


ART BERNARD, PP, AICP
LICENSE #2057



The original of this document was signed and sealed on January 21, 2014 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners

PLAN AMENDMENT

TO THE 2011 HOUSING ELEMENT & FAIR SHARE PLAN

*Revised and Adopted by the Cherry Hill Township Planning Board on
February 18, 2014*



You couldn't pick a better place.

CHERRY HILL TOWNSHIP
820 MERCER STREET
CHERRY HILL, NEW JERSEY 08002

INTRODUCTION

The purpose of this plan amendment is to provide an update regarding events relevant to Cherry Hill Township's second round compliance since the adoption of the Township's 2011 Housing Element. The 2011 Housing Element (at page 19) recognizes that the New Jersey Council on Affordable Housing (COAH) has estimated that, as of the 2000 Census, there were 145 substandard housing units occupied by low and moderate-income households (rehab share). As of the adoption of the Housing Element, the Township was seeking credit for the rehabilitation of 38 of these units, leaving a remaining rehab share of 107 units.

In addition, COAH had assigned Cherry Hill a second round housing obligation of 1,669 units. Land has been a scarce resource in the Township for quite some time. When land is a scarce resource, N.J.A.C. 5:93-4 requires a municipality to determine the capacity of its vacant land in order to quantify the municipality's realistic development potential (RDP). The calculation examines every suitable site, determines the yield of the site based on a minimum density of six (6) units per acre and assumes that 20 percent of the units built on the site will be affordable housing. The municipality must then adopt a plan to address the RDP. As long as the municipality satisfies its RDP, it is free to zone the sites that contributed to the RDP as it deems fit, free from any requirement to use such sites for affordable housing.¹ For example, if a municipality has two (2) suitable sites, but can satisfy its RDP on one (1) of them through a 100 percent set-aside, it is free to zone the remaining site as it chooses subject only to complying with non-Mount Laurel land use case law.

This principle, in which the RDP is a function of available vacant land and not a function of a compliance technique, has been at the core of COAH's rules since at least 1993. It provides

¹ N.J.A.C. 5:97-5.2(j). The second round rules, N.J.A.C. 5:93-4.2(g), articulates the same principle.

municipalities, in which land is a scarce resource, some planning flexibility as to which sites will absorb higher densities.

N.J.A.C. 5:93-4.2(h) also requires the municipality to address that portion of the housing obligation in excess of the RDP (the unmet need). The plan for the unmet need typically includes the collection of development fees and/or the adoption of overlay zoning designed to promote redevelopment that will generate affordable housing.

A 1993 court order determined that there was sufficient vacant land to address 706 units (realistic development potential or RDP). The 2009 Housing Element recalculated the RDP to be 1,143 affordable housing units. The Master's January 26, 2011 Premediation Report (at page 3) concluded that the Township's revised RDP analysis "reasonably represents the Township's RDP pursuant to applicable COAH rules."

The 1993 stipulation of settlement requires a re-evaluation of the Cherry Hill fair share should various sites, including the Woodcrest Country Club, become available. The Woodcrest Country Club has been recently purchased by Cherry Hill Land Associates (CHLA), which has proposed to develop part of the property for housing. CHLA offers to produce 169 affordable housing units as the affordable housing contribution within an inclusionary development.

Since the adoption of the 2011 Plan, the Board of Adjustment has approved developments with 106 units of affordable housing:

- The Board of Adjustment approved a use variance for 37 age-restricted units at St. Thomas Senior Housing. As a result, this site will generate six (6) age-restricted affordable rental units.

- Buckingham Partners proposed to build 152 units, including 23 affordable family units. The Cherry Hill Board of Adjustment approved the use variance application in August of 2012.
- St. Mary’s Benedicts Place proposed to build 74 senior affordable housing units. This site also received a use variance from the Board of Adjustment and the affordable housing was occupied in September.
- The Board of Adjustment also granted a density variance for 20 housing units at the Grand. This site will generate three (3) affordable rental units.

Although COAH rarely requires a recalculation of the realistic development potential as development takes place², Cherry Hill now, as it has done previously, voluntarily recalculates its RDP to address this development consistent with N.J.A.C. 5:93-4.1(d). Since the Township’s rental obligation and age-restricted credits “cap” are a function of the RDP, the ongoing recalculation of the RDP is significant in quantifying the Township’s compliance efforts.

RE-EVALUATION OF THE RDP

Pursuant to the 1993 stipulation, the Woodcrest Country Club will be included in the realistic development potential. The calculation of the realistic development potential involves an analysis of the site’s constraints and the character of the area. The constraints might be legal restrictions, access limitations, restraints related to historic structures, environmental constraints, etc. In the case of Woodcrest, the constraints on the site relate directly to regulations involving wetlands and floodplain.

The Woodcrest Country Club consists of 165.96 acres. Wetlands and flood hazard areas (FHAs) limit all but 130 acres from development.

² COAH recalculating the RDP in Montvale, Wanaque and Haddonfield.

COAH's rules require a municipality to calculate the potential housing yield of a site by multiplying the developable acreage by a minimum density of six (6) units per acre. In this case, the Township has used the minimum density of six (6)³ because: (1) the site is surrounded by single family homes in the R-1 and R-2 Zones; (2) these zones permit single family homes on 13,000 and 9,200 square foot lots respectively; and (3) after removing approximately 20 percent of land area for roads and drainage areas, these lot sizes translate to an approximate density of 2.7 units per acre to 3.8 units per acre. COAH's minimum gross density of six (6) units per acre is approximately twice the density of the surrounding single-family homes.

Although traffic is not normally a major factor in determining the RDP of a site, it is noted that the Woodcrest Country Club site lies along two heavily travelled roads, Haddonfield-Berlin Road and Evesham Road. Both are county roads in need of traffic improvements. Recent traffic counts⁴ on Evesham Road, between Springdale and Haddonfield-Berlin Road depict an AADT of 21,335 cars. Similarly, the AADT on Haddonfield-Berlin Road, between Walt Whitman Boulevard and Evesham Road is 31,991 cars.

The Master Plan recommends left hand turn improvements within Haddonfield-Berlin Road's controlled intersections with Cranford Road, Morris Drive and Walt Whitman Boulevard. The Master Plan recommends left hand turn lanes along Evesham Road's intersections with Kresson Road and Springdale Road. The Master Plan also indicates that the intersection of Burnt Mills Road and Evesham Road does not operate at acceptable levels.⁵

³ N.J.A.C. 5:93-4.2(f).

⁴ 2011 Counts performed by DVRPC.

⁵ 2003 Master Plan, pages 97-100.

Burnt Mills Road and Morris Road operate as cut-through streets for traffic approaching or exiting Route 295. Thus, the increased traffic from the Woodcrest Country Club site will impact additional roads and neighborhoods in the area.

With regards to the Woodcrest Country Club, the surrounding single-family homes and the traffic problems in the area dictate the use of COAH's minimum gross density for the site. The Township has calculated the site's RDP, based on six (6) units per acre, to be 155 units.⁶

The St. Mary's Benedicts Place site has been approved for 74 affordable units. This approval does not require a recalculation of the RDP because the site was already incorporated in the Township's RDP calculation. The site was part of Parcel 523/1, 1AB in the 1993 Round 1 Vacant Land Analysis (see Appendix A of 2009 Housing Element). The RDP for the entire site was calculated to be 110 units.

The other sites that were approved by the Board of Adjustment were not previously considered in computing the realistic development potential. Pursuant to N.J.A.C. 5:93-4.2(f), the RDP is normally a theoretical development potential multiplied by a 20 percent set-aside. But in the case of the Board of Adjustment approvals, we know the actual development as approved. One can multiply the actual number of units approved by 20 percent to compute an RDP for each site. These calculations result in the following:

- Buckingham Partners – 152 units (.20) = 30.4 unit RDP
- St. Thomas Seniors – 37 units (.20) = 7.4 unit RDP
- The Grand – 20 units (.20) = 4 unit RDP⁷

⁶ By way of comparison, CHLA has offered to construct 169 affordable units within an inclusionary development.

Thus, accounting for Woodcrest Country Club (155 units), Buckingham Partners (30.4 units), St. Thomas Seniors (7.2 units) and, the Grand (4 units), adds 197 units to the Cherry Hill RDP. It results in an RDP of 1,340 units (1,143 + 197). Naturally, the Township will adjust its plan accordingly in the event the Court concludes that the Township's RDP should differ from the Township's calculation.

THE RENTAL OBLIGATION & AGE-RESTRICTED CAP

As discussed above, the Township's rental obligation and its cap on credits for age restricted housing is a function of the RDP. The rental obligation is based on 25 percent of the RDP. The Township's amended rental obligation is $.25(1,340)$ or 335.

The cap on credit for age-restricted housing formula is a bit more complicated. It is based on the sum of the RDP and the remaining rehab share. The Township's rehab share is 145. As of the 2011 Housing Element, Cherry Hill was seeking 38 units of credit for rehabilitation activity. Since then, Camden County has accepted the responsibility for administering the Township's rehabilitation program and has completed the rehabilitation of five (5) units. The remaining rehab share is 102 (145-38-5). The amended cap on age restricted credit is $(.25)(1,340 + 102)$ or 360 units.

⁷ FSHC has asked the Township to increase the RDP for the Dwell property. However, a June 4, 2013 court order establishes the site's RDP at 35 units.

COMPLIANCE MEASURES

COAH has regulations that relate to creating a realistic opportunity on sites that address the realistic development potential. The regulations include standards for zoning vacant sites for affordable housing. The regulations also require a municipality, that is taking responsibility for creating affordable housing, to demonstrate that it can control the site/housing unit and provide the funds, if necessary, to create affordable housing.

LEAST COST HOUSING

Cherry Hill has created an inventory of 116 least cost housing, affordable to households earning less than 120 percent of median income. The units are deed restricted with controls on affordability that extend in perpetuity. All sales of these units must pass through the Township. In the future, the Township intends to allow each seller to receive the maximum permitted sales price, permitted by the deed restriction, at resale. However, Cherry Hill will require each unit to be sold to a low or moderate-income buyer. As discussed in the 2009 and 2011 Housing Elements, the Township will subsidize each transaction, as necessary to ensure affordability to the target population. The Township has estimated the cost of this subsidy. Each unit will be deed-restricted to comply with COAH's rules.

COAH has endorsed a similar approach for extending controls on existing affordable units:

Municipalities may extend affordable housing controls on COAH units. Administrative agents have been preserving these units by either converting them to 95/5 or by extending controls by placing a new deed restriction on the units when the units are sold during the initial restriction period. This strategy may be employed by all municipalities to help preserve their stock of affordable housing. (emphasis provided) If the units are part of a homeowner's association

and are paying reduced association fees, municipalities should negotiate with the association to allow the fees to increase to 100 percent if the municipality wishes to extend the controls on the units. (40 N.J.R. 2768)

The Township has control of these 116 units and has committed the funds necessary to implement the program. The Township has adopted a manual to implement the program and has begun its implementation for those housing units that do not require municipal subsidy.⁸ The Township has created a realistic opportunity for converting these 116 least cost housing units to low and moderate-income housing.

GROUP HOMES

Since the adoption of the Township's 2011 Housing Element, Cherry Hill has become aware of 35 additional bedrooms within group homes administered by Bancroft and Durand Academy. These facilities are devoted to adults with brain injuries and developmental disabilities. We have attached the crediting forms provided by Bancroft and Durand Academy, as attached in **Appendix A.**

UNITS, CREDITS, & BONUSES

The following chart provides a summary of the Township's efforts to address its realistic development potential. In this chart, the Township has limited its credit to 360 age restricted units. Therefore, the chart does not show any credit for 15 Medicaid eligible beds in the Spring Hill Assisted Living Facility. Based on the cap on age-restricted units, the Township has

⁸ Cherry Hill, like most municipalities, has been awaiting COAH's approval of its spending plan before spending any money in its affordable housing trust fund. On January 8, 2014, COAH's Acting Director, signed a resolution approving Cherry Hill's spending plan.

CHERRY HILL TOWNSHIP AFFORDABLE HOUSING CALCULATIONS

Development	For Sale	Rental	Special Needs/Supportive	Very Low	Senior	Bonus Credits	Bonus Type	Total Credits	Notes
Jewish Federation (Saltzman)	-	104	-	-	104	11	-	115	Built; AR/S
Gesher House (Dubin)	75	-	-	-	75	-	-	75	Built; AR/S
Sergi Farms	-	120	-	-	-	120	FR	240	Built; FR
Sergi Commons (aka MSAA Commons)	-	26	26	26	-	26	-	52	Built; SN/S
Brunetti	-	48	-	-	-	48	-	96	Built
Legnola	2	-	-	-	-	-	-	2	Built
Credits Without Controls	31	-	-	-	-	-	-	31	Built
ARHAT	-	36	-	-	-	36	FR	72	Built; FR; one (1) additional unit to be acquired in 2014
Scattered Site Sales	70	-	-	-	-	-	-	70	Built
Alternative Living	-	60	60	60	-	56	SN/S	116	Built; SN/S
Dwell At Cherry Hill	-	35	-	-	-	35	FR	70	Built; FR
Garden State Park Constructed	5	6	-	-	-	3	FR	14	6 For Sale Completed; 6 Rentals Built; FR; AR/S; For Sale - Mix
Garden State Park Approved	88	155	-	-	105	-	-	243	Planned/Approved; FR; AR/S; For sale - Mix
Centura	32	-	-	-	-	-	-	32	Planned/Approved; For Sale; if moved off-site, additional affordable units will be required
Benedict's Place	-	74	-	-	74	-	-	74	Built; AR/S; R
St. Thomas	-	6	-	-	2	-	-	2	Planned/Approved; Currently under construction; AR/S
The Grand	-	3	-	-	-	-	-	3	Planned/Approved; FR
Least Cost Housing	116	-	-	-	-	-	-	116	Built; For Sale; FR - Mix
Evans Francis Estates	-	-	-	-	-	-	-	-	Planned/Approved; FR
Regency Court	-	6	6	6	-	-	-	6	Planned/Approved; SN/S
Spring Hills	-	15	15	15	-	-	-	-	Built; AR/S; Medicaid Set-aside
Group Homes (2013)	-	35	35	35	-	-	-	35	Built; SN/S
Pro-Build	-	23	-	3	-	-	-	23	In litigation; use (D) variance approved
Totals	419	752	142	145	360	335	-	1,487	
AR/S Age-Restricted/Senior									
FR Family Rental									
R Rental									
SN/S Special Needs/Supportive Housing									

not claimed credit for four (4) of the 74 age-restricted units at the Benedicts Place site. Based on COAH's rental bonus limitations, the chart does not show a rental bonus for 35 group homes; nor does it show a rental bonus for every rental built at Garden State Park.

N.J.A.C. 5:93-4.1 envisions that the RDP will increase as a community captures affordable housing opportunities. With an increase in the RDP, the rule specifically envisions the permitted number of age-restricted units to increase:

A municipality seeking an adjustment to available land capacity shall base the number of units that may be age restricted and the number of units that may be transferred via an RCA on the calculated need which is the RDP plus the rehabilitation component. If both an RCA and senior units are proposed, then the formula is based on the RDP and does not include the rehabilitation component. The RDP shall equal the calculation pursuant to N.J.A.C. 5:93-4.2(f). *If additional low and moderate income housing opportunities develop pursuant to N.J.A.C. 5:93-4.2(h) (describing the response in addition the RDP), the municipality may seek a plan amendment, pursuant to N.J.A.C. 5:91-13 to age restrict or transfer more units, based on a demonstrated increased RDP. (emphasis provided)*

For municipalities, *where land is not a scarce resource*, the limit on age restricted units and the number of required affordable rentals are a function of the entire fair share, which for Cherry Hill, is 1,669. *Where land is a scarce resource*, the limit on age-restricted credits is a function of the RDP. It is then logical, when a town exceeds its RDP, the limit on age-restricted units and the number of units eligible for a rental bonus should be a function of a number that lies between the RDP and the entire fair share. In the case of Cherry Hill, the Township, between credits, rental bonuses and plans in place, has created a realistic opportunity for 1,487 units. The Township's limit on age restricted credits should be equal to $((.25)1,487 \text{ units} + \text{the remaining rehabilitation component (145 substandard units} - 43 \text{ credits}))$, or 397 units (up from 360).

Although COAH's rules do not specifically discuss the rental obligation and rental bonus increasing as a municipality, where land is a scarce resource, moves closer to addressing its entire "second round obligation," it is logical for the rental obligation and rental bonus to increase proportionally as a municipality exceeds its RDP. Since the Township has created a realistic opportunity for 1,487 units, it should be eligible for an increased rental bonus. Since the rental obligation and rental bonus equals 25 percent of the RDP or fair share, the rental obligation and bonus based on a realistic opportunity for 1,487 units would be $((.25)1487)$ or 372 units (up from 335).

Cherry Hill has exceeded its realistic development potential of 1,340 units. COAH's rules clearly support the Township receiving credit for additional age-restricted units and it is logical for the Township to receive the benefit of an increased rental bonus. The following chart depicts the realistic opportunity created by Cherry Hill based on a 397 unit cap on age restricted units and a 372 unit cap on COAH's rental bonus.⁹

The chart includes 15 units for Spring Hills Assisted Living Facility. This is a 150-bed facility in which 15 beds must be reserved for Medicaid eligible residents. Based on the reservation for Medicaid eligible residents, this facility is eligible for credit against the municipal fair share. N.J.S.A.5:97-6.11(b)(2) provided the foundation for such a claim of credit and the Township expects such standards to be in any new regulations or laws.

The proposed approach to satisfying the RDP demonstrates that the Township has chosen not to satisfy the RDP generated by the availability of the Woodcrest Country Club site by developing the site as an inclusionary project as it has proposed.

⁹ Cherry Hill contends that the cap on credits for age-restricted housing and the rental bonus expands as the Township exceeds its RDP. However, the Township has more than addressed its RDP even if the court rejects Cherry Hill's position.

CHERRY HILL TOWNSHIP AFFORDABLE HOUSING CALCULATIONS

Development	For Sale	Rental	Special Needs/Supportive	Very Low	Senior	Bonus Credits	Bonus Type	Total Credits	Notes
Jewish Federation (Saltzman)	-	104	-	-	104	11	-	115	Built; AR/S
Gesher House (Dubin)	75	-	-	-	75	-	-	75	Built; AR/S
Sergi Farms	-	120	-	-	-	120	FR	240	Built; FR
Sergi Commons (aka MSAA Commons)	-	26	26	26	-	26	-	52	Built; SN/S
Brunetti	-	48	-	-	-	48	-	96	Built
Legnola	2	-	-	-	-	-	-	2	Built
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ARHAT	-	36	-	-	-	36	FR	72	Built; FR; one (1) additional unit to be acquired in 2014
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Benedict's Place	-	74	-	-	74	-	-	74	Built; AR/S; R
St. Thomas	-	6	-	-	6	-	-	6	Planned/Approved; Currently under construction; AR/S
The Grand	-	3	-	-	-	-	-	3	Planned/Approved; FR
Least Cost Housing	116	-	-	-	-	-	-	116	Built; For Sale; FR - Mix
Evans Francis Estates	-	-	-	-	-	-	-	-	Planned/Approved; FR
Regency Court	-	6	6	6	-	-	-	6	Planned/Approved; SN/S
Spring Hills	-	15	15	15	-	-	-	15	Built; AR/S; Medicaid Set-aside
Group Homes (2013)	-	35	35	35	-	35	FR	70	Built; SN/S
Pro-Build	-	23	-	3	-	-	-	23	In litigation; use (D) variance approved
Totals	419	752	142	145	364	372	-	1,543	
AR/S	Age-Restricted/Senior								
FR	Family Rental								
R	Rental								
SN/S	Special Needs/Supportive Housing								

The chart does not claim any credit for the proposed development on the Evans Francis site because it does not believe the 54 affordable housing units proposed for the site are economically viable. The non-profit developer of Evans Francis received the property through an agreement with a private developer in the late 1980s. In the interim, the Township Planning Board has approved the non-profit's development application twice. The non-profit developer has received tax credit allocations twice. The Township has provided the non-profit developer \$80,000 in development fees and recently signed off on an agreement that transferred nearly \$500,000 from an inclusionary developer. The Township's cooperation in transferring this money allowed the non-profit to rescue its property from tax foreclosure.

It should be clear that the Township has never asked the non-profit to be its partner in addressing the municipal housing obligation. The non-profit has negotiated its own deals and has looked to the Township for assistance when the non-profit could not deliver the housing.

The Township set forth its position on the Evans Francis project in its letter to the Master, dated March 14, 2011, attached as **Appendix B**. In accordance with that letter, the Township's position is that it should be entitled to 115 credits for the project because it satisfied its requirements under the August 17, 2005 order, as amended by the November 2, 2005 order. If, however, the Court should deny the Township its credits, it should authorize the Township to remove the Evans Francis/Short Hill Farm site from its plan because the site is no longer realistic.

Regardless of the court's decision on credits, the Township will support an application for tax credits (and other State and Federal funding applications) and will enter into a PILOT at a reasonable rate. However, regardless of the court's decision on credits, the Township adamantly opposes providing any additional subsidy to the project from its trust fund or any other municipal source. **If the agreement remains in place and the Township is entitled to 115 credits, then the Township's position is that no additional subsidies should be required**

because such additional subsidies would not be “necessary and appropriate.” If the agreement does not remain in place, then the “necessary and appropriate” standard does not apply and the Township has no obligations to this project. In any event should Evans Francis come to fruition despite the record of mistakes set forth in the March 14, 2011 letter, the Township will seek credit for the units at that time.

THE UNMET NEED

If the court agrees that the Township has created a realistic opportunity for 1,543 credits, Cherry Hill has an unmet need of 126 units. COAH’s regulations, related to addressing the “unmet need”, are not as precise as its standards for creating a realistic opportunity for satisfaction of a Realistic Development Potential. COAH has the *discretion* to require the collection of development fees, zoning that permits apartments or accessory apartments and overlay zones that are designed to provide an incentive to build affordable housing. COAH has no minimum density or maximum set-aside on redevelopment sites.

The 2011 Plan includes the collection and expenditure of development fees. Cherry Hill has also crafted ordinances to promote affordable housing on six (6) developed sites: four (4) shopping center sites that were identified in its 2009 Housing Element and Fair Share Plan; a four (4) acre tract of land that is the current home of America’s Best Value Inn (Block 512.01, Lot 1 or Hotel site); and the PATCO Speedline Woodcrest Station (Block 583.01, Lots 1 and 2). The 2011 Plan envisioned each site as a high density *mixed-use* development.

Since the adoption of the 2011 Plan, the Township has agreed to create zoning for the Hotel site that would permit its redevelopment exclusively for housing. The Township, as a result of discussions with FSHC, has agreed to language clarifications and requests to increase the

residential density within each residential zone. A copy of each overlay ordinance is attached in **Appendix C**.

The ordinances have the potential to generate the following number of units

Site	Acreage	Density	Set-aside	Units
Golden Triangle	57	12	20%	137
PATCO	35.19	14	20%	99
Hotel Site	4	16	20%	13
Woodcrest Shopping Center	16.8	10	20%	34
KIMCO-Brace Road	18.6	10	20%	37
KIMCO-Route 70	15.2	10	20%	30
Total Units				349

Cherry Hill’s plan for its unmet need complies with COAH’s rules. It is much more substantive than most, if not all of the plans, that COAH has approved. An examination of 33 municipalities that had received a vacant land adjustment from COAH between 1994-2002, revealed nine (9) municipalities that received substantive certification although the municipalities had not adopted any plan to address the unmet need. In eight (8) other municipalities, the only plan for the unmet need was to adopt a development fee ordinance.

COAH has also allowed the entire unmet need to be addressed with age-restricted units. In Flemington, COAH allowed the entire 34-unit unmet need to be addressed with age-restricted housing.

In other communities, COAH has approved an overlay ordinance that imposes a housing obligation on the private sector without any density bonus or other incentive to build affordable housing. This “growth share” type of ordinance is exactly what the Appellate

Division overturned in 2007. The Appellate Division ruled that such ordinances do not create a realistic opportunity for affordable housing.

Cherry Hill's plan for its remaining unmet need includes the collection of development fees and the zoning of six (6) sites comprising over 146 acres of land. Each site has received a density bonus as an incentive to build affordable housing. The six (6) sites have the potential to yield 349 units.

SUMMARY

In summary, the Township has a rehab share of 145 units. It has rehabilitated 43 of these units and Camden County is administering a rehabilitation program designed to address the remaining rehab share.

The Township's second round share of the regional need for low and moderate-income housing is 1,669-units. The court's 1993 calculation of the Township's undeveloped land (RDP) was 706 units. The Township, on its own volition, recalculated its RDP based on COAH's rules in 2009 to be 1,143. This calculation was found to be reasonable by the Court Master.

As sites have become available, the Township has recalculated its RDP to be 1,340 units. Based on units approved and constructed, the Township has created a realistic opportunity for 1,543 units of credit.

Cherry Hill has actually built 742 housing units. To put Cherry Hill's compliance record into perspective, the Township has requested and received COAH's monitoring records regarding units built by municipality. Cherry Hill has constructed more units than any community in the

County and Housing Region, as attached in **Appendix D**. Statewide, Cherry Hill ranks 12th in terms of total housing units constructed.¹⁰

It also has created overlay zoning designed to promote affordable housing on six (6) developed sites. The overlay zones include over 146 acres of land. The overlay zones provide for extensive development and provide for density increases as the quid pro quo for affordable housing. The overlay zones provide the potential for up to 349 units.

¹⁰ The COAH data is from December 23, 2013. The COAH staff received the data from municipalities. The COAH staff had incomplete data regarding the housing units constructed in Cherry Hill. The Township has inserted correct information for Cherry Hill but has no knowledge of any units that have gone unreported by other municipalities.

Plan Amendment: Appendix A

POST-2011 ALTERNATIVE LIVING ARRANGEMENTS

Council on Affordable Housing (COAH) Supportive and Special Needs Housing Survey

Municipality: CHERRY HILL TOWNSHIP

County: CAMDEN

Sponsor: Durand Academy

Developer: _____

Block: 286.09 Lot: 7

Street Address: 13 Meryl Ln

Facility Name: 13 Meryl Ln

<p>Section 1: Type of Facility:</p> <p><input checked="" type="checkbox"/> Licensed Group Home</p> <p><input type="checkbox"/> Transitional facility for the homeless (not eligible for COAH credit after June 2, 2008)</p> <p><input type="checkbox"/> Residential health care facility (licensed by NJ Dept. of Community Affairs or DHSS)</p> <p><input type="checkbox"/> Permanent supportive housing</p> <p><input type="checkbox"/> Supportive shared housing</p> <p><input type="checkbox"/> Other – Please Specify: _____</p>	<p>Section 2: Sources and amount of funding committed to the project :</p> <p>Capital Application Funding Unit \$ _____</p> <p>HMFA Special Needs Housing Trust Fund \$ _____</p> <p>Balanced Housing – Amount \$ _____</p> <p>HUD – Amount \$ _____ Program _____</p> <p>Federal Home Loan Bank – Amount \$ _____</p> <p>Farmers Home Administration – Amount \$ _____</p> <p>Development fees – Amount \$ _____</p> <p>Bank financing – Amount \$ _____</p> <p>Other – Please specify: <u>DDD Fixed Budget</u> <u>\$ 449,923</u></p> <p>For proposed projects, please submit a pro forma Municipal resolution to commit funding, if applicable</p> <p>Award letter financing commitment (proposed new construction projects only)</p>
<p>Section 3: For all facilities other than permanent supportive housing:</p> <p>Total # of bedrooms reserved for:</p> <p>Very low-income clients households <u>5</u></p> <p>Low-income clients households _____</p> <p>Moderate-income clients households _____</p> <p>Market-income clients households _____</p>	<p>Section 4: For permanent supportive housing:</p> <p>Total # of units _____, including:</p> <p># of very low-income units _____ <u>N/A</u></p> <p># of low-income units _____</p> <p># of moderate-income units _____</p> <p># of market-income units _____</p>
<p>Section 5:</p> <p>Length of Controls: _____ years <u>N/A</u></p> <p>Effective Date of Controls: <u>_____</u></p> <p>Expiration Date of Controls: <u>_____</u></p> <p>Average Length of Stay: _____ months (transitional facilities only)</p>	<p>Section 6:</p> <p><input type="checkbox"/> CO Date: _____</p> <p>For licensed facilities, indicate licensing agency:</p> <p><input checked="" type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF</p> <p><input type="checkbox"/> Other _____</p> <p>Initial License Date: <u>10/14/2001</u></p> <p>Current License Date: <u>12/21/2012</u> <u>New license not issued yet</u></p>

Section 7:
 Has the project received project-based rental assistance? ___ Yes No: Length of commitment: _____
 Other operating subsidy sources: DDD: Length of commitment: N/A
 Is the subsidy renewable? Yes ___ No

Section 8: The following verification is attached:
 Copy of deed restriction or mortgage and or mortgage note with deed restriction (30-year minimum. HUD, FHA, FHLB, UHAC deed restriction, etc.)
 Copy of Capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20 year minimum. no deed restriction required) Current license attached, new one not issued yet

Section 9:
 Residents 18 yrs or older? Yes ___ No Age-restricted? Yes ___ No
 Population Served (describe): Developmentally Disabled Accessible (in accordance with NJ Barrier Free Subcode)? ___ Yes ___ No

Section 10: Affirmative Marketing Strategy (check all that apply):
 DDD/DMHS/DHSS waiting list
 Affirmative Marketing Plan approved by the Council's Executive Director

CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: [Signature] 1/15/13
 Project Administrator Date
 Certified by: [Signature] 1.17.13
 Municipal Housing Liaison Date



License Number GH1042

State of New Jersey
DEPARTMENT OF HUMAN SERVICES

**Group Home
LICENSE**

This is to certify that 13 MERYL LN

CHERRY HILL NJ 08002

Operated by DURAND ACADEMY INC

Having met the requirements of the New Jersey Statute,
P.L. 1977, c. 448,
and the regulations of this Department, is hereby licensed as a

Group Home (type of residence) for 5 Individuals
12/31/2011 (date issued) effective to 12/31/2012 (expiration date)

Jennifer Velez, Commissioner, Department of Human Services

Council on Affordable Housing (COAH) Supportive and Special Needs Housing Survey

Municipality: CHERRY HILL TOWNSHIP County: CAMDEN

Sponsor: BANCROFT Developer: _____

Block: _____ Lot: _____ Street Address: 21 Colgate

Facility Name: _____

<p>Section 1: Type of Facility:</p> <p><input checked="" type="checkbox"/> Licensed Group Home</p> <p><input type="checkbox"/> Transitional facility for the homeless (not eligible for COAH credit after June 2, 2008)</p> <p><input type="checkbox"/> Residential health care facility (licensed by NJ Dept. of Community Affairs or DHSS)</p> <p><input type="checkbox"/> Permanent supportive housing</p> <p><input type="checkbox"/> Supportive shared housing</p> <p><input type="checkbox"/> Other – Please Specify: _____</p>	<p>Section 2: Sources and amount of funding committed to the project :</p> <p>Capital Application Funding Unit \$ _____</p> <p>HMFA Special Needs Housing Trust Fund \$ _____</p> <p>Balanced Housing – Amount \$ _____</p> <p>HUD – Amount \$ _____ Program _____</p> <p>Federal Home Loan Bank – Amount \$ _____</p> <p>Farmers Home Administration – Amount \$ _____</p> <p>Development fees – Amount \$ _____</p> <p>Bank financing – Amount \$ _____</p> <p>Other – Please specify: _____</p> <p>For proposed projects, please submit a pro forma Municipal resolution to commit funding, if applicable</p> <p>Award letter/financing commitment (proposed new construction projects only)</p>
<p>Section 3: For all facilities other than permanent supportive housing:</p> <p>Total # of bedrooms reserved for:</p> <p>Very low-income clients/households <u>4</u></p> <p>Low-income clients/households _____</p> <p>Moderate-income clients/households _____</p> <p>Market-income clients/households _____</p>	<p>Section 4: For permanent supportive housing:</p> <p>Total # of units _____, including:</p> <p># of very low-income units _____</p> <p># of low-income units _____</p> <p># of moderate-income units _____</p> <p># of market-income units _____</p>
<p>Section 5:</p> <p>Length of Controls: _____ years <i>N/A</i></p> <p>Effective Date of Controls: ___/___/___</p> <p>Expiration Date of Controls: ___/___/___</p> <p>Average Length of Stay: _____ months (transitional facilities only)</p>	<p>Section 6:</p> <p><input type="checkbox"/> CO Date: ___/___/___</p> <p>For licensed facilities, indicate licensing agency:</p> <p><input checked="" type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF</p> <p><input type="checkbox"/> Other _____</p> <p>Initial License Date: ___/___/___</p> <p>Current License Date: ___/___/___</p>

Section 7:
 Has the project received project-based rental assistance? ___ Yes No: Length of commitment: _____
 Other operating subsidy sources: None; Length of commitment: _____
 Is the subsidy renewable? ___ Yes ___ No

Section 8: The following verification is attached:
 Copy of deed restriction or mortgage and/or mortgage note with deed restriction (30-year minimum, HUD, FHA, FHLB, UHAC deed restriction, etc.)
 Copy of Capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20 year minimum, no deed restriction required)

Section 9:
 Residents 18 yrs or older? Yes ___ No Age-restricted? ___ Yes No
 Population Served (describe): _____
Developmentally Disabled Adults Accessible (in accordance with NJ Barrier Free Subcode)? ___ Yes No

Section 10: Affirmative Marketing Strategy (check all that apply):
 DDD/DMHS/DHSS waiting list
 Affirmative Marketing Plan approved by the Council's Executive Director

CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: Carl Nittello 1-9-14
 Project Administrator Date
 Certified by: _____ 1-17-14
 Municipal Housing Liaison Date

Council on Affordable Housing (COAH) Supportive and Special Needs Housing Survey

Municipality: CHERRY HILL TOWNSHIP County: CAMDEN

Sponsor: Bancroft Developer: _____

Block: _____ Lot: _____ Street Address: 1804 Lark

Facility Name: _____

<p>Section 1: Type of Facility:</p> <p><input checked="" type="checkbox"/> Licensed Group Home</p> <p><input type="checkbox"/> Transitional facility for the homeless (not eligible for COAH credit after June 2, 2008)</p> <p><input type="checkbox"/> Residential health care facility (licensed by NJ Dept. of Community Affairs or DHSS)</p> <p><input type="checkbox"/> Permanent supportive housing</p> <p><input type="checkbox"/> Supportive shared housing</p> <p><input type="checkbox"/> Other – Please Specify: _____</p>	<p>Section 2: Sources and amount of funding committed to the project :</p> <p>Capital Application Funding Unit \$ _____</p> <p>HMFA Special Needs Housing Trust Fund \$ _____</p> <p>Balanced Housing – Amount \$ _____</p> <p>HUD – Amount \$ _____ Program _____</p> <p>Federal Home Loan Bank – Amount \$ _____</p> <p>Farmers Home Administration – Amount \$ _____</p> <p>Development fees – Amount \$ _____</p> <p>Bank financing – Amount \$ _____</p> <p>Other – Please specify: _____</p> <p>For proposed projects, please submit a pro forma Municipal resolution to commit funding, if applicable</p> <p>Award letter/financing commitment (proposed new construction projects only)</p>
<p>Section 3: For all facilities other than permanent supportive housing:</p> <p>Total # of bedrooms reserved for:</p> <p>Very low-income clients/households <u>4</u></p> <p>Low-income clients/households _____</p> <p>Moderate-income clients/households _____</p> <p>Market-income clients/households _____</p>	<p>Section 4: For permanent supportive housing:</p> <p>Total # of units _____, including:</p> <p># of very low-income units _____</p> <p># of low-income units _____</p> <p># of moderate-income units _____</p> <p># of market-income units _____</p>
<p>Section 5:</p> <p>Length of Controls: _____ years <u>4/1A</u></p> <p>Effective Date of Controls: ___/___/___</p> <p>Expiration Date of Controls: ___/___/___</p> <p>Average Length of Stay: _____ months (transitional facilities only)</p>	<p>Section 6:</p> <p><input type="checkbox"/> CO Date: ___/___/___</p> <p>For licensed facilities, indicate licensing agency:</p> <p><input checked="" type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF</p> <p><input type="checkbox"/> Other _____</p> <p>Initial License Date: ___/___/___</p> <p>Current License Date: ___/___/___</p>

Section 7:
 Has the project received project-based rental assistance? ___ Yes No: Length of commitment: _____
 Other operating subsidy sources: NONE; Length of commitment: _____
 Is the subsidy renewable? ___ Yes ___ No

Section 8: The following verification is attached:
 Copy of deed restriction or mortgage and/or mortgage note with deed restriction (30-year minimum, HUD, FHA, FHLB, UHAC deed restriction, etc.)
 Copy of Capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20 year minimum, no deed restriction required)

Section 9:
 Residents 18 yrs or older? Yes ___ No Age-restricted? ___ Yes No
 Population Served (describe): _____
Developmentally Disabled Adults Accessible (in accordance with NJ Barrier Free Subcode)? ___ Yes No

Section 10: Affirmative Marketing Strategy (check all that apply):
 DDD/DMHS/DHSS waiting list
 Affirmative Marketing Plan approved by the Council's Executive Director

CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: Carl Martella 1-9-14
 Project Administrator Date
 Certified by: [Signature] 1.17.14
 Municipal Housing Liaison Date

Council on Affordable Housing (COAH) Supportive and Special Needs Housing Survey

Municipality: CHERRY HILL TOWNSHIP County: CAMDEN

Sponsor: BANCROFT Developer: _____

Block: _____ Lot: _____ Street Address: 405 Weyland

Facility Name: _____

<p>Section 1: Type of Facility:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Licensed Group Home <input type="checkbox"/> Transitional facility for the homeless (not eligible for COAH credit after June 2, 2008) <input type="checkbox"/> Residential health care facility (licensed by NJ Dept. of Community Affairs or DHSS) <input type="checkbox"/> Permanent supportive housing <input type="checkbox"/> Supportive shared housing <input type="checkbox"/> Other – Please Specify: _____ 	<p>Section 2: Sources and amount of funding committed to the project :</p> <p>Capital Application Funding Unit \$ _____ HMFA Special Needs Housing Trust Fund \$ _____ Balanced Housing – Amount \$ _____ HUD – Amount \$ _____ Program _____ Federal Home Loan Bank – Amount \$ _____ Farmers Home Administration – Amount \$ _____ Development fees – Amount \$ _____ Bank financing – Amount \$ _____ Other – Please specify: _____</p> <p>For proposed projects, please submit a pro forma Municipal resolution to commit funding, if applicable Award letter/financing commitment (proposed new construction projects only)</p>
<p>Section 3: For all facilities other than permanent supportive housing:</p> <p>Total # of bedrooms reserved for:</p> <p>Very low-income clients/households <u>4</u> Low-income clients/households _____ Moderate-income clients/households _____ Market-income clients/households _____</p>	<p>Section 4: For permanent supportive housing:</p> <p>Total # of units _____, including:</p> <p># of very low-income units _____ # of low-income units _____ # of moderate-income units _____ # of market-income units _____</p>
<p>Section 5:</p> <p>Length of Controls: _____ years <u>N/A</u></p> <p>Effective Date of Controls: ___/___/___</p> <p>Expiration Date of Controls: ___/___/___</p> <p>Average Length of Stay: _____ months (transitional facilities only)</p>	<p>Section 6:</p> <p><input type="checkbox"/> CO Date: ___/___/___</p> <p>For licensed facilities, indicate licensing agency:</p> <p><input checked="" type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF</p> <p><input type="checkbox"/> Other _____</p> <p>Initial License Date: ___/___/___</p> <p>Current License Date: ___/___/___</p>

Section 7:

Has the project received project-based rental assistance? ___ Yes No; Length of commitment: _____

Other operating subsidy sources: _____; Length of commitment: _____

Is the subsidy renewable? ___ Yes ___ No

Section 8: The following verification is attached:

- Copy of deed restriction or mortgage and/or mortgage note with deed restriction (30-year minimum, HUD, FHA, FHLB, UHAC deed restriction, etc.)
- Copy of Capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20 year minimum, no deed restriction required)

Section 9:

Residents 18 yrs or older? Yes ___ No

Age-restricted? ___ Yes No

Population Served (describe): _____

Developmentally Disabled Adults.

Accessible (in accordance with NJ Barrier Free Subcode)? ___ Yes No

Section 10: Affirmative Marketing Strategy (check all that apply):

- DDD/DMHS/DHSS waiting list
- Affirmative Marketing Plan approved by the Council's Executive Director

CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: *Carol Nertels*
Project Administrator

1-9-14
Date

Certified by: *[Signature]*
Municipal Housing Liaison

1.17.14
Date

Council on Affordable Housing (COAH) Supportive and Special Needs Housing Survey

FEB 15 2013

Municipality: CHERRY HILL TOWNSHIP County: CAMDEN

Sponsor: Bancroft Developer: _____

Block: 518.10 Lot: 18 Street Address: 134 Vincent Court

Facility Name: 134 Vincent Court

<p>Section 1: Type of Facility:</p> <p><input checked="" type="checkbox"/> Licensed Group Home</p> <p><input type="checkbox"/> Transitional facility for the homeless (not eligible for COAH credit after June 2, 2008)</p> <p><input type="checkbox"/> Residential health care facility (licensed by NJ Dept. of Community Affairs or DHSS)</p> <p><input type="checkbox"/> Permanent supportive housing</p> <p><input type="checkbox"/> Supportive shared housing</p> <p><input type="checkbox"/> Other – Please Specify: _____</p>	<p>Section 2: Sources and amount of funding committed to the project:</p> <p>Capital Application Funding Unit \$ _____</p> <p>HMFA Special Needs Housing Trust Fund \$ _____</p> <p>Balanced Housing – Amount \$ _____</p> <p>HUD – Amount \$ _____ Program _____</p> <p>Federal Home Loan Bank – Amount \$ _____</p> <p>Farmers Home Administration – Amount \$ _____</p> <p>Development fees – Amount \$ _____</p> <p>Bank financing – Amount \$ <u>299,400</u></p> <p>Other – Please specify: <u>Medicare waiver and insurance.</u></p> <p>For proposed projects, please submit a pro forma Municipal resolution to commit funding, if applicable</p> <p>Award letter financing commitment (proposed new construction projects only)</p>
<p>Section 3: For all facilities other than permanent supportive housing:</p> <p>Total # of bedrooms reserved for: _____</p> <p>Very low-income clients households _____</p> <p>Low-income clients households <u>5</u></p> <p>Moderate-income clients households _____</p> <p>Market-income clients households _____</p>	<p>Section 4: For permanent supportive housing:</p> <p>Total # of units _____, including: <u>N/A.</u></p> <p># of very low-income units _____</p> <p># of low-income units _____</p> <p># of moderate-income units _____</p> <p># of market-income units _____</p>
<p>Section 5:</p> <p>Length of Controls: _____ years <u>N/A</u></p> <p>Effective Date of Controls: _____</p> <p>Expiration Date of Controls: _____</p> <p>Average Length of Stay: _____ months (transitional facilities only)</p>	<p>Section 6:</p> <p><input checked="" type="checkbox"/> CO Date: _____ <u>TBD</u> <u>plus on review is 03/13</u></p> <p>For licensed facilities, indicate licensing agency:</p> <p><input checked="" type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF</p> <p>Other _____</p> <p>Initial License Date: _____ <u>TBD</u></p> <p>Current License Date: _____</p>

Section 7:
 Has the project received project-based rental assistance? ___ Yes No: Length of commitment: _____
 Other operating subsidy sources: None : Length of commitment: _____
 Is the subsidy renewable? ___ Yes ___ No

Section 8: The following verification is attached:
 Copy of deed restriction or mortgage and or mortgage note with deed restriction (30-year minimum. HUD, FHA, FHLB, UHAC deed restriction, etc.)
 Copy of Capital Application Funding Unit (CAFU) or DHHS Capital Application Letter (20 year minimum. no deed restriction required)

Section 9:
 Residents 18 yrs or older? Yes ___ No
 Age-restricted? ___ Yes No
 Population Served (describe): Adult
Brain Injury
 Accessible (in accordance with NJ Barrier Free Subcode)? Yes ___ No

Section 10: Affirmative Marketing Strategy (check all that apply):
 DDD DMHS DHSS waiting list
 Affirmative Marketing Plan approved by the Council's Executive Director

CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: Carol Martello Date 2-11-13
 Project Administrator
 Certified by: [Signature] Date 2-19-13
 Municipal Housing Liaison

**Council on Affordable Housing (COAH)
Supportive and Special Needs Housing Survey**

FEB 15 2013

Municipality: CHERRY HILL TOWNSHIP County: CAMDEN

Sponsor: Bancroft Developer: _____

Block: 286.29 Lot: 12 Street Address: 24 Saddle Lane

Facility Name: 24 Saddle Lane

<p>Section 1: Type of Facility:</p> <p><input checked="" type="checkbox"/> Licensed Group Home</p> <p><input type="checkbox"/> Transitional facility for the homeless (not eligible for COAH credit after June 2, 2008)</p> <p><input type="checkbox"/> Residential health care facility (licensed by NJ Dept. of Community Affairs or DHSS)</p> <p><input type="checkbox"/> Permanent supportive housing</p> <p><input type="checkbox"/> Supportive shared housing</p> <p><input type="checkbox"/> Other - Please Specify: _____</p>	<p>Section 2: Sources and amount of funding committed to the project:</p> <p>Capital Application Funding Unit \$ _____</p> <p>HMFA Special Needs Housing Trust Fund \$ _____</p> <p>Balanced Housing - Amount \$ _____</p> <p>HUD - Amount \$ _____ Program _____</p> <p>Federal Home Loan Bank - Amount \$ _____</p> <p>Farmers Home Administration - Amount \$ _____</p> <p>Development fees - Amount \$ _____</p> <p>Bank financing - Amount \$ <u>220,400</u></p> <p>Other - Please specify: _____</p> <p>For proposed projects, please submit a pro forma Municipal resolution to commit funding, if applicable</p> <p>Award letter financing commitment (proposed new construction projects only)</p>
<p>Section 3: For all facilities other than permanent supportive housing:</p> <p>Total # of bedrooms reserved for:</p> <p>Very low-income clients households _____</p> <p>Low-income clients households <u>4</u></p> <p>Moderate-income clients households _____</p> <p>Market-income clients households _____</p>	<p>Section 4: For permanent supportive housing:</p> <p>Total # of units _____, including:</p> <p># of very low-income units _____</p> <p># of low-income units _____</p> <p># of moderate-income units _____</p> <p># of market-income units _____</p>
<p>Section 5: <u>N/A</u></p> <p>Length of Controls: _____ years</p> <p>Effective Date of Controls: _____</p> <p>Expiration Date of Controls: _____</p> <p>Average Length of Stay: _____ months (transitional facilities only)</p>	<p>Section 6:</p> <p><input type="checkbox"/> CO Date: <u>12.09.12</u></p> <p>For licensed facilities, indicate licensing agency:</p> <p><input checked="" type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF</p> <p>Other _____</p> <p>Initial License Date: _____ <u>TOD - April 2013</u></p> <p>Current License Date: _____</p>

Section 7:
 Has the project received project-based rental assistance? ___ Yes No: Length of commitment: _____
 Other operating subsidy sources: NONE : Length of commitment: _____
 Is the subsidy renewable? ___ Yes ___ No

Section 8: The following verification is attached:
 Copy of deed restriction or mortgage and or mortgage note with deed restriction (30-year minimum, HUD, FHA, FHLB, UHAC deed restriction, etc.)
 Copy of Capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20 year minimum, no deed restriction required)

Section 9:
 Residents 18 yrs or older? Yes ___ No Age-restricted? ___ Yes No
 Population Served (describe): _____ Accessible (in accordance with NJ Barrier Free Subcode)? ___ Yes No
Developmentally Disabled Adults

Section 10: Affirmative Marketing Strategy (check all that apply):
 DDD DMHS DHSS waiting list
 Affirmative Marketing Plan approved by the Council's Executive Director

CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: Paul Martello 2-11-13
 Project Administrator Date
 Certified by: [Signature] 2-11-13
 Municipal Housing Liaison Date

**Council on Affordable Housing (COAH)
Supportive and Special Needs Housing Survey**

FEB 15 2013

Municipality: CHERRY HILL TOWNSHIP County: CAMDEN

Sponsor: Bancroft Developer: _____

Block: 434.02 Lot: 20 Street Address: 42 Edgewood Drive

Facility Name: 42 Edgewood Drive

<p>Section 1: Type of Facility:</p> <p><input checked="" type="checkbox"/> Licensed Group Home</p> <p><input type="checkbox"/> Transitional facility for the homeless (not eligible for COAH credit after June 2, 2008)</p> <p><input type="checkbox"/> Residential health care facility (licensed by NJ Dept. of Community Affairs or DHSS)</p> <p><input type="checkbox"/> Permanent supportive housing</p> <p><input type="checkbox"/> Supportive shared housing</p> <p><input type="checkbox"/> Other - Please Specify: _____</p>	<p>Section 2: Sources and amount of funding committed to the project :</p> <p>Capital Application Funding Unit \$ _____</p> <p>HMFSA Special Needs Housing Trust Fund \$ _____</p> <p>Balanced Housing - Amount \$ _____</p> <p>HUD - Amount \$ _____ Program _____</p> <p>Federal Home Loan Bank - Amount \$ _____</p> <p>Farmers Home Administration - Amount \$ _____</p> <p>Development fees - Amount \$ _____</p> <p>Bank financing - Amount \$ <u>310,000</u></p> <p>Other - Please specify: <u>Medicaid waiver and insurance</u></p> <p>For proposed projects, please submit a pro forma Municipal resolution to commit funding, if applicable</p> <p>Award letter financing commitment (proposed new construction projects only)</p>
<p>Section 3: For all facilities other than permanent supportive housing:</p> <p>Total # of bedrooms reserved for:</p> <p>Very low-income clients households _____</p> <p>Low-income clients households <u>5</u></p> <p>Moderate-income clients households _____</p> <p>Market-income clients households _____</p>	<p>Section 4: For permanent supportive housing:</p> <p>Total # of units _____, including: <u>N/A</u></p> <p># of very low-income units _____</p> <p># of low-income units _____</p> <p># of moderate-income units _____</p> <p># of market-income units _____</p>
<p>Section 5:</p> <p>Length of Controls: _____ years <u>N/A</u></p> <p>Effective Date of Controls: _____</p> <p>Expiration Date of Controls: _____</p> <p>Average Length of Stay: _____ months (transitional facilities only)</p>	<p>Section 6:</p> <p><input checked="" type="checkbox"/> CO Date: <u>05/31/12</u></p> <p>For licensed facilities, indicate licensing agency:</p> <p><input checked="" type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF</p> <p>Other _____</p> <p>Initial License Date: <u>05/11/12</u></p> <p>Current License Date: _____</p>

Section 7:
 Has the project received project-based rental assistance? ___ Yes X No: Length of commitment: _____
 Other operating subsidy sources: None: Length of commitment: _____
 Is the subsidy renewable? ___ Yes ___ No

Section 8: The following verification is attached:
 Copy of deed restriction or mortgage and or mortgage note with deed restriction (30-year minimum. HUD, FHA, FHLB, UHAC deed restriction, etc.)
 Copy of Capital Application Funding Unit (CAFU) or DIIS Capital Application Letter (20 year minimum, no deed restriction required)

Section 9:
 Residents 18 yrs or older? X Yes ___ No
 Age-restricted? ___ Yes X No
 Population Served (describe): Adult
Brain Injury
 Accessible (in accordance with NJ Barrier Free Subcode)? X Yes ___ No

Section 10: Affirmative Marketing Strategy (check all that apply):
 DDD DMHS DHSS waiting list
 Affirmative Marketing Plan approved by the Council's Executive Director

CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: Carol Martella 2-11-13
 Project Administrator Date
 Certified by: [Signature] 2-19-13
 Municipal Housing Liaison Date

**Council on Affordable Housing (COAH)
Supportive and Special Needs Housing Survey**

FEB 15 2013

Municipality: CHERRY HILL TOWNSHIP County: CAMDEN

Sponsor: Baneroft Developer: _____

Block: 515.13 Lot: 2 Street Address: 202 Balfield Terrace

Facility Name: 202 Balfield Terrace

<p>Section 1: Type of Facility:</p> <p><input checked="" type="checkbox"/> Licensed Group Home</p> <p><input type="checkbox"/> Transitional facility for the homeless (not eligible for COAH credit after June 2, 2008)</p> <p><input type="checkbox"/> Residential health care facility (licensed by NJ Dept. of Community Affairs or DHSS)</p> <p><input type="checkbox"/> Permanent supportive housing</p> <p><input type="checkbox"/> Supportive shared housing</p> <p><input type="checkbox"/> Other - Please Specify: _____</p>	<p>Section 2: Sources and amount of funding committed to the project :</p> <p>Capital Application Funding Unit \$ _____</p> <p>HMFA Special Needs Housing Trust Fund \$ _____</p> <p>Balanced Housing - Amount \$ _____</p> <p>HUD - Amount \$ _____ Program _____</p> <p>Federal Home Loan Bank - Amount \$ _____</p> <p>Farmers Home Administration - Amount \$ _____</p> <p>Development fees - Amount \$ _____</p> <p>Bank financing - Amount \$ <u>7224,000</u></p> <p>Other - Please specify: _____</p> <p>For proposed projects, please submit a pro forma Municipal resolution to commit funding, if applicable</p> <p>Award letter financing commitment (proposed new construction projects only)</p>
<p>Section 3: For all facilities other than permanent supportive housing:</p> <p>Total # of bedrooms reserved for: _____</p> <p>Very low-income clients households <u>4</u></p> <p>Low-income clients households _____</p> <p>Moderate-income clients households _____</p> <p>Market-income clients households _____</p>	<p>Section 4: For permanent supportive housing:</p> <p>Total # of units _____, including: <u>N/A</u></p> <p># of very low-income units _____</p> <p># of low-income units _____</p> <p># of moderate-income units _____</p> <p># of market-income units _____</p>
<p>Section 5: <u>N/A</u></p> <p>Length of Controls: _____ years</p> <p>Effective Date of Controls: _____</p> <p>Expiration Date of Controls: _____</p> <p>Average Length of Stay: _____ months (transitional facilities only)</p>	<p>Section 6:</p> <p><input type="checkbox"/> CO Date: <u>03/07/13</u></p> <p>For licensed facilities, indicate licensing agency:</p> <p><input checked="" type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF</p> <p>Other _____</p> <p>Initial License Date: <u>08/10/12</u></p> <p>Current License Date: _____</p>

Section 7:
 Has the project received project-based rental assistance? ___ Yes No: Length of commitment: _____
 Other operating subsidy sources: None : Length of commitment: _____
 Is the subsidy renewable? ___ Yes ___ No

Section 8: The following verification is attached:
 Copy of deed restriction or mortgage and or mortgage note with deed restriction (30-year minimum. HUD, FHA, FHLB, UHAC deed restriction, etc.)
 Copy of Capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20 year minimum, no deed restriction required)

Section 9:
 Residents 18 yrs or older? Yes ___ No Age-restricted? ___ Yes No
 Population Served (describe): Developmentally Disabled Adults Accessible (in accordance with NJ Barrier Free Subcode)? ___ Yes No

Section 10: Affirmative Marketing Strategy (check all that apply):
 DDD DMHS DHSS waiting list
 Affirmative Marketing Plan approved by the Council's Executive Director

CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: *Carol Martell* 8-1173
 Project Administrator Date
 Certified by: *[Signature]* 2-19-13
 Municipal Housing Liaison Date

Plan Amendment: Appendix B

RESPONSE TO MASTER'S PREMEDIATION REPORT

JEFFREY R. SURENIAN AND ASSOCIATES, LLC

A Limited Liability Company

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March 14, 2011

VIA EMAIL AND REGULAR MAIL

Mr. Philip Caton, P.P., AICP
Clarke – Caton – Hintz
A Professional Corporation
100 Barrack Street
Trenton, New Jersey 08608

Re: Response To Master's Premediation Report Township of Cherry Hill

Dear Mr. Caton:

Please accept this submission on behalf of the Township of Cherry Hill in response to Items 4 and 5 of your Premediation Report. Additionally, we provide a separate response addressing the rental bonus issue you raise in the body of your report as to Evans Francis, Garden State Park and Klein (Dwell Apartments). Art Bernard, PP will address the remainder of your report in his submission of even date.

Response To Master's Report

4. A justification from both the Township and FSHD for the continued credits and bonuses associated with Evans Francis Estates in view of the recent history of the project.

The Township's position is simple. The Court should award the Township 115 credits for the Evan Francis/Short Hills Farm site consistent with explicit language set forth in prior court orders. The Township has fulfilled all of its obligations under those court orders and is therefore entitled to the credit.

If the Court should deny the Township its credits, it should authorize the Township to remove the Evans Francis/Short Hill Farm site from its plan because the site is no longer realistic.

An elaboration of these points follows.

A. The Township Has Satisfied Its Obligations Under the Court Orders And Is Entitled to 115 Credits for the Evans Francis Site

The 115 credits associated with the Evan Francis site have been the subject of numerous court orders, including the following:

1. 5/22/91 Order Approving Certain Short Hills Farm Sections As Part of Cherry Hill Township Housing Element (“Of the 115 low and moderate income units, at least 58 are to be built on site”);
2. 3/12/93 Stipulation of Settlement Establishing Cherry Hill’s Fair Share And Other Issues In Dispute (recognizing that the Township will satisfy a portion of its fair share with “115 affordable units pursuant to a set aside in a multi-family development on the Tocco parcel”);
3. 12/23/96 Consent Order Establishing Housing Obligation For the Short Hills Farm Site (“The Township’s Fair Share number of one hundred and fifteen (115) affordable housing units at Short Hills Farms shall be completely satisfied by the fifty-eight (58) affordable housing rental units provided in Paragraph two (2) above”).

On August 17, 2005, Judge Vogelsson entered an order which provided as follows:

IT IS FURTHER ORDERED that the Court Order herein dated December 23, 1996 entitled “Consent Order Establishing Housing Obligations for the Short Hills Farm Site” and the Order dated August 17, 2001 shall remain in full force and effect. These Orders provide that Cherry Hill Township’s Fair Share Obligation of 115 affordable units at Short Hills Farm shall be completely satisfied by the development of 54 affordable rental units now known as the Evans-Francis Estates project. Cherry Hill Township has included the 115 affordable units in its First Round and cumulative Second Round affordable housing plans. **Cherry Hill Township shall receive credit for these 115 units of its fair share housing obligation when the Evans-Francis Estate project is constructed and receive its certificates of occupancy.**

However, by Order entered on November 2, 2005, the August 17, 2005 Order was amended as follows to change the last sentence:

The last sentence of the last paragraph of the Court’s Order dated August 17, 2005 is hereby amended to replace the words: “when the Evans-Francis Estate project is constructed and receives its certificates of occupancy” with the words: **“immediately.** This grant of credits shall be subject to Cherry Hill’s continuing agreement and obligation to undertake such action as is **necessary and appropriate** to provide a realistic housing opportunity on the Short Hills Farm site.” (emphasis supplied).

Thus, pursuant to the November 2, 2005 Order, the Township is entitled to the 115 credits here and now, without the units even being constructed provided the Township has taken all steps “necessary and appropriate” to provide a realistic opportunity for affordable housing on this site.

Attached to this response at Exhibit “A” is a chronology of the history of the Short Hills Farm site. A review of that chronology leads to one, inescapable conclusion: that the Township has done everything it has needed to do to bring affordable housing to this site. The following highlights of that chronology identify some of the actions the Township and/or Planning Board have taken to advance this project:

- In 1991, the Planning Board approved a General Development Plan for the site which included 115 affordable units.
- In May of 1995, the Planning Board approved the site for 80 affordable units in connection with an application submitted by Fred Tocco. Thereafter, Tocco gave his development rights to FSHD as part of a settlement.
- On February 20, 2001, the Planning Board granted FSHD, the predecessor to Evans Francis (hereinafter “Developer”), approval to construct 54 affordable units at the site. The Planning Board also granted three (3) variances to the Developer regarding this project to enable the project to move forward. Objectors appealed this decision.
- The Planning Board successfully defended its grant of approval both in the trial court (February 20, 2002) and the Appellate Division (February 14, 2003). The approvals therefore remained valid until February 14, 2005.
- In January of 2004, the Township agreed to provide the Developer with an \$80,000.00 grant from its affordable housing trust fund to support the Developer’s efforts to obtain funding for the Evans Francis affordable housing project.
- In July of, 2005, the Developer filed a motion to have the Court declare that the COAH regulations, N.J.A.C. 5:80-33.12 regarding inclusionary developments, should not apply to the Developer. Cherry Hill, in a further effort to cooperate with the Developer, did not oppose that application. Ultimately, the court ruled that the site did not benefit from the density bonus awarded to it by the Court in May 1991, thus, opening the door for the Developer to be eligible for tax credits.
- In January of 2007, the Court entered an Order at the Developer’s request requiring the Township to provide an affordable housing trust fund accounting and spending plan to the Court, the Master and the Developer by February 15, 2007. That Order also required the Developer to respond and present funding requests no later than February 25, 2007. On February 15, 2007, Cherry Hill timely filed the required accounting and spending plan with the Court, Master and the Developer. Nevertheless, the Developer failed to respond to the accounting as required by court order.
- By letter dated April 22, 2009, the Township wrote to the Developer reiterating that which the Developer was well aware: namely, that the approvals had lapsed in February of 2005 and that the Developer needed to obtain new approvals.

- In January 2010, the Developer secured highly competitive 9 percent tax credits for the project for the third time. However, HMFA conditioned its award of tax credits in part on the Developer securing approvals from the Planning Board and closing on the funding by September 20, 2010.
- Notwithstanding the urgency of securing a planning board approval, the Developer waited until July 22, 2010 -- six month after having secured 9 percent tax credit -- to submit an application to the Planning Board for an extension of approvals as well as for amended preliminary and final major site plan approval with variances. In other words, the Developer waited 15 months after receiving the Township's written notice that it needed new approvals, and **over five years after the approvals had lapsed** to submit an application. Moreover, the Developer demanded that the Planning Board schedule the matter on August 2, 2010 for a hearing, merely ten days after submitting its application.
- The application submitted on July 22, 2010 was substantially different than the application approved in 2001. As set forth in Paragraph 123 of the January 18, 2011 resolution, there were at least 13 significant and substantial departures from what the Planning Board approved in 2001.
- The Planning Board accommodated the request for an expedited hearing and scheduled the application for August 2, 2010. When the Developer requested an adjournment of that date, and then a second date, the Planning Board likewise accommodated those requests and did not require the Developer to re-notice or re-publish.
- In fact, the Planning Board scheduled the matter for hearing despite the fact that there were significant tax arrearages on the property. Those arrearages were ultimately paid by a lien holder and will cost the Developer over \$400,000.00 to redeem. Nevertheless, the Planning Board allowed the matter to proceed knowing that the tax liens could ultimately affect the financial feasibility of the project.
- On September 7, 2010, the Developer commenced its testimony at the public hearing. However, after approximately two (2) hours of testimony by the Developer's engineer and prior to concluding its testimony, the Developer again requested another adjournment of the public hearing until September 20, 2010. The Planning Board granted the Developer's request and again did not require re-notice or re-publication.
- On September 20, 2010, the Developer continued its presentation of testimony and evidence and introduced the testimony of a separate engineer from a different firm and also presented the testimony of a professional planner who did not provide the Planning Board or its consultants with a copy of his report prior to the September 20th hearing, contrary to Planning Board rules. Nevertheless, in the further spirit of cooperation and accommodation, the Planning Board permitted the testimony of both witnesses. Although the Developer presented testimony and evidence for over three and one-half hours, the Developer had still not completed its presentation. The Planning Board finally adjourned the public hearing at 12:30

a.m. on September 21, 2010 and rescheduled the matter for October 4, 2010. Again, the board did not require re-notice and re-publication.

- On October 18, 2010, the Planning Board held another public hearing on the application. Among other things, the Planning Board decided to adjourn the application until the escrow deficit through September 30, 2010 in the amount of \$36,000.00 was replenished. Although the Developer subsequently satisfied this condition, the amounts paid covered costs only through September 30th. The Planning Board, again in the spirit of cooperation and good faith, continued to hold four public hearings (October 18, 2010, November 9, 2010, November 15, 2010 and November 22, 2010) despite the lack of escrow.

On November 22, 2010, the Planning Board denied the application. The board based its denial on the deficiencies in the application. Specifically, the Developer failed to satisfy the negative criteria, including the fact that there were significant safety and public welfare dangers and the fact that the variances were too vast and contained substantial deviations from the Zoning Ordinance and the Zoning Plan. The board set forth the deficiencies in its resolution, dated January 18, 2011.

The facts set forth above demonstrate that despite the Board's many accommodations to the Developer, it properly denied the application based upon the deficiencies spelled out in its January 18, 2011 resolution.

Pursuant to the November 2, 2005 Order, the Township is entitled to all 115 credits (including rental bonuses) as of November 2, 2005 unless the Township failed to take actions necessary and appropriate to make the site realistic. The Township and/or Planning Board granted approval, defended that approval, contributed financing towards the project, accommodated all of the Developer's requests to move expeditiously when the Developer sat on its hands and rights, accommodated adjournment requests without the need for re-publishing or re-notice, and so on.

Since the Township and Planning Board complied with the November 2, 2005 order awarding the Township 115 credits, the Court should not divest the Township and the Planning Board of the benefit of their bargain – the 115 credits. Rather, it should continue to recognize these credits.

While the Township and Planning Board have taken the actions necessary and appropriate to render the project a reality, the Developer has failed to take such actions as are necessary and appropriate to make the project a reality. Indeed, its repeated failure to take steps as fundamental as they are obvious explains why this project has failed to yield any affordable housing.

B. The Court Should Authorize the Township To Remove the Site From Its Plan Since The Developer's Incompetence Renders This Site Unrealistic

The Law

The concept of “realistic opportunity” has formed one of the cornerstones of the Mount Laurel doctrine. In 1975, at the very inception of the doctrine, our Supreme Court considered what factors made affordable housing “realistic.” Southern Burlington County N.A.A.C.P. v. Mount Laurel Tp., 67 N.J. 151, 170 (1975) (recognizing that a requirement for single-family detached dwellings on 20,000 square foot lots “killed realistic housing for this group of low and moderate income families”). In Mount Laurel II, the Supreme Court used the phrase “realistic opportunity” almost sixty times in defining the obligation to provide affordable housing to low- and moderate-income households. Southern Burlington County N.A.A.C.P. v. Mount Laurel Tp. 92 N.J. 158 (1983). In codifying the Mount Laurel doctrine, the Legislature again incorporated the concept of realistic opportunity. See N.J.S.A. 52:27D-311. Given the emphasis of realistic opportunity into the FHA, COAH also incorporated the “realistic opportunity” concept in the first and second round regulations (see N.J.A.C. 5:92-1.3 and 5:93-1.3 within the definition of “Fair Share Plan”), as well as the 2004 and 2008 third round rules (N.J.A.C. 5:94-1.4; 5:97-1.4).

In view of the emphasis on realistic opportunity, it is understandable why COAH’s regulations on vesting required a developer to demonstrate that its site was realistic as a prerequisite to establishing its vested rights. Thus in the first iteration of COAH’s third round regulations, a municipality could only establish vested rights if it proved (i) that it had an agreement or had filed a development application; (ii) that its site remained suitable; and (iii) that its site remained realistic. See N.J.A.C. 5:94-4.17. Similarly, in the current version of the round three regulations, COAH established the same test. N.J.A.C. 5:97-6.5.

COAH appears to have oriented its definition of realistic opportunity in the vesting provision towards inclusionary, profit-driven developers insofar as that regulation references “market conditions.” However, COAH’s definition of realistic opportunity in its definitions provides a useful perspective when the developer is a non-profit and when the realism of the project depends upon the developer’s ability to secure tax credits as compared to “market conditions”. N.J.A.C. 5:97-1.4 defines “realistic opportunity” as follows:

[A] reasonable likelihood that the affordable housing in a municipality’s Housing Element and Fair Share Plan will actually be constructed or provided during the 10-year period of certification based upon a careful analysis of the elements in the municipality’s plan, including the financial feasibility of each proposed and the suitability of specific sites as set forth in N.J.A.C. 5:97-3.13.

Although N.J.A.C. 5:97-1.4 provides two factors which **must** be considered in determining whether an affordable housing development will be realistic (i.e., site suitability and financial feasibility), there is nothing in that definition which precludes an inquiry into other facts. If the Court divests the Township of the 115 credits from the November 2, 2005 order, the Court should simply allow the Township to remove this site from its plan pursuant to N.J.A.C. 5:97-6.5 because the project is not realistic.

The Facts Demonstrate That The Site Is No Longer Realistic

Fair Share Housing Development has the exclusive right to develop this project. However, the chronology, attached hereto as Exhibit "A" demonstrates the Developer's inability to deliver the housing. As explained below, despite not one, but three successes in securing highly competitive tax credits, FSHD still has not constructed one unit of affordable housing in 15 years and has lost its financing three times. In contrast, virtually every developer if not every other developer that secured 9 percent tax credits has delivered.

To summarize, the Developer secured the exclusive right to construct affordable housing at the site in a December 1996 Agreement and Consent Order. That Agreement required the Developer to obtain all funding by December 31, 1998 and complete construction 12 months thereafter.

In November of 1999, with the deadline for construction completion looming and no construction having commenced, the developer of the "Core Area" of the Short Hills Farm site filed a motion seeking to remove the Developer as developer of the affordable component. In fact, the developer of the core area would file that same motion three other times in December of 2000, August of 2001 and August of 2004. Each time, the Court gave the Developer another chance to get the project off the ground.

Nevertheless, as of August 2001, the Developer had failed to apply for funding. By August of 2004, the Developer still failed to submit an application for funding. It was not until August of 2005, that the Developer finally secured an award for nine percent tax credits from HMFA provided it completed construction and achieved full occupancy no later than December 2007. The Developer missed that deadline and lost those tax credits.

HMFA again awarded the project tax credits in November of 2007 provided the developer completed construction and achieved full occupancy no later than December of 2009. The Developer missed that deadline as well.

Moreover, the Developer let its site plan approvals lapse in February of 2005. Not only did it fail to take any steps at that time, it ignored (i) verbal reminders from the Planning Board attorney that it needed to secure fresh approvals and assurances that the board would approve the project if there were no changes; and (ii) an April 2009 letter from the Planning Board attorney reminding it that its approvals had lapsed. Indeed, FSHD even ignored Judge Colallilo's direction at a May 2009 case management conference to simply re-apply for approvals.

In January of 2010, the Developer received another funding commitment from the State of New Jersey, including tax credits, provided a closing was held on or before September 22, 2010. Nevertheless, the Developer still sat idle with respect to its approvals.

Finally, on July 22, 2010, the Developer submitted an application for an extension of the approvals and for amended site plan approval with variances. With its typical disregard for the need for government to function properly, the Developer demanded a hearing date merely twelve days after the date of the application. The Planning Board scheduled a hearing for August 2, 2010. However, the Developer requested a number of adjournments. Therefore, testimony did not commence until September 7, 2010 and continued on September 20, 2010. Ultimately, the

Developer lost its financing because of its inexplicable decision to sit on its hands for six months followed by the filing of a deficient application.

In short, the Developer has been trying since December of 1996 to get this project off the ground. Fifteen years later, after losing tax credits three times, after losing its approvals, after staving off four attempts from the core developer based upon its perception of the Developer's incompetence, and after accruing over \$400,000 in tax arrearages, the development is no closer to the goal line than it was in 1996. The Developer has had fifteen years to make this project work, and has not been able to do it. At some point, even a well-intentioned project becomes unrealistic.

Based on the foregoing, the Evan Francis/Short Hills Farm is no longer realistic. Therefore, the Township has the right to remove the site from its plan pursuant to N.J.A.C. 5:97-6.5

5. A status report from the Township or the developer on residential development, and more specifically, affordable housing production at the Garden State Park. Also a status report from FSHD on the 76-unit affordable age-restricted project at the GSP.

As set forth in the Master's Report, Garden State Park will have 254 affordable units, including 29 senior for-sale units on site, 24 family for-sale units on site, 85 family units on-site, 40 off-site units through a market to affordable program and 76 senior rental units.

Construction has not commenced yet on the 29 affordable senior units. The developer may be seeking to change its approvals to build market housing under the conversion act. However, the project may not qualify for conversion.

Construction has commenced on the 24 family sale units. One condominium building has been completed and it includes two affordable units which have been sold and occupied. Each subsequent condominium building that is constructed will have either two or four affordable units, depending in the size of the building. Two more affordable units are currently under construction.

With respect to the 85 family rental units, the developer anticipates commencing construction of the first building this spring. That building will have six affordable units.

With respect to the 40-unit market to affordable program, M & M indicates they have 40 market units with certificates of occupancy. According to the agreement, M & M is required to pay \$1,173 per market unit or about \$47,000 to fund the market-to-affordable program. They have not been paying that money, although they overpaid the Township \$9,000 in fees for the Cheesecake Factory building that the Township has on hand. The developer's representative has indicated that he will discuss this payment with the owner and acknowledges that this obligation exists. The Township will collect this money as new COs are issued going forward.

Finally, there has been little progress on the 76 senior units that FSHD is to construct. Under their settlement agreement, M & M and FSHD were to have an agreement in early 2004. They have not met on this project in years. M & M and FSHD have not even agreed to a location for this building. However, M & M has received site plan approval for the building.

Justification for Rental Bonuses on Evans Francis, Klein (Dwell Apartments) and Garden State Park (requested in body of the Report)

In its 2010 opinion, the Appellate Division invalidated N.J.A.C. 5:97-3.5 permitting a one-for-one bonus for prior round rental units “provided the unit was or will be created and occupied in the municipality. . . .” In Re The Adoption of N.J.A.C. 5:96 and 5:97 By the New Jersey Council on Affordable Housing, 416 N.J. Super. 462, 494 (App. Div. 2010). Nevertheless, the Appellate Division recognized the general validity of rental bonus credits, even though it invalidated that specific regulation. Id. The Master now seeks a justification from the Township as to its continued reliance on rental bonuses on Evans Francis, Klein (Dwell Apartments) and Garden State Park in view of the Appellate Division decision.

As the Court is aware, N.J.A.C. 5:97-3.5 was adopted as part of COAH’s revised third round rules in 2008. However, the rental bonuses on Evans Francis and Garden State Park were not claimed pursuant to N.J.A.C. 5:97-3.5. Rather, those bonuses were granted by court order years (and in the case of Evans Francis, more than a decade) before N.J.A.C. 5:97-3.5 was even adopted.

Moreover, with respect to Garden State Park and Klein (Dwell Apartments), construction is imminent on both of these projects. While the Appellate Division invalidated N.J.A.C. 5:97-3.5 based on a concern that projects receiving bonus credits would never come to fruition, this is not the case with these two developments. The imminence of construction demonstrates the sufficiency of the incentive.

Each development will be discussed in turn.

Evans Francis

With respect to Evans Francis, the December 23, 1996 Consent Order awarded the project 115 credits for 58 affordable units. (“The Township’s Fair Share number of one hundred and fifteen (115) affordable housing units at Short Hills Farms shall be completely satisfied by the fifty-eight (58) affordable housing rental units provided in Paragraph two (2) above”). This Consent Order awarded the credits twelve years before N.J.A.C. 5:97-3.5 was even adopted. Thus, these credits are not tied to N.J.A.C. 5:97-3.5. In fact, neither the December 23, 1996 Consent Order nor the subsequent August 17, 2005 or November 2, 2005 (discussed above in response to Item #4 of the Master’s Report) even designate this increase in credits as a “rental bonus.” The invalidation of N.J.A.C. 5:97-3.5 should in no way affect these credits awarded by court order long before N.J.A.C. 5:97-3.5 was adopted or invalidated.

Moreover, the 61 excess credits are inextricably tied to the 54 affordable units. As set forth more fully in response to Item #4 above, if the Court accepts the Township’s position that the Township was entitled to the credits **immediately** as of the date of the November 2, 2005 Order and that it has satisfied its obligations under the order, then it should continue to enjoy all benefits of the order. If the Court concludes that the Township is not entitled to the benefits of the order, then the Court should authorize the Township to remove the site from its plan. The Township does not seek a windfall. It merely seeks the benefit of its bargain. However, if the Court chooses to divest the Township of its rights, then in accordance with COAH standards it

should divest the Township and Planning Board of all their obligations with respect to this project.

Garden State Park

Like Evans Francis, the court awarded the Township rental bonus credits for Garden State Park long before COAH adopted N.J.A.C. 5:97-3.5. These credits were awarded in a March 3, 2004 Fairness Hearing Judgment Pertaining to the Production of Affordable Housing in Connection With The Redevelopment of Garden State Park, which incorporated the transcript of the January 16, 2004 Fairness Hearing. The rental bonuses were a negotiated term of the settlement and were received for valuable consideration: "In recognition of the \$775,000 development fee to be contributed by Turnbery in lieu of on-site construction the parties agree that the Township shall receive 31 rental bonus credits for 31 of the 85 affordable family rental units to be provided on-site by Turnberry." Thus, not only are these credits not tied to the now invalidated rental bonus regulation, they formed the basis of a settlement negotiation which became part of a Fairness Hearing Judgment entered by the Court. This Court should not upset that Final Judgment, especially since the bonuses were not awarded pursuant to the now invalidated N.J.A.C. 5:97-3.5.

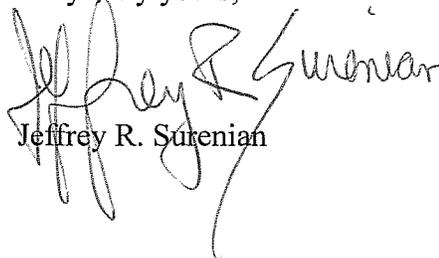
In any event, construction is scheduled to commence on the first building for the 85 affordable units this spring which will yield six affordable units. In invalidating N.J.A.C. 5:97-3.5, the Appellate Division expressed its concern about municipalities receiving bonuses for units that have not been constructed. Construction is imminent in this case. Given the clearly realistic and imminent nature of this project, it would be particularly appropriate to honor these credits and rental bonuses. Thus, the Township should still receive the 31 rental bonus credits on Garden State Park.

Klein (Dwell Apartments)

Unlike Garden State Park or Evans Francis, this site was not awarded rental bonuses by court order or judgment. However, like Garden State Park, construction is imminent and is also scheduled to commence this spring. In fact, the Township Attorney and planner met with the developer on March 10, 2011 and resolved the issues impeding construction so that it can commence in June or July of this year. Again, although the Appellate Division invalidated N.J.A.C. 5:97-3.5 based on a concern that bonus credits would be awarded on projects that never came to fruition, this is not the case with Klein (Dwell Apartments).

Should you require any further from the Township, please do not hesitate to contact us.

Very truly yours,


Jeffrey R. Surenian

cc: Sherri Schweitzer, Esq. *(via email and regular mail w/enclosures)*
Allen S. Zeller, Esq. *(via email and regular mail w/ enclosures)*
Kevin J. Walsh, Esq. *(via email and regular mail w/enclosures)*
David Benedetti, PP, AICP *(via email and regular mail w/enclosures)*
Art Bernard, PP *(via email and regular mail w/enclosures)*
Tracey Siebold, Esq. *(via email and regular mail w/enclosures)*
Richard Hoff, Esq. *(via email and regular mail w/ enclosures)*

SHF Chronology

- December 1996: An Agreement and Consent Order was entered into by FSHD and the developer TAP Development Corp. and Evesham Joint Venture, as successor to Fred J. Tocco ("Developer"), giving FSHD development rights to construct affordable housing at Short Hills Farms ("SHF"). Said Agreement and Consent Order established a specific timeline whereby **FSHD was to obtain all funding, including government funding by December 31, 1998 with construction completed 12 months after construction financing.**
- November 1999: The Developer filed their first motion to remove FSHD as developer as a result of **FSHD's failure to comply with the 1996 Agreement and Consent Order and its failure to apply for funding or commence construction of the affordable housing at SHF.** A Consent Order was issued allowing FSHD to remain as developer and established new dates for compliance and construction.
- December 2000: The Developer filed its second motion to remove FSHD as developer as a result of **FSHD's failure to comply with the 1999 Consent Order.** A Consent Order was entered allowing FSHD to remain as the affordable housing developer and again established a new timeline for completion.
- February 20, 2001: The Planning Board granted FSHD approval to construct 54 affordable units at SHF. The Planning Board also granted three (3) variances to FSHD regarding this project to enable the project to move forward. Objectors appealed this decision.
- August 2001: The Developer filed its third motion to remove FSHD as developer. **FSHD still had not made any application for funding for this development and failed to comply with all prior Orders regarding providing affordable housing.** Mr. Caton supported FSHD and arranged for the 4.2 acres to be conveyed for free by Developer to FSHD. **Judge Davis expressed his concerns about the failure to build the affordable units.**
- February 20, 2002 - The trial court upheld the approvals. The objectors subsequently appealed to appellate division.
- February 14, 2003 - The Appellate Division upheld the approvals.

- January 2004: In an effort to ensure that affordable housing was built at SHF, and as part of resolving the issues at Garden State Race Track, Cherry Hill agreed to provide FSHD with an \$80,000.00 grant from its affordable housing trust fund to support FSHD's efforts to obtain funding for the SHF affordable housing project. Nevertheless, **FSHD missed the tax credit application deadlines to apply for funding in April 2004.**
- August 2004: TAP filed a fourth motion to remove FSHD as developer for its **failure to comply with prior Orders, failure to make application for government funding, failure to obtain financing and failure to construct the affordable housing.** This resulted in yet another Consent Order permitting FSHD to continue as the developer, despite its continued eight (8) years of inability and failure to produce affordable housing at SHF.
- August 2004: FSHD again failed to submit an application for tax credit funding.
- February 14, 2005 - **Two years lapsed since the Appellate Division ruling. FSHD did not apply to extend approvals. Approvals lapsed.**
- March 11, 2005 - Cherry Hill, in a further effort to assist FSHD to construct affordable housing and despite that no funding application had yet to be made by FSHD, adopted a Resolution agreeing to provide FSHD with a PILOT.
- March 20, 2005 - **Judge Vogelsson entered an order requiring Peter O'Connor to file monthly status reports. The last status update received by the Township was on January 25, 2006.**
- July 2005: FSHD filed a motion to have the Court declare that the COAH regulations, N.J.A.C. 5:80-33.12 regarding inclusionary developments, should not apply to FSHD. Cherry Hill, in a further effort to cooperate with FSHD, did not oppose said application.
- August 2005: The court ruled that SHF did not really benefit from the density bonus awarded to it by the Court in May 1991, thus, opening the door for FSHD to be eligible for tax credits.

- August 17, 2005: A court order was entered determining that FHSC's project was not an inclusionary development and there existed no density bonus to underwrite the costs of the project.
- August 2005: HMFA awarded FSHD nine (9%) percent tax credit to enable it to meet its budget requirements of approximately 9.7 million dollars to construct affordable housing at SHF. The terms of the tax credits required that the project be constructed and occupied no later than December 2007.
- November 2, 2005: The August 17th Order was amended to provide that Cherry Hill shall receive credit for 115 units of its affordable housing obligation immediately, rather than having to wait until FSHD constructs the project.
- August 2005 to February 2007: **FSHD, despite being awarded nine (9%) percent tax credits and receiving in excess of \$9,000,000.00 of funding, failed to begin construction of the 54 affordable units at SHF. FSHD's unilateral failure to do so again placed the affordable housing in jeopardy in part due to rising construction costs and FHSC's total failure to proceed despite funding commitments.**
- January 31, 2007: The Court entered an Order at FSHD's request, requiring the Township to provide an affordable housing trust fund accounting and spending plan to the Court, the Master and FSHD by February 15, 2007. **Said Order also required FSHD to respond and present funding requests no later than February 25, 2007.**
- February 15, 2007: Pursuant to said Order, Cherry Hill filed the required accounting and spending plan with the Court, Master and FSHD.
- February 25, 2007: **FSHD failed to respond to the accounting as required by court order.**
- April 5, 2007: **FSHD advised Cherry Hill that its budget to construct the affordable housing at SHF had increased from \$9,700,000.00 in August 2005 to \$15,500,000.00 in April 2007, an increase of \$7,800,000.00 or approximately 80%. This increase was the result of FSHD's failure to utilize the tax credit funding awarded in August 2005 to commence construction at SFH.**
- April 5, 2007: **FSHD demanded an additional \$773,811.00 from the Cherry Hill Affordable Housing Trust Fund to meet its budget gap at SHF. FSHD advised Cherry Hill that it**

must have a commitment for these funds within two (2) weeks.

- April 2007: FSHD turned in and abandoned the 2005 tax credits awarded to it for SHF affordable housing.
- May 9, 2007: FSHD filed a motion seeking to disgorge \$773,811.00 from the Cherry Hill Affordable Housing Trust Fund. The trial court granted FSHD's motion and Cherry Hill appealed.
- November 2007: HMFA again awarded FSHD 9% tax credits which required that the project be constructed and occupied no later than December 2009. **FSHD later loses tax credit investor (worth, in 2007, \$9,261,395). FSHD also loses its financing from the Federal Home Loan Bank in NY of \$540,000 and Home Express funds of \$2,165,000 was no longer available from Balanced Housing.**
- September 2008: The Appellate Division reversed the trial court's decision awarding \$773,811.00 to FSHD.
- April 7, 2009: **Four years after the Township adopted a Resolution agreeing to give FSHD a PILOT Agreement, FSHD finally submitted a proposed form of PILOT Agreement to Cherry Hill which did not comport with the Resolution and demanded that Cherry Hill execute it before the end of the month even though FSHD's approvals had lapsed and even though it still did not have financing in place.** The Township wrote a letter dated April 22, 2009 reiterating that which Fair Share Housing Center was well aware: namely, that the approvals had lapsed and that Fair Share Housing Center needed to obtain new approvals. The Township also identified documentation needed from the developer for the PILOT Agreement.
- May 1, 2009 -Peter O'Connor sought to enlist the support of the court at a Case Management Conference to spare Fair Share Housing Center from the obligation to maintain its approvals. Judge Colallilo noted that Fair Share Housing Center should simply apply for the approvals it needed.
- August 31, 2009 - Fair Share Housing Center then enlisted the assistance of its attorney to attempt to persuade the Planning Board attorney that the Township's ordinance concerning the expiration of approvals which had lapsed due to the failure to develop did not apply to FSHD.
- September 18, 2009 - The Planning Board attorney properly noted that Township's ordinances were valid, but offered to

work with Fair Share Housing Center to enable it to secure approvals on an expedited basis. Since FSHD represented that the application can mirror the application previously approved and upheld on appeal, the assurances of the planning board attorney were credible.

- January 15, 2010 - FSHD received a further funding commitment from the State of New Jersey providing it with approximately \$15,000,000.00 in funding to enable it to construct the 54 units. The State of New Jersey conditioned the funding, in part, upon closing to be held on or before September 20, 2010.
- July 22, 2010 - **Although FSHD had secured an award for tax credits in January of 2010, FSHD delayed submitting an application to the planning board for an approval it knew it needed until July 22, 2010 -- six months later.** More specifically, FSHD finally submitted an application to the Planning Board for both an extension of its approvals and variances granted in 2001 as well as for amended preliminary and final major site plan approval with variances. Said amended application included new variances which were not granted with the 2001 approval and, in addition, the amended site plan contained numerous other substantial changes from the 2001 site plan and variance approvals. Although FSHD provided no explanation as to the reasons for its delay in submitting its application to the Planning Board for more than six (6) months after obtaining its funding commitment, in an effort to cooperate with FSHD in its efforts to provide affordable housing, the Planning Board scheduled this matter for public hearing at its next meeting on August 2, 2010, merely twelve (12) days after the application was submitted. Nevertheless, on or about August 2, 2010, FSHD requested an adjournment of the public hearing until August 16, 2010. The Planning Board granted said request and did not require FSHD to re-notice or re-publish.
- August 4, 2010 - Fifteen months after receiving the Township's April 22, 2009 letter requesting certain information regarding its request for a PILOT, FSHD finally delivered the documentation requested by the Township in 2009 under cover letter dated August 2, 2010. In its August 4, 2009 letter, FSHD also demanded that the Township schedule the matter for a hearing on August 9th. The Township advised FSHD the Township couldn't respond to the information in that short period of time, especially since that same information had been sought since at least April of 2009.

- On or about August 16, 2010 - FSHD again requested another adjournment of the public hearing until September 7, 2010. The Planning Board again granted the request and did not require re-notice or re-publication.
- September 7, 2010 - FSHD commenced its testimony at the public hearing, however, after approximately two (2) hours of testimony by FSHD's engineer but prior to concluding its testimony, FSHD again requested another adjournment of the public hearing until September 20, 2010. The Planning Board granted FSHD's request and again did not require re-notice or re-publication.
- September 20, 2010 - FSHD continued its presentation of testimony and evidence and introduced the testimony of a separate engineer from a different firm and it also **presented the testimony of a professional planner who did not provide the Planning Board or its consultants with a copy of his report prior to the September 20th hearing, contrary to Planning Board rules.** Nevertheless, in the further spirit of cooperation and accommodation, the Planning Board permitted the testimony of both witnesses. Although FSHD presented testimony and evidence for over three and one-half hours, FSHC had still not completed its presentation. The Planning Board finally adjourned the public hearing at 12:30 a.m. on September 21, 2010 and rescheduled the matter for October 4, 2010. Again, re-notice and re-publication was not required.
- October 2, 2010 - The Planning Board Chair received a letter from his employer, the State of New Jersey, suggesting that he recuse himself from any further participation in this application. As a result, at the public hearing on October 4, 2010, the Planning Board Chair recused himself. This resulted in the need to start the hearing anew, ab initio. Accordingly, the public hearing was rescheduled for October 18, 2010. Again, FSHD was not required to re-notice or re-publish.
- Prior to the public hearing of October 18, 2010, the Department of Community Development, on or about September 29, 2010, advised FSHD that its escrow account for this application through August 31, 2010 was deficient in the amount of approximately \$14,100.00 and as of September 30, 2010 the deficiency totaled approximately \$36,000.00. **A request was made to FSHD to immediately pay the deficient amount and to replenish its escrow account. FSHD failed to do so.**

- October 18, 2010 - The planning board held another public hearing on the FSHD application. Among other things, the planning board decided to adjourn the application until the escrow was replenished through September 30, 2010. FSHD agreed to this request and subsequently satisfied this condition.
- November 9, 2010, November 15, 2010, November 22, 2010 - The planning board continued to hold public meetings on the FSHD application. It did so even though the escrow was only replenished through September of 2010, and therefore was insufficient to cover the four meetings held in October and November. As of January 31, 2011, an additional \$21,625.37 was owed by FSHD which has made no effort to bring its accounts current.
- November 22, 2010 - The planning board denied the FSHD application based upon safety issues, FSHD's failure to satisfy the negative criteria which included the fact that there were significant and substantial safety and public welfare concerns and the fact that the variances were too vast and contained significant and substantial deviations from the Zoning Ordinance and the Zoning Plan.
- The Resolution was memorialized on January 18, 2011 and the Notice of the Planning Board decision was published on November 24, 2010.

Plan Amendment: Appendix C

AFFORDABLE HOUSING OVERLAY ORDINANCES

SECTION 424-B. AFFORDABLE HOUSING (AH) OVERLAY ZONE.

- A. Intent. The intent of the Affordable Housing (AH) zone is to promote mixed-use redevelopment to provide the community with a various, mutually-supporting retail, service, office and residential uses. By creating an attractive, sustainable and convenient environment for living, working and recreating, the most efficient use of land and utilities will be derived. As an equitable development part of a balanced community, housing for people of all income levels will be provided that ensure an opportunity for decent, affordable housing (housing for low and moderate income households).
- B. Required Uses. All developments in the AH zone shall include affordable housing units, in accordance with Article X-A.
- C. Permitted Principal Uses. In the AH zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
 - 1. All non-residential uses permitted within the Neighborhood Business (B1) zone and Limited Office (O1) zone.
 - 2. All multi-residential dwellings located in buildings that comply with the height requirements of the AH zone. Multi-Residential housing may be constructed within stand alone buildings or may be constructed above non-residential uses.
- D. Prohibited Uses. Any use that is not specifically permitted in §424-B.B is hereby prohibited.
- E. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the AH zone:

1. Minimum Requirements:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (acres)	3	3
Lot Frontage	200'	200'
Lot Depth	200'	200'
Front Yard	75'	75'
Secondary Front Yard	n/a	75'
Side Yard	20'	20'
Aggregate Side Yard	50'	n/a
Rear Yard	30'	30'
Maximum Height	3 stories and 45'	3 stories and 45'
Maximum Building Cover	35%	35%
Maximum Lot Cover	80%	80%
Open Space	20%	20%

- 2. Additional Requirements. In addition to §424-B.F.1, the following requirements shall apply:
 - a. Minimum land area designated For housing: 50 percent
Housing may be constructed within stand-alone buildings or may be constructed above commercial and office uses. The intent of the ordinance is to permit a gross density of 10 units per acre on the gross acreage of the site on the portion of the site devoted to housing. For example, if the site is 20 acres. The intent is to allow 200 units to be constructed on the site even if all the housing is constructed on half the site (10 acres in the example). The requirement for 50 percent of land area to be utilized for housing is relieved once final approval is granted for the permitted gross density.
 - b. Set-aside - 20 percent if the affordable units are for sale.
15 percent if the affordable units are for rent.
 - c. Minimum setback from internal street right-of-way shall be zero (0) feet.
 - d. Minimum distance between buildings:

- i. Between residential and non-residential buildings 60 feet
 - ii. Between front elevations of buildings 50 feet
 - iii. Between rear elevations of buildings 50 feet
 - iv. Between side elevations of buildings 20 feet
 - v. Between other elevations of buildings 40 feet
 - e. No more than 50 percent of the site may be approved for non-residential uses until all of the housing units have received preliminary approval, which is relieved once final approval is granted for the permitted gross density.
 - f. An association shall be created, subject to the approval of the Planning Board. The association shall become the owner of all lands dedicated to recreation and open space and shall be responsible for maintaining all public areas.
 3. Density. The maximum density of the residential uses on the entire tract in a AH zone shall not exceed 10 dwelling units per gross acre. The maximum density is permitted only if it can be achieved within the limits imposed by the zone's maximum permitted height
- G. Applications shall meet the requirement under Article V-A Performance and Design Standards.
- H. Special Design Standards. In addition to the requirements of §504-A, the following shall apply in this zone:
1. Spatial relationships between buildings and other structures shall be formal; façades shall be parallel to street lines and exterior building walls shall typically be either parallel or at right angles to each other. Buildings shall be oriented toward the street or the streetscape. A lot with multiple buildings should be organized around a feature such as a courtyard, green or quadrangle that encourages pedestrian activity and incidental social interaction among users. Buildings shall be located to allow for adequate fire and emergency access.
 2. Residential buildings shall define the street-edge through adherence to uniform setbacks along the build-to line for each block. A minimum of eighty percent (80%) of all residential building façades on a block face shall be located at the build-to-line. The streetscape shall also be reinforced by lines of uniformly spaced shade trees and may be further reinforced by walls, hedges, or fences that define front yards.
 3. Commercial buildings on corner lots shall be considered significant structures, since they have at least two façades visibly exposed to the street. Such buildings shall be designed with additional architectural features to emphasize their location.
 4. Focal points of visual termination shall generally be occupied by prominent buildings and structures that employ enhanced height, massing, distinctive architectural treatments, ornamental site elements, or other distinguishing features.
 5. No "cyclone" or "chain link" fencing shall be permitted.
- I. Architectural Design Standards.
1. General. Preliminary Architectural Design Standards are intended to establish general architectural concepts and serve as a guide. It is recognized that the intent of this section can be met with designs that are not anticipated by these standards. Accordingly, the Planning Board may grant, by waiver, any design standard variations it deems appropriate.
 2. Specific Architectural Guidelines
 - a. The entry façades of all buildings shall be designed to a pedestrian scale.
 - b. The architectural treatment of the front façade, with regard to its major features and materials, shall be continued around all sides of a building that are readily visible from public property and/or rights-of-way. The design of all sides of a building shall be consistent with regard to style, materials, colors, and details. No solid, blank, windowless walls or service areas shall be visible from the public areas. Where the construction of a blank or substantially blank wall is necessary, the façades shall be articulated by the provision of false windows,
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articulated masonry, or, if the building is occupied by a commercial use, by using recessed or projecting display window cases. Enhanced plantings may also be appropriate in certain cases.

3. Open arcades may encroach into a public right-of way and over the sidewalk at a front or side street lot line as follows:
 - a. Front Encroachment: 8 feet maximum.
 - b. Side Street Encroachment: 3 feet maximum
 - c. The maximum allowable height of an encroachment is three stories. The area of an encroachment shall not exceed 20 percent of the block length.
- J. Parking. In addition to the requirements of §511-A, the following shall apply in this zone:
1. Sidewalks shall have a minimum width of five feet, except along commercial uses where the sidewalk in commercial areas shall be larger. At corners, handicapped ramps shall be provided. Sidewalks in commercial areas shall be continued across street surfaces using paving materials to delineate crosswalks.
 2. Private sidewalks and pedestrian paths shall connect proposed uses to a public sidewalk or roadway. Private sidewalks shall be designed to connect parking areas with individual structures, as well as building groups.
 3. The use of special paving such as brick or pre-cast concrete pavers for sidewalks is highly encouraged. Otherwise, sidewalks shall be poured-in-place concrete. Special paving, if selected, should complement the building materials and should be used to define spaces or special areas such as entrances. All plans for special pavement areas shall be submitted to the Planning Board for approval. Private sidewalks shall be submitted to the Planning Board for approval. Sidewalks adjacent to parking lots, where car bumpers may overhang the walk, shall be a minimum of 6 ft. wide measured from the face of the curb or 4 ft. wide if setback a minimum of 2 ft. from the face of curb was a grassed area.
 4. Lots for residential and nonresidential uses shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and civic, commercial, or residential uses shall be designed with textured paving, landscaping, and street furniture approved by the Planning Board.
 5. Parking lot layout, landscaping, buffering, and screening shall be provided to minimize direct view of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise, or exhaust fumes onto adjacent residential properties, and provide the parking area with a reasonable measure of shade, when trees reach maturity. In order to achieve these objectives, parking lots exposed to view shall be surrounded by a minimum of a four-and-one-half-foot-high, year-round visually impervious screen, hedge, or wall. The height of any required screen, hedge, or wall shall decrease where driveways approach sidewalks or walkways, in order to provide adequate visibility of pedestrian from motor vehicles, and shall not interfere with clear sight triangle requirements.
 6. Parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents and as approved by the Planning Board.
- K. Open Space. A minimum of 20% of the total tract area shall be dedicated for common open space uses, which may include conservation, passive and active recreation and storm water management as below. No more than 50% of the required common open space shall be in the form of wetlands, wetlands buffers, flood plain, swales, recharge areas, and detention and retention basins if designed
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as an aesthetic feature. The non-residential area shall have at least one park area and may have plazas, greens, squares, and greenways.

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ARTICLE XIX-A. TRANSIT-ORIENTED DEVELOPMENT (TOD) OVERLAY ZONE.

§1900-A. PURPOSE.

The purpose of the Transit Oriented Development (TOD) overlay zone is to create a compact, mixed use of residential, office, retail, institutional, and civic uses to promote and support transit use. Pedestrian activity, passenger support, affordable housing and transit access are key goals in the TOD zone. The development standards are designed to require compact redevelopment, opportunities for increased choice of transportation modes, and a safe and pleasant pedestrian environment by ensuring an attractive streetscape, a functional mix of complementary uses, and the provision of facilities that support transit use, bicycling, and walking. The TOD overlay zone is meant to create dense, transit supportive development around the Cherry Hill Atlantic City Rail Line transit station, typically the area within one-half (1/2) mile walking distance from the transit station, which represents a 10-minute walk. The intent of this Ordinance is to accomplish the following:

- A. Compact Development. This zone provides *incentives for residential and commercial infill and redevelopment within designated areas*. Development is encouraged in designated areas by providing incentives, such as density bonuses and mixed use development opportunities in designated areas.
- B. Mixed Use. The *flexible zoning standards in this zone allow mixed-use development*. The zoning ordinance allows residential uses integrated with commercial and employment uses in appropriate locations (e.g. main street, neighborhood center and other core areas). Look for opportunities to provide flexibility in building height, housing density, floor area, lot coverage, yard setback, landscaping, and other zoning provisions for mixed-use developments. It is anticipated that mixed-use development may include residential uses above or behind permitted or commercial, and the combination of compatible commercial uses (retail, office, services, entertainment, etc.).
- C. Affordable Housing. Provide accessible and convenient affordable housing for very low, low and moderate-income households. The 57 acre tract will result in up to 684 housing units. Of this total, 20 percent, or 136, will be low and moderate income housing units if the low and moderate income units are for sale. Fifteen percent, or 102, will be low and moderate income housing units if the low and moderate income units are for rent.
- D. Pedestrian Activity. *Development in this zone must adopt appropriate standards for pedestrian access, safety, and comfort*.
- E. Efficient Land Use. It has been determined that parking is most inefficient and *the following regulatory and parking management tools are available to minimize the amount of land used for surface parking*:
 1. Shared parking. "Shared parking" is an option available in this zone and allows that multiple uses to share one or more parking facilities.
 2. On-street parking is encouraged. On-street parking slows traffic, creates better pedestrian environments by buffering sidewalks from moving vehicles, increases the viability of retail shops and services, and reduces the amount of land used for off-street parking lots, thus decreasing impervious surfaces.
 3. Allow valet parking. Valet parking may be feasible for some restaurants and meeting/event facilities. Valet parking allows stacking of smaller parking spaces with less space devoted to drive aisles.
- F. Public Spaces. *Require developments to integrate usable public space whenever possible, and require that they recognize and respond appropriately to existing or planned public spaces on or near the site (e.g., parks, civic buildings and spaces, transit stops, sidewalks, plazas, and similar spaces)*. Public spaces should be clearly recognizable as "public" (e.g., a plaza within view of a street or other public space), publicly accessible (*i.e.*, a pedestrian can get there), and can be occupied by a person (*i.e.*, a person can stand there). These spaces can be as simple as an expanded sidewalk for outdoor dining, to a

large plaza with public art and entertainment.

- G. **Human-Scaled Building Design.** Ordinances can help support human-scale design by requiring building entrances placed close to the street, ground floor windows, articulated façades, appropriately scaled signs and lighting, and awnings and other weather protection. For example, in downtowns, main streets, neighborhood centers, and other strategic locations (e.g., at transit stops), it is often appropriate to require a maximum front building setback, or a “build-to” line, for a minimum percentage of the building front. For shopping centers with private, internal driveways, the width/height ratio can be measured between opposite building fronts (pads) along an internal street, or between one building front and street trees on the opposite side of the street. The internal drive or “shopping street” should have sidewalks and amenities similar to a public street (e.g., seating, trees, lighting, etc.).

§1901-A. PERMITTED USES.

A. Permitted Principal Uses.

1. Residential dwellings located in buildings that are between one (1) and four (4) floors in height.
2. All non-residential uses permitted in the Regional Business (B4) zone shall be permitted, with the exception of the Retail A use.

B. Permitted Accessory Uses. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection in §1901-A.A:

1. Child Care Centers
2. Awnings & Canopies
3. Outdoor seating
4. Public, Local Utilities & Cable Television Facilities
5. Temporary Construction Trailers
6. Fences, hedges, and walls
7. Off-street parking facilities, including structures
8. Signs
9. Refuse and Recycling Storage Areas
10. Sidewalk, curbs, gutters, and walkways
11. Stormwater management facilities

C. Affordable Housing.

1. Non-residential development shall pay a development consistent with State statutes or regulations adopted by the New Jersey Council on Affordable Housing (COAH) or any successor agency.
2. Residential: Twenty percent of all housing units shall be set-aside for low and moderate income housing if the affordable units are for sale. Fifteen percent of the housing shall be set-aside for low and moderate income housing if the affordable units are for rent.. The housing units shall comply in all respects with the Township’s affordable housing ordinance and UHAC regulations, including but not limited to: bedroom distribution; pricing, affirmative marketing; accessibility; phasing, etc. At least 13 percent of any affordable rentals shall be affordable to households earning less than 30 percent of median income.

§1902-A. BULK REQUIREMENTS.

A. Except as otherwise modified, the following bulk standards shall apply to all buildings in the TOD zone:

Minimum tract size	30 acres
Density	12 units per acre
Minimum land area designated	
For housing	50 percent or 28.5 acres *Housing may be constructed within stand alone buildings or may be constructed above commercial and office uses. The intent of the ordinance is to permit a gross density of 12 units per acre on the gross acreage of 57 acres to yield 684 units on the portion of the site devoted to housing. The requirement for 50 percent of land area to be utilized for housing is relieved once final approval is granted for the permitted gross density.
Minimum open space	25 percent of tract area
Maximum height	4 stories and 55 feet
Minimum setback from exterior street or rail right-of-way	30 feet
Minimum setback from internal street right-of-way	zero (0) feet
Minimum rear yard setback	30 feet
Minimum distance between buildings	20 feet

B. Additional Requirements.

1. An owner’s association shall be created, subject to the approval of the Planning Board. The association shall become the owner of all lands dedicated to recreation and open space and shall be responsible for maintaining all public areas.
2. No more than 50 percent of the zone may be approved for non-residential uses until 428 housing units have received preliminary approval.
3. At least 30 percent of the non-residential floor area in the zone shall be office space.
4. Tract buffer 50 feet, consisting of existing and supplemental landscape material and/or fences to provide a reasonable visual buffer.
5. Residential dwellings located in building that are between one (1) and four (4) floors in height.
6. Open Space
 - a. A minimum of 25% of the total tract area shall be dedicated for common open space uses, which may include conservation, passive and active recreation and storm water management as below. No more than 50% of the required common open space shall be in the form of wetlands, wetlands buffers, flood plain, swales, recharge areas, and detention and retention basins if designed as an aesthetic feature.
 - b. The non-residential area shall have at least one town park and may have plazas, greens, squares, and greenways.

§1903-A. DESIGN STANDARDS.

The below standards have been promulgated in an attempt to achieve a well designed site. It is recognized that the intent of this section can be achieved with designs not anticipated by these standards. Accordingly, the Planning Board may waive any design standard it deems appropriate.

B. Spatial relationships between buildings and other structures shall be formal; façades shall be parallel to street lines and exterior building walls shall typically be either parallel or at right angles to each other. Buildings shall be oriented toward the street or the streetscape. A lot with multiple buildings should be organized around a feature such as a courtyard, green or quadrangle that encourages pedestrian activity and incidental social interaction among users. Buildings shall be designed to provide for safety concerns and shall be located to allow for adequate fire and emergency access.

- C. Residential buildings shall define the street-edge through adherence to uniform setbacks along the build-to line for each block. A minimum of eighty percent (80%) of all residential building façades on a block face shall be located at the build-to-line. The streetscape shall also be reinforced by lines of uniformly spaced shade trees and may be further reinforced by walls, hedges, or fences that define front yards.
- D. Commercial buildings on corner lots shall be considered significant structures, since they have at least two façades visibly exposed to the street. Such buildings shall be designed with additional architectural features to emphasize their location.
- E. Focal points of visual termination shall generally be occupied by prominent buildings and structures that employ enhanced height, massing, distinctive architectural treatments, ornamental site elements, or other distinguishing features.
- F. Specific Design Standards.
 - 1. The entry façades of all buildings shall be designed to a pedestrian scale.
 - 2. The architectural treatment of the front façade, with regard to its major features and materials, shall be continued around all sides of a building that are readily visible from public property and/or rights-of-way. The design of all sides of a building shall be consistent with regard to style, materials, colors, and details. No solid, blank, windowless walls or service areas shall be visible from the public areas. Where the construction of a blank or substantially blank wall is necessary, the façades shall be articulated by the provision of false windows, articulated masonry, or, if the building is occupied by a commercial use, by using recessed or projecting display window cases. Enhanced plantings may also be appropriate in certain cases.
 - 3. Open arcades may encroach into a public right-of way and over the sidewalk at a front or side street lot line as follows:
 - a. Front Encroachment: 8 feet maximum.
 - b. Side Street Encroachment: 8 feet maximum
 - c. The maximum allowable height of an encroachment is three stories. The area of an encroachment shall not exceed 20 percent of the block length.
 - 4. All air conditioning units, skylights, solar panels, HVAC systems, exhaust pipes or stacks, elevator housing satellite dishes, and other telecommunications receiving devices shall be screened from view from public property or rights-of-way and from adjacent properties by using walls, fencing, roof elements, penthouse-type screening devices, and /or plantings.
 - 5. The massing of buildings shall be deemphasized in a variety of ways, including the use of projecting and recessed elements such as porches, windows and roof dormers, to reduce their apparent overall bulk and volume, to enhance visual quality and contribute to human-scale development. Such breaks in the facades and rooflines shall occur not more frequently than every 25 feet and no less frequently than every 100 feet.
 - 6. Parking lot layout shall take into consideration pedestrian and vehicular circulation and shall be designed to preclude dead end parking lots. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents and as approved by the Planning Board.
 - 7. Bicycle parking
 - a. For residential uses, there shall be one bicycle space or locker for each three dwellings.
 - b. For commercial uses, there shall be one bicycle space or locker for every 40 automobile parking spaces.

§1904-A. PARKING.

- A. In addition to the standards of Article XXIV and the New Jersey RSIS, the following shall apply:
1. Off-street parking shall not be located between a building and a street unless the visual impact has been minimized by the construction of walls, fences, berms or the installation of appropriate landscaping.
 2. No outside storage or overnight parking of commercial vehicles or boats, recreational vehicles, trailers or similar conveyances shall be permitted, unless the commercial vehicle is part of a commercial use and is parked in a designated area, screened and shielded from any roadway.
 3. Off-street parking shall be located along the side and rear of structures parking shall be provided in the rear and the side of buildings. If parking in the front of buildings must be provided, it shall not occupy more than 25 percent of the lot frontage. Direct pedestrian connections shall be provided from the rear and side parking areas to the front of all buildings. Whenever possible, breaks in the building footprints should be provided to allow pedestrian access from rear parking areas to building fronts. The pedestrian access way should be a minimum of twenty-five (25') feet. On street parking shall be permitted on all development streets, except service alleyways.
- B. Shared Parking standards.
1. Shared parking shall be encouraged for all commercial parking lots and particularly for those serving mixed use commercial and residential buildings. Where necessary, in parking lots which are serving mixed-use commercial or residential buildings, the Planning Board may, in its discretion, permit a limited amount of parking to be reserved either for residential or specified commercial uses only; or may restrict the hours that certain spaces are to be used for residential or commercial uses only. In exercising its discretion to allow any limitation to be placed on the use of any parking, the Board shall do so with the intent to limit such restrictive use in order to advance the objective of encouraging shared parking.
 2. An applicant seeking to satisfy its parking requirement using a shared parking approach shall prepare a parking report that documents how an adequate supply of parking spaces will be provided to satisfy projected parking demand. The report shall be prepared using procedures presented in the most recent version of the report "Shared Parking," published by the *Urban Land Institute*. The report shall be prepared using the most current shared parking methodology published by the *Urban Land Institute* or the *Institute of Transportation Engineers*.
 3. The report may also adjust projected parking demand based on an analysis of captured parking using procedures presented in the most recent version of the *Trip Generation Handbook* published by the *Institute of Transportation Engineers*. A captured and shared parking study report shall:
 - a. Calculate the projected peak parking demand for each land use that will be sharing the available parking supply using the latest edition of the ITE informational report *Parking Generation*.
 - b. Calculate the extent to which parking demand will be mitigated on the site as a result of trips captured from adjoining land uses and therefore occurring without the use of a vehicle.
 - c. Calculate the peak parking accumulation for the development, making use of shared parking procedures.
 - d. Expand the peak parking accumulation by 10% to determine the needed supply of parking spaces. This will assure an adequate capacity of spaces for the turnover of vehicles.
 - e. Determine the number of on-site parking spaces that will be supplied.
 - f. Determine the number of on-street parking spaces that are available to the development in accordance with procedures established by this section.
 - g. Determine whether additional parking spaces will be needed to serve the development and if so how they will be supplied.
- C. Landscaping.
1. Lots for residential and nonresidential uses shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and civic, commercial, or residential uses shall be designed with textured paving, landscaping, and street furniture approved by the Planning Board.

2. Parking lot layout, landscaping, buffering, and screening shall be provided to minimize direct view of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise, or exhaust fumes onto adjacent residential properties, and provide the parking area with a reasonable measure of shade, when trees reach maturity. In order to achieve these objectives, parking lots exposed to view shall be surrounded by a minimum of a four-and-one-half-foot-high, year-round visually impervious screen, hedge, or wall. The height of any required screen, hedge, or wall shall decrease where driveways approach sidewalks or walkways, in order to provide adequate visibility of pedestrian from motor vehicles, and shall not interfere with clear sight triangle requirements.
3. The interior of all parking lots shall be landscaped to provide shade and visual relief. Protected planting islands or peninsulas within the perimeter of the parking lot are encouraged. Parking lots with 10 or less spaces may not require interior landscaping if the Planning Board determines that there is adequate perimeter landscaping. In parking lots with 11 or more spaces, a maximum of one deciduous shade tree shall be required to be planted in the parking lot for every eight parking spaces. A six-foot planting diamond, or equivalent planter, is required per tree. Choice of plant materials, buffer width, type of screening, location, and frequency of tree planting shall be flexible, provided these objectives are designed to the satisfaction of the Planning Board.
4. Parking lot layout shall take into consideration pedestrian and vehicular circulation and shall be designed to preclude dead end parking lots. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents and as approved by the Planning Board.

§1905-A. SITE INFRASTRUCTURE.

1. Common trash collection areas shall be properly screened with an appropriate combination of walls, fences, earth berms, and plantings. Any common trash collection area shall provide facilities for the collection and separation of recyclable materials in accordance with the requirements of the Township of Cherry Hill.
2. Any loading space shall be screened from public view by building walls or extensions thereof, fencing and /or landscaping.
3. Sidewalks shall have a minimum width of five feet, except along commercial uses where the sidewalk in commercial areas shall be larger. At corners, handicapped ramps shall be provided. Sidewalks in commercial areas shall be continued across street surfaces using paving materials to delineate crosswalks.
4. Sidewalks and pedestrian paths shall connect proposed uses to a public sidewalk or roadway. Private sidewalks shall be designed to connect parking areas with individual structures, as well as building groups.
5. The use of special paving such as brick or pre-cast concrete pavers for sidewalks is required for a minimum of 10% of the paved area, specifically at prominent intersections and public spaces. Otherwise, sidewalks shall be poured-in-place concrete. Special paving, if selected, should complement the building materials and should be used to define spaces or special areas such as entrances. All plans for special pavement areas shall be submitted to the Planning Board for approval. Private sidewalks shall be submitted to the Planning Board for approval. Sidewalks adjacent to parking lots, where car bumpers may overhang the walk, shall be a minimum of 6 ft. wide measured from the face of the curb or 4 ft. wide if setback a minimum of 2 ft. from the face of curb was a grassed area.

§1906-A. LANDSCAPING.

- A. Canopy tree shall be planted along street frontages at a maximum distance of 35 feet on center and spaced equal distance between street lights. Such street trees shall be a minimum caliper of three (3) inches (measured six (6) inches above ground level) at the time of planting. Bottom branches shall be trimmed to a minimum of eight (8) feet above the ground for pedestrian passage.

- B. Whenever an off street parking area exceeds 100 spaces, the area should be divided into a minimum of 4 (four) equal sections with each section being divided by a landscaped divider strip (minimum 10 ft. wide) with canopy trees and planted with ground cover or low shrubs (at least 36 inches in height).
- C. Hedges, privacy or ornamental fences of varying heights may be used to block view of parking areas, storage areas, loading docks or other utilitarian views from residential or public areas. No "cyclone" or "chain link" fencing shall be permitted.

§1907-A. LIGHTING.

In addition to §2808 of the ordinance, the following shall apply:

- A. All public and private streets, parking lots and pedestrian walkways shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions. Lighting fixtures are to include non-glare lights with "cutoff" shields as appropriate in order to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead glow.
- B. Street lighting shall be decorative and blend with the architectural style of the development.
- C. Streets and sites shall be provided with adequate lighting while minimizing adverse impacts such as glare and overhead sky glow on adjacent properties. House-side shields shall be provided where abutting a residential use.
- D. Along all commercial or mixed-use streets, parking areas, sidewalk, walkways, courtyards and common areas, 12-14 foot high decorative pedestrian scale lamp posts shall be provided at regular intervals. Posts in commercial mixed-use and senior citizen and townhouse streets should be spaced approximately sixty (60') on the center. Distance of lighting shall depend upon the manufacturer chosen and the specifications of the particular lights.
- E. In off-street parking lots, post heights may be extended to a maximum of 16 feet.
- F. Use of minimum wattage metal halide or color corrected sodium or mercury vapor light sources is encouraged.
- G. Lighting attached to the exterior of a building shall be architecturally compatible with the style, materials colors and details of the building and shall comply with the local building code. The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways and other areas of a site, and the light quality produced, shall be the same or compatible. Facades shall be lit from the exterior, and as a general rule, lights should be concealed through shielding or landscaping. Mounting brackets and associated hardware should be inconspicuous.

§1908-A. SIGNS.

In accordance with the provisions of Article XXIII.

**ARTICLE XX-A.
AFFORDABLE HOUSING OVERLAY (AHO) ZONE.**

§2000-A. PURPOSE.

The purpose of the Affordable Housing Overlay (AHO) overlay zone is to create an incentive to redevelop property for inclusionary development. The four (4) acre tract may be developed at a density of 16 units per acre. The density is predicated on a set-aside for affordable housing (low and moderate income housing). If the affordable units are for sale, the set-aside shall be 20 percent. If the affordable units are for rent, the set-aside shall be 15 percent. The AHO overlay zone is meant to take advantage of the vistas to the Cooper River Park.

§2001-A. PERMITTED USES.

A. Permitted Principal Uses.

1. Residential dwellings located in buildings that are between one (1) and four (4) floors in height.

§2002-A. BULK REQUIREMENTS.

A. Except as otherwise modified, the following bulk standards shall apply to all buildings in the AHO zone:

Minimum tract size	3 acres
Density	16 units per acre
Set-aside	20 percent if affordable units are for sale 15 percent if affordable units are for rent
Minimum open space	20 percent of land area
Maximum height	4 stories and 55 feet
Minimum setback from state highway right-of-way	30 feet
Minimum setback from internal street right-of-way	zero (0) feet
Minimum rear yard setback	30 feet
Minimum distance between buildings	20 feet

B. Additional Requirements.

1. An owners' association shall be created, subject to the approval of the Planning Board. The association shall become the owner of all lands dedicated to recreation and open space and shall be responsible for maintaining all public areas.
2. Tract buffer 50 feet, consisting of existing and supplemental landscape material and/or fences to provide a reasonable visual buffer.
3. Open Space
 - a. A minimum of 20% of the total tract area shall be dedicated for common open space uses, which may include conservation, passive and active recreation and storm water management as below. No more than 50% of the required common open space shall be in the form of wetlands, wetlands buffers, flood plain, swales, recharge areas, and detention and retention basins if designed as an aesthetic feature.

§2003-A. DESIGN STANDARDS.

The below standards have been promulgated in an attempt to achieve a well-designed site. It is recognized that the intent of this section can be achieved with designs not anticipated by these standards. Accordingly, the Planning Board may waive any design standard it deems appropriate.

1. All air conditioning units, skylights, solar panels, HVAC systems, exhaust pipes or stacks, elevator housing satellite dishes, and other telecommunications receiving devices shall be screened from view

from public property or rights-of-way and from adjacent properties by using walls, fencing, roof elements, penthouse-type screening devices, and /or plantings.

2. Off-street parking shall not be located between a building and a street unless the visual impact has been minimized by the construction of walls, fences, berms or the installation of appropriate landscaping.
3. No outside storage or overnight parking of commercial vehicles or boats, recreational vehicles, trailers or similar conveyances shall be permitted.
4. The interior of all parking lots shall be landscaped to provide shade and visual relief. Protected planting islands or peninsulas within the perimeter of the parking lot are encouraged. Parking lots with 10 or less spaces may not require interior landscaping if the Planning Board determines that there is adequate perimeter landscaping. In parking lots with 11 or more spaces, a maximum of one deciduous shade tree shall be required to be planted in the parking lot for every eight parking spaces. A six-foot planting diamond, or equivalent planter, is required per tree. Choice of plant materials, buffer width, type of screening, location, and frequency of tree planting shall be flexible, provided these objectives are designed to the satisfaction of the Planning Board.
5. Common trash collection areas shall be properly screened with an appropriate combination of walls, fences, earth berms, and plantings. Any common trash collection area shall provide facilities for the collection and separation of recyclable materials in accordance with the requirements of the Township of Cherry Hill.
6. Canopy tree shall be planted along street frontages at a maximum distance of 35 feet on center and spaced equal distance between street lights. Such street trees shall be a minimum caliper of three (3) inches (measured six (6) inches above ground level) at the time of planting. Bottom branches shall be trimmed to a minimum of eight (8) feet above the ground for pedestrian passage.

ARTICLE XIX-B. PATCO TRANSIT-ORIENTED DEVELOPMENT (TOD) OVERLAY ZONE.

§1900-A. PURPOSE.

The purpose of the Transit Oriented Development (TOD) overlay zone is to create a compact, mixed use of residential, office, retail, institutional, and civic uses to promote and support transit use. Pedestrian activity, passenger support, affordable housing and transit access are key goals in the TOD zone. The development standards are designed to require compact redevelopment, opportunities for increased choice of transportation modes, and a safe and pleasant pedestrian environment by ensuring an attractive streetscape, a functional mix of complementary uses, and the provision of facilities that support transit use, bicycling, and walking. The TOD overlay zone is meant to create dense, transit supportive development at the PATCO Speedline Woodcrest Station, the area within this site will provide a convenient walking distance to and from the transit station. The intent of this Ordinance is to accomplish the following:

- A. Compact Development. This zone provides *incentives for residential and commercial infill and redevelopment within designated areas*. Development is encouraged in designated areas by providing incentives, such as density bonuses and mixed use development opportunities in designated areas. s
- B. Mixed Use. The *flexible zoning standards in this zone allow mixed-use development*. The zoning ordinance allows residential uses integrated with commercial and employment uses in appropriate locations (e.g. main street, neighborhood center and other core areas). Look for opportunities to provide flexibility in building height, housing density, floor area, lot coverage, yard setback, landscaping, and other zoning provisions for mixed-use developments. It is anticipated that mixed-use development may include residential uses above or behind permitted or commercial, and the combination of compatible commercial uses (retail, office, services, entertainment, etc.).
- C. Affordable Housing. Provide accessible and convenient affordable housing for very low, low and moderate-income households. The 37 acre tract will result in up to 518 housing units. If the affordable units are for sale, the 518 housing units will include 103 low and moderate income units. If the affordable units are for rent, the affordable units, will include 77 low and moderate income units. \
- D. Pedestrian Activity. *Development in this zone must adopt appropriate standards for pedestrian access, safety, and comfort.*
- E. Efficient Land Use. *The following regulatory and parking management tools are available to minimize the amount of land used for surface parking:*
 1. Shared parking. “Shared parking” is an option available in this zone and allows that multiple uses to share one or more parking facilities.
 2. On-street parking is encouraged. On-street parking slows traffic, creates better pedestrian environments by buffering sidewalks from moving vehicles, increases the viability of retail shops and services, and reduces the amount of land used for off-street parking lots, thus decreasing impervious surfaces.
 3. Allow valet parking. Valet parking may be feasible for some restaurants and meeting/event facilities. Valet parking allows stacking of smaller parking spaces with less space devoted to drive aisles.
- F. Public Spaces. *Require developments to integrate usable public space whenever possible, and require that they recognize and respond appropriately to existing or planned public spaces on or near the site (e.g., parks, civic buildings and spaces, transit stops, sidewalks, plazas, and similar spaces)*. Public spaces should be clearly recognizable as “public” (e.g., a plaza within view of a street or other public space), publicly accessible (i.e., a pedestrian can get there), and can be occupied by a person (i.e., a person can stand there). These spaces can be as simple as an expanded sidewalk for outdoor dining, to a large plaza with public art and entertainment.
- G. Human-Scaled Building Design. Ordinances can help support human-scale design by requiring building

entrances placed close to the street, ground floor windows, articulated façades, appropriately scaled signs and lighting, and awnings and other weather protection. For example, in downtowns, main streets, neighborhood centers, and other strategic locations (e.g., at transit stops), it is often appropriate to require a maximum front building setback, or a “build-to” line, for a minimum percentage of the building front. For shopping centers with private, internal driveways, the width/height ratio can be measured between opposite building fronts (pads) along an internal street, or between one building front and street trees on the opposite side of the street. The internal drive or “shopping street” should have sidewalks and amenities similar to a public street (e.g., seating, trees, lighting, etc.).

§1901-A. PERMITTED USES.

H. Permitted Principal Uses.

- I. 1. Residential dwellings located in buildings that are between one (1) and four (4) floors in height.
- J. 2. All non-residential uses permitted in the Regional Business (B4) zone shall be permitted, with the exception of the Retail A use.

B. Permitted Accessory Uses. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection in §1901-A.A:

1. Child Care Centers
2. Awnings & Canopies
3. Outdoor seating
4. Public, Local Utilities & Cable Television Facilities
5. Temporary Construction Trailers
6. Fences, hedges, and walls
7. Off-street parking facilities, including structures
8. Signs
9. Refuse and Recycling Storage Areas
10. Sidewalk, curbs, gutters, and walkways
11. Stormwater management facilities

C. Affordable Housing.

1. Non-residential development shall pay a development consistent with State statutes or regulations adopted by the New Jersey Council on Affordable Housing (COAH) or any successor agency.
2. Residential: If the affordable units are for sale, twenty percent of all housing development shall be set-aside for low and moderate income housing. If the affordable units are for rent, fifteen percent of all housing development shall be set-aside for low and moderate income housing. The housing units shall comply in all respects with the Township’s affordable housing ordinance and UHAC regulations, including but not limited to: bedroom distribution; pricing, affirmative marketing; accessibility; phasing, etc. At least 13 percent of any affordable rentals shall be affordable to households earning less than 30 percent of median income.

§1902-A. BULK REQUIREMENTS.

A. Except as otherwise modified, the following bulk standards shall apply to all buildings in the TOD zone:

Minimum tract size	36 acres
Density	14 units per acre
Minimum land area designated	
For housing	50 percent of 18.5 acres *Housing may be constructed within stand alone buildings or may be constructed above commercial and office uses. The intent of the ordinance is to permit a gross density of 14 units per acre on the gross acreage of 37 acres to yield 518 units on the portion of the site devoted to housing. The requirement for 50 percent of land area to be utilized for housing is relieved once final approval is granted for the permitted gross density.
Minimum open space	25 percent of tract area
Maximum height	4 stories and 55 feet
Minimum setback from exterior street or rail right-of-way	30 feet
Minimum setback from internal street right-of-way	zero (0) feet
Minimum rear yard setback	30 feet
Minimum distance between buildings	20 feet

B. Additional Requirements.

1. An owner’s association shall be created, subject to the approval of the Planning Board. The association shall become the owner of all lands dedicated to recreation and open space and shall be responsible for maintaining all public areas.
2. No more than 50 percent of the zone may be approved for non-residential uses until 518 housing units have received preliminary approval.
3. At least 30 percent of the non-residential floor area in the zone shall be office space.
4. Tract buffer 30 feet, consisting of existing and supplemental landscape material and/or fences to provide a reasonable visual buffer.
5. Open Space
 - a. A minimum of 25% of the total tract area shall be dedicated for common open space uses, which may include conservation, passive and active recreation and storm water management as below. No more than 50% of the required common open space shall be in the form of wetlands, wetlands buffers, flood plain, swales, recharge areas, and detention and retention basins if designed as an aesthetic feature.
 - b. The non-residential area shall have at least one town park and may have plazas, greens, squares, and greenways.

§1903-A. DESIGN STANDARDS.

The below standards have been promulgated in an attempt to achieve a well designed site. It is recognized that the intent of this section can be achieved with designs not anticipated by these standards. Accordingly, the Planning Board may waive any design standard it deems appropriate.

- i. Spatial relationships between buildings and other structures shall be formal; façades shall be parallel to street lines and exterior building walls shall typically be either parallel or at right angles to each other. Buildings shall be oriented toward the street or the streetscape. A lot with multiple buildings should be organized around a feature such as a courtyard, green or quadrangle that encourages pedestrian activity and incidental social interaction among users. Buildings shall be designed to provide for safety concerns and shall be located to allow for adequate fire and emergency access.

- ii. Residential buildings shall define the street-edge through adherence to uniform setbacks along the build-to line for each block. A minimum of eighty percent (80%) of all residential building façades on a block face shall be located at the build-to-line. The streetscape shall also be reinforced by lines of uniformly spaced shade trees and may be further reinforced by walls, hedges, or fences that define front yards.
- iii. Commercial buildings on corner lots shall be considered significant structures, since they have at least two façades visibly exposed to the street. Such buildings shall be designed with additional architectural features to emphasize their location.
- iv. Focal points of visual termination shall generally be occupied by prominent buildings and structures that employ enhanced height, massing, distinctive architectural treatments, ornamental site elements, or other distinguishing features.
- v. Specific Design Standards.
 1. The entry façades of all buildings shall be designed to a pedestrian scale.
 2. The architectural treatment of the front façade, with regard to its major features and materials, shall be continued around all sides of a building that are readily visible from public property and/or rights-of-way. The design of all sides of a building shall be consistent with regard to style, materials, colors, and details. No solid, blank, windowless walls or service areas shall be visible from the public areas. Where the construction of a blank or substantially blank wall is necessary, the façades shall be articulated by the provision of false windows, articulated masonry, or, if the building is occupied by a commercial use, by using recessed or projecting display window cases. Enhanced plantings may also be appropriate in certain cases.
 3. Open arcades may encroach into a public right-of way and over the sidewalk at a front or side street lot line as follows:
 - a. Front Encroachment: 8 feet maximum.
 - b. Side Street Encroachment: 8 feet maximum
 - c. The maximum allowable height of an encroachment is three stories. The area of an encroachment shall not exceed 20 percent of the block length.
 4. All air conditioning units, skylights, solar panels, HVAC systems, exhaust pipes or stacks, elevator housing satellite dishes, and other telecommunications receiving devices shall be screened from view from public property or rights-of-way and from adjacent properties by using walls, fencing, roof elements, penthouse-type screening devices, and /or plantings.
 5. The massing of buildings shall be deemphasized in a variety of ways, including the use of projecting and recessed elements such as porches, windows and roof dormers, to reduce their apparent overall bulk and volume, to enhance visual quality and contribute to human-scale development. Such breaks in the facades and rooflines shall occur not more frequently than every 25 feet and no less frequently than every 100 feet.
 6. Parking lot layout shall take into consideration pedestrian and vehicular circulation and shall be designed to preclude dead end parking lots. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents and as approved by the Planning Board.
 7. Bicycle parking
 - a. For residential uses, there shall be one bicycle space or locker for each three dwellings.
 - b. For commercial uses, there shall be one bicycle space or locker for every 40 automobile parking spaces.

§1904-A. PARKING.

- A. In addition to the standards of Article XXIV and the New Jersey RSIS, the following shall apply:
 1. Off-street parking shall not be located between a building and a street unless the visual impact has

been minimized by the construction of walls, fences, berms or the installation of appropriate landscaping.

2. No outside storage or overnight parking of commercial vehicles or boats, recreational vehicles, trailers or similar conveyances shall be permitted, unless the commercial vehicle is part of a commercial use and is parked in a designated area, screened and shielded from any roadway.
 3. Off-street parking shall be located along the side and rear of structures. If parking in the front of buildings must be provided, it shall not occupy more than 25 percent of the lot frontage. Direct pedestrian connections shall be provided from the rear and side parking areas to the front of all buildings. Whenever possible, breaks in the building footprints should be provided to allow pedestrian access from rear parking areas to building fronts. The pedestrian access way should be a minimum of twenty-five (25') feet. On street parking shall be permitted on all development streets, except service alleyways.
- B. Shared Parking standards.
1. Shared parking shall be encouraged for all commercial parking lots and particularly for those serving mixed use commercial and residential buildings. Where necessary, in parking lots which are serving mixed-use commercial or residential buildings, the Planning Board may, in its discretion, permit a limited amount of parking to be reserved either for residential or specified commercial uses only; or may restrict the hours that certain spaces are to be used for residential or commercial uses only. In exercising its discretion to allow any limitation to be placed on the use of any parking, the Board shall do so with the intent to limit such restrictive use in order to advance the objective of encouraging shared parking.
 2. An applicant seeking to satisfy its parking requirement using a shared parking approach shall prepare a parking report that documents how an adequate supply of parking spaces will be provided to satisfy projected parking demand. The report shall be prepared using procedures presented in the most recent version of the report "Shared Parking," published by the *Urban Land Institute*. The report shall be prepared using the most current shared parking methodology published by the *Urban Land Institute* or the *Institute of Transportation Engineers*.
 3. The report may also adjust projected parking demand based on an analysis of captured parking using procedures presented in the most recent version of the *Trip Generation Handbook* published by the *Institute of Transportation Engineers*. A captured and shared parking study report shall:
 - a. Calculate the projected peak parking demand for each land use that will be sharing the available parking supply using the latest edition of the ITE informational report *Parking Generation*.
 - b. Calculate the extent to which parking demand will be mitigated on the site as a result of trips captured from adjoining land uses and therefore occurring without the use of a vehicle.
 - c. Calculate the peak parking accumulation for the development, making use of shared parking procedures.
 - d. Expand the peak parking accumulation by 10% to determine the needed supply of parking spaces. This will assure an adequate capacity of spaces for the turnover of vehicles.
 - e. Determine the number of on-site parking spaces that will be supplied.
 - f. Determine the number of on-street parking spaces that are available to the development in accordance with procedures established by this section.
 - g. Determine whether additional parking spaces will be needed to serve the development and if so how they will be supplied.
- C. Landscaping.
1. Lots for residential and nonresidential uses shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and civic, commercial, or residential uses shall be designed with textured paving, landscaping, and street furniture approved by the Planning Board.
 2. Parking lot layout, landscaping, buffering, and screening shall be provided to minimize direct view of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise, or exhaust fumes

onto adjacent residential properties, and provide the parking area with a reasonable measure of shade, when trees reach maturity. In order to achieve these objectives, parking lots exposed to view shall be surrounded by a minimum of a four-and-one-half-foot-high, year-round visually impervious screen, hedge, or wall. The height of any required screen, hedge, or wall shall decrease where driveways approach sidewalks or walkways, in order to provide adequate visibility of pedestrians from motor vehicles, and shall not interfere with clear sight triangle requirements.

3. The interior of all parking lots shall be landscaped to provide shade and visual relief. Protected planting islands or peninsulas within the perimeter of the parking lot are encouraged. Parking lots with 10 or less spaces may not require interior landscaping if the Planning Board determines that there is adequate perimeter landscaping. In parking lots with 11 or more spaces, a maximum of one deciduous shade tree shall be required to be planted in the parking lot for every eight parking spaces. A six-foot planting diamond, or equivalent planter, is required per tree. Choice of plant materials, buffer width, type of screening, location, and frequency of tree planting shall be flexible, provided these objectives are designed to the satisfaction of the Planning Board.

§1905-A. SITE INFRASTRUCTURE.

1. Common trash collection areas shall be properly screened with an appropriate combination of walls, fences, earth berms, and plantings. Any common trash collection area shall provide facilities for the collection and separation of recyclable materials in accordance with the requirements of the Township of Cherry Hill.
2. Any loading space shall be screened from public view by building walls or extensions thereof, fencing and /or landscaping.
3. Sidewalks shall have a minimum width of five feet, except along commercial uses where the sidewalk in commercial areas shall be larger. At corners, handicapped ramps shall be provided. Sidewalks in commercial areas shall be continued across street surfaces using paving materials to delineate crosswalks.
4. Sidewalks and pedestrian paths shall connect proposed uses to a public sidewalk or roadway. Private sidewalks shall be designed to connect parking areas with individual structures, as well as building groups.
5. The use of special paving such as brick or pre-cast concrete pavers for sidewalks is required for a minimum of 10% of the paved area, specifically at prominent intersections and public spaces. Otherwise, sidewalks shall be poured-in-place concrete. Special paving, if selected, should complement the building materials and should be used to define spaces or special areas such as entrances. All plans for special pavement areas shall be submitted to the Planning Board for approval. Private sidewalks shall be submitted to the Planning Board for approval. Sidewalks adjacent to parking lots, where car bumpers may overhang the walk, shall be a minimum of 6 ft. wide measured from the face of the curb or 4 ft. wide if setback a minimum of 2 ft. from the face of curb was a grassed area.

§1906-A. LANDSCAPING.

- A. Canopy tree shall be planted along street frontages at a maximum distance of 35 feet on center and spaced equal distance between street lights. Such street trees shall be a minimum caliper of three (3) inches (measured six (6) inches above ground level) at the time of planting. Bottom branches shall be trimmed to a minimum of eight (8) feet above the ground for pedestrian passage.
- B. Whenever an off street parking area exceeds 100 spaces, the area should be divided into a minimum of 4 (four) equal sections with each section being divided by a landscaped divider strip (minimum 10 ft. wide) with canopy trees and planted with ground cover or low shrubs (at least 36 inches in height).
- C. Hedges, privacy or ornamental fences of varying heights may be used to block view of parking areas, storage areas, loading docks or other utilitarian views from residential or public areas. No "cyclone" or "chain link" fencing shall be permitted.

§1907-A. LIGHTING.

In addition to §2808 of the ordinance, the following shall apply:

- A. All public and private streets, parking lots and pedestrian walkways shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions. Lighting fixtures are to include non-glare lights with “cutoff” shields as appropriate in order to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead glow.
- B. Street lighting shall be decorative and blend with the architectural style of the development.
- C. Streets and sites shall be provided with adequate lighting while minimizing adverse impacts such as glare and overhead sky glow on adjacent properties. House-side shields shall be provided where abutting a residential use.
- D. Along all commercial or mixed-use streets, parking areas, sidewalk, walkways, courtyards and common areas, 12-14 foot high decorative pedestrian scale lamp posts shall be provided at regular intervals. Posts in commercial mixed-use and senior citizen and townhouse streets should be spaced approximately sixty (60’) on the center. Distance of lighting shall depend upon the manufacturer chosen and the specifications of the particular lights.
- E. In off-street parking lots, post heights may be extended to a maximum of 16 feet.
- F. Use of minimum wattage metal halide or color corrected sodium or mercury vapor light sources is encouraged.
- G. Lighting attached to the exterior of a building shall be architecturally compatible with the style, materials colors and details of the building and shall comply with the local building code. The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways and other areas of a site, and the light quality produced, shall be the same or compatible. Facades shall be lit from the exterior, and as a general rule, lights should be concealed through shielding or landscaping. Mounting brackets and associated hardware should be inconspicuous.

§1908-A. SIGNS.

In accordance with the provisions of Article XXIII.

Plan Amendment: Appendix D

COAH UNITS BUILT STATEWIDE

Completed Units as of December 20, 2013

(As Reported by NJ Municipalities)

Muni	County	Municipality	Completed New	Completed Rehab
1808	SOMERSET	FRANKLIN TWP	1306	80
1806	SOMERSET	BRIDGEWATER TWP	1204	100
1205	MIDDLESEX	EDISON TWP	1049	57
1507	OCEAN	TOMS RIVER TOWNSHIP	1018	127
0714	ESSEX	NEWARK CITY	1017	0
2004	UNION	ELIZABETH CITY	997	3522
1107	MERCER	LAWRENCE TWP	976	59
1111	MERCER	TRENTON CITY	906	80
1214	MIDDLESEX	NEW BRUNSWICK CITY	841	482
1216	MIDDLESEX	PERTH AMBOY CITY	782	283
1204	MIDDLESEX	EAST BRUNSWICK TWP	780	64
0409	CAMDEN	CHERRY HILL TWP	742	18
1103	MERCER	HAMILTON TWP	718	170
0516	CAPE MAY	WOODBINE BORO	700	29
1801	SOMERSET	BEDMINSTER TWP	694	0
0233	BERGEN	MAHWAH TWP	683	3
1336	MONMOUTH	TINTON FALLS BORO	681	4
1221	MIDDLESEX	SOUTH BRUNSWICK TWP	674	0
0428	CAMDEN	PINE HILL BORO	660	21
1215	MIDDLESEX	NORTH BRUNSWICK TWP	595	0
1113	MERCER	WEST WINDSOR TWP	594	15
0610	CUMBERLAND	MILLVILLE CITY	586	24
0434	CAMDEN	VOORHEES TWP	582	1
1602	PASSAIC	CLIFTON CITY	573	60
1614	PASSAIC	WAYNE TWP	571	0
0223	BERGEN	HACKENSACK CITY	564	17
0427	CAMDEN	PENNSAUKEN TWP	550	80
1316	MONMOUTH	FREEHOLD TWP	546	5
1608	PASSAIC	PATERSON CITY	545	26
1209	MIDDLESEX	OLD BRIDGE TWP	544	54
0811	GLOUCESTER	MONROE TWP	540	18
1217	MIDDLESEX	PISCATAWAY TWP	538	3
0415	CAMDEN	GLOUCESTER TWP	537	289
0818	GLOUCESTER	WASHINGTON TWP	512	14
1429	MORRIS	PARSIPPANY-TROY HILLS TWP	503	77
0436	CAMDEN	WINSLOW TWP	493	0
0614	CUMBERLAND	VINELAND CITY	483	223
0324	BURLINGTON	MOUNT LAUREL TWP	477	21
0717	ESSEX	ORANGE CITY	466	108
1506	OCEAN	BRICK TWP	464	20
0713	ESSEX	MONTCLAIR TWP	460	56
1331	MONMOUTH	MIDDLETOWN TWP	453	33
1311	MONMOUTH	EATONTOWN BORO	453	4
2019	UNION	UNION TWP	441	89
0313	BURLINGTON	EVESHAM TWP	412	16
1319	MONMOUTH	HOWELL TWP	411	49
1421	MORRIS	MONTVILLE TWP	407	0
1219	MIDDLESEX	SAYREVILLE BORO	400	6
1334	MONMOUTH	NEPTUNE TWP	398	298
1352	MONMOUTH	WALL TWP	384	16
0505	CAPE MAY	LOWER TWP	382	61
1530	OCEAN	STAFFORD TWP	378	3
1422	MORRIS	MORRIS TWP	377	0
1813	SOMERSET	MONTGOMERY TWP	342	2
1326	MONMOUTH	MANALAPAN TWP	340	58
1802	SOMERSET	BERNARDS TWP	338	33
0306	BURLINGTON	BURLINGTON TWP	336	14
0901	HUDSON	BAYONNE CITY	330	772
1412	MORRIS	HANOVER TWP	328	12
0906	HUDSON	JERSEY CITY	318	58
1318	MONMOUTH	HOLMDEL TWP	307	0
1106	MERCER	HOPEWELL TWP	301	34
1511	OCEAN	JACKSON TWP	299	16
0802	GLOUCESTER	DEPTFORD TWP	298	40
1432	MORRIS	RANDOLPH TWP	296	19
1411	MORRIS	FLORHAM PARK BORO	294	0
0403	CAMDEN	BARRINGTON BORO	284	0
1110	MERCER	PRINCETON TWP	281	100
0422	CAMDEN	LINDENWOLD BORO	272	19
1218	MIDDLESEX	PLAINSBORO TWP	270	0
1102	MERCER	EWING TWP	270	33
1101	MERCER	EAST WINDSOR TWP	267	36
0260	BERGEN	TEANECK TWP	262	58
1112	MERCER	ROBBINSVILLE TWP	255	17
1436	MORRIS	ROXBURY TWP	253	37
1427	MORRIS	MOUNT OLIVE TWP	253	42
1325	MONMOUTH	LONG BRANCH CITY	252	405
0722	ESSEX	WEST ORANGE TWP	252	237
2012	UNION	PLAINFIELD CITY	250	0
0322	BURLINGTON	MOORESTOWN TWP	245	28
0907	HUDSON	KEARNY TOWN	238	21
0822	GLOUCESTER	WOODBURY CITY	236	60
0911	HUDSON	WEEHAWKEN TWP	233	0
1431	MORRIS	PEQUANNOCK TWP	231	41
1225	MIDDLESEX	WOODBRIIDGE TWP	228	94
1505	OCEAN	BERKELEY TWP	227	135
0716	ESSEX	NUTLEY TWP	224	26
0248	BERGEN	RAMSEY BORO	224	0
0912	HUDSON	WEST NEW YORK TOWN	215	0
0414	CAMDEN	GLOUCESTER CITY	214	141
1516	OCEAN	LITTLE EGG HARBOR TWP	211	0
0910	HUDSON	UNION CITY	210	14
1022	HUNTERDON	READINGTON TWP	209	7
0111	ATLANTIC	GALLOWAY TWP	209	38

0810	GLOUCESTER	MANTUA TWP	208	0
1328	MONMOUTH	MARLBORO TWP	207	0
1340	MONMOUTH	RED BANK BORO	204	154
1222	MIDDLESEX	SOUTH PLAINFIELD BORO	203	1
1315	MONMOUTH	FREEHOLD BORO	201	276
1708	SALEM	PENNSVILLE TWP	199	0
1021	HUNTERDON	RARITAN TWP	197	0
0320	BURLINGTON	MEDFORD TWP	197	0
0267	BERGEN	WESTWOOD BORO	195	18
0909	HUDSON	SECAUCUS TOWN	192	55
0704	ESSEX	CEDAR GROVE TWP	188	0
0338	BURLINGTON	WILLINGBORO TWP	188	31
1820	SOMERSET	WARREN TWP	182	63
1810	SOMERSET	HILLSBOROUGH TWP	181	11
0319	BURLINGTON	MAPLE SHADE TWP	181	0
1533	OCEAN	BARNEGAT TWP	177	11
0304	BURLINGTON	BORDENTOWN TWP	168	5
1210	MIDDLESEX	METUCHEN BORO	167	2
1417	MORRIS	MADISON BORO	163	86
0310	BURLINGTON	DELTRAN TWP	163	0
0305	BURLINGTON	BURLINGTON CITY	160	58
0720	ESSEX	VERONA TWP	159	0
2123	WARREN	WHITE TWP	158	2
1713	SALEM	CARNEYS POINT TWP	158	35
0806	GLOUCESTER	GLASSBORO BORO	157	128
0416	CAMDEN	HADDON TWP	157	0
1416	MORRIS	LINCOLN PARK BORO	155	6
1518	OCEAN	MANCHESTER TWP	154	0
1438	MORRIS	WASHINGTON TWP	154	0
1213	MIDDLESEX	MONROE TWP	154	40
2108	WARREN	HACKETTSTOWN TOWN	152	5
0251	BERGEN	RIDGEWOOD VILLAGE	151	2
2018	UNION	SUMMIT CITY	149	43
1512	OCEAN	LACEY TWP	149	15
1109	MERCER	PRINCETON BORO	148	15
2020	UNION	WESTFIELD TOWN	147	0
0711	ESSEX	MAPLEWOOD TWP	147	56
0218	BERGEN	FAIRVIEW BORO	146	34
1609	PASSAIC	POMPTON LAKES BORO	145	6
0329	BURLINGTON	PEMBERTON TWP	145	186
0317	BURLINGTON	LUMBERTON TWP	144	33
0507	CAPE MAY	NORTH WILDWOOD CITY	142	23
2009	UNION	LINDEN CITY	139	319
1805	SOMERSET	BRANCHBURG TWP	139	0
0404	CAMDEN	BELLMAWR BORO	138	30
1408	MORRIS	DENVILLE TWP	137	38
0234	BERGEN	MAYWOOD BORO	136	0
0323	BURLINGTON	MOUNT HOLLY TWP	131	167
0113	ATLANTIC	HAMMONTON TOWN	130	0
0326	BURLINGTON	NORTH HANOVER TWP	128	4
0227	BERGEN	HILLSDALE BORO	126	5
2013	UNION	RAHWAY CITY	125	85
0702	ESSEX	BLOOMFIELD TWP	125	42
1809	SOMERSET	GREEN BROOK TWP	124	0
1435	MORRIS	ROCKAWAY TWP	123	32
0710	ESSEX	LIVINGSTON TWP	122	6
1439	MORRIS	WHARTON BORO	121	2
0246	BERGEN	PARAMUS BORO	121	0
1918	SUSSEX	SPARTA TWP	116	28
0232	BERGEN	LYNDHURST TWP	116	23
0213	BERGEN	EDGEWATER BORO	113	10
2003	UNION	CRANFORD TWP	112	15
1615	PASSAIC	WEST MILFORD TWP	112	20
1338	MONMOUTH	OCEANPORT BORO	112	0
0219	BERGEN	FORT LEE BORO	110	160
0824	GLOUCESTER	WOOLWICH TWP	108	0
0406	CAMDEN	BERLIN TWP	108	9
1202	MIDDLESEX	CRANBURY TWP	107	1
1424	MORRIS	MORRISTOWN TOWN	106	0
1712	SALEM	SALEM CITY	103	16
0316	BURLINGTON	HAINESPORT TWP	102	19
0270	BERGEN	WYCKOFF TWP	102	6
1017	HUNTERDON	LAMBERTVILLE CITY	101	32
1409	MORRIS	DOVER TOWN	100	83
1211	MIDDLESEX	MIDDLESEX BORO	100	0
0311	BURLINGTON	EASTAMPTON TWP	100	4
0808	GLOUCESTER	HARRISON TWP	97	4
0337	BURLINGTON	WESTAMPTON TWP	97	1
0318	BURLINGTON	MANSFIELD TWP	97	0
1403	MORRIS	BUTLER BORO	95	0
0803	GLOUCESTER	EAST GREENWICH TWP	94	4
0258	BERGEN	SADDLE RIVER BORO	94	0
2001	UNION	BERKELEY HEIGHTS TWP	92	0
0607	CUMBERLAND	HOPEWELL TWP	92	0
0215	BERGEN	ENGLEWOOD CITY	92	3
1309	MONMOUTH	COLTS NECK TOWNSHIP	88	0
0217	BERGEN	FAIR LAWN BORO	88	8
2011	UNION	NEW PROVIDENCE BORO	87	2
1414	MORRIS	JEFFERSON TWP	84	0
2016	UNION	SCOTCH PLAINS TWP	83	0
0719	ESSEX	SOUTH ORANGE VILLAGE TWP	83	42
2121	WARREN	WASHINGTON BORO	82	31
1906	SUSSEX	FRANKLIN BORO	82	15
0718	ESSEX	ROSELAND BORO	82	1
0430	CAMDEN	RUNNEMEDE BORO	82	10
1430	MORRIS	LONG HILL TWP	81	0
1405	MORRIS	CHATHAM TWP	81	0
0405	CAMDEN	BERLIN BORO	81	24
0108	ATLANTIC	EGG HARBOR TWP	81	65

0207	BERGEN	CLOSTER BORO	78	0
1207	MIDDLESEX	HIGHLAND PARK BORO	75	28
0104	ATLANTIC	BUENA BORO	75	15
1410	MORRIS	EAST HANOVER TWP	74	0
2115	WARREN	LOPATCONG TWP	72	12
2017	UNION	SPRINGFIELD TWP	72	0
1514	OCEAN	LAKEWOOD TWP	72	0
1220	MIDDLESEX	SOUTH AMBOY CITY	72	0
1201	MIDDLESEX	CARTERET BORO	72	100
0435	CAMDEN	WATERFORD TWP	72	0
1009	HUNTERDON	FLEMINGTON BORO	71	9
2107	WARREN	GREENWICH TWP	70	5
0905	HUDSON	HOBOKEN CITY	70	0
0256	BERGEN	RUTHERFORD BORO	67	6
0424	CAMDEN	MERCHANTVILLE BORO	64	0
0235	BERGEN	MIDLAND PARK BORO	64	0
1208	MIDDLESEX	JAMESBURG BORO	63	1
0236	BERGEN	MONTVALE BORO	63	0
0807	GLOUCESTER	GREENWICH TWP	62	0
0508	CAPE MAY	OCEAN CITY	62	29
0506	CAPE MAY	MIDDLE TWP	61	28
1715	SALEM	WOODSTOWN BORO	60	29
1606	PASSAIC	NORTH HALEDON BORO	60	0
0243	BERGEN	OLD TAPPAN BORO	60	0
0315	BURLINGTON	FLORENCE TWP	59	5
0309	BURLINGTON	DELANCO TWP	58	2
1304	MONMOUTH	ATLANTIC HIGHLANDS BORO	57	0
0417	CAMDEN	HADDONFIELD BORO	56	0
2103	WARREN	BELVIDERE TOWN	55	4
1612	PASSAIC	TOTOWA BORO	55	0
1415	MORRIS	KINNELON BORO	54	4
0253	BERGEN	RIVER VALE TWP	53	0
0250	BERGEN	RIDGEFIELD PARK VILLAGE	53	18
2119	WARREN	PHILLIPSBURG TOWN	52	387
1024	HUNTERDON	TEWKSBURY TWP	52	0
0340	BURLINGTON	WRIGHTSTOWN BORO	52	29
0241	BERGEN	NORWOOD BORO	52	0
1821	SOMERSET	WATCHUNG BORO	51	0
0312	BURLINGTON	EDGEWATER PARK TWP	49	13
0247	BERGEN	PARK RIDGE BORO	49	0
1816	SOMERSET	RARITAN BORO	48	8
1005	HUNTERDON	CLINTON TOWN	48	0
1905	SUSSEX	FRANKFORD TWP	46	1
1803	SOMERSET	BERNARDSVILLE BORO	45	6
1525	OCEAN	POINT PLEASANT BEACH BORO	45	0
1402	MORRIS	BOONTON TWP	44	0
1401	MORRIS	BOONTON TOWN	44	4
2122	WARREN	WASHINGTON TWP	43	0
1006	HUNTERDON	CLINTON TWP	43	0
0261	BERGEN	TENAFLY BORO	43	6
0705	ESSEX	EAST ORANGE CITY	42	24
0303	BURLINGTON	BORDENTOWN CITY	42	0
0263	BERGEN	UPPER SADDLE RIVER BORO	42	0
0302	BURLINGTON	BEVERLY CITY	41	233
2112	WARREN	INDEPENDENCE TWP	40	0
0408	CAMDEN	CAMDEN CITY	40	111
0268	BERGEN	WOODCLIFF LAKE BORO	40	0
2116	WARREN	MANSFIELD TWP	38	5
1419	MORRIS	MENDHAM TWP	38	0
2117	WARREN	OXFORD TWP	37	8
1814	SOMERSET	NORTH PLAINFIELD BORO	37	9
1418	MORRIS	MENDHAM BORO	37	0
0817	GLOUCESTER	SWEDESBORO BORO	36	9
0112	ATLANTIC	HAMILTON TWP	36	24
0801	GLOUCESTER	CLAYTON BORO	34	22
0425	CAMDEN	MOUNT EPHRAIM BORO	33	0
1407	MORRIS	CHESTER TWP	32	11
0602	CUMBERLAND	COMMERCIAL TWP	32	0
0257	BERGEN	SADDLE BROOK TWP	32	8
1807	SOMERSET	FAR HILLS BORO	31	0
0225	BERGEN	HASBROUCK HEIGHTS BORO	31	0
0431	CAMDEN	SOMERDALE BORO	30	15
1915	SUSSEX	NEWTON TOWN	29	21
1815	SOMERSET	PEAPACK-GLADSTONE BORO	29	0
1413	MORRIS	HARDING TWP	29	0
1406	MORRIS	CHESTER BORO	28	1
2110	WARREN	HARMONY TWP	27	3
0208	BERGEN	CRESSKILL BORO	27	0
0201	BERGEN	ALLENDALE BORO	27	0
1611	PASSAIC	RINGWOOD BORO	26	0
0707	ESSEX	FAIRFIELD TWP	26	0
2120	WARREN	POHATCONG TWP	24	0
1332	MONMOUTH	MILLSTONE TWP	24	1
1312	MONMOUTH	ENGLISHTOWN BORO	24	0
0308	BURLINGTON	CINNAMINSON TWP	24	0
2101	WARREN	ALLAMUCHY TWP	23	11
0815	GLOUCESTER	PITMAN BORO	23	6
0701	ESSEX	BELLEVILLE TWP	23	57
0269	BERGEN	WOOD-RIDGE BORO	23	2
0204	BERGEN	BOGOTA BORO	23	14
1613	PASSAIC	WANAQUE BORO	22	21
1008	HUNTERDON	EAST AMWELL TWP	22	0
0307	BURLINGTON	CHESTERFIELD TWP	22	0
2005	UNION	FANWOOD BORO	21	0
2106	WARREN	FRELINGHUYSEN TWP	20	3
1604	PASSAIC	HAWTHORNE BORO	20	0
1404	MORRIS	CHATHAM BORO	20	7
1341	MONMOUTH	ROOSEVELT BORO	20	0
2109	WARREN	HARDWICK TWP	19	0

1907	SUSSEX	FREDON TWP	19	0
0264	BERGEN	WALDWICK BORO	19	8
1911	SUSSEX	HARDYSTON TWP	18	10
1433	MORRIS	RIVERDALE BORO	18	0
1426	MORRIS	MOUNT ARLINGTON BORO	18	0
1423	MORRIS	MORRIS PLAINS BORO	18	0
1330	MONMOUTH	ABERDEEN TWP	18	10
0721	ESSEX	WEST CALDWELL TWP	18	0
1804	SOMERSET	BOUND BROOK BORO	17	32
1026	HUNTERDON	WEST AMWELL TWP	17	0
1012	HUNTERDON	GLEN GARDNER BORO	17	0
1007	HUNTERDON	DELAWARE TWP	17	8
0255	BERGEN	ROCKLEIGH BORO	16	0
1314	MONMOUTH	FARMINGDALE BORO	15	0
0804	GLOUCESTER	ELK TWP	15	4
0222	BERGEN	GLEN ROCK BORO	15	0
0220	BERGEN	FRANKLIN LAKES BORO	15	0
2102	WARREN	ALPHA BORO	14	2
1607	PASSAIC	PASSAIC CITY	14	23
0709	ESSEX	IRVINGTON TWP	14	0
0334	BURLINGTON	SPRINGFIELD TWP	14	6
1206	MIDDLESEX	HELMETTA BORO	13	0
1104	MERCER	HIGHTSTOWN BORO	13	38
0266	BERGEN	WASHINGTON TWP	13	0
0229	BERGEN	LEONIA BORO	13	2
2114	WARREN	LIBERTY TWP	12	0
1919	SUSSEX	STANHOPE BORO	12	3
1819	SOMERSET	SOUTH BOUND BROOK BORO	12	4
1714	SALEM	UPPER PITTSBORO TWP	12	4
0242	BERGEN	OAKLAND BORO	12	6
2113	WARREN	KNOWLTON TWP	11	3
2104	WARREN	BLAIRSTOWN TWP	11	48
1025	HUNTERDON	UNION TWP	11	0
1010	HUNTERDON	FRANKLIN TWP	11	18
1913	SUSSEX	LAFAYETTE TWP	10	0
1817	SOMERSET	ROCKY HILL BORO	10	8
1019	HUNTERDON	LEBANON TWP	10	1
0240	BERGEN	NORTHVALE BORO	10	0
2002	UNION	CLARK TWP	9	0
1910	SUSSEX	HAMPTON TWP	9	0
1016	HUNTERDON	KINGWOOD TWP	9	0
0512	CAPE MAY	WEST CAPE MAY BORO	9	8
0418	CAMDEN	HADDON HEIGHTS BORO	9	15
0238	BERGEN	NEW MILFORD BORO	9	0
0121	ATLANTIC	SOMERS POINT CITY	9	6
0107	ATLANTIC	EGG HARBOR CITY	9	30
2105	WARREN	FRANKLIN TWP	8	11
1912	SUSSEX	HOPATCONG BORO	8	15
1710	SALEM	PITTSBORO TWP	8	45
0202	BERGEN	ALPINE BORO	8	0
1015	HUNTERDON	HOLLAND TWP	7	13
0254	BERGEN	ROCHELLE PARK TWP	7	0
1811	SOMERSET	MANVILLE BORO	6	33
1108	MERCER	PENNINGTON BORO	6	1
1020	HUNTERDON	MILFORD BORO	6	0
1001	HUNTERDON	ALEXANDRIA TWP	6	7
0239	BERGEN	NORTH ARLINGTON BORO	6	7
0226	BERGEN	HAWORTH BORO	6	0
1903	SUSSEX	BRANCHVILLE BORO	5	0
1610	PASSAIC	PROSPECT PARK BORO	5	0
1522	OCEAN	PINE BEACH BORO	5	0
1014	HUNTERDON	HIGH BRIDGE BORO	5	0
0511	CAPE MAY	UPPER TWP	5	9
0432	CAMDEN	STRATFORD BORO	5	0
0328	BURLINGTON	PEMBERTON BORO	5	5
0262	BERGEN	TETERBORO BORO	5	0
0214	BERGEN	EMERSON BORO	5	0
2015	UNION	ROSELLE PARK BORO	4	0
1914	SUSSEX	MONTAGUE TWP	4	24
1909	SUSSEX	HAMBURG BORO	4	0
1902	SUSSEX	ANDOVER TWP	4	0
1616	PASSAIC	WOODLAND PARK BOROUGH	4	0
1524	OCEAN	POINT PLEASANT BORO	4	6
1434	MORRIS	ROCKAWAY BORO	4	12
1018	HUNTERDON	LEBANON BORO	4	0
0819	GLOUCESTER	WENONAH BORO	4	0
0230	BERGEN	LITTLE FERRY BORO	4	6
0209	BERGEN	DEMAREST BORO	4	1
2006	UNION	GARWOOD BORO	3	0
1922	SUSSEX	VERNON TWP	3	7
1908	SUSSEX	GREEN TWP	3	9
1303	MONMOUTH	ASBURY PARK CITY	3	327
1011	HUNTERDON	FRENCHTOWN BORO	3	5
0114	ATLANTIC	LINWOOD CITY	3	2
1520	OCEAN	OCEAN TWP	2	0
1351	MONMOUTH	UPPER FREEHOLD TWP	2	3
0421	CAMDEN	LAWNSIDE BORO	2	0
0412	CAMDEN	COLLINGSWOOD BORO	2	52
1920	SUSSEX	STILLWATER TWP	1	25
1105	MERCER	HOPEWELL BORO	1	0
2111	WARREN	HOPE TWP	0	0
1924	SUSSEX	WANTAGE TWP	0	0
1917	SUSSEX	SANDYSTON TWP	0	9
1916	SUSSEX	OGDENSBURG BORO	0	55
1904	SUSSEX	BYRAM TWP	0	3
1901	SUSSEX	ANDOVER BORO	0	0
1818	SOMERSET	SOMERVILLE BORO	0	0
1812	SOMERSET	MILLSTONE BORO	0	0
1709	SALEM	PILESBORO TWP	0	6

1706	SALEM	OLDMANS TWP	0	0
1701	SALEM	ALLOWAY TWP	0	0
1605	PASSAIC	LITTLE FALLS TWP	0	0
1601	PASSAIC	BLOOMINGDALE BORO	0	0
1532	OCEAN	TUCKERTON BORO	0	0
1519	OCEAN	MANTOLOKING BORO	0	0
1508	OCEAN	EAGLESWOOD TWP	0	1
1502	OCEAN	BAY HEAD BORO	0	0
1428	MORRIS	NETCONG BORO	0	7
1425	MORRIS	MOUNTAIN LAKES BORO	0	4
1420	MORRIS	MINE HILL TWP	0	12
1350	MONMOUTH	UNION BEACH BORO	0	79
1349	MONMOUTH	SPRING LAKE HEIGHTS BORO	0	0
1348	MONMOUTH	SPRING LAKE BORO	0	7
1345	MONMOUTH	SHREWSBURY BORO	0	0
1342	MONMOUTH	RUMSON BORO	0	0
1335	MONMOUTH	NEPTUNE CITY BORO	0	4
1333	MONMOUTH	MONMOUTH BEACH BORO	0	0
1327	MONMOUTH	MANASQUAN BORO	0	10
1323	MONMOUTH	LITTLE SILVER BORO	0	0
1321	MONMOUTH	KEANSBURG BORO	0	322
1317	MONMOUTH	HIGHLANDS BORO	0	49
1307	MONMOUTH	BRADLEY BEACH BORO	0	97
1306	MONMOUTH	BELMAR BORO	0	52
1302	MONMOUTH	ALLENTOWN BORO	0	0
1212	MIDDLESEX	MILLTOWN BORO	0	0
1203	MIDDLESEX	DUNELLEN BORO	0	0
1023	HUNTERDON	STOCKTON BORO	0	0
1013	HUNTERDON	HAMPTON BORO	0	0
1004	HUNTERDON	CALIFON BORO	0	0
1003	HUNTERDON	BLOOMSBURY BORO	0	0
1002	HUNTERDON	BETHLEHEM TWP	0	0
0904	HUDSON	HARRISON TOWN	0	0
0820	GLOUCESTER	WEST DEPTFORD TWP	0	0
0816	GLOUCESTER	SOUTH HARRISON TWP	0	1
0814	GLOUCESTER	PAULSBORO BORO	0	42
0809	GLOUCESTER	LOGAN TWP	0	0
0715	ESSEX	NORTH CALDWELL BORO	0	0
0708	ESSEX	GLEN RIDGE BORO	0	0
0706	ESSEX	ESSEX FELLOWS BORO	0	0
0603	CUMBERLAND	DEERFIELD TWP	0	0
0515	CAPE MAY	WILDWOOD CREST BORO	0	16
0510	CAPE MAY	STONE HARBOR BORO	0	0
0509	CAPE MAY	SEA ISLE CITY	0	0
0503	CAPE MAY	CAPE MAY POINT BORO	0	7
0502	CAPE MAY	CAPE MAY CITY	0	0
0501	CAPE MAY	AVALON BORO	0	0
0437	CAMDEN	WOODLYNNE BORO	0	52
0413	CAMDEN	GIBBSBORO BORO	0	6
0401	CAMDEN	AUDUBON BORO	0	16
0333	BURLINGTON	SOUTHAMPTON TWP	0	0
0331	BURLINGTON	RIVERTON BORO	0	0
0330	BURLINGTON	RIVERSIDE TWP	0	0
0327	BURLINGTON	PALMYRA BORO	0	73
0325	BURLINGTON	NEW HANOVER TWP	0	0
0314	BURLINGTON	FIELDSBORO BORO	0	0
0265	BERGEN	WALLINGTON BORO	0	0
0259	BERGEN	SOUTH HACKENSACK TWP	0	1
0249	BERGEN	RIDGEFIELD BORO	0	18
0245	BERGEN	PALISADES PARK BORO	0	0
0244	BERGEN	ORADELL BORO	0	0
0237	BERGEN	MOONACHIE BORO	0	6
0228	BERGEN	HO-HO-KUS BORO	0	0
0224	BERGEN	HARRINGTON PARK BORO	0	0
0221	BERGEN	GARFIELD CITY	0	90
0216	BERGEN	ENGLEWOOD CLIFFS BORO	0	0
0212	BERGEN	EAST RUTHERFORD BORO	0	0
0206	BERGEN	CLIFFSIDE PARK BORO	0	12
0205	BERGEN	CARLSTADT BORO	0	7
0117	ATLANTIC	MULLICA TWP	0	63
0105	ATLANTIC	BUENA VISTA TWP	0	0
0103	ATLANTIC	BRIGANTINE CITY	0	8
			61901	15630

Plan Amendment: Appendix E

FEBRUARY 18, 2014 PLANNING BOARD RESOLUTION

RESOLUTION
TOWNSHIP OF CHERRY HILL PLANNING BOARD
RESOLUTION ADOPTING AN AMENDED HOUSING PLAN AS PART OF
THE HOUSING PLAN ELEMENT OF THE CHERRY HILL MASTER PLAN

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-28, the Planning Board is given the exclusive authority to prepare, adopt and/or amend a Master Plan for the Township and to hold a public hearing prior to the adoption or amendment of the Master Plan or its component parts. Said Master Plan is to be a guide for the use of lands within the Township in a manner which protects the public health and safety and promotes the general welfare. The Cherry Hill Master Plan contains the following elements: land use, housing, circulation, recreation, open space and natural resources, community facilities, utilities, recycling, economic and historic preservation.

WHEREAS, in accordance with procedures that COAH has previously utilized, it would be appropriate for the Planning Board to first consider the adoption of the Amendment to the Housing Element; and, if the Board does adopt, for the Township Council to then consider the endorsement of the 2014 Plan Amendment to the Housing Element.

WHEREAS, the existing Master Plan for the Township of Cherry Hill was adopted in March 2004 and was subsequently reexamined and amended in February 2007 to make certain changes that would further achieve the original goals or address significant changes that occurred since the last report.

WHEREAS, on May 18, 2009, the Planning Board, consistent with the Municipal Land Use Law (MLUL) and the then applicable COAH regulations, was presented with a Housing Plan prepared by consultants to the Township which incorporated a Fair Share Plan as well as a separate Spending Plan. Said Housing Plan was adopted by the Planning Board, was recommended to Township Council for endorsement and was endorsed by Township Council by resolution dated May 26, 2009.

WHEREAS, after the Township filed the 2009 Plan with the Court and after the Township received objections to the 2009 Plan from Fair Share Housing Center (FSHC), the Appellate Division decided In re Adoption Of N.J.A.C. 5:96 and 5:97 By New Jersey Council On Affordable Housing, 416 N.J.Super. 462 (App. Div. 2010), affirmed, 215 N.J. 578 (2013), which invalidated the regulations pursuant to which COAH had allocated round three

responsibilities and validated the regulations pursuant to which COAH allocated rehab and prior cycle responsibilities.

WHEREAS, as a result of this ruling, the Court appointed Master asked the Township to repackage its Housing Element and Fair Share Plan to address the rehab and prior cycle components of the Township's fair share.

WHEREAS, accordingly the Township repackaged its 2009 Plan to comply with the request of the Master.

WHEREAS, more specifically, after a public hearing held on September 19, 2011, the Planning Board, consistent with the MLUL and then applicable COAH regulations adopted an Amended Housing Plan prepared by consultants to the Township and the Planning Board. Said Amended Housing Plan was recommended to Township Council for endorsement and was endorsed by Township Council by resolution dated September 26, 2011.

WHEREAS, the Township filed the 2011 Plan with the Court and FSHC filed yet another round of objections.

WHEREAS, subsequent to the adoption and filing of the 2011 Plan, Cherry Hill Land Associates (CHLA) acquired the property commonly known as the Woodcrest Country Club out of bankruptcy on or about May of 2013 and initially proposed to continue to use the property as a golf course.

WHEREAS CHLA subsequently proposed to build affordable housing on part of the existing golf course while retaining a portion of the site for golf and seeks to be included in the Township's plan.

WHEREAS, the availability of a portion of the golf course for development, triggered an obligation under a settlement reached by the Township with FSHC in 1993 to address an obligation to create affordable housing created by the availability of the property.

WHEREAS, more specifically, Judge Gibson entered an order approving a settlement on March 30, 1993, which order provides that if various sites, including the Woodcrest site, "become available for development, the Township's allocation as to these properties shall be re-evaluated".

WHEREAS, as a result of the foregoing events, the Planning Board, consistent with the MLUL and regulations COAH has used in

the past has been presented with a further Amended Housing Plan that reevaluates and addresses the fair share obligation triggered by the availability of the golf course and updates various other aspects of the Township's plan. Said Plan Amendment to the 2011 Housing Element and Fair Share Plan dated January 21, 2014 was marked as Exhibit PB-1 in evidence. (2014 Plan Amendment).

WHEREAS the 1993 order of Judge Gibson referenced above and COAH's policies permit the Township to address the fair share obligation generated by the golf course as it sees fit and does not require the Township to use sites that contribute to the Township's adjusted obligation to satisfy that obligation.

WHEREAS, the 2014 Plan Amendment proposes to satisfy the Township's obligations through means other than rezoning the Woodcrest Country Club for inclusionary development.

WHEREAS, a municipality is not required to provide the reasons for whether it uses or does not use the site of a developer who has expressed a commitment to provide affordable housing to address its obligations.

WHEREAS, nonetheless, the Planning Board has considered the appropriateness of the development of multi-family housing, including low and moderate income housing of the WCC and chooses not to include the property in the Plan Amendment as proposed by CHLA due various factors including but not limited to the single family character of the surrounding area and the adjoining properties, the heavy traffic that flows on the surrounding roads, the safety factors inherent on the scale of the proposed development and due to environmental concerns.

WHEREAS, the Planning Board has been advised that the Supreme Court has invalidated the regulations COAH adopted in 2008.

WHEREAS, in light of the invalidation of those regulations, the plan uses regulations COAH adopted in the prior cycle as the framework to address the rehab and prior cycle components of the plan.

WHEREAS, notice of the public hearing has been duly provided pursuant to N.J.S.A. 40:55D-13.

WHEREAS, 0 members of the public appeared and presented testimony and/or evidence at the public hearing held in this matter.

WHEREAS, Art Bernard, P.P., participated in the preparation of the Amended Housing Plan and testified with regard to said plan.

WHEREAS, Lorissa Luciani, P.P., Deputy Director for the Cherry Hill Department of Community Development, also assisted in the preparation of said Plan and testified with regard to said plan.

WHEREAS, Mr. Bernard and Ms. Luciani have recommended that the Planning Board adopt the Amended Housing Plan and that said plan be made a part of the Housing Plan Element of the Township's Master Plan with the clarification recommended by Mr. Bernard.

WHEREAS, from the testimony and evidence presented and based upon the entire record, the following findings of facts and conclusions of law were made, to wit:

1. All of the findings as above set forth in the "WHEREAS" paragraphs are hereby incorporated by reference herein and are accepted by the Planning Board as its findings of facts and conclusions of law.
2. The Planning Board has reviewed the Amended Housing Plan as marked PB-1 in evidence and has determined that said plan with the clarification recommended by Mr. Bernard is consistent with the goals and objectives of the Township of Cherry Hill's current Master Plan and that the adoption and implementation of said 2014 Amended Plan as an amendment to the Housing Plan Element as set forth in the Housing Plan is in the public interest and are intended to protect the public health and safety and promote the general welfare.

NOW, THEREFORE, based upon the foregoing findings of facts and conclusions of law, the testimony of all relevant parties and the evidence submitted at the public hearing; BE IT RESOLVED by the Planning Board of the Township of Cherry Hill, New Jersey, that the 2014 Plan Amendment (which plan, Exhibit PB-1, is attached hereto and made a part hereof) is hereby ADOPTED as an amendment to the existing Housing Plan Element of the Cherry

Hill Master Plan with the clarification recommended by Mr. Bernard; subject to the following conditions:

1. That the Planning Board and the Township reserve the right to make further changes to the plan based upon the outcome of the pending court challenges or if the Township encounters difficulties with any aspect of the plan that render a change desirable or necessary.
2. The approval of the plan is in no way to be construed as relinquishing the Planning Board or Township's right to challenge any laws or regulations that the Planning Board or Township believes to be invalid as it relates to the plan.

BE IT FURTHER RESOLVED that the Cherry Hill Township Planning Board recommends that the Cherry Hill Township Council formally endorse the said 2014 Plan Amendment with the clarification recommended by Mr. Bernard and that said Township Council take all appropriate measures to seek the approval of said 2014 Plan Amendment from the Superior Court of New Jersey.

BE IT FURTHER RESOLVED that the service and notice requirements of N.J.S.A. 40:55D-13 be complied with as to the adoption of this Resolution.

DATED: February 18, 2014

PLANNING BOARD OF THE
TOWNSHIP OF CHERRY HILL

By: 

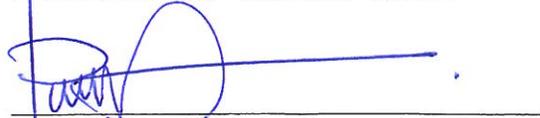
PAUL STRIDICK,
PLANNING BOARD ADMINISTRATOR

CERTIFICATION

The foregoing Resolution was adopted at the meeting of the Planning Board of the Township of Cherry Hill on February 18, 2014.

PLANNING BOARD OF THE
TOWNSHIP OF CHERRY HILL

By:



PAUL STRIDICK,
PLANNING BOARD
ADMINISTRATOR/SECRETARY