

U. L. v. Carteret

Feb. 10, 1987

S. Plainfield

Letter from Curley to Reiss (1) w/
Notice of Motion (3), Letter Brief (9),
form of order & Affidavit of Barzan (5).

Pgs. Total: 70

Post It # 3025 : Notice of Motion to Intervene

3026 : Letter Brief to Konchup

3027 : Affidavit of Barzan.

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ATTORNEYS AT LAW

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February 10, 1987

HAND-DELIVERED

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JEFFREY R. RICH^{*}
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 MARY F. EVERS
 JUDITH E. HAGANS
 SCOTT T. SMITH

^oCERTIFIED CIVIL TRIAL ATTORNEY
^oCERTIFIED CRIMINAL TRIAL ATTORNEY

[†] ALSO ADMITTED IN V.I.
⁺ ALSO ADMITTED IN D.C.
^{*} ALSO ADMITTED IN PA.
^{*} ALSO ADMITTED IN N.Y.

PLEASE REPLY TO:
 Woodbridge

Renee Reiss
 New Jersey Council on Affordable Housing
 707 Alexander Road
 Princeton, New Jersey

RE: Urban League of New Brunswick, et al v.
 The Mayor and Council of the Borough of
 Carteret, et al (South Plainfield)

Dear Ms. Reiss:

Enclosed herewith are an original and sixteen (16) copies of a Notice of Motion, Letter Brief, form of Order and Affidavit of Stephen E. Barcan, Esq. in support of Motion in the above captioned matter returnable March 2, 1987.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



ROBERT J. CURLEY

RJC:pd
 Encls.

cc: Eric Neisser, Esq. (with enclosures)
 Patrick J. Diegnan, Jr. (with enclosures)
 Peter Calderone, Esq. (with enclosures)

WILENTZ, GOLDMAN & SPITZER
A Professional Corporation
900 Route 9, P.O. Box 10
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(201) 636-8000
Attorneys for Plaintiff-Intervenor

NEW JERSEY COUNCIL ON
AFFORDABLE HOUSING

-----X
: URBAN LEAGUE OF GREATER :
: NEW BRUNSWICK, :
: Plaintiff, :
: v. : Civil Action
: THE MAYOR AND COUNCIL OF : NOTICE OF MOTION TO INTERVENE
: THE BOROUGH OF CARTERET, : AND FOR REMOVAL OF RESTRAINTS
: et al., :
: Defendant. :
-----X

TO: ERIC NEISSER, ESQ.
Attorney for Plaintiff
Urban League of Greater New Brunswick
c/o American Civil Liberties Union
38 Walnut Street
Newark, New Jersey 07102

PATRICK J. DIEGNAN, JR.
Attorney for Borough of South Plainfield
33 South Plainfield Avenue
South Plainfield, New Jersey 07080

SIRS:

PLEASE TAKE NOTICE that on Monday, March 2, 1987 at
10:00 a.m., or as soon thereafter as counsel may be heard, the
undersigned attorneys for movant-intervenor, Harris Structural
Steel Company, Inc. will apply to the New Jersey Council on

Affordable Housing at 707 Alexander Road, Princeton, New Jersey,
For an order permitting movant-intervenor, Harris Structural
Steel Company, Inc. to intervene in the above-captioned matter
and to remove and/or modify certain restraints imposed by the
Hon. Eugene D. Serpentelli in the Judgment rendered May 22, 1984
and by Order, entered July 3, 1985 and amended July 19, 1985, in
Urban League of New Brunswick, et al. v. The Mayor and Council
of the Borough of Carteret, et al., Docket No. C-4122-73 (Ch.
Div. Middlesex/Ocean), so as to permit movant-intervenor to
develop its premises in South Plainfield to be developed for
non-residential uses in addition to lower income housing units
and to submit, process and proceed to hearings and approvals on
development applications in connection with same.

PLEASE TAKE FURTHER NOTICE that in support of this
motion movant-intervenor will rely on the attached Affidavit of
Stephen E. Barcan, Esq., on the Memorandum submitted herewith
and on the arguments of counsel.

PLEASE TAKE FURTHER NOTICE that movant-intervenor
Harris Structural Steel Company, Inc. hereby requests oral
argument pursuant to N.J.A.C. 5:91-13.2.

WILENTZ, GOLDMAN & SPITZER
A Professional Corporation
Attorneys for Plaintiff-Intervenor

BY: 
STEPHEN E. BARCAN

DATED:

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PLEASE TAKE FURTHER NOTICE that in support of this
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PLEASE TAKE FURTHER NOTICE that movant-intervenor
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WILENTZ, GOLDMAN & SPITZER
A Professional Corporation
Attorneys for Plaintiff-Intervenor

BY: 

STEPHEN E. BARCAN

WILENTZ, GOLDMAN & SPITZER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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February 10, 1987

^oCERTIFIED CIVIL TRIAL ATTORNEY
^oCERTIFIED CRIMINAL TRIAL ATTORNEY

† ALSO ADMITTED IN V.I.
* ALSO ADMITTED IN D.C.
* ALSO ADMITTED IN PA.
* ALSO ADMITTED IN N.Y.

PLEASE REPLY TO:

Woodbridge

Arthur R. Kondrup, Chairman
New Jersey Council on Affordable Housing
707 Alexander Road, C.N. 813
Trenton, New Jersey 08625-0813

RE: Urban League of Greater New Brunswick, et al v.
Mayor and Council of the Borough of Carteret, et al
Docket No. C-4122-73 (Ch Div. Middlesex/Ocean)

Dear Chairman Kondrup:

Please accept this memorandum in support of the motion of Harris Structural Steel, Inc. ("Harris Steel") for the release of certain restraints placed on movant's property in the above referenced litigation by Order of the Honorable Eugene D. Serpentelli. Harris Steel brings this motion before the New Jersey Council on Affordable Housing ("the Council") since the above referenced matter was transferred to the Council's jurisdiction-pursuant to Hills Development Co. v. Bernards Township, 103 N.J. 1 (1986).

WILENTZ, GOLDMAN & SPITZER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

Arthur R. Kondrup, Chairman
February 10, 1987
Page 2

Movant, Harris Steel, is the owner of 84.8 acres of land located on New Brunswick Avenue in the Borough of South Plainfield, Middlesex County, New Jersey, which is otherwise known and designated as Block 459 Lot 1, Block 460 Lot 1, Block 461 Lots 1-3, Block 462 Lot 2, Block 464 Lot 1, Block 466 Lot 1, Block 467 Lots 1, 3, 4, 5, and 21 on the Tax Map of the Borough of South Plainfield (hereinafter "Harris premises"). The Harris premises were one of several properties involved in litigation known as Urban League of Greater New Brunswick, et al v. The Mayor and Council of the Borough of Carteret et al Docket No. C-4122-73 (Ch. Div./Middlesex County) ("Urban League case"), a Mount Laurel suit which included the Borough of South Plainfield as a party defendant. By Judgment entered May 22, 1984 in that matter, the Honorable Eugene Serpentelli, A.J.S.C. held that the Zoning Ordinance of the Borough of South Plainfield did not comply with the Borough's constitutional obligation as set forth in Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983). See Affidavit of Stephen E. Barcan ("Barcan Affidavit"), Exhibit A. In that Judgment, the Borough of South Plainfield was ordered to amend its Zoning Ordinance to include a provision which would rezone the Harris premises "exclusively for multiple-family development at a density of 12 units per acre

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Page 3

with a mandatory set aside of 10 percent low income and 10 percent moderate income units". Other properties were also ordered to be rezoned.

Harris was not a party to the Mount Laurel litigation when the Judgment was entered and, therefore, did not participate in any proceedings related thereto. Subsequent to the Judgment, the Borough Council held public hearings for the purpose of adopting ordinance amendments which would, inter alia, rezone the Harris premises as ordered by Judge Serpentelli. On July 3, 1985, Judge Serpentelli entered an Order, amended July 19, 1985, which inter alia restrained the Borough from issuing any building permits. See Barcan Affidavit, Exhibits B and C. This Order has been interpreted by the Borough to also restrain the approval of any site plans, subdivision applications or variances for properties included in the 1984 Judgment.

On or about August 7, 1985, the Borough Council adopted Ordinance Nos. 1009 and 1010 which, inter alia, rezoned the Harris premises from industrial to residential use and included a mandatory set aside requirement of 20 percent low and moderate income housing within any residential development constructed on the premises. See Barcan Affidavit, Exhibit E. These ordinances

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February 10, 1987
Page 4

were adopted under protest because of the 1984 Judgment, and were subject to Judge Serpentelli's approval.

On or about October 24, 1985, Harris Steel filed a motion to intervene in the aforementioned Mount Laurel litigation seeking to remove the restrictions placed on the Harris premises by Judge Serpentelli and requesting that any rezoning of the property give Harris Steel the option of constructing either office and light industrial facilities thereon, together with lower income housing units or, alternatively, of constructing office and light industrial facilities exclusively if the lower income housing requirement were satisfied off-site. While the motion was pending, representatives of Harris Steel informally discussed rezoning the Harris premises with representatives of the Borough. In these discussions, Harris Steel sought permission for office/industrial development while maintaining an obligation for low and moderate income housing on any development of the property. Essentially, Harris would subsidize the Mount Laurel units with industrial buildings rather than market rate residential units.

Harris Steel's intervention motion was never heard by Judge Serpentelli because the litigation was subsequently transferred to the jurisdiction of the Council pursuant to the Supreme

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A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

Arthur R. Kondrup, Chairman
February 10, 1987
Page 5

Court's directive in Hills Development Company v. Bernards Township 103 N.J. 1 (1986).

Subsequent to the transfer of the Urban League case to the Council, the Borough followed the appropriate procedure as set forth in N.J.A.C. 5:91-1 et seq. to comply with the Council's jurisdictional prerequisites. In addition, on March 24, 1986, the Mayor and Council of the Borough of South Plainfield rescinded Ordinances 1009 and 1010. See Barcan Affidavit, Exhibit F. As a result, the Harris Premises zoning reverted to its prior industrial use classification.

In the Borough's development of its Housing Element and Fair Share Plan, discussions were held between representatives of Harris Steel and the Borough regarding the Harris Premises. The draft Housing Element and Fair Share Plan prepared November 4, 1986 and the final Housing Element prepared December 17, 1986 and submitted January 5, 1987 both provide that the Harris Premises be designated for mixed the development described above. Specifically, ten acres of the site would be designated for the construction of the 70 affordable housing units to be assigned to Harris Premises, and the balance of the site would be zoned for industrial uses. See Barcan Affidavit, Exhibit H.

WILENTZ, GOLDMAN & SPITZER

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

Arthur R. Kondrup, Chairman
February 10, 1987
Page 6

On this motion, Harris Steel seeks the release of the restraints imposed in the Judgment rendered May 22, 1984 and the Order entered July 3, 1985 and amended July 19, 1985 by Judge Serpentelli. The release is necessary not to relieve the site of its Mount Laurel commitment but to allow subsidy of those units by other than a residential use as now provided in the 1985 restraint. Harris Steel also seeks authorization to commence the site plan application process before the Planning Board of the Borough of South Plainfield prior to the granting of substantive certification by the Council to South Plainfield.

As an interested party in the substantive certification process, Harris Steel supports the final Housing Element and Fair Share Plan submitted by the Borough of South Plainfield. Harris Steel agrees with the proposed industrial designation and the low and moderate income housing obligation of 70 units. The Housing Element and Fair Share plan as submitted to the Council recognizes the environmental constraints on the development of the site and the amount of low and moderate income housing which can realistically and appropriately be supported by such development. Frankly, we believe that had anyone thought of or considered a Mount Laurel subsidy by non-residential uses when the 1984 Judgment was entered that would have been incorporated

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ATTORNEYS AT LAW

Arthur R. Kondrup, Chairman
February 10, 1987
Page 7

in the Judgment without objection -- the Mount Laurel component remains intact.

In light of its support of the Housing Element and Fair Share Plan of the Borough of South Plainfield, Harris Steel, Inc. petitions the Council to release those restrictions placed upon the Harris premises by Judge Serpentelli since both the Borough of South Plainfield and Harris Steel, Inc. are in agreement on the industrial/office zoning for the tract and the associated low and moderate income obligation. The lifting of such restrictions will not only enable Harris Steel, Inc. to commence the planning process for the development of the premises and but will also assist in expediting the provision of low and moderate income housing in satisfaction of the Borough's fair share of the regional need for low and moderate income housing.

Respectfully submitted,

WILENTZ, GOLDMAN & SPITZER

BY: 

STEPHEN E. BARCAN

WILENTZ, GOLDMAN & SPITZER
A Professional Corporation
900 Route 9, P.O. Box 10
Woodbridge, New Jersey 07095
(201) 636-8000
Attorneys for Plaintiff-Intervenor

NEW JERSEY COUNCIL ON
AFFORDABLE HOUSING

-----X
URBAN LEAGUE OF GREATER :
NEW BRUNSWICK, :
 :
Plaintiff, :
 :
v. :
 :
THE MAYOR AND COUNCIL OF :
THE BOROUGH OF CARTERET, :
et al, :
 :
Defendant. :
 :
-----X

Civil Action

ORDER GRANTING INTERVENTION
AND REMOVING RESTRAINTS

THIS MATTER having been opened to the New Jersey Council on Affordable Housing by Wilentz, Goldman & Spitzer, A Professional Corporation, attorneys for movant-intervenor Harris Structural Steel Company, Inc. (Stephen E. Barcan, Esquire, appearing), and the New Jersey Council on Affordable Housing having considered the papers submitted and having heard the oral argument of counsel, and good cause appearing for the entry of this Order;

IT IS on this day of , 1987

ORDERED that:

1. Movant-intervenor Harris Structural Steel Company, Inc. be and hereby is permitted to intervene in this matter as a party for the purposes of this motion.

2. All restraints entered upon the property designated as Block 459 Lot 1, Block 460 Lot 1, Block 461 Lots 1-3, Block 462 Lot 2, Block 464 Lot 1, Block 466 Lot 1, Block 467 Lots 1, 3, 4, 5 and 21 on the Official Tax Map of the Borough of South Plainfield ("Harris Premises") in the Judgment rendered May 22, 1984 by the Hon. Eugene D. Serpentelli, A.J.S.C., in Urban League of Greater New Brunswick, et al. v. The Mayor and Council of the Borough of Carteret, et al., Docket No. C-4122-73 are hereby removed.

3. The Borough of South Plainfield is authorized to approve any site plans, subdivision applications or variances related to the development of the Harris premises and the restraints against the issuance of building permits and any of the aforementioned approvals as applied to the Harris premises under Order of the Hon. Eugene D. Serpentelli, entered July 3, 1985 and amended July 19, 1985, are hereby removed, on condition, however, that such plans and approvals include a development of 70 lower income housing units.

ARTHUR R. KONDRUP, Chairman

WILENTZ, GOLDMAN & SPITZER
A Professional Corporation
900 Route 9, P.O. Box 10
Woodbridge, New Jersey 07095
(201) 636-8000
Attorneys for

NEW JERSEY COUNSEL ON
AFFORDABLE HOUSING

-----X
:
URBAN LEAGUE OF GREATER :
NEW BRUNSWICK, :
:
Plaintiff, :
:
v. :
:
THE MAYOR AND COUNCIL OF :
BOROUGH OF CARTERET, et al :
:
Defendant. :
:
-----X

Civil Action

AFFIDAVIT OF STEPHEN E.
BARCAN, ESQ. IN SUPPORT OF
MOVANT-INTERVENOR'S MOTION
TO INTERVENE AND FOR REMOVAL
OF RESTRAINTS

STATE OF NEW JERSEY:
:SS
COUNTY OF MIDDLESEX:

STEPHEN E. BARCAN, ESQ., of full age and duly sworn
upon his oath says:

1. I am an attorney at law in the State of New Jersey
and a shareholder in the law firm of Wilentz, Goldman & Spitzer,
A Professional Corporation, attorneys for the Movant-Intervenor,

Harris Structural Steel Company, Inc., hereinafter "Harris Steel" and I am responsible for handling the present matter.

2. I am familiar with the facts of this case as they relate to the position of Harris Steel.

3. Harris Steel owns real property consisting of 84.8 acres located in the Borough of South Plainfield, Middlesex County, New Jersey appearing as Block 459, Lot 1, Block 460, Lot 1, Block 463, Lots 1-3, Block 462, Lot 2, Block 465, Lot 1, Block 466, Lot 1, Block 467, Lots 1,3,4,5, and 21 on the Tax Map of the Borough of South Plainfield ("Harris Premises").

4. The Harris Premises were one of several properties which were involved in Urban League of Greater New Brunswick, et al v. The Mayor and Council of the Borough of Carteret, et al, Docket No. C-4122-73 (Ch. Div. - Middlesex County) ("Urban League case"), a Mt. Laurel suit also involving the Borough of South Plainfield which was transferred to the jurisdiction of the New Jersey Council on Affordable Housing pursuant to the New Jersey Supreme Court's directive in Hills Development Company v. Bernards Township, 103 N.J. 1 (1986).

5. On May 22, 1984, the Honorable Eugene D. Serpentelli, A.J.S.C., entered judgment in the Urban League case ordering the Borough of South Plainfield to revise its zoning ordinance so as to conform to the decision in South Burlington County NAACP v. Mt. Laurel Township, 92 N.J. 158 (1983) (Mt. Laurel II). The judgment included a provision which required

the Borough to rezone the Harris Premises "exclusively for multi-family development". The judgment is attached hereto as Exhibit "A".

6. On July 3, 1985, Judge Serpentelli entered an Order which, inter alia, enjoined the Borough of South Plainfield from issuing building permits for any purpose without the prior consent of the plaintiff in that litigation, Urban League which Order is attached hereto as Exhibit "B". An amended Order was entered July 19, 1985 and is attached hereto as Exhibit "C". Although the language of both Orders appears to only restrict the issuance of building permits, the Borough and other parties to that litigation have interpreted the Orders to also restrain the consideration of site plan and subdivision applications by the Planning Board.

7. On August 9, 1985, Judge Serpentelli entered an Order which dissolved the restraints imposed on those properties not subject to the judgment of May 22, 1984 and maintained those restraints in effect against properties subject to that judgment including the Harris Premises. This Order is attached hereto as Exhibit "D".

8. On or about August 7, 1985, the Borough Council of the Borough of South Plainfield adopted Ordinances Numbers 1009 and 1010. These Ordinances rezoned the Harris Premises from industrial to residential use with a mandatory set aside of 20%

low and moderate income housing. These Ordinances are attached hereto as Exhibit "E".

9. On or about October 24, 1985, Harris Steel filed a motion to intervene in the Urban League case to remove the restraints placed on the Harris Premises by the aforesaid Orders and to request that any rezoning of the Harris Premises give Harris Steel the option of constructing either office and light industrial facilities, together with lower income housing units or, alternatively, of constructing office and light industrial facilities exclusively if the lower income housing requirement were satisfied off site.

10. The aforesaid motion was never heard by Judge Serpentelli because that litigation was transferred to the jurisdiction of the New Jersey Council on Affordable Housing in accordance with the New Jersey Supreme Court's directive in Hills Development Company v. Bernards Township, 103 N.J. 1 (1986).

11. Subsequent to the transfer, on March 24, 1986, the Mayor and Council of the Borough of South Plainfield rescinded Ordinances 1009 and 1010. A newspaper article concerning the act of rescission is attached hereto as Exhibit "F".

12. Thereafter, discussions were held between representatives of Harris Steel and the Borough of South Plainfield regarding the Harris Premises and a draft housing


element and fair share plan prepared November 4, 1986 was submitted to the New Jersey Council on Affordable Housing.

13. By letter dated November 21, 1986, attached hereto as Exhibit "G", I advised the New Jersey Council on Affordable Housing that Harris Steel was an "interested party" within the Rules of the New Jersey Council on Affordable Housing.

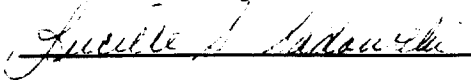
14. Further discussions were held between the Borough and Harris Steel regarding the Harris Premises which resulted in the agreement that the Harris Premises would be zoned for industrial use with a low and moderate income housing obligation of seventy (70) affordable housing units. The final housing element and fair share plan submitted by the Borough of South Plainfield to the Council on Affordable Housing, which is attached hereto as Exhibit "H", recommends a zoning scheme for the Harris Premises which provides for industrial use and an affordable housing obligation of seventy (70) units.

15. Since the Borough and Harris Steel are in agreement regarding the proposed use of the Harris Premises, I respectfully request that the New Jersey Council on Affordable Housing permit Harris Structural Steel, Inc. to intervene in this matter and to release the aforesaid restraints imposed by Judge Serpentelli upon the Harris Premises so that application can be made to the Planning Board of the Borough of South Plainfield for the appropriate approvals related to the

industrial development of the Harris Premises together with the lower income housing to be subsidized by such development.


STEPHEN E. BARCAN

Sworn and subscribed to
before me this 10th day
of February, 1987.



LUCILLE S. SADOWSKI
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Dec. 16, 1991

ERIC NEISSER, ESQ.
JOHN M. PAYNE, ESQ.
Constitutional Litigation Clinic
Rutgers Law School
15 Washington Street
Newark, New Jersey 07102
201/648-5687

FILED S-22-84
E. D. SERPENTELLI, J.S.C.

BRUCE S. GELBER, ESQ.
JANET LA BELLA, ESQ.
National Committee Against
Discrimination in Housing
733 Fifteenth St., NW, Suite 1026
Washington, D.C. 20005
202/783-8150

ATTORNEYS FOR PLAINTIFFS

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.,

Plaintiffs,

vs.

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

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION-MIDDLESEX
COUNTY

Docket No. C 4122-73

Civil Action

JUDGMENT AS TO SOUTH PLAINFIELD

Plaintiffs having moved for summary judgment based upon the Stipulation between plaintiffs and the Borough of South Plainfield, and the Court having reviewed the Stipulation and referred it to the Court-appointed expert to report whether the terms of the Stipulation, including the fair share allocation, the designation of sites for multi-family development, and the procedures for insuring appropriate marketing and affordability control are reasonable, and having heard counsel for both parties,

It is, therefore, this 22 day of May, 1984,

ORDERED and ADJUDGED:

1. The Borough of South Plainfield's fair share of the regional low and moderate income housing need through 1990 is 900 housing units, allocated as 280 units of present need and 620 units of prospective need.

2. The Borough of South Plainfield's existing zoning ordinance is not in compliance with the constitutional obligation set forth in Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983) (Mount Laurel II), and the Borough is not entitled to any credit towards its fair share for any housing built since 1980.

3. Forthwith, but not later than 120 days after the entry of this Judgment, the Borough of South Plainfield shall amend its zoning ordinance to incorporate the following provisions:

A. The Borough shall rezone the 84.8 acre Harris Steel 0 site on New Brunswick Avenue, designated as Block 459 Lot 1, Block Lot 1, Block 461 Lots 1-3, Block 462 Lot 2, Block 465 Lot 1, Block 466 Lot 1, Block 467 Lots 1, 3, 4, 5 and 21, exclusively for multi-family development at a density of 12 units per acre with a mandatory set-aside of 10 percent low income and 10 percent moderate income units.

B. The Borough shall rezone the 27 acre site on New Durham Road, known as the Coppola farm and designated as Block 528 Lot 43, exclusively for multi-family development at a density of 12 units

①

12

②
12

in the lots

~~12x 12 = 144~~

8x 14 = 112

4x 8 = 32

144

per acre with a mandatory set-aside of 10 percent low income and 10 percent moderate income units.

3

city site

C. The Borough shall rezone the municipally owned site of approximately 25 acres at the northern tip of Kennedy Road, known as the Pomponio Avenue site and designated as Block 448 Lots 2.01 and 4.01 and Block 427 Lot 1.01, exclusively for multi-family development at a density of 15 units per acre with a mandatory set-aside of 10 percent low income and 10 percent moderate income units, except that the rezoning may provide for a commercial development buffer no more than 200 feet deep on the westernmost portion of the site facing Clinton Avenue.

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12
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x 1/2 G.A.

D. The Borough shall rezone the Universal Avenue site, designated as Block 255 Lots 14, 33 and 34, exclusively for multi-family development at a density of 12 units per acre with a mandatory set-aside of 10 percent low income and 10 percent moderate income units.

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D.U. Apt. - MAX - 1/3

ASV

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E. The Borough shall rezone the municipally owned site of approximately 8 acres and the adjoining privately owned parcels totalling approximately 4 1/2 acres on either side of Frederick Avenue to the north of Sylvania Place, known as the Frederick Avenue site and designated as Block 308 Lot 34, Block 310 Lots 1.01, 4.01, 5-7, 9, 11, 13-15, 17 and 18, and Block 311 Lots 16-36, exclusively for multi-family development at a density of 12 units per acre with a mandatory set-aside of 10 percent low income and 10 percent moderate income units.

⑥

F. The Borough shall rezone the municipally owned site of 6.15 acres on Morris Avenue, known as the Morris Avenue site and designated as Block 111 Lots 1-4, Block 112 Lots 1, 2.01, Block 113 Lots 1.01, 2, 4, 5.01 and Block 115 Lots 1, 2, 2.01 and 3, exclusively for development as a senior citizens housing project with a total of 100-150 units of which at least 50 percent will be affordable by low income households with the balance affordable by moderate income households. See ¶ 4 infra.

⑦

G. The Borough shall rezone the 7 1/2 acre site south of Tompkins Avenue designated as Block 12 Lots 9, 16 and 17, and currently owned by the Archdiocese of Metuchen for multi-family development at a density of 12 units per acre with a mandatory set-aside of 10 percent low income and 10 percent moderate income units. To the extent that the existing land use ordinance may permit use of the site for cemetery purposes, such ordinance provision may continue in effect for a period of two years from the date of the entry of the Order of Compliance for South Plainfield in this action but shall thereafter expire automatically.

⑧

H. The Borough shall rezone the 1.46 acre site on Hamilton Boulevard, known as the Elderlodge site and designated as Block 259 Lots 5, 6.01, 6.02, 7, and 12, which is the property at issue in Elderlodge, Inc. v. South Plainfield Board of Adjustment, No. L-5634 (Law Div., Middlesex County), exclusively for a 100-unit multi-family development, with a mandatory set-aside of 10 percent low income and 10 percent moderate income units, subject to reasonable

conditions to be imposed by the Board of Adjustment.

I. The Borough shall expressly provide in its zoning ordinance that modular or manufactured housing meeting state building code requirements and other appropriate zoning ordinance requirements shall be permitted in residential zones throughout the Borough.

J. The Borough shall permit, as a conditional use on any site of 3 acres or more in any residential zone, where appropriate multi-family development at a higher density than otherwise permitted by the applicable zoning with a mandatory set-aside of 10 percent low income and 10 percent moderate income housing, subject to such additional appropriate conditions as the Borough may wish to incorporate in the zoning ordinance. Through 1990 the Borough shall not permit on a site 3 acres or larger any use substantially similar to that permitted under this section unless it is subject to the same mandatory set-aside.

K. The Borough shall adopt appropriate provisions to require that the low and moderate income housing units to be constructed pursuant to any mandatory set-aside provision shall be phased in proportionately during the construction of the entire project so that certificates of occupancy for more than 25 percent of the market units shall not be granted until 25 percent of the low and moderate income units are completed, certificates of occupancy for more than 50 percent of the market units shall not be granted until 50 percent of the low and moderate income units are completed, and certificates of

O.K.
GMAF
Find a place
Speculate

define
to find

2%
existing

occupancy for more than 85 percent of the market units shall not be granted until 85 percent of the low and moderate income units are completed.

L. The Borough shall adopt appropriate provisions to require that all multi-family developments provided for herein shall contain a bedroom mix reflecting the distribution of housing needs by household size in the 11-county region set forth in the Report of the Court-appointed expert in this action dated April 2, 19 and to limit the granting of construction permits, pursuant to the formula set forth in subparagraph 3(K) above, to insure that each segment of a project contains an appropriate bedroom mix, unless the size of the project makes this infeasible.

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at it*

4. In order to facilitate development of the Morris Avenue site after rezoning as set forth in ¶ 3(F) supra, the Borough of South Plainfield shall contribute the land at that site and shall provide the necessary financial support for the project, including necessary seed money and tax abatements.

*3
S. Citizens*

5. Forthwith, but not later than 120 days after the entry of this Judgment, the Borough of South Plainfield shall adopt an Affordable Housing Ordinance which shall provide that units designated as low or moderate income units shall be sold or rented only to families who qualify as low or moderate income families. The ordinance shall further provide that such units shall be re-rented or re-sold only to qualifying families and that such units are affordable to low or moderate income families. To be affordable

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P.P.A.
P.P.A.*

the monthly expenses of a sales unit for principal, interest, taxes, insurance, and condominium fees shall not exceed 28% of family income while the monthly rental charge, including utilities, shall not exceed 30% of family income. Low income shall be defined as less than 50% of median regional income with adjustments for family size, and moderate income shall be defined as between 50% and 80% of median regional income, with adjustments for family size. For the purposes of this section, the region for determining median income shall be the 11-county region set forth in the Court-appointed expert's Report dated April 2, 1984, in this case. The average price of moderate income units in any development provided for herein shall not exceed the level affordable by households earning 90 percent of the ceiling income for moderate income households, and the average price of low income units in any development provided for herein shall not exceed the level affordable by households earning 90 percent of the ceiling income for low income households. Restrictions on resale will expire 30 years from the date of the initial sale of the premises. The ordinance shall provide a mechanism to assure that only qualifying families own or rent such units and to administer otherwise these provisions. For this purpose, the Borough may establish a municipal agency or may contract with a suitable non-profit organization or other public agency for the purpose of administering the requirements set forth herein.

6. Forthwith, but no later than 120 days after the entry of this Judgment, the Borough of South Plainfield shall adopt a

resolution committing the Borough to apply for all federal, state and county funds that become available between the present and 1990 for rehabilitation of existing deficient housing units and for all such funding that becomes available between the present and 1990 for subsidization of the construction or rent of new housing units, and to encourage and assist private developers to so apply.

7. Forthwith, but not later than 120 days after entry of this Judgment, the Borough of South Plainfield shall amend its zoning ordinances so that all developers of low and moderate income units are required to affirmatively market those units to persons of low and moderate income, irrespective of race, color, sex, or national origin.

*our needs
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in 2.0*

Such affirmative marketing shall include advertisement in newspapers with general circulation in the urban core areas



located in the 11-county present need region identified in the Court appointed expert's Report dated April 2, 1984. The Borough shall also require the developer to advertise the low and moderate income units with local fair housing centers, housing advocacy organizations, Urban Leagues, and governmental social service and welfare departments located within the 11-county region. The Borough shall also require that all marketing practices comply with applicable federal and state laws against discrimination.

8. The Borough of South Plainfield shall report in writing to the Court and to plaintiff Urban League or its designee, within 120 days of the entry of this Consent Order or when all ordinance amendments and resolutions have been duly enacted by the Borough

Council, 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 bind 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.

9. The Borough of South Plainfield shall report quarterly in writing to plaintiff Urban League or its designee, commencing with September 30, 1984, providing the following information:

(a) itemization of all proposed developments covered by the Judgment for which applications have been filed with the Borough's Planning Board, and for which preliminary or final approval has been given by the Planning Board; including the location of the proposed site, number of low and moderate income units, name of developer, and dates that Planning Board actions were taken or are anticipated to be taken;

(b) a copy of the affirmative marketing plans provided for each development together with copies of advertisements and a list of newspapers and community or governmental organizations or agencies which received the advertisements; and

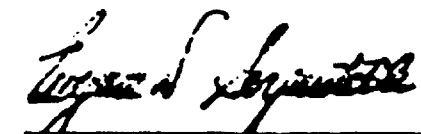
(c) applications for government funds for low and moderate income housing and the result thereof.

10. Failure on the part of the Borough to comply with this

Judgment subsequent to entry of the Order of Compliance, by rezoning in contravention hereof or by failing to enforce the other provision hereof, may constitute contempt of Court enforceable, upon motion of the plaintiffs or of the Court sua sponte, by appropriate remedies as provided by law.

11. The Court-appointed expert shall report to the Court no later than June 1, 1984. This Judgment shall become final and the time for taking the actions set forth in this Judgment shall begin to run five days after the Court-appointed expert shall report to the Court.

12. The time periods set forth in this Judgment may be extended by mutual written consent of parties or upon written application to the Court.



EUGENE D. SERPENTELLI, J.S.C.

RECE

JUN 27 1981

JUDGE SERPENTELLI'S CHAMBER

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BARBARA J. WILLIAMS, ESQ.
JOHN M. PAYNE, ESQ.
Constitutional Litigation Clinic
Rutgers Law School
15 Washington Street
Newark, N.J. 07102
201-648-5687
ATTORNEYS FOR URBAN LEAGUE PLAINTIFFS

SUPERIOR COURT OF NEW JERSEY

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.,
Plaintiffs,

vs.

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

ELDERLODGE, INC., a New Jersey
Corporation,
Plaintiff,

vs.

SOUTH PLAINFIELD BOARD OF ADJUSTMENT
BY ITS MAJORITY MEMBERS (Ronald
Hepburn, Chairman; Carl Abbruzzese;
Robert Horne; Carl La Ferrara;
Cynthia GaNun, First Alternate);
BOROUGH OF SOUTH PLAINFIELD BY ITS
MAYOR AND COUNCIL; JOHN GRAF, BUILDING
INSPECTOR OF THE BOROUGH OF SOUTH
PLAINFIELD; and PLANNING BOARD OF THE
BOROUGH OF SOUTH PLAINFIELD,
Defendants.

CHANCERY DIVISION
MIDDLESEX COUNTY
No. C-4122-73

LAW DIVISION
MIDDLESEX COUNTY
No. 56349-81

ORDER

Urban League plaintiffs having opened this matter to the Court by a motion to hold South Plainfield in contempt and for temporary restraints against any subdivision or site plan approvals, variances or issuance of any building permits with regard to property subject to rezoning for Mount Laurel compliance under this Court's Judgment of May 22, 1984, and against sale by the Borough of specified lots subject to rezoning under the Judgment, and Urban League plaintiffs having filed in support thereof Affidavits of Eric Neisser, Esq. and Barbara Williams, Esq., a Memorandum of Law in Support, and a proposed Order, and having served all parties and affected property owners or contract-purchasers in person on June 21, 1985, and Frank Santoro, Esq., having served and filed on June 24, a Certification In Opposition on behalf of the Borough of South Plainfield, and the Court having heard oral argument in open court on June 24, 1985 from Eric Neisser, Esq., for Urban League plaintiffs, Frank Santoro, Esq., for defendant Borough of South Plainfield, William Lane, Esq., for the South Plainfield Board of Adjustment, and John George, Esq., for Larry Massaro, a contract-purchaser,

It is hereby O R D E R E D this 3 day of July, 1985
that:

1. If the South Plainfield Planning Board has already passed upon the final versions of the zoning and affordable housing ordinances required by the Judgment As To South Plainfield, the South Plainfield Borough Council shall reintroduce those

ordinances, if need be, on first reading, no later than Friday, July 5, 1985, and shall adopt the ordinances on second reading no later than Monday, July 22, 1985. If the Planning Board has not yet passed upon the final versions of the ordinances, then the Planning Board shall meet and make its recommendations no later than Friday, July 5, 1985, the Borough Council shall reintroduce the ordinances, if need be, on first reading, no later than Monday, July 15, 1985 and shall adopt the ordinances on second reading no later than Tuesday, July 30, 1985. If the ordinances need not be reintroduced on first reading, then the dates for first reading stated in the preceding sentences shall be the deadlines for final adoption by the Borough Council.

2. Should the Council not take any one of the appropriate actions by the date specified in Paragraph 1 above, the Court, on request of the plaintiffs, will appoint a Master to submit forthwith a proposed compliance plan for South Plainfield for the Court's immediate consideration.

3. Pending further Order of this Court, defendants are enjoined from issuing building permits for any purpose in the Borough of South Plainfield, without the prior consent of the plaintiff; Urban Lea

4. Pending further Order of this Court, defendant Borough of South Plainfield is enjoined from making any land sales or consummating any existing land sale contracts.

5. The other relief requested by plaintiffs in their motion is denied without prejudice as premature.


EUGENE D. SERPENTE, A.J.S.C.

FILED 7-19-85
IN CHAMBERS
GENE D. SERPENTELLI, A.J.S.C.

FRANK A. SANTORO
2013 PARK AVENUE
P. O. BOX 272
SOUTH PLAINFIELD, N. J. 07080
(201) 561-6868
ATTORNEY FOR Defendants

SUPERIOR COURT OF NEW JERSEY

Plaintiff

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.

vs.

Defendant

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

CHANCERY DIVISION
MIDDLESEX COUNTY/
No. C-4122-73
OCEAN COUNTY
Docket No.
MT. LAUREL

CIVIL ACTION
AMENDED ORDER

ELDERLODGE, INC., a New Jersey
Corporation,
Plaintiff

vs.

SOUTH PLAINFIELD BOARD OF ADJUSTMENT
BY ITS MAJORITY MEMBERS (Ronald Hepburn,
Chairman; Carl Abbruzzese; Robert Horne;
Carl La Ferrara; Cynthia GaNun, First
Alternate); BOUOUGH OF SOUTH PLAINFIELD
BY ITS MAYOR AND COUNCIL: JOHN GRAF, BUILDING
INSPECTOR OF THE BOROUGH OF SOUTH PLAINFIELD;
and PLANNING BOARD OF THE BOROUGH OF SOUTH
PLAINFIELD,

Defendants

LAW DIVISION
MIDDLESEX COUNTY
No. 56349-81
OCEAN COUNTY
MT. LAUREL

Urban League plaintiffs having opened this matter to the Court by a motion to hold South Plainfield in contempt and for temporary restraints against any subdivision or site plan approvals, variances or issuance of any building permits with regard to property subject to rezoning for Mount Laurel compliance under this Court's Judgment of May 22, 1984, and against sale by the Borough of specified lots subject to rezoning under the Judgment, and Urban League plaintiffs having filed in support thereof Affidavits of Eric Neisser, Esq. and Barbara Williams, Esq., a Memorandum of Law in Support, and a proposed Order, and having served all parties and affected property owners or contract-purchasers in person on June 21, 1985, and Frank Santoro, Esq., having served and file on June 24, a Certification In Opposition on behalf of the Borough South Plainfield, and the Court having heard oral argument in open court on June 24, 1985 from Eric Neisser, Esq., for Urban League plaintiffs, Frank Santoro, Esq., for defendant Borough of South Plainfield, William Lane, Esq., for the South Plainfield Board of Adjustment, and John George Esq., for Larry Massaro, a contract-purchaser,

It is hereby O R D E R E D this 19 day of July, 1985 that:

1. If the South Plainfield Planning Board has already passed upon the final versions of the zoning and affordable housing ordinances required by the Judgment As To South Plainfield, the South Plainfield Borough Council shall reintroduce those ordinances, if need be, on first reading no later than Friday, July 5, 1985, and shall adopt the ordinances on second reading no later than Monday, July 22, 1985. If the Planning Board has not yet passed upon the final versions of the ordinances, then the Planning Board shall meet and make its recommendat:

no later than Friday, July 5, 1985, the Borough Council shall reintroduce the ordinances, if need be, on first reading, no later than Monday, July 15, 1985 and shall adopt the ordinances on second reading no later than Tuesday, July 30, 1985. If the ordinances need not be reintroduced on first reading, then the dates for first reading stated in the preceding sentences shall be the deadlines for final adoption by the ~~by~~ the Borough Council.

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2. Should the Council not take any one of the appropriate actions by the date specified in Paragraph 1 above, the Court, on request of the plaintiffs, will appoint a Master to submit forthwith a proposed compliance plan for South Plainfield for the Court's immediate consideration.

3. Pending further Order of this Court, defendants are enjoined from issuing building permits for any purpose in the Borough of South Plainfield, without the prior consent of the plaintiff; Urban League

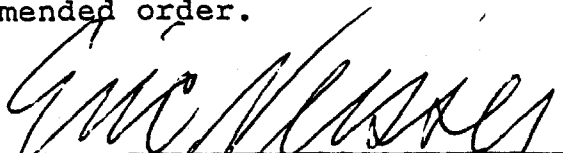
However, this provision shall not prevent the issuance by the Borough of South Plainfield of Alteration and Demolition Permits nor building permits for additions and/or miscellaneous types of work provided the cost of such additions or miscellaneous types of work does not exceed twenty-five thousand dollars; the Borough of South Plainfield shall forward copies of these latter building permit applications to the Urban League in due course.


4. Pending further Order of this Court, defendant Borough of South Plainfield is enjoined from making any land sales or consummating any existing land sale contracts.

5. The other relief requested by plaintiffs in their motion is denied without prejudice as premature.


EUGENE D. SERPENTE, A.J.S

The undersigned as attorneys for Plaintiff Urban League and Defendant South Plainfield hereby consent to the form of this amended order.


ERIC NEISSER, ESQ, ATTORNEY
FOR PLAINTIFF URBAN LEAGUE


FRANK A. SANTORO, ESQ, ATTORNEY
FOR DEFENDANT SOUTH PLAINFIELD

SUPERIOR COURT OF N.J.
FILED

AUG 12 1985

R-3
JOHN M. MAYSON
CLERK

FRANK A. SANTORO

2013 PARK AVENUE
P. O. BOX 272
SOUTH PLAINFIELD, N. J. 07080
(201) 561-6868
ATTORNEY FOR Defendants

Plaintiff

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.,
Plaintiffs,

vs.

Defendant

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

vs.

BOROUGH OF SOUTH PLAINFIELD
BY ITS MAYOR AND COUNCIL,
et al.,
Defendants.

SUPERIOR COURT OF
NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY
Civil Action
No. C-4122-73
OCEAN COUNTY
MOUNT LAUREL
LAW DIVISION
MIDDLESEX COUNTY
NO. 56349-81

Docket No. C-4122-73

CIVIL ACTION

ORDER

This matter having been opened to the Court on motion of Plaintiff, Urban League of Greater New Brunswick, et al. and the Court having been advised that the Defendant Borough of South Plainfield has adopted "Under Protest" Ordinance 1009 and 1010 on August 7, 1985, at a special meeting called for that purpose, and that the adoption "Under Protest" complies with the previous Orders of this Court to adopt such Ordinances,

It is hereby ORDERED this 9th day of August, 1985, that:

(1) That the restraints imposed upon Defendant, Borough of South Plainfield, preventing the defendant from issuing building permits, site plan and subdivision approvals for property not subject to the Judgment vs. South Plainfield of May 22, 1984 and the "least cost housing" provisions of proposed Ordinance 1009 be and hereby are dissolved; and

(2) That pending the Court's further determination of the Defendant Borough of South Plainfield's request for transfer of the case to the Council on Affordable Housing, the enforceability and legal efficacy of Ordinances 1009 and 1010 of the Borough of South Plainfield were and will continue to be stayed pending the Court's determination of the Borough's transfer motion; and

(3) That pending further Order of this Court, the restraints imposed upon the Defendant Borough of South Plainfield as set forth in paragraph 3 of the Amended Order of this Court entered on July 19, 1985 shall remain in full force and effect with respect to building permits, site plan and subdivision approvals for property subject to the Judgment vs. South Plainfield of May 22, 1984 and the "least cost housing" provisions of proposed Ordinance 1009; and

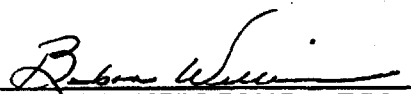
(4) That pending further Order of this Court the restraints as set forth in paragraph 4 of the Amended Order of this Court entered July 19, 1985 shall remain in full force and effect; and


(5) All other relief requested by Plaintiff is hereby denied without prejudice as being premature; and

(6) That a copy of this Order be served upon all parties on the service list within 5 days from the date hereof.


EUGENE D. SERPENTELLI, A.J.S.C.

The undersigned as attorneys for Plaintiff Urban League and Defendant of Borough of South Plainfield hereby consent to the form of this Order.


BARBARA WILLIAMS, ESQ.
CO-COUNSEL FOR PLAINTIFF
URBAN LEAGUE


FRANK A. SANTORO, ESQ.
ATTORNEY FOR DEFENDANT
BOROUGH OF SOUTH PLAINFIELD

★ PUBLIC NOTICE ★

ORDINANCE NO. 1009
AN ORDINANCE AMENDING ORDINANCE 401 ENTITLED "ZONING ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY"

Be It Ordained, By the Municipal Council of the Borough of South Plainfield that the Zoning Ordinance of the Borough of South Plainfield, New Jersey be amended as follows:

Section 1
Article II, Definitions is amended to read as follows:

- 32A. **Apartments**. A building, not more than 3 stories and forty (40) feet in height, on one lot, containing three (3) or more separate dwelling units, and sharing joint utility services and facilities.
- 32B. **Gross Density**. Gross density shall be the total number of dwelling units divided by the acreage of the entire planned residential development, including dedicated areas, common areas, and open space.
- 45A. **Manufactured Housing**. A mass produced building manufactured off site and assembled on site for long term residential use. It is modular housing and is constructed in more than one section but construction on the site. Manufactured Housing must meet State Construction Code Standards and does not include trailer home or mobile homes.
- 46B. **Mobile Home**. A unit constructed off site for residential use which is equipped with wheels or some device used for the purpose of transporting such unit from place to place whether by motor vehicle or other means, or any facility built unit, equipped with wheels, used for living or sleeping purposes, whether the same is on blocks, posts, or any other type of foundation. Mobile Home shall be synonymous with Trailer Home.
- 47A. **Multi-Family Residential**. A building used or designed as a residence for three (3) or more separate dwelling units, sharing joint utility services and facilities. This does not include motels, hotels, or rooming houses.
- 60A. **Townhouses**. More than two (2) single family dwelling units which are attached by a common wall to each other, together with individual rear and front entrances. A townhouse unit may have a front and/or rear yard design as an integral part of each unit and all townhouse units in a development may share common outside facilities in conformance with an approved site plan. A townhouse has its own separate storage area and heating system and is considered to be an independent operating unit.

Section 2
Article II, Definitions is amended to read as follows:

24. **Family**. One (1) or more persons living as a single, non-profit housekeeping unit.

Section 3
Article IV, paragraph 401 shall be amended to add the following at the end of the paragraph:

- PRD-1 Planned Residential Development
- PRD-2 Planned Residential Development
- MF-1 Multi-Family Residential
- SC-1 Senior Citizens Residential

Section 4
Article IV, paragraph 402 shall be amended to include zoning changes as shown on the attached map prepared by Robert E. Rosa Associates dated January 8, 1985.

Section 5
Article V, General Regulations shall be amended by adding the following paragraphs at the end of this article:

516. **General Regulations for all Planned Residential Development, Multi-Family, and Senior Citizens Residential Zones (RU-1, PRD-2, MF-1, SC-1)**.

516.1 The purpose of these special regulations is to satisfy a May 22, 1984 Judgment of the Superior Court of New Jersey in Urban League of Greater New Brunswick, et al. v. Mayor and Council of the Borough of Camden, et al. including the Borough of South Plainfield.

a. Each application for development shall comply with all provisions of the "Affordable Housing Ordinance of the Borough of South Plainfield, 1985".

b. Each application for development subject to these provisions shall clearly state the number of low and moderate income units, as defined in the Affordable Housing Ordinance and each resolution of approval shall clearly state the number of low and moderate income units that are approved as part of the development.

c. Each approved development subject to these provisions shall contain moderate income units, in a minimum proportion of ten percent (10%) of the total number of units that may be developed, assuming full development at the maximum gross density allowed by right in the zone, and low income units in a minimum proportion of ten percent (10%) of the total number of units that may be developed, assuming full development at the maximum gross density allowed by right in the zone.

d. Any approval of a development application subject to these provisions shall require that construction of the low and moderate income units be phased in with the balance of the development in accordance with the following standard:

Number of market units completed as a % of total number of units approved	Number of low and moderate income units
Not more than 10%	At least 25%
10% to 25%	40%
25% to 50%	55%
50% to 75%	70%
75% to 100%	100%

To implement this requirement, certificates of occupancy shall not be issued for more than 25% of the total number of market units until certificates of occupancy have been issued for at least 25% of the total number of low or moderate income units; certificates of occupancy shall not be issued for more than 50% of the total number of market units until certificates of occupancy have been issued for at least 50% of the total number of low or moderate income units; certificates of occupancy shall not be issued for more than 75% of the total number of market units until certificates of occupancy have been issued for at least 75% of the total number of low or moderate income units; and certificates of occupancy shall not be issued for more than 90% of the total number of market units until certificates of occupancy have been issued for at least 85% of the total number of low or moderate income units. Where construction of low or moderate income units is being phased in with the balance of a development, each phase shall include a mixture of low and moderate income units reasonably consistent with the percentage distribution of each category within the development as a whole.

e. No more than fifty percent (50%) of the low or moderate income units in any development subject to these provisions shall be one (1) bedroom units or efficiency units. In developments containing one hundred (100) or more low or moderate income units, at least twenty percent (20%) of these units shall be three (3) bedroom units or larger, except for units in the SC-1 Zone. Construction of these various-sized units shall be phased proportionately according to the standard set forth in 516.1.(d).

f. No more than twenty percent (20%) of the total number of low or moderate income units that may be developed in any development subject to these provisions may have occupancy restrictions based on the age of household members, except in the MF-1 and SC-1 Zones if Senior Citizen projects are proposed. Where such age restrictions are permissible, occupancy shall be restricted to persons aged sixty-two (62) or over. The Borough may not require a developer of low or moderate income housing to impose any age-based occupancy restrictions with respect to such units as a condition of approval, waiver or assistance.

g. The Borough shall permit, as a conditional use on any site of three (3) acres or more in any residential zone, where appropriate, multi-family development at a higher density than otherwise permitted by the applicable zoning subject to a mandatory set-aside of ten percent (10%) low income units and ten percent (10%) moderate income units, as set forth in this Section.

h. Through 1990 no sites of three (3) acres or more may be zoned at gross densities greater than four (4) units per acre unless those sites are subject to a mandatory set-aside provision requiring that at least fifteen percent (15%) of the total number of units that may be developed on the site shall be low or moderate income units. Any site that is zoned at a gross density of eight (8) units per acre or greater shall be subject to a mandatory set-aside provision requiring that a minimum of ten percent (10%) of the total number of units that may be developed on the site shall be low income units and a minimum of ten percent (10%) of such units shall be moderate income units.

517. **Manufactured or Modular Housing**
 517.1 **Manufactured housing, including modular, is permitted in all residential zones.**

Section 6
Article VI, Off-Street Parking and Loading Facilities, shall be amended to add the following:

- 603.20 **Townhouse** - At least one and a half (1.5) spaces per one (1) bedroom unit and two (2) spaces per two (2) bedroom unit and above.
- 603.21 **Multi-Family** - At least one and a half (1.5) spaces per efficiency and one (1) bedroom unit and one and three quarters spaces per two (2) bedroom unit and above.
- 603.22 **Apartments** - At least one and a half (1.5) spaces per efficiency and one (1) bedroom unit and one and three quarters spaces per two (2) bedroom unit and above.
- 603.23 **Senior Citizens Community** - At least one half (.5) space per unit.

Section 7
Article VII shall be amended to add the following paragraphs:

711 **PRD-1 Planned Residential Development**
 711.1 **PERMITTED USES**
 A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following purposes:

- a. **Principal Uses**
 - (1) Apartment dwellings subject to all requirements of this Section
 - (2) Townhouses subject to all requirements of this Section.
- b. **Accessory Buildings and Uses** including:
 - (1) Swimming pools and tennis courts, but not public swim or tennis clubs.
 - (2) Signs subject to the special conditions of Article VIII.
 - (3) Fences and hedges subject to the provisions of this Article.
 - (4) Other customary accessory uses and structures which are clearly incidental to the principal structure and use.

711.2 DEVELOPMENT STANDARD
 The PRD-1 Residential Zone specified herewith shall be occupied only as indicated in the Schedule of this Ordinance and as follows:

a. The gross density shall be twelve (12) units per acre for the entire parcel but may consist of any percentage combination of apartments and townhouses. The net density of any section of a site devoted to townhouses shall not exceed ten (10) units per acre.

- b. **Special requirements for apartments** are as follows:
 - (1) **Principal Buildings**
 - (a) Minimum front setback (measured from the proposed street R.O.W. line) - 35 ft
 - (b) Minimum setback from interior private road - 25 ft., or parking lots - 15 ft.
 - (c) Minimum side and rear setbacks - 15 ft.
 - (2) **Accessory Buildings**
 - (a) Minimum front setback - 25 ft.
 - (b) Minimum side and rear setbacks - 15 ft.

711.2 DEVELOPMENT STANDARD
 The PRD-1 Residential Zone specified herewith shall be occupied only as indicated in this Ordinance and as follows:

a. The gross density shall be twelve (12) units per acre for the entire parcel but may consist of any percentage combination of apartments and townhouses. The net density of any section of a site devoted to townhouses shall not exceed ten (10) units per acre.

- b. **Special requirements for apartments** are as follows:
 - (1) **Principal Buildings**
 - (a) Minimum front setback (measured from the proposed street R.O.W. line) - 35 ft
 - (b) Minimum setback from interior private road - 25 ft., or parking lots - 15 ft.
 - (c) Minimum side and rear setbacks - 35 ft
 - Ten stories - 25 ft.
 - Three stories - 35 ft.
 - (2) **Accessory Buildings**
 - (a) Maximum lot coverage - 20%
 - (b) Maximum building height - 25 stories or 40 ft., whichever is less.

(1) Not be designed for or occupied by more than 6 families per floor, or hundred (100) feet in length in its longest dimension, without terminating or providing angle, nor exceed eight (8) feet without a change in facade architecture, including (25%) percent change in setback, facade or texture design, etc., to bring about a

(2) Not allow or contain any satellite dish antenna. All television antennas built into the building to eliminate need for antennas from being erected on the roof common antenna may be used for each building.

(3) Provide not less than seven hundred (700) cubic feet of storage for each the building, exclusive of closets except those units reserved for low and moderate have not less than three hundred and fifty (350) cubic feet of storage.

(4) Not fail to provide, in an enclosed area, laundry facilities of not less than dryer for each ten (10) dwelling units for the exclusive use of the occupants of the development within each unit. No outside clothes lines or clothes hanging facilities or devices allowed.

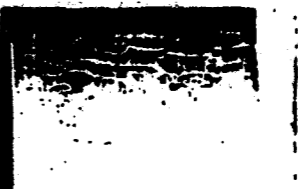
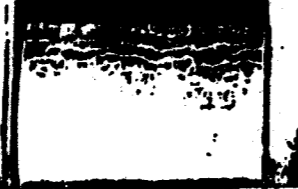
(5) Provide a recreation area to serve the needs of the anticipated apartment development and shall consist of at least the following:

(a) A fenced-off playground area with play equipment such as swings, seesaws, etc., and a recreation area with a minimum size of twenty thousand (20,000) sq. ft. for active and passive recreation.

(b) Minimum space between buildings - there shall be a minimum open space (50) feet between the rear of any two buildings, or thirty-five (35) feet between any other facades.

If buildings are overlapped, the overlapped sides may not contain any structural connections are permitted between overlapped portions separated from adjacent structure fifteen (15) feet.

(7) There shall be a trash area completely surrounded by a six (6) foot high wall.



(4) Labeling

All landscape plans shall have a schedule of the Latin and common name, the quantity, the size, spacing, and method of planting of each plant material.

b. Additional Regulations

(1) A minimum landscaped area five (5) feet wide shall be provided along all property lines including public streets.

(2) All buffers and landscaped areas shall be protected from adjacent parking areas by curbs, or concrete, metal or wood bumpers at least six (6) inches in height and securely anchored into the ground. Buffer areas are included within setbacks.

(3) Service areas, parking areas, transformer compounds, and other strictly utilitarian improvements, shall be screened as fully as practicable. In general, it is intended that possible objectionable or unsightly features within a given development shall be screened from passing traffic or abutting residential properties.

(4) In the case of a repetition of building designs, as in apartment house development, care shall be exercised to avoid monotony in the planting design by introducing sufficient variety in the planting layout to lend interest and aesthetic appeal. By the same token, excessive variety shall be avoided, and all shall be represented as a balanced design with proper accent in the right places.

(5) All street trees and on-site deciduous shade trees shall not be less than two and one-half (2 1/2") inch diameter measured one (1) foot above the root crown.

(6) A satisfactory amount of evergreen plant material shall be included in the planting, this to be judged on an individual basis by the Municipality.

(7) Areas required for buffers shall not be cleared or graded prior to development approval.

(8) Retaining walls shall not be permitted within buffer areas unless approved as part of site plan approval.

(9) Where the non-single-family zone line abuts a single-family residential zone, a buffer of twenty-five (25) feet shall be established, except where a public street intervenes.

(10) Within the twenty-five (25) feet buffer to a residential zone line no improvements can be made, and the property shall be either left in its natural state, supplemented with evergreen screening plant materials, or both as determined by the Municipal Agency for each site.

(11) In all zones where a commercial zone line abuts a multi-family residential use, a twenty-five (25) feet buffer must be established and maintained unless such a buffer is already established and maintained along the common boundary of that zone.

c. Landscaped Area Required

In calculating landscaped areas, the areas of plazas, open pedestrian shopping malls, sitting areas, pools and fountains shall be included. Landscaped areas within and between parking areas shall also be included.

(1) A minimum of twenty (20%) percent of the site shall be devoted to landscaped areas in addition to all required buffers, but shall include required recreation areas referred to in Section 711.2 c(1)(3). The Municipal Agency shall have the authority to determine its distribution, but all front yards shall have a minimum of fifteen (15%) percent landscaped areas.

711.5 FENCES AND HEDGES

a. Intersections

At the intersection of two (2) or more streets, no wall, fence, hedge or other structure shall be erected to a height in excess of three (3) feet above curb level, nor any other obstruction to vision shall be permitted within the triangular area formed by the nearest intersecting right-of-way street lines at points which are twenty-five (25) feet distant from the point of intersection, measured along said right-of-way street line. Trees whose branches are trimmed away to a height of at least ten (10) feet above curb level shall be permitted.

b. Height

On any lot in any residence district, no wall, fence, or hedge shall be erected or altered so that said wall or fence shall be over four (4) feet in height in the front yard nor be over six (6) feet in height in the side or rear yards, except that tennis court fences may have maximum height of twelve (12) feet. Tennis courts and front yard fences shall be restricted to open mesh or other open material as approved by the Construction Official.

c. Dangerous

No fence shall be erected of barbed wire, or electrified, or topped with metal spikes or constructed of any material or in any manner which may be dangerous to persons or animals.

d. Type

Solid architectural fences shall be required along all lot lines except the street line and property lines abut single family residential zoning district lines. Such architectural fences may be of any material which is aesthetically pleasing and prevents the dissemination of odors, noise or light across the residential zone boundary. Fences used for this purpose shall be six (6) feet in height. Nothing in this Section prevents the use of plant materials along any lot line in addition to the requirement, but plant materials cannot be substituted for the fence. Open chain link and chain link plastic or aluminum slats shall not be considered to be an architecturally solid fence. A wall or fence which restricts the natural flow of drainage or causes stagnant water conditions shall not be permitted. Said wall or fence shall be ordered removed or corrected by the Owner upon direction of the Construction Official. The Municipal Agency shall have the authority to waive this requirement if a buffer area escaped to their requirements.

e. Maintenance

Walls or fences erected shall be maintained in an aesthetically pleasing manner and shall be subject to the Construction Official's order to repair or replace the wall or fence to meet the requirements of this Ordinance.

f. Swimming Pools

There shall be a fence, not less than four (4) feet high completely enclosing any backyard swimming pool and any other swimming pool of one hundred (100) sq. ft. of surface water area or more which is less than four (4) feet above the ground. Each gate in a pool fence shall be capable of being locked when not in use.

g. Finished Side

The finished side of all fences shall be on the outside facing away from the lot on which erected. The intent of this provision is for safety purposes to prevent easy access from neighboring lots.

PRD-2 Planned Residential Development

712.1 PERMITTED USES

A building may be erected, altered, or used and a lot or premises may be occupied and used for any of the following purposes:

a. Principal Uses

- (1) Apartment dwellings subject to all requirements of this Section
- (2) Townhouses subject to all requirements of this Section.
- b. Accessory Buildings and Uses including**
 - (1) Swimming pools and tennis courts, but not public swim or tennis clubs
 - (2) Signs subject to the special conditions of Article VIII
 - (3) Fences and hedges subject to the provisions of this Article
 - (4) Other customary accessory uses and structures which are clearly incidental to the structure and use

712.2 DEVELOPMENT STANDARDS

The PRD-2 Residential Zone specified herewith shall be occupied only as in the Schedule of this Ordinance and as follows:

a. The gross density shall be fifteen (15) units per acre for the entire parcel but may vary by combination of apartments and townhouses. The net density of any section of a site consisting of townhouses shall not exceed ten (10) units per acre.

b. All other provisions and requirements of the PRD-1 Zone shall apply to the PRD-2 Zone.

713 MF-1 Multi-Family Residential

713.1 PERMITTED USES

A building may be erected, altered, or used and a lot or premises may be occupied and used for the following uses:

a. Principal Uses

- (1) Multi-family Apartments

b. Accessory Buildings and Uses

Continued on p. 2

front yard gates. All outside trash shall be stored in this area and shall not be in public view or above the fence height. All similar accessory appearances such as propane tanks shall be similarly stored.

(2) There shall be no window air conditioners.

(3) A. Accessory Buildings and Uses
Accessory buildings and uses shall conform to all setback requirements of this Ordinance. The maximum height of such structures shall be ten (10) feet.

B. Swimming Pools
Swimming pools less than four (4) feet high shall be enclosed by a permanent fence not less than four (4) feet high with a locked gate. Building permits shall be required for all swimming pools, above ground or in-ground, with a water surface area of two hundred and fifty (250) sq. ft. or more.

(4) A. Storage of Commercial Vehicle
Commercial vehicles, licensed for over 8,000 lbs. gross weight shall be stored or parked on any portion of a lot.

(5) Accessory building attached to a principal building shall comply with the setbacks of the principal building.

C. Special Requirements for Townhouses are as follows:

- (1) Principal Buildings
 - (a) Minimum front setback (measured from the proposed public street R.O.W. line) - 35 ft.
 - (b) Minimum setback from pavement of interior private road or parking area - 20 ft.
 - (c) Minimum side and rear yard setbacks - 25 ft.
 - (d) Maximum lot coverage - 20%
 - (e) Maximum building height - 2 stories or 35 ft., whichever is less

(2) Each principal building shall not:
(1) Be designed for more than ten (10) nor less than three (3) attached units.
(2) Exceed one hundred and seventy-five (175) feet in length.
(3) Exceed two townhouse units on one facade without providing a variation in setback equal to five (5) feet or greater.

(4) Except two townhouse units without a change in facade architecture, including at least twenty-five (25) percent of facade color, texture, design, etc., to bring about a varied composition.

(5) Provide less than two (2) exterior exposures for each unit which shall be properly windowed up as to provide for high ventilation or cross-ventilation for each unit.

(6) Allow for certain outdoor television antennas. All television antenna equipment shall be attached to the building to eliminate individual antenna towers from being erected on the roof. One common antenna tower may be used for each building.

(7) Provide less than seven hundred (700) cubic feet of storage for each unit in the building, exclusive of closets, except those units reserved for low and moderate income units shall have not less than three hundred and fifty (350) cubic feet.

(8) Provide less than a minimum open space of at least fifty (50) feet between the rears of any two buildings, or thirty-five (35) feet between any other combination of facades. If buildings are overlapped the overlapped sides may not contain any windows. Architectural connections are permitted.

(9) Provide a townhouse unit of less than twenty (20) feet in width, except for low and moderate income units which shall be no less than sixteen feet.

(10) Provide individual lots for sale of less than two thousand (2,000) sq. ft. If lots are sold except that for low and moderate income units the lots shall be not less than 1,200 sq. ft. Land may be kept in common ownership.

(11) Accessory Buildings and Uses
Accessory building and uses shall conform to the same requirements as specified in 711.2(2) for apartments.

(12) Ownership and Maintenance of Common Areas
Common areas of any tract utilized for a townhouse development which are not accepted by the Township shall be deeded to a corporation, association, individuals or other legal entity consisting of a majority of the property owners within the development for their use, control, management and maintenance.

711.3 Off street parking is required subject to the special conditions of Article VI.

711.4 LANDSCAPING

a. General Regulations

(1) Landscape Area

All areas in a development not used for construction of buildings, roads, accessways, parking or sidewalks shall be fully landscaped in accordance with these regulations.

(2) Site Considerations

Natural site features such as existing trees, streams, rock outcroppings, etc. shall be preserved whenever possible. Wherever such natural features are absent or insufficient or have been destroyed during the development of the site, additional new plantings of a sufficient size as determined by the Municipal Agency shall be established to provide environmental protection to beautify the buildings and grounds, and to provide privacy shade and the screening out of objectionable features created on the site.

(3) Design

Landscape plans shall be required, except for single and two-family homes, where no plan is required.

Continued from page 12

- (1) Swimming pools and tennis courts, but not public swim or tennis clubs
- (2) Signs subject to the special conditions of Article VIII.
- (3) Fences and hedges subject to the provisions of this Article
- (4) Other customary accessory uses and structures which are clearly incidental to the principal structure and use

714.2 DEVELOPMENT STANDARDS

The area beneath the proposed driveway shall be occupied only as indicated in the schedule of this Ordinance and as follows:

- a. The entire parcel shall be utilized for multi-family apartments with the number of units to be determined by the number of parcels offered for senior citizen units the standards of the SC-1 Zone shall apply to all of the following:

b. Special requirements for Multi-Family Apartments.

- (1) Principal Buildings
 - (a) Minimum front setback - (measured from proposed street R.O.W. line) - 60 ft.
 - (b) Minimum side yard setback - 30 ft.
 - (c) Minimum rear yard setback - 40 ft.
 - (d) Maximum lot coverage - 20%
 - (e) Maximum building height - 5 stories or 60 ft. whichever is less.
 - (f) Minimum landscaping - 15%

(1) Not allow or contain outside television antenna. All television antenna equipment shall be built into the building to eliminate individual antennas from being erected on the roof. Not more than one common antenna may be used for each building.

(2) Provide not less than seven hundred (700) cubic feet of storage for each apartment unit exclusive of closets, except those units reserved for low and moderate income units shall have not less than three hundred and fifty (350) cubic feet.

(3) Not fail to provide, in an enclosed area, laundry facilities of not less than one washer and dryer for each ten (10) dwelling units for the exclusive use of the occupants of the building, unless provided within each unit. No outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.

(4) There shall be a trash area completely surrounded by a six (6) foot high solid architectural fence with front solid gates. All outside trash shall be stored in this area and shall not be in public view over the fence height. All accessory appliances such as propane tanks shall be similarly enclosed.

(2) Accessory Buildings and Uses

(a) Accessory buildings shall conform to at least the height and front setback requirements of the principal building. The side and rear yard setbacks shall be ten (10) feet.

Those swimming pools less than four (4) feet high shall be enclosed by a permanent fence not less than four (4) feet high with a locked gate. Building permits shall be required for all swimming pools, above or below ground, with a water surface area of two hundred and fifty (250) sq. ft. or over.

(b) No truck or commercial vehicle, licensed to transport more than 8,000 lbs. gross weight shall be stored or parked on any lot or portion of a lot.

(c) Accessory buildings attached to a principal building shall comply with the setbacks of the principal building.

714.3 Off street parking is required subject to the special condition of Article VI.

714.4 Landscaping is accordance with paragraph 711.4 of this ordinance.

714.5C-1 Multi-Family Residential

714.1 PERMITTED USES

A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following purposes:

a. Principal Use

(1) Senior Citizen Housing

- (1) Swimming pools and tennis courts, but not public swim or tennis clubs
- (2) Signs subject to the special conditions of Article VIII.
- (3) Fences and hedges subject to the provisions of this Article.
- (4) Other customary accessory uses and structures which are clearly incidental to the principal structure and use

b. Accessory Buildings and Uses

- (1) Swimming pools and tennis courts, but not public swim or tennis clubs
- (2) Signs subject to the special conditions of Article VIII.
- (3) Fences and hedges subject to the provisions of this Article.
- (4) Other customary accessory uses and structures which are clearly incidental to the principal structure and use

b. Special requirements for Senior Citizens Apartments.

(1) Principal Buildings

- (a) Minimum front setback - (measured from the proposed street R.O.W. line) - 50 ft.
- (b) Minimum setback from interior private road - 20 ft.
- (c) Minimum side and rear yard setbacks - 35 ft.
- (d) Maximum lot coverage - 20%
- (e) Maximum building height - 5 stories or 50 ft., whichever is less.
- (f) Each principal building shall

(1) Not allow or contain outside television antenna. All television antenna equipment shall be built into the building to eliminate individual antennas from being erected on the roof. Not more than one common antenna may be used for each building.

(2) Provide, in an enclosed basement area, not less than four hundred (400) cubic feet of storage for each apartment unit in the building.

(3) Not fail to provide, in an enclosed area, laundry facilities of not less than one washer and dryer for each ten (10) dwelling units for the exclusive use of the occupants of the building, unless provided within each unit. No outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.

(4) There shall be a trash area completely surrounded by a six (6) foot high solid architectural fence with front solid gates. All outside trash shall be stored in this area and shall not be in public view over the fence height. All accessory appliances such as propane tanks shall be similarly enclosed.

(2) Accessory Buildings and Uses

(a) Accessory buildings shall conform to at least the height and front setback requirements of the principal building. The side and rear yard setbacks shall be ten (10) feet.

Those swimming pools less than four (4) feet high shall be enclosed by a permanent fence not less than four (4) feet high with a locked gate. Building permits shall be required for all swimming pools, above or below ground, with a water surface area of two hundred and fifty (250) sq. ft. or over.

(b) No truck or commercial vehicle, licensed for over 8,000 lbs. gross weight shall be stored or parked on any lot or portion of a lot.

(c) Accessory buildings attached to a principal building shall comply with the setbacks of the principal building.

714.3 Off-street parking is required subject to the special conditions of Article VI.

714.4 Landscaping is required subject to paragraph 711.4 of this ordinance.

Section 8

Article VII, Signs, is amended to add the following:

801.1 e. One (1) sign shall be permitted for the purpose of identifying a multi-family, townhouse, garden apartment or any combination thereof, but shall not exceed twenty (20) sq. ft. aggregate on both sides. Said signs shall not be allowed to project above the ground by more than five (5) feet. Signs may be illuminated as long as the glare from the lights shines directly on the sign and does not permit light to emanate beyond the property lines of the subject site. All signs shall be setback not less than fifteen (15) feet from each street right-of-way.

Section 9

"Schedule of General Requirements" is amended to add the following at the bottom of the schedule.

Zone	Area Sq. Ft.	Minimum Lot Requirements With Depth	Front	Rear	Each Side	Accessory Rear Side	Percent Maximum Lot Coverage	Maximum Height (whichever is less)
PRD-1	300,000	none	35:40	35:40	35:40	10 10	20	3 stories or 40
PRD-2	800,000	none	35:40	35:40	35:40	10 10	20	3 stories or 40
MF-1	60,000	none	60	40	30	10 10	20	6 stories or 60
SC-1	250,000	none	50	35	35	10 10	20	5 stories or 50

Section 10

This Ordinance shall become effective upon passage according to law.

NOTICE

Take notice that the foregoing ordinance was introduced and passed on first reading, by title, at a regular meeting of the Mayor and Council held on July 8, 1985 and will be further considered for final passage at a meeting of the Mayor and Council to be held on July 29, 1985 at 8:00 P.M. in the Municipal Building, South Plainfield, New Jersey.

s/William T. DeSabato
Borough Clerk

*** PUBLIC NOTICE ***

ORDINANCE NO. 1010

Affordable Housing Ordinance of the Borough of South Plainfield, New Jersey creating an Affordable Housing Ordinance to Amend the Code of The Borough of South Plainfield, New Jersey creating an Affordable Housing Ordinance and fixing procedures for providing low and moderate income housing in the Borough of South Plainfield.

Be It Ordained by the Governing Body of the Borough of South Plainfield in the County of Middlesex, State of New Jersey as follows:

ARTICLE I-TITLE

100 Short Title
This Ordinance shall be known and may be cited as: The Affordable Housing Ordinance of the Borough of South Plainfield.

ARTICLE II PURPOSE

200 Purpose
The purpose of this Section is to:
(a) Comply with the May 22, 1984 Judgement of the Superior Court of New Jersey in Urban Land Institute v. Greater New Brunswick, et al. v Mayor and Council of the Borough of Camden et al. by establishing a mechanism for assuring the housing units designated for occupancy by low and moderate income households remain affordable to, and occupied by low and moderate income households.

ARTICLE III-DEFINITIONS

300 Definitions
The following terms wherever used or referred to in this section shall have the following meaning unless a different meaning clearly appears from the context:

(a) "Affordable Housing Agency" shall mean the Agency referred to in Article X of this Ordinance.

(b) "Income Ceiling" shall mean 80% of the regional median income for moderate income households and 50% of the regional median income for low income households.

(c) "Low Income Household" shall mean a household whose income does not exceed 50% of the regional median income, with adjustments for household size as determined by the Affordable Housing Agency.

(d) "Low Income Unit" shall mean a dwelling unit which is subject to the price and occupancy requirements of this section and whose sales price or rental charge does not exceed the maximum charge that is affordable by low income households.

(e) "Moderate Income Household" shall mean a household whose income is greater than 50% but not exceed 80% of the regional median income, with adjustments for household size, as determined by the Affordable Housing Agency.

(f) "Moderate Income Unit" shall mean a dwelling unit which is subject to the price and occupancy requirements of this section and whose sales price or rental charge does not exceed the maximum charge that is affordable by moderate income households.

(g) "Regional Median Income" shall mean the median income for the present housing need region as determined in the opinion of the Superior Court in AMG Realty Company v. Township of Warren, dated 1984. For ease of calculation, the regional median income shall be deemed to mean 94% of the income of the Primary Metropolitan Statistical Area (PMSA) in which Middlesex County is located.

ARTICLE IV - GENERAL PROVISIONS

400 General Provisions
401 Whenever reference is made to the low or moderate income units in the Zoning Ordinance...

ARTICLE V - QUALIFIED HOUSEHOLDS

402 Qualification of Low and Moderate Income Households
A person or persons who own or lease a low or moderate income unit must be qualified as a low or moderate income household...

ARTICLE VI - MAXIMUM SALES PRICES AND RENTALS

600 Determination of Maximum Sales Prices and Rental Charges
Prior to the resale or rental of a low or moderate income unit, the Affordable Housing Agency shall determine the maximum sales price or rental charge that may be charged for that size unit in each income category.

601 Maximum Sales Price
The following procedure shall apply to determine maximum sales price:
(a) A base price shall be calculated such that the sum of the monthly payments for principal, interest, taxes, fire theft and facility insurance, and homeowner association fees, if any, shall not exceed 30% of the low or moderate income ceiling determined in accordance with section 500...

(b) In order to assure that low and moderate income units are affordable by households whose income is less than the low or moderate income ceiling, the maximum gross rent that may be charged for any such unit shall not exceed ninety percent (90%) of the base price for that size unit in each category of low or moderate income housing.

(c) 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...

(d) Prior to the resale of any low or moderate income unit, the Affordable Housing Agency shall determine the maximum sales price for that unit in accordance with a formula developed by the Agency which takes into account increases in a generally accepted price or income index...

602 Maximum Rental Charges
The following procedure shall apply to determine maximum rental charges:

(a) A base rent shall be calculated such that the sum of the monthly rental payments for principal, interest, taxes, fire theft and facility insurance, and homeowner association fees, if any, shall not exceed 30% of the low or moderate income ceiling determined in accordance with subsection 601...

(b) In order to assure that low and moderate income units are affordable by households whose income is less than the low or moderate income ceiling, the maximum gross rent that may be charged for any such unit shall not exceed ninety percent (90%) of the base rent for that size unit in each category of low or moderate income housing.

(c) If the cost of 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.

(d) 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 (a) and (b) above.

603 Relationship Between Household Size and Unit Size
For the purpose of determining maximum sales prices and rental charges pursuant to Subsections 601 and 602 of this Ordinance, the ceiling incomes of the following household sizes shall be used to determine the maximum prices for each of the following unit sizes:

Table with 2 columns: efficiency and number of persons. 1 bedroom: 2 persons; 2 bed-rooms: 3 persons; 3 bedrooms: 4 persons; 4 bedrooms: 6 persons.

604 Affordable Price Tables
The Affordable Housing Agency shall prepare and maintain the tables of maximum affordable prices for low and moderate income households by unit size as a guide for determining maximum sales prices and rental charges for low and moderate income units.

Table I of this Ordinance 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 maximum affordable rental charges for low and moderate income households, calculated using the median income data available as of April 30, 1984.

(a) A ten percent (10%) downpayment and a mortgage with a thirty (30) year term.
(b) The property tax rate in effect in South Plainfield as of April 30, 1984.
(c) Fire, theft and facility insurance was estimated to be \$40.00 per \$10,000 house value.
(d) Homeowners' association fees were estimated to be \$150. annually per \$10,000 house value.

ARTICLE VII - RESTRICTIONS

700 Expiration of Restrictions
701 Restrictions on the resale of low or moderate income sales units shall expire thirty (30) years from the date of the unit's sale of the property.

702 Low or moderate income rental units shall remain subject to the requirements of this section indefinitely, except that the limitations set forth in Sections 701 and 800 shall apply if such rental units are converted into condominiums, co-operatives, or some other form of ownership property.

ARTICLE VIII - MARKETING

800 Affirmative Marketing
Developers of low or moderate income units shall affirmatively market those units to segments of the lower income population through the Mount Laurel Housing Program in which the households are eligible and to all qualified low or moderate income households irrespective of race, color, religion, sex or national origin. Toward that end, the developer shall formulate and submit an affirmative marketing plan acceptable to the Affordable Housing Agency...

ARTICLE IX - AFFORDABLE HOUSING AGENCY

900 Creation of Affordable Housing Agency
There is hereby created an Affordable Housing Agency (Agency) whose members shall be as follows:

(a) To create a body of rules and regulations to implement the policies and objectives of this section specifically to ensure that housing units designated as low or moderate income households shall remain affordable to and occupied by low or moderate income households.

(b) To ensure the continued availability of low or moderate income units to eligible qualifications of prospective purchasers and tenants to ensure that they qualify as low or moderate income households. (2) determining the maximum sales and rental charges for low and moderate income units to ensure that the units are affordable to low or moderate income households. (3) creating a covenant to be recorded with each deed restricting the resale of low or moderate income units to moderate income households and (4) where appropriate, maintaining a waiting list of persons who have been qualified as low or moderate income households and are eligible to rent or purchase a moderate income unit.

(c) To restrict the installation of improvements or amenities within or on a part of a moderate income unit which would cause an increase in the resale price or rental charge of such unit to a level not considered by the Agency to be affordable by low or moderate income households.

(d) To undertake efforts to ensure that units designated as low or moderate income units are marketed to and occupied by low or moderate income households.

(e) To monitor the marketing activities of developers of low and moderate income units to ensure that they comply with the affirmative marketing requirements set forth in this section.

902 Composition
The Agency shall consist of seven (7) regular members and two (2) alternate members who shall constitute a quorum.

(b) The Mayor shall appoint two (2) regular members of the Agency and one (1) alternate. The Municipal Council shall appoint five (5) members of the Agency and one (1) alternate.

(c) Alternate members shall be designated at the time of appointment and the Mayor designate his or her alternate as a alternate No. 1 and the Council shall designate the alternate as alternate No. 2.

(d) The initial terms of the Mayor's appointments shall be one (1) year and two (2) years for regular members and two (2) years for the alternate member. The terms of the Council's appointments shall be one (1) year, two (2) years, two (2) three (3) year terms and one (1) four (4) year term and years for the alternate member. Thereafter, the term of each regular member shall be two (2) years and term of each alternate member shall be two (2) years.

(e) No member may hold any elective office or position under the municipality. No member of the Agency shall be permitted to act on any matter in which he has either directly or indirectly personal financial interest. A member may, after public hearing if he requests it, be removed from the Agency for cause. A vacancy occurring other than by expiration of term shall be filled by the Mayor only.

(f) The Agency shall elect a chairman and vice chairman from its members and select a secretary who may or may not be a member of the Agency.

(g) Alternate members may participate in discussions of the proceedings but shall not vote in the absence or disqualification of a regular member. A vote shall not be delayed if a regular member may vote instead of an alternate member. In the event that a choice must be made as to an alternate member to vote, Alternate No. 1 shall vote.

(h) All members must be residents of South Plainfield.

903 Powers
903.1 The Agency is hereby granted and shall have and exercise, in addition to the powers granted, all the powers necessary and appropriate to carry out and execute the duties of the Agency.

Continued on p 14

LEGAL NOTICES

continued from page 13

Finance, including but not limited to the following:
 (a) To prepare and forward to the Borough Council such rules and regulations as it deems necessary or appropriate to implement the purposes of this Ordinance. Said rules and regulations shall be filed with the Clerk and shall be subject to the review and modification by the Borough Council.
 (b) To supply information to developers and low or moderate income households as to the provisions of this Ordinance, and
 (c) To review applications upon due notice and adjudicate applications of individuals or families who believe themselves to be low or moderate income households.
 903.2 The Affordable Housing Agency shall give ten (10) days written notice of any hearing to all parties involved, and shall give an interested person an opportunity to be heard.

ARTICLE X - TABLES

1000 Table I
 PRICING OF SALES UNITS AFFORDABLE TO LOW AND MODERATE INCOME HOUSEHOLDS IN SOUTH PLAINFIELD

Low Income	Efficiency	1 Bedroom	2 Bedrooms	3 Bedrooms
Household Size	1	2	3	4
Ceiling Income	\$10,750	\$12,300	\$13,850	\$16,600
28% of Income	3,010	3,444	3,878	4,648
INTEREST RATE: MAXIMUM AFFORDABLE PRICE - CONDOMINIUM UNITS (See Note 1)				
9%	20,900	23,700	26,500	32,200
10	19,700	22,500	25,300	30,400
11	18,600	21,300	24,100	29,200
12	17,600	20,100	22,900	27,900
13	16,700	19,100	21,900	26,900
14	15,800	18,100	20,900	25,900
MAXIMUM AFFORDABLE PRICE - FEE SIMPLE UNITS (See Note 2)				
9%	23,600	27,000	30,400	36,400
10	22,100	25,200	29,200	34,800
11	20,700	23,700	28,000	33,000
12	19,500	22,300	26,800	31,500
13	18,400	21,000	25,700	30,400
14	17,400	19,900	24,600	29,500

Notes 1 and 2 - see notes on 'moderate income' pricing table all numbers rounded to nearest \$100.00

1001 Table II
 PRICING OF SALES UNITS AFFORDABLE TO LOW & MODERATE INCOME HOUSEHOLDS IN SOUTH PLAINFIELD

PRICING SHOULD NOT EXCEED AFFORDABILITY TO HOUSEHOLD EARNING 90% CEILING INCOME FOR CATEGORY SPENDING 28% MORTGAGE, TAXES, INSURANCE AND HOMEOWNERS ASSOCIATION FEES

Moderate Income	Efficiency	1 Bedroom	2 Bedrooms	3 Bedrooms
Household Size	1	2	3	4
Ceiling Income	\$17,200	\$19,650	\$22,100	\$26,100
28% of Income	4,816	5,502	6,188	7,308
INTEREST RATE: MAXIMUM AFFORDABLE PRICE - CONDOMINIUM UNITS (See Note 1)				
9%	33,400	38,100	42,800	50,600
10	31,500	35,900	40,600	47,700
11	29,700	34,000	38,700	45,100
12	28,100	32,100	36,800	42,700
13	26,700	30,300	34,900	40,500
14	25,300	29,000	33,600	38,600
MAXIMUM AFFORDABLE PRICE - FEE SIMPLE UNITS (See Note 2)				
9%	37,700	43,100	48,500	57,200
10	35,300	40,300	45,600	53,600
11	33,100	37,900	42,700	50,300
12	31,200	35,600	40,100	47,500
13	29,400	33,400	37,600	44,800
14	27,800	31,700	35,500	42,200

Note 1 - shelter costs for condominium units include homeowners association fees estimated \$150 per \$10,000 house value; e.g., \$50 month for a \$40,000 unit. If fees to be waived for lower income, affordability can be calculated on the basis of the fee simple table, with further adjustment for hazard insurance is included within the (waived) homeowners association fee.

Note 2 - shelter costs include mortgage payment, taxes @ 2.4% market value and insurance @ \$400 per \$10,000 house value.

1002 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 BEDROOM	2 BEDROOMS	3 BEDROOMS
Household Size	1	2	3	4
MODERATE INCOME HOUSEHOLDS				
1. Median Income	\$17,200	\$19,650	\$22,100	\$26,100
2. x .30 (Note 1)	5,160	5,895	6,628	7,830
3. x .50 (Note 2)	4,644	5,395	6,188	7,347
4. Monthly Gross Rent Affordable (Row 3 - 12)	387	442	498	587
5. Less Estimated (See Note 3) Utilities	(40)	(50)	(70)	(90)
6. Monthly Net Rent Affordable	347	392	428	497
LOW INCOME HOUSEHOLDS				
1. Median Income	10,750	12,300	13,850	16,600
2. x .30 (See Note 1)	3,225	3,690	4,155	4,980
3. x .50 (See Note 2)	2,902	3,321	3,740	4,482
4. Monthly Gross Rent	242	277	312	374
5. Less Utilities (See Note 3)	(40)	(50)	(70)	(90)
6. Monthly Net Rent Affordable	202	227	242	284

NOTES:
 (1) 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.
 (2) Maximum rent should not exceed rent that a family earning 90% of the income ceiling can afford to pay.
 (3) Based on general estimates for utility costs for units of varying size, where more specific information is available, it should be applied rather than these estimates.

ARTICLE XI - EFFECTIVE DATE

1100 This Ordinance shall become effective upon passage according to law.

NOTICE

TAKE NOTICE that the foregoing ordinance was introduced and passed on first reading by the 3rd regular meeting of the Mayor and Council held on July 8, 1985 and will be further considered for final passage at a meeting of the Mayor and Council to be held on July 29, 1985 at 8:00 p.m. in the Municipal Building, South Plainfield, New Jersey.

William T. DeSantis

1 Time 7:18:55
 Fee \$397.11

Exhibit F

South Plainfield rescinds Mt. Laurel ordinances

By FRANK ARGOTE-FREYRE
Home News staff writer

SOUTH PLAINFIELD — The Borough Council voted unanimously Monday to rescind two ordinances it adopted last summer under pressure to comply with the state Supreme Court's Mount Laurel II decision.

However, the council may have to re-adopt them again next month if a court motion filed by the Civic League of Greater New Brunswick is successful. A court hearing on the issue of low-cost housing in the borough is scheduled for April 4.

The two ordinances in question were adopted in August and revised the borough's zoning ordinances to allow for the construction of 900 low- and moderate-income housing units. They also established an affordable housing agency in the borough.

The Mount Laurel II decision mandates all municipalities to provide housing for all economic groups.

A court motion presented by Eric Neisser, attorney for the Civic League, asks that the controversial ordinances be kept on the books. The motion also asks that the sale of all "vacant, contiguous land," one acre or larger be restricted and that \$2.8 million from previous borough sponsored land sales be placed in a court-administered escrow account.

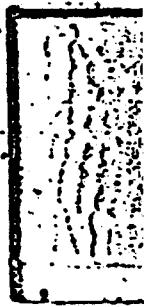
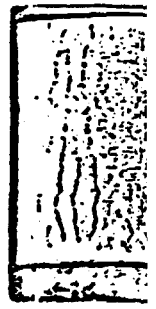
The motion states that the restrictions are needed because South Plainfield has shown an "overwhelming pattern of bad faith conduct over the last two-and-a-half years." Piscataway, Monroe and Cranbury are also included in the court motion.

The ordinances were mandated by Superior Court Judge Eugene Serpentelli to force South Plainfield to comply with the Mount Laurel II decision. Serpentelli will be presiding at next month's hearing.

A Supreme Court decision on Feb. 20 transferred all Mount Laurel litigation involving the construction of affordable housing in the borough to the state's Affordable Housing Council. That body will now be responsible for determining the borough's "fair share" of affordable housing guidelines established by

The Home News
March 26, 1986

Mount Laurel II.
The court hearing is to determine what restrictions on development should apply until the housing council makes a decision.





WILENTZ, GOLDMAN & SPITZER

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MARY F. EVERS
JUDITH E. HAGANS
SCOTT T. SMITH

November 21, 1986

[†] ALSO ADMITTED IN V.I.
^o ALSO ADMITTED IN D.C.
^o ALSO ADMITTED IN PA.
^o ALSO ADMITTED IN N.Y.

^o CERTIFIED CIVIL TRIAL ATTORNEY
^o CERTIFIED CRIMINAL TRIAL ATTORNEY

PLEASE REPLY TO:

Woodbridge

New Jersey Council on Affordable Housing
375 West State Street
Trenton, New Jersey 08625

Gentlemen:

This office represents Harris Structural Steel Co., Inc. which has property in the Township of Piscataway and Borough of South Plainfield, Middlesex County, New Jersey. We are advised that each municipality has filed a Draft Housing Element and Fair Share Plan.

By this letter Harris Structural Steel Co., Inc. advises that it is an interested party within the meaning of the Rules of the New Jersey Council on Affordable Housing. By copy hereof to each municipality, we request service of each municipality's Draft Housing Element and Fair Share Plan, Resolution of Participation, Letter of Intent and Petition for Substantive Certification, if any, and all other documents and reports or materials which might be filed or to which we are entitled under the Rules.

Yours very truly,

STEPHEN E. BARCAN

SEB:ls

cc: Borough of South Plainfield
c/o Frank A. Santoro, Esquire - Municipal Attorney
William T. Dabato - Municipal Clerk
Township of Piscataway
c/o Philip L. Paley, Esquire - Municipal Attorney
Ann Nolan - Municipal Clerk
Harris Structural Steel Co., Inc.

HOUSING ELEMENT
AND FAIR SHARE PLAN
BOROUGH OF SOUTH PLAINFIELD
MIDDLESEX COUNTY
NEW JERSEY

December 17, 1986

HOUSING ELEMENT AND FAIR SHARE PLAN

Analysis of Existing Housing

A review of the existing housing types, distribution, and quality in South Plainfield provides a sound base for planning for future housing in the Borough. Examination of the present situation aids in determining future trends by studying the past trends of development, type, distribution, quality and location.

Housing Stock Inventory

Housing Types

The Borough of South Plainfield is estimated to have over 6500 housing units which are, almost without exception, in good well-maintained condition.

In 1980, the US Census reported a total of 6,296 housing units in the Borough. An additional 236 new units were added by April of 1985 bringing the total to 6,532 units. New single family home construction accounted for 206 of these units while conversions and other construction added 30 units.

Single family homes are the dominant housing type found in South Plainfield. The 1980 Census indicated that there were 5740 single-family units in the Borough, or 91.2% of all housing types. Between 1980 and April 1985, this increased by 206 to 5946 single family units or 91% of the total.

In 1980 there were 508 two - four family units or 8.1% of the total number of units. In 1985, there were 538 two - four family units or 8.3 %. The increase in two - four family structures can be attributed to a number of conversions from single family to two family structures plus some new construction.

The 1980 Census showed that multi-family units accounted for .7% of the total units in South Plainfield, with 48 units. Borough building department records indicate that there was no change in the number of multi-family units between 1980 and April 1985.

Housing Quality

The quality of housing in the Borough of South Plainfield is considered to be very good. There are no specific areas that could be considered as having a concentration of dilapidated or deteriorated housing.

The relatively good quality of housing in South Plainfield is due to several factors. One indicator of housing quality is percentage of owner occupied homes. In the Borough of South Plainfield 91.7% of the 6224 occupied housing units are owner occupied.

The U.S. Census index of overcrowding, 1.01 or more persons per room, which to some extent indicates poorer quality housing, is also low in South Plainfield. The 1980 census indicates that a total of 114 units had 1.01 persons or more per room. This is only 1.83% of the total number of 1980 units in the Borough.

Another indicator of housing quality, units lacking some or all plumbing facilities, is also very low in South Plainfield. Only 24 of all the units in South Plainfield in 1980 lacked plumbing facilities. This is only 0.38% of the total number of units.

Housing Distribution

In South Plainfield housing is found to be dispersed fairly evenly throughout the various sections of the Borough. Nowhere can it be said that there is one housing type in a particular section of the Borough that cannot be found in another section.

The only notable difference is the relative age of the homes within a given development. Census tracts 8.02, 9.01 and 10.01 (see Census Tract Map #1) are characterized as mostly single family developments with winding streets and cul-de-sacs. Census tracts 8.01, 9.02 and 10.02 exhibit characteristics which reflect their older nature. In these census tracts there are more 2 family homes mixed among the single family homes and small neighborhood commercial strips are prevalent. In addition, the lots are smaller and the grid street pattern is predominant. Only census tract 10.02 (the area south of the Lehigh Valley Railroad) has large areas of vacant land available for future development, and these are limited in number.

In 1980, of the 5740 single family units in the Borough, the lowest number (12.4%) was found in census tract 9.01. The greatest number of single family units in South Plainfield (24.0%), was found in census tract 9.02.

Since 1980, however, growth has mostly taken place in census tract 10.02.

Multi-family units were mostly located in census tract 10.02 in 1980.

The remaining types of housing, 2-4 family structures, are scattered throughout the central portion of the Borough. There was no single area of concentration, but census tract 10.02 had a larger percentage of its total housing units devoted to 2 family (10.6%).

A majority of the older structures, those built before 1939 are found in census tract 10.02 or the southern portion of the Borough. Of the total of 984 pre-1939 structures, 328 or 33.3% are located in census tract 10.02.

Housing Density

Housing density is a good indicator of the extent of development that has taken place in an area in addition to the development type trend that has occurred. The housing density in South Plainfield increased 4.7% from 768 units per square mile in 1980 to 804 units per square mile in April 1985. The relatively small increase in density is a result of the minimal housing construction that occurred due to lack of developable vacant land.

Housing Demand

The lack of developable vacant land for residential construction has substantially restricted the present and future demand for new housing in South Plainfield. Within the Borough there are few parcels of vacant land which are over 10 acres. In addition to these large parcels, small parcels of vacant land are scattered throughout the Borough. There currently exists approximately 210 acres of vacant, developable residential land within the Borough. Much of this is on small isolated lots.

According to Borough statistics, 347 housing units have been constructed in the Borough since 1980 and there have been 11 demolitions. The population in South Plainfield having decreased from 21,142 to 20,521 between 1970 and 1980, increased to 22,032 in 1985. In the future, in addition to the demand for new housing construction on vacant lots, there will be some demand for new housing to replace older, inadequate structures, but this will be minimal.

The Borough of South Plainfield's present and prospective share for low and moderate income housing was established by the New Jersey Council on Affordable Housing on May 1, 1986 in accordance with NJSA 52: 27D - 301 et seq. The Council determined that the indigenous need amounted to 61 units while the combined present and prospective need totalled 403 units.

Housing Market Conditions

With the relatively high interest rates on home mortgages, the lack of federal subsidy programs and the ambiguous outlook caused by other factors it is difficult to assess the present and future housing market in South Plainfield. The lack of vacant land for residential construction in the Borough has led to a relatively static housing market. All of the aforementioned factors will influence the market well into the future

The average one bedroom rental apartment unit in South Plainfield rents for \$400 to \$450 per month and the average two-bedroom apartment rents for \$550-\$600 per month. The N. J. Council on Affordable Housing regulations state that a family should spend no more than 30% of its income for rental housing costs, excluding utilities. Using this criteria the income of a family occupying a one bedroom apartment should be \$18,000 and the income of a family occupying a two bedroom unit should be \$24,000. In both instances these incomes fall below the income ceilings of two and three person moderate income households, as established by the Council on Affordable Housing. It is estimated that at least 239 units and possibly as many as 359 units are affordable to low and moderate income households. This is based on an assumption that rents for 50-75% of the 479 occupied rental units fall within the affordable rental levels.

Newly constructed single family homes generally range from \$100,000 - \$200,000. Most of these are located in the area south of the Lehigh Valley Railroad on either side of Hamilton Boulevard. Older homes in the Borough vary from \$100,000 - \$150,000.

Housing Choices

The housing choices in South Plainfield are essentially limited to single family and two family homes on a wide range of lot sizes throughout the Borough. The following table shows the distribution of housing on lots ranging from 2,500 sq. ft. to over 10,000 sq. ft. Few, if any, houses exist on lots smaller than 2,500 sq.ft. and most lots greater than 10,000 sq.ft. are less than a half acre in size. The single and two family lots are located throughout the community as follows.

<u>Lot area in square feet</u>	<u>Single family</u>		<u>Two family</u>		<u>Total</u>	
	<u>Acres</u>	<u>%</u>	<u>Acres</u>	<u>%</u>	<u>Acres</u>	<u>%</u>
10,000+	878.2	59.3	54.1	3.7	932.3	63.0
7,500-9,999	352.9	23.8	8.4	.6	361.3	24.4
6,000-7,499	119.8	8.1	6.0	.4	125.8	8.5
5,000-5,999	51.4	3.5	3.7	.2	55.1	3.7
2,500-4,999	<u>5.1</u>	<u>.3</u>	<u>1.5</u>	<u>.1</u>	<u>6.6</u>	<u>.4</u>
Totals	1407.4	95.0	73.7	5.0	1481.1	100.0

The percentage of the developed portion of the Borough includes all developed subdivided lots in an area, but does not include undeveloped or vacant acreage that could be further subdivided.

Small lots (under 5,000 sq. ft.) comprise only .5% of the single and two family residential land area, whereas large lots (10,000 sq.ft. and above) comprise 62.9%.

The median unit size was reported at 5.6 rooms. Most units have 6-7 rooms although a demographic analysis revealed that more than one-third of the units were occupied by households of only one or two persons.

Unit Size Distribution

<u>Rooms in unit</u>	<u>Unit</u>
3 or less	153
4-5	1773
6-7	3096
8 or more	1273

Housing Stock Projection

During the 1987-1993 period the total housing stock is planned to increase to 7,551 units. All units are projected to remain in suitable condition and an appropriate number of units will be affordable to low and moderate income households.

A 1,019 unit increase beyond the 6,532 units in existence in 1985 is expected to occur as a result of four indicators of residential development. These are as follows:

1. Based on issued certificates of occupancy, 41 units have been completed since April 1985.
2. Assuming continued progress on current valid permits, another 213 units will become available during the next few years. This is based on the following outstanding building permits: 167 single-family dwellings, 21 two-family dwellings, and 1 four-family dwelling.
3. At this time there are estimated to be no more than 50 units in approved residential developments for which permits have not yet been obtained.
4. The development of other vacant lands already zoned for residential use or anticipated to be so zoned by this plan would result in an additional 715 units being constructed.

Demographic Analysis

The Borough of South Plainfield is estimated to have approximately 6500 households. Household characteristics are typical for a community of one and two-family homes on modest sized lots.

In 1980 the census reported 6224 households for the Borough. This is estimated to have increased by 256 to a total of 6480 households in 1985. The growth is attributed to 236 new housing units and a decline in the vacancy rate.

The average number of persons in a household is typical for the area. The mean of 3.30 is higher than the median of 3.17 reflects presence of larger households.

Occupancy Distribution

<u>Persons in Unit</u>	<u>Units-owner</u>	<u>Units-renter</u>
1 person	421	124
2	1501	153
3	1243	110
4	1364	80
5	742	22
6 or more	434	30

Reported incomes from the 1980 census show that 18% of the households with incomes below \$15,000, half of these had incomes of between \$10,000 and \$15,000.

Income Distribution

<u>Income</u>	<u>Households</u>
Less than \$7,499	421
\$7,500-\$9,999	187
\$10,000-\$14,999	556
\$15,000-\$19,999	839
\$20,000-\$49,999	3809
More than \$50,000	412

The 1980 census indicated that 1,088 or 17.4% of the households had a member aged 65 or older. Altogether, 1,704 households had a member over the age of 60.

Employment Analysis

Total employment in South Plainfield Borough is estimated at 17,715 for 1986 and is anticipated to increase to 19,800 by 1993.

For the borough, the NJ Department of Labor and Industry reported a total covered employment of 16,662 for the 3rd quarter of 1984. It is estimated that this had increased to 17,715 by 1986. This is based on one new job for every 2,000 s.f. of industrial/warehousing floor area constructed, three new jobs for every 1,000 s.f. of commercial/office floor area constructed and one new job for every 200 s.f. of restaurant floor area constructed.

With the exhaustion of available vacant land, job growth is expected to increase by no more than 300 jobs each year, with approximately 1,800 new jobs created over the next six years.

Future Housing Plan

- . It is recommended that South Plainfield continue primarily as a single family community, while at the same time providing a lesser amount of other housing choices.
- . Because of the Borough's high percentage of older housing, and the fact that little land is available for new housing, it is recommended that the Borough emphasize the maintenance and rehabilitation of existing housing through continuing code enforcement efforts and the utilization of federal and State housing rehabilitation programs that would assist homeowners in maintaining their homes up to code standards and provide assistance to low and moderate income persons.
- . It is recommended that the Borough continue to seek funding for the construction of a senior citizen housing complex to house the Borough's growing senior citizen population. (The Borough's senior citizen population \geq 62 and over \geq increased by 59% between 1970 and 1980 from 1225 to 1950)
- . It is recommended that the Borough continue to provide community facilities to neighborhoods and maintain them in order to keep housing quality high.
- . It is recommended that the Master Plan be followed closely in developing a zoning plan to implement this housing plan.

Affordable Housing Plan

It is recommended that the Borough provide for the rehabilitation of the 61 housing units identified as indiginous need according to the COAH data. In addition, it is recommended that the Borough attempt to provide for the construction of an additional 342 housing units to meet its total need of 403 low and moderate income units, as follows:

Seven sites have been identified as suitable for the construction of low and moderate income housing. The seven sites encompass a total area of 186 acres of which 129 acres have been found to be developable. These sites are described below and shown on the attached table "South Plainfield , Fair Housing Plan". It is recommended that these sites be rezoned in order to provide the opportunity for the construction of affordable housing as described below.

Morris Avenue

This site is located on the northwest side of Morris Avenue between Cedar Brook Ave. and the easterly terminous of Morris Ave. It consists of Block 111, lots 1,4; Block 112, lots 1 & 2.01; Block 113, lots 1,2,4, & 5.01; Block 115, lots 1,2,2.01 & 3. It has a gross area of 6.15 acres and an average depth of 180', with a frontage of 1956' along Morris Ave.

Surrounding uses include a Public School site to the Southeast, single-family residences to the northeast and south, and a Middlesex Water Company well-field to the west.

The site is currently owned by the Borough and is the future site of a 100 unit senior citizen complex. The Borough has taken several steps toward the construction of this complex, including the formation of a Housing Authority, and the delineation of wetlands on the site as an initial step in the design process.

Harris Steel Site

This site is Located on New Brunswick Ave. between Tyler Pl. and Jersey St. It consists of Block 455, lot 1; Block 460, lot 1; Block 461, lots 1,3; Block 462, lot 2; Block 465, lot 1; Block 466, lot 1; and Block 467, lots 1, 3,5 & 21. It has a gross area of approximately 100 acres, of which approximately 55 acres is developable. It has 3629' of frontage on New Brunswick Ave. Surrounding land uses include industrial to the north, east and south, multi-family residential to the west, and single-family residential to the southwest.

The site is currently owned by the Harris Steel Company and is suitable for residential development at up to 10 units per developable acre. Such development would yield approximately 110 units of affordable housing at the currently accepted ratio of 1 unit of affordable housing to four market rate units. Harris Steel has

indicated a desire to utilize a portion of the site for industrial purposes. To accomodate this desire, the Borough intends to designate the site for mixed development. Seven acres of the site will be designated for the construction of 70 affordable housing units, of which 36 will be rental units. The balance of the site will be developed for industrial purposes, with the industrial use subsidizing the affordable housing construction.

Universal Avenue Site

The Universal Ave. site is located in the eastern part of the Borough adjacent to Edison Township. It consists of Block 255, lots 14, 33 & 34. The site is a total of 41 acres of which approximately 30 acres appears to be developable. The site is bordered by residential development to the east in Edison and industrial development to the west, south and north in South Plainfield. A significant portion of this site is identified as freshwater wetlands on the U.S. Fish and Wildlife Service Wetlands Inventory Maps. The site also has limited access through residential streets in Edison. A total of 240 units are proposed, of which 48 will be affordable to low and moderate income households.

Pomponio Avenue

This site is located on Pomponio Ave. between 2nd Pl. and Clinton Ave. It includes Block 448, lots 2.01 and 4.01. The site has a gross area of 20 acres of which approximately 9 acres are freshwater wetlands. It has 1025' of frontage on Pomponio Ave. and 363' of frontage on Clinton Ave. Surrounding uses include one & two-family residences to the north and east, and industrial uses to the south and west.

The site is currently owned by the Borough which intends to market the property for a private housing development consisting of 120 total units and 24 affordable units.

Coppola Farm Site

This site is located on New Durham Road between Corporate Blvd. and Durham Ave. It consists of Block 528, lot 43 and is 25 acres in size with 940' of frontage on New Durham Rd. Surrounding land uses include single family residential to the east, and industrial uses to the north and west. It is the Borough's intent to rezone the site in a manner similar to the Harris Steel Site, with five acres being designated for construction of 65 affordable housing units, of which 30 will be rental units. The balance of the site will be developed for industrial purposes.

Metuchen Diocese Tract

This 7 acre tract is located on Tompkins Ave. in a single family residential neighborhood in the northwest section of the Borough. It consists of Block 12, lots 9, 16 and 17 and is irregular in shape with a stream bisecting the site from north to south. For this reason, only 6 acres of the site are developable. The site is bordered by a school to the south and single family residences to the west, north, and east. Because of the surrounding land uses, the irregular shape of the site, and the small size of the site, it is recommended that the site be developed at a relatively low density to provide a total of 20 units, of which 4 will be affordable to low and moderate income households.

The attached chart shows the seven sites in order of priority as well as the total and useable acreage of each site and the proposed units on each.

Elderlodge

The Elderlodge site is located at Hamilton Boulevard between Church St. and S. Plainfield Ave. It consists of Block 259, lots 5, 6.02, 7 & 12 and has a gross area of 1.46 acres. It has 305' of frontage along Hamilton Blvd. Surrounding uses are mixed use and include commercial and residential to the east and south; a railroad to the south; parkland to the west; and one & two-family residential to the northwest and north.

The site is currently approved by the Borough Zoning Board of Adjustments for a 100 unit age restricted housing complex. It is the intention of the Borough that 10 of these units be reserved for occupancy by low and moderate income households. Construction plans for the site are currently under review by N.J. Dept. of Environmental Protection since the site is located in a floodplain.

Other Affordable Housing Measures

It is recommended that the Borough adopt a fair housing ordinance establishing regulations and an administrative mechanism, in accordance with COAH regulations to ensure that the above housing is made affordable to low and moderate income households.

It is recommended that the Borough adopt an ordinance requiring that all new development in the Borough contribute to an Affordable Housing Fund unless such development is part of an inclusionary development as defined by the current COAH regulations.

Summary

South Plainfield is essentially a developed, homogenous community of owner-occupied single and two family homes. There are a limited number of multi-family housing units and little developable residential land remaining in the community.

Consequently, the future efforts of the Borough in the area of housing should concentrate on the preservation of existing housing stock, and the provision of new types of housing where appropriate.

SOUTH PLAINFIELD - FAIR HOUSING PLAN

New Construction

<u>Priority</u>	<u>Site</u>	<u>Mt. Laurel Units Constructed</u>	<u>Credited Mt. Laurel Units</u>	<u>New Market Rate Units</u>	<u>Total New Units</u>	<u>Developable Acres</u>	<u>Density/ Dev. Acre</u>	<u>Total Acres</u>	<u>Density/ Total Acre</u>
1.	Morris Avenue	100	100	0	100	NA	NA	NA	NA
2.	Harris Steel	70	82*	0	70	NA	NA	NA	NA
3.	Universal Avenue	48	48	192	240	30	8.0	41ac.	5.9
4.	Pomponio Avenue	24	24	96	120	11ac.	10.9	20ac.	6.0
5.	Coppola Farm	65	75*	0	65	NA	NA	NA	NA
6.	Diocese Tract	4	4	16	20	6ac.	3.3	7ac.	2.9
7.	Elderlodge	<u>10</u>	<u>10</u>	<u>90</u>	<u>100</u>	NA	NA	NA	NA
	Total new units	321	343	394	715				
<u>Rehabilitation</u>									
	Indigenous need	<u>61</u>	<u>61</u>						
	TOTALS	382	404						

* Assumes rental unit credit of 1 1/3 units for each rental unit provided up to 20% of (total need less indigenous need).

403 (total need) - 61 (indigenous need) = 342

$342 \times .2 = 68$

If 68 rental units are built, the Borough can take credit for 90 ($1 \frac{1}{3} \times 68$) or 22 additional units. Therefor, it is recommended that 36 rental units (out of the 70 total units) be constructed at the Harris Steel Site ($36 \times 1 \frac{1}{3} = 48$ $48 + 34 = 82$ total affordable units.)

It is also recommended that 30 of the units at the Coppola Farm site be rental ($30 \times 1 \frac{1}{3} = 40$. $40 + 35$ for sale units = 75 total affordable units).

ATTACHMENT #1

**EXISTING LAND USE MAP
PHYSICAL LIMITATIONS
FAIR HOUSING SITES OVERLAY**

**(NOTE: On File in COAH Office
and Borough Hall)**

ATTACHMENT #2

**U.S. FISH AND WILDLIFE SERVICE WETLANDS MAP
ON U.S.G.S. BASE**

