

Donald J. Sears, Esq.
Township of South Brunswick
540 Ridge Road
P.O. Box 190
Monmouth Junction, NJ 08852
Phone No.: (732) 329-4000

Attorney for Declaratory Plaintiff,
Township of South Brunswick

<p>IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF SOUTH BRUNSWICK FOR A JUDGMENT OF COMPLIANCE AND REPOSE AND TEMPORARY IMMUNITY FROM <u>MOUNT LAUREL</u> LAWSUITS</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION MIDDLESEX COUNTY</p> <p>DOCKET NO.: MID-L-3878-15</p> <p>CIVIL ACTION – <i>MOUNT LAUREL</i></p> <p>CERTIFICATION OF DONALD J. SEARS</p>
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I, Donald J. Sears, of full age, do hereby certify as follows:

1. I am an attorney-at-law in the State of New Jersey, employed as the Director of Law for the Township of South Brunswick, the attorney for the Declaratory Plaintiff in the above-captioned matter, and have personal knowledge of the facts set forth in this certification.
2. The following is a chronology of events that have occurred in the development of the Wilson Farms Redevelopment Project:
 - a) Township acquisition of 17.7 acres of former Brownfields site at a cost of \$3 million dollars – December 23, 2013 (Exhibit A).
 - b) Agreement with South Brunswick Community Development Corporation (SBCDC), a non-profit affordable housing provider, for development of an affordable housing complex of up to 300 units – July 23, 2014 (Exhibit B).
 - c) Resolution of Council referring proposed declaration of area as Area in Need of Rehabilitation to the Planning Board for review – September 9, 2014 (Exhibit C).
 - d) Resolution of Planning Board in support of declaration of area as Area in Need of Rehabilitation – October 1, 2014 (Exhibit D).
 - e) Resolution of Council declaring area as Area in Need of Rehabilitation – October 14, 2014 (Exhibit E).
 - f) Letter of DCA Commissioner Richard E. Constable, III, approving Area in Need of Rehabilitation – November 5, 2014 (Exhibit F).

- g) Draft Redevelopment Plan reviewed; application for Long Term Tax Abatement and PILOT agreement filed by SBCDC on behalf of Wilson Farm Urban Renewal I, LLC as Urban Renewal Entity - March 20, 2015 (Exhibit G).
 - h) Resolution authorizing CME Associates, Township Engineer, to provide engineering services in relation to redevelopment project – April 14, 2015 (Exhibit H).
 - i) Resolution of Council approving Wilson Farm Urban Renewal I, LLC as Urban Renewal Entity – April 28, 2015 (Exhibit I).
 - j) Introduction of Ordinance 2015-11 authorizing a Tax Abatement and PILOT agreement with Wilson Farm Urban Renewal I, LLC for affordable housing – April 28, 2015 (Exhibit J).
 - k) Introduction of Ordinance 2015-12 adopting the Wilson Farm Redevelopment Plan – April 28, 2015 (Exhibit K).
 - l) Referral of Ordinance 2015-12 to Planning Board for consideration – April 29, 2015 (Exhibit L).
 - m) Approval of Ordinance 2015-12 by Planning Board – May 7, 2015 (Exhibit M).
 - n) Adoption of Ordinance 2015-11 by Council on May 12, 2015.
 - o) Adoption of Ordinance 2015-12 by Council on May 12, 2015.
 - p) Application for Preliminary and Final Major Site Plan Approval submitted by Wilson Farm Urban Renewal I, LLC for first phase of development - May 13, 2015 (Exhibit N).
 - q) Township letter of support to New Jersey Housing and Mortgage Finance Agency on application of Wilson Farm Urban Renewal I, LLC, for Tax Credit funding – June 11, 2015 (Exhibit O).
 - r) Approval by Planning Board of application for Preliminary and Final Major Site Plan Approval submitted by Wilson Farm Urban Renewal I, LLC for first phase of development on June 17, 2015.
 - s) Resolution of Planning Board granting Preliminary and Final Major Site Plan Approval to Wilson Farm Urban Renewal I, LLC for first phase of development – July 15, 2015 (Exhibit P).
3. In Re Failure of Affordable Housing Trust Fund Regulations, ___ N.J. Super. ___ (App. Div. 2015) was initially started by Fair Share Housing Center (“FSHC”).
 4. The Township proactively sought and was granted permission to intervene in the pending case before the Appellate Division (Exhibit Q).
 5. Both FSHC and the New Jersey State League of Municipalities supported the Township’s application for intervention, since the Township was considered a model municipality in managing and producing affordable housing with its local trust fund money.
 6. After being granted permission to intervene in the case, the Township, FSHC and the League of Municipalities worked together to successfully prevent State government from seizing municipal trust funds, thereby preserving a municipality’s ability to use its trust fund money to actually produce affordable housing.
 7. At no time was the Township sued for merely “accumulating its affordable housing trust

funds.”

8. Attached hereto as Exhibit R is a true copy of COAH’s August 26, 2014, resolution finding that the Township was in full compliance with the statutory requirements for expenditure and/or commitment of trust funds.
9. Attached hereto as Exhibit S is a true copy of the resolution authorizing a Municipal Shared Services Defense agreement with various municipalities to retain the services of Dr. Robert W. Burchell of Rutgers, the State University of New Jersey, and various other experts employed by Rutgers, “in order to establish a rational and reasonable methodology for determination of the Township’s obligation to provide a realistic opportunity through its land use ordinances for its fair share of affordable housing.”
10. I hereby certify that the documents attached hereto are true and accurate copies of the original documents on file with the Township of South Brunswick.
11. I hereby further certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 22, 2015

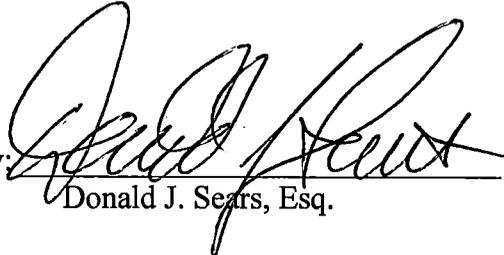
By: 
Donald J. Sears, Esq.

EXHIBIT A



D
1/6/14

MIDDLESEX COUNTY CLERK

Return To:

SOUTH BURNSWICK TOWNSHIP
P O BOX 190
MONMOUTH JCT NJ 08852

Index DEED BOOK

Book 06531 Page 0385

No. Pages 0007

Instrument MUNICIPAL DEED

Date : 12/27/2013

Time : 3:02:37

Control # 201312270399

FOXCHASE DEVELOPMENT LLC

INST# DE 2013 016609

Employee ID DALALB

RECORDING	\$	3.00
- - - - -	\$.00
DARM 3.00	\$	3.00
NJPRPA	\$	2.00
- - - - -	\$.00
RECORDING	\$	3.00
	\$.00
	\$.00
	\$.00
Total:	\$	11.00

STATE OF NEW JERSEY
MIDDLESEX COUNTY CLERK

PLEASE NOTE
DO NOT REMOVE THIS COVERSHEET
IT CONTAINS ALL RECORDING INFORMATION

ELAINE FLYNN
COUNTY CLERK



201312270399



Cover sheet is part of Middlesex County filing record

Retain this page for future reference

Not part of the original submitted document

DO NOT REMOVE THIS PAGE.
TO ACCESS THE IMAGE OF
THE DOCUMENT RECORDED
HEREUNDER BY BOOK AND
PAGE NUMBER, USE THE
BOOK AND PAGE NUMBER
ABOVE.

Exhibit A

06531P 385

RECORDED
ELAINE M. FLYNN
MIDDLESEX COUNTY CLERK

2013 DEC 27 PM 3:04

DEED

BOOK # _____

PAGE # _____

OF PAGES _____

This Deed is made on December 23, 2013,

BETWEEN Foxchase Development LLC, a New Jersey limited liability company

With an address of Attn: Warren J. Karp, Esq., Greenberg Traurig, LLP, Met Life Building, 200 Park Avenue, New York, NY 10166, referred to as the Grantor,

AND The Township of South Brunswick,

With an address of 540 Ridge Road, P.O. Box 190, Monmouth Junction, NJ 08852-0190, referred to as the Grantee.

Transfer of Ownership. The Grantor grants and conveys the property (called the "Property") described below to the Grantee. This transfer is made for the sum of Three Million (\$3,000,000.00) Dollars.

The Grantor acknowledges receipt of this money.

Tax map Reference. (N.J.S.A. 46:15-1.1) Municipality of South Brunswick Block No. 96.24 Lot No. 24.022

Property. The Property consists of the land and all the buildings and structures on the land in the Township of South Brunswick, County of Middlesex and State of New Jersey. The legal description is:

That certain parcel of vacant land containing approximately 17.74 acres, located at Route 27 and Allston Road, Township of South Brunswick, County of Middlesex, State of New Jersey, and more fully described on Exhibit A hereto attached and hereby made a part thereof.

BEING AND INTENDED TO BE the same premises conveyed to Grantor by deed from Sumo Industrial, Inc., a corporation of the State of New Jersey, dated June 14, 2001, recorded June 20, 2001, in the Clerk's office of the County of Middlesex, New Jersey, in Deed Book 4919, Page 122.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

[SIGNATURES ARE ON THE FOLLOWING PAGE]

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Signatures. The Deed is signed and attested to by the Grantor's proper members as of the date at the top of the first page.

Foxchase Development LLC

By: Warren J. Karp
Warren J. Karp, Manager

Witnessed by:

Terrie Prisco
Name: Terrie Prisco

I CERTIFY that on December 20, 2013,

Warren J. Karp personally came before me and stated to my satisfaction that this person :

- (a) was the maker of the attached deed;
- (b) was authorized to and did execute this deed as Manager of Foxchase Development LLC, the entity named in this deed; and
- (c) executed this instrument as the act of the entity named in this instrument; and
- (d) made this Deed for \$3,000,000.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

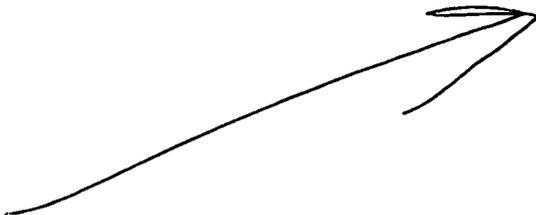
Signed and sworn to before me on December 20, 2013,

Patricia A. Smyth
Notary Public

PATRICIA A. SMYTH
Notary Public, State of New York
No. 03-4884528
Qualified in Bronx County
Certificate Filed in New York County
Commission Expires April 5, 2015

Record and Return to:

Donald J. Sears, Esq.
Director of Law
Township of South Brunswick
540 Ridge Road
P.O. Box 190
Monmouth Junction, NJ 08852



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EXHIBIT A

ALL that certain lot, parcel or tract of land, situate and lying in the Township of South Brunswick, County of Middlesex, State of New Jersey, and being more particularly described as follows:

BEING known and designated as Lot 24.022 in Block 96 as shown on map entitled "Final Plat for Foxchase at South Brunswick, Township of South Brunswick, Middlesex County, New Jersey" prepared by Schoor & DePalma, filed in the Middlesex Clerk's Office on November 14, 1990 on Map No. 5466 Filed No. 978.

BEGINNING at a point in the easterly line of former Lot 24.021, in Block 96, said point being distant the following two courses from a point in the southerly line of New Jersey State Highway Route 27, at the westerly curve return for the intersection of the westerly line of Allston Road with the southerly line of said Route 27 (distant 33.00 to the centerline of said Route 27;
(a) southwesterly, along the southerly line of said Route 27, 125.00 feet to a point and thence
(b) South 08 degrees 47 minutes 18 seconds East, 18.53 feet to the point or place of beginning and thence

- (1) South 08 degrees 47 minutes 18 seconds East, 553.85 feet to a point and thence
- (2) South 58 degrees 02 minutes 48 seconds West, 1,429.16 feet to a point and thence
- (3) North 15 degrees 16 minutes 00 seconds West, 567.35 feet to a point in the southerly line of New Jersey State Highway Route 27 and thence
- (4) along the southerly line of New Jersey State Highway 27, North 58 degrees 54 minutes 25 seconds East, 425.35 feet to a point and thence
- (5) still along the southerly line of said Route 27, curving to the right in a northeasterly direction, having a radius of 10,950.50 feet and an arc length of 132.19 feet to a point and thence
- (6) still along the southerly line of said Route 27, North 59 degrees 35 minutes 55 seconds East, 927.01 feet to the point or place of BEGINNING

The above description is drawn in accordance with a survey made by Brunswick Surveying, Inc, dated April 12, 2013.

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY YORK

FOR RECORDER'S USE ONLY

Consideration \$ _____
RTF paid by seller \$ _____
Date _____ By _____

}SS. County Municipal Code

COUNTY NEW YORK

MUNICIPALITY OF PROPERTY LOCATION SOUTH BRUNSWICK

*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (Instructions #3 and #4 on reverse side)

Deponent, WARREN J. KARP, being duly sworn according to law upon his/her oath, (Name) deposes and says that he/she is the MANAGER OF GRANTOR in a deed dated DECEMBER 23, 2013 transferring (Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.) real property identified as Block number 96.24 Lot number 24.022 located at 3614-3668 Route 27, South Brunswick and annexed thereto. (Street Address, Town)

(2) CONSIDERATION \$ 3,000,000.00 (Instructions #1 and #5 on reverse side) no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS: (Instructions #5A and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation

\$ _____ + _____ % = \$ _____

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s) Mere reference to exemption symbol is insufficient. Explain in detail. TRANSFER IS TO THE TOWNSHIP OF SOUTH BRUNSWICK

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) 62 years of age or over. (Instruction #9 on reverse side for A or B)
- B. { BLIND PERSON Grantor(s) legally blind or; *
- DISABLED PERSON Grantor(s) permanently and totally disabled receiving disability payments not gainfully employed*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:

- Owned and occupied by grantor(s) at time of sale. Resident of State of New Jersey.
- One or two-family residential premises. Owners as joint tenants must all qualify.

*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side)

- Affordable according to H.U.D. standards. Reserved for occupancy.
- Meets income requirements of region. Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions #2, #10, #12 on reverse side)

- Entirely new improvement. Not previously occupied.
- Not previously used for any purpose. "NEW CONSTRUCTION" printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side)

- No prior mortgage assumed or to which property is subject at time of sale.
- No contributions to capital by either grantor or grantee legal entity.
- No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 20 day of DECEMBER, 2013

PATRICIA A. SMYTH
Notary Public, State of New York
No. 03-4884528
Qualified in Bronx County
Certificate Filed in New York County
Commission Expires April 5, 2015

W. J. Karp
Signature of Deponent

200 PARK AVE., NY, NY 10166
Deponent Address

XXX-XXX- X350

Last three digits in Grantor's Social Security Number

FOXCHASE DEVELOPMENT LLC
Grantor Name

200 PARK AVE., NY, NY 10166
Grantor Address at Time of Sale

Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY
Instrument Number _____ County _____
Deed Number _____ Book _____ Page _____
Deed Dated _____ Date Recorded _____

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to:

STATE OF NEW JERSEY
PO BOX 251
TRENTON, NJ 08695-0251

ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and it may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division's website at:

B06531P 389

www.state.nj.us/treasury/taxation/tpu/localtax.shtml

PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM BEFORE COMPLETING THIS AFFIDAVIT

STATE OF NEW JERSEY

COUNTY Middlesex } SS. County Municipal Code
1221
MUNICIPALITY OF PROPERTY LOCATION South Brunswick

FOR RECORDER'S USE ONLY
Consideration \$ _____
RTF paid by buyer \$ _____
Date _____ By _____

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side) XXX-XX-X 3 0 6
Last three digits in grantee's Social Security Number
Deponent, Bernard P. Hvozdic, Jr., being duly sworn according to law upon his/her oath,
(Name)
deposes and says that he/she is the Twp Manager of Grantee in a deed dated Dec. 23, 2013 transferring
(Grantee, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)
real property identified as Block number 96.24 Lot number 24.022 located at
3614-3668 Route 27, Kendall Park and annexed thereto.
(Street Address, Town)

(2) CONSIDERATION \$ 3,000,000.00 (See Instructions #1, #5, and #11 on reverse side)

Entire consideration is in excess of \$1,000,000:

PROPERTY CLASSIFICATION CHECKED OR CIRCLED BELOW IS TAKEN FROM OFFICIAL ASSESSMENT LIST (A PUBLIC RECORD) OF MUNICIPALITY WHERE THE REAL PROPERTY IS LOCATED IN THE YEAR OF TRANSFER. REFER TO N.J.A.C. 18:12-2.2 ET SEQ.

(A) Grantee required to remit the 1% fee, complete (A) by checking off appropriate box or boxes below.

- Class 2 - Residential
- Class 3A - Farm property (Regular) and any other real property transferred to same grantee in conjunction with transfer of Class 3A property
- Class 4A - Commercial properties (if checked, calculation in (E) required below)
- Cooperative unit (four families or less) (See C. 46:8D-3.) Cooperative units are Class 4C.

(B) Grantee is not required to remit 1% fee (one or more of following classes being conveyed), complete (B) by checking off appropriate box or boxes below.

- Property class. Circle applicable class or classes: 1 3B 4B 4C 15
- Property classes: 1-Vacant Land; 3B- Farm property (Qualified); 4B- Industrial properties; 4C- Apartments; 15- Public Property, etc. (N.J.A.C. 18:12-2.2 et seq.)
- Exempt organization determined by federal Internal Revenue Service/Internal Revenue Code of 1986, 26 U.S.C. s. 501.
- Incidental to corporate merger or acquisition; equalized assessed valuation less than 20% of total value of all assets exchanged in merger or acquisition. If checked, calculation in (E) required and **MUST ATTACH COMPLETED RTF-4.**

(C) When grantee transfers properties involving block(s) and lot(s) of two or more classes in one deed, one or more subject to the 1% fee (A), with one or more than one not subject to the 1% fee (B), pursuant to N.J.S.A. 46:15-7.2, complete (C) by checking off appropriate box or boxes and (D).

- Property class. Circle applicable class or classes: 1 2 3B 4A 4B 4C 15

(D) EQUALIZED VALUE CALCULATION FOR ALL PROPERTIES CONVEYED, WHETHER THE 1% FEE APPLIES OR DOES NOT APPLY

Total Assessed Valuation + Director's Ratio = Equalized Valuation

Property Class _____ \$ _____ + _____ % = \$ _____

Property Class _____ \$ _____ + _____ % = \$ _____

Property Class _____ \$ _____ + _____ % = \$ _____

Property Class _____ \$ _____ + _____ % = \$ _____

(E) REQUIRED EQUALIZED VALUE CALCULATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS: (See Instructions #6 and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Value
\$ _____ + _____ % = \$ _____

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed valuation. If Director's Ratio is equal to or exceeds 100%, the assessed valuation will be equal to the equalized value.

(3) TOTAL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through Chapter 33, P.L. 2006, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(b) Grantee is the Township of South Brunswick, an instrumentality of the State of New Jersey

(4) Deponent makes Affidavit of Consideration for use by Buyer to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith pursuant to the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 23 day of Dec., 2013

Bernard P. Hvozdic, Jr.
Signature of Deponent
540 Ridge Rd., Mon. Jct., NJ 08852
Deponent Address

Township of South Brunswick
Grantee Name
540 Ridge Rd., Mon. Jct, NJ 08852
Grantee Address at Time of Sale
Donald J. Sears, Esq.
Name/Company of Settlement Officer

Donald J. Sears
DONALD J. SEARS
AN ATTORNEY AT LAW
IN THE STATE OF NJ

County recording officers: forward one copy of each RTF-1EE to:

STATE OF NJ - DIVISION OF TAXATION
PO BOX 251
TRENTON, NJ 08695-0251
ATTENTION: REALTY TRANSFER FEE UNIT

FOR OFFICIAL USE ONLY
Instrument Number _____ County _____
Deed Number _____ Book _____ Page _____
Deed Dated _____ Date Recorded _____

The Director, Division of Taxation, Department of the Treasury has prescribed this form, as required by law. It may not be altered or amended without prior approval of the Director. For further information on the Realty Transfer Fee or to print a copy of this Affidavit or any other relevant forms, visit:

www.state.nj.us/treasury/taxation/ipt/localtax.shtml

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State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION
(C.55, P.L. 2004)

(Please Print or Type)

SELLER(S) INFORMATION (See Instructions, Page 2)

Names(s)
FOXCHASE DEVELOPMENT LLC
Current Resident Address:
Street: C/O GREENBERG TRAUIG, LLP, 200 PARK AVENUE,
City, Town, Post Office NEW YORK State NY Zip Code 10166

PROPERTY INFORMATION (Brief Property Description)

Block(s) 96.24 Lot(s) 24.022 Qualifier
Street Address: 3614-3668 Route 27
City, Town, Post Office SOUTH BRUNSWICK State NJ Zip Code
Seller's Percentage of Ownership 100% Consideration \$3,000,000.00 Closing Date 12/23/2013

SELLER ASSURANCES (Check the Appropriate Box) (Boxes 2 through 10 apply to Residents and Non-residents)

- 1. I am a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
- 2. The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
- 3. I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
- 4. Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
- 5. Seller is not an individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A.54A:1-1 et seq.
- 6. The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
- 7. The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale (see instructions).
 No non-like kind property received.
- 8. Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this state.
- 9. The property being sold is subject to a short sale instituted by the mortgagee, whereby the seller has agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
- 10. The deed being recorded is a deed dated prior to the effective date of P.L. 2004, c. 55 (August 1, 2004), and was previously unrecorded.

SELLER(S) DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box I certify that the Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

12/20/2013

Date

FOXCHASE DEVELOPMENT LLC

Signature

(Seller) Please indicate if Power of Attorney or Attorney in Fact

Date

By: W. J. Key
MANAGER

Signature

(Seller) Please indicate if Power of Attorney or Attorney in Fact

306531P 391

EXHIBIT B

AGREEMENT BETWEEN SOUTH BRUNSWICK COMMUNITY DEVELOPMENT CORPORATION (SBCDC) AND TOWNSHIP OF SOUTH BRUNSWICK FOR DEVELOPMENT AND MANAGEMENT OF AN AFFORDABLE HOUSING COMPLEX

This Agreement made this 23 day of July, 2014 between the **South Brunswick Community Development Corporation**, a non-profit corporation having its principal office at 3424 Route 27, Kendall Park, New Jersey 08824 (hereinafter designated as “SBCDC”) and the **Township of South Brunswick**, a municipal corporation of the State of New Jersey, having its principal office at 540 Ridge Road, Monmouth Junction, New Jersey 08852 (hereinafter designated as the “Township”).

WITNESSETH:

In consideration of the mutual covenants herein contained and for other good and valuable consideration, it is mutually covenanted and agreed as follows:

1. This Agreement is made pursuant to the authority contained in the New Jersey Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-31 1a(5) which permits the “Donation or use of municipally owned land or land condemned by the municipality for purposes of providing low and moderate income housing.” In addition, COAH’s rule at N.J.A.C. 5:97-6.7, et seq. (or its successor regulation), permits a municipality to provide very-low, low and moderate-income housing through a municipally-sponsored or 100 percent affordable development.
2. SBCDC is an experienced non-profit developer of affordable housing that currently owns, operates and maintains two (2) existing 100% affordable age-restricted developments known as Charleston Place I and II (84 units) and Oakwoods (73 units) in the Township.

3. SBCDC recognizes that the Township has an obligation to provide very-low, low and moderate-income housing opportunities within South Brunswick Township and that the Township has chosen to satisfy that obligation, in part, by entering into the within Agreement with SBCDC.
4. SBCDC agrees that it shall:
 - A) develop, construct, administer and manage up to 300 units of affordable housing for and on behalf of the Township in satisfaction of a portion of the Township's obligation to provide very-low, low and moderate-income housing (hereinafter designated as the "Project"). It is anticipated that the total of up to 300 affordable housing units will be developed in multiple phases, i.e., possibly in four (4) phases of approximately 75 units each;
 - B) provide and affirmatively market at least 80% of the housing units for occupancy by at least one person 55 years or older. The property will be clearly intended for older persons as evidenced by policies and procedures that demonstrate the intent that the property will be housing for older persons (55+).: No more than 20% of the housing units will be set-aside and affirmatively marketed to those in need of supportive and special needs housing such as veterans, those with physical disabilities and those with developmental disabilities. If less than 20% of the units are set-aside and affirmatively marketed to those in need of supportive and special needs housing, than all of the remaining units will be age restricted to at least one person 55 years or older. For example, if 10% of the units are supportive and special needs housing units, then 90% of the units will be senior units that are age restricted to a least one person 55 years or older.

C) provide that at least 13% of the units developed in the Project shall be reserved as very-low income units (defined as units available for households at or below 30% of the median income for Region 3) and at least 37% of the units developed in the Project shall be reserved as low income units (defined as units available for households at or below 50% of the median income for Region 3). The remaining balance of units may be moderate income units (defined as units available for households at or below 80% of the median income for Region 3) with moderate-income rents set no higher than 60% of median income per N.J.A.C. 5:80-26.3(d), et seq..

5. SBCDC shall apply for, reasonably prosecute and obtain site plan approval for a minimum of one (1) phase of the Project from the South Brunswick Township Planning Board within twelve (12) months of the date of this Agreement, which may be extended for an additional period upon written agreement between the parties. Also, SBCDC shall apply for, reasonably prosecute and obtain site plan approval for additional phase(s) within five (5) years of the date of this Agreement, which may be extended for an additional period upon written agreement between the parties.
6. SBCDC shall secure all appropriate funding necessary for the Project including but not limited to Low Income Housing Tax Credits (“LIHTC”), County HOME funds and Federal Home Loan Bank funds. In the event its initial efforts to secure funding are unsuccessful, it shall continue to seek to secure such funding. If the appropriate funding is not in place for at least one (1) phase of the entire Project within three (3) years of the date of this Agreement, this Agreement may be terminated by either party upon written notice.

7. SBCDC agrees that it will comply in all respects with the requirements promulgated by the State of New Jersey Council on Affordable Housing or its successor agency (hereinafter designated as “COAH”) for the development, construction, administration and management of affordable housing units including, but not limited to, full compliance with N.J.A.C. 5:97-6.7, the requirements set forth in the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1, et seq) as well as all rules and regulations promulgated by COAH that effect the Project so as to permit the Township to fulfill its COAH obligations for the Project pursuant to the applicable requirements.
8. The land upon which the Project shall be developed is owned by the Township and is known as Block 96.24, Lot No. 24.022, as appears on the South Brunswick Tax Map, consisting of approximately 17.7± acres, more commonly known as 3614-3668 Route 27, Kendall Park, NJ 08824 (hereinafter designated as the “Property”).
9. In consideration of SBCDC’s services described herein, the Township shall:
 - A) convey the Property to SBCDC for nominal consideration through a bargain and sale deed, which shall include a requirement that:
 - i. the Property be restricted for use as affordable housing for a minimum of thirty (30) years. The Township shall have the right to require the extension of controls on the Project for additional 30-year periods of control;
 - ii. SBCDC agrees that the deed conveying title to SBCDC shall contain the reverter provisions of NJSA 40A:12-21.1. The Township’s rights under the reverter provision shall be subject and subordinate to the

mortgages given by SBCDC and recorded against the Property to finance the construction of the affordable housing project and the regulatory encumbrances filed against the Property in connection with such mortgages and the low income housing tax credits and that maintain the Property as low and moderate income housing;

iii. conveyance of the Property is contingent upon SBCDC receiving all necessary financing and approvals for the Project, and the Property shall not be conveyed until SBCDC is ready to close on all financing and start construction of the Project;

B) enter into a separate agreement with SBCDC pursuant to the Long Term Tax Exemption Law (N.J.S.A. 40A:20-4, et seq.) to permit a Payment in Lieu of Taxes (P.I.L.O.T.) based on an agreed upon percentage of the annual gross revenue that will make the project economically viable from each unit of the Project, if the Project is undertaken in units, or from the total Project, if the Project is not undertaken in units;

C) consider declaring the Property an area in need of redevelopment and/or rehabilitation if necessary and if the Property is eligible for such declaration pursuant to law;

D) make available to SBCDC its employees and full-time professional staff to assist as needed, including, but not limited to, staff in the South Brunswick Affordable Housing office; and

E) reasonably assist SBCDC in obtaining site plan approval for a minimum of one (1) phase of the Project from the South Brunswick Township Planning Board within twelve (12) months of the date of this Agreement.

10. It is understood and agreed that the value of the portion of the Property to be conveyed for each phase of development shall address the New Jersey Housing and Mortgage Finance Agency's (HMFA) LIHTC Qualified Allocation Plan (QAP) requirement for municipal involvement/contribution for that portion of the Project.
11. The Township must approve all documents to be submitted by SBCDC to HMFA for the Project, including, but not limited to, any resolution of need, lack of density bonus letter, etc. The Township agrees to extend its full and prompt cooperation to execute or endorse such funding application documents as may be necessary or required upon written request by SBCDC.
12. SBCDC shall submit to the Township no later than February 25th of each year a copy of all required COAH monitoring reports, records, submissions, etc.
13. The Township shall grant to SBCDC and its agents access to the Property for site reconnaissance, studies, surveys, inspections, etc. SBCDC, its successors and assigns, shall, upon request, permit inspection of the Property, equipment, buildings and other facilities of the Project, and also permit examination of its books, contracts, records, documents and papers, by representatives duly authorized by the Township. Any such inspection, examination or audit shall be made during reasonable hours of the business day, in the presence of an officer or agent of SBCDC, its successors or assigns.
14. Notice or communication sent by either party to the other shall be by certified mail, return receipt requested, addressed as follows:
 - (a) When sent by SBCDC to the Township, it shall be addressed to:
Township Manager

South Brunswick Township
540 Ridge Road
P.O. Box 190
Monmouth Junction, NJ 08852

Or such other address as the Township may designate in writing.

(b) When sent by the Township to SBCDC, it shall be addressed to:

South Brunswick Community Development Corporation
3424 Route 27
Kendall Park, NJ 08824

Or such other address as SBCDC may designate in writing.

15. Subject to the terms and provisions of the within Agreement, SBCDC agrees that it will not sell or transfer the Project to any corporation, association or entity, unless such corporation, association or entity qualifies to provide such services pursuant to law. No such transfer may be made without first obtaining the prior written consent of the Township, which consent shall not be unreasonably withheld, as long as it is agreed and understood that all obligations to the Township under this Agreement are completed to the satisfaction of the Township, and unless and until the proposed transferee agrees to assume all of the contractual and other obligations of SBCDC as are contained in this Agreement. The Township hereby acknowledges, accepts and consents that for purposes of facilitating a tax credit financing, the Project may be transferred to an ownership entity separate and distinct from SBCDC. The Township further acknowledges, accepts and consents that this entity may encumber the Project with a mortgage or other customary security agreements with lenders or other institutional mortgagees for the purpose of raising funds to finance the Project.

16. This Agreement is hereby executed in anticipation of the Project being accepted by COAH for inclusion in the Township's Third Round Plan.
17. If Township trust funds are committed to the Project, expenditure of those funds shall be contingent upon COAH's approval of the Township's Third Round Spending Plan .

IN WITNESS WHEREOF, the parties have signed this Agreement this 23 day of July, 2014.

ATTEST:

TOWNSHIP OF SOUTH BRUNSWICK

Norma Carbin
~~Barbara Nyitrai, Township Clerk~~
Norma Carbin, Deputy Township Clerk

By: Frank Gambatese
Frank Gambatese, Mayor

ATTEST:

SOUTH BRUNSWICK COMMUNITY
DEVELOPMENT CORPORATION

Karen G. Scalera
Karen G. Scalera, Executive Director

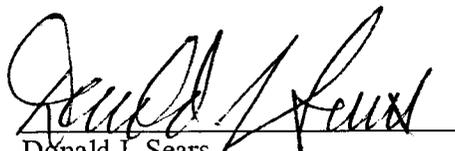
By: Alan Kane
Alan Kane, President

STATE OF NEW JERSEY:
SS
COUNTY OF MIDDLESEX:

I CERTIFY that on July 23, 2014, ^{Norma Carbin}~~BARBARA NYITRAI~~ personally came before me and she acknowledged under oath, to my satisfaction, that:

- (a) she is the ^{Deputy}Township Clerk of the Township of South Brunswick, the municipal corporation named in this document;
- (b) she is the attesting witness to the signing of this document by Frank Gambatese who is the Mayor of the Township of South Brunswick;
- (c) this document was signed and delivered by the Township of South Brunswick as its voluntary act duly authorized by a proper resolution of the Township Council;
- (d) she knows the proper seal of the Township of South Brunswick which was affixed to this document; and
- (e) she signed this proof to attest to the truth of these facts.

Signed and sworn to before me
On July 23, 2014


Donald J. Sears
An Attorney at Law
In the State of New Jersey


~~Barbara Nyitrai, Township Clerk~~
Norma Carbin, Deputy Township Clerk

STATE OF NEW JERSEY:
SS
COUNTY OF MIDDLESEX:

I CERTIFY that on 27 June 2014, 2014, Karen G. Scalera personally came before me and she acknowledged under oath, to my satisfaction, that:

- (a) she is the Executive Director of South Brunswick Community Development Corporation, the corporation named in this document;
 - (b) she is the attesting witness to the signing of this document by Alan Kane, who is the President of South Brunswick Community Development Corporation;
 - (c) this document was signed and delivered by the Corporation as its voluntary act duly authorized by a proper resolution;
 - (d) she knows the proper seal of the Corporation, which was affixed to this document;
- and
- (e) she signed this proof to attest to the truth of these facts.

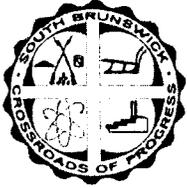
Signed and sworn to before me
On June 27, 2014

Katherine B. Christensen

KATHERINE B. CHRISTENSEN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 17, 2016

Karen G. Scalera
Karen G. Scalera, Executive Director

EXHIBIT C



Resolution

REQUESTING THE TOWNSHIP PLANNING BOARD TO REVIEW AND PROVIDE RECOMMENDATIONS AS TO WHETHER 3614-3668 ROUTE 27, KENDALL PARK, IN THE TOWNSHIP OF SOUTH BRUNSWICK SATISFIES THE CRITERIA TO BE DESIGNATED AS AN AREA IN NEED OF REHABILITATION

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the LRHL the Mayor and Township Council of the Township of South Brunswick (the "Township Council") believe that the approximately 17.7 acre site at 3614-3668 Route 27, Kendal Park, described as Block 96.24, Lot No. 24.022 as appears on the South Brunswick Tax Map (the "Rehabilitation Area") satisfies the criteria to be designated as an area in need of rehabilitation and should be designated as an area in need of rehabilitation; and

WHEREAS, N.J.S.A. 40:12A-14 requires planning board review of the resolution designating the area in need of rehabilitation; and

WHEREAS, the Township of South Brunswick Planning Board (the "Planning Board") is requested to review pursuant to N.J.S.A. 40A:12A-14, the proposed Resolution to be adopted by the Township attached hereto as Exhibit "A;"

NOW, THEREFORE, BE IT RESOLVED, on this 9th day of September, 2014, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Council hereby authorizes and directs the Planning Board to review the proposed Resolution designating the Rehabilitation Area as an area in need of rehabilitation, and provide its recommendations to the Township Council.
3. A copy of this resolution shall be available for public inspection at the offices of the Township Clerk.
4. This Resolution shall take effect immediately.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chris Killmurray, Deputy Mayor
SECONDER:	Joseph Camarota, Councilman
AYES:	Joseph Camarota, Josephine "Jo" Hochman, Chris Killmurray, Frank Gambatese
ABSENT:	Charlie Carley

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on September 9, 2014.

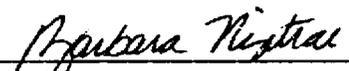

Barbara Nyitrai, Township Clerk

EXHIBIT D

RESOLUTION

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF SOUTH BRUNSWICK, COUNTY OF MIDDLESEX, CONCURRING WITH THE RECOMMENDATION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SOUTH BRUNSWICK THAT 3614-3668 ROUTE 27, KENDALL PARK, IN THE TOWNSHIP OF SOUTH BRUNSWICK SATISFIES THE CRITERIA TO BE DESIGNATED AS AN AREA IN NEED OF REHABILITATION

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the "**LRHL**") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the *LRHL* the Mayor and Township Council of the Township of South Brunswick (the "**Township Council**") believe that the approximately 17.7 acre site at 3614-3668 Route 27, Kendall Park, described as Block 96.24, Lot No. 24.0222 as appears on the South Brunswick Tax Map (the "**Rehabilitation Area**") satisfies the criteria to be designated as an area in need of rehabilitation and should be designated as an area in need of rehabilitation; and

WHEREAS, *N.J.S.A. 40:12A-14* requires Planning Board review of the resolution designating the area in need of rehabilitation; and

WHEREAS, the Township Council of the Township of South Brunswick has requested that the Planning Board of the Township of South Brunswick (the "**Planning Board**") review pursuant to *N.J.S.A. 40A:12A-14*, the proposed Resolution to be adopted by the Township attached hereto as Exhibit "A" and

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of South Brunswick as follows:

1. the *Planning Board* found that the statutory criteria to designate the *Rehabilitation Area* as an area in need of rehabilitation is satisfied; and concurs with the recommendation of the Township Council.
2. A copy of this resolution shall be available for public inspection at the offices of the Township Clerk.
3. This Resolution shall take effect immediately.

I do hereby certify that the foregoing is a true copy of a resolution passed by the Planning Board for the Township of South Brunswick at a meeting held on the 1st day of October, 2014.

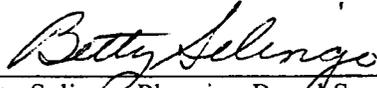

Betty Selingo, Planning Board Secretary

EXHIBIT "A"

**RESOLUTION OF THE TOWNSHIP OF SOUTH BRUNSWICK, COUNTY OF MIDDLESEX,
DESIGNATING 3614-3668 ROUTE 27, KENDALL PARK WITHIN THE TOWNSHIP OF SOUTH
BRUNSWICK AS AN AREA IN NEED OF REHABILITATION**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "LRHL") authorizes municipalities to determine whether certain parcels of land in the municipality constitute 'areas in need of rehabilitation', as defined in the LRHL; and

WHEREAS, in accordance with the LRHL the Municipal Council of the Township of South Brunswick (the "**Township Council**") has determined to investigate whether 3614-3668 Route 27, Kendall Park, also described as Block 96.24, Lot No. 24.022 on the South Brunswick Tax Map (the "**Rehabilitation Area**") should be designated as an area in need of rehabilitation; and

WHEREAS, *N.J.S.A. 40:12A-14* provides that prior to the adoption of a resolution designating the *Rehabilitation Area* as an area in need of rehabilitation (the "Designation Resolution"), the *Township Council* must first submit a copy of the Designation Resolution to the Township Planning Board (the "**Planning Board**") for review and recommendation; and

WHEREAS, on October 1, 2014, the *Township Council*, acting by resolution, referred a copy of the Designation Resolution, substantively as written herein, to the Township *Planning Board* for review and comment pursuant to *N.J.S.A. 40A:12A-14*; and

WHEREAS, in accordance with the requirements of *N.J.S.A. 40A:12A-14*, the *Township Council* confirmed that the majority of the water and sewer infrastructure serving the *Rehabilitation Area* is at least 50 years old and in need of repair and substantial maintenance; and

WHEREAS, the *Planning Board* found that the statutory criteria to designate the *Rehabilitation Area* as an area in need of rehabilitation is satisfied; and

WHEREAS, the designation of the *Rehabilitation Area* as an area in need of rehabilitation is expected to promote the overall development of the Township in accordance with the requirements of *N.J.S.A. 40:12A-14*; and

WHEREAS, on October 1, 2014, by resolution referred to the *Township Council*, the *Planning Board* reviewed the Designation Resolution and recommended its adoption and the designation of 3614-3668 Route 27, Kendall Park, also described as Block 96.24, Lot No. 24.022 on the South Brunswick Tax Map (the *Rehabilitation Area*) as an area in need of rehabilitation in accordance with *N.J.S.A. 40A:12A-14*; and

NOW, THEREFORE, BE IT RESOLVED, by the *Township Council* of the Township of South Brunswick as follows:

1. Designation of the Area. The *Township Council* hereby designates 3614-3668 Route 27, Kendall Park, also described as Block 96.24, Lot No. 24.022 on the South Brunswick Tax Map (the *Rehabilitation Area*) as an area in need of rehabilitation.

2. Transmittal of Resolution to State Department of Community Affairs. The *Township Council* hereby directs that the Township Clerk to transmit a copy of this Resolution to the Commissioner of the Department of Community of Affairs for review in accordance with the LRHL.

3. Effective Date. This resolution shall take effect immediately.

EXHIBIT E



Resolution

Of the Township of South Brunswick, County of Middlesex, Designating 3614-3668 Route 27, Kendall Park, Within the Township of South Brunswick as an Area in Need of Rehabilitation

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL") authorizes municipalities to determine whether certain parcels of land in the municipality constitute 'areas in need of rehabilitation', as defined in the LRHL; and

WHEREAS, in accordance with the LRHL the Municipal Council of the Township of South Brunswick (the "Township Council") has determined to investigate whether 3614-3668 Route 27, Kendall Park, also described as Block 96.24, Lot No. 24.022 on the South Brunswick Tax Map (the "Rehabilitation Area") should be designated as an area in need of rehabilitation; and

WHEREAS, N.J.S.A. 40:12A-14 provides that prior to the adoption of a resolution designating the Rehabilitation Area as an area in need of rehabilitation (the "Designation Resolution"), the Township Council must first submit a copy of the Designation Resolution to the Township Planning Board (the "Planning Board") for review and recommendation; and

WHEREAS, on September 9, 2014, the Township Council, acting by resolution, referred a copy of the Designation Resolution, substantively as written herein, to the Township Planning Board for review and comment pursuant to N.J.S.A. 40A:12A-14; and

WHEREAS, in accordance with the requirements of N.J.S.A. 40A:12A-14, the Township Council confirmed that the majority of the water and sewer infrastructure serving the Rehabilitation Area is at least 50 years old and in need of repair or substantial maintenance; and

WHEREAS, the Planning Board found that the statutory criteria to designate the Rehabilitation Area as an area in need of rehabilitation is satisfied; and

WHEREAS, the designation of the Rehabilitation Area as an area in need of rehabilitation is expected to promote the overall development of the Township in accordance with the requirements of N.J.S.A. 40A:12A-14; and

WHEREAS, on October 1, 2014, by resolution referred to the Township Council, the Planning Board reviewed the Designation Resolution and recommended its adoption and the designation of 3614-3668 Route 27, Kendall Park, also described as Block 96.24, Lot No. 24.022 on the South Brunswick Tax Map (the "Rehabilitation Area") as an area in need of rehabilitation in accordance with N.J.S.A. 40A:12A-14;

NOW, THEREFORE, BE IT RESOLVED, on this 14th day of October, 2014, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, as follows:

1. Designation of the Area. The Township Council hereby designates 3614-3668 Route 27, Kendall Park, also described as Block 96.24, Lot No. 24.022 on the South Brunswick Tax Map (the "Rehabilitation Area") as an area in need of rehabilitation.

2. Transmittal of Resolution to State Department of Community Affairs. The Township Council hereby directs that the Township Clerk transmit a copy of this Resolution to the Commissioner of the Department of Community of Affairs for review in accordance with the LRHL.

3. Effective Date. This resolution shall take effect immediately.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chris Killmurray, Deputy Mayor
SECONDER:	Joseph Camarota, Councilman
AYES:	Joseph Camarota, Charlie Carley, Chris Killmurray, Frank Gambatese
ABSENT:	Josephine "Jo" Hochman

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on October 14, 2014.


Barbara Nyitrai, Township Clerk

EXHIBIT F



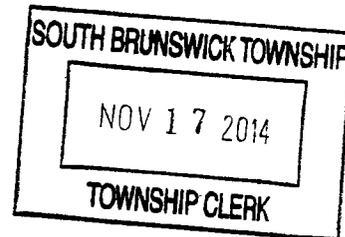
State of New Jersey
 DEPARTMENT OF COMMUNITY AFFAIRS
 101 SOUTH BROAD STREET
 PO Box 800
 TRENTON, NJ 08625-0800
 (609) 292-6420

CHRIS CHRISTIE
 Governor

KIM GUADAGNO
 Lt. Governor

RICHARD E. CONSTABLE, III
 Commissioner

November 5, 2014



Honorable Frank Gambatese
 Mayor
 South Brunswick Township
 540 Ridge Road
 Monmouth Junction, New Jersey 08852

Dear Mayor Gambatese:

We are in receipt of Barbara Nyitrai's letter of October 15, 2014 and Resolution 2014-430 designating 3614-3668 Route 27 as an Area in Need of Rehabilitation.

The Department of Community Affairs has identified this area as situated within the Suburban Planning Area (PA2). In accordance with N.J.S.A. 40A: 12A-6, the municipality's approval took effect upon transmittal to the Department of Community Affairs and no further action is necessary from the department to effectuate your designation.

The township or redeveloper may also find the New Jersey Business Action Center (866) 534-7789, located in the Department of State, helpful in identifying other sources of state financing that might be available to facilitate the redevelopment of these properties.

This designation is a tribute to the work South Brunswick has done. Please feel free to contact James Requa, Director, Special Projects at (609) 292-3000 if you need further assistance.

Sincerely,

Richard E. Constable, III
 Commissioner

*C: NYC
 map
 planning
 Law*

c: Charles Richman, Deputy Commissioner
 Gerard Scharfenberger, Office for Planning Advocacy
 Barbara Nyitrai, South Brunswick Township



EXHIBIT G



METRO *Innovative Planning, Housing, Finance and Development Solutions*

The Metro Company, LLC
242 10th Street, Suite 103
Jersey City, NJ 07302
P: 201-435-6500
F: 201-435-6560
www.metroco.com

March 20, 2015

Honorable Mayor Frank Gambatese
Township of South Brunswick
540 Ridge Road
P.O. Box 190
Monmouth Junction, New Jersey 08852

Attention: Donald Sears, Director of Law

Re: Application for Long-Term Tax Exemption: South Brunswick Senior Housing

Dear Mayor Gambatese:

On behalf of South Brunswick Community Development Corporation (SBCDC), please find enclosed a tax abatement application pursuant to the provisions of the Long-Term Exemption Statute.

This abatement request is for the construction of the first phase of a multi-phased affordable senior housing development consisting of approximately 75 units for seniors located at 3614-3668 Route 27, Kendall Park.

Thank you for all your assistance in facilitating the Township's review and approval of the tax abatement request, and the PILOT ordinance and financial agreement. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely yours,
THE METRO COMPANY, LLC

Stuart Portney, P.P.
President

cc: Karen Scalera, Executive Director, SBCDC

Real Insight. Real Vision. Real Success.

PREPARED BY

METRO

Innovative Planning, Housing, Finance and Development Solutions

The Metro Company, LLC
242 10th Street, Suite 103
Jersey City, NJ 07302

**Township of South Brunswick
Application for Long-Term Tax Exemption**

**South Brunswick Senior Housing
South Brunswick, New Jersey**

An Affordable Senior Housing Development

Submitted on behalf of:

**Wilson Farm Urban Renewal I, LLC
c/o South Brunswick Community Development Corporation
3424 Route 27
Kendall Park, NJ 08824**

March 20, 2015

**Township of South Brunswick
Application for Long-Term Tax Exemption
(N.J.S.A. 40A:20-1 et seq.)**

Owner/Sponsor Information:

A. Name of Sponsor/Owner Entity:

Wilson Farm Urban Renewal I, LLC

B. Address:

c/o South Brunswick Community Development Corporation
3424 Route 27
Kendall Park, NJ 08824

C. Contact Information:

1. Karen Scalera, Executive Director, SBCDC
(732) 297-7966/ sbcdc3424@aol.com
2. Stuart Portney, President, The Metro Company, LLC
201-435-6500 / portney@metroco.com

D. Federal Tax Identification Number:

To be provided under separate cover_____

E. Certificate of Incorporation:

Provide a copy of the approved certificate of formation of the entity applying for the abatement. Also include a copy of the certificate of approval of the urban renewal entity issued by the NJ Department of Community Affairs.

To be provided under separate cover_____

Project Description:

A. Ownership Structure:

Conventional (Fee Simple or Ground Lease) Condominium

B. Project Type (Please check all that apply):

Residential Retail Office Manufacturing Warehousing

Other (Specify) _____

C. Marketing Expectation:

For Sale For Lease

D. Project Location:

1. Street address:

3614-3668 Route 27, Kendall Park, NJ 08824

2. Provide all tax lots that comprise the project site:

Block 96.24 Lots: 24.022

3. Project Location:

Attached as Exhibit 1 is a survey and a map showing the location of the project.

E. Narrative Description of Project:

Attached as Exhibit 2 is a description of the project.

F. Estimated Project Cost:

Attached as Exhibit 3 is an estimated development budget for the project.

G. Project Financing Plan:

Attached as Exhibit 4 is a proposed financing plan (showing anticipated sources of funds) for the project.

H. Project Income and Expense Statement:

Attached as Exhibit 5 is a proposed 30 year operating budget (projected income and expense

statement) for the project.

I. Project Schedule:

Attached as Exhibit 6 is a schedule with key milestone dates in the approval and implementation of the project.

J. Statement of Project Benefits:

Attached as Exhibit 7 is a statement of project benefits and estimates of municipal revenue to be generated by the project.

Abatement Information:

A. Abatement Basis Requested: (check one)

 X Annual Gross Revenue _____ Estimated Project Cost
_____ Annual Gross Revenue (Condominium; Imputed debt service method)

B. Term Requested:

 30 Years

C. Proposed Rates and Phases:

<u>Starting Year</u>	<u>Ending Year</u>	<u>Rate</u>	<u>Minimum</u>
<u> 2017 </u>	<u> 2047 </u>	<u> 5.0% </u> (See attached operating pro-forma and Exhibit 7 for estimated annual PILOT amount)	_____
_____	_____	_____	_____
_____	_____	_____	_____

D. Form of Financial Agreement and Ordinance:

Attached as Exhibit 8 is the proposed form of Payment in Lieu of Taxes (PILOT) Ordinance and Exhibit 9 is a draft form of the PILOT Financial Agreement.

List of Exhibits

<u>Exhibit #</u>	<u>Description</u>
1	Survey and Project Location Map
2	Project Description
3	Estimated Project Cost
4	Project Financing Plan
5	Projected Income and Expense Statement
6	Project Schedule
7	Summary of Project Benefits and Estimates of Municipal Revenue
8	Form of PILOT Ordinance
9	Form of PILOT Financial Agreement

EXHIBIT H



Resolution

Authorizing CME Associates to Provide Engineering Services for the SBCDC Route 27 Affordable Housing Project

WHEREAS, CME Associates was appointed as the Township Engineer by resolution dated January 6, 2015, following a "fair and open process," as defined by N.J.S.A. 19:44A-20.4, et seq.; and

WHEREAS, the appointment calls for CME Associates to perform engineering services as may be directed; and

WHEREAS, there exists a need for engineering services for the SBCDC Route 27 Affordable Housing project, in an amount not to exceed \$5,000.00; and

WHEREAS, CME Associates has prepared a proposal dated March 23, 2015, for these services, to be charged at its 2015 hourly rates as services are required; and

WHEREAS, funds are available for this purpose and a certification of availability of funds shall be provided by the Township Treasurer from the Affordable Housing Trust Fund, Account #32-286-55-305 by Joseph P. Monzo/jmb; and

WHEREAS, the Department of Law is satisfied that said certification is in proper form;

NOW, THEREFORE BE IT RESOLVED on this 14th day of April, 2015, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

1. CME Associates is hereby authorized to provide the necessary engineering services for the SBCDC Route 27 Affordable Housing project, in accordance with its proposal dated March 23, 2015.
2. The contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Pay to Play Law.
3. This expenditure shall be charged to the Affordable Housing Trust Fund, Account #32-286-55-305, in an amount not to exceed \$5,000.00.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Camarota, Councilman
SECONDER:	Charlie Carley, Councilman
AYES:	Joseph Camarota, Charlie Carley, Josephine "Jo" Hochman, Frank Gambatese
ABSENT:	Chris Killmurray

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on April 14, 2015.

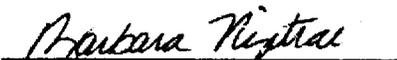
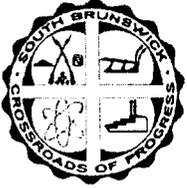

Barbara Nyitrai, Township Clerk

EXHIBIT I



Resolution

Approving the Application of Wilson Farm Urban Renewal I, LLC, for Recognition as an Urban Renewal Entity

WHEREAS, South Brunswick Community Development Corporation (SBCDC) has created a wholly owned affiliate, South Brunswick Senior Housing I, LLC, which will be the co-managing member of Wilson Farm Urban Renewal I, LLC (the "Sponsor") which has made application to the Township of South Brunswick for recognition as an Urban Renewal Entity, as defined in the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-1, et seq.); and

WHEREAS, N.J.S.A. 40A:20-8 requires that the Township approve or disapprove such application by resolution before the Sponsor can proceed with its project; and

WHEREAS, the Township Manager has submitted the application to the Township Council with his recommendation that the Township approve the application; and

WHEREAS, the Township Council finds that the Sponsor meets all of the requirements for qualification as an Urban Renewal Entity as set forth in the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-1, et seq.) and believes that it is in the best interests of the Township to approve the application of the Sponsor;

NOW THEREFORE BE IT RESOLVED on this 28th day of April, 2015, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

1. The Township Council hereby approves the application of Wilson Farm Urban Renewal I, LLC, and recognizes it as a qualified Urban Renewal Entity pursuant to the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-1, et seq.).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chris Killmurray, Deputy Mayor
SECONDER:	Joseph Camarota, Councilman
AYES:	Camarota, Carley, Hochman, Killmurray, Gambatese

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on April 28, 2015.

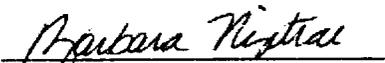
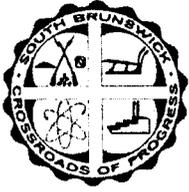

Barbara Nyitrai, Township Clerk

EXHIBIT J



South Brunswick Township

540 Ridge Road
Monmouth Junction, NJ 08852

ORDINANCE 2015-11

**Authorizing a Tax Abatement and PILOT Agreement with
Wilson Farm Urban Renewal I, LLC for Affordable Housing**

WHEREAS, South Brunswick Community Development Corporation (SBCDC) has created a wholly owned affiliate, South Brunswick Senior Housing I, LLC, which will be the co-managing member of Wilson Farm Urban Renewal I, LLC (the "Sponsor") which has made application to the Township of South Brunswick for a tax abatement on certain property and for a payment in lieu of taxes (PILOT) agreement pursuant to the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-1, et seq.); and

WHEREAS, N.J.S.A. 40A:20-1, et seq., permits the Township to grant such tax abatement and enter into a PILOT agreement with an urban renewal entity for a low- and moderate-income housing project; and

WHEREAS, SBCDC has agreed to develop very-low, low- and moderate-income housing pursuant to the terms of a certain agreement entitled "Agreement Between South Brunswick Community Development Corporation and the Township of South Brunswick for Development and Management of an Affordable Housing Complex" dated July 23, 2014, and in the "Wilson Farm Redevelopment Plan" dated April 23, 2015 (together referred to as the Project); and

WHEREAS, the Sponsor has presented to the Township Council a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project, a copy of which is attached as Exhibit A and made a part hereof; and

WHEREAS, the Township Council believes that it is in the best interests of the Township to grant the requested tax abatement and enter into a PILOT agreement with the Sponsor in order to provide it with a long-term tax exemption pursuant to N.J.S.A. 40A:20-1, et seq., so as to develop and maintain the Project as very-low, low- and moderate-income housing; and

WHEREAS, pursuant to N.J.S.A. 40A:20-9 the PILOT agreement shall not take effect until approved by ordinance of the municipality;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

- I. The Township Council hereby authorizes a tax abatement pursuant to the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-1, et seq.) for the Project, which Project is more fully described in a certain agreement entitled "Agreement Between the South Brunswick Community Development Corporation and the Township of South Brunswick for Development and Management of an Affordable Housing Complex" dated July 23, 2014 and in the "Wilson Farm Redevelopment Plan" dated April 23, 2015.
- II. The Township Council hereby further authorizes an agreement between the Sponsor and the Township of South Brunswick for a payment in lieu of taxes (PILOT) agreement pursuant to the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-1, et seq.).
- III. The PILOT agreement shall be substantially in the form that is attached hereto as Exhibit B and made a part hereof authorizing an in lieu tax payment fixed at five (5%) percent of the gross income of the Project for the first fifteen (15) years of the abatement period, which shall be subject to statutory staged increases over the term of the tax exemption for Years 16- 30;
- IV. The Mayor, Township Manager, Township's attorney and the Township Clerk shall be and are hereby authorized to execute the agreement and any and all documents

- necessary to enter into said agreement.
- V. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.
 - VI. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of South Brunswick held on April 28, 2015, and will be considered on second reading and final passage at a regular meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 7:30 p.m. on May 12, 2015, at which time and place any person having an interest therein will be given an opportunity to be heard.

EXHIBIT A**WILSON FARM URBAN RENEWAL I, LLC****AGREEMENT FOR PAYMENT IN LIEU OF TAXES**

Projected Annual Gross Rents	\$ 757,758
Commercial (Laundry) Income	\$ 5,625
Pro-Forma Vacancy at 7%	(\$ 53,043)
Project Revenues	\$ 710,340
Payment in Lieu Percentage	5.0%
Annual Projected Payment in Lieu Amount	\$35,517

WILSON FARM URBAN RENEWAL I, LLC
AGREEMENT FOR PAYMENT IN LIEU OF TAXES

Estimated Annual Payments in Lieu of Taxes

		Estimated PILOT Payment
Year	1	\$35,517
Year	2	\$36,293
Year	3	\$37,382
Year	4	\$38,503
Year	5	\$39,658
Year	6	\$40,848
Year	7	\$42,073
Year	8	\$43,336
Year	9	\$44,636
Year	10	\$45,975
Year	11	\$47,354
Year	12	\$48,775
Year	13	\$50,238
Year	14	\$51,745
Year	15	\$53,297
Year	16	\$54,896
Year	17	\$56,543
Year	18	\$58,239
Year	19	\$59,987
Year	20	\$61,786
Year	21	\$63,640
Year	22	\$65,549
Year	23	\$67,515
Year	24	\$69,541
Year	25	\$71,627
Year	26	\$73,776
Year	27	\$75,989
Year	28	\$78,269
Year	29	\$80,617
Year	30	\$83,035

History:
04/28/15

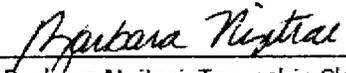
Township Council

INTRODUCED

Next: 05/12/15

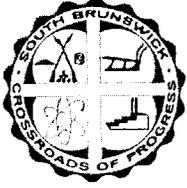
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chris Killmurray, Deputy Mayor
SECONDER:	Josephine "Jo" Hochman, Councilwoman
AYES:	Josephine "Jo" Hochman, Chris Killmurray, Frank Gambatese
ABSENT:	Joseph Camarota, Charlie Carley

This is to certify that the foregoing is a true copy of an ordinance Adopted at the South Brunswick Township Council meeting held on May 12, 2015.



Barbara Nyitrai, Township Clerk

EXHIBIT K



South Brunswick Township
540 Ridge Road
Monmouth Junction, NJ 08852

ORDINANCE 2015-12

Adopting the "Wilson Farm Redevelopment Plan" for 3614-3668 Route 27, Kendall Park (Block 96.24, Lot 24.022)

WHEREAS, "Rehabilitation Area" or "Area in Need of Rehabilitation" is defined in N.J.S.A. 40A:12A-3 (the Local Redevelopment and Housing Law (LRHL)) as any area determined to be in need of rehabilitation pursuant to the provisions of N.J.S.A. 40A:12A-14; and

WHEREAS, the Township Council previously determined that property located at 3614-3668 Route 27, Kendall Park, NJ (Block 96.24, Lot 24.022) is in need of rehabilitation because the majority of the water and sewer infrastructure serving the area is at least 50 years old and in need of repair or substantial improvement; and

WHEREAS, Township Council Resolution #2014-430 was referred by the Township Council to the Planning Board in accordance with the provisions of the LRHL, asking the Planning Board to review Resolution #2014-430 and make recommendations to the governing body on such determination; and

WHEREAS, on October 1, 2014, the Planning Board reviewed and recommended designation of the property as an Area in Need of Rehabilitation; and

WHEREAS, the Township Council subsequently adopted the Area in Need of Rehabilitation Resolution #2014-430 on October 14, 2014. As required by the LRHL, the Township Council forwarded this Resolution to the Commissioner of the New Jersey Department of Community Affairs (DCA) on October 15, 2014, and by letter dated November 5, 2014, Richard E. Constable, III, Commissioner of the DCA, formally recognized 3614-3668 Route 27 as an Area in Need of Rehabilitation; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7 of the LRHL, a redevelopment plan must be prepared, which must include for the planning, development, redevelopment or rehabilitation of the Area in Need of Rehabilitation; and

WHEREAS, the Township Council has caused to be prepared the "Wilson Farm Redevelopment Plan" dated April 23, 2015, to conform to the requirements of the LRHL, which plan must be adopted by ordinance pursuant to N.J.S.A. 40A:12A-7a; and

WHEREAS, prior to final adoption of the Redevelopment Plan by the Township Council, the "Wilson Farm Redevelopment Plan" dated April 23, 2015, shall be referred to the Planning Board for review, which shall transmit to the Township Council a report containing its recommendation concerning the Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7e;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

- I. South Brunswick Code Chapter 62, Land Use, shall be and is hereby amended and

supplemented with the addition of the following:

Article IV. Zoning
Division 3. Districts
Subdivision XIV. Wilson Farm Redevelopment Plan

Sec. 62-816. Adoption of Redevelopment Plan.

A. The redevelopment plan entitled "Wilson Farm Redevelopment Plan," dated April 23, 2015 (the "Redevelopment Plan"), as attached hereto and incorporated herein by reference, is hereby adopted.

B. It is hereby found that the above-referenced Redevelopment Plan meets the criteria for adoption of a redevelopment plan as set forth in N.J.S.A. 40A:12A-7, and as further specified in the plan itself.

C. It is hereby found and determined that the above-referenced Redevelopment Plan is consistent with the Master Plan of the Township of South Brunswick.

Sec. 62-817. Designation as Wilson Farm Redevelopment Zone.

The above-referenced Redevelopment Plan shall constitute a superseding zone for the area contained in the plan. The Zone Map of the Township of South Brunswick, §62-302 of the Code of the Township of South Brunswick, is hereby amended to designate the area set forth in this plan as the "Wilson Farm Redevelopment Zone."

Sec. 62-818. Uses; supersession of other ordinances.

Uses in the redevelopment area shall be limited to those permitted in the Redevelopment Plan. Further, the requirements set forth in the Redevelopment Plan shall supersede Chapter 62, Land Use, of the Township of South Brunswick in the redevelopment area covered by the plan, as provided in Section 3 of the Redevelopment Plan and to the extent anything set forth in that chapter is inconsistent with the provisions of the Redevelopment Plan. In the case of any inconsistency between this chapter and any prior ordinance with respect to a Redevelopment Plan adopted by the Township of South Brunswick, the provisions of this chapter, and the plan referenced herein shall prevail, except as to lots or parcels of land on which redevelopment has actually taken place and structures or improvements built or installed under such prior ordinance and Redevelopment Plan.

Sec. 62-819. Plan to remain on file.

The above-referenced Redevelopment Plan shall remain on file in the office of the Township Clerk and shall be available for public inspection during normal business hours.

Sec. 62-820. Authorization of Township limited.

A. The Township shall be authorized under N.J.S.A. 40A:20-1, et seq., to grant long-term tax exemptions in the Wilson Farm Redevelopment Zone.

B. The Township shall not be authorized under N.J.S.A. 40A:12A-8 to exercise the power of eminent domain to acquire any private property in the Wilson Farm Redevelopment Zone.

Secs. 62-821 - 62-860. Reserved.

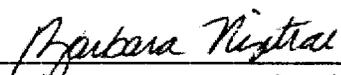
- II. This ordinance shall be referred to the South Brunswick Planning Board immediately after introduction for its review, which shall transmit to the Township Council a report containing its recommendation concerning the Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7e.
- III. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.
- IV. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of South Brunswick held on April 28, 2015, and will be considered on second reading and final passage at a regular meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 7:30 p.m. on May 12, 2015, at which time and place any person having an interest therein will be given an opportunity to be heard.

History:
 04/28/15 Township Council INTRODUCED Next: 05/12/15

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chris Killmurray, Deputy Mayor
SECONDER:	Josephine "Jo" Hochman, Councilwoman
AYES:	Josephine "Jo" Hochman, Chris Killmurray, Frank Gambatese
ABSENT:	Joseph Camarota, Charlie Carley

This is to certify that the foregoing is a true copy of an ordinance Adopted at the South Brunswick Township Council meeting held on May 12, 2015.



 Barbara Nyitrai, Township Clerk

WILSON FARM REDEVELOPMENT PLAN

TOWNSHIP OF SOUTH BRUNSWICK
MIDDLESEX COUNTY, NEW JERSEY
3614-3668 Route 27
Block 96.24, Lot 24.022

April 23, 2015

Prepared by:

Steven S. Cohen Architect P.C.
63 Moran Avenue, Princeton, NJ 08542
609.924.6560 / 609.924.5459 Fax
Scohen45@aol.com

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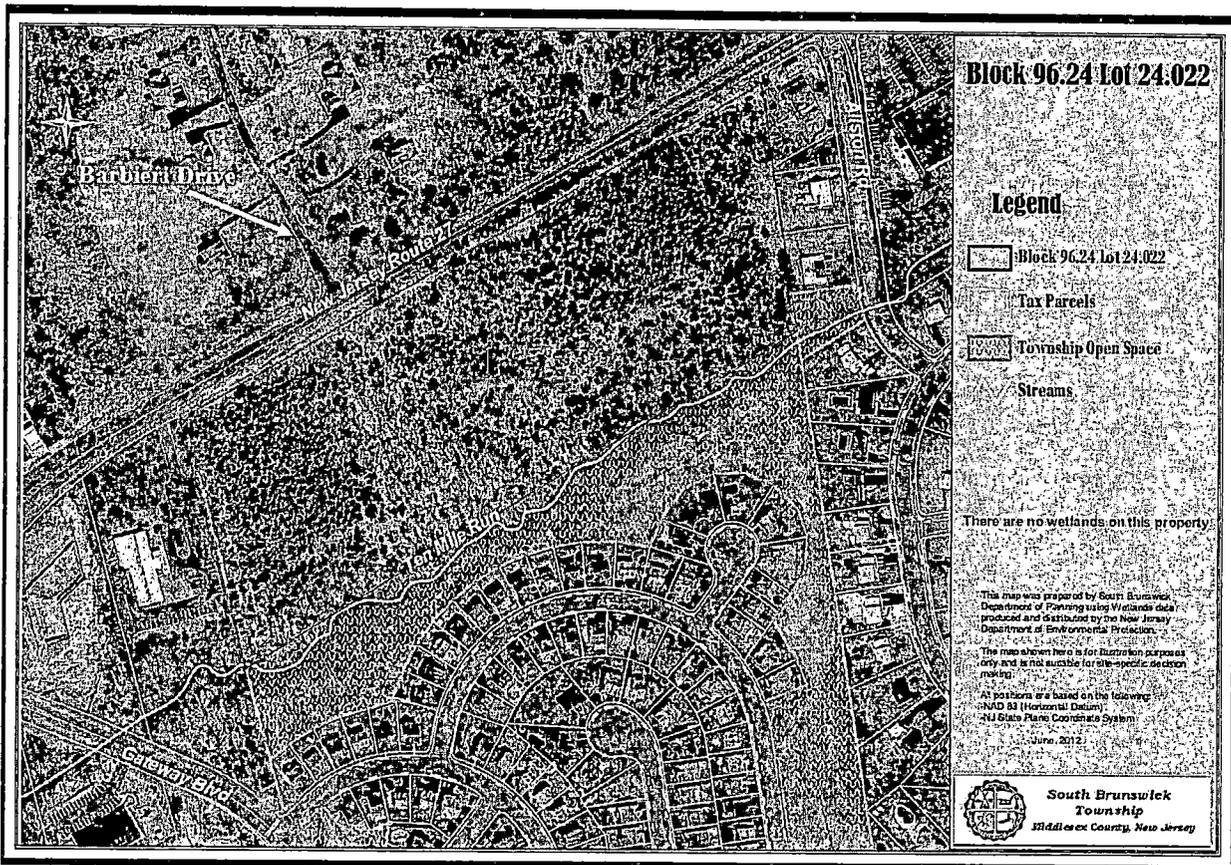
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1. INTRODUCTION

The Township of South Brunswick has determined that there is a need for affordable senior housing within the municipality and that it is in the public interest for its residents to have the opportunity to "age in place" rather than to have to move out of South Brunswick to find appropriate and reasonably priced housing. This desire has been expressed in both the 2001 Master Plan and the Reexamination Report created in 2007. There is also a need for affordable supportive and special needs housing for veterans and individuals with developmental disabilities.

This Redevelopment Plan is intended to create an opportunity to improve a now vacant, unproductive and former Brownfields site owned by the municipality located at 3614-3668 Route 27 (Block 96.24, Lot 24.022) and redevelop it with affordable age-restricted, supportive and special needs housing to meet the need for such housing, which will be included in South Brunswick Township's Third Round Housing Element and Fair Share Plan. The Redevelopment Plan Area is outlined in red in the aerial below.

Figure 1: Aerial View of Redevelopment Plan Area: Block 96.24, Lot 24.022



STATUTORY BASIS FOR THE REDEVELOPMENT PLAN

"Rehabilitation Area" or "Area in Need of Rehabilitation" is defined in Section 40A:12A-3 of the Local Redevelopment and Housing Law (LRHL) as "any area determined to be in need of rehabilitation pursuant to Section 14 of P.L. 1992, c.79 (C.40A:12A-14)".

The Township Council determined that Block 96.24, Lot 24.022 on the South Brunswick Tax Map is in need of rehabilitation because the majority of the water and sewer infrastructure serving the Rehabilitation Area is at least 50 years old and in need of repair or substantial improvement. Resolution #2014-430 was forwarded to the Planning Board in accordance with the provisions of the LRHL asking the Planning Board to review Resolution #2014-430 and make recommendations on the designation to the governing body. On October 1, 2014, the Planning Board reviewed and recommended designation of the Rehabilitation Area.

The Township Council subsequently adopted the Area in Need of Rehabilitation Resolution on October 14, 2014. As required by the LRHL, the Township Council forwarded this Resolution to the Commissioner of the New Jersey Department of Community Affairs (DCA) on October 15, 2014. By letter dated November 5, 2014, Richard E. Constable, III, Commissioner of DCA formally recognized 3614-3668 Route 27 as an Area in Need of Rehabilitation.

REQUIRED PLAN COMPONENTS

This document has been prepared in accordance with Section 40A:12A-7a of the LRHL, which requires Redevelopment Plans to include for the planning, development, redevelopment or rehabilitation of the study area. Specifically:

- The Redevelopment Plan's relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- Proposed land uses and building requirements in the project area.
- Adequate provisions for the temporary and permanent relocation, as necessary, of residents in the project area.
- An identification of any property within the redevelopment area, which is proposed to be acquired in accordance with the redevelopment plan.
- Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities; the master plan of the county in which the municipality is located; the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act", P.L. 1985, c.398 (C.52:18A-196 et al.).
- Description of the plan relationship to pertinent municipal development regulations as defined in the Municipal Land Use Law (MLUL). The plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area.
- All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan.

DESCRIPTION OF THE REDEVELOPMENT PLAN AREA

The Redevelopment Plan Area that is addressed by this Redevelopment Plan includes the former Wilson Farm, located at 3614-3668 Route 27 (Block 96.24, Lot 24.022), Kendall Park, NJ.

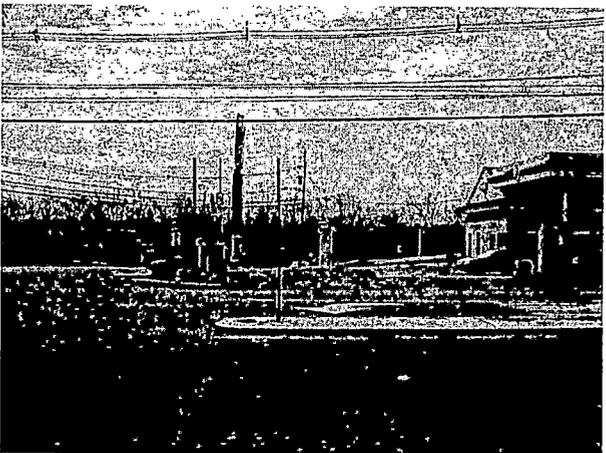
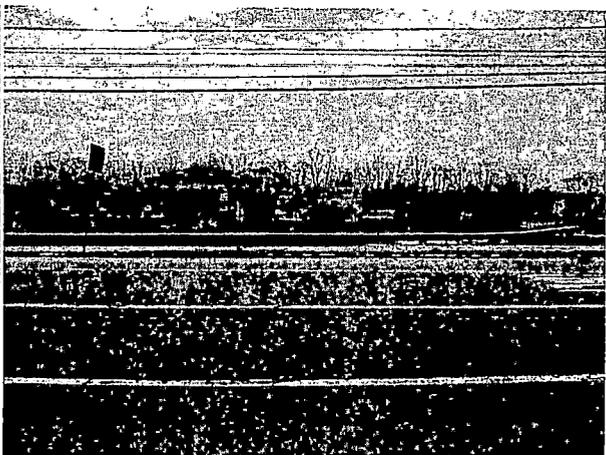
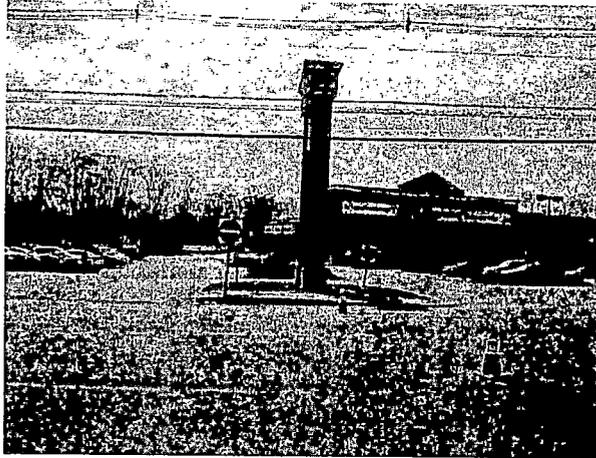
Physical inspections of the proposed redevelopment area were conducted on various days between September 1, 2014 and February 15, 2015. Photographs were taken on April 2, 2015. The entire redevelopment area is vacant and unproductive land. There are presently no existing structures on the site.

The northern boundary fronts on State Route 27. To the east is an existing gas/ service station. To the south on the opposite side of a deeply wooded area are single-family homes. Lastly, to the west is an existing single-story office/warehouse building.

Other adjacent land uses in the area vary and include commercial, offices, single and multi-family residential. There are no single family residential structures fronting on Route 27 in the immediate area (several homes have side yards that face Route 27). However, directly across the street on Route 27 is a single-family development with homes fronting on Barbieri Court, which runs perpendicular to Route 27.

EXISTING PHOTOS

LOOKING EAST ON STATE ROUTE 27 SOUTH @ 125' +/- INTERVALS
Kendall Park Shopping Center (Shops include CVS Pharmacy, Fitness 19 Center,
Glendale Liquors, Benjamin Moore Paint, Bakery, etc). BP Gas Station (bottom right).

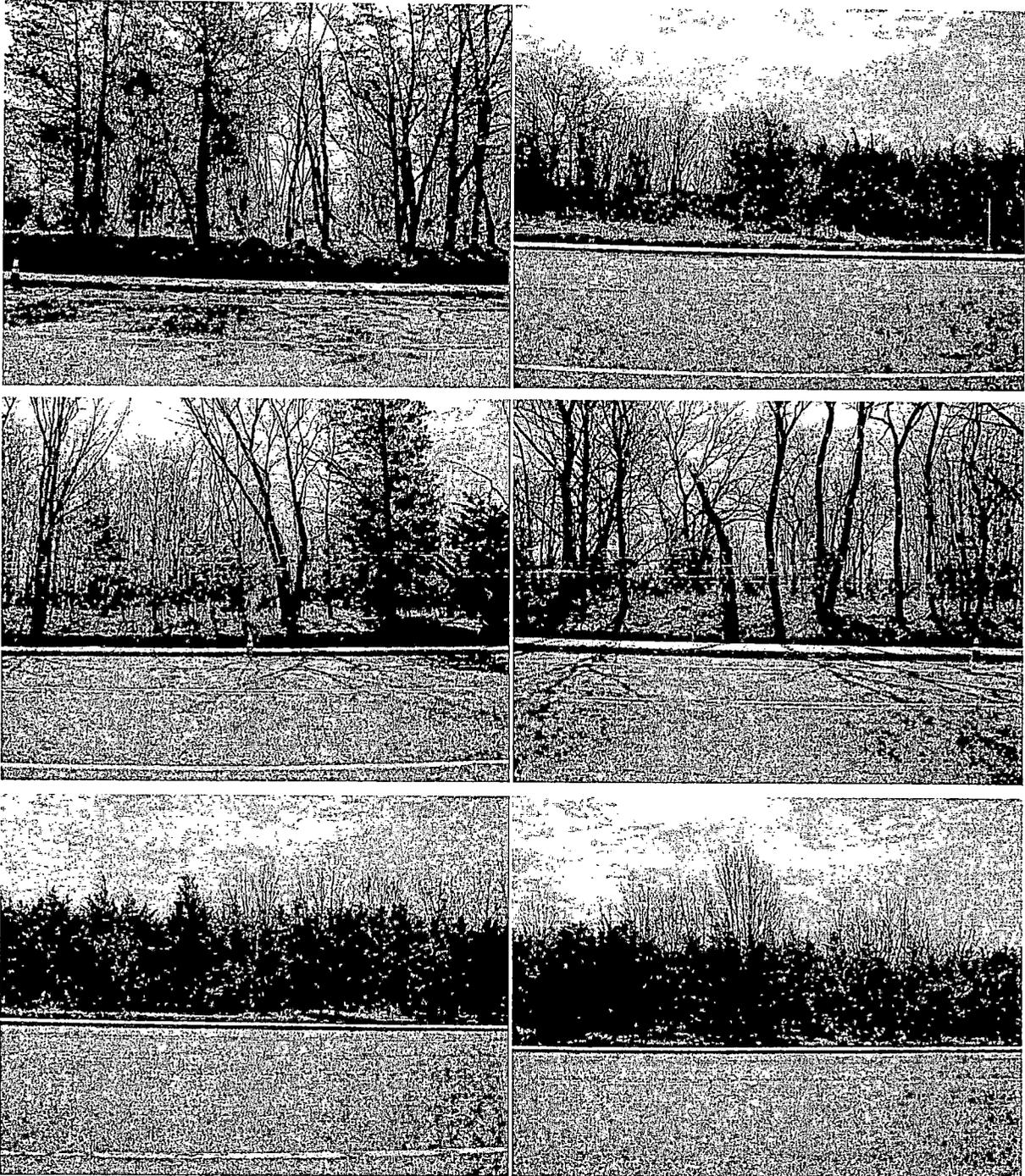


LOOKING EAST ON STATE ROUTE 27

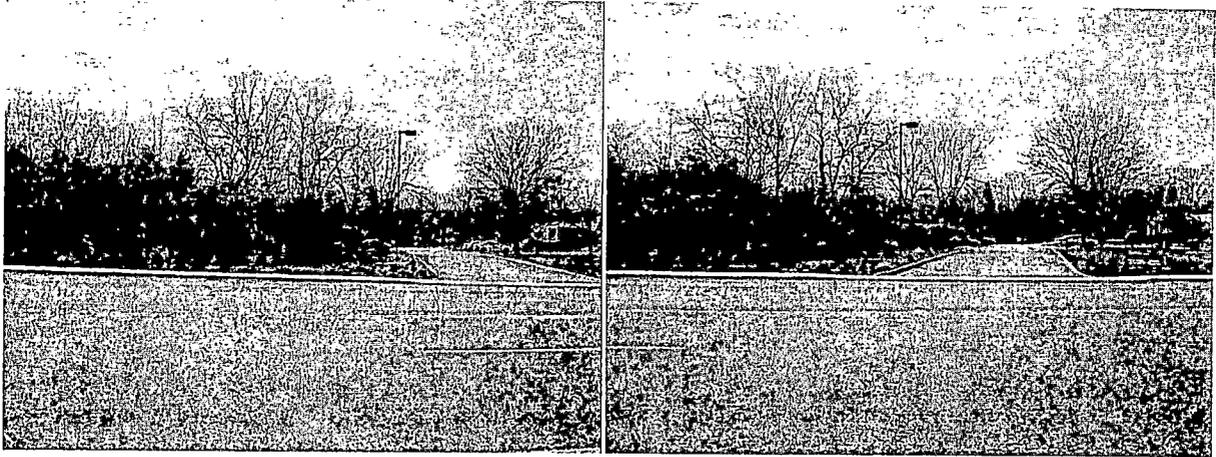
BP Gas Station located at the corner of Allston Road and State Route 27 (far left).
Proposed site photos below.



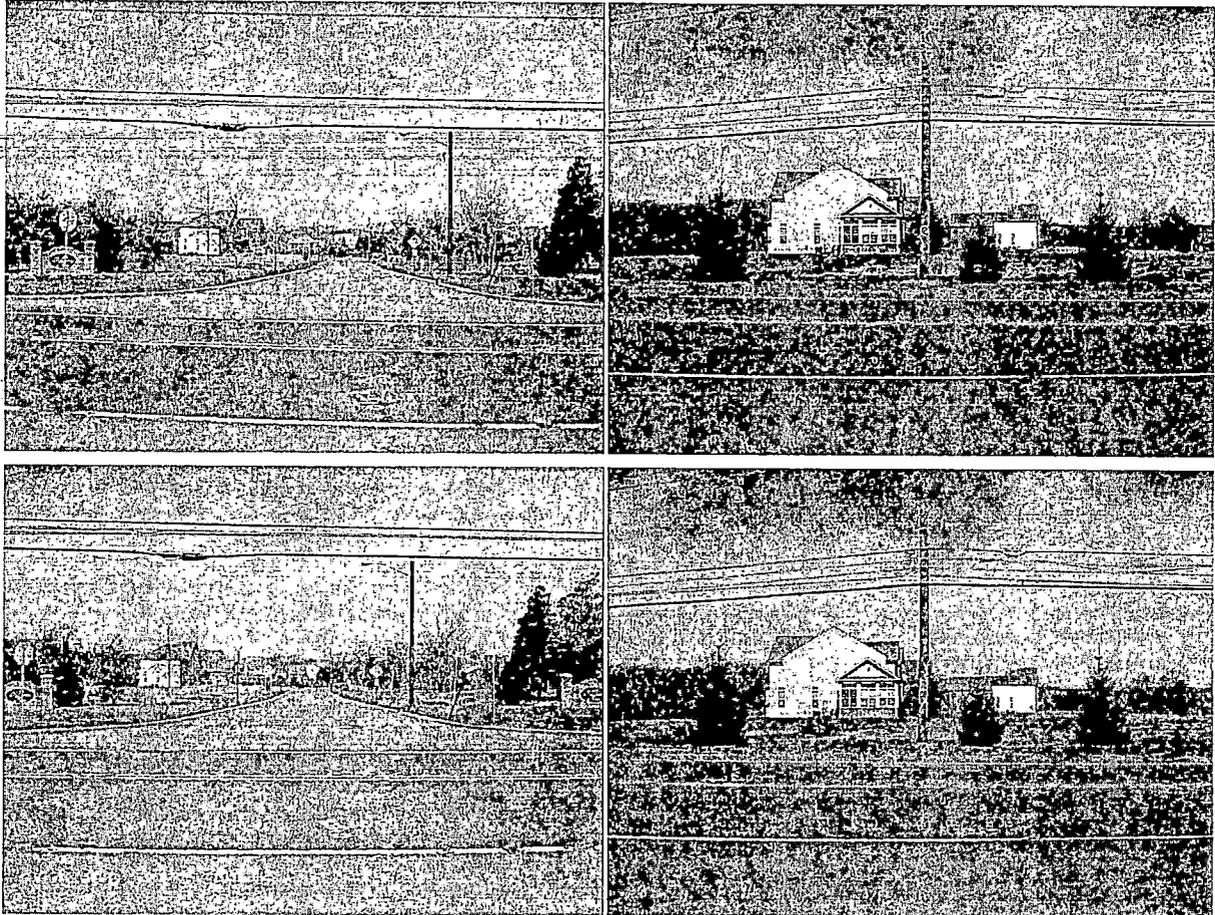
LOOKING EAST ON STATE ROUTE 27
Proposed site

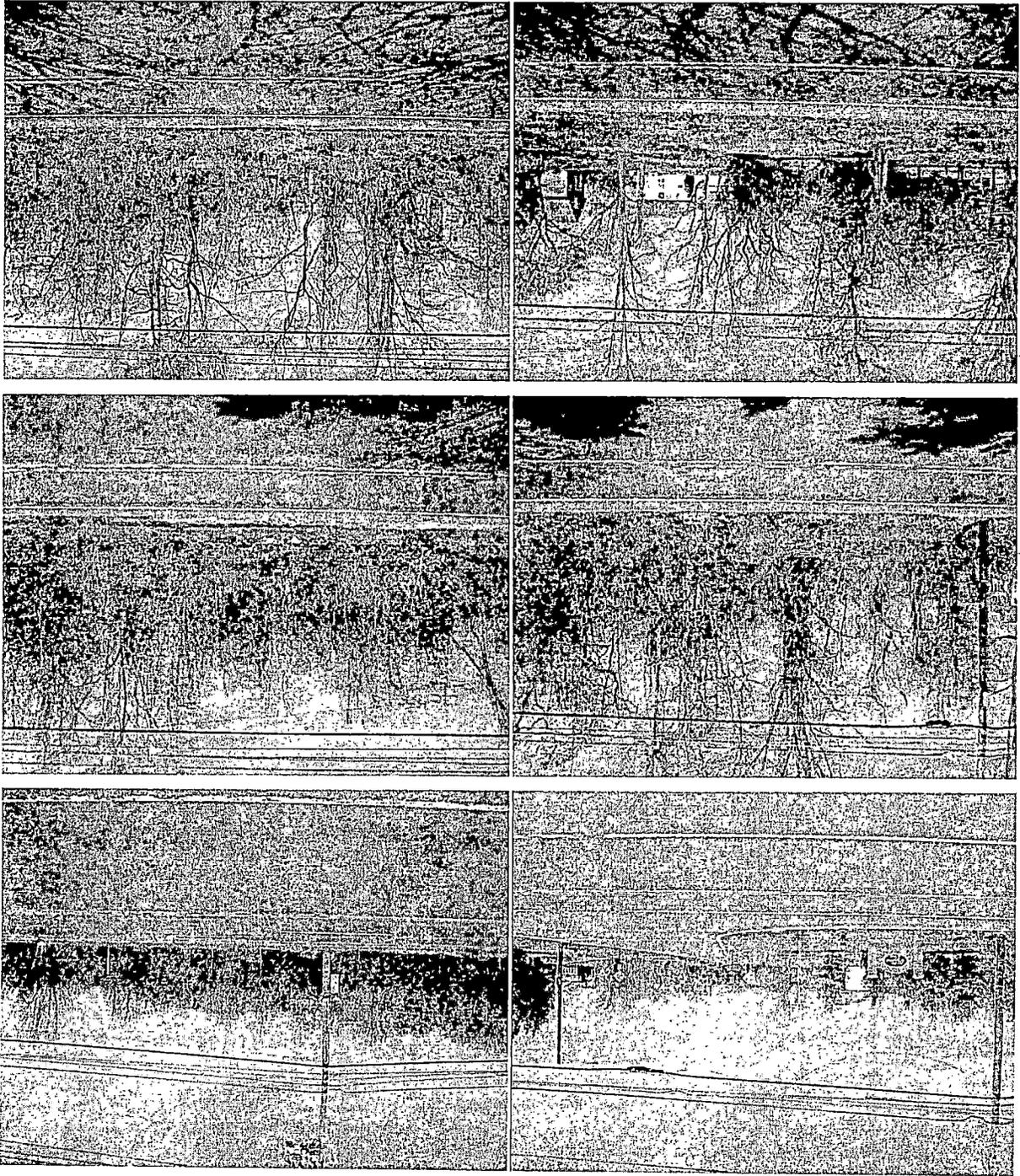


VIEW OF PRINCETON RADIOLOGY (3674 ROUTE 27, KENDALL PARK)
(LOOKING EAST ON STATE ROUTE 27)



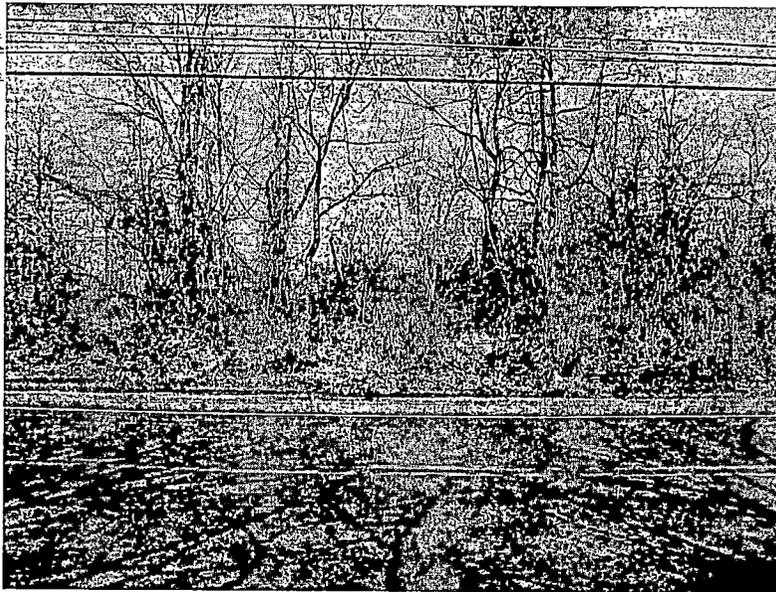
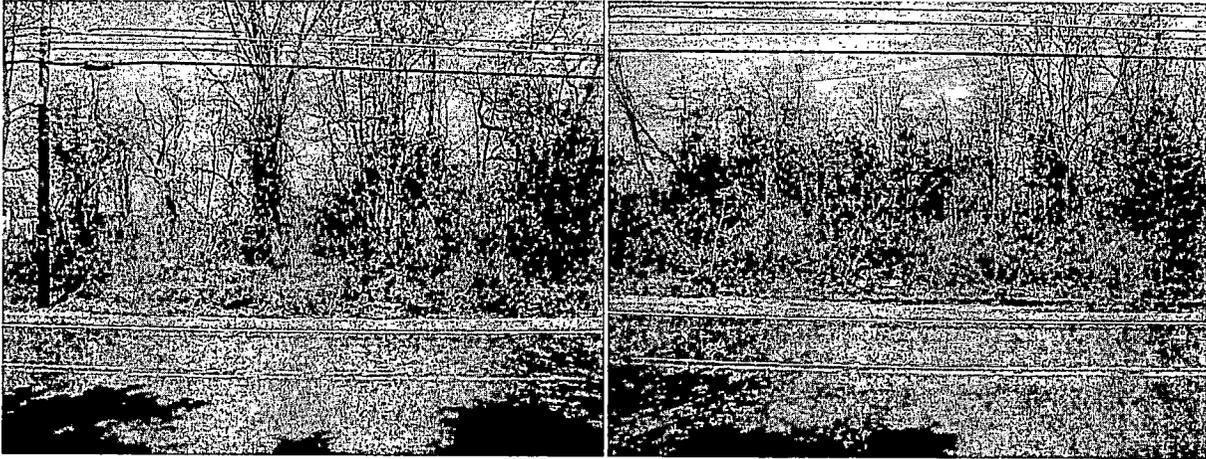
LOOKING WEST ON STATE ROUTE 27 NORTH (BARBIERI DRIVE)



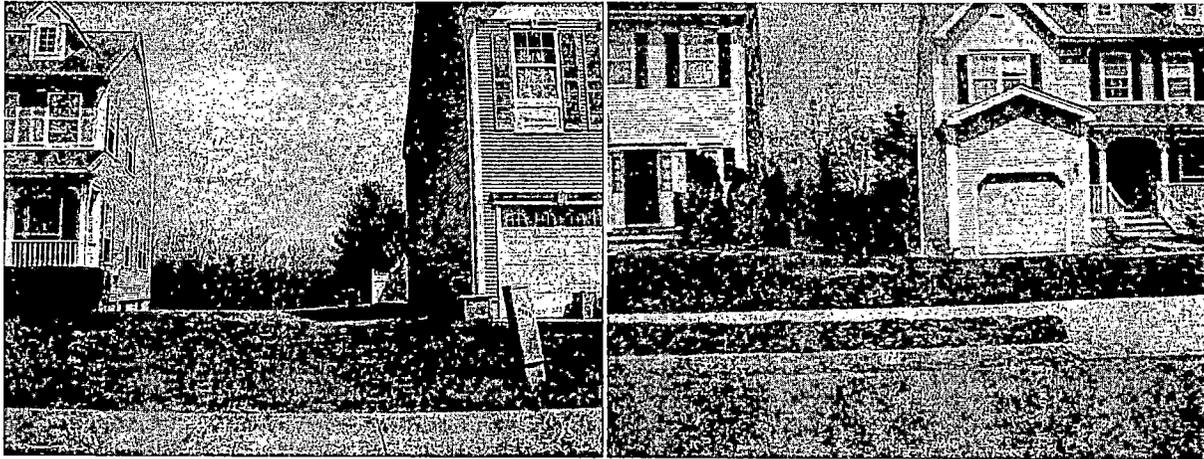


LOOKING WEST ON STATE ROUTE 27 NORTH-BOUND SIDE (BARRIER DRIVE)

LOOKING WEST ON STATE ROUTE 27 NORTH-BOUND SIDE (CONTINUED)



PROPOSED SITE
PHOTO TAKEN FROM STANFORD DRIVE (OFF OF GATEWAY DRIVE) LOOKING WEST



2. PUBLIC PURPOSE

VISION

The vision of the redevelopment plan is to encourage the development of affordably priced senior citizen, supportive and special needs housing within a community setting as appropriate in order reuse portions of the vacant parcel. This would place residents in close proximity to services and shops, such as those located along Route 27.

The provision of additional housing opportunities at higher densities convenient to transit options (there is a NJ Transit bus stop less than ½ mile from the redevelopment area), would have a positive impact on the overall neighborhood. Affordable senior, supportive and special needs housing would be compatible with the area as the existing site is ideally located in close proximity to uses supportive of the proposed residences.

GOALS

The goals of this Redevelopment Plan include:

1. Provide for a greater variety of housing opportunities and choices within South Brunswick Township.
2. To create a compact, pedestrian-friendly development through the use of Smart Growth planning and design techniques.
3. Promote a multi-story residential design that utilizes traditional design and planning concepts combined with modern architectural elements that create a sense of place and an attractive, livable environment.
4. Provide adequate parking standards that meet actual parking for current and future demand, taking into consideration the limited parking demand of affordable senior citizen, supportive and special needs housing.

RELATIONSHIP TO LOCAL OBJECTIVES

This Redevelopment Plan furthers and promotes existing local goals and objectives. The South Brunswick Township Master Plan was adopted in 2001 and reexamined in 2007. In addition, the bordering Township of Franklin's Master Plan was adopted in 2006. The following sections describe the relationship of these redevelopment plans to the Township's existing plan documents and zoning ordinance.

SOUTH BRUNSWICK 2001 MASTER PLAN Please see Land Use Map: "Attachment A"

Affordable Housing Land Use

As required by the Fair Housing Act of July 2, 1985, South Brunswick was required to meet its "Fair Share" obligation of low and moderate housing as established by COAH (Council on Affordable Housing). In order to meet its obligation, the Township established the following districts that provide its Fair Share of low and moderate income housing: PRD IV and AH. The rezoning was required as part of the certification of the Township's housing plan. The Plan is certified to the year 2004 when the Township prepared the Amended Third Round Housing Element and Fair Share Plan dated December 10, 2008.

PRD IV/AH Planned Residential Development / Affordable Housing

The PRD IV/ AH district is located within the central portion of the Township with access from Route 130, where single family detached dwellings, attached townhouses, multifamily dwellings and C-2 retail commercial uses are permitted. The minimum tract size for a PRD IV development is 100 acres with the gross density of 4 units per acre. The site provides for low and moderate income living units. This site is entirely developed.

AH Affordable Housing

There are eight AH districts within South Brunswick. Three sites are located along Route 27. The other sites consist of a small parcel surrounded by R-1 uses on Black Horse Lane, a large parcel bisected by Route 522, a small area on the west side of New Road, an area east of Monmouth Junction and a small section north of Georges Road. Single family detached dwellings, single family semi attached dwellings, attached townhouses and multifamily dwellings on tract are permitted. The maximum net density is restricted to 12 units per acre. All districts except the properties west of Northumberland Way are built out.

Summary Housing Plan Element

The housing stock in the Township of South Brunswick is fairly young, with over 66 % of the nearly 10,000 housing units under 30 years old. The majority of the housing stock is single-family detached housing. The median value of owner-occupied homes in the Township is approximately \$183,000 according to the 1990 U.S. Census. This data also indicates an overall housing vacancy rate of 5%. Since 1990, over 3,900 building permits have been issued in the Township. The majority of these units, or 82%, have been for single-family detached housing (New Jersey Department of Labor, May 2000). The Housing Report stated that 3,318 dwelling units are under construction, with another 1,851 units involved in stages of the planning approval process. The Township maintains a diversity of housing types, including a multi-family, single-family, townhouse and adult community units, as well as low and moderate income units and age-restricted units.

The Township of South Brunswick Affordable Housing efforts trace their origins to a landmark 1975 N.J. Supreme Court case identified as Southern Burlington County NAACP v. Township of Mt. Laurel, commonly known as "Mt. Laurel I" case. The decision determined the exclusionary New Jersey municipal zoning violated

the N.J. Constitution by “foreclosing poor and moderate income people from the opportunity to obtain adequate housing”. It directed New Jersey municipal zoning to end exclusionary (large lot) zoning practices.

“Mount Laurel I” was followed in 1983 by Mount Laurel II” decision. This second Supreme Court decision, Southern Burlington County NAACP v. Township of Mt. Laurel, found that no progress had been made in fair housing since the 1975 decision. Therefore, it created, among other incentives, the basis for “Builders Remedy” litigation, wherein if a lower court found a municipal zoning ordinance to be economically or radically exclusionary, it empowered the lower court to award a settlement in favor of the developer, resulting in four market rate units for each affordable housing unit developed, regardless of the local zoning criteria.

In response to Mt. Laurel II, the New Jersey Legislature created the Fair Housing Act on August 4th, 1986, as an alternative to “Builders Remedy” litigation. The keystone of the 1986 Fair Housing Act was the creation of the New Jersey Council on Affordable Housing (COAH) with its mandate to accomplish a reasonable opportunity to provide affordable housing within each of the 567 municipalities of New Jersey. The rules and procedures created by COAH enabled that agency to calculate an affordable housing obligation for each municipality in the State.

The New Jersey Council on Affordable Housing (COAH) also provides the guidelines to determine eligibility for Affordable Housing, taking into account household size and household income. Potential purchasers must also demonstrate credit worthiness.

South Brunswick has almost 30 years of voluntary participation in the COAH process since COAH's initial adoption of affordable housing regulations after the establishment of the FHA in 1985. In the First Round (1987 – 1993), the Township adopted a housing element and fair share plan addressing a 669-unit precredited need (603 new construction/ 66 rehabilitation), petitioned COAH and received First Round substantive certification from COAH on August 3, 1987.

The Township petitioned COAH for Second Round (12-year cumulative 1987 – 1999) substantive certification on March 6, 1995. COAH approved the Township's Second Round housing element and fair share plan and granted Second Round substantive certification on February 4, 1998. The Township's 1987 - 1999 cumulative Second Round obligation, as determined by COAH per N.J.A.C. 5:93, consisted of a 937-unit pre-credited need (842 new construction/95 rehabilitation).

COAH's first set of Third Round regulations adopted in 2004 included three fair share component parts – Third Round rehabilitation share (present need) based on the 2000 census; Prior Round (COAH's cumulative First and Second Rounds 1987 – 1999) and finally Third Round growth share for the time period 1999 – 2014.

On December 16, 2005, the Township petitioned COAH for Third Round substantive certification by submitting a Third Round housing element and fair share plan addressing COAH's original Third Round rules at N.J.A.C. 5:94. However, COAH had not acted on the Township's 2005 Third Round plan before the Appellate Division invalidated COAH's Third Round 'growth share' methodology and portions of COAH's initial Third Round affordable housing regulations in In re Adoption of N.J.A.C. 5:94 & 5:95, 390 N.J. Super. 1 (App. Div. 2007), and directed COAH to adopt revised Third Round rules.

COAH's second set of Third Round regulations adopted in 2008 also included the three fair share component parts noted above (Rehabilitation Share, Prior Round and Third Round) but the Third Round growth share time period was expanded out to 2018. Municipalities that had not received substantive certification under the initial Third Round rules and wished to continue with the COAH process (such as South Brunswick) were required to re-petition COAH for substantive certification under its revised 2008 rules by December 31, 2008.

The Township again petitioned COAH for Third Round certification on December 31, 2008 with an Amended Housing Element and Fair Share Plan, adopted by the Planning Board on December 10, 2008 and endorsed by the governing body on December 16, 2008, that addressed the Township's cumulative 1987 - 2018 affordable housing obligation of a 36-unit Rehabilitation Share, a prior round obligation of 841 units (First and Second Rounds combined) and a Third Round growth share obligation of 948 units. COAH had not certified the Township's amended petition prior to the Appellate Court decision of October 8, 2010, which again invalidated COAH's Third Round growth share methodology.

Pursuant to the N.J. Supreme Court's March 10, 2015, decision in In re Adoption of N.J.A.C. 5:96 and 5:97, N.J. (2015), the Supreme Court stated that COAH's First and Second Round methodology must be followed by the Mount Laurel Judge in each Superior Court vicinage in the determination of Third Round fair share obligations (Slip Opinion at page 41). COAH's Second Round regulations at N.J.A.C. 5:93, the last set of regulations upheld by the Courts, set the Township's Second Round 12-year cumulative (First and Second Rounds) new construction obligation at 842 units and had previously set the Township's Second Round rehabilitation share (present need) at 95 units (based on the 1990 census). COAH's invalidated 2008 regulations had updated the Township's rehabilitation share to 36 units based on the 2000 census. Based on the Supreme Court's March 10, 2015 decision, the Superior Court must also determine the Township's Third Round rehabilitation share, possibly to be updated with the 2010 census.

To address its known 842-unit new construction obligation based on the court-upheld COAH Second Round regulations per N.J.A.C. 5:93, the Township previously provided crediting documentation to COAH as part of its First Round, Second Round and both Third Round submissions (2005 and 2008). The Township's affordable housing crediting documentation has been addressed in COAH's crediting lists as found on COAH's webpage at <http://www.nj.gov/dca/services/lps/hss/transinfo/reports/units.pdf>. This COAH crediting list is dated March 2011 and although it reflects a partial report on the status of the Township's affordable housing credits, it is not complete. Pursuant to COAH's Second Round rules at N.J.A.C. 5:93, et seq., the Township is entitled to the following credits/bonuses for affordable units actually built:

<u>Development</u>	<u>Units</u>
Deans Apartments	40 (prior cycle credits)
Charleston Place I	54 (prior cycle credits)
Regal Point	5 (affordable family sales)
Monmouth Walk	43 (affordable family sales)
Nassau Square	49 (affordable family sales)
Woodhaven	80 (affordable family rentals)
Charleston Place II	30 (affordable senior rentals)
Summerfield	70 (affordable family sales)
Deans Pond Crossing	20 (affordable family sales)
Southridge/Southridge Woods	124 (affordable family rentals)
CIL-Wynwood	7 (alternative living arrangements)
CIL Woods	16 (alternative living arrangements)
Wheeler Rd Group Home	3 (alternative living arrangements)
Major Rd Group Home	3 (alternative living arrangements)
Oak Woods	73 (affordable senior rentals)
Buckingham Place	23 (affordable senior rentals)
ARC of Middlesex County	15 (alternative living arrangements)
Dungarvin/Eclipse	8 (alternative living arrangements)
Community Options	8 (alternative living arrangements)
Triple C Housing	6 (alternative living arrangements)
REACH (Market to Affordable)	18 (affordable family sales)
Rental Bonuses (Prior Round)	<u>187</u>
TOTAL CREDITS	882

Thus, in addressing the 842-unit prior round (new construction) obligation, the Township is eligible for 882 credits, resulting in a Third Round surplus of 40 affordable housing credits.

SOUTH BRUNSWICK 2007 MASTER PLAN RE-EXAMINATION
Please see Land Use Map, "Attachment B"

Housing Plan Element

Goal: Provide for a variety of housing choices through implementation of South Brunswick's affordable housing obligation.

Objectives: #1: Modification of standards in the development regulations ordinance which inhibit the production of low cost housing, while retaining all those standards necessary for the protection of the public health, safety and welfare.

Objectives: #2: Encourage the production of subsidized housing and "least cost" housing, in accordance with the adopted housing plan.

Objectives: #3: Encourage the construction of affordable housing in or near built areas and as convenient as possible to public transportation, employment, shopping, and community facilities.

Objectives: #4: Encourage the preservation of existing housing, particularly giving attention to the older established neighborhoods.

Objectives: #5: Encourage the development of assisted care, congregated care, nursing home usage, and provision for same in Township.

Objectives: #6: Encourage adequate affordable housing for low and moderate income family (including senior citizens) in conformance with the approved housing plan.

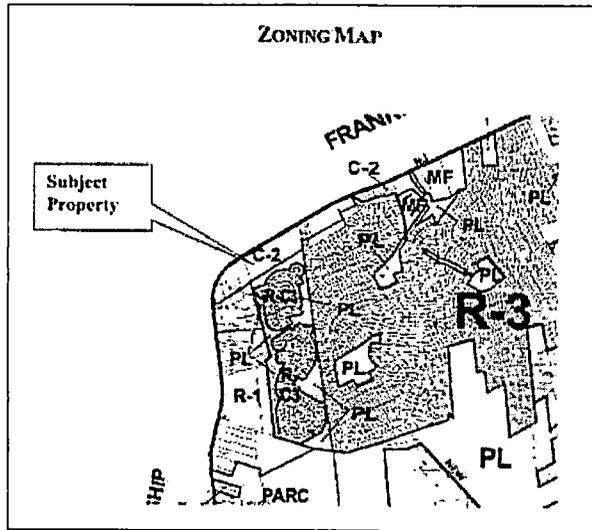
FRANKLIN TOWNSHIP 2006 MASTER PLAN
Please see Land Use Map, "Attachment C"

The Franklin Township Master Plan, dated March 2006 designates land in Franklin Township, immediately adjacent to the proposed site across State Route 27, more specifically "residential" with a small parcel of land noted as "preserved". Existing is a single family development currently accessed off of Barbieri Drive. Houses in this development are set back from Route 27 and will not be affected by the proposed use of land within the redevelopment zone. Please see attached Franklin Township Existing Land Use and Community Facilities Sectors 1 & 2.

ZONING ORDINANCE

The Redevelopment Plan Area is presently located in the C2 zone, which permits the following; Retail establishments, including department and variety stores, supermarkets, clothing stores, furniture and appliance stores, service activities, including banks, restaurants, fast food restaurants, exercise and dance schools, taverns,

travel agencies, and other such ancillary supermarket services, office buildings for physicians, dentists, engineers, lawyers, architects, public accountants, real estate and insurance brokers, city planners and similar professions. A zoning map of the existing area is set forth below with the redevelopment area labeled below.



DEED RESTRICTION ON USE OF PROPERTY

The Property is subject to a Restrictive Covenant dated March 9, 2005, recorded in the Office of the Middlesex County Clerk, Register of Deeds and Mortgages, in Deed Book 5466 at Page 548 that provides the following:

For a period of fifty (50) years from the date of the Restrictive Covenant, no portion of the Property shall be used for any one or more of the following uses:

- (a) A wholesale club or other wholesale or retail general merchandise facility which has a merchandising concept based upon maintaining a relatively limited stock of units in a large number of product categories;
- (b) A supermarket, grocery store, convenience store or any other similar business that primarily sells prepared and unprepared food for off premises consumption;
- (c) A drug store, pharmacy, or business consisting principally of the sale of health and beauty aids, which, in any of the foregoing instances, exceeds fifteen hundred (1500) square feet of floor area; or
- (d) Any use that is ancillary to, incidental to, or otherwise supports or facilitates any property that is operated for a use prohibited by [the] above by providing parking for such property, access to or from such property, facilitating the qualification of any such property for compliance with a zoning ordinance, building code or any other law, rule, regulation ordinance or legal requirement, or otherwise in any manner whatsoever.

No part of the Redevelopment Plan shall be inconsistent with or violate said Restrictive Covenant.

Affordable senior citizen, supportive and special needs housing would be most compatible with the character of the area and restriction on use of the property, and a multi-phased housing development at this location would also support existing and new businesses in the immediate area. The development would have a positive impact on the neighborhood and quality of life for the area.

CONSISTENCY WITH TOWNSHIP MASTER PLAN AND ZONING ORDINANCE

The Redevelopment Plan, as proposed, is substantially consistent with the Township of South Brunswick's 2001 Master Plan and 2007 Reexamination Report and furthers a number of goals and objectives that the Township has set for development and growth within its borders.

The Redevelopment Plan meets the general Housing Plan Element goal as stated in both the 2001 Master Plan and 2007 Reexamination report to provide for a variety of housing choices through the implementation of South Brunswick's affordable housing obligation.

In particular, the following objectives as stated in both the 2001 Master Plan and the 2007 Reexamination report are met through the Redevelopment Plan and they include:

1. Encourage the production of subsidized housing and "least cost" housing, in accordance with the adopted housing plan.
2. Encourage the construction of affordable housing in or near built areas and as convenient as possible to public transportation, employment, shopping, and community facilities.
3. Encourage adequate affordable housing for low and moderate income families (including senior citizens) in conformance with the approved housing plan.

RELATIONSHIP TO OTHER PLANS

PLANS OF ADJACENT MUNICIPALITIES AND THE COUNTY

Franklin Township, Somerset County is an adjacent municipality that borders the Redevelopment Plan Area to the north on the opposite side of Route 27. The lack of affordable housing is recognized as a need in Franklin Township as well as Middlesex and Somerset counties as a whole.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The State Strategic Plan is the revision to the 2001 State Development and Redevelopment Plan. The document sets forth a vision for the future of New Jersey along with strategies to achieve that vision. The draft final State Strategic Plan, awaiting adoption, has four overarching goals with ten "Garden State Values". This Redevelopment Plan has the ability to advance five of the ten values:

- | | |
|--|--|
| Concentrate Development: | Promote development that is compact, build densities that support walking and public transportation. |
| Prioritize Redevelopment, infill and existing infrastructure: | Prioritize redevelopment and the reuse of existing sites and structures. |
| Create high-quality, livable places: | Enhance community character and design. |
| Provide transportation choice: | Provide transportation options that improve access and affordability for all users. |

Diversify Housing Opportunities: Support the construction of housing that meets the needs of households of all sizes and income levels, near jobs, transit, and services.

The New Jersey Business Action Center ("NJBAC") defines smart growth as "well-planned, well-managed growth that adds new homes and creates new jobs, while preserving open space, farmland and environmental resources. Smart Growth supports livable neighborhoods with a variety of housing types, price ranges, and multi-model forms of transportation. NJBAC lists ten principles of smart growth on its website; of these, South Brunswick has the potential to meet the following six:

Compact, clustered community design: the new senior, supportive and special needs housing will be developed in a meaningful and compact fashion, with each phase carefully integrated into the overall community design.

Range of housing choice and opportunity: new senior housing would provide an affordable option for those residents who want to live independently and age in place in South Brunswick.

Distinctive, attractive communities offering a sense of place: new buildings would provide traditional details through modern architecture and design approaches offering residents an immediate sense of place.

Future development strengthened and directed to existing communities using existing infrastructure: the redevelopment of the entire plan area would use the existing, water, sewer and electric infrastructure that the Township will be upgrading. Existing facilities within walking distance of the proposed site consist of Dominic's Pizza and the Stop and Go Convenient Store on Allston Road, as well as a CVS Pharmacy, bakery, gym, liquor store, and a paint shop located within the Kendall Park Shopping Center. There is also a bank located on New Road and a doctor's office just north of the shopping center.

Transportation option variety: residents would be able to walk to utilize the NJ Transit Bus Stop less than ½ mile from the plan area. There is also a park and ride located ½ mile north along Route 27. There is a sidewalk from Allston Road to the park and ride.

Community and stakeholder collaboration in development decision-making: the adoption of this Plan will allow for community input at the Planning Board meeting and then again when the Council reviews the document.

3. ADMINISTRATIVE PROVISIONS OF THE PLAN

1. The Redevelopment Plan shall **supersede** the applicable provisions of the Township of South Brunswick Zoning Ordinance (**SB Code Chapter 62**). The Plan also incorporates design guidelines, including signage, landscaping and architectural standards, which shall apply to development within the Redevelopment Plan Area regardless of amendments, revisions, additions or deletions to the Township of South Brunswick Zoning Ordinance unless this Plan is also amended by ordinance or unless a waiver of any of the Design Guidelines is granted by the South Brunswick Planning Board as part of a Site Plan Approval.

2. Any development within the Redevelopment Plan Area shall be substantially consistent with the guidelines, standards and requirements provided in this Plan and the specific Land Use and Building Regulations provided in the Plan.

3. With the exception of routine maintenance and minor repairs, no building permit shall be issued for any new construction, reconstruction or rehabilitation of an existing structure without prior site plan review and approval by the Planning Board.

4. The site plan review shall be conducted by the Planning Board in accordance with N.J.S.A. 40:55D-1 et seq. The Planning Board may require additional studies and analyses (including, but not limited to parking and traffic studies, a recycling report, and sanitary and storm water reports) as deemed necessary by the Board to determine the adequacy of existing and proposed utilities and infrastructure improvements to serve the proposed project.

5. The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan classified as "c" or bulk variances and such deviation shall not be considered an amendment to this Redevelopment Plan. Under a c (1) variance, where by reasons of shape of a specific piece of property within the Redevelopment Area, or by reason of physical features uniquely affecting a specific piece of property, or by reason of an extraordinary situation uniquely affecting a specific piece of property or existing structures lawfully constructed thereon, the strict application of the regulation of the Redevelopment Plan would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property. For purposes of this Redevelopment Plan any standard referenced with the term "shall" will require a deviation under this subsection.

6. The Planning Board may also grant deviations from the regulations contained within this Redevelopment Plan when the purposes of this Redevelopment Plan would be advanced by the deviation and the benefit of the deviation would substantially outweigh any detriments.

7. The Planning Board may also grant exceptions and waivers from design standards and site plan or subdivision requirements provided that such waiver would advance the general intent and purpose of this Redevelopment Plan and that literal enforcement of the provisions of the Plan will result in undue hardship to the developer. No deviations may be granted under the provision of this section unless the grant of the deviation will not result in substantial detriment to the public good and will not substantially impair the intent and purpose of this Redevelopment Plan. For purposes of this Plan, any standard referenced with the term "should" will require a waiver under this subsection.

8. The Zoning Board of Adjustment may not grant deviations from the regulations contained in this Redevelopment Plan.

9. If any word, phrase, clause, section or provision of this Plan, is found by a court or other regulatory body having jurisdiction to be invalid, illegal, unenforceable, or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of the Plan shall remain in full force and effect.

4. LAND USE REGULATIONS

A. Permitted Principal Uses and Structures

1. 100% affordable one-bedroom apartment dwellings for senior citizens, veterans, and persons with physical or developmental disabilities. Senior citizen shall mean a resident age 55 or over. A maximum of twenty (20%) percent of the total units may be available for veterans and persons with physical or developmental disabilities, regardless of age. A maximum of one (1) two-bedroom unit for each phase of development may be used for an on-site building superintendent.

2. At least 13% of the units in the project will be reserved as very low-income units; at least 37% of the units will be reserved as low-income units; and the balance of 50% of the units may be moderate income units with rents set no higher than 60% of the median income.
- B. Permitted Accessory Uses and Structures
1. Off-street parking.
 2. Fences and walls.
 3. Leasing office for on-site management.
 4. Recreational facilities serving the residents of the redevelopment project.
 5. Street furniture including, but not limited to outdoor tables, benches, gazebos, planters, etc.
 6. Trash storage areas.
 7. Signs.
 8. Bus stop
 9. Municipal parking.
 10. Public land.
- C. Prohibited Uses
1. Any use not specifically listed as a permitted principal or accessory use is prohibited.
 2. Any use prohibited by that certain Restrictive Covenant for the property dated March 9, 2005, recorded in the Office of the Middlesex County Clerk on March 14, 2005, in Deed Book 5466 at Page 548.
- D. Area and Bulk Requirements
1. Minimum lot size - 3 Acres
 2. Minimum lot frontage (Route 27) - 250'
 3. Minimum front yard setback to building and to parking: - 25'
 4. Maximum impervious coverage: - 66%
 5. Maximum principal building height: 3 Floors
 6. Maximum residential density: 25 units per acre
 7. Minimum rear yard setback: 50'
 8. Minimum side yard setback: 15'
- E. To the extent title to any portion of the Redevelopment Area is retained by the Township, it may be used as a Municipal Parking Lot (if desired by the Township) and/or Public Land.

If any portion of the Redevelopment Area is utilized as a Municipal Parking Lot, the following shall apply:

1. Number of parking spaces as required supporting use as intended.
2. Provision for bus stop.
3. Pedestrian shelter.
4. Inclusion of "pay machine".
5. Numbered parking spaces.
6. Signage as required.
7. Setbacks
 - Front- 40'
 - Rear- 150'
 - Side- 6'
 - Total Side- 12'
8. Landscaping - 1 shade tree per 20 vehicles
9. Lighting- average 0.5 footcandles

If any portion of the Redevelopment Area is retained by the Township and not used as a Municipal Parking Lot, it may be used for any uses permitted in the PL (Public Land) zone designation so long as those uses are compatible with this Redevelopment Plan.

F. Off Street Parking

1. General Provisions:

- a. All off-street parking areas shall be so graded and drained as to dispose of all surface waters to the satisfaction of the Township Engineer.
- b. All parking spaces within any parking area shall be clearly marked and maintained to show the parking arrangement within said parking area.
- c. All parking spaces shall measure no less than nine (9) feet in width by eighteen (18) feet in length.
- d. All lighting for off-street parking areas shall be so arranged and shielded as to reflect the light downward and prevent any light from shining directly on adjoining streets, residential zones, and residential buildings.
- e. Parking lot lighting shall provide a maintained average of one-half (0.5) footcandles.
- f. The number, location, size and delineation of spaces shall conform to the design requirements for such spaces by the State of New Jersey barrier-free design (N.J.S.A 52:32-12) and the Americans with Disabilities Act of 1990.

2. Parking Ratios: The minimum number of parking spaces shall be the applicable number as follows:

- a. Residential: It is the objective of this Redevelopment Plan to ensure sufficient parking to meet the needs of the redevelopment project without overbuilding surface parking lots and that parking be distributed in a way that is convenient to all of its residents. Residential parking shall provide a minimum of one (1.0) parking space per dwelling unit. Municipal parking lot (if desired by the Township) - number of parking spaces as the municipality deems appropriate.
- b. One (1) shade tree with foliage no lower than a height of seven (7) feet shall be provided for every twenty (20) parking spaces. Shade trees shall be accented by shrubbery less than three (3) feet in height. All trees shall conform to the Township's shade tree requirements.
- c. Plants shall be selected for high draught tolerance.

G. Trash and Recycling Standards

- 1. Exterior trash receptacles shall be enclosed with a solid masonry enclosure. No trash receptacles shall be visible from any public street.
- 2. Such facilities shall be designed so they fit within an overall project design.
- 3. Provisions for the collection, disposition, and recycling of materials shall be subject to any other applicable Township ordinances.

5. DESIGN GUIDELINES

A. General Design Principles

- 1. Streetscaping and landscaping should be used to enhance the pedestrian experience and general safety in conformance with the standards of this Redevelopment Plan.
- 2. Building placement, massing and architectural design should be varied yet may maintain common elements of design through the overall redevelopment project to ensure a cohesive architectural character.

3. Landscaping planting details. Plant selection shall conform to all Township ordinances and the following general design principles:
 - a. All landscaping plans should be native species and typical full specimens conforming to the American Association of Nurserymen Standards (ANA) for quality and installation.
 - b. Local soil conditions and water availability should be considered in the plant selection. All plants shall be tolerant of specific site conditions.
 - c. Landscaping shall not inhibit access by emergency vehicles or inhibit visibility within required vehicular sight triangles.
 - d. An appropriate variety of tree species should be provided to avoid die-out due to species specific diseases.

4. Planting specifications
 - a. Deciduous trees shall be a minimum of two and one-half (2.5) caliper measures six (6) inches above the ground surface at the time of installation. Size of evergreens and deciduous shrubs shall be allowed to vary depending on setting and type of shrub. Only nursery-grown plant materials shall be acceptable horticultural standards. Dead or dying plants shall be replaced during the following planting season and guaranteed by the landscape contractor for a period of one (1) year. Evergreen trees shall have a minimum height of six (6) feet at planting. All plant materials, planting practices and specifications shall be in accordance with the "American Standards for Nursery Stock" by the American Association of Nurserymen Standards.
 - b. The plant species selected should be hardy for the particular climatic zone in which the development is located and appropriate in terms of function and size.
 - c. Any area not used for buildings, structures or paved areas shall be planted with an all-season ground cover or lawn and other landscape materials including, but not limited to trees, shrubs, plants, etc. Approaches to all multi-family structures and entrances shall be attractively landscaped.
 - d. Undisturbed wooded areas may be left in their natural state.
 - e. Proposed application shall comply with Chapter 118 requirements pertaining to the submission of a tree replacement plan. Developments shall make a reasonable effort to comply with tree replacement requirements as outlined, however should the development not accommodate the planting of all replacement trees on site, no contribution shall be required.

B. Residential Signage

1. Monument Signs
 - a. One (1) monument sign shall be permitted to identify each residential building.
 - b. The height of the sign shall not exceed a height of four (4) feet above the grade.
 - c. Sign area shall not exceed ten (10) square feet.
 - d. The sign shall be setback a minimum of five (5) feet from any property line.
 - e. A double-faced sign shall be counted as one (1) sign.
 - f. Signs may be illuminated by shielded floodlights only. Light box signs with plastic faces are prohibited.
2. Wall Signs
 - a. One (1) wall sign shall be permitted per building to identify the building.
 - b. All wall signs shall be securely affixed to the building and the wall sign's upper most point shall be no higher than fourteen (14) feet above the grade.
 - c. Wall signs shall be a maximum of two (2) feet in height.
 - d. Sign area shall not exceed nine (9) square feet.
 - e. Signs may be illuminated externally by shielded fixtures. Light box signs with plastic faces are prohibited.

3. Street Address Signs
 - a. Street address signage is required on all new buildings. Numbers may be a maximum of sixteen (16) inches in height.
 4. Temporary Signs
 - a. Temporary signs advertising the sale, rental, and development of the site shall be permitted.
 - b. Temporary signs shall not exceed four (4) square feet.
 - c. A sign that is erected for less than 90 days is considered a temporary sign for purposes of this Redevelopment Plan.
- C. Non-Residential Signage
1. Walls signs:
 - a. One (1) wall sign shall be permitted per building to identify the non-residential uses within the building.
 - b. All wall signs shall be securely affixed to the building and the wall sign's upper most point shall be no higher than fourteen (14) feet above the grade.
 - c. Wall signs shall be a maximum of three (3) feet in height.
 - d. Sign area shall not exceed nine (9) square feet.
 - e. Signs may be illuminated externally by shielded fixtures. Light box signs with plastic faces are prohibited.
- D. Lighting
1. Prohibited types. Low-pressure sodium or mercury vapor lighting is prohibited within the Redevelopment Plan Area.
 2. An average of 0.3 footcandle illumination shall be maintained over sidewalks.
 3. All light fixtures shall be full cut off.
 4. Parking lot lighting shall be no more than twenty-five (25) feet in height.
 5. Light fixtures attached to the exterior of a building are encouraged. These fixtures shall be architecturally compatible with the style, materials, and colors of such building.
- E. Architecture
1. Materials:
 - a. Building facades visible from a public street shall consist of durable, long-lasting materials.
 - b. Appropriate materials include any combination of the following: brick, stone, cast stone, clapboard, cedar shakes, decorative siding or other high-quality material.
 2. Scale
 - a. The building façade shall create a defining wall along the streetscape.
 - b. Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior.
 - c. Long, blank, windowless, monotonous, or uninterrupted walls are not permitted.
 - d. Wall offsets, including projections and recesses, such as balconies, awnings and other architectural details are encouraged on residential buildings.
 3. Articulation
 - a. All street-facing building walls shall have a clearly defined base, body, and cap.
 - c. The body section of a façade may be horizontally divided at floor, lintel or sill levels with belt courses.
 - d. The architectural treatment of a façade shall be completely continued around all street facing facades of a building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors, and details.

4. Roofs
 - a. The shape, pitch and color of a roof should be architecturally compatible with the style, materials and colors of such building.
 - b. If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment. Additionally, a cornice shall project out horizontally from the façade and shall be ornamented with molding, brackets or other detailing.
 - c. Pitched roofs are encouraged to have dormers, chimneys, cupolas, and other similar elements to provide architectural interests. These elements shall be compatible with the style, materials, colors or details of the building.
 - d. Roofline offsets shall be provided along any roof measuring more than one hundred fifty (150) feet in length in order to provide architectural interest and articulation to a building.
 - e. Rooftop heating, ventilating and other air conditioning (HVAC) systems, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specifically treated to be inconspicuous as viewed from the street.

5. Entrances
 - a. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, overhangs or awnings. These elements shall be compatible with the style and materials of the building.
 - b. Entrances may also be defined by planters or other landscape features.

6. ACQUISITION PLAN

Not applicable. The entire Redevelopment Plan Area is presently owned by the Township of South Brunswick. Additionally, this Redevelopment Plan is enabled through the designation of Block 96.24, Lot 24.022 by the Township of South Brunswick as an Area in Need of Rehabilitation. A Redevelopment Plan adopted for all or a portion of an Area In Need Of Rehabilitation avails the Redevelopment Entity (Township Council) of all of the powers under Section 8 of the Local Redevelopment and Housing Law (NJSA 40A:12A-8) except the power to acquire private property through the use of Eminent Domain for purposes of redevelopment by a redeveloper.

7. RELOCATION PLAN

Not applicable. No residential units are currently located at Block 96.24, Lot 24.022. As such, no relocation plan is necessary.

8. AFFORDABLE HOUSING REQUIREMENTS

INVENTORY OF AFFORDABLE HOUSING

N.J.S.A. 40A:12A-7 requires an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of p.l.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the Redevelopment Plan, whether as a result of subsidies or market conditions, listed

by affordable level, number of bedrooms and tenure. There are no housing units affordable to low and moderate income households that will be removed as a result of implementation of this Redevelopment Plan.

PLAN FOR THE PROVISION OF AFFORDABLE REPLACEMENT HOUSING

N.J.S.A. 40A:12A-7 requires a plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last eighteen (18) months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of a redevelopment plan. The implementation of this Redevelopment Plan does not result in the removal of any affordable housing unit. This Redevelopment Plan does require that the permitted housing be 100% affordable.

9. AMENDMENTS TO & DURATION OF THE REDEVELOPMENT PLAN
PROCEDURE FOR AMENDING THE PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of the law. The Township, at its sole discretion, may require the party requesting the amendment prepare a study of the impact of the amendment. Said study must be prepared by a Professional Planner, licensed in the State of New Jersey.

SEVERABILITY OF PLAN

If any section, paragraph, division, subdivision, clause or provision of this Plan shall be judged by a court or other regulatory body having jurisdiction to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged and the remainder of this Redevelopment Plan shall be deemed valid and effective.

NON-DISCRIMINATION USES

No covenant, lease, conveyance, or other instrument shall be affected or executed by the Township or by a developer or any of his/her successors or assignees whereby land within the Redevelopment Plan Area is restricted upon race, creed, color or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants running with the land forever will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions or occupancy or use of any part of the Redevelopment Plan Area on the basis of race, creed, color or national origin.

10. ZONING MAP REVISION

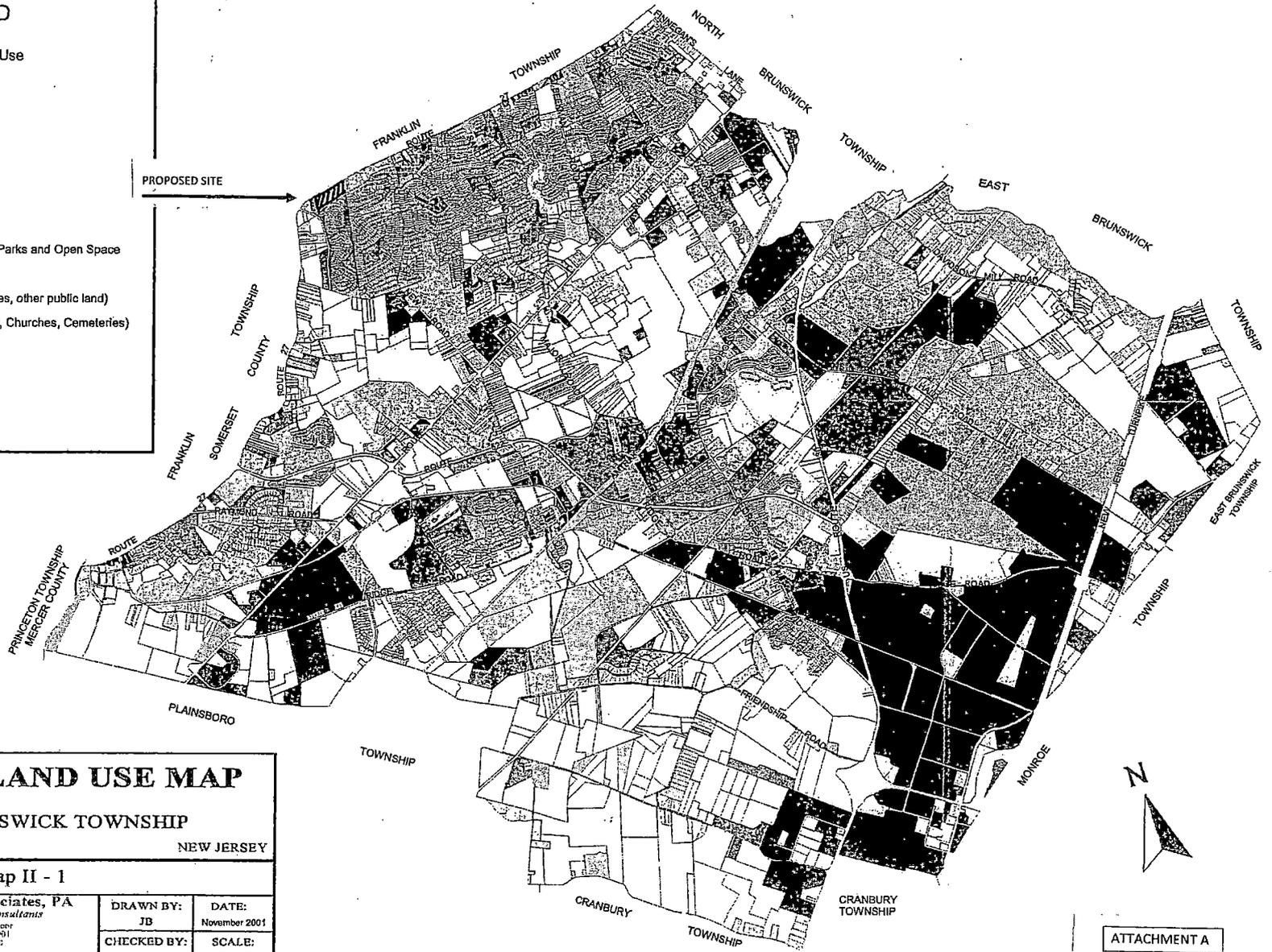
The Official Zoning Map of the Township of South Brunswick is hereby amended to designate Block 96.24, Lot 24.022 as the Wilson Farm Redevelopment Plan Area (Please see Zoning Map, " Attachment D").

LEGEND

Existing Land Use

-  Single Family Detached
-  Single Family Attached
-  Multi-family / Apartments
-  Mobile Home Park
-  Commercial
-  Office
-  Industrial
-  Township, County, State Parks and Open Space
-  Township Open Space
-  Public (Community facilities, other public land)
-  Quasi-Public (Institutional, Churches, Cemeteries)
-  Private Open Space
-  Landfill
-  Railroad / Utility
-  Vacant / Agriculture

PROPOSED SITE



EXISTING LAND USE MAP

SOUTH BRUNSWICK TOWNSHIP

MIDDLESEX COUNTY

NEW JERSEY

Map II - 1



Heyer, Gruel & Associates, PA
Community Planning Consultants
 63 Church Street, 2nd Floor
 New Brunswick, NJ 08901
 Phone: (732) 328-2260
 Fax: (732) 328-5489
 Email: mg@hga.com

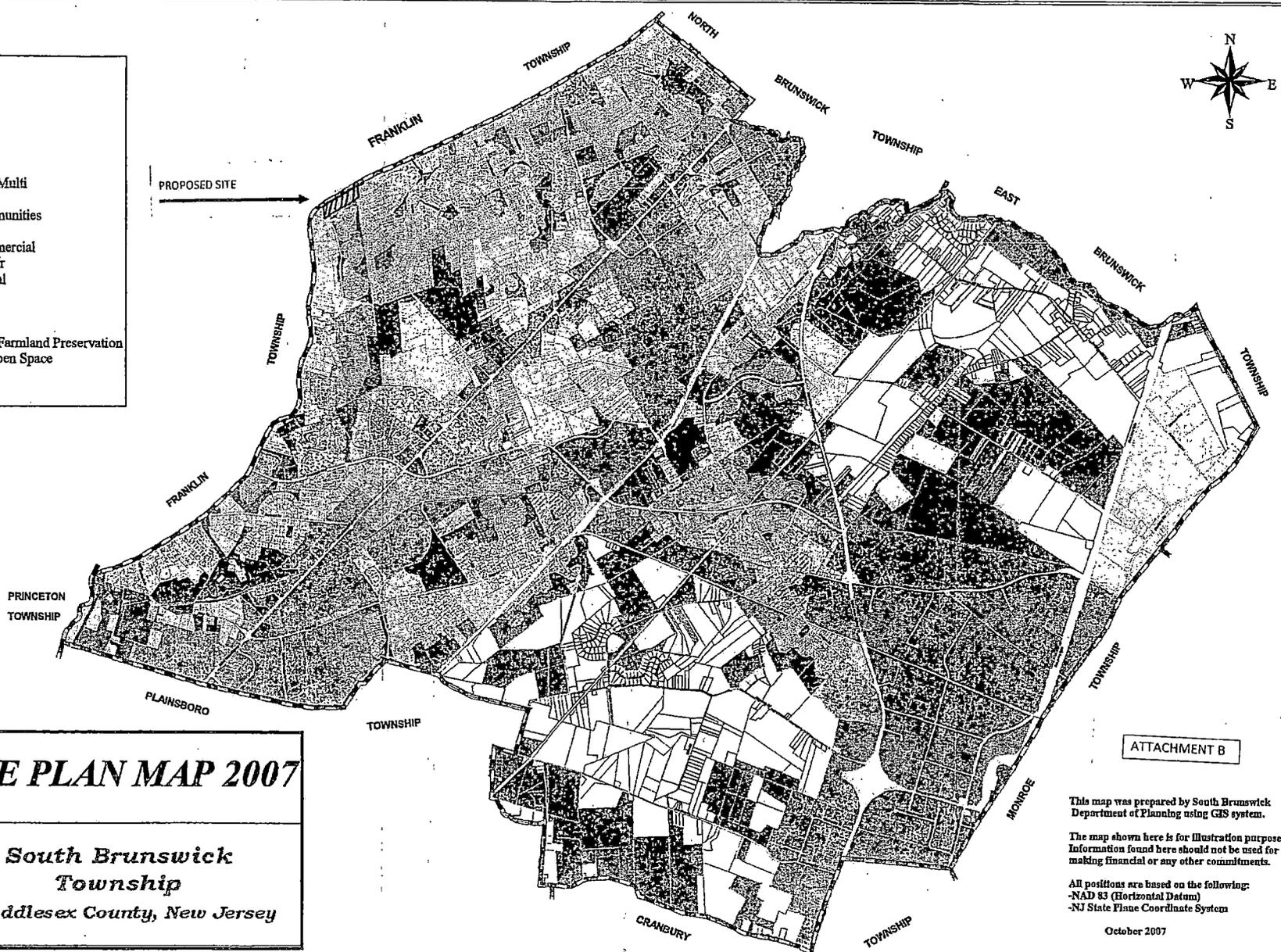
DRAWN BY: JB	DATE: November 2001
CHECKED BY: PMT	SCALE: 4,300' +/-

ATTACHMENT A

Attachment A

Attachment B
Borough of South Brunswick

- Legend**
- Rural Residential
 - Low Density
 - Medium Density
 - Village Residential
 - Medium Single and Multi
 - Planned Residential
 - Planned Adult Communities
 - Affordable Housing
 - Neighborhood Commercial
 - General Retail Center
 - Highway Commercial
 - Office Park
 - Limited Industrial
 - General Industrial
 - Private Open Space/Farmland Preservation
 - Government/Park/Open Space
 - Mobile Home Park



LAND USE PLAN MAP 2007



**South Brunswick
Township**
Middlesex County, New Jersey

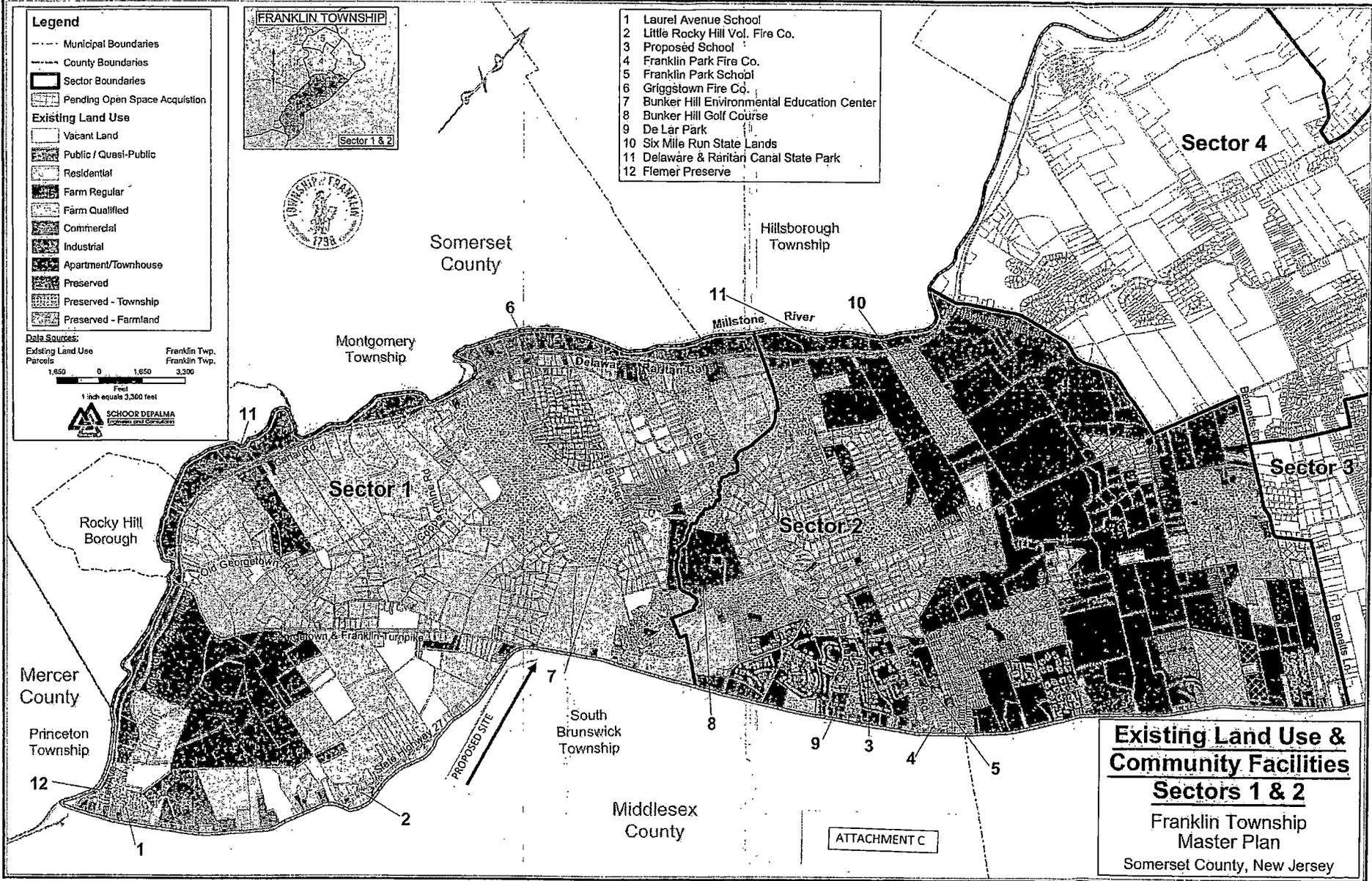
This map was prepared by South Brunswick Department of Planning using GIS system.

The map shown here is for illustration purposes only. Information found here should not be used for making financial or any other commitments.

All positions are based on the following:
-NAD 83 (Horizontal Datum)
-NJ State Plane Coordinate System

October 2007

Attachment C



ZONING MAP OF SOUTH BRUNSWICK TOWNSHIP

MIDDLESEX COUNTY, NEW JERSEY

ZONE DISTRICTS

DELAWARE AND RARITAN CANAL STATE
PARK REVIEW ZONE BOUNDARIES

Zone B Boundary Zone A Boundary

- RR Rural Residential
- R-1 Single Family/Cluster
- R-2 Single Family/Cluster
- R-2.1 Single Family
- R-3 Single Family/Cluster
- R-4 Village Residential
- RM-1.1 Low Density Mixed Residential
- RM-3 Medium Density Residential
- RM-4 Multiple Dwelling/Garden Apartment
- MHP Mobile Home Park
- PRD-I Planned Residential Development
- PRD-II Planned Residential Development
- PRD-III Affordable Housing
- PRD-IV Single Family Cluster
- PARC Planned Residential Adult Community
- ARRC Age Restricted Residential Community
- PRD-IV/AH Planned Residential Development
- C-1 Affordable Housing
- C-2 Neighborhood Commercial
- C-3 Professional Office/Local Services
- OC General Retail Commercial Center
- OP Office Corporate
- OP Office Park
- OR Office/Research/Conference
- LI-1 Light Industrial
- LI-2 Light Industrial/Office/Research
- LI-4 Light Industrial
- LI-4/C Light Industrial Commercial
- I-2 General Industrial
- I-3 General Industrial
- R-3/I Residential Industrial
- PL Public Land

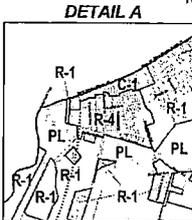
PROPOSED SITE

SEE DETAIL A

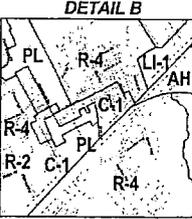
SEE DETAIL B

SEE DETAIL C

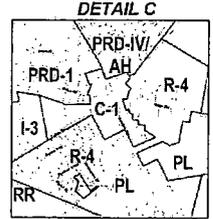
SEE DETAIL D



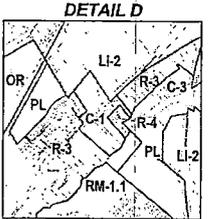
KINGSTON AREA



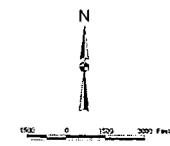
MONMOUTH JUNCTION AREA



DAYTON AREA



DEANS AREA



South Brunswick Township Zones
South Brunswick Township Lots
South Brunswick Townline

Prepared By South Brunswick Department of Planning
Current Through Ordinance 2008-16, Adopted 03/11/2008

Attachment A

ATTACHMENT D

EXHIBIT L

Memorandum

To: Bryan Bidlack, Director of Planning

From: Bernard P. Hvozdovic, Jr., Township Manager

Date: April 29, 2015

Re: Wilson Farm Redevelopment Plan
Block 96.24, Lot 24.022 – 3614-3668 Route 27

The Township Council introduced Ordinance 2015-12 (ID#7700) on April 28, 2015, which would adopt the Wilson Farm Redevelopment Plan dated April 23, 2015. This Plan would establish the development criteria of property located at 3614-3668 Route 27, which was previously designated by both the Planning Board and the Township Council as an Area in Need of Rehabilitation. Attached you will find the following:

- Ordinance 2015-12 adopting the Wilson Farm Redevelopment Plan
- Wilson Farm Redevelopment Plan dated April 23, 2015

Please accept this as a formal referral to the Planning Board from the Township Council for review and comment pursuant to the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et seq.).

Please note that pursuant to N.J.S.A. 40A:12A-7e, within 45 days of receipt of the Redevelopment Plan, the Planning Board shall submit its recommendations to the Township Council regarding the proposed Redevelopment Plan, including an identification of any provisions in the Redevelopment Plan which are inconsistent with the Master Plan, any recommendations concerning these inconsistencies and any other matters as the Board deems appropriate. Thereafter, or after the expiration of the 45 days if the Planning Board does not submit recommendations, the Township Council may adopt the Redevelopment Plan, with or without modification.

Thank you for your attention to this matter.

EXHIBIT M

MEMORANDUM

TO: Bernard P. Hvozdovic, Jr., Township Manager

FROM: Bryan B. Bidlack, Director of Planning

DATE: May 7, 2015

RE: Council Referral – Ordinance to adopt the Wilson Farm
Redevelopment Plan.
Block: 96.24 Lot: 24.022 – 3614-3668 Route 27

The Planning Board reviewed Ordinance 2015-12 at their meeting on May 6, 2015. As statutorily required the Board reviewed the ordinance to determine consistency with the Township Master Plan. The following is offered for consideration by the Township Council.

The Board found the proposed ordinance is substantially consistent with the Township Master Plan. In particular, the Board found that the adoption of the Wilson Farm Redevelopment Plan would meet the following goals of the 2001 Master Plan and 2007 Master Plan Reexamination:

1. Encourage the production of subsidized housing and “least cost housing,” in accordance with the adopted housing plan.
2. Encourage the construction of affordable housing in or near built areas and as convenient as possible to public transportation, employment, shopping and community facilities.
3. Encourage adequate affordable housing for low and moderate income families (including senior citizens) in conformance with the approved housing plan.

The Board did note in their review that the adoption of the Wilson Farm Redevelopment Plan would require the Land Use Plan Element to be revised at the time of the next Master Plan adoption to properly reflect the Affordable Housing designation. The Board found no other inconsistencies to exist between the proposed Ordinance and the Master Plan.

Should you have any questions with regard to the Board’s findings, please contact me.

EXHIBIT N

MidAtlantic Engineering Partners

May 13, 2015

SCA-151

Via Hand Delivery

South Brunswick Township
Planning Department
540 Ridge Road
Monmouth Junction, NJ 08852

Attention: Mr. Brian Bidlack

**Reference: Preliminary Major Site Plan
Wilson Farm Senior Housing I
Block 96.24, Lot 24.024
South Brunswick Township, Middlesex County, New Jersey**

15-027
RECEIVED

MAY 13 2015
Jammie Seimore
PLANNING DEPT.
SOUTH BRUNSWICK TWP.

Mr. Bidlack,

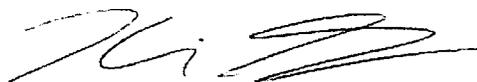
Please find enclosed the following items submitted on behalf of the applicant, Wilson Farm Urban Renewal I, LLC, in support of an application for Preliminary Major Site Plan approval at the above referenced property:

- ✓ • Three (3) copies of the completed application form
- ✓ • Application Fee Check: \$250.00 (Check #931-002954)
- ✓ • Escrow Fee Check: \$3,000.00 (Check #931-002955)
- ✓ • Twenty-five (25) copies of Preliminary Major Site Plan
- ✓ • Twenty-five (25) copies of Boundary & Topographic Survey
- ✓ • Twenty-five (25) copies of Minor Subdivision Plan
- ✓ • Twenty-five (25) copies of Architectural Plans
- ✓ • Twenty-five (25) copies of the Traffic Engineering Assessment
- ✓ • Eight (8) copies of the Tree Replacement Plan
- ✓ • Eight (8) copies of the Recycling Plan
- ✓ • Eight (8) copies of the Water Report
- ✓ • Eight (8) copies of the Sanitary Sewer Report
- ✓ • Eight (8) copies of the Stormwater Management Report

Should you have any questions please do not hesitate to call me at 609-910-4450.

Sincerely,

MidAtlantic Engineering Partners, LLC



Kevin E. Shelly, P.E.

CC: Karen Scalera (w/ enclosures)
Joe Alpert (w/ enclosures)
Stu Portney (w/ enclosures)
Sandy Brown (w/ enclosures)

15-027
RECEIVED

MAY 22 2015

**TOWNSHIP OF SOUTH BRUNSWICK
APPLICATION FOR DEVELOPMENT**

PLANNING DEPT.
SOUTH BRUNSWICK TWP.

1. Pursuant to the Township of South Brunswick Municipal Code and the applicable New Jersey State Law, application is made to the Township of South Brunswick for the following:

Requested Application(s) <i>check all that apply</i>	FEES (from Section 62-41 et. Seq.)	
	Application Fees	Escrow Fees
<input type="checkbox"/> Planned Office/Commercial Development	_____	_____
<input type="checkbox"/> Preliminary Planned Residential Development	_____	_____
<input type="checkbox"/> Final Planned Residential Development	_____	_____
<input type="checkbox"/> Approval of Minor Subdivision	_____	_____
<input type="checkbox"/> Preliminary Approval of Major Subdivision	_____	_____
<input type="checkbox"/> Final Approval of Major Subdivision	_____	_____
<input checked="" type="checkbox"/> Preliminary Site Plan Approval	\$250.00	\$3,000.00
<input checked="" type="checkbox"/> Final Site Plan Approval	\$200.00	\$1,500.00
<input checked="" type="checkbox"/> Bulk Variance(s)/Exception(s)/Waiver(s)	\$100.00	\$150.00
<input type="checkbox"/> Use Variance(s)	_____	_____
<input type="checkbox"/> Conditional Use	_____	_____
<input type="checkbox"/> Revision of _____	_____	_____
<input type="checkbox"/> Other _____	_____	_____
TOTAL FEES:	\$ \$550.00	\$ \$4,650.00

2. GENERAL DATA

NAME OF APPLICANT: Wilson Farm Urban Renewal I, LLC

ADDRESS: 3424 Highway 27, Kendall Park, NJ

PHONE: 732-297-7966 **FAX:** _____

EMAIL: sbc3424@aol.com

NAME OF OWNER: (IF DIFFERENT FROM APPLICANT) Township of South Brunswick

ADDRESS: 540 Ridge Road, Monmouth Junction, NJ 08852

PHONE: 732-329-4000 **FAX:** _____

EMAIL: bnyitrai@sbtnj.net - Township Clerk

NAME OF ATTORNEY: (IF APPLICABLE) Sanford D. Brown, Esq.
ADDRESS: 257 Monmouth Road, Building A, Suite 103
PHONE: 732-517-0720 FAX: 732-517-0722
EMAIL: SBrown@sdbrownlaw.com

NAME OF ARCHITECT: (IF APPLICABLE) Steven S. Cohen, Architect
ADDRESS: 63 Moran Avenue, Princeton, NJ 08542
PHONE: 609-924-6560 FAX: 609-924-5459
EMAIL: scohen45@aol.com

NAME OF ENGINEER: (IF APPLICABLE) William J. Parkhill, P.E.
MidAtlantic Engineering Partners
ADDRESS: 5 Commerce Way, Suite 200, Hamilton, NJ 08691
PHONE: 609-910-4450 FAX: 609-910-4467
EMAIL: wjp@midatlanticeng.com

3. SITE DATA

BLOCK(S): 96.24 LOT(S): 24.024
ADDRESS OF PROPERTY: 3614-3668 Route 27, South Brunswick, NJ 08540
C-2 Include Town mailing address & zip code
PRESENT ZONING: REDEV TOTAL ACREAGE OF PROPERTY: 3.81 AC
PROPOSED USE OF PROPERTY: _____
Senior Housing - (74) 1BR & (1) 2BR Units
NUMBER OF BUILDINGS PROPOSED: 1 GROSS FLOOR AREA OF ALL STRUCTURES 71,550 SF
PERCENTAGE OF BUILDING COVERAGE 15% OF IMPERVIOUS COVERAGE 35%
NUMBER OF PROPOSED LOTS: 1 NUMBER OF EXISTING LOTS: 1
PARKING SPACES REQUIRED: 75 PARKING SPACES PROVIDED: 75

ARE THERE ANY EXISTING OR PROPOSED CONVENANTS OR DEED RESTRICTIONS ON THE PROPERTY?
NO _____ YES X (IF YES PLEASE EXPLAIN) _____
Deed Restrictions per Redevelopment Plan (see attached)

4. PLANS

LIST ALL PLANS AND OTHER EXHIBITS SUBMITTED, INCLUDING NAMES OF PREPARERS:
(ATTACH SEPARATE SHEET IF NECESSARY)

see separate sheet

DOES THIS APPLICATION MEET ALL SUBMISSION REQUIREMENTS OF THE
APPROPRIATE

CHECKLIST(S)? NO _____ (IF NO, SEE ITEM 5) YES X

5. FOR SUBMISSION REQUIREMENTS WAIVER(S) ONLY; Complete and attach a
submission requirement waiver request rider for each waiver requested

NUMBER OF WAIVERS REQUESTED: 1

NUMBER OF WAIVER REQUEST RIDERS: 1

6. FOR VARIANCES ONLY

Complete and attach a variance/exception request rider for each variance or exception
requested.

NUMBER OF VARIANCES/EXCEPTIONS REQUESTED _____

NUMBER OF REQUEST RIDERS: _____

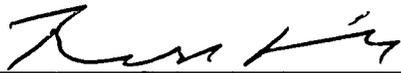
7. REVISIONS TO APPROVED PLANS

Please indicate prior South Brunswick file numbers, the original requirements of the approved plan and the
requested change or revision (Attach separate sheet, if necessary)

8. CERTIFICATION

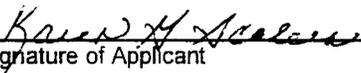
I hereby certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge, and that I am authorized to file this application and act on behalf of the signatories below. I further authorize Township Officials to enter on and inspect the site noted above.

I further agree to pay all reasonable costs for professional review of this application, including costs incurred with any informal review of a concept plan which may have preceded the submission of a preliminary application. I further agree to pay all reasonable costs for the municipal inspection of the constructed improvements pursuant to Section 62-41.


Signature of ALL Owner(s) of Record

DATE: 5-22-15

DATE: _____

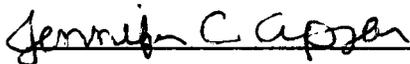

Signature of Applicant

DATE: 5/22/15

DATE: _____

9. NOTARIZATION:

Sworn to and subscribed before me this 22nd day of May, 20 15



Notary

My commission expires
Jan. 29, 2019

10. CONTACT PERSON: Regarding matters pertaining to this application:

William J. Parkhill, P.E.
Name: MidAtlantic Engineering Partners

Phone#: 609-910-4450 FAX#: 609-910-4467

Email: wjp@midatlanticeng.com

MidAtlantic Engineering Partners

May 22, 2015

SCA-151

Via Hand Delivery

South Brunswick Township
Planning Department
540 Ridge Road
Monmouth Junction, NJ 08852

Attention: Mr. Brian Bidlack

**Reference: Preliminary/Final Major Site Plan
Wilson Farm Senior Housing I
Block 96.24, Lot 24.024
South Brunswick Township, Middlesex County, New Jersey**

Mr. Bidlack,

As discussed, please find attached a revised application reflecting our application for Preliminary and Final Site Plan Approval simultaneously. Also enclosed are additional fee checks pursuant to the township's fee schedule.

Should you have any questions please do not hesitate to call me at 609-910-4450.

Sincerely,

MidAtlantic Engineering Partners, LLC



Kevin E. Shelly, P.E.

CC: Karen Scalera (w/ enclosures)
Joe Alpert (w/ enclosures)
Stu Portney (w/ enclosures)
Sandy Brown (w/ enclosures)

15-027
RECEIVED

MAY 22 2015

PLANNING DEPT.
SOUTH BRUNSWICK TWP.

MidAtlantic Engineering Partners

June 5, 2015

SCA-151

Via Hand Delivery

South Brunswick Township
Planning Department
540 Ridge Road
Monmouth Junction, NJ 08852

RECEIVED

JUN 05 2015
15-027
PLANNING DEPT.
SOUTH BRUNSWICK TWP.

Attention: Mr. Brian Bidlack

**Reference: Preliminary Major Site Plan
Wilson Farm Senior Housing I
Block 96.24, Lot 24.024
South Brunswick Township, Middlesex County, New Jersey**

Mr. Bidlack,

Please find enclosed the following items submitted in support of the previously submitted application for Preliminary Major Site Plan for the above referenced property:

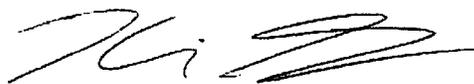
- Twenty-five (25) reduced copies (11x17) of the Overall Site Plan
- Twenty-five (25) copies of Disclosure of Ownership Form
- One (1) copy of the NJDEP Submission Letter
- One (1) copy of the DLUR Application
- Eight (8) copies of the Stormwater Engineer's Statement
- Eight (8) copies of the Operations & Management Manual

On behalf of the applicant, Wilson Farm Urban Renewal I, LLC, we request deferral of the maintenance escrow agreement. A full soil report will be sent under separate cover.

Should you have any questions please do not hesitate to call me at 609-910-4450.

Sincerely,

MidAtlantic Engineering Partners, LLC



Kevin E. Shelly, P.E.

CC: Karen Scalera
Joe Alpert
Stu Portney
Sandy Brown

MidAtlantic Engineering Partners

June 5, 2015

SCA-151

Via FedEx Delivery

NJDEP Division of Land Use Regulation
501 East State Street, Station Plaza Five, 2nd Floor
Trenton, NJ 08625

RECEIVED

JUN 05 2015
15-027
PLANNING DEPT.
SOUTH BRUNSWICK TWP.

Reference: **Application for FWW LOI, FWW GP11 & FHA GP10**
 Wilson Farm Senior Housing I
 Block 96.24, Lots 24.023, 24.024 & 24.025
 South Brunswick Township, Middlesex County, New Jersey

To Whom This May Concern:

On behalf of the applicant, Wilson Farm Urban Renewal I, LLC, MidAtlantic Engineering is hereby submitting an application for a Freshwater Wetlands Protection Act, Letter of Interpretation (LOI), in order to confirm the extent of freshwater wetlands present on and/or adjacent to the property. In addition to the LOI, this application is also being submitted for Freshwater Wetlands General Permit 11 and Flood Hazard Area General Permit 10 to permit a stormwater outfall to the wetlands pocket adjacent to the Tenmile Run stream in the rear of the property. In accordance with N.J.A.C. 7:7A, this application includes the following items:

- Application fee checks (No. 931-002974) in the amount of \$3,800.00 & (No. 931-002986) in the amount of \$1,000.00
- Completed DLUR application form;
- Freshwater Wetlands Letter of Interpretation Application:
 - Completed LOI Checklist;
 - Certified list of property owners within 200 feet of the subject property;
 - Copy of the Public Notice Letter and Letter to Municipal Clerk;
 - Verification (white certified mailing receipts) that a complete copy of the application package has been submitted to the South Brunswick Township Clerk;
 - Verification (white certified mailing receipts) that registered mail notices have been forwarded to the government agencies listed on the enclosed List of Government Agencies Notified and all property owners within 200 feet of the subject property;
 - Copies of the Quadrangle Map, Road Map, Tax Map, Soils Map;
 - Color photographs depicting existing site conditions;
 - Logs providing a description of soil characteristics and vegetative species on the site recorded at each soil boring location, incl. resume of field personnel;
 - NJDEP Natural Heritage Database Correspondence;
- Five (5) copies of Compliance Statement;
- Five (5) copies of Preliminary Major Site Plan, dated 05/13/15;
- Five (5) copies of NJDEP Permitting Plan, dated 06/05/15;
- One (1) copy of the Stormwater Management Report;
- One (1) copy of the Operation and Maintenance Manual;

Should you have any questions please do not hesitate to call me at 609-910-4450.

Sincerely,

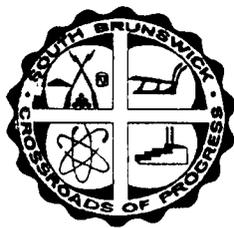
MidAtlantic Engineering Partners, LLC

A handwritten signature in black ink, appearing to read 'K. Shelly', with a stylized flourish at the end.

Kevin E. Shelly, P.E.

CC: Karen Scalera
Joe Alpert
Stu Portney
Sandy Brown

EXHIBIT O



TOWNSHIP OF SOUTH BRUNSWICK

Municipal Building • P.O. Box 190 • Monmouth Junction, NJ 08852-0190

Phone 732-329-4000 X7301 Fax 732-329-0627

Office of the Township Manager

June 11, 2015

Anthony L. Marchetta, Executive Director
New Jersey Housing and Mortgage Finance Agency
637 South Clinton Avenue
Trenton, New Jersey 08650

RE: South Brunswick Senior Housing

Dear Mr. Marchetta:

On behalf of the Township of South Brunswick and Wilson Farm Urban Renewal I, LLC (the "Sponsor"), it gives me great pleasure to submit to you this letter of support for the enclosed application for funding under the Low Income Housing Tax Credit Program.

South Brunswick Senior Housing will be an important asset to our community. It will serve the citizens of South Brunswick in its provision of safe and decent affordable housing for our seniors and special needs population and will be an important part in the strengthening of our community. This letter shall serve to acknowledge that the requirements under Section 42(m)(1)(A)(ii) of the Internal Revenue Code, which provides the chief executive officer of the local jurisdiction within which the project is located a reasonable opportunity to comment on the project, have been satisfied.

The Township of South Brunswick offers its strong support to the Sponsor in the development of this 75 unit affordable housing project for seniors and persons with special needs. The Township has determined that there is a need for affordable housing for these populations within the municipality. This desire has been expressed in the Township's Master Plan (dated 2001), the Master Plan Reexamination Report (dated 2007) and in the Township's Amended Housing Element and Fair Share Plan, adopted by the Planning Board on December 16, 2008 and endorsed by the governing body on December 16, 2008.

Moreover, on October 14, 2014 the Township declared the site (Block 96.24, Lot 24.022) an Area in Need of Rehabilitation and adopted a Redevelopment Plan for the same block and lot on May 12, 2015. South Brunswick Senior Housing furthers the goals and objectives of the adopted Redevelopment Plan. It is also consistent with the Township's 2008 Amended Housing Element and Fair Share Plan, which specifically identifies and references the need for this project.

Please feel free to contact me at (732) 329-4000 x. 7301 with any questions or comments. We look forward to your funding announcements.

Very truly yours,

Bernard P. Hvozdovic, Jr.,
Township Manager

EXHIBIT P

RESOLUTION

SOUTH BRUNSWICK PLANNING BOARD

WHEREAS, Wilson Farm Urban Renewal I, LLC has made application to the South Brunswick Planning Board, File No. 15-027, for Preliminary and Final Site Plan Approval for construction of a three story building for affordable senior housing on a 3.81 acre site on property in the Wilson Farm Redevelopment Plan Zone located at 3614-3668 Route 27 and designated on the Tax Map of the Township of South Brunswick as Block 96.24, Lot 24.022; and

WHEREAS, there are no variances requested; and

WHEREAS, this matter was the subject of a public hearing which occurred on June 17, 2015; and

WHEREAS, the applicant submitted the following documents in support of their application:

- 1) Preliminary and Final Site Plan dated May 13, 2015, prepared by Mid Atlantic Engineering Partners, LLC.
- 2) Stormwater Management Report dated May 1, 2015.
- 3) Sanitary Sewer Engineer Report dated April 16, 2015.
- 4) Engineer Report for Water Source Connection dated April 16, 2015.
- 5) Boundary & Topographic Survey dated April 9, 2015.
- 6) Tree Replacement Plan dated May 13, 2015.
- 7) Traffic Engineering Assessment dated April 23, 2015, prepared by Shropshire Associates, LLC

8) Floor Plans & Elevations dated April 20, 2015, prepared by Steven S. Cohens, Architect, P.C.

9) Recycling Plan dated April 22, 2015.

WHEREAS, the following witnesses testified in support of the application:

- 1) Karen Scalera Executive Director, South Brunswick Community Development Corp.
- 2) William Parkhill Professional Engineer
- 3) Steven Cohen Professional Architect

WHEREAS, after considering the evidence presented in support of the application, and after considering public comment, and after considering the reports and comments from the Board Professionals, the South Brunswick Planning Board made the following findings of facts:

- 1) This application is to construct a seventy-five (75) apartment unit complex on property within the Wilson Farm Redevelopment Plan Zone. According to the testimony provided at the hearing, sixty-nine (69) units will be for age-restricted affordable housing. Five (5) units will be for supportive affordable housing and one (1) apartment will be for an on-site superintendent.
- 2) The South Brunswick Community Development Corporation and a private developer will be jointly developing this project. The South Brunswick Community Development Corporation has two (2) other affordable housing developments within the township. Both developments have been successful and have provided a significant benefit to the township-at-large.

- 3) According to the testimony provided, the proposed site is ideal for affordable senior housing. Numerous services, including retail and mass transportation, are located in close proximity to the site.
- 4) The applicant representative testified that there is a significant demand for affordable housing in this area. As a result, the applicant believes that the complex, when built, will be immediately filled.
- 5) According to the testimony provided, the proposed application is fully compliant with the redevelopment plan. The applicant requests a de minimus waiver from the RSIS requirements for parking. According to RSIS standards, the applicant is to provide one hundred thirty-five (135) on-site parking spaces. The applicant proposes seventy-five (75) parking spaces. According to the testimony provided, at the other two (2) complexes that the applicant operates, which are similar uses to the proposed use, the applicant provides less than one (1) parking space per apartment unit. According to the applicant's representative there is more than adequate parking at these two other sites. The applicant asserts that seventy-five (75) parking spaces is more than adequate for this site.
- 6) The applicant also requests a design waiver for proposing parking in the side yard setback as well as for not providing sidewalks in the perimeter of the parking area. These requests were reviewed with the Board professionals and they had no objection to granting the same. Furthermore, the Board has granted these types of design waivers in other applications in the past.
- 7) The applicant also requests a waiver for submission of an Environmental Impact Statement. In light of the fact that this project was the subject of a redevelopment plan, the Board believes that an Environmental Impact Statement is not necessary.

- 8) The proposed use provides a significant benefit to the Township of South Brunswick in that it provides housing for a population that is in need of housing. Providing senior citizen affordable housing and supportive needs housing provides a variety of housing opportunities for the Township of South Brunswick which benefit not only the specific populations that will reside at the complex but the township at-large.

WHEREAS, after making the above findings of fact, the South Brunswick Planning Board made the following conclusions:

- 1) The requested design and submission waivers are nominal and minor in nature. The requests were reviewed with the Board Professionals and the Board Professionals had no objection to granting the same. The design waivers can be granted without having a negative impact upon the site or the immediate area. The Board finds that it would be impracticable to have literal enforcement of the specific ordinance provisions and as a result the requested design waivers should be granted.
- 2) The remainder of the application for preliminary and final site plan conforms to Township Ordinance and as a result, the application for preliminary and final site plan should be granted.

NOW, THEREFORE, BE IT RESOLVED, by the South Brunswick Township Planning Board that the application by Wilson Farm Urban Renewal I, LLC, File No. 15-027, for Preliminary and Final Site Plan Approval for construction of a three story building for affordable senior housing on a 3.81 acre site on property in the Wilson Farm Redevelopment Plan Zone located at 3614-3668 Route 27 and designated on the Tax Map of the Township of South Brunswick as Block 96.24, Lot 24.022 is hereby granted subject to the following conditions:

- 1) The applicant complying with the Report of Bryan B. Bidlack, Director of Planning, dated June 12, 2015, to the satisfaction of the Board Planner.
- 2) The applicant complying with the Report of CME Associates dated June 11, 2015, to the satisfaction of the Board Engineer.
- 3) The applicant obtaining any and all necessary government permits and approvals.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION PASSED BY THE PLANNING BOARD FOR THE TOWNSHIP OF SOUTH BRUNSWICK AT A MEETING HELD ON THE 15th DAY OF JUNE, 2015.

Betty Selingo

Wilson Farm Urban Renewal I, LLC, Preliminary and Final Site Plan Approval, construction of a three story building for affordable senior housing on a 3.81 acre site located at 3614-3668 Route 27

NAME	YES	NO	ABSTAIN	ABSENT
Rizwan Baig	X			
Charles Carley				X
Frank Gambatese	X			
William Grober				X
Gary Luck				X
Barry Nathanson				X
Paul Prodromo	X			
Ed Salvi	X			
Mahesh (Mac) Shah				X
Alt #1 Dennis Weitz	X			
Alt #2 Jerome Lutin	X			

EXHIBIT Q

A-5257-11T4

FILED
APPELLATE DIVISION
September 4, 2012
[Signature]
CLERK

ORDER ON MOTION

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-005257-11T4
MOTION NO. M-007508-11
BEFORE PART F
JUDGE(S): CLARKSON S FISHER JR.

IMO FAILURE OF COUNCIL ON AFFORDABLE
HOUSING TO ADOPT TRUST FUND COMMITMENT
REGULATIONS

MOTION FILED: 08/01/2012
ANSWER(S) FILED: 08/13/2012

BY: TOWNSHIP OF SOUTH BRUNSWICK
BY: COUNCIL OF AFFORDABLE HOUSING

SUBMITTED TO COURT: August 30, 2012

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS
4th day of September, 2012, HEREBY ORDERED AS FOLLOWS:

MOTION BY INTERVENOR

MOTION TO INTERVENE ON BEHALF OF THE TOWNSHIP OF SOUTH BRUNSWICK GRANTED

SUPPLEMENTAL:

FOR THE COURT:

[Signature]

CLARKSON S FISHER JR., P.J.A.D.

n/a STATEWIDE
ORDER - REGULAR MOTION
BJM

I hereby certify that the foregoing
is a true copy of the original or
file in my office
[Signature]
CLERK OF THE APPELLATE DIVISION

EXHIBIT R



State of New Jersey
COUNCIL ON AFFORDABLE HOUSING

101 SOUTH BROAD STREET
PO Box 813
TRENTON, NJ 08625-0813

(609) 292-3000
(609) 633-6056 (FAX)

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E CONSTABLE, III
Commissioner

SEAN THOMPSON
Acting Executive Director

September 8, 2014

The Honorable Frank Gambatese
Mayor
Township of South Brunswick
540 Ridge Road
P.O. Box 190
Monmouth Junction, NJ 08852

**RE: APPROVAL OF ACTING EXECUTIVE DIRECTOR'S RECOMMENDATION
REGARDING MUNICIPAL COMPLIANCE WITH N.J.S.A. 52:27D-329.2 AND
N.J.S.A. 52:27D-329.3.**

Dear Mayor Gambatese:

Enclosed is a copy of a Resolution approved by the Council on Affordable Housing (COAH), on August 26, 2014, approving Acting Executive Director's Recommendation Regarding Municipal Compliance with N.J.S.A. 52:27D-329.2 and N.J.S.A. 52:27D-329.3.

If you have any questions, please contact me at (609) 292-3000.

Sincerely,

Pamela Weintraub
Council Secretary

enclosure
cc: attached service list



The Honorable Frank Gambatese**
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Director of Law
Township of South Brunswick
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Camel Creek Inc., Hyde Park Developers
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Gerard Velazquez, III
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Triad Associates
1301 W Forest Grove Rd
Vineland, New Jersey 08360

2014-02

**RESOLUTION REGARDING MUNICIPAL EXPENDITURE AND COMMITMENT OF
MUNICIPAL AFFORDABLE HOUSING TRUST FUNDS IN ACCORDANCE WITH
N.J.S.A. 52:27D-329.2 AND N.J.S.A. 52:27D-329.3**

WHEREAS, effective July 17, 2008, the Legislature amended the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., with the adoption of P.L.2008, c.46, codified at N.J.S.A. 52:27D-329.2 and 329.3, to require that all development fees and payments in lieu collected by a municipality must be committed for expenditure by the municipality within four years from the date of collection; and that funds not committed shall be transferred at the end of the four year period to the New Jersey Affordable Housing Trust Fund; and

WHEREAS, pursuant to an Order of the Superior Court, Appellate Division, dated July 13, 2012, the Court determined that a municipality could establish that funds had been committed to fund an affordable housing project "by way of a legally enforceable agreement with a third party, or by such other means that show a firm and binding obligation to spend such funds in a manner consistent with the municipality's affordable housing obligations;" and

WHEREAS, in its July 13, 2012 Order, the Court further provided that, before any transfer of funds, the Council on Affordable Housing (COAH) must provide a municipality with an opportunity to contest before COAH such transfer, and that COAH must provide a municipality written notice describing the exact amount of funds intended for transfer and how that amount was calculated; and

WHEREAS, in accordance with the statutory obligation and consistent with the Court's Order, COAH's Acting Executive Director sent a letter dated July 24, 2012 to municipalities with affordable housing trust funds advising those municipalities of the amount of funds in their accounts as of July 17, 2008, and the amount that had been spent as of July 17, 2012, as well as the remaining balance that was to have been committed by July 17, 2012; and

WHEREAS, the July 24, 2012 letter further advised the municipalities that if they asserted that any portion of the balance of funds had been committed, as this term was defined in the Appellate Division's July 13, 2012 Order, that they could submit documentation to COAH accordingly for its consideration; and

WHEREAS, on May 1, 2013, COAH adopted Resolution No. 2013-1, captioned "Resolution Concerning Expenditure and Commitment of Municipal Affordable Housing Trust Funds in Accordance with N.J.S.A. 52:27D-329.2 and N.J.S.A. 52:27D-329.3;" and

WHEREAS, in that Resolution, COAH ratified the Acting Director's authority to administratively enforce the aforementioned statutory requirements, affirmed and validated the Acting Director's actions, and affirmed and validated all letters sent to municipalities dated June 24, 2012 concerning the status of municipal affordable housing trust funds; and

WHEREAS, pursuant to Resolution 2013-1, COAH authorized the Acting Executive Director to provide municipalities with a further opportunity to submit supplemental documentation demonstrating commitment of municipal affordable housing trust funds for use towards affordable housing project(s) included in an approved spending plan, by way of a legally enforceable agreement with a third party or by such other means that demonstrates a firm and binding obligation to spend such funds in a manner consistent with the municipality's respective affordable housing obligation; and

WHEREAS, pursuant to Resolution 2013-1, COAH further authorized the Acting Executive Director to advise municipalities that, in addition to submitting any further documentation, the municipalities should submit any argument in support of their contention that they have committed to expend trust fund monies in accordance with the relevant statutory and regulatory provisions; and

WHEREAS, pursuant to Resolution 2013-1, COAH further gave municipalities that did not respond to the July 24, 2012 letter, or that requested that COAH return its response, an opportunity to submit information demonstrating commitment; and

WHEREAS, pursuant to Resolution 2013-1, COAH authorized the Acting Executive Director to advise municipalities, for funds collected between July 18, 2008 and March 31, 2009, based upon records submitted by the municipalities, of the exact amount of funds intended for transfer and how such amount was calculated; and

WHEREAS, pursuant to Resolution 2013-1, COAH further provided that a municipality should have an opportunity to submit a certification and information demonstrating that the municipality had spent or committed to expend funds collected between July 18, 2008 and March 31, 2009, to fund an affordable housing project(s) by way of a legally enforceable agreement with a third party or such other means that showed a firm and binding obligation, within four years of the date of commitment; and that, the municipality should also include documentation that demonstrated that the commitments were consistent with its adopted housing element and fair share plan and approved spending plan and in accordance with the relevant statutory and regulatory provisions; and

WHEREAS, in an Order dated June 6, 2013, the Superior Court, Appellate Division set forth a procedure to be followed for COAH review of submissions by municipalities on the issue of commitment of funds; and further provided that the municipality and parties on the service list would have 30 days to respond to COAH's determination on the amount of funds subject to transfer, and further, that the COAH Executive Director should then consider any evidence or information submitted and should respond in writing, setting forth a decision and the basis for such decision and the reasons for rejecting or accepting the information submitted; and

WHEREAS, the Order further provided that COAH would then consider the Executive Director's decision at a public meeting, to be held with at least 15 days' notice to affected parties; and

WHEREAS, in accordance with Resolution 2013-1 and the Appellate Division's Orders, the Acting Executive Director sent each municipality with municipal affordable housing trust

fund accounts a letter dated June 25, 2013 describing the exact amount of funds intended for transfer and how such amount was calculated, and provided the respective municipality an opportunity to contest before COAH the proposed transfer by demonstrating that funds subject to transfer have been committed to fund an affordable housing project by way of a legally enforceable agreement with a third party, or by such other means that show a firm and binding obligation to spend such funds in a manner consistent with the municipality's affordable housing obligations: and

WHEREAS, the Acting Executive Director also sent the June 25, 2013 letter to the full service list of affected parties referenced in N.J.A.C. 5:97-8.13(b); and

WHEREAS, the "amount of funds" indicated in the letter was based upon records submitted by the municipality for funds collected by the municipality by July 18, 2008, and the balance to have been expended by July 17, 2012; and further for funds collected between July 18, 2012 and March 31, 2009, and the balance to have been expended within four years of collection; and

WHEREAS, the letter required each municipality to submit a certification and information demonstrating that it has spent or committed to expend the moneys to fund an affordable housing project(s) by way of a legally enforceable agreement with a third party or such other means that show a firm and binding obligation, within the relevant statutory time period; and

WHEREAS, municipalities and all parties on the service list were to respond to the June 25, 2013 letter by August 2, 2013; and

WHEREAS, the COAH Acting Executive Director and staff have completed the review of the responses, including documentation, submitted by the municipalities listed below, and by other parties on the service list for these municipalities, in response to the COAH letter of June 25, 2013:

Florence Township, Burlington County
Gloucester Township, Camden County
Lawrence Township, Mercer County
Mendham Borough, Morris County
North Caldwell Borough, Essex County
Randolph Township, Morris County
South Brunswick Township, Middlesex County
Summit City, Union County
Tinton Falls Borough, Monmouth County

WHEREAS the COAH Acting Executive Director and staff have evaluated all information, documentation and responses submitted by each municipality listed above and all affected parties based on the standards enunciated in the Council's Resolution of May 1, 2013 and the Appellate Division's Orders, namely, that the municipality must demonstrate that the municipality has committed the funds by way of a legally enforceable agreement with a third-party or by such other means that demonstrate a firm and binding obligation to spend such funds in a manner consistent with the municipality's affordable housing obligation; and

WHEREAS, after due consideration, the COAH Acting Executive Director issued a written recommendation for each municipality listed above, called "Report Reviewing Proposed Expenditures on Affordable Housing Activities and Documentation Demonstrating Compliance with N.J.S.A. 52:27D-329.2 and 329.3" (the Reports) which explain in detail the Acting Executive Director's recommendations and the basis for accepting or rejecting the information and responses submitted by each of the municipalities and other affected parties; and

WHEREAS, the COAH Acting Executive Director and staff presented these written recommendations to a COAH Task Force; and

WHEREAS, on August 11, 2014, the COAH Acting Executive Director issued the Reports to each of the aforementioned municipalities, as well as to the full service list of affected parties for each municipality; and

WHEREAS, each municipality and the full service list were provided ten days to comment on the COAH Acting Executive Director's decision and recommendation regarding funds subject to transfer pursuant to N.J.S.A. 52:27D-329.2 and -329.3; and

WHEREAS, COAH received no responses as to the municipalities listed above; and

WHEREAS, COAH has complied with all of the mandates imposed by the Appellate Division in its Orders dated July 13, 2012 and June 6, 2013.

NOW THEREFORE BE IT RESOLVED that the municipalities listed above submitted responses, including documentation, demonstrating a commitment consistent with N.J.S.A. 52:27D-329.2 and 329.3, the Appellate Division Orders and COAH's Resolution of 2013-1, because the submissions substantiate a legally enforceable agreement with a third party, or by such other means that show a firm and binding obligation to spend such funds in a manner consistent with the municipality's affordable housing obligation as set forth in each respective Report; and

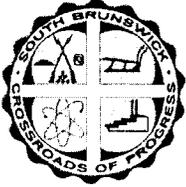
BE IT FURTHER RESOLVED that after having reviewed and considered the municipal and affected party information, documentation and responses, and for the reasons set forth in the Reports, which are incorporated herein, COAH accepts the recommendations set forth in the Reports and finds that the above listed municipalities have expended or committed to expend the funds at issue; and

BE IT FURTHER RESOLVED that each municipality listed above may spend the funds COAH has deemed to be committed.

I hereby certify that this resolution was
Duly adopted by the Council on Affordable
Housing at its public meeting on August 26, 2014.

Pamela Weintraub
Pamela Weintraub, Secretary
Council on Affordable Housing

EXHIBIT S



Resolution

Authorizing Execution of a Municipal Shared Services Defense Agreement with Various Municipalities for Affordable Housing

WHEREAS, the Township of South Brunswick has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Middlesex County, in furtherance of the Supreme Court's March 10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of South Brunswick desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA;

NOW, THEREFORE, BE IT RESOLVED, on this 9th day of June, 2015, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township of South Brunswick for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been provided by the Township Treasurer from Account #32-286-55-305 by Joseph P. Monzo/jmb.
4. The Department of Law has approved said certification as to proper form.
5. The Mayor, Township Manager, Township Clerk and Director of Law shall be and are hereby authorized to execute the aforesaid MSSDA, and such other documents as may be necessary, to memorialize the participation of the Township of South Brunswick in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
6. The Township of South Brunswick hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township of South Brunswick the Research Agreement with Rutgers to

initiate and complete the Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.

- 7. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township of South Brunswick will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2,000 it paid.
- 8. This Resolution shall take effect immediately.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chris Killmurray, Deputy Mayor
SECONDER:	Joseph Camarota, Councilman
AYES:	Joseph Camarota, Charlie Carley, Chris Killmurray, Frank Gambatese
ABSENT:	Josephine "Jo" Hochman

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on June 9, 2015.



 Barbara Nyitrai, Township Clerk