

VL v. Cochet (Plainsboro)

10/9

(1984)

Status report on ordinance revisions
for Plainsboro settlement
+ certified copy of resolution
+ copy of ordinance

13 pgs

post #1049

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October 9, 1984

Honorable Eugene D. Serpentelli
 Ocean County Court House
 CN 2191
 Toms River, NJ 08754

Re: Urban League et als v.
 Carteret et als.
 Docket NO L-055956-83 PW

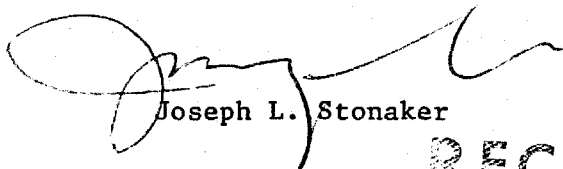
Dear Judge Serpentelli:

You have asked for a status report on the ordinance revisions for the Plainsboro Settlement.

1. The Township has selected a senior citizen site. A certified copy of the resolution is enclosed.
2. The Planning Board has revised the Concept Plan for Linpro Development (Princeton Meadows) to increase the density by 100 units. Of the 100 units, 40 units will be for low income housing. The housing will be built in the Spring of 1985. A certified copy of the resolution of the Planning Board is enclosed for your records.
3. The Township introduced an Affordable Housing ordinance and was ready to adopt it when the Urban League (Civic League) suggested changes. The changes have been made and the ordinance has been reintroduced and will be acted on at the next regular meeting of the Township Committee. A copy of the ordinance is enclosed for your records.
4. Negotiations are underway for purchase of the Forestal Village Apartments. The Township's Committee has decided that the units will be offered at 2 price levels; a price meeting the low and moderate requirements to those tenants who qualify and market price (as determined by appraisal) for those tenants who don't qualify. This complies with the Condo Conversion Statute. Those units we lose by this process will have to be made up elsewhere.

If you require any additional information on any of the above please advise.

Respectfully,



Joseph L. Stonaker

JLS/amr
 enc.

cc: Carla L. Lerman
 Barbara Williams

RECEIVED

OCT 10 1984

JUDGE SERPENTELLI'S CHAMBERS

PLAINSBORO TOWNSHIP PLANNING BOARD
RESOLUTION

The Linpro Company: Application for approval of variations in original and modified PCD Development.

WHEREAS, the Linpro Company has applied to the Plainsboro Township Planning Board pursuant to Section 85-57D of the Plainsboro Township Subdivision and Site Plan Review Ordinance for approval of variations from previous approvals for a Planned Development; and

WHEREAS, the applicant has complied with all the procedural requirements including notice and public hearing in order to allow the Board to entertain jurisdiction of the application; and

WHEREAS, the applicant has agreed to be bound by the statements in support of the application which are attached and made a part hereof and are as follows: Narrative of Concept Plan.

WHEREAS, the applicant has agreed to continue to be bound by the grant of the original approval of March 31, 1971 and the variations of that approval granted on April 16, 1979, with the exception of the specific variations requested in the subject application; and

WHEREAS, the Board, after reviewing the evidence presented by the applicant, applicant's attorney and Planner, and the general public, has made the following factual findings and conclusions based thereon:

1. This is a request for variations from the original and modified approvals of a PCD Development previously granted. The variations are as follows:
 - A) To increase the residential units by 100 from 6,324 to 6,424 (remaining multi-family units from 597 to 697).
 - B) To establish a mix of 284 condominium and 413 townhouse units in the multi-family area.
 - C) To increase the density in the multi-family area from 6.28 to 7.34 units per acre.
2. The Board entertains jurisdiction of this application under Section 85-57 of the Subdivision and Site Plan Ordinance.
3. There are no departures from the Zoning regulations generally applicable to this development and from those specifically applicable under Article XI of the Zoning Ordinance.

4. The proposal for the maintenance and conservation of common open space is unchanged and the amount, location and purpose of the resulting common open space remains adequate.
5. The provisions, through the physical design of the Planned Development, for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment remain adequate.
6. The Planned Development, as changed by the proposed variation, will not have an unreasonably adverse impact upon the area in which it is established.
7. The timetable for construction of the Development intended to protect the interests of the public and the interest of the residents, occupants and owners of the Development in its total completion remains adequate.

WHEREAS, the Board has determined that the variation request can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Plan, Zoning Ordinance, PCD Ordinance and the original and modified approvals for this Development,


NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of Plainsboro Township on this 16th day of July, 1984, that the specific variations requested by the applicant enumerated in paragraph 1 (A) (B) and (C) of this Resolution be granted subject to the following condition:

1. The original grant of approval and the conditions applicable thereto as recited in the applicant's original plan and the Township Committee Resolution of March 31, 1971, and the modifications approved on April 16, 1979 will remain in full force and effect except for the specific variations now granted.

Roll Call:

Snook	- yes	Wright	- yes	Shuster	- absent
Mosley	- absent	Luther	- yes	Hay #1	- absent
Schaefer	- yes	Corona	- absent	Schott	- yes
Lehrhaupt	- yes	Bingeman #2	- yes		

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Plainsboro Township Planning Board on July 16, 1984.


Priscilla K. Stitt, Secretary

PLAINSBORO TOWNSHIP PLANNING BOARD
RESOLUTION

WHEREAS, the Linpro Company has applied to the Plainsboro Township Planning Board seeking conceptual approval for 100 additional residential units located on Plainsboro Road on Lots 2.01 and 2.02 Block 9 and Lot 7.01, Block 10, on the Plainsboro Tax Map and located within the PCD zone; and

WHEREAS, the Planning Board, Township Engineer, Township Planner and Development Review Committee have reviewed the plans submitted and have heard testimony from the applicant, its Attorney and Planner; and

WHEREAS, after reviewing such plans and hearing such testimony, the Board has made the following factual findings and conclusions based thereon:

1. The Board entertains jurisdiction of the application under Section 85-47 of the Sub-division and Site Plan Review Ordinance.
2. The conceptual review by the Board and the applicant has consisted of a general review of the density, open space, traffic and safety elements and amenities of the proposed development. The applicant proposes to add 100 units to a multi-family section on 95 acres located on Plainsboro Road, for a total of 697 units. The applicant presently has approval for 597 units. As a result of Township-Urban League suit settlement, the applicant has agreed to provide 40 low income units which would require construction of 100 additional units in order to accomodate the 40 low income units.
3. It has been acknowledged by the applicant and understood by the Board that the subject review

and any grant of approval resulting there-
from is not binding upon the Board or the
applicant.

4. The applicant represents that it will address the items raised by the D.R.C. in the R, PP&W memo of 6/22/84 in its next formal application involving the subject Princeton Meadows multi-family area.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of Plainsboro Township on this 16th day of July, 1984, that the conceptual approval be granted.

Roll Call:

Snook	-	yes	Wright	-	yes	Shuster	-	absent
Mosley	-	absent	Luther	-	yes	Hay #1	-	absent
Schaefer	-	yes	Corona	-	absent	Schott	-	yes
Lehrhaupt	-	yes	Bingeman #2	-	yes			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Plainsboro Township Planning Board on July 16, 1984.

Priscilla K. Stitt

Priscilla K. Stitt, Secretary

A special meeting of the Township Committee of the Township of Plainsboro was called to order by Mayor Barbara Wright on August 20, 1984, at 7:05 P. M. at the Plainsboro Municipal Center, Town Hall, 641 Plainsboro Road.

Peter Hechenbleikner, Acting Clerk in absence of Clerk Patricia Hullfish, certified that the meeting was noticed as a special meeting on August 15, 1984, to the West Windsor-Plainsboro Chronicle, New Brunswick Home News, Princeton Packet and Trenton Times. Notices were posted at the Town Hall, Administration Building and Library at least 48 hours prior to the meeting, and all requirements of the Sunshine Law were met.

Present were: Mayor Wright, Deputy Mayor Peter Cantu, and Committeepersons Bobbie Schott, John Seiber and Rudolph Wellnitz, Attorney Joseph Stonaker and Township Administrator Hechenbleikner.

The First item for selection was the issue of water on Parkway Avenue. The Township Committee reviewed the Administrator's memo dated August 17, 1984. Motion was made by Cantu and seconded by Schott that the Administrator be authorized to test one well for chemical contaminants. Motion was made by Cantu, seconded by Seiber that the Administrator be authorized to do an income survey for Parkway Avenue and Mayfarth Terrace.

The Administrator was directed to send to all residents affected a copy of the memo of August 17, 1984, and notify them of the Township Committee Agenda Session on August 27, 1984, with regard to the water issue.

Motion made by Schott, seconded by Wellnitz to approve Block 10, Lot 12 as a preferred site for 120 low, moderate income Senior Citizen Housing Units.

NOTE: Wright, yes; Cantu, yes; Schott, yes; Seiber, yes; Wellnitz, yes.

The meeting was adjourned at 7:40 P. M. by Mayor Wright.

Peter I. Hechenbleikner, Acting Clerk

I certify the above to be a true copy of minutes of a meeting of the Plainsboro Township Committee which was held on August 20, 1984.

Patricia F. Hullfish
Patricia F. Hullfish, Township Clerk

A special meeting of the Township Committee of the Township of Plainsboro was called to order by Mayor Wright at 8:04 P. M. in the Town Hall, 641 Plainsboro Road, on August 27, 1984.

The Township Clerk certified that the meeting was noticed as a special meeting on August 23, 1984. Notices were sent to the Chronicle, Home News, Princeton Packet and Trenton Times and posted at the Town Hall, Administration Building and Library at least 48 hours prior to the meeting. All requirements of the Sunshine Law were met.

The following members were present: Mayor Wright, Deputy Mayor Peter Cantu, and Committeepersons Bobbie Schott, John Seiber and Rudolph Wellnitz. Also present were: Administrator Peter Hechenbleikner, Engineer George Veghte, Lieut. Gary Coderoni, Assistant Administrator Mark Krane, 18 interested citizens and 3 members of the press.

No bids were received for the Lenape Trail Construction. The Engineer will attempt to determine why no one bid, and also when to re-bid the project.

ORDINANCE ESTABLISHING AFFORDABLE HOUSING
REQUIREMENTS, STANDARDS, AND MONITORING OF SAME

BE IT ORDAINED, By the Township of Plainsboro as follows:

Section 1 - Definitions:

"Income Ceiling" means 80% of the regional median income for moderate income; and 50% of the median regional income for low income.

"Agency" means the Affordable Housing Agency of Plainsboro Township as created by this ordinance.

"Regional Median Income" means the published (by HUD or other federal agency) average median income for the eleven counties including: Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Union, Sussex, Warren. For ease of calculation, "Regional Median Income" may be figured as 94% of the PMSA in which Plainsboro is located.

"Gross Aggregate Family Income" means the total annual income from all sources of all members of the household, as determined in accordance with the rules and regulations promulgated by the Agency. In determining amounts to be excluded from income the Agency may, at its discretion, consider the number of minor children in the household and such other factors as the Agency may deem appropriate, consistent with State and Federal Guidelines.

"Low and Moderate Priced Dwelling Units" means the dwelling units approved or constructed pursuant to the Township ordinances to provide housing for families of low or moderate income as defined in this ordinance.

"Low and Moderate Income Family" means a family whose gross aggregate family income does not exceed the limits established in this ordinance.

"Utilities" means those utilities that are essential to the safe and sanitary operation of a household and shall include water, sewer, electric, and heat. Utilities for the purpose of this ordinance shall specifically not include cable television or telephone.

Section 2 - Establishment, Powers and Duties of Affordable Housing Agency:

2.1 Establishment - There is hereby established an Affordable Housing Agency of the Township of Plainsboro. The Agency shall consist of the number of staff persons determined by the Township Administrator and approved by the Township Committee as needed to fulfill the requirements of this ordinance as provided for in the annual budget. The Agency shall report to the Township Administrator and shall be located within the Department felt to be appropriate by the Administrator. The Agency shall work with the Plainsboro Township Housing Advisory Committee to meet mutual goals and to request assistance and feedback. The Agency shall report to the Township Committee through the Township Administrator.

2.2 Duties - The Agency shall:

- a) create the rules and regulations needed to implement the policies and goals of this ordinance, specifically: to retain low and moderately priced housing, as such, once constructed; and to restrict the initial sale and rental and the resale, re-rental, and/or occupancy of such units to families of low and moderate income.
- b) monitor the continued existence of low and moderately priced dwelling units as such by: reviewing the qualification of prospective purchasers and tenants to confirm that they are families of low or moderate income; determining the maximum resale and rent levels of the low and moderately priced dwelling units to assure that the units remain affordable to families of low or moderate income; and requiring that a covenant be recorded with each deed restricting the resale to families of low or moderate income, as appropriate.
- c) provide annual reports of all activity to the Township, Courts, Litigants and others as required.
- d) provide for and implement an Affirmative Marketing Program for all housing covered by this ordinance.

2.3 Guidelines - The following guidelines set the methodology of determining the specific definitions of low and moderate income families, low and moderately priced dwelling units, housing size for household size, and other conditions and restrictions of this ordinance. The income and costs shall be reviewed by the Agency annually and updated if new information is available. The source of data shall be readily available published Federal data from the United States Department of Housing and Urban Development or successor agency.

2.3 a Low and Moderate Income - 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. When a State or Federal subsidy and/or guarantee program to assist low or moderate income families is involved, the income levels established for that program shall prevail if they are different than the regional income levels.

A moderate income family is a family with income less than 80% of regional median income with adjustments for family size. Where a State or Federal subsidy and/or guarantee program to assist low or moderate income families is involved, the income levels established for that program shall prevail if they are different than the regional income levels.

The median regional income level shall be determined by taking the arithmetic average of the median incomes for the eleven county region according to the latest published data.

2.3b Affordable Sales Price - The Affordable Sales Price shall be determined such that the sum of the monthly payments for principal, interest property taxes, theft and liability insurance, and homeowner association fees does not exceed 28% of 90% of the maximum income for low income or moderate income families. The following assumptions shall be made:

A ten percent down payment requirement and a thirty year mortgage

ORDINANCE ESTABLISHING AFFORDABLE HOUSING REQUIREMENTS, STANDARDS, AND MONITORING OF SAME

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 for low/moderate income units 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 buy down 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 buy down, the interest rate for the first year of the buy down 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 buy down shall be used.

If the developer proposes that an adjustable rate mortgage (ARM) be used to calculate the monthly interest rate payment, the initial interest rate of that mortgage shall be used only if the maximum annual average increase does not exceed one-half of one percent (0.5%). Otherwise, a rate which is the average of the initial interest rate and the highest possible rate in effect after three years shall be used.

2.3c Prior to final approval of any development subject to these provisions, the Affordable Housing Agency shall determine the maximum sales prices by unit size for the low and moderate income units in the development and shall so notify the developer. These prices shall remain in effect for a period of one year or until all of the low and moderate income units have been sold, whichever occurs first. The developer may request a modification of the maximum sales prices at any time by applying to the Affordable Housing Agency for recalculation of these prices based on changes in any of the factors used to calculate these prices.

2.3d Prior to the resale of any low or moderate income unit, the Affordable Housing Agency shall determine the maximum sales price for that

ORDINANCE ESTABLISHING AFFORDABLE HOUSING REQUIREMENTS, STANDARDS, AND MONITORING OF ME

unit in accordance with a formula developed by the Agency which takes into account increases in a generally accepted price or income index, reasonable out-of-pocket costs of the sale as determined by the Agency, and which, to the extent feasible, ensures that the sales price will be consistent with the affordability standards set forth in subsections above.

2.3e Affordable Rental Price - The Affordable Rental Price shall be determined such that the sum of the monthly rental payment, including utilities but exclusive of any recreational fees, does not exceed 30% of 90% of the low income or moderate income ceiling.

If the cost of all utilities, including heat, hot water, cooking fuel and electricity, is not included in the monthly rental charge, an estimated monthly charge for those utilities not included in the rent shall be calculated for each unit size. This estimated charge shall be subtracted from the maximum gross rent to determine the maximum rental charge that may be imposed for each low and moderate income unit.

2.3f Once the maximum rental charges have been determined for a development subject to the provisions of this Section, such charges shall not be increased without the prior written approval of the Affordable Housing Agency. The Agency shall establish appropriate criteria and procedures for allowing periodic rental charge increases consistent with the affordability standards set forth in subsections above. No more than one rental charge increase shall be allowed for any unit or group of units within any twelve (12) month period.

2.3g Household Size Related to Family Size - To determine sales or rent levels affordable to different sized families, it is assumed that the following family size would occupy the following sized dwelling:

<u>Dwelling Size</u>	<u>Family Size</u>
Efficiency	1 Person
One Bedroom	2 Persons
Two Bedroom	3.5 Persons
Three Bedroom	4.5 Persons
Four Bedroom	5 Persons

ORDINANCE ESTABLISHING AFFORDABLE HOUSING REQUIREMENTS, STANDARDS, AND MONITORING OF SAME

2.3h Expiration of Restriction - Restrictions placed on re-sale or re-rental of housing units whether through agreement, deed restriction or covenant, or other means, shall expire upon the completion of 30 years from the date of the initial restriction.

Exceptions to these restrictions may be provided for in the case of foreclosure and resale by the tenant after foreclosure, and also to conform to the control period fixed by any State or Federal subsidy program used to provide the low or moderate income housing.

2.3i Appeals - Appeals from the rulings or determination of the Affordable Housing Agency shall be to the Township Committee.

2.4 Requirement to File for Determination - All housing which is constructed or used to fulfill the Township's low and moderate income housing need pursuant to the stipulation of settlement with the Urban League dated or subsequent action of the Township Committee, shall be required to continue to meet the affordability requirements at the time rented or sold or re-rented or resold initially designated for those units for a period of 30 years. In order to ensure that this requirement is met on an initial and on-going basis, prospective owners and/or renters shall be pre-qualified by the Agency and a certificate as to their qualifications shall be issued. [Renters must be re-qualified at least every three years. Renters shall pay 30% of their annual income for rent up to the market rent.] Notification of this requirement to the potential purchaser or renter shall be the obligation of the seller or landlord.

2.5 Affirmative Housing Marketing Plan - The Agency will develop and implement an Affirmative Housing Marketing Plan for dwellings covered by this ordinance. At a minimum the availability of housing for low/moderate income families shall be made known to a variety of public and private housing agencies and shall be advertised in appropriate ways throughout the eleven county region. All advertisements shall conform with applicable Affirmative

ORDINANCE ESTABLISHING AFFORDABLE HOUSING REQUIREMENTS, STANDARDS, AND MONITORING OF SAME

Action, Equal Opportunity, and non-discrimination laws of the State and Federal government.

2.6 Twenty Percent Set Aside - In the event that any new housing is approved in the Township at a gross density of more than four (4) dwellings per acre then ten percent of all such dwellings constructed will be made affordable to low income households and ten percent of all such dwellings shall be made affordable to modern income households. In the event of such construction, all requirements of this ordinance shall be met.

New housing, for purposes of this ordinance, does not include any housing which has at the time of adoption, conceptual, preliminary, or final approval. New housing will also not include any housing that is built to meet the requirements of the Urban League stipulation of settlement.