



# BURGIS ASSOCIATES, INC.

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## COMMUNITY PLANNING AND DEVELOPMENT CONSULTANTS

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PRINCIPALS:

Joseph H. Burgis PP, AICP  
Brigette Bogart PP, AICP  
Edward Snieckus PP, CLA, ASLA

Community Planning  
Land Development and Design  
Landscape Architecture

November 24, 2009

Eileen Swan, Executive Director  
Highlands Water Protection and Planning Council  
100 North Road (Route 513)  
Chester, New Jersey 07930

Re: Township of Rockaway, Morris County  
Plan Conformance Module 3  
Housing Element and Fair Share Plan  
December 8, 2009 Submission Requirements

Dear Ms. Swan:

Please accept the attached letter to Edward Buzak, Esq., Rockaway Township Attorney, dated October 30, 2009, as the Township's submission in fulfillment of the Plan Conformance Module 3 requirements for December 8, 2009.

The Township of Rockaway is involved in on-going affordable housing litigation and is therefore under the jurisdiction of the Law Division of Superior Court. Since August, the Township has been meeting with Judge Eugene Serpentelli to develop a compliance plan for Rockaway. The attached letter was submitted by the Township to Judge Serpentelli on November 5, 2009 and represents the most up-to-date information regarding Rockaway's progress towards completion of a compliance plan.

The attached letter also addresses all of the December 8, 2009 submission requirements as listed in the Module 3 instructions. Specifically, it includes a summary of the Township's housing obligations, consistency reviews of sites proposed to address the prior round and growth share obligations, and a discussion related to interest in the Housing Partnership Program (RAHDPP). It is noted that the attached letter states on page 22 that the Township would be adopting a resolution related to the RAHDPP at its next Council meeting. However, the Township is interested in participating in this program only as a sending municipality, and therefore such a resolution is not necessary.

If you should have any questions, please feel free to contact us.

Sincerely,

Robyn K. Welch, AICP  
*Associate Planner*



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Community Planning  
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October 30, 2009

Edward Buzak, Esq.  
The Buzak Law Group, LLC  
Montville Office Park  
150 River Road Suite N-4  
Montville, New Jersey 07045

Re: 1. Summary Housing Plan Report  
2. Highlands Consistency Review  
3. Review of Objectors Reports of  
Sites in Housing Plan Report.

Rockaway Township, New Jersey  
BA# 2085.12

Dear Ed,

Pursuant to our meeting with Judge Serpentelli, I have prepared the following assessment of Rockaway Township's affordable housing obligation based on the Township Council's vote to opt into the Highlands Plan Conformance program. This report also identifies the manner in which the Township may address its affordable housing needs, including a preliminary assessment of the implications the imposition of the Highlands regulations may have on the Township's site selections. Additionally, this report includes an analysis of the Objectors reports critiquing our site selection in our July 2009 Township's Housing Plan.

The reports that have been reviewed include the following;

1. A report prepared by John Chadwick, PP on behalf of Makor, Inc., dated September 11, 2009;
2. A report prepared by Creigh Rahencamp PP on behalf of Morris Commons, LLC, dated September 17, 2009;
3. A report (with attachments) prepared by Michael Rich Esq. on behalf of Pondview Estates, Inc., dated September 11, 2009; and,
4. A report (with attachments) prepared by Ronald Cucchiaro, Esq. on behalf of Village at Rockaway and Green Pond Road Associates, dated October 2, 2009.

## I. PLAN COMPONENTS

### Introduction

The following report is designed to identify Rockaway Township's prior round and third round affordable housing obligation and indicate the manner in which this obligation is to be addressed. Rockaway Township has prepared a number of Housing Elements and Fair Share Plans over the years to address its affordable housing need. The initial effort was the result of a 1985 Court settlement in connection with the Morris County Fair Housing litigation against Rockaway and 23 other municipalities. At that time, Rockaway agreed to adopt a plan to accommodate more than 1,130 lower income units. Subsequent to the court settlement on this matter, the State legislature created the Council on Affordable Housing (COAH) and they published housing-need numbers for the state's municipalities. The Township subsequently adopted a new Housing Plan in 1995, and amendments to that plan in 2001 and 2005, to address COAH's numbers.

COAH initially adopted a "fair share" methodology to determine the State's low and moderate income housing needs in 1986. Their adopted combined first and second round housing-need numbers for Rockaway Township, published in 1994, called for the Township to provide a total of 412 affordable housing units, inclusive of a new construction obligation of 370 units and a rehabilitation obligation of 42 units, between the years 1987 and 1999.

In December 2004, COAH adopted new substantive (N.J.A.C. 5:94) and procedural (N.J.A.C. 5:95) rules for the period beginning December 20, 2004. At the same time, COAH re-adjusted all municipal first and second round housing-need new construction numbers and rehabilitation numbers. Rockaway's previously published 370 unit new-construction obligation was reduced to 245 units, and the Township's rehabilitation component was reduced to six units. As noted above, these housing-need numbers are substantially below that which the Court had imposed through Mt. Laurel litigation that was settled in 1985.

As a result of an Appellate Division ruling, new substantive and procedural rules were adopted on June 2, 2008 (now NJAC 5:97 and NJAC 5:96, respectively). Additionally, the Legislature adopted A-500 which affected COAH's regulations. The third round rules implement a new "growth share" approach to affordable housing and thus represent a significant departure from the Council's first and second round rules in that the new rules link the production of affordable housing with actual development and projected growth within the community. There are three components to the third round methodology. They include: 1) the rehabilitation share; 2) any remaining prior round obligation for the period 1987-1999; and 3) the growth share. Growth share is generated by projections of residential and non-residential growth for the period covering January 1, 2004 to January 1, 2018. The new substantive rules state that one affordable unit must be constructed among every five units created in the Township. In addition, each municipality is obligated to provide one affordable unit for every 16 newly created jobs.

The Appellate Division ruling also resulted in a re-adjustment of the Township's first and second round housing-need numbers back to pre-2004 levels. That is, COAH's re-adjusted 'new construction' obligation for Rockaway went back to 370 units and the 'rehabilitation' share was set at 42 units. These numbers, combined with COAH's June 2008 estimated growth share component for the Township of 531 units, indicates that Rockaway has a 943 unit total third round affordable housing obligation. (For the third round, COAH estimates that by 2018 the Township will have an additional 1,621 dwellings, which translates to 324 units of affordable housing, and 3,315 additional jobs, which translates to 207 units of affordable housing.)

As discussed in the body of our prior report, dated July 17, 2009, our analysis suggested the Township's growth

in the third round will be less than COAH projects. We projected that by 2018 the Township will have up to an additional 751 dwellings, which translates to 150 units of affordable housing, and 2,757 additional jobs, which translates to 172 units of affordable housing. This would have indicated the Township's growth share obligation would be no more than 322 affordable units.

Since the preparation of the planning analysis set forth in the July report, Rockaway Township elected to opt into the Highlands Plan Conformance process. A copy of the original Council resolution dated October 6, 2009 is in the appendix of this report. [Note: The resolution specifically required by the Highlands Council is to be adopted at the November 4, 2009 Council meeting. A copy of this resolution will be forwarded to the parties under separate cover.] This enables the Township to rely upon the Highlands determination of the Township's growth share housing need, which they determined is 147 affordable housing units.

**Fair Share Obligation**

As noted above, under COAH's third-round rules, a municipality's third-round affordable housing obligation is a function of three components: Rehabilitation Share; Remaining Prior Round Obligation; and, Growth Share.

The calculation of the Township's affordable housing obligation is detailed below:

1. Rehabilitation Share. According to Appendix B of COAH's third round substantive rules, the Township has a rehabilitation share of 42 units.
2. Remaining Prior Round Obligation. Appendix C indicates a prior round new construction obligation of 370 units for the Township.

The Township's certified prior round plan addressed its 370 unit new construction obligation through a combination of credits, inclusionary development, and regional contribution agreements. The prior round plan components as set forth in the Township's original plan are presented in the table below.

**Table 1: Prior Round Plan Components and Status  
Rockaway Township, New Jersey**

<b>Plan Component</b>	<b># Affordable Units</b>	<b>Status</b>
New Construction Credits	<b>123</b>	Completed
Green Pond Village	40	
Mt Pleasant Ave. Senior Citizen Housing Group Homes	75	
Block 10402 Lot 49	4 beds	
Block 11205 Lot 6-9	4 beds	
Inclusionary Development	<b>192</b>	Final Site Plan Approval 7/00 Construction pending State approval for water services.
Highlands at Morris/Pondview Estates	100 units 92 rental bonus	
Regional Contribution Agreement	<b>55</b>	Completed w/ East Orange
<b>Total</b>	<b>370</b>	

3. Growth Share. The growth share component of the Township's affordable housing obligation is now determined by the Highlands. This figure has been calculated at 147 affordable housing units. The analysis that results in this figure is in the Highlands Workbook D entitled Summary of Adjusted Growth Share Projection Based on Land Capacity. Workbook D is presented in the appendix of this report.

## Summary of Housing Plan Approach

The Township approach to its affordable housing obligation is summarized below. Two alternative approaches to the Township's affordable housing obligation are presented. This is being presented this way at this time because the timing of the preparation of these alternatives did not enable discussion with the Township Council, where one of the two options, or another option, may be selected. It is anticipated that the Township Council will consider these various alternatives and select one or a variation of one to achieve the satisfaction of their obligation.

The first approach assumes that the entirety of the 1,050 unit Pondview Estates project would continue to be a part of the Township's approach to dealing with the community's affordable housing obligation. The following two tables represent this Alternative A. The first table (2A) identifies the manner in which the 370 unit prior round obligation is addressed. The second table (2B) summarizes the manner in which the 147 unit growth share obligation is addressed.

**Table 2A  
Alternative A  
With 1,050 Unit Pondview Estates  
Rockaway Township, New Jersey**

Table 2A  
Prior Round Cycle

<b>Plan Component</b>	<b>Total # Units</b>	<b># Affordable Units</b>	<b>Status</b>
New Construction Credits		<b>123</b>	Completed
Green Pond Village	---	40	
Mt Pleasant Ave. Senior Citizen Housing	---	75	
Group Homes		8	
Block 10402 Lot 49	4 beds		
Block 11205 Lot 6-9	4 beds		
Inclusionary Development		<b>192</b>	Final Site Plan Approval 7/00 Construction pending State approval for water services.
Highlands at Morris/Pondview Estates	1,050	100 units 92 rental bonus	
Regional Contribution Agreement	55	<b>55</b>	Completed w/ East Orange
<b>Total Affordable Housing Credits</b>	-----	<b>370</b>	

Table 2B  
Growth Share Cycle

Plan Component	Total # Units	# Affordable Units
Commons Way Lot 3.06 (8 du/ac w/20% setaside)	204	46 41 (rentals) 5 (rental bonus)
Commons Way 3.07 (8 du/ac w/20% setaside)	158	64 32 (rentals) 32 (rental bonus)
Villages at Rockaway (20% setaside)	188	38
Sanders Road	10	2 (rentals)
Mine Hill Properties	9	2
Group Home: Allegro: 10 Anderson Ave.	4 beds	4
Housing Partnership: Rockaway Township	2	2
Habitat for Humanity	2	2
<b>Total Affordable Housing Credits</b>		<b>160 (need 147)</b>

The second, alternative approach assumes that Pondview Estates would develop with 500 dwelling units and within that context would continue to be a part of the Township's approach to dealing with the community's affordable housing obligation. The following two tables (3A and 3B) represent this Alternative B. The first table (3A) identifies the manner in which the 370 unit prior round obligation is addressed. The second table (3B) summarizes the manner in which the 147 unit growth share obligation is addressed.

**Table 3  
Alternative B  
With 500 Unit Pondview Estates  
Rockaway Township, New Jersey**

Table 3A  
Prior Round Cycle

Plan Component	Total # Units	# Affordable Units	Status
New Construction Credits Green Pond Village Mt Pleasant Ave. Senior Citizen Housing Group Homes Block 11205 Lot 6-9 (4 beds)		<b>120</b> 40 75  4 x 1.25 credits = 5	Completed
Inclusionary Development Highlands at Morris/Pondview Estates (20% setaside)	500	<b>100</b> 100 units	Final Site Plan approval for 1,050 du 7/00. Construction pending State approval for water services.
Villages at Rockaway (20% setaside)	250	<b>100</b> 50 rentals 50rental bonuses	
Regional Contribution Agreement		<b>55</b>	Completed with East Orange
<b>Total Affordable Housing Credits</b>		<b>375 (need 370)</b>	

Table 3B  
Growth Share Cycle

Plan Component	Total # Units	# Affordable Units
Commons Way Lot 3.06 (9 du/Ac. 20% setaside)	230	83 46 rentals 37 rental bonuses
Commons Way 3.07 (9 du/Ac. 20% setaside)	177	36 36 rentals
Sanders Road	10	2
Mine Hill Properties	9	2
Route 46/Highnads Ave (20% setaside)	56	11
Group Homes: Block 10402 Lot 49 Allegro: 10 Anderson Ave.	4 beds 4 beds	10  8 x 1.25 credits/bed = 10 credits
Housing Partnership Rockaway Rd	2 du	2
Habitat for Humanity	2 du	2
<b>Total Affordable Housing Credits</b>		<b>148 (147 needed)</b>

## Details On Plan Components and Sites Contained in Plan

This section of the report details the projects, mechanisms and funding sources which will be used to meet the Township's 147 unit growth share obligation and 42 unit rehabilitation obligation. Each component of this obligation is addressed below:

### Rehabilitation Share

The Township's rehabilitation share is 42 units. Municipalities are required to set aside sufficient funds to address half of their rehabilitation obligation at the time of certification of their plan. A minimum of \$10,000 per unit is required. In Rockaway's case, this means that \$210,000 must be set aside for this purpose. The Township may utilize its development fee monies that have been collected (there is approximately \$2 million currently in the account) for this purpose. [Note: the Township was in litigation over COAH's efforts to take this money from the Township due to the municipality's affordable housing litigation. The Township Attorney has advised that the trial court has determined that the Township can retain all development fees collected prior to November 7, 2007 which amounts to approximately \$1,913,413.78. In addition, the court ruled that the Township can continue to collect development fees prospectively.]

### Growth Share Obligation

The Township's growth share obligation is 147 units.

#### 1. Inclusionary Developments.

- a. Commons Way 3.06. This site is located at the west end of Commons Way, a long cul-de-sac street extending off of Green Pond Road. It is identified as Block 22401 Lot 3.06, according to municipal tax records. The site occupies an area of 25.5 acres and is irregular in shape. Its dimensions include a large rectangular developable area, and a long and narrow appendage extending southward from the principal portion of the site. The dimensions include over 350 feet of frontage on Commons Way and a depth of over 600 feet.

The site is partially located within both Planning Area 1 (Metropolitan) and Planning Area 5 (Environmentally Sensitive). Approximately 10.3 acres are designated PA1, and approximately 15.2 acres are designated PA5. As shown on the accompanying Environmental Constraints map at the end of this report, there are no environmentally sensitive features on the property. The site is within the Township's wastewater and potable water service areas.

The accompanying map entitled 'Aerial of Inclusionary Sites I' shows the property and its surrounding development pattern. The site is located in an area containing a variety of uses, including office/warehousing development to the east and north, and detached single family residential development to the immediate west. The aerial photograph depicts this established land use arrangement, and highlights the fact that the site represents a transitional property separating distinctly different land patterns.

This property was recently proposed to be rezoned to permit age-restricted inclusionary residential development on the site at a density of 8 units per acre and a minimum 13.6 percent set-aside for affordable housing. However, the Plan now calls for either of the following two alternatives for this site, depending upon which one the Township selects:

- 1) In Alternative A, this site is recommended for a maximum density of 8 units per acre with a 20 percent affordable housing set-aside. This would yield a total of 204 units on-site, including 163 market rate units and 41 affordable rental units. As detailed in the table above, this site would also yield rental bonus credits.
  - 2) In Alternative B, this site would be allowed to be developed at 9 units per acre with a 20 percent setaside for affordable housing, yielding a total of 230 units consisting of 184 market rate units and 46 affordable rental units. As detailed in the table above, this site would also yield rental bonus credits.
- b. Commons Way 3.07. This site is also located at the end of Commons Way and is identified as Block 22401 Lot 3.07, according to municipal tax records. It is owned by the same entity that owns Lot 3.06 referenced above. The site occupies an area of 19.7 acres. Its dimensions include approximately 600 feet of frontage on Commons Way and a depth of over 700 feet.

The site is entirely located within Planning Area 5 (Environmentally Sensitive). As shown on the accompanying Environmental Constraints map, some wetlands are present on the property, although not of sufficient area to preclude the site's development. The site is within the Township's wastewater and potable water service areas.

The site is also depicted on the accompanying map entitled 'Aerial of Inclusionary Sites I'. The site's relationship to abutting Lot 3.06, the surrounding development pattern and the transitional nature of Lot 3.06 which also characterizes Lot 3.07, indicates the propriety of this site for this use.

Although this site is presently zoned for Planned Economic Development, which permits office development and manufacturing/warehousing uses, we recommend that this site be rezoned to permit inclusionary residential development. While the developer of the property has proposed a 248-unit rental development with four levels over parking, our Plan calls for either of the following two alternatives for this site, depending upon which one the Township selects:

- 1) In Alternative A, this site is recommended for a maximum density of 8 units per acre with a 20 percent affordable housing set-aside. This would yield a total of 158 units on-site, including 126 market rate units and 32 affordable rental units. As detailed in the table above, this site would also yield rental bonus credits.
  - 2) In Alternative B, this site would be allowed to be developed at 9 units per acre with a 20 percent setaside for affordable housing, yielding a total of 177 units consisting of 141 market rate units and 36 affordable rental units.
- c. The Villages. Like the Commons Way sites referenced above, this site is located in the southeast portion of the Township, on the west side of Green Pond Road approximately 200 feet north of Sanders Road. The site occupies 51.3 acres and has an irregular, somewhat flag-shaped configuration. Its dimensions include approximately 55 feet of frontage on Green Pond Road, with a narrow 'stem' which extends approximately 300 feet into the main portion of the lot, which has a depth of greater than 1,000 feet.

The site is located within Planning Area 2 (Suburban) and is served with both water and sewer utilities. As shown on the accompanying Environmental Constraints map, the property contains a number of environmental constraints, including steep slopes, wetlands, as well as a Category One (C1) stream and its associated buffer area. However, as depicted on a site design prepared by the developer, the site still has a significant development potential.

The accompanying map entitled 'Aerial of Inclusionary Sites I' shows that the site is surrounded by a variety of uses, including commercial and industrial development to the north and east, detached single family residential development to the immediate west, and multi-family residential development to the immediate south. Because the site contains a number of environmental constraints along its frontage, it is more oriented to neighboring residential properties to the rear of the site than Green Pond Road's commercial corridor.

The site has received approvals for a 188-unit age restricted residential development, including 38 affordable dwelling units. However, the developer had recently proposed that the property be rezoned to accommodate 206 units of non-age restricted inclusionary rental housing. If a 20 percent set-aside were imposed, this would yield 164 market rate units and 42 affordable units. In addition, the development could receive 42 rental bonus credits. Therefore, a total of 84 credits from this site would be applied toward the growth share obligation.

More recently, on October 21, 2009 Villages at Rockaway Associates, LP filed an application with the Rockaway Township zoning board of adjustment seeking conversion of its age restricted approval to a development without age controls, pursuant to the recently approved Act adopted by the State Legislature. This plan filed by the applicant calls for 188 dwelling units inclusive of 38 affordable housing units.

The draft Housing Plan recommends the following for this site:

- 1) In Alternative A, this site is recommended to be developed at the same intensity of use as contemplated in the Village at Rockaway's recent zoning board submittal. The Plan calls for the site to contain 188 dwelling units, including 150 market rate units and 38 affordable units. As detailed in the tables above, in Alternative A this site is used to meet the Township's growth share obligation.
- 3) In Alternative B, this site is assigned to assist the Township in meeting a portion of its prior round cycle obligation. The Plan calls for this site to be developed with 250 dwellings with a 20 percent setaside for affordable housing, yielding a total of 200 market rate units and 50 affordable rental units. As detailed in the table above, this site would also yield rental bonus credits.

Due to the fact the Township has not had an opportunity to meet since the preparation of these alternative approaches and thus select which one it favors, and due to the fact of the developer's participation in these proceedings before the Court, it appears to be inappropriate to allow this developer to 'short-circuit' these proceedings with its zoning board application at this time. It deprives the Township of its opportunity to plan its approach to its housing obligation, as prescribed by the court master at the last meeting on this matter. This should be addressed at our December meeting with the master.

- d. Sanders Road. This site is located on the southwest corner of Green Pond Road and Sanders Road. It is identified as Block 22102 Lots 6 and 7, according to municipal tax records. The site is 1.75 acres, with approximately 468 feet of frontage on Green Pond Road and 146 feet of frontage on Sanders Road. A single family dwelling is currently located in the northerly portion of the property. The Zoning Board of Adjustment recently approved this property for a 10 unit rental development, including 2 affordable rental units. These units would satisfy a 2 unit portion of the 28 unit minimum rental requirement for the period 2013-2018.

The 'Aerial of Inclusionary Sites I' and the 'Environmental Constraints' maps illustrate the surrounding development pattern and the site's environmentally sensitive features, respectively. As shown, the site contains a number of environmental constraints, including floodplain, wetlands, as well as a Category One (C1) stream and associated buffer area. The site is located entirely within Planning Area 1 (Metropolitan) and is served with both water and sewer utilities

- e. Mine Hill Properties. This site is located in the southwest portion of the Township along Richard Mine Road. It is identified as Block 11408 Lot 2 and Block 11409 Lot 2, according to municipal tax records. The site is 22.3 acres, with approximately 940 feet of frontage on Richard Mine Road and approximately 1,200 feet of depth. The property is currently vacant, however the Township recently approved this property for a 9 unit development, including 2 affordable units.

The site is entirely located within Planning Area 2 (Suburban). As shown on the accompanying Environmental Constraints map, wetlands are present on a portion of the property. The site is within the Township's wastewater and potable water service areas.

The accompanying map entitled 'Aerial of Inclusionary Sites II' depicts the property and its surrounding development pattern. As shown, the site is adjacent to detached single family residential development to the immediate east, Mount Hope parkland/open space to the north and west, and vacant municipally-owned land to the south.

- f. Route 46 and Highland Ave. This 3.75 acre tract is located at the northeast corner of Route 46 and Highland Avenue. It consists of four tax lots identified as Block 10303 Lots 14 through 17. Most of the site is occupied by paving for an auto sales establishment. Lot 14 is developed with a small retail building.

The accompanying map entitled 'Aerial of Inclusionary Sites III' depicts the property and its surrounding development pattern. As shown, the site is adjacent to a 110 unit multi-family residential development to the immediate north.

The plan proposes that this site be designated as an inclusionary site at a density of 15 units per acre with a 20 percent set-aside for affordable units in Alternative B (Table 3B), thus enabling the site to be developed with 56 units including 11 affordable housing units. The Township Administrator has spoken with the property owner's attorney, who indicated the property owner supports this designation of his site.

2. Habitat for Humanity Project. The Township of Rockaway owns an undeveloped property in the municipality that is proposed for purchase by Habitat for Humanity. Habitat for Humanity will build dwelling units on the site for low- and moderate-income households. A presentation was made to the Township Council by Habitat for Humanity on July 7, 2009 regarding this development.

The property that will be built by Habitat for Humanity is as follows:

- a. 101-107 Valley View Dr.: This one-half acre property is located at 101-107 Valley View Drive (Block 21102 Lots 43-46). The proposed Habitat for Humanity development for this site will be a two-family dwelling unit.

In sum, the proposed Habitat for Humanity projects in Rockaway will contribute 2 units of credit toward the Township's growth share obligation.

3. Group Home and Two-Family Housing Partnership Building. Pursuant to N.J.A.C. 5:97-6.10, the Township may address its affordable housing obligation through supportive and special needs housing, including residential health care facilities as regulated by the New Jersey Department of Health and Senior Services or DCA, group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services, permanent supportive housing, and supportive shared living housing. The unit of credit for group homes, residential health care facilities, and shared living housing is the bedroom.

The Township of Rockaway has one existing group home that is eligible for COAH credits. In addition, this plan calls for a duplex with two affordable housing units. These developments are as follows:

- a. Allegro Group Home: This home is located at 10 Anderson Avenue (Block 21005 Lot 2) and contains 4 bedrooms. It serves people with autism/PDD (Pervasive Developmental Disabilities) and is licensed through the New Jersey Department of Human Services, Division of Developmental Disabilities.
  - b. Housing Partnership Home: There is currently a proposal to locate a new affordable duplex building on Rockaway Road (Block 10101 Lot 24). This facility is proposed to contain 2 units.
4. Development Fees. The Township had adopted a development fee ordinance, as provided by COAH's rules at NJAC 5:97-8.3, permitting the Township to impose such fees on new development. The funds generated by the collection of development fees will be applied directly toward implementation of the Township's Fair Share Plan.

Pursuant to the current Development Fee Ordinance, the Township has and continues to collect residential development fees of 1.0 percent of the equalized assessed value of residential development within all residential zoning districts. In accordance with N.J.A.C. 5:97-8.3(c), the Township will seek authorization from the Court to increase the percentage so that the Township may collect a residential development fee of 1.5% percent of the equalized assessed value of residential development within all residential zoning districts. In addition, non-residential development fees of 2.5 percent of the equalized assessed value will be collected on non-residential development within all non-residential zoning districts pursuant to the Statewide Non-Residential Development Fee Act, L.2008 c.46, subject to the suspension and refund provisions of L.2009 c.90.

The following developers are exempt from paying development fees:

- Developers of low and moderate income units, or those who have made a payment in lieu of constructing affordable units;

- Developers of any not-for-profit uses; federal, state and municipal government uses; churches and other places of worship; and public schools;
- Developers who expand, enlarge, or improve existing single family or two family residences, unless the expansion, enlargement, or improvement leads to the creation of additional dwelling units(s).

## **Conclusion**

The Township has a 370 unit prior round obligation and a 147 unit growth share obligation. Tables 2 and 3 provide a summary of how this obligation will be met. As shown, the obligation will be met via a combination of inclusionary developments, group home credits, Habitat for Humanity projects, and rental bonus credits.

## II. HIGHLANDS CONSISTENCY REVIEW

The Highlands Council requires that any development project proposed for affordable housing be reviewed to ensure that the proposal is consistent with the Highlands Regional Master Plan (RMP). To assist municipalities in reviewing any proposed sites relative to RMP consistency, the Highlands Council has created a Highlands Consistency Review web tool, from which a Highlands Consistency Review Report can be created for each proposed affordable housing site.

The Highlands Consistency Review Report evaluates the consistency of the proposed affordable housing site with the Highlands RMP requirements for preservation of a number of natural resources. Such resources include forests, open waters and riparian areas, steep slopes, critical habitat areas, carbonate rock areas, and prime ground water recharge areas. The Highlands Consistency Review Report also evaluates each site's consistency with the RMP's provisions related to water supply, utility capacity, septic system yield, wastewater utility capacity, and water availability.

In accordance with the above requirements, we have prepared Highlands Consistency Review Reports for each of the plan components identified in the previous section of this letter. Depending on the size and complexity of the site, these Highlands Consistency Review Reports ranged from 20 to over 100 pages in length. As such, detailed below for each site is a synopsis of the Highlands Consistency Review Report and an analysis of its viability for affordable housing. Copies of the full reports can be made available.

It is important to note that the analysis presented below reflects the knowledge, interpretations and conclusions of Burgis Associates, Inc. and is therefore a preliminary assessment. Each site identified for affordable housing will also need to be reviewed by the Highlands Council, which will make the ultimate determination of consistency with the RMP.

### Remaining Prior Round Obligation

#### 1. Inclusionary Developments.

- a. Pondview Estates. As detailed in the previous section of this report, this site is included in both the Township's first and second round Housing Element and Fair Share Plans to provide for low- and moderate-income units. It received final major subdivision approval and site plan approval on July 17, 2000 for the construction of 1,050 multi-family rental units. Of these units, 100 were required to be affordable rental units, which would yield 92 rental bonus credits. This scenario is what is contemplated in Alternative A. In contrast, Alternative B proposes 500 total rental units on the site, including 85 affordable units.

Because the site has already received development approval for the proposed inclusionary development, it is exempt from the requirements of the Highlands RMP.

### Growth Share Obligation

#### 1. Inclusionary Developments.

- a. Commons Way 3.06. A review of this site's consistency with the Highlands RMP reveals the following:

- 1) *Land Use Capability Zone:* The site is located in the Planning Area and is partially designated as both Existing Community Zone (ECZ) and Existing Community Zone – Environmentally Constrained subzone. The ECZ is where the Highlands encourages future growth, if compatible with the protection and character of Highlands resources. This ECZ designation follows the already disturbed portion of the site, which is where new development is proposed. Lands in the Existing Community Zone – Environmentally Constrained subzone are not appropriate for significant development, and are best served by land preservation and protection. This designation is primarily concentrated in the southern appendage to the main developable area, where development is not contemplated.
- 2) *Forest Resource Area:* Portions of the site are forested areas within the Highlands Forest Resource Area. The locations of these areas correspond with the location of the Existing Community Zone – Environmentally Constrained subzone designation. The Highlands RMP prohibits new or expanded utilities into forested areas in the Forest Resource Area. It is not anticipated that the proposed development would extend into such portions of the site because the site was already cleared for development.
- 3) *Highlands Open Waters:* A Highlands Open Waters buffer is located in the northeastern portion of the site, overlapping with the ECZ designation. The Highlands RMP prohibits disturbance to Highlands Open Waters buffers in the ECZ except in previously disturbed areas. Because this portion of the site is already disturbed, development is permitted.
- 4) *Riparian Area:* High Integrity Riparian Areas are located in the northwestern portion of the site, corresponding with the location of the Existing Community Zone – Environmentally Constrained subzone designation. The Highlands RMP requires that disturbance of existing natural vegetation or increases in impervious area within High Integrity Riparian Areas in the ECZ be limited to the minimum alteration feasible. It is not anticipated that the proposed development would extend into such portions of the site.
- 5) *Steep Slopes:* Moderately constrained slopes are located on the southern appendage of the site, in the Existing Community Zone – Environmentally Constrained subzone. The Highlands RMP prohibits land disturbance within severely and moderately constrained slope areas. It is not anticipated that the proposed development would extend into such portions of the site.
- 6) *Critical Wildlife Habitat:* Critical wildlife habitat is located in areas on the site consistent with forested areas. The Highlands RMP prohibits the direct impact of new human development or expansion or increased intensity of existing development within critical habitat. As noted above regarding forested areas, it is not anticipated that the proposed development would extend into such portions of the site.
- 7) *Prime Ground Water Recharge Areas:* Prime ground water recharge areas are located in the southern portion of the site, within the areas designated Existing Community Zone – Environmentally Constrained subzone. The Highlands RMP prohibits development within prime ground water recharge areas unless necessary to avoid critical habitat, Highlands Open Waters buffers, and moderately and severely constrained slopes. It is not anticipated that the proposed development would extend into such portions of the site.

- 8) *Water Availability:* Although the majority of the area proposed for development is in a subwatershed with positive Net Water Availability, a portion of the previously disturbed area is in a subwatershed deemed a Current Deficit Area. The Highlands RMP establishes highest priority for use of Net Water Availability or Conditional Water Availability within the ECZ to a variety of uses, one of which is affordable housing projects with a minimum 10 percent setback.
- 9) *Water & Sewer Utilities:* Although in the water and sewer service area, the site is undeveloped and therefore not currently served by utilities. The Highlands RMP prohibits new or expanded utilities in the Existing Community Zone – Environmentally Constrained subzone. It is not anticipated that the proposed development would extend into such portions of the site. In the ECZ, affordable housing projects with a minimum 10 percent setback shall have the higher priority for allocation of excess or additional water and sewer capacity than other developments.

In sum, the Highlands Consistency Review Report reveals that the site can be developed for affordable housing consistent with the provisions of the Highlands RMP.

b. Commons Way 3.07. A review of this site’s consistency with the Highlands RMP reveals the following:

- 1) *Land Use Capability Zone:* The site is located in the Planning Area and is partially designated for multiple Land Use Capability Zones. The rear portion of the site is designated as Protection Zone, which is where development activities will be extremely limited by the RMP. The majority of the front portion of the site is designated as Existing Community Zone (ECZ), which is where future growth is encouraged if compatible with Highlands resource requirements. A portion of this area is also located in the Existing Community Zone – Environmentally Constrained subzone, which is not appropriate for significant development. The areas designated as ECZ and Existing Community Zone – Environmentally Constrained subzone have already been cleared for development.
- 2) *Forest Resource Area:* The entire rear portion of the site is forested area within the Highlands Forest Resource Area. The locations of these areas correspond with the location of the Protection Zone designation. The Highlands RMP prohibits new or expanded utilities into forested areas in the Forest Resource Area. A proposed development on this site could likely be located outside of this area
- 3) *Highlands Open Waters:* A Highlands Open Waters buffer covers the entirety of the site. The Highlands RMP prohibits disturbance to Highlands Open Waters buffers in the Protection Zone and ECZ except in previously disturbed areas. Because the front portion of the site in the ECZ and Existing Community Zone – Environmentally Constrained subzone is already disturbed, development is permitted in this area.
- 4) *Riparian Area:* High Integrity Riparian Areas are located in the rear portion of the site, corresponding with the locations of the Protection Zone and Existing Community Zone – Environmentally Constrained subzone designations, as well as a small portion of the ECZ. The Highlands RMP prohibits modifications to High Integrity Riparian Areas in

the Protection Zone. However, a proposed development on this site could likely be located outside of this area. In the ECZ and Existing Community Zone – Environmentally Constrained subzone, the RMP requires that disturbance of existing natural vegetation or increases in impervious area within High Integrity Riparian Areas be limited to the minimum alteration feasible.

- 5) *Steep Slopes:* Severely and moderately constrained slopes are located in the rear portion of the site, within the area designated as Protection Zone. The Highlands RMP prohibits land disturbance within severely and moderately constrained slope areas. A proposed development on this site could likely be located outside of this area.
- 6) *Critical Wildlife Habitat:* Critical wildlife habitat is located in areas on the site consistent with forested areas. The Highlands RMP prohibits the direct impact of new human development or expansion or increased intensity of existing development within critical habitat. As noted above regarding forested areas, a proposed development on this site could likely be located outside of this area.
- 7) *Water Availability:* The entirety of the site is located in a subwatershed with positive Net Water Availability. The Highlands RMP establishes highest priority for use of Net Water Availability or Conditional Water Availability within the Protection Zone and ECZ to a variety of uses, one of which is affordable housing projects with a minimum 10 percent setback.
- 8) *Water & Sewer Utilities:* Although in the water and sewer service area, the site is undeveloped and therefore not currently served by utilities. The Highlands RMP prohibits new or expanded utilities in the Protection Zone and Existing Community Zone – Environmentally Constrained subzone. In the ECZ, affordable housing projects with a minimum 10 percent setback shall have the higher priority for allocation of excess or additional water and sewer capacity than other developments.

In sum, the Highlands Consistency Review Report reveals that the site can be developed for affordable housing consistent with the provisions of the Highlands RMP.

- c. The Villages. As detailed in the previous section of this letter, this site has received approvals for a 188-unit age restricted residential development, including 38 affordable dwelling units. The developer is now seeking conversion of its age restricted approval to a development without age controls, while keeping the same unit count and affordable housing setback. This is the scenario contemplated in Alternative A. In contrast, Alternative B recommends that this site be assigned to assist the Township in meeting a portion of its prior round cycle obligation. The Plan calls for this site to be developed with 250 dwellings with a 20 percent setback for affordable housing, yielding a total of 200 market rate units and 50 affordable rental units. This site would also yield rental bonus credits.

Because the site has already received development approval for the inclusionary development proposed in Alternative A, it is exempt from the requirements of the Highlands RMP. However, because amended site plan approval would be required under Alternative B, a review of the site's consistency with the Highlands RMP is set forth below:

- 1) *Land Use Capability Zone:* The site is located in the Planning Area and is designated as multiple Land Use Capability Zones. Whereas the majority of the site is designated as Existing Community Zone – Environmentally Constrained subzone, which the Highlands RMP considers inappropriate for significant development, a large area in the rear portion of the site is designated as Existing Community Zone (ECZ), which is where the Highlands encourages future growth, if compatible with the protection and character of Highlands resources. The portion of the site designated as ECZ is already disturbed, as is a smaller area towards the front of the site in the Existing Community Zone – Environmentally Constrained subzone.
- 2) *Forest Resource Area:* A portion of the site, along the rear lot line, is forested area within the Highlands Forest Resource Area. The Highlands RMP prohibits new or expanded utilities into forested areas in the Forest Resource Area. It is not anticipated that the proposed development would extend into such portions of the site.
- 3) *Highlands Open Waters:* A Highlands Open Waters buffer is located in the majority of the site. The Highlands RMP prohibits disturbance to Highlands Open Waters buffers in the ECZ and Existing Community Zone – Environmentally Constrained subzone except in previously disturbed areas. As noted above, portions of the site are already disturbed and therefore could accommodate the proposed development.
- 4) *Riparian Area:* High Integrity Riparian Areas are located in the front portion and southwestern corner of the site. The Highlands RMP requires that disturbance of existing natural vegetation or increases in impervious area within High Integrity Riparian Areas be limited to the minimum alteration feasible, and the implementation of Low Impact Development Best Management Practices for any development proposed within a riparian area. Because a portion of the riparian area has already been cleared for development and approved for a clubhouse, pool and associated parking, this component of the plan could still be built and would not have to change with any additional unit counts.
- 5) *Steep Slopes:* Steep slope protection areas are located in the rear portion of the site, with potential or limited constrained slopes in the ECZ and severely and moderately constrained slopes in the Existing Community Zone – Environmentally Constrained subzone. The Highlands RMP prohibits land disturbance within severely and moderately constrained slope areas. It is not anticipated that the proposed development would extend into such portions of the site. Additionally, the RMP requires the use of Low Impact Best Development Practices for any land disturbance or human development within constrained or limited constrained slopes. Any development proposed in these portions of the site would have to incorporate these techniques.
- 6) *Critical Wildlife Habitat:* Critical wildlife habitat is located in areas on the site consistent with forested areas. The Highlands RMP prohibits the direct impact of new human development or expansion or increased intensity of existing development within critical habitat. It is not anticipated that the proposed development would extend into such portions of the site.
- 7) *Prime Ground Water Recharge Areas:* Prime ground water recharge areas are located in the rear portion of the site, within the forested areas in the Forest Resource Area. The

Highlands RMP prohibits development within prime ground water recharge areas unless necessary to avoid critical habitat, Highlands Open Waters buffers, and moderately and severely constrained slopes. It is not anticipated that the proposed development would extend into such portions of the site.

- 8) *Wellhead Protection Areas (WHPA):* The entire site is located in a WHPA, including a Tier-1 WHPA in the southeastern corner of the site, a Tier-2 WHPA in the rest of the site's southern half, and a Tier-3 WHPA in the site's northern half. The Highlands RMP prohibits land uses that have a potential to result in the discharge of pathogens (in a Tier-1 WHPA) and persistent organic or toxic chemical sources (in a Tier-2 WHPA), and requires that such land uses in a Tier-3 WHPA shall incorporate ongoing management of toxic chemical sources and prohibits unregulated discharges. The proposed project will not create such negative impacts and is therefore consistent with this requirement. The project will be required to implement Low Impact Best Development Practices throughout the site to protect the quality of ground water.
- 9) *Water Availability:* The entirety of the site is in a subwatershed deemed a Current Deficit Area. The Highlands RMP establishes highest priority for use of Net Water Availability or Conditional Water Availability within the ECZ to a variety of uses, one of which is affordable housing projects with a minimum 10 percent setback.
- 10) *Water & Sewer Utilities:* Although in the water and sewer service area, the site is undeveloped and therefore not currently served by utilities per Highlands regulations. In the ECZ, affordable housing projects with a minimum 10 percent setback shall have the higher priority for allocation of excess or additional water and sewer capacity than other developments. In the Existing Community Zone – Environmentally Constrained subzone, the Highlands RMP prohibits new or expanded utilities. However, because a portion of this subzone has already been cleared for development and approved for a clubhouse, pool and associated parking, this component of the plan could still be built and would not have to change with any additional unit counts.

In sum, the Highlands Consistency Review Report reveals that if the developer were to require amended site plan approval for an affordable housing project, the site can be developed consistent with the provisions of the Highlands RMP.

- d. Sanders Road. As detailed in the previous section of this letter, the Zoning Board of Adjustment has recently approved this property for a 10 unit rental development, including 2 affordable rental units.

Because the site has already received development approval for the proposed inclusionary development, it is exempt from the requirements of the Highlands RMP.

- e. Mine Hill Properties. As detailed in the previous section of this letter, the Township recently approved this property for a 9 unit development, including 2 affordable units.

Because the site has already received development approval for the proposed inclusionary development, it is exempt from the requirements of the Highlands RMP.

f. Route 46 and Highland Ave. A review of this site's consistency with the Highlands RMP reveals the following:

- 1) *Land Use Capability Zone:* The site is located in the Planning Area and is solely designated as Existing Community Zone (ECZ). The ECZ is where the Highlands encourages future growth, if compatible with the protection and character of Highlands resources.
- 2) *Steep Slopes:* Potential or limited constrained slopes are located on the western end of the site, on Lot 14. The Highlands RMP requires the use of Low Impact Best Development Practices for any land disturbance or human development within areas which are Constrained or Limited Constrained Slopes. Development in this portion of the site would have to incorporate these techniques.
- 3) *Wellhead Protection Areas (WHPA):* The majority of the site is located in a Tier-3 WHPA, whereas the westernmost portion is located in a Tier-2 WHPA. The Highlands RMP prohibits land uses that have a potential to result in the discharge of persistent organic or toxic chemical sources in a Tier-2 WHPA, and requires that such land uses in a Tier-3 WHPA shall incorporate ongoing management of toxic chemical sources and prohibits unregulated discharges. Because the proposed inclusionary development would be replacing an auto dealer, the potential for groundwater contamination on site will be lessened. Therefore, the proposed project is consistent with these requirements. The project will be required to implement Low Impact Best Development Practices throughout the site to protect the quality of ground water.
- 4) *Water Availability:* The entirety of the site is in a subwatershed deemed a Current Deficit Area. The Highlands RMP establishes highest priority for use of Net Water Availability or Conditional Water Availability within the ECZ to a variety of uses, one of which is affordable housing projects with a minimum 10 percent setaside.
- 5) *Water & Sewer Utilities:* The site is already served with water and sewer utilities.

In sum, the Highlands Consistency Review Report reveals that the site can be developed for affordable housing consistent with the provisions of the Highlands RMP.

## 2. Habitat for Humanity Project.

a. 101-107 Valley View Dr. A review of this site's consistency with the Highlands RMP reveals the following:

- 1) *Land Use Capability Zone:* The site is located in the Planning Area and is designated as multiple Land Use Capability Zones. Whereas the majority of the site is designated Protection Zone, which is where development activities will be extremely limited by the RMP, the front portions of Lots 45 and 46 are designated Existing Community Zone (ECZ), which is where the Highlands encourages future growth, if compatible with the protection and character of Highlands resources.
- 2) *Forest Resource Area:* The majority of the site contains forested areas within the

Highlands Forest Resource Area. The location of these areas corresponds with the location of the Protection Zone designation. The Highlands RMP limits human development of forests to low impact residential development in the Protection Zone in the Planning Area. Also, the RMP prohibits new or expanded utilities into forested areas in the Forest Resource Area. As discussed below, Lots 45 and 46 are already served by utilities and therefore the proposed project could be sited on the forested portions of these lots so long as it utilized Low Impact Development Best Management Practices.

- 3) *Highlands Open Waters:* A Highlands Open Waters buffer is located in the front portion of Lots 45 and 46, overlapping with the ECZ designation. The Highlands RMP prohibits disturbance to Highlands Open Waters buffers in the ECZ except in previously disturbed areas or if a waiver is issued by the Highlands Council per Policy 7G2. This policy permits issuance of a waiver from the requirements of the RMP (i) if necessary to protect the public health and safety, (ii) for redevelopment in certain previously developed areas, or (iii) in order to avoid the taking of property without just compensation. It appears a waiver could be justified based on this criteria.
- 4) *Riparian Area:* High Integrity Riparian Areas are located in the rear portion of the site, along the rear lot line. The Highlands RMP prohibits modifications to riparian areas in the Protection Zone except where a waiver is approved by the NJDEP or by the Highlands Council per Policy 7G2. It is not anticipated that the proposed development would extend into such portions of the site.
- 5) *Steep Slopes:* Potential or limited constrained slopes are located along the front portions of Lots 45 and 46, consistent with the ECZ designation. Steep slope protection areas are also located throughout the site. The Highlands RMP requires the use of Low Impact Best Development Practices for any land disturbance or human development within steep slope areas, including Constrained or Limited Constrained Slopes. Therefore, any development proposed in these portions of the site would have to incorporate these techniques.
- 6) *Critical Wildlife Habitat:* Critical wildlife habitat is located in areas on the site consistent with forested areas. The Highlands RMP prohibits the direct impact of new human development or expansion or increased intensity of existing development within critical habitat except as permitted through a waiver under Policy 7G2. Thus, it appears that a waiver would be required to develop in this portion of the site.
- 7) *Water Availability:* The entirety of the site is located in a subwatershed with positive Net Water Availability. The Highlands RMP establishes highest priority for use of Net Water Availability or Conditional Water Availability within the ECZ to a variety of uses, one of which is affordable housing projects with a minimum 10 percent setback.
- 8) *Water & Sewer Utilities:* Lots 45 and 46 are already served by water and sewer utilities, however Lots 43 and 44 are not. The Highlands RMP prohibits new or expanded utilities in the Protection Zone, unless the Highlands Council issues a waiver under Policy 7G2 and the project maximizes the protection of sensitive environmental resources.

3. Group Home and Two-Family Housing Partnership Building.
- a. Allegro Group Home: As detailed in the previous section of this letter, this group home is already in operation. Therefore, it is exempt from the requirements of the Highlands RMP.
  - b. Housing Partnership Home: A review of this site's consistency with the Highlands RMP reveals the following:
    - 1) *Land Use Capability Zone:* The site is located in the Planning Area and is solely designated as Existing Community Zone (ECZ). The ECZ is where the Highlands encourages future growth, if compatible with the protection and character of Highlands resources.
    - 2) *Forests:* The entire site contains forested areas *outside* of the Highlands Forest Resource Area. The Highlands RMP limits the clearing of trees in conjunction with human development to circumstances where the clearing will not diminish the integrity of forest resources and requires use of Low Impact Development Best Management Practices where disturbance of forest resources is proposed. The proposed project would be required to incorporate such techniques and minimize disturbance of the site's forested areas to the maximum extent practicable.
    - 3) *Prime Ground Water Recharge Areas:* The entire site is located in a prime ground water recharge area. The Highlands RMP prohibits development within prime ground water recharge areas unless necessary to avoid critical habitat, Highlands Open Waters buffers, and moderately and severely constrained slopes. This particular site does not contain critical habitat, Highlands Open Waters buffers, and steep slopes.
    - 4) *Wellhead Protection Areas (WHPA):* The entire site is located in a Tier-3 WHPA. The Highlands RMP requires that land uses that have a potential to result in the discharge of persistent organic or toxic chemical sources in a Tier-3 WHPA shall incorporate ongoing management of toxic chemical sources and prohibits unregulated discharges. The proposed residential project will not create such negative impacts and is therefore consistent with this requirement. The project will be required to implement Low Impact Best Development Practices throughout the site to protect the quality of ground water.
    - 5) *Water Availability:* The entirety of the site is located in a subwatershed with positive Net Water Availability. The Highlands RMP establishes highest priority for use of Net Water Availability or Conditional Water Availability within the Protection Zone and ECZ to a variety of uses, one of which is affordable housing projects with a minimum 10 percent setback.
    - 6) *Water & Sewer Utilities:* The site is already served with water and sewer utilities.

In sum, the Highlands Consistency Review Report reveals that the site can be developed for affordable housing consistent with the provisions of the Highlands RMP.

It is noted that if sites in need of waivers are rejected issuance of such waivers by the Highlands Council, the Township will address the remaining affordable housing obligation through participation in the Highlands Council's Regional Affordable Housing Development Planning Program (RAHDPP) as a sending municipality. The RAHDPP allows conforming Highlands municipalities (sending municipalities) to transfer up to 50 percent of their affordable housing obligations to other municipalities within the Highlands Region (receiving municipalities). The minimum transfer cost per unit would be dependent upon the housing region to which the unit is being transferred: for units transferred to Region 1, the minimum cost per unit is \$80,000, and for units transferred to Regions 2 or 3, the minimum cost per unit is \$67,000. At this time, the Township must only notify the Council of its potential interest as a sending municipality under the RAHDPP guidelines. Rockaway Township shall be adopting the appropriate resolution at its next Council meeting.

### **III. REVIEW OF OBJECTORS REPORTS CRITIQUING FORMER PLAN**

COAH's rules require that sites proposed for the development of affordable housing meet the site suitability criteria set forth at N.J.A.C. 5:97-3.13. Sites designated to produce affordable housing shall be available, approvable, developable, and suitable, according to the following criteria:

1. The site has clear title and is free of encumbrances which preclude development of affordable housing;
2. The site is adjacent to compatible land uses and has access to appropriate streets;
3. Adequate water and sewer capacity, as defined under NJAC 5:97-1.4, shall be available to the site or the site is subject to a durational adjustment pursuant to NJAC 5:97-5.4; and,
4. The site can be developed consistent with the Residential Site Improvement Standards, NJAC 5:21, where applicable.
5. In addition, sites designated to produce affordable housing shall be consistent with the State Development and Redevelopment Plan and shall be in compliance with the rules and regulations of all agencies with jurisdiction over the site, including but not limited to:
  - a. Sites located in Planning Areas 1 or 2 or in a designated center or located in an existing sewer service area are the preferred location for municipalities to address their fair share obligation.
  - b. Sites within the Highlands have to adhere to their rules.
  - c. The portions of sites designated for construction shall adhere to wetland constraints as delineated by NJDEP or US Army Corps of Engineers, etc., flood hazard constraints, and local steep slope constraints.
  - d. Historic and architecturally important sites and districts listed on the State or National Register of Historic Places shall be reviewed by the New Jersey State Historic Preservation Office for a recommendation pertaining to the appropriateness and size of buffer areas that will protect the integrity of the site.

Comments on the Objectors reports follow. The review of the various Objectors reports found that Mr. Chadwick, unlike the others, questioned the propriety of all of the selected sites (exclusive of his client's property). Consequently, we used his report as the base for our comments, and wove our responses to the other reports around our comments to his document.

Mr. Chadwick, writing on behalf of Makor, Inc., has submitted a letter indicating his contention that none of the sites referenced in our Plan meet the COAH site suitability criteria, and that all sites exhibit "significant obstacles for development". The Township disagrees with his conclusions. The following is noted for consideration:

1. Mr. Chadwick takes issue with our characterization of the Commons Ways properties as 'transitional sites', suggests that since a portion of the sites are in Planning Area #5, and contain some steep slopes,

they are not suitable for affordable housing. In addition, he takes exception to the Plan's use of gross density rather than net density when describing the proposed densities of sites in the Plan.

2. First, his report does not acknowledge these properties are located in an area containing a variety of uses, including detached single family residential development to the immediate west and office/warehousing development to the east and north. While the adjacent residential neighborhood and subject site may not share a street access, their proximity to each other clearly indicates the site's development would impact the adjoining residential neighborhood. The accompanying aerial photograph presented at the end of this report depicts this established land use arrangement, and highlights this fact. The aerial also indicates that, due to the relationship of residential development on one side and non-residential use and zoning on the other, the Commons Way parcels meet the classic definition of a 'transitional property', since the properties separate distinctly different land use patterns.

In a similar vein, his description of the area improperly emphasizes the area's non-residential uses while neglecting COAH's site suitability criteria on this point. As noted above, the issue turns on COAH's regulation that calls for "the site (to be) adjacent to compatible land uses and has access to appropriate streets". Clearly, the site is "adjacent" to compatible residential development. In addition, Commons Way provides direct access to Green Pond Road and Route 80, which is immediately to the south.

None of the others took issue with our description of the Commons Way sites as transitional properties separating different types of uses.

3. Mr. Chadwick also argues that the Plan's use of gross density rather than net density is somehow improper. However, any reading of the Municipal Land Use Law clearly indicates that the MLUL defines 'density' as "the permitted number of dwelling units per gross area of land to be developed" (emphasis added). COAH similarly relies on 'gross density'. Mr. Chadwick's suggestion is obviously inconsistent with the state statute as well as general usage of the term. Furthermore, he fails to point out any specific aspect of the proposed densities that would suggest it may result in any negative impact, other than to offend someone's sensibilities as to the use of net versus gross density terminology.

None of the other reports took issue with our use of the term 'gross density' in describing existing or proposed densities.

4. As indicated by Mr. Chadwick, approximately forty percent of Commons Way 3.06 is in PA# 5 and all of 3.07 is in PA#5. This would leave sixty percent of the 25.5 acre lot, or 15.3 acres, in PA#2. Mr. Chadwick's inference is that 15.3 acres is not sufficient to accommodate development, and this is clearly wrong since there are many examples of smaller sites that have been developed for multi-family use with affordable housing. More pointedly, he neglects to note that COAH's rules at N.J.A.C. 5:97-3.13(b)1 and 2 indicate that sites located in Planning Areas 1 or 2, *or* sites located in PA# 5 (as well as other Planning Areas) are acceptable if it can be demonstrated that the site is "consistent with sound planning principles and the goals and objectives of the State Development and Redevelopment Plan". As shown on the accompanying map entitled "Wastewater & Potable Water Service Areas", the sites are served by both sewer and water and appear to meet COAH's criteria.

It is noted that this issue is raised in other objectors reports, and the same answer applies to those reports.

5. Mr. Chadwick raises concerns about the site's development due to wetlands and steep slopes on Lots 3.06 and 3.07. However, there are no wetlands on Lot 3.06, and the environmentally sensitive features

on Lot 3.07 are situated in such a way that they do not interfere with the ability to achieve the unit count set forth in the Plan. An accompanying map entitled “Environmental Constraints” at the end of this report depicts the location of the Township’s environmentally sensitive features and reflects the conclusions noted herein. It indicates there are no environmental constraints on 3.06 that impact the site’s development for affordable housing. Approximately a third of Lot 3.07’s 19.7 acres is impacted by wetlands.

6. The Chadwick report raises concern about the site’s feasibility for development due to the fact the Township’s Highlands Initial Assessment Report (IAR) indicates a portion of the Commons Way 3.07 site is in the Environmental Constrained Subzone. His suggestion that this makes the site ‘infeasible’ for the Plan’s proposed development is not supported by any facts. The fact is the site is in the Highlands Planning Area. His reference to a map in the IAR that depicts the site in a ‘forested area’ does not, as he intimates, result in a policy that precludes the site’s development. The fact is it simply reflects the location of forested areas at the time the aerial mapping was prepared. It does not, for example, reflect the fact that a site may have been subsequently cleared for development, as occurred in this particular case. Finally, it is noted that the preparation of the IAR reflects the initial data-gathering stage of the Highlands Plan Conformance process, not the final imposition of regulatory control.

None of the other reports suggest the IAR mapping necessarily precludes a site from being designated for multi-family residential use.

7. Mr. Chadwick similarly takes issue with the Village at Rockaway site. While he correctly points out a portion of this 51 acre lot is covered by C-1 waters and wetlands (as detailed in our Plan), he neglects to indicate the substantial portion of the site that is devoid of such constraints. He also seeks to minimize the fact that the site has an approval for a large attached multi-family development project.
8. Mr. Chadwick’s principle concern with the Highland Ave site is its frontage on Route 46 and the fact that our Plan does not indicate the property owner’s interest in developing the site for residential use. He also indicates that our Plan implies that residential development here would be “an annex” to an adjoining 110 unit apartment complex. In response, it is noted that other multi-family development on high trafficked roadways is common; we need only to look immediately to the east along Route 46 to find a number of attractive attached residential projects on Route 46, including relatively new townhouse development in Parsippany at Beverwyck Road to see how such projects could complement and blend in with the corridor. A development at the location that is proposed would also serve to complement the abutting residential development that exists to the north; it would not be an “annex” to it but rather stand on its own.

Additionally, it is noted that the Township Administrator has had a discussion with the attorney for the Route 46 property, and he has indicated the property owner would be interested in a multi-family zoning of his site.

It is noted that issues with respect to this site were raised in other objectors reports, and the same answer applies to those reports.

9. The Rehancamp report on behalf of Morris Commons supports the Township inclusion of the Morris Commons sites in the Plan, with one caveat, while taking issue with many of the items in the Chadwick report and, to a lesser extent, the comments by Mr. Rich on behalf of Pondview.

Mr. Rehencamp takes exception to the Plan's proposed 22.5 percent setaside for affordable housing. The concern is that, while the COAH regulations historically had a 20 percent setaside, this 'standard' (Mr. Rahencamp's term), which has been increased to 25 percent under the new third round rules, is under challenge in an appeal of the rules that is currently pending. Mr. Rahencamp argues this should preclude the Township from imposing this setaside. While Rockaway is aware of the appeal, at the moment the COAH rules permit up to 25 percent, and the Plan is consistent with these rules. It is notable that Mr. Rahencamp, in an effort at concession, states the developer "will work with the Master and the Court as appropriate in addressing this issue if or as the policy evolves".

Mr. Cucchiaro also comments on the setaside provisions associated with the Morris Commons site, suggesting that, because there is little experience with setasides in excess of 20 percent (and also noting that "there is nothing in the record of COAH's rulemaking to justify setasides in excess of 20 percent"), the viability of the proposed setaside is an issue. However, this statement does not take into account the fact the COAH regulations permit up to a 25 percent setaside.

Irrespective of our comments above, it is noted that in the revised Plan set forth in this report, the proposed densities and setasides for the Commons Way sites have been reduced.

10. Mr. Rich, writing on behalf of Pondview Estates, Inc., indicates his client's chief objection to the Rockaway Plan is that it fails to address the availability of a water source for Pondview. Mr. Cucchiaro, writing on behalf of Village of Rockaway, also raised this issue. This issue is being addressed separately by other consultant's and Township departments. However, it is noted that, in one of our alternative plans, the intensity of use that would be allowed on the Pondview site is reduced to 500 units, thereby reducing the water demands from this site.
11. Mr. Cucchiaro writing on behalf of Village of Rockaway takes issue with the Township's effort to lower its growth share obligation, the manner in which Rockaway seeks to address its obligation, and the Plan's implementation schedule. However, the Township's action to participate in the Highlands Plan Conformance process makes this issue moot.
12. Mr. Cucchiaro also takes exception to the proposed 'priority' plan approach set forth in the Housing Plan. However, this approach is designed to reflect the fact that it is the most appropriate approach to assessing actual development in the Township over a period of time and responding accordingly to the need for affordable housing. He suggests we have not identified sites that could accommodate our obligation. Contrary to that view, we have identified sites to meet our obligation, and are suggesting the sites would be rezoned as they are determined to be necessary to meet our obligation based on the growth of the community over time, as contemplated by the COAH regulations.

Irrespective of our comments above, it is noted that in the revised Plan set forth in this report, the proposed 'priority' approach is not part of the Plan.

13. As to the Makor property, Mr. Chadwick made note of its consistency with COAH's site suitability criteria. Our site suitability report filed under separate cover indicates the site's consistency with COAH's site suitability criteria. However, as also noted in that report, the data indicates the site is equally suitable for its zoned use, and the Township has sufficient sites available to meet its affordable housing obligation without the need to include Makor in its Housing Plan.

14. As to the other prongs of the COAH site suitability criteria, no issues have been raised concerning title, the ability to comply with RSIS requirements, nor issues pertaining to any sites' historic designation. None of these issues appear to apply in the case of any of the sites referenced in the Plan.

These are our preliminary comments on these issues. They may be supplemented at a later date.

Very truly yours,

Joseph H. Burgis PP AICP

**OCTOBER 6, 2009 RESOLUTION:**

AH

fd-217 (Rock 2174)

(R09-140)

**RESOLUTION TO "OPT-IN" TO THE  
HIGHLANDS REGIONAL MASTER PLAN  
FOR THE PLANNING AREA IN THE  
TOWNSHIP OF ROCKAWAY, COUNTY OF MORRIS,  
STATE OF NEW JERSEY**

**WHEREAS**, pursuant to the Highlands Water Preservation & Planning Act ("Highlands Act"), N.J.S.A. 13:20-1 et seq. the Township of Rockaway ("Township" or "Rockaway") has previously adopted a Resolution giving notice of its intent to petition the Highlands Council for plan conformance with regard to all lands lying within the Preservation Area and within the Planning Area as designated in the Highlands Act; and

**WHEREAS**, the said Resolution made it clear in accordance with the Highlands Act and in accordance with the Highlands Council's Plan Conformance Guidelines, the notice of intent was not binding with respect to lands within the Planning Area; and

**WHEREAS**, the Township through its professional staff have proceeded through the investigatory process of completing various Modules for the purposes of ultimately determining whether to include all lands within the Planning Area in the Petition for Plan Conformance; and

**WHEREAS**, the Township, after consideration of the various options and consequences, has determined that it in the best interests of the Township and its

residents to "opt-in" all lands lying within the Planning Area to conform to the Highlands Regional Master Plan; and

**WHEREAS**, the Township desires to direct that all steps necessary to be taken to accomplish said objective be authorized.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Rockaway, County of Morris, State of New Jersey as follows:

1. The Township of Rockaway ("Township" or "Rockaway") hereby determines that it is in the best interests of the Township and its citizens to "opt-in" all lands lying within the Planning Area in the Township of Rockaway to conform to the Highlands Regional Master Plan ("RMP") in accordance with the Highlands Water Protection & Planning Act, N.J.S.A. 13:20-1 and the Guidelines adopted by the Highlands Council for Plan conformance.

2. The Mayor and Township Clerk, along with all other appropriate officials, professionals and employees of the Township are hereby authorized and directed to take any and all steps necessary to develop an appropriate Petition and all other necessary documentation not later than December 8, 2009 to formally notify the Highlands Council of the Township's decision to include all lands lying within the Planning Area in its Petition for Plan Conformance in accordance with all requirements of the Highlands Water Protection & Planning Act,

N.J.S.A. 13:20-1 et seq. and all regulations and guidance documents applicable.

2. This Resolution shall take effect immediately.

**CERTIFICATION**

**I HEREBY CERTIFY** the above to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway at a duly convened meeting held on October 6, 2009.

  
\_\_\_\_\_  
Mary C. Cilurso, Township Clerk

## **MAPS:**



**Burgis Associates**  
 25 Westwood Avenue  
 Westwood, NJ 07675  
 Phone: (201) 666-1811  
 Fax: (201) 666-2599  
 www.burgis.com

**Housing Plan**  
 PROJECT # 100-000000  
 TOWNSHIP OF DOVER, NJ

DATE: 10/15/10  
 SCALE: NOT TO SCALE

**Legend**

- Priority #1 Sites
- Priority #2 Sites
- Parcels
- Contaminated Sites
- C1 Streams
- C1 Stream Buffers
- 100-Year Floodplain
- Streams
- Lakes
- Wetlands
- Slopes > 15%

NO.	DATE	DESCRIPTION	BY	CHKD BY
1	10/15/10	Final	JHB	JHB

Environmental Constraints

**APPROVED BY:**  
 TOWNSHIP OF DOVER  
 NEW JERSEY L.C. NO. 240



**Aerial Photo of Commons Way Site**



**WORKBOOK D:**

**ALTERNATIVE A**

**WITH 1,050 UNIT PONDVIEW ESTATES**

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

Municipality Code: **1435**

Municipality Name: **Rockaway Township**

[Muni Code Lookup](#)

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**

	<b>COAH Projected Growth Share</b>	<b>Growth Share Based on Highlands RMP</b>
Residential Growth	1,621	365
Residential Exclusions	667	667
Net Residential Growth	954	-302
Residential Growth Share	190.80	0.00
Non-Residential Growth	3,315	2,346
Non-Residential Exclusions	0	0
Net Non- Residential Growth	3,315	2,346
Non-Residential Growth Share	207.19	146.64
Total Growth Share	398	147

The Highlands RMP analysis results in a revision to the COAH-generated growth projection. Rockaway Township may file this Workbook and use a Residential Growth Share of 0 plus a Non-residential Growth Share of 146.64 for a total Highlands Adjusted Growth Share Obligation of 147 affordable units

## Growth Projection Adjustment - Actual Growth

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

**Municipality Name: Rockaway Township**

### Residential COs Issued

As Published by D C S	269
Per Municipal Records (if different)	269
<b>Qualified Residential Demolitions</b>	

**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	61,235	61,235		2.8	171.46
M	582,718	582,718		1.7	990.62
F	3,705	3,705		1.2	4.45
S	25,542	25,542		1.0	25.54
H	0	0		1.6	0.00
A1	0	0		1.6	0.00
A2	87,024	87,024		3.2	278.48
A3	13,200	13,200		1.6	21.12
A4	1,425	1,425		3.4	4.85
A5	0	0		2.6	0.00
E	0	0		0.0	0.00
I	65,923	65,923		2.6	171.40
R1	2,000	2,000		1.7	3.40
<b>Total</b>	<b>842,772</b>	<b>842,772</b>	<b>0</b>		<b>1671.31</b>

[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: Rockaway 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	0
Accessory Apartments	0
Municipally Sponsored and 100% Affordable	0
Assisted Living	0
Other	0
<b>Total</b>	<b>0</b>

### 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
Pondview Estates	Y	1,050	950	100	567
		0			0
		0			0
		0			0
		0			0
<b>Total</b>		<b>1,050</b>	<b>950</b>	<b>100</b>	<b>567</b>

### 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
	0	0
	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

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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: Rockaway 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
1,621	3,315

#### Highlands RMP Buildout Analysis

From Module 2

Table 4 – Municipal Build-Out Results With Resource and Utility Constraints  
Updated as of October 2, 2009

	Preservation Area	Planning Area	Totals
Residential units – Sewered	0	41	41
Septic System Yield	0	55	55
Total Residential Units	0	96	96
Non-Residential Jobs – Sewered	0	675	675

**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 Rockaway 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
<b>Projected Growth From COAH Appendix F(2)</b>	1,621	3,315		
<b>Residential Exclusions per 5:97-2.4(a) from "Exclusions" tab</b> COs for prior round affordable units built or projected to be built				
Inclusionary Development Supportive/Special Needs Housing	100		100	
Accessory Apartments Municipally Sponsored or 100% Affordable	0		0	
Assisted Living	0		0	
Other	0		0	
Market Units in Prior Round Inclusionary development built post 1/1/04	567		567	
<b>Subtract the following Non-Residential Exclusions per 5:97-2.4(b) from "Exclusions" tab</b>				
Affordable units	0		0	
Associated Jobs		0		0
<b>Net Growth Projection</b>	<b>954</b>	<b>3,315</b>	<b>-302</b>	<b>2,346</b>
<b>Projected Growth Share</b> (Residential divided by 5 and jobs divided by 16)	<b>190.80</b>	<b>207.19</b>	<b>0.00</b>	<b>146.64</b>
<b>Total Projected Growth Share Obligation</b>		<b>398 Affordable Units</b>		<b>147 Affordable Units</b>

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

**WORKBOOK D:**

**ALTERNATIVE B**

**WITH 500 UNIT PONDVIEW ESTATES**

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

Municipality Code: **1435**

Municipality Name: **Rockaway Township**

[Muni Code Lookup](#)

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.

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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**

	<b>COAH Projected Growth Share</b>	<b>Growth Share Based on Highlands RMP</b>
Residential Growth	1,621	365
Residential Exclusions	500	500
Net Residential Growth	1,121	-135
Residential Growth Share	224.20	0.00
Non-Residential Growth	3,315	2,346
Non-Residential Exclusions	0	0
Net Non- Residential Growth	3,315	2,346
Non-Residential Growth Share	207.19	146.64
Total Growth Share	431	147

The Highlands RMP analysis results in a revision to the COAH-generated growth projection. Rockaway Township may file this Workbook and use a Residential Growth Share of 0 plus a Non-residential Growth Share of 146.64 for a total Highlands Adjusted Growth Share Obligation of 147 affordable units

## Growth Projection Adjustment - Actual Growth

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

**Municipality Name: Rockaway Township**

### Residential COs Issued

As Published by D C S	269
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<b>Qualified Residential Demolitions</b>	

**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
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M	582,718	582,718		1.7	990.62
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<b>Total</b>	<b>842,772</b>	<b>842,772</b>	<b>0</b>		<b>1671.31</b>

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[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: Rockaway 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	0
Accessory Apartments	0
Municipally Sponsored and 100% Affordable	0
Assisted Living	0
Other	0
<b>Total</b>	<b>0</b>

### 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
Pondview Estates	Y	500	424	76	424
		0			0
		0			0
		0			0
		0			0
<b>Total</b>		<b>500</b>	<b>424</b>	<b>76</b>	<b>424</b>

### 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
	0	0
	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

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[View Detailed Results from Analysis](#)

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Residential	Non-Residential
1,621	3,315

#### Highlands RMP Buildout Analysis

From Module 2

Table 4 – Municipal Build-Out Results With Resource and Utility Constraints  
Updated as of October 2, 2009

	Preservation Area	Planning Area	Totals
Residential units – Sewered	<input type="text" value="0"/>	<input type="text" value="41"/>	41
Septic System Yield	<input type="text" value="0"/>	<input type="text" value="55"/>	55
<b>Total Residential Units</b>	<input type="text" value="0"/>	<input type="text" value="96"/>	96
Non-Residential Jobs – Sewered	<input type="text" value="0"/>	<input type="text" value="675"/>	675

**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](#)  
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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
<b>Projected Growth From COAH Appendix F(2)</b>	1,621	3,315		
<b>Residential Exclusions per 5:97-2.4(a) from "Exclusions" tab</b> COs for prior round affordable units built or projected to be built				
Inclusionary Development Supportive/Special Needs Housing	76		76	
Accessory Apartments Municipally Sponsored or 100% Affordable	0		0	
Assisted Living	0		0	
Other	0		0	
Market Units in Prior Round Inclusionary development built post 1/1/04	424		424	
<b>Subtract the following Non-Residential Exclusions per 5:97-2.4(b) from "Exclusions" tab</b>				
Affordable units	0		0	
Associated Jobs		0		0
<b>Net Growth Projection</b>	<b>1,121</b>	<b>3,315</b>	<b>-135</b>	<b>2,346</b>
<b>Projected Growth Share</b> (Residential divided by 5 and jobs divided by 16)	<b>224.20</b>	<b>207.19</b>	<b>0.00</b>	<b>146.64</b>
<b>Total Projected Growth Share Obligation</b>		<b>431 Affordable Units</b>		<b>147 Affordable Units</b>

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