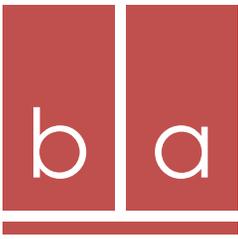


AMENDMENT TO THE HOUSING ELEMENT AND FAIR SHARE PLAN

**Clinton Township
Hunterdon County, New Jersey**

May 27, 2021





COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
A S S O C I A T E S , I N C .

PRINCIPALS:

Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

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Township of Clinton
Hunterdon County, New Jersey

Prepared for:
Township of Clinton Planning Board
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The original document was appropriately signed and sealed on May 27, 2021 in accordance with N.J.S.A. 45:14A-12.

Thomas Behrens, Jr., P.P., AICP
Professional Planner #6323

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Mott MacDonald

PLANNING CONSULTANTS

Joseph H. Burgis, PP, AICP
& Tom Behrens, PP, AICP
Burgis Associates, Inc.

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I. AMENDMENT TO THE HOUSING ELEMENT AND FAIR SHARE PLAN

1.1 PURPOSE AND SCOPE

The Municipal Land Use Law (“MLUL”) (N.J.S.A. 40:55D-62a) requires every municipality with a zoning ordinance to adopt a master plan containing, at a minimum, a land use plan element and housing plan element. This 2021 Amendment to Clinton Township’s 2018 Housing Element and Fair Share Plan (“HE&FSP”) was prepared to replace an existing affordable housing plan mechanism, the “LeCompte site,” with several new plan components to address a portion of the Township’s Third Round affordable housing obligations as detailed herein.

These changes to the Township’s Third Round Fair Share Plan are being incorporated in accordance with the Township’s third amendment to its Settlement Agreement with Fair Share Housing Center executed on May 2, 2021 (the “Third Amendment to the Settlement Agreement”) where the initial Settlement Agreement was executed on December 12, 2017 (the “initial settlement agreement”) with subsequent amendments on February 15, 2018 (the “Amended Settlement Agreement”) and June 15, 2020 (the “Second Amendment to the Settlement Agreement”).

On April 3, 2018, the Superior Court (Hon. Thomas Miller, A.J.S.C., presiding) entered an order approving the Amended Settlement Agreement after a fairness hearing. The Court subsequently entered a Final Judgment of Compliance and Repose in favor of the Township on January 9, 2019 determining the Township’s HE&FSP, implementing ordinances and related documents were in compliance with the Township’s Mount Laurel constitutional obligations. The Appellate Division affirmed the Township’s Judgment of Compliance and Repose of its Third Round HE&FSP on January 30, 2020.

The Second Amendment to the Settlement Agreement extended the time within which the developer of the 100% affordable Marookian project had to apply in for New Jersey Housing and Mortgage Finance Agency’s (“HMFA”) competitive 9% low income housing tax credit financing program after two unsuccessful attempts. The project was finally awarded the 9% tax credit financing in the 2020 funding round. The final site plan application for that project is scheduled for a July 2021 public hearing with the Township Planning Board.

The Third Amendment to the Settlement Agreement is intended to remove the 89-unit 100% affordable development at the LeCompte Site, Block 29 Lot 4, on Route 31 and replace it with two new inclusionary developments and a municipally sponsored three-bedroom special needs project that, when combined, will yield 89 affordable housing units/credits, the same number of affordable housing units/credits that the LeCompte site would have yielded.

1.2 FAIR SHARE PLAN

The following amendments are hereby incorporated into Clinton Township’s Housing Element and Fair Share Plan and shall supersede the plan mechanisms contained in the Township’s 2018 HE&FSP:

1. Prospective (Third Round) Obligation Plan Mechanisms

Table 23 on page 41 of the Township’s 2018 Housing Element and Fair Share Plan is hereby amended in accordance with the Township’s Third Amendment to the Settlement Agreement . Specifically, this amendment to the HE&FSP reflects the removal of the 89-unit 100% affordable housing development at the LeCompte site, Block 29, Lot 4 and the addition of: (a) the 146-unit inclusionary development at Block 70 Lots 6 and 6.01, which includes 80 affordable housing units; (b) the 30-unit inclusionary development of Block 70.01 Lots 2, 3 and 4, which includes 6 affordable housing units; and (c) a municipally sponsored 3-bedroom special needs housing project at a site to be determined, where all three (3) bedrooms will be affordable.

<u>Mechanism</u>	<u>Number of Units</u>	<u>Bonus Credit Multiplier</u>	<u>Bonus Credits</u>	<u>Total Credits</u>
<u>Inclusionary Development</u>				<u>218</u>
Ingerman (Block 70, Lots 6 & 6.01)	80	-	-	80
Grayrock Road (Block 79.01, Lots 2, 3 & 4)	6	-	-	6
Headley Farm Estate	104	-	-	104
Alton Place	28	-	-	28
<u>100% Affordable – Municipally Sponsored Rentals</u>				<u>116</u>
Marookian Site	58	X2 ⁽¹⁾	58	116
<u>Municipally Sponsored Special Needs Home</u>	<u>3*</u>	-	-	<u>3</u>
Total	279	-	58	337

*Represents number of bedrooms.

Pursuant to the COAH regulations as set forth in N.J.A.C 5:93-1.3, an analysis was undertaken to determine that each of the new sites addressing the Borough’s RDP meets the applicable ‘approvable’, ‘available’, ‘developable’, and ‘suitable’ criteria, as follows, and as detailed below:

‘Approvable site’ A site that may be developed for low and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate-income housing.

‘Available site’ A site with clear title, free of encumbrances which preclude development for low and moderate-income housing.

'Developable site' A site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

'Suitable site' A site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

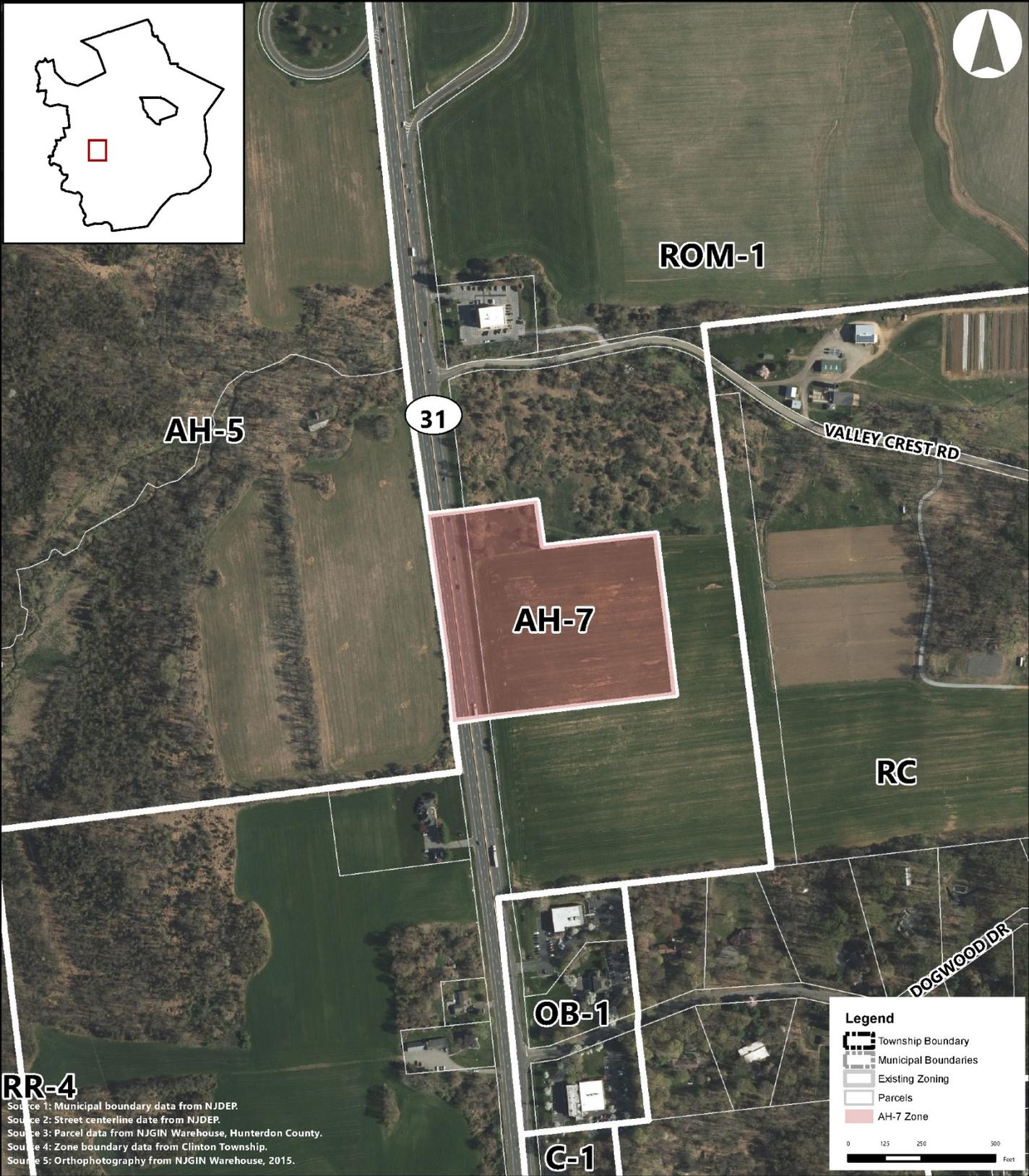
These criteria are all affirmed for the new fair share plan components based on their contexts in the community and physical characteristics, as noted below.

2. Removal of the LeCompte Site (Block 29, Lot 4) From the Township's Fair Share Plan

The 89-unit 100% affordable housing development previously contemplated for the LeCompte site on Route 31, a durational adjustment project, is hereby removed from the Township's Third Round Fair Share Plan. These 89 affordable housing units/credits will be replaced in full with the Ingerman project producing 80 affordable housing units, the Grayrock Road development producing 6 affordable housing units and the municipally sponsored 3-bedroom special needs home at a site to be determined. Block 29, Lot 4 will revert back to its previous ROM-1 Research, Office and Manufacturing 1 zone designation that existed prior to its rezoning as the AH-7 Affordable Housing District.

This plan mechanism replacement is being done in recognition that the new plan alternatives will result more quickly in additional affordable housing units being constructed in the Township. The new plan mechanisms are situated on prime roadways with access to existing water and sewer infrastructure in developed areas of the Township with limited environmental constraints. Furthermore, the Ingerman development presents a more competitive application than the LeCompte project for HMFA's 9% low income housing tax credit award program.

Map 1: LeCompte Site Aerial Map



3. Ingerman Inclusionary Development (Block 70, Lots 6 and 6.01)

Block 70 Lots 6 and 6.01 comprise an 11.7-acre property formerly occupied as veterinary hospital on Route 31 immediately north of the Halstead Street interchange to be developed with a 146-unit inclusionary development consisting of a 55% affordable housing set-aside yielding 80 units of low and moderate-income housing. The Township Council is introducing an ordinance in June 2021 to create the AH-9 Affordable Housing District that will establish new land use regulations for the property designed to accommodate the planned inclusionary development as depicted below in the conceptual layout for the site.

Image 1: Ingerman Site Development Concept



With respect to the issue of the 'approvable', 'available', 'developable', and 'suitable' criteria for this site, the following is noted:

Available: The site is free of encumbrances which would otherwise preclude its development for low and moderate-income housing. A title search indicates there are no encumbrances that would adversely impact the ability to develop the site as contemplated herein. At this time, the prospective developer of the site, Ingerman, has purchased or is the contract purchaser of the site with the intent of developing the property as depicted in the conceptual image above.

Approvable: This 146-unit inclusionary development is approvable as reflected in the fact that the Township will rezone the property in June 2021 as the AH-9 Affordable Housing District to facilitate the development. The project was previously vetted by both the Township Planning Board and Governing Body on a conceptual basis where both entities demonstrated support for the project. The Township is working with the Highlands Council staff to address any outstanding issues pertaining to Highlands regulations and fully anticipates being able to satisfy all conditions for a Highlands consistency determination approving the development. Finally, this site is a component of the Township's third amendment to its Settlement Agreement with Fair Share Housing Center which is expected to be approved by the Court at a future fairness hearing.

Developable: The site is developable as the westerly portion of the property is relatively flat and unimpacted by environmental constraints. The site is located on Route 31 north in a developed part of the community where future development is encouraged to revitalize otherwise stagnant and underutilized land with prime highway frontage. The site is within near proximity to existing water and sewer infrastructure located along Route 31 with feasible connectivity to the site.

As the 100% affordable LeCompte project was a durational adjustment site in the Township's Third Round Fair Share Plan, this site, intended to replace a portion of the LeCompte site affordable housing credits, will also be designated a durational adjustment site until sufficient water and sewer capacity can be secured for the development. It is noted that the Township will sell sewer capacity to the developer sufficient to accommodate the 80 affordable units and some of the market rate units, where the developer is required to otherwise secure the remaining necessary capacity from a private party. In addition, the Township obtained a water capacity reservation from the Town of Clinton for the LeCompte site which it intends to transfer to this project. It is noted that the Ingerman project will still require additional water capacity from the Town of Clinton to accommodate the 146-unit development.

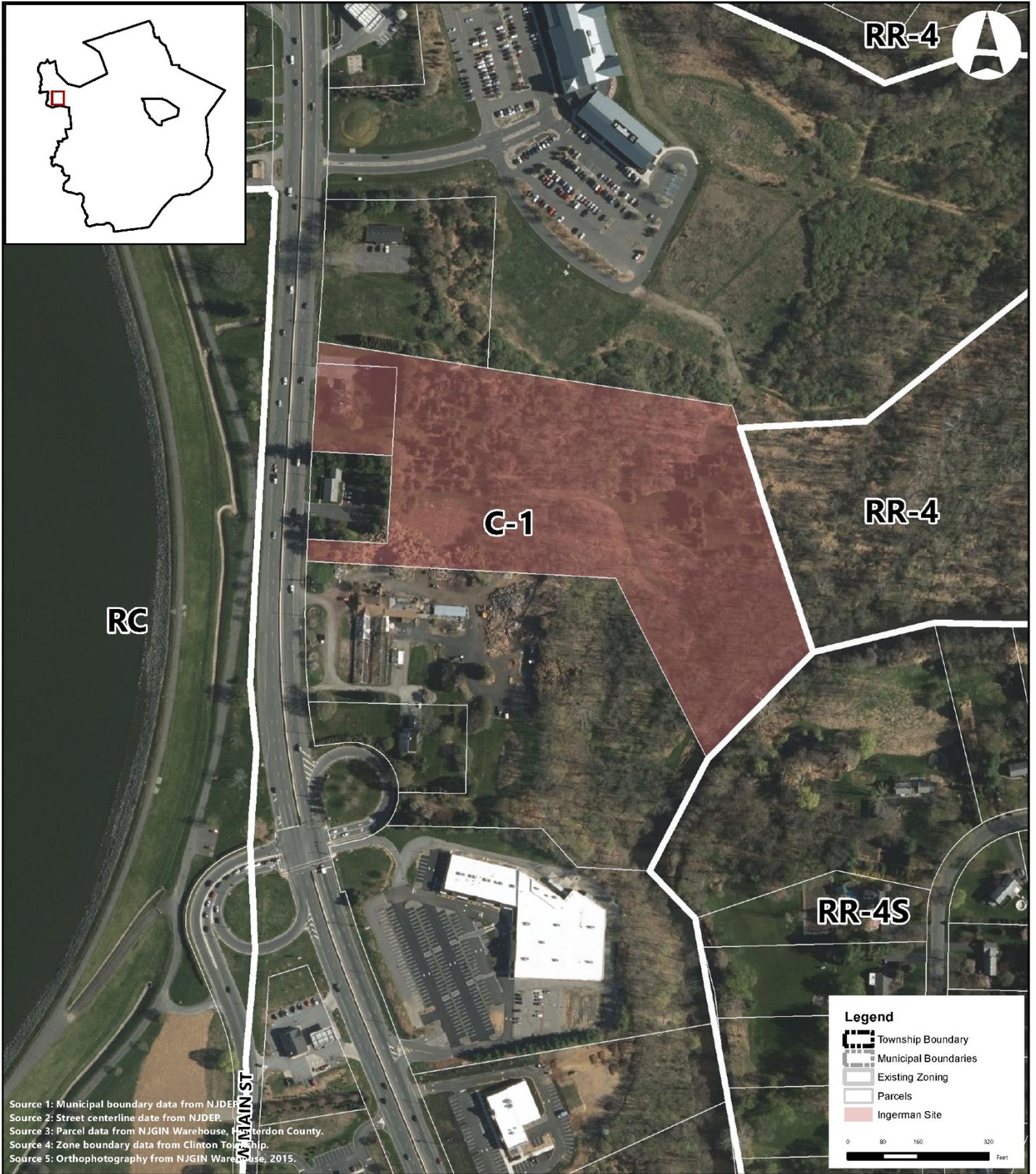
The developer will be submitting an application for New Jersey Housing Mortgage and Finance Agency's (HMFA) 2021 funding round of its competitive 9% low income housing tax credit (LIHTC) program.

Suitable: The proposed inclusionary development has been determined to be suitable for the site and compatible with surrounding land uses. Development surrounding the property consists of office uses to the north, single-family residential located approximately 700 feet away from the developable area of the site to the east, landscape contractor's yard to the south that is being pursued for redevelopment and the Spruce Run Reservoir to the west across Route 31. As such, any impacts from the inclusionary development are expected to be negligible and will include appropriate buffers from existing residential development.

As noted above, the site is along a developed portion of Route 31 with access to existing public water and sewer infrastructure and has environmental constraints limited to the easterly portion of the site.

In summary, the above analysis reveals the applicable site suitability criteria are met for the Ingerman site. The below aerial map of the site provides a general overview of the existing site conditions and surrounding development pattern.

Map 2: Ingerman Site Aerial Map



4. Grayrock Road Inclusionary Development (Block 77.01, Lots 2, 3 and 4)

The Township's third amendment to its Settlement Agreement with Fair Share Housing Center includes Block 77.01 Lot 2, 3 and 4 as a Third Round fair share plan component intended to replace a portion of the LeCompte site credits that have been removed from the plan. The Township will rezone this 2.44-acre property to accommodate the development of a 30-unit inclusionary development with a 20% affordable housing set-aside yielding 6 low and moderate-income units. This site will be a durational adjustment site until adequate water and sewer capacity can be secured as was the case for the LeCompte site project being replaced.

With respect to the issue of the 'approvable', 'available', 'developable', and 'suitable' criteria for this site, the following is noted:

Available. The site is available as the current and contracted owners of the property have confirmed interest in redeveloping these parcels in accordance with the Township's third settlement agreement amendment. At present, there are no known encumbrances impacting the development of these properties.

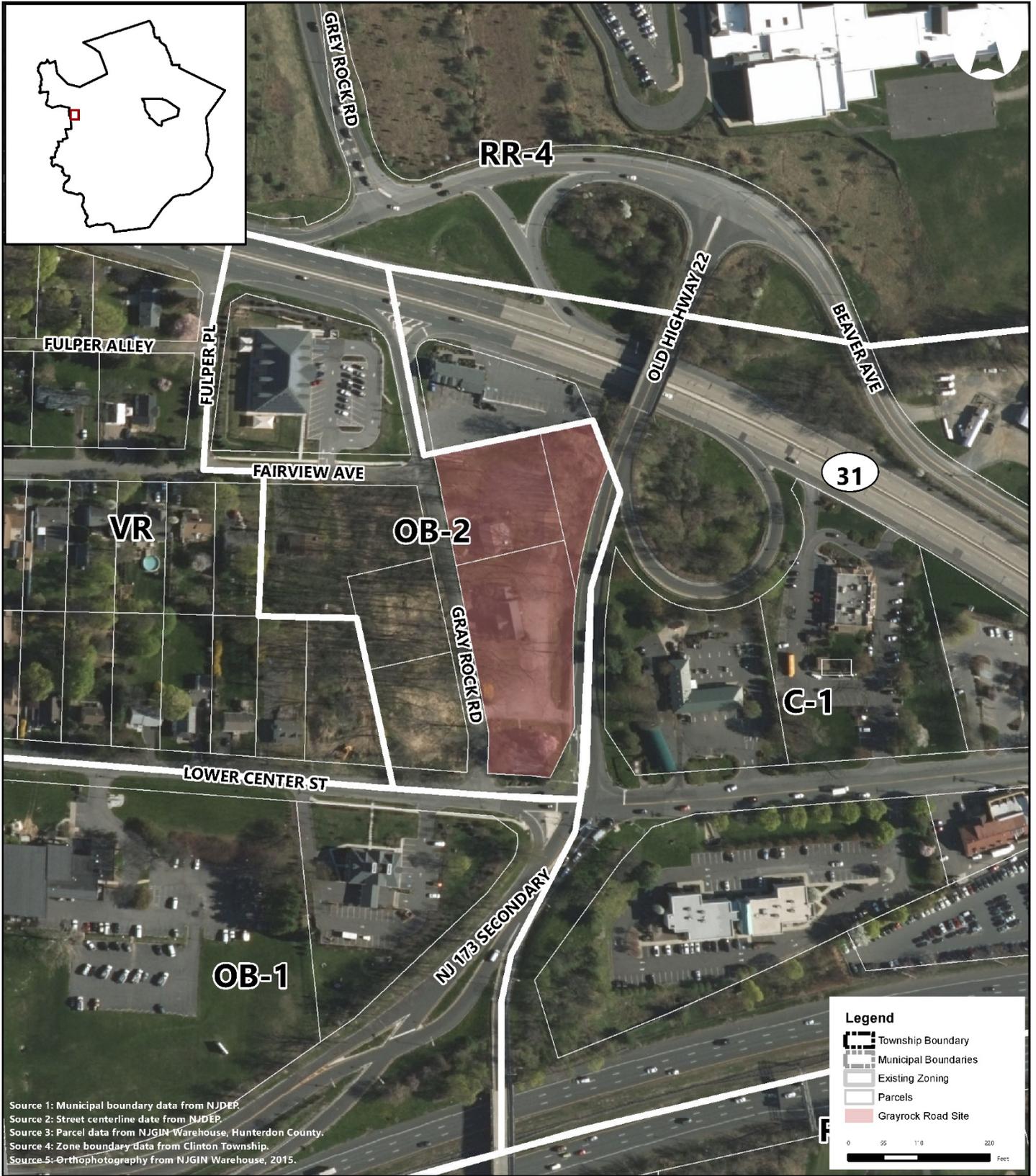
Approvable. The Township Planning Board and Governing Body are in support of the proposed 30-unit inclusionary development and will rezone the property accordingly to facilitate the development. The site is located in a developed portion of the community and the contemplated development will be exempt and/or consistent with the applicable Highlands regulations. The site is now a component of the Township's Settlement Agreement with Fair Share Housing Center which is expected to be approved by the Court at a future fairness hearing.

Developable. The site is centrally located in a developed area of the community at the interchange of highway Routes 22, 31 and 78 and is stagnant and underutilized in its current state. The site is generally flat and is devoid of any environmental constraints that would impact its development. Public water and sewer infrastructure is located immediately adjacent to the site allowing for easy connectivity.

Suitable. The site is centrally located in developed area of the Township at the interchange of Routes 22, 31 and 78 within walking distance to the bus park and ride facility located on Center Street. Again, the site lacks environmental constraints and is adjacent to existing public water and sewer infrastructure. Development surrounding the site consists of Finnagel's restaurant to the north, commercial uses to the east across Old Highway 22, commercial development to the south across Center Street and office uses to the west across Grayrock Road. As such, the site is both well buffered from surrounding land uses and poses minimal impacts to those uses.

The above analysis reveals the applicable site suitability criteria are met for the Grayrock Road site. The below aerial map of the site provides a general overview of the existing site conditions and surrounding development pattern.

Map 3: Grayrock Road Site Aerial Map



5. Special Needs Housing

The Township's third amendment to its Settlement Agreement with Fair Share Housing Center includes a municipally sponsored 3-bedrooms of special needs affordable housing at a location to be determined by the end of 2021 and funded by June 30, 2022. Such special needs housing is generally permitted in zones where single-family housing is permitted, among other zones. The selected site will meet the COAH site suitability criteria as described herein.

1.3 SUMMARY OF AMENDMENTS

As noted above, the 89-unit 100% affordable LeCompte site development has been removed from the Township's Third Round Fair Share Plan. It has been replaced with 80 affordable units from the inclusionary Ingerman development, 6 units from the Grayrock Road inclusionary development and 3 units from the municipally sponsored 3-bedrooms of special needs housing at a location to be determined. The analysis provided herein demonstrates the new plan sites are suitable for the development of affordable housing in accordance with the applicable COAH Second Round Regulations. The Township anticipates Court approval of its third amendment of its Settlement Agreement with Fair Share Housing Center at a future compliance hearing.

APPENDIX
