

**REGULAR TOWNSHIP MEETING  
MUNICIPAL BUILDING**

**August 13, 2019  
DELRAN, NJ**

**CALL TO ORDER**

**SALUTE TO THE FLAG**

**SUNSHINE STATEMENT:** Be advised the Township Council has given notice in accordance with the sunshine law in the following manner. Notice published in the Burlington County Times and Camden Courier Post on January 4, 2019 and posted on the bulletin board on the same date.

**ROLL CALL:** Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone were present.

**ALSO, PRESENT:** Mr. Paris, Mayor, Mr. Arnautovic, Solicitor, Mr. Hatcher, Administrator and Ms. Eggers, Municipal Clerk.

**Mayor Paris administered the Oath of Office to Patrolman Christopher Clawges.**

**MINUTES FOR APPROVAL**

Mr. Mormando made a motion, seconded by Mr. Burrell to approve the minutes for the June 25, 2019 Closed Session Meeting.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

Mr. Burrell made a motion, seconded Ms. Parejo to approve the minutes for the July 9, 2019 Public Meeting.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

**ORDINANCES ON SECOND READING**

**TOWNSHIP OF DELRAN  
ORDINANCE 2019-12**

**AN ORDINANCE OF THE TOWNSHIP OF DELRAN AMENDING CHAPTER 389, ENTITLED  
“ANIMALS AND POULTRY,” OF THE CODE OF THE TOWNSHIP OF DELRAN**

**WHEREAS**, the Township of Delran (“Township”) is a municipal entity organized and existing under the laws of the State of New Jersey and located in Burlington County; and

**WHEREAS**, in 2017 the Township enacted a pilot program to permit residents to house, keep and/or maintain backyard chickens in accordance with certain requirements, which is codified in Chapter 389 of the Code of the Township of Delran, entitled “Animals and Poultry,” and

**WHEREAS**, the pilot program has been successful in meeting its goals and there have been no complaints regarding the keeping of backyard chickens within the scope of the pilot program; and

**WHEREAS**, in light of the above, the Governing Body of the Township of Delran deems it in the best interests of the taxpayers and residents of the Township to convert it into a permanent program, and to make certain revisions to Chapter 389; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the Township and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law.

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Township Council of the Township of Delran, County of Burlington, and State of New Jersey as follows:

**SECTION 1:** Chapter 389, entitled “Animals and Poultry,” of the Code of the Township of Delran is hereby amended, revised, and/or supplemented to read follows:

**§ 389-1. Declaration of nuisance. [No Changes].**

**§ 389-2. Prohibition; exception; registration. [No Changes].**

**§ 389-3. Domesticated farm animals.**

A. Limitation on numbers and locations. It shall be unlawful to keep or harbor any horses, ponies, cattle, pigeons or poultry (regardless of the age or sex of such animals) except:

- (1) In areas zoned for agricultural use;
- (2) Upon premises on or at which the stable, pen, cage, coop or other facility to house such animal (should any be thereon situate) is farther than 150 feet from any neighboring dwelling house;
- (3) In the case of horses, upon a field containing not less than one acre for each horse; in the case of cattle, upon a field containing not less than one acre for each such animal; in the case of ponies, upon a field containing not less than 1/2 acre for each pony; and in the case of sheep and goats, upon a field containing not less than 1/4 acre for each such animal; and
- (4) Backyard chickens in accordance with § 389-12.

B. [No Changes].

**§ 389-4. Wild animals. [No Changes].**

**§ 389-5. Pens and enclosures. [No Changes].**

**§ 389-6. Suspension and revocation of license; hearing. [No Changes].**

**§ 389-7. Construal of provisions regarding interstate commerce. [No Changes].**

**§ 389-8. Severability. [No Changes].**

**§ 389-9. Enforcement. [No Changes].**

**§ 389-10. Violations and penalties. [No Changes].**

**§ 389-11. When effective. [No Changes].**

**§ 389-12. Backyard chicken pilot program.**

A. Keeping of backyard chickens shall be permitted in the Township of Delran subject to the rules and regulations as specified in this chapter.

B. The following shall be eligible to keep backyard chickens: adult residents of single-family homes or adult residents of "twin" homes or "row" homes which meet the criteria set forth in this section.

C. [Reserved].

D. There shall be a limit of eight chickens per license. No roosters are permitted.

E. The coop must have an enclosed run for chickens to access an area outside of the coop. The coop and enclosed run shall be kept at least 20 feet from the habitable portion of the neighboring residential dwelling and five feet from the property line. Garages, attached or otherwise, and accessory buildings shall not be considered a "residential dwelling" for purposes of calculating the required distance. Chickens may roam outside of the coop and run areas in a backyard suitably fenced to keep them contained provided that a person licensed to own backyard chickens in Delran is present the entire time.

F. No person shall keep chickens on his or her property without first obtaining a license from the Municipal Clerk's office and paying the required fee therefor. Only one license to own backyard chickens can be issued per Delran household address. No license shall be issued unless the applicant therefor has demonstrated compliance with all criteria set forth in this section. Every license issued pursuant to this section shall expire on December 31 of each year. A license shall not be granted unless the applicant certifies that there are no deed restrictions which prevent chickens from being kept on the property.

G. An annual license fee of \$10 shall be paid for each license issued pursuant to this section.

H. Each applicant desiring to keep backyard chickens shall be required to take a class on the basics of raising backyard chickens. Proof of attendance must be presented with the completed application. If necessary, the Township will provide a class minimally once a year at a nominal fee for anyone who has not previously met this requirement. The handling of this class will be the responsibility of the Chicken Advisory Board. A member of the Chicken Advisory Board will review all applications for backyard chicken licenses to ensure they meet the requirements of this chapter prior to the Township issuing said license. Applicants agree to allow a Chicken Advisory Board member to inspect the property for violations pursuant to the provisions of this section.

I. The following regulations and conditions for the keeping and housing of chickens shall be complied with:

- (1) The coop shall be at least 2 square feet per chicken, with a maximum coop size of 100 square feet.
- (2) The coop shall be dry and well ventilated with windows to admit sunlight.
- (3) The coop must be kept clean.
- (4) The coop and enclosed run must be made predator-proof.
- (5) Clean water must be provided, and food must be kept tightly closed in a metal container away from the coop and run at night.
- (6) The yard in the area where the coop is located shall be clean and free from odors.
- (7) There shall be no slaughter of chickens in the Township.
- (8) Waste will be handled in such a way as proper composting to prevent offensive odors or disposed in an environmentally friendly manner.
- (9) There shall be no selling of eggs.

J. Chicken Advisory Board:

(1) A Chicken Advisory Board consisting of five members of the community shall be formed. The Chair will be appointed to a two-year term by the Mayor. The governing body will select the other four members who will also serve for two years. Besides the Chair, of the remaining members, one will be appointed Vice-Chair and the other, Secretary of the Board.

(2) The Board shall meet on a regular basis upon adequate public notice as specified in the New Jersey Open Public Meetings Act and keep minutes which shall be submitted along with quarterly reports to the governing body via the Township Council member selected by the Township Council as liaison to the Chicken Advisory Board. These reports will include any activities of the Board, as well as any complaints from residents concerning backyard chickens and the resolution, if any, of those complaints.

(3) The Board shall further record the number of backyard chicken licenses issued to residents of Delran, represent the licensed chicken owners at public Township

meetings, attempt to resolve complaints from Delran residents concerning compliance with §389-12, respond to questions concerning §389-12, respond to requests for coop inspections, and respond to requests for classes on the basics of raising backyard chickens.

(4) The Board may share with Delran residents best-practices for raising backyard chickens and assist Delran residents licensed to own backyard chickens in finding new owners for their chickens.

K. When a complaint is received by the Township concerning a household licensed to keep backyard chickens, it will be forwarded to the Chicken Advisory Board for investigation by two members of the Board. If the Board finds a violation of this section, solutions will be discussed with the offending resident to allow him or her to meet the requirements of §389-12 as soon as possible. However, if after 30 days, the violation has not been remedied, the Code Official will be notified so that enforcement proceedings can be implemented.

L. Failure to comply with the conditions and regulations set forth in the section shall result in revocation of the license after notice and a hearing before the governing body.

**SECTION 2.** Except as set forth in Section 1 above, the balance of Code of the Township of Delran shall not be affected by this ordinance.

**SECTION 3.** All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed as to said inconsistencies and conflict.

**SECTION 4.** If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The Council of the Township of Delran declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

**SECTION 5.** This ordinance shall take effect immediately upon passage and publication according to law.

Mr. Burrell made a motion to open the meeting to the public, seconded by Mr. Mormando. All were in favor, motion approved.

There were no comments.

Mr. Mormando made a motion to close the public portion, seconded by Mr. Burrell. All were in favor, motion approved.

Mr. Lyon made a motion, seconded by Mr. Burrell to adopt Ordinance 2019-12 on second reading.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN  
ORDINANCE 2019-13**

**ORDINANCE OF THE TOWNSHIP OF DELRAN, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, REPEALING ARTICLE II, ENTITLED “REGISTRATION OF RESIDENTIAL RENTAL UNITS,” OF CHAPTER 269, ENTITLED “RENTAL PROPERTY,” OF THE CODE OF THE TOWNSHIP OF DELRAN**

**WHEREAS**, Chapter 269 of the Code of the Township of Delran, entitled “Rental Property,” establishes the local Multiple Dwelling Emergency Commission, outlines the collection of security funds, and registration requirements for residential rental units; and

**WHEREAS**, the Construction Official has recommended that Article II, entitled “Registration of Residential Rental Units,” of Chapter 269 be repealed in its entirety; and

**WHEREAS**, the Mayor and Township Council have reviewed the existing provisions of Article II of Chapter 269, pertaining to the registration requirements of residential rental units; and

**WHEREAS**, the Mayor and Township Council have determined that the requirements for registration of residential rental units needlessly burden the time and resources of the Construction Official and that it is in the best interests of the residents of the Township of Delran to repeal Article II of Chapter 269; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the Township and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law.

**NOW THEREFORE BE IT ORDAINED**, by the Township Council of Delran Township as follows:

**SECTION 1:** The Code of the Township of Delran is hereby amended, revised, and/or supplemented by repealing Article II, entitled “Registration of Residential Rental Units,” of Chapter 269, entitled “Rental Property.” Article II and its respective sections are hereby further “(Reserved)” as follows:

<b>Article II</b>	<b>(Reserved)</b>
<b>§ 269-8</b>	<b>(Reserved)</b>
<b>§ 269-9</b>	<b>(Reserved)</b>
<b>§ 269-10</b>	<b>(Reserved)</b>
<b>§ 269-11</b>	<b>(Reserved)</b>
<b>§ 269-12</b>	<b>(Reserved)</b>
<b>§ 269-13</b>	<b>(Reserved)</b>

**SECTION 2.** Except as set forth in Section 1 above, the balance of Code of the Township of Delran shall not be affected by this ordinance.

**SECTION 3. Repealer.** All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed as to said inconsistencies and conflict.

**SECTION 4. Severability.** If any section, part of any section, or clause or phrase of this

ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The Council of the Township of Delran declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

**SECTION 5. Publication and Filing.** Upon adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board and other agencies as required by law.

**SECTION 6. Effective Date.** This ordinance shall take effect immediately upon passage and publication according to law.

Mr. Mormando made a motion to open the meeting to the public, seconded by Mr. Burrell. All were in favor, motion approved.

There were no comments.

Mr. Lyon made a motion to close the public portion, seconded by Mr. Burrell. All were in favor, motion approved.

Ms. Parejo made a motion, seconded by Mr. Mormando to adopt Ordinance 2019-13 on second reading.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN  
ORDINANCE 2019-14**

**AN ORDINANCE OF THE TOWNSHIP OF DELRAN TO IMPLEMENT THE TOWNSHIP'S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN CONSISTENT WITH THE TERMS OF A SETTLEMENT AGREEMENT REACHED BETWEEN THE TOWNSHIP OF DELRAN AND THE FAIR SHARE HOUSING CENTER REGARDING COMPLIANCE WITH THE TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS IN ACCORDANCE WITH IN RE: N.J.A.C. 5:96 AND 5:97, 221 N.J. 1 (2015), THE NEW JERSEY FAIR HOUSING ACT, AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING.**

**WHEREAS**, the Township of Delran ("Township") filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey bearing the caption In the Matter of the Township of Delran, County of Burlington, Docket No. BUR-L-1602-15 following the New Jersey Supreme Court's decision in Mt. Laurel IV; and

**WHEREAS**, the Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 23, 2018 establishing the Township's affordable housing obligations for the Prior and Third Round periods and the compliance mechanisms by which the Township will meet its constitutional obligation to provide for its fair share of affordable housing; and

**WHEREAS**, the Court entered an order on January 7, 2019 approving the Settlement Agreement by and between the Township and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households;

**WHEREAS**, the Court Order approving the Settlement Agreement requires the Township to adopt an affordable housing ordinance incorporating the requirements of the Fair Housing Act and its implementing regulations including the Uniform Housing Affordability Controls into the Township code; and

**WHEREAS**, the Township Council find it is in the best interest of the Township to implement the terms and conditions of the Settlement Agreement and the requirements of the Court's order approving the Settlement Agreement.

**NOW, THEREFORE BE IT ORDAINED**, by the Township Council of the Township of Delran that Chapter 63, Affordable Housing, of the Township Code is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

**SECTION 1.** §63 Article 1, Preservation of Affordable Housing Controls, is hereby amended as follows:

Delete the following:

- 63-1
- 63-2
- 63-3
- 63-4
- 63-5
- 63-6

Add the following:

§63, Article 1, Fair Share Obligation

#### **§63-1 Affordable Housing Obligation**

- A. This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- B. The Township of Delran Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been adopted by the Planning Board and endorsed by the governing body. The Fair Share Plan describes how Delran Township shall address its fair share for low- and moderate-income housing as documented in the Housing Element and outlined in the terms of the settlement agreement between the Township and Fair Share Housing Center (FSHC).

- C. This Ordinance implements the Township's Fair Share Plan, addresses the requirements of the Court and the terms of the settlement agreement, and also implements a Township wide requirement that all new residential development of five (5) or more units shall have a mandatory affordable housing set aside for low- and moderate-income units, subject to certain enumerated conditions.
- D. The Township of Delran shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:
- (1) Beginning on the one year anniversary of the order granting compliance and repose, and on every anniversary of that date through 2025, the Township agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
  - (2) Beginning on the one year anniversary of the order granting compliance and repose, and on every anniversary of that date through 2025, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.
  - (3) By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.
  - (4) By March 1, 2020, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including its family very low income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income and family very low income housing obligations.

### **§63-2 Definitions**

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or

through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Sub-code, N.J.A.C. 5:23-7.

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or structure that provides for-sale or rental dwelling units for low & moderate income households within a residential use, structure, supportive or special needs dwelling, or residential component of a mixed-use development in accordance with the requirements of the Township of Delran’s affordable housing ordinances and Housing Element & Fair Share Plan.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated

to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the New Jersey Council on Affordable Housing established under the Fair Housing Act of 1985.

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, and repairs as those terms are defined under the State Uniform Construction Code promulgated pursuant to the “State Uniform Construction Code Act,” P.L. 1975, c.217 (C.52:27D-119 et seq.).

“The Department” means the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Development fee” means money paid for an individual, person, partnership, association, company or corporation for the improvement of a property as permitted in COAH rules and regulations pursuant to N.J.A.C. 5:93-8, Development Fees.

“Equalized assessed value” means the assessed value of a property divided by the current State equalization ratio for the Township, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

“Green building strategies” means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.”

“Inclusionary development” means a development containing both affordable units and market rate units. Inclusionary developments that has five or more units must have a minimum twenty percent set aside of affordable units if it is for sale and a minimum fifteen percent set aside for rentals. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Judgment of compliance” means a determination issued by the Superior Court approving the Township’s affordable housing plan to satisfy its fair share obligation.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by the Department.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Mixed-Use Development” means a structure or building that encompasses two or more different land uses, which shall be a retail or commercial component and a residential component, whereby any commercial use must be on the ground floor of said building or structure and the upper levels of the structure shall be the residential component and shall provide low and moderate income units, for-sale or rental, in accordance with the requirements of the Township of Delran’s affordable housing ordinances and Housing Element & Fair Share Plan.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by the Department’s adopted Regional Income Limits published annually by the Department.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Sub-code, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

### **§63-3 Affordable Housing Mechanisms**

The Township of Delran will use the following mechanisms to satisfy its affordable housing obligations:

#### **A. Percentage of Mandatory Set Asides for All Future Residential Developments.**

- (1) If the Township permits the construction of multi-family or single-family attached or detached residential development that is “approvable” and “developable,” as defined at N.J.A.C. 5:93-1.3, at a gross residential density of 6 units to the acre or more, the Township shall require that an appropriate percentage of the residential units be set aside for low and moderate income households.
- (2) This requirement shall apply beginning with the effective date of this ordinance to any multi-family or single-family attached or detached residential development, including the residential portion of a mixed-use development, which consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the Township’s Planning or Zoning Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation.
- (3) For inclusionary projects in which the low and moderate units are to be offered for sale, the appropriate set-aside percentage is 20 percent; for projects in which the low and moderate income units are to be offered for rent, the appropriate set-aside percentage is 15 percent.
- (4) This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- (5) All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
- (6) This requirement does not apply to any sites or specific zones otherwise identified in the Settlement Agreement or Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein, though all other provisions of this ordinance shall be applicable to those sites unless otherwise specified.
- (7) This section shall not apply to developments containing four (4) or fewer dwelling units.
- (8) Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five (5) or more.

## B. Rehabilitation Program.

- (1) The Township of Delran and Fair Share Housing Center have agreed upon a rehabilitation program of twenty-four (24) units. The Township will continue to participate in the Burlington County rehabilitation program to update and renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28. The Township will rehabilitate housing units to improve the housing stock and continue to provide affordable units through rehabilitation.
- (2) All rehabilitated rental or owner-occupied units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
- (3) The Township of Delran shall dedicate an average of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
- (4) The Township of Delran shall designate, subject to the approval of the Court, one Administrative Agent to administer the rehabilitation program in accordance with N.J.A.C. 5:91 and N.J.A.C. 5:93. The Administrative Agent shall provide a rehabilitation manual for both rental and owner occupant rehabilitations. These manuals when created will be reviewed by the governing body and adopted by resolution subject to approval of the Court. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office of the Administrative Agent.
- (5) Units in a rehabilitation program shall be exempt from N.J.A.C. 5:93-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
  - (a) If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:93-9 and UHAC.
  - (b) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:93-9 and UHAC.
  - (c) Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93-9.
  - (d) Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:93-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

## C. Market-to-Affordable Program

- (1) The Township will develop a Market-to-Affordable Program to provide housing for at least ten (10) low- and moderate-income households, with at least two (2) units produced per year between 2019 and 2023. The program will be funded with development fees collected by the Township, and the properties involved will be deed restricted for a thirty (30) year period (control period) to remain affordable to low or

moderate income households consistent with the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-16.1 et seq. The minimum amount to be dedicated to each unit to render the unit affordable shall be \$20,000.

**D. Alternative Living Arrangements**

- (1) The administration of an alternative living arrangement shall be in compliance with N.J.A.G. 5:93-5.8 and UHAC, with the following exceptions:
  - (a) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
  - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- (2) With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- (3) The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

**§63-4 New Construction**

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

**A. Phasing. Inclusionary developments shall be subject to the following schedule:**

<u>Minimum Percentage of Low- and Moderate-Income Units Completed</u>	<u>Maximum Percentage of Market-Rate Units Completed</u>
<u>0</u>	<u>25</u>
<u>10</u>	<u>25 + 1 Unit</u>
<u>50</u>	<u>50</u>
<u>75</u>	<u>75</u>
<u>100</u>	<u>90</u>

**B. Fractional Units. If the required set-aside of the total number of units in a development results in a fraction or decimal, the developer shall be required to provide an additional affordable unit on site.**

*Example: an 8-unit development requiring an affordable housing set-aside of 1.6 units is proposed. The developer is required to provide 2 on-site affordable units.*

- C. Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- D. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- E. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

- (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
- (2) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units, including that 13% shall be very low-income within each bedroom distribution. If there is only one affordable unit it must be a low income unit.
- (3) Thirteen percent (13%) of all affordable units approved or constructed since July 17, 2008 in the Township shall be designated as very-low income households at 30% of the median income, with at least fifty percent (50%) of all very-low income units being available to families. If an inclusionary development proposes less than 10 total units, a payment in lieu of the cost of subsidizing a very low income unit shall be deposited into the Township's Affordable Housing Trust Fund based on the difference in cost between providing a very low income unit and the region's affordability average. Very-low income units shall be considered low-income units for the purposes of evaluating compliance with the required low/moderate income unit splits, bedroom distribution, and phasing requirements of this ordinance.
- (4) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
  - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
  - (b) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
  - (c) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
  - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
- (5) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

F. Accessibility Requirements:

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Sub-code, N.J.A.C. 5:23-7 and the standards in § 63-4F(2)(a) through (f).
- (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
  - (a) An adaptable toilet and bathing facility on the first floor;
  - (b) An adaptable kitchen on the first floor;
  - (c) An interior accessible route of travel on the first floor;

- (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor;
  - (e) If not all of the foregoing requirements in §63-4F(2)(a) through §63-4F(2)(d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs §63-4F(2)(a) through §63-4F(2)(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
  - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Sub-code, N.J.A.C. 5:23-7, or evidence that the Township of Delran has collected funds from the developer sufficient to make ten percent (10%) of the adaptable entrances in the development accessible.
- (3) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
  - (4) To this end, the builder of restricted units shall deposit funds within the Township's Affordable Housing Trust Fund sufficient to install accessible entrances in ten percent (10%) of the affordable units that have been constructed with adaptable entrances.
  - (5) The funds deposited under §63-4F(4) above shall be used by the Township of Delran for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
  - (6) The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township.
  - (7) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Sub-code, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's affordable housing trust fund where the funds shall be deposited into the affordable housing trust fund and appropriately earmarked.
  - (8) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Sub-code, N.J.A.C. 5:23-7.

#### G. Maximum Rents and Sales Prices

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and by the Superior Court.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.

- (a) At least thirteen percent (13%) of all low- and moderate-income dwelling units shall be affordable to households earning no more than 30 percent of median income.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- (5) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
  - (c) A two-bedroom unit shall be affordable to a three-person household;
  - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
  - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted development, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
  - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (10) The rent of very low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the region. This increase shall not exceed nine percent in any one year. Rent increases for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
- (11) Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by HUD for its Section 8 program.

## **SECTION 2.**

### §63 Article II, Affordable Housing Administration

Add the following:

#### **§63-5 Affirmative Marketing Requirements**

- A. The Township of Delran shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 5 and covers the period of deed restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 5.
- D. The Township has the ultimate responsibility for adopting the affirmative marketing plan and for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Township of Delran shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- E. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the affirmative marketing plan, the administrative agent shall consider the use of language translations where appropriate.

- G. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the Township in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.
- I. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Delran, and copies of the applications forms, to the following entities: Fair Share Housing Center, Camden County NAACP, Latino Action Network, Southern Burlington County NAACP, Camden County Council on Economic Opportunity, and the Supportive Housing Association.
- J. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township.

### **§63-6 Occupancy Standards**

- A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
  - (1) Provide an occupant for each bedroom;
  - (2) Provide children of different sex with separate bedrooms; and
  - (3) Provide separate bedrooms for parents and children; and
  - (4) Prevent more than two persons from occupying a single bedroom.
- B. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

### **§63-7 Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Township of Delran elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- D. At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's

heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

- E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.
- G. At the time of the first non-exempt sale following a 30-year interval from the date of the issuance of the initial certificate of occupancy, the Township shall have the right of first refusal to purchase a restricted ownership unit at the maximum restricted price in accordance with UHAC regulations at N.J.A.C. 5:80-26.5. If the Township does not exercise its right to purchase the restricted unit, the unit may be sold at fair market value and the proceeds retained by the owner, subject to the owner's repayment of the recapture lien to the Township as defined in N.J.A.C. 5:80-26.5.

#### **§63-8 Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices**

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

#### **§63-9 Buyer Income Eligibility**

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- B. Notwithstanding the foregoing, however, the administrative agent may, upon approval by the Township Mayor and Council, and subject to the court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the administrative agent determines that there is an insufficient number of eligible low-income purchasers to permit

prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.

- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the administrative agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

### **§63-10 Limitations on indebtedness secured by ownership unit; subordination**

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the administrative agent for a determination in writing that the proposed indebtedness complies with the provisions of this section and the administrative agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

### **§63-11 Capital Improvements to Ownership Units**

- A. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the administrative agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the administrative agent. Unless otherwise approved by the administrative agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

### **§63-12 Control Periods for Restricted Rental Units**

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Township of Delran elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Burlington. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
  - (1) Sublease or assignment of the lease of the unit;
  - (2) Sale or other voluntary transfer of the ownership of the unit; or
  - (3) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

### **§63-13 Price Restrictions for Rental Units; Leases**

- A. A written lease shall be required for all restricted rental units, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

### **§63-14 Tenant Income Eligibility**

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  - (1) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
  - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
  - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income

household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

- (1) The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
- (2) The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
- (3) The household is currently in substandard or overcrowded living conditions;
- (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
- (5) The household documents reliable proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

C. The applicant shall file documentation sufficient to establish the existence of the circumstances in (b) 1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

### **§63-15 Administration**

A. The position of Municipal Housing Liaison (MHL) for the Township of Delran is established by this ordinance. The Township shall make the actual appointment of the MHL by means of a resolution.

- (1) The MHL must be either a full-time or part-time employee of Delran.
- (2) The person appointed as the MHL must be reported to the Court and thereafter posted on the Township's website.
- (3) The MHL must meet all the requirements for qualifications, including initial and periodic training.
- (4) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Delran, including the following responsibilities which may not be contracted out to the Administrative Agent:
  - (a) Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
  - (b) The implementation of the Affirmative Marketing Plan and affordability controls.
  - (c) When applicable, supervising any contracting Administrative Agent.
  - (d) Monitoring the status of all restricted units in the Township's Fair Share Plan;
  - (e) Compiling, verifying and submitting annual reports as required;
  - (f) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and

- (g) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ).
- B. The Township of Delran shall designate by resolution of the Township Committee, subject to the approval of the Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with UHAC.
- C. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s). The municipal housing liaison shall supervise the work of the Administrative Agent(s).
- D. The Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the developer of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
- (1) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ).;
- (2) Affirmative Marketing;
- (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Township's affirmative marketing plan and the provisions of N.J.A.C. 5:80-26.15; and
- (b) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (3) Household Certification;
- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

- (f) Employing a random selection process as provided in the affirmative marketing plan of the Township when referring households for certification to affordable units.
  - (g) Notifying the following entities of the availability of affordable housing units in the Township of Delran: Fair Share Housing Center, the new Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.
- (4) Affordability Controls:
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
  - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Hunterdon County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
  - (d) Communicating with lenders regarding foreclosures; and
  - (e) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (5) Records retention;
- (6) Resale and re-rental:
- (a) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
  - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (7) Processing requests from unit owners:
- (a) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this chapter;
  - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
  - (c) Notifying the Township of an owner's intent to sell a restricted unit; and
  - (d) Making determinations on requests by owners of restricted units for hardship waivers.

- (8) Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
- (a) Securing annually from the Township a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
  - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;
  - (c) Posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;
  - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
  - (e) Establishing a program for diverting unlawful rent payments to the Township's affordable housing trust fund; and
  - (f) Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Township Mayor and Council and the court, setting forth procedures for administering the affordability controls.
- (9) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.
- E. The Administrative Agent shall also implement the rehabilitation program, affordability assistance program, and any other affordable housing programs required within the Spending Plan and adopted Housing Plan Element and Fair Share Plan.
- (1) The administrative agent shall prepare monitoring reports for submission to the municipal housing liaison in time to meet any monitoring requirements and deadlines imposed by the court.
  - (2) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

### **§63-16 Enforcement of Affordable Housing Regulations**

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer

or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

- (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
    - (a) A fine of not more than \$10,000.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
    - (b) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Delran Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - (c) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
  - (2) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- D. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- F. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- G. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- H. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

### **§63-17 Appeals**

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed with the Superior Court of New Jersey, Burlington County.

### **SECTION 3.**

Amend the following:

#### **§150-12 Affordable housing development fees**

- A. *No change*
- B. Purpose. In *Holmdel Builder's Ass'n v. Holmdel Township*, 121 N.J. 550 (1190), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. and the State Constitution subject to the Council on Affordable Housing's (COAH) developing rules. The purpose of this section is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's and/or the Court's rules. Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing. This section shall be interpreted within the framework of COAH's and/or the Court's rules on development fees.
- C. Residential development fees.

(1) ~~In accordance with N.J.A.C. 5:94-6.6(a) and (b) of COAH's "Substantive Rules,"~~ aAll new development of residential dwelling units within the Township of Delran, not exempt from the collection of development fees in accordance with the provisions specified in Subsection E of this section, as amended, shall pay to Delran Township ~~4.0%~~ 1.5% of the equalized assessed value of each housing unit, provided no increased density is permitted.

(2) *No change*

D. Nonresidential development fees.

(1) ~~In accordance with N.J.A.C. 5:94-6.7(a) and (b) of COAH's "Substantive Rules,"~~ aAll new development of nonresidential buildings and structures, not exempt from the collection of development fees in accordance with the provisions specified in Subsection E of this section, as amended, shall pay a fee to Delran Township of ~~2.0%~~ 2.5% of the equalized assessed value for nonresidential development.

(2) *No change*

E. Eligible exaction; ineligible exaction; and exemptions.

(1) ~~Except as provided for in N.J.A.C. 5:93-8.10,~~ inclusionary developments shall be exempt from development fees.

(2) Developers that expand existing nonresidential improvements and structures shall pay a development fee. The development fee shall be calculated based on the increase in equalized assessed value of the improvement or structure.

(3) Developers that have received preliminary or final approval prior to the effective date of this section shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval.

(4) Religious organizations that engage in construction activities for religious purposes shall be exempt from paying development fees.

(5) Residential development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, except that one- or two-family owner-occupied dwelling units that are being expanded without creating new dwelling units and residential structures demolished and replaced as a result of fire or natural disaster shall be exempt from development fees.

F. Collection of fees.

(1) *No change*

(2) *No change*

(3) *No change*

G. Housing Trust Fund.

(1) *No change*

(2) *No change*

H. Use of funds.

(1) *No change*

(2) *No change*

(3) *No change*

(4) *No change*

~~I. Expiration. This section shall expire if:~~

~~(1) The Superior Court or COAH fails to approve Delran Township's Housing Element and Fair Share Plan.~~

~~(2) The Superior Court enters an order barring Delran Township from collecting development fees.~~

~~(3) The Superior Court disapproves this section.~~

**SECTION 4.** §355 Zoning, is hereby amended as follows:

Delete the following:

- 355-110

**SECTION 5.**

A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey statutes.

**SECTION 6.**

Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

**SECTION 7.**

If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION 8. Effective Date**

This Ordinance shall take effect upon its passage and publication according to law.

Mr. Mormando made a motion to open the meeting to the public, seconded by Mr. Burrell. All were in favor, motion approved.

Ron Cesatetti, 31 Moreland Drive, stated that the title of the ordinance states that this is the third round of housing obligation. He asked how many rounds there will be and were they mandated by the State, County or the Township.

Mr. Catrambone stated that the first round came out in 1986 and the second round was in 2003. Both of those rounds were satisfied by the Township. The third round started in 2008 and was challenged in court. In 2015, COAH was divested and the affordable housing was taken over by

the courts. All of this is mandated by the courts. All towns had to file a declaratory judgement action in 2015 to approve their revised plan. Delran filed the declaratory judgement in July of 2015 and were assigned Phil Caton as the Special Master. In 2017, with this still in the hands of the courts, we had three interveners. Intervenors are someone that says I can help Delran fulfill their affordable housing obligation. The intervenors were Fair Share Housing, Chester Avenue, LLC, and Atlantic Delta. Fair Share Housing has filed lawsuits across the state to force municipalities in building additional affordable housing.

Mr. Cesaretti stated that he is familiar with the regulations. He was a Councilman in Riverton for ten years before moving to Delran. He asked how many rounds there will be for the affordable housing obligation.

Mr. Arnautovic stated that as long as this is a constitutional obligation there will be continuous rounds.

Louis Coryell, 7 Marsha Drive, stated that he has gone through all the agenda and minutes of the Council and he was unable to find mention of the first reading for Ordinance 2019-14.

Mr. Catrambone stated that the ordinance was introduced at the 7/9/2019 public meeting. Those minutes were approved tonight and will be posted tomorrow. The same goes for Ordinance 2019-15 and 2019-17. The ordinances that were introduced on July 9<sup>th</sup> were added to the agenda since they were received the day of or the day before the meeting. We can certainly post the revised agenda. There is video online that show the first readings.

Mr. Paris stated that if he comes to the municipal building tomorrow, the Municipal Clerk will provide a copy of the revised agenda.

Mr. Lyon made a motion to close the public portion, seconded by Mr. Mormando. All were in favor, motion approved.

Ms. Parejo made a motion, seconded by Mr. Mormando to adopt Ordinance 2019-14 on second reading.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN  
ORDINANCE 2019-15**

**ORDINANCE ESTABLISHING THE INCLUSIONARY DEVELOPMENT-1 (ID-1) DISTRICT IN  
BLOCK 46, PORTIONS OF LOT 2 AND 3**

**WHEREAS**, the Township of Delran ("Township") filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey bearing the caption In the Matter of the Township of Delran, County of Burlington, Docket No. BUR-L-1602-15 following the New Jersey Supreme Court's decision in Mt. Laurel IV; and

**WHEREAS**, the Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 23, 2018, establishing the Township's affordable housing obligations for the Prior and Third Round periods and the compliance mechanisms by which the Township will meet its constitutional obligation to provide for its fair share of affordable housing; and

**WHEREAS**, the Court entered an order on January 7, 2019 approving the Settlement Agreement by and between the Township and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households;

**WHEREAS**, the Township Planning Board adopted a Housing Element and Fair Share Plan to implement the Settlement Agreement on June 27, 2019; and

**WHEREAS**, the Housing Element and Fair Share Plan identified the subject site as one of the inclusionary developments to meet the terms of Settlement Agreement; and

**WHEREAS**, the Township Council finds it is in the best interest of the Township to implement the mechanisms identified in the Housing Element and Fair Share Plan;

**NOW, THEREFORE BE IT ORDAINED**, by the Township Council of the Township of Delran that Article XXVI Affordable Housing and Chapter 355-110 is deleted in its entirety and replaced with the following:

**Section 1 - There is hereby replaced and added Article XXVI – Inclusionary Development-1 District (“ID-1”)**

**§355-110 Purpose and Intent.**

1. The purpose of the ID-1 District is to facilitate the development of a residential, inclusionary development within a single tract designed to create a maximum of 265 residential units, of which a minimum of twenty percent (20%) are to be affordable to low and moderate income households (“Affordable Units”), in accordance with the Superior Court’s January 7, 2019 Order entered In the Matter of the Application of the Township of Delran, County Burlington, Docket No. L-1602-15.
2. This ordinance shall apply specifically to the future inclusionary development located on Block 46, portions of Lots 2 and 3, which, upon subdivision, shall consist of approximately twenty-two (22) acres and be described on the Township tax map as Block 46, Lot A (lot # to be assigned per Tax Assessor’s approval).
3. The provisions of this ordinance shall govern the future development of this property. In any case where this article shall conflict with any other portion of the Township zoning code, including the Supplemental Regulations at Article XIX, the language of this article shall prevail and be binding.

**§355-111 Permitted Principal Uses.**

1. Multifamily residential uses shall be permitted, including townhomes, apartments, flats, and stacked townhomes. Multiple uses and buildings are permitted within the ID-1 District.
2. Access driveway serving the remainder of Block 46, Lot 2.

**§355-112 Permitted Accessory Uses**

1. Parking facilities.
2. Private passive or active recreational facilities, including, but not limited to: a clubhouse and swimming pool.
3. Stormwater management facilities.
4. Streets and driveways subject to the New Jersey Residential Standards (“RSIS”).
5. All necessary utilities including roof mounted solar panels.
6. Sheds, maintenance buildings and storage structures.
7. Fences.
8. Trash Enclosures.
9. Other accessory uses and structures normally considered incidental to one or more of the principal uses located on the same lot.

**§355-113 Maximum Development Yield.**

The total amount of multifamily residential units shall not exceed 265.

**§355-114 Area and Bulk Standards.**

1. Tract Standards. The following area and bulk standards shall apply to the development of principal uses on the Tract (as defined after proposed subdivision from portions of Lots 2 & 3 within Block 46):
  - a. Minimum Tract Area: 21 acres
  - b. Minimum Total Tract Frontage (along Chester Avenue): 500 feet
  - c. Minimum Building Front Yard Setback to Chester Avenue: 560 feet
  - d. Minimum Building Setback from Residential Use: 25 feet
  - e. Minimum Building Side Yard Setback: 20 feet
  - f. Minimum Building Rear Yard Setback: 20 feet
2. Tract Standards. The following bulks standards shall apply to the development of accessory uses on the Tract:
  - a. 60 feet from front property line
  - b. 20 feet set back from side and rear property line.
3. Maximum Building Height: 3 stories and 50 feet.
4. Maximum Impervious Coverage: 60%
5. Off street parking standards shall be provided in accordance with NJ RSIS (Residential Site Improvement Standards).
6. Minimum Parking Setback from:

- a. Chester Avenue: 25 feet
  - b. Residential Use: 25 feet
  - c. Rear Yard: 20 feet
  - d. Side Yard: 12.5 feet
- 7. None of the foregoing standards shall apply to lots or lot lines within the ID-1 zone, but shall be measured from Tract boundary.
  - 8. Storm water management facilities, access drives, parking spaces and signage shall be permitted in the Front Yard, Rear Yard and Side Yard.
  - 9. The setback requirements set forth at §355-87 of the Township zoning code shall not apply. All setbacks from freshwater wetlands and/or flood hazard areas (if applicable) shall be as determined by the New Jersey Department of Environmental Protection (“NJDEP”). No additional buffering beyond that as established by the NJDEP shall be imposed.

**§355-115 Specific Standards for Townhouse Development:** In addition, to the standards governing the Tract, the following standards shall govern the development of a for-sale townhouse development (whereby each townhouse shall be located on a separate lot):

- 1. Minimum Lot Area: 0.04 acres (1,700 square feet)
- 2. Minimum Lot Frontage to access drive or street for individual lot: 20 feet
- 3. Minimum Front Yard Setback (to curb): 20 feet
- 4. Minimum Side Yard Setback: 0 feet
- 5. Minimum Rear Yard Setback: 18 feet
- 6. Townhouses shall be permitted to have a maximum of 8 dwelling units within a single structure.
- 7. Maximum impervious coverage: 75%
- 8. No accessory structures shall be permitted within front yard of townhouses.
- 9. Accessory structures and uses shall not exceed 20% of the rear yard area.
- 10. Accessory structures such as decks, sheds shall be setback at least 3 feet from side property line.
- 11. Fence up to maximum height of 4-6 feet is permitted in rear and side yard. Type of fencing to be provided per Board’s approval.

**§355-116 Open Space, Buffer, and Landscaping:**

- 1. A minimum of 20% of overall tract area shall be reserved for open space and recreation purposes. These areas may include, but not be limited to, unoccupied, naturally vegetated open space, stormwater management basins, freshwater wetlands (if applicable), flood hazard areas (if applicable), area that may be used for active recreation including clubhouse, playground, athletic fields, basketball or tennis courts, or other similar activities. The provision of active recreation areas shall be at the sole discretion of the applicant for development. A minimum of 60% of required open space shall be area that may be used for active and passive recreation.

2. A minimum of 20 foot buffer shall be maintained between any residential use and the commercial use located on Block 46, Lot 17. The buffer area may be included in open space calculation. Buffer area may include the existing vegetation. Supplemental plantings may be required as determined by the Board.
3. Buffer and landscape design standards shall be provided in accordance with Section 355-88.

**§355-117 Circulation:**

Any application submitted for approval by the applicant shall include a Traffic Analysis and/or Study, which shall be prepared by a qualified traffic professional and examine the impact of any proposed development within the ID-1 Zone on the surrounding roadway network.

**§355-118 Design Standards:**

Any deviation from the following standards creates a waiver or exception pursuant to N.J.S.A. 40:55D-51. The following list includes design standards that apply to all building types in the ID-1 Zone.

1. For residential structures within the development, no more than two structures adjacent to one another or directly opposite the street from one another shall be designed to appear to be identical to one another. The intent is to allow for dwellings which are consistent in scale and design character, but not so similar as to be indistinguishable. The street facing elevations of such dwellings shall be differentiated from one another in at least two of the following design features:
  - a. The location of the garage.
  - b. The size, shape or location of windows and doors.
  - c. The exterior finish materials.
  - d. The primary color of the exterior.
  - e. The color of trim or accent materials.
  - f. The type, pitch or profile of the roof.
  - g. The inclusion of additional features such as bay windows, dormer windows, front porches or porticos.
2. For residential development, provision for common trash enclosure shall be provided. If no common trash enclosure area exists for Townhouses, room for trash storage shall be provided per unit.
3. Arrangement of buildings
  - a. The minimum distance between all buildings shall be at least 20 feet when measured side to side and 40 feet when measured back to back.
  - b. An accessory structure related to multifamily structure shall be at least 10 feet to another accessory structure. In the case of the Townhouse, the structure shall be at least 6 feet from adjacent accessory structure.
4. In case the floor plan includes basement, the basement floor elevation shall be established a minimum of 2 feet above the seasonal high water table. A sump

pump collection system shall also be provided to connect sump pump discharges to the storm sewer system.

5. All roof leaders shall be connected to the storm sewer system unless otherwise approved by the Board Engineer.
6. Sidewalks shall be provided in accordance with the RSIS.
7. Sidewalks shall be provided along the frontage of the property along Chester Avenue. A walkway or pathway shall be provided from the interior layout of the lot to the proposed sidewalk along the shorter frontage on Chester Avenue.
8. Conflicts between pedestrians and vehicles should be minimized to the extent possible via crosswalks or change in material within the roadway.
9. Stop bars shall be provided at all intersections and at end of all drive aisles.

**§355-119 Affordable Housing Requirements.**

1. Twenty percent (20%) of the residential units shall be deed restricted in accordance with the provisions of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. (“UHAC”), which shall govern the number of bedrooms and rents for the affordable units.
2. The affordable units and market rate units shall be constructed in accordance with the following phasing schedule:

<b>Percentage of Affordable Units Issued CO</b>	<b>Percentage of Market Rate Units Issued CO</b>
0	25%
10%	25% plus 1 unit
50%	50%
75%	75%
100%	90%

3. The affordable units shall be integrated with the market rate units provided that the affordable units and market rate units are of the same product type and tenancy. In the event that the market rate units are offered as for sale units, rather than rental units, then the affordable units, which shall be family rental units, are permitted to be constructed in segregated buildings that may contain all the affordable units.
4. Controls on affordability shall remain in place for a period of thirty (30) years in conformance with UHAC and interpretative case law.

**§355-120 Unnecessary Cost-Generating Features**

1. The Planning Board shall conduct its review of any inclusionary development application in the ID-1 District in accordance with the fast-tracking requirements of the Council on Affordable Housing’s (“COAH”) regulations. The Planning

Board shall schedule regular and special monthly meetings as needed and provide ample time at these meetings to consider the merits of the inclusionary residential development application.

2. The applicant for inclusionary residential development in the ID-1 District shall be entitled to invoke any rights conferred by COAH regulations, including the right to relief from cost-generating application requirements and development standards that are not essential to protect public health and safety and the Planning Board shall cooperate with the applicant for the multifamily residential development in granting reasonable variances and waivers necessary to construct the inclusionary residential development.
3. The Township and Planning Board shall cooperate with the applicant by expeditiously endorsing application to other governmental agencies that require review and approval of that agency.

### **§355-121 Specific Regulations within the ID-1 District**

1. The following provisions within the Township zoning code shall be modified within the ID-1 District:
  - a. The provision as set forth at §328-1, et seq., shall be determined applicable by the Planning Board.
  - b. The submission requirement set forth at §310-25(l) shall be determined applicable by the Planning Board.

**Section 2.** The zone map shall be updated to reflect that Block 46, portions of Lot 2 and 3 which, upon subdivision, shall consist of approximately twenty-two (22) acres and be described on the Township tax map as Block 46, Lot A (lot # to be assigned per Tax Assessor's approval) are to be located within the Inclusionary Development-1 (ID-1) zone.

**Section 3.** This ordinance shall take effect immediately.

Mr. Mormando made a motion to open the meeting to the public, seconded by Mr. Burrell. All were in favor, motion approved.

Mr. Catrambone stated that this ordinance is in reference to the Catholic Diocese property at Holy Cross. The development will have a maximum of 265 units with a 20% set aside for affordable housing. The ordinance provides for various design standards for the development. All of the units within the development will be rentals. We did insist that the development have in and out access on Route 130 in addition to the one on Chester Avenue.

Ron Cesatetti, 31 Moreland Drive, asked how the Holy Cross property was originally obtained by the Catholic Diocese. The reason that he asked that question is that there may be restrictions on the deed that restrict the property from being sold for a profit. That property has paid zero property taxes for over fifty years. Mr. Cesatetti also asked if the property been sold.

Mr. Catrambone stated that he does not believe the property has been sold.

Mr. Cesatetti asked what percentage of the larger of the two lots is being sold.

Mr. Catrambone stated that it is the area right along Chester Avenue excluding the existing homes.

Mr. Cesatetti stated that he received the memorandum via certified mail for property owners within 200 of Block 46, Lots 2 and 3. As a courtesy to the residents it would be helpful if the Township include a map of the property in question.

Mr. Cesatetti asked if the voting on the change of use is a Planning or Zoning Board issue or being covered here.

Mr. Catrambone stated that when the courts make the decisions it supersedes any current zoning.

Charles Eiler, 116 Mulberry Street, asked if it was possible to repeat the question from Mr. Cesatetti regarding the transfer of deed.

Mr. Catrambone stated the question was is there anything in the deed that prohibits them from selling the property because they have been tax exempt for over fifty years.

Mr. Arnautovic stated that it is up to the buyer to conduct the adequate title search. The Township is not involved in the transaction; we are simply providing the zoning to facilitate our affordable housing obligation.

Mr. Eiler asked what the property is currently zoned.

Mr. Catrambone stated that when the court decisions are made it supersedes any current zoning. The property is currently zoned office.

Mr. Eiler asked what causes the property to not have to pay taxes.

Mr. Catrambone stated that they are a non-profit entity.

Mr. Eiler stated that if the property is rezoned and sold for profit is there any type of tax implication that they will be liable for.

Mr. Arnautovic stated they will not be liable for any retroactive taxes. Moving forward it will be taxed at the regular rate or through a payment in lieu of taxes.

Mr. Catrambone stated that once the property is sold the land will be taxed the same as any other land moving forward.

Tom Davis, 1003 Oak Avenue, asked that the Mayor and Council that will vote on this ordinance tonight consider delaying the vote by one month. The residents are having a hard time in the audience because residents within 200 feet of the property were not served prior to the July 9<sup>th</sup> meeting. Mr. Davis stated that he has no concept of what it being proposed because he has not watched the video nor has he seen the plan which makes it difficult to ask questions. He feels residents are struggling because they were not here on July 9<sup>th</sup>. Mr. Davis asked if the residents should have been noticed prior to the July 9<sup>th</sup> meeting.

Ms. Eggers stated that she was advised by the Township Attorney that the notices were to be sent after the first reading.

Sheila Procida, 5 Toby Wells Court, stated that she was under the impression that of the 265 units, 161 were to be built on the Stellwag property, 65 at the old foundry and the remainder on Chester Avenue.

Mr. Catrambone stated that there will be 265 units built at the Chester Avenue property, 240 at the property next to the Home Depot, 111 units on the Stellwag property and 65 units on the former Abrasive Alloy property behind the fire station on Bridgeboro Road.

Mrs. Procida asked if out of all of these new units only 20% will be affordable.

Mr. Catrambone yes, except the former Abrasive Alloy site which will be a 100% affordable project.

Mrs. Procida stated that she is concerned about the sewer plant being able to handle the extra capacity.

Mr. Catrambone stated that this was brought to the attention of the different departments and the Township Engineer. They have not indicated that we can't handle the capacity. Mr. Catrambone stated that this development is not something that anyone up here asked for. Fair Share Housing originally requested 827 additional affordable units. With a 20% set aside that would have been 4135 additional homes in Delran. We were able to get that number down to 186 additional affordable units and 495 market rate units by using additional credits and adjusting our prior round numbers.

Mrs. Procida stated that she also heard that the units on Chester Avenue will be three story units.

Mr. Catrambone stated that they will be apartment or condos/townhomes.

Hugo Gasper, 76 Stewart Ave, asked if we are going to have any tax implications from the developments.

Mr. Catrambone stated that we do not have a definitive answer because we do not know how much money in taxes the new homes will generate and what implications it will have on the services and the schools.

Mr. Gasper asked if there was an impact to taxes would it be town wide.

Mr. Catrambone stated that if there was a tax increase it will be across the board.

Mr. Gasper asked if this will be the last hearing on this ordinance.

Mr. Arnautovic stated that this will be the last hearing and Council will vote.

Mr. Catrambone stated that if we do not comply with the courts we will lose our immunity because we are no longer in compliance. Any developer can then sue the Township to ask for what they want and it's up to the court to decide. That is what we are trying to avoid.

Michael Mastil, 21 Ridgewood Avenue, asked who is going to pay for the new sewer plant that will have to be built. Last year the plant was functioning at 100% of capacity.

Mr. Catrambone stated that we don't know that we will have to build a new plant.

Mr. Mastil stated that the Township will have to expand the existing plant.

Mr. Hatcher stated that the Engineer has reviewed the settlement agreements and indicated that the plant can handle the additional capacity.

Mr. Burrell stated that there are certain tanks and the ones that are currently running are running at 100%. For energy efficiency you want to run the plant at 100%. When the new homes are built additional tanks will be used.

Mr. Catrambone stated that we are making the decision based on the information from the Township Engineer and if it can't then we will deal with that. We can't work based off of hypotheticals.

John Bucci, 22 Ridgewood Avenue, asked if the Township is changing the ordinance to permit residential building on Route 130 which is currently zoned commercial.

Mr. Catrambone asked that we hold that question until we get to the ordinance regarding the Route 130 property.

Gary Tieman, 1006 Oak Avenue, stated that his concern is that he backs right up to Holy Cross fields. He asked how far back onto the property is the project going.

Mr. Catrambone stated that it will be the area right along Chester Avenue and goes just before the old practice field.

Mr. Tieman asked where the exit will be onto Route 130.

Mr. Catrambone stated that the back corner of the property will be routed to the Holy Cross parking lot.

Mr. Arnautovic stated that an actual development application has not been submitted to the Planning Board.

Mr. Catrambone stated the ordinance sets up the guidelines for the development but except for the Stellwag property there have been no application filed for any of the developments.

Mr. Arnautovic stated that any resident that received notice regarding the ordinance will receive notice when the application is scheduled for a Planning Board hearing.

Mr. Mormando made a motion to close the public portion, seconded by Mr. Burrell. All were in favor, motion approved.

Mr. Mormando made a motion, seconded by Mr. Burrell to adopt Ordinance 2019-15 on second reading.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5  
Nays: None

Motion Approved

**TOWNSHIP OF DELRAN  
ORDINANCE 2019-16**

**ORDINANCE ESTABLISHING THE INCLUSIONARY DEVELOPMENT-2 (ID-2) DISTRICT IN  
BLOCK 65, LOT 18.01**

**WHEREAS**, the Township of Delran (“Township”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey bearing the caption In the Matter of the Township of Delran, County of Burlington, Docket No. BUR-L-1602-15 following the New Jersey Supreme Court’s decision in Mt. Laurel IV; and

**WHEREAS**, the Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 23, 2018, establishing the Township’s affordable housing obligations for the Prior and Third Round periods and the compliance mechanisms by which the Township will meet its constitutional obligation to provide for its fair share of affordable housing; and

**WHEREAS**, the Court entered an order on January 7, 2019 approving the Settlement Agreement by and between the Township and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households;

**WHEREAS**, the Township Planning Board adopted a Housing Element and Fair Share Plan to implement the Settlement Agreement on June 27, 2019; and

**WHEREAS**, the Housing Element and Fair Share Plan identified the subject site as one of the inclusionary developments to meet the terms of Settlement Agreement; and

**WHEREAS**, the Township Council finds it is in the best interest of the Township to implement the mechanisms identified in the Housing Element and Fair Share Plan;

**BE IT ORDAINED** by the Township Council of the Township of Delran, County of Burlington, New Jersey as follows:

**Section 1. There is hereby added Article XXVII Inclusionary Development-2 District (“ID-2”)**

**§355-122 Purpose and Intent**

4. The purpose of the ID-2 District is to facilitate the development of a residential, inclusionary development within a single tract designed to create a maximum of 240 residential units, of which twenty percent (20%) are to be affordable to low and moderate income households (“Affordable Units”), in accordance with the Superior Court’s January 7, 2019 Order entered In the Matter of the Application of the Township of Delran, County Burlington, Docket No. L-1602-15.
5. This ordinance shall apply specifically to the future inclusionary development located on Block 65, Lot 18.01.

6. The provisions of this ordinance shall govern the future development of this property. In any case where this article shall conflict with any other portion of the Township zoning code, including the Supplemental Regulations at Article XIX, the language of this article shall prevail and be binding.

**§ 355-123 Permitted Principal Uses**

3. Multifamily residential uses shall be permitted, including townhomes, apartments, flats, and stacked townhomes. Multiple buildings are permitted within the ID-2 District.

**§355-124 Permitted Accessory Uses**

1. Off-street parking
2. Rental/Leasing Office within a multi-family building or the Clubhouse.
3. Clubhouse with indoor/outdoor recreational facilities including, but not limited to, pools and outdoor BBQs.
4. Outdoor Recreation Areas Including Playground(s), Walking Paths, Gazebos, Pergolas, Dog Parks, Pet Waste Disposal Station, Water Fountains and Other Landscaping Features.
5. Two-story Maintenance Building with the upper floor utilized as the site superintendent's residence. Said unit shall not be more than a 3 bedroom unit and shall not be factored when calculating project density. The unit shall be deed-restricted to be non-rentable and limited to the occupancy of the onsite property manager/superintendent and his or her immediate family only. The actual unit shall be identified on the site plan and designated and shall not count as one of the required affordable housing units provided on-site.
6. Accessory Shed to Maintenance Building
7. Trash Compactor and Recycling enclosure.
8. Site Signage Including Temporary Advertising and Contractor Signs, Directional Signage, Facade Signs, Monument Signs.
9. Flag Poles.
10. One (1) temporary construction trailer to be shown on a construction plan as approved by the Planning Board based on recommendations provided by Board Engineer.
11. Fences, Walls and Retaining Walls.
12. Patios, decks, and balconies.
13. Solar panels
14. Other Accessory Uses Customarily Incidental to Multi-Family Residential Units.
15. Stormwater Management Facilities.

**§355-125 Maximum Development Yield**

The total amount of multifamily residential units shall not exceed 240.

**§355-126 Area and Bulk Standards**

10. Tract Standards. The following area and bulk standards shall apply to the development of principal uses on the Tract:

- a. Minimum Tract Area: 14 acres
  - b. Minimum Tract Frontage: 200 feet
  - c. Minimum Front Yard Setback : 75 feet
  - d. Minimum Side Yard Setback : 25 feet
  - e. Minimum Rear Yard Setback: 75 feet
11. Accessory Structures
- a. Minimum Front yard setback: 75 feet
  - b. Minimum Side yard setback: 50 feet
  - c. Minimum Rear yard setback: 50 feet
  - d. Maximum Accessory Building Height: 1.5 stories and 25 feet, with the exception of the maintenance building and clubhouse, which shall not exceed 2 stories and 35 feet.
  - e. Architectural features can extend to 40 feet for the clubhouse.
12. Maximum Building Height: 3 stories and 50 feet.
13. Maximum Impervious Coverage: 70%
14. Off street parking standards shall be provided in accordance with NJ RSIS (Residential Site Improvement Standards).
15. Minimum Parking Setback from:
- a. From State Right of Way: 25 feet
  - b. Residential Zones: 50 feet
  - c. Rear Yard: 20 feet
  - d. Side Yard: 12.5 feet
16. Minimum landscape buffer width of 25 feet shall be maintained along adjacent residential uses and 15 feet along adjacent commercial uses.
17. Site can be cleared up to 100% of the site as needed to accommodate the ultimate grading.
18. Minimum Distance between buildings:
- a. Front to Front: 40 feet
  - b. Back to back: 25 feet
  - c. Side to side: 21 feet
19. Maximum of 24 units per building
20. Storm water management facilities, access drives, parking spaces and signage shall be permitted in the Front Yard, Rear Yard, and Side Yard.
21. The setback requirements set forth at §355-87 of the Township zoning code shall not apply. All setbacks from freshwater wetlands and/or flood hazard areas (if applicable) shall be as determined by the New Jersey Department of Environmental Protection (“NJDEP”).

22. Bulk standards are intended to apply to the overall development so that the site functions as one consolidated lot. The Bulk Standards are not applicable to subdivisions intended or necessary for bonding or financing purposes. Such financing subdivisions will require cross easements so that the overall site functions as if it were one development.

### **§355-127 Circulation**

Any application submitted for approval by the applicant shall include a detailed Traffic Analysis and/or Study, which shall address the impacts that are associated with the proposed uses on the existing roadway network. Such impacts shall include stress on the roadway itself, impacts on existing intersections or reduction to level of service to access points or intersections, circulation patterns on-site for vehicles and how they will interact with existing Township right of ways and if impacts found via a Traffic Study will require the need for off-site improvements. In addition, report shall address pedestrian circulation throughout the site, the need for pedestrian safety at vehicular and pedestrian conflict areas and the adequacy of parking and loading. At a minimum the design shall incorporate the following:

1. Sidewalks shall be provided on all right of ways within the development, and along the frontage of the site along Route 130 per section 310-41. Notwithstanding the above, all sidewalks shall be a minimum of 4 feet in width.
2. Conflicts between pedestrians and vehicles should be minimized to the extent possible via crosswalks or change in material within the roadway.
3. Stop bars shall be provided at all intersections and at end of all drive aisles.
4. Parking stalls shall be 9 feet wide and 18 feet deep. Accessible stalls shall be provided in accordance with all applicable federal and state requirements.

### **§355-128 Open Space, Buffer and Landscaping**

1. Complete landscaping plans shall be prepared. All proposed landscaping shall be approved by the Planning Board and its professionals. The Landscape Plan may be signed by an licensed architect, planner, engineer or landscape architect in accordance with N.J.A.C. Title 13, Law and Public Safety, Chapter 40 State Board of Professional Engineers and Land Surveyors, section N.J.A.C. 13:40-7.3(i).
2. Buffer and landscape design standards in 355-88 shall apply except as modified herein. Sections 310-46, 310-47, and 310-50 shall not apply.
3. Tree removal and replacement shall comply with Section 310-48, Chapter 328, and applicable sections of Chapter 355 as determined applicable by the Planning Board.
4. All trees shall be planted at a minimum caliper of 2.5 to 3 inches.

5. Section 355-88B (8) shall not apply, however, parking area landscaping shall consist of a mixture of plantings and shall be subject to the approval of the Planning Board.
6. Landscaping shall be provided along the Route 130 frontage and shall adequately screen residential amenities and parking areas.
7. A minimum of 25% of overall tract area shall be reserved for open space and recreation purposes. These areas may include but not be limited to, unoccupied, naturally vegetated open space, area that may be used for active recreation including playground, athletic fields, basketball or tennis courts, clubhouses, pool, stormwater management areas or other similar activities.
8. The open space areas may include passive recreation spaces such as walking trail or path.
9. Planted buffer areas shall be installed to provide a year round visual screen of such width, height and location as approved by the Planning Board. The size, variety and design of the buffer area shall be approved by the Planning Board upon recommendation of the Board Engineer.
10. Fencing shall be provided in accordance with 355-89 except as follows:
  - a. Solid fencing up to 8 feet in height is permitted along the property line with Lot 18.02 in Block 65.
  - b. Trash and recycling facilities shall be enclosed with solid fencing up to 10 feet in height.

**§355-129 Affordable Housing Requirements**

5. Twenty percent (20%) of the residential units shall be deed restricted in accordance with the provisions of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. (“UHAC”), which shall govern the number of bedrooms and rents for the Affordable Units.
6. The Affordable Units and market rate units shall be constructed in accordance with the following phasing schedule:

Percentage of Affordable Units Issued CO	Percentage of Market Rate Units Issued CO
0	25%
10%	25% plus 1 unit
50%	50%
75%	75%
100%	90%

7. The Affordable Units shall be integrated with the market rate units per N.J.A.C. 5:93-5.6 (f).
8. Controls on affordability shall remain in place for a period of thirty (30) years in conformance with UHAC and interpretative case law.

**§355-130 Specific Regulations within the ID-2 District**

1. The following design standards shall apply to multi-family residential construction:
  - a. The primary building elevation shall consist of wall materials including brick, stone, wood, stucco, metal, vinyl siding or similar quality materials.
  - b. Blank or featureless walls shall be avoided.
  - c. Buildings which have a horizontal width of greater than 100 feet on any façade shall be designed to be visually separated into vertical segments rather than long horizontal walls.
  - d. No building shall have a wall with an uninterrupted length of more than 50 feet without including a change in the vertical plane of the facade. This may be achieved through any one or combination of the following:
    - i. Pilasters, bay windows, building step-backs, and other façade recesses or projections.
    - ii. The step-back or projection shall be a minimum of 18 inches from the primary building façade.
    - iii. The changes in the building façade plane shall occur over at least two stories of a building which is 3 stories or greater. For buildings less than 3 stories in height, the change may occur on only a single story.
  - e. Building walls shall be consistent in quality and finish materials on all elevations visible from the public street
  - f. Openings for windows or window panes shall have vertical dimensions greater than or equal to the horizontal dimensions.
  - g. Windows shall be inset into the wall cavity a minimum of 4 inches from the building face at areas of stone or brick.
  - h. Window sills shall project a minimum of 2 inches from the building face at finish areas of stone or brick.
  - i. Pitched roofs shall have eaves that overhang the building face by a minimum of 18 inches.
  - j. Buildings with flat roofs shall have a cornice which projects a minimum of 6 inches from the building face.
  - k. Provision for common trash enclosure shall be provided.
2. Utilities. All utilities shall be located underground.
3. Mechanical screening. All mechanical equipment, whether placed on the ground, roof or other location shall be screened from ground level view with an acceptable material compatible with the architectural scheme of the development and/or landscaping.

**§355-131 Signs**

1. The provisions of §355-94 Sign and flagpole regulations are supplemented and modified as follows:
  - a. Monument Signs. One (1) monument sign shall be permitted on Route 130 as follows in accordance with the following:

- (1) Calculation of sign area shall be measured on one side. The base of the monument sign shall not be included in the calculation of sign area, provided that the base does not exceed a height of 2 feet and that no messaging is included on the base.
  - (2) A double-sided monument sign is permitted, provided that the message on both sides is identical and only one side is visible from any given vantage point.
  - (3) Setback. Setback shall be a minimum of 10 feet from the existing or proposed right-of-way line of US Route 130 and not within any sight triangle.
  - (4) Size. Sign size shall not exceed 85 square feet with a maximum height of 9 feet.
  - (5) Sign Message. The sign message shall include only the development name, property address, website, and development logo for the multifamily residential use.
- b. Directional Signs. Directional signs are permitted, and shall not exceed 3 square feet in area and 4 feet in height.
- c. Façade/Attached Wall Signs. A maximum of 4 lighted signs attached to each of the principal facades of each building shall be permitted to identify the building number in accordance with the following:
- (1) Size. Each sign shall be no larger than 4 square feet.
  - (2) Height. Such signs shall not project above the roofline or beyond the ends of the building.
  - (3) Projections. Such signs shall not project more than 12 inches from the building facade to which it is attached.
  - (4) Other than the restrictions in c (1) to (3), there are no width or other height restrictions.
- d. Temporary Signs.
- (1) A maximum of one (1) temporary leasing sign shall be permitted at the access point from Route 130 in accordance with the following standards:
    - i. The maximum height shall be 10 feet, and the maximum area shall be 50 square feet.
    - ii. The sign shall advertise the development name, property address, website, phone number and development logo for the multifamily residential use.
  - (2) A maximum of four (4) temporary contractor and/or professional advertising signs shall be permitted along the Route 130 frontage in accordance with the following standards:
    - i. The maximum height shall be 8 feet, and the maximum area shall be 25 square feet.
    - ii. The sign shall advertise the prime contractor, subcontractor(s), architect, engineer, financial institution and/or similar data.
  - (3) All temporary signs shall not be permanently affixed to the ground or

any other structure.

- (4) All temporary signs shall be permitted to be installed beginning with the issuance of a building permit, and shall be removed once 95% of the available units have been built and initially occupied.

2. Illumination.

- a. All permitted signage may be internally or externally illuminated.
- b. Sign illumination shall be arranged to reflect the light and glare away from the adjoining lots, streets and residences.
- c. No sign shall be permitted with beacons.

**Section 2.** The zone map shall be updated to reflect that Block 65, Lot 18.01 is to be located within the Inclusionary Development-2 (ID-2) zone.

**Section 3.** This ordinance shall take effect immediately.

Mr. Lyon made a motion to open the meeting to the public, seconded by Mr. Mormando. All were in favor, motion approved.

This ordinance deals with the property next to Home Depot.

John Bucci, 22 Ridgewood Avenue, asked if the Township is changing the ordinance to permit residential building on Route 130 which is currently zoned commercial.

Mr. Catrambone stated that the zoning will be changed as part of the agreement.

Mr. Bucci asked if the zoning change affects the property on Fairview St.

Mr. Catrambone stated that it does not.

Mr. Mormando made a motion to close the public portion, seconded by Ms. Parejo. All were in favor, motion approved.

Ms. Parejo made a motion, seconded by Mr. Burrell to adopt Ordinance 2019-16 on second reading.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN  
ORDINANCE 2019-17**

**ORDINANCE ESTABLISHING THE AFFORDABLE HOUSING DISTRICT (AH)**

## IN BLOCK 125 LOT 14

**WHEREAS**, the Township of Delran (“Township”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey bearing the caption In the Matter of the Township of Delran, County of Burlington, Docket No. BUR-L-1602-15 following the New Jersey Supreme Court’s decision in Mt. Laurel IV; and

**WHEREAS**, the Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 23, 2018, establishing the Township’s affordable housing obligations for the Prior and Third Round periods and the compliance mechanisms by which the Township will meet its constitutional obligation to provide for its fair share of affordable housing; and

**WHEREAS**, the Court entered an order on January 7, 2019 approving the Settlement Agreement by and between the Township and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low- and moderate-income households;

**WHEREAS**, the Township Planning Board adopted a Housing Element and Fair Share Plan to implement the Settlement Agreement on June 27, 2019; and

**WHEREAS**, the Housing Element and Fair Share Plan identified the subject site as one of the 100% Affordable Housing developments to meet the terms of Settlement Agreement; and

**WHEREAS**, the Township Council finds it is in the best interest of the Township to implement the mechanisms identified in the Housing Element and Fair Share Plan;

**BE IT ORDAINED** by the Township Council of the Township of Delran, County of Burlington, New Jersey as follows:

### **Section 1. There is hereby added Article XXVIII Affordable Housing District (“AH”)**

#### §355-132 Purpose and Intent

The purpose and intent of the AH District is to provide for the development of a 100% affordable project not to exceed 65 multifamily units.

#### §355-133 Permitted Principal Uses

1. Multi-family dwellings, townhouses, stacked townhouses. Multiple buildings are permitted within AH District

#### §355-134 Permitted Accessory Uses

1. Recreational facilities including club house, outdoor recreation.
2. Off-street parking facilities.
3. Utility structures.

#### §355-135 Maximum Development Yield

The total amount of multifamily residential units shall not exceed 65 units.

### §355-136 Area and Bulk Requirements

1. Ownership and control. The tract shall be under one ownership or control by the applicant for purposes of obtaining all required development approvals and committing the tract to the regulations of the AH District
2. Minimum tract area: 3 acres
3. Minimum tract frontage: 100 linear feet
4. Setback Requirements:
  - a. Front yard setback (Rancocas St.): 20 feet
  - b. Side yard setback: 25
  - c. Rear yard setback: 25 feet
5. Minimum buffer with of 20 feet within the setback area shall be maintained only along residential zoned or used properties.
6. Maximum number of units per building: Maximum of 10 units per building.
7. Maximum Height: 3 stories, but not to exceed 45 feet.
8. Maximum Impervious Coverage: 80 % of the entire tract area
9. Minimum Open Space requirement: A minimum of 20% of gross tract shall be open space, this may include but not limited to, passive recreation areas, active recreation areas, natural or planted buffer and any other similar pervious areas. Open space on the tract may be maintained by the owner, a tenant association, or condominium association.
10. Minimum parking requirements. Parking spaces shall be provided in accordance with the requirements of the New Jersey Residential Site Improvement Standards (RSIS). Garden apartment ratios shall be utilized in determining the minimum required number of off-street parking spaces. Off-street parking spaces may be provided in surface parking lots or as garages.
11. Relationships to other sections this chapter. Where the regulations of the AH Zone conflict with any other regulations of this chapter, the regulations contained in this section for the AH Zone shall apply.

### §355-137 Zone specific design standards

1. Lighting: No light fixture, whether pole or wall mounted, shall be greater than 18 feet in height.
2. Landscaping: All public street frontages and project entrance drives, shall be planted with approved street trees spaced a maximum of 50 feet apart
3. Design Standards:
  - a. The primary building elevation shall consist of wall materials including brick, stone, wood, stucco, metal, vinyl siding or similar quality materials.
  - b. Blank or featureless walls shall be avoided.
  - c. Buildings which have a horizontal width of greater than 100 feet on any façade shall be designed to be visually separated into vertical segments rather than long horizontal walls.
  - d. Building walls shall be consistent in quality and finish materials on all elevations visible from the public street.

- e. Openings for windows or window panes shall have vertical dimensions greater than or equal to the horizontal dimensions.
  - f. Pitched roofs shall have eaves that overhang the building face by a minimum of 18 inches.
  - g. Buildings with flat roofs shall have a cornice which projects a minimum of 6 inches from the building face.
4. Signage: A sign identifying a multi-family residential development shall not exceed 32 square feet and shall be limited to one sign per street frontage.
  5. Laundry Facilities: Adequate laundering and drying facilities for clothing shall be provided within each structure sufficient to serve its occupants, unless such facilities are individually provided for each dwelling unit.
  6. Pedestrian circulation. A pedestrian circulation system shall be provided which connects parking areas, dwellings and recreational facilities in a coherent and comprehensive pattern. The pedestrian walkway shall be adequately illuminated at night and be surfaced with a durable, dustless, all-weather material a minimum width of five feet.
  7. Trash enclosures. Trash enclosures shall be provided such that no disposal area is greater than 500 feet from the entrance of any dwelling unit unless individual trash storage areas are provided for each dwelling unit. Trash and recycling pick-up may only occur between the hours of 7:00 a.m. and 10:00 p.m. unless otherwise regulated by any State or Federal regulations.
  8. Utilities. All utilities servicing the development shall be located underground.
  9. Mechanical screening. All mechanical equipment, whether placed on the ground, roof or other location shall be screened from ground level view with an acceptable material compatible with the architectural scheme of the development and/or landscaping.

**Section 2.** The zone map shall be updated to reflect that Block 125, Lot 14 is to be located within the Affordable Housing District (AH) zone.

**Section 3.** This ordinance shall take effect immediately.

Mr. Mormando made a motion to open the meeting to the public, seconded by Mr. Burrell. All were in favor, motion approved.

Mr. Catrambone stated that this property is the former Abrasive Alloys site and sits between Rancocas and Clay Street. Mr. Catrambone stated that we currently have two developers looking at the property. This would be a 100% affordable housing development.

Charles Mitchell, 1 S. Bridgeboro Street, asked how this development will impact the residents in the area.

Mr. Catrambone stated that these sites were selected as there are very limited sites left in the Township.

Mr. Mitchell stated that when they were doing the studies on the property he talked to the individuals. The place is not polluted but it does have nickel on the property which is not hazardous. A lot of the property is wetlands.

Mr. Catrambone stated that they are exploring the wetland areas. If for any reason this site is not usable then we would have to find another site.

Mr. Mitchell asked if the streets would have to be widened.

Mr. Catrambone stated that we don't know yet if the site will be approved and we do not know what the plan will look like.

Jaime Roberts, 12 Center Street, stated that she has an article from 2013 that states they were trying to clean up the property then to build. It states that the Governing Body suspects that there has been a discharge of hazardous substances or hazardous waste on the property. There is also an article from March that mentions a \$98,000 grant for the cleanup.

Mr. Hatcher stated that the Township received the grant to identify the items that need to be cleaned up. This is the third phase of grants that we received.

Mrs. Roberts asked if there are any plans for the development.

Mr. Catrambone stated no.

Mrs. Roberts asked if Council can tell her where the entrances will be.

Mr. Catrambone stated that we do not have that information.

Mrs. Roberts stated that the letter she has states that the front of the units will be on Rancocas Street which is not wide enough for two way traffic.

Mr. Catrambone stated that it appears the entrance will be near where Rancocas meets Clay Street. This site is years from be remediated and developed. When that happens, the developer will present their plan to the Planning Board and the residents will be able to ask questions.

Mrs. Roberts questioned how her home is 200 feet from the property. All the homes on Rancocas didn't receive notification.

Mr. Catrambone stated that it is from the property line. The information comes from the Tax Assessor.

Mrs. Roberts asked why there must be market rate units built in addition to the affordable units.

Mr. Catrambone stated that in this location, it will be all affordable units. The developers use the affordable housing to facilitate getting grants. The affordable homes are not as profitable as the market rate units.

Mrs. Roberts asked if the Township can fight this. It would make more sense to only build the affordable units.

Mr. Arnautovic stated that the guidelines require a 20% set aside.

Mrs. Roberts asked if the units will be apartments.

Mr. Arnautovic stated that the units will not be apartment rentals.

Mrs. Roberts asked how the traffic light to make a left from Bridgeboro on to Cleveland is going to work when all the new units are built and there is additional traffic.

Mr. Paris stated that it will be evaluated at the Planning Board level.

Mr. Catrambone encouraged the residents to attend to Planning Board meeting when the plans are presented.

Mrs. Roberts asked when the state will begin the cleanup.

Mr. Catrambone stated that we do not know. There are a number of things that could prohibit the development of that site.

Mr. Arnautovic stated that no developer will be able to build on the property until it is remediated.

Carl May, 13 Center Street, asked if all the affordable units being built are Delran's responsibility and not another municipality's.

Mr. Catrambone stated that they are all Delran's responsibility.

Mr. May stated that he heard some talk that this will extend Cleveland Avenue back into the property and if it does it will take out his driveway and garage. He will be left with ten feet of frontage if they put in that street.

Mr. Catrambone stated that there has been absolutely no plan developed for the property. The entrance as we know it right now will be where Rancocas Street meets Clay Street.

Pat Pomeranz, 21 Alden Avenue, stated that Mr. Catrambone stated that the Township chose the site for the builder. A builder didn't approach the Township.

Mr. Hatcher stated that it was one of the last vacant sites.

Mr. Catrambone stated that we discussed several sites and this is the one that they were interested in pursuing. When the Township was negotiating with all parties there were several sites discussed and this property was chosen.

Ms. Pomeranz stated that the Township was assigned 387 affordable units and asked who identified the lots.

Mr. Catrambone stated that the interveners came with the sites and then Stellwag got pulled into the litigation. There was also an affordable developer that was looking for sites for a 100% affordable development.

Ms. Pomeranz asked if the Township owns any other land that is not on the Green Acres inventory.

Mr. Catrambone stated that we do not.

Ms. Pomeranz stated that in her neighborhood she could not put an addition on her home with a height greater than 25 feet. This ordinance allows for a maximum of 45 feet, which is higher than any property in the area.

Mr. Burrell stated that no one at this dais went looking to build. It was a court mandated constitutional obligation. The courts came up with a certain number of homes and the Township had to figure out how to meet that obligation.

Ms. Pomeranz stated that she understands the obligation but asked if the Township has any right to put restrictions on the building.

Mr. Burrell stated that we do.

Ms. Pomeranz asked then why did the Township allow a building height of 45 feet in that area.

Mr. Burrell stated that we ultimately had to get to the number and because of the size of the property; we had to allow that height to meet the number.

Ms. Pomeranz asked if the Township attempted to contact the owner of any other vacant lots in town to sell.

Mr. Catrambone stated that we did not reach out to other property owners.

Ms. Pomeranz asked if we could have.

Mr. Catrambone stated that he would assume that we could but it was not a part of the negotiations. Unfortunately we were under a time constraint with the court and we didn't have to look for additional properties. We owned this property and if a developer could remediate the site we didn't feel it would be a bad location.

Ms. Pomeranz asked who will be responsible for the issues with the road. There is no way 120 cars can go in and out of the area.

Mr. Catrambone stated that there isn't a developer assigned to that project and no plan has been developed. It is a plan that is designed to settle the law suit.

Mr. Arnautovic stated that this is a question for the Planning Board. This is strictly a zoning ordinance that provides certain density and set back restrictions.

Ms. Pomeranz asked if and when they come up with the plan and the developer will not pay for the road improvements, will the Township have to pay for those roads.

Mr. Catrambone stated that the Planning Board will work with the professionals for the Board and use all the leverage that we can but he cannot predict the future.

Ms. Pomeranz stated that this is a major concern for the residents in the area.

Mr. Arnautovic stated that since she sits on the Planning Board, she can discuss these concerns with the professionals and it could potentially be a condition of the approval.

Ms. Pomeranz asked if the Township has any idea when they will see the results for the testing on the property.

Mr. Hatcher stated that the project is just getting started but should be completed by year end. We do have preliminary reports from previous studies. What they are looking for now is how far the contaminants may have permeated into the ground.

John Bucci, 22 Ridgewood Avenue, stated that in the past some municipalities have sold their obligations and asked if the Township consider that.

Mr. Catrambone stated that we have done this in the past but it is no longer an option since they have changed the law.

Sharon Coryell, 7 Marsha Drive, discussed the wildlife impact with all the development. She noticed that since development started on the Stellwag property, there has been an increase in wildlife migrating into the Hartford/Bridgeboro Road area and into Ashley Crossing. She asked if there is a study or DEP intervention that will be done and who will be responsible for the study.

Mr. Catrambone stated that he doesn't know if there is an obligation to perform a wildlife study.

Mr. Arnautovic stated that he is not aware of any requirement to perform a wildlife study.

Ms. Coryell asked if she should approach the state to perform a study on the four areas.

Mr. Catrambone stated that in reference to this development it does back up to an area that is already preserved as open space. At this point there is no plan in place to perform a wildlife impact study.

Mrs. Coryell asked what provisions Delran has to preserve open space.

Mr. Catrambone stated that as this process started we have started to look at numerous properties that are for sale. Council has high interest in preserving land.

Charles Mitchell, 1 S. Bridgeboro Street, asked Mr. Hatcher if he is doing the environmental impact study.

Mr. Hatcher stated that the study is handled by the Engineer. The developer would have to submit a study when they make application to the Planning Board.

Mr. Catrambone stated that we just received the grant a few months back and they will be studying the levels of contamination. We have done two prior phases and getting ready to start phase three.

Lou Hayner, 23 French Avenue, discussed the condition of the properties on French Avenue.

Mr. Catrambone stated that we are only in public for the Abrasive Alloys property. This issue can be handled in the public portion at the end of the meeting.

Marty Eckert, 104 Mulberry Street, stated that he understands a lot of the issues discussed tonight are more appropriate for the Planning Board hearing. Mr. Eckert asked if it is still true

that to get the credits for affordable housing it needs to be in closed proximity to public transportation.

Mr. Arnautovic stated that is more on the private applicant side. Essentially the grants are highly competitive for the developers and the proximity to public transportation increases the points received in the grant application but it is not necessarily a pre-requisite.

Mr. Eckert encouraged all residents to attend the Planning Board meeting to address traffic concerns. This is a small neighborhood and there is already a lot of traffic in the Bridgeboro area.

Harry Fox, 15 Clay Street, stated that he had a lot of notes but 90% of his questions have been answered already tonight. Mr. Fox asked who was involved in the negotiations.

Mr. Catrambone stated that he was the sole member of the governing body. Also in attendance was the Township Attorney and Planner, the Attorneys for the intervenors and the Special Master.

Mr. Fox asked how the Township came up with the number of sixty-five units.

Mr. Catrambone stated that in the negotiations we were juggling number to reach the obligation that was agreed to by all four parties involved. Mr. Catrambone stated that his goal was to get the lowest number of new units.

Mr. Fox stated that he does not believe it is viable for this property to be developed but it was mentioned that two developers were interested in the property.

Mr. Catrambone stated that they are organizations that build 100% affordable project. They make their money by acquiring grants and incentives from outside agencies. There are two that are looking at the property.

Mr. Fox asked if the Township will be doing the demolition of the buildings.

Mr. Catrambone stated that hopefully that will be completed by the developer or the remediation company.

Mr. Fox stated that he saw a demolition contractor looking at the property.

Mr. Hatcher stated that there were a few companies that had an interest in looking at the salvage value of the metal in return for the demolition of the building. At this point in time we do not have contractor that is interested.

Mr. Fox asked if the Township knows the percentage of how many of the units will be very low, low and moderate.

Mr. Catrambone stated that he doesn't believe it is spelled out in the agreement.

Mr. Fox stated that if these 65 units were built there could potentially be 149 bedrooms and almost 400 additional vehicles.

Mr. Catrambone stated that it is all hypothetical at this point.

Mr. Fox stated that to maintain the sewer plant one of the tanks needs to be shut down for cleaning and the other tanks have to be able to handle the capacity. Mr. Fox stated that Mr. Burrell's earlier comment that the plant can handle the additional capacity is correct if they are using all the tanks. Mr. Fox stated that in his opinion the plant would need to be upgraded.

Mr. Fox stated that the ordinance references townhomes, etc. and he asked if it is being interpreted that the development will not be apartments.

Mr. Arnautovic stated that is his understanding but he will look into this issue.

Mr. Catrambone stated that the ordinance does not make mention of rentals.

Mr. Fox stated that his concern is that it may possibly be apartments.

Mr. Catrambone stated that in the overall plan it does make mention that they could be rentals even though it is not addressed in the ordinance. We will have the Township Attorney review the information.

Mr. Catrambone asked for a motion to take a five minutes recess. Mr. Mormando made the motion, seconded by Mr. Burrell. All were in favor, motion approved.

Chuck Eiler, 116 Mulberry Street, asked if there is an affordable housing obligation that is mandated by the State.

Mr. Catrambone stated yes, it is a constitutional obligation.

Mr. Eiler asked if there is a percentage that is based on criteria such as population, overall housing or size of the municipality.

Mr. Catrambone stated that those numbers for the first and second rounds were determined by the Council on Affordable Housing. The third round was then taken over by the court. The Township joined with a number of towns and hired an expert to provide a number.

Mr. Arnautovic stated that it is based on some of those factors and much more.

Mr. Catrambone stated that we had to begin the negotiations without an actual number.

Mr. Eiler asked if the ordinances that the Township is adopting tonight will satisfy the obligation.

Mr. Catrambone stated that it will for this round but there will likely be additional rounds. This round takes us to 2025.

Mr. Eiler asked if it is possible that this site could be designated for seniors or veterans.

Mr. Arnautovic stated that some affordable projects are not just based on income. It is designated for veterans and also domestic violence victims.

Mr. Eiler stated that we have a civil engineer that went on record tonight that if these units are built the sewer plant will have to be expanded.

Mr. Catrambone stated that was his opinion.

Mr. Eiler asked if it is determined through the process that the sewer plant will need to be upgraded, does the Township have the ability to force the developer to post a bond so the cost does not fall to the residents.

Mr. Hatcher stated that every development will end up paying a connection fee based on the number of units. Those connection fees are for improvements to the plant.

Mr. Eiler asked what the average connection fee would be.

Mr. Hatcher stated that each one differs. There is a calculation used to determine the amount.

Mr. Eiler asked if the connection fees will be based on each building or unit.

Mr. Arnautovic stated that it will be based on the application. The engineer will determine the amount.

Mr. Lyon made a motion to close the public portion, seconded by Mr. Mormando. All were in favor, motion approved.

Mr. Lyon made a motion, seconded by Mr. Burrell to adopt Ordinance 2019-17 on second reading.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

### **ORDINANCES ON FIRST READING**

#### **TOWNSHIP OF DELRAN, NEW JERSEY ORDINANCE 2019-18**

**BOND ORDINANCE AUTHORIZING THE UNDERTAKING OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF CAPITAL EQUIPMENT IN AND FOR THE TOWNSHIP OF DELRAN; APPROPRIATING THE SUM OF \$806,200 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF DELRAN, COUNTY OF BURLINGTON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$767,808; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Mr. Lyon made a motion, seconded by Mr. Burrell to approve Ordinance 2019-18 on first reading.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN  
ORDINANCE 2019-19**

**AN ORDINANCE OF THE TOWNSHIP OF DELRAN AMENDING CHAPTER 20, ENTITLED  
“ADMINISTRATION OF GOVERNMENT,” AND AMENDING CHAPTER 37, ENTITLED  
“LAND USE PROCEDURES,” OF THE CODE OF THE TOWNSHIP OF DELRAN, COUNTY  
OF BURLINGTON AND STATE OF NEW JERSEY**

Mr. Burrell made a motion, seconded by Ms. Parejo to approve Ordinance 2019-19 on first reading.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

**CONSENT AGENDA**

**RESOLUTION 2019-148**

**RESOLUTION AUTHORIZING CANCELLATION OF  
MUNICIPAL TAX SALE CERTIFICATE**

**RESOLUTION 2019-149**

**RESOLUTION AUTHORIZING THE CANCELLATION  
OF TAXES OF A TOTALLY DISABLED VETERAN  
LOCATED AT BLOCK 119.01 LOT 18 PARTIAL  
TAX YEAR 2019 AND THEREAFTER**

**RESOLUTION 2019-150**

**RESOLUTION AUTHORIZING THE CANCELLATION  
OF TAXES OF A TOTALLY DISABLED VETERAN  
LOCATED AT BLOCK 138 LOT 20 PARTIAL  
TAX YEAR 2019 AND THEREAFTER**

**RESOLUTION 2019-151**

**EXTENDING DUE DATE FOR 3<sup>rd</sup> QTR. TAXES**

**RESOLUTION 2019-152**

**REFUND TAX OVERPAYMENT BLOCK 55 LOT 4**

**RESOLUTION 2019-153**

**APPROVING RAFFLE LICENSE # 570 FOR VFW POST  
3020 LAMBERT-SCULLY- BOZARTH**

**RESOLUTION 2019-154**

**REFUNDING CONSTRUCTION PERMIT 20180499 IN THE AMOUNT OF \$228.40 TO SOLAR CITY CORPORATION**

**RESOLUTION 2019-155**

**SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2019 STATEWIDE CRACKDOWN**

**RESOLUTION 2019-156**

**AUTHORIZING THE PURCHASE OF TWO MULTI-FUNCTIONAL PRINTERS/SCANNERS/COPIERS UNDER STATE CONTRACT G-2075 EXPIRATION DATE 1/11/2020**

**RESOLUTION 2019-157**

**CERTIFICATION OF 2018 ANNUAL AUDIT**

Mr. Burrell made a motion, seconded by Mr. Mormando to adopt the consent agenda.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

### **MOTIONS**

Mr. Lyon made a motion authorizing the payment of bills including all purchases made under the Cooperative Purchasing Agreement. The motion was seconded by Ms. Parejo.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

Mr. Lyon made a motion, seconded by Mr. Mormando to accept the report of the Tax Collector and the Township Clerk.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

Mr. Burrell made a motion accepting the report of the CFO including the July YTD Revenue Report, YTD Budget Report and July Check Register. The motion was seconded by Mr. Mormando.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

Mr. Lyon made a motion, seconded by Mr. Burrell granting the mercantile licenses listed below.

1. Prime Auto Sales, LLC, 150-9 Carriage Lane
2. Stumpy's Hatchet House of Delran, 5029 Route 130, Suite 400
3. New Jersey Auto Motors, 8004 Route 130 North

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

## **REPORTS**

**Ms. Eggers** – Ms. Eggers reported that the next blood drive will be held on August 29<sup>th</sup> from 1:30-6:30. If anyone is interested in registering they can contact the Clerk's Office or use the link posted on the website.

**Mr. Hatcher** – Mr. Hatcher recognized two long time employees that have recently retired. Helene Hark and Jerry DeSanto have both retired with over thirty years of employment with the Township.

Mr. Hatcher stated that at the next work session, August 27<sup>th</sup>, we will be updating Council on the upcoming bond sale. We received an e-mail from Phoenix Advisors that was read into the record: "As we discussed a couple of months ago because the Township has been diligent in paying down additional principal on notes in the 2019 budget with a total payment of debt service of \$2,621,865 we can easily bond all the outstanding notes in the total amount of \$10,975,000 with no increase in debt service for 2020".

**Solicitor** – No report.

**Fire Commissioners** – No report.

**Mr. Lyon** – Mr. Lyon stated that Delran Night Out went off really well and it was a great time.

Mr. Lyon stated that we was also at the last Jake's Place fundraiser and although he is not sure how much money they raised it appeared to go off very well.

**Mr. Mormando** – No report.

**Ms. Parejo** – Ms. Parejo recognized the Delran RAC and Mr. Burrell for Delran Night Out.

**Mr. Burrell** – Mr. Burrell stated that on behalf of the RAC he would like to thank everyone for their help with Delran Night Out. That includes the Council, Mayor, RAC, Police Department, Fire Department, Public Works and the Administrative staff. It was a great night and we appreciate everyone that attended.

Mr. Burrell stated that all the contact information is online for the Mayor, Council and Administrator. If there are any questions, please reach out to us.

**Mr. Catrambone** – Mr. Catrambone stated that he would also like to congratulate Helene Hark and Jerry DeSanto on their retirement.

Mr. Catrambone stated that next month we will have proclamations for the Delran Diamonds Girls' Softball U-8 team who place third in nation in the Babe Ruth Softball World Series.

Mr. Catrambone stated that he was thrilled with Delran Night Out and congratulated all the folks involved not only with the production and success but the safety of the event.

**Mr. Paris** – Mr. Paris thanked Helene Hark and Jerry DeSanto. They were both long time employees of the Township and very active.

Mr. Paris thanked Mr. Burrell and Mr. Parento and all departments involved on an excellent job with regards to Delran Night Out.

Mr. Paris stated that he would like to appoint Pat Pomeranz as a Class IV member on the Planning Board for a term to expire 12/31/2020. He is very happy to have her as a permanent member.

Mr. Paris stated that they held their fourth meeting of the River Coalition meeting last night. We currently have ten towns that have submitted Resolutions to join and three others that are interested. The meetings are going very well. We are trying to put together the issues faced by each town. The next step will be to get the state and federal officials along with state and federal agencies involved and attend the meeting.

Mr. Paris stated that a meeting was held on August 2<sup>nd</sup> with the NJ Department of Transportation. They performed an audit of the intersections and crosswalks on Route 130. We walked all the areas and identified the issues and concerns.

## **PUBLIC PORTION**

Mr. Lyon made a motion, seconded by Mr. Mormando to open the meeting to the public for any questions. All were in favor, the motion was approved.

Sheila Procida, 5 Toby Wells Court, stated that she backs up to the Brown Street Pump station and about a year ago one of the employees hit the fence and it has never been repaired.

Mr. Hatcher stated that he will address this issue.

Lou Hayner, 23 Frech Avenue, discussed his concerns with properties on his street. Mr. Hayner stated that 16 Frech Avenue is really bad.

Mr. Hatcher stated that the property is being addressed since it was brought up at the last meeting.

Mr. Hayner asked who he should contact in Public Works.

Mr. Hatcher stated that you can call the same number for Public Works and ask for Bryan Mullen.

Pat Pomeranz, 21 Alden Avenue, thanked Mayor Paris for the appointment to the Planning Board.

Ms. Pomeranz asked about the status of Milanese Pizza.

Mr. Hatcher stated we got them to secure the site and clean up the trash on the sidewalk and in the rear of the property. They have done all that can be required and the property is being marketed.

Ms. Pomeranz stated that Delran Night Out was fantastic. The only thing that was mentioned to her was that they didn't think it was fair to charge the handicap to park.

Mr. Burrell stated that they should not have been charged and if they contact the Township we will straighten it out.

Mr. Mormando made a motion to close the meeting to the public, seconded by Mr. Burrell. All were in favor, the motion was approved.

Mr. Lyon made a motion, seconded by Mr. Mormando to adjourn the meeting. All were in favor, the meeting adjourned.

Submitted,

Jamey Eggers  
Municipal Clerk