

Andover Township
Master Plan Amendment
Housing Plan and Fair Share Plan

Andover Township
Sussex County, New Jersey

October 15, 2005

Adopted 2005

This Report has been signed and sealed in the original in accordance with N.J.A.C. 13: 41-1.3


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Andover Township

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Prepared for the Township of Andover Committee and Planning Board
Prepared by David R. Troast, P.P., A.I.C.P., and C.L.A.

1.00 Purpose

The purpose of the Housing Plan and Fair Share Plan of the Master Plan is to provide realistic opportunities to address the housing needs of the citizens of Andover Township within all income levels. Various housing options shall be integrated into the existing land use pattern to preserve, enhance and protect the rural character and natural resources of the Township. The Plan shall meet the intent of the Fair Housing Act, The New Jersey State Development and Redevelopment Plan, Council on Affordable Housing (COAH) Rules and the Mount Laurel court decisions. The Township of Andover will petition for substantive certification with COAH as a part of the planning process to meet the mandated housing obligation.

The Fair Housing Act also required municipalities in the state to include an adopted Housing Element in all Master Plans. The principal purpose of the Housing Element is to provide for methods of achieving the goal of access to affordable housing to meet the municipality's low and moderate-income housing needs. Low-income households are defined as those with an income no greater than 50 percent of the median household income of the housing region in which the municipality is based, adjusted for household size. Moderate-income households are those with incomes no greater than 80 percent of the median household income of the housing region, adjusted for household size.

Andover Township is located in the northern part of Sussex County in the Northeast Housing Region (Region 1), which consists of Bergen, Hudson, Passaic, and Sussex Counties. The median household income in the region for a family of four is \$74,464.

The Municipal Land Use Law and the COAH regulations require that the Housing Element include the following:

- 1) A projection of the probable future construction of housing for 10 years in Andover Township (1/1/04 to 1/1/2014);
- 2) A projection of probable future jobs and employment characteristics for 10 years in Andover Township (1/1/04 to 1/1/2014);
- 3) An analysis of the existing zoning or the changes in zoning that are planned to provide adequate capacity for residential and non-residential growth consistent with the municipal growth projections;
- 4) Plan projections for 2015 for residential and non-residential growth as provided by the North Jersey Transportation Planning Authority (NJTPA);
- 5) If the municipal projection is different than NJTPA the following must be presented: A demonstration that the capacity of the existing and planned zoning to accommodate the State Plan Projections renders those Plan Projections inaccurate; and an analysis of the reasons for the differences between the municipal growth projections and the Plan Projections with a detailed justification as to why COAH should accept the alternate projections.
- 6) A copy of the most recently adopted municipal master plan and if adopted less than 3 years ago, the immediately preceding adopted master plan.
- 7) A copy of the most recently adopted municipal zoning ordinance and any ordinances on affordable housing not contained in the zoning ordinance.

- 8) A copy of the affirmative marketing plan and spending plan.
- 9) A description of the sites proposed for affordable housing including the following: acreage, owner, block, lot, current zoning and surrounding land uses, and street and utility access.
- 10) A copy of the most recent tax maps.
- 11) Copies of all decisions made on all applications for development for all affordable housing sites.
- 12) Any other documentation pertaining to the review of the municipal Housing Element as may be required by COAH.
- 13) Rehabilitation Requirement as of April 1, 2000.
- 14) New construction obligation for low and moderate housing units from 1987 to 1999 and the actual number of affordable housing units provided.
- 15) The projected growth share need based upon residential and non-residential development likely to occur.

1.01 Introduction:

Andover Township is a rural community in Sussex County in northwest New Jersey. The Township is classified as Rural Planning Area PA4 and Rural/Environmentally Sensitive Planning Area PA4B in the New Jersey State Development and Redevelopment Plan. Future housing obligations for new construction (Inclusionary housing projects) should be planned in Centers with the exception of group homes and various other COAH approved options.

Andover is a rural farming/bedroom community with private wells, a minimal number of community wells for water supply, and no public sewer. The total population is 6,033 with 2,889 male and 3,144 female residents. There are 1,968 housing units based on the 2000 US Census. There are 1,889 occupied housing units and 79 vacant units. Seasonal housing units make up of 23 units of the total. The existing housing stock built prior to 1980 is 1,328 or 67.4%. The NJTPA estimated population for Andover Township is 6,630. This is the COAH approved population total to be utilized in the Housing and Fair Share Plan.

1.02 Municipal Objectives:

1. Provide for a variety of housing opportunities for all income levels in the "existing hamlets and planned centers" in conjunction with public transportation.
2. Provide densities or forms of housing development consistent with the State Plan by examining the impacts on the natural environment.
3. Provide housing opportunities for the senior community.
4. Prepare a Fair Share/Housing Plan to meet the mandated affordable housing obligation as assigned by the Council on Affordable Housing

Location Map: Andover Township, Sussex County, New Jersey

HAMPTON TWP

LAFAYETTE TWP

NEWTON TOWN

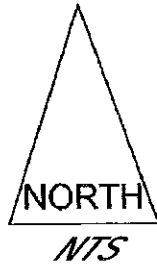
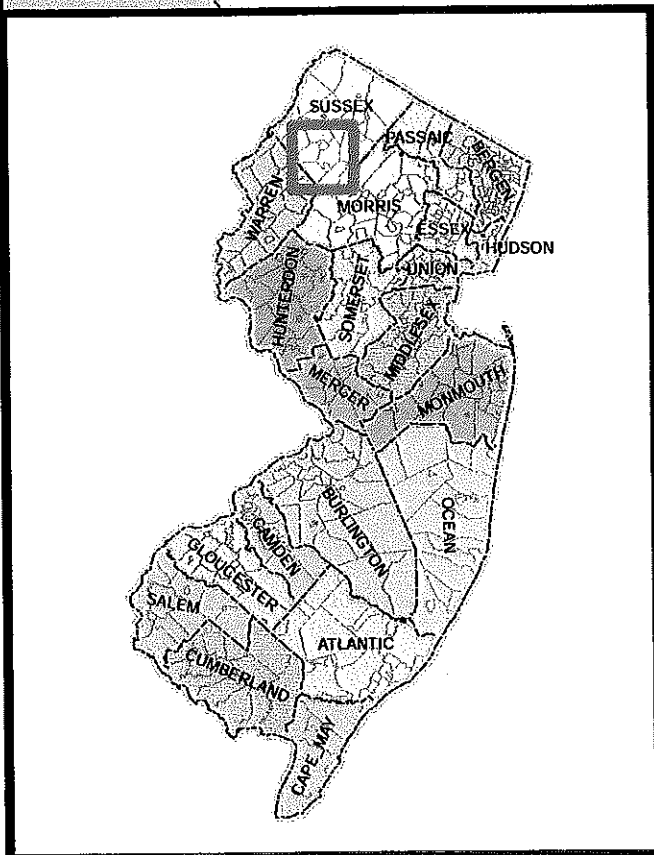
SPARTA TWP

FREDON TWP

ANDOVER
TOWNSHIP

ANDOVER BORO

BYRAM TWP



Location Map

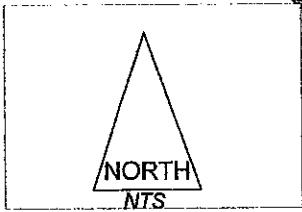
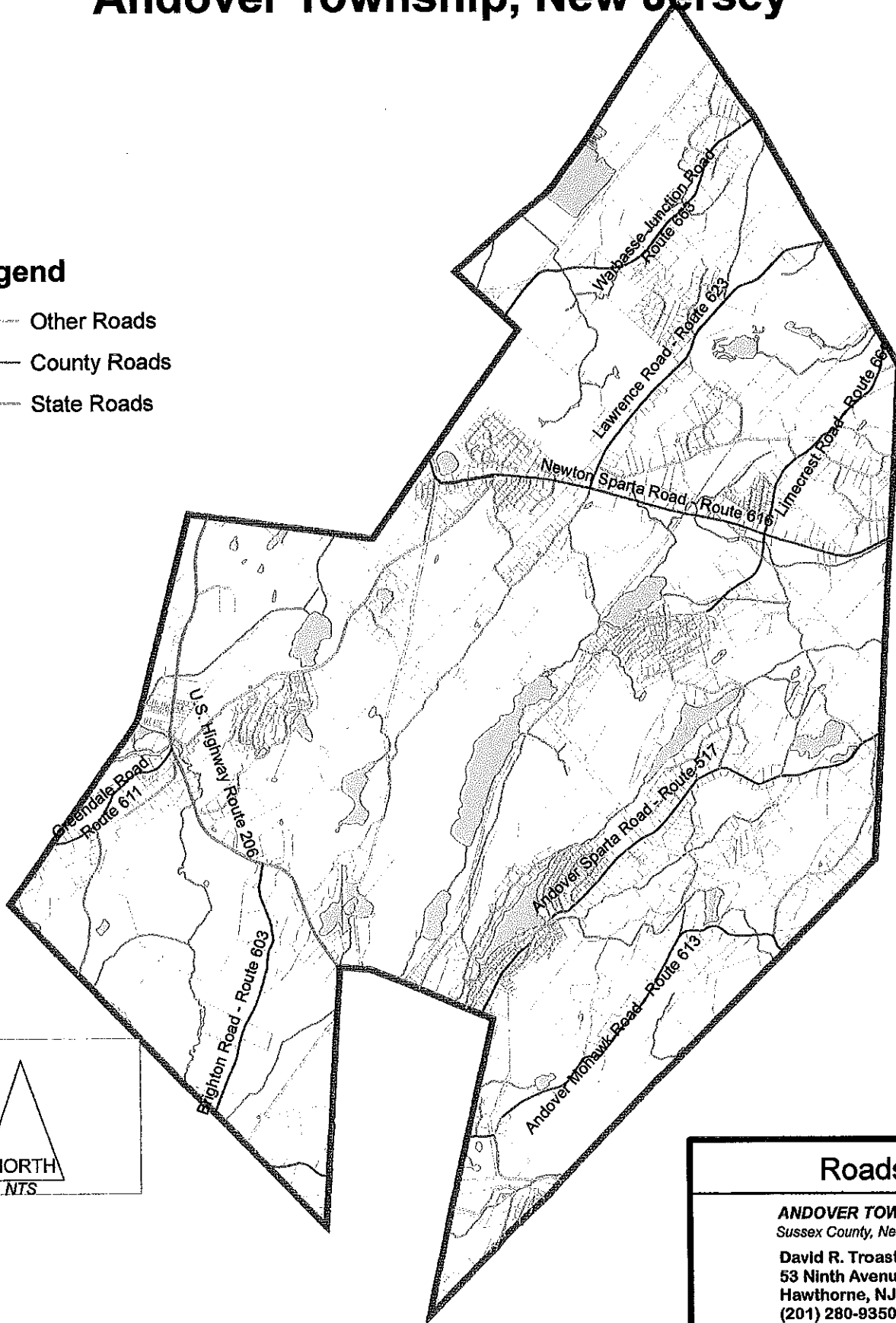
ANDOVER TOWNSHIP
Sussex County, New Jersey

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Roads Andover Township, New Jersey

Legend

- Other Roads
- County Roads
- State Roads



Roads
ANDOVER TOWNSHIP Sussex County, New Jersey
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1.03 Existing Housing Status:

COAH has divided the State into Housing Regions for the 1993-1999 cycle. Sussex County is part of Region One, which includes Passaic, Bergen and Hudson Counties.

1.03-1 Fair Share Obligation Round One and Two:

The New Jersey Council on Affordable housing (COAH) was established and given the responsibility for implementing the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). According to COAH, Andover Township is part of the Northeast Housing Region (Region 1), which consists of Bergen, Hudson, Passaic, and Sussex counties.

COAH has assigned Andover Township a prior round obligation of 47 units and 0 rehabilitation units, as shown in Appendix B of the COAH Round Three Rules. This cumulative obligation represents the Township's total affordable housing obligation through the year 1999. The use of COAH methodology to determine each municipality's fair share obligation has been encouraged in order to provide uniformity throughout the State in addressing the State's low and moderate income housing need.

Andover Township is required to document or zone for 47 new housing units with a maximum of 25 % of the affordable housing units as Age Restricted or Senior Units for a total of 12 units. The rental requirement is 25% of the new construction or 12 units.

1.03-2 Third Round Obligation

The Council on Affordable Housing released the methodology for the third round rules in August of 2003 with an effective date of January 1, 2004. The new proposed rules cover the period from 1999 to 2014. The assigned obligation for rounds one and two remain and must be accomplished to receive certification. The third round obligation for each municipality is determined with two components.

- “ 1. Growth Share – the number of units that must be built based on a town's actual growth, allowing municipalities a much greater level of self determination;
2. Rehabilitation share – the number of substandard units a town must rehabilitate as identified by COAH.”

Source: COAH

The Growth Share calculation is based on the following formula.

- “1. For every 8 residential units receiving a certificate of occupancy in a municipality from 2004 to 2014, one affordable unit must be provided.
2. For every 25 jobs created in the municipality, the municipality incurs an obligation of one affordable housing unit.”

Source: COAH

Andover Township has experienced steady growth in housing starts with 274 building permits issued from January 1990 –January 2000 (source US Census). This is an average of 28 new single-family housing units per year. This average will continue into the foreseeable future unless a major change occurs in the national or regional economy, or until build-out is reached. The information pertaining to the existing housing in a community is an important part of the Housing Element and provides the foundation in developing strategies to meet the Goals and Objectives of the Master Plan by integrating the Land Use Element and Resource Conservation Element to determine the appropriate location, type, and density of future housing. The natural carrying capacity of the land should not be exceeded.

1.04 Affordable Housing Inventory:

Andover Township was granted Certification by the Council On Affordable Housing for Rounds #1 and #2. The Abbey property remains an option for future affordable housing.

The Township over the years has provided opportunities for affordable housing. **Table One** indicates the “Constructed or Approved Units/Credits” as proposed by Andover Township.

Table One

Requesting COAH Credit Approval:

Type/Location	Block	Lot	Year	# of Bedrooms/Units	Rental Bonus (25% of 35)
Alternate Living Group Home	69	7.15	1989	3	3

Possible Credits/New Construction Credits = 6

1.05 Demographic Characteristics:

The purpose of this section of the Housing Plan is to document and analyze demographic data with existing housing trends.

The current population of Andover in 2005 is 6,630 based on NJTPA. The projection for the year 2015 is 7,710.

The social mobility, economic prosperity and international immigration have induced cultural diversity in communities traditionally dominated by European ancestry. The New York Metropolitan cultural influence will continue to diversify the population of Andover Township.

1.06 Population Composition By Age:

The population composition by age for Andover Township is based on the 2000 Census data. In evaluating the information, current trends need to be factored in such as the baby boom, baby bust and baby boom echo generations. There has been an increase of retired persons relocating to the southeastern and southwestern US. This information is useful in evaluating capital improvements and public investment as to schools and other public facilities.

The data and current trends show increases in the population in the 0 - 16 and 35 to 54 age categories. The general population is aging in place and living longer because of the quality of health care and medical technology advances. These trends indicate the housing needs of families with children and people over the age of 70 years old. Additional housing alternatives including duplex housing, zero lot line housing and age-restricted housing would enhance the quality of life offered in the Township.

Table Two

Age Category	# of Persons	Percentage
Under 5	389	6.4%
5 - 9	481	8.0%
10 - 14	422	7.0%
15 - 19	307	5.1%
20 - 24	189	3.1%
25 - 34	670	11.1%
35 - 44	1,074	17.8%
45 - 54	968	16.0%
55 - 59	343	5.7%
60 - 64	240	4.0%
65 - 74	367	6.1%
75 - 84	342	5.7%
85yrs./over	241	4.0%
	6,033	100%

Median Age 40.2 years

Source: 2000 Census

1.07 Household Size:

The household size is tabulated from the 2000 Census data by documenting the number of persons per household. The US Census defines a household as one or more persons, whether related or not, living together in one dwelling unit. The average number of persons per household in Andover Township as per the 2000 Census is 2.80 persons. The

average household size can be further defined by examining the owner occupied versus renter occupied units. The average Andover Township household size for owner occupied units is 2.86 and 2.46 for renter occupied units.

The number of households as documented in the 2000 Census is 1,968 housing units with 79 vacant units. The dominant housing unit type is single family with the housing tenure of owner occupied housing units being 1,598 and renter occupied units equaling 291.

Source: US Census 2000

1.08 Household Income:

The distribution of household income as documented in the 2000 Census is shown in **Table Three**. The Sussex County data establishes a benchmark to compare Andover Township to the region. There are 27.7 percent of Andover's households having an income less than \$50,000, with the County at 36 percent. There are 13.5 percent of households that earn \$150,000 or more compared to 7.8 percent for all of Sussex County. The data indicates a mix of income levels, higher in the mid-income categories and in the highest income categories when compared to the Sussex County data.

Table Three

Andover Township			Sussex County	
Income in \$	# of Households	Percent	# of Households	Percent
< 10,000	46	2.4%	1,967	3.9%
10,000-14,999	17	0.9%	1,589	3.1%
15,000-24,999	104	5.5%	3,450	6.8%
25,000-34,999	140	7.4%	3,956	7.8%
35,000-49,999	219	11.5%	7,088	14.0%
50,000-74,999	399	21.0%	11,734	23.1%
75,000-99,999	418	22.0%	9,053	17.8%
100,000-149,999	297	15.7%	8,014	15.8%
150,000-199,999	145	7.6%	2,375	4.7%
200,000 or more	112	5.9%	1,563	3.1%
Totals	1,897	100%	50,789	100%

Source: US Census 2000

The New Jersey Council on Affordable Housing has established eligible income limits for Sussex County / Region 1. The chart in the Appendix shows the number of persons per household and the income levels for low, moderate and median as defined by the COAH. The chart is updated yearly and provides the standard to qualify new owners and renters for deed restricted affordable units.

1.09 Employment Characteristics:

Sussex County is predominately a bedroom community for businesses along the Interstate 80 & 287 corridors and in New York City, with over 60% of residents commuting out of the County. The Andover Township Land Use Plan provides for planned growth adjacent to Andover Borough in a future Transit Village and in the Planned Andover Township Village Center consistent with the New Jersey State Development and Redevelopment Plan. This will provide employment opportunities in the future. **Table Four** provides the employment data from the 2000 Census for the residents of Andover Township.

Table Four
2000 Employed Persons by Industry

Type of Industry	# of Persons	Percent of Total
Occupation:		
Management, professional, and related occupations	1,288	45.7%
Service occupations	271	9.6%
Sales and office	804	28.5%
Farming, fishing and forestry	-	0.0%
Construction, extraction, and maintenance	200	7.1%
Production, transportation and material moving	254	9.0%
Industry:		
Agriculture, forestry, fisheries & mining	11	0.4%
Construction	161	5.7%
Manufacturing	429	15.2%
Transportation, warehousing, utilities	157	5.6%
Information	124	4.4%
Wholesale trade	121	4.3%
Retail trade	295	10.5%
Finance, insurance & real estate	207	7.3%
Professional, scientific, management administrative, waste management	338	12.0%
Educational, health and social services	594	21.1%
Arts, entertainment, recreation, accommodation & food service	228	8.1%
Other services	47	1.7%
<u>Public administration</u>	105	3.7%
Totals	2,817	100%

Source: 2000 Census

1.10 Andover Township Growth Share Obligation Projection:

1.10-1 Residential Growth Share Projection:

**Table R-1
MPO Residential Growth Projections**

2015	2005	Population	2000 Household	Household
MPO	MPO	change	Household	Growth
Population	Population	divided by	size	
7,710	6,630	= 1,080	divided by 2.80	= 386

Calculation: 386 divided by 9 = 42.89 Affordable Housing Unit Obligation

**Table R-2
Ten-year Historic Trend of Certificates of Occupancy and Demolition Permits**

	96	97	98	99	00	01	02	03	04
COs Issued	12	35	48	47	44	51	36	20	15
Demolitions	0	1	1	1	0	0	1	0	1
Net	12	34	47	46	44	51	35	20	14

**Table R-3
Anticipated Developments and Number of Residential Units**

	05	06	07	08	09	10	11	12	13	14	15	# of Units
Approved Development Applications												
Highland Farms			3	5	5	3						16
Deacon – Pinkneyville			2									2
Deacon – Ballantine			1	7	8	8						24
Guarda – Perona Estates			6	8	8	3						25
Morel – Country Lane			8	6	6	4						24
Life Care Mews			0	0	90	90	90	90				360
Subtotal			20	26	117	108	90	90				451
Pending Development Applications												
Mulford Road			0	2	6	8	11					27
K. Hovnanian PRC			0	0	60	60	60	60	14			314
Subtotal			0	2	66	68	71	60	60	14		341

Anticipated Development Applications

	<u>05</u>	<u>06</u>	<u>07</u>	<u>08</u>	<u>09</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u># of Units</u>
Misc. Parcels of Vacant Land 500 ac. @ 5 acres lots	0	0	0	5	10	10	20	15	15	15	10	100
Abbey Stone Building	0	0	0	25								25
Andover Borough Center Expansion												
Transit Village	0	0	0	0	0	0	0	75	75	75	75	300
Limecrest Extension	0	0	0	0	0	50	75	75	50	50	0	300
Subtotal	0	0	0	30	10	60	95	165	140	140	85	725

**Table R-4
Projected Certificates of Occupancy and Demolition Permits**

	<u>05</u>	<u>06</u>	<u>07</u>	<u>08</u>	<u>09</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u># of Units</u>
Total CO's Issued	20	26	117	108	90	90						451
(From Table R-3)	0	2	66	68	71	60	60	14				341
	0	0	0	30	10	60	95	165	140	140	85	725
Subtotal	20	28	183	206	171	210	155	179	140	140	85	1517
Demolitions	1	1	1	1	1	1	1	1	1	1	1	11
Net CO's	19	27	182	205	170	209	154	178	139	139	84	1506

**Table R-5
Total Net Residential Growth (Sum of Actual and Projected Growth)**

	<u>04</u>	<u>05</u>	<u>06</u>	<u>07</u>	<u>08</u>	<u>09</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>Total</u>
Total CO's Issued	15	20	28	183	206	171	210	155	179	140	140	85	1532
(From Table R-3)													
Demolitions	1	1	1	1	1	1	1	1	1	1	1	1	12
Net CO's	14	19	27	182	205	170	209	154	178	139	139	84	1520

R-6
Affordable Units to be excluded from Growth Projection,
by the year that the CO's are
Anticipated to be issued

<u>Project Name</u>	<u>04</u>	<u>05</u>	<u>06</u>	<u>07</u>	<u>08</u>	<u>09</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>Total</u>
K. Hovnanian PRC	0	0	0	10	10	10	10						40
Abbey Stone Building	0	0	0	0	25								25
Mulford Road Sub.		0	0	2	2								4
Misc. Growth Share Lots							5	6					11
Andover Borough Center Expansion													
Transit Village	0	0	0	0	0	0	0	0	15	15	15	15	60
Limecrest Extension	0	0	0	0	0	0	15	15	15	15			60
Subtotal	0	0	0	12	37	10	30	21	30	30	15	15	200

Table R-7
Net Residential Growth Projections After Subtracting
Second Round Affordable and Inclusionary Market Rate Units

	<u>04</u>	<u>05</u>	<u>06</u>	<u>07</u>	<u>08</u>	<u>09</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>Total</u>
Net Residential													
(From Table R-5)	14	19	27	182	205	170	209	154	178	139	139	84	1520
Affordable Units	0	0	0	12	37	10	30	21	30	30	15	15	200
(From Table R-6)	14	19	27	170	168	160	179	133	148	109	124	69	1320
Final Net Growth													

Table R-8
Affordable Housing Unit Growth Projections

	<u>04</u>	<u>05</u>	<u>06</u>	<u>07</u>	<u>08</u>	<u>09</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>Total</u>
Table R-7 Total	14	19	27	170	168	160	179	133	148	109	124	69	1320

Divided by 9

The Total Obligation = 147 (Round Three) + 47 (Rounds #1 and #2) =
194 Affordable Units

1.10-2 Projecting the Non-Residential Growth Share Obligation

Table NR-1

MPO Non-Residential Growth Projection

Formula: 2015 MPO Employment – 2005 MPO Employment = Employment Change

Calculation: 1,290 - 1,110 = 180 Jobs.

180 Jobs divided by 25 = 7.2 Affordable Unit Obligation

Table NR-2

**Ten-Year Historic Trend of Certificates of Occupancy
And Demolition Permits by Square Feet**

CO's Issued	Square Feet per Year								Total
	96	97	98	99	00	01	02	03	
B-Office	7,036	0	0	0	10,200	3,370	600	2,422	23,628
M-Retail	0	0	0	0	394	0	0	0	394
S-Warehouse	0	0	0	0	0	0	0	0	0
A-2 Restaurant	0	0	0	0	0	0	0	0	0
A-3	0	0	8,807	0	0	0	0	0	8,807
Industrial	8,130	1,800	0	0	0	10,000	0	0	19,930
Hotel	0	0	1,980	0	0	0	0	0	1,980
Education	0	0	0	0	0	42,802	0	0	42,802
Demolition Permits									
B-Office	0	0	1	0	0	1	0	1	3 permits

Note: all other categories are zero.

Table NR-3B
"B" Office Use Group: Actual Developments
By Year that CO's were Issued (3 jobs per 1,000 Square Feet)

	<u>'04</u>	<u>Total Sq. Ft.</u>	<u>Jobs</u>
Total New Development		13,944	41.82
Total Demolitions		0	0

Table NR-3M
"M" Retail Use Group: Actual Developments
By Year that CO's were Issued (1 job per 1,000 Square Feet)

	<u>'04</u>	<u>Total Sq. Ft.</u>	<u>Jobs</u>
Total New Development		480	.48
Total Demolitions		0	0

Table NR-5B
"B" Retail Use Group: Developments and Anticipated Developments
By Year that CO's are Anticipated to be Issued (3 jobs per 1,000 Sq. Ft.)

<u>Applications</u>	<u>05</u>	<u>06</u>	<u>07</u>	<u>08</u>	<u>09</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>Total</u>	<u>Jobs</u>
Approved													
PITFOA													
Anticipated													
Misc. Office			6,000		3,000		6,000					15,000	45
Other Projects													
Transit Village							25,000					25,000	75
Total New Development			6,000		3,000		6,000	25,000				40,000	120
Total Demolitions												0	0

Table NR-5M

**“M” Retail Use Group: Developments and Anticipated Developments
By Year that CO’s are Anticipated to be Issued (1 job per 1,000 Sq. Ft.)**

<u>Applications</u>	<u>05</u>	<u>06</u>	<u>07</u>	<u>08</u>	<u>09</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>Total</u>	<u>Jobs</u>
Pending													
Carafello		10,570										10,570	10.57
Cumberland Farms		3,744										3,744	3.74
Anticipated													
Misc. Retail				3,000								3,000	3.00
Other Projects													
Transit Village							75,000					75,000	75.00
Total New		14,314		3,000			75,000					92,314	92.31
Development													
Demolitions													
Cumberland Farms		6,300										6,300	6.3
Total												86,014	86.01

Table NR-5S

**“S” Warehouse Use Group: Developments and Anticipated Developments
By Year that CO’s are Anticipated to be Issued (.2 jobs per 1,000 Sq. Ft.)**

<u>Applications</u>	<u>'05</u>	<u>'06</u>	<u>'07</u>	<u>'08</u>	<u>'09</u>	<u>'10</u>	<u>'11</u>	<u>'12</u>	<u>'13</u>	<u>Total</u>	<u>Jobs</u>
Approved											
Sniffen Warehouse			7,000							7,000	1.40
Malkin Warehouse		3,000								3,000	0.60
Anticipated											
Misc. Warehouse					10,000	10,000	10,000	10,000		30,000	6.00
Total New		3,000	7,000		10,000	10,000	10,000	10,000		40,000	8.00
Development											
Total										0	0
Demolitions											

Table NR-5A-2
"A-2" Restaurant Use Group: Developments and Anticipated Developments
By Year that CO's are Anticipated to be Issued (3 jobs per 1,000 Sq. Ft.)

<u>Applications</u>	<u>'05</u>	<u>'06</u>	<u>'07</u>	<u>'08</u>	<u>'09</u>	<u>'10</u>	<u>'11</u>	<u>'12</u>	<u>'13</u>	<u>Total</u>	<u>Jobs</u>
Approved											
Xhudo Restaurant		3,000									
Anticipated											
Misc. Restaurants					3,000			3,000		6,000	18.00
Other Projects											
Transit Village								8,000		<u>8,000</u>	<u>24.00</u>
Total New Development										14,000	42.00
Total Demolitions										0	0

Table NR-5R-1
"R-1" Hotel Use Group: Developments and Anticipated Developments
By Year that CO's are Anticipated to be Issued (.8 jobs per 1,000 Sq. Ft.)

<u>Applications</u>	<u>'05</u>	<u>'06</u>	<u>'07</u>	<u>'08</u>	<u>'09</u>	<u>'10</u>	<u>'11</u>	<u>'12</u>	<u>'13</u>	<u>Total</u>	<u>Jobs</u>
Other Projects											
Transit Village								50,000		<u>50,000</u>	<u>50.00</u>
Total New Development								50,000		50,000	50.00
Total Demolitions										0	0

Table NR-5A-2
"F" Industrial/Factory Use Group: Developments and Anticipated Developments
By Year that CO's are Anticipated to be Issued (2 jobs per 12,500 Sq. Ft.)

<u>Applications</u>	<u>'05</u>	<u>'06</u>	<u>'07</u>	<u>'08</u>	<u>'09</u>	<u>'10</u>	<u>'11</u>	<u>'12</u>	<u>'13</u>	<u>Total</u>	<u>Jobs</u>
Anticipated											
Misc. buildings					10,000			10,000		20,000	40.00
Total New					10,000			10,000		20,000	40.00
Development											
Total										0	0
Demolitions											

NR-8
Net Projected Employment Growth – Jobs

	<u>'05</u>	<u>'06</u>	<u>'07</u>	<u>'08</u>	<u>'09</u>	<u>'10</u>	<u>'11</u>	<u>'12</u>	<u>'13</u>	<u>Total</u>	<u>Jobs</u>
Table NR-5B											
Total New Development			6,000		3,000		6,000	25,000		40,000	120
Table NR-5M	14,314			3,000				75,000		92,314	92.31
Total New Development											
Table NR-5S	3,000	7,000			10,000		10,000	10,000		40,000	8.00
Total New Development											
Table NR-5E	10,000									10,000	10.00
Total New Development											
Table NR-5A2					10,000			10,000		20,000	40.00
Sub Total	27,314	13,000	3,000	23,000		16,000	120,000	202,314		270.31	
Demolition										0	0
Sub-Total											
Total Projected	27,314	13,000	3,000	23,000		16,000	120,000	202,314		270.31	
Net Employment											
Growth											

Table NR-9

Total Net Non-Residential (Employment) Growth (Sum of Actual and Projected Growth)

	<u>'04</u>	<u>'05</u>	<u>'06</u>	<u>'07</u>	<u>'08</u>	<u>'09</u>	<u>'10</u>	<u>'11</u>	<u>'12</u>	<u>'13</u>	<u>'14</u>	<u>Total</u>	<u>Jobs</u>
Total New Development	14,424	27,314	13,000	3,000	23,000		16,000		120,000	216,738		312.16	
Total Demolitions													0
Total Net Employment Growth													312.16

Table NR-10

Affordable Housing Unit Obligation Generated by Non-Residential Development

	<u>Total Jobs</u>
Table NR-9	312.16

Divided By 25 = 12.49 say 13 Affordable Units

Total Affordable Housing Unit Obligation

Table R-8 Residential Obligation = 147 (Round #3) + 47 (Rounds #1 and #2) = 194 Affordable Units

Table NR-10 Non Residential Obligation = 13 Affordable Housing Units

Total Obligation: 194 + 13 = 207 Affordable Housing Units

1.11 Zoning Analysis:

The Andover Township Planning Board recently adopted a Master Plan Amendment, which evaluated the New Jersey Development and Redevelopment Plan, Sussex County Strategic Growth Plan and the Residential Land Use Districts. The Resource Conservation Element based on the latest information from the New Jersey Department of Environmental Protection (NJDEP) was utilized to identify and evaluate the environmentally sensitive land in conjunction with development in Andover Township. The Master Plan Amendment Objectives established the policies and the Selective Resource Inventory, including soils, steep slopes, flood prone areas, geology, and wetlands and NJDEP's Landscape Project data for threatened and endangered species in the following areas: critical forested areas, forested wetlands, emergent wetlands and grasslands, provided the criteria to identify the critical elements to determine the appropriate densities.

1.11-1 Single Family Residential:

The Master Plan Amendment recommended the consolidation of the single-family residential districts from five to three districts. The new single-family Residential Districts are Residential Medium Density (one acre minimum), Residential Low Density (three acre minimum) and Residential Environmentally Sensitive (six acre minimum).

The first two districts are comprised of existing neighborhoods with similar lot areas. The purpose of the districts is to maintain the character and integrity of the existing neighborhoods.

The Residential Environmentally Sensitive (RES) District is a new land use classification, which addresses the environmental and rural character issues identified in the Resource and Residential Land Use Elements of the Amended Master Plan. The majority of the remaining vacant or undeveloped land in Andover Township is in the RES District (1 unit per 6 acre gross density).

In December of 2004, Andover Township participated in the State Plan Cross Acceptance and Sussex County Strategic Growth Plan review process. A report was prepared evaluating the developable residential land and estimating the build-out under the existing zoning ordinance. The single-family residential projection was 962 units.

The single-family residential build-out projection based on the new Districts in the Master Plan Amendment is 351 units. This is a significant decrease in the potential residential growth in the "Environs," based on smart growth policies to protect the environmentally sensitive land and rural character of Andover Township.

1.11-2 Mount Laurel District:

The Mount Laurel District will provide opportunities for redevelopment of an historic structure for moderate and low-income residents. The proximity to the Designated Newton/Hampton Regional Center and the existing wastewater treatment facility at the Abbey property establishes this district as an approvable and developable parcel of land. The residential density range should be between six to ten units per acre. Andover's approved Housing Plan and Fair Share Plan relied upon a planned village on a large portion of the Abbey property. The development potential of the Abbey property has been reduced based on dialogue with the Abbey's Attorney. (See Appendix)

1.11-3 Multifamily and Special Residential:

The Districts have not been modified except for a growth share ordinance provision. Any major modifications to the existing approvals will require compliance with the growth share ordinance and the construction of onsite affordable units.

1.11-4 Planned Retirement Community District:

The Planned Retirement Community District provides opportunities for an active adult or continuing care retirement community in combination with a golf course and or open space. The minimum tract size in Andover is two hundred acres of land. This district is aligned with a three hundred acre parcel of land in Lafayette. The overall gross density is one unit per one and one half acres in Andover. This is an "environs" protection district permitting concentrated growth with an affordable housing requirement, while preserving large tracts of open space.

1.11-5 Andover Borough Center Expansion District:

This is a new District, which will provide opportunities for mixed use planned compact growth adjacent to the Designated Center of Andover Borough. The planned expansion of the existing Borough Center is consistent with the smart growth policies of the New Jersey State Development and Redevelopment Plan. Plan Endorsement approval by the State Planning Commission will be required.

The parcel identified to the west of the Borough is the property adjacent to the planned realignment of Limecrest Road/Brighton Road (County Route 603). The proposed residential density will generate approximately 300 housing units with a 20% set aside for low and moderate housing units. Wastewater and public water will need to be planned concurrently with the proposed development in Andover Borough.

The Growth area to the east of the Borough is the planned Transit Village identified under New Jersey Transit's plan to reactivate the Lackawanna Cutoff passenger rail line. The estimated residential component of the mixed-use village is a 300 housing units with a low and moderate-income housing set aside of 20%.



















State Plan Cross Acceptance: Developable Land Andover Township, New Jersey

Legend

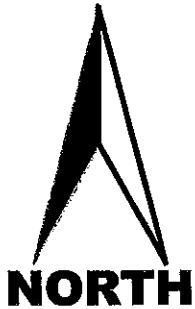
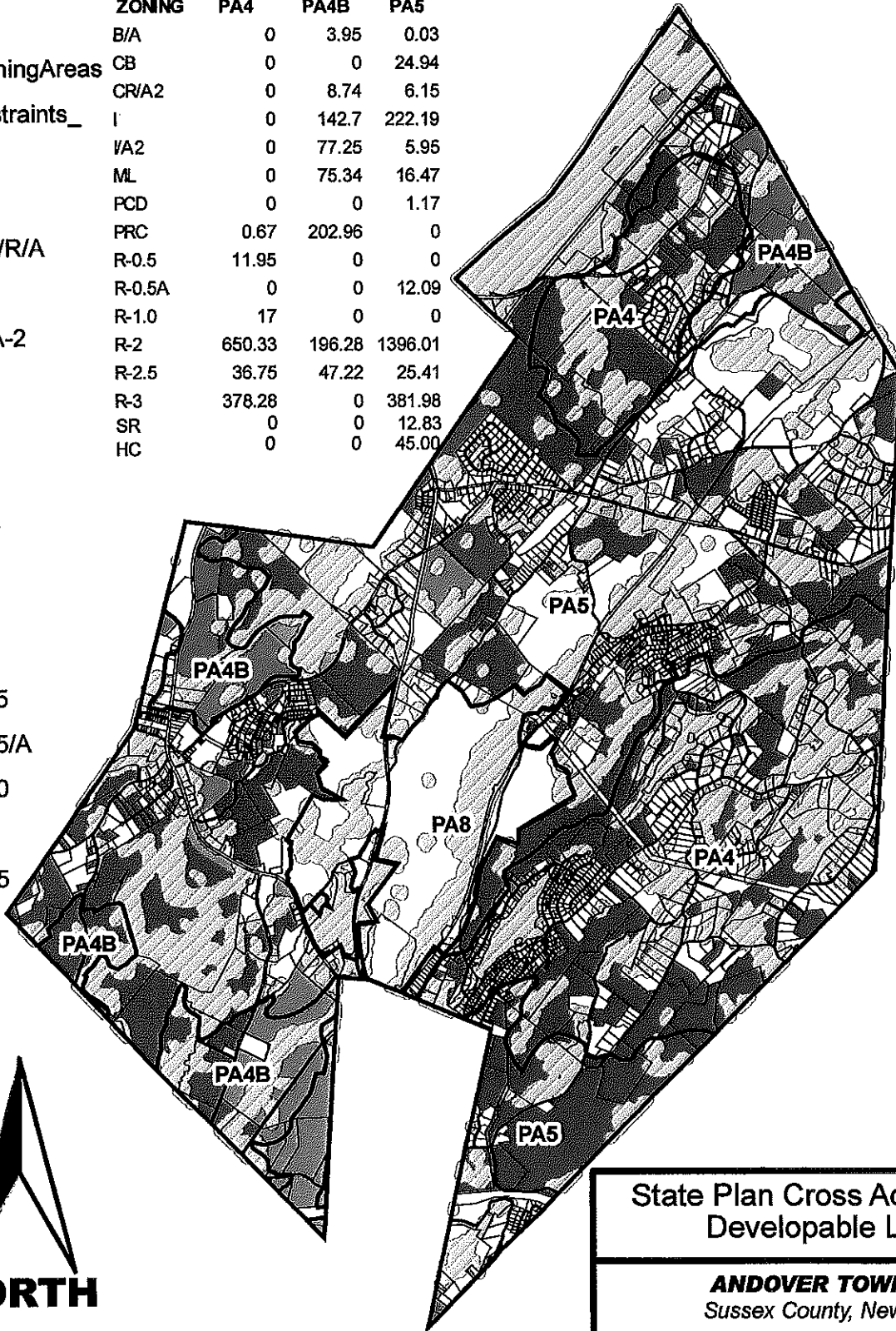
 Planning Areas

 Constraints_

ZONING

-  B/A
-  BPO/R/A
-  CB
-  CR/A-2
-  HC
-  I
-  I/A-2
-  MFR
-  ML
-  PCD
-  PRC
-  R-0.5
-  R-0.5/A
-  R-1.0
-  R-2
-  R-2.5
-  R-3
-  SR

ZONING	PA4	PA4B	PA5
B/A	0	3.95	0.03
CB	0	0	24.94
CR/A2	0	8.74	6.15
I	0	142.7	222.19
I/A2	0	77.25	5.95
ML	0	75.34	16.47
PCD	0	0	1.17
PRC	0.67	202.96	0
R-0.5	11.95	0	0
R-0.5A	0	0	12.09
R-1.0	17	0	0
R-2	650.33	196.28	1396.01
R-2.5	36.75	47.22	25.41
R-3	378.28	0	381.98
SR	0	0	12.83
HC	0	0	45.00



1 inch equals 5,000 feet

*** Constraints include Wetlands with 150' buffer and Category 1 streams with 300' buffer.**

State Plan Cross Acceptance Developable Land

ANDOVER TOWNSHIP
Sussex County, New Jersey










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53 Ninth Avenue
Hawthorne, NJ 07506
(201) 280-9350

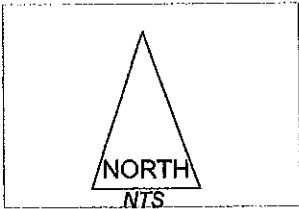
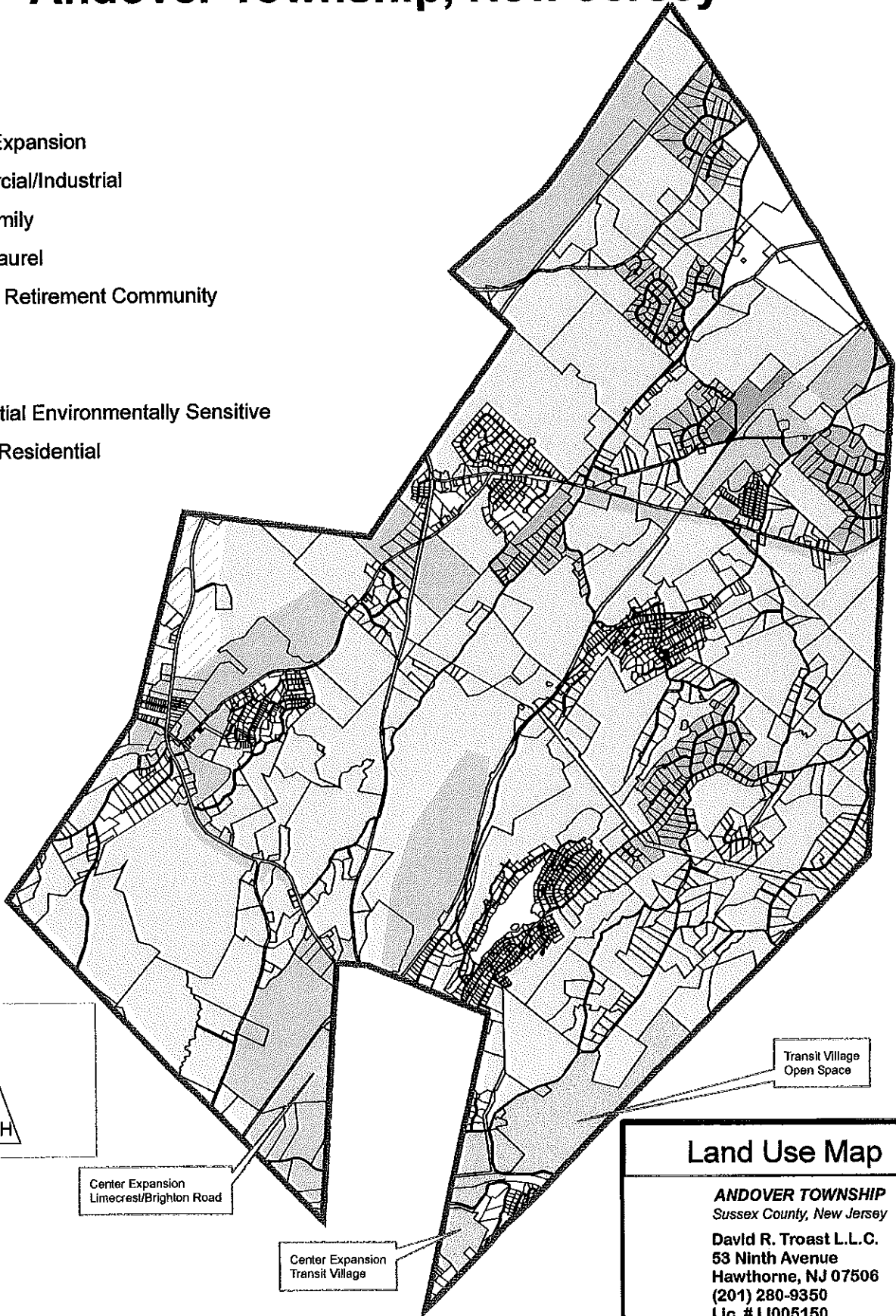
Lic. # LI005150

Land Use Map: Andover Township, New Jersey

Legend

LANDUSE

-  Center Expansion
-  Commercial/Industrial
-  Multi-Family
-  Mount Laurel
-  Planned Retirement Community
-  R-1
-  R-3
-  Residential Environmentally Sensitive
-  Special Residential



Center Expansion
Limecrest/Brighton Road

Center Expansion
Transit Village

Transit Village
Open Space

Land Use Map

ANDOVER TOWNSHIP
Sussex County, New Jersey

David R. Troast L.L.C.
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1.11-5 Conclusion:

The zoning changes recommended in the Master Plan provide for opportunities for planned growth, while protecting the environment and rural character of Andover Township consistent with both the State Plan and the Sussex County Strategic Growth Plan. The affordable housing obligation for Round One, Round Two and the Round Three Growth Share can be accomplished within the context of the Master Plan and Zoning Ordinance.

1.12 NJTPA Projections versus Municipal Projections:

The COAH rules require an analysis of the NJTPA projections and the municipal projections provided in this report if there is a substantial difference. The Growth Projections are divided into Residential and Non-Residential categories.

1.12-1 Residential Comparison:

The NJTPA/MPO Residential Projection for household growth is 386 units compared with the adjusted municipal projection of 1,320 units. The municipal projection is greater by 934 units. The reason for the difference is based on the existing approvals granted in the Special Residential District and the anticipated growth in the Planned Retirement Community and the expanded Andover Borough Center (Transit Village). The single-family residential growth projection of the Sussex County Strategic Growth Plan has been significantly reduced by 611 units based on the Master Plan Amendment and recommended zoning ordinances.

1.12-2 Non-Residential Comparison:

The NJTPA/MPO Non-Residential Projection for employment growth is 180 jobs compared to a municipal projection of 313 jobs for the 2004 to 2015 Round Three obligation period. The municipal projection is greater by 133 jobs. The reason for the higher municipal projection is based on the proposed NJDOT Transit Village.

1.12-3 Conclusion:

The higher municipal projections are based on planned growth consistent with the State Plan and the Sussex County Strategic Growth Plan. The development potential has been reduced in the "Environs" and increased in specific planned areas to protect the environment and rural character and to minimize typical suburban sprawl.

The global, national, regional and local economies will impact the accuracy of the NJTPA and the municipal projections for both residential and non-residential growth. Andover's Growth Share Ordinance will provide the mechanism to insure a compliance approach as growth occurs with the construction of affordable housing units consistent with the Fair Housing Act and the COAH Third Round Growth Share Rules.

David R. Troast, L.L.C.

Consulting Professional Planner & Landscape Architect
NJ-LI005150, NJ-AS00621

Telephone (201) 280-9350

53 Ninth Avenue
Hawthorne, NJ 07506-1749

Andover Township Fair Share and Compliance Plan

Sussex County, New Jersey

October 15, 2005

Prepared for the Township Andover Committee and Planning Board
Prepared by David R. Troast, P.P., A.I.C.P., C.L.A.

2.00 Fair Share and Compliance Plan Purpose:

The purpose of the Fair Share and Compliance Plan is to address Andover Township's 1987-2014 fair share affordable housing obligation. The obligation includes the estimated residential and non-residential growth share need from the Adopted Andover Township Housing Plan. Ordinances will be included as appropriate to ensure compliance with the calculated affordable housing obligation.

The Fair Share Plan will describe specific projects, programs, strategies and funding sources to meet the affordable housing obligation complying with N.J.A.C. 5:94-2.4.

2.01 Rehabilitation Component:

The Rehabilitation Component establishes a program to address a municipality's substandard housing units occupied by low and moderate-income households. The methodology is provided in N.J.A.C. 5:94 Appendix A and the calculated share in Appendix C. **Andover Township's calculated share is zero.** Under the previous rules, Andover Township did have a rehabilitation obligation of 29 units. This obligation was reduced to zero based on the 2000 Census and other demographic data.

2.02 Municipal Zoning Options:

This section provides a brief description of the options available under N.J.A.C. 5:94 for a municipality in addressing their mandated affordable housing obligation. This section is not all-inclusive and the statute should be referenced for additional information.

Zoning for Inclusionary Development and Mixed Use Development is an option in developing communities or in communities with areas in need of redevelopment. Zoning standards requiring affordable housing production that exceeds the growth share requirement of one in eight and one for each twenty-five jobs ratio must be for areas in Planning Areas One and Two or in designated centers under the State Plan. The affordable units would be deed restricted for thirty years with unit value regulated by the state on a yearly basis.

Municipally Sponsored Construction and Reconstruction 100 percent affordable is an option for a specific type of housing need or the redevelopment of a specific area of the community. An example would be a municipality in partnership with a nonprofit organization to construct an age restricted low and moderate-income housing project. A reconstruction project of a building requires the replacement of all major systems or expenses in excess of 50 percent of the physical value of the building.

Regional Contribution Agreements (RCAs) is an alternative for the municipality to transfer up to 50% of the affordable housing obligation and growth share estimation to a receiving municipality. The sending municipality is committed to a cost of \$35,000 per

unit transferred under the new proposed COAH rules. The receiving municipality uses the funds to construct or rehabilitate affordable housing units in their community.

Alternative Living Arrangements provide opportunities for a municipality to meet their affordable housing obligation by permitting credit for transitional facilities for the homeless, boarding homes regulated by NJDCA, residential health facilities, group homes and congregate living arrangements regulated by the appropriate state agency. Nursing home and other long-term care facilities do not qualify under this program. The affordable housing credit is calculated by establishing the number of bedrooms in the facility. Dormitory style arrangements do not qualify. There are mandatory affordability controls required for the municipality to receive credit.

Accessory Apartments are eligible for the municipality provided it subsidizes a credit of \$20,000 per unit. This requirement is eliminated if illegal conversions have been constructed prior to the adoption of the ordinance. A municipality may claim up to 10 units with affordability controls for a minimum of 10 years.

Buy Down Programs provide a municipality the option to assist low and moderate-income buyers with a subsidy of \$25,000 to purchase new or pre-owned vacant or occupied housing units. The limit is 10 units towards the municipal obligation.

ECHO (Elder Cottage Housing Opportunities) Housing Units assist residents by permitting a small cottage to be placed on their property for an aging family member. The municipality is required to purchase the unit and maintain it for 10 years to receive credit. This alternative can be costly because of meeting the septic code for capacity of the added bedrooms.

2.04 Municipal Options for Andover Township:

Andover Township has adopted a Developer Fee Ordinance (approved by COAH), a growth share ordinance and has identified three areas for Inclusionary Housing sites. Two of the sites are adjacent to the Designated Andover Borough Center. The third site involves the renovation of the old stone building on State Highway 206 in conjunction with Abbey and a non-profit. Refer to the Land Use Plan for site location of the various projects.

2.04-1 Developer Fee Ordinance:

The COAH approved Developer Fee Ordinance is included in the Appendix. The purpose of this ordinance is to provide a threshold for residential development under eight units and for commercial development.

2.04-2 Growth Share Ordinance:

Andover has adopted and as part of this submission submits for approval a Growth Share Ordinance that requires on-site construction of one affordable unit for every eight market residential units and one affordable unit for every twenty-five jobs created. The ordinance is included in the Appendix.

2.04-3 Inclusionary Site – Limecrest/Brighton Road:

The purpose of this District is to provide opportunities for mixed use, planned compact growth adjacent to the Designated Center of Andover Borough. The planned expansion of the existing Borough Center is consistent with the smart growth policies of the New Jersey State Development and Redevelopment Plan.

The parcel identified as Block 163, Lot 2 (65 acres) to the west of the Borough is the property adjacent to the planned realignment of Limecrest Road/Brighton Road (County Route 603). The current zoning is Industrial. The proposed residential density will generate approximately 300 housing units with a 20% set aside for low and moderate housing units resulting in 60 units. Wastewater and public water will need to be planned concurrently with the proposed development in Andover Borough.

2.04-4 Inclusionary Site – Transit Village:

The purpose of this District is to provide opportunities for mixed use, planned compact growth adjacent to the Designated Center of Andover Borough. The planned expansion of the existing Borough Center is consistent with the smart growth policies of the New Jersey State Development and Redevelopment Plan.

The Growth area to the east of the Borough of Andover is the planned Transit Village identified under New Jersey Transit's plan to reactivate the Lackawanna Cutoff passenger rail line. The property is identified as Block 165.02, Lot 1; Block 1.02, Lot 6.01; Block 5, Lots 7, 5, 4, 3, 2 & 1; Block 4, Lot 1; Block 3, Lots 1.02 & 1.01; Block 1 Lots 6.02, 6.03, 6.04, 6.06 & 5.03 and currently zoned R-3, R-1, Highway Commercial and Planned Commercial Development. The estimated residential component of the mixed-use village is a range of 300 to 350 housing units with a low and moderate-income housing set aside of 20% resulting in 60 units. The commercial development will have an enhanced growth share requirement of 1 affordable unit per 12.5 jobs resulting in 18 affordable units. Wastewater and public water will need to be planned concurrently with the proposed development in Andover Borough.

2.04-5 Abbey House – Municipal Sponsored – 100% Affordable:

This District provides opportunities for redevelopment of an historic stone structure (Block 153, Lot 33.01 – 20.8 acres) for moderate and low-income residents. The proximity to the Designated Newton/Hampton Regional Center and the existing wastewater treatment facility at the Abbey property establishes this district as an approvable and developable parcel of land.

The attorney representing the Abbey has provided a letter confirming their desire to work with Andover Township to produce a 100% affordable age-restricted project. The anticipated number of affordable age-restricted units is 25. The funding source for the project will be provided through the Developer Fee Ordinance and developer contributions as an option under the Growth Share Ordinance.

This property is currently zoned Mount Laurel and the Township plans to maintain the zoning to provide additional opportunities and options in the Housing Plan to produce affordable housing.

2.04-6 Planned Retirement Community (PRC):

The Planned Retirement Community Zone District (Block 109, Lots 6 and 7; Block 110, Lots 1, 6 and 7) requires a 20% set aside for the construction of affordable housing units. The PRC Zone is located within the approved wastewater management plan. A site plan application has been filed in the Planning Department of Andover Township for 314 age-restricted units. The affordable housing obligation will be 63 units. The Township will request the developer to construct only the 12.5% Growth Share portion (40 units) to comply with the COAH rules requiring consistency with the State Plan. A cash Payment in lieu of construction will be negotiated with the developer for the remaining obligation of 23 units. The money will be deposited into the Housing Trust Fund for the construction of a municipally sponsored project in Andover Township (Abbey Stone House).

2.05 Compliance Plan Summary:

The Andover Township Compliance Plan provides a range of affordable housing alternatives consistent with the COAH Rules, the New Jersey State Development and Redevelopment Plan and the Sussex County Strategic Growth Plan. The Developer Fee Ordinance and Growth Share Ordinances will provide Housing Trust Funds for the construction of affordable units projected and the unforeseen growth in Andover Township.





2.05-1 Proposed Plan :

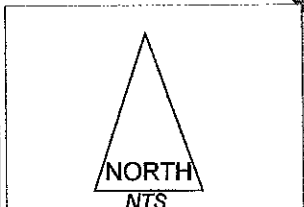
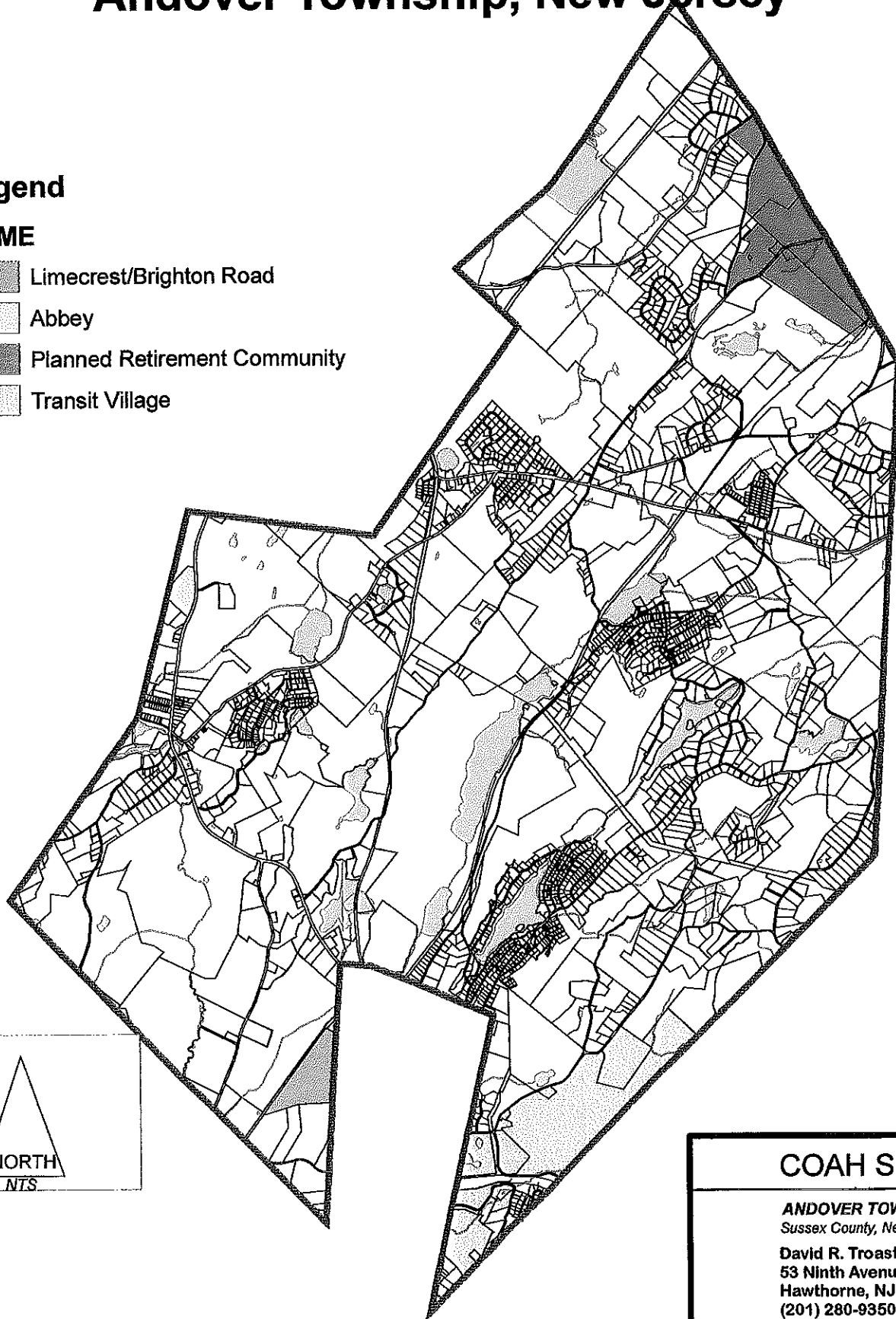
	<u>Affordable Units</u>
1. Growth Share Ordinance	11
2. Credit for existing Group Home	6
3. Abbey Stone House age-restricted units	25
4. Transit Village	60
5. Transit Village Commercial	18
6. Limecrest/Brighton Road Site	60
7. PRC - K. Hov. Site	<u>40</u>
Total	220 Affordable Units

COAH Sites: Andover Township, New Jersey

Legend

NAME

-  Limecrest/Brighton Road
-  Abbey
-  Planned Retirement Community
-  Transit Village



COAH Sites

ANDOVER TOWNSHIP
Sussex County, New Jersey

David R. Troast L.L.C.
53 Ninth Avenue
Hawthorne, NJ 07506
(201) 280-9350
Lic. # LI005150

2.05-2 Compliance with Specific Unit Types:

The Andover Township Ordinances will require compliance with the COAH Rules governing the type and percentage of the affordable housing produced.

	<u>Provided</u>	<u>Minimum Units</u>
1. Age-restricted Units not to exceed Rounds #1 & #2 = 12, Round #3 = 80		92
PRC	60 units	
Abbey	25 units	
Transit Village/Brighton Road	7 units	
2. Rental obligation of 25% Rounds #1 & #2 = 12, Round #3 = 40		52
Abbey Stone Building	25 units	
Existing Group Home	6 units	
Transit Village/Brighton Road	21 units	
3. Units constructed will be 50% for moderate-income and 50% for low-income residents.		
4. The Developer Fee Ordinance was recently approved by the COAH. Andover Township will file year-end financial reports for the Housing Trust Fund as required by the Statute.		

2.05-3 Future Options:

Andover Township will commit to a Regional Contribution Agreement (RCA) for unforeseen growth, changes in the Compliance Plan, and funds collected under the Developer Fee Ordinance. If this option is implemented, the Township will amend the Housing Plan and Fair Share Plan as required under the COAH Rules. Andover Township will commit to bond the necessary funds to insure that funding is available to implement the RCA program if adopted.

2.06 Conclusion:

The Andover Township Fair Share and Compliance Plan provides for realistic opportunities to address the affordable housing goals and objectives of the Master Plan by providing alternative housing options and programs consistent with the Municipal Land Use Law, COAH Rules and the NJ State Development and Redevelopment Plan. The total obligation is estimated at 209 affordable units with the compliance Plan providing 220 affordable units. **Andover Township is pleased to submit the Housing Plan and Fair Share Plan to the Council On Affordable Housing for Certification approval.**

Appendix

**Documentation of platted lots
and approved subdivisions and commercial site plans.**

Letter – Abbey property

COAH 2005 Regional Income Limits

COAH Approved Andover Developer Fee Ordinance

Growth Share Ordinance adopted by Andover Township

Spending Plan

Affirmative Marketing Ordinance

Andover Township Master Plan

**Andover Township Amendment to the Master Plan
Residential Land Use Plan and Resource Conservation Element
October 15, 2005**

Planned Retirement Community Ordinance

Tax Maps

HOUSING PLAN DATA
Supplied by Andover Township

1. Residential approved applications:

<u>Approved applications</u>	<u># lots approved</u>	<u>COs issued</u>	<u>#lots pending</u>
Highland Farms	25	9	16
Deacon – Pinkneyville	5	3	2
Deacon – Ballantine	24		24
Guarda – Perona Estates	27	2	25
Morel – Country Lane	27	3	24
Life Care Mews	360		360
	<u>468</u>	<u>17</u>	<u>451</u>

(a total of 16 COs issued from Jan.-June 2005 – includes 3 miscellaneous lots)

2. Pending residential applications:

Mulford Road	24 lots
PRC	314 lots
	<u>338 lots</u>

3. Inclusionary housing:

Mulford Rd.	4 units
K Hovnanian	?

4. Commercial approved applications:

Sniffen warehouse	7,000 s.f.
Xhudo restaurant	3,000 s.f.
PITFOA office bldg.	
Malkin warehouse	6,000 s.f.

5. Commercial pending:

Carafello retail	10,570 s.f.
Cumberland	3,744 s.f. (less than demolition)

MUNICIPALITY: ANDOVER TOWNSHIP

COUNTY: SUSSEX COUNTY

A.

Type of Facility	Address of Facility	# of Rooms Specifically Restricted to Low/Moderate Income Households/Individuals	Construction or Rehabilitation	Date of Occupancy for New Construction or Full Inspection for Rehabilitation
Group Home	272 Andover Sparta Rd	3 Bedroom		
	Newton NJ 07860	25 Bath		

B. Brief description of affordability control. (Kindly attach applicable legal instrument)

Max rent per client is \$500/person

C. Briefly describe rehabilitation work and cost per room, if applicable.

D. Affidavit that occupants meet either low or moderate income eligibility standards.

All Resident receive Social Security Disability or S.S.I Benefits

E. Verification that facility is open to the general public and is not age restricted

This Group Home is available for Sussex City Residents who are 18yrs + older.

Certified by: Jay Ressa
Owner or Administrator of Facility or Developer

Certified by: _____
Chief Elected Municipal Official

RECEIVED

AUG 31 2005

DOLAN AND DOLAN
A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WILLIAM A. DOLAN (1905-1952)
LEWIS P. DOLAN (1921-1974)
DONALD M. ROSS (1986-2005)

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GLENN T. GAVAN
CATHERINE ANNE GACQUIN**
EILEEN MCCARTHY BORN***

*CERTIFIED BY THE SUPREME COURT OF NEW JERSEY
AS A CIVIL TRIAL ATTORNEY
**ALSO MEMBER NY BAR
***ALSO MEMBER PA BAR
****CERTIFIED WORKERS'
COMPENSATION ATTORNEY

August 25, 2005

Andover Township Planning Board
132 Newton-Sparta Road
Newton, N.J. 07860

Thomas F. Collins, Esq.
Vogel, Chait, Collins & Schneider,
25 Lindsley Drive
Morristown, N.J. 07960

Re: Affordable Housing Obligation

Dear Ladies and Gentlemen:

I am the attorney for St. Paul's Abbey. We have been contacted by your attorney, Thomas Collins, Esq., concerning the affordable housing obligation of Andover Township. St. Paul's Abbey notes that its property is located largely in the ML Zone. The Abbey has no objection to this zoning designation.

St. Paul's Abbey is not actively marketing its property for sale at this time. However, it would consider permitting a development on its property of affordable senior citizen housing.

We hope this answers your inquiries.

Very truly yours,
DOLAN AND DOLAN, P.A.

Robert T. Morgenstern
Robert T. Morgenstern

RTM;ds

**COUNCIL ON AFFORDABLE HOUSING (COAH)
2005 REGIONAL INCOME LIMITS**

	1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8 Person	Max. Increase** Rents/Sales	Regional Asset Limit***
Region 1 Bergen, Hudson, Passaic and Sussex	Median	\$52,125	\$55,848	\$59,571	\$67,018	\$74,464	\$77,443	\$80,421	\$86,378	\$92,335	4.00%	\$134,035
	Moderate	\$41,700	\$44,678	\$47,657	\$53,614	\$59,571	\$61,954	\$64,337	\$69,103	\$73,868		
	Low	\$26,062	\$27,924	\$29,786	\$33,509	\$37,232	\$38,721	\$40,211	\$43,189	\$46,168		
	Very Low	\$15,637	\$16,754	\$17,871	\$20,105	\$22,339	\$23,233	\$24,126	\$25,913	\$27,701		
Region 2 Essex, Morris, Union and Warren	Median	\$56,210	\$60,225	\$64,240	\$72,270	\$80,300	\$83,512	\$86,724	\$93,148	\$99,572	4.00%	\$144,540
	Moderate	\$44,968	\$48,180	\$51,392	\$57,816	\$64,240	\$66,810	\$69,379	\$74,518	\$79,658		
	Low	\$28,105	\$30,113	\$32,120	\$36,135	\$40,150	\$41,756	\$43,362	\$46,574	\$49,786		
	Very Low	\$16,863	\$18,068	\$19,272	\$21,681	\$24,090	\$25,054	\$26,017	\$27,944	\$29,872		
Region 3 Hunterdon, Middlesex and Somerset	Median	\$64,400	\$69,000	\$73,600	\$82,800	\$92,000	\$95,680	\$99,360	\$106,720	\$114,080	4.00%	\$165,600
	Moderate	\$51,520	\$55,200	\$58,880	\$66,240	\$73,600	\$76,544	\$79,488	\$85,376	\$91,264		
	Low	\$32,200	\$34,500	\$36,800	\$41,400	\$46,000	\$47,840	\$49,680	\$53,360	\$57,040		
	Very Low	\$19,320	\$20,700	\$22,080	\$24,840	\$27,600	\$28,704	\$29,808	\$32,016	\$34,224		
Region 4 Mercer, Monmouth and Ocean	Median	\$55,635	\$59,609	\$63,583	\$71,531	\$79,479	\$82,658	\$85,837	\$92,196	\$98,554	4.00%	\$143,062
	Moderate	\$44,508	\$47,687	\$50,867	\$57,225	\$63,583	\$66,127	\$68,670	\$73,757	\$78,843		
	Low	\$27,818	\$29,805	\$31,792	\$35,766	\$39,740	\$41,329	\$42,919	\$46,098	\$49,277		
	Very Low	\$16,691	\$17,883	\$19,075	\$21,459	\$23,844	\$24,797	\$25,751	\$27,659	\$29,566		
Region 5 Burlington, Camden and Gloucester	Median	\$48,160	\$51,600	\$55,040	\$61,920	\$68,800	\$71,552	\$74,304	\$79,808	\$85,312	4.00%	\$123,840
	Moderate	\$38,528	\$41,280	\$44,032	\$49,536	\$55,040	\$57,242	\$59,443	\$63,846	\$68,250		
	Low	\$24,080	\$25,800	\$27,520	\$30,960	\$34,400	\$35,776	\$37,152	\$39,904	\$42,656		
	Very Low	\$14,448	\$15,480	\$16,512	\$18,576	\$20,640	\$21,466	\$22,291	\$23,942	\$25,594		
Region 6 Atlantic, Cape May, Cumberland and Salem	Median	\$42,442	\$45,473	\$48,505	\$54,568	\$60,631	\$63,056	\$65,481	\$70,332	\$75,182	4.00%	\$109,136
	Moderate	\$33,953	\$36,379	\$38,804	\$43,654	\$48,505	\$50,445	\$52,385	\$56,266	\$60,146		
	Low	\$21,221	\$22,737	\$24,252	\$27,284	\$30,316	\$31,528	\$32,741	\$35,166	\$37,591		
	Very Low	\$12,733	\$13,642	\$14,551	\$16,370	\$18,189	\$18,917	\$19,644	\$21,100	\$22,555		

*These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.6(b) and N.J.A.C. 5:80-26.12(a).

**This column is used for calculating the pricing for resale and rent increases for units as per N.J.A.C. 5:94-7.2(b)2. Affordable prices and rents may be raised a maximum of 4 percent, based on the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI), Northeast Region, All Urban Consumers Housing. However, low income tax credit developments may increase based on the low income tax credit regulations.

***The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

ORDINANCE #2005-7

**An Ordinance Creating Development Fees For
Low And Moderate Income Housing In The Township Of
Andover, County Of Sussex, State Of New Jersey**

Be It Ordained by the Township Committee of the Township of Andover, County of Sussex, State of New Jersey **the following section shall be added:**

ARTICLE III, GENERAL REGULATIONS

Section 190-32.2

SECTION 1. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution subject to Council on Affordable Housing's (COAH) developing rules. The purpose of this ordinance is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low and moderate income housing. This section shall be interpreted within the framework of COAH's rules on development fees.

SECTION 2. a. Residential Development Fees: Within a residential zone, developers shall pay a development contribution as required by the Growth Share Ordinance 190-32.1 of not less than one (1) percent of the equalized assessed value or \$4,356 whichever is greater for any subdivision/site plan activity of two (2) to eight (8) building lots/units or any existing single vacant building lot. The fee payment is required if the developer is not obligated to constructed the affordable units consistent with section 190-32.1.h. Alternative Mechanisms.

SECTION 3 b. Commercial and Industrial Development Fees: Commercial or industrial developers shall pay a development contribution consistent with the Growth Share Ordinance 190-32.1 of not less than two (2) percent of the equalized assessed value of any new building or addition to an existing building. The fee payment is required if the developer is not obligated to constructed the affordable units consistent with section 190-32.1.h. Alternative Mechanisms.

SECTION 4. c. Eligible exaction, ineligible exaction and exemptions:

1. Developers of inclusionary low and moderate income units shall be exempt from paying development fees.
2. Expansion of existing residential structures shall be exempt.

3. Developers that have received preliminary or final approval prior to the effective date of this ordinance shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval.
4. Developers of any church or library shall be exempt from the development fees.

SECTION 5. d. Collection of Fees:

1. Developers shall pay fifty (50) percent of the calculated development fee to the Township of Andover at the issuance of a building permit. The developer shall submit to the Housing Officer an estimate of the equalized assessed value of the new construction and lot to be verified if required by the Tax Assessor.
2. Developers shall pay the remaining fee to the Township of Andover at the issuance of certificates of occupancy; the developer shall submit the Home Owner's Warranty form and it shall be verified by the Tax Assessor. The developer shall be responsible for paying the difference between the fee calculated at certificates of occupancy and the amount paid at building permit.

SECTION 6. e. Housing Trust Fund:

1. There is hereby created an interest bearing housing trust fund in the name of Andover Township for the purpose of receiving development fees from residential and commercial developers. All development fees paid by developers pursuant to this ordinance shall be deposited in this fund. No money shall be expended from the housing trust fund unless the expenditure conforms to a spending plan approved by COAH.
2. If COAH determines that the Township of Andover is not in conformance with COAH's rules on development fees, COAH is authorized to direct the manner in which all development fees collected pursuant to this ordinance shall be expended. Such authorization is pursuant to this ordinance and the written authorization from the governing body.

SECTION 7. f. Use of Funds:

1. Money deposited in a housing trust fund may be used for any activity approved by COAH for addressing the Township of Andover's low and moderate income housing obligation. Such activities may include, but are not necessarily limited to: housing rehabilitation, new construction, regional contribution agreements, the purchase of land for low and moderate income people; and administrative costs necessary to implement the Township's Housing Element. The expenditure of all money shall conform to a spending plan approved by COAH.

2. No more than twenty (20) percent of revenues shall be expended on administrative costs necessary to develop, revise or implement the Housing Plan Element. Examples of eligible administrative activities include personnel, consultation service, space costs, consumable supplies, and rental or purchase of equipment.
3. Development fees shall not be expended to reimburse the Township of Andover for housing activities that preceded substantive certification.

SECTION 8. g. Monitoring:

1. The Township shall complete and return to COAH all monitoring forms related to the collection of development fees, expenditures of revenues and implementation and auditing reports shall be completed by the Township on forms designed by COAH.

SECTION 9. h. Penalties:

1. In the event that any of the conditions set forth in subsections 3.-11. below occur, COAH shall be authorized, on behalf of the Township, to direct the manner in which all development fees collected pursuant to this Ordinance shall be expended. Should any such condition occur, such revenues shall immediately become available for expenditure at the direction of COAH upon the Township Clerk's receipt of written notification from COAH that such a condition has occurred. In furtherance of the foregoing, the Township shall, in establishing a bank account pursuant to subsection e. and f. of this Ordinance, ensure that the Township has provided whatever express written authorization which may be required by the bank to permit COAH to direct disbursement of such revenues from the account following the delivery to the bank of the aforementioned written notification provided by COAH to the Township Clerk.
2. Occurrence of the following may result in COAH taking an action pursuant to COAH rules:
3. Failure to submit a spending plan within the time limits imposed by COAH;
4. Failure to meet deadlines for information required by COAH in its review of this Ordinance, the Township's housing element or spending plan;
5. Failure to address COAH's conditions for approval of a plan to spend development fees within the deadlines imposed by COAH.
6. Failure to address COAH's conditions for substantive certification within the deadlines imposed by COAH;
7. Failure to submit accurate monitoring reports within the time limits imposed by COAH;
8. Failure to implement the spending plan for development fees within the time limits imposed by COAH, or within reasonable extensions granted by COAH;

9. Expenditure of development fees on activities not permitted by COAH;
10. Revocation of the Township's substantive certification;
11. Other good cause demonstrating that the revenues are not being used for the intended purpose.

SECTION 10. i. Expiration of this ordinance:

This ordinance shall expire if:


1. COAH dismisses or denies Andover's petition for substantive certification;
2. COAH revokes substantive certification or its certification of this ordinance;
3. Substantive certification expires prior to Andover's filing an adopted Housing Element with COAH, petitioning for substantive certification or receiving COAH's approval of this ordinance.

SECTION 11. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION 12. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION 13. The Township Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 14. This ordinance shall take effect after publication and passage according to law.


Vita Thompson, R.M.C.
Municipal Clerk

INTRODUCED: March 09, 2005
ADOPTED: April 13, 2005
CERTIFIED: April 14, 2005

TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

Ordinance #2005-6

AN ORDINANCE TO AMEND CHAPTER 190 OF THE REVISED ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY BEING THE ZONING CHAPTER BY ADDING UNDER ARTICLE III, "GENERAL REGULATIONS," § 32.1 GROWTH SHARE

WHEREAS, the New Jersey Supreme Court and the New Jersey Legislature have recognized in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq. (FHA) that New Jersey municipalities have certain responsibilities concerning the need to provide affordable housing for low and moderate income households; and

WHEREAS, the Legislature gave the New Jersey Council on Affordable Housing (COAH) "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)); and

WHEREAS, in Mount Laurel II, the Supreme Court ruled that municipalities had the power to address the Mount Laurel responsibilities the Court had established through inclusionary devices and rejected "that inclusionary measures amount to a taking without compensation" (Mount Laurel II at 271); and

WHEREAS, in Mount Laurel II, the Supreme Court found that "Zoning does not require that land be used for maximum profitability and on occasion, the goals may require something less" (Mount Laurel II at 274 n. 34); and

WHEREAS, in Holmdel Builders Association v. Township of Holmdel, 121 N.J. 550, 582 (1990), The Supreme Court referred to its Mount Laurel II decision and emphasized that in designing inclusionary ordinances, "no density bonuses, compensatory benefits, or subsidies were specifically required;" and

WHEREAS, COAH has adopted substantive regulations that authorized municipalities the ability to require residential developers to construct one affordable housing unit for every eight market units the developer constructed (N.J.A.C. 5:94-4.4 (a));

WHEREAS, COAH has adopted substantive regulations that authorize municipalities the ability to require nonresidential developers to produce affordable housing based on a formula requiring one affordable housing unit for every 25 jobs projected in Appendix E (cite 36 N.J.R. 3850).

WHEREAS, the Township of Andover will require developers of residential and nonresidential projects to provide affordable housing consistent with the Court decisions and COAH's rules and regulations;

NOW BE IT ORDAINED by the Township Committee of the Township of Andover that Chapter 190 of the Township of Andover being the Zoning Chapter shall be and is amended as follows;

Section 1. Article III General Regulations shall have the following additional Section to meet Andover Township's Growth Share affordable housing obligation for Round #3 under N.J.A.C 5:94;

190-32.1 Growth Share. Growth Share shall apply to all zones as the minimum obligation. Additional obligation may be assigned under certain circumstances to advance the purposes of zoning and to promote the public good.

- a. Residential subdivisions of two (2) lots/units to eight (8) lots/units or development on an existing vacant lot shall be required to provide a cash contribution of \$4,375 or 1% of the equalized assessed value, whichever is greater, to the Housing Trust Fund for each new housing unit.
- b. Residential subdivisions of nine (9) lots/units or more shall be required to construct one (1) affordable unit for every eight (8) market housing lots/units.
- c. Residential subdivisions of ten (10) to thirteen (13) market lots/units shall be required to comply with 190-32.1.b. plus a cash contribution of \$4,375 or 1% of the equalized assessed value, whichever is greater, for each housing lot/unit of ten (10) and up to thirteen (13), or construct one additional affordable housing unit in lieu of paying any fees for lots ten through thirteen.
- d. Residential subdivisions of fourteen (14) to eighteen (18) market lots shall be required to comply with 190-32.1b plus construct one additional affordable housing unit.
- e. Residential subdivisions of nineteen (19) market lots or more shall follow the pattern established in 190-32.1.c. and d.
- f. Non-residential development shall provide one (1) affordable housing unit for every twenty-five (25) jobs projected in accordance with Appendix E of N.J.A.C. 5:94-1, et. seq titled "UCC Use Groups for Projecting and Implementing Nonresidential Components of Growth Share."
- g. Permitted housing types for affordable units. More than one affordable unit may be on a building lot. A market unit and an affordable unit may be on the same lot. Single-family homes with a minimum lot size of ½ acre, duplex and triplex structures are permitted. Apartments over retail and offices are permitted in zones where retail and offices are permitted.


- h. Alternative Mechanisms permitted under COAH's regulations shall be permitted in place of on-site construction of affordable units including the purchase of an existing market-rate house at another location in Andover Township and conversion to an affordable deed restricted housing unit conforming to COAH rules, funding a Regional Contribution Agreement (RCA), participation in gut rehabilitation and a contribution to the Housing Trust Fund for the municipal housing rehabilitation obligation. An applicant shall only be entitled to satisfy its obligation to construct one (1) affordable housing unit on site for every eight (8) market units or one (1) affordable unit per every twenty-five jobs (25) via one or more of the Alternative Mechanisms stated within this subparagraph, if the applicant demonstrates to the Board that the requirement to construct one affordable unit for every eight market units or one affordable unit for every 25 jobs created on site would be a taking without just compensation and that the reasons established would be consistent with Master Plan, Zoning Ordinances, COAH regulations and Court decisions.
- i. Compliance. Full compliance with the affordable housing requirements of a project shall be automatic, essential and non-removable conditions of approval. The applicant must demonstrate to the Board by way of a Developer's Agreement that the affordable housing obligation will be satisfied prior to obtaining the first building permit with compliance being a continuing condition during construction.
- j. Lot area and bulk requirements as per the Residential Zone District in which the subdivision occurs.
- k. 30 year deed restriction as required by COAH on the affordable units.
 - l. Affordable units: 50 % of the units shall be low income and 50% moderate income.
- m. Bedroom mix shall be in accordance with current COAH rules.
- n. The affordable housing structures shall be consistent in size (except for single family) and architectural features with the neighborhood or as approved by the Planning Board.
- o. Septic systems for the affordable housing units on the same lot may only share the leach field, which must be maintained with an annual maintenance fee from each unit. Each owner shall maintain other septic system components.

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court or administrative agency of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 4. The Township Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Section 5. This ordinance shall take effect after publication and passage according to law.


Vita Thompson, R.M.C.
Municipal Clerk

INTRODUCED: March 09, 2005
ADOPTED: April 13, 2005
CERTIFIED: April 14, 2005

Andover Township

Development Fee Spending Plan

INTRODUCTION

Andover Township has a development fee ordinance that was approved by the Council on Affordable Housing (COAH) on August 2005. This spending plan is prepared in accordance with N.J.A.C. 5:94-6.2(c) and 6.5 and includes the following:

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

To date, Andover Township has not collected funds for its affordable housing trust fund. All future development fees collected and interest generated by the fees are deposited in a separate interest-bearing account in Lakeland Bank for the purposes of affordable housing.

1. PROJECTION OF REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated between November 7, 2005 and the expiration of substantive certification on January 1, 2015, Andover Township considered the following:

- (a) Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals are anticipated to provide \$115,200 in development fees at issuance of building permits and/or certificates of occupancy during the period of substantive certification.
- (b) All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy are anticipated to provide \$0 in development fees during the period of substantive certification.

- (c) Development projected to begin construction based on historic rates of development is anticipated to provide an additional \$500,000 in development fees during the period of substantive certification.
- (d) Payments in lieu of construction from developers pursuant to N.J.A.C. 5:94-4.4(b-e) are anticipated to provide \$805,000 in development fees during the period of substantive certification.
- (e) Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of loans for rehabilitation or affordability assistance, and voluntary contributions are anticipated to provide \$0 in fees during the period of substantive certification.
- (f) Interest on the projected revenue in the housing trust fund at the current average interest rate is anticipated to provide \$50,000 to accrue to the affordable housing trust fund during the period of substantive certification.

Andover Township projects a total of \$ in revenue to be collected between October 15, 2005 and the expiration of substantive certification. When the total revenue projected of \$1,470,200 is added to the amount collected to date of \$0 a total of \$1,470,200 will be collected prior to the expiration of substantive certification. All development fees, payments in lieu of construction and other funds listed above will be deposited in a separate interest-bearing account in Lakeland Bank and all interest earned on the account will accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues will be followed by Andover Township:

(a) Collection of development fee revenues:

The Planning Board secretary notifies the Township Administrator and Tax Assessor and Construction official whenever preliminary, final or other applicable approval is granted for a development, which is subject to a development fee.

When a request is made for a building permit, the Planning Board Secretary determines if the project is subject to the imposition of a mandatory development fee.

If so, the Planning Board Secretary will notify the Township Tax Assessor to calculate the approximate value of the project and set the fee based on:

For residential fees:

1. *The coverage amount of the Home Owner Warranty document of a for-sale unit.*
2. *The appraised value on the document utilized for construction financing for a rental unit, provided no increased density is permitted.*

For non-residential fees:

1. *The appraised value on the document utilized for construction financing.*

The developer will pay up to 50 percent of the estimated development fee to the Planning Board Secretary at the time the building permit is issued. The funds are then forwarded to the Chief Financial Officer and deposited in the affordable housing trust fund.

The balance of the development fee will be paid by the developer to the Planning Board Secretary at the issuance of the certificate of occupancy. The funds are then forwarded to the Chief Financial Officer and deposited in the affordable housing trust fund.

(b) Distribution of development fee revenues:

The Township Administrator adopts and forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution.

The release of funds requires the adoption of the governing body resolution in accordance with the COAH-approved spending plan. Once a request is approved by resolution, the Township Administrator releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

3. DESCRIPTION OF ANTICIPATED USE OF DEVELOPMENT FEES

- (a) Andover Township will dedicate \$1,420,200 to the Re-Construction of the Abbey Stone House or a Regional Contribution Agreement (RCA) which is/are exempt from the affordability assistance requirement.

Re-Construction project(s): \$1,420,200

[NOTE: Pursuant to N.J.A.C. 5:94-4, new construction projects may include, but are not limited to, municipally sponsored or 100 percent affordable programs, alternative living arrangements, accessory apartments, buy-down programs, municipally sponsored rental programs, assisted living residences, and affordable housing partnership programs.]

ML Zone - Abbey House – Municipal Sponsored – 100% Affordable:

This District provides opportunities for redevelopment of an historic stone structure (Block 153, Lot 33.01 – 20.8 acres) for moderate and low-income residents. The proximity to the Designated Newton/Hampton Regional Center and the existing wastewater treatment facility at the Abbey property establishes this district as an approvable and developable parcel of land. See Appendix for Letter Concerning proposed partnership.

RCA: \$ Not determined at this time.

Number of units not determined to Sussex Borough or Ogdensburg, Sussex County.

- (b) Sussex Borough or Ogdensburg, Sussex County will dedicate \$ Not determined at this time from the affordable housing trust fund to render units more affordable, including \$ not determined at this time to render units more affordable to households earning 30 percent or less of median income by region, as follows:

[NOTE: N.J.A.C. 5:94-6.12(c) specifies that, after subtracting development fees collected to finance an RCA, a rehabilitation program or a new construction project that are necessary to address the municipality's affordable housing obligation, at least 30 percent of the balance remaining must be devoted to affordability assistance to low- and moderate-income households in affordable units in the municipality's Fair Share Plan, such as down payment assistance, security deposit assistance, low interest loans, and rental assistance. Additionally, one-third of the affordability assistance requirement must be used to assist to very low-income households, earning 30 percent or less of median income by region.]

To be determine at a later date.

- (c) Andover Township will dedicate \$50,000 from the affordable housing trust fund to be used for administrative purposes as follows:

[NOTE: N.J.A.C. 5:94-6.12(e) stipulates that, after subtracting fees used to fund an RCA, a maximum of 20 percent of development fees, payments in lieu of construction, and interest collected each year may be utilized for administrative purposes such as salaries and benefits for municipal employees or consultant fees necessary to develop or implement municipal housing programs such as rehabilitation, new construction, RCAs, housing elements and/or affirmative marketing programs. Administrative funds may be used to income qualify households and monitor implementation. Development fees may be used to defray the costs of staff or consultants that are preparing or implementing a fair share plan.]

To be provided at a later date.

- (d) The remaining \$[To be determined at a later date] in the affordable housing trust fund will be used as follows: Regional Contribution Agreement: Number of units not determined to be negotiated with Sussex Borough or Ogdensburg, Sussex County.

SPENDING PLAN CALCULATION SUMMARY	
Existing Balance	\$ 0
Pending fees due upon issuance of building permit and/or CO	+ \$ 115,200
Projects awaiting approval	+ \$ 0
Projection based on historic development activity	+ \$ 500,000
Payments in lieu of construction	+ \$ 805,000
Projected Interest	+ \$ 50,000
Other	+ \$ 0
TOTAL PROJECTED REVENUE	= \$ 1,470,200
Funds used for Rehabilitation, RCA or New Construction (not including administration of such programs)	- \$ 1,420,200
TOTAL SUBJECT TO AFFORDABILITY ASSISTANCE REQUIREMENT	= \$ 0
Affordability Assistance (minimum of 30% of above total)	- \$ 0
Affordability Assistance to Very Low Income Households (minimum of 1/3 of above allotment)	\$ 0
Administration (maximum of 20% of total projected revenue minus RCA contribution)	- \$ 50,000
REMAINING FUNDS FOR OTHER HOUSING ACTIVITY	= \$ 0
1. <i>[list individual projects]</i>	- \$
2.	- \$
3.	- \$
	= \$0.00

4. SCHEDULE FOR CREATION AND/OR REHABILITATION OF HOUSING UNITS

[Insert name of municipality] intends to use development fee revenues for the creation and/or rehabilitation of housing units. The creation/rehabilitation schedule will parallel the schedule set forth in the Housing Element and Fair Share Plan as follows:

[Provide information for your municipality's rehabilitation program and each of the following new construction project types, if applicable: municipally sponsored and 100 percent affordable program, new construction alternative living arrangement, accessory apartments, buy-down program, municipally sponsored rental program, and affordable housing partnership program]

PROGRAM	NUMBER OF UNITS	FUNDS REQUIRED (YEAR)									
		1	2	3	4	5	6	7	8	9	10
1. Abbey	25				1,000,000	200,000	220,200				
2.											
3.											
4.											
5.											
6.											
7.											

[Insert section 5 only if applicable]

5. MUNICIPALLY SPONSORED OR 100 PERCENT AFFORDABLE PROGRAMS, NEW CONSTRUCTION ALTERNATIVE LIVING ARRANGEMENTS, AND AFFORDABLE HOUSING PARTNERSHIP PROGRAMS

Description of Total Development Cost Breakdown - To be determined

Construction Schedule – To be determined

Sources of Funding – Development Fees and Cash in lieu of Construction Payments.

6. UNEXPECTED SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of Andover Township has adopted a resolution agreeing to fund any shortfall of funds required for implementing the Municipally Sponsored Reconstruction of the Abbey Stone House. In the event that a shortfall of anticipated revenues occurs, Andover Township will bond for the shortfall of funds required to complete the project. A copy of the adopted resolution is attached.

SUMMARY

Andover Township intends to spend development fee revenues pursuant to N.J.A.C. 5:94-6.12 and in conjunction with the housing programs outlined in the housing element and fair share plan dated October 15, 2005.

Andover has collected \$0.00 to date and anticipates an additional \$ 1,470,200 in revenues before the expiration of substantive certification for a total of \$ 1,470,200. The municipality will dedicate \$1,420,200 towards a Municipal Sponsored Project, \$ 0 to render units more affordable, and \$50,000 to administrative costs. Any shortfall of funds will be offset by municipal bonds.

**CODE OF THE TOWNSHIP OF ANDOVER NEW JERSEY, v10 Updated 07-15-2005 /
PART I GENERAL LEGISLATION / Chapter 190, ZONING / ARTICLE XIII,
Affordable Housing / § 190-104. Affirmative marketing.**

§ 190-104. Affirmative marketing.

- A. Applicability. The provisions in this section shall apply to all low- and moderate-income units created in the Township pursuant to the adopted Housing Element or pursuant to a future rezoning that provides for affordable housing construction.
- B. An affirmative marketing plan is a regional strategy designed to attract buyers and/or renters of all majority and minority ethnic groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The plan will address the requirements of N.J.A.C. 5:93-11. In addition, the plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of color, race, sex, religion, handicap, age, familial status/size or national origin.
- C. The Township is in the Northeast Housing Region consisting of Sussex, Passaic, Bergen and Hudson counties.
- D. The Housing Administrator shall be responsible for all advertising, preparation of material, publication, printing and distribution associated with the implementation of the affirmative marketing plan. The Housing Administrator may be a municipal employee or an outside agency or consultant retained for such a purpose.
- E. Required outreach.
 - (1) Newspapers/publications.
 - (a) All newspaper articles, advertisements, announcements and requests for applications pertaining to low- and moderate-income housing units shall appear in the New Jersey Herald, Morris Daily Record and the Bergen Record.
 - (b) All newspaper articles, advertisements, announcements and requests for applications pertaining to low- and moderate-income housing units shall appear in the Sparta Independent.
 - (c) The primary marketing shall take the form of at least one press release sent to the above publications and a paid display advertisement (at least four column inches) in each of the above newspapers. Additional advertising and publicity shall be on an

as-needed basis.

- (d) The advertisement shall include a description of the:
- [1] Number of units currently available;
 - [2] Anticipated dates of future available units;
 - [3] Numbers of bedrooms per available unit;
 - [4] Range of monthly rents available;
 - [5] Sizes of available units;
 - [6] Income limit information;
 - [7] Where and how applications may be obtained, including business hours at each location.
 - [8] Name, telephone number and location of the Housing Administrator's office; and
 - [9] For inclusionary developments, street addresses and directions to the housing units and/or local sales office.

(2) Radio/television. The following radio stations shall also be used:

- (a) WNNJ 1360 AM.
- (b) WSUS 102.3 FM.

(3) Applications/information.

- (a) The following are the locations where applications and information packets to be used as part of the affirmative marketing plan shall be available:

Andover Township Municipal Building

Sussex County Library (all branches)

Passaic County Library (all branches)

Bergen County Library (all branches)

Hudson County Housing

- (b) Flyers and copies of applications and information packets shall be sent to the following community contact organizations, agencies, officials and departments:

Sussex County Department of Health, Public Safety and Senior Services

Passaic County Director of Social Services

Bergen County Director of Social Services

Hudson County Director of Social Services

Passaic County Office on Aging

Bergen County Office on Aging

Sussex County Rental Assistance Office (local DCA office)

Passaic County Rental Assistance Office (local DCA office)

Bergen County Rental Assistance Office (local DCA office)

Hudson County Rental Assistance Office (local DCA office)

Passaic County Housing Agency

Bergen County Housing Agency

Hudson County Department of Finance and Administration, Division of Housing

Sussex County Board of Realtors

Passaic County Board of Realtors

Bergen County Board of Realtors

Hudson County Board of Realtors

Sussex County Department of Planning, Development and Human Services

Passaic County Community Development Office

Bergen County Community Development Office

Hudson County Community Development Office

Passaic County Department of Human Services

Bergen County Department of Human Services

Hudson County Department of Health and Human Services

- (4) The following is a listing of community contact persons and/or organizations that will be asked to aid in the affirmative marketing program:
- (a) Sussex County Director of Social Services.
 - (b) Passaic County Director of Social Services.
 - (c) Bergen County Director of Social Services.

**CODE OF THE TOWNSHIP OF ANDOVER NEW JERSEY, v10 Updated 07-15-2005 /
PART I GENERAL LEGISLATION / Chapter 190, ZONING / ARTICLE V, Use and
Bulk Regulations / § 190-40. PRC Planned Retirement Community Zone.
[Amended 3-12-2003 by Ord. No. 2003-2]**

**§ 190-40. PRC Planned Retirement Community Zone. [Amended 3-12-2003 by Ord. No.
2003-2]**

A. Permitted uses:

- (1) A planned retirement community that is a continuing care retirement community or active adult community that includes a combination of a golf course and/or open space and some or all of the following uses:
 - (a) Single-family dwellings, attached or detached; each dwelling unit shall be individually owned and shall have at least a one-car garage.
 - (b) Patio homes or zero lot line single-family dwellings; each dwelling unit shall be individually owned.
 - (c) Continuing care, assisted living or residential care facilities in multiunit buildings of up to 200 units; each building shall have a single owner. The units in these buildings may be equipped with a kitchenette with a sink and microwave oven but no stovetops. The units shall be no larger than 300 square feet.
 - (d) Intermediate care facilities; each building shall have a single owner.
 - (e) Nursing homes; each building shall have a single owner.
 - (f) Assisted living facilities; each building shall have a single owner.
 - (g) Recreation, cultural and medical facilities for the sole use of residents of the planned retirement community and their guests, which may include the following:
 - [1] Lake.
 - [2] Clubhouse.
 - [3] Picnic grounds.
 - [4] Pools and pool house.
 - [5] Shuffleboard, horseshoe, tennis courts and similar recreational facilities for the

residents.

- [6] Senior citizen center in a continuing care, assisted living, residential care facility or an active adult community which shall be owned by the homeowners association of the unit holders or shall be donated to Andover Township, at the applicant's option. A senior citizen center in a continuing care, assisted living or residential care facility may be used for Township residents and Township uses.
- (h) Golf course. An eighteen-hole, full-length golf course meeting United States Golf Association (USGA) and United States Professional Golf Association (USPGA) standards shall be designed and dedicated to golf course and/or open space in conjunction with a planned retirement community. The golf course may include as accessory uses a pro shop, maintenance facilities, sand, chipping and green practice areas and a practice range for the golfers using the eighteen-hole golf course but not a commercial driving range, chip and putt and/or miniature golf. The golf course owner shall also own the accessory uses such as a pro shop, maintenance facilities and chipping and driving practice area and golf course clubhouse. The golf course shall have a minimum area of 180 acres, a portion of which may include adjoining acreage in Lafayette Township. If adjoining land in Lafayette Township is used for the golf course it shall be shown on the site plan reviewed by Andover Township. The golf course and open space land in Andover Township and Lafayette Township shall be deed restricted to prospective open space and golf course use only. Said deed restrictions shall be enforceable by the Township of Andover and the form of deed restriction shall be subject to the review and approval of Andover Township. In the event the golf course is not constructed prior to the other land uses, the land for the golf course shall be reserved as open space.
- (2) Essential services.
- (3) Community residences for the developmentally disabled, community shelters for victims of domestic violence and community residences for persons with head injuries.
- B. Conditional uses:
- (1) Community shelters for victims of domestic violence and community residences for persons with head injuries as defined in N.J.S.A. 40:55D-66.2, designed for housing more than six persons, excluding resident staff, and not more than 15 persons, excluding resident staff.
- C. Required accessory uses:
- (1) Off-street parking pursuant to Subsection F(14) below.

D. Permitted accessory uses:

- (1) Necessary accessory buildings and uses, including facilities for maintenance, administration, streets and off-street parking facilities.
- (2) Community recreation center.
- (3) Clubhouses.
- (4) Indoor or outdoor swimming pools, tennis courts, bocce, tennis, handball, shuffleboard courts and/or similar recreational facilities for the residents of the planned retirement community.
- (5) Retail convenience center. This area shall be located within 100 feet of the assisted living buildings and shall be on an area of no greater than two acres.
- (6) Water storage tanks, water and wastewater treatment plants, pump stations and gatehouses.

E. Conditional uses subject to the provisions of Article VI of this chapter:

- (1) Essential services.
- (2) Schools.
- (3) Places of worship and religious institutions.

F. Area, yard and building requirements. No building, structure or land shall be used or erected, altered, enlarged or maintained except for a planned retirement community within the area which is in accordance with a preliminary site plan and/or subdivision plan approved by the Planning Board. Such site development plan shall meet at least the following minimum requirements:

- (1) Minimum area. The minimum area for planned retirement community shall be 200 acres, inclusive of land to be deed restricted for perpetual open space and golf course use and irrespective of whether the lands comprising the planned retirement community are contiguous or noncontiguous by virtue of a public road, provided that an area of less than 200 acres may be added to an existing planned retirement community if contiguous thereto and in compliance with the provisions of this chapter.
- (2) Residential density.
 - (a) The overall density shall include the following maximum gross densities for the following uses:

- [1] Single-family: 1.5 dwelling units per acre
 - [2] Townhouses: .41 dwelling unit per acre.
 - [3] Assisted living units: .87 dwelling unit per acre.
- (b) The planned retirement community may be comprised of one use plus a golf course and/or open space or a combination of uses including a golf course and/or open space. The tract for gross maximum density purposes shall include only land in Andover Township. The tract shall include Andover Township land used for golf course use, provided said golf course land is deed restricted for perpetual open space and/or golf course use. The golf course and open space in Lafayette Township (generally known as Block 101, Lots 5 and 6, Block 2, a portion of Lot 2, Lot 3, and a portion of Lot 4, Block 3, Lot 2 and/or other lands consisting of approximately 300 acres) shall be deed restricted to open space and golf course use only and the deed restriction shall be enforceable by the Township of Andover. The land deed restricted for perpetual open space and golf course use may be subdivided from the residential component of the planned retirement community and conveyed to and developed by a separate entity, in which case the aforementioned residential density calculations shall remain the same as if the tract were not subdivided. Individual segments of the residential portion of the planned retirement community may have design densities greater than the maximum density established for the entire tract, provided that the gross maximum density for the entire planned retirement community is not exceeded.
- (3) Impervious coverage. Not more than 25% of the total gross area of the entire tract in the PRC Zone shall be covered by impervious surfaces.
 - (4) Maximum building height.
 - (a) The maximum building height shall be 35 feet from the average finished grade at the front of the building to the highest point for flat roofs and to the mean height between the eave and ridge for gable, hip and gambrel roofs.
 - (b) A fire lane shall be provided surrounding all assisted living, residential care, intermediate care, nursing home and townhouse buildings. In any event, the building shall not contain more than three usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.
 - (5) Fire protection and ambulance services.
 - (a) The site plan, building height, fire access and all aspects of the architecture and site

plan shall be designed in such a manner that all buildings may be serviced by the Andover Township Fire Department and existing equipment. This determination shall be by the Planning Board in consultation with the Andover Township Fire Official.

- (b) Ambulance services for residents of any continuing care retirement community shall be provided by and paid for by the applicant for development.
- (6) Setbacks.
- (a) No building or structure, other than entrance gatehouses, retaining walls, fences, roads or drainage basins, shall be located within 100 feet of any exterior boundary line of the tract abutting another existing residential zone boundary, within 60 feet of any existing golf course property line or within 20 feet of any municipal boundary lines and future golf course property lines. Notwithstanding the foregoing, said tract boundary setbacks may be graded and/or landscaped.
 - (b) All tees and greens shall have a minimum setback of 100 feet and 180 feet, respectively, from any single-family property line, and all fairway center lines shall have a minimum setback of 180 feet from any single-family property line. All cart paths shall be at least 15 feet from any property line.
 - (c) The golf course shall be designed to limit the potential for errant balls to strike structures, patios and outdoor recreational areas.
- (7) Phasing plan and developer's agreement.
- (a) Prior to commencing site work, the applicant shall enter into a developer's agreement with the Township of Andover in a form acceptable to the Township Committee. The developer's agreement shall detail the phasing for the development and uses. A phasing plan shall be reviewed and approved by the Planning Board. Status reports on the status of the project shall be submitted by the applicant to the Andover Township Planning Department on a quarterly basis after the preliminary site plan and/or subdivision approval.
 - (b) A phasing plan shall at a minimum provide for the preliminary site plan approval of both the housing and the golf course.
 - (c) The phasing plan shall require construction of the planned retirement community clubhouse, the pool and the other recreation facilities (hereinafter collectively the "amenities") south of Lawrence Road prior to the issuance of any building permits for housing units north of Lawrence Road. The phasing plan shall permit, however, site disturbance and construction of infrastructure improvements to begin in the

north village while the amenities are being constructed in the south village.

- (d) The developer's agreement shall also require a contribution to a Township affordable housing trust fund in the amount of \$210,000 representing 21 credits of indigenous or local affordable housing at \$10,000 per housing credit.

(8) Water and sewage facilities.

- (a) No individual wells or individual sewage disposal systems shall be permitted, and each building shall be serviced with said utilities by a central supply or disposal system which is approved by the Board of Health, New Jersey Department of Environmental Protection (NJDEP) and other controlling agencies. No building permit shall be issued unless and until plans for such facilities have been approved by the proper authorities and adequate provisions are made to ensure that such necessary facilities shall be installed.
- (b) The water and sewer facilities shall not adversely affect the groundwater supply and quality in the area or on nearby properties. Pump tests demonstrating that there will be no adverse impact on nearby wells shall be submitted to NJDEP, the Township of Andover and the Township Engineer prior to construction of the project. During site plan review the applicant shall demonstrate that water supply for the entire development is feasible.
- (c) Any water tank that is less than 100 feet tall or has a tank top at an elevation of 850 feet or less shall be located at least 250 feet from residential structures outside the PRC Zone. Any water tank that is 100 feet tall or more or has a tank top at an elevation of greater than 850 feet shall be set back at least 350 feet from residential structures outside the PRC Zone. Notwithstanding the setback requirements set forth in Subsection F(6) hereof, with respect to the construction of a water tank there shall be no minimum setback requirement from any existing or future golf course property line nor from a municipal boundary line. All water tanks shall be reasonably shielded and buffered. No water tanks shall exceed an elevation of 860 feet. Any existing trees near the tank(s) shall be maintained to assist in shielding the tanks.
- (d) Should any property owner reasonably demonstrate to the New Jersey Department of Environmental Protection (NJDEP) that his/her private well has been deleteriously affected by the diversion of water for said planned retirement community and request connection to the community's water system as a result thereof, then the applicant or the water facility owner (if different than the applicant) shall comply with existing NJDEP rules and regulations regarding such requests. This requirement shall be imposed upon any future water facility owner by the applicant.

- (9) Multifamily buildings (continuing care, assisted living and/or residential care facilities).
- (a) Maximum length of structure: 300 feet.
 - (b) Maximum height: three stores; 35 feet.
 - (c) Minimum distance between groups of structures:
 - [1] End to end: 35 feet.
 - [2] Rear to rear: 60 feet.
 - [3] Front to back: 75 feet.
 - [4] Front to front : 75 feet.
 - [5] Front to side (except that buildings may join at corners): 50 feet.
 - (d) Minimum distance to tract line: 300 feet.
- (10) Detached building lots.
- (a) Minimum lot width at building setback line, single-family: 50 feet; 60 feet corner lot. Lot width at street shall be no less than 75% of the width at the building setback line.
 - (b) Minimum lot depth: 90 feet.
 - (c) Minimum side yard widths: six feet with a minimum of 14 feet total. Zero lot line shall also be permitted provided that one side yard is at least 20 feet and provided a two-foot-wide construction and maintenance easement is provided on the adjacent side yard for the zero lot line lot. Side yard widths shall be measured to the foundation of the building, and such measurement shall not take into consideration structural features such as chimneys, windows, fireplaces or roof overhangs, eaves and rafters.
 - (d) Minimum rear yard setback: 20 feet; provided, however, that patios and decks with a surface elevation no higher than the first floor elevation can encroach up to 10 feet into the rear setback.
- (11) Sidewalks. Sidewalks are required in front of every home.
- (12) Minimum distances to roadways:
- (a) Minimum distance to existing municipal or county road right-of-way: 50 feet.
 - (b) Minimum distance to a proposed municipal road right-of-way within a development:

20 feet.

- (c) Minimum distance to a private road: 10 feet from the edge of the cartway with 30 feet to garage face. Reasonable efforts should be made by the applicant to vary the front yard setbacks for detached building lots.

(13) Deed restrictions. Subject to federal and New Jersey State laws, which shall govern in the event this section or any portion thereof shall be deemed to be in conflict or inconsistent with the same, the following specific restrictions shall be included in any deed of conveyance for senior citizen or active adult housing and shall run with the land in perpetuity. These restrictions are imposed as part of the consideration for allowing senior citizen or active adult housing to be erected within the municipality.

- (a) Permanent residents of the unit in PRC must be at least 55 years of age with the following exceptions: the spouse or an immediate member of the family, other than a child, of said permanent resident or a live-in domestic, companion or nurse may be a permanent resident regardless of his or her age, and a maximum of one child, age 18 or older, may also reside as a permanent resident with his or her parent or parents. In no event, however, shall there be more than three permanent residents in one senior citizen residential dwelling unit.
- (b) Any unit designated as senior citizen housing may only be resold to permanent residents and occupied by residents meeting the definition of senior citizen as stated above.
- (c) In the event the senior citizen residence is part of a testamentary or intestate conveyance and those inheriting the same do not qualify as senior citizens, these heirs shall not be permitted to live in the dwelling but may rent the dwelling to a qualified senior citizen or shall be forced to sell the unit to a qualified senior citizen.
- (d) In the event of death of the qualifying senior citizen, the remaining spouse may continue to live in the dwelling unit.
- (e) The golf course shall be deed restricted as useful only for golf course and open space use.
- (f) The deed restrictions shall be enforceable by the Township of Andover.

(14) Parking.

- (a) There shall be a minimum of at least two parking spaces for each single-family and/or townhouse residential unit. At least one of the required parking spaces shall be either in a garage or in an area where there is adequate room for a garage to be erected at a subsequent date. The remaining required space shall be provided in the

driveway of each dwelling unit, if an additional garage is not provided.

- (b) Parking garages may be provided as part of the principal building or as an accessory structure.
 - (c) There shall be at least one parking space per unit for residential care and/or assisted living units with at least one parking space per 200 square feet of office and common space in each such building.
 - (d) Parking for the clubhouse recreation center and retail convenience center shall be one space per 200 square feet.
- (15) Accessory structures. All accessory structures shall meet the following requirements:
- (a) Maximum height: 16 feet from average finished grade, except that clubhouses, the convenience commercial center and the recreation center may have a height of up to 40 feet.
 - (b) Side yard: five feet.
 - (c) No accessory structures are permitted in the front yard of single-family dwelling lots.
 - (d) Rear yard: five feet.
- (16) The applicant shall follow the best available turf management and irrigation techniques and practices with respect to the golf course.
- (17) There shall be no exit or entrance to the development from Pierce Road, except for ingress and egress to the existing cemetery.
- (18) A golf cart bridge or tunnel shall be constructed under or over Lawrence Road to eliminate golf car traffic crossing Lawrence Road at grade. The bridge or tunnel shall comply with the requirements of the County of Sussex.
- (19) Dwelling units shall have a compatible architectural theme with variations in design to provide an attractive development, which may include landscaping techniques, varying building setbacks, and/or altering architectural elevations, materials and colors.
- (20) A landscaped buffer of not less than 50 feet in width shall be provided, where the residential units in the PRC are adjacent to or abut the single-family residential properties located outside the PRC Zone, consisting of any of the following where appropriate: berms, existing vegetation, evergreen and deciduous trees, and shrubs, subject to Planning Board approval.
- (21) A lighting plan, showing fixtures approved and to be supplied and maintained by the

utility company, shall be provided, with the objective being to minimize lighting and glare to nearby properties.