

***Borough of Watchung
Housing Element and Fair Share Plan
February 2019***

APPENDIX I

APPENDIX I

June 7, 2018 Settlement Agreement between Borough of Watchung and Fair Share Housing Center

September 29, 2018 Order on Fairness and Preliminary Compliance Hearing, Superior Court of New Jersey, Law Division, Somerset County Docket No. SOM-L-902-15 (Mount Laurel)

Borough of Watchung Affordable Housing Trust Fund Spending Plan

April 2018 Vacant Land Inventory

Planning Board Resolution Adopting Housing Element and Fair Share Plan

Borough Council Resolution Endorsing HEFSP and Transmitting to Superior Court

Borough Council Resolution Endorsing to Spending Plan

Borough Council Resolution Designating Municipal Liaison

Borough Council Resolution Designating Municipal Administrative Agent

Borough Council Ordinance # OR18/17 Amending Accessory Apartment Regulations

Borough Council Ordinance # OR18/18 Approving the Route 22 Affordable Housing Overlay District

Borough Council Ordinance # OR18/19 Approving the Mandatory Affordable Housing Set-aside Ordinance

Borough Council Ordinance # OR18/20 Approving the Bonnie Burn Road Redevelopment Area Ordinance

Borough Council Resolution Designating BNE Real Estate Group at the Developer of Bonnie Burn Road Redevelopment Area

Borough Council Ordinance # OR_____ Amending Affordable Housing Ordinance

Borough Ordinance # OR_____ Approving Somerset Street/Watchung Avenue Affordable Housing Overlay District

Borough Ordinance #OR_____ Repealing O-C Office Business/conference Center Overlay District

Letter from Borough Engineer Regarding Water and Sewer Capacity

2015 Watchung Construction Official Exterior Building Survey

**June 7, 2018 Settlement Agreement between Borough of Watchung
and Fair Share Housing Center**

(Revised May 2, 2018)

Albert E. Cruz, Esq.
DiFrancesco, Bateman, Kunzman,
Davis, Lehrer & Flaum, P.C.
15 Mountain Boulevard
Warren, New Jersey 07059

**Re: In the Matter of the Borough of Watchung, County of Somerset, for a
Judgment of Compliance of its Third Round Housing Element and
Fair Share Plan, Docket No. SOM-L-902-15**

Dear Mr. Cruz:

This letter memorializes the terms of an agreement reached between the Borough of Watchung (Watchung), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

Background

Watchung filed the above-captioned matter on July 2, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, Watchung and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

Settlement terms

Watchung and FSHC hereby agree to the following terms:

1. FSHC agrees that Watchung, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (Plan) and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and Watchung hereby agree that Watchung's affordable housing obligations are as follows:

{A1030471.1 }

Rehabilitation Share (per Kinsey Report ¹) (as adjusted per Paragraph 5 below)	30 units
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	206 units
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this Agreement)	396 units

4. For purposes of this Agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).
5. Watchung's efforts to meet its present need include the following: a municipally sponsored rehabilitation program. This is sufficient to satisfy Watchung's present need obligation of 4 units as adjusted through this Agreement. The 4 units are based upon a structural conditions survey prepared by the Watchung Construction Official in 2015 which is attached as Exhibit A.
6. As noted above, Watchung has a Prior Round prospective need of 206 units, and received a Second Round vacant land adjustment resulting in a 169 unit. Realistic Development Potential (RDP). That 169-unit RDP is met through the following compliance mechanisms:

Johnston Drive Group Home (Existing)	3
Existing Lakeside Villas at Watchung (a/k/a Villa Dominico) Age-Restricted Apartments (Existing)	8
Regional Contribution Agreement to Phillipsburg (Made)	57
The Point at Watchung (a.k.a. Kings Crossing/Crystal Ridge/Avalon at Watchung/The Point at Watchung) Rental Apartments (Existing)	40
Rental Bonus	43
Accessory Apartment Program (Proposed)	10
TomTom Realty (Berlant Somerset Street) Rental Family Apartments (Existing)	3
BNE Real Estate Group [Karka/Philips (Lachs)] Rental Family Apartments (Proposed)	5
TOTAL	169

¹ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May 2016.

BALANCE	0
UNMET NEED (1987-1999)	37*

*Unmet Need (1987-1999) $206 - 169 = 37$

Watchung will amend its Accessory Apartments Ordinance to allow accessory apartments as permitted uses, as opposed to the current conditional use, in the same areas currently permitted. Applications for accessory apartments would entail seeking a Zoning Permit from the Zoning Officer to administratively determine whether the accessory apartment use is permitted and whether the apartment meets applicable building codes, including a separate access.

7. The municipality, as calculated in that "Vacant Land Inventory", dated April 2018, prepared by Maser Consulting, P.A. (Marcia R. Shiffman, P.P., AICP, LLA N.J. Professional Planners License #02428), attached as Exhibit B, has a Third Round realistic development potential (RDP) of 53 units. That RDP will be satisfied as follows:

Brandywine at Mountain Ridge Assisted Living Apartments (Proposed)	2
Watchung Associates, LLC Apartments (Approved Use Variance)	4
BNE Real Estate Group (Karka/Philips/Lachs) Rental Apartments (Proposed)	41**
Rental Bonus	14
TOTAL	61
SURPLUS CREDITS to Address Future Obligations and Unmet Need	8
UNMET NEED (1999-2025)***	335

**BNE Real Estate Group totals 46 affordable unit credits. This comprises 5 credits included in the Prior Round Obligation and 41 credits included in the Third Round RDP.

***Unmet Need (1999-2025) $396 - (61) = 335$

The RDP of 53 plus the surplus credits of 8 units, subtracted from the Third Round obligation of 396 units, results in an unmet need of 335 units. This unmet need of 335 units and the Prior Round unmet need of 37 units shall be addressed through the following mechanisms:

Watchung-wide Mandatory Set-Aside Ordinance providing that any residential development of five (5) or more units that occurs at a density above six (6) units per acre arising as a result of a density or use variance or rezoning or approval of a redevelopment plan or rehabilitation plan shall be required to provide a minimum affordable housing set-aside of 20%, except that the minimum set-aside shall be 15% where affordable rental units are provided. This provision does not affect residential development on sites that are zoned for inclusionary residential development as part of

the Borough's Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning. A property shall not be permitted to be subdivided so as to avoid compliance with this requirement.

Route 22 Affordable Housing Overlay Zones for multi-family units. The proposed Affordable Housing Overlay Zone will encompass the 5-acre Luccardi Ford Tract (Block 64.02, Lot 3) and the 13.7-acre portion of the Mount Saint Mary Academy Tract (Block 64.02, Lot 5) along the northerly side of US Route 22. The zone would encompass a total of 18.7 acres of land. The underlying H-D Highway Development and R-R Rural Single-Family Residential zoning within the zone will remain in effect. Inclusionary housing will be permitted as a conditional use as apartments for sale or rent. The permitted residential density would increase to a maximum 14 du/acre for sale units with a set-aside of 20% and 18 du/acre for rental units with a set-aside of 15% for affordable units.

Somerset Street/Watchung Avenue Affordable Housing Overlay Zone for mixed retail and residential uses. This overlay zone will encompass the "Triangle" area bounded by Watchung Avenue, Somerset Street and Johnston Drive. The overlay zone will permit mixed-use development in the form of first floor commercial uses (e.g., retail and/or office) and residential uses above. The Borough will conduct a planning study to determine the zoning parameters of this overlay zone including use, density and bulk requirements. At a minimum, however, the Somerset Street/Watchung Avenue Affordable Housing Overlay Zone will: permit residential use at a density of at least 6 units/acre for for-sale units and 10 units/acre for rental units; will require a minimum affordable housing set-aside of 20% where the affordable for sale units are provided and the set-aside will be 15% where affordable rental units are provided; and will permit such mixed-use development only when affordable housing is provided.

8. Watchung will provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning consisting of a total of 230 units, including 46 affordable housing units on Block 74.02, Lots 19.01, 19.02, Block 73.04, Lots 5, 10 (BNE Real Estate Group) (230/46)
9. Watchung will provide a realistic opportunity for the development of additional affordable housing that will be developed or created through means other than inclusionary zoning through amending its Accessory Apartments ordinance as discussed in Paragraph 6 above.

Except for Brandywine at Mountain Ridge Assisted Living Apartments, all affordable housing to meet the Third Round RDP will be provided through inclusionary zoning.

Funding is limited to the rehabilitation and accessory apartments programs, affordability assistance and other affordable housing expenses such as administrative and affirmative marketing costs. These expenses will be met through the collection of development fees and Watchung had, as of February 28, 2018, a balance in its Affordable Housing Trust Fund of \$845,556.85.

10. Watchung agrees to require 13% of all units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income

units being available to families. The municipality will comply with those requirements as follows:

6 (13%) of the 46 affordable units in the BNE Real Estate Group development must be very low income family units. 23 (50%) must be very low and low income units. The remaining 23 (50%) can be moderate income units. Also, 13% of any affordable units created through any development in the mandatory set-aside ordinance to meet unmet need and through any development in any of the specific overlay zones to meet unmet need will be very low income.

11. Watchung shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by Watchung and FSHC and reflected in Paragraph 7 above:
 - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
 - b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
 - c. At least 25 percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
 - d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.
 - e. Watchung agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
12. Watchung shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, and NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. Watchung also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this Paragraph 11.
13. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. Watchung as part of its HEFSP shall adopt

and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the UHAC pursuant to N.J.A.C. 5:80-26.1 shall be updated by Watchung annually within 30 days of the publication of determinations of median income by the United States Department of Housing and Urban Development (HUD) as follows:

- a. Regional income limits shall be established for the region that Watchung is located within (i.e. Region 3) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of 4 is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in Watchung's housing region. This quotient represents the regional weighted average of median income for a household of 4. The income limit for a moderate-income unit for a household of 4 shall be 80 percent of the regional weighted average median income for a family of 4. The income limit for a low-income unit for a household of 4 shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- b. The income limits attached hereto as Exhibit C are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2017, and shall be utilized until Watchung updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by Watchung annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
- d. Watchung and FSHC agree to request the Superior Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement.

14. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
15. As an essential term of this Agreement, within 180 days of the Superior Court's approval of this Agreement, Watchung shall introduce and adopt an ordinance or ordinances providing for the amendment of Watchung's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement. The Borough will

also within that timeframe repeal Section 28-410 titled "O-C" Office Business/Conference Center Overlay District of the Revised General Ordinances of the Borough of Watchung.

16. The parties agree that if a decision of a court of competent jurisdiction including Somerset County/Vicinage 13 Law Division, Appellate Division and the New Jersey Supreme Court, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for Watchung for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, Watchung and FSHC shall enter into a Consent Order to amend the judgment in this matter to reduce Watchung's fair share obligation accordingly. Notwithstanding any such reduction, Watchung shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of Watchung's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If Watchung's prospective need for the Third Round is reduced, Watchung may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.
17. Watchung shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Vicinage 13, Superior Court, and reserves the right to seek approval from the Vicinage 13, Superior Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the 4-year period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this Agreement, which shall be established by the date on which it is executed by a representative of Watchung, and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, Watchung agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to FSHC and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, COAH, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
18. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, Watchung agrees to provide annual reporting of the status of all affordable housing activity within the municipality through

posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.

19. The Fair Housing Act includes 2 provisions regarding action to be taken by Watchung during the ten-year period of protection provided in this Agreement. Watchung agrees to comply with those provisions as follows:
 - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, Watchung will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Superior Court regarding these issues.
 - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, Watchung will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
20. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Superior Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
21. This Agreement must be approved by the Superior Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). Watchung shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Superior Court approves this proposed settlement, the parties contemplate Watchung will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Superior Court at a fairness hearing it shall be null and void.
22. Watchung agrees to make a donation to FSHC to use for the advancement of affordable housing in the amount of \$7,500.00 within 30 days of the Superior Court's approval of this Agreement pursuant to a duly-noticed fairness hearing.

23. If an appeal is filed of the Superior Court's approval or rejection of this Agreement, Watchung and FSHC agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the Law Division unless and until an appeal of the Law Division's approval is successful, at which point Watchung and FSHC reserve their right to rescind any action taken in anticipation of the Law Division's approval. Watchung and FSHC shall have an obligation to fulfill the intent and purpose of this Agreement.
24. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Somerset County.
25. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
26. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
27. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of Watchung and FSHC.
28. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
29. Watchung and FSHC acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of Watchung and FSHC and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
30. Each of Watchung and FSHC acknowledge that this Agreement was not drafted by any one of them, but was drafted, negotiated and reviewed by them and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of Watchung and FSHC expressly represents to the other that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
31. Any and all Exhibits attached to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Watchung and FSHC.

32. This Agreement constitutes the entire Agreement between Watchung and FSHC and supersedes all prior oral and written agreements between Watchung and FSHC regarding the subject matter hereof except as otherwise provided herein.
33. No member, official or employee of Watchung shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
34. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the last date upon which Watchung and FSHC have executed and delivered this Agreement.
35. All notices required under this Agreement (Notice[s]) shall be written and shall be served upon the respective Watchung and FSHC by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon 10 days notice as provided herein:

TO FSHC:

Adam M. Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: adamgordon@fairsharehousing.org

TO WATCHUNG:

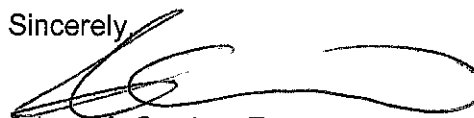
Administrator
Watchung Municipal Building
15 Mountain Boulevard
Watchung, New Jersey 07069
Phone: (908) 756-0080
Telecopier: (908) 757-7027

**WITH A COPY TO THE
MUNICIPAL CLERK:**

Clerk
Watchung Municipal Building
15 Mountain Boulevard
Watchung, New Jersey 07069
Phone: (908) 756-0080
Telecopier: (908) 757-7027

Please sign below if these terms are acceptable.

Sincerely,



Adam M. Gordon, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Borough of Watchung, with the authorization
of the governing body:

Stephen K. Pote _____

Borough of Watchung Mayor _____

Dated: _____

STRUCTURAL CONDITIONS SURVEY

Municipality: Borough of WatchungCounty: SomersetDate of Survey: September 9/24/15Performed By: Edward P. Barnett, Jr.Title: Construction Official, Building SubCode, Zoning OfficerLicense Number: 001569

Areas of municipality surveyed:

All- See Attached

Areas of municipality not surveyed:

none

Reason(s) for not surveying these areas:

Did a Drive-through of all Streets within the Borough of Watchung

STRUCTURAL CONDITIONS SURVEY

DATE: 9/18

SURVEYOR:

Edmond P. Bennett Jr.
(print or type name)

RATE COMPONENT:

GOOD/EXCELLENT = 0

FAIR/POOR = X

STREET			One "R" and Structures in Distress			COMPONENTS				
Address	Block and Lot	Number of Dwelling Units	Foundation	Roofing and Siding	Roof and Chimney	Windows and Door	Exterior Finish	Stairs	Porch	For Damage
31 Tarte			X	X	X	X	X	N/A	N/A	N/A
35 Cedar Lane			X	X	X	X	X	N/A	N/A	N/A
39 Bonndale			X	X	X	X	X	N/A	N/A	N/A
47 Redwood			X	X	X	X	X	N/A	N/A	N/A
* 183 Washington Road			X	X	X	X	X	N/A	N/A	N/A
257 Wall Road			X	X	X	X	X	N/A	N/A	N/A

New owner
Permit issued

I hereby certify that

Edmond P. Bennett Jr.

(Name according to COAH criteria)

Signature:

[Signature]

Title:

Chief of Police

License No. 001569

May be sold soon

Structual Conditions Survey

2015

DATE	Street	
✓	Acorn Road	
✓	Anderson Road	
✓	Appletree Row	
✓	Bayberry Lane	
✓	Beechwood Place	
✓	Birchwood Lane	
✓	Bonnie Burn Road	
59?	Brookdale Road	Gordon
✓	Brook Drive	
	Camp Endeavor Road	
✓	Canterbury Lane	
✓	Cardinal Drive	
✓	Carrar Drive	
*	Cedar Lane	Ennis House To left of # 35
✓	Cedar Road	
✓	Century Lane	
✓	Corey Lane	
✓	Crestwood Drive	
	Dale Road	
✓	Dawn Way	
✓	Deer Run	
✓	Devonshire Lane	
✓	Dogwood Lane	
✓	Drift Road	
✓	Dug Way	

35 Cedar Lane

Structual Conditions Survey

2015

✓	East Drive	
✓	Eaton Road	
✓	Edgemont Road	
✓	Ellisen Road	
✓	Elsinore Drive	
✓	Evergreen Lane	
✓	Fawn Lane	
✓	Forest Drive	
✓	Fox Chase Drive	
✓	Friar Lane	
✓	Gentian Lane	
✓	Gildersleeve Place	
✓	Glen Eagle Drive	
✓	Glen View Drive	
✓	Grandview Drive	
✓	Guinard Drive	
✓	Heather Lane	
	Helen Street	
✓	High Oaks Drive	
✓	High Tor Drive	
✓	Hill Hollow Road	
✓	Hill Place	
✓	Hillcrest Road	
	Hillside Avenue	
✓	Hughes Lane	
✓	Hyde Circle	

Structural Conditions Survey
2015

✓	Jared Court	
✓	Joan Drive	
✓	Johanna Lane	
✓	Johnston Drive	910 Johnston Drive
✓	Johnston Drive Extension	
✓	Knollwood Drive	
✓	Kristy Lane	
✓	Lakeview Avenue	
✓	Lakeview Terrace	
✓	Maple Street	
✓	Mareu Drive	
	Meadowlark Drive	
✓	Mountain Blvd.	
✓	Mountain Avenue	
✓	New Providence Road	
✓	North Drive	
✓	Nottingham Drive	
✓	Oakridge Lane	
✓	Oakwood Lane	
✓	Oakwood Road	
✓	Old Somerset Road	Real
✓	Orchard Road	

Structural Conditions Survey
2015

✓	Park Place	
✓	Parlin Lane	
✓	Parlin Lane Extension	
✓	Phillip Lane	
✓	Pine Lane	
✓	Plainfield Avenue	
✓	Price Drive	
	Prospect Avenue	
✓	Redmont Road	
✓	Reynolds Road	
✓	Ridge Road	
✓	Robin Glen Road	
✓	Rock Avenue	
✓	Rock Road East	
✓	Scott Drive	
✓	Sequoia Drive	
✓	Shady Brook Court	
✓	Shawnee Drive	
✓	Sherwood Drive	
✓	Skyline Drive	
✓	Somerset Street	
✓	Spencer Lane	
✓	Stanie Brae Drive	
✓	Stanie Glen Road	
✓	Stirling Road	
✓	Stonegate Drive	
✓	Stone Hill Road	
✓	Stony Hill Road	

Structual Conditions Survey

2015

✓	Sunbright Road	
✓	Sunlit Drive	
✓	Snoden Lane	
✓	Tall Timbers Road	
✓	Templar Dive	
✓	Terrill Road	
✓	Timberline Way	
231	Tuttle Road <i>Halkins</i>	
✓	Union Avenue	
✓	Upper Drive	
✓	Vail Lane	
✓	Valley Drive	
✓	Valley Road	
✓	Vally View Road	
✓	Verona Place	
✓	Washington Drive	
183	Washington Rock Road	
✓	Watchung Avenue	
✓	Wetumpka Lane	
✓	Wildwood Terrace	
✓	Will Lane	
✓	Winans Lane	
✓	Winter Lane	
✓	West Drive	
✓	Wooded Road	
✓	Woodledge Road	

Structual Conditions Survey
2015

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VACANT LAND INVENTORY

Borough of Watchung
Somerset County, New Jersey

April 2017

Prepared by:



A handwritten signature in black ink, appearing to read 'Marcia R. Shiffman'.

Marcia R. Shiffman, P.P., AICP, LLA
N.J. Professional Planners License # 02428

A handwritten signature in black ink, appearing to read 'Daniel N. Bloch'.


Daniel N. Bloch, P.P., AICP, 
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Table of Contents

Introduction.....	1
Properties Excluded From The Vacant Land Inventory	3
Vacant And Developable Properties	4
Parks & Recreation	5
Active Municipal Recreation	5
Conservation, Parkland & Open Space	7
Conclusion	8
Appendix.....	9
Vacant Land Inventory List	9
Environmental Constraints Map	16
Existing Land Use Map	17
Vacant Lands Map	18

Introduction

The Borough of Watchung contains 3,867 acres or about 6 square miles located in the northeastern corner of Somerset County, where it adjoins Union County. Within Somerset County, Watchung is bordered by Warren Township to the west, and North Plainfield Borough and Green Brook Borough to the south. Watchung is also bordered by Union County, including Berkeley Heights Township to the north and Scotch Plains Township and the City of Plainfield to the east. The Borough is also bordered to the north and south by the Watchung Mountains. Mountain Boulevard and Valley Rd traverse the entire Borough from southwest to northeast corner. Interstate 78 crosses through the northern corner and U.S. Route 22 through the southeast corner of the Borough.

Watchung is a developed suburban municipality with little vacant land remaining for new development. This is consistent with the 2001 State Development and Redevelopment Plan Policy Map (last updated August 18, 2015) designation of the entire Borough as PA2 Suburban Planning Area. Environmental constraints affect selective areas in the Borough. Areas containing steep slopes of 15 percent or greater are located along the Watchung Mountains at the north and south of the Borough. Wetlands are primarily located in the floodplains along the Stony Brook and Green Brook stream corridors.

Approximately 37.5 percent or 1,451 acres of Watchung are environmentally constrained, including 384 acres of wetlands and associated buffers, 178 acres within the FEMA Special Flood Hazard Area, 360 acres encumbered by riparian buffers, and 872 acres of steep slopes¹. Watchung Borough has 92.38 acres of preserved open space owned by the municipality or County.

This Vacant Land Inventory is prepared in order to document Watchung Borough's lack of available land capacity, pursuant to N.J.A.C. 5:93-4.2, the New Jersey Council on Affordable Housing ("COAH") Substantive Rules ("COAH's Rules"). As required by COAH's Rules, the Inventory includes the block, lot, address, owner's name, total lot acreage and developable uplands acreage for each property. Also included in this Inventory are the following maps:

1. **Environmental Constraints Map** - showing environmentally sensitive lands that shall be excluded from the vacant land inventory, pursuant to N.J.A.C. 5:93-4.2(e)2, including the following:
 - a. Open water bodies as mapped per NJDEP GIS data.

¹ Environmentally constrained areas do not equal total due to overlapping environmental features.

Borough of Watchung

- b. Freshwater wetlands per NJDEP GIS data. All wetlands were assumed to be of ordinary resource value and were given a 50-foot transition area buffer, with the exception of where a site-specific survey was performed.
 - c. Pursuant to N.J.A.C. 7:13-4.1(c)2, a 150-foot wide riparian buffer was added along any segment of a stream flowing through an area containing Rank 3, 4 & 5 habitat for threatened and endangered species. The NJDEP has verified that the West Branch of the Stony Brook requires a 150 feet riparian zone because of documented habitat for threatened and endangered species. Riparian buffers are shown along the entire length of the West Stony Brook and its tributaries. Also, the portion of the Green Brook to the north of Bonnie Burn Road and along the northerly municipal boundary include a 150-foot riparian buffer; the portion to the south of Bonnie Burn Road has a 50-foot riparian buffer.
 - d. Special Flood Hazard Area ("SFHA") per FEMA Flood Risk Zone mapping, which includes the AE Zone with 1-percent annual chance of flood.
 - e. Steep slopes of 15 percent or greater as determined by USGS topographic contours or actual topographic data where available.
 - f. It is noted that there are no longer any Category One (C1) streams in Watchung. The Green Brook was reclassified from C1 to FW2-TM.
2. **Existing Land Use Map** - showing the existing land uses of Watchung, displayed by the following classifications: vacant, single-family residential, apartments, commercial, industrial, parkland, other public property, and semi-public properties; also showing environmentally sensitive lands overlay, including wetlands, flood hazard areas, steep slopes, and riparian buffers.
3. **Vacant Lands Map** - showing the vacant lands identified as developable or undevelopable in accordance with COAH's Second Round Rules.

Properties Excluded From The Vacant Land Inventory

This Vacant Land Inventory is prepared in order to document the lack of available land capacity in Watchung. As required by COAH's Second Round Rules (N.J.A.C. 5:93-4.2), the inventory includes the block, lot, address, owner's name, current zone, total lot acreage, total acreage suitable for development (uplands) and total acreage unsuitable for development (constraints) for each vacant property based on current Borough property tax records (See Vacant Land Inventory in Appendix).

As provided by N.J.A.C. 5:93-4.2.c, lands meeting certain specified criteria may also be excluded from the Inventory. The following criteria were used to further exclude vacant properties from the Inventory:

- Properties owned by a local government entity that are utilized for a public purpose other than housing;
- Vacant contiguous publicly or privately-owned parcels where the merged total could not accommodate at least 5 dwelling units at a minimum density of 6 units per acre (less than 0.83 acres);
- Environmentally sensitive lands, which limits the contiguous developable uplands area to less than 0.83 acres.
- Properties that were included in the Prior Round RDP based on the 1997 Vacant Land Inventory.

Borough of Watchung

Vacant And Developable Properties

After excluding vacant properties per the exclusion criteria mentioned above, there are 9 properties (considering contiguous vacant parcels as one property) remaining in the Borough of Watchung that have a realistic development potential for inclusionary housing. The total developable uplands area of these properties is 42.45 acres. Based on the minimum presumptive density of 6 units per acres, the properties can be developed with a total of 310 units. Assuming a 20 percent affordable housing set-aside (1 affordable unit for each 5 units), the properties would yield a realistic development potential (RDP) of 53 units.

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Potential Units	RDP
301	22, 23	Mountain Blvd	Twin Brooks Country Club	R-R	Wetlands, SFHA	1.25	0.25	1.00	Potential Development	6	1
301	24, 28.02, 28.03	Mountain Blvd	Twin Brooks Country Club	R-R	Wetlands, SFHA, Steep Slopes	3.76	1.88	1.89	Potential Development	11	2
301	31	708 Mountain Blvd	Watchung Associates, L.L.C.	B-A		3.48	0	3.48	Approved Inclusionary Development ^[2]	25	4
1102	1	285 Anderson Rd	Bilenker, Michael E. & Sharyn S.	R-R	Steep Slopes	1.56	0.66	0.90	Potential Development ^[3]	5	1
1102	8	111 Stanic Brae Dr	Lackland, David J	R-R	Steep Slopes	1.68	0.17	1.51	Potential Development	9	1
5701	6.01	East Drive	Borough of Watchung	H-D	Steep Slopes	6.86	5.61 ^[4]	1.25	Potential Development	7	1
7001	5	67 Price Dr	Fechtner, Dr J L & Sondra	R-R	Steep Slopes	1.50	0.10	1.40	Potential Development	8	1
7009	4.01	205 Parlin Ln	Benigno, Louise A Trust	R-R		1.59	0	1.59	Potential Development	9	1

² Approved by Zoning Board for 25-unit inclusionary housing including 4 affordable units.

³ Property was previously included in the RDP as part of the 2010 vacant land study. It was since been developed with a single-family home but still generates an RDP since it was vacant during the Third Round period.

⁴ Based on topographic maps for the Borough of Watchung, Somerset County, New Jersey, dated April 29, 1972, prepared by Michael S. Kachorsky & Associates, Civil Engineers, Manville, New Jersey.

Block	Lot	Address	Amount	Planning	Current Use/Description	Land Acres	Conservation Acres	Development Acres	Notes	Potential Units	Unit
1001	1001	1001	1001	1001	1001	1001	1001	1001	1001	1001	1001
Total						61.71	10.17	41.45		310	31

Parks & Recreation

According to N.J.A.C. 5:93-4.2(e)(4), Watchung Borough may reserve up to 3 percent of the total developed and developable acreage (acreage of lands not constrained by wetlands, flood hazard areas, or steep slopes) for active municipal recreation and up to 3 percent of the municipality's total land area for conservation, parklands and open space. This provision allows Watchung Borough to reserve vacant and developable properties for active recreation or conservation, thus excluding the site or sites from the Vacant Land Inventory.

Active Municipal Recreation

Based on the Recreation and Open Space Inventory (ROSI)⁷, the Borough of Watchung currently owns 9 properties for active municipal recreation use, with a total unconstrained area of 24.88 acres.

⁵ Based on property survey.

⁶ BNE property is planned as an inclusionary housing development, consisting of 230 apartments of which 46 are affordable units. The Third Round RDP includes 41 units and the remaining 5 affordable units address the Prior Round obligation.

⁷ NJDEP Green Acres Program, Open Space Database, current as of 6/24/14. <http://www.state.nj.us/dep/greenacres/openspace.html>

Borough of Watchung

Block	Lot	Address	Owner	Facility Name	Total Acres	Constrained Acres	Buildable Acres
301	29	666 Mountain Blvd	Borough of Watchung	Ness	19.46	6.15	13.31
1604	18	973-975 Somerset St	Borough of Watchung	Park/Memorial	0.12	0.06	0.05
2401	1.01	129 Stirling Rd	Borough of Watchung	Watchung Lake	19.62	18.90	0.73
2401	4.01	40 Brookdale Rd	Borough of Watchung	Watchung Lake	3.30	2.32	0.98
2401	4.02		Borough of Watchung	Watchung Lake	0.30	0.30	0.00
4401	8.01	Valley Rd	Borough of Watchung	Best Lake	0.36	0.26	0.10
4401	8.02	Valley Rd	Borough of Watchung	Best Lake	8.36	7.67	0.69
4701	1	770 Somerset St	Borough of Watchung	Veterans Memorial	0.10	0.10	0.00
6908	22	60 Sequoia Dr	Borough of Watchung	Camp Endeavor	9.19	0.18	9.02
Total					60.81	35.94	24.88

There are 2,415.85 acres of developable and developed lands (not constrained by wetlands, flood hazard area, riparian buffers or steep slopes) in Watchung. The current active recreation properties result in 1.03% of the total developed and developable lands. An additional 47.6 acres of land may be reserved for active municipal recreation and excluded from the RDP, provided that any such sites must be designated for recreational purposes in the Borough Master Plan.

Watchung Borough		
Total Developed & Developable Land Area in Watchung Borough	2,415.85	100%
• 3 percent		
Total Potential Park & Recreation Reserve	72.48	1.00%
• Existing Active Park & Recreation Land Area	24.88	1.03%
Land Available for Additional Reserve	47.60	1.97%

Borough of Watchung

Conservation, Parkland & Open Space

There are currently 31.56 acres of undeveloped lands held for conservation purposes within the Borough of Watchung.

Block	Lot	Address	Owner	Facility Name	Total Acres	Constrained Acres	Buildable Acres
802	1.01	60 Anderson Rd	Borough of Watchung	Anderson Rd	9.77	6.76	3.01
1604	15.03	997-1001 Somerset St	Borough of Watchung	Village Green	0.17	0.17	0.00
1604	20.02	Somerset St	Borough of Watchung	Stony Brook	3.10	3.07	0.03
1604	20.03	Somerset St	Borough of Watchung	Stony Brook	7.09	7.04	0.05
5201	3.02	Johnston Dr	Borough of Watchung	Johnston Dr	0.13	0.13	0.00
5401	1	Edgemont Rd	Borough of Watchung	Mountain & Edgemont	0.04	0.01	0.03
7007	1	380 Phillip Ln	Borough of Watchung	Phillip Ln	1.62	1.26	0.36
7008	30	2 Drift Rd	Borough of Watchung	Drift Rd	2.22	1.74	0.48
7701	3	New Providence Rd	Union County Park Commission	Watchung Reservation	2.34	1.51	0.83
7801	5	New Providence Rd	Weldon Materials Inc	Watchung Reservation	1.66	0.30	1.36
7801	7	New Providence Rd	Cey Inc Acc Pay Dept 10 16 41	Watchung Reservation	1.83	1.35	0.48
7801	8	New Providence Rd	Cey Inc Acc Pay Dept 10 16 41	Watchung Reservation	0.57	0.36	0.21
7801	9	New Providence Rd	Union County Park Commission	Watchung Reservation	1.02	0.37	0.65
Total					31.56	24.07	7.49

In determining the amount of land which may be designated for conservation, parkland and open space, the amount of existing lands are subtracted from 3 percent of Watchung Borough's total land area. The Borough of Watchung contains approximately 3,867 acres within its borders. The current conservation properties result in 0.82% of the total land area in Watchung. An additional 84 acres of land may be reserved for conservation and excluded from the RDP, provided that any such sites must be designated for recreational purposes in the Borough Master Plan.

Conservation, Parkland & Open Space Calculation		
Total Land Area in Watchung Borough	3,867	100%
+ 3 percent		
= Total Potential Conservation, Parkland & Open Space Reserve	116.01	3.00%
- Existing Conservation, Parkland & Open Space Area	31.56	0.82%
= Land Available for Additional Reserve	84.45	2.18%

Conclusion

After excluding properties by the specified criteria provided in COAH's Second Round Rules, there are 9 properties (considering contiguous vacant parcels as one property) remaining in Watchung Borough that are vacant and potentially developable for inclusionary housing or have been approved for inclusionary housing. As stated in N.J.A.C. 5:93-4.2(f), the presumptive density for these vacant and developable lands is assumed at 6 units per acre, and the maximum presumptive set-aside is 20 percent. Accordingly, the properties can be developed with a total of 310 units, resulting in a realistic development potential (RDP) of 53 units.

Watchung Borough's Unmet Affordable Housing Need is the pre-credited affordable housing obligation minus credits of affordable units. Watchung Borough is still required to provide a development strategy that would meet its Unmet Affordable Housing Needs.

Appendix

Vacant Land Inventory List

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Include in RDP
101	1	816 Mountain Blvd	Sipos, Steven A	R-R		0.10	0.00	0.10	Part of Developed Property in Warren Twp	No
101	2		Sipos, Steven A	R-R		0.28	0.00	0.28	Part of Developed Property in Warren Twp	No
101	3	800 Mountain Blvd	JCPL C/O Fe Serv Tax Dept	R-R		0.21	0.00	0.21	Public Utility	No
101	4	1 Helen Street	Lyons, Steven B.	R-R		0.18	0.00	0.18	Part of Developed Property in Warren Twp	No
102	7	5 Mountain Court	Willet, Robert L & Laura Rees	R-R		0.31	0.00	0.31	Part of Developed Property in Warren Twp	No
102	8	6 Mountain Court	Schultz Jr, William & Mercedes	R-R		0.74	0.00	0.74	Part of Developed Property in Warren Twp	No
301	3	225 Sunlit Drive	Cronheim, Marion Z	R-R		0.01	0.00	0.01	Part of Developed Property in Warren Twp	No
301	22, 23	Mountain Blvd	Twin Brooks Country Club L P	R-R	Wetlands, Riparian	1.25	0.25	1.00	Potential Development	Yes
301	24, 28.02, 28.03	Mountain Blvd	Twin Brooks Country Club	R-R	Wetlands, SFHA, Steep Slopes	3.76	1.88	1.89	Potential Development	Yes
301	28.05		Twin Brooks Country Club L P	R-R	Wetlands, SFHA, Riparian	0.65	0.65	0.00	Undevelopable due to environmental constraints	No
301	28.06		Twin Brooks Country Club L P	R-R	Wetlands, SFHA, Riparian	0.60	0.60	0.00	Undevelopable due to environmental constraints	No
301	28.07		Twin Brooks Country Club L P	R-R	Wetlands, SFHA, Riparian	0.61	0.61	0.00	Undevelopable due to environmental constraints	No
301	28.08		Twin Brooks Country Club L P	R-R	Wetlands, SFHA, Riparian	0.62	0.62	0.00	Undevelopable due to environmental constraints	No
301	28.09		Twin Brooks Country Club L P	R-R	Wetlands, SFHA, Riparian	0.58	0.57	0.01	Undevelopable due to environmental constraints	No
301	31	708 Mountain Blvd	Watchung Associates, L.L.C.	B-A		3.48	0.00	3.48	Approved Inclusionary Development	Yes
302	10	24 Sunlit Drive	Schaefer, John F & Teresa	R-R	Wetlands, SFHA, Steep Slopes, Riparian	1.31	1.31	0.00	Undevelopable due to environmental constraints	No
302	24	234 Sunlit Drive	Simon, Jeffrey	R-R	Wetlands, SFHA, Riparian	0.02	0.02	0.00	Part of Developed Property in Warren Twp	No

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Include in RDP
302	28.01		Twin Brooks Country Club L P	R-R	Wetlands, SFHA, Riparian	0.11	0.11	0.00	Undevelopable due to environmental constraints	No
403	11.05	9 Kappelmann Drive	Kenneth F. Kunzman, Trustee	R-R		0.40	0.00	0.40	Part of Developed Property in Green Brook	No
1102	1	285 Anderson Rd	Bilenker, Michael E. & Sharyn S.	R-R	Steep Slopes	1.56	0.66	0.90	Potential Development	Yes
1102	8	111 Stanic Brae Drive	Lackland, David J. & Jennifer	R-R	Steep Slopes	1.68	0.17	1.51	Potential Development	Yes
1102	10	6 Deer Run	Sisto, John M & Elizabeth	R-R	Steep Slopes	1.24	0.00	1.24	Included in Prior Round RDP	No
1102	13	16 Deer Run	Neaman, Ira & Judith	R-R	Steep Slopes	0.89	0.09	0.80	Part of Developed Property in Green Brook	No
1301	1	28 Deer Run	Neaman, Ira & Judith	R-R		0.30	0	0.30	Part of Developed Property in Green Brook	No
1301	2	36 Deer Run	Taglietti, Marco & Paola	R-R		0.06	0	0.06	Part of Developed Property in Green Brook	No
1301	3	46 Deer Run	Ackerman, Don	R-R		0.07	0	0.07	Part of Developed Property in Green Brook	No
1301	4	58 Deer Run	Ring, George & Dorothy	R-R		0.07	0	0.07	Part of Developed Property in Green Brook	No
1301	5	70 Deer Run	Schroppe, J T & A M Trustees	R-R		0.08	0	0.08	Part of Developed Property in Green Brook	No
1301	6	82 Deer Run	Ferreira, Mario & Maria	R-R		0.08	0	0.08	Part of Developed Property in Green Brook	No
1301	7	94 Deer Run	Clarke, James G	R-R		0.07	0	0.07	Part of Developed Property in Green Brook	No
1301	8	100 Deer Run	Holder, Janus	R-R		0.11	0	0.11	Part of Developed Property in Green Brook	No
1301	9	120 Deer Run	Mc Lenithan, Gordon J & Doris	R-R		0.06	0	0.06	Part of Developed Property in Green Brook	No
1601	11.02	13 Cain Circle	Lanman, Michael P. & Barbara	R-R		0.04	0	0.04	Part of Developed Property in Green Brook	No
1603	16	45 Winter Lane	Rajiyah Family Limited Partnership	R-R		1.40	0	1.40	Potential Infill Development	No
1604	17.01		Borough of Watchung	B-A	Wetlands, Riparian	0.38	0.33	0.05	Undevelopable due to irregular shape and environmental constraints	No
1604	19		Borough of Watchung	B-A	Wetlands, Riparian	0.10	0.10	0.00	Undevelopable due to irregular shape and environmental constraints	No

Borough of Watchung

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Include in RDP
1801	1.01	Washington Drive	Borough of Watchung	R-B	Wetlands	0.05	0.01	0.04	Undevelopable due to irregular shape and environmental constraints	No
2803	7.04	12 Glen View Drive	Mang, Ella J	R-R	Steep Slopes	0.79	0.79	0.00	Part of Developed Property in Warren Twp	No
2803	7.05	10 Glen View Drive	Fox, Danielle	R-R	Steep Slopes	0.93	0.93	0.00	Part of Developed Property in Warren Twp	No
2804	5	9 Glen View Drive	Luo, Shiuh John & Hu, Chiachi Angela	R-R		0.08	0	0.08	Part of Developed Property in Warren Twp	No
4001	6.01	17 Falls View	Jelmert, Cynthia Lee & Trevor A	R-A	Steep Slopes	0.62	0.15	0.47	Potential Infill Development	No
4001	6.04	23 Falls View	Whitting, Philip C & Dorothy F	R-A	Steep Slopes	0.56	0.29	0.27	Potential Infill Development	No
4003	5.01	175 Park Place	Anisko, Joseph & Eugenia	R-R	Steep Slopes	1.41	1.30	0.11	Existing Flag Lot, Potential Infill Development	No
4101	1	High Oaks Drive	Segerson, James P	R-R		0.21	0	0.21	Part of Developed Property in Warren Twp	No
4102	13	94 Old Smalleytown Road	Masch, Victor & Marina	R-R		0.30	0	0.30	Part of Developed Property in Warren Twp	No
4303	1	115 Crestwood Drive	Sit, Cho-Wei & Helena	R-R	Steep Slopes	0.48	0.18	0.30	Part of Developed Property in Warren Twp	No
4303	12	336 Hillcrest Road	Cahoon, Samuel C & Julia	R-R		0.24	0	0.24	Part of Developed Property in Warren Twp	No
4308	1.01	20 Sunbright Road	Popik, Jean J	R-R	Riparian	1.17	0.07	1.10	Included in Prior Round RDP	No
4309	8	106 Old Somerset Road	Reilly, George / Mahlstedt Donna	R-R	Steep Slopes	0.85	0.85	0.00	Undevelopable due to environmental constraints	No
4402	4	65 Gallowae	Badin, Zahia	R-M-L IV	Steep Slopes	0.93	0.87	0.06	Undevelopable due to environmental constraints	No
4601	2	Somerset Street	Colson, Andrew E & Maribel	R-R	Water, SFHA, Steep Slopes, Riparian	1.11	1.11	0.00	Undevelopable due to environmental constraints	No
4801	1	Johnston Drive	Valley Nat Bank Property Mgmt Dept	B-A	SFHA	0.03	0.00	0.03	Part of Development in North Plainfield	No
4901	5	430 Watchung Avenue	Koza, Joseph & Julia	R-B		0.03	0	0.03	Part of Development in North Plainfield	No
4901	6	72 Johnston Drive	Unknown	R-B		0.09	0.00	0.09	Undevelopable due to irregular shape	No
5001	1	92 Johnston Drive	Orrico, Russell A & Anna Marie	R-B		0.05	0.00	0.05	Part of Development in North Plainfield	No
5001	2	105 Johnston Drive Ext	Craig, Alicyn B	R-B		0.05	0.00	0.05	Part of Development in North Plainfield	No

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Include in RDP
5001	3	109 Johnston Drive Ext	Taliwag Realty, LLC	R-B	Steep Slopes	0.06	0.00	0.06	Part of Development in North Plainfield	No
5001	4	113 Johnston Drive Ext	Arpaia, Giovanni & Philomena	R-B	Steep Slopes	0.08	0.02	0.06	Part of Development in North Plainfield	No
5002	1	140 Johnston Drive Ext	Mossuto Gerrard / Tomeyk Stacie	R-B		0.03	0.00	0.03	Part of Development in North Plainfield	No
5002	2	148 Johnston Drive Ext	Simcik, Stanislav	R-B		0.09	0.00	0.09	Part of Development in North Plainfield	No
5402	1	8 West Drive	Ndungu, James M	R-R		0.44	0.00	0.44	Part of Development in North Plainfield	No
5402	2	20 West Drive	Home Properties No Plainfield LLC	R-R		0.23	0.00	0.23	Part of Development in North Plainfield	No
5402	10	448 Johnston Drive	Long, Henry	R-R	Steep Slopes	1.67	1.67	0.00	Undevelopable due to environmental constraints	No
5601	1	28 East Drive	Regency Village C/O C & R Realty	R-M-L I		0.16	0.00	0.16	Part of Development in North Plainfield	No
5701	6.01	Route 22	Borough of Watchung	H-D	Steep Slopes	6.86	5.61	1.25	East Drive 100% Affordable Site	Yes
5801	3	Route 22	Watchung VF LLC	L-I	Wetlands, Steep Slopes	3.19	2.74	0.45	Undevelopable due to environmental constraints	No
5901	3	Route 22	Watchung VF LLC	L-I	Wetlands, Steep Slopes	11.30	7.82	3.48	Undevelopable due to limited access and environmental constraints	No
6001	3	Route 22	Watchung VF LLC	L-I	Wetlands, Steep Slopes	5.15	3.68	1.47	Undevelopable due to limited access and environmental constraints	No
6401	1.02	908 Johnston Drive	Watchung VF LLC	R-R	Steep Slopes	6.78	6.21	0.57	Undevelopable due to limited access and environmental constraints	No
6402	2.03	Route 22	Watchung VF LLC	L-I	Wetlands, Steep Slopes	1.19	0.85	0.34	Undevelopable due to limited access and environmental constraints	No
6402	2.04	Route 22	Watchung VF LLC	L-I	Wetlands, Steep Slopes	2.60	1.77	0.83	Undevelopable due to limited access and environmental constraints	No
6402	13	1040 Johnston Drive	Long Henry M C/O Audio 22	R-R	Steep Slopes	1.54	1.54	0.00	Undevelopable due to limited access and environmental constraints	No
6404	2.03	Route 22	Levin Properties LP	R-R	Steep Slopes	3.41	2.80	0.61	Buffer to Blue Star shopping center	No

Borough of Watchung

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Include in RDP
6906	8	845 Johnston Drive	Engelman, Charles H & Lorraine	R-R	Steep Slopes	1.33	1.27	0.06	Undevelopable due to environmental constraints	No
6906	9.01	825 Johnston Drive	Koch, Steven M.	R-R	Steep Slopes	1.47	1.12	0.35	Undevelopable due to environmental constraints	No
6906	13.01	35 Devonshire Lane	Connell, Toni	R-R	Steep Slopes	2.67	0.29	2.38	Included in Prior Round RDP	No
6909	18		De Vito, Vincent P & Valerie	R-R	Steep Slopes, Riparian	2.43	0.98	1.45	Undevelopable due to limited access and environmental constraints	No
7001	2	40 Cardinal Drive	Dughi, Robert C & Maura S	R-R		0.86	0.00	0.86	Tennis court for adjacent residential property	No
7001	5	67 Price Drive	Fechtner, Dr J L & Sondra	R-R	Steep Slopes	1.50	0.10	1.40	Potential Development	Yes
7008	1.03	1041 Plainfield Avenue	Connell Rice & Sugar Co Inc	R-R	SFHA, Riparian	1.19	1.10	0.09	Limited access	No
7008	2	Plainfield Avenue	Lakatos, Peter & Shirley	R-R	SFHA, Riparian	0.59	0.52	0.07	Limited access	No
7008	3	Plainfield Avenue	Aulisio, Constantine T & Concetta	R-R	SFHA, Steep Slopes, Riparian	0.63	0.55	0.08	Limited access	No
7008	4	Plainfield Avenue	Connell Rice & Sugar Co Inc	R-R	SFHA, Steep Slopes, Riparian	0.49	0.48	0.01	Limited access	No
7008	31.03	14 Drift Road	Santiago, Hermes O & Maria I	R-R		0.52	0.00	0.52	Limited access	No
7009	4.01	205 Parlin Lane	Benigno, Louise A Trust	R-R		1.59	0.00	1.59	Potential Development	Yes
7010	1	Drift Road	Albert, Henry F & Maria E	R-R		0.02	0.00	0.02	Inaccessible	No
7010	2	Drift Road	Berlant, Robert D C/O Assoc. Realty	R-R	SFHA, Riparian	2.11	0.68	1.43	Inaccessible	No
7010	3	Drift Road	Berlant, Robert D	R-R		0.59	0.00	0.59	Inaccessible	No
7010	4.01	Drift Road	Beckerman, Jeffrey Scott	R-R	SFHA, Riparian	2.44	2.04	0.40	Inaccessible	No
7010	4.02	Drift Road	Beckerman, Jeffrey Scott	R-R	SFHA, Riparian	2.79	0.53	2.26	Inaccessible	No
7012	2	Plainfield Avenue	Borough of Watchung	R-R	SFHA	1.17	0.41	0.76	Undevelopable due to irregular shape and environmental constraints	No
7402 7403	19.01, 19.02, 5, 10	Bonnie Burn Rd	Karka Investments Inc, Phillips Properties, (BNE Real Estate Group-Contract Purchaser)	R-M-L II	Wetlands	41.03	11.60	29.43	Potential Development	Yes
7403	17	1353 Johnston Drive	Giava, John S	R-R	Steep Slopes	1.35	0.02	1.33	Included in Prior Round RDP	No

Borough of Watchung

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Include in RDP
7403	18	Johnston Drive	Weldon Materials Inc	R-R	Steep Slopes	1.46	0.28	1.18	Included in Prior Round RDP	No
7501	1	Valley Road	Connell Company	R-R	Wetlands, SFHA, Steep Slopes	14.18	14.18	0.00	Undevelopable due to environmental constraints	No
7501	2	1085 Valley Road	The Connell Company	R-R	Wetlands	0.88	0.88	0.00	Undevelopable due to environmental constraints	No
7501	3	1125 Valley Road	Connell Rice & Sugar Co Inc	R-R	Wetlands, SFHA, Steep Slopes	3.05	2.58	0.47	Undevelopable due to environmental constraints	No
7501	4	1201 Valley Road	Connell Corporate Center I LLC	R-R	Wetlands, SFHA, Steep Slopes	1.35	0.96	0.39	Undevelopable due to environmental constraints	No
7501	5	1201 Valley Road	Connell Corporate Center I LLC	R-R	Wetlands, SFHA, Steep Slopes	2.96	1.23	1.73	Undevelopable due to irregular shape and environmental constraints	No
7501	7	Valley Road	50 Connell Corporate Center LLC	R-R	Wetlands, SFHA	2.72	2.61	0.11	Undevelopable due to irregular shape and environmental constraints	No
7502	1	Valley Road	Connell Company	R-R		0.56	0.00	0.56	Potential Infill Development	No
7601	3		Weldon Materials Inc	L-I		1.04	0.00	1.04	Quarry	No
7601	4	New Providence Road	Weldon Materials Inc	L-I	Steep Slopes	24.88	19.03	5.85	Quarry	No
7601	5	New Providence Road	Weldon Materials Inc	L-I	SFHA, Steep Slopes	63.51	20.99	42.52	Quarry	No
7601	6	154 Bonnie Burn Road	Seven Acres Land Corp	R-R	Steep Slopes, Wetlands	6.88	2.19	4.69	Quarry	No
7601	7		Weldon Materials Inc	B-A	Wetlands	0.77	0.76	0.01	Quarry	No
7601	8	264 Bonnie Burn Road	Weldon Materials Inc	B-A	Wetlands Steep Slopes	2.98	0.94	2.04	Quarry	No
7601	9.01	Bonnie Burn Road	Weldon Materials Inc	L-I	Steep Slopes	6.89	0.07	6.82	Quarry	No
7601	10	230 Bonnie Burn Road	Weldon Materials Inc	B-A		2.48	0.00	2.48	Quarry	No
7601	11		Weldon Materials Inc	B-A		1.16	0.00	1.16	Quarry	No
7601	12.01		Weldon Materials Inc	R-R		0.85	0.00	0.85	Quarry	No
7601	12.02	334 Bonnie Burn Road	Weldon Materials Inc	L-I		2.37	0.00	2.37	Quarry	No
7601	14		Weldon Materials Inc	R-R		0.91	0.00	0.91	Quarry	No
7601	15	368 Bonnie Burn Road	Weldon Materials Inc	R-R	Steep Slopes	0.60	0.19	0.41	Quarry	No
7601	17		Weldon Materials Inc	R-R		0.49	0.00	0.49	Quarry	No
7601	18		Weldon Materials Inc	R-R	Steep Slopes	1.37	0.45	0.92	Quarry	No
7601	19	1060 Valley Road	Weldon Materials Inc	L-I	Steep Slopes	1.11	0.29	0.82	Quarry	No
7601	20	Valley Road	Weldon Materials Inc	L-I	Steep Slopes	44.71	15.48	29.23	Quarry	No
7601	21		Weldon Materials Inc	R-R	Steep Slopes	1.65	0.92	0.73	Quarry	No

Borough of Watchung

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Include in RDP
7601	22	1246 Valley Road	Weldon Materials Inc	L-I	Steep Slopes	0.50	0.03	0.47	Quarry	No
7601	23		Weldon Materials Inc	R-R	Steep Slopes	1.26	0.56	0.70	Quarry	No
7601	24.01		Weldon Materials Inc	L-I	Steep Slopes	2.28	0.48	1.80	Quarry	No
7601	24.02		Weldon Materials Inc	L-I		0.59		0.59	Quarry	No
7601	25	Valley Road Ext	Weldon Materials Inc	R-R	Steep Slopes, Riparian	6.65	2.06	4.59	Quarry	No
7601	26	Valley Road Ext	Weldon Materials Inc	L-I	Steep Slopes	4.73	0.84	3.89	Quarry	No
7601	27	1308 Valley Road Ext	Weldon Materials Inc.	L-I	Steep Slopes, Riparian	9.25	1.05	8.20	Quarry	No
7601	28	New Providence Road	Weldon Materials Inc	L-I	Water, SFHA, Steep Slopes, Riparian	12.64	9.62	3.02	Quarry	No
7601	29	New Providence Road	Weldon Materials Inc	L-I	Steep Slopes, Riparian	0.52	0.50	0.02	Quarry	No
7801	1	100 Union Avenue	100 Union Avenue Holdings LLC	L-I	Water, Wetlands, SFHA, Riparian as per 2009 Site Plan	2.19	1.79	0.40	Potential Infill Development	No
7801	2	64 New Providence Road	Weldon Materials Inc	L-I	Steep Slopes, Riparian	0.32	0.02	0.30	Quarry	No
7801	3	80 New Providence Road	Weldon Materials Inc.	L-I	Steep Slopes, Riparian	0.21	0.09	0.12	Quarry	No
7801	4	New Providence Road	Weldon Materials Inc	L-I	Water, SFHA, Riparian	1.71	1.36	0.35	Quarry	No
7801	5	New Providence Road	Weldon Materials Inc	L-I	SFHA, Riparian	1.66	0.63	1.03	Quarry	No
7801	6	New Providence Road	Weldon Materials Inc	L-I	Water, SFHA, Riparian	0.56	0.31	0.25	Quarry	No
7801	7	New Providence Road	Cey Inc Acctpay Dept 10 16 41	L-I	Water, SFHA, Riparian	1.83	1.35	0.48	Undevelopable due to irregular shape and environmental constraints	No
7801	8	New Providence Road	Cey Inc Acc Pay Dept 10 16 41	L-I	Water, SFHA, Steep Slopes, Riparian	0.57	0.36	0.21	Undevelopable due to irregular shape and environmental constraints	No

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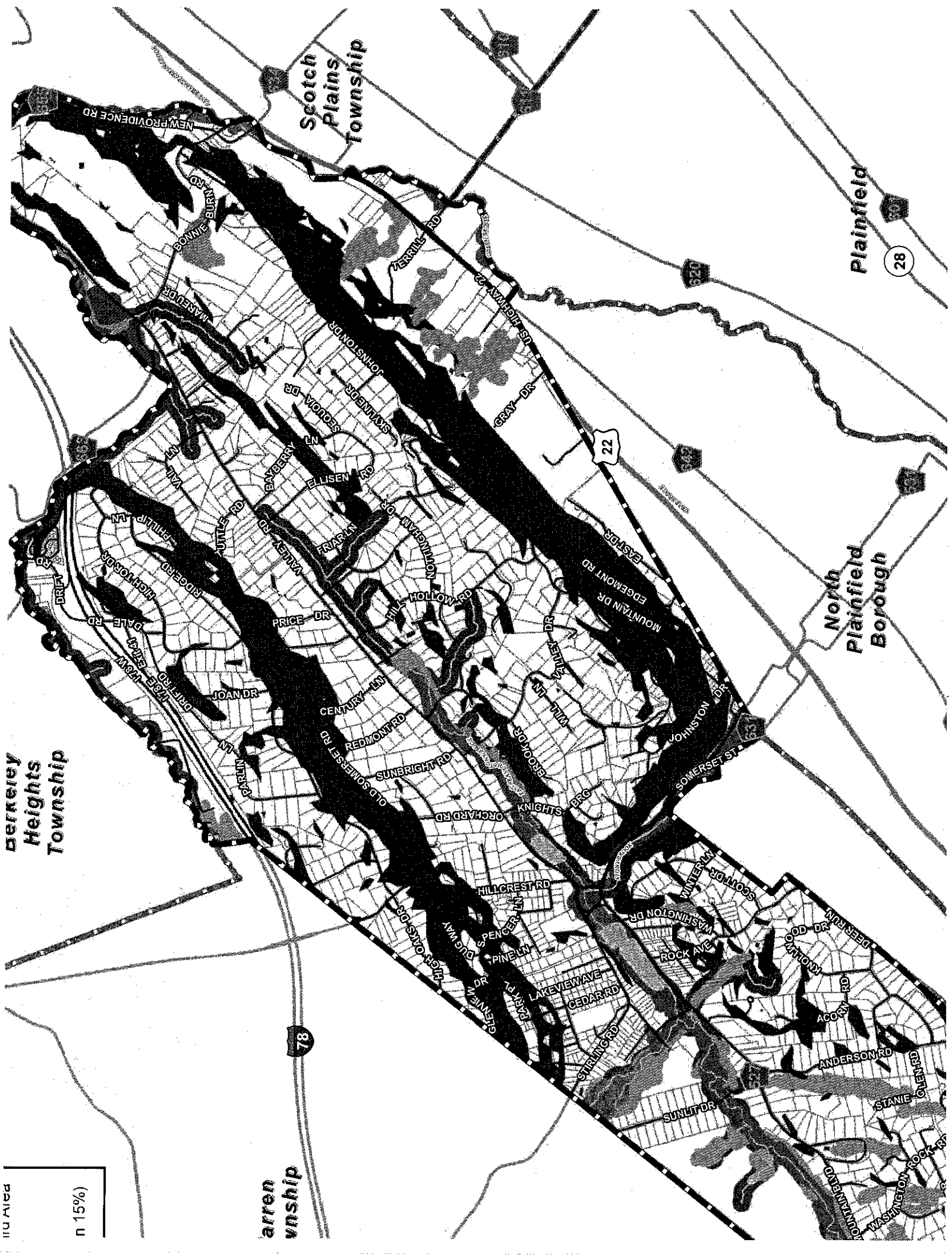
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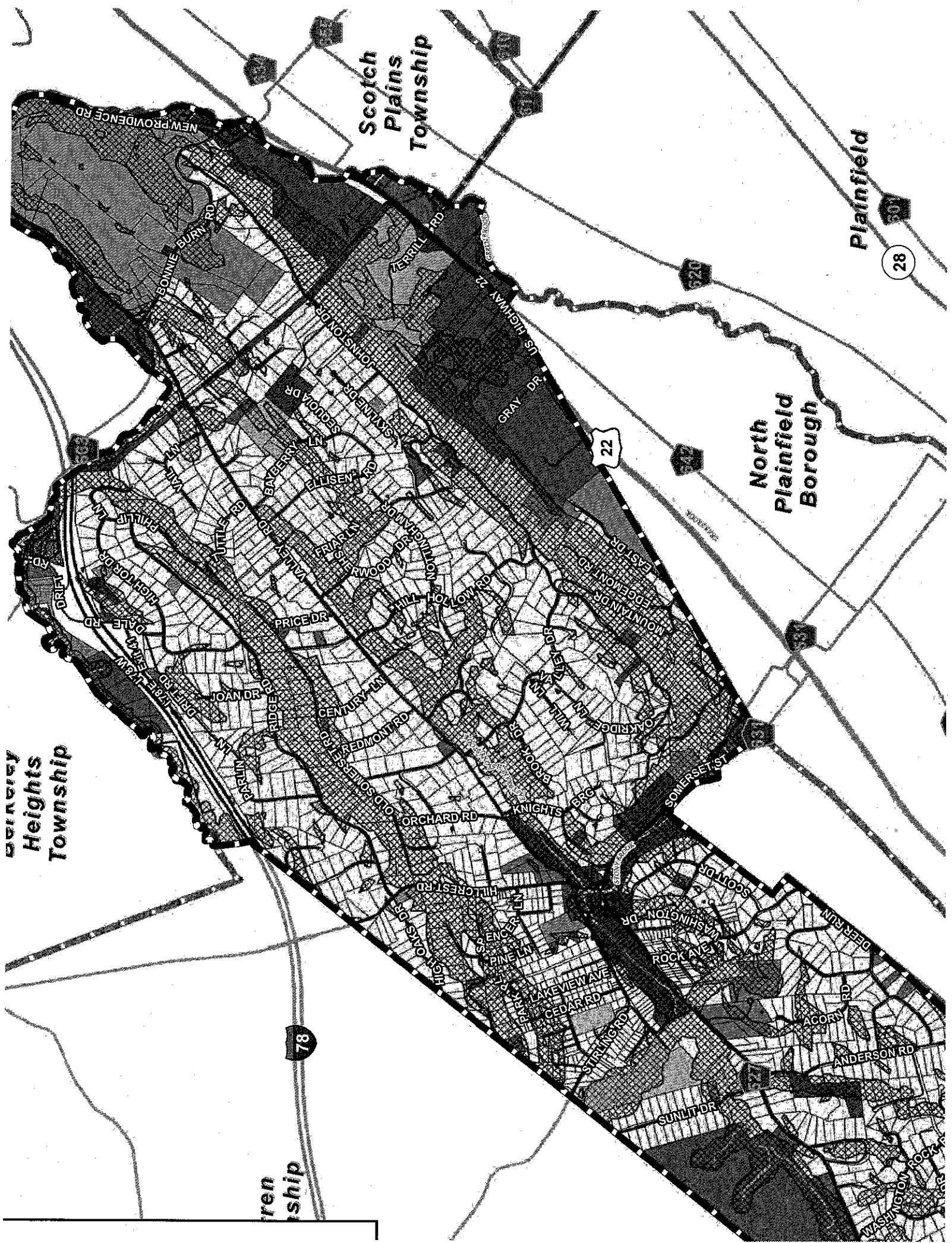
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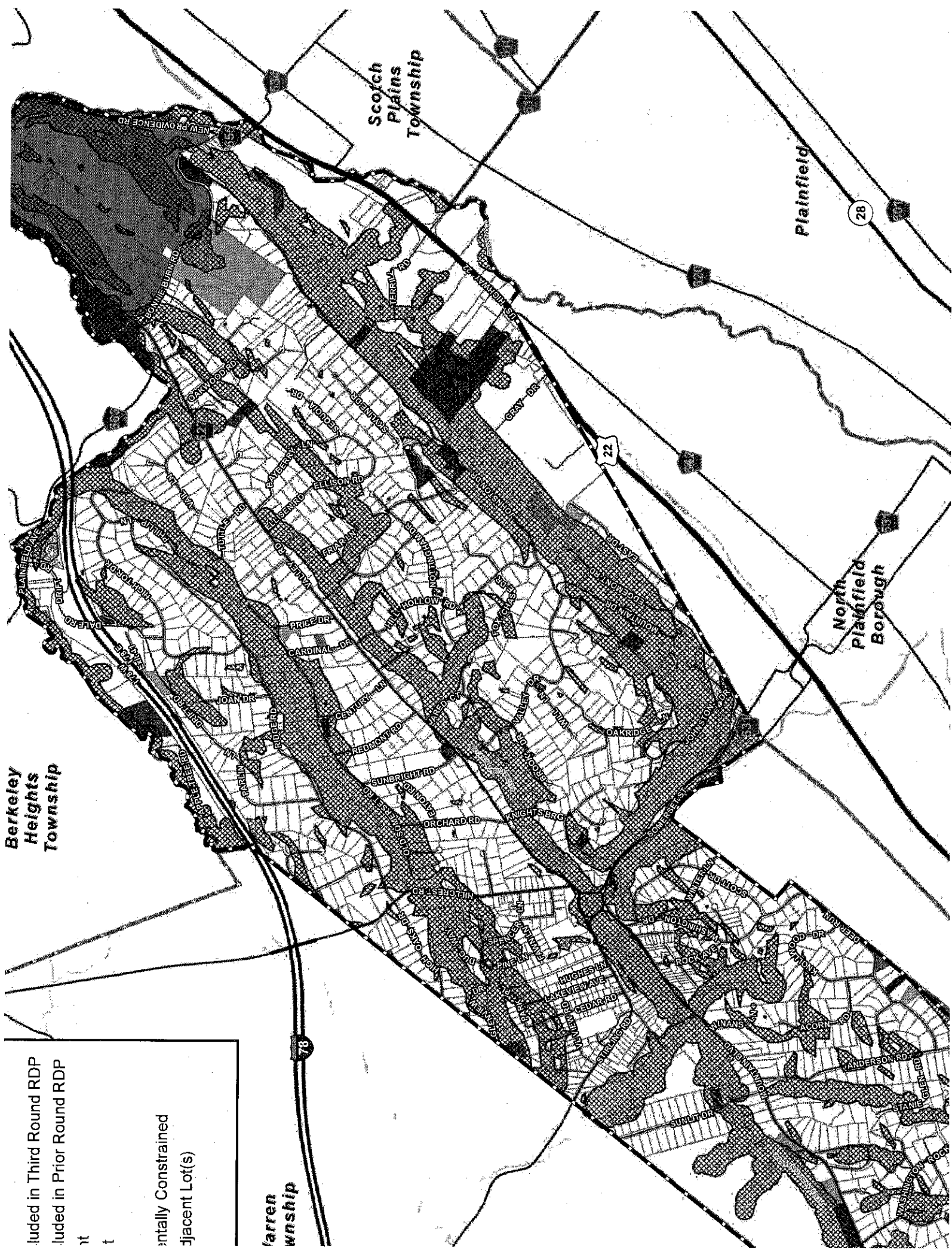
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Berkeley
Heights
Township

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Warren
Township

Included in Third Round RDP
Included in Prior Round RDP
Initially Constrained
Adjacent Lot(s)

EXHIBIT C: 2017 INCOME LIMITS

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - August 2017

2017 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

		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	\$60,271	\$64,576	\$68,882	\$77,492	\$86,102	\$89,546	\$92,990	\$99,878	\$106,766	\$113,655	1.7%	1.99%	\$166,493
	Moderate	\$48,217	\$51,661	\$55,105	\$61,993	\$68,882	\$71,637	\$74,392	\$79,903	\$85,413	\$90,924			
	Low	\$30,136	\$32,288	\$34,441	\$38,746	\$43,051	\$44,773	\$46,495	\$49,939	\$53,383	\$56,827			
	Very Low	\$18,081	\$19,373	\$20,664	\$23,248	\$25,831	\$26,864	\$27,897	\$29,963	\$32,030	\$34,096			
Region 2 Essex, Morris, Union and Warren	Median	\$65,953	\$70,663	\$75,374	\$84,796	\$94,218	\$97,987	\$101,755	\$109,293	\$116,830	\$124,368	1.7%	3.25%	\$180,756
	Moderate	\$52,762	\$56,531	\$60,299	\$67,837	\$75,374	\$78,389	\$81,404	\$87,434	\$93,464	\$99,494			
	Low	\$32,976	\$35,332	\$37,687	\$42,398	\$47,109	\$48,993	\$50,878	\$54,646	\$58,415	\$62,184			
	Very Low	\$19,785	\$21,199	\$22,612	\$25,439	\$28,265	\$29,396	\$30,527	\$32,788	\$35,049	\$37,310			
Region 3 Hunterdon, Middlesex and Somerset	Median	\$73,780	\$79,050	\$84,320	\$94,860	\$105,400	\$109,616	\$113,832	\$122,264	\$130,696	\$139,128	1.7%	0.38%	\$200,698
	Moderate	\$59,024	\$63,240	\$67,456	\$75,888	\$84,320	\$87,693	\$91,066	\$97,811	\$104,557	\$111,302			
	Low	\$36,890	\$39,525	\$42,160	\$47,430	\$52,700	\$54,808	\$56,916	\$61,132	\$65,348	\$69,564			
	Very Low	\$22,134	\$23,715	\$25,296	\$28,458	\$31,620	\$32,885	\$34,150	\$36,679	\$39,209	\$41,738			
Region 4 Mercer, Monmouth and Ocean	Median	\$66,022	\$70,738	\$75,454	\$84,885	\$94,317	\$98,090	\$101,862	\$109,408	\$116,953	\$124,498	1.7%	1.53%	\$177,413
	Moderate	\$52,817	\$56,590	\$60,363	\$67,908	\$75,454	\$78,472	\$81,490	\$87,526	\$93,562	\$99,599			
	Low	\$33,011	\$35,369	\$37,727	\$42,443	\$47,158	\$49,045	\$50,931	\$54,704	\$58,476	\$62,249			
	Very Low	\$19,807	\$21,221	\$22,636	\$25,466	\$28,295	\$29,427	\$30,559	\$32,822	\$35,086	\$37,349			
Region 5 Burlington, Camden and Gloucester	Median	\$58,240	\$62,400	\$66,560	\$74,880	\$83,200	\$86,528	\$89,856	\$96,512	\$103,168	\$109,824	1.7%	2.09%	\$154,194
	Moderate	\$46,592	\$49,920	\$53,248	\$59,904	\$66,560	\$69,222	\$71,885	\$77,210	\$82,534	\$87,859			
	Low	\$29,120	\$31,200	\$33,280	\$37,440	\$41,600	\$43,264	\$44,928	\$48,256	\$51,584	\$54,912			
	Very Low	\$17,472	\$18,720	\$19,968	\$22,464	\$24,960	\$25,958	\$26,957	\$28,954	\$30,950	\$32,947			
Region 6 Atlantic, Cape May, Cumberland, and Salem	Median	\$51,085	\$54,734	\$58,383	\$65,681	\$72,979	\$75,898	\$78,817	\$84,655	\$90,494	\$96,332	1.7%	0.00%	\$136,680
	Moderate	\$40,868	\$43,787	\$46,706	\$52,545	\$58,383	\$60,718	\$63,054	\$67,724	\$72,395	\$77,066			
	Low	\$25,543	\$27,367	\$29,192	\$32,840	\$36,489	\$37,949	\$39,409	\$42,328	\$45,247	\$48,166			
	Very Low	\$15,326	\$16,420	\$17,515	\$19,704	\$21,894	\$22,769	\$23,645	\$25,397	\$27,148	\$28,900			

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

**This column is used for calculating the pricing for rent increases for units as per N.J.A.C. 5:97-9.3. The increase for 2015 was 2.3%, the increase for 2016 was 1.1% and the increase for 2017 is 1.7% (Consumer price Index for All Urban Consumers (CPI-U): Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015 or 2016 may increase rent by up to the applicable combined percentage from their last rental increase for that unit. In no case can rent for any particular apartment be increased more than one time per year.

*** This column is used for calculating the pricing for resale increases for units as per N.J.A.C. 5:97-9.3. As per 5:97-9.3.(b), The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

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.

Note: Since the Regional Income Limits for Region 6 in 2016 were higher than the 2017 calculations, the 2016 income limits will remain in force for 2017. See N.J.A.C. 5:97-9.2(c).

**September 29, 2018 Order on Fairness and Preliminary Compliance Hearing,
Superior Court of New Jersey, Law Division, Somerset County
Docket No. SOM-L-902-15 (Mount Laurel)**

Attorney ID: 016211980
Our File No.: C22168(AEC)

**DiFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.**
15 Mountain Boulevard
Warren, New Jersey 07059-5686
(908) 757-7800
Attorneys for Borough of Watchung

IN THE MATTER OF THE BOROUGH	:	SUPERIOR COURT OF NEW JERSEY
OF WATCHUNG FOR A JUDGMENT	:	LAW DIVISION: SOMERSET COUNTY
OF COMPLIANCE OF ITS THIRD	:	DOCKET NO.: SOM-L-902-15
ROUND HOUSING ELEMENT AND	:	
FAIR SHARE PLAN	:	(MOUNT LAUREL)
	:	
	:	Civil Action
	:	
	:	
	:	ORDER ON FAIRNESS AND
	:	PRELIMINARY COMPLIANCE HEARING
	:	

THIS MATTER having been opened to the Court by DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., attorneys for the Borough of Watchung ("Borough"), Albert E. Cruz, Esq., appearing, in the presence of Joshua D. Bauers, Esq., attorney for Interested Party, Fair Share Housing Center, Inc. ("FSHC"), by way of Fairness and Preliminary Compliance Hearing held on August 9, 2018 pursuant to and in accordance with East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996); and sufficient notice of this hearing having been given in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV") and Morris County Fair Housing

Council v. Boonton Tp., 197 N.J. Super. 359 (Law Div. 1984); and the Court having considered the report dated August 6, 2018 and the testimony of the Court-appointed Special Master, Francis J. Banisch III, PP, AICP, the testimony of the Borough's Planner, Marcia R. Shiffman, PP, AICP, LLA, and the Court having considered the Settlement Agreement entered into between the Borough and FSHC last signed June 7, 2018; and the Court having considered the testimony and presentations of the Borough, the Special Master, FSHC at the time of the hearing; and good cause having been shown;

IT IS on this 19th day of September, 2018, **ORDERED** that:

1. The Court finds that: (a) the Settlement Agreement has apparent merit; (b) notice was given to all members of the protected class and others who have an interest in the settlement; (c) a hearing was conducted on the Settlement Agreement where those affected had sufficient time to prepare; and (d) the Settlement Agreement is fair and reasonable to members of the protected class, low and moderate income persons.

2. The Court further finds that the Settlement Agreement between the Borough and FSHC is fair and adequately protects the interests of low and moderate income persons within the Borough's housing region based upon the criteria set forth in

East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996) for approving a settlement of Mount Laurel litigation; and

3. The Court preliminarily finds that the Borough's Planner's testimony regarding the steps to implement the Settlement Agreement is facially constitutionally compliant and provides a fair and reasonable opportunity of at least 180 days from the date of this Order for the Borough to meet its obligation under Mount Laurel IV, including satisfaction of the list of conditions set forth in the Court's Special Master's report of August 6, 2018, attached as Exhibit A, and subject to the Court's approval by way of a Final Compliance Hearing to be held after the one-hundred and eighty (180) day period as hereinafter set forth; and

4. Income limits for all units that are part of the Borough's Housing Element and Fair Share Plan and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls ("UHAC") pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Borough annually within sixty (60) days of the publication of determinations of median income by the United States of America Department of Housing and Urban Development ("HUD") as follows:

(a) Regional income limits shall be established for the region that the Borough is located within based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four (4) is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Borough's housing region. This quotient represents the regional weighted average of median income for a household of four (4). The income limit for a moderate-income unit for a household of four (4) shall be eighty (80%) percent of the regional weighted average median income for a family of four (4). The income limit for a low-income unit for a household of four (4) shall be fifty (50%) percent of the HUD determination of the regional weighted average median income for a family of four (4). The income limit for a very low income unit for a household of four (4) shall be thirty (30%) percent of the regional weighted average median income for a family of four (4). These income limits shall be adjusted by household size based on multipliers used by

HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

(b) The income limits attached as Exhibit B are the result of applying the percentages set forth in paragraph 4(a) above to HUD's determination of median income for FY 2018, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

(c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph 4(a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

5. In establishing sale prices and rents of affordable housing units, the Borough Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established pursuant to the process defined above:

(a) The resale prices of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to paragraph 4 above. In no event shall the maximum resale price established by the Borough Administrative Agent be lower than the last recorded purchase price.

(b) The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine (9%) percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

6. A Final Compliance Hearing is hereby scheduled after one-hundred and eighty (180) days from the date of this Order, by which time the Borough shall have complied with the above-referenced conditions, shall have submitted to the Special Master for review and comment the Borough's Housing Element and Fair Share Plan and all Resolutions and Ordinances required to implement the Housing Element and Fair Share Plan, and shall have provided for the Borough Planning Board to finalize and

adopt the Housing Element and Fair Share Plan and the Borough Council to endorse same and to adopt all necessary effectuating Resolutions and Ordinances; and

7. Prior to or at the Final Compliance Hearing, the designated Redeveloper for Block 74.02, Lots 19.01, 19.02 and Block 73.04, Lots 5 and 10, ("Property"), as shown on the Borough Tax Map, shall file a motion before this Court to remove that deed restriction contained in that Developer's Mount Laurel Agreement, dated August 25, 1988, entered into by Elizabeth Medical Associates, P.A., Pension Trust; Burnheade Associates; Gaetano Avagliano; Richard and Lawrence Zirinsky ("Developers"); Crestwood Coalition for Proper Planning in Watchung; Watchung Coalition and the Borough recorded on October 13, 1988 in the Somerset County Clerk's Office in Book 1705, beginning at page 96, as amended, restricting the development of the Property.

8. The temporary immunity previously granted to the Borough herein is hereby extended until the entry of a Final Judgement of Compliance and Repose in this matter; and

9. The Borough is relieved from any further obligation to contribute to the costs of the Special Methodology Master, Richard Reading; and

10. A copy of this Order shall be served upon all parties on the service list in this matter within five (5) days of the Borough's receipt thereof.

/s/ THOMAS C. MILLER, P.J.Cv.

HONORABLE THOMAS C. MILLER, P.J.Civ.

Opposed

Unopposed

X

Borough of Watchung Affordable Housing Trust Fund Spending Plan

April 2018 Vacant Land Inventory

VACANT LAND INVENTORY

Borough of Watchung
Somerset County, New Jersey

April 2018

Prepared by:



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Table of Contents

Introduction.....	1
Properties Excluded From The Vacant Land Inventory	3
Vacant And Developable Properties	4
Parks & Recreation	5
Active Municipal Recreation	5
Conservation, Parkland & Open Space	7
Conclusion	8
Appendix.....	9
Vacant Land Inventory List	9
Environmental Constraints Map	16
Existing Land Use Map.....	17
Vacant Lands Map	18

Introduction

The Borough of Watchung contains 3,867 acres or about 6 square miles located in the northeastern corner of Somerset County, where it adjoins Union County. Within Somerset County, Watchung is bordered by Warren Township to the west, and North Plainfield Borough and Green Brook Borough to the south. Watchung is also bordered by Union County, including Berkeley Heights Township to the north and Scotch Plains Township and the City of Plainfield to the east. The Borough is also bordered to the north and south by the Watchung Mountains. Mountain Boulevard and Valley Rd traverse the entire Borough from southwest to northeast corner. Interstate 78 crosses through the northern corner and U.S. Route 22 through the southeast corner of the Borough.

Watchung is a developed suburban municipality with little vacant land remaining for new development. This is consistent with the 2001 State Development and Redevelopment Plan Policy Map (last updated August 18, 2015) designation of the entire Borough as PA2 Suburban Planning Area. Environmental constraints affect selective areas in the Borough. Areas containing steep slopes of 15 percent or greater are located along the Watchung Mountains at the north and south of the Borough. Wetlands are primarily located in the floodplains along the Stony Brook and Green Brook stream corridors.

Approximately 37.5 percent or 1,451 acres of Watchung are environmentally constrained, including 384 acres of wetlands and associated buffers, 178 acres within the FEMA Special Flood Hazard Area, 360 acres encumbered by riparian buffers, and 872 acres of steep slopes¹. Watchung Borough has 92.38 acres of preserved open space owned by the municipality or County.

This Vacant Land Inventory is prepared in order to document Watchung Borough's lack of available land capacity, pursuant to N.J.A.C. 5:93-4.2, the New Jersey Council on Affordable Housing ("COAH") Substantive Rules ("COAH's Rules"). As required by COAH's Rules, the Inventory includes the block, lot, address, owner's name, total lot acreage and developable uplands acreage for each property. Also included in this Inventory are the following maps:

1. **Environmental Constraints Map** - showing environmentally sensitive lands that shall be excluded from the vacant land inventory, pursuant to N.J.A.C. 5:93-4.2(e)2, including the following:
 - a. Open water bodies as mapped per NJDEP GIS data.

¹ Environmentally constrained areas do not equal total due to overlapping environmental features.

Borough of Watchung

- b. Freshwater wetlands per NJDEP GIS data. All wetlands were assumed to be of ordinary resource value and were given a 50-foot transition area buffer, with the exception of where a site-specific survey was performed.
 - c. Pursuant to N.J.A.C. 7:13-4.1(c)2, a 150-foot wide riparian buffer was added along any segment of a stream flowing through an area containing Rank 3, 4 & 5 habitat for threatened and endangered species. The NJDEP has verified that the West Branch of the Stony Brook requires a 150 feet riparian zone because of documented habitat for threatened and endangered species. Riparian buffers are shown along the entire length of the West Stony Brook and its tributaries. Also, the portion of the Green Brook to the north of Bonnie Burn Road and along the northerly municipal boundary include a 150-foot riparian buffer; the portion to the south of Bonnie Burn Road has a 50-foot riparian buffer.
 - d. Special Flood Hazard Area (“SFHA”) per FEMA Flood Risk Zone mapping, which includes the AE Zone with 1-percent annual chance of flood.
 - e. Steep slopes of 15 percent or greater as determined by USGS topographic contours or actual topographic data where available.
 - f. It is noted that there are no longer any Category One (C1) streams in Watchung. The Green Brook was reclassified from C1 to FW2-TM.
2. **Existing Land Use Map** - showing the existing land uses of Watchung, displayed by the following classifications: vacant, single-family residential, apartments, commercial, industrial, parkland, other public property, and semi-public properties; also showing environmentally sensitive lands overlay, including wetlands, flood hazard areas, steep slopes, and riparian buffers.
3. **Vacant Lands Map** - showing the vacant lands identified as developable or undevelopable in accordance with COAH’s Second Round Rules.

Properties Excluded From The Vacant Land Inventory

This Vacant Land Inventory is prepared in order to document the lack of available land capacity in Watchung. As required by COAH's Second Round Rules (N.J.A.C. 5:93-4.2), the inventory includes the block, lot, address, owner's name, current zone, total lot acreage, total acreage suitable for development (uplands) and total acreage unsuitable for development (constraints) for each vacant property based on current Borough property tax records (See Vacant Land Inventory in Appendix).

As provided by N.J.A.C. 5:93-4.2.c, lands meeting certain specified criteria may also be excluded from the Inventory. The following criteria were used to further exclude vacant properties from the Inventory:

- Properties owned by a local government entity that are utilized for a public purpose other than housing;
- Vacant contiguous publicly or privately-owned parcels where the merged total could not accommodate at least 5 dwelling units at a minimum density of 6 units per acre (less than 0.83 acres);
- Environmentally sensitive lands, which limits the contiguous developable uplands area to less than 0.83 acres.
- Properties that were included in the Prior Round RDP based on the 1997 Vacant Land Inventory.

Borough of Watchung

Vacant And Developable Properties

After excluding vacant properties per the exclusion criteria mentioned above, there are 9 properties (considering contiguous vacant parcels as one property) remaining in the Borough of Watchung that have a realistic development potential for inclusionary housing. The total developable uplands area of these properties is 42.45 acres. Based on the minimum presumptive density of 6 units per acres, the properties can be developed with a total of 310 units. Assuming a 20 percent affordable housing set-aside (1 affordable unit for each 5 units), the properties would yield a realistic development potential (RDP) of 53 units.

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Potential Units	RDP
301	22, 23	Mountain Blvd	Twin Brooks Country Club	R-R	Wetlands, SFHA	1.25	0.25	1.00	Potential Development	6	1
301	24, 28.02, 28.03	Mountain Blvd	Twin Brooks Country Club	R-R	Wetlands, SFHA, Steep Slopes	3.76	1.88	1.89	Potential Development	11	2
301	31	708 Mountain Blvd	Watchung Associates, L.L.C.	B-A		3.48	0	3.48	Approved Inclusionary Development ^[2]	25	4
1102	1	285 Anderson Rd	Bilenker, Michael E. & Sharyn S.	R-R	Steep Slopes	1.56	0.66	0.90	Potential Development ^[3]	5	1
1102	8	111 Stanie Brae Dr	Lackland, David J	R-R	Steep Slopes	1.68	0.17	1.51	Potential Development	9	1
5701	6.01	East Drive	Borough of Watchung	H-D	Steep Slopes	6.86	5.61 ^[4]	1.25	Potential Development	7	1
7001	5	67 Price Dr	Fechtner, Dr J L & Sondra	R-R	Steep Slopes	1.50	0.10	1.40	Potential Development	8	1
7009	4.01	205 Parlin Ln	Benigno, Louise A Trust	R-R		1.59	0	1.59	Potential Development	9	1

² Approved by Zoning Board for 25-unit inclusionary housing including 4 affordable units.

³ Property was previously included in the RDP as part of the 2010 vacant land study. It was since been developed with a single-family home but still generates an RDP since it was vacant during the Third Round period.

⁴ Based on topographic maps for the Borough of Watchung, Somerset County, New Jersey, dated April 29, 1972, prepared by Michael S. Kachorsky & Associates, Civil Engineers, Manville, New Jersey.

Borough of Watchung

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Potential Units	RDP
7402 7403	19.01, 19.02, 5, 10	Bonnie Burn Rd	Karka Investments Inc, Phillips Properties, (BNE Real Estate Group- Contract Purchaser)	R-M- L II	Wetlands	41.03 ^[5]	11.60	29.43	Potential Development	230	41 ^[6]
Total						62.71	20.27	42.45		310	53

Parks & Recreation

According to N.J.A.C. 5:93-4.2(e)(4), Watchung Borough may reserve up to 3 percent of the total developed and developable acreage (acreage of lands not constrained by wetlands, flood hazard areas, or steep slopes) for active municipal recreation and up to 3 percent of the municipality's total land area for conservation, parklands and open space. This provision allows Watchung Borough to reserve vacant and developable properties for active recreation or conservation, thus excluding the site or sites from the Vacant Land Inventory.

Active Municipal Recreation

Based on the Recreation and Open Space Inventory (ROSI)⁷, the Borough of Watchung currently owns 9 properties for active municipal recreation use, with a total unconstrained area of 24.88 acres.

⁵ Based on property survey.

⁶ BNE property is planned as an inclusionary housing development, consisting of 230 apartments of which 46 are affordable units. The Third Round RDP includes 41 units and the remaining 5 affordable units address the Prior Round obligation.

⁷ NJDEP Green Acres Program, Open Space Database, current as of 6/24/14. <http://www.state.nj.us/dep/greenacres/openspace.html>

Borough of Watchung

Block	Lot	Address	Owner	Facility Name	Total Acres	Constrained Acres	Buildable Acres
301	29	666 Mountain Blvd	Borough of Watchung	Ness	19.46	6.15	13.31
1604	18	973-975 Somerset St	Borough of Watchung	Park/Memorial	0.12	0.06	0.05
2401	1.01	129 Stirling Rd	Borough of Watchung	Watchung Lake	19.62	18.90	0.73
2401	4.01	40 Brookdale Rd	Borough of Watchung	Watchung Lake	3.30	2.32	0.98
2401	4.02		Borough of Watchung	Watchung Lake	0.30	0.30	0.00
4401	8.01	Valley Rd	Borough of Watchung	Best Lake	0.36	0.26	0.10
4401	8.02	Valley Rd	Borough of Watchung	Best Lake	8.36	7.67	0.69
4701	1	770 Somerset St	Borough of Watchung	Veterans Memorial	0.10	0.10	0.00
6908	22	60 Sequoia Dr	Borough of Watchung	Camp Endeavor	9.19	0.18	9.02
Total					60.81	35.94	24.88

There are 2,415.85 acres of developable and developed lands (not constrained by wetlands, flood hazard area, riparian buffers or steep slopes) in Watchung. The current active recreation properties result in 1.03% of the total developed and developable lands. An additional 47.6 acres of land may be reserved for active municipal recreation and excluded from the RDP, provided that any such sites must be designated for recreational purposes in the Borough Master Plan.

Active Recreation Calculations		
Total Developed & Developable Land Area in Watchung Borough	2,415.85	100%
÷ 3 percent		
= Total Potential Park & Recreation Reserve	72.48	3.00%
- Existing Active Park & Recreation Land Area	24.88	1.03%
= Land Available for Additional Reserve	47.60	1.97%

Borough of Watchung

Conservation, Parkland & Open Space

There are currently 31.56 acres of undeveloped lands held for conservation purposes within the Borough of Watchung.

Block	Lot	Address	Owner	Facility Name	Total Acres	Constrained Acres	Buildable Acres
802	1.01	60 Anderson Rd	Borough of Watchung	Anderson Rd	9.77	6.76	3.01
1604	15.03	997-1001 Somerset St	Borough of Watchung	Village Green	0.17	0.17	0.00
1604	20.02	Somerset St	Borough of Watchung	Stony Brook	3.10	3.07	0.03
1604	20.03	Somerset St	Borough of Watchung	Stony Brook	7.09	7.04	0.05
5201	3.02	Johnston Dr	Borough of Watchung	Johnston Dr	0.13	0.13	0.00
5401	1	Edgemont Rd	Borough of Watchung	Mountain & Edgemont	0.04	0.01	0.03
7007	1	380 Phillip Ln	Borough of Watchung	Phillip Ln	1.62	1.26	0.36
7008	30	2 Drift Rd	Borough of Watchung	Drift Rd	2.22	1.74	0.48
7701	3	New Providence Rd	Union County Park Commission	Watchung Reservation	2.34	1.51	0.83
7801	5	New Providence Rd	Weldon Materials Inc	Watchung Reservation	1.66	0.30	1.36
7801	7	New Providence Rd	Cey Inc Acc Pay Dept 10 16 41	Watchung Reservation	1.83	1.35	0.48
7801	8	New Providence Rd	Cey Inc Acc Pay Dept 10 16 41	Watchung Reservation	0.57	0.36	0.21
7801	9	New Providence Rd	Union County Park Commission	Watchung Reservation	1.02	0.37	0.65
Total					31.56	24.07	7.49

In determining the amount of land which may be designated for conservation, parkland and open space, the amount of existing lands are subtracted from 3 percent of Watchung Borough's total land area. The Borough of Watchung contains approximately 3,867 acres within its borders. The current conservation properties result in 0.82% of the total land area in Watchung. An additional 84 acres of land may be reserved for conservation and excluded from the RDP, provided that any such sites must be designated for recreational purposes in the Borough Master Plan.

Conservation, Parkland & Open Space Calculations			
Total Land Area in Watchung Borough	3,867	100%	
÷ 3 percent			
= Total Potential Conservation, Parkland & Open Space Reserve	116.01	3.00%	
- Existing Conservation, Parkland & Open Space Area	31.58	0.82%	
= Land Available for Additional Reserve	84.43	2.18%	

Conclusion

After excluding properties by the specified criteria provided in COAH's Second Round Rules, there are 9 properties (considering contiguous vacant parcels as one property) remaining in Watchung Borough that are vacant and potentially developable for inclusionary housing or have been approved for inclusionary housing. As stated in N.J.A.C. 5:93-4.2(f), the presumptive density for these vacant and developable lands is assumed at 6 units per acre, and the maximum presumptive set-aside is 20 percent. Accordingly, the properties can be developed with a total of 310 units, resulting in a realistic development potential (RDP) of 53 units.

Watchung Borough's Unmet Affordable Housing Need is the pre-credited affordable housing obligation minus credits of affordable units. Watchung Borough is still required to provide a development strategy that would meet its Unmet Affordable Housing Needs.

Appendix

Vacant Land Inventory List

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Include in RDP
101	1	816 Mountain Blvd	Sipos, Steven A	R-R		0.10	0.00	0.10	Part of Developed Property in Warren Twp	No
101	2		Sipos, Steven A	R-R		0.28	0.00	0.28	Part of Developed Property in Warren Twp	No
101	3	800 Mountain Blvd	JCPL C/O Fe Serv Tax Dept	R-R		0.21	0.00	0.21	Public Utility	No
101	4	1 Helen Street	Lyons, Steven B.	R-R		0.18	0.00	0.18	Part of Developed Property in Warren Twp	No
102	7	5 Mountain Court	Willett, Robert L & Laura Rees	R-R		0.31	0.00	0.31	Part of Developed Property in Warren Twp	No
102	8	6 Mountain Court	Schultz Jr, William & Mercedes	R-R		0.74	0.00	0.74	Part of Developed Property in Warren Twp	No
301	3	225 Sunlit Drive	Cronheim, Marion Z	R-R		0.01	0.00	0.01	Part of Developed Property in Warren Twp	No
301	22, 23	Mountain Blvd	Twin Brooks Country Club L P	R-R	Wetlands, Riparian	1.25	0.25	1.00	Potential Development	Yes
301	24, 28.02, 28.03	Mountain Blvd	Twin Brooks Country Club	R-R	Wetlands, SFHA, Steep Slopes	3.76	1.88	1.89	Potential Development	Yes
301	28.05		Twin Brooks Country Club L P	R-R	Wetlands, SFHA, Riparian	0.65	0.65	0.00	Undevelopable due to environmental constraints	No
301	28.06		Twin Brooks Country Club L P	R-R	Wetlands, SFHA, Riparian	0.60	0.60	0.00	Undevelopable due to environmental constraints	No
301	28.07		Twin Brooks Country Club L P	R-R	Wetlands, SFHA, Riparian	0.61	0.61	0.00	Undevelopable due to environmental constraints	No
301	28.08		Twin Brooks Country Club L P	R-R	Wetlands, SFHA, Riparian	0.62	0.62	0.00	Undevelopable due to environmental constraints	No
301	28.09		Twin Brooks Country Club L P	R-R	Wetlands, SFHA, Riparian	0.58	0.57	0.01	Undevelopable due to environmental constraints	No
301	31	708 Mountain Blvd	Watchung Associates, L.L.C.	B-A		3.48	0.00	3.48	Approved Inclusionary Development	Yes
302	10	24 Sunlit Drive	Schaefer, John F & Teresa	R-R	Wetlands, SFHA, Steep Slopes, Riparian	1.31	1.31	0.00	Undevelopable due to environmental constraints	No
302	24	234 Sunlit Drive	Simon, Jeffrey	R-R	Wetlands, SFHA, Riparian	0.02	0.02	0.00	Part of Developed Property in Warren Twp	No

Borough of Watchung

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Include in RDP
302	28.01		Twin Brooks Country Club L P	R-R	Wetlands, SFHA, Riparian	0.11	0.11	0.00	Undevelopable due to environmental constraints	No
403	11.05	9 Kappelmann Drive	Kenneth F. Kunzman, Trustee	R-R		0.40	0.00	0.40	Part of Developed Property in Green Brook	No
1102	1	285 Anderson Rd	Bilenker, Michael E. & Sharyn S.	R-R	Steep Slopes	1.56	0.66	0.90	Potential Development	Yes
1102	8	111 Stanie Brae Drive	Lackland, David J. & Jennifer	R-R	Steep Slopes	1.68	0.17	1.51	Potential Development	Yes
1102	10	6 Deer Run	Sisto, John M & Elizabeth	R-R	Steep Slopes	1.24	0.00	1.24	Included in Prior Round RDP	No
1102	13	16 Deer Run	Neaman, Ira & Judith	R-R	Steep Slopes	0.89	0.09	0.80	Part of Developed Property in Green Brook	No
1301	1	28 Deer Run	Neaman, Ira & Judith	R-R		0.30	0	0.30	Part of Developed Property in Green Brook	No
1301	2	36 Deer Run	Taglietti, Marco & Paola	R-R		0.06	0	0.06	Part of Developed Property in Green Brook	No
1301	3	46 Deer Run	Ackerman, Don	R-R		0.07	0	0.07	Part of Developed Property in Green Brook	No
1301	4	58 Deer Run	Ring, George & Dorothy	R-R		0.07	0	0.07	Part of Developed Property in Green Brook	No
1301	5	70 Deer Run	Schroppe, J T & A M Trustees	R-R		0.08	0	0.08	Part of Developed Property in Green Brook	No
1301	6	82 Deer Run	Ferreira, Mario & Maria	R-R		0.08	0	0.08	Part of Developed Property in Green Brook	No
1301	7	94 Deer Run	Clarke, James G	R-R		0.07	0	0.07	Part of Developed Property in Green Brook	No
1301	8	100 Deer Run	Holder, Janus	R-R		0.11	0	0.11	Part of Developed Property in Green Brook	No
1301	9	120 Deer Run	Mc Lenithan, Gordon J & Doris	R-R		0.06	0	0.06	Part of Developed Property in Green Brook	No
1601	11.02	13 Cain Circle	Lanman, Michael P. & Barbara	R-R		0.04	0	0.04	Part of Developed Property in Green Brook	No
1603	16	45 Winter Lane	Rajiyah Family Limited Partnership	R-R		1.40	0	1.40	Potential Infill Development	No
1604	17.01		Borough of Watchung	B-A	Wetlands, Riparian	0.38	0.33	0.05	Undevelopable due to irregular shape and environmental constraints	No
1604	19		Borough of Watchung	B-A	Wetlands, Riparian	0.10	0.10	0.00	Undevelopable due to irregular shape and environmental constraints	No

Borough of Watchung

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Include in RDP
1801	1.01	Washington Drive	Borough of Watchung	R-B	Wetlands	0.05	0.01	0.04	Undevelopable due to irregular shape and environmental constraints	No
2803	7.04	12 Glen View Drive	Mang, Ella J	R-R	Steep Slopes	0.79	0.79	0.00	Part of Developed Property in Warren Twp	No
2803	7.05	10 Glen View Drive	Fox, Danielle	R-R	Steep Slopes	0.93	0.93	0.00	Part of Developed Property in Warren Twp	No
2804	5	9 Glen View Drive	Luo, Shih John & Hu, Chiachi Angela	R-R		0.08	0	0.08	Part of Developed Property in Warren Twp	No
4001	6.01	17 Falls View	Jelmert, Cynthia Lee & Trevor A.	R-A	Steep Slopes	0.62	0.15	0.47	Potential Infill Development	No
4001	6.04	23 Falls View	Whitting, Philip C & Dorothy F	R-A	Steep Slopes	0.56	0.29	0.27	Potential Infill Development	No
4003	5.01	175 Park Place	Anisko, Joseph & Eugenia	R-R	Steep Slopes	1.41	1.30	0.11	Existing Flag Lot. Potential Infill Development.	No
4101	1	High Oaks Drive	Segerson, James P	R-R		0.21	0	0.21	Part of Developed Property in Warren Twp	No
4102	13	94 Old Smalleytown Road	Masch, Victor & Marina	R-R		0.30	0	0.30	Part of Developed Property in Warren Twp	No
4303	1	115 Crestwood Drive	Sit, Cho-Wei & Helena	R-R	Steep Slopes	0.48	0.18	0.30	Part of Developed Property in Warren Twp	No
4303	12	336 Hillcrest Road	Cahoon, Samuel C & Julia	R-R		0.24	0	0.24	Part of Developed Property in Warren Twp	No
4308	1.01	20 Sunbright Road	Popik, Jean J	R-R	Riparian	1.17	0.07	1.10	Included in Prior Round RDP	No
4309	8	106 Old Somerset Road	Reilly George / Mahlstedt Donna	R-R	Steep Slopes	0.85	0.85	0.00	Undevelopable due to environmental constraints	No
4402	4	65 Gallowae	Badin, Zahia	R-M-L IV	Steep Slopes	0.93	0.87	0.06	Undevelopable due to environmental constraints	No
4601	2	Somerset Street	Colson, Andrew E & Maribel	R-R	Water, SFHA, Steep Slopes, Riparian	1.11	1.11	0.00	Undevelopable due to environmental constraints	No
4801	1	Johnston Drive	Valley Nat Bank Property Mgmt Dept	B-A	SFHA	0.03	0.00	0.03	Part of Development in North Plainfield	No
4901	5	430 Watchung Avenue	Koza, Joseph & Julia	R-B		0.03	0	0.03	Part of Development in North Plainfield	No
4901	6	72 Johnston Drive	Unknown	R-B		0.09	0.00	0.09	Undevelopable due to irregular shape	No
5001	1	92 Johnston Drive	Orrico, Russell A & Anna Marie	R-B		0.05	0.00	0.05	Part of Development in North Plainfield	No
5001	2	105 Johnston Drive Ext	Craig, Alicyn B	R-B		0.05	0.00	0.05	Part of Development in North Plainfield	No

Borough of Watchung

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Include in RDP
5001	3	109 Johnston Drive Ext	Taliwag Realty, LLC	R-B	Steep Slopes	0.06	0.00	0.06	Part of Development in North Plainfield	No
5001	4	113 Johnston Drive Ext	Arpaia, Giovanni & Philomena	R-B	Steep Slopes	0.08	0.02	0.06	Part of Development in North Plainfield	No
5002	1	140 Johnston Drive Ext	Mossuto Gerrard / Tomeyk Stacie	R-B		0.03	0.00	0.03	Part of Development in North Plainfield	No
5002	2	148 Johnston Drive Ext	Simcik, Stanislav	R-B		0.09	0.00	0.09	Part of Development in North Plainfield	No
5402	1	8 West Drive	Ndungu, James M	R-R		0.44	0.00	0.44	Part of Development in North Plainfield	No
5402	2	20 West Drive	Home Properties No Plainfield LLC	R-R		0.23	0.00	0.23	Part of Development in North Plainfield	No
5402	10	448 Johnston Drive	Long, Henry	R-R	Steep Slopes	1.67	1.67	0.00	Undevelopable due to environmental constraints	No
5601	1	28 East Drive	Regency Village C/O C & R Realty	R-M-L I		0.16	0.00	0.16	Part of Development in North Plainfield	No
5701	6.01	Route 22	Borough of Watchung	H-D	Steep Slopes	6.86	5.61	1.25	East Drive 100% Affordable Site	Yes
5801	3	Route 22	Watchung VF LLC	L-I	Wetlands, Steep Slopes	3.19	2.74	0.45	Undevelopable due to environmental constraints	No
5901	3	Route 22	Watchung VF LLC	L-I	Wetlands, Steep Slopes	11.30	7.82	3.48	Undevelopable due to limited access and environmental constraints	No
6001	3	Route 22	Watchung VF LLC	L-I	Wetlands, Steep Slopes	5.15	3.68	1.47	Undevelopable due to limited access and environmental constraints	No
6401	1.02	908 Johnston Drive	Watchung VF LLC	R-R	Steep Slopes	6.78	6.21	0.57	Undevelopable due to limited access and environmental constraints	No
6402	2.03	Route 22	Watchung VF LLC	L-I	Wetlands, Steep Slopes	1.19	0.85	0.34	Undevelopable due to limited access and environmental constraints	No
6402	2.04	Route 22	Watchung VF LLC	L-I	Wetlands, Steep Slopes	2.60	1.77	0.83	Undevelopable due to limited access and environmental constraints	No
6402	13	1040 Johnston Drive	Long Henry M C/O Audio 22	R-R	Steep Slopes	1.54	1.54	0.00	Undevelopable due to limited access and environmental constraints	No
6404	2.03	Route 22	Levin Properties LP	R-R	Steep Slopes	3.41	2.80	0.61	Buffer to Blue Star shopping center	No

Borough of Watchung

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Include in RDP
6906	8	845 Johnston Drive	Engelman, Charles H & Lorraine	R-R	Steep Slopes	1.33	1.27	0.06	Undevelopable due to environmental constraints	No
6906	9.01	825 Johnston Drive	Koch, Steven M.	R-R	Steep Slopes	1.47	1.12	0.35	Undevelopable due to environmental constraints	No
6906	13.01	35 Devonshire Lane	Connell, Toni	R-R	Steep Slopes	2.67	0.29	2.38	Included in Prior Round RDP	No
6909	18		De Vito, Vincent P & Valerie	R-R	Steep Slopes, Riparian	2.43	0.98	1.45	Undevelopable due to limited access and environmental constraints	No
7001	2	40 Cardinal Drive	Dughi, Robert C & Maura S	R-R		0.86	0.00	0.86	Tennis court for adjacent residential property	No
7001	5	67 Price Drive	Fechtner, Dr J L & Sondra	R-R	Steep Slopes	1.50	0.10	1.40	Potential Development	Yes
7008	1.03	1041 Plainfield Avenue	Connell Rice & Sugar Co Inc	R-R	SFHA, Riparian	1.19	1.10	0.09	Limited access	No
7008	2	Plainfield Avenue	Lakatos, Peter & Shirley	R-R	SFHA, Riparian	0.59	0.52	0.07	Limited access	No
7008	3	Plainfield Avenue	Aulisio, Constantine T & Concetta	R-R	SFHA, Steep Slopes, Riparian	0.63	0.55	0.08	Limited access	No
7008	4	Plainfield Avenue	Connell Rice & Sugar Co Inc	R-R	SFHA, Steep Slopes, Riparian	0.49	0.48	0.01	Limited access	No
7008	31.03	14 Drift Road	Santiago, Hermes O & Maria I	R-R		0.52	0.00	0.52	Limited access	No
7009	4.01	205 Parlin Lane	Benigno, Louise A Trust	R-R		1.59	0.00	1.59	Potential Development	Yes
7010	1	Drift Road	Albert, Henry F & Maria E	R-R		0.02	0.00	0.02	Inaccessible	No
7010	2	Drift Road	Berlant, Robert D C/O Assoc. Realty	R-R	SFHA, Riparian	2.11	0.68	1.43	Inaccessible	No
7010	3	Drift Road	Berlant, Robert D	R-R		0.59	0.00	0.59	Inaccessible	No
7010	4.01	Drift Road	Beckerman, Jeffrey Scott	R-R	SFHA, Riparian	2.44	2.04	0.40	Inaccessible	No
7010	4.02	Drift Road	Beckerman, Jeffrey Scott	R-R	SFHA, Riparian	2.79	0.53	2.26	Inaccessible	No
7012	2	Plainfield Avenue	Borough of Watchung	R-R	SFHA	1.17	0.41	0.76	Undevelopable due to irregular shape and environmental constraints	No
7402 7403	19.01, 19.02, 5, 10	Bonnie Burn Rd	Karka Investments Inc, Phillips Properties, (BNE Real Estate Group-Contract Purchaser)	R-M-L II	Wetlands	41.03	11.60	29.43	Potential Development	Yes
7403	17	1353 Johnston Drive	Giava, John S	R-R	Steep Slopes	1.35	0.02	1.33	Included in Prior Round RDP	No

Borough of Watchung

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Include in RDP
7403	18	Johnston Drive	Weldon Materials Inc	R-R	Steep Slopes	1.46	0.28	1.18	Included in Prior Round RDP	No
7501	1	Valley Road	Connell Company	R-R	Wetlands, SFHA, Steep Slopes	14.18	14.18	0.00	Undevelopable due to environmental constraints	No
7501	2	1085 Valley Road	The Connell Company	R-R	Wetlands	0.88	0.88	0.00	Undevelopable due to environmental constraints	No
7501	3	1125 Valley Road	Connell Rice & Sugar Co Inc	R-R	Wetlands, SFHA, Steep Slopes	3.05	2.58	0.47	Undevelopable due to environmental constraints	No
7501	4	1201 Valley Road	Connell Corporate Center I LLC	R-R	Wetlands, SFHA, Steep Slopes	1.35	0.96	0.39	Undevelopable due to environmental constraints	No
7501	5	1201 Valley Road	Connell Corporate Center I LLC	R-R	Wetlands, SFHA, Steep Slopes	2.96	1.23	1.73	Undevelopable due to irregular shape and environmental constraints	No
7501	7	Valley Road	50 Connell Corporate Center LLC	R-R	Wetlands, SFHA	2.72	2.61	0.11	Undevelopable due to irregular shape and environmental constraints	No
7502	1	Valley Road	Connell Company	R-R		0.56	0.00	0.56	Potential Infill Development	No
7601	3		Weldon Materials Inc	L-I		1.04	0.00	1.04	Quarry	No
7601	4	New Providence Road	Weldon Materials Inc	L-I	Steep Slopes	24.88	19.03	5.85	Quarry	No
7601	5	New Providence Road	Weldon Materials Inc	L-I	SFHA, Steep Slopes	63.51	20.99	42.52	Quarry	No
7601	6	154 Bonnie Burn Road	Seven Acres Land Corp	R-R	Steep Slopes, Wetlands	6.88	2.19	4.69	Quarry	No
7601	7		Weldon Materials Inc	B-A	Wetlands	0.77	0.76	0.01	Quarry	No
7601	8	264 Bonnie Burn Road	Weldon Materials Inc	B-A	Wetlands Steep Slopes	2.98	0.94	2.04	Quarry	No
7601	9.01	Bonnie Burn Road	Weldon Materials Inc	L-I	Steep Slopes	6.89	0.07	6.82	Quarry	No
7601	10	230 Bonnie Burn Road	Weldon Materials Inc	B-A		2.48	0.00	2.48	Quarry	No
7601	11		Weldon Materials Inc	B-A		1.16	0.00	1.16	Quarry	No
7601	12.01		Weldon Materials Inc	R-R		0.85	0.00	0.85	Quarry	No
7601	12.02	334 Bonnie Burn Road	Weldon Materials Inc	L-I		2.37	0.00	2.37	Quarry	No
7601	14		Weldon Materials Inc	R-R		0.91	0.00	0.91	Quarry	No
7601	15	368 Bonnie Burn Road	Weldon Materials Inc	R-R	Steep Slopes	0.60	0.19	0.41	Quarry	No
7601	17		Weldon Materials Inc	R-R		0.49	0.00	0.49	Quarry	No
7601	18		Weldon Materials Inc	R-R	Steep Slopes	1.37	0.45	0.92	Quarry	No
7601	19	1060 Valley Road	Weldon Materials Inc	L-I	Steep Slopes	1.11	0.29	0.82	Quarry	No
7601	20	Valley Road	Weldon Materials Inc	L-I	Steep Slopes	44.71	15.48	29.23	Quarry	No
7601	21		Weldon Materials Inc	R-R	Steep Slopes	1.65	0.92	0.73	Quarry	No

Borough of Watchung

Block	Lot	Address	Owner	Zoning	Constraint Description	Total Acres	Constrained Acres	Buildable Acres	Notes	Include in RDP
7601	22	1246 Valley Road	Weldon Materials Inc	L-I	Steep Slopes	0.50	0.03	0.47	Quarry	No
7601	23		Weldon Materials Inc	R-R	Steep Slopes	1.26	0.56	0.70	Quarry	No
7601	24.01		Weldon Materials Inc	L-I	Steep Slopes	2.28	0.48	1.80	Quarry	No
7601	24.02		Weldon Materials Inc	L-I		0.59		0.59	Quarry	No
7601	25	Valley Road Ext	Weldon Materials Inc	R-R	Steep Slopes, Riparian	6.65	2.06	4.59	Quarry	No
7601	26	Valley Road Ext	Weldon Materials Inc	L-I	Steep Slopes	4.73	0.84	3.89	Quarry	No
7601	27	1308 Valley Road Ext	Weldon Materials Inc	L-I	Steep Slopes, Riparian	9.25	1.05	8.20	Quarry	No
7601	28	New Providence Road	Weldon Materials Inc	L-I	Water, SFHA, Steep Slopes, Riparian	12.64	9.62	3.02	Quarry	No
7601	29	New Providence Road	Weldon Materials Inc	L-I	Steep Slopes, Riparian	0.52	0.50	0.02	Quarry	No
7801	1	100 Union Avenue	100 Union Avenue Holdings LLC	L-I	Water, Wetlands, SFHA, Riparian as per 2009 Site Plan	2.19	1.79	0.40	Potential Infill Development	No
7801	2	64 New Providence Road	Weldon Materials Inc	L-I	Steep Slopes, Riparian	0.32	0.02	0.30	Quarry	No
7801	3	80 New Providence Road	Weldon Materials, Inc.	L-I	Steep Slopes, Riparian	0.21	0.09	0.12	Quarry	No
7801	4	New Providence Road	Weldon Materials Inc	L-I	Water, SFHA, Riparian	1.71	1.36	0.35	Quarry	No
7801	5	New Providence Road	Weldon Materials Inc	L-I	SFHA, Riparian	1.66	0.63	1.03	Quarry	No
7801	6	New Providence Road	Weldon Materials Inc	L-I	Water, SFHA, Riparian	0.56	0.31	0.25	Quarry	No
7801	7	New Providence Road	Cey Inc Acctpay Dept 10 16 41	L-I	Water, SFHA, Riparian	1.83	1.35	0.48	Undevelopable due to irregular shape and environmental constraints	No
7801	8	New Providence Road	Cey Inc Acc Pay Dept 10 16 41	L-I	Water, SFHA, Steep Slopes, Riparian	0.57	0.36	0.21	Undevelopable due to irregular shape and environmental constraints	No

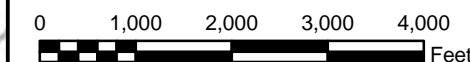
LEGEND

- Water Bodies
- Riparian Zone 150' Buffer
- FEMA Special Flood Hazard Area
- Wetlands w/ 50' Buffer
- Wetlands w/ 150' Buffer
- Steep Slopes (Greater than 15%)

ENVIRONMENTAL CONSTRAINTS

BOROUGH OF WATCHUNG

SOMERSET COUNTY
NEW JERSEY



This map was developed using NJDEP and County GIS digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.



April 2018

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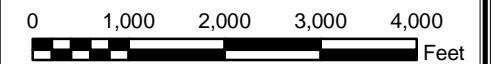
LEGEND

- Environmental Constraints
- Land Use**
 - Residential
 - Apartment
 - Commercial
 - Industrial
 - Farmland
 - Vacant
 - Preserved Open Space
 - Public Land (Vacant)
 - Public Facility
 - School
 - Church
 - Cemetery
 - Quarry
 - Other Exempt
 - Utility Right-of-Way

EXISTING LAND USE

BOROUGH OF WATCHUNG

SOMERSET COUNTY
NEW JERSEY



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April 2018

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Green Brook Township


Berkeley Heights Township

Scotch Plains Township

North Plainfield Borough


Plainfield


LEGEND


 Environmental Constraints


Vacant Land Inventory

Developable


 Potential Development included in Third Round RDP


 Potential Development included in Prior Round RDP

 Potential Infill Development

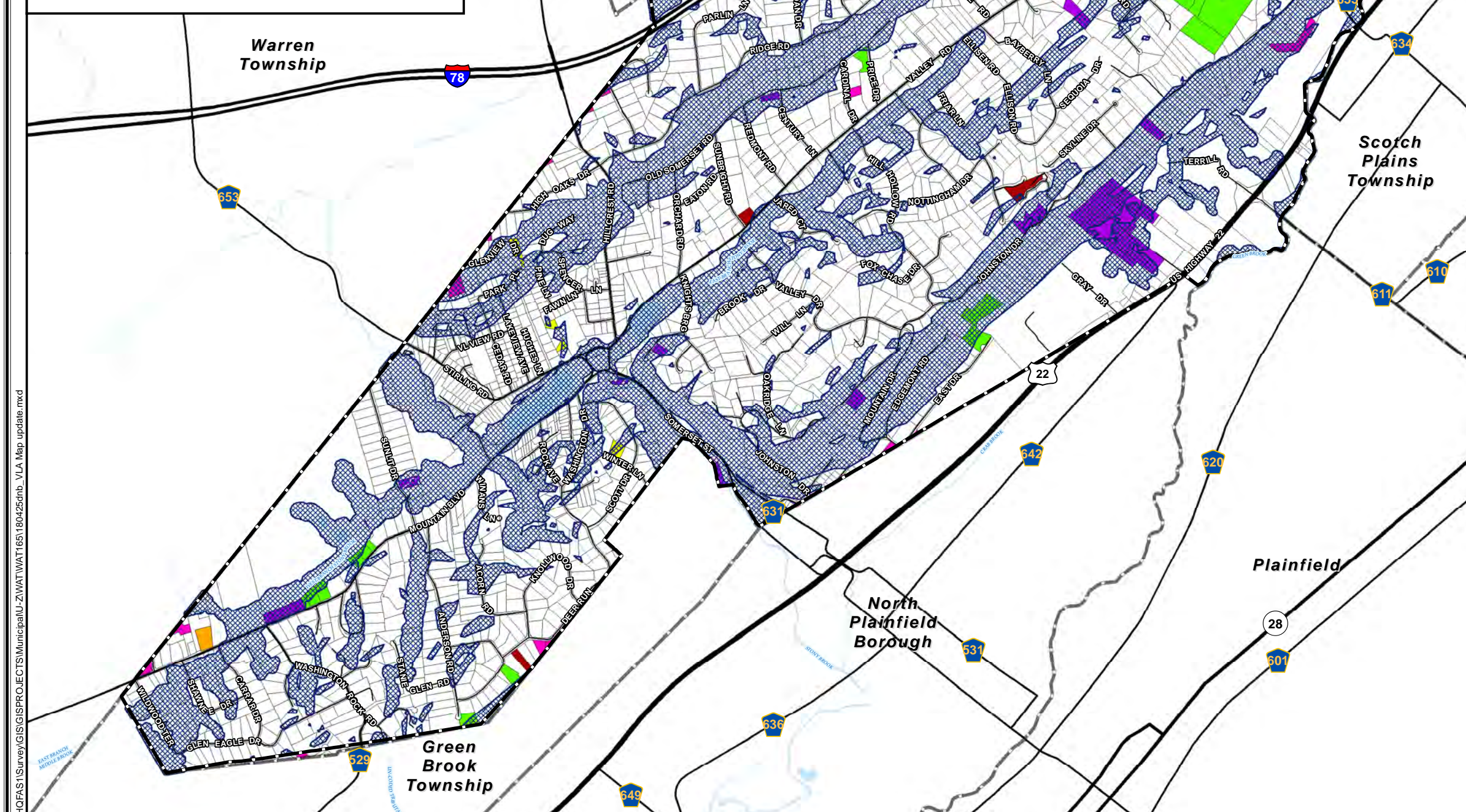
 Approved for Development

Not Developable

 Inaccessible or Environmentally Constrained

 Part of Development on Adjacent Lot(s)

 Quarry



VACANT LANDS

BOROUGH OF WATCHUNG

SOMERSET COUNTY
NEW JERSEY



0 1,000 2,000 3,000 4,000
Feet

This map was developed using NJDEP and County GIS digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.



April 2018

Planning Board Resolution Adopting Housing Element and Fair Share Plan

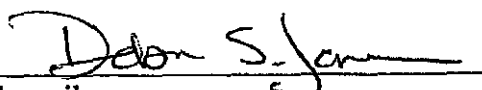
Borough Council Resolution Endorsing HEFSP and Transmitting to Superior Court


Borough Council Resolution Endorsing to Spending Plan

Borough Council Resolution Designating Municipal Liaison

RESOLUTION

BE IT HEREBY RESOLVED that appointment of Thomas E. Atkins, Borough Administrator to the position of Municipal Housing Liaison, is hereby approved.


Council


Gerald M. Mobus, Mayor

Date: September 8, 2011

INDEX: Appointments

C: M. DeRocco (2) 9-15-11

Borough Council Resolution Designating Municipal Administrative Agent

Borough Council Ordinance #OR18/17 Amending Accessory Apartment Regulations

BOROUGH OF WATCHUNG

ORDINANCE #OR:18/17

AN ORDINANCE THAT AMENDS THE BOROUGH OF WATCHUNG LOW AND MODERATE INCOME ACCESSORY APARTMENT REQUIREMENTS TO PARTIALLY MEET THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS, TO PROVIDE FOR ADMINISTRATIVE APPROVAL OF LOW AND MODERATE INCOME ACCESSORY APARTMENTS INSTEAD OF CONDITIONAL USE APPROVAL AND SETTING FORTH APPLICABLE REQUIREMENTS, PROCEDURE AND PROGRAM ADMINISTRATION.

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Watchung, County of Somerset, State of New Jersey, as follows:

Section 1. Section 28-404.B.8 which identifies "low and moderate income accessory apartments" as a conditional use in the "R-R" Rural Single-Family Residential District shall be deleted as follows: ¹

~~8. Low and moderate income accessory apartments as a conditional use~~

Section 2. Section 28-501-A, titled "Low and Moderate Income Accessory Apartments", which provide conditional use standards for Low and Moderate Income Accessory Apartments and which requires site plan approval, shall be deleted as follows:

~~A. Low and Moderate Income Accessory Apartments.~~

- ~~1. Purpose. This Article has been enacted for the specific purpose of providing additional opportunities for low and moderate income housing in the Borough.~~
- ~~2. An accessory apartment is a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance which is created to be occupied by a low or moderate income household. The accessory apartment may be created within an existing dwelling unit and may be created within an existing structure on a lot or be an addition to an existing home or accessory building.~~
- ~~3. Accessory apartment units shall meet all of the following conditions:~~
 - ~~a. The bulk requirements of the zone in which the accessory apartment is created shall be met.~~
 - ~~b. Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all local building codes.~~

¹ Editor's Note: The portions to be deleted are shown with strike-outs and will be deleted from the codified version of this Ordinance and the underlined portions will remain in the codified version of this Ordinance.

- ~~e. Accessory apartment shall be rented only to a household that is either a low or a moderate income household at the time of initial occupancy of the unit.~~
 - ~~d. Accessory apartments shall, for a period of at least ten (10) years from the date of the issuance of a certificate of occupancy for the same, be rented only to low or moderate income households.~~
 - ~~e. Rents of accessory apartments shall be affordable to low or moderate income households as per the COAH rules and regulations and shall include a utility allowance~~
 - ~~f. No more than ten (10) accessory apartments shall be created to address the Borough's fair share obligation.~~
 - ~~g. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale to the requirements of paragraphs c and d above.~~
 - ~~h. Accessory apartments shall have living/sleeping space, cooking facilities, a kitchen sink and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two (2) rooms, one (1) of which shall be a full bathroom.~~
 - ~~i. Accessory apartments shall have a separate door with direct access to the outdoors.~~
 - ~~j. The potable water supply and sewage disposal system for the accessory apartment shall be adequate as evidenced by the approval of the Watchung Board of Health.~~
 - ~~k. Accessory apartment shall be affirmatively marketed to the housing region in accordance with the requirements of this chapter.~~
 - ~~l. Accessory Apartments Permitted as a Conditional Use. Accessory apartments, as that term is described in and meeting the requirements of this paragraph A, shall be permitted as a conditional use in all districts provided that the property on which the accessory apartment is proposed is a conforming lot which abuts and has direct driveway access to a County of Somerset road or a United States highway,~~
 - ~~m. The net habitable floor area devoted to the accessory apartment shall not exceed twenty five percent (25%) of the aggregate net habitable floor area within all buildings on the site, including both the principal single family building on the site and all accessory buildings on the site.~~
 - ~~n. The construction of an accessory apartment shall be predicated upon both conditional use and minor site plan review and approval by the Watchung Planning Board.~~
- ~~4. Illegal Existing Accessory Apartments. In the case of an accessory apartment created illegally or without proper permits which the property owner desires to legitimize as an accessory apartment under this chapter, all of the requirements of this chapter shall apply~~

in addition to meeting COAH criteria, except that no subsidy shall be provided by the municipality

5. The following designations are made to administer various components of the accessory apartment program:

a. The Department of Community Affairs, Affordable Housing Management Service shall administer the following portions of the accessory apartment program: income qualifying of prospective renters, setting rents and annual rental increases, maintaining a waiting list of prospective accessory apartment residents, and handling application forms.

b. The Borough Administrator shall administer the following portions of the accessory apartment program: advertising, distribution of the subsidy set forth herein, insuring that certificates of occupancy are obtained before occupancy, qualifying properties for the program, giving guidance for required Planning Board applications, filing of deed restrictions and COAH monitoring reports, affirmatively marketing of the accessory apartment program and any and all other administrative requirements of the program.

6. An application for an accessory apartment shall only be denied if the project is not in conformance with COAH's requirements or this chapter. All denials shall be in writing with the reasons clearly stated.

7. In accordance with COAH requirements, the Borough shall provide at least ten thousand (\$10,000.00) dollars to subsidize the physical creation of an accessory apartment conforming to the requirements of this section and COAH requirements. The said subsidy may be in the form of a low or no interest loan or a grant provided that the property owner shall enter into a written agreement with the Borough insuring that (i) the subsidy shall be used to create the accessory apartment and (ii) the accessory apartment shall meet the requirements of this chapter and COAH regulations.

8. Applicants for the creation of an accessory apartment shall submit to the Planning Board an application for conditional use and minor site plan approval and the following:

a. An applicant shall obtain from the Watchung Planning Board an application checklist and shall submit all documents required in accordance there with.

b. A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure as to size and other matters

c. Rough elevations showing the modification of any exterior building facade to which changes are proposed.

d. A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition if any, along with the

~~minimum building setback lines; the required parking spaces for both dwelling units and any natural or manmade conditions which might affect construction.~~

- ~~9. Based upon the above, the applicant shall be advised if the application is complete in accordance with MLUL requirements. When complete, the application shall be placed on the Planning Board agenda and a decision shall be made in accordance with MLUL requirements.~~

Section 3. Add a new Section 28-401.AA that sets forth an administrative approval process for Low and Moderate Income Accessory Apartments and the requirements for Low and Moderate Income Accessory Apartments as follows:

AA. Low and Moderate Income Accessory Apartments.

1. Purpose. The purpose of this Ordinance is to address a portion of the Borough's Third Round affordable housing obligation consistent with the Order on Fairness and Preliminary Compliance Hearing and provides a realistic opportunity for the development of affordable housing units that will satisfy the Borough's affordable housing obligation under the New Jersey Supreme Court's Mount Laurel decisions.
2. Requirements. Accessory apartments, as that term is described herein and meeting the requirements of this Section 28-401.AA, shall be permitted in association with existing single-family residences as a permitted accessory use in all districts provided the following requirements are satisfied:
 - a. The accessory apartment shall be a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters, and a private entrance, which is created within an existing single-family home, or through the conversion of an existing attached accessory structure on the same site, or by an addition to an existing single-family home or accessory building on the same site.
 - b. The property on which the accessory apartment is proposed abuts and has direct driveway access to a County of Somerset road or a United States highway.
 - c. The property on which the accessory apartment is proposed is a conforming lot in terms of minimum required lot area, lot frontage, lot width and lot depth.
 - d. The accessory apartment shall meet the following requirements with respect to affordability:
 - (1) At the time of initial occupancy of the unit and for at least ten (10) years thereafter, the accessory apartment shall be rented only to a household which is either a low or a moderate income household.
 - (2) Rents of accessory apartments shall be affordable to low or moderate income households as applicable income limits.

- (3) Prior to issuance of Certificate of Occupancy for the initial tenant of the accessory apartment, there shall be a recorded deed or declaration of covenants and restrictions applied to the property running with the land that maintains the affordability of the accessory apartment for the minimum 10 year period. After expiration of the 10-year period the accessory apartment may be converted to a market-rate unit unless the affordability restriction is extended by mutual agreement of the Borough and property owner.
- e. Accessory apartments shall have living/sleeping space, cooking facilities, a kitchen sink and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two (2) rooms, one (1) of which shall be a full bathroom.
- f. The potable water supply and sewage disposal system for the accessory apartment shall be adequate as evidenced by the approval of the Borough Board of Health.
- g. The net habitable floor area devoted to the accessory apartment shall not exceed twenty-five percent (25%) of the aggregate net habitable floor area within all buildings on the site, including both the principal single-family building on the site and all accessory buildings on the site.
- h. In the case of an accessory apartment created illegally or without proper permits which the property owner desires to legitimize as an accessory apartment under this Section 28-401.AA, all of the requirements of this Ordinance shall apply.
- i. The creation of the accessory apartment shall not create a non-conforming condition on the site regarding applicable zoning requirements (e.g., applicable building setbacks, building coverage, impervious coverage).
- j. Off-street parking shall be provided for the occupants of the affordable accessory apartment.
- k. There shall be no more than one (1) accessory apartment located on any one (1) lot.
3. Zoning Approval Procedure. Applicants for the creation of an accessory apartment shall submit for approval through the Borough's Zoning Permit approval process. The application shall include the forms required for a Borough Zoning Permit and all information necessary for the Zoning Officer to determine compliance with this Ordinance and other applicable zoning requirements (e.g., applicable building setbacks, building coverage, impervious coverage). Such information shall include, but may not be limited to, the following:
- a. A plot plan (survey) indicating the location of the proposed construction and demonstrating conformity to the applicable bulk requirements of the zone.
- b. A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another

structure as to size and demonstrating compliance with the applicable requirements of this Ordinance

c. Elevations showing the modification of any exterior building facade to which changes are proposed.

d. The Zoning Permit for an application for an accessory apartment shall only be denied if the property is not in conformance with this Ordinance and other applicable zoning requirements. All denials shall be in writing with the reasons clearly stated.

4. Administration. The following designations are made to administer various components of the accessory apartment program:

a. The designated Administrative Agent shall administer the following portions of the accessory apartment program: implementing the Affirmative Marketing Plan adopted by the Borough; accepting applications from interested households; determining eligibility of households; conducting random selection of applicants for rental of restricted units as necessary; creating and maintaining a waiting list of applicant households; ensuring compliance with permissible rents and annual rental increases; establishing and maintain effective communication with owners; sending out annual mailings about restrictions including allowable annual rent increases; and providing annual activity reports.

b. The Borough Administrator shall administer the following portions of the accessory apartment program: administering the subsidy set forth herein; insuring that certificates of occupancy are obtained before occupancy; filing of deed restrictions; serving as the custodian of all legal documents; and satisfying other administrative requirements of the program.

c. In accordance with applicable affordable housing requirements, the Borough shall provide up to thirty thousand (\$30,000.00) dollars to subsidize the creation of an accessory apartment conforming to the requirements of this Section 28-401.AA and applicable affordable housing requirements. The said subsidy may be in the form of a grant provided that the property owner shall enter into a written agreement with the Borough insuring that (i) the subsidy shall be used to create the accessory apartment and (ii) the accessory apartment shall meet the requirements of this Ordinance and applicable regulations.

Section 3. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities. The Borough Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 3, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 4. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung for its review in accordance with N.J.S.A.

40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

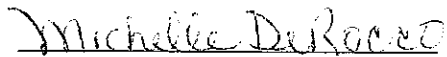
Section 5. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

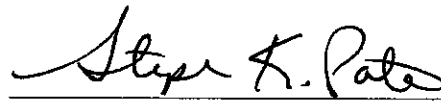
Section 6. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16.

ATTEST:

BOROUGH OF WATCHUNG


Michelle DeRocco, Clerk


Stephen K. Pote, Mayor

Introduced: November 19, 2018

Adopted: December 6, 2018

**Borough Council Ordinance #OR18/18 Approving the Route 22 Affordable
Housing Overlay District**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXVIII, ENTITLED
"LAND DEVELOPMENT REGULATIONS OF THE BOROUGH OF WATCHUNG" TO
ESTABLISH A ROUTE 22 AFFORDABLE HOUSING OVERLAY DISTRICT.**

ORDINANCE #OR:18/18

BE IT ORDAINED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey as follows:

SECTION 1. Purpose. The purpose of this Ordinance is to create a Route 22 Affordable Housing Overlay District in which affordable housing development will be permitted if redevelopment of the site occurs and to provide the development regulations for permitted multi-family development that includes affordable housing units in the Borough in accordance with the June 7, 2018 Settlement Agreement between the Borough of Watchung and the Fair Share Housing Center, Inc., and the September 19, 2018 Order on Fairness and Preliminary Compliance Hearing by the Superior Court of New Jersey Law Division: Somerset County Docket No.:SOM-L-902-15 and the New Jersey affordable housing regulations pertaining to affordable housing units.

SECTION 2. A new Section 28-401.AC. titled "Route 22 Affordable Housing Overlay District" is established as follows:

A. Purpose: The purpose of the Route 22 Affordable Housing Overlay District is to create a realistic opportunity for the creation of low and moderate-income housing as land becomes available for development or redevelopment in the Borough.

B. Area of the Borough to be included in the Overlay District: Block 64.02, Lot 3 and a portion of Block 64.02, Lot 5 as shown on the Route 22 Affordable Housing Overlay District Map.

C. Principal Permitted Uses: Multifamily dwelling units in one or more buildings as an inclusionary affordable residential development, provided that the provisions of subsections E. through H. below are met.

D. Permitted Accessory Uses:

1. Uses and structures customary to the principal permitted use including, but not limited to private residential garages, parking areas, refuse and recycling areas, swimming pools, tennis courts, club houses for residents, management offices, leasing offices, walking/jogging trails, and dog runs.
2. Section 28-401.B. shall apply except as modified in this Section 28-401.AC .
3. All accessory uses except permitted fences, signs, bus shelters shall be located at least 20' from the property line.
4. Fences and walls, in accordance with Section 28-502.
5. Signs may be provided in accordance with Section 28-504, and further regulated as follows:
 - a. Permitted signs shall include one project identification sign per development, residential unit and residential building identification signs, traffic and pedestrian directional signs and other public safety signs.

- b. A project identification monument sign shall be permitted at the driveway entrance to the project not exceeding 32 square feet in area and 8 feet in height including the monument base.
 - c. A monument base constructed of stone or similar material and landscaped shall be provided.
 - d. Building mounted identification signs or free-standing informational signs shall not exceed 4 square feet.
 - e. Signs shall be constructed of stone, wood or similar materials and shall not be internally illuminated.
 - f. An overall sign plan shall be submitted for review as part of the site plan application.
6. All accessory uses except permitted fences, signs, bus shelters shall be located at least 25' from the property line.

E. Maximum Gross Density:

- 1. For-sale units. Multifamily residential development with units for-sale shall be permitted to have a maximum gross density of 14 units per acre.
- 2. For-rent units. Multifamily residential development with units for-rent shall be permitted to have a maximum gross density of 18 units per acre.

F. Affordable Housing Requirements.

- 1. For-sale units. Multi-family residential development with units for-sale shall include a minimum of 20 percent of the total number of units for low-and moderate- income households, with at least 13 percent of these affordable units available for households earning 30 percent or less of the median income limit for the Council on Affordable Housing Region 3 or as provided by Order of the Superior Court of New Jersey.
- 2. For-rent units. Multi-family residential development with units for-rent shall include at least 15 percent of the total number of units for low- and moderate-income households, with at least 13 percent of these affordable units available for households earning 30 percent or less of the median income limit for the COAH Region 3 or as provided by Order of the Superior Court of New Jersey.
- 3. The low- and moderate-income units shall be distributed throughout the development, not concentrated in any one building.
- 4. The Section 28-1000 Affordable Housing Ordinance provisions shall apply.

G. Area, Yard and Other Bulk Requirements:

- 1. No principal building or structure shall be located closer than one hundred (100) feet from the Route 22 right-of-way line or closer than twenty-five (25) feet from any side or rear lot line.
- 2. The minimum distance between structures shall be one-half (1/2) the sum of the height of the adjacent structures, except that a minimum of fifteen (15) feet shall be maintained when structures abut end to end.
- 3. The maximum building length shall be two hundred (200) feet.
- 4. The minimum number of dwelling units in a building shall be four (4) units and the maximum number of dwelling units in a building shall be thirty-six (36) units.
- 5. The maximum building coverage shall be thirty percent (30%).

6. The maximum lot impervious coverage shall be 70 percent (70%).

H. Maximum Building Height:

1. No building shall exceed thirty-eight (38) feet in height and three (3) stories.
2. Building height in feet shall be the vertical distance measured from the average finished grade at the perimeter of the foundation calculated at 20-foot increments to the highest point of the building in the case of flat roofs or to the mean level between the eaves and the highest point of the roof in the case of pitched roofs.
3. Building height in stories shall be measured counting as a story the space between the upper surface of any floor and the upper surface of the next floor above it or, if there is no floor above it, then the surface between the floor and the ceiling next above it. Space under a sloped roof that is not habitable and space partially or fully below grade that is not habitable under the State Uniform Construction Code shall not be considered a story or part of a story.

I. Roadways, Off-street Parking and Private Residential Garages:

1. On-street parking shall be permitted within the development tract.
2. Off-street parking may be permitted under or within a building structure, provided that the building shall not exceed the maximum building height.
3. The number of required parking spaces shall be in accordance with the New Jersey Residential Site Improvement Standards (RSIS).
4. No parking area or driveway shall be located within twenty (20) feet of any property line, excluding intersecting driveways with US Route 22.
5. Parking spaces shall be located at least 15 feet from a residential building, except where a parking space also provides access to an enclosed garage, no such setback shall be required.

J. Other requirements.

1. Section 28-505. A. Recreation Required for Multi-Family Development standards shall apply and include:
 - a. A minimum of five percent (5%) of the lot shall be developed as open space and recreation areas, including both active and passive recreation facilities.
 - b. Recreation facilities shall include play areas for children of all ages.
2. Section 28-600 Development Requirements and Standards shall apply unless overridden by provisions in this Ordinance.
3. Building Design Standards.
 - a. All residential buildings shall have similar façade treatments so that they are compatible with one another. Additionally, all sides of any one residential building shall have similar façade treatments.
 - b. Long buildings shall be broken into façade segments. Any building with a length of over 100 feet shall have off-set facades at least every 30 feet created with set-back or bump-out sections being 1.5 feet or more in depth.
 - c. A variety of quality materials and architectural features are encouraged to, for example, distinguish the first floor from higher floors, to distinguish top floors from lower floors, and to highlight building entrances.

- d. Rooftop HVAC units, if employed, shall be shielded by parapet walls or roof insets if a sloped roof is utilized.
- e. Foundation plantings shall be utilized to soften the appearance of first floor and lower walls.

SECTION 3. The Borough of Watchung Zoning Map shall be amended to show the Route 22 Affordable Housing Overlay District as described on the attached map.

SECTION 4. This Ordinance shall remain in effect until such time that the unmet affordable housing need for the Borough of Watchung has been fulfilled. This Ordinance shall expire after the last affordable unit fulfilling the unmet affordable housing need receives a Certificate of Occupancy.

SECTION 5. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities. The Borough Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 5, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

SECTION 6. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

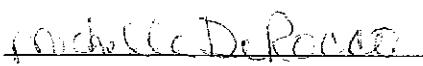
SECTION 7. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

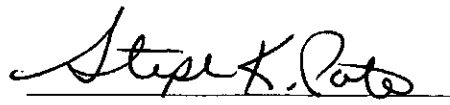
SECTION 8. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 9. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16.

ATTEST:

BOROUGH OF WATCHUNG


Michelle DeRocco, Clerk


Stephen K. Pote, Mayor








Introduced: November 19, 2018

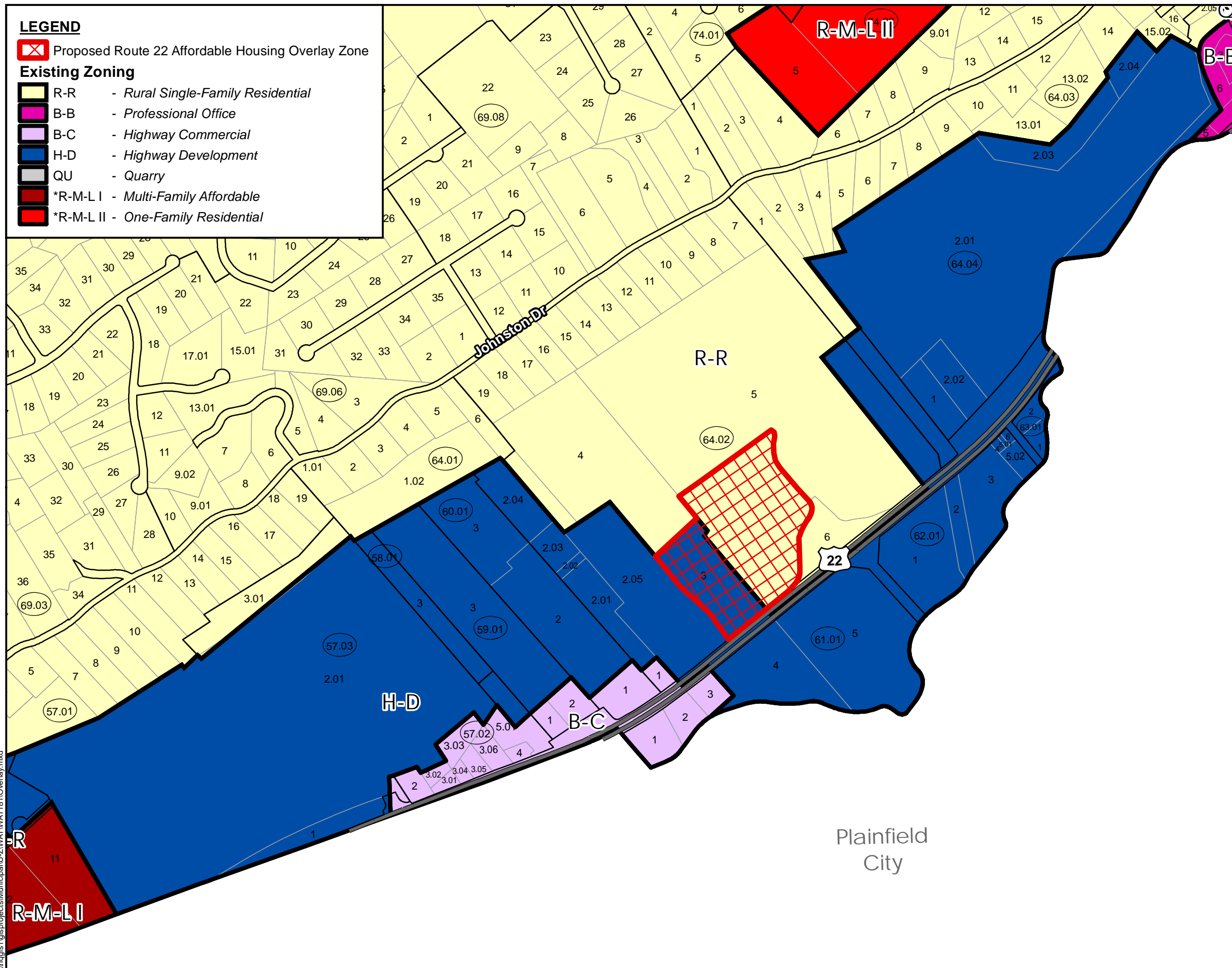
Adopted: December 6, 2018

LEGEND

 Proposed Route 22 Affordable Housing Overlay Zone

Existing Zoning

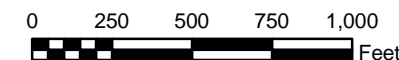
-  R-R - Rural Single-Family Residential
-  B-B - Professional Office
-  B-C - Highway Commercial
-  H-D - Highway Development
-  QU - Quarry
-  *R-M-L I - Multi-Family Affordable
-  *R-M-L II - One-Family Residential



ROUTE 22 AFFORDABLE HOUSING OVERLAY ZONE

BOROUGH OF WATCHUNG

SOMERSET COUNTY
NEW JERSEY



THIS MAP WAS CREATED USING SOMERSET COUNTY AND NEW JERSEY STATEWIDE DATA SOURCES. THIS SECONDARY PRODUCT HAS NOT BEEN AUTHORIZED AND IS NOT COUNTY APPROVED.



November 2018

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**Borough Council Ordinance #OR18/19 Approving the Mandatory Affordable
Housing Setaside Ordinance**

(Revised November 12, 2018)

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXVIII,
ENTITLED "LAND DEVELOPMENT REGULATIONS OF THE BOROUGH
OF WATCHUNG" TO ESTABLISH MANDATORY AFFORDABLE HOUSING
SET-ASIDE**

ORDINANCE NO.#OR:18/19

BE IT ORDAINED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey as follows:

SECTION 1. Purpose. The purpose of this Ordinance is to create a Borough-wide mandatory affordable housing set-aside zoning requirement in accordance with the June 7, 2018 Settlement Agreement between the Borough of Watchung and the Fair Share Housing Center, Inc., and the September 19, 2018 Order on Fairness and Preliminary Compliance Hearing by the Superior Court of New Jersey Law Division: Somerset County Docket No.:SOM-L-902-15.

SECTION 2. A new Section 28 -- 401. AB entitled "Mandatory Affordable Housing Set-Aside" is established as follows:

A. **Purpose:** The purpose of the Mandatory Affordable Housing Set-Aside requirement is to provide for affordable housing within residential developments above a certain density, which are not zoned for inclusionary development.

B. **Mandatory Affordable Housing Set-Aside Requirements:**

1. All residential development of five (5) or more units that occurs at a density above six (6) units per acre arising as a result of a density or use variance or rezoning or approval of a redevelopment plan or rehabilitation plan shall be required to provide a minimum affordable housing set-aside of 20%, except that the minimum set-aside shall be 15% where affordable rental units are provided.
2. Section 28-401.BB.B.1 does not affect residential development on sites that are zoned for inclusionary residential development as part of the Borough's Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning.
3. A property shall not be permitted to be subdivided to avoid compliance with this Section 28-401.BB requirement.

SECTION 3. This Ordinance shall remain in effect until such time that the unmet affordable housing need for the Borough has been fulfilled. This Ordinance shall expire after the last affordable unit fulfilling the unmet affordable housing need receives a Certificate of Occupancy.

SECTION 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities

entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities. The Borough Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 4, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

SECTION 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.


SECTION 6. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

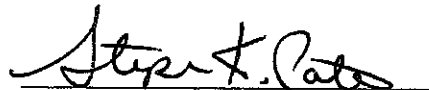
SECTION 7. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16.

ATTEST:

BOROUGH OF WATCHUNG


Michelle DeRocco, Clerk


Stephen K. Pote, Mayor

Introduced: November 19, 2018

Adopted: December 6, 2018

**Borough Council Ordinance #OR18/20 Approving the Bonnie Burn Road
Redevelopment Area Ordinance**

BOROUGH OF WATCHUNG

COUNTY OF SOMERSET, NEW JERSEY

ORDINANCE #OR:18/20

AN ORDINANCE ADOPTING A "REDEVELOPMENT PLAN" FOR A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT CONSISTING OF BLOCK 7402, LOTS 19.01 AND 19.02 AND BLOCK 7403, LOTS 5 AND 10 AND FURTHER IDENTIFIED AS THE "BONNIE BURN ROAD REDEVELOPMENT AREA", AS SHOWN ON THE BOROUGH OF WATCHUNG TAX MAP IN ACCORDANCE WITH N.J.S.A. 40A:12A-7.

WHEREAS, Block 7402, Lots 19.01 and 19.02 and Block 7403, Lots 5 and 10 are located in the northeastern section of Watchung Borough, Somerset County, New Jersey. The four lots, taken together as the Bonnie Burn Road Study Area ("Study Area" or "Site"), have frontage only on Bonnie Burn Road (County Road 641) which is classified as a minor arterial road and is under Union County jurisdiction. Bonnie Burn Road is a two-lane road with no shoulder or sidewalks and has a curvilinear alignment along the Site. The four lots are a total of 41.03 acres with approximately 1,000 feet of frontage along Bonnie Burn Road. It is located approximately 1,000 feet south of Valley Road. (See Map 1 – Location Map, Map 2- Tax Map, Map 3 - Aerial Map.); and

WHEREAS, this Redevelopment Plan sets forth the manner in which the Site will be developed as an inclusionary multi-family housing development of a maximum of two hundred and thirty (230) units consisting of forty-six (46) low- and moderate-income, non-age restricted affordable rental units and one hundred eighty-four (184) market-rate units. The Site was originally identified for development of an inclusionary non-age restricted affordable rental development in the Borough of Watchung and Fair Share Housing Center Settlement Agreement ("FSHC Settlement Agreement") adopted on June 7, 2018 and the Order on Fairness and Preliminary Compliance Hearing dated September 19, 2018; and

WHEREAS, on June 7, 2018, the Borough Council of the Borough of Watchung adopted Resolution No.11:06/07/18 which authorized and directed the Borough of Watchung Planning Board to undertake a preliminary investigation of the Site to determine whether or not certain lands should be designated as a Non-Condemnation Area Redevelopment Area in accordance with N.J.S.A. 40A:12A-1, et seq. (the Local Housing and Redevelopment Law or "LHRL"); and

WHEREAS, on August 21, 2018, the Planning Board conducted a public hearing to determine whether the Site is a potential non-condemnation area in need of redevelopment, with all notice and jurisdictional requirements having been met; and

WHEREAS, the Planning Board reviewed the Preliminary Investigation Report prepared by Marcia R. Shiffman, PP/AICP/LLA of Maser Consulting P.A. dated July 2018, as well as heard the testimony of Marcia R. Shiffman, PP/AICP/LLA, and comments by residents of the Borough as to the proposed Site and the designation of the same as an area in need of redevelopment; and

WHEREAS, after the conclusion of the public hearing the Planning Board adopted, on September 18, 2018, Resolution No. PB18-RO8 finding and recommending to the Borough Council that the Site be designated as a Non-Condensation Area in Need of Redevelopment and adopted the *Preliminary Investigation Report for the Bonnie Burn Road Site, Block 7402, Lots 19.01 and 19.02 and Block 7403, Lots 5 and 10*; and

WHEREAS, on October 4, 2018, the Borough Council adopted Resolution No. R11:10/04/18 which designated the Site as an Area in Need of Non-Condensation Redevelopment and directed the preparation of a Redevelopment Plan for the Site and its presentation to the Borough Council; and

WHEREAS, Borough designation of the Site as a Non-Condensation Redevelopment Area, along with adoption of this Redevelopment Plan, allow for the development of the Site as contemplated in the June 7, 2018 Borough of Watchung and Fair Share Housing Center Settlement Agreement ("FSHC Settlement Agreement") and this Redevelopment Plan. This designation and adoption of the Redevelopment Plan also enable the use of other mechanisms (e.g., a payment in lieu of taxes arrangement) that are necessary for the realization of the affordable rental development specified in this Redevelopment Plan; and

WHEREAS, Map 4 – Buffer Diagram & Concept Plan, prepared by Peter G. Steck, P.P., dated November 7, 2018, illustrates the development concept of the Site as contemplated in this Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WATCHUNG, in the County of Somerset and the State of New Jersey, that the "Bonnie Burn Road Redevelopment Plan" (the "Redevelopment Plan") be adopted, as follows, in accordance with N.J.S.A. 40A:12A-7. of the LHRL:

SECTION 1. RELATIONSHIP TO LOCAL OBJECTIVES, CONSISTENCY WITH BOROUGH MASTER PLAN, AND REDEVELOPMENT OBJECTIVE:

The Local Housing and Redevelopment Law (LHRL) requires that the Redevelopment Plan describe its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements (40A:12A-7.a.(1)).

The LHRL requires that all provisions of the Redevelopment Plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a

majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan. (40A:12A-7.d.).

A. Consistency with Master Plan.

This Redevelopment Plan implements a key component of the Borough's effort to meet its affordable housing obligation for the 1999 to 2025 time period pursuant to applicable affordable housing regulations, the Order on Fairness and Preliminary Compliance Hearing and the Borough's Settlement Agreement the Fair Share Housing Center (FSHC) and consistent with various objectives and recommendations of the Borough's 1994 Master Plan Update and the 2011 Master Plan Reexamination.

The Master Plan Reexamination adopted by the Planning Board in 2011 specifically evaluated the site and recommended that development be consistent with the R-M-L-II zone (which permits a lower density than permitted herein, with no affordable housing provided). However, due to the uncertainty existing at the time regarding State-mandated affordable housing obligations, the 2011 Master Plan Reexamination anticipates the likelihood that the Borough would need to address an affordable housing obligation in a manner not directly addressed in the Master Plan Reexamination. Due to this uncertainty, the Reexamination Master Plan recommends that the Borough monitor changes to affordable housing regulations, evaluate their effect on the Borough and react appropriately, as follows:

At this time, the future of COAH is uncertain. On October 8, 2010, the Appellate Division invalidated substantial portions of the COAH's revised Third Round Rules. The court gave COAH five months to adopt new rules. At the time various legislative approaches have been proposed. The first bill introduced in the 2010 session of the New Jersey State Senate, S-1, proposes to abolish COAH and provide a new means of calculating and addressing affordable housing needs. A-3447 would also make similar reforms to the Fair Housing Act and would similarly abolish COAH.

All of these factors point towards major potential changes to affordable housing requirements. However, it is unclear what their exact form will be or what the potential effect on the Borough. It has been determined that municipalities have a constitutional obligation to provide a realistic opportunity for affordable housing. This obligation will not likely go away entirely. Thus, it is imperative that the Borough continue to monitor the changes to affordable housing regulations, evaluate their effect on the Borough and react appropriately.

In the section entitled "Past and Potential Changes in Land Use and Population," the 2011 Master Plan Reexamination further anticipates the potential need to address an affordable housing obligation in a manner not directly addressed in the Master Plan Reexamination. In this section, the Master Plan Reexamination anticipates that residential development of vacant land would be minimal due to development constraints such as lack of sewer and wetlands but indicates that *"some residential development may occur as a result of affordable housing obligations imposed by the State."*

Lastly, the 2011 Master Plan Reexamination reviewed and incorporated the “Statement of Objectives, Principles, Assumptions, Policies and Standards” of the Borough’s 1994 Master Plan Update which includes the following objective effectuated by this Redevelopment Plan:

The Development Plan should continue to address the mandate of the “Mt. Laurel II” New Jersey State Supreme Court Decision and the requirements of the New Jersey Council on Affordable Housing (COAH) which obligates each municipality to provide for its “fair share” of its regions “low” and “moderate” income housing. The Borough of Watchung should formulate a so-called “Housing Compliance Plan” which safeguards the integrity of existing residential neighborhoods, acknowledges environmentally fragile areas, and permits the continuance of a reasonable balance between residential and non-residential development.

Consistent with the above-described objectives and recommendations of the Borough’s 1994 Master Plan Update and 2011 Master Plan Reexamination, this Redevelopment Plan implements a key component of the Borough’s effort to meet its affordable housing obligation for the 1999 to 2025 time period.

In response to the March 10, 2015 decision of the New Jersey Supreme Court (which dissolved the substantive certification process before the New Jersey Council on Affordable Housing (COAH) and created a judicial process by which a municipality can seek a judicial determination that their housing element satisfied their “third round” affordable housing obligation) the Borough filed a declaratory judgment action with the Superior Court which sought judicial determination of compliance with the Borough’s Third Round affordable housing obligation.

The Borough and the FSHC, a Supreme Court-designated interested party in this matter appeared before the Hon. Thomas C. Miller, P.J.Cv., and worked with the Court-appointed Special Master, to review the Borough’s affordable housing plans. Through this process, the Borough and FSHC agreed to settle this litigation and present the settlement to the trial court with jurisdiction over this matter. The Borough entered into a Settlement Agreement with the FSHC for its 1999-2025 affordable housing obligations, which Settlement Agreement requires, amongst other actions, that the Borough adopt and endorse a Housing Element and Fair Share Plan (HEFSP) and adopt the implementing ordinances outlined in the Settlement Agreement.

One of the key implementing ordinances outlined in the Settlement Agreement involves rezoning of the subject site to allow for an inclusionary development that contains 46 non-age restricted rental affordable units (which would be effectuated by adoption of this Redevelopment Plan).

The Court’s Special Master provided to the Court a Report of the Special Master finding that the Borough’s Settlement Agreement with the FSHC (which, again, included the development addressed

in this Redevelopment Plan as a key component) will adequately protect the interests of low- and moderate-income households. The Hon. Thomas C. Miller, P.J.Cv. then subsequently held a Fairness Hearing and determined on September 19, 2018 that the Settlement Agreement was fair and reasonable to the interests of low- and moderate-income households. The Order on Fairness and Preliminary Compliance Hearing issued by Judge Miller requires that the Borough submit to the Special Master for review and comment a new HESFP and all resolutions and ordinances necessary to implement the HEFSP (which the Borough is required to adopt within 180 days from the date of the Order).

The adoption of this Redevelopment Plan (along with the HEFSP and other implementing ordinances and resolutions) addresses the Borough's Third Round affordable housing obligation consistent with the Order on Fairness and Preliminary Compliance Hearing and provides a realistic opportunity for the development of affordable housing units that will satisfy the Borough's Third Round obligation under the New Jersey Supreme Court's Mount Laurel decisions from 1999 to 2025.

The Site has been part of Watchung's affordable housing deliberations for over 30 years to address the Borough's affordable housing obligations. Block 7403, Lot 10, a 21-acre lot which is over 50% of the site area, was previously involved in affordable housing litigation with the Borough. In 1988, this lot was one of a number of other properties that were the subject of builder's remedy lawsuits against that Borough of Watchung. The Developers Mount Laurel Agreement settling this litigation was signed on August 25, 1988 and recorded on October 12, 1988. This Developers Mount Laurel Agreement provided that the Z.V. Associates property, Block 7403, Lot 10, would be rezoned to a higher density residential district. The R-M-L II District was established over this lot to increase the density of the 21.7-acre site from one unit per 60,000 square feet to one unit per 40,000 square feet for a total maximum of 20 lots. In return for the increased density increasing the number of single family lots by seven lots, there were specific conditions placed on the property. There was also a required cash contribution of \$280,000 for the Borough use in satisfying its low and moderate-income housing obligation. In 1988, the Borough was able to address its initial Mt. Laurel obligation without including this property for multi-family development except through the cash contributions for affordable housing at that time. The 1997 Borough of Watchung Housing Element and Fair Share Plan Addendum calls out these negotiated developer cash contributions to the Borough Housing Trust Fund to be used to finance the regional contribution agreement.

Notwithstanding the lower density recommendation for the Site in the 1988 Developers Mt. Laurel Agreement and in the 2011 Master Plan Reexamination, this Redevelopment Plan is not substantially inconsistent with the Borough Master Plan when evaluated as a whole. As addressed above, the Redevelopment Plan implements a key component of the Borough's effort to meet its affordable housing obligation for the 1999 to 2025 time period consistent with various objectives, analyses and recommendations of the Borough's 1994 Master Plan Update and 2011 Master Plan Reexamination

and pursuant to applicable affordable housing regulations, the Order on Fairness and Preliminary Compliance Hearing and the Settlement Agreement.

- B. Redevelopment Objective.** The overall objective of this Redevelopment Plan is to provide for the development of the subject Site with a 230-unit inclusionary rental housing development that includes forty-six (46) non-age restricted affordable rental units in order to address a component of the Borough's affordable housing obligation in a manner that is thoughtful and attractive in terms of site and building design.

SECTION 2. RELATIONSHIP TO LOCAL ZONING:

The LHRL requires that the Redevelopment Plan describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L. 1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the redevelopment plan applies. (40A:12A-7.c.)

- A.** This Redevelopment Plan shall supersede the Borough of Watchung Land Development Ordinance (LDO), and any other requirement of the Borough Revised General Ordinances pertaining to land use and building requirements with respect to development of the subject Site. Only those requirements of the Borough LDO that are specifically referenced in this Redevelopment Plan shall apply to development of the Site in the manner specified in this Redevelopment Plan.
- B.** Terms used in this Plan shall have the same meaning as defined in the Borough's LDO, except as specifically amended in this Plan.
- C.** For purposes of calculating minimum required lot area, maximum permitted building coverage and maximum permitted lot impervious coverage, the gross lot area (known to be 41 acres) shall be the unit of measure.
- D.** The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions, pre-existing structures and physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon, the developer or redeveloper of such property (i.e., a "c(1)" variance pursuant to N.J.S.A. 40:55D-70c(1)). The Planning Board may also grant a deviation from the regulations contained within this Redevelopment

Plan related to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by such deviation from the strict application of the requirements of this Plan and the benefits of granting the deviation would outweigh any detriments (i.e., a “c(2)” variance pursuant to N.J.S.A. 40:55D-70c(2)).

- E. The Planning Board may grant exceptions or waivers of design standards from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review within the Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the Site. Deviations may be granted under the terms of this section provided such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan.
- F. No deviations may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. Any deviations from standards of this Plan that results in a “d” variance pursuant to N.J.S.A. 40:55D-70d shall be addressed as an amendment to the Plan rather than by variance relief through the Borough’s Zoning Board of Adjustment.
- G. The Borough Council shall act as the “Redevelopment Authority” pursuant to N.J.S.A. 40A-12A-4.c for purposes of implementing the Redevelopment Plan and carrying out redevelopment. In doing so, the Borough Council shall have the powers set forth in N.J.S.A. 40A-12A-8 to effectuate all of its duties and responsibilities in the execution and implementation of this Redevelopment Plan.
- H. The Official Zoning Map of the Borough of Watchung is hereby amended to designate the following properties as the “Bonnie Burn Road Redevelopment Area”: Lots 19.01 and 19.02 in Block 7402; and Lots 5 and 10 in Block 7403. Map 5 depicts the amendment to the Borough Zoning Map. The “Land Use and Building Requirements” detailed below outline permitted land uses and building requirements in the Bonnie Burn Road Redevelopment District.
- I. The zoning established in the Bonnie Burn Road Redevelopment District shall replace the R-M-L-II Zone, as applicable to the Site. The Official Zoning Map shall be modified to reflect the zoning established in this Bonnie Burn Road Redevelopment Plan.

SECTION 3. LAND USE AND BUILDING REQUIREMENTS – BONNIE BURN ROAD REDEVELOPMENT DISTRICT:

The LHRL requires that the Redevelopment Plan outline proposed land uses and building requirements in the redevelopment area (40A:12A-7.a.(2)).

A. Principal Permitted Uses.

1. Multi-family dwelling units (apartment units) in one or more buildings as an inclusionary housing development, but not to exceed a total of 230 dwelling units within the zone.
2. Twenty percent (20%) of the total number of dwelling units in the zone shall be reserved for rental occupancy as affordable housing units. The provision of affordable housing shall be consistent with all applicable rules of the Council on Affordable Housing (COAH) and the Uniform Housing Affordability Controls (UHAC), including requirements of phasing and bedroom distribution. There shall be no more three-bedroom affordable units than the minimum number of units required by COAH regulations. At least thirteen percent (13%) of the affordable units shall be very low-income housing as defined by the New Jersey Fair Housing Act. The low- and moderate-income units shall be distributed throughout the complex and not concentrated in any one building.
3. The market-rate units shall consist only of one-bedroom, and two-bedroom units. A minimum of twenty (20%) of the market-rate units shall consist of one-bedroom units

B. Permitted Accessory Uses.

1. Uses and structures customary to the principal permitted use including, but not limited to, private residential garages, parking areas, refuse and recycling areas, swimming pools, tennis courts, club houses for residents, management offices, leasing offices, walking/jogging trails, recreation facilities, and dog runs.
2. All accessory structures except permitted fences, signs, retaining walls, bus shelters shall be located at least 100' from the zone boundary line.
3. Fences and walls in accordance with Section 28-502 and as follows:
 - a. Section 28-502.A.2. shall apply to the boundary between a single-family residential district and this Redevelopment Area and permit a fence of six (6) feet in height.
 - b. Section 28-502A.1.(a) shall permit opaque earth-tone fences more than 50% solid.
4. Signs may be provided in accordance with Section 28-504 of the Borough LDO and as follows:
 - a. Permitted signs shall include one project identification sign, residential unit and residential building identification signs, traffic and pedestrian directional signs and other public safety signs.
 - b. A project identification monument sign shall be permitted at the driveway entrance to the project not exceeding a sign panel area of 32 square feet in each face and not exceeding 8 feet in total height including the monument base.
 - c. A monument base constructed of stone or similar material and landscaped shall be provided.

- d. Building mounted identification signs or free-standing informational signs shall not exceed 4 square feet.
- e. Signs shall be constructed of stone, wood or similar materials and shall not be internally illuminated.
- f. An overall sign plan shall be submitted for review as part of the site plan application.

C. Maximum Building Heights, Number of Units, Building Length and Height Measurements

1. The height of the buildings shall be consistent with that depicted on Map 6 and Map 7 , Concept Height Sections which includes cross sections of all building types. On Lots 19.01 and 19.02 in Block 7402, the maximum building height shall be thirty-eight (38) feet and shall not exceed two exposed (2) stories on the upper side of the building nor exceed three exposed (3) stories on the lower side of the buildings. On Lots 5 and 10 in Block 7403, the maximum building height shall be forty-eight (48) feet and shall not exceed three exposed (3) stories on the upper side of the building nor exceed four (4) exposed stories on the lower side of the buildings.
2. Building height in feet shall be the vertical distance measured from the average finished grade at the perimeter of the foundation calculated at 20 foot increments to the mean level between the eaves and the highest point of the roof in the case of pitched roofs.
3. Building height in stories shall be measured counting as a story the space between the upper surface of any floor and the upper surface of the next floor above it or, if there is no floor above it, then the surface between the floor and the ceiling next above it. Space under a sloped roof that is not habitable and space partially or fully below grade that is not habitable under the State Uniform Construction Code shall not be considered a story or part of a story.
4. On Lots 19.01 and 19.02 in Block 7402, no building shall contain more than 44 dwelling units or be greater than three hundred (300) feet in length. On Lots 5 and 10 in Block 7403, no building shall contain more than 64 dwelling units or be greater than three hundred (330) feet in length.

D. Area, Yard and Other Requirements

1. The minimum required lot area shall be 41 acres. No subdivision of the Site shall be permitted.
2. Residential buildings within the development shall be setback from the perimeter of the site the distances indicated on Map 4 Buffer Diagram and Concept Plan, except that in the review of the site plan application the Planning Board may permit the setback of one or more of the

buildings to be reduced to a minimum of 100 feet from the Site perimeter if such lesser setback is necessary to achieve the proposed site plan.

3. Residential buildings within the development shall be separated from one another a distance of no less than 60 feet.
4. No residential building shall be located closer than 15 feet to the cartway of a principal circulation drive within the development.
5. The maximum lot coverage (impervious coverage) shall be 40% of the site area. Any land area that may be dedicated for road right-of-way purposes or dedicated for preserved open space shall not be deducted from the calculation of the maximum permitted lot coverage.
6. The maximum building coverage shall be 20% of the site area. Any land area that may be dedicated for road right-of-way purposes or dedicated for preserved open space shall not be deducted from the calculation of the maximum permitted lot coverage.

E. Buffers

1. An eighty (80) foot wide buffer shall be established along the northwesterly property boundary of Lots 19.01 and 19.02 in Block 7402. All other tract boundaries shall have a minimum buffer width of 50 feet. Where driveways, parking areas, walkways and utility lines are needed to service the development, such linear improvements may cross required buffer areas provided such intrusions are minimized. Stormwater detention basins and other stormwater management features and facilities may be constructed within required buffer areas provided that a minimum undisturbed buffer area of at least 40 feet is established along the exterior tract boundary as described in Map 4 - Buffer Diagram & Concept Plan. Permitted within required buffer areas are retaining walls, fencing along property boundaries and associated safety fencing.
2. The buffer shall comply with the landscape standards under Section 28-609.E., except as modified by this Redevelopment Plan as follows:

Existing healthy trees in the buffer area shall be retained to the greatest extent possible. During the review of the site plan application, the Planning Board may require evergreen landscape materials and/or earth tone fencing in such locations, design and size as necessary to provide year-round screening to minimize off-site views into the Site to the greatest degree practicable from adjoining residential properties.

The transition buffer requirements under Section 28-609.E.2. shall be addressed except the dimensions are modified consistent with the buffer widths shown on Map 4, Buffer Diagram & Concept Plan and as indicated in E.1.

F. Recreation Amenities and Security

1. Permitted recreation amenities shall include, but not be limited to a resident clubhouse, resident lounge, a fitness center, a private conference room, an outdoor swimming pool, complimentary Wi-Fi through the common areas, pet-friendly features, a smoke-free environment, and a recreation area serving children of various ages.
2. Required recreation amenities shall include a recreation facilities building/club house with a minimum gross floor area of 5,000 square feet, a fitness center, an outdoor swimming pool, and a recreation area serving children of various ages
3. The site plan submission shall include a proposed program for on-site security. The program shall include a permanent on-site resident superintendent and shall include consideration of some combination of the following: security camera system and a key-fob security system controlling entrances to building and individual apartments.
4. Section 28-505.A. Recreation Required for Multifamily Development shall apply, except that:
 - a. The placement of recreational amenities shall comply with the perimeter setback requirements at D.2. above and the perimeter buffer requirements of E.1 and E.2 above except that walking trails shall not subject to these requirements provided such trails are reflected on the site plan approved by the Board after demonstration to the Board that the trails have been placed in a manner that minimizes tree removal.

G. Parking requirements

1. Parking shall be provided in accordance with the Residential Site Improvement Standards, N.J.A.C. 5: 21-1, et seq. De minimis exceptions may be considered by the Planning Board to advance the purposes of this Redevelopment Plan in accordance with the de minimis exception standards authorized by the Residential Site Improvement Standards.
2. Parking spaces shall be located at least 10 feet from a residential building within the development; except where a parking space also provides access to an enclosed garage, no such setback shall be required.
3. Parking lot design shall comply with Section 28-607 unless superseded by the Redevelopment Plan requirements.
4. Section 28-609 G. Parking Lot, Loading and Utility Area Landscaping shall be provided with the exception that parking under the buildings will require permitted modifications to the

landscaping standards to accommodate the design.

H. Exemptions

1. The provisions of Chapter XXIV of the Revised General Ordinances of the Borough of Watchung concerning tree preservation shall not apply to development within this zone except for portions of the tract required to be in buffer areas along the perimeter of the tract. Where tree removal and replacement are in accordance with an approved site plan, an inventory of trees for the entire lot or tract and within undisturbed portions of the required buffer area shall not be required. Tree replacement shall only be required for trees removed in required buffer areas as authorized by an approved site plan. However, to address Site tree removal outside of the required buffer areas, a minimum of one shade tree measuring a minimum of two and one-half to three (2 1/2 – 3) inch caliper shall be provided for each dwelling unit. This provision includes trees required for street tree and parking area plantings, but excludes the trees required for landscape buffers.

I. Building Design Standards

1. All residential buildings shall have similar façade treatments so that they are compatible with one another. Additionally, all sides of any one residential building shall have similar façade treatments.
2. Long buildings shall be broken into façade segments. Any building with a length of over 100 feet shall have off-set facades at least every 30 feet created with setback or bump-out sections being 1.5 feet or more in depth.
3. A variety of materials and architectural features are encouraged to, for example, distinguish the first floor from higher floors, to distinguish top floors from lower floors, and to highlight building entrances.
4. The building design shall include a pitched roof design with a minimum pitch of 4:12.
5. Rooftop HVAC units, if employed, shall be aesthetically shielded by roof insets and appropriately buffered for noise.

J. Overall Building and Site Design Concept.

While the development planned herein represents an important element of the Borough's affordable housing plan, it is critical that the development also be carefully designed in consideration of surrounding land uses, seek to minimize overall land disturbance and tree removal, and be attractively designed. The "Narrative Statement" below, provides a written explanation of the planned building/

architectural design and overall site design concept. This narrative describes how the buildings and site will be attractively and thoughtfully designed.

Narrative Statement

The inclusionary housing development proposed to be implemented under the terms of this Redevelopment Plan is intended to follow the conceptual layout shown on Map 4 - Buffer Diagram & Concept Plan. The concept plan shows six residential buildings positioned to avoid unnecessary intrusions on the environmentally sensitive portions of the site. Those environmentally sensitive areas include wetlands and associated transition areas as well as riparian zones associated with water courses.

The concept plan envisions a total of 230 dwelling units intended for rental occupancy with 20 percent of the total reserved for low- and moderate-income households (for a total of 46 affordable units). The low and moderate-income units will be distributed throughout the development and not concentrated in any one building. Toward the interior of the Site, residential buildings with three-stories exposed on one side and four-stories on the opposite side are proposed. Further to the west, buildings with three-stories on one side and two stories on the opposite side are proposed. The differing story heights are designed to accommodate the sloping nature of the Site and to situate the tallest buildings furthest away from neighboring single-family homes.

Access to the Site is proposed via a pair of driveways in a parkway format that lead to a clubhouse with recreational facilities. This accessory component serves as a focal point for residents and their guests approaching the residential buildings.

Architectural Design Standards. Map 8 Concept Stone Elevation and Map 9 Concept Brick Elevation are shown as conceptual architectural designs. The final architectural design has not been prepared at this time and changes in the architectural plans are likely to occur. Final plans will be submitted and reviewed by the Planning Board.

All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with the other buildings, so as to create a cohesive relationship between the buildings. Buildings shall be designed so as to prevent exterior elevations from containing large expanses of blank or featureless walls.

The exterior treatment shall include quality materials, such as brick, stone, "Hardie" board, and/or composite materials, siding and materials of similar quality and duration as is characteristic of luxury building. Among the architectural features proposed are stone counter-tops, tile backsplash and stainless steel kitchen appliances, washer-dryers within each unit, individual

unit specific temperature control, nominal 9 foot ceilings within units, elevators, private balconies in selected units and private garages for a number of resident vehicles.

K. Additional Requirements.

1. Traffic Impact Study. The Redeveloper shall prepare and submit a Traffic Impact Study as part of the site plan application for review by the Board that addresses the inclusionary development's traffic impact which includes the following:
 - a. The existing road network available to serve the proposed development, as well as the proposed road network within the development itself and the surrounding road network which will be affected by the proposed development. This analysis shall include the capacity of the existing and proposed roadways; the anticipated traffic volumes as a result of the proposed development; the physical structure of road networks; and any problem areas in the area road network affected by this development and other planned development with impacts on the road network, including unsafe intersections and vertical or horizontal alignments.
 - b. The analysis shall evaluate current and planned development in the surroundings including individual residences or businesses on Bonnie Burn Road, including Weldon Quarry.
 - c. The traffic analysis shall consider the County of Union traffic circulation and development in adjoining municipalities that may affect the traffic conditions in the Redevelopment Area.
 - d. The Planning Board, during its site plan review, may condition site plan approval consistent with Somerset and Union County Planning Board approvals, as applicable on (1) improvements to on-tract entrances and exits and (2) contributions to off-tract improvements made necessary by the on-tract development.
 - e. The Redeveloper will be responsible for off-tract site improvements related to traffic such as a traffic light, acceleration and deceleration lane improvements to achieve sufficient sight distances and related improvements to individual driveway(s) serving the Site fronting onto Bonnie Burn Road.
 - f. All off-tract improvements and entrances and exits along Bonnie Burn Road shall be subject to Somerset and Union County Planning Board approval.
2. Environmental Impact Statement and Site Assessment. The site plan submission shall include an Environmental Impact Statement (EIS) pursuant to Section 28-804. The EIS shall be accompanied by a Phase I Environmental Site Assessment and a Phase II Environmental Site Assessment, if necessary. In this fashion, environmental remediation, if necessary, can be incorporated into the site plan approval.

3. The requirements of Article 28-600 shall apply unless specifically modified or waived by this Redevelopment Plan. Notwithstanding any requirements to the contrary, the following specific design requirements shall apply within the Redevelopment Area (to the degree other requirements in the Revised General Ordinances conflict), the following requirements shall apply to development on the Site).
 - a. The development shall include sidewalks providing pedestrian access from the parking lots to the buildings and along the access drive to Bonnie Burn Road.
 - b. The site shall be designed to properly allow for emergency vehicle maneuverability and access.
 - c. All buildings shall be sprinklered.
 - d. Notwithstanding any requirements to the contrary, stormwater management facilities may be permitted within yard setbacks as shown on the Map 4, Buffer Diagram & Concept Plan. Such facilities shall be attractively landscaped and/or screened consistent with applicable requirements of Article 28-600.
4. Construction Phasing. The site plan submission shall include a description of the construction phasing (e.g., relative timing of site clearing, grading, placement of utilities, building construction, etc.).
5. Weldon Quarry Lease Notice. A form of notice shall be included in all leases informing future development residents that Weldon Quarry is across Bonnie Burn Road and that it performs blasting on a regular basis. A draft shall be included with the site plan submission.
6. Sanitary Sewers and Other Utilities. The site plan approval shall be conditioned upon the Redeveloper obtaining sewer capacity from the Township of Berkeley Heights, amending the Sewer Service Area and extending the sewers to the development at its sole cost. All utilities are to be located underground.
7. The Redeveloper is responsible for any cost incurred by the Borough to review the required site plan, and related traffic and environmental impact analysis.
8. Construction of the Site shall comply with any and all applicable requirements and regulations related to blasting.
9. Development of the Site shall be subject to the applicable requirements of the following Articles of the Borough LDO: 28-800, Development Application Review Procedures and Checklists; 28-900, Application Fees, Guarantees, Inspections and Off-Tract Improvements; and 28-1200, Administration, Penalties, Repealer, Validity.

10. The following items in the Preliminary Major Application Checklist shall be modified as follows: #12 (Tree Removal/ Tree Replacement Application) shall not be required; and #32 (individual tree locations) shall be provided only in required buffer areas in areas adjacent to the homes located on Oakwood Road East and Mareu Drive bordering the site.
11. The development shall comply with all applicable requirements necessary for the Borough to address its affordable housing obligation including but not necessarily limited to: recording of necessary deed restriction(s); affirmative marketing; bedroom distribution; low/ moderate income split; and engagement of a qualified administrative agent.
12. Upon site plan approval, portions of the Site that are to remain undeveloped (e.g., wetlands, wetlands buffer areas, buffer areas, and open space areas) shall be placed within a duly-recorded conservation easement.
13. A deed restriction within that certain August 2, 1988 Developer's Mount Laurel Agreement is not consistent with the Order on Fairness and Preliminary Compliance Hearing, the Borough's Settlement Agreement with the Fair Share Housing Center, and this Redevelopment Plan. In cooperation with the Borough, the designated Redeveloper shall file a motion to the Court issuing the Order on Fairness and Preliminary Compliance Hearing to remove that deed restriction. That certain Revised Final Plat for Oakwood Estates," filed on March 14, 2011 in the Somerset County Clerk's Office as Map. No. 6408-1205, also conflicts with this Redevelopment Plan, and the Order on Fairness and Preliminary Compliance Hearing and the Borough's Settlement Agreement with the Fair Share Housing Center. This Redevelopment Plan supersedes any bulk requirements and density restrictions imposed by the Plat for Oakwood Estates with regard to the Redevelopment Area. The Redeveloper shall cause a corrective deed to be recorded memorializing this Redevelopment Plan's supersession of the bulk and density requirements imposed by Plat for Oakwood Estates.

SECTION 4. AFFORDABLE HOUSING:

The LHRL provides that the Redevelopment Plan may include the provision of affordable housing in accordance with the "Fair Housing Act" and the housing element of the municipal master plan.

As stated above, the development will be a two hundred-thirty (230) unit multi-family development. Forty-six (46) of the units shall be low- and moderate-income ("affordable") non-age-restricted rental housing units as defined by the New Jersey Fair Housing Act. No less than thirteen percent (13%) of the 46 affordable units shall be very low-income units as defined in the New Jersey Fair Housing Act. The development shall comply with the COAH and UHAC regulations and the Borough's LDO Chapter 28-1000, Affordable Housing Ordinance.

All units within the Site will be deed restricted for low and moderate family occupancy for a period of thirty (30) years from the date of issuance of the Certificate of Occupancy. The controls will continue in accordance with UHAC after the first 30 year period unless and until the Borough chooses to release the restrictions in accordance with UHAC.

SECTION 5. PROPERTY ACQUISITION:

The LHRL requires that the Redevelopment Plan identify properties within the redevelopment area which are proposed to be acquired in accordance with the redevelopment plan. (40A:12A-7.a.(4)).

No acquisition of property by the Borough is involved in this Redevelopment Plan. Further, because the Area in Need of Redevelopment Preliminary Investigation was conducted as a "Non-Condemnation" study, no property may be acquired by the municipality by eminent domain in association with this Redevelopment Plan.

SECTION 6. RELOCATION:

The LHRL requires that the Redevelopment Plan outline adequate provision for the temporary and permanent relocation, as necessary, of residents in the redevelopment area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market. (40A:12A-7.a.(3)).

The property currently contains an abandoned residence but is otherwise undeveloped. Therefore, there will be no need to relocate any residents in order to construct this Redevelopment Plan.

SECTION 7. RELATIONSHIP TO PLANS OF OTHER JURISDICTIONS AND TO THE MASTER PLANS OF CONTIGUOUS MUNICIPALITIES, COUNTIES AND/OR STATE:

The LHRL requires that the Redevelopment Plan describe any significant relationship of the redevelopment plan to: the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development and Redevelopment Plan. (40A:12A-7.a.(5)).

A. Adjacent Municipalities.

The Site is located in excess of one-half mile from the Township of Berkeley Heights to the west and in excess of one-half mile from the Township of Scotch Plains to the east. The Site is physically and visually separated from, and not located in close proximity to, adjacent municipalities. Given the physical separation of the Site to other municipalities the Redevelopment Plan will not significantly affect any nearby municipalities. However, since development at the Site will rely on Bonnie Burn Road as its sole access, traffic from development within the Site is expected to be added to existing traffic in both Berkeley Heights and Scotch Plains.

B. Somerset County Master Plan, Housing Element and Wastewater Management Plan.

The Somerset County Master Plan, adopted in 1987, includes background data and information, goals and recommendations and implementation strategies pertaining to the following components: Land Use, Housing, Transportation, the Environment and Capital Facilities, the majority of which remain relevant today. In particular, this Redevelopment Plan is consistent with Goal 5 which encourages a variety of housing types.

This Redevelopment Plan is also consistent with various “Guiding Principles” and “Planning Objectives” of the Housing Element of the Somerset County Master Plan (November 2017) including but not limited to the following: Guiding Principle 1 (encouraging a range of housing types); Planning Objective 1C (increase the supply of rental and for purchase housing affordable to low and moderate income households); Guiding Principle 5 (support efforts to advance the State Fair Housing Act); Planning Objective 5A (increase the supply of housing affordable to low- and moderate-income households); and Planning Objective 5B (update, adopt and implement municipal Housing Element and Fair Share Plan).

Completion of the Countywide Wastewater Management Plan (WMP) for Somerset County is being accomplished in phases. The first phase comprised of the updated Countywide Wastewater Service Areas Map was completed in 2013. The Wastewater Service Areas Map, which was adopted by NJDEP, delineates the assigned sewer service areas associated with existing wastewater treatment facilities. Work is currently underway by the County Planning Division on the required wastewater treatment facility capacity analysis and identification of potential strategies for addressing any capacity deficiencies. The majority of the Site (Lots 5 and 10 in Block 7403) is located within the future wastewater service area (Middlesex County Utility Service Area or MCUA) on the updated Countywide Wastewater Service Areas Map adopted by NJDEP. The remainder of the Site (Lots 19.01 and 19.02 in Block 7402) is identified within the sewer service area associated with the portion of the Berkeley Heights Water Pollution Control Plant. However, the Wastewater Service Areas Map notes that the area within Watchung identified within the sewer service area associated with the Berkeley Heights Water Pollution Control Plant would be adopted at a later date. It would thus appear that the Wastewater Service Areas Map would need to be updated. It is noted that the Borough’s 2005 and 2011 Master Plan Reexamination Reports both endorse extension of sewer in the area to serve development that was anticipated at those times.

C. The State Development and Redevelopment Plan.

The State Development and Redevelopment Plan (SDRP) was adopted by the State Planning Commission on March 1, 2001. This Redevelopment Plan directly supports the State Plan Policy Goals by facilitating development of a thoughtfully designed rental apartment development with affordable housing that is consistent with local, regional and state land use policies. In particular, the proposed development of the Site is consistent with Goal #6 of the SDRP - “Provide Adequate Housing at a

Reasonable Cost". The proposed development is particularly consistent with the following strategy of the SDRP: "Provide adequate housing at a reasonable cost through public/private partnerships that create and maintain a broad choice of attractive, affordable, ecologically designed housing." The statewide policy map includes the Site within the Suburban Planning Area (PA 2) which encourages a variety of housing choices.

SECTION 8. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities entitled to notice, including to the Clerk of adjoining municipalities, to the last owner of the Property and all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in the Property. The Borough Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 8, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 9. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung for its review in accordance with N.J.S.A. 40A:12A-7e. The Planning Board is directed pursuant to N.J.S.A. 40A:12A-7d to transmit to the Borough Council, within forty-five (45) days after referral, a report finding that the Redevelopment Plan shall be substantially consistent with the Borough Master Plan or designed to effectuate the Master Plan or that the Redevelopment Plan is substantially inconsistent with the Borough Master Plan or not designed to effectuate the Master Plan.

Section 10. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

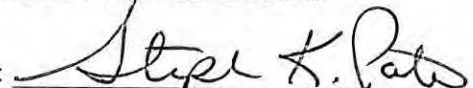
Section 11. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 12. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16.

ATTEST:


Michelle DeRocco, Borough Clerk

BOROUGH OF WATCHUNG:

BY: 
Stephen K. Pote, Mayor

Introduced: Black

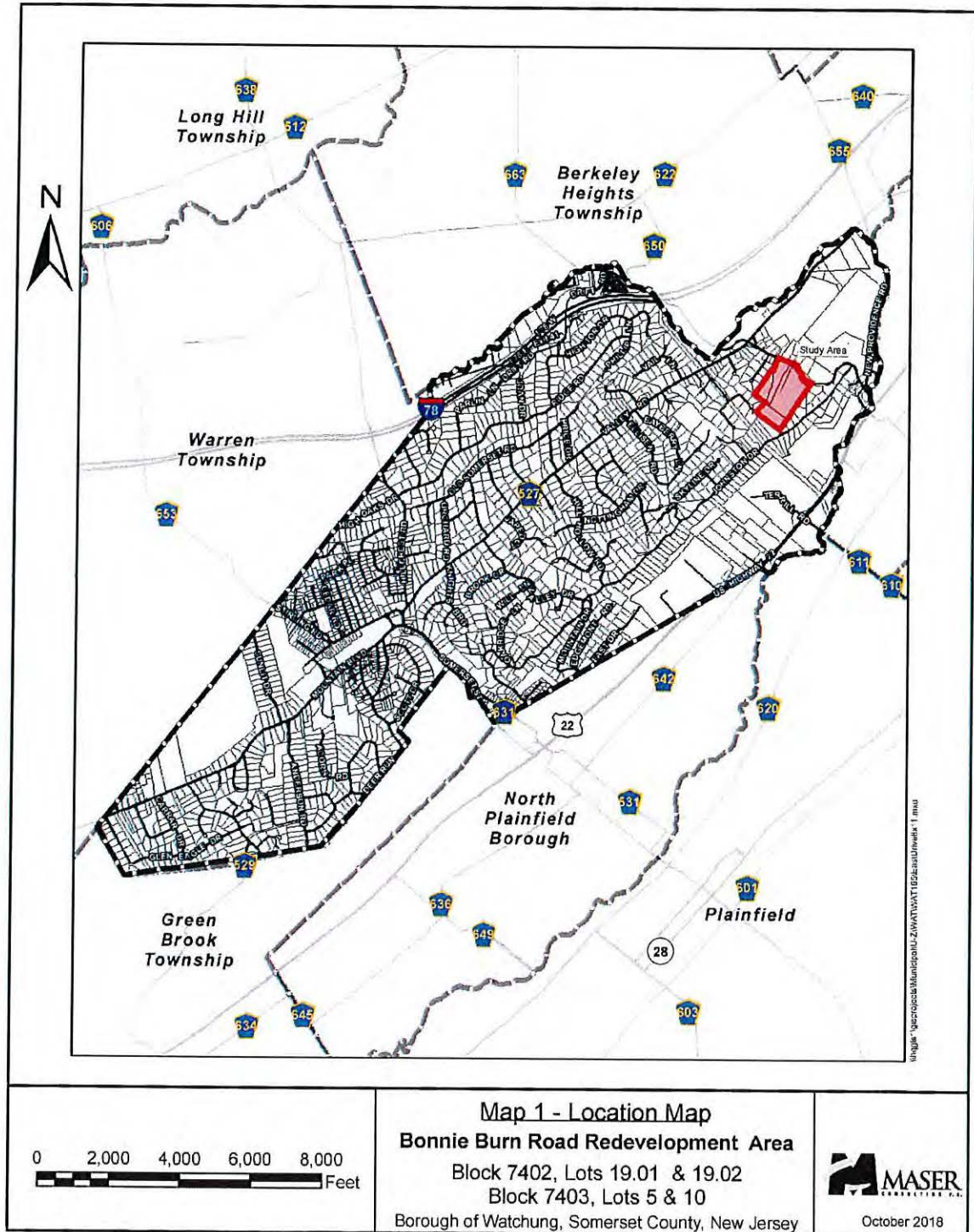
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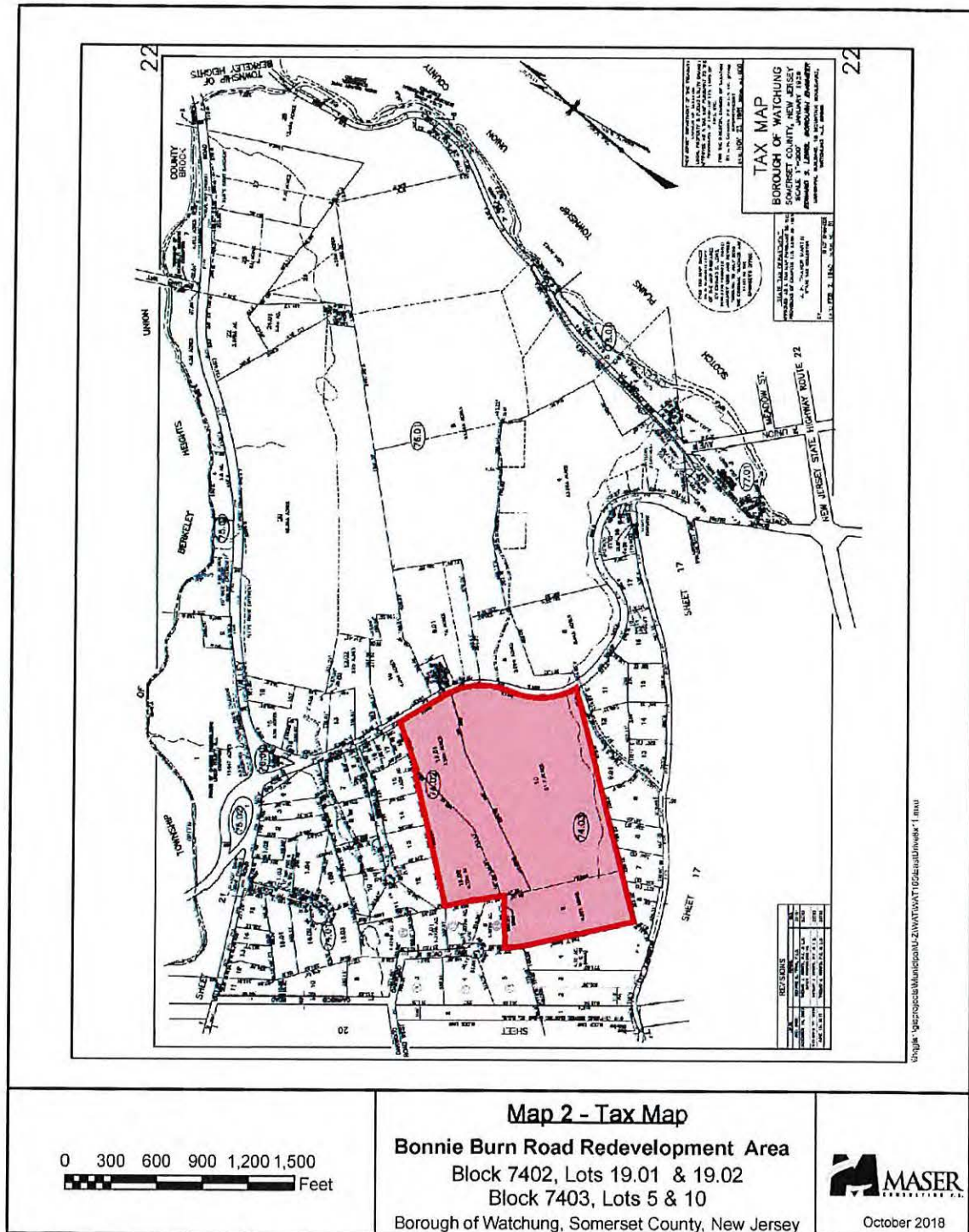
Passed: November 19, 2018

Published: November 24, 2018

Adopted: December 6, 2018

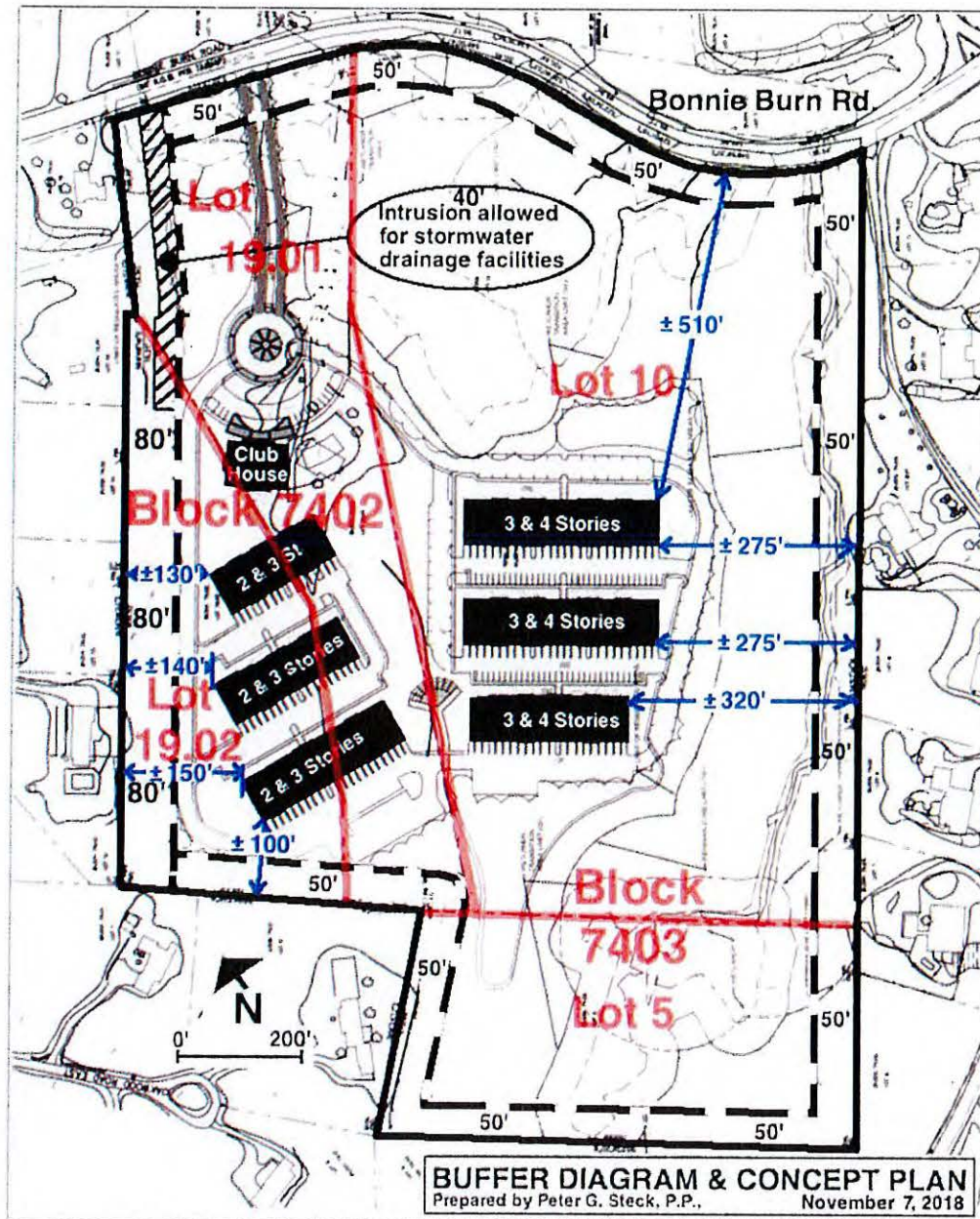
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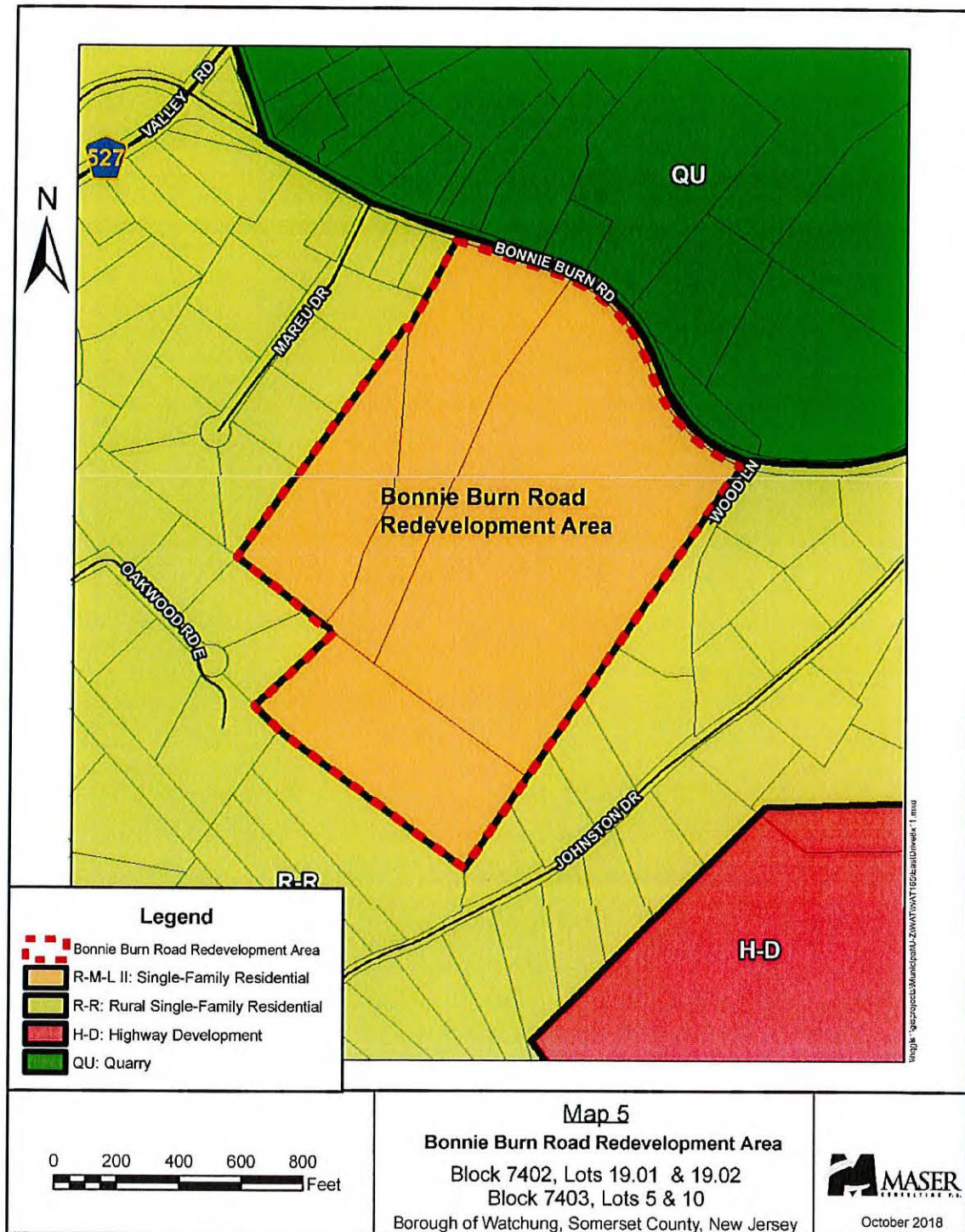


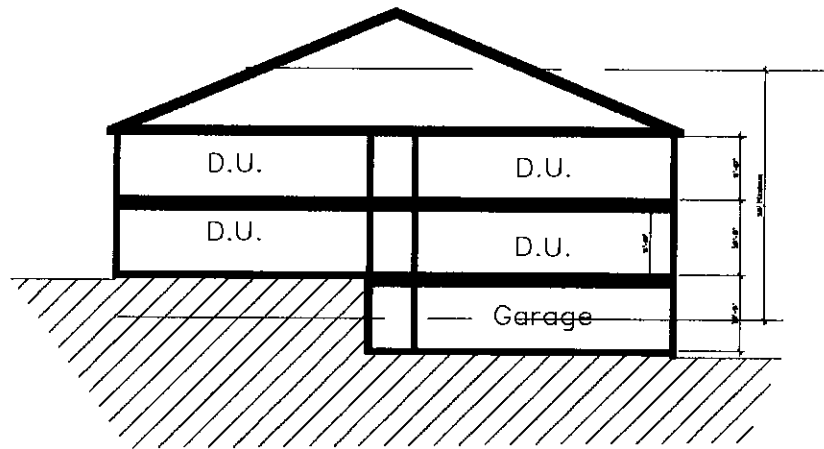


Proposed Buffer Diagram & Concept Plan with setback dimensions and proposed Approximate Conservation Area Plan
Peter Steck, P.P., Nov. 7, 2018



Map 4

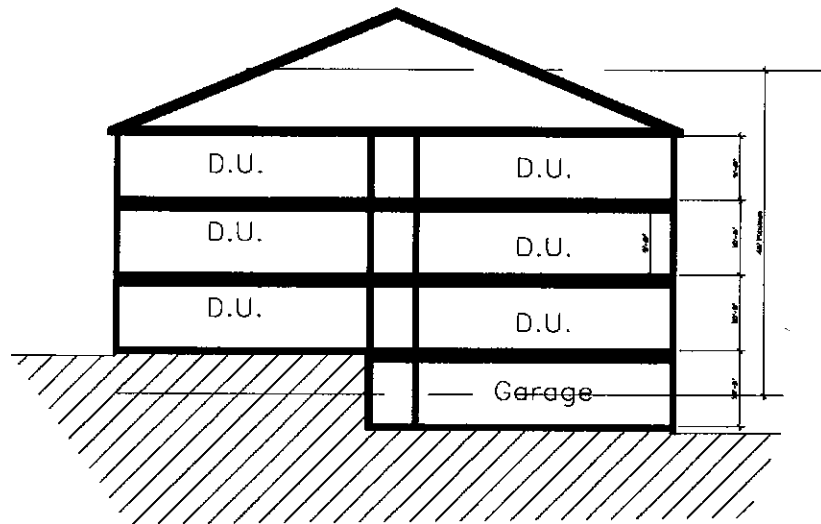




Map 6

CONCEPT HEIGHT SECTION

SCALE: 1/16" = 1'-0"



CONCEPT HEIGHT SECTION

SCALE: 1/16" = 1'-0"

Map 7



CONCEPT STONE ELEVATION

This elevation is conceptual only. Final designs have not been prepared. Changes to the plan will occur. Final plans will be submitted and reviewed by the Watchung Planning Board.

Map 8



CONCEPT BRICK ELEVATION

This elevation is conceptual only. Final designs have not been prepared. Changes to the plan will occur. Final plans will be submitted and reviewed by the Watchung Planning Board.

Map 9

**Borough Council Resolution Appointing BNE Real Estate Group as the Developer of Bonnie
Burn Road Redevelopment Area**

BOROUGH OF WATCHUNG

RESOLUTION No. R9:12/06/18

**A RESOLUTION CONDITIONALLY SELECTING AND
DESIGNATING BNE-WATCHUNG, LLC, AS THE
REDEVELOPER OF THE BONNIE BURN ROAD PROPERTY**

WHEREAS, on December 6, 2018, the Borough of Watchung Council adopted an Ordinance titled "AN ORDINANCE ADOPTING A 'REDEVELOPMENT PLAN' FOR A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT CONSISTING OF BLOCK 7402, LOTS 19.01 AND 19.02 AND BLOCK 7403, LOTS 5 AND 10 AND FURTHER IDENTIFIED AS THE 'BONNIE BURN ROAD REDEVELOPMENT AREA', AS SHOWN ON THE BOROUGH OF WATCHUNG TAX MAP IN ACCORDANCE WITH N.J.S.A. 40A:12A-7"; and

WHEREAS, BNE-WATCHUNG, LLC, a New Jersey limited liability company, is the contract purchaser of certain real property identified as Block 7402, Lots 19.01 and 19.02 and Block 7403, Lots 5 and 10 ("Bonnie Burn Road Redevelopment Area"); and

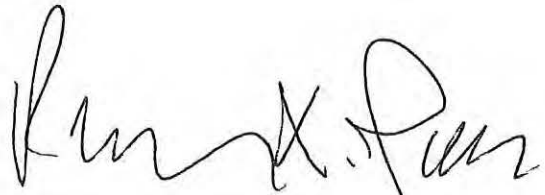
WHEREAS, the Borough desires to conditionally select and designate BNE-WATCHUNG, LLC, or an urban renewal entity to be created but controlled by BNE-WATCHUNG, LLC, and to be designated in the Redevelopment Agreement, as the redeveloper of the Bonnie Burn Road Redevelopment Area pursuant to N.J.S.A. 40A:12A-8(f) conditioned upon the Borough and BNE-WATCHUNG, LLC, entering into a Redevelopment Agreement and a Financial Agreement (Payment in Lieu of Taxes ("PILOT") Program) acceptable to both parties.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Watchung Council, County of Somerset, State of New Jersey, as follows:

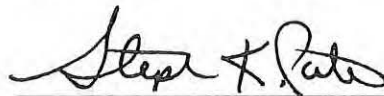
1. BNE-WATCHUNG, LLC, is hereby conditionally selected and designated as the Redeveloper of the Bonnie Burn Road Redevelopment Area.
2. That designation is conditioned upon the Borough and BNE-WATCHUNG, LLC, entering into a Redevelopment Agreement and a Financial Agreement (Payment in Lieu of Taxes Program), including the adoption of any authorizing Resolution or Ordinance, acceptable to both parties within ninety (90) days of the adoption of this Resolution.

3. BNE-WATCHUNG, LLC, shall be permitted to assign this selection and designation to an urban renewal entity controlled by BNE-WATCHUNG, LLC, to act as the Redeveloper in the Redevelopment Agreement.

4. This Resolution shall take effect immediately.



Council



Stephen K. Pote, Mayor

Dated: December 6, 2018
Index: Appointments, Planning Board
C: T. Atkins, Administrator
B. Hance, CFO
T. Schaefer, Planning Bd. Chair

12/11/18

I, Michelle DeRocco, Municipal Clerk of the Borough of Watchung, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a correct and true copy of a Resolution adopted by the Mayor and Council at a meeting held on December 6, 2018.


Michelle DeRocco, RMC

Borough Council Ordinance #OR_____ Amending Affordable Housing Ordinance

**Borough Council Ordinance #OR_____ Approving Somerset Street/Watchung Avenue
Affordable Housing Overlay**

**Borough Council Ordinance #OR_____ Repealing O-C Office Business/Conference Center
Overlay District**

Letter from Borough Engineer Regarding Water and Sewer Capacity

BOROUGH OF WATCHUNG

OFFICE OF THE ENGINEER



December 26, 2018

Maser Consulting P.A.
Perryville III Corporate Park
P.O. Box 4017
53 Frontage Road, Suite 120
Clinton, NJ 08809

Attn: Marcia Shiffman, PP, AICP

Re: Watchung Borough, Somerset County
Affordable Housing Plan
Project No. WAT-036

Dear Ms. Schiffman:

As per your request, please be advised of the following regarding water and sewer capacity for new developments:

- Water – The Borough does not own the water distribution system. The Borough is in the New Jersey American Water Company (NJAWC) franchise area. Approximately 95% of the Borough is serviced by the NJAWC water distribution system.
- Sewer – Approximately 80% of the Borough is serviced by sewers. The remainder of the Borough is on septic systems. It is anticipated that the Borough will be fully sewered in 8-10 years.

In general, the areas of the Borough that are sewered have sufficient sewer capacity for new development. However, depending on the location of the said development, off-site improvements to the sanitary sewer collection system may be required of the developer.

Regarding the Bonnie Burn Road Redevelopment Area, it will be necessary to amend the Wastewater Management Plan to address this development's sewerage having to go to Berkeley Heights for treatment.

- The majority of the Borough's sewerage is treated by the Middlesex County Utilities Authority; and, based on geography, the remainder of the Borough's sewerage is treated by Berkeley Heights.

Should you have any questions, or require any additional information, do not hesitate to contact me.

Very truly yours,

Thomas J. Herits, PE, PP, PLS
Watchung Borough Engineer

Cc: Thomas E. Atkins, Borough Administrator
Michelle DeRocco RMC, Borough Clerk

\\HQFAS1\General\Projects\Wat\Wat-036\Letters\2018\181226_tjh_MShiffman_Uilities.docx

2015 Watchung Construction Official Exterior Building Survey

STRUCTURAL CONOITIONS SURVEY

Municipality: Borough of Watchung
County: Somerset
Date of Survey: ~~September~~ 9/24/15
Performed By: Edward P. Bennett, Jr.
Title: Construction Official, Building SubCode, Zoning Officer
License Number: 001569

Areas of municipality surveyed:

All- See Attached

Areas of municipality not surveyed:

none

Reason(s) for not surveying these areas:

Did a Drive-through of all Streets within the Borough of Watchung

STRUCTURAL CONDITIONS SURVEY

SURVEYOR:

Edmond P. Bennett Jr
(print or type name)

DATE: 9/15

RATE COMPONENT:

GOOD/EXCELLENT = 0

FAIR/POOR = X

STREET			One "K" and Structure is Deficient			COMPONENTS					Two "Ys" and Structure is O	
Address	Block Lot	Number of Dwelling Units	Foundation	Roofing and Walls	Roof and Chimney	Windows and Door	Exterior Siding/Landscaping	Railings Stairs Etc./Porch	Fire Escape	Deficient structure mark "Yes" or "No"		
31 Tuttle			X	X	X	X	X	N/A	N/A	N/A	NO	
35 Cedar Lane			X	X	X	X	X	N/A	N/A	N/A	YES	
39 Bondville			X	X	X	X	X	N/A	N/A	N/A	YES	
47 Redmont			X	X	X	X	X	N/A	N/A	N/A	YES	
* 183 Washington Park			X	X	X	X	X	N/A	N/A	N/A	YES	
757 Wall Road			X	X	X	X	X	N/A	N/A	N/A	YES	

new owner
Permit issued

I hereby certify that the information furnished herein is true and correct.

Borough of Westfield

(date) according to CMAA criteria.

Signature:

Title:

License No: 001569

May be sold soon

Structural Conditions Survey
2015

DATE	Street	
✓	Acorn Road	
✓	Anderson Road	
✓	Appletree Row	
✓	Bayberry Lane	
✓	Beechwood Place	
✓	Birchwood Lane	
✓	Bonnie Burn Road	
59?	Brookdale Road	Gordon
✓	Brook Drive	
	Camp Endeavor Road	
✓	Canterbury Lane	
✓	Cardinal Drive	
✓	Carrar Drive	
✗	Cedar Lane	Ennis House To be sold # 35 Cedar Lane
✓	Cedar Road	
✓	Century Lane	
✓	Corey Lane	
✓	Crestwood Drive	
	Dale Road	
✓	Dawn Way	
✓	Deer Run	
✓	Devonshire Lane	
✓	Dogwood Lane	
✓	Drift Road	
✓	Dug Way	

Structual Conditions Survey

2015

✓	East Drive	
✓	Eaton Road	
✓	Edgemont Road	
✓	Ellisen Road	
✓	Elsinore Drive	
✓	Evergreen Lane	
✓	Fawn Lane	
✓	Forest Drive	
✓	Fox Chase Drive	
✓	Friar Lane	
✓	Gentian Lane	
✓	Gildersleeve Place	
✓	Glen Eagle Drive	
✓	Glen View Drive	
✓	Grandview Drive	
✓	Guinard Drive	
✓	Heather Lane	
	Helen Street	
✓	High Oaks Drive	
✓	High Tor Drive	
✓	Hill Hollow Road	
✓	Hill Place	
✓	Hillcrest Road	
	Hillside Avenue	
✓	Hughes Lane	
✓	Hyde Circle	

Structual Conditions Survey
2015

✓	Jared Court	
✓	Joan Drive	
✓	Johanna Lane	
✗	Johnston Drive	910 Johnson Drive
✓	Johnston Drive Extension	
✓	Knollwood Drive	
✓	Kristy Lane	
✓	Lakeview Avenue	
✓	Lakeview Terrace	
✓	Maple Street	
✓	Mareu Drive	
	Meadowlark Drive	
✓	Mountain Blvd.	
✓	Mountain Avenue	
	New Providence Road	
✓	North Drive	
✓	Nottingham Drive	
✓	Oakridge Lane	
✓	Oakwood Lane	
✓	Oakwood Road	
✓	Old Somerset Road	Real
✓	Orchard Road	

Structual Conditions Survey
2015

✓	Park Place	
✓	Parlin Lane	
✓	Parlin Lane Extension	
✓	Phillip Lane	
✓	Pine Lane	
✓	Plainfield Avenue	
✓	Price Drive	
	Prospect Avenue	
✓	Redmont Road	
✓	Reynolds Road	
✓	Ridge Road	
✓	Robin Glen Road	
✓	Rock Avenue	
✓	Rock Road East	
✓	Scott Drive	
✓	Sequoia Drive	
✓	Shady Brook Court	
✓	Shawnee Drive	
✓	Sherwood Drive	
✓	Skyline Drive	
✓	Somerset Street	
✓	Spencer Lane	
✓	Stanie Brae Drive	
✓	Stanie Glen Road	
✓	Stirling Road	
✓	Stonegate Drive	
✓	Stone Hill Road	
✓	Stony Hill Road	

Structual Conditions Survey
2015

✓	Sunbright Road	
✓	Sunlit Drive	
✓	Snoden Lane	
✓	Tall Timbers Road	
✓	Templar Dive	
✓	Terrill Road	
✓	Timberline Way	
91	Tuttle Road <i>Halkins</i>	
✓	Union Avenue	
✓	Upper Drive	
✓	Vail Lane	
✓	Valley Drive	
✓	Valley Road	
✓	Vally View Road	
✓	Verona Place	
✓	Washington Drive	
183	Washington Rock Road	
✓	Watchung Avenue	
✓	Wetumpka Lane	
✓	Wildwood Terrace	
✓	Will Lane	
✓	Winans Lane	
✓	Winter Lane	
✓	West Drive	
✓	Wooded Road	
✓	Woodledge Road	