

Master Plan Amendment Housing Plan Element and Fair Share Plan Round 4

**Township of Hamilton
Mercer County, New Jersey**

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Prepared for:
Township of Hamilton Planning Board

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Endorsed on ____ by the Hamilton Township Council.

The original of this document has been signed and sealed in accordance with Law.

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Housing Element

The Township of Hamilton, Mercer County, has prepared this Housing Element and Fair Share Plan as an amendment to the municipal master plan in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the New Jersey Fair Housing Act 2 (N.J.S.A. 52:27D-301 et seq.).

The Municipal Land Use Law requires that a municipal master plan include a housing element to enable the municipality to exercise the power to zone and regulate land use. The housing element is adopted by the municipal planning board and endorsed by the municipal governing body, and is drawn to achieve the goal of meeting the municipal obligation to provide for a fair share of the regional need for affordable housing.

This Housing Element and Fair Share Plan amends the Township's master plan to address affordable housing planning requirements for the time period known as Round 4, which includes the decade between July 2025 and July 2035. It addresses the Township's cumulative fair share obligation for the period from 1987 through 2035. The Township last adopted a Round 3 Housing Element on January 23, 2020. This plan will replace the 2020 Round 3 plan.

Affordable Housing in New Jersey

The Mt. Laurel II doctrine requires that all municipalities provide a realistic opportunity for their fair share of low and moderate income housing. The Hamilton Fair Share Plan is the Township's proposal for satisfying its share of the regional affordable housing needs under applicable affordable housing regulations.

This Plan provides the Township's fair share obligation and details its strategies for addressing its present, prior, and prospective housing needs. The New Jersey Fair Housing Act established the New Jersey Council on Affordable Housing (COAH). COAH was responsible for developing rules and regulations on affordable housing, as well as approving municipalities' submitted affordable housing plans. The COAH approval process was known as Substantive Certification.

COAH adopted its first set of rules, known as 'Round 1,' for the period of 1987 through 1993. COAH 'Round 2' covered the 1993 to 1999 time period. These rounds are now combined and collectively referred to as the 'Prior Round,' which covers the 1987 to 1999 time period.

COAH adopted its first Round 3 rules in 2005. The Round 3 rules included a new methodology for calculating affordable housing, known as Growth Share. These rules were challenged, and the Appellate Division invalidated the Round 3 rules in 2007. COAH then adopted its second set of Round 3 rules in 2008; these rules also used the

Growth Share methodology and were found invalid by the Appellate Division in 2010. COAH was directed to prepare new rules that used the Prior Round methodologies of establishing the statewide and regional affordable housing obligation and assigning municipalities their fair share of the regional affordable housing obligations.

COAH prepared new rules in 2014, but failed to adopt them. In response, a motion was filed with the New Jersey Supreme Court to enforce litigant's rights in response to COAH's lack of action. On March 10, 2015 the Supreme Court issued its decision to enforce litigant's rights and established a procedure for municipalities to transition their COAH applications to the Courts.

The Supreme Court established a new procedure that requires participating towns, such as Hamilton, to submit a Declaratory Judgment action. The Township of Hamilton filed its action of Declaratory Judgment with the Court on or about July 8, 2015.

Fair Share Housing Center (FSHC), a nonprofit affordable housing advocacy group, was considered an "interested party" in all municipal Declaratory Actions. The Township and FSHC settled its affordable housing litigation as memorialized in a settlement agreement dated December 19, 2016.

Round 4 Affordable Housing

On March 20, 2024 Governor Murphy signed new legislation known as P.L.2024, c.2 that amended the state's Fair Housing Act and changed the affordable housing process in New Jersey.

The Fair Housing Act (FHA) Amendment ("FHA 2" or the "Act") eliminated the Council on Affordable Housing (COAH), directed the Department of Community Affairs (DCA) to prepare nonbinding affordable housing obligations, changed certain aspects of the vacant land process, eliminated and revised available bonus credits, and imposed strict deadlines on municipalities.

Pursuant to the FHA 2, municipalities must adopt a Housing Element and Fair Share Plan by June 30, 2025. This plan conforms to the requirements established in the legislation and FHA 2 and addresses Hamilton's Prior Round, Round 3 and Round 4 affordable housing obligations.

Mandatory Contents of the Housing Element

Pursuant to the New Jersey Fair Housing Act (FHA 2), "a municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low-and moderate-income housing." The essential plan components are:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1); and,
- A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
- An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20);
- For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for P.L. 2024, redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
- An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

This Housing Element and Fair Share Plan Amendment addresses the above requirements.

Analysis of Demographic, Housing, and Employment Characteristics

As required by N.J.S.A. 52:27D-310, all housing elements must contain a discussion of the municipality's demographic, housing, and economic characteristics. The following subsections fulfill this requirement by providing a profile of the Township of Hamilton with information from the US Census Bureau, the New Jersey Department of Labor and Workforce Development, and the Delaware Valley Regional Planning Commission.

Population Characteristics

Table 1 shows the population trends for the Township of Hamilton and Mercer County from 1930 to 2020. As shown, Hamilton's population increased by approximately 65,176 residents during this period. The greatest increases occurred in the periods from: 1940 to 1950, when the Township's population increased by approximately 36.2 percent; 1950 to 1960, when there was an increase of approximately 58.0 percent; and between 1960 to 1970, when population increased by approximately 22.4 percent. After 1970, the Township's population increased at much lower rates, which ranged from a high of approximately 4.5 percent between 1980 and 1990 to a low of about 0.6 percent between 1990 and 2000.

Mercer County's population also increased over the period from 1930 to 2020. Indeed, the County's population increased by 200,197 residents over this period, with the greatest increases occurring in the periods from: 1940 to 1950, when population increased by about 16.5 percent; 1950 to 1960, when population increased by about 15.9 percent; and 1960 to 1970, when population increased by about 14.2 percent. Like in the Township, the County's population grew by single-digit percentages in the period from 1970.

Table 1
POPULATION CHANGE, 1930 – 2020
Township of Hamilton & Mercer County

Township of Hamilton

<u>Year</u>	<u>Population</u>	<u>Number</u>	<u>Change</u> <u>Percent</u>
1930	27,121	-----	-----
1940	30,219	3,098	11.4
1950	41,156	10,937	36.2
1960	65,035	23,879	58.0
1970	79,609	14,574	22.4
1980	82,801	3,192	4.0
1990	86,553	3,752	4.5
2000	87,109	556	0.6
2010	88,464	1,355	1.6
2020	92,297	3,833	4.3

Mercer County

<u>Year</u>	<u>Population</u>	<u>Number</u>	<u>Change</u> <u>Percent</u>
1930	187,143	-----	-----
1940	197,318	10,175	5.4
1950	229,781	32,463	16.5
1960	266,392	36,611	15.9
1970	304,116	37,724	14.2
1980	307,893	3,777	1.2
1990	325,824	17,931	5.8
2000	350,761	24,937	7.7
2010	366,513	15,752	4.5
2020	387,340	20,827	5.7

Sources:

1930 - 1950: "Number of Inhabitants, New Jersey."

<https://www2.Census.Gov/library/publications/decennial/1950/population-volume-2/23024255v2p30ch1.pdf>. U.S. Census Bureau, 1950.

1940 - 2000: "New Jersey Population Trends 1790 to 2000." . Division of Labor Market and Demographic Research New Jersey State Data Center, August 2001. Accessed February 4, 2025.

<https://www.nj.gov/labor/labormarketinformation/assets/PDFs/census/2kpub/njsdcp3.pdf>.

2010: 2010 U.S. Census (Table P3)

2020: 2020 U.S. Census (Table DP1)

Population Composition by Age

Table 2 shows population by age cohort in the Township of Hamilton during 2010 and 2020. As can be seen, the population increased by 3,833 residents or 4.3 percent between 2010 and 2020. The age cohorts with the largest increases were: 65-74, which increased by 3,412 residents or 50.4 percent; 25-34, which increased by 1,825 residents or 17.6 percent; 55-64, which increased by 1,505 residents or 12.5 percent; and 85+, which increased by 175 residents or 7.6 percent. The age-cohort with the largest decrease was 45-54, which decreased by 2,258 residents or 15.9 percent. The change in all other age cohorts was less than ± 5.0 percent.

Table 2
POPULATION BY AGE
Township of Hamilton

	2010 Population		2020 Population		Change 2010-2020	
	<u>Persons</u>	<u>Percent</u>	<u>Persons</u>	<u>Percent</u>	<u>Persons</u>	<u>Percent</u>
Under 5	4,585	5.18	4,516	4.89	-69	-1.5
5-14	10,486	11.85	9,985	10.82	-501	-4.8
15-24	10,816	12.23	10,594	11.48	-222	-2.1
25-34	10,454	11.82	12,289	13.31	1,835	17.6
35-44	11,971	13.53	11,691	12.67	-280	-2.3
45-54	14,197	16.05	11,939	12.94	-2,258	-15.9
55-64	11,999	13.56	13,504	14.63	1,505	12.5
65-74	6,771	7.65	10,183	11.03	3,412	50.4
75-84	4,889	5.53	5,125	5.55	236	4.8
85+	2,296	2.60	2,471	2.68	175	7.6
TOTALS	88,464	100	92,297	100	3,833	4.3

Sources:

2010: 2010 U.S. Census (Table PCT12)

2020: 2020 U.S. Census (Table DP1)

As has been shown in Table 2, there has been considerable growth in the 85+, 65-74, 55-65, and 25-34 age cohorts. The effects of the change in the distribution of Hamilton's population among age cohorts can be summarized in the change in the median age of the Township's population, which increased by approximately 0.6 years, from 41.8 years to 42.4 years, in the period from 2010 to 2020. This represents an increase of about 1.4 percent. By comparison, the median age of Mercer County's population increased by approximately 0.7 years, from 37.8 years to 38.5 years, which equates to an increase of about 1.7 percent. Table 3 summarizes the

distribution of the Township's and County's populations among age cohorts, as well as the change in the median age of said populations.

Table 3
PERCENTAGE POPULATION DISTRIBUTION, 2010 & 2020
Township of Hamilton & Mercer County

<u>Age Group</u>	2010 Percentage of Population		2020 Percentage of Population	
	<u>Township of Hamilton</u>	<u>Mercer County</u>	<u>Township of Hamilton</u>	<u>Mercer County</u>
Under 5	5.2	5.9	4.9	5.1
5-14	11.9	12.7	10.8	12.2
15-24	12.2	15.0	11.5	14.9
25-34	11.8	12.8	13.3	13.1
35-44	13.5	14.1	12.7	13.0
45-54	16.0	15.2	12.9	13.2
55-64	13.6	11.7	14.6	13.0
65+	15.8	12.6	19.3	15.4
TOTALS	100	100	100	100
Median Age	41.8	37.8	42.4	38.5

Sources:

2010: 2010 U.S. Census (Tables PCT12, P13)

2020: 2020 U.S. Census (Tables DP1, P13)

Existing Housing Characteristics

Type of Household

A household is a group of people who occupy a housing unit as their usual place of residence. As shown in Table 4, there were 36,125 households in the Township of Hamilton in 2020. The majority, or approximately 72.6 percent, of households consisted of two or more persons. The remaining 27.4 percent of households consisted of one person. Table 4 provides additional details on the types of households in Hamilton Township during 2020.

Table 4
TYPES OF HOUSEHOLDS, 2020
Township of Hamilton

<u>Type of Households</u>	<u>Total</u>	<u>Number in Subgroup</u>	<u>Percent of Total</u>
TOTAL HOUSEHOLDS	36,125		
One Person		9,882	27.4
Male Householder	4,080		11.3
65 years or older	1,469		4.1
Female Householder	5,802		16.1
65 years or older	3,333		9.2
Two or More Persons		26,243	72.6
<i>Married Couple Families</i>	17,474		48.4
With Own Children Under 18	6,245		17.3
<i>Cohabiting Couple</i>	2,201		6.1
With Own Children Under 18	719		2.0
<i>Male Householder Not living alone</i>	1,935		5.4
With Own Children Under 18	418		1.2
<i>Female Householder Not living alone</i>	4,633		12.8
With Own Children Under 18	1,583		4.4

Source: 2020 U.S. Census (Table DP1)

Household Size

Table 5 provides further details on household size in the Township of Hamilton during 2020. As shown, the most frequent household size was two people, which accounted for 31.7 percent of all households in Hamilton and 29.0 percent of all households in Mercer County. The average household size in Hamilton was 2.54, which is 0.10 less than the average household size of 2.64 in Mercer County during 2020.

Table 5
 HOUSEHOLD SIZE, 2020
 Township of Hamilton & Mercer County

Household Size	Township of Hamilton		Mercer County	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
1 Person	9,882	27.4	37,042	26.6
2 Persons	11,453	31.7	40,482	29.0
3 Persons	6,181	17.1	24,317	17.4
4 Persons	5,090	14.1	21,923	15.7
5 Persons	2,259	6.3	9,311	6.7
6+ Persons	1,260	3.5	6,286	4.5
TOTALS	36,125	100.0	139,361	100.00
Average Household Size	2.54		2.64	

Source: 2020 U.S. Census (Table H12)

Per Capita and Household Income

Table 6 displays the per capita income, median household income, and population poverty status of Hamilton, Mercer County and the State of New Jersey. This data is derived from the 2023 American Community Survey Five-Year Estimates and represents estimated average conditions over the five-year period ending in 2023.

As shown in Table 6, Hamilton had a lower per capita income at \$46,143 than in Mercer County and New Jersey, where the per capita incomes were \$52,101 and \$53,118, respectively. On the other hand, Hamilton's median household income of \$97,481 was slightly higher than Mercer County's median household income of \$96,333, but lower than the State of New Jersey's median household income of \$101,050. However, despite the fact that Hamilton had a lower per capita income than in Mercer County and New Jersey, and that it had a lower median household income than in New Jersey, the percentage of population living below poverty status was significantly lower in Hamilton at 6.8 percent than in Mercer County and New Jersey, where 11.1 and 9.8 percent of the population lived below poverty status, respectively.

Table 6

PER CAPITA AND HOUSEHOLD INCOME; POVERTY STATUS 2023
Township of Hamilton, Mercer County & New Jersey

	<u>Per Capita Income</u>	<u>Median Household Income</u>	<u>Percentage of Population Below Poverty Status</u>
Township of Hamilton	\$46,143	\$97,481	6.8
Mercer County	\$52,101	\$96,333	11.1
New Jersey	\$53,118	\$101,050	9.8

Source: 2023 American Community Survey 5-Year Estimates (Tables BP19301, S1901 and S1701)

Family Income Distribution

Table 7 details family income for the Township and County as represented by 2023 American Community Survey Five-Year Estimates. Nearly three-quarters (72.4 percent) of Hamilton's families earned \$75,000 or more. By comparison, approximately 71.3 percent of Mercer County's families earned \$75,000 or more.

Table 7
FAMILY INCOME DISTRIBUTION, 2023
Township of Hamilton & Mercer County

<u>Income Levels</u>	Township of Hamilton		Mercer County	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Less than \$10,000	440	1.8	2,754	3.0
\$10,000 - \$14,999	202	0.8	1,703	1.8
\$15,000 - \$24,999	565	2.3	2,326	2.5
\$25,000 - \$34,999	652	2.7	3,043	3.3
\$35,000 - \$49,999	1,694	6.9	6,944	7.5
\$50,000 - \$74,999	3,239	13.2	9,890	10.6
\$75,000 - \$99,999	3,440	14.0	11,158	12.0
\$100,000 - \$149,999	6,555	26.6	17,472	18.8
\$150,000 - \$199,999	3,679	15.0	12,266	13.2
\$200,000 or more	4,137	16.8	25,410	27.3
TOTALS	24,603	100.0	92,966	100.0

Source: 2023 American Community Survey 5-Year Estimates (Table DP03)

Housing Affordability

Table 8 identifies the maximum income limits for low, very low- and moderate-income households in Housing Region 4. All of Mercer, Ocean and Monmouth counties are in Housing Region 4.

Hamilton is in Housing Region 4. As of 2025, the median household income for a three-person household in Housing Region 4 was \$121,200. A three-person moderate income household, defined as a household with an income in excess of 50 percent but less than 80 percent of the median income, would have an income that does not exceed \$96,960. A four-person low-income household, defined as a household with income equal to or less than 50 percent but more than 30 percent of the median income, would have an income that does not exceed \$67,300. A two-person very low-income household, defined as a household with an income equal to 30 percent or less of the median income, would have an income that does not exceed \$32,310. Finally, the 1.5 person, three-person and 4.5-person columns are used for calculating the pricing for one-, two- and three-bedroom affordable units.

Table 8
2025 REGIONAL INCOME LIMITS
HOUSING REGION 4

<u>Household Size</u>	<u>Median Income</u>	<u>Moderate Income</u>	<u>Low Income</u>	<u>Very Low Income</u>
1 Person	\$94,300	\$75,440	\$47,150	\$28,290
1.5 Person	\$101,000	\$80,800	\$50,500	\$30,300
2 Person	\$107,700	\$86,160	\$53,850	\$32,310
2.5 Person	\$114,450	\$91,560	\$57,225	\$34,335
3 Person	\$121,200	\$96,960	\$60,600	\$36,360
4 Person	\$134,600	\$107,680	\$67,300	\$40,380
4.5 Person	\$140,000	\$112,000	\$70,000	\$42,000
5 Person	\$145,400	\$116,320	\$72,700	\$43,620
6 Person	\$156,200	\$124,960	\$78,100	\$46,860
7 Person	\$167,000	\$133,600	\$83,500	\$50,100
8 Person	\$177,700	\$142,160	\$88,850	\$53,310

Source: 2025 Affordable Housing Regional Income Limits by Household Size, Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) – May 16, 2025

Housing Unit Data

In 2020, there were 37,716 housing units in Hamilton, of which 36,125 were occupied. By comparison, the County had 150,442 housing units, of which 139,361 were occupied.

As shown in Table 9, owner-occupied housing stock comprised a greater percentage of the Township's housing stock than in the County's housing stock. In 2010, approximately 69.9 percent of the Township's housing stock, versus 59.5 percent of the County's housing stock, was owner-occupied.

Table 9
HOUSING UNIT DATA, 2020
Township of Hamilton, Mercer County

	Township of Hamilton		Mercer County	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Unit Type				
Occupied	36,125	95.8	139,361	92.6
Vacant, Seasonal & Migratory	1,591	4.2	11,081	7.4
Total	37,716	100.0	150,442	100.0
Owner vs Renter Occupied Units				
Owner Occupied	25,238	69.9	82,899	59.5
Renter Occupied	10,887	30.1	56,472	40.5
Total Occupied Units	36,125	100.0	139,361	100.0

Source: 2020 U.S. Census (Table DP1)

Year Householder Moved into Unit

Table 10 provides the year the current householders moved into the Hamilton and Mercer County homes. As shown, 71.1 percent of the Township's households moved into their current residences after 2000, compared to 76.7 percent countywide. Approximately 28.9 percent of the Township's households and 23.3 percent of the County's households moved into their residences before 2000.

Table 10
YEAR HOUSEHOLDER
MOVED INTO UNIT, 2023
Township of Hamilton & Mercer County

<u>Year Householder Moved into Unit</u>	Township of Hamilton		Mercer County	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
2021 or later	2,736	7.6	12,867	9.1
2010 - 2020	15,156	42.3	69,041	48.8
2000 - 2009	7,603	21.2	26,607	18.8
1990 - 1999	4,715	13.2	15,501	11.0
1989 or earlier	5,643	15.7	17,448	12.3
Total	35,853	100.0	141,464	100.0

Source: 2023 American Community Survey 5-Year Estimates (Table DP04)

Housing Unit Information

Table 11 includes a variety of information from the American Community Survey on the Township of Hamilton and Mercer County housing stocks, including when the housing unit was built, the number of units per structure, and the number of rooms and bedrooms per unit.

As shown, approximately 64.3 percent of the Township's housing stock consists of single-family detached structures. In contrast, single-family detached homes comprise approximately 47.5 percent of the County's housing stock.

As shown in Table 11, the Township's housing stock contains more rooms than the County's housing stock. In 2023, almost 59.2 percent of Hamilton's housing units contained six (6) or more rooms, while approximately 54.2 percent of the County's housing stock recorded the same number of rooms. On the other hand, about 25.0 percent of the Township's housing units contain four or more bedrooms, compared with approximately 26.1 percent of the County's housing stock.

Finally, approximately 75.8 percent of the Township's housing stock was built before 1980. Similarly, about 65.6 percent of the County's housing stock was built before 1980.

Table 11
HOUSING UNIT INFORMATION, 2023
Township of Hamilton & Mercer County

	Township of Hamilton		Mercer County	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Total Units	37,027		150,600	
<u>Units in Structure</u>				
One (Single Family Detached)	23,795	64.3	71,470	47.5
One (Single Family Attached)	3,771	10.2	30,988	20.6
Two+ Units	9,221	24.9	47,421	31.5
Mobile Home, Trailer Other	240	0.6	721	0.5
<u>Number of Rooms</u>				
1 Room	564	1.52	3,748	2.5
2 or 3 Rooms	3,290	8.9	17,338	11.5
4 or 5 Rooms	11,239	30.4	47,815	31.7
6 or 7 Rooms	13,246	35.8	42,942	28.5
8+ Rooms	8,691	23.5	38,757	25.7
<u>Number of Bedrooms</u>				
No Bedroom	658	1.8	4,164	2.8
1 Bedroom	4,631	12.5	20,403	13.5
2 or 3 Bedrooms	22,471	60.7	86,758	57.6
4+ Bedrooms	9,267	25.0	39,275	26.1
<u>Year Structure Built</u>				
2020 - later	167	0.5	691	0.5
2010 - 2019	1,017	2.7	7,270	4.8
2000 - 2009	2,100	5.7	12,769	8.5
1990 - 1999	1,834	5.0	12,515	8.3
1980 - 1989	3,861	10.4	18,569	12.3
1960 - 1979	11,422	30.8	37,490	24.9
1940 - 1959	11,359	30.7	32,722	21.7
1939 or earlier	5,267	14.2	28,580	19.0

Source: 2023 American Community Survey 5-Year Estimates (Table DP04)

Housing Conditions

Housing conditions in Hamilton are good. As shown in Table 12, only 0.25 percent of the Township's housing units lack complete plumbing facilities, compared to 0.29 percent of the County's housing units; only 0.53 percent of the Township's housing units lack kitchen facilities, compared to 0.74 percent of the County's housing units; and only 0.82 percent of the Township's housing units lack telephone service, compared to 1.28 percent of the County's housing units.

In addition to the above, only about 1.56 percent of the Township's housing stock has more than one person per room, compared to about 3.01 percent of the County's housing stock. Having more than one person per room is an indicator of overcrowding.

Table 12
INDICATORS OF HOUSING CONDITIONS, 2023
Township of Hamilton & Mercer County

	Township of Hamilton		Mercer County	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
<u>Total Occupied Units</u>	35,853		141,464	
Units Lacking Complete Plumbing	88	0.25	415	0.29
Units Lacking Kitchen Facilities	191	0.53	1,041	0.74
No telephone service	294	0.82	1,807	1.28
 <u>Persons per Room, Occupied Units</u>				
1.00 or less	35,292	98.44	137,202	96.99
1.01 to 1.50	416	1.16	3,051	2.16
1.51 or more	145	0.40	1,211	0.86
Total Occupied Units	35,853	100.00	141,464	100.00

Source: 2023 American Community Survey 5-Year Estimates (Table DP04)

Housing Values

Table 13 shows 2023 housing values for the Township of Hamilton and Mercer County. As indicated, approximately 49.9 percent of the Township's owner-occupied housing units are valued at over \$300,000. This is less than in the County, where about 58.9 percent of the owner-occupied housing units are valued at over \$300,000. This higher percentage of units is reflected in the fact that the median value of owner-occupied units in Mercer County is greater than in the Township. Indeed, the median value of owner-occupied units is \$351,000 in Mercer County, but \$299,600 in Hamilton Township.

Table 13

OWNER-OCCUPIED HOUSING VALUES, 2023
Township of Hamilton & Mercer County

<u>Housing Value</u>	Township of Hamilton		Mercer County	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Less than \$50,000	395	1.5	2,100	2.4
\$50,000 - \$99,999	599	2.3	4,184	4.8
\$100,000 - \$149,999	967	3.8	4,813	5.5
\$150,000 - \$199,999	1,982	7.7	6,107	7.0
\$200,000 - \$299,999	8,966	34.8	18,766	21.4
\$300,000 - \$499,999	10,515	40.9	25,913	29.6
\$500,000 - \$999,999	2,176	8.5	20,329	23.2
\$1,000,000 or more	130	0.5	5,342	6.1
TOTAL	25,730	100.0	87,554	100.0
 Median Value	 \$299,600		 \$351,000	

Source: 2023 American Community Survey 5-Year Estimates (Table DP04)

Contract Rents

Table 14 details the gross rents for renter-occupied units in Hamilton and Mercer County. As shown, the median monthly rent in Hamilton was \$1,551, which was slightly higher than the median rent of \$1,515 in Mercer County. In Hamilton, 53.5 percent of all cash rents were more than \$1,500, whereas in Mercer County 50.8 percent of all cash rents were more than \$1,500.

Table 14
GROSS RENTS, 2023
OCCUPIED UNITS PAYING RENT
Township of Hamilton & Mercer County

<u>Contract Rents</u>	Township of Hamilton		Mercer County	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Less than \$500	156	1.6	4,571	8.7
\$500 - \$999	969	9.8	5,399	10.3
\$1,000 - \$1,499	3,459	35.1	15,880	30.2
\$1,500 - \$1,999	3,398	34.5	14,419	27.4
\$2,000 - \$2,499	1,305	13.2	6,130	11.7
\$2,500 - \$2,999	308	3.1	2,743	5.2
\$3,000 or more	261	2.6	3,449	6.6
TOTALS	9,856	100.00	52,591	100.00
Median Rent	\$ 1,551		\$ 1,515	

Source: 2023 American Community Survey 5-Year Estimates (Table DP04)

Employment Data

Data from the New Jersey Department of Labor indicates that there was an average total of 30,615 private sector jobs located in Hamilton during 2023. This represents jobs located in Hamilton, not the occupational characteristics of Hamilton's residents.

Table 15 details the occupational characteristics of Hamilton residents as indicated by 2023 American Community Survey Five-Year Estimates. As indicated, the largest occupational group among Hamilton residents aged 16 years and over engaged in the civilian labor force is "Management, Business Science & Arts" with about 41.7 percent. This was also the largest occupational group in Mercer County with about 49.0 percent of County residents aged 16 years and over engaged in the civilian labor force. The second largest occupational group was "Sales & Office Occupations," which accounted for 21.9 percent and 17.6 percent of the Township and County residents aged 16 years and over engaged in the civilian labor force, respectively. The third largest occupational group was "Service Occupations," which accounted for 16.9 percent of the Township residents and 15.7 percent of the County residents aged 16 years and over engaged in the civilian labor force. In total, these three occupational groups accounted for 80.6 percent of the Township residents and 82.3 percent of the County residents aged 16 years and over engaged in the civilian labor force.

With regard to the industry of employment, it is noted that the top-three industries of employment among Township residents aged 16 years and over and engaged in the civilian labor force were "Educational Services, Health Care/Social Assist." with 25.1 percent; "Professional, Scientific, Management" with 11.3 percent; and "Public Administration" with 10.1 percent. Among County residents, the top-three industries of employment were "Educational Services, Health Care/Social Assist." with 26.7 percent; "Professional, Scientific, Management" with 14.9 percent; and "Retail Trade" with 8.9 percent.

Table 15
OCCUPATIONAL CHARACTERISTICS, 2023
Township of Hamilton & Mercer County

<u>Occupation Group</u>	Township of Hamilton		Mercer County	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Management, Business, Science & Arts	19,506	41.7	91,115	49.0
Service Occupations	7,909	16.9	29,283	15.7
Sales & Office Occupations	10,261	21.9	32,796	17.6
Natural Resources, Construction & Maintenance	3,647	7.8	11,634	6.3
Production, Transportation & Material	5,435	11.6	21,257	11.4
TOTALS	46,758	100.0	186,085	100.0
 <u>Industry</u>				
Agriculture, Forestry, Fishing	128	0.3	639	0.3
Construction	2,970	6.4	9,661	5.2
Manufacturing	2,898	6.2	14,154	7.6
Wholesale Trade	1,610	3.4	5,897	3.2
Retail Trade	4,684	10.0	16,510	8.9
Transportation and Warehousing	3,157	6.8	10,934	5.9
Information	888	1.9	4,073	2.2
Finance, Insurance, Real Estate	2,929	6.3	14,975	8.0
Professional, Scientific, Management	5,305	11.3	27,724	14.9
Educational Services, Health Care/Social Assist.	11,743	25.1	49,721	26.7
Arts, Entertainment, Recreation, Food Services	3,467	7.4	12,567	6.8
Other Services, Except Public Administration	2,245	4.8	7,662	4.1
Public Administration	4,734	10.1	11,568	6.2
TOTALS	46,758	100.0	186,085	100.00

Source: 2023 American Community Survey 5-Year Estimates (Tables S2401, S2405)

Table 16 provides data on the sector of employment of 30,615 jobs located within the Township of Hamilton. Of these jobs, 6,522 or 21.3 percent were classified as “Health/Social.” An additional 4,481 jobs or 14.6 percent were classified as “Retail Trade,” and an additional 3,615 jobs or 11.8 percent were classified as “Professional/Technical.” Finally, a total of 2,847 jobs or 9.3 percent were classified as “Accommodations/Food.” These four employment sectors account for 57 percent of all jobs located within the Township of Hamilton.

Table 16
PRIVATE EMPLOYMENT BY SECTOR, 2023
Township of Hamilton

<u>Employee Sector</u>	Township of Hamilton	
	<u>Number</u>	<u>Percent</u>
Agriculture	49	0.2
Mining	Unreported	Unreported
Utilities	Unreported	Unreported
Construction	1,987	6.5
Manufacturing	2,409	7.9
Wholesale Trade	735	2.4
Retail Trade	4,481	14.6
Transp./Warehousing	2,316	7.6
Information	223	0.7
Finance/Insurance	1,382	4.5
Real Estate	466	1.5
Professional/Technical	3,615	11.8
Management	253	0.8
Admin/Waste Remediation	1,086	3.5
Education	271	0.9
Health/Social	6,522	21.3
Arts/Entertainment	374	1.2
Accommodations/Food	2,847	9.3
Other Services	1,486	4.9
Unclassified	87	0.3
TOTAL	30,615	100.0

Source: New Jersey Department of Labor and Workforce Development

Residential Construction

Table 17 contains data on dwelling units authorized by building permit and demolished with a demolition permit from 2012 through 2023. This data has been obtained from the New Jersey Department of Community Affairs.

In the reported period, a total of 1,016 new units were created and 594 units were demolished, resulting in a net increase of 422 units. The average annual net change in the reported period was slightly less than 35.2 units.

Table 17
NEW DWELLING UNITS AUTHORIZED BY
BUILDING PERMIT & HOUSING UNITS DEMOLISHED
2012 - 2023
Township of Hamilton

<u>Year</u>	<u>New Units</u>	<u>Demolitions</u>	<u>Net Change</u>
2012	44	17	27
2013	101	40	61
2014	141	33	108
2015	26	75	-49
2016	194	98	96
2017	81	115	-34
2018	21	24	-3
2019	36	32	4
2020	60	30	30
2021	171	39	132
2022	60	33	27
2023	81	58	23
TOTALS	1,016	594	422

Source: "Development Trends Viewer." State of New Jersey Department of Community Affairs, September 16, 2024. Accessed February 4, 2025.
https://www.nj.gov/dca/codes/reporter/Development_Trend_Viewer.xlsb.

Population and Household Projection

As has been previously mentioned, the Township of Hamilton's population was 92,297 at the time of the 2020 United States Census.

The Delaware Valley Regional Planning Commission has released a population projection of 94,010 for 2035. This represents an increase of 1.9 percent over the Township's 2020 population.

The Delaware Valley Regional Planning Commission has not provided household projections to accompany their population projections. However, a basic projection of the number of households can be derived when the population projection is divided by the proportion of population to households represented by 2020 United States Census information (derived by the following formula: $2020 \text{ population of } 92,297 \div 2020 \text{ households of } 36,125 = 2.5549$). When this is done, a 2035 household projection of 36,795 results. This is 632 households or 1.7 percent more than the 36,125 households represented by 2020 United States Census information.

Table 18
POPULATION AND HOUSEHOLD PROJECTION, 2035
Township of Hamilton

<u>2020 Census Population</u>	<u>2035 Population Projection</u>
92,297	94,010
<u>2020 Census Households</u>	<u>2035 Household Projection</u>
36,125	36,795

Sources:

2020: United States Census
2035: Calculated by T&M

It is noted that the foregoing 2035 Household Projection of 36,795 is 143 households or approximately 0.4 percent more than would result if the average annual net change of slightly less than 35.2 units that is reflected data of Table 17 were used to prepare the 2035 Household Projection.

The foregoing information has been provided for informational purposes only and in response to N.J.S.A. .52:27D-310.b

Employment Projection

The Delaware Valley Regional Planning Commission (DVRPC) has released employment projections for the Township of Hamilton, which show an annualized increase of approximately 297.9 over the period from 2020 through 2035. While the number of jobs that is projected by the DVRPC is much higher than can reasonably be supported by the Township's 2023 average total of 34,465 public and private sector jobs (includes: 30,615 private sector jobs; 53 federal government jobs; 636 state government jobs; and 3,162 local government jobs), an adjusted 2035 projection can be obtained if the annualized change projected by the DVRPC is applied to the 2023 average total of 34,465 public and private sector jobs. When this is done, an adjusted 2035 projection of 38,040 jobs results. This is summarized in Table 19.

Table 19
EMPLOYMENT PROJECTION, 2015 - 2050
Township of Hamilton

<u>2023 Public and Private Employment</u>	<u>2035 Adjusted Employment Projection</u>
34,465	38,040

Source:

2023: New Jersey Department of Labor and Workforce Development

2035: Calculated by T&M based on annualized raw change projected by the Delaware Valley Regional Planning Commission from 2020 through 2035.

Note: 2023 average of 34,465 public and private sector jobs + (297.9 annual increase projected by Delaware Valley Regional Planning Commission × 12 years) = 38,040 jobs in 2035.

Fair Share Plan

Affordable Housing Obligation

A municipality's affordable housing obligation is made up of both a present need (rehabilitation obligation) and a prospective need obligation. Obligations are calculated in time periods known as "rounds."

Previous Round obligations have either been determined by the New Jersey Council on Affordable Housing (COAH), or by Court decisions. However, pursuant to FHA 2, for Round 4 and subsequent rounds, the Department of Community Affairs (DCA) was directed to provide a non-binding calculation of regional need and municipal present and prospective need obligations in accordance with the formula contained in the Act.

DCA calculated a Round 4 present need obligation of 186 units and a prospective need obligation of 546 units for the Township of Hamilton. The Township analyzed the data that resulted in the obligation and, as permitted under the FHA 2, calculated a prospective need obligation of 504 units. The Township adopted a binding resolution stipulating its Round 4 affordable housing obligations on January 21, 2025.

The New Jersey Builders Association (NJBA) objected to the Township's asserted prospective need obligation. A settlement was reached between the parties for a prospective need obligation of 520 units, as memorialized in a settlement agreement dated April 8, 2025.

Hamilton Township's affordable housing obligations are as follows:

- Prior Round (Rounds 1 & 2, from 1987-1999) Obligation: 705 units
- Round 3 (from 1999-2025) Prospective Need Obligation: 521 Units
- Round 4 (from 2025-2035) Present Need (Rehabilitation Oblig.): 186 units
- Round 4 (from 2025-2035) Prospective Need Obligation: 520 Units

The Township's affordable housing obligation and the manner in which it has met and intends to meet it, is described in the following subsections.

Prior Round Obligation

Hamilton fully satisfied its Prior Round Obligation of 705 units with a variety of special needs housing, inclusionary development and 100% affordable developments, as follows:

- Society Hill 1 & 11: 80 units
- Credits Without Controls: 45 units
- Mercer ARC – Cedar Lane*: 6 units
- Mercer ARC – Route 156*: 6 units
- RCA with Trenton, First Round: 69 units
- RCA with Trenton, Second Round: 239 units
- Community Options Group Home: 5 units and 5 bonus credits
- Enable Group Home Gallavan Way*: 4 units and 4 bonus credits
- Enable Group Home Flock Rd.*: 3 units and 3 bonus credits
- Options Group Home: 4 units and 4 bonus credits
- Mercer ARC, Murray Ave.: 4 units and 4 bonus credits
- Mercer ARC, Compton Way: 3 units and 3 bonus credits
- Mercer ARC, Phaeton Drive: 4 units and 4 bonus credits
- Mercer County Veterans Center: 5 units and 5 bonus credits
- Project Freedom, Kuser Road: 32 units and 32 bonus credits
- VOCA: 3 units and 3 bonus credits
- Visitation Homes: 4 units and 4 bonus credits
- Visitation Homes: 5 units and 5 bonus credits
- Visitation Homes: 6 units and 6 bonus credits
- Allies, Redfern Ave.: 3 units and 3 bonus credits
- Allies, Wilfred Ave.: 3 units and 3 bonus credits
- SERV, Lohli Drive: 5 units and 5 bonus credits
- SERV, Bainbridge Court: 5 units and 5 bonus credits
- SERV, Colonial Ave.: 4 units and 4 bonus credits
- Eden, Blue Devil Lane: 4 units and 4 bonus credits
- Eden, Princeton Ave.: 4 units and 4 bonus credits
- Homefront II: 8 units and 8 bonus credits
- Homefront IV, Moffat Ave.: 4 units and 4 bonus credits
- Homefront IV, Francis Ave.: 4 units and 4 bonus credits
- Homefront Transitional: 4 units and 4 bonus credits

The projects above marked with an asterisk (*) are known to have an expired deed restriction. The Township continues to work with the owners/developers to extend the deed restrictions through the end of the Round 4 time period.

Round 3 Prospective Need

The Township of Hamilton's **Round 3 prospective need obligation is 521 units**. The Township fully addressed its obligation with a variety of inclusionary housing, 100% affordable development and special needs housing, as follows:

- Mercer ARC: 4 units
- Project Freedom, Kuser Road: 18 units and 18 bonus credits
- Project Freedom, Sam Alito Drive: 54 units and 54 bonus credits
- Project Freedom, Sam Alito Drive: 24 units and 24 bonus credits
- Homefront IV, Newkirk Ave.: 4 units and 4 bonus credits
- Homefront IV, Francis Ave.: 4 units and 4 bonus credits
- Homefront IX: 8 units and 8 bonus credits
- Homefront X, Greenwood: 4 units and 4 bonus credits
- Homefront XI, Moffat Ave.: 4 units and 4 bonus credits
- Homefront, Moffat Ave.: 4 units and 4 bonus credits
- Homefront XVI, Connecticut Ave.: 16 units and 7 bonus credits
- Capstone Infill: 13 units
- Twin Ponds: 18 units
- Brandywine Woods: 60 units
- Enchantment Villas: 28 units
- The Homestead: 5 units
- Vintage Court: 4 units
- Hamilton Senior Living: 11 units
- Red Oak Apartments: 59 units
- Extension of Controls: 48 units

Round 4 Present Need

The present need is a measure of overcrowded and deficient housing that is occupied by low- and moderate-income households. The present need has previously been called “rehabilitation share.” **Hamilton's Round 4 present need obligation is 186 units.**

The Township has established a successful rehabilitation program. During the Round 3 time period, almost 90 units were rehabilitated, as shown in the Rehabilitation Log contained in Appendix A.

Hamilton proposes to address its Round 4 present need obligation via: the Hamilton Township Housing Authority Housing Rehabilitation Program and the Hamilton Housing Rehabilitation Program (administered by Isles). The Township's rehabilitation program will be expanded to be available to renter-occupied as well as owner-occupied properties.

The Township's Administrative Agent or municipal staff members will administer the Housing Authority Housing Rehabilitation Program with a maximum forgivable loan up to \$15,000. Isles, hired as a consultant, will administer the Hamilton Housing Rehabilitation Program with a maximum forgivable loan up to \$30,000. All rehabilitated units will comply with the definition of a substandard unit in N.J.A.C. 5:93-5.2(b), which states, "a unit with health and safety code violations that require the repair or replacement of a major system." Major systems include weatherization, roofing, plumbing, heating, electricity, sanitary plumbing, lead paint abatement and/or load bearing structural systems. All rehabilitated units shall meet the applicable construction code. Additionally, all rehabilitated units shall be occupied by low- or moderate-income households and subject to 10-year affordability controls, which shall be placed on the property in the form of a lien or deed restriction. It is anticipated that the average hard cost will be at least \$10,000.

Round 4 Prospective Need

Hamilton's Round 4 prospective need obligation is 520 units. The Township will fully meet its obligation.

It is noted that several of Hamilton's proposed affordable housing mechanisms will be eligible for bonus credits, pursuant to the following requirements from FHA 2.

Bonus Credits

Pursuant to C.52:27D-311(k), the Act allows for 25% of a municipality's obligation to be addressed via bonus credits. Bonus credits are available in either one unit or one-half unit credits, as follows:

1. One (1) unit of bonus credit: each unit of housing for special needs or permanent supportive housing;
2. One (1) unit of bonus credit: each unit of housing in a 100% affordable housing project where the municipality contributes toward the cost of the project, subject to certain requirements;
3. One (1) unit of bonus credit: each market rate unit that is converted to an affordable housing unit;
4. One-half (0.5) unit of bonus credit: affordable housing created in partnership with a non-profit housing developer;
5. One-half (0.5) unit of bonus credit: affordable housing within a one-half mile radius of a NJ Transit or Port Authority rail, bus or ferry station;
6. One-half (0.5) unit of bonus credit: age restricted affordable housing, to a maximum of 10% of the number of age-restricted units;
7. One-half (0.5) unit of bonus credit: for each affordable three-bedroom unit that is above the minim number of three-bedroom units required;

8. One-half (0.5) unit of bonus credit: affordable housing constructed on land that is or was previously developed and utilized for retail, office or commercial space;
9. One-half (0.5) bonus credit: extension of affordability controls;
10. One-half (0.5) unit of bonus credit: for each very low income affordable housing unit provided above the required 13%;

Hamilton Township's Round 4 affordable housing sites and mechanisms are listed below. These properties meet the affordable housing rules for being approvable available, developable and suitable. Their locations are shown on a map located in Appendix B.

Age Restricted Development

St. Raphael – Holy Angels Age-Restricted Development.

This property is located at Block 2542, Lot 30, otherwise known as 3500 South Broad Street. Lot 30 contains 12.22 acres and is situated in the R-10 Single-family Residential Zone District.

The property is owned by St Raphael - Holy Angels Roman Catholic Church. The site is improved with four (4) structures, including a church and a school. Senior citizen housing subsidized by the federal and/or state government is a permitted conditional use pursuant to Land Development Ordinance Section 550-74C(5).

Therefore, this site provides Round 4 credit for **70 units of age-restricted affordable housing, as well as seven (7) bonus credits.**

The Church of Our Lady of Sorrows (OLS) Age-Restricted Development

Our Lady of Sorrows (OLS) is located at Block 1666, Lot 80, otherwise known as 3710 East State Street.

Lot 80 was determined to be a non-condemnation Area in Need of Redevelopment by the Township Council via Resolution No. 25-220. The site contains 11.834 acres and is presently situated in the R-10 Single-family Residential Zone District. The property is owned by Our Lady of Sorrows LLC and is improved with a convent building, school, church, and detached garage. The Township is considering adoption of a redevelopment plan that would permit an age-restricted development consisting of fifty (50) affordable residential units. The redevelopment plan references the affordable units as "apartments;" therefore, it is anticipated that these would be rental units. A draft of the redevelopment plan is included in Appendix C. The Township Council is expected to consider adoption of the plan at a public hearing in July 2025.

Therefore, this site provides Round 4 credits for **fifty (50) units of age-restricted housing, as well as five (5) bonus credits.**

Family Units

Hamilton Gardens/Red Oaks Apartments

Red Oak Apartments, also known as Hamilton Gardens, is a housing development consisting of 139 units. The 7.08-acre property is located at 2300 South Broad Street (Block 2378, Lot 7) and was completed in 1941. While the project pre-dates the Fair Housing Act, COAH and UHAC, it was developed such that the units were affordable to low- and moderate-income households.

The project received an allocation 4% LIHTCs in 2001, which financed the renovation of the buildings. As part of this funding, 30-year affordability controls were placed on 139 units to deed restrict them as moderate income affordable family rental units. Pursuant to the 2009 amendment to the Fair Housing Act (C. 45:22A-46.16), projects financed in whole or in part through the allocation of federal LIHTCs shall be eligible for affordable housing credits from COAH. The Township will pursue deed restriction extensions at the allowable time.

Fifty-nine (59) of the 139 units contributed toward the Township's third round obligation. The remaining 80 units will provide credit towards the current fourth round obligation. This project provides Round 4 credit for **eighty (80) affordable family rental units.**

Redevelopment of the Train Station and Surrounding Properties.

The Redevelopment Plan adopted in December 2003 includes Block 1505, Lots 10 and 12 (former American Standard Property) and Block 1518, Lots 5, 6, 6.01, 7, 8, and 9 (Train Station). The Township is currently preparing an amended redevelopment plan to provide for sixty-eight affordable units.

Therefore, this proposal provides Round 4 affordable housing credits for **sixty-eight (68) units of family rental housing, as well as thirty-four (34) bonus credits** due to the proximity of the train station.

Village at Hamilton Green (Klockner Road)

The Village development is located at Block 1922, Lots 26, 27, and 34, otherwise known as 1531-1651 Klockner Road. Applications No. 21-09-036 and 21-09-036A received site plan approval from the Planning Board for a 388-unit multi-family

development, of which seventy-eight (78) units are affordable. The bedroom distribution includes 15 one-bedroom units, 46 two-bedroom units, and 17 three-bedroom units, all of which will be deed restricted for 30 years. The project is currently under construction. The Planning Board resolutions approving the development are included in Appendix D.

Sixty (60) of the seventy-eight (78) affordable units provided credit toward the Township's Round 3 obligation. The remaining **eighteen (18) units will provide affordable rental credit** towards the Township's Round 4 obligation.

Bromley/East State Street:

The Township has acquired Block 1637, Lots 5-18 and 69 on East State Street for the provision of affordable housing. The Township has developed a concept plan for four (4) duplex structures on the subject property, totaling eight (8) affordable family rental units. The Township will partner with an affordable housing developer for these affordable units. A concept plan is provided in Appendix E.

Therefore, this proposal provides Round 4 credits for **eight (8) units of family rental housing, as well as eight (8) bonus credits** because the Township is donating the property.

Borden Avenue

Block 2328, Lots 11-21 are Township-owned properties located within the R-7/Single-Family Residential Zone District. The Township has developed a concept plan to create three (3) conforming lots, each containing one (1) affordable single-family detached dwelling. The Township will partner with an affordable housing developer for development of these affordable units. A concept plan is provided in Appendix F.

Therefore, this proposal provides credits for Round 4 credits for **three (3) units of family housing, as well as three (3) bonus credits** because the Township is donating the property.

Gropp Townhomes

The Gropp Townhome development is located at Block 2527, Lot 17, otherwise known as 3332 South Broad Street. Applications No. 21-06-023 and 21-06-023A received site plan and use variance approval from the Zoning Board for a twenty-two (22)-unit townhome development throughout six (6) buildings. The four (4) affordable units will be deed restricted for sale units. Of the four (4) affordable units,

two (2) will be moderate-income, one (1) will be low-income, and one (1) will be a very-low-income unit. The Zoning Board resolutions approving the development are included in Appendix G.

Therefore, this proposal provides Round 4 credits for **four (4) units of family housing, as well as two (2) bonus credits** because the property was previously utilized for nonresidential use.

Homefront/Amaris

Located at Block 2542, Lot 32, or 3500 South Broad Street, the site contains 58,370 square feet or 1.34 acres and is situated in the R-10 Single-family Residential Zone District. The property is owned by the adjacent Saint Raphael - Holy Angels Roman Catholic Church and is currently unimproved. The Township has a concept site plan for a four (4) lot subdivision, where each lot would contain a two-story duplex structure. The concept site plan anticipates a total of eight (8) units, all of which would be affordable. The concept plan and draft ordinance are included in Appendix H.

Therefore, this proposal provides Round 4 affordable housing credits for **eight (8) units of family housing, as well as eight (8) bonus credits because the Township is contributing toward the cost of the development.**

Homefront/Zachary Arms:

Located on Church Street at Block 2663, Lot 16, the site contains approximately 1 acre and is situated in the R-10 Single-family Residential Zone District. The Township has a concept site plan that anticipates six (6) duplex structures, for a total of twelve (12) units, all of which would be affordable. The concept plan and draft ordinance are included in Appendix I.

Therefore, this proposal provides Round 4 credits for twelve **(12) units of family housing, as well as twelve (12) bonus credits because the Township is contributing toward the cost of the development.**

Vernon Route 130

Located at 1080 Route 130 or Block 2596, Lots 10 and 26, the site contains 947,866 square feet or 21.76 acres and is situated in the RD Research Development Zone District. The property is owned by 1080 Route 130, LLC and is currently unimproved with areas of wetlands. On February 9, 2021, the Hamilton Zoning Board of Adjustment approved Application No. 20-10-040. The property owner received

bifurcated use variance approval for 150 multi-family apartment units located throughout eight (8) buildings. A requirement of the application was for twenty (20) percent or thirty (30) of the proposed units to be affordable units. The Zoning Board resolution approving this development is included in Appendix J.

Therefore, this site provides **thirty (30) units of affordable housing credit** toward Round 4.

ARC Mercer – 6 Kim Valley Road

Located at 6 Kim Valley Road or Block 2614, Lot 128, the site contains approximately 13,373 square feet or 0.31 acres and is situated in the R-7 Single-family Residential Zone District. On April 16, 2024, the Township Council adopted Resolution No. 24-186 to authorize the commitment of affordable housing trust monies to ARC Mercer to purchase the three-bedroom single-family dwelling and convert it into a four-bedroom dwelling to provide housing for developmentally disabled adults. The property will also be deed restricted for 30 years. The Township Council resolution is included in Appendix K.

This ARC Mercer property provides Round 4 credits for **four (4) units of supportive housing, as well as four (4) bonus credits** due to the site providing special needs housing.

ARC Mercer – 61 Pope Avenue

Located at 61 Pope Avenue or Block 1915, Lot 1, the site contains approximately 18,748 square feet or 0.43 acres and is situated in the R-10 Single-family Residential Zone District. On April 16, 2024, the Township Council adopted Resolution No. 24-185 to authorize the commitment of affordable housing trust monies to Arc Mercer to purchase the three-bedroom single-family dwelling and convert it into a five-bedroom dwelling to provide housing for developmentally disabled adults. The property has been constructed and is currently occupied. Additionally, the property will be deed restricted for 30 years. A Certificate of Occupancy (CO) has been issued for this property and is included in Appendix L.

This ARC Mercer property provides **Round 4 credits for five (5) units of supportive housing, as well as five (5) bonus credits** due to the site providing special needs housing.

Special Needs - General

The Township anticipates partnering with special needs providers throughout Round 4. In particular, the Township is planning for an additional 48 units of special needs dwellings or group homes for future credit.

This special needs housing would **provide 48 units of credit and 48 bonus credits.**

The Township's Round 4 Compliance Plan is provided here.

Table 20 Round 4 Compliance Mechanisms Township of Hamilton, Mercer County					
<u>Development</u>	<u>Senior</u>	<u>Family</u>	<u>Special Needs</u>	<u>Bonus</u>	<u>Total</u>
St. Raphael Senior	70	0	0	7	77
OLS Redevelopment	50	0	0	5	55
Hamilton Gdn/Red Oaks	0	80	0	0	80
Trains Station Redev.	0	68	0	34	102
Village at Hamilton Green	0	18	0	0	18
Bromley/East State St.	0	8	0	8	16
Borden Ave.	0	3	0	3	6
Gropp Townhouses	0	4	0	2	6
Homefront Amaris	0	8	0	8	16
Homefront/Zachary Arms	0	12	0	12	24
Vernon Rt. 30	0	30	0	0	30
ARC – 6 Kim Valley	0	0	4	4	8
ARC – 61 Pope Ave.	0	0	5	5	10
Special Needs General	0	0	48	42	90
TOTALS	120	231	57	130	538

Consideration of Lands Appropriate for Affordable Housing

The Township has provided a variety of affordable housing options within the current plan, including special needs and age-restricted housing units, as well as inclusionary development and 100% affordable development.

All property owners that came forward to express a commitment to provide affordable housing in Round 4 are represented in the current plan.

Consistency with the State Development and Redevelopment Plan

The 2001 New Jersey State Development and Redevelopment Plan (SDRP) contains a series of smart growth goals and policies, and mapping that reflects desired growth patterns within a series of state planning areas.

As demonstrated on the State Plan Policy Map of the SDRP, all Round 4 affordable housing sites are located within Planning Area 1, with the exception of the Vernon Route 130 site, which is located in Planning Area 2.

Planning Area 1

The SDRP's intention in Planning Area 1, which is also known as the Metropolitan Planning Area, is to:

- Provide for much of the State's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

Additionally, it is noted that the 2001 SDRP outlines several policy objectives for the Metropolitan Planning Area, including:

- Land Use: Promote redevelopment and development in cores and neighborhoods of centers and in nodes that have been identified through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.
- Housing: Provide a full range of housing choices through redevelopment, new construction, rehabilitation, adaptive reuse of nonresidential buildings, and the introduction of new housing into appropriate nonresidential settings. Preserve the existing housing stock through maintenance, rehabilitation and flexible regulation.

Execution of this Housing Element and Fair Share Plan and, therewith, promotion of affordable housing development in the Metropolitan Planning Area would be consistent with the intent and aforementioned policy objectives of said planning area.

Planning Area 2

The SDRP's intention in Planning Area 2, which is also known as the Suburban Planning Area, is to:

- Provide for much of the State's future redevelopment;

- Promote growth in Centers and other compact forms;
- Protect the character of existing stable communities;
- Protect natural resources;
- Redesign areas of sprawl;
- Reverse the current trend toward further sprawl; and,
- Revitalize cities and towns.

Additionally, it is noted that the 2001 SDRP outlines several policy objectives for the Suburban Planning Area, including:

- Land Use: Guide development and redevelopment into more compact forms—Centers and former single-use developments that have been retrofitted or restructured to accommodate mixed-use development, redevelopment, services and cultural amenities. Plan and zone for a wide range of land uses and users, in order to achieve more balanced communities. Seek to better integrate different land uses, and remove or mitigate physical barriers between them. Encourage densities capable of supporting transit. Preserve the Environs as park land, farmland, or partially developed low-density uses without compromising the Planning Area’s capacity to accommodate future growth.
- Housing: Provide a full range of housing choices primarily in Centers at appropriate densities to accommodate the area’s projected growth. Ensure that housing in general—and in particular affordable, senior citizen, special needs and family housing—is developed with maximum access to a full range of commercial, cultural, educational, recreational, health and regional services and facilities. Focus multi-family and higher-density, single-family housing in Centers. Any housing in the Environs should be planned and located to maintain the existing character.

Finding

Execution of this Housing Element and Fair Share Plan and, therewith, promotion of affordable housing development in the Metropolitan and Suburban planning areas would be consistent with the intent and aforementioned policy objectives of said planning area.

SDRP Update

It is noted that as of the preparation of this Housing Element and Fair Share Plan, the State of New Jersey was in the process of updating the SDRP. While a draft of an updated SDRP was released for public review and comment in December 2024, its finalization and adoption are not anticipated to occur before late 2025 or early 2026. Thus, the 2001 SDRP remained in effect as of the preparation and adoption of this Housing Element and Fair Share Plan.

Notwithstanding the above, it is noted that the draft SDRP incorporates the same planning areas as the 2001 SDRP and associated mapping indicates that the extent of

current planning areas would remain relatively unchanged throughout the State of New Jersey.

In addition to the above, it is noted that the draft SDRP includes several “State Planning Goals.” One of these goals relates to housing and includes the following core objectives:

- Increase the Construction of Diverse Housing Types and the Amount of Affordable Housing: Promote varied housing options for all income levels, including rentals, starter homes, senior housing, and market-rate units in transit-rich and mixed-income communities.
- Focus on Retaining Residents and Increasing Sustainability: Support inclusionary zoning, green building standards, and Transit-Oriented Development, while reinforcing fair housing practices and preventing the displacement of residents.
- Address Housing Needs of Diverse Demographics: Facilitate multi-generational households, senior housing, and adaptable options to ensure all residents can age in place and access affordable housing.
- Promote Regional Housing Balance: Encourage diverse housing development in areas with strong job markets, educational opportunities, and other amenities which support socio-economic mobility and integrate communities.

Based on its continuation of the same planning areas as outlined in the 2001 SDRP and its promotion of affordable housing, it is concluded that this Housing Element and Fair Share Plan is generally consistent the draft SDRP.

Minimums & Maximums

The FHA2 stipulates certain requirements within C.52:27D-311.k(10)1 which the Hamilton plan meets. The following is noted:

- A maximum of 30% of the affordable housing units, exclusive of any bonus credits, to address its prospective need affordable housing obligation, may be addressed with age restricted housing. The Township’s plan conforms with the provisions of 120 age-restricted units, which is less than the maximum permitted of 122 units.
- A minimum of 50% of the actual affordable housing units, exclusive of bonus credits, created to address its prospective need obligation must be satisfied with the creation of housing available to families with children. Within the Township’s Plan, 231 of 408 total units of housing will be available to families, which exceeds to the minimum requirement.
- A minimum of 25% of the actual affordable housing units, exclusive of bonus credits, created to address its prospective need obligation, must be satisfied

with the creation of rental housing. The Township's plan exceeds the 102 units required for rental housing.

Multigenerational Housing Continuity

In 2021, the New Jersey Senate and General Assembly of the State of New Jersey enacted C.52:27D-329.20, which established the Multigenerational Family Housing Continuity Commission.

The commission's responsibilities include preparing and adopting recommendations on how to best advance the goal of "enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas." The commission members and associated staff shall conduct research, obtaining public input, and adopt recommendations on how to most effectively advance the goal of enhancing multigenerational family housing continuity.

We note that the Township's Round 4 Housing Element includes diverse housing options, including senior units and inclusionary development. The Township's Senior Center is located at 409 Cypress Lane and sponsors social, educational and fitness activities. Therefore, the Township's ordinances advance the goals of preserving multifamily generational continuity.

Conclusion

Hamilton has historically provided for its fair share of affordable housing and will continue to do so during Round 4. The Township's plan offers a variety of affordable housing options for all demographics.

All affordable units will conform to necessary rules, legislation and regulations, including but not limited to bedroom distribution and income distribution. At least 13% of all affordable housing units will be available to very low income households. This plan addresses Hamilton's affordable housing obligation within the confines of sound planning, and while respecting its built environment and development characteristics.

Hamilton Township Housing Element & Fair Share Plan

Appendices

- A. Rehabilitation Log
- B. Affordable Housing Sites Map
- C. OLS Redevelopment Plan
- D. Village/Klockner Road Planning Board Resolutions of Approval
- E. Bromley/East State Street Concept Plan
- F. Borden Avenue Concept Plan
- G. Gropp Townhomes Zoning Board Resolutions of Approval
- H. Homefront Amaris Concept Plan and Draft Ordinance
- I. Homefront Zachary Arms Concept Plan and Draft Ordinance
- J. Vernon Route 130 Zoning Board Resolution of Approval
- K. ARC Mercer – 6 Kim Valley Road Township Council Resolution
- L. ARC Mercer – 61 Pope Avenue Certificate of Occupancy
- M. Resolutions Appointing the Municipal Housing Liaison and Administrative Agent
- N. Affordable Housing Ordinance, Development Fee Ordinance and Mandatory Set-Aside Ordinance. The Township's existing ordinance is included. Modifications will be made as needed to conform with any future Round 4 requirements.

Appendix A – Rehabilitation Log

REHABILITATION

Municipality: HAMILTON County: MERCER

Total administrative costs for rehabilitation this report period: \$ Report Period: 10-21-2024 TO

1. The following units have been rehabilitated through the HAMILTON TOWNSHIP

2					3					4	5	6	7	8	9	10	11
street address	case number	block	lot	unit number	owner (√)	renter (√)	very low (√)	low (√)	mod (√)	final inspection date (mm/dd/yy)	funds expended on hard costs (\$)	funds recaptured (\$)	major system(s) repaired (use code)	was unit below code and raised to code? (y/n)	effective date of affordability controls (mm/dd/yy)	length of affordability controls (years)	affordability control removed (y/n)
117 Third Avenue	117-2662	1584	16.02		X			X		09/26/24	\$8,350.00		1	N	8/7/2024	10	8/7/2034
251 Tindall Avenue	251-9327	2055	13		X				X	09/30/24	\$20,375.00		2, 4, 8, 15	Y	8/1/2024	10	8/1/2034
1814 Greenwood Avenue	1814-8453	1747	25		X					12/28/24	\$24,475.00		4, 8	Y	9/6/2024	10	9/6/2034
121 McClellan Avenue	121-9710	2275	5		X					12/09/24	\$19,212.00		3, 4, 8	Y	8/26/2024	10	8/26/2034
1915 Silver Court	1915-2972	2167	126		X					11/12/24	\$17,025.00		2, 4, 8	Y	8/26/2024	10	8/26/2034
116 Darcy Avenue	116-2476	1892	15		X					11/12/24	\$23,041.00		2, 8	Y	8/1/2024	10	8/1/2034
54 Miry Brook Road	054-6900	1856	49		X					12/03/24	\$36,641.63		1, 3	Y	10/22/2024	10	10/22/2034
4259 Nottingham Way	4259-6403	1952	21		X					02/24/25	\$17,800.00		2, 3	Y	9/23/2024	10	9/23/2034
252 Emanuel Street	252-3165	2101	37		X					12/13/24	\$28,350.00		2, 5	Y	9/26/2024	10	9/26/2034
619 Atlantic Avenue	619-7995	1892	8		X					03/13/25	\$29,949.18		1, 2, 4, 8	Y	10/9/2024	10	10/9/2034
7 Francine Drive	007-4249	2552	16		X					04/25/25	\$29,750.00		3, 7, 8	Y	10/29/2024	10	10/29/2034
15 Chester Ave	015-5252	1917	21		X					45741	29045		3, 8	Y	12/9/2024	1/10/1900	12/9/2034
1283 Nottingham Way	R2878	1734	19		X		X			42650	12765		1,8	N	6/8/2016	1/10/1900	6/8/2026
369 Connecticut Ave	R2860	1871	22		X		X			42580	10400		1,2,4,8,11	N	9/19/2017	1/10/1900	9/19/2027
903 Johnson Ave	R2967	1903	1		X			X		05/10/23	\$10,700.00		1,2,8,12	Y	5/15/2023	10	5/15/2033
41 Birin Ave	R2972	1825	10		X		X			05/05/23	\$6,580.00		2	Y	4/13/2023	10	4/13/2033
107 Park Ave	R2970	1736	4		X			X		09/14/23	\$20,437.50		8,12	N	10/6/2023	10	10/6/2033
27 Kentucky Ave	R2966	1906	1		X			X		03/22/23	\$5,437.50		1	N	5/2/2023	10	5/2/2033
808 Atlantic Ave	R2971	1906	1		X		X			10/13/23	\$14,875.00		2,8,14	N	11/17/2023	10	11/17/2033
634 Berg Ave	R2963	2352	28		X		X			10/25/23	\$13,875.00		1,2,5	Y	11/17/2023	10	11/17/2033
3355 Nottingham Way	R2978	1828	15		X		X			01/31/24	\$12,200.00		1,7,8	N	12/26/2023	10	12/26/2033
24 Dunmoor Ct	R2900	2169	78		X			X		03/22/24	\$3,712.50		1	Y	3/12/2024	10	3/12/2034
15 Moffat Ave	R2982	2018	17		X		X			04/05/24	\$13,550.00		1,4	N	1/26/2024	10	1/26/2034
2345 South Broad St	R2973	2391	15		X			X		04/05/24	\$10,725.00		4,8,14	Y	1/8/2024	10	1/8/2034
132 Eaton Ave	R2976	1797	21		X		X			08/26/24	\$7,600.00		2,8	N	9/19/2024	10	9/19/2034
4982 South Broad St	R2996/30011	2690	45		X		X			01/23/25	\$16,015.00		1,7,8	N	1/9/2025	10	1/9/2036
130 Austin Ave	R2910	2029	24		X			X		04/10/19	\$6,018.00		1,10,2	Y	6/6/2019	10	6/6/2029
115 Parkinson Ave	R2917	X	2260	5	X		X			04/12/19	\$9,160.00		2,12,4,10	Y	6/6/2019	10	6/6/2029
1223 Nottingham Way	R2915	1733	16		X		X			04/23/19	\$7,896.87		1,2,8,3,7	Y	6/6/2019	10	6/6/2029
1285 Nottingham Way	R2927	1734	20		X		X			06/18/19	\$12,400.00		2,9,11,12,10	Y	12/6/2019	10	12/6/2029
574 Flock Rd	R2926	1629	47.03		X			X		07/17/19	\$6,327.00		10	N	7/22/2019	10	7/22/2029
175 Berg Ave	R2930	2263	16		X		X			10/23/19	\$12,080.00		1,3	Y	12/12/2019	10	12/12/2029
179 Parkinson Ave	R2921	2260	17		X			X		11/27/19	\$3,461.25		10,8,3	Y	1/9/2020	10	1/9/2030

31 Riley Ave	R2924	2442	15		X			X		12/05/19	\$12,000.00		2,1,10	Y	12/12/2019	10	12/12/2029
14 Cubberley Ave	R2931	1722	10		X		X			07/08/20	\$5,194.98		10,13	Y	3/9/2020	10	3/9/2030
611 Johnson Ave	R2938	1878	3		X		X			03/18/21	\$7,875.00		9,8	Y	2/16/2023	10	2/16/2033
9 Runyon Circle	R2943	2450	33		X		X			09/28/21	\$5,118.00		8,2	Y	3/8/2022	10	3/8/2032
343 Grand Ave	R2945	2306	15		X		X			09/28/21	\$19,405.02		9,8,12	Y	9/28/2021	10	9/28/2031
25 Carl Sandburg Ave	R2935	1974	17		X			X		09/28/21	\$12,500.00		10,1	Y	10/17/2021	10	10/17/2031
2129 Liberty St	R2956	2041	3		X		X			05/26/22	\$15,745.00		1,4,2,10	Y	5/26/2022	10	5/26/2032
420 Norway Ave	R2956	2041	3		X		X			07/25/22	\$15,350.00		1,8,10	Y	6/2/2022	10	6/2/2032
32 Holmes Ave	R2952	2441	24		X		X			09/22/22	\$7,130.00		1,2	N	11/2/2022	10	11/2/2022
107 Waverly Pl	R2949	1754	23		X					09/30/22	\$5,900.00		8	N	10/28/2022	10	10/28/2032
1517 Cornell Ave	R2961	1764	6		X		X			11/30/22	\$10,356.00		8	Y	2/9/2023	10	2/9/2033
55 Junior Ave	R2959	1649	14		X		X			12/09/22	\$7,850.00		2,4	Y	1/27/2023	10	1/27/2033
110 Donald Dr	R2962	1763	25		X		X			12/16/22	\$9,580.00		3,4	Y	2/16/2023	10	2/16/2033
72 New Cedar Ln	R2902	2247	5		X		X			01/03/18	\$18,233.50		8,1	Y	4/30/2018	10	4/30/2028
252 Leonard Ave	R2862	2121	15		X		X			07/15/15	\$18,185.22		4,3,8,7	Y	4/30/2018	10	4/30/2028
239 Wilson Ave	R2822	7808	22		X					06/01/15	\$17,275.00		1,1,2,4	Y	9/30/2015	10	9/30/2025
95 Baylor Rd	R2846	2412	2		X		X			02/01/15	\$16,900.00		1,8,4	Y	9/24/2015	10	9/24/2025
651 Field Ave	R2895	2380	2		X		X			09/28/17	\$16,700.00		1,2,8	Y	10/27/2017	10	10/27/2027
103 Wegner Ave	R2884	1660	32		X		X			09/23/16	\$15,070.00		1,2,4,8,14	Y	9/19/2017	10	YES-03-02-2022
369 Connecticut Ave	R2860	1871	22		X		X			08/09/17	\$14,711.00		4,3,8	Y	9/19/2017	10	9/19/2027
122 Julia Ave	R2887	2205	43		X		X			08/08/17	\$13,760.00		2,8,14	Y	9/19/2017	10	9/19/2027
2040 S. Clinton Ave	R2853	2224	12		X			X		08/06/14	\$13,600.00		8,1	Y	10/28/2015	10	10/28/2025
19 Tilia Ct	R2840	2168	40		X		X			04/24/15	\$12,700.00		1,3	Y	2/11/2015	10	2/11/2025
1285 Nottingham Way	R2927	1734	20		X		X			11/15/19	\$12,400.00		1,4,2	Y	12/12/2019	10	12/12/2029
179 Berg Ave	R2930	2263	16		X		X			10/15/19	\$12,000.00		3,1	Y	12/12/2019	10	12/12/2029
516 Groppe Ave	R2889	2533	35		X		X			06/12/17	\$11,306.25		1,2,4,8,11	Y	9/19/2017	10	YES-07-11-2024
302 Tindall Ave	R2896	2036	1		X		X			08/20/17	\$10,930.00		9,4	Y	10/27/2017	10	10/27/2027
521 Lafayette	R2888	2338	7		X			X		06/06/17	\$10,912.00		1,4	Y	9/19/2017	10	9/19/2027
547 Ridge Ave	R2891	2356	10		X		X			07/17/17	\$10,800.00		2,4	Y	9/17/2017	10	9/17/2027
104 Tindall Ave	R2850	2032	1		X		X			04/01/15	\$10,125.00		1,12	Y	4/30/2015	10	4/30/2025
416 Massachusetts Ave	R2905	1780	29		X			X		07/22/18	\$10,111.00		12,8	Y	8/20/2018	10	8/20/2028
1255 Nottingham Way	R2903	1734	5		X		X			04/16/18	\$9,245.00		8	Y	5/22/2018	10	5/22/2028
217 California Ave	R2900	1598	2		X		X			12/27/17	\$9,150.00		1,2,4,8,11	Y	1/30/2018	10	1/30/2028
46 Ellwood St	R2898	2081	7		X		X			11/28/17	\$9,090.00		2,4,8	Y	2/12/2018	10	YES-05-23-2024
10 Birkshire Rd	R2844	1779.01	38		X		X			11/13/14	\$9,085.00		1,2	Y	9/24/2015	10	9/24/2025
235 Eaton Ave	R2906	1802	7		X		X			10/12/18	\$8,002.38		8,4	Y	12/27/2018	10	12/27/2028
115 Parkinson Ave	R2917	2360	5		X		X			05/10/19	\$7,730.00		12,2,4	Y	6/6/2019	10	6/6/2029
19 Klein Ave	R2899	2021	6		X				X	06/10/18	\$7,006.00		4	Y	8/2/2018	10	YES-01-19-2022
574 Flock Rd	R2926	1629	47.03		X			X		06/13/19	\$6,327.00		10	Y	7/22/2019	10	7/22/2029
130 Austin Ave	R2910	2027	24		X			X		05/09/19	\$5,518.00		1,2	Y	6/6/2019	10	6/6/2029
1019 William St	R2877	2272	4		X		X			02/01/15	\$5,332.00		8,4	Y	6/1/2015	10	6/1/2025
256 Field Ave	R2834	2353	18		X		X			01/01/15	\$5,250.00		2,4,8	Y	2/11/2015	10	YES-10-23-2023
876 S. Olden Ave	R2907	2079	7		X		X			04/20/18	\$5,125.00		7,4	Y	5/14/2018	10	5/14/2028
113 Kuser Rd	R2880	2048	21		X		X			04/08/16	\$5,025.00		1,12	Y	7/21/2016	10	7/21/2026
4285 Nottingham Way	R2912	1952	23		X		X			12/20/18	\$4,725.00		1	Y	2/21/2019	10	2/21/2029
2326 S. Clinton	R2920	2288	8		X					10/20/18	\$4,340.00		3	Y	2/7/2019	10	2/7/2029
249 Lynwood Ave	R2918	1744	5		X		X			01/20/19	\$4,336.25		3	Y	2/21/2019	10	2/21/2029
333 Durand Ave	R2875	2180	7		X		X			08/09/16	\$3,981.25		8	Y	01/17/2016	10	01/17/2026
179 Parkinson Ave	R2921	2260	17		X					08/12/19	\$3,461.25		2,4,8	Y	10/22/2019	10	10/22/2029
7 Elkshead Terrace	R2911	2709	13		X		X			01/20/19	\$3,310.00		8,3	Y	2/21/2019	10	YES-07-26-2024
6 James Cubberly Ct	R2904	2523	97		X		X			04/30/18	\$2,948.38		8,4	Y	8/2/2018	10	8/2/2028
3 Topaz Ln	R2872	2169	635		X		X			05/20/16	\$2,650.00		1,8	Y	4/14/2016	10	4/14/2026
149 Harcourt Dr	R2879	2450	20		X		X			03/18/16	\$2,415.00		3	Y	4/14/2016	10	4/14/2026
31 Durmoro St	R2852	2169	238		X		X		X	06/01/15	\$1,770.00		8	Y	9/24/2015	10	9/24/2025
1762 E. State St	N/A	1637	9							12/01/15	\$1,633.00		4	Y	9/19/2017	4	9/19/2027
12 Brafman Dr	R2890	2410	21		X		X			03/19/17	\$600.00		3	Y	9/19/2017	10	9/19/2027
346 Wilson Ave	R2871	1809	13		X		X			03/28/16	\$14,725.00		2,4,8,11,14	Y	4/14/2016	10	4/14/2026

Program Administrator

Date

Code Official

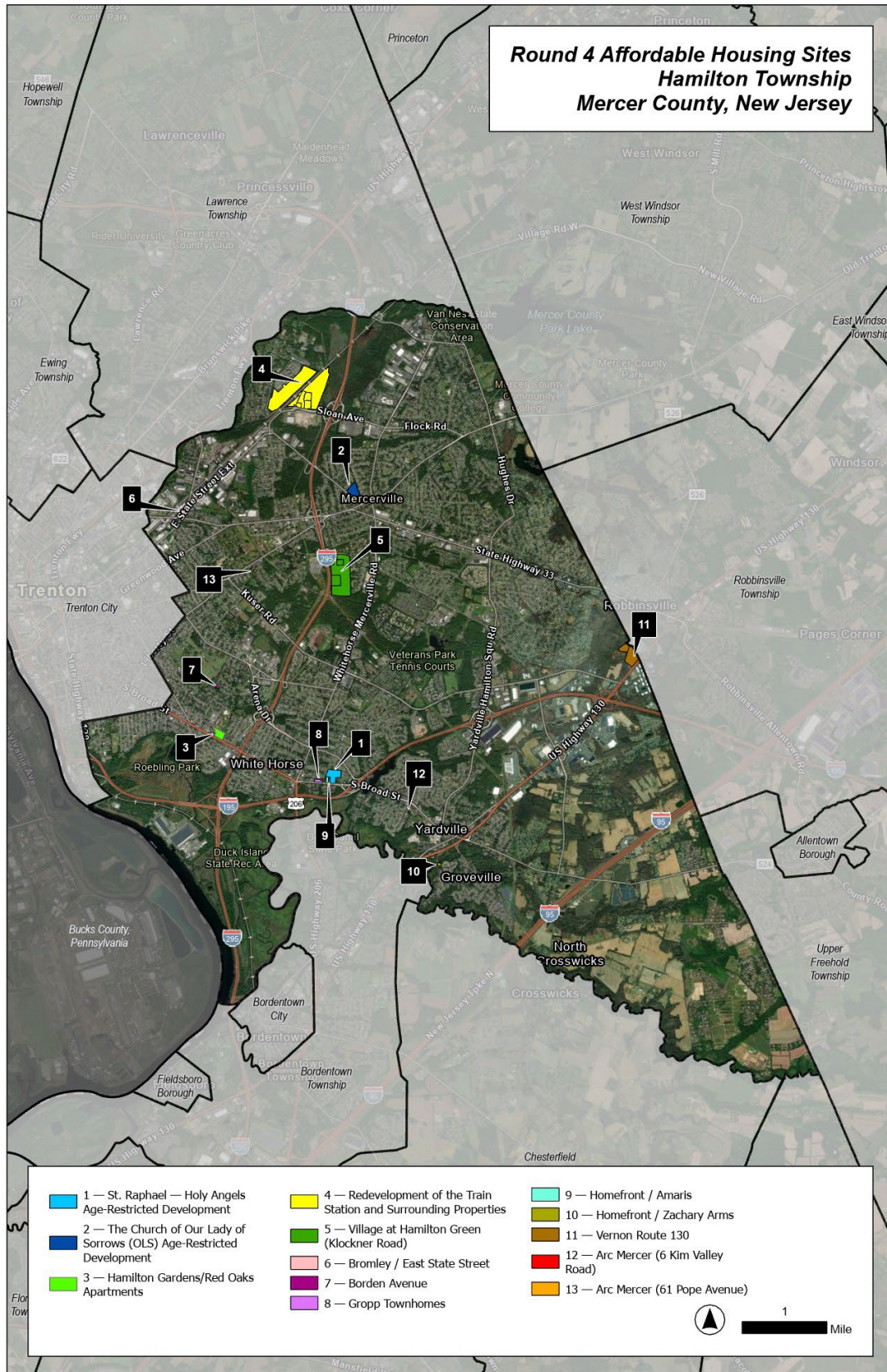
Date

Type of Work Completed Codes

- | | |
|----|---|
| 1 | Roof |
| 2 | Plumbing (including wells) |
| 3 | Heating |
| 4 | Electricity |
| 5 | Sanitary Plumbing (including septic system) |
| 6 | Load Bearing Systems |
| 7 | Other (please explain below) |
| 8 | Windows and/or doors |
| 9 | Siding |
| 10 | Handicap Improvements |
| 11 | Paint |
| 12 | Gutters |
| 13 | Insulation |
| 14 | Floors |
| 15 | Lead-Based Paint Removal |

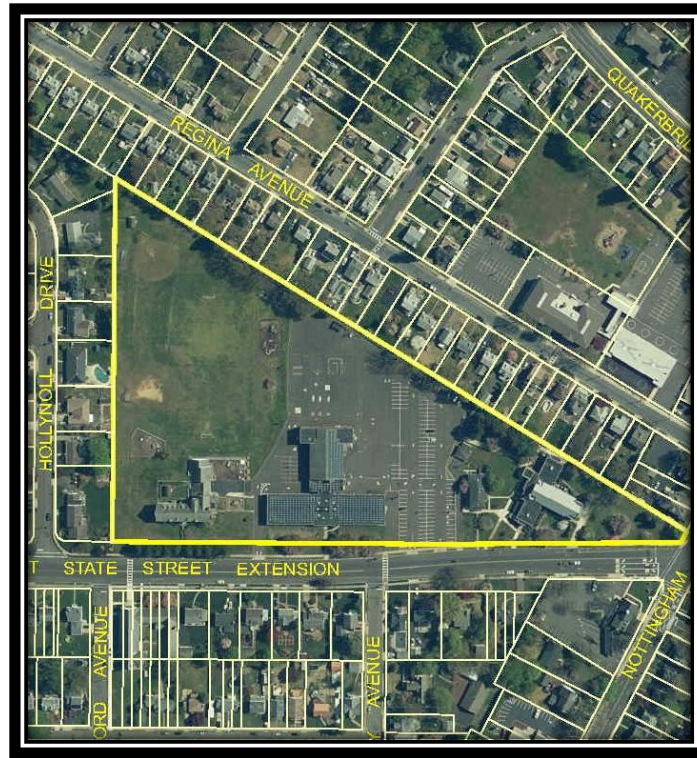
Appendix B – Affordable Housing Sites Map

Round 4 Affordable Housing Sites Hamilton Township Mercer County, New Jersey



Appendix C - OLS Redevelopment Plan

Hamilton Township



Our Lady of Sorrows Study Area 3710 E State Street Block 1666, Lot 80 Redevelopment Plan Non-Condemnation

June, 2025
New Jersey Local Redevelopment and
Housing Law – NJSA 40A:12A

Prepared by:
Alaimo Group
200 High Street
Mount Holly, New Jersey 08060
Our File No. A-1300-0016-000



HAMILTON TOWNSHIP
OUR LADY OF SORROWS SITE REDEVELOPMENT PLAN
3710 East State Street

Block 1666; Lot 80

*Redevelopment Plan Consistent with the
New Jersey Local Redevelopment and Housing Law
N.J.S.A. 40A:12A –1 et seq.
June, 2025*

The Hamilton Township Governing Body on February 4, 2024 adopted Resolution 25-105 authorizing and directing the Planning Board to prepare the Our Lady of Sorrows Site Redevelopment Plan subsequent to approval of the preliminary investigation, pursuant to the criteria set forth in the Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-1 et seq.

The Planning Board, following a public hearing conducted on April 10th, 2025, adopted by Resolution April 24th, 2025, recommended the Study Area to be a Non-condemnation Area in Need of Redevelopment.

The Governing Body adopted Resolution No. 25-220, dated April 15, 2025, determining that the Study Area be designated as a Non-condemnation Area in Need of Redevelopment.

The Governing Body serves as the Redevelopment Entity.



The image shows a circular professional seal for Richard W. Hunt, a Professional Planner in the State of New Jersey, with license number 6478. To the right of the seal is a handwritten signature in black ink. Below the signature, the text reads: "Richard Hunt, PP, AICP" and "N.J. Professional Planner #6478".

The document original was signed and sealed in accordance with NJAC 13:41-1.3

Township of Hamilton

2025 Mayor and Council

The Honorable Jeffery S Martin, Mayor
Richard Tighe, Council President
Pasquale “Pat” Papero , Council Vice President
Anthony Carabelli, Council Member
Nancy Phillips, Council Member
Charles F. Whalen, Council Member

2025 Township Planning Board

Robert Calabro, Planning Board Chair
Charles Whalen, Council Liaison/Member
Christopher Locket, Township Official/Member
Michael Maloney, Mayors Designee/Member
Joseph Abbot, Member
Jennifer Coffey, Member
Haig Kasabach, Member
Latoya Wilson, Member
Ed Pattik, Member
Richard Conti, Alternate 2

Administrative and Professional Staff

Madison Nebbia, Board Secretary, Planning Board
R. Scott King Esquire, Planning Board Solicitor
Samantha Brown, PE, Superintendent of Engineering
Mike Guhanick, PP, AICP, Supervising Planner
Robert Poppert, PP, AICP, Township Planner
Richard W. Hunt, PP, AICP, Planning Consultant
Joseph Augustyn, PP, AICP, Planning Consultant

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 - 1.11. Consistency with State, County, Regional and Nearby Municipal Plans
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1. Our Lady of Sorrows Site Redevelopment Area:
 - a. Aerial
 - b. Environmental Resources: Wetlands and Floodplain
 - c. Tax Map and Zone Plan
 - d. Concept Plan
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3. Planning Board Resolution recommending designation as a Non-Condensation Area in Need of Redevelopment
4. Township Council Resolution 25-220 designating Block 1666, Lot 80 Site as a Non- Condensation Area in Need of Redevelopment
5. Planning Board Resolution recommending adoption of Redevelopment Plan
6. Township Council Ordinance adopting Redevelopment Plan

**Hamilton Township
OLS Redevelopment Plan
Block 1666; Lot 80
June, 2025**

1. REDEVELOPMENT PLAN

**1.1. Redevelopment Plan Process and Overview; Terms and Definitions;
Redevelopment Entity**

Hamilton Township intends to implement this Redevelopment Plan for the Our Lady of Sorrows Redevelopment property comprised of Block 1666; Lot 80 (hereinafter, the “Property” and “Our Lady of Sorrows site”). The Property is zoned R-10 Single Family Residential district. This Redevelopment Plan designates redevelopment objectives, uses, and bulk requirements, design standards and performance criteria. Only those uses listed in Section 1.8.1 upon adoption of this Redevelopment Plan shall be permitted.

Hamilton Township continues to advance its redevelopment planning and implementation initiative with this redevelopment effort. Regular and ongoing open discussions among Township Council, Planning Board, and the public help facilitate identification of underutilized land and blighted conditions within the Township. This study area is within N.J. Planning Area 1 (metropolitan), where redevelopment is encouraged as recommended in the New Jersey State Development and Redevelopment Plan.

The Redevelopment Plan Area includes the following property: Block 1666, Lot 80. This Redevelopment Plan is prepared in accordance with the requirements of N.J.S.A. 40A:12A-1 et. seq., and specifically is in accordance with non-condemnation rules (40A:12A-6.a.). This Redevelopment Plan is specific to age-restricted and income restricted rental apartments intended to partially satisfy the Township’s Fourth Round Affordable Housing obligation, and to respond to a need for such housing in the community. A subdivision of Lot 80 is required as part of this Redevelopment Plan to create a new lot for the proposed senior affordable housing, and a remainder lot that will contain the existing OLS school and church operations.

This Redevelopment Plan constitutes an overlay to permit redevelopment of the designated area as set forth herein. The R-10 Zone District remains applicable as the underlying zone when no redeveloper has been appointed by the Township Council.

All terms not otherwise defined herein shall have the same meaning as those set forth in the Hamilton Township Land Use Code, the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., or the Local Redevelopment and Housing Law,

N.J.S.A. 40A:12A-1 et seq. All other terms not expressly defined in those statutes are left to their common definitions.

The Mayor and Council shall serve as the Redevelopment Entity.

1.2. Redevelopment Plan Consistency with and advancing the Township Master Plan.

The goals and objectives established in the Hamilton Township 2011 Master Plan guide municipal redevelopment efforts. This Redevelopment Plan advances the fulfillment of an identified municipal need. The design standards within this Plan ensure that new projects follow the intent of the Township Master Plan and seek to fulfill the goals and objectives therein. This redevelopment plan provides a redevelopment option within a heavily developed area of Hamilton Township, consistent with the Township's smart growth objectives.

Hamilton Master Plan Goals and Objectives Applicable to Redevelopment:

- Achieve a proper balance in the distribution and location of various land uses to provide a varied and healthful environment of people who live and work in the township
- Focus the Township's remaining development potential on lands that can support compact development, are well served by transportation and other utility (sewer and water) infrastructure and are in proximity to employment and service centers. Direct new development away from productive agricultural lands, stream corridors, wildlife corridor, and other environmentally sensitive lands.
- Provide realistic opportunities for a variety of housing types and sizes which are affordable to households at a variety of income levels.
- Support the Township retail, office, and industrial districts so that the Township may strengthen its position as a major economic engine in Mercer County.

The Our Lady of Sorrows tract and area infrastructure is in the midst of a dense residential neighborhood, and in its current condition is not being utilized to its full potential. Ensuring the site is contributing to the public health, safety, and overall welfare of the community is of great importance to the Township.

1.3. Overview of Our Lady of Sorrows Site Redevelopment and Property Records

Property Identified “Our Lady of Sorrows”

Block 1666, Lot 80

The Hamilton Planning Board, authorized by Mayor and Council is tasked with preparing the Redevelopment Plan for the Our Lady of Sorrows Site. The Planning Board has conclusively determined the property is in need of redevelopment, that consistency requirements in LRHL have been met, and the redevelopment effort is consistent with the Township Master Plan, the Township Zone Plan, and Township Zoning Ordinances.

The Redevelopment Area consists of 11.834 acres of land situated on the Northern side of East State Street, near the intersection of East State Street and Nottingham way. While the frontage of the property is on East State Street, the rest of the property is bounded by a number of residential properties; Block 1666 Lots 1-8, and Lots 51-79. The site currently contains a former convent building (vacant), the Our Lady of Sorrows School (operational), the Church of Our Lady of Sorrows (operational) and a rectory and associated detached garage (operational). There are several access points (both pedestrian and vehicle) along East State Street. The entire front of the property has a sidewalk that runs along East State Street.

According to the data available from the NJDEP as well as FEMA, the site has no flood hazard area. Appendix mapping presents the nearest flood zone as mapped by FEMA.

The property identified as Our Lady of Sorrows is located within the vicinity of Route 33, a short distance from US Route 1, which provides regional access from the site. Additionally, Route 295 is approximately 2,500 feet from the site (as the crow flies), which provides even greater access to the region. Both the Philadelphia and Newark Airports are within a 1–2-hour drive from the site, with even closer proximity to the Trenton-Mercer Airport. The property is within Hamilton’s R-10 Single Family Residential zone. Major utilities including water, sewer, gas, electric, and cable are available at the site.

REAL PROPERTY TAX RECORDS Lot 80

<u>Owner:</u>	Church of Our Lady of Sorrows
<u>Land Use:</u>	Urban (Commercial/Services & Athletics Fields)
<u>Zone:</u>	R-10 Single Family Residential
<u>Lot Area:</u>	11.834 Acres (515,489.04 SF)
<u>Flood Zone:</u>	N/A

1.4. Public Transportation Serving the Redevelopment Area

- Nearby Route 33 has multiple NJ Transit bus stops within walking distance of the study area
- Study area within 5-minute drive of the Hamilton Train Station

1.5. Public Utilities: Water, Sewer, Gas, Electric and Communications

The Redevelopment Area is serviced by:

Water:	Trenton Water Works
Sewer:	Hamilton Township WPCF Natural
Gas and Electric:	PSE&G
Communications:	Verizon, CSC Holdings
Fiber Optic:	Cable

1.6. Pedestrian and Bicycle Access

- Sidewalk along whole of the property front on East State Street continues along East State Street and Route 33. Pedestrian access to Route 33 commercial corridor.
- Two signalized crosswalks along the front of the property, as well as a signalized intersection at the south end of the site (East State Street and Route 33)

1.7. Hamilton Township Stormwater Management Plan Applicability

As directed by the Township Engineer, the Municipal Stormwater Management Plan (MSWMP) and implementing ordinance as required by N.J.A.C. 7:14A-25 will be utilized to review development applications within the redevelopment area, as may be applicable to retrofit and upgrade this existing development site. The MSWMP addresses flood damage mitigation, stormwater runoff control, soil erosion reduction, maintaining groundwater recharge, control of non-point source pollution, minimization of pollutants in stormwater runoff from new and existing developments, and protection of public safety through proper design and operation of stormwater basins by incorporating specific stormwater design and performance standards, including both preventative and corrective maintenance strategies for new and existing developments. The goals of the MSWMP are incorporated into this redevelopment plan with a particular emphasis on the *“Prevention of increased nonpoint source pollution”* and *“Protection of public safety through proper design and operation of stormwater basins”*.

1.8. Land Use: Design Standards, Bulk Requirements, Performance Criteria and Development Regulations

This Redevelopment Plan sets forth design standards, performance criteria, development regulations; and designates permitted uses, and bulk requirements for the designated Redevelopment Area. Bulk requirements and design standards as set forth herein supersede the existing zoning controls of the underlying R-10 Zone on the Property when a redeveloper has been appointed by the Township Council or has entered into a Redevelopment Agreement with Township Council in accordance with N.J.S.A. 40A:12A-8. Where no redeveloper has been appointed and/or no redevelopment agreement has been authorized, the permitted and conditional uses, bulk requirements and design standards provided in the R-10 Zone remain applicable.

To implement the intent of this Redevelopment Plan, a subdivision of Lot 80 is required to create a new lot containing the existing vacant convent building and space for the proposed expansion to accommodate senior affordable housing. The remainder lot will contain the existing OLS school and church operations. The standards below apply to the newly created lot for the proposed senior affordable housing. The Redevelopment Plan may be amended in the future to provide additional standards for the remaining church lot.

1.8.1 Land Use

a. Permitted Principal Uses:

- Age-restricted multi-family residential apartments. The maximum number of residential units shall not exceed fifty (50).
- All residential units shall be affordable to very low-, low-, and moderate-income households and shall be restricted to persons 55 years or older.

b. Permitted Accessory Uses:

- Off-street Parking and Loading; Bicycle Racks
- Electric Vehicle Recharging Facilities
- Stormwater Management Facilities
- Utility Infrastructure
- Waste and Recycling Facilities
- Signage

- Mailbox Cluster
- Patios
- Community Room
- Ground Maintenance Storage Buildings
- Enclosures for dumpsters or compactors for trash and recyclable materials
- Indoor and Outdoor Recreation Facilities
- Fitness Center
- Fire Pit
- Sidewalks and Pathways
- Other accessory uses and amenities customarily incidental to the principal permitted use as approved by the Planning Board.

1.8.2 Site Area and Bulk Requirements

- | | |
|--|---|
| • Minimum Lot Area | 1.5 Acres |
| • Minimum Frontage | 200 feet |
| • Minimum Front Yard Setback | 40 feet |
| • Minimum Side Yard Setback | 5 feet to east (internal) property line
25 feet to external property line or redevelopment area boundary |
| • Minimum Rear Yard Setback | 25 feet |
| • ¹ Maximum Building Height | 45 feet |
| • Maximum Building Coverage | 35% |

¹ See 1.8.2.c

- Maximum Impervious Coverage 65%
- Minimum Parking and Driveway Setback 10 feet
0 feet to internal property line
- Minimum Buffer to Residential 10 feet
- a. Stormwater management basins, green infrastructure improvements, utilities, mailbox clusters, fencing and walls are permitted within the buffer area and setback areas for the site as developed under this Redevelopment Plan.
- b. Fences or walls constructed shall be a maximum of eight feet (8') where necessary for screening and reducing noise perception beyond the lot, or as may be required by the Planning Board.

The standards above anticipate that a subdivision will be required. Overall, the standards are intended to apply to the redevelopment area overall. The "internal" lot line standards are provided to acknowledge the subdivision that will take place and to ensure that the lots within the designated redevelopment area are redeveloped in harmony and with consideration for existing improvements that may remain.

- c. Rooftop mechanical equipment may exceed the maximum permitted building height by five feet (5'). If visible to the public from street level, roof mounted equipment shall be screened by appropriate architectural features.

1.8.3 Design Standards, Parking, Lighting, Demolition, and Road Widening/Easements

- a. Any provision of the Township Code inconsistent with the intent of this redevelopment plan shall not be applicable. All design and performance standards set forth in the Township Code that are not addressed remain applicable.
- b. Parking Requirements. The following parking standards for the Property have been formulated to maximize available parking given site limitations and shall supersede the parking standards and requirements set forth in the Township Code.
 - i. Dimensions of parking spaces
 - 1. Parking spaces on the property shall be a minimum of nine feet (9') x eighteen feet (18'), except for those designated as accessible parking spaces.

2. Accessible parking spaces in the quantity required to comply with State regulations governing accessible parking spaces shall be provided and shall comply with the dimensional requirements set forth by State regulations governing accessible parking spaces.
3. All parking and drive aisles shall be a minimum of twenty-four feet (24') in width.
- ii. Parking for the age-restricted residential units shall be as follows:
 - (a) .8 parking space is required for each 1- or 2-bedroom unit.
- iii. Electric vehicle parking spaces shall be provided as follows:
 - (a) Prepare as make-ready parking spaces at least fifteen percent (15%) of the required off-street parking spaces, and install EVSE in at least one-third of the fifteen percent (15%) of make-ready parking spaces;
 - (b) Throughout the installation of EVSE in the make-ready parking spaces, at least five percent (5%) of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - (c) Locations of make-ready parking spaces shall be approved by the Planning Board as part of site plan review.
 - (d) Redeveloper at its option may install electric vehicle supply equipment in all make-ready parking spaces prior to issuance of the initial certificate of occupancy, or may phase installation in such a manner that electric vehicle supply equipment is installed to serve "make-ready" parking spaces at not less than the rate of one third prior to issuance of the initial certificate of occupancy, one third within three (3) years of issuance of the initial certificate of occupancy, and one third within six (6) years of issuance of the initial certificate of occupancy.
- iv. Should the applicant demonstrate conformance with parking generation rates as specified in the most recent ITE Parking Generation Manual and the Planning Board deems these parking requirements to be reasonable, relief may be

requested.

- v. Parking for tractor trailers and delivery trucks shall not be permitted.
- vi. Exterior storage of any boat, motorhome, travel trailer, camper, recreational or commercial vehicle is prohibited.
- c. **Lighting Design Standards.** Luminaire height may not exceed twenty feet (20'). Luminaire height to be measured from grade level to center line of fixture. LED lighting with a maximum color temperature of 3000K with sharp cutoff luminaires shields is required. The measure of lighting intensity at the boundary of the property shall not exceed 0.1 foot-candles. All parking areas and walkways thereto and appurtenant passageways and driveways serving the site shall be adequately illuminated for security and safety purposes. The lighting plan in and around the parking areas shall provide for nonglare color-corrected lights focused downward. The light intensity provided at ground level shall be a minimum of 0.5 footcandle anywhere in the area to be illuminated, shall average a minimum of 1.0 footcandle over the entire area, measured from the ground level to the center line of the light source. Any other outdoor lighting, such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow determination of the effects to adjacent properties, traffic safety and overhead sky glow. The objective of these specifications is to minimize undesirable off-premises effects. No light shall shine into windows or onto streets and driveways in such manner as to interfere with or distract driver vision. To achieve these requirements, the intensity of such light sources, the light shielding and similar characteristics shall be subject to site plan approval. Suitable security and convenience lighting shall be provided as necessary along all walks, interior roads and off-street parking areas.
- d. Adequate access and on-site circulation for emergency vehicles shall be provided at the reasonable discretion of the Fire Marshal.
- e. Existing obsolete improvements are to be demolished and disposed of in accordance with all governing regulations.

1.8.4 Signage

- a. Entry signs may be monument style and illuminated backlit or direct LED with no light spillage.
- b. Entry signs shall be monument style, not exceed thirty-six (36) s.f. in area nor six feet (6') in height including the base and located

outside of any sight triangle areas.

- c. Entry signs are to be set back a minimum of ten feet (10') from the right-of-way.
- d. Directional and information signs are permitted, not to exceed eighteen (18) s.f. in area.
- e. Temporary signage, including freestanding ground signs, flag signs, banner signs, contractor signs, or other signs advertising the availability of the residential units and/or directing the public to the development are permitted until the development reaches 100% occupancy.
- f. ADA Parking signs shall be provided consistent with N.J. State and Federal requirements.

1.8.5 Performance Criteria and Standards

- a. Extend sidewalk from parking area and building to connect to existing sidewalk on E State Street
- b. Promote energy conservation in redevelopment construction design.
- c. Control adverse development impacts including noise and light.
- d. Utility improvements including electric and other utility wires shall be underground wherever possible for safety, efficiency and aesthetics.
- e. On-site solar electric generation is recommended to advance municipal green initiatives.
- f. Provide ample buffering/screening so to screen views and reduce noise perception off-site.
- g. Stormwater Management Facilities may be located and integrated within the buffer/screening areas, subject to meeting screening criteria as required by the Planning Board.
- h. Redevelopment projects shall be designed with stormwater management facilities pursuant to the design requirements of RSIS, NJDEP Green Infrastructure, NJAC 7:8 Stormwater Management Rules, Hamilton Township ordinances and the Standards for Soil Erosion and Sediment Control in New Jersey. Proposed stormwater management facilities are required only for the proposed improvements associated with the redevelopment project.

- i. Buildings (new construction only) are to include architectural design upgrades that add visual interest to the residential buildings and complement the existing convent building.
- j. As visible to the public, roof mounted or ground placed equipment shall be screened by appropriate architectural landscape design features.
- k. Lighting performance criteria include provision for residential level security, safety, and adequate (not excessive) illumination, while providing for control of offsite glare and uplighting. Lighting fixture designs shall complement building architecture.

1.8.6 Development Regulations

- a. Redevelopment area construction shall be in accordance with the requirements of the Township Code, except as set forth and intended herein.
- b. Submission Waivers. The Planning Board, considering the advice of the Board Planner and Engineer, will consider waivers from the submission requirements within this redevelopment area for efficiency in development costs without compromising health, safety, and welfare.
- c. This redevelopment area shall be governed by the procedural and performance requirements further set forth under the Land Development section of the Hamilton Township code and applicable provisions of the M.L.U.L. with the following modifications:
 - i. Redevelopment activities shall be in conformance with this Redevelopment Plan, which may be amended in accordance with the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.;
 - ii. Deviations from the terms hereof shall be addressed by way of an application submitted to the Planning Board. A deviation shall be granted where:
 - 1. An applicant can demonstrate that the proposed deviation is more beneficial for the Township than compliance with the terms required by the Township Code or otherwise required by this Redevelopment Plan, and
 - 2. The proposed deviation furthers the intent and purposes of the Township Master Plan and this Redevelopment Plan.

1.9 Redevelopment Plan Landscape Buffer Requirements

The site plan submitted to the Planning Board for approval in accordance with N.J.S.A. 40A:12A-13 shall include a landscape plan prepared by or under the supervision of a Landscape Architect licensed in New Jersey (LA).

- a. A minimum ten-foot (10') landscape buffer around the tract boundary of the redeveloped area. The landscape buffer area shall include a mix of berms, staggered native evergreens, shade trees, and shrubs to provide an aesthetically pleasing site entry and buffer. The site access drive may pass through this landscape area. Existing, healthy trees in the front yard should be preserved to the greatest extent possible.
- b. A post landscape installation inspection is required to confirm landscape performance objectives are met. Additional landscape materials and plantings may be required.
- c. A six-to-eight-foot high solid fence is required along the lot line adjacent to residential to the north to screen views of the parking area and attenuate noise.
- d. The primary performance objective of buffer areas is to screen views of surface parking (not the building) and attenuate noise beyond the Property. Buffers shall include a mix of primarily native plantings, berms, and fences to provide effective screening while also providing visibility for safe site access and wayfinding,
- e. Headlight glare is best initially screened with berms, fencing and/or dense evergreen shrubs internally along parking lots and drive areas.
- f. Potential off-site glare from parking lot and drive area lighting is to be mitigated using LED lights with sharp cutoff luminaires and/or shields, and Kelvin temperature (3000K maximum) so to provide lighting attenuation benefits.
- g. Applying combinations of screening designs as outlined (evergreen and deciduous trees and shrubs; berming; fencing; LED lighting designs, height and Kelvin temperature limits; parking lot and drive area layouts; and depth of buffer distance and building setback) provide greater design accountability toward achieving stated performance objectives.
- h. Hamilton Township and State tree ordinances shall be met.

1.10 Acquisition and Relocation (Non-Condemnation)

This Redevelopment Plan does not propose acquisition of property. There are no current residents within the area anticipated to be redevelopment. Therefore, no residents or businesses will be temporarily or permanently displaced.

1.11 Consistency with State, County, Regional, and Nearby Municipal Plans

1. New Jersey State Development and Redevelopment Plan (SDRP)

This Redevelopment Area is located within PA1. The SDRP policies support and encourage development and redevelopment within PA1.

The SDRP recognizes the following general characteristics of municipalities and communities located within PA1:

- High population densities
- Existing public water and sewer systems, or physical accessibility to those systems
- Access to public transit
- Near commercial/industrial employment nodes
- Redevelopment areas totally surrounded by land use meeting the criteria of PA1 Planning Area are geographically interrelated with the metropolitan planning area and meet the intent of the local redevelopment and housing law and metropolitan planning area

The intention of the SDRP for PA1:

- Provide for much of the State's future growth;
- Revitalize cities and towns;
- Address existing legacy issues (air pollution, urban heat, contamination, etc.);
- Prevent displacement and gentrification;
- Promote growth in compact forms;
- Rebalance urbanization with natural systems;
- Promote increased biodiversity and habitat restoration;
- Stabilize and enhance older inner ring suburbs;
- Redesign and revitalize auto oriented areas;
- Protect and enhance the character of existing stable communities;

Hamilton Township's 2011 Township Master Plan supports the remediation and redevelopment of sites instead of new construction on undeveloped land.

2. Mercer County

Mercer County's regional development efforts include:

- a. Enhancing cyclist and pedestrian safety
- b. Enhancing "complete streets"
- c. Promoting equitable access to transportation
- d. Enhancing vehicular safety
- e. Promoting multi modal transportation choices
- f. Enhancing public transportation infrastructure
- g. Enhancing mobility and reducing traffic congestion
- h. Enhancing integration of transportation and land use policies
- i. Enhance freight transportation improvements
- j. Enhancing and protecting natural environments when improving transportation facilities
- k. Enhancing resilience of transportation assets to natural and made disasters
- l. Promote public, private and not-profit coordination on transportation
- m. Improve economic vitality and increase access to jobs and business
- n. Maintain a state of good repair and enhance longevity of infrastructure

In conjunction with regional redevelopment efforts by Mercer County, Hamilton Township continues to identify sites that are suitable for smart growth based redevelopment.

3. Delaware Valley Regional Planning Commission

Hamilton Township actively participates with the efforts of DVRPC to improve and redevelop existing urban centers/older communities that are in need of redevelopment, rather than developing open space and farmland

into suburban sprawl. Efforts include accommodation of vehicles and pedestrians, improved access to alternative modes of transportation, economic revitalization of corridors, landscaping and streetscape improvements along corridors, and the provision of bicycle/pedestrian access ways and facilities. Hamilton Township's bicycle/pedestrian access and redevelopment planning efforts further these overall regional objectives. Our Lady of Sorrows Redevelopment maintains consistency with Smart Growth goals and policies.

These smart growth goals and policies are consistent with the New Jersey State Development and Redevelopment Plan and the New Jersey Department of Transportation so to ensure regionally consistent land use plans.

Hamilton Township's redevelopment efforts support and encourage investment in existing infrastructure, advance support for existing and new businesses, and promote environmentally sensitive design.

1.12 New Jersey Department of Transportation and Mercer County Requirements

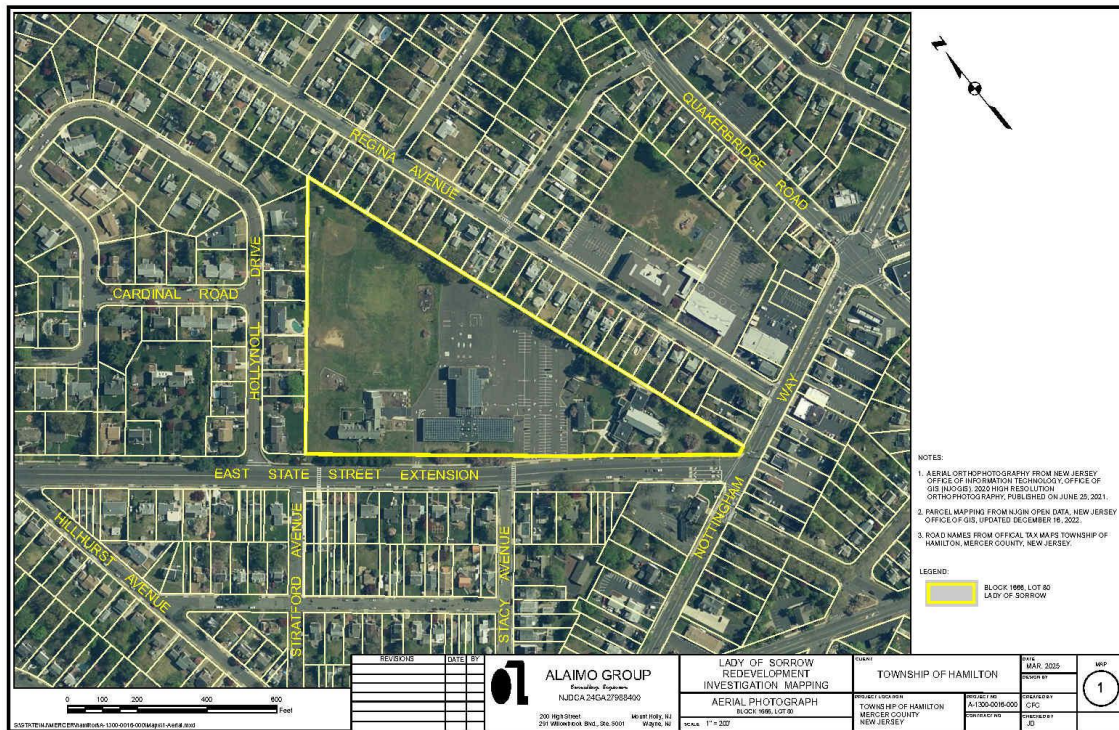
- a. All requirements directed by N.J. State and County government agencies shall be met.

1.13 Redevelopment Program and Process Schedule

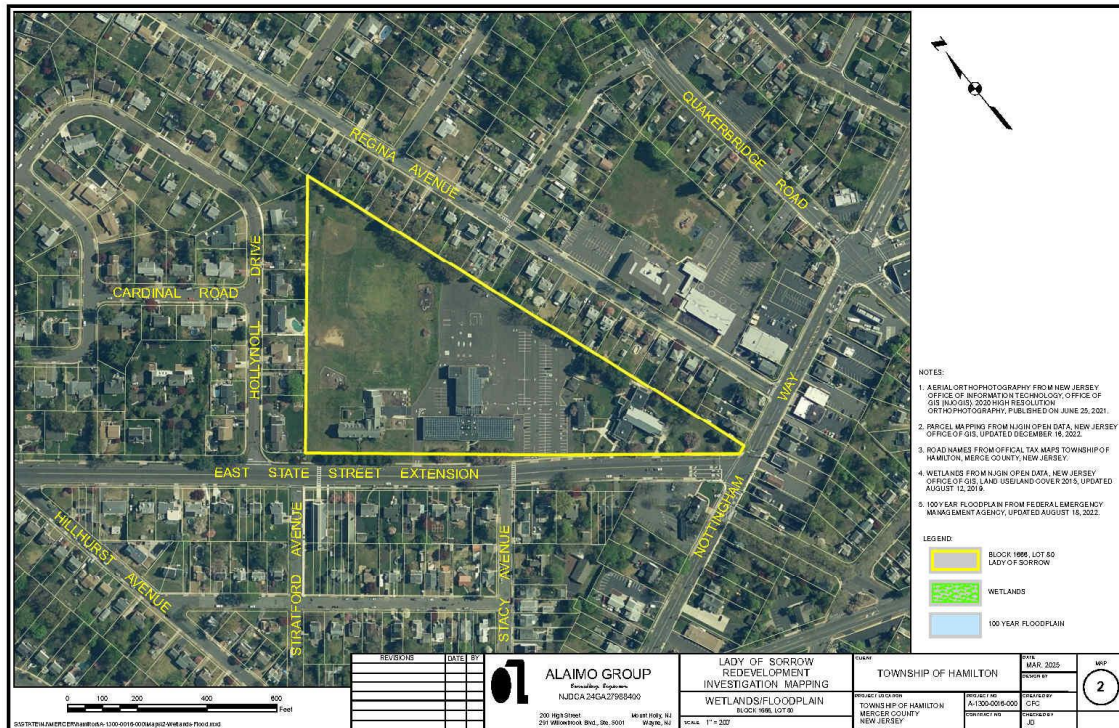
- a. Establish a general schedule for redeveloping Our Lady of Sorrows consistent with the objective to achieve buildout of the entire Redevelopment Area in accordance with a Redevelopment Agreement between the Township and Redeveloper.
- b. Finalize Redevelopment Plan; present to Planning Board for review, comment, and recommendation to Mayor and Council by Resolution.
- c. The Redevelopment Plan is to be initially reviewed and recommended by the Planning Board then adopted by Municipal Ordinance. The redeveloper is to be designated by Mayor and Council. The governing body will execute a Redevelopment Agreement and serve as the Redevelopment Entity.
- d. Applicant to formally submit a complete site plan application for review and approval by the Planning Board consistent with this Redevelopment Plan and municipal ordinances as required.

APPENDICES

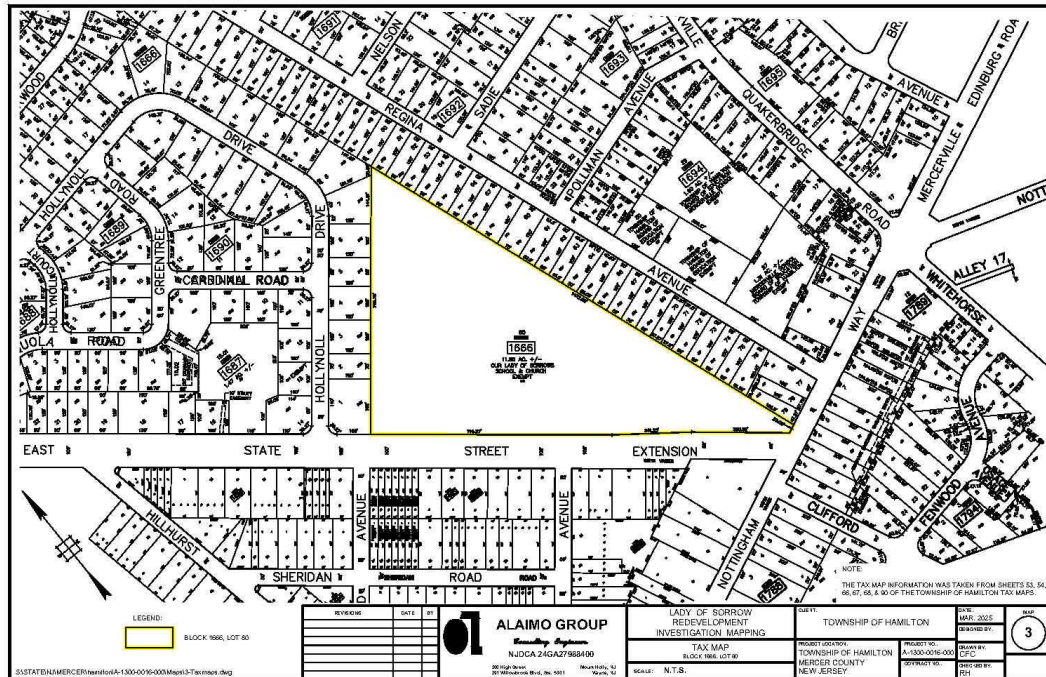
AERIAL PHOTOGRAPH (1)



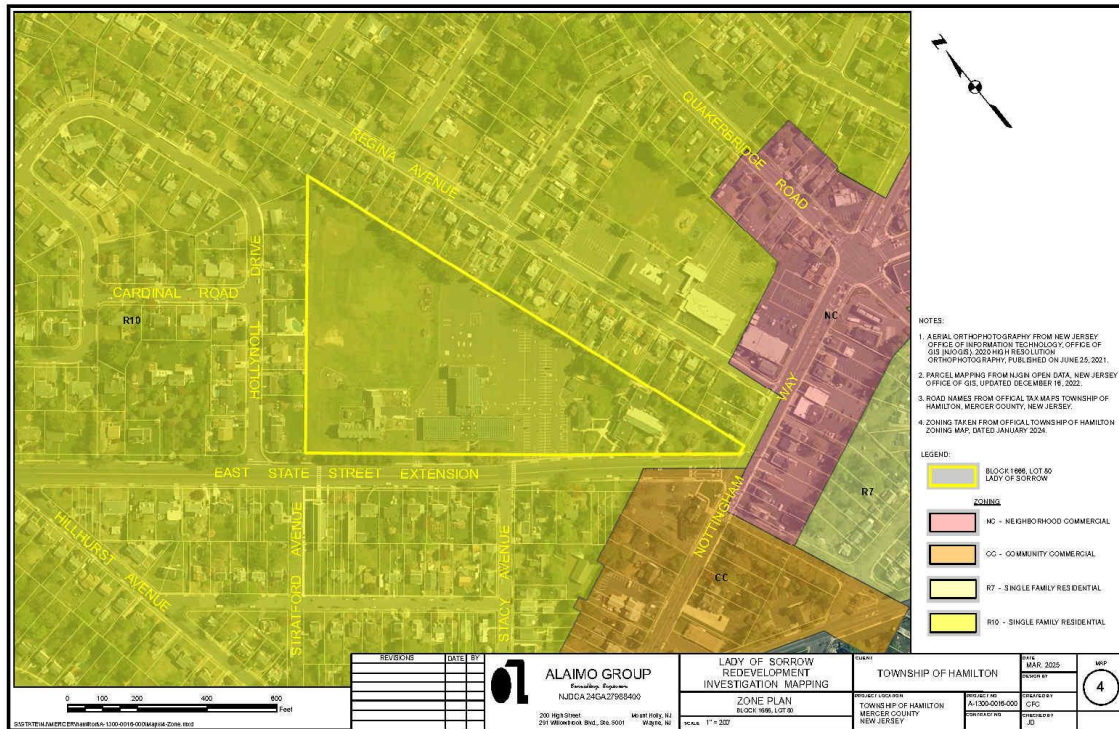
WETLANDS AND 100-YEAR FLOOD ZONE (2)



TAX MAP (3)



ZONE PLAN (4)





OUR LADY OF SORROWS SENIOR LIVING

TRENTON, NJ

DATE: 11/04/24

CONCEPTUAL SITE PLAN



donovan
architects

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

RESOLUTION

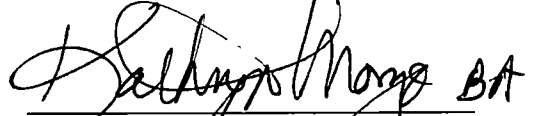
No.

25-105

APPROVED AS TO FORM AND LEGALITY


TOWNSHIP ATTORNEY

FACTUAL CONTENTS CERTIFIED TO BY


TITLE

RESOLUTION AUTHORIZING AND DIRECTING HAMILTON TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO BE MADE PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, AS TO WHETHER A CERTAIN AREA IN THE TOWNSHIP QUALIFIES AS A “NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT” (Block 1666 Lot 80)

Whereas the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (“the Act”) allows municipalities to identify certain areas within their geographical boundaries as “Areas in Need of Redevelopment”, one of the purposes for which, among others, is to encourage private investment in certain properties through, for example, the demolition, clearance, or removal of deteriorated or unused site improvements and buildings, the rehabilitation of existing buildings, the construction of new buildings, the extension of infrastructure, the provision of affordable housing, the creation of new job opportunities and ratables within municipalities, etc.; and

Whereas the Act empowers municipalities to authorize and direct their Municipal Planning Boards to cause preliminary investigations to be made to determine whether areas exist within the municipality that are “in need of redevelopment”, N.J.S.A. 40A:12A-6; and

Whereas the Township of Hamilton intends to utilize the tools available to municipalities under the Act to encourage and facilitate private redevelopment of underutilized and challenged properties, and to transform such properties in a manner that is responsive to market demands, provides an opportunities for housing, raises the standard for design, and increases community value; and

Whereas the Township believes the subject parcel is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth and a balanced land use plan within the Township; and

Whereas Lot 80 in Block 1666 is located at 3816 East State Street; and

Whereas if determined to be a Redevelopment Area, the Area shall be a “Non-Condemnation Redevelopment Area” which designation shall not authorize the municipality to exercise the power of eminent domain to acquire the property; and

Now, Therefore, Be It Resolved by the Mayor and Council of the Township of Hamilton, that the Planning Board be and is hereby authorized and directed to cause a preliminary investigation to be made pursuant to the New Jersey Redevelopment and Housing Law as to whether Lot 80 in Block 1666 located at 3816 East State Street, is in need of redevelopment within the meaning, intent and criteria as set forth in N.J.S.A. 40A:12A-1, et seq.; and

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

RESOLUTION No. **25-105**

RESOLUTION AUTHORIZING AND DIRECTING HAMILTON TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO BE MADE PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, AS TO WHETHER A CERTAIN AREA IN THE TOWNSHIP QUALIFIES AS A “NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT” (Block 1666 Lot 80)

Be It Further Resolved that the Planning Board is hereby directed to prepare a map showing the boundaries of the potential area in need of redevelopment and location of the parcels included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affect by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the hearing notice requirements set by statute; to hear and receive into the record any objection to such a determination that the proposed property be designated an area in need of redevelopment; and

Be It Further Resolved that a certified copy of this Resolution be sent to the Chairperson and Secretary of the Hamilton Planning Board, and to the Mercer County Office of Land Use Planning, within ten (10) days of adoption, and that the Planning Board be urged to complete its preliminary investigation, complete its hearing on the matter, and file its written report with the Mayor and Township Council upon completion of same; and

Be it Further Resolved that this resolution shall take effect immediately.

ADOPTED BY COUNCIL ON FEBRUARY 4, 2025
DATE



PRESIDENT



MUNICIPAL CLERK

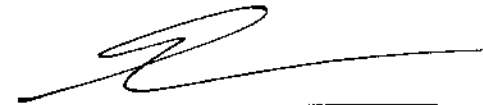
RECORD OF VOTE						
COUNCIL	AYE	NAY	N.V.	A.B.	RES.	SEC.
ANTHONY P. CARABELLI, JR.						
NANCY PHILLIPS						
CHARLES F. WHALEN						
PASQUALE "PAT" PAPERIO, JR.				✓		
RICHARD L. TIGHE, JR.						
X – Indicates Vote A.B. – Absent N.V. – Not Voting RES. - Moved SEC. – Seconded						

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

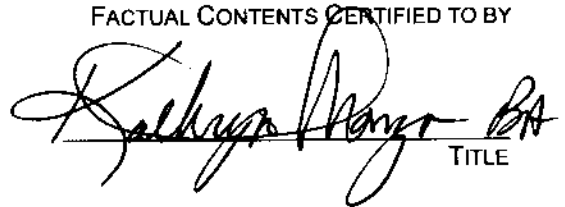
RESOLUTION

No. **25-220**

APPROVED AS TO FORM AND LEGALITY


TOWNSHIP ATTORNEY

FACTUAL CONTENTS CERTIFIED TO BY


TITLE

A RESOLUTION DETERMINING THAT THE PROPERTY IDENTIFIED AS BLOCK 1666, LOT 80 LOCATED AT 3816 EAST STATE STREET BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ., AND AUTHORIZING PREPARATION OF A REDEVELOPMENT PLAN

Whereas the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

Whereas on February 4, 2025, the Council of the Township of Hamilton ("Township Council") adopted Resolution No. 25-105 authorizing and directing the Planning Board of the Township ("Board") to conduct a preliminary investigation to be made pursuant to the New Jersey Local Redevelopment and Housing Law, as to whether a certain area in the Township qualifies as a "non-condemnation area in need of redevelopment" (Block 1666 Lot 80); and

Whereas the Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condemnation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

Whereas as part of its preliminary investigation, the Board considered a report prepared by Richard Hunt, PP, AICP and Joseph S. Augustyn, PP, AICP, from Alaimo Group, dated April 2024; and

Whereas in addition to the foregoing, Mr. Hunt prepared a map showing the boundaries of the proposed redevelopment area and locations of the parcels of property included therein, along with a statement setting forth the basis for its investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

Whereas a public hearing was conducted by the Board on April 11, 2025, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

Whereas at the public hearing, the Board reviewed the preliminary investigation, the map and associated documents, and heard testimony from employees of Alaimo Group; and

Whereas at the public hearing, members of the general public were given an opportunity to be heard and to address questions to the Board concerning the potential designation of the Study Area as a Non-Condemnation Redevelopment Area; and

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

RESOLUTION

No. **25-220**

A RESOLUTION DETERMINING THAT THE PROPERTY IDENTIFIED AS BLOCK 1666, LOT 80 LOCATED AT 3816 EAST STATE STREET BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ., AND AUTHORIZING PREPARATION OF A REDEVELOPMENT PLAN

Whereas after completing its investigation and public hearing on this matter, the Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq., for designating the Study Area as a Non-Condemnation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

Whereas in accordance with the Redevelopment Law and as memorialized by Notice of Decision, dated April 11, 2025, the Board voted unanimously to recommend to the Township Council that Block 1666, Lot 80 be designated as a Non-Condemnation Redevelopment Area; and

Whereas a resolution memorializing said vote will be adopted at the Board's next regularly scheduled meeting; and

Whereas the planner in particular focused on the former vacant convent building at the western portion of the lot; and

Whereas the convent was found amongst other findings to be obsolescent with a total lack of proper utilization (N.J.S.A. 40A:12A-5(a)(d)(e)); and

Whereas the planning board found the designation of the delineated area is consistent with smart growth planning principles (N.J.S.A. 40A:12A-5(h)); and

Whereas the Township Council has considered the Board's recommendation at its regularly scheduled public meeting on April 15, 2025; and

Whereas at the Township Council's public meeting, members of the general public were given an opportunity to be heard and to address questions concerning the potential designation of the Study Area as a Non-Condemnation Redevelopment Area; and

Whereas the Township Council accepts the recommendation of the Planning Board to declare Block 1666, Lot 80 as a Non-Condemnation Redevelopment Area; and

Whereas in order to effectuate the Township Council's designation of the Study Area as an Area in Need of Redevelopment, the preparation of a Redevelopment Plan and presentation to the Planning Board and Mayor and Council is required;

Now, Therefore, Be It Resolved by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the Council of the Township of Hamilton accepts the recommendation from the Planning Board of the Township of Hamilton and finds that Block 1666, Lot 80, as shown on the official tax map of the Township of Hamilton be and is hereby deemed to be a Non-Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

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

RESOLUTION

No. **25-220**

A RESOLUTION DETERMINING THAT THE PROPERTY IDENTIFIED AS BLOCK 1666, LOT 80 LOCATED AT 3816 EAST STATE STREET BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ., AND AUTHORIZING PREPARATION OF A REDEVELOPMENT PLAN

Be It Further Resolved that the designation of Block 1666, Lot 80 as a Non-Condemnation Redevelopment Area shall not authorize the Township of Hamilton to exercise the power of eminent domain to acquire any property in the Study Area.

Be It Further Resolved that the Township of Hamilton hereby reserves all other authority and powers granted to it under the Redevelopment Law.

Be It Further Resolved that the Clerk of the Township of Hamilton shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review.

Be It Further Resolved that within ten (10) days of the Township Council's adoption of the within Resolution, the Clerk of the Township of Hamilton shall serve notice of the Township Council's determination and the within Resolution upon all record owners of property within the Non-Condemnation Redevelopment Area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent and upon the Commission of the New Jersey Department of Community Affairs.

Be It Further Resolved that this Resolution shall take effect immediately.

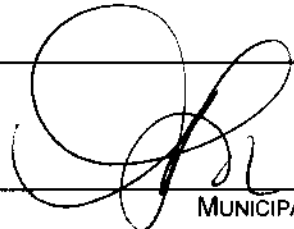
ADOPTED BY COUNCIL ON _____

APRIL 15, 2025

DATE



PRESIDENT



MUNICIPAL CLERK

RECORD OF VOTE						
COUNCIL	AYE	NAY	N.V.	A.B.	RES.	SEC.
ANTHONY P. CARABELLI, JR.	✓					
NANCY PHILLIPS	✓				✓	
CHARLES F. WHALEN	✓					
PASQUALE "PAT" PAPERIO, JR.	✓					✓
RICHARD L. TIGHE, JR.	✓					
X – Indicates Vote A.B. – Absent N.V. – Not Voting RES. – Moved SEC. – Seconded						



NOTICE OF DECISION

Hamilton Township Planning Board
Mercer County, New Jersey

The following actions were taken by the Hamilton Township Planning Board at a Regular Meeting held on April 11, 2025 for the following applications: Adoption of minutes from Planning Board Meetings March 20, 2025; Extension of approval 23-11-034 Bruce Mancia/Major 9 LLC; 3816 E. State St Redevelopment Study: Planning Board to recommend to governing body that property subject to the redevelopment preliminary investigation does constitute an area in need of redevelopment.

Respectfully Submitted,

M. Nebbia

Madison Nebbia,
Planning Board Secretary

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

RESOLUTION

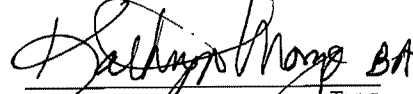
No.

25-105

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY


 TOWNSHIP ATTORNEY


 TITLE

RESOLUTION AUTHORIZING AND DIRECTING HAMILTON TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO BE MADE PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, AS TO WHETHER A CERTAIN AREA IN THE TOWNSHIP QUALIFIES AS A "NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT" (Block 1666 Lot 80)

Whereas the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., ("the Act") allows municipalities to identify certain areas within their geographical boundaries as "Areas in Need of Redevelopment", one of the purposes for which, among others, is to encourage private investment in certain properties through, for example, the demolition, clearance, or removal of deteriorated or unused site improvements and buildings, the rehabilitation of existing buildings, the construction of new buildings, the extension of infrastructure, the provision of affordable housing, the creation of new job opportunities and ratables within municipalities, etc.; and

Whereas the Act empowers municipalities to authorize and direct their Municipal Planning Boards to cause preliminary investigations to be made to determine whether areas exist within the municipality that are "in need of redevelopment", N.J.S.A. 40A:12A-6; and

Whereas the Township of Hamilton intends to utilize the tools available to municipalities under the Act to encourage and facilitate private redevelopment of underutilized and challenged properties, and to transform such properties in a manner that is responsive to market demands, provides an opportunities for housing, raises the standard for design, and increases community value; and

Whereas the Township believes the subject parcel is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth and a balanced land use plan within the Township; and

Whereas Lot 80 in Block 1666 is located at 3816 East State Street; and

Whereas if determined to be a Redevelopment Area, the Area shall be a "Non-Condemnation Redevelopment Area" which designation shall not authorize the municipality to exercise the power of eminent domain to acquire the property; and

Now, Therefore, Be It Resolved by the Mayor and Council of the Township of Hamilton, that the Planning Board be and is hereby authorized and directed to cause a preliminary investigation to be made pursuant to the New Jersey Redevelopment and Housing Law as to whether Lot 80 in Block 1666 located at 3816 East State Street, is in need of redevelopment within the meaning, intent and criteria as set forth in N.J.S.A. 40A:12A-1, et seq.; and

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

RESOLUTION

No.

25-105

RESOLUTION AUTHORIZING AND DIRECTING HAMILTON TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO BE MADE PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, AS TO WHETHER A CERTAIN AREA IN THE TOWNSHIP QUALIFIES AS A "NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT" (Block 1666 Lot 80)

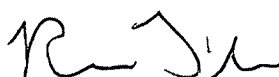
Be It Further Resolved that the Planning Board is hereby directed to prepare a map showing the boundaries of the potential area in need of redevelopment and location of the parcels included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the hearing notice requirements set by statute; to hear and receive into the record any objection to such a determination that the proposed property be designated an area in need of redevelopment; and

Be It Further Resolved that a certified copy of this Resolution be sent to the Chairperson and Secretary of the Hamilton Planning Board, and to the Mercer County Office of Land Use Planning, within ten (10) days of adoption, and that the Planning Board be urged to complete its preliminary investigation, complete its hearing on the matter, and file its written report with the Mayor and Township Council upon completion of same; and

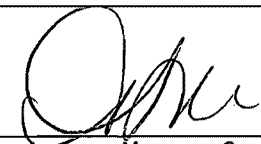
Be it Further Resolved that this resolution shall take effect immediately.

ADOPTED BY COUNCIL ON FEBRUARY 4, 2025

DATE



PRESIDENT



MUNICIPAL CLERK

RECORD OF VOTE						
COUNCIL	AYE	NAY	N.V.	A.B.	RES.	SEC.
ANTHONY P. CARABELLI, JR.	✓					
NANCY PHILLIPS	✓					✓
CHARLES F. WHALEN	✓				✓	
PASQUALE "PAT" PAPERIO, JR.				✓		
RICHARD L. TIGHE, JR.	✓					
X – Indicates Vote A.B. – Absent N.V. – Not Voting RES. – Moved SEC. – Seconded						



REQUEST FOR TOWNSHIP COUNCIL ACTION

DATE OF REQUEST: 1/21/2025

NAME & TITLE OF REQUESTER: Fred Dumont, Township Planner

INITIATING DEPT/DIV: CED/Planning

SERVICE REQUESTED (select one)

- _____ Ordinance
X Resolution
 _____ Item for Discussion (explain)

FOR CONTRACTS & PSAS (select one)

- _____ Request was made for Bids
 _____ Request was made for Proposals/Quotes
 _____ Request was made for Proposals/Quotes for Professional Services

SUBJECT MATTER: Resolution to designate 3710 E. State St. Our Lady of Sorrows an area of redevelopment for senior (55+) affordable housing apartments.

LIST SUPPORTING DATA: Memo, email, and site plan
i.e. Memorandum; Invoice; Agreement; etc.

FUNDING AMOUNT: N/A
If applicable

BUDGET ACCOUNT NAME: N/A
i.e. Dept of Adm, Professional Services

BUDGET ACCOUNT NO.(S): N/A
*Please specify account type:
 Grant(G); Trust(T); Capital(C); Other Expense(OE)
 i.e. OE 3-01-20-120-000-280*

APPROVED BY:

Jeffrey S. Martin
 Department Director

1-21-25
 Date

APPROVED BY:

 Business Administrator

 Date

APPROVED BY:

Jeffrey S. Martin, Mayor

 Date

DEADLINE FOR SUBMISSION TO THE OFFICE OF THE BUSINESS ADMINISTRATOR FOR REVIEW AND APPROVAL IS 3:00 PM ON THE MONDAY OF THE WEEK PRECEDING THE COUNCIL MEETING.

ADMINISTRATIVE USE ONLY BEYOND THIS POINT

PLEASE PREPARE THIS ITEM FOR THE MONTH OF, 202X TOWNSHIP COUNCIL AGENDA.

Page 280

Our Lady of Sorrows - Senior Affordable Apartments

PROJECT NARRATIVE

Walters is pursuing the development of an age-restricted rental community consisting of fifty (50) one-bedroom affordable apartments to be located on a subdivided parcel that is currently part of the Our Lady of Sorrows Parish at 3710 East State Street, Hamilton, NJ ("the Project"). Each unit in the apartment community will be age-restricted (55+) and also income-restricted to those households earning less than 60% of the Mercer County Median Income. In particular, the Project will breathe new life into the existing Our Lady of Sorrows convent by creating 8 apartment units within the current structure, while also adding a new, but visually compatible, 3-story addition that will offer another 42 apartment units. We are presently planning on constructing all 1-bedroom units, however, our final space plan in the convent may be able to accommodate a few two-bedroom units.

Neighborhood

The site is well-situated on State Street; a location that boasts a number of nearby commercial uses. Residents will have immediate access to a number of shopping and dining options along the Route 33 corridor, including a number of supermarkets such as Aldi, Acme, and ShopRite. The community's location will offer residents excellent access to green space, in the form of Veterans Park and Mercer County Park. The site also has excellent transportation access, just a half-mile from I-295 and about two miles from Hamilton's NJ Transit train station, which offers access to many regional stops, including New York City.

Need

There is a tremendous need for affordable housing throughout Mercer County, a trend that is only growing more acute. According to the latest ACS data, 53.5% of renters in Mercer County and an almost identical 53.4% of renters in Hamilton are rent burdened, paying more than 30% of their income each month for housing alone.¹ Seniors, in particular, are particularly impacted by unaffordable rent burdens. The community will offer future residents the ability to age in place in a fully accessible setting, coupled with a full suite of programming and services, where they may not have had the same opportunity in a traditional single family home.

Design and Impact

The development will consist of the rehabilitation of the existing three-story brick convent, as well as a three-story wood-frame corridor style wing. Both components will be served by elevators for full accessibility and offer on-site amenities such as a community room with warming kitchen, a fitness center, computer stations, a new dedicated parking lot, and associated site improvements.

¹ U.S. Census Bureau. (2023). Selected Housing Characteristics. American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04. Retrieved Jan 17, 2025, from: https://data.census.gov/table?q=DP04&g=050XX00US34021_060XX00US3402129310

The building will have a management office and offer full time management and maintenance personnel. We will also seek to construct a small patio with a grill station and a community garden. All units will have an in-unit washer & dryer, dishwasher, controlled heating and central air, and a host of advanced features. Energy star appliances will be utilized throughout. The development is being designed with a LEED Gold Certification goal to help minimize our residents' heating and cooling bills.

The programming will be designed in conjunction with our partner, Catholic Charities of the Diocese of Trenton. Service and program offerings will be tailored to the needs and desires of the resident population. Based on the offerings at our existing senior communities, we anticipate that this programming will include the provision of a visiting nurse who will be available for regularly-scheduled consultations in a private nurses suite within the building. We also offer a shuttle bus service that will connect residents of the Project to nearby amenities such as grocery stores, shopping centers, medical offices, recreational activities, and regional transit. We find that this is an especially valuable offering to those residents who no longer drive.

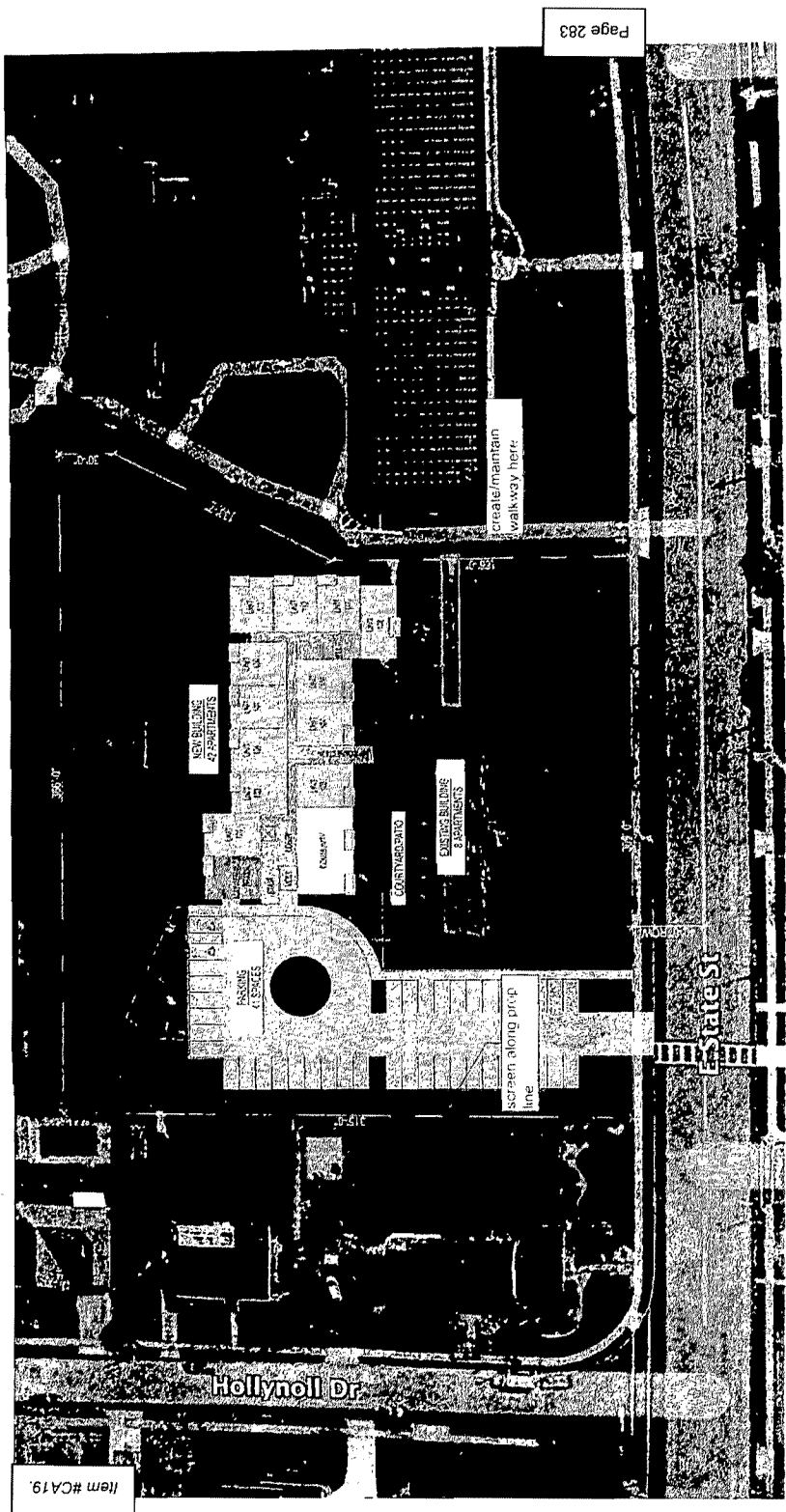
Unit Matrix and Affordability Levels

We anticipate funding the Project through the New Jersey Housing and Mortgage Finance Agency's Low Income Housing Tax Credit Program. In line with program guidelines, the site will be deed restricted for affordable occupancy. Based on current 2024 published rent levels, rents will range from approximately \$580-\$1,200.

Preliminary Unit Matrix			
	1 Bedroom	Total	%
20% AMI	-	-	0.0%
30% AMI	7	7	14.0%
40% AMI	-	-	0.0%
50% AMI	18	18	36.0%
60% AMI	25	25	50.0%
Market	-	-	0.0%
Total	50	50	

Mercer County Area Median Income				
	100%	60%	50%	30%
1 Person Household	88,200	52,920	44,100	26,460
2 Person Household	100,800	60,480	50,400	30,240
3 Person Household	113,400	68,040	56,700	34,020
4 Person Household	125,900	75,540	62,950	37,770
5 Person Household	136,000	81,600	68,000	40,800
6 Person Household	146,100	87,660	73,050	43,830

Source: HUD 2024



From: Kevin Dowd <kdowd@walters-group.com>
Sent: Monday, January 20, 2025 10:31 AM
To: Fred Dumont <fdumont@hamiltonnj.com>
Subject: RE: OLS - senior affordable

Item #CA21.

WARNING: This email originated from outside your organization. Please use extreme caution before opening any links or attachments.

Also, I noticed in your email signature that Hamilton is a leader when it comes to recognizing veterans.

One thing we have done in the past is set aside a portion of units with a 'veteran preference', meaning those who have served in the armed forces would receive priority on the waitlist (they would still have to income qualify). Let me know if that is something the Township would be interested in.

Thanks,

Kevin Dowd

walters.

21 East Euclid Ave.

Suite 200

Haddonfield, NJ 08033

Ph: 856-354-2100 x1207

Fax: 856-354-6230

Cell: 570-239-4757



REQUEST FOR TOWNSHIP COUNCIL ACTION

DATE OF REQUEST: 1/21/2025

NAME & TITLE OF REQUESTER: Fred Dumont, Township Planner

INITIATING DEPT/DIV: CED/Planning

SERVICE REQUESTED (select one)

_____ Ordinance
X _____ Resolution
 _____ Item for Discussion (explain)

FOR CONTRACTS & PSAS (select one)

_____ Request was made for Bids
 _____ Request was made for Proposals/Quotes
 _____ Request was made for Proposals/Quotes for Professional Services

SUBJECT MATTER:

Resolution to designate 3710 E. State St. Our Lady of Sorrows an area of redevelopment for senior (55+) affordable housing apartments.

LIST SUPPORTING DATA:

i.e. Memorandum; Invoice; Agreement; etc.

Memo, email, and site plan

FUNDING AMOUNT:

If applicable

N/A

BUDGET ACCOUNT NAME:

i.e. Dept of Adm, Professional Services

N/A

BUDGET ACCOUNT NO.(S):

*Please specify account type: Grant(G); Trust(T); Capital(C); Other Expense(OE)
 i.e. OE 3-01-20-120-000-280*

N/A

APPROVED BY:

_____ Department Director

_____ Date

APPROVED BY:

_____ Business Administrator

_____ Date

APPROVED BY:

_____ Jeffrey S. Martin, Mayor

_____ Date

DEADLINE FOR SUBMISSION TO THE OFFICE OF THE BUSINESS ADMINISTRATOR FOR REVIEW AND APPROVAL IS 3:00 PM ON THE MONDAY OF THE WEEK PRECEDING THE COUNCIL MEETING.

ADMINISTRATIVE USE ONLY BEYOND THIS POINT

PLEASE PREPARE THIS ITEM FOR THE Month DD, 202X TOWNSHIP COUNCIL AGENDA.

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MUNICIPAL CLERK'S OFFICE
INTEROFFICE MEMORANDUM

TO: FRED DUMONT, DIR. OF C. & E.D. (W/ATTACHMENT)
FROM: ALISON SABO, MUNICIPAL CLERK
SUBJECT: PLANNING BOARD PRELIMINARY INVESTIGATION RES 25-105
DATE: 2/6/2025
CC: ELISSA GRODD SCHRAGGER, ESQ., DIR. OF LAW
(W/O ATTACHMENT)
MADISON NEBBIA, PLANNING BOARD SECRETARY
(W/ATTACHMENT)

At the regular meeting of the Township Council held on February 4, 2025, Resolution 25-105 was adopted which refers same to the Planning Board for a preliminary investigation, a copy of which is attached.

25-105 - RESOLUTION AUTHORIZING AND DIRECTING HAMILTON TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO BE MADE PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, AS TO WHETHER A CERTAIN AREA IN THE TOWNSHIP QUALIFIES AS A "NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT" (Block 1666 Lot 80)

In accordance with N.J.S.A. 40:55D-26, the Planning Board shall, within (35) days after the referral, provide a report to Council containing the Planning Board's comments regarding the proposed ordinance. It is requested that this proposed ordinance be placed on the Planning Board's agenda and that the Board provide their written report to the Township Council.

If you have any questions, please contact this office. Thank you.



The Township of Hamilton

Item #CA21.

Jeffrey A. Martin
Mayor

February 5, 2024

Att: J. Benner, Planning Division
Mercer County Planning Department
640 South Broad Street
PO Box 8068
Trenton, NJ 08650-0068

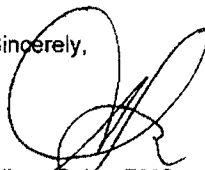
Dear Ms. Benner:

Enclosed please find a copy of Resolution 25-105 adopted by the Governing Body on February 4, 2025:

25-105 - RESOLUTION AUTHORIZING AND DIRECTING HAMILTON TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO BE MADE PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, AS TO WHETHER A CERTAIN AREA IN THE TOWNSHIP QUALIFIES AS A "NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT" (Block 1666 Lot 80)

If you should have any questions, please do not hesitate to contact this office.

Sincerely,



Alison Sabo, RMC
Municipal Clerk

Enc.

Office of the Municipal Clerk
2090 Greenwood Avenue
PO Box 00150
Hamilton, NJ 08690-0150
(609) 890-3622

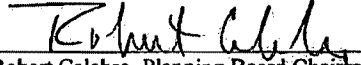
128

**HAMILTON TOWNSHIP PLANNING BOARD RESOLUTION
AUTHORIZING PRELIMINARY INVESTIGATION FOR
NONCONDEMNATION REDEVELOPMENT PLAN FOR
TAX BLOCK 1666, LOT 80**

WHEREAS, pursuant to resolution No. 25-105, adopted on February 4, 2025, the Township Council authorized and directed the Hamilton Township Planning Board (the "**Board**") to undertake a preliminary investigation to determine whether a certain area in the Township (Tax Block 1666, Lot 80) (the "**Study Area**"), qualifies as a non-condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and 6 and to conduct a hearing in accordance with N.J.S.A. 40:12A-6.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby directs its consulting planner, Alaimo Group, pursuant to its proposal dated February 5, 2025, to prepare a Preliminary Investigation to determine whether the characteristics of the Study Area serve the public health, safety and welfare and will advance smart growth planning principles for the community consistent with the criteria set forth in N.J.S.A. 40A:12A-5 and in accordance with the Township's Master Plan; such study to be completed within forty-five (45) days of the date hereof.

This action is pursuant to motion adopted by the Board at a public meeting held on February 20, 2025.


Robert Calabro, Planning Board Chairman

I hereby certify that this is a true copy of the resolution adopted on March 6, 2025.


Madison Nebbia, Planning Board Secretary

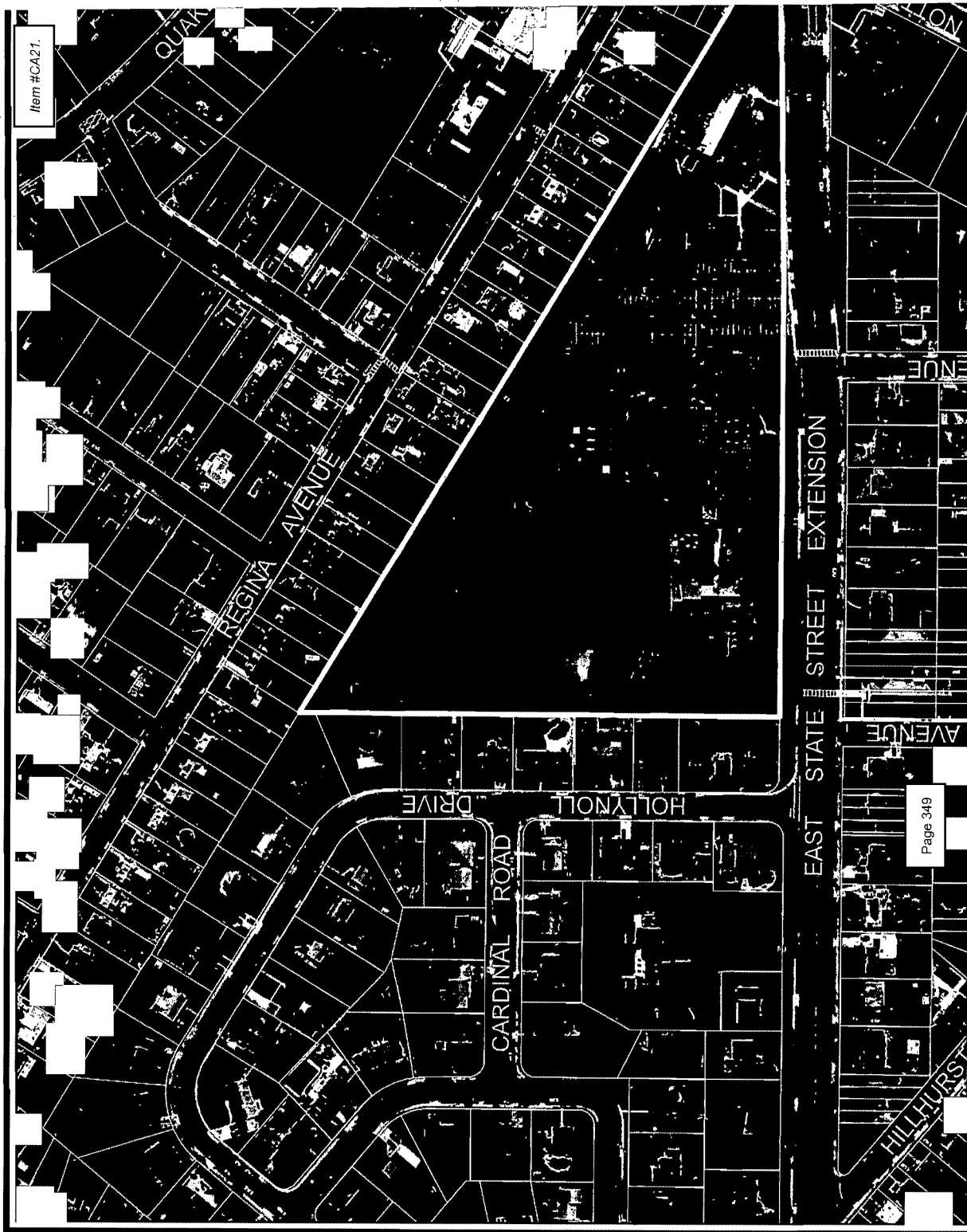
The said Resolution was memorialized by the following vote:

MOVED BY: Mr. Kasabach

SECONDED BY: Mr. Pattik

	For	Against	Abstain	Absent	Not Qualified to Vote
Robert Calabro, Chair	X				
Michael K. Maloney, Vice Chair, Mayor's Designee				X	
Haig Kasabach	X				
Charles Whalen, Council Liaison				X	
Chris Lockett, Township Official	X				
Latoya Wilson	X				
Jennifer Coffey					X
Ed Pattik	X				
Joseph Abbott	X				
Richard Conti (Alt. #1)	X				

Item #CA21.





The Township of Hamilton

Jeffrey S. Martin
Mayor

April 16, 2025

Jacquelyn Suarez, Commissioner
State of New Jersey Department of Community Affairs
101 South Broad Street
PO Box 800
Trenton, NJ 08620-0800

Dear Ms. Suarez:

RE: Block 1666, Lot 80 – 3816 East State Street
Designation as a Non-Condemnation Redevelopment Area

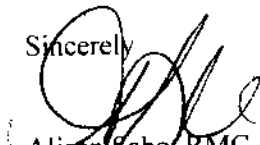
Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), municipalities are authorized to determine whether certain parcels of land located therein constitute areas in need of non-condemnation redevelopment. By Resolution 25-105 adopted on February 4, 2025, the Township Council of the Township of Hamilton authorized and directed the Hamilton Township Planning Board to conduct a preliminary investigation to determine whether Block 1666, Lot 80 – 3816 East State Street meets the criteria set forth in the Redevelopment Law.

The Planning Board has conducted their preliminary investigation, and the public hearing was conducted on Thursday, April 10, 2025, whereby the Board voted unanimously on the recommendation.

The Hamilton Township Council has received and approved this recommendation via Resolution 25-220, enclosed for your information.

If you should have any questions or comments, please do not hesitate to contact the Office of the Municipal Clerk (609) 890-3622 or the Planning/Zoning Board Office (609) 890-3674.

Sincerely,


Alison Sabo, RMC
Municipal Clerk

Enc.

Cc: Church Our Lady of Sorrows

Office of the Municipal Clerk
2090 Greenwood Avenue
PO Box 00150
Hamilton, NJ 08690-0150
(609) 890-3622

Appendix D - Village/Klockner Road Planning Board Resolutions of Approval

APPLICATION NO. 21-09-036

**RESOLUTION OF THE HAMILTON TOWNSHIP PLANNING BOARD
GRANTING PRELIMINARY SITE PLAN APPROVAL WITH BULK VARIANCES
AND WAIVERS FOR THE KLOCKNER ROAD APARTMENTS**

WHEREAS, 1531 Klockner Road, LLC an 1651 Klockner Road, LLC, (hereinafter, jointly, “**Applicant**” and “**Owners**”), has applied to the Hamilton Township Planning Board (hereinafter, the “**Board**”), seeking preliminary site plan approval with bulk variances and design waivers to permit the construction in two (2) construction phases of a 388 unit rental development consisting of twenty-two (22) three-story multi-family buildings containing 310 market rate and 78 affordable housing units, together with various site improvements, including installation of sewer and water lines and other utilities, lighting, landscaping, stormwater, management facilities, active and passive recreational amenities, open space and 915 parking spaces (inclusive of surface and garage units), on property located at 1531 - 1651 Klockner Road, also being known as Section 1922, Lots 26, 27 and 34 (hereinafter, the “**Property**”), as shown on the Tax Map for the Township of Hamilton (hereinafter, the “**Township**”); and

WHEREAS, the Property is located in the A/T-2 Multi Family Residential Zoning District and the proposed use is permitted therein; and

WHEREAS, Applicant is represented by Frank J. Petrino, Esq. of the law firm of Eckert Semans Cherin & Mellott, LLC; and

WHEREAS, in support of the application, Applicant has submitted, and the Board has reviewed various sketches, plans and renderings, which were considered by the Board, including the following:

1. Development application, including the Master Form, Development Application Form No. 2A, 2B and No. 3B, executed August 31, 2021;
2. Plan of Survey and Topography prepared by K2 Consulting Engineers, Inc. dated March 19, 2021, consisting of one sheet;
3. Preliminary and Final Site Plan entitled, “Preliminary and Final Major Site Plan, Klockner Road Apartments, Tax Map Plate 119: Block 1922 – Lots 26, 27, Township of Hamilton, Mercer County, New Jersey” prepared by K2 Consulting Engineers, dated August 5, 2021 and last revised January 31, 2022, consisting of 56 sheets;
4. Existing Condition and Tree Location Plan dated December 6, 2021
5. Architectural floor plans and elevations, prepared by L & M Design, LLC, dated July 22, 2021, last revised September 13, 2021, consisting of 20 sheets
6. Stormwater Management Report prepared by K2 Consulting Engineers, Inc. dated August 5, 2021, consisting of 1,067 pages;
7. Stormwater Management Facility Operations & Maintenance Manual prepared by K2 Consulting Engineers, Inc. dated August 5, 2021, consisting of 53 pages;
8. NJDEP Letter of Interpretation-Line Verification dated May 18, 2021, consisting of 3

pages;

9. Environmental Impact Statement as prepared by K2 Consulting Engineers, Inc. dated August 5, 2021, consisting of 11 pages;
10. Traffic Impact Report as prepared by Dolan and Dean Consulting Engineers, LLC dated August 5, 2021;
11. Traffic Impact Assessment prepared by Dolan and Dean Consulting Engineers, LLC dated September 10, 2021 and revised February 1, 2022, consisting of 47 pages;
12. Preliminary Site Investigation Report, prepared by Arecon Ltd., dated June 14, 2021;
13. Soil Testing for Pesticides as prepared by Arecon Ltd., dated July 13, 2021, consisting of 66 pages;
14. Photograph Exhibit dated August 5, 2021 (6 photos taken on February 4, 2021) consisting of 4 pages;
15. October 26, 2021 Resolution Compliance Letter to Hamilton Township Planning Board, prepared by John W. Kornick, PE, PP, K2 Consulting Engineers, Inc. with the following attachments:
 - a. Preliminary and Final Major Site Plans dated August 5, 2021.
 - b. Revised Architectural Plans as prepared by L&M Design, LLC (Sheet 1 Revised September 13, 2021).
16. Completeness Review #2 to Hamilton Township Planning Board, prepared by John W. Kornick, PE, PP, K2 Consulting Engineers, Inc., December 1, 2021
17. Completeness Review #3 to Hamilton Township Planning Board, prepared by John W. Kornick, PE, PP, K2 Consulting Engineers, Inc., December 9, 2021;
18. Will Comply Statement to Hamilton Township Planning Board in Response to Review of ACT Engineers dated January 17, 2022, prepared by John W. Kornick, PE., PP, K3 Consulting Engineers, Inc., dated February 1, 2022; and
19. Will Comply Statement to Hamilton Township Planning Board in Response to Review of Alaimo Group dated January 20, 2022, prepared by John W. Kornick, PE., PP, K3 Consulting Engineers, Inc., dated February 1, 2022; and

WHEREAS, the professional reports and all other memoranda from Township agencies and officials are incorporated herein and made a part hereof by reference in conjunction with this application as if set forth verbatim, including the following:

1. Review Memo to Michael Guhanick, prepared by Carrie D. Feuer, P.E., Water Pollution Control Director, Department of Water Pollution Control, dated October 13, 2021;
2. Review Letter to Fred Dumont, Director of Community and Economic Development, Township of Hamilton, prepared by Richard A. Alaimo Engineering Company, dated October 15, 2021;
3. Review Letter (Completeness Review #1) to Fred B. Dumont, Director of

Community & Economic Development, Hamilton Township, prepared by ACT Engineers, dated October 15, 2021;

4. Review Memo to Michael Guhanick, Land Use Coordinator, prepared by John Balletto, Hamilton Township Environmental Commission, dated October 29, 2021;
5. Review Letter (Completeness Review No. 2) to Fred B. Dumont, Director of Community & Economic Development, Hamilton Township, prepared by ACT Engineers, dated November 10, 2021;
6. Review Letter (Completeness Review No. 3) to Fred B. Dumont, Director of Community & Economic Development, Hamilton Township, prepared by ACT Engineers, dated December 8, 2021;
7. Review Letter to Fred Dumont, Director of Community and Economic Development, Township of Hamilton, prepared by Richard A. Alaimo Engineering Company, dated December 10, 2021
8. Review Letter (Completeness Review No. 4) to Fred B. Dumont, Director of Community & Economic Development, Hamilton Township, prepared by ACT Engineers, dated December 10, 2021;
9. Review Letter (Preliminary & Final Major Site Plan Review No.1) to Fred B. Dumont, Director of Community & Economic Development, Hamilton Township, prepared by ACT Engineers, dated January 17, 2022; and
10. Review Letter to Fred Dumont, Director of Community and Economic Development, Township of Hamilton, prepared by Richard A. Alaimo Engineering Company, dated January 20, 2022; and

WHEREAS, Applicant seeks the following variances from the Township's Land Use Ordinances:

1. §550-93 D (4). Requires each multifamily development to contain a clubhouse with a minimum floor area of 25 square feet per unit or 9,700 square feet for the Application where Applicant proposes a 5,030 square foot clubhouse; and

WHEREAS, Applicant seeks the following design waivers from the Township's Land Use Ordinances:

1. §550-115 B. Lighting. Requires an average minimum of 1.0 footcandle of illumination over the entire area to be illuminated where Applicant proposes 1.4 footcandles; and
2. §550-119 E (6). Off-Street Parking, Loading Areas and Driveways. Requires 25 foot wide drive aisles where Applicant proposes 24 foot wide aisles; and

WHEREAS, the Board, having determined that it had jurisdiction and upon due and proper notice as required by law, conducted a public hearing electronically via Zoom on **February 10, 2022** at which time the Applicant, through its attorney, Project Engineer, John Kornick, PE, PP of K2 Consulting Engineers, Inc., Project Architect, Laura Staines Giardino, AIA, of L&M Design, LLC, Project Traffic Consultant, Elizabeth Dolan, PE, of Dolan & Dean Consulting Engineers,

LLC, and Planner, Tiffany Morrissey, PP, presented its case; and

WHEREAS, the board carefully reviewed and considered the Application, the plans and exhibits submitted on behalf of the Applicant, the testimony of the Applicant's professionals, and the comments of the Applicant's attorney; and

WHEREAS, members of the general public were given the opportunity to cross-examine Applicant and to comment on the Application; and

WHEREAS, the Board considered the written comments submitted by the Township's Consulting Planner, Consulting Engineer, WPC Department Director, and Environmental Commission and the statements of the Planner and Engineer during the proceedings; and

WHEREAS, the Board considered the questions and comments of the Board Members concerning the Application; and

WHEREAS, the Board considered the questions and comments presented by members of the public and professionals testifying on behalf of the public.

NOW, THEREFORE, the Planning Board of the Township of Hamilton resolves as follows:

1. Record. The record on which the Board acts in connection with this Application consists of the above recitals, the contents of which are incorporated herein by reference as if set forth at length, and the following:
 - a. The Application, including all submissions to the Board in connection therewith and all attachments and revisions thereto.
 - b. The Plans and exhibits submitted by Applicant, including:
 - i. An aerial exhibit/colored rendering of the site plan, last revised January 31, 2022, marked A-1;
 - ii. A Grading and Drainage Rendering Plan, dated August 5, 2021, last revised November 17, 2021, marked A-2;
 - iii. A Concept Design, consisting of 5 sheets, dated September 28, 2021, marked A-3;
 - iv. Building Floor Plans of Building 2, consisting of 2 sheets and Building 4 consisting of one sheet, dated July 22, 2021, marked A-4; and
 - v. A Clubhouse Rendering, consisting of four (4) sheets dated February 3, 2022, marked A-5.
 - c. The testimony of Applicant's professionals.
 - d. The written comments submitted by the Township's Consulting Planner, Richard Hunt, PP, of Richard A. Alaimo Engineering Company, the Township's Consulting

Engineer, Jeff Richter, PE, PP, of ACT Engineers, the Township's Director of the Department of Water Pollution Control, Carrie D. Feuer, PE, and the Township's Environmental Commission by John Balleto.

- e. The statements of the Board's professionals during the proceedings.
- f. Questions and statements of Board members during the proceedings.
- g. Questions and statements of the public and professionals testifying on behalf of the public.

2. Findings of Fact. Based on the foregoing record, the Board finds as follows:

- a. The above recitals and record are incorporated herein as though set forth at length.
- b. The Property, located in the A/T-2 Multiple Family Residential-2 Zone consists of an irregularly shaped, approximately 64.45 acre parcel of vacant woodland with some farmland. It is located along the southerly side of Klockner Road, and the northern side of Cypress Lane. Route 295 runs along the western edge of the property, and a high-rise senior citizen apartment complex and low-rise apartment complex are adjacent to the east. Two single-family residential units are also located to the west of the property along Klockner Road. There are deciduous wetlands and associated buffers located within the development area towards the southern and western portions of the site. Transition Area Averaging is being utilized to maintain a wetlands buffer.
- c. Applicant proposes to construct a total of twenty-two (22) three-story apartment buildings of which seventeen (17) buildings will each contain 20 units, four (4) buildings will each contain 10 units and one (1) building will contain 8 units for a total of 388 units, and a 5,030 square foot clubhouse with amenities. Eight hundred and forty-two (842) apartment car parking spaces (where 753 spaces are required), and seventy-three (73) clubhouse car parking spaces (where 65 spaces are required), each measuring 10 feet by 20 feet, are proposed. Other proposed site improvements include a pool, sport court, multiple stormwater basins, stormwater collection structures and piping, utilities, site lighting, and landscaping. Access to the site would be from a new driveway on Klockner Road.
- d. The following variances and waivers from the requirements found in the Hamilton Township Land Use Ordinances are sought:
 - i. §550-93 D (4). Requires each multifamily development to contain a clubhouse with a minimum floor area of 25 square feet per unit or 9,700 square feet for the Application where Applicant proposes a 5,030 square foot clubhouse;
 - ii. §550-115 B. Lighting. Requires an average minimum of 1.0 footcandle of illumination over the entire area to be illuminated where Applicant proposes 1.4 footcandles; and
 - iii. §550-119 E (6). Off-Street Parking, Loading Areas and Driveways. Requires 25 foot wide drive aisles where Applicant proposes 24 foot wide

aisles.

- e. Mr. Petrino confirmed that that development would consist of 310 market rate units including 113 one-bedroom 151 two-bedroom and 46 three-bedroom units, together with 78 affordable units, including 15 one-bedroom units (19.23% of affordable units), 46 two-bedroom units (58.97% of affordable units) and 17 three-bedroom units (21.79% of affordable units) which units are to be phased in throughout construction as required by the Township.
- f. Applicant presented the testimony of Mr. John Kornick a licensed Professional Engineer and Professional Planner with K2 Consulting Engineers. Mr. Kornick was sworn, qualified, and accepted by the Board as an expert in the field of engineering.
- g. Mr. Kornick testified as to the general nature of the property. He confirmed that he oversaw the preparation of the Plan of Survey and Topography, the Preliminary and Major Site Plan, the Stormwater Management Report, the Stormwater Management Facility Operation & Maintenance Manual, the Environmental Impact Statement, and the Will Comply statements.
- h. He presented Exhibit A-1 and confirmed that the plans provide for 9.3 acres of tree clearing.
- i. Mr. Kornick testified that the parking aisle widths are 24 feet where 25 feet are required and that the parking spaces in these areas are 10 feet by 20 feet and that there would be 123 make ready EV spaces 33% of which (41 spaces) would be active electric spaces.
- j. Applicant then presented the testimony of Ms. Laura Staines Giardino, a licensed Architect with L&M Design, LLC. Ms. Giardino was sworn, qualified, and accepted by the Board as an expert in the field of architecture.
- k. Ms. Giardino presented Exhibits A-3 through A-5 and explained the concept design and floor plans of the units. She also presented and testified about the layout and design of the clubhouse.
- l. Applicant then presented the testimony of Ms. Elizabeth Dolan, a licensed Professional Engineer, with Dolan & Dean Consulting Engineers, LLC. Ms. Dolan was sworn, qualified, and accepted by the Board as an expert in the field of traffic engineering.
- m. Ms. Dolan testified regarding the traffic impacts of the development on area roadways and the use of the proposed new left turn lane from westbound Klockner Road into the site.
- n. Ms. Dolan also testified regarding adequate site circulation and the adequacy of on-site parking.
- o. Applicant next presented the testimony of Ms. Tiffany Morrissey, a licensed Professional Planner with Tiffany A. Cuviello, PP, LLC. Ms. Morrissey was sworn, qualified and accepted by the Board as an expert in the field of planning.
- p. Ms. Morrissey testified in support of the size of the clubhouse and that in her

opinion, the application met both the positive and negative criteria, and promoted the general welfare of the community.

- q. The Township's consulting engineer, Jeff Richter, of Act Engineers, was sworn and addressed the Board and asked questions of Applicant's witnesses concerning storm water management, recharge and runoff.
- r. The Township's planner, Richard Hunt, of Alaimo Group was sworn and addressed the Board, referring to the comments set forth in his January 20, 2022 review letter.
- s. Applicant has agreed to install Belgian block curbing as required by local Ordinance in lieu of the concrete curbing set forth in the site plan.
- t. Mr. Kornick confirmed that Applicant has agreed to the conditions set forth on the record on February 10, 2022.
- u. The meeting was opened to the public at which time Stuart J. Lieberman, Esq. addressed the Board on behalf of Clean Water Action. Mr. Lieberman presented Mark Herrmann, PE who was sworn, qualified and accepted as a civil engineer.
- v. Mr. Herrmann testified regarding storm water and stated that Mr. Richter in his presentation to the Board addressed everything that Mr. Herrmann was concerned with.
- w. Ms. Coffey addressed the tree ordinance and was advised by Mr. Kornick that Applicant will work with Board professionals regarding the 9.34 acres of tree clearing and will put together a plan satisfactory to the professionals which plan would be presented to the Board at the time of the final site plan application.
- x. Compliance with the recommendations and comments of the Consulting Planner and Engineer and those conditions set forth herein, will not result in any adverse effect on adjacent properties.
- y. The Municipal Land Use Law (the "MLUL") at N.J.S.A. 40:55D-70c provides the Board with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain proofs which are enunciated in the statute. Specifically, an applicant may be entitled to relief if this specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic or physical features exist that uniquely affect a specific piece of property. Further, the applicant may also provide evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Those categories specifically enumerated above constitute the positive criteria necessary in order to obtain "bulk" or C variance relief.
- z. Moreover, the MLUL at N.J.S.A. 40:55D-70c (2) further provides the Board with the power to grant variances based on whether the applicant's proofs advance the purpose of the MLUL by the deviation from the zoning ordinance requirements and if the benefits of the deviation from the zoning ordinance requirements substantially

outweigh any detriment.

- aa. In addition, the applicant must show that the proposed variance relief sought will not have a substantial detriment to the public good and further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. See, Jacoby v Englewood Cliffs Zon. Bd. Of Adjustment, 442 N.J. Super. 450, 471 (App. Div. 2015). This is the negative criteria. It is only in those instances when an applicant has satisfied both tests, that a Board, acting pursuant to the statute and case law, can grant relief. The burden of proof rests upon Applicant to establish these criteria.
- bb. Furthermore, the MLUL allows municipalities to grant exceptions from the requirements of design standards upon a showing by the applicant that the literal enforcement of the provision of the ordinance design criteria is impracticable or will exact undue hardship because of peculiar condition pertaining to the land in question. Wawa Food Market vs. Planning Board of the Borough of Ship Bottom, 227 N.J. Super. 29 (1988).
- cc. After a review of the record evidence and expert testimony provided, the Board finds Applicant has satisfied its burden of proof that the positive criteria outweigh the negative criteria to permit the variance and design waivers requested. The Board finds that granting of the application with the conditions set forth herein and agreed to at the February 10, 2022 Board meeting, does not create a detriment to the public good or to the intent of the Zoning Ordinance or Township Master Plan.

NOW, THEREFORE, based upon the foregoing, the Board hereby grants Applicant's request for bulk variances and design waivers subject to the following terms and conditions:

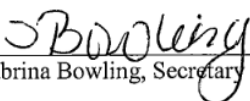
1. Applicant shall amend the Site Plan and architectural renderings to show a fixed roof to be located over the patio located on the southeast corner of the clubhouse, in form satisfactory to the Township engineer.
2. Applicant shall be responsible for all legal, engineering and planning fees of the Board.
3. All additional fees, if any, required by Township Ordinances shall be paid including the Nonresidential Development Fee and the Central Area Transportation Improvement District Fee and its fair share payment for a pumping station, as presented by the Township Planner, prior to the issuance of a Certificate of Occupancy. The Central Area Transportation Improvement District Fee, if applicable, shall be paid prior to the signing of the final site plan. The contribution to the pumping station shall be paid prior to the issuance of a certificate of occupancy.
4. Applicant shall comply with the comments and recommendations contained in the Consulting Planner's, Consulting Engineer's, Environmental Commission's and Department of Water Pollution Control Director's memoranda referenced herein except as the same may be inconsistent with the terms of the within resolution.
5. Applicant shall obtain approvals from all outside departments and agencies including but not limited to the New Jersey Department of Environmental Protection, Mercer County Planning Board, Mercer County Soil Conservation District, Hamilton Township Department of Water Pollution Control, Hamilton Fire Department, Hamilton Police Department, and Trenton Water Works, to the extent applicable and

not already provided to the Engineering Department.

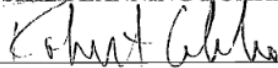
6. Applicant shall adhere to all representations made during the course of the public hearing, which representations are hereby incorporated herein by reference.
7. This approval is for Preliminary Site Plan with variance and waivers of design standards only and is specifically granted based upon the truth and accuracy of the testimony of Applicant and its experts, the exhibits, and the application submitted to the Board, all of which have been relied upon by the Board. In the event that the testimony is found to be willfully false, this approval shall be voidable and may be nullified by the Board.
8. Applicant shall comply with all applicable Township Ordinances, and any and all County, State and Federal laws and applicable regulations.
9. Notice of this approval shall be duly published as required by law, and copies of this resolution shall be provided to Applicant and Owner, and to the Hamilton governing body and Board Engineer.
10. This approval is conditioned upon all real estate taxes being paid in full prior to the execution of the site plan.
11. The relief granted to Applicant is specifically made subject to the conditions set forth herein. In the event any condition is held to be invalid, unenforceable, or unlawful, the entire resolution shall be unenforceable. It is the intent of the Board that the resolution not be approved if any condition is invalid and that the conditions are not severable from any relief granted herein.
12. Any ambiguities involving the interpretation of this Resolution shall be resolved by the Planning Board upon due notice to the public;
13. Applicant has been advised that there is an appeal period for the relief granted herein for a period of forty-five (45) days from the date of publication of notice of adoption of this Resolution in a newspaper of general circulation approved by the Board. Accordingly, any work or construction undertaken, or any expense incurred prior to the expiration of the appeal period will be at the sole risk of the Applicant. In addition, if any appeal of this Resolution is filed, any work or construction undertaken, or any expense incurred prior to a resolution of that appeal shall also be at the sole risk of the Applicants.

THEREFORE, for the reasons stated above, the Board finds that the Application be and hereby is approved.

ATTEST:


Sabrina Bowling, Secretary

**APPROVED BY THE HAMILTON
TOWNSHIP PLANNING BOARD**

By: 
Robert Calabro, Chair

Dated: March 24, 2022

The said Resolution was memorialized by the following vote:

MOVED BY: Haig Kasabach

SECONDED BY: Pat Papero

	For	Against	Abstain	Absent	Not Qualified to Vote
Robert Calabro, Chair	X				
Michael K. Maloney, Vice Chair					X
Haig Kasabach	X				
Pat Papero, Council Liaison	X				
Latoya Wilson, Mayor's Designee	X				
Jennifer Coffey	X				
Mark Muranko				X	
Ed Pattik					X
Joseph Abbott (Alt. #1)	X				
Richard Conti (Alt. #2)					X

APPLICATION NO. 21-09-036A

**RESOLUTION OF THE HAMILTON TOWNSHIP PLANNING BOARD
GRANTING FINAL SITE PLAN APPROVAL WITH BULK VARIANCE AND
WAIVERS FOR THE KLOCKNER ROAD APARTMENTS**

WHEREAS, 1531 Klockner Road, LLC an 1651 Klockner Road, LLC, (hereinafter, jointly, "**Applicant**" and "**Owners**"), has applied to the Hamilton Township Planning Board (hereinafter, the "**Board**"), seeking final site plan approval with bulk variances and design waivers to permit the construction of a 388 unit rental development consisting of twenty-two (22) three-story multi-family buildings containing 310 market rate and 78 affordable housing units, together with various site improvements, including installation of sewer and water lines and other utilities, lighting, landscaping, stormwater, management facilities, active and passive recreational amenities, open space and 915 parking spaces (inclusive of surface and garage units), on property located at 1531 - 1651 Klockner Road, also being known as Section 1922, Lots 26, 27 and 34 (hereinafter, the "**Property**"), as shown on the Tax Map for the Township of Hamilton (hereinafter, the "**Township**"); and

WHEREAS, the Property is located in the A/T-2 Multi Family Residential Zoning District and the proposed use is permitted therein; and

WHEREAS, preliminary site plan approval to permit the construction was approved on February 10, 2022 which approval was memorialized by resolution dated March 24, 2022, which approval included the following variance and waivers:

1. Variance from compliance with §550-93 D (4). Requires each multifamily development to contain a clubhouse with a minimum floor area of 25 square feet per unit or 9,700 square feet for the Application where Applicant proposes a 5,030 square foot clubhouse;
2. Waiver of compliance with §550-115 B. Lighting. Requires an average minimum of 1.0 footcandle of illumination over the entire area to be illuminated where Applicant proposes 1.4 footcandles; and
3. Waiver of compliance with §550-119 E (6). Off-Street Parking, Loading Areas and Driveways. Requires 25 foot wide drive aisles where Applicant proposes 24 foot wide aisles; and

WHEREAS, Dino Spadaccini, Esq. appeared on behalf of Frank J. Petrino, Esq. of the law firm of Eckert Semans Cherin & Mellott, LLC, as counsel to Applicant; and

WHEREAS, in support of the application, Applicant has submitted, and the Board has reviewed various sketches, plans and renderings, which were considered by the Board, including the following:

1. Stormwater Report, prepared by John W. Kornick, PE, PP of K2 Consulting Engineers, Inc., dated August 31, 2021, and last revised September 15, 2022, consisting of three (3) books;
2. Stormwater Management Facility Operations & Maintenance Manual prepared by John

W. Kornick, PE, PP of K2 Consulting Engineers, Inc., dated August 31, 2021, and last revised August 30, 2022;

3. Plan Set entitled "Preliminary & Final Major Site Plan, Klockner Road Apartments", prepared by John W. Kornick, PE, PP of K2 Consulting Engineers, Inc., dated August 5, 2021, and last revised August 30, 2022, consisting of fifty-eight (58) pages;
4. Revised Utility Plans, Sheets 13 through 16 and Revised Soil Erosion and Sediment Control Details prepared by John W. Kornick, PE, PP of K2 Consulting Engineers, Inc., dated August 5, 2021, and last revised November 2, 2022;
5. Test Pit Location Exhibit prepared by John W. Kornick, PE, PP of K2 Consulting Engineers, Inc., dated August 26, 2022;
6. Response to Township Engineer Letter, Stormwater Subsurface Investigation, prepared by Anthony J. Digneo, PG, LEED AP, dated October 24, 2022;
7. Mercer County Soil Conservation District Approval dated May 12, 2022;
8. NJDEP-Freshwater Wetland Letter of Interpretation dated May 18, 2022;
9. Mercer County Planning Board approved dated June 28, 2022;
10. NJDEP 5G3 permit dated July 15, 2022;
11. NJDEP Treatment Works Authorization dated September 9, 2022;
12. RPM Engineering correspondence dated October 24, 2022;
13. Will Serve correspondence submitted to various utilities dated September 7, 2021;
14. Township of Hamilton Department of Water Pollution Control approval dated June 8, 2022; and
15. Revised Architectural Plans as prepared by L&M Design, LLC revised September 13, 2021; and

WHEREAS, the professional reports and all other memoranda from Township agencies and officials are incorporated herein and made a part hereof by reference in conjunction with this application as if set forth verbatim, including the following:

1. Township Consulting Engineer's review letter, prepared by Jeffrey S. Richter, PE, PP, dated December 6, 2022; and
2. Township Planner's E-mail from Robert C. Poppert, PP, AICP, to Richard Hunt dated December 2, 2022, concerning Phasing of 78 affordable housing units into overall development and compliance with Township Ordinance §550-168; and

WHEREAS, the Board, having determined that it had jurisdiction and upon due and proper notice as required by law, conducted a public hearing on **December 8, 2022**, at which time the Applicant, through its attorney and Project Engineer, John Kornick, PE, PP of K2 Consulting Engineers, Inc., presented its case; and

WHEREAS, the board carefully reviewed and considered the Application, the plans and exhibits submitted on behalf of the Applicant, the testimony of the Applicant's professionals, and the comments of the Applicant's attorney; and

WHEREAS, members of the general public were given the opportunity to cross-examine Applicant and to comment on the Application; and

WHEREAS, the Board considered the written comments submitted by the Township's Consulting Engineer and the statements of the Engineer during the proceedings; and

WHEREAS, the Board considered the questions and comments of the Board Members concerning the Application; and

WHEREAS, the matter was opened to the public and there were no questions or comments presented.

NOW, THEREFORE, the Planning Board of the Township of Hamilton resolves as follows:

1. Record. The record on which the Board acts in connection with this Application consists of the above recitals, the contents of which are incorporated herein by reference as if set forth at length, and the following:
 - a. The Application, including all submissions to the Board in connection therewith and all attachments and revisions thereto.
 - b. The Plans and exhibits submitted by Applicant, including:
 - i. Three (3) photographic renderings of the exterior of the proposed clubhouse, consisting of one (1) sheet, undated, marked B-1.
 - c. The testimony of Mr. Kornick.
 - d. The written comments submitted by the Township's Consulting Engineer, Jeff Richter, PE, PP, of ACT Engineers and those submitted by the Township's Consulting Planner, Richard A. Alaimo Engineering Company in connection with the preliminary site plan.
 - e. The statements of Mr. Richter during the proceedings.
 - f. Questions and statements of Board members during the proceedings.
2. Findings of Fact. Based on the foregoing record, the Board finds as follows:
 - a. The above recitals and record are incorporated herein as though set forth at length.
 - b. The Property, located in the A/T-2 Multiple Family Residential-2 Zone consists of an irregularly shaped, approximately 64.45 acre parcel of vacant woodland with some farmland. It is located along the southerly side of Klockner Road, and the northern side of Cypress Lane. Route 295 runs along the western edge of the property, and a high-rise senior citizen apartment complex and low-rise apartment complex are adjacent to the east. Two single-family residential units are also located to the west of the property along Klockner Road. There are deciduous wetlands and associated buffers located within the development area towards the southern and western portions of the site. Transition Area Averaging is being utilized to maintain a wetlands buffer.

- c. Applicant proposes to construct a total of twenty-two (22) three-story apartment buildings of which seventeen (17) buildings will each contain 20 units, four (4) buildings will each contain 10 units and one (1) building will contain 8 units for a total of 388 units, and a 5,030 square foot clubhouse with amenities. Eight hundred and forty-two (842) apartment car parking spaces (where 753 spaces are required), and seventy-three (73) clubhouse car parking spaces (where 65 spaces are required), each measuring 10 feet by 20 feet, are proposed. Other proposed site improvements include a pool, sport court, multiple stormwater basins, stormwater collection structures and piping, utilities, site lighting, and landscaping. Access to the site would be from a new driveway on Klockner Road.
- d. The Board previously approved a bulk variance and waivers as part of the preliminary site plan approvals and herein reaffirms the granting of such variance and waivers.
- e. Applicant presented the testimony of Mr. John Kornick a licensed Professional Engineer and Professional Planner with K2 Consulting Engineers. Mr. Kornick was sworn, qualified, and accepted by the Board as an expert in the field of engineering.
- f. Mr. Kornick testified that the existing lots would be consolidated and that all required outside approvals had been obtained with the exception of DEP approvals which Applicant is awaiting.
- g. He presented Exhibit B-1 addressing the Board's prior concerns about the design of the exterior areas surrounding the clubhouse.
- h. Mr. Kornick testified regarding stormwater drainage.
- i. Mr. Spadaccini confirmed that that development would include 78 affordable units, as set forth in the March 24, 2022, Resolution approving the Preliminary Site Plan and variances, which units would be subject to applicable deed restrictions.
- j. The Township's consulting engineer, Jeff Richter, of Act Engineers, was sworn and addressed the Board and reviewed the open items from his prior reviews during the preliminary site plan approval process, which must be addressed.
- k. Compliance with the recommendations and comments of the Consulting Engineer and those conditions set forth herein, will not result in any adverse effect on adjacent properties.

NOW, THEREFORE, based upon the foregoing, the Board hereby reaffirms the bulk variance and waivers previously approved and grants final site plan approval subject to the following terms and conditions:

- 1. Applicant shall be responsible for all legal, engineering and planning fees of the Board.
- 2. As a condition of approval, the Applicant shall enter into a developer's agreement with Hamilton Township. The developer's agreement shall specifically include a payment schedule for the payment of the Area Transportation Improvement District Fee prior to the issuance of certificates of occupancy.
- 3. All additional fees, if any, required by Township Ordinances shall be paid including the Nonresidential Development Fee and the Central Area Transportation Improvement

District Fee and its fair share payment for a pumping station, as presented by the Township Planner, prior to the issuance of a Certificate of Occupancy. The contribution to the pumping station shall be paid prior to the issuance of a certificate of occupancy.

4. Applicant shall comply with the comments and recommendations contained in the Consulting Engineer's, December 6, 2022 report, the Township Planner's memorandum, dated December 2, 2022 and the Consulting Planner's January 20, 2022 memorandum, each referenced herein except as the same may be inconsistent with the terms of the within resolution, including tree replacement.
5. Applicant shall address underdrain comments regarding permeable pavement areas, to the satisfaction of Township professionals and Consulting Professionals.
6. Applicant shall obtain approvals from all outside departments and agencies including but not limited to the New Jersey Department of Environmental Protection, Mercer County Planning Board, Mercer County Soil Conservation District, Hamilton Township Department of Water Pollution Control, Hamilton Fire Department, Hamilton Police Department, and Trenton Water Works, to the extent applicable and not already provided to the Engineering Department.
7. Applicant shall adhere to all representations made during the course of the public hearing, which representations are hereby incorporated herein by reference.
8. Applicant shall comply with all applicable Township Ordinances, and any and all County, State and Federal laws and applicable regulations.
9. This approval is for Final Site Plan with variance and waivers only and is specifically granted based upon the truth and accuracy of the testimony of Applicant and its experts, the exhibits, and the application submitted to the Board, all of which have been relied upon by the Board. In the event that the testimony is found to be willfully false, this approval shall be voidable and may be nullified by the Board.
10. Notice of this approval shall be duly published as required by law, and copies of this resolution shall be provided to Applicant and Owner, and to the Hamilton governing body and Board Engineer.
11. This approval is conditioned upon all real estate taxes being paid in full prior to the execution of the site plan.
12. The relief granted to Applicant is specifically made subject to the conditions set forth herein. In the event any condition is held to be invalid, unenforceable, or unlawful, the entire resolution shall be unenforceable. It is the intent of the Board that the resolution not be approved if any condition is invalid and that the conditions are not severable from any relief granted herein.
13. Any ambiguities involving the interpretation of this Resolution shall be resolved by the Planning Board upon due notice to the public;
14. Applicant has been advised that there is an appeal period for the relief granted herein for a period of forty-five (45) days from the date of publication of notice of adoption of this Resolution in a newspaper of general circulation approved by the Board. Accordingly, any work or construction undertaken, or any expense incurred prior to the expiration of the appeal period will be at the sole risk of the Applicant. In addition, if

any appeal of this Resolution is filed, any work or construction undertaken, or any expense incurred prior to a resolution of that appeal shall also be at the sole risk of the Applicants.

THEREFORE, for the reasons stated above, the Board finds that the Application be and hereby is approved.

ATTEST:

SBowling
Sabrina Bowling, Secretary

**APPROVED BY THE HAMILTON
TOWNSHIP PLANNING BOARD**

By: *Robert Calabro*
Robert Calabro, Chair

Dated: 1-26-23

The said Resolution was memorialized by the following vote:

MOVED BY: Haig Kasabach

SECONDED BY: Richard Agabiti

	For	Against	Abstain	Absent	Not Qualified to Vote
Robert Calabro, Chair	X				
Michael K. Maloney, Vice Chair					X
Haig Kasabach	X				
Charles Whalen, Council Liaison					X
Latoya Wilson, Mayor's Designee	X				
Jennifer Coffey	X				
Richard Agabiti	X				
Ed Pattik					X
Joseph Abbott (Alt. #1)					X
Richard Conti (Alt. #2)					X

Appendix E - Bromley/East State Street Concept Plan

Report
5/12/2025



Appendix F - Borden Avenue Concept Plan

RENNIE

ST

MARY

AVENUE

BORDEN

2328

Lot 1

Lot 2

Lot 3

Proposed 2 1/2
Story dwelling

Proposed 2 1/2
Story dwelling

Proposed 2 1/2
Story dwelling

R-7 zone
3 conforming lots for
single family residential units

Approved
5/13/25

200

Appendix G - Gropp Townhomes Zoning Board Resolutions of Approval

**HAMILTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
COUNTY OF MERCER
STATE OF NEW JERSEY**

RESOLUTION NO. 21-06-023

RESOLUTION APPROVING USE VARIANCE

**3332 HAMILTON REAL ESTATE, INC.
MAP 283, SECTION 2527, LOT 17
(3332 S. Broad Street)**

APPLICATION NO. 21-06-023

WHEREAS, 3332 Hamilton Real Estate, Inc. (the "owner" or "Applicant") is the record owner of certain real property located on Hamilton Township (the "Township") Tax map 283, Section (block) 2527, Lot 17, more commonly identified as 3332 S. Broad Street (the "subject property"); and

WHEREAS, the Applicant has bifurcated their application and applied to the Township of Hamilton Zoning Board of Adjustment (the "Board") solely for use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) to allow for the development of approximately 1.95 acres of land for a proposed 22-unit townhome development and associated parking; and

WHEREAS, the notice and publication requirements of the Municipal Land Use Law (the "MLUL") and the Township Land Development Ordinance (the "LDO") having been met, the Board accepted jurisdiction and held a public hearing on this application during its April 12, 2022 meeting and continued the hearing at its May 10, 2022 meeting; and

WHEREAS, the Applicant was represented by Dino Spadaccini, Esq.; and

WHEREAS, the Board provided an opportunity for testimony, comments and questions from interested parties and the public; and

WHEREAS, the Board has reviewed the materials presented, and based on said evidence, the information contained within the underlying application, representations made by the Applicant, and the testimony proffered by all participating parties during the hearing, made the following factual findings and conclusions of law:

APPLICATION SUMMERY AND FINDINGS OF FACT

1. Site Information: The subject property is approximately 1.95 acres of land located within the R-10 Single-Family Residential District. The subject property is currently improved with an existing daycare/preschool facility and swimming pool. The facility is abandoned and the property has been left unattended for several years.
2. Proposal: The proposed facility will remove the existing improvements and replace them with 22 townhouses and associated parking and other amenities.
3. Applicant's Plans
 - a. To date, the Applicant has submitted only a conceptual site plan. Applicant shall seek preliminary and final site plan approval at a future meeting of the Board.
 - b. Proposed style renderings, consisting of 4 sheets, have been prepared and submitted by the Applicant for review by the Board. These renderings are subject to alteration.
4. Requested Relief
 - a. The Applicant requests variance relief under N.J.S.A. 40:55D-70(d)(1):
 - i. Pursuant to N.J.S.A. 40:55D-70(d)(1), the Applicant requests variance relief from the R-10 zoning requirements prohibiting Townhouses. Applicant seeks a non-permitted use in the zone.
5. Staff/Professional Consultant Reports: In addition to the materials submitted by the Applicant, the Board received and considered the following staff and consultant reports
 - a. Water and Pollution Control report dated June 15, 2021, prepared by Carrie D. Feuer, PE, WPC Director.

- b. Hamilton Environmental Commissions report dated June 10, 2021, prepared by John Balletto, Chair of the Township Environmental Commission.
- c. Draft Engineering Review dated November 8, 2021, prepared by Douglas M. Johnson, PE, C.M.E. or Remington & Vernick Engineers, Inc.
- d. Planning review dated November 9, 2021, prepared by Joseph Petrongolo, LLA, RLA PP of Remington & Vernick Engineers, Inc.

6. Exhibits

- a. A-1 Aerial Photograph of Site.
- b. A-2 Major Site Plan of Proposed Townhouses – Last Revised 12-27-21.
- c. A-3 Preliminary Colored Site Layout – Last Revised 12-27-21.
- d. A-4 Uncolored Site Plan Map with topographic features.
- e. A-5 (pages 1-4) Proposed Style Renderings
- f. A-6 Revised 22 Unit Plan – Amended Major Site Plan – Last Revised 5-10-22.

7. Witnesses

- a. Doug Johnson – Township Professional.
- b. Martin Trescott – Township Professional.
- c. Justin Taylor – Licensed Engineer and Traffic Engineer. Mr Taylor discussed the interactions between the site development and the County Road, the needed restriping as a part of the project and the traffic impact of the development on the surrounding area. He also provided details regarding the available parking and modified parking plan as well as a description of the usable and available spaces for residents. Mr. Taylor discussed the minimal impact the site would have on traffic and addressed all questions from the Board related to the pending application.

d. Mark Blasch, Architect. Mr. Blasch explained the overall design including the site layout, parking design and building elevations. He also detailed the aesthetically pleasing nature of the design and how it complements the area and achieves the purposes of the Municipal Land Use Law.

e. James Kyle, Professional Planner. Mr. Kyle addressed the requirements for a use variance and laid out the positive and negative criteria and made an argument for how the proposed development satisfies that criteria. According to Mr. Kyle, the location of the site on the periphery of the R-10 district, on a busy roadway, with available transit, significant vegetation and separation from the surrounding single-family homes means that this lot is particularly suited for the proposed use. Acknowledging the enhanced quality of proof necessary for a D-1 variance, he provided details on the efficient use of this land and how it was compatible with the usages in the surrounding area and that the development is compact, revitalizes the abandoned property and puts it back into use, and offers a variety of residential options for the area. Mr. Kyle further noted that the townhouses across the street and the separation from the existing residential areas argue in favor of the development being not inconsistent with the Township Master plan. Accordingly, he found that both the positive and negative criteria had been met by the Applicant and the variances requested were justified based upon the proofs offered.

8. Public Comment: The opportunity for public comment was granted and the Board took into consideration the interest of the public in reaching a determination in this matter. Several members of the public appeared and while all were in favor of something being done to develop the proposed site, complaints focused on the 3-story nature of the

buildings, the potential for increased traffic and the parking issues that might arise if not adequately provided for on site.

FINDINGS WITH RESPECT TO PROOFS

After considering the testimony provided above and reviewing the materials submitted in connection with the underlying application:

9. The Applicant seeks a (d)(1) use variance for the construction of townhouses within the R-10 resident zone. As a (d)(1) use variance, the Applicant has the burden of demonstration “Special Reasons” for granting the use variance and must meet an “enhanced quality of proof” to satisfy the requirements that the variance is not inconsistent with the intent and purpose of the master plan and zoning ordinance (Positive Criteria). The Applicant must also demonstrate that the requested relief can be granted without substantial detriment to the public good and will not impair the intent and purpose of the zone plan and zoning ordinance (Negative Criteria).
10. The Board finds that the Applicant has demonstrated the “Special Reasons” required to satisfy the requirements of the use variance requested. The proposed use carries out the purposes of zoning as listed in N.J.S.A. 40:55D-2 of the MLUL. Specifically, development of the abandoned property will promote the public health, safety, morals and general welfare; The proposed development provides adequate light, air and open space; promotes the establishment of appropriate population densities and concentrations based on the presence of other townhouse developments in the area; provides for a variety of residential housing and uses in the zone; and promotes a desirable visual environment through good civic design and arrangement.
11. The Board finds that the Applicant has satisfied the Positive Criteria in that the proposed development is not inconsistent with the intent and purpose of the master plan or the

zoning ordinance. Based on the location, available amenities and nearby developments, the proposed development compliments the existing zoning.

12. The Board finds that the Applicant has satisfied the Negative Criteria by demonstrating that the requested relief can be granted without substantial detriment to the public good. The redevelopment of the abandoned site will revitalize that portion of the neighborhood, remove an attractive nuisance and location for pests and rodents and shall not negatively impact the character of the neighborhood. The Board further finds that the Applicant has successfully demonstrated that the requested relief will not impair the intent and purpose of the zone plan and zoning ordinance.
13. Specifically, the Board concludes that the proposed project as a whole advances several purposes of zoning, as articulated in the MLUL, including:
 - a. The proposal and project will be a practical and appropriate use of the subject property and will allow the Applicant to utilize the parcel for a substantially similar purpose to surrounding uses. The Board also finds that the Applicant's intended activities and construction promotes the general welfare and provides a benefit to the community by revitalizing the subject property.
 - b. The subject property is surrounded by residential uses and is located across from other townhouse developments. Development within the uses of the zone would require significant alterations to roadway access that would negatively impact the surrounding zone and roadways.
 - c. The Applicant has testified that it is fully committed to the total reconstruction of the site. The Board agrees that this project would be a substantial improvement to the subject property and surrounding area; thus, the efficient reuse of the subject

property that would promote the purposes underlying the applicable zoning requirements, as set forth in N.J.S.A. 40:55D-2(a), (g), (i) & (m).

14. **Conclusion:** For the justifications stated herein, special reasons exist to approve the sought use variance, and same may be granted without detriment to the public good and without substantially impairing the zone plan or zoning ordinances. The Board has determined that the Applicant has sustained its burden of satisfying the criteria for obtaining the requested use variances, and that Application Number 21-06-023, as bifurcated and when coupled with the testimony presented to the Board, is in the public interest and complies with the applicable standards set by the MLUL and the LDO.

NOW, THEREFORE, be it resolved that based on upon the aforesaid findings, determinations and conclusions which are all specifically made a part hereof, by a vote of seven (7) in favor and none opposed, the Hamilton Township Zoning Board of Adjustment in Mercer County, New Jersey, hereby determines that the requested use variance may be granted, provided that the Applicant adhere to and comply with its representations and the conditions recommended by the Board and its professionals, including the following:

1. The Applicant shall comply with all comments and conditions set forth on the record and in the Boards' professionals' reports, except as specifically modified by the provisions of this Resolution.
2. The Applicant shall obtain preliminary and final major site plan approval as a condition of approval.
3. The Applicant shall seek and obtain all required bulk variances for the development of a series of townhouses on the subject property as a condition of approval.
4. The Applicant shall be limited to 22 townhouse units as a condition of approval.

5. The Applicant shall pay any Transportation Improvement District Fee as a condition of approval.
6. The Applicants will pay all development and nonresidential development fees, application, escrow, and inspection fees attendant to this application as a condition of approval.
7. Evidence of the attainment of the outstanding conditions set forth in this Resolution shall be in writing by the professional or entity having oversight or jurisdiction, and placed in the Applicants' file with the Township.
8. The approvals granted by this Resolution and development pursuant thereto, is subject to compliance at all times with all applicable Federal, State, County, and Township laws and regulations, including, without limitation, all environmental, health, and building and property maintenance codes. The project effectuated pursuant to these approvals, including demolition and construction, shall be maintained in good condition and kept in compliance with these approvals in perpetuity, except as may be permitted by the Township.
9. The date of the decision shall be May 10, 2022, except that the date of the adoption of this Resolution, July 26, 2022, is the date of the decision for the purposes of: (i) mailing a copy of the decision to the Applicant within ten (10) days of the date of the decision; (ii) filing a copy of the decision with the administrative officer; and (iii) publication of a notice of this decision.

ROLL CALL VOTE ON THE RESOLUTION OF MEMORIALIZATION
July 26, 2022

Moved by: Ileana Schirmer

Seconded by: Anthony Angelico

Those in Favor: James Kochenour, Ileana Schirmer, Anthony Angelico, Jamie Volkert, Angela Evans

Those Opposed: None

Those Abstaining: None

Those Absent: Joseph Weber, Sean Carter

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Zoning Board of Adjustment of the Township of Hamilton during an advertised and noticed meeting held on July 26, 2022, at which a quorum was present and a vote of five (5) in favor, none against, with zero (0) abstention.


Sabrina Bowling, Board Secretary

**HAMILTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
COUNTY OF MERCER
STATE OF NEW JERSEY**

RESOLUTION NO. 21-06-023A

RESOLUTION GRANTING PRELIMINARY AND FINAL SITE PLAN, VARIANCE RELIEF FROM BUILDING COVERAGE, HEIGHT COVERAGE (MAXIMUM STORIES), AND MINIMUM AFFORDABLE HOUSING SET-ASIDE REQUIREMENTS, AND CHECKLIST WAIVERS, FOR THE PURPOSE OF CONSTRUCTING A TWENTY-TWO (22) UNIT TOWNHOME DEVELOPMENT CONSISTING OF SIX (6) BUILDINGS

**3332 HAMILTON REAL ESTATE, INC. (Applicant and Owner)
MAP 283, SECTION 2527, LOT 17
(3332 S. Broad Street)**

APPLICATION NO. 21-06-023A

WHEREAS, 3332 HAMILTON REAL ESTATE, INC. (the "Applicant") is the record owner of certain real property located on Hamilton Township (the "Township") Tax map 283, Section (block) 2527, Lot 17, more commonly identified as 3332 S. Broad Street (the "subject property"); and

WHEREAS, the Applicant filed the instant application and applied to the Township of Hamilton Zoning Board of Adjustment (the "Board") for bulk variance relief pursuant to N.J.S.A. 40:55D-70(c), together with preliminary and final site plan approval and checklist waivers under the Township Land Development Ordinance (the "LDO"), to allow for the construction of a twenty-two (22) unit townhome development consisting of six (6) buildings with associated parking and other amenities; and

WHEREAS, the Applicant previously received use variance relief from the Board pursuant to N.J.S.A. 40:55D-70(d)(1) to allow for the development of approximately 1.95 acres of land for a twenty-two (22) unit townhome development with associated parking and other amenities, which was granted on May 10, 2022 and memorialized by Resolution on July 26, 2022; and

WHEREAS, the notice and publication requirements of the Municipal Land Use Law (the "MLUL") and the Township Land Development Ordinance (the "LDO") having been met, the Board

accepted jurisdiction and held a virtual public hearing on this application during its May 14, 2024 meeting; and

WHEREAS, the Applicant was represented by Dino Spadaccini, Esq., of The Spadaccini Law Firm, LLC; and

WHEREAS, the Board provided an opportunity for testimony, comments and questions from interested parties and the public; and

WHEREAS, the Board has reviewed the materials presented, and based on said evidence, the information contained within the underlying application, representations made by the Applicant, and the testimony proffered by all participating parties during the hearing, made the following factual findings and conclusions of law:

APPLICATION SUMMARY AND FINDINGS OF FACT

1. Site Information: The subject property is approximately 1.95 acres of land located within the R-10 Single-Family Residential District. The subject property was previously improved with a daycare/preschool facility and swimming pool. The facility was abandoned, and left unattended for several years and has since been demolished by current ownership and is currently vacant land.
2. Proposal: The proposed development will consist of twenty-two (22) townhome units with associated parking and other amenities. The proposed development would consist of four (4) buildings containing four (4) units each and two (2) buildings containing three (3) units. The townhomes would consist of three (3) floors with a two-car garage on the ground floor. Associated improvements include parking, outdoor recreation area, stormwater management, and other associated improvements.

3. Applicant's Plans

- a. Preliminary and Final Major Site Plan, consisting of 18 sheets, dated July 28, 2023, last revised February 2, 2024, prepared by Cameron Corini, P.E., C.M.E., and Ted W. Pivovarnick, P.L.S., Roberts Engineering Group, LLC.
- b. Architectural Drawings, consisting of 3 sheets, dated August 22, 2023, prepared by Mark A. Blasch, RA.

4. Applicant's Reports

- a. Surface Water Management Report, dated July 21, 2023, last revised February 2, 2024, prepared by Cameron Corini, P.E., C.M.E.

5. Staff/Professional Consultant Reports: In addition to the materials submitted by the

Applicant, the Board received and considered the following staff and consultant reports:

- a. Water and Pollution Control report dated November 20, 2023, prepared by Carrie D. Feuer, PE, WPC Director.
- b. Hamilton Environmental Commissions report dated November 16, 2023, prepared by John Balletto, Chair of the Township Environmental Commission.
- c. Engineering Review dated May 8, 2024, prepared by Douglas M. Johnson, PE, CME, of Remington & Vernick Engineers, Inc.
- d. Planning review dated May 8, 2024, prepared by Jenizza Corbin, PE, AICP, of Remington & Vernick Engineers, Inc.

6. Exhibits

- a. Rendering entitled "Site Development Plan" dated July 28, 2023, last revised February 2, 2024, prepared by Cameron Corini, P.E., C.M.E., and Ted W. Pivovarnick, P.L.S., Roberts Engineering Group, LLC, labeled Sheet 1 of 2.
- b. Rendering entitled "Landscaping Plan" dated July 28, 2023, last revised February 2, 2024, prepared by Cameron Corini, P.E., C.M.E., and Ted W. Pivovarnick, P.L.S., Roberts Engineering Group, LLC, labeled Sheet 2 of 2.

- c. Plans entitled "Crosswick Mews at Hamilton" dated August 22, 2023, prepared by Mark A. Blasch, Architect, Sheet 1 of 3, "Plans / Elevations, Building A," labeled A1.0.
- d. Plans entitled "Crosswick Mews at Hamilton" dated August 22, 2023, prepared by Mark A. Blasch, Architect, Sheet 2 of 3, "Plans / Elevations, Building B," labeled B1.0.
- e. Plans entitled "Crosswick Mews at Hamilton" dated August 22, 2023, prepared by Mark A. Blasch, Architect, Sheet 3 of 3, "Plans / Elevations, Building C," labeled C1.0.
- f. Rendering of Building A.
- g. Rendering of Building B.
- h. Rendering of Building C.

7. Witnesses

- a. Emad Elgeddawy, 3332 Hamilton Real Estate, Inc. (Applicant)
- b. Cameron Corini, P.E., Roberts Engineering Group, LLC
- c. Patrick Downey, PE, PTOE, Dynamic Traffic
- d. James T. Kyle, PP/AICP, Kyle + McManus Associates

8. Requested Relief

- a. The Applicant requests the following bulk variance relief from the requirements of the LDO under N.J.S.A. 40:55D-70(c)(1):
 - i. Maximum building coverage (§550-74.E): 20% permitted, 22.4% proposed.
 - ii. Maximum permitted number of stories (§550-74.D(1)): Although the proposed building height of 33.7 feet is less than the required 35 feet, Applicant proposes a maximum 3 stories, which exceeds the permitted maximum of 2.5 stories.
- b. The Applicant also requests design waivers for the preservation of existing trees, parking space dimensions, sign setback, and townhome building coverage, all of which said waivers are detailed in this Resolution.

- c. James T. Kyle, PP/AICP of Kyle + McManus Associates addressed the requirements for the requested bulk variance relief.
- i. Mr. Kyle testified that, though the property is below the maximum permitted height in the R-10 zone, the proposed project would require an additional half-story above the maximum number of permitted stories. Mr. Kyle testified that the requested relief promotes criteria (m) and (i) of the Municipal Land Use Law (the "MLUL"). The additional story permits placement of the units' garages on the ground floor and, thus, provides additional off-street parking at the tail end of the driveway. Mr. Kyle concluded that this design results in less visible surface parking and more green space on the subject property. Further, the design provides for the possibility that units will be able to provide guest parking off-street without the need for increased surface parking. Besides improving site efficiency, Mr. Kyle concluded that the design improved the aesthetics and design of the subject property.
 - ii. Mr. Kyle testified that the R-10 zone permits a maximum building coverage of 20% but that the Applicant proposes a building coverage of 22.4%. Mr. Kyle noted that the Applicant had reduced the proposed building coverage by approximately 5% from the proposal envisioned as part of the initially submitted Concept Plan. Mr. Kyle also testified that the variance for building coverage would trigger the need for a design waiver from the specific building coverage requirements for townhomes provided in the LDO. Thus, in addition to variance relief, the Applicant requests a design waiver to specifically address the building coverage requirement for

townhomes. Mr. Kyle testified that the proposal would promote the general welfare by providing a varied form of housing stock other than single-family housing. Mr. Kyle further noted that the townhomes are an efficient form of land use and provide a distinct form of dwelling than apartment buildings. Mr. Kyle noted that the minimal 2.4% requested increase in building coverage does not create a measurable visual change on the lot. Moreover, Mr. Kyle concluded that any impact would be outweighed by the substantial landscaping provided along the subject property's periphery, as well as by the use of street trees on South Broad Street and landscaping between the units.

- iii. Mr. Kyle testified that the Applicant proposes to provide four (4) for-sale affordable units rather than the five (5) for-sale affordable housing units required pursuant to the mandatory 20% set-aside at Section 550-166A(2) of the LDO. Mr. Kyle testified that the affordable units will be distributed amongst the four (4) buildings containing four (4) units. No building will contain more than one (1) affordable unit. He further testified that two (2) units will be moderate-income deed restricted and two (2) units will be low-income deed restricted, of which one (1) shall be very-low-income deed restricted. Mr. Kyle testified that if the Applicant were required to comply with the existing set-aside requirement, the Applicant would be required to provide a total of two low-income units, which presents a substantial financial burden for a project yielding a total twenty-two (22) units. Mr. Kyle testified that he had spoken to Fair Share Housing Center ("FSHC") and

could represent that FSHC did not take issue with the proposal to incorporate four (4) units.

- d. Mr. Kyle testified that the Applicant had initially requested relief from minimum rear and front yard setbacks. However, he explained that the Applicant no longer sought that relief. Section 553.13 of the LDO permits the extension of porches/balconies 30-inches into a required setback. Based upon these allowances, Mr. Kyle testified that neither bulk variance relief would be required. Further, Mr. Kyle testified that no waiver was being requested for parking, loading, access, and driveway impervious coverage.

9. Access, Parking, and Circulation

- a. The Applicant is proposing a total of 94 parking spaces, consisting of 77 spaces plus 17 visitor spaces. Per Section §550-119.E(2), parking spaces shall be 9-feet by 20-feet. The Applicant requests a design waiver to permit a shorter depth of 9-feet by 18-feet.
- b. The Applicant confirmed that it agrees with and raises no objections as to the comments in the Engineering and Planning memorandums issued by the Township Professionals. Specifically:
 - i. The Applicant has agreed as a condition of approval to work with the Hamilton Township Fire Official to determine whether emergency zones will be designated with signage or roadway striping.
 - ii. The Applicant has agreed as a condition of approval to repair, mill, and repave along the frontage to the centerline of Gropp Avenue.

- iii. The Application has agreed as a condition of approval to seek a determination from the Hamilton Township School District for the designation of a drop off/pick up area for school children.
- iv. The Applicant has agreed as a condition of approval to submit a proposed right-of-way dedication along South Broad Street to the Board Attorney for review.

10. Grading, Buffers, and Landscaping

- a. The Applicant will meet all requirements and confirmed that the Applicant agrees with and raises no objections as to the comments in the Engineering and Planning memorandums issued by the Township Professionals. Specifically:
 - i. The Applicant has addressed the Township's request to demonstrate the impacts of stormwater runoff on adjacent property by relocating the proposed retaining wall along the north and west property lines of the property line itself to a location 2 to 3 feet off of the property line. The Applicant will also provide a stone rip rap on the neighboring side of the retaining wall in order to provide a decorative feature and to slow the velocity of stormwater and prevent the erosion of soil.
 - ii. The Applicant has agreed as a condition of approval to install a black wire mesh along the split rail fence surrounding the retaining wall in order to restrict movement under and/or through the fence.
 - iii. The Applicant has agreed as a condition of approval to screen all HVAC and mechanical units at the rear of the townhome units with landscaping and/or fencing, the selection of which shall be made in consultation with and at the discretion of the Township.

- iv. The Application has agreed as a condition of approval to provide fencing between each of the townhome units, which shall be four feet on the frontage at South Broad Street and six feet on the opposite side of the subject property.
- v. The Applicant has agreed as a condition of approval to plant "Green Giant" Arborvitae rather than "Emerald Green" Arborvitae along the entire northern property line.
- vi. The Applicant has requested a waiver from the obligation to plant trees at the subject property pursuant to Ordinance Section 550-117 and, instead, to make a payment in lieu of trees.

11. Stormwater

- a. The Applicant will meet all requirements and confirmed that it agrees with and raises no objections as to the comments in the Engineering and Planning memorandums issued by the Township Professionals. Specifically:
 - i. Applicant agreed, as a condition of approval, to undertake an additional log within the infiltration basin to confirm the separation between the bottom of the basin and the Seasonal High Water Table.
 - ii. Application agreed, as a condition of approval, to work with the Township and its representatives to provide escape provisions for the infiltration basin in accordance with Section 557-9.C.(3).
 - iii. Applicant has agreed, as a condition of approval, to modify the inlet located along South Broad Street by making it a double-wide inlet to ensure no water travels to South Broad Street.

- iv. Applicant has agreed, as a condition of approval, to provide the Township an Operations and Maintenance Manual for the infiltration basin upon completion of the infiltration basin design and approval.
- b. No adverse drainage impacts are expected. Applicant has agreed to ensure drainage remains adequate.

12. Environmental

- a. Based upon the testimony and representations of the Applicant, there appears to be no environmental conditions or restrictions at the subject property. Specifically, the Applicant represented that no Unregulated Heating Oil Tanks (UHOTs) are present on the subject property.
- b. The Applicant will comply with all Federal, State and local environmental requirements.

13. Traffic

- a. The Applicant confirmed that it agrees with and raises no objections as to the comments in the Engineering and Planning memorandums issued by the Township Professionals. Specifically:
 - i. Patrick Downey, PE, PTOE, of Dynamic Traffic, testified that Dynamic Traffic's analysis of projected trip generation for the proposed project anticipates 30 trips, which is one-third the threshold of the 100 peak-hour trips identified by the New Jersey Department of Transportation to be a significant trip generation. Mr. Downey concluded that the proposed trip generation is nominal.
 - ii. Mr. Downey testified that the Applicant proposes to incorporate two full movement driveways on the subject property. In addition, the Applicant

proposes to restripe South Broad Street to provide a two-way center turn lane between Lacy Avenue and the Parish of St. Raphael – Holy Angels driveway for the purpose of enhancing the safety and efficiency of left turn movements in and out of all intersection streets and driveways in the vicinity of South Broad Street. The Applicant agreed and acknowledged that this improvement will be installed in conjunction with the application and development of the proposed project.

- b. The Applicant testified that all private roads will be maintained by the subject property's HOA, including all garbage pickup.
- c. Based upon the testimony and representations of the Applicant, it is not anticipated that the proposed project will result in a significant degradation of operating conditions.

14. Signs

- a. The Applicant has proposed to locate a brick sign on the subject property, at the location depicted on the Site Plans, with an offset of twelve (12) feet from the right-of-way line of South Broad Street, rather than twenty-five (25) feet as required by the LDO. The Applicant requests a design waiver to permit the proposed offset.

15. Fire & Emergency Services

- a. The intended use will meet all Code requirements.

16. Lighting

- a. The Applicant confirmed that it agrees with and raises no objections as to the comments in the Engineering and Planning memorandums issued by the Township Professionals. Specifically:

- i. The Applicant agreed as a condition of approval to place an additional light at the proposed playground, as well as an additional light at the main entrance on South Broad Street.

17. Utilities

- a. The intended use will meet all Code requirements.

18. Public Comment: The opportunity for public comment was granted and the Board took into consideration the interest of the public in reaching a determination in this matter.

FINDINGS WITH RESPECT TO PROOFS

After considering the testimony provided above and reviewing the materials submitted in connection with the underlying application:

19. The Board finds that the Preliminary and Final Major Site Plan is proper in all respects and complies with the LDO requirements for such that, if amended to be consistent with the testimony and representations made during the hearing, and all comments in the Engineering and Planning memorandums issued by the Township Professionals, as was agreed to by the Applicant, preliminary and final site plan approval should be granted. The Board finds that the site plan proffered by the Applicant and proposed project that was discussed in detail by the professionals of the Board and the Applicant during the hearing will revitalize the existing subject property, which has been abandoned and unattended for several years with a vacant daycare/preschool facility, in a manner that advances the Township's Master Plan and the purposes of the district zone. The waivers and exceptions requested by the Applicant, which include the preservation of existing trees, parking space dimensions, sign setback, and townhome building coverage, are found to be reasonable and justified. Although certain submissions have not been provided and certain design standards are not met, the Board accepts and credits the extensive testimony of the

Applicant's professionals as to the reasons for such deviations. Moreover, the Board must note that its professionals took no exception to such reasonable requests; thus, said requests should be granted.

20. The Board finds, to the extent necessary, pursuant to N.J.S.A. 40:55D-70(c)(1), the Applicant has demonstrated an entitlement to relief due to the unusually shaped lot that has multiple road frontages and multiple preexisting nonconformities due to the size and shape of the parcel. This unique layout effectively prohibits the Applicant from complying with many of the requirements of the LDO and would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The rehabilitation of this property through the Applicant's proposal is a benefit to the general welfare that warrants variance relief.
21. The Board also finds that, to the extent necessary, pursuant to N.J.S.A. 40:55D-70(c)(2), the purposes of the MLUL would be advanced by the continued deviation or departure from the applicable requirement of the LDO necessitating certain design waivers, and that the benefits of the requested bulk variances outweigh any detriment. The Board further finds that the grant of bulk variance relief to allow for the continuation of violating site conditions would not cause substantial detriment to the public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
22. Specifically, the Board concludes that the proposed project as a whole advances several purposes of zoning, as articulated in the MLUL, including that the Applicant's intended activities and construction promotes the general welfare and provides a benefit to the community by revitalizing the subject property in a manner that will provide an additional, varied form of housing stock that is different than an apartment form and the single-family housing form, which is prevalent in the Township. Further, the requested bulk variance

relief to construct three-stories promotes criteria (m) of the MLUL by developing the subject property in a more efficient manner that will minimize surface parking and increase green spaces, as well as criteria (i) of the MLUL by utilizing a design that improves the aesthetics and design of the subject property.

23. With respect to its obligation to consider the underlying application in terms of the negative criteria of N.J.S.A. 40:55D-70, the Board finds that this threshold has been met, as the deviations will neither cause a detrimental impact to the public good nor a substantial detriment to the zone plan or zoning ordinances by reasons of the grant of design waiver and bulk variance relief. Based on the testimony proffered and materials submitted, the Board is satisfied that any impact stemming from the Applicant's use of the subject property will generate a minimal traffic impact, improve what has been an unused property that has been vacant for years, and create affordable housing in the Township.

24. Conclusion: For the justifications stated herein, good reason exists to approve the sought variances, and same may be granted without detriment to the public good and without substantially impairing the zone plan or zoning ordinances. The Board has determined that the Applicant has sustained its burden of satisfying the criteria for obtaining the requested variances, and that Application Number 21-06-023A, when coupled with the testimony presented to the Board, is in the public interest and complies with the applicable standards set by the MLUL and the LDO.

NOW, THEREFORE, be it resolved that based on upon the aforesaid findings, determinations and conclusions which are all specifically made a part hereof, by a vote of six (6) in favor and none opposed, the Hamilton Township Zoning Board of Adjustment in Mercer County, New Jersey, hereby determines that the requested preliminary and final site plan approval, with waivers and exceptions, and variance relief may be granted, provided that the Applicant adhere to and

comply with its representations and the conditions recommended by the Board and its professionals, including the following:

1. The Applicant shall comply with all comments and conditions set forth on the record, in this Resolution, and in the Boards' professionals' reports, except as specifically modified by the provisions of this Resolution.
2. In addition to the conditions of approval set forth in this Resolution, the Applicant has further agreed that, as a condition of approval, the Applicant shall work with the Township and its professionals to provide a crosswalk to facilitate pedestrian movement of residents from the south side of the subject property to the proposed playground.
3. The Applicant shall add the signature blocks for the Township Engineer and Township Planner on all sheets submitted by the Project Engineer and Project Architect as a condition of approval.
4. The Applicants will pay all development and nonresidential development fees, application, escrow, and inspection fees attendant to this application within thirty (30) days of the date of adoption of this Resolution as a condition of approval.
5. Evidence of the attainment of the outstanding conditions set forth in this Resolution shall be in writing by the professional or entity having oversight or jurisdiction, and placed in the Applicant's file with the Township.
6. The approvals granted by this Resolution and development pursuant thereto, is subject to compliance at all times with all applicable Federal, State, County, and Township laws and regulations, including, without limitation, all environmental, health, and building and property maintenance codes. The project effectuated pursuant to these approvals, including demolition and construction, shall be

maintained in good condition and kept in compliance with these approvals in perpetuity, except as may be permitted by the Township.

7. The date of the decision shall be June 25, 2024, except that the date of the adoption of this Resolution, May 14, 2024, is the date of the decision for the purposes of: (i) mailing a copy of the decision to the Applicants within ten (10) days of the date of the decision; (ii) filing a copy of the decision with the administrative officer; and (iii) publication of a notice of this decision.

ROLL CALL VOTE ON THE RESOLUTION OF MEMORIALIZATION
June 25, 2024

Moved by: James Kochenour

Seconded by: Robert Kudrick

Those in Favor: Sean Carter, Joseph Povio, Joseph Weber

Those Opposed:

Those Abstaining:

Those Absent: Angela Evans

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Zoning Board of Adjustment of the Township of Hamilton during an advertised and noticed meeting held on June 25, 2024, at which a quorum was present and a vote of five (5) in favor, zero (0) against, with one (1) absent.

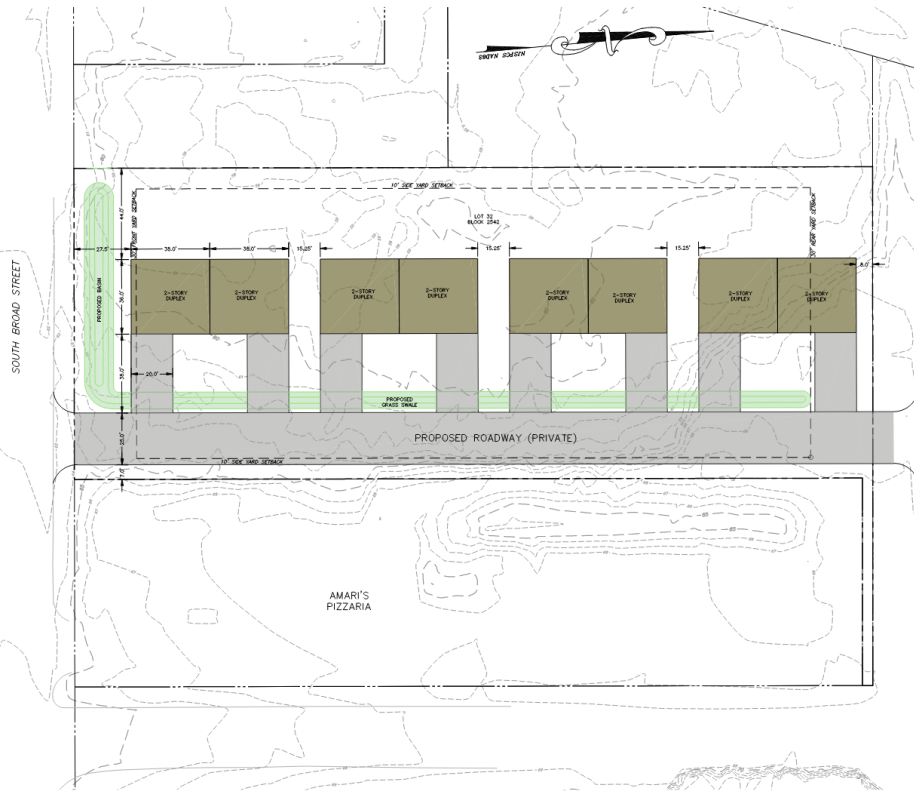


Madison Nebbia, Board Secretary

Appendix H - Homefront Amaris Concept Plan and Draft Ordinance

RESIDENTIAL (R-10)	
REQUIRED	PROPOSED
MIN. LOT AREA	15,000 SQ. FT.
MIN. LOT WIDTH	80 FEET
MIN. LOT DEPTH	100 FEET
MIN. FRONT YARD	30 FEET
MIN. SIDE YARD	10 FEET EACH
MIN. REAR YARD	30 FEET
MIN. LOT FRONTAGE	80 FEET
MAX. BUILDING COVERAGE	20%

* VARIANCE REQUIRED
 BLOCK 2042, LOT 32 (ZONE R-10)
 LOT AREA: 1.28 ACRES (APPROX.)



DATE: APRIL 14, 2025
 REVISED: JUNE 2, 2025



SITE CONCEPT PLAN
HOMES BY TLC
S. BROAD STREET
BLOCK 2042 LOT 32

HAMILTON TOWNSHIP
 DRAWN IN
 MERCER COUNTY
 NEW JERSEY

11 HAMILTON ROAD, SUITE 100
 HAMILTON, NJ 08610
 609.261.1111
ACT ENGINEERS, INC.
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE
 SURVEYING
 ENVIRONMENTAL SCIENCE

550-98 Special Housing Zone V

A. Permitted uses.

(1) Multi-family, townhouses, single-family attached or detached homes that are affordable to households of low- and moderate-income and are eligible for affordable housing credit against the Township's affordable housing obligation.

(2) Public parks, playgrounds, conservation areas and public purpose uses.

B. Accessory uses.

(1) Decks and patios which shall be uniform in size and materials and complement the architectural style and design of the dwelling unit and the overall design, as established during the site plan review and approval process. All decks and patios shall be constructed when the development is constructed.

(2) Off-street parking, private garages and private roadways.

(3) Fences and walls which shall be uniform in size and materials and complement the architectural style, type and design of the dwelling unit and the overall project design, as established during the site plan review and approval process. All fences and walls shall be constructed when the development is constructed.

(4) Community amenities, such as but not limited to: pool, clubhouse, walking trails.

(5) Signs.

(6) Temporary sales or construction trailer(s).

(a) The trailer(s) shall be located on the same lot as the principal permitted use and shall meet all setback requirements for principal buildings in the zone.

(b) The trailer(s) shall be shown on the site plan for the principal permitted use and shall be reviewed by the administrative officer on an individual case basis in accordance with the performance standards in § [550-120](#).

(c) The trailer(s) shall be permitted to remain only for the period of construction, renting or sale of the permitted use.

(d) Only one sales trailer and two construction trailers are permitted per project.

(7) Roof-mounted solar or photovoltaic energy-generating facility.

(8) Electric vehicle supply/service equipment.

C. Conditional uses.

(1) None.

D. Area and yard requirements.

(1) Tract development.

(a) Minimum tract area: one (1) acre

(b) Minimum tract frontage: 150 feet

(c) Minimum number of affordable units: 16

(d) Bulk requirements.

1. Minimum yards (feet).

a. Front: 25.

b. Rear: 10.

c. Side: 10.

2. Maximum impervious coverage: 50%.

3. Maximum building coverage: 20%

3. Maximum principal building height: 2 ½ stories, but not to exceed 35 feet.

4. Maximum accessory building height: 15 feet.

(e) Lot sizes and dimensions, yard sizes and building arrangement may be freely disposed and arranged, in accordance with the following standards:

5. At least the first 10 feet adjacent to any street line shall not be used for parking and shall be planted and maintained in lawn area or ground cover or landscaped with evergreen shrubbery.

6. Landscape buffer required to lot line: 5 feet.

E. Natural features and critical areas, such as treed areas, scenic views; historic sites; natural terrain including steep slopes and open waters; wetlands and associated buffers; wildlife corridors; natural drainage lines; open space of high ecological value; and other community assets shall be preserved as much as practical.

F. Architectural standards:

(1) Building exteriors are encouraged to have vertical and/or horizontal offsets to create visual breaks on the exterior.

(2) A variety of building heights is encouraged in a single development.

(3) A variety of building setbacks, rooflines, color schemes, and elevations shall be required in the development to avoid a repetitious or monotonous streetscape to the extent practical.

(4) The exteriors of all buildings in the development, including accessory buildings, shall conform architecturally and be constructed of materials of like character.

(5) Each building and combined complex of units shall have a compatible architectural theme with variations in design to provide attractiveness to the development, which shall include consideration of landscaping techniques, building or orientation to the site and to other structures, topography, natural features and individual dwelling unit design, such as varying unit width, staggering unit setbacks, providing different exterior materials, changing rooflines and roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination, for each unit.

(6) In order to prevent the development of long and monotonous buildings and ridgelines, which serve to increase the sense of density, lack interest and liken the development to a barracks, overall structures of attached townhouses shall consist of no more than eight townhouse dwelling units. There shall be at least three different ridgeline heights in each overall structure of attached townhouses, which shall vary by at least three feet. In any overall structure of attached townhouses, no more than two adjacent dwelling units shall have the same setback. Setbacks shall vary by at least eight feet.

(7) The monotony of long overall structures of attached townhouses is considerably diminished when such structures are sited on gently rolling lands. In such instances, the Planning Board may approve the construction of overall structures of attached townhouses containing nine or 10 townhouse dwelling units.

G. Each development shall provide for the removal of trash and garbage. Storage of trash and garbage shall be subject to Planning Board review and approval.

H. Artificial lighting shall be provided along all walks, paths and interior roads and driveways and in all off-street parking areas with sufficient illumination for safety and convenience.

I. Affordable units shall be provided in accordance with the following:

(1) A developer's agreement is required to establish low/moderate apportionment, very-low-income requirement per N.J.S.A. 52:27D-329.1, bedroom distribution, unit size, etc.

(2) The affordable units shall be developed in accordance with the Council on Affordable Housing's (COAH's) regulations at N.J.A.C. 5:93^[3] and the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., which govern the administration and affordability controls of affordable units in New Jersey.

(3) In addition to addressing the requirements of COAH and UHAC noted above, the affordable units shall be developed in accordance with the following:

(a) The affordable units cannot be age-restricted units:

(b) The bedroom distribution requirements pursuant to N.J.A.C. 5:93-7.3^[4] and N.J.A.C. 5:80-26.3(b).

(c) The unit distribution requirements pursuant to N.J.A.C. 5:80-26.3.^[5]

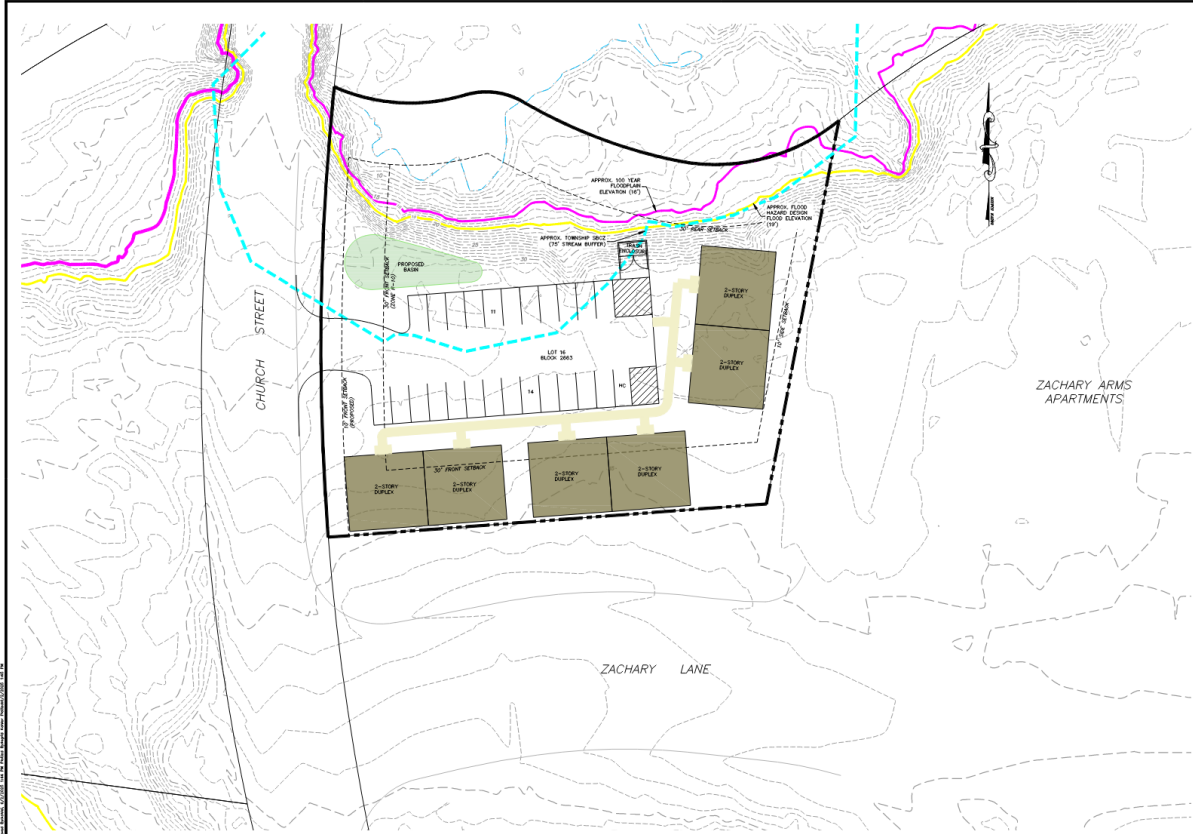
(d) The length of controls requirement and deed restrictions pursuant to N.J.A.C. 5:80-26.11, except that the length of the control period may be limited to 45 years.

(e) The phasing requirements pursuant to N.J.A.C. 5:93-5.6(d).^[6]

(f) The accessibility and adaptability requirements pursuant to N.J.A.C. 5:97-3.14.

J. In the Special Housing Zone V, a ground sign shall be permitted for the purpose of identifying a multifamily dwelling project. It shall not exceed 30 square feet in area and not more than one such sign shall be placed on a property unless such property fronts upon more than one street, in which instance a sign may be erected on each frontage. The sign shall not exceed the height of six (6) feet and shall not be located within ten (10) feet of a right-of-way line, parking area or driveway and shall in no way interfere with the safe function of any traffic control signal or directional device nor be located within an intersection sight triangle easement.

**Appendix I - Homefront Zachary Arms Concept Plan and Draft
Ordinance**



RESIDENTIAL (R-10)	
MINIMUM LOT AREA	10,000 SF
MINIMUM LOT WIDTH	80 FEET
MINIMUM LOT DEPTH	100 FEET
MINIMUM FRONT YARD	30 FEET
MINIMUM SIDE YARD	10 FEET EACH
MINIMUM REAR YARD	30 FEET
MINIMUM LOT FRONTAGE	80 FEET
MAXIMUM BUILDING COVERAGE	20%

BLOCK 3000, LOT 16 (ZONE R-10)
LOT AREA: 1 ACRE (APPROX.)

DATE: FEBRUARY 21, 2025
REVISED: JUNE 2, 2025



SITE CONCEPT PLAN
HOMES BY TLC
ZACHARY LANE
BLOCK 3000 LOT 16

HAMILTON TOWNSHIP
SERVED IN
MERCER COUNTY
NEW JERSEY

1 WASHINGTON SQUARE
HARRISON, NJ 07033
908.261.1111
WWW.ACTENGINEERS.COM
ACT ENGINEERS, INC.
REGISTERED PROFESSIONAL ENGINEERS
IN THE STATE OF NEW JERSEY

550-97 Special Housing Zone IV

A. Permitted uses.

(1) Multi-family, townhouses, single-family attached or detached homes that are affordable to households of low- and moderate-income and are eligible for affordable housing credit against the Township's affordable housing obligation.

(2) Public parks, playgrounds, conservation areas and public purpose uses.

B. Accessory uses.

(1) Decks and patios which shall be uniform in size and materials and complement the architectural style and design of the dwelling unit and the overall design, as established during the site plan review and approval process. All decks and patios shall be constructed when the development is constructed.

(2) Off-street parking and private garages.

(3) Fences and walls which shall be uniform in size and materials and complement the architectural style, type and design of the dwelling unit and the overall project design, as established during the site plan review and approval process. All fences and walls shall be constructed when the development is constructed.

(4) Community amenities, such as but not limited to: pool, clubhouse, walking trails.

(5) Signs.

(6) Temporary sales or construction trailer(s).

(a) The trailer(s) shall be located on the same lot as the principal permitted use and shall meet all setback requirements for principal buildings in the zone.

(b) The trailer(s) shall be shown on the site plan for the principal permitted use and shall be reviewed by the administrative officer on an individual case basis in accordance with the performance standards in § [550-120](#).

(c) The trailer(s) shall be permitted to remain only for the period of construction, renting or sale of the permitted use.

(d) Only one sales trailer and two construction trailers are permitted per project.

(7) Roof-mounted solar or photovoltaic energy-generating facility.

(8) Electric vehicle supply/service equipment.

C. Conditional uses.

(1) None.

D. Area and yard requirements.

(1) Tract development.

(a) Minimum tract area: one (1) acre

(b) Minimum tract frontage: 200 feet

(c) Minimum number of affordable units: 12

(d) Bulk requirements.

1. Minimum yards (feet).

a. Front: 10.

b. Rear: 10.

c. Side: 10.

2. Maximum impervious coverage: 50%.

3. Maximum building coverage: 20%

4. Maximum principal building height: 2 ½ stories, but not to exceed 35 feet.

5. Maximum accessory building height: 15 feet.

(e) Lot sizes and dimensions, yard sizes and building arrangement may be freely disposed and arranged, in accordance with the following standards:

6. At least the first 10 feet adjacent to any street line shall not be used for parking and shall be planted and maintained in lawn area or ground cover or landscaped with evergreen shrubbery.

7. Landscape buffer required to lot line: 10 feet.

E. Natural features and critical areas, such as treed areas, scenic views; historic sites; natural terrain including steep slopes and open waters; wetlands and associated buffers; wildlife corridors; natural drainage lines; open space of high ecological value; and other community assets shall be preserved as much as practical.

F. Architectural standards:

(1) Building exteriors are encouraged to have vertical and/or horizontal offsets to create visual breaks on the exterior.

(2) A variety of building heights is encouraged in a single development.

(3) A variety of building setbacks, rooflines, color schemes, and elevations shall be required in the development to avoid a repetitious or monotonous streetscape to the extent practical.

(4) The exteriors of all buildings in the development, including accessory buildings, shall conform architecturally and be constructed of materials of like character.

(5) Each building and combined complex of units shall have a compatible architectural theme with variations in design to provide attractiveness to the development, which shall include consideration of landscaping techniques, building or orientation to the site and to other structures, topography, natural features and individual dwelling unit design, such as varying unit width, staggering unit setbacks, providing different exterior materials, changing rooflines and roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination, for each unit.

(6) In order to prevent the development of long and monotonous buildings and ridgelines, which serve to increase the sense of density, lack interest and liken the development to a barracks, overall structures of attached townhouses shall consist of no more than eight townhouse dwelling units. There shall be at least three different ridgeline heights in each overall structure of attached townhouses, which shall vary by at least three feet. In any overall structure of attached townhouses, no more than two adjacent dwelling units shall have the same setback. Setbacks shall vary by at least eight feet.

(7) The monotony of long overall structures of attached townhouses is considerably diminished when such structures are sited on gently rolling lands. In such instances, the Planning Board may approve the construction of overall structures of attached townhouses containing nine or 10 townhouse dwelling units.

G. Each development shall provide for the removal of trash and garbage. Storage of trash and garbage shall be subject to Planning Board review and approval.

H. Artificial lighting shall be provided along all walks, paths and interior roads and driveways and in all off-street parking areas with sufficient illumination for safety and convenience.

I. Affordable units shall be provided in accordance with the following:

(1) A developer's agreement is required to establish low/moderate apportionment, very-low-income requirement per N.J.S.A. 52:27D-329.1, bedroom distribution, unit size, etc.

(2) The affordable units shall be developed in accordance with the Council on Affordable Housing's (COAH's) regulations at N.J.A.C. 5:93^[3] and the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., which govern the administration and affordability controls of affordable units in New Jersey.

(3) In addition to addressing the requirements of COAH and UHAC noted above, the affordable units shall be developed in accordance with the following:

(a) The affordable units cannot be age-restricted units:

(b) The bedroom distribution requirements pursuant to N.J.A.C. 5:93-7.3^[4] and N.J.A.C. 5:80-26.3(b).

(c) The unit distribution requirements pursuant to N.J.A.C. 5:80-26.3.^[5]

(d) The length of controls requirement and deed restrictions pursuant to N.J.A.C. 5:80-26.11, except that the length of the control period may be limited to 45 years.

(e) The phasing requirements pursuant to N.J.A.C. 5:93-5.6(d).^[6]

(f) The accessibility and adaptability requirements pursuant to N.J.A.C. 5:97-3.14.

J. In the Special Housing Zone IV, a ground sign shall be permitted for the purpose of identifying a multifamily dwelling project. It shall not exceed 30 square feet in area and not more than one such sign shall be placed on a property unless such property fronts upon more than one street, in which instance a sign may be erected on each frontage. The sign shall not exceed the height of six (6) feet and shall not be located within ten (10) feet of a right-of-way line, parking area or driveway and shall in no way interfere with the safe function of any traffic control signal or directional device nor be located within an intersection sight triangle easement.

Appendix J - Vernon Route 130 Zoning Board Resolution of Approval

**HAMILTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
COUNTY OF MERCER
STATE OF NEW JERSEY**

RESOLUTION NO. 20-10-040

**RESOLUTION GRANTING "D" USE VARIANCE RELIEF IN A BIFURCATED
APPLICATION BY 1080 RT 130 LLC FOR THE CONSTRUCTION OF A
MULTIFAMILY APARTMENT RENTAL COMMUNITY**

**MAPS 233 & 192, SECTION 2596, LOTS 10 & 26
(1080 STATE HIGHWAY ROUTE 130)**

APPLICATION NO. 20-10-040

WHEREAS, 1080 RT 130 LLC (the "Applicant") is the record owner of certain real property identified on Hamilton Township (the "Township") Tax Maps 233 and 192, Section (Block) 2596, Lots 10 and 26, more commonly located at 1080 State Highway Route 130 (the "subject property"), within the Research Development zoning district (the "RD zone"); and

WHEREAS, the Applicant has applied to the Township Zoning Board of Adjustment (the "Board") for variance relief pursuant to N.J.S.A. 40:55D-70(d), with the request that the application be bifurcated, as prescribed by N.J.S.A. 40:55D-76, so that the Board could evaluate and resolve the use variance issues before considering any bulk variance and site plan aspects of the underlying application; and

WHEREAS, the notice and publication requirements of the Municipal Land Use Law (the "MLUL") and the Township Land Development Ordinance (the "LDO") having been met, the Board accepted jurisdiction of the bifurcated application, and held a virtual public hearing on this application during its February 9, 2021 meeting; and

WHEREAS, despite its original request for relief and development proposal, the Applicant has voluntarily withdrawn its petition for variances and approvals associated with any convenience store or retail gasoline fueling facility on the subject property; and

WHEREAS, the Board's virtual public meeting and deliberation was specifically limited to the N.J.S.A. 40:55D-70(d) variance relief associated with a 150-unit multifamily apartment rental development on the subject property; and

WHEREAS, the Applicant was represented by Dino Spadaccini, Esq. of the Spadaccini Law Firm, LLC; and

WHEREAS, the Board provided an opportunity for testimony, comments, and questions from interested parties and the public; and

WHEREAS, the Board reviewed the materials presented, and based on said evidence, the information contained within the underlying application, representations made by the Applicant, and the testimony proffered by all participating parties during the hearing, made the following factual findings and conclusions of law:

APPLICATION SUMMARY & FINDINGS OF FACT

1. Overview. The underlying application requested use variance relief for the purpose of constructing a five thousand six hundred ninety-six (5,696) square foot convenience store with a forty-six (46) foot by one hundred fifty-seven (157) foot gasoline fueling canopy on the front portion of the subject property abutting State Highway 130, and the development of a one hundred fifty (150) unit multifamily apartment community in the northeastern section of Lot 10. The Applicant sought to bifurcate the application to delay the request for bulk, site plan, or subdivision relief until after the Board rendered its decision with respect to the use (d1) variances.

a. During the February 9, 2021 hearing, the Applicant informed the Board that it was withdrawing and foregoing approvals relative to the convenience store and gasoline fueling operation(s). Specifically, the Applicant is now

seeking, by way of a bifurcated application under N.J.S.A. 40:55D-76, use variance relief permitting the one hundred fifty (150) unit multifamily development on the northeast portion of the subject property (Lot 10).

2. Site Information.

- a. The subject property is a ±947,865.6 square foot (±21.76 acre) irregular-shaped vacant parcel located along State Highway Route 130. The subject property consists of Lot 10, which is ±705,105.72 square feet (±16.187 acres), and Lot 26, which is ±242,759.88 square feet (±5.573 acres). It is dissected by a ±2.177-acre wetlands area that traverses horizontally across the middle section of Lot 26.
- b. The easterly boundary line of the subject property is also the Township's boundary line that is shared with the Township of Robbinsville ("Robbinsville"). As a result, the subject property abuts parcels identified on Robbinsville's tax map as Block 1, Lots 58.01 and 59.01. Robbinsville parcel Lot 58.01 is a commercial property, while Lot 59.01 is a multifamily residential community that is currently rent-controlled by ordinance and intended to be deed restricted for affordable housing towards Robbinsville's Third Round obligation.

3. Proposed Use.

- a. Through the underlying request and presentation to the Board, the Applicant proposes to use ±15.727 acres of the northeastern portion of Lot 10 to construct an inclusionary residential community. The multifamily development will consist of one hundred fifty (150) residential dwellings

that will be rental in tenancy. No less than twenty percent (20%) of the one hundred fifty units – thirty (30) units –will be reserved by the Applicant or its developer, or both, for occupation by individuals and families who qualify for affordable housing opportunities within the Township.

b. The development will consist of eight (8) residential buildings and a club house for common use. The building sizes proposed by the Applicant are as follows:

- i. Building A – three (3)-story, 13,020 square foot building consisting of ten (10) dwellings and a footprint of 4,340 square feet.
- ii. Building B – three (3)-story, 27,900 square foot building consisting of twenty (20) dwellings and a footprint of 9,300 square feet.
- iii. Building C – three (3)-story, 27,900 square foot building consisting of twenty (20) dwellings and a footprint of 9,300 square feet.
- iv. Building D – three (3)-story, 27,900 square foot building consisting of twenty (20) dwellings and a footprint of 9,300 square feet.
- v. Building E – three (3)-story, 13,020 square foot building consisting of ten (10) dwellings and a footprint of 4,340 square feet.
- vi. Building F – three (3)-story, 34,224 square foot building consisting of thirty (30) dwellings and a footprint of 11,408 square feet.
- vii. Building G – three (3)-story, 27,900 square foot building consisting of twenty (20) dwellings and a footprint of 9,300 square feet.
- viii. Building H – three (3)-story, 27,900 square foot building consisting of twenty (20) dwellings and a footprint of 9,300 square feet.

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- ix. Club house – one (1)-story, 2,000 square foot common use building.
 - c. The Applicant is also proposing the creation of necessary associated site improvements such as parking (311 compliant parking stalls to be provided), stormwater management, paved roads and bridge(s) for ingress and egress, landscaping and buffering, circulation, lighting, etc., which will be addressed simultaneously with any necessary bulk variances, design waivers and exceptions, when the Applicant returns to the Board on a subsequent application for preliminary and final site plan approval.
 - d. The development will be limited to the specific areas delineated in the Applicant's plans, and the Board was informed that the remaining lands on the subject property will be restricted open space.
 - e. No other uses are proposed with this application.
4. Applicant's Plans.
- a. Architectural drawings, entitled "Residential Apartments," consisting of ten (10) sheets, prepared by L&M Design LLC, dated January 8, 2021; and
 - b. Site plan, entitled "Concept Site Plan," consisting of two (2) sheets, prepared by Francis A. Goeke, P.C., of Lanning Engineering Co., Inc., dated September 21, 2020 (sheet one (1) revised on November 19, 2020, and sheet two (2) dated October 18, 2020).
5. Applicant's Reports. None.
6. Requested Relief.
- a. The use proposed by the Applicant, as outlined in the underlying application and summarized herein, is not a permitted use within the RD zone.

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- i. Pursuant to N.J.S.A. 40:55D-70(d)(1), the Applicant requests use variance relief from the requirements of Section 550-81 of the LDO.
 - b. In an effort of transparency, legal counsel for the Applicant explained to the Board that, based on recent calculations of the existing wetlands and environmental constraints found on the subject property, it may be determined that the development proposed would be in excess of the maximum floor area ratio ("FAR") by $\pm 2.9\%$ (*i.e.*, $\pm 15,000$ square feet).
 - i. For the sake of completeness and to prevent or otherwise cure potential issues, the Applicant also requested at the hearing that the Board grant variance relief pursuant to N.J.S.A. 40:55D-70(d)(4) to allow for a deviation from the FAR requirement enumerated by Section 550-81 of the LDO.
 - c. All other variance relief, approvals, and waivers and exceptions will be addressed during the Applicant's second (bifurcated) application. Therefore, the Board's evaluation and consideration is limited to the Applicant's request for use variance relief under N.J.S.A. 40:55D-70(d).
 7. Staff/Professional Consultant Reports. In addition to the materials submitted by the Applicant, the Board received and considered the following staff and consultant reports:
 - a. Hamilton Environmental Commissions report dated October 15, 2020, prepared by John Balleto, Chair of the Township Environmental Commission.

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- b. Water and Pollution Control report dated October 20, 2020, prepared by Carrie D. Feuer, PE, WPC Director. The report explains that the anticipated gallons per day in flows will (if approved) go to the NJDOT Pump Station, which is currently at peak capacity. Further, the ability to accommodate additional flows may be subject to the governing body's decision to replace said station.
 - c. Planning report (one of two) dated November 10, 2020, prepared by Robert C. Poppert, PP, AICP, Township Planner.
 - d. Planning report (two of two) dated January 27, 2021, prepared by Robert C. Poppert, PP, AICP, Township Planner.
 - e. Engineering report dated November 6, 2020 (revised January 27, 2021), prepared by Richard S. Williams, PE, PP, CME, Township Engineer.

8. Exhibits.

- a. *Exhibit A-1*: Enlarged copy of the Applicant's Concept Site Plan (Sheet 1).
- b. *Exhibit A-2*: Enlarged copy of the Applicant's Concept Site Plan (Sheet 2).
- c. *Exhibit A-3*: Enlarged copy of the Applicant's Architectural Rendering of Common Housing Product within Mercer Management's Portfolio.
- d. *Exhibit A-4*: Enlarged copy of the Applicant's Design Layout & CAD Renderings.

9. Witnesses. During the hearing, the Board considered testimony from the following witness(es):

- a. Robert C. Poppert, PP, AICP, Township Planner.
- b. Richard S. Williams, PE, PP, CME, Township Engineer.

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- c. Laura C. Staines Giardino, AIA, PP, LEED, AP, the Applicant's Architect.
 - d. Christopher Vernon, Applicant's representative and managing member of the limited liability company.
 - e. John Kornick, PE, the Applicant's engineering professional. Mr. Kornick proffered a general explanation and overview of the concept plan, design, and layout. Of note, Mr. Kornick testified that the layout ensures the construction of 311 parking stalls, which is well in excess of the LDO and RSIS requirements. Further, the design will promote the inclusionary aspect of the community because there not be any segregation of the market-rate and affordable units, and all units will have equal access to amenities.
 - f. Tiffany Morrissey, the Applicant's planning professional. Ms. Morrissey testified that the subject property is particularly well suited for the Applicant's proposed use because it would serve as a proper and efficient transition site between the more intensive commercial uses that are adjacent to the subject property and the abutting mobile home park in Robbinsville. Moreover, the unique shape, size, and condition of the subject property naturally create two (2) distinct areas, with multi-family development being the best possible use for the area at issue herein. Accordingly, Ms. Morrissey opined that the project provides adequate light, air, open space and circulation, and ensures the appropriate separation of disparate uses on a unique site.
 - i. In terms of the FAR, Ms. Morrissey explained that the variance is only requested because of the existing environmental constraints.

She stated that the subject property is an exceptionally large tract that can easily accommodate the project and the problems associated with a floor area larger than that permitted by the LDO. Indeed, the actual building coverage for the Applicant's proposal is less than ten percent ($\pm 10\%$) of the site and, absent the wetlands, the FAR is less than the maximum permitted in the RD zone.

- ii. Additionally, she testified that granting the requested use variance relief would be in keeping with the Master Plan and LDO. The construction and project are intended to substantially improve the subject property, and allow for two separate uses in the appropriate location(s). Specifically, the Applicant's proposal would make housing opportunities available for residents of various income levels in furtherance of the Master Plan's goals and objectives, while preserving the subject property's frontage for commercial purposes in keeping with the RD zone.

10. Public Comment.

- a. Ames Hoyt of 29 Country Lane appeared to inquire as to the research the Applicant performed to determine that rental housing was the appropriate housing option.
 - i. The Applicant's counsel advised that the Applicant is a reputable developer with significant experience in the real estate industry, and it is the Applicant's belief that there is a greater demand for rental housing options in the Township when compared to for-sale units.

FINDINGS WITH RESPECT TO PROOFS

11. After considering the testimony and evidence provided and reviewing the materials submitted in connection with the underlying application, the Board finds that Applicant has satisfied the positive and negative criteria for requesting variance relief in accordance with N.J.S.A. 40:55D-70(d), which requires in this matter a demonstration that: (1) the subject property is particularly well suited for the proposed use, and that the Applicant's proposal advances the general welfare and purposes of zoning; and (2) there will be no substantial detriment to the public good and there will be no substantial impairment of the intent and purpose of the zoning plan or zoning ordinance by reason of the granting of the requested relief.

- a. As an initial matter, the Board recognizes that the additional variance relief under N.J.S.A. 40:55D-70(d)(4) was not expressly noted in the Applicant's notice and publication. In this specific application, the Board finds that it has jurisdiction to decide the FAR variance request because the Applicant's notice carefully included all aspects of the project that would call the publics' attention to the particular impacts that the project would have on the community. Moreover, the Applicant has requested use variance relief under N.J.S.A. 40:55D-70(d)(1), which imposes the most stringent evaluation criteria. Accordingly, the Board is satisfied with the procedural framework because the variance under N.J.S.A. 40:55D-70(d)(4) is effectively subsumed by the Board's consideration of the use variance under N.J.S.A. 40:55D-70(d)(1), and all members of the public who would be

concerned with the proposed FAR calculations would have an equal or greater concern with the proposed use.

- b. Next, the Board determines that the proposal and project will be a practical and appropriate use of the subject property. Indeed, the Applicant has proffered a design and use that best utilizes the unique topographic and site conditions. The wetlands area that traverses horizontally across the middle of the subject property creates a buffer for separate uses on what is otherwise one parcel. Further, while it is in a commercial district, there is no practical way to utilize the rear portion for commercial purposes. The Board acknowledges that operating a business in the rear portion of the subject property would be impractical, undesirable, and, if effectuated, incredibly intensive on a sensitive environmental area. Moreover, the Applicant's proposal will preserve the front portion of the subject property for commercial purposes, and such use will be buffered by the wetlands area. For these reasons, the Board determines that, pursuant to N.J.S.A. 40:55D-2(g) and (i), the proposal promotes a greater diversity of uses.
- c. Further, by agreeing to preserve a satisfactory amount of green and open space on the subject property, the Applicant has established the project's provision of adequate light, air and open space under N.J.S.A. 40:55D-2(c).
- d. For the sake of completeness, the Board also finds that the site will easily accommodate the proposed FAR because the perceived deviation of the LDO is not caused by the development, but the existence of wetlands and constraints that reduce the buildable footprint calculation.

e. Despite the satisfaction of the positive criteria, the Board remains cognizant that the Applicant's proposal is to construct an affordable housing inclusionary development, whereby no less than twenty percent (20%) of the one hundred fifty (150) units will be deed restricted for qualifying moderate- and low-income families.

i. The Township has developed a Housing Element and Fair Share Plan ("HEFSP") in furtherance of its voluntary compliance efforts towards settling its Third Round Affordable Housing obligation, including the Gap Period. While the multi-family inclusionary project that is the subject of this application is not provided in the Township's compliance plan or HEFSP, the project nevertheless qualifies as an inherently beneficial use; thus, alleviating the Applicant's need to satisfy the positive criteria. Indeed, pursuant to Homes of Hope, Inc v. Eastampton Twp. Land Use Planning Bd., 409 N.J. Super. 330 (App. Div. 2009), the Court articulated that a municipality's compliance with its constitutional obligation and requirements under the New Jersey Fair Housing Act by meeting its Fair Share obligation does not impact or alter the beneficial use status of a subsequent affordable housing project for purposes of obtaining use variance relief. Therefore, in accordance with Sica v. Wall Twp. Bd. of Adj., 127 N.J. Super. 152 (1992), the Board's focus is on the "negative criteria" evaluation.

12. With respect to its obligation to consider the underlying application in terms of the negative criteria of N.J.S.A. 40:55D-70, which provides that “no variance may be granted without a showing that the relief can be granted without substantially impairing the intent and purpose of the zone plan,” the Board finds that this threshold has been met, as the deviations with the LDO will neither cause a detrimental impact to the public good nor a substantial detriment to the zone plan or zoning ordinance by reason of the grant of the use variance(s). Furthermore, the Board’s granting of the sought relief will not have a detrimental impact on the neighboring properties and will not impair or impede the goals of the Township Master Plan or LDO.

a. The Applicant’s proposed use is similar to activities conducted on the neighboring parcel in Robbinsville that is operated as a residential mobile home park; yet, the development would be almost a mile from the nearest Township residential development. As a result, the type and scope of development intended by Applicant will not intensify any negative impacts created by the existing surrounding uses.

i. To the contrary, an inclusionary development with an affordable housing component such as here furthers the Master Plan’s objectives and goals of providing a variety of different housing options for individuals and families of diverse socio-economic backgrounds. Additionally, the Board acknowledges that the provision of affordable housing serves the general welfare of the community.

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- b. Accordingly, the Board is satisfied that this project will not create a cognizable serious negative impact on the public good and surrounding community.

13. Conclusion. For the justifications stated herein, special reasons exist to approve the sought variance(s), and same may be granted without detriment to the public good and without substantially impairing the zone plan or zoning ordinances.

NOW, THEREFORE, be it resolved that based upon the aforesaid findings, determinations and conclusions which are all specifically made a part hereof, by a vote of seven (7) in favor and none opposed, the Hamilton Township Zoning Board of Adjustment in Mercer County, New Jersey, hereby grants the requested variance relief to allow for the construction of a multi-family rental development, consisting of one hundred fifty (150) total residential units, with no less than twenty percent (20%) of the units (30 units) set aside for affordable housing rental opportunities, as requested by the Applicant at the hearing on February 9, 2021, and as stated in application No. 20-10-040. This approval is conditioned, however, on the Applicant's adherence and satisfaction of the following:

1. The improvements and Applicant's project shall conform to the size, design, layout, and location shown on the application and materials presented to the Board during the February 9, 2021 public hearing.
2. The Applicant shall apply for and obtain preliminary and final major site plan approval, with any and all required bulk variances, and design waivers and exceptions, within two (2) years of the date of this Resolution, or within such extensions of time as may be administratively granted by the Board. The second (bifurcated) application shall conform to the submissions and evidence presented

to the Board, and reflect all testimony and representations made during the February 9, 2021 hearing. The Applicant shall work with the Township's professionals and representatives on preparing a suitable site plan and second (bifurcated) application to the Board.

3. The Applicant shall comply with the tree replacement ordinance set forth in Section 160-117 of the Township Code, and satisfy all outstanding fees and conditions prior to, or at the time of, submission of the second (bifurcated) application.
4. The Applicant shall ensure the full integration of market-rate and affordable units throughout the entire development, and the construction of buildings consisting solely of affordable units is expressly prohibited.
5. The thirty (30) dwelling units reserved for affordable housing will comply with all affordable housing regulations, including permissible rents and the bedroom distributions and configurations established by N.J.A.C. 5:80-26.3(b)(1)-(4).
6. Pursuant to Paragraph 7(b) above, the Applicant is to participate through its fair share and all issues pertaining to sanitary sewer and wastewater flows shall be address during the Applicant's second (bifurcated) application for preliminary and final site plan approval.
7. The Applicant shall prepare and duly record with the Mercer county Clerk's Office the following deeds: (i) deeds for all easements and right-of-way dedications; (ii) consolidation deed; (iii) any and all dedication deeds; and (iv) all master deeds and bylaws. Any and all deed restrictions shall be subject to the prior review and approval of the Board Attorney and Township Engineer, confirming the limitations and requirements, prior to recordation. Any and all deeds shall be filed and recorded

with the Mercer County Clerk's Office before the issuance of any construction permit.

8. The Applicant shall obtain the approval (or letter of no interest) from any and all other outside agencies having jurisdiction of this application prior to the issuance of any construction permit(s) or certificate(s) of occupancy.
9. The Applicant shall comply with all comments and conditions set forth on the record and in the Board's professionals' reports, except as specifically modified by the provisions of this Resolution.
10. The Applicant will pay all development, application, escrow, and inspection fees attendant to this application within thirty (30) days of the date of adoption of this Resolution.
11. Evidence of the attainment of the outstanding conditions set forth in this Resolution shall be in writing by the professional or entity having oversight or jurisdiction, and placed in the Applicant's file with the Township.
 - A. The approval(s) granted by this Resolution and development pursuant thereto, is subject to compliance at all times with all applicable Federal, State, County, and Township laws and regulations, including, without limitation, all affordable housing environmental, health, and building and property maintenance codes. The project effectuated pursuant to these approvals, including demolition and construction, shall be maintained in good condition and kept in compliance with these approvals in perpetuity, except as may be permitted by the Township.
 - B. The date of the decision shall be February 9, 2021, except that the date of the adoption of this Resolution, March 23, 2021, is the date of the decision for the purposes of: (i) mailing a copy

of the decision to Applicant within ten (10) days of the date of the decision; (ii) filing a copy of the decision with the administrative officer; and (iii) publication of a notice of this decision.

ROLL CALL VOTE ON THE MOTION TO APPROVE THE APPLICATION
February 9, 2021

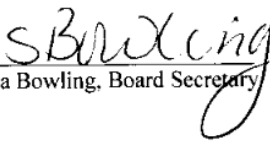
Moved by: Vice Chair Kochenour
Seconded by: Mr. Gertstnicker
Those in Favor: Chairman Weber, Vice Chair Kochenour, Mr. Angelico, Mr. Gertstnicker, Ms. Schirmer, Mr. Zadworny, and Mr. Harrison (Alt. Member I)
Those Opposed: None
Those Abstaining: Ms. Volkert (Recused)
Those Absent: None

ROLL CALL VOTE ON THE RESOLUTION OF MEMORIALIZATION
March 23, 2021

Moved by: Vice Chair Kochenour
Seconded by: Mr. Zadworny
Those in Favor: Chairman Weber, Vice Chair Kochenour, Mr. Angelico, Ms. Schirmer, and Mr. Zadworny
Those Opposed: None
Those Abstaining: Ms. Volkert
Those Absent: None

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Zoning Board of Adjustment of the Township of Hamilton during an advertised and noticed meeting held on March 23, 2021, at which a quorum was present and a vote of five (5) in favor, zero (0) against, with one (1) abstention.


Sabrina Bowling, Board Secretary

**Appendix K - ARC Mercer – 6 Kim Valley Road Township Council
Resolution**

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

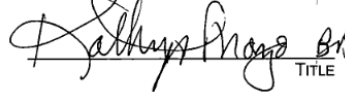
RESOLUTION

No. **24-186**

APPROVED AS TO FORM AND LEGALITY


TOWNSHIP ATTORNEY

FACTUAL CONTENTS CERTIFIED TO BY


TITLE

RESOLUTION AUTHORIZING THE COMMITMENT OF AFFORDABLE HOUSING TRUST FUND MONIES TO THE ARC MERCER TO PURCHASE A 3 BEDROOM SINGLE FAMILY DWELLING LOCATED AT 6 KIM VALLEY ROAD AND RENOVATE SAID DWELLING INTO A 4 BEDROOM DWELLING TO SERVE VERY LOW INCOME TENANTS; (4 Bedrooms; \$25,000.00 Per Bedroom; \$100,000.00 Total Grant Amount)

Whereas Hamilton Township petitioned the New Jersey Council on Affordable Housing (COAH) for substantive certification of the Township's Housing Element and Fair Share Plan on December 16, 2008; and

Whereas Hamilton Township petitioned the Superior Court on July 7, 2015 for determination that Hamilton Township's Housing Element and Fair Share Plan is constitutionally compliant, as well as a Judgment of Compliance and Repose and Builders Remedy Immunity; and

Whereas on November 7, 2018 the court ruled after conclusion of a final compliance hearing that Hamilton Township had a constitutionally compliant Housing Element and Fair Share Plan and directed that an order be entered so providing and subject to specified conditions; and

Whereas the Township's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.); and

Whereas The Arc Mercer is a not-for-profit organization that is committed to securing for all people with developmental disabilities the opportunity to choose and realize their goals; and

Whereas The Arc Mercer is interested in purchasing a 3 bedroom single family dwelling located at 6 Kim Valley Road and renovating said residence into a 4 bedroom dwelling to serve very low income tenants; and

Whereas The Arc Mercer has requested a grant from Hamilton Township's Affordable Housing Trust Fund in order to subsidize the cost of the purchase and renovations to the aforementioned property; and

Whereas Mayor Jeffrey S. Martin and the Council of the Township of Hamilton wish to allocate \$100,000.00 (\$25,000.00 per bedroom) from the Township's Affordable Housing Trust Fund to The Arc Mercer for this purpose; and

Whereas upon acceptance of these grant monies, the aforesaid property will be subject to a deed restriction as an affordable housing property for 30 years and thereafter until terminated by the Township; and

Whereas this allocation is also subject to the Court's approval of the expenditure of funds towards the purchase and renovations of said home; and

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

RESOLUTION

No. **24-186**

RESOLUTION AUTHORIZING THE COMMITMENT OF AFFORDABLE HOUSING TRUST FUND MONIES TO THE ARC MERCER TO PURCHASE A 3 BEDROOM SINGLE FAMILY DWELLING LOCATED AT 6 KIM VALLEY ROAD AND RENOVATE SAID DWELLING INTO A 4 BEDROOM DWELLING TO SERVE VERY LOW INCOME TENANTS; (4 Bedrooms; \$25,000.00 Per Bedroom; \$100,000.00 Total Grant Amount)

Whereas this allocation is also subject to the execution of an Agreement between The Arc Mercer and the Township of Hamilton; and

Whereas it is in the best interest of the citizens of the Township to proceed with this commitment to The Arc Mercer;

Now, Therefore, Be It Resolved by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that upon entry of an Order Approving a Spending Plan Amendment that includes the aforesaid allocation to 6 Kim Valley Road, a 3 bedroom single family dwelling which will be renovated into a 4 bedroom dwelling, the proper municipal officials be and hereby are authorized to allocate \$100,000.00 (\$25,000.00 per bedroom) from the Township's Affordable Housing Trust Fund to The Arc Mercer, in order to subsidize the purchase and renovation of a single family home in Hamilton Township to serve very low income tenants.

Be It Further Resolved by the Council of the Township of Hamilton that the Mayor and Clerk are authorized and directed to execute a Deed Restriction for the aforementioned property and that the Township shall record such instrument after execution by the other party thereto.

Be It Further Resolved by the Council of the Township of Hamilton that the proper officials be and hereby are authorized to execute an Agreement with The Arc Mercer and that their signatures constitute acceptance of the terms and conditions of the Agreement.

ADOPTED BY COUNCIL ON _____

APRIL 16, 2024

DATE


PRESIDENT


MUNICIPAL CLERK

RECORD OF VOTE						
COUNCIL	AYE	NAY	N.V.	A.B.	RES.	SEC.
PASQUALE "PAT" PAPERIO, JR.	✓					✓
NANCY PHILLIPS	✓					
CHARLES F. WHALEN	✓				✓	
RICHARD L. TIGHE, JR.	✓					
ANTHONY P. CARABELLI, JR.	✓					
X - Indicates Vote A.B. - Absent N.V. - Not Voting RES. - Moved SEC. - Seconded						

Appendix L - ARC Mercer – 61 Pope Avenue Certificate of Occupancy



Hamilton Township
2090 GREENWOOD AVE
ATTN: ROOM 305
HAMILTON, NJ 08650

Certificate

Construction Code Division
(Certificate of Occupancy)

Date Issued 3/27/2024
Control Number C2306305+B
Permit Number 20234203+B
Permit Issue Date 1/23/2024
Certificate Number 20234203+B

Identification

Work Site Location: 61 POPE AVE HAMILTON TOWNSHIP, NJ 08619 Block: 1915 Lot: 1 Qual: _____
Owner in Fee: THE ARC/MERCER, INC.
Owner Address: 180 EWINGVILLE RD EWING NJ 08638
Telephone: (609) 290-8741
Contractor A.W. MARTIN INC
Address 614 U.S 130 South SUITE 1C E. Windsor NJ 08520
Telephone: (609) 799-1333 Fax: (609) 443-8750 Federal Emp. Number: 22-3047561
License Number or Builders Registration Number: _____
Home Warranty Number: _____ Type of Warranty Plan: ☐ State ☐ Private
Use Group: R-5 Construction Classification: Type VB
Maximum Live Load: _____ Maximum Occupancy Load: _____
Description of Work/Use: BUILDING RENOVATION - GROUP HOME CONVERSION

Certificate Comments: ARC OF MERCER

☒ **Certificate of Occupancy**

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

☐ **Certificate of Approval**

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

☐ **Certificate of Continued Occupancy**

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

☐ **Temporary Certificate of Compliance**

The following conditions must be met no later than or the owner will be subject to fine or order to vacate:
This certificate has an expiration date of:
Conditions to be met:

☐ **Certificate of Clearance - Lead Abatement 5:17**

This serves notice that based on written certification, lead abatement was performed as per NJAC5:17 to the following extent.

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

☐ **Certificate of Clearance - Asbestos Abatement**

This serves notice that based on written certification, asbestos abatement was performed to the following extent.

- ☐ Total removal of asbestos hazards in scope of work
☐ Partial or limited time period (years); see file

☐ **Certificate of Compliance**

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

☐ **Temporary Certificate of Occupancy**

The following conditions must be met no later than: or the owner will be subject to fine or order to vacate:
This certificate has an expiration date of:
Conditions to be met:

W. A. C. 3.28.2024

Construction Official
Date Printed: 3/27/2024

U.C.C. F260 (rev. 08/05)

Fee: \$50.00
Check Number: 31668
Collected By: Christine Kukoda

Page 1

**Appendix M - Resolutions Appointing the Municipal Housing
Liaison and Administrative Agent**

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

RESOLUTION

No. **25-108**

APPROVED AS TO FORM AND LEGALITY

TOWNSHIP ATTORNEY

FACTUAL CONTENTS CERTIFIED TO BY

TITLE *BA*

**RESOLUTION APPOINTING ROBERT POPPERT A MUNICIPAL HOUSING LIAISON (MHL)
FOR THE TOWNSHIP OF HAMILTON**

WHEREAS, pursuant to P.L. 2024, c.2, the Township of Hamilton is required to appoint a Municipal Housing Liaison for the oversight of administration of the Township of Hamilton's affordable housing program to enforce the requirements of the law and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, the Township of Hamilton has amended the Code of the Township of Hamilton, New Jersey, Part III, Land Use Legislation, Chapter 550 Land Development, Article V – Exceptions, Modifications and Development Alternatives §550-168 – Affordable Housing to provide for the appointment of a Municipal Housing Liaison to administrator the Township of Hamilton's affordable housing program.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey that Robert Poppert is hereby appointed by the Governing Body of the Township of Hamilton as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance the Code of the Township of Hamilton, New Jersey, Part III, Land Use Legislation, Chapter 550 Land Development, Article V – Exceptions, Modifications and Development Alternatives §550-168 – Affordable Housing.

ADOPTED BY COUNCIL ON FEBRUARY 18, 2025

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

COUNCIL	AYE	NAY	N.V.	A.B.	RES.	SEC.
ANTHONY P. CARABELLI, JR.	✓				✓	
NANCY PHILLIPS	✓					
CHARLES F. WHALEN	✓					✓
PASQUALE "PAT" PAPERIO, JR.	✓					
RICHARD L. TIGHE, JR.	✓					

X – Indicates Vote A.B. – Absent N.V. – Not Voting RES. – Moved SEC. – Seconded

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

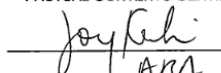
RESOLUTION

No. **24-486**

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY


TOWNSHIP ATTORNEY


TITLE

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH PIAZZA & ASSOCIATES TO SERVE AS THE AFFORDABLE HOUSING ADMINISTRATIVE AGENT FOR THE TOWNSHIP OF HAMILTON FOR THE PERIOD OF JANUARY 1, 2025 TO DECEMBER 31, 2025 (\$10,000.00 maximum)

Whereas there exists a need for a firm or individual to serve as the Affordable Housing Administrative Agent for the Township of Hamilton; and

Whereas the Township has requested qualifications from interested parties, pursuant to N.J.S.A. 19:44A-20.5 et seq. and Township Ordinance § 19-14; and

Whereas the Township of Hamilton desires to award a professional services agreement to Piazza & Associates to serve as the Affordable Housing Administrative Agent for the Township of Hamilton for the period of January 1, 2025 to December 31, 2025; and

Whereas the maximum amount available for this purpose is \$10,000.00, with funds available in Account No. T-19-56-300-001-001, and has been certified by the local finance officer; and

Whereas the award of the contract herein is pursuant to an open and fair process pursuant to N.J.S.A. 19:44A-20.5 and further to a qualification based, competitive process pursuant to Township Ordinance § 19-14; and

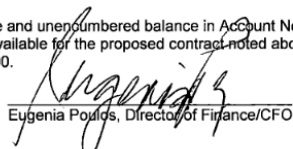
Whereas the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" and the contract themselves must be available for public inspection;

Now, Therefore, Be It Resolved by the Council of the Township of Hamilton in the County of Mercer and State of New Jersey, as follows:

1. The proper officials are hereby authorized and directed to execute a professional services agreement with **PIAZZA & ASSOCIATES** to serve as the Affordable Housing Administrative Agent for the Township of Hamilton for the period of January 1, 2025 to December 31, 2025.
2. This contract is awarded as a "Professional Service" pursuant to an open and fair process pursuant to N.J.S.A. 19:44A-20.5, and further to a qualification based, competitive process pursuant to Township Ordinance § 19-14.
3. A notice of this action shall be printed once in the Trentonian or The Times of Trenton.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

I hereby certify that, as of the date of the adopted Resolution, the free and unencumbered balance in Account No. T-19-56-300-001-001 is sufficient and that there are adequate funds available for the proposed contract noted above in the amount of \$10,000.00.


Eugenia Poulos, Director of Finance/CFO

ADOPTED BY COUNCIL ON

DECEMBER 17, 2024

DATE


PRESIDENT


ACTING DEPUTY MUNICIPAL CLERK

RECORD OF VOTE						
COUNCIL	AYE	NAY	N.V.	A.B.	RES.	SEC.
PASQUALE "PAT" PAPERIO, JR.	✓					
NANCY PHILLIPS	✓					✓
CHARLES F. WHALEN	✓					
RICHARD L. TIGHE, JR.	✓				✓	
ANTHONY P. CARABELLI, JR.	✓					
X - Indicates Vote A.B. - Absent N.V. - Not Voting RES. - Moved SEC. - Seconded						

**Appendix N - Affordable Housing Ordinance, Development Fee
Ordinance and Mandatory Set-Aside Ordinance**

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **05 001**

1ST READING **January 4, 2005**
2ND READING & PUBLIC HEARING **Jan. 18, 2005**
WITHDRAWN _____ LOST _____

DATE TO MAYOR **January 19, 2005**
DATE RESUBMITTED TO COUNCIL _____
DATE EFFECTIVE **February 8, 2005**

APPROVED AS TO FORM AND LEGALITY

TOWNSHIP ATTORNEY

FACTUAL CONTENTS CERTIFIED TO BY

TITLE

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF ORDINANCES, HAMILTON TOWNSHIP, NEW JERSEY, CHAPTER 160, LAND DEVELOPMENT, ARTICLE V, EXCEPTIONS, MODIFICATIONS AND DEVELOPMENT ALTERNATIVES, SECTION 160-168, FAIR SHARE HOUSING PLAN, AND SECTION 160-169, AFFIRMATIVE MARKETING PLAN

Whereas the Township of Hamilton recently received substantive certification of the Township's Housing Element and Fair Share Plan from New Jersey's Council on Affordable Housing (COAH); and

Whereas COAH rules require that the approved fair share housing plan and affirmative marketing plan be adopted by ordinance;

Now, Therefore, Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the *Code of Ordinances of Hamilton Township, New Jersey* as amended and supplemented, be further amended and supplemented as follows:

CHAPTER 160

ARTICLE V. Exceptions, Modifications and Development Alternatives

Sec. 160-168. Fair share housing plan.

A. Purpose.

This section sets forth regulations regarding low and moderate income housing units in the Township of Hamilton that are consistent with the provisions of N.J.A.C. 5:93 et. seq. as effective on June 6, 1994. These rules are pursuant to the Fair Housing Act of 1985 and the Township's constitutional obligation to provide for its fair share of low and moderate income housing.

1. Hamilton Township's fair share obligation will be divided equally between low and moderate income households as per N.J.A.C. 5:93-2.20.

2. Except for inclusionary developments constructed pursuant to low income tax credit regulations:

- a. at least half of all units within each inclusionary development will be affordable to low income households; and
- b. at least half of all rental units will be affordable to low income households; and
- c. at least one-third of all units in each bedroom distribution pursuant to N.J.A.C. 5:93-7.3 will be affordable to low income households.

3. Inclusionary developments that are not age-restricted will be constructed in conjunction with realistic market demands so that:

- a. the combination of efficiency and one bedroom units is at least 10 percent and no greater than 20 percent of the total low and moderate income units; and

EXPLANATION

Matter UNDERLINED thus in this legislation is new matter.
Matter contained in BRACKETS [thus] is to be omitted from the law.

05 001

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **05 001**

ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF ORDINANCES, HAMILTON TOWNSHIP, NEW JERSEY, CHAPTER 160, LAND DEVELOPMENT, ARTICLE V, EXCEPTIONS, MODIFICATIONS AND DEVELOPMENT ALTERNATIVES, SECTION 160-168, FAIR SHARE HOUSING PLAN, AND SECTION 160-169, AFFIRMATIVE MARKETING PLAN*

- b. at least 30 percent of all low and moderate income units are two bedroom units; and
 - c. at least 20 percent of all low and moderate income units are three bedroom units; and
 - d. low and moderate income units that are age-restricted may utilize a modified bedroom distribution. At a minimum, the number of bedroom will equal the number of age-restricted low and moderate income units within the inclusionary development.
4. In conjunction with realistic market information, the following criteria will be used in determining maximum rents and sale prices:
- a. efficiency units will be affordable to a one person household; and
 - b. one bedroom units will be affordable to 1.5 person households; and
 - c. two bedroom units will be affordable to three person households; and
 - d. three bedroom units will be affordable to 4.5 person households; and
 - e. median income by household size will be established by a regional weighted average of the uncapped Section 8 income limits published by Department of Housing and Urban Development ("HUD") as per N.J.A.C. 5:93-7.4(b); and
 - f. the maximum sales prices of low and moderate income units within each inclusionary development will be affordable to household earning no more than 70 percent of median income. In averaging an affordability range of 55 percent for sales units, the municipal ordinance will require moderate income sales units to be available for at least two different prices and low income sales units to be available for at least two different prices.
 - g. for both owner-occupied and rental units, the low and moderate income units will utilize the same heating source as market units within an inclusionary development; and
 - h. low income units will be reserved for households with a gross household income less or equal to 50 percent of the median income approved by the New Jersey Council on Affordable Housing ("COAH"); moderate income units will be reserved for households with a gross household income less than 80 percent of the median income approved by COAH as per N.J.A.C. 5:93-7.4 (g); and
 - i. the regulations outlined in N.J.A.C. 5:93-9.15 and 9.16 will be applicable for purchased and rental units.
5. For rental units, developers and/or municipal sponsors may:
- a. establish one rent for a low income unit and one for a moderate income unit for each bedroom distribution; and
 - b. gross rents, including an allowance for tenant-paid utilities, will be established so as not to exceed 30 percent of the gross monthly income of the

EXPLANATION

Matter UNDERLINED thus in this legislation is new matter.
Matter contained in BRACKETS [thus] is to be omitted from the law.

05 001

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. 05 001

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF ORDINANCES,
HAMILTON TOWNSHIP, NEW JERSEY, CHAPTER 160, LAND DEVELOPMENT,
ARTICLE V, EXCEPTIONS, MODIFICATIONS AND DEVELOPMENT
ALTERNATIVES, SECTION 160-168, FAIR SHARE HOUSING PLAN, AND SECTION
160-169, AFFIRMATIVE MARKETING PLAN**

appropriate household size as per N.J.A.C. 5:93-7.4 (f). The tenant-paid utility allowance will be consistent with the utility allowance approved by HUD for use in New Jersey.

- c. the maximum rents of low and moderate income units within each inclusionary development will be affordable to households earning no more than 60 percent of median income. In averaging an affordability range of 52 percent for rental units, developers and/or municipal sponsors of rental units may establish one rent for a low income unit and one rent for a moderate income unit for each bedroom distribution.

6. For sale units:

- a. the initial price of a low and moderate income owner-occupied for-sale housing unit will be established so that after a downpayment of five percent, the monthly principal, interest, homeowner and private mortgage insurance, property taxes (based on the restricted value of the low and moderate income unit) and condominium or homeowner fee do not exceed 28 percent of the eligible gross monthly income; and
- b. master deeds of inclusionary developments will regulate condominium or homeowner association fees or special assessments of low and moderate income purchasers at the same percentage of those paid by market purchasers. This equivalent percentage is consistent with the requirements of N.J.A.C. 5:93-7.4(e). Once established within the master deed, the percentage will not be amended without prior approval from COAH; and
- c. The Township will follow the general provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or reoccupancy on sale units as per N.J.A.C. 5:93-9.3; and
- d. The Township will require a certificate of reoccupancy for any occupancy of a low or moderate income sales unit resulting from a resale as per N.J.A.C. 5:93-9.3(c); and
- e. municipal, state, nonprofit and seller options regarding sale units will be consistent with N.J.A.C. 5:93-9.5 - 9.8. Municipal rejection of repayment options for sale units will be consistent with N.J.A.C. 5:93-9.9; and
- f. the continued application of options to create, rehabilitate or maintain low and moderate income sale units will be consistent with N.J.A.C. 5:93-9.10; and
- g. eligible capital improvements prior to the expiration of controls on sale units will be consistent with N.J.A.C. 5:93-9.11; and
- h. the regulations detailed in N.J.A.C. 5:93-9.12 - 9.14 will be applicable to low and moderate income units that are for sale units.

7. In zoning for inclusionary developments, the following is required:

- a. low and moderate income units will be built in accordance with N.J.A.C. 5:93-5.6(d):

<u>Minimum % of Low/Moderate Income Units Completed</u>	<u>% of Market Housing Units Completed</u>
---	--

EXPLANATION

Matter UNDERLINED thus in this legislation is new matter.
Matter contained in BRACKETS [thus] is to be omitted from the law.

5A

05 001

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. 05 001

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF ORDINANCES, HAMILTON TOWNSHIP, NEW JERSEY, CHAPTER 160, LAND DEVELOPMENT, ARTICLE V, EXCEPTIONS, MODIFICATIONS AND DEVELOPMENT ALTERNATIVES, SECTION 160-168, FAIR SHARE HOUSING PLAN, AND SECTION 160-169, AFFIRMATIVE MARKETING PLAN

<u>0</u>	<u>25</u>
<u>10</u>	<u>25</u> + 1 unit
<u>50</u>	<u>50</u>
<u>75</u>	<u>75</u>
<u>100</u>	<u>90</u>
	<u>100</u>

- b. design of inclusionary developments that integrates low and moderate income units with market units is encouraged as per N.J.A.C. 5:93-5.6 (f).

8. A development fee ordinance was approved by COAH on August 2, 1995, and amended on March 6, 2002. The ordinance, as amended, was adopted by the Township. Section 160-166, Affordable housing development fees, supra.

9. To provide assurances that low and moderate income units are created with controls on afford ability over time and that low and moderate income households occupy these units, the Township will designate the Township's housing agent with the responsibility of ensuring the afford ability of sales and rental units over time. The Township's housing agent will be responsible for those activities detailed in N.J.A.C. 5:93-9.1(a).

- a. In addition, the Township's housing agent will be responsible for utilizing the verification and certification procedures outlined in N.J.A.C. 5:93-9.1(b) in placing households in low and moderate income units; and
- b. newly constructed low and moderate income sales units will remain affordable to low and moderate income households for at least 30 years.

The Township's housing agent will require all conveyances of newly constructed units to contain the deed restriction and mortgage lien adopted by COAH and referred as Technical Appendix E as found in N.J.A.C. 5:93; and

- c. housing units created through the conversion of a nonresidential structure will be considered a new housing unit and will be subject to 30-year controls on afford ability. The Township's housing agent will require COAH's appropriate deed restriction and mortgage lien.

10. Regarding rehabilitated units:

- a. rehabilitated owner-occupied single family housing units that are improved to code standard will be subject to afford ability controls for at least six years; and
- b. rehabilitated renter-occupied housing units that are improved to code standard will be subject to afford ability controls for at least 10 years; and

11. Regarding rental units:

- a. newly constructed low and moderate income rental units will remain affordable to low and moderate income households for at least 30 years. The Township's housing agent will require the deed restriction and lien and deed of easement referred as Technical Appendix H as found in N.J.A.C. 5:93; and
- b. afford ability controls in accessory apartments will be for a period of at least 10 years, except if the apartment is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.15, then the controls on afford ability will extend for 30

EXPLANATION

Matter UNDERLINED thus in this legislation is new matter.
Matter contained in BRACKETS [thus] is to be omitted from the law.

05 001

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. 05 001

ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF ORDINANCES, HAMILTON TOWNSHIP, NEW JERSEY, CHAPTER 160, LAND DEVELOPMENT, ARTICLE V, EXCEPTIONS, MODIFICATIONS AND DEVELOPMENT ALTERNATIVES, SECTION 160-168, FAIR SHARE HOUSING PLAN, AND SECTION 160-169, AFFIRMATIVE MARKETING PLAN*

years (N.J.A.C. 5:93-5.9), and

- c. alternative living arrangements will be controlled in a manner suitable to COAH, that provides assurances that such a facility will house low and moderate income households for at least 10 years except if the alternative living arrangement is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.15, then the controls on affordability will extend for 30 years (N.J.A.C. 5:93-5.8).

12. Section 14(b) of the Fair Housing Act, N.J.S.A. 52:27D-301 *et seq.* incorporates the need to eliminate unnecessary cost generating features from the Township's land use ordinances. Accordingly the Township will eliminate development standards that are not essential to protect the public welfare and to expedite or fast track municipal approvals/denials on certain affordable housing developments. The Township will adhere to the components of N.J.A.C. 5:93-10.1 -10.3.

13. Hamilton Township has a fair share obligation of 1,060 units, of which 705 is new construction.

14. This section will apply to all developments that contain proposed low and moderate income units which are submitted to the Township after the effective date of this section.

Sec. 160-169. Affirmative marketing plan.

1. Purpose.

The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The Township's plan will address the requirements of N.J.A.C. 5:93-11.1 *et seq.* In addition, the plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of race, color, sex, religion, disability, age, familial status/size, sexual orientation or national origin.

2. Affirmative Marketing Plan.

The Township of Hamilton is in the housing region consisting of Mercer, Monmouth and Ocean Counties. The affirmative marketing program is a continuing program and will meet the following requirements:

(a) Advertising and posting information

(i) All newspaper articles, announcements and requests for applications for low and moderate income units will appear in the following daily and/or weekly regional newspapers/publications.

- Trenton Times
- Trentonian

(ii) The primary marketing will take the form of at least one press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an "as needed" basis.

EXPLANATION

Matter UNDERLINED thus in this legislation is new matter.
Matter contained in BRACKETS [thus] is to be omitted from the law.

05 001

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. 05 001

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF ORDINANCES,
HAMILTON TOWNSHIP, NEW JERSEY, CHAPTER 160, LAND DEVELOPMENT,
ARTICLE V, EXCEPTIONS, MODIFICATIONS AND DEVELOPMENT
ALTERNATIVES, SECTION 160-168, FAIR SHARE HOUSING PLAN, AND SECTION
160-169, AFFIRMATIVE MARKETING PLAN**

(iii) The advertisement will include a description of the:

- street address of units;
- direction to housing units;
- number of bedrooms per unit;
- range of prices/rents;
- size of units;
- income information; and,
- location of applications including business hours and where/how applications may be obtained.

(iv) All newspaper articles, announcements and requests for applications for low and moderate income housing will appear in the following neighborhood oriented weekly newspapers. In addition local religious publications and organizational newsletters within the region will also be requested to assist in the effort.

- Township website (www.hamiltonnj.com)
- Packet Publications

(v) The following is the location of where applications, brochure(s), signs(s) and/or poster(s) used as part of the affirmative marketing program including specific employment centers within the region will be displayed:

- Hamilton Municipal Building
- Hamilton Public Library
- developer's sales office
- major employers in the region
- Workforce Investment Board offices

(vi) The following is a listing of community organizations in Mercer, Monmouth, and Ocean Counties that will aid in the affirmative marketing program, with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region:

- Catholic Charities (Lakewood, Ocean Counties)
- YWCA (Trenton, Mercer County)
- Long Branch Housing Authority (Long Branch, Monmouth County)
- Crisis Ministry of Princeton and Trenton (Trenton, Mercer County)
- Hispanic Affairs and Resource Center of Monmouth County (Freehold, Monmouth County)
- Love, Inc. (Red Bank, Monmouth County)
- Rainbow Foundation (New Monmouth, Monmouth County)
- American Red Cross (Toms River, Ocean County)

(vii) Quarterly flyers and applications will be sent to each of the following agencies for publication in their journals and for circulation among their members:

- Board of Realtors in Mercer, Monmouth and Ocean Counties;

EXPLANATION

Matter UNDERLINED thus in this legislation is new matter.
Matter contained in BRACKETS [thus] is to be omitted from the law.

52

05 001

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. 05 001

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF ORDINANCES, HAMILTON TOWNSHIP, NEW JERSEY, CHAPTER 160, LAND DEVELOPMENT, ARTICLE V, EXCEPTIONS, MODIFICATIONS AND DEVELOPMENT ALTERNATIVES, SECTION 160-168, FAIR SHARE HOUSING PLAN, AND SECTION 160-169, AFFIRMATIVE MARKETING PLAN

(B) Mailing applications

Applications will be mailed to prospective applicants upon request. Additionally, while openings or waiting lists are being developed, and potential applicants solicited, quarterly informational circulars and applications will be sent to the chief administrative employees of each of the following agencies in the counties of Mercer, Monmouth, and Ocean:

- Welfare or Social Service Board
- Rental Assistance Office (local office of DCA)
- Office on Aging
- Housing Agency or Authority
- Library
- Area Community Action Agencies such as the Hightstown, Ewing, Lawrence and Hamilton Community Action Programs; and

(C) Selection process

(i) The Township, through an agent to be appointed ("the Township's housing agent"), shall be responsible for implementing and conducting the selection process that will be used to select occupants of the low and moderate income housing. Following is a description of the random selection method that will be used to select occupants of low and moderate income housing.

(ii) The Township is ultimately responsible for administering the affirmative marketing program. The Township's housing agent, in administering the affirmative marketing program, shall have the responsibility to:

- income qualify low and moderate income households;
- to place income eligible households in low and moderate income units upon initial occupancy;
- to provide for the initial occupancy of low and moderate income units with income qualified households;
- to continue to qualify households for reoccupancy of units as they become vacant during the period of affordability controls;
- to assist with advertising and outreach to low and moderate income households; and
- to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:93-9.1 et seq.

(iii) The Township's housing agent will also coordinate and provide linkage to low and moderate income applicants to receive counseling on subjects such as budgeting, credit issues, mortgage qualification, responsibilities of homeownership, rental lease requirements, and landlord/tenant law. The Township's housing agent will develop the waiting list and select applicants for the qualification process on a first come first served basis. The Superintendent of Planning within the Township is the designated housing officer to act as liaison to the responsible developer(s) and the Township's housing agent.

(iv) Households who live or work in the COAH-established housing region may be given preference for sales and rental units constructed within that housing region. Applicants living outside the housing region will have an equal opportunity for units after regional applicants have been initially serviced. The Township of Hamilton intends to comply with N.J.A.C. 5:93-11.7; and

(v) All developers of low and moderate income housing units will be required to assist the

EXPLANATION

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3A
05 001

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **05 001**

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF ORDINANCES, HAMILTON TOWNSHIP, NEW JERSEY, CHAPTER 160, LAND DEVELOPMENT, ARTICLE V, EXCEPTIONS, MODIFICATIONS AND DEVELOPMENT ALTERNATIVES, SECTION 160-168, FAIR SHARE HOUSING PLAN, AND SECTION 160-169, AFFIRMATIVE MARKETING PLAN

Township's housing agent in the marketing of the affordable units in their respective developments.

3. Commencement of Marketing Plan

The marketing program will commence at least 120-days before the issuance of either temporary or permanent certificates of occupancy. The marketing program will continue until all low and moderate income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or reoccupancy of units continues to be necessary; and

4. Reporting requirements

The responsible developer(s) will assist the Township's housing agent in complying with monitoring and reporting requirements as per N.J.A.C. 5:93-11.6 and -12.1.

Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

EXPLANATION

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PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE													
First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
Daniel R. Benson							Daniel R. Benson	✓					
Wayne P. DeAngelis							Wayne P. DeAngelis	✓					
Charles Plumeri							Charles Plumeri	✓				✓	
Edward M. Patik							Edward M. Patik	✓					✓
Eileen P. Thornton							Eileen P. Thornton	✓					

X - Indicates Vote A.B. - Absent N.V. - Not Voting ORD. - Moved SEC. - Seconded

REJECTED

APPROVED

RECONSIDERED BY COUNCIL

GLEN D. GILMORE, MAYOR

DATE

OVERRIDE VOTE

AYE

NAY

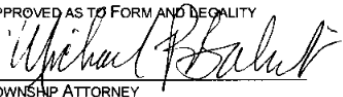
**TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE No. 19-013

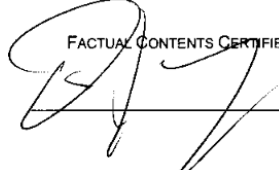
1ST READING March 19, 2019
2ND READING & PUBLIC HEARING Apr 2, 2019
WITHDRAWN _____ LOST _____

DATE TO MAYOR April 3, 2019
DATE RESUBMITTED TO COUNCIL _____
DATE EFFECTIVE April 23, 2019

APPROVED AS TO FORM AND LEGALITY


TOWNSHIP ATTORNEY

FACTUAL CONTENTS CERTIFIED TO BY


TITLE

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF
HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND
DEVELOPMENT**

Whereas the New Jersey Council on Affordable Housing ("COAH") has promulgated rules, set forth at N.J.A.C. 5:93 and 5:91, concerning the substantive and procedural requirements for obtaining third round substantive certification of the Township's Housing Element and Fair Share Plan; and

Whereas on March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated *Mt. Laurel* trial judges within the Superior Court; and

Whereas on July 8, 2015, the Township of Hamilton submitted a Declaratory Judgment Action to New Jersey Superior Court; and

Whereas on December 29, 2016, the Township entered into a Settlement Agreement with Fair Share Housing Center resolving the determination of the Township's Third Round obligation and setting forth the Township's preliminary compliance plan; and

Whereas on March 31, 2017, the New Jersey Superior Court approved the Settlement Agreement between the Township and Fair Share Housing Center; and

Whereas conditions of the Court-approved Settlement Agreement require the Township to update its affordable housing ordinances to be in compliance with the current rules and regulations;

Now, Therefore, Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the *Code of the Township of Hamilton, New Jersey, Part III, Land Use Legislation, CHAPTER 550, Land Development*, as amended and supplemented, be further amended and supplemented as follows:

Chapter 550

LAND DEVELOPMENT

Article III. District Regulations

§ 550-81. REO-2, REO-4 and REO-5 Research, Engineering and Office Districts, and RD Research and Development Districts.

A. Principal permitted uses on the land and in buildings.

EXPLANATION Matter UNDERLINED thus in this legislation is new matter.
Matter contained in BRACKETS [thus] is to be omitted from the law.

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

ORDINANCE No. 19-013

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF
HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND
DEVELOPMENT**

- (1) REO and RD Districts:
.....
- (2) In addition to the above, the following are permitted, but only in the RD Districts,
except as provided in Subsection A(2)(g)1. below:
 - (a) Pharmaceutical products operations.
.....
 - (g) Planned mixed-use research and development parks, subject to the
following requirements and conforming to the findings of a planned
development as defined by the Municipal Land Use Law, N.J.S.A.
40:55D-45, and in accordance with and approved general development
plan.
 - 1. The minimum total area to be developed as a planned mixed-use
research and development park shall be 100 acres, unless
otherwise noted. That minimum area may be met with land in the
RD District or in both the RD and REO-5 Districts, provided that
the districts are contiguous and that at least 85 acres of the
planned mixed-use research and development park are within the
RD District. Such area shall be developed in accordance with a
single comprehensive general development plan. Streets and rail
rights-of-way shall not be deemed to divide acreage for the
purposes of this requirement.
.....
 - 9. All planned commercial developments shall have at least one
major commercial anchor or magnet store of at least 100,000
square feet, unless otherwise noted. All planned commercial
developments shall provide for passive and/or active recreation for
patrons. Such area(s) shall be improved in accordance with a
consistent design theme which is applied throughout the planned
development and in accordance with the standards set forth in
§ 550-~~167~~165.
.....
 - 14. In order to foster the attractiveness of a site designated as a
planned mixed-use research and development park and the
surrounding neighborhoods and in order to provide an efficient
road and utility network, ensure the movement of traffic,
implement Comprehensive Planning and better serve the public
health, safety and general welfare, the design standards and
criteria in § 550-~~167~~165 shall be utilized by the Planning Board
in reviewing all site plans and subdivision plats relating to a
planned mixed-use research and development park. These

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**TOWNSHIP OF HAMILTON
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**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF
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DEVELOPMENT**

standards shall not be regarded as inflexible requirements. They
are not intended to discourage creativity, invention and innovation.

§ 550-90. Mixed-Use Area II Train Station Overlay.

A. Purpose; location.

C. Principal permitted uses. Principal permitted uses on the land and in the building(s)
shall be as follows:

- (1) Any principal permitted use, accessory use and other use permitted in the
underlying zoning district shall continue to be allowed in accordance with the
standards specified for such uses found in the appropriate section of this chapter.

- (5) In order to foster the attractiveness of a site designed as a mixed-use train
station development and the surrounding neighborhoods and in order to provide
an efficient road and utility network, ensure the movement of traffic, implement
comprehensive planning and better serve the public health, safety and general
welfare, the design standards and criteria in § 550-~~167~~**165** shall be utilized by
the Planning Board in reviewing all site plans and subdivision plats relating to a
mixed-use train station development. These standards shall not be regarded as
inflexible requirements. They are not intended to discourage creativity, invention
and innovation.

§ 550-91. Arts and Culture Overlay.

All requirements of this chapter for the respective zoning districts within the Arts and Culture
Overlay shall remain in effect except as specifically superseded by the following, unless
otherwise noted:

A. Purpose. The Arts and Culture Overlay has been designated to promote investment
through mixed-use and commercial development that expands the presence of and/or
otherwise enhances the arts and culture within the district.

C. General requirements.

- (1) A floor area ratio bonus to a maximum total floor area ratio of 0.40 and an
impervious surface coverage bonus to a maximum total coverage of 0.80 shall be
conveyed to any lot developing one or more of the Arts and Culture Overlay

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**TOWNSHIP OF HAMILTON
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District's principal permitted uses, provided that at least 20% of the total building floor area on the lot consists of one or more of the arts and culture principal permitted uses as set forth in Subsection B(1) above. The bonuses set forth in this section are not to be conveyed for supporting principal permitted uses as set forth in Subsection B(2) above.

-
- (5) Architectural standards. All development and redevelopment shall comply with the standards in § 550-~~167~~165. Evaluation standards and criteria for planned developments.
-

Chapter 550

LAND DEVELOPMENT

Article V. Exceptions, Modifications and Development Alternatives

.....

§ 550-~~165~~166. [Affordable housing; Municipal Housing Liaison.] Mandatory Affordable Housing Set-Aside.

- A. Mandatory set-aside of units.
- (1) All residential inclusionary developments in R-7, R-10, R-15, R-25, RRC and A/T Districts shall be required to set aside a mandatory 20% of the dwelling units for the construction of low- and moderate-income housing in accordance with the provisions of this section.
- (2) A mandatory affordable housing set-aside requirement of 20% shall be imposed on any multifamily development created through any Township or Land Use Board action involving a rezoning, use variance, density variance, redevelopment plan or rehabilitation plan permitting redevelopment, which density is at or above six dwelling units per acre and results in the construction of five or more units.
- (3) The developer shall provide that half of the low- and moderate-income units constructed be affordable by low-income households and that the remaining half be affordable by moderate-income households. At least 13% of all restricted rental units shall be very-low-income units (affordable to a household earning 30% or less of median income). The very-low -income units shall be counted as part of the required number of low-income units within the development.
- (4) Subdivision and site plan approval shall be denied by the board unless the developer complies with the requirements to provide low- and moderate-income housing pursuant to the provisions of this section. A property shall not be permitted to be subdivided so as to avoid meeting this requirement. The Board may impose any reasonable conditions to ensure such compliance.

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**TOWNSHIP OF HAMILTON
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- (5) The mandatory affordable housing set-aside requirement shall not give any developer the right to any such rezoning, variance, or other relief as set forth above or establish any obligation on the part of the Township to grant such rezoning, variance or other relief.

*** Note: Subsections (B) through (L) are to be deleted in their entirety.**

[B. Bedroom distribution.

- (1) A minimum of 35% of all low- and moderate-income units shall be two-bedroom units.
- (2) A minimum of 15% of all low- and moderate-income units shall be three-bedroom units.
- (3) No more than 20% of all low- and moderate-income units may be efficiency units.

C. Qualifying occupants; marketing.

- (1) Each low-income unit shall be occupied by qualifying low-income households, and each moderate-income unit shall be occupied by qualifying moderate-income households, except as provided in Subsection **C(2)** of this section.
- (2) If, upon resale or re-rental of a low- or moderate-income unit, the owner certifies and documents in writing to the satisfaction of the administrative officer that no low- or moderate-income purchaser has been found within 90 days from the day a unit is continuously offered for resale or re-rental, the low-income unit may be sold or rented to a moderate-income purchaser or tenant or, if none is available, to any interested purchaser or tenant, and the moderate-income unit to any interested purchaser or tenant, at a price which meets the requirements of Subsection **D. Resale and re-rental controls** shall remain in effect for any subsequent sales or rentals.
- (3) The developer shall formulate and implement a written affirmative marketing plan acceptable to the Planning Board. The affirmative marketing plan shall be realistically designed to ensure that low- and moderate-income households are informed of the housing opportunities in the development. The plan shall include advertising and other outreach activities throughout the present need region (Mercer, Burlington, Camden and Gloucester Counties).

D. Affordability; sales price and rental limitations.

- (1) Sales unit. The monthly cost of a low- or moderate-income unit, including mortgage (principal and interest), taxes, insurance and homeowners' or condominium association fees, shall not exceed 28% of an eligible gross household income for low- and moderate-income households, as defined and adjusted from time to time by the United States Department of Housing and Urban Development. See N.J.A.C. 5:92-12.12 and 5:92-12.13.
- (a) The low- and moderate-income units shall be part of any homeowners' or condominium association created for market rate units.

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**TOWNSHIP OF HAMILTON
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- (b) Homeowners' or condominium association fees for low- or moderate-income units shall be no greater than 1/3 of the amount charged the unrestricted units in the development.
- (2) Rental unit. The monthly cost of a low- or moderate-income unit, including contract, rent and utilities (gas, electric, oil, water and sewer), shall not exceed 30% of gross monthly household income for low- and moderate-income households, as defined and adjusted from time to time by the United States Department of Housing and Urban Development. See N.J.A.C. 5:92-12.12 and 5:92-12.13.
- (3) Size of household. For purposes of establishing the permitted sales and rental prices for a low- or moderate-income unit, households of the following size shall be assumed to occupy units of the following size, and the sale or rental price shall not be affected regardless of the size of the household actually occupying the unit:

Size of Unit	Size of Household
(bedrooms)	(persons)
0	1
1	2
2	3
3	5
4	7

See N.J.A.C. 5:92-12.12 and 5:92-12.13.

E. Maintaining affordability.

- (1) Low- and moderate-income units, whether for sale or rental, shall remain affordable to low- and moderate-income households for 30 years from the date of issuance of certificates of occupancy for low- and moderate-income units. The thirty-year period for rental units shall commence on the date of issuance of the last certificate of occupancy in such development. The low- and moderate-income units shall be controlled by a deed restriction and mortgage lien as adopted by the New Jersey Council on Affordable Housing (N.J.A.C. 5:92-12.2), which shall ensure containing affordability of such units. See N.J.A.C. 5:91-12 Appendix.
- (a) Certificates of occupancy and certificates of reoccupancy shall not be issued until the referenced deed restriction and mortgage lien have been reviewed and approved by the Department of Law or the administrative officer. See N.J.A.C. 5:92-12.

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**TOWNSHIP OF HAMILTON
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- (b) The referenced restrictive covenant of the deed and mortgage lien shall have priority over all mortgagees on the property except for the first mortgagees placed on the property by the mortgagees prior to the expiration of the thirty-year period established herein. See N.J.A.C. 5:92-12.2.
 - (c) The referenced deed with restrictive covenants and mortgage lien shall be filed and recorded with the Mercer County Clerk's office within five days of sale of the unit and shall be filed with the Township Engineer for plotting on the Tax Map of the Township within five days of return of the recorded documents by the Mercer County Clerk's office.
- (2) Affidavit of affordability controls. The developer or owner of any low- or moderate-income unit offered for sale or rental shall file an affidavit with the administrative officer prior to the issuance of a certificate of occupancy, confirming that the purchaser or lessees have met the income eligibility requirements of this section and that the deed restriction and mortgage lien required by Subsection E(1) has been put in place.
- (3) Procedures for initial sales, resale prior to the expiration of controls, and rentals.
 - (a) Low- and moderate-income units shall not be offered to non-income-eligible households at initial sale without New Jersey Council on Affordable Housing approval. Parties that petition the New Jersey Council on Affordable Housing for such approval shall document efforts to sell housing units to income-eligible households and shall adhere to the procedures outlined in N.J.A.C. 5:91-13. See N.J.A.C. 5:92-12.15.
 - (b) Persons wishing to sell affordable units shall notify the administrative officer of the Township by certified mail of the intent to sell. If no eligible buyer enters a contract of sale for the unit within 90 days of notification, the Township shall have the option to purchase the unit for the maximum price permitted, based on the regional increase in median income as defined by HUD or other recognized standard adopted by the New Jersey Council on Affordable Housing. If the Township does not purchase the unit, the seller may apply for permission to offer the unit to a non-income-eligible household at the maximum price permitted. The seller shall document efforts to sell the unit to an income-eligible household as part of this application. If the request is granted, the seller may offer low-income housing units to moderate-income households and moderate-income housing units to households earning in excess of 80% of median. In no case shall the seller be permitted to receive more than the maximum restricted sale or resale price. In no case shall a sale pursuant to this section eliminate the resale controls on the unit or permit any subsequent seller to convey the unit except in full compliance with terms of this section.
 - (c) Owners of low- and moderate-income rental units shall not offer rental units to non-income-eligible households without prior approval of the New Jersey Council on Affordable Housing. Parties that petition for such approval shall document all efforts to rent to income-eligible households and demonstrate to the satisfaction of the Council that alternatives, such as a reduction in rent, are not feasible. Parties that petition the New

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Jersey Council on Affordable Housing shall adhere to the procedures outlined in N.J.A.C. 5:91-13. See N.J.A.C. 5:92-12.15.

- (4) Option to purchase. The Township, the New Jersey Department of Community Affairs, the New Jersey Housing and Mortgage Finance Agency, or an approved nonprofit entity shall have the option to purchase the affordable housing unit at the maximum allowable restricted sales price upon the first nonexempt sale after the thirty-year period established herein has expired. The owner of the unit shall notify the administrative officer of the Township and the Township Department of Law by certified mail of the intent to sell 90 days prior to entering into a sale agreement, and the option to purchase shall remain open for such ninety-day period. See N.J.A.C. 5:92-12.3.

- (a) The foregoing option to purchase shall be incorporated in the deed restriction established herein. See N.J.A.C. 5:92-12.3.

F. Distribution and locational criteria.

- (1) To the extent reasonably attainable, the low- and moderate-income units shall not be situated in less desirable locations and should be as accessible to the common open space, public facilities or shopping facilities, if any are provided, as market rate units.
- (2) In developments which are other than 100% low- and moderate-income units, the low- and moderate-income units shall be dispersed throughout the development.

G. Phasing.

- (1) The low- and moderate-income units shall be constructed in tandem with market rate units according to the following schedule:

Market Rate Units (percentage)*	Low- and Moderate-Income Units (percentage)*
25%	0%
25% + 1	10%
50%	50%
75%	75%
90%	100%
100%	—

- * Note: The percentages refer to the percentage of total dwelling units having certificates of occupancy.

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**TOWNSHIP OF HAMILTON
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ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT

- (2) The Township shall deny issuance of certificates of occupancy for market rate units in the developments if a developer fails to comply with the requirements for low- and moderate-income housing.
- H. Township's interest in affordable housing units; repayment option.
- (1) The Township, its authorized designee, successors and/or assigns are intended third-party beneficiaries of any agreement regarding low- and moderate-income housing units created pursuant to this chapter and are vested with all the rights afforded by such status. The Township, in furtherance of satisfying its continuing obligation to create realistic opportunities for low- and moderate-income housing, must have a continued benefit from the affordable housing units even after the expiration of any restrictions. The Township is vested with an interest in the profits to be realized by the increased value of any affordable housing unit upon the expiration of restrictions at the end of the thirty-year restrictive period.
- (2) The owner of a low- or moderate-income unit at the expiration of the thirty-year period established in Subsection E, having provided the requisite 90 days' prior notice of intent to sell to the Township, and the option to purchase under Subsection E(4) not having been exercised, may:
- (a) Sell to a qualified low- and moderate-income household at the maximum restricted sales price with a deed with restrictive covenants and mortgage lien conforming to the requirement of Subsection E preceding;
- (b) Sell to a market purchaser and exercise the repayment option, wherein 95% of the differential between the maximum restricted resale price and market sales price is paid to the Township at closing.
- I. Conversions. Low- and moderate-income rental units may be converted to condominium or cooperative units, but the sales price and occupancy restrictions of this section shall continue to apply to allow persons meeting low- and moderate-income eligibility standards to purchase such units.
- J. Administration. The administrative officer shall administer the income, sales and rent limitations for low- and moderate-income units set by this section.
- K. Applicability of New Jersey Council on Affordable Housing regulation. Wherever this section is silent concerning the regulations of the New Jersey Council on Affordable Housing (COAH), such COAH regulations shall apply. Where applicable, COAH regulations shall take precedence over the provisions hereof.
- L. Municipal Housing Liaison.
- (1) Definitions. As used in this section, the following terms shall have the meanings indicated:

ADMINISTRATIVE AGENT

The entity responsible for administering the affordability controls of some or all units in the affordable housing program for the Township, so as to ensure that the restricted units are affirmatively marketed and sold or

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DEVELOPMENT**

rented, as applicable, only to qualified low- and moderate-income households.

MUNICIPAL HOUSING LIAISON

The municipal employee charged with the responsibility for oversight and administration of the Township's affordable housing program.

- (2) Position; powers and duties; compensation.
- (a) There is hereby established the position of Municipal Housing Liaison for the Township. The Municipal Housing Liaison shall be appointed by the Mayor and may be a full- or part-time municipal employee.
- (b) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program of the Township, including the following responsibilities, which may not be contracted out:
1. Serving as the Township's primary point of contact for all inquiries from the state, affordable housing providers, administrative agent(s) and interested households;
 2. Monitoring the status of all restricted units in the Township's fair share plan;
 3. Collecting information from the administrative agent(s), compiling, verifying and submitting annual reports as required by COAH;
 4. Coordinating meetings with affordable housing providers and administrative agent(s), as applicable;
 5. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing, as offered and/or approved by COAH.
- (c) Any compensation to be paid for this position shall be set by Township Council.
- (3) Administrative agent; oversight. Subject to COAH approval, the Township may contract with or authorize a consultant, authority, government or any agency to assume the responsibility of administering the Township's affordable housing program. If the Township chooses to contract with another entity for said responsibilities, the Municipal Housing Liaison shall be responsible for supervising the contracting administrative agent.]

* **Note: § 550-166. Affordable housing development fees, is to be deleted in its entirety.**

[§ 550-166. Affordable housing development fees.]

[A. Findings and purposes.

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- (1) The New Jersey Supreme Court, in Holmdel Builders Ass'n v. Holmdel Township, 121 N.J. 550 (1990), determined that mandatory development fees are both statutorily and constitutionally permissible. The Court further anticipated that the New Jersey Council on Affordable Housing would promulgate appropriate development fee rules specifying, among other things, the standards for these development fees.
- (2) The Council of the Township finds and declares that the creation and preservation of affordable housing in the Township and the housing region in which the Township is situated serves the public interest. Maintaining and improving a stock of sound affordable housing requires affirmative steps by local government working cooperatively with public bodies at all levels and with the private sector. The purpose of this section is to create in the Township a trust fund from payment of development fees to assist in the marshaling of public and private monies dedicated to affordable housing projects and programs.

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

AFFORDABLE HOUSING

Any housing unit with an acquisition price or rent level not exceeding the maximum resale or rent level for low- and moderate-income housing as set forth in N.J.A.C. 5:93-11.

COUNCIL

The New Jersey Council on Affordable Housing established under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and which has primary jurisdiction for the administration of low- and moderate-income delegations in accordance with sound regional planning and considerations in this state.

DEVELOPMENT FEES

Sums paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in N.J.A.C. 5:93-8 et seq.

EQUALIZED ASSESSED VALUE

The value of a property determined by the Township Tax Assessor through a process designed to ensure that all property in the Township is assessed at the same assessment ratio or ratios required bylaw. Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Tax Assessor.

- C. Development fee schedule.

- (1) Residential development.
 - (a) Residential development fees shall be a maximum of 1% of the equalized assessed value for residential development.
 - (b) The Township may allow developers of sites zoned for inclusionary development to pay the fee in lieu of building low- and moderate-income units, provided the Council determines the Township housing element

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

ORDINANCE No. 19-013

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF
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and fair share plan provides a realistic opportunity for addressing the Township's fair share obligation. The fee may equal the cost of subsidizing the low- and moderate-income units that are replaced by the development fee. For example, an inclusionary development may include a 20% set-aside, no set-aside and a fee that is the equivalent of a 20% set-aside, or a combination of a fee and set-aside that is the equivalent of a 20% set-aside.

- (c) The Township may collect fees exceeding those permitted in this section, provided the Township enters into agreements with developers that offer a financial incentive for paying higher fees. No agreement may provide for a voluntary development fee without also providing for a comparable offsetting incentive. All agreements are subject to Council approval.

(2) Nonresidential development.

- (a) New construction of buildings and structures in excess of 5,000 square feet shall be subject to a fee of 2% of the equalized assessed value, except as otherwise noted herein. The following new construction shall be subject to a fee of 2% of the equalized assessed value, regardless of the size of the building: convenience stores; fast food restaurants; liquor stores; service stations.
- (b) Developers that expand an existing nonresidential structure or building by more than 5,000 square feet shall pay a development fee at the rate set forth in Subsection **C(2)(a)** multiplied by the increase in the equalized assessed value of the improved structure or building.

D. Eligible exactions, ineligible exactions, and exemptions.

- (1) Except as provided for in Subsection **C** above, inclusionary development shall be exempt from development fees. All other forms of new residential construction shall be subject to development fees.
- (2) The Township shall not reduce densities from preexisting levels and then require developers to pay development fees in exchange for an increased density.
- (3) Developments that have received preliminary or final approval prior to the imposition of a development fee shall be exempt from development fees unless the developer seeks a substantial change in the approval.
- (4) The Township exempts the following types of development from the imposition of development fees:
 - (a) Development by the Township or any of its instrumentalities; and
 - (b) Development by charitable or not-for-profit entities involved in the development of affordable housing, formed and legally established in accordance with the laws of the state.

E. Collection of development fees.

- (1) Developers shall pay 50% of the calculated development fee to the municipality

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at the issuance of building permits. The development fee shall be estimated by the Tax Assessor prior to issuance of building permits.

- (2) Developers shall pay the remaining fee to the municipality at the issuance of certificates of occupancy. At the issuance of certificates of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the certificate of occupancy and the amount paid at the time of issuance of the building permits.
- F. Housing trust fund. All development fees shall be deposited with the Chief Financial Officer of the Township in a separate designated interest-bearing housing trust fund account. The development fees placed in the housing trust fund shall be deemed "dedicated revenues," as such term is defined in N.J.S.A. 40A:4-36. In establishing the housing trust fund, the Township shall provide whatever express written authorization that may be required by the bank utilized by the Township in order to permit the Council to direct the disbursement of development fees pursuant to Subsection J of this section.
- G. Application of affordable housing development fees.
- (1) The Township shall use revenues collected from development fees for any activity approved by the Council for addressing the Township's fair share obligation. Such activities include, but are not limited to, rehabilitation, new construction, regional contribution agreements, purchase of land for low- and moderate-income housing, improvement of land to be used for low- and moderate-income housing, extension and/or improvements of roads and infrastructure to low- and moderate-income housing sites, assistance designed to render units to be more affordable, and administration of the implementation of the housing element.
 - (2) Funds shall not be expended to reimburse the Township for past housing activities.
 - (3) At least 30% of the revenues collected from development fees shall be devoted to render units more affordable. Examples of such activities include, but are not limited to, down payment assistance, low-interest loans, and rental assistance. This reimbursement may be waived in whole or in part when the Township demonstrates to the Council the ability to address the requirement of affordability assistance from another source.
 - (4) No more than 20% of the revenues collected from development fees shall be expended on administration, including, but not limited to, salaries and benefits for Township employees or consultant fees necessary to develop or implement a rehabilitation program, a new construction program, a regional contribution agreement, a housing element and an affirmative marketing program. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Council's monitoring requirements. Development fees shall not be used to defray the costs of existing staff.
- H. Monitoring. The Township shall complete and return to the Council all monitoring forms related to the collection of development fees, expenditures of revenues, and implementation of the spending plan certified by the Council. Quarterly financial reports

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and annual program implementation and auditing reports shall be completed by the Township on forms designed by the Council.

I. Spending plans.

- (1) The Township shall submit to the Council a spending plan for the development fees collected by it prior to the expiration of its substantive certification period. Plans to spend development fees shall consist of the following information:
 - (a) A projection of revenues anticipated from imposing fees on development, based on historic activity;
 - (b) A description of the administrative mechanism that the Township will use to collect and distribute revenues;
 - (c) A description of the anticipated use of all development fees;
 - (d) A schedule for the creation or rehabilitation of housing units;
 - (e) In the event the Township envisions being responsible for public sector or nonprofit construction of housing, a pro-forma statement of the anticipated costs and revenues associated with the development; and
 - (f) The manner through which the Township will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan.

J. Penalties.

- (1) In the event that any of the conditions set forth in Subsection J(2) below occur, the Council shall be authorized, on behalf of the Township, to direct the manner in which all development fees collected pursuant to this section shall be expended. Should any such condition occur, such revenues shall immediately become available for expenditure at the direction of the Council upon the Township Clerk's receipt of written notification from the Council that such a condition has occurred. In furtherance of the foregoing, the Township shall, in establishing a bank account pursuant to Subsection F of this section, ensure that the Township has provided whatever express written authorization which may be required by the bank to permit the Council to direct disbursement of such revenues from the account following the delivery to the bank of the aforementioned written notification provided by the Council to the Township Clerk.
- (2) Occurrence of the following may result in the Council taking an action pursuant to Subsection J(1) above:
 - (a) Failure to submit a spending plan pursuant to Subsection I above within the time limits imposed by the Council;
 - (b) Failure to meet deadlines for information required by the Council in its review of this section, the Township's housing element or spending plan;

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- (c) Failure to address the Council's conditions for approval of a plan to spend development fees within the deadlines imposed by the Council;
- (d) Failure to address the Council's conditions for substantive certification within the deadlines imposed by the Council;
- (e) Failure to submit accurate monitoring reports within the time limits imposed by the Council;
- (f) Failure to implement the spending plan for development fees within the time limits imposed by the Council or within reasonable extensions granted by the Council;
- (g) Expenditures of development fees on activities not permitted by the Council;
- (h) Revocation of the Township's substantive certification; or
- (i) Other good cause demonstrating that the revenues are not being used for the intended purpose.

K. Ongoing collection of development fees. The Township's ability to collect development fees shall expire with substantive certification unless the Township has filed an adopted housing element with the Council, petitioned for substantive certification, and received the Council's approval of its Development Fee Ordinance.]

* **Note:** § 550-167 is to become § 550-165. There are no further amendments to this section.

§ 550-[167]165. Evaluation standards and criteria for planned developments.

§ 550-167. Affordable Housing Development Fees.

A. Purpose.

- (1) In *Holmdel Builder's Association V. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- (2) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of COAH or court of competent jurisdiction and have an approved spending plan may retain fees collected from non-residential development.

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- (3) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:93-8.

B. Basic Requirements.

- (1) This ordinance shall not be effective until approved by the Superior Court of New Jersey pursuant to N.J.A.C. 5:93-8.2.
- (2) Hamilton Township shall not spend development fees until the Superior Court of New Jersey has approved a plan for spending such fees in conformance with N.J.A.C. 5:93-5.1(c).

C. Definitions.

- (1) The following terms, as used in this ordinance, shall have the following meanings:
- (a) "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
- (b) "COAH" or the "Council" means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
- (c) "Development fee" means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.
- (d) "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- (e) "Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

D. Residential Development Fees.

- (1) Imposed fees.
- (a) Within all district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5 percent of the equalized assessed value for residential development provided no increased density is permitted.

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- (b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6.0 percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
- (2) Eligible Exactions, Ineligible Exactions and Exemptions for Residential Development.
 - (a) Affordable housing developments, developments where the developer is proving for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - (b) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

E. Non-residential Development Fees.

- (1) Imposed Fees.
 - (a) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
 - (b) Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
 - (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- (2) Eligible Exactions, Ineligible Exactions and Exemptions for Non-residential Development.

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- (a) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
- (b) The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (c) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- (d) A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- (e) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by Hamilton Township as a lien against the real property of the owner.

F. Collection Procedures.

- (1) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- (2) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- (3) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (4) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

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- (5) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (6) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (7) Should Hamilton Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- (8) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- (9) Appeal of Development Fees.
 - (a) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Hamilton Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (b) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Hamilton Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

G. Affordable Housing Trust Fund.

- (1) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- (2) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (a) Payments in lieu of on-site construction of affordable units:

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- (b) Developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (c) Rental income from municipally operated units;
 - (d) Repayments from affordable housing program loans;
 - (e) Recapture funds;
 - (f) Proceeds from the sale of affordable units; and
 - (g) Any other funds collected in connection with Hamilton Township's affordable housing program.
- (3) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities as per a spending plan approved by the Superior Court of New Jersey.

H. Use of Funds.

- (1) The expenditure of all funds shall conform to a spending plan approved by the Superior Court of New Jersey. Funds deposited in the housing trust fund may be used for any activity approved by the court to address the Hamilton Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8.16 and specified in the approved spending plan.
- (2) Funds shall not be expended to reimburse Hamilton Township for past housing activities.
- (3) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.

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- (b) Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
- (c) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (4) Hamilton Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:93-8, 16(d).
- (5) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's or the court's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the COAH's regulations and/or action are not eligible uses of the affordable housing trust fund.

I. Monitoring.

- (1) Hamilton Township shall complete and return to the Superior Court of New Jersey all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Hamilton Township's housing program, as well as to the expenditure of revenues and implementation of the plan that has been approved by the court. All monitoring reports shall be completed on forms designed by COAH or the special master.

J. Ongoing Collection of Fees.

- (1) The ability for Hamilton Township to impose, collect and expend development fees shall expire with its substantive certification or judgment of compliance from the court unless Hamilton Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's or the court's approval of its development fee ordinance. If Hamilton Township fails to renew its ability to impose and collect development fees prior to the expiration of the judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). Hamilton Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance, nor shall Hamilton Township

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retroactively impose a development fee on such a development. Hamilton
Township shall not expend development fees after the expiration of its judgment
of compliance.

* **Note: § 550-168 is to be deleted in its entirety.**

[§ 550-168. Fair share housing plan.]

[Purpose. This section sets forth regulations regarding low- and moderate-income housing units in the Township of Hamilton that are consistent with the provisions of N.J.A.C. 5:93 et seq., as effective on June 6, 1994. These rules are pursuant to the Fair Housing Act of 1985 and the Township's constitutional obligation to provide for its fair share of low- and moderate-income housing.]

- A. Hamilton Township's fair share obligation will be divided equally between low- and moderate-income households as per N.J.A.C. 5:93-2.20.
- B. Except for inclusionary developments constructed pursuant to low-income tax credit regulations:
 - (1) At least half of all units within each inclusionary development will be affordable to low-income households; and
 - (2) At least half of all rental units will be affordable to low-income households; and
 - (3) At least 1/3 of all units in each bedroom distribution pursuant to N.J.A.C. 5:93-7.3 will be affordable to low-income households.
- C. Inclusionary developments that are not age-restricted will be constructed in conjunction with realistic market demands so that:
 - (1) The combination of efficiency and one-bedroom units is at least 10% and no greater than 20% of the total low- and moderate-income units; and
 - (2) At least 30% of all low- and moderate-income units are two-bedroom units; and
 - (3) At least 20% of all low- and moderate-income units are three-bedroom units; and
 - (4) Low- and moderate-income units that are age-restricted may utilize a modified bedroom distribution. At a minimum, the number of bedrooms will equal the number of age-restricted low- and moderate-income units within the inclusionary development.
- D. In conjunction with realistic market information, the following criteria will be used in determining maximum rents and sale prices:
 - (1) Efficiency units will be affordable to a one-person household;
 - (2) One-bedroom units will be affordable to 1 1/2-person households;
 - (3) Two-bedroom units will be affordable to three-person households;

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- (4) Three-bedroom units will be affordable to 4 1/2-person households;
 - (5) Median income by household size will be established by a regional weighted average of the uncapped Section 8 income limits published by the Department of Housing and Urban Development (HUD) as per N.J.A.C. 5:93-7.4(b);
 - (6) The maximum sales prices of low- and moderate-income units within each inclusionary development will be affordable to household earning no more than 70% of median income. In averaging an affordability range of 55% for sales units, the municipal ordinance will require moderate-income sales units to be available for at least two different prices and low-income sales units to be available for at least two different prices;
 - (7) For both owner-occupied and rental units, the low- and moderate-income units will utilize the same heating source as market units within an inclusionary development;
 - (8) Low-income units will be reserved for households with a gross household income less than or equal to 50% of the median income approved by the New Jersey Council on Affordable Housing (COAH); moderate-income units will be reserved for households with a gross household income less than 80% of the median income approved by COAH as per N.J.A.C. 5:93-7.4(g); and
 - (9) The regulations outlined in N.J.A.C. 5:93-9.15 and 5:93-9.16 will be applicable for purchased and rental units.
- E. For rental units, developers and/or municipal sponsors may:
- (1) Establish one rent for a low-income unit and one for a moderate-income unit for each bedroom distribution.
 - (2) Gross rents, including an allowance for tenant-paid utilities, will be established so as not to exceed 30% of the gross monthly income of the appropriate household size as per N.J.A.C. 5:93-7.4(f). The tenant-paid utility allowance will be consistent with the utility allowance approved by HUD for use in New Jersey.
 - (3) The maximum rents of low- and moderate-income units within each inclusionary development will be affordable to households earning no more than 60% of median income. In averaging an affordability range of 52% for rental units, developers and/or municipal sponsors of rental units may establish one rent for a low-income unit and one rent for a moderate-income unit for each bedroom distribution.
- F. For-sale units.
- (1) The initial price of a low- and moderate-income owner-occupied for-sale housing unit will be established so that, after a down payment of 5%, the monthly principal, interest, homeowner and private mortgage insurance, property taxes (based on the restricted value of the low- and moderate-income unit) and condominium or homeowner fee do not exceed 28% of the eligible gross monthly income;

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- (2) Master deeds of inclusionary developments will regulate condominium or homeowners' association fees or special assessments of low- and moderate-income purchasers at the same percentage as those paid by market purchasers. This equivalent percentage is consistent with the requirements of N.J.A.C. 5:93-7.4(e). Once established within the master deed, the percentage will not be amended without prior approval from COAH;
 - (3) The Township will follow the general provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or reoccupancy on sale units as per N.J.A.C. 5:93-9.3;
 - (4) The Township will require a certificate of reoccupancy for any occupancy of a low- or moderate-income sales unit resulting from a resale as per N.J.A.C. 5:93-9.3(c);
 - (5) Municipal, state, nonprofit and seller options regarding sale units will be consistent with N.J.A.C. 5:93-9.5 through 5:93-9.8. Municipal rejection of repayment options for sale units will be consistent with N.J.A.C. 5:93-9.9;
 - (6) The continued application of options to create, rehabilitate or maintain low- and moderate-income sale units will be consistent with N.J.A.C. 5:93-9.10;
 - (7) Eligible capital improvements prior to the expiration of controls on sale units will be consistent with N.J.A.C. 5:93-9.11; and
 - (8) The regulations detailed in N.J.A.C. 5:93-9.12 through 5:93-9.14 will be applicable to low- and moderate-income units that are for-sale units.
- G. In zoning for inclusionary developments, the following is required:
- (1) Low- and moderate-income units will be built in accordance with N.J.A.C. 5:93-5.6(d).

Minimum Percent of Low-/Moderate-Income Units Completed	Percent of Market Housing Units Completed
0%	25%
10%	25% + 1 unit
50%	50%
75%	75%
100%	90%
—	100%

- (2) Design of inclusionary developments that integrates low- and moderate-income units with market units is encouraged as per N.J.A.C. 5:93-5.6(f).

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- H. A development fee ordinance was approved by COAH on August 2, 1995, and amended on March 6, 2002. The ordinance, as amended, was adopted by the Township. See § 550-166, Affordable housing development fees, above.
- I. To provide assurances that low- and moderate-income units are created with controls on affordability over time and that low- and moderate-income households occupy these units, the Township will designate the Township's housing agent with the responsibility of ensuring the affordability of sales and rental units over time. The Township's housing agent will be responsible for those activities detailed in N.J.A.C. 5:93-9.1(a).
- (1) In addition, the Township's housing agent will be responsible for utilizing the verification and certification procedures outlined in N.J.A.C. 5:93-9.1(b) in placing households in low- and moderate-income units;
- (2) Newly constructed low- and moderate-income sales units will remain affordable to low- and moderate-income households for at least 30 years. The Township's housing agent will require all conveyances of newly constructed units to contain the deed restriction and mortgage lien adopted by COAH and referred as Technical Appendix E as found in N.J.A.C. 5:93; and
- (3) Housing units created through the conversion of a nonresidential structure will be considered a new housing unit and will be subject to thirty-year controls on affordability. The Township's housing agent will require COAH's appropriate deed restriction and mortgage lien.
- J. Regarding rehabilitated units.
- (1) Rehabilitated owner-occupied single-family housing units that are improved to code standard will be subject to affordability controls for at least six years; and
- (2) Rehabilitated renter-occupied housing units that are improved to code standard will be subject to affordability controls for at least 10 years.
- K. Regarding rental units.
- (1) Newly constructed low- and moderate-income rental units will remain affordable to low- and moderate-income households for at least 30 years. The Township's housing agent will require the deed restriction and lien and deed of easement referred as Technical Appendix H as found in N.J.A.C. 5:93;
- (2) Affordability controls in accessory apartments will be for a period of at least 10 years, except that, if the apartment is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.15, then the controls on affordability will extend for 30 years (N.J.A.C. 5:93-5.9); and
- (3) Alternative living arrangements will be controlled in a manner suitable to COAH that provides assurances that such a facility will house low- and moderate-income households for at least 10 years, except that, if the alternative living arrangement is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.15, then the controls on affordability will extend for 30 years (N.J.A.C. 5:93-5.8).

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- L. Section 14(b) of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., incorporates the need to eliminate unnecessary cost-generating features from the Township's land use ordinances. Accordingly the Township will eliminate development standards that are not essential to protect the public welfare and to expedite or fast track municipal approvals/denials on certain affordable housing developments. The Township will adhere to the components of N.J.A.C. 5:93-10.1 through 5:93-10.3.
- M. Hamilton Township has a fair share obligation of 1,060 units, of which 705 are new construction.
- N. This section will apply to all developments that contain proposed low- and moderate-income units which are submitted to the Township after the effective date of this section.]

§ 550-168. Affordable Housing.

A. Affordable Housing Obligation.

- (1) This section of the Township Code sets forth regulations regarding the low and moderate income housing units in the Township consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing", N.J.A.C. 5:93 et seq., the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq., and the Township's constitutional obligation to provide the opportunity for provision of its fair share of affordable housing for low and moderate income households. In addition, this section applies requirements for very low income housing as established in P.L. 2008, c.46 (the "Roberts Bill").
- (2) This Ordinance is intended to assure that very-low, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low, low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (3) The Hamilton Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Plan has also been endorsed by the Township Council of the Township of Hamilton. The Fair Share Plan describes the ways the Township shall address its fair share for low- and moderate-income housing as determined by the Superior Court and documented in the Housing Element.
- (4) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, as may be amended and supplemented.
- (5) On the first anniversary of the execution of the Township's Settlement Agreement with Fair Share Housing Center and every anniversary thereafter through the end of the term of this agreement, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
- (6) For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:270-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its

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implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.

- (7) For the review of very low income housing requirements required by N.J.S.A. 52:270-329.1, within 30 days of the third anniversary of the Township's Settlement Agreement with Fair Share Housing Center, and every third year thereafter, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.

B. Definitions.

- (1) The following terms, as used in this ordinance, shall have the following meanings:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

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

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

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:91N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

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

"Affordable" means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:93-7.4; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a

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rental unit, that the rent for the unit conforms to the standards set forth in
N.J.A.C. 5:80-26.12, as may be amended and supplemented.

"Affordable development" means a housing development all or a portion of which
consists of restricted units.

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

"Affordable housing program(s)" means any mechanism in a municipal Fair
Share Plan prepared or implemented to address a municipality's fair share
obligation.

"Affordable unit" means a housing unit proposed or created pursuant to the Act,
credited pursuant to N.J.A.C. 5:93, and/or funded through an affordable housing
trust fund.

"Agency" means the New Jersey Housing and Mortgage Finance Agency
established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

"Age-restricted unit" means a housing unit designed to meet the needs of, and
exclusively for, the residents of an age-restricted segment of the population such
that: 1) all the residents of the development where the unit is situated are 62
years or older; or 2) at least 80% of the units are occupied by one person that is
55 years or older; or 3) the development has been designated by the Secretary
of the U.S. Department of Housing and Urban Development as "housing for older
persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. §
3607.

"Alternative living arrangement" means a structure in which households live in
distinct bedrooms, yet share kitchen and plumbing facilities, central heat and
common areas. Alternative living arrangement includes, but is not limited to:
transitional facilities for the homeless, Class A, B, C, D, and E boarding homes as
regulated by the New Jersey Department of Community Affairs; residential health
care facilities as regulated by the New Jersey Department of Health; group
homes for the developmentally disabled and mentally ill as licensed and/or
regulated by the New Jersey Department of Human Services; and congregate
living arrangements.

"Assisted living residence" means a facility licensed by the New Jersey
Department of Health and Senior Services to provide apartment-style housing
and congregate dining and to assure that assisted living services are available
when needed for four or more adult persons unrelated to the proprietor and that
offers units containing, at a minimum, one unfurnished room, a private bathroom,
a kitchenette and a lockable door on the unit entrance.

"Certified household" means a household that has been certified by an
Administrative Agent as a low-income household or moderate-income household.

"COAH" means the Council on Affordable Housing, which is in, but not of, the
Department of Community Affairs of the State of New Jersey, that was
established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et

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seq.).

"DCA" means the State of New Jersey Department of Community Affairs.

"Deficient housing unit" means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

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

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

"Fair Share Plan" means the plan that describes the mechanisms, strategies and the funding sources, if any, by which the Township proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:93-5.

"Housing Element" means the portion of the Township's Master Plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, that includes the information required by N.J.A.C. 5:93-5.1 and establishes the Township's fair share obligation.

"Inclusionary development" means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

"Low-income household" means a household with a total gross annual household income equal to 50% or less of the regional median household income.

"Low-income unit" means a restricted unit that is affordable to a low-income household.

"Major system" means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

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

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"Median income" means the median income by household size for the applicable county, as adopted annually by COAH or approved by the NJ Superior Court.

"Moderate-income household" means a household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

"Non-exempt sale" means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

"Random selection process" means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

"Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by adopted/approved Regional Income Limits.

"Rehabilitation" means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

"Rent" means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

"Restricted unit" means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

"Special master" means an expert appointed by a judge to make sure that judicial orders are followed. A master's function is essentially investigative, compiling evidence or documents to inform some future action by the court.

"UHAC" means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

"Very low-income household" means a household with a total gross annual household income equal to 30% or less of the regional median household income.

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"Very low-income unit" means a restricted unit that is affordable to a very low-income household.

"Weatherization" means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

C. New Construction. The following requirements shall apply to all new or planned developments that contain low- and moderate- income housing units.

- (1) Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in a single phase development, or in a multi-phase development:

<u>Maximum Percentage of Market-Rate Units Completed</u>	<u>Minimum Percentage of Low- and Moderate- Income Units Completed</u>
<u>25</u>	<u>0</u>
<u>25+1</u>	<u>10</u>
<u>50</u>	<u>50</u>
<u>75</u>	<u>75</u>
<u>90</u>	<u>100</u>

- (2) Design. In inclusionary developments, to the extent possible, low- and moderate- income units shall be integrated with the market units.

- (3) Payments-in-lieu and off-site construction. The standards for the collection of payments-in-lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:93-8.10 (c).

- (4) Utilities. Affordable units shall utilize the same type of HVAC system as market units within the affordable development.

- (5) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units.

- (a) At least 50 percent of the affordable units shall be low-income units. If the fair share obligation is divided equally, it shall be divided equally between low- and moderate- income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
- (b) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
- (c) Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very low income households.

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(d) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

1. The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
2. At least 30% of all low- and moderate-income units shall be two bedroom units;
3. At least 20% of all low- and moderate-income units shall be three bedroom units; and
4. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

(e) In accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.3(c), for low- and moderate-income age-restricted units, at a minimum, the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the affordable development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. The Township shall not be permitted to claim credit to satisfy its obligations for age-restricted units that exceed 25% of all units developed.

(6) Accessibility Requirements.

(a) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

(b) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

1. An adaptable toilet and bathing facility on the first floor;
2. An adaptable kitchen on the first floor;
3. An interior accessible route of travel on the first floor;
4. An interior accessible route of travel shall not be required between stories within an individual unit;
5. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
6. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Township has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible;

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- i. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
- ii. To this end, the builder of restricted units shall deposit funds within the Township of Hamilton's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
- iii. The funds deposited under paragraph (2) herein, shall be used by the Township for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- iv. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of Hamilton.
- v. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of Hamilton's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
- vi. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

(7) Maximum Rents and Sales Prices.

- (a) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures set forth by the Superior Court.
- (b) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.

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- (c) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
1. At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.
- (d) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- (e) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be met:
1. A studio or efficiency unit shall be affordable to a one-person household;
2. A one-bedroom unit shall be affordable to a one and one-half person household;
3. A two-bedroom unit shall be affordable to a three-person household;
4. A three-bedroom unit shall be affordable to a four and one-half person household; and
5. A four-bedroom unit shall be affordable to a six-person household.
- (f) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be met:
1. A studio or efficiency unit shall be affordable to a one-person household;
2. A one-bedroom unit shall be affordable to a one and one-half person household; and
3. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (g) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the

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appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

- (h) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (i) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (j) The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.
- (k) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.
- (8) Condominium and Homeowners Association Fees. For any affordable housing unit that is part of a condominium association and/or homeowner's association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100% of the market rate fee.

D. Occupancy Standards.

- (1) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - (a) Provide an occupant for each bedroom;
 - (b) Provide children of different sex with separate bedrooms; and
 - (c) Prevent more than two persons from occupying a single bedroom.
- (2) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

E. Selection of Occupants of Affordable Housing Units.

- (1) The administrative agent shall use a random selection process to select occupants of low- and moderate- income housing.

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- (2) A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 et seq.

F. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- (1) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years and thereafter until terminated by Hamilton Township.
- (2) Rehabilitated owner-occupied single family housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- (3) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (4) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (5) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

G. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

- (1) Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

H. Buyer Income Eligibility.

- (1) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income

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ownership units shall be reserved for households with a gross household income less than 80% of median income.

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

I. Limitations on indebtedness secured by ownership unit; subordination.

- (1) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (2) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

J. Control Periods for Restricted Rental Units.

- (1) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years and thereafter until terminated by Hamilton Township.
- (2) Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- (3) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Mercer. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (4) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
- (a) Sublease or assignment of the lease of the unit;
 - (b) Sale or other voluntary transfer of the ownership of the unit; or
 - (c) The entry and enforcement of any judgment of foreclosure.

K. Price Restrictions for Rental Units; Leases.

- (1) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative

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Agent.

- (2) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (3) Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

L. Tenant Income Eligibility.

- (1) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (a) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
 - (b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 - (c) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- (2) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (a) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (b) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (c) The household is currently in substandard or overcrowded living conditions;
 - (d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (e) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (3) The applicant shall file documentation sufficient to establish the existence of the circumstances in L(2)(a) through (e) above with the Administrative Agent, who

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shall counsel the household on budgeting.

M. Conversions.

Each housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

N. Municipal Housing Liaison.

- (1) The position of Municipal Housing Liaison for the Township of Hamilton is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the Township Council and be subject to the approval by the Superior Court.
- (2) The Municipal Housing Liaison must be either a full-time or part-time employee of the Township of Hamilton.
- (3) The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in N.J.A.C. 5:93.
- (4) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Hamilton, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - (a) Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - (b) When applicable, supervising any contracting Administrative Agent.
 - (c) Monitoring the status of all restricted units in the Township of Hamilton's Fair Share Plan;
 - (d) Compiling, verifying and submitting annual reports as required by the Superior Court;
 - (e) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - (f) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.

O. Administrative Agent.

- (1) The Township shall designate by resolution of the Township Council, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:93 and UHAC with one Administrative Agent responsible for all inclusionary developments.
- (2) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body. The Operating Manuals shall be

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available for public inspection in the Office of the Municipal Clerk and in the
office(s) of the Administrative Agent(s).

- (3) The Administrative Agent shall perform the duties and responsibilities of an
administrative agent as are set forth in UHAC and which are described in full
detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14,
16 and 18 thereof, which includes:
- (a) Attending continuing education opportunities on affordability controls,
compliance monitoring, and affirmative marketing as offered or approved
by the Superior Court;
 - (b) Affirmative Marketing;
 - (c) Household Certification;
 - (d) Affordability Controls;
 - (e) Records retention;
 - (f) Resale and re-rental;
 - (g) Processing requests from unit owners; and
 - (h) Enforcement, although the ultimate responsibility for retaining controls on
the units rests with the municipality.
 - (i) The Administrative Agent shall, as delegated by the Township Council,
have the authority to take all actions necessary and appropriate to carry
out its responsibilities, hereunder.

P. Enforcement of Affordable Housing Regulations.

- (1) Upon the occurrence of a breach of any of the regulations governing the
affordable unit by an Owner, Developer or Tenant, the municipality shall have all
remedies provided at law or equity, including but not limited to foreclosure, tenant
eviction, municipal fines, a requirement for household recertification, acceleration
of all sums due under a mortgage, recoupment of any funds from a sale in the
violation of the regulations, injunctive relief to prevent further violation of the
regulations, entry on the premises, and specific performance.
- (2) After providing written notice of a violation to an Owner, Developer or Tenant of a
low- or moderate-income unit and advising the Owner, Developer or Tenant of
the penalties for such violations, the municipality may take the following action
against the Owner, Developer or Tenant for any violation that remains uncured
for a period of 60 days after service of the written notice:
- (a) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11
alleging a violation, or violations, of the regulations governing the
affordable housing unit. If the Owner, Developer or Tenant is found by the
court to have violated any provision of the regulations governing
affordable housing units the Owner, Developer or Tenant shall be subject
to one or more of the following penalties, at the discretion of the court:

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1. A fine of not more than \$500.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 2. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Hamilton Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 3. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
- (b) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (3) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (4) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in Hamilton Township's Affordable Housing Trust Fund. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- (5) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the

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affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

- (6) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (7) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (8) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Q. Appeals. Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Township.

§ 550-169. Affirmative marketing plan.

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B. Affirmative marketing plan. The Township of Hamilton is in the housing region consisting of Mercer, Monmouth and Ocean Counties. The affirmative marketing program is a continuing program and will meet the following requirements:

- (1) Advertising and posting information.

.....

- (f) The following is a listing of community organizations in Mercer, Monmouth and Ocean Counties as well as statewide housing advocacy organizations that will aid in the affirmative marketing program, with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, and to which the Township will provide notice of all available affordable housing units:

1. Catholic Charities (Lakewood, Ocean Counties).
2. YWCA (Trenton, Mercer County).
3. Long Branch Housing Authority (Long Branch, Monmouth

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- County).
4. Crisis Ministry of Princeton and Trenton (Trenton, Mercer County).
 5. Hispanic Affairs and Resource Center of Monmouth County (Freehold, Monmouth County).
 6. Love, Inc. (Red Bank, Monmouth County).
 7. Rainbow Foundation (New Monmouth, Monmouth County).
 8. American Red Cross (Toms River, Ocean County).
 9. Fair Share Housing Center (State).
 10. NAACP New Jersey Conference (Trenton, State).
 11. Latino Action Network (Freehold, State).
 12. The Supportive Housing Association of New Jersey (State).
 13. The Trenton Branch of the NAACP (Trenton, Mercer County).

* **Note: § 550-170 is to be deleted in its entirety.**

[§ 550-170. Growth share payment.]

- [A. Purpose. N.J.A.C. 5:94-4.4 permits a municipality to establish standards for the collection, maintenance and expenditure of payment in lieu of fees pursuant to the Council on Affordable Housing's (COAH) third round rules. The purpose of this section is to provide for the collection of such fees. Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing through a variety of COAH-approved means. This section shall be interpreted within the framework of COAH's existing rules on such fees. The object of this section is to provide affordable housing options to the Township, to help keep the Township at pace with its growth-oriented affordable housing obligations while balancing the number of in Township units projected to be created with the number of RCA (developer-fee-generated) units that the Township is permitted to send.
- B. Affordable housing obligation.
- (1) For all residential development within the Township, developers shall be responsible for the creation of affordable housing at a rate of one affordable unit for each eight market units, both for sale and rental.
 - (2) In the event that it is determined that a developer's responsibility under this section does not create a whole number of affordable units, the developer's obligation will be rounded up to the next whole number. By way of example only, if the resulting number of affordable units for a project is 5.2 units, the developer will be responsible for the creation of six affordable units.
- C. Growth share payment in lieu of fees.

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- (1) Projects that are less than nine units in size (eight or fewer units), shall be assessed an amount of \$15,693.75 per unit. If the developer wishes to build an inclusionary development, then that developer would be exempt from the above-cited fee. All other residential developments are required to meet the affordable housing obligation cited in Subsection **B** above, either on site or off site. No in-lieu option or development-fee options are available to any other residential developments.
 - (2) All nonresidential developments shall be excluded from this in-lieu-of option and shall be subject to the Township's affordable housing development fees (§ **550-166**), unless building an inclusionary mixed-use development.
 - (3) In the event of a conflict with § **550-166**, the terms of this section shall control.
- D. Eligible exaction, ineligible exaction and exemptions.
- (1) Developers of low- and moderate-income units complying with the minimum number of affordable housing units identified in Subsection **B** above shall be exempt from the payment of in-lieu fees identified in Subsection **C** above. This exemption includes inclusionary developments and locally designated redevelopment areas with executed redevelopers' agreements requiring the construction of affordable units either on or off site, but within Hamilton Township.
 - (2) Developers that have received preliminary or final approval prior to the effective date of this section shall be exempt from this section unless the developer seeks a substantial change to his approval.
 - (3) Houses of worship shall be exempt.
- E. Collection of fees. Developers receiving an in-lieu allocation shall pay 50% of the calculated fee to Hamilton Township at the issuance of building permits. The remaining 50% shall be due upon issuance of the certificates of occupancy.
- F. Housing trust fund.
- (1) There is hereby created an interest-bearing housing trust fund in a financial banking institution for the purpose of receiving payment in lieu of fees from residential and nonresidential developers. All such fees paid by developers pursuant to this section shall be deposited in this fund. No money shall be expended from the housing trust fund unless the expenditure conforms to a spending plan approved by COAH. This trust fund shall be separate from the existing development trust fund.
 - (2) If COAH determines that Hamilton Township is not in conformance with COAH's existing or proposed rules on payment in lieu of fees, COAH is authorized to direct the manner in which all payment-in-lieu fees collected pursuant to this section shall be expended. Such authorization is pursuant to this section, COAH's existing or proposed rules on payment-in-lieu fees, and the written authorization from the governing body to the financial banking institution.
- G. Use of funds.

EXPLANATION Matter UNDERLINED thus in this legislation is new matter.
Matter contained in **BRACKETS [thus]** is to be omitted from the law.

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

ORDINANCE No. 19-013

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF
HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND
DEVELOPMENT**

- (1) Money deposited in an in-lieu housing trust fund may be used for activities approved by the COAH for addressing Hamilton Township's low- and moderate-income housing obligation within the Township. Such activities may include and are limited to new construction; the purchase of land for low- and moderate-income housing; extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites; assistance designed to render units more affordable to low- and moderate-income households; and administrative costs necessary to implement Hamilton Township's housing element. The expenditure of all money shall conform to a spending plan approved by COAH. Funds collected are not permitted to be utilized for a regional contribution agreement(s) (RCA).
- (2) No more than 20% of the revenue collected each year shall be expended on administrative costs necessary to develop, revise or implement the element. Examples of eligible administrative activities include personnel, consultant services, space costs, consumable supplies, and rental or purchase of equipment directly related to program activities.

H. Expiration. This section shall expire if:

- (1) COAH dismisses or denies Hamilton Township's petition for substantive certification;
- (2) COAH revokes substantive certification or this section;
- (3) The substantive certification/judgment of compliance expires prior to Hamilton Township's filing an adopted housing element with COAH or the court, petitioning for third round substantive certification, and receiving COAH's approval of this section.]

§ 550-[171]170 through § 550-190. (Reserved)

EXPLANATION Matter UNDERLINED thus in this legislation is new matter.
Matter contained in BRACKETS [thus] is to be omitted from the law.

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

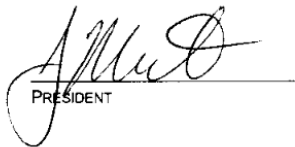
ORDINANCE No. 19-013

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT

All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any Court of competent jurisdiction that any such portion of this Ordinance is unconstitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

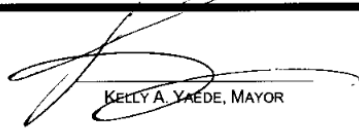
This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.


PRESIDENT


MUNICIPAL CLERK

RECORD OF VOTE													
First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
ILEANA SCHIRMER	✓						ILEANA SCHIRMER	✓				✓	
RALPH V. MASTRANGELO	✓					✓	RALPH V. MASTRANGELO	✓					✓
ANTHONY P. CARABELLI, JR.				✓			ANTHONY P. CARABELLI, JR.	✓					✓
RICHARD L. TIGHE, JR.	✓				✓		RICHARD L. TIGHE, JR.	✓					
JEFFREY S. MARTIN	✓						JEFFREY S. MARTIN	✓					
X - Indicates Vote A.B. - Absent N.V. - Not Voting ORD - Moved SEC - Seconded													

REJECTED _____
APPROVED ✓


KELLY A. YAEDE, MAYOR

4/18/19
DATE

RECONSIDERED BY COUNCIL _____ OVERRIDE VOTE AYE _____ NAY _____

L:\COUNCIL\Ordinance\LANDDEV\2019 Revisions\Sec550-81.Sec550-90.Sec550-91.Sec550-165ThroughSec550-170.AffordableHousingAmendments.3-13-19.doc

EXPLANATION Matter UNDERLINED thus in this legislation is new matter.
Matter contained in BRACKETS [thus] is to be omitted from the law.

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP
OF HAMILTON, COUNTY OF MERCER, STATE OF NEW JERSEY,
FINDING THAT PROPOSED ORDINANCE 19-013 IS IN GENERAL
COMPLIANCE WITH THE TOWNSHIP MASTER PLAN**

WHEREAS, the Township Council of the Township of Hamilton, County of Mercer, State of New Jersey (hereinafter referred to the "Township") has received a copy of proposed Ordinance 19-013 which was adopted on first reading by the Hamilton Township Council on March 19, 2019 (hereinafter referred to as the "Ordinance"); and

WHEREAS, the Ordinance has been referred to the Planning Board pursuant to the provisions of N.J.S.A. 40:55D-26, in order for the Planning Board to make a determination as to whether or not Ordinance is in general compliance with the Township Master Plan; and

WHEREAS, the Planning Board has reviewed and discussed the proposed Ordinance at a public hearing held on March 28, 2019 and has had the input from its professional staff including Richard Williams, P.E., P.P. and Robert Poppert, P.P.; and

WHEREAS, the proposed Ordinance makes needed modifications to the Township Land Use Ordinances, founded in Chapter 550 of the Township Code; and

NOW, THEREFORE, BE IT RESOLVED, this 28th day of March, 2019, by the Planning Board of the Township of Hamilton, County of Mercer, State New Jersey, as follows:

1. The Planning Board finds that the aforementioned Ordinance is in general conformance with the Township Master Plan.
2. The Planning Board recommends that the Township Council adopt on second reading the proposed Ordinance No. 19-013.
3. The Planning Board authorizes and directs the Chairman and Administrative Secretary to execute any and all necessary documents in order to implement the intent of this Resolution.

**DARTI, MURPHY
McGUCKIN, ULAKY,
ROUTESOURIS & CONNORS**

COUNSELLORS AT LAW

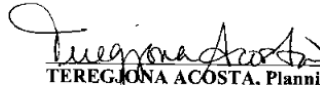
620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

IT IS FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Secretary of the Planning Board to the following:

- (a) The Honorable Kelly Yaede, Mayor;
- (b) Eileen Gore, Township Clerk
- (c) Michael Balint, Esquire
- (d) Robert Poppert, P.P.
- (e) Richard Williams, P.E., P.P.
- (f) Jerry J. Dasti, Esquire.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township Council of the Township of Hamilton at a regular meeting held on the 28th day of March, 2019, a quorum being present and voting in the majority.



TEREGIONA ACOSTA, Planning Board Secretary

Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**
Forked River, New Jersey 08731

**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**
COUNSELLORS AT LAW
420 WEST LARCH ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

Z:\CLIENT MATTERS - GL\Hamilton PB\GL-27801 RESOLUTIONS 2019\Resolution re Ordinance 19-013.doc