plan, it was not certified because objections were filed by several interested parties. The plan was further reviewed through COAH’s mediation process and a Mediation Report was issued on October 21, 2005. COAH required the Township to address its prior round obligation, which consists of a realistic development potential and unmet need, when it petitions for the third round obligation. The Township’s Realistic Development Potential is 23 new construction units and the unmet need is 69 units. COAH’s Third Round regulations, however, require that municipalities address the growth share obligation first, then any remaining unmet need.
- 3. **Growth Share:** Growth Share is the share of affordable housing need generated by a municipality’s actual growth (2004 – 2018) based upon the number of new housing units constructed and the number of new jobs created as a result of non-residential development. According to COAH’s projection, Clark has a growth share obligation of 144 units. However, a Land Capacity Analysis was conducted pursuant to §5:97-5.6, which adjusts the growth share obligation down to 25 units.

PLANNING & ZONING ANALYSIS - MEETING THE NEED

Clark Township is fully developed, and any new development will result from redevelopment and reuse of existing properties. Residential uses in Clark are located within all sectors of the Township. The majority of existing residential development is single-family detached dwellings. The Township is served by a variety of commercial uses along Central Avenue and Raritan Road. The uses in these areas are national retailers and independent local businesses in the form of banks, fast food establishments, and others. The Township has one industrial zone on Terminal Avenue. The existing land use in the industrial zone is undergoing transformation. The Master Plan identified several industrial areas that may redevelop and a new downtown village area. The development potential of these areas is not included within the growth share projections because they are currently developed and the Township hasn't adopted or submitted any plans to indicate any pending changes.

REHABILITATION COMPONENT

Rehabilitation share is an estimate of the total number of deficient housing units occupied by low and moderate-income households within the community. It is estimated through the use of 2000 census data. Three housing quality factors are used to determine housing deficiency as described below;

- 1. Crowding – 1.01 or more persons per room, in housing built 1939 or earlier, with complete plumbing
- 2. Plumbing – units lacking complete plumbing
- 3. Kitchen – units lacking complete or in-unit kitchen facilities

According to COAH's calculations, Clark Township's rehabilitation share is eleven (11) units.

Clark Township Housing Element and Fair Share Plan

PRIOR ROUND COMPONENT (1987 - 1999)

Clark Township received a vacant land adjustment from COAH in its first round substantive certification due to the lack of sufficient vacant and developable land. Pursuant to N.J.A.C. 5: 93-4.2(f), a municipality that received a vacant land adjustment in addressing its first round obligation is entitled to retain it as a part of its second round plan and is presumed to address its Realistic Development Potential (RDP) and unmet need. The vacant land adjustment established Clark's Realistic Development Potential (RDP), at 23 units and an unmet need at 40 units. COAH, however, recalculated each municipality's prior round obligation as part of the changes to the Third Round regulations. As a result, Clark's prior round obligation increased from 63 units to 92 units.

Realistic Development Potential (RDP) and Unmet Need

The Township's RDP of 23 units can be reduced to zero units through credits obtained from alternative living arrangement (group homes) and reductions received from the adopted inclusionary age restricted housing overlay zone on two parcels.

The Township's unmet need of 69 units can be reduced to 13 through prior-cycle credits and reductions received from the age-restricted housing overlay zoned sites. Table 19 summarizes the Township's prior round obligation.

| Table 19<br>SUMMARY – PRIOR ROUND OBLIGATION<br>Clark Township, Union County |                            |         |            |
|------------------------------------------------------------------------------|----------------------------|---------|------------|
|                                                                              | Pre-credited<br>Obligation | Credits | Reductions |
| Realistic Development Potential                                              | 23                         |         |            |
| Group Homes                                                                  |                            | 6       |            |
| Rental Bonus                                                                 |                            | 6       |            |
| Clark Developer's site                                                       |                            |         |            |
| Age-restricted                                                               |                            |         | 6          |
| Non age-restricted handicapped                                               |                            |         | 5          |
| Subtotal                                                                     | 23                         | 12      | 11         |

Credits:

COAH offers credits, reductions, and adjustments for affordable housing activity undertaken by the municipalities.

Clark Township Housing Element and Fair Share Plan

Alternative Living Arrangements

COAH allows municipalities to claim credit for “alternative living arrangements,” including transitional facilities for the homeless, residential health care facilities as regulated by the New Jersey Department of Senior Services or the New Jersey Department of Human Services. The unit of crediting for an alternative living arrangement is the bedroom that received certificates of occupancy after April 1, 1980. Table 20 lists the available alternative living arrangements in Clark Township. Clark has three group homes that are eligible for credits. These contain a total of 9 bedrooms and are funded by the Division of Developmental Disabilities. These homes are eligible for a total of 9 credits.

| Table 20<br>ALTERNATIVE LIVING ARRANGEMENTS<br>Township of Clark, Union County |                     |                 |             |
|--------------------------------------------------------------------------------|---------------------|-----------------|-------------|
| Facility Location                                                              | Provider            | No. of Bedrooms | Date Opened |
| Union County Parkway                                                           | Arc of Union County | 3               | 1995        |
| Oak Ridge Road                                                                 | Arc of Union County | 3               | Nov-01      |

Rental Bonus

The Township can also receive additional 6 rental bonus credits for the alternative living arrangement units.

Reductions:

The Township has been making diligent efforts through the implementation of more traditional zoning practices to provide its residents with a range of affordable housing options. The Township of Clark has adopted inclusionary overlay zone for age-restricted housing on two parcels and can receive reductions for the same. As a result of mediation, the Township developed an inclusionary overlay zone for two sites: the Schwarz farm site and the Clark development site. The Schwarz Farm site, however, has been purchased by Union County for open space, and is no longer available.

The Township has rezoned a 10.7 acre tract of land located on west side of Terminal Road (Block 58, Lot 4) to an Age-restricted Affordable Housing Overlay District. The overlay option will permit a maximum of 300 age-restricted residential units on the site, of which twenty (20) percent must be set aside for low and moderate income households. Sixty percent of the total units approved are to be age restricted to occupants 55 years and older and forty percent of the total units are to be senior units restricted to occupants 62 years and older. The senior citizens units will be located in one building with an additional 5,000 square feet dedicated to recreation/common space. The developer has agreed to provide five (5) non-age-restricted rental units and fifty-five (55) age-restricted affordable units. The zoning is in place for this site, and the

**Clark Township Housing Element and Fair Share Plan**

developer has been granted site plan approval to build the project. The resolution granting site plan approval is provided in Appendix F.

**Site Suitability**

Pursuant to State Statute 5:97-3.13, the Clark Developers site must conform to certain eligibility criteria. The Clark Developers site is particularly suitable for producing affordable housing. As per the requirements of the statute, the property lies in Planning Area 1 and is consistent with the State Development and Redevelopment Plan. The zoning overlay will allow the Township to revitalize this underutilized property and create more affordable units for its residents. The New Jersey Department of Environmental Protection's 2001 data has been used to indicate the existing Brownfield and Wetlands within the Township of Clark. As indicated on the Location Map and the Environmental Constraints Map provided in Appendix D, the property has no environmental constraints. The site has access to approved Terminal Road and is served by existing infrastructure including water and sewer with sufficient capacity to accommodate development of the property.

**Prior Round Obligation Requirements**

**Minimum Rental Obligation**

State statute N. J. A. C. 5:93-5.15 requires that at least twenty-five (25) percent of the municipality's prior round obligation be addressed with rental housing units. When applied to the Township's prior round Obligation of 23 units, this creates a maximum of six (6) units (23\* .25=5.75). This requirement has been addressed since all six (6) bedroom available at the existing alternative living arrangement facility are rental units.

**Maximum age-restricted units**

Pursuant to N. J. A. C. 5:93-5.14, a municipality can address up to twenty-five (25) percent of its growth share obligation through age-restricted units. When applied to the Township's prior round Obligation of 23 units, this creates a maximum of 6 units (23\* .25=5.75). Clark proposes to use three (3) units from the Clark Developers site, to address the Township's prior round obligation.

**Summary**

**The Realistic Development Potential is reduced to zero units (23-6-6-11) through credits and reductions.**

Clark Township Housing Element and Fair Share Plan

GROWTH SHARE COMPONENT (2004 - 2018)

The "Growth Share" for the period January 1, 2004 through December 31, 2018 is calculated based on municipal growth projections pursuant to N.J.A.C. 5:97-2. Projections of population and employment growth are converted into the projected affordable housing obligation by applying a ratio of one affordable unit among every five residential units projected, plus one affordable unit for every 16 newly created jobs projected. The actual growth share obligation is based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed, reoccupied and expanded non-residential developments in accordance with COAH's Appendix D, incorporated in the revised Third Round Rules by reference. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth. However, if the actual growth share obligation is less than the projected growth share obligation, the municipality shall continue to provide a realistic opportunity for affordable housing to address the projected growth share through inclusionary zoning or any of the mechanisms permitted by N.J.A.C. 5:97-6.

According to Appendix F(2) in the revised Third Round Rules, Clark would have a net increase of 377 housing units and 1,103 jobs from 2004 to 2018. Applying the COAH ratios, the Township's growth share obligation is 144 units.

Clark's Adjusted Growth Share Obligation

If upon plan evaluation review pursuant to N.J.A.C. 5:96-10, the difference between the number of affordable units constructed or provided in a municipality and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater, the municipality may prepare a housing plan to address the reduced obligation, provided that additional mechanisms set forth in N.J.A.C.5:97-5.6(g) are put into effect.

As indicated in Table 21, the land capacity analysis resulted in a decrease in the projection of residential development from 299 (COAH projection (377) reduced by actual development (78)) units to 124 units. The projection for jobs decreased significantly, from COAH's projection of 1,147 jobs to an adjusted projection of 0 jobs. As a result, the projected affordable housing obligation decreases from 144 units to 25 units. This difference is more than 10 percent, and pursuant to N.J.A.C. 5:96-10, is the projected growth share obligation for the Township used for the Fair Share Plan.

Clark Township Housing Element and Fair Share Plan

| Table 21<br>Growth Share Projection<br>Clark Township, Union County |                             |                      |
|---------------------------------------------------------------------|-----------------------------|----------------------|
|                                                                     | COAH Projected Growth Share | Municipal Projection |
| Residential Growth (Actual + Land Capacity)                         | 377                         | 124                  |
| Approved/Anticipated Residential Development                        | 300                         | 300                  |
| Residential Exclusions                                              | -300                        | -300                 |
| Net Residential Growth                                              | 377                         | 124                  |
| Residential Growth Share                                            | 75.4                        | 25                   |
| Non-Residential Growth (Actual + Land Capacity)                     | 1103                        | -19                  |
| Approved/Anticipated Nonresidential Development                     | 0                           | 0                    |
| Non-Residential Exclusions                                          | 0                           | 0                    |
| Net Non-Residential Growth                                          | 1103                        | -19                  |
| Non-Residential Growth Share                                        | 68.94                       | 0                    |
| Total Growth Share                                                  | 144                         | 25                   |

Clark Township Housing Element and Fair Share Plan

SECTION V - FAIR SHARE PLAN

The Fair Share Plan addresses the Township's Rehabilitation Obligation of 11 units, Prior Round Obligation of 23 units and Growth Share Obligation of 25 units. The Plan is summarized below in Table 22.

| Table 22<br>Fair Share Plan<br>Clark Township |            |                   |      |                           |      |                                   |      |                           |  |
|-----------------------------------------------|------------|-------------------|------|---------------------------|------|-----------------------------------|------|---------------------------|--|
|                                               | Obligation | Family<br>Housing |      | Age-Restricted<br>Housing |      | Very<br>Low-<br>Income<br>Housing |      | Group<br>Home<br>Bedrooms |  |
|                                               |            | Rental            | Sale | Rental                    | Sale | Rental                            | Sale |                           |  |
| REHABILITATION OBLIGATION                     | 11         |                   |      |                           |      | NA                                |      |                           |  |
| PRIOR ROUND OBLIGATION                        |            |                   |      |                           |      | NA                                |      |                           |  |
| RDP                                           | 23         |                   |      |                           |      |                                   |      |                           |  |
| Inclusionary Development (Clark Developers)   | 11         |                   |      | 11                        |      | NA                                |      |                           |  |
| Alternative Living Arrangements               | 6          |                   |      |                           |      | NA                                |      | 6                         |  |
| Bonus Credits                                 | 6          |                   |      |                           |      |                                   |      |                           |  |
| Subtotal                                      | 23         |                   |      |                           |      | NA                                |      |                           |  |
| Unmet Need                                    | 69         |                   |      |                           |      | NA                                |      |                           |  |
| Clark Developers Site                         | 43         |                   |      | 43                        |      |                                   |      |                           |  |
| GROWTH SHARE OBLIGATION                       | 25         |                   |      |                           |      |                                   |      |                           |  |
| Inclusionary Developments                     | 6          |                   |      |                           |      |                                   |      |                           |  |
| Clark Developers                              |            |                   |      | 6                         |      | 6                                 |      |                           |  |
| Supportive Housing                            | 3          |                   |      |                           |      | 3                                 |      | 3                         |  |
| Market to Affordable Program                  | 10         | 5                 | 5    |                           |      | 0                                 |      |                           |  |
| Subtotal                                      | 19         | 5                 | 5    | 6                         | 0    | 9                                 |      | 3                         |  |
| Bonus Calculation                             | 6          |                   |      |                           |      |                                   |      |                           |  |
| Eligible Bonus Rental Credits                 |            | 7                 |      |                           |      |                                   |      |                           |  |
| Eligible Supportive Housing Rental Credits    |            |                   |      |                           |      |                                   |      |                           |  |
| Total                                         | 25         |                   |      |                           |      |                                   |      | .75                       |  |

REHABILITATION OBLIGATION

Clark Township will address its rehabilitation obligation of 11 units through participation in the Union County Home Improvement Program, averaging 1.1 units per year over the next ten years. The County receives Community Development Block Grants funds from the NJ Department of Community Affairs for its Home Improvement Program. The County program currently does not require the proper deed restriction in accordance with COAH and UHAC standards. This problem has been brought to the County's attention, and the County has expressed its receptivity to cooperating with the Township and other municipalities to rectify this problem. As a result of these efforts, the Township has every reason to believe that the County

Clark Township Housing Element and Fair Share Plan

will administer its rehabilitation program in such a manner that all Union County municipalities can secure credit for the units the County rehabilitates. In the event that the County, for any reason, fails to rectify this manner in which it implements this program, the Township shall implement its own rehabilitation program through funds collected from Development Fees. With this understanding, the Fair Share Plan anticipates that Union County will fully fund the rehabilitation of all 11 units.

PRIOR ROUND OBLIGATION

As indicated in Section IV of this report, Clark Township has addressed its prior round obligation by satisfying its 23-unit obligation generated by its Realistic Development Potential. The remaining unmet need is met, in part, by 43-units from the Clark Developer's project as indicated in Table 24.

GROWTH SHARE OBLIGATION

Clark Township will address its Growth Share Obligation through credits from an existing group home, 6 age-restricted units from the Clark Developer's inclusionary development project, 10-units from a Market to Affordable Program, and 6 bonus credits. This plan addresses COAH requirements as illustrated in Table 23.

| Table 23<br>Growth Share Plan Parameters<br>Clark Township, Union County |                                                                                               |        |                                 |
|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------|---------------------------------|
|                                                                          | Requirement                                                                                   | Number | Provided                        |
| Minimum Rental Obligation                                                | A minimum of 25% must be rental.<br>(Sect. 5:97-3.11(b)2).                                    | 7      | 14 units                        |
| Maximum Age Restricted Housing                                           | A maximum of 25% may be age-restricted. (Sect. 5:97-3.10(c)2).                                | 6      | 6 units – Clark Developers      |
| Minimum Family Housing                                                   | A minimum of 50% of units within the municipality must be family housing.<br>(Sect. 5:97-3.9) | 10     | 10 market to affordable program |
| Minimum Family Rental Housing                                            | A minimum of 50% of the total rental units must be non age-restricted. (Sect. 5:97-3.4b)      | 4      | 5 market to affordable program  |
| Minimum Very Low Income Housing                                          | A minimum of 13% of units built must be reserved for very low income households. (A500)       | 3      | 3 group homes                   |
| Maximum Bonus Credits                                                    | The maximum bonus credits permitted is 25% of the growth share obligation. (Sec. 5:97-3.20)   | 6      | 7 rental bonus credits          |

Clark Township Housing Element and Fair Share Plan

Pre Cycle Credits (3 credits)

Clark Township has three, 3-bedroom group homes. However, credits for two of these group homes have been used to address the Township's prior round obligation. The third group home is located at 279 Oak Ridge Road and was started in July 1986. This group home contains three (3) bedrooms. As mentioned earlier the unit for crediting for an alternative living arrangement is the bedroom that received certificates of occupancy after April 1, 1980. This home, therefore, is eligible for 3 credits.

Inclusionary Development (6 credits)

Six affordable age-restricted rental units from the Clark Developers site are applied to the Township's Growth Share Obligation. The Clark Developers project received site plan approval on October 30, 2008. Details of the Clark Developers project is more fully described in Section IV of this report under Prior Round Obligation.

Market to Affordable Program (10 credits)

N.J.A.C. 5:97-6.9 permits municipalities to address a portion of their affordable housing obligation through a market to affordable program. This program includes units that are purchased or subsidized through a written agreement with the property owner and sold or rented to low- and moderate-income households. Clark Township will be comprised of 10 moderate-income units, including 5 rental units and 5 for-sale units. The Township's low-income affordable housing obligation is addressed through the three group homes and the 6 age-restricted units included in the Clark Developers project.

The Township will provide a minimum of \$25,000 per unit, for a total of \$250,000, to subsidize the cost of creating these moderate-income units. Additional subsidy may be necessary depending on market prices or rents in the Township. In order for a sales unit to be considered affordable to moderate-income households in Clark, sales prices must range between \$130,954 and \$170,142. In order for a rental unit to be considered affordable to moderate-income households in Clark, rental prices must range between \$1,131 and \$1,307 a month. In order for a rental unit to be considered to low-income households in Clark, rental prices must range between \$550 for a 1 bedroom apartment to \$1,089 for a 3-bedroom apartment.

An analysis of existing housing units listed on the Multiple Listing Service as of February 20, 2009 indicated that a total of 56 units are available, including 54 units for sale and 2 units for rent. The asking sales price of the housing units ranged between \$230,000 and \$1,195,000, with an average asking price of \$516,550. The asking monthly rental prices included \$1050 for a 2 bedroom apartment to \$1,750 for a one-bedroom apartment.

**Clark Township Housing Element and Fair Share Plan**

The subsidy required to make a unit selling at \$230,000 affordable to a moderate-income household ranges between \$60,000 and \$99,000. Therefore, the cost to provide five sales units for moderate-income households will range between \$300,000 and \$495,000. On the rental side, current rents are provided at levels affordable to moderate-income households. In order to provide rental units affordable to low-income households, funding of approximately \$10,000 per year must be provided.

Funding for the Market to Affordable program will be provided through a Development Fee Ordinance. The Township, when it petitioned for the second round obligation, adopted a development fee ordinance to address its growth share need. However, since the Township never received substantive certification for the second round, the ordinance never came into effect. The Township proposes to adopt a development fee ordinance that would apply to all residential and non-residential developments for the Third Round Obligation.

**Growth Share Bonus Credits (6 credits)**  
N.J.A.C. 5:97-3.2 establishes a bonus cap municipalities addressing their third round obligation. This requirement states that a municipality may not receive more than one type of bonus for each unit (for example, a very-low income bonus or a rental bonus for one unit). In addition, it caps the total credit from bonuses at 25 percent of the projected growth share obligation. In this case, the bonus cap for Clark Township is 6 units. Clark's Growth Share Fair Share Plan includes a total of 7 bonus credits, as indicated below.

**Rental Bonus Credits**

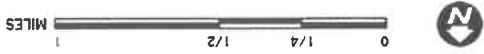
Pursuant to N.J.A.C. 5:97-3.6, a municipality may receive rental bonuses for rental units in excess of its growth share rental obligation. The Township's rental obligation is 25 percent of its growth share obligation, or 7 units. Since the plan provides for 14 rental housing units, 7 units are available for bonus credit.

**APPENDIX A**  
**CERTIFICATE OF OCCUPANCY DATA**

---



# MAP 1: VACANT LAND INVENTORY MARCH 12, 2009



**Vacant Properties**  
Public Vacant Land (Class 15c)  
Private Vacant Land (Class 1)

**Properties Not Available**  
(Tax Classification 15C & 1)  
Other Developed  
Park and Recreation  
Parking  
Public Use  
Right of Way



Source:  
- GIS Parcel Data - Clark Township  
- Vacant Properties Data - Clark 2007 Tax Data





# TOWNSHIP OF *Clark*, NEW JERSEY

**MIKE KHODA**

Construction Code Official

430 Westfield Avenue  
Clark, New Jersey 07066-1704  
Tel.: (732) 388-3600  
Fax.: (732) 388-3501

October 2, 2006.

Lucy Voorhoeve,  
Executive Director,  
Council on Affordable Housing  
Department of Community Affairs  
P. O. Box 800, Trenton, NJ 08625-0800

Re: Certificate of Occupancy data and demolitions.

Dear Ms. Voorhoeve,

This letter has been prepared to certify that the certificate of occupancy and demolition data listed below has been researched by my office staff and reviewed by me based upon available office records and to the best of my knowledge, the information contained herein for the years 2004, 2005 and 2006 is correct.

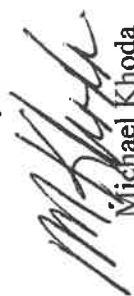
| Table 1<br>RESIDENTIAL - Certificate of Occupancy and<br>Demolition data |        |            |     |
|--------------------------------------------------------------------------|--------|------------|-----|
| Number of CO's                                                           |        |            |     |
| Year                                                                     | Issued | Demolition | Net |
| 2004                                                                     | 4      | 11         | -7  |
| 2005                                                                     | 6      | 13         | -7  |
| 2006*                                                                    | 7      | -          | -   |
| * From January 2006 to September 2006.                                   |        |            |     |

Clark is an Equal Opportunity Employer

007062006

| <div> <div>Table 2</div> <div>NON-RESIDENTIAL - Certificate of Occupancy and demolition <sup>1</sup></div> </div> |                      |            |                   |                                             |
|-------------------------------------------------------------------------------------------------------------------|----------------------|------------|-------------------|---------------------------------------------|
| Year                                                                                                              | Number of COs Issued | Demolition | Type of Use       | Square footage of New Construction/Addition |
| 2005                                                                                                              | 1                    |            | Office use        | 19,028 sq. ft.                              |
| 2006                                                                                                              | 1                    | 0          | Office use        | 6,238 sq. ft.                               |
| 2006                                                                                                              |                      | 1          | Manufacturing use | 120,914 sq. ft.                             |

Sincerely,



Michael Khoda  
Construction Official,  
430 Westfield Avenue,  
Clark, NJ 07066

**APPENDIX B**  
**WORKBOOK C**

Summary of Adjusted Growth Share Projection Based On Land Capacity

(Introduction to Workbook C)

Municipality Name: Clark Township

This workbook contains two separate worksheets to be used for determining the projected Municipal Growth Share Obligation. Worksheet A must be completed by all municipalities. The Worksheet is a tool that allows the user to enter COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules to determine the projected Growth Share Obligation after applying exclusions permitted by N.J.A.C. 5:97-2.4. Municipalities that accept the COAH-generated Growth projections need only use Worksheet A. Click Here to complete Worksheet A

Municipalities seeking to request a downward adjustment to the COAH-generated growth projections may do so by providing a detailed analysis of municipal land capacity. After completing this analysis, the growth projections may be lowered if the resulting growth share obligation results in a figure that is at least 10 percent lower than the projected Growth Share Obligation that would result from the COAH-generated growth projections. Actual growth must first be determined using the Actual Growth worksheet. A growth projection adjustment may only apply to any remaining growth.

Click Here to Enter Actual Growth to Date

Click Here to Complete the Residential Parcel Inventory and Capacity Analysis

Click Here to Complete the Non-residential Parcel Inventory and Capacity Analysis

Summary Of Worksheet Comparison

|                              | COAH Projected<br>Growth Share<br>(From Worksheet A) | Growth Share Based<br>on Municipal Capacity<br>(From Worksheet C) |
|------------------------------|------------------------------------------------------|-------------------------------------------------------------------|
| Residential Growth           | 377                                                  | 125                                                               |
| Residential Exclusions       | 0                                                    | 0                                                                 |
| Net Residential Growth       | 377                                                  | 125                                                               |
| Residential Growth Share     | 75.40                                                | 24.95                                                             |
| Non-Residential Growth       | 1,103                                                | -19                                                               |
| Non-Residential Exclusions   | 0                                                    | 0                                                                 |
| Net Non- Residential Growth  | 1,103                                                | -19                                                               |
| Non-Residential Growth Share | 68.94                                                | 0.00                                                              |
| Total Growth Share           | 144                                                  | 25                                                                |

The Municipal land capacity analysis results in a reduction to the COAH-generated growth projection. Please file Workbook C and use a Residential Growth Share of 24.95 plus a Non-residential Growth Share of 0 for a total Growth Share Obligation of 25 affordable units

Growth Projection Adjustment - Actual Growth

Municipality Name: Clark Township

|                                   | Actual Growth 01/01/04 to Present |                                |                                             |  | Jobs/1,000 SF | Total Jobs |
|-----------------------------------|-----------------------------------|--------------------------------|---------------------------------------------|--|---------------|------------|
|                                   | Residential COs Issued            | Square Feet Added (COs Issued) | Square Feet Lost Demolition Permits Issued) |  |               |            |
|                                   | 78                                |                                |                                             |  |               |            |
| Non-residential CO's by Use Group |                                   |                                |                                             |  |               |            |
| B                                 |                                   | 31036                          |                                             |  | 2.8           | 86.90      |
| M                                 |                                   | 7188                           |                                             |  | 1.7           | 12.22      |
| F                                 |                                   |                                | 120914                                      |  | 1.2           | -145.10    |
| S                                 |                                   | 1170                           |                                             |  | 1.0           | 1.17       |
| H                                 |                                   |                                |                                             |  | 1.6           | 0.00       |
| A1                                |                                   |                                |                                             |  | 1.6           | 0.00       |
| A2                                |                                   |                                |                                             |  | 3.2           | 0.00       |
| A3                                |                                   | 360                            |                                             |  | 1.6           | 0.58       |
| A4                                |                                   |                                |                                             |  | 3.4           | 0.00       |
| A5                                |                                   |                                |                                             |  | 2.6           | 0.00       |
| E                                 |                                   |                                |                                             |  | 0.0           | 0.00       |
| I                                 |                                   |                                |                                             |  | 2.6           | 0.00       |
| R1                                |                                   |                                |                                             |  | 1.7           | 0.00       |
| Total                             |                                   | 39754                          | 120914                                      |  |               | -44        |

Return to Growth Projection Adjustment Summary Screen

Proceed to Inventory of Vacant Residential Land

Proceed to Inventory of Non-residential Land

**Clark Township Growth Projection Adjustment - Non-Residential Parcel Inventory**

[illegible]

[Click Here to Return to Workbook C Summary](#)

[Click Here to Proceed to Residential Parcel Inventory and Capacity Analysis](#)

## Add More Sheets

\* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

Subtotal This Page

Subtotal Page 2

Subtotal Page 3

Grand Total

25.152

00'0  
00'000'0  
00'0

25.15

Clark Township Growth Projection Adjustment - Residential Parcel Inventory

| Block | Lot   | Address            | Owner                            | SDRP<br>Planning<br>Area | Urban<br>Center<br>(Y/N) | Sewer<br>Service<br>Area (Y/N) | HUC 11<br>NO3<br>Density* | Total<br>Acreage | Constrained<br>Acreage | Constraint<br>Description | Buildable<br>Acreage | Density<br>(Units/Ac) | Capacity |
|-------|-------|--------------------|----------------------------------|--------------------------|--------------------------|--------------------------------|---------------------------|------------------|------------------------|---------------------------|----------------------|-----------------------|----------|
| 104   | 9     | Harding Ave        | Tarasak, John & Domonkos Richard | 1                        |                          | Y                              |                           | 0.05             | 0.05                   | Too Small                 | 0.00                 | 8.00                  | 0.00     |
| 7     | 2     | 1202 Lake Ave      | Century Court LLC                | 1                        |                          | Y                              |                           | 0.18             |                        |                           | 0.18                 | 8.00                  | 1.44     |
| 88    | 73    | 87 Fan St          | Pispecky Ladislav J - Dorothy A. | 1                        |                          | Y                              |                           | 0                |                        | Landlocked                | 0.00                 | 8.00                  | 0.00     |
| 97    | 3     | Loesser Ave        | Fortn MPL Rlt Co. A Corp of NJ   | 1                        |                          | Y                              |                           | 0.1837           |                        |                           | 0.18                 | 8.00                  | 1.47     |
| 24    | 38.02 | Rear Fairview Rd   | Park Crest Inc.                  | 1                        |                          | Y                              |                           | -0.1125          |                        |                           | 0.00                 | 8.00                  | 0.00     |
| 59    | 17    | Central Ave        | Unknown                          | 1                        |                          | Y                              |                           | 0.3153           |                        |                           | 0.32                 | 8.00                  | 2.52     |
| 24    | 38.01 | Rear Fairview Rd   | Arlatom Corp & Morris Barnett    | 1                        |                          | Y                              |                           | 0.0608           |                        |                           | 0.00                 | 8.00                  | 0.00     |
| 179   | 44    | 47 Skylark Pl      | Triple D Construction Inc.       | 1                        |                          | Y                              |                           | 0.2296           |                        |                           | 0.23                 | 8.00                  | 1.84     |
| 38.02 | 13.01 | Ridge Road         | Rebella Builders Inc.            | 1                        |                          | Y                              |                           | 0.0775           |                        |                           | 0.00                 | 8.00                  | 0.00     |
| 28    | 9     | 565 Ranttan Road   | Fortn MPL Realty Co.             | 1                        |                          | Y                              |                           | 1                |                        |                           | 1.00                 | 8.00                  | 8.00     |
| 88.01 | 53    | 23 Kathryn St      | RD-C Properties, LLC             | 1                        |                          | Y                              |                           | 0.0574           |                        |                           | 0.00                 | 8.00                  | 0.00     |
| 30.04 | 76    | 565 Oak Ridge Rd   | Fredricks, Wilfred & Rita        | 1                        |                          | Y                              |                           | 0.59             |                        |                           | 0.59                 | 8.00                  | 4.70     |
| 53    | 34    | 868 Ranttan Road   | Deutscher Club of Clark, Inc.    | 1                        |                          | Y                              |                           | 0.98             |                        | 0.59 Wetlands             | 0.39                 | 8.00                  | 3.16     |
| 63    | 76    | 191 Lexington Blvd | Lexington Village, Inc.          | 1                        |                          | Y                              |                           | 0.2858           |                        |                           | 0.29                 | 8.00                  | 2.29     |
| 7.01  | 3     | Lake Ave           | Tussel, RJ & Tussel, JF          | 1                        |                          | Y                              |                           | 0.143            |                        |                           | 0.14                 | 8.00                  | 1.14     |
| 7     | 1     | Lake Ave           | Tussel, Robert                   | 1                        |                          | Y                              |                           | 0.8              |                        |                           | 0.80                 | 8.00                  | 6.40     |
| 63    | 79    | 177 Lexington Blvd | Lexington Village Inc.           | 1                        |                          | Y                              |                           | 0.3943           |                        |                           | 0.39                 | 8.00                  | 3.15     |
| 38    | 81    | Madison Hill Rd    | A Z Holding Co.                  | 1                        |                          | Y                              |                           | 1.188            |                        |                           | 1.19                 | 8.00                  | 9.50     |

Add More sheets

Click Here to Return to Workbook C Summary  
Click Here to Proceed to Non-Residential Parcel Inventory and Capacity Analysis

\* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

|       |                      |
|-------|----------------------|
| 45.61 | Subtotal This Page   |
| 1.16  | Subtotal Page 2      |
| 0.00  | Subtotal Page 3      |
| 0.00  | Subtotal Page 4      |
| 0.00  | Subtotal Add'l Pages |
| 46.77 | Grand Total          |

Worksheet A: Growth Share Determination Using Published Data  
(Appendix F(2), Allocating Growth To Municipalities)

COAH Growth Projections  
Must be used in all submissions

Municipality Name: Clark Township

Enter the COAH generated growth projections form Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page or the links within the page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated based on COAH's growth projections.

|                                                                                                   | Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Non-Residential        |                                                                                 |   |                          |   |                                  |   |                      |   |                                          |   |                 |   |       |   |                                                                        |   |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------------------------------------------------------------|---|--------------------------|---|----------------------------------|---|----------------------|---|------------------------------------------|---|-----------------|---|-------|---|------------------------------------------------------------------------|---|
| 1 Enter Growth Projections From Appendix F(2)*                                                    | 377                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 1,103                  |                                                                                 |   |                          |   |                                  |   |                      |   |                                          |   |                 |   |       |   |                                                                        |   |
| 2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab     | <div>Click Here to enter Prior Round Exclusions</div> <table><tbody><tr><td>COs for prior round affordable units built or projected to be built post 1/1/04</td><td>0</td></tr><tr><td>Inclusionary Development</td><td>0</td></tr><tr><td>Supportive/Special Needs Housing</td><td>0</td></tr><tr><td>Accessory Apartments</td><td>0</td></tr><tr><td>Municipally Sponsored or 100% Affordable</td><td>0</td></tr><tr><td>Assisted Living</td><td>0</td></tr><tr><td>Other</td><td>0</td></tr><tr><td>Market Units in Prior Round Inclusionary development built post 1/1/04</td><td>0</td></tr></tbody></table> |                        | COs for prior round affordable units built or projected to be built post 1/1/04 | 0 | Inclusionary Development | 0 | Supportive/Special Needs Housing | 0 | Accessory Apartments | 0 | Municipally Sponsored or 100% Affordable | 0 | Assisted Living | 0 | Other | 0 | Market Units in Prior Round Inclusionary development built post 1/1/04 | 0 |
| COs for prior round affordable units built or projected to be built post 1/1/04                   | 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                        |                                                                                 |   |                          |   |                                  |   |                      |   |                                          |   |                 |   |       |   |                                                                        |   |
| Inclusionary Development                                                                          | 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                        |                                                                                 |   |                          |   |                                  |   |                      |   |                                          |   |                 |   |       |   |                                                                        |   |
| Supportive/Special Needs Housing                                                                  | 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                        |                                                                                 |   |                          |   |                                  |   |                      |   |                                          |   |                 |   |       |   |                                                                        |   |
| Accessory Apartments                                                                              | 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                        |                                                                                 |   |                          |   |                                  |   |                      |   |                                          |   |                 |   |       |   |                                                                        |   |
| Municipally Sponsored or 100% Affordable                                                          | 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                        |                                                                                 |   |                          |   |                                  |   |                      |   |                                          |   |                 |   |       |   |                                                                        |   |
| Assisted Living                                                                                   | 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                        |                                                                                 |   |                          |   |                                  |   |                      |   |                                          |   |                 |   |       |   |                                                                        |   |
| Other                                                                                             | 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                        |                                                                                 |   |                          |   |                                  |   |                      |   |                                          |   |                 |   |       |   |                                                                        |   |
| Market Units in Prior Round Inclusionary development built post 1/1/04                            | 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                        |                                                                                 |   |                          |   |                                  |   |                      |   |                                          |   |                 |   |       |   |                                                                        |   |
| 3 Subtract the following Non-Residential Exclusions (5:97-2.4(b) Affordable units Associated Jobs | 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 0                      |                                                                                 |   |                          |   |                                  |   |                      |   |                                          |   |                 |   |       |   |                                                                        |   |
| 4 Net Growth Projection                                                                           | 377                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 1,103                  |                                                                                 |   |                          |   |                                  |   |                      |   |                                          |   |                 |   |       |   |                                                                        |   |
| 5 Projected Growth Share (Conversion to Affordable Units Divide HH by 5 and Jobs by 16)           | 75.40 Affordable Units                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 68.94 Affordable Units |                                                                                 |   |                          |   |                                  |   |                      |   |                                          |   |                 |   |       |   |                                                                        |   |
| 6 Total Projected Growth Share Obligation                                                         | 144                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Affordable Units       |                                                                                 |   |                          |   |                                  |   |                      |   |                                          |   |                 |   |       |   |                                                                        |   |

[Click Here to return to Workbook C Summary](#)

\* For Residential Growth, See Appendix F(2), Figure A.1, Housing Units by Municipality. For Non-residential Growth, See Appendix F(2), Figure A.2, Employment by Municipality

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Clark Township

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

Development TypeNumber of COs Issued and/or Projected

|                                           |   |
|-------------------------------------------|---|
| Supportive/Special Needs Housing          |   |
| Accessory Apartments                      |   |
| Municipally Sponsored and 100% Affordable |   |
| Assisted Living                           |   |
| Other                                     |   |
| Total                                     | 0 |

Market and Affordable Units in Prior Round Inclusionary Development Built post 1/1/04  
N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

| Development Name | Rentals?<br>(Y/N) | Total<br>Units | Market<br>Units | Affordable<br>Units | Market Units<br>Excluded |
|------------------|-------------------|----------------|-----------------|---------------------|--------------------------|
|                  |                   | 0              |                 |                     | 0                        |
|                  |                   | 0              | 0               | 0                   | 0                        |
|                  |                   | 0              |                 |                     | 0                        |
|                  |                   | 0              |                 |                     | 0                        |
|                  |                   | 0              |                 |                     | 0                        |
| Total            |                   | 0              | 0               | 0                   | 0                        |

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

| Development Name | Affordable<br>Units<br>Provided | Permitted<br>Jobs<br>Exclusion |
|------------------|---------------------------------|--------------------------------|
|                  |                                 | 0                              |
|                  |                                 | 0                              |
|                  |                                 | 0                              |
|                  |                                 | 0                              |
| Total            | 0                               | 0                              |

When finished, click here to return to Worksheet A

Clark Township Growth Projection Adjustment - Residential Parcel Inventory Page 2

| Block  | Lot    | Address                 | Owner        | SDRP Planning Area | Urban Center (Y/N) | Sewer Service Area (Y/N) | HUC 11 NO3 Density* | Total Acreage | Constrained Acreage | Description  | Buildable Acreage | Density (Units/Ac) | Capacity (Units) |
|--------|--------|-------------------------|--------------|--------------------|--------------------|--------------------------|---------------------|---------------|---------------------|--------------|-------------------|--------------------|------------------|
| 88.01  | 49     | Harrison St             | Marmor Inc   | 1                  |                    | Y                        | 0.0287              | 0.0287        | 0.0287              | Landlocked   | 0.00              | 8.00               | 0.00             |
| 59     | 14     | Terminal Ave            | Dvorken, L   | 1                  |                    | Y                        | 1                   | 1             | 1.00                | Landlocked   | 0.00              | 8.00               | 0.00             |
| 191    | 9      | Stockton Rd - Gorczyca, |              | 1                  |                    | Y                        | 0.2864              | 0.2864        | 0.29                | Landlocked   | 0.00              | 8.00               | 0.00             |
| 81     | 82     | 22 Kathryn St           | Bristol, Fra | 1                  |                    | Y                        | 0.1245              | 0.1245        |                     |              | 0.00              | 8.00               | 0.00             |
| 164    | 46     | Valley Road             |              | 1                  |                    | Y                        | 0.4476              | 0.4476        | 0.4476              | Right of Way | 0.00              | 8.00               | 0.00             |
| 152    | 16     | Walnut Ave              |              | 1                  |                    | Y                        | 0.1228              | 0.1228        |                     |              | 0.00              | 8.00               | 0.00             |
| 75     | 10     | King St                 |              | 1                  |                    | Y                        | 0.2146              | 0.2146        | 0.2146              | drainage     | 0.00              | 8.00               | 0.00             |
| 49     | 12, 13 | Westfield Ave           |              | 1                  |                    | Y                        | 0.1014              | 0.1014        |                     |              | 0.00              | 8.00               | 0.00             |
| 94     | 11     | Lionel St               |              | 1                  |                    | Y                        | 0.0987              | 0.0987        |                     |              | 0.00              | 8.00               | 0.00             |
| 118    | 2      | Broadway                |              | 1                  |                    | Y                        | 0.0918              | 0.0918        |                     |              | 0.00              | 8.00               | 0.00             |
| 118    | 18     | Fulton St               |              | 1                  |                    | Y                        | 0.01                | 0.01          | 0.01                | Too Small    | 0.00              | 8.00               | 0.00             |
| 173    | 22     | Riverside Dr            |              | 1                  |                    | Y                        | 0.23                | 0.23          | 0.23                | drainage     | 0.00              | 8.00               | 0.00             |
| 156    | 14     | Riverside Dr            |              | 1                  |                    | Y                        | 0.07                | 0.07          | 0.00                |              | 0.00              | 8.00               | 0.00             |
| 129    | 11     | Broadway                |              | 1                  |                    | Y                        | 0.06                | 0.06          | 0.00                |              | 0.00              | 8.00               | 0.00             |
| 76     | 4      | 275 Westfield           |              | 1                  |                    | Y                        | 0.23                | 0.23          | 0.23                | drainage     | 0.00              | 8.00               | 0.00             |
| 125    | 11     | Haliday St              |              | 1                  |                    | Y                        | 0.1445              | 0.1445        | 0                   |              | 0.14              | 8.00               | 1.16             |
| 128.01 | 23     | Prospect St             |              | 1                  |                    | Y                        | 0.0918              | 0.0918        | 0                   |              | 0.00              | 8.00               | 0.00             |
| 128.01 | 25     | Broadway                |              | 1                  |                    | Y                        | 0.0918              | 0.0918        | 0                   |              | 0.00              | 8.00               | 0.00             |
| 115    | 22     | Fulton St               |              | 1                  |                    | Y                        | 0.0765              | 0.0765        | 0.0765              | Landlocked   | 0.00              | 8.00               | 0.00             |
| 24     | 29.01  | Hillcrest Dr            |              | 1                  |                    | Y                        | 0.0633              | 0.0633        | 0                   |              | 0.00              | 8.00               | 0.00             |

Add More Sheets

Total Page 2

1.16

Residential Inventory Main Page

\* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

| Block | Lot | Address     | Owner       | SDRP Planning Area | Urban Center (Y/N) | Sewer Service Area (Y/N) | HUC 11 NO3 Density* | Total Acreage | Constrained Acreage | Constraint Description | Buildable Acreage | Density (Units/Ac) | Capacity (Units) |
|-------|-----|-------------|-------------|--------------------|--------------------|--------------------------|---------------------|---------------|---------------------|------------------------|-------------------|--------------------|------------------|
| 97    | 1   | Loeser Ave  | Township of | 1                  |                    | Y                        | 0.2502              | 0.2502        | 0.2502              | Landlocked             | 0.00              | 8.00               | 0.00             |
| 127   | 26  | John St     | Township of | 1                  |                    | Y                        | 0.0573              | 0.0573        | 0.0573              | Too Small              | 0.00              | 8.00               | 0.00             |
| 129   | 14  | Broadway    | Township of | 1                  |                    | Y                        | 0.0665              | 0.0665        | 0.0665              | Landlocked             | 0.00              | 8.00               | 0.00             |
| 127   | 3   | Halliday St | Township of | 1                  |                    | Y                        | 0.1147              | 0.1147        | 0                   |                        | 0.00              | 8.00               | 0.00             |
| 127   | 1   | Valley Road | Township of | 1                  |                    | Y                        | 0.0183              | 0.0183        | 0                   |                        | 0.00              | 8.00               | 0.00             |
| 127   | 2   | Valley Road | Township of | 1                  |                    | Y                        | 0.0528              | 0.0528        | 0                   |                        | 0.00              | 8.00               | 0.00             |
| 127   | 1   | Halliday St | Township of | 1                  |                    | Y                        | 0.0573              | 0.0573        | 0                   |                        | 0.00              | 8.00               | 0.00             |

\* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

**APPENDIX C**  
**LAND CAPACITY ANALYSIS MAPS**

---

CLARK



TOWNSHIP

UNION COUNTY, NEW JERSEY

## MAP 2: VACANT LAND INVENTORY & CONSTRAINTS

MARCH 12, 2009



0 1/4 1/2 1 MILES

Vacant Properties (Tax Classification 15c and 1)

- Public Vacant Land (Tax Classification 15c)
- Private Vacant Land (Tax Classification 1)

### Properties Not Available

- Other Developed
- Park and Recreation
- Parking
- Public Use / Developed
- Right of Way

### Environmental/Cultural Constraints

- Wetlands
- Steep Slopes 10% - 15%
- Steep Slopes >15%
- Historic Sites (Designated and Potential)
- Floodprone Areas

### Source:

- GIS Parcel Data/Steep Slopes Data - Clark Township
- Steep Slopes Data - New Jersey Department of Environmental Protection
- Vacant Properties Data - Clark Township 2007 Tax Data
- Historic Sites - Clark Township
- Wetlands - "Wetlands Buffers" data developed by COAH's consultant



119 Cherry Hill Road, Suite 200, Parsippany, NJ 07054  
T (862) 207-5900 / F (973) 334-0507



## APPENDIX D

### AH ZONE MAPS

---

# ZONING AND DESIGNATED DISTRICTS FOR LOW- AND MODERATE- INCOME HOUSING

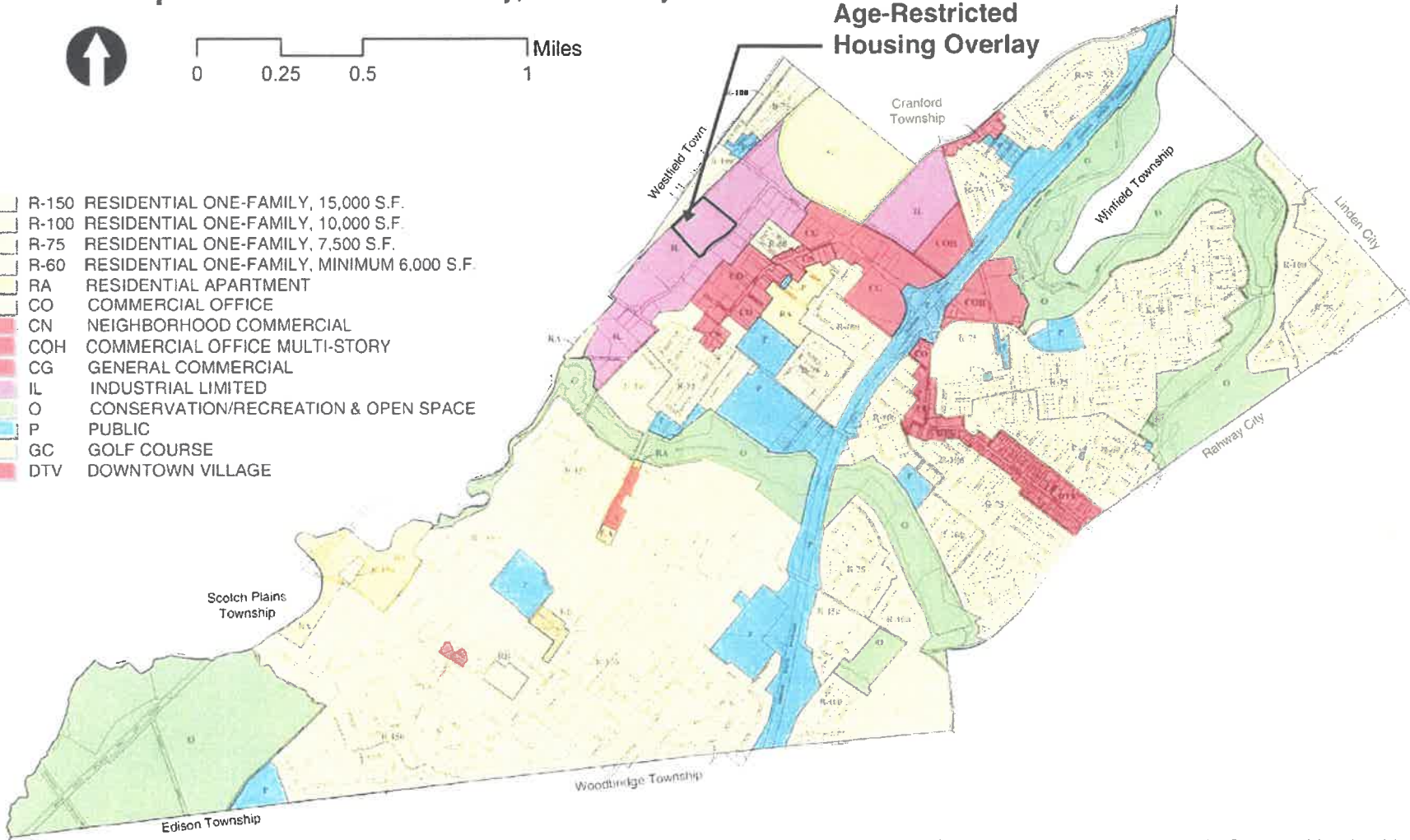
Township of Clark Union County, New Jersey



0 0.25 0.5 1 Miles

- R-150 RESIDENTIAL ONE-FAMILY, 15,000 S.F.
- R-100 RESIDENTIAL ONE-FAMILY, 10,000 S.F.
- R-75 RESIDENTIAL ONE-FAMILY, 7,500 S.F.
- R-60 RESIDENTIAL ONE-FAMILY, MINIMUM 6,000 S.F.
- RA RESIDENTIAL APARTMENT
- CO COMMERCIAL OFFICE
- CN NEIGHBORHOOD COMMERCIAL
- COH COMMERCIAL OFFICE MULTI-STORY
- CG GENERAL COMMERCIAL
- IL INDUSTRIAL LIMITED
- O CONSERVATION/RECREATION & OPEN SPACE
- P PUBLIC
- GC GOLF COURSE
- DTV DOWNTOWN VILLAGE

Age-Restricted  
Housing Overlay



March 12, 2009

Source: Township of Clark Zoning Map, prepared by Grotto Engineering Associates, LLC, dated May 2, 2005  
Colored by H2M Group (November 17, 2005)

**APPENDIX E**  
**AH ZONE ORDINANCE**

---

**TOWNSHIP OF CLARK**  
**Ordinance No. 04-20**  
**Adopted: December 20, 2004**

Introduced: December 6, 2004 Public Hearing: December 20, 2004  
Motion: Albanese Motion: Ulrich  
Seconded: Ulrich Seconded: Albanese

**AN ORDINANCE TO SUPPLEMENT CHAPTER 34 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CLARK TO PROVIDE FOR THE ESTABLISHMENT OF AN AGE-RESTRICTED AFFORDABLE HOUSING OVERLAY DISTRICT AT BLOCK 57 LOT 1 IN ACCORDANCE WITH THE ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF CLARK**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that it does hereby supplement and amend Chapter 34 of the Revised General Ordinances of the Township of Clark as follows:

**Section 1**

Section 34-4 is hereby amended to include the following new definitions:

*Dwelling, age-restricted* shall mean a housing unit that is restricted to occupancy by at least one person that is at least 55 years of age or older.

*Age-restricted multi-family residential development* shall mean a residential development containing age-restricted dwellings and providing facilities and services specifically designed to meet the needs of older persons consistent with the guidelines and requirements of the United States Department of Housing and Urban Development (HUD). Affordable housing units in an age-restricted multi-family residential development shall meet all necessary standards and requirements for low and moderate income housing units in accordance with the rules and regulations of the New Jersey Council on Affordable Housing (COAH).

**Section 2**

Section 34-5.1 is hereby amended to include the following new zoning district:

AHO Age-restricted Affordable Housing Overlay

**Section 3**

Section 34-5.2 is hereby amended to include the following new paragraph "f":

- f. The Zoning District Map is amended and supplemented to provide that the AHO, Age-restricted Affordable Housing Overlay District shall apply to Lot 1 in Block 57, which fronts on Old Raritan Road in the Township of Clark. Lot 1 in Block 57 shall also retain its underlying IL, Limited Industrial District zoning designation.

**Section 4**

Chapter 34 of the Revised General Ordinances of the Township of Clark is hereby amended to include the following new Section 34-15:

**34-15. AGE-RESTRICTED AFFORDABLE HOUSING OVERLAY  
DISTRICT WITH LOW AND MODERATE INCOME  
HOUSING SETASIDES**

**34-15.1 Purpose of District**

The purpose of the Age-Restricted Affordable Housing Overlay District is to permit the construction of an age-restricted multi-family residential development, with a twenty (20) percent affordable housing setaside in accordance with the Township's adopted Housing Element and Fair Share plan, the requirements of the New Jersey Council on Affordable Housing (COAH) and the terms and conditions of the Township's substantive certification. The development of the age-restricted multi-family development shall be an option available to the developer or property owner in addition to that permitted pursuant to the requirements of the underlying zoning district.

**34-15.2 Permitted Uses**

Age-restricted multi-family residential development containing a twenty (20) percent setaside for low and moderate income households. The development may be constructed as multi-family dwellings, multiple group dwellings, or garden apartments, townhouses, or townhouse/flat combinations.

**34-15.3 Development Standards**

- (a) Minimum Tract Area. 1.9 acres.
- (b) Minimum Frontage. A minimum of 250 feet on a paved public street.
- (c) Density. The maximum density shall be thirty (30) units per acre for multi-family dwellings, multiple group dwellings, or garden apartments, and fifteen (15) units per acre of gross site area for townhouses and townhouse/apartment flat combinations.
- (d) Low and Moderate Income Housing Requirements. A minimum of twenty percent of the age-restricted dwelling units shall be affordable to low and moderate income households in accordance with the standards and requirements specified in Section 34-14.4.
- (e) Building Height. Maximum building height shall be two and one-half stories and thirty-five feet for townhouse developments, three and one-half stories and forty-five feet for townhouse/apartment flats combinations and all other permitted forms of residential development.

(f) Setbacks. The following setback standards shall apply:

|             |                                                                       |
|-------------|-----------------------------------------------------------------------|
| Front Yard: | 50 feet or the height of the principal building, whichever is greater |
| Side Yard:  | 25 feet                                                               |
| Rear Yard:  | 50 feet                                                               |

- (h) Lot Coverage. Not more than 25 percent of the lot or parcel area shall be covered by buildings and accessory structures.
- (i) Total Lot Coverage. Not more than 65 percent of the lot or parcel area shall be covered by a combination of buildings, accessory structures, parking areas, driveways, and other impervious surfaces.
- (j) Minimum Open Space. Not less than 35 percent of the parcel area shall be open space as defined in section 34-4.
- (k) Parking. Off-street parking shall be provided in accordance with the Residential Site Improvement Standards. No off-street parking shall be located less than twenty (20) feet from the front property line and fifteen (15) feet from side and rear property lines. With

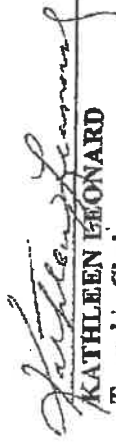
- (n) Townhouse and Townhouse/Apartment Combination Building Spacing. The minimum spacing between buildings shall be fifty (50) feet between front and back and twenty-five (25) feet end to end. The minimum setbacks from driveways and parking areas shall be twenty (20) feet from building fronts, twenty-five feet from building rears, and twenty (20) feet on building ends.

### Section 5

#### Effective Date

This Ordinance shall be effective only upon the approval by COAH of the Township's application for approval of its Amended Housing Element and Fair Share Plan and the subsequent publication of same according to law.

ATTEST:

  
KATHLEEN LEONARD  
Township Clerk

APPROVED:

  
ALVIN BARR  
Council President

  
SALVATORE BONACCORSO  
Mayor

Ord010-11A Afford Housing Overlay L1 B57

|            |                                     |     |         |        |
|------------|-------------------------------------|-----|---------|--------|
| Albunese   | Aye                                 | Nay | Abstain | Absent |
| Bothe      | <input checked="" type="checkbox"/> |     |         |        |
| Mezzarella | <input checked="" type="checkbox"/> |     |         |        |
| O'Connor   | <input checked="" type="checkbox"/> |     |         |        |
| Total      | <input checked="" type="checkbox"/> |     |         |        |
| Ulrich     | <input checked="" type="checkbox"/> |     |         |        |
| Barr       | <input checked="" type="checkbox"/> |     |         |        |

## TOWNSHIP OF CLARK

Ordinance No. 04-21

Adopted: December 20, 2004

|             |                         |                 |                          |
|-------------|-------------------------|-----------------|--------------------------|
| Introduced: | <u>December 6, 2004</u> | Public Hearing: | <u>December 20, 2004</u> |
| Motion:     | <u>Mazzarella</u>       | Motion:         | <u>Ulrich</u>            |
| Seconded:   | <u>Albanese</u>         | Seconded:       | <u>Albanese</u>          |

AN ORDINANCE TO SUPPLEMENT CHAPTER 34 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CLARK TO PROVIDE FOR THE ESTABLISHMENT OF AN AGE-RESTRICTED AFFORDABLE HOUSING OVERLAY DISTRICT AT BLOCK 58 LOT 4 IN ACCORDANCE WITH THE ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF CLARK

BE IT ORDAINED by the Governing Body of the Township of Clark that it does hereby supplement and amend Chapter 34 of the Revised General Ordinances of the Township of Clark as follows:

## Section 1

Section 34-4 is hereby amended to include the following new definitions:

*Dwelling, age-restricted* shall mean a housing unit that is restricted to occupancy by at least one person that is at least 55 years of age or older.

*Senior age-restricted* shall mean a housing unit that is restricted to occupancy by Persons that are at least 62 years of age or older.

*Age-restricted multi-family residential development* shall mean a residential development containing age-restricted and senior age-restricted dwellings and providing facilities and services specifically designed to meet the needs of older persons consistent with the guidelines and requirements of the United States Department of Housing and Urban Development (HUD). Affordable housing units in age-restricted multi-family residential development meet all necessary standards and requirements for low and moderate income housing units in accordance with the rules and regulations of the New Jersey Council on Affordable Housing (COAH).

## Section 2

Section 34-5.1 is hereby amended to include the following new zoning district:

AHO *Age-restricted* Affordable Housing Overlay

**Section 3**

Section 34-5.2 is hereby amended to include the following new paragraph "f".

- f The Zoning District Map is amended and supplemented to provide that the AHO, Age-Restricted Affordable Housing Overlay District shall apply to Lot 4 in Block 58, which fronts on Terminal Avenue in the Township of Clark. Lot 4 in Block 58 shall also retain its underlying IL, Limited Industrial District zoning designation.

**Section 4**

Chapter 34 of the Revised General Ordinances of the Township of Clark is hereby amended to include the following new Section 34-15:

**34-15. AGE-RESTRICTED AFFORDABLE HOUSING OVERLAY DISTRICT WITH LOW AND MODERATE INCOME HOUSING SETASIDES**

**34-15.1 Purpose of District**

The purpose of the Age-Restricted Affordable Housing Overlay District is to permit construction of an age-restricted multi-family residential development, with a twenty (20) percent affordable housing setaside in accordance with the Township's adopted Housing Element and Fair Share Plan, the requirements of the New Jersey Council on Affordable Housing (COAH) and the terms and conditions of the Township's substantive certification. The development of the age-restricted multi-family development shall be an option available to the developer or property owner in addition to that permitted pursuant to the requirements of the underlying zoning district.

**34-15.2 Permitted Uses**

Age-restricted multi-family residential development containing a twenty (20) percent setaside for low and moderate income households age 62 years and older. The development may be constructed as multi-family dwellings, multiple group dwellings, or garden apartments, townhouses, or townhouse/flat combinations.

**34-15.3 Development Standards**

- (a) Minimum Tract Area. 10.7 acres.

(b) Minimum Frontage. A minimum of 250 feet on a paved public street

(c) Density. The maximum density shall be thirty (30) units per acre for multi-family dwellings, multiple group dwellings, or garden apartments, and fifteen (15) units per acre of gross site area for townhouses and townhouse/apartment flat combinations. Notwithstanding the foregoing, the total unit count cannot exceed 300 dwellings.

Sixty (60%) percent of the total units approved shall be restricted to occupants 55 years and older in accordance with all applicable laws and regulations.

Forty (40%) percent of the total units approved shall be restricted to occupants 62 years and older in accordance with all applicable laws and regulations. These units shall be located in one building with an additional 5000 square feet dedicated to recreation/common space.

(d) Low and Moderate Income Housing Requirements. A minimum of twenty percent of the total age-restricted dwelling units shall be affordable to low and moderate income households (senior age-restricted) ages 62 years or older in accordance with the standards and requirements specified in Section 34-14.4. But excluding paragraphs B3 and B4.

(e) Building Height. Maximum building height shall be 45 feet, and 4 stories. The architectural design of the buildings must include the use of design techniques such as hip and cable roof or mansard roof with dormers for the fourth floor to avoid the appearance of a straight block or mid-rise building.

(f) Setbacks. The following setback standards shall apply:

**Buildings:**

Front Yard: 50 feet or the height of the principal building, whichever is greater  
Side Yard: 100 feet  
Rear Yard: 100 feet

**Accessory Building:**

Front Yard: 50 feet  
Side Yard: 25 feet  
Rear Yard: 25 feet

- (h) **Building Coverage.** Buildings and accessory structures shall cover not more than 30 percent of the lot or parcel area. Accessory structures devoted to parking shall count towards total lot coverage.
- (i) **Total Lot Coverage.** Not more than 70 percent of the lot or parcel area shall be covered by a combination of buildings, accessory structures, parking areas, driveways, and other impervious surfaces.
- (j) **Minimum Open Space.** Not less than 30 percent of the parcel area shall be open space as defined in section 34-4.
- (k) **Parking.** Off-street parking shall be provided in accordance with the Residential Site Improvement Standards. But in no event shall the parking ratio for one and two bedroom units be greater than 1.5 spaces per unit. No off-street parking shall be located less than twenty-five (25) feet from any property line. With the exceptions of garages/carports in townhouses and townhouse flat developments, no parking shall be located under a building. A carport and adjacent driveway space shall be counted as two spaces.
- (l) **Landscaped areas, buffer areas, and recreation facilities.** All areas not occupied by buildings, driveways, walkways, and parking areas shall be suitably landscaped, and be arranged such that appropriate active and passive recreation opportunities will be provided on-site for the residents of the development (e.g. walking paths, benches, gazebos, or ponds or water features); a suitable landscaped buffer strip of at least twenty-five (25) feet in width shall be provided to the property boundaries to form a visual screen.
- (m) **Parking lot Setback and Landscaping.** Parking areas shall be attractively landscaped in accordance with the following standards:
- (1) Parking lots shall be setback a minimum of twenty-five (25) feet from the right-of-way of a public street. The setback area shall be landscaped with shade trees and shrubs adaptable to the location and able to provide low level screening of the view of the parking lot. At least one shade tree for each forty (40) feet of frontage shall be provided.
  - (2) In addition to landscaping required along public streets, the interior of the parking lot shall be landscaped with at least

one (1) tree for every twenty (20) parking spaces, which shall be planted in suitably prepared and protected landscaping islands.

- (n) Townhouse and Townhouse/Apartment Combination Building Spacing. The minimum spacing between buildings shall be fifty (50) feet between front and front/back, thirty-five (35) feet front/back to side and twenty-five (25) feet end to end. The minimum set backs from driveways and parking areas shall be fifteen (15) feet from primary buildings unless a garage is attached.

Section 5

Effective Date

This Ordinance shall be effective only upon the approval by COAH of the Township's application for approval of its Amended Housing Element and Fair Share Plan and the subsequent publication of same according to law.

ATTEST:

APPROVED:

  
KATHLEEN LEONARD  
Township Clerk

  
ALVIN BARR  
Council President

  
SALVATORE BONACCORSO  
Mayor

Ord04AATordHousingOverlay LA B58

|            |                                     |         |
|------------|-------------------------------------|---------|
| Albanese   | <input checked="" type="checkbox"/> | Aye     |
| Bothe      | <input checked="" type="checkbox"/> | Nay     |
| Mezzacella | <input checked="" type="checkbox"/> | Abstain |
| O'Connor   | <input checked="" type="checkbox"/> | Absent  |
| Toal       | <input checked="" type="checkbox"/> |         |
| Ulrich     | <input checked="" type="checkbox"/> |         |
| Barr       | <input checked="" type="checkbox"/> |         |

**TOWNSHIP OF CLARK****Ordinance No. 06-19****Adopted: November 20, 2006**

Introduced: November 8, 2006      Public Hearing: November 20, 2006  
Motion: Barr      Motion: Barr  
Seconded: Whiting      Seconded: Whiting

**AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS  
OF ORDINANCE 04-21 OF THE REVISED ORDINANCES OF THE  
TOWNSHIP OF CLARK ADOPTED DECEMBER 20, 2004**

**BE IT ORDAINED** by the governing body of the Township of Clark that the following sections of Ordinance 04-21 of the Revised Ordinances of the Township of Clark be amended and supplemented as follows:

**SECTION 1:**      Section 34-15.3(d) is hereby amended and supplemented as follows:

(d) Low and Moderate Income Housing Requirements. A minimum of twenty percent of the total age-restricted dwelling units shall be affordable to low and moderate income households (senior age-restricted) ages 62 years or older in accordance with the standards and requirements specified in Section 34-14.4, but excluding paragraphs B3 and B4. However, the characteristics of the affordable units may be modified, at the Township's request, to satisfy the regulations of COAH and to facilitate COAH granting the Township a third round substantive certification.

**SECTION 2:**      Section 34-15.3(k) is hereby amended and supplemented as follows:

(k) Parking. Off-street parking shall be provided in accordance with the Residential Site Improvement Standards. But in no event shall the parking ratio for one and two bedroom units be greater than 1.5 spaces per unit. No off-street parking shall be located less than twenty-five (25) feet from any property line. No parking shall be located underground. Parking may be located within a building provided that such parking is no more than two (2) feet below exterior building grade and provided that the height of the building shall be measured from the finished floor of the parking area. A carport and adjacent driveway space shall be counted as two spaces.

**SECTION 3:**      Section 5 of Ordinance No. 04-21 adopted December 20, 2004 is deleted and replaced as follows:

**Effective Date:** Ordinance No. 04-21 adopted on December 20, 2004 shall become effective immediately upon the adoption and publication of this Ordinance.

G:\ORD\06\Amend 04-21.doc

one (1) tree for every twenty (20) parking spaces, which shall be planted in suitably prepared and protected landscaping islands.

- (n) Townhouse and Townhouse/Apartment Combination Building Spacing. The minimum spacing between buildings shall be fifty (50) feet between front and front/back, thirty-five (35) feet front/back to side and twenty-five (25) feet end to end. The minimum set backs from driveways and parking areas shall be fifteen (15) feet from primary buildings unless a garage is attached.

Section 5

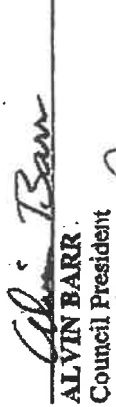
Effective Date

This Ordinance shall be effective only upon the approval by COAH of the Township's application for approval of its Amended Housing Element and Fair Share Plan and the subsequent publication of same according to law.

ATTEST:

  
KATHLEEN LEONARD  
Township Clerk

APPROVED:

  
ALVIN BARR  
Council President

  
SALVATORE BONACCORSO  
Mayor

Ord04A1fordHousingOverlay L4 B58

|            |                                     |     |                                     |     |                                     |         |                                     |        |  |
|------------|-------------------------------------|-----|-------------------------------------|-----|-------------------------------------|---------|-------------------------------------|--------|--|
| Albanese   | <input checked="" type="checkbox"/> | Aye | <input checked="" type="checkbox"/> | Nay | <input checked="" type="checkbox"/> | Abstain | <input checked="" type="checkbox"/> | Absent |  |
| Bothe      | <input checked="" type="checkbox"/> |     |                                     |     |                                     |         |                                     |        |  |
| Mazzarella | <input checked="" type="checkbox"/> |     |                                     |     |                                     |         |                                     |        |  |
| O'Connor   | <input checked="" type="checkbox"/> |     |                                     |     |                                     |         |                                     |        |  |
| Toal       | <input checked="" type="checkbox"/> |     |                                     |     |                                     |         |                                     |        |  |
| Ulrich     | <input checked="" type="checkbox"/> |     |                                     |     |                                     |         |                                     |        |  |
| Barr       | <input checked="" type="checkbox"/> |     |                                     |     |                                     |         |                                     |        |  |

**APPENDIX F**  
**CLARK DEVELOPERS RESOLUTION**

---

**TOWNSHIP OF CLARK PLANNING BOARD**

**RESOLUTION**

**CLARK DEVELOPERS, LLC  
PRELIMINARY MAJOR SITE PLAN APPROVAL,  
FINAL MAJOR SITE PLAN APPROVAL,  
BULK VARIANCE AND DESIGN WAIVERS**

PB-08-01

**MEETING DATE:** MARCH 6, 2008

**MOTION BY:**

**SECONDED:**

**VOTE:** 6 Ayes 1 Nays  
3 Absent 1 Abstained

**WHEREAS**, pursuant to the applicable provisions of the Ordinance (herein defined as "Revised General Ordinances of the Township of Clark Land Development Volume" commonly known as the Township of Clark Land Development Ordinance), Clark Developers, LLC (the "Applicant"), has made application to the Planning Board of the Township of Clark (the "Board") for Preliminary Major Site Plan Approval, Final Major Site Plan Approval, Bulk Variances and Design Waivers on lands known and designated as Lot 4, Block 58 on the Township of Clark Tax Map which lands are commonly known as 100 Terminal Avenue, Clark, New Jersey (the "Property"); and

**WHEREAS**, several public hearings on the application were conducted by the Planning Board from September 6, 2007 to January 10, 2008; and

**WHEREAS**, the Board has made the following Findings of Fact and Conclusions of Law:

**BACKGROUND:**

1. The Applicant, the Board and the Township of Clark, et als. entered into a "COAH Mediation Agreement", dated April 19, 2004 which addressed, inter alia, the rezoning of the Property by the Township of Clark and the processing of a land development application by the Board to allow the Property to be developed with 300 age-restricted units of which twenty (20%) percent shall be affordable to low and moderate income households pursuant to COAH rules and regulations.
2. The COAH Mediation Agreement was reviewed and approved by the Council on Affordable Housing ("COAH").
3. The COAH Mediation Agreement provides for "fast tracking" by the Board of Applicants' land development application.
4. The COAH Mediation Agreement and COAH's rules and regulations contemplate the granting of reasonable variances, waivers and relief to promote the construction of affordable housing units.
5. Pursuant to the COAH Mediation Agreement, the Township of Clark adopted, on December 20, 2004, Ordinance No. 04-21 entitled "An Ordinance to Supplement Chapter 34 of the Revised General Ordinances of the Township of Clark to Provide for the Establishment of an Age-Restricted Affordable Housing Overlay District at Block 58, Lot 4 in Accordance with the Adopted Housing Element and Fair Share Plan of the Township of Clark" which created the AHO Zone District (Age-Restricted Affordable Housing Overlay District) which zone district applied only to the Property.

6. Pursuant to the COAH Mediation Agreement, the Township of Clark adopted, on November 20, 2006, Ordinance No. 06-19 entitled "An Ordinance to Amend and Supplement Various Sections of Ordinance 04-21 of the Revised Ordinances of the Township of Clark adopted December 20, 2004", which Ordinance amended Ordinance No. 04-21: Ordinance No. 04-21 as amended by Ordinance No. 06-19 are collectively referred to in this Resolution as the "Affordable Housing Overlay Ordinance".

**THE PROPERTY:**

7. The Property is designated as Lot 4, Block 58 on the Tax Map of the Township of Clark and is commonly known as 100 Terminal Avenue, Clark, New Jersey.

8. The Property is approximately 10.676 acres (or 10.7 acres rounded to the first decimal point) in size.

9. The Property on its southerly boundary has frontage on Terminal Road. The Property is bounded to the north by the railroad tracks of Conrail (formerly Lehigh Valley Railroad) and single family homes located in the Town of Westfield. To the east and west of the Property are existing light industrial uses.

10. The property is currently undeveloped and is the site of the recently demolished Tycom building. The Property is generally flat with existing parking areas which served as parking lots for the former Tycom building.

**THE SUBJECT APPLICATION:**

11. On or about July 26, 2007 the Applicant filed an application to the Board for Preliminary Major Site Plan approval and Final Major Site Plan Approval.

12. The July 26, 2007 application submission included, among other application documents, the following plans:

(a) Plan entitled "Site Plan Issued for Preliminary and Final Site Plan Approval, Date Issued: May 2, 2005, Latest Issue: July 25, 2007, Proposed Residential Development, Terminal Avenue, Clark Township, Union County, New Jersey", prepared by Michael W. Junghans, dated February 24, 2006, revised to July 25, 2007, consisting of the following sheets:

| <u>No.</u>         | <u>Drawing Title</u>                                | <u>Latest Issue</u> |
|--------------------|-----------------------------------------------------|---------------------|
| C-1                | Legend and General Notes                            | 7/25/2007           |
| C-2                | Township Notes                                      | 7/25/2007           |
| C-3                | Existing Conditions Plan                            | 7/25/2007           |
| C-4                | Layout and Materials Plan                           | 7/25/2007           |
| C-5                | Grading and Drainage Plan                           | 7/25/2007           |
| C-6                | Utility Plan                                        | 7/25/2007           |
| C-7                | Soil Erosion and Sediment Control Plan              | 7/25/2007           |
| C-8                | Landscape Plan                                      | 7/25/2007           |
| C-9                | Lighting Plan and Details                           | 7/25/2007           |
| C-10               | Soil Erosion and Sediment Control Details and Notes | 7/25/2007           |
| C-11               | Landscape Site Detail                               | 7/25/2007           |
| C-12               | Site Details                                        | 7/25/2007           |
| C-13               | Utility Site Details                                | 7/25/2007           |
| C-14               | Utility Site Details                                | 7/25/2007           |
| C-15               | Site Details                                        | 7/25/2007           |
| Reference Drawings |                                                     |                     |
| P-01               | Storm Sewer Profiles                                | 7/25/2007           |
| P-02               | Storm Sewer Profiles                                | 7/25/2007           |
| P-03               | Sanitary Storm Sewer Profiles                       | 7/25/2007           |
| Sv-1               | Boundary and Topographic Survey                     | 4/28/05             |

13. By letter dated August 27, 2007 from Township Engineer Richard O'Connor, the application was deemed complete and ready to be scheduled for a public hearing before the Board.

14. During the course of the public hearing, the Applicant amended the application to include, if deemed required by the Board, a request for the following additional relief:

a) Variance, if required, from Section 34-15.3(a) Minimum Tract Area standard of 10.7 acres whereas 10.676 acres are provided. The Applicant argued that such variance is not necessary if tract area is calculated to tenths of an acre in which event the site comprises 10.7 acres in conformity to the Ordinance and the Affordable Housing Overlay Ordinance.

b) Variance, if required, from Section 34-15.3(h) Building coverage maximum of 30% whereas approximately 32.67% is provided. The Applicant argued that such variance is not necessary if accessory structures devoted to parking count only toward Total Lot Coverage and not toward Building Coverage.

c) Design waivers, if required, from Section 30-11(b) and Section 30-11(d) regarding design of garages. Applicant sought design waivers, if necessary, from maximum number of parking spaces in a garage; from maximum number of parking spaces in a garage which is an integral part of a unit; from minimum garage space area; and from prohibition on access from a garage to another garage.

15. The Application was reviewed by the Township Engineer, Richard O'Connor, P.E., P.P., C.M.E. who issued review letters to the Board with the following dates:

- a) August 20, 2007
- b) September 26, 2007
- c) November 30, 2007
- d) January 4, 2008

16. The Application was reviewed by Frank J. Cerasa, Fire Official/Deputy Chief of the Clark Fire Department who issued a letter dated December 5, 2007 regarding fire safety issues.

17. The Application was reviewed by Det. Sgt. Michael Pollock of the Clark Police Department – Traffic Safety Bureau who issued a letter dated January 16, 2008 stating that the Clark Police Department has no issue with the Application and that concerns with emergency entry have been satisfied.

18. The Applicant submitted Architectural Plans to the Board.

19. During the course of the public hearings and in response to Board comments, public comments and the review letters, the Applicant submitted revised plans as follows:

- a) 9/15/07, address Township Engineer comment letter.
- b) 11/16/07 address Planning Board comments
- c) 12/24/07 address Fire Official comments.

**THE DEVELOPMENT PROPOSAL:**

20. Applicant's development proposal includes a total of 300 age-restricted multi-family units. Sixty (60%) percent of the total units shall be age-restricted units for at least one person 55 years of age or older and forty (40%) percent of the total units shall be age-restricted for persons 62 years of age and older. Of the total 300 age-restricted multi-family units, 240 units shall be age-restricted market units and of which 60 units shall be age-restricted (62 years and older) affordable units. Pursuant to the Affordable Housing Overlay Ordinance, the characteristics of the affordable units may be modified, at the Township's request, to satisfy the regulations of COAH and to facilitate COAH granting the Township a Third Round Substantive Certification.

21. The proposed site plan includes four multi-family buildings as follows: Building A – four stores/120 units; Building B – four stories/67 units; Building C – four stories/63 units; and Building D – four stories/50 units. The site plan further proposes a gated full access boulevard main entry road on Terminal Avenue between buildings A and C, a second access road to the east on Terminal Avenue, and a third gated emergency access to the west along Terminal Avenue. An entry guardhouse is proposed at the boulevard main entrance. Applicant proposes a total of 585 parking spaces including outdoor surface parking, parking spaces within the proposed multi-family buildings and parking in detached garages. The site plan includes a proposed emergency access sidewalk, landscaped areas, benches, sitting areas and dumpster locations.

22. For fire safety, fire truck pull off areas have been provided between buildings A and C, buildings B and D and buildings A and B.

**PUBLIC HEARING:**

23. The Applicant has twice given personal and public notice in satisfaction of the notice requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-12. Such notice was given of the original application and of the amended relief sought.

24. Public Hearings were conducted by the Board on:

- a) September 6, 2007
- b) October 4, 2007
- c) December 6, 2007
- d) January 10, 2008

25. During the course of the public hearing, the Applicant submitted the following supplemental documents:

- a) Traffic Evaluation Memo (9/15/07),
- (b) Environmental Impact Statement (9/15/07).
- (c) Sanitary Sewer Pump Evaluation (10/24/07).
- (d) NJDEP Jurisdictional Determination (11/15/07).
- (e) Site Plan was revised to incorporate the following plan changes (11/16/07 Submission):

- (i) Additional exterior unassigned parking to address concerns about visitor parking. Increased from 133 to 151.

(ii) Perimeter garages reduced to a maximum of 10 parking spaces.

(iii) Underbuilding garages reduced to a maximum of 50 spaces.

(iv) Total parking increased from 569 to 585.

(v) Revised drainage to improve performance.

(f) Site Plan was revised to incorporate the following plan changes (12/24/07 submission):

(i) Improved fire truck building access and parking.

(ii) Revised Terminal Avenue access driveway configuration to improve fire truck site access and circulation.

(iii) West emergency access revised from grass pavers to asphalt paving.

26. The Applicant was represented by Ronald L. Shimanowitz, Esq. of the law firm of Hutt & Shimanowitz, PC at the public hearing.

27. The Board was represented by Michael Cresitello, Esq. of the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis and Lehrer, PC, at the public hearing.

28. Villa Contracting Company ("Objector Villa") was represented by Thomas F. Carroll, Esq. of the firm of Hill Wallack at the public hearing.

29. The Township Engineer, Richard O'Connor, who also serves as the Planning Board engineer, was present and participated in the public hearing.

30. Various members of the Clark Fire Department and Police Department were present and participated in the public hearing:

31. The Applicant presented four (4) witnesses as follows:

a) Michael W. Junghans, P.E., P.P., VHB Engineering, Inc. (Site Engineer and Planner).

b) Anthony DiGiovanni (Principal of Applicant).

c) William Murphy, AIA (Murphy Group) (Architect)

d) Gerard J. Naylis, Technical Fire Services, Inc.

32. Objector Villa presented two (2) witnesses as follows:

a) George Ritter, P.P., Ritter and Plante Associates (Planner).

b) David Plante, P.E., Ritter and Plante Associates (Site Engineer)

33. Several members of the public spoke at the public hearing, some being in favor of the application and some being opposed to the Application.

34. The Applicant presented Exhibits which were marked into evidence as follows:

| <u>EXHIBIT NO.</u> | <u>DESCRIPTION</u>                                                                                                                                                                                                                   |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-1                | Landscape Plan (Sheet C-8) prepared by VHB Engineering dated 2/24/06, revised to 9/15/07.                                                                                                                                            |
| A-2                | Typical/Cross-Section of building locations prepared by VHB Engineering (undated)                                                                                                                                                    |
| A-3                | Engineering Plan set prepared by VHB Engineering comprising Sheets C-1 through C-16 dated 2/24/06, revised to 9/15/07; Sheets P-01 through P-03 dated 2/24/06, revised to 7/25/07; and Sheet SV-1 dated 12/20/04 revised to 7/25/07. |

- A-4 Architectural Plan -- Building C Elevation (colored), prepared by Murphy Group, undated.
- A-5 Architectural Plan -- Typical garage structure -- prepared by Murphy Group, undated.
- A-6 Layout and Materials Plan prepared by VHB Engineering dated 2/24/06, revised to 11/16/07.
- A-7 Layout and Materials Plan prepared by VHB Engineering dated 2/24/06, revised to 12/24/07.
- A-8 Truck Maneuverability Plan prepared by VHB Engineering dated 2/24/06, revised to 12/24/07.
- A-9 Architectural Plan -- Parapet on Center of Building (Front Elevation) prepared by Murphy Group. (NOTE: Exhibit withdrawn from evidence by Applicant in response to Objector Villas' objection to same).
- A-10 Architectural Plan -- Blow-up of Parapet prepared by Murphy Group, dated 1/9/08. (NOTE: Exhibit withdrawn from evidence by Applicant in response to Objector Villas' objection to same).
- A-11 Architectural Plan -- Walls in Buildings (Sound Values/Partition Types) prepared by Murphy Group. (NOTE: Exhibit withdrawn from evidence by Applicant in response to Objector Villas' objection to same).

35. Objector Villa presented an Exhibit which was marked into evidence as follows:

| <u>EXHIBIT NO.</u> | <u>DESCRIPTION</u>                             |
|--------------------|------------------------------------------------|
| O-1                | COAH Mediation Agreement, dated April 19, 2004 |

36. Michael W. Junghans, P.E. & P.P. was accepted by the Board as an expert in engineering and planning and testified on behalf of the Applicant that the development proposal satisfies the requirements of the Ordinance and the Affordable Housing Overlay Ordinance, that the development proposal includes provision for appropriate and satisfactory potable water, sanitary sewer, drainage facilities and utilities generally to serve the proposed development in accordance with all applicable laws, ordinances, rules and regulations and sound engineering practice. Michael W. Junghans further testified that the development proposal includes safe and efficient access to and from the Property as well as internal circulation on the Property in accordance with sound engineering design and the proposed parking satisfies the Residential Site Improvement Standards (RSIS). The Board finds the testimony of Michael Junghans credible and accepts same. The Board further finds and adopts the review letters prepared by Township Engineer, Richard O'Connor, which confirm the finding herein.

37. Anthony DiGiovanni, a principal of the Applicant, testified on behalf of the Applicant that the gated entry to the proposed development will have "card access" or an equivalent safety feature. The Board finds that a gated entry with "card access" or equivalent safety feature is desirable for the safety and general welfare of the future

residents of the proposed development who will be at least 55 years and older with some future residents being at least 62 years and older. Anthony DiGiovanni further testified that the Property is the subject of an ongoing environmental investigation under the review of USEPA and/or NJDEP and that any and all environmental conditions on the Property shall be remediated to residential standards in accordance with all federal, state and local laws, ordinances, rules and regulations. The Board finds the testimony of Anthony DiGiovanni credible and is satisfied that environmental conditions at the Property do not affect the granting of the relief sought by the Applicant, subject to the condition of the Applicant obtaining all necessary approvals from any and all outside agencies having jurisdiction over the Property.

38. William Murphy, AIA, of the Murphy Group, was accepted by the Board as an expert in architecture and gave architectural testimony on behalf of the Applicant. The Board finds the testimony of William Murphy to be credible and that the architecture of the buildings proposed by the Applicant is an appropriate design for the proposed community and that the buildings comply with the requirements of the Ordinance and the Overlay Ordinance. Specifically, William Murphy testified that all of the proposed buildings satisfy the height requirement of the Affordable Housing Overlay Ordinance and that any exceedances of such height requirement are excluded from height controls pursuant to Ordinance Section 34-6.3(b). The Board finds the testimony of William Murphy credible and finds that the proposed buildings do not violate the height limitation of the Ordinance and the Affordable Housing Overlay Ordinance. The Board further finds that the Applicant has proposed construction techniques which will

provide sound attenuation for the dwelling units near the railroad tracks and that the Applicant is willing to work with the Township in employing such other reasonable sound attenuating construction techniques for the benefit of the future residents.

39. Objector Villa presented a case in opposition to the application. Objector Villa presented the planning testimony of George Ritter, P.P. who was accepted by the Board as an expert in planning and David Plante, PE who was accepted by the Board as an expert in site engineering.

40. The testimony of David Plante, P.E. on behalf of Objector Villa raised concerns about the Applicant's compliance with stormwater quality regulations, the capacity of a sixty (60") inch diameter off-tract stormwater drainage pipe and compliance with stream encroachment regulations. The Board finds that the testimony of the Board's Engineer Richard O'Connor and the testimony of the applicant's engineer, Michael Junghans satisfactorily addresses each of the concerns raised by David Plante and the Board is further satisfied by the requirement that the Applicant comply with all applicable laws, ordinances, rules and regulations regarding water quality, stormwater drainage and stream encroachment. The Board accepts the testimony of the Board engineer, Richard O'Connor that no stream encroachment permit is necessitated by the application.

41. The testimony of George Ritter, P.P. on behalf of objector Villa raised the following issues:

a) That the Zoning Board and not the Planning Board, has jurisdiction over the Application because the size of the Property, the building coverage and the

height of the proposed buildings do not meet, respectively, the Minimum Tract Area requirement, the building coverage requirement and the building height requirement of the Affordable Housing Overlay Zone. That the proposed use is a conditional use and failure to meet the conditions requires a use variance pursuant to N.J.S.A. 40:55D-70(d)(3).

b) That the Minimum Tract Area in AHO Section 34-15.3(a) is 10.7 acres; whereas the Property is 10.676 acres, thereby requiring a variance.

c) That the Building Coverage Maximum in AHO Section 34-15.3(h) is 30%; whereas 32.67% is proposed, thereby requiring a variance.

d) That the garage design proposed by Applicant does not conform to the design standards of Ordinance Section 30-11(b) and Ordinance Section 30-11(d), thereby requiring design waivers.

e) That the height of the proposed buildings exceed the height requirement.

f) That the Applicant's proposed plan does not match the Concept Plan attached as Exhibit B to the COAH Mediation Agreement (Exhibit O-1).

42. The Board carefully considered the concerns and issues raised by the Villa Objector. Based upon the Board's knowledge of the COAH Mediation Agreement, the testimony of the Board's Engineer, Richard O'Connor, the review letters prepared by the Board's Engineer, the planning testimony of the Applicant's engineer, Michael Junghans, and based upon the fact that the development proposal will provide a substantial set aside of needed affordable age-restricted housing and market rate multi-family senior

housing in Clark, the Board finds that the objections raised by the Villa Objector do not warrant the denial of the Applicant.

43. In addition to the foregoing findings of fact and conclusions of law regarding the objections raised by the Villa Objector, the Board makes the following findings of fact and conclusion of law:

a) The Board finds that the AHO does not establish a conditional use for the Property as the plain language of the AHO does not mention conditional use and the COAH Mediation Agreement intended "as of right" zoning. Therefore, even if Minimum Tract Area, Maximum Building Coverage, height requirements and/or any other AHO standard were violated, such violation is not a deviation from a condition of a conditional use. Therefore, the Planning Board has jurisdiction to hear the Application.

b) The Board finds that the Applicant has met the Minimum Tract Area standard of AHO Section 34-15.3(a) because:

(i) the 10.676 acres provided by the Property is for all reasonable intents and purposes equal to the 10.7 acre Minimum Tract Area. The COAH Mediation Agreement specifically references the Property as being 10.67 acres.

(ii) the AHO was written for the Property (i.e. Lot 4, Block 58) therefore by definition the Minimum Tract Area is the Property size.

(iii) The AHO requires Minimum Tract Area to one decimal point. Rounding 10.676 acres to one decimal point brings the Property size to a conforming 10.7 acres.

If a variance were required for Minimum Tract Area, the Board for the foregoing reasons finds the positive and negative criteria of the variance proofs by Applicant's planner, Michael Junghans to be credible and persuasive. The Board voted to grant such a variance in case same is determined to be needed.

c) The Board finds that the Applicant has met the Building's Coverage Maximum in AHO Section 34-15.3(h). The Board finds that accessory structures are to be counted toward Total Lot coverage and not toward Building Coverage. Therefore, Applicant's proposal has a Building Coverage of less than 30%. Even if accessory structures are counted toward Building Coverage, the violation is de minimus and the benefits of promoting the construction of affordable senior housing outweighs any detriments.

If a variance were required for Building Coverage, the Board for the foregoing reasons finds the positive and negative criteria of the variance proofs by Applicant's planner, Michael Junghans, to be credible and persuasive. The Board voted to grant such a variance in case same is determined to be needed.

d) The Board finds that the Applicant has met the ordinance requirements regarding the design of the garages.

e) The height of the proposed buildings comply with the Ordinance and the AHO. No variance or relief is required. The Board is satisfied with the testimony of Applicant's architect, William Murphy, that the proposed buildings comply with all height standards. Further, the Board finds that the Applicant has agreed to

modify the building roof, if necessary, to assure compliance with the height limitation of the Ordinance and the AHO.

f) The Board finds Applicant's development proposal is not identical to the Concept Plan attached as Exhibit B to the COAH Mediation Agreement and further finds this to be reasonable. Pursuant to the COAH Mediation Agreement, the development plan before the Planning Board was to follow generally the Concept Plan. The Board finds that the subject development plans do follow generally the Concept Plan. The Board recognizes that the Concept Plan has evolved for the better and that the differences are welcomed changes. The development plan meets the intent and spirit of the COAH Mediation Agreement and, importantly, satisfies the standards of the Affordable Housing Overlay Ordinance which Affordable Housing Overlay Ordinance is also an attachment to the COAH Mediation Agreement. The Board is satisfied that the deviations from the Concept Plan are inconsequential.

44. The Clark Fire Official, Frank Cerasa, issued a letter dated December 5, 2007 wherein certain fire safety issues were raised. During the December 6, 2007 public hearing, the Clark Fire Official, Chris Buccarelli, testified that the proposed development should not have an entry gate or guardhouse, should have traditional pavement instead of grass pavers at entry points and should have 18 foot wide sidewalks instead of the 10 foot wide sidewalks proposed. The Board carefully reviewed these design concerns and finds fire safety issues to be of the utmost concern to the Board. The Board immediately adjourned the December 6, 2007 public hearing to have the fire safety issues further reviewed.

45. Subsequent to the December 6, 2007 public hearing, the applicant's development proposal was modified in the following respects:

- a) The western most access is to be traditionally paved and will allow egress and ingress emergency access only.
- b) The eastern most access will allow resident exit only and emergency egress and ingress.
- c) All three access points will be gated and such gated accesses shall be "tied" to on site fire systems and will open automatically in the event of an alarm.
- d) Pull-off areas have been added at the main entrance area between buildings A and C, between building A and B and buildings B and D.

46. At the January 10, 2008 public hearing, Gerard J. Naylis of Technical Fire Services, Inc. was accepted by the Board as an expert in fire safety, fire fighting and fire safety design and testified on behalf of the Applicant. Mr. Naylis testified that the Applicant's development proposal is a sound and safe design as to fire safety generally, that access to the Buildings was safe and efficient and that the height of the Buildings proposed no unreasonable firefighting concerns. Most importantly, the Board finds that the fire sprinklers proposed by the Applicant in each Building is a feature which significantly reduces fire risks. Additionally, the Applicant agreed to install heat detectors in the garages which will also reduce fire risks. The Board found the testimony of Mr. Nayliss to be overwhelming convincing.

47. During the January 10, 2008 public hearing, the Clark Fire Official, Chris Buccarelli, testified that the amended development proposal was acceptable and presented no fire safety issues.

48. During the January 10, 2008 public hearing, Board Liason Chris Buccarelli, Chief Robert Venturella and Deputy Chiefs Chris Matthews and Frank Cerasa, of the Clark Fire Department also confirmed that the proposed plan is acceptable as to fire safety.

49. Based upon the modifications made to the development proposal, the testimony of Gerard J. Naylis and the confirmation by the Clark Fire Department representatives, the Board finds that the development proposal is safe and of sound design as to fire safety issues.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Clark that the Application of Clark Developers, LLC for Preliminary Major Subdivision approval, Final Major Site Plan Approval, Bulk Variances and Design Waivers (as hereinabove referenced), be and are hereby granted subject to the following conditions:

1. Revised plans shall be submitted by the Applicant incorporating all of the required revisions and/or notations referenced during the Planning Board hearings on this Application and shall contain all of the agreed upon revisions and/or notations contained within aforereferenced planning staff and/or consultant's reports as agreed upon during said hearings.

2. The Applicant shall revise the development plan to provide a fifteen (15') foot area around each building where no parking shall be provided.
3. The Applicant shall provide architectural building elevations for each building which demonstrate compliance with the height limitation.
4. The Applicant shall install heat sensors in the garages located under the buildings.
5. The Applicant shall comply with the Report of Township Engineer Richard O'Connor dated January 4, 2008.
6. The Applicant shall comply with the requirements of the Nuclear Regulatory Commission and/or the NJDEP with respect to environmental remediation on the Property.
7. Applicant shall pay all taxes, fees and required escrow deposits which may be due and owing.
8. Applicant shall continue to comply with the provisions of the COAH Mediation Agreement.
9. Applicant shall enter a Developers Agreement with the Township of Clark addressing the issues hereinabove set forth.
10. Applicant shall apply for Title 39 authority for the Township of Clark prior to occupancy of the first dwelling unit.
11. Applicant shall provide all Homeowner's Association documents for the development. The Planning Board attorney shall review and approve the documents prior to the issuance of the first certificate of occupancy.

12. The applicant shall revise the plans as follows:

a) The proposed Lot and Block numbers shall be approved by the Township.

b) Street names shall be submitted to review by the Township.

13. The affordable units shall comply with all COAH requirements.

14. The following permits and approvals are required, if deemed necessary:

(a) Union County Preliminary Site Approval

(b) Union County Final Site Plan Approval

(c) Soil Erosion and Sediment Control Certification

(d) NJDEP Sewer Extension permit

(e) NJDEP Water Main Extension permit.

15. This approval does not in any way relieve the Applicant from constructing all improvements, as herein approved, in accordance with good and acceptable engineering requirements of the Township.

16. The Applicant will publish notice of this approval.

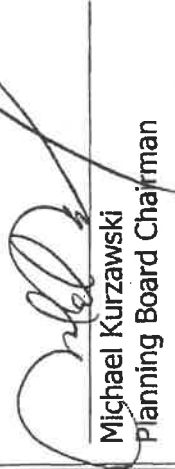
17. The Applicant shall comply with all Ordinances of the Township of Clark as pertaining to affordable housing fees or "growth share" fees, if applicable.

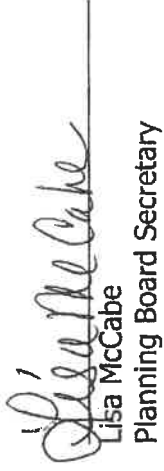
**BE IT FURTHER RESOLVED** that all representations, commitments and agreements made by the Applicant or the representatives at the hearing in this matter or contained in any document, plat, sketch or submission submitted to the Board at anytime prior to this approval, including notes contained in original or revised submissions, will be considered as conditions of approval of this

application for development and are hereby incorporated into this Resolution by reference.

**BE AND THE SAME IS HEREBY GRANTED**

I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Planning Board of the Township of Clark on March 6, 2008.

  
Michael Kurzawski  
Planning Board Chairman

  
Lisa McCabe  
Planning Board Secretary