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NJ Highlands Module 3: Housing Plan

Township of Clinton, Hunterdon County

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This draft document is deliberative and has been prepared as a requirement of the basic plan conformance process with the NJ Highlands Regional Master Plan. It is based primarily on data and materials created and provided by the New Jersey Highlands Water Protection and Planning Council (The Highlands Council). Clinton Township has not verified the data provided by the Highlands Council and this data may be subject to subsequent revision. The data, policies, and recommendations contained herein are in a proposed and draft form only and do not reflect the policies of Clinton Township until and unless this document is formally adopted by Clinton Township, the Clinton Township Planning Board, and the Highlands Council as necessary. Until such time as this document is formally adopted by the aforementioned parties, it shall have no effect on any existing Clinton Township Master Plan element or land development ordinance and shall not be relied upon by any third parties



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Module 3: Housing Plan

Township of Clinton, Hunterdon County, New Jersey

November 20, 2009



INTRODUCTION

Pursuant to the Highlands Water Protection and Planning Act (“Highlands Act” – N.J.S.A. 13:20-1 et seq.), Executive Order 114, and the October 30, 2008 Memorandum of Understanding between the New Jersey Highlands Water Protection and Planning Council (“Highlands Council”) and the New Jersey Council on Affordable Housing (“COAH”), a municipality seeking conformance with the New Jersey Highlands Regional Master Plan (“RMP”) is required to prepare a housing element and fair share plan that utilizes COAH’s August 12, 2009 *Guidance for Municipalities that Conform to the New Jersey Highlands Regional Master Plan* as well as the August 2009 Highlands Council “*Module 3: Housing Element and Fair Share Plan Instructions*”. The Highlands Module 3 Instructions established a submission schedule and instructions for the preparation of Module 3. The schedule established three submission dates and corresponding submission requirements – December 8, 2009, March 1, 2010, and June 8, 2010. For the December 8, 2009 deadline, the Highlands Council requires a municipality seeking RMP conformance to submit the following:

- A Summary of the Housing Obligation, including the prior round obligation and the final projected growth share obligation as calculated by the Highlands RMP Adjusted Growth Projection using the Highlands Workbook D or COAH Projected Growth Share Obligation using COAH’s Workbook A. For this submission requirement, the municipality is the required to select either the COAH Projected Growth Share Obligation or the Highlands RMP Adjusted Growth Share Projection based on Land Capacity;
- A Summary and Consistency Review of proposed Prior Round Sites using the Highlands Site Consistency Review Standards and COAH’s site suitability standards per N.J.A.C. 5:97-3.13; and
- Narrative regarding the municipality’s interest in participating in the Housing Partnership Program as either a sending or receiving municipality and the justification for utilizing the partnership.

This document will serve to meet the Highlands Council’s December 8, 2009 Submission Requirements. It is a draft document that is subject to revision, and shall not have any effect on local housing policies. Only a full and completed housing element and fair share plan that have been duly adopted in accordance with all applicable laws shall have the effect of articulating Clinton Township’s affordable housing policies.



SUMMARY OF HOUSING OBLIGATION

There are three components to a municipality's affordable housing obligation: the rehabilitation share, the prior round obligation and the third round obligation. The Appendices to COAH's substantive rules, N.J.A.C. 5:97 et seq., provide each municipality's rehabilitation and prior round affordable housing obligation. For municipalities in the Highlands Region that are choosing to conform their Planning Area land use regulations to the RMP, the third round obligation is composed of the actual growth share obligation in the municipality generated between January 1, 2004 and December 31, 2008 and the growth share obligation which would be generated by the results of the Highlands Build-Out analysis conducted in cooperation between the Highlands Council as Modules 1 and 2 of the Plan Conformance Process. The calculation of the third round obligation was solidified by the Memorandum of Understanding between COAH and the Highlands Council, as well as guidance issued by both agencies.

Clinton Township's affordable housing obligation is summarized below and described in further detail on the following pages.

- ✓ Rehabilitation Obligation: **16** (Appendix B.)
- ✓ Prior Round Obligation: **335** (Appendix C.)
- ✓ Third Round Obligation: **247** (Appendix F.), prior to an adjustment to 216 based on eligible exclusions from a prior round inclusionary project

Rehabilitation Obligation

The rehabilitation obligation is defined as the number of deficient housing units occupied by low and moderate income households within a municipality (N.J.A.C. 5:97-1.4). COAH calculates this figure using indices such as overcrowding of units constructed prior to 1950, incomplete kitchen facilities, incomplete plumbing facilities and the estimated number of low and moderate income households in the municipality. COAH has calculated Clinton Township's rehabilitation obligation to be 16 units. Please see Table 1, [Calculation of the Rehabilitation Obligation](#), for additional information.



Table 1. Calculation of the Rehabilitation Obligation

Overcrowding of units constructed prior to 1950	0
Incomplete plumbing facilities	+ 16
Incomplete kitchen facilities	+ 7
Low and moderate income share	*0.691
Rehabilitation share credit	- 0
<i>Rehabilitation Obligation</i>	<i>16 units</i>

Source: Appendix B to N.J.A.C. 5:97

Prior Round Obligation

The prior round obligation can be defined as the cumulative 1987 through 1999 affordable housing obligation (N.J.A.C. 5:97-1.4). This time period corresponds to the first and second rounds of affordable housing. COAH has calculated Clinton Township's prior round obligation to be 335 units (Appendix C. to N.J.A.C. 5:97).

Third Round Obligation

COAH has taken a very different approach to calculating third round affordable housing obligations. The COAH third round obligation is initially based solely on COAH's household and job projections for each municipality during the third round. For every five households, or units, projected during the third round, one affordable housing unit must be provided. For every 16 jobs projected, the Township must provide one affordable housing unit. Municipalities within the Highlands that are conforming with the RMP are required to use the aforementioned affordable housing ratios; however, they may elect to utilize either COAH's household and employment projections or the projections based on the RMP build-out under Module 2. The following sections describe the methodology for the affordable housing obligations.

Obligation Based on COAH's Projections

COAH's substantive rules require that a municipality plan for the affordable housing obligation generated by the projections; however, a municipality must provide affordable



housing in proportion to its actual growth (N.J.A.C. 5:97-2.2(e)). COAH has projected the creation of 722 households and 1,644 jobs in Clinton Township during the third round (N.J.A.C. 5:97 Appendix F, *Allocating Growth to Municipalities*).

COAH's substantive rules, N.J.A.C. 5:97-2.4, permit municipalities to exclude certain market and affordable units from the third round household projections. Specifically, municipalities may exclude the following:

- Affordable units which received credit in a first or second round plan and have been or will be constructed during the third round.
- Market rate units in an inclusionary development which 1) received credit in a first or second round plan or are eligible for credit in the prior round and 2) have been or will be constructed during the third round.

The Township has one development which is eligible for exclusion.

- The Mews. Clinton Township issued certificates of occupancy for 130 market rate units and 24 affordable units at the Mews in 2004. This age restricted rental development is a prior round affordable inclusionary development that was included in the Township's second round substantive certification. The Township is permitted to exclude a total of 154 units from its household projections, 24 affordable units and 130 market rate units. The Township would have been able to exclude additional units under COAH's formulas; however, the remaining market units were completed prior to January 1, 2004 ($5.67 \times 24 = 136$; however capped at 130 market units).

Accordingly, the Township's 247-unit third round obligation is reduced to a 216-unit third round obligation as calculated in Table 2, Calculation of COAH's Projected Third Round Obligation.



Table 2. Calculation of COAH's Projected Third Round Obligation

Residential	
Projected Units	722
Exclusions	
The Mews (24 affordable and 130 market)	154
<i>Total</i>	-154
Units Creating Growth Share	567
<i>Residential Growth Share (÷ 5)</i>	113.4
Nonresidential	
Projected Jobs	1,644
Exclusions	
None	0
<i>Total</i>	-0
Jobs Creating Growth Share	1,644
<i>Nonresidential Growth Share (÷ 16)</i>	102.75
Total Third Round Obligation	216

Obligation Based on the Highlands RMP Adjusted Growth Projections

In preparing the housing element and fair share plan, a municipality seeking RMP conformance may rely on COAH's August 12, 2009 resolution granting a waiver to permit a Highlands municipality to use an adjusted growth projection. Rather than utilizing the household and employment projections delineated in Appendix F of COAH's substantive rules, the municipality may utilize Highlands Workbook D to calculate its Highlands RMP Adjusted Growth Projection. The Highlands RMP Adjusted Growth Projection is based on the following two components:

- Municipality's actual growth share between January 1, 2004 and December 31, 2008; and
- Growth share obligation based on the results of the Highlands Build-Out analysis developed as Modules 1 and 2 of the RMP Conformance Process.



To determine the growth share obligation, the following ratios must be applied to actual growth between January 1, 2004 and December 31, 2008 and the projections:

- For residential development, the affordable housing ratio is 1 affordable unit for every 4 market rate residential units. **The Highlands Council presumes the necessary affordable housing units are included in the projections;** thus, the municipality must divide the combined total housing units by 5 to determine the residential growth share obligation;
- For non-residential development, the affordable housing ratio is 1 affordable unit for every 16 new jobs created as expressed in new floor area of non-residential space issued a certificate of occupancy between January 1, 2004 through December 31, 2008. The Highlands Council's build out analysis does not project the floor area of non-residential development and instead projects the number of jobs that are able to be created. The municipality is to apply the 1 in 16 affordable housing ratio to the jobs projected as the results of the Module 2 build out analysis. See Table 3. Non-residential Actual Growth Share Calculation for additional detail on how the affordable housing obligation generated by actual non-residential growth is calculated.

Table 3. Non-residential Actual Growth Share Calculation

Use Group	Description	Square Feet Generating One Affordable Unit	Jobs Per 1,000 Square Feet
B	Office buildings	5,714	2.8
M	Mercantile uses	9,412	1.7
F	Factories where people make, process, or assemble products	13,333	1.2
S	Storage uses, excluding parking garages	16,000	1.0
H	High hazard manufacturing, processing, generation and storage uses	10,000	1.6
AI	Assembly uses, including concert halls and TV studios	10,000	1.6



Use Group	Description	Square Feet Generating One Affordable Unit	Jobs Per 1,000 Square Feet
A2	Assembly uses, including casinos, night clubs, restaurants and taverns	5,000	3.2
A3	Assembly uses, including libraries, lecture halls, arcades, galleries, bowling alleys, funeral parlors, gymnasiums and museums but excluding houses of worship	10,000	1.6
A4	Assembly uses, including arenas, skating rinks and pools	4,706	3.4
A5	Assembly uses, including bleachers, grandstands, amusement park structures and stadiums	6,154	2.6
E	Schools K – 12	Exclude	Exclude
I	Institutional uses such as hospitals, nursing homes, assisted living facilities and jails. I group includes I1, I2, I3 and I4.	6,154	2.6
R1	Hotels and motels; continuing care facilities classified as R2	9,412	1.7
U	Miscellaneous uses, including fences tanks, barns, agricultural buildings, sheds, greenhouses, etc.	Exclude	Exclude

Clinton Township utilized Highlands Workbook D to calculate the “Adjusted Growth Share Projection Based on Land Capacity”. The first portion of this calculation is the “Growth Projection Adjustment – Actual Growth” based on the certificates of occupancy that have been issued from January 1, 2004 through December 31, 2008 and the second portion is the Highlands RMP Build-out Analysis conducted under Module 2 of the Highlands RMP conformance process and brought forward to the Module 3. Similar to the calculation under COAH’s substantive rules, the Township is permitted to exclude affordable and market rate units associated with prior round inclusionary activity under



the Highlands RMP Adjusted Growth Share Projection methodology. According to the Highlands Workbook D for Clinton Township, the Township's third round obligation based on the Highlands RMP Adjusted Growth Projection is 106 units. Table 4, Calculation of the Highlands RMP Adjusted Growth Share, summarizes the derivation of the Highlands RMP Adjusted Growth Share obligation. Highlands Workbook D, which is included as Appendix A, provides further detail.

Table 4. Calculation of Highlands RMP Adjusted Growth Share

Residential	
Actual Residential Growth (Units) (2004-2008)	308
RMP Residential Build-out (Units)	+195
Permitted COAH Exclusions	
The Mews (24 affordable and 130 market rate)	154
<i>Total</i>	-154
Units Creating Growth Share	349
<i>Residential Growth Share</i> ($\div 5$)	69.80
Nonresidential	
Actual Non-Residential Growth (Jobs)(2004-2008)	464
RMP Non-Residential Build-out (Jobs)	+115
Permitted COAH Exclusions	
None	0
<i>Total</i>	-0
Jobs Creating Growth Share	579
<i>Nonresidential Growth Share</i> ($\div 16$)	36.19
Total Third Round Obligation	106

Selection of COAH's Growth Projections

Module 3 guidelines require a municipality to choose to address either the Highlands RMP Adjusted Growth Projection or COAH's Projected Growth Share Obligation. Clinton Township has elected to utilize the Highlands RMP Adjusted Growth Projection of 106 affordable housing units.



PRIOR ROUND COMPLIANCE PLAN

Clinton Township's prior round obligation (1987-1999) is 335 units (Appendix C. to N.J.A.C. 5:97). COAH permits new construction credits and bonuses addressing a first or second round affordable housing obligation to be used to address the prior round obligation.

COAH requires that the Township establish the maximum number of age-restricted affordable units, the minimum number of affordable rental units and the maximum number of RCA units using the formulas below.¹

- Minimum Rental Obligation = 80 units
 $.25 \text{ (Prior Round Obligation-prior cycle credits)} = .25 (335-18) = 80$, rounded up
 - A rental unit available to the general public receives one rental bonus;
 - An age-restricted unit receives a 0.33 rental bonus, but no more than 50 percent of the rental obligation shall receive a bonus for age-restricted units; and
 - No rental bonus is granted in excess of the prior round rental obligation
- Maximum Number of Age Restricted units = 56 units
 $.25 \text{ (Prior Round Obligation + Rehabilitation Share - Prior Cycle Credits - Rehabilitation Credits - Transferred RCAs)} = .25 (335 + 16 - 18 - 0 - 108) = 56$, rounded down
- Maximum Number of Regional Contribution Agreement (previously approved) = 166 units
 $.50 \text{ (Prior Round Obligation + Rehabilitation Share - Prior Cycle Credits - Rehab Credits)} = .50 (335 + 16 - 18 - 0) = 166$, rounded down

As summarized in Table 5, Existing Credits/Bonuses Addressing Prior Round Obligation, the Township will address its 335-unit prior round obligation with prior cycle credits, a completed Regional Contribution Agreement (RCA), two existing affordable rental projects, a proposed 100% affordable family rental project, a 100% affordable proposed senior rental project and eligible prior round rental bonuses.

¹ The Roberts Bill amended the New Jersey Fair Housing Act at N.J.S.A. 52:27D-302 to eliminate RCAs, thus, limiting prior round RCAs to previously approved RCAs.



Table 5. Existing Credits/Bonuses Addressing Prior Round Obligation

Clinton Township's Prior Round Compliance Mechanisms	2010 Proposed Plan (prior round = 335)
Prior cycle credits (pre-1986)	
Existing group home	5
Credits without controls	13
RCA's with New Brunswick	108
Affordable rentals	
HCHC Family Rentals	3
The Mews Senior Rentals	35
Municipally Sponsored 100% Sites	
A combination of Old Allerton or Windy Acres (family rentals)	77
Fox Seals/Muni. Bldg (senior rentals)	14
Rental Bonuses	
HCHC (1.0 x 3)	3
Old Allerton or Windy Acres (1.0 x 77)	77
Total	335

PRIOR ROUND SITE CONSISTENCY REVIEW

Clinton Township will address 91 units of its prior round obligation with a combination of three affordable housing sites – the Fox Seals/Municipal Building, the Old Allerton site and the Windy Acres Affordable Housing Site. The following narrative will address the consistency issues raised by the Highlands Consistency Review Reports and COAH's site suitability regulations. This review is based on the Highlands Consistency Review Report generated by the web-tool.² In the case of the Windy Acres Affordable Housing site, the web-tool did not reflect the Township's recent subdivision of the larger Windy Acres tract. In order to assess the consistency issues relevant to the Windy Acres Affordable Housing site, our office generated maps utilizing a mapping layer with the new subdivision lines and shapefiles from the Highlands. Calculations of areas impacted by resources identified in the Highlands Consistency Review Report were

²New Jersey Highlands Council. "Highlands Consistency Review Report Webtool." 2009. Accessed on 26 October 2009. <<http://maps.njhighlands.us/hgis/cons/>>.



calculated based on the Highlands GIS shapefiles. These are preliminary numbers, and may change based on site specific surveys.

Fox/Seals Municipal Building

Clinton Township will address 14 units of its prior round obligation with the development of a 14-unit senior affordable rental project on the Fox Seals/Municipal Building site. The Township owns the site, which is located on Block 53, Lot 3 in Annandale. The site is currently developed with the former municipal building and an accompanying surface parking lot. The site is approximately 0.73 acres and is free of environmental constraints to development. The Fox Seals/Municipal Building project site plan received preliminary approval on October 27, 2008.

The Fox Seals/Municipal Building site is located in the Township's water and sewage area and has water and sewer conveyance lines at the property.

As required to be documented in COAH's regulations at N.J.A.C. 5:97-3.13 "Suitable Site", the Fox Seals/Municipal Building site is suitable as detailed below:

- There are no encumbrances which preclude the development of affordable housing on the property. The Township owns the site and has a free and clear title.
- The site is located in the Village of Annandale, and is adjacent to residential land uses and other compatible land uses. The site has access to appropriate streets and can be accessed via Washington Street, Center Street, and County Route 641.
- The site will rely on public water and public sewer. The site is within the Township's water and sewage area and has water and sewer conveyance lines at the property. There is sufficient capacity in both the Town of Clinton's water and sewer plants to serve the demand generated by the project. The 14-unit senior development will require approximately 1,680 gallons per day (GPD) in water capacity and approximately 2,100 gallons per day in sewer capacity.
- The site is located in Planning Area 2 of the adopted State Development and Redevelopment Plan Policy Map ("State Plan"), which is a preferred location for affordable housing. It is also in the Highlands Planning Area. The narrative on the Highlands RMP conformance will be provided below. The site can be



developed consistent with the Residential Site Improvement Standards (RSIS) and other state regulations such as those of the Department of Environmental Protection (“DEP”). The site has been developed previously, and has no environmental constraints.

- The former municipal building is located within the Annandale Historic District which is listed on both the State and National Register of Historic Places. The District was established in 2003 and the former municipal building is listed as a contributory building in the district. Pursuant to N.J.A.C. 5:97-3.13(b)5, the Township previously initiated the review process with the New Jersey State Historic Preservation Office (hereinafter “SHPO”) in order to receive a recommendation to either perform major structural repairs or to potentially demolish much of the building for redevelopment purposes. The Township’s engineering consultant has documented how the current floor loading is inadequate and offers recommendations of how to remedy the problems. The report concludes that the remedies are extensive and costly. The Township will continue to work with SHPO and will pursue partial demolition of the building for redevelopment as a 100% affordable senior rental complex that will be fully handicapped adaptable.

SHPO provided an initial review of the Township’s request and provided documentation on their site inspection. The next step in the SHPO review is the completion of the Progress/Work Authorization form. SHPO staff has 30 days to deem the form complete and 45 days to review the Township’s documentation and issue a recommendation for full Board action. The Commissioner has 120 days from the form being deemed complete to act on the application.

The design of the proposed senior affordable rental building will be in keeping with the historic character of the district and will be reviewed and approved by Clinton Township and the SHPO.

As was noted above, the Fox Seals/Former Municipal Site received preliminary approval in October of 2008. Pursuant to §2.6 of the Model Highlands Area Land Use Ordinance, the project is not subject to a review under the Highlands regulations. However, despite its status as an approved project, the site is consistent with the Highlands RMP. The Highlands Consistency Review Report is included in Appendix B. The following outlines the issues identified in the Highlands Consistency Review Report and describes the



Township's method for addressing them as it relates to the Fox Seals/Former Municipal Site:

- Carbonate Rock Area. The site is located within the Carbonate Rock Area. The building and site development practices will ensure the elimination of hazards associated with carbonate rock.
- Water Deficit Area. The site is located in a water deficit area. As was noted above, the development will rely on public water and sewer.
- Wellhead Protection Area. The site is located within the 12 year-Tier 3 Wellhead Protection Area. The site was previously developed and did not impact the integrity of the wellhead protection area. Site development practice will avoid future impact on the wellhead.
- National Register of Historic Places. As was noted above, the site is located within the Annandale Historic District, which is listed on both the State and National Register of Historic Places. The architectural plan and site plan is consistent with the historic character of the district and will be reviewed and approved by SHPO.
- Public Community Water Systems. The site is currently served by a public community water system.
- Transit Access. The site is located within a half mile of the NJ Transit bus route and within a mile of the Raritan Valley Rail Line.
- Freight Rail Network. The site is located within a half mile of an existing freight rail network. This does not impact the suitability of the site for affordable housing.
- Existing Community Zone. The site is located within the Existing Community Zone, which is the appropriate designation for an affordable housing project.

Old Allerton Site

Clinton Township may utilize the Old Allerton Site to address a portion of its prior round obligation. The Site (Block 58, Lots 4, 5, 6, and 7) fronts along Old Allerton Road, and consists of 10.92 acres of land, of which 8.95 acres are suitable for the development



of affordable family rentals. The Clinton Township Board of Adjustment granted preliminary approval to an 85-unit affordable family rental project on January 12, 2009.

The Old Allerton Road site is located in the Township's water and sewage area, and existing water and sewer lines are accessible to the site.

As required to be documented in COAH's regulations at N.J.A.C. 5:97-3.13 "Suitable Site", the Old Allerton site is suitable as detailed below:

- There are no encumbrances which preclude the development of affordable housing on the property. While the Township does not currently own the property, it adopted Ordinance 929-07, which authorized the Township to acquire legal title to Lots 4, 5, 6, 7 and 7.01 through eminent domain, if necessary.
- The site is adjacent to a mixed use neighborhood, with residences, a church, and a parochial school within close proximity. The site has access to appropriate streets. It is accessible via Old Allerton Road and State Highway Route 31.
- The site is within the Township's water and sewerage area. The Town of Clinton's sewer and water plants have sufficient water and sewer capacity to service the site, and the existing sewer and water lines extend to the site.
- The site is located in Planning Area 2 of the adopted State Development and Redevelopment Plan Policy Map ("State Plan"), which is a preferred location for affordable housing. It is also in the Highlands Planning Area. The narrative on the Highlands RMP conformance will be provided below. The site can be developed consistent with the Residential Site Improvement Standards (RSIS) and other state regulations such as those of the Department of Environmental Protection ("DEP"). While a portion of the site is environmentally constrained, the site's developable area exceeds the 8 acres needed for an 85-unit multi-family development. In particular, the northern most edge of the site contains a portion of the 300 foot Category 1 stream buffer. Also, the site is impacted by a stream and a potential 100 foot stream buffer. Yet, despite the constraints, 8.95 acres of the site are developable. The site currently contains a number of structures that have either already been demolished (buildings on Lot 6) or will be demolished (buildings on Lots 4, 5, and 7) as part of the development of the 100% affordable rental housing complex.



- The Old Allerton property will retain and rehabilitate two historic structures on the site. While the structures are not on the State or National register of historic places, the Township found them to be historically significant and landmarks. The Township's approval for the Old Allerton 100% Affordable Housing Project provides for the adaptive reuse of the McCloughan House and the Adam Runkle House. The McCloughan House will be rehabilitated and re-used as a common space for the development and office space for the affordable housing project. The Adam Runkle House will be rehabilitated and will be converted to office space.

As was noted above, the Old Allerton Site received preliminary approval in January 2009. Pursuant to §2.6 of the Model Highlands Area Land Use Ordinance, the project is not subject to a review under the Highlands regulations. However, despite its status as an approved project, the site will be developed consistent with the Highlands RMP. The Highlands Consistency Review Report is included in Appendix C. The following outlines the issues identified in the Highlands Consistency Review Report and describes the Township's method for addressing them as it relates to the Old Allerton Site:

- Forest Outside of Forest Resource Area (Lots 4 and 6). A portion of the site is impacted by Forest Outside of the Forest Resource Area. Site design and development practices will minimize the disturbance of the forest to the maximum extent possible.
- Highlands Open Waters Protection Buffer Area. The Highlands Open Waters Protection Buffer impacts 8.48 acres of the Old Allerton Road site. Approximately 4.29 acres of the site are uplands and are not impacted by the Highlands Open Waters Protection Buffer. The site will be designed to avoid disturbance of the Highlands Open Waters Protection Buffer. However, if the development does impact the affected area, the Township will utilize the Highland's mitigation process to ensure that there will be no net loss of functional value of the Highlands Open Waters due to the site development disturbance.
- Riparian Area. A portion of the site is located within a Riparian corridor with a moderate riparian corridor integrity score. The site will be designed to avoid the disturbance of the riparian area. However, if the development does impact the riparian area, the Township will utilize the Highland's mitigation process to ensure that there will be no net loss of functional value of the riparian area as a result of site development disturbance.



- Steep Slope Protection Area (Lots 4 and 5). Future development on the site will be designed to avoid steep slopes to the maximum extent possible.
- Carbonate Rock Area (Lots 4, 5, 6). The site is located within the Carbonate Rock Area. The building and site development practices will ensure the elimination of hazards associated with carbonate rock.
- Net Water Deficit Area. The site is located in a net water deficit area. The development will comply with deficit mitigation requirements, including the preparation of a deficit mitigation plan.
- Negative Net Water Availability Area. The site is located within a negative net water availability area. The development will utilize public water to meet the added demand generated by the project.
- Prime Groundwater Recharge Area (Lots 4 and 6). Portions of the site are located in the prime groundwater recharge area. The site design will avoid the prime groundwater recharge area to the greatest extent possible. In the event that it is necessary to develop within the prime groundwater recharge area, the design of the site will limit disturbance in the prime ground water recharge area to 15% of the prime ground water recharge area located within the affected parcels pursuant to §6.8.3B of the model Highlands Area Land Use Ordinance. Additionally, the project will utilize low impact development practices in accordance with the model Highlands Area Land Use Ordinance §7.2.
- Wellhead Protection Area. The entire site is located within a 5-year Tier 2 wellhead protection area. The Township will coordinate with the Highlands Council to prepare an operations and contingency plan to allow for the future wastewater and storm water development to service the site. Additionally, the Township will utilize best management practices in the development of the site.
- Public Community Water Systems. The site is currently served by a public community water system.
- Transit Access. The site is located within a half mile of the NJ Transit bus route and within a mile of the Gladstone Branch of the Morris and Essex rail line.



- Existing Community Zone. The site is located within the existing community zone, which permits multi-family development.
- Agricultural Resource Area (Lot 6). A small portion of Lot 6 is within the agricultural resource area. The impacted portion of Lot 6 is along the site's frontage on Old Allerton Road and consists of less than 0.10 acres. This is likely a mapping error.

Windy Acres

Clinton Township may utilize the Windy Acres Affordable Housing site to address a portion of its prior round obligation. The Windy Acres Affordable Housing site is located on Main Street in Clinton Township, and consists of Block 7, Lots 31.02 and 18.03. The affordable housing site was originally part of a larger tract of land (Block 7, Lots 18 and 31), which was comprised of 291.53 acres. The site was subsequently subdivided into three lots – Lots 31.01, 31.02 and 18.03. The Township subdivided the 291.53-acre tract in order to preserve approximately 254.60 acres of agricultural and environmentally sensitive land for open space through the Green Acres program. The Township created lots 31.02 and 18.03 from the upland portions of the original site, and will utilize them for affordable housing. The Windy Acres Affordable Housing Site is located on the eastern edge of Main Street and is adjacent to Lebanon Borough.

The Windy Acres Affordable Housing site is adjacent to an existing public water and sewer service area. The Township is requesting a map adjustment to place the site in the existing community zone, which would allow the Township to extend sewer and water infrastructure to the site. If necessary, the Township will utilize on-site water and wastewater treatment for the affordable housing development on the site.

Clinton Township's 2007 Adopted Housing Element and Fair Share Plan assessed the suitability of the original 291.53-acre Windy Acres site for inclusionary housing. The plan acknowledged that the original Windy Acres site was not suitable for inclusionary housing due to environmental constraints and the inability to extend infrastructure to the entire site. As was noted above, the Township subsequently purchased the site and subdivided the property in order to preserve the environmentally constrained portions of the site while creating two upland lots that are suitable for the development of affordable housing. Through the subdivision, the Township was able to preserve 255 acres of environmentally sensitive land, and effectively cluster the affordable housing development on approximately 36.93 acres of land. The subdivision created two lots that meet COAH's definition of a Suitable Site. As required to be documented in COAH's



regulations at N.J.A.C. 5:97-3.13 “Suitable Site”, the Windy Acres Affordable Housing site is suitable as detailed below:

- There are no encumbrances which preclude the development of affordable housing on the property. The Township owns the site and has a free and clear title.
- As was noted above, the Township will preserve the 255-acre portion of the 291.53-acre site for open space. The site is adjacent to Lebanon Borough and other compatible land uses. The site has access to appropriate streets, and is accessible via Main Street.
- The site is within the proposed Future Clinton East Service Area. The site is not within an existing water service area; however, it is adjacent to areas that are served by public water. The Township is requesting a Highlands map adjustment to place the site in the existing community zone in order to extend sewer and water lines to the site. If necessary, the site will utilize on-site water and waste-water treatment to service the development.
- The site is located in Planning Area 2 of the adopted State Development and Redevelopment Plan Policy Map (“State Plan”), which is a preferred location for affordable housing. It is also in the Highlands Planning Area. The narrative on the Highlands RMP conformance will be provided below. The site can be developed consistent with the Residential Site Improvement Standards (RSIS) and other state regulations such as those of the Department of Environmental Protection (“DEP”). The Windy Acres Affordable Housing site is impacted by wetlands, the C-1 Stream Buffers and the 100-year flood area. Although a portion of the 36.93-acre site is environmentally constrained, the site has approximately 32.26 acres of developable land.
- The housing site is not historically or architecturally significant, and is not on the State or National register of historic places.

The Windy Acres Affordable Housing site is consistent with the Highlands RMP. The Highlands Consistency Review Report is included in Appendix D. The following outlines the issues identified in the Highlands Consistency Review Report and describes the Township’s method for addressing them as it relates to the Windy Acres Affordable Housing site.



- Forest Resource Area. The Highlands Consistency Review Report is based on the lot lines associated with the block and lot prior to the subdivision. The Windy Acres Affordable Housing Site is not within the forest resource area. The subdivision of the original Windy Acres will enable the Township to preserve 16.30 acres in the Forest Resource Area.
- Highlands Open Waters Protection Buffer. The Highlands Consistency Review Report indicates that a portion of the Windy Acres Affordable Housing Site is impacted by the Highlands Open Waters Protection Buffer. The Township's Engineer completed a survey of the site, which demonstrated that there are 16.34 acres of the Windy Acres Affordable Housing Site that are not impacted by the Highlands Open Waters Protection Buffer. If necessary, the Township will utilize general permits for site development and will mitigate any disturbance created by development and site work. Moreover, the subdivision of the original Windy Acres site provided for the preservation of 131.24 acres of land impacted by the Highlands Open Waters buffer.
- Riparian Area. A portion of the Windy Acres Affordable Housing Site is located in a Riparian corridor with a moderate riparian corridor integrity score. A site specific survey completed by the Township's Engineer indicates that the riparian area does not prohibit the development of the site for affordable housing. While the Highlands Consistency Review Report shows that 15.25 acres are impacted by the Riparian Area, the site specific survey reveals that 9.89 acres of the affordable housing site are in the Riparian Area. Future development design on the site will avoid the riparian area indicated in the survey to the greatest extent possible. If it is necessary to develop on a portion of the site in the riparian area, the Township will utilize the Highland's mitigation process to ensure that there will be no net loss of functional value of the riparian area. It should be noted that the Township's subdivision of the original Windy Acres site allowed for the preservation of 131.34 acres of land in the riparian corridor.
- Steep Slope Protection Area. Approximately 0.82 acres of the site is impacted by steep slopes. Future development design on the site will avoid any steep slopes to the maximum extent possible, and mitigate where necessary.
- Critical Wildlife Habitat. The Windy Acres Affordable Housing site is impacted by critical wildlife habitat. The future design of the site will minimize the development's impact on the critical wildlife habitat. Working with the Highlands Council, the Township will create a habitat conservation and



management plan as part of full plan conformance. Additionally, the selected developer will utilize low impact development practices. Approximately 287.18 acres of the original Windy Acres site are impacted by the critical wildlife habitat. Through clustering development on the Windy Acres Affordable Housing site, the Township is able to preserve 250.25 acres of critical wildlife habitat.

- Positive Net Water Availability Upstream of Current Deficit Area. The Windy Acres Affordable Housing Site is within a HUC 14 that has adequate net water availability sufficient to allow the development of the site. The site is not within a water deficit area. The water demand generated from the development of the site will not exceed the net water availability for the HUC 14 watershed.
- Prime Ground Water Recharge Area. The site is located in the prime groundwater recharge area. The prime groundwater recharge area is along the frontage of the site and impacts 20.48 acres of the development site. The site cannot be designed to entirely avoid disturbing the prime ground water recharge area; however, the disturbance will be limited to 15% of the prime ground water recharge area located within the affected parcels pursuant to §6.8.3B of the model Highlands Area Land Use Ordinance. The Township will mitigate where necessary. Additionally, the project will utilize low impact development practices in accordance with the model Highlands Area Land Use Ordinance §7.2.
- Wellhead Protection Area. The western portion of the Windy Acres Affordable Housing site (Block 7, Lot 31.02) is located in the 2-Year Tier 1 Wellhead Protection Area and the 5-Year Tier 2 Wellhead Protection Area. Approximately 20.61 acres of Block 7, Lot 31.02 is in the Tier 1 Wellhead Protection Area and 4.69 acres are in the Tier 2 Wellhead Protection Area. The eastern portion of the site (Block 7, Lot 18.03) is located entirely in the 5-Year Tier 2. The Township will coordinate with the Highlands Council to prepare an operations and contingency plan to allow for the future wastewater and storm water development of the site.
- Agricultural Resource Area. The site is currently within the Agricultural Resource Area. The site as proposed represents a cluster development that is consistent with the RMP. Additionally, the Township will request a map change to remove the housing site from the Agricultural Resource Area.



- Agricultural Use. Approximately 15.30 acres of the Windy Acres Affordable Housing Site is used for agricultural purposes. The site will continue to be farmed until developed. While the site will eventually be used for affordable housing, the Township's subdivision of the original Windy Acres site preserved approximately 157 acres of agricultural land.
- Located within one square mile of an archeological site. There are no known archeological resources on the Windy Acres Affordable Housing site. The development of the site will not disturb any archeological resources.
- Freight Rail Network. The site is located within a half mile of an existing freight rail network. This does not impact the suitability of the site for affordable housing.
- Environmentally Constrained Subzone and the Conservation Zone. The Township will seek a map adjustment to designate the Windy Acres Affordable Housing Site in the Existing Communities Zone. The site is adjacent to the existing community zone in Lebanon Borough and is adjacent to an existing water and sewer area.

HOUSING PARTNERSHIP PROGRAM

Clinton Township is interested in serving as a sending municipality under the draft Regional Affordable Housing Development Program (RAHDP) guidelines. Clinton Township has a sizeable affordable housing obligation, the majority of which the Township has provided for in town. However, the Township's past affordable housing efforts have relied on transferring a portion of the obligation to municipalities with convenient access to infrastructure, employment opportunities and public transportation. The Township's adopted 2007 third round housing element and fair share plan included a 55-unit Regional Contribution Agreement. The Township planned its third round affordable housing compliance plan around the RCA, and requests consideration for participation as a sending municipality in the RAHDP program.

APPENDIX A – HIGHLANDS WORKBOOK D

Summary of Adjusted Growth Share Projection Based On Land Capacity
(Introduction to Workbook D)

Municipality Code:
[Muni Code Lookup](#)

Municipality Name:

This workbook is to be used for determining the projected Municipal Growth Share Obligation by comparing growth projected by COAH with actual growth based on certificates of occupancy that have been issued from 2004 through 2008 and the RMP build-out analysis conducted under Module 2 of the Highlands RMP conformance process. Data must be entered via the "tabs" found at the bottom of this spreadsheet which may also be accessed through the highlighted links found throughout the spreadsheet. This workbook consists of five worksheets that, when combined on this introduction page, provide a tool that allows the user to enter exclusions permitted by N.J.A.C. 5:97-2.4 to determine the projected Growth Share Obligation. COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules, Highlands Council build-out figures based on Mod 2 Reports and actual growth based on COs as published by the DCA Division of Codes and Standards in The Construction Reporter are imported automatically upon entry of the Municipal Code.

[Click Here to enter COAH and Highlands Council data](#)

Municipalities seeking to request a revision to the COAH-generated growth projections based on opting in to the Highlands RMP may do so by providing this comparative analysis of COAH and RMP build-out projections. After completing this analysis, the growth projections may be revised based on the Highlands RMP build-out analysis. Actual growth must first be determined using the Actual Growth worksheet. The RMP adjustment applies only to RMP capacity limitations that are applied to growth projected from 2009 through 2018.

[Click Here to Enter Actual Growth to Date](#)

[Click Here to Enter Permitted Exclusions](#)

[Click Here to View Detailed Results from Analysis](#)

Summary Of Worksheet Comparison

	COAH Projected Growth Share	Growth Share Based on Highlands RMP	
Residential Growth	722	503	Module 2 data for Clinton Township has not yet been released by the Highlands Council. Please contact the Highlands Council for further details.
Residential Exclusions	154	154	
Net Residential Growth	568	349	
Residential Growth Share	113.60	69.80	
Non-Residential Growth	1,644	579	
Non-Residential Exclusions	0	0	
Net Non- Residential Growth	1,644	579	
Non-Residential Growth Share	102.75	36.17	
Total Growth Share	216	106	

The Highlands RMP analysis results in a revision to the COAH-generated growth projection. Clinton Township may file this Workbook and use a Residential Growth Share of 69.8 plus a Non-residential Growth Share of 36.17 for a total Highlands Adjusted Growth Share Obligation of 106 affordable units

Growth Projection Adjustment - Actual Growth

Actual Growth 01/01/04 to 12/31/08

Municipality Name: Clinton Township

Residential COs Issued

As Published by D C S	232
Per Municipal Records (if different)	308
Qualified Residential Demolitions	

Note: To **qualify** as an offsetting residential demolition, the unit must be the primary residence of the household for which the demolition permit has been issued, it had to be occupied by that owner for at least one year prior to the issuance of the demolition permit, it has to continue to be occupied by that household after the re-build and there can be no change in use associated with the property. (See [N.J.A.C. 5:97-2.5\(a\)1.v.](#)) A Certification Form must be completed and submitted for each qualifying demolition.

[Get Demolition Certification Form](#)

Non-residential CO's by Use Group	Square Feet Added (COs Issued) As Published by D C S	Square Feet Added (COs Issued) per Municipal Records (if different)	Square Feet Lost Demolition Permits Issued)	Jobs Per 1,000 SF	Total Jobs
B	116,038	113,993		2.8	319.18
M	2,450	2,860		1.7	4.86
F	11,310	35,794		1.2	42.95
S	59,435	39,479		1.0	39.48
H	0	0		1.6	0.00
A1	0	0		1.6	0.00
A2	15,992	2,866		3.2	9.17
A3	91,205	30,035		1.6	48.06
A4	0	0		3.4	0.00
A5	0	0		2.6	0.00
E	378,922	295,665		0.0	0.00
I	0	0		2.6	0.00
R1	0	0		1.7	0.00
Total	675,352	520,692	0		463.70

[Return to Main Page \(Workbook D Intro\)](#)

[Proceed to COAH Data and RMP Module 2 Build-out Data](#)

[Proceed to Exclusions Tab](#)

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Clinton Township

Prior Round Affordable Units NOT included in Inclusionary Developments Built Post 1/1/04

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	
Accessory Apartments	
Municipally Sponsored and 100% Affordable	
Assisted Living	
Other	
Total	0

Market and Affordable Units in Prior Round Inclusionary Development Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if affordable units are rentals)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
The Mews	y	154	130	24	130
		0			0
		0			0
		0			0
		0			0
Total		154	130	24	130

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
Total	0	0

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[Return to COAH Data and RMP Module 2 Build-out Data](#)

[Return to Actual Growth](#)

[View Detailed Results from Analysis](#)

COAH Growth Projections and Highlands Buildout Data

Must be used in all submissions

Municipality Name: Clinton Township

The COAH columns have automatically been populated with growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. The Highlands RMP Build-out columns have automatically been populated with residential and non-residential build-out figures from the municipal build-out results with resource and utility constraints found in Table 4 of the RMP Module 2 report. Always check with the Highlands Council for updates. If figures have been updated, enter updated build-out results. Use the Tabs at the bottom of this page or the links within the page to toggle to the exclusions worksheet of this workbook. After entering all relevant exclusions, toggle back to the introduction page to view the growth share obligation that has been calculated based on each approach.

COAH Projections

From Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq.
Allocating Growth To Municipalities

Residential	Non-Residential
722	1,644

Highlands RMP Buildout Analysis

From Module 2
Table 4 – Municipal Build-Out Results With Resource and Utility Constraints
Updated as of September 8, 2009

	Preservation Area	Planning Area	Totals
Residential units – Sewered	0	1	1
Septic System Yield	0	194	194
Total Residential Units	0	195	195
Non-Residential Jobs – Sewered	0	115	115

Note: Always check with the Highlands Council for updated municipal Build-out numbers. Enter build-out figures in the appropriate boxes only if revised figures have been provided by the Highlands Council.

[Click Here to link to current Mod 2 Build-Out Reports](#)

[Proceed to Enter Prior Round Exclusions](#)
[Retrun to Enter Actual Growth](#)
[Return to Main Page \(Workbook D Intro\)](#)

Comparative Analysis Detail For Clinton Township

The following chart applies the exclusions permitted pursuant to N.J.A.C 5:97-2.4 to both the COAH growth projections and the projected growth that results from the Highlands RMP build-out analysis plus actual growth for the period January 1, 2004 through December 31, 2008.

	COAH			Highlands	
	Residential	Non-Residential		Residential	Non-Residential
Projected Growth From COAH Appendix F(2)	722	1,644	RMP Build-out results from Mod2 Table 4 Actual Growth from COs issued 2004 through 2008	195	115
Residential Exclusions per 5:97-2.4(a) from "Exclusions" tab COs for prior round affordable units built or projected to be built			Residential Exclusions per 5:97-2.4(a) from "Exclusions" tab COs for prior round affordable units built or projected to be built		
Inclusionary Development	24		Inclusionary Development	24	
Supportive/Special Needs Housing	0		Supportive/Special Needs Housing	0	
Accessory Apartments	0		Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0		Municipally Sponsored or 100% Affordable	0	
Assisted Living	0		Assisted Living	0	
Other	0		Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	130		Market Units in Prior Round Inclusionary development built post 1/1/04	130	
Subtract the following Non-Residential Exclusions per 5:97-2.4(b) from "Exclusions" tab			Subtract the following Non-Residential Exclusions per 5:97-2.4(b) from "Exclusions" tab		
Affordable units	0		Affordable units	0	
Associated Jobs		0	Associated Jobs		0
Net Growth Projection	568	1,644	Net Growth Projection	349	579
Projected Growth Share (Residential divided by 5 and jobs divided by 16)	113.60	102.75	Projected Growth Share (Residential divided by 5 and jobs divided by 16)	69.80	36.17
Total Projected Growth Share Obligation	216	Affordable Units		106	Affordable Units

[Return to Main Page \(Workbook D Intro\)](#)
[Return to COAH Data and RMP Module 2 Build-out Data](#)
[Return to Actual Growth](#)
[Return to Exclusions](#)