

# **MASTER PLAN**

## **HOUSING PLAN ELEMENT AND FAIR SHARE PLAN**

*For*

**City of Bordentown  
Burlington County, New Jersey**

*Prepared by*

**City of Bordentown Planning Board  
and  
Clarke Caton Hintz**

**Adopted October 27, 2005**

**MASTER PLAN**

**HOUSING PLAN ELEMENT  
AND FAIR SHARE PLAN**

*For*

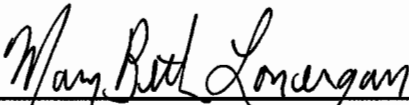
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Burlington County, New Jersey**

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Clarke Caton Hintz**

**Adopted October 27, 2005**

The original of this Plan was signed and sealed in accordance with *NJSA 45:14A-12*

  
\_\_\_\_\_  
**Mary Beth Lonergan, PP, AICP, NJPP Lic. No. 4288**

**CITY OF BORDENTOWN**

**RESOLUTION 2005-135**

**GOVERNING BODY RESOLUTION PETITIONING WITH AN ADOPTED  
HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Planning Board of the City of Bordentown, County of Burlington, State of New Jersey, adopted the Housing Element of the Master Plan on October 27, 2005; and

**WHEREAS**, a true copy of the Resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

**WHEREAS**, the Planning Board adopted the Fair Share Plan on October 27, 2005; and

**WHEREAS**, a true copy of the Resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the City of Bordentown, County of Burlington, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Bordentown City Planning Board; and


**BE IT FURTHER RESOLVED** that the Governing Body of the City of Bordentown, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-3.2, submits this petition for substantive certification and/or a Final Judgment of Compliance and Repose of the Housing Element and Fair Share Plan to the Superior Court of New Jersey pursuant to N.J.S.A. 52:27D-313(a) for review and certification; and

**BE IT FURTHER RESOLVED** that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

**BE IT FURTHER RESOLVED** that notice of this petition for substantive certification and/or a Final Judgment of Compliance and Repose shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:95-3.5 within seven days of issuance of the notification letter from the Superior Court indicating that the submission is complete and that a copy of this Resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Bordentown City Municipal Clerk's Office located at 324 Farnsworth Avenue, Bordentown, New Jersey 08505, during normal working hours on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

\*\*\*\*\*

**I hereby certify that the foregoing Resolution was duly adopted by the Board of Commissioners of the City of Bordentown at a special meeting conducted on the 1<sup>st</sup> day of November 2005.**

  
Patricia D. Ryan, CMC  
City Clerk  
Municipal Finance Officer

Resolution 2005- 17  
RESOLUTION OF THE BORDENTOWN CITY PLANNING BOARD  
ADOPTING A HOUSING PLAN ELEMENT AND FAIR SHARE PLAN AS PART  
OF A REVISED MASTER PLAN PURSUANT TO 40:55D-28

WHEREAS, The Planning Board of the City of Bordentown is required to conduct a periodic comprehensive re-examination of the City's Master Plan pursuant to N.J.S.A. 40:55D-89; and

WHEREAS, the Planning Board of the City of Bordentown in conjunction with its professional engineers has been conducting an inventory of the City's land and examining the current uses of land in the City in view of the existing zoning scheme; and

WHEREAS, the City's Housing Plan Element and Fair Share Plan are the subject of a New Jersey Superior Court Order establishing Court Jurisdiction over Bordentown City's affordable housing compliance mechanisms and requiring the City to submit a second and third round Compliance Plan no later than December 20, 2005; and

WHEREAS, as a result of the examination, the Board's consultant, Clarke Caton Hintz and the Board recommended modifying the existing Master Plan Housing Plan Element and Fair Share Plan for the City of Bordentown; and

WHEREAS, a proposed draft of the revised Housing Plan Element and Fair Share Plan was prepared and discussed at an open public meeting conducted pursuant to N.J.S.A. 40: 55D-10a for the purpose of considering and adopting a revised Master Plan on October 27, 2005 at 7 p.m. at City Hall; and

WHEREAS, pursuant to the comments and discussions conducted at that meeting and other comments and recommendations of the public and professionals; and

WHEREAS, the Bordentown City Planning Board conducted its meeting after public notice thereof in the Burlington County Times which is a newspaper of general circulation in the City of Bordentown and on notice to all contiguous municipalities and the Burlington County Planning Board; and

WHEREAS, the Board having considered the above including the comments and opinions of its professional staff;

NOW THEREFORE, be it resolved as follows:

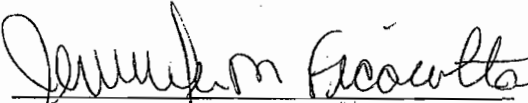
- A. The Bordentown City Planning Board does hereby adopt the revised Master Plan and, specifically, the Housing Plan Element and Fair Share Plan as prepared by Mary Beth Lonergan, PP, AICP dated October 27, 2005 for the City of Bordentown as proposed at the October 27, 2005 hearing on the revised plan and the accompanying report.

27, 2005 for the City of Bordentown as proposed at the October 27, 2005 hearing on the revised plan and the accompanying report.

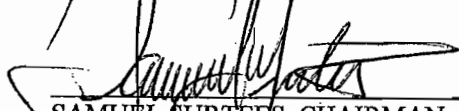
B. The Bordentown City Planning Board staff is hereby directed to refer the above-referenced Master Plan and report to the City Commissioners pursuant to N.J.S. 40:55D-62.

I hereby certify that the above is a true copy of the Resolution duly adopted by the Planning Board of the City of Bordentown at its special meeting on October 27, 2005.

DATED: 10-27-05

  
JENNIFER FICAROTTA, SECRETARY  
BORDENTOWN CITY PLANNING BOARD

DATED: 10-27-05

  
SAMUEL SURTEES, CHAIRMAN  
BORDENTOWN CITY PLANNING BOARD

# **MASTER PLAN**

## **HOUSING PLAN ELEMENT AND FAIR SHARE PLAN**

**Endorsed November 1, 2005**

### **City of Bordentown Board of Commissioners**

**John W. Collom III, Mayor  
James E. Lynch, Deputy Mayor  
John H. Wehrman, Commissioner**

**Patricia D. Ryan, City Clerk  
Richard W. Hunt, Parker McCay, City Solicitor  
Michael Filmeyer, BCM Engineers, City Engineer**

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## **TABLE OF ATTACHMENTS**

- A. Court Order – November 8, 2001
- B. Court Order – December 16, 2004
- C. Clare Estates – Community Investment Strategies’ Letter dated August 17, 2005
- D. Third Street Inclusionary Zone – Zoning Board of Adjustment Variance
- E. Proposed Inclusionary Zoning Ordinance
- F. Spending Plan

**CITY OF BORDENTOWN  
BURLINGTON COUNTY, NEW JERSEY**

**HOUSING PLAN ELEMENT AND  
FAIR SHARE PLAN**

**Adopted October 27, 2005**

**INTRODUCTION**

The City of Bordentown is located in northwestern Burlington County along the Delaware River, Crosswicks Creek and Black's Creek. The City is just under one square mile and is virtually fully developed. The City has a variety of housing types from single-family detached dwellings to multi-family apartment complexes. A range of income groups are served by the City's existing housing stock. Commercial development in the City is highlighted by retail, office and service establishments along Farnsworth Avenue, the spine of the City's business district, and along New Jersey State Highway Routes 130 and 206, as well as a manufacturing plant (Ocean Spray) on Park Street.

This Housing Element and Fair Share Plan has been prepared to be submitted to the New Jersey Superior Court in compliance with a previously granted Jurisdictional and Protective Order issued by the Honorable John A. Sweeney, A.J.S.C. on November 8, 2001 (see attachment A). The Order established Court jurisdiction over Bordentown City's affordable housing compliance mechanisms and also barred exclusionary zoning litigation (Mount Laurel litigation) against the City as long as the City remained under the Court's protection. Subsequently, Judge Sweeney issued an Order on December 16, 2004 which required that the City submit a Second and Third Round Compliance Plan to either the Court or to the Council on Affordable Housing ("COAH") no later than December 20, 2005 (see attachment B). Bordentown City will submit its adopted Housing Element and Fair Share Plan to the Superior Court by the December 20, 2005 deadline.

The following is an introduction to the housing plan element of a master plan, the fair share plan requirements of COAH and the constitutional requirement for the provision of affordable housing.

The Housing Plan Element is a master plan element required by the Municipal Land Use Law (“MLUL”) per *NJSA 40:55D-1* et seq. This Housing Element/Fair Share Plan has been prepared in accordance with the MLUL, as well as with the Third Round substantive regulations (*NJAC 5:94* et seq.) and procedural regulations (*NJAC 5:95* et seq.) of COAH. COAH adopted its new Third Round methodology and regulations on November 22, 2004, which became effective on December 20, 2004.

The new “growth share” procedures mark a significant departure from COAH’s prior two rounds of affordable housing methodology. The Third Round methodology implements a growth share approach that links the production of affordable housing with residential and non-residential development that occurs in a municipality between January 1, 2004 and January 1, 2014. For the Third Round growth share component, COAH has adopted ratios that require one affordable unit for every 8 market rate housing units constructed and one affordable unit for every 25 jobs developed as expressed in square footage of new non-residential development. This is the key change from the methodology COAH used in the first and second rounds which had previously assigned an affordable housing obligation as an absolute number to each municipality in its first two rounds.

As background, in its landmark 1975 decision<sup>1</sup> referred to now as *Mt. Laurel I*, the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide a realistic opportunity for the construction of low

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<sup>1</sup> Southern Burlington NAACP v. Township of Mt. Laurel, 67 NJ 151 (1975)

and moderate income housing. In its 1983 *Mt. Laurel II* decision<sup>2</sup>, the Court clarified that this obligation is an affirmative one and assigned an affordable housing obligation to all municipalities. In 1985, the Fair Housing Act (“FHA”), at *NJSA* 52:27D-301 et seq., was enacted as the legislative response to the Supreme Court rulings. The FHA created COAH as the administrative alternative to the Courts. The FHA also made the Housing Plan Element a required part of a municipality’s Master Plan. Municipalities that opt to adopt a Housing Element and Fair Share Plan and petition to participate in the COAH certification process (or voluntary judicial process) are granted a presumption of validity against allegations of exclusionary zoning, also known as builder remedy lawsuits. Petitioning COAH or the Court allows a municipality to maintain control of its planning and zoning options in addressing its affordable housing obligation.

COAH’s complete third round methodology includes a *rehabilitation share*, the remaining obligation from COAH’s two *prior rounds* and the future *growth share*. Although affordable housing need is based on actual growth, a municipality must initially project anticipated residential and non-residential growth between January 1, 2004 and January 1, 2014. Municipal growth projections that are consistent with the State Plan will have a presumption of validity in any petition before COAH. The affordable housing projections account for the initial affordable housing need which must be addressed in the Third Round.

COAH’s Third Round certification period will be for ten years and may not extend beyond December 20, 2015. Annual monitoring reports are required at the 3<sup>rd</sup>, 5<sup>th</sup> and 8<sup>th</sup> filing or petitioning anniversaries and a municipality must analyze whether its initial projections are consistent with actual growth measured by issued certificates of occupancy. Lastly, COAH will require a municipality to obtain initial plan endorsement from the State Planning Commission within 3 years of petitioning

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<sup>2</sup> Southern Burlington NAACP v. Township of Mt. Laurel, 92 NJ 158 (1983)

for substantive certification from COAH or repose from the Court.

## **AFFORDABLE HOUSING**

Affordable housing is defined as a dwelling, either for sale or rent that is within the means of individuals or households of low or moderate income in their housing region. Bordentown City is in COAH's Region 5 which includes Burlington, Camden and Gloucester Counties. Moderate-income households are those earning between 50% and 80% of the regional median income, or up to \$55,040 a year in 2005 for a four-person household. Low-income households are those with annual incomes that are between 50% and 30% of the regional median income, or up to \$34,400 a year in 2005 for a four-person household. In this round, COAH has also included very low-income households, which is defined to include those earning 30% or less of median household income within the housing region. Providing housing for very low-income households entitles a municipality to an additional bonus. Very low-income households are those earning an amount equal to \$20,640 or less per year in 2005 for a household of four persons.

COAH requires that the maximum rent be affordable to households that earn no more than 60% of the median income for the region. The average rent must be affordable to households earning no more than 52% of median income and at least 10% of the units must be affordable to households earning no more than 35% of median income. The maximum sales price for affordable units must be affordable to households that earn no more than 70% of the median income. The average sale unit must be affordable to a household that earns no more than 55% of the median income.

## **HOUSING ELEMENT/FAIR SHARE PLAN REQUIREMENTS**

In accordance with the MLUL, a municipal Master Plan must include a Housing Plan Element as a prerequisite for the adoption of zoning ordinance provisions within the municipality. The MLUL requires that a municipality's housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing.

Technically, the Housing Element/Fair Share Plan must be adopted by the municipal Planning Board at a public hearing. To initiate COAH's or the Court's protective jurisdiction, the Housing Element/Fair Share Plan must also be endorsed by the municipal governing body and formally submitted along with a resolution petitioning for substantive certification from COAH or a judgment of repose from the Courts.

The Fair Housing Act requires that the Housing Element include a series of analyses and projections:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated.
2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next ten (10) years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development trends.
3. An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age.
4. An analysis of the existing and probable future employment characteristics of the municipality.

5. A determination of the municipality's present and prospective fair share of low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low and moderate income housing.
6. A consideration of the lands most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

In addition, pursuant to COAH's regulations (*N/A* 5:94-2.2), the Housing Element/Fair Share Plan must address the entire Third Round cumulative (1987 – 2014) affordable housing obligation consisting of the rehabilitation share, any remaining balance of the Prior Round Component and the projected Growth Share. COAH's regulations require the following supporting documentation to be submitted with the Housing Element/Fair Share Plan:

7. A projection of anticipated development to estimate residential and non-residential growth from January 1, 2004 to January 1, 2014. This includes reviewing:
  - Certificates of occupancy issued since January 1, 2004;
  - Construction and demolition permits issued since January 1, 2004 and projected through January 1, 2014;
  - Approved development applications by COAH use groups;
  - Historic trends of demolitions, certificates of occupancy and absorption rates.
8. An analysis of zoning for adequate capacity to accommodate growth:
  - Determining the availability of public sewer and public water;
  - The anticipated demand for permitted uses - current and proposed zoning;
  - Anticipated land use patterns;
  - Examining the municipality's economic development policies;
  - Determining the constraints on development, including:
    - The effect of State and Federal policies and regulations;
    - Land ownership patterns;
    - Compatibility of land uses;
    - The need for site remediation; and
    - Measures to address constraints.

9. A comparison of the Metropolitan Planning Organization (“MPO”) population, household and employment projections for the year 2015 with municipal projections through January 1, 2014.
10. A projection of the growth share affordable housing obligation for residential and non-residential development.
11. A calculation of the third round fair share numbers for rehabilitation, any prior round obligations and the growth share obligation through January 1, 2014.
12. A determination of how the rehabilitation share, prior round obligations and growth share will be met, including the financial feasibility of compliance mechanisms.
13. A review of the Third Round plan for consistency with other municipal, county, state planning documents.
14. A copy of:
  - Complete Master Plan;
  - Complete Zoning Ordinance; and
  - Tax maps, electronic versions if available.
15. A Third Round Fair Share Plan, including drafts of:
  - new zoning ordinance amendments;
  - new affordability control ordinance;
  - development fee ordinance amendment;
  - spending plan; and
  - implementing resolutions.

## **HOUSING STOCK AND DEMOGRAPHIC ANALYSIS**

### **Housing Stock Inventory**

In 2000, there were 1,884 housing units in the City of Bordentown, of which 127 or 6.74% were vacant. Of the 1,757 occupied units, 55.66% were owner occupied and 44.37% were rented.

About 41% of the total housing stock consists of single-family detached and two-family units (twins and duplexes). Single-family attached and units with 3 or more units make up 58.86% of the total housing stock. Housing units in buildings containing 5 or more units (apartment buildings) comprised 22% of all the housing units in 2000, of which the vast majority of these are renter occupied units. Of the owner occupied units, 60.63% were single-family detached units and 31.19% were single-family attached. See Table 1, Housing Units by Number of Units in Structure for a detailed explanation of the housing units in 2000.

Table 2, Housing Units by Age, illustrates the aging of the City's housing stock. As one would expect with a City of such historical significance, the largest building boom occurred prior to 1940, where 63.11% of the City's housing stock was constructed. Approximately 10% of the City's housing stock was constructed in the 1980's and 1990's.

**Table 1. Housing Units by Number of Units in Structure, 2000.**

<u>Number of Units</u>	<u>Owner Occupied</u>	<u>Rental</u>	<u>Vacant</u>	<u>Total</u>
1, Detached	593	40	11	644
1, Attached	305	104	48	457
2	47	73	11	131
3 or 4	15	175	42	232
5 to 9	5	133	15	153
10 to 19	8	112	0	120
20 to 49	0	51	0	51
50 or more	0	91	0	91
Mobile Home	5	0	0	5
Other	0	0	0	0
<b>Total</b>	<b>978</b>	<b>779</b>	<b>127</b>	<b>1,884</b>

*Source: 2000 US Census*

Table 3, Housing Units by Number of Rooms, shows 21.76% of all residential units had between one (1) and three (3) rooms; 51.54% had between four (4) and six (6) rooms; and 26.70% has seven (7) or more rooms. The data from this and other

tables indicate that the housing stock in Bordentown City is, on average, moderate in size.

**Table 2. Housing Units by Age, 2000.**

<u>Year Built</u>	<u>Total Units</u>	<u>Percent</u>	<u>Owner Occupied</u>	<u>Renter Occupied</u>	<u>Vacant</u>
1999- March 2000	24	1.27%	0	0	24
1995-1998	13	0.69%	13	0	0
1990-1994	47	2.49%	28	19	0
1980-1989	68	3.61%	49	19	0
1970-1979	152	8.07%	10	132	10
1960-1969	192	10.19%	49	128	15
1950-1959	121	6.42%	69	52	0
1940-1949	78	4.14%	49	29	0
Before 1940	1,189	63.11%	711	400	78
<b>Totals</b>	<b>1,884</b>	<b>100.00%</b>	<b>978</b>	<b>779</b>	<b>127</b>

*Source: 2000 US Census*

**Table 3. Housing Units by Number of Rooms, 2000.**

<u>Rooms</u>	<u>Number of Units</u>	<u>Percent</u>
1	0	0.00%
2	76	4.03%
3	334	17.73%
4	319	16.93%
5	268	14.23%
6	384	20.38%
7	246	13.06%
8	117	6.21%
9+	140	7.43%
<b>Total</b>	<b>1,884</b>	<b>100.00%</b>

*Source: 2000 US Census*

Tables 4 and 5, Housing Values, show that the median housing values in Bordentown City increased 12% between 1990 and 2000. During this time, the median value in Burlington County increased by 9.39%. In 1990, Bordentown City's median value of \$102,600 was 16.24% lower than Burlington County's median value of \$122,500 and in 2000, the City's median housing value of \$114,900 was 14.25% below the median value of \$134,000 for Burlington County.

**Table 4. Housing Values, Owner Occupied, 1990.**

<u>Housing Units</u>	<u>1990 Number</u>	<u>Percent</u>
Less than \$50,000	57	6.29%
\$50,000 to \$59,999	21	2.32%
\$60,000 to \$74,999	70	7.73%
\$75,000 to \$99,999	287	31.68%
\$100,000 to \$124,999	176	19.43%
\$125,000 to \$149,999	151	16.67%
\$150,000 to \$174,999	63	6.95%
\$175,000 to \$199,999	37	4.08%
\$200,000 to \$249,999	30	3.31%
\$250,000 to \$299,999	10	1.10%
\$300,000 or more	4	0.44%
<b>Total</b>	<b>906</b>	<b>100.00%</b>
<b>1990 Median Value</b>	<b>\$102,600</b>	

*Source: 1990 US Census*

**Table 5. Housing Values, Owner Occupied, 2000.**

<u>Housing Units</u>	<u>2000 Number</u>	<u>Percent</u>
Less than \$50,000	0	0.00%
\$50,000-\$59,999	20	2.04%
\$60,000-\$69,999	42	4.29%
\$70,000-\$79,999	42	4.29%
\$80,000-\$89,999	207	21.17%
\$90,000-\$99,999	72	7.36%
\$100,000-\$124,999	178	18.20%
\$125,000-\$149,999	153	15.64%
\$150,000-\$174,999	132	13.50%
\$175,000-\$199,999	46	4.70%
\$200,000-\$249,000	31	3.17%
\$250,000-\$299,000	32	3.27%
\$300,000 or more	23	2.35%
<b>Total</b>	<b>978</b>	<b>100.00%</b>
<b>2000 Median Value</b>	<b>\$114,900</b>	

*Source: 2000 US Census*

In 2000, Bordentown City's median gross rental cost was slightly lower than that of the County (\$736 v. \$758). See Table 6, Comparison of Bordentown City and Burlington County Monthly Rental Cost.

**Table 6. Comparison of Bordentown City and Burlington County,  
Monthly Rental Cost\*, 2000.**

<u>Monthly Rent</u>	<u>Bordentown City</u>	<u>Percent</u>	<u>Burlington</u>	<u>Percent</u>
\$0-\$99	0	0.00%	128	0.4%
\$100-\$149	0	0.00%	105	0.3%
\$150-\$199	0	0.00%	237	0.8%
\$200-\$249	0	0.00%	220	0.7%
\$250-\$299	4	0.52%	282	0.9%
\$300-\$349	0	0.00%	275	0.9%
\$350-\$399	11	1.44%	361	1.1%
\$400-\$449	7	0.91%	588	1.9%
\$450-\$499	26	3.39%	742	2.3%
\$500-\$549	21	2.74%	1,488	4.7%
\$550-\$599	101	13.19%	2,395	7.5%
\$600-\$649	81	10.57%	2,664	8.4%
\$650-\$699	54	7.05%	2,716	8.6%
\$700-\$749	108	14.10%	3,282	10.3%
\$750-\$799	88	11.49%	2,473	7.8%
\$800-\$899	150	19.58%	4,425	13.9%
\$900-\$999	82	10.70%	3,324	10.5%
\$1,000 to \$1,249	33	4.31%	3,824	12.0%
\$1,250 to \$1,499	0	0.00%	1,159	3.7%
\$1,500 to \$1,999	0	0.00%	811	2.6%
\$2000 +	0	0.00%	265	0.8%
<b>Total</b>	<b>766</b>	<b>100.00 %</b>	<b>31,764</b>	<b>100%</b>
<b>Median Rent</b>	<b>\$736</b>		<b>\$758</b>	

\*Includes only those units with cash rents.

Source: 2000 US Census

Bordentown City has zero (0) housing units that lack complete plumbing facilities and fourteen (14) units that are overcrowded (defined as having 1.01 or more persons per room); however, none of these units exhibit both characteristics.

### **General Population Characteristics**

The population of Bordentown City has been decreasing, at a higher rate each decade, since 1970. Most recently, from 1990 to 2000, the City lost 8.57% of the population. During this same time period, the County has grown significantly, albeit at a slower rate each decade, with the largest population increases occurring from 1970 to 1980 with a 12.2% population increase. The Delaware Valley Regional Planning Commission (DVRPC) indicates a population growth from 2000 to 2005 of 91 persons and projects a population growth of 249 persons for the City between 2005 and 2015. See Table 7, Population Growth.

Table 8, Age Distribution, indicates only moderate shifts in the distribution of age groups. Ages under five, fifteen through thirty-four, and fifty-five and older decreased in not only persons but also as a percent of the population. The age group forty-five through fifty four had the largest difference in persons as the age group grew from 448 persons (10.32%) in 1990 to 561 persons (14.13%) in 2000.

**Table 7. Population Growth 1990-2000.**

	<u>1980</u>	<u>Percent Change</u>	<u>1990</u>	<u>Percent Change</u>	<u>2000</u>	<u>Percent Change</u>
Bordentown City	4,441	-1.1%	4,341	-2.3%	3,969	-8.6%
Burlington County	362,542	12.2%	395,066	9.0%	423,394	7.2%

*Source: 1970, 1980, 1990, 2000 US Census*

**Table 8. Age Distribution, 1990 – 2000**

<u>Age Group</u>	<u>1990</u>	<u>Percent</u>	<u>2000</u>	<u>Percent</u>	<u>Percent Change</u>
Under 5	293	6.75%	200	5.04%	-1.71%
5-14	497	11.45%	468	11.79%	0.34%
15-24	561	12.92%	464	11.69%	-1.23%
25-34	818	18.84%	661	16.65%	-2.19%
35-44	681	15.69%	713	17.96%	2.27%
45-54	448	10.32%	561	14.13%	3.81%
55-64	401	9.24%	353	8.89%	-0.35%
65-74	359	8.27%	283	7.13%	-1.14%
75+	283	6.52%	266	6.70%	0.18%
<b>Total</b>	<b>4,341</b>	<b>100.00%</b>	<b>3,969</b>	<b>100.00%</b>	
<b>Median Age:</b>			<b>37.9</b>		

*Source: 1990 and 2000 US Census*

## **Household Characteristics**

A household is defined by the U.S. Census Bureau as those persons who occupy a single room or group of rooms constituting a housing unit; however, these persons may or may not be related. As a subset of households, a family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, all living in the same household. In 2000 there were 1,757 households in the City, with an average of 2.23 persons per household and an average of 2.93 persons per family. Approximately 39% of the households are comprised of married couples with or without children. A significant portion (43.65%) of the City's households are non-family households which include single individuals.

## **Income Characteristics**

Persons residing in the City of Bordentown have on average slightly lower incomes than in Burlington County as a whole. Median income in 2000 in Bordentown City was \$47,279 for households and \$58,608 for families. Comparable figures for the County were \$58,608 for households and \$67,481 for families. Table 9, Household Income by Income Brackets, further illustrates these findings by noting the number of families and households in each of the income categories.

**Table 9. Household Income by Income Brackets, 2000.**

<u>Income</u>	<u>Households</u>	<u>Percent</u>
Less than \$10,000	87	4.92%
\$10,000-\$14,999	121	6.85%
\$15,000-\$24,999	195	11.04%
\$25,000-\$34,999	251	14.20%
\$35,000-\$49,999	265	15.00%
\$50,000-\$74,999	435	24.62%
\$75,000-\$99,999	169	9.56%
\$100,000-\$149,999	171	9.68%
\$150,000-\$199,999	34	1.92%
\$200,000+	39	2.21%
<b>Total</b>	<b>1,767</b>	<b>100.00%</b>
<b>Median Household Inc.</b>	<b>\$47,279</b>	

*Source: 2000 US Census*

Within the City, 23.37% of all households have incomes of \$75,000 or more. Although the Census data does not provide a breakdown of household income by household size, based on COAH's Year 2000 median household income for the Burlington/Camden/Gloucester County region of \$40,460 for the smallest-sized household of one person, the moderate-income threshold for this household size was \$32,368 (80% of \$40,460). Using the household size of one person is a conservative

approach that represents a minimum threshold. Based on the high end of moderate income in 2000, potentially 37% of the City's households fell within COAH's definition of low<sup>3</sup> and moderate income. However, if there was a true correlation between household size and household income figures, it appears that the percentage of low and moderate income households in the City may be greater than 37%.

The percentage of persons and households below the poverty level, as defined by the 2000 U.S. Census, equates to 6.75% of all Bordentown City residents and 4.06% of persons in families. The City's number of individuals below the poverty level is higher than for Burlington County as a whole, who had 4.71% of County residents living below the poverty level in 2000.

### **Employment Characteristics**

Table 10, Distribution of Employment by Industry, shows the distribution of employment by industry for employed Bordentown City residents. The four industries to capture the largest segments of the population were the education, health and social services industry at 18.03%; retail trade industry at 14.18%; public administration industry at 10.61%; and the professional, scientific, management, administrative and waste management service industry at 10.08%.

Table 11, Employment by Occupation, identifies the occupations of employed persons. While Bordentown City residents work in a variety of industries, the data in Table 15 indicates that 33.72% of employed residents work in management, professional and related occupations; 29.92% are employed in sales and office occupations; and 18.21% are employed in service occupations.

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<sup>3</sup> Low income is defined as households earning 50 percent or less than median income.

**Table 10. Distribution of Employment by Industry, Employed  
Bordentown City Residents, 2000.**

<u>Sector Jobs</u>	<u>Number</u>	<u>Percent</u>
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0.00%
Construction	133	5.88%
Manufacturing	200	8.84%
Wholesale Trade	69	3.05%
Retail Trade	321	14.18%
Transportation and Warehousing, and Utilities	134	5.92%
Information	100	4.42%
Finance, Insurance, Real Estate, and Renting and Leasing	175	7.73%
Professional, Scientific, Management, Administrative, and Waste Management Services	228	10.08%
Education, Health and Social Services	408	18.03%
Arts, Entertainment, Recreation, Accommodation and Food Services	152	6.72%
Public Administration	240	10.61%
Other	103	4.55%
<b>Total</b>	<b>2,263</b>	<b>100%</b>

*Source: 2000 US Census*

**Table 11. Employment by Occupation, Bordentown City Residents, 2000.**

<u>Sector Jobs</u>	<u>Number</u>	<u>Percent</u>
Management, Professional, and Related Occupations	763	33.72%
Service Occupations	412	18.21%
Sales and Office Occupations	677	29.92%
Farming, Fishing, and Forestry Occupations	0	0.00%
Construction, Extraction, and Maintenance Occupations	192	8.48%
Production, Transportation, and Material Moving Occupations	219	9.68%
<b>Total</b>	<b>2,263</b>	<b>100.00%</b>

*Source: 2000 US Census*

## **POPULATION/HOUSEHOLD AND EMPLOYMENT PROJECTIONS**

Although affordable housing need is based on actual growth, a municipality must initially project anticipated residential and non-residential growth as part of its Third Round Housing Element. For the future growth share, municipalities are required to tally both residential and non-residential growth which occurs starting in January 1, 2004 and project anticipated growth through January 1, 2014.

Municipal projected growth must be compared with the metropolitan planning organization's ("MPO") population, household and employment projections from 2005 through 2015. The MPO for Burlington County is the Delaware Valley Regional Planning Commission ("DVRPC"). Municipal growth projections that are consistent with or exceed DVRPC's projections will have a presumption of validity in a petition before COAH.

### DVRPC/MPO Growth Projections (2005 – 2015)

DVRPC has completed employment and population projections for the City of Bordentown. The population of the City is expected to increase from 4,031 people to 4,280 people, an increase of 249 persons. To calculate the resulting number of households, 249 total persons were divided by the City's average household size of 2.23 persons, resulting in 112 new households projected during this time. COAH assumes that of the 112 new households projected, one of every nine will require affordable housing. To calculate growth share, COAH divides the number of projected new households or housing units by 9 to account for one affordable unit. Thus, the projected affordable housing requirement from 112 new housing units is 12.44 affordable units.

For employment, DVRPC projects that the number of jobs in Bordentown

City will increase by 39: from 2,200 jobs in 2005 to 2,239 jobs in 2015. COAH's rules require one affordable unit for every 25 new jobs developed. Therefore, DVRPC forecasts that Bordentown City's job growth will require the provision of 1.56 affordable units (39 jobs/25 jobs per affordable unit = 1.56 affordable units).

MPO Growth Share projections based on the DVRPC estimates equal 12.44 units from residential growth + 1.56 units from non-residential growth for a total of 14 units.

**➤ Total DVRPC/ MPO Growth Share = 14 total affordable units**

Municipal Growth Projections – Households and Employment (2004 – 2014)

As discussed in detail below, Bordentown City's municipal growth share projections are consistent with the DVRPC projections and thus have a presumption of validity in the City's Housing Element and Fair Share Plan petition before the Court. The municipal growth share projections analyzed the following data:

1. a review of the historic trends of residential and non-residential certificates of occupancy (co's) and demolitions from 1996 to 2003;
2. data on actual residential and non-residential co's and demolitions that occurred in 2004;
3. data on approved, pending and potential development applications that are anticipated to be built and occupied (issued a certificate of occupancy) by January 1, 2014, as well as approved, pending and potential demolition permits to be issued by January 1, 2014. Non-residential co's and demolitions must be presented by "use group."

The tables below present the required data.

Municipal Residential (Household/Housing) Projections

A review of the residential historic trends reveals that there were a limited number of housing units built in the City between 1996 and 2004. In this time period, there were two small-scale residential developments in the City – one was the senior housing complex at the Clare Estates which included a number of affordable housing units (to be discussed in detail below) and one was a condominium development (Kings Gate) that was built in two phases. When discounting for these two residential developments, the background residential growth in the City is an average of 2 – 4 units per year. See Table 13, Historic Trends of Residential Certificates of Occupancy and Demolition Permits.

Table 13. Historic Trends of Residential Certificates of Occupancy and Demolition Permits.

	'95*	'96	'97	'98	'99	'00	'01	'02	'03	'04	<b>Total</b>
CO's issued		4	4	4	9	19	2	2	24	8	<b>76</b>
Demolitions		1	0	0	2	1	0	0	0	1	<b>5</b>
Net		3	4	4	7	18	2	2	24	7	<b>71</b>

\*data for 1995 is not available

Source: The New Jersey Construction Reporter, Division of Codes and Standards, NJ Department of Community Affairs, July 2005.

The City projects that the existing trend of a net average of eight (8) new residential units a year will continue during the third round from January 1, 2004 through January 1, 2014. This projection is based on the small number of residential developments presently under construction and the approved and potential residential development that is anticipated to be built and occupied by January 1, 2014. See Table 14 below for details. The City anticipates two residential developments, the Third Street Inclusionary Zone and the Third Street/Ann Street

Redevelopment Area Inclusionary Zone to generate approximately 35 residential units which will include a 20% setaside for affordable units. Other projected residential development consists of potential single lot in-fill development, as well as the potential conversion of vacant non-residential buildings to residential use. According to COAH's Third Round Handbook, "If a non-residential building is converted to a residential use and certificates of occupancy are issued, these residential certificates of occupancy will generate a growth share obligation"<sup>4</sup>.

Table 14. Under Construction, Approved and Potential Residential Development  
Anticipated to be Built and Occupied by January 1, 2014.

Block	Lot	Status	Units	Name/Developer	Location	Notes
1501	39	u.c.	1	residence at mini stor.	Route 206	
1101	2	u.c.	4	I & J Builders	Railroad Ave.	
1701	4	approved	3	Singer & Koretsky	Third Street	
204	37	approved	1	Skopas	520 Oliver*	demo exist/build new
204	40	approved	1	Illuminate	Oliver Street	DEP buffer req.
1601	7	approved	4	Boston & Wells	Park & Second	
1104	4	approved	1	Haverford Assoc.	8 Mary Street	
605	18	approved	1	Evenson	Burlington/Farnsworth	
1101	5	potential	20	Redevelopment Zone	Third/Ann Streets	inclusionary zoning
902	20	potential	15	Third Street Zone	Third Street	inclusionary zoning
var.	var.	potential	29	potential	various	
<b>Total</b>			<b>80</b>			

\*Net new unit is zero.

Source: Bordentown City Planning Department, June 2005.

<sup>4</sup> The COAH Handbook: Your Guide to Navigating the Third Round Rules," undated, page 30.

Below, Table 15, Net Residential Growth (Sum of Actual and Projected Growth), indicates the total residential growth known and anticipated less the known and anticipated demolition permits for the net anticipated growth from 2004 through January 1, 2014. A net total of 87 residential units are anticipated to be built or converted and occupied by January 1, 2014

Table 15. Net Residential Growth (Sum of Actual and Projected Growth)

	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total
Total CO's	8	5	10	3	8	16	13	5	12	9	89
Total Demo.	1	0	1	0	0	0	0	0	0	0	2
Net Total	7	5	9	3	8	16	13	5	12	9	87

As per COAH's substantive rules, *NJAC* 5:94-2.4, a proportion of market rate units from inclusionary developments included in a certified second round fair share plan that receive a certificate of occupancy after January 1, 2004 shall be excluded from creating a growth share obligation. There are no unbuilt second round inclusionary developments in the City.

As discussed above, the DVRPC/MPO growth share projection resulting from new residential units is calculated by dividing the net total residential growth projection by nine. COAH's substantive rules state that for every eight market units issued a certificate of occupancy from January 1, 2004 through January 1, 2014, one affordable unit must be provided. However, the total net residential growth includes a small portion of future affordable units as a large portion of the City's cumulative (1987-2014) affordable housing obligation will be addressed through existing affordable residential units and also via rental bonuses. Thus, to accommodate the existing credits and bonuses, the total net residential growth will be divided by eight instead of nine (as permitted by COAH) to ensure a more conservative approach by the City in addressing actual third round anticipated and potential growth. Table 16

below, Affordable Housing Units Generated from Residential Growth, illustrates this and provides per year and total projected growth share from residential development. The total projected growth share from the municipal projected residential development is 10.88 units.

Table 16. Affordable Housing Units Generated from Residential Growth.

	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	<b>Total</b>
Total Net Res. Growth	7	5	9	3	8	16	13	5	12	9	<b>87</b>
Growth Share	.875	.625	1.125	.375	1.0	2.0	1.625	.625	1.5	1.125	<b>11</b>

### Municipal Employment Projections

Bordentown City has experienced very little nonresidential growth in the last decade. As shown on Table 17, Non-Residential Historic Development Trends Based on Certificates of Occupancy (1996 – 2004), just a few certificates of occupancy were issued for non-residential development over the past nine years, totaling less than 115,000 square feet. According to the City's Construction Official, each of the co's represents an expansion of an existing non-residential facility in the City – an expansion at a school, community center, car dealership and the Ocean Spray plant. The City's Construction Official reviewed the DCA data on non-residential co's in 2004 and revised the DCA data by adding a co issued in 2004 for 7,500 square feet ("sq.ft.") of storage space.

The City anticipates limited additional non-residential development, mainly focused on small expansions of existing businesses and on a few vacant parcels along the Route 130/206 corridor (much of which actually falls within the municipal borders of Bordentown Township). As shown on Table 18, Known and Potential Non-Residential Development Projected to be Built and Occupied by January 1, 2014,

a total of three (3) affordable units are anticipated to be generated by the known and projected non-residential square footage.

Table 17. Non-Residential Historic Development Trends Based on Certificates of Occupancy (1996 – 2004)

COAH Land Use	Sq. Ft. Per Affordable	1996 sq. ft.	1997 sq. ft.	1998 sq. ft.	1999 sq. ft.	2000 sq. ft.	2001 sq. ft.	2002 sq. ft.	2003 sq. ft.	2004 sq. ft.	TOTAL sq. ft.	Aff. Hsg. Req'd (2004)
Office	8,333	o	o	o	o	o	o	o	o	o	o	o
Retail	25,000	o	o	o	o	o	o	o	o	o	o	o
Concert A1	12,500	o	o	o	o	o	o	o	o	o	o	o
Restaurant A2	8,333	o	o	o	o	o	o	o	o	o	o	o
Assembly A3	8,333	o	o	o	o	o	o	o	o	o	o	o
Arena A4	8,333	o	o	26,918	o	o	o	o	o	o	26,918	o
Stadium A5	excluded	o	o	o	o	o	o	o	o	o	o	o
Hotel	31,250	o	o	o	o	o	o	o	o	o	o	o
Education	25,000	23,816	o	o	o	o	o	o	o	o	23,816	o
Factories	12,500	o	o	o	o	o	o	o	o	o	o	o
Hazardous	25,000	o	o	o	o	o	o	o	o	o	o	o
Institutional	12,500	o	o	o	o	o	o	o	o	o	o	o
Warehouse	125,000	o	o	o	o	o	55,025	o	o	7,500	62,525	o.o6
Misc.	excluded	-	-	-	-	-	-	-	-	-	excluded	-

Source: The New Jersey Construction Reporter, Division of Codes and Standards, NJ Department of Community Affairs, July 2005. Year 2004 data reviewed and corrected by the Bordentown City Construction Official – July 2005.

Table 18, Known and Potential Non-Residential Development Projected to be Built and Occupied by January 1, 2014

Bl.	Lot	Date		Bldg Area (sf)	Bldg Use Group	B Office	S Wrhse	Assembly	M Retail	Developer
		status	CO			(sf)	(sf)	(sf)	(sf)	
1501	39	u.c.		84,950	S – Stor.	1,600	83,350			Self- Storage (206)
404	3	u.c.		10,550	A-3 library			10,550		Library Expansion
1404	15	app'd		14,663	M - retail				14,663	Primost
var.	var.			10,000	M-retail				10,000	potential

<b>Totals</b>	<b>120,163</b>	<b>1,600</b>	<b>83,350</b>	<b>10,550</b>	<b>24,663</b>
Affordable Housing Ratio		1/8333 sf	1/125,000 sf	1/8333 sf	1/25,000 sf
<b>Affordable Housing Generated</b>		<b>0.19</b>	<b>0.67</b>	<b>1.26</b>	<b>0.99 = 3.11</b>

In summary, the Municipal Growth Share projections estimate 10.88 affordable units from residential growth + 3.17 (0.06 in 2004 plus 3.11 from 2005 through January 1, 2014) affordable units from non-residential growth for a total of 14 affordable units.

**➤ Total Municipal Growth Share = 14 total affordable units**

Comparison of the DVRPC/MPO and Municipal Growth Projections

Using DVRPC's household and employment projections, Bordentown City's affordable housing growth share for the period January 1, 2004 through January 1, 2014 is 14 affordable units. Based on a review of the known and potential residential and non-residential development anticipated to be built and occupied by January 1, 2014, Bordentown City calculated that 14 affordable housing units are anticipated to be generated within the City's Third Round time period, thereby confirming the DVRPC/MPO projections.

Thus, Bordentown City's municipal population and employment projections shall be granted a presumption of validity since they are consistent with DVRPC's combined population and employment projections. Pursuant to *NJAC* 5:95-4.3, "Municipal growth projections in a Housing Element and Fair Share Plan that are consistent with the projections provided pursuant to *NJAC* 5:94-2.2(b)4 shall have a presumption of validity in a petition for substantive certification. To rebut the presumption of validity, objectors shall have the burden of proof to demonstrate by clear and convincing evidence that the municipal growth projections are invalid and will not result in a realistic opportunity for the provision of low- and moderate-income housing within the housing region."

As seen below in Table 19, Total Projected Affordable Housing Obligation Bordentown City's growth share obligation for the 2004 through 2014 Third Round time period is 14 units that are anticipated to be generated fairly evenly over the Third Round.

Table 19. Total Projected Affordable Housing Obligation.

	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total
Residential	.875	1.125	1.125	1.125	1	1.125	1.125	1.125	1.125	1.125	11
Nonresidential	0	0	2.12	0	0	0	0.20	0.59	0.20	0	3
Total	.875	1.125	3.25	1.125	1	1.125	1.325	1.715	1.125	1.125	14

### **THIRD ROUND AFFORDABLE HOUSING PLAN**

In summary, the Third Round Affordable Housing Obligation consists of three parts: a Rehabilitation Share (see Appendix C - *NJAC* 5:94), a Prior Round Obligation (see Appendix C - *NJAC* 5:94) and, as discussed in detail above, a Third Round Growth Share. Bordentown City's Third Round Affordable Housing Obligation is as follows:

1. Rehabilitation Share – 0
2. Prior Round Recalculated – 31
3. Growth Share – 14 (based on DVRPC's projections, confirmed and verified based on the City's projection of actual and anticipated growth through January 1, 2014.)

The City will address the combined Third Round Affordable Housing Obligation of 45 affordable units with existing age-restricted affordable units, proposed new non-age-restricted affordable units, inclusionary zoning on two sites and eligible rental bonuses.

## **REHABILITATION SHARE**

The rehabilitation share is the number of existing substandard housing units in a municipality that are occupied by low or moderate income households, as determined by COAH through an analysis of the 2000 Census. COAH utilized an aggregate of four Census-reported characteristics in determining the number of units required to be rehabilitated: over-crowding; older housing units built before 1939; incomplete plumbing facilities and incomplete kitchen facilities. COAH determined that the rehabilitation share for Bordentown City is zero (0) units. Thus, the City does not propose a rehabilitation program as part of this Plan.

## **PRIOR ROUND OBLIGATION**

The Prior Round Obligation is a municipality's adjusted Second Round new construction component brought forward to the Third Round. COAH determined that the City's Prior Round Obligation is 31 affordable units. COAH permits new construction credits and bonuses addressing a First or Second affordable housing obligation to be used to address the Prior Round Obligation.

In addition, COAH requires that the formulas for determining the maximum number of age-restricted affordable units, the minimum number of affordable rental units and the maximum number of regional contribution agreement ("RCA") units be recalculated using Third Round numbers as shown below:

- Maximum Prior Round Senior Cap (*NJAC* 5:93-5.14) -  
.25 [(prior round recalculated + rehabilitation share) – prior cycle credits – rehabilitation share - 20% cap – 1,000 unit cap) =  
.25 ((31 + 0)-0-0-0-0) = 7.75, rounded up to **8 units**

- Minimum Prior Round Rental Component (*NJAC 5:93-5.15*) –  
.25 [(prior round recalculated + rehabilitation share) – prior cycle credits –  
20% cap – 1000 unit cap – rehabilitation share] =  
.25 ((31 + 0) - 0 - 0 - 0) = 7.75, rounded up to **8 units**
- ✓ A prior round rental unit available to the general public receives one rental bonus;
  - ✓ A prior round age-restricted rental unit receives a 0.33 rental bonus, but no more than 50 percent of the prior round rental component shall receive a bonus for age-restricted units; and
  - ✓ No rental bonus is granted in excess of the prior round rental component.
- Maximum Prior Round RCA (*NJAC 5:93-6.1(a)1*) –  
.5 [(prior round recalculated + rehabilitation share) – prior cycle credits –  
rehabilitation share - 20% cap – 1,000 unit cap] =  
.5 ((31 + 0) - 0 - 0 - 0) = 15.5, rounded down to **15 units**

The City will address the 31-unit Prior Round obligation with existing age-restricted and existing and proposed non-age-restricted affordable units at Clare Estates and with proposed non-age-restricted affordable units required via proposed inclusionary zoning on two sites and eligible Second Round rental bonuses.

Clare Estates – age-restricted and non-age-restricted affordable units

Although the City did not previously receive substantive certification from COAH or a Judgment of Repose from the Court in the First or Second Round, the City had previously addressed a portion of its prior affordable housing obligation. A total of 42 age-restricted affordable units were provided as part of the reconstruction of, and addition to, the former Poor Clare Monastery into a continuing care retirement center consisting of a total of 137 assisted living units (both market-rate and affordable) and the new construction of an independent living court area for independent affordable senior rental units. Community Investment Strategies, Inc., received federal and state financing, including federal low-income housing tax credits

and historic tax credits, for the age-restricted development now known as the Clare Estates. Located at the corner of Crosswicks and Lafayette Streets in the City, Clare Estates encompasses a 9-acre tract (Block 1404/Lot 24 – see map of tract).

As noted above, COAH's Prior Round rules limit the number of age-restricted units that may address a municipality's total affordable housing obligation. At this time, the City is eligible to receive credit for eight (8) age-restricted affordable rental units against the 31-unit Prior Round Obligation. The 8 existing credits leave a Prior Round shortfall of 23 units [the City purposefully did not request rental bonuses for the age-restricted rentals as non age-restricted rentals are proposed that will maximize the eligible rental bonuses.]

The 23-unit Prior Round shortfall will be addressed with new non-age-restricted units created at Clare Estates that are eligible for Prior Round rental bonuses pursuant to *NJAC 5:93-5.15*. As detailed in a letter dated August 17, 2005, the owner of Clare Estates – Community Investment Strategies – will set aside 10% or 13 of their total 137 reconstructed/new units for non-age-restricted supportive housing for people with disabilities – targeting individuals with multiple sclerosis and the visually impaired (see attachment C). Both the federal and state fair housing law permit 10 percent of the total units in an age-restricted development to be set aside for a non-age-restricted population.

The 13 total non-age-restricted supportive housing units would be located in both the newly constructed independent living court area (6 units) on the site as well as in the reconstructed former Monastery portion (7 units) of the site. Of the 6 non-age-restricted units in the independent living court area, one (1) non-age-restricted affordable unit currently exists and the remaining five (5) non-age-restricted affordable units will be created by 2008. The 7 units in the Monastery are vacant and are available immediately.



BURLINGTON COUNTY

# Clare Estates

Bordentown City, Burlington County, NJ October 2005

50 25 0 50 100 150 Feet



Clarke Caton Hintz



Architects

Planners

Landscape Architects

The Clare Estate's non-age-restricted supportive housing proposal addresses both COAH's Second Round rules at *NJAC* 5:93-5.5 and COAH's Third Round rules at *NJAC* 5:94-4.6 as some of the units will address the remaining Prior Round obligation as well as addressing the Third Round Growth Share. However, to be clear, COAH's rules, at *NJAC* 5:94-1.2(d)2, specifically permit "a municipality's remaining balance of the prior rounds portion of any affordable housing obligation previously assigned by the Council for the 1987 through 1999 cumulative period shall be governed by the provisions of *NJAC* 5:93." Thus, Clare Estate's non-age-restricted supportive housing units addressing the Prior Round remaining balance, are eligible for a full Second Round rental bonus of 1.0 for each non-age-restricted rental unit per *NJAC* 5:93-5.15.

COAH's Second Round rules, at *NJAC* 5:93-5.5, and Third Round rules, at *NJAC* 5:94-4.6, are addressed as follows:

✓Site Control - Community Investment Strategies owns and manages Clare Estates.

✓Administrative Entity - Community Investment Strategies is an experienced owner and manager of hundreds of affordable units across the state. The non-age-restricted affordable units are governed by the Federal Low-Income Housing Tax Credit regulations under Section 42 of the IRS Code, thus, the Uniform Housing Affordability Controls per *NJAC* 5:80-26 are not applicable.

✓Funding - Community Investment Strategies received HMFA bond financing, federal low-income housing tax credits, and historic tax credits to build and reconstruct Clare Estates.

✓Timing – The certificate of occupancy for Clare Estates was issued in 2000/2001. In the independent Court area, one (1) non-age-restricted affordable unit currently exists and the remaining five (5) non-age-restricted affordable units will be created by 2008. The 7 units in the Monastery are vacant and are available immediately.

✓Low/Moderate Income Split – As with the age-restricted affordable units at Clare Estates, the 13 non-age-restricted units are governed by the low-income tax credit regulations and are thereby exempt from COAH's low/moderate-income

split per *NJAC* 5:93-7.2 and *NJAC* 5:94-4.18.

### Inclusionary Zoning

To address the balance of the Prior Round Obligation, the City proposes two inclusionary zones - Third Street Inclusionary Zone and Third Street/Ann Street Redevelopment Area Inclusionary Zone - with a 20% affordable housing setaside projected to achieve 7 total affordable units. Before discussing each zone or tract individually, both tracts will be described in terms of overall compliance with COAH's rules on inclusionary zoning, per *NJAC* 5:94-4.4, 4.5, 4.18 and 4.21.

Both tracts are suitable as defined in COAH's regulations at *NJAC* 5:94-1.4 "Suitable Site". Neither tract has encumbrances which preclude the development of affordable housing, both are adjacent to residential land uses and other compatible land uses, each tract has access to appropriate streets and water and sewer infrastructure, both tracts can be developed consistent with the Residential Site Improvement Standards and all other state regulations such as the Department of Environmental Protection ("DEP"), each tract is located in Planning Area 2 of the State Development and Redevelopment Plan (the County's cross-acceptance report does not propose a change to the PA2 designation).

The inclusionary zoning on each of the two tracts would require compliance with the phase-in of affordable units and the integration of affordable units with the market-rate units within the overall inclusionary development. The City's inclusionary zoning would require that the developer of the units contract with an experienced administrative entity to fully administer the affordable units in accordance with the Uniform Housing Affordability Controls at *NJAC* 5:80-26 for the 30-year affordability control period. The administrative entity would affirmatively market the affordable units with a priority to households that live or work in the

region (Burlington, Camden and Gloucester Counties). Lastly, each inclusionary development will have a low/moderate income split (per NJAC 5:94-4.18) whereby at least half of the units will be reserved for low-income households and will have an appropriate bedroom distribution. [NJAC 5:94-4.4 and NJAC 5:80-26] If townhouses are provided, ten percent must be handicapped accessible in accordance with NJAC 5:94-4.21.

*Third Street Inclusionary Zone* – This proposed inclusionary zoning would permit a total of 15 dwelling units of which 3 would be low and moderate income units. The tract (Block 902/Lot 20 and a portion of Lot 23) is located along Third Street, just off of Park Street, and consists of approximately two acres (see map of tract). The site is presently zoned R-3 Residential which permits 8 dwelling units/acre. A portion of the tract is currently used as an off-site parking area which is required by variance (see attachment D) to provide off-street parking for office buildings across Third Street (Block 1701/Lots 1, 2 and 3), as well as some adjacent residential properties. The parking lot is underutilized and is in generally fair to poor condition.

The concept for the proposed inclusionary zoning is to permit a development of attached dwellings along a newly created alley off of Third Street that would serve as vehicular access for not only the newly created residences but also for existing residences that front Park Street. In addition, it is hoped that the parking area would be more efficiently used to potentially permit off-street parking for residences that front Thompson Street and back-up to this tract. On-street parking is always at a premium in a densely-developed municipality, so this proposed alley would allow Park Street homes to access the rear of their lots for off-street parking opportunities. Ultimately, the City hopes to have the alley stretch from Third Street to Second Street, but that proposal would require further planning efforts in the future and is not part of this Plan. A draft of the City's proposed zoning ordinance for the Third Street Inclusionary Zone is included as attachment E.



Aerial Photo Source: State of New Jersey, Office of Information Technology New Jersey 2002 High Resolution Orthophotography captured during February-April, 2002

BURLINGTON COUNTY

## Third Street Inclusionary Zone

Bordentown City, Burlington County, NJ October 2005

30 15 0 30 60 90 Feet



Clarke Caton Hintz



Architects

Planners

Landscape Architects

*Third/Ann Streets Redevelopment Site Inclusionary Zone* – This proposed inclusionary zoning would permit a total of 20 dwelling units of which 4 would be low and moderate income units as part of a redevelopment area. The tract (Block 1101/Lot 5) is located along Third Street, southwest of the intersection with Ann Street, and consists of approximately 0.9 acres (see map of tract). The site is presently zoned R-3 Residential which permits 8 dwelling units/acre. The tract is currently occupied by an existing series of buildings and structures occupied by mixed uses of both a non-residential (offices, storage) and residential nature. Some of the buildings are vacant. The tract is surrounded by residential uses except across Third Street where non-residential buildings extend along Ann Street, predominantly on the north side of Ann Street, adjacent to an existing railroad line.

The City Commissioners previously authorized the Bordentown City Planning Board to undertake a preliminary investigation to determine whether several areas in the City qualify as a redevelopment area in accordance with the criteria set forth in *N/SA 40A:12A-5* of the Redevelopment and Housing Law. The Board did adopt a preliminary investigation dated October 2004. The Preliminary Investigation of Areas in Need of Redevelopment identified a number of areas, one of which was the Third Street-Ann Street Area. This area includes the tract proposed for inclusionary zoning as well as adjacent tracts which run the length of Ann Street to an existing, vacant industrial building at the corner of Ann and Spring Streets. The Preliminary Investigation concludes that “This concentration of former and current industrial buildings is surrounded by residential neighborhoods.... As a town center, the City would benefit from redeveloping the dwellings to fit into the surrounding residential neighborhood. Designating this area for redevelopment that is more compatible with the residential neighborhoods would meet criteria h. (smart growth principles).”



30 15 0 30 60 90 Feet



BURLINGTON COUNTY

# Redevelopment Site Inclusionary Zone

Bordentown City, Burlington County, NJ October 2005

Clarke Caton Hintz

Architects

Planners

Landscape Architects



The Redevelopment Statute requires a multi-step process that must be adhered to in order for the municipal governing body and planning board to exercise those powers lawfully. This process is outlined below.

- (1) The governing body must authorize the planning board, by resolution, to undertake an investigation of the delineated area to determine whether it meets the criteria set forth in sections 5 of P.L. 1992, c.79 (C.40A:12A-5).
- (2) The planning board must then prepare and post a map showing the boundaries of the area and the location of the various parcels therein. The Map must also include a statement setting forth the basis for the investigation.
- (3) The planning board must conduct a preliminary investigation and hold a duly noticed public hearing in order to discuss the findings of the investigation and to hear persons who are interested in or would be affected by the contemplated action. The results and recommendations of the hearing are then referred to the governing body in the form of a planning board resolution for formal action.
- (4) Upon receipt of the recommendation from the planning board, the governing body may act to adopt a resolution designating the area in question, or any part thereof, as an area in need of redevelopment.
- (5) Upon designation, the planning board or redevelopment entity is then required to prepare a redevelopment plan, which establishes the goals and objectives of the municipality and outlines the actions to be taken to accomplish these goals and objectives.
- (6) The redevelopment plan, after review by the planning board, is referred to the governing body.
- (7) Upon receipt of the redevelopment plan from the planning board, the governing body may act to adopt the plan by ordinance. The adopted redevelopment plan may become an amendment to the municipality's zoning district map and zoning ordinance or may be treated as an overlay to existing zoning.

At the completion of this public process, a municipality is able to exercise the powers granted under the Redevelopment Statute.

Bordentown City has received a State grant to prepare a Redevelopment Plan. The next step in the City's redevelopment planning is to hire a consultant to prepare the Redevelopment Plan which will include zoning ordinances to effectuate this inclusionary zoning on the Third/Ann Streets Redevelopment Site. The Redevelopment Plan zoning will have specific use, bulk and design details for a redeveloper of the site, including the requirement of 20% affordable housing. In the meantime, before the Redevelopment Plan (Zoning Ordinance) is prepared, an initial draft of the City's proposed inclusionary zoning for the Third/Ann Streets Redevelopment Site is included as attachment E.

Prior Round Obligation Summary

In summary, the City addresses the 31-unit Prior Round Obligation as follows:

➤ Clare Estates age-restricted affordable rentals:	8
[29 remaining age-restricted units, capped at 8 in Prior Round]	
➤ Clare Estates non-age-restricted rentals:	8
[8 of 13 total non-age-restricted affordable units proposed]	
➤ Prior Round rental bonuses on non-age-restricted units (max.):	8
➤ New non-age-restricted affordable sales or rentals:	7
[Proposed Third Street Inclusionary Zoning – 3 units]	
[Proposed Redevelopment Site Inclusionary Zoning – 4 units]	
<b>TOTAL</b>	<b>31</b>

## **GROWTH SHARE OBLIGATION**

Bordentown City must address the 14-unit DVRPC/MPO growth share projection, as confirmed through the City's own municipal growth projections of known and potential development that may be built and occupied between January 1, 2004 and January 1, 2014. COAH's Third Round regulations (*NJAC 5:94 et seq.*) must be utilized in addressing the Growth Share Component.

The Third Round Growth Share formulas for determining the maximum number of affordable age-restricted (or senior) units, the minimum number of affordable rental units and the maximum number of RCAs are shown below:

- Maximum Third Round Senior Cap (*NJAC 5:94-4.19*):  
    .5 (growth share obligation – proposed third round RCAs) =  
    .5 (14-0) = **7 units**
  - ✓ This assumes zero RCAs would be transferred to address the third round growth share.
- Minimum Third Round Rental Component (*NJAC 5:94-4.20*):  
    .25 (growth share obligation) =  
    .25 (14) = 3.5 units, rounded up to **4 units**
  - ✓ Rental bonuses only apply to rental units that exceed the third round rental component.
  - ✓ Age-restricted rental units are not eligible for rental bonuses to address the third round growth share.
  - ✓ Not more than 50 percent of the third round rental obligation may be met with age-restricted units.
- Maximum Third Round RCA (*NJAC 5:94-5.1(a)*):  
    .5 (growth share obligation) = .5 (14) = **7 units**

It should be noted that these minimum and maximum numbers are, to some extent, moving targets. COAH's rules require Progress Reports in 2008, 2010 and 2013 to analyze the amount of actual growth with the Plan's projections. Thus, if the Growth Share increases due to unforeseen development, the minimum rental

obligation, maximum number of age-restricted housing and the maximum number of permitted RCAs would increase.

The City will address the 14-unit projected Growth Share Obligation with existing excess age-restricted and proposed non-age-restricted affordable rental units at Clare Estates and eligible Third Round rental bonuses.

Clare Estates – age-restricted and non-age-restricted affordable units

As discussed in detail above, the 137-unit Clare Estates continuing care center included 42 affordable units, preliminarily all 42 were age-restricted affordable units. The owner of Clare Estates has agreed to convert 13 of the 42 units into non-age-restricted units as permitted under state and federal fair housing laws, and as permitted by HMFA which funded the 2000/2001 construction and reconstruction at Clare Estates. Of the 29 remaining age-restricted affordable units at Clare Estates, 8 age-restricted units addressed a portion of the City's Prior Round Obligation, thus, leaving a balance of 21 age-restricted affordable units. As noted above, COAH's new Third Round regulations permit a municipality to address up to half of its Growth Share Obligation with age-restricted affordable units – or 7 of the 14-unit Growth Share Obligation may be addressed with age-restricted units. Therefore, an additional 7 existing age-restricted affordable units at Clare Estates will address half of the City's Third Round Obligation, including half of the required 4-unit Third Round rental component.

In addition, the Clare Estate's non-age-restricted supportive housing proposal of 13 units addressed 8-units of the City's Prior Round Obligation, with the balance of 5 non-age-restricted units addressing the City's Third Round Growth Share. These 5 non-age-restricted units proposed at Clare Estates will address half of the required 4-unit Third Round rental component, with the balance of 3 non-age-restricted units eligible for a Third Round rental bonus pursuant to *NJAC 5:94-4.20*.

### Growth Share Obligation Summary

In summary, the City addresses the 14-unit projected Growth Share Obligation with 15 units and bonuses as follows:

➤ Clare Estates age-restricted affordable rentals (maximum):	7
[balance of 21 excess age-restricted units, cap'd at 7 in Third Round]	
[2 age-restricted rentals address half Third Round rental comp.]	
➤ Clare Estates non-age-restricted rentals:	5
[balance of 5 of 13 total non-age-restricted affordable units]	
[2 non-age-restricted rentals address half Third Round rental comp.]	
➤ Third Round rental bonuses on non-age-restricted units:	3
[on 3 of 5 Third Round non-age-restricted affordable rental units]	
<b>TOTAL</b>	<b>15</b>
<b>Surplus</b>	<b>1</b>

The City's one-unit surplus will be utilized to address a future growth share obligation, either as part of unanticipated Third Round growth or any potential Fourth Round Growth Share.

### **DEVELOPMENT FEE ORDINANCE AND SPENDING PLAN**

Bordentown City adopted a development fee ordinance (per NJAC 5:93 et seq.) on May 10, 2004. On May 12, 2004, Judge Sweeney approved the City's development fee ordinance subject to the approval of COAH. On June 24, 2004, COAH approved Bordentown City's development fee ordinance, making the ordinance fully effective. COAH was the last party to execute the City's tri-party Escrow Agreement which governs the City's affordable housing trust account.

As of the date of this report, the City had not collected any development fees. COAH's third round regulations require that the City prepare a Spending Plan (per NJAC 5:94-6.2(c)). As detailed in the Spending Plan (see attachment F), the City

projects that approximately \$51,000 will be collected over the third round period (January 1, 2004 through January 1, 2014). These funds will help the City address their affordable housing compliance mechanisms. Bordentown City will expend 20% of collected development fees for administrative purposes in preparing and implementing the City's Third Round Plan. Also, the City will utilize development fees for affordability assistance at the required rate of 30% of fees collected per *NJAC* 5:94-6.12.

As the City's Plan addresses its housing obligation with affordable units that were previously awarded tax credit funding, as well as with inclusionary zoning, there is no requirement for a municipal resolution of intent to bond to fund any compliance mechanism, per *NJAC* 5:94-4.2(a) 1.

## **FAIR SHARE ORDINANCES AND AFFIRMATIVE MARKETING**

The City of Bordentown will prepare a Fair Share Ordinance as referenced in COAH's rules, at *NJAC* 5:94-7.3, and in accordance with the Uniform Housing Affordability Controls at *NJAC* 5:80-26.15. Generally, the Fair Share Ordinance will govern the establishment of affordable units in the City, as well as regulating the occupancy of such units. The City's Fair Share Ordinance covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification, etc.

The City of Bordentown will prepare an affirmative marketing plan as referenced in COAH's rules, at *NJAC* 5:94-7.3, and in accordance with the Uniform Housing Affordability Controls at *NJAC* 5:80-26.15. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups to the affordable housing units in the municipality.

As permitted by COAH, the City's affirmative marketing plan will be established by ordinance to provide an occupancy preference to low and moderate income households that reside or work in the municipality's housing region which consists of Burlington, Camden and Gloucester Counties.

The affirmative marketing plan must be adhered to by all private, non-profit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. The costs of implementing the affirmative marketing plan (i.e., the costs of advertising the affordable units, etc.) are the responsibilities of the developers of the affordable units. This requirement is included in the City's fair share ordinances and shall be a condition of any municipal development approval.

## **PROGRESS AND MONITORING PERIODS**

In accordance with *NJAC* 5:94-9, Bordentown City shall complete annual monitoring reports and submit them to COAH as required. Additionally, on the third, fifth and eighth anniversaries of submitting the Third Round petition to COAH, Bordentown City shall prepare a Progress Report that reviews the City's pro-rated municipal growth share projections with the actual growth that occurred in the municipality in that time period. These three progress reports (due to COAH in 2008, 2010 and 2013) will assess the number of affordable housing units or credits constructed or provided with the number of affordable units required by virtue of the obligation triggered by the actual growth in that time period. Should this comparison conclude that there is a 10% or greater shortfall in the provision of affordable units, the City will amend the Housing Element and Fair Share Plan to provide the additional necessary affordable units.

COAH's procedural rules, at *NJAC* 5:95-9.2, require that the municipality provide public notice of each of the three municipal progress reports, as well as

COAH's review of the progress reports.

## **INITIAL PLAN ENDORSEMENT – STATE PLANNING COMMISSION**

One consequence of the filing of a petition for substantive certification is the requirement that Bordentown City receive initial plan endorsement from the State Planning Commission (see *NJAC* 5:94-2.3(c) and *NJAC* 5:95-9.4). Initial plan endorsement is in effect an approval from the State Planning Commission that the municipality's adopted land use and other master plan elements are consistent with the State Development and Redevelopment Plan. Initial plan endorsement is required within three years of the filing of a petition for substantive certification. As the City must file their Housing Element/Fair Share Plan petition with the Courts no later than December 20, 2005, initial plan endorsement from the State Planning Commission will be required no later than December 20, 2008. Since initial plan endorsement is likely to be a year long process, the municipality would need to file the application for initial plan endorsement by late 2007.

## **SUMMARY**

Through this Housing Plan Element and Fair Share Plan, the City of Bordentown has addressed both the 31-unit Prior Round affordable housing obligation and the new 14-unit Third Round Growth Share Component. The City's municipal growth share projections are consistent with the DVRPC/MPO Third Round employment and population projections, thus providing the City's Housing Plan Element and Fair Share Plan a presumption of validity in accordance with *NJAC* 5:94-2.3 and *NJAC* 5:95-4.3.

As required by Court Order, the City of Bordentown will submit this Plan, once adopted, accompanied by a petition for judicial approval to the Superior Court

no later than December 20, 2005. The City will seek Court approval of a Judgment of Repose that would bar exclusionary zoning litigation for a period of time that may extend to December 20, 2015 or more specifically for a period of ten years beginning on the date that the City files its petition with the Court in accordance with the Fair Housing Act (*NJSA* 52:27D-313) and as permitted in COAH's procedural rules at *NJAC* 5:95-5.3(b).

## **Attachment A**

FILED WITH THE COURT

NOV - 8 2001

HON. JOHN A. SWEENEY, A.J.S.C.

File No. 09312-0011

Law Offices  
**PARKER, McCAY & CRISCUOLO, P.A.**  
Three Greentree Centre, Suite 401  
Route 73 & Greentree Road  
P.O. Box 974  
Marlton, NJ 08053  
(856) 596-8900  
Attorneys for Petitioner City of Bordentown

**IN THE MATTER OF THE  
APPLICATION OF THE CITY OF  
BORDENTOWN, A Municipal  
Corporation of the State of New Jersey,**

Petitioner,

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
BURLINGTON COUNTY  
DOCKET NO. *Bur L 003268-01*

Civil Action  
(Mount Laurel)

**JURISDICTIONAL AND  
PROTECTIVE ORDER**

**THIS MATTER** having been opened to the Court by the Petitioner City of  
Bordentown ("Petitioner") upon the filing of a Complaint for Declaratory Judgment pursuant  
to N.J.S.A. 52:27D-313, and for good cause shown,

IT IS on this 8 day of November, 2001

**ORDERED AND ADJUDGED** as follows:

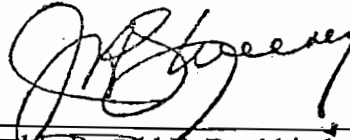
1. Petitioner shall remain under the Court's jurisdiction to ensure and verify compliance with its current and third housing cycle affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA").

2. Petitioner shall submit a third cycle Housing Element and Fair Share Plan (collectively "Compliance Plan") within such time frames as shall subsequently be established by the Court after the New Jersey Council on Affordable Housing ("COAH") releases its new third cycle housing obligations for New Jersey municipalities in 2002 based upon the 2000 census figures and its modified methodologies.

3. Litigation challenging the Petitioner's current Housing Element, Fair Share Plan and land use regulations pertaining to its second cycle twelve (12) year cumulative affordable housing obligation from 1987 to 1999 and its anticipated third cycle housing obligation (which has yet to be announced by COAH), commonly known as exclusionary zoning and/or Mount Laurel litigation, is hereby barred, enjoined and foreclosed so long as the Petitioner remains under the Court's declaratory judgment jurisdiction.

4. Petitioner and/or any developer of affordable housing in the City of Bordentown that intends to secure tax credits, balanced housing funds, and/or other forms of government subsidies to construct or produce affordable housing shall be freely permitted to file a copy of this Order with the appropriate governmental agency as evidence that the Court is exercising jurisdiction over the Petitioner's Housing Element and Fair Share Plan in lieu of COAH. Said governmental agencies shall be freely permitted to approve and disperse subsidy funding for affordable housing projects in the City of Bordentown that otherwise meet its regulatory criteria.

5. Counsel for the Petitioner is directed to file a copy of this Order with COAH within five (5) days of receipt.

A handwritten signature in dark ink, appearing to read 'J. A. Sweeney', is written over a horizontal line.

~~Honorable Ronald E. Bookbinder, J.S.C.~~

JOHN A. SWEENEY, A.J.S.C.

## **Attachment B**

File No. 09312-0011

Law Offices  
PARKER, McCAY & CRISCUOLO, P.A.  
Three Greentree Centre, Suite 401  
Route 73 & Greentree Road  
P.O. Box 974  
Marlton, NJ 08053  
(856) 596-8900  
Attorneys for Petitioner City of Bordentown

**FILED WITH THE COURT**

DEC 16 2004

HON. JOHN A. SWEENEY, A.J.S.C.

IN THE MATTER OF THE  
APPLICATION OF THE CITY OF  
BORDENTOWN, A Municipal  
Corporation of the State of New Jersey,

Petitioner,

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
BURLINGTON COUNTY  
DOCKET NO. BUR-L-003268-01

Civil Action  
(Mount Laurel)

**SECOND AND THIRD  
ROUND COMPLIANCE PLAN  
SUBMISSION ORDER**

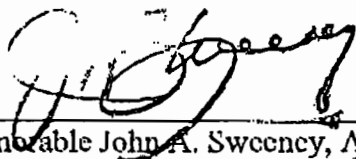
The Court having heretofore entered a Jurisdictional and Protective Order on November 8, 2001 which, inter alia, required Petitioner City of Bordentown ("Petitioner") to submit a cumulative second and third round Housing Element and Fair Share Plan (collectively "Compliance Plan") to the Court pursuant to N.J.S.A. 52:27D-313 within such time frames as established by the New Jersey Council on Affordable housing ("COAH") after its third round rules take effect, and it appearing that said third round rules (N.J.A.C. 5:94 and 95) will take effect on December 20, 2004 in accordance with the Administrative procedures Act and require the submission of municipal Compliance Plans within twelve (12) months, and for good cause shown,

IT IS on this 16 day of December, 2004

ORDERED as follows:

1. Petitioner shall submit to the Court or COAH, at its election pursuant to the Fair Housing Act, a cumulative second and third round Compliance Plan for the period extending from 1987 to 2014 within a period of twelve (12) months from the effective date of COAH's third round rules (i.e. December 20, 2005) accompanied by a petition for judicial or administrative approval.

2. Counsel for the Petitioner is directed to file a copy of this Order with COAH within five (5) days of receipt.

  
Honorable John A. Sweeney, AJSC

## **Attachment C**

**Community Investment Strategies**

201 Crosswicks Street  
Bordentown, NJ 08505

(609) 298-2229 voice  
(609) 298-7708 fax

**Via Telefax**

August 17, 2005

Ms. Mary Beth Lonergan  
Clarke Caton & Hintz  
Station Place, 400 Sullivan Way  
Trenton, NJ 08628

Dear Mary Beth,

As per your conversation, we have evaluated the opportunity to assist the City of Bordentown with its current affordable housing obligations. Under New Jersey Fair Housing Law, The Clare Estate as an aged restricted development may reserve 10% of our units for a non-aged restricted population. Since The Clare Estate operates independent living as well as assisted living residences, we feel that a 10% set-a-side for supportive housing would be the best fit.

Therefore, The Clare Estate is willing to set aside 13 units for people with disabilities, specifically targeting individuals with Multiple Sclerosis and the visually impaired. We intend to utilize 6 units located in the Court portion of the Estate and 7 units in the Monastery portion. Both the Courts and the Monastery provide independent units and can provide a wonderful apartment setting for people with disabilities.

Should the City support such a program, The Clare Estate would then provide:

- 13 non-age restricted rental units for people with disabilities.  
Currently, 1 Court unit is occupied by a person with MS who is under the age of 55. The additional 5 units would be provided as vacancy occurs but within 3 years. The 7 units in the Monastery are currently vacant and would be available immediately.
- 29 low-income age-restricted units, 23 units located within the Court portion and 6 units located in the Monastery portion of the Estate.

Under this proposal, we would respectfully request consideration of a 20-unit addition to The Clare Estate facility which would allow for a dementia care unit. We believe the addition inside the wall of the Estate property would allow for the facility to provide a continuum of care, which is currently missing from the Assisted Living Campus.

August 17, 2005

The addition of the service component would also assist in The Clare Estate reaching a viable financial position which is important to all of us.

I have attached a preliminary scheme. We would intend to finance the addition through the New Jersey Housing & Mortgage Finance Agency.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christiana Foglio', written over the word 'Sincerely,'.

Attachment (1 sheet)

S:\msserver1\Data\Karen A\Chris Letters\Monastery\LonorganAug2005.doc

## **Attachment D**

ZONING BOARD OF ADJUSTMENT  
City of Bordentown, New Jersey  
REPORT OF BOARD OF ADJUSTMENT DECISION

APPEAL No. \_\_\_\_\_

This is to certify that the Board of Adjustment of the City of Bordentown, N. J., at a meeting, or hearing held on July 17, 1973 and continued on September 25, 1973

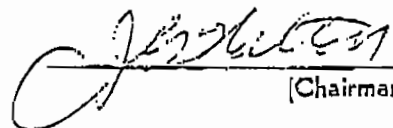
\_\_\_\_\_ ~~was~~ in the City Hall \_\_\_\_\_ considered the appeal/application for  
specification exception/application for variance filed by The Bordentown Military Institute

on July 5 ~~1973~~ 1957 (Appeal No. \_\_\_\_\_) to use the buildings known as the infirmary, science building and Landon Hall on recently sub-divided lots 11, 12 and 13, sec. 22 shown on the city map located in an RA residential zone on 3rd St. for professional, business and commercial offices. Use recently sub-divided city lots 21 and 22, sec. 25 shown ~~and approved/disapproved such request as follows:~~

on city map located in an R-2 residential zone across from the above buildings on 3rd St. for parking facilities in conjunction with the proposed office use. Also, request that planting strip requirements of the zoning ordinance on front and rear property lines be modified.

And approved such request as follows:

See attached sheets.

  
\_\_\_\_\_  
(Chairman)

\_\_\_\_\_  
(Secretary)

Note: Board should include brief statement of reasons for action and conditions, if any, attached to granting of appeal or application. If additional space is required, use additional sheet, repeat Report No. and sign each sheet.

BOARD OF ADJUSTMENT  
REPORT OF DECISION

Recommend request to use buildings for professional, business and commercial offices be granted in accordance with Article XII, sec 1200, par. 4 of the Zoning Ordinance with the following conditions:

1. No structural changes are to be made to any of the three buildings but shall not preclude modification in exterior appearance or protective entranceways.
2. One 6' x 6' (approx.) sign illuminated by a spotlight placed on the grass nearby the entrance at 3rd St. is to be erected to provide a directory for occupants of the offices.
3. Adequate water and sewer lines are to be provided and maintained for each of the three buildings in accordance with State, County and City requirements.
4. Office occupancy in terms of persons per square foot of floor space shall be subject to all present and future State and City regulations, laws, and, if any, ordinances.
5. Parking facilities for the occupants of these buildings is to be provided on city lots 21 and 22 as described later herein. Recommendation for the use of these buildings as offices is contingent upon and in conjunction with approval of the parking lot.
6. Any future change in use or alteration of the buildings subject to these recommendations must be via a new application to the Board for a Variance.

## **Attachment E**

**AN ORDINANCE AMENDING THE LAND USE CODE,  
CHAPTER 300 ZONING,  
OF THE CITY OF BORDENTOWN, BURLINGTON COUNTY,  
NEW JERSEY,  
REGARDING THE ESTABLISHMENT OF INCLUSIONARY ZONING**

WHEREAS, the Planning Board of the City of Bordentown has determined a need to amend the Land Use Code of the City of Bordentown herein described; and

WHEREAS, the Planning Board has made and transmitted to the governing body, a report recommending appropriate amendments to the Land Use Code of the City of Bordentown, in accordance with and consistent with New Jersey Municipal Land Use Law; and

WHEREAS, after thorough consideration, the governing body of the City of Bordentown finds that the amendments as proposed, are substantially consistent with, and/or are designed to effectuate the Housing Plan Element/Fair Share Plan of the Bordentown City Master Plan, in accordance with the New Jersey Municipal Land Use Law; and

WHEREAS, once the Superior Court of New Jersey has reviewed the City's Housing Element and Fair Share Plan and granted a Judgment of Repose, the governing body of the City of Bordentown is required to adopt such Land Use Code amendments to establish inclusionary zoning.

NOW, THEREFORE, BE IT ORDAINED, by the City Commissioners of the City of Bordentown, in the County of Burlington, State of New Jersey that Chapter 300 Zoning of the Land Use Code of the City of Bordentown shall be amended as follows:

I. Block 902/Lot 20 and a portion of Lot 23 shall be rezoned from R-3 Residential to L/M Inclusionary Zoning.

II. Block 1101/Lot 5 shall be rezoned from R-3 Residential to L/M Inclusionary Zoning.

III. There shall be created a new Zoning District entitled "L/M Inclusionary Zoning" which shall require the following:

A. All development shall include a 20% setaside for low and moderate income housing units as that term is defined by the Council on Affordable Housing (COAH) pursuant to NJAC 5:94 et seq.

## **Attachment F**

**SPENDING PLAN**  
**Bordentown City, Burlington County**  
Adopted October 27, 2005

**INTRODUCTION**

Bordentown City, Burlington County, has a development fee ordinance that was approved by the Council on Affordable Housing (COAH) on June 24, 2004. This spending plan is prepared in accordance with N.J.A.C. 5:94-6.2(c) and 6.5 and includes the following:

1. Projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historic rate of development activity.
2. A description of the administrative mechanism that the municipality will use to collect and distribute revenues.
3. A description of the anticipated use of all development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, pursuant to N.J.A.C. 5:94-6.12, repayment of loans for rehabilitation or affordability assistance, and voluntary contributions.

To date, Bordentown City has collected \$0 in its affordable housing trust fund. All development fees collected and interest generated by the fees are deposited in a separate interest-bearing account in Farmers and Mechanics Bank for the purposes of affordable housing.

**I. PROJECTION OF REVENUES FOR CERTIFICATION PERIOD**

To calculate a projection of revenue anticipated between October 2005 and the expiration of substantive certification or Judgment of Repose in December 2015 Bordentown City considered the following:

- (a) Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals are anticipated to provide \$10,000 in development fees at issuance of building permits and/or certificates of occupancy during the period of substantive certification.
- (b) All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy are anticipated to provide \$15,000 in development fees during the period of substantive certification.
- (c) Development projected to begin construction based on historic rates of development is anticipated to provide an additional \$25,000 in development fees during the period of substantive certification.
- (d) Payments in lieu of construction from developers pursuant to N.J.A.C. 5:94-4.4(b-e) are anticipated to provide \$0 in development fees during the period of substantive certification.
- (e) Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of loans for rehabilitation or affordability assistance, and voluntary contributions are anticipated to provide \$0 in fees during the period of substantive certification.
- (f) Interest on the projected revenue in the housing trust fund at the current average interest rate is anticipated to provide \$1,000 to accrue to the affordable housing trust fund during the period of substantive certification.

Bordentown City projects a total of \$51,000 in revenue to be collected October 2005 and the expiration of substantive certification. When the total revenue projected of \$51,000 is added to the amount collected to date of \$0, a total of \$51,000 will be collected prior to the expiration of substantive certification. All development fees, payments in lieu of construction and other funds listed above will be deposited in a separate interest-bearing account in Farmers and Mechanics Bank and all interest earned on the account will accrue to the account to be used only for the purposes of affordable housing.

## **2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS**

The following procedural sequence for the collection and distribution of development fee revenues will be followed by Bordentown City

### **(a) Collection of development fee revenues:**

The planning board secretary notifies the construction official whenever preliminary, final or other applicable approval is granted for a development which is subject to a development fee.

When a request is made for a building permit, the construction official determines if the project is subject to the imposition of a mandatory development fee.

If so, the construction official will notify the City tax assessor to calculate the approximate value of the residential and non-residential project and set the fee based on the equalized assessed value.

The developer will pay up to 50 percent of the estimated development fee to the construction official at the time the building permit is issued. The funds

are then forwarded to the CFO and deposited in the affordable housing trust fund.

The balance of the development fee will be paid by the developer to the construction official at the issuance of the certificate of occupancy. The funds are then forwarded to the CFO and deposited in the affordable housing trust fund.

(b) Distribution of development fee revenues:

The Planning Board adopts and forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution.

The release of funds requires the adoption of the governing body resolution in accordance with the COAH-approved spending plan. Once a request is approved by resolution, the CFO releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

### **3. DESCRIPTION OF ANTICIPATED USE OF DEVELOPMENT FEES**

(a) Bordentown City will dedicate \$0 to Rehabilitation or New Construction programs or a Regional Contribution Agreement (RCA) which is/are exempt from the affordability assistance requirement.

(b) Bordentown City will dedicate \$40,800 from the affordable housing trust fund to render units more affordable, including \$12,240 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

Affordability assistance to low- and moderate-income households in affordable units in the municipality's Fair Share Plan, such as down payment assistance, security deposit assistance, low interest loans, and rental assistance. Additionally, one-third of the affordability assistance requirement must be used to assist to very low-income households, earning 30 percent or less of median income by region.

- (c) Bordentown City will dedicate \$10,200 from the affordable housing trust fund to be used for administrative purposes as follows:

No more than 20% of the development fees and interest collected each year will be utilized for administrative purposes such as salaries and benefits for municipal employees or consultant fees necessary to develop or implement municipal housing programs such as housing elements and/or affirmative marketing programs. Administrative funds may be used to income qualify households and monitor implementation. Development fees may be used to defray the costs of staff or consultants that are preparing or implementing a fair share plan.

## SUMMARY

Bordentown City intends to spend development fee revenues pursuant to N.J.A.C. 5:94-6.12 and in conjunction with the housing programs outlined in the housing element and fair share plan dated October 2005.

Bordentown City has collected \$0 to date and anticipates an additional \$51,000 in revenues before the expiration of substantive certification for a total of \$51,000. The municipality will dedicate \$40,800 for affordability assistance to render units more affordable, and \$10,200 to administrative costs. There is no requirement to adopt a

resolution of intent to bond to fund any compliance mechanism in the City's housing element and fair share plan dated October 2005.