

ML - Clinton Associates v.
Town of Clinton

Feb. 5, 1986

Final Judgment as to Town Clinton

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STEPHEN SKILLMAN, J.S.C.

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	:	SUPERIOR COURT OF NEW
CLINTON ASSOCIATES,	:	JERSEY
	:	LAW DIVISION
Plaintiff	:	HUNTERDON/MIDDLESEX
	:	COUNTY
vs.	:	<u>(MT. LAUREL II)</u>
	:	
TOWN OF CLINTON, et al.	:	DOCKET NO. L-019063-84
	:	
Defendants	:	CIVIL ACTION
	:	FINAL JUDGMENT AS TO
	:	TOWN OF CLINTON

This matter has come before the Court on the joint application of Plaintiff, Clinton Associates, and Defendant, Town of Clinton, for the entry of final judgment of compliance as to the Town of Clinton based upon a settlement agreement between the parties and the Court having made the following determinations:

1. Plaintiff, Clinton Associates, and Defendant, Town of Clinton, et al., have entered into a settlement of the differences between them, which settlement is set forth in the following documents:

- a. Original Settlement Agreement between Plaintiff and Town of Clinton, dated January 22, 1985, a copy of which is attached hereto and made a part hereof as Exhibit A.
- b. Letter amending terms of Settlement Agreement, dated September 11, 1985 from Guiliet D. Hirsch, Esq. to Richard P. Cushing, Esq., a copy of which is attached hereto and made a part hereof as Exhibit B.
- c. Letter amending Settlement Agreement, dated October 17, 1985 from Richard P. Cushing, Esq. to Guiliet D. Hirsch, Esq., a copy of which is attached hereto and made a part hereof as Exhibit C.
- d. Letter, dated October 22, 1985, from Guiliet D. Hirsch, Esq. to Richard P. Cushing, Esq., a copy of which is attached hereto and made a part hereof as Exhibit D.

2. The Honorable Stephen Skillman, by Order dated January 17, 1985, appointed Philip Caton as a Special Master to review the terms of said settlement and, subject to certain changes to the form of the settlement suggested by Mr. Caton (which were agreed to by the parties), Mr. Caton has recommended to the Court that it be approved.

3. A Court hearing, after giving notice to all concerned persons and the public, was held on the fairness of the proposed settlement before the Honorable Stephen Skillman, J.S.C., from October 23, 1985 through October 28, 1985.

4. An Order, dated November 14, 1985, was entered by the Honorable Stephen Skillman, J.S.C., approving the settlement and providing conditions for entry of judgment of compliance as to the Town of Clinton.

5. The Town of Clinton has complied with or has agreed to comply with all of the terms of said Order as more specifically described hereafter.

6. The Town has agreed to complete a housing survey and in connection therewith has engaged a housing consultant to perform that survey in accordance with the Resolution and Agreement attached hereto as Exhibit E.

7. The Town has passed Ordinance 85-25 which amends its land use ordinances to carry out the terms of the settlement and to incorporate the changes called for by Philip Caton and by Paragraph 2C of the Order of November 14, 1985. A copy of Ordinance 85-25 is attached hereto as Exhibit F.

8. The Town has passed Ordinance 85-26 entitled "An Ordinance to Establish An Affordable Housing Board, To Establish A Housing Rehabilitation Conversion and Assistance Fund and to Establish the Position of Housing Officer" which

was marked in evidence at the hearing in this matter as J-16, a copy of which is attached hereto as Exhibit G.

9. Ordinance 85-26 (Exhibit G) contains the conditions set forth in Paragraphs 2b and 2d of the Order of November 14, 1985.

10. Plaintiff, Clinton Associates, agrees to the conditions set forth in the Order of November 14, 1985, the form of the Exhibits attached hereto and the entry of a judgment of compliance to the Town of Clinton.

11. This Court has determined that the entry of a final judgment of compliance to the Town of Clinton is hereby justified, within the powers of this Court and appropriate to now enter; therefore,

IT IS on this 5th day of February, 1986

ORDERED and ADJUDGED that:

1. The Settlement Agreement between the plaintiff, Clinton Associates, and the Defendants, Town of Clinton, et al., annexed hereto as Exhibits A through D, as modified by this Court's Order of November 14, 1985 and the passage of Ordinances 85-25 and 85-26 is hereby determined to be fair, adequate and reasonable;
2. The defendant, Town of Clinton, by implementing the Settlement Agreement as modified by this

Court's Order of November 14, 1985 and by carrying out the conditions of that Order is hereby complying with its constitutional obligation to provide realistic opportunities for the creation of sufficient low and moderate income households so as to meet its indigenous need and its fair share of the present and prospective regional need and is therefore entitled to a Judgment of Compliance and all the rights associated therewith in accordance with So. Burlington Cty. N.A.A.C.P. vs. Mount Laurel Twp., 92 N.J. 158 (1983);

3. Final judgment is hereby entered in favor of the defendant, Town of Clinton, as to all claims made by the plaintiff;
4. The Agreement attached hereto as Exhibits A through D as modified by this Court's Order of November 14, 1985 shall, in accordance with its terms and provisions and the provisions of Ordinances 85-25 and 85-26, be effective immediately upon entry of this Order and shall be implemented by the parties;
5. Costs shall not be taxed against either party;
6. It is certified pursuant to R.4:42-2 that this is

a final judgment and is in complete adjudication of all of the rights and liabilities asserted in this litigation as to the Town of Clinton and that there is no just reason for delay of entry of final judgment.


STEPHEN SKILLMAN, J.S.C.

EXHIBIT LIST

- Exhibit A - Original Settlement Agreement, dated January 22, 1985.
- Exhibit B - Letter amending terms of Settlement Agreement, dated September 11, 1985.
- Exhibit C - Letter amending Settlement Agreement, dated October 17, 1985.
- Exhibit D - Letter, dated October 22, 1985.
- Exhibit E - Resolution and Agreement to complete housing survey.
- Exhibit F - Ordinance 85-25 of the Town of Clinton.
- Exhibit G - Ordinance 85-26 of the Town of Clinton.

EXHIBIT A

THIS AGREEMENT, made this 22nd day of January , 1985
by and between

THE TOWN OF CLINTON, Hunterdon County, a Municipal Corporation
of the State of New Jersey (hereinafter "TOWN"),
and

CLINTON ASSOCIATES, a New York Partnership (hereinafter "CLINTON
ASSOCIATES");

WHEREAS, CLINTON ASSOCIATES on March 21, 1984 instituted a cer-
tain action in the Superior Court, Law Division, Hunterdon/Middlesex
County, bearing docket Number L-019063-84 P.W., against the TOWN and
other parties; and

WHEREAS, TOWN has introduced and adopted an ordinance regulating
its Mt. Laurel obligation which ordinance is attached hereto as
"Exhibit A" and made a part hereof; and

WHEREAS, the parties hereto are desirous of entering into an
agreement of settlement to resolve their differences in the aforesaid
litigation;

NOW, THEREFORE, in consideration of the mutual covenants,
promises, terms and conditions hereinafter provided, it is agreed by
and between the TOWN and CLINTON ASSOCIATES as follows:

1. This agreement is reached after due deliberation by all par-
ties;
2. On or before December 18, 1990 the TOWN shall, through its
normal planning process, assess its fair share of housing needs to

determine whether an opportunity for additional low and moderate income units is necessary and, if so, create such additional opportunity.

3. In the event that any publicly subsidized housing for low and moderate income households is constructed in the TOWN on or before December 18, 1990, the TOWN shall receive credit for each unit towards satisfaction of its fair share obligation.

4. In addition to the provisions in Exhibit "A" the TOWN shall take all reasonable steps to foster development of the units affordable to low and moderate households called for by paragraph 2, including but not limited to:

a. Adoption of resolutions of need, execution of payment in lieu of taxes resolutions, or public housing cooperation agreements as may be necessary to facilitate a developer in obtaining public subsidies for the construction of housing affordable to low and moderate income households;

b. Expedited disposition of site plan applications and municipal approvals for developers in the affordable housing zones;

c. Cooperation with developers in the affordable housing zones in obtaining sewage and water connections;

d. Cooperation with the needs of developers and the requirements of State and Federal agencies concerning the administration of resale price controls.

5. In order to foster production of the units of low and moderate income households on the CLINTON ASSOCIATES property, the TOWN:

a. Shall permit the development of 84 dwelling units (of which 16 shall be lower income units) and 45,000 square feet of non-residential uses on the CLINTON ASSOCIATES site in accordance with Exhibit A;

b. Shall permit CLINTON ASSOCIATES, at CLINTON ASSOCIATES' option, to submit to the Planning Board a preliminary and/or final site plan and/or subdivision applications(s) for its property prior to entry of a Judgment of Compliance; in the event this application(s) is submitted before entry of a Judgment of Compliance, the Planning Board shall review and consider such application, conditioned upon the scheduling of a public hearing and approval within 30 days of entry of the Judgment of Compliance. Any site plan or subdivision submitted pursuant to Exhibit A will only be granted in the event a Judgment of Compliance is issued by the Court.

c. Hereby reserves 19,700 gallons per day of treatment capacity in the Town of Clinton Wastewater Treatment Plant for the Clinton Associates project.

6. This Settlement shall not be effective until entry of a Final Judgment of Compliance by the Courts pursuant to South Burlington County N.A.A.C.P. v. Mt. Laurel Township, 92 N.J. 158 at 291 and Exhibit A. CLINTON ASSOCIATES agrees to support any attempt by the TOWN to obtain such a Final Judgment of Compliance.

7. Upon entry of a Judgment of Compliance, the parties shall execute a Stipulation of Dismissal or the Court may enter an Order providing for dismissal of the CLINTON ASSOCIATES' Complaint with prejudice.

8. In the event that any site rezoned under this Agreement ceases to be available for development pursuant to the provisions adopted under Exhibit A to this Agreement because of development for other purposes, condemnation, state or federal prohibitions or restrictions upon development or any other reason, the TOWN upon written notice to and approval of the appropriate Mt. Laurel II Judge or his designee, shall rezone sufficient other developable land pursuant to this provision to make it realistically likely that a sufficient number of units affordable to low and moderate income households will be constructed to satisfy the TOWN's fair share as determined in the Judgment of Compliance.

9. The TOWN shall not zone, rezone, grant variances, or grant any preliminary or final site plan approval for townhouses, garden apartments or condominiums residential uses at gross densities higher than 3 units/acre unless:

a. The development is subject to a mandatory set aside for units affordable to low and moderate income households identical to that contained in Exhibit A; or

b. The municipality has met its fair share obligation as set forth in the Judgment of Compliance described in paragraph 6 hereof;

c. This paragraph shall be subject to approval by the Court.

10. CLINTON ASSOCIATES has reviewed Exhibit A and agrees that the requirements for the construction of Mt. Laurel II units contained therein are reasonable and will reasonably allow CLINTON

ASSOCIATES or its assigns to construct such housing in accordance with the terms of Exhibit A.

11. CLINTON ASSOCIATES agrees tht it is willing to assist the TOWN in fulfilling the TOWN's Mt. Laurel II obligation by construction of low and moderate income housing on its site in accordance with Exhibit A and agrees that it will develop its property in accordance with Exhibit A and will construct the Mt. Laurel II housing called for in Exhibit A in accordance with Exhibit A.

12. CLINTON ASSOCIATES agrees that if it sells or transfers the property which is the subject of this lawsuit, any purchaser or assign shall be obligated to develop said property in accordance with Exhibit A.

13. CLINTON ASSOCIATES agrees to contribute \$22,500.00 to a housing rehabilitation and conversion fund established by the TOWN, which sum shall be due and payable on or before a Certificate of Occupancy is issued for the non-residential uses of Clinton Associates' property.

14. TOWN agrees that upon filing of site plan and/or subdivision applications by CLINTON ASSOCIATES, it will make its professionals available to meet with CLINTON ASSOCIATES and its professionals, including daytime meetings if necessary, so that the site plan and/or subdivision review process by the TOWN's Planning Board may be expedited. CLINTON ASSOCIATES has reviewed the TOWN's ordinance and anticipates no need for any variances for its proposed office building. In the event that in the course of the subdivision and/or site plan review process it is determined that an office building smaller than 45,000 square feet should be constructed on CLINTON ASSOCIATES'

non-residential tract, then CLINTON ASSOCIATES will receive a credit toward the contribution referred to in paragraph 13 of fifty cents (50¢) for each square foot that the office building, for which final site plan is given, is less than 45,000 square feet.

15. In the event of any breach of any provision of this Agreement, the parties may seek relief by way of any remedy provided by law.

16. The owners or assignees of the lands which are rezoned by amendment referenced in Exhibit A for Mt. Laurel II housing are also recognized as third party beneficiaries with authority to enforce the terms of this Settlement Agreement, providing they are in compliance with the terms of this Agreement.

ATTESTED BY: . . .

Lois D. Terreri
Lois D. Terreri, Clerk

TOWN OF CLINTON

BY [Signature]

WITNESSED BY:

Helen Zivinsky

CLINTON ASSOCIATES

BY [Signature]

, Partner

Exhibit A

PROPOSED AMENDMENTS

TO

TOWN OF CLINTON

LAND USE ORDINANCE

Submitted for Consideration

by Elizabeth C. McKenzie, P.P.

December 4, 1984

These amendments to the Town of Clinton Land Use Ordinance shall not become effective until: 1) a Judgement of Compliance is granted to the Town of Clinton in the matter of Clinton Associates v. Town of Clinton, et al., Superior Court of New Jersey, Hunterdon/Middlesex County, Docket #L-019063-84, and 2) the time for appeal thereof expires without an appeal being taken therefrom, or, if an appeal thereto is taken by any party, the Judgement of Compliance is affirmed without further appeal.

Amend Article II, Section 88-4A. By deleting the current definition of STREET and adding the following definitions in their appropriate alphabetical order:

ATTIC - That area located under the roof of a building which does not meet the Uniform Construction Code requirements for and definition of a story.

DENSITY, GROSS - The total number of dwelling units existing or permitted on a tract divided by the total area of the tract. The result is expressed as dwelling units per acre.

DENSITY, NET - The total number of dwelling units within a designated portion of a tract divided by the total land area of the designated portion of the tract, including the open space, roadways, parking areas and common facilities devoted exclusively to that portion of the tract. The result is expressed as dwelling units per acre.

LOW INCOME - Means less than fifty (50) percent of the median income for the region when used with and compared to the term moderate income; means fifty (50) to eighty (80) percent of the median income for the region when used with and compared to the term very low income in the document entitled Section 8 Rental Assistance Program, Income by Family Size published by the U.S. Department of Housing and Urban Development.

LOWER INCOME HOUSEHOLD - A household meeting the regional income eligibility limits for low and moderate income households or for low and very low income households in the document entitled Section 8 Rental Assistance Program, Income by Family Size published by the U.S. Department of Housing and Urban Development.

LOWER INCOME HOUSING - Dwelling units which are affordable by purchase or rent to a lower income household spending not more than twenty-eight (28) percent of the monthly family income for sale housing and thirty (30) percent of the monthly family income for rental housing.

MODERATE INCOME - Means fifty (50) to eighty (80) percent of the median income for the region. In the document entitled Section 8 Rental Assistance Program, Income by Family Size published by the U.S. Department of Housing and Urban Development, the term low income is used instead of the term moderate income to refer to the fifty (50) to eighty (80) percent of median income range.

PLANNED RESIDENTIAL DEVELOPMENT (PRD) - A tract with a minimum contiguous acreage of twenty-five (25) acres or more to be developed as a single entity according to a plan showing both single and multi-family residential development areas, in accordance with the requirements of Article VII, Section 88-52^a.

PLANNED UNIT DEVELOPMENT (PUD) - A tract with a minimum contiguous acreage of fifteen (15) acres or more to be developed as a single entity according to a plan showing both a multi-family residential development area and office development area in accordance with the requirements of Article VII, Section 88-52^a.

REGION - When used in this Ordinance, the term region refers to the eleven (11) northern New Jersey counties including Bergen, Essex, Morris, Somerset, Union, Hudson, Hunterdon, Middlesex, Passaic, Sussex and Warren counties.

STREET - Any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing State, County or municipal roadway or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action or a street or way on a plat duly filed and recorded in the office of the County recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines. For the purpose of this chapter, "streets" shall be classified as follows:

- (1) **ARTERIAL STREETS** - Streets which are used primarily for fast or heavy traffic as designated on the Circulation Plan of the Master Plan of the Town of Clinton or have an average daily traffic volume (ADT) of over 3500.
- (2) **COLLECTOR STREETS** - Streets which carry traffic from local streets to arterial streets and have an average daily traffic volume (ADT) from 1500 to 3500.

- (3) LOCAL STREETS - The streets of a residential development necessary for circulation within such development, providing access to abutting properties and having an average daily traffic volume (ADT) of less than 1500.
- (4) MARGINAL ACCESS STREETS - Those streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through-traffic.
- (5) DEAD-END STREET OR CUL-DE-SAC - Any street or combination of streets having only one (1) outlet or connection to a street having more than one (1) outlet or means of access.

TRACT - An area of land composed of one or more contiguous lots having sufficient area to meet the requirements of this Ordinance for the use(s) permitted. For the purposes of computing area and density requirements, a tract may include a public or private street or right-of-way provided that portions of the remainder of the tract are located directly opposite each other along at least seventy-five (75) percent of the frontage of the street or right-of-way in question.

VERY LOW INCOME - Means less than fifty (50) percent of the median income for the region in the document entitled Section 8 Rental Assistance Program, Income by Family Size published by the U.S. Department of Housing and Urban Development.

Amend Article VII by creating a new Section 88-52^a, entitled PUD and PRD Planned Development Districts as follows:

S. 88-52^a. PUD and PRD Planned Development Districts.

A. Purpose:

- (1) The purpose of the PUD and PRD districts is to encourage the development of certain large vacant tracts in a manner which incorporates the best features of design and relates the type, design and layout of residential, non-residential, and recreational development to the particular site, and, at the same time, to provide the realistic opportunity for lower income housing to be constructed in accordance with the guidelines set forth in the Mount Laurel II decision. Special standards and procedures applicable to these two (2) districts only are set forth herein to expedite the production of the lower income housing.

- (2) Recognizing that the provision of lower income housing requires the removal of standards which may be desirable to achieve but which may also be cost generating to a developer of lower income housing and thereby inhibit its production, the multi-family residential development areas of the PUD and PRD may be designed in accordance with the guidelines set forth at Section 88-52^aH., which guidelines are deemed to be the minimum necessary for public health, safety and welfare. Any provision of this or any other ordinance in conflict with this Section (Section 88-52^a), and which imposes restrictions or limitations not required for health and safety, shall be inapplicable to the PUD and PRD districts.

B. Application procedures:

- (1) The applicant shall submit all plans and documents to the Planning Board for review and approval as required in Article VI. The Planning Board shall distribute the plans to those agencies required by law to review and/or approve development plans and to all other Town agencies which normally review development plans. The failure of a Town agency to submit a report to the Planning Board shall not extend the time for review and action by the Board.
- (2) The technical advisors to the Board shall review the complete application for technical compliance and shall convey comments directly to the applicant's advisors in advance of the public hearing so that at the time of the public hearing the applicant will have had sufficient opportunity to resolve any technical problems associated with the submission. Daytime meetings shall be held at the request of the applicant between the Town's advisors and/or technical coordinating committee and the applicant's advisors for this purpose.
- (3) The Planning Board shall hold a public hearing in accordance with N.J.S.A. 40:55D-46.1 on the application. The Planning Board shall take action on the application within sixty (60) days from the date of submission of a complete application for preliminary or for simultaneous preliminary and final approval. If a subsequent final approval is sought, action on the final plan shall be taken by the Board within thirty (30) days of the date a complete application is submitted.

- (4) The applicant is encouraged to submit a concept plan for informal review by the Board pursuant to N.J.S.A. 40:55D-10.1 prior to the preparation of a preliminary development plan.
- (5) The development plans submitted shall contain the information required in Section 88-41 D. and E. except that the applicant shall be exempted from any requirements of Section 88-41 D. (23).

C. Permitted uses:

(1) Principal uses.

- (a) Single family dwellings in the single family residential development area of the PRD only.
- (b) Multi-family dwellings in the multi-family residential development areas of the PUD and PRD.
- (c) Public or private parks and playgrounds.
- (d) Public or private recreation buildings and facilities.
- (e) Public utilities.
- (f) Office building(s), scientific or research laboratories, data processing facilities on the office development area of the PUD only.

(2) Accessory uses and structures.

- (a) Garages and off-street parking facilities.
- (b) Storage and maintenance buildings.
- (c) Customary accessory structures approved as part of the site plan for the development, including fences, walls, lampposts, trellises and the like.
- (d) Signs in accordance with Section 88-64 of this Ordinance.

D. Tract area, development areas, density and bulk requirements:

(1) Tract area.

- (a) A PUD shall contain a minimum of fifteen (15) acres.
- (b) A PRD shall contain a minimum of twenty-five (25) acres.

(2) Development areas.

- (a) The PRD shall be divided into a single family residential development area and a multi-family residential development area. The single family residential development area shall be that area located along, and having a minimum depth of 250 feet from, any common boundary with a single family residential zone in the Town of Clinton.
- (b) The PUD shall be divided into a multiple family residential development area and an office development area. The office development area shall be the entire portion of the tract located south of Village Road and north of Route 78 and shall include the right-of-way of Village Road. The multi-family residential development area shall be that portion of the tract lying north of Village Road.

(3) Density.

- (a) Within the PRD, the gross density shall not exceed 7.2 dwelling units per acre. The net density shall be up to three (3) dwelling units per acre for the single family residential area and up to ten (10) dwelling units per acre for the multi-family residential area with such net densities computed as averages for the entire single family residential development area or multi-family residential development area.
- (b) Within the PUD, the net density shall not exceed 7.0 dwelling units per acre for the multi-family residential development area, with such net density computed as an average for the entire multi-family residential development area.

(4) Bulk requirements, multi-family residential development areas.

- (a) There shall be the following minimum distances between buildings in the multi-family residential development areas of a PUD or PRD:

Windowless wall to windowless wall	20 feet
Window wall to windowless wall	20 feet
Window wall to window wall	
Front to front	
Building height of up to 30 feet	50 feet
Building height of 30 feet or more	75 feet
Rear to rear	50 feet
End to end	30 feet
Any building face to local street curbface or edge of pavement	30 feet
Any building face to collector street curbface or edge of pavement	40 feet
Any building face to arterial street curbface or edge of pavement	50 feet
Any building face except garage face to common parking area	12 feet
Garage face to common parking area	5 feet

The Planning Board may reduce the above distances by not more than one-third if there is an angle of twenty (20) degrees or more between buildings and if extensive landscaping or buffers are placed between buildings.

- (b) Coverage: The maximum coverage by buildings in the multi-family residential development areas shall not exceed thirty (30) percent. The maximum coverage by all impervious surfaces, including buildings, shall not exceed sixty (60) percent.
- (c) Buffer areas: No building, driveway or parking area shall be located within thirty (30) feet of any tract boundary line.
- (d) Building height: No building shall exceed three (3) stories in height, nor shall any building exceed forty (40) feet in height.
- (e) Minimum floor area for individual multi-family units:

1 bedroom:	550 square feet
2 bedroom:	660 square feet
3 bedroom:	850 square feet

(5) Bulk requirements, office development area.

The office development area in a PUD shall be developed in accordance with the standards for the OB-2 district.

(6) Bulk requirements, single family residential development area.

(a) Lot area: No individual lot shall contain less than 7500 square feet.

(b) Building setbacks:

Front yard:	30 feet
Rear yard:	40 feet
Side yards	10 feet each, 25 feet both.

Where individual lots are not being subdivided, yards shall be created for each building such that a subdivision could occur and all lots and buildings would conform to the area and setback requirements set forth herein.

E. Parking requirements:

(1) Residential uses.

(a) Parking shall be provided for all residential uses as follows:

Lower income dwelling units with one (1) bedroom or fewer:	1.5 spaces
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All other dwelling units:	2.0 spaces
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(b) Parking spaces in common parking areas in the multi-family residential development area shall be located within 300 feet of the dwelling unit served.

(c) All required parking shall be provided off-street.

(2) Nonresidential uses. Parking in the office development area shall conform with the applicable requirements of Section 88-62 of this Ordinance.

F. Lower income housing requirements:

(1) Lower income dwelling units required to be constructed.

- (a) Number: All developments in the PUD and PRD zones shall be required to provide housing affordable to lower income households at the following rates: five (5) percent of the number of units in any single family residential development area and twenty (20) percent of the number of units in any multi-family residential development area. If the total number of lower income housing units required to be constructed in the PUD or PRD is fewer than twenty (20) and the required percentage(s) yields a fraction, the number may be rounded down to the next whole number. If the total number of lower income housing units required to be constructed in the PUD or PRD is twenty (20) or more, and the required percentage(s) yields a fraction of 0.5 or more, the number shall be rounded up to the next whole number; if the required percentage(s) yields a fraction of less than 0.5, the number may be rounded down to the next whole number. If the required percentage(s), rounded up or down as provided herein, yields a number that is not a multiple of four (4), the developer may elect to construct up to three (3) fewer units than the number required, provided that the number of units constructed is a multiple of four (4), and further provided that the developer shall, for each required unit that is not constructed, contribute an amount equal to \$15,000 per unit to the Housing Rehabilitation Fund of the Town of Clinton, established by ordinance and administered by the Housing Officer appointed by the Mayor and Council for that purpose.
- (b) Type and location: All lower income units may be multi-family units and may be located in the multi-family residential development area.
- (c) Size: A minimum of fifteen (15) percent of the lower income units shall be three-bedroom units and a minimum of thirty-five (35) percent of the lower income units shall be two-bedroom units; at least one-third of all three-bedroom and one-half of all two bedroom lower income units shall be for very low income as opposed to low income occupancy, as defined in this

Ordinance. If a required percentage yields a fraction of 0.5 or more, the number shall be rounded up to the next whole number; if a required percentage yields a fraction of less than 0.5, the number may be rounded down to the next whole number. Odd units may be considered moderate income units.

- (2) Eligibility standards for housing units. One-half of all lower income units shall be priced so as to be eligible for rent or purchase by very low income households and one-half of all lower income units shall be priced so as to be eligible for rent or purchase by low income households, as defined in this Ordinance.
- (3) Housing costs. Lower income housing costs shall not exceed twenty-eight (28) percent of the monthly family income for sale housing and not more than thirty (30) percent of the monthly family income for rental housing, considering the following.

Rental units:	Gross Rent, including utilities or a utilities allowance
Sale units:	Principal and Interest
	Insurance
	Taxes
	Condominium or homeowners association fees
- (4) Subsidies. Government subsidies may be used at the discretion of the applicant and are encouraged. The lack of said subsidies shall in no way alter or diminish the lower income housing requirements of this Ordinance.
- (5) Covenants and controls on sales and rentals.
 - (a) All lower income dwelling units shall be covered by covenant, with the Town of Clinton as a party beneficiary, to ensure that in all initial sales and rentals, and in all subsequent resales and rerentals, the units will continue to remain available and affordable to the lower income households for which they were intended. All such covenants shall be approved by the Town Attorney.

- (b) The application for the issuance of a Certificate of Occupancy for any new designated lower income housing unit shall include certification by the Housing Officer documenting the eligibility of the unit and the qualification of the new purchaser and/or occupant as a lower income household.
- (c) Prior to any resale or transfer of ownership or change of occupancy of a designated lower income housing unit, application shall be made for a new Certificate of Occupancy. The application for a Certificate of Occupancy shall include certification by the Housing Officer documenting the continued eligibility of the unit and the qualification of the new purchaser and/or occupant as a lower income household.
- (d) Lower income rental units may be leased for periods of up to, but not exceeding, one year. At least sixty (60) days prior to the expiration of each lease which is subject to renewal, the owner of any lower income rental unit shall provide documentation, to be approved by the Housing Officer, to ensure that the rental unit continues to be occupied by and remains affordable to a lower income household. At such time as an owner of a rental unit is informed by the Housing Officer that the occupying household no longer qualifies as lower income, the rental unit shall, within ninety (90) days, be made available for occupancy by a qualified household.
- (e) All requests for certification shall be made by the seller or owner in writing, and the Housing Officer shall grant or deny such certification within thirty (30) days of the receipt of the request.
- (f) The Town shall develop reasonable administrative procedures for qualifying the occupants of lower income housing. Procedures shall be directed and administered by a Housing Officer appointed by the Mayor and Council,

which Housing Officer may be an outside agency or a housing authority, to administer resales and tenant selection for lower income housing units. Lower income employees and lower income residents of the Town of Clinton shall have first priority over all lower income housing for a period not to exceed fifteen (15) business days from the time such units are listed for sale or resale or made available for rent.

- (g) At the time a Certificate of Occupancy is re-issued, sales prices and rents may be increased over the original levels permissible by the Housing Officer in accordance with the annual Metropolitan New York Regional Consumer Price Index for Housing of the Department of Labor plus reimbursements for documented monetary outlays for reasonable improvements and reasonable costs incurred in selling the unit minus withholdings for the cost of essential maintenance not undertaken by the previous occupant. After 30 years from the date of initial occupancy, a lower income housing unit may be sold or rented without restrictions.
- (h) Rental units may be converted for sale as condominium or fee simple units but any sale of converted units shall continue to be restricted to persons meeting the income eligibility standards as set for the particular unit until the thirty (30) year restriction period has passed.
- (i) Phasing of construction of lower income housing. Lower income housing shall be phased in accordance with the following schedule:

<u>Percentage Total Multi-Family Dwelling Units</u>	<u>Minimum Percentage of Lower Income Dwelling Units</u>
25	0
50	35
75	75
100	100

The developer may construct the first 25 percent of the market units without constructing any lower income housing units. No Certificates of Occupancy shall be issued for any of the next 25 percent of the

market units until 35 percent of the lower income units (of which half must be very low income) shall have been issued Certificates of Occupancy. No Certificates of Occupancy shall be issued for any of the next 25 percent of the market units until at least 75 percent of the lower income units (of which half must be very low income) have been issued Certificates of Occupancy. The remaining required lower income housing units shall be completed and Certificates of Occupancy issued before Certificates of Occupancy shall be issued for any of the remaining market units.

- (j) Placement. The lower income dwelling units shall be designated on the preliminary site plan, shall have similar exteriors and landscaping to the market units, and shall be located so that they have access to all common elements within the development.

- (k) Waiver of fees for lower income housing units. Notwithstanding any other requirement of the Town of Clinton, the following fees shall be waived for every unit designated as lower income housing and only for those units designated as lower income housing:

Subdivision and site plan application fees applicable to lower income housing units.

Building permit fees, except State and third party fees, applicable to lower income housing units.

Sewer connection fees applicable to lower income housing units.

Certificate of Occupancy fees applicable to lower income housing units.

The Town will not oppose an application to the Board of Public Utilities Commissioners for waiver of water connection fees.

G. Common open space and common elements:

- (1) A minimum of twenty (20) percent of the land in the multi-family residential area in a PRD or PUD shall be designated as conservation area, open space, recreation and/or other common open space. Up to twenty-five (25) percent of the designated common open space may consist of natural or man-made water bodies. The common open space area shall exclude private patios and any area located between a building and street or common parking area.
- (2) All property owners and tenants in the development shall have the right to use the common open space and any recreational facilities located on the site.
- (3) Common open space may be deeded to the Town, if accepted by the Mayor and Council.
- (4) All common open space not accepted by the Town and all common elements in the development shall be deeded to an open space organization established to own and maintain the common elements as provided in N.J.S.A. 40:55D-43. The open space organization documents shall be submitted to the Town Attorney for review and approval.

H. Engineering and construction design standards, single and multi-family residential development areas only:

(1) Drainage.

- (a) The drainage system shall be a combination of structural and non-structural measures of controlling surface runoff. Structural measures (pipes, inlets, headwalls, etc.) shall be used in the following locations:

At all low points in roadways and driveways

At all intersections

At all locations where vehicular or pedestrian paths cross drainageways

At all locations where water may be trapped by snow or freezing conditions and create danger for pedestrians or vehicles

At all locations where water will be conducted within 15 feet of a building

All other areas may be drained through the use of structural or non-structural measures, as appropriate.

- (b) The system shall be adequate to carry off the storm water and natural drainage water which originates not only within the lot or tract boundaries but also that which originates beyond the lot or tract boundaries in the current state of development. No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.
- (c) The following standards shall be used in computing the volume of runoff:

Collection Systems: Rational Method or an alternative method approved by the Town Engineer. The following shall be used for the various parameters of the Rational Formula ($Q=ACI$):

Q is the quantity of water in cubic feet per second (cfs) - to be used for design

A is the drainage area in acres

C is the runoff coefficient which shall be as contained in ACE Manual #37, latest edition

I is the intensity of the storm which shall be determined from the graph entitled "Rainfall Intensity Duration for Essex and Union Counties". The time of concentration (t) shall be determined by overland flow methods or gutter flow methods contained in ACE Manual #37, latest edition, as appropriate, but need not be less than fifteen (15) minutes.

Detention Systems: All detention systems shall be designed in accordance with the requirements of N.J.A.C. 7:8-3.4.

(d) All storm drainage facilities shall be designed in accordance with the following:

Storm Frequency:

<u>Type of Facility</u>	<u>Frequency of Storm</u>
Collection Systems	15 yrs.
Culverts	25 yrs.
Detention Systems	
Flood & Erosion Control	2, 10, & 100 yrs.
Water Quality	1 yr. or 1.25" of rain in 2 hours
Emergency Spillway	100 yrs.

Velocity of Storm: Velocity shall be determined by the Manning Equation with "n" as set forth in ACE Manual #37, latest edition. The velocity shall be restricted to the following maximums or minimums:

<u>Type of Facility</u>	<u>Velocity</u>
Pipes and culverts	Minimum velocity of 3 fps when flowing 1/4 full
Open Channels and Swales	Maximum velocity as set forth in ACE Manual #37, latest edition

Structural Considerations:

Pipes and culverts. All pipes and culverts beneath pavements or walkways shall be of reinforced concrete. At all other locations, other pipe materials may be used provided such materials can be demonstrated to be structurally adequate by the methods set forth in ACE Manual #37, latest edition.

Swales and Channels. All swales and channels shall have adequate lining to prevent erosion and shall be of parabolic or trapezoidal section. Trapezoidal sections shall be such that the side slopes shall be no steeper than three (3) horizontal to one (1) vertical and shall have a flat bottom a minimum of two (2) feet wide.

- (e) All materials used in the construction of storm sewers, bridges, open channels and swales and other drainage structures shall be in accordance with the specifications set forth in the New Jersey Department of Transportation's "Standard Specifications for Road and Bridge Construction, 1983" as amended, supplemented or revised.
- (f) Lots and buildings shall be graded to secure proper drainage away from buildings. Additionally, drainage shall be provided in a manner which will prevent the collection of storm water in pools or other unauthorized concentrations of flow.
- (g) Approval of drainage structures shall be obtained from the appropriate Town, County, State and Federal agencies and offices.
- (h) Where required by the Town, and as indicated on an approved development plan, a drainage right-of-way easement shall be provided to the Town where a tract or lot is traversed by a system, channel or stream. The drainage right-of-way easement shall conform substantially with the lines of such watercourse and, in any event, shall meet any minimum widths and locations as shown on the Official Map and/or Master Plan.
- (i) All references herein to ACE Manual #37, latest edition, shall mean American Society of Civil Engineers Manual on Engineering Practice No. 37 entitled "Design and Construction of Sanitary and Storm Sewers", latest edition.
- (j) All developments shall further comply with the Flood Plain Ordinance of the Town of Clinton, as amended and supplemented, and all applicable State and Federal regulations.

(2) Lighting.

- (a) Street lighting shall be provided at all street intersections and along all collector and local streets, parking areas and anywhere else deemed necessary for safety reasons.
- (b) Any outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs, and ornamental

Schedule of Street Design Standards

	Local Street Single Family Development Area	Local Street Multi-Family Development Area	Collector Street
Right-of-way width (feet)	50	n/a	60
Minimum pavement width (feet) ⁽¹⁾	28	22	28
Curbing ⁽²⁾ V - vertical face R - roll-type	R/V	R	V
Width of sidewalks & bicycle paths where provided (feet)	4	4	4
Min. distance sidewalk (where provided) from curbface (feet)	5	5	10
Min. sight distance (feet)	200	200	250
Maximum grade	10%	10%	4%
Minimum grade	1%	1%	1%
Maximum cul-de-sac length (feet) ⁽⁴⁾	1000	1000	n/a
Min. cul-de-sac radius at right-of- way (at pavement)	55 (45)	(45)	n/a
Design speed (MPH)	25	25	30
Minimum centerline radius of curves (feet)	200	200	500
Min. centerline offsets of intersecting streets (street jogs)	125	125	150
Minimum tangent between reverse curves (feet)	50	50	100

Notes: (1) Minimum pavement widths presume that off-street parking has been provided as required. If the street is to be used for required parking, a condition which is specifically discouraged in the multi-family residential development areas, then pavement widths shall be increased by 6 feet for each side of the street on which parking is to be permitted.

(2) Curbing shall be provided in all cases where the street grade exceeds 5% or the velocity of stormwater in the shoulder or swale exceeds 3.0 to 4.5 feet per second, depending on soil conditions, based upon a 25-year design storm.

(3) See intersection design criteria.

(4) Culs-de-sac shall provide access to no more than 85 dwelling units.

lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, roads, and traffic safety from glare, reflection and over-head sky glow in order to recommend steps needed to minimize these impacts.

(c) The average intensity of lighting permitted on roadways shall be as follows: 0.2 footcandles along local streets, 2.0 footcandles at local street intersections, 0.4 footcandles along collector streets and 3.0 footcandles at any intersection involving a collector street.

(3) Sanitary Sewers. The developer shall design and construct sewage collection facilities in accordance with applicable requirements and in such a manner as to make adequate sewage treatment available to each lot and building within the development from said treatment and collection system. The developer shall provide the Planning Board with a copy of the agreement with the sewer department.

(4) Streets.

(a) All developments shall be served by paved streets in accordance with the approved subdivision and/or site plan, and all such streets shall have adequate drainage.

(b) Local streets shall be planned so as to discourage through traffic.

(c) All streets within the development shall be designed in accordance with New Jersey Department of Transportation's "Standard Specifications for Road and Bridge Construction, 1983", as amended, together with the construction standards of the Town of Clinton, on file with the Town Engineer and Town Public Works Administrator, and the Schedule of Street Design.

(d) Intersections shall be designed in accordance with the following criteria:

Approach speed	25 MPH
Clear sight distance (length along centerline of each approach leg)	90
Vertical alignment within 50 feet of intersecting curbline or pavement edge	3.0% (max.) & 0.5% (min.)
Minimum angle of intersection	75°; 90° preferr

Minimum curb radius (feet)

local - local	25
local - collector	25
collector - arterial	30

Minimum centerline offset of adjacent intersection (feet)

local - local	125
local - collector	150
collector - collector	200

Minimum tangent length approaching intersection (feet)

50

All intersections shall be curbed. If the street is not curbed (local street), then curbing within the intersection shall be offset one foot outside the edge of pavement of the approaches, and curbing shall extend 10 feet beyond the point of curvature of the curb return. The pavement width at the intersection shall be a minimum of 28 feet between curbs or the width of the street, if greater; where an approaching street has a pavement width narrower than 28 feet, a pavement transition of 25 feet in length shall be provided from the wider pavement at the intersection to the narrower pavement beyond the end of the curb.

(e) Pavement specifications shall be as follows:

<u>Class of Street</u>	<u>Surface Course</u>	<u>Base Course</u>	<u>Subbase</u>
Local	2" bituminous concrete surface course, Mix I-5	4" bituminous stabilized base course, Mix I-2	Type 5, Class A soil aggregate, if and where required
Collector	2" bituminous concrete surface course, Mix I-5	5" bituminous stabilized base course, Mix I-2	Type 5, Class A soil aggregate, if and where required

(5) Sight Triangles: Sight triangle easements shall be dedicated to the Town. No grading, planting, or structure shall be erected or maintained more than 24 inches or less than 120 inches above the centerline grade of the intersecting street so that an unobstructed view of the street is maintained. Traffic control devices and other manmade or natural objects may remain within the sight triangle if it can be demonstrated that they do not obstruct the view of oncoming traffic.

(6) Sidewalks: Sidewalks shall be installed in locations determined by the Board to be in the interest of public safety and proper pedestrian circulation.

Sidewalks need not follow all streets and in some instances may better follow open space corridors. The determination of whether sidewalks are needed and where they are best located shall be based on public safety considering the intensity of development, the probable volume of pedestrian traffic, the adjoining street classification (where sidewalks parallel streets), access to school bus stops, recreation areas, and the general type of improvement intended.

(7) Water supply:

- (a) Water mains shall be constructed in such a manner as to make adequate water service available to each lot and building within the development. The system shall be designed and constructed in accordance with applicable requirements. Prior to the grant of the preliminary approval, the applicant shall provide the Board with a copy of a letter from the water company indicating that the project will be serviced with public water.
- (b) Fire hydrants of a type and number and in locations approved by the Public Works Administrator with the advice of the chief of the Clinton Fire Company, shall be installed by the developer.

I. Multi-family residential development area requirements.

- (1) No building or group of attached buildings shall contain more than twenty-four (24) dwelling units.
- (2) No building shall exceed a length of two hundred (200) feet.
- (3) Each dwelling unit shall have at least two (2) exterior exposures with at least one (1) window in each exposure; alternatively, each dwelling unit shall be designed in conformance with the Uniform Construction Code such that either eight (8) percent of the floor area of all habitable rooms shall be in windows or the maximum depth of the unit shall not exceed twenty-two (22) feet.
- (4) No room within a dwelling unit intended for human habitation shall be located in a cellar, basement or attic except that a cellar or basement may contain a family room or recreation room.

- (5) Accessory buildings shall meet the property line setbacks of the principal buildings.
- (6) The maximum height of an accessory building shall be sixteen (16) feet. Recreational buildings and facilities shall be governed by the height limitations for principal buildings.
- (7) Garages may be built into the principal structure or separately constructed as hereinafter provided. Each garage space shall be at least ten (10) feet in width and twenty (20) feet in depth. Each group of attached garages shall have a joint capacity of not more than twelve (12) automobiles arranged in a row, and there shall be a minimum distance of ten (10) feet between structures.
- (8) Exterior television antenna shall be limited to one (1) master antenna per building.
- (9) Laundry facilities may be provided in each building. Outside clothes drying is prohibited.
- (10) One or more completely enclosed but unroofed structures for the collection and storage of solid waste shall be provided. The system of collecting and storing solid waste shall be approved by the Board of Health. No garbage or other refuse shall be stored or collected except in such approved structures.
- (11) In addition to any storage area contained within the dwelling unit, a minimum of fifty (50) cubic feet of storage space shall be provided for each dwelling unit, which storage area shall be convenient to and accessible from the outside of the building for purposes of storing bicycles, perambulators and similar outside equipment.
- (12) Screening and fencing shall be provided as needed to shield parking areas and other common facilities from the view of adjoining properties and streets.
- (13) Provisions shall be made for the preservation of existing trees and natural features to the extent possible. All disturbed areas shall be landscaped. Landscaping shall be provided as follows:
 - (a) Shade trees shall be planted along all streets and in common parking areas. Such trees shall be 1½ to 2 inches in caliper at time of planting and shall be planted a minimum of fifty (50) feet on center along both sides of all streets

and common parking areas. The Planning Board shall approve the choice of plantings and, in so doing, may rely upon the recommendations of the Shade Tree Commission.

- (b) Common areas and yards shall be planted with: one (1) conifer, six (6) to eight (8) feet high at time of planting, for each dwelling unit; one (1) deciduous tree, 1½ to 2 inches in caliper, for each two dwelling units; and ten (10) shrubs, fifteen (15) to eighteen (18) inches high at time of planting, for each dwelling unit.
- (c) Buffer areas shall be left in a natural state wherever they are outside the limits of disturbance; otherwise, buffer areas shall be planted with conifers, six (6) to eight (8) feet high at time of planting, eight (8) feet on center.
- (d) All disturbed areas shall be planted in grass or ground cover.
- (e) All plantings shall be of nursery stock, balled and burlapped, and shall be healthy and free of disease.

Article VII, Section 88-52 is amended to add new Sections F. and G.

F. Cluster development:

- (1) Residential cluster development shall be permitted on any tract located in an R-1 or R-2 district if the tract contains five (5) or more acres.
- (2) Such cluster development shall permit a reduction in minimum lot area of up to two-thirds that required in Schedule I.
- (3) Minimum lot dimensions in a cluster development shall be as follows:

	<u>R-1</u>	<u>R-2</u>
Lot Width (street line)	75	60
Lot Width (building line)	100	90
Lot Depth	175	100

- (4) Minimum yards in a cluster development shall be as follows:

	<u>R-1</u>	<u>R-2</u>
Front	40	30
Rear	40	30
Side (each)	15	12
(both)	35	30

- (5) Common open space may be deeded to the Town, if accepted by the Mayor and Council.

All common open space not accepted by the Town and all common elements in the development shall be deeded to an open space organization established to own and maintain the common elements as provided in N.J.S.A. 40:55D-43. The open space organization documents shall be submitted to the Town Attorney for review and approval.

G. Requirements for R-1-A district. On tracts of land designated on the Zoning Map as R-1-A, the gross density of residential development permitted shall be 2.6 dwelling units per acre. Development may be in the form of single family detached dwellings or single family attached dwellings containing between two (2) and eight (8) units per building. The following requirements shall apply:

- (1) Each dwelling unit and combined complex of dwelling units shall have a compatible architectural theme with variations in design to provide attractiveness to the development, and which shall include consideration of landscaping techniques; building orientation to the site, to other structures and to maximize solar gain; topography, natural features and individual dwelling unit design such as varying unit width, staggering unit setbacks, providing different exterior materials, changing roof lines and roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination for each dwelling unit. Any over-all structure of attached units shall provide that no more than two (2) adjacent dwelling units shall have the same setback.
- (2) All parking facilities shall be located within one hundred fifty (150) feet of the nearest entrance of the building they are intended to serve. Parking spaces shall be provided in areas designed specifically for parking, and there shall be no parking along interior streets. At least one (1) parking space per dwelling unit shall be within a garage.
- (3) No dwelling unit shall be less than twenty-two (22) feet wide.
- (4) No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available within each dwelling unit for the laundering and artificial drying of laundry of occupants of each dwelling unit.
- (5) Each building shall contain a single master T.V. antenna system which shall serve all dwelling units within the building, and there shall be no additional T.V. or radio equipment permitted.

- (6) No building shall be closer to a tract boundary than fifty (50) feet, unless said tract boundary is also within an R-1-A zone, in which case the setback from the tract boundary may be reduced to thirty (30) feet.
- (7) There shall be the following minimum distances between buildings in the R-1-A zone:

Windowless wall to windowless wall 25 feet

Window wall to windowless wall 30 feet

Window wall to window wall

 Front to Front 75 feet

 Rear to rear 60 feet

 End to end 35 feet

Any building face to local street curb or right-of-way 30 feet

Any building face to collector or street curb or right-of-way 50 feet

Any building face except garage face to common parking area 20 feet

Garage face to common parking area 5 feet

The Planning Board may reduce the above distances by not more than one-third if there is an angle of twenty (20) degrees or more between buildings and if extensive landscaping or buffers are placed between buildings.

Amend Section 88-52A. to add a new item (8):

- (8) Accessory apartments, in the R-3 district and designated portions of the R-2 district.

Add new Section 88-52I.

- I. Requirements for accessory apartments. In the R-3 district and on lots fronting on Leigh Street in the R-2 district, accessory apartments may be created provided the following conditions are met:
 - (1) The lot shall contain an existing single family dwelling, having a minimum floor area of 1600 square feet.
 - (2) The property owner undertaking the creation of the accessory apartment shall have obtained funding or financing to create the accessory apartment through a program established by the Town for the subsidization of same.
 - (3) The resulting unit shall meet all applicable building code requirements.
 - (4) The resulting unit shall be affordable to and shall be occupied by a household qualified as a low or moderate income household and shall be regulated as such in accordance with the requirements set forth at Section 88-52^af., except that the unit may be sold or rented without restrictions after only ten (10) years from the date of initial occupancy.
 - (5) A minimum of three parking spaces shall be provided on any lot containing an accessory apartment and the parking space reserved for the accessory apartment shall be accessible directly, and not located in front of or behind another space.
 - (6) At the request of the applicant, the Planning Board may exempt the parking area from any of the requirements for site plan approval provided that the applicant submits, as part of the request for exemption, a drawing indicating any proposed changes to the exterior of the premises. The Board shall take action on the request for exemption within thirty (30) days of the submission of the request.

Amend Article VII, Sections 88-53, 88-54, 88-55, and 88-57 to add to them a new item E.

- E. Participation in the provision of lower income housing. The developer of any land in the district shall have the obligation to participate in the provision of lower income housing. The developer shall be entitled to and shall make provision for a density bonus equivalent to five (5) percent of the floor area to which he is otherwise entitled under Schedule I. The developer shall, no later than the time of application for a Certificate of Occupancy, convey to the Town an amount equal to \$0.50 per square foot of gross floor area for all new construction and \$0.15 per square foot of gross floor area for all existing space undergoing rehabilitation or renovation in connection with new construction. The funds paid to the Town shall be placed into a housing rehabilitation and conversion fund to be administered by the Housing Officer appointed by the Mayor and Council following administrative guidelines established by ordinance.

Article VII, Section 88-56 shall have the same language as above inserted as a new item F.

Amend Article VII, Section 88-58 to add a new item E.

- E. Participation in the provision of lower income housing. The developer of any land in accordance with the standards of the OB-2 district shall have the obligation to participate in the provision of lower income housing. The developer shall, no later than the time of application for a Certificate of Occupancy, convey to the Town an amount equal to \$0.50 per square foot of gross floor area for all new construction and \$0.15 per square foot of gross floor area for all existing space undergoing rehabilitation or renovation in connection with new construction. The funds paid to the Town shall be placed into a housing rehabilitation and conversion fund to be administered by the Housing Officer appointed by the Mayor and Council following administrative guidelines established by ordinance.

Article VII is amended to add new Section 88-58^a, OB-3 Office Building Districts.

Section 88-58^a, OB-3 OFFICE BUILDING DISTRICTS

A. Permitted principal uses:

- (1) Office buildings for business, professional, executive and administrative purposes.
- (2) Scientific or research laboratories devoted to research, testing, design and/or experimentation and processing and fabricating incidental thereto.
- (3) Data processing facilities.

B. Permitted accessory uses:

- (1) Off-street parking areas in accordance with S. 88-62.
- (2) Signs in accordance with S. 88-64.
- (3) Other accessory uses customarily incident to the uses listed in Subsection A.

C. Conditional uses. The following conditional uses, as regulated in S. 88-55, are permitted:

- (1) Churches and similar places of worship of recognized religious groups, which may include attendant parish houses, convents and religious education buildings.
- (2) Public and private schools teaching academic subjects.

D. Required conditions. Except as otherwise provided in this Article, the requirements and limitations contained in the Schedule of Requirements referred to in S. 88-51C shall be complied with. In addition, the performance standards contained in S. 88-56E shall be complied with.

- E. Participation in the provision of lower income housing. The developer of any land in the district shall have the obligation to participate in the provision of lower income housing. The developer shall be entitled to and shall make provision for a density bonus equivalent to five (5) percent of the floor area to which he is otherwise entitled under Schedule I. The developer shall, no later than the time of application for a Certificate of Occupancy, convey to the Town an amount equal to \$0.50 per square foot of gross floor area for all new construction and \$0.15 per square foot of gross floor area for all existing space undergoing rehabilitation or renovation in connection with new construction. The funds paid to the Town shall be placed into a housing rehabilitation and conversion fund to be administered by the Housing Officer appointed by the Mayor and Council following administrative guidelines established by ordinance.
- F. Buffering. A buffer shall be provided along any common property line with a residential use. Said buffer shall be seventy-five (75) feet in width and shall be suitably landscaped.

Amend definition of PARKING SPACE at Article II as follows:

PARKING SPACE - An accommodation for the off-street parking of a motor vehicle, which space shall have the minimum dimensions and area established at Section 88-44B. (1) (j), exclusive of access drives or aisles, with adequate provision for ingress and egress.

Amend Section 88-44B (1) (j) to add a new item [3] as follows:

- [3] Parking spaces for office, industrial or institutional uses, or wherever it can be demonstrated by the applicant that parking facilities will be used for long periods of time, shall have a minimum area of 162 square feet and minimum dimensions of nine (9) feet in width by eighteen (18) feet in length, measured perpendicular to each other. All other parking spaces shall have minimum dimensions of nine and one-half (9.5) feet in width by twenty (20) feet in length, measured perpendicular to each other, and a minimum area of 190 square feet. Wherever the parking space measures less than twenty (20) feet in length, the aisle width for 90° angle parking shall be twenty-five (25) feet instead of twenty-four (24) feet.

Amend Article VII, Section 88-60 O. to read as follows:

- O. Height exceptions. The height provisions of this Article shall not apply to the erection of farm silos, church spires, belfries, towers designed exclusively for ornamental purposes, chimneys, flues or similar appurtenances. The height provisions of this Article shall, moreover, not apply to bulkheads, elevator enclosures, water tanks or similar accessory structures occupying an aggregate of twenty (20%) percent or less of the area of the roof on which they are located and further provided that such structures do not exceed the height limit by more than ten (10) feet and are fully screened. Nothing in this Article shall prevent the erection above the height limitation of a parapet wall or cornice extending above such height limit not more than three (3) feet.

Amend Section 88-56 E.8. to add a new item (k):

- (k) Any other provision of this Ordinance notwithstanding, no individual use in the Industrial zone shall generate a demand for sewage treatment greater than 1200 gallons per day per acre. The 1200 gallons per day per acre shall be construed as a maximum for each use and the land committed to that use and not for the zone as a whole.

Amend Schedule of Zoning Requirements, Town of Clinton, New Jersey, as follows:

Part I

Zone	OB-3
Primary Principal Use	Office, research
Minimum Area (square feet)	217,800
Maximum Depth of Measurement (feet)	600
Minimum Width (feet)	
Street	350
Building Line	350
Minimum Yards (feet)	
Front	100
Rear	100
Side	50
Side Yards Combined	--

Add note at bottom of Part I referenced to the front yard requirements for the I, OB-1, OB-2 and OB-3 zones, as follows:

- (*) The minimum required front yard may be reduced by twenty (20) percent if no parking is provided between the building and the street line.

Part II

Maximum Height	
Stories	--
Feet	40
Maximum Building Coverage (percent)	15
Maximum Floor Area Ratio (percent)	15

Add Maximum Floor Area Ratio Requirements for OB-1 and OB-2 Zones as follows:

Maximum Floor Area Ratio (percent)	22
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- Amend Table of Contents and Section 88-51 of Article VII to cover the inclusion of the PUD, PRD, R-1-A, and OB-3 districts.
- Amend Schedule. Reference the PUD and PRD districts back to Section 88-52^a, the R-1-A district back to Section 88-52G.
- Amend Zoning Map to reflect all changes.

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EXHIBIT B

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* MEMBER OF N.J. & D.C. BAR
** MEMBER OF N.J. & Pa. BAR
* MEMBER OF N.J. & N.Y. BAR
** MEMBER OF N.J. & Ca. BAR
* CERTIFIED CIVIL TRIAL ATTORNEY

FILE NO.

September 11, 1985

Richard P. Cushing, Esq.
Gebhardt & Kiefer
21 Main Street
P.O. Box 1
Clinton, New Jersey 08809

Re: Clinton Associates v. Town of Clinton, et al.
Docket No: L-019063-84 (Mt. Laurel II)

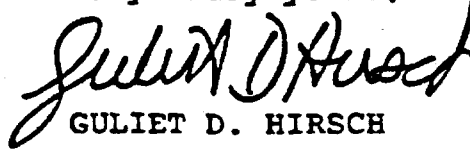
Dear Mr. Cushing:

Please be advised that I have carefully reviewed the August, 1985 report of Philip Caton which recommends certain changes to the Settlement Agreement between the Town of Clinton and Clinton Associates including the proposed ordinance amendments, have discussed the same with my client and am pleased to report to you that Clinton Associates is willing to accept all changes recommended by Mr. Caton. These changes include, but are not limited to, the following:

1. The provision of an additional two lower income units on the Clinton Associates tract, said units to be provided for moderate income families. Thus, a total of 18 lower income units will be provided on the Clinton Associates tract comprising a 21% set-aside. We understand that the Town will apply for available governmental assistance for the additional two units;
2. The \$22,500.00 payment by Clinton Associates will be made on or before a certificate of occupancy is issued for the non-residential development on the tract, or before December 31, 1987, whichever occurs earliest;

3. Specific ordinance changes such as clearer language regarding building separation reduction, parking requirements for market units, increasing the percentage of three-bedroom units allocated to low income families to 50%, the requirement that lower income housing be provided for a range of incomes between 45% and 50% of median for low income and 65% and 80% for moderate income, etc.

Very truly yours,


GULIET D. HIRSCH

GDH/sr

cc: Larry Zirinsky
Hal Fishkin

EXHIBIT D

BRENER, WALLACK & HILL

ATTORNEYS AT LAW

**2-4 CHAMBERS STREET
PRINCETON, NEW JERSEY 08540**

(609) 924-0808

**CABLE "PRINLAW" PRINCETON
TELECOPIER: (609) 924-6239
TELEX: 837682**

**HARRY BRENER
HENRY A. HILL
MICHAEL D. MABANOFF**
ALAN M. WALLACK*
GERARD H. HANSON*
GULIET D. HIRSCH**

J. CHARLES BHEAK
EDWARD D. PENN*
ROBERT W. BACSO, JR.*
MARILYN S. SILVIA
THOMAS J. HALL
SUZANNE M. LAROBARDIER*
ROCKY L. PETERSON
MICHAEL J. FEEHAN
MARY JANE NIELSEN*
E. GINA CHASE**
THOMAS F. CARROLL
MARTIN J. JENNINGS, JR.**
ROBERT J. CURLEY**

* MEMBER OF N.J. & D.C. BAR
* MEMBER OF N.J. & PA. BAR
* MEMBER OF N.J. & N.Y. BAR
* MEMBER OF N.J. & GA. BAR
* CERTIFIED CIVIL TRIAL ATTORNEY

October 22, 1985

FILE NO.

Richard P. Cushing, Esq.
Gebhardt & Kiefer
21 Main Street
P.O. Box 1
Clinton, New Jersey 08809

Re: Clinton Associates v. Town of Clinton

Dear Mr. Cushing:

I have your letter of October 17, 1985. Please be advised that my client understands that the office building on his property is limited to the size set forth in the settlement agreement and that the payment of \$22,500.00 by Clinton Associates will be made in accordance with that agreement.

There is another revision to our general settlement agreement which needs to be confirmed. By letter of October 18, 1985 you sent me a copy of a revised ordinance entitled "An Ordinance to Establish an Affordable Housing Board, to Establish a Housing Rehabilitation, Conversion and Assistance Fund, and to Establish the Position of Housing Officer". In Section III C (7), the Affordable Housing Board is given the right to recommend fees to be charged to lower income housing developers. As I am sure you remember, we agreed at our meeting of October 18, 1985 that Clinton Associates would not be charged any type of fee to off-set salaries and expenditures of the Affordable Housing Board, or other related expenditures. If you disagree with this, kindly advise me.

Very truly yours,


GULIET D. HIRSCH

GDH/sr
cc: Hal Fishkin

EXHIBIT C

GEBHARDT & KIEFER

LAW OFFICES
21 MAIN STREET
P. O. BOX 1
CLINTON, N.J. 08809
(201) 735-5161

PHILIP R. GEBHARDT
E. HERBERT KIEFER
RICHARD DIETERLY
GEORGE H. HOERNER
JAMES H. KNOX
RICHARD P. CUSHING

WALTER N. WILSON
WILLIAM W. GOODWIN, JR.
SHARON HANDROCK MOORE

WILLIAM C. GEBHARDT
1884-1929
W. READING GEBHARDT
1919-1980

October 17, 1985

Guliet D. Hirsch, Esq.
BRENER, WALLACK & HILL
2-4 Chambers Street
Princeton, New Jersey 08540

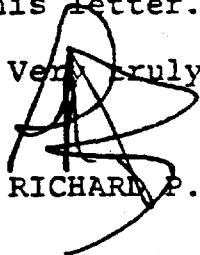
Re: Clinton Associates v. Town of Clinton

Dear Ms. Hirsch:

This will confirm our understanding of the settlement in connection with the above matter that the \$3.75 per square foot density bonus set forth in our Ordinance does not apply to the Clinton Associates tract, and that Clinton Associates will not attempt to expand the proposed office building development beyond the square footage size set forth in the Settlement Agreement. Notwithstanding this, Clinton Associates is still required to pay the \$22,500 to the Housing Rehabilitation and Conversion Fund of the Town of Clinton in accordance with Settlement Agreement and amendments thereto suggested by Philip Caton.

The purpose of this letter is simply to confirm that the change from a mandatory density bonus to a voluntary density bonus did not grant to Clinton Associates the right to take advantage of such a bonus. Naturally, if you disagree with this, please advise me upon receipt of this letter.

Very truly yours,


RICHARD P. CUSHING

RPC:cg

cc: Mayor and Council, Town of Clinton
Mt. Laurel Committee (to be distributed
by Lois Terreri)
Mrs. Lois Terreri, Clerk
Philip B. Caton, AICP

EXHIBIT E

RESOLUTION

WHEREAS, the Order dated November 14, 1985 in the matter of Clinton Associates vs. Town of Clinton, Superior Court of New Jersey, Hunterdon/Middlesex Counties, Docket No. L-019063-84, required that the Town conduct certain surveys and submit appropriate grant applications; and

WHEREAS, in order to carry out the obligations of the Town under said Order it is necessary to engage the services of a planning specialist who is experienced and knowledgeable in the submission of grant applications to government agencies and who is also experienced in conducting housing surveys; and

WHEREAS, N.J.S.A. 40A:11-5 provides that a municipality may dispense with the need for public advertising for bids for professional services and extraordinary, unspecifiable services; and

WHEREAS, the services of the planner to be hired to obtain the government grants and to conduct the appropriate surveys in accordance with the Order of November 14, 1985 are of a professional character involving particular experience, education and training in the area of planning, conducting of surveys and obtaining of governmental grants; and

WHEREAS, the Town has interviewed several persons interested in conducting this work; and

WHEREAS, the Town has concluded that the most competent and able person to conduct these services at the most competitive price is Michael Coleman Associates;

WHEREAS, a proposed Agreement has been prepared between the Town of Clinton and Michael Coleman Associates, a copy of which is attached hereto;

NOW THEREFORE, the Mayor and Council of the Town of Clinton, County of Hunterdon, New Jersey hereby authorize the Mayor and Clerk to enter into an Agreement with Michael Coleman Associates in the form attached hereto for the services described in said Agreement.

I, Lois D. Terreri, Clerk of the Town of Clinton, Hunterdon County, hereby certify the foregoing to be a true and exact copy of a Resolution adopted by the Mayor and Council at a regular public meeting on December 23, 1985.



Lois D. Terreri, Clerk

PROFESSIONAL SERVICES AGREEMENT BETWEEN
TOWN OF CLINTON AND MICHAEL COLEMAN ASSOCIATES

THIS AGREEMENT, made this 23rd day of December ,
1985, by and between

TOWN OF CLINTON, a municipal corporation of the State of
New Jersey, hereinafter referred to as the "TOWN"; and

MICHAEL COLEMAN ASSOCIATES, 1 Newark Street, Hoboken,
New Jersey, hereinafter referred to as "MCA".

WHEREAS, the 1985 New Jersey Fair Housing Act has
authorized new housing funds for municipalities; and the New
Jersey Department of Community Affairs and New Jersey Housing
Mortgage and Finance Agency have announced their first funding
rounds for submission of applications by January 31, 1985; and

WHEREAS, the TOWN has entered into a settlement of a
lawsuit against it entitled Clinton Associates vs. Town of
Clinton, Superior Court of New Jersey, Docket No. L-019063-84,
("Lawsuit") which requires certain actions be taken by the TOWN,
including a housing survey and grant applications as more
particularly described in an Order of the Honorable Stephen
Skillman, J.S.C., dated November 14, 1985, a copy of which is
attached as Exhibit "A" (hereinafter "ORDER"); and

WHEREAS, the TOWN seeks to obtain State funding for the
rehabilitation of owner-occupied housing and to arrange to
comply with the terms of the Order; and

WHEREAS, the MCA has agreed to prepare a funding
application as specified in the attached Scope of Services;
attached hereto as Exhibit "B" ("Scope of Services") and has
agreed to carry out on behalf of the TOWN the requirements of
Section 2a of the ORDER; and

WHEREAS, the TOWN has sufficient funds available and appropriated for this program.

NOW, THEREFORE, the parties hereto agree as follows:

1. Michael Coleman Associates, One Newark Street, Hoboken, New Jersey, agrees to prepare a grant application on behalf of the TOWN for submission to the New Jersey Department of Community Affairs ("Application") before January 31, 1986.
2. MCA agrees to undertake and perform all of the necessary services required to complete the Application including census data analysis, neighborhood survey, graphics, photography, private financing commitments, typing and production of the required number of applications as more fully described in the Scope of Services attached hereto and made a part hereof.
3. In addition, MCA agrees that it will carry out the requirements described in Section 2a of the ORDER.
4. The Town agrees to pay and MCA agrees to accept as compensation for all services to be performed under Paragraph 1, 2 & 3 of this Agreement a sum not to exceed TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500). Said figure includes all overhead, travel and every other expense to do said work. Payment will be processed and paid upon execution of the contractual agreement and the submission by MCA of a voucher in the usual form.

5. Upon approval of the Application by the New Jersey Department of Community Affairs, the TOWN agrees to pay and MCA agrees to accept as compensation a sum not to exceed TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500), said figure to include all of the costs for services incurred by MCA to assist the TOWN to execute a Contract with the Department of Community Affairs.
6. Upon approval of the Application, the TOWN agrees to retain MCA to perform professional and technical services as agreed and described within the attached Scope of Services. Compensation for said services will be included within the approved program budget of the grant and will be funded entirely from the Department of Community Affairs funds, unless otherwise agreed upon by both parties.
7. In the event a grant is not awarded by the Department of Community Affairs, MCA will resubmit the grant at least one more time to the Department of Community Affairs, making such amendments as are appropriate at no cost to the TOWN except as described in the Scope of Services. In the event no grant is awarded to the TOWN as a result of any applications by MCA, the TOWN shall have no further liability to MCA.
8. It is understood and agreed that MCA will defend and hold the TOWN harmless from any and all claims that may be filed against it either in equity or law, arising from the performance of this Agreement.

9. It is understood that the within Agreement has been awarded pursuant to N.J.S.A. 40A:11-2(6) because said services are of such a qualitative nature as will not reasonably permit the receipt of competitive bids.

IN WITNESS WHEREOF, the TOWN has caused this Agreement to be signed by its corporate officers and its corporate seal to be hereto affixed, and MCA has hereunto set its hand and seal the day and year first above written.

ATTEST:

TOWN OF CLINTON

Lois D. Terreri
Lois Terreri, Clerk

George Murtaugh
GEORGE MURTAUGH, Mayor

WITNESS:

MICHAEL COLEMAN ASSOCIATES

Susan J. Dimitro

By: Michael Coleman

FILED

NOV 14 1985

STEPHEN SKILLMAN, J.S.C.

BRENER, WALLACK & HILL
2-4 Chambers Street
Princeton, New Jersey 08540
(609) 924-0808
Attorneys for Plaintiff

	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
CLINTON ASSOCIATES,	:	HUNTERDON/MIDDLESEX COUNTY
	:	(<u>Mt. Laurel II</u>)
	:	
Plaintiff	:	
	:	Docket No: L-019063-84
	:	
vs.	:	
	:	
	:	C I V I L A C T I O N
TOWN OF CLINTON, et al.,	:	
	:	ORDER APPROVING SETTLEMENT
	:	AND PROVIDING CONDITIONS F
Defendants	:	ENTRY OF JUDGMENT OF
	:	COMPLIANCE AS TO
	:	TOWN OF CLINTON

This matter having been opened to the Court by the Town of Clinton and Clinton Associates on motion for approval of settlement and entry of a judgment of compliance with respect to the Town of Clinton; and the Court having entered an Order setting a hearing date and approving the form of notice of settlement on September 12, 1985; and the required notices having been issued and the Court having held a hearing or

settlement on October 23, 1985, October 24, 1985, October 25, 1985 and October 28, 1985; and counsel for objectors Julius and Mildred Skerbisch, Benjamin Luke Serra, Esq., as well as counsel for objector Ruland, Inc., R. Dale Winget, Esq., having appeared and offered expert testimony and legal argument in opposition to the settlement; and the Court having considered the testimony, evidence and arguments of counsel, and having issued a decision from the bench on October 28, 1985,

IT IS on this *17th* day of *November*, 1985 ORDERED that:

1. The January 22, 1985 settlement agreement between Clinton Associates and the Town of Clinton as modified by letters of September 11, 1985, October 17, 1985 and October 22, 1985 is hereby found to be, in basic concept, fair and reasonable;
2. The Town of Clinton will be issued a judgment of compliance upon agreement to comply with conditions listed in paragraphs a. and b. of this Order and adoption of ordinance amendments in accordance with paragraphs c. and d. of this Order within 30 days of entry of this Order.
 - a. The Town of Clinton will complete a housing survey sufficient to identify units appropriate for rehabilitation or accessory apartment conversion within 5 months of the entry of this Order. This survey shall include the identification of specific properties appropriate for rehabilitation or

conversion, the acceptance of applications from owners of said properties, the identification of work or improvements required for each identified unit and the prioritization of applications.

b. Once the housing survey is completed, monies which are received by the Housing Rehabilitation, Conversion and Assistance Fund will be dispensed in the following manner. Within forty-five (45) days of receipt of funds from any developer, the Town of Clinton shall enter into contracts for the completion of rehabilitation or conversion work. The work so authorized by contract must be completed within an additional three months of the date of the contract.

c. The ordinance amendments entitled "Amendments to Town of Clinton Land Use Ordinance" (reflecting Mt. Laurel Committee responses to Caton recommendations and concensus of October 2, 1985 meeting), in evidence as J-9 at the hearing, with the following listed revisions, shall be adopted by the Mayor and Council of the Town of Clinton after public hearing within 30 days of the entry of this Order. The ordinance shall be revised as follows prior to adoption:

(1) Townhouse units shall be listed as a permitted use in the multi-family residential development areas of the PUD and PRD zones.

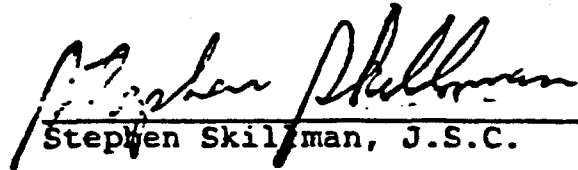
- (2) Sections 88-53E, 88-54E, 88-55E, 88-57E, 88-58E and 88-56F shall be revised to require the bonus fee to be paid at the time the building permit is issued for the use.
- (3) Section 88-52F(2) shall be amended by the addition of the following language:

"In the event that low and moderate income units cannot be sold or rented, as applicable within one hundred twenty (120) days of being substantially completed and offered for sale or rent, any inclusionary developer may apply to the Affordable Housing Board for relief. Such application must provide evidence of the developer's having undertaken an affirmative marketing effort to sell or rent the units. Relief to the developer shall not include exempting the units from the low and moderate income sales prices or rent levels, nor shall relief include exempting the units from restrictions on appreciation allowable upon resale or restrictions on escalation allowable upon re-rental. The Board may allow the developer to sell or rent the subject unit(s) to a household(s) whose income exceeds that otherwise required under this paragraph provided, however, that in no event shall a low income unit be sold or rented to a household earning in excess of 50% of the median income of the region and in no event shall a moderate income unit be sold or rented to a household earning in excess of 80% of the median income of the region."

- d. The ordinance entitled "An Ordinance to Establish an Affordable Housing Board, to Establish a Housing Rehabilitation, Conversion and Assistance Fund, and to Establish the Position of Housing Officer" as evidenced by J-16 shall be adopted by the Mayor and Council of the Town of Clinton after public hearing within 30 days of the entry of this Order. T

ordinance shall be revised as follows prior to adoption:

- (1) Section IIIC(2)I shall be deleted;
- (2) Section IVC(1)(d) shall be revised to limit the administrative use of funds to 18% of the amount collected from developers.



Stephen Skilman, J.S.C.

EXHIBIT B

TECHNICAL ASSISTANCE PROPOSAL

FOR

THE TOWN OF CLINTON

Prepared by:

**MICHAEL COLEMAN ASSOCIATES
One Newark Street
Hoboken, New Jersey 07030**

December 1985

SUMMARY

This technical assistance proposal will accomplish these objectives:

- 1) To obtain state funding for the Town of Clinton to carry out a housing rehabilitation program in accordance with the objectives as stated in its Ordinance 84-17.**
- 2) To assist the Town to implement its state-approved program either through direct Housing Program management or through technical assistance provided to the Town's Housing Manager.**

SCOPE OF SERVICES

- 1) Michael Coleman Associates will prepare a funding application for submission to the Department of Community Affairs before the deadline date of January 31, 1986.**
- 2) We shall carry out all of the necessary tasks for a complete application including: compilation of census data, neighborhood surveys, photography, and mapping.**
- 3) We shall submit an application that will secure for the Town the maximum amount of available funds for an individual project of \$350,000, or as close to that amount as possible consistent with verifiable documentation to support this figure.**
- 4) We shall obtain private financing commitments from local or other banking institutions in an amount that is two to three times greater than the funds required from the state.**
- 5) We shall include an administrative and technical assistance budget sufficient to enable the Town to carry out the housing program without the need to raise any local tax supported financing for this program.**

CONTRACT TERMS AND CONDITIONS

- 1) The Town will compensate Michael Coleman Associates an amount of \$2,500 for preparation of the Application including all overhead, travel and production costs.**
- 2) The Town will process payment upon execution of this Agreement by the local governing body.**
- 3) Michael Coleman Associates will submit one (1) original and four (4) copies of the Application as required by the Department of Community Affairs and submit two (2) copies to the Town.**
- 4) Michael Coleman Associates will respond to any requests for additional information and will participate in any requested site visits by the Department of Community Affairs during the application review process. This will be done without any extra cost to the Town.**
- 5) Upon approval by the state, the Town will compensate Michael Coleman Associates an additional \$2,500, said amount to cover the time and costs that will be incurred during the negotiation of an executed contract with the Department of Community Affairs.**
- 6) Should the Application not be approved by the state, or be held over for the next funding cycle, Michael Coleman Associates agrees to prepare and submit a new or revised application to the Department of Community Affairs without cost to the Town except for typing and production costs to be billed at actual cost not to exceed \$500.**
- 7) The Town and Michael Coleman Associates agree to negotiate the terms of an agreement as to the specific nature of Michael Coleman Associates' professional services in the implementation of the approved program either to manage and administer the entire Housing Program or to provide technical assistance to the Town's appointed Housing Manager.**

EXHIBIT F

TOWN OF CLINTON

85-25

AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF CLINTON, HUNTERDON COUNTY, TO MAKE PROVISIONS FOR LOW INCOME HOUSING AND TO AMEND ORDINANCE 84-17 TO INCORPORATE NUMEROUS CHANGES TO THAT ORDINANCE RECOMMENDED BY THE HONORABLE STEPHEN SKILLMAN, J.S.C., AND THE HONORABLE PHILIP CATON, MASTER IN THE MATTER OF CLINTON ASSOCIATES V. TOWN OF CLINTON, ET AL., SUPERIOR COURT OF NEW JERSEY, HUNTERDON/ MIDDLESEX COUNTIES, DOCKET NO. L-019063-84

SECTION I. Chapter 88 of the Town of Clinton and Ordinance 84-17 are hereby amended as follows:

These amendments to the Town of Clinton Land Use Ordinance shall not become effective until: 1) a Judgement of Compliance is granted to the Town of Clinton in the matter of Clinton Associates v. Town of Clinton, et al., Superior Court of New Jersey, Hunterdon/Middlesex County, Docket #L-019063-84, and 2) the time for appeal thereof expires without an appeal being taken therefrom, or, if an appeal thereto is taken by any party, the Judgement of Compliance is affirmed without further appeal.

Amend Article II, Section 88-4A. by deleting the current definitions of STREET, PARKING SPACE, and FLOOR AREA and adding the following definitions in their appropriate alphabetical order:

ATTIC - That area located under the roof of a building which does not meet the Uniform Construction Code requirements for and definition of a story.

DENSITY, GROSS - The total number of dwelling units existing or permitted on a tract divided by the total area of the tract. The result is expressed as dwelling units per acre.

DENSITY, NET - The total number of dwelling units within a designated portion of a tract divided by the total land area of the designated portion of the tract, including the open space, roadways, parking areas and common facilities devoted exclusively to that portion of the tract. The result is expressed as dwelling units per acre.

FLOOR AREA, GROSS - The total floor area of a building computed by measuring the horizontal dimensions of the outside walls of all enclosed portions of the building, including halls, enclosed porches, attics, cellars, basements and garages.

FLOOR AREA, NET HABITABLE - For residential uses, the area of a building computed by measuring the horizontal dimensions of the outside walls of a dwelling unit, excluding attics, basements or carports, verandas and garages.

FLOOR AREA RATIO - The ratio between the gross floor area of all buildings on a lot and the total area of the lot.

LOW INCOME - Means less than fifty (50) percent of the median income for the region when used with and compared to the term moderate income; means fifty (50) to eighty (80) percent of the median income for the region when used with and compared to the term very low income in the document entitled Section 8 Rental Assistance Program, Income by Family Size published by the U.S. Department of Housing and Urban Development.

LOWER INCOME HOUSEHOLD - A household meeting the regional income eligibility limits for low and moderate income households or for low and very low income households in the document entitled Section 8 Rental Assistance Program, Income by Family Size published by the U.S. Department of Housing and Urban Development.

LOWER INCOME HOUSING - Dwelling units which are affordable by purchase or rent to a lower income household spending not more than twenty-eight (28) percent of the monthly family income for sale housing and thirty (30) percent of the monthly family income for rental housing.

MODERATE INCOME - Means fifty (50) to eighty (80) percent of the median income for the region. In the document entitled Section 8 Rental Assistance Program, Income by Family Size published by the U.S. Department of Housing and Urban Development, the term low income is used instead of the term moderate income to refer to the fifty (50) to eighty (80) percent of median income range.

PARKING SPACE - An accommodation for the off-street parking of a motor vehicle, which space shall have the minimum dimensions and area established at Section 88-44B. (1) (j), exclusive of access drives or aisles, with adequate provision for ingress and egress.

PLANNED RESIDENTIAL DEVELOPMENT (PRD) - A tract with a minimum contiguous acreage of twenty-five (25) acres or more to be developed as a single entity according to a plan showing both single and multi-family residential development areas, in accordance with the requirements of Article VII, Section 88-52^a.

PLANNED UNIT DEVELOPMENT (PUD) - A tract with a minimum contiguous acreage of fifteen (15) acres or more to be developed as a single entity according to a plan showing both a multi-family residential development area and office development area in accordance with the requirements of Article VII, Section 88-52^a.

REGION- When used in this Ordinance, the term region refers to the Primary Metropolitan Statistical Area (PMSA) encompassing Hunterdon County, a three-county region including Hunterdon, Somerset and Middlesex Counties.

STREET - Any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing State, County or municipal roadway or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action or a street or way on a plat duly filed and recorded in the office of the County recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines. For the purpose of this chapter, "streets" shall be classified as follows:

- (1) **ARTERIAL STREETS** - Streets which are used primarily for fast or heavy traffic as designated on the Circulation Plan of the Master Plan of the Town of Clinton or have an average daily traffic volume (ADT) of over 3500.
- (2) **COLLECTOR STREETS** - Streets which carry traffic from local streets to arterial streets and have an average daily traffic volume (ADT) from 1500 to 3500 vehicles or which provide the principal access from a preexisting collector or arterial street into a new residential development containing fifty (50) or more dwelling units.

- (3) LOCAL STREETS - The streets of a residential development necessary for circulation within such development, providing access to abutting properties and having an average daily traffic volume (ADT) of less than 1500.
- (4) MARGINAL ACCESS STREETS - Those streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through-traffic.
- (5) DEAD-END STREET OR CUL-DE-SAC - Any street or combination of streets having only one (1) outlet or connection to a street having more than one (1) outlet or means of access.

TRACT - An area of land composed of one or more contiguous lots having sufficient area to meet the requirements of this Ordinance for the use(s) permitted. For the purposes of computing area and density requirements, a tract may include a public or private street or right-of-way provided that portions of the remainder of the tract are located directly opposite each other along at least seventy-five (75) percent of the frontage of the street or right-of-way in question.

VERY LOW INCOME - Means less than fifty (50) percent of the median income for the region in the document entitled Section 8 Rental Assistance Program, Income by Family Size published by the U.S. Department of Housing and Urban Development.

Amend Article VII by creating a new Section 88-52^a, entitled PUD and PRD Planned Development Districts as follows:

S. 88-52^a. PUD and PRD Planned Development Districts.

A. Purpose:

- (1) The purpose of the PUD and PRD districts is to encourage the development of certain large vacant tracts in a manner which incorporates the best features of design and relates the type, design and layout of residential, non-residential, and recreational development to the particular site, and, at the same time, to provide the realistic opportunity for lower income housing to be constructed in accordance with the guidelines set forth in the Mount Laurel II decision. Special standards and procedures applicable to these two (2) districts only are set forth herein to expedite the production of the lower income housing.

- (2) Recognizing that the provision of lower income housing requires the removal of standards which may be desirable to achieve but which may also be cost generating to a developer of lower income housing and thereby inhibit its production, the multi-family residential development areas of the PUD and PRD may be designed in accordance with the guidelines set forth at Section 88-52^aH., which guidelines are deemed to be the minimum necessary for public health, safety and welfare. Any provision of this or any other ordinance in conflict with this Section (Section 88-52^a), and which imposes restrictions or limitations not required for health and safety, shall be inapplicable to the PUD and PRD districts.

B. Application procedures:

- (1) The applicant shall submit all plans and documents to the Planning Board for review and approval as required in Article VI. The Planning Board shall distribute the plans to those agencies required by law to review and/or approve development plans and to all other Town agencies which normally review development plans. The failure of a Town agency to submit a report to the Planning Board shall not extend the time for review and action by the Board.
- (2) The technical advisors to the Board shall review the complete application for technical compliance and shall convey comments directly to the applicant's advisors in advance of the public hearing so that at the time of the public hearing the applicant will have had sufficient opportunity to resolve any technical problems associated with the submission. Daytime meetings shall be held at the request of the applicant between the Town's advisors and/or technical coordinating committee and the applicant's advisors for this purpose.
- (3) The Planning Board shall hold a public hearing in accordance with N.J.S.A. 40:55D-46.1 on the application. The Planning Board shall take action on the application within sixty (60) days from the date of submission of a complete application for preliminary or for simultaneous preliminary and final approval. If a subsequent final approval is sought, action on the final plan shall be taken by the Board within thirty (30) days of the date a complete application is submitted.

- (4) The applicant is encouraged to submit a concept plan for informal review by the Board pursuant to N.J.S.A. 40:55D-10.1 prior to the preparation of a preliminary development plan.
- (5) The development plans submitted shall contain the information required in Section 88-41 D. and E. except that the applicant shall be exempted from any requirements of Section 88-41 D.(23).

(+)(*) C. Permitted uses:

(1) Principal uses.

- (a) Single-family dwellings in the single-family residential development area of the PRD.
- (b) Multi-family dwellings and townhouses in the multi-family residential development areas of the PUD and PRD.
- (c) Two-family dwellings, including both side-by-side and duplex (one over another) style dwellings, in the multi-family residential development areas of the PUD and PRD.
- (d) Public or private parks and playgrounds.
- (e) Public or private recreation buildings and facilities.
- (f) Public utilities.
- (g) Office building(s), scientific or research laboratories, data processing facilities in the office development area of the PUD only.

(2) Accessory uses and structures.

- (a) Garages and off-street parking facilities.
- (b) Storage and maintenance buildings.
- (c) Customary accessory structures approved as part of the site plan for the development, including fences, walls, lampposts, trellises and the like.
- (d) Signs in accordance with Section 88-64 of this Ordinance.

D. Tract area, development areas, density and bulk requirements:

(1) Tract area.

- (a) A PUD shall contain a minimum of fifteen (15) acres.
- (b) A PRD shall contain a minimum of twenty-five (25) acres.

(2) Development areas.

- (a) The PRD shall be divided into a single family residential development area and a multi-family residential development area. The single family residential development area shall be that area located along, and having a minimum depth of 250 feet from, any common boundary with a single family residential zone in the Town of Clinton.
- (b) The PUD shall be divided into a multiple family residential development area and an office development area. The office development area shall be the entire portion of the tract located south of Village Road and north of Route 78 and shall include the right-of-way of Village Road. The multi-family residential development area shall be that portion of the tract lying north of Village Road.

(3) Density.

- (a) Within the PRD, the gross density shall not exceed 7.2 dwelling units per acre. The net density shall be up to three (3) dwelling units per acre for the single family residential area and up to ten (10) dwelling units per acre for the multi-family residential area with such net densities computed as averages for the entire single family residential development area or multi-family residential development area.
- (b) Within the PUD, the net density shall not exceed 7.0 dwelling units per acre for the multi-family residential development area, with such net density computed as an average for the entire multi-family residential development area.

(4) Bulk requirements, multi-family residential development areas.

- (a) There shall be the following minimum distances between buildings in the multi-family residential development areas of a PUD or PRD:

Windowless wall to windowless wall	20 feet
Window wall to windowless wall	20 feet
Window wall to window wall	
Front to front	
Building height of up to 30 feet	50 feet
Building height of 30 feet or more	75 feet
Rear to rear	50 feet
End to end	30 feet
Any building face to local street curbface or edge of pavement	30 feet
Any building face to collector street curbface or edge of pavement	40 feet
Any building face to arterial street curbface or edge of pavement	50 feet
Any building face except garage face to common parking area	12 feet
Garage face to common parking area	5 feet

The Planning Board shall reduce the above distances by not more than one-third if there is an angle of twenty (20) degrees or more between buildings and if extensive landscaping or buffers are placed between buildings.

- (b) Coverage: The maximum coverage by buildings in the multi-family residential development areas shall not exceed thirty (30) percent. The maximum coverage by all impervious surfaces, including buildings, shall not exceed sixty (60) percent.
- (c) Buffer areas: No building, driveway or parking area shall be located within thirty (30) feet of any tract boundary line.
- (d) Building height: No building shall exceed three (3) stories in height, nor shall any building exceed forty (40) feet in height.
- (e) Minimum floor area for individual multi-family units:

1 bedroom:	550 square feet
2 bedroom:	660 square feet
3 bedroom:	850 square feet

(5) Bulk requirements, office development area.

The office development area in a PUD shall be developed in accordance with the standards for the OB-2 district.

(6) Bulk requirements, single family residential development area.

(a) Lot area: No individual lot shall contain less than 7500 square feet nor have a lot width of less than 75 feet.

(b) Building setbacks:

Front yard:	30 feet
Rear yard:	40 feet
Side yards	10 feet minimum on one side 25 feet combined

Where individual lots are not being subdivided, yards shall be created for each building such that a subdivision could occur and all lots and buildings would conform to the area and setback requirements set forth herein.

E. Parking requirements:

(1) Residential uses.

(a) Parking shall be provided for all residential uses as follows:

Dwelling units with one (1) bedroom or fewer:	1.5 spaces
All other dwelling units:	2.0 spaces

(b) Parking spaces in common parking areas in the multi-family residential development area shall be located within 300 feet of the dwelling unit served.

(c) All required parking for multi-family dwelling units shall be provided off-street, except that nothing herein shall be construed to prohibit required parking spaces from being placed perpendicular to a one or two-way local street or at an angle on a one-way local street, provided that both the pavement width of the street and the length of each parking space meet the requirements set forth in this Ordinance.

(d) No arterial or collector street shall provide direct access to an individual required parking space.

(2) Nonresidential uses. Parking in the office development area shall conform with the applicable requirements of Section 88-62 of this Ordinance.

F. Lower income housing requirements:

(1) Lower income dwelling units required to be constructed.

(a) Number: All developments in the PUD and PRD zones shall be required to provide housing affordable to lower income households at the rate of twenty (20) percent of the number of dwelling units constructed in the PRD and twenty-one (21) percent of the number of dwelling units constructed in the PUD. If the required percentage of lower income housing units required to be constructed in a PUD or PRD yields a fraction of 0.5 or more, the number shall be rounded up to the next whole number; if the required percentage yields a fraction of less than 0.5, the number may be rounded down to the next whole number.

(b) Type and location: All lower income units may be multi-family units and may be located in the multi-family residential development area.

(+)

(c) Size: A minimum of fifteen (15) percent of the lower income units shall be three-bedroom units and a minimum of thirty-five (35) percent of the lower income units shall be two-bedroom units; at least one-half of all two-bedroom and one-half of all three-bedroom lower income units shall be for very low income as opposed to low income occupancy, as defined in this Ordinance. If a required percentage yields a fraction of 0.5 or more, the number shall be rounded up to the next whole number; if a required percentage yields a fraction of less than 0.5, the number may be rounded down to the next whole number. Odd units may be considered low as opposed to very low income units.

(2) Eligibility standards for housing units. One-half of all lower income units shall be priced so as to be eligible for rent or purchase by very low income households earning between a floor of forty (40) percent and a ceiling of fifty (50) percent of the median household income for the region and one-half of all lower income units shall be priced so as to be eligible for rent or purchase by low income households earning between a floor of fifty (50) percent and a ceiling of eighty (80) percent of the median household income for the region. Such housing units shall be priced to be affordable to households representing a reasonable cross-section of households within the above stated income ranges.

- (3) Definition of housing costs. Lower income housing costs shall not exceed twenty-eight (28) percent of the monthly family income for sale housing and not more than thirty (30) percent of the monthly family income for rental housing, considering the following.

Rental units:	Gross Rent, including utilities or a utilities allowance
Sale units:	Principal and Interest Insurance Taxes Condominium or homeowners association fees

(*)

- (4) Relief. In the event that a lower income unit cannot be sold or rented, as applicable, within one hundred twenty (120) days of being substantially completed and offered for sale or rent, the inclusionary developer may apply to the Affordable Housing Board appointed by the Mayor and Council for relief. Such application must provide evidence of the developer's having undertaken an affirmative marketing effort to sell or rent the unit. Relief to the developer shall not include exempting the unit from the required low or very low income sales price or rent level, nor shall relief include exempting the unit from restrictions on appreciation allowable upon resale or restrictions on escalation allowable upon rental. The Board may allow the developer to sell or rent the subject unit to a household whose income exceeds that otherwise required, provided, however, that in no event shall a very low income unit be sold or rented to a household earning in excess of fifty (50) percent of the median income for the region and in no event shall a low income unit be sold or rented to a household earning in excess of eighty (80) percent of the median income for the region.
- (5) Downpayment assistance. At least twenty-five (25) percent of all lower income housing units shall be made available for sale under a program of downpayment assistance administered by the Town in accordance with applicable regulations, provided that such a program is funded by the State of New Jersey or, alternatively, that there are sufficient funds available in a Housing Rehabilitation Conversion and Assistance Fund established by the Town to cover the costs of such a program.
- (6) Subsidies. Government subsidies may be used at the discretion of the applicant and are encouraged. The Town of Clinton shall cooperate in obtaining such subsidies by making application for assistance either in concert with, or on behalf of, a private developer, if requested to do so, and by providing a Resolution of Need and authorization of tax abatement, where required, to facilitate obtaining such subsidies. Additionally, the Town of Clinton shall make application for available State funding to establish a downpayment assistance program and to assist in funding a program of housing rehabilitation and conversion. The lack of said subsidies shall in no way alter or diminish the lower income housing requirements of this Ordinance.
- (7) Covenants and controls on sales and rentals.
- (a) All lower income dwelling units shall be covered by covenant, with the Town of Clinton as a party beneficiary, to ensure that in all initial sales and rentals, and in all subsequent resales and rentals, the units will continue to remain available and affordable to the lower income households for which they were intended. All such covenants shall be approved by the Town Attorney.

- (+) (b) The application for the issuance of a Certificate of Occupancy for any new designated lower income housing unit shall include certification by the Housing Officer to the Affordable Housing Board documenting the eligibility of the unit and the qualification of the new purchaser and/or occupant as a lower income household.
- (+) (c) Prior to any resale or transfer of ownership or change of occupancy of a designated lower income housing unit, application shall be made for a new Certificate of Occupancy. The application for a Certificate of Occupancy shall include certification by the Housing Officer to the Affordable Housing Board documenting the continued eligibility of the unit and the qualification of the new purchaser and/or occupant as a lower income household.
- (+) (d) Lower income rental units may be leased for periods of up to, but not exceeding, one year. At least sixty (60) days prior to the expiration of each lease which is subject to renewal, the owner of any lower income rental unit shall provide documentation to the Housing Officer that the rental unit continues to be occupied by and remains affordable to a lower income household. At such time as an owner of a rental unit is informed by the Affordable Housing Board or by the Housing Officer at the direction of the Affordable Housing Board that the occupying household no longer qualifies as lower income, the rental unit shall, within ninety (90) days, be made available for occupancy by a qualified household.
- (e) All requests for certification shall be made by the seller or owner in writing, and the Housing Officer shall grant or deny such certification within thirty (30) days of the receipt of the request.
- (+) (f) The Town shall develop reasonable administrative procedures for qualifying the occupants of lower income housing. Procedures shall be directed and administered by an Affordable Housing Board, appointed by the Mayor with the advice and consent of Council, and a Housing Officer, appointed by the Mayor and Council,

The Housing Officer may be a full or part-time municipal employee or consultant, an outside agency or a housing authority. Lower income employees of the Town of Clinton and lower income residents of the Town of Clinton living in substandard or overcrowded housing shall have first priority over all lower income housing for a period not to exceed fifteen (15) business days from the time such units are listed for sale or resale or made available for rent.

- (+)
- (g) At the time a Certificate of Occupancy is reissued, sales prices and rents may be increased over the original levels permissible by the Affordable Housing Board in accordance with the annual Metropolitan New York Regional Consumer Price Index for Housing of the Department of Labor, including, in the case of sales units, the addition of reimbursements for documented monetary outlays for reasonable improvements, similarly increased over the original costs in accordance with the CPI as above provided, plus reimbursements for reasonable costs incurred in selling the unit, less withholdings for the current costs of essential maintenance not undertaken by the previous owner. After 30 years from the date of its initial occupancy, a lower income housing unit may be sold or rented without restrictions.
- (h) Rental units may be converted for sale as condominium or fee simple units but any sale of converted units shall continue to be restricted as to purchase price and occupancy to persons meeting the income eligibility standards as set for the particular unit until the thirty (30) year restriction period has passed.
- (i) Phasing of construction of lower income housing. Lower income housing shall be phased in accordance with the following schedule:

<u>Maximum Percentage of Total Market Dwelling Units</u>	<u>Minimum Percentage of Lower Income Dwelling Units</u>
25	0
50	35
75	75
100	100

The developer may construct the first 25 percent of the market units without constructing any lower income housing units. No Certificates of Occupancy shall be issued for any of the next 25 percent of the

market units until 35 percent of the lower income units (of which half must be very low income) shall have been issued Certificates of Occupancy. No Certificates of Occupancy shall be issued for any of the next 25 percent of the market units until at least 75 percent of the lower income units (of which half must be very low income) have been issued Certificates of Occupancy. The remaining required lower income housing units shall be completed and Certificates of Occupancy issued before Certificates of Occupancy shall be issued for any of the remaining market units.

- (j) Placement. The lower income dwelling units shall be designated on the preliminary site plan, shall have compatible exteriors to the market units, and shall be located so that they have comparable access to that of the market units to all common elements within the development.
- (k) Waiver of fees for lower income housing units. Notwithstanding any other requirement of the Town of Clinton, the following fees shall be waived for every unit designated as lower income housing and only for those units designated as lower income housing:

Subdivision and site plan application fees applicable to lower income housing units.

Building permit fees, except State and third party fees, applicable to lower income housing units.

Sewer connection fees applicable to lower income housing units.

Certificate of Occupancy fees applicable to lower income housing units.

The Town will not oppose an application to the Board of Public Utilities Commissioners for waiver of water connection fees.

G. Common open space and common elements:

- (1) A minimum of twenty (20) percent of the land in the multi-family residential area in a PRD or PUD shall be designated as conservation area, open space, recreation and/or other common open space. Up to twenty-five (25) percent of the designated common open space may consist of natural or man-made water bodies. The common open space area shall exclude private patios and any area located between a building and street or common parking area.
- (2) All property owners and tenants in the development shall have the right to use the common open space and any recreational facilities located on the site.
- (3) Common open space may be deeded to the Town, if accepted by the Mayor and Council.
- (4) All common open space not accepted by the Town and all common elements in the development shall be deeded to an open space organization established to own and maintain the common elements as provided in N.J.S.A. 40:55D-43. The open space organization documents shall be submitted to the Town Attorney for review and approval.

H. Engineering and construction design standards, single and multi-family residential development areas only:

(1) Drainage.

- (a) The drainage system shall be a combination of structural and non-structural measures of controlling surface runoff. Structural measures (pipes, inlets, headwalls, etc.) shall be used in the following locations:

At all low points in roadways and driveways

At all intersections

At all locations where vehicular or pedestrian paths cross drainageways

At all locations where water may be trapped by snow or freezing conditions and create danger for pedestrians or vehicles

At all locations where water will be conducted within 15 feet of a building

All other areas may be drained through the use of structural or non-structural measures, as appropriate.

- (b) The system shall be adequate to carry off the storm water and natural drainage water which originates not only within the lot or tract boundaries but also that which originates beyond the lot or tract boundaries in the current state of development. No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.
- (c) The following standards shall be used in computing the volume of runoff:

Collection Systems: Rational Method or an alternative method approved by the Town Engineer. The following shall be used for the various parameters of the Rational Formula ($Q=ACI$):

Q is the quantity of water in cubic feet per second (cfs) - to be used for design

A is the drainage area in acres

C is the runoff coefficient which shall be as contained in ACE Manual #37, latest edition

I is the intensity of the storm which shall be determined from the graph entitled "Rainfall Intensity Duration for Essex and Union Counties". The time of concentration (t) shall be determined by overland flow methods or gutter flow methods contained in ACE Manual #37, latest edition, as appropriate, but need not be less than fifteen (15) minutes.

Detention Systems: All detention systems shall be designed in accordance with the requirements of N.J.A.C. 7:8-3.4.

- (d) All storm drainage facilities shall be designed in accordance with the following:

Storm Frequency:

<u>Type of Facility</u>	<u>Frequency of Storm</u>
Collection Systems	15 yrs.
Culverts	25 yrs.
Detention Systems	
Flood & Erosion Control	2, 10, & 100 yrs.
Water Quality	1 yr. or 1.25" of rain in 2 hours
Emergency Spillway	100 yrs.

Velocity of Storm: Velocity shall be determined by the Manning Equation with "n" as set forth in ACE Manual #37, latest edition. The velocity shall be restricted to the following maximums or minimums:

<u>Type of Facility</u>	<u>Velocity</u>
Pipes and culverts	Minimum velocity of 3 fps when flowing 1/4 full
Open Channels and Swales	Maximum velocity as set forth in ACE Manual #37, latest edition

Structural Considerations:

Pipes and Culverts. All pipes and culverts beneath pavements or walkways shall be of reinforced concrete. At all other locations, other pipe materials may be used provided such materials can be demonstrated to be structurally adequate by the methods set forth in ACE Manual #37, latest edition.

Swales and Channels. All swales and channels shall have adequate lining to prevent erosion and shall be of parabolic or trapezoidal section. Trapezoidal sections shall be such that the side slopes shall be no steeper than three (3) horizontal to one (1) vertical and shall have a flat bottom a minimum of two (2) feet wide.

- (e) All materials used in the construction of storm sewers, bridges, open channels and swales and other drainage structures shall be in accordance with the specifications set forth in the New Jersey Department of Transportation's "Standard Specifications for Road and Bridge Construction, 1983" as amended, supplemented or revised.
 - (f) Lots and buildings shall be graded to secure proper drainage away from buildings. Additionally, drainage shall be provided in a manner which will prevent the collection of storm water in pools or other unauthorized concentrations of flow.
 - (g) Approval of drainage structures shall be obtained from the appropriate Town, County, State and Federal agencies and offices.
 - (h) Where required by the Town, and as indicated on an approved development plan, a drainage right-of-way easement shall be provided to the Town where a tract or lot is traversed by a system, channel or stream. The drainage right-of-way easement shall conform substantially with the lines of such watercourse and, in any event, shall meet any minimum widths and locations as shown on the Official Map and/or Master Plan.
 - (i) All references herein to ACE Manual #37, latest edition, shall mean American Society of Civil Engineers Manual on Engineering Practice No. 37 entitled "Design and Construction of Sanitary and Storm Sewers", latest edition.
 - (j) All developments shall further comply with the Flood Plain Ordinance of the Town of Clinton, as amended and supplemented, and all applicable State and Federal regulations.
- (2) Lighting.
- (a) Street lighting shall be provided at all street intersections and along all collector and local streets, parking areas and anywhere else deemed necessary for safety reasons.
 - (b) Any outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs, and ornamental

lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, roads, and traffic safety from glare, reflection and overhead sky glow in order to recommend steps needed to minimize these impacts.

(c) The average intensity of lighting permitted on roadways shall be as follows: 0.2 footcandles along local streets, 2.0 footcandles at local street intersections, 0.4 footcandles along collector streets and 3.0 footcandles at any intersection involving a collector street.

(3) Sanitary Sewers. The developer shall design and construct sewage collection facilities in accordance with applicable requirements and in such a manner as to make adequate sewage treatment available to each lot and building within the development from said treatment and collection system. The developer shall provide the Planning Board with a copy of the agreement with the sewer department.

(4) Streets.

(a) All developments shall be served by paved streets in accordance with the approved subdivision and/or site plan, and all such streets shall have adequate drainage.

(b) Local streets shall be planned so as to discourage through traffic.

(c) All streets within the development shall be designed in accordance with New Jersey Department of Transportation's "Standard Specifications for Road and Bridge Construction, 1983", as amended, together with the construction standards of the Town of Clinton, on file with the Town Engineer and Town Public Works Administrator, and the Schedule of Street Design.

(d) Intersections shall be designed in accordance with the following criteria:

Approach speed	25 MPH
Clear sight distance (length along centerline of each approach leg)	90 feet
Vertical alignment within 50 feet of intersecting curbline or pavement edge	3.0% (max.) & 0.5% (min.)
Minimum angle of intersection	75°; 90° preferred

Minimum curb radius (feet)

local - local	25
local - collector	25
collector - arterial	30

Minimum centerline offset of adjacent intersection (feet)

local - local	125
local - collector	150
collector - collector	200

Minimum tangent length approaching intersection (feet)

50

All intersections shall be curbed. If the street is not curbed (local street), then curbing within the intersection shall be offset one foot outside the edge of pavement of the approaches, and curbing shall extend 10 feet beyond the point of curvature of the curb return. The pavement width at the intersection shall be a minimum of 28 feet between curbs or the width of the street, if greater; where an approaching street has a pavement width narrower than 28 feet, a pavement transition of 25 feet in length shall be provided from the wider pavement at the intersection to the narrower pavement beyond the end of the curb.

(e) Pavement specifications shall be as follows:

<u>Class of Street</u>	<u>Surface Course</u>	<u>Base Course</u>	<u>Subbase</u>
Local	2" bituminous concrete surface course, Mix I-5	4" bituminous stabilized base course, Mix I-2	Type 5, Class A soil aggregate, if and where required
Collector	2" bituminous concrete surface course, Mix I-5	5" bituminous stabilized base course, Mix I-2	Type 5, Class A soil aggregate, if and where required

(5) Sight Triangles: Sight triangle easements shall be dedicated to the Town. No grading, planting, or structure shall be erected or maintained more than 24 inches or less than 120 inches above the centerline grade of the intersecting street so that an unobstructed view of the street is maintained. Traffic control devices and other manmade or natural objects may remain within the sight triangle if it can be demonstrated that they do not obstruct the view of oncoming traffic.

(6) Sidewalks: Sidewalks shall be installed in locations determined by the Board to be in the interest of public safety and proper pedestrian circulation.

Schedule of Street Design Standards

	Local Street Single Family Development Area	Local Street Multi-Family Development Area	Collector Street
Right-of-way width (feet)	50	n/a	60
Minimum pavement width (feet) ⁽¹⁾	28	22	28
Curbing ⁽²⁾ V - vertical face R - roll-type	R/V	R	V
Width of sidewalks & bicycle paths where provided (feet)	4	4	4
Min. distance sidewalk (where provided) from curbface (feet)	5	5	10
Min. sight distance (feet)	200	200	250
Maximum grade	10%	10%	4%
Minimum grade	1%	1%	1%
Maximum cul-de-sac length (feet) ⁽⁴⁾	1000	1000	n/a
Min. cul-de-sac radius at right-of- way (at pavement)	55 (45)	(45)	n/a
Design speed (MPH)	25	25	30
Minimum centerline radius of curves (feet)	200	200	500
Min. centerline offsets of intersecting streets (street joags)	125	125	150
Minimum tangent between reverse curves (feet)	50	50	100

- Notes:
- (1) Minimum pavement widths presume that off-street parking has been provided as required. If the street is to be used for required parking, a condition which is specifically discouraged in the multi-family residential development areas, then pavement widths shall be increased by 6 feet for each side of the street on which parking is to be permitted.
 - (2) Curbing shall be provided in all cases where the street grade exceeds 5% or the velocity of stormwater in the shoulder or swale exceeds 3.0 to 4.5 feet per second, depending on soil conditions, based upon a 25-year design storm.
 - (3) See intersection design criteria.
 - (4) Culs-de-sac shall provide access to no more than 85 dwelling units.

Sidewalks need not follow all streets and in some instances may better follow open space corridors. The determination of whether sidewalks are needed and where they are best located shall be based on public safety considering the intensity of development, the probable volume of pedestrian traffic, the adjoining street classification (where sidewalks parallel streets), access to school bus stops, recreation areas, and the general type of improvement intended.

(7) Water supply:

(a) Water mains shall be constructed in such a manner as to make adequate water service available to each lot and building within the development. The system shall be designed and constructed in accordance with applicable requirements. Prior to the grant of the preliminary approval, the applicant shall provide the Board with a copy of a letter from the water company indicating that the project will be serviced with public water.

(b) Fire hydrants of a type and number and in locations approved by the Public Works Administrator with the advice of the chief of the Clinton Fire Company, shall be installed by the developer.

I. Multi-family residential development area requirements.

(1) No building or group of attached buildings shall contain more than twenty-four (24) dwelling units.

(2) No building shall exceed a length of two hundred (200) feet.

(3) Each dwelling unit shall have at least two (2) exterior exposures with at least one (1) window in each exposure; alternatively, each dwelling unit shall be designed in conformance with the Uniform Construction Code such that either eight (8) percent of the floor area of all habitable rooms shall be in windows or the maximum depth of the unit shall not exceed twenty-two (22) feet.

(4) No room within a dwelling unit intended for human habitation shall be located in a cellar, basement or attic except that a cellar or basement may contain a family room or recreation room.

- (5) Accessory buildings shall meet the property line setbacks of the principal buildings.
- (6) The maximum height of an accessory building shall be sixteen (16) feet. Recreational buildings and facilities shall be governed by the height limitations for principal buildings.
- (7) Garages may be built into the principal structure or separately constructed as hereinafter provided. Each garage space shall be at least ten (10) feet in width and twenty (20) feet in depth. Each group of attached garages shall have a joint capacity of not more than twelve (12) automobiles arranged in a row, and there shall be a minimum distance of ten (10) feet between structures.
- (8) Exterior television antennae shall be limited to one (1) master antenna per building.
- (9) Laundry facilities may be provided in each building. Outside clothes drying is prohibited.
- (10) One or more completely enclosed but unroofed structures for the collection and storage of solid waste shall be provided. The system of collecting and storing solid waste shall be approved by the Board of Health. No garbage or other refuse shall be stored or collected except in such approved structures.
- (11) In addition to any storage area contained within the dwelling unit, a minimum of one hundred fifty (150) cubic feet of storage space shall be provided for each dwelling unit, which storage area shall be convenient to and accessible from the outside of the building for purposes of storing bicycles, perambulators and similar outside equipment.
- (12) Screening and fencing shall be provided as needed to shield parking areas and other common facilities from the view of adjoining properties and streets.
- (13) Provisions shall be made for the preservation of existing trees and natural features to the extent possible. All disturbed areas shall be landscaped. Landscaping shall be provided as follows:
 - (a) Shade trees shall be planted along all streets and in common parking areas. Such trees shall be 1½ to 2 inches in caliper at time of planting and shall be planted a minimum of fifty (50) feet on center along both sides of all streets

and common parking areas. The Planning Board shall approve the choice of plantings and, in so doing, may rely upon the recommendations of the Shade Tree Commission.

- (b) Common areas and yards shall be planted with: one (1) conifer, six (6) to eight (8) feet high at time of planting, for each dwelling unit; one (1) deciduous tree, 1½ to 2 inches in caliper, for each two dwelling units; and ten (10) shrubs, fifteen (15) to eighteen (18) inches high at time of planting, for each dwelling unit.
- (c) Buffer areas shall be left in a natural state wherever they are outside the limits of disturbance; otherwise, buffer areas shall be planted with conifers, six (6) to eight (8) feet high at time of planting, eight (8) feet on center.
- (d) All disturbed areas shall be planted in grass or ground cover.
- (e) All plantings shall be of nursery stock, balled and burlapped, and shall be healthy and free of disease.

Article VII, Section 88-52 is amended to add new Sections F. and G.

F. Cluster development:

- (1) Residential cluster development shall be permitted on any tract located in an R-1 or R-2 district if the tract contains five (5) or more acres.
- (2) Such cluster development shall permit a reduction in minimum lot area of up to two-thirds that required in Schedule I.
- (3) Minimum lot dimensions in a cluster development shall be as follows:

	<u>R-1</u>	<u>R-2</u>
Lot Width (street line)	75	60
Lot Width (building line)	100	90
Lot Depth	175	100

- (4) Minimum yards in a cluster development shall be as follows:

	<u>R-1</u>	<u>R-2</u>
Front	40	30
Rear	40	30
Side		
(minimum on one side)	15 (*)	12
(combined)	35	30

(*) Where a side yard is provided. The developer may elect to undertake a zero lot line development where each dwelling unit is constructed along one side lot line. In such cases, the single side yard provided shall be equivalent to the requirement for both sides, and no dwelling unit in the development shall be closer to any other dwelling unit, either within the development or on an adjoining property, than the side yard (both) requirement set forth above.

- (5) Common open space may be deeded to the Town, if accepted by the Mayor and Council.

All common open space not accepted by the Town and all common elements in the development shall be deeded to an open space organization established to own and maintain the common elements as provided in N.J.S.A. 40:55D-43. The open space organization documents shall be submitted to the Town Attorney for review and approval.

G. Requirements for R-1-A district. On tracts of land designated on the Zoning Map as R-1-A, the gross density of residential development permitted shall not exceed 2.6 dwelling units per acre provided that all development shall take place on lands elevated above the 100 year flood plain, and the net density of development on lands outside of the flood plain shall not exceed four (4) dwelling units per acre. Development may be in the form of single family detached dwellings, patio homes, zero lot line homes and side-by-side two-family structures.

- (1) All dwelling units shall have a compatible architectural theme with variations in design to provide attractiveness to the development, and which shall include consideration of landscaping techniques; building orientation to the site, to other structures and to maximize solar gain; topography, natural features and individual dwelling unit design such as varying unit width, staggering unit setbacks, providing different exterior materials, changing roof lines and roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination for each dwelling unit. Any overall structure of attached units shall provide that no more than two (2) adjacent dwelling units shall have the same setback.
- (2) All parking facilities shall be located within one hundred fifty (150) feet of the nearest entrance of the building they are intended to serve. Parking spaces shall be provided in areas designed specifically for parking, and there shall be no parking along interior streets. At least one (1) parking space per dwelling unit shall be within a garage.
- (3) No dwelling unit shall be less than twenty-four (24) feet wide.
- (4) No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available within each dwelling unit for the laundering and artificial drying of laundry of occupants of each dwelling unit.
- (5) Each building shall contain a single master T.V. antenna system which shall serve all dwelling units within the building, and there shall be no additional T.V. or radio equipment permitted.

(6) No building shall be closer to a tract boundary than fifty (50) feet, unless said tract boundary is also within an R-1-A zone, in which case the setback from the tract boundary may be reduced to thirty (30) feet.

(7) There shall be the following minimum distances between buildings in the R-1-A zone:

Windowless wall to windowless wall 30 feet

Window wall to windowless wall 35 feet

Window wall to window wall

 Front to Front 75 feet

 Rear to rear 60 feet

 End to end 40 feet

Any building face to local street
 curb in the case of a private
 street or right-of-way 30 feet

Any building face to collector
 street curb in the case of a
 private street or right-of-way 50 feet

Any building face except garage
 face to common parking area 20 feet

Garage face to common parking area 5 feet

The Planning Board may reduce the above distances by not more than one-third if there is an angle of twenty (20) degrees or more between buildings and if extensive landscaping or buffers are placed between buildings.

Amend Section 88-52A. to add a new item (8):

- (C) Accessory apartments, in the R-3 and C-1 districts and designated portions of the R-2 district.

Add new Section 88-52I.

I. Requirements for accessory apartments. In the R-3 and C-1 districts and on lots fronting on Leigh Street in the R-2 district, accessory apartments may be created provided the following conditions are met:

- (1) The lot shall contain an existing single family dwelling, having a minimum floor area of 1600 square feet, or contain an existing commercial building having more than one story.
- (2) The property owner undertaking the creation of the accessory apartment may obtain funding or financing to create the accessory apartment through the program established by the Town for the subsidization of same.
- (3) The resulting unit shall meet all applicable building code requirements.
- (4) The resulting unit shall be affordable to and shall be occupied by a household qualified as a low or moderate income household and shall be regulated as such in accordance with the requirements set forth at Section 88-52^aF., except that the unit may be sold or rented without restrictions after only ten (10) years from the date of initial occupancy.
- (5) Except in the C-1 district, a minimum of three parking spaces shall be provided on any lot containing an accessory apartment and the parking space reserved for the accessory apartment shall be accessible directly, and not located in front of or behind another space.
- (6) At the request of the applicant, the Planning Board may exempt the parking area from any of the requirements for site plan approval provided that the applicant submits, as part of the request for exemption, a drawing indicating any proposed changes to the exterior of the premises. The Board shall take action on the request for exemption within thirty (30) days of the submission of the request.
- (7) Notwithstanding any other requirement of the Town of Clinton, the following fees shall be waived for every accessory apartment unit created pursuant to this Section:

Site plan application fee.

Building permit, except State and third party fees, applicable to the accessory apartment unit only.

Sewer connection fee applicable to the accessory apartment unit only.

Certificate of Occupancy fee applicable to the accessory apartment unit only.

The Town will not oppose an application to the Board of Public Utilities Commissioners for a waiver of the water connection fee for the accessory apartment unit only.

(+) (*) Amend Article VII, Sections 88-53, 88-54, 88-55, 88-57 and 88-58 to add to them a new item E.

E. Participation in the provision of lower income housing. The developer of any land in the district may participate in the provision of lower income housing. The developer shall be entitled to a density bonus equivalent to fifteen (15) percent of the floor area to which he is otherwise entitled under Schedule I, provided that all parking requirements can be met on the site and the Board approves any variances from setback and buffer requirements needed to accommodate the density bonus, in return for which the developer shall, no later than the time of issuance of a building permit, convey to the Town an amount equal to \$3.75 per square foot of gross floor area for all bonus construction. The funds paid to the Town shall be placed into a Housing Rehabilitation, Conversion and Assistance fund to be administered by the Housing Officer and Affordable Housing Board appointed by the Mayor and Council following administrative guidelines established by Ordinance.

(+) (*) Amend Article VII, Section 88-56 to add a new item F.

F. Participation in the provision of lower income housing. The developer of any land in the district may participate in the provision of lower income housing. The developer shall be entitled to a density bonus equivalent to fifteen (15) percent of the floor area to which he is otherwise entitled under Schedule I, provided that all parking requirements can be met on the site and the Board approves any variances from setback and buffer requirements needed to accommodate the density bonus, in return for which the developer shall, no later than the time of issuance of a building permit, convey to the Town an amount equal to \$3.75 per square foot of gross floor area for all bonus construction. The funds paid to the Town shall be placed into a Housing Rehabilitation, Conversion and Assistance fund to be administered by the Housing Officer and Affordable Housing Board appointed by the Mayor and Council following administrative guidelines established by ordinance.

Article VII is amended to add new Section 88-58^a, OB-3 Office Building Districts.

Section 88-58^a, OB-3 OFFICE BUILDING DISTRICTS

A. Permitted principal uses:

- (1) Office buildings for business, professional, executive and administrative purposes.
- (2) Scientific or research laboratories devoted to research, testing, design and/or experimentation and processing and fabricating incidental thereto.
- (3) Data processing facilities.

B. Permitted accessory uses:

- (1) Off-street parking areas in accordance with S. 88-62.
- (2) Signs in accordance with S. 88-64.
- (3) Other accessory uses customarily incident to the uses listed in Subsection A.

C. Conditional uses. The following conditional uses, as regulated in S. 88-55, are permitted:

- (1) Churches and similar places of worship of recognized religious groups, which may include attendant parish houses, convents and religious education buildings.
- (2) Public and private schools teaching academic subjects.

D. Required conditions. Except as otherwise provided in this Article, the requirements and limitations contained in the Schedule of Requirements referred to in S. 88-51C shall be complied with. In addition, the performance standards contained in S. 88-56E shall be complied with.

(+) (*)

- E. Participation in the provision of lower income housing. The developer of any land in the district may participate in the provision of lower income housing. The developer shall be entitled to a density bonus equivalent to fifteen (15) percent of the floor area to which he is otherwise entitled under Schedule I, provided that all parking requirements can be met on the site and the Board approves any variances from setback and buffer requirements needed to accommodate the density bonus, in return for which the developer shall, no later than the time of issuance of a building permit, convey to the Town an amount equal to \$3.75 per square foot of gross floor area for all bonus construction. The funds paid to the Town shall be placed into a Housing Rehabilitation, Conversion and Assistance fund to be administered by the Housing Officer and Affordable Housing Board appointed by the Mayor and Council following administrative guidelines established by ordinance.
- F. Buffering. A buffer shall be provided along any common property line with a residential use. Said buffer shall be a minimum of seventy-five (75) feet in width and shall be suitably landscaped to provide complete year-round screening of parking areas and service areas and entrances.

Amend Section 88-44B (1) (j) to add a new item [3] as follows:

- [3] Parking spaces in the PUD or PRD zones, or parking spaces for office, industrial or institutional uses, or wherever it can be demonstrated by the applicant that parking facilities will be used for long periods of time, shall have a minimum area of 162 square feet and minimum dimensions of nine (9) feet in width by eighteen (18) feet in length, measured perpendicular to each other. All other parking spaces shall have minimum dimensions of nine and one-half (9.5) feet in width by twenty (20) feet in length, measured perpendicular to each other, and a minimum area of 190 square feet. Wherever the parking space measures less than twenty (20) feet in length, the aisle width for 90° angle parking shall be twenty-five (25) feet instead of twenty-four (24) feet.

Amend Article VII, Section 88-60 O. to read as follows:

- O. Height exceptions. The height provisions of this Article shall not apply to the erection of farm silos, church spires, belfries, towers designed exclusively for ornamental purposes, chimneys, flues or similar appurtenances. The height provisions of this Article shall, moreover, not apply to bulkheads, elevator enclosures, water tanks or similar accessory structures occupying an aggregate of twenty (20%) percent or less of the area of the roof on which they are located and further provided that such structures do not exceed the height limit by more than ten (10) feet and are fully screened. Nothing in this Article shall prevent the erection above the height limitation of a parapet wall or cornice extending above such height limit not more than three (3) feet.

Amend Section 88-56 E.8. to add a new item (k):

- (k) Any other provision of this Ordinance notwithstanding, no individual use in the Industrial zone shall generate a demand for sewage treatment greater than 1200 gallons per day per acre. The 1200 gallons per day per acre shall be construed as a maximum for each use and the land committed to that use and not for the zone as a whole.

Amend Schedule of Zoning Requirements, Town of Clinton, New Jersey, as follows:

Part I

Zone	OB-3
Primary Principal Use	Office, research
Minimum Area (square feet)	130,680
Maximum Depth of Measurement (feet)	200
Minimum Width (feet)	
Street	350
Building Line	350
Minimum Yards (feet)	
Front	100 ⁽¹⁾
Rear	100 ⁽²⁾
Side (minimum on one side)	50
(combined)	100

Add note at bottom of Part I referenced to the front yard requirements for the I, OB-1, OB-2 and OB-3 zones, as follows:

- (1) The minimum required front yard may be reduced by twenty (20) percent if no parking is provided between the building and the street line.

Add note at bottom of Part I referenced to the rear yard requirement for the OB-3 zone, as follows:

- (2) Except where the lot abuts public open space, in which case the minimum rear yard may be reduced to ten (10) feet.

Part II

Maximum Height

Stories	--
Feet	40

Maximum Floor Area Ratio	.15
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Amend Schedule of Zoning Requirements, Part II, to change the heading over columns 6 through 8 to read:

MINIMUM NET HABITABLE
FLOOR AREA PER
DWELLING UNIT
(square feet)

Amend Schedule of Zoning Requirements, Part II, to add, under column 9, MAXIMUM FLOOR AREA RATIO, a floor area ratio for the I zone of .26, for the C-2 and C-3 zones of .30, for the C-1 zone of .87, and for the OB-1 and OB-2 zones of .20.

Amend Schedule of Zoning Requirements, Part II, column 5, MAXIMUM BUILDING COVERAGE (percent), to delete the maximum building coverage requirements for all non-residential zones.

Amend Table of Contents and Section 88-51 of Article VII to cover the inclusion of the PUD, PRD, R-1-A, and OB-3 districts.

Amend Schedule by referencing the PUD and PRD districts back to Section 88-52^a and the R-1-A district back to Section 88-52G.

Amend Zoning Map to reflect all changes.

Amend Section 88-53A(9) to read:

- (a) Accessory apartments as provided in Section 88-52I, provided that no accessory apartment shall be located on the first floor.

SECTION II: These amendments shall become effective upon final passage according to law and set forth herein.

EXHIBIT G

TOWN OF CLINTON

85-26

AN ORDINANCE TO ESTABLISH AN AFFORDABLE HOUSING BOARD, TO ESTABLISH A HOUSING REHABILITATION, CONVERSION AND ASSISTANCE FUND AND TO ESTABLISH THE POSITION OF HOUSING OFFICER

SECTION I. An Ordinance to Amend Chapter 88, Land Use, of the Code of the Town of Clinton

by adding the following:

I. PURPOSE. The purpose of this Ordinance is to create the administrative mechanisms needed for the execution of the Town's responsibility to assist in the provision of affordable housing pursuant to Ordinance 84-17.

II. DEFINITIONS. For the purposes of this Ordinance, the terms used are as defined in Ordinance 84-17. In addition, the following definitions shall apply:

Housing Officer: The employee, consultant, authority or government or other agency charged with the responsibility of administering the affordable housing program of the Town.

Ordinance 84-17: An ordinance and any amendments or supplements thereto passed by the Town of Clinton as part of the settlement of the matter of Clinton Associates vs. Town of Clinton, Docket No. L-019063-84 P.W. and incorporated into the Judgment of Compliance issued in that case.

III. AFFORDABLE HOUSING BOARD.

A. Establishment of Affordable Housing Board. There is hereby established in the Town of Clinton an Affordable Housing Board which shall consist of five members appointed by the Mayor, with the advice and consent of the Council. The members shall serve without compensation.

B. Membership of Board and Terms of Office. The Board shall be composed of one member of the governing body, whose appointment shall be for one year, a member of the Board of Assistance, whose appointment shall be for three years or the duration of the term on the Board of Assistance, whichever terminates first, and three additional residents of the Town, whose terms shall be for three years each, except that when the Board is initially appointed, one resident member shall be appointed for one year, one member for two years and the third member for three years. Appointments to fill vacancies resulting from resignations or removal from office shall be for the departing member's unexpired term.

C. Powers of Affordable Housing Board. The powers of the Affordable Housing Board shall be as follows:

(1) To recommend to the Mayor and Council the person or organization to be appointed the Housing Officer for the Town of Clinton, and the amount of compensation to be paid to that person or organization.

(2) To recommend to the Mayor and Council the adoption of rules and regulations:

A. To govern the sale or rental of affordable housing units to lower income persons pursuant to Ordinance 84-17 and the laws of the State of New Jersey.

B. To assure that the housing units built, renovated or converted for lower income housing pursuant to Ordinance 84-17 will remain available to lower income persons for the appropriate period of time as required in this Ordinance and Ordinance 84-17.

C. To establish eligibility criteria for persons wishing to purchase or rent lower income housing in the Town in accordance with Ordinance 84-17 and the laws of New Jersey provided that no eligibility priorities shall be established other than those specifically set forth in Ordinance 84-17.

D. To establish screening mechanisms to ensure that all lower income housing units are occupied only by lower income households.

E. To administer all funds made available to the Town for lower income housing from developer contributions or from public sources pursuant to Section IV of this Ordinance.

F. To regulate the resale of lower income units so as to allow lower income households to recoup the value of any improvements to the units while providing for the recapture by the Town of any windfall profits from the resale of the units, consistent with Ordinance 84-17.

G. To regulate the calculation of rents and other charges for lower income rental units for the purposes of ensuring that lower income rental units are rented only to and remain occupied only by lower income households.

H. To provide for a fair and equitable disbursement of funds from the Housing Rehabilitation, Conversion and Assistance Fund, to the extent such funds are available, to be used for downpayment assistance

for the purchase of lower income units, for conversions of accessory apartment units for rental to lower income households, for rehabilitation of substandard housing occupied by lower income households, and for such other projects or assistance consistent with the provision of affordable housing in the Town of Clinton and as are authorized by law.

I. To carry out such additional responsibilities as may be necessary to fulfill the Town's affordable housing program in accordance with Ordinance 84-17 and the laws of New Jersey.

(3) To recommend to the Mayor and Council the methods to be used for housing surveys conducted to ascertain the extent and location of substandard housing in the Town and, upon authorization by the Mayor and Council, to conduct such surveys or to arrange to have such surveys conducted.

(4) To seek out sources of government funding that will assist the Town in meeting its goals of supplying affordable housing as set forth in Ordinance 84-17 and, upon authorization by the Mayor and Council, to prepare and submit applications to secure such funding.

(5) To prepare an annual budget for the Affordable Housing Board including salaries and expenditures incurred in administering Ordinance 84-17, exclusive of expenditures for rehabilitation, conversion or downpayment assistance. The budget shall be prepared in accordance with proper municipal accounting procedures and submitted to the Mayor and Council for approval as part of the municipal budget.

(6) To recommend to the Mayor and Council the disbursement of funds from the Housing Rehabilitation, Conversion and Assistance Fund, if such funds are available, for rehabilitation and conversion of housing and for downpayment assistance in accordance with Section IV herein.

(7) To recommend to the Mayor and Council reasonable fees to be charged to developers of lower income housing units to offset the costs to the Town related to the inspection and monitoring of sales and rentals of lower income housing units, but not related to any salaries or expenditures for such items as housing surveys or preparation of grant applications.

(8) To undertake such other activities as may be authorized by law to carry out the obligations of the Town to assist in providing affordable housing in accordance with Ordinance 84-17.

(9) In the absence of the appointment of an Affordable Housing Board, the Mayor and Council shall act in its stead.

IV. HOUSING REHABILITATION, CONVERSION AND ASSISTANCE FUND.

A. Creation of Housing Rehabilitation, Conversion and Assistance Fund.

(1) There is hereby created a Housing Rehabilitation, Conversion and Assistance Fund of the Town of Clinton.

(2) Funds collected from non-residential developers in return for their exercise of the density bonus provisions of Ordinance 84-17, as well as funds collected from Clinton Associates (or its successors) shall be paid to and deposited by the Town Treasurer in an interest bearing account designated as the "Housing Rehabilitation, Conversion and Assistance Fund of the Town of Clinton". Within forty-five (45) days of the receipt of any funds from a developer, the Town of Clinton shall enter into a contract or contracts for the completion of the rehabilitation or conversion work. The work so authorized by contract must be completed within three months of the date of the contract.

(3) Funds which may be received from government sources shall be paid to and deposited by the Town Treasurer in the Housing Rehabilitation, Conversion and Assistance Fund, except that where required by the funding source, such funds shall be held in a separate account and administered as required by the funding source.

B. Collection of Fees for Housing Rehabilitation, Conversion and Assistance Fund.

(1) Prior to the granting of final approval to any applicant seeking a density bonus pursuant to Ordinance 84-17, the Planning or Zoning Board, as the case may be, shall determine the amount of the fees payable by the applicant in accordance with Ordinance 84-17.

(2) The resolution adopted by the Board shall condition its final approval on payment of the required fee at the time a building permit is issued for the approved use. A copy of the resolution of final approval shall be supplied to both the Construction Official and the Housing Officer.

C. Disbursements from the Housing Rehabilitation, Conversion and Assistance Fund.

(1) The Affordable Housing Board, subject to approval by the Mayor and Council, shall authorize disbursements from the Housing Rehabilitation, Conversion and Assistance Fund in accordance with the following procedures:

(a) Rehabilitation: In the case of funds sought for rehabilitation purposes, the Housing Officer certifies that:

- (i) He has examined the application and determined that the intended recipient either is a qualified low or moderate income household according to income limits established by the Affordable Housing Board for the year or is a non-occupant owner willing to rent or sell the unit only to a qualified low or moderate income household for the requisite 10 year time period following the receipt of funds.
- (ii) The housing unit has been inspected and the existence of the health and safety code violations which the applicant seeks to remedy through the use of proceeds from the Fund has been verified;
- (iii) The rehabilitation activity will result in the dwelling unit being free of code violations; and
- (iv) The applicant has executed an agreement:
 - a.) to use the funds only for the approved purposes;
 - b.) to rent or sell the unit only to a qualified low or moderate income household;
 - c.) upon receipt of the funds, to record a deed covenanting the unit for a period of ten (10) years to limit occupancy only to a low or moderate income household pursuant to a properly issued Certificate of Occupancy; and
 - d.) to otherwise comply with the rules and regulations of the Affordable Housing Board.

(b) Conversion: In the case of funds sought for accessory apartment conversion purposes, the Housing Officer certifies that:

- (i) He has examined the application and determined that it complies with Ordinance 84-17 and the rules and regulations of the Affordable Housing Board; and
- (ii) The applicant has executed an agreement:
 - a.) to use the funds only for the approved purposes;
 - b.) to rent the unit only to a qualified low or moderate income household;
 - c.) upon receipt of the funds, to record a deed covenanting the unit for a period of ten (10) years to limit occupancy only to a low or moderate income household

pursuant to a properly issued Certificate of Occupancy; and d.) to otherwise comply with the rules and regulations of the Affordable Housing Board.

- (c) Downpayment Assistance: In the case of funds sought for downpayment assistance, the Housing Officer certifies that: He has examined the application and determined that the applicant is a qualified recipient consistent with the rules and regulations of the Affordable Housing Board and Ordinance 84-17.
- (d) Administration: Funds may be used to reimburse the Town for salaries and other expenditures connected with the execution of the Town's responsibilities to assist in providing affordable housing in accordance with this Ordinance and Ordinance 84-17, provided, however, that no more than eighteen (18) percent of the funds collected shall be used for such purposes.

V. HOUSING OFFICER.

A. Establishment of position of Housing Officer. There is hereby established the position of Housing Officer for the Town of Clinton. The Housing Officer shall be appointed by the Mayor and Council and may be a full or part-time municipal employee, a consultant, an authority, or a government or other agency contracted by the Town to perform the duties and functions of the Housing Officer.

B. Compensation. Compensation shall be fixed by the Mayor and Council at the time of the appointment of the Housing Officer, upon recommendation of the Affordable Housing Board.

C. Powers and Duties. It shall be the responsibility of the Housing Officer:

(1) To administer the affordable housing program of the Town of Clinton in accordance with Ordinance 84-17 and the rules and regulations of the Affordable Housing Board.

(2) To maintain waiting lists of households which may be eligible to rent or purchase lower income dwelling units or to obtain funding from the Housing Rehabilitation, Conversion and Assistance Fund of the Town or from such other government funded programs as may be available to qualified applicants in the Town.

(3) To advertise the initial availability of lower income housing units, when they become available, which advertising shall be in addition to any advertising done by a developer.

(4) To advertise the availability of funds for housing rehabilitation, conversion of accessory apartments, and downpayment assistance, if and when such funds are available.

(5) To maintain an up-to-date record of all deed restricted lower income housing units in the Town.

(6) To monitor all transfers of ownership and changes of occupancy of all deed restricted lower income housing units, to oversee the placement of qualified households in lower income housing units, and to enforce the provisions of Ordinance 84-17, performing all of the administrative duties and functions outlined therein.

(7) To advise the Planning Board and Zoning Board with respect to their approvals of lower income housing units and as to required developer contributions to the Housing Rehabilitation, Conversion and Assistance Fund.

(8) To maintain detailed records of income to and expenditures from the Housing Rehabilitation, Conversion and Assistance Fund of the Town of Clinton and accounts for any government grant monies received.

(9) To perform the administrative functions associated with any government funded housing rehabilitation or downpayment assistance program, once such program has been funded.

(10) To arrange for inspections of lower income housing units as necessary to carry out the requirements of this Ordinance, Ordinance 84-17, and the rules and regulations promulgated by the Affordable Housing Board.

(11) To carry out such additional duties as may be required of the Housing Officer by the rules and regulations promulgated by the Affordable Housing Board.

SECTION II. These amendments shall become effective upon final passage according to law and set forth herein.