

BOROUGH OF DUNELLEN

FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

APPENDIX

DMR ARCHITECTS

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SPENDING PLAN

APPENDIX 2

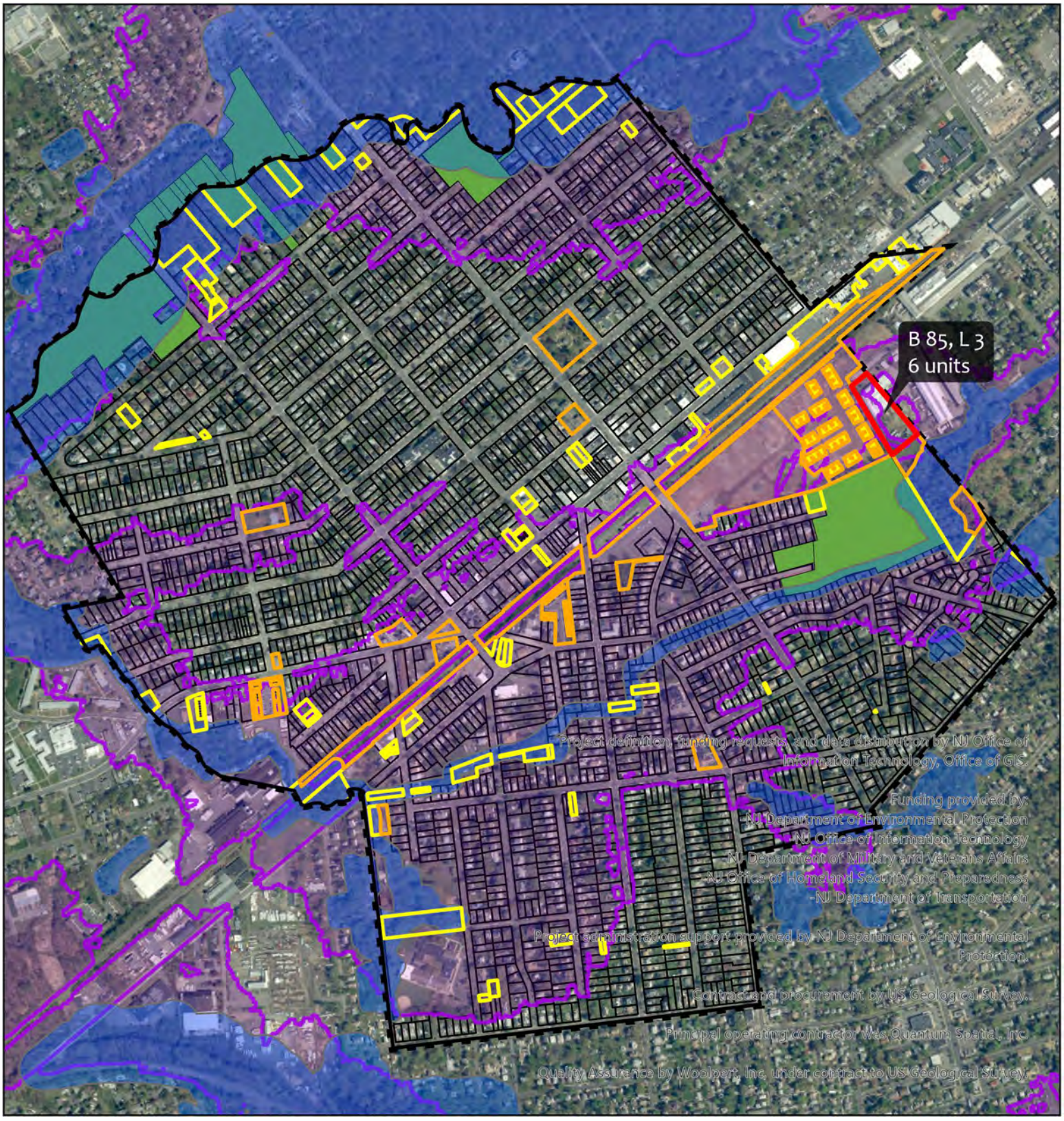
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VACANT LAND ANALYSIS



DUNELLEN FOURTH ROUND VACANT LAND ANALYSIS

Vacant Land Analysis

- RDP Eligible
- Analyzed - Not RDP Eligible
- Environmentally Constrained, Undersized
- Water/Wetland Buffer Areas
- State Open Space Mapping
- NJ Inland Design Flood Elevation (FEMA 1% Chance Annual Flood Plus 3 Feet)(Mapped by Rutgers)
- Dunellen 2024 Parcels

DMR ARCHITECTS

DUNELLEN FOURTH ROUND VACANT LAND ANALYSIS

Address	Block	Lot	Gross Acres	Net Acres	Density* (Unit/Acre)	Total Units	Set-Aside	Notes	RDP
130 SO SECOND ST	85	3	2.30	2.30	10	22	5	Vacant industrial building - so 2nd ave Red. Area	6
100 SOUTH WASHINGTON AVE	85	1.02	6.99	6.99	10	69	14	Developed - The Nell	0
150 NORTH AVE	1	14	0.23	0.23	10	2	0	Approved Third Round Unmet Need Redevelopment Project	0
NORTH AVE	51	4	2.27	2.27	10	22	5	NJT Rail R.O.W.	0
NORTH AVE	51	5	4.80	4.80	10	47	10	NJT Rail R.O.W.	0
	2	19	0.14	0.14	10	1	0	Developed - Assessed on different lot number	0
111 THIRD STREET	9	1.02	0.12	0.12	10	1	0		0
300 N WASHINGTON AVE.	27	1	2.09	2.09	10	20	4	Park	0
205 NO WASHINGTON AVE	30	26	0.52	0.52	10	5	1	Vacant bank building	0
	32	4	0.14	0.14	10	1	0	Parking	0
	32	5	0.17	0.17	10	1	0	Parking	0
	66	12	0.10	0.10	10	1	0		0
	32	14	0.23	0.23	10	2	0	Developed - Assessed on different lot number	0
	32	14.01	0.11	0.11	10	1	0	Developed - Assessed on different lot number	0
400 NORTH AVENUE	33	23	0.23	0.23	10	2	0		0
649 GROVE ST	67	4	0.14	0.14	10	1	0	Parking	0
191 SO. MADISON AVE.	67	7	0.02	0.02	10	0	0	Parking	0
201 GROVE ST	67	3	0.16	0.16	10	1	0	Parking	0
NORTH AVE	51	2	2.45	2.45	10	24	5	NJT Rail R.O.W.	0
171 SO. MADISON AVE.	67	6	0.11	0.11	10	1	0		0
COLUMBIA ST	83	16	0.36	0.36	10	3	0		0
100 SOUTH WASHINGTON AVE	85	1.01	10.20	10.20	10	102	21	Developed - The Nell	0
NORTH AVE	51	6	0.67	0.67	10	6	2	NJT Rail R.O.W.	0
NORTH AVE	51	3	1.87	1.87	10	18	4	NJT Rail R.O.W.	0
	86	4.03	0.24	0.24	10	2	0	Parking	0
118 NEW MARKET RD.	70	12	0.47	0.47	10	4	0		0
813 NO. WASHINGTON AVE.	17	1.02	0.13	0.13	10	1	0		0
452-456 MOUNTAIN VIEW TER	18	8.02	0.89	0.43	10	4	0	Common land for 2-fam	0
THIRD ST	39	12	0.04	0.04	10	0	0		0
SANFORD AVE	37	12	0.98	0.98	10	9	2	Park	0
MOUNTAINVIEW TERR	40	10	0.26	0.26	10	2	0		0
THIRD ST	39	11	0.13	0.13	10	1	0		0
UNKNOWN LOCATIONS	78	32.03	0.00	0.00	10	0	0		0
308 OAK PARKWAY	74	18	0.02	0.02	10	0	0		0
264 NEW MARKET ROAD	73	4	0.62	0.62	10	6	2	Former church, flood hazard encumbered	0
384A WHITTIER AVE.	61	22.01	0.05	0.05	10	0	0		0
226 WHITTIER AVE	63	7	0.20	0.14	10	1	0		0
623 WALNUT ST	60	51	0.12	0.12	10	1	0		0
391-395 FAIRVIEW AVE.REAR	60	33	0.07	0.07	10	0	0		0
390 FAIRVIEW AVENUE	57.01	2.02	0.20	0.20	10	1	0	Developed - Assessed on different lot	0

DUNELLEN FOURTH ROUND VACANT LAND ANALYSIS

236 SO. MADISON AVE	54	18.02	0.57	0.11	10	1	0		**0**
495 BOUND BROOK RD	50	1	0.10	0.10	20	1	0		**0**
BOUND BROOK RD	50	2	0.46	0.46	20	9	2	Parking lot for active uses	**0**
501-513 NORTH AVE	65	1	0.22	0.22	20	4	0		**0**
656 BOUND BROOK RD	34	22	0.11	0.11	15	1	0		**0**
NORTH AVENUE	51	1.01	4.33	3.42	10	34	7	NJT Rail R.O.W.	**0**
129 PULASKI STREET	53	13	0.11	0.11	10	1	0		**0**
131 PULASKI ST	53	12	0.20	0.20	10	1	0		**0**
140 PULASKI ST	52	4.01	0.06	0.06	10	0	0	Gravel parking and storage area	**0**
142 PULASKI ST	52	4	0.04	0.04	10	0	0	Gravel parking and storage area	**0**
144 PULASKI ST	52	3	0.03	0.03	10	0	0	Gravel parking and storage area	**0**
146 PULASKI ST	52	2	0.03	0.03	10	0	0	Gravel parking and storage area	**0**
648-654 NORTH AVE	49	18.03	0.30	0.30	10	3	0	Common condo parking and lawn area	**0**
675 BOUND BROOK RD	49	36.02	1.03	1.03	10	10	2	Common condo parking and lawn area	**0**
HIGH & HALL ST	55	11	1.92	0.25	10	2	0		**0**
213-223 HALL ST	55	5	0.58	0.27	10	2	0		**0**
CENTER STREET	57.02	27.03	0.16	0.16	10	1	0		**0**
421 HIGH ST.	57.02	26.05	0.07	0.07	10	0	0		**0**
768 BOUND BROOK RD	48	16	0.24	0.07	10	0	0		**0**
741 BOUND BROOK ROAD	49	42.09	0.46	0.32	10	3	0	Common condo parking and lawn area	**0**
PEARL PL	83	18	5.15	0.81	10	8	2	Vacant land, floodplain constrained	**0**
PEARL PL	83	18	5.15	0.71	10	7	2	Open Space	**0**

*****Densities are hypothetical for the purposes of the analysis. Third Round Vacant Land Analysis used 10 units per acre.

APPENDIX

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RESOLUTION DECLARING AFFORDABLE HOUSING OBLIGATIONS

01-21-2025: # 53

RESOLUTION OF THE BOROUGH OF DUNELLEN ESTABLISHING THE BOROUGH'S FOURTH ROUND PRESENT AND PROSPECTIVE AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the New Jersey Supreme Court declared that the discriminatory use of zoning powers was illegal and provided, as a matter of constitutional law, that each developing municipality "must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of low and moderate income," In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1, 6 (2015) ("**Mount Laurel IV**"), citing S. Burlington County. NAACP v. Township of Mount Laurel ("**Mount Laurel I**"), 67 N.J. 151, 179, 187, appeal dismissed and cert. denied, 423 U.S. 808, 96 S. Ct. 18, 46 L. Ed. 2d 28 (1975), and that this constitutional obligation requires that towns must provide "a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing," Id., citing S. Burlington County NAACP v. Township of Mount Laurel ("**Mount Laurel II**"), 92 N.J. 158, 205 (1983), (together with Mount Laurel I, the "**Mount Laurel Doctrine**"); and

WHEREAS, pursuant to Mount Laurel IV, the Borough of Dunellen (the "**Borough**") filed a declaratory judgment action on July 7, 2015, entitled "In the Matter of the Application of the Borough of Dunellen" Docket No. MID-L-3947-15, seeking a judicial declaration that its Housing Element and Fair Share Plan ("**3rd Round HEFSP**") satisfied the "fair share" of the regional need for very low - low- and moderate-income housing, pursuant to the Mount Laurel Doctrine; and

WHEREAS, that culminated in a settlement agreement with Fair Share Housing Center ("**FSHC**") on March 18, 2016; and

WHEREAS, on December 16, 2016, the Court entered a Final Judgment of Compliance and Repose, granting the Borough immunity from Builder's Remedy lawsuits until July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. (hereinafter "**A4**") into law, amending the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 (the "**Act**") and establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the Mount Laurel doctrine for the years 2025 – 2035 (the "**Fourth Round**"); and

WHEREAS, A4 required the New Jersey Department of Community Affairs (the "**DCA**") to produce non-binding estimates of need for present and prospective need for low- and moderate- income housing in each municipality for the Fourth Round on or before October 20, 2024; and

WHEREAS, on October 18, 2024, in furtherance of such requirement, the DCA issued a report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" (the "**DCA Report**") which report established the final calculation and obligations for each municipality in New Jersey, including the Borough; and

WHEREAS, the DCA Report calculated the Borough's Fourth Round obligation as follows: a Present Need or Rehabilitation Obligation of 79 and a Prospective Need or New Construction Obligation of 23; and

WHEREAS, Section 3 of A4 provides "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of A4; and

WHEREAS, the Borough's professionals, including legal counsel and affordable housing consultants, utilized the formulas established in sections 6 and 7 of A4 and have determined to accept the DCA estimate of need as described in the DCA Report; and

WHEREAS, A4 provides that a municipality shall adopt a binding resolution determining the present and prospective fair share obligation no later than January 31, 2025; and

WHEREAS, the Borough's calculation of need is entitled to a "presumption of validity" as it complies with Sections 6 and 7 of A4; and

WHEREAS, the Borough specifically reserves the right to adjust the Fourth Round Obligation calculated by DCA based the following adjustments or others identified during the process of promulgating a Fourth Round Housing Element and Fair Share Plan ("**4th Round HEFSP**"): 1) a "windshield survey" or similar survey which accounts for a lower estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water or both); 4) an adjustment to the Land Capacity Factor; and/or 5) an adjustment predicated upon regional planning entity formulas, inputs, or considerations, including, but not limited to the County and State Regional Master Plan; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves all rights and positions, without prejudice, to revoke this resolution and commitment in the event of a successful challenge to A4 in the context of Borough of Montvale, et al. v. State of New Jersey, Docket No. MER-L-1778-24 or any other such action challenging A4 or calculations of Fourth Round Present or Prospective Obligations, or any legislation adopted and signed into law by the Governor of New Jersey altering the deadlines and/or requirements of A4; and

WHEREAS, in addition to the foregoing, nothing in A4 requires or can require an increase in the Borough's Fourth Round Present or Prospective Need Obligations based on a

successful downward challenge of any other municipality in the region since the plain language and clear intent of A4 is to establish, for example, unchallenged numbers by default on March 1, 2025; and

WHEREAS, pursuant to the Administrative Directive #14-24, dated December 13, 2024 (the "**Directive**"), implementing the Affordable Housing Dispute Resolution Program (the "**Program**"), a municipality seeking certification with the Act, shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located; and

WHEREAS, the Borough authorizes the filing of a declaratory judgment action pursuant to the Directive within forty-eight hours after the adoption of this resolution to seek compliance with the Act; and

WHEREAS, the Borough further authorizes its professionals to prepare the 4th Round HEFSP and present the same for adoption prior to June 30, 2025; and

WHEREAS, in light of the above, the Borough finds it is in the best interest of the Borough to declare its Fourth Round Present and Prospective Need Obligations, authorize the filing of a declaratory judgment action pursuant to the Directive, and direct its professionals to prepare a 4th Round HEFSP, all in accordance with A4.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Dunellen, in the County of Middlesex, New Jersey, as follows:

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The Borough's Fourth Round obligation is adopted as follows: a Present Need or Rehabilitation Obligation of 79 and a Prospective Need or New Construction Obligation of 23, as described above, and subject to all reservations of rights, including but not limited to:

A. The right to adjust the number based on one or any of the following: a windshield survey, vacant land assessment, durational adjustments, variations in the Land Capacity Factor, and/or regional planning inputs; and
B. The right to revoke this resolution in the event of a successful legal challenge to A4 or the Act, any legislative changes to A4 and signed into law by the Governor, or to the calculations of Fourth Round Present or Prospective Obligations.

Section 3. The Borough authorizes its professionals to file a declaratory judgment action within forty-eight hours after the adoption of this resolution in order to comply with the Directive.

Section 4. The Borough further authorizes its professionals to prepare the 4th Round HEFSP and present the same for adoption prior to June 30, 2025.

Section 5. This resolution shall take effect immediately.

Approved January 21, 2025

Mayor of the Borough of Dunellen

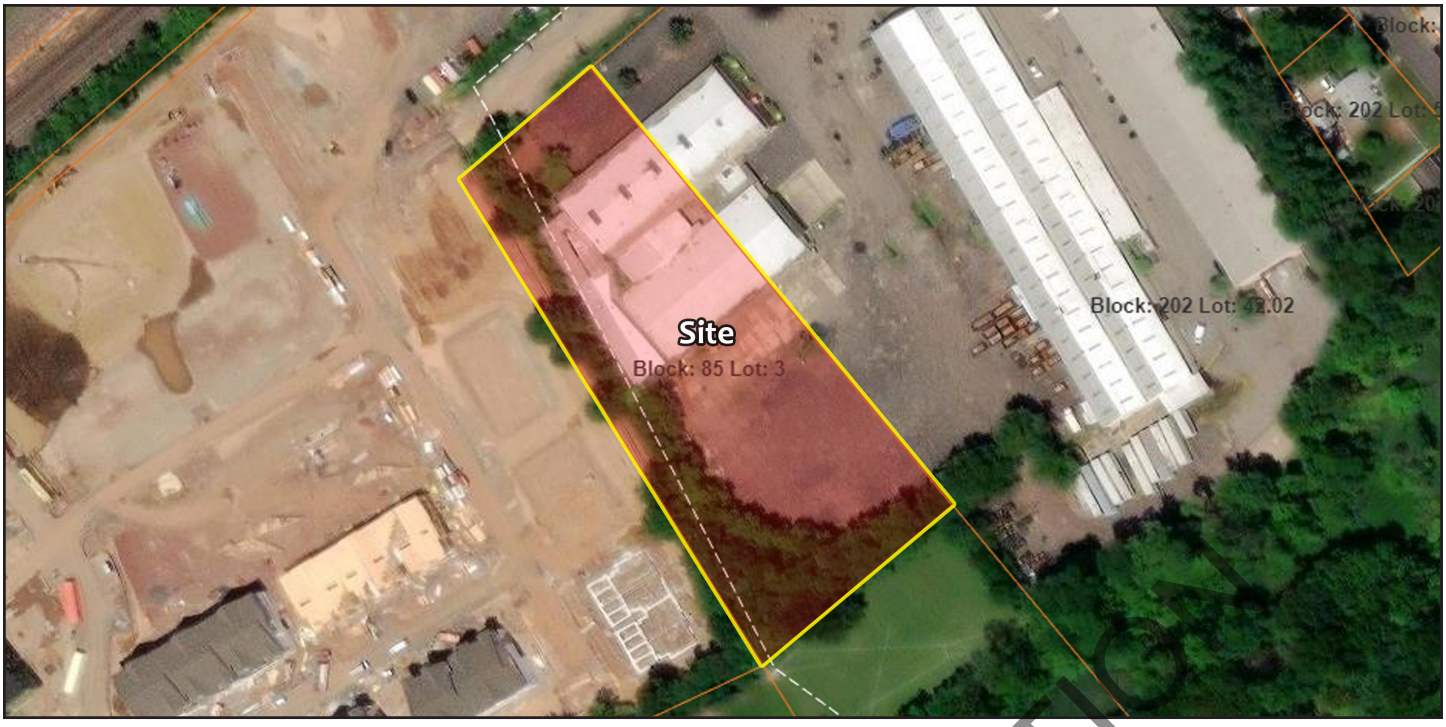
I *certify* the foregoing to be a true and correct abstract of a resolution regularly passed at a meeting of the Council of the Borough of Dunellen, held on January 21, 2025 and in that respect a true and correct copy of its minutes.

Municipal Clerk of the Borough of Dunellen

APPENDIX

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130 SOUTH 2ND AVENUE DRAFT REDEVELOPMENT PLAN



South Second Street Redevelopment Plan

Block 85: Lot 3

BOROUGH OF DUNELLEN,

MIDDLESEX COUNTY, NEW JERSEY

June 2025

DRAFT
PENDING ADOPTION

Prepared By:
DMR Architects
777 Terrace Avenue
Hasbrouck Heights, NJ 07604

Daniel Hauben, PP, AICP, LEED
License#: LI00630300

Date: June 2025

DRAFT
PENDING ADOPTION

ACKNOWLEDGEMENTS

Mayor and Council

Mayor Jason F. Cliento

Council President Cole Sigmon

Councilwoman Teresa Albertson

Councilwoman Crisol-Iris Lantz

Councilman William Scott

Councilwoman Trina Rios

Councilman Hal VanDermark

Borough Administration

Administrator - William Robins, RMC

CFO - Scott Olsen

Clerk - Lauren Staats

Construction Official - Michael Rossi

Zoning Officer - Michael Mullin

Planning Board

Roger Dornbierer - Chairman

Adam Gordon -Vice Chair

Mayor Jason Cliento

Erik Walker - Member

Thomas D'Amico - Member

Theresa Ratner - Member

Barbara Seif - Member

Christopher Brillante - Alt Member

Robert Krause - Alt Member

William Scott-Council Member

Derryck White-Secretary

Planning Board Secretary

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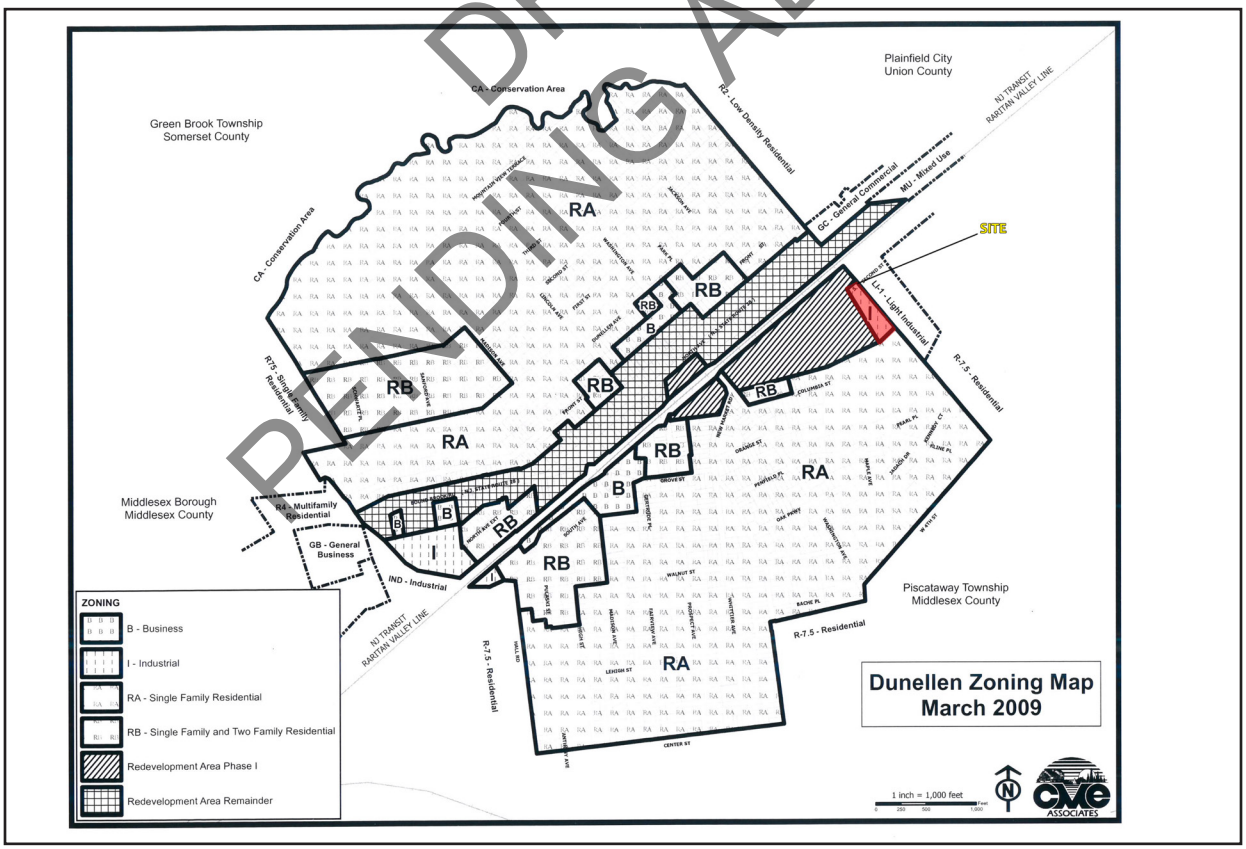
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BACKGROUND INFORMATION

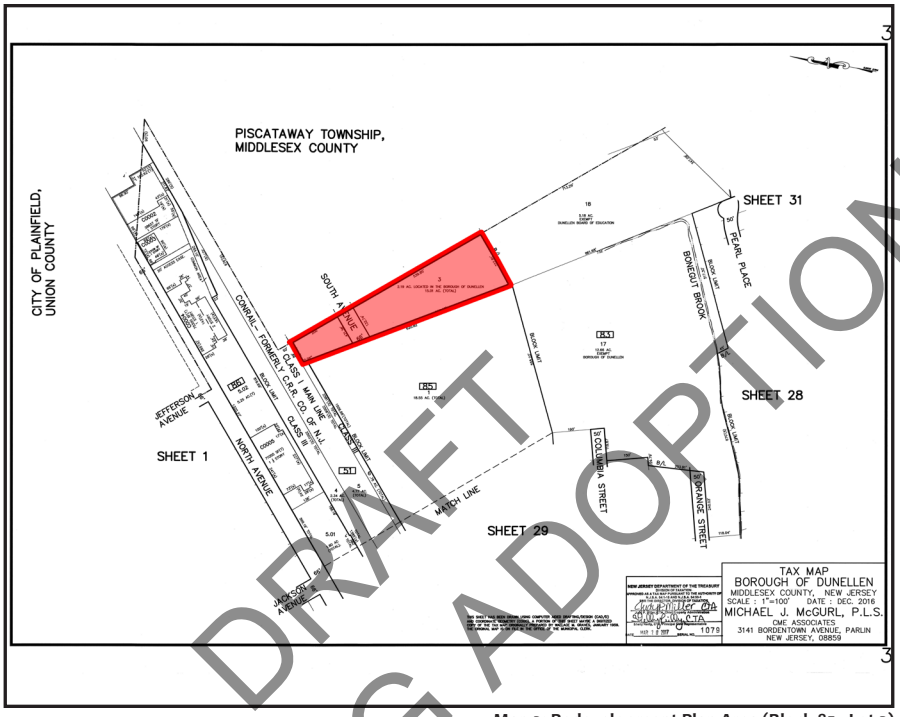
Borough of Dunellen:

The Borough of Dunellen is a primarily residential community at the northern edge of Middlesex County N.J. approximately 30 miles southwest of New York City. It lies astride N.J State Highway Route 28 and the Raritan Valley rail line of New Jersey Transit. The Dunellen Station on the Raritan Valley Line provides commuter rail service to Newark ,N.J. and from there to New York. It is bordered on the south by Piscataway Township in Middlesex County, on the north by Green Brook Township in Somerset County , on the east by the City of Plainfield in Union County and on the west by Middlesex Borough in Middlesex County. Dunellen is a small borough containing only 1.06 square miles. The 2020 population according to the U.S. Census was 7,637. The Borough enjoys the nickname of " The Miracle Mile " owing to its thriving downtown.

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Map 1: Borough of Dunellen - Zoning Map



Map 2: Redevelopment Plan Area (Block 85 - Lot 3)



Map 3: Redevelopment Plan Area (Block 85 - Lot 3)

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1. INTRODUCTION:

1.A: STATUTORY BASIS FOR THE REDEVELOPMENT PLAN:

This Redevelopment Plan has been prepared for Block 85 , Lot 3 (" Redevelopment Area ") within the Borough of Dunellen in Middlesex County , N.J. in the LI-1 Light Industrial Zone south of the Raritan Valley Line. It abuts the Township of Piscataway. On March 3, 2023 the Borough Council of the Borough of Dunellen adopted a resolution directing the Planning Board of the Borough of Dunellen to conduct an investigation to determine whether Block 85 , lot 3 meets the criteria set forth in the LRHL to be designated as a non-condemnation area in need of redevelopment. Subsequently, the Planning Board on June 26, 2023 determined that the property met the criteria under the LRHL to be designated as a non-condemnation area in need of redevelopment and the Borough Council adopted resolution 04-15-2024:#131 designating the property as a non-condemnation area in need of redevelopment . The Borough Council of the Borough of Dunellen adopted resolution No. 83 on February 3, 2025 which authorized DMR Architects to prepare a redevelopment plan for the Redevelopment Area pursuant to the LRHL.

1.B: DESCRIPTION OF THE REDEVELOPMENT AREA:

The subject property currently contains an abandoned warehouse/office facility and adjacent gravel parking lot surrounded by a chain linked fence. Immediately to the west is a new residential community, "The Nell", across South Washington Avenue from Dunellen Train Station and Dunellen Public Library. These units are part of the Downtown Redevelopment area.

1.C: OBJECTIVES OF THE REDEVELOPMENT PLAN

1. Facilitate a comprehensive integrated approach to redevelopment of the site for a multi-family residential development as a principal permitted use along with related customary accessory uses.
2. A unified integrated design that ensures the proper relationship and visual and physical linkages of building location, parking, landscape amenity, architectural elements, public open spaces, vehicular and pedestrian circulation features, access to the surrounding road network and utilities.
3. The overall approach to the site's redevelopment shall incorporate specified smart growth principles including such issues as compact building design; promotion of a distinctive, attractive community with a strong sense of place while permitting planned growth in an area of the community with established infrastructure.

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2. GENERAL PROVISIONS:

2.A: SITE PLAN & SUBDIVISION REVIEW:

Prior to commencement of any construction within the Redevelopment Area, a site plan prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Land Development Ordinance of the Borough of Dunellen shall be submitted by the applicant for review specific to this Redevelopment Plan for completeness and compliance, prior to any submission to the Planning Board, so that compliance with the Redevelopment Plan can be determined. This shall also pertain to revisions or additions prior to, during and after completion of the improvements.

2.B: ADVERSE INFLUENCES:

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

2.C: NON-DISCRIMINATION PROVISIONS:

No covenant, lease, conveyance or other instrument shall be affected or executed by the Borough Council or by the developer or any of his/her successors or assignees, whereby land within the Redevelopment Area is restricted upon the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, or sex in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. Any contractor or subcontractor engaged to perform work within the Redevelopment Area shall, where applicable, state in all solicitations or advertisements for employees placed by or on behalf of the contractor, or subcontractor, that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability or sex.

There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, or sex in the sale, lease, use or occupancy thereof.

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2.D: DURATION OF THE PLAN:

The provisions of this Redevelopment Plan and the restrictions with respect thereto shall be in effect for a period of thirty (30) years from the date of approval by the Borough Council.

2.E: DEVIATION REQUESTS:

In accordance with N.J.S.A. 40:55D-70 c(1), the Planning Board may grant variances allowing deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic

conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any such regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon the developer of such property.

In accordance with N.J.S.A. 40:55c(2), the Planning Board may also grant such relief where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of the Plan and the benefits of the deviation would substantially outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this Redevelopment Plan.

An application for a variance from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a & b.

Notwithstanding the above, any changes to the uses permitted in the Redevelopment Area, any deviation from any of the Conditional Uses or any change requiring a "d" variance in accordance with N.J.S.A. 40:55D-70 shall be permitted only by means of an amendment of the Redevelopment Plan by the Borough Council and only upon a finding that such amendment would be consistent with and in furtherance of the goals and objectives of the Plan.

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2.F: PROCEDURE FOR AMENDING THE APPROVED PLAN:

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of State law. If the designated redeveloper requests such amendment said redeveloper shall pay for reasonable consulting costs, fees and expenses to undertake such amendment.

3. REDEVELOPMENT PLAN COMPONENTS:

3.A: REQUIRED COMPONENTS OF THE REDEVELOPMENT PLAN:

N.J.S.A. 40A:12A-7 requires that a redevelopment plan include an outline for the planning, development, or redevelopment, of the Redevelopment Area sufficient to indicate the following:

1. Its relationship to definite local objectives as to appropriate land use, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provisions for the temporary and permanent relocation, as necessary for residents in the project area, including an estimate of the extent of which decent, safe, and sanitary dwelling units affordable to displace residents will be available to them in the existing local housing market.
4. An identification of any property within the redevelopment area, which is proposed to be acquired in accordance with this plan.
5. Any significant relationship of the redevelopment plan to:
   - The master plans of contiguous municipalities;
   - The master plan of the county in which the municipality is located;
   - The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act" P.L. 1985, c.398 (C.52:18A-196 et al.).
6. An inventory (as of the date of the adoption of the resolution finding the area to be in need of redevelopment) of all housing units affordable to low and moderate income households, as defined pursuant to N.J.S.A. 52:27D-304, that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.
8. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.
9. The redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," N.J.S.A. 52:27D-301 et seq. and the housing element of the municipal master plan.
10. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the redevelopment plan applies. Notwithstanding the provisions of the "Municipal Land Use Law,"

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P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no notice beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the redevelopment plan or subsequent amendments thereof.

All provisions of a redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

3.B: NOTE ON PLAN TERMINOLOGY:

Throughout this Redevelopment Plan, a distinction is made between "shall" and "should."

"Shall" means that a developer is required to comply with the specific regulation, without deviation. "Should" means that a developer is encouraged to comply, but is not required to do so.

3.C: TEMPORARY AND PERMANENT RELOCATION:

The Local Redevelopment and Housing Law requires that any redevelopment plan make adequate provision for temporary or permanent relocation of any resident in the project area. The designation does not permit condemnation and the property does not currently include any residential units so the relocation requirement is not applicable.

3.D: IDENTIFICATION OF PROPERTY TO BE ACQUIRED:

The Local Redevelopment and Housing Law requires that any redevelopment plan identify any property within the redevelopment area, which is proposed to be acquired in accordance with the redevelopment plan. The area has been designated as a non-condemnation Redevelopment Area; as such, the Borough is not authorized to use eminent domain and to acquire any properties within the Redevelopment Area.

3.E: AFFORDABLE HOUSING:

The redevelopment area within Dunellen shall provide six (6) affordable units, which shall comply in all ways with the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1, any applicable requirements of P.L. 2024, c.2., and any affordable housing statues and regulations adopted subsequent to the adoption of this Redevelopment Plan.

3.F: LONG TERM FINANCING CONSIDERATIONS:

Long term financing is not contemplated for this project.

3.G: TRAFFIC STUDY:

A traffic study shall be provided as a part of any site plan submission to the Planning Board. The analysis should forecast additional traffic associated with both the proposed development and taking into account all approved and constructed projects within a 1/2 mile. The study should determine vehicular and pedestrian improvements necessary to accommodate the proposed development to help ensure safe and

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reasonable traffic conditions and reduce the negative impacts created by the development for existing intersections within the 1/2 mile study area.

3.H: PUBLIC ELECTRIC VEHICLES:

This redevelopment plan requires the identification of appropriate locations for the development of zero-emission vehicle fueling and charging infrastructure in compliance to P.L. 2021, c171, the State's electric vehicle supply/service equipment (EVSE).

3.I: EXISTING ZONING:

The subject properties are located within the Borough of Dunellen LI-1 Light Industrial Zone, where warehousing facilities are permitted. However, as of recently the Light Industrial zones regulations were abolished by the Borough with the assumption that there would not be a significant amount of industrial development in the future. However, the zone is still in tact, and listed on the Borough's official Zoning Map. The property is by law and regulation still subject to the requirements put forth in the most recent version of the Borough's LI-1 Light Industrial zoning ordinance.

3.J: MASTER PLAN CONSISTENCY:

The Redevelopment Plan for Block 85 , lot 3 is consistent with the goals and objectives of the Borough of Dunellen Master Plan of 2011 and the Master Plan Reexamination of 2023. The Redevelopment Plan for Block 85 , lot 3 is essentially an extension to the Downtown Redevelopment Plan which encompassed a significant area of the Borough extending up to the subject property boundary. The Redevelopment Plan will not adversely affect the Master Plan or zoning of Piscataway or any other neighboring municipality. The Redevelopment Plan is consistent with several objectives of both the 2011Master Plan and 2023 Reexamination including:

1. Promotion of the redevelopment plan
2. Allow for the creation of housing choices for a wide range of income levels
3. Advance strategies for meeting the Borough's affordable housing obligation

The redevelopment area is contiguous to the Township of Piscataway which, in the area of Block 85 , lot 3, is similarly zoned as light industrial and which is also a redevelopment area proposed for similar residential uses.

The redevelopment area as proposed is consistent with the goals and objectives of the Middlesex County Growth Management Plan which encourages redevelopment.

The N.J. State Development and Redevelopment Plan (SDRP) includes Dunellen and the subject property in the PA 1 Metropolitan Planning Area. The SDRP policy objectives indicate that much of the State's development and development should occur in PA 1. In particular, the subject redevelopment area is consistent with PA 1 policy objectives related to land use, housing , economic development and redevelopment.

MLUL Purposes:

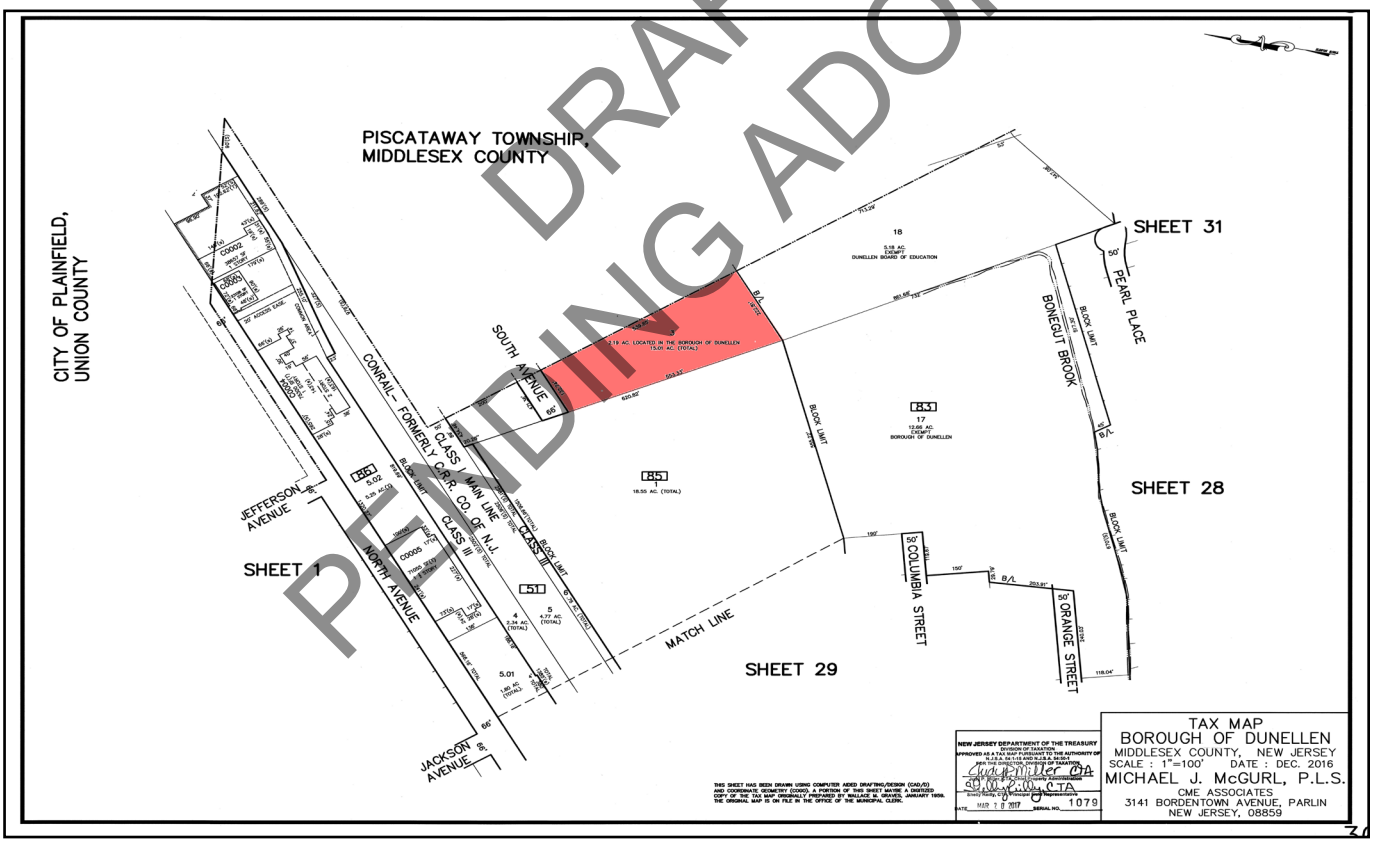
1. Purpose A: To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.

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2. Purpose E: To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.
3. Purpose I: To promote a desirable visual environment through creative development techniques and good civic design and arrangement.
4. Purpose M: To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

   Consistency Comment: This redevelopment plan proposes multi-family residential within the recommended areas of the Land Use Plan map. It promotes appropriate development in areas that will not adversely affect existing single family neighborhoods with development techniques that are appropriate and in context wit the surrounding area. Further it is located in an area with existing infrastructure that represents a efficient use of the land.

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Map 3: Redevelopment Plan Area (Block 85 - Lot 3)

4. ZONING / BULK STANDARDS:

4.A: PERMITTED LAND USES:

The following uses are the primary permitted uses in the Redevelopment Plan:

1. Stacked Townhomes

4.B: PERMITTED ACESSORY USES FOR ALL PERMITTED USES:

1. Lobbies on the ground floor providing access to residential uses on the upper floors
2. Loading spaces and docks, recycling and refuse storage areas
3. Roads, parking lots, garages and driveways
4. Turf, planted areas and open space areas
5. Sidewalks and plazas
6. Recreation facilities, provided that such facilities are not commercial in operation and are restricted to the use of the occupants of the project.
7. Other uses that are permitted provided they are accessory and subordinate to the principle permitted use and are for the exclusive use by and benefits of residents and their guest including:
   a. Management and Leasing Office
   b. Conference center, meeting room
   c. Fitness Center
   d. Amenities
   e. Storage lockers / facilities
   f. Bicycle storage
   g. Services
8. Accessory structures shall comply in all respects with the requirements of the principal structure.
   a. No accessory structure shall be located closer to the street right-of-way line than the required front yard setback of the principal use.
   b. No portion of an accessory structure shall include living quarters except parking structures as an accessory use may contain residential over the structure.
9. When an accessory structure is attached to the principal structure, it shall comply in all respects with the requirements applicable to the principal structure.
10. In no event shall the height of an accessory structure exceed the height of the principal building.

4.C: BULK REQUIREMENTS:

1.	Minimum Lot Area:	2.0 ac
2.	Maximum Number of Units:	35 un
3.	Minimum Affordable Units:	20%
4.	Minimum Setback Front Yard:	N/A

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5. Minimum Setback Rear/Side Yard: 20 ft
6. Minimum Setback Buffer to Nonresidential use: 20 ft
   - Setback may be reduced to 0 ft when directly abutting a compatible residential setback.
7. Maximum Building Coverage: 25%
8. Internal Standards:
   - Minimum Building Setback from Road: 20 ft
   - Minimum Building to Building Separation:
     - Front to Front/Side: 70 ft
     - Side to Side: 35 ft
     - Rear to Rear: 45 ft
     - Rear to Side: 40 ft
9. Maximum Building Height: 45 ft
10. Maximum Building Length: 180 ft
11. Maximum Units per Building: 12 un

4.D: PARKING AND CIRCULATION REQUIREMENTS:

1. **Parking Requirements:**

The minimum parking requirements for the Redevelopment Area are as follows:

Number of Bedrooms	*Parking Ratio*
2 Bedroom unit	1.5 sp per unit
3 Bedroom unit	2.0 sp per unit
4 Bedroom unit	2.5 sp per unit

Notes:

a. When the formula for required parking spaces results in a fraction of a space exceeding 0.49, a full space shall be required.
b. Up to 10% of the required parking stalls may be designated for compact cars.
c. Electronic vehicle parking and "make-ready" parking spaces shall be provided in accordance with State statutes and/or Borough parking standards codifying such statutes.
d. Accessory uses do not require parking.
e. Dead-end parking aisles shall include room to allow vehicles to safely reverse out of spaces at the end of the aisle.

2. **Setback Maneuvering:** No surface parking space or parking space maneuvering area is permitted within any required parking setback, except driveways providing access to the parking area may be installed across these areas.

3. **Handicapped Accessible Parking Requirements:** Required per statute

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4. **Additional Off-Street Parking Regulations:**
   a. Off-street parking space dimensions shall be 9'-0" x 18'-0".
   b. Perpendicular (90-degree) Off street parking spaces shall be accessed by aisles 24'-0" in width.

5. **Off-Street Loading:** Buildings and structures, excluding parking structures, subject to the provisions of this section, must provide off-street service/delivery parking spaces, also known as loading spaces.

5. DEFINITIONS:

5.A: DEFINITIONS:

It is the intention of this Redevelopment Plan to supersede the existing zoning (except as noted herein) as provided under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. The definitions of the Borough Land Use Ordinance (Section 115 – 7 Definitions) shall apply to this plan , unless this plan provides a superseding definition within this document.

6. CONCEPTUAL SITE PLANS / RENDERINGS:

6.A: REDEVELOPMENT ILLUSTRATIVE PLANS:

The Illustrative Plan provides the design of the site including the development of 30 stacked townhomes units (6 of them are affordable units) with a 3-story residential building over a surface grade garage parking area beneath the townhome. The design standards in this section shall apply to the redevelopment area.

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Figure 1: Existing Conditions
Courtesy of KHovnanian Homes

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Figure 2: Existing Site Plan
Courtesy of KHovnanian Homes



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Figure 3: Conceptual Site Plan with Affordable Housing
Courtesy of KHovnanian Homes



Figure 4: Conceptual Exterior Elevation
Courtesy of KHovnanian Homes

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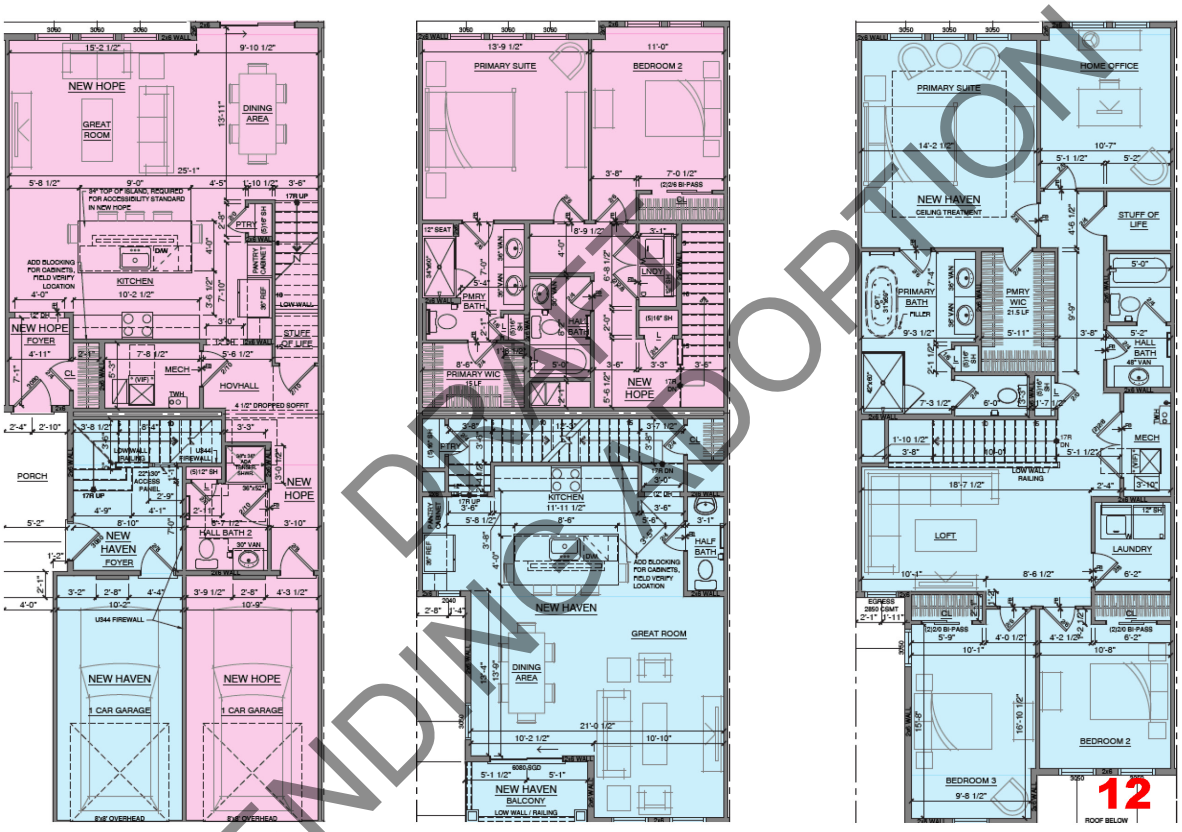


Figure 5: Conceptual Elevations -Affordable Stacked Townhomes
Courtesy of KHovnanian Homes

SOUTH SECOND STREET
DUNELLEN, NJ
FLOORPLANS–STACKED TOWNHOMES

KHovnanian Homes

NEW HAVEN : 2254 SQFT : 26' X 64' – 10'
NEW HOPE : 1624 SQFT : 26' X 64' – 10'



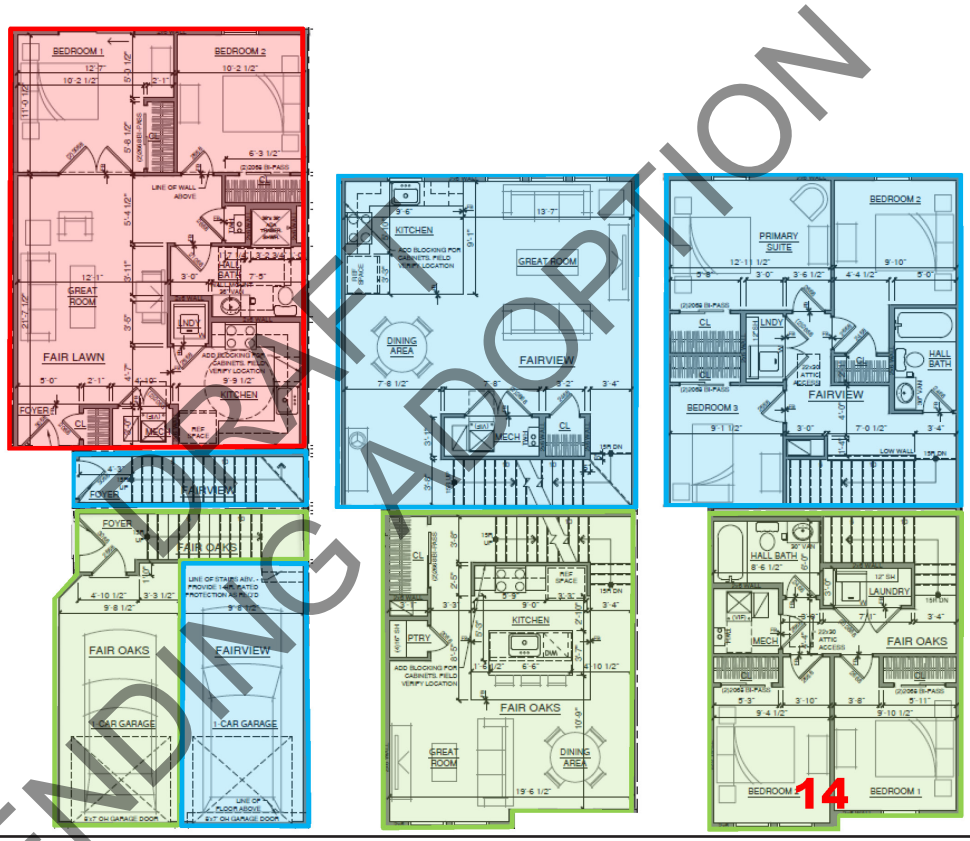
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Figure 6: Conceptual Floor Plans-Stacked Townhomes
Courtesy of KHovnanian Homes

SOUTH SECOND STREET
DUNELLEN, NJ
FLOOR PLANS

KHovnanian Homes

AFFORDABLE STACKED TOWNHOMES 3-STORY – 24' X 64'
FAIR LAWN – 753 SQFT
FAIR OAKS – 998 SQFT
FAIRVIEW – 1,259 SQFT



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Figure 7: Conceptual Floor Plans
Courtesy of KHovnanian Homes

7. DESIGN STANDARDS

The design standards in this section provide the criteria for the redevelopment area. Any future development is subject to these provisions and shall be built in accordance with the minimum design standards specified in this section.

7.A: BUILDING ARCHITECTURAL MATERIALS & CHARACTER:

1. All buildings shall be constructed with high quality materials that reinforce pedestrian scale.
2. Primary building materials shall include: manufactured stone veneer, concrete sills, cement board siding, and brick masonry and aluminum and glass. Vinyl siding of any kind is strictly prohibited.
3. Elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color, and other sculpturing of the base are strongly recommended and should be provided to add special interest.
4. Special attention must be given to the design of entrances to the buildings.
5. Buildings shall be broken up vertically into a base, a middle and a top and horizontally into bays, through the use of building articulation or change in materials.

7.B: MECHANICAL EQUIPMENT SCREENING:

1. All mechanical equipment shall be screened.
2. All rooftop mechanical equipment including cell phone antennae shall be screened from view from all adjacent public streets, open spaces and parks in all directions to minimize the negative impact from the street.
3. Screening materials shall be consistent with the architectural detail, color and materials of the building; Wire mesh screening is not permitted.
4. If wall pack ventilation units are being used they are required to compliment the adjacent building material color.

7.C: LIGHTING/SIGNAGE:

1. All lighting and signage shall meet the requirements of the Borough of Dunellen Zoning Ordinance.

7.D: LANDSCAPE / STREETSCAPE STANDARDS:

1. Street Trees: Trees are required for every 50 linear feet of street or roads internal to the site subject to the standards in items A through E under this section.
   a. Street tree species shall be reviewed and approved by the Borough Engineer at site plan application.
   b. No tree shall be planted which is identified by the New Jersey Department of Environmental Protection as an invasive species.
   c. Trees should be installed at a 3.0" to 3.5" caliper.
   d. Prior to installation a 4'-0" by 8'-0" minimum area should be treated and prepared for tree root growth.

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e. A min. 2 year watering plan shall be put into place.

2. **Interior Landscape Planting:**
   a. Planting islands not located under the building shall be provided at the end of all parking.
   b. For trees located in a planting island with a minimum area of 150 square feet of pervious surface.

7.E:ON-SITE LANDSCAPING AND SCREENING:

1. **Screening from Adjacent Properties:**
   a. There shall be a minimum planted buffer that meets the setback requirements along any property line which shall have a minimum 1 tree and 5 shrubs for every 500 square feet of buffer area.
   b. Existing trees shall be preserved within 10 feet of all property lines that do not front a public street.
2. **Other Required Screening**: The following uses must be screened from abutting property and view from a public street:
   a. Surface parking shall be screened from the public right of way with a minimum 3 foot high masonry wall or permanent landscape evergreen hedge.
   b. On-site dumpsters, recycling containers (except for recycling containers located at recycling collection centers), or solid waste handling areas in side yards shall be screened with a closed 6 foot tall fence on 3 sides, except that the exterior building wall may be used in lieu of fencing on one side when the storage area is adjacent to the building.

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8. CONSISTENCY WITH STATE DEVELOPMENT AND REDEVELOPMENT PLANS:

8.A: STATE DEVELOPMENT AND REDEVELOPMENT PLAN (SDRP):

In reviewing the New Jersey State Development and Redevelopment Plan Volumes 1 - 4 the following information pertains to goals and policies for a program of rehabilitation which discuss the development and redevelopment policies for urban areas.

1. **Volume II – State Plan Goals and Policies include the following:**
   a. Revitalize the State's Cities and Town Centers: Revitalize New Jersey's cities and towns by investing wisely and sufficiently in improvements in their infrastructure systems, public spending programs, tax incentives and regulatory programs to leverage private investment and to encourage infill and redevelopment in ways that are consistent with the State Plan's vision and goals.
   b. Promote Beneficial Economic Growth: Promote beneficial economic growth in locations and in ways that improve the quality of life and the standard of living for all New Jersey residents by providing infrastructure in advance of, or concurrent with, the impacts of new development sufficient to maintain adequate facility standards, by encouraging partnerships and collaborative planning with the private sector and by capitalizing on the State's strategic location, economic strengths including its existing business enterprises, entrepreneurship, the research and development capacity of its institutions of higher learning, skilled workforce, cultural diversity and logistic facilities in ways that are consistent with the State Plan's vision and goals.
   c. Protect the Environment, Prevent and Clean up Pollution: Protect the environment, prevent and clean up pollution by planning for growth in compact forms at locations, densities and intensities that protect land, air and water quality, allow expeditious regulatory reviews and encourage multi-modal transportation alternatives to the automobile to help achieve and maintain acceptable air quality standards.
   d. Provide Adequate Public Facilities and Services at Reasonable Cost: Provide adequate public facilities and services by supporting investments based on comprehensive planning and by providing financial incentives for jurisdictions that cooperate in providing public infrastructure and shared services. Encourage the use of infrastructure needs assessments and life-cycle costing. Provide adequate public facilities in ways that are consistent with the State Plan's vision and goals.
   e. Increase Energy Efficiencies and Reduce Greenhouse Gas Emissions: Increase Energy Efficiencies and Reduce Greenhouse Gas Emissions by promoting the improved coordination and integration of transportation planning and land-use planning and decision-making to reduce vehicle miles traveled (VMT); and by the citing, development, design and use of green-building construction materials and techniques in ways that are consistent with the State Plan's vision and goals.
2. **The State Planning Act (N.J.S.A. 52:18A-196 et seq.) states:**
   a. "Among the goals of the act is the following: … conserve its natural resources, revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate public

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services at a reasonable cost while promoting beneficial economic growth, development and renewal."

b. "It is in the public interest to encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services and facilities, giving appropriate priority to the redevelopment, repair, rehabilitation or replacement of existing facilities and to discourage development where it may impair or destroy natural resources or environmental qualities that are vital to the health and well-being of the present and future citizens of this state." (N.J.S.A. 52:18A-196 (d))

3. **The State Plan Policy Map (SPPM):**

a. Recognizes that New Jersey requires different approaches in its Metropolitan, Suburban, Rural and Environmentally Sensitive Planning Areas. The New Jersey State Development and Redevelopment Plan adopted by the State Planning Commission, places the Borough of North Arlington in Planning Area 1 - the Metropolitan Planning Area and states.

b. The Metropolitan Planning Area: This Planning Area includes a variety of municipalities that range from large Urban Centers to 19th century towns shaped by commuter rail and post-war suburbs. The Communities in this Planning Area have strong ties to major metropolitan centers – New York/Newark/Jersey City metropolitan region; the Philadelphia/Camden/Trenton Metropolitan Region; and on a smaller scale the Easton/Phillipsburg Metropolitan Region.

c. These municipalities have many things in common: mature settlement patterns; infrastructure systems that are approaching their reasonable life expectancy; an aging housing stock in need of rehabilitation; recognition that redevelopment will be the predominant form of growth; and a growing realization of the need to regionalize services and systems. In addition, the wide and often affordable choice of housing in proximity to New York and Philadelphia has attracted significant immigration, resulting in noticeable changes in demographic characteristics overtime.

d. **In the Metropolitan Planning Area, the State Plan's intent is to do the following:**

i. Provide for much of the State's future development and redevelopment;
ii. Revitalize Cities and Towns;
iii. Take advantage of increased densities and compact building design;
iv. Encourage distinctive, attractive neighborhoods with a strong sense of place;
v. Provide for mixed-use concentrations of residential and commercial activity;
vi. Create a wide range of residential housing opportunities and choices with income mix;
vii. Provide for a variety of multi-modal transportation alternatives;
viii. Prioritize clean-up and redevelopment of brownfields and greyfields sites;
ix. Create cultural centers of state-wide significance;
x. Re-design any existing areas of low-density sprawl.

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APPENDICIES

Resolutions Authorizing Investigation & Redevelopment Plan

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01-09-2023: #9

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN, NEW JERSEY, THAT:

DMR Architects is awarded a contract to undertake a Preliminary Investigation and Redevelopment Need Study Preparation for Block 85, Lot 3, at a cost not to exceed $12,450.00.

DRAFT PENDING ADOPTION

Approved 1/9/2023

Mayor of the Borough of Dunellen

Clerk of the Borough of Dunellen

I *certify* the foregoing to be a true and correct abstract of a resolution regularly passed at a meeting of the Common Council of the Borough of Dunellen, held

1/9/2023

and in that respect a true and correct copy of its minutes.

Clerk of the Borough of Dunellen

02-03-2025: # 83

RESOLUTION OF THE BOROUGH OF DUNELLEN
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
AUTHORIZING DMR ARCHITECTS TO PREPARE REDEVELOPMENT PLAN FOR BLOCK 85 LOT 3

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

WHEREAS, on March 3, 2023 the Borough Council of the Borough of Dunellen ("Council") adopted Resolution 03-06-2023: #2 directing the Planning Board of the Borough of Dunellen ("Planning Board") to conduct an investigation to determine whether certain property located within the Borough and designated as Block 85, Lot 3 on the Borough's official tax map, more commonly known as 130 South 2nd Street (the "Property") meets the criteria set forth in the LRHL to be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, on June 26, 2023, at its duly noticed regular meeting the Planning Board conducted a hearing on whether the Property met the criteria under the LRHL to be designated as a non-condemnation area in need of redevelopment and reviewed the investigation report prepared by DMR Architects dated April 2023; and

WHEREAS, on June 26, 2023 the Planning Board determined that the Property met the criteria under the LRHL to be designated as a non-condemnation area in need of redevelopment and adopted a resolution recommending that the Property be so designated, which resolution was transmitted to the Council; and

WHEREAS, on April 15, 2024, the Council adopted Resolution 04-15-2024:#131 designating the Property as a non-condemnation area in need of redevelopment; and

WHEREAS, pursuant to the LRHL the Council desires to authorize DMR Architects to prepare a redevelopment plan for the Property.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Dunellen, County of Middlesex, State of New Jersey, as follows:

1. That DMR Architects shall and hereby is authorized to prepare a redevelopment plan for the Property pursuant to the LRHL, at a cost to be determined by redevelopment counsel or planner, to be charged to account number 5-01-21-181-000-299 under Purchase Order #25-00243.

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Approved February 3, 2025

Mayor of the Borough of Dunellen

I *certify* the foregoing to be a true and correct abstract of a resolution regularly passed at a meeting of the Council of the Borough of Dunellen, held on February 3, 2025 and in that respect a true and correct copy of its minutes.

Lauren Staato

Municipal Clerk of the Borough of Dunellen

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APPENDIX 7

DOWNTOWN REDEVELOPMENT PLAN

Amended and Restated Dunellen Downtown Redevelopment Plan,

Phase 1

Borough of Dunellen

Middlesex County

Adopted by the Dunellen Borough Council

May 16, 2016

Amended June 7th, 2021

Amended February 7th, 2022

Amended July 5th, 2022

Amended July 3rd, 2023

Downtown Redevelopment Plan

Borough of Dunellen Mayor and Council

Mayor Robert J. Seader

Council President:	Kenneth Baudendistel
Councilman:	Kevin Andrew Bachorik
Councilman:	Kenneth Bayer
Councilman:	Jason Cilento
Councilman:	Jeremy Lowder
Councilman:	Joseph Petracca

Borough of Dunellen Planning and Zoning Board

Members	Class Membership
Roger Dornbierer, Chairman	I
Robert Krause, Co-Chairman	IV
Thomas D'Amico	III
Barbara Seif	IV
Randee Staats	IV
Adam Gordon, Secretary	IV
Scott Luthman	II
Kenneth Bayer, Councilman	IV
Mayor Robert J. Seader	

Consultants

Middlesex County Improvement Authority
Richard Pucci, Executive Director
Donna Rendeiro, Director of Economic Development

DeCotiis, Fitzpatrick, Cole & Wisler, LLP
Francis X. Regan, Esq.

CME Associates
3141Bordentown Avenue
Parlin, NJ 08859
Michael J. McClelland, P.E., P.P., C.M.E.
Bruce J. Rydel, P.P., AICP

Law Offices of Robert F. Dato
313 Amboy Avenue
Woodbridge, NJ 07095
Robert F. Dato, Esq.

As to Amended and Restated Downtown Redevelopment Plan (May 2016):

CME Associates
Jennifer Beahm, P.P., AICP

Windels Marx Lane & Mittendorf, LLP
Sandy L. Galacio, Jr., Esq.

As to Amended and Restated Downtown Redevelopment Plan (amended February 2022):

Borough of Dunellen Mayor and Council

Mayor Jason F. Cilento

Council President:	Trina Rios
Councilwoman:	Teresa Albertson
Councilwoman:	Jessica Dunne
Councilman:	Joseph Paltjon
Councilman:	Daniel Cole Sigmon
Councilman:	Harold VanDermark

Borough of Dunellen Planning and Zoning Board

Members

Roger Dornbierer, Chairman
Barbara Seif, Member
Thomas D'Amico, Member
Adam Gordon, Member
Theresa Ratner, Member
Erik Walker, Member
Christopher Brillante, Alternate Member
Robert Krause, Alternate Member
Michael Mullin, Zoning Officer
Stacy Narvesen, Council Member

Lauren Staats, Secretary
Jason Cilento, Mayor

Consultants

DMR Architects
Francis Reiner,, PP, LLA
Gabriel Bailer, PP, AICP

Windels Marx Lane & Mittendorf, LLP
Charles B. Liebling, Esq.
Sandy L. Galacio, Jr., Esq.

As to Amended and Restated Downtown Redevelopment Plan (amended July 2023):

Borough of Dunellen Mayor and Council

Mayor Jason F. Cilento

Council President:	Trina Rios
Councilwoman:	Teresa Albertson
Councilwoman:	Jessica Dunne
Councilman:	Joseph Paltjon
Councilman:	Daniel Cole Sigmon
Councilman:	Harold VanDermark

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Thomas D'Amico, Member
Adam Gordon, Member
Theresa Ratner, Member
Erik Walker, Member
Christopher Brillante, Alternate Member
Robert Krause, Alternate Member
Michael Mullin, Zoning Officer
Stacy Narvesen, Council Member
Lauren Staats, Secretary
Jason Cilento, Mayor

Consultants

DMR Architects

Francis Reiner,, PP, LLA
Daniel Hauben, PP, AICP, LEED Green Associate

Windels Marx Lane & Mittendorf, LLP
Charles B. Liebling, Esq.
Sandy L. Galacio, Jr., Esq.

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SECTION 1 - INTRODUCTION

1.1 Introduction

During the past few years, the Borough of Dunellen has focused its efforts to an ongoing project to redevelop its downtown or "Main Street," which are North Avenue and Bound Brook Road (State Highway 28) from the municipal boundaries with the City of Plainfield in the east to the Borough of Middlesex in the west. This area also includes Washington Avenue (County Road 529) from Front Street (north) to New Market Road (south) (County Road 665). The decline of industry and the increase of storefront vacancies prompted this effort.

To revitalize this area, the Mayor and Council have determined that one of the most effective planning and implementation strategies is the use of the redevelopment process in accordance with the Local Redevelopment and Housing Law (N.J.S.A. 40A: 12A-1 et seq.). It is the conjunction of Washington Avenue at New Jersey Transit's Raritan Valley Line and North Avenue that is the epicenter of Dunellen Downtown Center, and the catalyst for the redevelopment of the Borough's "Main Street" district.

The purpose of the 2016 Amended and Restated Dunellen Downtown Redevelopment Plan is to consolidate the various amendments to the plan that have occurred since its initial adoption in 2003, to address the requirements of the project proposed for Site #3, and to incorporate the terms and conditions of the settlement agreement concluded with Fair Share Housing Center in connection with the Borough's Mt. Laurel litigation captioned In the Matter of the Application of the Borough of Dunellen, County of Middlesex, Docket No. MID-L-3947-15.

SECTION 2 - DESIGNATION OF AREA AND PLAN DEVELOPMENT

2.1 Designation of Redevelopment Area

The process, consistent with Local Redevelopment and Housing Law, followed by the Borough in the determination as to the area's qualification and designation as an area in need of redevelopment, is summarized as follows:

- The Dunellen Borough Council on October 15, 2001 authorized the Dunellen Planning Board to conduct a preliminary investigation as to whether the study area qualifies as an area in need of redevelopment.

- To assist the Dunellen Planning Board in that preliminary investigation, the Borough of Dunellen retained the firm of DeCotiis, Fitzpatrick, Cole and Wisler, LLP ("DeCotiis"). The Middlesex County Improvement Authority ("MCIA") also assisted the Borough in its redevelopment efforts. In addition, the Planning Board Chairman created a sub-committee of Planning Board members to conduct a study and survey of the area and prepare a report on the findings of the survey, entitled “Report on a Study to Determine the Qualification of the Dunellen Downtown Redevelopment Study Area as a Redevelopment Area” undated as referred to in resolution of the Borough of Dunellen Borough Council dated October 15, 2001. This report had been reviewed and revised by DeCotiis and the MCIA to assure consistency with the requirements of the Local Redevelopment and Housing Law.

- The Dunellen Planning Board at their December 9, 2002 meeting scheduled a public hearing for February 24, 2003 at which time the matter of the designation of the area as an area in need of redevelopment would beconsidered.

- Prior to the hearing, a legal notice was published twice In the Borough's official newspaper and a map of the area and statement as required by statute was prepared and the owner of record of all the properties in the studyarea were duly notified of the hearing.

- At the hearing, the Dunellen Planning Board considered information and objections both oral and written and made them parts of the public record.

- The Dunellen Planning Board, after due consideration of applicable documentation and objections, recommended to the Dunellen Borough Council by resolution granted April 28, 2003 and memorialized May 12, 2003,that the study area be designated as an area in need of redevelopment.

- After receiving the recommendation of the Dunellen Planning Board, the Dunellen Borough Council adopted a resolution dated May 5, 2003 determining the area in need of redevelopment.

- Block 83, Lot 1 was designated as an area in need of redevelopment by the Borough Council on October 2, 2019 after study and recommendation by the Dunellen Planning Board.

- Block 85, Lot 2 was designated as an area in need of development by the Borough Council on December 2, 2019 after study and recommendation by the Dunellen Planning Board.

2.2 Redevelopment Plan Preparation Process

After the Dunellen Borough Council determined that the area was in need of redevelopment, a redevelopment plan was prepared and adopted by ordinance by the Dunellen Borough Council. The process, consistent with the Local Redevelopment and Housing Law, that was followed by the Borough in the preparation and adoption of a redevelopment plan is summarized as follows:

The Dunellen Borough Council authorized the Dunellen Planning Board to prepare a redevelopment plan for the area.

- To assist the Dunellen Planning Board, the Borough of Dunellen originally retained DeCotiis, Fitzpatrick, Cole and Wisler, LLP. The Middlesex County Improvement Authority also assisted in preparing the first edition of the required redevelopment plan. In February of 2004, the Planning Board retained Robert Dato, Esq., as Planning Board attorney, and CME Associates, as Planning Board planner.

- The redevelopment plan was considered by the Dunellen Planning Board following the public hearing at which time the Planning Board recommended adopting the redevelopment plan.
- The Dunellen Planning Board after considering the redevelopment plan provided a report to the Dunellen Borough Council of its recommendation concerning the redevelopment plan.

- The Dunellen Borough Council considered the redevelopment plan for adoption as an ordinance. The redevelopment plan, last revised on July 12, 2004, was adopted by ordinance on August 9, 2004. The redevelopment plan was subsequently amended by ordinance on June 6, 2011, August 5, 2013, November 3, 2014 and February 22, 2016.

SECTION 3 - STATUTORY REQUIREMENTS OF REDEVELOPMENT PLAN

3.1 Statutory Requirements

According to the “Local Redevelopment and Housing Law", the redevelopment plan shall include an outline for the planning, development, redevelopment or rehabilitation ofthe area sufficient to indicate:

1. Its relationship to definitive local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;

2. Proposed land uses and building requirements in the project area;

3. Adequate provision for the temporary and permanent relocation as necessary of residents in the project area including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market;

4. An identification of any property within the Redevelopment Area which is proposed to be acquired in accordance with the Redevelopment Plan;

5. Any significant relationship of the Redevelopment Plan to:

    - The Master Plans of contiguous municipalities;

    - The Master Plan of the County in which the municipality is located; and

    - The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act" P.L. 1985, c.398 (C52:18A-196 et al.).

SECTION 4 - REDEVELOPMENT AREA DESCRIPTION AND CONTEXT

4.1 Description of the Redevelopment Area

As a result of the Planning Board reexamining the original redevelopment plan, it was decided that a phased timing approach would better suit the needs of the Borough by focusing first on redevelopment of the Dunellen Downtown Center. One or more subsequent phases 'may be considered' to address the remaining areas identified in the determination of need study. This Redevelopment Plan is applicable to the following properties located in the Borough of Dunellen, County of Middlesex, State of New Jersey, identified as the Dunellen Downtown Redevelopment Area, Phase I. consisting of Blocks and Lots as depicted on the Official Tax Map of the Borough of Dunellen, and as shown on the attached "Redevelopment Area Map" that has been determined by the Dunellen Planning Board and the Dunellen Borough Council as an area in need of redevelopment:

Phase 1-Redevelopment Area

Area	Block Number	Lot Number
Site#1 South side of North Avenue between Prospect Avenue South Washington Avenue, and NJ Transit property	69	1, 1.01, 2, 2.01, and 3
Site#2 South Washington Avenue, New Market Road, Prospect Avenue, and NJ Transit property	70	13 and 13.01
Site #3 South Washington Avenue between NJ Transit property and Columbia Street I(Art Color Property)	83 85	1 1 and 2

This Redevelopment Plan also considers the following properties located in the Borough of Dunellen, County of Middlesex, State of New Jersey as future areas to be redeveloped consistent with the initial Dunellen Redevelopment Area.

Downtown Core – Redevelopment Area

Area	Block Number	Lot Number
Between North Avenue and Front Street between North Washington Avenue and Jackson Avenue	2	10, 11.01, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20
Between North Avenue and Front Street between Lincoln Avenue North Washington Avenue	32	1, 2, 3, 4, front of 7, front of 11, entirety of 14.01, 14, 15, 16, 17, front of 18, entirety of 19, 20, 21, 22, 23, 24, 24.01, front of 25, entirety of 26, 27, 28

North Avenue between Madison Avenue and Lincoln Avenue	33	14, 14.01, 15, 16, 17, 18, 19, 20, 21, 22, 23
Bound Brook Road from Sanford Avenue to Madison Avenue	34	10.01, 22, 23, 24, 24.01, 25, 26, 27.01, 27.02, 28, 29,30, 31,32, 33, 34, 35,36, 37, 38, 38.01, 38.02
Bound Brook Road from Middlesex border to Pulaski Street	49	25, 26, 27.01, 28, 29, 30, 31, 32, 33, 34, 35,
Bound Brook Road between Pulaski Street and Madison Avenue and bordered on NJ Transit	50	1, 2, 3, 4, 5, 6
Rail Right of Way	51	1, 2 & 3 – NJ Transit property
Bordered by Bound Brook Road, Madison Avenue and North Avenue	65	1
North Avenue between Madison Avenue and Prospect Street	66	1, 2, 3, 4, 5, 6.01, 7, 8, 9,10.01, 10.02, 11, 12,13,14,15.01, 15.02,16,17,17.01,18,19,20
South east corner of North Avenueand North Washington Avenue to NJ Transit property, and northeast tothe Plainfield City border	86	1, 3

Transition Areas

Area	Block Number	Lot Number
Bound Brook Road from Sanford Avenue to Middlesex Border north side of street	48	16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28
Bound Brook Road from Sanford Avenue to Middlesex Border south side of street	49	37, 38, 39.01, 39.02, 40, 41, 43, 44
North Avenue from Jackson Avenue to Plainfield City border north side of street	1	14, 15.01, 15.02, 16, 17, 18, 19, 20, 21, 22, 23

Front Street Transition Area

Area	Block Number	Lot Number
Front Street between Washington Avenue and Lincoln Avenue	32	5, 6, rear of 7, entirety of 8, 9, 10, rear of 11, entirety of 12, 13, rear of 18, rear of 25

Flex Transition Area

Area	Block Number	Lot Number
North Avenue from Jackson	86	2, 4, 4.02, 4.03, 5

Avenue to Plainfield City border, south side of street		

4.2 Redevelopment Area Context

The Borough of Dunellen is located in the northwest section of Middlesex County, approximately thirty miles southwest of New York and sixty-five miles northeast of Philadelphia. Encompassing approximately one square mile, Dunellen has an estimated 2010 population of 7,227 persons. Abutting the communities of Plainfield in Union County, Green Brook in Somerset County and Piscataway and Middlesex in Middlesex County, Dunellen is traversed by State Highway Route 28, which is the Borough's main street running east/west. State Highway Route 22 is located about one mile north of and parallel to Route 28 Washington Avenue (County Road 529) runs north/south intersecting North Avenue and is a major connection to Interstate 287 and Route 22.

The Borough is a developed residential community with a central commercial area. In the center of the business district is a train station served by the New Jersey Transit Raritan Valley line that terminates at Newark Penn Station. The train station is viewed by the Borough as a key element of the redevelopment of the area. The area is also served by two bus lines.

Like many similar urban communities, Dunellen has experienced the loss of manufacturing jobs that developed along the rail lines in the early 20th century. While the loss of jobs and ratables has impacted the community and resulted in a lack of investment in the business district, the rail lines continue to be a focus of the Borough with commuters from the Borough and surrounding communities using the train station to access jobs in the employment centers of Newark, Jersey City and New York City. The rail line still represents opportunities for the Borough's future. But rather than as a center of manufacturing, the Borough happens to be a center for residential and commercial development, which takes advantage of its location near the train station.

The redevelopment area is located generally in the center of the Borough along the Borough’s main commercial thoroughfare, North Avenue/Bound Brook Road (State Highway 28), which intersects with Washington Avenue (County Road 529). The area includes all properties along North Avenue from Bound Brook Road to Jefferson Avenue, Bound Brook Road from Madison Avenue to Borough of Middlesex border, together with properties along Washington Avenue from Columbia Street to Front Street. The south side of Front Street between Lincoln Avenue and Jackson Avenue are also included in the redevelopment area.

4.3 Existing Land Uses

The Redevelopment area as noted above encompasses the entire downtown commercial area. The area includes approximately 150 properties varying in use. The area consists of more than 70 acres, excluding the rail right-of-way. The uses include retail, office, residential, industrial, public and vacant land.

Approximately two-thirds of the area is zoned B-Business which permits typical commercial uses, along with both single and two-family dwellings. The area zoned B-

Business is generally located along North Avenue/Bound Brook Road. The RB-Two family residential zone is located along Bound Brook Road between Madison Avenue and Pulaski Street.

The generality of uses noted in the redevelopment area may be summarized as follows:

4.3.1 Retail Uses

As may be expected in a business district, retail uses are the most significant land use in the area. The majority of these land uses are located on the ground floor of the structures located along North Avenue from Madison Avenue to Jefferson Avenue with some retail uses being located on North Washington Avenue.

4.3.2 Residential Uses

Residential uses comprise almost one-third of the properties in the area. This excludes apartments that may be located above or behind retail uses. The presence of single and two-family dwellings in the study area, while permitted by zoning is inconsistent with the typical downtown business district.

4.3.3 Industrial Uses

The two major Industrial properties in the area are the former Art Color property that consists of approximately 19 acres with 450,000 square feet of warehouse and manufacturing space; and the former National Starch property also on North Avenue, much of which remains vacant, except for a warehouse that has been converted to an indoor ice rink.

4.3.4 Public Uses

The public uses located in the area include Borough Hall at the corner of North and Prospect Avenues, the public library on New Market Road and the extensive holdings of the Dunellen Parking Authority, which include the Skinner Plaza parking lot on South Washington Avenue, public parking along the rail embankments and along Front Street, and two buildings on Front Street.

4.3.5 Vacant Land

There are two unimproved parcels on Bound Brook Road between Madison Avenue and Pulaski Street that are presently used for storage of vehicles and equipment numbered Block 49, Lot 29, and Block 34, Lot 28.

4.3.6 Other Uses

There are at least eight (8) automotive related uses including a gas station in the area.

SECTION 5 - PLAN GOALS AND OBJECTIVES

5.1 Plan's Goals

In general, the Plan attempts to revitalize the Borough's economic base and create locations for new job opportunities and locations for uses that are currently in demand. The specific goals of the Plan are as follows:

1. To promote the effective use of all the Redevelopment property and to increase the property tax base of the Borough.

2. To improve utilization of the land in the Redevelopment Area, which by virtue of its proximity to transportation could be more effectively employed for the community benefit.

3. To revitalize the area with the inclusion of land uses of appropriate type scope and scale to meet the demands of the market area.

4. To remediate contaminated sites as part of the redevelopment process.

5. To create a new mixed-use area, including multi-family residential uses and affordable housing.

6. To promote the creation of job opportunities in the Borough that will provide opportunities for both existing residents as well for others in the area.
7. To improve business opportunities through promotion of new and diverse economic activities.

8. To maximize the leveraging of public and private funds to accomplish comprehensive redevelopment of the area.

9. To redevelop land occupied by obsolete structures and uses.

10. To improve property values within the area to increase local revenues.

11. To enhance the image of the area.

12. To improve the public image elements of the streetscape through landscaping, street furniture, paving, lighting and pedestrian linkages.

5.2 Plan's Objectives

1. Physical Objectives - to enhance the physical environment present in the redevelopment area including the following:

    - Eliminate physical and functional deterioration by removing structures, which are either substandard, functionally obsolete, or exert an adverse influence on the area.

    - Support private and public improvements intended to develop an attractive and

aesthetically pleasing environment for residents, workers and users ofthe area.

2. Land Use Objectives – to support better land use in the redevelopment areaincluding the following:

    - Support and create new residential uses appropriate to the redevelopment area as a means of expanding the vitality of the area;

    - Discourage industrial uses which are nonconforming to the zoning codes and detrimental to the surrounding neighborhood.

3. Transportation Objectives - objectives to support transportation initiatives in the redevelopment area including the following:

    - Continue the NJDOT enhancement program by bringing decorative lightsfrom the train station down into the business district.

    - Construct a shared parking deck on the existing lot for both commuters and consumers.

    - Encourage the improvement through consolidation and redesign of existing public and private parking areas throughout the redevelopment area. In particular, in the rear of properties in Block 32 commonly known as the block fronting on North Avenue and Front Street between Lincoln Avenue and North Washington Avenue and Block 66 commonly known as the block fronting on North Avenue between Madison Avenue and Prospect Avenue.

    - Enhance traffic flow through the parking deck to maximize efficient traffic flow and allow access to downtown shops.

    - Create pedestrian oriented and Transit Village oriented development as the town's central focus.

4. Recreational Objectives - to support recreational uses in the redevelopment area to include the following:

    - Require large development parcels to provide a portion of the developed area for recreation and open space use.

5. Other Public Improvements Objectives - to support the upgrading of public infrastructure such as sewers, streets, sidewalks and similar public improvements.

6. Economic Objectives - to support economic development initiatives in the redevelopment area of the redevelopment plan.

    - Encourage economic development and related activities, which will support increased employment opportunities, tax ratables, and economic growth in the area and borough.

- Support private and public investment in the area, which will tend to generate economic growth and expanded employment opportunities in the area and borough.

- Leverage private capital investment with available state and federal programs.

SECTION 6 - REDEVELOPMENT OPPORTUNITIES

6.1 Redevelopment Opportunities

The Redevelopment Area is located in the center of the Borough, paralleling State Highway Route 28 and County Road Route 529. Based upon such assets as itsregional location, train station, public parking, visibility from the adjacent roadways and the desire of the Borough leaders and private property owners to effectuate change, the development opportunities for the area are significant. The Plan recognizes all these features and provides the groundwork for the development of varied uses that integrate the principles of comprehensive planning. During the Borough's redevelopment planning process, it has divided the Redevelopment Area into seven (7) sub-districts to encourage redevelopment in an orderly and deliberate fashion**.** The following is a summary of those areas and the types of uses the Borough envisions for the redevelopment of the areas:

6.2 Site #1. Train Station North- (Block 69/All Lots)

This area is located in the heart of downtown Dunellen and includes the entire south side of the block along North Avenue from Washington Avenue to Prospect Avenue. North Avenue (State Highway 28) is the major north/south road through the center ofthe Borough. Washington Avenue is a major county connector road between Route 22 in Green Brook and Route 287 in Piscataway. Borough Hall is located on the opposite corner of Prospect Avenue.

The entire area is approximately 1.84 acres and consists of a gas station, the Borough post office, a Provident Bank branch with drive-up window, a parking lot for municipal business and the police and municipal employee parking lot. The parking lot has been identified as a brownfield site.

Due to its prime location in the downtown, this area is a priority for redevelopment. The redevelopment area should be redeveloped to include a full-service municipal complex envisioning municipal offices including all police functions, library relocation and other "Towne Center" amenities such as the Post Office, a bank, and retail establishments. This assemblage should maximize utilization of the real estate in this central location contemplating structured parking and three or four story massing taking full advantage of the location for central services.

Approximately 50% of the area is presently used for parking to support the bank, post office, train station and Borough Hall. The shared use of this parking should be better defined in order to enhance the viability of the area. While this parking is necessary, it is unattractive and inefficient. Ideally, structured parking to accommodate the master municipal complex, post office, bank, and retail/office should be constructed. The parking areas may be enhanced with the construction of a small plaza with planting areas and street furniture to create a “sense of place". This will require coordination and cooperation amongst the Borough, the bank and the post office. Generally, these types of users are amenable to cooperating with these types of civic improvements.

Since this area is at the center of the downtown area, with the train station, Borough Hall and post office all in close proximity, it is the place where many visitors first

experience Dunellen. Therefore, focusing the redevelopment of this area in this manner should enable the Borough to achieve immediate visible improvements. The redeveloper should include in his proposal the interaction of this main site with Sites 2 and 3 in order to create a harmonious redevelopment setting with all three sites having some degree of pedestrian/Transit Village orientation.

The redevelopment of the former gas station property will unlikely be achieved through the use of private financing by the developer. It is anticipated that the developer would contribute toward the enhancement of the area's public improvements. The Borough has received grant funding to pay for part or all of the site investigation and remediation.

The improvements proposed such as a small plaza, landscaping, parking lot improvements and street furniture will be paid for through a variety of sources including public and private funds. Federal, state, county and local funds, including community development block grants, N.J. Transit, N.J.D.O.T., along with funds from the private property owners will be used.

This site must include the appropriate number and type of affordable housing units as required by the State of New Jersey affordable housing laws that are in place at the time the site is developed.

While this Plan envisions that this site will be redeveloped with non-residential uses, the Borough shall require any redevelopment project containing a residential component to include an affordable housing set-aside for qualified low and moderate income individuals and households in accordance with the Borough's Housing Element and FairShare Plan prepared February 1, 2016, as may be amended from time to time, and the terms of the settlement agreement between the Borough and the Fair Share Housing Center (FSHC) in the Matter of the Application of the Borough of Dunellen, County of Middlesex, Docket No. MID-L-3947-15. Any redevelopment project containing a residential component shall provide a mandatory minimum fifteen percent (15%) affordable housing set-aside for rental units and a mandatory twenty percent (20%) set- aside for for-sale units. In the event that the inclusionary set-aside percentage (15% for rentals / 20% for-sale) of the total number of residential units does not result in a full integer refer to §89-13.B(4) of Dunellen's code. Such units shall be constructed, marketed, administered and occupied by income eligible households in accordance with the Uniform Housing Affordability Controls (UHAC, N.J.A.C. 5:80-26.1 et seq.).

6.3 Site #2. Train Station South- (Block 70/Lot 13 and 13.01)

This area is located on the other side of the railroad from the Train Station North area and is adjacent to the N.J. Transit train station and the Borough's library. The property is triangular in shape and is 2.88 acres in size. It is owned by the Borough and used for public parking, primarily for commuter use. The parking lot is currently operated by the Dunellen Parking Authority. The neighborhood located south of the area is primarily single family residential.

This area is attractive for redevelopment due to its location adjacent to the train station and the fact that it is already owned by the Borough. However, the cooperation of the Parking Authority is required due to its leasing of the property for public parking. The

redevelopment of this area may also require the relocation or reconfiguration of the library's parking lot. Alternatively, the library should ideally be incorporated into the new municipal complex and the library and surface parking of this tract replaced with structure parking and retail/office.

The goals for redeveloping this area include an increase in the number of public parking spaces, while encouraging new development with a mix of commercial uses. Due to the nearby single family residential uses, the height of any structures will be limited to no more than three stories. The redeveloper should include in its proposal, the interaction of this site with Sites 1 and 3 in order to create a harmonious redevelopment settingwith all three sites having some degree of pedestrian/Transit Village orientation. The site should contain a pedestrian feature so as to permit those utilizing the site to gain access to the other sites. Integrated into the design for this site should be a covered bus station.

It is likely that the South Washington Avenue/New Market Road frontage would include ground floor commercial with parking or residential above. The interior of the area, near the train station, should be developed with multi-level parking connected to the South Washington Avenue development and the train station.

It is anticipated that the Borough, in conjunction with the Parking Authority, would utilize a request for proposal process to solicit redevelopment proposals from developers for this area. Any development would be privately financed. The public parking componentof the project would be constructed and financed through creative means to reduce the Borough's need to incur public debt. The Borough's ownership of the project area should provide it greater flexibility in structuring financing for the parking. Also, the involvement of the Parking Authority and its ability to issue debt represents another alternative for financing the public parking component.

This site must include the appropriate number and type of affordable housing units as required by the State of New Jersey affordable housing laws that are in place at the time the site is developed.

While this Plan envisions that this site will be redeveloped with non-residential uses, the Borough shall require any redevelopment project containing a residential component to include an affordable housing set-aside for qualified low and moderate income individuals and households in accordance with the Borough's Housing Element and FairShare Plan prepared February 1, 2016, as may be amended from time to time, and the terms of the settlement agreement between the Borough and the Fair Share Housing Center (FSHC) in the Matter of the Application of the Borough of Dunellen, County of Middlesex, Docket No. MID-L-3947-15. Any redevelopment project containing a residential component shall provide a mandatory minimum fifteen percent (15%) affordable housing set-aside for rental units and a mandatory twenty percent (20%) set- aside for for-sale units. In the event that the inclusionary set-aside percentage (15% for rentals / 20% for-sale) of the total number of residential units does not result in a full integer refer to §89-13.B(4) of Dunellen's code. Such units shall be constructed, marketed, administered and occupied by income eligible households in accordance with the Uniform Housing Affordability Controls (UHAC, N.J.A.C. 5:80-26.1 et seq.).

6.4 Site #3. South Washington Avenue between rail line and Columbia Street-

(Block 85/Lot 1 & 2; Block 83/Lot 1)

This area is located south of the rail line with frontage on South Washington Avenue and runs east to the Township of Piscataway municipal boundary. The adjacent neighborhood is single family residential with a Borough park, Columbia, located south of the area, currently undergoing major revitalization and enhancement.

The area consists of approximately 19 acres and contains a large industrial building, formerly a manufacturing, plant, which currently contains a mix of uses including a gym, and warehousing and manufacturing facilities. Due to the previous use for manufacturing, the area may have environmental issues that would have to be addressed prior to its redevelopment. In addition, the buildings are occupied and may require the relocation of the tenants.

The Borough would like to encourage the redevelopment of the area for mixed residential/commercial development with unobtrusive parking facilities. The average density for this area should be 21 units per acre. The redeveloper should include in its proposal the pedestrian interaction of this site with Site 2 in order to create a harmonious redevelopment setting with all three sites having some degree of pedestrian/Transit Village orientation. The site should contain a pedestrian feature so as to permit those utilizing the site to gain access to the other sites.

This site must include the appropriate number and type of affordable housing units as required by the State of New Jersey affordable housing laws that are in place at the time the site is developed.

The redevelopment of this site shall include an affordable housing set-aside of fifteen percent (15%) for low and moderate income individuals and households in accordance with the Borough's Housing Element and Fair Share Plan prepared February 1, 2016, as may be amended from time to time, and the terms of the settlement agreement between the Borough and the Fair Share Housing Center (FSHC) in the Matter of the Application of the Borough of Dunellen, County of Middlesex, Docket No. MID-L-3947-15. The redevelopment of the site shall result in the construction of a minimum of 58 affordable non-age-restricted rental units on the site in accordance with the Borough's Fair Share Plan, the terms of the settlement agreement, the redevelopment agreement between the Borough and the designated Redeveloper, and the provisions of Section 7 herein. Such units shall be constructed, marketed, administered and occupied by income eligible households in accordance with the Uniform Housing Affordability Controls (UHAC, N.J.A.C. 5:80-26.1 et seq.)

6.5 Remainder Parcels In Vicinity of Route 28 – "Downtown Core"

Drawing momentum from the successful redevelopment of the Downtown Center, it is anticipated that redevelopment of the Downtown Core outlined in Section 4 of this Plan will occur in subsequent phase or phases as redevelopment or perhaps rehabilitation. Such activity should be contemplated in concert with the Downtown Redevelopment Phase 1 to ensure consistency of effort and to provide guidance to property owners looking to capitalize on the anticipated dramatic downtown enhancement that will draw pedestrians through the length of the commercial district.

As with Site #1, Site #2, and Site #3, the Borough shall require any redevelopment project containing a residential component to include an affordable housing set-aside for low and moderate income individuals and households in accordance with the Borough's Housing Element and Fair Share Plan prepared February 1, 2016, as may be amended from time to time, and the terms of the settlement agreement between the Borough and the Fair Share Housing Center (FSHC) in the Matter of the Application of the Borough ofDunellen, County of Middlesex, Docket No. MID-L-3947-15. Any redevelopment project

containing a residential component shall provide a mandatory minimum fifteen percent (15%) affordable housing set-aside for rental units and a mandatory twenty percent (20%) set-aside for for-sale units. In the event that the inclusionary set-aside percentage (15% for rentals / 20% for-sale) of the total number of residential units does not result in a full integer refer to §89-13.B(4) of Dunellen's code. Such units shall be constructed, marketed, administered and occupied by income eligible households in accordance with the Uniform Housing Affordability Controls (UHAC, N.J.A.C. 5:80-26.1 et seq.)

6.6 Transition Areas

Understanding the importance of further development for the gateways to the Borough and proper development of properties bordering the Borough's residential neighborhoods, the Redevelopment Plan has been amended to include "transition areas" from the western gateway of Dunellen at the Middlesex border to Sanford Avenue, and from the eastern gateway of Dunellen at the Plainfield City border to Jackson Avenue. Noting that these transition areas are on the outer rims of the Redevelopment Area, these areas permit residential uses on the ground floor to provide appropriate density to support the Downtown Core of Dunellen. Any development in these areas is subject to the same affordable housing requirements as the Downtown Core pursuant to Section 6.1.4.

6.7 Front Street Transition Area

This area, consisting of those lots fronting upon Front Street between Washington Avenue and Lincoln Avenue on the south side of the street, at the rear of Block 32, functions as the transition between the residential neighborhood to the west and the Downtown Core. The lots currently include parking lots for businesses on North Avenue, dwellings, commercial uses at the corners of Lincoln and Washington Avenues, and the Borough Parking Authority properties. The Borough does not believe these properties fronting upon Front Street are appropriate for stand-alone mixed-use development, but should be permitted to be developed as either multi-family projects or as part of mixed-use projects that have their primary frontage on North Avenue or Washington Avenue. The Borough will also explore opportunities to acquire property or enter into agreements with property owners or developers to create public parking along Front Street to support North Avenue. Any development in these areas is subject to the same affordable housing requirements as the Downtown Core pursuant to Section 6.1.4.

6.8 Flex Transition Area

This area consists of a single lot, Block 86, Lot 5, which extends 1,697 feet from the

Piscataway border along the south side of North Avenue and which is occupied by a mixture of retail, industrial, and commercial recreation buildings and uses. The rear of the lot abuts a New Jersey Transit owned lot adjacent to the rail right of way. The existing conditions on this lot, including its size, existing improvements, and contiguity with the NJ Transit properties, make it appropriate for uses which require greater land area than may be available in other sections of the Downtown and which would contribute to the vitality of the Downtown Core and overall quality of life. Any development in these areas is subject to the same affordable housing requirements as the Downtown Core pursuant to Section 6.1.4.

SECTION 7 - PROPOSED REDEVELOPMENT AREA LAND USE AND BUILDING REQUIREMENTS

7.1 Land Use and Building Requirements

Based upon preliminary interest and analysis of the Redevelopment Area's opportunities and constraints, a land use plan was created to take advantage of existingand potential physical and economic opportunities in the Redevelopment Area and to achieve the goals and objectives of the Redevelopment Plan. The proposed land uses in the Redevelopment Area are varied to take advantage of the different opportunities that are present in the Redevelopment Area and are flexible enough to respond to market conditions at the time of site planning and development. The land uses are proposed for each Redevelopment Site and standards for each site have been created. The permitted uses and design standards within each site and the design standards to the entire Redevelopment Area are detailed in the following Parcel Standards and General Standards section.

7.2 Relationship of Plan to the Borough Land Development (Zoning) Regulations

The land use controls and building restrictions set forth in this Redevelopment Plan shall apply to all new development within the Redevelopment Area and shall supersede any requirements set forth in the Borough of Dunellen Zoning Ordinance. All existing uses will be permitted to remain in the Redevelopment Area; however, any change in use or major alterations to any building or structures will be required to meet the land use and building requirements contained in this Redevelopment Plan. All the redevelopment regulations not addressed herein shall remain applicable. It is recognized that all development is contingent upon all necessary state, county and local approvals.

Site plan approval from the Borough's Planning Board in accordance with the Municipal Land Use Law ("MLUL") shall be required for all development within the Redevelopment Area, together with any other local approvals that may be required under a Redevelopment Agreement, which shall also be required. The Planning Board shall have the authority to grant variances that would be considered (c) variances under the MLUL and design waivers during the site plan approval process. No Land Use Board of the Borough shall have the authority to grant any variance that would be considered a(d) variance under the MLUL. Any proposed variation to this Redevelopment Plan that would be considered a (d) variance shall require an amendment to this Redevelopment Plan by Ordinance in accordance with the Local Redevelopment and Housing Law.

7.3 Land Use Map

A Land Use Map has been developed to highlight the various areas for redevelopment keyed to the following Land Use and Building Requirements.

7.4 Definitions

The definitions provided below shall supplement the definitions contained in the Borough Code for the purposes of this Redevelopment Plan:

Adult Entertainment/Theaters: Establishments offering sexually-oriented live entertainment or screening sexually-oriented films or videos. These shall be prohibited within the Borough of Dunellen.

Artist Studio: A place of work for an artist, artisan, or craftsperson involved in the creation of unique drawings, paintings, sculptures, glasswork, furniture, apparel, home decorations, jewelry, toys, and the like, and which may include the permanent residence of such person.

Indoor Recreation: An establishment providing indoor facilities for recreational activities and games, and rendering services or selling merchandise incidental to those activities and games.

Personal and Business Services: Establishments primarily engaged in providing services to a person and/or caring for that person's personal goods or apparel, or providing services to other business establishments. Examples of personal services include barber shops, beauty services, laundry, health clubs and gyms, clothing rental, and domestic services, professional photographers, instructional studios, financial services such as banking and accounting, and the like. Examples of business services include advertising services, mailing and shipping services (but not distribution centers), equipment rental and leasing (provided that there is no outdoor storage of such equipment), photo development services, and the like.

Retail: Establishments engaged in the sale or rental of goods or merchandise and in rendering services incidental to the sale or rental of such goods or merchandise, but not including wholesale of merchandise to other businesses. Such establishments shall be open to the public for in-person, on-premises transactions, and may offer delivery or shipping of merchandise typically stocked on-site. Show-room retail formats, in which on-premises merchandise is for display only, are permitted provided that the premises are open to the public and purchase orders may be completed on premises or remotely.

7.5 Land Use and Building Requirements

7.5.1 Standards Applicable to the Entire Redevelopment Area

1. Permitted Uses:
    a. Municipal facilities;
    b. Non-municipal emergency response facilities;
    c. Uses which are customarily accessory to any principally permitted uses;
    d. Rooftop and parking-lot solar installations, including "front of the meter" and "behind the meter" installations.
2. Minimum unit size:
    a. Studio unit – 500 sf exclusive of balconies or other outdoor seating areas.
    b. One (1) bedroom unit – 700 sf inclusive of balconies or other outdoor seating areas.
    c. Two (2) bedroom unit – 800 sf inclusive of balconies or other outdoor seating

areas.

d. Three (3) bedroom unit – 1,000 sf inclusive of balconies or other outdoor seating areas.

3. Front side and rear Setback Requirements. Front yard setback is a minimum of 16 feet measured from the face of the curb, except where otherwise stated. Front yard setback does not include building overhangs such as awnings and balconies.

4. Materials. Materials used shall be conducive to creating a Railroad Town (Transit Village) environment, encouraging the use of brick, awnings, planters and wrought iron railings.

5. Landscape Requirements. The minimum area devoted to landscaped open space shall be ten (10) percent of the total lot area. Landscaped area is required to be native species of New Jersey with the exception of the nonnative Cherry tree variety type. If possible, depending on site constraints, and approvals, rain gardens located adjacent to subject property upon which a development is proposed, counts towards the ten (10) percent landscaping requirement.

6. Lighting. Decorative lighting in accordance with Borough specifications shall be used. Alternative lighting designs will be considered by the Planning Board. All street lights furnished by a developer shall include self-watering hanging planters.

7. Walkways. All walkways shall use decorative pavers. Pervious pavers are strongly recommended.

8. Trash receptacles and benches. Both trash receptacles and benches are required and shall be of materials complementing the buildings and the Railroad Town theme as selected by the Planning Board.

9. Rear setback to residential uses. A rear yard setback of no less than 12 feet shall be required between any building and a property line shared with an existing residential property or any residential (R-A, R-B, and the like) zone boundary. The rear yard shall include a combination of trees, shrubs, and opaque fence to provide privacy, attenuation noise, and prevent light encroachment into residential properties.

10. Affordable Housing Requirement. The Borough shall require any redevelopment project containing a residential component to include an affordable housing set-aside for qualified low and moderate income individuals and households in accordance with the Borough's Housing Element and Fair Share Plan prepared February 1, 2016, as may be amended from time to time, and the terms of the settlement agreement between the Borough and the Fair Share Housing Center (FSHC) in the Matter of the Application of the Borough of Dunellen, County of Middlesex, Docket No. MID-L-3947-15. Any redevelopment project containing a residential component shall provide a mandatory minimum fifteen percent (15%) affordable housing set-aside for rental units and a mandatory twenty percent (20%) set- aside for for-sale units. In the event that the inclusionary set-aside percentage (15% for rentals / 20% for-sale) of the total number of residential units does not result in a full integer, refer to §89-13.B(4) of Dunellen's code. Such units shall be constructed, marketed, administered and occupied by income eligible households in accordance with the Uniform Housing

Affordability Controls (UHAC, N.J.A.C. 5:80-26.1 et seq.).

11. Workforce Housing**.** Redevelopers are strongly encouraged to work with the Borough as part of the negotiation of a redevelopers agreement to set aside additional units for households earning incomes between 80% and 120% of regional median income, referred to herein as "Middle Income".

    a. These units would not be counted towards the low- and moderate-income housing set-aside required by this Redevelopment Plan and the Borough Code;

    b. The units would be subject to a period of control similar to what is required for affordable units. The period of control would be negotiated with the Borough as part of the Redevelopment Agreement;

    c. The Borough, as part of a Redevelopment Agreement, may require the Redeveloper to advertise middle-income units to local residents before advertising to the general public;

    d. The maximum rent for middle-income restricted units within each affordable development shall be affordable to households earning no more than 100% of median income, and the average rent for restricted middle-income units shall be affordable to households earning no more than 90% of median income;

    e. The maximum sales price of middle-income restricted ownership units within each affordable development shall be affordable to households earning no more than 110% of median income, and each affordable development must achieve an affordability average of 95% for restricted ownership units; in achieving this affordability average, middle-income ownership units must be available for at least two different prices for each bedroom type;

    f. The standards for bedroom distribution, the determination of what is considered "affordable", requirements for annual rent increases, and other standards and procedures for creating and controlling the affordability and accessibility of a middle-income unit shall be the same as those standards required for creating and controlling low- and moderate-income units, except as superseded by this section;

    g. The Middle-Income units will be administered by the Borough's administrative agent unless otherwise established in a Redeveloper's Agreement.

7.5.2 Site #1. Train Station North (Block 69/All Lots)

Principal Permitted Uses:

1. Mixed-Use consisting of one or more permitted commercial uses on the ground story and residential units and/or office uses on the upper two stories. Permitted ground level commercial uses shall be limited to:

    a. Personal and business service establishments;

    b. Offices;

c. Restaurants, which are also permitted on rooftops;

d. Entertainment, except adult;

e. Arts & cultural institutions including galleries, theaters (except "adult"), museums;

f. Indoor recreation, including billiards, hatchet throwing, miniature golf, and the like;

g. Retail;

h. Craft breweries, distilleries, winery salesrooms, brewpubs, and cider and meadery establishments;

i. Uses permitted in Section 7.5.1.

2. Public Open Space. Public open space should be included in this tract as a Town Park center that can be enjoyed by the pedestrians of the Borough.

3. Bus shelters and related facilities.

Residential Unit Type - Residential units shall be "for sale" with a possible exception for age restricted rentals.

Building Requirements: The maximum building height shall be three (3)stories.

7.5.3 Site #2. Train Station South (Block 70/Lot 13 and 13.01)

Principal Permitted Uses:

1. Mixed-Use consisting of one or more permitted commercial uses on the ground story and residential units, structured parking, and/or office uses on the upper two stories. Permitted ground level commercial uses shall be limited to:

   a. Personal and business service establishments;

   b. Offices;

   c. Restaurants;

   d. Craft breweries, distilleries, winery salesrooms, brewpubs, and cider and meadery establishments;

   e. Entertainment, except adult;

   f. Arts & cultural institutions including galleries, theaters, museums, and crafting/work spaces for artists;

   g. Uses permitted in Section 7.5.1.

2. Public Open Space. Potential public open space should be considered in this parcel as a Town Park center that can be enjoyed by the pedestrians of the Borough.

3. Bus shelters and related facilities.

Parking Garage Requirements. A multi-story parking deck shall be a required element of any redevelopment of this property, and shall be designed and utilized as shared parking for the downtown commercial district as well as for commuters utilizing the train and buses.

Building Requirements: The maximum building height shall be three (3) stories.

7.5.4 Site #3. South Washington Avenue (Block 85/Lots 1 & 2; Block 83/Lot 1)

Principal Permitted Uses:

Commercial/Retail/Residential/Recreational. This land use designation contemplates a mixed-use development not exceeding four (4) stories that may include residential, commercial/retail, office, craft breweries, craft distilleries, winery salesrooms, brewpubs and cider and meadery establishments and recreational uses. Only retail and commercial uses shall be permitted on the ground floor of a building(s) ("First Floor Commercial/Retail") that immediately fronts or faces South Washington Avenue. Office and residential uses shall be permitted on the floors above the ground floor of said buildings. Residential development shall be permitted on all floors in any building that does not immediately front on South Washington Avenue, with the maximum number of residential units in all buildings not to exceed 382 in number. The residential development may include an activity center and other typical uses and structures accessory to residential uses. To facilitate this mixed use development, the property may be subdivided into two or more parcels but shall be subject to a unified development plan. Notwithstanding any subdivision of the property, density shall be calculated based upon the total land area in the unified plan. Ground Floor Commercial/Retail uses may include (but is not limited to) personal and businessservice establishments, restaurants, retail stores, bakeries, delicatessens, drug stores, beauty parlors, food stores and supermarkets, all of which may include drive-through facilities. Any residential development may be for sale or rental, or a combination thereof, at the option of the developer, except as may be otherwise provided in a redevelopment agreement.

Building Requirements:

1. Building height requirements. The maximum building height shall be a maximum of four (4) stories and no higher than fifty-five (55) feet.

2. Density requirement. The maximum dwelling unit density shall be twenty-one (21) per acre. Minimum unit sizes at Section 7.5.1 do not apply.

3. Front, side, and rear Setback Requirements. There shall be no front yard, side yard or rear yard setback requirements to existing property lines or to new property lines created by a subdivision. All new structures or buildings shall be located at the front property line to provide a continuous street wall.

4. Minimum Building Separation Requirements:

a. Front to Front – 60 feet
b. Rear to Rear and Rear to Side – 40 feet
c. Side to Side – 25 feet

5. Landscape Requirements. The minimum area devoted to landscaped open space shall be ten (10) percent of Site # 3 and shall include landscaped areas in between buildings.

6. Residential Site Improvement Standards (RSIS). RSIS shall be applicable to residential uses within Site #3. Notwithstanding the parking requirements of the RSIS, however, the Borough of Dunellen Planning Board may, in its discretion pursuant to N.J.A.C. 5:21-3.1, approve an alternative parking standard pursuant to N.J.A.C. 5:21-4.14(c) due to the availability of mass transit. If there is any conflict or inconsistency between RSIS and this Redevelopment Plan with respect to residential uses, RSIS shall control.

7. Affordable Housing Requirements. A minimum of fifteen percent (15%) of all residential units shall be affordable to low- and moderate-income individuals and households. A minimum of 58 affordable, non-age-restricted rental units shall be provided on the site in accordance with the Borough's 2016 Housing Element and Fair Share Plan and the provisions of the plans, agreements, statutes and codes referenced therein. Rental units may be utilized to satisfy the entire number of affordable housing units that are required based upon the total number of rental and for-sale residential units.

7.5.5 Downtown Core

Principal Permitted Uses:

1. Mixed Use-Consisting of one or more permitted commercial uses on the ground story and residential units and/or office uses on the upper two stories. Permitted ground level commercial uses shall be limited to permitted stand-alone uses in the Downtown Core and the following:

a. Personal and business service establishments;

b. Offices;

c. Restaurants;

d. Craft breweries, distilleries, winery salesrooms, brewpubs, and cider and meadery establishments;

e. Entertainment, except adult;

f. Indoor recreation, including billiards, hatchet throwing, miniature golf, and the like;

g. Retail;

h. Uses permitted at Section 7.5.1.

2. Assembly spaces with or without on-site food preparation;

3. Arts & cultural institutions including galleries, theaters, museums, and crafting/work spaces for artists;

4. Public Open Space.

Building Requirements:

1. Building height requirements. The maximum building height shall be three stories.

7.5.6 Transition Areas

Principal Permitted Uses:

1. Multi-family residential; or
2. Mixed Use-Consisting of one or more permitted commercial uses on the ground story and residential units and/or office uses on the upper two stories. Permitted ground level commercial uses shall be limited to:
    a. Personal and business service establishments;
    b. Offices;
    c. Restaurants;
    d. Craft breweries, distilleries, winery salesrooms, brewpubs, and cider and meadery establishments;
    e. Retail;
    f. Artist working/crafting spaces; and
    g. Uses permitted at Section 7.5.1.
3. Public Open Space.

Conditionally Permitted Uses

1. Artist studios, as defined in this Redevelopment Plan, provided that:
    a. Any residential unit shall be vertically or horizontally separated from the working section of the Studio;
        i. The residential unit must contain full and operational kitchen and bathroom facilities;
        ii. The residential unit shall not exceed one-third (1/3) the total floor area of the building containing the Artist Studio use;
        iii. Any residential unit occupied by minor children shall contain a minimum of two bedrooms;
        iv. The residential unit shall only be occupied by the artist utilizing the studio and their family;
        v. The residential unit and studio work space may have separate and distinct exterior access points, but must have interior cross access.

b. The artistic or crafting activity taking place on the property shall be subject to the performance standards at §115-39;

c. A studio work space may be shared by multiple artists, and only one of those artists must reside in any attached residential unit;

d. The Borough may inspect any studio containing a residential unit every two (2) years to ensure compliance with this section;

e. It is strongly encouraged that the studio adaptively reuse existing residential or non-residential buildings in the Downtown. Spaces intended for residential habitation shall meet all applicable state, federal, and local codes for a dwelling.

Building Requirements:

1. Building height requirements. The maximum building height shall be three stories.

2. Ground Floor Uses: When residential uses are proposed on the ground floor within the transition areas, the design of the ground floor facing a public street is strongly encouraged to include a storefront design with accessory residential uses such as the lobby, amenity, fitness, or other similar type of accessory use.

7.5.7 Front Street Transition

Principal Permitted Uses:

1. Multi-family residential;
2. Municipal facilities;
3. Public Open Space.

Conditionally Permitted Uses:

1. Mixed-Use consisting of one or more permitted commercial uses on the ground story and residential units and/or office uses on the upper two stories. Permitted ground level commercial uses include:

    a. Personal and business service establishments;

    b. Offices;

    c. Restaurants;

    d. Craft breweries, distilleries, winery salesrooms, brewpubs, and cider and meadery establishments;

    e. Uses permitted at Section 7.5.1.

    Mixed-use development and any uses or structures which are accessory to a mixed-use development shall only be permitted in the Front Street Transition Area as part of a development that has its primary frontage on North Avenue or Washington Avenue. For the purpose of this paragraph, “primary frontage” shall be the frontage from which any storefronts or lobby areas are accessed.

Building Requirements:

1. Building height requirements. The maximum building height shall be two and one-half (2.5) stories.

2. Ground Floor Uses: When residential uses are proposed on the ground floor within the transition areas, the design of the ground floor facing a public street is strongly encouraged to include a storefront design with accessory residential uses such as the lobby, amenity, fitness, or other similar type of accessory use.

7.5.8 Flex Transition Area

Principal Permitted Uses:

1. Multi-family residential; or
2. Mixed Use-Consisting of one or more permitted non-residential uses on the ground story and residential units and/or office uses on the upper two stories. Permitted ground level commercial uses shall be limited to:
    a. Personal and business service establishments;
    b. Offices;
    c. Restaurants;
    d. Craft breweries, distilleries, winery salesrooms, brewpubs, and cider and meadery establishments;
    e. Retail;
    f. Arts & cultural institutions including galleries, theaters, museums, and artist working/crafting spaces;
    g. Indoor recreation, including billiards, hatchet throwing, miniature golf, and the like;
    h. Supermarkets and grocery stores;
    i. Uses permitted at Section 7.5.1.
3. Non-residential buildings consisting of one or more of the ground-level uses listed under 7.5.8.2, and/or any the following uses:
    a. Film studios;
    b. Visual and/or audio production facilities;
    c. Assembly spaces with or without on-site food preparation;
    d. Office;
4. Public Open Space.

Building Requirements:

1. Building height requirements. The maximum building height shall be three stories.

2. Ground Floor Uses: When residential uses are proposed on the ground floor within the

transition areas, the design of the ground floor facing a public street is strongly encouraged to include a storefront design with accessory residential uses such as the lobby, amenity, fitness, or other similar type of accessory use.

SECTION 8 - GENERAL DESIGN STANDARDS

8.1 Design Standards

This section details the overall design standards in the Area in terms of streetscape design; the visual appearance of Route 28/North Avenue and Washington Avenue; open space design, lighting and landscaping design; site design guidelines; storage, service and loading areas; refuse and recycling collection areas; the screening of exterior mechanical equipment; signage; outdoor dining; architectural design; and parking requirements. These standards are to be used in conjunction with Site Standards.

8.2 Streetscape Requirements

The streetscape is the primary image-setting area and includes all public streets. The area between the face of the building and the edge of the pavement is designated streetscape landscape area and is subject to the following standards:

1. Benches, recycled plastics with wrought iron frame
2. Metal or Iron Trash Receptacles matching benches
3. Native shrubs, decorative trees, and ground cover of New Jersey. Nonnative Cherry trees are permitted to be planted.
4. Walkways made of brick and or decorative mason materials. Pervious pavers are strongly recommended
5. Planters
6. Awnings (types, style, signage, lighting]
7. Decorative and/or American Flag
8. Self-watering flower pots and planters
9. Bicycle racks

8.3 Green and Biophilic Design

The Borough strongly encourages developers to provide what are often called “green” or “biophilic” design elements, such as exterior living walls, living canopies, and green roofs that incorporate or cover traditionally manufactured surfaces with plants, mosses, and other forms of natural coverage. These features should be designed to reduce stormwater runoff and potable water usage by using collected rainwater, greywater, condensation runoff from air conditioning units, or other alternative water sources in lieu of potable water.

Additionally, the Borough strongly encourages projects with a building coverage of at least half an acre to utilize rainwater collection and reuse for non-drinking purposes including for lawn irrigation and toilet flushing in order to reduce stormwater beyond what is required by the NJ DEP.

8.4 Street Trees Along North Avenue, Bound Brook Road (State Highway Route 28), and Washington Avenue

The visual appearance of Route 28 is important because it serves as an entranceway into the commercial/office portion of the Area, which then leads into downtown Dunellen. Additionally, Washington Avenue serves as the main entranceway into downtown Dunellen and its commercial area.

Deciduous decorative trees, native to New Jersey shall be planted along these corridors approximately 50- foot on-center and in relation to building facade. Nonnative Flowering Cherry trees are permitted to be planted. Minor deviations from this spacing may be permitted by the Planning Board to accommodate driveways, street lighting, and other furnishings as appropriate for sound site planning and streetscape design. Trees shall be over 12 feet in height; a minimum 3-inch caliper and shall be planted on the street side of any sidewalk. The Borough Shade Tree Commission shall be consulted regarding all specifications regarding new or replacement street trees, and Shade Tree Commission comments shall be provided to the Planning Board for action.

8.5 Open Space Design, Lighting and the Public Realm

The goal of the open space design standards is to improve the visual environment of the area through landscaping and other amenities in order to attract people to the area. People are naturally attracted to areas that appear inviting, comfortable and safe. The following standards have been created to achieve this goal.

1. All new public open space in the transit village district must be designed to be integrated into the public pedestrian circulation system. Open spaces shall be so located as to provide for maximum usability and to create a harmonious relationship between buildings and the open space within the Area.
2. New public open space in the transit village district cannot be designed as a residual space between buildings. It must contribute to the public's safe and direct pedestrian access to the train station. It must be designed without barriers, fences, gates or signs that imply that the route is for use of the development's residents only.

3. All improved public open space shall incorporate elements such as native shrubbery, attractive paving materials, street furniture, lighting, low walls, gazebos, fountains and other architectural and artistic amenities so as to produce a pleasant environment at all levels. Benches shall be placed perpendicular to the street, or, if necessary, parallel but facing away from the street. Bollards, native decorative trees, and other street furniture should be used to protect pedestrians and buildings from errant drivers. Nonnative Cherry trees are permitted to be planted. Comfortable and attractive street furniture that is accessible to the physically disabled should be provided in public spaces for public enjoyment and comfort. Street furniture may include seating and tables, drinking fountains, trash receptacles,information kiosks, and directories. Street furniture such as benches, planters, trash receptacles, bollards, kiosks, public art, bulletin boards, parking meters, newspaper racks, mail boxes, and light poles shall be installed so they are out of the way of the main pedestrian walkway.

4. All areas not covered by building, pavement or impervious surface shall be landscaped by a mix of native evergreen and deciduous decorative trees, shrubbery and herbaceous plants, including grass-native species proven to resist the urban

environment in this area. Native evergreen screen planting shall be a minimum of four (4) feet in height. Nonnative Cherry trees are permitted to be planted. Native deciduous shrubs shall be a minimum of twelve to eighteen (12 to 18) inches in height. Material shall be planted, balled, and burlapped and be of specimen quality as established by the American Association of Nurserymen. At initial planting said material shall provide a screen from the top of the planting to within six (6) inches of grade. Other plant materials shall be dense and of specimen quality as determined above. All native decorative deciduous trees shall be a minimum of three (3) inches in caliper or twelve (12) feet in height. Nonnative Cherry trees are permitted to be planted.

5. Outdoor plazas shall be encouraged in public areas. Adequate native landscaping and street furniture of a style complementary to the surrounding facades shall be used.

6. Public art in the forms of sculpture, murals, artist-designed street furnishings, etc. should be integrated into the outdoor environments associated with new public redevelopment projects.

7. Adequate and appropriate lighting shall be provided to promote a sense of security in the public open space.

8. All trash dumpsters shall be adequately secured, enclosed, and screened on all sides by native landscaping or other types of attractive materials.

9. All fences and walls shall be designed as integrated parts of the overall architectural and site design. All materials shall be durable and finished in textures and colors complementary to the overall architectural design.

10. Conspicuous chain link fencing without screening and/or native landscaping shall not bepermitted.

11. Public sidewalk areas shall be landscaped with native species of New Jersey and durably paved and shall be properlyilluminated with safe and adequate lighting. Nonnative Cherry trees are permitted to be planted.

12. Maintenance of landscaping on public property or right-of-way shall be the subject of a Developer's Agreement.

13. All utilities shall be located underground.

8.6 Transit Supportive Site Design Guidelines

Strong transit supportive site design guidelines are essential for insuring a compact and pedestrian friendly environment with a successful public realm. An important goal of the Plan is to seamlessly knit together public and private sites with each other, the downtown, and the train station.

All buildings in their design and layout should be an integral part of the total development for the parcel. The building's design shall endeavor to achievecompatibility in scale, form,

functional utility, appropriateness and relationship to adjoining buildings. Each building fronting on a public street must use materials appropriate for fostering a Railroad Town feel, with brick or durable masonry material onportions of the front façade of the building being the most desirable.

All structures within the Redevelopment Area shall be designed and maintained so as to improve the visual appearance of Dunellen as viewed from within and beyond the Borough's borders.

1. Integration of Transit
    a. All new development should relate to the transit station as a vital element of the downtown.
    b. The transit station should be fully integrated into the design of the pedestrian environment.
    c. Where any new development is located on an established bus route, bus turnouts and shelters should be incorporated into the site design in consultation with NJ Transit.

2. Pedestrian Connectivity

    a. Continuous sidewalks should be provided along all public street frontages.
    b. Sidewalks connecting the transit station to key destinations should be as direct and visually unobstructed as possible.
    c. In areas slated for outdoor dining, there must be six feet of unobstructed sidewalk available for the exclusive use of pedestrians.
    d. Driveway curb cuts should be kept to a minimum on primary public pedestrian routes.
    e. Where sidewalks interface with driveways, the sidewalk material and level should continue across the driveway.
    f. Eliminate security fences, gates and barriers between different uses (except to protect the privacy and security of private open space).
    g. Bicycle networks should run throughout the transit village district and link directly to the transit station with clear signage leading the way. In Site #3, a bicycle route to South Washington Avenue shall be provided within the development, and bicycle parking shall be provided on-site.

3. Building Placement and Street Walls

    a. All structures within the Redevelopment Area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air, and usable open spaces, access to public rights-of-way and off-street parking, height, and bulk.
    b. Groups of related buildings shall be designed to present a harmonious

appearance in terms of building silhouette; architectural style and scale; massing of building form; surface material, finish, and texture; decorative features; window and doorway proportions; entry way placement and location; signage; and landscaping.

c. All buildings fronting a public street shall be placed directly up to the sidewalk in order to maintain a continuous building street wall along public streets.

d. Buildings in Sites # 1 and # 2 and any building in Site #3 along South Washington Avenue should be oriented so that the entrances are clearly identifiable and open directly onto a public sidewalk or plaza.

e. The main entrance of a corner building on public streets should be placed on a diagonal and oriented to the intersection.

f. Buildings along arterial streets should be placed in order to allow for the use of common driveways where a reduction in the number of curb openings will enhance the streetscape and promote traffic safety.

g. All loading areas must be located in a rear yard and screened from view from public rights-of-way.

h. No drive-through establishments are permitted within the transit village district, with the exception of banks and the retail/commercial uses in Site #3.

4. New Streets

a. The layout of new streets shall be in a grid pattern or modified grid pattern, emphasizing interconnected streets.

b. The street grid should be maintained wherever possible. Where the street grid is interrupted by steep slopes or other topographical variations, walkwaysor stairways should be built to maintain pedestrian continuity.

c. It is desirable to have streets with block faces of 400 feet in length or less. For blocks over 600 feet, provide a mid-block cut-through for pedestrians.

d. The use of service alleys for commercial / retail uses is encouraged.

5. Off-Street Parking and Circulation

a. Off-street parking is an integral component of the Plan. The importance of such parking, however, is not intended to dictate project design.

b. Off Street parking facilities shall be provided with convenient and safe access to public rights of way and shall be illuminated so as to reflect light away from any adjoining properties.

c. Minimum Off-Street Parking Standards shall be as set forth in Section 8.13 herein. If no Off-Street Parking Standard is specified in Section 8.13, the current municipal code shall apply.

d. Off-Street parking and loading areas shall be coordinated with the public street

system. Shared parking among mixed uses shall be encouraged and may be factored in for purposes of calculations, but with any proposed sharedparking to be subject to the approval of the Planning Board.

e. Parking for principal permitted uses may, at the discretion of the Planning Board and in conjunction with a site plan and/or subdivision application, be granted relief from the parking requirements provided credible evidence is presented that the parking needs of such uses can be met by existing on- street spaces and off-street public or private parking lots. The Planning Board may require the furnishing of written authorization of the owners of such off-street parking lots that the specified numbers of parking spaces in such a lot are available and will be designated for daily or overnight parkingfor such use.

f. No off-street parking shall be allowed between a public street or pedestrian way and the required frontage for a building.

g. Off-street parking shall only be allowed in surface lots on the side or rear of a building, in an underground lot or in a parking structure.

h. Parking lots should be designed to minimize conflicts between vehicles and pedestrians.

i. Pedestrian walkways are encouraged to service the parking area.

j. Where a parking lot is located along a public street, no more than 60 feet of frontage is permitted.

k. Parking lot entrances and exits should be designed away from primary pedestrian routes.

l. Parking bays in excess of twelve (12) spaces in length should be divided by intermediate landscaped islands. Landscape islands should provide at least one parking stall width of landscape area for planting native decorative trees and groundcovers. Nonnative Cherry trees are permitted to be planted.

m. Any surface parking facility shall be landscaped and include (1) native shade tree forevery twenty (20) parking spaces.

n. Lighted sidewalks should extend between rear or side parking areas and building entrances.

o. Residential garages should be as inconspicuous from the public street as possible to maintain a traditional neighborhood feel.

6. Parking Structures

a. The ground floor facade of any parking structure abutting a street or walkway should be wrapped with retail or office use.
b. Facades should be designed and architecturally detailed like other commercial buildings within the district.
c. Windows or other openings should be provided that echo those of surrounding buildings.
d. Top decks of parking structures visible from other properties should be designed with trellises and for landscaping sufficient to screen portions of the visible area.

8.7 Storage, Service and Loading Areas

Storage, service, maintenance, and loading areas shall be constructed, maintained, and used in accordance with the following conditions:

1. Off-street loading shall be provided for all commercial uses in accordance with the municipal code or in accordance with the following schedule where specific provision is not addressed by Code.

    a. One off-street loading space for the first full 25,000 square feet of total gross building floor area.
    b. One additional off-street loading space for each subsequent 25,000 square feet or portion thereof of total gross building floor area.

    Each off-street loading space shall be at least 12 feet in width, 50 feet in length andhave a height clearance of at least 14 feet and shall be separate from off-street parking facilities.

2. Loading areas are permitted in rear yards or side yards only, provided that they are screened from public view.

3. No loading, storage or service area shall be located between the building line and the street line, i.e., in the front yard.

4. Provisions shall be made on site for any necessary vehicle loading, and no on-street vehicle loading or idling shall be permitted.

5. No materials, supplies, or equipment, including trucks or other motor vehicles, shall be stored upon site except inside a closed building or behind a durable material wall not less than six (6) feet in height, screening such materials, supplies, or vehicles from adjacent sites so as not to be visible from neighboring properties and streets. Any outdoor storage areas shall be located within the rear portions of a site.

6. Where curbside loading areas are not designated nearby, designated loading or staging spaces should be provided for mail and parcel delivery vehicles and moving trucks within the parking and circulation areas for any residential or mixed-use development.

8.8 Refuse and Recycling Collection Areas

1. All outdoor refuse and recycling containers shall be visually screened within adurable enclosure, six (6) feet or higher, so as not to be visible from adjacent lots or sites.

2. Refuse and recycling collection enclosures should be designed of durable materials with finishes and colors which are unified and harmonious with the overall architectural theme.

3. Refuse and recycling collection areas should be so located upon the lot as to provide clear and convenient access to refuse collection vehicles.

4. Refuse collection areas should be designated and located upon the lot as to be convenient for the deposition of refuse generated on the site.

5. Refuse and recycling collection areas should be effectively designed to contain all refuse generated on site and deposited between collections. Deposited refuse should not be visible from outside the refuse enclosure.

8.9 Screening of Exterior Mechanical Equipment

1. In areas where rooftops can be viewed from adjacent roadways, rooftop equipment (including solar panels on flat roofs) shall be screened to the greatest extent possible, and/or shall be painted to match the roof. If such rooftop equipment is visible from the public road, it shall be finished to match the facade of the building.

2. Conventional mechanical and electrical equipment, which is part of the building space, such as heating, ventilating, the air conditioning system and lighting and general power, where ground mounted, shall be screened from view with evergreen landscaping.

3. Electrical equipment shall be mounted on the interior of a building wherever possible. When interior mounting is not practical, electrical equipment shall be mounted in a location where it is substantially screened from public view. In no case shall exterior electrical equipment be mounted on the street side or primary exposure side of any building.

4. Process equipment such as stacks, hoppers, bins, storage vessels, blowers, compressors, piping, ducting, conveyors and the like, which are ground mounted, shall be enclosed with screen walls to match the principal buildings.

5. Transformers that may be visible shall be screened with either plantings or a durable noncombustible enclosure. Transformer enclosures should be designed of durable materials with finishes and colors which are unified and harmonious with the overall architectural theme.

6. Satellite dishes are encouraged to be roof mounted if possible and shall not be visible from the public road or sidewalks.

7. Solar panels on sloped roofs shall not project beyond the roof peak.

8.10 Signage

Signage for commercial and retail buildings shall be an essential and permanent component of the building design and shall be compatible with building materials and colors. Design of the signs shall be compatible to the Railroad Town (Transit Village) environment. Only signs that identify uses within the buildings are permitted.

In Site #3, no more than two (2) identification signs shall be permitted at the main entrance, which may include multi-use signs. The maximum area of each identification sign shall be seventy-two (72) square feet.

The standards for signage are to be found in the Municipal Code and based on the United States Sign Council recommendations.

8.11 Outdoor Dining

Where permitted, seasonal outdoor dining as an accessory use to a restaurant shall be permitted with the following provisions:

1. Restaurants shall not place any table, sign, or umbrella, or other item in such a manner as to block or impair pedestrians utilizing the sidewalk, walkways or building entrances/egress, municipal signs, receptacles or garbage, public bench, or other public amenity including fire hydrants. Outdoor seating is only permitted if indoor seating is also available. The materials used for outdoor furniture must be approved by the Planning Board.

2. Restaurants must provide for the disposal of recycled cans/bottles and garbage. Receptacles for garbage shall be used for commercial refuse. Sidewalk areas shall be kept clean during hours of operation.

3. Drive-in or drive-through service shall be prohibited.

4. No portion of any sidewalk dining equipment, including chairs, table and opened umbrellas, shall encroach upon the sidewalk in a manner to block, impede or cover adjacent store fronts, doors, or windows in front of any other business establishment.

5. An outdoor dining permit must be visibly displayed for all outdoor seating. Unless otherwise covered by this section, outdoor dining shall comply with the applicable provisions of the Municipal Code and Ordinances, including but not limited to Ordinance 2012-04.

8.12 Transit Supportive Architectural Design Guidelines

Transit supportive architectural design guidelines are important for insuring, among other goals, appropriate building massing, orientation, scale, entries, windows, facades and roofs. Buildings fronting on a public street shall be designed to have attractive, finished appearances from all public spaces and shall comply with the following guidelines.

1. Facades

    a. Buildings should have a well-defined front facade with primary entrances facing the street.

    b. Buildings should be aligned so that the dominant lines of their facades parallel the line of the street and create a well-defined edge.

    c. The primary façade(s) (viewable by the public from streets and parking lots) of buildings of 60 feet or greater in width should be articulated into smaller increments through the following or similar techniques:

        i. Stepping back or extending forward abut compatible materials.

ii. Division into storefronts with separate display windows and entrances.

iii. Arcades, awnings, window bays, balconies or similar ornamental features.

iv. Variation in rooflines to reinforce the articulation of the primary façade.

v. Use of different buildings materials that are contextual to the building façade.

d. It should be recognized that buildings will be viewed from a variety of vantage points. Consequently, the placement of doors, windows, balconies, changes in materials, or roof height, etc., should be designed to provide an attractive and harmonious design on all sides.

e. Rear facades should be designed as an integral part of the overall building with similar materials and detail treatments.

f. In general, buildings over two stories should have a well-defined base, middle and top. The base, or ground floor, should appear visually distinct from the upper stories, through the use of a change in building materials, window shape or size, an intermediate cornice line, an awning, arcade or portico, or similar techniques.

g. Portions of upper stories (above the second or third level) should be stepped back from the line of the front facade to provide areas for outdoor terraces, rooftop patios, etc.

h. Architectural details such as ornamental cornices, arched windows and warm-toned brick with bands of contrasting color are encouraged in new construction. The contemporary adaptation of historic and vernacular residential, institutional and commercial styles found elsewhere in the municipality is encouraged.

2. Transparency: Window and Door Openings

a. For nonresidential or mixed-use buildings, window and door openings should comprise at least 60 percent of the length and at least 30 percent of the area of the ground floor of the primary street facade.

b. For nonresidential or mixed-use buildings, a minimum of 20 percent of the ground level of side and rear facades not fronting a public street should consist of window and door openings.

c. For nonresidential or mixed-use buildings, a minimum of 20 percent of all sides of upper story facades should consist of window or balcony/door openings.

d. For residential buildings, a minimum of 20 percent of primary (street-facing) facades and 15 percent of other facades including upper stories should consist of window and door openings providing residents within the buildingsa visual connection to activity on the sidewalk and street.

e. Glass on street facing doors and windows should be clear or lightly tinted, allowing views into and out of the interior. Mirrored, dark tinted, or opaque or

glass block should not be used.

3. Building Entrances

    a. Primary building entrances on all buildings should face on a public street or walkway, or be linked to that street by a clearly defined and visible walkway or courtyard. Additional secondary entrances should be oriented to a secondary street or parking area.

    b. Residential entries should be separate and distinct from commercialentrances.

    c. In the case of a corner building or a building abutting more than one street, the street with the higher classification should be considered primary. The main entrance should be placed at sidewalk grade.

    d. Non-residential building entries should be designed with one or more of the following:

        i. Canopy, portico, overhang, arcade or arch above the entrance.

        ii. Recesses or projections in the building facade surrounding the entrance.

        iii. Display windows surrounding the entrance.

        iv. Architectural detailing such as brickwork or ornamental moldings.

        v. Planting areas, pots or window boxes for seasonal landscaping.

    e. Porches, steps, roof overhangs, hooded front doors or similar architectural elements should be used to define the primary entrances to all residences.

4. Building Materials

    a. Buildings should be constructed of durable, high-quality materials such as: brick, natural stone, manufactured stone, vinyl siding, fiber cement siding, textured, patterned and/or integrally colored cast• in-place concrete, integrally colored, precast concrete masonry units (provided that surfaces are molded, serrated or treated to give wall surfaces a three-dimensional texture).

    b. Stucco or exterior insulating finish system is acceptable above the first floor of the façade visible to public sidewalks and street.

    c. Buildings may include architectural metal decorative panels, structural elements and decorative support or trim members.

    d. Buildings may not be constructed of unadorned plain or painted concrete block, unarticulated or blank, tilt-up concrete panels, pre-fabricated metal building systems, or glass curtain wall systems, fiberglass, or asphalt.

5. Roof Design

    a. Roof lines and cornice details shall be completed in a three-dimensional manner so that the features on the back of the roof or similar unfinished areas are not visible.

    b. Buildings may be designed with pitched and/or flat roofs. Flat roofs should be defined with a discernable cornice line.

c. Variations in roof type, height, and/or distinct, separate roof segments should be considered as a means of creating greater visual interest, identifying changes in use, areas of ownership or reducing monotony.

d. Pitched roofs such as gable, hip, shed or mansard roofs should be clad with highly durable materials such as standing seam metal, slate, asphalt shingles, ceramic or fireproof composite tiles.

6. Equipment Screening

a. All rooftop equipment should be screened from view from adjacent streets, public rights-of-way and adjacent properties. Preferably, rooftop equipment should be screened by the building parapet, or should be located out of view from the ground.

b. Exterior mechanical equipment such as ductwork should not be located on primary building facades.

c. Soft water tanks, gas meters, and electrical meters should also be screened from public view wherever possible.

d. All screening shall be architecturally compatible with the primary structure. The screening should be part of the articulation of the building and not appearto be an afterthought. Sound attenuation to mechanical equipment is also encouraged.

7. Franchise Architecture

a. Franchise architecture (building design that is trademarked or identified with a particular chain or corporation and is generic in nature) is generally discouraged unless it employs a traditional storefront commercial style. Franchises or national chains should create context sensitive buildings that are sustainable and reusable.

8. Awnings

a. Awnings, overhangs and arcades are encouraged, where pedestrians are expected to walk and shop, to provide overhead protection and to create significant entrances.

b. Where awnings are used, canvas or fabric awnings are preferable. If glass or metal awnings are employed, they should closely complement the building's architectural character and aesthetic. Back lighted awnings and canopy signs should not be used.

c. Awning standards are found within the Borough's sign ordinance.

8.13 Transit Supportive Parking Requirements

Parking standards within the transit village district should reflect proximity to high frequency transit service, pedestrian-friendly built forms, and mix of uses.

1. For new and rehabilitated sites under 20,000 sf there will be no on-site parking

requirements for restaurants, commercial, retail, personal service establishment uses, theaters, bars, and nightclubs.

2. For new and rehabilitated sites, the on-site parking requirements for residential uses are as follows:

    a. Studio unit – one (1) parking space per unit
    b. One (1) bedroom unit – one (1) parking space per unit
    c. Two (2) bedroom units – one and half (1.5) parking space per unit
    d. Three (3) bedroom units – one and three quarters (1.75) parking space per unit

3. For new and rehabilitated sites 20,000 sf or over, required on-site parking for restaurants, commercial, retail, personal service establishment uses, theaters, bars and nightclubs may be reduced by up to 50% by providing a shared parking analysis. The shared parking analysis must be prepared by a qualified parking expert or licensed professional planner and be based on the anticipated hours of operation and specific operational characteristics of the anticipated users in the proposed development. On street parking located adjacent and contiguous to the property only, may be counted toward the restaurants, commercial, retail, personal service establishment uses, theaters, bars, and nightclubs parking requirements only for the proposed development.

4. For uses that are ancillary to a larger business, no additional parking will be required. [Example- a snack shop within an office building or hotel.]
5. All parking spaces shall be a minimum of nine (9) feet in width by eighteen (18) feet in depth. Aisles shall be a minimum of twenty-four (24) feet in width.

6. Solar canopies erected on surface parking lots shall provide vertical clearance of at least 12 feet.
7. Parking should be shared among different buildings and facilities whenever possible to take advantage of different peak periods. [Example - an office building can share parking with a restaurant.]

    a. For large shared parking arrangements, jurisdictions are encouraged to require formal shared parking agreements that are recorded with the jurisdiction.

8. A reduction in the number of off-street parking spaces required (excluding parking spaces for persons with disabilities) shall be permitted for the provision of bicycle parking provided that no fee is required for using the bicycle parking.

    b. The reduction in the number of automobile parking spaces shall be reduced by one (1) space for each bicycle parking space provided, up to ten (10) percent of the total required spaces.

    c. Bicycle parking shall be at least as conveniently located as the most

convenient automobile spaces, other than those spaces for persons with disabilities.

d. Bicycle parking shall be an integral part of the overall site layout and designed to minimize visual clutter.

e. Bicycle parking shall be provided in a well-lighted area.

f. Bicycle Parking Spaces outside of a building shall be located within one hundred (100) feet (as the crow flies) of the primary building entrance.

g. All bicycle parking areas shall afford a four (4) foot wide access aisle to ensure safe access to spaces.

h. Bicycle parking shall be located so as to protect bicycles from automobile damage.

i. All Bicycle Racks and lockers shall be securely anchored to the ground or building structure.

j. Bicycle Parking Spaces shall not interfere with pedestrian circulation and shall adhere to ADA requirements.

9. Payment in Lieu of Parking (PILOP): It is the policy of this Plan that, when practicable, parking requirements are to be met on site. However, if a new or rehabilitated development subject to this Plan is unable to meet the parking requirements of this Plan as a result of undue difficulty or hardship, the Borough, as redevelopment entity, may, in its discretion, require the redeveloper thereof to make a Payment in Lieu of Parking (PILOP) to satisfy, in whole or in part, all or a portion of such parking deficit. Such requirement will be documented in the redevelopment agreement and/or the Declaration of Covenants and Restrictions for the development, as appropriate. In the event that the Borough opts not to require a PILOP and/or to the extent that a parking deficit is not satisfied through a PILOP, the redeveloper will be required to apply for a variance with respect to such parking deficit and satisfy all legally required standards of proof in order for such variance to be granted.

   The PILOP may include but not be limited to (a) a one-time payment to the Borough per deficient parking space and/or (b) a requirement that the redeveloper lease one (1) parking space per deficient parking space at a municipal parking lot, or if not available or practical, at a private parking lot. These leases are to be maintained for the life of the development, such obligation to be set forth in the Declaration of Covenants and Restrictions to be recorded against the redevelopment property and in a restriction to be recorded against any private property supplying a replacement space. Any change to a PILOP must be approved by the Borough Council.

   All initial PILOP payments will be paid into the Borough's Parking Improvement Program Trust Fund at the time of and as a condition of issuance of construction permits for the development. To secure payment of redeveloper's obligation to the Parking Improvement Program Trust Fund, a municipal assessment for a local improvement

pursuant to N.J.S.A. 40:56 et seq. shall be placed upon the real estate that is the subject of PILOP. The provisions of N.J.S.A. 40:56 et seq. shall apply in the event of a default or late payment.

Prior to collecting a PILOP payment, the Borough shall apply to the State of New Jersey, Department of Community Affairs, Local Finance Board pursuant to administrative rule, for its approval and establishment of a dedicated and restricted trust fund (the Borough's Parking Improvement Program Trust Fund) for deposit of such payments. The PILOP payments collected and deposited into the Parking Improvement Program Trust Fund shall be dedicated to provide for: engineering and design; traffic and other feasibility studies; acquisition through purchase or condemnation; erection, construction of or installation of off-street parking facilities, parking structures, or equipment; and other associated parking project development costs. The expenditure of such funds for said purposes shall be made at the time and in the manner determined by the Borough to be in the best interests of the Borough in providing off-street parking.

10. All applications are required to comply State regulation P.L. 2021, c.171 *An ordinance authorizing and encouraging electric vehicle supply/service equipment (EVSE) and make ready parking spaces.* For new and rehabilitated sites, each application involving a multiple dwelling with five or more units of dwelling space the developer or owner, as applicable, shall:

    a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;

    b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and

    c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.

    d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.

Each application involving a parking lot or garage not covered in 8.13.19 shall:

    a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.

    b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.

    c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.

    d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.

e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.

f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.

All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to Section 8.13.

A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.

All parking spaces calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.

Additional installation of EVSE and Make-Ready parking spaces above what is required above may be encouraged, but shall not be required in development projects.

SECTION 9 - PLAN OF ACTION

9.1 Development Schedule

Due to the magnitude of the proposed Plan, redevelopment can be expected to occur in multiple phases with one or more developers. The interrelationships among the components of the Plan may require careful sequencing so that there can be synergy among the redevelopment sites.

Each phase may consist of a single land use or a mixture of land uses, provided that such phases shall be capable of operating in a manner consistent with the intent and purpose of the Plan. As a result of phased development, sureties or other performance guarantees for completion of infrastructure and the project components may be required.

The Development Schedule, phasing and performance guaranties may be addressed in a Redevelopment Agreement between the Borough and one (1) or more redevelopers.

9.2 Property To Be Acquired

The intent of this Redevelopment Plan is to facilitate private property redevelopment and ownership. Therefore, no acquisition of privately owned properties by the Borough is anticipated by this Plan. However, a public-private joint venture between a governmental agency and the redevelopers may be possible.

9.3 Relocation

The Borough of Dunellen will provide all displaced tenants and landowners with the

appropriate relocation assistance, pursuant to applicable State and Federal law, should relocation be necessary. Such assistance will be provided through an appropriately designated office that will assist in any relocation of persons, businesses or otherentities. If relocation is not directly caused by the Redevelopment Plan, the Borough assumes no responsibility for relocation of people or businesses.

9.4 Incentives and Project Funding

The Borough of Dunellen may provide redevelopment incentives, including tax abatement/exemption and redevelopment bond financing programs.

9.5 Redevelopment Agreement

A redeveloper undertaking a redevelopment project under this Redevelopment Plan shall do so only pursuant to and in accordance with a Redevelopment Agreement between the redeveloper and the Borough of Dunellen.

SECTION 10 - RELATIONSHIP TO PLANS OF OTHER JURISDICTIONS

10.1 Contiguous Municipalities

Dunellen lies adjacent to the City of Plainfield, the Township of Piscataway, the Township of Green Brook and the Borough of Middlesex. The Redevelopment Area is contiguous to the City of Plainfield, the Borough of Middlesex and the Township of Piscataway.

- The northeast portion of the redevelopment area, at North Avenue and Jefferson Avenue is contiguous to the City of Plainfield. The uses in Plainfield are industrial and commercial, including National Starch.

- The southwest portion of the redevelopment area, at Bound Brook Road, is contiguous to the Borough of Middlesex. The uses in Middlesex are commercial, which is inconsistent with the business zoning In Dunellen.

- The northeast portion of the redevelopment area, at the Art Color property, is contiguous to the Township of Piscataway. The uses in Piscataway are industrial, which is consistent with the industrial zoning in Dunellen.

- The Township of Green Brook is located approximately one mile from the redevelopment area and is not contiguous to the redevelopment area.

10.2 Middlesex County Growth Management Plan

The Middlesex County Growth Management Plan has been adopted in three phases: Phase I in July 1990; Phase II in July 1992; and Phase III in December 1995. The redevelopment plan is consistent with the goals and objectives of the Growth Management Plan.

10.3 State Development and Redevelopment Plan

The State Development and Redevelopment Plan (SDRP) adopted March 1, 2001 designates the area of Dunellen in which the redevelopment plan is situated as being part of the PA1 Metropolitan Planning Area (PA1). The PA1 includes a variety of communities that range from large urban centers to 19th century towns shaped by commuter rail and post-war suburbs. The SDRP policies for the PA1 are to provide for much of the state's future redevelopment. The redevelopment plan will promote for the following PA1 policy objectives of the SDRP in the following ways:

(1) **Land Use:** Promote redevelopment and development in Cores and Neighborhoods of Center 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.

The redevelopment plan's primary focus is to revitalize the downtown area of the Borough, an area that has seen limited investment, but an area that has many opportunities to become a vital part of the community again through the development of underutilized properties and the enhancement of existing properties.

(2) **Housing:** Provide a full range of housing choices through redevelopment, new construction, rehabilitation, adaptive reuse of non-residential buildings, and the introduction of new housing stock through maintenance, rehabilitation and flexible regulation.

While the redevelopment plan notes the Inconsistencies in development in the downtown area with a mix of dwellings in the business zone, *one of the goals is to encourage mixed use development with residential, including low and moderate income housing, and commercial focusing on the proximity to the train station.*

(3) **Economic Development:** Promote economic development by encouraging strategic land assembly, site preparation and infill development, public/private partnerships and infrastructure improvements that support an identified role for the community within the businesses. Encourage job training and other incentives to retain and attract businesses. Encourage private sector investment through supportive government regulations, policies, and programs, including taxpolicies and expedited review of proposals that support appropriate redevelopment.

The major goals and objectives of the redevelopment plan are to encourage new investment that will result in the generation of tax ratables, jobs, and an increase in property values throughout the community, and increasing patronage of local businesses and support of the local economy.

(4) **Transportation:** Maintain and enhance a transportation system that capitalizes on high density settlement patterns by encouraging the use of public transit systems, walking, and alternative modes of transportation to reduce automobile dependency, link Centers and Nodes, and create opportunities for transit oriented

redevelopment. Facilitate efficient goods movement through strategic investments and intermodal linkages. Preserve and stabilize general aviation airports and, where appropriate, encourage community economic development and promote complementary uses for airport property such as business centers.

The train station and the location of the downtown at the crossroads of state Highway 28 and County Road 529 are key elements to the redevelopment of the area. Focusing redevelopment in and around the train station is critical to encouraging greater use of public transit and alternative means of transportation to reduce automobile dependency and reduce air pollution.

(5) **Natural Resource Conservation**: Reclaim environmentally damaged sites and mitigate future negative impacts, particularly to waterfronts, scenic vistas, wildlife habitats and to Critical Environmental Sites and Historic and Cultural sites. Give special emphasis to improving air quality. Use open space to reinforce neighborhood and community identity, and protect natural linear systems, including regional systems that link to other Planning Areas.

The redevelopment area includes a number of former industrial and commercial properties that are vacant and underutilized and have environmental problems. The goal is to remediate and reuse these properties in a beneficial manner that will support the revitalization of the downtown area and the community.

(6) **Agriculture:** Use development and redevelopment opportunities wherever appropriate and economically feasible to meet the needs of the agriculturalindustry for intensive agricultural production, packaging and processing, adding value operations, marketing, exporting and other shipping. Provide opportunities for farms, greenhouses, farmers markets and community gardens.

Not applicable in the Borough.

(7) **Recreation:** Provide maximum active and passive recreational opportunities and facilities at the neighborhood, local and regional levels by concentrating on the maintenance and rehabilitation of existing parks and open space while expanding and linking the system through redevelopment and reclamation projects.

The redevelopment plan includes requirements for the enhancement of the streetscape and for the provision of additional open space in any new development for the benefit of the community.

(8) **Redevelopment:** Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.

The nature of the redevelopment plan is "redevelopment." It takes advantage of the state statutes to provide for mixed use development working with property owners and developers to induce development in an area which has been underutilized and has lacked new investment.

(9) **Historic Preservation:** Encourage the preservation and adaptive reuse of historic or significant buildings, Historic and Cultural Sites neighborhoods and districts in ways that will not compromise either the historic resource or the area'sability to redevelop. Coordinate historic preservation with tourism efforts.

While the redevelopment area does not contain a large number of historically significant structures, the goal is to rehabilitate and reuse those that do exist. The large vision is to encourage the revitalization of a downtown area that grows around the rail as an early suburb and industrial hub. The changing economics dictates that the future of the downtown is for mixed use residential and commercial development that will serve the larger community and utilize the benefits of the train station.

(10) **Public Facilities and Services:** Complete, repair or replace existing infrastructure systems to eliminate deficiencies and provide capacity forsustainable development and redevelopment in the region encourage the concentration of public facilities and services in Centers and Cores.

The infrastructure of the redevelopment area will be improved throughstreetscape improvements, improvements for expanded public parking, enhancements to the train station, along with creation of public open spaces.

(11) **Intergovernmental Coordination:** Regionalize as many public services as feasible and economical to enhance the cost-effective delivery of those services. Establish multi-jurisdictional policy and planning entities to guide the efforts of State, county and municipal governments to ensure compatible and coordinated redevelopment.

The very ideology of this policy is embodied in the spirit and thrust of the redevelopment plan. The redevelopment plan is a progressive initiativeundertaken by the Borough to facilitate redevelopment in an area of its community that needs it most. In addition, the effort is being supported by the County of Middlesex, through the involvement of the Middlesex County Improvement Authority (MCIA). The Borough, working closing with the MCIA is aggressively seeking funding from all levels of government and from the private sector to support this redevelopment.

SECTION 11 - ADMINISTRATIVE AND PROCEDURAL REQUIREMENTS

11.1 Amending the Redevelopment Plan

Upon compliance with the requirements of applicable law, the Mayor and Council of the Borough of Dunellen may amend, revise or modify this Redevelopment Plan as circumstances may make such changes appropriate.

With respect to projects for which a redevelopment agreement with the Borough has been executed prior to the adoption of an amendment to the Redevelopment Plan, but for which site plan approval has not yet been obtained, changes reflected in the amendment that may conflict with the project plans serving as the basis for such agreement shall not apply

and those requirements that were in effect on the date of execution of the redevelopment agreement shall control.

11.2 Duration of Redevelopment Plan

The Redevelopment Plan, as amended, and as addressed by Phases, shall be in full force and effect for a period of time from the date of approval of this Plan by the Mayor and Council, until either.

a. all the redevelopment phases have been certified as complete and the redevelopment plan has been fully implemented, or
b. for the duration of any long-term tax exemption that has been granted; whichever date is later.

11.3 Conveyance of Land

The intent of this Redevelopment Plan is to facilitate private property redevelopment and ownership. The Local Redevelopment and Housing Law and the Plan, however, authorizes the Borough or its designee, to exercise Its powers to acquire property or to eliminate or modify any restrictive covenants, easements or similar property interests which may undermine the Implementation of the Plan on all properties in the Redevelopment Area. The Mayor and Council or its designee, may sell, lease, or otherwise convey to a redeveloper(s) for redevelopment, subject to the restriction,controls and requirements of this Redevelopment Plan, all or any portion of the land within the Redevelopment Area that becomes available for disposal by the municipality as a result of public action under the Plan. The Borough reserves the right to formulate an agreement under any of the above-referenced arrangements and to enforce resale covenants.

11.4 Redeveloper(s) Selection

The Borough or its designee may implement elements of the Plan by participating in a Request for Proposal (RFP) process. It is anticipated that the Mayor and Council, or its designee will designate a redeveloper(s) for the project and the Mayor and Council will finalize the designation through execution of a redevelopment agreement(s). TheMayor and Borough Council will determine the specifics of the RFP process.

11.5 Redevelopment Agreements

All agreements with redeveloper(s) shall contain the following provisions:

1. The redeveloper(s) will be obligated to carry out the specific improvements in accordance with the Redevelopment Plan.

2. The redeveloper(s), its successors or assigns shall devote land within the Redevelopment Area to the uses specified in this Redevelopment Plan.

3. The redeveloper(s) shall begin and complete the development of said land for the uses required in this Redevelopment Plan within a period of time which the Mayor and Council fix as reasonable.

4. The redeveloper(s) will not be permitted to sell, lease, or otherwise transfer or dispose of property within the Redevelopment Area without prior written consent of the Mayor and Council, or as otherwise may be permitted in a Redevelopment Agreement.

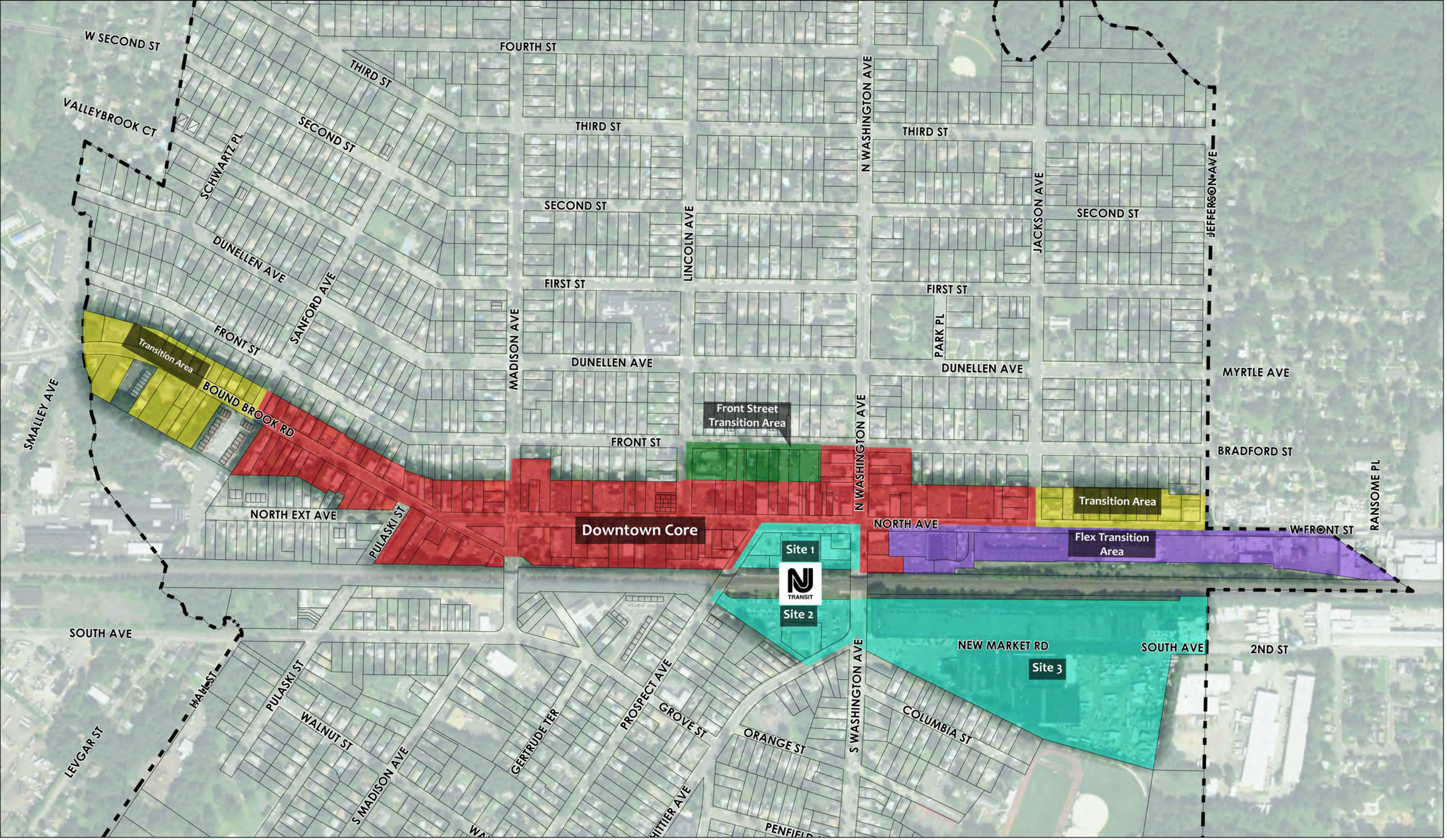
5. Upon completion of the required improvements, the conditions determined to exist at the time the Redevelopment Area was determined to be in need of redevelopment shall be deemed to no longer exist and the land and improvements thereon shall no longer be subject to eminent domain as a result of those determinations.

6. No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the redeveloper(s), the Mayor and Council, or successors, lessees, or assigns of either of them, by which land in the Redevelopment Area is restricted as to sale, lease, or occupancy upon the basis of race, color, creed, religion, ancestry, national origin, gender or marital status.

7. Neither the redeveloper(s) nor the Mayor and Council, nor the successors, lessees, or assigns or either of them shall discriminate upon the basis of race, creed, religion, ancestry, national origin, gender or marital status in the sale, lease or rental or in the use and occupancy of the land or improvements erected or to be erected thereon, or any part thereof, in the Redevelopment Area.

8. Any other provisions as may be deemed necessary to effectuate the purposes of the Local Redevelopment and Housing Law.

Exhibit 1
Redevelopment Plan Area Map



DUNELLEN DOWNTOWN REDEVELOPMENT AREAS

BOROUGH OF DUNELLEN, MIDDLESEX COUNTY

JUNE 2023

N

DMR ARCHITECTS

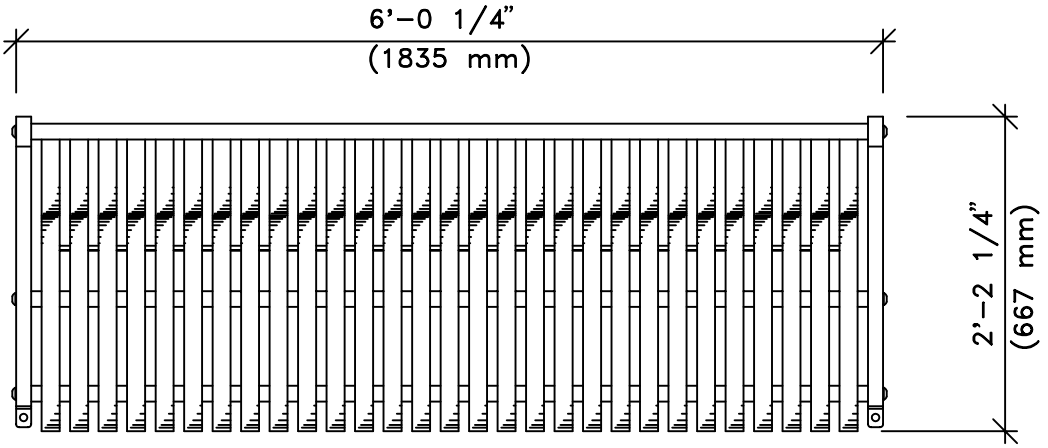
Exhibit 2
Street furnishing specifications

Earth Planter Pro-series 22 Self Watering Hanging Baskets: 22" diameter; 1 cubic foot soil; 4 Gallon Water Reservoir – reduces watering cycles to 2x per week (mid-summer national average)

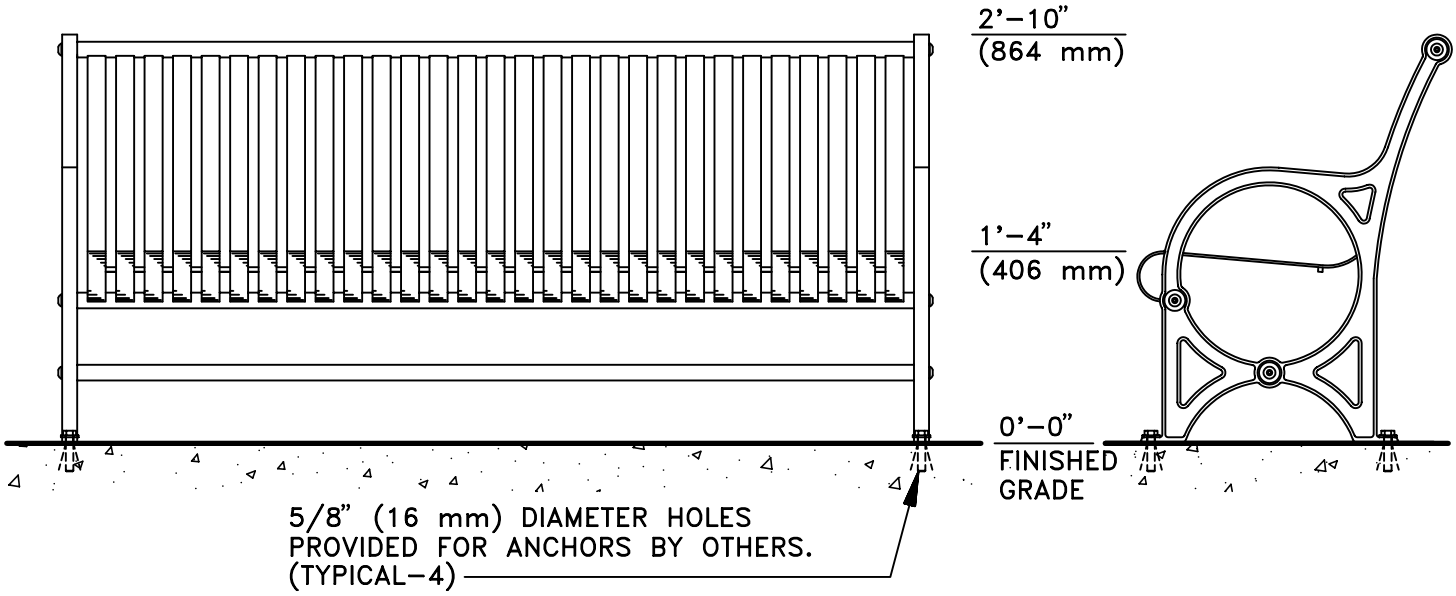


Earth Planter Urban Vase 31: 25.75"x31"; 3.2 cubic feet of soil; water capacity 18 gallons





TOP VIEW



FRONT VIEW

END VIEW

AVAILABLE IN 2', 4', 6' (SHOWN) AND 8' NOMINAL LENGTHS.
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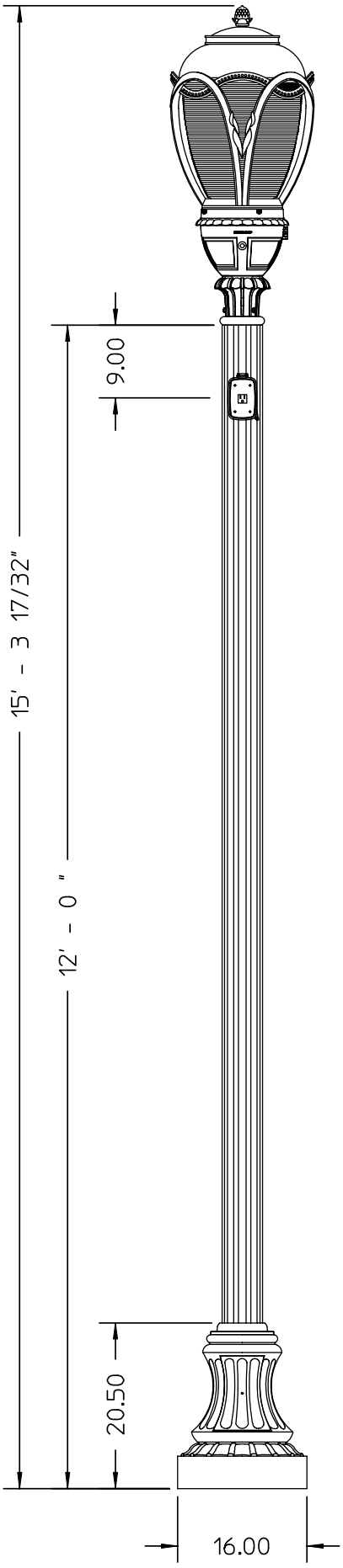
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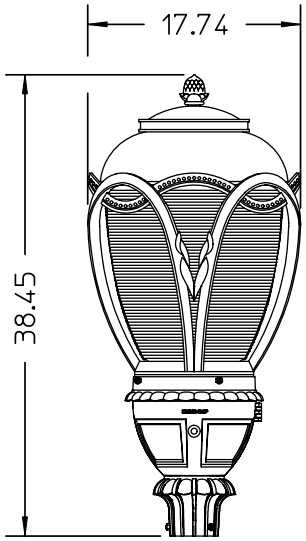
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BENCH WITH ARMRESTS

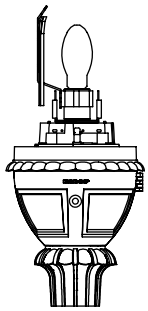
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Luminaire Detail
Scale 1:16



Lamping & Reflector Detail



C/C	PART #	DESCRIPTION
05-3200	S5824C-A	Capitol, 100W HPS, T5, Black
04-1280	SP5844-A	Classic I Pole, 12', Black

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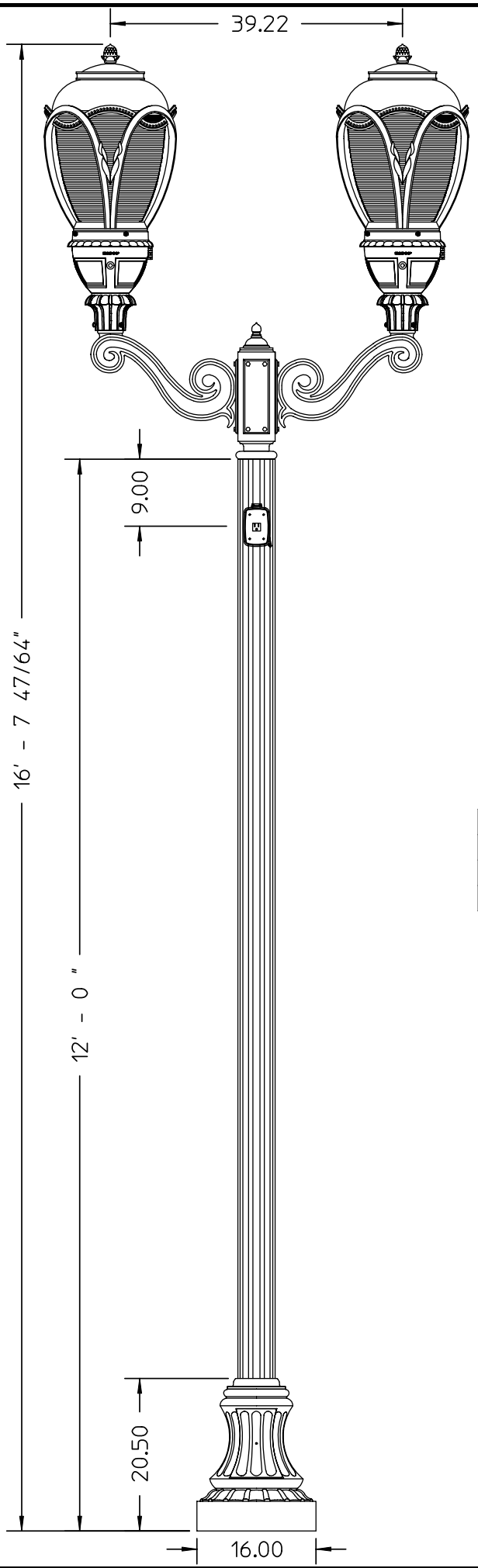
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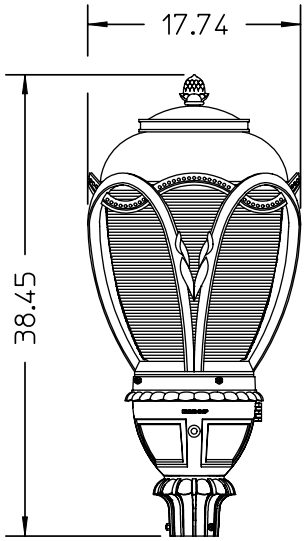
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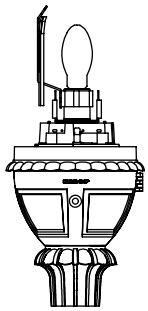
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Luminaire Detail
Scale 1:16



Lamping & Reflector Detail



C/C	PART #	DESCRIPTION
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05-0195	SA5841-A	Imperial Arm, 2-Lite, Black
04-1280	SP5844-A	Classic I Pole, 12', Black

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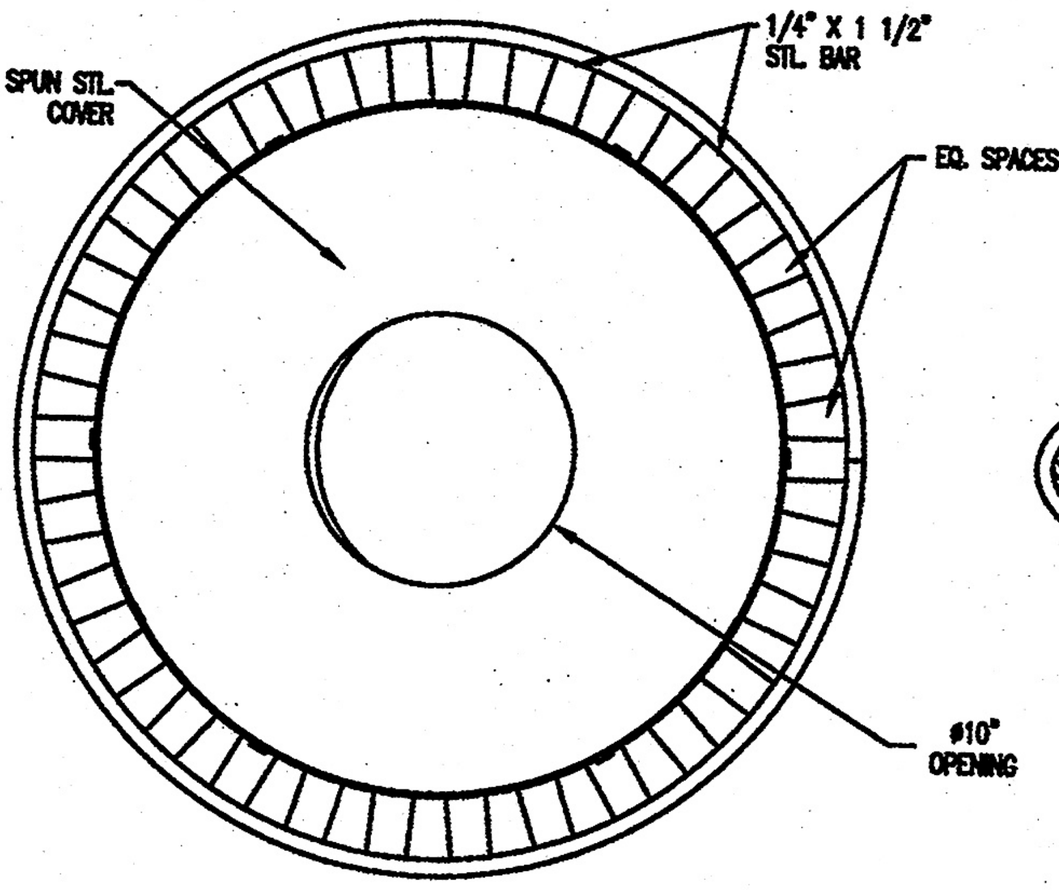
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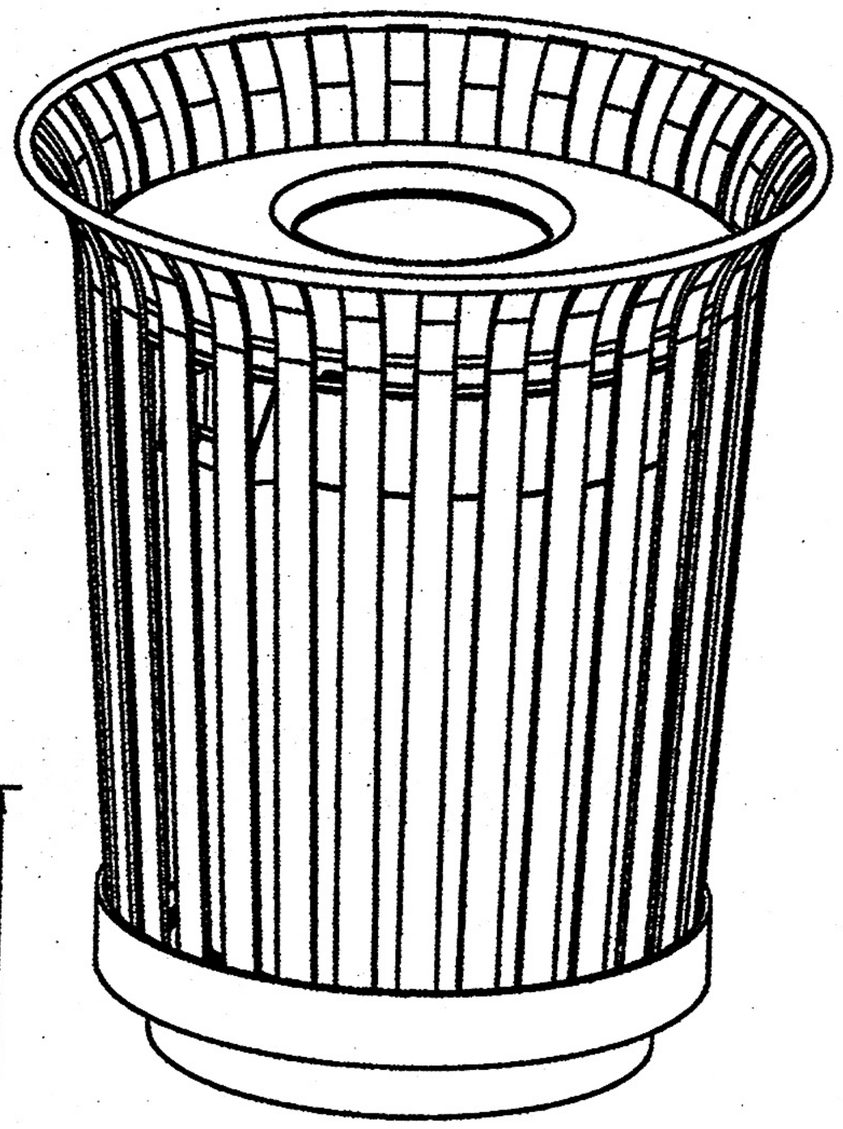
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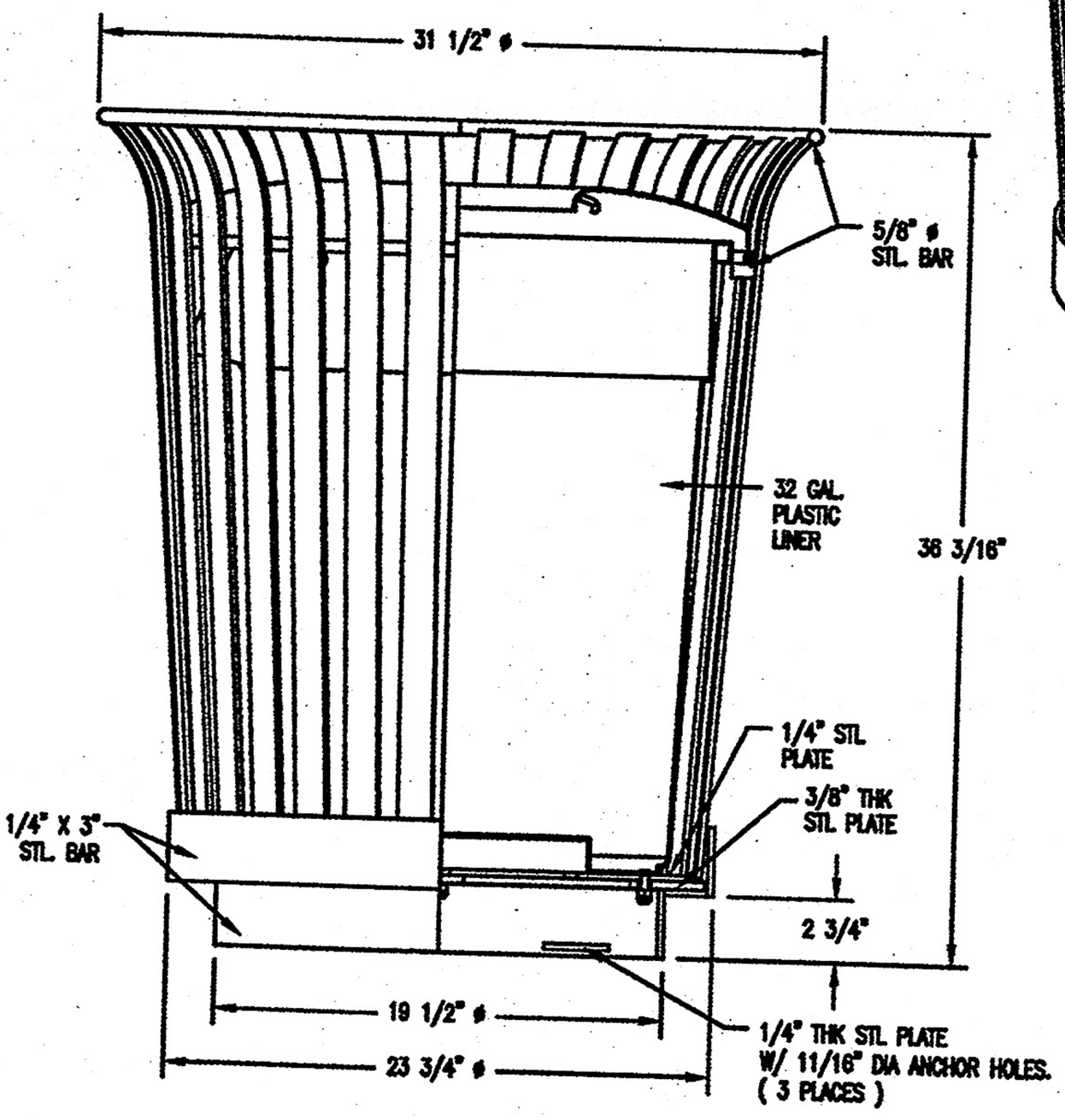
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REV. BY : JSB				

RECEPTACLE DETAIL

N.T.S.

APPENDIX 8

ADMINISTRATIVE AGENT AND MUNICIPAL HOUSING LIAISON

APPENDIX 9

AFFORDABLE HOUSING OPERATING MANUAL

Borough of Dunellen

Affordable Housing Administrative Agent

Policies & Procedures Manual

MAY 2022

Administration of Affordable Units

CGP&H
Community Grants, Planning & Housing

Community Grants, Planning & Housing
1249 South River Road, Suite 301
Cranbury, NJ 08512-3633
609-664-2769
www.cgph.net
www.AffordableHomesNewJersey.com

Borough of Dunellen Administration of Affordable Units Operating Manual

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Executive Summary

This Operating Manual, prepared for Borough of Dunellen hereafter referred to as "Municipality", (1) sets forth the policies and procedures for placing eligible individuals and families into the Municipality's affordable units and (2) provides instructions for working with developers, owners and landlords as new affordable units become available. This document is designed to ensure compliance with the State's Uniform Housing Affordability Controls ("UHAC") (N.J.A.C. 5:80-26.1 et seq.) and with the Municipality's Affordable Housing Ordinance, its Affirmative Marketing Plan if applicable, and other local laws and requirements. In addition to being a valuable tool for the Municipality's Administrative Agent and Municipal Housing Liaison as we implement Affordable Housing in the Municipality, it will also be a resource for other Affordable Housing professionals and interested members of the public to understand the intricacies of implementing a program such as this.

This manual details the tasks involved in the day-to-day administration of Affordable Housing units under the direct control and oversight of the Municipality. This document covers how new units are created and priced and how units are marketed to prospective applicants. Other information includes the following: waiting list and random selection procedures; required and permitted preferences; procedures for determining income eligibility; resale by income-eligible owners of affordable property to other eligible buyers; process for property managers to fill affordable rental vacancies; refinancing and mortgage modification procedures; waivers of program requirements. The administrative steps outlined in this manual are the thread that holds the fabric of the entire program together, setting out the fundamental obligations and responsibilities of the program administrators.

The Glossary at the end of this Operating Manual provides definitions of terms, abbreviations and acronyms used throughout the Operating Manual.

I. INTRODUCTION

The purpose of this manual is to describe the policies and procedures used to create Affordable Housing units in the Municipality and fill them with income-eligible families.

The policies outlined in this manual are derived from UHAC (N.J.A.C. 5:80-26.1 et seq.) This manual does not include all provisions of UHAC, and UHAC is a companion document to this manual. Instead, this manual highlights instances where additional guidance is provided by the New Jersey Department of Community Affairs' staff or by local ordinance. The manual also provides additional clarification and direction on items that are not in UHAC in order to ensure fairness to applicants, owners, and renters.

A. What is Affordable Housing?

Affordable Housing, unlike market-rate housing, has affordability controls establishing initial set prices and rents, and then controlling annual increases for many years. For example, new units that fall under these controls will be restricted for at least 30 years. The New Jersey Affordable Housing rules consider housing to be "affordable" if the household[1] expends approximately 28% or less of the household's gross income on housing costs. See footnote below and Glossary for definition of "Household." Affordable Housing is priced to be affordable to households earning up to 80% of the area median income for the region in which the Affordable Housing is located.

An Affordable Housing unit for the purposes of this manual can be specifically defined herein as "a housing unit proposed or created pursuant to the [Fair Housing] Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable trust fund." ("Affordable Unit").

The Affordable Units referenced in this manual are not the same as public housing units that are funded largely by governmental programs such as those administered by the U.S. Department of Housing and Urban Development ("HUD") programs and that are owned, operated and managed by a public housing authority ("PHA"). As defined by HUD, "public housing was established to provide decent and safe rental housing for

[1] In accordance with US Department of Housing and Urban Development ("HUD") definitions and UHAC practice, "household" references the number of persons in the unit and not the size of the unit. See for example, HUD's definition of household as "[o]ne or more persons occupying a housing unit" -- in other words, the number of persons in the home. HUD website accessed June 13, 2016. http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/glossary/, HUD accessed June 13, 2016. See also, UHAC regulation N.J.A.C. 5:80-26.4, "In determining the initial rents and initial sales prices for compliance with the Affordability Average requirements for restricted units ... the following standards shall be used: 1. A studio shall be affordable to a one-person household**."** (Emphasis added).

eligible low-income families, the elderly, and persons with disabilities. Public housing comes in all sizes and types, from scattered single-family houses to high rise apartments for elderly families. There are approximately 1.2 million households [in the US] living in public housing units[.]"[2] Some municipalities create their own PHAs which operate and manage public housing within the municipality.

B. Who Qualifies for Affordable Housing?

To be eligible for Affordable Housing in New Jersey, a household's income must be below the established income limit for the region in which the Affordable Housing is located. There are three eligibility levels: very low, low, and moderate. A moderate-income household is classified as earning less than 80 percent of the area median income. A low-income household is classified as earning less than 50 percent of area median income, and a very low-income household is classified as earning less than 30 percent of median income. See Glossary for definitions of "Low- Income **Household"** and "Very Low-Income Household". There are different median incomes in each of the six Affordable Housing regions shown in Figure 1 below, with the Borough of Dunellen located in Region 3. The income limits are adjusted annually.

Figure 1: Affordable Housing Regions

Regions	Counties
1	Bergen, Hudson, Passaic, Sussex
2	Essex, Morris, Union, Warren
3	Hunterdon, Middlesex, Somerset
4	Mercer, Monmouth, Ocean
5	Burlington, Camden, Gloucester
6	Atlantic, Cape May, Cumberland, Salem

C. Equal Housing Opportunity

Title VIII of the Civil Rights Act of 1968 (the "Fair Housing Act"), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

[2] http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph, US HUD Website, accessed June 7, 2016.

The New Jersey Law Against Discrimination ("LAD") prohibits discrimination when selling or renting property. The law covers owners, agents, employees and brokers and makes it unlawful to refuse to rent, show or sell property based on a person's race, creed, color, national origin, nationality, ancestry, marital status, domestic partnership or civil union status, familial status, affectional or sexual orientation, gender identity or expression, sex, or mental and physical disability, including AIDS and HIV-related illness. In addition, the LAD prohibits discrimination in the housing context based on one's source of lawful income or rent subsidy.

II. CREATION OF NEW UNITS

This manual applies to UHAC eligible units whether for rent or for purchase, 100 percent affordable developments, market-to-affordable projects, gut-rehab projects, and other innovative Affordable Housing mechanisms. It does not apply to projects exempt from UHAC including low income housing tax credit projects and group homes. (See UHAC for a full list of exempt programs.)

A. Review Project Requirements

When a new project is planned, the administrative agent designated by the Municipality for the administration of Affordable Units (the "Administrative Agent") will gather the information outlined in Figure 2. The first step is to review development approvals and/or developer agreements, the Housing Element and Fair Share Plan, and the municipal Affordable Housing Ordinance including its Affirmative Marketing Requirements if applicable.

B. New Purchase Units

1. Initial Pricing and Bedroom Distribution of Purchase Units

The Administrative Agent will determine the initial pricing stratification in compliance with UHAC[3]. The pricing calculation will take into consideration costs that exist at that time including such factors as the mortgage rate, tax rate, equalization ratio, condominium/homeowner association fee, and Private Mortgage Insurance ("PMI"). PMI must be included in the pricing calculation even if a new development will provide financing that will not require PMI. This will ensure that the price is affordable at future sales when PMI will be required. The maximum restricted sales price ("MRSP") will be affected by mortgage interest rates when an affordable Unit is initially priced. At resale,

[3] Under UHAC, the maximum sales price of restricted ownership units within each affordable development "shall be affordable to households earning no more than 70 percent of median income" (hereafter "Maximum Restricted Sales Price").

the prevailing mortgage interest rate will be used to determine the affordability of that particular unit to the applicant household.

Figure 2: New Development Checklist

CGP&H

New Development Checklist

CONTACT INFORMATION

Development Name: _____

Contact Person: _____ Email: _____

Address: STREET _____ CITY _____ STATE _____ ZIP CODE _____

Phone: (office)_____ (mobile)_____ (fax)_____

GENERAL INFORMATION

Funding Source of Units *(to determine if exempt from UHAC)*: _____

_____

Affordable Housing Requirements Stipulated: *Circle either "Yes" or "No" and provide explanation*		
Development Approval &/or Developer's Agreement	Yes / No	
Fair Share Plan	Yes / No	
Local Ordinance	Yes / No	

Affordable Units Phasing Requirements: _____

_____

_____

Property Type *(circle one)*: **RENTAL** or **SALE** Anticipated date first unit ready: _____

Location of Affordable Units in Project: _____

Number of **Market** Units: _____

Number of **Affordable** Units: _____

Is there a **Regional Preference**? _____

Are any units **Age Restricted** (55+)? _____

Requirements for **Deposit**: _____

Provide number of units in each category

Income Distribution Requirements		**Bedroom Requirements**	
Very Low:		Studio/1br:	
Low:		2 Bedroom:	
Moderate:		3 Bedroom:	

Parking Details: _____

_____

OWNERSHIP ONLY

Tax Rate: _____ Equalization Rate: _____

Condo/Homeowner Association Dues: _____

Special Financing Provided by Developer? Yes No
If yes, explain: _____

Policy on Upgrades: _____

_____

Incorporation Documentation Provided:

[ ] Master Deed

[ ] Declaration of Covenants

[ ] Other: _____

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RENTAL ONLY

Utilities Included in Rent: *(check all that apply)*

[ ] Water [ ] Electric [ ] Sewer [ ] Trash

(for the following utilities, if no, list type)

[ ] Heat *type:*_____

[ ] Cooking *type:*_____

[ ] Hot Water *type:*_____

Pets Policy:

_____

_____

_____

Application Fee: _____

Mandatory Fees: _____

Optional Fees: _____

Rental Very Low Income Requirement
(13% of units at 30% AMI or 10% at 35% AMI)

2. Upgrades from Builder

The builder may offer buyers of new Affordable Units the opportunity to purchase upgrades such as granite countertops or hardwood flooring at additional cost. If upgrades are offered, the following guidelines apply:

a. These upgrades must be optional. The buyer must be able to choose NOT to purchase the upgrades and be able to buy the base home at or below the MRSP.
b. The sale price of the home will be at or below the MRSP without the cost of the upgrades.
c. All future sales will be based on the sale price without the upgrades. In other words, the buyer will not be able to recoup the cost of the upgrades at the next sale.
d. The buyer cannot finance more than the MRSP. As a result, the buyer will not be able to finance the cost of the upgrades.

3. Deed Restriction

Affordable Units created under this program will be deed restricted as affordable for a period of at least 30 years and thereafter until the municipality takes action to release the affordability controls. All legal instruments to secure the affordability will be modeled after the applicable instruments published in the UHAC Appendices. When there is a Master Deed, one restrictive covenant will be filed for all Affordable Units but the affordability control period start date for each unit begins with the date that each particular unit is initially occupied. This should be filed in advance of the initial Affordable Housing closing for each project or unit.

A market-rate appraisal will be required to calculate the repayment amount on the affordable Recapture Mortgage Note. (This amount is the difference between the market appraisal and the affordable sale price and is due at the first non-exempt sale at the end of the control period.) The developer is responsible for providing the market rate appraisal. One appraisal can be used for similar unit types (all one bedrooms that are the same models, for example) if the appraisal is less than six months old. If the buyer's mortgage company completes a market-rate appraisal, that appraisal can be used instead. (See additional discussion in Section V.)

4. Earnest Money (Deposit) for Ownership Properties

The Affordable Housing rules do not specify a minimum or a maximum amount that a buyer must put down on a property when the Purchase Agreement and/or Contract of Sale is executed. However, while not required, a down payment is recommended because banks will almost never lend without a 5% minimum contribution.

C. New Rental Units

1. Initial Pricing and Bedroom Distribution of Rental Units

Rents will be set according to the pricing guidelines outlined in UHAC. In order to comply with 2008 amendments to the Fair Housing Act, 13 percent of all affordable rental units in a project will be priced at 30 percent of median income (N.J.S.A. 52:27D-329.1.) (This requirement is more stringent than the UHAC guidelines which stipulate that at least 10 percent of all

Affordable Units in the development be affordable to households earning no more than 35 percent of median.) In all cases, the more stringent of the two requirements will prevail.

2. Mandatory and Optional fees

If the landlord charges a *MANDATORY* fee for rental units such as an amenity fee or association fee, this fee will be subtracted from the permitted maximum rent. *At no time should the rent plus required fees exceed the maximum rent allowed.* (Utility allowances are factored into the initial pricing and are not considered mandatory or optional fee. See above.)

The developer may require that all renters purchase *rental insurance*. The rental insurance cost is not considered a mandatory fee and will not be included in the initial rental calculation or part of the minimum income calculation.

The landlord may charge optional fees to tenants. However, the landlord is not permitted to charge affordable tenants these fees and waive them for market units. *For example, if parking is included in the rent for market units, the landlord cannot charge affordable tenants for parking*. Example of optional fees include:

- Optional parking fee
- Optional amenity fee
- Optional pet fee
- Optional month-to-month fee

The Administrative Agent will review and approve all leases to determine that the rent plus required fees do not exceed the maximum rent allowed.

3. Deed Restriction

Affordable Units created under this program will be deed restricted as affordable for a period of at least 30 years and thereafter until the Township takes action to release the affordability controls. All legal instruments to secure the affordability will be modeled after the applicable instruments published in UHAC.

The rental deed restriction will list the income level designation as well as the bedroom size of each Affordable Unit. The units cannot be "swapped" during the control period. *For example, after the deed restriction is filed, the affordable designation of the unit cannot be changed from a Low-Income to a Moderate-Income unit.* Moreover, it is important to note that the prevailing regulations (UHAC) do not require annual recertification, and therefore while the unit remains as a Low/Moderate-Income unit during the term of the deed restriction, the income of the current tenant is no longer relevant following initial eligibility. The same rules relating to initial eligibility certification and no annual recertifications will continue to apply to each subsequent tenant throughout the duration of the deed restriction.

4. Application Fees

Affordable units are "private" market units (as opposed to public housing units) where rents are set (and deed restricted as to time) to be affordable to very low, low, and moderate income persons. Although deed restricted, the units still are under the "control" of the private

owner/landlord, with oversight by the Administrative Agent. Accordingly, other than the set rent and deed restriction requirement, the landlord may establish its own non-discriminatory legal criteria for tenant selection. Such tenant selection criteria must be the same in renting Affordable Units as for leasing market rate units. With respect to the landlord's tenant selection criteria, the Administrative Agent's responsibility is to ensure that (1) the criteria for the Affordable Units is consistent with the market-rate criteria, and (2) the application fee is deemed to be reasonable.

The landlord may choose to collect an application fee from households interested in applying for Affordable Housing. UHAC rules limit the application fee to 5 percent of the monthly rent of the applicable rental unit.

After the household passes the landlord's tenant selection criteria, the landlord *may* choose to collect an additional fee from the applicant to process the Affordable Housing application. Landlords may choose to implement this optional fee so only serious applicants move through the income certification process. If this optional fee is collected, the following rules apply:

- The fee cannot be higher than one month's rent.
- If the applicant is income-certified and rents the unit, the fee will be applied to the first month rent and/or down payment.
- If the applicant is income certified and they choose not to rent the unit, the landlord is not required to return the fee.
- If the applicant is determined to not be income eligible, the landlord must return the fee.

5. Security Deposit

Security deposits for Affordable Units are governed by New Jersey Landlord-Tenant regulations. The requirements are the same for Affordable Units as they are for market-rate units.

6. Tenant Selection Criteria

As explained in Section 4 above, the landlord is permitted to set tenant selection criteria and screen applicants on criteria such as credit score and criminal history, subject to approval by the Administrative Agent. All tenant selection criteria must comply with all New Jersey landlord tenant laws and the landlord is required to provide the Administrative Agent with a written copy of its tenant selection criteria. The tenant selection criteria must be applied uniformly to all applicants, and the landlord cannot impose stricter criteria on affordable tenants than market-rate tenants.

D. Project Monitoring

All new unit information will be compiled and maintained by the Administrative Agent, and filed with Fair Share Housing Center.

III. Marketing of Units, Waiting List, and Matching Households to Available Units

The following section describes the steps that will be taken to identify very low, low, and moderate income families that may be interested in renting and purchasing Affordable Units created by the Municipality. All marketing initiatives must comply with the Affirmative Marketing rules established by UHAC, as presently set out in NJAC 5:80-26.15 and in accordance with any additional Affirmative Marketing Plan developed by the Municipality.

Development-specific Affirmative Marketing Plans would outline required marketing, including paid advertising that must be conducted before a random selection is completed. (See Random Selection and Waiting List Priority in Section B, below.)

While the waiting list is open, Affirmative Marketing will continue in the form of listing of units on NJHRC.gov, affordablehomesnewjersey.com, and/or quarterly mailings to community groups, major employers, and government agencies in the New Jersey Affordable Housing region where the Municipality is located. If the waiting list is ever closed because of the long length of the list, paid advertising as outlined in the Affirmative Marketing Plan will be required to reopen the waiting list.

A. Preliminary Application

All households that wish to be considered for Affordable Housing must submit a preliminary application. Households will be encouraged to submit their preliminary application online. For those applicants who do not have internet access, the Administrative Agent will work with interested applicants by phone and mail. The preliminary application will include questions about household income and its composition in order to determine preliminary eligibility. Please note that preliminary eligibility is based solely on self-reported information by the applicant and is in no way a guarantee of eligibility.

If the applicant indicates that their total household income is below the moderate income limit for their family size, they will be eligible for placement in the applicant pool. The Administrative Agent will also set a minimum income that is required to be added to the waiting list. (See *Minimum Income Requirements* in this Chapter.) Applicants will be required to provide written documentation of their income at the time of the full income certification as discussed in *Chapter IV.*

B. Random Selection and Waiting List Priority

For new projects and when random selection is utilized, the Administrative Agent will assign random numbers to each applicant through a computerized random number generator thereby creating a waiting list.

After the list of applications submitted during the initial lottery period is exhausted, the priority of preliminary applications is established by the date that the household submits their preliminary application ("Interest Date").

A separate waiting list will be kept for ownership versus rental units, resulting in a total of two waiting lists for the Municipality. Households waiting for age-restricted and family rental units will be part of the same waiting list. Likewise, households waiting for age-restricted and family ownership units will be part of the same waiting list. In filling an age-restricted property, households that do not meet the age requirements will be skipped.

When brand new Affordable Units become available for rent or sale in a new development, a lottery will be conducted UNLESS there are households on the existing waiting list with lottery numbers that have not been contacted. In these cases:

- Those applicants with lottery numbers will be contacted first.
- Households that submitted a preliminary application after the last lottery (and do not have lottery numbers) will be included in the next lottery if it is required to fill the units.
- Affirmative Marketing will be required before this lottery is held since these are new Affordable Units and the public must be made aware of the new Affordable Housing opportunity.

As an example, if a new housing opportunity arises that will create 150 new Affordable Units and the existing waiting list has only 50 applicants on it (who hold numbers 1 to 50), a new lottery will be held with Affirmative Marketing. If an additional 50 applications are submitted as a result of this marketing effort, then these "new" applications will be assigned numbers 51 to 100 on the waiting list.

The household with the highest lottery number (or oldest Interest Date) may not always be the next person contacted for a specific available unit because of factors impacting waiting list priority. In addition to age-restricted requirements already discussed, these factors include the number of persons in the household, household income level, households with a person with physical disabilities, veterans preference and regional preference as may be established in the Municipal Affordable Housing Ordinance. The Borough of Dunellen has selected to use a regional preference and not to use a veterans preference, which appears in the Borough of Dunellen's Affordable Housing Ordinance. Each of these six waiting list priority factors are further described in *Figure 3*.

C. Property Questionnaire

When an applicant becomes eligible to be offered an Affordable Unit, they will be asked to complete a Property Questionnaire. The Property Questionnaire will assess whether they continue to meet the income requirements and whether they remain interested in purchasing or renting a specific unit or unit type.

In order to match households to available units as quickly as possible, the Administrative Agent will choose whether to limit the outreach to the next group of applicants on the waiting list (private outreach) or outreach to all eligible households (public outreach), as discussed in the following section.

1. Private Outreach

When there is a long waiting list, the Administrative Agent will only outreach to a limited group of applicants who are next on the waiting list. This approach is typically taken with rental projects and new ownership units.

The Administrative Agent will invite approximately five to 10 households that meet the eligibility requirements to complete a Property Questionnaire for each available unit. Waiting list priority will be established by the factors outlined in *Figure 3*.

Households will have 24 hours to request to visit the unit at some future, mutually agreed upon time. If they request to visit, they will then be prompted to update a simple Property Questionnaire. If they do not want to pursue the unit or even if they do not respond at all, they will not be removed from the waiting list and will be notified of the next available vacancy.

The interested household will be referred to the landlord/developer to view the unit(s) and pay the application fee, if required. New ownership developments may require a mortgage preapproval be submitted prior to viewing the home. If more than one household qualifies and is interested, the household with the highest priority (lottery number or Interest Date) will be offered the unit.

Figure 3: Additional Factors Impacting Waiting List Priority

1. Age-Restricted	Only households that meet the age-restricted requirements will be offered age-restricted units. See Glossary for definition of "Age-Restricted Units."
2. Regional Preference	Municipalities may choose to give preference to households that live or work in the local Affordable Housing region. Dunellen has elected to give preference to households that live or work in the local Affordable Housing region, such regional preference shall be established by ordinance. In such instance, applicants who indicate that they live or work in the Affordable Housing region will be contacted before those outside the region. Once those applicants are exhausted, applicants outside the region will be contacted. See Glossary for definition of "Regional Preference."
3. Household Size (Number of Members)	Whenever possible, there will be at least one person for each bedroom. If the waiting list is exhausted and there are no households with a person for each bedroom, units will be offered to smaller sized households that do not have a person for each bedroom. An applicant household cannot be required to take an Affordable Unit with a greater number of bedrooms as long as overcrowding is not a factor. (A maximum of two people are permitted per bedroom.) A household can be eligible for more than one unit category. An applicant may request a reasonable accommodation for an extra bedroom to accommodate large medical equipment. Applicants must provide Doctor's note at time of income certification.
4. Maximum Income Limit and Minimum Income	Only households that are under the income limit of the Affordable Unit AND meet the minimum income requirements will qualify to apply for the next Affordable Unit. See *Figure 5* for a full discussion of minimum income requirements.
5. Fully Accessible Units	A household with a person with physical disabilities will get preference on the waiting list for accessible units because of the very limited number of handicapped accessible units. Applicants must provide a letter from their doctor stating what kind of accommodation they require as a result of their disability.
6. Veterans Preference	The Municipality and developer may enter into an agreement to provide preference to very low, low, and moderate income veterans who served in time of war or other emergency, as defined in section 1 of P.L.1963, c. 171 (C.54:4-8.10), of up to 50 percent of the affordable units in that particular project. If applicable, veterans who apply within 90 days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units. After the first 90 days of the initial 120-day marketing period, if any of those units subject to the preference remain available, then applicants from the general public shall be considered for occupancy. See Glossary for definition of "Veterans Preference."

2. Public Outreach

The Administrative Agent will contact all eligible households for a specific unit when the waiting list is short or when there are several properties available. Public outreach is typically conducted for the resale of existing units. It allows the Administrative Agent to move through the waiting list as quickly as possible.

When the Administrative Agent is notified of a pending rental vacancy or the intent of the owner of a single-family unit to sell, the Administrative Agent then will set a deadline by which all applicants that have indicated an interest in this development or in the Municipality must return a Property Questionnaire. Waiting list priority will be established by the factors outlined in *Figure* 3. Interested households will be provided the contact information of the owner/seller to be provided an opportunity to view the home. If more than one household qualifies and is interested, the household with the highest priority number will be offered the unit first.

If the unit is still available after this initial outreach, the Administrative Agent will contact households not previously contacted in the first outreach such as smaller-sized households and out-of-region households (if applicable.) If the home still does not have a buyer, the Administrative Agent will open the listing up to all household sizes.

Households will not be removed from the waiting list if they do not choose to purchase a unit they are offered during public outreach.

D. Determining Preliminary Eligibility

The Administrative Agent will review the Property Questionnaire to determine whether the applicant meets or continues to meet the requirements to rent or purchase the unit. All information will be verified during the full application process. The following sections describe the factors that will be reviewed to determine preliminary eligibility as well as final eligibility during the full income certification process.

1. Regional Preference

Should a municipality determine that households that live or work within the Municipality's Affordable Housing Region are to be given Regional Preference in being contacted, such Regional Preference shall be set out in the municipality's Affordable Housing Ordinance. Upon the adoption of such an ordinance, the Administrative Agent will confirm that the household either lives or works within the region. If they no longer live or work within the region, they will remain on the waiting list for consideration after all in-region applicants have been considered. The Borough of Dunellen does have a regional preference.

2. Determining Household Composition

The household is composed of all permanent members of the household, and the composition will determine both the size of the unit needed by the household and the maximum income limit of that household. Some household members may be considered in the bedroom calculation who are not counted in the maximum income calculation as show in *Figure 4.* If applicant's divorce decree states that both parents share legal and residential custody but the former spouse has primary custody for school purposes, the child may be included in the applicant's household when determining household size during the income certification process.

Figure 4: Determining Household Size (Number of Members)

	Maximum Household Income Limit	Bedroom Size Calculation
Foster Children	Do not count in household (do not include foster care income either)	Count
Live in Health Aid or Nanny *(This must be a paid position and proof of contract with caregiver is required)*	Do not count (Must provide proof that person is hired)	Count
Child Whose Primary Residence is Not the Applicant Household	Do not count unless custody is 50/50 (see narrative)	Count
Unborn Child	Count (Cannot ask for documentation because of privacy)	Count
Child Being adopted	Count	Count
Full time college student not living at home *(Full time student is a member of the household reported to the IRS as a dependent who is enrolled in a degree seeking program for 12 or more credit hours per semester)*	Count (Do not count any part time income earned where part time is any income earned on less than a 35 hour work week)	Count

3. Maximum Income Limits

The Administrative Agent will confirm that the household's income reported on the Property Questionnaire falls under state mandated maximum income limit for the unit for which they are applying. Maximum income limits are provided annually by the State for each of the six Affordable Housing regions. See Appendix A for updated maximum income limits.

4. Minimum Income Requirements

Unlike maximum income limits, the State does not set minimum income limits. Instead, the State provides different income-to-housing expense ratios for rental and purchase units and different standards for age-restricted homes. The purpose of these ratios is to provide guidelines so applicants will be able to sustain their monthly housing expenses in the Affordable Units.

Evaluating minimum income requirements is complicated because the permitted ratio of monthly income that can be spent on housing expenses varies for different unit types and waivers are permitted. *Figure 5* details the minimum income ratios that will be utilized at each

stage of the outreach process as well as during the full income certification. Since waivers from UHAC are allowed (see below), outreach is extended to households that do not quite meet the minimum income requirements. *For example, UHAC stipulates that households must not pay more than 33 percent of their monthly income for housing expenses if they are purchasing a home unless they meet a waiver requirement. When a specific home is for sale, outreach is expanded to all households whose housing expenses are under 35 percent instead of 33 percent. At the time of income certification, the exact percentage and whether they meet a waiver requirement is confirmed.*

Precise waiver requirement standards are not stipulated in UHAC, and *Figure 5* provides guidance when evaluating waiver requests. The State permits the Administrative Agent to give waivers to households to purchase a unit when their existing monthly housing expenses exceed 33 percent of their monthly income under the following conditions:

- The household can provide evidence that they have completed a HUD-certified home budgeting course; and
- The household obtains a firm mortgage loan commitment at the higher housing expense percentage of income level from a licensed financial institution.

Likewise, rental waivers may be given under the circumstances described below, and the household must receive a budgeting counseling class.

- The household can document that the housing expense of the Affordable Unit is less than the housing expenses of their current housing; or
- The household currently pays more in rent and the proposed rent will reduce the household's housing costs; or
- The household has consistently paid more than 35 percent (40 percent for households eligible for Age-Restricted Units) of eligible monthly income for rent in the past and has proven its ability to pay; or
- The household is currently in substandard or overcrowded living conditions;
- The household documents the existence of assets, with which the household proposes to supplement the rent payments; or
- 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. (This includes applicants with a Section 8 Voucher.)

When reviewing a waiver request, the Administrative Agent may take into consideration whether the applicant is receiving other assistance such as SNAP Benefits (Food Stamps).

5. Minimum Down Payment (Ownership Only)

For all purchase units, the Administrative Agent will review how much the applicant self-reports as having available for a down payment. If the down payment is less than 5% of the purchase price, the applicant will be advised that they may not be able to obtain a mortgage to purchase the home because most banks require at least a 5% down payment.

6. Regional Asset Limit

If an applicant owns a home without a mortgage, the value of the home must be less than the Regional Asset Limit set by the State annually. See Appendix A for updated regional asset limit. An appraisal or listing with real estate agent is required to verify value.

This Regional Asset Limit test does not apply to:

- Properties with a mortgage even if the applicant's equity exceeds the asset limit;
- Cash or other assets; and
- Applicants whose property taxes and fees on the property are more than 38 percent of the household's income.

Figure 5: Minimum Income Calculations [1]

RENTALS *Monthly Housing Expense Calculation is rent + utilities not included in rent – monthly rental Assistance (if accepted by landlord)*		
	Family Units	Age-Restricted Units
To Submit Preliminary Application	Any household with income over $8,000/year	Any household with income over $8,000/year
To Be Invited To Submit Property Questionnaire	37% of income toward housing expenses 45% of income toward housing expenses with rental waiver[2]	42% of income toward housing expenses 45% of income toward housing expenses with rental waiver[2]
To Be Invited To Submit Full Application	37% of income toward housing expenses 45% of income toward housing expenses with rental waiver[2]	42% of income toward housing expenses 45% of income toward housing expenses with rental waiver[2]
To Be Income Certified To Rent Unit	35% of income toward housing expenses 45% of income toward housing expenses with rental waiver[2] If applicant meets minimum income requirement with rent only, case manager will review utility allowance [3]	40% of income toward housing expenses 45% of income toward housing expenses with rental waiver[2] If applicant meets minimum income requirement with rent only, case manager will review utility allowance[3]
UHAC Requirement (Without Waiver)	35% of income toward Housing Expenses	40% of income toward housing expenses
OWNERSHIP *Monthly Housing Expense Calculation is monthly mortgage cost +HOA fee + property tax + insurance*		
	Family and Age-Restricted Units	
To Submit Preliminary Application	Any household with income over $8,000/year. No minimum down payment required.	
To Be Invited To Submit Property Questionnaire	35% of income toward housing expenses No minimum down payment required	
To Be Invited To Submit Full Application	35% of income toward housing expenses 5% minimum down payment required (no loans or grants)	
To Be Income Certified To Purchase Unit	33% of income toward housing expenses 35% of income toward housing expenses with ownership waiver[2]	
UHAC Requirement (Without Waiver)	33% of income toward housing expenses	

[1] Minimum income and percentages may be adjusted as needed to administer the program. Minimum income should not restrict eligible applicants and is designed to prevent applicants who do not have enough income from being added to the waiting list. All minimum income requirements will be clearly posted on the Administrative Agent's website.
[2]Rental and Purchase waiver requirements are explained in the *Minimum Income* Section of this Chapter (see Section 4).
[3]The utility allowance review will determine whether the applicant will be able to afford the monthly expenses. This is sometimes required because the new utility allowance greatly exceeds the original utility pricing or their household's actual utility costs may be less because of energy improvements.

7. Minimum Credit Score

For all purchase units, the Administrative Agent will review the self-reported credit score of the applicants when determining preliminary eligibility. The Administrative Agent will determine the minimum determined credit score (such as 600) based on the current credit requirements of banks, and the same standard will be applied to all applicants.

There will be no minimum credit score for applicants paying cash for their homes since they do not need to qualify for a mortgage.

Applicants for rental units will be advised of the minimum credit score required by the landlord. As stated above, Affordable Units are "private" market units where rents are set, and while deed restricted as to time, they are still under the "control" of the private owner/landlord, with oversight by the Administrative Agent. Accordingly, other than the set rent and deed restriction requirement, the landlord may establish its own non-discriminatory legal criteria for tenant selection. Such tenant selection criteria must be the same as (and not more stringent than) the selection criteria for leasing market rate units.

8. Separated Applicants

Separated applicants who have not finalized their divorce settlement agreement cannot purchase an affordable home until the spouse signs a form stating that they are releasing any claim right or interest in the affordable home being purchased. If the spouse refuses to sign the release, the applicant can request a judge to require the spouse to sign the form.

In order to calculate the household income of separated applicants at the time of the full income certification for both rental and sale properties, the applicant will need to provide a settlement agreement, divorce decree, or a division of assets signed by both parties.

E. Annual Updates

In order to keep the waiting list current, households will be asked to update their contact and other qualifying information on the waiting list annually. Households that do not update their information will be removed from the waiting list.

F. Full Application

Households will be invited to submit a full application to purchase or rent an affordable unit in order for the Administrative Agent to determine the income eligibility of the household. Applicants will have seven (7) days to submit the income application and seven (7) day extensions are permitted for a total of two weeks (14 days). Once the full application is received, the Administrative Agent will complete a determination of the household's eligibility within seven days.

G. Removal from the Waiting List

Applicants on the waiting list for Affordable Housing can be removed from the list for any of the following reasons:

1. The applicant's income exceeds the income guidelines;
2. The applicant does not have the minimum income to purchase or rent any units in the portfolio;
3. The applicant owns an asset that exceeds the Regional Asset limit;
4. The applicant requests to be removed;
5. The applicant submits fraudulent information during the income certification process;
6. The applicant fails to submit the complete application on time (this includes failure to provide documentation needed to verify income and other required documents);
7. The applicant fails to respond to an inquiry in a timely manner;
8. The applicant does not cooperate or is abusive with staff, property managers, or the sellers of Affordable Units;
9. The applicant does not meet the credit requirements or other tenant selection criteria required by the landlord;
10. The applicant is unable to secure a mortgage;
11. The applicant does not attend a budgeting/home buyer counseling class if such is required (e.g., for a waiver);
12. The applicant does not respond to requests to purchase or rent a unit;
13. The applicant does not submit an annual update; or
14. The applicant has been approved to rent or purchase a unit in the Municipality.

Applicants who are removed from the waiting list may reapply. If approved to rent or purchase a unit in the Municipality, they may reapply for other opportunities in the Municipality.

H. Income Certified Applicants on the Waiting List

Under certain circumstances, an applicant may be fully income certified but they do not proceed with the purchase or renting of the unit. In this case, the applicant will resume their original position on the waiting list. They will be contacted in the same priority outlined in this Chapter. In other words, being fully income certified will not result in any priority on the waiting list over other applicants. If the applicant does not sign a contract or lease within six months of the income certifications, the certification will expire.

IV. Determining Income Eligibility

To be eligible for consideration for an Affordable Unit, a household must be determined to be income eligible. This income eligibility is modeled after the US Department of Housing and Urban Development's process known as Part 5. This system for determining eligibility is to sum the gross amount of income of all adult household members that is anticipated to be received during the coming 12-month period.

A. What is Considered Income

Figures 6 and 7 detail what sources of income are included in the income calculation and what sources of income are excluded as a source of income.

Figure 6: Income Sources Counted in Income Eligibility

Sources Considered Income	Description of Income Source
1. Income from wages, salaries, tips, etc.	The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, and bonuses and other compensation for personal services.
2. Business Income	The net income from the operation of a business or profession.
3. Interest & Dividend Income	Interest, dividends, and other net income of any kind from real or personal property. Assets not earning a verifiable income shall have an annual imputed interest income using a current, average annual savings interest rate. (Use average daily balance of bank accounts for the calculations).
4. Retirement & Insurance Income	The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in #14 of Income Exclusions).
5. Unemployment & Disability Income	Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (except as provided in #3 of Income Exclusions).
6. Welfare Assistance	Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program.
7. Alimony, Child Support, & Gift Income	Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling. (Child support is not counted as income if it is not being paid even though there is a court order.)
8. Armed Forces Income	All regular pay, special day and allowances of a member of the Armed Forces (except Armed Forces Hostile Fire Pay as stipulated in the Sources Not Considered Income Exclusions).
9. Rental Income From Real Estate	Rental income from real estate. Only the mortgage interest payment, insurance, taxes, and management expenses can be a deductible expense. (Mortgage principal payments cannot be deducted.) If the applicant owns real estate and does not receive rental income, the Administrative Agent may determine the fair market rent of the property to determine the potential rental income for the purposes of the application. If actual rent is less than fair market rent, the Administrative Agent shall impute a fair market rent unless rent control applies.
10. Imputed Interest from non-income producing assets such as real estate	Imputed interest is calculated on the equity of the asset. This applies to the equity of all non-income producing assets.
11. Property or Money Given Away in last 2 yrs	A percentage of the value of such assets based on the current passbook savings rate, as determined by HUD. Value of property will be based on tax assessment records using the following ratio: (land + improvements)/ equalization ratio.

Only child support and alimony paid to another household by the applicant can be deducted from a household's income. Court ordered payments which are paid for alimony or child support to another household, whether or not it is being paid regularly, shall be excluded from income for purposes of determining income eligibility.

Figure 7: Income Sources NOT Counted in Income Eligibility (Per HUD Regulations)

Sources Not Considered Income	Description of Income Exclusions
1. Income of Children	Income from employment of children (including foster children) under 18 years.
2. Foster Care Payments	Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).
3. Inheritance and Insurance Income	Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property.
4. Medical Expense Reimbursements	Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
5. Income of Live-in Aides	Income of a live-in aide (as defined in 24 CFR 5.403).
6. Disabled Persons	Certain increases in income of a disabled member of qualified families residing in HUD funded HOME-assisted housing or receiving HOME tenant-based rental assistance (24 CFR 5.671(a)). [4]
7. Student Financial Aid	The full amount of student financial assistance paid directly to the student or to the educational institution.
8. Armed Forces Hostile Fire Pay	The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
9. Self-Sufficiency Program Income	• Amounts received under training programs funded by HUD. • Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS). • Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program. • Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a resident for performing a service for a public housing authority ("PHA") or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving

[4] The HUD funded HOME Investment Partnerships Program ("HOME") provides formula grants to States and localities that communities use - often in partnership with local nonprofit groups - to fund a wide range of activities including building, buying, and/or rehabilitating Affordable Housing for rent or homeownership or providing direct rental assistance to low-income people. HOME is the largest Federal block grant to state and local governments designed exclusively to create Affordable Housing for Low-Income Households.

Sources Not Considered Income	Description of Income Exclusions
	as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time. • Incremental earnings and benefits inuring to any family member from participation in qualifying state or local employment training programs (including training not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and any such amounts are excluded only for the period during which the family member participates in the employment training program.
10. Gifts	Temporary, nonrecurring, or sporadic income (including gifts).
11. Reparations	Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
12. Income from Full-time Students	Part time income of non-head of household persons enrolled as full time student. HOWEVER, all income from the head of household will be included even if he/she is a full time student.
13. Adoption Assistance Payments	Adoption assistance payments in excess of $480 per adopted child.
14. Social Security & SSI Income	Deferred periodic amounts from SSI and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts.
15. Property Tax Refunds	Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
16. Home Care Assistance	Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep this developmentally disabled family member at home.
17. Other Federal Exclusions	Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions of 24 CFR 5.609(c) apply, including: • The value of the allotment made under the Food Stamp Act of 1977; • Payments received under the Domestic Volunteer Service Act of 1973 (employment through VISTA, Retired Senior Volunteer Program, Foster Grandparents Program, youthful offender incarceration alternatives, senior companions); • Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program; • Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work study program or under the Bureau of Indian Affairs student assistance programs; • Payments received from programs funded under Title V of the Older Americans Act of 1985 (Green Thumb, Senior Aides, Older American Community Service Employment Program); • Earned income tax credit refund payments received, including advanced earned income credit payments; • The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990; • Payments received under programs funded in whole or in part under the Job Training Partnership Act (employment and training programs for Native Americans and migrant and seasonal farm workers, Job Corps, veterans employment programs, state job training programs and career intern programs, AmeriCorps);

Sources Not Considered Income	Description of Income Exclusions
	• Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990; • Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act; and • Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998.
18. Rental Assistance / Gifts For Housing Expenses	Sporadic or reoccurring gifts for housing expenses from family, friends, or community groups.
19. Repayment of Loan	Sporadic or reoccurring payments that are repayment of a loan from to the household.

B. Proof of Income and Other Supporting Documents

Extensive supporting documents are required to document the household's income and other qualifying criteria. The full list of required supporting documentation is provided in *Figure 8.*

During the course of the income certification, applicants may be required to submit additional documentation to establish the household composition and income. While it is impossible to list all examples of additional documentation, some examples of additional documentation are described below. The Administrative Agent may require that documentation is notarized.

- Private mortgage documentation (bank statement of party lending the money, letter with terms of private mortgage);
- Proof of gift for down payment (bank statement of party gifting the money, letter with terms of private mortgage);
- Proof of rental assistance from family, friend, or community group;
- Death Certificate of spouse when applicant is a recent widow or widower;
- Notarized letter from employer explaining overtime that will be offered to employee;
- Itemized explanation of deposits in bank accounts;
- If there are other household members that appear to be living in the household now but are not part of the household as it was when applying for housing, the applicant will have to provide a notarized letter explaining the current and existing household composition;
- If there is someone listed on the applicant's bank statement that is not included in their household applying for Affordable Housing, the applicant will be required to show proof that the person does not reside with the applicant; and

Notarized letter regarding withdrawal from 401K accounts or pensions (For example, if funds were withdrawn last year, will the applicant be making a withdrawal this year?)

Figure 8: Required Supporting Documents

Identification
□ Personal photo identification: Driver's License, passport, or State ID
Income Related Documents – Provide All That Apply
□ Employment Income: 4 most recent consecutive pay stubs for all employed household members □ Social Security: Most recent award letter □ Temporary Assistance for Needy Families (TANF): Voucher or other verification □ Pension: Letter from pension fund setting forth outlays and benefits received □ Child Support: Current statement from NJ child support website, court order or notarized letter re: child support status □ Alimony: Current statement from NJ website or notarized letter regarding alimony support status □ Military Pay: Verification of military pay □ Workers' Compensation: Statement showing benefits □ Unemployment Benefits: Statement showing benefits □ Self Employed or Own Business: Year to date profit & loss statement (not required if submitting K-1 with taxes) □ 1099 for Independent Contractors (Profit and loss statements are not permitted)
Bank Statements & Other Accounts (Including JOINT ACCOUNTS)
□ Checking Account: All pages of statements for the last 6 consecutive months □ Savings Account Statements Including CD's: All pages of statements for the last 6 consecutive months □ Other Account Statements: Most recent statement for other assets such as retirement accounts, 401k's, stocks, bonds, & trusts
Tax Returns
□ Federal Tax Return: All pages of 1040 Federal Tax Return for the past 3 consecutive years (copies of signed returns to validate the copy) □ State Tax Return: All pages for the past 3 consecutive years □ Notarized tax waiver letter if unable to provide taxes
If Applicant Owns A Home, Condo, And/ Or Rental Property, The Following Is Required
□ Current mortgage statement □ Investment property lease agreement (if applicable) □ Current year tax assessment record □ Real estate listing if this property is for sale □ Contract with the realtor listing property if property is for sale □ Foreclosure notice (LIS PENDENS, etc.) if the property is in foreclosure
Other
□ Divorce Decree: All pages of divorce decree & settlement agreement □ Full Time Student Over 18: School schedule to document full time status □ Section 8: Voucher (RENTAL ONLY) □ Mortgage Preapproval (OWNERSHIP ONLY)

C. Final Eligibility Determinations

After the household's annual income and composition is determined and verified, the Administrative Agent will make the final eligibility determination. Requirements related to household composition, Regional Asset Limit, down payments, etc. outlined in *Chapter III* will also be verified.

Households determined to be eligible will receive an eligibility letter notifying them of their eligibility determination, in writing. When a household is determined ineligible, an internal peer review of the income certification will be completed by the Administrative Agent. If the peer review confirms the ineligibility determination, the household will be notified in writing

and advised that it may submit additional proof and request that the decision be reconsidered by the Administrative Agent. Such request for reconsideration shall be made by the applicant within five (5) business days of receipt of notice of denial of ineligibility. If an applicant for affordable housing is again determined to be ineligible by the Administrative Agent, then the Municipal Housing Liaison (see Chapter 7) will attempt to mediate the decision or policy to the satisfaction of all parties. Any situation that the Municipal Housing Liaison is unable to resolve will be forwarded to the New Jersey Mortgage and Finance Agency ("Agency") (or its successor) for further appeal and review. The determination of the Agency (or its successor) shall be a final administrative action (i.e., decision) subject to review of the courts.

D. Misrepresentation of Information in Application

When the applicant submits their full application, the applicant certifies that all information provided in the application is complete and true as to the entire household. If the applicant makes false statements or provides fraudulent documentation, the applicant will be determined ineligible immediately. They may reapply for Affordable Housing but they will lose their position on the waiting list.

E. Changes to Income and/or Household Composition after Submittal

Prior to the certification process and a determination of eligibility, a household may supplement its application. Once the full application has been submitted with the applicant certifying that all information is complete and true, the applicant enters the Eligibility Period. During this one to two-week timeframe during which the household's eligibility is being reviewed, the applicant is not permitted to change the employment status of any household member in order to become eligible for Affordable Housing nor change the household composition from what is listed on the application. *For example, the applicant cannot add a member to their household, subtract a member, quit a job, or get a new job, or a raise during the Eligibility Period.* See Glossary for definition of "Eligibility Period". If the applicant does make changes during this Eligibility Period, the household will be determined ineligible and lose their position on the waiting list. However, the applicant may reapply with their new income and/or household composition and will be assigned a new position on the waiting list.

V. Ownership Program

At each purchase, Affordable Housing documents are executed that restrict units as Affordable Units. The process of finding a buyer is explained in depth in *Chapter III.* In addition, the buyer must be income certified as outlined in *Chapter IV* and information about establishing new ownership projects is also included in *Chapter II.*

The following outlines the process of selling and purchasing an affordable home.

A. Selling an Affordable Home

1. Request an Intent to Sell Package

When an owner wants to sell its affordable home, the first step is to request an Intent-To-Sell package. The owner, as "Seller", cannot start the process of selling its home until it makes this request and receives the package from the Administrative Agent.

2. Calculate the MRSP (Maximum Restricted Sales Price)

The Administrative Agent will calculate the MRSP of the affordable home based on the last sale price and the last sale date. The annual increase issued is applied for each year the owner has owned the home. See Appendix A for updated maximum restricted sales price annual increase. However, there is no increase if the owner has owned the home for less than a year. *For example, if an owner purchased an affordable home in March 2015 and requested to sell the home in January 2016, the MRSP is the price the owner paid for the home.*

In addition, if the owner requests to sell their home and the state has not released the annual increase for that year yet, no annual increase for the current year will be applied. *For example, if an owner requests to sell their home in February 2015, and the 2015 increase has not been released, the MRSP will not include an increase for 2015.*

The Administrative Agent will prepare the Intent to Sell Package and send it to the Seller. This package will include:

- Form for the owner to sign and return, formally requesting to sell home;
- The MRSP of the unit;
- An overview of the process of selling an affordable home in this program;
- Blank Purchase Agreement;
- Summary of fees charged by the Administrative Agent/Municipality related to selling of the affordable home;
- Request for digital photographs to be utilized in the marketing of the home; and
- Request for additional information about the home to be utilized in marketing the home such as recent renovations and unit amenities.

3. Start Affirmative Marketing Process

When the Administrative Agent receives the signed Intent to Sell Form back, it will begin the process of looking for a buyer for the unit. This process is outlined in *Chapter III* of this manual. The Administrative Agent will refer interested buyers directly to the Seller. The Seller

will be responsible for showing the home to interested buyers. These buyers will be pre-screened by the Administrative Agent. However, since they will not be income certified, the Seller CANNOT enter into a contract with the buyer until the buyer is income certified by the Administrative Agent. When a household decides to purchase the affordable home, the buyer will be sent a full income certification application. (See the *Purchase Agreements and Contracts* later in this Chapter.)

B. Buying an Affordable Home

1. Preliminary Application and Prescreen

In order to be considered to purchase an affordable home, interested buyers must submit a preliminary application. The process outlined in *Chapter III* will be followed even if the Seller has found a buyer interested in purchasing the property. The unit must be affirmatively marketed to other eligible households on the waiting list first.

2. Income Certification

When a household would like to purchase the home, it will notify the Administrative Agent, and if it is next on the waiting list, it will be invited to submit a full application. The income certification process is described in detail in *Chapter IV.* A mortgage pre-approval must be submitted with the application as well as proof that the buyer has the recommended minimum down payment if required by the bank or provided at buyer's option. Buyers will be advised that they will also be responsible for closing costs, but they will not be required to show proof of funds at the time of the income certification. Closing costs cannot be added to their mortgage principal because the buyer can only finance 95 percent of the MRSP of the home.

3. Mortgage Provider

The Administrative Agent will provide prospective buyers with a list of mortgage companies that have financed deed restricted Affordable Units recently. If the prospective buyer chooses to utilize a different lender, the Administrative Agent will provide the lender copies of the Affordable Housing documents for their review after the buyer is income certified.

A buyer may borrow money to purchase the home from a friend or family member (sometimes referred to as a "*Private Mortgage*".) To proceed with the application, the Administrative Agent will require proof that the lending party has the funds (bank statement of the party who is lending the money, for example) and a notarized letter signed by both parties with the terms of the loan (monthly payment, interest, etc.). If the money is a gift, this should be noted in the letter. The lending party in a Private Mortgage situation MAY NOT be on the deed to the Affordable Unit.

4. Down Payment

In order to encourage homeowner investment and a sense of direct involvement in the homeownership process, it is strongly recommended that the buyer provide 5 percent of the purchase price as down payment. In addition, as a practical matter, applicants are highly unlikely to receive a mortgage without at least a 5% down payment. The funds may be provided

as a gift (e.g., from a family member or friend) if the funds do not have to be repaid, and proof of the gift must be provided at the time of income certification (see above).

Some municipalities offer a down payment assistance grant program. In such cases, the minimum down payment requirement is governed by specific program requirements. The Administrative Agent will maintain a list of down payment assistance programs that may become available and provide program information to buyers.

5. Separated Spouses

Separated applicants who have not finalized their divorce settlement agreement cannot purchase an affordable home until the spouse signs a form stating that they are releasing any claim right or interest in the affordable home being purchased. If the spouse refuses to sign the release, the applicant can request a judge to require the spouse to sign the from.

6. Cosigners on Deeds and/or Mortgages Are Not Permitted

If a buyer for Affordable Housing cannot obtain a mortgage, a family member or friend CANNOT obtain a mortgage and allow the affordable buyer to reside in the home. Anyone on the deed and/or mortgage is considered part of the buyer's household and must be included in the income certification and must reside in the home as its primary residence.

However, not all household members are required to be on the mortgage and/or deed. *For example, if a household is composed of the buyer and its roommate, both the buyer and the roommate will be included in the income certification. The roommate is not required to be on the deed or the mortgage.*

C. Purchase Agreement and Contracts For Sale

As the buyer and seller enter into negotiations, the purchase agreement is an "internal", not legally binding, COAH generated document between them to establish and ensure that the unit will be affordable to the buyer. It stipulates such terms as the MRSP of the unit, the agreed upon purchase price, the amount of good faith deposit, and the items to be included in the sale price of the unit ("Purchase Agreement"). All these terms are then set out in the contract for sale. Typically, the Purchase Agreement is signed after the buyer has been income certified, however under certain circumstances the Purchase Agreement may be amended and signed after the income certification process (see Section 4 below).

The contract for sale is a legal contract between the buyer and seller, finalizing the negotiations between buyer and seller and setting out all material terms of the transaction ("Contract for Sale"). The Contract for Sale can only be executed after the household is income certified.

Copies of both the Purchase Agreement and Contract for Sale should be sent to the Administrative Agent immediately upon execution.

1. **MRSP and "Extras"**

The Purchase Agreement includes a section for the Seller to list items that may be sold separately at a price agreed upon by the buyer and seller. The price to be paid for items of personal property shall not be used as a mechanism to avoid or circumvent the limitations on

the resale price of the unit itself. The personal property for sale cannot become a contingency of the house sale. If this separate transaction occurs, it cannot be incorporated into the Mortgage or Contract of Sale.

These "extras" do not include items of property that are permanently affixed to the unit such as countertops and flooring or were part of the original sale. These permanently affixed items are to be included in the MRSP and no additional compensation is permitted to the owner. As stated in UHAC, N.J.A.C. 5:80-26.9: "Upon the resale of a restricted unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price."

2. Accepting and Rejecting Offers

The Seller of the home must accept offers from the next buyer on the waiting list whose income is certified and who offers to purchase the home for the MRSP. The Seller cannot reject an offer at the MRSP from the first eligible person on the waiting list for any reason such as the buyer not making a cash purchase. In the contract, the Seller can include a requirement that the buyer be able to close in a reasonable amount of time, such as two months.

Buyers may make offers at less than the MRSP. The seller may choose to accept such an offer but is not required to accept such lower offers.

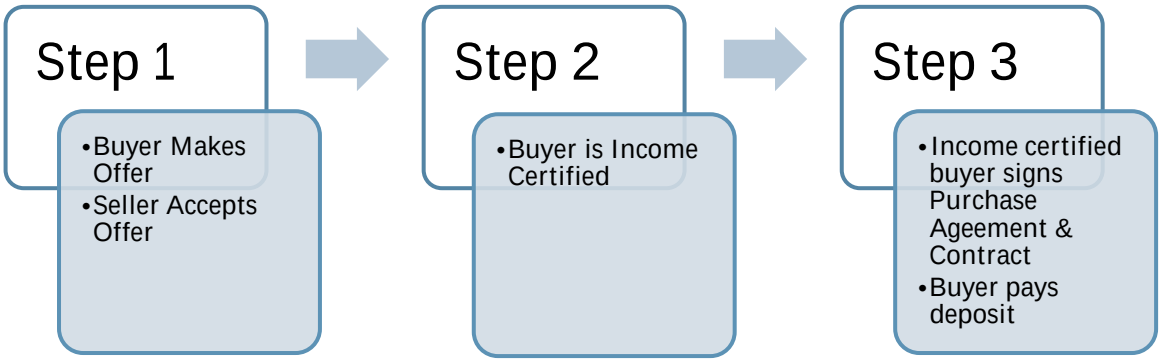
3. Good Faith Deposit/Earnest Money

It is not required, but the seller may choose to collect a good faith deposit or earnest money at the time the Purchase Agreement is signed.

4. Purchase Agreement and Income Certification

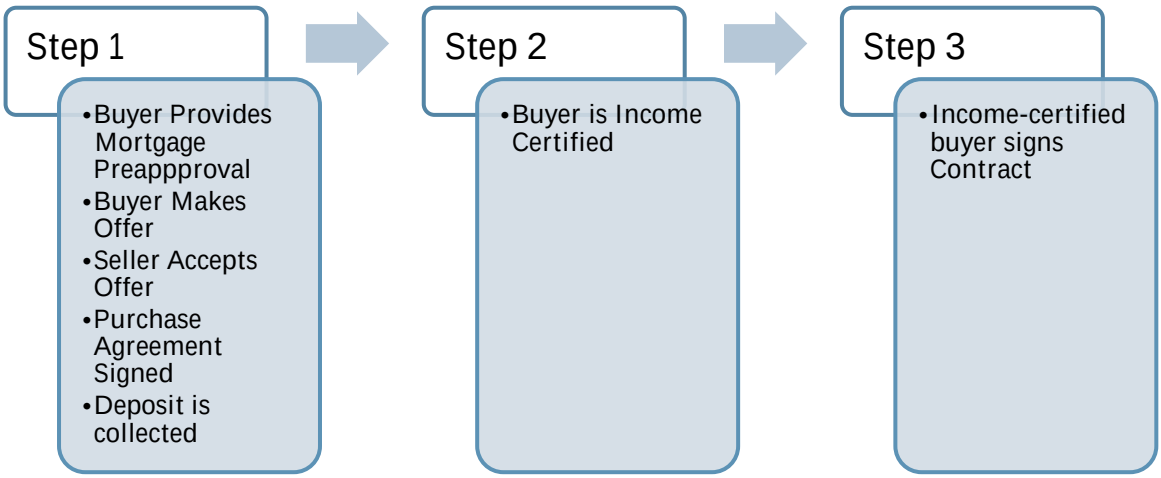
The Purchase Agreement is typically signed only after the household is income certified. (*See Figure 9 below.)* Under this process, the Purchase Agreement clearly states that only an income certified household may sign a purchase agreement. See Glossary for definition of "Certified Household". This process will be utilized for most resales, and it is the most effective process for selling homes if there is not a high demand for the home.

Figure 9: Purchase Agreement Signed After Income Certification



However, under certain circumstances, the Administrative Agent may amend the Purchase Agreement to permit a buyer who is not yet income certified to sign the Purchase Agreement. These circumstances include new developments where demand is very high for the units. Under this approach, as shown *Figure 10,* the Purchase Agreement will clearly state that the Purchase Agreement is contingent on the income certification by the Administrative Agent of the buyer as a Low or Moderate-Income household and, in the event that the household is determined not to be income eligible or does not submit a complete application, then the Purchase Agreement is invalid.

Figure 10: Purchase Agreement with Non-Income Certified Buyer



D. Attorneys

New Jersey does not require that attorneys participate in real estate transactions. However, while not a requirement, it is recommended that both the buyer and seller hire an attorney to draft the contract and represent them during the transaction.

E. Realtors

A realtor is not required for the sale of the affordable home because the Administrative Agent will refer interested buyers from the waiting list. However, some Sellers may choose to hire a realtor to conduct additional marketing and show the home. This is permitted under the following circumstances:

- The Seller provides the realtor's contact information to the Administrative Agent so that the Administrative Agent can inform the realtor of the MRSP, preliminary application, income certification process, and other Affordable Housing requirements;
- All interested buyers referred by the realtor, must submit a preliminary application and will be contacted following the process outlined in Chapter III; and
- Any realtor fee is subtracted from the MRSP. In no circumstances will the price of the home exceed the MRSP.

F. Coordination of Closing

After the home goes under contract, the Administrative Agent will maintain regular contact with the buyer, seller, and/or their attorneys as well as the mortgage provider. The Administrative Agent will answer questions about the Affordable Housing documents and assist to resolve any issues that arise before closing.

1. Required Legal Documents

The Administrative Agent will prepare the Affordable Housing documents summarized in *Figure 11*. If 95/5 is currently being used, we will continue to use 95/5 for resales. However, in all other cases, we will use Round III deed restrictions.

2. Resale of Affordable Units: Requirement for a Market Rate Appraisal

A market rate appraisal will be required to calculate the repayment amount on the affordable Recapture Mortgage Note. (This amount is the difference between the market appraisal and the affordable sale price and is due at the first non-exempt sale at the end of the control period. The repayment amount is paid to the Municipality.)

For new units, the developer is responsible for providing the market rate appraisal. If the buyer's mortgage company completes a market-rate appraisal, that appraisal can be used instead.

For resales, the buyer must provide the market rate appraisal. If the buyer's mortgage company will not be completing a market rate appraisal or it is a cash deal, the buyer must pay for a market rate appraisal. *This buyer will be notified of this requirement as soon as the Purchase Agreement is signed because the unit cannot close without the market appraisal.*

Figure 11: Legal Documents for Ownership Units

	No Master Deed	Master Deed
Not a 95/5 Unit	◆ Deed "A" o Certification "J" o Recapture Note "L" (DCA), "N" (Municipality), or "P" (Agency) ◆ Recapture Mortgage "M" (DCA), "O" (Municipality), or "Q" (Agency)	◆ Deed "D" ◆ Restrictive Covenant "C-1" o Certification "J" o Recapture Note "L" (DCA), "N" (Municipality), "P" (Agency) ◆ Recapture Mortgage "M" (DCA), "O" (Municipality), or "Q" (Agency)
95/5 Unit	◆ Deed "B" o Certification "J" o Recapture Note "G" ◆ Recapture Mortgage "H"	◆ Deed "D" ◆ Restrictive Covenant "C-2" o Certification "J" o Recapture Note "G" ◆ Recapture Mortgage "H"
o Must be filed with Administrative Agent / Municipality ◆ Must be recorded with County		
95/5 Unit: Existing projects (generally completed before 2004) are considered 95/5 units and the Legal Instruments for 95/5 units will be utilized.		

3. Closing Fees

If applicable, required closing fees paid by the Seller are due at the time of closing and must be included on the Settlement Statement. The fee cannot be waived.

The only exception is if the unit is bank owned as the result of a foreclosure action and the lenders (such as FHA, Fannie Mae, or Freddie Mac) are statutorily prevented from paying closing fees.

4. Closing Checklist

At the closing, the Administrative Agent will review the Affordable Housing rules with buyer including the following:

- When the unit is sold in the future, the owner must contact the Administrative Agent. The unit cannot be sold for more than the MRSP, and it must be sold to an income Certified Household;
- All refinancing, including lines of credits, secured by the Affordable Unit, must be approved in advance and in writing by the Administrative Agent. The total amount of all debt may not exceed 95 percent of the MRSP of the home;
- The Affordable Unit must be the owner's primary residence;

- No renting of this unit is permitted except on a short-term hardship basis as approved in advance and in writing by the Administrative Agent (see Waiver section for more information); and

Improvements made to the unit will not increase the MRSP. However, as permitted under UHAC (N.J.A.C. 5:80-26.9), an owner "may apply to the Administrative Agent to increase MRSP for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom [additional bedroom, cost of central air conditioning ... see N.J.S.A. 5:80-26.9]. In no event shall the MRSP for an improved housing unit exceed the limits of affordability for the larger household."

Prior to closing, the Administrative Agent will obtain a copy of the Closing Disclosure for the Affordable Housing file that is executed at closing between the buyer and seller to confirm that:

- The sale price listed on the Closing Disclosure does not exceed the MRSP; and
- The buyer has not financed more than 95 percent of the sale price and that the buyer is not receiving cash back at closing.

Following closing, the Administrative Agent will obtain one original set of documents and distribute the copies as follows:

- Original of Mortgage, deed, discharges and Restrictive Covenant (if applicable) to the attorney or title company that handled the closing for recording.
- Copy of all documents is provided to the buyer.
- Original of Mortgage Note and copies of all other documents are kept by the Administrative Agent for the Affordable Housing file.

G. Refinance Requests

Affordable home owners are permitted to refinance their mortgages or incur some form of additional debt on their home, such as a home equity loan. The owner must notify the Administrative Agent who will review the request to confirm that the total debt is not more than 95 percent of the current MRSP. If the total debt exceeds 95 percent of the MRSP, the request will be denied. If the request is under 95 percent, the request will be approved.

Reverse mortgages are not prohibited by UHAC. However, lenders have historically not approved reverse mortgages on deed restricted affordable properties because of the refinance limits. Any requests for reverse mortgages should be carefully reviewed to ensure that there is no way the loan amount will exceed 95 percent of the MRSP.

If there is a fee to review the refinance request, the refinance review will not be started until the fee is submitted via certified check or money order.

As clearly stated in the Restrictive Covenant, the owner is forbidden from refinancing or taking an equity loan, a secured letter of credit, or any other mortgage obligation or other debt without advanced, written approval from the Administrative Agent.

H. Annual Mailing

The Administrative Agent will send a mailing to each of the affordable owners annually. This newsletter will provide the owner with information about how to get in touch with the Administrative Agent if they want to sell their home or refinance their mortgage. It will also remind them of other important Affordable Housing requirements.

The envelope will be marked "do not forward", and if it is returned by the post office, the Administrative Agent will follow-up with the owner to determine if the owner is no longer living in the home.

I. Report that Owner is Not Living in the Unit and/or Renting Unit

When the Administrative Agent obtains indications that an owner is not living in the unit, the Administrative Agent will investigate the allegation. The Administrative Agent will gather as many details as possible such as how long the owner has not been living in the unit; if anyone else is living there (i.e. renters); and if there is anyone else that will corroborate the allegations.

The Administrative Agent will also contact the Municipal Division of Tax Collection to determine where the tax bills are being sent. If they are sent to a different address than the property address on file with the Administrative Agent, then this is an indication that the owner is leasing the Affordable Unit.

The Administrative Agent will send a letter to the owner asking that it call the Administrative Agent within seven days. If the letter is returned, this will also suggest that the owner is not living in the unit. If the owner receives the letter and calls the Administrative Agent, the Administrative Agent will ask the owner about the allegations and request that they provide proof of residency, including copies of their driver's license and utility bills. The Administrative Agent may also determine it is necessary to do an address search on the owner.

If it is determined that the owner is not living in the home, the enforcement provisions outlined in *Chapter VIII* will apply.

J. Non-payment of Condominium/Homeowner Association Dues, Taxes, Mortgages, and Foreclosure

When the Administrative Agent receives a report that the owner is falling behind in home owner association dues, taxes, and/or mortgage payments, it will immediately reach out to the owner. The purpose of this outreach is to:

- Educate the owner on the risks of not paying their condominium or homeowner association dues, taxes, and/or mortgage payments;
- Determine whether the owner has experienced a temporary or permanent loss of income;
- Recommend that they contact their condominium/homeowner association and/or mortgage company to see if they can set-up a repayment plan;
- Refer them to foreclosure prevention resources; and

- Advise them of the MRSP of their home if they are interested in selling the home before they become further behind.

The Administrative Agent will track the status of the unit and coordinate closely with the Municipality through its Tax Collection and/or Assessor's Office, as well as its Corporation Counsel, in order to be updated as to any water and sewer fees that are in arrears and any foreclosures on Affordable Units. Additionally, the Administrative Agent will notify the Municipal Corporation Counsel if it becomes aware that the home is in foreclosure or a lien has been placed on the unit by the condominium/homeowner association.

All deed restrictions must clearly specify that the affordability controls remain in effect despite the entry and enforcement of any judgment of foreclosure.

K. Waivers

The Administrative Agent has authority to grant waivers from some of the Affordable Housing rules. The Administrative Agent will complete a waiver request form for each request it receives outlining the details of the request and its decision to approve or deny the request.

1. Request to Rent Affordable Unit

Requests to rent a unit will only be approved on a temporary basis if the owner will be required to leave the area for a temporary period of time, such as military deployment. Each request will be reviewed by the Administrative Agent (as permitted by UHAC) based on the specific circumstances of the request. *Another example of where a request for waiver possibly would be approved is where the owner needs to go to another area to care for a sick relative for a short period (such as three months or less). A request for a waiver in order to move to another city to "try out" a new job for six months most likely would <u>not</u> be a basis for an approval.*

The Administrative Agent will determine the maximum rent based on the initial affordability pricing of the unit, and will select the tenant through Affirmative Marketing and random selection.

Other requests to rent units will be denied. These include requests from owners who would like to rent their home because they are unable to sell the unit for the full MRSP.

2. Request to Sell to a Higher Income Household

After an Affordable Unit has been affirmatively marketed for over 120 days and if there is no interested income-eligible purchaser for the Affordable Unit after 120 days, the owner may request an income waiver, that is, that the Affordable Unit be affirmatively marketed and sold to someone in a higher income level (a very-low-income unit to be sold to a low-income household; a low-income unit to be sold to a moderate-income household; and a moderate-income unit to be sold to a non-income eligible household). The following conditions will apply:

- If granted, this waiver will only apply to this sale, and the original income restriction will remain for future sales.
- Waivers may only be granted for the resale of existing deed restricted homes. In other words, initial sales are not eligible for a waiver to sell the home at a higher income level.

- At no time will the sale price of the home exceed the MRSP which is based on the income level that the unit is controlled for. In other words, granting a waiver will not increase the MRSP and the owner will not receive a higher sale amount as a result of the waiver.
- At least 30 days before any waiver is granted to permit a moderate-income unit to be sold to a non-income eligible household, the Administrative Agent will notify the Fair Share Housing Center in writing. The notification will include a description of the efforts to market and sell the unit to income-eligible households.

The first factor the Administrative Agent will consider in reviewing these requests is how long it takes to sell a similar Affordable Unit in the current housing market. It is not unusual for an Affordable Unit to be offered for sale for six months or more before a qualified buyer is found. The waiver request will not be considered until the Affordable Unit has exceeded the "typical" time period it takes to sell a home under current market conditions.

Next, the Administrative Agent will review the sale price of the Affordable Unit. The inability to sell a unit for the MRSP shall not, in and of itself, be considered an appropriate reason for granting a waiver. The Administrative Agent will review the sale price of recent, comparable affordable homes and determine if the owner should consider lowering the price. The condition of the unit and whether the Seller has consented to show the Affordable Unit to interested applicants will be factored into this analysis.

If the Affordable Unit has been affirmatively marketed for at least 120 days, the unit has been for sale longer than other Affordable Units typically take to sell with the sale price comparable to other sales, the owner has shown the Affordable Unit to interested buyers, and there is no interested income-eligible buyer, the waiver may be approved subject to the conditions listed above.

L. Requests for Improvements

The Administrative Agent will review requests to increase the MRSP of the Affordable Unit on the basis of capital improvements. Eligible capital improvements shall be an increase in the number of bedrooms only.

Owners may make other improvements to their Affordable Units, and they are not required to request approval from the Administrative Agent. This includes improvements such as new countertops or flooring that do not increase the MRSP.

M. Transfer of Ownership to Non-Income Certified Owner

Under the following circumstances, ownership of an Affordable Unit can be transferred to another owner without the new owner being income certified. These circumstances include:

- 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; or

The transfer of ownership through an executor's deed to a Class A beneficiary (father, mother, grandparents, descendants, spouses, and, generally, civil union partners, or domestic partners).

This waiver will only apply to this sale, and the original income restriction will remain for future sales.

N. Enforcement

The guidelines for the enforcement of the affordable rules are outlined in *Chapter VIII.*

VI. Rental Program

The following is an overview of the process of filling a rental vacancy. See *New Rental Units* in *Chapter II* for a discussion of allowable fees and landlord-tenant selection criteria and *Chapter III* for a full discussion of management of the waiting list.

A. Filling Affordable Rental Vacancy

1. Landlord Notifies of Vacancy

Landlords will notify the Administrative Agent when there will be a vacancy. Because of the Affirmative Marketing and income certification requirements, landlords will be advised that it may take up to two months to find a qualified tenant and longer if there is not high demand for a unit.

2. Calculating the Maximum Rent at Vacancy

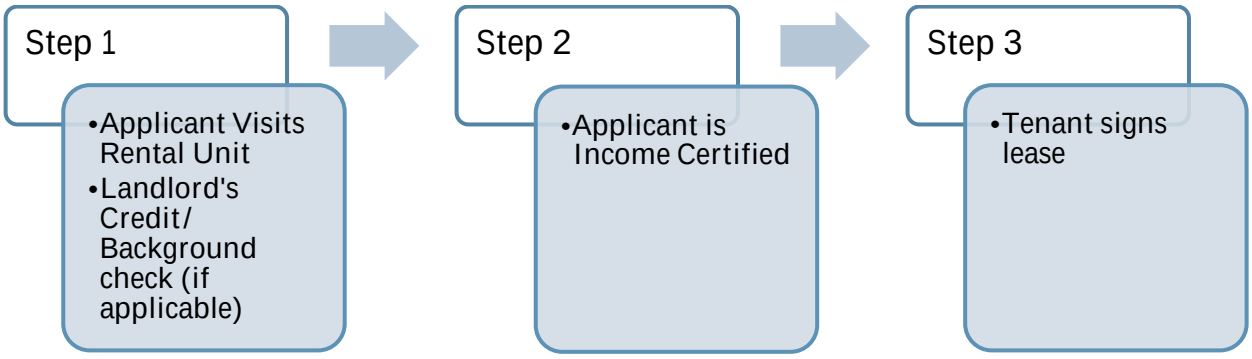
The Administrative Agent will determine the Maximum Rent that can be charged to the new tenant. This will be based on initial rent when the first tenant occupied the unit and the annual increases permitted by the State. See Appendix A for updated maximum annual rent increase. (Annual rental increases will be calculated even if the landlord did not take all permitted annual increases for the previous tenant.) At the landlord's discretion, the landlord can choose to rent the unit for less than the Maximum Rent determined by the Administrative Agent.

3. Referring Applicants to Landlord

The Affirmative Marketing process is outlined in *Chapter III* of this manual. After the next household on the waiting list passes the Administrative Agent's preliminary screen, the applicant is referred to the landlord to see the unit. If the applicant wants to rent the unit, they will complete the landlord's application and pay any required landlord fees. (See *New Rental Units* in *Chapter II* for discussion of fees and landlord-tenant selection criteria.)

If the landlord approves the applicant, the landlord will notify the Administrative Agent and the Administrative Agent will invite the applicant to submit a full application (*Figure 12).*

Figure 12: Rental Income Certification Process



4. Income Certification and Signing the Lease

After the applicant is fully income certified, the landlord will be notified that they may execute a lease with a tenant. *Co-signers* are permitted if allowed by landlord. Applicants who are separated and do not have settlement agreements are permitted to rent an Affordable Unit. However, in order to calculate the household income at the time of the full income certification, the applicant will need to provide a division of assets signed by both parties.

A copy of the executed lease must be sent to Administrative Agent.

B. Lease Renewals

The Administrative Agent will calculate the allowable maximum rent each year (please see Appendix A entitled "Methodology for Calculating Regional Income Limits and Rental Increases"). The Administrative Agent will advise the landlord what the maximum amount of rent is and request the copy of the executed lease for the file. And, unlike some forms of Public Housing, the tenant's right to tenancy at the allowable rent does not vary with any increases or decreases in the tenant's income.

If the landlord chooses not to take the annual increase, the landlord may not take a larger increase the following year. *For example, if the landlord does not take the 2015 increase in 2015, they may not take the 2015 and 2016 increase the following year if the current tenant does not move out.*

Month-to-month leases are permitted. Additional fees for month-to-month leases are considered "optional fees." See discussion of optional fees in *Chapter II*.

Income certification of tenants is NOT required at the time of lease renewal. Upon leasing an Affordable Unit to a new tenant, the landlord will be permitted to lease at the allowable rent level permitted at that time.

C. Adding Additional Household Members to the Lease

The household composition of the rental household may change over time. The Affordable Housing rules do not prohibit the tenant from changing the number of household members on the lease following occupancy. However, all changes to the lease must be approved by the landlord.

However, an applicant cannot change their household composition after they submit the full application or immediately after they are income certified. The household members on the new tenant's lease must match the household members listed on the income certification. This is to prevent applicants from changing their household composition in order to qualify for an Affordable Unit.

D. Income Designation of Units Are Fixed

The income designation and pricing tier of units are fixed and cannot be changed during the affordability period for any reason. Fo*r example, if Unit 301 is a 3 bedroom Low-Income Unit and unit 201 is a 3 bedroom Moderate-Income unit, the landlord CANNOT change Unit 201 into the Low- Income unit and unit 301 into the Moderate-Income unit.*

E. Evictions

If the affordable tenant fails to pay rent or violates the terms of the lease, the landlord may take action as permitted by New Jersey Landlord Tenant laws.

F. Enforcement

The guidelines for the enforcement of the rental rules are outlined in *Chapter VIII.*

VII. Appeals

If an applicant for affordable housing is determined to be ineligible by the Administrative Agent, the applicant may submit additional proof and request reconsideration. Such request for reconsideration shall be made by the applicant within five (5) business days of receipt of notice of denial of ineligibility.

If a policy or decision regarding this program is appealed by an outside party, the Municipal Housing Liaison (a position established by Municipal Ordinance) will attempt to mediate the decision or policy to the satisfaction of all parties. Any situations that the Municipal Housing Liaison is unable to resolve will be forwarded to the Executive Director of the Agency (or its successor) for review or to the Superior Court of New Jersey, Middlesex County.

VIII. Enforcement

The Municipality's Affordable Housing Ordinance provides specific guidelines in the event of breach of any of the guidelines governing the Affordable Units by an owner, developer, or tenant. Please refer to Municipality's Ordinance for the complete list of enforcement activities upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant. Some of these remedies may include, but are 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 violation of the regulations;
- Injunctive relief to prevent further violation of the regulations; and
- Entry on the premises.

A. Written Notice

In accordance with the Municipality's Affordable Housing Ordinance, the Municipality will provide written notice of a violation to a household, developer or tenant of an Affordable Unit advising them of the violation and the related penalty for the violation. If the violation is not corrected within sixty (60) days after the written notice, the Municipality may take the actions outlined in this Chapter.

B. Penalties

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 Unit. If the owner, developer, or tenant is found by the court to have violated any provision of the regulations governing Affordable Units, the owner, developer, or tenant shall be subject to one or more of the following penalties, at the discretion of the court:

- A fine of not more than $10,0000 or imprisonment for a period not to exceed 90 days, or both. Each day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
- In the case of an owner who has rented his or her very low, low, or moderate income unit in violation of the regulations governing Affordable Units, payment into the Municipality's Affordable Housing Trust Fund of the gross amount of rent illegally collected; and
- In the case of an owner who has rented his or her very low, low, or moderate income unit in violation of the regulations governing Affordable Units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

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 Affordable 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.

C. Sheriff Sale

Such judgment shall be enforceable, at the option of the Municipality, by means of an execution sale by the Sheriff, at which time the very low, low, or moderate income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the Municipality fully, including attorneys' fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

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 very low, low, or 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 escrow by the Municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the Affordable Housing Trust as established by 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.

Foreclosure by the municipality due to violation of the regulations governing Affordable Units shall not extinguish the restrictions of the regulations governing Affordable Units as the same apply to the very low, low, or moderate income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the Affordable 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.

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 very low, low, or 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 MRSP for which the very low, low, or moderate income unit could have been sold under the terms of the regulations governing Affordable 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.

Failure of the very low, low, or 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 MRSP of the very low, low, or moderate income unit as permitted by the regulations governing Affordable Units.

The owner shall remain fully obligated, responsible, and liable for complying with the terms and restrictions governing Affordable Units until such time as title is conveyed from the owner.

In the event that any provision in this Manual differs from the terms or penalties identified in the most current Affordable Housing Ordinance, then the Affordable Housing Ordinance (as may be from time to time modified, amended and/or revised by relevant New Jersey State laws and/or regulations) shall prevail. The invalidity or nonenforceability of any provision of this Manual in any respect shall not affect the validity or enforceability of any other provision of this Manual in any other respect.

GLOSSARY

"Ad**ministrative Agent"** means the entity responsible for the administration of Affordable Units in accordance with the Municipality's Affordable Housing Ordinance and as defined and with the responsibilities specified at N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented.

"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.

"Affordable" means a sales price or rent within the means of a very low, low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

"Affordable housing" means housing units restricted to income-eligible very-low, low and moderate income households."

"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 one-hundred-percent Affordable Housing development.

"Affordable Housing Unit" for the purposes of this manual means a housing unit proposed or created pursuant to the Fair Housing Act, for which credits are obtained pursuant to COAH regulations, and/or funded through an affordable housing trust fund.

"Affordability Average" means the average percentage of median income at which new restricted units in an Affordable Housing development are affordable to very low, low- and moderate-income households.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

"Age-Restricted Unit" means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Application" means both the Preliminary Application and the Full Application submitted by an interested renter or potential homeowner for Affordable Units in the Municipality.

- "Preliminary Application" means the initial application submitted by all households that wish to express their interest in and be considered for Affordable Housing. This

Preliminary Application includes information about household income and composition in order to determine preliminary eligibility.

- "Full Application" means once an Affordable Unit appropriate for the Household (either to rent or buy) has been identified and the Household is nearing or next on the waiting list, the Household will be asked to submit a full application which requires that the income and household composition be updated and verified. The Administrative Agent will make a determination of the Household's eligibility.

"Certified Household" means a Household that has been certified by an Administrative Agent as A Very Low, Low-Income or Moderate-Income Household.

"Closing Disclosure Form" means the form which in October 2015 replaced the commonly used HUD-1 Settlement Statement for residential real estate closings. The Closing Disclosure Form provides details about the mortgage loan selected by the buyer which includes the loan terms, projected monthly payments, and how much the buyer will pay in fees and other costs to obtain the mortgage ("closing costs").

The lender is required to provide the Closing Disclosure Form to the buyer at least three business days before the closing on the mortgage loan. The Administrative Agent will review the Closing Disclosure Form to confirm that the sale price does not exceed the MRSP and that the buyer is not receiving cash back at closing.

"COAH" means the Council on Affordable Housing, or successor agency, 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 "to have primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in this State" N.J.S.A. 52:27D-304 (a).

"Contract for Sale" means a legally binding agreement between a buyer and seller for the sale or transfer of real estate. See also, "Purchase Agreement".

"CTM" means the online COAH Tracking and Monitoring system to which new units are added after initial sale or initial rental.

"DCA" means the State of New Jersey Department of Community Affairs.

"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 to purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

"Eligibility Period" means once the Full Application for an Affordable Unit has been submitted with the applicant certifying that all information is complete and true, the applicant enters the Eligibility Period. During this one to two-week time frame, as the Household's eligibility is being reviewed, the applicant is not permitted to change the employment status of any Household member in order to become eligible for Affordable Housing nor change the Household composition from what is listed on the Full Application. *For example, the applicant cannot add a member to their Household, subtract a member, quit a job, or get a new job, or a raise during the Eligibility Period.* If the applicant does make changes during this Eligibility Period, the Household will be determined ineligible and lose their position on the waiting list. However, the applicant may reapply with their new income and/or Household composition and will be assigned a new position on the waiting list.

"Fair Housing Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

"Full Application" (see "Applicati**on"**).

"Housing Authority" means the Public Housing Agency which manages and operates publicly assisted units in the Municipality.

"Affordable Housing Ordinance" means that chapter or section of the municipal ordinance (the rules, regulations and codes enacted by a local government) addressing local affordable housing programs and procedures, as may be amended and supplemented.

"**HOME Program"** means the HUD funded HOME Investment Partnerships Program that provides formula grants to States and localities that communities use - often in partnership with local nonprofit groups - to fund a wide range of activities including building, buying, and/or rehabilitating Affordable Housing for rent or homeownership or providing direct rental assistance to low-income people. HOME is the largest Federal block grant to state and local governments designed exclusively to create Affordable Housing for Low-Income Households.

"Household" means, in accordance with HUD definitions and UHAC practice, the number of persons in the Affordable unit and not the size of the Affordable unit. See for example, HUD's definition of household as "[o]ne or more persons occupying a housing unit" -- in other words, the number of persons in the home. HUD website accessed 6/13/2016. http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/glossary/See also UHAC regulation N.J.A.C. 5:80-26.4, "In determining the initial rents and initial sales prices for compliance with the affordability average requirements for restricted units ... the following standards shall be used: 1. A studio shall be affordable to a one-person household."

"Housing Region" means a geographic area, determined by COAH, of no less than two and no more than four contiguous, whole counties, which exhibits significant social, economic, and income similarities and which constitutes, to the greatest extent practicable, a Primary Metropolitan Statistical Area (PMSA), as last defined by the United States Census Bureau.

"HUD" means the US Department of Housing and Urban Development. **"Interest Date"** means the date on which a Household submits its Preliminary Application thereby establishing its place on the priority list for consideration of Affordable Units.

"LAD" means the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., prohibits, among other discriminatory actions, discrimination when selling or renting property.

"Low-income Household" means a household with a total gross annual household income equal to 50 percent or less of the median household income for the housing region.

"Low-income unit" means a restricted unit that is affordable to a low-income household.

"Market-**rate units"** means housing not restricted to very low, low- and moderate-income households that may sell or rent at any price.

"Maximum Restricted Sales Price" or "MSRP" means the maximum sales price of restricted ownership units within each affordable development upon resale of the Affordable Unit in accordance with N.J.A.C. 5:80-26.3(e) which states that such units "shall be affordable to households earning no more than 70 percent of median income. Each affordable development must achieve an affordability average of 55 percent for restricted ownership units. See Glossary for definition of "Affordability Average." 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." *For example, a two-bedroom moderate income unit originally sold for $85,000 and another exactly similar unit originally sold for $105,000. There always will be a disparate MSRP for resales of these two units. Both moderate income units are priced differently to reach different income levels of moderate income households.*

"Median income" means the median income by household size for the applicable housing region as adopted annually by COAH or a successor entity approved by the Court.

"Moderate-income household" means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income for the housing region.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

"Municipal Housing Liaison" means a position established by ordinance of the Municipality where the individual as a part time or full time employee of the Municipality is responsible for the oversight and administration of the Affordable Housing program for the Municipality

"PHA" means Public Housing Authority. See below for definition.

"PMI" means private mortgage insurance. PMI is a type of mortgage insurance used with conventional loans. Like other kinds of mortgage insurance, PMI protects the lender (not the homebuyer) if the homebuyer stops making payments on the loan. PMI is arranged by the

lender and provided by private insurance companies. PMI is usually required when the homebuyer has a conventional loan and makes a down payment of less than 20 percent of the home's purchase price. PMI also is usually required when a homeowner is refinancing with a conventional loan and the owner's equity is less than 20 percent of the value of the home. http://www.consumerfinance.gov/, US Consumer Financial Protection Bureau, accessed August 10, 2016.

"Preliminary Application" (see "Application").

"Public Housing" "Public Housing Authority" means those public housing units which are funded largely by governmental programs such as those administered by HUD programs which are owned, operated and managed by a public housing authority ("PHA"). As defined by HUD, "public housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities. Public housing comes in all sizes and types, from scattered single family houses to high rise apartments for elderly families. There are approximately 1.2 million households [in the US] living in public housing units [.]" http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph, HUD Website, accessed June 7, 2016.

"Purchase Agreement" means a not legally binding, "internal" generated document between a buyer and seller of residential real estate to establish and ensure that the Affordable Unit will be affordable to the buyer. It stipulates such terms as the Maximum Restricted Sale Price (or Maximum Permitted Resale Price) of the unit, the agreed upon purchase price, the amount of good faith deposit, and the items to be included in the sale price of the unit. (See "Contract of Sale").

"Random selection process" means a process by which currently income-eligible households are selected for placement in Affordable 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).

"Redevelopment Plan" means a plan adopted by the Municipality for the redevelopment or rehabilitation of all or any part of a redevelopment area, or area in need of rehabilitation, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

"Regional Asset Limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

If a Household (seeking to be certified for an Affordable Unit) owns a primary residence (with no mortgage on the property) valued at or above the regional asset limit as published annually by COAH, a Certificate of Eligibility will be denied unless the Applicant's existing monthly housing costs (including principal, interest, taxes homeowner and private mortgage insurance, and condominium and homeowner association fees as applicable) exceed 38 percent of the household's eligible monthly income. N.J.A.C. 5:80-26.16(b)(3).

"Regional Preference" means that in accordance with UHAC, municipalities may wish to give preference to applicant households that live or work in their COAH housing region. If so, the municipality must state this preference as part of its affordable housing ordinance. This preference cannot be limited to families that live or work in the host municipality – if preference is given, it must be given to all households that live or work in their COAH housing region. COAH divides New Jersey's 21 counties into six housing regions as outlined on COAH's Annual Regional Income Limits Chart.

"Rent" means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

"Restricted Unit" means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under the Urban Homeownership Recovery Program ("UHORP") or the Market Oriented Neighborhood Investment program ("MONI") of the Agency.

"UHAC" means the Uniform Housing Affordability Controls adopted by the State of New Jersey and 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 percent or less of the median household income for the applicable housing region.

"Very Low-Income Unit" means a restricted unit that is affordable to a very low-income household.

"Veterans Preference**"** means the municipality and Developer or residential development owner may enter into an agreement to provide a preference for affordable housing to very low, low and moderate income veterans who served in time of war or other emergency, as defined in section 1 of P.L.1963, c. 171 (C.54:4-8.10), of up to 50 percent of the affordable units in that particular project. This provision is in accordance with N.J.S.A. 52:27D-311 (j). This preference shall be established in the applicant selection process for available affordable units so that applicants who are veterans who served in time of war or other emergency, as referenced in this subsection, and who apply within 90 days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units. After the first 90 days of the initial 120-day marketing period, if any of those units subject to the preference remain available, then applicants from the general public shall be considered for occupancy. After the 120 –day marketing period, veterans will continue to get preference over non-veterans, as the units become available, whenever the percentage of preference-occupied units falls below the agreed upon percentage.

Appendix A: Annual Information Update

The following information is subject to change annually:

- Regional Maximum Income Limits
- Regional Asset Limits
- Annual Maximum Restricted Sale Price Increase
- Annual Maximum Rental Increase Amount

In order to keep this manual current, Appendix A will be revised annually with updated numbers upon their general availability. See next page for the most recent information.

Methodology for Calculating Regional Income Limits and Rental Increase:

Income limits for all units that are part of the municipality's Housing Element and Fair Share Plan and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the municipality annually within 30 days of the publication of determinations of median income by HUD as follows:

a. Regional income limits shall be established for the region that the municipality is located within, based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the municipality's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low-income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

b. The income limits attached hereto as Exhibit B are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the current year and shall be utilized until the municipality updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Municipality annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established pursuant to the process defined above:

a. The resale prices 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 determined pursuant to the process outlined above. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

b. The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

Region 3 Maximum Income Limits

Hunterdon, Middlesex and Somerset

Household Size	Very-Low Income	Low Income	Moderate Income	Median Income
1 Person	$32,214	$53,690	$85,904	$107,380
1.5 Person*	$34,515	$57,525	$92,040	$115,050
2 Person	$36,816	$61,360	$98,176	$122,720
3 Person*	$41,418	$69,030	$110,448	$138,060
4 Person	$46,020	$76,700	$122,720	$153,400
4.5 Person*	$47,861	$79,768	$127,629	$159,536
5 Person	$49,702	$82,836	$132,538	$165,672
6 Person	$53,383	$88,972	$142,355	$177,944
7 Person	$57,065	$95,108	$152,173	$190,216
8+ Person	$60,746	$101,244	$161,990	$202,488

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

Region 3 Regional Asset Limit:

$300,000

Region 3 Maximum Restricted Sale Price Increase:

2.31%

Region 3 Maximum Rental Increase:

5.20%

APPENDIX 10

AFFIRMATIVE MARKETING PLAN

AFFIRMATIVE FAIR HOUSING MARKETING PLAN
For Affordable Housing in **(REGION 3)**

I. APPLICANT AND PROJECT INFORMATION
(Complete Section I individually for all developments or programs within the municipality.)

<table>
<tr><td colspan="2">1a. Administrative Agent Name, Address, Phone Number

CGP&H
1249 South River Road #301
Cranbury, NJ 08512
Affordablehomesnewjersey.com
609-664-2769 ext 19</td><td colspan="2">1b. Development or Program Name, Address</td></tr>
<tr><td>1c.
Number of Affordable Units:

Number of Rental Units:

Number of For-Sale Units:</td><td colspan="2">1d. Price or Rental Range

From

To</td><td>1e. State and Federal Funding Sources (if any)</td></tr>
<tr><td>1f.
☐ Age Restricted
(50+ if disabled, otherwise 62 or over)

☐ Non-Age Restricted</td><td colspan="3">1g. Approximate Starting Dates

Advertising:</td></tr>
<tr><td colspan="2">1h. County
Hunterdon, Middlesex, Somerset</td><td colspan="2">1i. Census Tract(s):</td></tr>
<tr><td colspan="4">1j. Managing/Sales Agent’s Name, Address, Phone Number</td></tr>
<tr><td colspan="4">1k. Application Fees (if any):</td></tr>
</table>

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received.

The Administrative Agent will assign random numbers to each applicant through a computerized random number generator. The lottery numbers will begin after the last existing lottery number on the Piscataway waiting list. Applicants with existing lottery numbers will retain their lottery numbers.

After the list of applications submitted during the initial lottery period is exhausted, the priority of preliminary applications is established by the date the household submitted their preliminary application (Interest Date).

In addition to the random number assigned to the household and/or the interest date, there are other factors impacting waiting priority which are described below.

- **Regional Preference: A**pplicants that indicated that they lived or work in the Affordable Housing Region will be contacted first. Once those applicants are exhausted, applicants outside the region will be contacted.

- **Household Size:** Whenever possible, there will be at least one person for each bedroom. If the waiting list is exhausted and there are no in or out region households with a person for each bedroom size, units will be offered to smaller sized households that do not have a person for each bedroom. The Administrative Agent cannot require an applicant household to take an affordable unit with a greater number of bedrooms, as long as overcrowding is not a factor. A household can be eligible for more than one unit category.

- **Fully Accessible Units:** A household with a person with physical disabilities will get preference on the waiting list because of the very limited number of accessible units. If there is more than one household with a person with physically disabilities on the waiting list, in region households with a person for each bedroom will be contacted first. Applicants must provide a letter from their doctor stating what kind of accommodation they require as a result of their disability.

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

☐ White (non-Hispanic X Black (non-Hispanic) X Hispanic ☐ American Indian or Alaskan Native

X Asian or Pacific Islander ☐ Other group:

3b. **HOUSING RESOURCE CENTER** (www.njhousing.gov) A free, online listing of affordable housing **X**

3c. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	**NAMES OF REGIONAL NEWSPAPER(S)**	**CIRCULATION AREA**
TARGETS COAH REGION 3			
Daily Newspaper			
X	1 ad at beginning of marketing	Courier News	Region 3
	Once a week for 4 consecutive weeks	Home-News Tribune	Region 3
	Once a week for 4 consecutive weeks		
	1 Radio	1 radio or tv ad that serves the region (WOR 710 or WCBSS 880 AM)	Region 3

3d. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)		
DURATION & FREQUENCY OF OUTREACH	**NAME OF EMPLOYER/COMPANY**	**LOCATION**
See attached		

3e. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
See attached			

3f. Direct notification of the availability of affordable housing units, along with copies of application forms shall be provided to the following locations:

- Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)
- New Brunswick NAACP
- Plainfield Area NAACP
- Metuchen/Edison NAACP
- Latino Action Network

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:

4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)

	BUILDING	**LOCATION**
X	Middlesex County Administration Bldg	75 Bayard, New Brunswick, NJ 08903
X	Somerset County Admin. Bldg	20 Grove Street, Somerville, NJ 08876
X	Somerset County Library Headquarters	1 Vogt Drive, Bridgewater, NJ 08807
X	Hunterdon County Library Headquarters	314 State Highway 12, Flemington, NJ 08822

4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)

Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, NJ 08812
Dunellen Borough Public Library, 100 New Market Road, Dunellen, NJ 08812

4c. Sales/Rental Office for units (if applicable)

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).

_____

Name (Type or Print)

_____

Title/Municipality

_____

Signature Date

APPENDIX 11

REHABILITATION PROGRAM OPERATING MANUAL AND STRUCTURAL CONDITIONS SURVEY

STRUCTURAL CONDITIONS SURVEY

SURVEYOR: Scott Brescher (print or type name)

DATE: 4/3/25

RATE COMPONENT: **GOOD/EXCELLENT = 0** **FAIR/POOR = X**

STREET			One "X" and Structure is Deficient			COMPONENTS				Two "Xs" and Structure is De	
Address	Block/ Lot	Number of Dwelling Units	Foundation	Siding and Walls	Roof and Chimney	Windows and Door	Eaves/ Soffets Gutters/ Leader	Rails/ Stairs Steps/ Porch	Fire Escape	Deficient structure mark "Yes" or "No"	
533 MountainView				X	X						
618 Madison			X	X	X						
604 Madison						X	X				
612 Lincoln						X	X				
520 Jackson Ave					X		X	X			
121 2ND St						X		X			
223 2ND St					X						
239 2ND St							X	X			
226 1ST St							X	X			
216 1ST St							X				
111 1ST St											

I verify that I conducted the structural conditions survey for Dunellen (municipality/county) on 4/3/25 (date) according to COAH criteria.

Signature: [signature] Title: CONSTRUCTION OFFICIAL License No: 24GI000899O 010761

STRUCTURAL CONDITIONS SURVEY

SURVEYOR: Scott Brescher
(print or type name)

DATE: 4/3/25

RATE COMPONENT: **GOOD/EXCELLENT = 0** **FAIR/POOR = X**

STREET			One "X" and Structure is Deficient			COMPONENTS Two "Xs" and Structure is De					
Address	Block/ Lot	Number of Dwelling Units	Foundation	Siding and Walls	Roof and Chimney	Windows and Door	Eaves/ Soffets Gutters/ Leader	Rails/ Stairs Steps/ Porch	Fire Escape	Deficient structure mark "Yes" or "No"	
339 New Market				X			X				
311 OAK Parkway				X	X						
315 OAK Parkway			X		X						
511 WALNUT					X	X					
316 Fairview					X		X				
19 Lehigh					X		X				
348 S. Madison Ave.					X		X				
542 South Ave			X		X						
631 Dunellen			X		X						
758 2ND			X				X				
581 South Ave			X		X						

I verify that I conducted the structural conditions survey for Dunellen (municipality/county) on 4/3/25 (date) according to COAH criteria.

Signature: [signature]

Title: Construction Official

24GI0008990
010761
License No:

STRUCTURAL CONDITIONS SURVEY

SURVEYOR: Scott Brescher
(print or type name)

DATE: 4/3/25

RATE COMPONENT: **GOOD/EXCELLENT = 0** **FAIR/POOR = X**

STREET			One "X" and Structure is Deficient			COMPONENTS				Two "Xs" and Structure is De	
Address	Block/ Lot	Number of Dwelling Units	Foundation	Siding and Walls	Roof and Chimney	Windows and Door	Eaves/ Soffets Gutters/ Leader	Rails/ Stairs Steps/ Porch	Fire Escape	Deficient structure mark "Yes" or "No"	
126 Dunellen			X	X			X	X			
235 Front St			X				X	X			
222 Front St			X			X		X			
215 Front St			X				X	X			
525 Front St				X							
210 Third St				X							
514 N. Washington Ave				X							

I verify that I conducted the structural conditions survey for Dunellen (municipality/county) on 4/3/25 (date) according to COAH criteria.

Signature: [signature]

Title: Construction Official

24GI00058900
010761
License No: