

VL v. Cortbet

Dec. 31 ~~Aug~~ 1987

Plainsboro

Ordinance establishing development  
fees for funding Plainsboro Twp's  
Mt. Laurel II Housing ~~Area~~ Needs

26 pgs

CA000541T

Township of Plainsboro  
County of Middlesex

ORDINANCE ESTABLISHING  
DEVELOPMENT FEES FOR FUNDING  
PLAINSBORO TOWNSHIP'S  
MT. LAUREL II HOUSING NEEDS

WHEREAS, in order to provide the necessary funds to finance and administer Plainsboro Township's Mt. Laurel II housing compliance program, the following development fees are to be paid by applicants for development in Plainsboro after the effective date of this Ordinance;

THEREFORE BE IT ORDAINED by the Township Committee of the Township of Plainsboro:

Section 1. All Applicants for general, corporate, administrative and professional office, retail, commercial, personal service computer centers, publishing houses and commercial printing plants, product development laboratories, research laboratories, limited manufacturing and industrial uses securing after the effective date of this ordinance, final or preliminary subdivision or site plan approval, or a building permit for development in all zones shall pay a development fee to the Township of \$.50 for each square foot of gross floor area as defined in Section 101-1 of the Plainsboro Zoning Ordinance, for use of programs to implement Plainsboro Township's Mount Laurel compliance.

Section 2. Exemptions. No public agency, hospital, educational institution, eleemosynary, charitable and philanthropic institutions, places of worship, facilities for social and civic clubs and organizations, public buildings,

schools, agricultural uses and other community facilities shall be obligated to pay any development fee contemplated herein.

Section 3. The development fee shall be payable according to the following schedule:

-- 50% upon receipt of a building permit,

-- 50% upon receipt of a certificate of occupancy for 60% or more of the square footage of the development ,or full real estate tax assessment whichever occurs first.

Section 4. Place of Contribution. All development fees required hereinunder shall be payable to the Township and the Township Treasurer shall give proof of payment to the Township officials issuing building permit or certificate of occupancy.

Section 5. No building permit or certificate of occupancy shall be issued for any development covered by this ordinance until receipt of the development fee has been certified by the municipal Treasurer.

Section 6. Credits.

(a) An Applicant, who before the effective date of this Ordinance, has received final subdivision or site approval from the Planning Board to construct low income units as part of Plainsboro Township's Mt. Laurel II housing compliance program, which units are part of a planned development which includes uses for which a development fee is to be assessed under Section 1, shall be entitled to a credit against the development fee.

(b) The credit is intended to compensate the Applicant for the estimated loss, to be incurred by the Applicant on the

sale of the low income units, taking into consideration the assumptions which the Applicant made between the time at which the Applicant agreed to provide low income units and the time when the order of settlement for Plainsboro township was signed by the Superior Court.

(c) The credit will be determined by the Township Committee and will be credited towards any fees the Applicant may be required to pay at the time the fees become due.

(d) The credit will only be applied if the low income and the bonus units are constructed in the same ratio as approved by the Planning Board.

Section 7. The Affordable Housing Agency shall utilize said development fees for the purpose of financing and administering Plainsboro Township's Mt. Laurel II Compliance program to provide low and moderate income units through rental subsidy, construction, renovation, purchase or whatever other techniques in the opinion of the Affordable Housing Agency and the Township Committee are appropriate to provide affordable housing to meet Plainsboro Township's Mt. Laurel II obligation. The Affordable Housing Agency may provide the services set forth herein on a contractual basis.

Section 8. 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 9. Immediately upon adoption of this Ordinance,

the Municipal Clerk shall file a copy of this Ordinance with the Middlesex County Planning Board as required by law.

Section 10. This ordinance shall become effective upon adoption after publication thereof in accordance with law.

I certify this to be a true copy of an ordinance adopted by the Plainsboro Township Committee on December 30, 1985.

  
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Patricia F. HULLfish, Township Clerk

Ordinance No.	<u>C-85-27</u>
Introduced	<u>12-9-85</u>
Published	<u>12-12-85</u>
Hearing	<u>12-30-85</u>
Adopted	<u>12-30-85</u>
Published	<u>1-9-86</u>

Township of Plainsboro  
County of Middlesex

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.

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

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 and 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.

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

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 provided that said income levels shall not exceed the greater of the PMSA or the regional median 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. Provided that said income levels shall not exceed the greater of the PMSA or the regional median 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:



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 SAME

unit in accordance with a formula developed by the Agency which takes into account increases in a generally accepted price or income index, reasonable improvements to the property as determined by the Agency, 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 and/or guarantees 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 requalified at least every three years. In the event that the renter's income exceeds the applicable low/moderate income standards, the 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 moderate 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.

Ordinance No. 0-84-19  
Introduced 10-8-84  
Published 10-18-84  
Hearing Nov. 12, 1984  
Adopted 11-12-84  
Published 11-22-84

I certify this to be a true copy of an ordinance adopted by the Plainsboro Township Committee on November 12, 1984.

Patricia F. Hullfish  
Patricia F. Hullfish, Township Clerk

ARTICLE XIII

R-90 Planned Medium Density Residence Zone Regulations

§ 101-145. Permitted uses.

In the R-90 Residence Zone no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

- A. Planned residential cluster developments, subject to the following requirements and conforming to the findings of a planned development as defined by the Municipal Land Use Law Section C.40:55D-65.
1. The minimum total area of a tract to be developed as a residential cluster planned development shall be fifty (50) contiguous acres. Such area to be so developed shall be as a single entity or under unified control. Streets shall not be deemed to divide acreage for the purposes of this requirement.
  2. The maximum residential density shall be 2.3 dwelling units per gross acre and the total number shall not exceed 560 dwelling units.
  3. Fifteen (15) low and twenty-five (25) moderate income for-sale dwelling units shall be required in a residential cluster planned development.\* All of these units shall be one story single family attached dwellings constructed at a maximum net density of eight (8) units per acre. All units shall be grouped or located together in proximity to major recreational facilities, common open space and off-site pedestrian systems.

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\* These units shall meet all the requirements of the Plainsboro Affordable Housing Agency.

4. The minimum tract frontage on an existing public arterial street which provides access to the residential cluster planned development shall be one thousand (1,000) contiguous feet.
  
5. In a planned residential cluster development there shall be a mix of market rate housing types, consisting of single family detached, single family zero lot line, single family semi-detached, two-family and townhouse dwellings in accordance with the requirements set forth below:
  - a) At a minimum, two (2) of the above permitted housing types shall be provided.
  
  - b) At least one third (1/3) of the permitted housing types shall be single family and/or zero lot line detached dwellings.

Except as specified hereinafter, the maximum permitted net density of particular types of dwelling units shall be in accordance with the schedule below. In calculating permitted net densities, the area of land covered by such uses shall include internal streets, parking areas and private yards, but not areas designated as common open space or development collector streets.

- a) The net density of single family detached units shall not exceed two and three fourths (2-3/4) dwelling units per acre, except where the Planning Board may grant an increase to five (5) dwelling units per acre for the provision of single family zero lot line dwellings as stipulated herein.

- b) Semi-detached single-family and two-family dwellings: six and one half (6.5) units per acre.
- c) Townhouses: eight (8) units per acre.

All market rate dwelling units shall be provided with attached garages.

- 6. Impervious surfaces, in the aggregate, shall not cover more than forty percent (40%) of the net residential area of the tract.
- 7. Building heights may vary from one (1) to three (3) stories, but in no case shall they exceed thirty-five (35) feet.
- 8. No less than fifty percent (50%) (less existing and proposed road rights-of-way) shall be devoted to common open space. All flood hazard areas and wetlands shall be retained in common open space. Individual residential lots or portions thereof shall not be construed as common open space. Such designated common open space shall be in major contiguous parcels interspersed among groupings of residential dwellings and shall be interconnected with common open space areas on abutting parcels, having adequate access to public and/or private roads and consisting of land developed for specific recreational purposes so that the distribution is as follows:
  - a) A minimum of fifteen percent (15%) of the common open space area shall be usable recreation facilities as set forth in the Township's Site Plan and Subdivision Ordinance.

- b) A minimum of thirty-five percent (35%) of the common open space area shall be in natural features, vistas, significant wooded areas, vegetation, and other open space.

Active recreational facilities shall be provided in planned residential cluster development for the use and enjoyment of the residents of the planned development and their guests, which may consist of any of the following: swimming pools, clubhouse and meeting rooms, tennis and handball courts, jogging trails and bike-ways, exercise areas and stations, children's play areas, picnic facilities, ball fields, gardening areas, and off-site pedestrian systems. Such recreational facilities may be jointly provided by two or more developers within the R-90 Zone with convenient access to all users, provided that the area shall equal the collective active recreational requirements of the participating properties served. The location of such recreational facilities shall be carefully planned to provide privacy for the users and to avoid problems of noise, lighting and similar nuisances which might interfere with their use and enjoyment by residents of the development.

The design and use of common open space areas shall protect the natural resources and qualities of the site, including the natural terrain, woodlands, significant views and any unique and unusual feature. Common open space other than that preserved for its natural values shall be suitably landscaped. All structures within open space areas shall be sited so as to retain their visual appeal. The Planning Board shall require such grading, drainage, planting, walkways, fencing, lighting and such other improvements



in the common open space as may be necessary to enhance the intended open space and recreational uses.

9. Lots may be clustered, provided that lands not required for residential use shall be devoted to common open space conforming to the standards for such open space contained in Article XII.
10. All residential lots shall be serviced by public sewer and centralized water system.
11. Lot sizes and dimensions, yard sizes and building arrangements may be freely disposed and arranged, provided the planned development conforms to a development plan approved by the Planning Board pursuant to the applicable provisions contained in the Township's Land Development Ordinances and in accordance with the following standards:
  - a) No portion of any dwelling shall be closer than seventy-five (75) feet from a major internal collector road right-of-way or one hundred fifty (150) feet from any off-site arterial road right-of-way. These setback requirements may be reduced by the Planning Board if the applicant can demonstrate that additional landscaping, fencing, and earth berming will protect dwellings from negative visual and physical impacts, e.g. noise, glare, dust, and fumes.
  - b) There shall be a minimum two hundred (200) foot dwelling unit setback from the existing railroad right-of-way. Sound attenuation systems, barriers or devices to include, but not be limited to, walls and landscaped earthen berms capable of

reflecting noise shall be placed within the setback area parallel to the railroad right-of-way as per the Township Engineer's instructions. Any proposed sound attenuation system shall be designed to completely interrupt line of sight measured at ground level within the yards of the dwelling units closest to the train tracks. Dwelling units which are placed immediately adjacent to the railroad right-of-way shall also be architecturally and structurally designed to mitigate railroad noise impacts.

- c) Freshwater wetlands shall be protected in accordance with the New Jersey "Freshwater Wetlands Protection Act."

12. No habitable dwelling unit area shall be constructed below grade. Units shall be attached or designed in such a manner as to provide maximum security and visual privacy from adjacent dwelling units. For townhouse style or similar attached structures, no more than four (4) units shall be permitted in a single structure. For zero-lot-line units, no windows of an adjoining unit shall face the private outdoor living space of another unit. Walls placed on lot lines shall not contain window openings on living spaces and cross-lot easements shall be provided so that adjacent lot owners may gain access to their dwellings for the purposes of maintenance and repairs.

13. During site plan review, the following criteria shall be addressed to the satisfaction of the Planning Board:

- a) Consistency with Township Subdivision and Site Plan Review regulations, Chapter 85.

- b) The function and visual relationship between the planned development and adjacent residential developments.
- c) Orientation of the building so as to take advantage of passive solar heating, summer breezes, views of the floodplains, while minimizing exposure to winter winds.
- d) Pedestrian walkways and bike paths which are linked to off-site walkway and bike path networks.
- e) Minimization of glare, noise and visual intrusion of parking lots to external roadways and adjacent developments through grading, berms and/or plantings.

14. Minimum spacing between buildings. In planned residential cluster developments the following distances shall be maintained between similar use structures:

- a) End wall (no openings) to end wall: twelve (12) feet minimum.
- b) Any building face to street curb: twenty (20) feet minimum.
- c) End wall to window wall: thirty (30) feet minimum, except for zero lot line dwelling units which shall be separated a minimum ten (10) feet.
- d) Any building face to parking area: twelve (12) feet minimum.

- e) Window wall to window wall: fifty (50) feet minimum, except for low and moderate, semi-detached, two-family and townhouse dwelling units which shall be separated a minimum thirty (30) feet.

These guidelines shall not be regarded as inflexible nor shall they be applied in a manner that will adversely affect full implementation of a plan of development. However, the attainment of these guidelines shall not be considered justification for building placement and proper site plan design without other considerations set forth in this section.

The Planning Board may reduce the distances cited above by not more than one third (1/3) if there is an angle of 20° or more between buildings and if extensive landscaping and/or earth berming is placed between buildings.

- B. Parks, playgrounds, and golf courses.
- C. Necessary public utilities and services, provided that:
  - 1. There are no storage of materials and trucks and no repair facilities or staging of repair crews, except within a completely enclosed building.
  - 2. The exterior of any structure shall be in keeping with the other structures in the immediate residential neighborhood.
  - 3. Utilities may be located in public streets or rights-of-way.

4. Public utility activities of an industrial character, such as repair and maintenance yards, storage facilities, classification yards and roundhouses, or of a residential character, such as work camps and group housing or boarding facilities, are prohibited.
- D. Building structures and uses owned and operated by the Township of Plainsboro for municipal purposes.
  - E. In the R-90 Zone the following may be permitted as conditional uses:
    - (1) Home occupations, provided that:
      - (a) No person other than members of the family residing on the premises plus one (1) outside employee shall be engaged in the home occupation.
      - (b) The home occupation shall be conducted entirely within the principal building.
      - (c) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the gross floor area of the principal building, not including the cellar, shall be used for the home occupation.
      - (d) No commercial vehicle shall be kept on the premises in connection with the home occupation.
      - (e) The dwelling shall have no external evidence of a non-residential use other than a small nameplate

sign, and no display of products shall be visible from the street.

- (f) No traffic or parking shall be generated in excess of three (3) passenger automobiles in addition to those used by the owner, all of which must be parked off the street in properly designed spaces in the side or rear yards.
  - (g) No mechanical or electrical equipment is used that will be detectable to the normal senses or which will create electrical or radio interference.
  - (h) No goods, chattels, material, supplies or items of any kind shall be delivered either to or from the premises in connection with a home occupation except in passenger automobiles owned by the resident and kept on the premises.
  - (i) There shall be no nuisance element detectable beyond the principal structure in connection with the home occupation.
  - (j) No hazardous material shall be left on the premises.
- (2) Professional offices, provided that:
- (a) No person other than the professional in residence on the lot plus one (1) outside employee shall be engaged in the professional office use.
  - (b) The professional office shall be conducted entirely within the principal building.

- (c) The use of the dwelling unit for the professional office use shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the gross floor area of the principal building, not including the cellar, shall be used for the professional office use.
- (d) No commercial vehicle shall be kept on the premises in connection with the professional office use.
- (e) The dwelling shall have no external evidence of a non-residential use other than a small nameplate sign.
- (f) No traffic or parking shall be generated in excess of three (3) passenger automobiles in addition to those used by the owner, all of which must be parked off the street in properly designed spaces in the side or rear yards.
- (g) No mechanical or electrical equipment is used that will be detectable to the normal senses or which will create electrical or radio interference.
- (h) No goods, chattels, materials, supplies or items of any kind shall be delivered either to or from the premises in connection with a professional office use except in passenger automobiles owned by the resident and kept on the premises.
- (i) There shall be no nuisance element detectable beyond the principal structure in connection with the professional office use.

(j) No hazardous material shall be left on the premises.

(3) Eleemosynary, charitable and philanthropic institutions, hospitals, nursing homes, convalescent homes, child day-care centers, churches, parochial and private schools and nursery schools, provided that:

(a) Such uses shall be located on a major or minor arterial.

(b) A minimum lot area shall be five (5) acres.

(c) All parking shall be on site and in accordance with the Site Plan Review Ordinance.

(d) All state, county and local licenses are obtained.

(4) Cemeteries



**FILED**

DEC 31 1967

JANE BURGIO  
Secretary of State

**CERTIFICATE OF INCORPORATION  
OF THE  
PLAINSBORO NON PROFIT  
HOUSING CORPORATION**

This instrument is to certify that we Patrick Guilfoyle, James Corcoran and Dolores T. Corona, do hereby associate ourselves into a corporation under and by virtue of the provisions of an Act of the Legislature of the State of New Jersey, entitled "The Corporations and Associations Not for Profit Act" (Title 15 of the Revised Statutes of 1937, N.J.S.A. title 15) and the amendments thereof and supplements thereto, for a lawful purpose other than pecuniary profit as hereinafter stated, and to that end we do by this instrument certify that

First. The name by which this corporation shall be known in law shall be Plainsboro Non Profit Housing Corporation;

Second. The purposes for which this corporation is formed shall be as follows:

(1) Acquisition, construction, maintenance, management, sale or rental of buildings, structures of other improvements necessary or useful for the provision of low and moderate housing in any appropriate manner as may be necessary or useful for that purpose.

(2) To engage in any other lawful activities and pursuant to N.J.S.A. 15A:3-1 et. seq. to further purpose (1)

Third. The said corporation shall be located and its activities shall be conducted in the said Township of Plainsboro, County of Middlesex and State of New Jersey and

Fourth. The number of trustees selected to the first year of the existence of the said corporation shall be three, and the names and post-office addresses of the said trustees follow:

NAMES	ADDRESS
<u>Patrick Guilfoyle</u>	<u>9 Hampshire Drive</u> <u>Plainsboro, NJ 08536 -</u>
<u>James Corcoran</u>	<u>1704 Deer Creek Road</u> <u>Princeton Meadows</u> <u>Plainsboro, NJ 08536</u>
<u>Dolores T. Corona</u>	<u>34 Thoreau Drive</u> <u>Plainsboro, NJ 08536</u>

Fifth. The name and post-office address of the resident agent of the said corporation, upon whom process against the said

corporation may be served, is James Corcoran, 1704 Deer Creek Road, Princeton Meadows, Plainsboro, New Jersey 08536.

Sixth. Said corporation is organized exclusively for charitable purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under the Internal Revenue Code.

Seventh. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the Article Third hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal Income tax under the Internal Revenue Code or (b) by a corporation, contributions to which are deductible under the Internal Revenue Code or Internal Revenue Law.

Eighth. Upon dissolution of the corporation, the Board of Trustees shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of the

assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under the Internal Revenue Code. Any such assets not so disposed of shall be disposed of by the Superior Court of the county in which the principal office of the corporation is located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

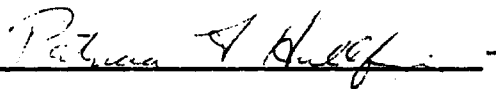
In witness whereof, we have hereunto set our hands and seals on this                      day of August, 1987.

Signed, sealed and delivered on this                      day of August, 1987, in the presence of

  
PATRICK GULLEFOYLE

  
JAMES CORCORAN

  
DOLORES T. CORONA

  
Patricia A. Huddell