

U.L. v. Carteret, East Brunswick 5/31 1984

- Proposed Settlement With Respect to East
Brunswick Documents

pgs. 158

- no p.i.

NOTE: RULS-MIL-183

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May 31, 1984

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RECEIVED

JUN 1 1984

JUDGE SERPENTELLI'S CHAMBERS

REPLY TO:
Woodbridge

Honorable Eugene D. Serpentelli
Judge, Superior Court of New Jersey
Ocean County Court House
Toms River, N. J. 08753

Re: Proposed Settlement With Respect
to Township of East Brunswick -
Urban League of Greater New
Brunswick v. Carteret, et al

Dear Judge Serpentelli:

Since writing my transmittal letter dated
May 24, 1984 to Carla Lerman with the Hovnanian
analysis, I have received copies of letters of
May 29 and May 30 by Bertram E. Busch to you.
The fact that Mr. Busch did not receive the
Hovnanian analysis with my letter was not an
intentional act by me or our client to deprive
him or any other party of the information in
the report.

This is an apology to you, to Mr. Busch
and to all of the proper addressees for a
misunderstanding between me and our client.
I was under the impression that my transmittal
letter to Ms. Lerman would enclose a copy of
the report and all other addressees would re-
ceive a copy of the report directly from
Hovnanian; they would also receive copies of
my letters to you and Ms. Lerman and thus be
fully informed.

Honorable Eugene D. Serpentelli
May 31, 1984
Page 2

Legal Counsel at the Hovnanian office worked under the impression that this office would make and forward copies of the Hovnanian report to all.

To the extent that Mr. Busch is outraged at the submission of the report, I note only that it was submitted to Ms. Lerman after my earlier authorized telephone conversation with her. Mr. Busch is obviously troubled by the substance of the analysis, as well as the act by which it was submitted.

Our client is not "...trying to pick up additional points at the Township's expense.", but has expended a major effort to expose to scrutiny those elements of the proposed settlement which are highly suspect and would not be the subject of scrutiny except for the active interest of a developer whose frame of reference is simply not represented in the promulgation of the Consent Judgment.

Mr. Busch has indicated a desire to complete the settlement by the end of June. There remains ample time for consideration of the Hovnanian analysis by the Master and the exercise of her judgment as to whether it is sufficiently meritorious to require adjustment in the proposed Consent Judgment.

Respectfully yours,



Robert S. Greenbaum

RSG:mtm

cc: Ms. Carla Lerman
Urban League of Greater New Brunswick
Township of East Brunswick
Messrs. Alan Mallach
Philip Caton
Carl Hintz
All attorneys of Record
K. Hovnanian Companies of New Jersey, Inc.



K. HOVNANIAN COMPANIES OF NEW JERSEY, INC.

10 HIGHWAY 35, P.O. BOX 500, RED BANK, NEW JERSEY 07701 ☐ (201) 747-7800

May 31, 1984

Superior Court of New Jersey
Ocean County Courthouse
Honorable Eugene D. Serpentelli
Toms River, NJ

Dear Counsellors:

Enclosed please find a copy of the May 24, 1984 Memorandum which was previously submitted to Carla Lerman, P.P. This was not attached to the previous correspondence and we apologize for the oversight.

Very truly yours,

K. HOVNANIAN COMPANIES OF NEW JERSEY, INC.

Donald R. Daines

Donald R. Daines
Associate Legal Counsel

DRD:jac

Enclosure

RECEIVED

JUN 1 1984

JUDGE SERPENTELLI'S CHAMBERS

MEMORANDUM

TO: Carla L. Lerman

FROM: K. Hovnanian Companies of New Jersey, Inc.

DATE: May 24, 1984

SUBJECT: Proposed Settlement between the Urban League of Greater New Brunswick and Township of East Brunswick in Urban League of Greater New Brunswick vs. Borough of Carteret, et.al. - the Developer's Perspective

PREFACE

In accordance with the permission of the Honorable Eugene D. Serpentelli, we are submitting this Memorandum in order to bring to your attention several factors which we fear are not being adequately addressed in the present proposed settlement between the Urban League of Greater New Brunswick and the Township of East Brunswick. We wish to express our sincere appreciation to the Court and to all parties for allowing us this opportunity to participate in the efforts to create a realistic opportunity that the fair share obligation of East Brunswick for lower income homes will be built. We are aware of and appreciate the tremendous amount of work put forth by all persons and are submitting this memorandum in the desire to make a positive, productive contribution towards realizing the goal of the Supreme Court of New Jersey which is the actual construction of lower income homes, not the proliferation of litigation.

Who are you kidding?

We appreciate the cooperation and assistance of East Brunswick in working with us and other developers in a joint effort to provide quality, affordable housing in East Brunswick. Like most communities in New Jersey, East Brunswick is presently undergoing significant change due to substantial growth. East Brunswick, in our opinion, is a leader in pioneering mechanisms to provide for quality growth and attempting to implement the precepts of Mt. Laurel I as modified and clarified in Mt. Laurel II. East Brunswick has staffed itself at all levels with highly motivated, dedicated and qualified individuals. Due to the recent influx of growth, the various departments (Planning & Community Development; Engineering and Inspection; Finance; Public Works, etc.), the elected officials, and the numerous individuals volunteering their time to serve on the planning board and council have been required to work increasingly harder to keep up with the growing work load. We sincerely appreciate and respect East Brunswick for these efforts (for which they were recognized by the N.J.D.C.A. as a model community) and desire to continue working with East Brunswick, as well as other communities, in this endeavor to provide for quality, planned growth in compliance with Mt. Laurel II.

As developers, however, we believe that in spite of this effort, East Brunswick has fallen short of creating the realistic opportunity that lower income homes will be built in East Brunswick. We also believe that the proposed settlement fails to create the realistic opportunity that East

Brunswick's fair share obligation for lower income homes will be built as envisioned by Mt. Laurel II.

Hovnanian Enterprises, Inc. desires to and is capable of providing lower income homes in compliance with the precepts of Mt. Laurel II. Hovnanian Enterprises, Inc. recently received approval for the project referred to as "Lexington Village" (Hovnanian) which includes 29 moderate income homes. Numerous requests of East Brunswick by the developer were made in connection with these 29 lower income units. The denial of the majority of these requests gives rise to doubts about the feasibility of including a larger number of lower income homes in a development. It is this concern which resulted in the preparation of this memorandum.

We presently have a specific proposal for the development of the parcel known as the Collin's Farm tract which has been designated by East Brunswick for providing lower income homes. The site plan and proposal, which includes 96 moderate income homes and 7 low income homes, has been the subject of numerous discussions and meetings with East Brunswick over the past five (5) months. After receiving what was believed to be conceptual approval of the site plan and road layout, we prepared "hard line" engineering drawings and details in preparation for submitting the applications for the necessary approvals for the project. These applications are ready for submission and we are prepared to commence the project immediately upon receipt of all approvals. After reviewing all of the factors associated with the production of homes in East Brunswick, we believe that we can construct these 96 two bedroom moderate income homes to be sold at an initial purchase price of \$44,000, which, given today's interest rates and mortgage programs, would comply with the guidelines set forth in Mt. Laurel II. In addition, we are in a position to provide 7, three bedroom low income homes at a purchase price of \$30,100. The capability to provide these lower income homes, however, is dependent upon numerous factors which must be addressed in the settlement. These factors pertain to such items as zoning ordinance provisions, building and site design requirements, and the approval process required for developments.

It is critical to the successful implementation of Mt. Laurel II that the courts take into consideration the input and suggestions of the developers during this settlement process because it is the developers to whom the courts will look for the actual construction and development of these lower income homes. The following presents a summary of those factors which must be addressed in the settlement between the Township of East Brunswick and the Urban League of Greater New Brunswick if East Brunswick is to create a realistic opportunity that its fair share of lower income homes will in fact be built.

K. Hovnanian Companies of New Jersey, Inc.

K. Hovnanian Companies of New Jersey, Inc. is a wholly owned subsidiary of Hovnanian Enterprises, Inc. Hovnanian Enterprises, Inc. is a publicly held corporation.

Hovnanian Enterprises, Inc. and its subsidiaries design, construct and market multi-family attached condominium apartments and townhouses in planned residential developments, primarily in Florida and New Jersey. The Company concentrates on the low to moderate priced segment of the housing market, with its units selling at an average base price of approximately \$66,000 for the State of New Jersey and \$56,000 for the entire company. Since its incorporation in 1967, the Company has constructed and sold approximately 9,200 units in 37 residential developments located in five states.

The following shows the income levels of the over 400 buyers of our homes in Society Hill East, the project presently under construction in East Brunswick.

COMBINED INCOME

| | | | |
|-------------------|-----|-------------------|-----|
| \$10,000 - 19,000 | 2% | 51,000 - 55,000 | 5% |
| 20,000 - 25,000 | 6% | 56,000 - 60,000 | 2% |
| 26,000 - 30,000 | 13% | 61,000 - 65,000 | 3% |
| 31,000 - 35,000 | 11% | 66,000 - 100,000 | 5% |
| 36,000 - 40,000 | 14% | 101,000 - 150,000 | 1% |
| 41,000 - 45,000 | 7% | 151,000 - 200,000 | 1% |
| 46,000 - 50,000 | 6% | 200,000 + | 1% |
| | | Not Indicated | 23% |

As is readily apparent, over 32% of the Hovnanian Enterprises, Inc. market in East Brunswick earns less than \$35,000.00. (This percentage may actually be substantially higher due to the 23% failing to indicate income level.) This is an important statistic when compared with the eleven county region median income of \$30,735.

This memorandum will not address the issues of region, regional need, fair share calculation, or delineation of "growth area" under the SDGP necessary to comply with the requirements set forth in Mt. Laurel II. The purpose of this memorandum is to present a developer's perspective and evaluation of the proposed settlement as it purports to create a realistic opportunity that the lower income fair share obligation of East Brunswick will in fact be built.

ANALYSIS

In numerous places, Mt. Laurel II defines "realistic opportunity" in terms of whether there exists an economic incentive for developers to construct a municipality's fair share obligation of lower income units. Mt. Laurel II recognized the necessity for an economic incentive to exist because without it, there

...is absolutely no reason why he [the developer] should take advantage of this opportunity if, as seems apparent, his present housing plans will result in a higher profit. There is simply no inducement, no reason, nothing affirmative, that makes this opportunity "realistic". For an

opportunity to be "realistic" it must be one that is at least sensible for someone to use. *ibid*, p. 443.

As presently proposed, the terms of the settlement between the Urban League and East Brunswick rely predominantly upon "inclusionary" zoning techniques as the mechanism for providing the "realistic" opportunity that these lower income units will be built. This is comprised, in part, of an incentive provision which is the "bonus" market unit provision contained in Township Code 132-41(c) providing for one bonus market unit for each lower income unit on a nonscattered distribution and two bonus market units for each lower income unit on a scattered distribution. The settlement also incorporates a mandatory set aside of 5% which is to be increased to 10%, 15% and 20% depending upon the percentage and timing of lower income units included in developments approved under the plan. The only design and zoning requirement "concession" being given by East Brunswick pertains to the reduction of the parking space ratio for lower income units as prescribed in T.C. 132-44(A)5 from 2.25 to 1.5 for single family cluster housing only and not for multi-family townhouses or garden style units.

It is the position of K. Hovnanian Companies of New Jersey, Inc. that the present proposed settlement fails to create a realistic opportunity that these lower income units will be built for the reason that it fails to incorporate numerous aspects which are specifically described and referred to in Mt. Laurel II, the expert report prepared by Carla Lerman and the expert report prepared by Alan Mallach.

...It was never intended in Mount Laurel I that the awesome constitutional obligation, designed to give the poor a fair chance for housing, be satisfied by meaningless amendments to zoning or other ordinances. "Affirmative", in the Mount Laurel rule, suggests that the municipality is going to do something and "realistic opportunity" suggests that what it is going to do will make it realistically possible for lower income housing to be built. Satisfaction of the Mount Laurel doctrine cannot depend on the inclination of developers to help the poor. It has to depend on affirmative inducement to make the opportunity real. *ibid*, p. 442. (emphasis added)

The reliance solely upon inclusionary devices by the Urban League and East Brunswick without substantial revisions to existing zoning ordinance provisions, fee structure and the incentive mechanism is not sufficient to create a realistic opportunity that these lower income units will be built.

"Sole reliance on "incentive techniques (or, indeed, reliance exclusively on any one affirmative device) may prove in a particular case to be insufficient to achieve compliance with the constitutional mandate." *ibid*, p. 446.

Building Costs

Hovnanian Enterprises, Inc. employs numerous procedures in order to keep costs at a level which permits it to sell its units to families right at the median income level. An itemization of the costs for a 940 square foot, 2 bedroom, 1 bath garden style unit in East Brunswick which could be sold as a moderate income unit is:

| | | |
|--|---|----------|
| construction costs | = | \$21,000 |
| Land Development (including offsite contribution) | = | 13,000 |
| fees and permits | = | 2,300 |
| Construction Overhead | = | 3,800 |
| warranty service after closing | = | 500 |
| Sales Expense | = | 2,300 |
| Interest Expense | = | 3,700 |
| Land Acquisition | = | - 0 -* |
| Profit | = | - 0 - |
| | | <hr/> |
| | | \$46,600 |

*As a result of a very limited amount of properly zoned multi-family property within East Brunswick, the realities of supply and demand place a premium upon the few sites available resulting in developers being forced to pay full value for both lower income units and market units. (Most contracts base the sales price upon the number of units per acre to be developed.) The only way to allocate the land acquisition costs of the lower income units, therefore, is to internally subsidize this amount by raising the sales price of the remaining market units in the project.

PRODUCTION OF LOWER INCOME HOMES

The above costs assume the most efficient design and construction methods. In order to achieve the above costs, it is absolutely essential that the settlement promote and encourage efficient design standards and construction methods by protecting volume production and removing or modifying the following specific, unnecessary cost generating zoning ordinance provisions and site and building design standards:

- a) Value enhancement requirements - numerous aesthetic, "zigzag" and "no look alike" provisions, ie, TC 132-44 requiring offsets of 10' of at least 40% of the facades;
- b) Excessive open space requirements, ie, TC 132-43 requiring at least 25% of the gross lot size being open space which has been interpreted by the Planning Board to exclude from inclusion in the amount of open space actually provided in a site plan areas called "secondary open space" lands such as buffers between roads and buildings, or between buildings and the open space within 25'-30' of the rear of buildings. In addition, this open space must be in "blocks" of at least 5 contiguous acres. The effect of these excessive

requirements has been to increase the total open space burden to over 50% on the Collin's Farm Tract in the VG III zone (see Exhibit "A" attached);

- c) Maximum number of units per building - the maximum of 20 units per garden style building should be increased to at least 24 units in the presently permitted three story buildings;
- d) Density - The low net density limitations in the VG II, VG III and TG zones unduly restrict site planning and impede efficient site development. These net density limitations should be increased.
- e) Facade treatments - aesthetic, "value enhancement" requirements which have been required by the planning board such as specific facade material (brick), facade treatments ("no look alike" features) should be removed from discretionary authority of planning board. This has proven to be a major problem which causes substantial cost increases and lengthy delays in the approval process;
- f) No Phasing of Construction - T.C. 132-49 empowers the planning board to regulate the construction of units in a development by restricting the rate at which the developer may receive building permits. In addition, the Township Council is empowered to limit the number of certificates of occupancy which may be issued in any one calendar year. This discretionary authority over building permits and certificates of occupancy has the very real potential of completely destroying the cost advantages of large volume purchasing and subcontractor negotiations. K. Hovnanian Companies of New Jersey, Inc. and Hovnanian Enterprises, Inc. are volume builders and use economies of scale to keep the prices of its homes as low as possible. Phasing of construction through building permit issuance restrictions would destroy the volume purchasing and contract negotiation advantages and would thereby severely jeopardize the ability of developers to include lower income units within the development. As a direct result of the additional costs attributable to disruptions of the smooth, continuous construction process and the substantial carrying expenses due to a prolonged development schedule, the total cost of a project would be increased by as much as 30%. These cost increases would be further increased by the "phasing" of certificates of occupancy. The market should govern phasing unless clear and convincing evidence to the contrary is shown. In the most recent approval, East Brunswick imposed a phasing restriction upon the project and has given a very clear indication that it intends to "phase" all future developments. Phasing of building permits and certificates of occupancy would eliminate any realistic opportunity for the construction of lower income homes.

- g) Copper Laterals vs. PVC Water lines from water mains: East Brunswick requires copper lines from the water mains to the edge of the road right of way. Tests and experience have shown that PVC is of equal quality and duration as copper for this purpose. There is, therefore, no design advantage to copper over PVC. East Brunswick appears to insist upon copper because it is easier for the field crews to locate by using detectors. The developer has offered to wrap the PVC line with a tracer material and to provide "as-built" drawings, however, East Brunswick remains firm in its demand for copper line, which represents a total additional expense of approximately \$10,000 to the development. The settlement should address this issue;
- h) Sloped curbs vs. vertical: East Brunswick has disapproved past requests to install sloped concrete curbs along dedicated streets within a development. It has insisted upon the significantly more expensive vertical Belgian Block curbs along all dedicated right of ways. This adds approximately \$30,000 to the cost of the proposed development on the Collins Farm Tract. This substantial expense appears unnecessary for the protection of health and safety and should be addressed in the settlement;
- i) "Wet water main taps": East Brunswick insists upon performing the lateral taps to water mains after the mains have been installed and completed. This is extremely expensive and time consuming and adds approximately \$100,000 to the development costs of the Collins Farm Tract. The developer has offered to install threaded lateral fittings in the mains which would substantially reduce the costs as well as construction time involved;
- j) limitations on offsite contribution costs for these lower income units. These are approximately \$50,000-\$75,000 per development, in addition to the substantial cost of construction and improvement of four (4) major thoroughfares on the Collins tract;
- k) Construction Inspections - East Brunswick presently does not have sufficient building inspectors to accommodate smooth and efficient construction. The developer would save sufficient money in construction costs by avoiding inspection delays to warrant the reimbursing of the municipality for the costs and expenses of a full time building inspector specifically for the project or the retaining of a state licensed building inspection company. This would prevent "de facto" phasing or slow down of a project during construction. Construction delays are as costly as ordinance design requirements and excessive fee structures. In addition to ourselves, it is our understanding that other Developers in East Brunswick are presently experiencing a major problem due

to the lack of sufficient inspectors. Buildings are being forced to sit waiting for inspections while substantial interest charges accrue, in addition to the significant expenses resulting from disruptions to the smooth, efficient development process.

- l) Three story buildings - While three (3) story buildings are permitted under the ordinance, the use of them is discouraged by imposing numerous unnecessary cost generating architectural, "value enhancement" and "zigzag" requirements upon such buildings;
- m) Distribution of lower income homes - Presently, the East Brunswick zoning ordinance provides that no more than two moderate income unit can be placed on each horizontal floor and no more than two moderate income units can be in any one building in order to receive "scatter site" credit. After substantial argument and discussion in connection with the previous approval, East Brunswick granted a minimum waiver of this provision by allowing three moderate income units on a vertical tier in a building and still crediting the developer with "scatter site" distribution. Because the lower income units are of a slightly smaller square footage than market units, the economics and construction constraints of multi-family housing require the ability to construct up to 50% of the units in a building as moderate income units. The definition of "scatter site" should, therefore, reflect no more than 50% of a building can be comprised of lower income units;
- n) Floor plans of lower income homes - In a recent approval of a project in East Brunswick, the developer was required by the Planning Board to use townhouse units as some of the moderate income units. These costly units only increase the burden upon the developer and the new residential units without any basis or justification related to protection of health and safety. The costs of construction, given the sales price constraints, dictate that the lower income units be garden style only, not townhouse;
- o) Landscaping requirements - It is necessary the developers be subject to reasonable landscaping and berming requirements. In a previous approval, we were required to include landscaping far in excess of that required by the existing requirements and standards;
- p) Approval process - Reduction in unnecessary delays in the approval process which are extremely costly and expensive to the efficient development of a project. A prolonged approval process causes (1) projects to start beyond the prime building season which forces construction during more costly and inefficient seasons; (2) many sites are optioned prior to starting the project. Delays force expensive option

extension payments; and (3) Projects are scheduled dependent upon the developer's resources (financial, manpower, etc.). Delays could jeopardize a developer's ability to commence and finish a particular project. Developers need a streamlined, efficient approval process utilizing the following:

- a) limitation of discretionary "subjective" standards related to building facades and site plan which are not necessary for the protection of the health and safety of the public;
- b) elimination of delays once the project is shown to comply with applicable zoning ordinance provisions and objective development standards; and
- c) elimination of T.C. 132-50(K) which, without any apparent rationale, requires the developer to wait three (3) months after grant of preliminary approval before being permitted to make application for final approval. This serves as an unnecessary impediment to timely approvals and should be revised so as to permit simultaneous applications for preliminary and final approvals.

q) Reduction of Fee Structure

The following chart shows that fees and offsite contributions total approximately \$2,280.00 per unit in East Brunswick. This is disproportionately high when compared with the other communities in which we are building. These fees do not reflect the substantial costs for road improvements which are to be provided to the Township by the developer of the Collins Tract. Also note that these are 1983 fees and do not reflect the automatic fee increases built into the East Brunswick fee structure nor do these 1983 fees reflect the anticipated substantial increase in off site contributions and expenses related to infrastructure and facilities improvements for the lower income homes.

| | \$/UNIT | | | | | |
|---|------------------------------------|--------------------------------|----------------------------------|--------------------------------------|---|--------------------------------|
| | <u>LINCOLN PARK</u> <u>1983</u> | <u>GALLOWAY</u> <u>1983</u> | <u>MIDDLETOWN</u> <u>1983</u> | <u>EAST BRUNSWICK</u> <u>1983</u> | <u>NORTH BRUNSWICK</u> <u>1982</u> <u>1983</u> | <u>LAWRENCE</u> <u>1983</u> |
| BUILDING PERMITS/ CERTIFICATE OF OCCUPANCY FEE | \$250 | \$270 | \$220 | \$500 | \$350 \$660 | \$637 |
| WATER CONNECTION FEE/ TAP FEE | \$ 65 | \$255 | - | \$715 | \$180 \$180 | \$615 |
| SEWERAGE CONNECTION FEE | - | \$500 | \$882 | \$950 | \$ 75 \$ 75 | \$ 15 |
| OFFSITE CONTRIBUTION | \$600 | \$250 | - | \$115 | - - | \$400 |
| | <u>915</u> | <u>1275</u> | <u>1102</u> | <u>2280</u> | <u>605</u> <u>915</u> | <u>1667</u> |

In order to meet their Mount Laurel obligations, municipalities, at the very least, must remove all municipally created barriers to the construction of their fair share of lower income housing. Thus, to the extent necessary to meet their prospective fair share and provide for their indigenous poor (and, in some cases, a portion of the region's poor), municipalities must remove zoning and subdivision restrictions and exactions that are not necessary to protect health and safety. *ibid.*, p. 441. (emphasis added)

This fee structure must be substantially reduced or waived completely with respect to the lower income units without merely shifting these fees onto the other multi-family units in the development.

Given the above revisions and modifications, the cost to build these lower income homes is approximately \$46,600. With the exemption from \$2,300 in fees and assessments, this cost is reduced to approximately \$44,300.

Lower Income Housing Plan

In addition to the above revisions and modifications intended to have East Brunswick comply with the express dictates of Mt. Laurel II by removing "all municipally created barriers... [in the form of]... zoning and subdivision restrictions and exactions that are not necessary to protect health and safety", (*ibid.*), it is imperative that the settlement address certain aspects of the "Lower Income Housing Plan". The Lower Income Housing Plan contains all of the restrictions and requirements applicable to the lower income homes and is the mechanism by which a developer actually provides these lower income homes as well as retaining these homes within the "pool" of lower income housing. The terms of this Plan are as critical to the "realistic opportunity" as the zoning ordinance provisions and the site and building design requirements.

The first critical issue which must be addressed by the settlement in order to protect both the developer and purchasers of these lower income homes is the sales price structure applicable to the lower income homes. The present proposed settlement completely fails to address the ramifications inherent in a "floating" sales price structure despite substantial detailed and exhaustive analysis being devoted to the computation of maximum "preliminary" sales prices and maximum "actual" sales prices. From the developer's perspective, the "floating" sales price is both impossible to use in the sales and marketing of all the units in a development (not merely the lower income units) but is also impossible to use in the economic analysis required to determine if an economic incentive exists to include lower income homes in the development.

It would be an administrative nightmare for the developer to implement a "floating price schedule because the sales prices quoted to moderate income purchasers for the very same moderate income unit could vary \$12,000 on the very same day depending upon the mortgage program being obtained by any given prospective buyer. In fact, the developer could not quote a price to a prospective buyer until that buyer had received a commitment for a mortgage which locked in the interest rate which determined the sales price. Furthermore, most mortgage commitments today only commit the lender to extend a mortgage with the interest rate to be determined at time of closing. This means that the sales price could not be determined until the date of closing because it is not until then that both the buyer and developer would know the applicable interest rate to use for determining the sales price. The sales price of a moderate income unit would be completely undeterminable as of the time of sales contract execution. The developer must have a fixed and specific "affordable" sales price which can be used for sales. In this way, buyers and sellers would know the down payment, mortgage amount, purchaser price, etc. before they sit at the "closing table".

Furthermore, the very foundation and premise for the inclusionary incentive "bonus" density provisions is to provide the developer with the necessary economic incentive to build lower income units. The economic incentive is provided by the expected profits from the bonus "market" units. The developer views the lower income units and the bonus units as an independent "profit center" meaning that (assuming a 2:1 ratio) the three units must show a profit. A "zero gain" or breakeven on these three units provides no economic incentive for the developer because it provides no compensation for the additional overhead, time, effort and risk involved with the three units. Furthermore, a net loss on the three units (losses on the lower income unit exceed profits on the bonus units) creates an economic incentive to not build the lower income units. (refer to quote from Mt. Laurel II on page 2 above)

The losses from the lower income units, which must be completely internally subsidized under the terms of the present proposed settlement, are increased dramatically as a result of higher interest rates. A 4% increase in interest rates causes the actual purchase price of each of the approximately 103 moderate income units in the Collins Farm tract to decrease by approximately \$12,000 resulting in an additional loss of over \$1.4 million for a total loss of \$1.9 million for the project from these lower income units which must be absorbed by the developer. Obligating the developer to continually reduce the sales prices of the lower income units without any limitation on the losses generated by these lower income units places the developer in an untenable position in that (a) he has absolutely no way of projecting the losses on the lower income units which must be absorbed by the market units when calculating the required sales prices for the development and (b) the developer is absolutely prevented from being able to make an informed determination as to whether he wishes to assume the risk and burden of including lower income units in the development. Furthermore, as stated above, this problem is compounded by the multiplier effect due to the fact that there are approximately 103 lower income units to account for and an additional loss of \$12,000 per unit results in an additional loss of \$1.4 million dollars. Furthermore, this loss is not

quantifiable until late in the project, after all sales prices have been set and more than likely, most units have been sold, thereby, preventing the developer from adjusting the sales prices in order to absorb this additional "internal subsidy cost" of these lower income units.

From the perspective of a lower income family purchasing a lower income home, a "floating" sales price could be devastating. It is conceivable that the owner of a lower income home could be forced to resell his home for less than he paid for it, or even less than the principal mortgage amount then owing on the lower income home.

For these reasons, in order to provide a realistic opportunity that these lower income homes will be included within a development and to protect lower income families purchasing these homes, it is absolutely essential that a fixed affordable price be set which the developer can use in his analysis to determine whether an economic incentive is present and in the sales and marketing and resales of these units. This fixed price would be determined at time of final approval and would reflect the maximum "actual" sales price as determined by the average prevailing interest rate at the time of final approval. This fixed price would be held by the developer for twelve months from final approval, after which, the sales price would be adjusted every 6 months to reflect changes in the Consumer Price Index. In this way, the developer could (1) do his fiscal feasibility analysis to determine if an economic incentive did exist; (2) set the sales prices for the lower income units; and (3) "cost out" the project by determining the losses on the lower income units which must be absorbed by the remaining units in the development in order to set the prices on the market units. In the absence of a fixed sales price on the lower income units, it is impossible to both implement the sales program and to determine if there is an economic incentive to include lower income units within the development. This would eliminate any "realistic opportunity" that a developer will build lower income units in a development. This procedure would also enable owners of these lower income homes to resell their homes with a reasonable degree of protection and certainty.

In conjunction with the sales price determination, it is essential that the initial purchasers as well as all subsequent purchases of these lower income homes be permitted to utilize most of the then available methods of mortgage financing. Unduly and unnecessarily restricting the ability of purchasers of these homes in their effort to obtain the mortgage financing necessary to complete the purchase would severely impede the efforts of a lower income family owning a lower income home to sell that home. Government subsidized mortgages, at all levels whether it be local, state or national, cannot be relied upon because they are sporadic and their continued availability is not assured. Purchasers must have the ability to use fixed rate, adjustable rate (With a minimum of a 2% cap per year instead of the .5% cap suggested by Mr. Mallach in his report. A .5% cap is inadequate given the realities of the mortgage programs available.), graduated payment adjustable rate, growing equity, shared appreciation and other programs readily available in the financial market.

The second critical issue of the Lower Income Housing Plan which must be addressed by the settlement is the exemption of the lower income homes from assessment by a condominium association of which these homes are a part. In the previous approval, the developer made the request to have the lower income units exempted from assessment by the Condominium Association. It is believed that this serves as a valid, viable method of private internal subsidy which helps reduce the magnitude of the losses the developer must absorb from the lower income units. This is similar to a mortgage buy-down or mortgage subsidy program. This decision, we believe, should be a private marketing and business decision because it is a form of internal subsidy (as can be readily seen, East Brunswick is providing no means of external subsidy, concessions, abatements, etc., for these units). As long as the Plan complies with the principles of Mount Laurel II, the decision of whether to exempt these lower income units from assessment by the condominium association should be a decision solely within the discretion of the developer and not subject to veto by the Planning Board. The settlement should reflect such.

Exemption from assessment by the association increases the maximum permissible sales price of the moderate income units at 11% from \$39,630 to \$44,080. The maximum permissible sales price of the low income homes increases from \$27,000 to \$30,100. Exempting the lower income homes from assessment will increase the association dues of the other condominiums by only \$6.00 per month. The following chart shows the substantial economic impact of exemption from assessment by both the Condominium Association and the excessive fee structure of East Brunswick in connection with the Collins Farm tract which is being used for illustrative purposes:

Moderate Income Homes
(96 two bedroom homes)

| <u>Cost to Build</u> <u>w/o Exemption from</u> <u>Township Fee</u> | <u>Maximum Permissible</u> <u>Sales Price w/o Exemption</u> <u>from Condominium Assessment</u> | <u>Gain (loss)</u> <u>(loss)</u> <u>Per Unit</u> | <u>Total Gain</u> <u>(loss) which must</u> <u>be internally</u> <u>subsidized</u> |
|--|--|--|--|
| \$46,600 | \$39,630 | (\$6,970) | (\$669,120) |

| <u>Cost to Build</u> <u>Assuming Exemption</u> <u>from Township Fees</u> | <u>Maximum Permissible</u> <u>Sales Price Assuming Exemp-</u> <u>tion from Condo Assessment</u> | <u>Gain (loss)</u> <u>(loss)</u> <u>Per Unit</u> | <u>Total Gain</u> <u>(loss) which must</u> <u>be internally</u> <u>subsidized</u> |
|--|---|--|--|
| \$43,300 | \$44,080 | \$780 | \$ 74,880 |

Additional loss due to Non-Exemption (\$594,240)

Low Income Homes
(7 three bedroom homes)

| <u>Cost to Build</u> <u>w/o Exemption from</u> <u>Township Fee</u> | <u>Maximum Permissible</u> <u>Sales Price w/o Exemption</u> <u>from Condominium Assessment</u> | <u>Gain (loss)</u> <u>(loss)</u> <u>Per Unit</u> | <u>Total Gain</u> <u>(loss) which must</u> <u>be internally</u> <u>subsidized</u> |
|--|--|--|--|
| \$46,600 | \$27,000 | (\$19,600) | (\$137,200) |

| <u>Cost to Build</u> <u>Assuming Exemption</u> <u>from Township Fees</u> | <u>Maximum Permissible</u> <u>Sales Price Assuming Exemp-</u> <u>tion from Condo Assessment</u> | <u>Gain (loss)</u> <u>(loss)</u> <u>Per Unit</u> | <u>Total Gain</u> <u>(loss) which must</u> <u>be internally</u> <u>subsidized</u> |
|--|---|--|--|
| \$43,300 | \$36,100 | (\$7,200) | \$(50,400) |

Additional loss due to Non-Exemption (\$86,800)

| | |
|---|-----------|
| Total Additional loss which must be internally subsidized due to non-exemption | \$681,040 |
|---|-----------|

Exemption from assessment by the association would also protect these units from foreclosure by the association due to non-payment of these assessments. The settlement should be revised to allow the developer the option of exempting these units from Condominium Association assessments.

Incremental Mandatory Set Aside Burden

The present proposed settlement provides for an escalating mandatory set aside burden dependent upon the percentage of lower income units provided by preceding developments. This creates an incentive to receive early approvals in order to avoid being one of the later projects approved which could be required to have a 20% mandatory set aside. Mandatory set asides without concessions, abatements or subsidies do not create a realistic opportunity that the lower income homes will be built. Mr. Carl Hintz, the expert for East Brunswick, gave extensive testimony about the high cost of land in the TG and VG zones which is prohibitive to the construction of low income homes in these zones. The present incremental mandatory set aside, with a 1/3 low and 2/3 moderate allocation, is overly burdensome without concessions and does not create a realistic opportunity that these lower income units will be built. If the settlement is to reflect this incremental mandatory set aside, then it is essential that the settlement incorporate the recommendations of this memorandum.

General

The present proposed settlement places the entire burden for providing East Brunswick's total fair share obligation of lower income housing exclusively upon new multi-family residential developers. In addition to failing to remove excessive zoning restrictions and exactions and relying solely upon inclusionary zoning devices, the settlement is designed to displace the costs of providing these lower income units exclusively onto the developers of new multi-family residential construction resulting in these costs ultimately being borne solely by predominantly "median" income purchasers of new multi-family housing. At the very least, the community at large should assume responsibility for providing the present fair share need (both its own indigenous need and the re-allocated indigenous need of other communities). This obligation would encompass a significant portion of the substantial infrastructure and facility improvements being contemplated for East Brunswick. The obligation to provide for its fair share obligation is a community wide obligation of East Brunswick which should not be permitted to be shifted exclusively onto the shoulders of new residents of East Brunswick residing in new multi-family residences. Refer to the expert report of Mr. Mallach.

... [subsidies] are, nevertheless, apparently a permanent part of the housing scene; the long-term importance of defining the municipality's Mount Laurel obligation in relation to such subsidies is that the construction of lower income housing is practically impossible without some kind of governmental subsidy...

...

... Where appropriate, municipalities should provide a realistic opportunity for housing through other municipal action inextricably related to land use regulations. ibid., p. 443-444. (emphasis added)

...

In evaluating the obligation that the municipality might be required to undertake to make a federal or state subsidy available to a lower income housing developer, the fact that some financial detriment may be incurred is not dispositive. Satisfaction of the Mount Laurel obligation imposes many financial obligations on municipalities, some of which are potentially substantial. ibid., p. 445. (emphasis added)

The settlement should require East Brunswick to establish a general fund or capital budget in order to provide infrastructure and facilities improvements for these lower income homes. As discussed above, the constitutional obligation to provide East Brunswick's total fair share obligation (both present and prospective) is a community obligation and not merely the obligation of buyers of new moderately priced multi-family homes. Single family homes, commercial, retail and industrial developments are being exempted from any burden with respect to providing these lower cost units. Without some form of community-wide contribution, the entire infrastructure burden associated with these lower income units is being placed exclusively on new multi-family residential construction and new multi-family residents. In addition, the settlement should provide for some type of contribution from new single family, commercial, retail and industrial developments which would be used to defer some of the costs associated with providing these lower income units. Without the recommendations of this memorandum, the terms of the present proposed settlement would result in preventing construction of not only lower income units, but also the "median" income units which are presently being built by Hovnanian Enterprises, Inc. in East Brunswick. Our homes are affordable to families of median income and by burdening only these homes with the total costs associated with these lower income units, the prices of these "median" income homes would become unaffordable.

Judgment of Compliance

It is the position of K. Hovnanian Companies of New Jersey, Inc. that absent the inclusion of the recommendations contained in this memorandum, East Brunswick is not entitled to a judgment of compliance and the six years of repose contemplated by Mount Laurel II. The present proposed settlement utilizes solely inclusionary zoning techniques without requiring East Brunswick to remove unnecessary cost-escalating requirements and restrictions. Without the removal of these unnecessary cost generating restrictions, exactions and requirements, it is not possible to determine with any degree of certainty whether the proposed cosmetic zoning ordinance changes have in fact created the realistic opportunity for the construction of East Brunswick's fair share of lower income housing, in fact, it is the position of Hovnanian Enterprises, Inc. that without the incorporation of the recommendations of this memorandum, East Brunswick has failed to create a realistic opportunity that lower income homes will be built. A

provisional trial period is necessary in order to test the minimal changes contained in the present proposed settlement. This trial period should be long enough to provide an opportunity for developers to submit proposals under the revised ordinance (assuming none of the recommendations of this memorandum have been incorporated into the revision of the ordinance) in order for developers to determine if a more active participation and sharing of the obligation is required by East Brunswick or other types of new development. This trial period should be for a minimum of two years to permit empirical testing of the revisions.

This is not saying that all such settlements should be tested. It is merely being presented that the terms of this proposed settlement do not create a "realistic opportunity" for these lower income units to be built and in order for such realistic opportunity to be created, it is necessary to incorporate a substantial portion of the recommendations set forth in this memorandum. A provisional period is necessary during which some relief is permissible if the calculations and estimates relied upon are not resulting in the construction of lower income homes in East Brunswick. There must be an opportunity for "fine tuning" by the Master to create the realistic opportunity.

Summary and Conclusion:

K. Hovnanian Companies of New Jersey, Inc. and Hovnanian Enterprises, Inc. take great pride in working with communities such as East Brunswick in an effort to design a development which is a positive contribution towards the quality growth of a community. Our market is that segment of the population whose income is just above the moderate income level. The present proposed settlement, because it fails to include fee structure reduction, building, site and zoning concessions, general community participation in the creation of these lower income units and other aspects mentioned above, places the full weight of providing these lower income homes upon new multi-family home purchasers. We have submitted this memorandum in the good faith effort to help East Brunswick and the Urban League create a "realistic opportunity" that these lower income homes will be built. We stand ready to immediately implement the concepts presented in this memorandum within the development known as the Collins Farm tract thereby providing approximately 103 lower income homes for East Brunswick. We can deliver the 96 two bedroom moderate income homes for approximately \$44,080 and the 7 three bedroom homes for approximately \$30,100, however, in order to do so, it is essential that the terms of the settlement incorporate the recommendations of this memorandum. It is imperative to the successful implementation of Mt. Laurel II that the courts give developers the tools necessary to construct these lower income homes within the income and price guidelines set forth in Mt. Laurel II.

We appreciate this opportunity to present the developer's perspective of the proposed settlement. We look forward to meeting with you and the parties in order to discuss the comments expressed in this memorandum.

Respectfully submitted,

K. HOVNIANIAN COMPANIES OF NEW JERSEY, INC.

DRD:jac

cc: The Honorable Eugene Serpentelli
Urban League of Greater New Brunswick
Township of East Brunswick
Alan Mallach
Philip Caton
Carl Hintz
Robert Greenbaum, Esq.
all attorneys of record

MEMORANDUM

April 18, 1984

TO: East Brunswick Planning Board
FROM: Roy K. DeBoer, Planning Manager *RKDB*
RE: CLARIFICATION OF INTERPRETATION OF TOWN CODE
SECTION 132-43 - OPEN SPACES AND COMMON RECREATION
LANDS FOR PLANNED UNIT RESIDENTIAL DEVELOPMENTS

At the Planning Board's April 11, 1984 workshop session, a discussion was held to determine whether or not it would be necessary to modify Town Code Section 132-43 to further clarify the intent of the ordinance to create a certain minimum mandatory open space set aside at 25 percent of the gross lot area of any P.U.R.D. After some discussion, the Planning Board unanimously indicated that the ordinance, as presently written, is clear and that for future purposes the following specific intentions should be honored.

- A. A 25 percent mandatory set aside of the gross acreage of a P.U.R.D. project is required.
- B. The uses of the open space areas shall be designated for a specific use program (i.e. natural preservation, passive recreation or active recreation).
- C. The parcel size shall be a minimum of 5 contiguous acres which may be irregularly shaped (it should be noted that the irregular shape should not be allowed to preclude some form of realistic recreational purpose for the designated open space).
- D. The 25 percent mandatory set aside is in no way intended to include secondary open space lands which would lie between streets and buildings, or between buildings, or in a reasonable rear yard area (25'-30') of any structure whether or not a condominium or fee simple ownership is proposed by a developer.

RKDB:jr
1220C/60
Attachment

cc: Department of Planning and Community Development
Tom Shuster, Director, Recreation, Parks & Public Works

2. The Affordable Housing Agency shall give ten (10) days written notice of hearing to all parties involved, and shall give all interested persons an opportunity to be heard.

- & 132-43. Open spaces and common recreation lands for planned unit residential developments. [Added 5-9-77 by Ord. No. 77-264-B]

Not less than twenty-five percent (25%) of the total land area of any planned unit residential development shall be designated for open space or common recreation lands. Such designated open space shall consist of land in a natural state or land developed for specific recreational purposes and shall be specified as to its intended use, including areas for wildlife preservation. Parcel size shall be a minimum of five (5) contiguous acres, which may be irregularly shaped.

(Cont'd on page 13250)

Such designated open space shall not include yard areas of lots in private individual ownership, land area within the right-of-way of a public or private street and buildings wherein the principal use of such lands is to provide pedestrian access to and from buildings. Such open space may be ceded to the township or dedicated to a homeowners' association or trust, which incorporation and bylaws shall be approved by the Planning Board, subject to but not limited to the provisions of Article VI of Chapter 192, Subdivision of Land (Cluster Subdivision), and Article VII of Chapter 228, Zoning (Cluster Zoning).

- & 132-44. Standards for residences in planned unit residential developments. [Added 5-9-77 by Ord. No. 77-264-B]

The following standards shall apply:

A. Single-family cluster, detached:

- (1) The architectural character of each dwelling unit shall be compatible in style, size, color and materials with all proposed dwelling units in the same neighborhood surrounding the unit.
- (2) Height shall be limited to twenty-five (25) feet.
- (3) Minimum lot size shall be three thousand two hundred (3,200) square feet.
- (4) Minimum setback for all structures from any street, public or private or from any common parking area for two (2) adjacent units shall be ten (10) feet. Minimum setback for all principal structures from any collector or arterial street, as defined elsewhere in this chapter, shall be fifty (50) feet. [Amended 5-24-82 by Ord. No. 82-460]
- (5) Parking requirements shall average two and twenty-five one hundredths (2.25) spaces per dwelling unit, except for senior citizen housing for which parking requirements may be reduced

file

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AREA CODE 201
247-1017

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MARK N. BUSCH
LEONARD R. BUSCH
C. EDWARD SPEIDEL

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MAY 31 1984

May 30, 1984

Honorable Eugene D. Serpentelli, J.S.C.
Ocean County Court House
CN 2191
Toms River, New Jersey 08753

JUDGE SERPENTELLI'S CHAMBERS

RE: Urban League of Greater New Brunswick
vs Borough of Carteret, et als

Dear Judge Serpentelli:

Although the Hovnanian Companies never had the decency to send me a copy of their gratuitous memorandum of law which they apparently filed with the Court and sent to Ms. Lerman, I was able to obtain a copy of the document. I will not attempt to respond to each issue since Hovnanian is not a party to the lawsuit and does not have any rights whatsoever other than to receive information as indicated by you in open court on the day of the settlement. You confirmed their position in a recent letter which they apparently have disregarded.

I find their conduct nothing short of outrageous. We arrived at a settlement with the Plaintiffs after negotiating every aspect of our land use ordinances and procedures. A settlement is just that. It does not mean that the Plaintiffs won every point nor does it mean that the Township won every point. Now that we have arrived at a settlement, Hovnanian is trying to pick up additional points at the Township's expense.

I cannot urge too strenuously that the Court should take affirmative steps to be sure that the settlement which was negotiated by the Plaintiffs and East Brunswick is not upset at the eleventh hour by Hovnanian.

Respectfully yours,

Bertram E. Busch
BERTRAM E. BUSCH

gg
cc: See attached list

cc: Ms. Carla Lerman
Bruce S. Gelber, Esq.
John Payne, Esq.
K. Hovnanian Companies of New Jersey, Inc.
Robert Greenbaum, Esq.

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RECEIVED

MAY 30 1984

JUDGE SERPENTELLI'S CHAMBERS

May 29, 1984

Honorable Eugene D. Serpentelli, J.S.C.
Ocean County Court House
CN 2191
Toms River, New Jersey 08753

RE: Urban League of Greater New Brunswick
vs Borough of Carteret, et als

Dear Judge Serpentelli:

I received on this date a copy of a letter dated May 24, 1984 from Robert Greenbaum, Esq. to you enclosing a copy of a letter of the same date from Mr. Greenbaum to Carla Lerman. My envelope did not contain the memorandum to which reference is made in Mr. Greenbaum's letter to Ms. Lerman.

On behalf of the Township of East Brunswick, I strenuously object to the filing of any documents by attorneys for K. Hovnanian Companies of New Jersey, Inc. They are not parties to the litigation and Your Honor clearly limited their involvement in this case. By a copy of this letter, I am sending Mr. Greenbaum a copy of your letter of May 24, 1984 addressed to Donald R. Daines, Esq.

Representatives of the Plaintiffs and the Township of East Brunswick began negotiating this settlement in September, 1983 and circulated drafts and redrafts of ordinances and resolutions from January, 1984 through this past week. Certainly the Plaintiffs have protected the interests of low and moderate income people at least as adequately as any builder might. If the Hovnanian Companies are unhappy with the proposed ordinances, they should file a notice of motion for leave to intervene and if that should be denied, they should pursue whatever remedies they may have.

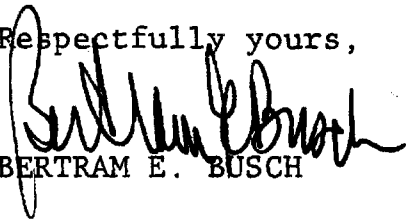
The Township of East Brunswick in good faith has negotiated a settlement which has had significant public participation and presentation. We are on a tight schedule based upon vacations and plan to place this matter on the Township Council agenda for discussion on June 11, 1984. The ordinances will be introduced on first reading on June 25, 1984 and on second reading on July 9, 1984. We are hopeful that Your

Hon. Eugene D. Serpentelli, J.S.C.
Page Two.

Honor will have signed the Consent Order prior to June 11, 1984 so that the Township knows where it stands. If the matter drags on through the Summer, we will run the risk of not having enough votes at the Township Council level to approve the ordinances. If the matter is on the Council agenda in September, it will inevitably become a political football in a year in which the voters will elect a new mayor and two Council members. We may even run the risk of losing the settlement altogether.

Under all of the circumstances, I respectfully request that Your Honor direct Ms. Carla Lerman to make her own recommendations to the Court without regard to correspondence from persons who are not parties to the litigation.

Respectfully yours,



BERTRAM E. BUSCH

gg

cc: Robert S. Greenbaum, Esq.
Ms. Carla Lerman
Donald R. Daines, Esq.
Bruce S. Gelber, Esq.
John Payne, Esq.
William F. Fox, Mayor
Carl E. Hintz, Planning Consultant

GREENBAUM, GREENBAUM, ROWE, SMITH,
BERGSTEIN, YOHALEM & BRUCK
COUNSELLORS AT LAW

WM. L. GREENBAUM (1914-1983)

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WENDELL A. SMITH
MELVYN H. BERGSTEIN
NATHANIEL H. YOHALEM
DAVID L. BRUCK
DAVID S. GORDON
ROBERT C. SCHACHTER
MARTIN L. LEPELSTAT
DENNIS A. ESTIS
WILLIAM D. GRAND
CHARLES APPLEBAUM
HARRIET FARBEN KLEIN
BENJAMIN D. LAMBERT, JR.
MICHAEL B. HIMMEL
DOUGLAS K. WOLFSON

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TELECOPIER
549-1881

May 24, 1984

CHARLES R. ORENYO
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ROBERT E. LINKIN
MARK H. SOBEL
MARIANNE MCKENZIE
PETER J. HERZBERG
KENNETH T. BILLS
THOMAS C. SENTER
GLENN C. GURITZKY
ALAIN LEIBMAN
CHRISTINE F. LI
BRUCE D. GREENBERG
JOEL M. ROSEN
MERYL A. G. GONCHAR
NANCY E. BRODEY
SHARON L. LEVINE

REPLY TO:
Woodbridge

Honorable Eugene D. Serpentelli
Judge, Superior Court of New Jersey
Ocean County Courthouse
Toms River, New Jersey 08753

Re: Proposed Settlement With Respect
to Township of East Brunswick -
Urban League of Greater New
Brunswick v. Carteret, et al

Dear Judge Serpentelli:

I enclose a copy of my letter of this date
to Carla Lerman.

A copy of the analysis has been sent to you
directly by our client and should reach you with
this letter.

Respectfully yours,


Robert S. Greenbaum

RSG:mtm

Enc.

RECEIVED

MAY 25 1984

JUDGE SERPENTELLI'S CHAMBERS

GREENBAUM, GREENBAUM, ROWE, SMITH,
BERGSTEIN, YOHALEM & BRUCK
COUNSELLORS AT LAW

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May 24, 1984

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JOEL M. ROSEN
MERYL A. G. GONCHAR
NANCY SIVILLI
NANCY E. BRODEY
SHARON L. LEVINE

REPLY TO:

Woodbridge

Ms. Carla Lerman
Housing Authority of Bergen County
190 Moore Street
Hackensack, New Jersey

Re: Proposed Settlement with respect
to Township of East Brunswick -
Urban League of Greater New
Brunswick v. Carteret, et al

Dear Ms. Lerman:

As you may recall from our telephone conversation several weeks ago, we represent K. Hovnanian Companies of New Jersey, Inc., an interested property owner and a developer in East Brunswick.

I enclose with this letter a Memorandum which constitutes our client's analysis of the proposed East Brunswick settlement from which we conclude that the litigants' proposal for settlement will not result in a realistic opportunity for the construction of lower income units.

Our client invites attention to specific cost generating features of the ordinance and its interpretation which are not keyed to health and safety criteria (see Production of Lower Income Homes, Sections a) through g) commencing on page 5). Similarly, there are elements in the Lower Income Housing Plan which provide a disincentive to the production of lower income housing (commencing at page 10).

GREENBAUM, GREENBAUM, RO SMITH,
BERGSTEIN, YOHALEM & BRUCK

Ms. Carla Lerman
May 24, 1984
Page 2

The analysis voices grave concern that the shield of the judgment of compliance during the six year period of repose may prevent remedial action on a settlement which may be illusory.

The enclosed is provided in order to furnish the basis for a discussion with you. May we have an early opportunity for our client to amplify its analysis to provide you and the Court with the developer's approach and frame of reference for your work.

Very truly yours,

Robert S. Greenbaum

RSG:mtm
Enc.

cc: Honorable Eugene D. Serpentelli
K. Hovnanian Companies of New Jersey, Inc.

LEWIS D. BUSCH
HENRY BUSCH
MALCOLM R. BUSCH
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MAY 24 1984

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247-1017

JUDGE SERPENTELLI'S CHAMBERS

May 23, 1984

Ms. Carla L. Lerman
413 W. Englewood Avenue
Teaneck, New Jersey 07666

RE: Urban League of Greater New Brunswick
vs Borough of Carteret, et als
Our File No. EB 183

Dear Ms. Lerman:

I enclose a final set of ordinances and resolutions, together with Zoning Map of the Township of East Brunswick. It has taken us some time to develop the final language but we are now under a time pressure and hope to discuss the ordinances and resolutions as well as amendments to the Master Plan during June and to introduce the ordinances on first reading on June 25, 1984.

If you are able to review the enclosures and notify Judge Serpentelli of your opinion, it would be much appreciated.

If you have any questions, please feel free to call.

Very truly yours,

BERTRAM E. BUSCH

gg
encls.

cc: Janet E. LaBella, Esq.
Hon. Eugene D. Serpentelli, J.S.C.
Carl E. Hintz, Planning Consultant
William F. Fox, Mayor
Stewart Hutt, Esq.
Mr. Donald Daines
John Payne, Esq.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION MIDDLESEX COUNTY

URBAN LEAGUE OF GREATER NEW)
BRUNSWICK, etc., et al.)

Plaintiffs,)

v.)

THE MAYOR AND COUNCIL OF THE)
BOROUGH OF CARTERET, et al.)

Defendants..)

Docket No. C-4122-73

CONSENT ORDER

This matter having been opened to the Court by the undersigned attorneys for the plaintiffs and having been remanded for trial by the Supreme Court on the issue of fair share allocation of the regional need for low and moderate income housing and on whether the Township of East Brunswick has complied with the mandate to satisfy its fair share allocation by providing a realistic opportunity for the development of such housing and it being represented to the Court that the parties agree to the following:

Whereas, the Township of East Brunswick made major revisions to its zoning, land use and subdivision ordinances, following the adoption of its Master Plan in 1976, which streamlined application procedures, rezoned more than 870 acres which previously had been planned industrial, ½ acre and 1/3 acre residential, neighborhood, commercial

and office zones; increased the potential number of dwelling units from approximately 5,500 to 8,350; and provided for a density bonus in the Town Green and Village Green Zones of one additional unit per acre for each unit of low and moderate income housing provided and an additional one unit per acre when the developer scatters low or moderate income units throughout the entire development.

Whereas, U.S. Homes Corporation and Hovnanian have opted for density bonuses and are in the course of constructing additional dwelling units as a result of developing lower priced housing; and

Whereas, U.S. Homes is selling 43 lower priced units starting at \$58,000 and Hovnanian is selling its homes for around \$50,000; and

Whereas, the Township of East Brunswick provided tax abatement and allocated Community Development Block Grant funds for the acquisition and rehabilitation of 12 blighted multi-family units previously known as Consolidated Apartments and now known as Victory Gardens which are being managed by a non-profit housing corporation and rented to low and moderate income persons; and

Whereas, the Township of East Brunswick provided a tax abatement to assist the development of 153 subsidized low and moderate income senior citizen units in the Lexington Village development; and

Whereas, the Township of East Brunswick utilized Community Development Block Grant funds to assist in the

development of 15 modular housing units in Colonial Oaks Village constructed under the federal section 235 program; and

Whereas, the Township of East Brunswick utilized Community Development Block Grant funds to provide home rehabilitation loans to low and moderate income persons which assisted in the rehabilitation of 50 homes, 19 after April, 1980; and

Whereas, East Brunswick has been recognized as a model community by the New Jersey Department of Community Affairs in a document entitled "The Affordable Housing Handbook"; and

Whereas, the parties desire that the Township of East Brunswick provide a realistic opportunity for the development of a sufficient number of housing units to satisfy the Township's fair share of low and moderate income housing need.

NOW, THEREFORE, it is this _____ day of _____, 1984, ORDERED, AND ADJUDGED:

1. The Township of East Brunswick's fair share of low and moderate income housing need through 1990 is a range of 1472 to 1601 housing units.

2. The Township's fair share shall be met by new development of 1188 to 1317 units, rehabilitation of 100 units, and credit for 184 low and moderate income units placed into occupancy after April, 1980, and occupied by low and moderate income persons. Those units eligible for

credit are the 153 subsidized senior citizen units, 12 rehabilitated Victory Garden units and 19 individual rehabilitation units. The new construction units are identified in the schedule attached hereto as Exhibit A and in the Zoning Map attached hereto as Exhibit B and made a part hereof.

3. The Township of East Brunswick shall provide rehabilitation assistance to 100 low and moderate income owner-occupant families, as defined herein in ¶10, through the Neighborhood Preservation Program and the Community Preservation Program. A minimum of 50% of the families assisted must be low income. The rehabilitation assistance may be provided as grants, no or low interest loans, or some other form of direct subsidy. In order to be eligible for credit pursuant to this paragraph the homes to be rehabilitated must lack complete plumbing facilities for the exclusive use of the household, have severely deficient plumbing facilities, lack or have deficient central heating facilities or have severely deficient roofs. A minimum of 14 families must be assisted each year with at least 50 having received assistance by July 31, 1987.

4. Forthwith, but not later than 90 days after the entry of this Consent Order, the Township of East Brunswick shall rezone the 98 acre tract on Cranbury Road south of Helmetta Boulevard from R-1 Single Family Detached Housing with a density of one unit per acre to the Manufactured Mobile Home Zone (MMH) permitting modular/manufactured housing and mobile/manufactured housing at a gross density

of 7 units per acre. The Township of East Brunswick shall rezone the 98 acre tract bordered on the east by Cranbury Road South and on the south by Dunhams Corner Road, from R-1 to "Contingent MMH". This MMH contingency shall remain in effect until July 31, 1986, at the conclusion of which the contingency shall expire or the zone shall revert to R-1. Should the Township Planning Board receive applications for development of fewer than 25 acres in the MMH zone by July 31, 1986, the MMH zoning shall lapse and the zone shall revert to R-1. Should the MMH zoning in the primary MMH zone lapse, the contingency in the Contingent MMH zone shall automatically expire and MMH zoning shall immediately become effective. However, should the MMH zoning in the primary MMH zone not lapse, the Contingent MMH zone shall revert to R-1. Should development occur in the Contingent MMH zone during the period of contingency, and the contingency expire as provided above, the Township shall rezone a sufficient amount of additional land adjacent to this zone so that the newly effective MMH zone is composed of 98 contiguous acres.

The zoning amendment shall further provide that a minimum of 35% and a maximum of 42% of the units in the MMH zone shall be low income, a minimum of 29% and a maximum of 44% of the units shall be market priced units and a minimum of 14% and maximum of 36% of the units shall be moderate income. The number of low income and market priced units shall be correlated whereby any two percent increase in the

percentage of market priced units above 29% would require a corresponding one percent increase from 35% upward in the percentage of low income units. This ordinance amendment is attached hereto as Exhibit C and made a part hereof.

5. Forthwith, but not later than 90 days after the entry of this Consent Order, the Township of East Brunswick shall rezone the tract on Helmetta Boulevard north of the new MMH zone from Office Professional (OP-1) to Neighborhood Commercial (C-2) to enable commercial development in close proximity to the newly zoned MMH zone. This ordinance amendment is attached hereto as Exhibit D and made a part hereof.

6. Forthwith, but not later than 90 days after the entry of this Consent Order, the Township of East Brunswick shall adopt a Resolution committing the Township to include bus service to the MMH zone at such time as the tract is developed should the Township institute community bus service anywhere in the Township. This Resolution is attached hereto as Exhibit E and made a part hereof.

7. Forthwith, but not later than 90 days after the entry of this Consent Order, the Township of East Brunswick shall rezone the area know as Cranbury Road South from R-1 zoning to Village Green-II (VG-II) zoning permitting a gross density of three to six dwelling units per acre. This amendment is attached hereto as Exhibit F and made a part hereof.

8. Forthwith, but not later than 90 days after the entry of this Consent Order, the Township of East Brunswick

shall amend its zoning ordinance, Section 228.217.4 F, pertaining to the Mixed Use District Zone (MXD), known as the Weingarten-Turnpike Drive-In, to eliminate the restriction on residential use to not exceed 50% of the total allowable land coverage in an entire MXD lot so that 100% residential use is permitted. The amendment shall also provide that the density bonus provision, including the amendments providing for mandatory set asides set forth in paragraph 11 below, shall apply to the Weingarten-Turnpike Drive-In Site. These ordinance amendments are attached hereto as Exhibit G and made a part hereof.

9. Forthwith, but not later than 90 days after the entry of this Consent Order, the Township of East Brunswick shall rezone the Bonus/South River Sand Tract from Industrial Manufacturing (IM) to Village Green-II (VG-II) with gross densities of three to six dwelling units per acre, provided, however, that the zoning change will not become effective until all active mining on that tract has ceased. In no event shall the effective date of the zoning change be later than December 31, 1989. The Township shall have the responsibility of determining when active mining has ceased. This ordinance amendment is attached hereto as Exhibit H and made a part hereof.

10. Forthwith, but not later than 90 days after the entry of this Consent Order, the Township of East Brunswick shall amend its Affordable Housing Ordinance, Section 132-42.1 of the East Brunswick Code, to define low income as

less than 50% of median income with adjustments for family size and moderate income as between 50% and 80% of median income with adjustments for family size. For the purposes of this section, the region for determining median income through July 31, 1990 shall be the 11 county region set forth in the Revised Court Expert's Report dated April 2, 1984, in this case. Subsequent to July 31, 1990, the region for this purpose shall be the prospective need region contained in the Revised Court Expert's Report. The ordinance shall be further amended to provide exceptions from the resale restrictions in the case of foreclosure and resale by a lender after foreclosure. Restrictions on resale will expire 30 years from the date of the initial sale of the premises. These ordinance amendments are attached hereto as Exhibit I and made a part hereof.

11. Forthwith, but not later than 90 days after the entry of this Consent Order, the Township of East Brunswick shall enact a mandatory set aside ordinance which shall provide for a mandatory set aside for low and moderate income units of 5% of the total number of units that may be developed assuming full development at the minimum density provided by right in each zone for all developments in the VG-II and II-A, VG-III and III-A, TG, and the MXD-R zones. Should a set of two successive developments which has received preliminary subdivision approval by the Township Planning Board not meet the combined minimum total of potential low and moderate income units as set forth in Exhibit A, the mandatory set aside shall be automatically

increased to 10% for future developments. Should a subsequent set of two successive proposed developments which has received preliminary subdivision approval by the Township Planning Board not meet their combined minimum total of potential low and moderate income units, the mandatory set aside shall be automatically increased to 20% for the remainder of the developments in the affected zones. The ordinance shall require that low and moderate income units be phased in with the balance of the development. The number of units representing 5% of the total potential units that may be developed assuming full development at the minimum density provided by right in each zone, as set forth in Exhibit A, shall be added to the total number of low and moderate income units developed through use of the density bonus provisions, when the mandatory set-aside requirement is 5% or 10%. The density bonus provisions may be utilized when the mandatory set aside is 5% or 10%. The minimum density by right of each affected zone shall be increased by 1.5 units per acre if the mandatory set-aside is increased to 10%. The density by right in each affected zone shall be increased an additional 1.5 units per acre if the mandatory set aside is increased to 20%. In no event, however, may the required proportion of low and moderate income units exceed 20% of the total number of units developed.

The mandatory set aside/density bonus provisions shall require that a minimum of 1/3 of the lower income units be low income. If however, deep state or federal subsidies

become available, a goal of 50% low income units shall be instituted for all subsequent developments to more accurately reflect the actual housing need. These ordinance amendments are attached hereto as Exhibit J and made a part hereof.

12. Forthwith, but no later than 90 days after the entry of this Consent Order, the Township of East Brunswick shall adopt a Resolution committing the Township to apply for available state and federal housing subsidy programs and to encourage and assist private developers to so apply. This Resolution is attached hereto as Exhibit K and made a part hereof.

13. Forthwith, but no later than 90 days after entry of this Consent Order, the Township of East Brunswick shall amend its land use and zoning ordinances to provide that the off-street parking requirement provided in §132-44(A)(5), providing 1.5 spaces per unit for low and moderate income housing, shall be applicable to parking space provisions in the VG-II and II-A, VG-III and III-A, TG and MXD-R zones. This ordinance amendment is attached hereto as Exhibit L and made a part hereof.

14. The Township of East Brunswick shall report in writing to the Court and to Plaintiff, Urban League or its designee, within 90 days of the entry of this Consent Order or when all ordinance amendments and resolutions have been duly enacted by the Council and Mayor of the Township,

whichever first occurs, certifying that all ordinance amendments and resolutions have been enacted or providing an explanation as to why they have not been enacted. Upon certification that all required amendments and resolutions have been enacted the Court will enter an Order of Compliance which will be valid and binding for six years from the date of receipt of said certification. If all ordinance amendments and resolutions required herein have not been enacted, the Court shall set this case for trial.

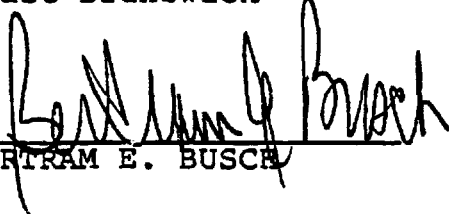
15. The Township of East Brunswick shall report in writing to Plaintiff, Urban League or its designee, immediately after each set of two successive proposed developments have received preliminary approval by the Township's Planning Board. Each report shall identify the site of the proposed development and specify the number of low and moderate income units included in the development plans. The Township shall also provide written quarterly reports commencing with June, 30, 1986, containing a summary of applications for development in the MMH zones and an itemization of the unit address, income of owner-occupant, and description of the proposed rehabilitation for all units approved for rehabilitation pursuant to this agreement.

EUGENE SERPENTELLI, J.S.C.

We hereby consent to the form, substance, and entry of
this Consent Order.

Busch and Busch
Attorneys for the Council
and Mayor of the Township
of East Brunswick

BY:


BERTRAM E. BUSCH

The National Committee Against
Discrimination in Housing
Rutgers University Law School
Attorneys for the plaintiffs

BY:

JANET E. LABELLA
BRUCE S. GELBER
JOHN M. PAYNE
ERIC NEISSER

LIST OF EXHIBITS

- Exhibit A - Schedule Of Proposed Developments
- Exhibit B - Zoning Map
- Exhibit C - MMH Zone Ordinance Amendment
- Exhibit D - MMH Zone (C-2) Ordinance Amendment
- Exhibit E - Bus Service Resolution
- Exhibit F - Cranbury Road South Ordinance Amendment
- Exhibit G - Mixed Use District Zone Ordinance Amendment
- Exhibit H - Bonus/South River Sand Tract Ordinance Amendment
- Exhibit I - Affordable Housing Ordinance Amendment
- Exhibit J - Mandatory Set Aside Ordinance Amendment
- Exhibit K - Housing Subsidy Program Resolution
- Exhibit L - Off-Street Parking Ordinance Amendment

EXHIBIT A

ZONED LAND WITH POTENTIAL APPROVALS

| | <u>Acres/Zone</u> | <u>Total Potential Units</u> | <u>Potential Low/Mod. Income Housing units</u> | | | <u>% of Low/Mc Income Unit of Total</u> |
|---|----------------------|--------------------------------------|--|------------------|--------------|---|
| | | | <u>bonus</u> | <u>5% add on</u> | <u>total</u> | |
| Lexington Village (Hovnanian) | 48.5 | 500 | 0-29 | 0 | 0-29 | 0-5.8 |
| mczak (Bradgate) | 30.2 (VG-II) | 90.6-181 | 30 | 5 | 35 | 5-19.33 |
| Hovnanian (Collins, Diocese of Metuchen) | 84 (VG-III) | 420-672 | 84 | 21 | 105 | 5-15.6 |
| Leisure & Technology, Inc. (Garboski) | 69 (VG-II) | 207-414 | 69 | 10 | 79 | 5-19 |
| (Kelemen) | 48 (TG) | 432-576 | 48 | 22 | 70 | 5-12.2 |
| (Lapinski) | 11 (VG-I) 36 (TG) | 324-432 | 36 | 16 | 52 | 5-12 |
| (Gatarz) | <u>10.4 (VG-III)</u> | <u>52-83</u> | <u>10</u> | <u>3</u> | <u>13</u> | <u>5-15.6</u> |
| Subtotal | 337.1 | 2026-2858 | 277-306 + | 77 | = 354-383 | |

I. PLANNED LAND TO BE REZONED
AS PART OF SETTLEMENT

| | | | | | | |
|------------------------------|--------------------|-----------------|------------|-----------|------------|--------|
| Bonus/South River Sand) | 158 (VG-II) | 474-948 | 158 | 24 | 182 | 5-19.2 |
| Weingarten-Turnpike Drive-In | 26.2 (MXD/R) | 473 | 57 | 0 | 57 | 12 |
| Cranbury Road South | <u>181 (VG-II)</u> | <u>543-1086</u> | <u>181</u> | <u>27</u> | <u>208</u> | 5-19.2 |
| Subtotal | 365.2 | 1490-2437 | 396 + | 51 | = 447 | |

111. Mobile/Manufactured Housing Zone

| <u>Site</u> | <u>Acres</u> | <u>Potential Units</u> | <u>Potential Low Income Units</u> | <u>Low Income Units as % of total</u> | <u>Potential Moderate Income Units</u> | <u>Moderate Income Units as % of total</u> |
|--|--------------|-------------------------------|-----------------------------------|---|--|--|
| Part of Block 324, Lot 1 Cranbury Road South of Helmetta Blvd. | 98 | 686 | 240-290 | 35-42 | 97-247 | 14-35 |
| | | <u>Potential Market Units</u> | <u>Market Units as % of Total</u> | <u>Range of Low, Moderate and Market Units by percent</u> | <u>Range of Low, Moderate and Market Units</u> | |
| | | 199-299 | 29-44 | L 35 - 42 M 36 - 14 MK 29 - 44 | LOW | MOD |
| or | | | | | 290 | 97 |
| Contingent Zone on Dunhams Corner Road and Cranbury Rd | | | | | 280 | 127 |
| | | | | | 270 | 157 |
| | | | | | 260 | 187 |
| | | | | | 250 | 217 |
| | | | | | 240 | 247 |
| | | | | | | 299 |
| | | | | | | 279 |
| | | | | | | 259 |
| | | | | | | 239 |
| | | | | | | 219 |
| | | | | | | 199 |

SUMMARY OF NEW LOW AND MODERATE UNITS TO BE BUILT

| | |
|-------------------------------------|----------------|
| Zoned Land with Potential Approvals | 354 - 383 |
| Planned Land | 447 |
| MMH | <u>387-487</u> |
| Total new units | 1188 - 1317 |

REHABILITATION UNITS

| | <u>Potential Low/Mod Units</u> |
|--|--------------------------------|
| | 100 |
| <u>Credit for previously built units</u> | |
| Lexington Village | 153 |
| Victory Gardens | 12 |
| Rehabilitated Units | <u>19</u> |
| Total Fair Share Need | 1472 1601 |

Township of East Brunswick, N.J.

01/254 - 4600

1 JEAN WALLING CIVIC CENTER 0

Finance _____

Dated _____

ORDINANCE AMENDING CHAPTER 228, ZONING, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY REZONING LAND ALONG THE SOUTHERLY SIDE OF CRANBURY ROAD AND THE SOUTHERLY SIDE OF HELMETTA BOULEVARD FROM R-1 (SINGLE FAMILY RURAL RESIDENCE) TO A NEWLY CREATED ZONE KNOWN AS MMH (MODULAR MANUFACTURED HOUSING AND MOBILE MANUFACTURED HOUSING).

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 228, Zoning, of the Code of the Township of East Brunswick is hereby amended by the addition of the following:

SECTION 2. Section 228-5. Adoption of Zoning Map.

R. Adoption of Zoning Map. The MMH (Modular Manufactured Housing and Mobile Manufactured Housing) Zone is hereby created to include all that area previously zoned R-1 (Single

Rejected

Approved

Mayor

Date

Reconsidered by Council _____

Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. |
| Baker | | | | | | | Baker | | | | | |
| Denahan | | | | | | | Denahan | | | | | |
| Hudak | | | | | | | Hudak | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | |
| Weber | | | | | | | Weber | | | | | |

Family Rural Residence) bounded by Helmetta Boulevard on the northeast, Cranbury Road on the northwest, the municipal boundary between the Township of East Brunswick and the Township of Monroe on the southwest, and as more particularly described in the metes and bounds description annexed hereto as Schedule A. The Zoning Map of the Township of East Brunswick shall be deemed to have been changed in accordance with this Ordinance notwithstanding the fact that the MMH Zone is not shown thereon. This amendment is being made pursuant to a settlement of litigation against the Township of East Brunswick.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 4. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

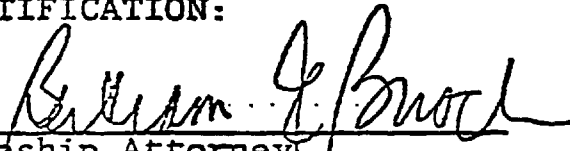
SECTION 5. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:


Township Attorney

Administrator

.....

Planning Consultant

April 4, 1984

DESCRIPTION OF LANDS PRESENTLY ZONED R-1, KNOWN AS
PART OF LOT 1 IN BLOCK 324, TO BE REZONED TO MTH
PROPERTY SITUATED IN THE TOWNSHIP OF EAST BRUNSWICK,
MIDDLESEX COUNTY, NEW JERSEY

Beginning at a point in the centerline of Cranbury Road distant 3280+ feet southwesterly from the intersection of Helmetta Boulevard, said point being the municipal boundary line between East Brunswick, Township and South Brunswick Township, and from thence running:

1. Northeasterly along the various courses of the centerline of Cranbury Road and said municipal boundary line, a distance of 1,930+ feet to the centerline intersection of Old Stage Road (a paper street); thence
2. Northeasterly along the various courses of the centerline of said Old Stage Road (a paper street), a distance of 1,456+ feet to the centerline of Helmetta Boulevard; thence
3. Southeasterly along the centerline of Helmetta Boulevard, a distance of 298+ feet to a point opposite the northwesterly line of Jamesburg Park; thence
4. Southeasterly along the last mentioned lands, a distance of 4,620+ feet to a point; thence
5. Northwesterly, at right angles to the last course, across Lot 1, a distance of 970+ feet to the intersection of the municipal boundary line of South Brunswick Township; thence
6. Northeasterly along the municipal boundary line of South Brunswick Township, a distance of 1,360+ feet to the centerline of Cranbury Road, which is distant 3280+ feet southwesterly from the intersection of Helmetta Boulevard, the point of beginning.

Containing 98+ Acres

1250C/112

SCHEDULE A

Township of East Brunswick, N

201/254 - 4600

1 JEAN WALLING CIVIC CENTER 088

Ordinance _____

Dated _____

ORDINANCE AMENDING CHAPTER 228, ZONING, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY PROVIDING MOBILE-MANUFACTURED AND MODULAR-MANUFACTURED HOUSING.

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 228, Zoning, of the Code of the Township of East Brunswick is amended by the addition of the following, with deletions shown in parenthesis:

SECTION 2. Section 228-3. Definitions and Word Usage.

B. Meanings. Certain words and terms in this Chapter are defined for the purpose thereof as follows:

DOUBLEWIDE UNITS. Mobile-manufactured homes consisting of two (2) modules containing a width of between twenty-two (22') and twenty-eight (28') feet.

Rejected

Approved

Mayor

Date

Reconsidered by Council _____

Override Vote Yes _____

No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|---|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. | S |
| Baker | | | | | | | Baker | | | | | | |
| Denahan | | | | | | | Denahan | | | | | | |
| Hudak | | | | | | | Hudak | | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | | |
| Weber | | | | | | | Weber | | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

MODULAR-MANUFACTURED HOME - a unit of housing which is:

1. Mass-produced in a factory.
2. Designed and constructed for transportation to a site for installation and use when connected to required utilities.
3. Either an independent, individual building or a module for combination with other elements to form a building on the site.

MOBILE HOME - a unit of housing which:

1. Consists of one or more transportable sections which are substantially constructed off site and, if more than one section, are joined together on site;
2. Is built on a permanent chassis;
3. Is designed to be used, when connected to utilities, as a dwelling on a permanent or non-permanent foundation; and
4. Is manufactured in accordance with the standards promulgated for a manufactured home by the Secretary of the United States Department of Housing and Urban Development pursuant to the "National Manufactured Housing Construction and Safety Section 5401 et seq) and the standards promulgated by the commissioner pursuant to P.L. 1975, c.217 (C.52:27D-119 et seq).

MANUFACTURED HOUSING. A manufactured building or portion of a building designed for long-term residential use.

MOBILE HOME COMMUNITY. A mobile home development with continuing local general management and with special facilities for common use by the occupants, including such items as common recreational buildings and areas, common open space, laundries, and the like.

MANUFACTURED HOME DEVELOPMENT. Intended to be generic, it includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

MOBILE HOME LOT. A parcel of land designed to accommodate a mobile home and includes the mobile home stand and the mobile home yard, and conforms to the requirements of this Section.

MOBILE HOME PARK. A parcel of land, or two or more contiguous parcels of land, containing no fewer than 50 sites equipped for the

installation of mobile homes, where these sites are under common ownership and control, other than a cooperative, for the purpose of leasing each site to the owner of a mobile home for the installation thereof, and where the owner or owners provide the following services, which shall include but not be limited to:

1. The construction and maintenance of streets;
2. Lighting of streets and other common areas;
3. Garbage removal;
4. Snow removal; and
5. Provisions for the drainage of surface water from home sites and common areas.

MOBILE HOME SPACE. A plot of ground within a mobile home park improved and authorized pursuant to this Section for the accommodation of one mobile home.

MOBILE HOME STAND. That part of a mobile home lot which has been reserved exclusively for the placement of a mobile home.

MANUFACTURED HOME SUBDIVISION. A subdivision designed and/or intended for the sale of lots for residential occupancy by mobile-manufactured homes and/or modular-manufactured homes.

MOBILE HOME UNIT. A structure of vehicular portable design built on a chassis and designed to be moved from one site to another, and to be placed with or without a permanent foundation.

MOBILE HOME YARD. That part of the mobile home lot excluding the mobile home stand.

MOBILE HOME TRANSFER CERTIFICATE. A permit issued by a municipality for the purpose of allowing the mobile home to be removed from a leased site within a mobile home park in the municipality.

MUNICIPAL SERVICE FEE. A fee imposed on a mobile home for the purpose of payment for the services rendered to mobile homeowners by a municipality, limited to local school board, regional school board, fire district and trash district services. This fee shall be based only upon the services provided by the municipality to the mobile home park. Sewer and water taxes will not be included in the municipal service fee.

NON-PERMANENT. Means and includes any dwelling unit on non-mortared blocks, piers, wheels, concrete pad or concrete runners or any other New Jersey Department of Community Affairs approved temporary support system.

NON-PERMANENT FOUNDATION. Any foundation consisting of non-mortared blocks, wheels, concrete slab, runners, or any combination

thereof, or any other system approved by the commissioner for the installation and anchorage of a manufactured home on other than a permanent foundation.

OFF SITE CONSTRUCTION OF A MANUFACTURED HOME, OR SECTION THERE-OF. The construction of that home or section at a location other than the location at which the home is to be installed.

ON SITE JOINING OF SECTIONS OF A MANUFACTURED HOME. The joining of those sections at the location at which the home is to be installed.

PARK MANAGEMENT. The owner or his designated agents who are administrative officers of the mobile home park and who are responsible for its operation and maintenance.

PERMANENT FOUNDATION. A system of support installed either partially or entirely below grade, which is:

1. Capable of transferring all design loads imposed by or upon the structure into soil or bedrock without failure;
2. Placed at an adequate depth below grade to prevent frost damage; and
3. Constructed of material approved by the commissioner.

PREMANUFACTURED SYSTEM. An assembly of materials or products that is intended to comprise all or part of a building or structure, exclusive of a public school facility, and that is assembled off site by a repetitive process under circumstances intended to insure uniformity of quality and material content.

RECREATION VEHICLE. A camper or other transportable temporary dwelling unit with its own motor power designated and constructed for travel and recreational purposes not suitable to be installed on foundation.

RUNNERS. A system of support consisting of poured concrete strips running the length of the chassis of a manufactured home under the lengthwise walls of that home.

SECTION 3. Section 228-4. Designation of District. For the purpose of this Chapter, the Township of East Brunswick is hereby divided into (seventeen (17)) eighteen (18) types of districts as follows:

| <u>Symbol</u> | <u>Names</u> |
|---------------|--|
| MMH | Modular-Manufactured Houses and Mobile-Manufactured Houses |

SECTION 4. Section 228-156.1. A new article, Article XVII, Modular-Manufactured Houses and Mobile-Manufactured Houses (MMH) is hereby adopted.

SECTION 5. Section 228-156.2. Applicability of Provisions of Article. The following regulations shall apply to all uses in the MMH Zone.

SECTION 6. Section 228-156.3. Intent and Purpose of the MMH District.

A. It is the intent of the provisions of the MMH Zone to encourage the production of housing affordable to and occupied by low and moderate income households in order to meet the requirements set forth by the New Jersey Supreme Court in the Mount Laurel II decision. To that end, the principal permitted uses in the zone shall be mobile-manufactured and modular housing, in various configurations designed to make possible the most economical means of providing housing affordable to lower income households.

B. Since the intent of the provisions is to encourage the production of housing affordable to lower income housing, and the designation of mobile and modular housing as the principal use is a means to achievement of that goal, other housing types compatible with the principal permitted uses shall be permitted as well, as long as full compliance with the lower income housing requirements set forth in this Ordinance takes place.

SECTION 7. Section 228-156.4 Permitted Uses.

A. Mobile or modular home developments containing any combination of the following housing types; provided, however, that no fewer than 50% of the single family detached mobile homes provided must be "doublewide" units:

1. Single family detached mobile homes or modular units;
2. Semi-detached single family or two family mobile homes or modular units;
3. Attached modular units, forming townhouse or apartment configurations.

B. Mobile home parks as defined herein.

C. Conventionally constructed single family houses, semi-detached or two family houses, townhouses, or garden apartments, meeting the percentage distribution of low and moderate income units otherwise required for manufactured units in this zone.

D. Accessory uses and structures customarily auxiliary to the principal uses set forth in (A), (B) and (C) above.

E. Public buildings, including schools and township facilities; and quasi-public buildings, including places of worship, but not including cemeteries.

F. Parks, playgrounds, and other public recreation and open

space facilities.

SECTION 8. Section 228-156.5. Prohibited Uses.

A. All uses not specifically listed above as permitted uses are hereby prohibited.

B. The following uses shall also be prohibited:

1. Mechanical amusement devices and mechanical amusement facilities;
2. All accessory structures, except in accordance with standards established in this Ordinance or at the time Planning Board approval is given to any application for development;
3. Sex clubs and massage parlors; and
4. Recreational vehicles occupied as living quarters.

SECTION 9. Section 228-156.6. Density, Height, and Area Requirements

A. The minimum tract size for a development under the MMH provisions shall be 15 acres.

B. The maximum density of development in the MMH Zone shall be seven dwelling units per gross acre. For purposes of this Ordinance, gross acreage shall include all lands within the exterior boundaries of the site without regard to the purpose for which the land is to be used, or any dedication of land within those boundaries.

C. Lot and area requirements for mobile homes:

1. The minimum lot size for singlewide mobile homes shall be 2800 square feet, or three times the floor area of the mobile home unit, whichever is less. The minimum lot size for doublewide mobile homes shall be 4500 square feet or three times the floor area of the mobile home unit, whichever is less.

2. Minimum setbacks shall be as follows:

| | |
|---|---------|
| front yard | 15 feet |
| rear yard | 10 feet |
| principal side yard (side with entrance) | 12 feet |
| secondary side yard (side without entrance) | 5 feet |

3. Where semi-detached (two family) mobile home structures are provided with each unit having a single side lot, the minimum width of that lot shall be 15 feet.

D. Separation Requirements. Each MMH unit or accessory structure shall be located on an MMH lot so as to comply with the following minimum proximity limits:

1. At no point shall the sides of any MMH unit be closer than 20 feet from any MMH unit (excluding steps, awnings, patios, decks, porches and any other appurtenances) provided that the average distance between the sides of any MMH unit shall not be less than 25 feet.
2. Twenty feet end to end between MMH units.
3. A distance of not less than 10 feet shall be maintained between any MMH unit and its appurtenances, and any other MMH unit and appurtenances. This requirement shall apply to awnings, patios, decks, steps and porches.
4. All storage sheds, metal sheds and other accessory type storage structures shall be located a minimum of five (5') feet from any MMH lot line, private roadway, decks, porches or awnings, and additionally be further located a minimum of five (5') feet from the mobile home unit, which it is part of, and a minimum of ten (10') feet from any adjoining MMH unit.
5. Storage type accessory structures shall be constructed on a ground support slab, with a positive grade away from such slab, in accordance with the provisions and standards described in Schedule A and entitled "Mobile Home Park Support Details", more specifically, 11B "Slab for Appurtenant Equipment".
6. There shall be a minimum ten (10') foot setback line distance from any MMH unit and any curblines of any existing or future private roadway.

E. Lot and area requirements for townhouses:

| | |
|------------------------------------|------------------|
| Minimum lot area | 1200 square feet |
| front yard setback | 15 feet |
| rear yard setback | 25 feet |
| minimum lot width | 15 feet |
| minimum side yard (end units only) | 15 feet |

SECTION 10. Section 228-156.7. Road Layout and Road Width. Streets shall be provided on the site where necessary to furnish convenient access to the mobile home stands and other important facilities on the street. The streets shall be privately retained in a mobile home

park. All roads in a mobile home park shall be designed with some gentle curves so as not to be monotonous to drivers. Streets shall be continuous except that closed ends of dead end streets shall be no more than 600 feet in length and shall be provided with a vehicular turning space of at least 40 feet in radius. All dead end streets shall be 25 feet in bed width and all other streets shall be at least 30 feet in bed width and have an unobstructed, convenient and safe access to public street or highway. The minimum grade shall be 1% or 0.5% if curbs are installed.

SECTION 11. Section 228-156.8. Road and Parking Area Construction. Roads and parking areas shall be constructed in accordance with the following specifications:

1. Finished road shall be two (2") inch bituminous concrete.
2. Sub-base shall be stabilized bituminous materials.

SECTION 12. Section 228-156.9. Parking and Circulation.

A. Parking shall be provided according to the following schedule: mobile homes whether detached or semi-detached, townhouses or apartment units for low or moderate income occupancy

Average Number
of Spaces Per
Unit

1.50 spaces

Market rate mobile homes whether detached or semi-detached, townhouses or apartment units

2.00 spaces

B. Parking meeting the above requirements may be provided through any combination of the following approaches:

1. Garages, individual or community;
2. Surface parking areas (parking lots or bays)
3. Individual unit driveways

C. Each parking space shall have a minimum width of eight (8') feet and a minimum depth of eighteen (18') feet and shall contain not less than 180 square feet each. In the event that two parallel parking stalls are grouped together, a minimum width of twelve (12') feet shall apply at the point of contact with any private or public street or sidewalk. It is recommended that spaces be as near as possible to: (a) tandem parking 10 by 40, and (b) parallel parking 9 by 22 or 10 by 20 in accordance with any and all local regulations and ordinances. Parking spaces may be provided for not more than two (2) cars end to end.

D. Sidewalks. In locations where common facilities are concentrated common continuous walkways of at least four (4') feet in width shall be provided. Primary walkways to each mobile home stand shall be a minimum of 36 inches in width. In all cases they shall be of durable construction. Bituminous, concrete or suitable soil stabilization treatment subject to the approval of the Township Engineer may be used.

SECTION 13. Section 228-156.10. Additional Standards.

A. Lighting. Public areas of a mobile home park shall be lighted so as to permit safe movement of vehicles and pedestrians at night. The following minimum levels of illumination shall be provided:

1. All parks of the park road system 0.1 footcandles.
2. Potentially hazardous locations, such as major street intersections and steps or stepped ramps 0.3 footcandles.

B. Buffer Strips. A landscaped buffer strip shall be maintained along the property lines of the mobile home park adjacent to off-tract residential areas. Such buffer strip shall be at least 50 feet in width.

C. Landscaping and Natural Site Protection. Landscaping to be provided in the MMH development or park shall be shown on the site plan. Wooded areas shall be preserved wherever possible without causing interference with the general plans, specifications and other requirements pertaining to the site. No MMH unit or any addition or other structure shall be constructed or installed within 40 feet of streams, rivers or lakes.

D. All streets, public or private, shall be provided with street trees.

E. Limitation on Signs. No signs intended to be read from any public way adjoining the district shall be permitted except:

1. One identification sign at each principal entrance not to exceed 120 square feet, pursuant to Chapter 130 of the Code of East Brunswick.
2. Not to exceed one sign advertising property for sale, lease, or rent or in the case of MMH parks indicating "Vacancy" or "No Vacancy", provided that not more than one such sign not exceeding four square feet in area, may be erected at each principal entrance. In the case of new MMH developments, one sign not exceeding 18 square feet in area may be erected for a period not to exceed two years at each principal entrance to advertise the sale of lots or dwellings.

3. Directional signs not exceeding four square feet each at intersections. These signs will be removed when park is fully occupied.

No illumination of any such signs will be installed so as to become a nuisance to adjoining properties, nor will any such sign be erected within five feet to any exterior property line.

F. Refuse, Storage, Collection and Disposal.

1. General. The storage and collection of refuse shall be so managed as to prevent health hazards, rodent harborage, insect breeding, accident hazards or air pollution.
2. Refuse Containers. All refuse shall be stored in durable, fly-tight, water tight and rodent proof containers.
3. Container Location. Containers shall be located either at each mobile home, lot or at one or more centralized locations within the mobile home park.
4. Storage Capacity. At least 1.5 gallons of refuse storage capacity per capita per day shall be provided.
5. Facilities for Container Location. Each mobile home lot or each centralized location for refuse containers shall be provided with one of the following at the option of the park management:
 - a. A slab of impervious material large enough to accommodate the number of containers provided.
 - b. A rack or holder of a type approved by the Park Management providing at least six inches of clear space beneath, or a cart providing at least four inches of clear space beneath.
 - c. A properly protected container in an underground storage installation.
 - d. Collection. Refuse shall be collected at least twice weekly.
 - e. Refuse Disposal. Refuse disposal shall be effected in accordance with the provisions of Chapter 8 of the State Sanitary Code and the ordinances and regulations of the Township of East Brunswick's Department of Health.
6. Recycling. A central pick up point shall be provided for waste to be recycled.

G. Electricity.

1. Power. Every MMH development or park shall be equipped with electrical power. All wiring shall be underground.
2. Protection. All metal parts of a mobile home shall be adequately grounded.

H. Fuel, Flammable Liquids and Cases.

1. Storage and handling of Fuel, Oil, and Flammable Liquids. The handling and storage of gasoline, fuel, oil or other flammable liquids shall be in compliance with the pertinent standards of the National Board of Fire Underwriters (Pamphlet No. 30).
2. Storage and handling of Liquified-Petroleum Gases. The handling and storage of liquified petroleum gases shall be in compliance with the applicable rules and regulations of the New Jersey State Department of Law and Public Safety, Division of State Police.
3. Racks. Fuel oil racks shall be of non-combustible material.

I. Water Supply and Sewers. All developments in the MMH Zone shall be served by public sewer and water facilities.

SECTION 14. Section 228-156.11. Open Space and Recreation.

A. No less than 10 percent of the total area within the development boundaries, including recreation areas, detention areas, common areas, and buffer zones, shall be set aside as open space.

B. Recreation facilities appropriate and suitable to the needs of the residents of the development, and which shall be available for the exclusive use of residents and their guests, shall be provided. Each development shall contain at least one useable recreation area of at least 30,000 square feet.

SECTION 15. Section 228-156.12. General Requirements and Provisions Applicable to MMH Parks.

A. Compliance. The provisions of this section comprise the minimum standards with which all parks intended for manufactured-modular housing and manufactured-mobile homes, as well as the management of same shall comply.

B. Licensing. No person shall construct or operate and maintain a park for mobile-manufactured houses or modular-manufactured houses on lands to be leased to a tenant unless such person shall first obtain a license for the construction and maintenance and operation thereof. No license shall be issued until site plan approval has been granted by the Township of East Brunswick upon

the payment of the required fee.

C. Operation of Mobile Home Parks and Fees.

1. Register. Every person holding a license for the operation of a MMH park shall keep and maintain or cause to be kept or maintained, a register in which shall be inscribed the true name and address of each and every person parking a mobile home at said mobile home park or leasing a mobile home or mobile home space at said park; the serial number of the mobile home, the date of arrival, date of departure, the age, name and last permanent address of the owner of the mobile home and the numbered space in the mobile home park occupied by said mobile home. Said register shall be at all times open for inspection by a member of the Police Department of the Township of East Brunswick or by the Sanitary Inspector of the Board of Health.
2. License and Registration Fees. Every person, firm or corporation obtaining a license as hereinabove provided shall pay to the Township of East Brunswick a license fee of \$250.00 per year for each MMH park and a fee of \$7.00 per calendar month for each mobile home registered in said MMH park during said month.
3. Purpose of Fees. The license fees herein imposed are imposed for the purpose of defraying municipal costs in providing services to residents in the MMH park.
4. Information for Township Clerk. Every person holding a license for the operation of a MMH park shall file with the Township Clerk not later than January 1st of each year a report setting forth the following:
 - a. The name, business and residence addresses and telephone numbers of the holder of the license or, if the holder thereof is a corporation, the name, business and residence addresses and telephone numbers of the officers of the corporation and of the principal of the mobile home park.
 - b. The name, business and residence addresses and telephone numbers of the person in charge of the supervision and operation of the water system.
 - c. The name, business and residence addresses and telephone numbers of the person in charge of the supervision and operation of the sewerage system.
 - d. The name, business and residence addresses and telephone numbers of the person in charge of the maintenance of the roads and streets in the MMH park.

In the event that there is any change in the identity of any of the persons aforementioned, notice of such change shall be filed with the Township Clerk within 48 hours from the date of such change.

5. Notice to Maintain Facilities and Road. The holder of the license shall cause all facilities to be maintained in good operating order and shall cause all roads and streets within the mobile home park to be plowed and sanded when conditions so require. Failure to comply with such requirements within 24 hours after notice by the Municipality to the holders of the license or to the person specified above with respect to any maintenance or repairs within the jurisdiction of such person shall constitute a violation of this Ordinance.

D. Administration.

1. Renewal Licenses. Licenses for the renewal of MMH park licenses previously issued to an applicant shall be issued upon consultation by the municipal agencies required in the case of original applications and public hearing, if it shall appear that the proposed MMH park conforms to this Ordinance and the design standards herein set forth, upon payment of the fees herein required. Application for a renewal license shall be made by filing of four (4) copies of a written application signed by the person, firm or corporation seeking a renewal license, which shall contain the following information and be accompanied by the following statements:
 - a. The application shall set forth the name and address of the owner of the MMH park and, if there has been a change in ownership, shall so state. If the MMH Park is owned by a corporation, the renewal application shall state the names and addresses of the owners of 10 percent or more of the issued outstanding capital stock of the said corporation and, in the event of a change in ownership of 10 percent of the issued outstanding stock of any such corporation, such change in ownership shall also be noted.
 - b. The application shall set forth any changes in the MMH park with respect to matters set forth in the last application and shall contain all data required with respect to an original application concerning any said changes unless such changes have been previously approved.
2. Approval to Operate. MMH parks shall not be operated by any person until the governing body has given formal approval therefor by issuance of an appropriate license or permit. This license or permit shall be displayed in

in a conspicuous place on the premises where it can easily be observed. No person shall operate an MMH park whose license therefor is suspended.

3. Suspension of License or Permit to Operate. The license or permit of any person to operate an MMH park may be suspended at any time for good cause by the governing body upon ten (10) days notice in writing after due hearing. The person whose license or permit has been suspended, or his representative in charge of the MMH park, shall, at the time of such license for suspension be informed why the license or permit to operate the MMH park is suspended, the reason for such action and the remedial action to be taken before the suspension may be lifted. Application for reinstatement of such license may be made any time thereafter and may be granted upon satisfactory proof of remedial action.

E. Alterations to MMH Parks and Facilities.

1. Application for Approval. Applications for approval of plans and specifications for modifications, alterations, extension or expansion of a licensed MMH park shall be made to the governing body before work is commenced thereon and no such facility shall be put in use without the approval of the Township of East Brunswick.
2. Procedure. Duplicate copies of all applications filed by the park management with the State Department of Health for permission to make such alterations, as well as copies of all plans and specifications accompanying said applications and certified copies of all approvals and permits issued by said Department, shall be filed with said application. If the documents submitted to the Department do not set forth data and details required by the more restrictive provisions of this Ordinance, additional plans and specifications showing the same shall be submitted. If the governing body finds that such applications meet the requirements of this Ordinance, it shall issue an approval for the work upon such reasonable terms and conditions as it shall deem appropriate, including inspection and approval by the Township Engineer. No new MMH space shall be put in use until its construction has received final approval, after site plan approval by the East Brunswick Planning Board.

F. Penalties.

1. Violations and Penalties.
 - a. Any person, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction, be subject to a fine not to exceed Five Hundred (\$500.00) Dollars or by imprisonment for a period of not to exceed

ninety (90) days or by both such fine and such imprisonment.

- b. Each day that a violation exists shall be deemed to be a separate violation and separate offense for which a summons may issue and penalty be imposed.

SECTION 16. Section 228-156.13. Lower Income Housing. Any development in the MMH Zone shall be subject to the lower income housing requirements set forth in the Affordable Housing Ordinances of the Township of East Brunswick, as well as such additional standards as may be set forth in that Ordinance as applicable to the MMH Zone, and additional regulations consistent with those standards that may be adopted by the Affordable Housing Agency of the Township of East Brunswick.

SECTION 17. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 18. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

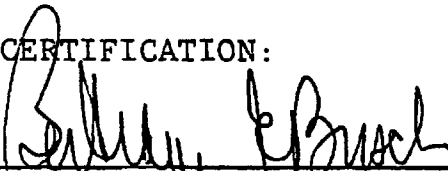
SECTION 19. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:



Township Attorney

Administrator

.....

Planning Consultant

Township of East Brunswick, N.J.

201/254 - 4600

1 JEAN WALLING CIVIC CENTER 08

Ordinance _____

Dated _____

ORDINANCE AMENDING CHAPTER 228, ZONING, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY MODIFYING THE BOUNDARIES OF THE C-2 (NEIGHBORHOOD BUSINESS) DISTRICT ALONG THE SOUTHERLY SIDE OF HELMETTA BOULEVARD AND THE NORTHERLY SIDE OF OLD STAGE ROAD WHEREBY THE AFFECTED LANDS WILL BE REZONED FROM OP-1 (OFFICE PROFESSIONAL) TO C-2 (NEIGHBORHOOD BUSINESS).

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 228, Zoning, of the Code of the Township of East Brunswick is hereby amended by the addition of the following:

SECTION 2. Section 228-5. Adoption of Zoning Map.

Q. Adoption of Zoning Map. The C-2 (Neighborhood Business) Zone as shown and described on the Zoning Map of the Township

Rejected

Approved _____ Mayor

_____ Date

Reconsidered by Council _____ Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. |
| Baker | | | | | | | Baker | | | | | |
| Denahan | | | | | | | Denahan | | | | | |
| Hudak | | | | | | | Hudak | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | |
| Weber | | | | | | | Weber | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec.-Seconded

of East Brunswick dated July, 1978 is hereby enlarged to include all that area previously zoned OP-1 bounded by the southerly side of Helmetta Boulevard and the northerly side of Old Stage Road and as more particularly described in Schedule A annexed hereto. The Zoning Map of the Township of East Brunswick shall be deemed to have been changed in accordance with this Ordinance notwithstanding the fact that the enlarged boundaries for the C-2 Zone are not shown thereon. This amendment is being made pursuant to a settlement of litigation against the Township of East Brunswick.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 4. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

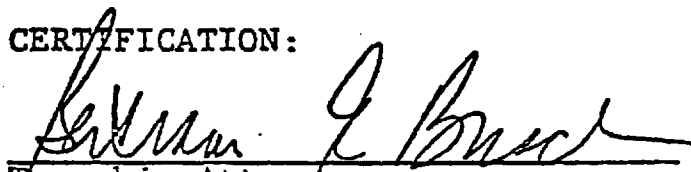
SECTION 5. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:


Township Attorney

Administrator

.....

Planning Consultant

April 4, 1984

DESCRIPTION OF LANDS PRESENTLY ZONED OP-1,
KNOWN AS THAT PORTION OF LOT 1.01 AND ALL OF LOT 3
IN BLOCK 323, TO BE REZONED TO C-2, PROPERTY
SITUATED IN THE TOWNSHIP OF EAST BRUNSWICK,
MIDDLESEX COUNTY, NEW JERSEY

Beginning at a point in the centerline of Old Stage Road (a paper street); said point being distant 450± feet northeasterly from the centerline intersection of Cranbury Road and from thence running:

1. Northeasterly through lot 1.10 and along the rear lot lines of lots 1.04, 1.01, 1.07, 1.08 and 1.05 to the southerly line of lot 2.02; thence
2. Southeasterly and northeasterly along the rear of lot 2.02, a distance of 230± feet to the centerline of Helmetta Boulevard; thence
3. Southeasterly and along the centerline of Helmetta Boulevard, a distance of 700± feet to the centerline intersection of Old Stage Road (a paper street); thence
4. Easterly along the various courses of the centerline of Old Stage Road (a paper street), a distance of 1050± feet to a point in the centerline of Old Stage Road which is distant 450± feet northeasterly from the centerline of Cranbury Road, the point of beginning.

Containing 7± Acres

1250C/111

Township of East Brunswick, I

No. _____

DATE OF ADOPTION _____

RESOLUTION AUTHORIZING COMMUNITY BUS SERVICE TO MMH ZONE.

WHEREAS, the East Brunswick Township Council has made a commitment to provide affordable housing in accordance with the ruling of the Supreme Court of New Jersey in the Mount Laurel II case and as part of the proposed settlement of pending litigation, the Township of East Brunswick has adopted or will adopt a zoning ordinance creating an MMH Zone to provide for manufactured modular housing and manufactured mobile housing south of Helmetta Boulevard and southeast of Cranbury Road as more particularly set forth in the zoning ordinance creating the MMH Zone; and

WHEREAS, the Township of East Brunswick will make community services available to the people who eventually will reside in the MMH Zone.

NOW THEREFORE, BE IT RESOLVED by the East Brunswick Township Council that it hereby declares its intent to institute bus service to the MMH Zone at such time as the tract is developed should the Township institute community bus service anywhere in the Township of East Brunswick.

CERTIFICATION:



 Township Attorney

 Administrator

| RECORD VOTE OF COUNCIL ON FINAL PASSAGE | | | | | | | | | |
|---|---|---|----|----|---------------|---|---|----|----|
| Councilmember | Y | N | NV | Ab | Councilmember | Y | N | NV | Ab |
| Baker | | | | | O'Connor | | | | |
| Denahan | | | | | Weber | | | | |
| Hudak | | | | | | | | | |
| x - indicates vote. NV - Not Voting Ab - Absent | | | | | | | | | |

THIS IS TO CERTIFY that this is a true and compared copy of a resolution adopted by the Municipal Council of the Township of East Brunswick on _____, 19

Township of East Brunswick, N.J.

01/254 - 4600

1 JEAN WALLING CIVIC CENTER 08

Finance _____

Dated _____

ORDINANCE AMENDING CHAPTER 228, ZONING, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY PROVIDING AN OPTION ZONE OF VILLAGE GREEN II (VG II) IN THE R-1 ZONE KNOWN AS CRANBURY ROAD SOUTH BOUNDED ON THE SOUTH BY HELMETTA BOULEVARD, ON THE EAST BY OLD STAGE ROAD, ON THE NORTH BY FERN ROAD AND ON THE WEST BY CRANBURY ROAD, ALL AS MORE PARTICULARLY DESCRIBED IN SCHEDULE A ANNEXED HERETO.

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 228, Zoning, of the Code of the Township of East Brunswick is hereby amended by the addition of the following:

SECTION 2. Section 228-5. Adoption of Zoning Map.

S. Adoption of Zoning Map. The R-1 (Single Family Rural Residence) Zone as shown and described on the

Rejected

Approved _____ Mayor

_____ Date

Reconsidered by Council _____ Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | Second Reading | | | | | | |
|---------------|-----|----|------|------|------|----------------|---------------|-----|----|------|------|------|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. |
| Baker | | | | | | | Baker | | | | | |
| Denahan | | | | | | | Denahan | | | | | |
| Hudak | | | | | | | Hudak | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | |
| Weber | | | | | | | Weber | | | | | |

Zoning Map of the Township of East Brunswick dated July, 1978 and as more particularly described on Schedule A annexed hereto is hereby amended to include a VG II (Village Green II) option. The Zoning Map of the Township of East Brunswick shall be deemed to have been changed in accordance with this Ordinance notwithstanding the fact that the enlarged boundaries for the Village Green II Option Zone are not shown thereon. This amendment is being made pursuant to a settlement of litigation against the Township of East Brunswick.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 4. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

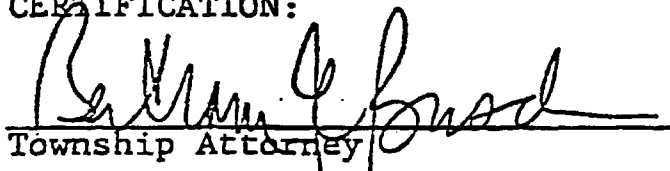
SECTION 5. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:


Township Attorney

Administrator

.....

Planning Consultant

April 4, 1984

DESCRIPTION OF PROPERTY ZONED R-1 LOCATED IN THE
TOWNSHIP OF EAST BRUNSWICK, MIDDLESEX COUNTY,
NEW JERSEY, TO BE REZONED TO VG-II

Being all those lands bounded by Cranbury Road on the North, Fern Road on the East, Old Stage Road on the South and Helmetta Boulevard on the West.

Being all lots in Block 321, with the exception of the following:

Lots 2.01, 2.04, 2.06, 2.07, 3.01, 3.02, 3.03, 4.01, 4.02, 5, 6.01, 6.03, 6.07, 6.08, 6.10, 6.11, 7, 13, 14, 15.01, 15.03, 15.05, 15.06, 17.01, 20.02, 28.03, 28.06.

1250C/114

CONT. 189³ AC

SCHEDULE A

Township of East Brunswick,

201/254 - 4600

1 JEAN WALLING CIVIC CENTER

Finance _____

Dated _____

ORDINANCE AMENDING CHAPTER 228, ZONING, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY PROVIDING AN MXD/R (MIXED USE DEVELOPMENT/ RESIDENTIAL) ZONE AS AN OPTION ZONE FOR THE TRACT KNOWN AS WEINGARTEN-TURNPIKE DRIVE-IN.

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 228, Zoning, of the Code of the Township of East Brunswick is hereby amended by the addition of the following:

SECTION 2. Section 228-5. Adoption of Zoning Map.

There is hereby created an MXD/R (Mixed Use Development/Residential) Zone as more particularly described on the metes and bounds description annexed hereto as Schedule A and covering the tract known as Weingarten-

Rejected

Approved _____ Mayor

_____ Date

Reconsidered by Council _____

Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. |
| Baker | | | | | | | Baker | | | | | |
| Denahan | | | | | | | Denahan | | | | | |
| Hudak | | | | | | | Hudak | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | |
| Weber | | | | | | | Weber | | | | | |

Turnpike Drive-In as an Option Zone for the existing O-1 (Office), Professional and Apartment District and C-3, General Commercial District. The Zoning Map of the Township of East Brunswick shall be deemed to have been changed in accordance with this Ordinance notwithstanding the fact that the enlarged boundaries for the MXD/R (Mixed Use Development/Residential) Zone are not shown thereon. This amendment is being made pursuant to a settlement of litigation against the Township of East Brunswick.

SECTION 3.

Article XXV. C.

Regulations for the MXD/R (Mixed Use Development/Residential) District.

Section 228-217.26. Purpose and Intent. It is the intent of the Township of East Brunswick to enable the use of more than fifty (50%) percent of the land in an MXD/R Zone for multi-family residential structures and townhouses, including and encouraging a variety of housing types and styles in order to satisfy the obligations of the Township arising out of the Mount Laurel II litigation and in order to achieve affordable housing in the MXD/R Zone in accordance with Mount Laurel standards. It is the intent of the Township of East Brunswick to incorporate in the MXD/R Zone the density bonus provisions currently found in the density limitations for planned unit residential developments in Village Green II and IIA and Village Green III and IIIA and Town Green in Section 132-41 of the Code of the Township of East Brunswick.

SECTION 4. Section 228-217.27. Definition of MXD/R.

An MXD/R Zone is in accordance with the existing MXD Ordinance, Section 228-217.1(c) and incorporates by reference Section 228-217.3.

SECTION 5. Section 228-217.28. Permitted Uses.

A. Permitted uses in the MXD/R Zone are more particularly set forth in Section 228-217.4, Subsections A through E and G through N but only to the extent that such uses have direct access from Route 18.

B. Multi-family residential structures and townhouses including and encouraging a variety of housing types and styles are permitted on the balance of the tract in an MXD/R Zone. The total residential use may take place throughout the MXD/R Zone.

SECTION 6. Section 228-217.29. Prohibited Uses.
See Section 228-217.4.1.

SECTION 7. Section 228-217.30. Standards.

The standards set forth in Section 228-217.5
for an MXD Zone are incorporated by reference.

SECTION 8. Section 228-217.31. Density Limitations
for Residential Uses.

Density limitations for mixed use developments/
residential shall be as follows:

A. Townhouses: Twelve (12) dwelling units per
acre net density for structures three (3) stories
or less.

B. Apartments (Multi-Family Units). Sixteen (16)
dwelling units per acre net density for structures
three (3) stories of less.

C. The density bonus provisions provided in
Section 132-41 are hereby incorporated in this
Section by increasing the gross density set forth
above one (1) additional unit of conventional
housing per acre for each unit of low or moderate
income housing per acre provided by the developer
and an additional one (1) unit per acre of con-
ventional housing where the developer constructs
low or moderate income units in a scatter site
fashion throughout the development as more parti-
cularly set forth in Section 132-41.C of the Code.

SECTION 9. Section 228-217.32. Required Public Facilities
and Improvements.

A. As is set forth in Section 228-217.8.

SECTION 10. Section 228-217.33. Facilities for Pedestrians,
Bicyclists and Vehicles.

A. As is set forth in Section 228-217.9.

SECTION 11. Section 228-217.34. Environmental Considerations.

A. As is set forth in Section 228-217.10.

SECTION 12. Section 228-217.35. Timing for Development.

A. As is set forth in Section 228-217.11.

SECTION 13. Section 228-217.36. Approval Procedure.

A. As is set forth in Section 228-217.12.

SECTION 13. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 14. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 15. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:



Township Attorney

Administrator

Planning Consultant

April 4, 1984

DESCRIPTION OF LANDS ZONED MXD, KNOWN AS
LOTS 3.29 AND 4.01 IN BLOCK 26 TO BE REZONED
MXD/R, PROPERTY SITUATED IN THE TOWNSHIP OF
EAST BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY

Beginning at a point in the centerline of Rennee Road opposite the northwest corner of Lot 3.29 in Block 26 and from said beginning point running:

1. Northeasterly along the northerly line of Lot 3.29, a distance of 1170₊ feet to the northwesterly corner of Lot 3.27; thence
2. Southeasterly along the rear line of Lots 3.27 and 3.28, a distance of 244.6₊ feet; thence
3. Northeasterly along the southerly line of Lot 3.28, a distance of 230₊ to the centerline of Route 18; thence
4. Southeasterly along the centerline of Route 18, a distance of 300₊ feet to a point; thence
5. Southwesterly and along the northerly line of Lot 3.31, a distance of 230₊ feet; thence
6. Southeasterly and along the westerly line of Lots 3.31 and 3.32, a distance of 300₊ feet to a point in the northerly line of Lot 3.33; thence
7. Southwesterly along the northerly line of Lot 3.33, a distance of 235₊ feet; thence
8. Southeasterly and along the westerly line of Lot 3.33, a distance of 200₊ feet to the centerline of Tices Lane; thence
9. Southwesterly along the various courses of the centerline of Tices Lane, a distance of 1070₊ feet to the centerline intersection of Rennee Road; thence
10. Northwesterly along the various courses of the centerline of Rennee Road, a distance of 850₊ feet to a point opposite the northwest corner of Lot 3.29; the point of beginning.

Containing 26₊ acres

1220C/75

April 4, 1984

DESCRIPTION OF LANDS ZONED O-I, KNOWN AS
LOT 2 IN BLOCK 26.03, TO BE REZONED MXD/R,
PROPERTY SITUATED IN THE TOWNSHIP OF EAST BRUNSWICK,
MIDDLESEX COUNTY, NEW JERSEY

Beginning at a point in the centerline of Rennee Road opposite the easterly corner of Lot 2 in Block 26.03 and from thence running:

1. Westerly along the southerly line of Lot 2, a distance of 930_± feet; thence
2. Northerly along the westerly line of Lot 2, a distance of 12_± feet to the southwest corner of Lot 1; thence
3. Northeasterly along the southerly line of Lot 1, a distance of 800_± feet to the centerline of Rennee Road; thence
4. Southeasterly along the various courses of the centerline of Rennee Road, a distance of 300_± feet to a point opposite the easterly corner of Lot 2, the point of beginning.

Containing 2_± acres

1220C/84

Finance _____

Dated _____

ORDINANCE AMENDING CHAPTER 228, ZONING, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY PROVIDING AN OPTION ZONE OF VILLAGE GREEN II (VG II) IN THE I/M (INDUSTRIAL/MANUFACTURING) ZONE FOR PROPERTY KNOWN AS BONUS/SOUTH RIVER SAND, ALL AS MORE PARTICULARLY DESCRIBED IN SCHEDULE A ANNEXED HERETO, TO BE EFFECTIVE EITHER WHEN THE TOWNSHIP SHALL HAVE DETERMINED THAT ACTIVE MINING ON THE TRACT HAS CEASED OR ON DECEMBER 31, 1989, WHICHEVER SHALL BE SOONER.

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 228, Zoning, of the Code of the Township of East Brunswick is hereby amended by the addition of the following:

SECTION 2. Section 228-5. Adoption of Zoning Map.

T. Adoption of Zoning Map. The I/M (Industrial/

Rejected

Approved _____ Mayor _____ Date

Reconsidered by Council _____ Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|--|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. | |
| Baker | | | | | | | Baker | | | | | | |
| Denahan | | | | | | | Denahan | | | | | | |
| Hudak | | | | | | | Hudak | | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | | |
| Weber | | | | | | | Weber | | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

Manufacturing) Zone as shown and described on the Zoning Map of the Township of East Brunswick dated July, 1978 and as more particularly shown on Schedule A annexed hereto is hereby amended to include a Village Green II (VG II) Option Zone subject to the following:

(a) The zoning change will not become effective until all active mining in the Zone has ceased, as certified to by the Township of East Brunswick or until December 31, 1989, but in no event later than December 31, 1989. The Township Engineer shall annually inspect the subject property and shall report to the Township Council upon receiving a report that active mining has ceased, the Township Council shall forthwith certify by ordinance the effective date of the change of zoning set forth herein. The Zoning Map of the Township of East Brunswick shall be deemed to have been changed in accordance with this Ordinance to provide the VG II Option in the subject property with a notation that the Township shall have the responsibility of determining when active mining has ceased.

(b) No part of the tract described on Schedule A annexed hereto may be developed to Village Green II standards until the Township has certified that all active mining has ceased throughout the tract, or until December 31, 1989, whichever is sooner.

(c) This amendment is being made pursuant to a settlement of litigation against the Township of East Brunswick.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 4. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:

Township Attorney

Administrator

Planning Consultant

April 4, 1984

DESCRIPTION OF LANDS ZONED I/M, KNOWN AS LOTS 1, 2.01
AND 2.02 IN BLOCK 134, TO BE REZONED VG-II, PROPERTY
SITUATED IN THE TOWNSHIP OF EAST BRUNSWICK,
MIDDLESEX COUNTY, NEW JERSEY

Beginning at a point in the centerline of River Road opposite the municipal boundary line between East Brunswick Township and the Borough of South River at the northwest corner of Lot 1 in Block 134 and from thence running:

1. Easterly along the various courses of the municipal boundary line, a distance of 2765_± feet to the centerline of the South River and municipal boundary line of the Borough of Sayreville; thence
2. Southerly along the various courses of the centerline of the South River and municipal boundary line of the Borough of Sayreville, a distance of 4900_± feet to a point opposite the southerly line of Lot 2.01; thence
3. Westerly and along the southerly line of Lot 2.01, a distance of 550_± feet to the centerline of River Road; thence
4. Along the various courses of the centerline of River Road, a distance of 3318_± feet to a point opposite the northwest corner of Lot 1 in Block 134, the point of beginning.

Containing 156_± Acres

1250C/113

SCHEDULE A

Township of East Brunswick, N.J.

201/254 - 4600

1 JEAN WALLING CIVIC CENTER 088

Finance _____

Dated _____

ORDINANCE AMENDMENT. RE: AFFORDABLE HOUSING,
BY AMENDING SECTION 132-42.1 OF THE CODE OF
THE TOWNSHIP OF EAST BRUNSWICK.

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 132, Land Use Procedures, of the Code of the Township of East Brunswick is hereby amended by the addition of all of the language contained in the Schedule annexed hereto.

SECTION 2. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Rejected

Approved

Mayor

Date

Reconsidered by Council _____

Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | Second Reading | | | | | | |
|---------------|-----|----|------|------|------|----------------|---------------|-----|----|------|------|------|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. |
| Baker | | | | | | | Baker | | | | | |
| Denahan | | | | | | | Denahan | | | | | |
| Hudak | | | | | | | Hudak | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | |
| Weber | | | | | | | Weber | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

SECTION 3. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

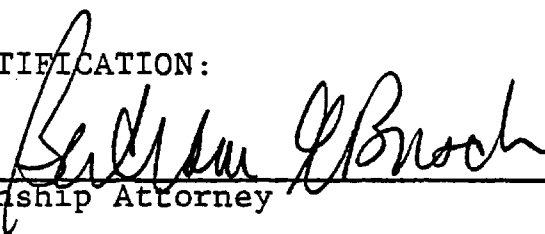
SECTION 4. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:



Township Attorney

Administrator

Planning Consultant

Proposed revisions to Affordable Housing Ordinance

Section 132-42.1.

B. Definitions.

(4) "Income ceiling" means 80% of regional median income for moderate income and 50% of regional median income for low income.

Section 132-42.1.

C.(2) Qualifications. Prospective purchasers or renters of Low or Moderately Priced Dwelling Units must be qualified prior to purchase or rental as a Family of Low or Moderate Income. A low income family is a family with income less than 50% of regional median income, with adjustments for family size, and a moderate income family is a family with income between 50% and 80% of median income, with adjustments for family size. Through July 31, 1990, median income is defined as 94% of the median income of the PMSA in which Middlesex County is located. Subsequent to July 31, 1990, median income is defined as 96% of the median income of the PMSA in which Middlesex County is located. Regional median income shall be recalculated at least once annually if official adjustments have been made in the PMSA median income.

(3) Affordable sales price. The following procedure shall apply to determine affordable sales prices:

(a) A preliminary sales price shall be calculated such that the sum of the monthly payments for principal, interest, taxes, fire, theft and liability insurance and

homeowner association fees shall not exceed 28% of the low or moderate income ceiling determined in accordance with section C(2) above. A ten percent down payment requirement and a thirty year mortgage term shall be assumed in making this calculation.

In calculating the monthly interest payment, the interest rate provided by the developer as being available to the subject development shall be utilized. If the developer or any other entity offers to buy down the prevailing rate of interest for a minimum of three years commencing at the time of purchase, and the terms of the buydown provide that the increase in interest rate charged does not exceed one half of one percent (0.5%) per year during the period of the buydown, the interest rate for the first year of the buydown period shall be used in the calculation above to determine affordability. If the increase in the interest rate exceeds one half of one percent (0.5%) per year, the average interest rate for the period of the buydown shall be used.

(b) The final sales price shall be determined as a percentage of the preliminary sales price, in order to assure that the unit is affordable by families whose income is less than the low or moderate income ceiling.

(1) If the proposed development includes fewer than one hundred low income units or fewer than one hundred moderate income units, the final sales price shall be ninety percent (90%) of the preliminary sales price for each

category of low or moderate income units calculated pursuant to subsection (a) above.

(2) If the proposed development includes one hundred or greater low income units, or one hundred or greater moderate income units, the final sales price for one half of each category of low or moderate income units shall be set at 95% of the preliminary sales price calculated pursuant to subsection (a) above, and one half of each category of low or moderate income units shall be set at 85% of the preliminary sales price calculated pursuant to subsection (a) above. A unit priced at 85% of the preliminary sales price shall not be offered for sale to any family with an income greater than 95% of the low or moderate income ceiling, whichever is applicable.

(4) Affordable rental charges. The following procedure shall apply to determine affordable rental charges.

(a) A preliminary rental charge shall be calculated such that the sum of the monthly rental payment, including utilities, does not exceed 30% of the low or moderate income ceiling, determined in accordance with section (c)(2) above.

If the cost of utilities is not included in the monthly rental charge, an estimated monthly cost for utilities shall be calculated, using estimating techniques generally accepted by the housing industry, provided that an estimate of utilities costs established by the developer shall be used if consistent with such generally accepted techniques. Utilities shall include the cost of providing heat, water, hot water and electricity.

(b) a final rental charge shall be calculated as a percentage of the preliminary rental charge, in order to assure that the unit is affordable by families whose income is less than the low or moderate income ceiling, whichever is applicable.

(1) If the proposed development includes fewer than one hundred low income units or fewer than one hundred moderate income units, the final rental charge shall be ninety percent (90%) of the preliminary rental charge for each category of low or moderate income units calculated pursuant to subsection (a) above.

(2) If the proposed development includes one hundred or greater low income units, or one hundred or greater moderate income units, the final rental charge for one half of each category of low or moderate income units shall be set at 95% of the preliminary rental charge calculated pursuant to subsection (a) above, and one half of each category of low or moderate income units shall be set at 85% of the preliminary rental charge calculated pursuant to subsection (a) above. A unit priced at 85% of the preliminary rental charge shall not be offered for sale to any family with an income greater than 95% of the low or moderate income ceiling, whichever is applicable.

(5) For the purpose of determining sales prices and rental charges, the following table shall provide the unit

size based on family size:

| | |
|------------|-------------|
| efficiency | 1 person |
| 1 bedroom | 2 persons |
| 2 bedrooms | 3.5 persons |
| 3 bedrooms | 4.5 persons |
| 4 bedrooms | 5 persons. |

(6) Table I below contains the maximum affordable sales prices for condominium ownership, Table II contains the maximum affordable sales prices for fee simple ownership, and Table III contains the affordable rental charges for low and moderate income families, calculated using the median income data effective as of April 30, 1984. These tables shall be updated at least once annually to reflect changes in the median income and shall be used by the Agency as a guide for determining affordable sales prices and rental charges.

The following assumptions were made in preparing a sales tables:

- (a) a ten percent downpayment and a mortgage with the thirty year term;
- (b) the property tax rate in effect in East Brunswick as of April 30, 1984;
- (c) fire, theft and liability insurance was estimated to be \$40 per \$10,000 house value; and
- (d) homeowners' association fees were estimated to be \$150 annually per \$10,000 house value.

Section 132-42.1

E. Restrictions. Notwithstanding the resale restrictions imposed upon low or moderately priced dwelling units, there shall be no such restrictions in the case of foreclosure and resale by a lender after foreclosures. Restrictions on resale will expire thirty (30) years from the date of the initial sale of the premises.

TABLE I

MAXIMUM PRICE OF CONDOMINIUM UNIT BY MORTGAGE INTEREST RATE AFFORDABLE TO LOW AND MODERATE INCOME HOUSEHOLDS BY FAMILY SIZE IN EAST BRUNSWICK TOWNSHIP

NOTE: ACTUAL SELLING PRICES MUST BE 10%-20% LOWER IN ORDER TO PROVIDE RANGE OF AFFORDABILITY

| INTEREST RATE | HOUSEHOLD SIZE | | | | | | |
|---|----------------|----------|----------|----------|----------|----------|----------|
| | 1 | 2 | 3 | 3.5 | 4 | 4.5 | 5 |
| <u>LOW INCOME (50% OF MEDIAN ADJUSTED FOR FAMILY SIZE)</u> | | | | | | | |
| 8% | \$24,070 | \$27,540 | \$31,010 | \$32,690 | \$34,370 | \$35,770 | \$37,170 |
| 9% | 22,680 | 25,950 | 29,220 | 30,805 | 32,390 | 33,710 | 35,030 |
| 10% | 21,410 | 24,500 | 27,590 | 29,080 | 30,570 | 31,815 | 33,060 |
| 11% | 20,250 | 23,170 | 26,090 | 27,500 | 28,910 | 30,090 | 31,270 |
| 12% | 19,190 | 21,950 | 24,720 | 26,060 | 27,400 | 28,515 | 29,630 |
| 13% | 18,210 | 20,840 | 23,470 | 24,740 | 26,010 | 27,065 | 28,120 |
| 14% | 17,320 | 19,820 | 22,320 | 23,525 | 24,730 | 25,740 | 26,750 |
| <u>MODERATE INCOME (80% OF MEDIAN ADJUSTED FOR FAMILY SIZE)</u> | | | | | | | |
| 8% | 38,510 | 44,000 | 49,600 | 52,340 | 55,080 | 56,760 | 58,440 |
| 9% | 36,290 | 41,460 | 46,740 | 49,325 | 51,910 | 53,490 | 55,070 |
| 10% | 34,260 | 39,140 | 44,120 | 46,560 | 49,000 | 50,495 | 51,990 |
| 11% | 32,400 | 37,010 | 41,720 | 44,030 | 46,340 | 47,960 | 49,160 |
| 12% | 30,700 | 35,070 | 39,530 | 41,715 | 43,900 | 45,240 | 46,580 |
| 13% | 29,140 | 33,290 | 37,530 | 39,605 | 41,680 | 42,950 | 44,220 |
| 14% | 27,720 | 31,660 | 35,690 | 37,665 | 39,640 | 40,850 | 42,060 |

NOTE: Condominium carrying costs include association fees at \$150 per year per \$10,000 house value; e.g., \$50/month in a \$40,000 unit. If homeowner is not responsible for association fees, fee simple chart should be used to determine affordability.

All numbers rounded to nearest \$10

TABLE II

MAXIMUM PRICE OF FEE SIMPLE UNIT BY MORTGAGE INTEREST RATE AFFORDABLE TO LOW AND MODERATE INCOME HOUSEHOLDS BY FAMILY SIZE IN EAST BRUNSWICK TOWNSHIP

NOTE: ACTUAL SELLING PRICES MUST BE 10%-20% LOWER IN ORDER TO PROVIDE RANGE OF AFFORDABILITY

| INTEREST RATE | HOUSEHOLD SIZE | | | | | | |
|---|----------------|----------|----------|----------|----------|----------|----------|
| | 1 | 2 | 3 | 3.5 | 4 | 4.5 | 5 |
| <u>LOW INCOME (50% OF MEDIAN ADJUSTED FOR FAMILY SIZE)</u> | | | | | | | |
| 8% | \$27,350 | \$31,300 | \$35,240 | \$37,150 | \$39,060 | \$40,650 | \$42,240 |
| 9% | 25,570 | 29,260 | 23,950 | 30,235 | 36,520 | 38,005 | 39,490 |
| 10% | 23,970 | 27,430 | 30,880 | 32,555 | 34,230 | 35,620 | 37,010 |
| 11% | 22,520 | 25,770 | 29,020 | 30,585 | 32,150 | 33,465 | 34,780 |
| 12% | 21,210 | 24,270 | 27,330 | 28,810 | 30,290 | 31,525 | 32,760 |
| 13% | 20,030 | 22,920 | 25,810 | 27,205 | 28,600 | 29,765 | 30,930 |
| 14% | 18,960 | 21,690 | 24,430 | 25,750 | 27,070 | 28,175 | 29,280 |
| <u>MODERATE INCOME (80% OF MEDIAN ADJUSTED FOR FAMILY SIZE)</u> | | | | | | | |
| 8% | \$43,760 | \$50,000 | \$56,360 | \$59,475 | \$62,590 | \$64,500 | \$66,410 |
| 9% | 40,920 | 46,750 | 52,690 | 60,305 | 58,520 | 60,305 | 62,090 |
| 10% | 38,350 | 43,810 | 49,390 | 52,120 | 54,850 | 56,520 | 58,190 |
| 11% | 36,030 | 41,170 | 46,410 | 48,975 | 51,540 | 53,110 | 54,680 |
| 12% | 33,940 | 38,780 | 43,710 | 46,130 | 48,550 | 50,030 | 51,510 |
| 13% | 32,050 | 36,610 | 41,270 | 43,555 | 45,840 | 47,235 | 48,630 |
| 14% | 30,330 | 34,650 | 39,060 | 41,220 | 43,380 | 44,705 | 46,030 |

NOTE: Fee simple carrying costs include mortgage payment, property taxes, and insurance only.

All numbers rounded to nearest \$10

TABLE III

AFFORDABLE RENT LEVELS FOR LOW AND MODERATE INCOME HOUSEHOLDS
IN MIDDLESEX COUNTY (BASED ON 1983 MEDIAN INCOMES FOR 11-COUNTY
REGION)

| UNIT TYPE | STUDIO | 1 BR | 2 BR | 3 BR | |
|-----------------------------------|--|---------|---------|----------------------|----------------------|
| HOUSEHOLD SIZE | 1 | 2 | 3.5 | 4.5 | |
| <u>MODERATE INCOME HOUSEHOLDS</u> | | | | | |
| 1 | MEDIAN INCOME | \$17200 | \$19650 | \$23375 ¹ | \$25350 ² |
| 2 | x .30 ³ | \$ 5160 | \$ 5895 | \$ 7013 | \$ 7605 |
| 3 | x .90 ⁴ | \$ 4644 | \$ 5305 | \$ 6311 | \$ 6844 |
| 4 | MONTHLY GROSS RENT AFFORDABLE (Row 3 ÷ 12) | \$ 387 | \$ 442 | \$ 526 | \$ 570 |
| 5 | LESS ESTIMATED ⁵ UTILITIES | (40) | (50) | (70) | (90) |
| 6 | MONTHLY NET RENT AFFORDABLE | \$ 347 | \$ 392 | \$ 456 | \$ 480 |
| <u>LOW INCOME HOUSEHOLDS</u> | | | | | |
| 1 | MEDIAN INCOME | \$10750 | \$12300 | \$14600 ¹ | \$15975 ² |
| 2 | x .30 ³ | \$ 3225 | \$ 3690 | \$ 4380 | \$ 4793 |
| 3 | x .90 ⁴ | \$ 2902 | \$ 3321 | \$ 3942 | \$ 4313 |
| 4 | MONTHLY GROSS RENT | \$ 242 | \$ 277 | \$ 328 | \$ 359 |
| 5 | LESS UTILITIES ⁵ | (40) | (50) | (70) | (90) |
| 6 | MONTHLY NET RENT AFFORDABLE | \$ 202 | \$ 227 | \$ 258 | \$ 269 |

NOTES:

- (1) Average of median income for 3 person and 4 person households
- (2) Average of median income for 4 person and 5 person household
- (3) 30% of gross income. This row represents the maximum that a household at the ceiling of the income category can afford to spend for rent including utilities.
- (4) Maximum rent should not exceed rent that a family earning 90% of the income ceiling can afford to pay.
- (5) Based on general estimates for utility costs for units of varying size; where more precise information is available, it should be applied rather than these estimates.

TOWNSHIP OF EAST BRUNSWICK, N.J.

201/254 - 4600

1 JEAN WALLING CIVIC CENTER 08

Ordinance _____

Dated _____

ORDINANCE AMENDMENT BY ADDING NEW SECTION TO CHAPTER 132, LAND USE PROCEDURES, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY PROVIDING FOR MANDATORY SET ASIDE ON CERTAIN RESIDENTIAL DEVELOPMENTS.

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 132, Land Use Procedures, of the Code of the Township of East Brunswick is hereby amended by the addition of a new section known as Section 132-42.1F, Mandatory Set Aside, contained in the schedule annexed hereto.

SECTION 2. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Rejected

Approved _____ Mayor

_____ Date

Reconsidered by Council _____

Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. |
| Baker | | | | | | | Baker | | | | | |
| Denahan | | | | | | | Denahan | | | | | |
| Hudak | | | | | | | Hudak | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | |
| Weber | | | | | | | Weber | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

SECTION 3. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

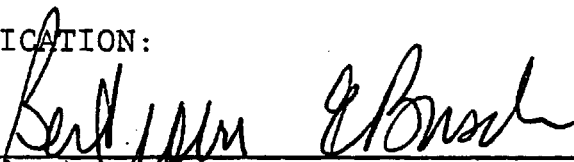
SECTION 4. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:



Township Attorney

Administrator

Planning Consultant

MANDATORY SET-ASIDE ORDINANCE

Section 132-42.1F

1. This section shall be applicable to all development plan approvals in the VG-II, VG-IIA, VG-III, VG-IIIA, TG and MXD/R zones, as more particularly set forth herein.

2. Each application for development subject to this section shall clearly state the number of low and moderate income housing units, as defined in §132-42.1, that are proposed for inclusion within the development, and each resolution of approval shall clearly state the number of such units that are approved as part of the development.

3. In order to effectuate the township's goal of providing for its fair share of the regional need for lower income housing, each applicant for development subject to this section shall be encouraged to take advantage of the density bonus provisions contained section 132-41.

4. Each approved development shall contain lower-income housing units, as defined in §132-42.1, in a minimum proportion of five percent of the total number of units that may be developed, assuming full development at the minimum density provided by right in each zone. Any development subject to this requirement shall in addition be permitted to utilize the density bonus provisions of §132-41, provided, however, that the number of lower income units equal to the five percent mandatory set-aside requirement contained herein shall be developed in addition to those lower income units developed through use of the density bonus provisions.

5(a). Upon approval of any development application, the number of lower income units included within the approved project shall be compared to the table contained in Appendix A, to determine whether the number of such units falls within the range of units that could be achieved by use of the density bonus provision of §132-41.

5(b). After the second development application approved subsequent to the adoption of this section, and thereafter with each set of two applications approved, the total number of lower income units actually approved in each prior set of two applications shall be determined by the planning board prior to the granting of any further approvals. If it shall appear that the combined number of approved lower income units has failed to meet the combined minimum total that could have been achieved through use of the density bonus provisions of §132-41, plus the addition of the number of units representing 5% of the total number of units that may be developed assuming full development at the minimum density provided by right in each zone, as set forth in the table contained in Appendix A, the minimum density provided by right in each zone shall be increased by 1.5 units per acre and any subsequent approved development application shall contain lower income housing units in a minimum proportion of ten percent of the total number of units that may be developed assuming full development at the new minimum density provided by right in each zone. Any development subject to this requirement shall in addition be

permitted to utilize the density bonus provisions of §132-41, provided, however, that the number of lower income units equal to the five percent mandatory set-aside requirement contained in §4 supra, shall be developed in addition to those lower income units developed through use of the density bonus provisions. If the ten percent requirement of this §5(b) becomes operative, it shall thereafter apply to all development applications, without regard to whether the combined number of lower income housing units provided thereafter meets the minimum number provided for in the table contained in Appendix A.

5(c). After the second development application approved pursuant to §5(b), utilizing the ten percent minimum of lower income units and thereafter with each set of two applications approved, the total number of lower income housing units actually achieved by each prior set of two approvals shall be compared to the combined number that could have been achieved in the manner set forth in §5(b). If the minimum number shall not have been achieved, the minimum density by right in each zone shall be increased by 1.5 units per acre and any subsequent approved development application shall contain lower income housing units in a proportion of twenty percent of the total number of units that may be developed assuming full development at the new density provided by right in each zone. In no event shall greater than twenty percent of the total number of units developed be required to be lower income units.

6. Should an application for development be approved covering less than the full acreage of a tract listed in the table in Appendix A, the number of lower income housing units specified in the table shall be allocated in the proportion that the number of acres approved for development bears to the total number of acres contained in the tract.

7. Any approval of a development application subject to this section shall require that the lower income units included within the development be phased into the development in accordance with the following table:

| <u>Number of units completed as % of total number of approved units</u> | <u>Number of lower income units Completed as % of total number of approved lower income units</u> |
|---|---|
| not more than 25% | at least 25% |
| 50% | 50% |
| 75% | 75% |
| 100% | 100% |

No certificate of occupancy shall be issued for any dwelling unit in a development subject to this section unless the phasing requirement of this table shall have been satisfied.

8. In any development approved pursuant to this section, no less than one-third of the total number of lower income units shall be affordable by persons of low income as defined in §132-42.1, provided, that should deep federal or state subsidy funds become available to the township or to private developers for purposes of housing assistance, the proportion of low income units in any development sub-

the federal or state subsidies are sufficiently deep the proportion of low income units shall be increased to one half of the total number of lower income units contained in such development. In any approved development, the units affordable by persons of low income, and the units affordable by persons of moderate income, shall be available with different numbers of bedrooms comparable to the bedroom mixture available in the remaining units in the project.

APPENDIX A

| | <u>Block</u> | <u>Lot</u> | <u>Acres/Zone</u> | <u>Minimum Low/ Moderate Units</u> |
|------------------------|--------------|--------------|-------------------|--|
| Town Center | 88.25 | 7.08 | 30.2 (VGII) | 35 |
| | 88.25 | 15.02 | 80± (VGIII) | 105 |
| | | 12.10 | | |
| | | 12.06 | | |
| | | 6 | | |
| | 88.25 | 11.03 | 69 (VGII) | 79 |
| | | 11.04 | | |
| 87 | 1 | 48 (TG) | 70 | |
| 87 | 10 | 11 (VGI) | 52 | |
| | | 36 (TG) | | |
| 319 | 10.06 | 10.4 (VGIII) | 13 | |
| | 10.07 | | | |
| South River Sand | 134 | 1 | 158 (VGII) | 182 |
| | | 2.01 | | |
| | | 2.02 | | |
| MXD/R | 26 | 3.29 | 26.2 (MXD/R) | 57 |
| | | 4.01 | | |
| | 26.03 | 2 | | |
| Cranbury Road South | 321 | 10.02 | 181 (VGII) | 208 |
| | | 10.03 | | |
| | | 10.04 | | |
| | | 11.01 | | |
| | | 8.01 | | |
| | | 9.03 | | |
| | | 28.05 | | |
| | | 17.02 | | |
| | | 29 | | |
| | | 22.01 | | |
| | | 22.02 | | |
| | | 23 | | |
| | | 25 | | |

207/254 - 4600

7 JEAN WALLING CIVIC CENTER

Finance _____

Dated _____

ORDINANCE AMENDING CHAPTER 132, LAND USE PROCEDURES, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY PROVIDING UNIFORM PARKING REQUIREMENTS FOR LOW AND MODERATE INCOME HOUSING AND BY INCLUDING MIXED USE DEVELOPMENT/RESIDENTIAL (MXD/R) ZONE IN PLANNED UNIT RESIDENTIAL DEVELOPMENT REGULATIONS.

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 132, Land Use Procedures, of the Code of the Township of East Brunswick is amended with additions shown in underline and deletions, if any, shown in parenthesis.

SECTION 2. Section 132-40. Standards for Planned Unit Developments.

No planned unit residential development under this chapter shall take place except upon tracts of land

Rejected

Approved _____ Mayor _____ Date

Reconsidered by Council _____ Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|-----|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec |
| Baker | | | | | | | Baker | | | | | | |
| Denahan | | | | | | | Denahan | | | | | | |
| Hudak | | | | | | | Hudak | | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | | |
| Weber | | | | | | | Weber | | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

having a minimum of forty (40) contiguous acres having sufficient access to an existing improved street, except the Village Green Two A and MXD/R (Mixed Use Development/Residential) which shall take place upon tracts of land having a minimum of twenty-five (25) contiguous acres having sufficient access to an existing improved street.

SECTION 3. Section 132-41. Density limitations for planned unit residential developments.

A. The gross density per acre shall be as follows (unless increased under exceptions in Subsections B and C below):

(5) Mixed Use Development/Residential.

(a) Townhouses twelve (12) dwelling units per acre net density for structures three (3) stories of less.

(b) Apartments (multi-family units): Sixteen (16) dwelling units per acre net density.

B. The gross density per acre for a planned unit residential development may be increased by the municipal agency considering an application for development in accordance with the standards set forth in this section, not to exceed the following:

(4) Mixed Use Development/Residential: Nineteen (19) dwelling units per acre.

SECTION 4. Section 132-42. Net residential density for planned unit residential developments in the Town Green, Village Green and Mixed Use Development/Residential Zones.

A. The net density for residential lands of a planned unit residential development in the Town Green, Village Green and Mixed Use Development/Residential Zones (shall be) are as follows: . . .

SECTION 5. Section 132-44. Standards for residences in planned unit residential developments and mixed use development/residential.

The following standards shall apply:

B. Single-family cluster, attached.

- (5) Parking requirements shall be two and twenty-five one hundredths (2.25) spaces per dwelling unit, except for senior citizen housing which may be reduced by the Planning Board to not less than five-tenths (0.5) spaces per unit. Parking may be reduced by the Planning Board to average not less than one and five-tenths (1.5) spaces per dwelling unit for low and moderate income housing.

C. Patio houses:

- (5) Parking requirements shall be two and twenty-five one hundredths (2.25) spaces per dwelling unit, except for senior citizen housing which may be reduced by the Planning Board to not less than five-tenths (0.5) spaces per unit. Parking may be reduced by the Planning Board to average not less than one and five-tenths (1.5) spaces per dwelling unit for low and moderate income housing.

D. Townhouses:

- (5) Parking requirements shall be two and twenty-five one hundredths (2.25) spaces per dwelling unit, except for senior citizen housing which may be reduced by the Planning Board to not less than five-tenths (0.5) spaces per unit. Parking may be reduced by the Planning Board to average not less than one and five-tenths (1.5) spaces per dwelling unit for low and moderate income housing.

E. Apartments (multifamily units):

- (5) Parking requirements shall be one and seventy-five one hundredths (1.75) spaces per dwelling unit, except for senior citizen housing for which parking requirements may be reduced by the Planning Board to not less than five-tenths (0.5) spaces per unit. Parking may be reduced by the Planning Board to average not less than one and five-tenths (1.5) per dwelling unit for low and moderate income housing.

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

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

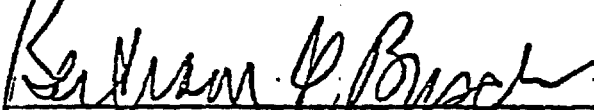
SECTION 8. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:


Township Attorney

.....

Administrator

Planning Consultant

TOWNSHIP OF EAST BRUNSWICK, 1

201/254 - 4600

1 JEAN WALLING CIVIC CENTER C

Finance _____

Dated April 13

ORDINANCE AMENDING CHAPTER 228, ZONING, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY PROVIDING FOR CONTINGENT ZONING OF PROPERTY ALONG THE NORTHWESTERLY SIDE OF CRANBURY ROAD AND THE NORTHEASTERLY SIDE OF DUNHAMS CORNER ROAD OPPOSITE HELMETTA BOULEVARD FROM R-1 (SINGLE FAMILY RURAL RESIDENCE) TO MMH (MODULAR MANUFACTURED HOUSING AND MOBILE MANUFACTURED HOUSING.

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 228, Zoning, of the Code of the Township of East Brunswick is hereby amended by the addition of the following:

SECTION 2. Section 228-5. Adoption of Zoning Map.

V. Adoption of Zoning Map. The MMH (Modular Manufactured

Rejected

Approved

Mayor

Date

Reconsidered by Council _____

Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|-----|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov |
| Baker | | | | | | | Baker | | | | | |
| Denahan | | | | | | | Denahan | | | | | |
| Hudak | | | | | | | Hudak | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | |
| Weber | | | | | | | Weber | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

Housing and Mobile Manufactured Housing) Zone is hereby enlarged and substituted for the MMH Zone on Block 324, Lot 1 which is bounded by the southerly side of Helmetta Boulevard and the southeasterly side of Cranbury Road to include all that area previously zoned R-1 (Single Family Rural Residence) as more particularly described in the metes and bounds description annexed hereto as Schedule A, contingent nevertheless upon the following:

1. In the event that no application for development of at least twenty-five (25) acres in the MMH Zone covering Block 324, Lot 1 has been filed with the East Brunswick Department of Planning and Community Development by July 1, 1986, then the MMH zoning designation for Block 324, Lot 1 shall be rescinded and that zoning shall revert to R-1 (Single Family Rural Residence).

2. The Director of the Department of Planning and Community Development shall certify to the Township Council on July 1, 1986 the extent to which an application for development, if any, has been filed to provide low and moderate income housing on Block 324, Lot 1.

3. In the event that the Director of the Department of Planning and Community Development shall certify to the Township Council that an application for development of low and moderate income housing has not been filed for at least twenty-five (25) acres on Block 324, Lot 1 by July 1, 1986, the zoning map of the Township of East Brunswick shall be deemed to have been changed in accordance with this Ordinance thereby deleting the MMH designation for Block 324, Lot 1 and providing the MMH designation for the property described in Schedule A annexed hereto.

4. This amendment is being made pursuant to a settlement of litigation against the Township of East Brunswick.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 4. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:



Township Attorney

Administrator

April 12, 1984

DESCRIPTION OF PROPOSED CONTINGENT MMH ZONE OF
PROPERTY KNOWN AS ALL OF LOT 3 AND SOUTHERLY PORTION
OF LOT 4 IN BLOCK 320, SITUATED IN THE TOWNSHIP OF
EAST BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY

Beginning at a point in the centerline of Dunhams Corner Road opposite the southerly line of Lot 3, said point being distant 330+ feet northerly from the centerline intersection of Cranbury Road and from thence running:

1. Northerly along the centerline of Dunhams Corner Road, a distance of 3506+ feet; thence
2. Easterly along the northerly property line of Lot 4 in Block 320 to a point distant 1300+ feet from the centerline of Dunhams Corner Road; thence
3. Southeasterly along a line, distant 1300+ feet and parallel to the centerline of Dunhams Corner Road to a point on the northeasterly property line of Lot 22.03; thence
4. Westerly along the northerly line of Lot 22.03, a distance of 275+ feet to the northeasterly corner of Lot 3; thence
5. Southerly along the easterly line of Lot 3, a distance of 1340+ feet to the centerline of Cranbury Road; thence
6. Westerly along the centerline of Cranbury Road, a distance of 695+ feet to a point opposite the easterly line of Lot 2.04; thence
7. Northwesterly and along the said easterly line of Lot 2.04, a distance of 190+ feet to a corner thereof; thence
8. Westerly along the northerly line of Lots 2.04, 2.03, 2.02, 1.03 and 1.04, a distance of 910+ feet to the centerline of Dunhams Corner Road, the point of beginning.

Containing 95+ acres

EXHIBIT A

I. ZONED LAND WITH POTENTIAL APPROVALS

| | <u>ACRES / ZONE</u> | <u>TOTAL POTENTIAL UNITS</u> | <u>POTENTIAL LOW/MOD INCOME HOUSING UNITS</u> | <u>% OF LOW/MOD INCOME UNITS OF TOTAL</u> |
|---|--|------------------------------|---|---|
| A. Lexington Village (Hovnanian) | 48.5 | 500 | 0-29 | 0-5.8 |
| B. Lonczak (Bradgate) | 30.2 (VG-II) 3-6 | 90.6-181 | 30+5 | 16.6-19.9 |
| C. Hovnanian (Collins, Diocese of Metuchen) | 84 (VG-III) 5-8 | 420-672 | 84+21 | 12.5-14.3 |
| D. Leisure & Technology, Inc. (Garboski) | 69 (VG-II) | 207-414 | 69+10 | 16.7-20 |
| E. Kelemen | 48 (TG) - 9-12 | 432-576 | 48+22 | 8.33-9.1 |
| F. Lapinski | 11 (VG-I) no bonus 36 (TG) no bonus | 324-432 | 36+16 | 8.33-9.1 |
| G. Gatarz | 10.4 (VG-III) | 52-83 | 10+3 | 12-13.7 |
| Subtotal | 337.1 | 2026-2858 | 277-306 77 | |

II. PLANNED LAND TO BE REZONED AS PART OF SETTLEMENT

| | | | | |
|---------------------------------|---------------------------------------|-------------|-----------------|-----------|
| A. Bonus/ South River Sand | 5 to 6 1/2 12/31/89 158 (VG-II) | 474-948 | 158 (+ 24 + 27) | 16.7-20 |
| B. Weingarten-Turnpike Drive-In | 26.2 (MXD/R) - 19 units acre | 344-515 473 | 57-88 | 11.1-16.7 |
| C. Cranbury Road South | 181 (VG-II) | 543-1086 | 181 | 16.7-20 |

Subtotals

365.2

1361-2549

396-425

447

801-830

x 3/10
me/c

Subject to approval
of resale contracts
at termination of documents

1/3rd lot
2nd mortgage

12/31/89

4/m

III. SUGGESTED ADDITIONAL LAND

| Site | Acres | Potential Units | Potential Low Income Units | Low Income, Units as % of Total | Potential Moderate Income Units | Moderate Income Units as % of Total |
|---|-------|--------------------|----------------------------------|---------------------------------------|---------------------------------------|---|
| Part of Block 324, Lot 1 Cranbury Road South of Helmetta Blvd. | 98 | 686 | 274-377 185-290 | 40-55 27-42 | 137-343 97-302 | 20-30 14-44 |

or

Contingent Zone
on Dunhams Cor-
ner Road and
Cranbury Rd

SUMMARY OF NEW LOW AND MODERATE UNITS TO BE BUILT

| | |
|-------------------------------------|-----------------------------------|
| Zoned land with Potential Approvals | 277-306 354-383 |
| Planned Land | 396-425 447 |
| Additional Land | 515-615 <u>387-487</u> |
| Total new units | 1188-1346 |

Credit for previously built units

| | | |
|---|------------|--|
| <i>Add 100 units neighborhood credits</i> | 100 | |
| Lexington Village | 153 ✓ | <i>New Construction 1188 Credits 284</i> |
| Victory Gardens | 12 ✓ | |
| Rehabilitated Units | 19 ✓ | |
| | <u>184</u> | |

Total Fair Share Need

~~1372-1530~~
72-1601

Township of East Brunswick, N.J.

01/254 - 4600

1 JEAN WALLING CIVIC CENTER 08816

Ordinance _____

Dated _____

ORDINANCE AMENDING CHAPTER 228, ZONING, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY REZONING LAND ALONG THE SOUTHERLY SIDE OF CRANBURY ROAD AND THE SOUTHERLY SIDE OF HELMETTA BOULEVARD FROM R-1 (SINGLE FAMILY RURAL RESIDENCE) TO A NEWLY CREATED ZONE KNOWN AS MMH (MODULAR MANUFACTURED HOUSING AND MOBILE MANUFACTURED HOUSING).

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 228, Zoning, of the Code of the Township of East Brunswick is hereby amended by the addition of the following:

SECTION 2. Section 228-5. Adoption of Zoning Map.

R. Adoption of Zoning Map. The MMH (Modular Manufactured Housing and Mobile Manufactured Housing) Zone is hereby created to include all that area previously zoned R-1 (Single

Rejected

Approved

Mayor

Date

Reconsidered by Council _____

Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|-----|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec |
| Baker | | | | | | | Baker | | | | | | |
| Denahan | | | | | | | Denahan | | | | | | |
| Hudak | | | | | | | Hudak | | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | | |
| Weber | | | | | | | Weber | | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

Family Rural Residence) bounded by Helmetta Boulevard on the northeast, Cranbury Road on the northwest, the municipal boundary between the Township of East Brunswick and the Township of Monroe on the southwest, and as more particularly described in the metes and bounds description annexed hereto as Schedule A. The Zoning Map of the Township of East Brunswick shall be deemed to have been changed in accordance with this Ordinance notwithstanding the fact that the MMH Zone is not shown thereon. This amendment is being made pursuant to a settlement of litigation against the Township of East Brunswick.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 4. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

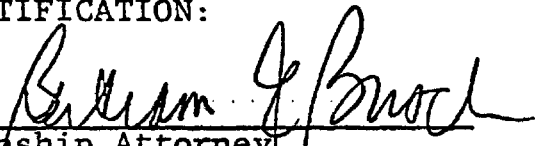
SECTION 5. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:


Township Attorney

Administrator

.....

Planning Consultant

April 4, 1984

DESCRIPTION OF LANDS PRESENTLY ZONED R-1, KNOWN AS
PART OF LOT 1 IN BLOCK 324, TO BE REZONED TO MMH
PROPERTY SITUATED IN THE TOWNSHIP OF EAST BRUNSWICK,
MIDDLESEX COUNTY, NEW JERSEY

Beginning at a point in the centerline of Cranbury Road distant 3280_± feet southwesterly from the intersection of Helmetta Boulevard, said point being the municipal boundary line between East Brunswick, Township and South Brunswick Township, and from thence running:

1. Northeasterly along the various courses of the centerline of Cranbury Road and said municipal boundary line, a distance of 1,930_± feet to the centerline intersection of Old Stage Road (a paper street); thence
2. Northeasterly along the various courses of the centerline of said Old Stage Road (a paper street), a distance of 1,456_± feet to the centerline of Helmetta Boulevard; thence
3. Southeasterly along the centerline of Helmetta Boulevard, a distance of 298_± feet to a point opposite the northwesterly line of Jamesburg Park; thence
4. Southeasterly along the last mentioned lands, a distance of 4,620_± feet to a point; thence
5. Northwesterly, at right angles to the last course, across Lot 1, a distance of 970_± feet to the intersection of the municipal boundary line of South Brunswick Township; thence
6. Northeasterly along the municipal boundary line of South Brunswick Township, a distance of 1,360_± feet to the centerline of Cranbury Road, which is distant 3280_± feet southwesterly from the intersection of Helmetta Boulevard, the point of beginning.

Containing 98_± Acres

1250C/112

SCHEDULE A

Township of East Brunswick, N

NO. _____


DATE OF ADOPTION _____

RESOLUTION RE: HOUSING SUBSIDY PROGRAM.

WHEREAS, the Township of East Brunswick has agreed to settle litigation instituted by the Urban League of Greater New Brunswick with regard to enabling private developers to construct affordable housing in the Township of East Brunswick.

NOW THEREFORE, BE IT RESOLVED by the East Brunswick Township Council that it hereby agrees to apply for available state and federal housing subsidy programs and to encourage and assist private developers to so apply.

CERTIFICATION:


Township Attorney

Administrator

| RECORD VOTE OF COUNCIL ON FINAL PASSAGE | | | | | | | | | |
|---|---|---|----|----|---------------|---|---|----|----|
| Councilmember | Y | N | NV | Ab | Councilmember | Y | N | NV | Ab |
| Baker | | | | | O'Connor | | | | |
| Denahan | | | | | Weber | | | | |
| Hudak | | | | | | | | | |

x - indicates vote. NV - Not Voting Ab - Absent

THIS IS TO CERTIFY that this is a true and compared copy of a resolution adopted by the Municipal Council of the Township of East Brunswick on _____, 19

Township of East Brunswick, N.

201/254 - 4600

1 JEAN WALLING CIVIC CENTER 08816

Ordinance _____

Dated _____

ORDINANCE AMENDING CHAPTER 228, ZONING, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY MODIFYING THE BOUNDARIES OF THE C-2 (NEIGHBORHOOD BUSINESS) DISTRICT ALONG THE SOUTHERLY SIDE OF HELMETTA BOULEVARD AND THE NORTHERLY SIDE OF OLD STAGE ROAD WHEREBY THE AFFECTED LANDS WILL BE REZONED FROM OP-1 (OFFICE PROFESSIONAL) TO C-2 (NEIGHBORHOOD BUSINESS).

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 228, Zoning, of the Code of the Township of East Brunswick is hereby amended by the addition of the following:

SECTION 2. Section 228-5. Adoption of Zoning Map.

Q. Adoption of Zoning Map. The C-2 (Neighborhood Business) Zone as shown and described on the Zoning Map of the Township

Rejected

Approved _____ Mayor

_____ Date

Reconsidered by Council _____

Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

| RECORD OF VOTE | | | | | | | | | | | | | |
|----------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|-----|
| First Reading | | | | | | | Second Reading | | | | | | |
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec |
| Baker | | | | | | | Baker | | | | | | |
| Denahan | | | | | | | Denahan | | | | | | |
| Hudak | | | | | | | Hudak | | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | | |
| Weber | | | | | | | Weber | | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

of East Brunswick dated July, 1978 is hereby enlarged to include all that area previously zoned OP-1 bounded by the southerly side of Helmetta Boulevard and the northerly side of Old Stage Road and as more particularly described in Schedule A annexed hereto. The Zoning Map of the Township of East Brunswick shall be deemed to have been changed in accordance with this Ordinance notwithstanding the fact that the enlarged boundaries for the C-2 Zone are not shown thereon. This amendment is being made pursuant to a settlement of litigation against the Township of East Brunswick.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 4. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.


SECTION 5. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:


Township Attorney

Administrator

.....

Planning Consultant

April 4, 1984

DESCRIPTION OF LANDS PRESENTLY ZONED OP-1,
KNOWN AS THAT PORTION OF LOT 1.01 AND ALL OF LOT 3
IN BLOCK 323, TO BE REZONED TO C-2, PROPERTY
SITUATED IN THE TOWNSHIP OF EAST BRUNSWICK,
MIDDLESEX COUNTY, NEW JERSEY

Beginning at a point in the centerline of Old Stage Road (a paper street), said point being distant 450_± feet northeasterly from the centerline intersection of Cranbury Road and from thence running:

1. Northeasterly through lot 1.10 and along the rear lot lines of lots 1.04, 1.01, 1.07, 1.03 and 1.05 to the southerly line of lot 2.02; thence
2. Southeasterly and northeasterly along the rear of lot 2.02, a distance of 230_± feet to the centerline of Helmetta Boulevard; thence
3. Southeasterly and along the centerline of Helmetta Boulevard, a distance of 700_± feet to the centerline intersection of Old Stage Road (a paper street); thence
4. Easterly along the various courses of the centerline of Old Stage Road (a paper street), a distance of 1050_± feet to a point in the centerline of Old Stage Road which is distant 450_± feet northeasterly from the centerline of Cranbury Road, the point of beginning.

Containing 7_± Acres

1250C/111

Township of East Brunswick, N.

201/254 - 4600

1 JEAN WALLING CIVIC CENTER 08816

Ordinance _____

Dated _____

ORDINANCE AMENDING CHAPTER 228, ZONING, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY MODIFYING THE BOUNDARIES OF THE C-2 (NEIGHBORHOOD BUSINESS) DISTRICT ALONG THE SOUTHERLY SIDE OF HELMETTA BOULEVARD AND THE NORTHERLY SIDE OF OLD STAGE ROAD WHEREBY THE AFFECTED LANDS WILL BE REZONED FROM OP-1 (OFFICE PROFESSIONAL) TO C-2 (NEIGHBORHOOD BUSINESS).

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 228, Zoning, of the Code of the Township of East Brunswick is hereby amended by the addition of the following:

SECTION 2. Section 228-5. Adoption of Zoning Map.

Q. Adoption of Zoning Map. The C-2 (Neighborhood Business) Zone as shown and described on the Zoning Map of the Township

Rejected

Approved _____ Mayor

_____ Date

Reconsidered by Council _____

Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|-----|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec |
| Baker | | | | | | | Baker | | | | | | |
| Denahan | | | | | | | Denahan | | | | | | |
| Hudak | | | | | | | Hudak | | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | | |
| Weber | | | | | | | Weber | | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

D

of East Brunswick dated July, 1978 is hereby enlarged to include all that area previously zoned OP-1 bounded by the southerly side of Helmetta Boulevard and the northerly side of Old Stage Road and as more particularly described in Schedule A annexed hereto. The Zoning Map of the Township of East Brunswick shall be deemed to have been changed in accordance with this Ordinance notwithstanding the fact that the enlarged boundaries for the C-2 Zone are not shown thereon. This amendment is being made pursuant to a settlement of litigation against the Township of East Brunswick.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 4. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

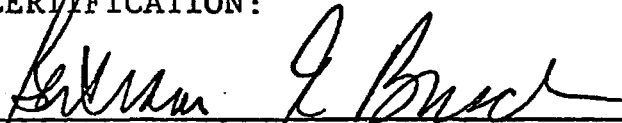
SECTION 5. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:



Township Attorney

Administrator

.....

Planning Consultant

April 4, 1984

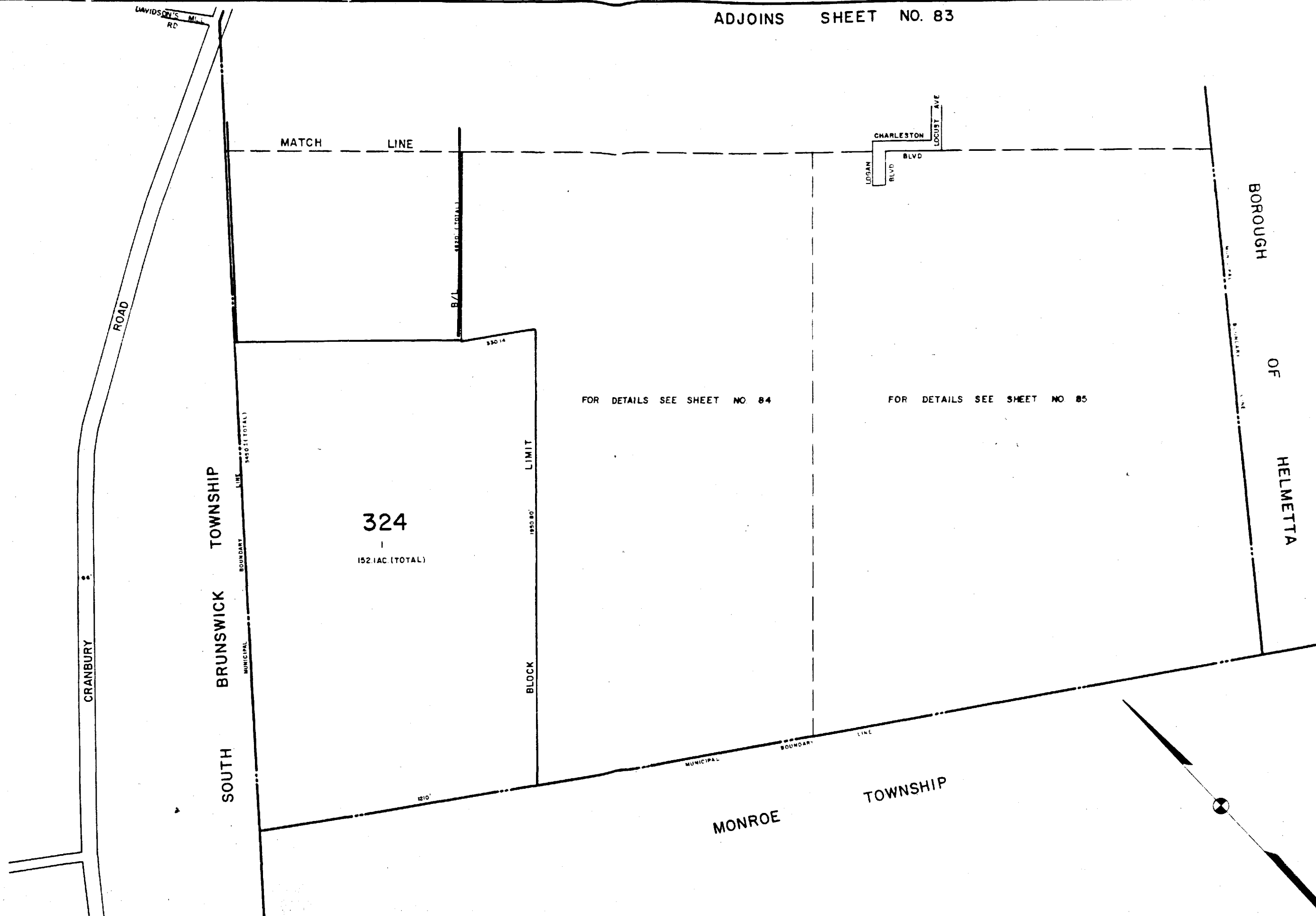
DESCRIPTION OF LANDS PRESENTLY ZONED OP-1,
KNOWN AS THAT PORTION OF LOT 1.01 AND ALL OF LOT 3
IN BLOCK 323, TO BE REZONED TO C-2, PROPERTY
SITUATED IN THE TOWNSHIP OF EAST BRUNSWICK,
MIDDLESEX COUNTY, NEW JERSEY

Beginning at a point in the centerline of Old Stage Road (a paper street), said point being distant 450_± feet northeasterly from the centerline intersection of Cranbury Road and from thence running:

1. Northeasterly through lot 1.10 and along the rear lot lines of lots 1.04, 1.01, 1.07, 1.03 and 1.05 to the southerly line of lot 2.02; thence
2. Southeasterly and northeasterly along the rear of lot 2.02, a distance of 230_± feet to the centerline of Helmetta Boulevard; thence
3. Southeasterly and along the centerline of Helmetta Boulevard, a distance of 700_± feet to the centerline intersection of Old Stage Road (a paper street); thence
4. Easterly along the various courses of the centerline of Old Stage Road (a paper street), a distance of 1050_± feet to a point in the centerline of Old Stage Road which is distant 450_± feet northeasterly from the centerline of Cranbury Road, the point of beginning.

Containing 7_± Acres

1250C/111



FOR DETAILS SEE SHEET NO. 84

FOR DETAILS SEE SHEET NO. 85

324

152 IAC (TOTAL)

SOUTH BRUNSWICK TOWNSHIP

MONROE TOWNSHIP

BOROUGH OF HELMETTA

NEW JERSEY DEPARTMENT OF THE TREASURY
 DIVISION OF TAXATION
 LOCAL PROPERTY AND PUBLIC UTILITY BRANCH
 APPROVED AS A TAX MAP PURSUANT TO THE
 PROVISIONS OF CHAPTER 175, LAWS OF 1912, ETC.
 FOR THE DIRECTOR, DIVISION OF TAXATION

Richard J. Hoffmann
 R.J.H.
 L.C. 6184M CHIEF ENGINEERING SECTION
 DATE: 04 19 1983 SERIAL NO. 547

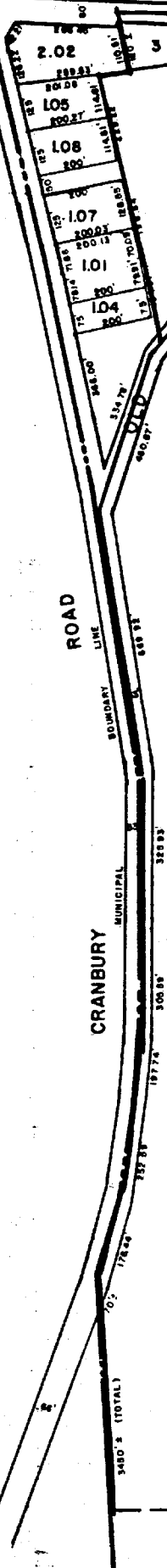
TAX MAP
 EAST BRUNSWICK TOWNSHIP
 MIDDLESEX COUNTY, N.J.

SCALE 1" = 200'
 DATE: SEPT 1982

RAYMOND J. TOTI
 LICENSED LAND SURVEYOR No 19005
 37 DEVOE STREET
 SOUTH RIVER, NEW JERSEY

DUNHAMS CORNER ROAD

SOUTH BRUNSWICK TOWNSHIP



323
1.10
7.15 AC.

324
1
152.1 AC. (TOTAL)

CRANBURY ROAD

MUNICIPAL BOUNDARY LINE

MATCH LINE

BLOCK LIMIT

4880.1 TOTAL

FOR DETAIL

SEE SHEET NO. 88

FOR DETAIL SEE SHEET NO. 89

FOR DETAIL

SEE SHEET NO. 86

FOR DETAIL SEE SHEET NO. 87

HELMETTA

BOULEVARD

BLVD.

PORT

JOHNSTON BLVD.

WASHINGTON

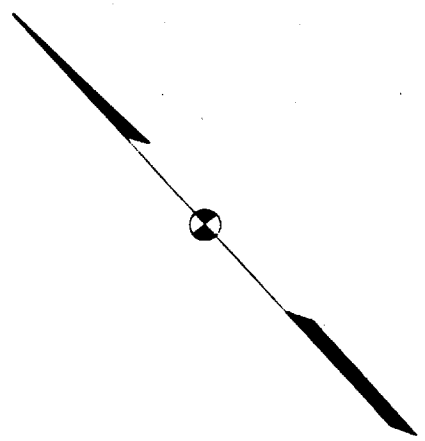
LINDEN AVE.

CHARLESTON BLVD.

LOCUST AVE.

MUNICIPAL BOUNDARY LINE

BOROUGH OF HELMETTA



IN WITNESS WHEREOF THE TOWNSHIP
 CLERK OF TAXATION
 LOCAL PROPERTY AND PUBLIC UTILITY BOARD
 APPROVED AS A TAX MAP PURSUANT TO THE
 PROVISIONS OF CHAPTER 176, LAWS OF 1982, P.L.
 FOR THE DIRECTOR, DIVISION OF TAXATION

Richard J. Gattuso
 BY
 LIC. #184M (DEP. ENGINEERING SECTION)
 DATE: JAN 19 1982

TAX MAP
 EAST BRUNSWICK TOWNSHIP
 MIDDLESEX COUNTY, N.J.

SCALE 1" = 200'
 DATE: SEPT. 1982

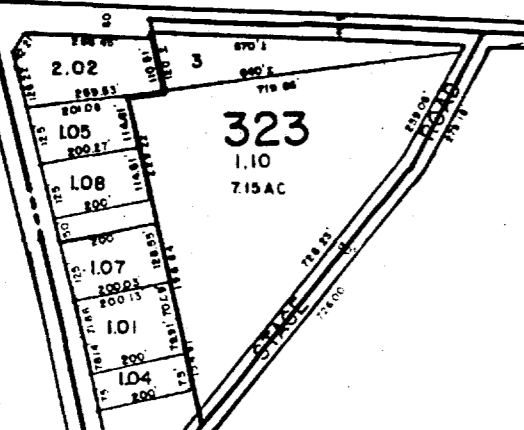
RAYMOND J. TOTI
 LICENSED LAND SURVEYOR No. 18005
 37 DEVOE STREET
 SOUTH RIVER, NEW JERSEY

DUNHAMS CORNER ROAD

SOUTH BRUNSWICK TOWNSHIP

CRANBURY MUNICIPAL BOUNDARY LINE

MATCH LINE



324
1
152.1 AC (TOTAL)

BLOCK LIMIT

HELMETTA BOULEVARD

BOULEVARD

FOR DETAIL

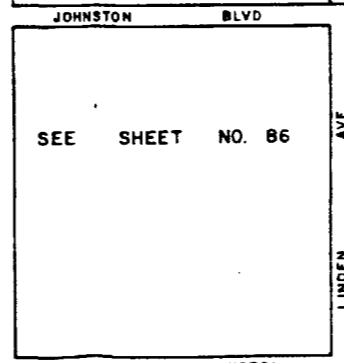
SEE SHEET NO. 88

FOR DETAIL SEE SHEET NO 89

FOR DETAIL

SEE SHEET NO. 86

FOR DETAIL SEE SHEET NO. 87



WASHINGTON AVE

AVE

CHARLESTON BLVD

LOCUST AVE

BOROUGH OF HELMETTA

ADJOINS SHEET NO. 82

NEW JERSEY DEPARTMENT OF THE TREASURY
DIVISION OF TAXATION
LOCAL PROPERTY AND PUBLIC UTILITY BRANCH
APPROVED AS A TAX MAP PURSUANT TO THE
PROVISIONS OF CHAPTER 173, LAWS OF 1918, ETC.
FOR THE DIRECTOR, DIVISION OF TAXATION

John J. Heston
BY LIC. #15434 CHIEF, ENGINEERING SECTION
DATE JAN 19 1982 SERIAL NO. 547

TAX MAP
EAST BRUNSWICK TOWNSHIP
MIDDLESEX COUNTY, N. J.

SCALE 1" = 200'
DATE: SEPT 1982

RAYMOND J. TOTI
LICENSED LAND SURVEYOR No 19005
37 DEVOE STREET
SOUTH RIVER, NEW JERSEY

Township of East Brunswick, N.

No. _____

DATE OF ADOPTION _____

RESOLUTION AUTHORIZING COMMUNITY BUS SERVICE TO MMH ZONE.

WHEREAS, the East Brunswick Township Council has made a commitment to provide affordable housing in accordance with the ruling of the Supreme Court of New Jersey in the Mount Laurel II case and as part of the proposed settlement of pending litigation, the Township of East Brunswick has adopted or will adopt a zoning ordinance creating an MMH Zone to provide for manufactured modular housing and manufactured mobile housing south of Helmetta Boulevard and southeast of Cranbury Road as more particularly set forth in the zoning ordinance creating the MMH Zone; and

WHEREAS, the Township of East Brunswick will make community services available to the people who eventually will reside in the MMH Zone.

NOW THEREFORE, BE IT RESOLVED by the East Brunswick Township Council that it hereby declares its intent to institute bus service to the MMH Zone at such time as the tract is developed should the Township institute community bus service anywhere in the Township of East Brunswick.

CERTIFICATION:

Township Attorney

Administrator

| RECORD VOTE OF COUNCIL ON FINAL PASSAGE | | | | | | | | | |
|---|---|---|----|----|---------------|---|---|----|----|
| Councilmember | Y | N | NV | Ab | Councilmember | Y | N | NV | Ab |
| Baker | | | | | O'Connor | | | | |
| Denahan | | | | | Weber | | | | |
| Hudak | | | | | | | | | |
| x - indicates vote. NV - Not Voting Ab - Absent | | | | | | | | | |

THIS IS TO CERTIFY that this is a true and compared copy of a resolution adopted by the Municipal Council of the Township of East Brunswick on _____, 19

Township of East Brunswick, N.

201/254 - 4600

1 JEAN WALLING CIVIC CENTER 08871

Finance _____

Dated _____

ORDINANCE AMENDING CHAPTER 228, ZONING, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY PROVIDING AN OPTION ZONE OF VILLAGE GREEN II (VG II) IN THE R-1 ZONE KNOWN AS CRANBURY ROAD SOUTH BOUNDED ON THE SOUTH BY HELMETTA BOULEVARD, ON THE EAST BY OLD STAGE ROAD, ON THE NORTH BY FERN ROAD AND ON THE WEST BY CRANBURY ROAD, ALL AS MORE PARTICULARLY DESCRIBED IN SCHEDULE A ANNEXED HERETO.

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 228, Zoning, of the Code of the Township of East Brunswick is hereby amended by the addition of the following:

SECTION 2. Section 228-5. Adoption of Zoning Map.

S. Adoption of Zoning Map. The R-1 (Single Family Rural Residence) Zone as shown and described on the

Rejected

Approved _____ Mayor

_____ Date

Reconsidered by Council _____

Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|----|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. | Se |
| Baker | | | | | | | Baker | | | | | | |
| Denahan | | | | | | | Denahan | | | | | | |
| Hudak | | | | | | | Hudak | | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | | |
| Weber | | | | | | | Weber | | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

Zoning Map of the Township of East Brunswick dated July, 1978 and as more particularly described on Schedule A annexed hereto is hereby amended to include a VG II (Village Green II) option. The Zoning Map of the Township of East Brunswick shall be deemed to have been changed in accordance with this Ordinance notwithstanding the fact that the enlarged boundaries for the Village Green II Option Zone are not shown thereon. This amendment is being made pursuant to a settlement of litigation against the Township of East Brunswick.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 4. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

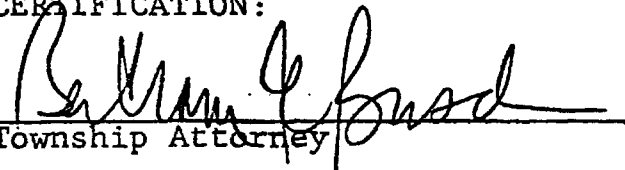
SECTION 5. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:


Township Attorney

.....

Administrator

.....

Planning Consultant

April 4, 1984

DESCRIPTION OF PROPERTY ZONED R-1 LOCATED IN THE
TOWNSHIP OF EAST BRUNSWICK, MIDDLESEX COUNTY,
NEW JERSEY, TO BE REZONED TO VG-II

Being all those lands bounded by Cranbury Road on the North, Fern Road on the East, Old Stage Road on the South and Helmetta Boulevard on the West.

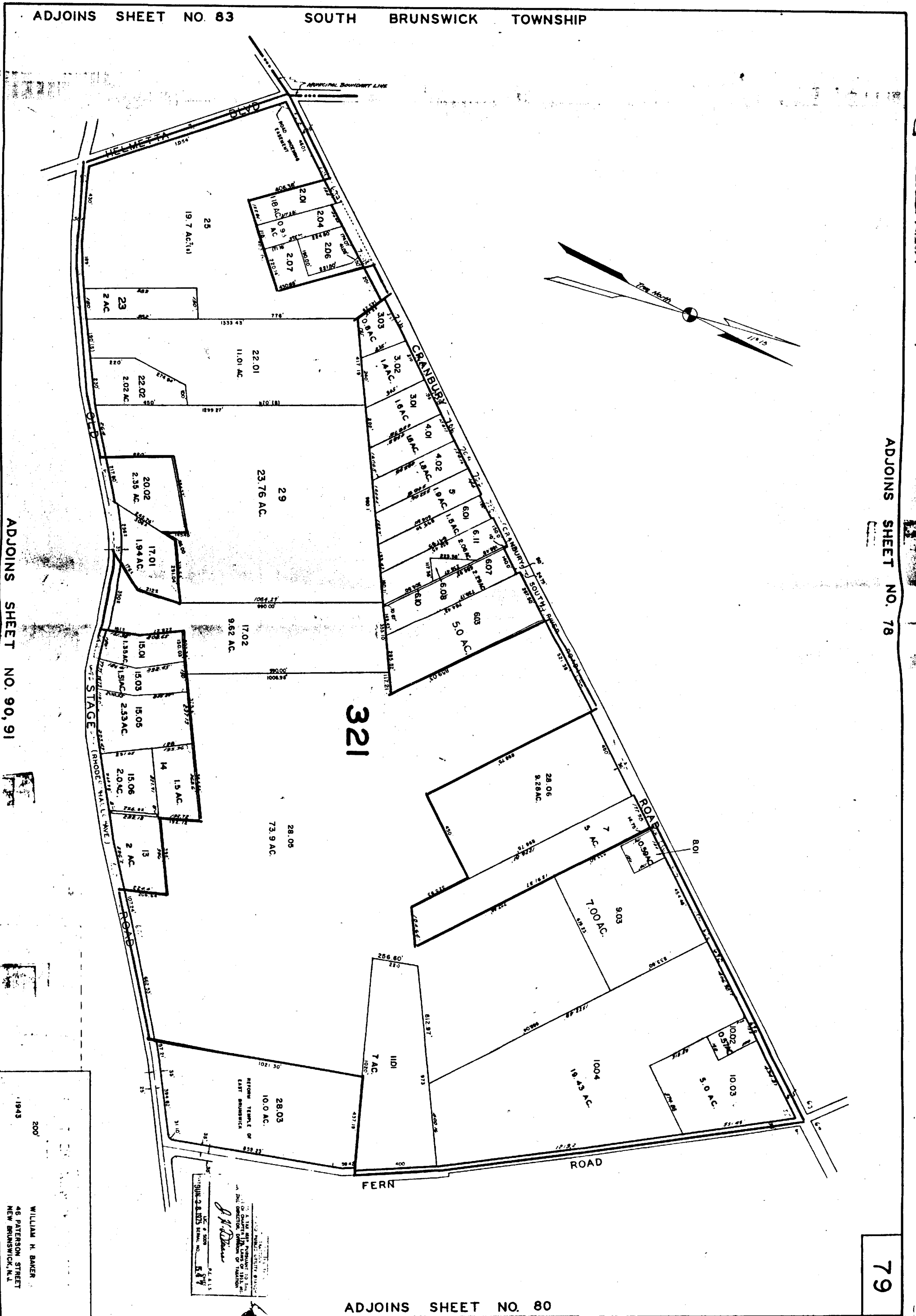
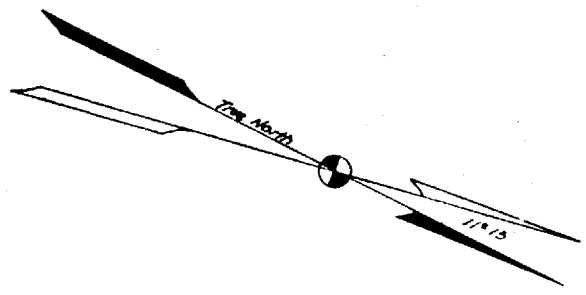
Being all lots in Block 321, with the exception of the following:

Lots 2.01, 2.04, 2.06, 2.07, 3.01, 3.02, 3.03, 4.01, 4.02, 5, 6.01, 6.03, 6.07, 6.08, 6.10, 6.11, 7, 13, 14, 15.01, 15.03, 15.05, 15.06, 17.01, 20.02, 28.03, 28.06.

1250C/114

CONT. 189³ AC

SCHEDULE A



ADJOINS SHEET NO. 90, 91

321

WILLIAM H. BAKER
46 PATTERSON STREET
NEW BRUNSWICK, N.J.
1943

Township of East Brunswick, N.J.

201/254 - 4600

1 JEAN WALLING CIVIC CENTER 08816

Ordinance _____

Dated April 13, 1984

ORDINANCE AMENDING CHAPTER 228, ZONING, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY PROVIDING FOR CONTINGENT ZONING OF PROPERTY ALONG THE NORTHWESTERLY SIDE OF CRANBURY ROAD AND THE NORTHEASTERLY SIDE OF DUNHAMS CORNER ROAD OPPOSITE HELMETTA BOULEVARD FROM R-1 (SINGLE FAMILY RURAL RESIDENCE) TO MMH (MODULAR MANUFACTURED HOUSING AND MOBILE MANUFACTURED HOUSING.

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 228, Zoning, of the Code of the Township of East Brunswick is hereby amended by the addition of the following:

SECTION 2. Section 228-5. Adoption of Zoning Map.

V. Adoption of Zoning Map. The MMH (Modular Manufactured

Rejected

Approved _____ Mayor

_____ Date

Reconsidered by Council _____ Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|----|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. | Se |
| Baker | | | | | | | Baker | | | | | | |
| Denahan | | | | | | | Denahan | | | | | | |
| Hudak | | | | | | | Hudak | | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | | |
| Weber | | | | | | | Weber | | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

Housing and Mobile Manufactured Housing) Zone is hereby enlarged and substituted for the MMH Zone on Block 324, Lot 1 which is bounded by the southerly side of Helmetta Boulevard and the southeasterly side of Cranbury Road to include all that area previously zoned R-1 (Single Family Rural Residence) as more particularly described in the metes and bounds description annexed hereto as Schedule A, contingent nevertheless upon the following:

1. In the event that no application for development of at least twenty-five (25) acres in the MMH Zone covering Block 324, Lot 1 has been filed with the East Brunswick Department of Planning and Community Development by July 1, 1986, then the MMH zoning designation for Block 324, Lot 1 shall be rescinded and that zoning shall revert to R-1 (Single Family Rural Residence).

2. The Director of the Department of Planning and Community Development shall certify to the Township Council on July 1, 1986 the extent to which an application for development, if any, has been filed to provide low and moderate income housing on Block 324, Lot 1.

3. In the event that the Director of the Department of Planning and Community Development shall certify to the Township Council that an application for development of low and moderate income housing has not been filed for at least twenty-five (25) acres on Block 324, Lot 1 by July 1, 1986, the zoning map of the Township of East Brunswick shall be deemed to have been changed in accordance with this Ordinance thereby deleting the MMH designation for Block 324, Lot 1 and providing the MMH designation for the property described in Schedule A annexed hereto.

4. This amendment is being made pursuant to a settlement of litigation against the Township of East Brunswick.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 4. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:


Township Attorney

.....
Administrator

Township of East Brunswick, N

201/254 - 4600

1 JEAN WALLING CIVIC CENTER 088

Ordinance _____

Dated _____

ORDINANCE AMENDING CHAPTER 132, LAND USE PROCEDURES, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY PROVIDING UNIFORM PARKING REQUIREMENTS FOR LOW AND MODERATE INCOME HOUSING AND BY INCLUDING MIXED USE DEVELOPMENT/RESIDENTIAL (MXD/R) ZONE IN PLANNED UNIT RESIDENTIAL DEVELOPMENT REGULATIONS.

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 132, Land Use Procedures, of the Code of the Township of East Brunswick is amended with additions shown in underline and deletions, if any, shown in parenthesis.

SECTION 2. Section 132-40. Standards for Planned Unit Developments.

No planned unit residential development under this chapter shall take place except upon tracts of land

Rejected

Approved

Mayor

Date

Reconsidered by Council _____

Override Vote Yes _____

No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|-----|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec |
| Baker | | | | | | | Baker | | | | | | |
| Denahan | | | | | | | Denahan | | | | | | |
| Hudak | | | | | | | Hudak | | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | | |
| Weber | | | | | | | Weber | | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

having a minimum of forty (40) contiguous acres having sufficient access to an existing improved street, except the Village Green Two A and MXD/R (Mixed Use Development/Residential) which shall take place upon tracts of land having a minimum of twenty-five (25) contiguous acres having sufficient access to an existing improved street.

SECTION 3. Section 132-41. Density limitations for planned unit residential developments.

A. The gross density per acre shall be as follows (unless increased under exceptions in Subsections B and C below):

(5) Mixed Use Development/Residential.

(a) Townhouses twelve (12) dwelling units per acre net density for structures three (3) stories of less.

(b) Apartments (multi-family units): Sixteen (16) dwelling units per acre net density.

B. The gross density per acre for a planned unit residential development may be increased by the municipal agency considering an application for development in accordance with the standards set forth in this section, not to exceed the following:

(4) Mixed Use Development/Residential: Nineteen (19) dwelling units per acre.

SECTION 4. Section 132-42. Net residential density for planned unit residential developments in the Town Green, Village Green and Mixed Use Development/Residential Zones.

A. The net density for residential lands of a planned unit residential development in the Town Green, Village Green and Mixed Use Development/Residential Zones (shall be) are as follows: . . .

SECTION 5. Section 132-44. Standards for residences in planned unit residential developments and mixed use development/residential.

The following standards shall apply:

B. Single-family cluster, attached.

- (5) Parking requirements shall be two and twenty-five one hundredths (2.25) spaces per dwelling unit, except for senior citizen housing which may be reduced by the Planning Board to not less than five-tenths (0.5) spaces per unit. Parking may be reduced by the Planning Board to average not less than one and five-tenths (1.5) spaces per dwelling unit for low and moderate income housing.

C. Patio houses:

- (5) Parking requirements shall be two and twenty-five one hundredths (2.25) spaces per dwelling unit, except for senior citizen housing which may be reduced by the Planning Board to not less than five-tenths (0.5) spaces per unit. Parking may be reduced by the Planning Board to average not less than one and five-tenths (1.5) spaces per dwelling unit for low and moderate income housing.

D. Townhouses:

- (5) Parking requirements shall be two and twenty-five one hundredths (2.25) spaces per dwelling unit, except for senior citizen housing which may be reduced by the Planning Board to not less than five-tenths (0.5) spaces per unit. Parking may be reduced by the Planning Board to average not less than one and five-tenths (1.5) spaces per dwelling unit for low and moderate income housing.

E. Apartments (multifamily units):

- (5) Parking requirements shall be one and seventy-five one hundredths (1.75) spaces per dwelling unit, except for senior citizen housing for which parking requirements may be reduced by the Planning Board to not less than five-tenths (0.5) spaces per unit. Parking may be reduced by the Planning Board to average not less than one and five-tenths (1.5) per dwelling unit for low and moderate income housing.

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

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

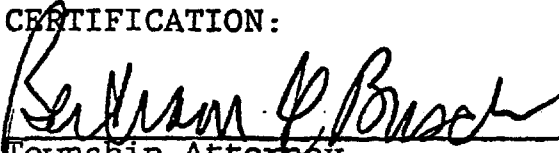
SECTION 8. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:


Township Attorney

.....

Administrator

.....

Planning Consultant

Township of East Brunswick, N.J.

201/254 - 4600

1 JEAN WALLING CIVIC CENTER 0881

Finance _____

Dated April 13, 1984

**ORDINANCE AMENDMENT RE: AFFORDABLE HOUSING
BY AMENDING SECTION 132-42.1 OF THE CODE
OF THE TOWNSHIP OF EAST BRUNSWICK.**

BE IT ORDAINED by the East Brunswick Township Council
as follows:

SECTION 1. Chapter 132, Land Use Procedures, of the
Code of the Township of East Brunswick is hereby amended as
follows:

SECTION 2. Section 132-42.1C(2). Qualifications.

Prospective purchasers and tenants of low or moderately
priced dwelling units must be qualified prior to pur-
chase or rental as a family of low or moderate income.
For the purposes of this ordinance, the region for
determining median income through the year 1990 shall
be the eleven county region consisting of the following

Rejected

Approved

Mayor

Date

Reconsidered by Council _____

Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|-----|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec |
| Baker | | | | | | | Baker | | | | | | |
| Denahan | | | | | | | Denahan | | | | | | |
| Hudak | | | | | | | Hudak | | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | | |
| Weber | | | | | | | Weber | | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

counties: Middlesex, Somerset, Morris, Union, Essex, Hudson, Bergen, Passaic, Sussex, Warren and Hunterdon. The region for determining median income after 1990 shall be the following four county region: Middlesex, Somerset, Monmouth and Mercer. Low income shall be defined as less than fifty (50%) percent of median income with adjustments for family size and moderate income is defined as between fifty (50%) percent and eighty (80%) percent of median income with adjustments for family size. The median income for the eleven county region is ninety-four (94%) percent of the median income of the PMSA in which Middlesex County is located. The median income for the eleven county region shall be recalculated annually if official adjustments are made in the PMSA median income.

SECTION 3. Section 132-42.1C(4). A sales unit will be considered to be affordable to a low or moderate income family if the monthly principal, interest, taxes, insurance and homeowner association fees, if any, enable the family to purchase a home at an average cost of ninety (90%) percent of the maximum sales price affordable to households at the top of the low and moderate income range, adjusted for family size. Affordability of fee simple housing is referred to on Table I annexed hereto. Affordability of condominium housing is referred to on Table II. The Tables are based upon low and moderate income ceilings projected to sales costs based upon twenty-eight (28%) percent of available income. The rental units will be considered to be affordable to a low or moderate income family if the monthly rental, including utilities, enable the family to rent an apartment at an average of ninety (90%) of the maximum rent affordable to households at the top of the low and moderate income range, adjusted to family size. Affordable rental is based upon thirty (30%) percent of available income. The aforesaid Tables are based upon the 1983 median income of \$30,735.00 for the eleven county region. A new table will be provided for Middlesex, Somerset, Monmouth and Mercer Counties for the needs to be met starting with the year 1990.

SECTION 4. Section 132-42.1D, Affordable Housing Agency, (1)(b), is deleted and the following is inserted in its place:

to monitor the continued existence of low or moderately priced dwelling units as such by (a) reviewing the qualifications of prospective purchasers and tenants to confirm that they are families of low or moderate income, (b) determining the maximum resale prices and rental charges of the low and moderately priced dwelling units to assure that the units remain affordable to families of low or moderate income, (c) requiring that a covenant be recorded with each deed restricting resale to families of low or moderate income.

SECTION 5. Section 132-42.1E. Restrictions.

Notwithstanding the resale restrictions imposed upon low or moderately priced dwelling units, there shall be no such restrictions in the case of foreclosure and resale by a lender after foreclosure. Restrictions on resale will expire thirty (30) years from the date of the initial sale of the premises.

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

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

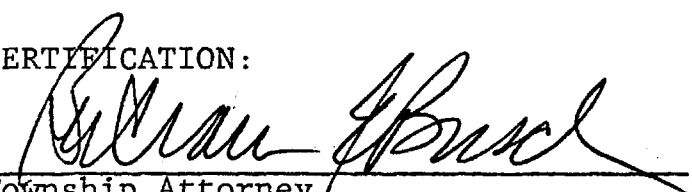
SECTION 8. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:


Township Attorney

Administrator

MAXIMUM PRICE OF FEE SIMPLE UNIT BY MORTGAGE INTEREST RATE AFFORDABLE TO LOW AND MODERATE INCOME HOUSEHOLDS BY FAMILY SIZE IN EAST BRUNSWICK TOWNSHIP

NOTE: ACTUAL SELLING PRICES MUST BE 10%-20% LOWER IN ORDER TO PROVIDE RANGE OF AFFORDABILITY

| INTEREST RATE | HOUSEHOLD SIZE | | | | |
|---|----------------|----------|----------|----------|----------|
| | 1 | 2 | 3 | 4 | 5 |
| <u>LOW INCOME (50% OF MEDIAN ADJUSTED FOR FAMILY SIZE)</u> | | | | | |
| 8% | \$27,350 | \$31,300 | \$35,240 | \$39,060 | \$42,240 |
| 9% | 25,570 | 29,260 | 23,950 | 36,520 | 39,490 |
| 10% | 23,970 | 27,430 | 30,880 | 34,230 | 37,010 |
| 11% | 22,520 | 25,770 | 29,020 | 32,150 | 34,780 |
| 12% | 21,210 | 24,270 | 27,330 | 30,290 | 32,760 |
| 13% | 20,030 | 22,920 | 25,810 | 28,600 | 30,930 |
| 14% | 18,960 | 21,690 | 24,430 | 27,070 | 29,280 |
| <u>MODERATE INCOME (80% OF MEDIAN ADJUSTED FOR FAMILY SIZE)</u> | | | | | |
| 8% | \$43,760 | \$50,000 | \$56,360 | \$62,590 | \$66,410 |
| 9% | 40,920 | 46,750 | 52,690 | 58,520 | 62,090 |
| 10% | 38,350 | 43,810 | 49,390 | 54,850 | 58,190 |
| 11% | 36,030 | 41,170 | 46,410 | 51,540 | 54,680 |
| 12% | 33,940 | 38,780 | 43,710 | 48,550 | 51,510 |
| 13% | 32,050 | 36,610 | 41,270 | 45,840 | 48,630 |
| 14% | 30,330 | 34,650 | 39,060 | 43,380 | 46,030 |

NOTE: Fee simple carrying costs include mortgage payment, property taxes, and insurance only.

All numbers rounded to nearest \$10.

MAXIMUM PRICE OF CONDOMINIUM UNIT BY MORTGAGE INTEREST RATE AFFORDABLE TO LOW AND MODERATE INCOME HOUSEHOLDS BY FAMILY SIZE IN EAST BRUNSWICK TOWNSHIP

NOTE: ACTUAL SELLING PRICES MUST BE 10%-20% LOWER IN ORDER TO PROVIDE RANGE OF AFFORDABILITY

| INTEREST RATE | HOUSEHOLD SIZE | | | | |
|---|----------------|----------|----------|----------|----------|
| | 1 | 2 | 3 | 4 | 5 |
| <u>LOW INCOME (50% OF MEDIAN ADJUSTED FOR FAMILY SIZE)</u> | | | | | |
| 8% | \$24,070 | \$27,540 | \$31,010 | \$34,370 | \$37,170 |
| 9% | 22,680 | 25,950 | 29,220 | 32,390 | 35,030 |
| 10% | 21,410 | 24,500 | 27,590 | 30,570 | 33,060 |
| 11% | 20,250 | 23,170 | 26,090 | 28,910 | 31,270 |
| 12% | 19,190 | 21,950 | 24,720 | 27,400 | 29,630 |
| 13% | 18,210 | 20,840 | 23,470 | 26,010 | 28,120 |
| 14% | 17,320 | 19,820 | 22,320 | 24,730 | 26,750 |
| <u>MODERATE INCOME (80% OF MEDIAN ADJUSTED FOR FAMILY SIZE)</u> | | | | | |
| 8% | 38,510 | 44,000 | 49,600 | 55,080 | 58,440 |
| 9% | 36,290 | 41,460 | 46,740 | 51,910 | 55,070 |
| 10% | 34,260 | 39,140 | 44,120 | 49,000 | 51,990 |
| 11% | 32,400 | 37,010 | 41,720 | 46,340 | 49,160 |
| 12% | 30,700 | 35,070 | 39,530 | 43,900 | 46,580 |
| 13% | 29,140 | 33,290 | 37,530 | 41,680 | 44,220 |
| 14% | 27,720 | 31,660 | 35,690 | 39,640 | 42,060 |

NOTE: Condominium carrying costs include association fees at \$150 per year per \$10,000 house value; e.g., \$50/month in a \$40,000 unit. If homeowner is not responsible for association fees, fee simple chart should be used to determine affordability.

All numbers rounded to nearest \$10

TABLE II

DRAFT OF MANDATORY SET-ASIDE ORDINANCE

1. This section shall be applicable to all development plan approvals in the VG-II, VG-IIA, VG-III, VG-IIIA, TG and MXD/R (Mixed Use Development/Residential) zones, as more particularly set forth herein.

2. Each application for development subject to this section shall clearly state the number of low and moderate income housing units, as defined in §132-42.1, that are proposed for inclusion within the development, and each resolution of approval shall clearly state the number of such units that are approved as part of the development.

3. Each approved development shall contain lower-income housing units, as defined in §132-42.1, in a minimum proportion of five percent of the total number of units approved, and in such proportion in excess of five percent as provided in §§4(b) & (c) infra.

4(a). In order to effectuate the township's goal of providing for its fair share of the regional need for lower income housing, each applicant for development subject to this section shall be encouraged to take advantage of the density bonus provisions contained section 132-41. Upon approval of any development application, the number of lower income units included within the approved project shall be compared to Table I, to determine whether the number of such units falls within the range of units that could be achieved by use of the density bonus provision of § 132-41.

[Table] (by tracts, block & lot)

EXHIBIT J

Revised to April 9, 1984

4(b). After the second development application approved subsequent to the adoption of this section, and thereafter with each set of two applications approved, the total number of lower income units actually approved in each prior set of two applications shall be determined by the [planning board] prior to the granting of any further approvals. If it shall appear that the combined number of approved lower income units has failed to meet the combined minimum that could have been achieved through use of the density bonus provisions of \$ 132-41, as set forth in Table I, any subsequent approved development application shall contain lower income housing units in a minimum proportion of ten percent of the total number of units approved. Any development subject to this requirement shall in addition be permitted to utilize the density bonus provisions of \$ 132-41. If the ten percent requirement of this §4(b) becomes operative, it shall thereafter apply to all development applications, without regard to whether the combined number of lower income housing units provided thereafter meets the minimum number provided for in Table I.

4(c). After the second development application approved pursuant to §4(b), utilizing the ten percent minimum of lower income units and thereafter with each set of two applications approved, the total number of lower income housing units actually achieved by each prior set of two approvals shall be compared to the combined number that could have been achieved in the manner set forth in §4(b).

If the minimum number shall not have been achieved, any subsequent approved development application shall contain lower income housing units in a proportion of twenty percent of the total number of units approved, subject to the same provisions as set forth in §4(b).

5. Should an application for development be approved covering less than the full acreage of a tract listed in Table I, the number of lower income housing units specified in the Table shall be allocated in the proportion that the number of acres approved for development bears to the total number of acres contained in the tract.

6. Any approval of a development application subject to this section shall require that the lower income units included within the development be phased into the development in accordance with the following table:

| <u>Number of units completed as % of total number of approved units</u> | <u>Number of lower income units Completed as % of total number of approved lower income units</u> |
|---|---|
| No more than 25% | At least 25% |
| 50% | 50% |
| 75% | 75% |
| 100% | 100% |

No certificate of occupancy shall be issued for any dwelling unit in a development subject to this section unless the phasing requirement of this table shall have been satisfied.

7. In any development approved pursuant to this section, no less than one-third of the total number of lower income units shall be affordable by persons of low income as

defined in §132-42.1, provided, that should deep federal or state subsidy funds become available to the township or to private developers for purposes of housing assistance, the proportion of low income units in any development subsequently approved shall be greater than one-third. If the federal or state subsidies are sufficiently deep the proportion of low income units shall be increased to one half of the total number of lower income units contained in such development. In any approved development, the units affordable by persons of low income, and the units affordable by persons of moderate income, shall be available with different numbers of bedrooms comparable to the bedroom mixture available in the remaining units in the project.

AMENDMENT TO MANDATORY SET-ASIDE ORDINANCE

Mixed Use Development/Residential

| <u>Block</u> | <u>Lot</u> | |
|--------------|------------|---|
| 26 | 3.29 | K. Appleman, P.O. Box 474, Cliffside Park, N.J. 07010 |
| | 4.01 | K. Appleman, P.O. Box 474, Cliffside Park, N.J. 07010 |
| 26.03 | 2 | K. Appleman, P.O. Box 474, Cliffside Park, N.J. 07010 |

Mobile Manufactured Housing and Modular Manufactured Housing

| | | |
|-----|---|---|
| 324 | 1 | Diocese of Metuchen, 10 Liberty Place, Metuchen, N.J. 08840 |
|-----|---|---|

OP-1 to C-2

| | | |
|-----|------|--|
| 323 | 1.10 | Orleans Construction Company, 2507 Philmont Avenue, Huntington Valley, Pennsylvania 19006 |
| | 3 | Schenck Realty, Inc., 777 Helmetta Boulevard, East Brunswick, N.J. 08816 |

Cranbury Road South R-1 to VG II Option

| | | |
|-----|-------|--|
| 321 | 10.02 | J & I Konuk, 646 Cranbury Road, East Brunswick, N.J. 08816 |
| | 10.03 | J & I Konuk, 646 Cranbury Road, East Brunswick, N.J. 08816 |
| | 10.04 | J, Konuk, 646 Cranbury Road, East Brunswick, N.J. 08816 |
| | 11.01 | C. Skistimas, 4 Columbia Avenue, Milltown, N.J. 08850 |
| | 8.01 | R & C Hughes, 666 Cranbury Road, East Brunswick, N.J. 08816 |
| | 9.03 | L R & Marotta, 660 Cranbury Road, East Brunswick, N.J. 08816 |
| | 28.05 | Orleans Construction Company, 2507 Philmont Avenue, Huntington Valley, Pennsylvania 19006 |
| | 17.02 | A & M Sterner, 652 Old Stage Road, East Brunswick, N.J. 08816 |
| | 29 | Orleans Construction Company, 2507 Philmont Avenue, Huntington Valley, Pennsylvania 19006 |
| | 22.01 | G.N.R. Inc., 666 Old Stage Road, East Brunswick, N.J. 08816 |
| | 22.02 | G.N.R. Inc., 666 Old Stage Road, East Brunswick, N.J. 08816 |
| | 23 | D. Breita, 670 Old Stage Road, East Brunswick, N.J. 08816 |
| | 25 | Orleans Construction Company, 2507 Philmont Avenue, Huntington Valley, Pennsylvania 19006 |

Industrial/Manufacturing (I/M) to VG II

| <u>Block</u> | <u>Lot</u> | |
|--------------|------------|--|
| 134 | 1 | East-South River, 2125 Center Avenue, Fort Lee, N.J. 07024 |
| | 2.01 | South River Sand Co., P.O. Box 196, Old Bridge, N.J. 08857 |
| | 2.02 | South River Sand Co., P.O. Box 196, Old Bridge, N.J. 08857 |

Zoned Land with Potential Approvals

| | <u>Owner</u> | <u>Acres</u> | |
|-------|------------------------------|---|--|
| 88.25 | 7.08 | Lonczak | 30.2 VG II option zone |
| 88.25 | 15.02 12.10 12.06 6 | Hovnanian (Collins, Diocese of Metuchen) | VG III option 80± ac. |
| 88.25 | 11.03 11.04 | Leisure & Technology, Inc. (Garboski) | 69 VG II option |
| | 1 | Kelemen | 48 TG option |
| 87 | 10 | Lapinski | 11 acres VG I option 36 acres TG option |
| 319 | 10.06 10.07 | Gatarz | 10.4 VG III option |

Township of East Brunswick, N.

NO. _____


DATE OF ADOPTION _____

RESOLUTION RE: HOUSING SUBSIDY PROGRAM.

WHEREAS, the Township of East Brunswick has agreed to settle litigation instituted by the Urban League of Greater New Brunswick with regard to enabling private developers to construct affordable housing in the Township of East Brunswick.

NOW THEREFORE, BE IT RESOLVED by the East Brunswick Township Council that it hereby agrees to apply for available state and federal housing subsidy programs and to encourage and assist private developers to so apply.

CERTIFICATION:



 Township Attorney

 Administrator

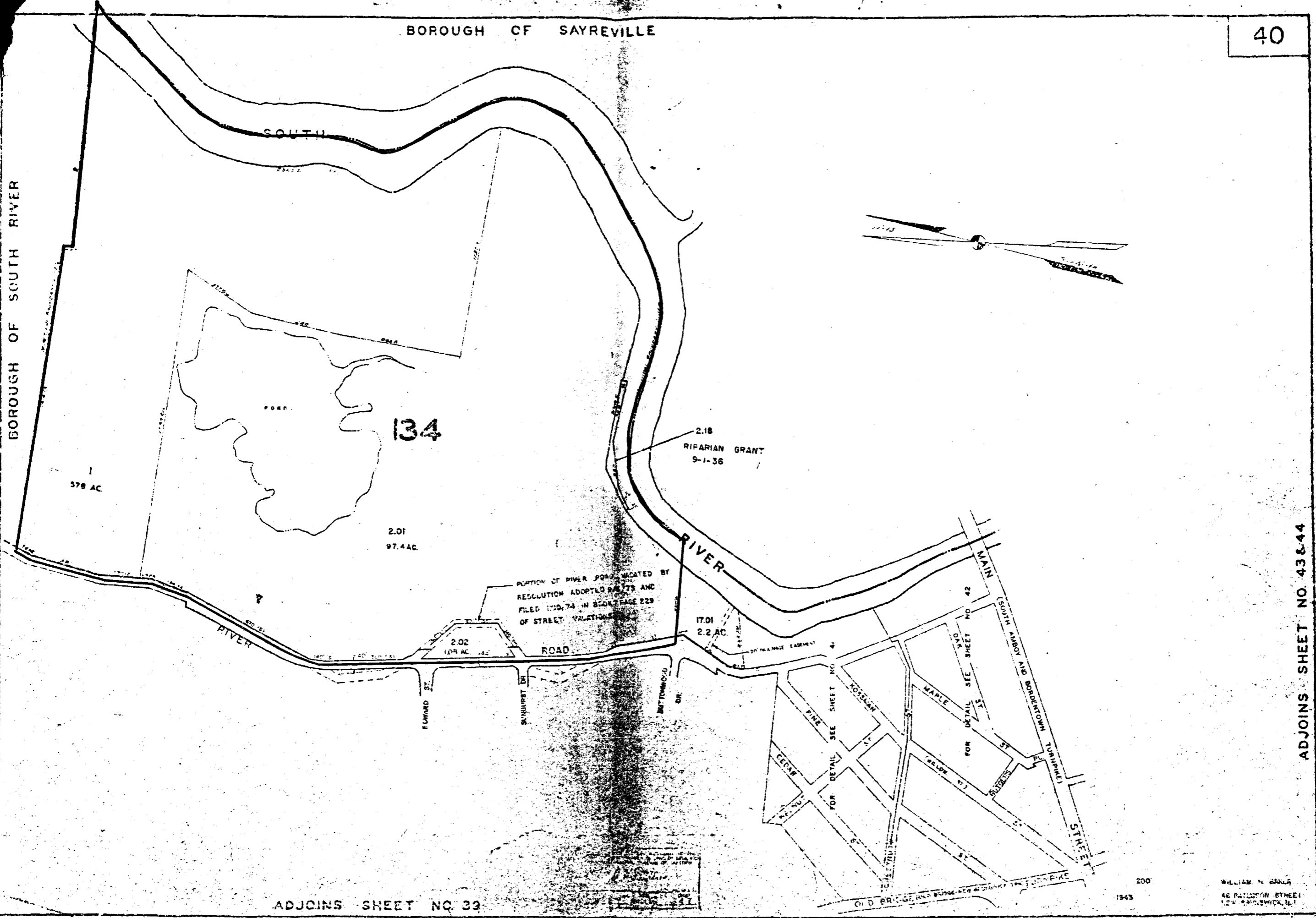
| RECORD VOTE OF COUNCIL ON FINAL PASSAGE | | | | | | | | | |
|---|---|---|----|----|---------------|---|---|----|----|
| Councilmember | Y | N | NV | Ab | Councilmember | Y | N | NV | Ab |
| Baker | | | | | O'Connor | | | | |
| Denahan | | | | | Weber | | | | |
| Hudak | | | | | | | | | |
| x - indicates vote. NV - Not Voting Ab - Absent | | | | | | | | | |

THIS IS TO CERTIFY that this is a true and compared copy of a resolution adopted by the Municipal Council of the Township of East Brunswick on _____, 19

K

 Elizabeth W. Vignone Municipal Clerk

BOROUGH OF SOUTH RIVER



ADJOINS SHEET NO. 39

ADJOINS SHEET NO. 43 & 44

WILLIAM H. GRALL
42 PATTERSON STREET
NEW BRUNSWICK, N.J.

200
1843

W. H. GRALL

Township of East Brunswick, N

201/254 - 4600

1 JEAN WALLING CIVIC CENTER 088

Ordinance _____

Dated _____

ORDINANCE AMENDING CHAPTER 228, ZONING, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY PROVIDING AN OPTION ZONE OF VILLAGE GREEN II (VG II) IN THE I/M (INDUSTRIAL/MANUFACTURING) ZONE FOR PROPERTY KNOWN AS BONUS/SOUTH RIVER SAND, ALL AS MORE PARTICULARLY DESCRIBED IN SCHEDULE A ANNEXED HERETO, TO BE EFFECTIVE EITHER WHEN THE TOWNSHIP SHALL HAVE DETERMINED THAT ACTIVE MINING ON THE TRACT HAS CEASED OR ON DECEMBER 31, 1989, WHICHEVER SHALL BE SOONER.

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 228, Zoning, of the Code of the Township of East Brunswick is hereby amended by the addition of the following:

SECTION 2. Section 228-5. Adoption of Zoning Map.

T. Adoption of Zoning Map. The I/M (Industrial/

Rejected

Approved _____ Mayor _____ Date _____

Reconsidered by Council _____ Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | | Second Reading | | | | | | |
|---------------|-----|----|------|------|------|-----|----------------|-----|----|------|------|------|-----|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec |
| Baker | | | | | | | Baker | | | | | | |
| Denahan | | | | | | | Denahan | | | | | | |
| Hudak | | | | | | | Hudak | | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | | |
| Weber | | | | | | | Weber | | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

Manufacturing) Zone as shown and described on the Zoning Map of the Township of East Brunswick dated July, 1978 and as more particularly shown on Schedule A annexed hereto is hereby amended to include a Village Green II (VG II) Option Zone subject to the following:

(a) The zoning change will not become effective until all active mining in the Zone has ceased, as certified to by the Township of East Brunswick or until December 31, 1989, but in no event later than December 31, 1989. The Township Engineer shall annually inspect the subject property and shall report to the Township Council upon receiving a report that active mining has ceased, the Township Council shall forthwith certify by ordinance the effective date of the change of zoning set forth herein. The Zoning Map of the Township of East Brunswick shall be deemed to have been changed in accordance with this Ordinance to provide the VG II Option in the subject property with a notation that the Township shall have the responsibility of determining when active mining has ceased.

(b) No part of the tract described on Schedule A annexed hereto may be developed to Village Green II standards until the Township has certified that all active mining has ceased throughout the tract, or until December 31, 1989, whichever is sooner.

(c) This amendment is being made pursuant to a settlement of litigation against the Township of East Brunswick.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 4. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:

Township Attorney

Administrator

Planning Consultant

April 4, 1984

DESCRIPTION OF LANDS ZONED I/M, KNOWN AS LOTS 1, 2.01
AND 2.02 IN BLOCK 134, TO BE REZONED VG-II, PROPERTY
SITUATED IN THE TOWNSHIP OF EAST BRUNSWICK,
MIDDLESEX COUNTY, NEW JERSEY

Beginning at a point in the centerline of River Road opposite the municipal boundary line between East Brunswick Township and the Borough of South River at the northwest corner of Lot 1 in Block 134 and from thence running:

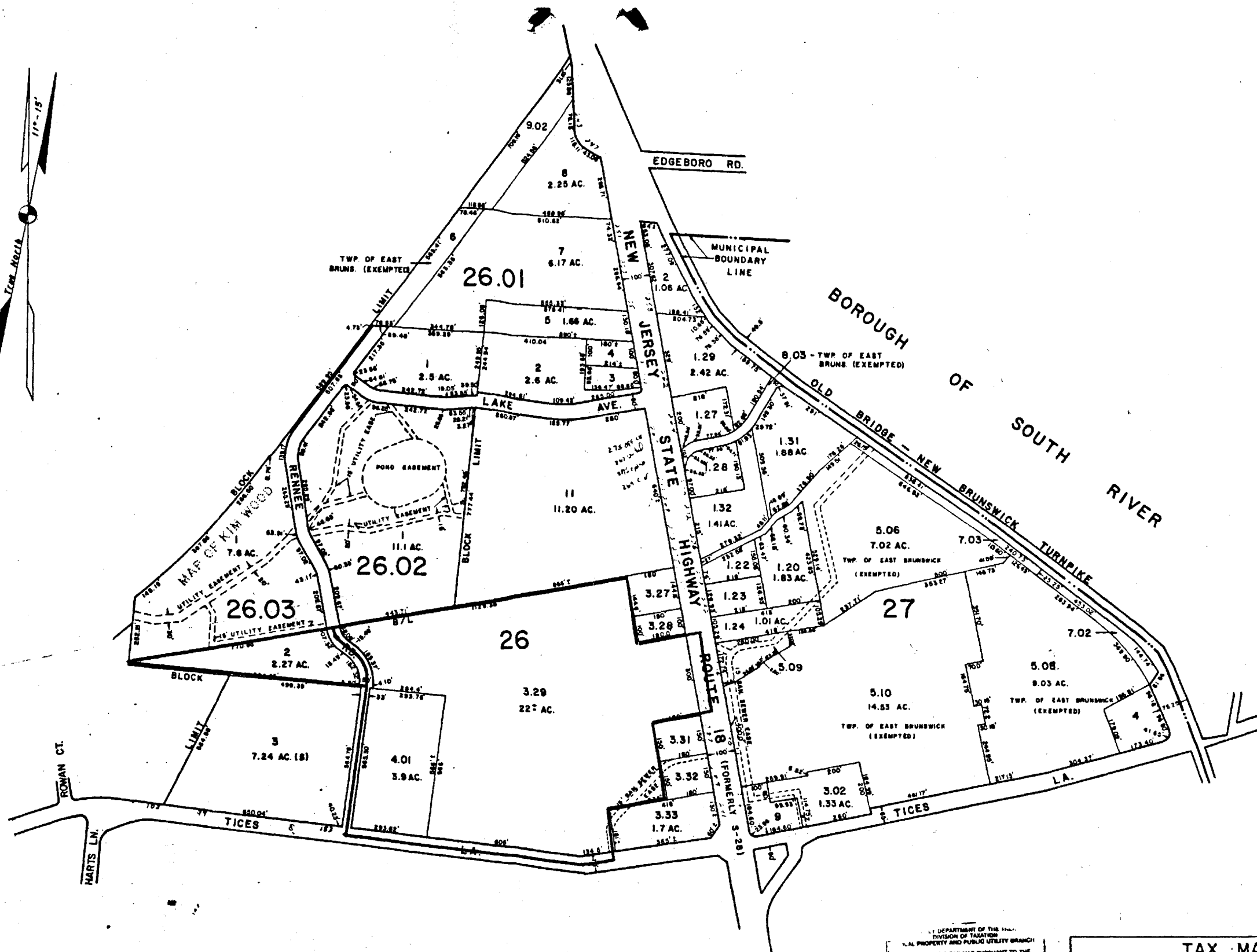
1. Easterly along the various courses of the municipal boundary line, a distance of 2765₊ feet to the centerline of the South River and municipal boundary line of the Borough of Sayreville; thence
2. Southerly along the various courses of the centerline of the South River and municipal boundary line of the Borough of Sayreville, a distance of 4900₊ feet to a point opposite the southerly line of Lot 2.01; thence
3. Westerly and along the southerly line of Lot 2.01, a distance of 550₊ feet to the centerline of River Road; thence
4. Along the various courses of the centerline of River Road, a distance of 3318₊ feet to a point opposite the northwest corner of Lot 1 in Block 134, the point of beginning.

Containing 156₊ Acres

1250C/113

SCHEDULE A

ADJOINS SHEET NO. 12.02, 12.03



ADJOINS SHEET NO. 18, 17

DEPARTMENT OF THE TREASURY
DIVISION OF TAXATION
APPROVED AS A TAX MAP PURSUANT TO THE
PROVISIONS OF CHAPTER 175, LAWS OF 1912, ETC.
FOR THE DIRECTOR, DIVISION OF TAXATION
J. H. [Signature]
JAN 19 1943 SERIAL NO. 547
TRACED FROM ORIGINAL DEC 1976

TAX MAP
EAST BRUNSWICK TOWNSHIP
MIDDLESEX COUNTY, N. J.
SCALE 1" = 200'
DATE: OCT. 1, 1943
WILLIAM M. BAKER
TOWNSHIP ENGINEER
46 PATTERSON ST.
NEW BRUNSWICK, N. J.

Township of East Brunswick, N

201/254 - 4600

1 JEAN WALLING CIVIC CENTER 088

Finance _____

Dated _____

ORDINANCE AMENDING CHAPTER 228, ZONING, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK BY PROVIDING AN MXD/R (MIXED USE DEVELOPMENT/ RESIDENTIAL) ZONE AS AN OPTION ZONE FOR THE TRACT KNOWN AS WEINGARTEN-TURNPIKE DRIVE-IN.

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 228, Zoning, of the Code of the Township of East Brunswick is hereby amended by the addition of the following:

SECTION 2. Section 228-5. Adoption of Zoning Map.

There is hereby created an MXD/R (Mixed Use Development/Residential) Zone as more particularly described on the metes and bounds description annexed hereto as Schedule A and covering the tract known as Weingarten-

Rejected

Approved Mayor _____ Date _____

Reconsidered by Council _____ Override Vote Yes _____ No _____

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

| First Reading | | | | | | Second Reading | | | | | | | |
|---------------|-----|----|------|------|------|----------------|---------------|-----|----|------|------|------|---|
| Councilperson | Yes | No | N.V. | A.B. | Mov. | Sec | Councilperson | Yes | No | N.V. | A.B. | Mov. | S |
| er | | | | | | | Baker | | | | | | |
| Denahan | | | | | | | Denahan | | | | | | |
| Hudak | | | | | | | Hudak | | | | | | |
| O'Connor | | | | | | | O'Connor | | | | | | |
| Weber | | | | | | | Weber | | | | | | |

X-Indicates Vote A.B.-Absent N.V.-Not Voting Mov.-Moved Sec-Seconded

Turnpike Drive-In as an Option Zone for the existing O-1 (Office), Professional and Apartment District and C-3, General Commercial District. The Zoning Map of the Township of East Brunswick shall be deemed to have been changed in accordance with this Ordinance notwithstanding the fact that the enlarged boundaries for the MXD/R (Mixed Use Development/Residential) Zone are not shown thereon. This amendment is being made pursuant to a settlement of litigation against the Township of East Brunswick.

SECTION 3.

Article XXV. C.

Regulations for the MXD/R (Mixed Use Development/Residential) District.

Section 228-217.26. Purpose and Intent. It is the intent of the Township of East Brunswick to enable the use of more than fifty (50%) percent of the land in an MXD/R Zone for multi-family residential structures and townhouses, including and encouraging a variety of housing types and styles in order to satisfy the obligations of the Township arising out of the Mount Laurel II litigation and in order to achieve affordable housing in the MXD/R Zone in accordance with Mount Laurel standards. It is the intent of the Township of East Brunswick to incorporate in the MXD/R Zone the density bonus provisions currently found in the density limitations for planned unit residential developments in Village Green II and IIA and Village Green III and IIIA and Town Green in Section 132-41 of the Code of the Township of East Brunswick.

SECTION 4. Section 228-217.27. Definition of MXD/R.

An MXD/R Zone is in accordance with the existing MXD Ordinance, Section 228-217.1(c) and incorporates by reference Section 228-217.3.

SECTION 5. Section 228-217.28. Permitted Uses.

A. Permitted uses in the MXD/R Zone are more particularly set forth in Section 228-217.4, Subsections A through E and G through N but only to the extent that such uses have direct access from Route 18.

B. Multi-family residential structures and townhouses including and encouraging a variety of housing types and styles are permitted on the balance of the tract in an MXD/R Zone. The total residential use may take place throughout the MXD/R Zone.

SECTION 6. Section 228-217.29. Prohibited Uses.
See Section 228-217.4.1.

SECTION 7. Section 228-217.30. Standards.

The standards set forth in Section 228-217.5
for an MXD Zone are incorporated by reference.

SECTION 8. Section 228-217.31. Density Limitations
for Residential Uses.

Density limitations for mixed use developments/
residential shall be as follows:

A. Townhouses: Twelve (12) dwelling units per
acre net density for structures three (3) stories
or less.

B. Apartments (Multi-Family Units). Sixteen (16)
dwelling units per acre net density for structures
three (3) stories or less.

C. The density bonus provisions provided in
Section 132-41 are hereby incorporated in this
Section by increasing the gross density set forth
above one (1) additional unit of conventional
housing per acre for each unit of low or moderate
income housing per acre provided by the developer
and an additional one (1) unit per acre of con-
ventional housing where the developer constructs
low or moderate income units in a scatter site
fashion throughout the development as more parti-
cularly set forth in Section 132-41.C of the Code.

SECTION 9. Section 228-217.32. Required Public Facilities
and Improvements.

A. As is set forth in Section 228-217.8.

SECTION 10. Section 228-217.33. Facilities for Pedestrians,
Bicyclists and Vehicles.

A. As is set forth in Section 228-217.9.

SECTION 11. Section 228-217.34. Environmental Considerations.

A. As is set forth in Section 228-217.10.

SECTION 12. Section 228-217.35. Timing for Development.

A. As is set forth in Section 228-217.11.

SECTION 13. Section 228-217.36. Approval Procedure.

A. As is set forth in Section 228-217.12.

SECTION 13. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 14. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

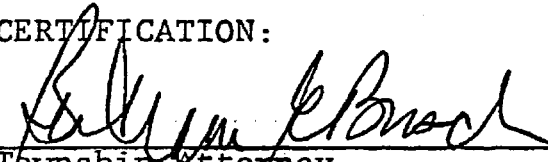
SECTION 15. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

GERALDINE WEBER,
Council President

ATTEST:

ELIZABETH H. KISS, Municipal Clerk

CERTIFICATION:



Township Attorney

Administrator

Planning Consultant

April 4, 1984

DESCRIPTION OF LANDS ZONED MXD, KNOWN AS
LOTS 3.29 AND 4.01 IN BLOCK 26 TO BE REZONED
MXD/R, PROPERTY SITUATED IN THE TOWNSHIP OF
EAST BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY

Beginning at a point in the centerline of Rennee Road opposite the northwest corner of Lot 3.29 in Block 26 and from said beginning point running:

1. Northeasterly along the northerly line of Lot 3.29, a distance of 1170₊ feet to the northwesterly corner of Lot 3.27; thence
2. Southeasterly along the rear line of Lots 3.27 and 3.28, a distance of 244.6₊ feet; thence
3. Northeasterly along the southerly line of Lot 3.28, a distance of 230₊ to the centerline of Route 18; thence
4. Southeasterly along the centerline of Route 18, a distance of 300₊ feet to a point; thence
5. Southwesterly and along the northerly line of Lot 3.31, a distance of 230₊ feet; thence
6. Southeasterly and along the westerly line of Lots 3.31 and 3.32, a distance of 300₊ feet to a point in the northerly line of Lot 3.33; thence
7. Southwesterly along the northerly line of Lot 3.33, a distance of 235₊ feet; thence
8. Southeasterly and along the westerly line of Lot 3.33, a distance of 200₊ feet to the centerline of Tices Lane; thence
9. Southwesterly along the various courses of the centerline of Tices Lane, a distance of 1070₊ feet to the centerline intersection of Rennee Road; thence
10. Northwesterly along the various courses of the centerline of Rennee Road, a distance of 850₊ feet to a point opposite the northwest corner of Lot 3.29; the point of beginning.

Containing 26₊ acres

1220C/75

April 4, 1984

DESCRIPTION OF LANDS ZONED O-I, KNOWN AS
LOT 2 IN BLOCK 26.03, TO BE REZONED MXD/R,
PROPERTY SITUATED IN THE TOWNSHIP OF EAST BRUNSWICK,
MIDDLESEX COUNTY, NEW JERSEY

Beginning at a point in the centerline of Rennee Road opposite the easterly corner of Lot 2 in Block 26.03 and from thence running:

1. Westerly along the southerly line of Lot 2, a distance of 930_± feet; thence
2. Northerly along the westerly line of Lot 2, a distance of 12_± feet to the southwest corner of Lot 1; thence
3. Northeasterly along the southerly line of Lot 1, a distance of 800_± feet to the centerline of Rennee Road; thence
4. Southeasterly along the various courses of the centerline of Rennee Road, a distance of 300_± feet to a point opposite the easterly corner of Lot 2, the point of beginning.

Containing 2_± acres

1220C/84